

STATE OF MINNESOTA

SEVENTY-THIRD SESSION - 1984

SEVENTY-SEVENTH DAY

SAINT PAUL, MINNESOTA, FRIDAY, APRIL 13, 1984

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

Prayer was offered by Reverend Stephen De Mars, Christian and Missionary Alliance, Tyler, Minnesota.

The roll was called and the following members were present:

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

A quorum was present.

Hoberg and Rodosovich were excused.

Burger and Knuth were excused until 1:30 p.m. Himle was excused until 2:00 p.m. Heap was excused until 2:30 p.m.

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

REPORTS OF CHIEF CLERK

Pursuant to Rules of the House, printed copies of H. F. Nos. 1524, 1884, 2151, 2198, 2248, 377, 1373, 1454, 1766, 1967, 2135, 2122, 2263, 1721, 1846, 63, 1230, 1284, 1285, 1554, 1579, 1665, 1902, 1400, 1547, 1638, 1806, 1935 and 1950 and S. F. Nos. 1112, 1576, 1588, 1931, 2076, 1332, 1474, 1466, 1589, 1590, 1546, 1772, 1867, 1973, 2077, 1702, 1669, 1789, 1790, 1794, 1825, 1628, 1351, 1504, 1511, 1477, 1642, 1473, 1740, 1853, 1859, 1905, 1954, 1974, 1815, 234 and 1454 have been placed in the members' files.

S. F. No. 2076 and H. F. No. 2177, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Munger moved that S. F. No. 2076 be substituted for H. F. No. 2177 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1931 and H. F. No. 1952, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Cohen moved that S. F. No. 1931 be substituted for H. F. No. 1952 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1790 and H. F. No. 2299, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Norton moved that S. F. No. 1790 be substituted for H. F. No. 2299 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1859 and H. F. No. 1820, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Quinn moved that S. F. No. 1859 be substituted for H. F. No. 1820 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1867 and H. F. No. 1872, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Clawson moved that S. F. No. 1867 be substituted for H. F. No. 1872 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1789 and H. F. No. 2302, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Norton moved that S. F. No. 1789 be substituted for H. F. No. 2302 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1589 and H. F. No. 1630, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Neuenschwander moved that S. F. No. 1589 be substituted for H. F. No. 1630 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1853 and H. F. No. 1822, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Carlson, D., moved that S. F. No. 1853 be substituted for H. F. No. 1822 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1815 and H. F. No. 1892, 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. 1815 be substituted for H. F. No. 1892 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1794 and H. F. No. 1791, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Tunheim moved that the rules be so far suspended that S. F. No. 1794 be substituted for H. F. No. 1791 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1466 and H. F. No. 1847, 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. 1466 be substituted for H. F. No. 1847 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1112 and H. F. No. 1330, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Den Ouden moved that the rules be so far suspended that S. F. No. 1112 be substituted for H. F. No. 1330 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1546 and H. F. No. 1618, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Minne moved that the rules be so far suspended that S. F. No. 1546 be substituted for H. F. No. 1618 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1954 and H. F. No. 1871, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Welle moved that the rules be so far suspended that S. F. No. 1954 be substituted for H. F. No. 1871 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1504 and H. F. No. 1635, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Peterson moved that the rules be so far suspended that S. F. No. 1504 be substituted for H. F. No. 1635 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1973 and H. F. No. 2097, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Clark, J., moved that the rules be so far suspended that S. F. No. 1973 be substituted for H. F. No. 2097 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1702 and H. F. No. 1666, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Anderson, G., moved that the rules be so far suspended that S. F. No. 1702 be substituted for H. F. No. 1666 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1477 and H. F. No. 1767, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Simoneau moved that the rules be so far suspended that S. F. No. 1477 be substituted for H. F. No. 1767 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 SECRETARY OF STATE
ST. PAUL 55155

April 6, 1984

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 Act of the 1984 Session of the State Legislature has been received from the Office of the Governor and is 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 1984</i>	<i>Date Filed 1984</i>
1476		376	April 6	April 6

Sincerely,

JOAN ANDERSON GROWE
Secretary of State

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

April 10, 1984

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 Act of the 1984 Session of the State Legislature has been received from the Office of the Governor and is 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 1984</i>	<i>Date Filed 1984</i>
1475		377	April 9	April 10

Sincerely,

JOAN ANDERSON GROWE
Secretary of State

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

April 11, 1984

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 Act of the 1984 Session of the State Legislature has been received from the Office of the Governor and is 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 1984</i>	<i>Date Filed 1984</i>
1453		378	April 10	April 11

Sincerely,

JOAN ANDERSON GROWE
Secretary of State

REPORTS OF STANDING COMMITTEES

Rice from the Committee on Appropriations to which was referred:

H. F. No. 49, A bill for an act relating to holidays; establishing Martin Luther King's birthday as a holiday; ending observation of Martin Luther King's birthday in public schools on January 15; prohibiting school districts and state colleges from conducting classes on Martin Luther King's birthday; amending Minnesota Statutes 1982, sections 126.10; 126.13; 136.22; and 645.44, subdivision 5.

Reported the same back with the following amendments:

Page 2, line 7, after "*birthday*" insert "*, the third Monday in January*"

Page 2, line 18, after "*birthday*" insert "*, the third Monday in January*"

With the recommendation that when so amended the bill pass.

The report was adopted.

Rice from the Committee on Appropriations to which was referred:

H. F. No. 100, A bill for an act relating to health; changing eligibility requirements for catastrophic health expense protection; including insurance premiums; appropriating money; amending Minnesota Statutes 1982, sections 62E.52, subdivisions 2 and 3; 62E.53, subdivisions 1 and 2; and 62E.531, subdivision 2.

Reported the same back with the following amendments:

Page 1, line 18, strike "\$15,000" and insert "\$20,000"

Page 1, line 19, strike "\$15,000" and insert "\$20,000"

Page 1, line 20, strike "\$25,000" and insert "\$30,000"

Page 1, line 21, strike "\$25,000" and insert "\$30,000"

Page 1, line 22, strike "\$2,500" and insert "\$3,000"

Page 2, line 3, reinstate "(SUBSEQUENT TO JULY 1,)"

Page 2, line 3, before "*within*" insert "*1984 and*"

Page 2, line 18, before the period insert "*or general assistance medical care under chapter 256D*"

Page 2, line 25, strike "\$15,000" and insert "\$20,000"

Page 2, line 26, strike "\$15,000" and insert "\$20,000"

Page 2, line 27, strike "\$25,000" and insert "\$30,000"

Page 2, line 28, strike "\$25,000" and insert "\$30,000"

Page 2, line 29, strike "\$2,500" and insert "\$3,000"

Page 3, delete lines 20 to 22 and insert:

"The sum of \$2,500,000 is appropriated from the general fund to the commissioner of public welfare for the fiscal year ending June 30, 1985, for the purposes of sections 1 to 5. Of this amount, \$60,000 is available to the commissioner for county administrative costs and \$120,000 for staff, office equipment, data processing, and training."

With the recommendation that when so amended the bill pass.

The report was adopted.

Rice from the Committee on Appropriations to which was referred:

H. F. No. 361, A bill for an act relating to safety; establishing a traffic safety education program; imposing an additional fee for a driver's license for the traffic safety education fund; appropriating money; amending Minnesota Statutes 1982, section 171.06, by adding a subdivision; proposing new law coded in Minnesota Statutes, chapter 126.

Reported the same back with the following amendments:

Page 1, line 15, after "*commissioner of education*" insert "*in consultation with the commissioner of public safety*"

Page 1, line 19, delete "*approved*"

Page 1, line 20, after "*organizations*" insert "*conducting traffic safety education programs approved by the commissioner of education*"

Page 1, line 21, after "*commissioner of education*" insert "*in consultation with the commissioner of public safety*"

Page 1, line 23, delete "*approved*"

Page 1, line 24, delete "approved"

Page 1, line 25, after "programs" insert "approved by the commissioner of education"

Page 1, line 26, after "commissioner of education" insert "in consultation with the commissioner of public safety"

Page 2, line 2, after "commissioner of education" insert "in consultation with the commissioner of public safety"

Page 2, line 7, delete "Money in the" and insert "There is appropriated from the trunk highway fund to the commissioner of education all moneys deposited pursuant to section 2 for the fiscal year ending June 30, 1985."

Page 2, delete lines 8 and 9

Page 2, line 10, delete "provisions of subdivisions 1 and 2."

Page 2, line 28, delete "fund" and insert "account within the trunk highway fund"

Page 2, line 32, delete "fund" and insert "account within the trunk highway fund"

With the recommendation that when so amended the bill pass.

The report was adopted.

Rice from the Committee on Appropriations to which was referred:

H. F. No. 1069, A bill for an act relating to federal block grants; providing for annual legislative hearings on federal block grant implementation and effects; proposing new law coded in Minnesota Statutes, chapter 3.

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

The report was adopted.

Rice from the Committee on Appropriations to which was referred:

H. F. No. 1264, A bill for an act relating to commerce; regulating pipefitters and pipefitting; regulating pressure vessels; amending Minnesota Statutes 1982, sections 326.46; 326.47;

326.48; and 326.50; proposing new law coded in Minnesota Statutes, chapters 175 and 326; repealing Minnesota Statutes 1982, section 326.49.

Reported the same back with the following amendments:

Page 1, line 13, before "PIPING" insert "*HIGH PRESSURE*"

Page 2, line 28, delete everything after the second comma

Page 2, line 29, delete the first "*and*" and insert "*provide for the*"

Page 2, line 29, delete "*systems*" and insert "*system materials and construction,*"

Page 2, line 31, delete everything after "*with*"

Page 2, line 32, delete the first "*ordinance*" and insert "*state standards*"

Page 2, line 33, delete "*approving plans*" and insert "*assuring compliance with state standards*"

Page 3, line 1, delete "*minimum*"

Page 3, line 7, delete the comma

Page 3, line 8, delete "*that issue high pressure piping permits*" and insert "*which have a letter of agreement with the department of labor and industry to perform inspections,*"

Page 3, line 11, delete everything after the period

Page 3, line 12, delete "*inspection fee is a fixed amount*"

Page 3, line 13, delete "*filing*" and "*or \$10, whichever is*"

Page 3, line 14, before "*greater*" insert "*but shall not be less than \$10, nor*"

Page 3, line 14, before the period insert "*than \$2,000*"

Page 3, line 14, delete everything after the period

Page 3, delete lines 15 and 16

Page 4, line 11, reinstate the stricken language

Page 4, line 12, reinstate "*shall be required for*" and "*repairs on existing installations*"

Page 4, line 15, reinstate the period

Page 5, line 28, reinstate "and repair"

Page 6, after line 36, insert:

"Sec. 7. [APPROPRIATION.]

For the fiscal year ending June 30, 1985, the sum of \$197,200, is appropriated from the general fund to the commissioner of labor and industry. This appropriation is for increased personnel and expenses related to the duties contained in this act. The approved complement of the department of labor and industry is increased by five.

It is estimated that \$197,200, in nondedicated receipts will be deposited in the general fund in fiscal year 1985 resulting from fees authorized in this act."

Renumber subsequent section

Amend the title as follows:

Page 1, line 3, delete "regulating pressure vessels;"

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 1303, A resolution memorializing the President and Congress to establish a National Academy of Peace and Conflict Resolution.

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

The report was adopted.

Rice from the Committee on Appropriations to which was referred:

H. F. No. 1376, A bill for an act establishing an agricultural resource loan guaranty program, board, and fund, and the terms of guaranties by the state of project loans in the program; appropriating money, taxes, tax increments, and other governmental charges; authorizing the issuance of state bonds; amend-

ing Minnesota Statutes 1982, sections 297A.44, subdivision 1; 362A.01, subdivision 1; and 362A.05; proposing new law coded as Minnesota Statutes, chapter 41A; proposing new law coded in Minnesota Statutes, chapter 362A.

Reported the same back with the following amendments:

Page 1, line 16, delete "*energy*"

Page 1, line 18, delete the first comma and insert "*and*"

Page 1, line 18, delete "*, and*" and insert a period

Page 1, delete lines 19 and 20

Page 1, line 21, delete "*controlling pollution and conserving energy.*"

Page 2, line 36, delete "*energy*"

Page 3, line 3, delete "*gaseous, liquid, or solid fuel and*"

Page 3, line 4, delete "*chemicals, or other*"

Page 9, line 9, delete "*energy*"

With the recommendation that when so amended the bill pass.

The report was adopted.

Rice from the Committee on Appropriations to which was referred:

H. F. No. 1402, A bill for an act relating to claims against the state; providing for payment of various claims; appropriating money.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [CLAIMS; APPROPRIATIONS; GENERAL FUND.]

Subdivision 1. The sums set forth in this section are appropriated from the general fund to the persons named in this section in full and final payment of claims against the state. The appropriations in this section are available until June 30, 1985.

Subd. 2. Richard Archibald, c/o James Peterson, LAMP, Law School, University of Minnesota, 95 Law Building, Minneapolis, Minnesota 55455, for personal property lost when claimant was transferred to the hospital while an inmate of Minnesota correctional facility, Lino Lakes \$200.00.

Subd. 3. Clarke A. Bailey, No. 115235, Minnesota correctional facility, Oak Park Heights, Box 10, Stillwater, Minnesota 55082, for personal property lost when claimant was transferred from Minnesota correctional facility, Stillwater to St. Cloud \$300.00.

Subd. 4. Brenda Breault, 613 North Grotto, St. Paul, Minnesota 55104, for loss of personal property when a fire occurred at the Minnesota correctional facility, Shakopee, in a cottage in which it was stored \$463.00.

Subd. 5. Arthur L. Brundige, No. 123486, Minnesota correctional facility, Oak Park Heights, Box 10, Stillwater, Minnesota 55082, for personal property lost when claimant was transferred from Minnesota correctional facility, Stillwater, to Oak Park Heights \$50.00.

Subd. 6. James V. Burnham, No. 116764, Minnesota correctional facility, 4525 4th Avenue, Lino Lakes, Minnesota 55014, for personal property irreparably damaged during claimant's transfer from Minnesota correctional facility, Stillwater, to Oak Park Heights \$66.00.

Subd. 7. Leslie Fisher, Route 2, Box 204, Hudson, Wisconsin 54016, for litigation costs incurred as a result of reporting a violation of the Human Rights Act by a state employee \$2,458.00.

Subd. 8. Audi Fox, No. 103592, Minnesota correctional facility, Oak Park Heights, Box 10, Stillwater, Minnesota 55082, for personal property that was irreparably damaged when he was transferred to and from segregation at Minnesota correctional facility, Stillwater and then to Oak Park Heights \$250.00.

Subd. 9. Quinn Johnson, No. 42706, Kettle Moraine correctional institute, Box 31, Plymouth, Wisconsin 53073, for personal property that was lost when he was transferred from Minnesota correctional facility, Stillwater to Waupun \$300.00.

Subd. 10. Michael Katherine, No. 119802, Minnesota correctional facility, Oak Park Heights, Box 10, Stillwater, Minnesota 55082, for personal property lost when claimant was transferred from Minnesota correctional facility, Stillwater, to Oak Park Heights \$20.00.

Subd. 11. Little sisters of the Poor, Sr. Gonzague, 330 South Exchange Street, St. Paul, Minnesota 55102, for costs incurred

as a result of the condemnation of lighting after construction was completed based on a plan that had been approved by the Minnesota department of health before construction began
\$7,000.00.

Subd. 12. Lawrence Donald Moll, No. 120867, Minnesota correctional facility, Stillwater, Box 55, Stillwater, Minnesota 55082, for personal property lost when claimant was transferred from Minnesota correctional facility, Stillwater, to Oak Park Heights \$13.00.

Subd. 13. Lawrence Craig Ogris, No. 103219, Minnesota correctional facility, Stillwater, Box 55, Stillwater, Minnesota 55082, for personal property lost when he was transferred back to Minnesota correctional facility, Stillwater, from special duty in Hennepin county \$150.00.

Subd. 14. David Perry, No. 117567, Box B, Minnesota correctional facility, St. Cloud, St. Cloud, Minnesota 56301, for an injury received while an inmate of Minnesota correctional facility, St. Cloud, which resulted in a permanent partial disability of the loss of the distal phalanx of his left middle finger \$1,564.00.

Subd. 15. Bruce Pinion, No. 39164-A, Waupun correctional institute, Box 351, Waupun, Wisconsin 53963, for personal property that was lost when he was transferred from Minnesota correctional facility, Stillwater to Waupun \$75.00.

Subd. 16. John R. Syrovatka, Box 276, Rural Route 1, Silver Lake, Minnesota 55381, for personal property lost during claimant's transfer from Hennepin county adult detention center to Minnesota correctional facility, Stillwater \$60.00.

Sec. 2. [TRUNK HIGHWAY FUND CLAIMS.]

Subdivision 1. The sum set forth in subdivision 2 is appropriated from the trunk highway fund to the commissioner of transportation for payment to the persons named in full and final payment of claims against the state.

Subd. 2. Prescott Township, c/o Howard Eckhardt, Chairman, Route 2, Box 156, Blue Earth, Minnesota 56013. For damage to a township road caused by traffic that chose to use it as a detour when the department of transportation closed a bridge over I-90 for repair \$1,124.00.

Sec. 3. [VETERANS BONUS CLAIMS.]

Subdivision 1. [GENERALLY.] The sums set forth in this section are appropriated from the general fund to the persons named in subdivisions 2 to 4 in full and final payment of claims

against the state for adjusted compensation arising from World War II, the Korean Conflict, and Vietnam service.

Subd. 2. [WORLD WAR II.] Charles Countryman, Route 1, Swanville, Minnesota 56382 \$160.00.

Wesley P. Leigh, Route 1, Box 326, Princeton, Minnesota 55371 \$30.00.

Harry G. Piper, 877 North Howell Street, St. Paul, Minnesota 55104 \$270.00.

Subd. 3. [KOREAN CONFLICT.] Allen R. Evans, Route 1, Prescott, Wisconsin 54021 \$127.50.

Uno C. Huck, 5447 Adams Street, Moundsview, Minnesota 55112 \$67.50.

Joseph T. Murphy, 421-9th Avenue North, St. Cloud, Minnesota 56301 \$120.00.

James J. Roloff, 109 E. Pine Street, Stillwater, Minnesota 55082 \$202.50.

Henry Wakonabo, Box 211, Inger Route, Deer River, Minnesota 56636 \$120.00.

Subd. 4. [VIETNAM SERVICE.] Dennis L. Bakkala, 803 East Calvary Road, Duluth, Minnesota 55803 \$180.00.

Steven M. Barlow, 7615 Harold Avenue, Golden Valley, Minnesota 55427 \$100.00.

Teddy J. Bryce, Box 73, West Star Route, Larsmont, Minnesota 55610 \$135.00.

Jerome V. Buczynski, 77 Dubois Lane, St. Helens, Oregon 97051 \$300.00.

Charles A. Burfiend, 429 W. Idaho, St. Paul, Minnesota 55117 \$100.00.

William J. Bussert, Route 4, Box 169A, Faribault, Minnesota 55021 \$300.00.

Rodney J. Canedy, 1930 Jade Lane, Eagan, Minnesota 55122 \$165.00.

Thomas R. Carlson, 4205 East 40th Street, Minneapolis, Minnesota 55406 \$600.00.

David A. Dahle, 3300 Zinran Avenue South, St. Louis Park,
Minnesota 55426 \$510.00.

Eileen J. Davis, 2014 - 21st Avenue South, No. 2, Minneapolis,
Minnesota 55404 \$255.00.

John E. Gudmundson, 615 Quincy, Minneapolis, Minnesota
55413 \$255.00.

Douglas F. Holm, 1108 Mercury Drive, No. 1D, Schaumburg,
Illinois 60193 \$300.00.

Harold E. Johnson, Minnesota Veterans Home, East 51st and
Minnehaha Avenue, Minneapolis, Minnesota 55417 \$300.00.

Nathan J. Kingbird, 1575 St. Paul Avenue, Apt. No. 6, St.
Paul, Minnesota 55116 \$300.00.

Steven J. Landkammer, 3801 Nebraska Avenue N.W., Wash-
ington, D.C. 20390 \$300.00.

Thomas A. Lindquist, P.O. Box 26, Meadowlands, Minnesota
55765 \$300.00.

Marc G. Looney, 4815-28th Avenue South, Minneapolis, Minne-
sota 55417 \$100.00.

Harold J. Lukanen, 709 Chatham Field Road, Minnetonka,
Minnesota 55343 \$600.00.

Lawrence D. Mehsikomer, 903 St. Clair, St. Paul, Minnesota
55105 \$165.00.

Elphege G. Mrozek, 515-5th Street, S.W., Little Falls, Minne-
sota 56345 \$600.00.

James N. Olson, 158 Kingsway Drive, North Mankato, Minne-
sota 56001 \$600.00.

Jon M. Olson, 327-4th Street South, Virginia, Minnesota
55792 \$100.00.

Gerald L. Parks, 361 Jenks, St. Paul, Minnesota 55101
\$180.00.

Hildor A. Pederson, Jr., 2203 Branch Avenue, No. 2, Anoka,
Minnesota 55303 \$180.00.

- Raymond G. Pence, Walker, Minnesota 56484 \$165.00.*
- Robert L. Price, 533 North St. Albans, St. Paul, Minnesota 55104 \$270.00.*
- Ronald J. Rock, Route 2, Box No. 32A, Waubun, Minnesota 56589 \$100.00.*
- Edward E. Rom, P.O. Box 685, Mankato, Minnesota 56002 \$300.00.*
- Dennis W. Schendel, 426 Third Street, Farmington, Minnesota 55024 \$300.00.*
- Dwight A. Stiles, 1171 Manning Avenue South, Afton, Minnesota 55001 \$285.00.*
- Cory F. Teigen, 1504 E. Laurie Road, St. Paul, Minnesota 55109 \$600.00.*
- Theodore L. Torba, P.O. Box 189, Maple Lake, Minnesota 55358 \$100.00.*
- Jeffrey B. Tromburg, 115 First Street South, Virginia, Minnesota 55792 \$600.00.*
- Donald J. Wagner, 308 Lowry Avenue, N.E., Minneapolis, Minnesota 55418 \$195.00.*
- Jack D. Walters, 360 Fuller, St. Paul, Minnesota 55103 \$285.00.*
- Arthur Wildeman, Box No. 275, Morristown, Minnesota 55052 \$120.00.*
- Dale E. Wingenbach, Star Route, Box No. 159, Brainerd, Minnesota 56401 \$100.00.*
- Selma E. Zempel, Beneficiary of Ronald Lee Zempel, Box No. 349, Happy Hollow Road, Grand Rapids, Minnesota 55744 \$1,000.00.*

Sec. 4 [EFFECTIVE DATE.]

This act is effective the day following final enactment."

With the recommendation that when so amended the bill pass.

The report was adopted.

Rice from the Committee on Appropriations to which was referred:

H. F. No. 1588, A bill for an act relating to public welfare; clarifying eligibility requirements for the state general assistance program; amending Minnesota Statutes 1982, sections 256D.02, subdivisions 6 and 8, and by adding a subdivision; and 256D.15; Minnesota Statutes 1983 Supplement, sections 256D.01, subdivision 1; and 256D.111, subdivisions 1, 2, and 5.

Reported the same back with the following amendments:

Page 2, line 17, after "assistance" insert "*or who receives AFDC. If the responsible relative is receiving AFDC, then the amount payable to the general assistance recipient must not exceed the amount that would be attributable to him if he were included in the AFDC grant.*"

Page 2, line 23, delete "*reduced no lower*" and insert "*in an amount such that total household income is equal to the AFDC standard for a household of like size and composition, except that the grant may not exceed that paid to a general assistance recipient living independently.*"

Page 2, delete lines 24 to 26

Page 2, delete lines 33 to 36

Page 3, line 2, after "assistance" insert "*and methods of calculating payment*"

Page 4, after line 18, insert:

"Sec. 5. Minnesota Statutes 1982, section 256D.06, subdivision 3, is amended to read:

Subd. 3. When a general assistance grant is used to pay a negotiated rate for a recipient living in a room and board arrangement or congregate living care, *or when a recipient is living in a state hospital or nursing home, the recipient shall receive an allowance for clothing and personal needs and the allowance shall not be less than that authorized for a medical assistance recipient pursuant to section 256B.35.*"

Page 4, line 32, delete "*county welfare*" and insert "*local*"

Page 7, after line 8, insert:

"Sec. 10. [APPROPRIATION REDUCTION.]

Subdivision 1. The appropriation by Laws 1983, chapter 312, article 1, section 2, subdivision 5, for general assistance is reduced by \$130,000.

Subd. 2. The appropriation by Laws 1983, chapter 312, article 1, section 3, subdivision 3, for special allowances is reduced by \$170,000."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "reducing certain appropriations;"

Page 1, line 5, after the semicolon, insert "256D.06, subdivision 3;"

With the recommendation that when so amended the bill pass.

The report was adopted.

Rice from the Committee on Appropriations to which was referred:

H. F. No. 1678, A bill for an act relating to insurance; clarifying annual statement filing requirements; providing for the suspension of authority of self-insurance entities or self-insurers; modifying certain existing fees and providing certain new fees; transferring certain duties of the commissioner of commerce to the commissioner of revenue; establishing certain taxation filing requirements; providing for agent license renewals; authorizing the issuance of orders to show cause relating to license revocations; clarifying continuing education reporting requirements; modifying certain insurance licensing dates; providing for the service of process on foreign companies and unauthorized insurers; removing the countersignature requirement for certain bid bonds and insurance policies; clarifying policy form filing requirements; providing for the use of health insurance claim forms; providing for the use of fire insurance binders; modifying the definitions of "motorcycle," "motor vehicle," "policy," and "utility vehicle" for purposes of automobile insurance regulation; increasing certain liability coverage on automobile insurance plan policies; providing for the cancellation or nonrenewal of a policy; defining "plan of reparation security"; requiring certain premium reports to be filed with the commissioner; prohibiting discrimination based on sex or marital status; modifying the expiration date of adjuster's licenses; providing for the appointment of the board of the compensation reinsurance association; making various technical changes; providing reme-

dies; prescribing penalties; appropriating money; amending Minnesota Statutes 1982, sections 60A.13, subdivision 6, and by adding a subdivision; 60A.15, subdivisions 1, 2, 2a, 6, 8, 9, 10, and by adding subdivisions; 60A.17, subdivisions 3, 5b, and by adding a subdivision; 60A.18, subdivision 3; 60A.19, subdivisions 4 and 8; 60A.199; 60A.21, subdivision 2; 60A.23, subdivision 5; 61A.03, by adding a subdivision; 62A.025; 65A.03; 65B.001, subdivision 4; 65B.06, subdivision 2; 65B.14, subdivisions 2 and 3; 65B.16; 65B.19; 65B.43, subdivisions 2, 13, and by adding a subdivision; 69.021, subdivisions 1, 2, 3, and by adding a subdivision; 69.58; 69.59; 72A.061, subdivision 2; 72A.07; 72A.20, by adding a subdivision; 72A.23, subdivision 1; 72B.04, subdivisions 7 and 10; 79.10; 176.181, subdivision 2, and by adding a subdivision; 271.01, subdivision 5; 299F.21; 299F.22; 299F.23; 299F.24; 299F.26, subdivisions 1 and 2; 424.165, subdivision 1; and 574.32; Minnesota Statutes 1983 Supplement, sections 60A.05; 60A.14, subdivision 1; 60A.15, subdivision 12; 60A.17, subdivisions 1a, 1d, and 6c; 60A.1701, subdivisions 5, 10, and 11; 60A.198, subdivision 3; 65A.01, subdivision 3; 65B.17, subdivision 1; 69.011, subdivision 1; and 79.37; proposing new law coded in Minnesota Statutes, chapters 60A and 61A; repealing Minnesota Statutes 1982, sections 65B.15, subdivision 3; and 65B.48, subdivision 8.

Reported the same back with the following amendments:

Page 4, line 1, after "may" insert "by order"

Page 4, line 3, after the period insert "*The fee shall be based on the relative premium volume of each insurer. The commissioner's order shall not be subject to chapter 14.*"

Page 5, line 32, strike "\$500" and insert "\$150"

Page 17, delete section 22

Page 41, after line 32, insert:

"Sec. 39. Minnesota Statutes 1982, section 61A.02, is amended to read:

61A.02 [FORMS OF POLICY.]

Subdivision 1. [PROHIBITED.] So-called coupon policies shall not be issued or delivered by any company to any residents of this state.

Subd. 2. [APPROVAL REQUIRED.] No policy of life insurance nor any rider of any kind or description which is made a part thereof shall be issued or delivered in this state, or be issued by a life insurance company organized under the laws of this state, until the form of the same has been (FILED WITH) ap-

proved by the commissioner (; AND AFTER HE SHALL HAVE NOTIFIED ANY COMPANY OF HIS DISAPPROVAL OF ANY FORM,).

Subd. 3. [DISAPPROVAL.] The commissioner shall, within 60 days after the filing of any form, disapprove the form:

(1) if the benefits provided are unreasonable in relation to the premium charged;

(2) if it contains a provision or provisions which are unlawful, unfair, inequitable, misleading, or encourages misrepresentation of the policy; or

(3) if the form, or its provisions, is otherwise not in the public interest. It shall be unlawful for the company to issue any policy in the form so disapproved. (THE COMMISSIONER'S ACTION SHALL BE SUBJECT TO REVIEW BY ANY COURT OF COMPETENT JURISDICTION) If the commissioner does not within 60 days after the filing of any form, disapprove or otherwise object, the form shall be deemed approved.

Subd. 4. [WITHDRAWAL OF APPROVAL.] The commissioner may at any time withdraw approval of any policy or form upon the grounds stated in subdivision 3. It is unlawful for the insurer to issue the form or use it in connection with any policy after the effective date of the withdrawal of approval.

Subd. 5. [HEARING.] Notification of disapproval or withdrawal of approval must be made to the insurer in writing, specifying the grounds for the disapproval. Upon written request made by the insurer, the commissioner shall grant a hearing within 30 days after receipt of the request. All hearings must be conducted in accordance with chapter 14. Following the hearing, the commissioner may affirm, reverse, or modify the previous determination made with respect to the subject policy or form."

Page 42, after line 29, insert:

"Sec. 43. Minnesota Statutes 1982, section 62E.14, subdivision 1, is amended to read:

Subdivision 1. [CERTIFICATE, CONTENTS.] The comprehensive health insurance plan shall be open for enrollment by eligible persons. An eligible person shall enroll by submission of a certificate of eligibility to the writing carrier. The certificate shall provide the following:

(a) Name, address, age, and length of time at residence of the applicant;

(b) Name, address, and age of spouse and children if any, if they are to be insured;

(c) Evidence of rejection, a requirement of restrictive riders, a rate up, or a pre-existing conditions limitation on a qualified plan, the effect of which is to substantially reduce coverage from that received by a person considered a standard risk, by at least (TWO) one association members within six months of the date of the certificate, or other eligibility requirements adopted by rule by the commissioner which are not inconsistent with this chapter and which evidence that a person is unable to obtain coverage substantially similar to that which may be obtained by a person who is considered a standard risk; and

(d) A designation of the coverage desired.

An eligible person may not purchase more than one policy from the state plan. Upon ceasing to be a resident of Minnesota a person is no longer eligible to purchase or renew coverage under the state plan.

Sec. 44. Minnesota Statutes 1982, section 62E.15, subdivision 3, is amended to read:

Subd. 3. The writing carrier shall pay an agent's referral fee of (\$25) \$50 to each insurance agent who refers an applicant to the state plan, if the application is accepted. Selling or marketing of qualified state plans shall not be limited to the writing carrier or its agents. The referral fees shall be paid by the writing carrier from money received as premiums for the state plan."

Page 62, after line 5, insert "*Whenever it appears to the commissioner that any person has engaged or is about to engage in any act or practice constituting a violation of this chapter or any rule or order under this chapter, he may issue and cause to be served upon the person an order requiring the person to cease and desist from violations of section 72A.19 or 72A.20. The order must be calculated to give reasonable notice of the rights of the person to request a hearing thereon and must state the reasons for the entry of the order. A hearing shall be held not later than seven days after the request for the hearing is received by the commissioner after which and within 20 days of the date of the hearing the commissioner shall issue a further order vacating the cease and desist order or making it permanent as the facts require. If no hearing is requested within 30 days of service of the order, the order will become final and will remain in effect until it is modified or vacated by the commissioner. All hearings shall be conducted in accordance with chapter 14. If the person to whom a cease and desist order is issued fails to appear at the hearing after being duly notified, the person shall be deemed in default, and the proceeding may be determined against him upon consideration of the cease and desist order, the allegations of which may be deemed to be true.*"

Page 64, line 1, after "of" strike "13" and insert "15", and strike "and" and insert "*including*,"

Page 64, line 3, strike "members of the board" and insert "*directors*"

Page 64, line 4, strike "members of the board" and insert "*directors*"

Page 64, line 5, after "three" strike the comma

Page 64, line 6, strike the comma and insert a semicolon, and strike "members of the board" and insert "*directors*"

Page 64, line 7, after "Members" insert "*of the reinsurance association*" and strike "insurer" and the comma

Page 64, line 8, before "and" insert "*who represent insurers*"

Page 64, line 9, strike "employer" and insert "*directors who represent employers*" and strike "employee directors"

Page 64, line 11, before "for" insert "*employees*"

Page 64, line 12, strike "board member" and insert "*director*"

Page 64, line 17, strike "board" and insert "*directors currently holding office*"

Page 64, lines 17 and 18, strike ", notwithstanding any vacancies"

Page 64, after line 19, insert:

"Sec. 72. Minnesota Statutes 1982, section 79.39, is amended to read:

79.39 [APPLICABILITY OF CHAPTER 79.]

Subdivision 1. [EXAMINATION BY COMMISSIONER.] The reinsurance association is subject to all the provisions of this chapter. The commissioner or an authorized representative of the commissioner may visit the reinsurance association at any time and examine, audit, or evaluate the reinsurance association's operations, records and practices. For purposes of this section, "authorized representative of the commissioner" includes employees of the department of commerce or other parties retained by the commissioner.

Subd. 2. [COSTS AND EXPENSES.] The commissioner may order and the reinsurance association shall pay the costs and

expenses of any examination, audit, or evaluation conducted pursuant to subdivision 1."

Page 74, line 32, after the period insert *"The amount of \$144,100 and a complement of five positions shall be transferred from the department of commerce to the department of revenue for fiscal year 1985 to implement the transfer."*

Page 74, line 34, delete "\$95,127" and insert "\$62,400"

Page 75, line 2, delete "three" and insert "two"

Page 75, after line 5, insert:

"Sec. 86. [ATTORNEY GENERAL.]

The approved complement of the attorney general for general positions is increased by one. \$31,000 is added to the appropriation in Laws 1981, chapter 356, section 14, and is available until June 30, 1985."

Page 75, line 12, delete everything after "5" and insert "to 22, 35, 36, 60 to 63, 75 to 82, 84, and"

Page 75, line 13, delete "83" and insert "87"

Page 75, line 15, delete "82" and insert "85"

Renumber the sections accordingly

Correct internal references

Amend the title as follows:

Page 1, line 6, after the semicolon insert "providing for the approval of certain life insurance policies by the commissioner;"

Page 1, line 17, after the semicolon insert "describing certain requirements for enrollment in the comprehensive health insurance plan; increasing the agents referral fee under the comprehensive health insurance plan;"

Page 1, line 30, after the semicolon insert "clarifying the powers of the commissioner regarding audits of the compensation reinsurance association;"

Page 1, line 39, after the first semicolon insert "61A.02;"

Page 1, line 40, after "62A.025;" insert "62E.14, subdivision 1; 62E.15, subdivision 3;"

Page 2, line 1, after "79.10;" insert "79.39;"

Page 2, line 13, delete "and" and after "subdivision 8" insert "and 69.031, subdivision 6"

With the recommendation that when so amended the bill pass.

The report was adopted.

Rice from the Committee on Appropriations to which was referred:

H. F. No. 1689, A bill for an act relating to vocational-technical education; permitting South Dakota residents to attend Minnesota postsecondary vocational-technical schools at Minnesota resident tuition rates; amending Minnesota Statutes 1982, section 124.565, by adding a subdivision.

Reported the same back with the following amendments:

Page 1, after line 16, insert:

"Sec. 2. Minnesota Statutes 1982, section 124.565, subdivision 4, is amended to read:

Subd. 4. [NONRESIDENT TUITION.] Unless covered by a higher education reciprocity agreement relating to nonresident tuition, entered into by the Minnesota higher education coordinating board and approved by the state board for vocational education, *or unless covered by the provisions of subdivision 3a*, tuition at a post-secondary vocational-technical school for a pupil who is not a resident of Minnesota shall be the amount per quarter set by the state board for vocational education. The state board for vocational education shall be exempt from the rule-making requirements of chapter 14 for setting tuition charges. A full refund shall be provided to a student who withdraws on or before the 15th day of the quarter. No refund shall be provided for withdrawal after the 15th day of the quarter.

Sec. 3. [RENEGOTIATIONS.]

The governor shall negotiate an interstate tuition reciprocity agreement with South Dakota that includes the area vocational-technical system. If agreement cannot be reached on reciprocity for the area vocational-technical system, the governor shall re-evaluate the entire collegiate reciprocity agreement with South Dakota."

Renumber the remaining section

Amend the title as follows:

Page 1, line 5, after the semicolon insert "authorizing the governor to renegotiate an interstate tuition reciprocity agreement;"

Page 1, line 6, after "124.565," insert "subdivision 4, and"

With the recommendation that when so amended the bill pass.

The report was adopted.

Vanasek from the Committee on Judiciary to which was referred:

H. F. No. 1837, A bill for an act relating to landlords and tenants; providing for recovery by the tenant from the landlord of damages and attorney's fees for unlawful ouster or exclusion; proposing new law coded in Minnesota Statutes, chapter 504.

Reported the same back with the following amendments:

Page 1, line 12, delete "*intentionally*" and insert "*in bad faith*"

Page 1, line 13, delete "*lands or tenements*" and insert "*residential premises*"

Page 1, line 17, delete "*is effective the day following final enactment*"

Page 1, line 18, delete "*and*" and delete "*suits*" and insert "*causes of action*"

Page 1, line 18, delete "*that date*" and insert "*August 1, 1984*"

Amend the title as follows:

Page 1, line 4, before the semicolon insert "from residential premises"

With the recommendation that when so amended the bill pass.

The report was adopted.

Vanasek from the Committee on Judiciary to which was referred:

H. F. No. 1900, A bill for an act relating to collection and dissemination of data; classifying government data as public,

private, and nonpublic; clarifying issues relating to classifications of data, access to data, the effect of death of individuals on classifications, and the temporary classification of data; refining provisions of the Data Practices Act; amending Minnesota Statutes 1982, sections 13.02, subdivision 8, and by adding a subdivision; 13.03, subdivisions 3 and 4, and by adding subdivisions; 13.04, subdivision 2; 13.05, subdivisions 3, 7, 9, 10, and by adding a subdivision; 13.06, subdivisions 1 and 6; 13.31, subdivision 2; 13.41, by adding a subdivision; 13.43, subdivision 2; 13.44; 13.65, subdivision 1; 13.67; and 13.72, by adding a subdivision; proposing new law coded in Minnesota Statutes, chapter 13.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1982, section 13.02, is amended by adding a subdivision to read:

Subd. 8a. [NOT PUBLIC DATA.] "Not public data" means any government data which is classified by statute, federal law, or temporary classification as confidential, private, nonpublic, or protected nonpublic.

Sec. 2. Minnesota Statutes 1982, section 13.03, subdivision 3, is amended to read:

Subd. 3. [REQUEST FOR ACCESS TO DATA.] Upon request to a responsible authority or designee, a person shall be permitted to inspect and copy public government data at reasonable times and places, and if the person requests, he shall be informed of the data's meaning. The responsible authority or designee shall provide copies of public government data upon request. The responsible authority may require the requesting person to pay the actual costs of making, certifying and compiling the copies. If the responsible authority or designee is not able to provide copies at the time a request is made he shall supply copies as soon as reasonably possible.

When a request under this subdivision involves any person's receipt of copies of public government data which has commercial value and is an entire formula, pattern, compilation, program, device, method, technique, process, data base, or system developed with a significant expenditure of public funds by the agency, the responsible authority may charge a reasonable fee for the information in addition to the costs of making, certifying, and compiling the copies. Any fee charged must be clearly demonstrated by the agency to relate to the actual development costs of the information. The responsible authority, upon the request of any person, shall provide sufficient documentation which explains and justifies the fee being charged.

If the responsible authority or designee determines that the requested data is classified so as to deny the requesting person access, the responsible authority or designee shall (SO) inform the requesting person of the determination either orally at the time of the request, (AND) or in writing as soon (THERE-AFTER) after that time as possible, and shall cite the (STAT-UTE) specific statutory section, temporary classification, or specific provision of federal law on which the determination is based. Upon the request of any person denied access to data, the responsible authority or designee shall certify in writing that the request has been denied and cite the specific statutory section, temporary classification, or specific provision of federal law upon which the denial was based.

Sec. 3. Minnesota Statutes 1982, section 13.03, subdivision 4, is amended to read:

Subd. 4. [CHANGE IN CLASSIFICATION OF DATA.] The classification of data in the possession of an agency shall change if it is required to do so to comply with either judicial or administrative rules pertaining to the conduct of legal actions or with a specific statute applicable to the data in the possession of the disseminating or receiving agency.

If data on individuals is classified as both private and confidential by this chapter, or any other statute or federal law, then the correct classification of the data shall be presumed to be private.

To the extent that government data is disseminated to state agencies, political subdivisions, or statewide systems by another state agency, political subdivision, or statewide system, the data disseminated shall have the same classification in the hands of the agency receiving it as it had in the hands of the entity providing it.

Sec. 4. Minnesota Statutes 1982, section 13.03, is amended by adding a subdivision to read:

Subd. 5. [DISCOVERABILITY OF NOT PUBLIC DATA.] Access to data classified as not public may be sought by a party in a civil or criminal proceeding, whether administrative or judicial, by seeking discovery of the data pursuant to the rules of administrative, arbitration, civil, or criminal legal actions. The classification of data as not public shall not create a presumption that the data is not discoverable.

If a state agency, political subdivision, or statewide system opposes discovery of government data on the grounds that the data are classified as not public, the party which seeks access to the data may bring before the appropriate presiding judicial officer, arbitrator, or hearing examiner an action to compel discovery.

The presiding officer shall first decide whether or not the data is discoverable pursuant to the rules of evidence and of criminal, civil, or administrative procedure appropriate to the action.

In addition, if necessary, the presiding officer shall then consider and decide whether the benefit to the party seeking the data outweighs any harm to the confidentiality interests of the agency maintaining the data, or of any person who has provided the data or who is the subject of the data, or to the privacy interest of any individual identified in the data. The presiding officer may fashion and issue any protective orders necessary to assure proper handling of the data by the parties.

Sec. 5. Minnesota Statutes 1982, section 13.03, is amended by adding a subdivision to read:

Subd. 6 [COURT ORDERS.] Data classified as not public may be provided, pursuant to a valid court order, to a party named in a civil or criminal proceeding, whether administrative or judicial. In determining whether or not to issue an order, or in any action brought to challenge an order previously issued, the hearing examiner, arbitrator, or judicial officer shall make a decision as to whether or not to order the data to be released under the rules of civil, criminal, or administrative procedure appropriate to the action. In addition, the presiding officer shall consider whether the benefit to the party seeking the data outweighs any harm to the confidentiality interests of the agency maintaining the data, or of any person who has provided the data or who is identified in the data, or to the privacy interest of any individual identified in the data.

Sec. 6. Minnesota Statutes 1982, section 13.03, is amended by adding a subdivision to read:

Subd. 7. Nothing in this chapter or any other statute shall be construed to prevent a state agency, statewide system, or political subdivision from acquiring a copyright or patent on computer software programs or components of programs created by that agency.

Sec. 7. Minnesota Statutes 1982, section 13.04, subdivision 2, is amended to read:

Subd. 2. [INFORMATION REQUIRED TO BE GIVEN INDIVIDUAL.] An individual asked to supply private or confidential data concerning himself shall be informed of: (a) the purpose and intended use of the requested data within the collecting state agency, political subdivision, or statewide system; (b) whether he may refuse or is legally required to supply the requested data; (c) any known consequence arising from his supplying or refusing to supply private or confidential data; and (d) the identity of other persons or entities authorized

by state or federal law to receive the data. This requirement shall not apply when an individual is asked to supply investigative data, *pursuant to section 13.82, subdivision 5*, to a law enforcement officer.

Sec. 8. Minnesota Statutes 1982, section 13.05, subdivision 3, is amended to read:

Subd. 3. [GENERAL STANDARDS FOR COLLECTION AND STORAGE.] Collection and storage of (PUBLIC, PRIVATE OR CONFIDENTIAL) *all* data on individuals and *the* use and dissemination of private and confidential data on individuals shall be limited to that necessary for the administration and management of programs specifically authorized by the legislature (,) or local governing body or mandated by the federal government.

Sec. 9. Minnesota Statutes 1982, section 13.05, subdivision 7, is amended to read:

Subd. 7. [PREPARATION OF SUMMARY DATA.] The use of summary data derived from private or confidential data on individuals under the jurisdiction of one or more responsible authorities (SHALL BE) *is* permitted. Unless classified pursuant to section 13.06, *another statute, or federal law*, summary data is public. The responsible authority shall prepare summary data from private or confidential data on individuals upon the request of any person (, PROVIDED THAT) *if* the request is in writing and the cost of preparing the summary data is borne by the requesting person. The responsible authority may delegate the power to prepare summary data (1) to the administrative officer responsible for any central repository of summary data; or (2) to a person outside of its agency if the person (, IN WRITING,) sets forth, *in writing*, his purpose and agrees not to disclose, and the agency reasonably determines that the access will not compromise private or confidential data on individuals.

