

## STATE OF MINNESOTA

## SEVENTY-FIFTH SESSION—1987

## NINETEENTH DAY

SAINT PAUL, MINNESOTA, THURSDAY, MARCH 5, 1987

The House of Representatives convened at 2:00 p.m. and was called to order by Fred C. Norton, Speaker of the House.

Prayer was offered by the Reverend Richard Scheerer, United Church of Christ, Elk River, Minnesota.

The roll was called and the following members were present:

Anderson, G.	Greenfield	Lasley	Osthoff	Segal
Anderson, R.	Gruenes	Lieder	Otis	Shaver
Battaglia	Gutknecht	Long	Ozment	Simoneau
Bauerly	Hartle	Marsh	Pappas	Skoglund
Beard	Haukoos	McDonald	Pauly	Solberg
Bennett	Heap	McKasy	Pelowski	Sparby
Bertram	Himle	McLaughlin	Peterson	Stanius
Bishop	Hugoson	McPherson	Poppenhagen	Steensma
Blatz	Jacobs	Milbert	Price	Sviggun
Boo	Jaros	Miller	Quinn	Thiede
Brown	Jefferson	Minne	Quist	Tjornhom
Burger	Jennings	Morrison	Redalen	Tompkins
Carlson, D.	Jensen	Munger	Reding	Trimble
Carlson, L.	Johnson, A.	Murphy	Rest	Tunheim
Carruthers	Johnson, R.	Nelson, C.	Rice	Uphus
Clark	Johnson, V.	Nelson, D.	Richter	Valento
Clausnitzer	Kahn	Nelson, K.	Riveness	Vanasek
Cooper	Kelly	Neuenschwander	Rodosovich	Vellenga
Dauner	Kelso	O'Connor	Rose	Voss
DeBlicke	Kinkel	Ogren	Rukavina	Wagenius
Dempsey	Kludt	Olsen, S.	Sarna	Waltman
Dille	Knickerbocker	Olsen, E.	Schafer	Welle
Dorn	Knuth	Olsen, K.	Scheid	Wenzel
Forsythe	Kostohryz	Omamm	Schoenfeld	Winter
Frederick	Krueger	Onnen	Schreiber	Wynia
Frerichs	Larsen	Orenstein	Seaberg	Spk. Norton

A quorum was present.

McEachern and Swenson were excused.

Begich and Kalis were excused until 2:50 p.m.

The Chief Clerk proceeded to read the Journal of the preceding day. Kelly 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. 56, 102, 166, 281, 312, 340, 400, 505, 130, 334, 364, 28, 137 and 348 and S. F. No. 208 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

February 20, 1987

The Honorable Fred C. Norton  
Speaker of the House of Representatives  
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 File:

H. F. No. 45, relating to commerce; revising the Uniform Trade Secret Act; clarifying remedies; amending Minnesota Statutes 1986, sections 325C.02; 325C.03; and 325C.07.

Sincerely,

RUDY PERPICH  
Governor

STATE OF MINNESOTA  
OFFICE OF THE GOVERNOR  
SAINT PAUL 55155

February 25, 1987

The Honorable Fred C. Norton  
Speaker of the House of Representatives  
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 File:

H. F. No. 34, relating to corporations; providing for modification of liability of directors; amending Minnesota Statutes 1986, sections 302A.111, subdivision 4; and 302A.251, by adding a subdivision.

Sincerely,

RUDY PERPICH  
Governor

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

February 20, 1987

The Honorable Fred C. Norton  
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 1987 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

S.F. No.	H.F. No.	Session Laws Chapter No.	Date Approved 1987	Date Filed 1987
	45	1	February 20, 1987	February 20, 1987
	34	2	February 25, 1987	February 25, 1987

Sincerely,

JOAN ANDERSON GROWE  
Secretary of State

## REPORTS OF STANDING COMMITTEES

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

H. F. No. 91, A bill for an act relating to utilities; enacting the Minnesota pipeline safety act; creating the office of pipeline safety and providing for its powers and duties; granting rulemaking authority to the environmental quality board; authorizing rulemaking for purposes of delegation of federal authority; creating the pipeline safety advisory commission; regulating the operation of certain pipelines; regulating excavations in the area of buried utilities; providing for a pipeline inspection fee; establishing the pipeline safety fund; requiring a study; providing penalties; appropriating money; amending Minnesota Statutes 1986, sections 116I.02, subdivisions 2 and 3; 216B.16, by adding a subdivision; and 299F.56, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 116I; proposing coding for new law as Minnesota Statutes, chapters 216C and 299J.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

### "PIPELINE ROUTING

Section 1. [116I.015] [ROUTING OF CERTAIN PIPELINES.]

Subdivision 1. [DEFINITION.] "Pipeline" for purposes of this section and notwithstanding section 116I.01, subdivision 3, has the meaning given it in section 23, subdivision 12.

Subd. 2. [PROHIBITION.] A person may not construct a pipeline without a pipeline routing permit issued by the environmental quality board unless the pipeline is exempted from the board's routing authority under this section or rules adopted under this

section. A pipeline requiring a permit may only be constructed on a route designated by the board.

Subd. 3. [RULES.] (a) The environmental quality board shall adopt rules governing the routing of pipelines. The rules shall apply only to the route of pipelines and may not set safety standards for the construction of pipelines.

(b) The rules must:

(1) require that a person proposing construction of a pipeline submit to the board one preferred route for the pipeline and evidence of consideration of alternatives;

(2) provide for notice of proposed pipeline routes to owners and lessees of property along the routes being considered;

(3) provide opportunity for public hearings on proposed pipeline routes;

(4) provide criteria that the board will use in determining pipeline routes, which must include the existence of populated areas, consideration of local government land use laws including ordinances adopted under section 26, and the impact of the proposed facility on the natural environment;

(5) provide a procedure that the board will follow in issuing pipeline routing permits and require the board to issue the permits within nine months after the permit application is received by the board, unless the board extends this deadline for cause;

(6) provide for the payment of fees by persons proposing to construct pipelines to cover the costs of the board in implementing this section;

(7) allow the board to provide exemptions from all or part of the pipeline routing permit application process in emergencies or if the board determines that the proposed pipeline will not have a significant impact on humans or the environment, and requiring exemption determinations to be made within 90 days after an application; and

(8) require that a person who has constructed a pipeline, to the extent possible, restore the area affected by the pipeline to the natural conditions that existed immediately before construction of the pipeline, provided that this restoration is compatible with the safe operation, maintenance, and inspection of the pipeline.

(c) The board's routing authority does not apply to temporary use of a route for purposes other than installation of a pipeline, to

securing survey or geological data, to repair or replacement of an existing pipeline within the existing right-of-way, or to minor relocation of less than three-quarters of a mile of an existing pipeline. The board's routing authority does not apply to construction of new pipeline in a right-of-way in which pipeline has been constructed before the effective date of this section or in a right-of-way that has been approved by the board after the effective date of this section, except when the board determines that there is a significant chance of an adverse effect on the environment or that there has been a significant change in land use or population density in or near the right-of-way since the first construction of pipeline in the right-of-way, or since the board first approved the right-of-way.

Subd. 4. [PRIMARY RESPONSIBILITY AND REGULATION OF ROUTE DESIGNATION, IMPROVEMENT AND USE.] The issuance of a pipeline routing permit under this section and subsequent purchase and use of the route locations is the only site approval required to be obtained by the person owning, constructing, or operating the pipeline. The pipeline routing permit supersedes and preempts all zoning, building, or land use rules, regulations, or ordinances promulgated by regional, county, local, and special purpose governments.

Sec. 2. Minnesota Statutes 1986, section 116I.02, subdivision 2, is amended to read:

Subd. 2. Any person proposing to construct or operate a pipeline for which a pipeline routing permit is not required under section 1, shall so notify the environmental quality board and the county board of each county through which the pipeline will be constructed. The notice shall include a description of the route on which the pipeline is proposed to be located, the size and type of pipeline to be constructed, the types of commodities to be carried and the construction and operational characteristics of the pipeline. The proposed route shall be described in sufficient detail so that the owners or lessees of property on which the route is located can be identified. Notice to the environmental quality board shall be accompanied by a fee of \$25,000 for preparation of an information book as provided in section 116I.03 and for expenses incurred by state agencies to participate in public meetings as provided in section 116I.04. All fees received are appropriated to the environmental quality board for its own use and for distribution to state agencies for these purposes. The environmental quality board shall refund any amount that exceeds the actual cost to the board of preparing the information book, including necessary revisions, and to state agencies for participating in the public meetings.

If the pipeline route described in the notice is changed to the extent that, in any county, 20 percent or more of the owners or lessees of property on which the new route is located were not owners or lessees of property on which the other route was located, the

person proposing to construct and operate the pipeline shall notify the environmental quality board and the county board of that county of the change in the proposed route. No additional fee shall be required for a notice of change of a proposed route.

Sec. 3. Minnesota Statutes 1986, section 116I.02, subdivision 3, is amended to read:

Subd. 3. ~~No~~ (a) If a pipeline routing permit is not required for construction of a pipeline under section 1, a person shall may not negotiate or acquire an easement or right-of-way agreement for the purpose of constructing and operating a pipeline until 30 days after:

(a) A (1) public meeting has been held as provided in section 116I.04 in the county in which the right-of-way in question is located; and

(b) (2) that person has provided to the owner or lessee from whom the easement or agreement is acquired a copy of the information book prepared pursuant to section 116I.03.

(b) If the original information book is revised pursuant to section 116I.03, each owner or lessee of property which the original route did not affect shall be provided with a copy of the revised book.

Sec. 4. Minnesota Statutes 1986, section 117.48, is amended to read:

117.48 [CRUDE OIL PIPELINE COMPANIES, EMINENT DOMAIN.]

The business of transporting crude petroleum, oil, their related products and derivatives including liquefied hydrocarbons, or natural gas by pipeline as a common carrier, is declared to be in the public interest and necessary to the public welfare, and the taking of private property therefor is declared to be for a public use and purpose. Any corporation or association qualified to do business in the state of Minnesota engaged in or preparing to engage in the business of transporting crude petroleum, oil, their related products and derivatives including liquefied hydrocarbons, or natural gas by pipeline as a common carrier, is authorized to acquire, for the purpose of such business, easements or rights of way, over, through, under or across any lands, not owned by the state or devoted to a public purpose for the construction, erection, laying, maintaining, operating, altering, repairing, renewing and removing in whole or in part, a pipeline for the transportation of crude petroleum, oil, their related products and derivatives including liquefied hydrocarbons, or natural gas. To such end it shall have and enjoy the right of eminent domain to be exercised in accordance with this chapter, and acts amendatory thereof, all of which provisions shall govern insofar as they may be applicable hereto. Nothing herein shall be construed

as authorizing the taking of any property owned by the state, or any municipal subdivision thereof, or the acquisition of any rights in public waters except after permit, lease, license or authorization issued pursuant to law.

Sec. 5. Minnesota Statutes 1986, section 117.49, is amended to read:

**117.49 [APPROVAL OF PROCEEDINGS BY COMMISSIONER OF NATURAL RESOURCES.]**

In the event that the right to exercise the power of eminent domain in accordance with this chapter, is granted by law to any person, corporation or association qualified to do business in the state of Minnesota engaged in or preparing to engage in the business of transporting crude petroleum, oil, their related products and derivatives including liquefied hydrocarbons, or natural gas by pipeline as a common carrier, the right shall not be exercised by such person, corporation, or association until the plans of the project for which the exercise of the power of eminent domain is proposed shall have first been submitted to and approved by the commissioner of natural resources. The plans shall be submitted in sufficient detail so that the commissioner can make a determination as to the impact that the proposed project will have on the environment. The commissioner of natural resources shall make a comprehensive review of such plans and make detailed comments on the effect that such project, if pursued, would have on the environment, including recommendations for changes or alterations, if any, that would be required before such project would be approved by the commissioner. Failure of the commissioner to approve or disapprove the plans so submitted within 90 days after submission shall be deemed approval of the plans and the power of eminent domain may thereupon be exercised for such project. This section does not apply to use of eminent domain in regard to a pipeline for which a routing permit is required by section 1.

Sec. 6. Minnesota Statutes 1986, section 216B.16, is amended by adding a subdivision to read:

Subd. 9a. [PIPELINE COSTS.] All costs of a public utility that are necessary to comply with state pipeline safety programs and pipeline routing requirements must be recognized and included by the commission in the determination of just and reasonable rates as if the costs were directly incurred by the utility in furnishing utility service.

**ONE CALL EXCAVATION NOTICE SYSTEM**

Sec. 7. [216C.01] [DEFINITIONS.]



Subdivision 1. [APPLICABILITY.] The definitions in this section apply to sections 7 to 13.

Subd. 2. [DAMAGE.] "Damage" means:

(1) the substantial weakening of structural or lateral support of an underground facility;

(2) penetration, impairment, or destruction of any underground protective coating, housing, or other protective device; or

(3) impact with or the partial or complete severance of any underground facility to the extent that the facility operator determines that repairs are required.

Subd. 3. [EMERGENCY.] "Emergency" means a condition that poses a clear and immediate danger to life or health, or a significant loss of property.

Subd. 4. [EMERGENCY RESPONDER.] "Emergency responder" means a fire department or company, a law enforcement official or office, an ambulance or other emergency rescue service, or the division of emergency services created by section 12.04, subdivision 1.

Subd. 5. [EXCAVATION.] "Excavation" means any operation by which rock, earth, or other material in or on the ground is moved, removed, compressed, or otherwise displaced by use of a motor, engine, hydraulic or pneumatically-powered tool, or machine-powered equipment of any kind, or by explosives. It includes demolition in the case of a structure with a foundation depth of two feet or more. It includes terracing, post hole digging, using a subsoiler or ripper, and similar farming operations, except as provided in this subdivision.

Excavation does not include plowing, cultivating, planting, harvesting, and similar operations in connection with growing crops, landscaping, or gardening, unless any of these activities disturbs the soil to a depth of 18 inches or more. It does not include the repair or installation of agricultural drainage tile, for which notice has been given as provided by section 1161.07, subdivision 2. It does not include the extraction of minerals, the opening of a grave in a cemetery, or normal maintenance of roads and streets if the maintenance does not change the original grade and does not involve the ditch.

Subd. 6. [EXCAVATOR.] "Excavator" means a person that conducts excavation in the state.

Subd. 7. [LOCAL GOVERNMENTAL UNIT.] “Local governmental unit” means a county, town, or statutory or home rule charter city.

Subd. 8. [NOTIFICATION CENTER.] “Notification center” means a single statewide center that receives notice from excavators of planned excavation and transmits this notice to participating operators.

Subd. 9. [OPERATOR.] “Operator” means a person who owns or operates an underground facility. However, operator does not include a person who is an owner or tenant of real property where underground facilities are located if the underground facilities are used exclusively to furnish services or commodities on that property.

Subd. 10. [PERSON.] “Person” means the state, a public agency, an individual, corporation, partnership, association, or other business or public entity or a trustee, receiver, assignee, or personal representative of any of them.

Subd. 11. [UNDERGROUND FACILITY.] “Underground facility” means an underground line, facility, system, and its appurtenances used to produce, store, convey, transmit, or distribute communication, data, electricity, power, heat, gas, oil, petroleum products, water including storm water, steam, sewage, and other similar substances.

**Sec. 8. [216C.02] [NOTICE TO EXCAVATORS AND UNDERGROUND FACILITY OPERATORS.]**

Subdivision 1. [DISPLAY AND DISTRIBUTION.] Local governmental units that issue permits for an activity involving excavation must continuously display an excavator’s and operator’s notice at the location where permits are applied for and obtained. A copy of the notice and a copy of sections 9 to 13 must be furnished to each person obtaining a permit for excavation.

Subd. 2. [FORM.] The notification center must prescribe an excavator’s and operator’s notice. The notice must inform excavators and operators of their obligations to comply with sections 9 to 13. The center must furnish to local governmental units:

(1) a copy of the notice and sections 9 to 13 in a form suitable for photocopying;

(2) a copy of the display and distribution requirements under subdivision 1; and

(3) the telephone number and mailing address of the notification center.

Sec. 9. [216C.03] [NOTIFICATION CENTER.]

Subdivision 1. [PARTICIPATION.] An operator must participate in and share in the costs of one statewide notification center operated by a vendor selected under subdivision 2.

