

STATE OF MINNESOTA

SEVENTY-FIFTH SESSION — 1987

FIFTY-THIRD DAY

SAINT PAUL, MINNESOTA, FRIDAY, MAY 15, 1987

The House of Representatives convened at 11:00 a.m. and was called to order by Fred C. Norton, Speaker of the House.

Prayer was offered by Sunthi Poul Chookiatsirichai, Southeast Asian Lutheran Ministry of Minneapolis, Minneapolis, Minnesota.

The roll was called and the following members were present:

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

A quorum was present.

Rodosovich was excused until 12:00 noon. Quist was excused until 5:00 p.m. Redalen was excused until 5:10 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.

Anderson, R., was excused while in conference.

REPORTS OF CHIEF CLERK

Pursuant to Rules of the House, printed copies of H. F. Nos. 516, 303, 859, 943, 960, 379, 683, 1595, 576, 803, 862, 919, 539, 1122, 1407, 1453 and 756 and S. F. Nos. 463, 652, 1044, 1472, 81, 946, 953, 1191, 508, 587, 717, 841, 908, 1029, 170, 465, 971, 1057, 232, 682 and 377 have been placed in the members' files.

S. F. No. 508 and H. F. No. 298, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Long moved that the rules be so far suspended that S. F. No. 508 be substituted for H. F. No. 298 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 652 and H. F. No. 1297, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Milbert moved that the rules be so far suspended that S. F. No. 652 be substituted for H. F. No. 1297 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 717 and H. F. No. 485, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Kalis moved that the rules be so far suspended that S. F. No. 717 be substituted for H. F. No. 485 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 946 and H. F. No. 1496, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Clark moved that the rules be so far suspended that S. F. No. 946 be substituted for H. F. No. 1496 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1029 and H. F. No. 1002, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Clark moved that the rules be so far suspended that S. F. No. 1029 be substituted for H. F. No. 1002 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1191 and H. F. No. 1362, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

McLaughlin moved that the rules be so far suspended that S. F. No. 1191 be substituted for H. F. No. 1362 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 908 and H. F. No. 1022, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Kelso moved that S. F. No. 908 be substituted for H. F. No. 1022 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1472 and H. F. No. 705, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Kelly moved that the rules be so far suspended that S. F. No. 1472 be substituted for H. F. No. 705 and that the House File be indefinitely postponed. The motion prevailed.

SECOND READING OF SENATE BILLS

S. F. Nos. 508, 652, 717, 946, 1029, 1191, 908 and 1472 were read for the second time.

**INTRODUCTION AND FIRST READING
OF HOUSE BILLS**

The following House File was introduced:

Clark, McLaughlin, Jaros, Jefferson and Long introduced:

H. F. No. 1675, A bill for an act relating to human rights; prohibiting unfair discriminatory practices on the basis of affectional or sexual orientation; amending Minnesota Statutes 1986, sections 363.01, subdivision 24, and by adding a subdivision; 363.02, subdivisions 1 and 2; 363.03, subdivisions 1, 2, 3, 4, 5, 7, and 8; 363.05, subdivision 1; 363.11; 363.115; and 363.12, subdivision 1.

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

HOUSE ADVISORIES

The following House Advisory was introduced:

Olson, K.; Brown; Wenzel and Winter introduced:

H. A. No. 47, A proposal to study the feasibility of alternative crops in southern and western Minnesota.

The advisory was referred to the Committee on Agriculture.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

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

H. F. No. 654, A bill for an act relating to metropolitan government; providing for the composition of the metropolitan airports

commission; requiring plans and reports on noise, capacity, and other matters at Minneapolis-St. Paul International Airport; amending Minnesota Statutes 1986, sections 473.604, subdivision 1; 473.612; and 473.621, subdivision 1a.

H. F. No. 1417, A bill for an act relating to human services; providing for hospice care payments under medical assistance; amending Minnesota Statutes 1986, section 256B.02, subdivision 8.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 88, A bill for an act relating to probate; changing and clarifying certain powers of trustees; redefining "augmented estate" for certain purposes; amending Minnesota Statutes 1986, sections 501.125, subdivision 1; 501.66, subdivision 28; and 524.2-202; proposing coding for new law in Minnesota Statutes, chapter 501; repealing Minnesota Statutes 1986, sections 501.125, subdivision 1a; and 501.66, subdivision 6a.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 1281, A bill for an act relating to local government; authorizing Lake county to issue seasonal on-sale liquor licenses; authorizing St. Louis county to set the compensation of certain board and commission members; amending Minnesota Statutes 1986, section 383C.073.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

House Concurrent Resolution No. 8, A House concurrent resolution commemorating the life and work of John Mariucci.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

House Concurrent Resolution No. 9, A House concurrent resolution designating the "Red Ribbon" to commemorate Minnesota citizens who are still missing in action or are being held against their will in Asian countries.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 674, A bill for an act relating to crimes; dictating circumstances in which the court may stay execution of sentence following conviction for a second or subsequent offense relating to criminal sexual conduct; providing that information regarding a sexual assault victim is private; amending Minnesota Statutes 1986, sections 609.346, subdivisions 2 and 3; and 611A.06.

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

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 1170, A bill for an act relating to state government; prohibiting certain mandated leaves of absence for state employees; amending Minnesota Statutes 1986, section 43A.32, subdivision 2, and by adding a subdivision.

The Senate has appointed as such Committee:

Messrs. Jude; Moe, D. M., and Wegscheid.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 1304, A bill for an act relating to insurance; regulating cancellations of insurance agency contracts; proposing coding for new law in Minnesota Statutes, chapter 60A.

The Senate has appointed as such Committee:

Messrs. Luther, Metzen and Anderson.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 1622, A bill for an act relating to courts; providing court of appeals and crime victim representation on the sentencing guidelines commission; providing that terms of commission members appointed by the governor are coterminous with the governor; changing the date on which the commission's report to the legislature is due; clarifying the membership on judicial appeal panels; permitting retired judges to solemnize marriages; clarifying judicial representation on the judicial standards board; authorizing the supreme court to adopt court rules; restricting mileage reimbursement for law clerks; amending Minnesota Statutes 1986, sections 244.09, subdivisions 2, 3, and 11; 253B.19, subdivision 1; 480.051; 481.02, subdivision 3; 484.545, subdivision 3; 484.62; 490.15, subdivision 1; 517.04; and 525.06.

The Senate has appointed as such Committee:

Messrs. Cohen, Spear and Knaak.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 1374, A bill for an act relating to the office of the attorney general; removing the numerical limit on the number of assistant attorneys general; authorizing the attorney general to delegate contract review duties; amending Minnesota Statutes 1986, section 8.02, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 8.

The Senate has appointed as such Committee:

Messrs. Luther; Moe, D. M., and Knaak.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 638, A bill for an act relating to elections; requiring election judges to inform voters of certain laws; providing for selection of a party in certain primary elections; amending Minnesota Statutes 1986, sections 204C.13, subdivision 2; and 206.80.

The Senate has appointed as such Committee:

Messrs. Dicklich, Pogemiller and Luther.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 841, A bill for an act relating to utilities; providing for prevention of unlawful meter bypass, tampering, and use; providing

remedies; proposing coding for new law in Minnesota Statutes, chapter 325E.

The Senate has appointed as such Committee:

Messrs. Jude, Spear and Ramstad.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 596, A bill for an act relating to jails; providing for the detention and confinement of minors subject to prosecution as adults; amending Minnesota Statutes 1986, sections 641.14; and 636.07.

The Senate has appointed as such Committee:

Messrs. Freeman, Merriam and Beckman.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 1073, A bill for an act relating to occupations and professions; providing advertising restrictions for plumbers; imposing penalties; amending Minnesota Statutes 1986, section 326F.75.

The Senate has appointed as such Committee:

Messrs. Kroening, Frank and Willet.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 1209, A bill for an act relating to public nuisances; defining a nuisance; providing for the enjoyment of nuisances; proposing coding for new law in Minnesota Statutes, chapter 617; repealing Minnesota Statutes 1986, sections 617.33; 617.34; 617.35; 617.36; 617.37; 617.38; 617.39; 617.40; and 617.41.

The Senate has appointed as such Committee:

Ms. Peterson, D. C.; Messrs. Cohen and Ramstad.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 234, A bill for an act relating to employment; establishing unpaid leave of absences for new parents; setting conditions on return from leave; creating a cause of action; prohibiting cost of parental leave from increasing unemployment insurance experience rating; amending Minnesota Statutes 1986, section 268.06, subdivision 5; proposing coding for new law in Minnesota Statutes, chapter 181.

The Senate has appointed as such Committee:

Ms. Peterson, D. C.; Mr. Frank and Ms. Piper.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 1223, A bill for an act relating to Morrison county; removing special qualifications for newspapers; repealing Laws 1980, chapter 526.

PATRICK E. FLAHAVER, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Wenzel moved that the House concur in the Senate amendments to H. F. No. 1223 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1223, A bill for an act relating to legal newspapers; modifying certain requirements to qualify as a legal newspaper; removing special qualifications for newspapers in Morrison county; amending Minnesota Statutes 1986, section 331A.02, subdivision 1; repealing Laws 1980, chapter 526.

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

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

Those who voted in the affirmative were:

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

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

Mr. Speaker:

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

H. F. No. 1207, A bill for an act relating to real property; altering certain redemption periods; amending Minnesota Statutes 1986, section 580.23, subdivision 2.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Lasley moved that the House concur in the Senate amendments to H. F. No. 1207 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1207, A bill for an act relating to real property; altering certain redemption periods; amending Minnesota Statutes 1986, section 580.23, subdivision 2, and by adding a subdivision.

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

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

Those who voted in the affirmative were:

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

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

Mr. Speaker:

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

H. F. No. 532, A bill for an act relating to public safety; motorized bicycles; establishing standards for the safe operation of motorized bicycles; amending Minnesota Statutes 1986, sections 65B.001, by adding a subdivision; 65B.43, subdivision 13; 168.011, subdivision 27; 169.01, subdivision 4a; 169.223; 171.01, subdivision 20; and 171.02, subdivision 3.

PATRICK E. FLAHAVEN, Secretary of the Senate

Kahn moved that the House refuse to concur in the Senate amendments to H. F. No. 532, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses. The motion prevailed.

Mr. Speaker:

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

H. F. No. 643, A bill for an act relating to domestic abuse; prohibiting modification or vacation of certain orders for protection in a marriage dissolution proceeding; providing that certain actions are not violations of an order for protection; requiring written notice to respondents of penalties for violation of an order; requiring notice to peace officers; requiring recording of hearings; amending Minnesota Statutes 1986, sections 518.131, subdivision 2; and 518B.01, subdivisions 4, 6, 14, and by adding subdivisions.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Vellenga moved that the House concur in the Senate amendments to H. F. No. 643 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 643, A bill for an act relating to domestic abuse; prohibiting modification or vacation of certain orders for protection in a marriage dissolution proceeding; providing that certain actions are not violations of an order for protection; requiring written notice to respondents of penalties for violation of an order; amending Minnesota Statutes 1986, sections 518.131, subdivision 2; and 518B.01, subdivisions 4, 6, 14, and by adding a subdivision.

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

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

Those who voted in the affirmative were:

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

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

Mr. Speaker:

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

H. F. No. 526, A bill for an act relating to human services; authorizing the department of human services to enter into shared service agreements; amending Minnesota Statutes 1986, section 246.57, subdivisions 1, 2, and by adding a subdivision; repealing

Minnesota Statutes 1986, sections 246.57, subdivision 3; 246.61; 246.62; and 246.63.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Welle moved that the House concur in the Senate amendments to H. F. No. 526 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 526, A bill for an act relating to human services; authorizing the department of human services to enter into shared service agreements; appropriating money; amending Minnesota Statutes 1986, section 246.57, subdivisions 1, 2, and by adding a subdivision; repealing Minnesota Statutes 1986, sections 246.57, subdivision 3; 246.61; 246.62; and 246.63.

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

The question was taken on the repassage of the bill and the roll was called. There were 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

Mr. Speaker:

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

H. F. No. 391, A bill for an act relating to crimes; increasing penalties for distributing controlled substances to a minor or employing a minor to distribute controlled substances; defining measurement and purity requirements of controlled substances for criminal and tax law purposes; amending Minnesota Statutes 1986, sections 152.15, subdivisions 1 and 4; 297D.01, subdivision 3; and 297D.07.

PATRICK E. FLAHAVEN, Secretary of the Senate

Marsh moved that the House refuse to concur in the Senate amendments to H. F. No. 391, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses. The motion prevailed.

Mr. Speaker:

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

H. F. No. 236, A bill for an act relating to elections; requiring fair campaign practices; imposing penalties; amending Minnesota Statutes 1986, sections 123.015; 200.015; 201.275; 204C.04; proposing coding for new law as Minnesota Statutes, chapters 211A and 211B; repealing Minnesota Statutes 1986, chapter 210A.

PATRICK E. FLAHAVEN, Secretary of the Senate

Scheid moved that the House refuse to concur in the Senate amendments to H. F. No. 236, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses. The motion prevailed.

Mr. Speaker:

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

H. F. No. 1138, A bill for an act relating to small business; requiring use of certain socially and economically disadvantaged subcontractors; removing a five-year eligibility limitation; modifying the definition of small business; amending Minnesota Statutes 1986, sections 16B.19, subdivision 6; 16B.22; and 645.445, subdivisions 2 and 3.

PATRICK E. FLAHAVEN, Secretary of the Senate

Osthoff moved that the House refuse to concur in the Senate amendments to H. F. No. 1138, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses. The motion prevailed.

Mr. Speaker:

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

H. F. No. 990, A bill for an act relating to crimes; providing that persons convicted of a crime of violence may not ship, transport, possess, or receive a firearm for ten years following restoration of civil rights, the setting aside of a conviction, or a pardon; amending Minnesota Statutes 1986, sections 609.165, by adding a subdivision; 609.168; 624.712, subdivision 5; and 638.02, subdivision 2.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Segal moved that the House concur in the Senate amendments to H. F. No. 990 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 990, A bill for an act relating to crimes; providing that persons convicted of a crime of violence may not ship, transport, possess, or receive a firearm for ten years following restoration of civil rights, the setting aside of a conviction, or a pardon; amending Minnesota Statutes 1986, sections 609.165, by adding a subdivision; 609.168; 624.712, subdivision 5; and 638.02, subdivision 2.

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

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

Those who voted in the affirmative were:

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

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

Mr. Speaker:

I hereby announce that the Senate refuses to concur in the House amendments to Senate File No. 865:

S. F. No. 865, A bill for an act relating to environment; authorizing an assessment against public utilities to finance the state costs of controlling acid deposition; amending Minnesota Statutes 1986, section 116C.69, subdivision 3.

The Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee:

Messrs. Dahl, Willet and Marty.

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

PATRICK E. FLAHAVEN, Secretary of the Senate

Trimble moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate

on the disagreeing votes of the two houses on S. F. No. 865. The motion prevailed.

Mr. Speaker:

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

S. F. No. 353.

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

PATRICK E. FLAHAVEN, Secretary of the Senate

CONFERENCE COMMITTEE REPORT ON S. F. NO. 353

A bill for an act relating to metropolitan water management; authorizing metropolitan counties to adopt ground water plans; relating to notice procedures in certain counties; amending Minnesota Statutes 1986, sections 112.53, subdivision 2; 473.875; 473.876, by adding subdivisions; 473.878, subdivisions 3, 5, 6, 7, and 9; proposing coding for new law in Minnesota Statutes, chapter 473.

May 11, 1987

The Honorable Jerome M. Hughes
President of the Senate

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

We, the undersigned conferees for S. F. No. 353, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendment and that S. F. No. 353 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1986, section 112.60, is amended by adding a subdivision to read:

Subd. 1a. [ASSESSMENT NOTICE FOR METROPOLITAN WATERSHEDS.] For a watershed district entirely within the metropolitan area, the auditor must mail an assessment notice to property owners and corporations benefited and damaged before the assessment is made in subdivision 1. The assessment notice must include:

- (1) the amount to be specially assessed against the property;
- (2) the right of the property owner to prepay the entire assessment and to whom prepayment must be made;
- (3) whether partial prepayment of the assessment is authorized;
- (4) the time within which prepayment may be made without interest being charged; and
- (5) the rate of interest to be charged if the assessment is not prepaid within the required time period.

Sec. 2. Minnesota Statutes 1986, section 112.60, is amended by adding a subdivision to read:

Subd. 5. [PREPAYMENT FOR METROPOLITAN WATERSHED DISTRICTS.] (a) For a watershed district entirely within the metropolitan area, a property owner or corporation may prepay the entire assessment at any time before the first installment of the assessment is entered on the tax lists for the year with the interest that has accrued to the date of payment, except that interest may not be charged on an assessment that is prepaid within 30 days after the assessment notice is mailed.

(b) After the first installment of an assessment is entered on the tax list, a property owner or corporation may prepay the entire assessment remaining due before November 15 with interest accrued to December 31 of the year in which the prepayment is made.

Sec. 3. Minnesota Statutes 1986, section 112.64, is amended by adding a subdivision to read:

Subd. 3a. [NOTICE AND PREPAYMENT FOR METROPOLITAN WATERSHEDS.] For a watershed district entirely within the metropolitan area, the auditor must mail an assessment notice to the owners of affected property as provided in section 112.60, subdivision 1a, before the assessment is levied. The assessment may be prepaid as provided in section 112.60, subdivision 5.

Sec. 4. Minnesota Statutes 1986, section 473.875, is amended to read:

473.875 [SURFACE METROPOLITAN WATER MANAGEMENT PROGRAM PROGRAMS; PURPOSES.]

The purpose of the surface water management programs required by sections 473.875 to 473.883 is to protect, preserve and use natural surface and ground water storage and retention systems in order to (a) reduce to the greatest practical extent the public capital expen-

ditures necessary to control excessive volumes and rates of runoff, (b) protect and improve surface and ground water quality, (c) prevent flooding and erosion from surface flows, (d) promote ground water recharge, (e) protect and enhance fish and wildlife habitat and water recreational facilities, and (f) secure the other benefits associated with the proper management of surface and ground water.

Sec. 5. Minnesota Statutes 1986, section 473.876, is amended by adding a subdivision to read:

Subd. 2a. [GROUND WATER PLAN.] "Ground water plan" means a county plan adopted under section 12.

Sec. 6. Minnesota Statutes 1986, section 473.876, is amended by adding a subdivision to read:

Subd. 2b. [GROUND WATER SYSTEM.] "Ground water system" means one of the 14 principal aquifers of the state as defined by the United States Geological Survey in the Water-Resources Investigations 81-51, entitled "Designation of Principal Water Supply Aquifers in Minnesota" (August 1981), and its revisions.

Sec. 7. Minnesota Statutes 1986, section 473.878, subdivision 3, is amended to read:

Subd. 3. [GENERAL STANDARDS.] (a) The watershed management plan shall extend through the year 1990 or any year thereafter which is evenly divisible by five.

(b) The plan must be updated before the expiration of the period covered by the plan. The plan must be reviewed for consistency with an adopted county ground water plan, and revised as necessary, whenever the watershed plan undergoes substantial revision or updating. In counties that adopt or amend ground water plans within five years following the effective date of section 12, watershed plans must be reviewed for consistency with the county ground water plan, and revised as necessary, not later than six years following the effective date of section 12. In counties that adopt or amend ground water plans after five years following the effective date of section 12, watershed plans must be reviewed for consistency with the county ground water plan, and revised as necessary, not later than one year following the adoption or amendment of the ground water plan. Upon the request of a watershed management organization, the county shall provide a written statement that: (1) identifies any substantial inconsistencies between the watershed plan and the ground water plan and any substantial adverse effects of the watershed plan on the ground water plan, and (2) evaluates, estimates the cost of, and recommends alternatives for amending the watershed plan to rectify any substantial inconsistencies and adverse effects.

(c) The plan shall contain the elements required by subdivision 4. Each element shall be set out in the degree of detail and prescription necessary to accomplish the purposes of sections 473.875 to 473.883, considering the character of existing and anticipated physical and hydrogeologic conditions, land use, and development and the severity of existing and anticipated water management problems in the watershed.

(d) The plan shall be prepared and submitted for review under subdivision 5 not later than December 31, 1986.

(e) Existing plans of a watershed management organization shall remain in force and effect until amended or superseded by plans adopted under sections 473.875 to 473.883. Existing or amended plans of a watershed management organization which meet the requirements of sections 473.875 to 473.883 may be submitted for review under subdivision 5.

Sec. 8. Minnesota Statutes 1986, section 473.878, subdivision 5, is amended to read:

Subd. 5. [LOCAL REVIEW.] (a) Upon completion of the plan but before final adoption by the organization, the organization shall submit the plan for review and comment to all counties, soil and water conservation districts, towns, and statutory and home rule charter cities having territory within the watershed. Any local government unit which expects that substantial amendment of its local comprehensive plan will be necessary in order to bring local water management into conformance with the watershed plan shall describe as specifically as possible, within its comments, the amendments to the local plan which it expects will be necessary. If the county has a ground water plan, the county shall review and comment on the consistency of the watershed plan with the county ground water plan. Differences among local governmental agencies regarding the plan must be mediated.

(b) Sixty days after the submission to local government units for comment, the organization shall submit the plan, any comments received, and any appropriate amendments to the plan, to the board of the county or counties having territory within the watershed. The county shall approve or disapprove projects in the capital improvement program which may require the provision of county funds pursuant to section 112.60, subdivision 2, or 473.883. The county shall have 60 days to complete its review of the capital improvement program. If the county fails to complete its review within the prescribed period, unless an extension is agreed to by the organization the program shall be deemed approved. If the watershed extends into more than one county and one or more counties disapprove of all or part of a capital improvement program while the other county or counties approve, the program shall be submitted to the water resources board for review pursuant to subdivision 7.

Sec. 9. Minnesota Statutes 1986, section 473.878, subdivision 6, is amended to read:

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

Sec. 10. Minnesota Statutes 1986, section 473.878, subdivision 7, is amended to read:

Subd. 7. [REVIEW BY STATE AGENCIES.] After completion of the review under subdivision 6, the plan and all comments received shall be submitted to the ~~commissioner~~ commissioners of natural resources and health and the director of the pollution control agency for review and comment on the consistency of the plan with state laws and rules relating to water and related land resources, and to the water resources board for review under section 112.46. Except as otherwise provided in this subdivision, the water resources board shall review the plan as provided in section 112.46. The board shall review the plan for conformance with the requirements of chapter 112 and sections 473.875 to 473.883. The board shall not prescribe a plan, but may disapprove all or parts of a plan which it determines is not in conformance with the requirements of chapter 112 and sections 473.875 to 473.883. If the capital improvement program is the subject of a dispute between counties, the water resources board shall make a final decision on the issue. The decision shall be binding on the organization and the counties involved.