Sec. 10. Minnesota Statutes 1982, section 13.05, subdivision 9, is amended to read:

Subd. 9. [INTERGOVERNMENTAL ACCESS OF DATA.] A responsible authority shall allow another responsible authority access to data classified as not public only when the access is authorized or required by statute or federal law. An agency that supplies government data under this subdivision may require the requesting agency to pay the actual cost of supplying the data.

(DATA SHALL HAVE THE SAME CLASSIFICATION IN THE HANDS OF THE AGENCY RECEIVING IT AS IT HAD IN THE AGENCY PROVIDING IT.)

Sec. 11. Minnesota Statutes 1982, section 13.05, subdivision 10, is amended to read:

Subd. 10. [INTERNATIONAL DISSEMINATION PROHIBITED.] No state agency or political subdivision shall transfer or disseminate any private or confidential data on individuals to the private international organization known as Interpol, *except through the Interpol-United States National Central Bureau, United States Department of Justice.*

Sec. 12. Minnesota Statutes 1982, section 13.05, is amended by adding a subdivision to read:

Subd. 11. [DISSEMINATION OF AGE OR BIRTHDATE DATA FOR COMMERCIAL USE IS PROHIBITED.] *No responsible authority may transfer or disseminate data regarding a person's age or birthdate if this data is to be supplied to any person for commercial use as a part of a mailing list.*

Sec. 13. Minnesota Statutes 1982, section 13.06, subdivision 1, is amended to read:

Subdivision 1. [APPLICATION TO COMMISSIONER.] Notwithstanding the provisions of section 13.03, the responsible authority of a state agency, political subdivision, or statewide system may apply to the commissioner for permission to classify data or types of data on individuals as private or confidential, or data not on individuals as non-public or protected non-public, for its own use and for the use of other similar agencies, political subdivisions, or statewide systems on a temporary basis until a proposed statute can be acted upon by the legislature. The application for temporary classification is public.

Upon the filing of an application for temporary classification, the data which is the subject of the application shall be deemed to be classified as set forth in the application for a period of 45 days, or until the application is disapproved, *rejected*, or granted by the commissioner, whichever is earlier.

If the commissioner determines that an application has been submitted for purposes not consistent with this section, the commissioner may immediately reject the application, give notice of that rejection to the applicant, and return the application. When the applicant receives the notice of rejection from the commissioner, the data which was the subject of the application shall have the classification it had before the application was submitted to the commissioner.

Sec. 14. Minnesota Statutes 1982, section 13.06, subdivision 6, is amended to read:

Subd. 6. [EXPIRATION OF TEMPORARY CLASSIFICATION.] (EMERGENCY CLASSIFICATIONS GRANTED

BEFORE JULY 1, 1979 ARE REDESIGNATED AS TEMPORARY CLASSIFICATIONS. ALL) A temporary (CLASSIFICATIONS) *classification* granted under this section (PRIOR TO APRIL 24, 1980 AND STILL IN EFFECT, AND ALL TEMPORARY CLASSIFICATIONS THEREAFTER APPLIED FOR AND GRANTED PURSUANT TO THIS SECTION SHALL EXPIRE ON JULY 31, 1981 OR) *expires* 24 months after (THE CLASSIFICATION) *it* is granted (, WHICHEVER OCCURS LATER).

Sec. 15. Minnesota Statutes 1982, section 13.31, subdivision 2, is amended to read:

Subd. 2. [PUBLIC DATA.] The names and addresses of applicants for and recipients of benefits (CHARACTERIZED AS THE URBAN HOMESTEADING, HOME OWNERSHIP, AND NEW HOUSING PROGRAMS OPERATED BY A HOUSING AND REDEVELOPMENT AUTHORITY IN A CITY OF THE FIRST CLASS), *aid, or assistance through programs administered by any political subdivision, state agency, or statewide system that are intended to assist with the purchase of housing or other real property* are classified as public data on individuals.

Sec. 16. Minnesota Statutes 1982, section 13.31, subdivision 3, is amended to read:

Subd. 3. [PRIVATE DATA.] Unless otherwise provided by law, all other benefit data is private data on individuals, *and shall not be disclosed except pursuant to a valid court order or to an agent of the state agency, political subdivision or statewide system, including appropriate law enforcement personnel, who are acting in an investigation, prosecution, or criminal or civil proceeding relating to the administration of a program described in subdivision 1.*

Sec. 17. Minnesota Statutes 1982, section 13.32, subdivision 3, is amended to read:

Subd. 3. Except as provided in subdivision 5, educational data is private data on individuals and shall not be disclosed except as follows:

- (a) Pursuant to section 13.05;
- (b) Pursuant to a valid court order;
- (c) Pursuant to a statute specifically authorizing access to the private data;
- (d) To disclose information in health and safety emergencies pursuant to the provisions of 20 U.S.C., Section 1232g(b)(1)(I) and 45 C.F.R., Section 99.36 which are in effect on July 1, 1979;

(e) Pursuant to the provisions of 20 U.S.C., Sections 1232g(b)(1), (b)(4)(A), (b)(4)(B), (b)(1)(B), (b)(3) and 45 C.F.R., Sections 99.31, 99.32, 99.33, 99.34 and 99.35 which are in effect on July 1, 1979; or

(f) To appropriate health authorities (BUT ONLY) to the extent necessary to administer immunization programs *and for bona fide epidemiologic investigations which the commissioner of health determines are necessary to prevent disease or disability to individuals in the public educational agency or institution in which the investigation is being conducted. Prior to making a determination or conducting an investigation in a public elementary or secondary school, the commissioner of health shall consult with the commissioner of education about the impact of such action upon the school and its students.*

Sec. 18. Minnesota Statutes 1982, section 13.37, subdivision 2, is amended to read:

Subd. 2. [CLASSIFICATION.] The following government data is classified as nonpublic data with regard to data not on individuals, pursuant to section 13.02, subdivision 9, and as private data with regard to data on individuals, pursuant to section 13.02, subdivision 12: Security information (,); trade secret information (,); sealed absentee ballots prior to opening by an election judge (,); sealed bids, *including the number of bids received*, prior to the opening of the bid (,); and labor relations information. Provided that specific labor relations information which relates to a specific labor organization is classified as protected nonpublic data pursuant to section 13.02, subdivision 13.

Sec. 19. Minnesota Statutes 1982, section 13.41, is amended by adding a subdivision to read:

Subd. 5. [RELEASING DATA.] *Any licensing agency may make any data classified as private or confidential pursuant to this section accessible to an appropriate person or agency if the licensing agency determines that failure to make the data accessible is likely to create a clear and present danger to public health or safety.*

Sec. 20. Minnesota Statutes 1982, section 13.43, subdivision 2, is amended to read:

Subd. 2. [PUBLIC DATA.] Except for employees described in subdivision 5, the following personnel data on current and former employees, volunteers, and independent contractors of a state agency, statewide system, or political subdivision and members of advisory boards or commissions is public: name; actual gross salary; salary range; contract fees; actual gross pension; the value and nature of employer paid fringe benefits; the basis for and the amount of any added remuneration, includ-

ing expense reimbursement, in addition to salary; job title; job description; education and training background; previous work experience; date of first and last employment; the status of any complaints or charges against the employee, whether or not the complaint or charge resulted in a disciplinary action; and the final disposition of any disciplinary action and supporting documentation; work location; a work telephone number; badge number; honors and awards received; (DATA WHICH ACCOUNTS FOR THE INDIVIDUAL'S WORK TIME) *payroll time sheets or other comparable data which are only used to account for employee's work time for payroll purposes, except to the extent that release of time sheet data would reveal the employee's reasons for the use of sick or other medical leave or other not public data*; and, city and county of residence.

Sec. 21. Minnesota Statutes 1982, section 13.44, is amended to read:

13.44 [PROPERTY COMPLAINT DATA.]

The (NAMES) *identities* of individuals who register complaints with state agencies or political subdivisions concerning violations of state laws or local ordinances concerning the use of real property are classified as confidential data, pursuant to section 13.02, subdivision 3.

Sec. 22. [13.58] [HOMESTEAD APPLICATION DATA.]

The following data collected and maintained by political subdivisions are classified as private data pursuant to section 13.02, subdivision 12: the social security account numbers and detailed financial data submitted by individuals who are applying for class 3cc homestead classifications pursuant to section 273.13.

Sec. 23. [13.59] [REDEVELOPMENT DATA.]

Subdivision 1. [PRIVATE DATA.] The following data collected in surveys of individuals conducted by cities and housing and redevelopment authorities for the purposes of planning, development, and redevelopment, are classified as private data pursuant to section 13.02, subdivision 12: the names and addresses of individuals and the legal descriptions of property owned by individuals.

Subd. 2. [NONPUBLIC DATA.] The following data collected in surveys of businesses conducted by cities and housing and redevelopment authorities, for the purposes of planning, development, and redevelopment, are classified as nonpublic data pursuant to section 13.02, subdivision 9: the names, addresses, and legal descriptions of business properties and the commercial use of the property to the extent disclosure of the use would identify a particular business.

Sec. 24 [13.60] [INSURANCE TRUST DATA.]

The following data collected or created by the League of Minnesota Cities Insurance Trust in order to process claims for workers' compensation are classified as either private data pursuant to section 13.02, subdivision 12, in regard to claims where the insured worker is living, or nonpublic data pursuant to section 13.02, subdivision 9, in regard to claims where the insured worker is deceased:

(1) *name, address, telephone number, and social security account number of the claimant if the claimant is other than the public employee;*

(2) *claim number;*

(3) *date of claimed injury;*

(4) *employee's social security number, home telephone number, home address, date of birth, sex, and marital status;*

(5) *whether or not claimed injury caused loss of time from work;*

(6) *whether or not the employee lost time from work on the day of the claimed injury and the number of hours lost;*

(7) *whether or not the employee has returned to work;*

(8) *whether or not full or partial wages were paid for the first day of lost time and the amount paid;*

(9) *time of day and location where injury occurred;*

(10) *whether or not the injury occurred on employer's premises;*

(11) *the name, address, and telephone number of treating physician or practitioner;*

(12) *identification of the hospital where treated;*

(13) *nature of the claimed injury or occupational illness;*

(14) *part of body affected;*

(15) *name or type of object involved in causing the injury;*

(16) *nature of injury;*

(17) *type of accident;*

(18) description of actions taken to prevent reoccurrence;

(19) names of co-worker witnesses; and

(20) all data collected or created as a result of the investigation of the claim, including physician's reports, other data on the medical condition of the claimant, data collected from the claimant's physicians, and data collected in interviews of the claimant's employer, co-workers, family members, and neighbors.

Sec. 25. [13.61] [ECONOMIC ASSISTANCE DATA.]

Subdivision 1. [NONPUBLIC DATA.] The following data collected by home rule charter and statutory cities in their administration of the city economic development assistance program are classified as nonpublic data pursuant to section 13.02, subdivision 9:

(1) application data, except company names, addresses, and other data that identifies the applicant, until the application is approved by the city;

(2) application data, except company names, addresses, and other data that identifies the applicant, that pertains to companies whose applications have been disapproved;

(3) attachments to applications, including business and personal financial records, until the application is approved; and

(4) income tax returns, either personal or corporate, that are filed by applicants.

Subd. 2. [PUBLIC DATA.] The following data collected by cities in their administration of the city economic development assistance program are classified as public data not on individuals pursuant to section 13.02, subdivision 14:

(1) company names, addresses, and other data that identifies the applicant company;

(2) application data, including all attachments to applications other than tax returns, that pertain to companies whose applications are approved; and

(3) letters of notification to companies whose applications are disapproved.

Sec. 26. [13.64] [DEPARTMENT OF ADMINISTRATION DATA.]

Notes and preliminary drafts of reports created, collected, or maintained by the management analysis division, department

of administration, prepared during audits or investigations of state departments and agencies are classified as protected non-public data pursuant to section 13.02, subdivision 13. Data on individuals that could reasonably be used to determine the identity of an individual supplying data for an audit or investigation are classified as private data pursuant to section 13.02, subdivision 12, if (1) the data supplied by the individual were needed for an audit or investigation, and (2) the data would not have been provided to the management analysis division without assurance to the individual that his identity would remain private.

Sec. 27. Minnesota Statutes 1982, section 13.65, subdivision 1, is amended to read:

Subdivision 1. [PRIVATE DATA.] The following data created, collected, and maintained by the office of the attorney general are classified as private (,) pursuant to section 13.02, subdivision 12:

(a) The record, including but not limited to, the transcript and exhibits of all disciplinary proceedings held by a state agency, board, or commission, except in those instances where there is a public hearing;

(b) Communications and non-investigative files regarding administrative or policy matters which do not evidence final public actions;

(c) Consumer complaint data, other than that data classified as confidential, including consumers' complaints against businesses and follow-up investigative materials; (AND)

(d) Investigative data, obtained in anticipation of, or in connection with litigation or an administrative proceeding where the investigation is not currently active; and

(e) *Data collected by the consumer division of the attorney general's office in its administration of the home preservation hotline including: the name, address, and telephone number of the consumer; the name and address of the mortgage company; the total amount of the mortgage; the amount of money needed to bring the delinquent mortgage current; the consumer's place of employment; the consumer's total family income; and the history of attempts made by the consumer to renegotiate a delinquent mortgage.*

Sec. 28. Minnesota Statutes 1982, section 13.67, is amended to read:

13.67 [EMPLOYEE RELATIONS DATA.]

The following data collected, created, or maintained by the department of employee relations are classified as nonpublic data pursuant to section 13.02, subdivision 9:

(a) The commissioner's plan prepared by the department, pursuant to section 3.855, which governs the compensation and terms and conditions of employment for employees not covered by collective bargaining agreements until the plan is submitted to the legislative commission on employee relations;

(b) Data pertaining to grievance or interest arbitration that has not been presented to the arbitrator or other party during the arbitration process; (AND)

(c) Notes and preliminary drafts of reports prepared during personnel investigations and personnel management reviews of state departments and agencies; and

(d) The managerial plan prepared by the department pursuant to section 43A.18 that governs the compensation and terms and conditions of employment for employees in managerial positions, as specified in section 43A.18, subdivision 3, and for employees in the career executive service pursuant to section 43A.18, subdivision 3, clause (c), until the plan is submitted to the legislative commission on employee relations.

Sec. 29. Minnesota Statutes 1982, section 13.72, is amended by adding a subdivision to read:

Subd. 3. [MOTOR VEHICLE CARRIER INVESTIGATIVE DATA.] Data collected by the department of transportation as part of an active investigation undertaken for the purpose of pursuing law enforcement action against a person, other than an individual, for a violation of chapter 221, or a rule or order issued pursuant to that chapter, is classified as protected nonpublic data pursuant to section 13.02, subdivision 13.

Sec. 30. [13.74] [ENVIRONMENTAL QUALITY DATA.]

The following data collected and maintained by the environmental quality board are classified as private data pursuant to section 13.02, subdivision 12: the names and addresses of individuals who submitted information and letters concerning personal health problems associated with high voltage power lines.

Sec. 31. [13.75] [DEPARTMENT OF ENERGY AND ECONOMIC DEVELOPMENT DATA.]

All financial information on individuals and business entities, including credit reports, financial statements, and net worth calculations, that are contained in applications received by the department of energy and economic development in its administration of the certified state development loan program, the Indian business development loan program, and the small cities development program are classified as private data with regard to data on individuals pursuant to section 13.02, subdivision 12, and as nonpublic data with regard to data not on individuals pursuant to section 13.02, subdivision 9.

Sec. 32. [13.76] [BUREAU OF MEDIATION SERVICES DATA.]

Subdivision 1. [REPRESENTATION DATA.] Authorization signatures or cards furnished in support of a petition filed or election conducted under sections 179.16, 179.18 to 179.25 and 179.67, and all ballots, prior to the time of tabulation, are classified as protected nonpublic data with regard to data not on individuals pursuant to section 13.02, subdivision 13, and as confidential data on individuals with regard to data on individuals pursuant to section 13.02, subdivision 3.

Subd. 2. [MEDIATION DATA.] All data received or maintained by the director of the bureau of mediation services or his staff during the course of providing mediation services to the parties to a labor dispute under the provisions of chapter 179 are classified as protected nonpublic data with regard to data not on individuals, pursuant to section 13.02, subdivision 13, and as confidential data on individuals pursuant to section 13.02, subdivision 3, except to the extent the director of the bureau of mediation services determines such data are necessary to fulfill the requirements of section 179.71, subdivisions 5 and 6, or to identify the general nature of or parties to a labor dispute.

Sec. 33. [EFFECTIVE DATE.]

Sections 1 to 32 are effective the day following final enactment."

Amend the title as follows :

Page 1, line 9, delete "subdivision 8, and"

Page 1, line 13, delete "subdivision 2" and insert "subdivisions 2 and 3; 13.32, subdivision 3; 13.37, subdivision 2;"

With the recommendation that when so amended the bill pass.

The report was adopted.

Vanasek from the Committee on Judiciary to which was referred:

H. F. No. 1964, A bill for an act relating to trusts; eliminating procedures for confirming appointment of trustees; repealing Minnesota Statutes 1982, sections 501.33 to 501.38.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1982, section 524.3-913, is amended to read:

524.3-913 [DISTRIBUTIONS TO TRUSTEE.]

(BEFORE DISTRIBUTING TO A TESTAMENTARY TRUSTEE, THE PERSONAL REPRESENTATIVE SHALL REQUIRE THAT THE TRUSTEE BE QUALIFIED IN A COURT OF COMPETENT JURISDICTION UNLESS WAIVED BY THE COURT OR THE WILL CONTAINS A WAIVER OF QUALIFICATION. NOTWITHSTANDING THE WAIVER, UPON PETITION OF ANY INTERESTED PERSON, THE COURT MAY REQUIRE QUALIFICATION OF THE TRUSTEE IN A COURT OF COMPETENT JURISDICTION.) *Qualification by a court of a testamentary trustee is not required before distributions can be made by a personal representative to the trustee, unless qualification is demanded by an interested person as follows:*

(1) *by written demand delivered or mailed to the personal representative, or*

(2) *by petition to the court having jurisdiction over the probate estate.*

If demand is made, the personal representative shall require proof of qualification of the trustee in a court of competent jurisdiction and the personal representative shall not make distributions to the trustee until the trustee is qualified by the court."

Delete the title and insert:

"A bill for an act relating to trusts; eliminating the requirement of qualifying trustees in certain cases; amending Minnesota Statutes 1982, section 524.3-913."

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 2021, A resolution memorializing the United States Environmental Protection Agency to adopt rules for a ban on leaded gasoline, and memorializing the Congress of the United States to enact legislation either prohibiting leaded gasoline or allowing the states to prohibit it.

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:

H. F. No. 2039, A bill for an act relating to commerce; providing for the computation of interest on mechanics' lien claims; proposing new law coded in Minnesota Statutes, chapter 514.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [514.135] [COMPUTATION OF INTEREST ON CLAIMS.]

Except as otherwise provided by contract, interest awarded on mechanics' lien claims shall be calculated at the legal rate, as provided in section 334.01, from the time the underlying obligation arises until the expiration of 30 days after the claimant's last item of labor, skill, or materials was furnished to the improvement and shall be calculated thereafter at the rate computed for verdicts and judgments, as provided in section 549.09.

Sec. 2 [EFFECTIVE DATE.]

Section 1 applies to contracts entered into on or after August 1, 1984."

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 2134, A resolution memorializing the governments of the United States and the Federal Republic of Germany that

the State of Minnesota adopts the Land of Bayern as a sister state.

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

The report was adopted.

Rice from the Committee on Appropriations to which was referred:

H. F. No. 2183, A bill for an act relating to health; providing counseling and educational services for sudden infant death syndrome families; requiring autopsies on victims of sudden infant death syndrome; requiring the report of sudden infant death to the registrar of vital statistics; amending Minnesota Statutes 1982, sections 144.07; 144.222; and 390.11.

Reported the same back with the following amendments:

Page 2, line 21, after "*examiner*" insert "*or personal physician*"

Amend the title as follows:

Page 1, line 4, delete "requiring" and insert "reporting"

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 2189, A resolution memorializing the International Joint Commission, the President and Congress to effectuate an agreement between Minnesota and Ontario on joint management of their border waters.

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

The report was adopted.

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

S. F. No. 531, A resolution memorializing the President and Congress of the United States to provide medical care for former

members of the military forces who were exposed to atomic radiation in the course of their duties.

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. 1562, A bill for an act relating to probate; providing for the transmission of documents to foreign consuls by the office of the secretary of state; amending Minnesota Statutes 1982, section 524.3-403.

Reported the same back with the following amendments:

Page 1, after line 7, insert:

"Section 1. Minnesota Statutes 1982, section 524.3-306 is amended to read:

524.3-306 [INFORMAL PROBATE; NOTICE REQUIREMENTS.]

The moving party must give notice as described by section 524.1-401 of his application for informal probate (1) to any person demanding it pursuant to section 524.3-204; and (2) to any personal representative of the decedent whose appointment has not been terminated. Upon issuance of the written statement by the registrar pursuant to section 524.3-302, notice of the informal probate proceedings, in the form prescribed by court rule, shall be given under the direction of the clerk of court by publication once a week for two consecutive weeks in a legal newspaper in the county where the application is filed and by mailing a copy of the notice by ordinary first class mail to all interested persons, other than creditors. Further if the decedent was born in a foreign country or left heirs or devisees in any foreign country, notice shall be given to the consul or other representative of such country, if he resides in this state and has filed a copy of his appointment with the secretary of state (, OR TO THE NOMINEE OR NOMINEES OF SUCH CONSUL OR REPRESENTATIVE). (IF NO SUCH CONSUL OR REPRESENTATIVE EXISTS, THEN NOTICE SHALL BE GIVEN TO THE CHIEF DIPLOMATIC REPRESENTATIVE OF SUCH COUNTRY AT WASHINGTON, D.C. OR TO) The secretary of state (AT ST. PAUL, MINNESOTA, WHO) shall forward (THE SAME TO SUCH REPRESENTATIVE) *any notice received to the appropriate consul residing in Minnesota and on file with that office.*

Sec. 2. Minnesota Statutes 1982, section 524.3-310 is amended to read:

524.3-310 [INFORMAL APPOINTMENT PROCEEDINGS; NOTICE REQUIREMENTS.]

The moving party must give notice as described by section 524.1-401 of his intention to seek an appointment informally; (1) to any person demanding it pursuant to section 524.3-204; and (2) to any person having a prior or equal right to appointment not waived in writing and filed with the court. Notice of the appointment of the personal representative shall be given under the direction of the clerk of court by publication once a week for two consecutive weeks in a legal newspaper in the county where the application is filed and by mailing a copy of the notice by ordinary first class mail to all interested persons, other than creditors. The notice, in the form prescribed by court rule, shall state that any heir, devisee or other interested person may be entitled to appointment as personal representative or may object to the appointment of the personal representative and that the personal representative is empowered to fully administer the estate including, after 30 days from the date of issuance of his letters, the power to sell, encumber, lease or distribute real estate, unless objections thereto are filed with the court (pursuant to section 524.3-607) and the court otherwise orders. Further, if the decedent was born in a foreign country or left heirs or devisees in any foreign country, notice shall be given to the consul or other representative of such country, if he resides in this state and has filed a copy of his appointment with the secretary of state (, OR TO THE NOMINEE OR NOMINEES OF SUCH CONSUL OR REPRESENTATIVE). (IF NO SUCH CONSUL OR REPRESENTATIVE EXISTS, THEN NOTICE SHALL BE GIVEN TO THE CHIEF DIPLOMATIC REPRESENTATIVE OF SUCH COUNTRY AT WASHINGTON, D.C. OR TO) The secretary of state (AT ST. PAUL, MINNESOTA, WHO) shall forward (THE SAME TO SUCH REPRESENTATIVE) *any notice received to the appropriate consul residing in Minnesota and on file with that office.* No defect in any notice nor in publication or service thereof shall limit or affect the validity of the appointment of the personal representative, his powers or other duties."

Renumber the remaining section

Amend the title as follows:

Page 1, line 5, delete "section" and insert "sections 524.3-306; 524.3-310; and"

With the recommendation that when so amended the bill pass.

The report was adopted.

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

S. F. No. 2083, A resolution memorializing the Administrator of General Services of the United States of the development of a permanent operation plan for the distribution of federal surplus property.

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

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 49, 100, 361, 1069, 1264, 1303, 1376, 1402, 1588, 1678, 1689, 1837, 1900, 1964, 2021, 2039, 2134, 2183 and 2189 were read for the second time.

SECOND READING OF SENATE BILLS

S. F. Nos. 2076, 1931, 1790, 1859, 1867, 1789, 1589, 1853, 1815, 1794, 1466, 1112, 1546, 1954, 1504, 1973, 1702, 1477, 531, 1562 and 2083 were read for the second time.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

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

H. F. No. 2016, A bill for an act relating to taxation; repealing the income tax surtax; modifying the designation of enterprise zones; increasing the funding for enterprise zones; modifying the definition of political party under the political contribution credit; providing an income tax credit for conservation tillage farm equipment; eliminating racehorses from the farm loss modification; permitting certain net operating loss carry-backs; permitting deduction of certain foreign taxes paid; allowing deduction of foreign dividends and royalties; modifying the definition of apportionment factors; restricting tax exemptions for redevelopment companies; changing the computation of the school agricultural credit retroactive to taxes payable in 1984 in certain cases; modifying the maximum targeting credit for payable 1984; providing a targeting credit for payable 1985; changing computation of certain local government aid payments; directing the department of revenue to issue guidelines on certain topics; instructing the commissioner to determine production value ratio; authorizing certain additional levies in coun-

ties; modifying the use of the sales ratio study as evidence in court; changing the methodology of the sales ratio study; changing certain property tax appeal procedures; imposing requirements for disaster relief credits; increasing agricultural aid to certain property; modifying the homestead credit provisions for certain property and providing refunds; changing the classification ratio maximum value on commercial and industrial property; limiting the property tax exemption for certain projects; repealing the exemption for franchise and special taxes and fees for certain projects; modifying the property tax refund with respect to certain claims; repealing rent capitalization; changing the estate tax; allowing the commissioner more discretion in valuing railroad property; providing for equalization of railroad valuations; authorizing the Ramsey-Washington metro watershed district to establish a maintenance and repair fund and levy taxes; creating the Croft historical park board; authorizing the board to levy taxes; authorizing the city of Cloquet to levy taxes for certain transit expenses; authorizing the conveyance of certain land in St. Louis County; clarifying the application of the mortgage registry tax to revolving lines of credit; changing the procedures for refunds of the motor fuels tax; reducing the sales tax rate for purchases of capital equipment and manufactured housing; exempting agricultural electricity, residential hot water district heating, and used manufactured housing from the sales tax; exempting certain sales by nonprofit organizations from the sales tax; exempting residential district heating from the St. Paul franchise tax; repealing the accelerated payment of sales tax; transferring motor vehicle excise tax proceeds to the highway user and transit funds; providing for the priority of certain liens securing revolving lines of credit; increasing the interest rate on state tax refunds; appropriating money; amending Minnesota Statutes 1982, sections 10A.31, subdivisions 3a and 5; 124.2131, subdivision 1; 270.80, subdivision 4; 270.84, subdivision 1; 270.86; 270.87; 270A.07, subdivision 5; 271.01, subdivision 5; 271.06, subdivision 6; 271.12; 273.123, by adding subdivisions; 273.13, subdivisions 9 and 19; 287.05, by adding subdivisions; 290.01, subdivision 20e; 290.06, by adding a subdivision; 290.19, subdivision 1a; 290.21, by adding a subdivision; 290.92, subdivision 11; 290.936; 290A.04, by adding a subdivision; 290A.07, subdivision 2a; 291.075; 291.09, subdivision 1a; 291.132, subdivision 2; 291.18; 291.215, subdivision 1; 294.09, subdivision 1; 296.18, subdivisions 3 and 8; 297A.01, by adding subdivisions; 297A.15, by adding a subdivision; 297B.035, subdivision 3; 298.09, subdivision 4; 299.05; 462.651, subdivision 1, and by adding a subdivision; and 477A.13; Minnesota Statutes 1983 Supplement, sections 16A.15, subdivision 6; 124.2137, subdivision 1; 273.11, subdivision 1; 273.13, subdivisions 6 and 21; 273.1314, subdivisions 6, 8, and 15; 278.01, subdivision 1; 278.05, subdivision 4; 290.06, subdivision 11; 290.09, subdivision 29; 290.18, subdivision 2; 290.21, subdivision 4; 290.50, subdivision 1; 290.92, subdivision 13; 290.93, subdivision 9; 290A.03, subdivisions 8 and 13; 290A.04, subdivision 2e, and by adding a subdivision; 290A.05; 290A.07, subdivision 3; 291.005, subdivision 1; 291.03, subdivision 1; 291.09, subdivision

3a; 296.14, subdivision 4; 296.18, subdivision 1; 297A.02, subdivision 2, and by adding a subdivision; 297A.14; 297A.25, subdivision 1; 297A.27, subdivision 1; 297A.35, subdivision 1; 297B.09; and 477A.013, subdivision 1; Laws 1979, chapter 189, section 2; proposing new law coded in Minnesota Statutes, chapters 270, 507 and 508; repealing Minnesota Statutes 1982, sections 270.90; 291.015; 291.03, subdivisions 3, 4, 5, 6, and 7; 291.05; 291.051; 291.06; 291.065; 291.07; 291.08; 291.09, subdivision 5; 291.111; and 462.651, subdivision 2; Minnesota Statutes 1983 Supplement, sections 273.11, subdivision 7; 290.06, subdivisions 2e and 13; 297A.275; and 462.651, subdivision 3; and Laws 1983, chapter 342, article 1, section 8.

PATRICK E. FLAHAVEN, Secretary of the Senate

Tomlinson moved that the House refuse to concur in the Senate amendments to H. F. No. 2016, that the Speaker appoint a Conference Committee of 5 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses. The motion prevailed.

Mr. Speaker:

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

H. F. No. 1393, A bill for an act relating to education; providing for aids to education, tax levies, and the distribution of tax revenues; modifying the foundation aid formula; granting certain powers and duties to school boards, school districts, the state board of education, the commissioner of education, the department of education, the state board of vocational-technical education, the state director of vocational-technical education, the higher education coordinating board, and others; providing for an equalized summer school aid and levy; increasing the community education aid and levy; modifying the vocational instructional aid payment formula; establishing a schools of excellence program; requiring an arts education study; expanding in-service and instructional effectiveness training programs; improving the planning, evaluation, and reporting process; establishing assessment programs; establishing a research and development grant program; appropriating money; amending Minnesota Statutes 1982, sections 121.908, by adding a subdivision; 121.935, subdivisions 2 and 6; 121.936, subdivision 1; 122.532, by adding a subdivision; 123.36, subdivision 10; 123.74; 123.741, as amended; 123.742, as amended; 124.19, by adding a subdivision; 124.20; 124.201, subdivision 1; 124.214, subdivision 1; 124.565, subdivision 7; 136A.02, subdivision 6; 275.125, by adding subdivisions; 465.721; 471.61, subdivisions 1 and 2a; Minnesota Statutes 1983 Supplement, sections 120.17, subdivi-

sion 3b; 121.601; 121.608; 121.609; 121.904, subdivision 4a; 123.36, subdivision 13; 123.743; 124.155, subdivision 1; 124.195, subdivisions 1, 9, and 10; 124.201, subdivisions 2, 4, and 5; 124.2122; 124.2126, subdivision 3; 124.2138; 124.271, subdivision 2b; 124.5615, subdivision 5; 124.5629; 124A.06, subdivision 1; 124A.12, subdivision 1; 124A.14, subdivision 1; 124A.16, subdivision 4; 125.032, subdivision 2; 129B.32, subdivision 3; 129B.36, by adding a subdivision; 136C.04, by adding a subdivision; 275.125, subdivisions 2e, 2k, 8, 8a, 9b, 11a, and 11c; 298.28, subdivision 1; 466.06; 475.61, subdivision 3; Laws 1976, chapter 20, section 5, subdivision 1; Laws 1983, chapter 314, article 6, section 34, subdivision 12; article 7, section 45; article 8, section 23; and article 9, section 14, subdivision 3; proposing new law coded in Minnesota Statutes, chapters 121, 123, 124, and 136C; repealing Minnesota Statutes 1982, sections 124.201, as amended; 124.32, subdivisions 1a, 1e, and 2a; 125.60, subdivision 2a; and 275.125, subdivision 2g; and Minnesota Statutes 1983 Supplement, sections 124.32, subdivision 5a; and 275.125, subdivisions 2i and 2j.

PATRICK E. FLAHAVEN, Secretary of the Senate

Nelson, K., moved that the House refuse to concur in the Senate amendments to H. F. No. 1393, that the Speaker appoint a Conference Committee of 5 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses. The motion prevailed.

Mr. Speaker:

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

H. F. No. 1814, A bill for an act relating to taxation; clarifying certain property tax credit provisions; providing that amounts to pay certain certificates are a special levy; providing for deduction of taconite aids from levy limit base; simplifying iron ore valuation hearing requirements; altering the process for determining flexible homestead brackets; allowing for the rounding of amounts of special assessments on tax statements; changing the date for the issuance of warrants for delinquent personal property taxes; providing for additional administrative procedures for cigarette tax collection; requiring annual payment of occupation taxes; changing payment method for production taxes; adopting certain procedures relating to liquor tax collections; authorizing county treasurers to charge for dishonored checks; amending Minnesota Statutes 1982, sections 273.1104, subdivision 2; 277.03; 298.09, subdivision 2; 298.27; 298.282, subdivision 3; 340.601; Minnesota Statutes 1983 Supplement, sections 124.2137, subdivision 1; 273.13, subdivision 7; 273.1311;

273.1315; 275.50, subdivision 5; 275.51, subdivision 3i; and 276.04; proposing new law coded in Minnesota Statutes, chapters 297; 340; and 385; repealing Minnesota Statutes 1982, sections 298.045; 298.046; 298.047; and 298.048.

PATRICK E. FLAHAVEN, Secretary of the Senate

Osthoff moved that the House refuse to concur in the Senate amendments to H. F. No. 1814, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses. The motion prevailed.

Mr. Speaker:

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

S. F. Nos. 1258, 1849, 1891 and 1986.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

S. F. No. 1330.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

S. F. No. 1452.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

S. F. No. 1762.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 1258, A bill for an act relating to the environment; requiring an agreement between the state and federal government prior to test drilling of geologic structures for disposal of high level radioactive waste and notification of results; regulating transportation of high level radioactive waste in the state; providing penalties; regulating nuclear fission electric generating plants in Minnesota; amending Minnesota Statutes 1982, section 116C.71, by adding subdivisions; and 116C.74; proposing new law coded in Minnesota Statutes, chapters 116C and 216B.

The bill was read for the first time.

Clark, K., moved that S. F. No. 1258 and H. F. No. 1292, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1849, A bill for an act relating to crimes; prohibiting the purchase or sale of human organs; amending Minnesota Statutes 1982, section 145.422, subdivision 3.

The bill was read for the first time.

Clawson moved that S. F. No. 1849 and H. F. No. 2245, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1891, A bill for an act relating to public employees; providing standards for certain disciplinary actions; amending Minnesota Statutes 1982, section 43A.33, by adding a subdivision.

The bill was read for the first time.

Greenfield moved that S. F. No. 1891 and H. F. No. 1987, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1986, A bill for an act relating to public employment labor relations; recodifying the public employment labor relations act; proposing new law coded as Minnesota Statutes, chapter 179A; repealing Minnesota Statutes 1982, sections 179.61 to 179.76, as amended.

The bill was read for the first time.

Simoneau moved that S. F. No. 1986 and H. F. No. 2160, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1330, A bill for an act relating to landlords and tenants; providing for recovery by the tenant from the landlord of damages and attorney's fees for unlawful ouster or exclusion from residential premises; proposing new law coded in Minnesota Statutes, chapter 504.

The bill was read for the first time.

Olsen moved that S. F. No. 1330 and H. F. No. 1837, now on Technical General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1452, A bill for an act relating to trusts; eliminating the requirement of qualifying trustees in certain cases; amending Minnesota Statutes 1982, section 524.3-913.

The bill was read for the first time.

Ellingson moved that S. F. No. 1452 and H. F. No. 1964, now on Technical General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1762, A bill for an act relating to the human rights department; prohibiting waiver of legal rights; changing the statute of limitations; providing sanctions for intentional delays; permitting award of attorney fees in administrative hearings; changing damage awards; amending Minnesota Statutes 1982, sections 363.06, subdivision 3; 363.071, by adding a subdivision; 363.116; 363.14, subdivisions 1 and 2; Minnesota Statutes 1983 Supplement, sections 363.06, subdivision 4; 363.071, subdivision 2; and 363.072, subdivision 1; proposing new law coded in chapter 363.

The bill was read for the first time.

Clark, K., moved that S. F. No. 1762 and H. F. No. 1602, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

ANNOUNCEMENT BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 1393:

Nelson, K.; McEachern; Anderson, B.; Levi and Schafer.

REPORT FROM THE COMMITTEE ON RULES AND LEGISLATIVE ADMINISTRATION

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

House Resolution No. 28, A house resolution congratulating George Nelson for his participation in the latest Challenger space shuttle mission.

Reported the same back with the recommendation that the resolution be adopted.

The report was adopted.

HOUSE RESOLUTION NO. 28

A house resolution congratulating George Nelson for his participation in the latest Challenger space shuttle mission.

Whereas, George Nelson, a native of Willmar, Minnesota, is participating in the latest Challenger space shuttle mission as a mission specialist; and

Whereas, his duty will be the first attempt at retrieval and repair of an orbiting satellite; and

Whereas, all Minnesotans are enthusiastic about the Challenger space program not only for its daring but because of its scientific and economic benefits; and

Whereas, all Minnesotans are proud of George Nelson as its first native son to venture into the frontier of space; *Now Therefore*

Be it resolved by the House of Representatives of the State of Minnesota that it congratulates George Nelson for his participation in the Challenger space shuttle mission. It wishes him well now and in the future.

Be it further resolved that the Chief Clerk of the House of Representatives is directed to prepare an enrolled copy of this resolution, to be authenticated by his signature and that of the Speaker, and that it be presented to George Nelson.

Welle moved that House Resolution No. 28 be now adopted. The motion prevailed and House Resolution No. 28 was adopted.

CONSENT CALENDAR

H. F. No. 2301 was reported to the House.

Osthoff moved that H. F. No. 2301 be returned to the top of General Orders. The motion prevailed.

H. F. No. 2148 was reported to the House.

Blatz moved to amend H. F. No. 2148, the first engrossment, as follows:

Page 1, after line 21, insert:

"Sec. 2. [62A.046] [COORDINATION OF BENEFITS.]

(1) No group contract providing coverage for hospital and medical treatment or expenses issued or renewed after August 1, 1984, which is responsible for secondary coverage for services provided, may deny coverage or payment of the amount it owes as a secondary payor solely on the basis of the failure of another group contract, which is responsible for primary coverage, to pay for those services.

(2) A group contract which provides coverage of a claimant as a dependent of a parent who has legal responsibility for the dependent's medical care but who does not have custody of the dependent must, upon request of the custodial parent, make payments directly to the provider of care. In such cases, liability to the insured is satisfied to the extent of benefit payments made to the provider.

(3) This section applies to an insurer, a vendor of risk management services regulated under section 60A.23, a nonprofit health service plan corporation regulated under chapter 62C and a health maintenance organization regulated under chapter 62D. Nothing in this section shall require a secondary payor to pay the obligations of the primary payor nor shall it prevent the recovery of liable payments from the primary payor by the secondary payor if the secondary payor elects to pay the obligations of the primary payor."

Further amend the title as follows:

Page 1, line 3, after the semicolon, insert "coordinating payments by primary and secondary health insurers;"

Page 1, line 4, delete "chapter 61A" and insert "chapters 61A and 62A"

The motion prevailed and the amendment was adopted.

H. F. No. 2148, A bill for an act relating to insurance; authorizing the use of smoker and nonsmoker mortality tables; coordinating payments by primary and secondary health insurers; proposing new law coded in Minnesota Statutes, chapters 61A and 62A.

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 0 nays as follows.

Those who voted in the affirmative were:

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

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

S. F. No. 1768, A bill for an act relating to public utilities; amending the definition of public utility; amending Minnesota Statutes 1983 Supplement, section 216B.02, subdivision 4.

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

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

The bill was passed and its title agreed to.

S. F. No. 2145, A bill for an act relating to Olmsted County; allowing contracts for solid waste management property, facilities, and services to be let without advertisement for bids.

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

The bill was passed and its title agreed to.

There being no objection the bills on the Technical Consent Calendar were now considered.

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

The bill was passed and its title agreed to.

H. F. No. 1579, A bill for an act relating to public safety; providing immunity from liability for persons who render assistance in dangerous incidents involving hazardous materials; amending Minnesota Statutes 1983 Supplement, section 604.05, subdivision 2.

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.	Bishop	Clark, K.	Ellingson	Greenfield
Anderson, G.	Blatz	Clawson	Erickson	Gruenes
Anderson, R.	Boo	Cohen	Evans	Gustafson
Battaglia	Brandl	Coleman	Findlay	Gutknecht
Beard	Brinkman	Dempsey	Fjoslien	Halberg
Begich	Carlson, D.	DenOuden	Forsythe	Haukoos
Bennett	Carlson, L.	Eken	Frerichs	Heinitz
Bergstrom	Clark, J.	Elioff	Graba	Hoffman

Hokr	Marsh	Otis	Scheid	Tomlinson
Jacobs	McDonald	Pauly	Schoenfeld	Tunheim
Jennings	McKasy	Peterson	Schreiber	Uphus
Jensen	Metzen	Piepho	Seaberg	Valan
Johnson	Minne	Piper	Segal	Valento
Kahn	Munger	Price	Shaver	Vanasek
Kalis	Murphy	Quinn	Shea	Vellenga
Kelly	Nelson, D.	Quist	Sherman	Voss
Knickerbocker	Nelson, K.	Redalen	Simoneau	Waltman
Kostohryz	Neuenschwander	Reif	Skoglund	Welch
Krueger	Norton	Rice	Solberg	Welker
Kvam	O'Connor	Rodriguez, C.	Sparby	Welle
Larsen	Ogren	Rodriguez, F.	Stadum	Wenzel
Levi	Olsen	Rose	Staten	Wigley
Long	Omann	St. Onge	Sviggum	Wynia
Ludeman	Onnen	Sarna	Swanson	Zaffke
Mann	Osthoff	Schafer	Thiede	Speaker Sieben

The bill was passed and its title agreed to.

H. F. No. 1806 was reported to the House.

Elioff moved to amend H. F. No. 1806, the second engrossment, as follows:

Page 6, line 25, delete "interview"

The motion prevailed and the amendment was adopted.

H. F. No. 1806, A bill for an act relating to public welfare; amending the reporting of maltreatment of minors act; clarifying the roles of law enforcement and local welfare agencies; requiring law enforcement agencies to follow certain procedures when interviewing minors on school property; clarifying language; amending Minnesota Statutes 1982, section 626.556, subdivisions 3 and 11; amending Minnesota Statutes 1983 Supplement, section 626.556, subdivisions 1, 2, 4, and 10.

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 124 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Brinkman	Eken	Gruenes	Johnson
Anderson, G.	Carlson, D.	Elioff	Gustafson	Kahn
Anderson, R.	Carlson, L.	Ellingson	Gutknecht	Kalis
Battaglia	Clark, J.	Erickson	Halberg	Kelly
Beard	Clark, K.	Evans	Haukoos	Knickerbocker
Begich	Clawson	Findlay	Heinitz	Kostohryz
Bennett	Cohen	Fjoslien	Hoffman	Krueger
Bergstrom	Coleman	Forsythe	Hokr	Kvam
Bishop	Dempsey	Frerichs	Jacobs	Larsen
Blatz	DenOuden	Graba	Jennings	Levi
Boo	Dimler	Greenfield	Jensen	Long

Ludeman	O'Connor	Rice	Shea	Valento
Mann	Ogren	Riveness	Sherman	Vanasek
Marsh	Olsen	Rodriguez, C.	Simoneau	Vellenga
McDonald	Omann	Rodriguez, F.	Skoglund	Voss
McEachern	Onnen	Rose	Sparby	Waltman
McKasy	Osthoff	St. Onge	Stadum	Welch
Metzen	Otis	Sarna	Staten	Welker
Minne	Pauly	Schafer	Sviggunn	Welle
Munger	Peterson	Scheid	Swanson	Wenzel
Murphy	Piepho	Schoenfeld	Thiede	Wigley
Nelson, D.	Piper	Schreiber	Tomlinson	Wynia
Nelson, K.	Price	Seaberg	Tunheim	Zaffke
Neuenschwander	Quist	Segal	Uphus	Speaker Sieben
Norton	Redalen	Shaver	Valan	

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

H. F. No. 1950, A bill for an act relating to discrimination; authorizing a woman to use a current or former surname for purposes of credit or business; prohibiting discrimination on the basis of use of a current or former surname; amending Minnesota Statutes 1982, section 363.03, subdivision 8, and by adding a subdivision; proposing new law coded in Minnesota Statutes, chapter 325G.

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

The bill was passed and its title agreed to.

S. F. No. 1454, A bill for an act relating to public welfare; authorizing the commissioner to enter into interstate adoption compacts; establishing procedures for interstate assistance payments; amending Minnesota Statutes 1983 Supplement, section 256B.06, subdivision 1; proposing new law coded in Minnesota Statutes, chapter 259.

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

The bill was passed and its title agreed to.

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

RECESS

RECONVENED

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

There being no objection the order of business reverted to Introduction and First Reading of House Bills.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Johnson introduced:

H. F. No. 2329, A bill for an act relating to probate; allowing a minor to be a donor for purposes of the Uniform Anatomical Gift Act; amending Minnesota Statutes 1982, sections 525.922, subdivision 1; and 525.924, by adding a subdivision.

