

STATE OF MINNESOTA

SEVENTY-SEVENTH SESSION—1991

FOURTEENTH DAY

SAINT PAUL, MINNESOTA, MONDAY, FEBRUARY 18, 1991

The House of Representatives convened at 2:30 p.m. and was called to order by Robert E. Vanasek, Speaker of the House.

Prayer was offered by Monsignor James D. Habiger, House Chaplain.

The members of the House gave the pledge of allegiance to the flag of the United States of America.

The Speaker administered the oath of office to the new House member, Gregory M. Davids, from District 32B. His certificate of election and a signed and sworn statement of his oath are on file. He was elected in a special election held on Tuesday, February 12, 1991, following the resignation of Elton R. Redalen dated January 10, 1991.

The roll was called and the following members were present:

| | | | | |
|-----------------|-------------|---------------|------------|------------|
| Abrams | Dorn | Johnson, R. | Munger | Rice |
| Anderson, I. | Erhardt | Johnson, V. | Murphy | Rodosovich |
| Anderson, R. | Frederick | Kalis | Nelson, K. | Rukavina |
| Anderson, R. H. | Frerichs | Kelso | Nelson, S. | Runbeck |
| Battaglia | Garcia | Kinkel | Newinski | Sarna |
| Bauerly | Girard | Knickerbocker | O'Connor | Schafer |
| Beard | Goodno | Koppendrayner | Ogren | Scheid |
| Begich | Greenfield | Krinkie | Olsen, S. | Schreiber |
| Bertram | Gruenes | Krueger | Olson, E. | Seaberg |
| Bettermann | Gutknecht | Lasley | Olson, K. | Segal |
| Bishop | Hartle | Leppik | Omann | Simoneau |
| Blatz | Hasskamp | Lieder | Onnen | Skoglund |
| Bodahl | Haukoos | Limmer | Orenstein | Smith |
| Boo | Hausman | Long | Orfield | Solberg |
| Brown | Heir | Lourey | Osthoff | Sparby |
| Carlson | Henry | Lynch | Ostrom | Stanius |
| Carruthers | Hufnagle | Macklin | Ozment | Steensma |
| Clark | Hugoson | Mariani | Pauly | Swiggum |
| Cooper | Jacobs | Marsh | Pellow | Swenson |
| Dauner | Janezich | McEachern | Pelowski | Thompson |
| Davids | Jaros | McGuire | Peterson | Tompkins |
| Dawkins | Jefferson | McPherson | Pugh | Trimble |
| Dempsey | Jennings | Milbert | Reding | Tunheim |
| Dille | Johnson, A. | Morrison | Rest | Uphus |

Valento
Vellenga
Wagenius

Waltman
Weaver
Wejman

Welker
Welle
Wenzel

Winter
Spk. Vanasek

A quorum was present.

Farrell, Hanson and Kahn were excused.

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

REPORTS OF STANDING COMMITTEES

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

H. F. No. 1, A bill for an act relating to waters; establishing a program for the enhancement, preservation, and protection of wetlands within the state; providing penalties; amending Minnesota Statutes 1990, sections 97A.145, subdivision 2; 103A.201; 103E.701, by adding a subdivision; 103G.005, subdivision 18, and by adding subdivisions; 103G.221, subdivision 1; and 103G.231, subdivision 2, and by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 103G and 273; repealing Minnesota Statutes 1990, section 103G.221, subdivisions 2 and 3.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. [CITATION.]

This act may be cited as the “wetland enhancement, preservation, and protection act of 1991.”

Sec. 2. [LEGISLATIVE INTENT.]

It is the intent of the legislature to ensure that the owners of wetlands receive fair compensation for compliance with the provisions of this act. It is intended that a substantial annual appropriation be available to provide that compensation.

Sec. 3. Minnesota Statutes 1990, section 97A.145, subdivision 2, is amended to read:

Subd. 2. [ACQUISITION PROCEDURE.] (a) Lands purchased or

leased under this section must be acquired in accordance with this subdivision.

(b) The commissioner must notify the county board and the town officers where the land is located and furnish them a description of the land to be acquired. The county board ~~must approve or disapprove~~ may recommend approval or disapproval of the proposed acquisition within 90 days after being notified. The commissioner may extend the time up to 30 days. The soil and water conservation district supervisors shall counsel the county board on drainage and flood control and the best utilization and capability of the land.