Sec. 11. Minnesota Statutes 1986, section 473.878, subdivision 9, is amended to read:

Subd. 9. [AMENDMENTS.] To the extent and in the manner required by the adopted plan, all amendments to the adopted plan shall be submitted to the towns, cities, county, and other agencies for review in accordance with the provisions of subdivisions 5, 6, and 7. Amendments necessary to revise the plan to be consistent with county ground water plan, as required by subdivision 3, must be submitted for review in accordance with subdivisions 5, 6, and 7.

Sec. 12. [473.8785] [GROUND WATER PLANS.]

Subdivision 1. [AUTHORITY.] A metropolitan county may prepare and adopt ground water plans in accordance with this section.

Subd. 2. [RESPONSIBLE UNITS.] The county may prepare and adopt the plan or, upon request of a soil and water conservation district, the county may delegate to the soil and water conservation district the preparation and adoption of all or part of a plan and the performance of other county responsibilities regarding the plan under this section and section 473.878.

Subd. 3. [LOCAL COORDINATION.] To assure the coordination of efforts of all units of government during the preparation and implementation of watershed and ground water plans, the county shall conduct meetings with local units of government and watershed management organizations, and may enter into agreements with local units of government and watershed management organizations establishing the responsibilities during the preparation and implementation of the water plans.

Subd. 4. [ASSISTANCE; ADVISORY COMMITTEE.] The county may contract with the Minnesota geological survey, the United States geological survey, a soil and water conservation district, or other public or private agencies or persons for services in performing the county's responsibilities regarding the plan under this section and section 473.878. Counties may enter into agreements with other counties or local units of government under section 471.59 for the performance of these responsibilities. To assist in the development of the ground water plan, the county shall seek the advice of the Minnesota geological survey, the departments of health and natural resources, the pollution control agency, and other appropriate local, state, and federal agencies, and shall name an advisory committee of 15 members. The committee must include representatives of various interests, including construction, agriculture, hydrogeology, and well drilling. At least four members of the committee must be from the public at large with no direct pecuniary interest in any project involving ground water protection. At least seven members must be appointed from watershed management organizations, statutory and home rule charter cities, and towns, and these local government representatives must be geographically distributed so that at least one is appointed from each county commissioner district. The county shall consult the advisory committee on the development, content, and implementation of the plan, including the relationship of the ground water plan and existing watershed and local water management plans, the effect of the ground water plan on the other plans, and the allocation of costs and governmental authority and responsibilities during implementation.

Subd. 5. [GENERAL STANDARDS.] The ground water plan must extend through the year 1995 or any year thereafter which is evenly divisible by five. The plan must contain the elements required by subdivision 6. Each element must be set out in the degree of detail

and prescription necessary to accomplish the purposes of sections 473.875 to 473.883, considering the character of existing and anticipated physical and hydrogeologic conditions, land use, and development and the severity of existing and anticipated ground water management problems in the county. To the fullest extent possible in a manner consistent with ground water protection, a county shall make maximum use of existing and available data and studies in preparing the ground water plan and incorporate into its ground water plan relevant data from existing plans and studies and the relevant provisions of existing plans adopted by watershed management organizations having jurisdiction wholly or partly within the county.

Subd. 6. [CONTENTS.] A ground water plan must:

- (1) cover the entire area within the county;
- (2) describe existing and expected changes to the physical environment, land use, and development in the county;
- (3) summarize available information about the ground water and related resources in the county, including existing and potential distribution, availability, quality, and use;
- (4) state the goals, objectives, scope, and priorities of ground water protection in the county;
- (5) contain standards, criteria, and guidelines for the protection of ground water from pollution and for various types of land uses in environmentally sensitive areas, critical areas, or previously contaminated areas;
- (6) describe relationships and possible conflicts between the ground water plan and the plans of other counties, local government units, and watershed management organizations in the affected ground water system;
- (7) set forth standards and guidelines for implementation of the plan by watershed management organizations and local units of government; and
- (8) include a procedure for amending the ground water plan.

Subd. 7. [LOCAL REVIEW AND COMMENT.] Upon completion of the ground water plan but before final adoption by the county, the county shall submit the plan for review and comment to each soil and water conservation district, town, statutory and home rule charter city, and watershed management organization having territory within the county. The county also shall submit the plan to any other county or watershed management organization or district in

the affected ground water system that could affect or be affected by implementation of the plan. Any political subdivision or watershed management organization that expects that substantial amendment of its plans would be necessary in order to bring them into conformance with the county ground water plan shall describe as specifically as possible, within its comments, the amendments that it expects would be necessary and the cost of amendment and implementation. Reviewing entities have 60 days to review and comment. Differences among local governmental agencies regarding the plan must be mediated.

Subd. 8. [REVIEW BY METROPOLITAN COUNCIL.] After completion of the review under subdivision 7, the plan and all comments received must be submitted to the metropolitan council for review. Notwithstanding any provision to the contrary in sections 112.46 and 473.165, the council shall review the plan in the same manner and with the same authority and effect as provided for the council's review of the comprehensive plans of local government units under section 473.175. The council shall comment on the apparent conformity with metropolitan system plans of any anticipated amendments to watershed plans and local comprehensive plans. The council shall summarize and evaluate the cost of rectifying inconsistencies between the ground water plan and watershed plans. If the council finds that significant funding problems, needs, or inequities will result from the ground water plan, the council shall report to the legislature on the matter and on appropriate means of allocating and paying costs. The council may mediate and attempt to resolve differences among local governmental agencies regarding the plan.

Subd. 9. [REVIEW BY STATE AGENCIES.] After completion of the review under subdivision 8, the plan and all comments received must be submitted to the commissioners of natural resources and health and the director of the pollution control agency for review and comment on the consistency of the plan with state laws and rules relating to water and related land resources, and to the water resources board for review under section 112.46. Except as otherwise provided in this subdivision, the water resources board shall review the plan as provided in section 112.46. The board shall review the plan for conformance with the requirements of chapter 112 and sections 473.875 to 473.883. The board may not prescribe a plan, but may disapprove all or parts of a plan which it determines is not in conformance with the requirements of chapter 112 and sections 473.875 to 473.883.

Subd. 10. [ADOPTION; IMPLEMENTATION.] The county shall adopt and implement its ground water plan within 120 days after approval of the plan by the water resources board.

Subd. 11. [AMENDMENTS.] To the extent and in the manner required by the adopted plan, all amendments to the adopted plan

must be submitted to the towns, cities, counties, and other agencies for review in accordance with the provisions of subdivisions 7 to 9.

Sec. 13. [APPLICATION.]

Sections 4 to 12 apply in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington."

Delete the title and insert:

"A bill for an act relating to metropolitan water management; providing assessment and notice procedures; providing for county ground water plans; amending Minnesota Statutes 1986, sections 112.60, by adding subdivisions; 112.64, by adding a subdivision; 473.875; 473.876, by adding subdivisions; and 473.878, subdivisions 3, 5, 6, 7, and 9; proposing coding for new law in Minnesota Statutes, chapter 473."

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

Senate Conferees: TAD JUDE, GEN OLSON AND GENE MERRIAM.

House Conferees: DARBY NELSON, ERNEST A. LARSEN AND SIDNEY J. PAULY.

Nelson, D., moved that the report of the Conference Committee on S. F. No. 353 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 353, A bill for an act relating to metropolitan water management; authorizing metropolitan counties to adopt ground water plans; relating to notice procedures in certain counties; amending Minnesota Statutes 1986, sections 112.53, subdivision 2; 473.875; 473.876, by adding subdivisions; and 473.878, subdivisions 3, 5, 6, 7, and 9; proposing coding for new law in Minnesota Statutes, chapter 473.

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

The question was taken on the repassage of the bill and the roll was called. There were 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Bauerly	Begich	Bertram	Blatz
Battaglia	Beard	Bennett	Bishop	Boo

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

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

Mr. Speaker:

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

S. F. No. 94.

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

PATRICK E. FLAHAVEN, Secretary of the Senate

CONFERENCE COMMITTEE REPORT ON 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.

May 7, 1987

The Honorable Jerome M. Hughes
President of the Senate

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

We, the undersigned conferees for S. F. No. 94, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendment and that S.F. No. 94 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1986, section 145.43, is amended by adding a subdivision to read:

Subd. 1b. [ITEMIZED REPAIR BILL.] (a) Any person or company who agrees to repair a hearing aid must provide the customer with a billing that specifically itemizes all parts and labor charges for services rendered. The bill must also include the person's or company's name, address, and phone number.

(b) This subdivision does not apply to:

(1) a person or company that repairs a hearing aid pursuant to an express warranty covering the hearing aid and the warranty covers the entire costs, both parts and labor, of the repair; and

(2) a person or company that repairs a hearing aid and the repair is expressly warranted for a period of at least one year, the warranty covers the entire costs, both parts and labor, of the repair, and a copy of the express warranty is given to the customer."

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

Senate Conferees: CHARLES R. DAVIS, HOWARD A. KNUTSON AND JOHN J. MARTY.

House Conferees: JERRY J. BAUERLY, BERNIE OMANN AND JEFF BERTRAM.

Bauerly moved that the report of the Conference Committee on S. F. No. 94 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

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 third time, as amended by Conference, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 126 yeas and 2 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Beard Quinn

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

Mr. Speaker:

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

S. F. No. 905.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 905, A bill for an act relating to appropriations; appropriating money to the commissioner of natural resources to

replace income lost to state trust funds when certain timber permits were canceled; releasing timber from the trust for a five-year period; authorizing the commissioner of natural resources to sell, recycle or dispose of the timber; directing the disposition of income.

The bill was read for the first time.

Neuenschwander moved that S. F. No. 905 and H. F. No. 379, now on Technical General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

The following Conference Committee Reports were received:

CONFERENCE COMMITTEE REPORT ON H. F. NO. 230

A bill for an act relating to elections; authorizing combination of certain municipalities for election purposes; amending Minnesota Statutes 1986, sections 204B.14, subdivisions 2, 4, 5, and by adding a subdivision; 204B.21, subdivision 2; and 204B.22, subdivision 1.

May 13, 1987

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

The Honorable Jerome M. Hughes
President of the Senate

We, the undersigned conferees for H. F. No. 230, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendment and that H. F. No. 230 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1986, section 204B.14, subdivision 2, is amended to read:

Subd. 2. [SEPARATE PRECINCTS; REQUIREMENTS.] The following shall constitute at least one election precinct:

(a) Each city ward; and

(b) Each town and each statutory city, unless a town and statutory city municipalities are combined for election purposes under subdivision 8. Notwithstanding any law to the contrary, each town and each statutory city located within the metropolitan area as defined

in section 473.121, subdivision 2 shall constitute at least one election precinct.

Sec. 2. Minnesota Statutes 1986, section 204B.14, subdivision 4, is amended to read:

Subd. 4. [BOUNDARY CHANGE PROCEDURE.] Any change in the boundary of an election precinct shall be adopted at least 90 days before the date of the next election, and shall not take effect until notice of the change has been posted in the office of the municipal clerk or county auditor for at least 60 days. Except in the case of the combination or separation of municipalities for election purposes under subdivision 8, the municipal clerk or county auditor shall notify each affected registered voter of the change in election precinct boundaries at least 30 days prior to the first election held after the change takes effect.

Sec. 3. Minnesota Statutes 1986, section 204B.14, subdivision 5, is amended to read:

Subd. 5. [PRECINCT BOUNDARIES; DESCRIPTION; MAPS.] Each municipal clerk shall prepare and file with the county auditor of each county in which the municipality is located, with the secretary of state and with the state planning director maps showing the correct boundaries of each election precinct in the municipality. At least 30 days before any change in an election precinct or in a corporate boundary becomes effective, the municipal clerk shall prepare maps showing the new boundaries of the precincts and shall forward copies of these maps to the secretary of state, the appropriate county auditors and the state planning director. The clerk shall retain copies of the precinct maps for public inspection. The county auditor shall prepare and file precinct boundary maps for precincts in unorganized territories, and the municipal clerk designated in the combination agreement shall prepare and file precinct boundary maps in the case of municipalities combined for election purposes under subdivision 8, in the same manner as provided for precincts in municipalities. For every election held in the municipality the election judges shall be furnished precinct maps as provided in section 201.061, subdivision 6.

Sec. 4. Minnesota Statutes 1986, section 204B.14, is amended by adding a subdivision to read:

Subd. 8. [COMBINED PRECINCT.] (a) Up to four contiguous municipalities located entirely outside the metropolitan area as defined in section 473.121, subdivision 2, that are contained in the same legislative district, congressional district, and county commissioner district may enter into a combination agreement to form one precinct for state and county election purposes, upon the approval of the county auditor. The governing body of each municipality proposing to enter into a combination agreement must provide the inhab-

itants of the municipality with published and posted notice of the proposed agreement three weeks before the second Tuesday in March. A combination agreement must be approved by resolutions of all of the governing bodies of the combining municipalities on or before the second Tuesday in March of an election year. A copy of the combination agreement must be submitted to the county auditor for approval, on or before May 1 of an election year.

(b) One or more of the municipalities in the combined precinct may withdraw from the combination by a resolution of the governing body of the withdrawing municipality, passed on or before the second Tuesday in March of an election year. The withdrawing municipality shall file the resolution with the county auditor no later than May 1 of an election year. The decision of any one municipality to withdraw from the combination agreement automatically dissolves the combination unless all the remaining municipalities continue to meet all the requirements of this subdivision.

(c) The combination agreement must specify the designated polling place and the municipal election officials or governing bodies responsible for appointing election judges and the chair of the election board, posting notices, preparing precinct maps, and carrying out other election duties required by law.

(d) In combining or separating, the municipalities must meet the time requirements specified in this section for changing precinct boundaries and in section 204B.16, subdivision 3, for designating a different polling place.

Sec. 5. Minnesota Statutes 1986, section 204B.21, subdivision 2, is amended to read:

Subd. 2. [APPOINTING AUTHORITY; POWERS AND DUTIES.] Election judges for precincts in a municipality shall be appointed by the governing body of the municipality. Election judges for precincts in unorganized territory shall be appointed by the county board. Election judges for a precinct composed of two or more municipalities must be appointed by the governing body of the municipality or municipalities responsible for appointing election judges as provided in the agreement to combine for election purposes. Appointments shall be made from lists furnished pursuant to subdivision 1 subject to the eligibility requirements and other qualifications established or authorized under section 204B.19. If no lists have been furnished or if additional election judges are required after all listed names have been exhausted, the appointing authority may appoint any other individual to serve as an election judge subject to the same requirements and qualifications. The appointments shall be made at least 25 days before the election at which the election judges will serve.

Sec. 6. Minnesota Statutes 1986, section 204B.22, subdivision 1, is amended to read:

Subdivision 1. [MINIMUM NUMBER REQUIRED.] A minimum of three election judges shall be appointed for each precinct. In a precinct of municipalities combined for election purposes under section 204B.14, subdivision 8, at least one judge must be appointed from each municipality in the combined precinct, provided that not less than three judges shall be appointed for each combined precinct. The appointing authorities may appoint election judges for any precinct in addition to the number required by this subdivision including additional election judges to count ballots after voting has ended.

Sec. 7. [PRECINCT BOUNDARY CHANGES.]

Notwithstanding section 204B.14, subdivision 3, municipalities may enter a combination agreement as provided in section 4 until April 1, 1988.

Sec. 8. [204B.45] [MAIL BALLOTING.]

Subdivision 1. [AUTHORIZATION.] Any town having fewer than 400 registered voters and not located in a metropolitan county as defined by section 473.121 may apply to the county auditor to provide balloting by mail at any county or state election with no polling place other than the office of the auditor or clerk. The county board may provide for balloting by mail in unorganized territory.

Subd. 2. [PROCEDURE.] Notice of the election and the special mail procedure must be given at least six weeks prior to the election. No earlier than 20 days or later than 18 days prior to the election, the auditor shall mail ballots by nonforwardable mail to all voters registered in the town or unorganized territory. Eligible voters not registered at the time the ballots are mailed may apply for ballots as provided in chapter 203B. Ballot return envelopes, with return postage provided, must be preaddressed to the auditor or clerk and the voter may return the ballot by mail or in person to the office of the auditor or clerk. The costs of the mailing shall be paid by the election jurisdiction in which the voter resides. Any ballot received by 8:00 p.m. on the day of the election must be counted.

Subd. 3. [ELECTION LAW APPLIED; RULES.] The Minnesota election law is applicable to mail balloting except as provided by this section or by rules adopted by the secretary of state, but only paper ballots may be used. The secretary of state shall adopt rules for the conduct of mail balloting, including instructions to voters, procedures for challenge of voters, public observation of the counting of ballots, and procedures for proper handling and safeguarding of ballots to ensure the integrity of the election.

Delete the title and insert:

"A bill for an act relating to elections; authorizing combination of certain municipalities for election purposes; providing mail balloting; amending Minnesota Statutes 1986, sections 204B.14, subdivisions 2, 4, 5, and by adding a subdivision; 204B.21, subdivision 2; and 204B.22, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 204B."

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

House Conferees: JIM TUNHEIM, CLAIR L. NELSON AND SYLVESTER B. UPHUS.

Senate Conferees: LEROY A. STUMPF, DON SAMUELSON AND JEROME M. HUGHES.

Tunheim moved that the report of the Conference Committee on H. F. No. 230 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 230, A bill for an act relating to elections; authorizing combination of certain municipalities for election purposes; amending Minnesota Statutes 1986, sections 204B.14, subdivisions 2, 4, 5, and by adding a subdivision; 204B.21, subdivision 2; and 204B.22, subdivision 1.

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

The question was taken on the repassage of the bill and the roll was called. There were 129 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Anderson, G.	Clausnitzer	Himle	Knickerbocker	Minne
Battaglia	Cooper	Hugoson	Knuth	Morrison
Bauerly	Dauner	Jacobs	Kostohryz	Munger
Beard	DeBlick	Jaros	Krueger	Murphy
Begich	Dempsey	Jefferson	Larsen	Nelson, C.
Bennett	Dille	Jennings	Lasley	Nelson, D.
Bertram	Dorn	Jensen	Lieder	Nelson, K.
Bishop	Forsythe	Johnson, A.	Long	Neuenschwander
Blatz	Frederick	Johnson, R.	Marsh	O'Connor
Boo	Frerichs	Johnson, V.	McDonald	Ogren
Brown	Greenfield	Kahn	McEachern	Olsen, S.
Burger	Gruenes	Kalis	McKasy	Olson, E.
Carlson, D.	Gutknecht	Kelly	McLaughlin	Olson, K.
Carlson, L.	Hartle	Kelso	McPherson	Omann
Carruthers	Haukoos	Kinkel	Milbert	Onnen
Clark	Heap	Kludt	Miller	Orenstein

Osthoff	Reding	Scheid	Stanius	Vanasek
Otis	Rest	Schoenfeld	Steensma	Vellenga
Ozment	Rice	Schreiber	Sviggum	Voss
Pappas	Richter	Seaberg	Swenson	Wagenius
Pauly	Riveness	Segal	Tjornhom	Waltman
Pelowski	Rodosovich	Shaver	Tompkins	Welle
Peterson	Rose	Simoneau	Trimble	Wenzel
Poppenhagen	Rukavina	Skoglund	Tunheim	Winter
Price	Sarna	Solberg	Uphus	Wynia
Quinn	Schafer	Sparby	Valento	

Those who voted in the negative were:

Thiede

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

CONFERENCE COMMITTEE REPORT ON H. F. NO. 854

A bill for an act relating to judgments; clarifying the procedure and cost for filing foreign judgments; clarifying the procedure to be used in securing a judgment and execution; amending Minnesota Statutes 1986, sections 548.27; 548.30; 549.09; and 550.04.

May 13, 1987

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

The Honorable Jerome M. Hughes
President of the Senate

We, the undersigned conferees for H. F. No. 854, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendment.

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

House Conferees: HOWARD R. ORENSTEIN, TERRY M. DEMPSEY AND RANDY C. KELLY.

Senate Conferees: DENNIS R. FREDERICKSON, TAD JUDE AND RICHARD J. COHEN.

Orenstein moved that the report of the Conference Committee on H. F. No. 854 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 854, A bill for an act relating to judgments; clarifying the procedure and cost for filing foreign judgments; clarifying the procedure to be used in securing a judgment and execution; amending Minnesota Statutes 1986, sections 548.27; 548.30; 549.09; and 550.04.

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

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

Those who voted in the affirmative were:

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

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

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

RECESS

RECONVENED

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

CONSIDERATION UNDER RULE 1.10

Pursuant to rule 1.10, Anderson, G., requested immediate consideration of H. F. Nos. 919 and 859.

The Speaker called Simoneau to the Chair.

H. F. No. 919 was reported to the House.

Uphus was excused between the hours of 3:00 p.m. and 5:10 p.m.

CALL OF THE HOUSE

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

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

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

Rodosovich moved to amend H. F. No. 919, the second engrossment, as follows:

Page 53, line 3, before the period insert “, or to an association incorporated under section 315.44”

A roll call was requested and properly seconded.

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

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

There were 57 yeas and 66 nays as follows:

Those who voted in the affirmative were:

Beard	Frederick	Lieder	Pelowski	Sviggum
Bennett	Frerichs	McDonald	Poppenhagen	Swenson
Blatz	Gutknecht	McKasy	Richter	Thiede
Boo	Hartle	McPherson	Rodosovich	Tjornhom
Burger	Haukoos	Miller	Schafer	Tompkins
Carlson, D.	Heap	Morrison	Schreiber	Trimble
Clausnitzer	Himle	Olsen, S.	Seaberg	Valento
DeBlieck	Hugoson	Olson, K.	Segal	Waltman
Dempsey	Johnson, V.	Onnen	Shaver	Winter
Dille	Kelly	Ozment	Skoglund	
Dorn	Kludt	Pappas	Solberg	
Forsythe	Knickerbocker	Pauly	Stanius	

Those who voted in the negative were:

Anderson, G.	Jaros	Long	Orenstein	Simoneau
Battaglia	Jefferson	Marsh	Osthoff	Sparby
Bauerly	Jensen	McEachern	Peterson	Steensma
Begich	Johnson, A.	McLaughlin	Price	Tunheim
Bertram	Johnson, R.	Minne	Quinn	Vellenga
Bishop	Kahn	Munger	Reding	Voss
Carlson, L.	Kalis	Murphy	Rest	Wagenius
Carruthers	Kelso	Nelson, C.	Rice	Welle
Clark	Kinkel	Nelson, D.	Riveness	Wenzel
Cooper	Knuth	Nelson, K.	Rose	Spk. Norton
Dauner	Kostohryz	O'Connor	Rukavina	
Greenfield	Krueger	Ogren	Sarna	
Gruenes	Larsen	Olson, E.	Scheid	
Jacobs	Lasley	Omann	Schoenfeld	

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

Carlson, L., moved to amend H. F. No. 919, the second engrossment, as follows:

Page 26, line 19, delete "Planning for applied science building" and insert "Acquisition of land"

The motion prevailed and the amendment was adopted.