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

Brandl, Simoneau, Battaglia and Schreiber introduced:

H. F. No. 2330, A bill for an act proposing an amendment to the Minnesota Constitution, article IV, section 4; changing the terms of representatives to four years.

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

HOUSE ADVISORIES

The following House Advisory was introduced:

Olsen; Clark, J.; Forsythe; Vanasek and Hokr introduced:

H. A. No. 61, A proposal for the House Judiciary Committee to study the role of alcohol in violence.

The advisory was referred to the Committee on Judiciary.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

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

H. F. No. 1381, A bill for an act relating to the city of Caledonia; providing for the appointment of members to the library board; authorizing terms of service.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

S. F. No. 1740.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 1740, A bill for an act relating to public safety; providing immunity from liability for persons who render assistance in dangerous incidents involving hazardous materials; amending Minnesota Statutes 1983 Supplement, section 604.05, subdivision 2.

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, Battaglia moved that the rule therein be suspended and an urgency be declared so that S. F. No. 1740 be given its second and third readings and be placed upon its final passage. The motion prevailed.

Battaglia moved that the rules of the House be so far suspended that S. F. No. 1740 be given its second and third readings and be placed upon its final passage. The motion prevailed.

S. F. No. 1740 was read for the second time.

S. F. No. 1740, A bill for an act relating to public safety; providing immunity from liability for persons who render assistance in dangerous incidents involving hazardous materials; amending Minnesota Statutes 1983 Supplement, section 604.05, subdivision 2.

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 0 nays as follows:

Those who voted in the affirmative were:

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

Elioff	Johnson	Metzen	Riveness	Swanson
Ellingson	Kahn	Munger	Rodriguez, C.	Thiede
Erickson	Kalis	Murphy	Rodriguez, F.	Tomlinson
Evans	Kelly	Nelson, D.	Rose	Tunheim
Findlay	Knickerbocker	Nelson, K.	St. Onge	Uphus
Fjoslien	Knuth	Neuenschwander	Sarna	Valan
Forsythe	Kostohryz	O'Connor	Schafer	Valento
Frerichs	Krueger	Ogren	Schoenfeld	Vanasek
Graba	Kvam	Olsen	Seaberg	Vellenga
Greenfield	Larsen	Onnen	Segal	Voss
Gruenes	Levi	Otis	Shaver	Waltman
Gustafson	Long	Pauly	Sherman	Welch
Gutknecht	Ludeman	Piepho	Simoneau	Welker
Haukoos	Mann	Piper	Skoglund	Welle
Heinitz	Marsh	Price	Solberg	Wenzel
Hoffman	McDonald	Quist	Sparby	Wigley
Jacobs	McEachern	Redalen	Staten	Zaffke
Jensen	McKasy	Rice	Sviggum	Speaker Sieben

The bill was passed and its title agreed to.

CONSIDERATION UNDER RULE 1.10

Pursuant to rule 1.10, Tomlinson requested immediate consideration of H. F. Nos. 1680 and 2009; S. F. No. 1196; and H. F. Nos. 600, 1454, 1721, 1846, 2122 and 1373.

H. F. No. 1680 was reported to the House.

Redalen and Metzen moved to amend H. F. No. 1680, the first engrossment, as follows:

Page 1, line 12, strike "horse"

Page 2, delete lines 11 to 16 and insert:

"Sec. 2. Minnesota Statutes 1983 Supplement, section 290.92, subdivision 28, is amended to read:

Subd. 28. Any holder of a class A or B license issued by the Minnesota (HORSE) racing commission who makes a payment to a holder of a class C license issued by the commission, (OR WHO PAYS) *except* an amount *paid* as a purse, shall deduct from the payment and withhold seven percent of the amount as Minnesota withholding tax when the amount paid to that individual during the calendar year exceeds (\$200) \$600. For purposes of the provisions of this section, a payment to any person which is subject to withholding under this subdivision must be treated as if the payment was a wage paid by an employer to an employee. Every individual who is to receive a payment which is subject to withholding under this subdivision shall furnish the license holder with a statement, made under the penalties of perjury, containing the name, address, and social security account number of the person receiving the payment. No withhold-

ing is required if the individual presents a signed certificate from his employer which states that the individual is an employee of that employer. A nonresident individual who holds a class C license must be treated as an athlete for purposes of applying the provisions of sections 290.17, subdivision 2(1)(b)(ii) and 290.92, subdivision 4a.

Sec. 3. Minnesota Statutes 1982, section 290.61, is amended to read:

290.61 [PUBLICITY OF RETURNS, INFORMATION.]

It shall be unlawful for the commissioner or any other public official or employee to divulge or otherwise make known in any manner any particulars set forth or disclosed in any report or return required by this chapter, or any information concerning the taxpayer's affairs acquired from his or its records, officers, or employees while examining or auditing any taxpayer's liability for taxes imposed hereunder, except in connection with a proceeding involving taxes due under this chapter from the taxpayer making such return or to comply with the provisions of sections 290.612 and 302A.821. The commissioner may furnish a copy of any taxpayer's return to any official of the United States or of any state having duties to perform in respect to the assessment or collection of any tax imposed upon or measured by income, if such taxpayer is required by the laws of the United States or of such state to make a return therein. The commissioner may disclose information from withholding tax returns received from the taxpayer to the Minnesota department of economic security for purposes of auditing unemployment tax. Prior to the release of any information to any official of the United States or any other state or the department of economic security under the provisions of this section, the person to whom the information is to be released shall sign an agreement which provides that he will protect the confidentiality of the returns and information revealed thereby to the extent that it is protected under the laws of the state of Minnesota. The commissioner and all other public officials and employees shall keep and maintain the same secrecy in respect to any information furnished by any department, commission, or official of the United States or of any other state in respect to the income of any person as is required by this section in respect to information concerning the affairs of taxpayers under this chapter. Nothing herein contained shall be construed to prohibit the commissioner from publishing statistics so classified as not to disclose the identity of particular returns or reports and the items thereof. Upon request of a majority of the members of the senate tax committee or of the house tax committee or the tax study commission, the commissioner shall furnish abstracted financial information to those committees for research purposes from returns or reports filed pursuant to this chapter, provided that he shall not disclose the name, address, social security number, business identification number or any other item of information associated with any return or report which the commissioner believes is likely to identify the tax-

payer. The commissioner shall not furnish the actual return, or a portion thereof, or a reproduction or copy of any return or portion thereof. "Abstracted financial information" means only the dollar amounts set forth on each line on the form including the filing status.

Any person violating the provisions of this section shall be guilty of a gross misdemeanor.

In order to locate the named payee on state warrants issued pursuant to this chapter or chapter 290A and undeliverable by the United States postal service, the commissioner may publish in any English language newspaper of general circulation in this state a list of the name and last known address of the payee as shown on the reports or returns filed with the commissioner. The commissioner may exclude the names of payees whose refunds are in an amount which is less than a minimal amount to be determined by the commissioner. The published list shall not contain any particulars set forth on any report or return. The publication shall include instructions on claiming the warrants.

An employee of the department of revenue may, in connection with his official duties relating to any audit, collection activity, or civil or criminal tax investigation or any other offense under this chapter, disclose return information to the extent that such disclosure is necessary in obtaining information, which is not otherwise reasonably available, with respect to the correct determination of tax, liability for tax, or the amount to be collected or with respect to the enforcement of any other provision of this chapter.

In order to facilitate processing of returns and payments of taxes required by this chapter, the commissioner may contract with outside vendors and may disclose private and nonpublic data to the vendor. The data disclosed will be administered by the vendor consistent with this section.

Information from a tax return required under this chapter on a license holder or an owner of a horse may be provided by the commissioner to the Minnesota racing commission.

Sec. 4. [EFFECTIVE DATE.]

This act is effective the day following final enactment."

Amend the title as follows:

Page 1, line 4, delete "subdivision 27; repealing" and insert "subdivisions 27 and 28; and Minnesota Statutes 1982, section 290.61."

Delete lines 5 and 6

The motion prevailed and the amendment was adopted.

H. F. No. 1680, A bill for an act relating to taxation; income; changing withholding on pari-mutuel winnings; amending Minnesota Statutes 1983 Supplement, section 290.92, subdivisions 27 and 28; and Minnesota Statutes 1982, section 290.16.

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 106 yeas and 4 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Coleman DenOuden Skoglund Thiede

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

H. F. No. 2009, A bill for an act relating to taxation; modifying and clarifying the small business investment credits; amending Minnesota Statutes 1983 Supplement, section 290.069, subdivisions 1, 2, 4, 5, and by adding subdivisions.

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

The question was taken on the passage of the bill and the roll was called. There were 117 yeas and 1 nay as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Welker

The bill was passed and its title agreed to.

S. F. No. 1196, A bill for an act relating to taxation; providing a temporary sales tax exemption for sales by community service organizations.

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

The question was taken on the passage of the bill and the roll was called. There were 117 yeas and 1 nay as follows:

Those who voted in the affirmative were:

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

Price	Rose	Simoneau	Tomlinson	Welle
Quinn	St. Onge	Skoglund	Tunheim	Wenzel
Quist	Sarna	Solberg	Uphus	Wigley
Redalen	Schoenfeld	Sparby	Valan	Zaffke
Reif	Seaberg	Staten	Valento	Speaker Sieben
Riveness	Segal	Swiggum	Vanasek	
Rodriguez, C.	Shea	Swanson	Waltman	
Rodriguez, F.	Sherman	Thiede	Welch	

Those who voted in the negative were:

DenOuden

The bill was passed and its title agreed to.

H. F. No. 600, A bill for an act relating to state income tax refunds; requiring proper notice before the state can collect debts by taking tax refunds; amending Minnesota Statutes 1982, sections 270A.04, subdivision 2; and 270A.08, subdivisions 1 and 2.

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 122 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

H. F. No. 1454, A bill for an act relating to taxation; providing for timely payment of certain withholding income taxes; amend-

ing Minnesota Statutes 1983 Supplement, section 290.92, subdivision 6.

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

The bill was passed and its title agreed to.

H. F. No. 1721, A bill for an act relating to real property; providing notice of certain tax-forfeited land sales; proposing new law coded in Minnesota Statutes, chapter 282.

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.	Bergstrom	Carlson, L.	DenOuden	Fjoslien
Anderson, G.	Bishop	Clark, J.	Dimler	Forsythe
Anderson, R.	Blatz	Clark, K.	Eken	Frerichs
Battaglia	Boo	Clawson	Elioff	Graba
Beard	Brandl	Cohen	Ellingson	Greenfield
Begich	Burger	Coleman	Evans	Gruenes
Bennett	Carlson, D.	Dempsey	Findlay	Gustafson

Gutknecht	Larsen	Ogren	Rodriguez, C.	Sviggum
Halberg	Levi	Olsen	Rodriguez, F.	Swanson
Haukoos	Long	Omann	Rose	Thiede
Heinitz	Ludeman	Onnen	St. Onge	Tomlinson
Himle	Mann	Osthoff	Sarna	Tunheim
Hoffman	Marsh	Otis	Schafer	Uphus
Hokr	McDonald	Pauly	Scheid	Valento
Jacobs	McEachern	Peterson	Schoenfeld	Vanasek
Jennings	McKasy	Piepho	Schreiber	Vellenga
Jensen	Metzen	Piper	Seaberg	Waltman
Kahn	Minne	Price	Segal	Welch
Kelly	Munger	Quinn	Sherman	Welker
Knickerbocker	Murphy	Quist	Simoneau	Welle
Knuth	Nelson, D.	Redalen	Skoglund	Wenzel
Kostohryz	Neuenschwander	Reif	Solberg	Wigley
Krueger	Norton	Rice	Sparby	Wynia
Kvam	O'Connor	Riveness	Staten	Zaffke

The bill was passed and its title agreed to.

H. F. No. 1846, A bill for an act relating to taxation; authorizing use of proceeds of the taconite occupation tax for economic development loans to businesses; amending Minnesota Statutes 1982, section 298.17.

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

The question was taken on the passage of the bill and the roll was called. There were 117 yeas and 3 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Ludeman	Welker	Zaffke
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The bill was passed and its title agreed to.

H. F. No. 2122, A bill for an act relating to local government; providing for the distribution of certain federal payments in lieu of property taxes; proposing new law coded in Minnesota Statutes, chapter 471.

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

The bill was passed and its title agreed to.

H. F. No. 1373 was reported to the House.

Ogren moved to amend H. F. No. 1373, the second engrossment, as follows:

Page 2, line 8, after the period insert "A negotiated contract or agreement between a vendor and a state agency which requires an audit by the state agency prior to acceptance and payment of the vendor's invoice shall not be considered past due until 30 days after the completion of the audit by the state agency."

The motion prevailed and the amendment was adopted.

H. F. No. 1373, A bill for an act relating to commerce; requiring state agencies to make prompt payment for the purchase

or lease of goods and services; requiring agencies to pay interest penalties on late payments; proposing new law coded in Minnesota Statutes, chapter 16A.

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

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

Those who voted in the affirmative were:

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

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

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

REPORTS OF STANDING COMMITTEES

Rice from the Committee on Appropriations to which was referred:

H. F. No. 688, A bill for an act relating to natural resources; requiring tire collectors and tire processors to obtain a permit; declaring tire dumps a nuisance and providing for abatement; prohibiting land disposal of waste tires; requiring counties to include waste tire collection and processing in their plans; authorizing certain studies; appropriating money; amending Minnesota Statutes 1982, sections 116J.88, by adding a subdivision; 116J.90, by adding a subdivision; and Minnesota Statutes 1983

Supplement, section 116J.91, subdivision 4; proposing new law coded in Minnesota Statutes, chapter 115A.

Reported the same back with the following amendments:

Page 3, after line 32, insert:

"Sec. 5. [161.243] [TRANSFER FEE.]

Subdivision 1. [FEE IMPOSED.] A fee of \$4 is imposed on the initial sale and each subsequent transfer of title within the state, other than transfers for resale purposes, of every motor vehicle weighing more than 1,000 pounds. The fee shall be collected by the motor vehicle registrar. Registration plates or certificates may not be issued by the motor vehicle registrar for the ownership or operation of a motor vehicle subject to the transfer fee unless the fee is paid. The fee is not imposed on the transfer of:

- (1) a motor vehicle that is five years of age or older;*
- (2) a previously registered vehicle if the transfer is to the same person;*
- (3) vehicles subject to the conditions specified in section 297A.25, subdivision 1, clause (j);*
- (4) common carrier vehicles engaged in interstate commerce, licensed and operating under interstate commerce commission requirements; and*
- (5) vehicles purchased in another state by a resident of another state if the purchaser is transferring title to this state and has become a resident of this state after the purchase and more than 60 days have elapsed after the date of purchase.*

Subd. 2. [FEE PROCEEDS; APPROPRIATION.] The fee collected shall be deposited in the general fund of the state treasury. The legislature may annually appropriate from the general fund to the commissioner of transportation the amount necessary to pay the costs incurred under section 161.242, subdivisions 3 and 4.

Subd. 3. [FEE REPEALED.] This section is repealed July 1, 1988."

Page 4, line 28, strike "not inconsistent" and insert "consistent"

Page 6, line 2, delete "\$" and insert "\$217,000 in fiscal year 1985"

Page 6, line 4, delete "to be available until June 30, 1985"

Page 6, line 7, delete "\$" and insert "\$117,000"

Page 6, line 7, delete "9" and insert "10"

Page 6, line 9, delete "\$" and insert "\$100,000"

Page 6, delete lines 10 to 12

Page 6, line 13, delete "(4)" and insert "(3)"

Page 6, line 14, delete "\$" and insert "\$35,000"

Page 6, line 14, delete "10" and insert "11"

Page 6, line 15, before "positions" insert "three"

Page 6, after line 15, insert:

"Subd. 2. [REPORT.] \$35,000 in fiscal year 1985 is appropriated from the general fund to the agency to conduct the study and make the report as required in section 11."

Page 6, line 16, delete "2" and insert "3"

Page 6, line 16, delete "\$" and insert "\$236,000 in fiscal year 1985"

Page 6, line 18, delete "to be available until June 30, 1985"

Page 6, line 21, delete "7" and insert "8"

Page 6, line 21, delete "\$" and insert "\$52,000"

Page 6, line 23, delete "\$" and insert "\$184,000"

Page 6, line 23, delete "6, 7, and 8" and insert "7, 8, and 9"

Page 6, after line 23, insert:

"The complement of the department of energy and economic development is increased by three positions. Two of the positions are in the unclassified service."

Page 6, line 25, after the period insert "Section 5 is effective for transfers of motor vehicles after July 31, 1984."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 13, delete "chapter 115A" and insert "chapters 115A and 161"

With the recommendation that when so amended the bill pass.

The report was adopted.

Rice from the Committee on Appropriations to which was referred:

H. F. No. 820, A bill for an act relating to recreational vehicles; requiring a three-year registration fee for three-wheel off-road vehicles; requiring safety certificates of youthful operators; prescribing penalties; appropriating funds; proposing new law coded in Minnesota Statutes, chapter 84.

Reported the same back with the following amendments:

Page 6, line 2, after the comma insert "*after notice and public hearing,*"

Page 7, delete lines 14 to 20 and insert:

"\$223,300 in fiscal year 1985 is appropriated from the general fund to the commissioner of natural resources for the purposes of this act. The complement of the department is increased by one position.

The department of natural resources is to report to the chairmen of the house appropriations and senate finance committees by January 15, 1985, detailing the portion of this appropriation spent on each of the following items: survey and inventory, gas tax study, safety training and education, and registration."

With the recommendation that when so amended the bill pass.

The report was adopted.

Rice from the Committee on Appropriations to which was referred:

H. F. No. 1237, A bill for an act relating to agriculture; establishing a program to encourage milk consumption in schools; creating a special account in the treasury; appropriating money; amending Minnesota Statutes 1982, section 290.06, by adding a subdivision; Minnesota Statutes 1983 Supplement, section 290.089, subdivision 2; and proposing new law coded in Minnesota Statutes, chapter 17.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"MINNESOTA MILK IN SCHOOLS PROGRAM

Section 1. [121.60] [MILK IN SCHOOLS PROGRAM; CITATION.]

Sections 1 to 7 may be cited as the Minnesota Milk In Schools Act.

Sec. 2. [121.61] [LEGISLATIVE FINDINGS; POLICY STATEMENT.]

The legislature finds that milk is a wholesome, nutritious, and natural product. Milk is especially important for school students to improve learning ability and promote good health. The legislature further finds that substantial cuts in federal programs to provide milk to school students at reduced cost have resulted in greatly decreased milk consumption by students, and that Minnesota's dairy farmers would benefit from increased milk consumption. It is therefore the policy of the legislature to promote milk consumption in schools through a voluntary program designed to encourage private contributions in order to make milk available to students at a reduced cost.

Sec. 3. [121.62] [MILK IN SCHOOLS PROGRAM.]

Subdivision 1. [ADMINISTRATION.] The Minnesota Milk in Schools Program created by this act shall be administered by the commissioner of education or designee. The state board of education may adopt rules and temporary rules for operation of the program. No temporary rules promulgated to initiate the program may remain in effect for more than 360 days after the effective date of this act. The Minnesota Milk In Schools Program shall be coordinated with federal milk and school lunch programs operated by the department of education.

Subd. 2. [ELIGIBLE SCHOOLS.] "Eligible schools" means public school districts and nonpublic schools which operate educational programs for students in kindergarten through grade six. Schools which are participating in the federal Special Milk Program authorized pursuant to Public Law 89-642 shall not be eligible to participate in the program established in this section.

Subd. 3. [ELIGIBLE MILK PRODUCTS.] The Minnesota Milk in Schools Program may be used to help eligible schools provide the following products to students: whole homogenized milk, "two percent" milk, skim milk, chocolate flavored milk containing not less than two percent butterfat, and any other

products that may be designated by state board rules. Eligible milk products may be delivered to eligible schools packaged in single serving containers or in larger quantities.

Subd. 4. [APPLICATION.] Beginning in the 1984-1985 school year, by August 1 of each year, any eligible school may apply to the commissioner of education on application forms provided by the department to participate in the Minnesota Milk In Schools Program and to receive aid for eligible milk products as defined in subdivision 3.

Sec. 4. [121.63] [AID PAYMENTS.]

The department of education shall pay aid to eligible schools who comply with the requirements of section 3, subdivision 4, in an amount equal to the amount raised by the school district pursuant to section 6, but not to exceed an amount of \$1.25 for each pupil unit in average daily membership in grades kindergarten to six. The school district may decide how the aid is allocated among the pupils in those grades. The department shall make an initial payment of the district's aid entitlement by August 31 of each fiscal year and the remaining amount by March 31 in the same fiscal year.

Sec. 5. [121.64] [UFARS ACCOUNT.]

The state board of education, with the advice and assistance of the uniform financial and reporting standards council, shall establish a new Minnesota Milk In Schools Program account. Funds received by the district for this program shall be deposited in this account and shall be expended only for the purposes of this program.

Sec. 6. [121.65] [ADDITIONAL FUNDING.]

Districts participating in this program may accept additional private contributions to supplement the state funding. These contributions shall be deposited in the district's fund established pursuant to section 5 and shall be treated in accordance with the provisions of section 290.089, subdivision 2, for income tax purposes.

Sec. 7. [121.66] [PROMOTION; DISSEMINATION OF INFORMATION.]

The department of education, in cooperation with the school districts, shall promote and disseminate information about the Minnesota Milk In Schools Program to school district residents.

Sec. 8. [APPROPRIATION.]

There is appropriated from the general fund to the department of education \$500,000 for the purpose of implementing sections 3 to 8.

Sec. 9. [EFFECTIVE DATE.]

Sections 1 to 7 are effective the day following final enactment."

Amend the title as follows:

Page 1, delete lines 5 to 7

Page 1, line 9, delete "17" and insert "121"

With the recommendation that when so amended the bill pass.

The report was adopted.

Rice from the Committee on Appropriations to which was referred:

H. F. No. 1315, A bill for an act relating to bicycles; allowing bicycle registrants to donate in excess of the registration fee to pay for costs of administering and publicizing the bicycle registration program and for developing bicycle education programs and recreational facilities and trails; providing criteria for fund allocation to political subdivisions; providing for reports to the legislature; providing for appointment of deputy registrars of bicycles; continuing the bicycle study review commission as the advisory committee on bikeways and bikeway safety; appropriating money; amending Minnesota Statutes 1982, sections 168C.04; 168C.11; Laws 1976, chapter 199, section 14, subdivision 1.

Reported the same back with the following amendments:

Page 1, line 22, after "3" insert "until January 1, 1985, and shall be \$5 thereafter"

Page 2, line 12, delete "1983" and insert "1984"

Page 4, line 15, after "COORDINATION" insert "AND ADVISORY COMMITTEE"

Page 4, line 17, after "\$" insert "75,000"

Page 4, line 19, before the period insert "*and for the expenses of the advisory committee on bicycling formed by the commissioner under section 3*"

Page 4, line 23, after "\$" insert "99,500"

Amend the title as follows:

Page 1, line 7, after "trails;" insert "increasing the bicycle registration fee;"

Page 1, line 12, delete "bikeways and bikeway safety" and insert "bicycling"

With the recommendation that when so amended the bill pass.

The report was adopted.

Rice from the Committee on Appropriations to which was referred:

H. F. No. 1427, A bill for an act relating to retirement; altering the investment authority for police and firefighter's relief associations; making various changes in the benefits for various retirement funds and plans; making conforming changes in benefit calculations; granting authority for the Minneapolis Teachers' Retirement Fund Association to amend its articles of incorporation; providing for a refund of increased employee contributions; amending Minnesota Statutes 1982, sections 3.082; 69.775; 352.113, subdivision 3; 352D.02, by adding a subdivision; 353.34, by adding a subdivision; 354.62, subdivision 2; 422A.18, subdivision 3; and 424.24, subdivision 2; Minnesota Statutes 1983 Supplement, sections 69.77, subdivision 2; 352.113, subdivision 2; 352.115, subdivision 8; and 356.61; Laws 1947, chapter 43, section 23, as amended; Laws 1963, chapter 643, section 20; Laws 1973, chapters 359, section 5, subdivision 2; and 432, section 4; Laws 1977, chapter 275, section 1; and Laws 1981, chapter 68, section 43; Laws 1983, chapter 301, section 225; proposing new law coded in Minnesota Statutes, chapter 423A; repealing Laws 1971, chapter 184; Laws 1973, chapter 283; Laws 1978, chapter 617; Laws 1981, chapter 224, sections 255 and 256; Laws 1982, chapter 578, article II, section 1, subdivision 7, and section 3.

Reported the same back with the following amendments:

Pages 8 and 9, delete section 7

Page 9, after line 6, insert:

"Sec. 7. Minnesota Statutes 1982, section 352.95, subdivision 1a, is amended to read:

Subd. 1a. [OPTIONAL ANNUITY ELECTION.] A disabled correctional employee may elect the normal disability benefit or an optional annuity as provided in section 352.116, subdivision 3. The election of an optional annuity shall be made prior to commencement of payment of the disability benefit and shall be effective (30 DAYS AFTER RECEIPT OF THE ELECTION OR) the date on which the disability benefit begins to accrue as provided in subdivision 3 (, WHICHEVER OCCURS LATER). Upon becoming effective, the optional annuity shall begin to accrue on the same date as provided for the disability benefit."

Page 14, after line 21, insert:

"Sec. 14. Minnesota Statutes 1982, section 490.129, is amended to read:

490.129 [BENEFITS OFFSET.]

Upon any event of maturity of benefits for any judge referred to in section 355.392, subdivision 1, clause (b), (OR FOR THE JUDGE'S SURVIVING SPOUSE OR DEPENDENT CHILDREN,) the amount payable from the judges' retirement fund shall be reduced by 75 percent of the amount of the judge's primary benefit payable upon the event of maturity of benefits under the social security act.

Upon any event of maturity of benefits for the judge's surviving spouse or dependent children under section 490.124, subdivision 9, the amount payable from the judges' retirement fund shall be based (a) on the judge's normal retirement annuity or (b) upon the event of maturity of benefits under the social security act, on the judge's normal retirement annuity after reduction by 75 percent of the amount of the judge's primary benefit under the social security act; provided that the surviving spouse or dependent children shall receive an annuity of not less than 25 percent of the judge's final average compensation."

Pages 19 and 20, delete section 22

Pages 22 and 23, delete section 28

Page 24, line 32, delete "32" and insert "31"

Page 24, line 33, delete "14 to 18, 20, 21," and insert "15 to" and delete "30" and insert "29"

Page 24, line 36, delete "19" and insert "20"

Page 25, line 2, delete "Sections 22," and insert "Section" and delete ", and 29 are" and insert "is"

Page 25, line 5, after the period insert "*The repeal of Laws 1982, chapter 578, article II, section 1, subdivision 1, and section 3, is effective July 1, 1984. The change in calculations of survivors' benefits under the judges retirement and survivors' annuities law is retroactive to January 1, 1983.*"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 6, delete "granting"

Page 1, delete lines 7, 8, and 9

Page 1, line 10, delete "employee contributions;"

Page 1, line 11, after the final semicolon, insert "352.95, subdivision 1a;"

Page 1, line 12, delete everything before "353.34,"

Page 1, line 14, after the first semicolon, delete "and" and after the final semicolon insert "and 490.129;"

Page 1, lines 21 and 22, delete "Laws 1983, chapter 301, section 225;"

With the recommendation that when so amended the bill pass.

The report was adopted.

Rice from the Committee on Appropriations to which was referred:

H. F. No. 1577, A bill for an act relating to solid and hazardous waste management; amending various provisions of the waste management act; prescribing various powers and duties of the waste management board and the pollution control agency relating to hazardous waste management planning and the development of hazardous waste facilities; establishing programs for public education, technical and research assistance to generators, and grants for hazardous waste reduction and processing and collection facilities; requiring requests for proposals for hazardous waste processing and collection facilities; authorizing hazardous waste processing facility loans; prescribing procedures for the designation of solid waste facilities by counties and waste management districts; reducing the number of proposed sites in certain metropolitan counties for mixed municipal solid waste disposal facilities; amending various provisions re-

lating to county and metropolitan solid waste management; appropriating money; amending Minnesota Statutes 1982, sections 115A.03, subdivisions 1 and 28; 115A.06, by adding a subdivision; 115A.08, by adding a subdivision; 115A.09, by adding a subdivision; 115A.11; 115A.18; 115A.24; 115A.241; 115A.46, subdivisions 1 and 2; 115A.70, by adding a subdivision; 116.07, by adding subdivisions; 116J.88, by adding a subdivision; 400.04, subdivision 3, and by adding a subdivision; 400.162; 473.181, subdivision 4; 473.803, subdivisions 2, 3, and by adding a subdivision; 473.811, subdivision 10; 473.833, subdivision 4; Minnesota Statutes 1983 Supplement, sections 115A.08, subdivision 5; 115A.21, subdivision 1, and by adding a subdivision; 115A.22, subdivisions 1 and 4; 115A.241; 115A.25, subdivisions 1, 1a, and 1b; 115A.26; 115A.27, subdivision 2; 115A.28, subdivision 1; 115A.291; 115B.22, subdivision 1; 116J.90, by adding a subdivision; 473.149, subdivisions 2d and 2e; 473.803, subdivisions 1a and 1b; and 473.823, subdivision 6; proposing new law coded in Minnesota Statutes, chapters 115A and 116E; repealing Minnesota Statutes 1982, sections 115A.071; 115A.46, subdivision 3; 115A.70, subdivisions 1, 2, 4, 5, and 6; 473.827; and Minnesota Statutes 1983 Supplement, section 115A.70, subdivisions 3 and 7.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1982, section 115A.03, subdivision 28, is amended to read:

Subd. 28. "Resource recovery facility" means a waste facility established and used primarily for resource recovery, *including related and appurtenant facilities such as transmission facilities and transfer stations primarily serving the resource recovery facility.*

Sec. 2. Minnesota Statutes 1982, section 115A.06, is amended by adding a subdivision to read:

Subd. 5a. [ACQUISITION OF EASEMENTS.] *If the board determines that any activity deemed necessary to accomplish its purposes under subdivision 5 constitutes a substantial interference with the possession, enjoyment, or value of the property where the activity will take place, the board may acquire a temporary easement interest in the property that permits the board to carry out the activity and other activities incidental to the accomplishment of the same purposes. The board may acquire temporary easement interests under this subdivision by purchase, gift, or condemnation. The right of the board to acquire a temporary easement is subject to the same requirements and may be exercised with the same authority as provided for acquisition of property interests by the commissioner of administration under subdivision 4.*

Sec. 3. Minnesota Statutes 1983 Supplement, section 115A.08, subdivision 5, is amended to read:

Subd. 5. [REPORT ON MITIGATION OF LOCAL EFFECTS OF HAZARDOUS WASTE FACILITIES.] (WITH THE REPORT REQUIRED BY SUBDIVISION 4,) The board through its chairperson shall (ISSUE A) report and make recommendations on methods of mitigating and compensating for the local risks, costs, and other adverse effects of various types of hazardous waste facilities and on methods of financing mitigation and compensation measures. The methods of mitigating and compensating to be considered (SHALL) *must* include but not be limited to the following: payment outside of levy limitations in lieu of taxes for all property taken off the tax rolls; preference in reviews of applications for federal funds conducted by the metropolitan council and regional development commissions; payment of all costs to service the facilities including the cost of roads, monitoring, inspection, enforcement, police and fire, and litter clean up costs; payment for buffer zone amenities and improvement; local control over buffer zone design; a guarantee against any and all liability that may occur. *The recommendations on processing facilities must be made with the report required by subdivision 4. The recommendations on disposal facilities must be made with the report required by section 3.*

Sec. 4. Minnesota Statutes 1982, section 115A.08, is amended by adding a subdivision to read:

Subd. 5b. [REPORT ON NEED AND FEASIBILITY OF HAZARDOUS WASTE DISPOSAL FACILITIES.] *The board through its chairperson shall issue a report on the estimate of need and the economic feasibility analysis required by section 115A.24. The report must be issued before the hearing required by section 115A.27. The board through its chairperson shall issue an interim report by February 1, 1985, on the research on need and economic feasibility.*

Sec. 5. Minnesota Statutes 1982, section 115A.09, is amended by adding a subdivision to read:

Subd. 5. [INCLUSION OF VOLUNTEER SITES.] *The owner of property that may be a suitable location for a hazardous waste processing facility may apply to the board for inclusion of the property in the inventory of preferred areas. If the board accepts the application, the property must be evaluated as provided in subdivision 2. If the board determines that the property is suitable as a preferred area it may include it in the inventory after complying with the procedures provided in subdivision 3.*

Sec. 6. Minnesota Statutes 1982, section 115A.11, is amended to read:

115A.11 [HAZARDOUS WASTE MANAGEMENT PLAN.]

Subdivision 1. [(CONTENTS) REQUIREMENT.] The board shall adopt, *amend as appropriate, and implement a hazardous waste management plan.*

Subd. 1a. [POLICY.] In developing and implementing the plan, the highest priority of the board (SHALL) must be placed upon alternatives to land disposal of hazardous wastes including: technologies to modify industrial processes or introduce new processes (WHICH) that will reduce or eliminate hazardous waste generation; recycling, re-use, and recovery methods to reduce or eliminate hazardous waste disposal; and conversion and treatment technologies to reduce the degree of environmental risk from hazardous waste. The board shall also consider technologies for retrievable storage of hazardous wastes for later recycling, re-use, recovery, conversion, or treatment.

Subd. 1b. [CONTENTS.] The plan (SHALL) must include at least the (FOLLOWING) elements (:) prescribed in this subdivision.

(a) (AN) *The plan must estimate (OF) the types and (VOLUMES) quantities of hazardous waste (WHICH) that will be generated in the state through the year 2000 (;).*

(b) *The plan must set out specific and quantifiable objectives for reducing to the greatest feasible and prudent extent the need for and (PRACTICE) use of disposal facilities located within the state, through waste reduction, pretreatment, retrievable storage, processing, and resource recovery (;).*

(c) (A DESCRIPTION OF) *The plan must estimate the minimum disposal capacity and capability (NEEDED TO BE DEVELOPED WITHIN) required by generators in the state for use through the year 2000 (.). The estimate must be based on the achievement of the objectives under (CLAUSE) paragraph (b) (;).*

(d) (A DESCRIPTION OF) *The plan must describe and recommend the implementation strategies required to (DEVELOP THE NEEDED) assure availability of disposal capacity for the types and quantities of waste estimated under (CLAUSE) paragraph (c) and to achieve the objectives (UNDER CLAUSE) required by paragraph (b) (, INCLUDING). The recommendations must address at least the following: the necessary private and government actions; the types of facilities and programs required; the availability and use of specific facilities outside of the state; development schedules for facilities, services, and (REGULATIONS) rules that should be established in the state; revenue-raising and financing measures; levels of public and private effort and expenditure; legal and institutional changes; and other similar matters.*

(e) The plan (SHALL) *must* provide for the orderly development of hazardous waste management sites and facilities to protect the health and safety of rural and urban communities. In preparing the plan the board shall consider its impact upon agriculture and natural resources.

(f) The plan (SHALL REQUIRE THE ESTABLISHMENT IN THE STATE OF AT LEAST ONE COMMERCIAL RETRIEVABLE STORAGE OR DISPOSAL FACILITY AND SHALL RECOMMEND AND ENCOURAGE) *must include* methods and procedures that will (INSURE) *encourage* the establishment of (AT LEAST ONE FACILITY) *programs, services, and facilities that the board recommends for development in the state for the recycling, re-use, recovery, conversion, treatment, destruction, transfer, (OR) storage, or disposal, including retrievable storage, of hazardous waste.*

The plan must be consistent with the estimate of need and feasibility analysis prepared under section 115A.24, the analysis provided in the phase I environmental impact statement determined to be adequate under section 115A.25, subdivision 1a, and the decisions made by the board under sections 115A.28 and 115A.291.

The board may make the implementation of elements of the plan contingent on actions of the legislature (WHICH) *that* have been recommended in the draft plan (AND CERTIFICATION OF NEED AND CONSIDERED IN THE REPORTS SUBMITTED PURSUANT TO SECTION 115A.08).

Subd. 2. [PROCEDURE.] (THE PLAN SHALL BE BASED UPON THE REPORTS PREPARED PURSUANT TO SECTION 115A.08.) The plan (, THE CERTIFICATE OF NEED ISSUED UNDER SECTION 115A.24,) and the procedures for hearings on the (DRAFT) plan (AND DRAFT CERTIFICATE OF NEED, SHALL) *are not (BE) subject to the rule-making or contested case provisions of chapter 14. Before revising the draft plan prepared under subdivision 3, or amending its adopted plan, the board shall provide notice and hold a public hearing in a manner consistent with the procedure followed by the board in the hearings on the draft plan, as provided in subdivision 3 and approved by the legislative commission.*

Subd. 3. [PREPARATION OF DRAFT PLAN.] By July 1, 1983, the (CHAIRMAN) *chairperson* of the board shall report to the legislative commission on waste management about the hearing to be held pursuant to this subdivision. The (CHAIRMAN) *chairperson* shall describe the board's plans and procedures for the hearing, the provisions for encouraging public participation in the hearing, and the board's plans for preparing the required report to the legislature fully and accurately summarizing the results of the hearing, the objections raised to the board's draft plan (AND CERTIFICATION), and the board's response to the testimony received. The legislative commission

shall hold a hearing to receive public comment on the board's proposed hearing procedures and thereafter shall make any recommendations it deems appropriate for changes in the board's procedures. By November 1, 1983, the board through its chairperson shall issue a draft hazardous waste management plan proposed for adoption pursuant to this section (, AND A DRAFT CERTIFICATE OR CERTIFICATES OF NEED PROPOSED FOR ISSUANCE UNDER SECTION 115A.24). The draft plan (AND CERTIFICATES) must include an explanation of the basis of the findings, conclusions, and recommendations contained therein. The board shall hold a public hearing on the draft plan (AND DRAFT CERTIFICATE OR CERTIFICATES OF NEED) within 30 days of (THEIR) *its* issuance. Notices of the draft plan (AND THE DRAFT CERTIFICATE OR CERTIFICATES) and notice of the hearing (SHALL) *must* be published in the state register and newspapers of general circulation in the state. The notices must indicate how copies of the draft plan (AND DRAFT CERTIFICATE OR CERTIFICATES OF NEED) may be obtained. The board shall make the draft plan (AND DRAFT CERTIFICATE OR CERTIFICATES OF NEED) available for public review and comment at least 21 days before the hearing. The hearing (SHALL) *must* be ordered by the chairperson of the board and (SHALL) *must* be conducted by the state office of administrative hearings in a manner consistent with the completion of the proceedings in the time allowed by this section. The hearing officer (SHALL) *may* not issue a report but shall preside at the hearing to ensure that the hearing is conducted in a fair, orderly, and expeditious manner and in accordance with the hearing procedures of the board. A majority of the permanent members of the board shall attend the hearing. In connection with the hearing, the chairperson of the board shall provide copies of the studies and reports on which the draft plan (AND CERTIFICATION OF NEED ARE) *is* based and shall present an explanation of the basis of the findings, conclusions, and recommendations in the draft plan (AND CERTIFICATION OF NEED).

Within 15 days following the hearing the director of the agency shall issue a hazardous waste pollution control report. The report must be submitted to the legislative commission. The report must be based on existing and proposed federal and state pollution control rules and available information and expertise on the character, nature, and degree of hazard of the types and categories of hazardous waste identified in the plan. The report must:

(a) assess the pollution control problems and risks associated with each type and category of hazardous waste identified by the (DRAFT CERTIFICATION OF NEED) *plan* as eligible for disposal, before or after pretreatment, at a facility or facilities of the type and design selected by the board, and identify design and pretreatment alternatives or other methods for dealing with those problems and risks;

(b) identify at least one specific alternative technology for dealing with each waste (WHICH) *that* the report recommends should not be (CERTIFIED) *accepted* for disposal, and assess the pollution control problems and risks associated with the alternatives;

(c) assess the pollution control problems and risks associated with each standard and criteria contained in the plan (AND CERTIFICATION) for determining the eligibility or ineligibility of waste for disposal;

(d) assess the pollution control programs and risks associated with the processing and other alternatives to disposal (WHICH) *that* are recommended in the plan for specific types or categories of hazardous waste, and identify methods for dealing with those problems and risks.

Within 30 days following the hearing, the board shall revise the draft plan (AND THE DRAFT CERTIFICATE OR CERTIFICATES OF NEED) as it deems appropriate, shall make a written response to the testimony received at the hearing and to the agency's report explaining its disposition of any recommendations made with respect to the plan (AND CERTIFICATION), and shall submit to the legislative commission the revised draft plan (AND CERTIFICATION OF NEED), together with a report on the testimony received, the board's response, and the results of the hearing process.

Sec. 7. [ABATEMENT COST RECOVERY FOR MUNICIPALITIES.]

Any metropolitan municipality that offers a resource recovery program shall be paid annually by the commissioner an amount equal to 75 cents per household. Notwithstanding any other provisions of this act, the amount necessary to make payments to the municipality is appropriated from the landfill abatement fund to the commissioner. The municipality shall use the payment from the commissioner to fund landfill abatement activities, including any programs designed to reduce the amount of mixed municipal solid waste disposed of at landfills.

Sec. 8. [115A.152] [TECHNICAL AND RESEARCH ASSISTANCE TO GENERATORS.]

Subdivision 1. [PURPOSES.] The board shall provide for the establishment of a technical and research assistance program for generators of hazardous waste in the state. The program must be designed to assist generators in the state to obtain information about management of hazardous wastes, to identify and apply methods of reducing the generation of hazardous wastes, to facilitate improved management of hazardous waste and compliance with hazardous waste regulations, and for other

similar purposes. The program must emphasize assistance to smaller businesses that have inadequate technical and financial resources for obtaining information, assessing waste management methods, and developing and applying waste reduction techniques. Information and techniques developed under this program must be made available through the program to all generators in the state.

Subd. 2. (ASSISTANCE.) The assistance program must include at least the following elements:

(a) outreach programs including on-site consultation at locations where hazardous waste is generated, seminars, workshops, training programs, and other similar activities designed to assist generators to evaluate their hazardous waste generation and management practices, identify opportunities for waste reduction and improved management, and identify subjects that require additional information and research;

(b) a program to assemble, catalog, and disseminate information about hazardous waste reduction and management methods, available commercial waste management facilities and consultant services, and regulatory programs (provided that specific questions by generators about interpretation or application of waste management rules or regulations should be referred to appropriate regulatory agencies);

(c) evaluation and interpretation of information needed by generators to improve their management of hazardous waste; and

(d) informational and technical research to identify alternative technical solutions that can be applied by specific generators to reduce the generation of hazardous waste.

Subd. 3. [ADMINISTRATION; EVALUATION.] The assistance program must be coordinated with other public and private programs that provide management and technical assistance to smaller businesses and generators of small quantities of hazardous waste, including programs operated by public and private educational institutions. The board may make grants to a public or private person or association that will establish and operate the elements of the program, but the grants must require that the assistance be provided at no cost to the generators and that the grantees provide periodic reports on the improvements in waste management, waste reduction, and regulatory compliance achieved by generators through the assistance provided.

Sec. 9. [115A.154] [WASTE REDUCTION GRANTS.]

Subdivision 1. [PROPOSALS AND GRANTS.] The board may make grants to generators of hazardous waste in the state

for studies to determine the feasibility of applying specific methods and technologies to reduce the generation of hazardous waste. Grants may be awarded only on the basis of proposals submitted to the board by generators. The board shall select proposals that offer the greatest opportunity to significantly reduce the generation of hazardous waste by the generators making the proposal and, if applied generally, to significantly reduce the generation of hazardous waste in the state. The significance of waste reduction may be measured by the volume of hazardous waste that is eliminated or by the reduction in risk to public health and safety and the environment that is achieved by the reduction. In awarding grants, the board may consider the extent of any financial and technical support that will be available from other sources for the study. The board may adopt additional criteria for awarding grants consistent with the purposes of this section.

Subd. 2. [LIMITATIONS.] The waste reduction information and techniques developed using grants awarded under this section must be made available to all generators in the state through the technical assistance and research program established under section 8. Grant money awarded under this section may not be spent for capital improvements or equipment.

Sec. 10. [115A.156] [WASTE PROCESSING AND COLLECTION FACILITIES AND SERVICES; DEVELOPMENT GRANTS.]

Subdivision 1. [PURPOSE.] The board may make grants to eligible recipients to determine the feasibility and method of developing and operating specific types of commercial facilities and services for collecting and processing hazardous waste, including integrated facilities designed for both processing and disposal of hazardous waste. Grants may be made for:

- (1) market assessment, including generator surveys;
- (2) conceptual design and preliminary engineering;
- (3) financial and business planning necessary to address sources of funding, financial security, liability, pricing structure, and similar matters necessary to the development and proper operation of a facility or service;
- (4) environmental impact and site analysis, preparation of permit applications, and environmental and permit review;
- (5) analysis of methods of overcoming identified technical, institutional, legal, regulatory, market, or other constraints; and
- (6) analysis of other factors affecting development, operation, and use of a facility or service.

Subd. 2. [ELIGIBILITY.] A person proposing to develop and operate specific collection and processing facilities or services to serve generators in the state is eligible for a grant. The board may give preference to applications by associations of two or more generators in the state proposing to develop and operate commercial facilities or services capable of collecting or processing their hazardous wastes.

Subd. 3. [PROCEDURE FOR AWARDING GRANTS.] The board may establish procedures for awarding grants under this section. The procedures for awarding grants shall include consideration of the following factors:

(1) the need to provide collection and processing for a variety of types of hazardous wastes;

(2) the extent to which the facility or service would provide a significant amount of processing or collection capacity for waste generated in the state, measured by the volume of waste to be managed, the number and geographic distribution of generators to be served, or the reduction of risk to public health and safety and the environment achieved by the operation of the facility or service;

(3) the availability of the facility or service to all generators needing the service in the area to be served;

(4) the contribution of the facility or service to achieving the policies and objectives of the hazardous waste management plan;

(5) participation by persons with demonstrated experience in developing, designing, or operating hazardous waste collection or processing facilities or services;

(6) the need for assistance from the board to accomplish the work;

(7) the extent to which a proposal would produce and analyze new information; and

(8) other factors established by the board consistent with the purposes of this section.