Subd. 2. [ESTABLISHMENT OF NOTIFICATION CENTER.] The center shall be organized as a nonprofit corporation governed by a board of directors consisting of 20 members. Nineteen of the members must represent and be elected by operators, excavators, and other persons who participate in the notification center. The remaining member must be the director of the office of pipeline safety. By January 1, 1988, the board shall, with input from all interested parties, determine the operating procedures and technology needed for a single statewide notification center. The board shall select a vendor to provide the statewide notification service for all operators. The vendor must be selected through a competitive bidding process similar to the process described in section 16B.09, subdivision 1, after advertising in a manner similar to that provided in section 16B.07, subdivision 3. An operator may submit a bid and may be selected as the vendor. The notification center must begin operating by June 1, 1988.

Subd. 3. [NOTICE TO LOCAL GOVERNMENTAL UNITS.] The notification center must provide local governmental units with a master list, by county, of the operators in the county who are participants in the notification center, and the telephone number and mailing address of the notification center.

Sec. 10. [216C.04] [EXCAVATION.]

Subdivision 1. [NOTICE OF EXCAVATION REQUIRED; CONTENTS.] (a) Except in an emergency, an excavator must contact the notification center and provide an excavation notice at least 48 hours before beginning any excavation, excluding Saturdays, Sundays, and holidays. An excavation begins, for purposes of this requirement, the first time excavation occurs in an area that was not previously identified by the excavators in an excavation notice.

(b) The excavation notice may be oral or written, and must contain the following information:

- (1) the name of the individual providing the excavation notice;
- (2) the precise location of the proposed area of excavation;
- (3) the name, address, and telephone number of the excavator or excavator's company;
- (4) the excavator's field telephone number, if one is available;

- (5) the type and the extent of the proposed excavation work;
- (6) whether or not the discharging of explosives is anticipated; and
- (7) the date and time when excavation is to commence.

Subd. 2. [DUTIES OF NOTIFICATION CENTER.] The notification center must assign an inquiry identification number to each excavation notice and retain a record of all excavation notices received for at least six years. The center must immediately transmit the information contained in an excavation notice to every operator that has an underground facility in the area of the proposed excavation.

Subd. 3. [LOCATING UNDERGROUND FACILITIES.] (a) An operator must, within 48 hours after receiving an excavation notice from the center, excluding Saturdays, Sundays, and holidays, unless otherwise agreed to between the excavator and operator, locate and mark or otherwise provide the approximate horizontal location of the underground facilities of the operator, without cost to the excavator. The excavator must determine the precise location of the underground facility, without damage, before excavating within two feet of the marked location of the underground facility.

(b) For the purpose of this section, the approximate horizontal location of the underground facilities is a strip of land two feet on either side of the underground facilities.

(c) Markers used to designate the approximate location of underground facilities must follow the color code standard used by the American Public Works Association.

(d) If the operator cannot complete marking of the excavation area before the excavation commencement time stated in the excavation notice, the operator must promptly contact the excavator. If the excavator postpones the excavation commencement time stated in the excavation notice by more than 48 hours, or cancels the excavation, the excavator must notify the notification center.

Sec. 11. [216C.05] [PRECAUTIONS TO AVOID DAMAGE.]

An excavator must:

(1) plan the excavation to avoid damage to and minimize interference with underground facilities in and near the construction area;

(2) maintain a clearance between an underground facility and the cutting edge or point of any mechanized equipment, considering the known limit of control of the cutting edge or point to avoid damage to the facility;

(3) provide support for underground facilities in and near the construction area, including during backfill operations, to protect the facilities; and

(4) conduct the excavation in a careful and prudent manner.

Sec. 12. [216C.06] [DAMAGE TO FACILITIES.]

Subdivision 1. [NOTICE; REPAIRS.] (a) If any damage occurs to an underground facility or its protective covering, the excavator must notify the operator as soon as reasonably possible. When the operator receives a damage notice, the operator must promptly dispatch personnel to the damage area to investigate. If the damage endangers life, health, or property, the excavator responsible for the work must take immediate action to protect the public and property and to minimize the hazard until arrival of the operator's personnel or until emergency responders have arrived and taken charge of the damaged area.

(b) An excavator must delay backfilling in the immediate area of the damaged underground facilities until the damage has been investigated by the operator, unless the operator authorizes otherwise. The repair of damage must be performed by the operator or by qualified personnel authorized by the operator.

(c) An excavator who knowingly damages an underground facility, and who does not notify the operator as soon as reasonably possible or who backfills in violation of paragraph (b), is guilty of a misdemeanor.

Subd. 2. [COST REIMBURSEMENT.] (a) If an excavator damages an underground facility, the excavator must reimburse the operator for all costs of necessary repairs, including lost product costs.

(b) Reimbursement is not required if the damage to the underground facility was caused by the sole negligence of the operator or the operator failed to comply with section 10, subdivision 3.

Subd. 3. [PRIMA FACIE EVIDENCE OF NEGLIGENCE.] It is prima facie evidence of the excavator's negligence in a civil court action if damage to the underground facilities of an operator resulted from excavation, and the excavator failed to give an excavation notice under section 10 or provide support as required by section 11.

Sec. 13. [216C.07] [EFFECT ON LOCAL ORDINANCES.]

(a) Sections 7 to 13 do not affect or impair local ordinances, charters, or other provisions of law requiring permits to be obtained before excavating.

(b) A person with a permit for excavation from the state or a public agency is subject to sections 7 to 13. The state or public agency that issued a permit for excavation is not liable for the actions of an excavator who fails to comply with sections 7 to 13.

### INTRASTATE GAS PIPELINE SAFETY

Sec. 14. Minnesota Statutes 1986, section 299F.56, is amended by adding a subdivision to read:

Subd. 7. "Commissioner" means the commissioner of public safety, acting through the office of pipeline safety.

Sec. 15. Minnesota Statutes 1986, section 299F.57, is amended to read:

#### 299F.57 [MINIMUM SAFETY STANDARDS.]

Subdivision 1. The state fire marshal commissioner shall, by order, establish minimum safety standards for the transportation of gas and pipeline facilities. Such standards may apply to the design, installation, inspection, testing, construction, extension, operation, replacement and maintenance of pipeline facilities. Standards affecting the design, installation, construction, initial inspection and initial testing shall not be applicable to pipeline facilities in existence on the date such standards are adopted. Such safety standards shall be practicable and designed to meet the need for pipeline safety. In prescribing such standards, the state fire marshal commissioner shall consider:

- (a) relevant available pipeline safety data;
- (b) whether such standards are appropriate for the particular type of pipeline transportation;
- (c) the reasonableness of any proposed standards;
- (d) the extent to which any such standards will contribute to public safety; and
- (e) the existing standards established by the Secretary of Transportation of the United States pursuant to the Natural Gas Pipeline Safety Act of 1968 of the United States.

Provided, however, that the state fire marshal commissioner shall not be empowered to adopt any such standards as to the transportation of gas or to pipeline facilities which are subject to the jurisdiction of the Federal Power Commission under the Natural Gas Act of the United States, except as provided in sections 22 to 39.

Subd. 2. Any standards prescribed under this section, and amendments thereto, shall become effective 30 days after the date of issuance of such standards unless the state fire marshal commissioner, for good cause recited, determines an earlier or later effective date is required as the result of the period reasonably necessary for compliance.

Subd. 3. The rulemaking, contested case and judicial review provisions of chapter 14, shall apply to all orders establishing, amending, revoking, or waiving compliance with, any standard established under sections 299F.56 to 299F.64 ~~or any penalty imposed under sections 299F.56 to 299F.64~~. The state fire marshal commissioner shall afford interested persons an opportunity to participate fully in the establishment of such safety standards through submission of written data, views or arguments, with opportunity to present oral testimony and argument.

Subd. 4. The state fire marshal commissioner, on finding a particular facility to be hazardous to life or property, shall be empowered to require the person operating such facility to take such steps necessary to remove such hazards.

Subd. 5. Upon application by any person engaged in the transportation of gas or the operation of pipeline facilities, the state fire marshal commissioner may, after notice and opportunity for hearing and under such terms and conditions and to such extent as the state fire marshal commissioner deems appropriate, waive in whole or in part compliance with any standards established under sections 299F.56 to 299F.64, on determining that a waiver of compliance with such standard is not inconsistent with gas pipeline safety. The state fire marshal commissioner shall state the reasons for any such waiver.

Sec. 16. Minnesota Statutes 1986, section 299F.58, is amended to read:

#### 299F.58 [CERTIFICATIONS AND REPORTS.]

The state fire marshal commissioner is authorized to make such certifications and reports to the United States Secretary of Transportation as may be required from time to time under the Natural Gas Pipeline Safety Act of 1968 of the United States.

Sec. 17. Minnesota Statutes 1986, section 299F.60, is amended to read:

#### 299F.60 [CIVIL PENALTIES.]

Subdivision 1. Any person who violates any provision of sections 299F.56 to 299F.64, or any rule issued thereunder, shall be subject to

a civil penalty in an amount to be imposed determined by the state fire marshal court not to exceed ~~\$1,000~~ \$10,000 for each such violation for each day that such the violation persists, except that the maximum civil penalty shall not exceed \$200,000 for any related series of violations.

Subd. 2. The ~~state fire marshal~~ commissioner may negotiate a compromise settlement of a civil penalty. In determining the amount of ~~such the~~ penalty, or the amount of the compromise settlement, the ~~state fire marshal commissioner or the court~~ shall consider the appropriateness of ~~such the~~ penalty to the size of the business of the person charged, the gravity of the violation, and the good faith of the person charged in attempting to achieve compliance, after notification of a violation. The contested case and judicial review provisions of chapter 14 shall apply to all orders of the state fire marshal imposing any penalty under sections 299F.56 to 299F.64 or under any rule promulgated thereunder. The penalty may be recovered by an action brought in the district court of Ramsey county or in the county of the defendant's residence. The amount of such the penalty, when finally determined, may be deducted from any sums owing by the state of Minnesota to the person charged.

Subd. 3. No person shall be subjected to civil penalties under both sections 299F.56 to 299F.64 and under Public Law Number 90-481, Statutes at Large, volume 82, page 720, 90th Congress, S. 1166, approved August 12, 1968, for conduct which may give rise to a violation of both acts.

Subd. 4. All penalties collected under sections 299F.56 to 299F.64 shall be ~~paid over to the state treasurer for deposit~~ deposited in the state treasury to the credit of the general fund pipeline safety account.

Sec. 18. Minnesota Statutes 1986, section 299F.61, is amended to read:

#### 299F.61 [INJUNCTIVE RELIEF]

Subdivision 1. The district courts of the state of Minnesota shall have jurisdiction, subject to the provisions of the statutes and the rules of practice and procedure of the state of Minnesota relative to civil actions in the district courts, to restrain violations of sections 299F.56 to 299F.64, including the restraint of transportation of gas or the operation of a pipeline facility, or to enforce standards established hereunder upon petition by the attorney general on behalf of the state of Minnesota. Whenever practicable, the ~~state fire marshal~~ commissioner shall give notice to any person against whom an action for injunctive relief is contemplated and afford the person an opportunity to present views, and, except in the case of a knowing and willful violation, shall afford the person reasonable opportunity to achieve compliance. However, the failure to give such notice and



afford such opportunity shall not preclude the granting of appropriate relief.

Subd. 2. Actions under sections 299F.56 to 299F.64 shall ~~may~~ be brought in the any district court in the state of Minnesota wherein the defendant's principal place of business is located, and process in such cases may be served in any other district in the state of Minnesota where the defendant may be found or of which the defendant is an inhabitant or transacts business.

Sec. 19. Minnesota Statutes 1986, section 299F.62, is amended to read:

299F.62 [PLAN FOR INSPECTION AND MAINTENANCE.]

Each person who engages in the transportation of gas or who owns or operates pipeline facilities subject to sections 299F.56 to 299F.64 shall file with the ~~state fire marshal~~ commissioner a plan for inspection and maintenance of each such pipeline facility owned or operated by such person, and any changes in such plan, in accordance with the rules prescribed by the ~~state fire marshal~~ commissioner. On finding that such plan is inadequate to achieve safe operation, the ~~state fire marshal~~ commissioner shall, after notice and opportunity for a hearing, require such plan to be revised. The plan required by the ~~state fire marshal~~ commissioner shall be practicable and designed to meet the need for pipeline safety. In determining the adequacy of any such plan, the ~~state fire marshal~~ commissioner shall consider the following:

- (a) relevant available pipeline safety data;
- (b) whether the plan is appropriate for the particular type of pipeline transportation;
- (c) the reasonableness of the plan; and
- (d) the extent to which such plan will contribute to public safety.

Sec. 20. Minnesota Statutes 1986, section 299F.63, is amended to read:

299F.63 [RECORDS AND REPORTS; INSPECTIONS; TRADE SECRETS.]

Subdivision 1. Each person who engages in the transportation of gas or who owns or operates pipeline facilities shall establish and maintain such records, make such reports, and provide such information as the ~~state fire marshal~~ commissioner may reasonably require to determine whether such person has acted or is acting in compliance with sections 299F.56 to 299F.64 and the standards

established under sections 299F.56 to 299F.64. Each such person shall, upon request of an officer, employee, or agent authorized by the state fire marshal commissioner, permit such officer, employee, or agent to inspect books, papers, records and documents relevant to determining whether such person has acted or is acting in compliance with sections 299F.56 to 299F.64 and the standards established pursuant to sections 299F.56 to 299F.64. For purposes of enforcement of sections 299F.56 to 299F.64, officers, employees, or agents authorized by the state fire marshal commissioner, upon presenting appropriate credentials to the individual in charge, are authorized to enter upon, at reasonable times, pipeline facilities, and to inspect, at reasonable times and within reasonable limits and in a reasonable manner, such facilities. Each such inspection shall be commenced and completed with reasonable promptness.

Subd. 2. In the course of the exercise of duties and responsibilities under sections 299F.56 to 299F.64, the state fire marshal commissioner shall wherever practicable employ a practice of spot checking and issuance of certificates of compliance, with respect to persons subject to sections 299F.56 to 299F.64, to limit costs of enforcement of the safety standards established pursuant to sections 299F.56 to 299F.64.

Subd. 3. All information reported to or otherwise obtained by the state fire marshal commissioner or a representative, which contains or relates to a trade secret, as referred to in section 1905 of title 18 of the United States Code, or otherwise constitutes a trade secret under law, shall be considered confidential for the purpose of such laws, except that such information and is private or nonpublic data as defined in section 13.02. This data may be disclosed to other officers or employees concerned with carrying out sections 299F.56 to 299F.64 or when relevant in any proceeding under sections 299F.56 to 299F.64.

Subd. 4. [COST OF INSPECTION AND REVIEW.] The state fire marshal commissioner shall establish, by rule under section 16A.128, a fee to recover the state share of all costs related to field inspections, investigations of pipeline facilities, plan review, and other duties as provided by sections 299F.56 to 299F.63. Fees collected under this subdivision shall be credited to the general fund pipeline safety account.

Sec. 21. Minnesota Statutes 1986, section 299F.64, is amended to read:

#### 299F.64 [FEDERAL MONEYS.]

The state fire marshal commissioner may accept any and all moneys provided for or made available to this state by the United States of America or any department or agency thereof with respect to prescribing, setting, and enforcing rules and safety standards for

the transportation of natural and other gas by pipelines in accordance with the provisions of federal law and any rules or regulations promulgated thereunder and the state fire marshal commissioner is further authorized to do any and all things, not contrary to the laws of this state, required of this state by such federal law and the rules and regulations promulgated thereunder in order to obtain such federal moneys.

## OFFICE OF PIPELINE SAFETY

### Sec. 22. [299J.01] [LEGISLATIVE FINDINGS AND PURPOSE.]

The legislature finds that the pipelines in the state carrying hazardous liquids and gas present a hidden danger in that they are used to carry highly explosive material but are subject to only minimal safety regulation by the state. The legislature further finds that the regulation of these pipelines by the United States has proved inadequate to prevent injury and death to state residents.

The legislature therefore finds that a broad range of regulatory measures is necessary to protect the health and safety of Minnesotans living near pipelines carrying hazardous liquids and gas. It is the intent of the legislature in enacting sections 22 to 39 to create a comprehensive regulatory program to the extent allowed by federal law. The commissioner of public safety through the office of pipeline safety, shall exercise safety regulatory and enforcement authority over intrastate pipelines carrying hazardous liquids and gas. The commissioner shall, to the extent authorized by agreement between the office of pipeline safety and the United States Secretary of Transportation, act as agent for the United States Secretary of Transportation to implement the federal Hazardous Liquid Pipeline Safety Act (United States Code, title 49, section 2001 et seq.) the federal Natural Gas Pipeline Safety Act (United States Code, title 49, section 1671 et seq.) and federal pipeline safety regulations with respect to interstate pipelines located within this state, as necessary to obtain annual federal certification.

### Sec. 23. [299J.02] [DEFINITIONS.]

Subdivision 1. [APPLICABILITY.] The definitions in this section apply to sections 22 to 39.