The Speaker resumed the Chair.

H. F. No. 919, A bill for an act relating to public administration; authorizing spending to acquire and to better public land and buildings and other public improvements of a capital nature with certain conditions; authorizing issuance of state and local bonds; authorizing levies; imposing taxes; appropriating money; amending Minnesota Statutes 1986, sections 297.13, subdivision 1; and 297.26; 297A.01, subdivision 3; 297A.44, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 16A and 124; proposing coding for new law as Minnesota Statutes, chapter 240A.

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

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

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

There were 83 yeas and 42 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Jacobs	Marsh	Ozment	Simoneau
Battaglia	Jefferson	McEachern	Pappas	Skoglund
Bauerly	Jensen	McLaughlin	Pelowski	Solberg
Beard	Johnson, A.	Milbert	Peterson	Sparby
Begich	Johnson, R.	Minne	Price	Steensma
Bertram	Kahn	Munger	Quinn	Trimble
Bishop	Kalis	Murphy	Reding	Tunheim
Brown	Kelly	Nelson, C.	Rest	Vanasek
Carlson, L.	Kelso	Nelson, D.	Rice	Vellenga
Carruthers	Kinkel	Nelson, K.	Riveness	Voss
Clark	Kludd	O'Connor	Rodosovich	Welle
Cooper	Knuth	Ogren	Rose	Wenzel
Dauner	Kostohryz	Olson, E.	Rukavina	Winter
DeBlick	Krueger	Omann	Sarna	Wynia
Dorn	Larsen	Orenstein	Scheid	Spk. Norton
Greenfield	Lieder	Osthoff	Schoenfeld	
Gruenes	Long	Otis	Segal	

Those who voted in the negative were:

Bennett	Frerichs	Knickerbocker	Pauly	Swenson
Blatz	Gutknecht	McDonald	Poppenhagen	Thiede
Burger	Hartle	McKasy	Richter	Tjornhom
Carlson, D.	Haukoos	McPherson	Schafer	Tompkins
Clausnitzer	Heap	Miller	Schreiber	Valento
Dempsey	Himle	Morrison	Seaberg	Waltman
Dille	Hugoson	Neuenschwander	Shaver	
Forsythe	Jaros	Olsen, S.	Stanius	
Frederick	Johnson, V.	Onnen	Sviggum	

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

H. F. No. 859, A bill for an act relating to the department of finance; clarifying and correcting miscellaneous provisions to improve the administration of the department and of state government; appropriating money; amending Minnesota Statutes 1986, sections 3C.12, subdivision 2; 16A.06, by adding a subdivision; 16A.126, subdivision 2; 16A.127, subdivision 3; 16A.275; 16A.36, subdivision 2; and 116J.36, subdivision 6.

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

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

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

There were 100 yeas and 20 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Hartle	Krueger	Olson, E.	Shaver
Battaglia	Heap	Larsen	Olson, K.	Simoneau
Bauerly	Himle	Lasley	Omann	Skoglund
Beard	Jacobs	Lieder	Orenstein	Solberg
Begich	Jaros	Long	Otis	Sparby
Bertram	Jefferson	McEachern	Ozment	Steensma
Bishop	Jennings	McLaughlin	Pauly	Swenson
Blatz	Jensen	McPherson	Pelowski	Tompkins
Burger	Johnson, A.	Milbert	Peterson	Trimble
Carlson, L.	Johnson, R.	Minne	Price	Tunheim
Carruthers	Johnson, V.	Morrison	Quinn	Valento
Clark	Kahn	Munger	Reding	Vanasek
Clausnitzer	Kalis	Murphy	Rest	Vellenga
Cooper	Kelly	Nelson, C.	Riveness	Voss
Dauner	Kelso	Nelson, D.	Rodosovich	Wagenius
DeBlieck	Kinkel	Nelson, K.	Rose	Welle
Dille	Kludt	Neuenschwander	Rukavina	Wenzel
Dorn	Knickerbocker	O'Connor	Sarna	Winter
Greenfield	Knuth	Ogren	Seaberg	Wynia
Gutknecht	Kostohryz	Olsen, S.	Segal	Spk. Norton

Those who voted in the negative were:

Bennett	Frerichs	McDonald	Richter	Sviggum
Dempsey	Gruenes	Miller	Schafer	Thiede
Forsythe	Haukoos	Osthoff	Scheid	Tjornhom
Frederick	Hugoson	Poppenhagen	Stanius	Waltman

The bill was passed and its title agreed to.

CALL OF THE HOUSE LIFTED

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

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

RECESS

RECONVENED

The House reconvened and was called to order by Speaker pro tempore Long.

ANNOUNCEMENTS BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 1015:

Rest, Blatz and Kludt.

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 1138:

Osthoff, Sarna and Pauly.

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 865:

Trimble, Munger and Rose.

Dorn, Orenstein and Rodosovich were excused while in conference.

There being no objection, the order of business reverted to Reports of Chief Clerk.

REPORTS OF CHIEF CLERK

S. F. No. 463 and H. F. No. 576, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Sparby moved that the rules be so far suspended that S. F. No. 463 be substituted for H. F. No. 576 and that the House File be indefinitely postponed. The motion prevailed.

SECOND READING OF SENATE BILLS

S. F. No. 463 was read for the second time.

MESSAGES FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker:

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

S. F. Nos. 1345, 1437, 612, 858, 1202, 405, 514, 1524 and 1203.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 1345, A bill for an act relating to the judiciary; public defenders; providing for membership of the state board of public defense; providing for appointment of a chief administrator; requiring the state board of public defense to adopt standards governing district public defender offices; authorizing the state board of public defense to fix the salary of the state public defenders; requiring the state public defender to provide training for state and district public defenders, appointed counsel, and legal service corporation attorneys; providing that compensation of district public defenders may not exceed compensation of county attorneys; allowing representation of indigents by public defender before formal appointment; amending Minnesota Statutes 1986, sections 611.215, subdivisions 1 and 2, and by adding a subdivision; 611.216, subdivisions 1, 2, and 3; 611.23; 611.24; 611.25; 611.26, subdivisions 1, 2, 3, 4, and 6; and 611.27, subdivisions 1 and 2; proposing coding for new law in Minnesota Statutes, chapter 611; repealing Minnesota Statutes 1986, sections 611.22; and 611.26, subdivisions 5 and 8.

The bill was read for the first time.

Solberg moved that S. F. No. 1345 and H. F. No. 1595, now on Technical General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1437, A bill for an act relating to economic development; providing for review of state-funded scientific and technologically related research; creating an office of science and technology within the department of energy and economic development; creating a committee on science and technology research and development and providing for its powers and duties; proposing coding for new law in Minnesota Statutes, chapter 116J; repealing Minnesota Statutes 1986, section 116J.94.

The bill was read for the first time.

Reding moved that S. F. No. 1437 and H. F. No. 1453, now on Technical General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 612, 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; providing for changes in property-related costs for reduced licensed bed capacity; allowing for depreciation recapture; providing for a new appeals procedure for appraised value appeal requests; establishing service principles and rate-setting procedures for day training and habilitation services to persons with mental retardation and related conditions; appropriating money; amending Minnesota Statutes 1986, sections 144.55, subdivision 6; 144A.05; 144A.071, subdivision 3; 144A.27; 245.782, subdivision 5; 252.21; 252.22; 252.23; 252.24, subdivisions 1 and 4; 252.25; 256B.02, subdivision 8; 256B.431, subdivisions 2b, 2e, 3a, 4, and by adding subdivisions; 256B.50, subdivision 2; 256B.501, subdivisions 1, 2, and 8; and 256E.09, subdivision 3; proposing coding for new law in Minnesota Statutes, chapters 144A and 252; repealing Minnesota Statutes 1986, sections 256B.501, subdivisions 5, 6, 7, and 9; and 256E.06, subdivision 2a; repealing Minnesota Rules, parts 9525.1210, subparts 11 and 12; 9525.1230, subpart 2; 9525.1260; 9525.1270; 9525.1280; and 9525.1310.

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

S. F. No. 858, A bill for an act relating to health; providing for asbestos regulation; directing the commissioner of health to regulate and license persons or entities enclosing, removing, or encapsulating asbestos; providing penalties; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 326.

The bill was read for the first time.

Nelson, D., moved that S. F. No. 858 and H. F. No. 302, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1202, A bill for an act relating to environment; establishing a siting process for a low-level radioactive waste facility; providing for volunteer sites and an alternative site selection process; establishing a siting board; appropriating money; amending Minnesota Statutes 1986, sections 116C.832, subdivision 1, and by adding subdivisions; 116C.834; and 116C.842, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 116C.

The bill was read for the first time.

Kahn moved that S. F. No. 1202 and H. F. No. 1407, now on Technical General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 405, A bill for an act relating to Forestville state park; adding property comprising Mystery Cave to Forestville state park; authorizing acquisition of lands and interests in lands therefor; providing for a Niagara Cave feasibility study; appropriating money.

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

S. F. No. 514, A bill for an act relating to human services; creating the office of ombudsman for mental health and mental retardation; providing for the powers and duties of the ombudsman; creating a medical review board; requiring reporting of abuse and neglect to the ombudsman for mental health and mental retardation; appropriating money; amending Minnesota Statutes 1986, sections 13.46, subdivision 1; 626.556, subdivisions 9 and 10; and 626.557, subdivision 9; proposing coding for new law in Minnesota Statutes, chapter 245.

The bill was read for the first time.

Wynia moved that S. F. No. 514 and H. F. No. 516, now on Technical General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1524, A bill for an act relating to claims against the state; providing for payment of various claims; appropriating money.

The bill was read for the first time.

Kalis moved that S. F. No. 1524 and H. F. No. 1645, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1203, A bill for an act relating to state government; reorganizing the department of agriculture, the department of energy and economic development, and the department of public service, and providing for the powers and duties of the three departments; changing the name of the department of energy and economic development to the department of trade and economic development; designating the department of jobs and training as the administrative agency for certain juvenile justice and delinquency prevention purposes; providing grants for youth intervention programs; changing the membership of the world trade center board; establishing the world trade center institute; authorizing the board to contract for certain services and programs; appropriating money; amending Minnesota Statutes 1986, sections 17.03, by adding a subdivision; 17.101, subdivision 1; 18.023, subdivision 11; 18.024, subdivision 1; 43A.08, subdivision 1; 44A.01; 44A.031; 104.35,

subdivisions 2 and 3; 115A.12, subdivision 2; 116C.03, subdivision 2; 116J.01; 116J.03; 116J.58, subdivision 2; 116J.60; and 116J.63, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 44A; 116J; 236A; and 268; proposing coding for new law as Minnesota Statutes, chapter 216C; repealing Minnesota Statutes 1986, sections 4.09; 17.03, subdivision 5; 44A.03; 44A.04; 44A.05; 44A.07; 116J.404; and 116J.405.

The bill was read for the first time.

Anderson, G., moved that S. F. No. 1203 and H. F. No. 1095, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

REPORT FROM THE COMMITTEE ON RULES AND LEGISLATIVE ADMINISTRATION

Vanasek, from the Committee on Rules and Legislative Administration, pursuant to House Rule No. 1.9, designated the following bills as Special Orders to be acted upon immediately preceding General Orders pending for today, Friday, May 15, 1987:

H. F. Nos. 794, 899, 1203, 302 and 303; S. F. Nos. 463 and 478; H. F. Nos. 169, 943, 1095, 1499, 1645, 887 and 1219; S. F. Nos. 90 and 682; H. F. Nos. 960 and 1326; S. F. No. 167; H. F. No. 939; S. F. No. 1472; H. F. Nos. 239 and 829; and S. F. No. 897.

MOTIONS AND RESOLUTIONS

House Resolution No. 45 was reported to the House.

Vanasek moved that House Resolution No. 45 be now adopted.

HOUSE RESOLUTION NO. 45

A House resolution recognizing the participants in the 1987 High School Page Program.

Whereas, 160 students from across the state participated in the High School Page Program during a 16-week period from January 19 to May 8 to serve as Pages and to learn the legislative process firsthand; and

Whereas, recognition is given to the 32 High School Page Alumni who have volunteered to return the week of May 11 to 15, 1987; and

Whereas, the Alumni will serve for one or two days as a demonstration of their appreciation for the educational, informative, and exciting week they spent at the State Capitol with the representatives and staff of the legislative, executive, and judicial branches of government; *Now, Therefore*,

Be It Resolved by the House of Representatives of the State of Minnesota that it recognizes the participants in the 1987 High School Page Program. It appreciates the volunteer service of the following 32 Page Alumni: Dina Andreotti, Carol Backstrom, Eric Batalden, Ann Bettendorf, Rebecca Cardinal, Heidi Christ, Mark Clysdale, Jermaine Collin, Christine Commerford, Donovan Crew, Carolyn Kritta, Chad Kubat, Kerry Kubat, Sean LaBat, Cameron Lepisto, Shawna McCorvey, Travis Messinger, Jes Mingo, Michael Peterson, Dan Rhode, Steve Rudolph, Kathleen Russell, Jane Schoelch, Robert Schweiger, Stefanie Shaffer, Michael Slater, Tom Sorensen, Paul Sorensen, Tracy Stead, Aaron Sticht, Steve Van Kekerix, and Diane Warring.

Be It Further Resolved that the Chief Clerk of the House of Representatives is directed to prepare enrolled copies of this resolution, to be authenticated by his signature and that of the Speaker, and that they be presented to each of the Pages named above.

The motion prevailed and House Resolution No. 45 was adopted.

CONSIDERATION UNDER RULE 1.10

Pursuant to rule 1.10, Voss requested immediate consideration of S. F. Nos. 170 and 971.

S. F. No. 170, 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; removing certain service persons' preference provisions from the housing and redevelopment authority law; modifying requirements for developers' tax abatements under the housing and redevelopment authority law; removing a sunset on certain St. Paul port authority provisions; allocating bonding authority subject to a volume cap under federal tax law; allocating bonding authority to the city of Minneapolis, located in Hennepin county, and to the city of Saint Paul, located in Ramsey county; 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; 412.251; 462C.02, subdivisions 6 and 9; 462C.05, subdivision 7; 462C.06; 465.54; 465.74, subdivision 7; 465.77; 471A.03, subdivision 9; 473.195, subdivision 1; 473.201, subdivision 1; 473.504, subdivision 11; 473.556, subdivision 6; 473.638, subdivision 2; 473.811, subdivision 8; 473.852, subdivision 6; 473F.02, subdivision 3; 473F.05; 473F.08, subdivisions 2, 4, and 6; 475.525, subdivision 3; 477A.011, subdivision 7; 504.24, subdivision 2; and 609.321, subdivision 12; repealing Minnesota Statutes 1986, sections 273.1312; 273.1313; 273.1314; 273.71; 273.72; 273.73; 273.74; 273.75; 273.76; 273.77; 273.78; 273.86; 362A.01; 362A.02; 362A.03; 362A.04; 362A.041; 362A.05; 362A.06; 373.31; 426.055; 458.09; 458.091; 458.10; 458.11; 458.12; 458.14; 458.15; 458.16; 458.17; 458.18; 458.19; 458.191; 458.192; 458.193; 458.194; 458.1941; 458.195; 458.196; 458.197; 458.198; 458.199; 458.1991; 458.70; 458.701; 458.702; 458.703; 458.711; 458.712; 458.713; 458.72; 458.74; 458.741; 458.75; 458.76; 458.77; 458.771; 458.772; 458.773; 458.774; 458.775; 458.776; 458.777; 458.778; 458.79; 458.80; 458.801; 458.81; 458C.01; 458C.03; 458C.04; 458C.05; 458C.06; 458C.07; 458C.08; 458C.09; 458C.10; 458C.11; 458C.12; 458C.13; 458C.14; 458C.15; 458C.16; 458C.17; 458C.18; 458C.19; 458C.20; 458C.22; 458C.23; 459.01; 459.02; 459.03; 459.04; 459.05; 459.31; 459.32; 459.33; 459.34; 462.411; 462.415; 462.421; 462.425; 462.426; 462.427; 462.428; 462.429; 462.4291; 462.432; 462.435; 462.441; 462.445; 462.451; 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; amending Minnesota Statutes 1986, sections 462C.11, subdivisions 2 and 3; 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, 25, 27, 28, and 29;

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; and 474A.19; Laws 1961, chapter 545; Laws 1963, chapters 254; and 827; Laws 1967, chapter 541; Laws 1969, chapter 98; Laws 1973, chapter 114; Laws 1974, chapter 218; Laws 1975, chapter 326; Laws 1976, chapter 234, section 3; Laws 1979, chapter 269, section 1; Laws 1980, chapters 453; and 595, sections 5 and 8; Laws 1981, chapters 222, section 6; and 223, section 6, subdivision 3; Laws 1982, chapter 523, article 24, section 2; Laws 1983, chapters 110; and 257, section 1; Laws 1984, chapters 397; 498; and 548, section 9; and Laws 1985, chapters 173; 177; 188; 189; 192; 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 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 121 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

Speaker pro tempore Long called Simoneau to the Chair.

S. F. No. 971 was reported to the House.

Rest moved to amend S. F. No. 971, the unofficial engrossment, as follows:

Page 23, after line 13, insert:

“Sec. 22. Minnesota Statutes 1986, section 475.54, is amended by adding a subdivision to read:

Subd. 7a. A municipality may enter into an agreement with a bank or dealer described in section 475.66, subdivision 1, for an exchange of interest rates pursuant to this subdivision. A municipality with outstanding obligations bearing interest at a variable rate may agree to pay sums equal to interest at a fixed rate or at a different variable rate determined pursuant to a formula set out in the agreement on an amount not exceeding the outstanding principal amount of the obligations, in exchange for an agreement by the bank or dealer to pay sums equal to interest on a like amount at a variable rate determined pursuant to a formula set out in the agreement. A municipality with outstanding obligations bearing interest at a fixed rate or rates may agree to pay sums equal to interest at a variable rate determined pursuant to a formula set out in the agreement on an amount not exceeding the outstanding principal amount of the obligations, in exchange for an agreement by the bank or dealer to pay sums equal to interest on a like amount at a fixed rate or rates set out in the agreement. The agreement to pay the bank or dealer is not an obligation of the municipality as defined in section 475.51, subdivision 3. For purposes of calculation of a debt service levy, determination of a rate of interest on a special assessment or other calculation based on the rate of interest on an obligation, a municipality which has entered into an interest rate swap agreement described in this subdivision may determine to treat the amount or rate of interest on the obligation as the net rate or amount of interest payable after giving effect to the swap agreement. Subject to any applicable bonds covenants, any payments required to be made by the municipality under the swap agreement may be made from sums secured to pay debt service on the obligations with respect to which the swap agreement was made or from any other available source of the municipality.”

Renumber the sections

Page 33, line 16, delete “19, 20, 22 to 28, 30, 34, and 36” and insert “8, 18, 19, 23 to 29, 31, 35, and 37”

Amend the title as follows:

Page 1, line 11, after “1” insert “and by adding subdivisions”

The motion prevailed and the amendment was adopted.

Schreiber moved to amend S. F. No. 971, the unofficial engrossment, as amended, as follows:

Page 28, line 17, delete the new language and reinstate the old language

The motion prevailed and the amendment was adopted.

S. F. No. 971, A bill for an act relating to public finance; modifying and extending means of financing operations of local government and certain nonprofit institutions; providing an income tax exemption for interest earned on certain governmental obligations; amending Minnesota Statutes 1986, sections 124.76, subdivision 2; 275.50, subdivision 5; 400.101; 429.061, subdivision 2; 429.091, subdivision 2, and by adding a subdivision; 462.461, subdivision 4; 462.555; 466.06; 471.981, subdivision 4, and by adding subdivisions; 473.811, subdivision 2; 474.02, subdivision 2; 474.03, subdivision 12; 475.51, subdivision 3; 475.54, subdivision 1, and by adding subdivisions; 475.55, subdivisions 1, 2, 3, 4, 6, 7, and by adding a subdivision; 475.56; 475.60, subdivision 2; 475.66, subdivision 3; and 475.67, subdivisions 3 and 12; proposing coding for new law in Minnesota Statutes, chapters 471, and 475; repealing Minnesota Statutes 1986, sections 475.55, subdivision 5; and 475.67, subdivision 11.

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

The question was taken on the passage of the bill and the roll was called. There were 120 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

SPECIAL ORDERS

H. F. No. 794 was reported to the House.

Long moved to amend H. F. No. 794, the second engrossment, as follows:

Page 12, line 2, before the period insert "after public notification as required in subdivision 4"

Page 12, line 3, delete "4" and insert "5"

Page 12, after line 17, insert:

"(c) The local government unit may invite and employ the assistance of interested persons, including persons operating solid waste collection services, in developing plans and proposals for organized collection and in establishing the organized collection system."

Page 12, line 18, delete "(c)" and insert "(d)"

Page 12, after line 27, insert:

"Subd. 4. [CITIES AND TOWNS; NOTICE; PLANNING.] (a) At least 90 days before proposing an ordinance, franchise, license, contract or other means of organizing collection, a city or town, by resolution of the governing body, shall announce its intent to organize collection and invite the participation of interested persons in planning and establishing the organized collection system.

(b) The resolution of intent must be adopted after a public hearing. The hearing must be held at least two weeks after public notice and mailed notice to persons known by the city or town to be operating solid waste collection services in the city or town. The failure to give mailed notice to persons or defect in the notice does not invalidate the proceedings, provided a bona fide effort to comply with notice requirements has been made.

(c) During the 90-day period following the resolution of intent, and before proposing a method of organizing collection, the city or town shall develop or supervise the development of plans or proposals for organized collection.

(d) Upon request, the city or town shall provide mailed notice of subsequent proceedings on the organization of collection in the city or town."

Page 12, line 28, delete "4" and insert "5"

The motion prevailed and the amendment was adopted.

Speaker pro tempore Simoneau called Anderson, G., to the Chair.

Gruenes was excused while in conference.

