

STATE OF MINNESOTA

SEVENTY-FOURTH SESSION - 1985

SIXTY-FIRST DAY

SAINT PAUL, MINNESOTA, WEDNESDAY, MAY 15, 1985

The House of Representatives convened at 12:00 noon and was called to order by David M. Jennings, Speaker of the House.

Prayer was offered by Rabbi Stephen Pinsky, Temple Israel, Minneapolis, Minnesota.

The roll was called and the following members were present:

Anderson, G.	Ellingson	Krueger	Otis	Sherman
Anderson, R.	Erickson	Kvam	Ozment	Simoneau
Backlund	Fjoslien	Levi	Pappas	Skoglund
Battaglia	Forsythe	Lieder	Pauly	Solberg
Beard	Frederick	Long	Peterson	Sparby
Becklin	Frederickson	Marsh	Piepho	Stanius
Begich	Frerichs	McDonald	Piper	Staten
Bennett	Greenfield	McEachern	Poppenhagen	Sviggum
Bishop	Gruenes	McKasy	Price	Thiede
Blatz	Gutknecht	McLaughlin	Quinn	Thorson
Boerboom	Halberg	McPherson	Quist	Tjornhom
Boo	Hartinger	Metzen	Redalen	Tomlinson
Brandl	Hartle	Miller	Rees	Tompkins
Brinkman	Haukoos	Minne	Rest	Tunheim
Brown	Heap	Munger	Rice	Uphus
Burger	Himle	Murphy	Richter	Valan
Carlson, D.	Jacobs	Nelson, D.	Riveness	Valento
Carlson, J.	Jaros	Nelson, K.	Rodosovich	Vanasek
Carlson, L.	Jennings, L.	Neuenschwander	Rose	Vellenga
Clark	Johnson	Norton	Sarna	Voss
Clausnitzer	Kahn	O'Connor	Schafer	Waltman
Cohen	Kalis	Ogren	Scheid	Welle
Dempsey	Kelly	Olsen, S.	Schoenfeld	Wenzel
DenOuden	Kiffmeyer	Olson, E.	Schreiber	Wynia
Dimler	Knickerbocker	Omann	Seaberg	Zaffke
Dyke	Knuth	Onnen	Segal	Spk. Jennings, D.
Elioff	Kostohryz	Osthoff	Shaver	

A quorum was present.

The Chief Clerk proceeded to read the Journal of the preceding day. Halberg 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. 765, 911, 1231, 1250 and 384 and S. F. No. 814 have been placed in the members' files.

PETITIONS AND COMMUNICATIONS

The following communications were received:

STATE OF MINNESOTA
OFFICE OF THE GOVERNOR
SAINT PAUL 55155

May 10, 1985

The Honorable David M. Jennings
Speaker of the House
The State of Minnesota

Dear Sir:

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

H. F. No. 273, relating to commerce; making permanent the time price differential rate on certain motor vehicles; amending Minnesota Statutes 1984, section 168.72, subdivisions 1 and 4; repealing Minnesota Statutes 1984, section 168.72, subdivision 2.

H. F. No. 446, relating to real estate; providing conditions for certain transportation department land sales; providing conditions for certain county land sales; amending Minnesota Statutes 1984, sections 161.23, subdivision 2, and by adding subdivisions; and 373.01, subdivision 1.

H. F. No. 516, relating to counties, authorizing reimbursement to county commissioners and county officers for certain expenses; renaming the county executive secretary; fixing expenditure authority for certain county activities; removing provisions for county purchasing agents and demonstration and experiment farms; revising the language of the text of chapters concerning county powers and county boards; amending Minnesota Statutes 1984, sections 375.055, by adding a subdivision; 375.48, subdivisions 1 and 2; 375.49, subdivisions 1 and 2; 375.50; 375A.07, subdivision 1; 475.52, subdivision 3; chapters 370; 371; 372; 374; 376; 377; 392; and 395; proposing new law coded in Minnesota Statutes, chapter 382; repealing Minnesota Statutes 1984, sections 374.05; 377.02; 377.04; 392.01; 392.02; 392.03; 395.01; 395.02; and 395.03.

H. F. No. 645, relating to crimes; specifying the effect of and the procedure for issuing an order of restitution; amending Minnesota Statutes 1984, section 611A.04, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 611A.

H. F. No. 782, relating to human services; providing for participation by Indian tribes in the placement of their children; proposing coding for new law in Minnesota Statutes, chapter 257.

H. F. No. 882, relating to natural resources; authorizing the commissioner to enter into agreements with other states for forest fire prevention and suppression purposes; amending Minnesota Statutes 1984, section 574.26; proposing coding for new law in Minnesota Statutes, chapters 88 and 574.

H. F. No. 1193, relating to corrections; requiring the commissioner of corrections to develop a policy to provide counseling services to American Indian inmates; updating the record-keeping systems of jails and lockups; amending Minnesota Statutes 1984, sections 641.05; and 642.07; proposing coding for new law in Minnesota Statutes, chapter 241.

H. F. No. 1216, relating to agriculture; clarifying the meaning of lender in the Minnesota emergency farm operating loans act; changing certain eligibility criteria; providing for earlier payments; amending Laws 1985, chapter 4, sections 3, subdivision 8; and 6.

Sincerely,

RUDY PERPICH
Governor

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

May 10, 1985

The Honorable David M. Jennings
Speaker of the House of Representatives

The Honorable Jerome M. Hughes
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1985 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

<i>S.F. No.</i>	<i>H.F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Date Approved 1985</i>	<i>Date Filed 1985</i>
335		100	May 10	May 10
450		101	May 10	May 10
1087		102	May 10	May 10
1208		103	May 10	May 10
1214		104	May 10	May 10
1291		105	May 10	May 10
1411		106	May 10	May 10
	273	107	May 10	May 10
	446	108	May 10	May 10
	516	109	May 10	May 10
	645	110	May 10	May 10
	782	111	May 10	May 10
	882	112	May 10	May 10
	1193	113	May 10	May 10
	1216	114	May 10	May 10
	1388	Resolution No. 5	May 10	May 10

Sincerely,

JOAN ANDERSON GROWE
Secretary of State

REPORTS OF STANDING COMMITTEES

Forsythe from the Committee on Appropriations to which was referred:

H. F. No. 490, A bill for an act relating to state government; regulating mandates to local units of government; amending Minnesota Statutes 1984, section 14.131; proposing coding for new law in Minnesota Statutes, chapter 3.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1984, section 3.98, subdivision 1, is amended to read:

Subdivision 1. The head or chief administrative officer of each department or agency of the state government shall prepare a fiscal note at the request of the chairman of the standing committee to which a bill has been referred, or the chairman of the house appropriations committee, or the chairman of the senate committee on finance, or the chief author of a bill introduced in either the senate or the house of representatives.

Sec. 2. [3.981] [DEFINITIONS.]

Subdivision 1. [SCOPE.] *The terms used in sections 2 to 5 have the meanings given them in this section.*

Subd. 2. [COSTS MANDATED BY THE STATE.] *"Costs mandated by the state" means increased costs that a local agency or a school district is required to incur as a result of:*

(a) *a law enacted after June 30, 1985, which mandates a new program or an increased level of service of an existing program;*

(b) *an executive order issued after June 30, 1985, which mandates a new program;*

(c) *an executive order issued after June 30, 1985, which implements or interprets a state statute and, by this implementation or interpretation, increases program levels above the levels required prior to July 1, 1985;*

(d) *a statute enacted after June 30, 1985, or executive order issued after June 30, 1985, which implements or interprets a federal statute or regulation and, by this implementation or interpretation, increases program or service levels above the levels required by this federal statute or regulation;*

(e) *a statute enacted after June 30, 1985, or executive order issued after June 30, 1985, which implements or interprets a statute or amendment adopted or enacted pursuant to the approval of a statewide ballot measure by the voters and, by this implementation or interpretation, increases program or service levels above the levels required by the ballot measure;*

(f) *a statute enacted after June 30, 1985, or executive order issued after June 30, 1985, which removes an option previously available to local agencies and thus increases program or service*

levels or prohibits a specific activity and so forces local agencies to use a more costly alternative to provide a mandated program or service;

(g) a statute enacted after June 30, 1985, or executive order issued after June 30, 1985, which requires that an existing program or service be provided in a shorter time period and thus increases the cost of the program or service;

(h) a statute enacted after June 30, 1985, or executive order issued after June 30, 1985, which adds new requirements to an existing optional program or service and thus increases the cost of the program or service as the local agencies have no reasonable alternatives other than to continue the optional program;

(i) a statute enacted after June 30, 1985, or executive order issued after June 30, 1985, which creates new revenue losses stemming from new property or sales and use tax exemptions; or

(j) a statute enacted after June 30, 1985, or executive order issued after June 30, 1985, which requires costs previously incurred at local option that have subsequently been mandated by the state.

Subd. 3. [EXECUTIVE ORDER.] "Executive order" means an order, plan, requirement, or rule issued by the governor, an official serving at the pleasure of the governor, or an agency, department, board, or commission of state government. "Executive order" does not include an order, plan, requirement, or rule issued by a regional water quality control board.

Subd. 4. [LOCAL AGENCY.] "Local agency" means a home rule charter or statutory city, county, town, or special district.

Subd. 5. [MANDATE.] "A mandate" means a requirement which applies to a local agency or school district and which, if not complied with, results in civil liability, criminal penalty, substantial economic sanction such as loss of funding, or severe administrative sanctions such as closure or nonlicensure of a facility or program. "To mandate" means to impose such a requirement.

Subd. 6. [REQUIRING AN INCREASED LEVEL OF SERVICE.] "Requiring an increased level of service" includes requiring that an existing service be provided in a shorter time.

Subd. 7. [RULE.] "Rule" means a rule, order, or standard of general application adopted by a state agency to implement, interpret, or make specific the law it enforces or administers or to govern its procedure. "Rule" includes an amendment to a rule. "Rule" does not include rules that relate only to the internal management of a state agency.

Subd. 8. [SAVINGS.] "Savings" includes budget reductions and the freeing of staff or resources to be reassigned to a local agency's or school district's other areas of concern.

Subd. 9. [SCHOOL DISTRICT.] "School district" includes school districts, community college districts, and county superintendents of schools.

Sec. 3. [3.982] [FISCAL NOTES FOR STATE-MANDATED ACTIONS.]

When the state proposes to mandate that a local agency or school district take an action, and when reasonable compliance with that action would force the local agency or school district to incur costs mandated by the state, a fiscal note shall be prepared as provided in section 3.98, subdivision 2 and shall be made available to the public upon request. If the action is among the exceptions listed in section 4, a fiscal note need not be prepared.

When a bill proposing a mandate is introduced and referred to a standing committee, the chairman of the standing committee to which the bill is referred shall request the appropriate state agency or department to prepare a fiscal note before the bill is heard in the committee. Before a proposed mandate is issued in an executive order, the governor or appropriate agency head assigned by the governor shall prepare the fiscal note and make it available to the public.

Sec. 4. [3.983] [EXCEPTIONS TO FISCAL NOTES.]

Subdivision 1. [COSTS RESULTING FROM INFLATION.] A fiscal note need not be prepared for increases in the cost of providing an existing service if the increases result directly from inflation. "Resulting directly from inflation" means attributable to maintaining an existing level of service rather than increasing the level of service. A cost-of-living increase in welfare benefits is an example of a cost resulting directly from inflation.

Subd. 2. [COSTS NOT THE RESULT OF NEW PROGRAM OR INCREASE IN SERVICE.] A fiscal note need not be prepared for increased local costs that do not result from a new program or an increased level of service.

Subd. 3. [MISCELLANEOUS EXCEPTIONS.] A fiscal note need not be prepared for the cost of a mandated action if the law containing the mandate:

- (a) accommodates a specific local request;*
- (b) results in no new local government duties;*

(c) *leads to revenue losses from exemptions to taxes other than sales, use, or property taxes;*

(d) *provides only clarifying or conforming nonsubstantive changes on local government;*

(e) *imposes additional net local costs which are minor (less than \$200 for any single local government if the mandate does not apply statewide or less than one-tenth of a mill times the entire value of taxable property in the state if the mandate is statewide) and do not cause a financial burden on local government;*

(f) *is a legislative mandate or executive order enacted prior to July 1, 1985, or a regulation initially implementing legislation enacted prior to July 1, 1985;*

(g) *implements something other than a state statute or executive order, such as a federal, court, or voter-approved mandate;*

(h) *appears in rules that are permissive or discretionary in nature;*

(i) *defines a new crime or redefines an existing crime or infraction;*

(j) *provides, or falls within the purview of existing, revenue sources or other financing mechanisms; or*

(k) *results in savings that equal or exceed costs.*

Sec. 5. Minnesota Statutes 1984, section 14.131, is amended to read:

14.131 [STATEMENT OF NEED AND REASONABLENESS.]

Before the agency orders the publication of a rulemaking notice required by section 14.14, subdivision 1a, the agency must prepare, review, and make available for public review a statement of the need for and reasonableness of the rule *and a fiscal note if required by section 3*. The statement of need and reasonableness must be prepared under rules adopted by the chief administrative law judge."

Delete the title and insert:

"A bill for an act relating to state government; requiring preparation of fiscal notes for mandates to local units of govern-

ment; amending Minnesota Statutes 1984, sections 3.98, subdivision 1; and 14.131; proposing coding for new law in Minnesota Statutes, chapter 3."

With the recommendation that when so amended the bill pass.

The report was adopted.

Forsythe from the Committee on Appropriations to which was referred:

H. F. No. 646, A bill for an act relating to public records; providing for fees of the county recorder and secretary of state; amending Minnesota Statutes 1984, sections 268.161, subdivision 1; 270.69, by adding a subdivision; 272.483; 336.9-407; 357.18, subdivision 1; 386.77; 505.08, subdivision 2; 508.47, subdivision 4; 508.82; 508A.11; 508A.47, subdivision 4; and 508A.82.

Reported the same back with the following amendments:

Page 5, lines 19 to 21, delete the new language and insert "*the fees shall be determined by resolution of the county board duly adopted upon the recommendation of the county recorder, and the fees shall not exceed \$2.50 for every entry, \$25 for abstract certificate, \$1 per page for each exhibit included within an abstract as a part of an abstract entry, and \$2 per name for each required name search certification*"

Page 5, after line 32, insert:

"Sec. 6. Minnesota Statutes 1984, section 384.151, subdivision 7, is amended to read:

Subd. 7. [APPEAL FROM RESOLUTION OF THE BOARD.] The county auditor if dissatisfied with the action of the county board in setting the amount of his or her salary or the amount of the budget for the office of county auditor, may appeal to the district court on the grounds that the determination of the county board in setting such salary or budget was arbitrary, capricious, oppressive or in unreasonable disregard for the responsibilities and duties of said office, and his or her experience, qualifications, and performance. The appeal shall be taken within 15 days after the date of the resolution setting such salary or budget by serving a notice of appeal on the county auditor and filing same with the clerk of the district court. The court either in term or vacation and upon 10 days notice to the chairman of the board shall hear such appeal. On the hearing of the appeal the court shall review the decision or resolution of the board in like manner as though reviewed by certiorari, except new or additional evidence may be taken. The court may order the officer appealing and the board to submit briefs or other memoranda and may dispose of the appeal on such writings. If the court shall find

that the board acted in an arbitrary, capricious, oppressive or unreasonable manner it shall remand the matter to the county board for further action consistent with the court's finding.

Sec. 7. Minnesota Statutes 1984, section 385.373, subdivision 7, is amended to read :

Subd. 7. [APPEAL FROM RESOLUTION OF THE BOARD.] The county treasurer if dissatisfied with the action of the county board in setting the amount of his *or her* salary or the amount of the budget for the office of county treasurer, may appeal to the district court on the grounds that the determination of the county board in setting such salary or budget was arbitrary, capricious, oppressive or in unreasonable disregard for the responsibilities and duties of said office, *and his or her experience, qualifications, and performance*. The appeal shall be taken within 15 days after the date of the resolution setting such salary or budget by serving a notice of appeal on the county auditor and filing same with the clerk of the district court. The court either in term or vacation and upon 10 days notice to the chairman of the board shall hear such appeal. On the hearing of the appeal the court shall review the decision or resolution of the board in like manner as though reviewed by certiorari, except new or additional evidence may be taken. The court may order the officer appealing and the board to submit briefs or other memoranda and may dispose of the appeal on such writings. If the court shall find that the board acted in an arbitrary, capricious, oppressive or unreasonable manner it shall remand the matter to the county board for further action consistent with the court's finding.

Sec. 8. Minnesota Statutes 1984, section 386.015, subdivision 7, is amended to read :

Subd. 7. The county recorder if dissatisfied with the action of the county board in setting the amount of his *or her* salary or the amount of the budget for the office of county recorder, may appeal to the district court on the grounds that the determination of the county board in setting such salary or budget was arbitrary, capricious, oppressive or in unreasonable disregard for the responsibilities and duties of said office, *and his or her experience, qualifications, and performance*. The appeal shall be taken within 15 days after the date of the resolution setting such salary or budget by serving a notice of appeal on the county auditor and filing same with the clerk of the district court. The court either in term or vacation and upon 10 days notice to the chairman of the board shall hear such appeal. On the hearing of the appeal the court shall review the decision or resolution of the board in like manner as though reviewed by certiorari, except new or additional evidence may be taken. The court may order the officer appealing and the board to submit briefs or other memoranda and may dispose of the appeal on such writings. If the court shall find that the board acted in an arbitrary, capricious, oppressive or unreasonable manner it shall remand the matter to the county board for further action consistent with the court's finding."

Page 6, after line 10, insert:

"Sec. 10. Minnesota Statutes 1984, section 387.20, subdivision 7, is amended to read:

Subd. 7. The sheriff, if dissatisfied with the action of the county board in setting the amount of his *or her* salary or the amount of the budget for the office of sheriff, may appeal to the district court on the grounds that the determination of the county board in setting such salary or budget was arbitrary, capricious, oppressive or without sufficiently taking into account the extent of the responsibilities and duties of said office, *and his or her experience, qualifications, and performance*. The appeal shall be taken within 15 days after the date of the resolution setting such salary or budget by serving a notice of appeal on the county auditor and filing same with the clerk of the district court. The court either in term or vacation and upon 10 days notice to the chairman of the board shall hear such appeal. On the hearing of the appeal the court shall review the decision or resolution of the board in a hearing de novo and may hear new or additional evidence, or the court may order the officer appealing and the board to submit briefs or other memoranda and may dispose of the appeal on such writings. If the court shall find that the board acted in an arbitrary, capricious, oppressive or unreasonable manner or without sufficiently taking into account the extent of the responsibilities and duties of the office of the sheriff, *his or her experience, qualifications, and performance*, it shall make such order to take the place of the order appealed from as is justified by the record and shall remand the matter to the county board for further action consistent with the court's findings. After determination of the appeal the county board shall proceed in conformity therewith.

Sec. 11. Minnesota Statutes 1984, section 388.18, subdivision 6, is amended to read:

Subd. 6. [APPEAL FROM RESOLUTION OF THE BOARD.] The county attorney, if dissatisfied with the action of the county board in setting the amount of his *or her* salary or the amount of the budget for the office of county attorney, may appeal to the district court on the grounds that the determination of the county board in setting such salary or budget was arbitrary, capricious, oppressive or in unreasonable disregard for the responsibilities and duties of said office, *and his or her experience, qualifications, and performance*. The appeal shall be taken within 15 days after the date of the resolution setting such salary or budget by serving a notice of appeal on the county auditor and filing same with the clerk of the district court. The county board may retain special counsel pursuant to section 388.09 to represent it in the appeal proceedings. The court either in term or vacation and upon 10 days notice to the chairman of the board shall hear such appeal. On the hearing of the appeal the court shall review the decision or resolution of the board in like manner

as though reviewed by certiorari, except new or additional evidence may be taken. The court may order the officer appealing and the board to submit briefs or other memoranda and may dispose of the appeal on such writings. If the court shall find that the board acted in an arbitrary, capricious, oppressive or unreasonable manner it shall remand the matter to the county board for further action consistent with the court's finding.

Sec. 12. Minnesota Statutes 1984, section 485.018, subdivision 7, is amended to read:

Subd. 7. [APPEAL FROM RESOLUTION OF THE BOARD.] The clerk of district court if dissatisfied with the action of the county board in setting the amount of his or her salary or the amount of the budget for the office of clerk of district court, may appeal to the district court on the grounds that the determination of the county board in setting such salary or budget was arbitrary, capricious, oppressive or without sufficiently taking into account the extent of the responsibilities and duties of said office, *and his or her experience, qualifications, and performance*. The appeal shall be taken within 15 days after the date of the resolution setting such salary or budget by serving a notice of appeal on the county auditor and filing same with the clerk of the district court. The court either in term or vacation and upon 10 days notice to the chairman of the board shall hear such appeal. On the hearing of the appeal the court shall review the decision or resolution of the board in a hearing de novo and may hear new or additional evidence, or the court may order the officer appealing and the board to submit briefs or other memoranda and may dispose of the appeal on such writings. If the court shall find that the board acted in an arbitrary, capricious, oppressive or unreasonable manner or without sufficiently taking into account the responsibilities and duties of the office of the clerk, *and his or her experience, qualifications, and performance*, it shall make such order to take the place of the order appealed from as is justified by the record and shall remand the matter to the county board for further action consistent with the court's findings. After determination of the appeal the county board shall proceed in conformity therewith."

Page 10, after line 11, insert "*A certified copy of the application shall be delivered to the examiner of titles.*"

Page 10, lines 18 and 19, delete the new language

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "changing grounds for appeal from resolution of county board setting salaries or budgets for certain county officials;"

Page 1, line 6, after the second semicolon, insert "384.151, subdivision 7; 385.373, subdivision 7; 386.015, subdivision 7;" and after "386.77;" insert "387.20, subdivision 7; 388.18, subdivision 6; 485.018, subdivision 7;"

With the recommendation that when so amended the bill pass.

The report was adopted.

Forsythe from the Committee on Appropriations to which was referred:

H. F. No. 939, A bill for an act relating to solid waste and sewage sludge management; restricting land disposal of solid waste in the metropolitan area; providing for the financing of resource recovery facilities in the metropolitan area by local governments and the metropolitan council; imposing restrictions on publicly funded resource recovery facilities; changing provisions relating to designation plans, local disposal fees, metropolitan sludge and sludge ash facilities, and metropolitan county plans and ordinances; defining terms; allocating and appropriating money from the metropolitan landfill contingency action and abatement funds; amending Minnesota Statutes 1984, sections 115A.03, subdivision 27, and by adding subdivisions; 115A.15, subdivision 2; 115A.81; 115A.84, subdivisions 3 and 4; 115A.85, subdivision 2, and by adding a subdivision; 115A.86, subdivision 1; 115A.919; 116.07, subdivision 4h; 400.04, subdivision 1; 473.149, by adding a subdivision; 473.153, subdivisions 1, 2, 5, 6b, and 7; 473.803, subdivisions 1b and 3; 473.811, subdivisions 5, 5a, and by adding a subdivision; 473.823, subdivision 6; 473.831; 473.840, subdivision 2; 473.842, by adding subdivisions; 473.843, subdivision 7; and 473.844, subdivisions 2 and 5; Laws 1984, chapter 644, section 81, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 115A and 473.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1984, section 115A.03, is amended by adding a subdivision to read:

Subd. 25a. "Recyclable materials" means materials that are separated from mixed municipal solid waste, by the generator or during collection, for the purpose of recycling. Recyclable materials includes paper, glass, metals, automobile oil, and batteries.

Sec. 2. Minnesota Statutes 1984, section 115A.03, is amended by adding a subdivision to read:

Subd. 25b. "Recycling" means the process of collecting and preparing recyclable materials and reusing the materials in their original form or using them in manufacturing processes.

Sec. 3. Minnesota Statutes 1984, section 115A.03, subdivision 27, is amended to read:

Subd. 27. "Resource recovery" means the reclamation for sale, *use*, or reuse of materials, substances, energy, or other products contained within or derived from waste.

Sec. 4. Minnesota Statutes 1984, section 115A.15, subdivision 2, is amended to read:

Subd. 2. [DUTIES OF COMMISSIONER.] The commissioner of administration shall develop policies to (REDUCE THE VOLUME OF WASTE GENERATED BY) *require state agencies and the state legislature to separate all recyclable and reusable commodities wherever feasible.* The commissioner shall develop and institute procedures for the separation, collection, and storage of used commodities wherever feasible in state agencies and shall establish policies for the reuse, sale, or disposition of recovered materials and surplus property. The commissioner shall promote and publicize the waste reduction and waste separation and recovery procedures on an ongoing basis to all state employees. The commissioner shall issue guidelines for the procurement of recyclable commodities and commodities containing recycled materials that include definitions of recycled materials, the percentage of recycled materials to be contained in each commodity and performance specifications. To the extent practicable, the guidelines shall be written so as to give preference to recyclable commodities and commodities containing recycled materials. The commissioner shall inform state agencies whenever recycled commodities are available for purchase. The commissioner shall investigate opportunities for the inclusion of and may include local governments and regional agencies in administrative state programs to reduce waste, and to separate and recover recyclable and reusable commodities.

Sec. 5. Minnesota Statutes 1984, section 115A.81, is amended to read:

Subdivision 1. [SCOPE.] The terms used in sections 115A.80 to (115A.89) *115A.893* 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 *mixed municipal* 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.

Subd. 3. [REVIEWING AUTHORITY.] "*Reviewing authority*" means the agency responsible for reviewing and approving a designation plan under section 115A.84, subdivision 3, and a designation ordinance under section 115A.86, subdivision 2.

Sec. 6. Minnesota Statutes 1984, section 115A.84, subdivision 3, is amended to read:

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) 120 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. *The reviewing authority may attach conditions to its approval that relate to matters required in a designation ordinance under section 115A.86, subdivision 1, paragraph (a), clauses (1) to (4), and paragraph (b). Amendments to plans must be submitted for review in accordance with this subdivision.*

Sec. 7. Minnesota Statutes 1984, section 115A.84, subdivision 4, is amended to read:

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 30 days following 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 115A.86 if in its judgment the excluded materials will not be processed at the other facility.

Sec. 8. Minnesota Statutes 1984, section 115A.86, subdivision 1, is amended to read:

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) *require the designated facility to accept all designated solid waste delivered to the specified point or points of delivery, unless the facility has notified waste collectors in the designated area that the facility is inoperative;* (5) 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)) (6) *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 115A.83 or 115A.84, 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.

Sec. 9. [115A.893] [PETITION FOR EXCLUSION.]

Any person proposing to own or operate a resource recovery facility using waste materials subject to a designation ordinance may petition the waste district or county for exclusion of the materials from the designation ordinance. In order to qualify for the exclusion of materials under this section, the petitioner shall submit with the petition a written description of the proposed facility, its intended location, its waste supply sources, purchasers of its products, its design capacity, and other information that the district or county may reasonably require. The district or county, after appropriate notice and hearing, shall issue a written decision with findings of fact and conclusions on all material issues. The district or county shall grant the petition if it determines that: (a) the materials will be processed at another resource recovery facility, and (b) the exclusion can be implemented without impairing the financial viability of the designated facility or impairing contractual obligations or preventing the performance of contracts by the facility owner or operator, the district or county, or users of the facility. Any per-

son aggrieved by the decision of the county may appeal to the reviewing authority. The review is confined to the record. The decision of the reviewing authority must be based on the standards stated in this section. If the reviewing authority approves the petition, the designation ordinance must be amended in conformance with the decision of the reviewing authority. The petition may be amended during the proceedings by agreement between the petitioner and the district or county.

Sec. 10. [115A.918] [DEFINITIONS.]

Subdivision 1. [SCOPE.] The definitions in this section apply to this section and sections 115A.919 and 115A.921.

Subd. 2. [CLOSURE.] "Closure" means actions that will prevent, mitigate, or minimize the threat to public health and the environment posed by a closed solid waste disposal facility including application of final cover; grading and seeding of final cover; installation of an adequate monitoring system, if necessary; and construction of ground and surface water diversion structures.

Subd. 3. [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. 4. [POSTCLOSURE, POSTCLOSURE CARE.] "Post-closure" and "postclosure care" mean actions taken for the care, maintenance, and monitoring of a solid waste disposal facility after closure that will prevent, mitigate, or minimize the threat to public health and environment posed by the closed facility.

Subd. 5. [RESPONSE.] "Response" has the meaning given it in section 115B.02, subdivision 18.

Sec. 11. Minnesota Statutes 1984, section 115A.919, is amended to read:

115A.919 [COUNTY FEE AUTHORITY.]

A county may impose a fee, by cubic yard of waste or its equivalent, on operators of facilities for the disposal of mixed municipal solid waste located within the county. The fee in the metropolitan area may not exceed 25 cents per cubic yard or its equivalent. The revenue from the fees shall be credited to the county general fund and shall be used only for landfill abatement purposes, or costs of closure, postclosure care, and response actions or for purposes of mitigating and compensating for the local risks, costs, and other adverse effects of facilities.

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 shall be exempt from one-half the amount of the fee imposed by a county under this section if there is at least an 85 percent volume reduction in the solid waste processed. Before any fee is reduced, the verification procedures of section 473.843, subdivision 1, paragraph (c), must be followed and submitted to the appropriate county.