(c) ~~If the county board approves the acquisition within the prescribed time, the commissioner may acquire the land. Recommendations to the commissioner by the county board on acquisition approval or disapproval are advisory only.~~

(d) ~~If the county board disapproves~~ recommends disapproval of the acquisition, it must state valid reasons. The commissioner may not purchase or lease the land if the county board disapproves the acquisition and states its reasons within the prescribed time period.

(d) ~~The landowner or the commissioner~~ county board may appeal the disapproval an acquisition approval by the commissioner to the district court having jurisdiction where the land is located.

(e) ~~The commissioner or the owner of the land may submit the proposed acquisition to the land exchange board if: (1) the county board does not give reason for disapproval, or does not approve or disapprove the acquisition within the prescribed time period; or (2) the court finds that the disapproval is arbitrary and capricious, or that the reasons stated for disapproval are invalid.~~

(f) ~~The land exchange board must conduct a hearing and make a decision on the acquisition within 60 days after receiving the proposal. The land exchange board must give notice of the hearing to the county board, the commissioner, the landowner, and other interested parties. The land exchange board must consider the interests of the county, the state, and the landowner in determining whether the acquisition is in the public interest. If a majority of the land exchange board members approves the acquisition, the commissioner may acquire the land. If a majority disapproves, the commissioner may not purchase or lease the land.~~

Sec. 4. Minnesota Statutes 1990, section 103A.201, is amended to read:

103A.201 [REGULATORY POLICY.]

Subdivision 1. [POLICY.] To conserve and use water resources of

the state in the best interests of its people, and to promote the public health, safety, and welfare, it is the policy of the state that:

(1) subject to existing rights, public waters are subject to the control of the state;

(2) the state, to the extent provided by law, shall control the appropriation and use of waters of the state; and

(3) the state shall control and supervise activity that changes or will change the course, current, or cross section of public waters, including the construction, reconstruction, repair, removal, abandonment, alteration, or the transfer of ownership of dams, reservoirs, control structures, and waterway obstructions in public waters.

Subd. 2. [FINDINGS; PUBLIC INTEREST.] (a) The legislature finds that the wetlands of Minnesota provide public value by conserving surface waters, maintaining and improving water quality, preserving wildlife habitat, providing recreational opportunities, reducing runoff, providing for floodwater retention, reducing stream sedimentation, contributing to improved subsurface moisture, helping moderate climatic change, and enhancing the natural beauty of the landscape, and are important to comprehensive water management, and that it is in the public interest to:

(1) achieve no net loss in the quantity, quality, and biological diversity of Minnesota's existing wetlands;

(2) increase the quantity, quality, and biological diversity of Minnesota's wetlands by restoring or enhancing diminished or drained wetlands;

(3) avoid direct or indirect impacts from activities that destroy or diminish the quantity, quality, and biological diversity of wetlands; and

(4) mitigate where avoidance of activity is not feasible and prudent.

(b) Mitigation must be guided by the following principles in descending order of priority:

(1) avoiding the direct or indirect impact of the activity that may destroy or diminish the wetland;

(2) minimizing the impact by limiting the degree or magnitude of the wetland activity and its implementation;

(3) rectifying the impact by repairing, rehabilitating, or restoring the affected wetland environment;

(4) reducing or eliminating the impact over time by preservation and maintenance operations during the life of the activity; and

(5) compensating for the impact by replacing or providing substitute wetland resources or environments.

(c) Restoration and replacement of wetlands must be accomplished in accordance with the ecology of the landscape area affected.

Sec. 5. Minnesota Statutes 1990, section 103E.701, is amended by adding a subdivision to read:

Subd. 6. [WETLAND RESTORATION AND MITIGATION.] Repair of a drainage system may include the restoration or enhancement of wetlands; wetland mitigation under section 103G.222; and the realignment of a drainage system to prevent drainage of a wetland.

Sec. 6. Minnesota Statutes 1990, section 103G.005, is amended by adding a subdivision to read:

Subd. 10a. [LOCAL WATER MANAGEMENT ORGANIZATION.] "Local water management organization" means a county board of commissioners or, in the seven-county metropolitan area, a watershed management organization under section 103B.211.