The board may adopt temporary rules under sections 14.29 to 14.36 to implement the grant program. Temporary rules adopted by the board remain in effect for 360 days or until permanent rules are adopted, whichever occurs first.

Subd. 4. [LIMITATIONS.] A grant may not exceed \$50,000. The board may award more than one grant for a single proposed facility or service if the board finds that results of

previous studies justify additional work on other aspects of the development and operation of the facility or service. Grant money may not be spent for capital improvements or equipment.

Subd. 5. [MATCHING FUNDS REQUIRED.] A recipient other than an association of generators in the state must agree to pay at least 50 percent of the cost of the study. An association of two or more generators in the state must agree to pay at least 20 percent of the cost of the study.

Sec. 11. [115A.158] [DEVELOPMENT OF PROCESSING AND COLLECTION FACILITIES AND SERVICES; REQUESTS FOR PROPOSALS.]

Subdivision 1. [REQUEST BY BOARD; CONTENTS OF PROPOSAL.] The board through its chairperson shall request proposals for the development and operation of specific types of commercial hazardous waste processing and collection facilities and services, including integrated facilities designed for both processing and disposal of hazardous waste, that offer the greatest possibility of achieving the policies and objectives of the waste management plan including the goal of reducing to the greatest extent feasible and prudent the need for and practice of disposal. The proposals must contain at least the following information:

(1) the technical, managerial, and financial qualifications and experience of the proposer in developing and operating facilities and services of the type proposed;

(2) the technical specifications of the proposed facility or service including the process that will be used, the amount and types of hazardous waste that can be handled, the types, volume, and proposed disposition of any residuals, and a description of anticipated adverse environmental effects;

(3) the requirements of the site or sites needed to develop and operate the facility or service and the likelihood that a suitable site or sites will be available for the facility or service;

(4) projections of the costs and revenues of the facility or service, the types and numbers of generators who will use it, and the fee structure and estimated user charges necessary to make the facility or services economically viable;

(5) the schedule for developing and commencing operation of the facility or service; and

(6) the financial, technical, institutional, legal, regulatory, and other constraints that may hinder or prevent the development or operation of the facility or service and the actions that

could be taken by state and local governments or by the private sector to overcome those constraints.

The information provided in the proposal must be based on current and projected market conditions, hazardous waste streams, legal and institutional arrangements, and other circumstances specific to the state.

Subd. 2. [PROCEDURE; EVALUATION; REPORT.] In requesting proposals, the board shall inform potential developers of the assistance available to them in siting and establishing hazardous waste processing and collection facilities and services in Minnesota including the availability of sites listed on the board's inventory of preferred areas for hazardous waste processing facilities, the authority of the board to acquire sites and order the establishment of facilities in those areas, the policies and objectives of the hazardous waste management plan, and the availability of information developed by the board on hazardous waste generation and management in the state.

The board shall evaluate the proposals received in response to its request and determine the extent to which the proposals demonstrate the qualifications of the developers, the technical and economic feasibility of the proposed facility or service, and the extent to which the proposed facility or service will contribute in a significant way to the achievement of the policies and objectives of the hazardous waste management plan.

The board shall report to the legislative commission on the proposals that it has received and evaluated, and on the legislative, regulatory, and other actions needed to develop and operate the proposed facilities or services.

Subd. 3. [TIME FOR PROPOSALS.] The board shall issue the first round of requests under this section by June 1, 1984. The first round proposals must be returned to the board by November 1, 1984. The board shall submit its report on these proposals to the legislative commission by January 1, 1985. The board may issue additional requests in 1985 and in future years.

Sec. 12 [115A.159] [DEVELOPMENT OF HAZARDOUS WASTE COLLECTION AND TRANSPORTATION SERVICES.]

The board through its chairperson shall request, pursuant to the first round of requests under section 11, proposals for the development and operation of a system of commercial collection and transportation services for hazardous waste especially designed to serve smaller businesses and generators of small quantities of hazardous waste that have difficulty securing effective and reliable collection and shipment services and acceptance of

wastes at appropriate waste facilities. The board's request under this section should require proposals containing at least the following elements:

- (1) a collection service;
- (2) assistance to clients about on-site waste management;
- (3) a shipping coordination service, which may include transfer and temporary storage and bulking facilities and computerized inventory tracking capabilities, as the proposer deems appropriate and necessary to provide efficient and reliable combined shipment of wastes from generators to processing and disposal facilities;
- (4) a brokerage service to ensure acceptance of wastes at appropriate processing and disposal facilities;
- (5) recommendations on the utility of local or regional associations of generators to increase the efficiency and reliability of the services; and
- (6) recommendations on processing facilities, including mobile modular processing units, that would complement the collection and transportation system.

The board's request must require proposals that offer the delivery of services in stages commencing no later than July 1, 1985. The board should specify or require specification of immediate and staged performance standards for the services proposed, which may include standards relating to the volume and types of waste, the number and geographic distribution of generators served, accessibility, the percent of total waste and generators served, and other appropriate matters. After evaluating proposals received in response to its request, the board may select a proposer as the recipient of a development grant under section 10. Notwithstanding the provisions of section 10, subdivisions 4 and 5, on the amount of the grant and the required match, the grant made under this section may be up to \$350,000 and may not require a match greater than ten percent of the grant award.

Sec. 13. [115A.162] [HAZARDOUS WASTE PROCESSING FACILITY LOANS.]

The board shall review applications for hazardous waste processing facility loans received by the economic development authority and forwarded to the board under section 45. The board may certify a loan application only if it determines that:

- (1) the applicant has demonstrated that the proposed facility is technically feasible;

(2) the applicant has made a reasonable assessment of the market for the services offered by the proposed facility;

(3) the applicant has agreed to provide funds for the proposed facility in an amount equal to at least 25 percent of the capital cost of the facility excluding land acquisition cost;

(4) the applicant has agreed to pay the cost of any land acquisition necessary to develop the facility; and

(5) the facility will contribute in a significant way to achievement of the policies and objectives of the hazardous waste management plan and, in particular, to reduce the need for and practice of hazardous waste disposal.

As a condition of its certification the board may require an applicant to agree to provide funds in excess of 25 percent of the capital cost of the facility in addition to any land acquisition costs. In certifying an application or in determining the share of the capital costs that will be provided by the loan, the board may consider the types and volumes of hazardous waste that will be handled by the facility, the number of generators served by the facility, and the extent to which the facility serves the need of smaller businesses that generate hazardous waste. The board may establish additional criteria for certifying loan applications consistent with the provisions of this section.

The board may adopt temporary rules under sections 14.29 to 14.36 to implement the loan program. Temporary rules adopted by the board remain in effect for 360 days or until permanent rules are adopted, whichever occurs first.

Sec. 14. [115A.165] [EVALUATION OF PROGRAMS; REPORT.]

By November 1, 1986, the board shall evaluate the extent to which the programs provided in sections 8 to 13 have contributed to the achievement of the policies and objectives of the hazardous waste management plan. The evaluation must consider the amount of waste reduction achieved by generators through the technical and research assistance and waste reduction grant programs and the progress in reducing the need for and practice of disposal achieved through the development grants and the request for proposal program. The board shall report the results of its evaluation to the legislative commission with its recommendations for further action.

Sec. 15. Minnesota Statutes 1982, section 115A.18, is amended to read:

115A.18 [LEGISLATIVE FINDINGS; PURPOSE.]

The legislature finds that proper management of hazardous waste generated in the state is needed to conserve and protect the natural resources in the state and the health, safety, and welfare of its citizens, that the establishment of safe *commercial disposal facilities (IS) in the state may be necessary and practicable* to properly manage the waste, that this cannot be accomplished solely by the activities of private persons and political subdivisions acting alone or jointly, and that therefore it is necessary to provide a procedure for making final determinations on *whether commercial disposal facilities should be established in the state and on the locations, sizes, types, and functions of any such facilities.*

Sec. 16. Minnesota Statutes 1983 Supplement, section 115A.21, subdivision 1, is amended to read:

Subdivision 1. [SELECTION.] The board shall select (AT LEAST FOUR LOCATIONS) *more than one location* in the state, no more than one site per county, as candidate sites for commercial disposal facilities for hazardous waste. Candidate sites (SELECTED BY THE BOARD BEFORE FEBRUARY 1, 1983, AND ADDITIONAL CANDIDATE SITES SELECTED PURSUANT TO THIS SECTION,) must be reviewed pursuant to sections 115A.22 to 115A.30. No location shall be selected as a candidate site unless the agency certifies its intrinsic suitability for the use intended pursuant to subdivision 2a.

Sec. 17. Minnesota Statutes 1983 Supplement, section 115A.21, is amended by adding a subdivision to read:

Subd. 1a. [VOLUNTEER CANDIDATE SITES.] *The board may select candidate sites under this subdivision in addition to sites selected under subdivision 1. The board may submit a site to the agency if the site is proposed as a candidate site by a facility operator with the approval of the owners of the site and the statutory or home rule charter city or town and county in which the site is located. A location may be selected as a candidate site under this subdivision if the agency determines and certifies that the site is intrinsically suitable for the use intended. The director of the agency shall identify the information needed by the agency to make the determination of intrinsic suitability. The board shall obtain the necessary information and provide it to the director.*

The director of the agency shall make a recommendation to the agency board on intrinsic suitability within 30 days after receiving the information from the board. The agency board shall make the determination on intrinsic suitability not later than the first regular meeting of the agency board held at least ten days after the director's recommendation.

The decisions of the board and the agency under this subdivision are not subject to the contested case or rulemaking provisions of chapter 14, or the procedures provided in subdivision 2a.

Sec. 18. Minnesota Statutes 1983 Supplement, section 115A.22, subdivision 1, is amended to read:

Subdivision 1. [GENERAL.] In order systematically to involve those who would be affected most directly by disposal facilities in all decisions leading to their establishment, the board's decisions on reports referred to in subdivision 7, the plan adopted under section 115A.11, and the (CERTIFICATION OF NEED) *estimates and analysis* required under section 115A.24 shall not be made until after the establishment of local project review committees for each candidate site, with representation on the board, pursuant to this section.

Sec. 19. Minnesota Statutes 1983 Supplement, section 115A.22, subdivision 4, is amended to read:

Subd. 4. [APPOINTMENT OF TEMPORARY BOARD MEMBERS.] Within 30 days following the appointment of a local project review committee, the local committee shall select a temporary board member to be added to the board for the purposes of the reports to be issued under section 115A.08, the plan to be adopted under section 115A.11, and the (NEED CERTIFICATIONS) *estimates, the analysis and the review* of candidate sites conducted under sections 115A.18 to 115A.30. Temporary board members shall not participate or vote in decisions affecting the selection and certification of sites under sections 115A.201 and 115A.21. If a local committee fails to appoint a temporary board member within the time permitted by this subdivision, the governor shall appoint a temporary board member to represent the committee on the board. Temporary board members may be members of the local project review committee, and they shall be residents of the county where the candidate site is located. Temporary board members shall serve for terms lasting as long as the location the member represents is a candidate site or, in the case of members representing (THE) a site or sites finally chosen for the facility, until the commencement of the operation of the facility at that site.

Sec. 20. Minnesota Statutes 1982, section 115A.24, is amended to read:

115A.24 [(CERTIFICATION OF NEED) *DISPOSAL FACILITIES; ESTIMATE OF NEED; ANALYSIS OF ECONOMIC FEASIBILITY.*]

Subdivision 1. [(CERTIFICATE) *ESTIMATE OF NEED FOR DISPOSAL FACILITIES.*] (ON THE BASIS OF AND CONSISTENT WITH ITS HAZARDOUS WASTE MANAGE-

MENT PLAN ADOPTED UNDER SECTION 115A.11, THE BOARD SHALL ISSUE A CERTIFICATE OR CERTIFICATES OF NEED FOR DISPOSAL FACILITIES FOR HAZARDOUS WASTES IN THE STATE. THE CERTIFICATE OR CERTIFICATES SHALL INDICATE THE TYPES AND VOLUMES OF WASTE FOR WHICH DISPOSAL FACILITIES ARE AND WILL BE NEEDED THROUGH THE YEAR 2000 AND) *The board shall develop an estimate of the number, types, capacity, and function or use of (THE) any hazardous waste disposal facilities needed in the state. (BEFORE FINALLY ADOPTING THE CERTIFICATE OF NEED THE BOARD SHALL SUBMIT IT TO THE AGENCY FOR A REVISION OF THE HAZARDOUS WASTE POLLUTION CONTROL REPORT REQUIRED UNDER SECTION 115A.11, SUBDIVISION 2.)*

In developing its estimate the board shall:

(1) prepare a preliminary estimate of the types and quantities of waste generated in the state for which disposal will be needed through the year 2000 based to the extent practical on data obtained from generators who are likely to use the facility;

(2) estimate the disposal capacity located outside of the state, taking into account the status of facility permits, current and planned capacity, and prospective restrictions on expansion of capacity;

(3) estimate the prospects for the continued availability of capacity outside of the state for disposal of waste generated in the state;

(4) estimate the types and quantities of waste likely to be generated as residuals of the commercial hazardous waste processing facilities recommended by the board for development in the state and for which disposal will be needed, taking into account the likely users of the facilities; and

(5) compare the indirect costs and benefits of developing disposal facilities in the state or relying on facilities outside the state to dispose of hazardous waste generated in the state, taking into account the effects on business, employment, economic development, public health and safety, the environment, and the development of collection and processing facilities and services in the state.

In preparing the estimate, the board (SHALL CERTIFY NEED) may identify need for disposal only to the extent that the board has determined that there are no feasible and prudent alternatives, including waste reduction, separation, pretreatment, processing, and resource recovery, which would minimize adverse impact upon air, water, land and all other natural re-

sources (, PROVIDED THAT THE BOARD SHALL REQUIRE THE ESTABLISHMENT OF AT LEAST ONE COMMERCIAL DISPOSAL FACILITY IN THE STATE). Economic considerations alone (SHALL) *may not justify (CERTIFICATION) an estimate of need for disposal nor the rejection of alternatives.* Alternatives that are speculative and conjectural (SHALL) *are not (BE DEEMED TO BE) feasible and prudent.* The board shall consider all technologies being developed in other countries as well as in the United States when it considers the alternatives to hazardous waste disposal. (THE CERTIFICATE OR CERTIFICATES SHALL NOT BE SUBJECT TO THE PROVISIONS OF CHAPTER 14 BUT SHALL BE THE FINAL DETERMINATION REQUIRED ON THE MATTERS DECIDED BY THE CERTIFICATE OR CERTIFICATES AND SHALL HAVE THE FORCE AND EFFECT OF LAW. THE CERTIFICATE OR CERTIFICATES SHALL NOT BE AMENDED FOR FIVE YEARS EXCEPT AS PROVIDED IN SECTION 115A.291. IN REVIEWING AND SELECTING SITES, COMPLETING AND DETERMINING THE ADEQUACY OF ENVIRONMENTAL IMPACT STATEMENTS, AND ISSUING APPROVALS AND PERMITS FOR WASTE DISPOSAL FACILITIES DESCRIBED IN THE CERTIFICATE OR CERTIFICATES OF NEED, MATTERS DETERMINED IN THE CERTIFICATION SHALL NOT BE RECONSIDERED EXCEPT AS OTHERWISE PROVIDED IN SECTION 115A.291. THE BOARD AND THE PERMITTING AGENCIES SHALL BE REQUIRED TO MAKE A FINAL DECISION APPROVING THE ESTABLISHMENT OF FACILITIES CONSISTENT WITH THE CERTIFICATION EXCEPT AS OTHERWISE PROVIDED IN SECTION 115A.291.)

Subd. 3. [RADIOACTIVE WASTE.] The board's (CERTIFICATE) *estimate of need shall not allow the use of a facility for disposal of radioactive waste, as defined by section 116C.71, subdivision 6.*

Subd. 4. [ECONOMIC FEASIBILITY ANALYSIS.] *The board shall prepare an economic feasibility analysis for disposal facilities of the type, capacity and function or use estimated by the board to be needed in the state under subdivision 1. The analysis must be specific to the sites where the facilities are proposed to be located. The analysis must include at least the following elements:*

(1) *an estimate of the capital, operating, and other direct costs of the facilities and the fee schedules and user charges necessary to make the facilities economically viable;*

(2) *an assessment of the other costs of using the disposal facilities, such as transportation costs and disposal surcharges;*

(3) *an assessment of the market for the facility for waste generated in the state, that identifies the generators that would*

use the facility under existing and likely future market conditions, describes the methods otherwise available to those generators to manage their wastes and the costs of using those methods, and establishes the level at which the cost of using the proposed facilities would be competitive with the cost of using other available methods of waste management;

(4) an estimate of the subsidy, if any, needed to make the facility competitive for Minnesota generators under existing market conditions and the changes in market conditions that would increase or lower any subsidy.

Sec. 21. Minnesota Statutes 1983 Supplement, section 115A.241, is amended to read:

115A.241 [PARTICIPATION BY FACILITY DEVELOPERS AND OPERATORS.]

The board shall solicit the participation of private developers and operators of waste facilities in the evaluation of hazardous waste disposal sites and facility specifications. (TO QUALIFY FOR CONSIDERATION AS A DEVELOPER OR OPERATOR, A PERSON SHALL SUBMIT A LETTER) *The board shall request developers and operators to submit letters of intent to participate in evaluating sites, economic feasibility of disposal facilities, and facility specifications. The letters must be submitted to the board (WITHIN 90 DAYS FOLLOWING THE PUBLICATION OF THE BOARD'S DRAFT PLAN PURSUANT TO SECTION 115A.08, SUBDIVISION 4) by September 1, 1984. To qualify for selection as a developer or operator, a person shall submit operability reports to the board at least 60 days before the board's hearings under section 115A.27, and shall submit an amended report within 60 days following the decisions under section 115A.28. The letters of intent and reports (SHALL) must be in the form and contain the information deemed appropriate by the board.*

Sec. 22. Minnesota Statutes 1983 Supplement, section 115A.25, subdivision 1, is amended to read:

Subdivision 1. [ENVIRONMENTAL IMPACT STATEMENT.] *A phased environmental impact statement (SHALL) must be completed by the board and the agency before any permits are issued under section 115A.291. The statement must be prepared and reviewed in accordance with chapter 116D and the rules issued pursuant thereto, except as otherwise required by this section and sections 115A.11 (, 115A.24), 115A.28, and 115A.30. The board and agency shall follow the procedures in subdivisions 2 and 3 in lieu of the scoping requirements of chapter 116D and rules issued pursuant thereto. The statement (SHALL) must be completed in two phases as provided in subdivisions 1a and 1b.*

Sec. 23. Minnesota Statutes 1983 Supplement, section 115A.25, subdivision 1a, is amended to read:

Subd. 1a. [PHASE I.] Phase I of the statement (SHALL) *must* be completed by the board on the environmental effects of the (BOARD'S DECISION ON SITES AND FACILITY SPECIFICATIONS) *decisions that the board is required to make* under section 115A.28. Phase I of the statement (SHALL) *must* not address or reconsider (ALTERNATIVE SITES OR FACILITY NUMBERS, TYPES, CAPACITY, FUNCTION, AND USE WHICH) *alternatives that have been eliminated from consideration* by the board's decisions under sections 115A.201 and 115A.21 (AND 115A.24). The determination of the adequacy of phase I of the statement is exclusively the authority of the board. The governor shall establish an interagency advisory group to comment on the scope of phase I of the statement, to review drafts, and to provide technical assistance in the preparation and review of phase I of the statement. The advisory group (SHALL) *must* include representatives of the agency, the departments of natural resources, health, agriculture, energy, planning and development, and transportation, and the Minnesota geological survey. In order to obtain the staff assistance necessary to prepare the statement, the chairperson of the board may request reassignment of personnel pursuant to section 16.21 and may arrange to have other agencies prepare parts of the statement pursuant to section 16.135.

Sec. 24. Minnesota Statutes 1983 Supplement, section 115A.25, subdivision 1b, is amended to read:

Subd. 1b. [PHASE II.] Phase II of the statement (SHALL) *must* be completed by the agency as a supplement to phase I specifically for the purpose of examining the environmental effects of (THE) *any* permitting decisions *that may be required* to be made by the permitting agencies under section 115A.291. In preparing, reviewing, and determining the adequacy of phase II of the statement, the agency shall not repeat or duplicate the research and analysis contained in phase I of the statement, unless the agency determines that the information available is not adequate or that additional information is necessary to examine the environmental effects of the permitting decisions. Phase II of the statement (SHALL) *may* not address or reconsider (ALTERNATIVE SITES AND FACILITY NUMBERS, TYPES, CAPACITY, FUNCTION, AND USE WHICH) *alternatives that have been eliminated from consideration* by the board's decisions under sections 115A.201, 115A.21, (115A.24,) and 115A.28. The determination of adequacy of phase II of the statement *must* be made by the agency within 180 days following submission of the preliminary permit application or applications under section 115A.291. The determination of the adequacy of phase II of the statement is exclusively the authority of the agency.

Sec. 25. Minnesota Statutes 1983 Supplement, section 115A.26, is amended to read:

115A.26 [AGENCIES; REPORT ON PERMIT CONDITIONS AND APPLICATION REQUIREMENTS.]

Within 30 days following the board's determination of the adequacy of phase I of the environmental impact statement, and after consulting with the board, facility developers, affected local government units, and the local project review committees, the chief executive officer of each permitting state agency shall issue to the board draft reports on permit conditions and permit application requirements at each candidate site. The reports must indicate, to the extent possible based on existing information, the probable terms, conditions, and requirements of permits, including the types and categories of waste eligible for disposal with or without pretreatment, and the probable supplementary documentation that will be required for phase II of the environmental impact statement under section 115A.25 and for permit applications under section 115A.291. The reports may be revised following the hearings under section 115A.27 as the chief executive officer deems necessary. (THE REPORTS MUST BE CONSISTENT WITH THE ESTABLISHMENT OF FACILITIES IN ACCORDANCE WITH THE CERTIFICATION OF NEED.)

Sec. 26. Minnesota Statutes 1983 Supplement, section 115A.27, subdivision 2, is amended to read:

Subd. 2. [BOARD HEARINGS.] Within 120 days following the board's determination of the adequacy of phase I of the environmental impact statement under section 115A.25, the board shall conduct a hearing in each county containing a candidate site, for the purpose of receiving testimony on the decisions required under section 115A.28. The hearings (SHALL) *must* be ordered by the chairperson of the board. The subject of the board hearing (SHALL) *may* not extend to matters previously decided in the board's decision on sites under (SECTION) *sections 115A.201 and 115A.21 (AND THE CERTIFICATE OF NEED ISSUED UNDER SECTION 115A.24). The record of the hearings must include the estimate of need for disposal facilities and the economic feasibility analysis prepared under section 115A.24, the phase I environmental impact statement, and the reports on permit conditions issued under section 115A.26.* The hearing (SHALL) *must* be conducted for the board by the state office of administrative hearings in a manner consistent with the completion of the proceedings in the time allowed. The proceedings and the hearing procedures are not subject to the rule-making or contested case provisions of chapter 14. The hearing officer (SHALL) *may* not issue a report but shall preside at the hearings to ensure that the hearings are conducted in a fair, orderly, and expeditious manner and in accordance with the hearing procedures of the board. A majority of the permanent members of the board shall be present at the hearing.

Sec. 27. Minnesota Statutes 1983 Supplement, section 115A.28, subdivision 1, is amended to read:

Subdivision 1. [DECISION OF BOARD.] Within 60 days following the conclusion of the hearings under section 115A.27, subdivision 2, and after consulting with private facility developers, the permitting agencies, affected local government units, and the local project review committees, *the board shall make the decisions as required by this subdivision. If the board decides that a disposal facility should not be developed in the state, it shall dismiss the candidate sites from further consideration. If the board determines and certifies that a disposal facility is needed and should be developed in the state, the board shall (FINALLY) select (THE) a site or sites (FOR THE FACILITIES AND THE DEVELOPER AND OPERATOR OF THE FACILITY AND SHALL PRESCRIBE FURTHER SPECIFICATIONS ON) and specify the number, type, capacity, function, and use of (THE) any facilities (AS THE BOARD DEEMS APPROPRIATE, CONSISTENT WITH THE BOARD'S CERTIFICATION OF NEED ISSUED UNDER SECTION 115A.24) to be established under sections 115A.18 to 115A.30. Sites that are not selected by the board cease to be candidate sites. If the chairperson of the board determines that an agency report on permit conditions and application requirements has been substantially revised following hearings held pursuant to section 115A.27, subdivision 2, the chairperson may delay the decision for 30 days and may order a public hearing to receive further testimony on the sites and facilities to be established. The proceeding (SHALL) must be conducted as provided in section 115A.27, subdivision 2, except that hearings shall not be separately held in the affected counties and the issues relating to all agency reports (SHALL) must be considered at one hearing (THE BOARD'S DECISION SHALL PROVIDE FOR THE ESTABLISHMENT OF FACILITIES CONSISTENT WITH THE BOARD'S CERTIFICATION OF NEED).*

The board may not make any final decision under this subdivision until the board:

(1) *determines the current status of and future prospects for the final development of commercial hazardous waste processing facilities in the state based on the responses to the board's requests for proposals, the results of the board's processing facility development grant and loan programs, and any applications which have been filed for processing facility operation permits; and*

(2) *adjusts the estimate of need prepared under section 115A.24 to reflect the types and quantities of hazardous waste likely to be generated as residuals of processing facilities based on the board's determination under clause (1).*

Sec. 28. Minnesota Statutes 1983 Supplement, section 115A.291, is amended to read:

115A.291 [PERMITS.]

Research and analysis necessary to the permit applications and permit decisions required under this chapter, and the supporting environmental study, must commence immediately following the board's decision (UNDER SECTION 115A.28) *to apply for permits under this section*. Within 180 days following its (FINAL DECISION) *decisions* under section 115A.28, the board shall *conclude its analysis of the financial requirements for the facility and shall decide whether to submit, or cause to be submitted by a developer and operator selected by the board,* a preliminary application for permits for a facility or facilities consistent with its decision under section 115A.28. Following review by the permitting agencies and within 60 days following the agency's determination of the adequacy of phase II of the environmental impact statement, the board shall revise the application, or cause it to be revised, in accordance with the recommendations of the permitting agencies. In preparing its revised permit application, the board may amend its (CERTIFICATION OF NEED ISSUED UNDER SECTION 115A.24 OR ITS) facility specifications under section 115A.28, if the board finds and determines, based upon the recommendations of the permitting agencies, that: (a) the amendments are necessary to secure permits for the construction and operation of the proposed facility at the proposed site, and (b) the recommendations and amendments are the result of new information or rules produced after the board's decisions under (SECTIONS 115A.24 AND) *section* 115A.28. Within 210 days following the submission of the revised permit application, the permitting agencies shall issue the necessary permits unless the pollution control agency determines that the facility or facilities proposed for permitting present environmental problems which cannot be addressed through the imposition of permit conditions. *The permits may not allow the use of the facility for disposal of radioactive waste, as defined by section 116C.71, subdivision 6.*

Sec. 29. Minnesota Statutes 1982, section 115A.46, subdivision 1, is amended to read:

Subdivision 1. [GENERAL.] Plans shall address the state policies and purposes expressed in section 115A.02. Plans for the location, establishment, operation, maintenance, and post-closure use of facilities and facility sites, for ordinances, and for licensing, permit, and enforcement activities shall be consistent with the rules adopted by the agency pursuant to chapter 116. Plans shall address the resolution of conflicting, duplicative, or overlapping local management efforts. Plans shall address the establishment of joint powers management programs or waste management districts where appropriate. (PLANS PROPOSING A DESIGNATION OF RESOURCE RECOVERY FACILITIES PURSUANT TO SECTIONS 115A.70 AND 400.162 SHALL BE SUBMITTED TO THE WASTE MANAGEMENT BOARD FOR REVIEW AND APPROVAL OR DISAPPROVAL. THE REVIEW SHALL BE BASED ON WHETHER THE PLANS CONFORM TO THE REQUIRE-

MENTS OF THIS SECTION. THE BOARD MAY REQUIRE REVISION OF A PLAN AS A CONDITION OF ITS APPROVAL.) Plans shall address other matters as the rules of the agency may require consistent with the purposes of sections 115A.42 to 115A.46. Political subdivisions preparing plans under sections 115A.42 to 115A.46 shall consult with persons presently providing solid waste collection, processing, and disposal services. Plans (PREPARED BY LOCAL UNITS OF GOVERNMENT IN THE METROPOLITAN AREA SHALL CONFORM TO THE REQUIREMENTS OF CHAPTER 473) *shall be approved by the agency, or the metropolitan council pursuant to section 473.803. After initial approval, each plan shall be updated every five years and revised as necessary for further approval.*

Sec. 30. Minnesota Statutes 1982, section 115A.46, subdivision 2, is amended to read:

Subd. 2. [CONTENTS.] The plans shall describe existing collection, processing, and disposal systems, including schedules of rates and charges, financing methods, environmental acceptability, and opportunities for improvements in the systems. The plans shall include an estimate of the land disposal capacity in acre-feet which will be needed through the year 2000, on the basis of current and projected waste generation practices. (THE PLANS SHALL CONTAIN AN ASSESSMENT OF OPPORTUNITIES TO REDUCE THE NEED FOR LAND DISPOSAL THROUGH WASTE REDUCTION AND RESOURCE RECOVERY. THE ALTERNATIVE DEGREES OF REDUCTION ACHIEVABLE. AND) *The plans shall require the most feasible and prudent reduction of the need for and practice of land disposal of mixed municipal solid waste. The plans shall address at least waste reduction, separation, and resource recovery, and shall include objectives, immediately and over specified time periods, for reducing the land disposal of mixed municipal solid waste. The plans shall describe specific functions to be performed and activities to be undertaken to achieve the abatement objectives and shall describe the estimated cost, proposed manner of financing, and timing of the functions and activities. The plans shall include a comparison of the costs of (ALTERNATIVES) the activities to be undertaken, including capital and operating costs, and the effects of the (ALTERNATIVES) activities on the cost to generators and on persons currently providing solid waste collection, processing, and disposal services. The plans shall include alternatives which could be used to achieve the abatement objectives if the proposed functions and activities are not established. The plans shall designate how public education shall be accomplished. The plans shall, to the extent practicable and consistent with the achievement of other public policies and purposes, encourage ownership and operation of solid waste facilities by private industry. For solid waste facilities owned or operated by public agencies or supported primarily by public funds or obligations issued by a public agency, the plans shall include criteria and standards to protect comparable private and public facilities already existing in the*

area from displacement unless the displacement is required in order to achieve the waste management objectives identified in the plan. The plans shall establish a siting procedure and development program to assure the orderly location, development, and financing of new or expanded solid waste facilities and services sufficient for a prospective ten-year period, including estimated costs and implementation schedules, proposed procedures for operation and maintenance, estimated annual costs and gross revenues, and proposals for the use of facilities after they are no longer needed or usable. The plans shall describe existing and proposed county and municipal ordinances and license and permit requirements relating to solid waste management and shall describe existing and proposed regulation and enforcement procedures.

Sec. 31. Minnesota Statutes 1982, section 115A.70, is amended by adding a subdivision to read:

Subd. 8. [AUTHORITY.] A waste management district possessing designation authority in its articles of incorporation may be authorized to designate a resource recovery facility under sections 32 to 41.

Sec. 32. [115A.80] [DESIGNATION OF RESOURCE RECOVERY FACILITIES; PURPOSE.]

In order to further the state policies and purposes expressed in section 115A.02, and to advance the public purposes served by resource recovery, the legislature finds and declares that it may be necessary pursuant to sections 32 to 41 to authorize a qualifying solid waste management district or county to designate a resource recovery facility.

Sec. 33. [115A.81] [DEFINITIONS.]

Subdivision 1. [SCOPE.] The terms used in sections 32 to 41 have the meanings given them in this section.

Subd. 2. [DESIGNATION.] "Designation" means a requirement by a waste management district or county that all or any portion of the solid waste that is generated within its boundaries or any service area thereof and is deposited within the state be delivered to a resource recovery facility identified by the district or county.

Sec. 34. [115A.82] [ELIGIBILITY.]

Facilities may be designated under sections 32 to 41 by (1) a solid waste management district established pursuant to sections 115A.62 to 115A.72 and possessing designation authority in its articles of incorporation; or (2) a county, but only for waste generated outside of the boundaries of a district qualifying under

clause (1) or the Western Lake Superior Sanitary District established by Laws 1971, chapter 478, as amended.

Sec. 35. [115A.83] [EXEMPTION.]

The designation may not apply to or include: (1) materials that are separated from solid waste and recovered for reuse in their original form or for use in manufacturing processes; or (2) materials that are processed at another resource recovery facility at the capacity in operation at the time that the designation plan is approved by the reviewing authority.

Sec. 36. [115A.84] [DESIGNATION PLAN.]

Subdivision 1. [REQUIREMENT.] Before commencing the designation procedure under section 37, the district or county shall adopt a comprehensive solid waste management plan or, under chapter 473, a master plan. The comprehensive or master plan must include a plan for designation approved under this section.

Subd. 2. [DESIGNATION; PLAN CONTENTS.] (a) The designation plan must evaluate (1) the benefits of the designation, including the public purposes achieved by the conservation and recovery of resources, the furtherance of local and any district or regional waste management plans and policies, and the furtherance of the state policies and purposes expressed in section 115A.02; and (2) the estimated costs of the designation, including the direct capital, operating, and maintenance costs of the facility designated, the indirect costs, and the long-term effects of the designation.

(b) In particular the designation plan must evaluate:

(1) whether the designation will result in the recovery of resources or energy from materials which would otherwise be wasted;

(2) whether the designation will lessen the demand for and use of land disposal;

(3) whether the designation is necessary for the financial support of the facility;

(4) whether less restrictive methods for ensuring an adequate solid waste supply are available; and

(5) other feasible and prudent waste processing alternatives for accomplishing the purposes of the proposed designation, the direct and indirect costs of the alternatives, including capital and operating costs, and the effects of the alternatives on the cost to generators.

Subd. 3. [PLAN APPROVAL.] A district or county planning a designation for waste generated wholly within the metropolitan area defined in section 473.121 shall submit its designation plan to the metropolitan council for review and approval or disapproval. Other districts or counties shall submit the designation plan to the waste management board for review and approval or disapproval. The reviewing authority shall complete its review and make its decision within 90 days following submission of the plan for review. The reviewing authority shall approve the designation plan if the plan satisfies the requirements of subdivision 2.

Subd. 4. [EXCLUSION OF CERTAIN MATERIALS.] When it approves the designation plan, the reviewing authority shall exclude from the designation materials that the reviewing authority determines will be processed at another resource recovery facility if:

(1) the other resource recovery facility is substantially completed or will be substantially completed within 18 months of the time that the designation plan is approved by the reviewing authority; and

(2) the other facility has or will have contracts for purchases of its product; and

(3) the materials are or will be under contract for delivery to the other facility at the time the other facility is completed.

In order to qualify for the exclusion of materials under this subdivision, the operator or owner of the other resource recovery facility shall file with the reviewing authority and the district or county or counties a written description of the facility, its intended location, its waste supply sources, purchasers of its products, its design capacity and other information that the reviewing authority and the district or county or counties may reasonably require. The information must be filed as soon as it becomes available but not later than the date when the county or district submits its designation plan for approval.

The reviewing authority may revoke the exclusion granted under this subdivision when it approves the designation ordinance under section 38 if in its judgment the excluded materials will not be processed at the other facility.

Sec. 37. [115A.85] [PROCEDURE.]

Subdivision 1. [REQUIREMENT.] A district or county with an approved designation plan shall proceed as provided in this section when designating facilities. A district need not repeat the designation procedures in this section to the extent that the procedures have been completed by each county having ter-

ritory in the district or by a joint powers board composed of each county having territory in the district.

Subd. 2. [HEARING.] The district or county shall hold a public hearing to take testimony on the designation. Notice of the hearing must be published in a newspaper of general circulation in the area for two successive weeks ending at least 15 days before the date of the hearing and must be mailed to political subdivisions, landfill operators, and licensed solid waste collectors who may be expected to use the facility. The notification must: (1) describe the area in which the designation will apply and the plans for the use of the solid waste; (2) specify the point or points of delivery of the solid waste; (3) estimate the types and quantities of solid waste subject to the designation; and (4) estimate the fee to be charged for the use of the facilities and for any products of the facilities. A designation or contract for use is not invalid by reason of the failure of the district or county to provide written notice to an entity listed in this subdivision.

Subd. 3. [NEGOTIATED CONTRACTS FOR USE.] During a period of 90 days following the hearing, the district or county shall negotiate with the persons entitled to written notice under subdivision 2 for the purpose of developing contractual agreements that will require use of the facilities proposed to be designated.

Subd. 4. [DESIGNATION DECISION.] At the end of the 90-day contract negotiation period the district or county may proceed to secure approval for and implement the designation as provided in section 38.

Sec. 38. [115A.86] [IMPLEMENTATION OF DESIGNATION.]

Subdivision 1. [DESIGNATION ORDINANCE.] (a) The district or county shall prepare a designation ordinance to implement a designation. The designation ordinance must: (1) define the geographic area and the types and quantities of solid waste subject to designation; (2) specify the point or points of delivery of the solid waste; (3) require that the designated solid waste be delivered to the specified point or points of delivery; (4) set out the procedures and principles to be followed by the county or district in establishing and amending any rates and charges at the designated facility; and (5) state any additional regulations governing waste collectors or other matters necessary to implement the designation.

(b) The designation ordinance must provide an exception for: (1) materials that are exempt or excluded from the designation under section 35 or 36, subdivision 4; and (2) materials otherwise subject to the designation for which negotiated contractual arrangements exist that will require and effect the delivery of the waste to the facility for the term of the contract.

Subd. 2. [APPROVAL.] A district or county whose designation applies wholly within the metropolitan area defined in section 473.121 shall submit the designation ordinance, together with any negotiated contracts assuring the delivery of solid waste, to the metropolitan council for review and approval or disapproval. Other districts or counties shall submit the designation ordinance, together with any negotiated contracts assuring the delivery of solid waste, to the waste management board for review and approval or disapproval. The reviewing authority shall complete its review and make its decision within 90 days following submission of the designation for review. The reviewing authority shall approve the designation if it determines that the designation procedure specified in section 37 was followed and that the designation is based on a plan approved under section 36. The reviewing authority may attach conditions to its approval.

Subd. 3. [IMPLEMENTATION.] The designation may be placed into effect no less than 60 days following the approval required in subdivision 2. The effective date of the designation must be specified at least 60 days in advance. If the designation is not placed into effect within two years of approval, the designation must be resubmitted to the reviewing authority for approval or disapproval under subdivision 2, unless bonds have been issued to finance the resource recovery facility to which the designation applies.

Subd. 4. [EFFECT.] The designation is binding on all political subdivisions, landfill operators, solid waste generators, and solid waste collectors in the designation area.

Subd. 5. [AMENDMENTS.] Amendments to a designation ordinance must be submitted to the reviewing authority for approval. The reviewing authority shall approve the amendment if the amendment is in the public interest and in furtherance of the state policies and purposes expressed in section 115A.02. If the reviewing authority does not act within 90 days, the amendment is approved.

Sec. 39. [115A.87] [JUDICIAL REVIEW.]

An action challenging a designation must be brought within 60 days of the approval of the designation by the reviewing authority. The action is subject to section 562.02.

Sec. 40. [115A.88] [SERVICE GUARANTEE.]

The district or county may not arbitrarily terminate, suspend, or curtail services provided to any person required by contract or designation ordinance to use designated facilities without the consent of the person or without just cause.

Sec. 41. [115A.89] [SUPERVISION OF IMPLEMENTATION.]

The reviewing authority shall: (1) require regular reports on the implementation of each designation; (2) periodically evaluate whether each designation as implemented has accomplished its purposes and whether the designation is in the public interest and in furtherance of the state policies and purposes expressed in section 115A.02; and (3) report periodically to the legislature on its conclusions and recommendations.

Sec. 42. Minnesota Statutes 1983 Supplement, section 115B.22, subdivision 1, is amended to read:

Subdivision 1. [TAXES IMPOSED; EXCLUSIONS.] Each generator of hazardous waste shall pay the taxes imposed by this section based upon the volume and destination of the hazardous wastes generated. The taxes imposed by this section do not apply to hazardous wastes destined for recycling or reuse including waste accumulated, stored, or physically, chemically, or biologically treated before recycling or reuse, to used crankcase oil, to hazardous waste which is generated as a result of any response action, or to hazardous waste which meets applicable pretreatment standards or compliance schedules and is discharged to a public sewage treatment works, or to hazardous waste that is generated as residue from a hazardous waste incineration facility that treats waste subject to taxation under subdivision 5.

Sec. 43. Minnesota Statutes 1982, section 116.07, is amended by adding subdivisions to read:

Subd. 4e. [CLOSURE AND POSTCLOSURE RULES.] *The agency shall adopt rules establishing requirements for the closure of solid waste disposal facilities and for the postclosure care of closed facilities. The rules apply to all solid waste disposal facilities in operation at the time the rules are effective. Compliance with the rules is a condition of obtaining or retaining a permit to operate the facility. The rules must provide standards and procedures for closing disposal facilities and for the care, maintenance, and monitoring of the facilities after closure that will prevent, mitigate, or minimize the threat to public health and the environment posed by closed disposal facilities.*

Subd. 4f. [FINANCIAL RESPONSIBILITY RULES.] *The agency shall adopt rules requiring the operator or owner of a solid waste disposal facility to submit to the agency proof of the operator's or owner's financial capability to provide reasonable and necessary response during the operating life of the facility and for 20 years after closure, and to provide for the closure of the facility and postclosure care required under agency rules. Proof of financial responsibility is required of the operator*

or owner of a facility receiving an original permit or a permit for expansion after adoption of the rules. Within 180 days of the effective date of the rules, proof of financial responsibility is required of an operator or owner of a facility with a remaining capacity of more than five years or 500,000 cubic yards that is in operation at the time the rules are adopted. Compliance with the rules is a condition of obtaining or retaining a permit to operate the facility.

Subd. 4g. [CIVIL PENALTIES.] The civil penalties of section 115.071 apply to any person in violation of the rules adopted under subdivision 4e or 4f.

Sec. 44. Minnesota Statutes 1982, section 116J.88, is amended by adding a subdivision to read:

Subd. 8a. [HAZARDOUS WASTE PROCESSING FACILITY LOAN.] "Hazardous waste processing facility loan" means a loan for the acquisition, construction, or improvement of real and personal property to be used for the collection or processing of hazardous waste as those terms are defined in section 115A.03, subdivisions 5, 13, and 25.

Sec. 45. Minnesota Statutes 1983 Supplement, section 116J.90, is amended by adding a subdivision to read:

Subd. 4a. [HAZARDOUS WASTE PROCESSING FACILITY LOANS.] The authority may make, purchase, or participate in making or purchasing hazardous waste processing facility loans in any amount, and may enter into commitments therefore. A private person proposing to develop and operate a hazardous waste processing facility is eligible to apply for a loan under this subdivision. Applications must be made to the authority. The authority shall forward the applications to the waste management board for review pursuant to section 13. If the waste management board does not certify the application, the authority may not approve the application nor make the loan. If the waste management board certifies the application, the authority shall approve the application and make the loan if funds are available for it and if the authority finds that:

(1) development and operation of the facility as proposed by the applicant is economically feasible;

(2) there is a reasonable expectation that the principal and interest on the loan will be fully repaid; and

(3) the facility is unlikely to be developed and operated without a loan from the authority.

The authority and the waste management board shall establish coordinated procedures for loan application, certification, and approval.

The authority may use the economic development fund to provide financial assistance to any person whose hazardous waste processing facility loan application has been certified by the waste management board and approved by the authority, and for this purpose may exercise the powers granted in section 116J.89, subdivision 1a, with respect to any loans made or bonds issued under this subdivision regardless of whether the applicant is an eligible small business.

The authority may issue bonds and notes in the aggregate principal amount of \$10,000,000 for the purpose of making, purchasing, or participating in making or purchasing hazardous waste processing facility loans. This amount is in addition to any other authority to issue bonds and notes under chapter 116J.

The authority may adopt temporary rules under sections 14.29 to 14.36 to implement the loan program under this subdivision. Temporary rules adopted by the authority remain in effect for 360 days or until permanent rules are adopted, whichever occurs first.

Sec. 46. Minnesota Statutes 1982, section 400.04, is amended by adding a subdivision to read:

Subd. 2a. [RIGHT OF ENTRY.] A county or authorized agent of the county may enter during normal business hours on public or private property to obtain information or conduct surveys or investigations to accomplish the purposes of the county under chapter 400 if reasonable notice is given and compensation is made for any damage to the property caused by the entrance and activity.

Sec. 47. Minnesota Statutes 1982, section 400.04, subdivision 3, is amended to read:

Subd. 3. [ACQUISITION, CONSTRUCTION AND OPERATION OF PROPERTY AND FACILITIES.] Notwithstanding any other law, a county may acquire, construct, enlarge, improve, repair, supervise, control, maintain, and operate (ANY AND ALL) solid waste facilities and other property and facilities needed, used, or useful for solid waste management purposes, and may purchase and lease materials, equipment, machinery and (SUCH) other personal property (AS IS) necessary for (SUCH) the purposes upon terms and conditions determined by the board, with or without advertisement for bids, including the use of conditional sales contracts and lease-purchase agreements. A county may employ (SUCH) the personnel (AS ARE) reasonably necessary for the care, maintenance and operation of (SUCH) the property and facilities. A county shall contract with private persons for the construction, maintenance, and operation of solid waste facilities where the facilities are adequate and available for use and competitive with other means of providing the same service.