Sec. 12. [115A.95] [RECYCLABLE MATERIALS.]

A resource recovery facility that is burning waste, or converting waste to energy or to materials for combustion, and is owned or operated by a public agency or supported by public funds or by obligations issued by a public agency may not accept recyclable materials except for transfer to a recycler.

Sec. 13. Minnesota Statutes 1984, section 116.07, subdivision 4h, is amended to read:

Subd. 4h. [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 or by January 1, 1987, whichever is later, 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.

Sec. 14. Minnesota Statutes 1984, section 400.04, subdivision 1, is amended to read:

Subdivision 1. [GENERAL.] Any county may conduct a solid waste management program which may include activities authorized by sections 400.01 to 400.17 and such other activities as are necessary and convenient to effectively carry out the purposes of sections 400.01 to 400.17. *A county that enters into a joint powers agreement under section 471.59 with a metropolitan county as defined in section 473.121, subdivision 4, to accomplish a solid waste management purpose may exercise the powers of the metropolitan county for the purpose of solid waste management under the joint powers agreement.*

Sec. 15. Minnesota Statutes 1984, section 473.149, is amended by adding a subdivision to read:

Subd. 6. [COST AND FINANCING ANALYSIS.] By January 1, 1987, and each odd-numbered year thereafter, the council shall report to the legislature on the operating, capital, and debt service costs of solid waste facilities in the metropolitan area; changes in the costs; the methods used to pay the costs; and the resultant allocation of costs among users of the facilities and the general public. The report must present the cost and financing analysis in the aggregate and broken down by county and by major facility.

Sec. 16. Minnesota Statutes 1984, section 473.153, subdivision 1, is amended to read:

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

Sec. 17. Minnesota Statutes 1984, section 473.153, subdivision 2, is amended to read:

Subd. 2. [CANDIDATE SITE SELECTION.] The council shall select candidate sites for the disposal of the commission's (SEWAGE SLUDGE AND) solid waste, together with appropriate surrounding buffer areas. The council shall select at least (FOUR) *three* candidate sites by September 1, 1983. The council shall evaluate sites for candidacy on the basis of at least the following factors: local land use and land use controls, the protection of agriculture and natural resources, existing and future development patterns, transportation facilities, distance from the points of generation, and the intrinsic suitability of sites compared with other potential sites. Notwithstanding any plan, charter provision, law, ordinance, regulation, or other requirement of the council, counties, or local units of government, no land shall be excluded from consideration for candidacy except land determined by the agency to be intrinsically unsuitable. No site shall be selected for candidacy unless the agency certifies its intrinsic suitability for the use intended, based on preliminary environmental analysis and on-site surveys and investigations conducted by the council. The council shall provide to the agency data relating to the intrinsic suitability of the sites to be proposed as candidate sites as soon as available. The council shall propose at least six locations as candidate sites and the director of the agency shall issue a notice indicating which of

those sites the director recommends be certified as intrinsically suitable. The director shall publish notice of a consolidated hearing on the recommendation. Notice shall be published in the state register and newspapers of general circulation in the metropolitan area and shall be sent by mail to local government units containing a proposed candidate site. The hearing shall be conducted by the state office of administrative hearings in a manner consistent with the completion of the proceedings and the administrative law judge's report to the agency in the time allowed by this section. The hearing shall afford all interested persons an opportunity to testify and present evidence on the subject of the hearing. The subject of the hearing shall be limited to information submitted by the council and additional information on the proposed sites which is relevant to the agency's decision on intrinsic suitability. The rulemaking and contested case procedures of chapter 14 shall not apply to this hearing. The report of the administrative law judge 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 council's proposal of a site. The agency shall not be required to promulgate rules pursuant to chapter 14 on criteria and standards to govern its certification of intrinsic suitability under this section. No action of the agency shall be held invalid by reason of the agency's failure to notify any of the entities listed in this subdivision. In selecting candidate sites, the council shall prefer land which is capable of being returned to its existing use or the use anticipated in a plan of a metropolitan agency, county, or local unit of government use after closure of a disposal facility.

Sec. 18. Minnesota Statutes 1984, section 473.153, subdivision 5, is amended to read:

Subd. 5. [ENVIRONMENTAL REVIEW.] An environmental impact statement must be completed on the environmental effects of the council's decisions required by subdivision 6. 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. The statement must not address or reconsider alternatives eliminated from consideration pursuant to subdivisions 1 and 2 and must not address the matters (TO BE DECIDED) *subject to decision* by the council pursuant to subdivision 6b.

Sec. 19. Minnesota Statutes 1984, section 473.153, subdivision 6b, is amended to read:

Subd. 6b. [CERTIFICATION OF NEED.] No new facility for disposing of ash and other waste generated by the commission shall be permitted in the metropolitan area without a certification of need issued by the council indicating the council's determination:

(a) that the disposal of waste with concentrations of hazardous materials is necessary; and

(b) that (THE) additional ash disposal capacity (PLANNED FOR THE FACILITY) is needed.

The council shall certify need only to the extent that there are no feasible and prudent methods of reducing the concentrations of hazardous materials in the waste and no feasible and prudent alternatives to (THE) ash disposal (FACILITY), including large-scale composting and co-composting of sludge, which would minimize adverse impact upon natural resources. Methods and alternatives that are speculative or conjectural shall not be deemed to be feasible and prudent. Economic considerations alone shall not justify the certification of need or the rejection of methods or alternatives, including large-scale composting and co-composting of sludge as an alternative to incineration. In its certification the council shall not consider alternatives which have been eliminated from consideration by the selection of sites pursuant to (SUBDIVISIONS) *subdivision 2* (AND 6).

Sec. 20. Minnesota Statutes 1984, section 473.153, subdivision 7, is amended to read:

Subd. 7. [EXEMPTIONS.] Nothing in this section shall be construed to preclude the commission from continuing to use existing sewage sludge disposal facilities. In addition, to the same extent and upon the same conditions as sewage sludge may be applied on private property pursuant to section 473.516, subdivisions 3 and 4, the commission may use any site of *less than 500 acres* owned by the commission for the purpose of land-spreading sewage sludge (FOR A PERIOD NO LONGER THAN FOUR YEARS). Any property currently used by the commission and permitted by the agency for disposing of the commission's solid waste may continue to be used for that purpose by the commission, as permitted by the agency (, FOR A PERIOD NOT TO EXCEED FOUR YEARS).

Sec. 21. Minnesota Statutes 1984, section 473.803, subdivision 1b, is amended to read:

Subd. 1b. [LAND DISPOSAL ABATEMENT PROPOSAL.] 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 must address at least waste reduction, separation, and resource recovery. The proposal 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 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 must describe the estimated cost, proposed manner of financing, and timing of the functions and activities. The proposal 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.

Subd. 1bb. [COUNTY ABATEMENT PLAN.] 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) implement the local abatement objectives for the county and cities within the county as stated in the council's plan. The county abatement plan must include specific and quantifiable county objectives, based on the council's objectives, for abating 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 generated in the county, stated in annual increments through the date specified in section 33 and in two five-year increments thereafter. The plan must include measurable performance standards for local abatement of solid waste through resource recovery and waste reduction and separation programs and activities for the county as a whole and for statutory or home rule charter cities of the first, second, and third class, respectively, in the county, stated in annual increments through the date specified in section 33 and in two five-year increments thereafter. The performance standards must implement the metropolitan and county abatement objectives. The plan must include standards and procedures to be used by the county in determining annually under subdivision 3 whether a city within the county has implemented the plan and has satisfied the performance standards for local abatement. The master plan revision required by this subdivision must be prepared in consultation with the advisory committee established pursuant to subdivision 4.

Sec. 22. Minnesota Statutes 1984, 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 for the county and classes of cities in the county as stated in the

council's policy plan and county master plan. *The report must list cities that have not satisfied the county performance standards for local abatement required by subdivision 1bb.* The report 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. 23. Minnesota Statutes 1984, section 473.811, subdivision 5, is amended to read:

Subd. 5. [ORDINANCES; SOLID WASTE COLLECTION AND TRANSPORTATION.] Each metropolitan county may adopt ordinances governing the collection of solid waste. *A county may adopt, but may not be required to adopt, an ordinance that requires the separation from mixed municipal waste, by generators before collection, of materials that can readily be separated for use or reuse as substitutes for raw materials or for transformation into a usable soil amendment.* Each local unit of government within the metropolitan area shall adopt an ordinance governing the collection of solid waste within its boundaries. If the county within which it is located has adopted (AN) a collection ordinance, the local unit shall adopt either the county ordinance by reference or a more strict ordinance. *If the county within which it is located has adopted a separation ordinance, the ordinance applies in all local units within the county that have failed to meet the local abatement performance standards, as stated in the most recent annual county report.* Ordinances of counties and local government units may establish reasonable conditions respecting but shall not prevent the transportation of solid waste by a licensed collector through and between counties and local units, except as required for the enforcement of any designation of a facility by the council pursuant to section 473.827. A licensed collector or a metropolitan county or local government unit may request review by the council of an ordinance adopted under this subdivision. The council shall approve or disapprove the ordinance within 60 days of the submission of a request for review. The ordinance shall remain in effect unless it is disapproved. Ordinances of counties and local units of government shall provide for the enforcement of any designation of facilities by the council under section 473.827. Nothing in this subdivision shall be construed to limit the authority of the local government unit to regulate and license collectors of solid waste or to require review or approval by the council for ordinances regulating collection.

Sec. 24. Minnesota Statutes 1984, section 473.811, subdivision 5a, is amended to read:

Subd. 5a. [ORDINANCES; SOLID WASTE FACILITIES.] Each metropolitan county shall by ordinance establish and from time to time revise rules, regulations, and standards for solid waste facilities within the county, relating to location, sanitary

operation, periodic inspection and monitoring, maintenance, termination and abandonment, and other pertinent matters. *The county ordinance may require facilities accepting mixed municipal solid waste for disposal to install scales.* The county ordinance shall require permits or licenses for solid waste facilities and shall require that such facilities be registered with a county office.

Sec. 25. Minnesota Statutes 1984, section 473.811, is amended by adding a subdivision to read:

Subd. 11. [EXEMPTION FROM LEVY LIMIT.] Any levy to pay the increased costs to a statutory or home rule charter city or town of implementing waste reduction and source separation programs and facilities consistent with the applicable county master plan adopted under section 473.803 is in addition to any other taxes authorized by law and must be disregarded in the calculation of limits imposed by chapter 275.

Sec. 26. Minnesota Statutes 1984, section 473.823, subdivision 6, is amended to read:

Subd. 6. [COUNCIL; CERTIFICATION OF NEED.] No new mixed municipal solid waste disposal facility or capacity shall 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 that conform to the certification standards stated in this subdivision. The standards and procedures shall be based on the council's disposal abatement plan adopted pursuant to section 473.149, subdivision 2d, the council's solid waste disposal facilities development schedule adopted under section 473.149, subdivision 2e, and the provisions of any master plans of counties (ADOPTED PURSUANT TO SECTION 473.803, SUBDIVISION 1B AND) that have been approved by the council under section 473.803, subdivision 2, and that are consistent with the council's abatement plan and development schedule. Prior to its adoption of standards and procedures for certifying need, the council may issue a temporary certificate of need for expansion of an existing waste disposal facility that would otherwise be closed due to reaching its permitted capacity, if neither the owner of the facility nor an affiliate of the owner owns another permitted waste disposal facility in the metropolitan area to use pending adoption of standards by the council. The temporary certificate of need is effective only until the council has adopted standards and procedures for certifying need and has either issued or denied issuance of a certificate of need for the facility in accordance with its standards and procedures. An affiliate means a corporation, partnership, sole proprietor, or other entity which controls, is controlled by, or is under common control with the

owner. 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 not be deemed to be feasible and prudent. Economic considerations alone shall not justify the certification of need or the rejection of alternatives. In its certification the council shall not consider alternatives which 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. 27. Minnesota Statutes 1984, section 473.831, is amended to read:

473.831 [DEBT OBLIGATIONS; SOLID WASTE (DISPOSAL).]

Subdivision 1. [GENERAL OBLIGATION BONDS.] The council may by resolution authorize the issuance of general obligation bonds of the council to provide funds for the (ENVIRONMENTAL ANALYSIS AND ACQUISITION OF PERMANENT OR TEMPORARY RIGHT, TITLE, OR INTEREST IN REAL PROPERTY, INCLUDING EASEMENTS AND DEVELOPMENT RIGHTS, FOR SITES AND SURROUNDING BUFFER AREAS FOR SOLID WASTE DISPOSAL FACILITIES PURSUANT TO THIS SECTION AND SECTIONS 473.833 AND 473.840) *purposes specified in subdivision 2* and (TO PROVIDE FUNDS) for refunding obligations issued under this section. The bonds shall be sold, issued, and secured in the manner provided in chapter 475 for general obligation bonds, and the council shall have the same power and duties as a municipality and its governing body in issuing bonds under chapter 475, except as otherwise provided in this chapter. No election shall be required, and the net debt limitations in chapter 475 shall not apply. The council shall have the power to levy ad valorem taxes for debt service of the council's solid waste bonds upon all taxable property within the metropolitan area, without limitation of rate or amount and without affecting the amount or rate of taxes which may be levied by the council for other purposes or by any local government unit in the area. Each of the county auditors shall annually assess and extend upon the tax rolls in his county the portion of the taxes levied by the council in each year which is certified to him by the council. The principal amount of bonds issued pursuant to this section shall not exceed \$15,000,000.

Subd. 2. [USE OF PROCEEDS.] The proceeds of bonds issued under subdivision 1 shall be used by the council (, FOR THE PURPOSES PROVIDED IN SUBDIVISION 1 AND):

(a) *to provide funds for the environmental analysis of solid waste disposal sites; and*

(b) to make grants to metropolitan counties to pay for: (1) the cost of the environmental review of sites, (2) the acquisition of development rights for all or part of the period that the development limitation imposed by section 473.806 is in effect, (AND) (3) the acquisition of (ALL PROPERTY OR) *permanent or temporary right, title, or interests in property, including easements and development rights*, for solid waste disposal sites and surrounding buffer areas required to be acquired by the county, pursuant to sections 473.833 and 473.840, by the council's policy plan and development schedule adopted pursuant to section 473.149, subdivision 2e, and (4) *the acquisition and improvement of resource recovery facilities.*

If the council is required by law or regulation to prepare environmental analyses on one or more solid waste disposal sites and surrounding buffer areas, the council may use the proceeds of the bonds issued under subdivision 1 to contract for consultant services in the preparation of such analyses only upon a finding that equivalent expertise is not available among its own staff.

Sec. 28. Minnesota Statutes 1984, section 473.840, subdivision 2, is amended to read:

Subd. 2. [DEFINITIONS.] (a) "Qualifying property" is a parcel of real property any part of which is located within the site or buffer area of a candidate site (SELECTED) under section 473.153, (SUBDIVISION 2, FOR PURPOSES OF ENVIRONMENTAL REVIEW UNDER SUBDIVISION 5 OF THAT SECTION,) or a site included in the metropolitan inventory adopted under section 473.149, subdivision 2b, for the purposes of environmental review under section 473.833, subdivision 2a.

(b) An "eligible owner" is a person who: (1) owns the entire parcel of qualifying property; (2) owned the entire parcel of property at the time the site was selected as a candidate site or included in the metropolitan inventory; (3) since the site was selected or included in the inventory, has for at least six months offered to sell the entire parcel on the open market through a licensed real estate agent; and (4) has not previously entered a contract under subdivision 4 for the sale of any or all of the parcel.

Sec. 29. Minnesota Statutes 1984, section 473.842, is amended by adding a subdivision to read:

Subd. 1a. [CLOSURE.] "*Closure*" means actions that will prevent, mitigate, or minimize the threat to public health and the environment posed by a closed solid waste disposal facility including application of final cover; grading and seeding of final cover; installation of an adequate monitoring system, if necessary; and construction of ground and surface water diversion structures.

Sec. 30. Minnesota Statutes 1984, section 473.842, is amended by adding a subdivision to read:

Subd. 4a. [POSTCLOSURE, POSTCLOSURE CARE.] "Post-closure" and "postclosure care" mean actions taken for the care, maintenance, and monitoring of a solid waste disposal facility after closure that will prevent, mitigate, or minimize the threat to public health and environment posed by the closed facility.

Sec. 31. Minnesota Statutes 1984, section 473.844, subdivision 2, is amended to read:

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 of grants and loans and municipal cost recovery payments under this section.

Sec. 32. Minnesota Statutes 1984, section 473.844, subdivision 5, is amended to read:

Subd. 5. [LANDFILL ABATEMENT COST RECOVERY.] By January 31, 1986, and each January 31 afterwards, the (DIRECTOR OF THE AGENCY) council shall pay each statutory and home rule charter city and town in the metropolitan area: (1) an amount not to exceed 50 cents per household, as defined in section 477A.011, subdivision 3a, for qualifying landfill abatement and resource recovery expenses incurred in the previous calendar year; and (2) \$4 per ton of recyclable material collected and recycled from residential sources within the city or town. To qualify under (THIS SUBDIVISION) clauses (1) and (2), the landfill abatement (AND), resource recovery, and recycling must be included in the applicable county master plan or approved by the metropolitan council (AND). To qualify under clause (1), the city or town must certify, in the manner and form determined by the council, its expenses (FOR THE LANDFILL ABATEMENT AND RESOURCE RECOVERY). To qualify under clause (2), the city or town must certify, in the manner and form determined by the council, the tons collected and recycled. The amounts necessary to make these payments are appropriated from the metropolitan landfill abatement fund to the director of the agency for transfer to the council.

Sec. 33. [473.848] [RESTRICTION ON DISPOSAL.]

After January 1, 1990, waste disposal facilities located in the metropolitan area may not accept mixed municipal solid waste

for disposal unless the waste has been transferred to the disposal facility from a resource recovery facility identified by the council. For purposes of this section, mixed municipal solid waste does not include street sweepings, construction debris, mining waste, foundry sand, and other materials, if they are not capable of being processed by resource recovery as determined by the council.

Sec. 34. Laws 1984, chapter 644, section 81, subdivision 2, is amended to read:

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 of the appropriation in subdivision 1, clause (1) is appropriated from the landfill abatement fund to the commissioner of finance for transfer to the general fund, and the amount necessary to make the reimbursement of the appropriation in subdivision 1, clause (2) is appropriated from the landfill contingency action fund to the commissioner of finance for transfer to the general fund.

Sec. 35. Laws 1984, chapter 644, section 81, subdivision 3, is amended to read:

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 73. This appropriation is available until June 30, 1985. This appropriation shall be reimbursed to the general fund (UNDER SECTION 73, SUBDIVISION 7. THE COMPLEMENT OF THE DEPARTMENT OF REVENUE IS INCREASED BY TWO POSITIONS), and the amount necessary to make the reimbursement is appropriated, one-half from the landfill abatement fund and one-half from the landfill contingency action fund, to the commissioner of finance for transfer to the general fund.

Sec. 36. [ANOKA COUNTY; RESOURCE RECOVERY.]

Subdivision 1. [SERVICE CHARGES; EXPENDITURES.] Anoka county may exercise the powers of a county under Minnesota Statutes, section 400.08, in addition to the powers that the county may exercise under other law. The county may expend funds for resource recovery purposes under sections 473.801 to 473.845.

Subd. 2. [LEASE OR SALE OF PROPERTY.] Anoka county may sell or lease any facilities or property or property rights to accomplish the purposes specified by sections 473.149, 473.151, and 473.801 to 473.823, 473.827, 473.831, 473.833, and 473.834. The property may be sold or leased in the manner provided by section 458.196, or may be sold or leased in the manner and on the terms and conditions determined by the

county board. Each metropolitan county may convey to or permit the use of the property by a local government unit, with or without compensation, without submitting the matter to the voters of the county. No real property or property rights acquired under this section may be disposed of in any manner unless and until the county has submitted to the agency and the metropolitan council for review and comment the terms on and the use for which the property will be disposed of. The agency and the council shall review and comment on the proposed disposition within 60 days after each has received the data relating thereto from the county.

Subd. 3. [APPLICATION.] This section applies to Anoka county the day after compliance with Minnesota Statutes, section 645.021, subdivision 3.

Sec. 37. [RECOMMENDATIONS ON FINANCIAL RESPONSIBILITY.]

By January 1, 1986, the legislative commission on waste management shall recommend to the legislature mechanisms that will enable owners and operators of solid waste land disposal facilities to comply with the requirements of the financial responsibility rules adopted under section 116.07, subdivision 4h.

Sec. 38. [APPROPRIATION.]

Subdivision 1. [PURPOSES.] Until June 30, 1987, the balance in the metropolitan landfill abatement fund after the appropriations in Laws 1984, chapter 644, section 81, subdivisions 2 and 3 as amended; and Minnesota Statutes, section 473.844, subdivision 5, is appropriated to the pollution control agency for payment to the metropolitan council and may be used by the council for the following purposes:

(a) Grants and loans for market development for reusable and recyclable waste materials	\$ 30,000	\$ 30,000
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(b) Technical assistance and administration of grants, loans, and municipal cost recovery payments	\$ 15,000	\$ 15,000
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(c) Solid waste management planning assistance in the metropolitan area	\$ 51,000	\$ 51,000
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(d) Grants and loans for resource recovery and public education	\$204,000	\$204,000
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Any unencumbered balances remaining in the first year do not cancel but are available for the second year of the biennium for the same purpose.

Subd. 2. [CONTINGENCY.] If in any year the amount in the abatement fund is insufficient for the appropriations in this section, the appropriation in clause (d) is reduced accordingly.

Subd. 3. [WORK PROGRAM REQUIRED.] Each year, the council shall submit to the legislative commission on waste management, in the form determined by the commission, a budget and work program showing planned expenditures from the fund. The council may not spend the money until the commission has made its recommendations on the budget and work program. The recommendations are advisory only. The council shall report to the legislature by February 15 of each year on expenditures from the fund.

Sec. 39. [APPLICATION.]

Sections 18 to 33 apply in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.

Sec. 40. [REPEALER.]

Minnesota Statutes 1984, section 473.843, subdivision 7, is repealed."

Delete the title and insert :

"A bill for an act relating to solid waste and sewage sludge management; restricting land disposal of solid waste in the metropolitan area; providing for the financing of resource recovery facilities in the metropolitan area by local governments and the metropolitan council; imposing restrictions on publicly funded resource recovery facilities; changing provisions relating to designation plans, local disposal fees, metropolitan sludge and sludge ash facilities, and metropolitan county plans and ordinances; defining terms; allocating and appropriating money from the metropolitan landfill contingency action and abatement funds; amending Minnesota Statutes 1984, sections 115A.03, subdivision 27, and by adding subdivisions; 115A.15, subdivision 2; 115A.81; 115A.84, subdivisions 3 and 4; 115A.86, subdivision 1; 115A.919; 116.07, subdivision 4h; 400.04, subdivision 1; 473.149, by adding a subdivision; 473.153, subdivisions 1, 2, 5, 6b, and 7; 473.803, subdivisions 1b and 3; 473.811, subdivisions 5, 5a, and by adding a subdivision; 473.823, subdivision 6; 473.831; 473.840, subdivision 2; 473.842, by adding subdivisions; 473.844, subdivisions 2 and 5; and Laws 1984, chapter 644, section 81, subdivisions 2 and 3; proposing coding for new law in Minnesota Statutes, chapters 115A and 473; repealing Minnesota Statutes 1984, section 473.843, subdivision 7."

With the recommendation that when so amended the bill pass.

The report was adopted.

Forsythe from the Committee on Appropriations to which was referred:

H. F. No. 961, A bill for an act relating to water; providing for comprehensive local water management; requiring counties to develop and implement county water and related land resources plans; authorizing the water resources board to make comprehensive water planning grants to counties; providing additional authorities to counties; providing additional duties of the water resources board; appropriating money; proposing coding for new law as Minnesota Statutes, chapter 110B.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [110B.01] [TITLE.]

Sections 1 to 15 may be cited as the "comprehensive local water management act."

Sec. 2. [110B.02] [PURPOSES.]

In order to safeguard the public health and sensitive environmental systems, to reduce the public capital expenditures necessary for wise water and related land resources management, and to foster a local-state partnership in the management of ground-water systems and watershed units, it is the purpose of sections 1 to 15 to:

(1) encourage counties to develop and implement comprehensive water plans;

(2) encourage communication and cooperation among local units of government and between local and state governments in managing water resources;

(3) provide an ongoing focus for water-related planning and management in each county; and

(4) identify local water-related problems and opportunities, minimize future problems, and set local directions for addressing these needs.

Sec. 3. [110B.03] [DEFINITIONS.]

Subdivision 1. [APPLICABILITY.] The definitions in this section apply to sections 1 to 15.

Subd. 2. [BOARD.] "Board" means the water resources board.

Subd. 3. [COMPREHENSIVE WATER PLAN.] *“Comprehensive water plan” means the plan adopted by a county under sections 4 and 5.*

Subd. 4. [GROUNDWATER SYSTEMS.] *“Groundwater systems” means the 14 principal aquifers of the state as defined by the United States Geological Survey in the Water-Resources Investigations 81-51, entitled “Designation of Principal Water Supply Aquifers in Minnesota” (August 1981), or its revisions.*

Subd. 5. [LOCAL UNITS OF GOVERNMENT.] *“Local units of government” means statutory or home rule charter cities, towns, counties, soil and water conservation districts, watershed districts, organizations formed for the joint exercise of powers under section 471.59, and other special purpose districts or authorities exercising authority in water and related land resources management at the local level.*

Subd. 6. [OFFICIAL CONTROLS.] *“Official controls” means ordinances and regulations that control the physical development of the whole or part of a local government unit, or that implement the general objectives of the local government unit.*

Subd. 7. [RELATED LAND RESOURCES.] *“Related land resources” means land affected by present or projected management practices that have significant effects on the quantity and quality, or use of groundwater or surface water.*

Subd. 8. [WATERSHED MANAGEMENT ORGANIZATION.] *“Watershed management organization” means an organization as defined in section 473.876.*

Subd. 9. [WATERSHED UNITS.] *“Watershed units” means each of the 81 major watershed units identified in the state watershed boundaries map prepared pursuant to the requirements of Laws 1977, chapter 455, section 33, subdivision 7, paragraph (a) and the accompanying data base, or the revisions of that data base.*

Subd. 10. [MUNICIPALITY.] *“Municipality” means a statutory or home rule charter city.*

Sec. 4. [110B.04] [COUNTY WATER PLANNING AND MANAGEMENT.]

Subdivision 1. [COUNTY DUTIES.] *Each county is encouraged to develop and implement a comprehensive water plan. Each county that develops and implements a plan under sections 1 to 14 has the duty and authority to:*

(1) *prepare and adopt a comprehensive water plan that meets the requirements of this section and sections 5 and 8;*

(2) review water and related land resources plans and official controls submitted by local units of government to assure consistency with the comprehensive water plan; and

(3) exercise any and all powers necessary to assure implementation of comprehensive water plans.

Subd. 2. [WATER PLAN REQUIREMENTS.] The following requirements apply to comprehensive water plans:

(a) A comprehensive water plan must cover the entire area within a county. A plan must address water problems in the context of watershed units and groundwater systems, and must be based upon principles of sound hydrologic management of water, effective environmental protection, and efficient management. Comprehensive water plans prepared by counties and watershed management organizations wholly or partially within a single watershed unit or groundwater system must be consistent.

(b) Existing water and related land resources plans, including plans related to agricultural land preservation programs developed pursuant to chapter 40A, must be fully utilized in preparing the comprehensive water plan and no duplication of those existing plans is required.

(c) The comprehensive water plan must apply to every year through the year 1995 or any later year that is evenly divisible by five and shall be updated prior to the expiration of the period covered.

Subd. 3. [DELEGATION.] The county is responsible for preparing, adopting, and assuring implementation of the comprehensive water plan, but may delegate all or part of the preparation of the plan to a local unit of government, a regional development commission, or a resource conservation and development committee. The county may not delegate authority for the exercise of eminent domain, taxation, or assessment to a local unit of government that does not possess those powers.

Subd. 4. [COORDINATION.] (a) To assure the coordination of efforts of all local units of government within a county during the preparation and implementation of a comprehensive water plan, each county intending to adopt a plan shall conduct meetings with other local units of government and may execute agreements with other local units of government establishing the responsibilities of each unit during the preparation and implementation of the comprehensive water plan.

(b) Each county intending to adopt a plan shall coordinate its planning program with contiguous counties. Before meeting with local units of government, a county board shall notify the county boards of each county contiguous to it that it is about

to begin preparing its comprehensive water plan and is encouraged to request and hold a joint meeting with those county boards in order to consider the planning process.