Subd. 2. [COMMISSIONER.] "Commissioner" means the commissioner of public safety acting through the office of pipeline safety except as provided in section 36, subdivision 1.

Subd. 3. [DIRECTOR.] "Director" means the director of the office of pipeline safety.

Subd. 4. [EMERGENCY.] "Emergency" means a condition that poses a clear and immediate danger to life or health or that threatens a significant loss of property.

Subd. 5. [EMERGENCY RELEASE.] "Emergency release" means a release that poses a clear and immediate danger to life or health or that threatens a significant loss of property.

Subd. 6. [EMERGENCY RESPONDER.] "Emergency responder" means a fire department or company, a law enforcement official or office, an ambulance or other emergency rescue service, or the division of emergency services created by section 12.04, subdivision 1.

Subd. 7. [GAS.] "Gas" has the meaning given it in Code of Federal Regulations, title 49, section 192.3.

Subd. 8. [HAZARDOUS LIQUID.] "Hazardous liquid" means "hazardous liquid" and "highly volatile liquid" as defined in Code of Federal Regulations, title 49, section 195.2.

Subd. 9. [LOCAL GOVERNMENTAL UNIT.] "Local governmental unit" means a county, town, or statutory or home rule charter city.

Subd. 10. [PERSON.] "Person" means an individual, corporation, partnership, association, or other business entity or a trustee, receiver, assignee, or personal representative of any of them.

Subd. 11. [OPERATOR.] "Operator" means a person who owns or operates a pipeline.

Subd. 12. [PIPELINE.] "Pipeline" means:

(1) pipe with a nominal diameter of six inches or more, located in the state, that is used to transport hazardous liquids, but does not include pipe used to transport a hazardous liquid by gravity, and pipe used to transport or store a hazardous liquid within a refining, storage, or manufacturing facility; or

(2) pipe operated at a pressure of more than 275 pounds per square inch that carries gas.

Subd. 13. [RELEASE.] "Release" means a spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, leaching, dumping, disposing, flowing, or any other uncontrolled escape of a hazardous liquid or gas from a pipeline.

Sec. 24. [299J.03] [OFFICE OF PIPELINE SAFETY.]

Subdivision 1. [ESTABLISHMENT.] The office of pipeline safety is a division of the department of public safety under the control of a director. The director shall be appointed by the commissioner and serve at the commissioner's pleasure in the unclassified service. The commissioner shall employ in the office of pipeline safety inspectors and other professional and clerical staff who serve in the classified service.

Subd. 2. [QUALIFICATIONS.] (a) The director of the office must be interested and knowledgeable in the operation and safety aspects of pipelines.

(b) Inspectors must:

(1) be graduates of accredited engineering schools and be licensed as professional engineers under section 326.02 with at least three years of experience in the pipeline industry; or

(2) have more than ten years of employment experience that demonstrates in-depth knowledge of pipeline engineering technology and pipeline safety.

(c) Inspectors must complete courses at the transportation safety institute and be certified by the institute as soon as possible following appointment.

Sec. 25. [299J.04] [DUTIES OF THE OFFICE OF PIPELINE SAFETY.]

Subdivision 1. [GENERAL DUTIES.] The commissioner shall:

(1) promote the use of the 911 emergency telephone system as an appropriate method for the public to notify emergency responders of an emergency release;

(2) provide training on a regular basis to all potentially affected local governmental units in pipeline incident contingency planning and emergency response by itself or in cooperation with pipeline operators, other state offices, or local governmental units;

(3) require local governmental units to work with pipeline operators to provide a program of continuing public education on the subject of pipeline operation and safety;

(4) monitor and gather information on the development of reliable pipeline technologies capable of detecting and geographically locating pipeline releases, use the information gathered in the development of rules as provided in this section, and report to the legislature every two years in the manner provided by section 3.195 on the activities of the office under this clause;

(5) maintain a comprehensive data base on the underlying causes of all pipeline releases, which must be based on annual reports from all pipeline operators;

(6) inspect, as necessary, any record, map, or written procedure required by sections 22 to 39 to be kept by a pipeline operator concerning the reporting of releases, and the design, construction, testing, or operation and maintenance of pipelines; and

(7) adopt rules to implement sections 22 to 39. The rules must treat separately and distinguish between hazardous liquid and gas pipelines.

Subd. 2. [DELEGATED DUTIES.] The commissioner shall seek and accept federal designation of the office's pipeline inspectors as federal agents for the purposes of enforcement of the federal Hazardous Liquid Pipeline Safety Act, United States Code, title 49, section 2001, et seq., the federal Natural Gas Pipeline Safety Act, United States Code, title 49, section 1671, et seq., and federal rules adopted to implement those acts. If the federal department of transportation delegates inspection authority to the state as provided in this subdivision, the commissioner shall do the following to carry out the delegated federal authority:

(i) inspect pipelines periodically at times determined by rules of the commissioner;

(ii) collect inspection fees; and

(iii) order and oversee the testing of pipelines as provided in rules adopted under this section to the extent permitted by the federal delegation.

Subd. 3. [RULEMAKING CONTINGENT ON FEDERAL AUTHORITY.] (a) The commissioner shall consider adoption of rules on subjects in this subdivision if federal law authorizes the state regulation. The rules must treat separately and distinguish between hazardous liquid and gas pipelines.

(b) The commissioner shall consider higher safety margin requirements for operating pressures on pipelines located in populated or environmentally sensitive areas.

(c) The commissioner shall consider having pipeline operators periodically submit comprehensive reports to the office on the condition of their pipelines, and requiring appropriate pipeline testing based on concerns identified in these reports. The testing requirements must apply more strictly to pipelines in populated or environmentally sensitive areas.

(d) The commissioner shall consider methods for pipeline operators to improve their ability to rapidly locate and isolate releases. The methods considered must include:

(1) remote control shutoff valves on all new pipelines, with the distance between the valves dependent on the type and density of development, the presence of environmentally sensitive areas, and the application of appropriate engineering standards;

(2) remotely monitored pressure gauges and flow meters installed at each pump station and remote valve location;

(3) specific emergency response procedures and training requirements for shutting down pumps; and

(4) use of reliable technology for detecting and geographically locating releases, and for shutting appropriate valves as rapidly as possible.

(e) The commissioner must consider standards for the manufacture of pipe used in pipelines, pipeline construction, and pipeline operation. Best available technology in pipe manufacture, pipeline construction, and pipeline reconstruction must be required and developed in consultation with the commissioner of labor and industry.

Subd. 4. [RELATION TO OTHER LAW.] Rules adopted to implement sections 22 to 39 must be consistent with sections 299F.56 to 299F.64 to the extent that the rules deal with pipelines governed by those sections.

Sec. 26. [299J.05] [PIPELINE SETBACK ORDINANCE.]

(a) The commissioner shall adopt a model ordinance under chapter 14 requiring a setback from pipelines in areas where residential or other development is allowed. The model ordinance must apply only to new development and not to development that has occurred, or for which development permits have been issued, before the ordinance becomes effective.

(b) If a county or other local governmental unit fails to adopt a pipeline setback ordinance within two years after the effective date of the rules adopting the model ordinance, or if the commissioner finds, at any time after that date, after opportunity for a contested case hearing under chapter 14, that a county or other local governmental unit has adopted a pipeline setback ordinance that fails to meet the minimum standards established under subdivision 1, the commissioner shall adapt the model ordinance to the part of the county that does not have an ordinance that meets minimum standards. The commissioner must hold at least one public hearing

on the proposed ordinance in the manner provided in section 394.26, after giving notice as provided in that section. This ordinance is effective for the parts of the county on the date and in accordance with the rules relating to compliance that the commissioner prescribes. The ordinance must be enforced as provided in section 394.37, and the penalties provided in section 394.37 apply to violations of the ordinance adopted by the commissioner.

Sec. 27. [299J.06] [PIPELINE SAFETY ADVISORY COMMISSION.]

Subdivision 1. [COMMISSION CREATED.] The pipeline safety advisory commission is created and is attached for administrative purposes to the department of public safety. The commissioner shall provide offices and administrative assistance necessary for the performance of the commission's duties.

Subd. 2. [MEMBERSHIP.] The commission consists of 11 members to be appointed by the commissioner. Four members shall be chosen from the pipeline industry, two each from hazardous liquid and gas pipeline operators. Three members must be associated with state or local government. Four members must be state residents unaffiliated with state or local government or the pipeline or utility industries.

Subd. 3. [POWERS AND DUTIES.] The members of the commission shall serve on a part-time basis and shall advise the commissioner and other appropriate federal, state, and local government agencies and officials on matters relating to pipeline safety and operation. The commission shall advise the environmental quality board on implementation of sections 1 to 3, and the commissioner on the implementation of sections 7 to 13, and 14 to 39. The commission shall review and comment on proposed rules and on the operation of the office of pipeline safety.

Subd. 4. [TERMS; COMPENSATION; REMOVAL.] The terms, compensation, and removal of members are governed by section 15.059.

Sec. 28. [299J.07] [PENALTY FOR OPERATOR WHO FAILS TO GIVE NOTICE OF RELEASE.]

(a) A pipeline operator is guilty of a felony for an emergency release from the operator's pipeline that causes the death or serious bodily injury of any person if the pipeline operator:

- (1) knows or should have known of an emergency release;



(2) knows or should have known that the emergency release was likely to cause the death or serious bodily injury of an individual; and

(3) fails to immediately report the emergency release to the department of public safety.

(b) A person convicted under this section may be sentenced to imprisonment for not more than seven years or to payment of a fine of not more than \$14,000, or both.

**Sec. 29. [299J.08] [COMMISSIONER TO REPORT RELEASE; ADVICE AND COORDINATION.]**

Upon receiving notice of an emergency release the commissioner or a designee shall immediately report the emergency release to the emergency responder of the appropriate local government unit, to the pollution control agency if the notice of the release is required by section 115.061, and to any other person or office, as provided by the rules or procedures of the office. A pipeline operator's report of an emergency release to the commissioner satisfies the notification requirements of section 115.061. The commissioner shall advise the emergency responder concerning appropriate emergency procedures and coordinate the procedures.

**Sec. 30. [299J.09] [PIPELINE OPERATORS TO FILE INFORMATION AND GIVE NOTICE.]**

Subdivision 1. [MAP REQUIRED.] (a) The operator of every pipeline in operation must file a detailed pipeline map in the scale required by the rules:

(1) with the commissioner and the commissioner of transportation, showing the location of the pipelines and appurtenances operated by that operator within the state; and

(2) with the recorder and with the director of emergency services or the sheriff of every county traversed by the pipeline, showing the location of the pipelines and appurtenances operated by that operator within the county.

(b) The maps required under paragraph (a) must be filed by the operator of a newly constructed pipeline before it is operational, and by the operator of a pipeline for which the route has been changed after the original filing of a map under this section. The maps required by this paragraph must be filed at least 30 days before a hazardous liquid or gas is first pumped into the pipeline.

Subd. 2. [EMERGENCY RESPONSE PLAN.] (a) At least 30 days before a hazardous liquid or gas is pumped into a pipeline, the

pipeline operator must file an emergency response plan with the commissioner and with the director of emergency services or the sheriff of every county traversed by the pipeline. The emergency response plan must describe the operator's procedures for responding to and containing releases, including:

(1) an identification of specific actions that will be taken by the operator on discovery of a release;

(2) the operator's liaison procedure with emergency responders;

(3) the operator's means of communication with the responders; and

(4) the operator's means of preventing ignition of vapors resulting from a release.

(b) An operator must file significant changes made to an emergency response plan in the same manner as the original response plan within ten days of the effective date of the change.

Subd. 3. [PROCEDURAL MANUAL.] At least 30 days before a hazardous liquid or gas is pumped into a pipeline, the pipeline operator must file with the commissioner its procedural manual as required under Code of Federal Regulations, title 49, part 192, subparts L and M, and part 195, subpart F.

Subd. 4. [NOTICE OF TESTING AND TEST RESULTS.] (a) At least 48 hours before conducting a hydrostatic test, whether or not the test is required by sections 22 to 39 or the rules of the commissioner, a pipeline operator must give notice of the test to the commissioner and the local governmental units traversed by the portion of pipeline to be tested. This notice must include:

(1) the name, address, and telephone numbers of the pipeline operator;

(2) the specific location of the pipeline or pipeline section to be tested, including a suitable map of the route of the pipeline, and the location of the test equipment;

(3) the date and time the test is to be conducted;

(4) the method by which the test will be accomplished and the type of test medium to be used; and

(5) the name and telephone number of any independent testing firm or other person responsible for certification of results.

(b) Authorized representatives of the commissioner and any affected local governmental unit may observe the test.

(c) The results of a hydrostatic test conducted by the operator or by an independent testing company must be sent to the commissioner and to every local governmental unit traversed by the tested portion of the pipeline within ten days of completion of the test. The test results must include:

- (1) the date of the test;
- (2) the specific location of the pipeline or pipeline section tested, including a suitable map of the route of the pipeline;
- (3) the results of the test; and
- (4) other information required by rule.

Subd. 5. [NOTICE OF PRODUCT.] (a) Within ten days after the effective date of this section or within ten days of beginning operation of the pipeline, whichever is later, a pipeline operator must file information with the commissioner and the sheriff of every county traversed by a pipeline of the types of products that will be carried in the pipeline. The operator must include in its filing to sheriffs a material safety data sheet for each product that the operator expects to carry in the pipeline. The sheriff must transmit copies of the material safety data sheets to the appropriate emergency responders.

(b) After filing the information required by paragraph (a), the pipeline operator must file information in the same manner of any additional types of substances that will be carried in the pipeline at least three days before the change.

Subd. 6. [PENALTY.] A pipeline operator that does not comply with the requirements of this section or rules of the commissioner implementing this section is subject to the civil penalty provided in section 37.

Subd. 7. [ENFORCEMENT.] The commissioner may bring an action to enforce the requirements of this section, as provided in section 37.

Sec. 31. [299J.10] [LOCAL GOVERNMENT EMERGENCY RESPONSE PLAN.]

(a) A local governmental unit having a pipeline within its jurisdiction must prepare a pipeline release emergency response plan. The local governmental unit must consult with the pipeline owner or operator when preparing the plan. Preparation of the plan must be

coordinated by the county traversed by the pipeline for the other local governmental units within that county. The commissioner shall prescribe rules for the content of the plan. The plan must be completed and adopted by local governmental units within six months after the effective date of the rules prescribing the contents of the plan.

(b) A local governmental unit must review its plan annually and amend it to reflect changes in the operation of the local governmental unit, in the operation of the pipeline, or other matters relating to pipeline safety. The commissioner may at any reasonable time examine a response plan required by this section.

(c) The cost of the plan required by paragraph (a) shall be assessed by a county and collected from every pipeline operator that has pipeline within the county's borders. Methods for collection and calculation of the fee assessed on an operator must be included in the rules of the commissioner required under section 25.

**Sec. 32. [299J.11] [ADOPTION OF FEDERAL PIPELINE INSPECTION RULES.]**

To enable the state to qualify for annual federal certification to enforce the federal pipeline inspection program authorized by the Hazardous Liquid Pipeline Safety Act, United States Code, title 49, section 2001, et seq., the federal Natural Gas Pipeline Safety Act, United States Code, title 49, section 1671, et seq., and the rules implementing those acts, the federal pipeline inspection rules and safety standards are adopted.

**Sec. 33. [299J.12] [PIPELINE INSPECTION FEE.]**

Subdivision 1. [ASSESSMENT AND DEPOSIT OF FEE.] For each year following the delegation to the state of the inspection authority described in section 25, the commissioner shall assess and collect from every pipeline operator an inspection fee in an amount calculated under subdivision 2. If an operator does not pay the fee within 60 days after the assessment was mailed, the commissioner may impose a delinquency fee of ten percent of the annual inspection fee and interest at the rate of 15 percent per year on the portion of the annual fee not paid. Fees collected by the commissioner under this section shall be deposited in the pipeline safety account.

Subd. 2. [CALCULATION OF FEE.] Fees for pipelines governed by section 299F.63, subdivision 4, must be established as provided in the rules adopted under that section. For other pipelines, in each calendar year that an inspection fee is to be assessed, the commissioner shall calculate the total number of miles of other pipeline to be inspected, the total cost of inspection, and the percentage of the total miles to be inspected that are or will be operated by each pipeline operator. Each pipeline operator shall be assessed a portion

of the total inspection costs equal to the percentage of the total miles of pipeline in the state to be operated by the pipeline operator, but the total fee may not exceed five dollars for each mile of the operator's pipeline.

Sec. 34. [299J.13] [ACCESS TO INFORMATION; CLASSIFICATION OF DATA.]