McPherson, Beard and Swenson moved to amend H. F. No. 794, the second engrossment, as amended, as follows:

Page 25, after line 14, insert:

“Sec. 33. Minnesota Statutes 1986, section 473.803, subdivision 1a, is amended to read:

Subd. 1a. [PROPOSED INVENTORY OF DISPOSAL SITES.] By October 15, 1981, a metropolitan county having a population of less than 300,000, as determined by the 1980 United States Census, shall adopt, by resolution of the county governing body, an inventory of at least three proposed sites in the county suitable for mixed municipal solid waste disposal facilities and shall submit the inventory to the council for approval or disapproval. A metropolitan county having a population greater than 300,000, as determined by the 1980 United States Census, shall adopt, by resolution of the county governing body, an inventory of at least four proposed sites in the county that are suitable for mixed municipal solid waste disposal facilities and shall submit the inventory to the council for approval or disapproval. The council shall evaluate and approve or disapprove each proposed site in accordance with the standards set out in this subdivision. Except as otherwise provided in this subdivision, each site shall satisfy the standards and criteria in federal and state regulations and the council's policy plan for solid waste management. In proposing and approving sites for the inventory, the counties and the council shall prefer land which is capable of being returned to its existing use or the use anticipated in a plan of a metropolitan agency, county, or local unit of government use after closure of a disposal facility. Each site shall contain no less than 80 acres and no more than 250 acres. Each proposed site shall be surrounded by a buffer area at least equal to the area of the site. No site shall be adopted by a county or the council as part of an inventory unless the agency certifies its intrinsic suitability for the use intended, based on preliminary environmental analysis and on site surveys and investigations conducted by the county. Notwithstanding any plan, charter provision, law, ordinance, regulation, or other requirement of any state agency or political subdivision, no land shall be excluded from consideration for inclusion in the inventory except: (1) land within any part of the regional recreation open space systems as defined by section 473.351, subdivision 1, paragraph (d); and (2) land determined by the agency to be intrinsically unsuitable. If the metropolitan council has determined

during the original siting process that other suitable sites were available in the county, a county with land to be excluded from the inventory under clause (1) must select an intrinsically suitable alternative site. Each county shall provide to the agency data relating to the intrinsic suitability of the sites to be proposed for the inventory as soon as available. By July 1, 1981 each county shall propose at least the number of sites required for the inventory, and the director of the agency shall issue a notice indicating which of those sites the director recommends be certified as intrinsically suitable. Notice of hearings on the director's recommendation shall be published in the state register and newspapers of general circulation in the metropolitan area and shall be sent by mail to the metropolitan council and local government units containing a proposed inventory site. A hearing shall be held in each metropolitan county and shall be conducted by the state office of administrative hearings in a manner consistent with the completion of the proceedings and the administrative law judge's report to the agency in the time allowed by this section. The hearing shall afford all interested persons an opportunity to testify and present evidence on the subject of the hearing. The subject of the hearing shall be limited to information submitted by the county and additional information on the proposed sites which is relevant to the agency's decision on intrinsic suitability. The rulemaking and contested case procedures of chapter 14 shall not apply to this hearing. The report of the administrative law judge shall contain findings of fact, conclusions, and recommendations on the subject of the hearing. The agency shall make a final determination as to the intrinsic suitability of each proposed site and shall certify them accordingly within 90 days of the county's proposal of a site. The agency shall not be required to promulgate rules pursuant to chapter 15 on criteria and standards to govern its certification of intrinsic suitability under this section. No action of the agency shall be held invalid by reason of the agency's failure to notify any of the entities listed in this subdivision. The council shall evaluate each site with respect to local land use and land use controls, the protection of agriculture and natural resources, existing and future development patterns, transportation facilities and other services and facilities appropriate to land disposal facilities, the quality of other potential sites, and patterns of generation of solid waste. The council shall notify a county of any site proposed by the county which the council disapproves and shall allow the county 60 days to propose an alternative site. If the county fails to propose an alternative acceptable to the council in the time allowed, the council shall propose a site acceptable to it for inclusion in the inventory of sites in that county. If in the council's judgment a county does not contain the requisite number of satisfactory sites, the council may reduce the number of sites required of that county."

Page 33, line 8, delete "39" and insert "40"

Renumber the sections in sequence

Correct the internal references

Amend the title as follows:

Page 1, line 16, after "473.803," insert "subdivision 1a, and"

A roll call was requested and properly seconded.

Speaker pro tempore Anderson, G., called Simoneau to the Chair.

The question was taken on the McPherson et al amendment and the roll was called. There were 31 yeas and 84 nays as follows:

Those who voted in the affirmative were:

Beard	Frerichs	Lasley	Price	Thiede
Blatz	Gutknecht	Marsh	Quinn	Valento
Boo	Heap	McDonald	Richter	Wenzel
Burger	Himle	McPherson	Schafer	
Dempsey	Hugoson	Miller	Shaver	
Dille	Jacobs	Ogren	Sviggum	
Forsythe	Krueger	Poppenhagen	Swenson	

Those who voted in the negative were:

Anderson, G.	Jennings	McLaughlin	Otis	Skoglund
Battaglia	Jensen	Milbert	Ozment	Solberg
Bauerly	Johnson, A.	Minne	Pappas	Stanius
Begich	Johnson, R.	Morrison	Pelowski	Steensma
Bennett	Kahn	Munger	Peterson	Tompkins
Bertram	Kahs	Murphy	Quist	Trimble
Brown	Kelly	Nelson, C.	Reding	Tunheim
Carlson, L.	Kelso	Nelson, D.	Rest	Uphus
Carruthers	Kinkel	Nelson, K.	Rice	Vanasek
Clark	Kludt	Neuenschwander	Riveness	Vellenga
Dauner	Knickerbocker	O'Connor	Rose	Voss
DeBleck	Knuth	Olsen, S.	Rukavina	Wagenius
Greenfield	Kostohryz	Olson, E.	Sarna	Welle
Gruenes	Larsen	Olson, K.	Scheid	Winter
Hartle	Lieder	Omman	Schoenfeld	Wynia
Jaros	Long	Onnen	Segal	Spk. Norton
Jefferson	McEachern	Osthoff	Simoneau	

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

Clausnitzer; Nelson, D.; Larsen and Pauly moved to amend H. F. No. 794, the second engrossment, as amended, as follows:

Page 11, line 12, strike "15" and insert "15"

The motion prevailed and the amendment was adopted.

Beard and Price moved to amend H. F. No. 794, the second engrossment, as amended, as follows:

Page 25, after line 31, insert:

"Sec. 34. Minnesota Statutes 1986, section 473.833, subdivision 3, is amended to read:

Subd. 3. [COUNTY SITE SELECTION AUTHORITIES.] Each metropolitan county shall establish a site selection authority. Within 90 days following the county's determination of adequacy under subdivision 2a, each site selection authority shall select specific sites within the county from the council's disposal site inventory, in accordance with the procedures established by the council under section 473.149, subdivision 2e, and in a number and capacity equal to that required by the council to be acquired by the county. Each site selection authority shall be composed of the county board, plus one member appointed by the governing body of each city or town within the county containing a site in the council's disposal site inventory or the majority of the land contained within such a site. If the number of members on the site selection authority who reside in a city or town containing all or part of a site or buffer area is equal to or greater than the number of members who do not, the chair of the county board shall appoint to the authority an additional member or members, residing within the county but not within a city or town containing all or part of a site or buffer area, sufficient to assure a majority of one on the authority of members residing in cities and towns not containing all or any part of a site or buffer area. The chair of the county board shall be the chair of the site selection authority. If a site selection authority has not selected the requisite number and capacity of sites in accordance with the council's standards, criteria, and procedures within the time allowed by this subdivision, the council shall make the selection. A county is not required to develop a solid waste disposal facility in any municipality in which a mixed municipal solid waste resource recovery facility having a capacity greater than 400 tons per day is located if the council finds that the capacity and number of disposal facilities required by the development schedule in that county can be provided in that county without development of the solid waste disposal facility. A county or group of counties contributing mixed municipal solid waste to a municipal solid waste resource recovery facility is not required to develop a solid waste disposal facility in that county or those counties if the council finds that the capacity of the resource recovery facility is sufficient to provide all of the municipal solid waste disposal needs of the county or counties."

Renumber the sections in sequence

Correct internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Beard and Price amendment and the roll was called. There were 24 yeas and 97 nays as follows:

Those who voted in the affirmative were:

Beard	DeBlieck	Lasley	O'Connor	Sarna
Begich	Gutknecht	Marsh	Ogren	Sviggum
Boo	Jacobs	McDonald	Peterson	Swenson
Carruthers	Johnson, R.	McEachern	Quinn	Valento
Cooper	Kludt	McPherson	Redalen	

Those who voted in the negative were:

Anderson, G.	Heap	McKasy	Pauly	Stanisus
Battaglia	Himle	McLaughlin	Pelowski	Steensma
Bauerly	Hugoson	Milbert	Poppenhagen	Tjornhom
Bennett	Jefferson	Minne	Quist	Tompkins
Bertram	Jennings	Morrison	Reding	Trimble
Blatz	Jensen	Munger	Rest	Tunheim
Brown	Johnson, A.	Murphy	Richter	Uphus
Burger	Johnson, V.	Nelson, C.	Riveness	Vanasek
Carlson, L.	Kahn	Nelson, D.	Rose	Vellenga
Clark	Kalis	Nelson, K.	Rukavina	Voss
Clausnitzer	Kelly	Neuenschwander	Schafer	Wagenius
Dauner	Kelso	Olsen, S.	Scheid	Waltman
Dille	Kinkel	Olson, E.	Schoenfeld	Welle
Forsythe	Knickerbocker	Olson, K.	Schreiber	Wenzel
Frederick	Knuth	Omann	Segal	Winter
Frerichs	Kostohryz	Onnen	Shaver	Wynia
Greenfield	Krueger	Osthoff	Simoneau	Spk. Norton
Gruenes	Larsen	Otis	Skoglund	
Hartle	Lieder	Ozment	Solberg	
Haukoos	Long	Pappas	Sparby	

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

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.15, subdivision 6; 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; 239.52; 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 third time, as amended, and placed upon its final passage.

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

Those who voted in the affirmative were:

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

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

H. F. No. 899, A bill for an act relating to education; establishing the Fond du Lac Higher Education Center; continuing the Fond du Lac Higher Education Task Force; requiring reports; appropriating money; amending Laws 1986, First Special Session chapter 1, article 10, section 1, subdivision 9.

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 97 yeas and 23 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Clark	Jensen	Kostohryz	Milbert
Battaglia	Cooper	Johnson, A.	Krueger	Minne
Bauerly	Dauner	Johnson, R.	Larsen	Morrison
Beard	DeBlieck	Kahn	Lasley	Munger
Begich	Greenfield	Kalis	Lieder	Murphy
Bennett	Hartle	Kelly	Long	Nelson, C.
Bertram	Heap	Kelso	McDonald	Nelson, D.
Brown	Jacobs	Kinkel	McEachern	Nelson, K.
Burger	Jaros	Kludt	McKasy	Neuenschwander
Carlson, L.	Jefferson	Knickerbocker	McLaughlin	O'Connor
Carruthers	Jennings	Knuth	McPherson	Ogren

Olsen, S.	Pauly	Riveness	Sparby	Wagenius
Olson, E.	Pelowski	Rukavina	Stanius	Welle
Olson, K.	Peterson	Sarna	Steensma	Wenzel
Omann	Price	Scheid	Tompkins	Winter
Onnen	Quinn	Schoenfeld	Trimble	Wynia
Osthoff	Redalen	Segal	Tunheim	Spk. Norton
Otis	Reding	Simoneau	Vanasek	
Ozment	Rest	Skoglund	Vellenga	
Pappas	Rice	Solberg	Voss	

Those who voted in the negative were:

Blatz	Frederick	Himle	Quist	Swenson
Boo	Frerichs	Hugoson	Richter	Tjornhom
Clausnitzer	Gruenes	Johnson, V.	Schafer	Waltman
Dille	Gutknecht	Miller	Schreiber	
Forsythe	Haukoos	Poppenhagen	Svigum	

The bill was passed and its title agreed to.

H. F. No. 1203 was reported to the House.

McLaughlin moved to amend H. F. No. 1203, the first engrossment, as follows:

Page 3, line 10, delete the new language

Page 3, line 15, after the period insert "An employee who has received public assistance payments shall notify the department of human services, benefit recovery section, of its potential intervention claim prior to making or settling a claim for benefits under this chapter."

Page 5, delete line 2, and insert:

"(c) A person who is a party to a claim upon which"

Page 7, delete line 18, and insert:

"(c) A person who is a party to a claim upon which"

Page 9, delete line 9, and insert:

"(c) A person who is party to a claim upon which"

Page 12, delete line 3, and insert:

"(iii) A person who is party to a claim upon"

The motion prevailed and the amendment was adopted.

H. F. No. 1203, A bill for an act relating to human services; requiring court-ordered group health insurance benefits be paid to providers; requiring all parties to sign workers' compensation settlement agreements; requiring notification to commissioner regarding workers' compensation payments; establishing a public assistance lien; establishing third party payer liability; requiring reporting of group insurance coverage; providing for reimbursement of benefits from programs with federal participation; amending Minnesota Statutes 1986, sections 62A.046; 176.191, subdivision 4; 256B.02, by adding a subdivision; 256B.042, subdivisions 2, 3, and by adding subdivisions; 256B.37, subdivisions 1, 2, and by adding subdivisions; 256D.03, by adding a subdivision; 268.121; 473.405, subdivision 13; and 514.69; proposing coding for new law in Minnesota Statutes, chapter 256.

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

The question was taken on the passage of the bill and the roll was called. There were 124 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

The Speaker resumed the Chair.

Shaver and McDonald were excused between the hours of 6:20 p.m. and 7:30 p.m.

Gruenes and Dempsey were excused while in conference.

H. F. No. 303, A bill for an act relating to agriculture; changing the shade tree disease control program; imposing certain penalties; eliminating certain audit requirements and an insurance limitation; changing the cooperative associations law; amending Minnesota Statutes 1986, sections 18.023, subdivision 1; 28A.08; 31.101, subdivisions 3, 4, 5, 6, 7, and 8; 40.071; 308.58, subdivision 2; 308.62; 308.77; 308.83; and 308.85; repealing Minnesota Statutes 1986, sections 38.02, subdivision 2; and 38.13.

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 77 yeas and 41 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Jaros	Long	Price	Swenson
Battaglia	Jefferson	McEachern	Quinn	Tompkins
Bauerly	Jensen	McLaughlin	Redalen	Trimble
Beard	Johnson, A.	Minne	Reding	Tunheim
Begich	Johnson, R.	Munger	Rest	Vanasek
Bertram	Kahn	Murphy	Rice	Vellenga
Brown	Kalis	Nelson, C.	Riveness	Voss
Burger	Kelly	Nelson, D.	Rukavina	Wagenius
Carlson, L.	Kelso	Nelson, K.	Sarna	Welle
Carruthers	Kinkel	Neuenschwander	Schoenfeld	Wenzel
Clark	Kludt	O'Connor	Segal	Winter
Cooper	Knuth	Ogren	Simoneau	Wynia
Dauner	Kostohryz	Olson, E.	Skoglund	Spk. Norton
DeBlicke	Krueger	Otis	Solberg	
Greenfield	Larsen	Pelowski	Sparby	
Jacobs	Lieder	Peterson	Steensma	

Those who voted in the negative were:

Bennett	Hartle	McKasy	Pauly	Thiede
Bishop	Haukoos	McPherson	Poppenhagen	Tjornhom
Blatz	Heap	Milbert	Quist	Uphus
Clausnitzer	Himle	Miller	Richter	Valento
Dille	Hugoson	Morrison	Rose	Waltman
Forsythe	Johnson, V.	Olsen, S.	Schafer	
Frederick	Knickerbocker	Omann	Schreiber	
Frerichs	Lasley	Onnen	Stanius	
Gutknecht	Marsh	Osthoff	Sviggum	

The bill was passed and its title agreed to.

The Speaker called Long to the Chair.

Quinn and Ogren were excused between the hours of 6:30 p.m. and 7:30 p.m.

Himle was excused between the hours of 6:30 p.m. and 7:35 p.m.

S. F. No. 478 was reported to the House.

McKasy moved to amend S. F. No. 478, the unofficial engrossment, as follows:

Pages 29 to 32, delete section 32

Renumber the remaining sections

Correct internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the McKasy amendment and the roll was called. There were 42 yeas and 74 nays as follows:

Those who voted in the affirmative were:

Bennett	Frerichs	Marsh	Poppenhagen	Thiede
Bertram	Gruenes	McKasy	Quist	Tjornhom
Bishop	Gutknecht	McPherson	Richter	Tompkins
Blatz	Hartle	Miller	Rose	Uphus
Burger	Haukoos	Morrison	Schafer	Valento
Clausnitzer	Heap	Olsen, S.	Schreiber	Waltman
Dempsey	Hugoson	Omann	Seaberg	
Dille	Johnson, V.	Pauly	Stanius	
Frederick	Knickerbocker	Pelowski	Swenson	

Those who voted in the negative were:

Anderson, G.	Jaros	Lieder	Osthoff	Skoglund
Battaglia	Jefferson	Long	Otis	Solberg
Bauerly	Jensen	McEachern	Ozment	Sparby
Beard	Johnson, A.	McLaughlin	Pappas	Steenasma
Begich	Johnson, R.	Milbert	Peterson	Trimble
Brown	Kahn	Minne	Price	Vanasek
Carlson, D.	Kelly	Munger	Reding	Vellenga
Carlson, L.	Kelso	Murphy	Rest	Voss
Carruthers	Kinkel	Nelson, C.	Rice	Wagenius
Clark	Kludt	Nelson, D.	Riveness	Welle
Cooper	Knuth	Nelson, K.	Rukavina	Wenzel
Dauner	Kostohryz	O'Connor	Sarna	Winter
DeBlick	Krueger	Olson, E.	Scheid	Wynia
Greenfield	Larsen	Olson, K.	Segal	Spk. Norton
Jacobs	Lasley	Onnen	Simoneau	

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

Rose was excused while in conference.

Neuenschwander moved to amend S. F. No. 478, the unofficial engrossment, as follows:

Page 17, after line 32, insert:

"Sec. 21. Minnesota Statutes 1986, section 61A.09, is amended by adding a subdivision to read:

Subd. 1a. [EXCLUSION.] The requirements of section 20 do not apply to group insurance policies covering employees of a small business, as defined in section 645.44."

Page 32, after line 18, insert:

"Sec. 34. [SMALL BUSINESS EXEMPTION.]

The requirements of sections 24, 27, and 28 do not apply to policies, plans, or contracts covering employees of a small business, as defined in section 645.445."

Renumber the sections in sequence

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Neuenschwander amendment and the roll was called. There were 10 yeas and 100 nays as follows:

Those who voted in the affirmative were:

Bertram	Johnson, V.	McKasy	Schoenfeld	Steensma
DeBlicck	Kelso	Neuenschwander	Sparby	Swenson

Those who voted in the negative were:

Anderson, G.	Gutknecht	Lasley	Osthoff	Skoglund
Battaglia	Hartle	Lieder	Otis	Solberg
Bauerly	Haukoos	Long	Ozment	Stanius
Beard	Heap	Marsh	Pappas	Sviggum
Begich	Hugoson	McEachern	Pauly	Tjornhom
Bennett	Jacobs	McLaughlin	Pelowski	Tompkins
Burger	Jaros	McPherson	Peterson	Trimble
Carlson, D.	Jefferson	Milbert	Price	Tunheim
Carlson, L.	Jensen	Miller	Redalen	Uphus
Carruthers	Johnson, A.	Minne	Reding	Valento
Clark	Johnson, R.	Morrison	Rest	Vanasek
Clausnitzer	Kahn	Murphy	Rice	Vellenga
Cooper	Kelly	Nelson, C.	Riveness	Voss
Dauner	Kinkel	Nelson, D.	Rukavina	Wagenius
Dempsey	Kludt	Nelson, K.	Sarna	Waltman
Dille	Knickerbocker	O'Connor	Schafer	Welle
Forsythe	Knuth	Olsen, S.	Scheid	Wenzel
Frerichs	Kostohryz	Olson, E.	Schreiber	Winter
Greenfield	Krueger	Omann	Segal	Wynia
Gruenes	Larsen	Onnen	Simoneau	Spk. Norton

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

Carlson, D., was excused while in conference.

S. F. No. 478, A bill for an act relating to insurance; requiring notification of group life or health coverage changes; eliminating mandatory temporary insurance agent licenses; requiring those who solicit insurance to act as agent for the insured; regulating surplus lines insurance; regulating rates and forms; regulating insurance plan administrators; regulating trust funds; regulating the renewal, nonrenewal, and cancellation of commercial liability and property insurance policies; authorizing employers to jointly self-insure for property or casualty liability and regulating these plans; providing continued group life coverage upon termination or layoff; providing for the establishment and operation of the insurance guaranty association and the life and health guaranty association; regulating accident and health insurance; regulating joint self-insurance employee health plans; requiring the treatment of pregnancy-related conditions in the same manner as other illnesses; mandating certain coverages; clarifying coverage for handicapped dependents; providing continued group accident and health coverage upon termination or layoff; requiring coverage of current spouse and children; imposing surety bond or securities requirements on certain health benefit plans; regulating Medicare supplement plan premium refunds; authorizing the renewal of certain long-term health policies; providing for the establishment and operation of the comprehensive health association and the joint underwriting association; providing comprehensive health insurance coverage for certain employees not eligible for Medicare; regulating fraternal benefit associations; regulating automobile insurance; providing for exemption from certain legal process of cash value, proceeds, or benefits under certain life insurance or annuity contracts; limiting the cancellation of fire insurance binders and policies; providing for administration of the FAIR plan; requiring accident prevention course premium reductions; limiting the grounds for cancellation or reduction in limits during the policy period; providing for the priority of security for payment of basic economic loss benefits; extending basic economic loss benefit protection; requiring coverages for former spouses; specifying membership on the assigned claims bureau; extending no-fault benefits to pedestrians who are struck by motorcycles; regulating township mutual insurance companies; providing for mandatory arbitration of certain claims; establishing a demonstration project to provide medical insurance to certain low income persons; requiring the commissioner to set rates for cooperative housing and neighborhood real estate trust insurance; authorizing investments in certain insurers; regulating trade practices; requiring life and health insurers to substantiate the underwriting standards they use; providing assigned risk plan coverage for certain vehicles used by the handicapped; regulating motor vehicle repairs; regulating certain self-insurance by political subdivisions; granting immunity from liability for volunteer coaches, managers, and officials; clarifying the statute of limitations applicable to actions regarding manufacturers or suppliers of material containing asbes-

tos; modifying discounting of future damages; prescribing penalties; amending Minnesota Statutes 1986, sections 16A.133, subdivision 1; 45.024, subdivision 2; 60A.17, subdivisions 1a, 2c, 11, and 13; 60A.1701, subdivisions 7, and 8; 60A.196; 60A.197; 60A.198, subdivision 3; 60A.23, subdivision 8; 60A.29, subdivisions 2, 5, and 16, and by adding subdivisions; 60A.30; 60A.31; 60B.44, subdivisions 1, 4, 5, and 9; 60C.08, subdivision 1; 60C.09; 60C.12; 61A.28, subdivision 12; 61B.05, subdivision 1; 61B.09; 62A.041; 62A.043, by adding a subdivision; 62A.141; 62A.146; 62A.152, subdivision 2; 62A.17; 62A.21; 62A.27; 62A.31, subdivision 1a; 62A.43, subdivision 2, and by adding a subdivision; 62A.46, by adding a subdivision; 62A.48, subdivisions 1, 2, 6, and by adding a subdivision; 62A.50, subdivision 3; 62D.05, by adding a subdivision; 62D.102; 62E.06, subdivision 1; 62E.10, subdivision 2, and by adding subdivisions; 62E.14, by adding a subdivision; 62F.041, subdivision 2; 62F.06, subdivision 1; 62H.01; 62H.02; 62H.04; 62I.02, subdivisions 1, and 3, and by adding a subdivision; 62I.03, subdivision 5; 62I.04; 62I.12, subdivision 1; 62I.13, by adding a subdivision; 62I.16, subdivision 3; 62I.22, subdivision 2, and by adding a subdivision; 64B.11, subdivision 4; 64B.18; 64B.27; 65A.01, subdivision 3a; 65A.03, subdivision 1; 65A.10; 65A.29, by adding a subdivision; 65A.35, subdivision 5; 65A.39; 65B.03, subdivision 1; 65B.12; 65B.1311; 65B.16; 65B.21, subdivision 2; 65B.28; 65B.46; 65B.49, by adding a subdivision; 65B.525, subdivision 1; 65B.63, subdivision 1; 67A.05, subdivision 2; 67A.06; 67A.231; 70A.06, by adding a subdivision; 70A.08, subdivision 3; 72A.20, subdivisions 11, 17, and by adding subdivisions; 72A.31, subdivision 1; 169.045, subdivision 1, and by adding a subdivision; 471.98, subdivision 2; 604.07, subdivisions 2, 3, 4, and by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 60A; 61A; 62A; 62E; 65A; 65B; 72A; 256B; 541; and 604; proposing coding for new law as Minnesota Statutes, chapter 60E; repealing Minnesota Statutes 1986, sections 62A.12; and 67A.43, subdivision 3; and Minnesota Rules, parts 2700.2400 to 2700.2440.