Subd. 5. [SCOPE OF PLANS.] Comprehensive water plans must include:

(1) a description of the existing physical environment, land use, and development in the county and expected changes thereto;

(2) available information about the surface water, groundwater, and related land resources in the county, including existing and potential distribution, availability, quality, and use;

(3) objectives for future development, use, and conservation of water and related land resources, including those objectives that concern water quality and quantity and related land use conditions, and a description of actions that will be taken in affected watersheds or ground water systems to achieve those objectives;

(4) a description of potential changes in state programs, policies, and requirements considered important by the county to management of water resources in the county;

(5) a description of conflicts between the comprehensive water plan and existing plans of other local units of government;

(6) a description of possible conflicts between the comprehensive water plan and existing or proposed comprehensive water plans of other counties in the affected watershed units or groundwater systems;

(7) a program for implementation of the plan that is consistent with the plan's management objectives and includes schedules for amending official controls and water and related land resources plans of local units of government to conform with the comprehensive water plan, and, if a project to implement the comprehensive water plan is proposed, its schedule, components, and expected state and local costs; and

(8) a procedure for amending the comprehensive water plan.

Subd. 6. [DATA ACQUISITION.] The data collected under this section that has common value as determined by the state planning agency for natural resources planning must be provided and integrated into the Minnesota land management information systems geographic and summary data bases according to published data compatibility guidelines.

Sec. 5. [110B.05] [COMPREHENSIVE WATER PLAN REVIEW AND ADOPTION.]

Subdivision 1. [LOCAL REVIEW.] Upon completion of the comprehensive water plan, but before final adoption by the county board, the county board shall submit the comprehensive water plan for review and comment to all local units of government wholly or partly within the county and to the applicable regional development commission, if any. The county shall submit the comprehensive water plan to each contiguous county and watershed management organization for review and comment. In addition, the county shall submit the comprehensive water plan to other counties or watershed management organizations within the same watershed unit that may be affected by proposals in its comprehensive water plan. In comments to the county board:

(a) A local unit of government whose existing water and related land resources plans or official controls may need to be amended to bring them into conformance with the comprehensive water plan shall describe in a general way possible amendments to its existing plans or official controls, and the general fiscal or policy effects it expects would be associated with those amendments.

(b) A county or watershed management organization within the same watershed unit or groundwater system shall describe possible conflicts with its existing or proposed comprehensive water plan and suggest measures to resolve the conflicts.

(c) The regional development commission shall review the plan pursuant to section 462.391, subdivision 1.

Subd. 2. [LOCAL REVIEW PERIOD.] Comments under subdivision 1 must be submitted to the county board within 60 days after receiving a comprehensive water plan for comment, unless the county board of the county that prepared the plan determines that good cause exists for an extension of this period and grants an extension.

Subd. 3. [PUBLIC HEARING.] The county board shall conduct a public hearing on the comprehensive water plan pursuant to section 375.51 after the 60-day period for local review and comment is completed, but before submitting it to the state for review.

Subd. 4. [STATE REVIEW.] (a) After conducting the public hearing but before final adoption, the county board shall submit its comprehensive water plan, all written comments it has received, a record of the public hearing, and a summary of changes incorporated as a result of the review process to the board for review. The board shall complete the review within 90

days after receiving a comprehensive water plan and supporting documents. The board shall consult with the departments of agriculture, health, and natural resources; the pollution control agency; the state planning agency; the environmental quality board; and other appropriate state agencies during the review.

(b) The board may disapprove a comprehensive water plan that it determines is not consistent with state laws or rules. If a plan is disapproved, the board shall provide a written statement of its reasons for disapproval. The decision of the board to disapprove the plan may be appealed by the county to the district court.

Subd. 5. [ADOPTION; IMPLEMENTATION.] A county board shall adopt and begin implementation of its comprehensive water plan within 120 days after receiving notice of approval of the plan from the board.

Subd. 6. [AMENDMENTS.] Amendments to a comprehensive water plan must be submitted to local units of government and to the board in the same manner as a comprehensive water plan.

Sec. 6. [110B.06] [AUTHORITY UNDER APPROVED COMPREHENSIVE WATER PLANS.]

Upon adoption of an approved comprehensive water plan:

(a) The county may regulate the use and development of water and related land resources within incorporated areas when one or more of the following conditions exists:

(1) the municipality does not have a local water and related land resources plan or official controls consistent with the comprehensive water plan;

(2) the municipality has authorized the county to require permits for the use and development of water and related land resources; and

(3) a state agency has delegated the administration of a state permit program to the county.

(b) A county may:

(1) acquire in the name of the county, by condemnation under chapter 117, real and personal property found by the county board to be necessary for the implementation of an approved comprehensive water plan;

(2) assess the costs of projects necessary to implement the comprehensive water plan undertaken under sections 1 to 15

upon the property benefited within the county in the manner provided by chapter 429;

(3) charge users for services provided by the county necessary to implement the comprehensive water plan; and

(4) utilize the bond and tax provisions of section 473.882 for financing capital improvements under sections 1 to 15.

Sec. 7. [110B.07] [CONSISTENCY OF LOCAL PLANS AND CONTROLS WITH THE COMPREHENSIVE WATER PLAN.]

Subdivision 1. [REQUIREMENT.] Local units of government shall amend existing water and related land resources plans and official controls as necessary to conform them to the applicable, approved comprehensive water plan following the procedures in this section.

Subd. 2. [PROCEDURE.] Within 90 days after local units of government are notified by the county board of the adoption of a comprehensive water plan or of adoption of an amendment to a comprehensive water plan, the local units of government exercising water and related land resources planning and regulatory responsibility for areas within the county shall submit existing water and related land resources plans and official controls to the county board for review. The county board shall identify any inconsistency between those plans and controls and the comprehensive water plan and shall recommend the amendments necessary to bring local plans and official controls into conformance with the comprehensive water plan.

Subd. 3. [REVISION; IMPLEMENTATION.] Local units of government shall revise existing plans and official controls to conform them to the recommendations of the county board and shall initiate implementation of the revised plans and controls within one year after receiving the recommendations of the county board, or one year after resolution of an appeal, whichever is later.

Subd. 4. [APPEALS.] A local unit of government may, within 60 days after receiving the recommendations of the county board, appeal any recommendation to the water resources board for a hearing as provided in section 13.

Subd. 5. [NEW PLANS AND CONTROLS.] New or amended water and related land resources plans and official controls proposed by local units of government for their adoption following adoption of the comprehensive water plan shall be submitted to the county board for review and recommendation as provided under subdivisions 2 to 4.

Sec. 8. [110B.08] [WATERSHED DISTRICT AND INTERCOUNTY JOINT POWERS BOARD PLANS AND RULES.]

A county must incorporate into its comprehensive water plan any existing plans and rules adopted by a watershed district or an intercounty joint powers board having jurisdiction wholly or partly within the county. A county may change the plans and rules it incorporates if it demonstrates in its comprehensive water plan why the changes are necessary and if the changes are agreed to by each county (a) responsible for the appointment of a manager serving on the watershed board, or (b) represented on the joint powers board.

Sec. 9. [110B.09] [PUBLIC DRAINAGE.]

Projects necessary to implement the comprehensive water plan that are intended for the purpose of improving drainage shall be established, repaired, and improved under chapter 106 and not sections 1 to 15.

Sec. 10. [110B.10] [EXEMPTION FROM LEVY LIMIT.]

The governing body of any county or municipality or the town board of a town may levy a tax in the amount required to implement sections 1 to 15. A levy to pay the cost of implementing sections 1 to 15 or to pay the cost of projects or programs identified in an adopted comprehensive water plan shall be in addition to other taxes authorized by law and .75 mill times the adjusted assessed valuation of the county, municipality, or town and shall be disregarded in the calculation of limits on taxes imposed by chapter 275.

Sec. 11. [110B.11] [DUTIES OF THE BOARD.]

Subdivision 1. [DUTIES.] The board shall:

(1) develop guidelines for the contents of comprehensive water plans that provide for a flexible approach to meeting the different water and related land resources needs of counties and watersheds across the state;

(2) coordinate assistance of all state agencies to counties and other local units of government involved in preparation of comprehensive water plans;

(3) identify all pertinent data and studies available from the state and federal government;

(4) conduct an active program of information and education concerning the requirements and purposes of sections 1 to 15 in conjunction with the association of Minnesota counties;

(5) *determine contested cases under section 13;*

(6) *establish a process for review of comprehensive water plans under section 5 that assures the plans are consistent with state law and rules; and*

(7) *report to the legislative commission on Minnesota resources as required by section 14.*

Subd. 2. [ADVISORY COMMITTEE.] The board shall utilize representatives of local governments and other persons interested in water planning to assist it in carrying out those duties under subdivision 1.

Sec. 12. [110B.12] [INFORMAL CONFLICT RESOLUTION.]

When (1) the interpretation and implementation of a comprehensive water plan is challenged by a local unit of government aggrieved by the plan; (2) two or more counties disagree about the apportionment of the costs of a project implementing a comprehensive water plan; or (3) a county and another local unit of government disagree about a change in a local water and related land resources plan or official control recommended by the county under section 7, the county, or other local unit of government, as the case may be, may request a meeting with the chair of the water resources board to informally resolve the dispute prior to the initiation of contested case procedure under section 13.

Sec. 13. [110B.13] [CONTESTED CASES.]

Any dispute specified in clauses (1) to (3) of section 12, may be contested by the county, or other local unit of government by the filing of a petition for hearing with the board pursuant to this section. The county or other local unit of government, as the case may be, has 60 days from (a) the date of the adoption or approval of the ordinance, or other decision to which the dispute related that is required by law to be made by the governing body to implement the comprehensive water plan, or (b) the date a local unit of government receives a recommendation of the county board under section 7, to file a petition for a hearing. If the aggrieved county or other local unit of government files a petition for a hearing, a hearing shall be conducted by the state office of administrative hearings under the contested case procedure of chapter 14 within 60 days of the request. The subject of the hearing may not extend to questions concerning the need for a comprehensive water plan. In the report of the administrative law judge, the judge shall assess equally to the parties those costs assessed under section 14.53, including the cost of any transcript and the compensation for the law judge and his staff. Within 60 days after receiving the report of the

administrative law judge, the board shall, by resolution containing findings of fact and conclusions of law, make a final decision with respect to the issue before it. Any local unit of government aggrieved by the final decision of the board may appeal the decision to the district court in the manner provided by sections 14.63 to 14.69. Nothing in this section supersedes the provisions of sections 104.04, subdivision 5; 104.35, subdivision 3; 104.36, subdivision 1; and 105.485, subdivisions 4 and 6.

Sec. 14. [110B.14] [COMMISSION OVERSIGHT; REPORT REQUIRED.]

The board shall, on or before January 15 of each year, submit to the legislative commission on Minnesota resources a written report on the board's functions and the implementation of the comprehensive local water management act since the previous report under this section was submitted. The report to the commission must include the board's recommendations for changes to the act and any recommendations for funding. The board shall also report to the commission at other times requested by the commission. The commission may make recommendations to the legislature concerning the funding, implementation, and amendment of the act.

Sec. 15. [110B.15] [APPLICATION.]

Sections 1 to 14, except section 4, subdivision 2, paragraph (a); apply to all counties except as follows:

(a) In the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington, sections 1 to 14 apply only in the portions of the counties not subject to the requirements of sections 473.875 to 473.883.

(b) If a local unit of government in Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, or Washington county not subject to the requirements of sections 473.875 to 473.883 has formed a joint powers watershed management organization with local units of government subject to the requirements of sections 473.875 to 473.883 before December 31, 1985, sections 1 to 14, except section 4, subdivision 2, paragraph (a); do not apply to that local unit of government in any of those counties."

Delete the title and insert:

"A bill for an act relating to water; providing for comprehensive local water management; authorizing counties to develop and implement county water and related land resources plans; providing additional authorities to counties; providing additional

duties of the water resources board; proposing coding for new law as Minnesota Statutes, chapter 110B."

With the recommendation that when so amended the bill pass.

The report was adopted.

Forsythe from the Committee on Appropriations to which was referred:

H. F. No. 1015, A bill for an act relating to recreational vehicles; regulating all-terrain vehicles; providing penalties; appropriating money; amending Minnesota Statutes 1984, sections 84.92; 84.922, subdivisions 1, 3, 5, 6, 7, 8, and by adding subdivisions; 84.925; 84.927; 84.928; 85.018; 100.273, subdivision 9; and 296.16, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 84.

Reported the same back with the following amendments:

Page 4, line 30, delete "*maximum*" and insert "*proper*"

Page 7, line 21, delete "*14*" and insert "*16*"

Page 12, line 8, after "ROAD" insert "OR TRAIL" and after "road" insert "*, trail,*"

Page 12, line 10, delete "*road*"

Page 12, line 12, delete "*road*"

Page 12, line 13, after the period insert "*This section shall have no effect on the liability of any party or organization having responsibility for the maintenance of a trail or road-way for all-terrain vehicles.*"

Page 15, line 25, after "\$" insert "*475,000*"

Page 15, line 27, after the period insert "*For the development and administration of trails under this act, the complement of the commissioner of natural resources is increased by two positions.*"

With the recommendation that when so amended the bill pass.

The report was adopted.

Forsythe from the Committee on Appropriations to which was referred:

H. F. No. 1436, A bill for an act relating to occupations and professions; changing the composition of the board of medical examiners and the method of appointing board members; authorizing the release of certain information by the board of medical examiners; requiring the board of medical examiners to adopt a written statement describing its procedures, and publish disciplinary actions; revising the standards for licensing and disciplining physicians; establishing reporting requirements for health professionals and granting immunity to those complying with reporting requirements; establishing special requirements for health-related licensing boards; appropriating money; recodifying certain provisions in Minnesota Statutes, chapter 147; amending Minnesota Statutes, 1984, sections 147.01, subdivisions 1, 2, and 4; 147.02, subdivision 1, and by adding subdivisions; 147.021; 147.03; 147.073; 147.074; 147.09; 147.10; 176.011, subdivision 9; 214.07, subdivision 1; and 214.10, subdivision 1, and by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 147; repealing Minnesota Statutes 1984, sections 147.02, subdivision 2; 147.06; 147.07; 147.072; 147.101; 147.11; 147.12; 147.13; 147.16; 147.17; 147.18; 147.19; 147.20; and 147.23.

Reported the same back with the following amendments:

Page 4, line 8, delete "*may*" and insert "*shall*"

Page 18, line 14, before "*prevent*" insert "*apply to, control,*"

Page 18, line 24, after "*licensed*" insert "*or registered*"

Page 19, line 27, delete "*or certified*"

Page 21, line 9, after "*person*" insert "*not exempted under section 147.09*"

Page 21, line 20, after the fourth comma insert "*or*"

Page 21, lines 20 and 21, delete "*, or abnormal physical or mental condition*"

Page 21, line 29, delete "*doctor,*"

Page 22, line 29, before "*any*" insert "*personal knowledge of*" and delete "*constituting*" and insert "*which he or she reasonably believes constitutes*"

Page 22, line 31, delete "*which appears to show*" and insert "*including any conduct indicating*" and delete "*is or*"

Page 22, line 32, after "*incompetent*" insert a comma and delete "*be guilty of*" and insert "*have engaged in*"

Page 32, line 21, after "*complaint*" insert "*alleging a matter within the jurisdiction of the board*"

Page 32, delete lines 30 to 36

Page 33, delete lines 1 to 6

Reletter the paragraphs in alphabetical order

Pages 34 and 35, delete section 23 and insert:

"Sec. 23. [REPORT TO LEGISLATURE.]

By December 15, 1985, each health related licensing board, as defined in Minnesota Statutes, section 214.01, subdivision 2, shall submit a report to the legislature in the manner required by Minnesota Statutes, section 3.195. Each report shall describe (1) the method used by the board for acknowledging complaints that have been filed with that board; (2) the length of time taken to provide complaint forms to persons who request them and the length of time taken to acknowledge receipt of a complaint; (3) the method used to inform complainants of the status of a pending complaint; and (4) the information given to the complainant upon final disposition of a complaint."

Page 35, line 18, delete "*the*" and insert "*a health related licensing*"

Page 35, line 18, delete everything following "*board*"

Page 35, line 19, delete everything before the period and insert "*as defined in Minnesota Statutes, section 214.01, subdivision 2*"

Amend the title as follows:

Page 1, line 14, delete "*appropriating money*" and insert "*requiring a report to the legislature*"

With the recommendation that when so amended the bill pass.

The report was adopted.

Forsythe from the Committee on Appropriations to which was referred:

S. F. No. 147, A bill for an act relating to human services; authorizing a state hospital to enter into shared service agree-

ments with for profit organizations; amending Minnesota Statutes 1984, section 246.57, subdivision 3.

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

The report was adopted.

Forsythe from the Committee on Appropriations to which was referred:

S. F. No. 251, A bill for an act relating to nursing homes; establishing an educational program for resident and family advisory councils; authorizing a surcharge on license fees; requiring evaluation and a report to the legislature by the Minnesota board on aging; appropriating money; amending Minnesota Statutes 1984, sections 256B.421, subdivision 8; and 256B.431, subdivision 2b; proposing coding for new law in Minnesota Statutes, chapter 144A.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. [144A.33] [RESIDENT AND FAMILY ADVISORY COUNCIL EDUCATION.]

Subdivision 1. [EDUCATIONAL PROGRAM.] Each resident and family council authorized under section 144.651, subdivision 27, shall be educated and informed about the following:

- (1) care in the nursing home or board and care home;*
- (2) resident rights and responsibilities;*
- (3) resident and family council organization and maintenance;*
- (4) laws and rules that apply to homes and residents;*
- (5) human relations; and*
- (6) resident and family self-help methods to increase quality of care and quality of life in a nursing home or board and care home.*

Subd. 2. [PROVIDING EDUCATIONAL SERVICES.] The Minnesota board on aging shall provide a grant-in-aid to a statewide, independent, nonprofit, consumer-sponsored agency to provide educational services to councils.

Subd. 3. [FUNDING OF ADVISORY COUNCIL EDUCATION.] For the biennium ending June 30, 1987, a license application or renewal fee under section 144A.07 must be increased by \$1.73 per bed to fund the development and education of resident and family advisory councils.

Subd. 4. [APPROPRIATION; SPECIAL ACCOUNT.] All money collected by the commissioner of health under subdivision 3 must be deposited in the state treasury and credited to a special account called the nursing home advisory council fund. Money in the account is annually appropriated to the Minnesota board on aging for the purposes of this section.

Subd. 5. [REPORT; EVALUATION.] The Minnesota board on aging shall evaluate the programs established under this section and shall report to the legislature by February 1 of each year concerning the programs established and the effectiveness of the programs.

Sec. 2. Minnesota Statutes 1984, section 256B.421, subdivision 8, is amended to read:

Subd. 8. [OPERATING COSTS.] "Operating costs" means the day-to-day costs of operating the facility in compliance with licensure and certification standards. Operating cost categories are: nursing, including nurses and nursing assistants training; dietary; laundry and linen; housekeeping; plant operation and maintenance; other care-related services; medical directors; licenses (AND), *other than license fees required by the Minnesota department of health*; permits; general and administration; payroll taxes; real estate taxes, *license fees required by the Minnesota department of health*, and actual special assessments paid; and fringe benefits, including clerical training; and travel necessary for training programs for nursing personnel and dietitians required to maintain licensure, certification, or professional standards requirements.

Sec. 3. Minnesota Statutes 1984, section 256B.431, subdivision 2b, is amended to read:

Subd. 2b. [OPERATING COSTS, AFTER JULY 1, 1985.]
(a) For rate years beginning on or after July 1, 1985, the commissioner shall establish procedures for determining per diem reimbursement for operating costs.

(b) The commissioner shall contract with an econometric firm with recognized expertise in and access to national economic change indices that can be applied to the appropriate cost categories when determining the operating cost payment rate.

(c) The commissioner shall analyze and evaluate each nursing home's cost report of allowable operating costs incurred by the nursing home during the reporting year immedi-

ately preceding the rate year for which the payment rate becomes effective.

(d) The commissioner shall establish limits on actual allowable historical operating cost per diems based on cost reports of allowable operating costs for the reporting year that begins October 1, 1983, taking into consideration relevant factors including resident needs, geographic location, age, size of the nursing home, and the costs that must be incurred for the care of residents in an efficiently and economically operated nursing home. The limits established by the commissioner shall not be less, in the aggregate, than the 60th percentile of total actual allowable historical operating cost per diems for each group of nursing homes established under subdivision 1 based on cost reports of allowable operating costs in the previous reporting year. The limits established under this paragraph remain in effect until the commissioner establishes a new base period. Until the new base period is established, the commissioner shall adjust the limits annually using the appropriate economic change indices established in paragraph (e). In determining allowable historical operating cost per diems for purposes of setting limits and nursing home payment rates, the commissioner shall divide the allowable historical operating costs by the actual number of resident days, except that where a nursing home is occupied at less than 90 percent of licensed capacity days, the commissioner may establish procedures to adjust the computation of the per diem to an imputed occupancy level at or below 90 percent. The commissioner shall establish efficiency incentives as appropriate. The commissioner may establish efficiency incentives for different operating cost categories. The commissioner shall consider establishing efficiency incentives in care related cost categories. The commissioner may combine one or more operating cost categories and may use different methods for calculating payment rates for each operating cost category or combination of operating cost categories.

(e) The commissioner shall establish a composite index or indices by determining the appropriate economic change indicators to be applied to specific operating cost categories or combination of operating cost categories.

(f) Each nursing home shall receive an operating cost payment rate equal to the sum of the nursing home's operating cost payment rates for each operating cost category. The operating cost payment rate for an operating cost category shall be the lesser of the nursing home's historical operating cost in the category increased by the appropriate index established in paragraph (e) for the operating cost category plus an efficiency incentive established pursuant to paragraph (d) or the limit for the operating cost category increased by the same index. If a nursing home's actual historic operating costs are greater than the prospective payment rate for that rate

year, there shall be no retroactive cost settle-up. In establishing payment rates for one or more operating cost categories, the commissioner may establish separate rates for different classes of residents based on their relative care needs.

(g) The commissioner shall include the reported actual real estate tax liability of each proprietary nursing home as an operating cost of that nursing home. The commissioner shall include a reported actual special assessment, *and reported actual license fees required by the Minnesota department of health*, for each nursing home as an operating cost of that nursing home. Total real estate tax liability (AND), actual special assessments paid, *and license fees paid as required by the Minnesota department of health*, for each nursing home (1) shall be divided by actual resident days in order to compute the operating cost payment rate for this operating cost category, (2) shall not be used to compute the 60th percentile or other operating cost limits established by the commissioner, and (3) shall not be increased by the composite index or indices established pursuant to paragraph (e)."

Delete the title and insert:

"A bill for an act relating to nursing homes; establishing an educational program for resident and family advisory councils; authorizing a surcharge on license fees; appropriating money; amending Minnesota Statutes 1984, sections 256B.421, subdivision 8; and 256B.431, subdivision 2b; proposing coding for new law in Minnesota Statutes, chapter 144A."

With the recommendation that when so amended the bill pass.

The report was adopted.

Forsythe from the Committee on Appropriations to which was referred:

S. F. No. 818, A bill for an act relating to employment and economic opportunity; providing for the streamlining and coordination of job, economic development, and income-maintenance programs; setting as dual goals the lowering of unemployment rates and welfare caseloads; creating the councils for the hearing impaired and for the blind; abolishing the department of economic security; creating a new department of employment and training; transferring responsibilities of the department of economic security to the department of employment and training and the department of human services; transferring certain employment and training functions of the department of human services and the department of administration to the department of employment and training; providing for biennial statewide plans for employment and training and apprenticeships; provid-

ing for coordination of state and federal jobs programs; establishing community investment programs; granting rulemaking authority; changing formulas for paying local agencies for general assistance grants to recipients subject to work requirements; removing a sunset provision from the Minnesota emergency employment development act; amending Minnesota Statutes 1984, sections 15A.081, subdivision 1; 86.33, by adding subdivisions; 116J.035, by adding a subdivision; 116L.03, subdivision 7; 116L.04, by adding a subdivision; 129A.02, subdivision 2; 136.63, by adding a subdivision; 136C.06; 178.03, by adding a subdivision; 245.87; 248.07; 248.08; 256.736; 256.737; 256C.24; 256C.25; 256C.26; 256D.02, subdivision 13; 256D.03, subdivision 2; 256D.09, subdivision 3, and by adding a subdivision; 256D.111, subdivision 2; 268.04, by adding subdivisions; 268.08, by adding a subdivision; 268.31; 268.32; 268.33; 268.34; 268.36; 268.672, subdivision 6; 268.676, subdivision 1; and 268.686; proposing coding for new law in Minnesota Statutes, chapters 256C and 268; proposing coding for new law as Minnesota Statutes, chapters 267 and 268A; repealing Minnesota Statutes 1984, sections 129A.02, subdivision 4; 245.84, subdivision 2; 256.736, subdivisions 1 and 2; 256D.02, subdivision 8a; 256D.111, subdivision 1a; 256D.112; 268.011; 268.012; 268.013; 268.12, subdivisions 1 and 1a; 268.683, subdivision 2; 268.684; 268.80; and 268.81.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1984, section 256.737, is amended to read:

256.737 [COMMUNITY WORK EXPERIENCE PROGRAM.]

In order that persons receiving aid under this chapter may be assisted in achieving self-sufficiency by enhancing their employability through meaningful work experience and training and the development of job search skills, the commissioner of human services (MAY CONTINUE THE PILOT) *shall, at the request of any county, establish community work experience (DEMONSTRATION) programs (THAT WERE APPROVED BY JANUARY 1, 1984. NO NEW PILOT COMMUNITY WORK EXPERIENCE DEMONSTRATION PROGRAMS MAY BE ESTABLISHED).* The commissioner shall: (a) assist counties in the design, implementation, and evaluation of these demonstration programs; (b) promulgate, in accordance with chapter 14, emergency rules necessary for the implementation of this section, except that the time restrictions of section 14.35 shall not apply and the rules may be in effect until the termination of the demonstration programs; and (c) seek any federal waivers necessary for proper implementation of this section in accordance with federal law. The commissioner shall prohibit use of participants in the programs to do work that was part or all of the duties or responsibilities of an authorized public employee position estab-

lished as of January 1, 1983. The exclusive bargaining representative shall be notified no less than 14 days in advance of any placement by the community work experience program. Concurrence with respect to job duties of persons placed under the community work experience program shall be obtained from the appropriate exclusive bargaining representative. The appropriate oversight committee shall be given monthly lists of all job placements under a community work experience program.

(PROJECTS SHALL END NO LATER THAN JUNE 30, 1985, AND A PRELIMINARY REPORT SHALL BE MADE TO THE LEGISLATURE BY FEBRUARY 15, 1985, ON THE FEASIBILITY OF PERMANENT IMPLEMENTATION AND ON THE COST EFFECTIVENESS OF EACH OF THE DEMONSTRATION PROGRAMS.)"

Delete the title and insert:

"A bill for an act relating to human services; expanding the community work experience program; amending Minnesota Statutes 1984, section 256.737."

With the recommendation that when so amended the bill pass.

The report was adopted.

Forsythe from the Committee on Appropriations to which was referred:

S. F. No. 919, A bill for an act relating to agriculture; limiting security interests in farm product proceeds; protecting buyers when subject to a security interest; amending Minnesota Statutes 1984, sections 336.9-306; and 336.9-307.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1984, section 17A.04, is amended by adding a subdivision to read:

Subd. 1a. [REGISTRATION OF LIVESTOCK BUYERS.] The commissioner shall adopt permanent and emergency rules, in conjunction with the license application, to register livestock buyers under section 386.42 in counties where the buyer selects to be registered. The commissioner shall collect a \$10 fee and a \$5 per county registration fee from the buyer, register the buyer, and pay the county registration fee within ten days after the license is issued.

Sec. 2. Minnesota Statutes 1984, section 17A.04, subdivision 2, is amended to read:

Subd. 2. [APPLICATION.] Any person desiring to carry on the business of a livestock market agency or livestock dealer, or both, or a public stockyard shall make application to the commissioner on a form or forms provided by the commissioner. *The form must provide for registration as a livestock buyer under section 386.42.*

Sec. 3. Minnesota Statutes 1984, section 17A.04, subdivision 5, is amended to read:

Subd. 5. [LICENSE FEE.] The applicant shall submit to the commissioner *the fee for the county registration as a livestock buyer under section 1 and the following applicable fees and penalties for late renewal:*

(a) \$150 for each livestock market agency and public stockyard license, penalty \$38;

(b) \$50 for each livestock dealer license, penalty \$13;

(c) \$30 for each agent of a livestock dealer license, penalty \$10;

(d) \$50 for each meat packing company license, penalty \$13;

(e) \$30 for each agent of a meat packing company license, penalty \$10.

Sec. 4. Minnesota Statutes 1984, section 27.03, is amended to read:

27.03 [DEALER (LICENSED) REGULATION.]

Subdivision 1. [LICENSE.] No person except a wool dealer shall engage in, or purport to be engaged in, or hold himself out as being engaged in, the business of a dealer at wholesale, or as being a dealer at wholesale, unless he shall be licensed and bonded to carry on such business by the commissioner.

Subd. 2. [REGISTRATION.] The commissioner shall adopt permanent and emergency rules in conjunction with the license application to register wholesale produce dealers under section 386.42 in counties where the dealer selects to be registered. The commissioner shall collect a \$10 fee and a \$5 per county registration fee from the dealer, register the dealer, and pay the county registration fee within ten days after the license is issued.