Sec. 7. Minnesota Statutes 1990, section 103G.005, is amended by adding a subdivision to read:

Subd. 11a. [MITIGATION.] "Mitigation" is the quantification and replacement of an area's size, quality, character, and diversity through restoration or creation of at least equivalent quantities in another area after the impacts of the proposed project have been avoided and minimized to the extent possible and there are no feasible and prudent alternatives.

Sec. 8. Minnesota Statutes 1990, section 103G.005, is amended by adding a subdivision to read:

Subd. 17a. [WATERSHED.] "Watershed" means the 81 major watershed units delineated by the map, "State of Minnesota Watershed Boundaries - 1979".

Sec. 9. Minnesota Statutes 1990, section 103G.005, subdivision 18, is amended to read:

Subd. 18. [PUBLIC WATERS WETLANDS.] "Public waters wetlands" means all types 3, 4, and 5 wetlands, as defined in United States Fish and Wildlife Service Circular No. 39 (1971 edition), not included within the definition of public waters, that are ten or more acres in size in unincorporated areas or 2-1/2 or more acres in incorporated areas.

Sec. 10. Minnesota Statutes 1990, section 103G.005, is amended by adding a subdivision to read:

Subd. 19. [WETLANDS.] "Wetlands" means lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. For purposes of this definition, wetlands must have the following three attributes:

(1) at least periodically, the land supports predominantly hydrophytes;

(2) the substrate is predominantly undrained hydric soil; and

(3) the substrate is nonsoil and is saturated with water or covered by shallow water at some time during the growing season of each year.

Sec. 11. Minnesota Statutes 1990, section 103G.221, subdivision 1, is amended to read:

Subdivision 1. [DRAINAGE OF WETLANDS GENERALLY PROHIBITED WITHOUT REPLACEMENT.] Except as provided in subdivisions 2 and 3, Wetlands may not be drained, and a permit authorizing drainage of wetlands may not be issued, unless the wetlands to be drained are replaced by wetlands that will have equal or greater public value.

Sec. 12. [103G.222] [REPLACEMENT OF WETLANDS.]

(a) Wetlands which are identified on United States Fish and Wildlife Service National Wetlands Inventory maps or revisions thereof, or which have been restored or created by public or private conservation programs, must not be drained or filled, wholly or partially, unless there are no feasible and prudent alternatives and unless replaced by restoring or creating wetland areas of at least equivalent size, quantity, character, and diversity under either a mitigation plan approved as provided in section 16 or, if a permit to mine is required under section 93.481, under a mining reclamation plan approved by the commissioner under the permit to mine. Mining reclamation plans shall apply the same principles and standards for replacing wetlands by restoration or creation of

wetland areas that are applicable to mitigation plans approved as provided in section 16.

(b) Any mitigation or replacement shall be within the same watershed or county as the impacted wetlands, as based on the wetland evaluation in section 16, subdivision 2, except that counties or watersheds in which 80 percent or more of the presettlement wetland acreage is intact may accomplish mitigation in counties or watersheds in which 80 percent or more of the presettlement wetland acreage has been filled, drained, or otherwise degraded.

(c) Mitigation must be in the ratio of two acres of mitigated wetland for each acre of drained or filled wetland, of which 25 percent must be a buffer zone of permanent vegetative cover.

(d) Wetlands that are restored or created as a result of an approved mitigation plan are subject to the provisions of this section for any subsequent drainage or filling.

(e) All requests to add or delete a wetland from the application of this subdivision must be approved in the same way as provided for appeals by the committee for dispute resolution of the board of water and soil resources, and must be based on a preponderance of the evidence that the wetland does or does not comply with established criteria for inclusion in the national wetlands inventory.

Sec. 13. [103G.223] [CALCAREOUS FENS.]

Calcareous fens, as identified by the commissioner, may not be filled, drained, or otherwise degraded, wholly or partially, by any activity.

Sec. 14. [103G.224] [ECOLOGICALLY SIGNIFICANT PEATLANDS.]

Ecologically significant peatlands that are identified on maps in the 1984 commissioner of natural resources report, "Recommendations for Protection of Ecologically Significant Peatlands in Minnesota," may not be filled, drained, or otherwise degraded, wholly or partially, by any activity.

Sec. 15. [103G.2241] [EXCEPTIONS.]