Subdivision 1. [DUTY TO PROVIDE INFORMATION.] A person who the commissioner has reason to believe is responsible for an emergency release shall, when requested by the commissioner or an authorized agent of the commissioner, furnish to the commissioner any information that the person may have or may reasonably obtain that is relevant to the emergency release.

Subd. 2. [ACCESS TO INFORMATION AND PROPERTY.] The commissioner or an authorized agent, upon presentation of credentials, may:

(1) examine and copy any books, papers, records, memoranda, or data of any person who has a duty to provide information under subdivision 1; and

(2) enter upon any property, public or private, for the purpose of taking any action authorized by sections 22 to 39 including obtaining information from any person who has a duty to provide the information under subdivision 1, and conducting surveys or investigations.

Subd. 3. [CLASSIFICATION OF DATA.] Except as otherwise provided in this subdivision, data obtained from any person pursuant to sections 22 to 39 is public data as defined in section 13.02. Upon certification by the subject of the data that the data relates to sales figures, processes or methods of production unique to that person, or information which would tend to affect adversely the competitive position of that person, the commissioner shall classify the data as private or nonpublic data as defined in section 13.02. Information reported to or otherwise obtained by the commissioner under sections 22 to 39 that contains or relates to a trade secret as referred to in United States Code, title 18, section 1905 is private or nonpublic data, as defined in section 13.02. Data classified as private or nonpublic data under this subdivision may be disclosed when relevant in any proceeding concerning an emergency release, or to other public agencies directly involved with the emergency release.

Subd. 4. [RECOVERY OF EXPENSES.] Reasonable and necessary expenses incurred by the commissioner under this section, including administrative and legal expenses, may be recovered in an action brought by the attorney general against a person who has been found liable under section 36 or 37. The commissioner's

certification of expenses is prima facie evidence that the expenses are reasonable and necessary.

Sec. 35. [299J.14] [LINE MARKERS REQUIRED; VANDALISM PROHIBITED; PENALTY.]

Subdivision 1. [LINE MARKERS REQUIRED.] A pipeline operator must place and maintain line markers over each pipeline as required by Code of Federal Regulations, title 49, parts 192.707 and 195.410.

Subd. 2. [VANDALISM PROHIBITED; PENALTY.] A person may not deface, mar, damage, remove, injure, displace, destroy, or tamper with any sign or line marker marking the location of a pipeline. A person violating the provisions of this subdivision is guilty of a misdemeanor.

Sec. 36. [299J.15] [PRESERVATION OF PIPELINE; PENALTY; ENFORCEMENT.]

Subdivision 1. [PRESERVATION MANDATED.] (a) After an emergency release has occurred, a pipeline operator must preserve the pipeline or part of the pipeline that was involved in the emergency release until the commissioner grants approval for disposal, destruction, or alteration. The authority of the commissioner to grant approval may not be delegated.

(b) This subdivision does not prevent:

(1) excavation and removal from the ground of a pipeline or part of a pipeline; or

(2) repair of a pipeline in the ground without approval of the commissioner if the pipeline is not excavated, removed, or altered with the intent to prevent or hinder a determination of the cause of the emergency release.

Subd. 2. [CRIMINAL PENALTY.] A pipeline operator who violates subdivision 1, or the rules of the commissioner implementing subdivision 1, or who denies the commissioner or the commissioner's designee access to the pipeline for the purposes of inspection, is guilty of a felony and may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both.

Subd. 3. [ENFORCEMENT.] The commissioner may bring an action to enforce the requirements of subdivision 1, or the rules of the commissioner implementing that subdivision, in the manner provided by section 37.

## Sec. 37. [299J.16] [CIVIL PENALTY; INJUNCTIVE RELIEF.]

Subdivision 1. [CIVIL PENALTY.] (a) A pipeline operator who violates section 30 or 36 shall forfeit and pay to the state a civil penalty in an amount to be determined by the court of not more than \$10,000 per day for each day that the operator remains in violation of the provision.

(b) The penalty provided under this subdivision may be recovered by an action brought by the attorney general in the name of the state in connection with an action to recover expenses of the commissioner under section 34, subdivision 4, or by a separate action in the district court of Ramsey county or in the county of the defendant's residence.

Subd. 2. [ACTION TO COMPEL PERFORMANCE; INJUNCTIVE RELIEF.] A person who fails to perform an act required by section 30, 34, or 36 may be compelled to do so by an action in district court brought by the attorney general in the name of the state.

## Sec. 38. [299J.17] [OTHER REMEDIES PRESERVED.]

Nothing in sections 22 to 39 shall be construed to abolish or diminish the right of any person to bring a legal action or use any remedy available under any other provision of state or federal law, including common law, to recover for personal injury, disease, economic loss, or other costs arising out of a release.

## Sec. 39. [299J.18] [PIPELINE SAFETY ACCOUNT.]

Subdivision 1. [ESTABLISHMENT.] (a) The pipeline safety account is established as an account in the state treasury. All fees and penalties collected under sections 22 to 39 shall be deposited in the state treasury and credited to the pipeline safety account.

Money received by the office in the form of gifts, grants, reimbursements, or appropriations from any source shall be credited to the pipeline safety account.

(b) The money in the pipeline safety account is continually appropriated to the commissioner to administer sections 22 to 39.

Subd. 2. [PURPOSE OF FUND.] In establishing the pipeline safety account and imposing the inspection fee provided in section 33, it is the purpose of the legislature to protect the public health, safety, and welfare, and provide funding necessary to implement sections 22 to 39.

## Sec. 40. [STUDY.]

The office of pipeline safety and the department of labor and industry, in cooperation with the board of architecture, engineering, land surveying, and landscape architecture, shall study the need for additional registration, licensing and certification requirements for personnel who design and construct pipelines, as defined in section 23. The office and department must report their findings to the legislature by January 15, 1988.

Sec. 41. [TRAINING FOR PIPELINE INSPECTORS.]

Persons holding positions as inspectors with the state fire marshal on January 1, 1987, may be transferred or appointed to positions as inspectors with the office of pipeline safety without complying with the training requirements of section 24, subdivision 2, paragraph (b).

Sec. 42. [APPROPRIATION.]

\$...... is appropriated from the general fund to the office for the purposes provided in sections 22 to 39, to be available until June 30, 1989.

Sec. 43. [EFFECTIVE DATE.]

Section 1, subdivisions 1 and 3 are effective the day following final enactment. Section 1, subdivision 2, and sections 2 and 3 are effective July 1, 1988. Sections 7 and 9, subdivision 2, are effective the day after final enactment. Sections 8; 9, subdivisions 1 and 3; 10; 11; 12; and 13 are effective June 1, 1988. Sections 28, 29, and 36 are effective August 1, 1987, and apply to crimes committed on or after that date."

Delete the title and insert:

"A bill for an act relating to public safety; pipelines and underground facilities; enacting the Minnesota pipeline safety act; requiring a routing permit to construct a new pipeline; creating the office of pipeline safety and providing for its powers and duties; authorizing rulemaking for purposes of delegation of federal authority; creating the pipeline safety advisory commission; regulating the operation of certain pipelines; requiring the adoption of pipeline setback ordinances; providing for notification of excavation in the area of underground facilities; providing for a pipeline inspection fee; establishing the pipeline safety fund; requiring a study; providing penalties; appropriating money; amending Minnesota Statutes 1986, sections 116I.02, subdivisions 2 and 3; 117.48; 117.49; 216B.16, by adding a subdivision; 299F.56, by adding a subdivision; 299F.57; 299F.58; 299F.60; 299F.61; 299F.62; 299F.63; and 299F.64; proposing coding for new law in Minnesota Statutes, chapter 116I;



proposing coding for new law as Minnesota Statutes, chapters 216C and 299J.”

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

The report was adopted.

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

H. F. No. 110, A bill for an act relating to employment; limiting the employment hours of certain minors during the school year; amending Minnesota Statutes 1986, sections 181A.04, by adding a subdivision; and 181A.12, subdivision 1.

Reported the same back with the following amendments:

Page 1, line 12, delete “or before 7:00 a.m. on a school day”

Page 2, line 16, delete “or before 7:00 a.m. on a”

Page 2, line 17, delete “school day”

With the recommendation that when so amended the bill pass.

The report was adopted.

Kelly from the Committee on Judiciary to which was referred:

H. F. No. 141, A bill for an act relating to commerce; exempting certain directors, members, and agents of certain commercial bodies from civil liability; amending Minnesota Statutes 1986, section 317.201.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. [308.111] [ELIMINATION OR LIMITATION OF LIABILITY.]

Except as otherwise provided in this section, a director's personal liability to the cooperative association or its members for monetary damages for breach of fiduciary duty as a director may be eliminated or limited in the articles. The articles shall not eliminate or limit the liability of a director:

(1) for a breach of the director's duty of loyalty to the cooperative association or its members;

(2) for acts or omissions not in good faith or that involve intentional misconduct or a knowing violation of law;

(3) for a transaction from which the director derived an improper personal benefit; or

(4) for an act or omission occurring prior to the date when the provision in the articles eliminating or limiting liability becomes effective.

Sec. 2. Minnesota Statutes 1986, section 317.201, is amended to read:

317.201 [UNPAID DIRECTORS OR TRUSTEES; LIABILITY FOR DAMAGES.]

~~A director or trustee of a nonprofit corporation or association who is not paid for services to the corporation or association is not individually liable for damages occasioned solely by reason of membership on or participation in board activities.~~

Subdivision 1. [GENERALLY.] Except as provided in subdivision 2, no person who serves without compensation as a director, officer, trustee, member, or agent of an organization exempt from state income taxation under section 290.05, subdivision 2, shall be held civilly liable for an act or omission by that person if the act or omission was in good faith, was within the scope of the person's responsibilities as a director, officer, trustee, member, or agent of the organization, and did not constitute willful or reckless misconduct.

Subd. 2. [EXCEPTIONS.] Subdivision 1 does not apply to:

(1) an action or proceeding brought by a governmental entity;

(2) an action brought by or on behalf of the organization of which the person is a director, officer, trustee, member, or agent;

(3) a cause of action to the extent it is based on federal law; or

(4) a cause of action based on the person's express contractual obligation.

Nothing in subdivision 1 shall be construed to limit an individual's liability for physical injury to the person of another or for wrongful death which is personally and directly caused by that individual.

Subd. 3. [DEFINITION.] For purposes of this section, the term "compensation" means any thing of value received for services rendered, except:

(1) reimbursement for expenses actually incurred;

(2) a per diem in an amount not to exceed the per diem authorized for state advisory councils and committees pursuant to section 15.059, subdivision 3; or

(3) payment by an organization of insurance premiums on behalf of a person who is or was a director, officer, trustee, member, or agent of an organization, or who, while a director, officer, trustee, member, or agent of the organization, is or was serving at the request of the organization as a director, officer, partner, trustee, employee, or agent of another organization or employee benefit plan against any liability asserted against and incurred by the person in or arising from that capacity.

Sec. 3. [EFFECTIVE DATE.]

Sections 1 and 2 are effective August 1, 1987, and apply to claims arising from incidents occurring after that date."

Delete the title and insert the following:

"A bill for an act relating to corporations; authorizing the elimination or limitation of a director's personal liability to a cooperative association or its members; exempting certain directors, members, and agents of nonprofit corporations from civil liability; amending Minnesota Statutes 1986, section 317.201; and proposing coding for new law in Minnesota Statutes, chapter 308."

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 152, A bill for an act relating to utilities; providing that utilities provide location for customers to pay utility bills; amending Minnesota Statutes 1986, section 325E.025, by adding a subdivision.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [325E.026] [TELEPHONE COMPANY PAYMENT LOCATION.]

A telephone company or independent telephone company, as defined in section 237.01, shall provide a location in any city or town

with a population of 1,000 or more in which the company provides telephone service and whose governing body requests such a location, where a customer may deposit payment or pay for billed telephone service."

Delete the title and insert:

"A bill for an act relating to utilities; providing that telephone companies provide location for customers to pay telephone service bills; proposing coding for new law in Minnesota Statutes, chapter 325E."

With the recommendation that when so amended the bill pass.

The report was adopted.

Kelly from the Committee on Judiciary to which was referred:

H. F. No. 202, A bill for an act relating to corporations; providing for modification of the personal liability of directors; amending Minnesota Statutes 1986, sections 300.45; and 300.64, by adding a subdivision.

Reported the same back with the following amendments:

Page 2, line 20, delete "shareholders" and insert "stockholders"

Page 2, line 25, delete "shareholders" and insert "stockholders"

Page 2, line 28, after "(c)" insert "for acts prohibited"

Page 2, line 29, delete "subdivision 2" and insert "this section"

With the recommendation that when so amended the bill pass.

The report was adopted.

McEachern from the Committee on Education to which was referred:

H. F. No. 227, A bill for an act relating to education; requiring districts receiving tobacco use prevention aid to have smoke-free

buildings by the 1989-1990 school year; amending Minnesota Statutes 1986, section 124.252, subdivision 2.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. [124.253] [DISTRICT-WIDE POLICY.]

By September 1, 1989, each school board shall adopt a district-wide policy prohibiting the use of tobacco products on the school premises by all persons, or, in the alternative, submit a report to the commissioner of education explaining why such a policy would be inappropriate for that particular district.”

Delete the title and insert:

“A bill for an act relating to education; requiring all school districts to adopt a policy prohibiting use of tobacco products on school premises by September 1, 1989, or submit a report to the commissioner of education; proposing coding for new law in chapter 124.”

With the recommendation that when so amended the bill pass.

The report was adopted.

Kelly from the Committee on Judiciary to which was referred:

H. F. No. 270, A bill for an act relating to adoption; providing for notice of an adopted child or genetic parent's death; proposing coding for new law in Minnesota Statutes, chapter 259.

Reported the same back with the following amendments:

Page 1, line 10, delete the second “the”

Page 1, line 11, after “parents” insert “who apply to adopt a child on or after August 1, 1987,”

Page 1, line 12, after “parents” insert “who are placing a child for adoption on or after August 1, 1987, and are”

Page 1, line 14, after “death” insert “and the cause of death, if known”

Page 1, line 19, delete “such” and after “information” insert “of the genetic parent's death”

Page 1, line 20, delete "child" and insert "adult"

Page 1, line 21, after "information" insert "and maintains a current address on file with the agency"

Page 1, after line 25, insert:

"Adoptive parents residing in this state whose child was adopted through an agency in another state shall, if the child dies, notify the agency of the child's death."

Page 2, delete lines 1 and 2

With the recommendation that when so amended the bill pass.

The report was adopted.

Kelly from the Committee on Judiciary to which was referred:

H. F. No. 316, A bill for an act relating to criminal law; abolishing the crime of criminal syndicalism; repealing Minnesota Statutes 1986, section 609.405.

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

The report was adopted.

Kelly from the Committee on Judiciary to which was referred:

H. F. No. 320, A bill for an act relating to statutes; removing certain gender references; amending Minnesota Statutes 1986, section 459.16.

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

The report was adopted.

Kelly from the Committee on Judiciary to which was referred:

H. F. No. 369, A bill for an act relating to human rights; changing certain requirements related to disabled persons; amending Minne-

sota Statutes 1986, sections 363.01, subdivisions 25 and 25a; 363.02, subdivisions 3 and 5; and 363.03, subdivision 5.

Reported the same back with the following amendments:

Page 1, line 16, after the period, insert “For purposes of this subdivision, “sensory impairment” means an auditory or visual impairment.”

Pages 1 and 2, delete section 2

Page 2, line 23, delete “a criterion” and insert “criteria”

Page 3, delete section 4

Page 3, line 30, after the period, insert “To provide program access, an educational institution may provide auxiliary aids or services including taped texts, interpreters, or other effective methods of making orally delivered materials available to students with hearing impairments, readers in libraries for students with visual impairments, classroom equipment adapted for use by students with manual impairments, and other similar services and actions. This paragraph does not require an educational institution to provide attendants, individually prescribed devices, readers for personal use or study, or other devices or services of a personal nature.”

Renumber the sections in sequence

Amend the title as follows:

Page 1, lines 4 and 5, delete “subdivisions” and insert “subdivision”

Page 1, line 5, delete “and 25a” and delete “and 5”

With the recommendation that when so amended the bill pass.

The report was adopted.

Kelly from the Committee on Judiciary to which was referred:

H. F. No. 372, A bill for an act relating to eminent domain; increasing appraisal fees awarded by commissioners; amending Minnesota Statutes 1986, section 117.085.

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

The report was adopted.

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

H. F. No. 397, A bill for an act relating to alcoholic beverages; extending permissible hours for sale at on-sale; amending Minnesota Statutes 1986, section 340A.504, subdivisions 1, 2, 3, and 6.