Sec. 5. Minnesota Statutes 1984, section 223.17, is amended by adding a subdivision to read:

Subd. 1a. [CROP PRODUCT BUYER REGISTRATION.] The commissioner shall adopt permanent and emergency rules, in conjunction with the license application, to register a grain buyer as a crop product buyer under section 386.42 in the counties where the grain buyer desires to be registered. The commissioner shall collect a \$10 fee and a \$5 per county registration fee from the buyer, register the buyer, and pay the county registration fee within ten days after issuing a license.

Sec. 6. [223A.01] [FARM PRODUCTS THAT ARE BOUGHT SUBJECT TO A SECURITY INTEREST.]

Subdivision 1. [REGISTERED BUYER TAKES FREE OF SECURITY INTEREST UNLESS NOTIFIED.] A buyer in the ordinary course of business who is a registered buyer in the county of the seller's residence under section 386.42, and who purchases farm products from a person engaged in farming operations takes free of a security interest created by the seller even though the security interest is perfected and the buyer knows of its existence, unless the buyer is notified of the security interest as provided in subdivision 4.

Subd. 2. [BUYERS THAT PURCHASE SUBJECT TO A SECURITY INTEREST.] A buyer in the ordinary course of business that is registered under section 386.42 in the seller's county of residence who is notified by a secured party as provided under subdivision 4, purchases farm products from a person engaged in farming operations subject to the perfected security interest. A buyer who is not registered under section 386.42 in the seller's county of residence purchases farm products from a person engaged in farming operations subject to perfected security interests.

Subd. 3. [SECURED PARTY RETAINS SECURITY INTEREST IN FARM PRODUCTS.] A secured party retains a perfected security interest in farm products of a person engaged in farming operations if the secured party notifies, as provided in subdivision 4, all buyers in the ordinary course of business of farm products registered in the debtor's county of residence under section 386.42. The notification is effective upon receipt until September 1 after the notification is made; or for a notification made after August 20 but before September 1, the notification is effective for one year beginning September 1.

Subd. 4. [NOTIFICATION OF SECURITY INTEREST.] A secured party may, by certified mail or another method by which receipt can be verified, notify a buyer that a debtor has farm products subject to a security interest.

Sec. 7. Minnesota Statutes 1984, section 336.9-307, is amended to read:

336.9-307 [PROTECTION OF BUYERS OF GOODS.]

(1) A buyer in ordinary course of business (subsection (9) of section 336.1-201) (OTHER THAN A PERSON BUYING FARM PRODUCTS FROM A PERSON ENGAGED IN FARMING OPERATIONS) takes free of a security interest created by his seller even though the security interest is perfected and even though the buyer knows of its existence, *except that a buyer in the ordinary course of business who purchases farm products from a person engaged in farming operations is subject to section 336.42.*

(2) In the case of consumer goods, a buyer takes free of a security interest even though perfected if he buys without knowledge of the security interest, for value and for his own personal, family or household purposes unless prior to the purchase the secured party has filed a financing statement covering such goods.

(3) A buyer other than a buyer in ordinary course of business (subsection (1) of this section) takes free of a security interest to the extent that it secures future advances made after the secured party acquires knowledge of the purchase, or more than 45 days after the purchase, whichever first occurs, unless made pursuant to a commitment entered into without knowledge of the purchase and before the expiration of the 45 day period.

Sec. 8. Minnesota Statutes 1984, section 336.9-402, is amended to read:

336.9-402 [FORMAL REQUISITES OF FINANCING STATEMENT; AMENDMENTS; MORTGAGE AS FINANCING STATEMENT.]

(1) A financing statement is sufficient if it gives the name of the debtor and the secured party, is signed by the debtor, gives an address of the secured party from which information concerning the security interest may be obtained, gives a mailing address of the debtor and contains a statement indicating the types or describing the items, of collateral. A financing statement may be filed before a security agreement is made or a security interest otherwise attaches. When the financing statement covers crops growing or to be grown, the statement must also contain a description of the real estate concerned and the name of the record owner thereof. *The financing statement may only cover the crops grown by a debtor in a single growing season and may not cover other collateral.* When the financing statement covers timber to be cut or covers minerals or the like (including oil and gas) or accounts subject to subsection (5) of

section 336.9-103, or when the financing statement is filed as a fixture filing (section 336.9-313) and the collateral is goods which are or are to become fixtures, the statement must also comply with subsection (5). A copy of the security agreement is sufficient as a financing statement if it contains the above information and is signed by the debtor. A carbon, photographic or other reproduction of a security agreement or a financing statement is sufficient as a financing statement if the security agreement so provides or if the original has been filed in this state.

(2) A financing statement which otherwise complies with subsection (1) is sufficient when it is signed by the secured party instead of the debtor when it is filed to perfect a security interest in

(a) collateral already subject to a security interest in another jurisdiction when it is brought into this state, or when the debtor's location is changed to this state. Such a financing statement must state that the collateral was brought into this state or that the debtor's location was changed to this state under such circumstances; or

(b) proceeds under section 336.9-306 if the security interest in the original collateral was perfected. Such a financing statement must describe the original collateral; or

(c) collateral as to which the filing has lapsed within one year; or

(d) collateral acquired after a change of name, identity or corporate structure of the debtor (subsection (7)); or

(e) a lien filed pursuant to Minnesota Statutes, chapter 514; or

(f) collateral which is subject to a filed judgment.

(2a) Except for documents filed under clauses (e) and (f), the reason for the omission of the debtor signature must be stated on the front of the financing statement.

(3) A form substantially as follows is sufficient to comply with subsection (1):

Name of debtor (or assignor)

.....

Address

.....

Name of secured party (or assignee)

.....

Address

.....

1. This financing statement covers the following types (or items) of property:

(Describe)

.....

2. (If collateral is crops) The above described crops are growing or are to be grown on:

(Describe real estate and the name of the record owner thereof)

3. (If applicable) The above goods are to become fixtures on

(Describe real estate) and this financing statement is to be filed for record in the real estate records. (If the debtor does not have an interest of record) The name of a record owner is

4. (If products of collateral are claimed)

Products of the collateral are also covered.

Use whichever signature line is applicable.

Signature of debtor (or assignor)

.....

Signature of secured party (or assignee)

.....

(4) A financing statement may be amended by filing a writing signed by both the debtor and the secured party. If the sole purpose of the amendment is to change the name or address of the secured party, only the secured party need sign the amendment. A writing is sufficient if it sets forth the name and address of the debtor and secured party as those items appear on the original financing statement or the most recently filed amendment, the file number and date of filing of the financing statement. An amendment does not extend the pe-

riod of effectiveness of a financing statement. If any amendment adds collateral, it is effective as to the added collateral only from the filing date of the amendment. In this article, unless the context otherwise requires, the term "financing statement" means the original financing statement and any amendments.

(5) A financing statement covering timber to be cut or covering minerals or the like (including oil and gas) or accounts subject to subsection (5) of section 336.9-103, or a financing statement filed as a fixture filing (section 336.9-313) where the debtor is not a transmitting utility, must show that it covers this type of collateral, must recite that it is to be filed for record in the real estate records, and the financing statement must contain a description of the real estate sufficient if it were contained in a mortgage of the real estate to give constructive notice of the mortgage under the law of this state. If the debtor does not have an interest of record in the real estate, the financing statement must show the name of a record owner. No description of the real estate or the name of the record owner thereof is required for a fixture filing where the debtor is a transmitting utility. Notwithstanding the foregoing a general description of the real estate is sufficient for a fixture filing where a railroad is the record owner of the real estate on which the fixtures are or are to be located; and for the purposes of this subsection, the requirement of a general description is satisfied if the fixture filing (1) identifies the section, township and range numbers of the county in which the land is located; (2) identifies the quarter-quarter of the section that the land is located in; (3) indicates the name of the record owner of the real estate; and (4) states the street address of the real estate if one exists.

(6) A mortgage is effective as a financing statement filed as a fixture filing from the date of its recording if (a) the goods are described in the mortgage by item or type, (b) the goods are or are to become fixtures related to the real estate described in the mortgage, (c) the mortgage complies with the requirements for a financing statement in this section other than a recital that it is to be filed in the real estate records, and (d) the mortgage is duly recorded. No fee with reference to the financing statement is required other than the regular recording and satisfaction fees with respect to the mortgage.

(7) A financing statement sufficiently shows the name of the debtor if it gives the individual, partnership or corporate name of the debtor, whether or not it adds other trade names or the names of partners. Where the debtor so changes his name or in the case of an organization its name, identity or corporate structure that a filed financing statement becomes seriously misleading, the filing is not effective to perfect a security interest in collateral acquired by the debtor more than

four months after the change, unless a new appropriate financing statement is filed before the expiration of that time. A filed financing statement remains effective with respect to collateral transferred by the debtor even though the secured party knows of or consents to the transfer.

(8) A financing statement, amendment, continuation, assignment, release, or termination substantially complying with the requirements of this section is effective even though it contains minor errors which are not seriously misleading.

Sec. 9. Minnesota Statutes 1984, section 336.9-403, is amended to read:

336.9-403 [WHAT CONSTITUTES FILING; DURATION OF FILING; EFFECT OF LAPSED FILING; DUTIES OF FILING OFFICER.]

(1) Presentation for filing of a financing statement and tender of the filing fee or acceptance of the statement by the filing officer constitutes filing under this article.

(2) Except as provided in subsection (6) a filed financing statement is effective for a period of five years from the date of filing. The effectiveness of a filed financing statement lapses on the expiration of the five year period unless a continuation statement is filed prior to the lapse. If a security interest perfected by filing exists at the time insolvency proceedings are commenced by or against the debtor, the security interest remains perfected until termination of the insolvency proceedings and thereafter for a period of 60 days or until expiration of the five year period, whichever occurs later regardless of whether the financing statement filed as to that security interest is destroyed by the filing officer pursuant to subsection (3). Upon lapse the security interest becomes unperfected, unless it is perfected without filing. If the security interest becomes unperfected upon lapse, it is deemed to have been unperfected as against a person who became a purchaser or lien creditor before lapse.

(3) A continuation statement may be filed by the secured party within six months prior to the expiration of the five year period specified in subsection (2). Any such continuation statement must be signed by the secured party, set forth the name and address of the debtor and secured party as those items appear on the original financing statement or the most recently filed amendment, identify the original statement by file number and filing date, and state that the original statement is still effective. A continuation statement signed by a person other than the secured party of record must be accompanied by a separate written statement of assignment signed by the secured party of record and complying with

subsection (2) of section 336.9-405, including payment of the required fee. Upon timely filing of the continuation statement, the effectiveness of the original statement is continued for five years after the last date to which the filing was effective whereupon it lapses in the same manner as provided in subsection (2) unless another continuation statement is filed prior to such lapse. Succeeding continuation statements may be filed in the same manner to continue the effectiveness of the original statement. Unless a statute on disposition of public records provides otherwise, the filing officer may remove a lapsed statement from the files and destroy it immediately if he has retained a microfilm or other photographic record, or in other cases after one year after the lapse. The filing officer shall so arrange matters by physical annexation of financing statements to continuation statements or other related filings, or by other means, that if he physically destroys the financing statements of a period more than five years past, those which have been continued by a continuation statement or which are still effective under subsection (6) shall be retained. If insolvency proceedings are commenced by or against the debtor, the secured party shall notify the filing officer both upon commencement and termination of the proceedings, and the filing officer shall not destroy any financing statements filed with respect to the debtor until termination of the insolvency proceedings. The security interest remains perfected until termination of the insolvency proceedings and thereafter for a period of 60 days or until expiration of the five year period, whichever occurs later.

(4) Except as provided in subsection (7) a filing officer shall mark each statement with a file number and with the date and hour of filing and shall hold the statement or a microfilm or other photographic copy thereof for public inspection. In addition the filing officer shall index the statements according to the name of the debtor and shall note in the index the file number and the address of the debtor given in the statement.

(5) The secretary of state shall prescribe uniform forms for statements and samples thereof shall be furnished to all filing officers in the state. The uniform fee for filing and indexing and for stamping a copy furnished by the secured party to show the date and place of filing for an original financing statement or for a continuation statement shall be \$5 if the statement is in the standard form prescribed by the secretary of state and otherwise shall be \$10, plus in each case, if the financing statement is subject to subsection (5) of section 336.9-402, \$5. An additional fee of \$5 shall be collected if more than one name is required to be indexed or if the secured party, at his option, shows a trade name for any debtor listed. There shall be no fee collected for the filing of an amendment to a financing statement if the amendment is in the standard form prescribed by the secretary of state and does not add

additional debtor names to the financing statement. The fee for an amendment adding additional debtor names shall be \$5 if the amendment is in the form prescribed by the secretary of state and, if otherwise, \$10. The fee for an amendment which is not in the form prescribed by the secretary of state but which does not add additional names shall be \$5.

The secretary of state shall adopt rules for filing, amendment, continuation, termination, removal, and destruction of financing statements.

(6) If the debtor is a transmitting utility (subsection (5) of section 336.9-401) and a filed financing statement so states, it is effective until a termination statement is filed. A real estate mortgage which is effective as a fixture filing under subsection (6) of section 336.9-402 remains effective as a fixture filing until the mortgage is released or satisfied of record or its effectiveness otherwise terminates as to the real estate.

(7) When a financing statement covers timber to be cut or covers minerals or the like (including oil and gas) or accounts subject to subsection (5) of section 336.9-103, or is filed as a fixture filing, it shall be filed for record and the filing officer shall index it under the names of the debtor and any owner of record shown on the financing statement in the same fashion as if they were the mortgagors in a mortgage of the real estate described, and, to the extent that the law of this state provides for indexing of mortgages under the name of the mortgagee, under the name of the secured party as if he were the mortgagee thereunder, or, for filing offices other than the secretary of state, where indexing is by description in the same fashion as if the financing statement were a mortgage of the real estate described. If requested of the filing officer on the financing statement, a financing statement filed for record as a fixture filing in the same office where nonfixture filings are made is effective, without a dual filing, as to collateral listed thereon for which filing is required in such office pursuant to section 336.9-401 (1) (a); in such case, the filing officer shall also index the recorded statement in accordance with subsection (4) using the recording data in lieu of a file number.

(8) The fees provided for in this article shall supersede the fees for similar services otherwise provided for by law except in the case of security interests filed in connection with a certificate of title on a motor vehicle.

Sec. 10. Minnesota Statutes 1984, section 336.9-404, is amended to read:

336.9-404 [TERMINATION STATEMENT.]

(1) If a financing statement covering consumer goods is filed on or after January 1, 1977, then within one month or

within ten days following written demand by the debtor after there is no outstanding secured obligation and no commitment to make advances, incur obligations or otherwise give value, the secured party must file with each filing officer with whom the financing statement was filed, a termination statement to the effect that he no longer claims a security interest under the financing statement. The termination statement must set forth the name and address of the debtor and secured party as those items appear on the original financing statement or the most recently filed amendment; identify the original financing statement by file number and filing date; and be signed by the secured party. In other cases whenever there is no outstanding secured obligation and no commitment to make advances, incur obligations, or otherwise give value, the secured party must (ON WRITTEN DEMAND BY THE DEBTOR) *not later than 30 days after the secured obligation has been satisfied* send the debtor, for each filing officer with whom the financing statement was filed, a termination statement to the effect that he no longer claims a security interest under the financing statement, which shall be identified by file number. A termination statement signed by a person other than the secured party of record must be accompanied by a separate written statement of assignment signed by the secured party of record and complying with subsection (2) of section 336.9-405, including payment of the required fee. If the affected secured party fails to file such a termination statement as required by this subsection, or to send such a termination statement within ten days after proper demand therefor he shall be liable to the debtor for \$100, and in addition for any loss caused to the debtor by such failure.

(2) On presentation to the filing officer of such a termination statement he must note it in the index. If he has received the termination statement in duplicate, he shall return one copy of the termination statement to the secured party stamped to show the time of receipt thereof. If the filing officer has a microfilm or other photographic record of the financing statement, and of any related continuation statement, statement of assignment and statement of release, he may remove the originals from the files at any time after receipt of the termination statement, or if he has no such record, he may remove them from the files at any time after one year after receipt of the termination statement.

(3) There shall be no fee collected for the filing of a termination if the termination statement is in the standard form prescribed by the secretary of state and otherwise shall be \$5, plus in each case, if the original financing statement was subject to subsection (5) of section 336.9-402, the fee prescribed by section 357.18, subdivision 1, clause (1).

Sec. 11. Minnesota Statutes 1984, section 386.42, is amended to read:

386.42 [(ABSTRACT OF MORTGAGES AND LIENS ON GRAIN CROPS FOR ELEVATOR COMPANIES) REGISTRATION OF FARM PRODUCT BUYERS.]

(ANY ELEVATOR COMPANY OR GRAIN BUYER DOING BUSINESS IN THIS STATE MAY ANNUALLY MAKE WRITTEN APPLICATION TO THE COUNTY RECORDER FOR AN ABSTRACT OF ALL DESIGNATED MORTGAGES AND LIENS UPON GRAINS GROWN DURING THE YEAR FILED WITH THE COUNTY RECORDER. THE APPLICATION SHALL STATE THE NAME AND THE POST OFFICE ADDRESS OF THE COMPANY AND BE ACCOMPANIED BY A FEE. THE FEE SHALL BE DETERMINED BY RESOLUTION OF THE COUNTY BOARD UPON THE RECOMMENDATION OF THE COUNTY RECORDER BASED UPON THE ESTIMATED COST OF PROVIDING THE SERVICE.)

Subdivision 1. [DEFINITIONS.] The definitions in chapter 336 apply to this section.

Subd. 2. [REGISTRATION SYSTEM FOR BUYERS OF FARM PRODUCTS.] The county recorder shall maintain a separate registration system for (1) crop product buyers, (2) livestock buyers, and (3) wholesale produce dealers. The county recorder must provide an alphabetical registration list of the names and mailing addresses of all persons who apply to be registered buyers. A buyer is registered for one year beginning September 1.

Subd. 3. [CHANGES ON REGISTRATION LIST.] The county recorder must mail a copy of the proposed registration list that will become effective on September 1 to each buyer registered by August 10 if the buyer has included a stamped and addressed envelope with their application. A buyer may change the name or address on the proposed registration list by notifying the county recorder before August 20.

Subd. 4. [RECEIVING REGISTRATION LIST.] A person may receive a copy of the registration list by paying a fee of \$5. The county recorder must mail a proposed registration list for the year beginning September 1 by August 20 to persons making a request after August 1.

Sec. 12. [APPROPRIATION.]

There is appropriated from the general fund in the state treasury to the commissioner of agriculture \$150,000 for each of the fiscal years ending June 30, 1986 and June 30, 1987, to be used for the purposes of sections 1 to 11.

Sec. 13. [REPEALER.]

Minnesota Statutes 1984, section 386.43, is repealed.

Sec. 14. [EFFECTIVE DATE.]

This act is effective July 1, 1985."

Delete the title and insert:

"A bill for an act relating to commerce; providing for registration of crop and livestock buyers and wholesale produce dealers in licensing application; establishing a registration system for buyers of farm products; describing when farm products are purchased subject to a security interest; restricting certain financing statements to only cover crops; requiring secured parties to send termination statements to debtors under certain circumstances; appropriating money; amending Minnesota Statutes 1984, sections 17A.04, subdivisions 2, 5, and by adding a subdivision; 27.03; 223.17, by adding a subdivision; 336.9-307; 336.9-402; 336.9-403; 336.9-404; 386.42; proposing coding for new law as Minnesota Statutes, chapter 223A; repealing Minnesota Statutes 1984, section 386.43."

With the recommendation that when so amended the bill pass.

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 490, 646, 939, 961, 1015 and 1436 were read for the second time.

SECOND READING OF SENATE BILLS

S. F. Nos. 147, 251, 818 and 919 were read for the second time.

**INTRODUCTION AND FIRST READING
OF HOUSE BILLS**

The following House Files were introduced:

Pappas, Halberg and Clark introduced:

H. F. No. 1673, A bill for an act relating to insurance; requiring reduction in auto insurance premiums for seat belt use; prohibiting reduction of coverage for failure to wear a seat belt; amending Minnesota Statutes 1984, sections 65B.70, by adding subdivisions; and 72A.20, by adding a subdivision.

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

Solberg, Clark and Minne introduced:

H. F. No. 1674, A bill for an act relating to corporations; authorizing and regulating employee cooperative corporations; proposing coding for new law as Minnesota Statutes, chapter 302B.

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

McLaughlin introduced:

H. F. No. 1675, A bill for an act relating to insurance; accident and health; requiring coverage for hospice care; proposing coding for new law in Minnesota Statutes, chapter 62A.

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

Segal introduced:

H. F. No. 1676, A bill for an act relating to commerce; requiring gasoline service stations to provide certain goods and services; proposing coding for new law in Minnesota Statutes, chapter 325E.

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

Thorson, Gruenes, McEachern, Tompkins and Segal introduced:

H. F. No. 1677, A bill for an act relating to education; changing the way the department of education provides certain information and other services; appropriating money; amending Minnesota Statutes 1984, sections 123.742, subdivision 7, and by adding subdivisions; and 134.31, subdivisions 2 and 3.

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

Clark, Osthoff, Scheid and Minne introduced:

H. F. No. 1678, A bill for an act relating to elections; authorizing additional means of proving residence for purpose of election day registration; amending Minnesota Statutes 1984, section 201.061, subdivision 3.

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:

Pauly introduced:

H. A. No. 46, A proposal to study the extent of sexual discrimination in labor unions.

The advisory was referred to the Committee on Labor-Management Relations.

Anderson, R., was excused while in conference.

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. 576, A bill for an act relating to local government; setting authority to regulate firearms and related matters; amending Minnesota Statutes 1984, sections 624.7132, subdivision 16; and 624.717; proposing coding for new law in Minnesota Statutes, chapter 471; repealing Minnesota Statutes 1984, section 624.718.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in

which amendment the concurrence of the House is respectfully requested:

H. F. No. 592, A bill for an act relating to local government; permitting the establishment of special service districts in the city of New Ulm; providing taxing and other financial authority for New Ulm.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Dempsey moved that the House concur in the Senate amendments to H. F. No. 592 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 592, A bill for an act relating to local government; permitting the establishment of special service districts in the city of New Ulm; providing taxing and other financial authority for New Ulm.

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

The question was taken on the repassage of the bill and the roll was called. There were 100 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Backlund	Forsythe	Krueger	Omann	Simoneau
Battaglia	Frederick	Kvam	Onnen	Solberg
Beard	Frederickson	Levi	Osthoff	Sparby
Begich	Greenfield	Lieder	Otis	Stanis
Blatz	Gruenes	Long	Pappas	Swiggum
Boo	Gutknecht	Marsh	Pauly	Thiede
Brandl	Halberg	McDonald	Peterson	Tjornhom
Brinkman	Hartinger	McEachern	Piper	Tomlinson
Brown	Hartle	McPherson	Price	Tompkins
Burger	Haukoos	Metzen	Quist	Tunheim
Carlson, D.	Himle	Minne	Rees	Uphus
Carlson, L.	Jacobs	Munger	Rest	Valan
Clausnitzer	Jennings, L.	Murphy	Richter	Valento
Cohen	Johnson	Nelson, D.	Riveness	Vanasek
Dempsey	Kalis	Nelson, K.	Rodosovich	Vellenga
Dyke	Kelly	Neuenschwander	Rose	Voss
Elioff	Kiffmeyer	Norton	Sarna	Waltman
Ellingson	Knickerbocker	Ogren	Schafer	Wenzel
Erickson	Knuth	Olsen, S.	Scheid	Zaffke
Fjoslien	Kostohryz	Olson, E.	Seaberg	Spk. Jennings, D.

Those who voted in the negative were:

Wynia

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

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. 282, A bill for an act relating to education; declaring the mission of public elementary and secondary education in Minnesota; proposing coding for new law in Minnesota Statutes, chapter 120.

The Senate has appointed as such Committee Messrs. Pehler, Purfeerst and Ms. Olson.

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. 558, A bill for an act relating to metropolitan government; providing conditions for the disposal of certain sports facilities property; requiring the metropolitan mosquito control district to establish a research program to evaluate the effects of its control program on other fauna; amending Minnesota Statutes 1984, sections 473.556, subdivision 6; and 473.704, by adding a subdivision.

The Senate has appointed as such Committee Messrs. Freeman, Schmitz and Belanger.

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. 633, A bill for an act relating to traffic regulations; providing for a temporary definition of school bus; providing for book racks and "MN" designation on school buses; amending Minnesota Statutes 1984, section 169.44, by adding subdivisions.

The Senate has appointed as such Committee Messrs. Johnson, D. E.; Mehrkens and Mrs. Lantry.

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. 729, A bill for an act relating to retirement; providing for an increased redemption benefit option for participants in the Hennepin county supplemental retirement program; allowing withdrawal from the program; amending Laws 1969, chapter 950, sections 1, subdivision 1, as amended; and 4, as amended; and Laws 1983, chapter 100, section 1.

The Senate has appointed as such Committee Messrs. Pogemiller, Wegscheid, Renneke, Spear and Moe, D. M.

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. 847, A bill for an act relating to unemployment compensation; altering the public policy statement; changing the taxable wage base; defining credit week; providing for employer charging; increasing the eligibility requirement; eliminating certain tax rate limitations; changing the weekly benefit amount; capping the maximum weekly benefit; providing for the duration of benefits; increasing the duration of benefits for claimants in counties with high unemployment; providing for seasonal employees; making the waiting week nonreimbursable; amending the benefit offset for severance pay; increasing the period of time and earnings necessary for requalification after disqualification; changing the definition of suitable work; transferring duties to the office of administrative hearings; amending Minnesota Statutes 1984, sections 14.03, subdivision 2; 14.51; 14.53; 43A.18, subdivision 4; 179A.10, subdivision 1; 268.03; 268.04, subdivisions 25 and 29; 268.06, subdivisions 5, 8, 18, 19, and 20;

268.07, subdivisions 2 and 2a; 268.08, subdivisions 1 and 3; 268.09, subdivisions 1 and 2; 268.10, subdivisions 2, 3, 4, 5, 6, and 9; 268.12, subdivisions 8, 9, 10, and 13; and 268.18, subdivisions 1 and 2; proposing coding for new law in Minnesota Statutes, chapter 268; repealing Minnesota Statutes 1984, section 268.04, subdivision 30.

The Senate has appointed as such Committee Messrs. Chmielewski, Frank and Langseth.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 274, A bill for an act relating to crimes; defining "dangerous weapon" to include flammable liquids; amending Minnesota Statutes 1984, section 609.02, subdivision 6.

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

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 889, A bill for an act relating to local government; providing for the conduct of the business of towns; providing for certain town debt; authorizing certain towns to provide certain services; revising various other town laws; allowing certain municipalities to set shorter voting hours; amending Minnesota Statutes 1984, sections 160.17, subdivision 1; 160.25, subdivision 3; 163.11, subdivision 5a, and by adding a subdivision; 164.06; 204C.05, subdivision 1; 365.10; 365.37; 365.44; 366.095; 367.03, subdivision 2; 367.10; 367.23; 444.075; and 471.56, subdivisions 1 and 3; proposing coding for new law in Minnesota Statutes, chapter 379; repealing Minnesota Statutes 1984, section 375.18, subdivisions 4, 5 and 6.

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

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker :

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

H. F. No. 1235, A bill for an act relating to state lands ; authorizing conveyance of certain state trail lands no longer needed for trails ; repealing a prior land conveyance ; amending Laws 1981, chapter 190, section 3 ; repealing Laws 1984, chapter 502, article 13, section 15.

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

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker :

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

H. F. No. 83, A bill for an act relating to courts ; eliminating restrictions on the chief judge's ability to make assignments to juvenile court in Hennepin and Ramsey counties ; amending Minnesota Statutes 1984, section 260.019, subdivision 3.

PATRICK E. FLAHAVEN, Secretary of the Senate

Forsythe moved that the House refuse to concur in the Senate amendments to H. F. No. 83, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses. The motion prevailed.

Mr. Speaker :

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

S. F. No. 862, A bill for an act relating to courts ; providing conciliation court with jurisdiction to determine actions brought by educational institutions to recover student loans ; amending Minnesota Statutes 1984, sections 487.30, by adding a subdivision ; 488A.12, subdivision 3 ; and 488A.29, subdivision 3.

And the Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee Messrs. Pehler; Merriam; Pogemiller; Johnson, D.E., and Freeman.

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

McKasy moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 5 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two houses on S. F. No. 862. The motion prevailed.

Mr. Speaker:

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

S. F. No. 676, A bill for an act relating to towns; authorizing the conduct of town business at places located outside the town; amending Minnesota Statutes 1984, sections 365.51 and 365.52; proposing coding for new law in Minnesota Statutes, chapter 365.

And the Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee Mr. Chmielewski, Mrs. Adkins and Mr. Gustafson.

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

Uphus moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two houses on S. F. No. 676. 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. 1032, A bill for an act relating to the borough of Belle Plaine; permitting Belle Plaine to use the term "borough"

for all purposes; amending Minnesota Statutes 1984, sections 410.015; and 413.02, subdivision 5, and by adding a subdivision.