Sec. 48 Minnesota Statutes 1982, section 400.162, is amended to read:

400.162 [COUNTY DESIGNATION OF RESOURCE RECOVERY FACILITY.]

(THE AUTHORITY GRANTED TO COUNTIES BY THIS SECTION SHALL NOT APPLY WITHIN THE WESTERN LAKE SUPERIOR SANITARY DISTRICT ESTABLISHED BY LAWS 1971, CHAPTER 478, AS AMENDED, NOR WITHIN ANY SOLID WASTE MANAGEMENT DISTRICT ESTABLISHED UNDER SECTIONS 115A.62 TO 115A.72. IN ORDER TO ACCOMPLISH THE OBJECTIVES OF COUNTY WASTE MANAGEMENT, TO FURTHER THE STATE POLICIES AND PURPOSES EXPRESSED IN SECTION 115A.02, AND TO ADVANCE THE PUBLIC PURPOSES SERVED BY RESOURCE RECOVERY, THE LEGISLATURE FINDS AND DECLARES THAT IT MAY BE NECESSARY TO AUTHORIZE A COUNTY TO REQUIRE THAT ALL OR ANY PORTION OF THE SOLID WASTE THAT IS GENERATED WITHIN THE BOUNDARIES OF THE COUNTY OR ANY SERVICE AREA THEREOF AND IS DISPOSED OF IN THE STATE BE DELIVERED TO A RESOURCE RECOVERY FACILITY DESIGNATED BY THE COUNTY BOARD OR A TRANSFER STATION SERVING SUCH A FACILITY. ANY COUNTY DESIGNATION SHALL BE BASED UPON A PLAN PREPARED AND APPROVED IN CONFORMANCE WITH SECTION 115A.46 AND SHALL BE SUBMITTED PURSUANT TO SECTION 115A.071 FOR REVIEW AND APPROVAL OR DISAPPROVAL BY THE WASTE MANAGEMENT BOARD. IN ESTABLISHING, CONTINUING, AND TERMINATING THE DESIGNATION, THE COUNTY SHALL BE GOVERNED BY ALL STANDARDS, EXEMPTIONS, PROCEDURES, AND OTHER REQUIREMENTS PROVIDED IN SECTION 115A.70, SUBDIVISIONS 2 TO 6) *A qualifying county may be authorized to designate a resource recovery facility under sections 32 to 41.*

Sec. 49. Minnesota Statutes 1983 Supplement, section 473.149, subdivision 2d, is amended to read:

Subd. 2d. **[LAND DISPOSAL ABATEMENT PLAN.]** By January 1, (1984) 1985, after considering *any* county land disposal abatement proposals and waste stream analysis that have been submitted by that date, pursuant to section 473.803, subdivision 1b, the council shall amend its policy plan to include specific and quantifiable *metropolitan* objectives for abating (THE) *to the greatest feasible and prudent extent the need for and practice of land disposal of mixed municipal solid waste and of specific components of the solid waste stream, either by type of waste or class of generator. The objectives must be stated in annual increments through the year 1990 and thereafter in five*

year increments through the year 2000. The plan (SHALL) must include a reduced estimate, based on the council's abatement objectives, of the added solid waste disposal capacity needed in appropriate sectors of the metropolitan area, stated in annual increments through the year 1990 and thereafter in five year increments through the year 2000. (THE OBJECTIVES IN) The plan (SHALL BE BASED UPON STANDARDS) must include measurable objectives for (COUNTY) local abatement of solid waste through resource recovery and waste reduction and separation programs and activities for each metropolitan county and for cities of the first class, the second class, and the third class, respectively, stated in annual increments through the year 1990 and in five year increments through the year 2000. The standards must be based upon and implement the council's metropolitan abatement objectives. The council's plan (SHALL) must include standards and procedures to be used by the council in determining (THAT) whether a metropolitan (COUNTIES HAVE NOT) county or class of cities within a metropolitan county has implemented the council's metropolitan land disposal abatement plan and (HAVE NOT MET) has achieved the (STANDARDS) objectives for (COUNTY) local abatement (PROGRAMS AND ACTIVITIES). The council shall report on abatement to the legislative commission (ON ITS) before January 1 of each year. The report must include an assessment of whether the objectives of the metropolitan abatement plan (AND ON) have been met and whether each county and each class of city within each county has achieved the objectives set for it in the council's plan. The report must recommend any legislation that may be required to implement the plan. If in any year the council reports that the objectives of the council's abatement plan have not been met, the council shall attach legislation to the report that reassigns appropriate governmental responsibilities among cities, counties, and metropolitan agencies so as to assure implementation and achievement of the metropolitan and local abatement plans and objectives.

Sec. 50. Minnesota Statutes 1983 Supplement, section 473.149, subdivision 2e, is amended to read:

Subd. 2e. [SOLID WASTE DISPOSAL FACILITIES DEVELOPMENT SCHEDULE.] By January 1, (1984) 1985, after requesting and considering recommendations from the counties, cities, and towns, the council as part of its policy plan shall determine the number (AND CAPACITY) of sites and the capacity of sites to be acquired within each metropolitan county for solid waste disposal facilities in accordance with section 473.833. The council shall adopt a schedule (FOR DEVELOPMENT) of disposal (FACILITIES BY) capacity to be developed in each county through the year 2000. The schedule (SHALL BE BASED UPON) may not allow capacity in excess of the council's reduced estimate of the disposal capacity needed because of the council's land disposal abatement plan, except as the council deems necessary to allow reallocation of capacity

as required by this subdivision. The council (MAY) shall make the implementation of elements of the schedule, including the disposal capacity allocated to each county, contingent on actions of (THE COUNTIES) each county and class of city in that county in adopting and implementing (COUNTY) abatement plans pursuant to section 473.803, subdivision 1b (; AND). The council shall review the development schedule (AT LEAST) every (TWO YEARS) year and shall revise the development schedule (AS IT DEEMS APPROPRIATE) and the allocation of disposal capacity required for each county based on the progress made in (THE ADOPTION AND) that county in the implementation of the (COUNCIL AND COUNTY) council's abatement plans and achievement of metropolitan and local abatement objectives. The schedule may include procedures to be used by counties in selecting sites for acquisition pursuant to section 473.833. The schedule (SHALL) must include standards and procedures for council certification of need pursuant to section 473.823. The schedule (SHALL) must include a facility closure schedule and plans for post-closure management and disposition, for the use of property after acquisition and before facility development, and for the disposition of property and development rights, as defined in section 473.833, no longer needed for disposal facilities. The schedule (SHALL) must also include a closure schedule and plans for post-closure management for facilities in existence before the adoption of the development schedule.

Sec. 51. Minnesota Statutes 1982, section 473.181, subdivision 4, is amended to read:

Subd. 4. [SOLID WASTE.] The council shall review (COUNTY) solid waste (REPORTS, AND SOLID WASTE FACILITY PERMIT APPLICATIONS PURSUANT TO SECTIONS 473.803 AND 473.823) management activities of local government units as provided in sections 473.801 to 473.834 and 32 to 41.

Sec. 52. Minnesota Statutes 1982, section 473.801, subdivision 1, is amended to read:

Subdivision 1. For the purposes of sections 473.801 to (473.823 AND SECTIONS 473.827, 473.831, AND 473.833) 473.845 the terms defined in this section have the meanings given them.

Sec. 53. Minnesota Statutes 1982, section 473.801, subdivision 4, is amended to read:

Subd. 4. Unless otherwise provided the definitions of terms (DEFINED) in section 115A.03 shall apply to sections 473.801 to (473.823) 473.845.

Sec. 54. Minnesota Statutes 1983 Supplement, section 473.803, subdivision 1a, is amended to read:

Subd. 1a. [PROPOSED INVENTORY OF DISPOSAL SITES.] By October 15, 1981, each (COUNTY) *metropolitan county having a population of less than 300,000, as determined by the 1980 United States Census*, shall adopt, by resolution of its governing body, an inventory of (FOUR) *at least three* proposed sites in the county suitable for mixed municipal solid waste disposal facilities and shall submit the inventory to the council for approval or disapproval. The council shall evaluate and approve or disapprove each proposed site in accordance with the standards set out in this subdivision. *Each metropolitan county having a population greater than 300,000, as determined by the 1980 United States Census*, shall adopt, by resolution of its governing body, an inventory of at least four proposed sites in the county that are suitable for mixed municipal solid waste disposal facilities and shall submit the inventory to the council for approval or disapproval. Except as otherwise provided in this subdivision, each site shall satisfy the standards and criteria in federal and state regulations and the council's policy plan for solid waste management. In proposing and approving sites for the inventory, the counties and the council shall prefer land which is capable of being returned to its existing use or the use anticipated in a plan of a metropolitan agency, county, or local unit of government use after closure of a disposal facility. Each site shall contain no less than 80 acres and no more than 250 acres. Each proposed site shall be surrounded by a buffer area at least equal to the area of the site. No site shall be adopted by a county or the council as part of an inventory unless the agency certifies its intrinsic suitability for the use intended, based on preliminary environmental analysis and on site surveys and investigations conducted by the county. Notwithstanding any plan, charter provision, law, ordinance, regulation, or other requirement of any state agency or political subdivision, no land shall be excluded from consideration for inclusion in the inventory except land determined by the agency to be intrinsically unsuitable. Each county shall provide to the agency data relating to the intrinsic suitability of the sites to be proposed for the inventory as soon as available. By July 1, 1981 each county shall propose at least the number of sites required for the inventory, and the director of the agency shall issue a notice indicating which of those sites the director recommends be certified as intrinsically suitable. Notice of hearings on the director's recommendation shall be published in the state register and newspapers of general circulation in the metropolitan area and shall be sent by mail to the metropolitan council and local government units containing a proposed inventory site. A hearing shall be held in each metropolitan county and shall be conducted by the state office of administrative hearings in a manner consistent with the completion of the proceedings and the hearing examiner's report to the agency in the time allowed by this section. The hearing shall afford all interested persons an opportunity to testify and present evidence on the subject of the hearing. The subject of the hearing shall be limited to information submitted by the county and additional information

on the proposed sites which is relevant to the agency's decision on intrinsic suitability. The rulemaking and contested case procedures of chapter 14 shall not apply to this hearing. The report of the hearing examiner shall contain findings of fact, conclusions, and recommendations on the subject of the hearing. The agency shall make a final determination as to the intrinsic suitability of each proposed site and shall certify them accordingly within 90 days of the county's proposal of a site. The agency shall not be required to promulgate rules pursuant to chapter 15 on criteria and standards to govern its certification of intrinsic suitability under this section. No action of the agency shall be held invalid by reason of the agency's failure to notify any of the entities listed in this subdivision. The council shall evaluate each site with respect to local land use and land use controls, the protection of agriculture and natural resources, existing and future development patterns, transportation facilities and other services and facilities appropriate to land disposal facilities, the quality of other potential sites, and patterns of generation of solid waste. The council shall notify a county of any site proposed by the county which the council disapproves and shall allow the county 60 days to propose an alternative site. If the county fails to propose an alternative acceptable to the council in the time allowed, the council shall propose a site acceptable to it for inclusion in the inventory of sites in that county. If in the council's judgment a county does not contain the requisite number of satisfactory sites, the council may reduce the number of sites required of that county.

Sec. 55. Minnesota Statutes 1983 Supplement, section 473.-803, subdivision 1b, is amended to read:

Subd. 1b. [LAND DISPOSAL ABATEMENT.] By April 1, 1982, after considering the council's disposal abatement report submitted to the counties pursuant to section 473.149, subdivision 2a, each county shall submit to the council a proposal to reduce to the greatest feasible and prudent extent the need for and practice of land disposal of mixed municipal solid waste. The proposal (SHALL) *must* address at least waste reduction, separation, and resource recovery. The proposal (SHALL) *must* include objectives, immediately and over specified time periods, for reducing the land disposal of mixed municipal solid waste generated within the county. The proposal (SHALL) *must* describe specific functions to be performed and activities to be undertaken by the county and cities and towns within the county to achieve the objectives and (SHALL) *must* describe the estimated cost, proposed manner of financing, and timing of the functions and activities. The proposal (SHALL) *must* include alternatives which could be used to achieve the objectives if the proposed functions and activities are not established. *By August 1, 1984, each county shall provide the council with an analysis of the solid waste generated in the county, by classification of generators and by composition. Each county shall revise its master plan to include a land disposal abatement element*

to implement the council's land disposal abatement plan adopted under section 473.149, subdivision 2d, and shall submit the revised plan to the council for review under subdivision 2 within nine months after the adoption of the council's metropolitan abatement plan. *The county plan must embody and be consistent with at least the local abatement objectives for the county and cities within the county as stated in the council's plan.* The (PROPOSAL AND) master plan revision required by this subdivision (SHALL) *must* be prepared in consultation with (CITIES AND TOWNS WITHIN THE COUNTY, PARTICULARLY THE CITIES AND TOWNS IN WHICH A SOLID WASTE DISPOSAL FACILITY IS OR MAY BE LOCATED PURSUANT TO THE COUNTY MASTER PLAN) *the advisory committee established pursuant to subdivision 4.*

Sec. 56. Minnesota Statutes 1982, section 473.803, subdivision 2, is amended to read:

Subd. 2. [COUNCIL REVIEW.] The council shall review each master plan or revision thereof to determine whether it is consistent with the council's policy plan. If it is not consistent, the council shall disapprove and return the plan with its comments to the county for revision and resubmittal. The county (SHALL HAVE 90) *has 60* days to revise and resubmit the plan for council approval. Any county solid waste plan or report approved by the council prior to April 9, 1976, shall remain in effect until a new master plan is submitted to and approved by the council in accordance with this section.

Sec. 57. Minnesota Statutes 1982, section 473.803, subdivision 3, is amended to read:

Subd. 3. [ANNUAL REPORT.] Each metropolitan county shall prepare and submit annually to the council for its approval a report containing information, as the council may prescribe in its policy plan, concerning solid waste generation and management within the county. The report shall include a statement of progress in achieving the land disposal abatement objectives (OF) *for the county and classes of cities in the county as stated in the council's policy plan and county master plan.* The report (SHALL) *must* include a schedule of rates and charges in effect or proposed for the use of any solid waste facility owned or operated by or on its behalf, together with a statement of the basis for such charges.

Sec. 58. Minnesota Statutes 1982, section 473.803, is amended by adding a subdivision to read:

Subd. 4. [ADVISORY COMMITTEE.] *By July 1, 1984 each county shall establish a solid waste management advisory committee to aid in the preparation of the county master plan and any revisions thereof. The committee must consist of one-*

third citizen representatives, one-third representatives from towns and cities within the county, and one-third representatives from private waste management firms. At least one-third of the members of the committee must be residents of towns or cities within the county containing solid waste disposal facilities and eligible solid waste disposal sites included in the council's disposal site inventory. Members of the council's solid waste advisory committee who reside in the county are members of the county advisory committee. A representative of the metropolitan council is an ex officio member of the committee.

Sec. 59. Minnesota Statutes 1982, section 473.811, subdivision 10, is amended to read:

Subd. 10. [COUNTY DESIGNATION OF RESOURCE RECOVERY FACILITIES.] (THE AUTHORITY GRANTED TO METROPOLITAN COUNTIES BY THIS SUBDIVISION SHALL NOT APPLY WITHIN ANY SOLID WASTE MANAGEMENT DISTRICT ESTABLISHED UNDER SECTIONS 115A.62 TO 115A.72. IN ORDER TO ACCOMPLISH THE OBJECTIVES OF COUNTY WASTE MANAGEMENT, TO FURTHER THE STATE POLICIES AND PURPOSES EXPRESSED IN SECTION 115A.02, AND TO ADVANCE THE PUBLIC PURPOSES SERVED BY RESOURCE RECOVERY, THE LEGISLATURE FINDS AND DECLARES THAT IT MAY BE NECESSARY TO AUTHORIZE A COUNTY TO REQUIRE THAT ALL OR ANY PORTION OF THE SOLID WASTE THAT IS GENERATED WITHIN THE BOUNDARIES OF THE COUNTY OR ANY SERVICE AREA THEREOF AND IS DISPOSED OF IN THE STATE BE DELIVERED TO A RESOURCE RECOVERY FACILITY DESIGNATED BY THE COUNTY BOARD OR A TRANSFER STATION SERVING SUCH A FACILITY. ANY COUNTY DESIGNATION SHALL BE BASED UPON AN APPROVED MASTER PLAN AND SHALL BE SUBMITTED PURSUANT TO SECTION 473.827, SUBDIVISION 1, FOR REVIEW AND APPROVAL OR DISAPPROVAL BY THE METROPOLITAN COUNCIL. IN ESTABLISHING, CONTINUING, AND TERMINATING THE DESIGNATION, THE COUNTY SHALL BE GOVERNED BY ALL STANDARDS, EXEMPTIONS, PROCEDURES, AND OTHER REQUIREMENTS PROVIDED IN SECTION 115A.70, SUBDIVISIONS 2 TO 6) *A qualifying county may be authorized to designate a resource recovery facility under sections 32 to 41.*

Sec. 60. Minnesota Statutes 1983 Supplement, section 473.823, subdivision 6, is amended to read:

Subd. 6. [COUNCIL; CERTIFICATION OF NEED.] No new mixed municipal solid waste disposal facility (SHALL) *or capacity may be permitted in the metropolitan area without a certificate of need issued by the council indicating the council's determination that the additional disposal capacity planned for*

the facility is needed in the metropolitan area. The council shall amend its policy plan, adopted pursuant to section 473.149, to include standards and procedures for certifying need. The standards and procedures (SHALL) *must* be based on the council's disposal abatement plan adopted (PURSUANT TO) *under* section 473.149, subdivision 2d, and the abatement master plans of counties adopted (PURSUANT TO) *under* section 473.803, subdivision 1b. The council shall certify need only to the extent that there are no feasible and prudent alternatives to the disposal facility, including waste reduction, source separation and resource recovery which would minimize adverse impact upon natural resources. Alternatives that are speculative or conjectural (SHALL) *are not* (BE DEEMED TO BE) feasible and prudent. Economic considerations alone (SHALL) *do not* justify the certification of need or the rejection of alternatives. In its certification the council (SHALL) *may not* consider alternatives (WHICH) *that* have been eliminated from consideration by the adoption of the inventory pursuant to section 473.149, subdivision 2b, or the selection of sites under section 473.833, subdivision 3.

Sec. 61. Minnesota Statutes 1982, section 473.833, subdivision 4, is amended to read:

Subd. 4. [ACQUISITION AND DISPOSITION.] In order to prevent the development of conflicting land uses at and around future solid waste disposal facility sites, (THE COUNCIL SHALL PROVIDE FOR THE ACQUISITION BY A) *each* metropolitan county (OF) *shall acquire* property and rights in property at and around each solid waste disposal site selected *within the county* pursuant to subdivision 3. Each site scheduled for development as a facility through the year 1990 (SHALL) *must* be acquired in fee. Development rights (SHALL) *must* be acquired for each site scheduled for development as a facility after the year 1990 through the year 2000. Development rights (SHALL) *must* be acquired in a buffer area surrounding and at least equal to the area of each site scheduled for development as a facility through the year 2000. The owner of any property for which development rights are to be or have been acquired pursuant to this subdivision may elect by written notice at any time up to 90 days following the issuance of a permit by the agency for a facility to have the county acquire fee title to the property. Fee title (SHALL) *may not* be acquired by counties for buffer areas (ONLY) *except* at the election of the owner of the fee.

Sec. 62. [473.838] [CITATION.]

Sections 63 to 69 may be cited as the "Metropolitan Landfill Abatement Act."

Sec. 63. [473.839] [DEFINITIONS.]

Subdivision 1. [SCOPE.] As used in sections 63 to 69, the terms defined in this section have the meanings given them.

Subd. 2. [MARKET DEVELOPMENT.] "Market development" means the location and facilitation of economic markets for materials, substances, energy, or other products contained within or derived from waste.

Subd. 3. [MIXED MUNICIPAL SOLID WASTE DISPOSAL FACILITY.] "Mixed municipal solid waste disposal facility" means a waste facility used for the disposal of mixed municipal solid waste.

Subd. 4. [OPERATOR.] "Operator" means:

(1) the permittee of a mixed municipal solid waste disposal facility that has an agency permit; or

(2) the person in control of a mixed municipal solid waste disposal facility that does not have an agency permit.

Subd. 5. [RESPONSE.] "Response" has the meaning given it in section 115B.02, subdivision 18.

Subd. 6. [SOLID WASTE DISPOSAL FACILITY.] "Solid waste disposal facility" means a waste facility which is used for the disposal of solid waste.

Sec. 64. [473.840] [METROPOLITAN SOLID WASTE LANDFILL FEE.]

Subdivision 1. [AMOUNT OF FEE; APPLICATION.] The operator of a mixed municipal solid waste disposal facility in the metropolitan area shall pay a fee on solid waste accepted and disposed at the facility as follows:

(a) A facility that weighs the waste that it accepts must pay a fee of 50 cents per cubic yard based on equivalent cubic yards of waste accepted at the entrance of the facility.

(b) A facility that does not weigh the waste but that measures the volume of the waste that it accepts must pay a fee of 50 cents per cubic yard of waste accepted at the entrance of the facility.

(c) Waste residue from energy and resource recovery facilities at which solid waste is processed for the purpose of extracting, reducing, converting to energy, or otherwise separating and preparing solid waste for reuse is exempt from one-half of the amount of fee imposed by this subdivision if there is at least an 85 percent volume reduction in the solid waste processed. To

qualify for exemption under this clause, waste residue must be brought to a disposal facility separately. The commissioner of revenue, with the advice and assistance of the agency, shall prescribe procedures for determining the amount of waste residue qualifying for exemption.

Subd. 2. [DISPOSITION OF PROCEEDS.] *The proceeds of the fees imposed under this section, including interest and penalties, must be deposited as follows:*

(a) *one-half of the proceeds must be deposited in the landfill abatement fund established in section 65; and*

(b) *one-half of the proceeds must be deposited in the metropolitan landfill contingency action fund established in section 66.*

Subd. 3. [PAYMENT OF FEE.] *On or before the 20th day of each month each operator shall pay the fee due under this section for the previous month, using a form provided by the commissioner of revenue.*

Subd. 4. [EXCHANGE OF INFORMATION.] *Notwithstanding the provisions of section 116.075, the agency may provide the commissioner of revenue with the information necessary for the enforcement of this section. Information disclosed in a return filed under this section is public information. Information exchanged between the commissioner and the agency is public unless the information is of the type determined to be for the confidential use of the agency under section 116.075 or is trade secret information classified under section 13.37. Information obtained in the course of an audit by the department of revenue is private or nonpublic data to the extent that it would not be directly divulged in a return.*

Subd. 5. [PENALTIES; ENFORCEMENT.] *The audit, penalty, and enforcement provisions applicable to taxes imposed under chapter 290 apply to the fees imposed under this section. The commissioner of revenue shall administer the provisions.*

Subd. 6. [RULES.] *The commissioner of revenue may adopt rules necessary to implement this section.*

Subd. 7. [ADMINISTRATIVE EXPENSES.] *Any amount expended by the commissioner of revenue from a general fund appropriation to enforce and administer this section must be reimbursed to the general fund, and the amount necessary to make the reimbursement is appropriated from the landfill abatement fund to the commissioner of finance for transfer to the general fund.*

Sec. 65. [473.841] [METROPOLITAN LANDFILL ABATEMENT FUND.]

Subdivision 1. [ESTABLISHMENT; PURPOSES.] The metropolitan landfill abatement fund is created as an account in the state treasury in order to reduce to the greatest extent feasible and prudent the need for and practice of land disposal of mixed municipal solid waste in the metropolitan area. The fund consists of revenue deposited in the fund under section 64, subdivision 2, clause (a) and interest earned on investment of money in the fund. All repayments to loans made under this section shall be credited to the fund. Except as otherwise provided in section 71, subdivisions 2 and 3, and section 64, subdivision 7, the money in the fund may be spent, upon appropriation by the legislature, only for the following purposes:

(1) solid waste management planning assistance in the metropolitan area under sections 115A.42 to 115A.46;

(2) grants and loans to any person for resource recovery projects and related public education in the metropolitan area under subdivision 4;

(3) grants and loans to any person for market development for reusable or recyclable waste materials as provided in subdivision 2, clause (a); and

(4) administration and technical assistance by the metropolitan council as provided in subdivision 2, clause (b).

Subd. 2. [ALLOCATION.] (a) Up to ten percent of the money in the fund may be appropriated to the agency for transfer to the metropolitan council for grants under subdivision 1, clause (3).

(b) Up to five percent of the money in the fund may be appropriated to the agency for transfer to the metropolitan council for technical assistance and grant administration.

Subd. 3. [COMMISSION RECOMMENDATION.] The legislative commission on waste management shall make recommendations to the standing legislative committees on finance and appropriations about appropriations from the fund.

Subd. 4. [RESOURCE RECOVERY GRANTS AND LOANS.] The grant and loan program under this subdivision is administered by the metropolitan council. Grants and loans may be made to any person for resource recovery projects. The grants and loans may include the cost of planning, acquisition of land and equipment, and capital improvements. Grants and loans for planning may not exceed 50 percent of the planning costs. Grants and loans for acquisition of land and equipment and for capital improvements may not exceed 50 percent of the cost of the project. Grants and loans may be made for public education on the need for the resource recovery projects. A grant

or loan for land, equipment, or capital improvements may not be made until the metropolitan council has determined the total estimated capital cost of the project and ascertained that full financing of the project is assured. Grants and loans made to cities, counties, or solid waste management districts must be for projects that are in conformance with approved master plans.

Sec. 66. [473.842] [METROPOLITAN LANDFILL CONTINGENCY ACTION FUND.]

Subdivision 1. [ESTABLISHMENT.] The metropolitan landfill contingency action fund is created as an account in the state treasury. The fund consists of revenue deposited in the fund under section 64, subdivision 2, clause (b); amounts recovered under subdivision 6; and interest earned on investment of money in the fund.

Subd. 2. [CLOSURE AND POSTCLOSURE, RESPONSE PAYMENTS.] Money in the fund may only be appropriated to the agency for expenditure for:

(1) reasonable and necessary expenses for closure and post-closure care of a mixed municipal solid waste disposal facility in the metropolitan area for a 20-year period after closure, if the agency determines that the operator or owner will not take the necessary actions requested by the agency for closure and postclosure in the manner and within the time requested; or

(2) reasonable and necessary response and postclosure costs at a mixed municipal solid waste disposal facility in the metropolitan area that has been closed for 20 years in compliance with the closure and postclosure rules of the agency.

Subd. 3. [COMMISSION RECOMMENDATION.] The legislative commission on waste management shall make recommendations to the standing legislative committees on finance and appropriations about appropriations from the fund.

Subd. 4. [DUTY TO PROVIDE INFORMATION.] The operator or owner of a mixed municipal solid waste disposal facility or a solid waste disposal facility shall provide the necessary information to the agency required by sections 63 to 69 or by agency rules.

Subd. 5. [ACCESS TO INFORMATION AND PROPERTY.] The agency or any member, employee, or agent thereof authorized by the agency, upon presentation of credentials, may:

(1) examine and copy any books, papers, records, memoranda, or data of any person who has a duty to provide information to the agency under sections 63 to 69; and

(2) enter upon any property, public or private, for the purpose of taking any action authorized by this section including obtaining information from any person who has a duty to provide the information, conducting surveys or investigations, and taking response action.

Subd. 6. [RECOVERY OF EXPENSES.] When the agency incurs expenses for response actions at a facility, the agency is subrogated to any right of action which the operator or owner of the facility may have against any other person for the recovery of the expenses. The attorney general may bring an action to recover amounts spent by the agency under this section from persons who may be liable for them. Amounts recovered, including money paid under any agreement, stipulation, or settlement must be deposited in the metropolitan landfill contingency action fund.

Subd. 7. [CIVIL PENALTIES.] The civil penalties of section 115.071 apply to any person in violation of this section. All money recovered by the state under any statute or rule related to the regulation of solid waste in the metropolitan area, including civil penalties and money paid under any agreement, stipulation, or settlement, shall be deposited in the fund.

Sec. 67. [473.843] [REPORT TO LEGISLATURE.]

By November 1, 1986, and each year thereafter, the agency and metropolitan council shall submit to the senate finance committee, the house appropriations committee, and the legislative commission on waste management separate reports describing the activities for which money from the landfill abatement and contingency action funds has been spent during the previous fiscal year.

Sec. 68. [473.844] [OPERATOR OR OWNER LIABILITY FOR RESPONSE EXPENSES.]

The operator or owner of a mixed municipal solid waste disposal facility in the metropolitan area is not liable under any other law for response costs incurred by the agency at that facility under section 66, if the facility has been closed for 20 years in compliance with the closure and postclosure rules of the agency. Any provision of this section which relieves the operator or owner of a facility from liability for the payment of the agency's response costs must not be construed to affect the liability of any other person who may be liable for those costs.

Sec. 69. [473.845] [COUNTY FEE AUTHORITY.]

A metropolitan county and counties contiguous to a metropolitan county may charge a fee to operators of mixed municipal solid waste disposal facilities within the county. The fee may not

exceed 25 cents per cubic yard of solid waste accepted and disposed at the facility. The county fee is in addition to the fee paid under section 65. The proceeds of the county fee must be deposited in the county general fund and used for landfill abatement purposes or response actions. Waste residue from energy and resource recovery facilities at which solid waste is processed for the purpose of extracting, reducing, converting to energy, or otherwise separating and preparing solid waste for reuse is exempt from one-half the amount of fee imposed by a county under this section if there is at least an 85 percent volume reduction in the solid waste processed. To qualify for exemption under this section, procedures provided under section 64, subdivision 1, clause (c) must be followed.

Sec. 70. [ORGANIZED COLLECTION STUDY.]

The metropolitan council shall study the need for a system to implement organized collection of residential, commercial, and industrial solid wastes in the metropolitan area. The council shall submit the study to the legislative commission on waste management by June 1, 1985.

Sec. 71. [APPROPRIATIONS.]

Subdivision 1. [AMOUNTS.] The following amounts are appropriated from the general fund to the agency for the biennium ending June 30, 1985:

(1) for a grant to the metropolitan council for the organized collection system study in section 70, \$50,000;

(2) for adoption of rules and enforcement pursuant to section 43, \$90,000.

The complement of the agency is increased by two positions.

Subd. 2. [REIMBURSEMENT.] Any amount expended by the agency and metropolitan council from the appropriations in subdivision 1 shall be reimbursed to the general fund, and the amount necessary to make the reimbursement is appropriated from the landfill abatement fund to the commissioner of finance for transfer to the general fund.

Subd. 3. [FEE ADMINISTRATION.] The sum of \$75,000 is appropriated from the general fund to the commissioner of revenue for the purpose of administering section 64. This appropriation is available until June 30, 1985. This appropriation shall be reimbursed to the general fund under section 64, subdivision 7. The complement of the department of revenue is increased by two positions.

Subd. 4. [WASTE MANAGEMENT BOARD.] The following amounts are appropriated from the general fund to the waste management board and are available until June 30, 1985:

(1) for technical and research assistance programs; \$100,000;

(2) for hazardous waste collection grants, \$550,000;

(3) for hazardous waste processing grants, \$500,000;

(4) for administration of the programs provided in sections 8 to 13, \$100,000.

The complement of the waste management board is increased by four positions.

Sec. 72. [REPEALER.]

Minnesota Statutes 1982, sections 115A.071; 115A.46, subdivision 3; 115A.70, subdivisions 1, 2, 4, 5, and 6; 473.827; and Minnesota Statutes 1983 Supplement, section 115A.70, subdivisions 3 and 7, are repealed.

Sec. 73. [EXEMPTION TO CERTIFICATE OF NEED.]

Section 60 does not apply to any expansion of a facility for which the EIS preparation notice has been published by March 15, 1984.

Sec. 74. [APPLICATION.]

This act is effective the day following final enactment, except sections 29 and 30 are effective January 1, 1985. Sections 49 to 61 are effective in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington."

Amend the title as follows:

Page 1, line 22, delete "subdivisions 1 and" and insert "subdivision"

Page 1, line 29, after "4;" insert "473.801, subdivisions 1 and 4;"

Page 1, line 41, delete "116E" and insert "473"

With the recommendation that when so amended the bill pass.

The report was adopted.

Rice from the Committee on Appropriations to which was referred:

H. F. No. 1711, A bill for an act relating to state lands; transferring to Renville county the picnic grounds area of Birch Coulee battlefield state historic site; appropriating money; amending Minnesota Statutes 1982, section 138.025, subdivision 11.

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

The report was adopted.

Rice from the Committee on Appropriations to which was referred:

H. F. No. 1769, A bill for an act relating to water pollution control; establishing an independent state grants program for the construction of municipal wastewater treatment facilities; appropriating money; amending Minnesota Statutes 1982, sections 115.03, subdivision 1; 116.16, subdivisions 2, 4, 5, 9, and by adding a subdivision; 116.18, subdivisions 2 and 4, and by adding a subdivision; Minnesota Statutes 1983 Supplement, section 116.18, subdivision 1; repealing Minnesota Statutes 1982, section 116.16, subdivisions 6 and 7.

Reported the same back with the following amendments:

Page 7, line 36, delete "9" and insert "10"

Page 8, line 5, delete "9" and insert "10"

Page 8, line 7, delete *"the control of combined"*

Page 8, line 8, delete *"sewer overflow"*

Page 9, line 33, delete "9" and insert "10"

Page 10, lines 6 and 27, delete "9" and insert "10"

Page 13, after line 3, insert:

"Sec. 9. Minnesota Statutes 1982, section 116.18, is amended by adding a subdivision to read:

Subd. 2a. [STATE MATCHING GRANTS PROGRAM BEGINNING OCTOBER 1, 1984.] For projects tendered, on or after October 1, 1984, a grant of federal funds under section

201(g), section 202, section 203 or section 206(f) of the Federal Water Pollution Control Act, as amended, 33 U.S.C. 1314 et seq., at 55 per centum or more of the eligible cost for construction of the treatment works, state funds appropriated under subdivision 1 must be expended at up to 15 percent of the eligible cost of construction for municipalities for which such construction would otherwise impose significant financial hardship; provided, that not less than 25 percent of the eligible cost shall be paid by the municipality or agency constructing the project. In the event that a municipality is tendered federal and state grants in a percentage cumulatively exceeding 75 per centum of the eligible cost of construction, the state pollution control agency shall reduce the grant to the municipality under this chapter to the extent necessary to assure that not less than 25 percent of the eligible cost shall be paid by the municipality. The amounts of such matching grants shall be based on per connection capital cost, median household income, and per capita adjusted assessed valuation."

Page 13, line 9, after the period insert "The agency may award grants for up to an additional 15 percent or, if the agency requires advanced treatment, up to an additional ten percent of the eligible cost of construction to municipalities for which such construction would otherwise impose significant financial hardship; the amounts of such additional grants shall be based on per connection capital cost, median household income, and per capita adjusted assessed valuation."

Page 13, line 11, after the period insert "Not more than 20 percent of the total amount of grants awarded under this subdivision in any single fiscal year may be awarded for projects for the control of combined sewer overflow as defined by federal regulation. Until December 31, 1990"

Page 14, line 22, after "\$" insert "342,800 in fiscal year 1985"

Page 14, line 24, delete "10" and insert "11"

Page 14, line 25, after "by" insert "12"

Page 14, line 30, delete "12" and insert "13"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 8, delete "a subdivision" and insert "subdivisions"

With the recommendation that when so amended the bill pass.

The report was adopted.

Rice from the Committee on Appropriations to which was referred:

H. F. No. 1842, A bill for an act relating to economic development; creating the Minnesota Manufacturing Growth Council; appropriating money; proposing new law coded in Minnesota Statutes, chapter 116J.

Reported the same back with the following amendments:

Page 3, line 32, after "\$" insert "25,000"

Page 3, line 35, after "upon" insert "3 to 1"

Page 4, line 1, after the period insert "*The complement of the department is increased by three positions.*"

With the recommendation that when so amended the bill pass.

The report was adopted.

Rice from the Committee on Appropriations to which was referred:

H. F. No. 1857, A bill for an act relating to veterans; clarifying certain veteran benefit definitions to include veterans who have served in the Grenada campaign or with the peacekeeping forces in the Lebanon campaign; amending Minnesota Statutes 1982, sections 124.565, subdivision 7; 198.01; and 462A.05, subdivision 19.

Reported the same back with the following amendments:

Page 3, line 7, after "Lebanon" insert "*; provided that the veteran must have been awarded a campaign ribbon for service during that mission*"

Page 3, line 9, after "1983" insert "*; provided that the veteran must have been awarded a campaign ribbon for service during that campaign*"

Page 3, after line 34, insert:

"Sec. 4. [APPROPRIATION.]

The sum of \$80,000 is appropriated from the general fund to the housing finance agency for the purpose of granting loans pursuant to 462A.05, subdivision 19. This appropriation shall not cancel and is available until expended."

Amend the title as follows:

Page 1, line 5, after the semicolon, insert "appropriating money;"

With the recommendation that when so amended the bill pass.

The report was adopted.

Rice from the Committee on Appropriations to which was referred:

H. F. No. 1920, A bill for an act relating to public welfare; establishing payments for respite care of children who are mentally retarded, have epilepsy, or are emotionally handicapped; establishing a statewide fee schedule for parental cost of care; amending Minnesota Statutes 1982, sections 246.511; 252.27, subdivisions 1 and 2; and Minnesota Statutes 1983 Supplement, section 256B.14, subdivision 2.

Reported the same back with the following amendments:

Page 3, line 2, delete "*It is the*"

Page 3, delete line 3

Page 3, line 4, delete "*the parent and child.*"

With the recommendation that when so amended the bill pass.

The report was adopted.

Rice from the Committee on Appropriations to which was referred:

H. F. No. 2006, A bill for an act relating to game and fish; authorizing reciprocity with Wisconsin in the purchase and sale of annual hunting and fishing licenses; proposing new law coded in Minnesota Statutes, chapter 98.

Reported the same back with the following amendments:

Page 1, line 24, before the period insert "*and after enactment of similar legislation in the state of Wisconsin*"

With the recommendation that when so amended the bill pass.

The report was adopted.

Rice from the Committee on Appropriations to which was referred:

H. F. No. 2051, A bill for an act relating to agriculture; authorizing the energy and economic development authority to purchase, make, or participate in farm loans and to issue bonds or notes for this purpose; amending Minnesota Statutes 1983 supplement, section 116J.88, subdivisions 7 and 7a; 116J.90, subdivisions 1 and 3; and proposing new law coded in Minnesota Statutes, chapter 116J.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1983 Supplement, section 116J.88, subdivision 7, is amended to read:

Subd. 7. [BUSINESS LOAN.] "Business loan" means a loan, other than a pollution control loan (,) or farm loan to the owner of an eligible small business for the financing of (a) capital expenditures, on an interim or long-term basis, for the acquisition or improvement of land, acquisition, construction, removal, or improvement of buildings, or acquisition and installation of fixtures and equipment useful for the conduct of the business; or (b) short-term costs of conducting an eligible small business.

Sec. 2. Minnesota Statutes 1983 Supplement, section 116J.88, subdivision 7a, is amended to read:

Subd. 7a. [FARM LOAN.] "Farm loan" means a loan to a farm business for the acquisition, installation, improvement, construction, *rehabilitation*, or removal of buildings, or acquisition and installation of fixtures or equipment, useful for the conduct of a farm business, or for the acquisition of livestock for breeding purposes.

Sec. 3. Minnesota Statutes 1982, section 116J.88, is amended by adding a subdivision to read:

Subd. 7b. [FARM BUSINESS.] "*Farm business*" means a person, partnership, corporation, or other entity that is engaged or will engage in farming, livestock or agricultural production which qualifies as an eligible small business.

Sec. 4. Minnesota Statutes 1983 Supplement, section 116J.90, subdivision 3, is amended to read:

Subd. 3. [DIRECT BUSINESS (AND FARM) LOANS; LIMITATIONS.] The authority may make business loans (OR

FARM LOANS) not exceeding \$100,000 in principal amount, at interest rates and subject to terms determined by the authority, provided that each loan shall be made only from the proceeds of a bond or note payable in whole or part from the repayments of principal and interest on the loan. The loans may also be guaranteed or insured by money on deposit in the economic development fund or any special account of it, and may be secured by reserve funds and other collateral and available money as determined by the authority. The authority may enter into all necessary contracts and security instruments in connection with them. The limitation on loan amounts in this subdivision does not apply to energy loans and loans insured under sections 93 and 94.

Sec. 5. Minnesota Statutes 1982, section 116J.90, is amended by adding a subdivision to read:

Subd. 3a. [FARM LOANS; PUBLIC PURPOSE.] The encouragement of the investment of private capital in the agricultural sector through the use of financing to provide farm loans at interest rates lower than those available in conventional farm credit markets is a public purpose and is necessary to protect the health, safety, and general welfare of the people of this state.

Sec. 6. Minnesota Statutes 1982, section 116J.90, is amended by adding a subdivision to read:

Subd. 3b. [FARM LOANS; AUTHORITY.] The authority may make or purchase or participate with financial institutions in making or purchasing farm loans not exceeding \$100,000 in principal amount, upon the conditions described in this section, and may enter into commitments for farm loans, on the terms and conditions and with the security determined by the authority. The loans may be made or purchased only from the proceeds of bonds or notes issued pursuant to subdivision 3c. For this purpose, the authority may exercise all powers conferred on it by sections 116J.88 to 116J.91 with respect to business loans. Loans and loan commitments must be originated and serviced by one or more financial institutions authorized to transact that business in this state. The authority shall make or participate in farm loans only when the authority determines that financing is not otherwise available, in whole or in part, from private lenders on equivalent terms and conditions.

Sec. 7. Minnesota Statutes 1982, section 116J.90, is amended by adding a subdivision to read:

Subd. 3c. [FARM LOANS; BONDS AND NOTES.] The authority may issue its bonds or notes to provide money for the purposes specified in subdivision 3b, which are payable in whole or in part from repayments of principal and interest on farm loans. For this purpose, the authority may exercise all powers conferred upon it by sections 116J.88 to 116J.91 with respect to

bonds or notes to be issued to provide money for business loans. The principal amount of bonds and notes issued and outstanding under this subdivision at any time, computed as specified in section 116J.91, subdivision 11, may not exceed \$30,000,000. This authorization is in addition to the authorization contained in section 116J.91, subdivision 11. Sections 116J.88 to 116J.91 are applicable to bonds and notes covered by this subdivision and the application of the proceeds from the bonds and notes.

Sec. 8. [EFFECTIVE DATE.]

This act is effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to agriculture; authorizing the energy and economic development authority to purchase, make, or participate in farm loans and to issue bonds or notes for this purpose; amending Minnesota Statutes 1982, sections 116J.88, by adding a subdivision; 116J.90, by adding subdivisions; Minnesota Statutes 1983 Supplement, sections 116J.88, subdivisions 7 and 7a; and 116J.90, subdivision 3."

With the recommendation that when so amended the bill pass.

The report was adopted.

Rice from the Committee on Appropriations to which was referred:

H. F. No. 2157, A bill for an act relating to the legislative auditor; authorizing the audit of metropolitan agencies, boards, and commissions; amending Minnesota Statutes 1982, sections 3.971, subdivision 2; and 473.121, by adding a subdivision.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1982, section 3.971, subdivision 2, is amended to read:

Subd. 2. To perform program evaluation, the legislative auditor shall determine the degree to which the activities and programs entered into or funded by the state are accomplishing their goals and objectives, including an evaluation of goals and objectives, measurement of program results and effectiveness, alternative means of achieving the same results, and efficiency in the allocation of resources. *At the direction of the commission the legislative auditor may perform program evaluations of any state department, board, commission, or agency and any metropolitan agency, board, or commission created under chapter 473.*

Sec. 2. [3.9741] [COST OF EXAMINATION, BILLING, PAYMENT.]

Upon the audit of the financial accounts and affairs of any commission pursuant to section 473.413, 473.595, 473.604, or 473.703, the affected metropolitan commission is liable to the state for the total cost and expenses of the audit, including the salaries paid to the examiners while actually engaged in making the examination. The legislative auditor may bill the metropolitan commission either monthly or at the completion of the audit. All collections received for the audits must be deposited in the general fund.

Sec. 3. Minnesota Statutes 1982, section 473.413, subdivision 11, is amended to read:

Subd. 11. [COMMISSION; AUDITOR OF FINANCES.] The (COMMISSION SHALL EMPLOY A CERTIFIED PUBLIC ACCOUNTANT OR FIRM THEREOF TO) *legislative auditor shall make an annual audit of the commission's financial accounts and affairs for the last fiscal year on or before November 30 of each year (, AND). Copies of the report thereof shall be filed and kept open to public inspection in the offices of the secretary of the commission and the secretary of state. The information in the audit shall be contained in the annual report and distributed in accordance with section 473.445.*

Sec. 4. Minnesota Statutes 1982, section 473.595, subdivision 5, is amended to read:

Subd. 5. [AUDIT.] The (COMMISSION ONCE EACH YEAR) *legislative auditor shall (HAVE) make an independent audit (MADE) of (ITS) the commission's books and accounts (BY A CERTIFIED PUBLIC ACCOUNTANT) once each year or as often as the legislative auditor's funds and personnel permit. The costs of the audits shall be paid by the commission pursuant to section 2. (ONCE EACH YEAR THE COMMISSION SHALL PREPARE AND FILE A WRITTEN REPORT WITH THE LEGISLATIVE AUDITOR IN SUCH FORM AND CONTAINING SUCH INFORMATION AS THE LEGISLATIVE AUDITOR MAY PRESCRIBE.) The council (OR THE LEGISLATIVE AUDITOR) may examine the commission's books and accounts at any time.*

Sec. 5. Minnesota Statutes 1982, section 473.604, is amended by adding a subdivision to read:

Subd. 6. [AUDIT.] *The legislative auditor shall audit the books and accounts of the commission once each year or as often as the legislative auditor's funds and personnel permit. The commission shall pay the total cost of the audit pursuant to section 2.*

Sec. 6. Minnesota Statutes 1982, section 473.703, is amended by adding a subdivision to read:

Subd. 10. [AUDIT.] The legislative auditor shall audit the books and accounts of the commission once each year or as often as the legislative auditor's funds and personnel permit. The commission shall pay the total cost of the audit pursuant to section 2.