Reported the same back with the following amendments:

Page 3, delete section 4

Amend the title as follows:

Page 1, line 4, delete "3, and 6" and insert "and 3"

With the recommendation that when so amended the bill pass.

The report was adopted.

Wenzel from the Committee on Agriculture to which was referred:

H. F. No. 436, A bill for an act relating to agriculture; providing minimum standards for seed potatoes; proposing coding for new law in Minnesota Statutes, chapter 21.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [21.1195] [MINIMUM STANDARDS FOR PLANTING.]

No seed potato, the product of which is intended for sale, may be planted in the state in lots of ten or more acres unless that seed meets the minimum disease standards prescribed by the commissioner. Seed potatoes may meet those standards by being certified in accordance with this chapter and rules adopted by the commissioner, or under the certification program of another state or province which, in the judgment of the commissioner, provides equivalent assurances of seed potato quality. Seed potatoes may also be used whether or not they have completed the certification process if they have been inspected in the field as required for certified seed potatoes, have passed the field inspection standards of disease tolerance, and are free from ring rot. A person, firm, or corporation that plants potatoes in violation of this section is subject to a civil penalty of \$20 per acre for each acre or part of an acre planted in violation of this section. Failure to maintain complete and accurate records in accordance with this section or rules adopted by the commissioner is an additional violation resulting in a separate civil



penalty of \$200 for each failure. Civil penalties collected under this section must be credited to the seed potato inspection fund established in section 21.115.

If there is not available to be planted in Minnesota, in any year, a sufficient volume of Minnesota potato seed meeting Minnesota certified seed potato disease standards, in any or all varieties, the commissioner may, upon application by one or more growers, permit seed of a higher disease content to be planted for that growing season.

Each grower shall keep records of each lot of seed planted. For each growing season, the records must include, by field, the variety and source of the seed potatoes. Each grower shall file an affidavit of compliance as prescribed by the commissioner. All records must be made available for inspection by the commissioner or the commissioner's agents during normal business hours.

In addition to the enforcement powers and penalties in this section, the commissioner may issue a subpoena to an individual in order to compel delivery of reports or records which are required under this section. These subpoenas are enforceable by any court of competent jurisdiction.

## Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective for potatoes planted after January 1, 1988."

With the recommendation that when so amended the bill pass.

The report was adopted.

Battaglia from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 491, A bill for an act relating to Washington county; authorizing the issuance of county bonds for capital improvements.

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

The report was adopted.

Kalis from the Committee on Transportation to which was referred:

H. F. No. 493, A bill for an act relating to transportation; commercial motor vehicles; mandating development of a testing and

licensing program for commercial motor vehicle drivers; requiring a report to the legislature.

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

The report was adopted.

Battaglia from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 502, A bill for an act relating to counties; allowing counties to assign duties relating to vital statistics; allowing counties to charge fees for services; providing conditions for emergency contracts; amending Minnesota Statutes 1986, sections 144.214, subdivision 1; 375.21, subdivision 1; and 375.48, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 373; repealing Minnesota Statutes 1986, section 375A.07.

Reported the same back with the following amendments:

Page 1, delete section 1

Renumber remaining sections in sequence

Amend the title as follows:

Page 1, lines 2 and 3, delete "allowing counties to assign duties relating to vital statistics;"

Page 1, line 6, delete "144.214, subdivision 1;"

With the recommendation that when so amended the bill pass.

The report was adopted.

Kelly from the Committee on Judiciary to which was referred:

H. F. No. 536, A bill for an act relating to courts; setting uniform fees in probate proceedings; amending Minnesota Statutes 1986, section 525.033.

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

The report was adopted.

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

H. F. No. 567, A resolution memorializing the President and Congress to give states more authority to regulate interstate pipelines and to improve federal regulation of pipelines.

Reported the same back with the following amendments:

Page 3, delete lines 1 to 3

Page 3, line 4, delete "(7)" and insert "(6)"

Page 3, line 6, delete "(8)" and insert "(7)"

Page 3, line 8, delete "(9)" and insert "(8)"

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

The report was adopted.

Kelly from the Committee on Judiciary to which was referred:

H. F. No. 688, A bill for an act relating to controlled substances; classifying the substance alfentanil as a schedule II controlled substance; amending Minnesota Statutes 1986, section 152.02, subdivision 3.

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

The report was adopted.

Kelly from the Committee on Judiciary to which was referred:

S. F. No. 85, A bill for an act relating to real estate; providing for clearing title defects in adjacent land; amending Minnesota Statutes 1986, section 508.08.

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

The report was adopted.

**SECOND READING OF HOUSE BILLS**

H. F. Nos. 110, 141, 152, 202, 227, 270, 316, 320, 369, 397, 436, 493, 502, 536, 567 and 688 were read for the second time.

**SECOND READING OF SENATE BILLS**

S. F. No. 85 was read for the second time.

**INTRODUCTION AND FIRST READING  
OF HOUSE BILLS**

The following House Files were introduced:

Riveness, Murphy, Begich, Norton and Vanasek introduced:

H. F. No. 715, A bill for an act relating to unemployment compensation; regulating administration of unemployment compensation; providing for benefits and contribution rates; amending Minnesota Statutes 1986, sections 268.04, subdivisions 2, 4, 24, and by adding subdivisions; 268.06, subdivisions 2, 3a, 8, and by adding a subdivision; 268.07, subdivisions 2, 2a, and 3; 268.071, subdivision 1; 268.08, subdivision 1; 268.10, subdivisions 1 and 2; 268.12, subdivision 8; 268.121; 268.15, subdivision 3; 268.16, subdivision 2; repealing Minnesota Statutes 1986, section 268.04, subdivisions 29 and 30.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Johnson, R.; Simoneau; Dille; Knickerbocker and O'Connor introduced:

H. F. No. 716, A bill for an act relating to education; state university board; allowing a choice from among three low bidders in capital projects; proposing coding for new law in Minnesota Statutes, chapter 136.

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

Vellenga, Rodosovich, Murphy and Gruenes introduced:

H. F. No. 717, A bill for an act relating to human services; providing for changes to the property-related payment rate for nursing homes; amending Minnesota Statutes 1986, section 256B.431, by adding a subdivision.

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

Solberg, Knickerbocker, Rukavina, Reding and Dauner introduced:

H. F. No. 718, A bill for an act relating to public employees; defining terms and conditions of public employment; allowing expanded payment of certain accumulated sick leave; amending Minnesota Statutes 1986, sections 179A.03, subdivision 19; and 465.72, subdivision 2.

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

McLaughlin and Pappas introduced:

H. F. No. 719, A bill for an act relating to utilities; trade practices; restricting use and connection of automatic dialing-announcing devices to telephone lines; proposing coding for new law in Minnesota Statutes, chapter 325E.

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

Simoneau and Knickerbocker introduced:

H. F. No. 720, A bill for an act relating to retirement; providing for payment of an amount equal to the costs of Medicare Plan B supplemental medical coverage for retirees of the Minnesota state retirement system; appropriating money.

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

Greenfield, Onnen, Wynia and Rodosovich introduced:

H. F. No. 721, A bill for an act relating to human services; providing for the recovery of medical assistance overpayments;

amending Minnesota Statutes 1986, section 256B.0641, by adding a subdivision.

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

Greenfield, Onnen, Wynia, Rodosovich and Kelso introduced:

H. F. No. 722, A bill for an act relating to health; creating exceptions to the nursing home moratorium; establishing a review process for approval of additional exceptions to the moratorium; prohibiting renewal of licenses for nursing home and boarding care home beds in rooms with more than four beds; appropriating money; amending Minnesota Statutes 1986, sections 144.55, subdivision 6; 144A.05; and 144A.071, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 144A.

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

Olsen, S.; Jacobs; Osthoff; Tjornhom and Dempsey introduced:

H. F. No. 723, A bill for an act relating to taxation; property; providing for assessment of homesteads of certain persons age 60 and older; amending Minnesota Statutes 1986, section 273.11, subdivision 1, and by adding a subdivision.

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

Waltman; Johnson, V., and Haukoos introduced:

H. F. No. 724, A bill for an act relating to commerce; real estate salespersons and brokers; regulating continuing education requirement; allowing home study; requiring rules; amending Minnesota Statutes 1986, section 82.22, subdivision 13.

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

Clark and Greenfield introduced:

H. F. No. 725, A bill for an act relating to human services; authorizing earned income savings accounts for general assistance recipients in residential chemical dependency treatment programs;

amending Minnesota Statutes 1986, section 256D.06, subdivision 1b.

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

Reding, Redalen, Kalis, Munger and Lieder introduced:

H. F. No. 726, A bill for an act relating to agriculture; establishing a windbreak management program; exempting certain windbreaks from property taxes; providing a state-paid windbreak credit; appropriating money; amending Minnesota Statutes 1986, section 272.02, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 40 and 273.

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

Simoneau introduced:

H. F. No. 727, A bill for an act relating to public employees; setting salaries and salary ranges for certain employees; amending Minnesota Statutes 1986, sections 15A.081, subdivisions 1, 6, 7, 7b, and by adding a subdivision; 15A.083, subdivisions 1 and 4; and 298.22, subdivision 1.

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

Bauerly, Kelso, McEachern, Schafer and Ozment introduced:

H. F. No. 728, A bill for an act relating to education; adding an equity allowance to the cost differential tier; increasing the capital expenditure revenue allowance; decreasing the capital expenditure levy; amending Minnesota Statutes 1986, sections 124.245, subdivision 1; 124A.02, by adding subdivisions; 124A.06, subdivision 1, and by adding a subdivision; and 275.125, subdivision 11a.

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

Schreiber and Clausnitzer introduced:

H. F. No. 729, A bill for an act relating to local government; permitting compensation for members of statutory city park boards; amending Minnesota Statutes 1986, section 412.501.

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

Wagenius, Swenson, Solberg, Kludt and Bishop introduced:

H. F. No. 730, A bill for an act relating to witnesses; expanding the exception to the husband-wife privilege applicable to crimes committed against children; amending Minnesota Statutes 1986, section 595.02, subdivision 1.

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

O'Connor, Peterson and Sarna introduced:

H. F. No. 731, A bill for an act relating to transportation; providing for the use of recycled waste tires for highway construction; requiring certain construction bidding practices; requiring the commissioner of transportation to use or encourage the use of waste tires in highway construction; prohibiting disposal of waste tires; requiring the pollution control agency to conduct planning; providing for an advisory task force; amending Minnesota Statutes 1986, sections 115A.904; 115A.912; and 161.32, subdivision 1, and by adding a subdivision.

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

O'Connor introduced:

H. F. No. 732, A bill for an act relating to civil actions; limitations on commencement of actions; providing for the limitation of actions before administrative agencies; amending Minnesota Statutes 1986, section 541.01.

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

McEachern; Frerichs; Anderson, G.; Tunheim and Brown introduced:

H. F. No. 733, A bill for an act relating to transportation; authorizing special permits for 110-foot vehicle combinations to operate outside the metropolitan area on interstate highways; setting a fee for the permit; providing for the modification of certain interchanges, streets, and highways; amending Minnesota Statutes 1986, sections 169.81, subdivision 2; and 169.86, subdivision 5, and by adding a subdivision.

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



Shaver introduced:

H. F. No. 734, A bill for an act relating to the Minnehaha Creek watershed district; providing for the establishment of a district project maintenance fund; authorizing a tax levy for repair and maintenance of existing district projects.

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

Peterson; O'Connor; Lasley; Carlson, D., and Jennings introduced:

H. F. No. 735, A bill for an act relating to liquor; removing a restriction on issuance of off-sale licenses in Kanabec county; amending Minnesota Statutes 1986, section 340A.405, subdivision 2.

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

Blatz, Scheid, Carruthers, Rest and Bishop introduced:

H. F. No. 736, A bill for an act relating to probate; changing the intestate descent of cemetery lots; amending Minnesota Statutes 1986, section 525.14.

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

McLaughlin, Vanasek, Skoglund, Norton and Anderson, R., introduced:

H. F. No. 737, A resolution memorializing the President and Congress to prevent from taking effect the proposed Internal Revenue Service regulations that limit the lobbying activities by non-profit organizations.

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

Reding introduced:

H. F. No. 738, A bill for an act relating to game and fish; providing for cooperative management of wildlife resources; appropriating

money; proposing coding for new law in Minnesota Statutes, chapter 97A.

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

Johnson, V.; Lieder and Carlson, D., introduced:

H. F. No. 739, A bill for an act relating to transportation; providing for the deposit of motor vehicle excise tax revenues in fiscal year 1987; amending Minnesota Statutes 1986, section 297B.09, subdivision 2.

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

Kostohryz, Redalen, Jacobs, Schreiber and Osthoff introduced:

H. F. No. 740, A bill for an act relating to horse racing; modifying the purse structure; providing for the representation of horsemen contracting with a licensee; modifying taxes; eliminating the payment of a percentage of the breakage to the commission; amending Minnesota Statutes 1986, sections 240.13, subdivision 5; 240.15, subdivisions 1 and 2.

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

Pappas; Johnson, A.; Olsen, S.; Segal and Trimble introduced:

H. F. No. 741, A bill for an act relating to education; providing for expanded offerings at Metropolitan State University; appropriating money.

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

Rest and Quist introduced:

H. F. No. 742, A bill for an act relating to statutes; removing certain substantive gender references in Minnesota Statutes; amending Minnesota Statutes 1986, sections 13.83, subdivision 2; 88.11, subdivision 1; 176.111, subdivisions 3, 15, and 21; 204B.05; 218.021, subdivision 2; 252.07; 260.094; 315.44; 315.48; 353.01, subdivision 2b; 358.14; 382.17; 387.15; 387.16; 459.16; 540.05; 548.06; 593.01, subdivision 1; 593.02; 631.412; 641.06; 641.14; and

642.08; repealing Minnesota Statutes 1986, sections 176.011, subdivision 13; and 315.49.

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

Skoglund, Greenfield, McLaughlin, Wagenius and Nelson, K., introduced:

H. F. No. 743, A bill for an act relating to metropolitan government; providing for the appointment of members of the metropolitan airports commission; requiring adoption and review of an implementation plan and budget; amending Minnesota Statutes 1986, sections 473.604, subdivision 1, and by adding a subdivision; 473.611, by adding a subdivision; and 473.661, subdivision 1; repealing Minnesota Statutes 1986, section 473.621, subdivision 7.

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

McLaughlin and Osthoff introduced:

H. F. No. 744, A bill for an act relating to metropolitan government; adding the chair of the transit commission to membership on the metropolitan financial reporting and management advisory committee; amending Minnesota Statutes 1986, section 473.1623, subdivision 2.

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

Welle; Anderson, G.; Cooper; Johnson, R., and Brown introduced:

H. F. No. 745, A bill for an act relating to human services; allowing certain facilities to choose higher payment limits; requiring a study of geographic groups; amending Minnesota Statutes 1986, section 256B.431, subdivision 2b.

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

Riveness, Clausnitzer, O'Connor, Krueger and Milbert introduced:

H. F. No. 746, A bill for an act relating to occupations and professions; requiring health maintenance organizations to offer chiropractic services and specifying the conditions of those services; amending Minnesota Statutes 1986, sections 62D.02, subdivision 7;

62D.12, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 62D.

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

Rest, Jaros, Marsh, Jacobs and Osthoff introduced:

H. F. No. 747, A bill for an act relating to taxation; sales and use; exempting manufacturing equipment; amending Minnesota Statutes 1986, sections 297A.01, subdivision 16; 297A.02, subdivision 2; 297A.14; 297A.15, subdivision 5; 297A.25, subdivision 9, and by adding a subdivision; repealing Minnesota Statutes 1986, sections 297A.01, subdivision 17; and 297A.257, subdivision 2.

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

Jefferson, Greenfield, Clausnitzer, Clark and Kelso introduced:

H. F. No. 748, A bill for an act relating to human services; clarifying rulemaking authority concerning occupancy rates in intermediate care facilities for persons with mental retardation or related conditions; amending Minnesota Statutes 1986, section 256B.501, subdivision 10.

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

Lieder; Johnson, V., and Pelowski introduced:

H. F. No. 749, A bill for an act relating to local government; permitting counties to withdraw from regional development commissions; amending Minnesota Statutes 1986, section 462.398, by adding a subdivision.

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

Lieder introduced:

H. F. No. 750, A bill for an act relating to state lands; authorizing sale of certain tax-forfeited lands that border public water in East Grand Forks, Polk county.

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

Lieder and Kalis introduced:

H. F. No. 751, A bill for an act relating to traffic regulations; establishing certain weight limits; amending Minnesota Statutes 1986, section 169.825, by adding a subdivision.