PATRICK E. FLAHAVEN, Secretary of the Senate

Rees moved that the House refuse to concur in the Senate amendments to H. F. No. 1032, 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 File, herewith transmitted:

S. F. No. 866.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 866, A bill for an act relating to solid waste and sewage sludge management; restricting land disposal of solid waste in the metropolitan area; providing for the financing of resource recovery facilities in the metropolitan area by counties and the metropolitan council; changing provisions relating to designation plans, disposal sites, local disposal fees, metropolitan sludge and sludge ash facilities, and metropolitan county ordinances; granting and clarifying the powers which may be exercised by a county located outside the metropolitan area if it enters into an agreement with a metropolitan county for solid waste or resource recovery purposes; defining terms; allocating and appropriating money from the metropolitan landfill contingency action and abatement funds; permitting Pennington county to dispose of certain property; permitting Itasca county to accept loans, advances, or grants from federal or state government; permitting certain counties to make joint contracts or agreements for solid waste management; providing for use of an appropriation for solid waste incineration equipment at the Fergus Falls State Hospital; amending Minnesota Statutes 1984, sections 115A.03, subdivision 27; 115A.84, subdivisions 3 and 4; 115A.919; 400.04, subdivision 1; 473.153, subdivisions 2, 5, 6b, and 7; 473.801, subdivision 1; 473.811, subdivisions 5 and 5a; 473.823, subdivision 6; 473.831; 473.840, subdivision 2; 473.842, by adding subdivisions; 473.843, subdivision 7; and 473.844, subdivisions 2 and 5; Laws 1984, chapter 644, section 81, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 115A, 116C, and 473.

The bill was read for the first time.

Rose moved that S. F. No. 866 and H. F. No. 939, now on Technical General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

The following conference committee report was received:

CONFERENCE COMMITTEE REPORT ON H. F. NO. 227

A bill for an act relating to horse racing; providing for racing days at county fairs; amending Minnesota Statutes 1984, section 240.14, subdivision 3.

May 13, 1985

The Honorable David M. Jennings
Speaker of the House of Representatives

The Honorable Jerome M. Hughes
President of the Senate

We, the undersigned conferees for H. F. No. 227, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendment and that H. F. No. 227 be further amended as follows:

Page 1, line 22, delete "1987" and insert "1989"

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

House Conferees: LONA MINNE, ELTON R. REDALEN and DON FRERICHs.

Senate Conferees: RONALD R. DICKLICH, NEIL DIETERICH and DUANE D. BENSON.

Minne moved that the report of the Conference Committee on H. F. No. 227 be adopted and that the bill be repassed as amended by the Conference Committee.

Knuth moved that the House refuse to adopt the Conference Committee report on H. F. No. 227, and that the bill be returned to Conference. The motion did not prevail.

The question recurred on the Minne motion that the report of the Conference Committee on H. F. No. 227 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 227, A bill for an act relating to horse racing; providing for racing days at county fairs; amending Minnesota Statutes 1984, section 240.14, subdivision 3.

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

The question was taken on the repassage of the bill and the roll was called. There were 113 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Elioff	Knickerbocker	Onnen	Segal
Backlund	Ellingson	Knuth	Osthoff	Solberg
Battaglia	Erickson	Kostohryz	Otis	Sparby
Beard	Fjoslien	Kvam	Ozment	Stanius
Becklin	Frederick	Lieder	Pappas	Staten
Begich	Frederickson	Long	Pauly	Swiggum
Bennett	Frerichs	Marsh	Peterson	Thiede
Blatz	Greenfield	McDonald	Piper	Tjornhom
Boerboom	Gruenes	McEachern	Poppenhagen	Tomlinson
Boo	Gutknecht	McLaughlin	Price	Tompkins
Brandl	Halberg	McPherson	Quinn	Tunheim
Brinkman	Hartinger	Metzen	Quist	Uphus
Brown	Hartle	Minne	Redalen	Valan
Burger	Haukoos	Munger	Rees	Valento
Carlson, D.	Hcap	Murphy	Rest	Vanasek
Carlson, L.	Himle	Nelson, D.	Richter	Vellenga
Clark	Jacobs	Nelson, K.	Riveness	Waltman
Clausnitzer	Jaros	Neuenschwander	Rodosovich	Wenzel
Cohen	Johnson	Norton	Sarna	Wynia
Dempsey	Kahn	O'Connor	Schafer	Zaffke
DenOuden	Kalis	Ogren	Scheid	Spk. Jennings, D.
Dimler	Kelly	Olsen, S.	Schoenfeld	
Dyke	Kiffmeyer	Omann	Seaberg	

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

CALL OF THE HOUSE

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

Anderson, G.	Cohen	Halberg	Kvam	Ogren
Backlund	Dempsey	Hartinger	Levi	Olsen, S.
Battaglia	DenOuden	Hartle	Lieder	Omann
Beard	Dimler	Haukoos	Long	Onnen
Begich	Dyke	Heap	Marsh	Osthoff
Bennett	Elioff	Himle	McDonald	Otis
Boerboom	Erickson	Jacobs	McEachern	Ozment
Boo	Fjoslien	Jaros	McPherson	Pappas
Brandl	Forsythe	Johnson	Metzen	Pauly
Brinkman	Frederick	Kalis	Minne	Peterson
Brown	Frederickson	Kelly	Munger	Piper
Burger	Frerichs	Kiffmeyer	Murphy	Poppenhagen
Carlson, D.	Greenfield	Knickerbocker	Nelson, K.	Price
Carlson, L.	Gruenes	Knuth	Neuenschwander	Quinn
Clausnitzer	Gutknecht	Kostohryz	O'Connor	Quist

Rees	Schoenfeld	Stanis	Tompkins	Vellenga
Rest	Segal	Staten	Tunheim	Voss
Richter	Shaver	Thiede	Uphus	Waltman
Rodosovich	Simoneau	Thorson	Valan	Wenzel
Sarna	Skoglund	Tjornhom	Valento	Wynia
Scheid	Solberg	Tomlinson	Vanasek	Spk. Jennings, D.

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

CONSIDERATION UNDER RULE 1.10

Pursuant to rule 1.10, Forsythe requested immediate consideration of H. F. Nos. 1231 and 1250.

H. F. No. 1231, A bill for an act relating to crimes; transferring administration of crime victim crisis centers and the crime victims reparations board to the office of attorney general; changing a definition; establishing a crime victim and witness advisory council and a crime victim ombudsman; providing the council with extensive duties to assist victims and witnesses; providing the ombudsman with authority to investigate complaints with regard to treatment of victims; amending Minnesota Statutes 1984, sections 611A.41, subdivision 2; 611A.44; 611A.52; 611A.53, subdivision 2; 611A.54; 611A.55, subdivisions 1 and 2; and 611A.56, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 611A; repealing Minnesota Statutes 1984, section 611A.42.

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.

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

There were 117 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Brown	Elioff	Hartle	Knickerbocker
Backlund	Burger	Ellingson	Haukoos	Knuth
Battaglia	Carlson, D.	Erickson	Heap	Kostohryz
Beard	Carlson, L.	Forsythe	Himle	Krueger
Begich	Clark	Frederick	Jacobs	Kvam
Bennett	Clausnitzer	Frederickson	Jaros	Levi
Blatz	Cohen	Frerichs	Johnson	Lieder
Boerboom	Dempsey	Greenfield	Kahn	Long
Boo	DenOuden	Gutknecht	Kalis	McDonald
Brandl	Dimler	Halberg	Kelly	McEachern
Brinkman	Dyke	Hartinger	Kiffmeyer	McKasy

McLaughlin	Omamm	Quist	Shaver	Uphus
McPherson	Onnen	Redalen	Simoneau	Valan
Metzen	Osthoff	Rees	Skoglund	Valento
Minne	Otis	Rest	Solberg	Vanasek
Munger	Ozment	Richter	Sparby	Vellenga
Murphy	Pappas	Riveness	Staten	Voss
Nelson, D.	Pauly	Rodosovich	Sviggum	Waltman
Nelson, K.	Peterson	Sarna	Thiede	Wenzel
Neuenschwander	Piepho	Schafer	Thorson	Wynia
Norton	Piper	Scheid	Tjornhom	Spk. Jennings, D.
O'Connor	Poppenhagen	Schoenfeld	Tomlinson	
Ogren	Price	Seaberg	Tompkins	
Olsen, S.	Quinn	Segal	Tunheim	

The bill was passed and its title agreed to.

The Speaker called Halberg to the Chair.

H. F. No. 1250 was reported to the House.

Ozment moved to amend H. F. No. 1250, as follows:

Pages 1 and 2, delete section 2

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 9, delete "299C.37,"

Page 1, line 10, delete "subdivision 3;"

The motion prevailed and the amendment was adopted.

H. F. No. 1250, A bill for an act relating to public safety; authorizing commissioner to prescribe fees and prescribing fees; providing for statutory inclusion of state patrol lieutenants; providing that commissioner control video game of chance license fees; abolishing fire code regulations relating to theaters, halls, and dry cleaning and dyeing establishments; amending Minnesota Statutes 1984, sections 299A.01, subdivision 6; 299D.03, subdivision 2; 299F.19, subdivision 1; and 349.52, subdivisions 2 and 3; repealing Minnesota Statutes 1984, sections 299H.211 to 299.H.28; 299I.01 to 299I.08; 299I.-10; and 299I.20 to 299I.24.

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.

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

There were 123 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Fjoslien	Kvam	Osthoﬀ	Simoneau
Backlund	Forsythe	Levi	Otis	Skoglund
Battaglia	Frederick	Lieder	Ozment	Solberg
Beard	Frederickson	Long	Pappas	Sparby
Becklin	Frerichs	Marsh	Pauly	Stanis
Begich	Greenfield	McDonald	Peterson	Staten
Bennett	Gruenes	McEachern	Piepho	Sviggum
Blatz	Gutknecht	McKasy	Piper	Thiede
Boerboom	Halberg	McLaughlin	Poppenhagen	Thorson
Brandl	Hartinger	McPherson	Price	Tjornhom
Brinkman	Hartle	Metzen	Quinn	Tomlinson
Brown	Haukoos	Miller	Quist	Tompkins
Burger	Heap	Minne	Redalen	Tunheim
Carlson, D.	Himle	Munger	Rees	Uphus
Carlson, L.	Jacobs	Murphy	Rest	Valento
Clark	Jaros	Nelson, D.	Richter	Vanasek
Clausnitzer	Johnson	Nelson, K.	Riveness	Vellenga
Cohen	Kahn	Neuenschwander	Rodosovich	Voss
Dempsey	Kalis	Norton	Sarna	Waltman
DenOuden	Kelly	O'Connor	Schafer	Welle
Dimler	Kiffineyer	Ogren	Scheid	Wenzel
Dyke	Knickerbocker	Olsen, S.	Schoenfeld	Wynia
Elioﬀ	Knuth	Olson, E.	Seaberg	Spk. Jennings, D.
Ellingson	Kostohryz	Omann	Segal	
Erickson	Krueger	Onnen	Shaver	

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

CONSIDERATION UNDER RULE 1.10

Pursuant to rule 1.10, Schreiber requested immediate consideration of H. F. Nos. 130 and 856.

H. F. No. 130, A bill for an act relating to taxation; motor vehicle excise; exempting sales of certain cars; imposing a fee in lieu of the tax; amending Minnesota Statutes 1984, sections 115A.908, by adding a subdivision; and 297B.03.

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

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

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

There were 125 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Forsythe	Kvam	Otis	Shaver
Backlund	Frederick	Levi	Ozment	Simoneau
Battaglia	Frederickson	Lieder	Pappas	Skoglund
Beard	Frerichs	Long	Pauly	Solberg
Begich	Greenfield	Marsh	Peterson	Sparby
Bennett	Gruenes	McDonald	Piepho	Stanisus
Blatz	Gutknecht	McEachern	Piper	Staten
Boerboom	Halberg	McKasy	Poppenhagen	Sviggum
Boo	Hartinger	McLaughlin	Price	Thiede
Brandl	Hartle	Metzen	Quinn	Thorson
Brinkman	Haukoos	Miller	Quist	Tjornhom
Burger	Heap	Minne	Redalen	Tomlinson
Carlson, D.	Himle	Munger	Rees	Tompkins
Carlson, L.	Jacobs	Murphy	Rest	Tunheim
Clark	Jaros	Nelson, D.	Richter	Uphus
Clausnitzer	Jennings, L.	Nelson, K.	Riveness	Valan
Cohen	Johnson	Neuenschwander	Rodosovich	Valento
Dempsey	Kahn	Norton	Rose	Vanasek
DenOuden	Kalis	O'Connor	Sarna	Vellenga
Dimler	Kelly	Ogren	Schafer	Voss
Dyke	Kiffmeyer	Olsen, S.	Scheid	Waltman
Elioff	Knickerbocker	Olson, E.	Schoenfeld	Wenzel
Ellingson	Knuth	Omann	Schreiber	Wynia
Erickson	Kostohryz	Onnen	Seaberg	Zaffke
Fjoslien	Krueger	Osthoff	Segal	Spk. Jennings, D.

The bill was passed and its title agreed to.

H. F. No. 856, A bill for an act relating to taxation; imposing an additional tax on certain interest earned on state or municipal obligations; providing an income tax credit for certain interest paid on those obligations; amending Minnesota Statutes 1984, section 290.06, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 290.

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.

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

There were 125 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Boo	Cohen	Frederick	Haukoos
Backlund	Brandl	Dempsey	Frederickson	Heap
Battaglia	Brinkman	Dimler	Frerichs	Himle
Beard	Brown	Dyke	Greenfield	Jacobs
Begich	Burger	Elioff	Gruenes	Jaros
Bennett	Carlson, D.	Ellingson	Gutknecht	Jennings, L.
Bishop	Carlson, L.	Erickson	Halberg	Johnson
Blatz	Clark	Fjoslien	Hartinger	Kahn
Boerboom	Clausnitzer	Forsythe	Hartle	Kalis

Kelly	Miller	Ozment	Rose	Thorson
Kiffmeyer	Minne	Pappas	Sarna	Tjornhom
Knickerbocker	Munger	Pauly	Schafer	Tomlinson
Knuth	Murphy	Peterson	Scheid	Tompkins
Kostohryz	Nelson, D.	Piepho	Schoenfeld	Tunheim
Kvam	Nelson, K.	Piper	Schreiber	Uphus
Levi	Neuenschwander	Poppenhagen	Seaberg	Valan
Lieder	Norton	Price	Segal	Valento
Long	O'Connor	Quinn	Shaver	Vanasek
Marsh	Ogren	Quist	Simoneau	Vellenga
McDonald	Olsen, S.	Redalen	Skoglund	Voss
McEachern	Olson, E.	Rees	Solberg	Waltman
McKasy	Omann	Rest	Sparby	Wenzel
McLaughlin	Onnen	Richter	Stanius	Wynia
McPherson	Osthoff	Riveness	Staten	Zaffke
Metzen	Otis	Rodosovich	Sviggum	Spk. Jennings, D.

The bill was passed and its title agreed to.

REPORT FROM THE COMMITTEE ON RULES AND LEGISLATIVE ADMINISTRATION

Levi, from the Committee on Rules and Legislative Administration, pursuant to Rule 1.9, designated the following bills as Special Orders to be added to Special Orders pending for today, Wednesday, May 15, 1985:

S. F. Nos. 1176, 1374, 1358, 1244, 1131, 798, 1499, 1404, 1414, 1171, 1388, 295, 904, 63, 647, 1485 and 925; H. F. No. 827; S. F. Nos. 228, 82, 1347, 1353, 230, 1183, 375, 1036 and 1234.

SPECIAL ORDERS

S. F. No. 45, A bill for an act relating to drainage; recodifying the drainage law; amending Minnesota Statutes 1984, sections 40.072, subdivisions 3, 4, 5, 6, and 9; 40.073; 88.43, subdivision 2; 97.484; 97.50, subdivision 1; 105.42, subdivision 1; 105.471; 105.74; 105.81; 111.09, subdivision 2; 111.11; 111.13; 111.30; 111.31; 111.36; 111.78; 112.431, subdivision 2; 112.48, subdivision 1; 112.50; 112.501, subdivision 1; 112.541; 112.59; 112.60, subdivisions 1, 2, and 3; 112.64, subdivisions 2 and 3; 112.65, subdivision 1; 161.28, subdivision 1; 163.17; 357.021, subdivision 2; 375.471; 471.345, subdivision 3; 473.877, subdivision 1; and 473.878, subdivision 4; proposing coding for new law as Minnesota Statutes, chapter 106A; repealing Minnesota Statutes 1984, chapter 106 and section 109.38.

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.

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

There were 125 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Erickson	Kostohryz	Onnen	Segal
Battaglia	Fjoslien	Krueger	Osthoff	Shaver
Beard	Forsythe	Kvam	Otis	Simoneau
Becklin	Frederick	Levi	Ozment	Skoglund
Begich	Frederickson	Lieder	Pappas	Solberg
Bennett	Frerichs	Long	Pauly	Sparby
Bishop	Greenfield	Marsh	Peterson	Stanius
Blatz	Gruenes	McDonald	Piper	Staten
Boerboom	Gutknecht	McEachern	Poppenhagen	Sviggum
Boo	Halberg	McKasy	Price	Thiede
Brandl	Hartinger	McLaughlin	Quinn	Thorson
Brinkman	Hartle	McPherson	Quist	Tjornhom
Brown	Haukoos	Metzen	Redalen	Tomlinson
Burger	Heap	Minne	Rees	Tompkins
Carlson, D.	Himle	Munger	Rest	Tunheim
Carlson, L.	Jacobs	Murphy	Richter	Uphus
Clark	Jaros	Nelson, D.	Riveness	Valan
Clausnitzer	Jennings, L.	Nelson, K.	Rodosovich	Valento
Cohen	Johnson	Neuenschwander	Rose	Vanasek
Dempsey	Kahn	Norton	Sarna	Vellenga
DenOuden	Kalis	O'Connor	Schafer	Voss
Dimler	Kelly	Ogren	Scheid	Waltman
Dyke	Kiffmeyer	Olsen, S.	Schoenfeld	Wenzel
Elioff	Knickerbocker	Olson, E.	Schreiber	Wynia
Ellingson	Knuth	Omann	Seaborg	Zaffke

The bill was passed and its title agreed to.

H. F. No. 725 was reported to the House.

There being no objection, H. F. No. 725 was temporarily laid over on Special Orders.

S. F. No. 1176 was reported to the House.

Blatz moved to amend S. F. No. 1176, as follows:

Delete everything after the enacting clause and insert:

"Section 1. [626.559] [SPECIALIZED TRAINING AND EDUCATION REQUIRED.]

Subdivision 1. [JOB CLASSIFICATION; CONTINUING EDUCATION.] The commissioner of human services, for employees subject to the Minnesota merit system, and directors of county personnel systems, for counties not subject to the Minnesota merit system, shall establish a job classification consisting exclusively of persons with the specialized knowledge, skills and experience required to satisfactorily perform child protection duties pursuant to section 626.556, subdivisions 10, 10a and 10b.

All child protection workers or social services staff having responsibility for child protective duties under section 626.556, sub-

divisions 10, 10a and 10b, shall receive 15 hours of continuing education or inservice training each year. The local social service agency shall submit an annual plan for the provision of these hours of education and training to the commissioner of human services for approval.

Subd. 2. [JOINT TRAINING.] The commissioners of human services and public safety shall cooperate in the development of a joint program for training child abuse services professionals in the appropriate techniques for child abuse assessment and investigation. The program shall include but need not be limited to the following areas:

(1) the special duties of child protection workers and law enforcement officers under section 626.556;

(2) the appropriate methods for directing and managing affiliated professionals who may be utilized in providing protective services;

(3) the appropriate methods for interviewing alleged victims of child abuse and other minors in the course of performing an assessment or an investigation;

(4) the legal, evidentiary considerations that may be relevant to the conduct of an assessment or an investigation;

(5) the circumstances under which it is appropriate to remove the alleged abuser or the alleged victim from the home;

(6) the protective social services that are available to protect alleged victims from further abuse, to prevent child abuse and, to the extent possible, to preserve the family unit; and

(7) the methods by which child protection workers and law enforcement workers cooperate in conducting assessments and investigations in order to avoid duplication of efforts.

Subd. 3. [PRIORITY TRAINING.] The commissioners of human services and public safety shall provide the program courses described in subdivision 2 at convenient times and locations in the state. The commissioners shall give training priority in the program areas cited in subdivision 2 to persons currently performing assessments and investigations pursuant to section 626.556, subdivisions 10, 10a and 10b.

Subd. 4. [REPORT.] By February 1, 1986, the commissioners of human services and public safety shall report to the legislature on the implementation of the joint training program established under subdivision 2. The report may include legislative recommendations on the establishment of a multidisciplinary training program for child abuse services professionals.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective July 1, 1985."

Delete the title and insert:

"A bill for an act relating to children; requiring a new job classification in child protection; requiring continuing education; providing for a joint training program; proposing coding for new law in Minnesota Statutes, chapter 626."

The motion prevailed and the amendment was adopted.

Blatz moved to amend S. F. No. 1176, as amended, as follows:

Page 2, line 1, after "shall" insert ", within the limits of available resources,"

The motion prevailed and the amendment was adopted.

S. F. No. 1176, A bill for an act relating to children; requiring a new job classification in child protection; requiring continuing education; providing for a joint training program; requiring a report to the legislature; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 626.

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.

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

There were 122 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Carlson, D.	Frederickson	Kalis	McPherson
Backlund	Carlson, L.	Frerichs	Kelly	Metzen
Battaglia	Clark	Greenfield	Kiffmeyer	Miller
Beard	Clausnitzer	Gruenes	Knickerbocker	Minne
Becklin	Cohen	Gutknecht	Knuth	Munger
Begich	Dempsey	Halberg	Kostohryz	Murphy
Bennett	DenOuden	Hartinger	Krueger	Nelson, D.
Bishop	Dyke	Hartle	Kvam	Nelson, K.
Blatz	Elioff	Haukoos	Levi	Neuenschwander
Boerboom	Ellingson	Heap	Lieder	Norton
Boo	Erickson	Himle	Long	O'Connor
Brandl	Fjeslien	Jacobs	Marsh	Ogren
Brinkman	Forsythe	Johnson	McDonald	Olsen, S.
Brown	Frederick	Kahn	McEachern	Olsen, E.

Omann	Price	Schafer	Stanius	Valento
Onnen	Quinn	Scheid	Staten	Vanasek
Osthoff	Quist	Schoenfeld	Sviggunn	Vellenga
Otis	Redalen	Schreiber	Thiede	Voss
Ozment	Rees	Seaberg	Thorson	Waltman
Pappas	Rest	Segal	Tjornhom	Welle
Pauly	Richter	Shaver	Tomlinson	Wenzel
Peterson	Riveness	Simoneau	Tompkins	Wynia
Piepho	Rodosovich	Skoglund	Tunheim	
Piper	Rose	Solberg	Uphus	
Poppenhagen	Sarna	Sparby	Valan	

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

S. F. No. 1374 was reported to the House.

McLaughlin and Skoglund moved to amend S. F. No. 1374, as follows:

Page 1, line 14, after the period insert:

"However, on each anniversary date of the signing of the concession agreement the concessioner must prove to the satisfaction of the Commissioner that reasonable progress has been made towards completion of the restoration project."

A roll call was requested and properly seconded.

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

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

There were 49 yeas and 73 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Jaros	Minne	Piper	Solberg
Battaglia	Jennings, L.	Munger	Price	Sparby
Beard	Kahn	Nelson, D.	Quinn	Staten
Begich	Kalis	Nelson, K.	Rest	Tunheim
Brandl	Knuth	Neuenschwander	Riveness	Vanasek
Brown	Kostohryz	Ogren	Rodosovich	Vellenga
Carlson, L.	Krueger	Olson, E.	Schoenfeld	Voss
Clark	Lieder	Otis	Segal	Welle
Eloff	Long	Pappas	Simoneau	Wynia
Greenfield	McLaughlin	Peterson	Skoglund	

Those who voted in the negative were:

Anderson, R.	Boo	Cohen	Erickson	Frerichs
Backlund	Brinkman	Dempsey	Fjoslien	Gruenes
Becklin	Burger	DenOuden	Forsythe	Gutknecht
Bennett	Carlson, D.	Dimler	Frederick	Halberg
Blatz	Clausnitzer	Dyke	Frederickson	Hartering

Hartle	McDonald	Osthoff	Schafer	Tompkins
Heap	McEachern	Ozment	Scheid	Uphus
Himle	McKasy	Pauly	Schreiber	Valan
Jacobs	McPherson	Piepho	Seaberg	Valento
Johnson	Metzen	Poppenhagen	Shaver	Waltman
Kiffmeyer	Murphy	Quist	Stanius	Wenzel
Knickerbocker	O'Connor	Rees	Sviggum	Zaffke
Kvam	Olsen, S.	Richter	Thiede	Spk. Jennings, D.
Levi	Omman	Rose	Thorson	
Marsh	Onnen	Sarna	Tjornhom	

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

S. F. No. 1374, A bill for an act relating to state parks; establishing lease rate for a certain part of Fort Snelling state park.

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.

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

There were 117 yeas and 10 nays as follows:

Those who voted in the affirmative were:

Anderson, R.	Forsythe	Kvam	Otis	Simoneau
Backlund	Frederick	Levi	Ozment	Solberg
Battaglia	Frederickson	Lieder	Pauly	Sparby
Beard	Frerichs	Long	Peterson	Stanius
Begich	Greenfield	Marsh	Piepho	Sviggum
Bennett	Gruenes	McDonald	Piper	Thiede
Bishop	Gutknecht	McEachern	Poppenhagen	Thorson
Blatz	Halberg	McKasy	Price	Tjornhom
Boerboom	Hartinger	McPherson	Quist	Tomlinson
Boo	Hartle	Metzen	Redalen	Tompkins
Brinkman	Haukoos	Minne	Rees	Tunheim
Burger	Heap	Munger	Rest	Uphus
Carlson, D.	Himle	Murphy	Richter	Valan
Carlson, L.	Jacobs	Nelson, D.	Riveness	Valento
Clark	Jaros	Nelson, K.	Rodosovich	Vanasek
Clausnitzer	Jennings, L.	Neuenschwander	Rose	Voss
Cohen	Johnson	Norton	Sarna	Waltman
Dempsey	Kalis	O'Connor	Schafer	Welle
Denouden	Kelly	Ogren	Scheid	Wenzel
Dimler	Kiffmeyer	Olsen, S.	Schoenfeld	Zaffke
Dyke	Knickerbocker	Olson, E.	Schreiber	Spk. Jennings, D.
Elioff	Knuth	Omman	Seaberg	
Erickson	Kostohryz	Onnen	Shaver	
Fjoslien	Krueger	Osthoff	Sherman	

Those who voted in the negative were:

Anderson, G.	Kahn	Pappas	Skoglund	Vellenga
Brandl	McLaughlin	Quinn	Staten	Wynia

The bill was passed and its title agreed to.

S. F. No. 1358, A bill for an act relating to local government; providing for the maintenance of town cartways; amending Minnesota Statutes 1984, section 164.08, 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.

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

There were 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Forsythe	Lieder	Pauly	Solberg
Backlund	Frederick	Long	Peterson	Sparby
Battaglia	Frederickson	Marsh	Piepho	Stanius
Beard	Frerichs	McDonald	Piper	Staten
Becklin	Greenfield	McEachern	Poppenhagen	Swiggum
Begich	Gruenes	McKasy	Price	Thiede
Bennett	Gutknecht	McLaughlin	Quinn	Thorson
Blatz	Halberg	McPherson	Quist	Tjornhom
Boerboom	Hartinger	Metzen	Redalen	Tomlinson
Boo	Hartle	Minne	Rees	Tompkins
Brandl	Haukoos	Munger	Rest	Tunheim
Brinkman	Heap	Murphy	Rice	Uphus
Brown	Himle	Nelson, D.	Richter	Valan
Burger	Jacobs	Nelson, K.	Riveness	Valento
Carlson, D.	Jaros	Neuenschwander	Rodosovich	Vanasek
Carlson, L.	Jennings, L.	Norton	Rose	Vellenga
Clark	Johnson	O'Connor	Sarna	Voss
Claysonitzer	Kahn	Ogren	Schafer	Waltman
Cohen	Kalis	Olsen, S.	Scheid	Welle
DenOuden	Kelly	Olson, E.	Schoenfeld	Wenzel
Dimler	Knickerbocker	Omann	Schreiber	Wynia
Dyke	Knuth	Onnen	Seaberg	Zaffke
Elioff	Kostohryz	Osthoff	Shaver	Spk. Jennings, D.
Ellingson	Krueger	Otis	Sherman	
Erickson	Kvam	Ozment	Simoneau	
Fjoslien	Levi	Pappas	Skoglund	

The bill was passed and its title agreed to.

S. F. No. 1244 was reported to the House.

Seaberg moved to amend S. F. No. 1244, as follows:

Page 1, line 13, delete "654.021" and insert "645.021"

The motion prevailed and the amendment was adopted.

S. F. No. 1244, A bill for an act relating to the city of Burnsville; increasing the total number of on-sale liquor licenses.

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.