Wetlands identified in section 12 are not subject to mitigation or replacement if:

(1) the wetland is a wetland restored under a contract or easement providing the landowner with the right to drain the restored wetland;

(2) the wetland is located between the banks of a ditch, as defined in section 103E.005, subdivision 8; or is located between the crowns of the leveled spoil banks planted with permanent grass, as provided in section 103E.021; and the wetland is drained pursuant to a ditch repair as defined in section 103E.701;

(3) the wetland has received a commenced drainage determination provided for by the federal Food Security Act of 1985, that was made to the county agricultural stabilization and conservation service office prior to September 19, 1988, and a ruling and any subsequent appeals or reviews have determined that drainage of the wetland had been commenced prior to December 23, 1985; or

(4) the wetland was created solely as a result of beaver dam construction, or the blockage of culverts through roadways maintained by a public authority.

Sec. 16. [103G.2242] [MITIGATION PLANS.]

Subdivision 1. [RULES.] (a) By July 1, 1992, the commissioner shall adopt rules governing the approval of mitigation plans under this section. These rules must address the criteria, procedure, timing, and location of acceptable mitigation; the establishment and administration of a wetland banking program for public transportation projects; the methodology to be used in identifying and evaluating wetland functions; the administrative, monitoring, and enforcement procedures to be used; and a procedure for the review and appeal of decisions under this section.

(b) Prior to the adoption of these rules, within 120 days, the mitigation plan must be approved by a five-member review panel. The review panel shall be composed of the area regional administrator for the department of natural resources, the area regional director of the pollution control agency, one board member of the local soil and water conservation district or districts within the county, one manager of the watershed district, and one member of the local water planning group who must be appointed by the county board. Where there is no watershed district, a member of the governing board of the county or city shall be present on the review panel.

(c) After the adoption of these rules, the mitigation plan must be approved by a resolution of the governing board of the local water management organization, consistent with the provisions of the rules.

(d) If the local water management organization fails to apply the rules, the water management organization is subject to penalty under law, and the commissioner must assume authority for approval of mitigation plans within the affected jurisdiction.

Subd. 2. [EVALUATION.] Questions concerning the location, size, or type of a wetland shall be submitted to and determined by a technical evaluation panel after an onsite inspection. The technical evaluation panel shall be composed of a technical professional employee of the department of natural resources, a technical professional employee of the local soil and water conservation district or districts, and an engineer for the local water management organization. The panel must consult with and be in concurrence with the United States Fish and Wildlife Service and the national wetland inventory maps. The panel shall provide the wetland determination to the authority that must approve a mitigation plan under this section, and may recommend approval or denial of the mitigation plan. The authority must consider and include the decision of the technical evaluation panel in their approval or denial of a mitigation plan.

Subd. 3. [MITIGATION COMPLETION.] Mitigation must be completed at least one growing season prior to the actual draining or filling of a wetland.

Subd. 4. [DECISION.] Upon receiving and considering all required data, the local water management organization or commissioner approving a mitigation plan must act on all applications for mitigation plan approval within 120 days.

Subd. 5. [NOTICE OF APPLICATION.] Within ten days of receiving an application for approval of a mitigation plan under this section, a copy of the application must be submitted to the commissioner for publication in the Environmental Quality Board Monitor and separate copies mailed to individual members of the public who request a copy, the board of supervisors of the soil and water conservation district, the managers of the watershed district, the board of county commissioners, and the mayors of the cities within the watershed. At the same time, the local water management organization must give general notice to the public in a general circulation newspaper within the area affected.

Subd. 6. [NOTICE OF DECISION.] At least 30 days prior to the effective date of the approval or denial of a mitigation plan under this section, a copy of the approval or denial must be submitted for publication in the Environmental Quality Board Monitor and separate copies mailed to the applicant, the commissioner, individual members of the public who request a copy, the board of supervisors of the soil and water conservation district, the managers of the watershed district, the board of county commissioners, and the mayors of the cities within the area watershed.

Subd. 7. [PUBLIC COMMENT PERIOD.] Before approval or denial of a mitigation plan under this section, comments may be made by the public to the local water management organization or the commissioner for a period of 60 days.

Subd. 8. [APPEAL.] Appeal of the decision may be obtained by mailing a notice of appeal to the board of water and soil resources within 30 days after the postmarked date of the mailing specified in subdivision 6. If appeal is not sought within 30 days, the decision becomes final. Appeal may be made by any of those to whom notice is required to be mailed under subdivision 6, or by 25 residents of the state. All appeals must be heard by the committee for dispute resolution of the board of water and soil resources, and a decision made within 60 days of the appeal. The decision must be served by mail on the parties to the appeal, and is not subject to the provisions of chapter 14. The decision must be considered the decision of an agency in a contested case for purposes of judicial review under sections 14.63 to 14.69.