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

Rest, Dauner, Marsh, Jacobs and Jaros introduced:

H. F. No. 752, A bill for an act relating to taxation; sales and use; defining manufacturing equipment and providing a four percent rate; abolishing the exemption for sales of capital equipment in distressed counties; amending Minnesota Statutes 1986, sections 297A.01, subdivision 16; 297A.02, subdivision 2; 297A.14; 297A.15, subdivision 5; and 297A.25, subdivision 9; repealing Minnesota Statutes 1986, sections 297A.01, subdivision 17; and 297A.257, subdivision 2.

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

Nelson, K.; Bauerly; McEachern; Schafer and Kostohryz introduced:

H. F. No. 753, A bill for an act relating to education; removing references to repealed statutes; removing obsolete language; amending Minnesota Statutes 1986, sections 122.541, subdivision 2; 125.611, subdivisions 10, 11, 12, and 13; 136D.27; 136D.74, subdivision 2; and 136D.87; repealing Minnesota Statutes 1986, section 125.611, subdivisions 8 and 9.

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

Rest, Voss, Long, Battaglia and Schreiber introduced:

H. F. No. 754, A bill for an act relating to local and state government debt financing; allocating bonding authority subject to a volume cap under federal tax law; amending Minnesota Statutes 1986, sections 474A.02, subdivisions 1, 2, 3, 6, 7, 8, 12, 14, 16, 18, 19, 21, 26, and by adding subdivisions; 474A.03, subdivision 1, and by adding a subdivision; 474A.04, subdivisions 5, 6, and by adding a subdivision; 474A.13, subdivisions 1, 4, and 5; 474A.14; 474A.15; 474A.16; 474A.17; 474A.18; 474A.20; and 474A.21; proposing coding for new law in Minnesota Statutes, chapter 474A; repealing Minnesota Statutes 1986, sections 474A.02, subdivisions 5, 9, 10, 11,

13, 15, 17, 20, 22, 23, 24, and 25; 474A.03, subdivisions 2 and 3; 474A.04, subdivisions 1, 2, 3, and 4; 474A.05; 474A.06; 474A.07; 474A.08; 474A.09; 474A.10; 474A.11; 474A.12; 474A.13, subdivisions 2 and 3; 474A.19; and Laws 1981, chapters 222, section 6; and 223, section 6, subdivision 3.

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

Seaberg, Osthoff and Milbert introduced:

H. F. No. 755, A bill for an act relating to the metropolitan government; authorizing municipalities in the metropolitan area to adopt ordinances related to aircraft noise; proposing coding for new law in Minnesota Statutes, chapter 473.

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

Sarna, McLaughlin, Kahn, Clark and Skoglund introduced:

H. F. No. 756, A bill for an act relating to elections; prohibiting cities<sup>o</sup> of the first class from changing their voting systems without demonstrating the effectiveness of a proposed new system; proposing coding for new law in Minnesota Statutes, chapter 204B.

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

Segal, Orenstein, Kahn, Norton and Schreiber introduced:

H. F. No. 757, A resolution memorializing the Union of Soviet Socialist Republics to grant exit visas to Jewish prisoners of conscience.

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

Welle, Greenfield, Vellenga, Dempsey and Rodosovich introduced:

H. F. No. 758, A bill for an act relating to occupations and professions; establishing a board of marriage and family therapy; licensing and regulating marriage and family therapists; providing penalties; appropriating money; amending Minnesota Statutes

1986, section 214.01, subdivision 2; proposing coding for new law as Minnesota Statutes, chapter 148B.

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

Munger, Jaros, Boo, Battaglia and Murphy introduced:

H. F. No. 759, A bill for an act relating to improvement of the Lake Superior Zoological Gardens; appropriating funds from the state building fund for its improvement.

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

Skoglund introduced:

H. F. No. 760, A bill for an act relating to metropolitan government; setting the maximum tax for the mosquito control district; amending Minnesota Statutes 1986, section 473.711, subdivision 2.

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

Sviggum introduced:

H. F. No. 761, A bill for an act relating to unemployment compensation; defining the term agricultural labor; amending Minnesota Statutes 1986, section 268.04, subdivision 12.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Vellenga, McEachern, Otis and Segal introduced:

H. F. No. 762, A bill for an act relating to education; requiring school nurses in schools; describing their responsibilities; providing for dispensing medication in schools; authorizing a grant program; appropriating money; amending Minnesota Statutes 1986, section 123.35, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 126 and 129B.

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

Dorn, Vellenga, Cooper, Dauner and Kelso introduced:

H. F. No. 763, A bill for an act relating to human services; creating the office of ombudsman for older Minnesotans; proposing coding for new law in Minnesota Statutes, chapter 256.

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

Clark, Kelso, Winter, Dorn and Cooper introduced:

H. F. No. 764, A bill for an act relating to human services; providing for a statewide interpreter service for hearing impaired persons; altering membership on Minnesota council for the hearing impaired; amending Minnesota Statutes 1986, sections 256C.24, subdivisions 2 and 3; 256C.25, subdivisions 1 and 2; and 256C.28, subdivision 1.

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

Segal, Greenfield, Gruenes, Wynia and Rodosovich introduced:

H. F. No. 765, A bill for an act relating to human services; mandating a comprehensive system of mental health services; amending Minnesota Statutes 1986, sections 245.713, subdivision 2; 256B.19, subdivision 1, and by adding a subdivision; 256D.03, subdivision 4; 256D.06, subdivisions 3 and 6; 256D.37, subdivision 1; 256E.03, subdivision 2; 256E.06, by adding a subdivision; 256E.07, by adding a subdivision; and 256E.12, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 245; repealing Minnesota Statutes 1986, sections 245.69, subdivision 1a; 245.713, subdivisions 1 and 3; 245.73; and 256E.12.

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

McDonald, McPherson, Tunheim and Jennings introduced:

H. F. No. 766, A bill for an act relating to agriculture; requiring that local weed inspectors be qualified as commercial pesticide applicators; amending Minnesota Statutes 1986, section 18.231, by adding a subdivision.

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



Welle; Anderson, G.; Clausnitzer; Dauner and Wynia introduced:

H. F. No. 767, A bill for an act relating to human services; providing for a limit on resolution of nursing home appeals; amending Minnesota Statutes 1986, section 256B.50, subdivision 1.

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

Gruenes, McLaughlin, Marsh, Boo and Scheid introduced:

H. F. No. 768, A bill for an act relating to housing; extending housing and redevelopment authority interest reduction program; amending Minnesota Statutes 1986, section 462.445, subdivision 13.

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

Anderson, G., introduced:

H. F. No. 769, A bill for an act relating to retirement; refunds of contributions to employees of the Canby community hospital district.

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

Schreiber, Vanasek, Valento, Kalis and Dempsey introduced:

H. F. No. 770, A bill for an act relating to drivers' licenses; increasing age from 19 to 21 for provisional driver's license; imposing fees; amending Minnesota Statutes 1986, sections 171.02, subdivision 3; 171.06, subdivision 2; 171.07, subdivision 1; and 171.27.

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

Forsythe; Olsen, S.; Riveness; Orenstein and Trimble introduced:

H. F. No. 771, A bill for an act relating to school districts; authorizing a capital expenditure levy for surplus school buildings used for community purposes; amending Minnesota Statutes 1986, section 275.125, by adding a subdivision.

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

Kinkel; Simoneau; Anderson, R.; Rukavina and Johnson, R., introduced:

H. F. No. 772, A bill for an act relating to retirement; establishing a voluntary retirement plan for certain qualified employees of public and private ambulance services; proposing coding for new law as Minnesota Statutes, chapter 353A.

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

Solberg; Johnson, A.; Gruenes; Beard and Bauerly introduced:

H. F. No. 773, A bill for an act relating to education; establishing a pilot program to reduce class sizes in kindergarten through third grade; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 124.

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

Murphy, Battaglia, Sviggum, Dille and Begich introduced:

H. F. No. 774, A bill for an act relating to workers' compensation; regulating insurance premium computations for certain public employees; amending Minnesota Statutes 1986, section 79.211, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

McDonald, by request, introduced:

H. F. No. 775, A bill for an act relating to state departments and agencies; repealing the requirement for older members of certain boards, commissions, and councils; repealing Minnesota Statutes 1986, section 15.0591.

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

Schoenfeld; Anderson, G.; Uphus and Dille introduced:

H. F. No. 776, A bill for an act relating to agriculture; regulating the family farm security program; providing for eligibility; permitting the sale of loans; amending Minnesota Statutes 1986, sections

41.52, by adding a subdivision; 41.55; proposing coding for new law in Minnesota Statutes, chapter 41.

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

Anderson, G.; Cooper; Brown; Johnson, V., and Uphus introduced:

H. F. No. 777, A bill for an act relating to motor fuels; providing that unleaded gasoline sold in Minnesota after June 30, 1987, must be blended with ethanol; amending Minnesota Statutes 1986, section 296.05, subdivision 1, and by adding a subdivision.

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

Carlson, L.; Orenstein; Dorn; Boo and Rest introduced:

H. F. No. 778, A bill for an act relating to education; authorizing a study of a state savings incentive program to provide money for post-secondary education; appropriating money.

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

Kelly, Kelso, Vellenga, Wynia and Greenfield introduced:

H. F. No. 779, A bill for an act relating to education; establishing a pilot program to reduce class sizes in kindergarten through third grade; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 124.

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

Rodosovich, Blatz, Knickerbocker and Knuth introduced:

H. F. No. 780, A bill for an act relating to administrative procedure; defining certain terms; requiring agencies to solicit outside information before publishing proposed rules; limiting instances in which agencies are required to consider the impact of proposed rules on small businesses; providing for regulatory analyses of proposed rules in certain instances; empowering agencies to adopt emergency rules in certain circumstances; providing a procedure for the commissioner of human services to adopt rules required by federal directive; abolishing the power of the legislative commission for review of administrative rules to suspend rules; requiring

the commission to review exemptions from the administrative procedure act; permitting the commission to review federally mandated rules; amending Minnesota Statutes 1986, sections 14.02; 14.05, subdivisions 2 and 4; 14.07, subdivision 2; 14.08; 14.10; 14.115, subdivision 7, and by adding a subdivision; 14.131; 14.15, subdivision 3; 14.23; 14.26; 14.29; 14.30; 14.31; 14.32, subdivision 1; 14.33; 14.35; 14.36; 14.365; 14.37, subdivision 1; 14.40; 14.57; and 14.62, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 14; repealing Minnesota Statutes 1986, sections 14.115, subdivision 1; 14.42; and 14.43.

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

Rodosovich, Welle, Lasley and Greenfield introduced:

H. F. No. 781, A bill for an act relating to human services; establishing a system of state-operated, community-based residential programs for persons with mental retardation; prohibiting layoffs of employees in regional treatment centers and state nursing homes; stating the policy of the state relating to services to persons with mental retardation or related conditions; creating an exception to the intermediate care facility for persons with mental retardation or related conditions moratorium; establishing requirements for determining waived service rates; appropriating money; amending Minnesota Statutes 1986, sections 16B.08, subdivision 7; 246.023, subdivision 1; 252.291, subdivision 2; and 256B.501, subdivision 4; proposing coding for new law in Minnesota Statutes, chapters 179A and 252; repealing Minnesota Statutes 1986, section 246.023, subdivisions 2 to 5.

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

Clark, Quinn, Wenzel, Winter and Burger introduced:

H. F. No. 782, A bill for an act relating to human services; providing that medical certification for general assistance benefits may be made by a licensed chiropractor; amending Minnesota Statutes 1986, section 256D.02, by adding a subdivision.

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

Vellenga, Welle, Greenfield, Forsythe and Gruenes introduced:

H. F. No. 783, A bill for an act relating to data practices; permitting certain employers to request criminal history records of

prospective employees from the bureau of criminal apprehension; amending Minnesota Statutes 1986, section 13.87, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 299C.

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

McEachern; Olsen, S.; Wenzel; Schafer and Beard introduced:

H. F. No. 784, A bill for an act relating to education; establishing a school district reorganization task force.

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

Gruenes, Marsh, Rodosovich and Omann introduced:

H. F. No. 785, A bill for an act relating to human services; removing the sunset on certain day care exclusions; repealing Laws 1986, chapter 395, section 17.

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

Lasley, Kinkel, Rukavina, Steensma and Winter introduced:

H. F. No. 786, A bill for an act relating to taxation; property; providing a state paid small business property tax credit; appropriating money; amending Minnesota Statutes 1986, sections 273.13, subdivision 15a; 273.1392; and 276.04; proposing coding for new law in Minnesota Statutes, chapter 273.

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

Cooper, Bauerly, Bertram, Kludt and Olson, K., introduced:

H. F. No. 787, A bill for an act relating to taxation; property; providing a state paid small business property tax credit; appropriating money; amending Minnesota Statutes 1986, sections 273.13, subdivision 15a; 273.1392; and 276.04; proposing coding for new law in Minnesota Statutes, chapter 273.

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

Dauner; Johnson, R.; DeBlieck; Dorn and Pelowski introduced:

H. F. No. 788, A bill for an act relating to taxation; property; providing a state paid small business property tax credit; appropriating money; amending Minnesota Statutes 1986, sections 273.13, subdivision 15a; 273.1392; and 276.04; proposing coding for new law in Minnesota Statutes, chapter 273.

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

Pappas, Otis, Jaros and Jefferson introduced:

H. F. No. 789, A bill for an act relating to housing; authorizing the Minnesota housing finance agency to make grants to municipalities for the provision of housing for very low income persons; proposing coding for new law in Minnesota Statutes, chapter 462A.

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

Skoglund, Wynia, Greenfield, Kelso and Redalen introduced:

H. F. No. 790, A bill for an act relating to human services; continuing funding for autopsies on deceased medical assistance recipients who were victims of Alzheimer's disease; appropriating money.

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

Wynia, Skoglund, Wenzel, Frederick and Rodosovich introduced:

H. F. No. 791, A bill for an act relating to financial institutions; permitting additional detached facilities; amending Minnesota Statutes 1986, sections 47.52; and 49.34, subdivision 2.

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

Voss; McKasy; Neuenschwander; Carlson, L., and Boo introduced:

H. F. No. 792, A bill for an act relating to credit unions; permitting certain groups to join existing credit unions; amending Minnesota Statutes 1986, section 52.05.

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

Rukavina, Knickerbocker, Norton, Kludt and Trimble introduced:

H. F. No. 793, A bill for an act relating to public meetings; requiring certain notice for all meetings; permitting certain remedies for violations; providing penalties; amending Minnesota Statutes 1986, section 471.705, subdivisions 1b, 2, and by adding subdivisions.

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

Long; Munger; Anderson, R.; Nelson, D., and Ozment introduced:

H. F. No. 794, A bill for an act relating to waste management; regulating disposal of wastes; providing for a solid waste management policy; providing for recycling policy and marketing; managing household hazardous wastes; regulating the sale and disposal of motor oil and lead acid batteries; providing for waste pesticide collection; appropriating money; amending Minnesota Statutes 1986, sections 115A.03, subdivisions 9 and 21; 115A.06, subdivision 14; 115A.11, subdivision 2; 115A.42; 115A.45; 115A.49; 115A.51; 115A.52; 115A.53; 115A.54, subdivision 2a; 115A.81, subdivision 2; 115A.921; 115A.95; 116.07, subdivision 4b; 116.41, subdivision 2; 116M.07, by adding a subdivision; 176.011, subdivision 9; 325E.11; 473.149, subdivisions 2d and 6; 473.803, by adding a subdivision; 473.834, subdivision 2; 473.842, subdivision 2; 473.844, subdivisions 1 and 4; and 473.846; proposing coding for new law in Minnesota Statutes, chapters 115A; 239; 325E; and 473; repealing Minnesota Statutes 1986, sections 115A.13; 115A.43; 115A.44; 473.834, subdivision 3; and 473.844, subdivisions 2 and 5.