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

There were 117 yeas and 6 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Fjoslien	Krueger	Ozment	Solberg
Backlund	Forsythe	Kvam	Pappas	Sparby
Battaglia	Frederick	Levi	Pauly	Stanius
Beard	Frederickson	Lieder	Peterson	Staten
Becklin	Frerichs	Long	Piepho	Sviggum
Begich	Greenfield	Marsh	Piper	Thorson
Bennett	Gruenes	McDonald	Poppenhagen	Tjornhom
Blatz	Gutknecht	McEachern	Price	Tomlinson
Boerboom	Halberg	McKasy	Quinn	Tompkins
Boo	Hartle	McLaughlin	Redalen	Tunheim
Brandl	Haukoos	Metzen	Rees	Uphus
Brinkman	Heap	Minne	Rest	Valan
Brown	Himle	Murphy	Riveness	Valento
Burger	Jacobs	Nelson, K.	Rodosovich	Vanasek
Carlson, D.	Jaros	Neuenschwander	Rose	Vellenga
Carlson, L.	Jennings, L.	Norton	Sarna	Voss
Clark	Johnson	O'Connor	Schafer	Waltman
Clausnitzer	Kahn	Ogren	Scheid	Welle
Cohen	Kalis	Olsen, S.	Schoenfeld	Wenzel
Dempsey	Kelly	Olson, E.	Schreiber	Wynia
Dinuler	Kiffmeyer	Omann	Seaberg	Spk. Jennings, D.
Dyke	Knickerbocker	Onnen	Shaver	
Elioff	Knuth	Osthoff	Sherman	
Ellingson	Kostohryz	Otis	Simoneau	

Those who voted in the negative were:

Erickson	McPherson	Nelson, D.	Skoglund	Thiede
Hartinger				

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

S. F. No. 1131, A bill for an act relating to the city of South St. Paul; providing for the financing of certain public improvements.

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.

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

There were 120 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Ellingson	Krueger	Onnen	Shaver
Backlund	Erickson	Kvam	Osthoff	Sherman
Battaglia	Fjoslien	Levi	Otis	Simoneau
Beard	Forsythe	Lieder	Ozment	Skoglund
Begich	Frederick	Long	Pappas	Solberg
Bennett	Frederickson	Marsh	Pauly	Sparby
Bishop	Frerichs	McDonald	Peterson	Stanisus
Blatz	Greenfield	McEachern	Piepho	Staten
Boerboom	Gruenes	McKasy	Piper	Thiede
Boo	Gutknecht	McLaughlin	Poppenhagen	Thorson
Brandl	Halberg	McPherson	Price	Tomlinson
Brinkman	Hartinger	Metzen	Quinn	Tompkins
Brown	Hartle	Minne	Redalen	Tunheim
Burger	Haukoos	Munger	Rees	Uphus
Carlson, D.	Heap	Murphy	Rest	Valan
Carlson, L.	Jaros	Nelson, D.	Riveness	Valento
Clark	Jennings, L.	Nelson, K.	Rodosovich	Vanasek
Clausnitzer	Kahn	Neuenschwander	Rose	Vellenga
Cohen	Kalis	Norton	Sarna	Voss
Dempsey	Kelly	O'Connor	Schafer	Waltman
DenOuden	Kiffmeyer	Ogren	Scheid	Welle
Dimler	Knickerbocker	Olsen, S.	Schoenfeld	Wenzel
Dyke	Knuth	Olson, E.	Schreiber	Wynia
Elioff	Kostohryz	Omann	Seaberg	Zaffke

The bill was passed and its title agreed to.

S. F. No. 798, A bill for an act relating to labor; independent school district No. 709; removing educational assistants from civil service; amending Laws 1967, chapter 252, section 2, 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.

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

There were 124 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Brandl	Dempsey	Frerichs	Jacobs
Backlund	Brinkman	Dimler	Greenfield	Jaros
Battaglia	Brown	Dyke	Gruenes	Jennings, L.
Beard	Burger	Elioff	Gutknecht	Kahn
Begich	Carlson, D.	Ellingson	Halberg	Kalis
Bennett	Carlson, J.	Erickson	Hartinger	Kelly
Bishop	Carlson, L.	Fjoslien	Hartle	Kiffmeyer
Blatz	Clark	Forsythe	Haukoos	Knickerbocker
Boerboom	Clausnitzer	Frederick	Heap	Knuth
Boo	Cohen	Frederickson	Himle	Kostohryz

Krueger	Nelson, D.	Piepho	Scheid	Tompkins
Kvam	Nelson, K.	Piper	Schoenfeld	Tunheim
Levi	Neuenschwander	Poppenhagen	Seaberg	Uphus
Lieder	Norton	Price	Shaver	Valan
Long	O'Connor	Quinn	Sherman	Valento
Marsh	Ogren	Quist	Simoneau	Vanasek
McDonald	Olsen, S.	Redalen	Skoglund	Vellenga
McEachern	Olson, E.	Rees	Solberg	Voss
McKasy	Omann	Rest	Sparby	Waltman
McLaughlin	Onnen	Rice	Stanisus	Welle
McPherson	Osthoff	Riveness	Staten	Wenzel
Metzen	Otis	Rodosovich	Sviggun	Wynia
Minne	Ozment	Rose	Thiede	Zaffke
Munger	Pappas	Sarna	Thorson	Spk. Jennings, D.
Murphy	Peterson	Schafer	Tomlinson	

The bill was passed and its title agreed to.

S. F. No. 1499, A bill for an act relating to Goodhue county; permitting the county to levy a tax for the county historical society; imposing a reverse referendum requirement.

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.

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

There were 125 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Fjoslien	Levi	Ozment	Simoneau
Backlund	Forsythe	Lieder	Pappas	Skoglund
Battaglia	Frederick	Long	Pauly	Solberg
Beard	Frederickson	Marsh	Peterson	Sparby
Begich	Frerichs	McDonald	Piepho	Stanisus
Bennett	Greenfield	McEachern	Piper	Staten
Bishop	Gruenes	McKasy	Poppenhagen	Sviggun
Blatz	Gutknecht	McLaughlin	Price	Thiede
Boerboom	Halberg	McPherson	Quinn	Thorson
Boo	Hartinger	Metzen	Quist	Tjornhom
Brandl	Hartle	Minne	Redalen	Tomlinson
Brinkman	Haukoos	Munger	Rees	Tompkins
Brown	Heap	Murphy	Rest	Tunheim
Burger	Himle	Nelson, D.	Rice	Uphus
Carlson, D.	Jacobs	Nelson, K.	Riveness	Valan
Carlson, L.	Jaros	Neuenschwander	Rodosovich	Valento
Clark	Jennings, L.	Norton	Rose	Vanasek
Clausnitzer	Kahn	O'Connor	Sarna	Vellenga
Cohen	Kalis	Ogren	Schafer	Voss
Dempsey	Kelly	Olsen, S.	Scheid	Waltman
Dimler	Kiffmeyer	Olson, E.	Schoenfeld	Welle
Dyke	Knickerbocker	Omann	Schreiber	Wenzel
Elioff	Knuth	Onnen	Seaberg	Wynia
Ellingson	Kostohryz	Osthoff	Shaver	Zaffke
Erickson	Krueger	Otis	Sherman	Spk. Jennings, D.

The bill was passed and its title agreed to.

S. F. No. 1404 was reported to the House.

Dempsey moved to amend S. F. No. 1404, as follows:

Page 2, after line 4, insert:

"Sec. 3. [471.653] [DISTRIBUTION OF CERTAIN FEDERAL PAYMENTS.]

Federal payment in lieu of taxes on entitlement lands made pursuant to United States Code, title 31, sections 6901 to 6906 must be transferred by a county to the home rule or statutory city or town where the entitlement land is located if the county board determines that the statutory or home rule city or town is the principal provider of governmental services affecting the use of entitlement lands and if the total annual federal payment to the county is \$5,000 or more. The county board shall make its determination based on factors which must include: (1) whether the city or town has at least 60 acres of land within the entitlement lands; (2) whether city or town roads are the primary access to the entitlement lands; (3) whether the city or town provides specific services to the entitlement lands such as fire protection, police protection, and search and rescue services; and (4) whether the city or town is primarily responsible for land use planning and official controls.

The distribution of federal payment in lieu funds shall be made by the county board to a qualifying city or town in the proportion that the acreage of entitlement land located in each bears to the total acreage of entitlement land in the county. If more than 25 percent of entitlement acreage in a county is located in qualifying cities or towns, there shall be a pro rata reduction in each qualifying city or town's share, so that only 30 percent of the total county payment is distributed.

Sec. 4. [EFFECTIVE DATE.]

Section 3 is effective January 1, 1986."

Amend the title as follows:

Page 1, line 3, after "transfers;" insert "providing for transfer of certain federal payments in lieu of taxes from a county to a city or town;"

Page 1, line 6, delete "chapter 385" and insert "chapters 385 and 471"

The motion prevailed and the amendment was adopted.

S. F. No. 1404, A bill for an act relating to local government; expanding the authority of counties to make electronic funds transfers; amending Minnesota Statutes 1984, section 385.07; and proposing coding for new law in Minnesota Statutes, chapter 385.

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.

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

There were 124 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Backlund	Erickson	Krueger	Ozment	Simoneau
Battaglia	Fjoslien	Kvam	Pappas	Skoglund
Beard	Forsythe	Levi	Pauly	Solberg
Becklin	Frederick	Lieder	Peterson	Sparby
Begich	Frederickson	Long	Piper	Stanius
Bennett	Frederichs	Marsh	Poppenhagen	Staten
Bishop	Greenfield	McDonald	Price	Sviggum
Blatz	Gruenes	McEachern	Quinn	Thiede
Boerboom	Gutknecht	McLaughlin	Quist	Thorson
Boo	Halberg	McPherson	Redalen	Tomlinson
Brandl	Hartinger	Metzen	Rees	Tompkins
Brinkman	Hartle	Minne	Rest	Tunheim
Brown	Haukoos	Munger	Rice	Uphus
Burger	Heap	Murphy	Richter	Valan
Carlson, D.	Himle	Nelson, D.	Riveness	Valento
Carlson, L.	Jacobs	Nelson, K.	Rodosovich	Vanasek
Clark	Jaros	Neuenschwander	Rose	Vellenga
Clausnitzer	Johnson	Norton	Sarna	Voss
Cohen	Kahn	O'Connor	Schafer	Waltman
Dempsey	Kalis	Ogren	Scheid	Welle
DenOuden	Kelly	Olsen, S.	Schoenfeld	Wenzel
Dimler	Kiffmeyer	Omann	Schreiber	Wynia
Dyke	Knickerbocker	Onnen	Seaberg	Zaffke
Elioff	Knuth	Osthoff	Shaver	Spk. Jennings, D.
Ellingson	Kostohryz	Otis	Sherman	

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

S. F. No. 1414, A bill for an act relating to the city of Plymouth; authorizing the reassessment of special assessments against certain lands in the city.

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.

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

There were 119 yeas and 6 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Ellingson	Kvam	Otis	Segal
Backlund	Fjoslien	Levi	Ozment	Shaver
Battaglia	Forsythe	Lieder	Pappas	Simoneau
Beard	Frederick	Long	Pauly	Skoglund
Becklin	Frederickson	Marsh	Peterson	Sparby
Begich	Frerichs	McDonald	Piepho	Stanius
Bennett	Greenfield	McEachern	Piper	Staten
Bishop	Gruenes	McKasy	Poppenhagen	Svigum
Blatz	Halberg	McLaughlin	Price	Thiede
Boerboom	Hartinger	McPherson	Quinn	Thorson
Boo	Hartle	Metzen	Quist	Tomlinson
Brandl	Haukoos	Minne	Redalen	Tompkins
Brinkman	Heap	Munger	Rees	Tunheim
Brown	Himle	Murphy	Rest	Uphus
Burger	Jacobs	Nelson, D.	Rice	Valan
Carlson, D.	Jaros	Nelson, K.	Richter	Valento
Carlson, L.	Johnson	Neuenschwander	Riveness	Vanasek
Clausnitzer	Kalis	Norton	Rodosovich	Vellenga
Cohen	Kelly	O'Connor	Rose	Voss
Dempsey	Kiffmeyer	Ogren	Schafer	Welle
DenOuden	Knickerbocker	Olsen, S.	Scheid	Wenzel
Dimler	Knuth	Olson, E.	Schoenfeld	Zaffke
Dyke	Kostohryz	Omann	Schreiber	Spk. Jennings, D.
Elioff	Krueger	Onnen	Seaberg	

Those who voted in the negative were:

Clark	Gutknecht	Osthoff	Sarna	Solberg
Erickson				

The bill was passed and its title agreed to.

S. F. No. 1171 was reported to the House.

Bishop moved to amend S. F. No. 1171, as follows:

Delete everything after the enacting clause and insert:

"Section 1. [CONVEYANCE OF A ROAD EASEMENT TO OLMSTED COUNTY.]

Subdivision 1. [COMMISSIONER MUST OFFER EASEMENT.] Because of increased local economic opportunity and growth and notwithstanding any other law, the commissioner of natural resources shall convey an easement in the land described in subdivision 2 to Olmsted county to be used for a roadway.

The commissioner must offer the land at the appraised value determined by appraisers according to law, plus costs, by August 1, 1985 and Olmsted county has until March 1, 1986 to accept the offer.

The conveyance shall be made in a form approved by the attorney general. The attorney general may not approve the conveyance unless the design of the roadway incorporates the maximum mitigation efforts as identified by the commissioner in the completed environmental impact statement, except for additional corn growth contract requirements.

Subd. 2. [LAND DESCRIPTION.] The commissioner of natural resources shall offer an easement in the land described in this subdivision to Olmsted county.

(a) A parcel of land in the northwest quarter of section 5, township 106 north, range 13 west, Olmsted county Minnesota, described as follows:

Beginning at the northwest corner of the northwest quarter; thence north 88 degrees 46 minutes 17 seconds east (for the purpose of this description the north line of the northwest quarter is assumed to be north 88 degrees 46 minutes 17 seconds east) along the north line of the northwest quarter for a distance of 1313.61 feet; thence south 01 degrees 13 minutes 43 seconds east for a distance of 100.00 feet; thence south 87 degrees 06 minutes 46 seconds west for a distance of 941.55 feet; thence south 86 degrees 31 minutes 53 seconds west for a distance of 233.94 feet; thence south 52 degrees 23 minutes 06 seconds west for a distance of 117.75 feet; thence south 00 degrees 06 minutes 36 seconds west for a distance of 304.96 feet; thence south 01 degrees 51 minutes 26 seconds east for a distance of 180.21 feet; thence south 01 degrees 11 minutes 25 seconds east for a distance of 1870.77 feet more or less to the south line of the northwest quarter; thence westerly along the south line of said quarter to the southwest corner of the northwest quarter for a distance of 46.00 feet; thence north 01 degrees 02 minutes 19 seconds west along the west line of the northwest quarter for a distance of 2561.96 feet to the northwest corner of the northwest quarter and the point of beginning.

(b) A parcel of land consisting of the west 46 feet of the southwest quarter of section 5 lying north of the north right-of-way line of trunk highway No. 14. The parcel is subject to all existing roadway easements.

(c) A parcel of land in the northeast quarter in section 6, township 106 north, range 13 west, Olmsted county Minnesota, described as follows:

Beginning at the northeast corner of the northeast quarter of section 6; thence south 89 degrees 34 minutes 27 seconds west (for the purposes of this description the north line of the northeast quarter is assumed to be south 89 degrees 34 minutes 27 seconds west) along the north line of said quarter a distance of 910.58 feet; thence south 00 degrees 07 minutes 33 seconds

east for a distance of 86.23 feet; thence south 85 degrees 58 minutes 28 seconds east for a distance of 621.63 feet; thence south 48 degrees 17 minutes 20 seconds east for a distance of 133.16 feet; thence south 08 degrees 23 minutes 21 seconds east for a distance of 251.13 feet; thence south 02 degrees 01 minutes 48 seconds east for a distance of 200.95 feet; thence south 01 degrees 11 minutes 25 seconds east for a distance of 690.71 feet to the north line of the south 1180 feet of the northeast quarter; thence north 88 degrees 47 minutes 30 seconds east for a distance of 157.13 feet to the east line of the northeast quarter; thence north 01 degrees 02 minutes 19 seconds west along the east line of the northeast quarter for a distance of 1381.96 feet to the northeast corner of the northeast quarter and the point of beginning. The parcel is subject to all existing roadway easements.

The parcels in paragraphs (a), (b), and (c) containing 14.0 acres more or less.

(d) A parcel of land in the southeast quarter and the south one-half of the northeast quarter of section 31, township 107 north, range 13 west, Olmsted county Minnesota, described as follows:

Beginning at the southeast corner of the southeast quarter; thence north 00 degrees 43 minutes 30 seconds west (for the purpose of this description the east line of the southeast quarter is assumed to be north 00 degrees 43 minutes 30 seconds west) along the east line of said quarter for a distance of 848.56 feet; thence north 31 degrees 33 minutes 48 seconds west for a distance of 394.73 feet; thence northerly 1000.11 feet along a non-tangential curve, concave southwesterly, a central angle of 07 degrees 24 minutes 14 seconds, a radius of 7739.44 feet, and the chord of said curve bears north 18 degrees 57 minutes 13 seconds west for a distance of 999.41 feet; thence north 22 degrees 39 minutes 20 seconds west for a distance of 545.41 feet to the north line of the southeast quarter; thence continuing north 22 degrees 39 minutes 20 seconds west for a distance of 1411.85 feet to the north line of the south one-half of the northeast quarter; thence south 89 degrees 35 minutes 55 seconds west along the north line of the south one-half of the northeast quarter for a distance of 216.10 feet; thence south 22 degrees 39 minutes 20 seconds east for a distance of 1412.11 feet to the north line of the southeast quarter; thence continuing south 22 degrees 39 minutes 20 seconds east for a distance of 626.99 feet; thence southerly 1349.73 feet along a tangential curve, concave southwesterly, a central angle of 10 degrees 15 minutes 26 seconds, a radius of 7539.44 feet, and the chord of said curve bears south 17 degrees 31 minutes 37 seconds east for a distance of 1347.93 feet; thence south 06 degrees 05 minutes 53 seconds east, not tangent to curve, for a distance of 539.30 feet; thence south 39 degrees 31 minutes 07 seconds west for a distance of 153.23 feet; thence south 84 degrees 04 minutes 49 seconds west for a distance of 552.74 feet;

thence south 00 degrees 07 minutes 33 seconds east for a distance of 63.77 feet to the south line of the southeast quarter; thence north 89 degrees 34 minutes 27 seconds east along the south line of the southeast quarter for a distance of 910.58 feet to the southeast corner of the southeast quarter to the point of beginning.

Less the Chicago and Northwestern Railroad right-of-way in the south one-half of the northeast quarter. The parcel is subject to all existing roadway easements.

This parcel contains 22.21 acres more or less.

(e) A parcel of land in the southwest quarter of the southwest quarter of section 32, township 107 north, range 13 west, Olmsted county Minnesota, described as follows:

Beginning at the southwest corner of the southwest quarter; thence north 00 degrees 43 minutes 30 seconds west (for the purpose of this description the west line of the southwest quarter is assumed to be north 00 degrees 43 minutes 30 seconds west) along the west line of said quarter quarter for a distance of 848.56 feet; thence southeasterly 654.77 feet along a nontangential curve, concave southwesterly, a central angle of 04 degrees 46 minutes 24 seconds, a radius of 7859.44 feet, and the chord of said curve bears south 10 degrees 06 minutes 08 seconds east for a distance of 654.58 feet; thence south 47 degrees 06 minutes 34 seconds east for a distance of 127.00 feet; thence south 86 degrees 49 minutes 24 seconds east for a distance of 174.20 feet; thence north 88 degrees 46 minutes 17 seconds east for a distance of 941.35 feet to the east line of the southwest quarter of the southwest quarter; thence south 00 degrees 38 minutes 36 seconds east for a distance of 100.00 feet along the east line of the southwest quarter of the southwest quarter to the southeast corner of the southwest quarter of the southwest quarter; thence south 88 degrees 46 minutes 17 seconds west along the south line of said quarter quarter for a distance of 1313.61 feet to the southwest corner of the southwest quarter of the southwest quarter and the point of beginning. The parcel is subject to all existing roadway easements.

This parcel contains 4.27 acres more or less.

(f) That part of the southeast quarter and that part of the south one-half of the northeast quarter of section 31, lying south of the south right-of-way line of the Chicago and Northwestern railroad, township 107 north, range 13 west, Olmsted county Minnesota, described as follows:

Commencing at the southwest quarter of the southeast quarter; thence north 00 degrees 43 minutes 24 seconds west (for the purpose of this description the west line of the southeast quarter is assumed to be north 00 degrees 43 minutes 24 seconds west) along the west line of southeast quarter for a distance of 2100.00

feet to the point of beginning; thence north 89 degrees 16 minutes 36 seconds east for a distance of 1911.81 feet; thence north 22 degrees 39 minutes 20 seconds west to the north line of the southeast quarter for a distance of 571.30 feet; thence continuing north 22 degrees 39 minutes 20 seconds west to the south right-of-way line of said railroad for a distance of 64.75 feet; thence south 75 degrees 01 minutes 33 seconds west along the south right-of-way line of said railroad for a distance of 239.27 feet to the north line of the southeast quarter; thence continuing south 75 degrees 01 minutes 33 seconds west along the south right-of-way line of said railroad for a distance of 1488.13 feet to the west line of the southeast quarter; thence south 00 degrees 43 minutes 24 seconds east along the west line of the southeast quarter for a distance of 164.79 feet to the point of beginning. Said tract is subject to all existing roadway easements.

This parcel contains 16.11 acres more or less.

Sec. 2. [APPROPRIATION.]

Money received in return for the transfer of lands under section 1 shall be deposited in the land acquisition account, section 94.165, and is hereby appropriated to the commissioner of natural resources for the purpose of acquiring lands for wildlife management in Olmsted county.

Sec. 3. [EFFECTIVE DATE.]

This act is effective the day after enactment."

The motion prevailed and the amendment was adopted.

The Speaker resumed the Chair.

S. F. No. 1171, A bill for an act relating to state lands; conveying land to Olmsted county.

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.

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

There were 72 yeas and 51 nays as follows:

Those who voted in the affirmative were:

Backlund	Begich	Blatz	Burger	Dempsey
Battaglia	Bennett	Boerboom	Carlson, D.	DenOuden
Becklin	Bishop	Boo	Clausnitzer	Dimler

Dyke	Hartle	McKasy	Poppenhagen	Thorson
Elioff	Haukoos	McPherson	Quist	Tjornhom
Erickson	Heap	Miller	Redalen	Uphus
Fjoslien	Himle	Minne	Rees	Valan
Forsythe	Johnson	Neuenschwander	Richter	Valento
Frederick	Kelly	Ogren	Schafer	Voss
Frederickson	Kiffmeyer	Olsen, S.	Schoenfeld	Waltman
Frerichs	Knickerbocker	Olson, E.	Schreiber	Zaffke
Gruenes	Kvam	Onnen	Seaberg	Spk. Jennings, D.
Gutknecht	Levi	Ozment	Sparby	
Halberg	Marsh	Pauly	Stanius	
Hartinger	McDonald	Piepho	Thiede	

Those who voted in the negative were:

Anderson, G.	Kahn	Nelson, K.	Rice	Tomlinson
Beard	Kalis	Norton	Riveness	Tompkins
Brandl	Knuth	O'Connor	Rodosovich	Tunheim
Brinkman	Kostohryz	Omann	Sarna	Vanasek
Carlson, L.	Lieder	Osthoff	Scheid	Welle
Clark	McEachern	Otis	Segal	Wenzel
Cohen	McLaughlin	Pappas	Simoneau	Wynia
Ellingson	Metzen	Peterson	Skoglund	
Greenfield	Munger	Price	Solberg	
Jacobs	Murphy	Quinn	Staten	
Jennings, L.	Nelson, D.	Rest	Sviggum	

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

S. F. No. 1388, A bill for an act relating to courts; clarifying the jurisdiction of the court of appeals to issue writs; amending Minnesota Statutes 1984, section 480A.06, subdivision 3.

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.

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

There were 114 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Burger	Forsythe	Kahn	McPherson
Backlund	Carlson, D.	Frederick	Kalis	Metzen
Battaglia	Carlson, L.	Frederickson	Kelly	Minne
Beard	Clark	Frerichs	Kiffmeyer	Munger
Begich	Clausnitzer	Greenfield	Knickerbocker	Murphy
Bennett	Cohen	Gruenes	Knuth	Nelson, D.
Bishop	Dempsey	Hartinger	Kostohryz	Nelson, K.
Blatz	DenOuden	Hartle	Krueger	Neuenschwander
Boerboom	Dyke	Haukoos	Levi	Norton
Boo	Elioff	Heap	Long	O'Connor
Brandl	Ellingson	Himle	Marsh	Ogren
Brinkman	Erickson	Jacobs	McEachern	Olsen, S.
Brown	Fjoslien	Jaros	McLaughlin	Olson, E.

Omann	Price	Scheid	Svigum	Vanasek
Ounen	Quist	Schoenfeld	Thiede	Vellenga
Osthoff	Rees	Segal	Thorson	Voss
Otis	Rest	Shaver	Tjornhom	Waltman
Pappas	Richter	Simoneau	Tomlinson	Welle
Pauly	Riveness	Skoglund	Tompkins	Wenzel
Peterson	Rodosovich	Solberg	Tunheim	Wynia
Piepho	Rose	Sparby	Uphus	Zaffke
Piper	Sarna	Stanius	Valan	Spk. Jennings, D.
Poppenhagen	Schafer	Staten	Valento	

The bill was passed and its title agreed to.

ANNOUNCEMENTS BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 862:

McKasy, Halberg, Dempsey, Voss and Schafer.

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 676:

Uphus, Frederickson and Minne.

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 1032:

Rees, Kiffmeyer and Vanasek.

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 58:

Valan, Poppenhagen and Kalis.

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 83:

Forsythe, Halberg and Kelly.

MOTION FOR RECONSIDERATION

Dempsey moved that the vote whereby H. F. No. 671 was not passed on Monday, May 13, 1985, be now reconsidered. The motion prevailed.

H. F. No. 671 was reported to the House.

Knickerbocker moved to lay H. F. No. 671 on the table.

A roll call was requested and properly seconded.

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

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

There were 102 yeas and 3 nays as follows:

Those who voted in the affirmative were:

Backlund	Dimler	Knuth	Otis	Stanisus
Battaglia	Dyke	Kostohryz	Ozment	Staten
Becklin	Elioff	Krueger	Pauly	Sviggum
Begich	Ellingson	Levi	Peterson	Thorson
Bennett	Erickson	Long	Piepho	Tjornhom
Bishop	Fjoslien	Marsh	Piper	Tompkins
Blatz	Forsythe	McDonald	Price	Tunheim
Boerboom	Frederick	McEachern	Quist	Uphus
Boo	Frederickson	McKasy	Redalen	Valan
Brandl	Frerichs	McPherson	Rees	Valento
Brinkman	Greenfield	Metzen	Rest	Vanasek
Brown	Gruenes	Minne	Riveness	Vellenga
Burger	Halberg	Nelson, K.	Rodosovich	Voss
Carlson, D.	Hartinger	Neuenschwander	Rose	Waltman
Carlson, J.	Hartle	Norton	Sarna	Wenzel
Carlson, L.	Heap	Ogren	Schafer	Wynia
Clark	Himle	Olsen, S.	Scheid	Zaffke
Clausnitzer	Jacobs	Olson, E.	Schoenfeld	Spk. Jennings, D.
Cohen	Johnson	Omann	Shaver	
Dempsey	Kiffmeyer	Onnen	Simoneau	
DenOuden	Knickerbocker	Osthoff	Solberg	

Those who voted in the negative were:

Murphy Segal Welle

The motion prevailed and H. F. No. 671 was laid on the table.

MOTION FOR RECONSIDERATION

Sviggum moved that the vote whereby S. F. No. 40 was not passed on Monday, May 13, 1985, be now reconsidered. The motion prevailed.

S. F. No. 40 was reported to the House.

Forsythe moved to lay S. F. No. 40 on the table. The motion prevailed and S. F. No. 40 was laid on the table.

SPECIAL ORDERS, Continued

S. F. No. 295 was reported to the House.

Zaffke moved to amend S. F. No. 295, as follows:

Page 4, line 25, after "tax" insert "of a total amount"

Page 4, line 25, delete "one mill" and insert "\$70,000"

Page 5, line 30, to page 7, line 18, delete section 8

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 15, delete everything after the semicolon

Page 1, line 16, delete everything before "proposing"

The motion prevailed and the amendment was adopted.

Marsh and Brinkman moved to amend S. F. No. 295, as amended, as follows:

Page 8, after line 34, insert:

"Sec. 16. [STEARNS COUNTY AGGREGATE MATERIAL.] *The Stearns county board may by resolution exempt from the tax imposed pursuant to Minnesota Statutes, section 298.75 any aggregate material produced in Stearns county which is transported by railroad and which is not transported on or used on the roads, streets, or highways in Stearns or any other county.*

Sec. 17. [EFFECTIVE DATE.] *Section 16 is effective the day after compliance with Minnesota Statutes, section 645.021, subdivision 3, by the Stearns county board.*"

Amend the title as follows:

Page 1, line 15, after the semicolon insert:

"exempting certain aggregate material in Stearns county from the aggregate tax;"

The motion prevailed and the amendment was adopted.