Subd. 9. [WETLAND HERITAGE ADVISORY COMMITTEE.] The commissioner shall establish a wetland heritage advisory committee consisting of a balanced diversity of interests including agriculture, environmental, sporting organizations, land development organizations, local government organizations, and other agencies. The committee shall advise the commissioner on the development of rules and, after rule adoption, shall meet twice a year to review implementation of the program, to identify strengths and weaknesses, and to recommend changes to the rules and the law to improve the program.

Subd. 10. [MITIGATION CREDITS.] No public or private wetland restoration, enhancement, or construction may be allowed for mitigation unless specifically designated for mitigation and paid for by the individual or organization performing the wetland restoration, enhancement, or construction, and is completed prior to any draining or filling of the wetland.

Sec. 17. [103G.226] [DRAINING PUBLIC WATERS.]

No public ditch may be repaired in such a way as to partially or completely drain a public water inventoried under section 103G.201, except as provided in section 103G.221. This section does not limit the rights of a landowner to maintain an existing drainage system within the criteria set forth in section 15.

Sec. 18. [103G.227] [ENFORCEMENT.]

Subdivision 1. [CRIMINAL PENALTY.] Violation of this act constitutes a misdemeanor.

Subd. 2. [COURT COSTS.] Upon conviction, a violator of this act must pay all applicable court costs.

Subd. 3. [DAMAGED WETLAND.] Conviction under this act requires a violator to restore or replace any diminished or destroyed

wetland. The imposed penalty under subdivision 1 may be reduced by 50 percent if the convicted violator restores the wetland within 30 days of notice of the conviction.

Subd. 4. [COMMISSIONER.] The commissioner or authorized agent is responsible for enforcement of this act.

Subd. 5. [PHONE LINE.] The commissioner must provide and publicize a toll-free phone number to the public for information about violations of this act.

Sec. 19. Minnesota Statutes 1990, section 103G.231, subdivision 2, is amended to read:

Subd. 2. [FILLING WETLANDS FOR IRRIGATION BOOMS.] A landowner may fill temporarily pad or bridge a wetland to accommodate wheeled booms on irrigation devices if the fill does not impede normal drainage activity has only a minimal impact on the hydrologic and biologic characteristics of the wetland. The landowner must notify the local water management organization having jurisdiction at least seven days before the actual padding or bridging occurs.

Sec. 20. Minnesota Statutes 1990, section 103G.231, is amended by adding a subdivision to read:

Subd. 3. [USE OF WETLANDS FOR FOREST MANAGEMENT ACTIVITIES.] (a) Temporarily crossing or entering a wetland to perform silvicultural activities, including timber harvest as part of a forest management activity, is permitted so long as the activity limits the impact on the hydrologic and biologic characteristics of the wetland; the activities do not result in the construction of dikes, drainage ditches, tile lines, or buildings; and the timber harvesting and other silvicultural practices do not result in the drainage or filling of the wetland or public waters.

(b) Permanent access for forest roads across wetlands is permitted so long as the activity limits the impact on the hydrologic and biologic characteristics of the wetland; the construction activities do not result in the access becoming a dike, drainage ditch or tile line; and there is no drainage or filling of the wetland or public waters.

Sec. 21. [273.113] [STATE PAID WETLANDS CONSERVATION PAYMENT.]

Subdivision 1. [PAYMENT.] The owner of wetlands may annually receive a wetlands conservation payment of an amount equal to one percent of the average level of estimated market value of an acre of contiguous land next to where the qualifying wetland is located, multiplied by the number of acres of wetlands owned. The payment

must be paid directly by check from the commissioner of revenue to the property owner.

Subd. 2. [REVIEW OF CERTIFICATIONS.] The commissioner of revenue shall review the certifications to determine their accuracy. The commissioner may make changes in the certification or return a certification to the county auditor for corrections.

Subd. 3. [TIME OF PAYMENT.] Payment shall be made at the times provided in section 473H.10, subdivision 3.

Subd. 4. [APPLICATIONS.] In order to receive the wetlands conservation payment provided in this section, an owner of wetlands must make an application to the auditor for payment and agree not to drain or fill the wetlands during the year for which they receive the payment. The local assessor shall certify that each landowner receiving the payment has so agreed. The auditor must forward applications and a copy of the tax statement to the commissioner of revenue.