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

Rest, Voss, Long and Schreiber introduced:

H. F. No. 795, A bill for an act relating to economic development; recodifying provisions governing housing and redevelopment authorities, port authorities, economic development authorities, area redevelopment, municipal development districts, mined underground space development, rural development finance authorities, public development debt, enterprise zones, tax increment financing, and other local economic development tools; extending duration of bond allocation act; amending Minnesota Statutes 1986, sections 16B.61, subdivision 3; 41A.05, subdivision 2; 41A.06, subdivision 5; 115A.69, subdivision 9; 116J.27, subdivision 4; 116M.03, subdivisions 11, 19, and 28; 116M.06, subdivision 3; 116M.07, subdivision

11; 124.214, subdivision 3; 216B.49, subdivision 7; 268.38, subdivision 3; 272.02, subdivision 5; 272.026; 272.68, subdivision 4; 273.13, subdivisions 9 and 24; 273.1393; 282.01, subdivision 1; 290.61; 298.2211, subdivisions 1 and 3; 353.01, subdivision 6; 355.11, subdivision 5; 355.16; 462.455; 462.461; 462.465; 462.466; 462.471; 462.475; 462.481; 462.485; 462.491; 462.495; 462.501; 462.505; 462.511; 462.515; 462.521; 462.525; 462.531; 462.535; 462.541; 462.545; 462.551; 462.555; 462.556; 462.561; 462.565; 462.571; 462.575; 462.581; 462.585; 462.591; 462.595; 462.601; 462.605; 462.611; 462.615; 462.621; 462.625; 462.631; 462.635; 462.641; 462.645; 462.651; 462.655; 462.661; 462.665; 462.671; 462.675; 462.681; 462.685; 462.691; 462.695; 462.701; 462.705; 462.712; 462.713; 462.714; 462.715; 462.716; 465.026; 465.53; 465.55; 465.56; 472.01; 472.02; 472.03; 472.04; 472.05; 472.06; 472.07; 472.08; 472.09; 472.10; 472.11; 472.12; 472.125; 472.13; 472.14; 472.15; 472.16; 472A.01; 472A.02; 472A.03; 472A.04; 472A.05; 472A.06; 472A.07; 472A.09; 472A.10; 472A.11; 472A.12; 472A.13; 472B.01; 472B.02; 472B.03; 472B.04; 472B.05; 472B.06; 472B.07; 472B.08; 474.01; 474.02; 474.03; 474.04; 474.05; 474.06; 474.07; 474.08; 474.09; 474.10; 474.11; 474.13; 474.15; 477A.018; and 477A.019; and Laws 1985, chapters 173; 177; 188; 189; 199; 205; 206, sections 2 and 3; and 301, sections 3 and 4; proposing coding for new law as Minnesota Statutes, chapter 469.

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

## MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

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

House Concurrent Resolution No. 3, A House concurrent resolution providing for a joint convention of the Senate and the House of Representatives to elect members of the Board of Regents of the University of Minnesota.

PATRICK E. FLAHAVEN, Secretary of the Senate



Mr. Speaker:

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

S. F. No. 258.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

S. F. Nos. 25, 94, 117 and 139.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

S. F. No. 402.

PATRICK E. FLAHAVEN, Secretary of the Senate

### FIRST READING OF SENATE BILLS

S. F. No. 258, A bill for an act relating to utilities; regulating certain intrastate gas pipelines; proposing coding for new law in Minnesota Statutes, chapter 216B.

The bill was read for the first time.

Jacobs moved that S. F. No. 258 and H. F. No. 420, now on the Consent Calendar, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 25, A bill for an act relating to traffic regulations; requiring additional reflective devices for persons using alternate slow moving vehicle emblems; amending Minnesota Statutes 1986, section 169.522, subdivision 1.

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

S. F. No. 94, A bill for an act relating to public health; requiring an itemized billing for hearing aid repairs; amending Minnesota Statutes 1986, section 145.43, by adding a subdivision.

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

S. F. No. 117, A bill for an act relating to liquor; authorizing St. Louis county to issue one off-sale liquor license.

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

S. F. No. 139, A bill for an act relating to alcoholic beverages; authorizing St. Louis county to issue one off-sale liquor license.

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

S. F. No. 402, A bill for an act relating to courts; setting uniform fees in probate proceedings; amending Minnesota Statutes 1986, section 525.033.

The bill was read for the first time.

Dempsey moved that S. F. No. 402 and H. F. No. 536, now on Technical General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

### CONSENT CALENDAR

H. F. No. 102 was reported to the House.

Upon objection of ten members, H. F. No. 102 was stricken from the Consent Calendar and returned to General Orders.

H. F. No. 130, A bill for an act relating to local government; authorizing Ramsey county to transfer land to the city of Shoreview; authorizing Ramsey county to use certain land dedicated as open space for highway purposes.

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

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

Those who voted in the affirmative were:

Anderson, G.	Greenfield	Larsen	Pappas	Simoneau
Anderson, R.	Gruenes	Lasley	Pauly	Skoglund
Battaglia	Gutknecht	Lieder	Pelowski	Solberg
Bauerly	Hartle	Marsh	Peterson	Stanius
Beard	Haukoos	McKasy	Poppenhagen	Steenasma
Bennett	Heap	McPherson	Price	Svigium
Bertram	Himle	Milbert	Quinn	Tjornhom
Bishop	Hugoson	Minne	Redalen	Tompkins
Blatz	Jacobs	Morrison	Reding	Trumble
Boo	Jefferson	Nelson, C.	Rest	Tunheim
Burger	Jennings	Nelson, D.	Rice	Uphus
Carlson, L.	Jensen	Nelson, K.	Richter	Valento
Carruthers	Johnson, A.	Neuenschwander	Riveness	Vellenga
Clark	Johnson, R.	O'Connor	Rodosovich	Voss
Clausnitzer	Johnson, V.	Ogren	Rose	Wagenius
Cooper	Kelly	Olsen, S.	Sarna	Waitman
Dauner	Kelso	Olson, E.	Schafer	Welle
DeBlicek	Kinkel	Olson, K.	Scheid	Wenzel
Dempsey	Kludt	Omann	Schoenfeld	Winter
Dille	Knickerbocker	Onnen	Schreiber	Wynia
Dorn	Knuth	Orenstein	Seaberg	Spk. Norton
Forsythe	Kostohryz	Osthoff	Segal	
Frederick	Krueger	Ozment	Shaver	

The bill was passed and its title agreed to.

H. F. No. 166, A bill for an act relating to real property; authorizing conveyance of state interest in certain land 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. There were 124 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Carruthers	Gruenes	Johnson, A.	Larsen
Anderson, R.	Clark	Gutknecht	Johnson, R.	Lasley
Battaglia	Clausnitzer	Hartle	Johnson, V.	Lieder
Bauerly	Cooper	Haukoos	Kahn	Long
Beard	Dauner	Heap	Kelly	Marsh
Bennett	DeBlicek	Himle	Kelso	McDonald
Bertram	Dempsey	Hugoson	Kinkel	McKasy
Bishop	Dille	Jacobs	Kludt	McLaughlin
Blatz	Dorn	Jaros	Knickerbocker	McPherson
Boo	Forsythe	Jefferson	Knuth	Milbert
Burger	Frederick	Jennings	Kostohryz	Minne
Carlson, L.	Greenfield	Jensen	Krueger	Morrison

Munger	Orenstein	Rest	Segal	Uphus
Murphy	Osthoff	Rice	Shaver	Valento
Nelson, C.	Otis	Richter	Simoneau	Vanasek
Nelson, D.	Ozment	Riveness	Skoglund	Vellenga
Nelson, K.	Pappas	Rodosovich	Sparby	Voss
Neuenschwander	Pauly	Rose	Stanius	Wagenius
O'Connor	Pelowski	Rukavina	Steenma	Waltman
Ogren	Peterson	Sarna	Sviggum	Welle
Olsen, S.	Poppenhagen	Schafer	Thiede	Wenzel
Olson, E.	Price	Scheid	Tjornhom	Winter
Olson, K.	Quinn	Schoenfeld	Tompkins	Wynia
Omman	Redalen	Schreiber	Trimble	Spk. Norton
Onnen	Reding	Seaberg	Tunheim	

The bill was passed and its title agreed to.

H. F. No. 340, A bill for an act relating to natural resources; allowing elk to be bred on game and fur farms; amending Minnesota Statutes 1986, section 97A.105, subdivision 1.

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

The question was taken on the passage of the bill and the roll was called. There were 120 yeas and 4 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Greenfield	Lasley	Ozment	Shaver
Anderson, R.	Gruenes	Lieder	Pappas	Simoneau
Battaglia	Hartle	Long	Pauly	Skoglund
Bauerly	Haukoos	Marsh	Pelowski	Solberg
Beard	Heap	McKasy	Peterson	Sparby
Bennett	Himle	McLaughlin	Poppenhagen	Stanius
Bertram	Hugoson	McPherson	Price	Steenma
Bishop	Jacobs	Milbert	Quinn	Sviggum
Blatz	Jaros	Miller	Quist	Thiede
Boo	Jefferson	Minne	Redalen	Tjornhom
Brown	Jennings	Morrison	Reding	Tompkins
Burger	Jensen	Munger	Rest	Trimble
Carlson, L.	Johnson, A.	Nelson, C.	Rice	Tunheim
Carruthers	Johnson, R.	Nelson, D.	Richter	Uphus
Clark	Johnson, V.	Neuenschwander	Riveness	Valento
Clausnitzer	Kahn	O'Connor	Rodosovich	Vanasek
Cooper	Kelly	Ogren	Rose	Vellenga
Dauner	Kelso	Olsen, S.	Rukavina	Voss
DeBlicke	Kinkel	Olson, E.	Sarna	Wagenius
Dempsey	Kludt	Olson, K.	Schafer	Waltman
Dille	Knickerbocker	Omman	Schoenfeld	Welle
Dorn	Knuth	Onnen	Schreiber	Wenzel
Forsythe	Krueger	Orenstein	Seaberg	Winter
Frederick	Larsen	Otis	Segal	Spk. Norton

Those who voted in the negative were:

Gutknecht	Kostohryz	Murphy	Osthoff
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The bill was passed and its title agreed to.

H. F. No. 348, A bill for an act relating to Cook county; permitting the sale of certain land.

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

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

Those who voted in the affirmative were:

Anderson, G.	Gruenes	Lasley	Otis	Segal
Anderson, R.	Gutknecht	Lieder	Ozment	Shaver
Battaglia	Hartle	Long	Pappas	Simoneau
Bauerly	Haukoos	Marsh	Pauly	Skoglund
Beard	Heap	McKasy	Pelowski	Solberg
Bennett	Himle	McLaughlin	Peterson	Sparby
Bertram	Hugoson	McPherson	Poppenhagen	Stanius
Bishop	Jacobs	Milbert	Price	Steensma
Blatz	Jaros	Miller	Quinn	Sviggum
Boo	Jefferson	Minne	Quist	Thiede
Brown	Jennings	Morrison	Redalen	Tjornhom
Burger	Jensen	Murphy	Reding	Tompkins
Carlson, L.	Johnson, A.	Nelson, C.	Rest	Trimble
Carruthers	Johnson, R.	Nelson, D.	Rice	Tunheim
Clark	Johnson, V.	Nelson, K.	Richter	Uphus
Clausnitzer	Kahn	Neuenschwander	Riveness	Valento
Cooper	Kelly	O'Connor	Rodosovich	Vanasek
Dauner	Kelso	Ogren	Rose	Vellenga
DeBlieck	Kinkel	Olsen, S.	Rukavina	Voss
Dempsey	Kludt	Olson, E.	Sarna	Wagenius
Dille	Knickerbocker	Olson, K.	Schafer	Waltman
Dorn	Knuth	Omann	Scheid	Welle
Forsythe	Kostohryz	Onnen	Schoenfeld	Wenzel
Frederick	Krueger	Orenstein	Schreiber	Winter
Greenfield	Larsen	Osthoff	Seaberg	Wynia
				Spk. Norton

The bill was passed and its title agreed to.

H. F. No. 364, A bill for an act relating to cemeteries; increasing the limit on the permanent care and improvement fund; amending Minnesota Statutes 1986, section 306.41.

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

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

Those who voted in the affirmative were:

Anderson, G.	Bennett	Brown	Clausnitzer	Dille
Anderson, R.	Bertram	Burger	Cooper	Dorn
Battaglia	Bishop	Carlson, L.	Dauner	Forsythe
Bauerly	Blatz	Carruthers	DeBlieck	Frederick
Beard	Boo	Clark	Dempsey	Greenfield

Gruenes	Kostohryz	Ogren	Rice	Thiede
Hartle	Krueger	Olsen, S.	Richter	Tjornhom
Haukoos	Larsen	Olson, E.	Riveness	Tompkins
Heap	Lasley	Olson, K.	Rodosovich	Trimble
Himle	Lieder	Omann	Rose	Tunheim
Hugoson	Long	Onnen	Rukavina	Uphus
Jacobs	Marsh	Orenstein	Sarna	Valento
Jaros	McDonald	Osthoff	Schafer	Vanasek
Jefferson	McKasy	Otis	Scheid	Vanasek
Jennings	McLaughlin	Ozment	Schoenfeld	Vellenga
Jensen	McPherson	Pappas	Schreiber	Voss
Johnson, A.	Milbert	Pauly	Seaberg	Wagenius
Johnson, R.	Miller	Pelowski	Segal	Waltman
Johnson, V.	Minne	Peterson	Shaver	Welle
Kahn	Morrison	Poppenhagen	Simoneau	Wenzel
Kelly	Munger	Price	Skoglund	Winter
Kelso	Murphy	Quinn	Solberg	Wynia
Kinkel	Nelson, C.	Quist	Sparby	Spk. Norton
Kludt	Nelson, D.	Redalen	Stanius	
Knickerbocker	Nelson, K.	Reding	Steenasma	
Knuth	Neuenschwander	Rest	Swiggum	

The bill was passed and its title agreed to.

H. F. No. 505, A bill for an act relating to state lands; authorizing conveyance of certain state easement.

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

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

Those who voted in the affirmative were:

Anderson, G.	Gruenes	Lasley	Otis	Shaver
Anderson, R.	Gutknecht	Lieder	Ozment	Simoneau
Battaglia	Hartle	Long	Pappas	Skoglund
Bauerly	Haukoos	Marsh	Pauly	Solberg
Beard	Heap	McDonald	Pelowski	Sparby
Bennett	Himle	McKasy	Peterson	Stanius
Bertram	Hugoson	McLaughlin	Poppenhagen	Steenasma
Bishop	Jacobs	McPherson	Price	Swiggum
Blatz	Jaros	Milbert	Quinn	Thiede
Boo	Jefferson	Miller	Quist	Tjornhom
Brown	Jennings	Minne	Redalen	Tompkins
Burger	Jensen	Murphy	Reding	Trimble
Carlson, D.	Johnson, A.	Nelson, C.	Rest	Tunheim
Carlson, L.	Johnson, R.	Nelson, D.	Rice	Uphus
Clark	Johnson, V.	Nelson, K.	Richter	Valento
Clausnitzer	Kahn	Neuenschwander	Riveness	Vanasek
Cooper	Kelly	O'Connor	Rodosovich	Vellenga
Dauner	Kelso	Ogren	Rose	Voss
DeBlicck	Kinkel	Olsen, S.	Rukavina	Wagenius
Dempsey	Kludt	Olson, E.	Sarna	Waltman
Dille	Knickerbocker	Olson, K.	Scheid	Welle
Dorn	Knuth	Omann	Schoenfeld	Wenzel
Forsythe	Kostohryz	Onnen	Schreiber	Winter
Frederick	Krueger	Orenstein	Seaberg	Wynia
Greenfield	Larsen	Osthoff	Segal	Spk. Norton

The bill was passed and its title agreed to.

### CALENDAR

H. F. No. 135, A resolution memorializing the President and Congress to adopt legislation permitting state and local governments to require out-of-state sellers to collect sales and use taxes.

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

The question was taken on the passage of the bill and the roll was called. There were 109 yeas and 14 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Greenfield	Lieder	Pappas	Simoneau
Anderson, R.	Hartle	Long	Pelowski	Skoglund
Battaglia	Heap	McKasy	Peterson	Solberg
Bauerly	Himle	McLaughlin	Price	Sparby
Beard	Hugoson	McPherson	Quinn	Stanius
Bennett	Jacobs	Milbert	Redalen	Steensma
Bertram	Jaros	Minne	Reding	Tompkins
Blatz	Jefferson	Morrison	Rest	Trimble
Boo	Jensen	Murphy	Rice	Tunheim
Brown	Johnson, A.	Nelson, C.	Richter	Uphus
Burger	Johnson, R.	Nelson, D.	Riveness	Valento
Carlson, D.	Johnson, V.	Nelson, K.	Rodosovich	Vanasek
Carlson, L.	Kahn	Neuenschwander	Rose	Vellenga
Carruthers	Kelly	O'Connor	Rukavina	Voss
Clark	Kelso	Ogren	Sarna	Wagenius
Cooper	Kinkel	Olson, E.	Schafer	Waltman
Dauner	Kludt	Olson, K.	Scheid	Welle
DeBlicck	Knuth	Omann	Schoenfeld	Wenzel
Dempsey	Kostohryz	Onnen	Schreiber	Winter
Dille	Krueger	Orenstein	Seaberg	Wynia
Dorn	Larsen	Osthoff	Segal	Spk. Norton
Forsythe	Lasley	Otis	Shaver	

Those who voted in the negative were:

Bishop	Gutknecht	Knickerbocker	Miller	Sviggum
Clausnitzer	Haukoos	Marsh	Olsen, S.	Tjornhom
Gruenes	Jennings	McDonald	Pauly	

The bill was passed and its title agreed to.