S. F. No. 295, A bill for an act relating to counties; authorizing a special levy for county agricultural society and park and recreation purposes for Hubbard county; authorizing a special levy for support of the Clearwater county hospital; authorizing a special levy for tourism and agriculture promotion in Cass county; requiring a reverse referendum under certain circumstances; increasing the amount of loans available to certain counties for design and construction costs of district heating and qualified energy improvements; allowing municipalities to accel-

erate repayment of principal of energy loans; authorizing county regulation of pawnbrokers, second-hand, and junk dealers; designating Hubbard county as a fiscal agent; amending Minnesota Statutes 1984, section 116J.36, subdivision 6; proposing coding for new law in Minnesota Statutes, chapter 471.

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.

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

There were 101 yeas and 7 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Ellingson	Long	Pauly	Sviggun
Backlund	Erickson	Marsh	Peterson	Thiede
Battaglia	Fjoslien	McDonald	Piper	Thorson
Becklin	Frederick	McLaughlin	Quinn	Tjornhom
Begich	Frederickson	McPherson	Quist	Tomlinson
Bennett	Greenfield	Metzen	Redalen	Tompkins
Blatz	Gruenes	Minne	Rees	Tunheim
Boerboom	Hartinger	Munger	Rest	Uphus
Boo	Hartle	Murphy	Rice	Valento
Brandl	Heap	Nelson, D.	Richter	Vellenga
Brinkman	Jacobs	Nelson, K.	Riveness	Voss
Brown	Jaros	Neuenschwander	Rose	Waltman
Burger	Kahn	Norton	Scheid	Welle
Carlson, D.	Kelly	Ogren	Schoenfeld	Wenzel
Carlson, L.	Kiffmeyer	Olsen, S.	Segal	Wynia
Clark	Knickerbocker	Olson, E.	Shaver	Zaffke
Clausnitzer	Knuth	Omann	Simoneau	Spk. Jennings, D.
Cohen	Kostohryz	Onnen	Skoglund	
DenOuden	Krueger	Otis	Sparby	
Dyke	Levi	Ozment	Stanius	
Elioff	Lieder	Pappas	Staten	

Those who voted in the negative were:

Beard	O'Connor	Rodosovich	Sarna	Vanasek
McEachern	Price			

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

S. F. No. 904, A bill for an act relating to local government; granting the cities of Red Wing and Hastings the authority to establish a port authority; authorizing each port authority to exercise the power of a municipal housing and redevelopment authority; authorizing the cities to impose restrictions and limitations upon the powers and procedures of the port authority; permitting each city to choose the name of the port authority; providing for removal of port authority commissioners; requiring local approval.

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.

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

There were 116 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Fjoslien	Marsh	Peterson	Stanius
Backlund	Forsythe	McDonald	Piper	Staten
Battaglia	Frederick	McEachern	Price	Svigum
Beard	Frederickson	McLaughlin	Quinn	Thiede
Becklin	Frerichs	McPherson	Quist	Thorson
Begich	Greenfield	Metzen	Redalen	Tjornhom
Bennett	Gruenes	Minne	Rees	Tomlinson
Blatz	Hartinger	Munger	Rest	Tompkins
Boo	Hartle	Murphy	Rice	Tunheim
Brandl	Haukoos	Nelson, D.	Richter	Uphus
Brinkman	Heap	Nelson, K.	Riveness	Valento
Brown	Jacobs	Neuenschwander	Rodosovich	Vanasek
Burger	Jaros	Norton	Rose	Vellenga
Carlson, D.	Johnson	O'Connor	Sarna	Voss
Carlson, L.	Kahn	Ogren	Schafer	Waltman
Clark	Kelly	Olsen, S.	Scheid	Welle
Clausnitzer	Kiffmeyer	Olson, E.	Schoenfeld	Wenzel
Cohen	Knickerbocker	Omman	Schreiber	Wynia
DenOuden	Knuth	Onnen	Segal	Zaffke
Dimler	Kostohryz	Osthoff	Shaver	Spk. Jennings, D.
Dyke	Krueger	Otis	Simoneau	
Elioff	Levi	Ozment	Skoglund	
Ellingson	Lieder	Pappas	Solberg	
Erickson	Long	Pauly	Sparby	

The bill was passed and its title agreed to.

S. F. No. 63 was reported to the House.

There being no objection S. F. No. 63 was temporarily laid over on Special Orders.

S. F. No. 647 was reported to the House.

Erickson moved to amend S. F. No. 647, as follows:

Page 1, line 23, strike everything after "MECC"

Page 1, strike line 24

Page 1, line 25, strike everything before "who"

Page 2, line 26, reinstate the stricken language

Page 2, line 27, before the period insert "*except for administrative microcomputer software products developed by the corporation*"

Page 2, lines 27 to 31, delete the new language

Kahn moved to amend the Erickson amendment to S. F. No. 647, as follows:

In the Erickson amendment, delete lines 2, 3, and 4

A roll call was requested and properly seconded.

The question was taken on the Kahn amendment to the Erickson amendment and the roll was called.

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

There were 50 yeas and 59 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Kahn	Nelson, D.	Quinn	Solberg
Battaglia	Kelly	Nelson, K.	Rees	Sparby
Beard	Knuth	Neuenschwander	Rice	Staten
Begich	Kostohryz	Norton	Riveness	Tomlinson
Brandl	Lieder	Ogren	Rodosovich	Tunheim
Clark	Long	Otis	Scheid	Vanasek
Cohen	McLaughlin	Pappas	Schoenfeld	Vellenga
Ellingson	Minne	Peterson	Segal	Voss
Greenfield	Munger	Piper	Simoneau	Welle
Jaros	Murphy	Price	Skoglund	Wenzel

Those who voted in the negative were:

Anderson, R.	Dimler	Hartle	Olsen, S.	Swiggum
Backlund	Dyke	Haukoos	Omman	Thiede
Becklin	Elioff	Heap	Onnen	Thorson
Bennett	Erickson	Kiffmeyer	Ozment	Tjornhom
Boerboom	Fjoslien	Knickerbocker	Pauly	Tompkins
Boo	Forsythe	Levi	Quist	Uphus
Burger	Frederick	Marsh	Redalen	Valento
Carlson, D.	Frederickson	McDonald	Richter	Waltman
Carlson, J.	Frerichs	McEachern	Schafer	Wynia
Carlson, L.	Gruenes	McPherson	Shaver	Zaffke
Clausnitzer	Halberg	Metzen	Sherman	Spk. Jennings, D.
DenOuden	Hartinger	O'Connor	Stanius	

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

The question recurred on the adoption of the Erickson amendment to S. F. No. 647. The motion prevailed and the amendment was adopted.

S. F. No. 647, A bill for an act relating to education; Minnesota Educational Computing Corporation; removing some limits on its powers; providing for compliance with certain bidding laws for management computing services; amending Minnesota Statutes 1984, sections 119.04, subdivision 2; 119.05, subdivision 2; and 119.07.

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.

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

There were 108 yeas and 3 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Ellingson	Long	Pauly	Sparby
Anderson, R.	Erickson	Marsh	Peterson	Stanisus
Backlund	Fjoslien	McEachern	Piper	Staten
Battaglia	Forsythe	McLaughlin	Price	Sviggum
Beard	Frederick	McPherson	Quinn	Thiede
Becklin	Frederickson	Metzen	Quist	Thorson
Begich	Frerichs	Minne	Redalen	Tjornhom
Bennett	Greenfield	Munger	Rest	Tomlinson
Blatz	Gruenes	Murphy	Rice	Tompkins
Boo	Halberg	Nelson, D.	Richter	Tunheim
Brandl	Hartinger	Neuenschwander	Rodosovich	Uphus
Brinkman	Hartle	Norton	Rose	Valento
Brown	Heap	O'Connor	Sarna	Vanasek
Burger	Jaros	Ogren	Schafer	Vellenga
Carlson, D.	Kelly	Olsen, S.	Scheid	Waltman
Carlson, J.	Kiffmeyer	Olson, E.	Schoenfeld	Welle
Carlson, L.	Knickerbocker	Omann	Segal	Wenzel
Clark	Knuth	Onnen	Shaver	Wynia
Clausnitzer	Kostohryz	Osthoff	Sherman	Zaffke
Cohen	Krueger	Otis	Simoneau	Spk. Jennings, D.
Dyke	Levi	Ozment	Skoglund	
Elioff	Lieder	Pappas	Solberg	

Those who voted in the negative were:

McDonald Rees Voss

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

S. F. No. 63 which was temporarily laid over earlier today was again reported to the House.

S. F. No. 63, A bill for an act relating to the city of Fergus Falls located in Otter Tail county and the city of Detroit Lakes located in Becker county; granting the cities the powers of a port authority; authorizing the port authority to exercise the powers

of a municipal housing and redevelopment authority; permitting the cities to choose the name of the port authority; requiring local approval.

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.

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

There were 114 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Elioff	Long	Pappas	Skoglund
Anderson, R.	Ellingson	Marsh	Pauly	Solberg
Backlund	Erickson	McDonald	Peterson	Sparby
Battaglia	Fjoslien	McEachern	Piper	Stanius
Beard	Forsythe	McLaughlin	Price	Staten
Becklin	Frederick	McPherson	Quinn	Thiede
Begich	Frederickson	Metzen	Quist	Thorson
Bennett	Frerichs	Minne	Redalen	Tjornhom
Blatz	Greenfield	Munger	Rees	Tomlinson
Boo	Gruenes	Murphy	Rest	Tompkins
Brandl	Hartinger	Nelson, D.	Rice	Tunheim
Brinkman	Hartle	Nelson, K.	Richter	Uphus
Brown	Heap	Neuenschwander	Riveness	Valento
Burger	Jaros	Norton	Rodosovich	Vanasek
Carlson, D.	Kahn	O'Connor	Rose	Vellenga
Carlson, J.	Kelly	Ogren	Sarna	Voss
Carlson, L.	Kiffmeyer	Olsen, S.	Schafer	Waltman
Clark	Knickerbocker	Olson, E.	Scheid	Welle
Clausnitzer	Knuth	Omann	Schoenfeld	Wenzel
Cohen	Kostohryz	Onnen	Segal	Wynia
DenOuden	Krueger	Osthoff	Shaver	Zaffke
Dimler	Levi	Otis	Sherman	Spk. Jennings, D.
Dyke	Lieder	Ozment	Simoneau	

The bill was passed and its title agreed to.

S. F. No. 1485, A bill for an act relating to the city of South St. Paul; authorizing the expenditure of certain tax increments to pay costs of a combined storm-sanitary sewer separation project.

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.

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

There were 111 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Anderson, G.	Ellingson	Marsh	Peterson	Stanis
Anderson, R.	Fjoslien	McDonald	Piper	Staten
Backlund	Forsythe	McEachern	Price	Thicde
Battaglia	Frederick	McLaughlin	Quinn	Thorson
Beard	Frederickson	McPherson	Quist	Tjornhom
Becklin	Frerichs	Metzen	Redalen	Tomlinson
Begich	Greenfield	Minne	Rees	Tompkins
Bennett	Gruenes	Munger	Rest	Tunheim
Blatz	Halberg	Murphy	Richter	Uphus
Boo	Hartinger	Nelson, D.	Riveness	Valento
Brandl	Hartle	Nelson, K.	Rodosovich	Vanasek
Brown	Heap	Neuenschwander	Rose	Vellenga
Burger	Jaros	Norton	Sarna	Voss
Carlson, D.	Jennings, L.	Ogren	Schafer	Waltman
Carlson, J.	Kahn	Olsen, S.	Scheid	Welle
Carlson, L.	Kelly	Olson, E.	Schoenfeld	Wenzel
Clark	Kiffmeyer	Omamn	Segal	Wynia
Clausnitzer	Knickerbocker	Onnen	Shaver	Zaffke
Cohen	Knuth	Osthoff	Sherman	Spk. Jennings, D.
DenOuden	Kostohryz	Otis	Simoneau	
Dimler	Krueger	Ozment	Skoglund	
Dyke	Lieder	Pappas	Solberg	
Elioff	Long	Pauly	Sparby	

Those who voted in the negative were:

Rice

The bill was passed and its title agreed to.

S. F. No. 925 was reported to the House.

Pauly moved to amend S. F. No. 925, as follows:

Page 1, after line 17, insert:

"Section 1. [472B.01] [POPULAR NAME.]

Sections 1 to 8 may be cited as the "mined underground space development act."

Sec. 2. [472B.02] [POLICY.]

The legislature finds that many subsurface areas of the state have a largely undeveloped potential to be mined for the development of underground space. The development and redevelopment of mined underground space makes use of the state's special geologic resources, fosters wise land use, especially in built-up urban areas, encourages commercial and industrial development, increases employment opportunities, enhances the tax base, contributes to the preservation of agricultural and other open lands, permits more energy efficient development and promotes and protects the public welfare. The legislature finds that these underground spaces provide an exceptionally stable environment

and may therefore be particularly attractive to such clean industries as high technology and warehousing companies.

Therefore, the legislature finds that it is in the public interest to authorize municipalities to encourage, promote, and enable both public and private development of mined underground space and to authorize municipalities to protect both subsurface areas potentially suitable for development and existing mined underground space."

Renumber remaining sections and conform the internal references to them

Page 9, line 32, after "excavating" insert "and supporting"

Page 9, line 34, after "utilities" insert "including fire sprinkler systems"

Page 21, line 23, before the period insert "*, provided the intent of the building code to establish reasonable safeguards for health, safety, welfare, comfort, and security is maintained*"

The motion prevailed and the amendment was adopted.

Pauly; Dimler; Knuth; Johnson; Knickerbocker; Norton; Voss; Nelson, K.; McDonald; Shaver; Frederickson; Tjornhom; Onnen; Otis; Nelson, D., and Valento moved to amend S. F. No. 925, as amended, as follows:

Page 2, line 2, delete the period and insert "*, but shall not include the development or redevelopment of mined underground space for long term storage or disposal of hazardous waste or high level nuclear waste.*"

The motion prevailed and the amendment was adopted.

S. F. No. 925, A bill for an act relating to economic development; granting certain powers to municipalities; amending Minnesota Statutes 1984, sections 16B.61, subdivision 3; 273.73, subdivisions 9, 12, and by adding a subdivision; 273.74, subdivision 3; 273.75, subdivision 1, and by adding a subdivision; 273.76, subdivision 1; 458.16, by adding a subdivision; 462.352, subdivisions 5, 7, 9, 10, 15, and by adding a subdivision; 462.357, subdivision 1; 462.358, subdivision 2a; 472.08, subdivision 1; 472A.03; 474.02, by adding a subdivision; Laws 1980, chapter 595, section 3, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 465; and proposing coding for new law as Minnesota Statutes, chapter 472B.

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.

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

There were 113 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Frederickson	McLaughlin	Piper	Sparby
Battaglia	Frerichs	McPherson	Price	Stanisus
Beard	Greenfield	Metzen	Quinn	Staten
Becklin	Gruenes	Minne	Quist	Swiggum
Begich	Halberg	Munger	Redalen	Thiede
Bennett	Hartinger	Murphy	Rees	Thorson
Blatz	Hartle	Nelson, D.	Rest	Tjornhom
Boerboom	Heap	Nelson, K.	Rice	Tomlinson
Boo	Jacobs	Neuenschwander	Richter	Tompkins
Brandl	Jaros	Norton	Riveness	Tunheim
Brinkman	Kahn	O'Connor	Rodosovich	Uphus
Brown	Kelly	Ogren	Rose	Valento
Burger	Kiffmeyer	Olsen, S.	Sarna	Vanasek
Carlson, D.	Knickerbocker	Olsen, E.	Schafer	Vellenga
Clark	Knuth	Omann	Scheid	Voss
Clausnitzer	Kostohryz	Onnen	Schoenfeld	Waltman
Cohen	Krueger	Osthoff	Schreiber	Welle
DenOuden	Levi	Otis	Segal	Wenzel
Dimler	Lieder	Ozment	Shaver	Wynia
Elioff	Long	Pappas	Sherman	Zaffke
Ellingson	Marsh	Pauly	Simoneau	Spk. Jennings, D.
Fjoslien	McDonald	Peterson	Skoglund	
Frederick	McEachern	Piepho	Solberg	

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

H. F. No. 827, A bill for an act relating to public safety; appropriating money to purchase mobile communications equipment for state patrol.

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.

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

There were 116 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Becklin	Blatz	Brandl	Burger
Battaglia	Begich	Boerboom	Brinkman	Carlson, D.
Beard	Bennett	Boo	Brown	Carlson, J.

Carlson, L.	Jaros	Nelson, K.	Rees	Thiede
Clark	Jennings, L.	Neuenschwander	Rest	Thorson
Clausnitzer	Kahn	Norton	Rice	Tjornhom
Cohen	Kelly	O'Connor	Richter	Tomlinson
Dempsey	Kiffmeyer	Ogren	Riveness	Tompkins
DenOuden	Knickerbocker	Olsen, S.	Rodosovich	Tunheim
Dimler	Knuth	Olson, E.	Rose	Uphus
Dyke	Kostohryz	Omann	Sarna	Valento
Elioff	Krueger	Onnen	Schafer	Vanasek
Fjoslien	Levi	Osthoff	Scheid	Vellenga
Forsythe	Lieder	Otis	Schoenfeld	Voss
Frederick	Long	Ozment	Segal	Waltman
Frederickson	Marsh	Pappas	Shaver	Welle
Frerichs	McDonald	Pauly	Sherman	Wenzel
Greenfield	McEachern	Peterson	Simoneau	Wynia
Gruenes	McLaughlin	Piepho	Skoglund	Zaffke
Halberg	McPherson	Piper	Solberg	Spk. Jennings, D.
Hartinger	Metzen	Price	Sparby	
Haukoos	Minne	Quinn	Stanis	
Heap	Munger	Quist	Staten	
Jacobs	Nelson, D.	Redalen	Sviggum	

The bill was passed and its title agreed to.

S. F. No. 228, A bill for an act relating to game and fish; exempting hunters on licensed private shooting preserves in the northern portion of the state from the requirement of a pheasant stamp; amending Minnesota Statutes 1984, section 97.4843, 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.

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

There were 95 yeas and 15 nays as follows:

Those who voted in the affirmative were:

Backlund	Cohen	Jaros	Nelson, K.	Rees
Battaglia	DenOuden	Kelly	Neuenschwander	Rest
Beard	Dyke	Kiffmeyer	Norton	Rice
Becklin	Elioff	Knickerbocker	Ogren	Richter
Begich	Erickson	Kostohryz	Olsen, S.	Riveness
Bennett	Fjoslien	Krueger	Olson, E.	Rose
Blatz	Forsythe	Levi	Omann	Schafer
Boerboom	Frederick	Lieder	Onnen	Scheid
Boo	Frederickson	Marsh	Otis	Schoenfeld
Brandl	Gruenes	McDonald	Ozment	Segal
Brinkman	Halberg	McLaughlin	Pappas	Shaver
Brown	Hartinger	McPherson	Pauly	Simoneau
Burger	Hartle	Metzen	Peterson	Solberg
Carlson, D.	Haukoos	Minne	Piper	Sparby
Carlson, L.	Heap	Murphy	Quinn	Stanis
Clausnitzer	Jacobs	Nelson, D.	Redalen	Sviggum

Thiede
Thorson
Tjornhom

Tomlinson
Tunheim
Uphus

Valento
Vellenga
Voss

Waltman
Welle
Wenzel

Wynia
Zaffke
Spk. Jennings, D.

Those who voted in the negative were:

Anderson, G.
Clark
Ellingson

Greenfield
Long
McEachern

Munger
O'Connor
Osthoff

Price
Rodosovich
Sarna

Skoglund
Staten
Vanasek

The bill was passed and its title agreed to.

S. F. No. 82, A bill for an act relating to real property; requiring that condominium floor plans be approved by county surveyor before recording; amending Minnesota Statutes 1984, section 389.09.

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.

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

There were 117 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.
Backlund
Battaglia
Beard
Becklin
Begich
Bennett
Blatz
Boerboom
Boo
Brandl
Brinkman
Brown
Burger
Carlson, D.
Carlson, L.
Clark
Clausnitzer
Cohen
DenOuden
Dimler
Dyke
Elioff
Ellingson

Erickson
Fjoslien
Forsythe
Frederick
Frederickson
Frerichs
Greenfield
Gruenes
Halberg
Hartinger
Hartle
Haukoos
Heap
Jacobs
Jaros
Kahn
Kelly
Kiffmeyer
Knickerbocker
Knuth
Kostohryz
Krueger
Levi
Lieder

Long
Marsh
McDonald
McEachern
McLaughlin
McPherson
Metzen
Minne
Munger
Murphy
Nelson, D.
Nelson, K.
Neuenschwander
Norton
O'Connor
Ogren
Olsen, S.
Olsen, E.
Omman
Onnen
Osthoff
Otis
Ozment
Pappas

Pauly
Peterson
Piper
Price
Quinn
Quist
Redalen
Rees
Rest
Rice
Richter
Riveness
Rodosovich
Rose
Sarna
Schafer
Scheid
Schoenfeld
Schreiber
Segal
Shaver
Simoneau
Skoglund
Solberg

Sparby
Stanius
Staten
Sviggum
Thiede
Thorson
Tjornhom
Tomlinson
Tompkins
Tunheim
Uphus
Valento
Vanasek
Vellenga
Voss
Waltman
Welle
Wenzel
Zaffke
Spk. Jennings, D.

The bill was passed and its title agreed to.

S. F. No. 1347, A bill for an act relating to natural resources; authorizing the commissioner of natural resources to sell certain lands in Koochiching County.

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.

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

There were 116 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Ellingson	Long	Pauly	Stanis
Backlund	Erickson	Marsh	Peterson	Staten
Battaglia	Fjoslien	McDonald	Piper	Sviggum
Beard	Forsythe	McEachern	Price	Thiede
Becklin	Frederick	McLaughlin	Quinn	Thorson
Begich	Frederickson	McPherson	Quist	Tjornhom
Bennett	Frerichs	Metzen	Redalen	Tomlinson
Blatz	Greenfield	Minne	Rees	Tompkins
Boerboom	Gruenes	Munger	Rest	Tunheim
Boo	Hartinger	Murphy	Rice	Uphus
Brandl	Hartle	Nelson, D.	Richter	Valento
Brinkman	Haukoos	Nelson, K.	Riveness	Vanasek
Brown	Heap	Neuenschwander	Rodosovich	Vellenga
Burger	Jacobs	Norton	Rose	Voss
Carlson, D.	Jaros	O'Connor	Sarna	Waltman
Carlson, J.	Kahn	Ogren	Schafer	Welle
Carlson, L.	Kelly	Olsen, S.	Schoenfeld	Wenzel
Clark	Kiffmeyer	Olson, E.	Schreiber	Wynia
Clausnitzer	Knickerbocker	Omann	Segal	Zaffke
Cohen	Knuth	Onnen	Shaver	Spk. Jennings, D.
DenOuden	Kostohryz	Osthoff	Simoneau	
Dimler	Krueger	Otis	Skoglund	
Dyke	Levi	Ozment	Solberg	
Elioff	Lieder	Pappas	Sparby	

The bill was passed and its title agreed to.

S. F. No. 1353, A bill for an act relating to natural resources; authorizing the commissioner of natural resources to sell certain lands in St. Louis county.

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.

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

There were 118 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Anderson, G.	Ellingson	Levi	Ozment	Solberg
Backlund	Erickson	Lieder	Pappas	Sparby
Battaglia	Fjoslien	Long	Pauly	Stanius
Beard	Forsythe	Marsh	Peterson	Staten
Becklin	Frederick	McDonald	Piper	Swiggum
Begich	Frederickson	McEachern	Price	Thiede
Bennett	Frerichs	McKasy	Quinn	Thorson
Blatz	Greenfield	McLaughlin	Quist	Tjornhom
Boerboom	Gruenes	McPherson	Redalen	Tomlinson
Boo	Hartinger	Metzen	Rees	Tompkins
Brandl	Hartle	Minne	Rest	Tunheim
Brinkman	Haukoos	Munger	Rice	Uphus
Brown	Heap	Murphy	Richter	Valento
Burger	Jacobs	Nelson, D.	Riveness	Vanasek
Carlson, D.	Jaros	Nelson, K.	Rodosovich	Vellenga
Carlson, J.	Jennings, L.	Norton	Rose	Voss
Carlson, L.	Kahn	O'Connor	Schafer	Waltman
Clark	Kelly	Ogren	Scheid	Welle
Clausnitzer	Kiffmeyer	Olsen, S.	Schoenfeld	Wenzel
Cohen	Knickerbocker	Olson, E.	Segal	Wynia
DenOuden	Knuth	Omann	Shaver	Zaffke
Dimler	Kostohryz	Onnen	Sherman	Spk. Jennings, D.
Dyke	Krueger	Osthoff	Simoneau	
Elioff	Kvam	Otis	Skoglund	

Those who voted in the negative were:

Sarna

The bill was passed and its title agreed to.

Simoneau was excused between the hours of 3:15 p.m. and 4:05 p.m.

S. F. No. 230 was reported to the House.

Blatz moved to amend S. F. No. 230, the unofficial engrossment, as follows:

Page 8, line 17, before the period insert “, regardless of the amount of the loan”

Page 21, line 34, before the second period insert “for adjustments of dollar amounts, except adjustments of the minimum default charge for which a reference base index of December 1984 shall be applied to a beginning minimum default charge of \$4”

Page 23, after line 18, insert:

“Sec. 23. [APPLICATION.]

Sections 1 to 22 do not affect the adjustments to dollar amounts made pursuant to Minnesota Statutes, section 56.131, subdivision 4, on July 1, 1984, or thereafter unless otherwise specifically provided."

Page 23, line 20, delete "22" and insert "23"

Renumber the remaining section

The motion prevailed and the amendment was adopted.

Blatz moved to amend S. F. No. 230, the unofficial engrossment, as amended, as follows:

Page 23, after line 15, insert:

"Sec. 22. Minnesota Statutes 1984, section 550.37, subdivision 4a, is amended to read:

Subd. 4a. [ADJUSTMENT OF DOLLAR AMOUNTS.] (a) The dollar amounts in (SUBDIVISION 4) *this section* shall change periodically as provided in this subdivision to the extent of changes in the implicit price deflator for the gross national product, 1972 = 100, compiled by the United States department of commerce, and hereafter referred to as the index. The index for December, (1982) 1980, is the reference base index.

(b) The designated dollar amounts shall change on July 1 of each even-numbered year if the percentage of change, calculated to the nearest whole percentage point, between the index for December of the preceding year and the reference base index is ten percent or more. The portion of the percentage change in the index in excess of a multiple of ten percent shall be disregarded and the dollar amounts shall change only in multiples of ten percent of the amounts stated in (SUBDIVISION 4) *this section*.

(c) If the index is revised, the percentage of change pursuant to this section shall be calculated on the basis of the revised index. If a revision of the index changes the reference base index, a revised reference base index shall be determined by multiplying the reference base index then applicable by the rebasing factor furnished by the department of commerce. If the index is superseded, the index referred to in this section is the one represented by the department of commerce as reflecting most accurately changes in the purchasing power of the dollar for consumers.

(d) The commissioner of commerce shall announce and publish:

(1) on or before April 30 of each year in which dollar amounts are to change, the changes in dollar amounts required by paragraph (b); and

(2) promptly after the changes occur, changes in the index required by paragraph (c) including, if applicable, the numerical equivalent of the reference base index under a revised reference base index and the designation or title of any index superseding the index.

(e) A person does not violate this chapter with respect to a transaction otherwise complying with this chapter if he relies on dollar amounts either determined according to paragraph (b) or appearing in the last publication of the commissioner announcing the then current dollar amounts."

Renumber remaining sections in sequence

Page 23, line 20, delete "22" and insert "21 and section 23"

Page 23, line 21, after the period insert "*Section 22 is effective July 1, 1986.*"

Amend the title as follows:

Page 1, line 23, after the semicolon insert "providing an inflation adjustment for amounts exempt from creditors;"

Page 1, line 29, after the semicolon insert "and 550.37, subdivision 4a"

The motion prevailed and the amendment was adopted.

Kvam moved to amend S. F. No. 230, the unofficial engrossment, as amended, as follows:

Page 2, after line 30, insert:

"Sec. 2. Minnesota Statutes 1984, section 49.05, is amended by adding a subdivision to read:

Subd. 5. [FEDERAL DEPOSIT INSURANCE CORPORATION AS RECEIVER OR LIQUIDATOR.] The Federal Deposit Insurance Corporation created by Section 12B of the Federal Reserve Act, as amended, upon appointment by the commissioner, may act without bond as receiver or liquidator of a financial institution, the deposits in which are to any extent insured by this corporation, and that has been closed pursuant to section 49.04, subdivision 1.

Notwithstanding any other provision of law the appropriate state authority having the right to appoint a receiver or liquidator of a financial institution may, in the event of the closing, tender to the corporation the appointment as receiver or liquidator of the financial institution; and, if the corporation accepts

the appointment, the corporation shall have and possess all the powers and privileges provided by the laws of this state with respect to a receiver or liquidator, respectively, of a financial institution, its depositors, and other creditors.