Subd. 5. [ELIGIBILITY FOR STATE CONSERVATION RESERVE PROGRAM.] An owner of wetlands receiving a credit under this section must receive high priority consideration from the board of water and soil resources for eligible land receiving conservation payments under section 103F.515.

Sec. 22. [REPEALER.]

Minnesota Statutes 1990, section 103G.221, subdivisions 2 and 3, are repealed.

Sec. 23. [APPROPRIATION.]

\$10,000,000 is appropriated annually from the general fund to the commissioner of natural resources to implement sections 1 to 22.

Sec. 24. [EFFECTIVE DATE.]

This act is effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to waters; establishing a program for the enhancement, preservation, and protection of wetlands within the state; providing penalties; appropriating money; amending Minnesota Statutes 1990, sections 97A.145, subdivision 2; 103A.201; 103E.701, by adding a subdivision; 103G.005, subdivision 18, and by adding subdivisions; 103G.221, subdivision 1; and 103G.231, subdivision 2, and by adding a subdivision; proposing coding for new law

in Minnesota Statutes, chapters 103G; and 273; repealing Minnesota Statutes 1990, section 103G.221, subdivisions 2 and 3.”

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

The report was adopted.

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

H. F. No. 18, A bill for an act relating to natural resources; establishing Glendalough state park; prescribing the powers and duties of the commissioner of natural resources in relation thereto; appropriating money; amending Minnesota Statutes 1990, section 85.012, by adding a subdivision.

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

The report was adopted.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Kahn, Boo, Osthoff, Greenfield and Reding introduced:

H. F. No. 353, A bill for an act relating to liquor; authorizing cities of the first class to extend on-sale closing hours; amending Minnesota Statutes 1990, section 340A.504, subdivision 6.

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

Murphy, Segal, Cooper, Jefferson and Pauly introduced:

H. F. No. 354, A bill for an act relating to natural resources; providing a deadline for the legislative task force on minerals to submit its report; extending the availability of its appropriation.

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

Reding; Johnson, A.; Uphus; Kalis and McGuire introduced:

H. F. No. 355, A bill for an act relating to transportation; providing for and regulating bicycles to be operated on bikeways along or between the divided lanes of certain interstate highways and other highways and roads; providing for highway planning and rules for bikeways; amending Minnesota Statutes 1990, sections 160.262, subdivision 1; 161.174; 161.20, subdivision 2; 161.202, subdivision 2; 161.21, subdivision 1; 161.32, subdivision 4; 161.38, subdivision 7; 161.39, subdivision 1; 164.151; 167.50, subdivision 1; 169.18, subdivision 7; 169.19, subdivision 1; and 169.222, subdivisions 4, 8, and 10.

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

Welle introduced:

H. F. No. 356, A bill for an act relating to education; approving a maximum effort school loan program capital loan.

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

Jacobs; Anderson, I.; Kelso; Hartle and Swenson introduced:

H. F. No. 357, A bill for an act relating to highways; requiring notice to political subdivisions before constructing, placing, repairing, maintaining, or operating utility structures or equipment in, along, over, or under a road, street, or highway right-of-way; requiring subsequent restoration, repair, or improvement to town road; amending Minnesota Statutes 1990, sections 116I.015, subdivision 3; 116I.02, subdivision 2; 164.36; and 222.37.

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

Dawkins, Mariani, Frerichs and Trimble introduced:

H. F. No. 358, A bill for an act relating to education; appropriating money for matching grants for "male responsibility" pilot programs.

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

Kinkel and Thompson introduced:

H. F. No. 359, A bill for an act relating to local government; authorizing towns to make certain expenditures; amending Minnesota Statutes 1990, section 469.191.

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

Dawkins, Ostrom, Lourey and Rest introduced:

H. F. No. 360, A bill for an act relating to taxation; income; providing a credit for families with children; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 290.