Sec. 7. [APPROPRIATION.]

For the fiscal year ending June 30, 1985, the sum of \$95,700 is appropriated from the general fund to the legislative audit commission. This appropriation is for personnel and expenses related to the duties contained in sections 1 to 6. It is estimated that \$95,700 in nondedicated receipts will be deposited in the general fund during fiscal year 1985. The legislative auditor shall determine whether providing these services with the staff of the auditor or using consultant services for these functions is more cost effective."

Delete the title and insert:

"A bill for an act relating to the legislative auditor; clarifying authority to perform program evaluations of metropolitan commissions; authorizing the audit of certain metropolitan commissions; appropriating money; amending Minnesota Statutes 1982, sections 3.971, subdivision 2; 473.413, subdivision 11; 473.595, subdivision 5; 473.604, by adding a subdivision; and 473.703, by adding a subdivision; proposing new law coded in Minnesota Statutes, chapter 3."

With the recommendation that when so amended the bill pass.

The report was adopted.

Rice from the Committee on Appropriations to which was referred:

H. F. No. 2188, A bill for an act relating to Indians; providing for partial settlement of Indian land claims on the White Earth Reservation; appropriating money.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [CLAIMS.]

Subdivision 1. The purpose of this legislation is to take an initial step toward resolving disputes over the ownership of land

on the White Earth Indian Reservation by allowing the state to participate with the United States in an overall settlement; provided that the United States Congress passes a settlement statute that appropriately and meaningfully compensates either Indians or non-Indians for possible lost property interests.

Subd. 2. The attorney general is authorized to enter into an agreement with the United States as part of a settlement of Indian land claims on the White Earth Reservation. This agreement must transfer from the state to the United States the ownership of 10,000 acres of land within the White Earth Reservation currently owned in fee or in trust for local taxing districts by the state of Minnesota, including mineral interests when held in this manner. The agreement must state that the land is to be held in trust for the White Earth Band of Chippewa Indians.

No agreement shall be entered into until the United States has approved legislation substantially resolving title problems currently identified by the department of interior on the White Earth Reservation, and until the attorney general is satisfied that the United States legislation appropriately and effectively settles Indian land claims on the White Earth Reservation and substantially removes the possibility of litigation with private landowners over the Indian land claims.

Sec. 2. [REPORT.]

The department of natural resources shall submit a report to the legislature by January 1, 1985, which shall summarize the origin of the title of all lands held by the state of Minnesota in fee or in trust on the White Earth Reservation.

Sec. 3. [APPROPRIATION.]

The sum of \$600,000 is appropriated from the general fund to the attorney general for the following purposes:

(1) \$500,000 to be used to provide technical and computer assistance to the United States for implementing the settlement described in section 1; and

(2) \$100,000 for necessary publication, administrative, and consulting costs in negotiating or implementing the agreement or settlement.

These appropriations shall not cancel and are available until expended. However, if the United States Congress fails to pass appropriate legislation as described in section 1, by December 31, 1985, this act shall become null and void, and any unexpended funds shall revert to the general fund.

The appropriation contained in clause 1 is available for expenditure only with the approval of the governor after consultation with the legislative advisory commission, pursuant to Minnesota Statutes, section 3.30. When the funds are requested, the attorney general must supply a budget detailing expenditure of these funds."

With the recommendation that when so amended the bill pass.

The report was adopted.

Rice from the Committee on Appropriations to which was referred:

S. F. No. 1526, A bill for an act relating to energy; directing the legislative commission on energy to prepare a policy statement on the expenditure of federal money for energy programs; requiring review of state plans to spend federal energy money; amending Minnesota Statutes 1982, section 3.351, by adding subdivisions.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1982, section 3.351, is amended to read:

3.351 [LEGISLATIVE COMMISSION ON ENERGY.]

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

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

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

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

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

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

(e) Review overall legislative policy concerning energy; and

(f) Review and comment on receipt and expenditure of money received by the state under federal law for energy programs.

Subd. 3. [REVIEW OF PLANS TO RECEIVE AND SPEND FEDERAL ENERGY MONEY.] *The plan for receipt and expenditure of money resulting from litigation or settlements of alleged violations of federal petroleum pricing regulations shall be submitted to the commission for review and comment prior to submission to the federal government provided that if the commission fails to review and comment within 30 days, the plan may be submitted without commission review. The commission by resolution may request the governor or any state agency eligible to receive money from the federal government for other energy programs to submit a plan for expenditure to the commission for review and comment prior to submission to the federal government. If the governor or the agency is required to submit a request to spend the money to the legislative advisory commission under section 3.3005, the commission shall forward its comments to the legislative advisory commission for consideration during its preparation of a recommendation.*

Subd. 4. [ENERGY PLAN; REPORT TO LEGISLATURE.] *The commission shall develop legislative energy plans based on the provisions of subdivision 2 and consistent with appropriate long term energy goals for Minnesota. The plans shall be reported to the legislature no later than February 15 of each year.*

Subd. (4) 5. [STAFF.] *The commission shall use existing legislative facilities and staff.*

Sec. 2. Minnesota Statutes 1982, section 16.02, is amended by adding a subdivision to read:

Subd. 30. [ENERGY CONSERVATION INCENTIVES.] *Notwithstanding any other law to the contrary, fuel cost savings resulting from energy conservation actions shall be available at the managerial level at which the actions took place for expenditure for other purposes within the biennium in which the actions occur or in the case of a shared savings agreement for the contract period of the shared savings agreement. For purposes of this subdivision "shared savings agreement" means a contract meeting the terms and conditions of subdivision 29.*

Sec. 3. Minnesota Statutes 1983 Supplement, section 116J.09, is amended to read:

116J.09 [DUTIES.]

The commissioner shall:

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

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

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

(d) carry out energy conservation measures as specified by the legislature and recommend to the governor and the legislature additional energy policies and conservation measures as required to meet the objectives of sections 116J.05 to 116J.30;

(e) collect and analyze data relating to present and future demands and resources for all sources of energy (, AND SPECIFY ENERGY NEEDS FOR THE STATE AND VARIOUS SERVICE AREAS AS A BASIS FOR PLANNING LARGE ENERGY FACILITIES);

(f) evaluate policies governing the establishment of rates and prices for energy as related to energy conservation, and other goals and policies of sections 116J.05 to 116J.30, and make recommendations for changes in energy pricing policies and rate schedules;

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

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

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

(j) dispense funds made available for the purpose of research studies and projects of professional and civic orientation, which are related to either energy conservation, resource re-

covery, or the development of alternative energy technologies which conserve nonrenewable energy resources while creating minimum environmental impact;

(k) charge other governmental departments and agencies involved in energy related activities with specific information gathering goals and require that those goals be met;

(l) (REPORT TO THE LEGISLATURE BY FEBRUARY 1 OF EACH YEAR BOTH THE PROCESSES AND RESULTS OF EFFORTS TO COMMUNICATE THE STATUTORY REQUIREMENTS CONCERNING ENERGY EFFICIENCY STANDARDS UNDER SECTION 116J.27 AND THE EXTENT OF COMPLIANCE WITH THE REQUIREMENTS) *design a comprehensive program for the development of indigenous energy resources. The program shall include, but not be limited to, providing technical, informational, educational, and financial services and materials to persons, businesses, municipalities, and organizations involved in the development of solar, wind, hydropower, peat, fiber fuels, biomass, and other alternative energy resources. The program shall be evaluated by the alternative energy technical activity created in section 6.*

Further, the commissioner may participate fully in hearings before the public utilities commission on matters pertaining to rate design, cost allocation, efficient resource utilization, utility conservation investments, small power production, cogeneration, and other rate issues. The commissioner shall support the policies stated in section 116J.05 and shall prepare and defend testimony proposed to encourage energy conservation improvements as defined in section 216B.241.

Sec. 4. Minnesota Statutes 1983 Supplement, section 116J.18, subdivision 1, is amended to read:

Subdivision 1. [(STATE ENERGY POLICY AND CONSERVATION) REPORT.] By July 1 of (EACH EVEN-NUMBERED YEAR) 1988 and every four years thereafter, the commissioner shall (TRANSMIT TO THE GOVERNOR AND THE LEGISLATURE A COMPREHENSIVE REPORT DESIGNED TO IDENTIFY EMERGING TRENDS RELATED TO ENERGY SUPPLY, DEMAND, CONSERVATION, PUBLIC HEALTH AND SAFETY FACTORS, AND TO SPECIFY THE LEVEL OF STATEWIDE AND UTILITY SERVICE AREA ENERGY NEED. THE REPORT SHALL INCLUDE, BUT NOT BE LIMITED TO, ALL OF THE FOLLOWING:)

((A) A FINAL REPORT ON THE ACCURACY AND ACCEPTABILITY OF THE ENERGY FORECASTS RECEIVED UNDER SECTION 116J.17 AND THE ALTERNATIVES TO MEETING THAT DEMAND;)

((B) AN ESTIMATE OF STATEWIDE AND UTILITY SERVICE AREA ENERGY NEED FOR THE FORTHCOMING 20 YEAR PERIOD WHICH, IN THE JUDGMENT OF THE COMMISSIONER, WILL REASONABLY BALANCE REQUIREMENTS OF STATE ECONOMIC GROWTH AND DEVELOPMENT, PROTECTION OF PUBLIC HEALTH AND SAFETY, PRESERVATION OF ENVIRONMENTAL QUALITY, AND CONSERVATION OF ENERGY RESOURCES;)

((C) THE ANTICIPATED LEVEL OF STATEWIDE ENERGY DEMAND FOR 20 YEARS, WHICH SHALL SERVE AS THE BASIS FOR LONG RANGE ACTION;)

((D) THE IDENTIFICATION OF POTENTIAL ADVERSE SOCIAL, ECONOMIC, OR ENVIRONMENTAL EFFECTS CAUSED BY A CONTINUATION OF THE PRESENT ENERGY DEMAND TRENDS;)

((E) AN ASSESSMENT OF THE STATE'S ENERGY RESOURCES, INCLUDING EXAMINATION OF THE AVAILABILITY OF COMMERCIALY DEVELOPABLE AND IMPORTED FUELS;)

((F) THE ESTIMATED REDUCTION IN ANNUAL ENERGY CONSUMPTION RESULTING FROM VARIOUS ENERGY CONSERVATION MEASURES;)

((G) THE COST OF ENERGY TO RESIDENTIAL AND RENTAL CONSUMERS IN RELATION TO THEIR SOCIO-ECONOMIC STATUS;)

((H) AN ASSESSMENT OF THE ECONOMIC AND EMPLOYMENT IMPLICATIONS OF PROPOSED STATE ENERGY POLICIES;)

((I) THE STATUS OF THE DEPARTMENT'S ONGOING STUDIES;)

((J) RECOMMENDATIONS TO THE GOVERNOR AND THE LEGISLATURE FOR ADMINISTRATIVE AND LEGISLATIVE ACTIONS TO ACCOMPLISH THE PURPOSES OF SECTIONS 116J.05 TO 116J.30.) *issue a comprehensive report designed to identify major emerging trends and issues in energy supply, consumption, conservation, and costs. The report shall include the following:*

(a) projections of the level and composition of statewide energy consumption under current government policies and an evaluation of the ability of existing and anticipated facilities to supply the necessary energy for that consumption;

(b) *projections of how the level and the composition of energy consumption would be affected by new programs or new policies;*

(c) *projections of energy costs to consumers, businesses, and government;*

(d) *identification and discussion of key social, economic, and environmental issues in energy;*

(e) *explanations of the department's current energy programs and studies; and*

(f) *recommendations.*

Sec. 5. Minnesota Statutes 1982, section 116J.19, subdivision 13, is amended to read:

Subd. 13. Beginning January 1, (1978) 1985, no new room air conditioner or room air conditioner heat pump shall be sold or installed or transported for resale into Minnesota unless it has an energy efficiency ratio of (7.0) 7.8 or higher. For purposes of this subdivision, "energy efficiency ratio" means the ratio of the cooling capacity of the air conditioner in British thermal units per hour to the electrical input in watts. (TO DETERMINE THE ENERGY EFFICIENCY RATIO, ALL ROOM AIR CONDITIONER MODELS SHALL BE TESTED IN ACCORDANCE WITH THE METHODS AND CONDITIONS SPECIFIED IN AMERICAN NATIONAL STANDARD Z234.1, AND AMERICAN SOCIETY OF HEATING, REFRIGERATING, AND AIR CONDITIONING ENGINEERS STANDARD 16-69) *The cooling capacity, electrical input, and energy efficiency ratio of room air conditioners and room air conditioning heat pumps is determined by using the standard for room air conditioners, approved by the American National Standards Institute on April 20, 1982, known as ANSI/AHAM RAC-1, with ASHRAE 58-74 used in lieu of ASHRAE 58-65. The method of sampling of room air conditioners shall be that required by the Department of Energy and found in Federal Register, volume 44, pages 22410-22418 (April 13, 1979). A new room air conditioner having dual voltage ratings shall conform to the energy efficiency ratio requirements at each rating. (THIS SUBDIVISION SHALL NOT APPLY TO AIR CONDITIONERS IN MINNESOTA ON OCTOBER 1, 1977.)*

Sec. 6. [116J.261] [ALTERNATIVE ENERGY TECHNICAL ACTIVITY.]

Subdivision 1. [CREATION, GOALS.] To further the development of indigenous energy resources and energy conservation, the commissioner shall establish an alternative energy technical activity. The activity shall facilitate the development of

specific projects in the public and private sectors as well as providing the broad range of information, education, and technical assistance services necessary to accelerate energy conservation and alternative energy development in the state.

Subd. 2. [DUTIES.] The alternative energy technical activity shall:

(a) provide on-site technical assistance for alternative energy and conservation projects;

(b) develop information materials and educational programs to meet the needs of engineers, technicians, developers, and others in the alternative energy field;

(c) conduct feasibility studies when the results of the studies would be of benefit to others working in the same area; and

(d) facilitate development of energy projects through assistance in finding financing, meeting regulatory requirements, gaining public and private support, limited technical consultation, and similar forms of assistance.

Sec. 7. Minnesota Statutes 1983 Supplement, section 116J.31, is amended to read:

116J.31 [ENERGY AUDITS.]

The commissioner shall develop and administer state programs of energy audits of residential and commercial buildings including those required by United States Code, title 42, section 8211, et seq. and section 8281, et seq. (THE ATTORNEY GENERAL MAY RELEASE INFORMATION ON CONSUMER COMPLAINTS ABOUT THE OPERATION OF THE PROGRAM TO THE COMMISSIONER.) *The commissioner shall continue to administer the residential energy audit program as originally established under the provisions of United States Code, title 42, section 8211, et seq., through July 1, 1986, irrespective of any prior expiration date provided in United States Code, title 42, section 8216. The commissioner shall have authority to approve temporary programs if they are likely to result in the installation of as many conservation measures as would have been installed had the utility met the requirements of United States Code, title 42, section 8211, et seq. The consumer services division and the attorney general are authorized to release information on consumer comments about the operation of the program to the commissioner.*

Sec. 8. Minnesota Statutes 1982, section 116J.36, as amended by Laws 1983, chapter 301, section 129, is amended to read:

116J.36 [DISTRICT HEATING AND QUALIFIED ENERGY IMPROVEMENT LOANS.]

Subdivision 1. [POLICIES.] Developing and improving efficient and economical district heating systems *and certain public works capital improvements which conserve energy or substitute a lower cost, more plentiful, or indigenous fuel* is a public purpose for state and local financing and a proper function of state and local government. Climate and geography make a reliable, economic supply of energy essential for (INDUSTRIAL, COMMERCIAL) *industry, commerce, and residential heating.* Imported supplies of *certain fuels* are increasingly costly, unreliable, and environmentally disadvantageous. District heating systems employing cogeneration techniques and innovative technology offer an important means of increasing the efficiency of Minnesota's energy systems and reducing the state's reliance on imported energy supplies. The combination of the large initial capital cost and investors' lack of familiarity with district heating has made the private market reluctant to provide the necessary capital for district heating projects. As a result, public leadership, cooperation, and aid are needed to demonstrate the feasibility of district heating systems by establishing economically viable municipal district heating systems as demonstration projects. *Certain other types of improvements offer municipalities substantial opportunities for reducing energy costs or generating revenues from wastes.*

Municipal district heating systems *and other qualified improvements which conserve energy or allow for the substitution of fuels* may be financed by loans from the state and from other sources available to municipalities.

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

(a) "Construction costs" means all costs associated with the construction, modification or expansion of a district heating system except for preliminary planning costs and detailed design costs. Construction costs include the cost of debt service from the time a construction loan is made until five years after the beginning of the operation of the district heating system constructed or the part of the system being modified or expanded.

(b) "District heating" means the use of a central energy conversion facility to produce hot water or steam for a district heating system. District heating facilities may also produce electricity in addition to hot water or steam.

(c) "Municipality" means any county, city, town, *school district, or a municipal power agency (, OR) formed pursuant to sections 453.53 to 453.62. Municipality also means a public utility, as defined in section 452.01, subdivision 3, owned and operated by a city, however organized (OR). For purposes of a dis-*

district heating system only, municipality also means a nonprofit corporation organized pursuant to the provisions of chapter 317 whose membership is limited to the mayor and governing body of the city in which the district heating system is located.

(d) "District heating system" means any existing or proposed facility for (1) the production, through cogeneration or otherwise, of hot water or steam to be used for district heating, or (2) the transmission and distribution of hot water or steam for district heating either directly to heating consumers or to another facility or facilities for transmission and distribution, or (3) any part or combination of the foregoing facilities.

(e) "Qualified energy improvement" means a cost-effective capital improvement to public land, buildings, or energy using systems, other than a district heating system, including the purchase or installation of equipment to reduce the usage of conventional energy sources or to use alternative energy resources. Qualified energy improvements also include waste-to-energy facilities that meet the criteria specified in subdivision 8a and any rule adopted under that subdivision. Qualified energy improvements shall meet all environmental and permitting standards established by state and federal law.

Subd. 3. [ELIGIBILITY, DISTRICT HEATING.] The commissioner of finance, upon (REQUEST) recommendation of the (GOVERNOR) authority, may make loans to municipalities for the acquisition, construction, expansion, or modification of district heating systems. A loan shall be made only to a municipality that has demonstrated to the authority that:

(a) The municipality has the financial capability to sponsor the project;

(b) The project is technologically feasible;

(c) The district heating project will become a cogeneration facility or the project will utilize hot water or, if the project involves an existing district steam heating system, the project will become integrated with a hot water district heating system, or the project will allow the use of nonpetroleum fuels or will construct an efficient heat transmission system; and

(d) The municipality has made adequate provision to assure proper and efficient operation and maintenance of the project after construction is completed.

Subd. 3a. [ELIGIBILITY, QUALIFIED ENERGY IMPROVEMENTS.] The commissioner of finance, upon recommendation of the authority, may make loans to a municipality for the acquisition, construction, or expansion of a qualified energy improvement. A loan shall be made only to a municipality that has demonstrated that:

(a) *the municipality has the financial capability to sponsor the qualified energy improvement;*

(b) *the improvement is technologically feasible;*

(c) *the improvement conforms to criteria specified in subdivision 8a and any rule adopted thereto; and*

(d) *the municipality has made adequate provision to assure proper and efficient operation and maintenance of the improvement after construction is completed.*

Subd. 3b. [GRANT ELIGIBILITY, DISTRICT HEATING.] The commissioner of energy (, PLANNING) and economic development may provide planning grants to municipalities for planning related to the development of district heating systems. The municipality must demonstrate that a community heatload survey and map have been successfully completed, that potential district heating load is sufficiently large to justify further consideration, and that sufficient resources are available for the municipality to meet its financial requirements. Eligible planning grant costs include project definition, development of preliminary financing and distribution system plans, and obtaining commitment for detailed planning or design and preparation of a final report. The amount of the grant to a municipality is limited to 90 percent of eligible planning costs and shall not exceed \$70,000, as established by rule or temporary rule.

Subd. 3c. [GRANT ELIGIBILITY, QUALIFIED ENERGY IMPROVEMENTS.] The commissioner of energy and economic development may provide planning grants to municipalities for planning related to the development of qualified energy improvements. The municipality must demonstrate that sufficient resources are available for the municipality to meet its financial requirements. Eligible planning grant costs include definition of the improvement, development of preliminary financing plans, and obtaining commitment for detailed planning or design and preparation of a final report. The amount of a grant to a municipality is limited to 90 percent of eligible planning costs and shall not exceed \$100,000 as established by rule or temporary rule.

Subd. 4. [PRIORITIES, DISTRICT HEATING.] The (COMMISSIONER OF ENERGY, PLANNING AND DEVELOPMENT) authority shall give higher priority to a project that does more to achieve the following goals:

(a) *The district heating conversion facility employs cogeneration techniques;*

(b) *The facility uses renewable or nonpetroleum sources of energy;*

(c) The district heating facility will save petroleum or natural gas;

(d) The operation of the district heating facility will not have an adverse impact on the environment;

(e) The district heating facility may readily be expanded to serve additional customers or to supply additional amounts of energy, and market demand for the energy exists;

(f) The project has obtained additional financing from the federal government, private sources, or other sources of capital; and

(g) Other goals the (COMMISSIONER OF ENERGY, PLANNING AND DEVELOPMENT) *authority* finds desirable for district heating systems.

Subd. 4a. [PRIORITIES, ENERGY IMPROVEMENTS.] The authority shall give higher priority to qualified energy improvements that best meet the following goals:

(a) reducing the dependence of a municipality on imported fuels;

(b) providing a cost reduction or revenue source for the municipality;

(c) providing multiple benefits to residents within the municipality;

(d) demonstrating technologies for solid waste treatment.

Subd. 5. [APPLICATION.] Application for a loan to be made pursuant to subdivision 6 or 7 shall be made by a municipality to the (COMMISSIONER OF ENERGY, PLANNING AND DEVELOPMENT) authority on a form prescribed by the (COMMISSIONER OF ENERGY, PLANNING AND ECONOMIC DEVELOPMENT BY RULE) authority. The (COMMISSIONER OF ENERGY, PLANNING AND DEVELOPMENT) authority shall (REVIEW EACH APPLICATION AND) determine:

(a) Whether or not the project or proposed energy improvement is eligible for a loan;

(b) The priority of the project or qualified energy improvement when ranked with (ALL) other eligible projects or improvements for which a loan application has been submitted;

(c) The total estimated cost of the project or improvement;

(d) The amount of the loan for which the project or *improvement* is eligible;

(e) The terms upon which the loan would be made; and

(f) The means by which the municipality proposes to finance the project or *improvement*, including:

(1) A loan authorized by state law; or

(2) A grant of money appropriated by state law; or

(3) A grant to the municipality by an agency of the federal government within the amount of money then appropriated to that agency and allocated by it to projects or *improvements* within the state; or

(4) The appropriation of proceeds of bonds or other money of the municipality to an account for the construction of the project or *improvement*; or

(5) User charges, franchise fees, special assessments or taxes; or

(6) Any or all of the means referred to in clauses (1) to (5).

Subd. 6. [LOANS, DISTRICT HEATING AND QUALIFIED ENERGY IMPROVEMENTS.] Upon the recommendation of the (GOVERNOR) *authority* pursuant to subdivision 8, the commissioner of finance shall make loans to municipalities on the following terms:

(a) In the case of loans for design costs, the maximum amount of the loan shall be limited by the provisions of this clause. For cities of the first class and counties containing a city of the first class, individually or through the exercise of joint powers agreements, the amount of the loan shall not exceed 40 percent of the design costs. For cities of the second, third and fourth class, and other municipalities, the amount of the loan shall not exceed 90 percent of the design costs;

(b) In the case for loans for construction costs, a municipality must demonstrate that all design activities have been completed; that the project or *improvement* is economically and technologically feasible; that the district heating system or *qualified energy improvement* will be constructed, and that it has made adequate provisions to assure proper and efficient operation and maintenance of the project or *improvement*. For cities of the first class and counties containing a city of the first class, individually or through the exercise of joint powers agreements, the amount of the loan shall be up to 50 percent of the construction costs. For cities of the second class, the amount of the loan

shall be up to 80 percent of the construction costs. For cities of the third or fourth class, and other municipalities, the amount of the loan shall be up to 90 percent of the construction costs.

(c) A loan made pursuant to this section is repayable over a period of *not more than 20 years* (**WITH INTEREST PAYMENTS BEGINNING THE FIRST YEAR**) *from the date the loan is made*. Interest shall accrue from the date of the loan at a rate of interest assigned at the date of loan commitment, *but the first payment of interest shall not be due until one year after the loan was made*. Principal payments shall begin in the sixth year after the receipt of the loan on a 25 year level payment schedule with the balance of the principal to be retired with the payment due 20 years after receipt of the loan. *Interest attributable to the first year of deferred payment shall be amortized in equal periodic payments over the remainder of the term of the loan*. For each loan, the initial deposit to the state bond fund required by section 16A.65, subdivision 1, shall be made by the commissioner of finance, and no loan may be refused solely because the municipality does not provide the initial deposit.

(d) *The authority may also pledge a segregated portion of the energy development fund to guarantee or insure bonds and notes, or the interest rate thereon, issued by the commissioner of finance on behalf of the state of Minnesota for purposes of section 116J.36 or 116J.37.*

Subd. 7. [MODERN STEAM SYSTEMS.] (a) A municipality which has operating within its boundaries a modern steam district heating system owned by a district heating utility may apply for a loan or grant under this section even though the district heating project for which the loan or grant application is made may be planned, constructed, or owned by a district heating utility. The loan or grant application shall be treated in the same manner as loan or grant applications for district heating projects where the projects are to be planned, constructed, or owned by a municipality.

All or a portion of the proceeds of a loan made to a municipality described in this subdivision may be used to make loans to a district heating utility to provide financial assistance for the planning, modification, expansion or construction of a district heating project. Prior to making the loan to the district heating utility, the municipality shall:

(1) Adopt a district heating plan which identifies the areas of the city to be served by district heating; a time schedule indicating when service would be available in different areas of the city and the type of service to be offered; and

(2) Enter into a written agreement with the district heating utility which includes a requirement that the district heating

utility restrict expansion of its existing steam system within its current geographic boundaries as determined by the municipality and develop a hot water system on a specific time schedule.

(b) The powers, authority and obligations granted to a municipality under this subdivision are supplemental to the powers, authority and obligations granted all municipalities under this section.

(c) As used in this subdivision, "modern steam district heating system" means a steam district heating system with condensate return built after 1970 and before May 30, 1981. "District heating utility" means any person, corporation, or other legal entity which owns or operates or plans to own or operate a district heating system. "District heating project" means a new district heating system, or the expansion or modification of the existing modern steam district heating system.

Subd. 8. [LOAN APPROVAL.] The commissioner of energy (, PLANNING) and economic development shall prepare and submit to the (LEGISLATIVE ADVISORY COMMISSION A LIST OF) *energy and economic development authority separate lists of loan requests for district heating (LOAN REQUESTS) systems and qualified energy improvements.* The list for district heating loans shall contain the supporting information required by subdivisions 3, 4, 5, 6, and 7. *The list for qualified energy improvements shall contain the supporting information required by subdivisions 3a, 3c, 4a, 5, and 6.* The recommendation of the (LEGISLATIVE ADVISORY COMMISSION) authority shall be transmitted to the (GOVERNOR) commissioner of finance. The (GOVERNOR) commissioner of finance shall (APPROVE OR DISAPPROVE, OR RETURN FOR FURTHER CONSIDERATION, EACH PROJECT RECOMMENDED FOR APPROVAL BY THE LEGISLATIVE ADVISORY COMMISSION. LOANS MAY BE DISBURSED ONLY UPON APPROVAL BY THE GOVERNOR) *sell bonds and make loans for district heating projects and qualified energy improvements only upon the recommendation of the authority.*

Subd. 8a. [CRITERIA FOR QUALIFIED ENERGY IMPROVEMENTS.] *Qualified energy improvements eligible for loans shall meet criteria established in rule by the commissioner of energy and economic development. Rules shall include criteria for analyzing the cost-effectiveness of improvements. Rules relating to qualified energy improvements involving a waste-to-energy facility shall be adopted in consultation with the waste management board and the pollution control agency. An improvement involving a waste-to-energy facility must be part of a solid waste management plan approved by the pollution control agency or a plan approved pursuant to section 473.803.*

Subd. 9. [PAYMENT; OBLIGATION.] The commissioner of finance shall not pay money to a municipality pursuant to an approved loan until he has determined that:

(a) Financing of the project or *improvement* as proposed by the municipality is assured by an irrevocable undertaking, by resolution of the governing body of the municipality, to use all money made available by the financing plan exclusively for the eligible costs of the project or *improvement*, and to pay any additional amount by which the cost of the project or *improvement* exceeds the estimate by the appropriation to the construction account of additional (MUNICIPAL) money of the *municipality* or the proceeds of additional bonds to be issued by the municipality; and that

(b) The governing body of the municipality has adopted a resolution obligating the municipality to repay the loan according to the terms in the loan. The obligation may be payable from user charges, franchise fees, special assessments or other money available to the municipality. The resolution shall obligate the municipality to annually impose and collect user charges, franchise fees, special assessments, or to use any other money available to it from any other specified source, in amounts and at times that if collected in full will annually produce at least five percent in excess of the amount needed for all annual costs of the system, including annual repayment on state loans. A municipality may also pledge to levy an ad valorem tax to guarantee the payments under the loan agreement. For the purpose of repaying the loan, the municipality by resolution of its governing body may fix the rates and charges for district heating system or *qualified energy improvement* service and products, may enter into contracts for the payment by others of costs of construction, maintenance, and use of the project or *improvement* in accordance with section 444.075 and may pledge the revenues derived therefrom. The commissioner of finance shall condition a loan upon the establishment of rates and charges or the execution of contracts sufficient to produce annually the revenues pledged for repayment of all annual costs of the system, including annual repayment of the state loan.

Subd. 10. [RECEIPTS.] All principal and interest payments received by the commissioner of finance in repayment of the loans authorized by this section shall be deposited in the state treasury and credited to the state bond fund and are appropriated to the commissioner of finance for the purposes of that account.

Subd. 11. [RULES.] The commissioner of energy (, PLANNING) and *economic* development shall adopt rules necessary to carry out the *programs* of this section. The commissioner of energy (, PLANNING) and *economic* development (SHALL) *may* adopt temporary rules pursuant to sections 14.29 to 14.36, meeting the requirements of this section. The rules shall contain as a minimum:

(a) Procedures for application by municipalities; and

(b) Criteria for reviewing grant and loan applications.

Sec. 9. [116J.381] [COMMUNITY ENERGY PROGRAM.]

Subdivision 1. [FINDINGS.] The legislature finds that the cost of energy causes economic and social stress, and that the state has an interest in facilitating solutions to energy related stresses. The legislature also finds that community-based energy programs are an effective means of implementing improved energy practices including conservation, greater efficiency in energy use, and the use of alternative resources. Further, community based energy programs are found to be a public purpose for which public money may be spent.

Sec. 10. [116J.382] [COMMUNITY ENERGY COUNCILS.]

Subdivision 1. [CREATION.] Cities or counties, individually or through the exercise of joint powers agreements, may create community energy councils. Membership on a council shall include representatives of labor, small business, voluntary organizations, senior citizens, and low and moderate income residents, and may include city and county officials and others.

Subd. 2. [POWERS AND DUTIES.] A community energy council may:

(1) analyze social and economic impacts caused by energy expenditures;

(2) plan, coordinate, advertise, and provide energy programs to minimize negative social and economic impacts;

(3) seek, accept, and disburse grants and other aids from public or private sources for purposes authorized in this subdivision; and

(4) exercise other powers and duties imposed on it by statute, charter, or by ordinance.

Sec. 11. [116J.383] [COMMUNITY BASED ENERGY PROGRAM.]

Subdivision 1. [DEPARTMENT ASSISTANCE.] The commissioner may provide professional and financial assistance to communities to establish community energy councils, and develop and implement community energy programs; within the resources available to it.

Sec. 12. Minnesota Statutes 1982, section 325F.20, subdivision 1, is amended to read:

Subdivision 1. The commissioner shall adopt rules pursuant to chapter 14 regarding quality, information, and product safety specifications for the manufacture, labeling, installation, and thermographing of insulation. The specifications and any amendments to them shall conform as far as is practical to federal standards or other standards generally accepted and in use throughout the United States. The standards, with modifications as may be deemed necessary, may be adopted by reference. The specifications adopted and any amendments shall be based on the application of scientific principles, approved tests, and professional judgment. *For purposes of this subdivision, the commissioner may adopt temporary rules which may remain in effect for 360 days.*

Sec. 13. [APPROPRIATION.]

Subdivision 1. \$150,000 in fiscal year 1985 is appropriated from the general fund to the commissioner of the department of energy and economic development for the purpose of establishing an alternative energy technical activity. The complement of the department is increased by one position.

Subd. 2. \$50,000 in fiscal year 1985 is appropriated from the general fund to the commissioner of energy and economic development for a manager of the alternative energy technical activity. The manager shall have technical expertise and professional experience in the field of engineering. The department of employee relations shall assign the position to a classification that will use all but not more than \$50,000 for salary and benefits. The complement of the department is increased by one position.

Subd. 3. \$253,000 in fiscal year 1985 is appropriated to the commissioner of energy and economic development for the community energy council program. \$180,000 is for grants to communities. The complement of the department is increased by one position in the unclassified service.

Subd. 4. \$53,000 in fiscal year 1985 is appropriated from the general fund to the commissioner of the department of energy and economic development for the shared energy savings program. The complement of the department is increased by one position in the unclassified service.

Subd. 5. \$5,000 in fiscal year 1985 is appropriated from the general fund to the commissioner of the department of energy and economic development for the adoption of temporary rules pursuant to section 8.

Subd. 6. \$47,800 in fiscal year 1985 is appropriated from the general fund to the commissioner of energy and economic development for purposes of adopting rules regarding quality and product safety specifications for the manufacture of insulation.

The complement of the department is increased by one position in the unclassified service.

Subd. 7. \$50,000 in fiscal year 1985 is appropriated to the commissioner of energy and economic development for the study and adoption of standards for fiber fuels.

Subd. 8. \$279,000 in fiscal year 1985 is appropriated from the general fund to the commissioner of finance for district heating debt service pursuant to Minnesota Statutes, section 116J.36, subdivision 6, as amended by this act.

Subd. 9. \$2,500,000 for fiscal year 1985 is appropriated from the general fund to the commissioner of economic security for purposes of extending or expanding the low income residential weatherization program authorized by section 268.37. Any federal money received before December 31, 1984, in excess of anticipated revenues for the weatherization program shall reduce the state appropriation for this purpose by a like amount."

Further, delete the title and insert:

"A bill for an act relating to energy; directing the legislative commission on energy to review plans for the expenditure of certain federal money for energy programs; providing for miscellaneous changes in the programs of the state related to energy; appropriating money; amending Minnesota Statutes 1982, sections 3.351; 16.02, by adding a subdivision; 116J.19, subdivision 13; 116J.36, as amended; 325F.20, subdivision 1; Minnesota Statutes 1983 Supplement, sections 116J.09; 116J.18, subdivision 1; and 116J.31; proposing new law coded in Minnesota Statutes, chapter 116J."

With the recommendation that when so amended the bill pass.

The report was adopted.

Rice from the Committee on Appropriations to which was referred:

S. F. No. 1760, A bill for an act relating to governmental operations; requesting the regents of the University of Minnesota to conduct a job evaluation study and report to the legislature.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [COMPENSATION COMPARABILITY STUDY.]

The legislature requests the regents of the University of Minnesota to conduct a job evaluation study to determine the extent to which comparability of the value of work is reflected in the salaries of its nonacademic employees. The study is to include an analysis of compensation comparability for male-dominated, female-dominated, and balanced classes of employees as those classes are defined in Minnesota Statutes, section 43A.02.

Sec. 2. [REPORT OF STUDY.]

The regents of the University of Minnesota are requested to compile and submit to the legislative commission on employee relations by April 1, 1985, a list showing those female-dominated classes for which a compensation inequity exists based on comparability of the value of the work, an estimate of the cost to provide comparability adjustments, and the steps taken to achieve pay equity."

With the recommendation that when so amended the bill pass.

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 688, 820, 1237, 1315, 1427, 1577, 1711, 1769, 1842, 1857, 1920, 2006, 2051, 2157 and 2188 were read for the second time.

SECOND READING OF SENATE BILLS

S. F. Nos. 1526 and 1760 were read for the second time.

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

RECESS

RECONVENED

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

REPORT FROM THE COMMITTEE ON RULES AND
LEGISLATIVE ADMINISTRATION

Eken, from the Committee on Rules and Legislative Administration, pursuant to Rule 1.9, designated the following bills as Special Orders to be acted upon immediately preceding General Orders for today, Friday, April 13, 1984:

S. F. Nos. 1832 and 1495; H. F. Nos. 1981, 1658, 1743, 1775, 1803, 1839, 1853, 1875 and 1878; S. F. No. 1927; H. F. Nos. 1946, 1974, 322, 1352, 1422, 1502, 1619, 1656, 1679, 1709, 1749, 1753 and 1771.

SPECIAL ORDERS

The Speaker called Wynia to the Chair.

S. F. No. 1832, A bill for an act relating to corrections; clarifying the effect of punitive segregation confinement on the scheduled release date of certain inmates; amending Minnesota Statutes 1982, section 244.04, subdivision 2; and Minnesota Statutes 1983 Supplement, sections 244.04, subdivision 1; and 244.05, subdivision 1.

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

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

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

S. F. No. 1495 was reported to the House.

Rodriguez, C., moved to amend S. F. No. 1495, as follows:

Page 2, after line 36, insert:

"This subdivision does not apply to any nonpublic school or any school district before January 1, 1985."

Page 7; after line 2, insert:

"Sec. 5. [EFFECTIVE DATES.]

The provisions of section 1 which provide that Minnesota Statutes 1983 Supplement, section 182.653, subdivision 4b, does not apply to any nonpublic school or any school district before January 1, 1985 shall be effective the day following enactment. All other provisions of this bill shall be effective August 1, 1984."

The motion prevailed and the amendment was adopted.

S. F. No. 1495, A bill for an act relating to labor; providing for occupational safety and health; regulating infectious agents; amending Minnesota Statutes 1983 Supplement, sections 182.653, subdivisions 4b, 4c, and 4f; and 182.654, subdivision 11.

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 121 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

H. F. No. 1981 was reported to the House.

Riveness moved that H. F. No. 1981 be continued on Special Orders for one day. The motion prevailed.

H. F. No. 1658, A bill for an act relating to elections; requiring employers to pay employees during their service as election judges; amending Minnesota Statutes 1983 Supplement, section 204B.195.

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 31 yeas and 89 nays as follows:

Those who voted in the affirmative were:

Battaglia	Kahn	Metzen	Osthoff	Sarna
Begich	Kalis	Minne	Otis	Simoneau
Brinkman	Kelly	Munger	Peterson	Voss
Eken	Kostohryz	Murphy	Piper	Welle
Greenfield	Mann	O'Connor	Rodriguez, F.	Wynia
Jacobs	McEachern	Ogren	St. Onge	Speaker Sieben
Jensen				

Those who voted in the negative were:

Anderson, G.	Dimler	Johnson	Price	Staten
Anderson, R.	Elioff	Knickerbocker	Quist	Sviggum
Beard	Erickson	Knuth	Redalen	Swanson
Bennett	Evans	Kvam	Reif	Thiede
Bergstrom	Findlay	Larsen	Rodriguez, C.	Tomlinson
Bishop	Fjoslien	Levi	Rose	Tunheim
Blatz	Forsythe	Long	Schafer	Uphus
Boo	Frerichs	Ludeman	Scheid	Valan
Brandl	Graba	Marsh	Schoenfeld	Valento
Burger	Gruenes	McDonald	Schreiber	Vanasek
Carlson, D.	Gutknecht	McKasy	Seaberg	Vellenga
Carlson, L.	Halberg	Nelson, D.	Segal	Waltman
Clark, J.	Haukoos	Nelson, K.	Shaver	Welch
Clawson	Heap	Olsen	Shea	Welker
Cohen	Heinitz	Omann	Sherman	Wenzel
Coleman	Hoffman	Onnen	Skoglund	Wigley
Dempsey	Hokr	Pauly	Solberg	Zaffke
DenOuden	Jennings	Piepho	Sparby	

The bill was not passed.

O'Connor was excused for the remainder of today's session.

H. F. No. 1743 was reported to the House.

Waltman moved to amend H. F. No. 1743, the first engrossment, as follows:

Page 2, line 12, after "and" insert "*unless that person was a bonded auctioneer before the effective date of section 1,*"

A roll call was requested and properly seconded.

The question was taken on the amendment and the roll was called. There were 39 yeas and 71 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Dimler	Krueger	Quist	Uphus
Bishop	Erickson	Kvam	Reif	Valan
Blatz	Findlay	Levi	Schafer	Voss
Boo	Fjoslien	Ludeman	Schoenfeld	Waltman
Brandl	Graba	Ogren	Seaberg	Welker
Burger	Gutknecht	Omann	Shaver	Wenzel
Carlson, D.	Heinitz	Onnen	Skoglund	Wigley
DenOuden	Johnson	Pauly	Sviggum	

Those who voted in the negative were:

Anderson, R.	Frerichs	Knuth	Osthoff	Sherman
Battaglia	Greenfield	Kostohryz	Otis	Simoneau
Beard	Gruenes	Larsen	Peterson	Sparby
Begich	Gustafson	Mann	Picpho	Swanson
Bennett	Halberg	Marsh	Piper	Tomlinson
Bergstrom	Heap	McDonald	Price	Tunheim
Brinkman	Himle	McEachern	Quinan	Valento
Carlson, L.	Hoffman	Metzen	Redalen	Vanasek
Clawson	Hokr	Minne	Rodriguez, C.	Vellenga
Cohen	Jacobs	Munger	Rodriguez, F.	Welch
Dempsey	Jensen	Murphy	Rose	Welle
Eken	Kalis	Neuenschwander	Sarna	Wynia
Elioff	Kelly	Norton	Scheid	Zaffke
Evans	Knickerbocker	Olsen	Schreiber	Speaker Sieben
Forsythe				

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

Gutknecht, Shaver, Uphus, Waltman and Johnson moved to amend H. F. No. 1743, the first engrossment, as follows:

Page 2, after line 13, insert:

"(i) auctioneers who are licensed and bonded pursuant to section 330.02;"

Renumber the succeeding clauses

A roll call was requested and properly seconded.

The question was taken on the amendment and the roll was called. There were 29 yeas and 89 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Erickson	Ludeman	Schafer	Valento
Blatz	Findlay	Ogren	Schoenfeld	Voss
Burger	Fjoslien	Onnen	Shaver	Waltman
Carlson, D.	Gutknecht	Pauly	Skoglund	Welker
DenOuden	Johnson	Quist	Sviggum	Wenzel
Dimler	Krueger	Reif	Uphus	

Those who voted in the negative were:

Anderson, B.	Elioff	Kahn	Neuenschwander	Simoneau
Anderson, R.	Ellingson	Kalis	Norton	Solberg
Battaglia	Evans	Kelly	Olsen	Sparby
Beard	Forsythe	Knickerbocker	Osthoff	Staten
Begich	Frerichs	Knuth	Otis	Swanson
Bennett	Graba	Kostohryz	Peterson	Thiede
Bergstrom	Greenfield	Kvam	Piepho	Tomlinson
Bishop	Gruenes	Larsen	Piper	Tunheim
Boo	Halberg	Levi	Price	Valan
Brandl	Haukoos	Long	Quinn	Vanasek
Brinkman	Heap	Mann	Redalen	Vellenga
Carlson, L.	Heinitz	McEachern	Rodriguez, C.	Welch
Clark, J.	Himle	Metzen	Rodriguez, F.	Welle
Clawson	Hoffman	Minne	Sarna	Wigley
Cohen	Hokr	Munger	Scheid	Wynia
Coleman	Jacobs	Murphy	Seaberg	Zaffke
Dempsey	Jennings	Nelson, D.	Segal	Speaker Sieben
Eken	Jensen	Nelson, K.	Sherman	

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

Gutknecht, Wenzel, Larsen, Waltman, Wigley, Johnson and Shaver moved to amend H. F. No. 1743, the first engrossment, as follows:

Page 2, after line 13, insert:

"(i) notwithstanding clause (h), any person who acts as an auctioneer, bonded in conformity with section 330.02; when that person is engaged in the specific performance of his or her duties as an auctioneer and who conducts fewer than seven real estate auctions in a year;"

Renumber the succeeding clauses

A roll call was requested and properly seconded.