Sec. 3. Minnesota Statutes 1984, section 49.05, is amended by adding a subdivision to read:

Subd. 6. [RIGHT OF SUBROGATION.] When a financial institution has been closed, and the federal deposit insurance corporation has paid or made available for payment the insured deposit liabilities of the closed institution, the corporation, whether or not it has or shall thereafter become a liquidating agent of the closed institution is subrogated, by operation of law with like force and effect as if the closed institution were a national bank, to all rights of the owners of these deposits against the closed financial institution in the same manner and to the same extent as now or hereafter necessary to enable the federal deposit insurance corporation under federal law to make insurance payments available to depositors of closed insured banks; provided, that the rights of depositors and other creditors of the closed institution shall be determined in accordance with the laws of this state. The commissioner may, in his or her discretion, in the event of the closing of any financial institution pursuant to section 49.04, subdivision 1, the deposits of which banking institution are to any extent insured by the corporation, tender to the corporation the appointment as liquidating agent of this financial institution and, if the corporation accepts the appointment, it shall have and possess all the powers and privileges provided by the laws of this state with respect to a special deputy examiner of the department of commerce in the management and liquidation of this institution, and be subject to all the duties of the special deputy examiner; provided, that nothing contained in this subdivision shall be construed as a surrender of the right of the commissioner to liquidate financial institutions under his or her supervision pursuant to the statute in such case made and provided; and the commissioner may waive the filing of a bond by the corporation as the special deputy examiner."

Page 23, line 20, delete "22" and insert "24"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, after the semicolon insert "authorizing the FDIC to act as receiver or liquidator of closed financial institution and providing a right of subrogation;"

Page 1, line 25, after the semicolon insert "49.05, by adding subdivisions;"

The motion prevailed and the amendment was adopted.

Wynia moved to amend S. F. No. 230, the unofficial engrossment, as amended, as follows:

Page 21, line 8, delete the semicolon

Page 21, delete lines 9 to 24

Page 21, line 25, delete "lender"

A roll call was requested and properly seconded.

The Speaker called Halberg to the Chair.

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

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

There were 60 yeas and 60 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Greenfield	Munger	Peterson	Skoglund
Battaglia	Jacobs	Murphy	Piper	Soiberg
Beard	Jaros	Nelson, D.	Price	Sparby
Begich	Kahn	Nelson, K.	Quinn	Staten
Brandl	Kelly	Neuenschwander	Rest	Tomlinson
Brown	Knuth	Norton	Rice	Tunheim
Carlson, D.	Krueger	O'Connor	Riveness	Vanasek
Carlson, L.	Lieder	Ogren	Rodosovich	Vellenga
Clark	Long	Olson, E.	Sarna	Voss
Cohen	McEachern	Omman	Schoenfeld	Welle
Elioff	McLaughlin	Otis	Segal	Wenzel
Ellingson	Minne	Pappas	Simoneau	Wynia

Those who voted in the negative were:

Backlund	Dyke	Haukoos	Olsen, S.	Shaver
Becklin	Erickson	Heap	Onnen	Sherman
Bennett	Fjoslien	Kiffmeyer	Osthoff	Stanius
Blatz	Forsythe	Knickerbocker	Ozment	Swiggum
Boerboom	Frederick	Kostohryz	Pauly	Thiede
Boo	Frederickson	Kvam	Quist	Thorson
Brinkman	Frerichs	Levi	Redalen	Tjornhom
Burger	Gruenes	Marsh	Rees	Tompkins
Clausnitzer	Gutknecht	McDonald	Richter	Uphus
Dempsey	Halberg	McKasy	Rose	Valento
DenOuden	Hartinger	McPherson	Schafer	Waltman
Dimler	Hartle	Metzen	Scheid	Zaffke

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

POINT OF ORDER

Norton raised a point of order pursuant to rule 2.4 relating to explaining or changing votes. The Speaker pro tempore Halberg ruled the Norton point of order not well taken.

MOTION FOR RECONSIDERATION

Osthoff moved that the vote whereby the Wynia amendment to S. F. No. 230, the unofficial engrossment, as amended, was not adopted be now reconsidered.

A roll call was requested and properly seconded.

POINT OF ORDER

Levi raised a point of order pursuant to section 527 of "Mason's Manual of Legislative Procedure" relating to correcting the vote. The Speaker pro tempore Halberg ruled the Levi point of order well taken.

The question recurred on the Osthoff motion to reconsider the Wynia amendment to S. F. No. 230, the unofficial engrossment, as amended, and the roll was called.

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

There were 68 yeas and 61 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Jacobs	Minne	Piper	Solberg
Battaglia	Jaros	Munger	Price	Sparby
Beard	Jennings, L.	Murphy	Quinn	Staten
Begich	Kahn	Nelson, D.	Rest	Sviggum
Bishop	Kalis	Nelson, K.	Rice	Tomlinson
Brandl	Kelly	Norton	Riveness	Tunheim
Brown	Knuth	Ogren	Rodosovich	Vanasek
Carlson, D.	Kostohryz	Olson, E.	Sarna	Vellenga
Carlson, L.	Krueger	Omann	Scheid	Voss
Clark	Lieder	Osthoff	Schoenfeld	Welle
Cohen	Long	Otis	Seaberg	Wenzel
Elioff	McDonald	Ozment	Segal	Wynia
Ellingson	McEachern	Pappas	Simoneau	
Greenfield	McLaughlin	Peterson	Skoglund	

Those who voted in the negative were:

Anderson, R.	Dyke	Heap	Piepho	Thorson
Backlund	Erickson	Himle	Poppenhagen	Tjornhom
Bennett	Fjoslien	Johnson	Quist	Tompkins
Blatz	Forsythe	Kiffmeyer	Redalen	Uphus
Boerboom	Frederick	Levi	Rees	Valan
Boo	Frederickson	Marsh	Richter	Valento
Brinkman	Frerichs	McKasy	Rose	Waltman
Burger	Gruenes	McPherson	Schafer	Zaffke
Carlson, J.	Gutknecht	Metzen	Schreiber	Spk. Jennings, D.
Clausnitzer	Halberg	Miller	Shaver	
Dempsey	Hartinger	Olsen, S.	Sherman	
DenOuden	Hartle	Onnen	Stanius	
Dimler	Haukoos	Pauly	Thiede	

The motion prevailed.

The Wynia amendment to S. F. No. 230, the unofficial engrossment, as amended, was reported to the House.

Wynia moved to amend S. F. No. 230, the unofficial engrossment, as amended, as follows:

Page 21, line 8, delete the semicolon

Page 21, delete lines 9 to 24

Page 21, line 25, delete "lender"

A roll call was requested and properly seconded.

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

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

There were 62 yeas and 70 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Jaros	Murphy	Price	Sparby
Battaglia	Jennings, L.	Nelson, D.	Quinn	Staten
Beard	Kahn	Nelson, K.	Rest	Tomlinson
Begich	Kalis	Norton	Rice	Tunheim
Brandl	Kelly	O'Connor	Riveness	Vanasek
Brown	Knuth	Ogren	Rodosovich	Vellenga
Carlson, D.	Krueger	Olson, E.	Sarna	Voss
Carlson, L.	Lieder	Omann	Scheid	Welle
Clark	Long	Osthoft	Schoenfeld	Wenzel
Cohen	McEachern	Otis	Segal	Wynia
Elioff	McLaughlin	Pappas	Simoneau	
Ellingson	Minne	Peterson	Skoglund	
Greenfield	Munger	Piper	Solberg	

Those who voted in the negative were:

Anderson, R.	Dimler	Himle	Neuenschwander	Shaver
Backlund	Dyke	Jacobs	Olsen, S.	Sherman
Becklin	Erickson	Johnson	Onnen	Stanisus
Bennett	Fjoslien	Kiffmeyer	Ozment	Swiggum
Bishop	Forsythe	Knickerbocker	Pauly	Thiede
Blatz	Frederick	Kostohryz	Piepho	Thorson
Boerboom	Frederickson	Kvam	Poppenhagen	Tjornhom
Boo	Frerichs	Levi	Quist	Tompkins
Brinkman	Gruenes	Marsh	Redalen	Uphus
Burger	Gutknecht	McDonald	Rees	Valan
Carlson, J.	Halberg	McKasy	Rose	Valento
Clausnitzer	Hartle	McPherson	Schafer	Waltman
Dempsey	Haukoos	Metzen	Schreiber	Zaffke
DenOuden	Heap	Miller	Seaberg	Spk. Jennings, D.

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

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

S. F. No. 230, A bill for an act relating to commerce; authorizing industrial loan and thrifts to sell certain evidences of indebtedness; establishing different certificate of authorization requirements for corporations that will and will not sell or issue thrift certificates; modifying certain application and examination duties of the department of commerce; providing simplified requirements for the issuance of more than one certificate of authorization to the same corporation; clarifying the right of industrial loan and thrifts to collect certain additional loan charges; exempting certain mortgage purchasers and assignees from licensing as regulated lenders; prohibiting industrial loan and thrifts from using the words "savings and loan" in their corporate names; authorizing regulated lenders to make loans up to ten percent of capital; modifying the licensing provisions governing regulated lenders; providing for changes in business locations of regulated lenders; increasing the minimum default charge that may be charged; providing for the determination of interest; authorizing certain additional loan charges; and providing alternative loan disclosure requirements; providing that certain violations do not impair obligations of a contract; providing penalties; providing for certain dollar adjustments; amending Minnesota Statutes 1984, sections 48.151; 53.03, subdivisions 1, 2, 2a, 3a, 5, 7, 8, and by adding a subdivision; 53.04, subdivision 3a; 53.05; 56.01; 56.04; 56.07; 56.12; 56.125, subdivision 4; 56.131, subdivisions 1 and 4; 56.19, subdivision 4, and by adding a subdivision; and 550.37, subdivision 4a; repealing Minnesota Statutes 1984, section 53.03, subdivision 4.

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.

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

There were 75 yeas and 47 nays as follows:

Those who voted in the affirmative were:

Backlund	Dimler	Hartinger	McDonald	Pauly
Bennett	Dyke	Hartle	McKasy	Piepho
Bishop	Ellingson	Haukoos	McPherson	Poppenhagen
Blatz	Erickson	Heap	Metzen	Quist
Boerboom	Fjoslien	Himle	Miller	Redalen
Boo	Forsythe	Jacobs	Nelson, K.	Rees
Brinkman	Frederick	Johnson	Neuenschwander	Richter
Burger	Frederickson	Kiffmeyer	Olsen, S.	Rose
Carlson, L.	Frerichs	Knickerbocker	Onnen	Schafer
Clausnitzer	Gruenes	Levi	Osthoff	Scheid
Cohen	Gutknecht	Lieder	Otis	Schreiber
Dempsey	Halberg	Marsh	Ozment	Seaberg

Shaver
Sherman
Stanisus

Swiggum
Thiede
Thorson

Tjornhom
Tompkins
Uphus

Valan
Valento
Waltman

Wenzel
Zaffke
Spk. Jennings, D.

Those who voted in the negative were:

Anderson, G.
Battaglia
Beard
Begich
Brandl
Brown
Carlson, D.
Clark
Elioff
Greenfield

Kahn
Kelly
Knuth
Krueger
Long
McEachern
McLaughlin
Minne
Munger
Murphy

Nelson, D.
Norton
O'Connor
Ogren
Olson, E.
Omann
Pappas
Peterson
Price
Rest

Rice
Riveness
Rodosovich
Sarna
Schoenfeld
Simoneau
Skoglund
Solberg
Sparby
Staten

Tomlinson
Tunheim
Vanasek
Vellenga
Voss
Welle
Wynia

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

S. F. No. 1183 was reported to the House.

Bennett moved to amend S. F. No. 1183, as follows:

Add a section to read:

"Sec. 3. [340.147] [LICENSING OF INDUSTRY REPRESENTATIVES.]

Subdivision 1. [DEFINITION.] "Industry representative" means a person located in Minnesota who is an agent or broker other than an employee, of a distillery or winery.

Subd. 2. [LICENSE REQUIRED.] All industry representatives and their employees must obtain a license from the commissioner of public safety as a prerequisite to representing a distillery or winery.

Subd. 3. [FEE; TERM.] The annual license fee for an industry representative is \$300. The annual license fee for an employee thereof is \$12 payable at the time of application. An industry representative's license is a personal privilege, valid for one year unless sooner suspended or revoked. An application for renewal of an industry representative's license, along with all license fees, must be filed with the commissioner of public safety not less than 45 days prior to the date of expiration.

Subd. 4. [VERIFICATION OF EMPLOYMENT.] An application for an industry representative's license must be accompanied by a written statement from the distillery or winery the applicant proposes to represent verifying the applicant's employment or contractual arrangement, and must contain a statement that the employer is responsible for the actions of the agent or broker.

Subd. 5. [PRIVILEGES.] A licensed industry representative may promote the vendor's products and may call upon licensed retailers to insure product identification, give advance notice of new products or product changes, and share other pertinent market information. An industry representative may not provide in-store services of any kind, either directly or indirectly, for licensed retailers, such as stocking shelves, pricing product, or taking inventory. An industry representative may not directly or indirectly take orders from a licensed retailer.

Subd. 6. [SAMPLES.] An industry representative may furnish a sample of an alcoholic beverage to a retail licensee, and his agents or employees, who has not previously purchased the brand. The industry representative may not furnish samples of more than 500 milliliters of a brand of distilled spirits or more than three liters of a brand of wine. If a particular product is not available in a size within the quantity limitation of this subdivision, an industry representative may furnish to a licensed retailer the next larger size. An industry representative may not distribute unopened bottles or cases to licensed retailers in the form of a bonus of free goods or as an inducement for current or further purchases of these products.

Subd. 7. [REPORTS.] A distillery, winery, or broker must furnish within 60 days after the end of each month a report to the commissioner specifying for that month the type, quantity, date, and the licensed retailers who received samples from the distillery or winery.

Subd. 8. [VIOLATIONS.] The commissioner may revoke, or suspend for up to 60 days, the license of an industry representative on a finding that the industry representative has violated a law, or a rule of the commissioner, relating to alcoholic beverages. If an industry representative's license is revoked, that individual is ineligible for a new license for a period of five years. The commissioner may revoke, or suspend for up to 60 days, the importation license of a distillery or winery on a finding by the commissioner that its industry representative has violated a law, or rule of the commissioner, relating to alcoholic beverages."

Renumber the remaining sections

Amend the title as follows:

Page 1, line 5, after the semicolon insert "requiring the licensing of industry representatives;"

Page 1, line 8, after "subdivision" insert "; proposing coding for new law in Minnesota Statutes, chapter 340"

The motion prevailed and the amendment was adopted.

Zaffke moved to amend S. F. No. 1183, as amended, as follows:

Page 2, delete section 2

Page 3, after line 1, insert:

"Sec. 3. [ON-SALE AND OFF-SALE LICENSES; INDIAN RESERVATIONS.]

Notwithstanding Minnesota Statutes, section 340.11 or any other law to the contrary, a license to sell off-sale or on-sale intoxicating liquor in effect on July 1, 1984, and issued by the governing body of an Indian tribe in accordance with United States Code, title 18, section 1161, is valid under Minnesota Statutes, chapter 340 without obtaining a license from a local unit of government. A valid license under this section may be renewed with the approval of the commissioner of public safety.

Sec. 4. [REPEALER.]

Section 3 is repealed July 1, 1986."

Page 3, delete lines 3 to 12

Page 3, line 13, delete "3" and insert "2"

Page 3, after line 15, insert:

"Section 3 is effective July 1, 1985."

Renumber the sections in sequence

The motion prevailed and the amendment was adopted.

Dempsey offered an amendment to S. F. No. 1183, as amended.

POINT OF ORDER

Skoglund raised a point of order pursuant to rule 3.9 that the Dempsey amendment was not in order. The Speaker pro tempore Halberg ruled the Skoglund point of order well taken and the Dempsey amendment out of order.

Brinkman, O'Connor, Piepho, Marsh, Frerichs and Valan offered an amendment to S. F. No. 1183, as amended.

POINT OF ORDER

Kelly raised a point of order pursuant to rule 3.9 that the Brinkman et al. amendment was not in order. The Speaker pro

tempore Halberg ruled the Kelly point of order well taken and the Brinkman et al. amendment out of order.

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

S. F. No. 1183, A bill for an act relating to intoxicating liquor; providing for issuance of licenses within Indian country; allowing the sales between collectors of discontinued brands of beer in cans; authorizing the issuance of on-sale licenses in certain theaters in Minneapolis; amending Minnesota Statutes 1984, section 340.11, subdivision 15, and by adding a subdivision.

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

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

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

There were 109 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Anderson, G.	Elioff	Levi	Otis	Skoglund
Backlund	Ellingson	Lieder	Ozment	Solberg
Battaglia	Fjoslien	Long	Pappas	Sparby
Beard	Forsythe	Marsh	Pauly	Stanisus
Becklin	Frederick	McDonald	Peterson	Sviggum
Begich	Frederickson	McEachern	Piper	Thiede
Bennett	Frerichs	McKasy	Price	Thorson
Blatz	Greenfield	McLaughlin	Redalen	Tjornhom
Boerboom	Gruenes	McPherson	Rees	Tomlinson
Boo	Gutknecht	Metzen	Rest	Tompkins
Brandl	Halberg	Minne	Richter	Tunheim
Brinkman	Hartle	Murphy	Riveness	Uphus
Brown	Haukoos	Nelson, K.	Rodosovich	Valento
Burger	Heap	Neuenschwander	Sarna	Vanasek
Carlson, D.	Himle	Norton	Schafer	Vellenga
Carlson, L.	Jacobs	O'Connor	Scheid	Voss
Clark	Kahn	Ogren	Schoenfeld	Waitman
Clausnitzer	Kelly	Olsen, S.	Schreiber	Welle
Cohen	Kiffmeyer	Olson, E.	Segal	Wenzel
Dempsey	Knickerbocker	Omman	Shaver	Wynia
Dimler	Kostohryz	Onnen	Sherman	Zaffke
Dyke	Kvam	Osthoff	Simoneau	

Those who voted in the negative were:

Hartinger

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

S. F. No. 375, A bill for an act relating to insurance; authorizing domestic companies to purchase or sell certain futures con-

tracts; amending Minnesota Statutes 1984, section 61A.28, 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.

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

There were 107 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Ellingson	Marsh	Pauly	Stanis
Backlund	Fjoslien	McDonald	Peterson	Staten
Battaglia	Forsythe	McEachern	Piper	Swiggum
Beard	Frederick	McLaughlin	Redalen	Thiede
Becklin	Frederickson	McPherson	Rees	Thorson
Begich	Gruenes	Metzen	Rest	Tjornhom
Bennett	Gutknecht	Minne	Richter	Tomlinson
Blatz	Halberg	Murphy	Riveness	Tompkins
Boerboom	Hartinger	Nelson, D.	Rodosovich	Uphus
Boo	Hartle	Nelson, K.	Rose	Valento
Brinkman	Heap	Neuenschwander	Sarna	Vanasek
Brown	Himle	Norton	Schafer	Vellenga
Burger	Jacobs	O'Connor	Scheid	Voss
Carlson, D.	Kahn	Ogren	Schoenfeld	Waltman
Carlson, L.	Kelly	Olsen, S.	Schreiber	Welle
Clark	Kiffmeyer	Olson, E.	Segal	Wenzel
Clausnitzer	Knickerbocker	Omann	Shaver	Wynia
Cohen	Kostohryz	Onnen	Sherman	Zaffke
Dempsey	Krueger	Osthoff	Simoneau	Spk. Jennings, D.
Dimler	Kvam	Otis	Skoglund	
Dyke	Levi	Ozment	Solberg	
Elioff	Long	Pappas	Sparby	

The bill was passed and its title agreed to.

The Speaker resumed the Chair.

S. F. No. 1036 was reported to the House.

Greenfield moved to amend S. F. No. 1036, as follows:

Page 2, line 18, after "service" insert "made by a sheriff"

Page 3, line 2, before the semi-colon insert ". If the court finds that the safety of the victim or the children will be jeopardized by unsupervised or unrestricted visitation, the court shall condition or restrict visitation as to time, place, duration, or supervision, or deny visitation entirely, as needed to guard the safety of the victim and the children. The court's deliberation under

this subdivision shall in no way delay the issuance of an order for protection granting other reliefs provided for in this act"

The motion prevailed and the amendment was adopted.

S. F. No. 1036, A bill for an act relating to domestic abuse; providing for service by publication under certain circumstances under the Domestic Abuse Act; clarifying relief and providing for additional relief; amending Minnesota Statutes 1984, section 518B.01, subdivisions 4, 5, 6, and 7.

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.

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

There were 107 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Frederick	McDonald	Pauly	Stanius
Backlund	Frederickson	McEachern	Peterson	Staten
Beard	Greenfield	McKasy	Piper	Sviggum
Bennett	Gruenes	McLaughlin	Price	Thorson
Blatz	Gutknecht	McPherson	Redalen	Tjornhom
Boerboom	Halberg	Metzen	Rees	Tomlinson
Boo	Hartinger	Minne	Rest	Tompkins
Brandl	Hartle	Murphy	Rice	Tunheim
Brinkman	Himle	Nelson, D.	Richter	Uphus
Brown	Jacobs	Nelson, K.	Riveness	Valento
Burger	Jaros	Neuenschwander	Rodosovich	Vanasek
Carlson, D.	Kahn	Norton	Rose	Vellenga
Carlson, L.	Kelly	O'Connor	Sarna	Voss
Clark	Kiffmeyer	Ogren	Schafer	Waltman
Clausnitzer	Knickerbocker	Olsen, S.	Scheid	Welle
Cohen	Kostohryz	Olson, E.	Schoenfeld	Wenzel
Dempsey	Krueger	Omann	Segal	Wynia
Dyke	Kvam	Onnen	Shaver	Zaffke
Elioff	Levi	Osthoff	Sherman	Spk. Jennings, D.
Ellingson	Lieder	Otis	Simoneau	
Fjoslien	Long	Ozment	Skoglund	
Forsythe	Marsh	Pappas	Sparby	

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

S. F. No. 1234 was reported to the House.

Osthoff moved to amend S. F. No. 1234, as follows:

Delete everything after the enacting clause and insert:

"Section 1. [SAINT PAUL; TEMPORARY WINE LICENSES.]

Notwithstanding the provisions of any law or charter provision to the contrary, and in addition to the number of on-sale intoxicating liquor licenses authorized by law or charter, the Saint Paul city council may issue to bona fide nonprofit charitable, religious, or veterans organizations temporary on-sale wine licenses for periods not to exceed three consecutive days at a fee to be established by said governing body. The licenses shall authorize the sale of wine not exceeding 14 percent alcohol by volume for consumption on the licensed premises only, as described on the approved license application, on the days described in the license, which may be any days of the week.

Sec. 2. Minnesota Statutes 1984, section 340.11, subdivision 21, is amended to read:

Subd. 21. [LIABILITY INSURANCE.] Every person licensed to sell at retail intoxicating liquor or nonintoxicating malt liquor at on-sale or off-sale shall, after August 1, 1983, demonstrate proof of financial responsibility with regard to liability imposed by section 340.95, to the authority issuing the license as a condition of the issuance or renewal of his license, provided this subdivision does not apply to licensees who by affidavit establish that they are on-sale nonintoxicating malt liquor licensees with sales of less than \$10,000 of nonintoxicating malt liquor for the preceding year, or off-sale nonintoxicating malt liquor licensees with sales of less than \$20,000 of nonintoxicating malt liquor for the preceding year, or holders of on-sale wine licenses under subdivision 20 or holders of temporary wine licenses issued under law, with sales of less than \$10,000 of wine for the preceding year. The issuing authority must submit to the commissioner the proof of financial responsibility or exemption affidavit submitted by the license applicant. Proof of financial responsibility may be given by filing:

(a) A certificate that there is in effect for the period covered by the license an insurance policy or pool providing the following minimum coverages;

(1) \$50,000 because of bodily injury to any one person in any one occurrence, and, subject to the limit for one person, in the amount of \$100,000 because of bodily injury to two or more persons in any one occurrence, and in the amount of \$10,000 because of injury to or destruction of property of others in any one occurrence.

(2) \$50,000 for loss of means of support of any one person in any one occurrence, and, subject to the limit for one person, \$100,000 for loss of means of support of two or more persons in any one occurrence; or

(b) A bond of a surety company with minimum coverages as provided in clause (a), or

(c) A certificate of the state treasurer that the licensee has deposited with him \$100,000 in cash or securities which may legally be purchased by savings banks or for trust funds having a market value of \$100,000.

This subdivision does not prohibit a local governing unit from requiring higher insurance or bond coverages, or a larger deposit of cash or securities than is required hereunder, as a condition of issuance or renewal of a retail intoxicating liquor or non-intoxicating malt liquor on-sale or off-sale license.

The commissioner of commerce shall advise licensees and municipalities subject to the financial responsibility requirements of this subdivision of those persons offering insurance coverage. The commissioner of commerce shall establish a program to assist licensees in obtaining insurance coverage. The program shall include a committee appointed by the commissioner of commerce of a representative group of insurance carriers and producers. The commissioner of commerce shall serve as an ex officio member of the committee. The committee shall review and act upon all properly executed applications requesting liquor liability market assistance. The market assistance program shall be established by the commissioner of commerce by August 1, 1983, and shall continue to function so long as its services are deemed by the commissioner of commerce to be necessary to relieve perceived availability problems in the liquor liability insurance market. If the committee finds that it cannot assist in securing insurance coverage it shall notify the applicant in writing with a full explanation and recommendation for enhancing its ability to secure insurance. The commissioner of commerce shall, if necessary, establish an assigned risk plan pursuant to subdivision 23.

Sec. 3. [EFFECTIVE DATE.]

Section 1 is effective upon compliance with Minnesota Statutes, section 645.021, subdivision 3, by the governing body of the city of Saint Paul."

Delete the title and insert:

"A bill for an act relating to liquor; permitting the city of St. Paul to issue temporary on-sale wine licenses to nonprofit charitable, religious, or veterans organizations; providing for the applicability of mandatory liability insurance; amending Minnesota Statutes 1984, section 340.11, subdivision 21."

The motion prevailed and the amendment was adopted.

S. F. No. 1234, A bill for an act relating to the city of Saint Paul; permitting the city to issue temporary on-sale wine licenses to nonprofit charitable, religious, or veterans organizations.

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.

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

There were 105 yeas and 3 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Fjoslien	Kvam	Otis	Simoneau
Battaglia	Forsythe	Levi	Ozment	Solberg
Beard	Frederick	Lieder	Pappas	Sparby
Begich	Frederickson	Long	Pauly	Sianius
Bennett	Frerichs	Marsh	Peterson	Staten
Blatz	Greenfield	McDonald	Piper	Swiggum
Boerboom	Gruenes	McEachern	Price	Thorson
Boo	Gutknecht	McLaughlin	Quist	Tjornhom
Brandl	Halberg	McPherson	Rest	Tomlinson
Brinkman	Hartle	Metzen	Rice	Tompkins
Brown	Haukoos	Minne	Richter	Tunheim
Burger	Heap	Murphy	Riveness	Uphus
Carlson, D.	Himle	Nelson, D.	Rodosovich	Valento
Carlson, L.	Jacobs	Nelson, K.	Rose	Vanasek
Clark	Jaros	Neuenschwander	Sarna	Vellenga
Clausnitzer	Kahn	Norton	Schaefer	Voss
Cohen	Kelly	Ogren	Scheid	Waltman
Dimler	Kiffmeyer	Olsen, S.	Schoenfeld	Welle
Dyke	Knickerbocker	Olson, E.	Segal	Wenzel
Elioff	Kostohryz	Omann	Shaver	Zaffke
Ellingson	Krueger	Osthoff	Sherman	Spk. Jennings, D.

Those who voted in the negative were:

Hartinger Rees Skoglund

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

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

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

S. F. No. 952, A bill for an act relating to occupations and professions; providing for licensing of alarm and communication contractors and installers by the board of electricity; amending Minnesota Statutes 1984, sections 326.01, by adding subdivisions; 326.241; 326.242, subdivisions 7 and 8, and by adding subdivisions; 326.243; 326.244, subdivisions 4 and 5; and 326.246.

And the Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such Committee Messrs. Waldorf, Wegscheid and Mrs. Brataas.

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

Levi moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two houses on S. F. No. 952. The motion prevailed.

Mr. Speaker:

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

H. F. No. 227, A bill for an act relating to horse racing; providing for racing days at county fairs; amending Minnesota Statutes 1984, section 240.14, subdivision 3.

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

PATRICK E. FLAHAVEN, Secretary of the Senate

ANNOUNCEMENTS BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 952:

Miller, Clausnitzer and Krueger.

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 213:

Stanius; Nelson, K., and Valento.

The Speaker announced the following change of conferee on S. F. No. 862:

Delete Dempsey and add Boo.

GENERAL ORDERS

Levi moved that the bills on General Orders for today be continued one day. The motion prevailed.

ADJOURNMENT

Levi moved that when the House adjourns today it adjourn until 12:00 noon, Thursday, May 16, 1985. The motion prevailed.

Levi moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 12:00 noon, Thursday, May 16, 1985.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