H. F. No. 18, A bill for an act relating to human services; allowing recovery of medical assistance payments upon death of recipient; amending Minnesota Statutes 1986, section 256B.15.

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

The question was taken on the passage of the bill and the roll was called. There were 119 yeas and 3 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Greenfield	Lieder	Osthoff	Skoglund
Anderson, R.	Gruenes	Long	Otis	Solberg
Battaglia	Gutknecht	Marsh	Ozment	Sparby
Bauerly	Haukoos	McDonald	Pappas	Stanius
Beard	Heap	McKasy	Pauly	Steenasma
Bennett	Himle	McLaughlin	Pelowski	Sviggun
Bertram	Hugoson	McPherson	Peterson	Thiede
Blatz	Jacobs	Milbert	Poppenhagen	Tjornhom
Brown	Jaros	Miller	Price	Tompkins
Burger	Jefferson	Minne	Quinn	Trimble
Carlson, D.	Jennings	Morrison	Redalen	Tunheim
Carlson, L.	Jensen	Munger	Reding	Uphus
Carruthers	Johnson, R.	Murphy	Rest	Valento
Clark	Johnson, V.	Nelson, C.	Richter	Vanasek
Clausnitzer	Kahn	Nelson, D.	Rodosovich	Vellenga
Cooper	Kelly	Nelson, K.	Rose	Voss
Dauner	Kelso	Neuenschwander	Rukavina	Wagenius
DeBlicek	Kinkel	O'Connor	Schafer	Waltman
Dempsey	Knickerbocker	Ogren	Scheid	Welle
Dille	Knuth	Olsen, S.	Schoenfeld	Wenzel
Dorn	Kostohryz	Olson, E.	Schreiber	Winter
Forsythe	Krueger	Omann	Seaberg	Wynia
Frederick	Larsen	Onnen	Shaver	Spk. Norton
Frerichs	Lasley	Orenstein	Simoneau	

Those who voted in the negative were:

Rice	Sarna	Segal
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The bill was passed and its title agreed to.

H. F. No. 23, A bill for an act relating to health; requiring hospitals to establish a protocol to obtain organs for transplantation; proposing coding for new law in Minnesota Statutes, chapter 525.

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

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

Those who voted in the affirmative were:

Anderson, G.	Brown	Dempsey	Heap	Johnson, V.
Anderson, R.	Burger	Dille	Himle	Kahn
Battaglia	Carlson, D.	Dorn	Hugoson	Kelly
Bauerly	Carlson, L.	Forsythe	Jacobs	Kelso
Beard	Carruthers	Frederick	Jaros	Kinkel
Bennett	Clark	Frerichs	Jefferson	Kludt
Bertram	Clausnitzer	Greenfield	Jennings	Knickerbocker
Bishop	Cooper	Gruenes	Jensen	Knuth
Blatz	Dauner	Gutknecht	Johnson, A.	Kostohryz
Boo	DeBlicek	Haukoos	Johnson, R.	Krueger



Larsen	Nelson, C.	Pappas	Schafer	Tompkins
Lasley	Nelson, D.	Pauly	Scheid	Trimble
Lieder	Nelson, K.	Pelowski	Schoenfeld	Tunheim
Long	Neuenschwander	Peterson	Schreiber	Uphum
Marsh	O'Connor	Poppenhagen	Seaberg	Valento
McDonald	Ogren	Price	Segal	Vanasek
McKasy	Olsen, S.	Quinn	Shaver	Vellenga
McLaughlin	Olson, E.	Redalen	Simoneau	Wagenius
McPherson	Olson, K.	Reding	Solberg	Waltman
Milbert	Omann	Rest	Sparby	Wenzel
Miller	Onnen	Rice	Stanius	Winter
Minne	Orenstein	Rodosovich	Steensma	Wynia
Morrison	Osthoff	Rose	Sviggum	Spk. Norton
Munger	Otis	Rukavina	Thiede	
Murphy	Ozment	Sarna	Tjornhom	

The bill was passed and its title agreed to.

H. F. No. 27, A bill for an act relating to corporations; regulating control share acquisitions; delaying the effective date of certain amendments; amending Laws 1985, First Special Session chapter 5, section 21, as amended.

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

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

Those who voted in the affirmative were:

Anderson, G.	Greenfield	Lasley	Orenstein	Shaver
Anderson, R.	Gruenes	Lieder	Osthoff	Simoneau
Battaglia	Gutknecht	Long	Otis	Skoglund
Bauerly	Hartle	Marsh	Ozment	Solberg
Beard	Haukoos	McDonald	Pappas	Sparby
Bennett	Heap	McKasy	Pauly	Stanius
Bertram	Himle	McLaughlin	Pelowski	Steensma
Blatz	Hugoson	McPherson	Peterson	Sviggum
Boo	Jacobs	Milbert	Poppenhagen	Thiede
Brown	Jaros	Miller	Price	Tjornhom
Burger	Jefferson	Minne	Quinn	Tompkins
Carlson, D.	Jennings	Morrison	Redalen	Trimble
Carlson, L.	Jensen	Munger	Reding	Tunheim
Carruthers	Johnson, A.	Murphy	Rest	Uphum
Clark	Johnson, R.	Nelson, C.	Rice	Valento
Clausnitzer	Johnson, V.	Nelson, D.	Richter	Vanasek
Cooper	Kahn	Nelson, K.	Rodosovich	Vellenga
Dauner	Kelly	Neuenschwander	Rose	Voss
DeBlicke	Kelso	O'Connor	Rukavina	Wagenius
Dempsey	Kinkel	Ogren	Schafer	Waltman
Dille	Kludt	Olsen, S.	Scheid	Welle
Dorn	Knickerbocker	Olson, E.	Schoenfeld	Wenzel
Forsythe	Knuth	Olson, K.	Schreiber	Winter
Frederick	Kostohryz	Omann	Seaberg	Wynia
Frerichs	Krueger	Onnen	Segal	Spk. Norton

The bill was passed and its title agreed to.

H. F. No. 52, A bill for an act relating to labor; removing an exception from overtime and minimum wage laws for certain ski facility employees; amending Minnesota Statutes 1986, section 177.23, subdivision 7.

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

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

Those who voted in the affirmative were:

Anderson, G.	Greenfield	Larsen	Orenstein	Segal
Anderson, R.	Gruenes	Lasley	Osthoff	Shaver
Battaglia	Gutknecht	Lieder	Otis	Simoneau
Bauerly	Hartle	Long	Ozment	Skoglund
Beard	Haukoos	Marsh	Pappas	Solberg
Bennett	Heap	McDonald	Pauly	Sparby
Bertram	Himle	McKasy	Pelowski	Stanius
Bishop	Hugoson	McPherson	Peterson	Steenasma
Blatz	Jacobs	Milbert	Poppenhagen	Sviggum
Boo	Jaros	Miller	Price	Thiede
Brown	Jefferson	Minne	Quinn	Tjornhom
Burger	Jennings	Morrison	Redalen	Tompkins
Carlson, D.	Jensen	Munger	Reding	Trimble
Carlson, L.	Johnson, A.	Murphy	Rest	Tunheim
Carruthers	Johnson, R.	Nelson, C.	Rice	Uphus
Clark	Johnson, V.	Nelson, D.	Richter	Valento
Clausnitzer	Kahn	Nelson, K.	Rodosovich	Vanasek
Cooper	Kelly	Neuenschwander	Rose	Vellenga
Dauner	Kelso	O'Connor	Rukavina	Voss
DeBlicek	Kinkel	Ogren	Sarna	Wagenius
Dempsey	Kludt	Olsen, S.	Schafer	Waltman
Dorn	Knickerbocker	Olson, E.	Scheid	Welle
Forsythe	Knuth	Olson, K.	Schoenfeld	Wenzel
Frederick	Kostohryz	Omam	Schreiber	Winter
Frerichs	Krueger	Onnen	Seaberg	Wynia
				Spk. Norton

The bill was passed and its title agreed to.

Pappas was excused at 4:10 p.m.

### GENERAL ORDERS

Pursuant to Rules of the House, the House resolved itself into the Committee of the Whole with Norton in the Chair for consideration of bills pending on General Orders of the day. Long presided during a portion of the meeting of the Committee of the Whole. After some time spent therein the Committee arose.

## REPORT OF THE COMMITTEE OF THE WHOLE

The Speaker resumed the Chair, whereupon the following recommendations of the Committee were reported to the House:

H. F. Nos. 289, 147, 151, 240, 280, 56 and 281 were recommended to pass.

S. F. No. 211 was recommended to pass.

H. F. Nos. 119, 134, 28 and 102 were recommended for progress.

H. F. No. 137 was recommended for progress retaining its place on General Orders.

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

## ROLL CALLS IN COMMITTEE OF THE WHOLE

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

McDonald moved to amend H. F. No. 281, as follows:

Page 1, line 23, delete "as authorized by the secretary of state"

The question was taken on the McDonald amendment and the roll was called. There were 38 yeas and 85 nays as follows:

Those who voted in the affirmative were:

Bennett	Gutknecht	McDonald	Quist	Thiede
Burger	Hartle	McKasy	Redalen	Tjornhom
Carlson, D.	Haukoos	Miller	Richter	Tompkins
Clausnitzer	Heap	Morrison	Schafer	Uppus
Dempsey	Himle	Olsen, S.	Schreiber	Valento
Forsythe	Hugoson	Onnen	Seaberg	Waitman
Frederick	Johnson, V.	Pauly	Shaver	
Gruenes	Marsh	Poppenhagen	Stanis	

Those who voted in the negative were:

Anderson, G.	Cooper	Johnson, A.	Krueger	Nelson, D.
Battaglia	Dauner	Johnson, R.	Larsen	Nelson, K.
Bauerly	DeBlicck	Kahn	Lasley	O'Connor
Beard	Dille	Kalis	Lieder	Ogren
Begich	Dorn	Kelly	Long	Olson, E.
Bertram	Greenfield	Kelso	McLaughlin	Olson, K.
Blatz	Jacobs	Kinkel	Milbert	Omann
Brown	Jaros	Kludt	Minne	Orenstein
Carlson, L.	Jefferson	Knickerbocker	Munger	Osthoff
Carruthers	Jennings	Knuth	Murphy	Otis
Clark	Jensen	Kostohryz	Nelson, C.	Pappas

Pelowski	Riveness	Schoenfeld	Steensma	Wagenius
Peterson	Rodosovich	Segal	Trimble	Welle
Price	Rose	Simoneau	Tunheim	Wenzel
Quinn	Rukavina	Skoglund	Vanasek	Winter
Reding	Sarna	Solberg	Vellenga	Wynia
Rest	Scheid	Sparby	Voss	Spk. Norton

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

Schreiber moved to amend H. F. No. 281, as follows:

Page 1, line 9, after "elections" insert: "in counties or municipalities with populations of 20,000 or fewer residents"

The question was taken on the Schreiber amendment and the roll was called. There were 43 yeas and 84 nays as follows:

Those who voted in the affirmative were:

Bennett	Gruenes	McDonald	Quist	Svigum
Bishop	Gutknecht	McKasy	Redalen	Thiede
Blatz	Haukoos	McPherson	Richter	Tjornhom
Burger	Heap	Miller	Rose	Tompkins
Clausnitzer	Himle	Morrison	Schafer	Uphus
Dempsey	Hugoson	Olsen, S.	Schreiber	Valento
Forsythe	Johnson, V.	Onnen	Seaberg	Waltman
Frederick	Kludt	Pauly	Shaver	
Frerichs	Marsh	Poppenhagen	Stanius	

Those who voted in the negative were:

Anderson, G.	Hartle	Lasley	Orenstein	Simoneau
Battaglia	Jacobs	Lieder	Osthoff	Skoglund
Bauerly	Jaros	Long	Otis	Solberg
Beard	Jefferson	McLaughlin	Ozment	Sparby
Begich	Jensen	Milbert	Pelowski	Steensma
Bertram	Johnson, A.	Minne	Peterson	Trimble
Brown	Johnson, R.	Munger	Price	Tunheim
Carlson, D.	Kahn	Murphy	Quinn	Vanasek
Carlson, L.	Kahis	Nelson, C.	Reding	Vellenga
Carruthers	Kelly	Nelson, D.	Rest	Voss
Clark	Kelso	Nelson, K.	Riveness	Wagenius
Cooper	Kinkel	Neuenschwander	Rodosovich	Welle
Dauner	Knickerbocker	O'Connor	Rukavina	Wenzel
DeBlicke	Knuth	Ogren	Sarna	Winter
Dille	Kostohryz	Olson, E.	Scheid	Wynia
Dorn	Krueger	Olson, K.	Schoenfeld	Spk. Norton
Greenfield	Larsen	Omam	Segal	

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

The question was taken on the motion to recommend passage of H. F. No. 281 and the roll was called. There were 107 yeas and 18 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Greenfield	Lasley	Osthoff	Skoglund
Anderson, R.	Gutknecht	Lieder	Otis	Solberg
Battaglia	Hartle	Long	Ozment	Sparby
Bauerly	Heap	Marsh	Pelowski	Stanius
Beard	Jacobs	McDonald	Peterson	Steensma
Begich	Jaros	McKasy	Price	Sviggum
Bennett	Jennings	McPherson	Quinn	Tjornbom
Bertram	Jensen	Milbert	Redalen	Tompkins
Bishop	Johnson, A.	Minne	Reding	Trimble
Brown	Johnson, R.	Morrison	Rest	Tunheim
Burger	Johnson, V.	Munger	Riveness	Uphus
Carlson, D.	Kahn	Murphy	Rodosovich	Vanasek
Carlson, L.	Kalis	Nelson, C.	Rose	Voss
Carruthers	Kelly	Nelson, K.	Rukavina	Wagenius
Clark	Kelso	Neuenschwander	Sarna	Waltman
Clausnitzer	Kinkel	O'Connor	Schafer	Welle
Cooper	Kludt	Ogren	Scheid	Wenzel
Dauner	Knickerbocker	Olsen, S.	Schoenfeld	Winter
DeBlicke	Knuth	Olson, E.	Seaberg	Spk. Norton
Dille	Kostohryz	Olson, K.	Segal	
Dorn	Krueger	Omann	Shaver	
Frerichs	Larsen	Orenstein	Simoneau	

Those who voted in the negative were:

Blatz	Gruenes	Jefferson	Pauly	Thiede
Dempsey	Haukoos	Miller	Quist	Valento
Forsythe	Himle	Nelson, D.	Richter	
Frederick	Hugoson	Onnen	Schreiber	

The motion prevailed.

## MOTIONS AND RESOLUTIONS

Kludt moved that the name of Milbert be stricken and the name of Marsh be added as an author on H. F. No. 375. The motion prevailed.

Rest moved that the name of Segal be added as an author on H. F. No. 650. The motion prevailed.

Redalen moved that the name of Waltman be added as an author on H. F. No. 655. The motion prevailed.

Lasley moved that the name of Carlson, D., be added as an author on H. F. No. 673. The motion prevailed.

Pappas moved that the name of Jaros be stricken and the name of Clark be added as an author on H. F. No. 682. The motion prevailed.

Trimble moved that the name of Clark be added as an author on H. F. No. 694. The motion prevailed.

Kelly moved that the name of Clark be added as an author on H. F. No. 706. The motion prevailed.

Sviggum moved that the name of Tjornhom be added as an author on H. F. No. 709. The motion prevailed.

Rest moved that H. F. No. 582 be recalled from the Committee on Higher Education and be re-referred to the Committee on Taxes. The motion prevailed.

Olsen, S., and Segal introduced:

House Resolution No. 30, A House resolution congratulating the St. Louis Park Senior High School Drama Club for winning the highest rating in the State One Act Play Competition.

The resolution was referred to the Committee on Rules and Legislative Administration.

Thiede introduced:

House Resolution No. 31, A House resolution congratulating the Brainerd High School Kixters Dance Team for winning the 1987 National Dance Team High-kick Championship.

The resolution was referred to the Committee on Rules and Legislative Administration.

#### ADJOURNMENT

Vanasek moved that when the House adjourns today it adjourn until 2:00 p.m., Monday, March 9, 1987. The motion prevailed.

Vanasek moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:00 p.m., Monday, March 9, 1987.

EDWARD A. BURDICK, Chief Clerk, House of Representatives