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 5 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Carruthers	Hartle	Kahn	Lasley
Battaglia	Clark	Haukoos	Kalis	Lieder
Bauerly	Clausnitzer	Heap	Kelly	Long
Beard	Cooper	Jacobs	Kelso	Marsh
Begich	Dauner	Jaros	Kinkel	McDonald
Bennett	DeBlieck	Jefferson	Kludt	McEachern
Bishop	Dille	Jennings	Knickerbocker	McKasy
Blatz	Forsythe	Jensen	Knuth	McLaughlin
Boo	Greenfield	Johnson, A.	Kostohryz	McPherson
Brown	Gruenes	Johnson, R.	Krueger	Milbert
Carlson, L.	Gutknecht	Johnson, V.	Larsen	Miller

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

Those who voted in the negative were:

Burger	Dempsey	Frerichs	Hugoson	Poppenhagen
--------	---------	----------	---------	-------------

The bill was passed and its title agreed to.

Orenstein was excused while in conference.

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

MESSAGES FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker:

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

H. F. No. 919, A bill for an act relating to public administration; authorizing spending to acquire and to better public land and buildings and other public improvements of a capital nature with certain conditions; authorizing issuance of state and local bonds; authorizing levies; imposing taxes; appropriating money; amending Minnesota Statutes 1986, sections 297.13, subdivision 1; and 297.26; 297A.01, subdivision 3; 297A.44, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 16A and 124; proposing coding for new law as Minnesota Statutes, chapter 240A.

PATRICK E. FLAHAVEN, Secretary of the Senate

Simoneau moved that the House refuse to concur in the Senate amendments to H. F. No. 919, that the Speaker appoint a Conference Committee of 5 members of the House, and that the House requests

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

ANNOUNCEMENT BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 919:

Anderson, G.; Carlson, L.; Munger; Quinn and Bishop.

SPECIAL ORDERS, Continued

H. F. No. 169 was reported to the House.

Speaker pro tempore Long called Simoneau to the Chair.

Reding moved to amend H. F. No. 169, the second engrossment, as follows:

Page 2, line 5, delete "by" and insert "under" and delete everything after "chapter"

Page 2, line 6, delete everything before the period and insert "and other taxes imposed by the state or the United States on receipts from lawful gambling"

Page 4, delete sections 11 and 12

Page 4, after line 35, insert:

"Sec. 14. Minnesota Statutes 1986, section 349.162, is amended by adding a subdivision to read:

Subd. 5. [SALES FROM FACILITIES.] All gambling equipment purchased by a licensed distributor for resale in Minnesota must prior to its resale be unloaded into a facility located in Minnesota which the distributor owns or leases."

Page 6, delete line 35 and insert "Section 14 is effective January 1, 1988. The remainder of this act is effective June 1, 1987."

Amend the title as follows:

Page 1, lines 12 and 13, delete ", and by adding a subdivision"

Page 1, lines 13 and 14, delete "subdivision 1, and"

Page 1, line 14, delete "a subdivision" and insert "subdivisions"

The motion prevailed and the amendment was adopted.

Reding moved to amend H. F. No. 169, the second engrossment, as amended, as follows:

Page 3, line 30, strike "ever"

Page 3, line 31, after "offense" insert "within ten years of the date of license application"

The motion prevailed and the amendment was adopted.

Riveness; Olsen, S., and Reding moved to amend H. F. No. 169, the second engrossment, as amended, as follows:

Page 3, line 9, after the period insert "The rules must specify that no more than 50 percent of the annual premium on a policy of liability insurance procured by the organization may be taken as an allowable expense from the gross receipts from lawful gambling. This expense shall be allowed by the board only to the extent that it relates directly to the conduct of lawful gambling and is verified in the manner the board prescribes by rule."

Amend the title as follows:

Page 1, line 9, after the second semicolon insert "regulating allowable expenses;"

The motion prevailed and the amendment was adopted.

H. F. No. 169, A bill for an act relating to lawful gambling; including payment of taxes as a lawful purpose; increasing the percentage of profits that may be used for necessary expenses; changing requirements for distributors; authorizing the board to adopt rules restricting the amount of rent charged by organizations; prohibiting local units of government from requiring organizations to make certain expenditures; making various technical changes; regulating allowable expenses; amending Minnesota Statutes 1986, sections 349.12, subdivisions 11, 12, 13, and 15; 349.14; 349.15; 349.151, subdivision 3; 349.161, subdivisions 3, 5, and 7; 349.162, by adding subdivisions; 349.18, subdivisions 1 and 3; 349.19, subdivision 3; 349.21; and 349.213, subdivision 1.

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

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

Those who voted in the affirmative were:

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

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

H. F. No. 943, A bill for an act relating to the attorney general; creating a consumer education account; providing for its administration; appropriating money; amending Minnesota Statutes 1986, section 8.31, subdivisions 2b, 3, and by adding subdivisions.

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

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

Those who voted in the affirmative were:

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

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

The bill was passed and its title agreed to.

H. F. No. 1499 was reported to the House.

There being no objection, H. F. No. 1499 was temporarily laid over on Special Orders.

H. F. No. 887, A bill for an act relating to environment; creating the clean water partnership program for the control of nonpoint source water pollution and providing for administration by the pollution control agency; requiring a state water quality assessment; authorizing technical and financial assistance to local governments; authorizing rulemaking; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 115.

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 128 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Dille	Kahn	Milbert	Pappas
Battaglia	Forsythe	Kalis	Miller	Pauly
Bauerly	Frederick	Kelly	Minne	Pelowski
Beard	Frerichs	Kelso	Morrison	Peterson
Begich	Greenfield	Kinkel	Munger	Poppenhagen
Bennett	Gruenes	Kludt	Murphy	Price
Bertram	Gutknecht	Knickerbocker	Nelson, C.	Quinn
Bishop	Hartle	Knuth	Nelson, D.	Quist
Blatz	Haukoos	Kostohryz	Nelson, K.	Redalen
Boo	Heap	Krueger	Neuenschwander	Reding
Brown	Himle	Larsen	O'Connor	Rest
Burger	Hugoson	Lasley	Ogren	Rice
Carlson, L.	Jacobs	Lieder	Olsen, S.	Richter
Carruthers	Jaros	Long	Olson, E.	Riveness
Clark	Jefferson	Marsh	Olson, K.	Rukavina
Clausnitzer	Jennings	McDonald	Omamm	Sarna
Cooper	Jensen	McEachern	Onnen	Schafer
Dauner	Johnson, A.	McKasy	Osthoff	Scheid
DeBleck	Johnson, R.	McLaughlin	Otis	Schoenfeld
Dempsey	Johnson, V.	McPherson	Ozment	Schreiber

Seaberg
Segal
Shaver
Simoneau
Skoglund
Solberg

Sparby
Stanius
Steensma
Sviggum
Swenson
Thiede

Tjornhom
Tompkins
Trimble
Tunheim
Uphus
Valento

Vanasek
Vellenga
Voss
Wagenius
Waltman
Welle

Wenzel
Winter
Wynia
Spk. Norton

The bill was passed and its title agreed to.

Blatz was excused between the hours of 8:15 p.m. and 9:30 p.m.

H. F. No. 1219 was reported to the House.

Kelso moved to amend H. F. No. 1219, the first engrossment, as follows:

Page 1, line 12, delete "the cost" and insert "all related costs"

Page 2, line 14, delete "the earlier of (1)"

Page 2, line 18, delete "or (2) construction of the"

Page 2, line 19, delete "Bloomington ferry bridge is completed"

The motion prevailed and the amendment was adopted.

Bishop was excused while in conference.

Onnen moved to amend H. F. No. 1219, the first engrossment, as amended, as follows:

Page 1, line 10, before "admissions" insert "adult"

A roll call was requested and properly seconded.

The question was taken on the Onnen amendment and the roll was called. There were 29 yeas and 90 nays as follows:

Those who voted in the affirmative were:

Bennett
Clausnitzer
Frerichs
Gutknecht
Hartle
Haukoos

Heap
Knickerbocker
Marsh
McKasy
McPherson
Miller

Omann
Onnen
Poppenhagen
Quist
Richter
Schafer

Schreiber
Seaberg
Shaver
Skoglund
Stanius
Sviggum

Swenson
Thiede
Tjornhom
Valento
Waltman

Those who voted in the negative were:

Anderson, G.	Greenfield	Kostohryz	Ogren	Schoenfeld
Battaglia	Gruenes	Krueger	Olson, S.	Segal
Bauerly	Himle	Larsen	Olson, E.	Simoneau
Beard	Hugoson	Lasley	Olson, K.	Solberg
Begich	Jacobs	Lieder	Osthoff	Sparby
Bertram	Jaros	Long	Otis	Steensma
Boo	Jefferson	McEachern	Pappas	Trimble
Brown	Jennings	McLaughlin	Pauly	Tunheim
Burger	Jensen	Milbert	Pelowski	Uphus
Carlson, L.	Johnson, A.	Minne	Peterson	Vanasek
Carruthers	Johnson, R.	Morrison	Price	Vellenga
Clark	Kahn	Munger	Quinn	Voss
Cooper	Kalis	Murphy	Reding	Wagenius
Dauner	Kelly	Nelson, C.	Rice	Welle
DeBlieck	Kelso	Nelson, D.	Riveness	Wenzel
Dempsey	Kinkel	Nelson, K.	Rukavina	Winter
Dille	Kludt	Neuenschwander	Sarna	Wymia
Forsythe	Knuth	O'Connor	Scheid	Spk. Norton

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

Gruenes was excused while in conference.

Himle moved to amend H. F. No. 1219, the first engrossment, as amended, as follows:

Page 1, line 17, delete "except a place of amusement owned by the Scott county agricultural society"

The motion prevailed and the amendment was adopted.

H. F. No. 1219, A bill for an act relating to taxation; authorizing Scott county to impose a tax on admissions to major amusement facilities; providing for expenditure of the proceeds of the tax.

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

The question was taken on the passage of the bill and the roll was called. There were 94 yeas and 26 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Carlson, L.	Hugoson	Kalis	Lieder
Battaglia	Carruthers	Jacobs	Kelly	Long
Bauerly	Clark	Jaros	Kelso	Marsh
Beard	Cooper	Jefferson	Kinkel	McEachern
Begich	Dauner	Jennings	Kludt	Milbert
Bennett	DeBlieck	Jensen	Knuth	Minne
Bertram	Dempsey	Johnson, A.	Kostohryz	Morrison
Boo	Dille	Johnson, R.	Krueger	Munger
Brown	Greenfield	Johnson, V.	Larsen	Murphy
Burger	Hartle	Kahn	Lasley	Nelson, C.

Nelson, D.	Otis	Rest	Solberg	Vellenga
Nelson, K.	Ozment	Rice	Sparby	Voss
Neuenschwander	Pappas	Riveness	Stanius	Wagenius
O'Connor	Pelowski	Rukavina	Steenasma	Welle
Ogren	Peterson	Sarna	Swenson	Wenzel
Olson, E.	Price	Scheid	Trimble	Winter
Olson, K.	Quinn	Schoenfeld	Tunheim	Wynia
Omann	Redalen	Segal	Uphus	Spk. Norton
Osthoff	Reding	Simoneau	Vanasek	

Those who voted in the negative were:

Clausnitzer	Heap	Onnen	Seaberg	Valento
Forsythe	Knickerbocker	Poppenhagen	Shaver	Waltman
Frederick	McKasy	Quist	Skoglund	
Frerichs	McPherson	Richter	Sviggum	
Gutknecht	Miller	Schafer	Thiede	
Haukoos	Olsen, S.	Schreiber	Tjornhom	

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

Dempsey was excused while in conference.

S. F. No. 90 was reported to the House.

Knuth and Bishop moved to amend S. F. No. 90, as follows:

Delete everything after the enacting clause and insert:

“PIPELINE ROUTING

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

Subdivision 1. [DEFINITION.] For purposes of this section and notwithstanding section 116L.01, subdivision 3, “pipeline” means:

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

(2) pipe designed to be operated at a pressure of more than 275 pounds per square inch and to carry gas.

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 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 local units of government and to owners and lessees of property along the routes being considered;

(3) provide 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 pipeline 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;

(8) require exemption determinations to be made within 90 days after an application; and

(9) 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 rules do 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 rules do not apply to construction of new pipeline in a right-of-way in which pipeline has been constructed before the effective date of subdivision 2 or in a right-of-way that has been approved by the board after the effective date of subdivision 2, 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.] 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 or constructing 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) (1) a 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 SAFETY PROGRAMS.] All costs of a public utility that are necessary to comply with state pipeline safety programs under sections 7 to 13, sections 299F.56 to 299F.64, or sections 22 to 38 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 an 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 an activity that moves, removes, or otherwise disturbs the soil at a depth of 18 inches or greater by use of a motor, engine, hydraulic or pneumatically-powered tool, or machine-powered equipment of any kind, or by explosives. Excavation does not include:

(1) the repair or installation of agricultural drainage tile for which notice has been given as provided by section 116I.07, subdivision 2;

(2) the extraction of minerals;

(3) the opening of a grave in a cemetery; or

(4) normal maintenance of roads and streets if the maintenance does not change the original grade and does not involve the road ditch.

Subd. 6. [EXCAVATOR.] "Excavator" means a person who 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 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. A person is not considered an operator solely because the person 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 communications, 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. An excavator and operator's 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 shall prescribe an excavator and operator's notice. The notice must inform excavators and operators of their obligations to comply with sections 9 to 13. The center shall 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 shall 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.] (a) The notification center services must be provided by a nonprofit corporation approved in writing by the commissioner. A group or nonprofit corporation that intends to seek approval under this paragraph shall notify the commissioner by September 1, 1987, of the date, time, and location of its first meeting. The commissioner shall provide advance notice of the first organizational meeting by publication in qualified legal newspapers and in appropriate trade journals, and by written notice to all appropriate trade associations.

The nonprofit corporation must be governed by a board of directors of up to 20 members, one of whom is the director of the office of pipeline safety. The other board members must represent and be elected by operators, excavators, and other persons eligible to participate in the center. By November 1, 1987, the board shall, with input from all interested parties, determine the operating procedures and technology needed for a single statewide notification center and establish a notification process and competitive bidding procedure to select a vendor to provide the notification service. In deciding to approve a nonprofit corporation, the commissioner shall consider whether it meets the requirements of this paragraph and whether it demonstrates that it has the ability to contract for and implement the notification center service.

(b) If the commissioner has not approved a nonprofit corporation under paragraph (a) by January 1, 1988, the commissioner shall follow the procedure in this paragraph. The commissioner shall prepare a preliminary draft of operating procedures and technology needed for a statewide notification center and the method for assessing the cost of the service among operators. After holding at least one public hearing on the preliminary draft following notice given in the manner required by paragraph (a), the commissioner shall adopt final operating procedures, technology, and assessment methods. The preliminary draft, public hearings, and final adoption are not subject to chapter 14. By June 1, 1988, the commissioner shall select a vendor to provide the notification center service. The commissioner shall advertise for bids as provided in section 16B.07, subdivision 3, and base the selection of a vendor on an identification of the lowest responsible bidder as provided in section 16B.09, subdivision 1. The commissioner shall select and contract with the vendor to provide the notification center service, but all costs of the center must be paid by the operators. The commissioner may at any time appoint a task force to advise on the renewal of the contract or any other matter involving the center's operations.

(c) The notification center must be in operation by October 1, 1988. An operator may submit a bid and be selected to contract to provide the notification center service under paragraph (a) or (b). The commissioner shall annually review the services provided by the nonprofit corporation approved under paragraph (a) or the vendor selected under paragraph (b).

Subd. 3. [COOPERATION WITH LOCAL GOVERNMENT.] In establishing operating procedures and technology for the statewide notification center, the board of directors or the commissioner must work in cooperation with the league of Minnesota cities, the association of Minnesota counties, and the township officers' association. The purpose of this cooperation is to maximize the participation of local governmental units that issue permits for activities involving excavation to assure that excavators receive notice of and comply with the requirements of sections 7 to 13.

Subd. 4. [NOTICE TO LOCAL GOVERNMENTAL UNITS.] The notification center shall 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 shall 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 excavator 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 discharge of explosives is anticipated; and
- (7) the date and time when excavation is to commence.

Subd. 2. [DUTIES OF NOTIFICATION CENTER.] The notification center shall 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 shall 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 shall, 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 shall 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 current 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 shall 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 shall notify the notification center.

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

An excavator shall:

(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

shall notify the operator as soon as reasonably possible. When the operator receives a damage notice, the operator shall promptly dispatch personnel to the damage area to investigate. If the damage endangers life, health, or property, the excavator responsible for the work shall 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 shall 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 shall reimburse the operator for the cost of necessary repairs, and for a pipeline the cost of the product that was being carried in the pipeline and was lost as a direct result of the damage.

(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 director 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 38.

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 to be imposed by the state fire marshal commissioner not to exceed \$1,000 \$10,000 for each such violation for each day that such 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 penalty, or the amount of the compromise settlement, the state fire marshal commissioner shall consider the appropriateness of such 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 commissioner imposing any penalty under sections 299F.56 to 299F.64 or under any rule promulgated thereunder. The amount of such 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 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 be brought in the district 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] [AUTHORITY OF OFFICE OF PIPELINE SAFETY.]

The commissioner of public safety shall, to the extent authorized by agreement with 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, sections 2001 to 2014, the federal Natural Gas Pipeline Safety Act, United States Code, title 49, sections 1671 to 1686, and federal pipeline safety regulations with respect to interstate pipelines located within this state, as necessary to obtain annual federal certification. The commissioner shall, to the extent authorized by federal law, regulate pipelines in the state as authorized by sections 22 to 38, and sections 299F.56 to 299F.64.

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

Subdivision 1. [APPLICABILITY.] The definitions in this section apply to sections 22 to 38.

Subd. 2. [COMMISSIONER.] "Commissioner" means the commissioner of public safety.

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. [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. 12. [PIPELINE OPERATOR.] "Pipeline operator" means a person who owns or operates a pipeline.

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 under the control of a director appointed by the commissioner and serving 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 knowledgeable in the operation and safety aspects of pipelines.

(b) Inspectors must have scientific or technical training or experience that demonstrates in-depth knowledge of pipeline engineering technology and pipeline safety.

(c) Inspectors shall 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 owners 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 data base 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 38 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 38.

The rules adopted under clause (7) 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, sections 2001 to 2014, the federal Natural Gas Pipeline Safety Act, United States Code, title 49, sections 1671 to 1686, and federal rules adopted to implement those acts. If the United States secretary 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:

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

(2) collect inspection fees; and

(3) order and oversee the testing of pipelines as provided in rules adopted under this section.

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 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 shall 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 38 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 effective date of the ordinance.

(b) By August 1, 1989, each statutory or home rule charter city, town, or county that has planning and zoning authority under sections 366.10 to 366.19, 394.21 to 394.37, or 462.351 to 462.365, and in which a pipeline is located, shall adopt a pipeline setback ordinance that meets or exceeds the minimum standards of the model ordinance and is approved by the commissioner. The model ordinance applies in a jurisdiction where the local governmental unit does not adopt a setback ordinance that is approved by the commissioner by August 1, 1989.

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

Subdivision 1. [MEMBERSHIP.] The pipeline safety advisory council consists of nine members appointed by the commissioner. One member must be chosen from the hazardous liquid pipeline industry, one from the gas pipeline industry, and one from personnel who design or construct pipelines. Three members must be state or local government employees and three members must be state residents unaffiliated with state or local government or the pipeline or utility industries. The members serve on a part-time basis.

Subd. 2. [POWERS AND DUTIES.] The council shall advise the commissioner, director and other appropriate federal, state, and local government agencies and officials on matters relating to pipeline safety and operation. The council shall advise the environmental quality board on implementation of sections 1 to 3, and the director and commissioner on the implementation of sections 7 to 13, 299F.56 to 299F.64, and 22 to 38, and shall review and comment on proposed rules and on the operation of the office of pipeline safety.

Subd. 3. [ADMINISTRATIVE ASSISTANCE.] The commissioner shall provide offices and administrative assistance necessary for the performance of the council's duties.

Subd. 4. [TERMS; COMPENSATION; REMOVAL.] The terms, compensation, and removal of members are governed by section 15.0575.

Sec. 28. [299J.07] [PENALTIES FOR FAILING TO REPORT EMERGENCY RELEASE.]

Subdivision 1. [DUTY TO REPORT.] A pipeline operator shall immediately report by telephone to the emergency response center established by the commissioner of public safety an emergency release from the operator's pipeline.

Subd. 2. [CRIMINAL LIABILITY.] (a) An employee of a pipeline operator who has responsibility to make the report under subdivision 1 is guilty of a felony if:

(1) the employee knows or has reason to know that an emergency release exists;

(2) the employee does not immediately report the release to the commissioner of public safety; and

(3) the emergency release causes the death of an individual or great bodily harm as defined in section 609.02, subdivision 8.