The question was taken on the amendment and the roll was called. There were 39 yeas and 77 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Fjoslien	Larsen	Reif	Skoglund
Boo	Graba	Levi	St. Onge	Sviggum
Burger	Gutknecht	McDonald	Schafer	Thiede
Carlson, D.	Heinitz	Ogren	Schoenfeld	Uphus
DenOuden	Jennings	Omann	Schreiber	Waltman
Dimler	Johnson	Onnen	Seaberg	Welker
Erickson	Krueger	Pauly	Shaver	Wigley
Findlay	Kvam	Quist	Shea	

Those who voted in the negative were:

Anderson, R.	Begich	Brandl	Clawson	Dempsey
Battaglia	Bennett	Brinkman	Cohen	Eken
Beard	Bergstrom	Carlson, L.	Coleman	Elioff

Ellingson	Kalis	Nelson, D.	Rodriguez, C.	Tunheim
Forsythe	Kelly	Neuenschwander	Rodriguez, F.	Valento
Frerichs	Knickerbocker	Norton	Rose	Vanasek
Greenfield	Knuth	Olsen	Sarna	Vellenga
Gruenes	Kostohryz	Osthoff	Scheid	Welch
Haukoos	Long	Otis	Segal	Welle
Heap	Mann	Peterson	Sherman	Wenzel
Himle	Marsh	Piepho	Simoneau	Wynia
Hoffman	McEachern	Piper	Solberg	Zaffke
Hokr	Metzen	Price	Sparby	Speaker Sieben
Jacobs	Minne	Quinn	Staten	
Jensen	Munger	Redalen	Swanson	
Kahn	Murphy	Riveness	Tomlinson	

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

Welker moved to amend H. F. No. 1743, the first engrossment, as follows:

Page 3, after line 3, insert "*Section 3. Minnesota Statutes, section 82.19 is repealed.*"

A roll call was requested and properly seconded.

The question was taken on the amendment and the roll was called. There were 25 yeas and 91 nays as follows:

Those who voted in the affirmative were:

Burger	Findlay	Jennings	Pauly	Valento
Carlson, D.	Frerichs	Johnson	Quist	Waltman
DenOuden	Gutknecht	Ludeman	Schafer	Welker
Dimler	Halberg	McDonald	Thiede	Wigley
Erickson	Heinitz	Onnen	Uphus	Zaffke

Those who voted in the negative were:

Anderson, B.	Ellingson	Knuth	Osthoff	Sherman
Anderson, G.	Evans	Kostohryz	Otis	Simoneau
Anderson, R.	Fjoslien	Krueger	Peterson	Skoglund
Battaglia	Forsythe	Larsen	Piepho	Solberg
Beard	Graba	Levi	Piper	Sparby
Begich	Greenfield	Long	Price	Staten
Bergstrom	Gruenes	Mann	Redalen	Swanson
Bishop	Gustafson	Marsh	Rice	Tomlinson
Blatz	Haukoos	McEachern	Riveness	Tunheim
Brandl	Heap	McKasy	Rodriguez, C.	Vellenga
Brinkman	Himle	Metzen	Rodriguez, F.	Welch
Carlson, L.	Hoffman	Minne	Rose	Welle
Clark, J.	Hokr	Munger	St. Onge	Wenzel
Clark, K.	Jacobs	Murphy	Sarna	Wynia
Clawson	Jensen	Nelson, K.	Scheid	Speaker Sieben
Cohen	Kahn	Norton	Schoenfeld	
Dempsey	Kalis	Ogren	Schreiber	
Eken	Kelly	Olsen	Seaberg	
Elioff	Knickerbocker	Omann	Segal	

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

H. F. No. 1743, A bill for an act relating to occupations and professions; removing an auctioneer's exemption from real estate brokers and salespersons licensing; amending Minnesota Statutes 1983 Supplement, section 82.18.

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 90 yeas and 27 nays as follows:

Those who voted in the affirmative were:

Anderson, R.	Forsythe	Knuth	Olsen	Segal
Battaglia	Frerichs	Kostohryz	Omann	Sherman
Beard	Graba	Larsen	Osthoff	Simoneau
Begich	Greenfield	Levi	Otis	Solberg
Bennett	Gruenes	Long	Peterson	Sparby
Bergstrom	Halberg	Mann	Piepho	Staten
Bishop	Haukoos	Marsh	Piper	Swanson
Blatz	Heap	McDonald	Price	Thiede
Brandl	Heinitz	McEachern	Quinn	Tomlinson
Brinkman	Himle	McKasy	Redalen	Tunheim
Carlson, L.	Hoffman	Metzen	Reif	Valan
Clark, K.	Hokr	Minne	Riveness	Valento
Clawson	Jacobs	Munger	Rodriguez, C.	Welch
Cohen	Jensen	Murphy	Rodriguez, F.	Welle
Coleman	Kahn	Nelson, D.	Rose	Wenzel
Dempsey	Kalis	Neuenschwander	Sarna	Wynia
Elioff	Kelly	Norton	Scheid	Zaffke
Evans	Knickerbocker	O'Connor	Schreiber	Speaker Sieben

Those who voted in the negative were:

Anderson, G.	Findlay	Ludeman	Schafer	Waltman
Burger	Fjoslien	Ogren	Schoenfeld	Welker
Carlson, D.	Gutknecht	Onnen	Skoglund	Wigley
DenOuden	Jennings	Pauly	Sviggum	
Dimler	Johnson	Quist	Uphus	
Erickson	Krueger	St. Onge	Voss	

The bill was passed and its title agreed to.

H. F. No. 1775 was reported to the House.

Otis moved that H. F. No. 1775 be continued on Special Orders for one day. The motion prevailed.

H. F. No. 1803, A bill for an act relating to Kandiyohi County; permitting the county to abate and cancel liens filed against property benefited by county ditches 10 and 46.

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

The bill was passed and its title agreed to.

H. F. No. 1839, A bill for an act relating to St. Louis County; permitting the county to establish an emergency jobs program.

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

The question was taken on the passage of the bill and the roll was called. There were 117 yeas and 2 nays as follows:

Those who voted in the affirmative were:

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

Sviggum	Tunheim	Vellenga	Welle	Wynia
Swanson	Uphus	Voss	Wenzel	Zaffke
Thiede	Valan	Waltman	Wigley	Speaker Sieben
Tomlinson	Valento			

Those who voted in the negative were:

Ludeman	Welker
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The bill was passed and its title agreed to.

H. F. No. 1853 was reported to the House.

Clawson moved to amend H. F. No. 1853, the first engrossment, as follows:

Page 1, line 19, after "of" insert "a permanent"

Page 1, line 19, delete "rules" insert "rule"

The motion prevailed and the amendment was adopted.

H. F. No. 1853, A bill for an act relating to public welfare; providing for rulemaking authority for the Community Social Services Act; amending Minnesota Statutes 1982, section 256E.-05, subdivision 1.

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

The question was taken on the passage of the bill and the roll was called. There were 116 yeas and 3 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Anderson, R. Findlay Fjoslien

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

H. F. No. 1875 was reported to the House.

Graba moved to amend H. F. No. 1875, the first engrossment, as follows:

Page 10, after line 17, insert:

"Sec. 7. Minnesota Statutes 1982, section 471.696, is amended to read:

471.696 [FISCAL YEAR; DESIGNATION.]

Beginning in 1979 the fiscal year of a city and all of its funds shall be the calendar year. The state auditor may upon request of a city and a showing of inability to conform, extend the deadline for compliance with this section for one year, *except that a city may, by resolution, provide that the fiscal year for city owned nursing homes be the reporting year designated by the commissioner of public welfare.*"

Renumber subsequent sections

Amend the title as follows:

Page 1, line 6, after the semicolon, insert "allowing for a change in the reporting year for municipal nursing homes;"

Page 1, line 8, delete "and"

Page 1, line 8, after "376.60" insert "and 471.696;"

The motion prevailed and the amendment was adopted.

Graba moved to amend H. F. No. 1875, the first engrossment, as amended, as follows:

Page 8, line 1, delete "shall" and insert "may"

Page 8, line 3, after "welfare" insert "if the county board approves"

The motion prevailed and the amendment was adopted.

H. F. No. 1875, A bill for an act relating to certain counties; providing for changes in the administration of county nursing homes and the issuance of general obligation bonds for such

homes; authorizing the establishment of facilities for the provision of supportive services; allowing for a change in the reporting year for municipal nursing homes; amending Minnesota Statutes 1982, sections 376.55; 376.56; 376.57; 376.58; 376.59; 376.60; and 471.696; repealing Minnesota Statutes 1982, sections 376.573; 376.61; 376.62; 376.63; 376.64; 376.65; and 376.66.

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

The question was taken on the passage of the bill and the roll was called. There were 113 yeas and 4 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Frerichs	Ludeman	McDonald	Welker
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The bill was passed, as amended, and its title agreed to.

H. F. No. 1878, A bill for an act relating to building officials; providing for continuing education; amending Minnesota Statutes 1982, section 16.861, by adding a subdivision.

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

The question was taken on the passage of the bill and the roll was called. There were 95 yeas and 19 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Coleman	Knickerbocker	Olsen	Segal
Anderson, R.	Dempsey	Knuth	Onnen	Sherman
Battaglia	Eken	Kostohryz	Osthoff	Simoneau
Beard	Elioff	Krueger	Otis	Skoglund
Begich	Ellingson	Larsen	Peterson	Solberg
Bennett	Evans	Levi	Piepho	Sparby
Bergstrom	Forsythe	Long	Piper	Staten
Bishop	Graba	Mann	Price	Swanson
Blatz	Greenfield	Marsh	Quinn	Tomlinson
Boo	Gruenes	McKasy	Quist	Tunheim
Brandl	Gustafson	Metzen	Redalen	Valan
Brinkman	Halberg	Minne	Riveness	Vanasek
Burger	Heap	Munger	Rodriguez, C.	Vellenga
Carlson, D.	Hoffman	Murphy	Rodriguez, F.	Waltman
Carlson, L.	Jacobs	Nelson, D.	Rose	Welle
Clark, J.	Jensen	Nelson, K.	St. Onge	Wenzel
Clark, K.	Johnson	Neuenschwander	Scheid	Wigley
Clawson	Kalis	Norton	Schoenfeld	Wynia
Cohen	Kelly	Ogren	Seaberg	Speaker Sieben

Those who voted in the negative were:

DenOuden	Frerichs	Ludeman	Shaver	Valento
Dimler	Gutknecht	McDonald	Sviggum	Welker
Findlay	Heinitz	Pauly	Thiede	Zaffke
Fjoslien	Jennings	Schafer	Uphus	

The bill was passed and its title agreed to.

S. F. No. 1927, A bill for an act relating to St. Louis County; establishing positions in the unclassified civil service; amending Laws 1941, chapter 423, section 6, as amended.

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

The question was taken on the passage of the bill and the roll was called. There were 98 yeas and 19 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Elioff	Knuth	Ogren	Sarna
Anderson, R.	Ellingson	Kostohryz	Olsen	Scheid
Battaglia	Forsythe	Krueger	Osthoff	Schoenfeld
Beard	Graba	Larsen	Otis	Schreiber
Begich	Greenfield	Levi	Pauly	Seaberg
Bergstrom	Gruenes	Long	Peterson	Segal
Bishop	Gustafson	Mann	Piepho	Shaver
Blatz	Gutknecht	Marsh	Piper	Shea
Boo	Halberg	McEachern	Price	Sherman
Brandl	Heap	McKasy	Quinn	Simoneau
Brinkman	Heinitz	Metzen	Redalen	Skoglund
Burger	Hoffman	Minne	Reif	Solberg
Carlson, L.	Jacobs	Munger	Rice	Sparby
Clark, J.	Jensen	Murphy	Riveness	Staten
Clawson	Johnson	Nelson, D.	Rodriguez, C.	Swanson
Cohen	Kahn	Nelson, K.	Rodriguez, F.	Tomlinson
Coleman	Kalis	Neuenschwander	Rose	Uphus
Dempsey	Knickerbocker	Norton	St. Onge	Valan

Vellenga
VossWaltman
WelleWenzel
Wigley

Wynia

Speaker Sieben

Those who voted in the negative were:

DenOuden
Dimler
Erickson
FindlayFjoslien
Frerichs
Haukoos
JenningsKvam
Ludeman
McDonald
OmannOnnen
Schafer
Sviggum
ThiedeValento
Welker
Zaffke

The bill was passed and its title agreed to.

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

H. F. No. 1946, A bill for an act relating to the governor; transferring the authority to make certain appointments to various commissioners; providing for filling a membership vacancy on a board reoccurring within three months after the vacancy has been filled; amending Minnesota Statutes 1982, sections 1.35; 15.0575, by adding a subdivision; 16.71, subdivision 1; 121.934, subdivision 1; 182.656, subdivision 1; and 326.33, subdivision 1; Minnesota Statutes 1983 Supplement, sections 16.911, subdivision 1; 116E.02, subdivision 1; and 299B.05, subdivision 1; repealing Minnesota Statutes 1982, section 116E.02, subdivision 2.

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.
Anderson, G.
Anderson, R.
Battaglia
Beard
Begich
Bennett
Bergstrom
Bishop
Blatz
Boo
Brandl
Burger
Carlson, D.
Carlson, L.
Clark, J.
Clark, K.
Clawson
Cohen
Coleman
Dempsey
DenOuden
DimlerEken
Elioff
Ellingson
Erickson
Evans
Findlay
Fjoslien
Forsythe
Frerichs
Graba
Greenfield
Gruenes
Gustafson
Gutknecht
Halberg
Haukoos
Heap
Heinitz
Hoffman
Hokr
Jacobs
Jennings
JensenJohnson
Kahn
Kalis
Kelly
Knickerbocker
Knuth
Kostohryz
Krueger
Kvam
Larsen
Levi
Long
Ludeman
Mann
Marsh
McDonald
McEachern
McKasy
Metzen
Minne
Munger
Murphy
Nelson, D.Nelson, K.
Neuenschwander
Norton
Ogren
Olsen
Omann
Onnen
Osthoff
Otis
Pauly
Peterson
Piepho
Piper
Price
Quinn
Quist
Redalen
Reif
Riveness
Rodriguez, C.
Rodriguez, F.
Rose
St. OngeSarna
Schafer
Scheid
Schoenfeld
Schreiber
Seaberg
Segal
Shaver
Shea
Sherman
Simoneau
Skoglund
Solberg
Sparby
Staten
Sviggum
Swanson
Thiede
Tomlinson
Tunheim
Uphus
Valan
Valento

Vanasek
Vellenga
Voss

Waltman
Welch
Welker

Welle
Wenzel

Wigley
Wynia

Zaffke
Speaker Sieben

The bill was passed and its title agreed to.

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

H. F. No. 1974, A bill for an act relating to energy; defining residence; establishing energy efficiency standards for public housing; amending Minnesota Statutes 1982, sections 116J.27, subdivisions 1 and 4; and 116J.30, by adding a subdivision.

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

The question was taken on the passage of the bill and the roll was called. There were 105 yeas and 19 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Eken	Knuth	Omann	Shaver
Anderson, G.	Elioff	Kostohryz	Onnen	Shea
Anderson, R.	Ellingson	Krueger	Osthoff	Sherman
Battaglia	Evans	Kvam	Pauly	Simoneau
Beard	Forsythe	Larsen	Peterson	Skoglund
Begich	Graba	Levi	Piepho	Solberg
Bennett	Greenfield	Long	Piper	Sparby
Bergstrom	Gruenes	Mann	Price	Staten
Bishop	Gustafson	Marsh	Quinn	Swanson
Blatz	Gutknecht	McEachern	Quist	Tomlinson
Boo	Halberg	McKasy	Reif	Tunheim
Brundl	Heap	Metzen	Rice	Valento
Burger	Heinitz	Minne	Riveness	Vanasek
Carlson, D.	Himle	Munger	Rodriguez, C.	Vellenga
Carlson, L.	Hoffman	Murphy	Rodriguez, F.	Voss
Clark, J.	Hokr	Neison, D.	St. Onge	Welch
Clark, K.	Jensen	Nelson, K.	Sarna	Welle
Clawson	Kahn	Neuenschwander	Scheid	Wenzel
Cohen	Kalis	Norton	Schoenfeld	Wigley
Coleman	Kelly	Ogren	Seaberg	Wynia
Dempsey	Knickerbocker	Olsen	Segal	Speaker Sieben

Those who voted in the negative were:

DenOuden	Fjoslien	Ludeman	Schreiber	Waltman
Dimler	Haukoos	McDonald	Swiggum	Welker
Erickson	Jennings	Redalen	Thiede	Zaffke
Findlay	Johnson	Schafer	Uphus	

The bill was passed and its title agreed to.

H. F. No. 322 was reported to the House.

Piepho moved to amend H. F. No. 322, the first engrossment, as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1982, section 415.16, is amended to read:

415.16 [EMPLOYMENT; RESIDENCE REQUIREMENT.]

Subdivision 1. Notwithstanding any contrary provision of other law, home rule charter, ordinance or resolution, no statutory or home rule charter city or county (LOCATED IN THE AREA DEFINED IN SECTION 473F.02, SUBDIVISION 2,) shall require that a person be a resident of the city or county as a condition of employment by the city or county except for positions which by their duties require the employee to live on the premises of the person's place of employment.

Subd. 2. A statutory or home rule charter city or county, except if it is located in the area defined in section 473F.02, subdivision 2, may impose a reasonable area or response time residency requirement if there is a demonstrated, job related necessity."

Delete the title and insert:

"A bill for an act relating to local government; prohibiting cities and counties from establishing residency requirements as a condition of employment; amending Minnesota Statutes 1982, section 415.16."

The motion prevailed and the amendment was adopted.

H. F. No. 322, A bill for an act relating to local government; prohibiting cities and counties from establishing residency requirements as a condition of employment; amending Minnesota Statutes 1982, section 415.16.

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

The question was taken on the passage of the bill and the roll was called. There were 113 yeas and 8 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Boo	DenOuden	Gruenes	Jennings
Anderson, G.	Burger	Eken	Gustafson	Johnson
Anderson, R.	Carlson, D.	Elioff	Gutknecht	Kahn
Battaglia	Carlson, L.	Ellingson	Halberg	Kalis
Beard	Clark, J.	Erickson	Haukoos	Knickerbocker
Begich	Clark, K.	Evans	Heinitz	Knuth
Bennett	Clawson	Findlay	Himle	Kostohryz
Bergstrom	Cohen	Fjoslien	Hoffman	Krueger
Bishop	Coleman	Forsythe	Hokr	Kvam
Blatz	Dempsey	Graba	Jacobs	Larsen

Levi	Neuenschwander	Redalen	Shea	Vanasek
Long	Norton	Reif	Sherman	Voss
Ludeman	Olsen	Riveness	Simoneau	Waltman
Mann	Omann	Rodriguez, C.	Skoglund	Welch
Marsh	Onnen	Rodriguez, F.	Solberg	Welker
McDonald	Osthoff	Rose	Sparby	Welle
McEachern	Pauly	Sarna	Sviggum	Wenzel
McKasy	Peterson	Schafer	Swanson	Wigley
Metzen	Piepho	Schoenfeld	Thiede	Wynia
Minne	Piper	Schreiber	Tomlinson	Zaffke
Murphy	Price	Seaberg	Tunheim	Speaker Sieben
Nelson, D.	Quinn	Segal	Uphus	
Nelson, K.	Quist	Shaver	Valento	

Those who voted in the negative were:

Brandl	Jensen	Ogren	Staten	Vellenga
Greenfield	Kelly	Scheid		

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

H. F. No. 1352, A bill for an act relating to financial institutions; allowing banks and trust companies to establish trust service offices at the location of other banks; proposing new law coded in Minnesota Statutes, chapter 48.

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

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

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

H. F. No. 1422 was reported to the House.

Simoneau moved that H. F. No. 1422 be continued on Special Orders for one day. The motion prevailed.

H. F. No. 1502, A bill for an act relating to children; providing special foster care and adoption procedures for Indian children; proposing new law coded in Minnesota Statutes, chapter 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 87 yeas and 38 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Dimler	Knuth	Osthoff	Sparby
Anderson, G.	Eken	Kostohryz	Peterson	Staten
Anderson, R.	Elioff	Larsen	Piper	Sviggum
Battaglia	Ellingson	Long	Price	Swanson
Beard	Evans	Mann	Rice	Tomlinson
Begich	Fjoslien	McEachern	Riveness	Tunheim
Bennett	Graba	Metzen	Rodriguez, C.	Vanasek
Bergstrom	Greenfield	Minne	Rodriguez, F.	Vellenga
Boo	Cruenes	Munger	St. Onge	Voss
Brandl	Gustafson	Murphy	Scheid	Welch
Carlson, D.	Halberg	Nelson, D.	Schoenfeld	Welle
Carlson, L.	Heap	Nelson, K.	Seaberg	Wenzel
Clark, J.	Hoffman	Neuenschwander	Segal	Wynia
Clark, K.	Jacobs	Norton	Shea	Zaffke
Clawson	Jensen	Ogren	Sherman	Speaker Sieben
Cohen	Kahn	Olsen	Simoneau	
Coleman	Kalis	Omman	Skoglund	
Dempsey	Knickerbocker	Onnen	Solberg	

Those who voted in the negative were:

Blatz	Haukoos	Ludeman	Redalen	Uphus
Burger	Heinitz	Marsh	Reif	Valan
DenOuden	Himle	McDonald	Rose	Valento
Erickson	Hokr	McKasy	Sarna	Waltman
Findlay	Jennings	Pauly	Schafer	Welker
Forsythe	Johnson	Piepho	Schreiber	Wigley
Frerichs	Kvam	Quinn	Shaver	
Gutknecht	Levi	Quist	Thiede	

The bill was passed and its title agreed to.

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

H. F. No. 1619 was reported to the House.

Anderson, R., moved to amend H. F. No. 1619, the first engrossment, as follows:

Page 2, line 13, after "commission" insert "or its successor"

Page 2, delete line 25

Page 2, line 26, delete "(32)" and insert "(31)"

The motion prevailed and the amendment was adopted.

H. F. No. 1619, A bill for an act relating to state government; providing for a member, 60 years of age or over, to serve on certain state boards, commissions, advisory councils, task forces, or committees; proposing new law coded in Minnesota Statutes, chapter 15.

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

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

Those who voted in the affirmative were:

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

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

St. Onge was excused for the remainder of today's session.

H. F. No. 1656 was reported to the House.

Solberg moved to amend H. F. No. 1656, the first engrossment, as follows:

Page 1, line 25, delete ", requests the"

Page 2, line 1, delete "*franchisor*" and insert "*consents*" and delete "*make*"

The motion prevailed and the amendment was adopted.

The Speaker resumed the Chair.

H. F. No. 1656, A bill for an act relating to commerce; motor fuel franchises; providing for a temporary prohibition on certain building alterations that eliminate service bays.

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

The question was taken on the passage of the bill and the roll was called. There were 80 yeas and 29 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Elioff	Mann	Onnen	Scheid
Anderson, R.	Greenfield	Marsh	Osthoff	Schreiber
Battaglia	Gustafson	McDonald	Pauly	Shea
Beard	Gutknecht	McEachern	Peterson	Sherman
Begich	Heinitz	McKasy	Piper	Simoneau
Bennett	Hoffman	Metzen	Price	Skoglund
Bergstrom	Hokr	Minne	Quinn	Solberg
Blatz	Jensen	Munger	Quist	Sparby
Brandl	Kahn	Murphy	Redalen	Staten
Burger	Kelly	Nelson, D.	Reif	Swanson
Carlson, D.	Knickerbocker	Nelson, K.	Rice	Tomlinson
Carlson, L.	Knuth	Neuenschwander	Riveness	Vanasek
Clark, J.	Kostohryz	Norton	Rodriguez, C.	Vellenga
Clawson	Krueger	Ogren	Rodriguez, F.	Welch
Dimler	Larsen	Olsen	Rose	Welle
Eken	Levi	Omann	Sarna	Speaker Sieben

Those who voted in the negative were:

Bishop	Findlay	Heap	Piepho	Valento
Boo	Fjoslien	Jennings	Schafer	Waltman
Dempsey	Frerichs	Johnson	Shaver	Welker
DenOuden	Gruenes	Kalis	Svigvum	Wenzel
Erickson	Halberg	Kvam	Thiede	Zaffke
Evans	Haukoos	Ludeman	Uphus	

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

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

Eken moved that the remaining bills on Special Orders for today be continued one day. The motion prevailed.

GENERAL ORDERS

Eken moved that the bills on General Orders for today be continued one day. The motion prevailed.

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

REPORTS OF STANDING COMMITTEES

Tomlinson from the Committee on Taxes to which was referred:

H. F. No. 966, A bill for an act relating to taxation; sales and use; providing a reduced tax rate for certain purchases of logging equipment; amending Minnesota Statutes 1982, sections 297A.01, by adding a subdivision; 297A.02, subdivision 2, as amended; and 297A.14, as amended.

Reported the same back with the following amendments:

Page 1, line 11, delete "*or used*"

Page 1, line 15, delete "*includes*" and insert "*excludes used equipment and the*"

Page 1, line 23 to page 2, line 33, delete sections 2 and 3 and insert:

"Sec. 2. Minnesota Statutes 1983 Supplement, section 297A.02, subdivision 2, is amended to read:

Subd. 2. [FARM MACHINERY.] Notwithstanding the provisions of subdivision 1, the rate of the excise tax imposed upon sales of farm machinery *and commercial logging equipment* shall be four percent.

Sec. 3. Minnesota Statutes 1983 Supplement, section 297A.14, is amended to read:

297A.14 [USING, STORING OR CONSUMING TANGIBLE PERSONAL PROPERTY; ADMISSIONS; UTILITIES.]

For the privilege of using, storing or consuming in Minnesota tangible personal property, tickets or admissions to places of amusement and athletic events, electricity, gas, and local exchange telephone service purchased for use, storage or consumption in this state, there is imposed on every person in this state a use tax at the rate of six percent of the sales price of sales at retail of any of the aforementioned items unless the tax imposed

by section 297A.02 was paid on the sales price. Notwithstanding the provisions of this paragraph, the rate of the use tax imposed upon the sales price of sales of farm machinery or commercial logging equipment shall be four percent.

A motor vehicle subject to tax under this section shall be taxed at its fair market value at the time of transport into Minnesota if the motor vehicle was acquired more than three months prior to its transport into this state."

Page 2, line 36, delete "1983" and insert "1984"

Amend the title as follows:

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

Page 1, line 5, after the semicolon insert "Minnesota Statutes 1983 Supplement, sections"

Page 1, delete line 6, and insert "2; and 297A.14."

With the recommendation that when so amended the bill pass.

The report was adopted.

Tomlinson from the Committee on Taxes to which was referred:

H. F. No. 1453, A bill for an act relating to taxation; sales and use; providing for timely payment of sales and use taxes; amending Minnesota Statutes 1982, section 297A.27, subdivision 1, as amended.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1983 Supplement, section 297A.27, subdivision 1, is amended to read:

Subdivision 1. Except as provided in section 297A.275, on or before the (25TH) 23rd day of each month in which taxes imposed by sections 297A.01 to 297A.44 are payable, a return for the preceding reporting period shall be filed with the commissioner in such form as the commissioner may prescribe, verified by a written declaration that it is made under the criminal penalties for wilfully making a false return, and in addition shall contain a confession of judgment for the amount of the tax shown due thereon to the extent not timely paid. Any person making

sales at retail at two or more places of business may file a consolidated return subject to such regulations as the commissioner may prescribe.

For purposes of this subdivision, a return is filed on time if the return was mailed to the commissioner of revenue on or before the due date. The person required to make the return has the burden of establishing that the return was timely mailed by United States mail in an envelope, postage prepaid, and properly addressed.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective for sales and use tax returns due after August 1, 1984."

Amend the title as follows:

Page 1, line 4, delete "1982" and insert "1983 Supplement"

Page 1, line 5, delete ", as amended"

With the recommendation that when so amended the bill pass.

The report was adopted.

Tomlinson from the Committee on Taxes to which was referred:

H. F. No. 1707, A bill for an act relating to gambling; creating a charitable gambling control board and prescribing its powers and duties; imposing a tax on the gross receipts of charitable gambling; making an annual appropriation; prescribing penalties; amending Minnesota Statutes 1982, sections 349.11; 349.12; 349.13; 349.14; 349.15; 349.16; 349.17; 349.18; 349.19; 349.20; 349.21; 349.22; and 349.31, subdivision 1; Minnesota Statutes 1983 Supplement, sections 340.14, subdivision 2; 609.75, subdivision 3; and 609.761; proposing new law coded in Minnesota Statutes, chapter 349; repealing Minnesota Statutes 1982, section 349.26.

Reported the same back with the following amendments:

Page 6, line 14, delete "two" and insert "four"

Page 7, line 18, delete everything after the period

Page 7, delete lines 19 and 20

Page 22, line 11, after the period insert "*County attorneys have primary responsibility for prosecuting violations of sections 349.11 to 349.214, but the attorney general may prosecute any violation of those sections.*"

With the recommendation that when so amended the bill pass.

The report was adopted.

Tomlinson from the Committee on Taxes to which was referred:

H. F. No. 1796, A bill for an act relating to taxation; imposing a tax on the transfer of motor vehicles; dedicating the proceeds of the tax for the screening or removal of salvage yards adjacent to trunk highways; appropriating money; amending Minnesota Statutes 1982, section 161.242, subdivisions 3 and 4; proposing new law coded in Minnesota Statutes, chapter 161.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1982, section 161.242, subdivision 3, is amended to read:

Subd. 3. [UNAUTHORIZED JUNK YARDS PROHIBITED.] ((1) NO) (a) A junk yard may *not* exist or be operated outside a zoned or unzoned industrial area, including those located on public lands (AND RESERVATIONS OF THE UNITED STATES), unless it (BE) *is* screened (SO AS) to effectively conceal it from the view of motorists using the highway. The screening required by this section may be effected by trees, shrubs, or foliage, natural objects, fences or other appropriate means as determined by standards established by the commissioner. Plantings (WHICH) *that* will eventually achieve effective screening shall be acceptable. Plantings shall be used in connection with any fence or other non-natural screening device.

((2) ANY SUCH) (b) A *portion of a* junk yard (OR PORTION THEREOF WHICH) *that* cannot be effectively (BE) screened (SHALL) *must* be removed or relocated (PURSUANT TO) *under* the provisions of this section (ON OR BEFORE JULY 1, 1979). (ANY SUCH) A junk yard lawfully existing (ON) *along* a highway (WHICH) *that* is made a part of the trunk highway system after January 1, 1975, and becomes nonconforming thereby shall be effectively screened or removed or relocated within four years (THEREAFTER). Any junk yard (WHICH) *that* comes into existence after July 1, 1971 (WHICH) *that* does not conform to this section, or (WHICH) *that* becomes

nonconforming after July 1, 1971, or (WHICH) *that* becomes nonconforming after action by the commissioner pursuant to this section, is hereby declared to be a public nuisance and illegal, and the commissioner may enter upon the land where the junk yard is located and may screen the same, or may relocate or dispose of the junk yard after 90 days notice to the owner or dealer thereof, if known, or to the owner of the land. In this event, no compensation shall be paid to the owner or dealer or owner of the land, and the commissioner may (COLLECT) *recover* the cost of screening, removal, relocation or disposal from the owner or dealer, if known, or from the owner of the land upon which the junk yard is located. *Any costs recovered by the commissioner shall be deposited in the general fund and credited to the salvage yard account.*

((3)) (c) None of the articles commonly found in junk yards shall be allowed to remain on the grounds for more than 24 hours unless within the buildings or the properly screened area as provided herein, nor shall any junk in any junk yard be allowed to extend above existing or planned screening so as to be visible from the highway.

Sec. 2. Minnesota Statutes 1982, section 161.242, subdivision 4, is amended to read:

Subd. 4. [AUTHORITY; ENFORCEMENT.] The commissioner shall screen junk yards when required by this section at locations on the right-of-way of the highway or on lands within 1,000 feet of the right-of-way and shall pay for the costs thereof. If screening is not feasible because of economic or topographic reasons, the commissioner shall secure the removal, relocation or disposal of such junk yard by sale, agreement, or other means, and pay for the costs thereof. Notwithstanding the other provisions of this section, if a junk yard exists within one-half mile of the right-of-way of any trunk highway and is visible from the highway, the commissioner may acquire easements for screening purposes up to one-half mile from the edge of the right-of-way of the highway. The commissioner shall acquire such rights and interest in property, personal or real, necessary to carry out the purposes of this section by purchase, gift, or eminent domain proceedings and shall pay just compensation therefor. (THE COMMISSIONER SHALL NOT EXPEND ANY MONEY TO ACQUIRE RIGHTS OR INTERESTS IN JUNK YARDS UNDER THIS SECTION, EXCEPT THOSE FOR WHICH ACQUISITION PROCEEDINGS WERE BEGUN BEFORE JUNE 8, 1979 OR FOR WHICH FEDERAL MONEY HAS BEEN APPROPRIATED BY CONGRESS FOR JUNK YARDS DESCRIBED IN TITLE 23, UNITED STATES CODE, SECTION 136(J) AND THE FEDERAL SHARE HAS BEEN MADE AVAILABLE TO THE COMMISSIONER. ALL COSTS DESCRIBED HEREIN SHALL BE NECESSARY FOR A HIGHWAY PURPOSE.)

Sec. 3. [161.243] [TRANSFER TAX.]

Subdivision 1. [TAX IMPOSED.] A tax of \$1 is imposed on the initial sale and each subsequent transfer of title within the state, other than transfers for resale purposes, of every motor vehicle weighing more than 1,000 pounds. The tax shall be collected by the motor vehicle registrar. Registration plates or certificates may not be issued by the motor vehicle registrar for the ownership or operation of a motor vehicle subject to the transfer tax unless the tax is paid. The tax is not imposed on the transfer of:

(1) a previously registered vehicle if the transfer is to the same person;

(2) vehicles subject to the conditions specified in section 297A.25, subdivision 1, clause (j);

(3) common carrier vehicles engaged in interstate commerce, licensed and operating under interstate commerce commission requirements; and

(4) vehicles purchased in another state by a resident of another state if the purchaser is transferring title to this state and has become a resident of this state after the purchase and more than 60 days have elapsed after the date of purchase.

Subd. 2. [TAX PROCEEDS; APPROPRIATION.] The tax collected shall be deposited in the general fund of the state treasury and credited to the salvage yard account. The legislature may annually appropriate from the salvage yard account to the commissioner of transportation the amount necessary to pay the costs incurred under section 161.242, subdivisions 3 and 4.

Subd. 3. [TAX REPEALED.] This section is repealed July 1, 1988.

Sec. 4. [EFFECTIVE DATE.]

Section 3 is effective for transfers of motor vehicles after July 31, 1984."

With the recommendation that when so amended the bill pass.

The report was adopted.

Rice from the Committee on Appropriations to which was referred:

H. F. No. 1966, A bill for an act relating to public welfare; providing for the Health Care Cost Information Act; requiring

reporting and collection of care cost information; limiting medical assistance and providing appeal rights for former recipients of public assistance; limiting medical assistance and general assistance reimbursements for chemical dependency treatment; extending temporary rulemaking authority for prospective payments for inpatient hospital services; expanding medical assistance eligibility for certain persons; eliminating the requirement that the commissioner seek a co-payment waiver for HMO enrollees under medical assistance; clarifying existing language; requiring a cost-of-living adjustment to the schedule of contribution of a noninstitutionalized spouse; amending Minnesota Statutes 1982, sections 144.695; 144.696; 144.698; 144.699; 144.701; 144.702; 144.703; 256.045, subdivisions 2, 4, 5, and 7; 256B.17, as amended; 256B.19, subdivision 1; Minnesota Statutes 1983 Supplement, sections 256.045, subdivision 3; 256.968; 256.969, subdivisions 2 and 6; and 256B.06, subdivision 1.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1982, section 144.224, is amended to read:

144.224. [REPORTS OF DISSOLUTION AND ANNULMENT OF MARRIAGE.]

Each month the clerk of court shall (FILE A REPORT WITH) *forward to* the (STATE REGISTRAR, REPORTING) *commissioner of health* the (DISSOLUTIONS AND ANNULMENTS OF MARRIAGE GRANTED BY THE COURT IN) *statistical report forms collected pursuant to section 2 during the preceding month.* The report *form* shall include *only* the following information:

- a. Name (AND), date of birth, *birthplace, residence, race, and educational attainment* of the husband and wife;
- b. County of decree;
- c. Date *and type* of decree;
- d. (SIGNATURE OF THE CLERK OF COURTS; AND) *Place and date of marriage;*
- e. Date (SIGNED) *of separation;*
- f. *Number and ages of children of marriage;*
- g. *Amount and status of maintenance and child support;*

h. *Custody of children;*

i. *Income of the parties;*

j. *Length of separation and length of marriage; and*

k. *Number of previous marriages and reasons for ending the previous marriages (death, dissolution, or annulment).*

The commissioner may publish data collected under this section in summary form only. The statistical report form shall contain a statement that neither the report form, nor information contained in the form, shall be admissible in evidence in this or any subsequent proceeding."

Sec. 2. Minnesota Statutes 1982, section 144.695, is amended to read:

144.695 [CITATION.]

Sections 144.695 to 144.703 may be cited as the Minnesota (HOSPITAL ADMINISTRATION ACT OF 1976) *Health Care Cost Information Act of 1984.*

Sec. 3. Minnesota Statutes 1982, section 144.696, is amended to read:

144.696 [DEFINITIONS.]

Subdivision 1. Unless the context clearly indicates otherwise, for the purposes of sections 144.695 to 144.703, the terms defined in this section have the meanings given them.

Subd. 2. "Commissioner of health" means the state commissioner of health.

Subd. 3. "Hospital" means any acute care institution licensed pursuant to sections 144.50 to 144.58, but does not include any health care institution conducted for those who rely primarily upon treatment by prayer or spiritual means in accordance with the creed or tenets of any church or denomination.

Subd. 4. ("COMMISSIONER OF INSURANCE" MEANS THE COMMISSIONER OF INSURANCE.)

(SUBD. 5. "INSURER" MEANS A PERSON SELLING POLICIES OF ACCIDENT AND HEALTH INSURANCE PURSUANT TO CHAPTER 62A, OR NONPROFIT HEALTH SERVICE PLAN SUBSCRIBER CONTRACTS PURSUANT TO CHAPTER 62C) "Outpatient surgical center" means a

facility other than a hospital offering elective outpatient surgery under a license issued under sections 144.50 to 144.58.

Sec. 4. Minnesota Statutes 1982, section 144.698, is amended to read:

144.698 [REPORTING REQUIREMENTS.]

Subdivision 1. Each hospital *and each outpatient surgical center*, which has not filed the financial information required by this section with a voluntary, nonprofit (RATE REVIEW) reporting organization pursuant to section 144.702, shall file annually with the commissioner of health after the close of the fiscal year:

(a) A balance sheet detailing the assets, liabilities, and net worth of the hospital;

(b) A detailed statement of income and expenses; (AND)

(c) A copy of its most recent cost report, *if any*, filed pursuant to requirements of Title XVIII of the United States Social Security Act; *and*

(d) *A copy of all changes to articles of incorporation or bylaws.*

Subd. 2. If more than one licensed hospital *or outpatient surgical center* is operated by the reporting organization, the commissioner of health may require that the information be reported separately for each hospital *and each outpatient surgical center*.

Subd. 3. The commissioner of health may require attestation by responsible officials of the hospital *or outpatient surgical center* that the contents of the reports are true.

Subd. 4. All reports, except privileged medical information, filed pursuant to this section, section 144.701 or section 144.702, subdivision 3 or 4 shall be open to public inspection.

Subd. 5. The commissioner of health shall have the right to inspect hospital *and outpatient surgical center* books, audits, and records as reasonably necessary to verify hospital *and outpatient surgical center* reports.

Sec. 5. Minnesota Statutes 1982, section 144.699, is amended to read:

144.699 [CONTINUING ANALYSIS.]

Subdivision 1. [ACUTE CARE COSTS.] The commissioner of health may:

(a) Undertake analyses and studies relating to (HOSPITAL) *acute care* costs and to the financial status of any hospital or outpatient surgical center subject to the provisions of sections 144.695 to 144.703; and

(b) Publish and disseminate the information relating to (HOSPITAL) *acute care* costs.

Subd. 2. [FOSTERING PRICE COMPETITION.] *The commissioner of health shall:*

(a) *Encourage hospitals, outpatient surgical centers, and professionals regulated by the health related licensing boards as defined in section 214.01, subdivision 2, and by the commissioner of health under section 214.13, to publish prices for procedures and services that are representative of the diagnoses and conditions for which citizens of this state seek treatment.*

(b) *Analyze and disseminate available price information and analyses so as to foster the development of price competition among hospitals, outpatient surgical centers, and health professionals.*

Subd. 3. [COOPERATION WITH ATTORNEY GENERAL.] *Upon request of the attorney general, the commissioner of health shall make available to the attorney general all requested information provided under sections 144.695 to 144.703 in order to assist the attorney general in discharging the responsibilities of section 8.31.*

Subd. 4. The commissioner of health shall prepare and file summaries and compilations or other supplementary reports based on the information filed with or made available to the commissioner of health, which reports will advance the purposes of section 144.695 to 144.703.

Sec. 6. Minnesota Statutes 1982, section 144.701, is amended to read:

144.701 [(INVESTIGATIVE POWER) RATE DISCLOSURE.]

Subdivision 1. The commissioner of health (MAY INITIATE REVIEWS OR INVESTIGATIONS AS NECESSARY TO ASSURE ALL PURCHASERS OF HOSPITAL HEALTH CARE SERVICES THAT THE TOTAL COSTS OF A HOSPITAL ARE REASONABLY RELATED TO THE TOTAL SERVICES OFFERED, THAT THE HOSPITAL'S AGGREGATE

REVENUES AS EXPRESSED BY RATES ARE REASONABLY RELATED TO THE HOSPITAL'S AGGREGATE COSTS, AND THAT RATES ARE SET EQUITABLY. THE COMMISSIONER OF HEALTH SHALL PROHIBIT HOSPITALS FROM DISCRIMINATING AMONG INSURERS IN ITS RATES.)

(SUBD. 2. IN ORDER TO PROPERLY DISCHARGE THESE OBLIGATIONS, THE COMMISSIONER OF HEALTH MAY REVIEW PROJECTED ANNUAL REVENUES AND EXPENSES OF HOSPITALS AND COMMENT ON THEM.)

(SUBD. 3. IN THE INTEREST OF PROMOTING THE MOST EFFICIENT AND EFFECTIVE USE OF HOSPITALS, THE COMMISSIONER OF HEALTH MAY PROMOTE EXPERIMENTAL ALTERNATIVE METHODS OF BUDGETING, COST CONTROL, RATE DETERMINATION AND PAYMENT) *shall ensure that the total costs, total revenues, and total services of each hospital and each outpatient surgical center are reported to the public in a form understandable to consumers.*

Subd. (4) 2. The commissioner of health shall (BEGIN TO) compile relevant financial and accounting data concerning hospitals *and outpatient surgical centers* in order to have statistical information available for legislative policy making.

Subd. (5) 3. The commissioner of health shall obtain from each hospital *and outpatient surgical center* a current rate schedule. Any subsequent amendments or modifications of that schedule shall be filed with the commissioner of health at least 60 days in advance of their effective date. (THE COMMISSIONER OF HEALTH MAY, BY RULE, EXEMPT FROM THIS REQUIREMENT RATE INCREASES WHICH HAVE A MINIMAL IMPACT ON HOSPITAL COSTS. IF THE HOSPITAL HAS NOT AGREED TO SUBMIT TO A VOLUNTARY RATE REVIEW IN ACCORDANCE WITH SECTION 144.702, THE COMMISSIONER OF HEALTH MAY HOLD A PUBLIC HEARING PURSUANT TO CHAPTER 14, ON ANY INCREASE WHICH HE DETERMINES IS EXCESSIVE AND MAY PUBLICLY COMMENT ON ANY INCREASE.)

Subd. (6) 4. Each report which is required to be submitted to the commissioner of health (PURSUANT TO SUBDIVISION 5) *under sections 144.695 to 144.703 and which is not submitted to (BE REVIEWED BY) a voluntary, nonprofit (RATE REVIEW) reporting organization* in accordance with section 144.702 shall be accompanied by a filing fee in an amount prescribed by rule of the commissioner of health. (FILING FEES SHALL BE SET AT A LEVEL SUFFICIENT TO COVER THE COSTS OF ANY REVIEWS UNDERTAKEN PURSUANT TO SUBDIVISION 5, AND MAY TAKE INTO CONSIDERATION

THE LENGTH OR COMPLEXITY OF THE REPORT BEING FILED.) Fees received pursuant to this subdivision shall be deposited in the general fund of the state treasury.

Sec. 7. Minnesota Statutes 1982, section 144.702, is amended to read:

144.702 [VOLUNTARY REPORTING (AND RATE REVIEW) OF HOSPITAL AND OUTPATIENT SURGICAL CENTER COSTS.]

Subdivision 1. A hospital or outpatient surgical center may agree to submit its financial reports to (, AND BE SUBJECT TO A REVIEW OF ITS RATES BY,) a voluntary, nonprofit (RATE REVIEW) reporting organization whose reporting (AND REVIEW) procedures have been approved by the commissioner of health in accordance with this section.

Subd. 2. The commissioner of health may approve voluntary reporting (AND RATE REVIEW) procedures which are substantially equivalent to reporting requirements and (RATE REVIEW) procedures adopted by the commissioner of health for reporting (AND RATE REVIEWS CONDUCTED PURSUANT TO) procedures under sections (144.698 AND 144.701) 144.695 to 144.703. The commissioner of health shall, by rule, prescribe standards for approval of voluntary (RATE REVIEW) reporting procedures, which standards shall provide for:

(a) The filing of appropriate financial information with the (RATE REVIEW) reporting organization;

(b) Adequate analysis and verification of that financial information; and

(c) Timely publication of the (REVIEW ORGANIZATION'S FINDINGS AND COMMENTS) costs, revenues, and rates of individual hospitals and outpatient surgical centers prior to the effective date of any proposed rate increase. The commissioner of health shall annually review the procedures approved pursuant to this subdivision.

Subd. 3. Any voluntary, nonprofit (RATE REVIEW) reporting organization which (CONDUCTS A REVIEW OF THE) collects information on costs, revenues, and rates of a hospital or outpatient surgical center located in this state shall file a copy of (ITS FINDINGS AND COMMENTS) the information received for each hospital and outpatient surgical center with the commissioner of health within 30 days of completion of the (REVIEW) information collection process, together with a summary of the financial information acquired by the organization during the course of its review.