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

Bauerly, Tompkins, Pelowski, Sparby and Tunheim introduced:

H. F. No. 361, A bill for an act relating to health care; establishing the Minnesotans' health care plan to provide health coverage to uninsured and underinsured Minnesotans; requiring all Minnesotans to maintain health coverage; creating a department of health care access; requiring the new commissioner to set overall limits on health care spending and make recommendations regarding health care system reform; requiring an implementation plan and reports; creating a health care analysis unit; requiring data and research initiatives; establishing a rural health advisory committee; requiring joint rural health initiatives; restricting underwriting and premium rating practices; appropriating money; amending Minnesota Statutes 1990, sections 15.06, subdivision 1; and 43A.08, subdivision 1a; proposing coding for new law in Minnesota Statutes, chapters 16B; and 62J; repealing Minnesota Statutes 1990, sections 62E.51 to 62E.55.

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

Swenson, Henry, Ozment, Weaver and Bauerly introduced:

H. F. No. 362, A bill for an act relating to education; modifying the tuition reimbursement provisions for the post-secondary enrollment options program; appropriating money; amending Minnesota Statutes 1990, section 123.3514, subdivision 6.

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

Swenson, Lasley, Seaberg, Henry and Kalis introduced:

H. F. No. 363, A bill for an act relating to traffic regulations; establishing maximum height for rear bumpers of semitrailers; amending Minnesota Statutes 1990, section 169.73, subdivision 4a.

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

Pelowski and Welle introduced:

H. F. No. 364, A bill for an act relating to rules; requiring health and human services rules to include in rulemaking notices information on the department division and staff administering the rules; amending Minnesota Statutes 1990, section 256.01, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 144.

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

Welker, Peterson, Sparby, Vellenga and Smith introduced:

H. F. No. 365, A bill for an act relating to courts; providing that the sheriff shall not charge for certain duties performed; amending Minnesota Statutes 1990, section 563.01, subdivision 4.

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

Dawkins, Scheid and Boo introduced:

H. F. No. 366, A bill for an act relating to companion animals; establishing a low-cost spaying and neutering program; imposing a tax on wholesale sales of dog and cat food; imposing penalties; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 346; proposing coding for new law as Minnesota Statutes, chapter 297E.

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

Trimble, Carruthers, Pugh, Rukavina and Johnson, V., introduced:

H. F. No. 367, A bill for an act relating to the collection and dissemination of data; classifying certain privately donated histor-

ical records as not government data; amending Minnesota Statutes 1990, section 13.40.

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

O'Connor and Dempsey introduced:

H. F. No. 368, A bill for an act relating to liquor; requiring Minnesota-produced beer to be sold at publicly subsidized buildings; amending Minnesota Statutes 1990, section 340A.909, subdivision 1.

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

Trimble, Pauly, Tunheim, Blatz and Kalis introduced:

H. F. No. 369, A bill for an act relating to taxation; motor vehicle excise taxes; providing a reduction for vehicles that meet fuel-efficiency standards; imposing a surcharge on vehicles that exceed fuel-efficiency standards; amending Minnesota Statutes 1990, section 297B.02, subdivision 1.

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

Segal; Nelson, K.; Scheid and Bauerly introduced:

H. F. No. 370, A bill for an act relating to education; establishing a comprehensive school and community health and wellness program grant program; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 124C.

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

O'Connor, Farrell and Trimble introduced:

H. F. No. 371, A bill for an act relating to retirement; providing certain disability benefits to certain persons under the public employees retirement association police and fire plan.

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

Cooper introduced:

H. F. No. 372, A bill for an act relating to human services; exempting intermediate care facilities for persons with mental retardation or related conditions from certain additional state human services rules.

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

Scheid introduced:

H. F. No. 373, A bill for an act relating to commerce; removing a real estate licensing prohibition; amending Minnesota Statutes 1990, section 82.20, subdivision 4.

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

Ogren introduced:

H. F. No. 374, A bill for an act relating to education; approving a maximum effort school loan program capital loan.

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

Ogren introduced:

H. F. No. 375, A bill for an act relating to marriage; providing for solemnization of marriages by certain court officers; amending Minnesota Statutes 1990, section 517.04.

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

Kahn, Onnen, Dille, Kalis and Ogren introduced:

H. F. No. 376, A bill for an act relating to health; amending the clean indoor air act; amending Minnesota Statutes 1990, sections 144.413, subdivision 2, and by adding subdivisions; 144.414, subdivisions 1, 3, and by adding a subdivision; 144.415; 144.416; and 144.417, subdivision 2.

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

Ogren introduced:

H. F. No. 377, A bill for an act relating to aeronautics; requiring that local governments report airport development; proposing coding for new law in Minnesota Statutes, chapter 360.