(b) A person convicted under this subdivision may be sentenced to imprisonment for not more than seven years or 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 of pipeline safety. 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 shall file a detailed pipeline map in the scale required by the rules:

(1) with the director and the commissioner of transportation, showing the location and approximate depth 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 and approximate depth 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 shall file an emergency response plan with the director 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 director its procedural manual as required under Code of Federal Regulations, title 49, part 192, subparts L and M, and part 195, subpart F, as may be required by rules of the commissioner.

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 38 or the rules of the commissioner, a pipeline operator shall give notice of the test to the director and the local governmental units traversed by the portion of pipeline to be tested. Advance notice is not required if the operator determines that an emergency exists requiring immediate testing of the pipeline. The 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 director 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 director 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 shall file information with the director and the sheriff of every county traversed by a pipeline of the types of products that will be carried in the pipeline. The operator shall 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 shall 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 shall 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.

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

(a) A local governmental unit having a pipeline within its jurisdiction shall 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 shall 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 director may at any reasonable time examine a response plan required by this section.

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, sections 2001 to 2014, the federal Natural Gas Pipeline Safety Act, United States Code, title 49, sections 1671 to 1686, 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 must 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, for each calendar year that an inspection fee is to be assessed, the commissioner shall calculate the total number of miles of 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 must be assessed a portion of the total inspection costs equal to the percentage of the total miles of pipeline to be operated by the pipeline operator, but the total fee may not exceed \$5 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 director has reason to believe is responsible for an emergency release shall, when requested by the office or an authorized agent of the office, furnish to the director 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 director 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 38, 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 under subdivision 1 or 2 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 that would tend to affect adversely the competitive position of that person, the director shall classify the data as private or nonpublic data as defined in section 13.02. Notwithstanding any other law to the contrary, data classified as private or nonpublic under this subdivision may be disclosed when relevant in any proceeding under sections 22 to 38, or to other public agencies concerned with the implementation of sections 22 to 38.

Subd. 4. [RECOVERY OF EXPENSES.] Reasonable and necessary expenses incurred by the director under this section, including administrative and legal expenses, may be recovered from a person who has been found liable under section 28, 36, or 37, or any other law relating to the operation of a pipeline, in a separate action brought by the attorney general or in connection with an action under section 37. The director'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 shall 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 this subdivision is guilty of a misdemeanor.

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

Subdivision 1. [DISPOSAL PROHIBITED.] (a) After an emergency release has occurred, a pipeline operator, or its employee or agent, may not dispose of, destroy, or alter the part of a pipeline that was involved in the emergency release until approval is granted by the commissioner. The authority of the commissioner to grant approval may not be delegated.

(b) This subdivision does not prevent the repair of a pipeline in the ground without the approval of the commissioner, or the excavation and removal from the ground of a pipeline or part of a pipeline without the approval of the commissioner. However, the pipeline may not be altered with the intent to prevent or hinder a determination of the cause of the emergency release.

Subd. 2. [CRIMINAL PENALTY.] A person who knowingly violates subdivision 1, or who denies the director or the director'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.

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

Subdivision 1. [CIVIL PENALTY.] (a) A pipeline operator who violates section 28, subdivision 1, 30, or 36, or the rules of the commissioner implementing those sections, shall forfeit and pay to the state a civil penalty in an amount to be determined by the court as follows:

(1) for a violation of section 30, up to \$10,000 for each day that the operator remains in violation; and

(2) for a violation of section 28, subdivision 1, or 36, up to \$100,000 for each violation.

(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 director 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, or the rules of the commissioner implementing those sections, 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.]

Sections 22 to 38 do not abolish or diminish the right of a person to bring a legal action or use a 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.]

The pipeline safety account is established as an account in the state treasury. All fees and penalties collected under sections 22 to 38 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.

Sec. 40. [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. 41. [APPROPRIATION.]

\$418,300 is appropriated from the general fund to the agencies indicated in this section for the purposes of this act, to be available for the fiscal year ending June 30 in the years indicated.

	<u>1988</u>	<u>1989</u>
<u>(a) State planning director</u>	<u>\$ 73,000</u>	<u>-0-</u>
<u>Any unencumbered balance remaining in the first year does not cancel and is available for the second year.</u>		
<u>(b) Commissioner of public safety</u>	<u>\$184,400</u>	<u>\$160,900</u>
<u>The approved complement of the department of public safety is increased by three positions.</u>		

Sec. 42. [EFFECTIVE DATE.]

Sections 1, subdivisions 1 and 3; 4; 7; 9, subdivision 2; and 27 are effective the day following final enactment. Sections 1, subdivisions 2 and 4; 2; and 3 are effective July 1, 1988. Sections 8; 9, subdivisions 1 and 3; 10; 11; 12; and 13 are effective October 1, 1988, and section 12, subdivision 1, paragraph (c) applies to crimes committed on or after that date. Sections 28, 35, 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; 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; 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."

The motion prevailed and the amendment was adopted.

Johnson, V., moved to amend S. F. No. 90, as amended, as follows:

Page 7, line 26, of the Knuth and Bishop amendment, delete "or"

Page 7, line 29, of the Knuth and Bishop amendment, delete the period and insert "; or"

Page 7 of the Knuth and Bishop amendment, after line 29, insert:

"(5) 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."

The motion prevailed and the amendment was adopted.

S. F. No. 90, A bill for an act relating to public safety; pipelines and underground facilities; 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; providing penalties; appropriating money; amending Minnesota Statutes 1986, sections 116I.02, subdivisions 2 and 3; 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.

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

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

Those who voted in the affirmative were:

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

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

S. F. No. 682 was reported to the House.

There being no objection, S. F. No. 682 was temporarily laid over on Special Orders.

Rose was excused while in conference.

H. F. No. 960, A bill for an act relating to human services; requiring director of state planning agency to contract for development of client advisory committees; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 252.

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 11 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Clausnitzer	McPherson	Richter	Thiede
Frederick	Miller	Schafer	Valento
Haukoos	Quist	Schreiber	

The bill was passed and its title agreed to.

H. F. No. 1326, A bill for an act relating to energy; authorizing loans to municipalities for energy conservation investments and authorizing repayment of those loans; authorizing issuance of bonds;

appropriating money; amending Minnesota Statutes 1986, sections 116J.37; 275.50, subdivision 5; 471.65; and 475.51, subdivision 4.

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

The question was taken on the passage of the bill and the roll was called. There were 124 yeas and 1 nay as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Marsh

The bill was passed and its title agreed to.

S. F. No. 167 was reported to the House.

Riveness and Swenson moved to amend S. F. No. 167, the unofficial engrossment, as follows:

Page 2, line 6, delete "Twenty-nine" and insert "14"

Page 2, line 8, before the period insert ", and 15 members shall be appointed by the governor"

Page 2, line 9, after "board" insert "and governor"

Page 2, line 12, reinstate "governor" and insert "and"

Page 3, line 4, delete everything after "governor"

Page 3, delete line 5

Page 3, line 6, delete everything before the period and insert "utilizing the appointment process under section 15.0597"

Amend the title as follows:

Page 1, line 4, delete "board" and insert "governor"

The motion prevailed and the amendment was adopted.

S. F. No. 167, A bill for an act relating to the Minnesota zoological garden; increasing the size of the zoological board; permitting the board to appoint new members to the board; exempting members of the board from filing statements of economic interest; amending Minnesota Statutes 1986, section 85A.01, subdivision 1, and by adding a subdivision.

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

The question was taken on the passage of the bill and the roll was called. There were 124 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

H. F. No. 239 was reported to the House.

There being no objection, H. F. No. 239 was temporarily laid over on Special Orders.

S. F. No. 897 was reported to the House.

There being no objection, S. F. No. 897 was temporarily laid over on Special Orders.

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

RECESS

RECONVENED

The House reconvened and was called to order by Speaker pro tempore Simoneau.

ANNOUNCEMENTS BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 236:

Scheid, Neuenschwander and Knickerbocker.

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 532:

Jensen, Kahn and Carlson, D.

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 391:

Marsh, Kelly and Blatz.

SPECIAL ORDERS, Continued

H. F. No. 239 which was temporarily laid over earlier today was again reported to the House.

Olsen, S., moved to amend H. F. No. 239, the second engrossment, as follows:

Pages 28 and 29, delete section 60

Page 30, line 31, delete "primary and"

Page 30, line 35, delete "primary,"

Page 30, line 36, delete everything before and after "general election"

Page 31, line 1, delete "school district primary"

Page 32, lines 5, 8, 13, and 14, delete "primary,"

Page 32, delete lines 24 to 27

Page 32, line 28, delete "3" and insert "2"

Page 32, lines 30 and 31, delete "primary or"

Page 33, line 2, delete "4" and insert "3"

A roll call was requested and properly seconded.

The question was taken on the Olsen, S., amendment and the roll was called. There were 9 yeas and 111 nays as follows:

Those who voted in the affirmative were:

Burger	Heap	McPherson	Svigum	Tompkins
Forsythe	Knickerbocker	Olsen, S.	Swenson	

Those who voted in the negative were:

Anderson, G.	Dorn	Kinkel	Munger	Poppenhagen
Battaglia	Greenfield	Kludt	Murphy	Price
Bauerly	Gruenes	Knuth	Nelson, C.	Quinn
Beard	Gutknecht	Kostohryz	Nelson, K.	Quist
Begich	Hartle	Krueger	Neuenschwander	Reding
Bennett	Himle	Larsen	O'Connor	Rest
Bertram	Hugoson	Lasley	Ogren	Rice
Blatz	Jacobs	Lieder	Olson, E.	Richter
Brown	Jaros	Long	Olson, K.	Riveness
Carlson, L.	Jefferson	Marsh	Omann	Rodosovich
Carruthers	Jensen	McDonald	Omann	Rukavina
Clark	Johnson, A.	McEachern	Orenstein	Sarna
Clausnitzer	Johnson, R.	McKasy	Osthoff	Schafer
Cooper	Johnson, V.	McLaughlin	Otis	Scheid
Dauner	Kahn	Milbert	Pappas	Schoenfeld
DeBlick	Kalis	Miller	Pauly	Schreiber
Dempsey	Kelly	Minne	Pelowski	Seaberg
Dille	Kelso	Morrison	Peterson	Segal

Shaver	Stanius	Tunheim	Wagenius	Spk. Norton
Simoneau	Steensma	Valento	Waltman	
Skoglund	Thiede	Vanasek	Wenzel	
Solberg	Tjornhom	Vellenga	Winter	
Sparby	Trimble	Voss	Wynia	

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

H. F. No. 239, A bill for an act relating to elections; providing for school district elections to be conducted according to Minnesota election law; appropriating money; amending Minnesota Statutes 1986, sections 6.54; 122.22, subdivisions 2 and 4; 122.23, subdivisions 2, 9, and 10; 122.25, subdivision 1; 123.11, subdivision 7; 123.33, subdivision 4; 123.351, subdivision 1; 123.51; 127.09; 127.11; 200.01; 200.015; 200.02, by adding a subdivision; 201.016, subdivision 2; 201.018, subdivision 2; 201.061, subdivisions 3 and 6; 201.071, subdivisions 1, 3, 5, 6, and by adding a subdivision; 201.221, subdivisions 3 and 4; 201.27, subdivision 2; 203B.01, subdivision 2; 203B.04, subdivisions 1 and 2; 203B.05, subdivisions 1 and 2; 203B.06, subdivision 2; 203B.08, subdivision 4; 203B.10; 203B.11, subdivision 1; 203B.12, subdivision 6; 203B.13; 203B.15; 203B.19; 203B.23; 204B.02; 204B.09, subdivision 2; 204B.16, subdivision 1; 204B.18, subdivision 2; 204B.19, subdivision 1; 204B.21, subdivision 2; 204B.25, subdivision 1; 204B.29; 204B.31; 204B.32; 204B.34, by adding a subdivision; 204B.35, subdivision 1; 204C.02; 204C.06, subdivision 2; 204C.07, subdivision 3; 204C.08, subdivision 4; 204C.10, subdivision 2; 204C.19, subdivision 2; 204C.20, subdivision 4; 204C.24, subdivision 2; 204C.25; 204C.26, subdivisions 2 and 3; 204C.27; 204C.28, subdivision 2, and by adding a subdivision; 204C.29, subdivision 1; 204C.36; 206.56, by adding a subdivision; 206.58, subdivision 2; 209.02; 209.021, subdivision 3; 210A.01, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 206; proposing coding for new law as Minnesota Statutes, chapter 205A; repealing Minnesota Statutes 1986, sections 123.015; 123.32; and 201.095.

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 128 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

The bill was passed and its title agreed to.

H. F. No. 1499 which was temporarily laid over earlier today was again reported to the House.

Wynia moved to amend H. F. No. 1499, the second engrossment, as follows:

Page 1, after line 8, insert:

"Section 1. Minnesota Statutes 1986, section 62D.05, is amended by adding a subdivision to read:

Subd. 6. [SUPPLEMENTAL BENEFITS.] A health maintenance organization may, as a supplemental benefit, provide coverage to its enrollees for health care services and supplies received from providers who are not employed by, under contract with, or otherwise affiliated with the health maintenance organization. The commissioner may, pursuant to chapter 14, adopt, enforce, and administer rules relating to this subdivision, including: rules insuring that these benefits are supplementary and not substitutes for comprehensive health maintenance services; rules relating to protection against insolvency, including the establishment of necessary financial reserves; rules relating to appropriate standards for claims processing; rules relating to marketing practices; and other rules necessary for the effective and efficient administration of this subdivision. The commissioner, in adopting rules, shall give consideration to existing laws and rules administered and enforced by the department of commerce relating to health insurance plans. Except as otherwise provided by law, a health maintenance organization may not advertise, offer, or enter into contracts for the coverage described in this subdivision until 30 days after the effective date of rules adopted by the commissioner of health to implement this subdivision."

Renumber the subsequent sections

Page 3, line 18, delete "one private employer" and insert "two private employers, one of whom self-insures for health benefits and one of whom offers health benefits to employees but does not bear risk"

Page 3, line 33, delete "1" and insert "2"

Amend the title as follows:

Page 1, line 5, delete "section" and insert "sections 62D.05, by adding a subdivision; and"

The motion prevailed and the amendment was adopted.

H. F. No. 1499, A bill for an act relating to health; requiring transfers from the special revenue account to the public health fund; authorizing a feasibility study; appropriating money; amending Minnesota Statutes 1986, sections 62D.05, by adding a subdivision; and 214.06, subdivision 1.

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

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

Those who voted in the affirmative were:

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

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

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

REPORTS OF STANDING COMMITTEES

Anderson, G., from the Committee on Appropriations to which was referred:

H. F. No. 176, A bill for an act relating to education; providing for model programs in adult vocational occupational literacy training; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 136C.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. [136C.045] [ADULT VOCATIONAL AND OCCUPATIONAL LITERACY PROGRAM.]

Subdivision 1. [ADVISORY COMMITTEE.] An advisory committee is established to assist in providing literacy programs integrated with vocational and occupational training to work with dislocated workers and other persons entering the job market. The committee shall consist of representatives selected as follows: one each by the board of regents of the University of Minnesota, the state university board, the state board for community colleges, the state board of vocational technical education, the state board of education, the state planning agency, the state department of jobs and training, and the governor's job training council; and two public members, with experience in vocational occupational literacy, by the higher education advisory council. The state board of vocational technical education shall provide staff and support for the committee.

Subd. 2. [COMMITTEE DUTIES.] The advisory committee shall award grants for model literacy programs. It shall develop criteria for selecting model sites, establishing application procedures and dates, and awarding the grants. The selection criteria shall include, but not be limited to, the following:

- (a) an explanation of the nature of the vocational programs;
- (b) effective integration of vocational and occupational training with basic education instruction;
- (c) research and development components;

- (d) involvement of existing local resources;
- (e) the provision of matching funds;
- (f) qualification of instructors;
- (g) coordination with groups involved in literacy efforts; and
- (h) coordination with human service agencies.

Subd. 3. [APPLICATION FOR GRANTS.] School districts, post-secondary institutions, and other agencies providing vocational and occupational training to adults may apply to the advisory committee for a grant to develop and implement a model program. Grants shall be awarded on a competitive basis.

Subd. 4. [REPORTS.] Each grant recipient shall report on its program to the advisory committee by June 1, 1988, and December 1, 1988. The advisory committee shall report its preliminary findings to the legislature by January 15, 1989.

Subd. 5. [FUNDING.] The board of regents of the University of Minnesota, the state university board, the state board for community colleges, and the state board of vocational technical education are requested to provide financial resources to implement model programs selected by the advisory committee.

The department of education shall use \$37,500 of the money appropriated for adult basic and continuing education for the 1988-1989 biennium to provide financial assistance to implement the provisions of this section."

Amend the title as follows:

Page 1, line 4, delete everything before "proposing"

With the recommendation that when so amended the bill pass.

The report was adopted.

Anderson, G., from the Committee on Appropriations to which was referred:

H. F. No. 363, A bill for an act relating to employment; providing for retraining of dislocated workers; requiring the commissioner of jobs and training to coordinate services to dislocated workers; requiring notification of employment termination; providing for the monitoring of dislocated workers and plant closings; providing a state match for federal dislocated worker funding; appropriating

money; amending Minnesota Statutes 1986, sections 267.02, subdivision 3; 268.0111, subdivision 4; 268.0122, subdivision 3; and 268.89, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 268.

Reported the same back with the following amendments:

Page 5, delete section 7

Page 5, line 36, delete "COORDINATOR" and insert "COMMISSIONER"

Page 6, line 1, delete "full productivity and opportunity coordinator" and insert "commissioner of jobs and training"

Page 6, line 6, delete "commissioner of jobs and training and the"

Page 6, line 7, delete "coordinator" and insert "commissioner"

Page 6, line 8, delete "coordinator" and insert "commissioner"

Page 6, line 12, delete "\$....." and insert "\$120,000"

Page 6, line 15, delete everything after the period

Page 6, delete lines 16 to 21

Page 6, line 22, delete everything before "provide" and insert "Up to 33 percent of the appropriation may be used to"

Page 6, line 25, delete "ten" and insert "67"

Page 6, line 26, after "fund" insert "an"

Page 6, line 26, delete "staff" and insert "complement position"

Page 6, line 28, after "workers" insert a period and delete the remaining language

Page 6, delete line 29

Page 6, line 31, delete "\$150,000" and insert "\$80,000"

Page 7, line 3, before the period insert "over a six-month period"

Renumber the sections in sequence

Amend the title accordingly

With the recommendation that when so amended the bill pass.

The report was adopted.

Anderson, G., from the Committee on Appropriations to which was referred:

H. F. No. 566, A bill for an act relating to public safety; authorizing executive council, under federal law, to repair state property damaged by major disaster; dedicating receipts from criminal justice datacommunications network billings; appropriating video gaming license fees to commissioner of public safety for disbursal to municipalities; amending Minnesota Statutes 1986, sections 9.061, subdivision 1; 299C.48; and 349.52, subdivisions 2 and 3.

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

The report was adopted.

Anderson, G., from the Committee on Appropriations to which was referred:

H. F. No. 578, A bill for an act relating to state government; adding certain emergency personnel to the list of people eligible for benefits from the peace officers benefit fund; amending Minnesota Statutes 1986, section 176B.01, subdivision 2.

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

The report was adopted.

Anderson, G., from the Committee on Appropriations to which was referred:

H. F. No. 777, A bill for an act relating to motor fuels; trade practices; extending the expiration of the ethanol development fund to the year 2000; prohibiting "no ethanol" signs; appropriating money for promoting ethanol; amending Minnesota Statutes 1986, sections 41A.09, subdivisions 3 and 5; and 325E.09, subdivision 4.

Reported the same back with the following amendments:

Page 3, lines 13 and 15, delete "\$....." and insert "\$100,000"

Page 3, line 18, before the period insert "fuel usage" and delete everything after the period

Page 3, delete lines 19 and 20

With the recommendation that when so amended the bill pass.

The report was adopted.

Anderson, G., from the Committee on Appropriations to which was referred:

H. F. No. 835, A bill for an act relating to natural resources; establishing a state flood hazard mitigation grant program; authorizing grants-in-aid to local government units; appropriating money; amending Minnesota Statutes 1986, sections 104.02; 105.482, subdivision 5; proposing coding for new law in Minnesota Statutes, chapter 104.

Reported the same back with the following amendments:

Pages 5 and 6, delete sections 6 and 7.

Amend the title as follows:

Page 1, lines 4 and 5, delete "appropriating money;"

With the recommendation that when so amended the bill pass.

The report was adopted.

Anderson, G., from the Committee on Appropriations to which was referred:

H. F. No. 886, A bill for an act relating to natural resources; conservation reserve program; definitions, eligibility for inclusion, applications, agreements, payments, and other terms and conditions; native prairie bank program; appropriating funds; amending Minnesota Statutes 1986, sections 40.41; 40.42, subdivision 5, and by adding subdivisions; 40.43, subdivisions 2, 5, 6, and 7; 40.44, subdivisions 2 and 3; 40.45; 84.943, subdivision 1; 84.944, subdivision 1; 84.95, by adding a subdivision; 105.391, subdivision 3; and 105.392, subdivisions 1, 2, 3, 4, 5, and 6.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1986, section 40.41, is amended to read:

40.41 [PURPOSE AND POLICY.]

It is the purposes of sections 40.41 to 40.45 to keep certain marginal agricultural land out of crop production or pasture to protect soil and water quality and support fish and wildlife habitat. It is state policy to encourage the retirement of marginal, highly erodible land, particularly land adjacent to public waters and drainage systems, from crop production and to reestablish a cover of perennial vegetation.

Sec. 2. Minnesota Statutes 1986, section 40.42, subdivision 5, is amended to read:

Subd. 5. [LANDOWNER.] "Landowner" means a Minnesota resident who owns or is a buyer under a contract for deed, of land that qualifies as a family farm, a family farm corporation or an authorized farm corporation under section 500.24, subdivision 2 individuals, family farm, family farm corporations as defined under section 500.24, subdivision 2, paragraph (c), and authorized farm corporations as defined under section 500.24, subdivision 2, paragraph (d), which either own eligible land or are purchasing eligible land under a contract for deed.

Sec. 3. Minnesota Statutes 1986, section 40.42, is amended by adding a subdivision to read:

Subd. 7. [WETLAND.] "Wetland" means land that has a predominance of hydric soils and that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, or that periodically does support, a predominance of hydrophytic vegetation typically adapted for life in saturated soil conditions.

Sec. 4. Minnesota Statutes 1986, section 40.42, is amended by adding a subdivision to read:

Subd. 8. [WINDBREAK.] "Windbreak" means a strip or belt of trees, shrubs, or grass barriers at least six rows deep and within 300 feet of the right-of-way of a highway.