Subd. 4. Any voluntary, nonprofit (RATE REVIEW) reporting organization which receives the financial information required (IN SECTION 144.698) *by sections 144.695 to 144.703* shall make the information and all summaries and analyses of the information available to the commissioner of health in accordance with procedures prescribed by the commissioner of health.

Subd. 5. If the reporting and (RATE REVIEW) procedures of a voluntary, nonprofit (RATE REVIEW) reporting organization have been approved by the commissioner of health those reporting (AND RATE REVIEWING) activities of the organization shall be exempt from the provisions of sections 325D.49 to 325D.66.

Subd. 6. For the purposes of this section " (RATE REVIEW) reporting organization" means an association or other organization which has as one of its primary functions the (PEER REVIEW OF HOSPITAL RATES) *collection and dissemination of acute care cost information.*

Sec. 8. Minnesota Statutes 1982, section 144.703, is amended to read:

144.703 [ADDITIONAL POWERS.]

Subdivision 1. In addition to the other powers granted to the commissioner of health (AND THE COMMISSIONER OF INSURANCE) by law, the commissioner of health (AND THE COMMISSIONER OF INSURANCE) may (EACH):

(a) Adopt, amend, and repeal rules in accordance with chapter 14;

(b) (HOLD PUBLIC HEARINGS, CONDUCT INVESTIGATIONS, AND ADMINISTER OATHS OR AFFIRMATIONS IN ANY HEARING OR INVESTIGATION) *Adopt in rule a schedule of fines, ranging from \$100 to \$1,000, for failure of a hospital or an outpatient surgical center to submit, or to make a timely submission of, information called for by sections 144.695 to 144.703.*

Subd. 2. Any person aggrieved by a final determination of the commissioner of health (OR THE COMMISSIONER OF INSURANCE) as to any rule or determination under sections 144.695 to 144.703 (; OR 62A.02, SUBDIVISION 3; OR 62C.15, SUBDIVISION 2,) shall be entitled to (AN ADMINISTRATIVE HEARING AND) judicial review in accordance with (THE CONTESTED CASE PROVISIONS OF) chapter 14.

Sec. 9. [REPORT.]

By October 1, 1985, the commissioner of health shall report to the legislature recommendations for an integrated, comprehensive cost containment program for acute care health services. At a minimum, the recommendations shall include:

(a) a proposal for a mechanism that would constrain expansion in the service capacity of the acute care health system by means of specific and quantifiable prospectively determined limits;

(b) a proposal for a mechanism that would prospectively limit charges for acute care health services; and

(c) any other related proposals the commissioner deems prudent to recommend.

Sec. 10. [SAVINGS CLAUSE.]

The following rules adopted by the commissioner of health under sections 144.695 to 144.703 are repealed.

(a) Rules prescribing standards for the investigation, analysis, and judging of the reasonableness of the use of finances in a hospital.

(b) Rules prescribing standards for allowable increase limits.

(c) Rules prescribing standards for acceptable increases in gross acute care charges.

All other rules adopted by the commissioner under sections 144.695 to 144.703 remain in effect.

Notwithstanding the time limitation prescribed in 7 MCAR S 1.475 E.1., the experimental alternative reporting requirements contained in 7 MCAR S 1.475 shall be in effect until amended or repealed by the commissioner.

The rules not repealed by this section adopted under sections 144.695 to 144.703 apply to hospitals and outpatient surgical centers. The commissioner may grant outpatient surgical centers a group variance from compliance with provisions of the rules if uniform alternative requirements substantially equivalent to those prescribed in the rules are reasonably necessary to achieve the purposes of sections 144.695 to 144.703.

Promptly after enactment of sections 1 to 9, the commissioner shall publish in the State Register rules adopted under sections 144.695 to 144.703 that are not repealed by this section.

Sec. 11. Minnesota Statutes 1982, section 246.50, subdivision 6, is amended to read:

Subd. 6. "Relatives" means the spouse, and parents (AND, IN THE CASE OF THE MENTALLY ILL OR CHEMICALLY DEPENDENT, CHILDREN) of a patient, in that order of liability for cost of care.

Sec. 12. [ACTIONS DISCONTINUED.]

The commissioner of public welfare shall discontinue all collection activities currently pending against persons who have been determined to be

(1) responsible relatives because they are children of current or former state hospital patients; and

(2) liable for relative contributions under sections 246.50 to 246.55.

Sec. 13. Minnesota Statutes 1982, section 256.045, subdivision 2, is amended to read:

Subd. 2. [LOCAL WELFARE HEARINGS.] In counties in which the commissioner of public welfare has appointed a local welfare referee, any person applying for (OR), receiving, or having received public assistance granted by a local agency pursuant to Minnesota Statutes, Sections 256.72 to 256.87, Chapters 256B, 256D, 261, the Federal Food Stamp Act or a program of social services whose application for assistance is denied, or not acted upon with reasonable promptness, or whose assistance is suspended, reduced, (OR) terminated (BY A LOCAL AGENCY), or claimed to have been incorrectly paid, or any patient or relative aggrieved by an order of the commissioner under section 252.27, may contest that action or decision before the local welfare referee by submitting a written request for a hearing to the local agency within 30 days after receiving written notice of the action or decision, or within 90 days of such written notice if the applicant or recipient shows good cause why the request was not submitted within the 30 day time limit. The local welfare referee shall conduct a hearing on the matter and shall issue a ruling affirming, reversing, or modifying the action or decision of the local agency. The ruling of the local welfare referee shall be binding upon the local agency and the aggrieved party unless appeal is taken in the manner provided by subdivision 3.

Sec. 14. Minnesota Statutes 1983 Supplement, section 256.045, subdivision 3, is amended to read:

Subd. 3. [STATE AGENCY HEARINGS.] In counties in which the commissioner of welfare has not appointed a local welfare referee, any person applying for (OR), receiving or having

received any of the forms of public assistance described in subdivision 2 whose application for assistance is denied, not acted upon with reasonable promptness, or whose assistance is suspended, reduced, (OR) terminated (BY A LOCAL AGENCY), *or claimed to have been incorrectly paid*, or any patient or relative aggrieved by an order of the commissioner under section 252.27, may contest that action or decision before the state agency by submitting a written request for a hearing to the state agency within 30 days after receiving written notice of the action or decision, or within 90 days of such written notice if the applicant, recipient, patient or relative shows good cause why the request was not submitted within the 30 day time limit. A local agency (, APPLICANT, RECIPIENT, PATIENT OR RELATIVE) *or party* aggrieved by a ruling of a local welfare referee may appeal the ruling to the state agency by filing a notice of appeal with the state agency within 30 days after receiving the ruling of the local welfare referee. A state welfare referee shall conduct a hearing on the matter and shall recommend an order to the commissioner of public welfare. In appeals from rulings of local welfare referees, the hearing may be limited, upon stipulation of the parties, to a review of the record of the local welfare referee.

Sec. 15. Minnesota Statutes 1982, section 256.045, subdivision 4, is amended to read:

Subd. 4. [CONDUCT OF HEARINGS.] All hearings held pursuant to subdivisions 2 or 3 shall be conducted according to the provisions of the federal Social Security Act and the regulations implemented in accordance with that act to enable this state to qualify for federal grants-in-aid, and according to the rules and written policies of the commissioner of public welfare. The hearing shall not be held earlier than five days after filing of the required notice with the local or state agency. The local welfare referee or state welfare referee shall notify all interested persons of the time, date and location of the hearing at least five days before the date of the hearing. Interested persons may be represented by legal counsel or other spokesman of their choice at the hearing and may appear personally, testify and offer evidence, and examine and cross-examine witnesses. The applicant (OR), recipient, *or former recipient* shall have the opportunity to examine the contents of his case file and all documents and records to be used by the local agency at the hearing at a reasonable time before the date of the hearing and during the hearing. All evidence, except that privileged by law, commonly accepted by reasonable men in the conduct of their affairs as having probative value with respect to the issues shall be submitted at the hearing and such hearing shall not be "a contested case" within the meaning of section 14.02, subdivision 3.

Sec. 16. Minnesota Statutes 1982, section 256.045, subdivision 5, is amended to read:

Subd. 5. [ORDERS OF THE COMMISSIONER OF WELFARE.] The commissioner of public welfare may accept the recommended order of a state welfare referee and issue the order to the local agency and the applicant (OR), recipient, *or former recipient*. If the commissioner refuses to accept the recommended order of the state welfare referee, he shall notify the local agency and the applicant (OR), recipient, *or former recipient* of that fact and shall state his reasons therefor and shall allow each party ten days' time to submit additional written argument on the matter. After the expiration of the ten day period, the commissioner shall issue an order on the matter to the local agency and the applicant (OR), recipient, *or former recipient*. Any order of the commissioner issued in accordance with this subdivision shall be conclusive upon the parties unless appeal is taken in the manner provided by subdivision 7.

Sec. 17. Minnesota Statutes 1982, section 256.045, subdivision 7, is amended to read:

Subd. 7. [JUDICIAL REVIEW.] (AN APPLICANT OR RECIPIENT OR LOCAL AGENCY) *Any party who is aggrieved by an order of the commissioner of welfare may appeal the order to the district court of the county responsible for furnishing assistance by serving a written copy of a notice of appeal upon the commissioner and any adverse party of record within 30 days after the date the commissioner issued the order, and by filing the original notice and proof of service with the clerk of the district court. Service may be made personally or by mail; service by mail is complete upon mailing; no filing fee shall be required by the clerk of court in appeals taken pursuant to this subdivision. The commissioner may elect to become a party to the proceedings in the district court. Any party may demand that the commissioner furnish all parties to the proceedings with a copy of his decision, and a transcript of any testimony, evidence, or other supporting papers from the hearing held before the state welfare referee, by serving a written demand upon the commissioner within 30 days after service of the notice of appeal.*

Sec. 18. Minnesota Statutes 1983 Supplement, section 256.968, is amended to read:

256.968. [LIMITATION ON INPATIENT CHEMICAL DEPENDENCY TREATMENT.]

The commissioner of public welfare shall limit medical assistance and general assistance medical care reimbursement for treatment of alcoholism, chemical dependency or drug addiction which is rendered in a licensed *inpatient hospital to one treatment episode per calendar year per recipient if the hospital is being reimbursed on a per episode basis or to 30 days per calendar year in a licensed hospital or certified nursing home (TO 30 DAYS) reimbursed under other methodologies unless need*

for extended care is certified by the attending physician and has received prior approval from the commissioner.

Sec. 19. Minnesota Statutes 1983 Supplement, section 256.-969, subdivision 2, is amended to read:

Subd. 2. [RATES FOR INPATIENT HOSPITALS.] Rates paid to inpatient hospitals shall be based on a rate per admission *until the commissioner can begin to reimburse hospitals for services under the medical assistance and general assistance medical care programs based upon a diagnostic classification system appropriate to the service populations. On July 1, 1984, the commissioner shall begin to utilize to the extent possible existing classification systems; including medicare. The commissioner shall incorporate the grouping of hospitals with similar characteristics for uniform rates upon the development and implementation of the diagnostic classification system. Medical assistance and general assistance medical care reimbursement for treatment of mental illness shall be reimbursed based upon diagnosis classifications.*

Sec. 20. Minnesota Statutes 1983 Supplement, section 256.-969, subdivision 6, is amended to read:

Subd. 6. [RULES.] The commissioner of public welfare shall promulgate temporary and permanent rules to implement a system of prospective payment for inpatient hospital services pursuant to chapter 14, the Administrative Procedure Act. *Notwithstanding section 14.53, temporary rule authority authorized by Laws 1983, chapter 216, article 1, section 39, shall extend to August 1, 1985.*

Sec. 21. Minnesota Statutes 1983 Supplement, section 256B.-06, subdivision 1, is amended to read:

Subdivision 1. Medical assistance may be paid for any person:

(1) Who is a child eligible for or receiving adoption assistance payments under Title IV-E of the Social Security Act, United States Code, title 42, sections 670 to 676 *under Minnesota Statutes, section 259.40; or*

(2) Who is a child eligible for or receiving foster care maintenance payments under Title IV-E of the Social Security Act, United States Code, title 42, sections 670 to 676; or

(3) Who is eligible for or receiving public assistance (, OR A WOMAN WHO IS PREGNANT, AS MEDICALLY VERIFIED, AND WHO WOULD BE ELIGIBLE FOR ASSISTANCE) under the aid to families with dependent children

program (IF THE CHILD HAD BEEN BORN AND LIVING WITH THE WOMAN), the Minnesota supplemental aid program; or

(4) *Who is a pregnant woman, as certified in writing by a physician or nurse midwife, and who (a) meets the other eligibility criteria of this section, and (b) would be categorically eligible for assistance under the aid to families with dependent children program if the child had been born and was living with the woman; or*

(5) *Who meets the categorical eligibility requirements of the supplemental security income program and the other eligibility requirements of this section; or*

((5)) (6) *Who, except for the amount of income or resources, would qualify for supplemental security income for the aged, blind and disabled, or aid to families with dependent children, and (IS IN NEED OF MEDICAL ASSISTANCE) who meets the other eligibility requirements of this section; or*

((6)) (7) *Who is under 21 years of age and in need of medical care that neither he nor his relatives responsible under sections 256B.01 to 256B.26 are financially able to provide; or*

((7)) (8) *Who is residing in a hospital for treatment of mental disease or tuberculosis and is 65 years of age or older and without means sufficient to pay the per capita hospital charge; and*

((8)) (9) *Who resides in Minnesota, or, if absent from the state, is deemed to be a resident of Minnesota in accordance with the regulations of the state agency; and*

((9)) (10) *Who alone, or together with his spouse, does not own real property other than the homestead. For the purposes of this section, "homestead" means the house owned and occupied by the applicant or recipient as his (DWELLING PLACE) primary place of residence, together with the contiguous land upon which it is situated (AND AN AREA NO GREATER THAN TWO CONTIGUOUS LOTS IN A PLATTED OR LAID OUT CITY OR TOWN OR 80 CONTIGUOUS ACRES IN UNPLATTED LAND. OCCUPANCY OR EXEMPTION SHALL BE DETERMINED AS PROVIDED IN CHAPTER 510 AND APPLICABLE LAW, INCLUDING CONTINUING EXEMPTION BY FILING NOTICE UNDER SECTION 510.07). The homestead shall continue to be excluded for persons residing in a long-term care facility if it is used as a primary residence by the spouse, minor child, or disabled child of any age; or the applicant/recipient is expected to return to the home as a principal residence within six calendar months of entry to the long-term care facility. Certification of expected*

return to the homestead shall be documented in writing by the attending physician. Real estate not used as a home may not be retained unless it produces net income applicable to the family's needs or the family is making a continuing effort to sell it at a fair and reasonable price (OR UNLESS SALE OF THE REAL ESTATE WOULD NET AN INSIGNIFICANT AMOUNT OF INCOME APPLICABLE TO THE FAMILY'S NEEDS,) or unless the commissioner determines that sale of the real estate would cause undue hardship; and

((10)) (11) Who individually does not own more than \$3,000 in cash or liquid assets, or if a member of a household with two family members (husband and wife, or parent and child), does not own more than \$6,000 in cash or liquid assets, plus \$200 for each additional legal dependent. Cash and liquid assets may include a prepaid funeral contract and insurance policies with cash surrender value. The value of the following shall not be included:

(a) the homestead, and (b) one motor vehicle licensed pursuant to chapter 168 and defined as: (1) passenger automobile, (2) station wagon, (3) motorcycle, (4) motorized bicycle or (5) truck of the weight found in categories A to E, of section 168.013, subdivision 1e; and

((11)) (12) Who has or anticipates receiving an annual income not in excess of (\$2,600 FOR A SINGLE PERSON, OR \$3,250 FOR TWO FAMILY MEMBERS (HUSBAND AND WIFE, PARENT AND CHILD, OR TWO SIBLINGS), PLUS \$625 FOR EACH ADDITIONAL LEGAL DEPENDENT) *the income standards by family size used in the aid to families with dependent children program*, or who has income in excess of these maxima and in the month of application, or during the three months prior to the month of application, incurs expenses for medical care that total more than one-half of the annual excess income in accordance with the regulations of the state agency. In computing income to determine eligibility of persons who are not residents of long term care facilities, the commissioner shall disregard increases in income due solely to increases in federal retiree, survivor's, and disability insurance benefits, veterans administration benefits, and railroad retirement benefits in the percentage amount established in the biennial appropriations law unless prohibited by federal law or regulation. If prohibited, the commissioner shall first seek a waiver. In excess income cases, eligibility shall be limited to a period of six months beginning with the first of the month in which these medical obligations are first incurred; and

((12)) (13) Who has continuing monthly expenses for medical care that are more than the amount of his excess income, computed on a monthly basis, in which case eligibility may be established before the total income obligation referred to in the

preceding paragraph is incurred, and medical assistance payments may be made to cover the monthly unmet medical need. In licensed nursing home and state hospital cases, income over and above that required for justified needs, determined pursuant to a schedule of contributions established by the commissioner of public welfare, is to be applied to the cost of institutional care. The commissioner of public welfare may establish a schedule of contributions to be made by the spouse of a nursing home resident to the cost of care (AND SHALL SEEK A WAIVER FROM FEDERAL REGULATIONS WHICH ESTABLISH THE AMOUNT REQUIRED TO BE CONTRIBUTED BY EITHER SPOUSE WHEN ONE SPOUSE IS A NURSING HOME RESIDENT); and

((13)) (14) Who has applied or agrees to apply all proceeds received or receivable by him or his spouse from automobile accident coverage and private health care coverage to the costs of medical care for himself, his spouse, and children. The state agency may require from any applicant or recipient of medical assistance the assignment of any rights accruing under private health care coverage. Any rights or amounts so assigned shall be applied against the cost of medical care paid for under this chapter. Any assignment shall not be effective as to benefits paid or provided under automobile accident coverage and private health care coverage prior to receipt of the assignment by the person or organization providing the benefits.

Sec. 22. Minnesota Statutes 1982, section 256B.17, as amended by Laws 1983, chapter 312, article 5, sections 20, 21, 22, 23, and 24, is amended to read:

256B.17 [TRANSFERS OF PROPERTY.]

Subdivision 1. [TRANSFERS FOR LESS THAN MARKET VALUE.] In determining the resources of an individual and an eligible spouse, there shall be included any resource or interest therein which was given away (OR), sold, or *disposed of* for less than fair market value within the 24 months preceding application for medical assistance or during the period of eligibility.

Subd. 2. [PRESUMPTION OF PURPOSE.] Any transaction described in subdivision 1 shall be presumed to have been for the purpose of establishing eligibility for benefits or assistance under this chapter unless the individual or eligible spouse furnishes convincing evidence to establish that the transaction was exclusively for another purpose.

Subd. 3. [RESOURCE VALUE.] For purposes of subdivision 1, the value of the resource or interest shall be the fair market value at the time it was *given away*, sold, or (GIVEN AWAY) *disposed of*, less the amount of compensation received.

Subd. 4. [PERIOD OF INELIGIBILITY.] For any uncompensated transfer, the period of ineligibility shall be calculated by dividing the *uncompensated* transferred amount by the statewide average monthly skilled nursing facility per diem for the previous calendar year to determine the number of months of ineligibility. The individual shall remain ineligible until this fixed ineligibility period has expired (, SUBJECT TO THE EXCLUSIONS CONTAINED IN SECTION 256B.06, SUBDIVISION 1). *The period of ineligibility may exceed 24 months, and a re-application for benefits after 24 months from the date of the transfer shall not result in eligibility unless and until the period of ineligibility has expired.*

Subd. 5. [(EXCLUSIONS FOR HOMESTEAD TRANSFERS) EXCLUDED RESOURCES.] (NOTWITHSTANDING SUBDIVISION 4, AN INDIVIDUAL SHALL NOT BE INELIGIBLE IF THE TRANSFERRED PROPERTY IS A HOMESTEAD AS DEFINED BY SECTION 256B.06, SUBDIVISION 1, AND ONE OF THE FOLLOWING CONDITIONS APPLIES:) *Except for the limitations contained in subdivision 6, a resource which is transferred while otherwise excluded under sections 256B.06 and 256B.07 shall not be considered an available resource for purposes of medical assistance eligibility. This exception shall not apply to applicants for or recipients of general assistance medical care benefits under chapter 256D.*

Subd. 6. [PROHIBITED TRANSFERS OF EXCLUDED RESOURCES.] *Any individual who is an inpatient in a skilled nursing facility or an intermediate care facility who, at any time during or after the 24-month period immediately prior to application for medical assistance, disposed of a homestead for less than fair market value shall be ineligible for medical assistance in accordance with subdivisions 1 to 4. An individual shall not be ineligible for medical assistance if one of the following conditions applies to the homestead transfer:*

(1) a satisfactory showing is made that the individual can reasonably be expected to return to the homestead as a permanent residence;

(2) title to the (HOME) homestead was transferred to the individual's spouse, child who is under age 21, or blind or permanently and totally disabled child as defined in the supplemental security income program;

(3) a satisfactory showing is made that the individual intended to dispose of the (HOME) homestead at fair market value or for other valuable consideration; or

(4) the local agency determines that denial of eligibility would cause undue hardship for the individual, based on imminent threat to the individual's health and well-being.

Subd. (6) 7. [EXCEPTION FOR ASSET TRANSFERS.] Notwithstanding the provisions of subdivisions 1 to (5) 6, an institutionalized spouse who applies for medical assistance on or after July 1, 1983, may transfer liquid assets to his or her non-institutionalized spouse without loss of eligibility if all of the following conditions apply:

(a) The noninstitutionalized spouse is not applying for or receiving assistance;

(b) The noninstitutionalized spouse has less than \$10,000 in liquid assets, including assets singly owned and 50 percent of assets owned jointly with the institutionalized spouse;

(c) The amount transferred, together with the noninstitutionalized spouse's own assets, totals no more than \$10,000 in liquid assets; and

(d) The transfer may be effected only once, at the time of initial medical assistance application.

Subd. (7) 8. [CONFORMANCE WITH FEDERAL LAW.] Notwithstanding the other provisions of this section, uncompensated property transfers shall be treated no more restrictively than allowed by federal law.

(SUBD. 8. [EFFECTIVE DATE.] SUBDIVISIONS 5, 6, AND 7, AND THE CHANGES IN SUBDIVISION 4 MADE BY LAWS 1983, CHAPTER 312, ARTICLE 5, SECTION 20 APPLY TO TRANSFERS MADE ON OR AFTER JUNE 10, 1983, REGARDLESS OF THE INDIVIDUAL'S STATUS IN RELATION TO ELIGIBILITY FOR MEDICAL ASSISTANCE.)

Sec. 23. Minnesota Statutes 1982, section 256B.19, subdivision 1, is amended to read:

Subdivision 1. [DIVISION OF COST.] The cost of medical assistance paid by each county of financial responsibility shall be borne as follows: Payments shall be made by the state to the county for that portion of medical assistance paid by the federal government and the state on or before the 20th day of each month for the succeeding month upon requisition from the county showing the amount required for the succeeding month. Ninety percent of the expense of assistance not paid by federal funds available for that purpose shall be paid by the state and ten percent shall be paid by the county of financial responsibility.

For counties where health maintenance organizations are under contract to the state to provide services to medical assistance recipients, the division of the nonfederal share of medical assistance expenses for payments made to health maintenance organizations in the form of prepaid capitation payments, this

division of medical assistance expenses shall be 95 percent by the state and five percent by the county of financial responsibility.

State contracts with health maintenance organizations shall assure medical assistance recipients of at least the comprehensive health maintenance services defined in section 62D.02, subdivision 7. The contracts shall require health maintenance organizations to provide information to the commissioner concerning the number of people receiving services, the number of encounters, the type of services received, evidence of an operational quality assurance program pursuant to section 62D.04 and information about utilization. (PERSONS WHO BECOME ELIGIBLE FOR MEDICAL ASSISTANCE AFTER JULY 1, 1982 AND WHO CHOOSE TO RECEIVE SERVICES FROM A HEALTH MAINTENANCE ORGANIZATION UNDER CONTRACT TO THE STATE PURSUANT TO THIS SECTION SHALL BE GUARANTEED SIX MONTHS MEDICAL ASSISTANCE ELIGIBILITY.)

(THE COMMISSIONER OF PUBLIC WELFARE SHALL SEEK A WAIVER TO CHARGE A COINSURANCE FEE TO RECIPIENTS OF MEDICAL ASSISTANCE WHO BECOME ELIGIBLE FOR MEDICAL ASSISTANCE BENEFITS AND WHO CHOOSE NOT TO RECEIVE THE BENEFITS OF A HEALTH MAINTENANCE ORGANIZATION CONTRACTED FOR BY THE STATE PURSUANT TO THIS SECTION. THE COINSURANCE FEE SHALL BE LIMITED TO THE MAXIMUM MONTHLY CHARGE ALLOWED BY 42 CFR, SECTIONS 447.50 TO 447.59, AS AMENDED THROUGH DECEMBER 31, 1981. THE LOCAL WELFARE AGENCY MAY WAIVE THE COINSURANCE FEE WHEN IT DETERMINES THAT THE MEDICAL NEEDS OF THE RECIPIENT WOULD NOT BE BEST SERVED BY ENROLLMENT IN A HEALTH MAINTENANCE ORGANIZATION. THE COINSURANCE FEE SHALL BE CHARGED ONLY TO RECIPIENTS WHO BECOME ELIGIBLE FOR MEDICAL ASSISTANCE AFTER THE COMMISSIONER HAS REPORTED TO THE LEGISLATURE REGARDING THE PROPOSED METHOD OF IMPLEMENTING THIS PARAGRAPH) *Persons who become eligible for medical assistance after July 1, 1984, who are not participating in any medicaid demonstration project as defined under sections 256B.70 and 256B.71, and who choose at the time of application for assistance to receive services from a health maintenance organization, shall be guaranteed six months of coverage by a state contracted health maintenance organization if the recipient remains in the health maintenance organization from the time of initial enrollment. The continued eligibility guarantee shall not be granted when ineligibility for medical assistance is due to death, loss of state or county residency, failure to respond to the county's efforts to contact the recipient, failure to locate the recipient, or when the recipient is eligible for continued eligibility as defined in section 256B.062.*

Sec. 24. Minnesota Statutes 1982, section 256B.35, subdivision 1, is amended to read:

Subdivision 1. Notwithstanding any law to the contrary, welfare allowances for clothing and personal needs for individuals receiving medical assistance while residing in any skilled nursing home or intermediate care facility, including recipients of supplemental security income, in this state shall not be less than (\$35) \$40 per month from all sources.

Provided that this personal needs allowance may be paid as part of the Minnesota supplemental aid program, notwithstanding the provisions of section 256D.37, subdivision 2, and payments to the recipients from Minnesota supplemental aid funds may be made once each three months beginning in October, 1977 covering liabilities that accrued during the preceding three months.

Sec. 25. Minnesota Statutes 1983 Supplement, section 256D.03, subdivision 4, is amended to read:

Subd. 4. [GENERAL ASSISTANCE MEDICAL CARE; SERVICES.] (a) Reimbursement under the general assistance medical care program shall be limited to the following categories of service: inpatient hospital care, outpatient hospital care, services provided by medicare certified rehabilitation agencies, prescription drugs, eyeglasses and eye examinations provided by a physician or optometrist, *hearing aids, prosthetic devices, laboratory and x-ray services*, physician's services, medical transportation, and dental care. In addition, payments of state aid shall be made for day treatment services provided by a mental health center established under sections 245.61 to 245.69, subdivision 1, and funded through chapter 256E and for prescribed medications for persons who have been diagnosed as mentally ill as necessary to prevent more restrictive institutionalization.

(b) In order to contain costs, the county board shall, with the approval of the commissioner of public welfare, select vendors of medical care who can provide the most economical care consistent with high medical standards and may contract with organizations on a prepaid capitation basis to provide these services. The commissioner shall encourage county boards to submit proposals for demonstration projects designed to provide services in an economical manner or to control utilization, with safeguards to ensure that necessary services are provided. Payment for services provided pursuant to this subdivision shall be as provided to medical assistance vendors of these services under section 256B.02, subdivision 8, except that where counties enter into prepaid capitation agreements, payments shall be as provided in section 256.966, subdivision 2.

(c) The commissioner of public welfare may reduce payments provided under sections 256D.01 to 256D.21 and 261.23

in order to remain within the amount appropriated for general assistance medical care, within the following restrictions. For the period July 1, 1983 to June 30, 1984, reductions below the cost per service unit allowable under section 256.966, are permitted only as follows: payments for inpatient and outpatient hospital care provided in response to a primary diagnosis of chemical dependency or mental illness may be reduced no more than 45 percent; payments for all other inpatient hospital care may be reduced no more than 35 percent. Reductions below the payments allowable under section 256.967 for the remaining general assistance medical care services allowable under this subdivision may be reduced no more than 25 percent. For the period July 1, 1984 to June 30, 1985, reductions below the cost per service unit allowable under section 256.966 are permitted only as follows: payments for inpatient and outpatient hospital care provided in response to a primary diagnosis of chemical dependency or mental illness may be reduced no more than 30 percent; payments for all other inpatient hospital care may be reduced no more than 20 percent. Reductions below the payments allowable under section 256.967 for the remaining general assistance medical care services allowable under this subdivision may be reduced no more than ten percent. There shall be no copayment required of any recipient of benefits for any services provided under this subdivision. *A hospital that receives a reduced payment as a result of this section may apply the unpaid balance toward bad debts.*

(d) Any county may, from its own resources, provide medical payments for which state payments are not made.

Sec. 26. Minnesota Statutes 1982, section 256D.06, is amended by adding a subdivision to read:

Subd. 6. If any amount of general assistance is paid to a recipient in excess of the payment due, it shall be recoverable by the local agency. The agency shall give written notice to the recipient of its intention to recover the overpayment. Overpayments to a current assistance unit shall be recovered either through repayment by the individual in part or in full, or reduction of the amount of aid payable to the assistance unit of which the individual is a member. For any month in which an overpayment is to be recovered, recoupment may be made by reducing the grant but only if the reduced assistance payment, together with the assistance unit's liquid assets and total income after deducting actual work expenses equals at least 95 percent of the applicable standard of assistance for the assistance unit, except that if the overpayment is due solely to agency error, this total after deducting actual work expenses shall equal at least 99 percent of the applicable standard of assistance. In cases where there is both an overpayment and an underpayment, the local agency shall offset one against the other in correcting the payment. The recipient may appeal the agency's determination that an overpayment has occurred in accordance with section

256.045. The county agency shall promptly repay the recipient for any underpayment and shall disregard that payment when determining the assistance unit's income and resources in the month when the payment is made and the following month.

Sec. 27. [256D.43] [RECOVERIES OF SUPPLEMENTAL AID UNDER INTERIM ASSISTANCE AGREEMENTS.]

Any applicant, otherwise eligible for supplemental aid and possibly eligible for maintenance benefits from any other source shall (a) make application for those benefits within 30 days of the supplemental aid application; and (b) execute an interim assistance authorization agreement on a form as directed by the commissioner. If found eligible for benefits from other sources, and a payment received from another source relates to the period during which supplemental aid is also being received, the recipient shall be required to reimburse the local agency for the interim assistance paid. Reimbursement shall not exceed the amount of supplemental aid paid during the time period to which the other maintenance benefits apply and shall not exceed the state standard applicable to that time period. Reimbursement may be sought directly from the other source of maintenance income but shall remain the primary obligation of the recipient. The commissioner shall adopt rules, and may adopt temporary rules, in accordance with chapter 14, authorizing local agencies to retain from the amount recovered under an interim assistance agreement 25 percent plus actual reasonable fees, costs, and disbursements of appeals and litigation, of providing special assistance to the recipient in processing the recipient's claim for maintenance benefits from another source. The money retained under this section shall be from the state share of the recovery. The local agency may contract with qualified persons to provide the special assistance. The rules adopted by the commissioner shall include the methods by which local agencies shall identify, refer, and assist recipients who may be eligible for benefits under federal programs for the disabled. This subdivision does not require repayment of per diem payments made to shelters for battered women pursuant to section 256D.05, subdivision 3.

Sec. 28. Minnesota Statutes 1982, section 261.035, is amended to read:

When a person dies in any county (, NOT LEAVING) without apparent means to provide for his own burial and without relatives of sufficient ability to procure the burial, the county board shall first investigate to determine whether the person who has died has contracted for any prepaid burial arrangements. If such arrangements have been made, the county shall authorize burial in accord with the written instructions of the deceased. If it is determined that the person did not leave sufficient means to defray the necessary expenses of his burial, nor any relatives therein of sufficient ability to procure his burial, the county board shall cause a decent burial of his remains to be made at the expense of the county.

Sec. 29. [518.147] [STATISTICAL REPORT FORM.]

On or before the time a final decree of dissolution or annulment of marriage is entered, the petitioner or the moving party, if other than the petitioner, shall complete and file with the clerk of court a statistical report form provided by the commissioner of health. After entry of the final decree, the clerk shall forward the form to the commissioner of health pursuant to section 144.-224. The clerk of court shall not refuse entry of a decree on the basis that the statistical report form is incomplete. Neither the statistical report form, nor information contained in the form, shall be admissible in evidence in this or any subsequent proceeding.

Sec. 30. [CONTRIBUTION OF NONINSTITUTIONALIZED SPOUSE.]

The commissioner of public welfare shall adjust the schedule for determining the contribution required from the noninstitutionalized spouse of a resident or patient of a nursing home or hospital to reflect an increase of at least 50 percent in the cost of living of the noninstitutionalized spouse and shall provide for subsequent periodic adjustments to reflect future increases.

Sec. 31. [REPEALER.]

Minnesota Statutes 1982, sections 144.7021, 144.704, and 144.-705 are repealed.

Sec. 32. [APPROPRIATIONS.]

Subdivision 1. There is appropriated to the commissioner of public welfare from the general fund for the purposes of sections 24 and 30, \$1,026,000, for the fiscal year ending June 30, 1985. This appropriation is added to the appropriation for medical assistance in Laws 1983, chapter 312, article 1, section 2, subdivisions 1 and 5.

Subd. 2. There is appropriated to the commissioner of public welfare from the general fund for the purposes of section 25, \$70,000 for the fiscal year ending June 30, 1985. This appropriation is to be added to the appropriation for general assistance medical care in Laws 1983, chapter 312, article 1, section 2, subdivisions 1 and 5.

Subd. 3. The appropriation in Laws 1983, chapter 312, article 2, section 2, subdivisions 1 and 5, for general assistance is reduced by \$9,000 pursuant to sections 26 and 27.

Subd. 4. There is appropriated from the general fund to the commissioner of health, \$10,000 for the biennium ending June 30, 1985, for the purpose of processing the data received pursuant to sections 1 and 29.

Sec. 33. [EFFECTIVE DATE.]

Sections 13 to 21, 23, 25, 26, 27, and 30 are effective July 1, 1984. Section 22 is effective for all transfers which occur on or after the effective date of this act, or which took place within 24 months preceding the effective date of this act. Sections 11 and 12 of this act are effective the day after final enactment and apply to all claims which have not yet been reduced to judgment. Section 24 is effective January 1, 1985."

Delete the title and insert:

"A bill for an act relating to public welfare; providing for the collection of statistical data by the department of health on dissolutions and annulments; providing for collection of health care cost information; limiting relative responsibility for state hospital costs; providing appeal rights for former recipients of public assistance; limiting medical assistance and general assistance reimbursements for chemical dependency treatment; extending temporary rulemaking authority for prospective payments for inpatient hospital services; expanding medical assistance eligibility for certain persons; eliminating the requirement that the commissioner seek a co-payment waiver for HMO enrollees under medical assistance; clarifying existing language relating to asset transfers; increasing the personal needs allowance; allowing reimbursement for additional services under general assistance medical care; providing for recoupment of overpayments in the general assistance and supplemental aid programs; requiring county investigations; requiring a cost-of-living adjustment to the schedule of contribution of a noninstitutionalized spouse; appropriating money; amending Minnesota Statutes 1982, sections 144.224; 144.695; 144.696; 144.698; 144.699; 144.701; 144.702; 144.703; 246.50, subdivision 6; 256.045, subdivisions 2, 4, 5, and 7; 256B.17, as amended; 256B.19, subdivision 1; 256B.35, subdivision 1; 256D.06, by adding a subdivision; 261.035; Minnesota Statutes 1983 Supplement, sections 256.045, subdivision 3; 256.968; 256.969, subdivisions 2 and 6; and 256B.06, subdivision 1; 256D.03, subdivision 4; proposing new law coded in Minnesota Statutes, chapters 256D and 518; repealing Minnesota Statutes 1982, sections 144.7021; 144.704; and 144.705."

With the recommendation that when so amended the bill pass.

The report was adopted.

Tomlinson from the Committee on Taxes to which was referred:

S. F. No. 746, A bill for an act relating to counties; permitting counties to issue notes to finance purchase of necessary capital equipment; amending Minnesota Statutes 1982, section 373.01, by adding a subdivision.

Reported the same back with the following amendments:

Page 1, line 18, after the period insert "*For purposes of this subdivision, "capital equipment" means public safety, ambulance, road construction or maintenance, medical, and data processing equipment.*"

With the recommendation that when so amended the bill pass.

The report was adopted.

Tomlinson from the Committee on Taxes to which was referred:

S. F. No. 1511, A bill for an act relating to taxation; property; modifying the exemption for property held by political subdivisions; amending Minnesota Statutes 1982, section 272.02, subdivision 5.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1982, section 272.02, subdivision 5, is amended to read:

Subd. 5. The holding of property by a political subdivision of the state for later resale for economic development purposes shall be considered a public purpose in accordance with subdivision 1, clause (7) for a period not to exceed (THREE) ten years. *The holding of property by a political subdivision of the state for later resale (1) which is purchased or held for housing purposes, or (2) which meets the conditions described in section 273.73, subdivision 10, shall be considered a public purpose in accordance with subdivision 1, clause (7). The governing body of the political subdivision which acquires property which is subject to this subdivision shall after the purchase of the property certify to the city or county assessor whether the property is held for economic development purposes or housing purposes, or whether it meets the conditions of section 273.73, subdivision 10. If the property is acquired for economic development purposes and buildings or other improvements are constructed after acquisition of the*

property, and if more than one-half of the floor space of the buildings or improvements which is available for lease to or use by a private individual, corporation, or other entity is leased to or otherwise used by a private individual, corporation, or other entity the provisions of this subdivision shall not apply to the property. This subdivision shall not operate to create an exemption from sections 272.01, subdivision 2; 272.68; 273.19; or 462.575, subdivision 3; or other provision of law providing for the taxation of or for payments in lieu of taxes for publicly held property which is leased, loaned, or otherwise made available and used by a private person. (THIS SECTION IS EFFECTIVE FOR TAXES LEVIED IN 1979 AND THEREAFTER, AND PAYABLE IN 1980 AND THEREAFTER.)

Sec. 2. [EXEMPTION.]

Notwithstanding the provisions of Minnesota Statutes, section 473.556, subdivision 6, or any other law, real property conveyed to the port authority of the city of Bloomington by the metropolitan sports facilities commission shall be exempt from taxation as provided in Minnesota Statutes, sections 473.556, subdivision 4; and 459.192, subdivision 2.

Sec. 3. [EFFECTIVE DATE.]

Section 1 is effective for taxes levied in 1979 and thereafter and for taxes payable in 1980 and thereafter. Section 2 is effective upon compliance by the governing body of the city of Bloomington with Minnesota Statutes, section 645.021, subdivision 3."

Delete the title and insert:

"A bill for an act relating to taxation; property; modifying the exemption for property held by political subdivisions; providing an exemption on certain lands conveyed to the city of Bloomington by the metropolitan sports facilities commission; amending Minnesota Statutes 1982, section 272.02, subdivision 5."

With the recommendation that when so amended the bill pass.

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 966, 1453, 1707, 1796 and 1966 were read for the second time.

SECOND READING OF SENATE BILLS

S. F. Nos. 746 and 1511 were read for the second time.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce that the Senate has discharged its Conference Committee on House File No. 1149, and has appointed a new Conference Committee on the part of the Senate.

H. F. No. 1149, A bill for an act relating to liens; right of possession and liens on fabrication molds and patterns; providing a nonpossessory lien on personal property; lengthening the time limit for veterinary liens; amending Minnesota Statutes 1982, sections 514.18; 514.19; and 514.92, subdivision 1.

The Senate has appointed as such committee Mr. Peterson, R. W.; Mrs. Lantry and Mr. Storm.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 1393, A bill for an act relating to education; providing for aids to education, tax levies, and the distribution of tax revenues; modifying the foundation aid formula; granting certain powers and duties to school boards, school districts, the state board of education, the commissioner of education, the department of education, the state board of vocational-technical education, the state director of vocational-technical education, the higher education coordinating board, and others; providing for an equalized summer school aid and levy; increasing the community education aid and levy; modifying the vocational instructional aid payment formula; establishing a schools of excellence program; requiring an arts education study; expanding in-service and instructional effectiveness training programs; improving the planning, evaluation, and reporting process; establishing assessment programs; establishing a research and development grant program; appropriating money; amending Minnesota Statutes 1982, sections 121.908, by adding a subdivision; 121.935, subdivisions 2 and 6; 121.936, subdivision 1; 122.532, by adding a subdivision; 123.36, subdivision 10; 123.74; 123.741, as amended; 123.742, as amended; 124.19, by adding a subdivision; 124.20; 124.201, subdivision 1; 124.214, subdivision 1; 124.565, subdivision 7; 136A.02, subdivision 6; 275.125, by adding subdivisions; 465.721; 471.61, subdivisions 1 and 2a; Minnesota Statutes 1983 Supplement, sections 120.17, subdivi-

sion 3b; 121.601; 121.608; 121.609; 121.904, subdivision 4a; 123.36, subdivision 13; 123.743; 124.155, subdivision 1; 124.195, subdivisions 1, 9, and 10; 124.201, subdivisions 2, 4, and 5; 124.2122; 124.2126, subdivision 3; 124.2138; 124.271, subdivision 2b; 124.5615, subdivision 5; 124.5629; 124A.06, subdivision 1; 124A.12, subdivision 1; 124A.14, subdivision 1; 124A.16, subdivision 4; 125.032, subdivision 2; 129B.32, subdivision 3; 129B.36, by adding a subdivision; 136C.04, by adding a subdivision; 275.125, subdivisions 2e, 2k, 8, 8a, 9b, 11a, and 11c; 298.28, subdivision 1; 466.06; 475.61, subdivision 3; Laws 1976, chapter 20, section 5, subdivision 1; Laws 1983, chapter 314, article 6, section 34, subdivision 12; article 7, section 45; article 8, section 23; and article 9, section 14, subdivision 3; proposing new law coded in Minnesota Statutes, chapters 121, 123, 124, and 136C; repealing Minnesota Statutes 1982, sections 124.201, as amended; 124.32, subdivisions 1a, 1e, and 2a; 125.60, subdivision 2a; and 275.125, subdivision 2g; and Minnesota Statutes 1983 Supplement, sections 124.32, subdivision 5a; and 275.125, subdivisions 2i and 2j.

The Senate has appointed as such committee Messrs. Nelson; Pehler; Peterson, R. W. ; Merriam and Peterson, D. L.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

S. F. No. 1810, A bill for an act relating to insurance; homeowner's; providing certain notice requirements upon policy non-renewal, reduction in the limits of coverage, or elimination of coverage; authorizing the commissioner to adopt rules; amending Minnesota Statutes 1982, section 65A.29, by adding subdivisions; repealing Minnesota Statutes 1982, section 65A.29, subdivision 2.

And the Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee Ms. Peterson, D. C.; Messrs. Petty and Belanger.

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

PATRICK E. FLAHAVEN, Secretary of the Senate

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

pointed by the Senate on the disagreeing votes of the two houses on S. F. No. 1810. 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. 2314, A bill for an act relating to capital improvements; authorizing spending to acquire and to better public land and buildings and other public improvements of a capital nature with certain conditions; reducing and canceling certain appropriations; authorizing issuance of state bonds; appropriating money; amending Minnesota Statutes 1982, sections 16.72, subdivision 7; 85A.04, subdivision 3; 475A.03, subdivision 1; 475A.05, subdivision 1, and by adding a subdivision; 475A.06, subdivision 7; and Laws 1983, chapter 344, section 6, subdivision 8; repealing Laws 1981, chapter 275; and chapter 334, section 11, subdivision 4; and Laws 1982, chapter 639, section 5.

PATRICK E. FLAHAVEN, Secretary of the Senate

Battaglia moved that the House refuse to concur in the Senate amendments to H. F. No. 2314, that the Speaker appoint a Conference Committee of 5 members of the House, and that House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses. The motion prevailed.

Mr. Speaker:

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

S. F. No. 2168.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 2168, A bill for an act relating to transportation; highways; requiring certain loads of firewood to be securely covered or fastened; amending Minnesota Statutes 1982, section 169.81, subdivision 5.

The bill was read for the first time.

Wenzel moved that S. F. No. 2168 and H. F. No. 2172, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

MOTIONS AND RESOLUTIONS

Rice moved that the name of Metzen be added as an author on H. F. No. 1903. The motion prevailed.

Kalis moved that the name of Schoenfeld be added as an author on H. F. No. 2051. The motion prevailed.

Erickson moved that H. F. No. 1889 be returned to its author. The motion prevailed.

Cohen moved that H. F. No. 2251 be returned to its author. 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. 1814:

Osthoff, Scheid and Kelly.

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 1810:

Riveness, Quinn and Knickerbocker.

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 2314:

Battaglia; Carlson, L.; Welch; Kalis and Carlson, D.

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 2016:

Tomlinson, Kelly, Eken, Redalen and Sieben.

ADJOURNMENT

Eken moved that when the House adjourns today it adjourn until 10:00 a.m., Monday, April 16, 1984. The motion prevailed.

Eken moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 10:00 a.m., Monday, April 16, 1984.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