Sec. 5. Minnesota Statutes 1986, section 40.43, subdivision 2, is amended to read:

Subd. 2. [ELIGIBLE LAND.] Land may be placed in the conservation reserve program if the land:

(1) is marginal agricultural land, or is adjacent to marginal agricultural land and is either beneficial to resource protection or

necessary for efficient recording of the land description, or consists of a drained wetland, or is land that with a windbreak would be beneficial to resource protection. Cropland adjacent to the restored wetland may also be enrolled to the extent of up to four acres of cropland for each acre of wetland restored;

(2) was owned by the applicant landowner on January 1, 1985, or for an application made on or after January 1, 1988, was owned by the applicant landowner, or a parent or other blood relative of the landowner, for at least three years before the date of application;

(3) is at least five acres in size, except for a windbreak, or is a whole field as defined by the United States Agricultural Stabilization and Conservation Services;

(4) is not set aside, enrolled or diverted under another federal or state government program; and

(5) was in agricultural crop production or pasture for at least two years during the period 1981 to 1985.

The eligible enrolled land of a landowner may not exceed 20 percent of the landowner's total agricultural land acreage in the state, if the landowner owns at least 200 acres of agricultural land as defined by section 500.24, subdivision 2. If a landowner owns less than 200 acres of agricultural land the amount that may be enrolled in the conservation reserve is:

(a) all agricultural land owned, if 20 acres or less; or

(b) if the total agricultural land owned is more than 20 acres but less than 200 acres, 20 acres plus ten percent of the balance of the agricultural land.

In selecting land for enrollment in the program, highest priority must be given to permanent easements that are consistent with the purposes stated in section 40.41.

Sec. 6. Minnesota Statutes 1986, section 40.43, subdivision 3, is amended to read:

Subd. 3. [CONSERVATION EASEMENTS.] The commissioner may acquire conservation easements on eligible land. An easement may be permanent or of limited duration. An easement of limited duration may not be acquired if it is for a period less than ten 20 years. The negotiation and acquisition of easements authorized by this section are exempt from the contractual provisions of chapter 16B.

Sec. 7. Minnesota Statutes 1986, section 40.43, subdivision 5, is amended to read:

Subd. 5. [AGREEMENTS BY LANDOWNER.] The commissioner may enroll eligible land in the conservation reserve program by signing an agreement in recordable form with a landowner in which the landowner agrees:

(1) to convey to the state a conservation easement that is not subject to any prior title, lien, or encumbrance;

(2) to seed the land subject to the conservation easement, as specified in the agreement, to establish and maintain perennial cover of either a grass-legume mixture or native grasses for the term of the easement, at seeding rates determined by the commissioner; or to plant trees or carry out other long-term capital improvements approved by the commissioner for soil and water conservation or wildlife management;

(3) to restore any drained wetland and to convey to the state a permanent easement for the wetland;

(4) that other land supporting natural vegetation owned or leased as part of the same farm operation during the term of the easement, if it supports natural vegetation or has not been used in agricultural crop production or pasture unless a landowner under a permanent easement receives approval from the commissioners of agriculture and natural resources and, prior to the land conversion activity, implements a soil and water conservation district approved conservation plan following the recommendations of the field office technical guide; and

(4) (5) to the enforcement of the terms of the easement and agreements in this subdivision by an action for specific performance, a mandatory injunction, or for damages in an amount not to exceed the total amount paid by the state to the landowner under subdivision 6, with interest from the date of each default under the agreement; and

(6) that the easement duration may be lengthened only through mutual agreement with the commissioners of agriculture and natural resources if they determine that the changes are necessary to effectuate the purpose of the program or to facilitate its administration.

Sec. 8. Minnesota Statutes 1986, section 40.43, subdivision 6, is amended to read:

Subd. 6. [PAYMENTS FOR CONSERVATION EASEMENTS AND ESTABLISHMENT OF COVER.] The commissioner must make the following payments to the landowner for the conservation easement and agreement:

(1) to establish the perennial cover or other improvements required by the agreement, up to 75 percent of the total eligible cost not to exceed \$75 per acre for limited duration easements, and 100 percent of the total eligible cost not to exceed \$100 per acre for perpetual easements;

(2) for the cost of planting trees required by the agreement, up to \$75 75 percent of the total eligible cost not to exceed \$200 per acre for limited duration easements, and 100 percent of the total eligible cost not to exceed \$300 per acre for perpetual easements;

(3) for a permanent easement, 70 percent of the township average equalized estimated market value of agricultural property as established by the commissioner of revenue at the time ~~the~~ of easement is conveyed application; and

(4) for an easement of limited duration, 90 percent of the present value of the average of the ~~acceptable~~ accepted bids for the federal conservation reserve program, as contained in Public Law Number 99-198, in the relevant geographic area and on bids ~~made immediately prior to when~~ accepted at the time of easement is ~~conveyed. If~~ conveyed. If federal bid figures have not been determined for the area, or the federal program has been discontinued, the rate paid shall application; or

(5) an alternative payment system for easements based on cash rent or a similar system as may be determined by the commissioner.

The commissioner may not pay more than \$50,000 to a landowner for all the landowner's conservation easements and agreements.

Sec. 9. Minnesota Statutes 1986, section 40.43, subdivision 7, is amended to read:

Subd. 7. [EASEMENT RENEWAL.] When a conservation easement of limited duration expires, a new conservation easement and agreement for an additional period of ~~ten~~ not less than 20 years may be acquired by agreement of the commissioner and the landowner, under the terms of this section. The commissioner may adjust payment rates as a result of renewing an agreement and conservation easement only after examining the condition of the established cover, conservation practices, and land values.

Sec. 10. Minnesota Statutes 1986, section 40.44, subdivision 2, is amended to read:

Subd. 2. [TECHNICAL ASSISTANCE.] The commissioners of agriculture and natural resources must provide necessary technical assistance to landowners enrolled in the conservation reserve program. The commissioner of natural resources must provide technical advice and assistance to the commissioner on (1) the form and content of the conservation easement and agreement, ~~and on;~~ (2) forestry and agronomic practices; and (3) hydrologic and hydraulic design relating to the establishment and maintenance of permanent cover, or other conservation improvements. The commissioner of transportation must provide technical advice and assistance to the commissioners of agriculture and natural resources on the planting of windbreaks adjacent to highways. The commissioners of agriculture and natural resources shall jointly prepare an informational booklet on the conservation reserve program and other state and federal programs for land acquisition, conservation, and retirement to be made available to eligible landowners and the general public.

Sec. 11. Minnesota Statutes 1986, section 40.44, subdivision 3, is amended to read:

Subd. 3. [SUPPLEMENTAL CONSERVATION PAYMENTS.] The commissioner may supplement ~~cost-share~~ payments made under ~~other federal land retirement programs, up to \$75 an acre,~~ to the extent of available appropriations other than bond proceeds. The supplemental ~~cost-share~~ payments must be used to establish perennial cover on land enrolled or ~~increase payments for land enrollment~~ in programs approved by the commissioner, including the federal conservation reserve program and federal and state waterbank programs program.

Sec. 12. Minnesota Statutes 1986, section 40.45, is amended to read:

40.45 [RULEMAKING.]

The commissioner ~~shall~~ may adopt emergency rules and is ~~authorized to adopt to implement this act.~~ The emergency rules ~~in order to implement sections 40.41 to 40.45 adopted on August 27, 1986, shall remain in effect until December 31, 1987, or until amended or replaced by emergency or permanent rules.~~ The rules must include standards for tree planting so that planting does not conflict with existing electrical lines, telephone lines, rights-of-way, or drainage ditches.

Sec. 13. Minnesota Statutes 1986, section 84.943, subdivision 1, is amended to read:

Subdivision 1. [ESTABLISHMENT.] The Minnesota critical habitat private sector matching account is established as a separate account in the state treasury reinvest in Minnesota resources fund

established under section 84.95. The account shall be administered by the commissioner of natural resources as provided in this section.

Sec. 14. Minnesota Statutes 1986, section 84.944, subdivision 1, is amended to read:

Subdivision 1. [ACQUISITION CONSIDERATIONS.] In determining what critical natural habitat shall be acquired or improved, the commissioner shall consider:

(1) the significance of the land or water as existing or potential habitat for fish and wildlife and providing fish and wildlife oriented recreation;

(2) the significance of the land, water, or habitat improvement to maintain or enhance native plant, fish, or wildlife species designated as endangered or threatened under section 97.488;

(3) the presence of native ecological communities that are now uncommon or diminishing; and

(4) the significance of the land, water or habitat improvement to protect or enhance natural features within or contiguous to natural areas including fish spawning areas, wildlife management areas, scientific and natural areas, riparian habitat and fish and wildlife management projects.

Based on the above clauses, the commissioner by order promulgated under section 97A.051, subdivision 3, must establish a process to prioritize what critical habitat shall be acquired or improved.

Sec. 15. Minnesota Statutes 1986, section 84.95, is amended by adding a subdivision to read:

Subd. 3. [WORK PLAN.] By February 1 of each year the commissioner of natural resources, in consultation with the commissioner of agriculture, must present a written work plan for expenditure of money from the reinvest in Minnesota resources fund for the next fiscal year to the senate and house committees on agriculture and environment and natural resources for their review and comment. Any recommendations to the commissioners by the committees must be returned to the commissioners by March 15. By April 30 of each year the commissioner must make the work plan, with any revisions, available to the public for comment. In so doing, the commissioner must hold at least three public meetings to inform the public of the work plan; one meeting to be held in the Twin Cities metropolitan area, the others at non-Twin Cities locations, one each in northern and southern Minnesota. By January 15 of each year, the commissioner must prepare a written progress report on projects undertaken and money encumbered during the fiscal year just ended, and

must transmit the report to the above committees and make the report available to the public.

Sec. 16. [84.959] [FINDINGS.]

The legislature finds that native prairie is found primarily on marginal lands poorly suited to grain production and provides important wildlife, scientific, erosion control, educational, and recreational values.

Sec. 17. [84.96] [NATIVE PRAIRIE BANK.]

Subdivision 1. [ESTABLISHMENT.] The commissioner shall establish a native prairie bank, determine where native prairie land is located in the state, and prescribe eligibility requirements for inclusion of land in the native prairie bank.

Subd. 2. [DEFINITION.] For the purposes of this section, "native prairie" means land that has never been plowed, with less than ten percent tree cover and with predominantly native prairie vegetation.

Subd. 3. [EASEMENT ACQUISITION.] (a) The commissioner may acquire native prairie for conservation purposes by entering into easements with landowners. The easements must be conservation easements as defined in section 84C.01, clause (1), except the easements may be made possessory as well as nonpossessory if agreed upon by the landowner and the commissioner.

(b) The easements may be permanent or of limited duration. Highest priority must be given to permanent easements consistent with the purposes of this section. Easements of limited duration must be for at least 20 years, with provision for renewal for at least another 20-year period. For easements of limited duration, the commissioner may reexamine and adjust the payment rates at the beginning of any renewal period after considering current land and crop values.

Subd. 4. [EASEMENT AGREEMENT.] (a) In the easement between the commissioner and an owner, the owner must agree:

(1) to place in the program for the period of the easement eligible native prairie areas designated by the owner, including prairie covered by a federal or state easement that allows agricultural use and desirable land adjacent to the prairie as determined by the commissioner;

(2) not to alter the native prairie by plowing, heavy grazing, seeding to nonnative grasses or legumes, spraying with large amounts of herbicides, or otherwise destroying the native prairie character of the easement area, except mowing the native prairie

tract for wild hay may qualify for easement as determined by the commissioner;

(3) to implement the native prairie conservation and development plan as provided in the easement agreement, unless a requirement in the easement agreement is waived or modified by the commissioner;

(4) to forfeit all rights to further payments under the terms of the easement and to refund to the state all payments received under the easement if the easement is violated at any time when the owner has control of the land subject to the easement, if the commissioner determines that the violation warrants termination of the easement, or if the commissioner determines that the violation does not warrant termination of the easement, the commissioner may determine refunds or payment adjustments to be paid by the commissioner;

(5) not to adopt a practice specified by the commissioner in the easement as a practice that would tend to defeat the purposes of the easement; and

(6) to additional provisions included in the easement that the commissioner determines are desirable.

(b) In return for the easement of the owner, the commissioner shall make payments as provided in subdivision 5 and may provide advice on conservation and development practices on the native prairie in the easement and adjacent areas.

Subd. 5. [PAYMENTS.] (a) The commissioner must make payments to the landowner under this subdivision for the easement.

(b) For a permanent easement, the commissioner must pay 50 percent of the average equalized estimated market value of cropland in the township as established by the commissioner of revenue for the time period when the application is made.

(c) For an easement of limited duration, the landowner shall receive a lump sum payment equal to the present value of the annual payments for the term of the easement based on 50 percent of the mean adjusted cash rental for cropland in the county as established by the commissioner of revenue for the time period when the application is made.

(d) To maintain and protect native prairies, the commissioner may enter into easements that allow selected agricultural practices. Payment must be based on paragraph (b) or (c) but may be reduced due to the agricultural practices allowed after negotiation with the landowner.

Subd. 6. [RENEWAL.] A limited-term easement may be converted to a permanent easement or renewed at the end of the easement period by mutual agreement of the commissioner and the owner, subject to any rate redetermination by the commissioner.

Subd. 7. [EASEMENT RUNS WITH LAND.] If during the easement period the owner sells or otherwise disposes of the ownership or right of occupancy of the land, the new owner must continue the easement under the same terms or conditions.

Subd. 8. [MODIFICATION AND TERMINATION BY AGREEMENT.] The commissioner may terminate an easement by mutual agreement with the owner if the commissioner determines that the termination would be in the public interest. The commissioner may agree to modifications of agreements if the commissioner determines the modification is desirable to implement the native prairie program.

Subd. 9. [RULES.] The commissioner of natural resources may adopt rules that include the procedures and payment rates to implement this section.

Sec. 18. Minnesota Statutes 1986, section 105.391, subdivision 3, is amended to read:

Subd. 3. Except as provided below, no public waters or wetlands shall be drained, and no permit authorizing drainage of public waters or wetlands shall be issued, unless the public waters or wetlands being drained are replaced by public waters or wetlands which that will have equal or greater public value. However, after a state waterbank program has been established, Wetlands which are eligible for inclusion in that program, the drainage of which is lawful, feasible, and practical and would provide high quality cropland and that is the projected land use, as determined by the commissioner, may be drained without a permit and without replacement of wetlands of equal or greater public value if the commissioner does not elect, within 60 days of the receipt of an application for a permit to drain the wetlands, to either (1) place the wetlands in the state waterbank program under section 105.392, or (2) acquire it in fee pursuant to section 97A.145, or (3) indemnify the landowner through any other appropriate means, including but not limited to conservation restrictions, easements, leases, or any applicable federal program. The applicant, if not offered a choice of the above alternatives, is entitled to drain the wetlands involved.

In addition, the owner or owners of lands underlying wetlands situated on privately owned lands may apply to the commissioner for a permit to drain the wetlands at any time after the expiration of ten years following the original designation thereof. Upon receipt of an application, the commissioner shall review the current status and conditions of the wetlands. If the commissioner finds that the

current status or conditions are such that it appears likely that the economic or other benefits from agricultural use to the owner or owners which would result from drainage would exceed the public benefits of maintaining the wetlands, the commissioner shall grant the application and issue a drainage permit. If the application is denied, no additional application shall be made until the expiration of an additional ten years.

Sec. 19. Minnesota Statutes 1986, section 105.392, subdivision 1, is amended to read:

Subdivision 1. The legislature finds that it is in the public interest to preserve the wetlands of the state and thereby to conserve surface waters, to maintain and improve water quality, preserve wildlife habitat, to reduce runoff, to provide for floodwater retention, to reduce stream sedimentation, to contribute to improved subsurface moisture, to enhance the natural beauty of the landscape, and to promote comprehensive and total water management planning. Therefore, the commissioner of natural resources is authorized to promulgate rules, which shall include the procedures and payment rates designed to effectuate the terms of this section. This program is intended to supplement and complement the federal water bank program and the payment rates established shall be at least equal to the federal rates existing at the time any agreements are entered into.

Sec. 20. Minnesota Statutes 1986, section 105.392, subdivision 2, is amended to read:

Subd. 2. For the conservation of wetlands, whether or not included in the definition contained in section 105.37, subdivision 15, the commissioner shall have authority to may acquire wetlands in fee pursuant to section 97A.145, or may enter into easement agreements with landowners for the conservation of wetlands and other waters. These easement agreements shall be conservation easements, as defined in section 84C.01, paragraph (1), but, in addition, may be made possessory as well as nonpossessory if agreed upon by the landowner and the commissioner. These agreements easements shall be entered into for a period of ten not less than 20 years, with provision for renewal for additional ten year not less than 20-year periods, or the agreements may provide that the easement will be permanent in duration. Highest priority must be given to the selection of permanent easements. The commissioner may reexamine the payment rates at the beginning of any ten year 20-year renewal period in the light of the then giving consideration to current land and crop values and make needed adjustments in rates for any renewal period.

Wetlands eligible for inclusion in the waterbank program shall have all the following characteristics as determined by the commissioner: (a) type 3, 4, or 5 as defined in United States Fish and

Wildlife Service Circular No. 39 (1971 edition); (b) its drainage is lawful, feasible, and practical; and (c) its drainage would provide high quality cropland and that is the projected land use. Waters which have the foregoing characteristics but are less than ten acres in size in unincorporated areas or less than 2½ acres in size in incorporated areas shall also be eligible for inclusion in the waterbank program, at the discretion of the commissioner.

Sec. 21. Minnesota Statutes 1986, section 105.392, subdivision 3, is amended to read:

Subd. 3. In the agreement easement between the commissioner and an owner, the owner shall agree:

(1) to place in the program for the period of the agreement eligible wetland areas the owner designates, which areas may include wetlands covered by a federal or state government easement which that permits agricultural use, together with such adjacent areas as determined desirable by the commissioner;

(2) not to drain, burn, fill, or otherwise destroy the wetland character of such areas, nor to use such areas for agricultural purposes, as determined by the commissioner;

(3) to effectuate the wetland conservation and development plan for the land in accordance with the terms of the agreement, unless any requirement thereof is waived or modified by the commissioner;

(4) to forfeit all rights to further payments or grants under the agreement and to refund to the state all payments or grants received thereunder upon violating the agreement at any stage during the time the owner has control of the land subject to the agreement if the commissioner determines that the violation is of such a nature as to warrant termination of the agreement, or to make refunds or accept such payment adjustments as the commissioner may deem appropriate if the commissioner determines that the violation by the owner does not warrant termination of the agreement;

(5) upon transfer of right and interest in the land subject to the agreement during the agreement period, to forfeit all rights to further payments or grants under the agreement and refund to the state all payments or grants received thereunder during the year of the transfer unless the transferee of any such land agrees with the commissioner to assume all obligations of the agreement;

(6) not to adopt any practice specified by the commissioner in the agreement easement as a practice which would tend to defeat the purposes of the agreement easement; and

(7) (6) to additional provisions which the commissioner determines are desirable and includes in the agreement easement to effectuate the purposes of the program or to facilitate its administration.

Sec. 22. Minnesota Statutes 1986, section 105.392, subdivision 4, is amended to read:

Subd. 4. In return for the agreement easement of the owner, the commissioner shall (1) make an annual payment to the owner for the period of the agreement at the rate as the commissioner determines to be fair and reasonable in consideration of the obligations undertaken by the owner; and (2) must provide advice on conservation and development practices on the wetlands and adjacent areas for the purposes of this section as the commissioner determines to be appropriate. In making the determination, the commissioner shall consider, among other things, the rate of compensation necessary to encourage owners of wetlands to participate in the waterbank program. The commissioner must make the following payments to the landowner for the easement: (1) for a permanent easement, 50 percent of the average equalized estimated market value of cropland in the township as established by the commissioner of revenue for the time period when the application is made; (2) for an easement of limited duration, a lump sum payment equal to the present value of the annual payments for the term of the easement based on 50 percent of the mean adjusted cash rental for cropland in the county as established by the commissioner of revenue for the time period when the application is made.

Sec. 23. Minnesota Statutes 1986, section 105.392, subdivision 5, is amended to read:

Subd. 5. Any agreement A limited-term easement may be converted to a permanent easement or renewed or extended at the end of the agreement easement period for an additional period of ten 20 years by mutual agreement of the commissioner and the owner, subject to any rate redetermination by the commissioner. If during the agreement easement period the owner sells or otherwise disposes of the ownership or right of occupancy of the land, the new owner may must continue such agreement the easement under the same terms or conditions, or enter into a new agreement in accordance with the provisions of this section, including the provisions for renewal and adjustment of payment rates, or may choose not to participate in the program, except any water designated as wetlands shall not be drained.

Sec. 24. Minnesota Statutes 1986, section 105.392, subdivision 6, is amended to read:

Subd. 6. The commissioner may terminate any agreement easement by mutual agreement with the owner if the commissioner

determines that the termination would be in the public interest, and may agree to any modification of agreements the commissioner may determine to be desirable to carry out the purposes of the program or facilitate its administration."

Delete the title and insert:

"A bill for an act relating to natural resources; conservation reserve program; definitions, eligibility for inclusion, applications, agreements, payments, and other terms and conditions; native prairie bank program; appropriating funds; amending Minnesota Statutes 1986, sections 40.41; 40.42, subdivision 5, and by adding subdivisions; 40.43, subdivisions 2, 3, 5, 6, and 7; 40.44, subdivisions 2 and 3; 40.45; 84.943, subdivision 1; 84.944, subdivision 1; 84.95, by adding a subdivision; 105.391, subdivision 3; and 105.392, subdivisions 1, 2, 3, 4, 5, and 6; proposing coding for new law in Minnesota Statutes, chapter 84."

With the recommendation that when so amended the bill pass..

The report was adopted.

Anderson, G., from the Committee on Appropriations to which was referred:

H. F. No. 1074, A bill for an act relating to small business; authorizing the bureau of small business within the department of energy and economic development to engage in certain collaborative activities with small business development centers; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 116J.

Reported the same back with the following amendments:

Page 2, line 12, delete "\$500,000" and insert "\$100,000"

With the recommendation that when so amended the bill pass.

The report was adopted.

Anderson, G., from the Committee on Appropriations to which was referred:

H. F. No. 1087, A bill for an act relating to public safety; school buses; requiring training for school bus drivers; providing for transitional requirements; appropriating money; amending Minnesota

Statutes 1986, section 171.321, subdivisions 1, 2, and by adding a subdivision.

Reported the same back with the following amendments:

Pages 1 and 2, delete section 1

Page 2, line 12, delete "the" and insert "for"

Page 2, line 13, delete ", required by subdivision 3"

Pages 2 and 3, delete sections 3 and 4

Page 3, line 11, delete "sections 1 and 2" and insert "section 1"

Page 3, delete line 16

Page 3, line 17, delete everything before "effective" and insert "Section 1 is"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, delete everything after the semicolon

Page 1, line 4, delete "transitional requirements;"

Page 1, line 6, delete everything before the period and insert "subdivision 2"

With the recommendation that when so amended the bill pass.

The report was adopted.

Anderson, G., from the Committee on Appropriations to which was referred:

H. F. No. 1109, A bill for an act relating to economic development; establishing the Minnesota council on quality and productivity and providing for its powers and duties; appropriating money.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [FINDINGS.]

The competitiveness of Minnesota business in a global economy depends on its ability to deliver competitively priced quality products and service. Minnesota should act now to promote quality and productivity in industry and services in order to gain the competitive edge for the state's employers. Businesses that are successful in a global economy can offer secure and high paying jobs leading to a higher standard of living for Minnesotans.

The Minnesota council on quality and productivity is designed to forge a creative partnership between the public and private sectors and to promote and enhance productivity in the state. The council will serve as a clearinghouse for information relating to quality and productivity and monitor productivity changes in the workplace and the economy as a whole. It will engage in activities to educate and assist businesses, business organizations, labor organizations, and the general public about the council's importance and encourage increasing the use of quality and productivity programs by these groups. The council will serve to coordinate the efforts of the many diverse groups now working on quality and productivity initiatives.

Sec. 2. [COUNCIL ON PRODUCTIVITY AND QUALITY.]

Subdivision 1. [MEMBERSHIP.] The Minnesota council on quality and productivity consists of the commissioner of energy and economic development and eight other members. Six members, must be appointed from the general public and have backgrounds in or represent management, labor, small business, engineering, government, or business management education. The governor shall appoint four of the general public members, the speaker of the house shall appoint one of the general public members, and the senate majority leader shall appoint one of the general public members. Before appointing general public members, the appointing authority must consult with individuals who were members of the governor's commission on the economic future of Minnesota. One member of the house of representatives appointed by the speaker of the house and one member of the senate appointed by the senate majority leader shall serve on the council.

The council shall elect two co-chairs from its membership, except that the commissioner of energy and economic development may not serve as a co-chair. Compensation of public members for expenses is as provided for members of advisory task forces under section 15.059, subdivision 6.

Subd. 2. [STAFF.] The council may hire an executive director and any additional professional staff in the unclassified service. The council must reimburse the commissioner of energy and economic development for administrative support.

Sec. 3. [COUNCIL ACTIVITIES.]

Subdivision 1. [PUBLIC INFORMATION.] The council shall inform the business and labor community and the general public of the importance of quality and productivity in the workplace to the state and its economy. To do so, the council may use advertising, press releases, public service announcements, seminars, workshops, or any other means the council deems practical and effective.

Subd. 2. [SERVICES TO BUSINESSES AND LABOR ORGANIZATIONS.] The council shall research new techniques and information relating to education programs relating to quality and productivity, the effectiveness of those educational programs, new production technologies, methods of quality control, innovative strategies for marketing of goods and services, issues relating to the quality of the workplace, and new management and labor relationships. The council shall establish a system for receiving and responding to requests for information in those areas.

Subd. 3. [MATCHING FUNDS.] The council shall seek money or in-kind services from the private sector to match money appropriated by the state for its activities. The council may accept gifts, grants or services from individuals, firms, corporations, foundation or other organizations.

Subd. 4. [CONSULTANTS.] The council shall compile a list of consultants experienced in productivity and quality techniques and education and shall, upon request, provide the names of appropriately qualified consultants to businesses, business organizations, or labor organizations. The list may include the names of individuals, businesses, or organizations willing to provide consulting services without fee to clients selected by the council as an in-kind grant to the council. The council may establish a grant program to assist businesses, business organizations, or labor organizations in need of consulting services, but unable to pay a consulting fee and for which no in-kind grant of services is available.

Subd. 5. [RESEARCH ON QUALITY AND PRODUCTIVITY.] The council must contract with the commissioner of energy and economic development or other individuals or organizations to research and monitor developments in quality and productivity in the state and nation. The research may examine the effect of changes in quality and productivity on the state's economy and seek to identify the type of businesses that could benefit from new techniques to improve quality and productivity.

Sec. 4. [REPORT TO GOVERNOR AND LEGISLATURE.]

The council shall report to the governor and legislature by January 15, 1989, on the council's activities. The report shall include:

(1) the means the council used to educate business, labor, and the general public on the importance of quality and productivity;

(2) the number of businesses, business organizations, and labor organizations the council helped to find appropriately qualified consultants;

(3) the amount of private money funds raised to provide funding for the council and its activities;

(4) a summary of the research relating to the effect of quality and productivity improvements on the state's economy; and

(5) recommendations for changes in state policies that may improve quality and productivity in the state.

Sec. 5. [APPROPRIATION.]

\$100,000 is appropriated from the general fund to the department of energy and economic development for use by the Minnesota council on quality and productivity for the purposes of sections 1 to 4. \$50,000 of the appropriation is available immediately after the appointment of the council. The commissioner shall place the remainder in a separate account and release money from that account to the council only as an equal match from nonstate sources is verified by the commissioner. Up to three-fifths of the required nonstate match may be the value, as determined by the council, of consulting services provided to businesses, business organizations, or labor organizations through the council.

Sec. 6. [REPEALER.]

Sections 1 to 5 are repealed July 1, 1989."

With the recommendation that when so amended the bill pass.

The report was adopted.

Anderson, G., from the Committee on Appropriations to which was referred:

H. F. No. 1279, A bill for an act relating to agriculture; transferring authority of the commissioner of energy and economic development relating to governor's council on rural development to the commissioner of agriculture; authorizing loan and grant programs; providing for new members; appropriating money; amending Minnesota Statutes 1986, sections 116J.951; 116J.955; and 116J.961, subdivisions 1, 2, 3, 5, 8, and 9; proposing coding for new law in

Minnesota Statutes, chapter 17; repealing Minnesota Statutes 1986, section 116J.961, subdivision 10.

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

The report was adopted.

Anderson, G., from the Committee on Appropriations to which was referred:

H. F. No. 1335, A bill for an act relating to state government; creating the council on Martin Luther King, Jr. holidays and providing for the council's powers and duties; proposing coding for new law as Minnesota Statutes, chapter 44B.

Reported the same back with the following amendments:

Page 3, after line 17, insert:

"Sec. 2. [APPROPRIATION.]

\$35,000 in fiscal year 1988 and \$35,000 in fiscal year 1989 is appropriated from the general fund for the purpose of implementing section 1."

Amend the title as follows:

Page 1, line 4, after the semicolon insert "appropriating money;"

With the recommendation that when so amended the bill pass.

The report was adopted.

Anderson, G., from the Committee on Appropriations to which was referred:

H. F. No. 1465, A bill for an act relating to economic development; providing training and employment for low income seniors; creating the hospitality host older worker tourism program; prescribing duties for the commissioner of the department of jobs and training; appropriating money.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [FINDINGS.]

The legislature finds that by assisting low income older workers and by increasing the visibility of the tourism industry in Minnesota, local economies, especially in rural areas, and state finances will improve. The legislature further finds that training older workers to advise tourists on tourism opportunities will encourage tourists to spend more time and money in Minnesota.

Sec. 2. [DEFINITIONS.]

Subdivision 1. [SCOPE.] For the purpose of sections 1 to 4, the terms defined in this section have the meanings given them.

Subd. 2. [BOARD.] "Board" means the Minnesota board on aging.

Subd. 3. [LOW INCOME.] "Low income" means an individual whose annual income is less than the United States Office of Management and Budget's poverty level.

Subd. 4. [OLDER WORKER.] "Older worker" means a low income resident who is at least 55 years old.

Sec. 3. [HOSPITALITY HOST OLDER WORKER TOURISM PROGRAM.]

The board shall provide a grant-in-aid to a private nonprofit agency, which has demonstrated experience in working with older workers, tourism, jobs training, and job placement, to sponsor the hospitality host older worker program. The program shall:

- (1) train older workers to be tourist hosts;
- (2) coordinate with other low-income job programs;
- (3) provide a training wage of up to \$4 an hour;
- (4) employ hospitality host older workers for up to six months at wages of \$4 an hour; and
- (5) attempt to place trained hospitality host older workers with private employers.

Sec. 4. [APPROPRIATION.]

\$50,000 for fiscal year 1988 and \$50,000 for fiscal year 1989 is appropriated to the Minnesota board on aging from the general fund for the purpose of implementing sections 1 to 3."

Amend the title accordingly

With the recommendation that when so amended the bill pass.

The report was adopted.

Rice moved pursuant to rule 5.10 that S. F. No. 806 and H. F. Nos. 1335, 363, 1465, 1074, 777, 1087, 1109 and 943 meet the requirements of the House Budget Resolution. The motion prevailed.

SECOND READING OF HOUSE BILLS

H. F. Nos. 176, 363, 566, 578, 777, 835, 886, 1074, 1087, 1109, 1279, 1335 and 1465 were read for the second time.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

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

H. F. No. 137, A bill for an act relating to criminal procedure; providing a procedure for ordering joint or separate trials for jointly charged defendants; permitting the prosecution to offer a rebuttal closing argument; allowing the prosecution and the defense an equal number of peremptory challenges when the offense charged is not punishable by life imprisonment; amending Minnesota Statutes 1986, section 631.07; proposing coding for new law in Minnesota Statutes, chapter 631.

PATRICK E. FLAHAVER, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Kelly moved that the House concur in the Senate amendments to H. F. No. 137 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 137, A bill for an act relating to criminal procedure; providing a procedure for ordering joint or separate trials for jointly charged defendants; permitting the prosecution to offer a rebuttal closing argument; amending Minnesota Statutes 1986, section

631.07; proposing coding for new law in Minnesota Statutes, chapter 631.

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

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

Those who voted in the affirmative were:

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

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

Mr. Speaker:

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

S. F. Nos. 834, 1008 and 1479.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 834, A bill for an act relating to human services; establishing the office of assistant commissioner of mental health;

establishing a state advisory council on mental health; creating a mental health division in the department of human services; proposing coding for new law in Minnesota Statutes, chapter 245.

The bill was read for the first time.

Segal moved that S. F. No. 834 and H. F. No. 829, now on Special Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1008, A bill for an act relating to occupations and professions; providing for the regulation of the practice of chiropractic; providing for peer review of services and fees; providing grounds for license revocation; prescribing penalties; amending Minnesota Statutes 1986, sections 148.06, subdivision 1; 148.07, subdivision 2; 148.08, subdivision 3; 148.10, subdivisions 1, 3, and by adding a subdivision; and 319A.02, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 148; repealing Minnesota Statutes 1986, section 148.101.

The bill was read for the first time.

Ogren moved that S. F. No. 1008 and H. F. No. 939, now on Special Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1479, A bill for an act relating to economic development; establishing the Minnesota council on productivity and quality; assigning its powers and duties; proposing coding for new law in Minnesota Statutes, chapter 116J.

The bill was read for the first time.

Otis moved that S. F. No. 1479 and H. F. No. 1109, now on Technical General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

REPORT FROM THE COMMITTEE ON RULES AND
LEGISLATIVE ADMINISTRATION

Vanasek, from the Committee on Rules and Legislative Administration, pursuant to House Rule No. 1.9, designated the following bills as Special Orders to be acted upon immediately following Special Orders pending for today, Friday, May 15, 1987:

S. F. No. 1029; H. F. Nos. 438 and 1407; S. F. Nos. 1280, 971, 1232, 1272 and 717; H. F. Nos. 12 and 549; S. F. No. 652; H.F. Nos. 1153, 1176 and 1459; S. F. Nos. 317, 1230, 927, 508 and 456; H.F. No. 913;

S. F. No. 63; H. F. Nos. 516, 683 and 944; S. F. No. 451; H. F. No. 1595; S. F. Nos. 465, 1041 and 44.

SPECIAL ORDERS, Continued

S. F. No. 897 which was temporarily laid over earlier today was again reported to the House.

Jacobs moved to amend S. F. No. 897, as follows:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1986, section 299A.02, subdivision 3, is amended to read:

Subd. 3. [REPORTS; RULES.] The commissioner shall have power to require periodic factual reports from all licensed importers, manufacturers, wholesalers and retailers of intoxicating liquors and to make all reasonable rules to effect the object of Laws 1985, chapter 305, articles 2 to 11. The rules shall include provisions for assuring the purity of intoxicating liquors and the true statement of its contents and proper labeling thereof with regard to all forms of sale. No rule may require the use of new containers in aging whiskey. No rule may require cordials or liqueurs to contain in excess of two and one-half percent by weight of sugar or dextrose or both. No rule may prohibit wine or other commodities from being offered at wholesale on original or assorted cases with distilled spirits or vice versa.

Sec. 2. Minnesota Statutes 1986, section 340A.101, subdivision 10, is amended to read:

Subd. 10. [EXCLUSIVE LIQUOR STORE.] “Exclusive liquor store” is an establishment used exclusively for the sale of intoxicating liquor except for the incidental sale of ice, tobacco, nonintoxicating malt liquor, beverages for mixing with intoxicating liquor, ~~and soft drinks may also be sold,~~ cork extraction devices, and books and videos on the use of alcoholic beverages in the preparation of food, and the establishment may offer recorded or live entertainment ~~and make available coin-operated amusement devices.~~ “Exclusive liquor store” also includes an on-sale or combination on-sale and off-sale intoxicating liquor establishment which sells food for on-premise consumption when authorized by the municipality issuing the license.

Sec. 3. Minnesota Statutes 1986, section 340A.405, subdivision 2, is amended to read:

Subd. 2. [COUNTIES.] (a) A county may issue an off-sale intoxicating license with the approval of the commissioner to exclusive liquor stores located within unorganized territory of the county.

(b) A county board of any county except Ramsey county containing a town exercising powers under section 368.01, subdivision 1, may issue an off-sale license to an exclusive liquor store within that town with the approval of the commissioner. No license may be issued under this paragraph unless the town board adopts a resolution supporting the issuance of the license.

(c) A county board of any county except Ramsey county containing a town that may not exercise powers under section 368.01, subdivision 1, may issue a combination off-sale and on-sale license to restaurants within that town with the approval of the commissioner pursuant to section 340A.404, subdivision 6. No license may be issued under this paragraph unless the town board adopts a resolution supporting the issuance of the license.

(d) No license may be issued under this subdivision unless a public hearing is held on the issuance of the license. Notice must be given to all interested parties and to any city located within three miles of the premises proposed to be licensed. At the hearing the county board shall consider testimony and exhibits presented by interested parties and may base its decision to issue or deny a license upon the nature of the business to be conducted and its impact upon any municipality, the character and reputation of the applicant, and the propriety of the location. Any hearing held under this paragraph is not subject to chapter 14.

(e) A county board may not issue a license under this subdivision to a person for an establishment located less than three miles by the most direct route from the boundary of any statutory or home rule city except cities of the first class or within Pine, Carver or Kanabec counties within three miles of a statutory or home rule city with a municipal liquor store.

(f) The town board may impose an additional license fee in an amount not to exceed 20 percent of the county license fee.

(g) Notwithstanding any provision of this subdivision or Laws 1973, chapter 566, as amended by Laws 1974, chapter 200, a county board may transfer or renew a license that was issued by a town board under Minnesota Statutes 1984, section 340.11, subdivision 10b prior to January 1, 1985.

Sec. 4. Minnesota Statutes 1986, section 340A.410, is amended by adding a subdivision to read:

Subd. 9. [COIN-OPERATED DEVICES.] Coin-operated amusement devices may not be made available in establishments licensed

solely for the off-sale of intoxicating liquor or municipal stores which sell only at off-sale. An establishment holding a combination on-sale and off-sale license or a municipal liquor store which sells at on-sale and off-sale which makes coin-operated devices available shall keep such devices to the greatest extent practicable in that area of the establishment where on-sales are made.

Sec. 5. [SUNDAY LICENSES; DOUGLAS COUNTY.]

Notwithstanding any law to the contrary, any license for the on-sale of intoxicating liquor on Sundays issued by Douglas county to an establishment located in a town in which an election under Minnesota Statutes, section 340A.504, subdivision 3, clauses (d) and (e), has not been held may continue in effect and be renewed until the date of the next town meeting, and may continue in effect and be renewed after that date if the issuance of Sunday intoxicating liquor on-sale licenses is approved by the voters of the town at that town meeting.

Sec. 6. [REPEALER.]

Minnesota Statutes 1986, sections 34.119, 34.12, 34.13, and 34.14 are repealed.

Sec. 7. [EFFECTIVE DATE.]

Section 5 is effective on approval by the Douglas county board and compliance with Minnesota Statutes, section 645.021, subdivision 3."

Delete the title and insert:

"A bill for an act relating to intoxicating liquor; limitation on rule-making authority of commissioner; items which may be sold in exclusive liquor stores; specifying counties where certain restrictions on license location apply; specifying establishments where coin-operated devices may not be kept; providing for the continuation of certain licenses in Douglas county; repealing restrictions on beer content; amending Minnesota Statutes 1986, section 299A.02, subdivision 3; 340A.101, subdivision 10; 340A.405, subdivision 2; 340A.410, by adding a subdivision; repealing Minnesota Statutes 1986; sections 34.119; 34.12; 34.13; and 34.14."

The motion prevailed and the amendment was adopted.

Orenstein was excused while in conference.

Ogren offered an amendment to S. F. No. 897, as amended.

POINT OF ORDER

Olsen, S., raised a point of order pursuant to rule 3.10 that the Ogren amendment was not in order. Speaker pro tempore Simoneau ruled the point of order well taken and the amendment out of order.

Sparby moved to amend S. F. No. 897, as amended, as follows:

Page 3 of the Jacobs amendment, line 10, after "Carver" insert "Red Lake"

The motion prevailed and the amendment was adopted.

Olsen, S., moved to amend S. F. No. 897, as amended, as follows:

Page 1 of the Jacobs amendment, delete lines 16, 17 and 18

The motion prevailed and the amendment was adopted.

Jacobs moved that S. F. No. 897, as amended, be returned to General Orders. The motion prevailed.

Riveness moved that the remaining bills on Special Orders for today be continued one day. The motion prevailed.

GENERAL ORDERS

Riveness moved that the bills on General Orders for today be continued one day. The motion prevailed.

MOTIONS AND RESOLUTIONS

Otis moved that the name of Winter be added as an author on H. F. No. 1109. The motion prevailed.

Larsen moved that the name of Gutknecht be added as an author on H. F. No. 1505. The motion prevailed.

Orenstein moved that a statement be printed in the permanent Journal of the House.

Following is the statement: "I was excused pursuant to the Rules of the House while in Conference Committee when the final vote was

taken on H. F. No. 715, as amended by the Senate. Had I been present, I would have voted yea." The motion prevailed.

Beard moved that S. F. No. 587 be recalled from the Committee on Appropriations and together with H. F. No. 578, now on Technical General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

Munger moved that S. F. No. 841 be recalled from the Committee on Appropriations and together with H. F. No. 886, now on Technical General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

Gruenes moved that the name of Bauerly be shown as chief author and the name of Gruenes be shown as second author on H. F. No. 57. The motion prevailed.

Pappas moved that H. F. No. 455 be returned to its author. The motion prevailed.

Vanasek introduced:

House Concurrent Resolution No. 11, A House concurrent resolution relating to adjournment of the Senate and House of Representatives until 1988.

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

PROTEST AND DISSENT

Minnesota House Speaker Fred Norton's dictatorial conduct on May 14, 1987, by gagging minority House members has compelled the undersigned to register this protest and dissent pursuant to Article IV, Section 11 of the Minnesota Constitution.

This abuse of power peaked during House floor debate on H. F. No. 756, a DFL bill to rig elections by highlighting DFL candidates' names in an appealing color on the ballots. Fifty members of the IR minority, joined by 21 DFLers, objected and the bill failed on a bipartisan vote of 60-71. The motion to reconsider the bill compelled IRs to renew the debate. We objected to making major revisions in election law that no committee has heard and no public groups have had opportunity to comment on. We objected to the unfair advantage the bill would give DFLers in state elections. We objected to the role that Attorney General Skip Humphrey, a likely candidate in next year's U. S. Senate elections, had in helping this bill take shape. We

objected to the self-serving DFL attempt to undercut Minnesota's tradition of conducting clean and honest elections. One IR member, Elton Redalen of Fountain, firmly committed to opposing this method of legislating and this unfair election law proposal, held the floor for nearly five hours and vowed not to relinquish it until the DFL withdrew its bill.

The speeches and debate led by Representative Redalen were stopped when the DFL Majority Leader raised a point of order which the Speaker upheld without giving the IR Minority any opportunity to advise on or respond to. The majority then closed off debate with a motion that appears to have never been used before in the history of the House.

This "gag" on objections to a bill that would rig elections comes on the heels of other gags and oppressive actions by the Speaker. By stripping members of his own party of committee assignments for voting "No" on a major bill, he has told all DFL legislators they better toe the DFL Caucus line rather than vote in the interests of their districts or they, too, will be punished. More flagrantly abusive is the Speaker's recent bizarre ruling declaring a minority report out of order, thereby depriving us of the chance to offer alternatives.

Because the rights of the minority have been abused and the voices of dissent intimidated in this legislative session, the integrity of the democracy which has made this state strong has been seriously breached. We speak of the high principles of self-government, of the foundation of ethics, traditions and fundamental doctrines upon which our representative form of state government is based. We defend the right of every member to speak within the Rules of the House, and we defend Minnesotans' right to have their voices heard through ours.

But on May 14, 1987, the light of democracy in Minnesota was dimmed. The voices of legislators were silenced against their wills.

Signed:

Elton Redalen
Bill Schreiber
John Himle
Gary Schafer
Paul Thiede
Kathleen Blatz
K. J. McDonald
Eileen Tompkins
Dean Hartle
Tony Bennett
Donald J. Valento
Dale Clausnitzer

Doug Swenson
Bob Waltman
Virgil Johnson
Sylvester Uphus
Tony Onnen
Steve Sviggum
Harriet McPherson
Allen Quist
Doug Carlson
Bob Haukoos
Marcus Marsh
Dave Gruenes

Sidney Pauly
Chris Tjornhom
Bernie Omann
Gene Hugoson
Dave Bishop
Craig Shaver
Gil Gutknecht
Howard Miller
Don Richter
Connie Morrison
Marcel "Sal" Frederick
Dennis J. Poppenhagen
Bert J. McKasy

Dennis Ozment
John Burger
Sally Olsen
Jerry Knickerbocker
Jim Heap
Terry Dempsey
Don Frerichs
Mary Forsythe
Steve Dille
John Rose
Brad Stanius
Ben Boo
Art Seaberg

ADJOURNMENT

Riveness moved that when the House adjourns today it adjourn until 10:00 a.m., Saturday, May 16, 1987. The motion prevailed.

Riveness moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 10:00 a.m., Saturday, May 16, 1987.

EDWARD A. BURDICK, Chief Clerk, House of Representatives