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

Ogren introduced:

H. F. No. 378, A bill for an act relating to state lands; authorizing exchange of real property.

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

Wenzel, Koppendrayner, Omann and Bertram introduced:

H. F. No. 379, A bill for an act relating to state lands; authorizing commissioner of veterans affairs to return land to a veterans organization who had originally donated the land for purposes of a state veterans cemetery.

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

Kinkel introduced:

H. F. No. 380, A bill for an act relating to state lands; authorizing sale of certain tax-forfeited lands that border public water in Cass county.

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

Morrison, Carlson, Ozment and Pugh introduced:

H. F. No. 381, A bill for an act relating to education; authorizing construction at Dakota County Technical College.

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

Hanson, Swenson, Rest and Wejcman introduced:

H. F. No. 382, A bill for an act relating to liquor; requiring posting of certain signs in licensed premises; amending Minnesota Statutes 1990, section 340A.410, by adding a subdivision.

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

Hanson, Swenson, Rest and Wejcman introduced:

H. F. No. 383, A bill for an act relating to liquor; requiring posting of certain signs in licensed premises; amending Minnesota Statutes 1990, section 340A.410, by adding a subdivision.

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

Wenzel and Omann introduced:

H. F. No. 384, A bill for an act relating to agriculture; appropriating money for farm and small business management programs at technical colleges.

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

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

H. F. No. 152, A bill for an act relating to taxation; allowing Mahnomen county and the city of Mahnomen to make special levies for the Mahnomen county and village hospital; amending Minnesota Statutes 1990, section 275.50, subdivision 5a.

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. 14, A resolution expressing support for the President and our armed forces in the conflict with Iraq; urging support for military families in the United States, and calling on the governor to declare a day of prayer for peace.

PATRICK E. FLAHHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Ogren moved that the House concur in the Senate amendments to H. F. No. 14 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 14, A resolution expressing support for our armed forces in the conflict with Iraq; urging support for military families in the United States, calling on the governor to declare a day of prayer for peace, and supporting the President in negotiating a peaceful settlement.

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:

| | | | | |
|-----------------|------------|---------------|------------|------------|
| Abrams | Dille | Jefferson | Marsh | Ostrom |
| Anderson, I. | Dorn | Jennings | McEachern | Ozment |
| Anderson, R. H. | Erhardt | Johnson, A. | McGuire | Pauly |
| Battaglia | Frederick | Johnson, R. | McPherson | Pellow |
| Bauerly | Frerichs | Johnson, V. | Milbert | Pelowski |
| Beard | Garcia | Kalis | Morrison | Peterson |
| Begich | Girard | Kelso | Munger | Pugh |
| Bertram | Goodno | Kinkel | Murphy | Rest |
| Bettermann | Greenfield | Knickerbocker | Nelson, K. | Rice |
| Blatz | Gruenes | Koppendrayner | Nelson, S. | Rodosovich |
| Bodahl | Gutknecht | Krinkie | Newinski | Rukavina |
| Boo | Hartle | Krueger | O'Connor | Runbeck |
| Brown | Hasskamp | Lasley | Ogren | Sarna |
| Carlson | Hausman | Leppik | Olsen, S. | Schafer |
| Carruthers | Heir | Lieder | Olson, E. | Scheid |
| Clark | Henry | Limmer | Olson, K. | Schreiber |
| Cooper | Hufnagle | Long | Omann | Seaberg |
| Dauner | Hugoson | Lourey | Onnen | Segal |
| Davids | Jacobs | Lynch | Orenstein | Simoneau |
| Dawkins | Janezich | Macklin | Orfield | Skoglund |
| Dempsey | Jaros | Mariani | Osthoff | Smith |

| | | | | |
|----------|----------|----------|--------|--------------|
| Solberg | Swenson | Uphus | Weaver | Winter |
| Sparby | Thompson | Valento | Wejman | Spk. Vanasek |
| Stanus | Tompkins | Vellenga | Welker | |
| Steensma | Trimble | Wagenius | Welle | |
| Swiggum | Tunheim | Waltman | Wenzel | |

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. 6, 18 and 141.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 6, A bill for an act relating to insurance; clarifying policy requirement provisions relating to Medicare supplement insurance plans; amending Minnesota Statutes 1990, section 62A.31, subdivision 1.

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

S. F. No. 18, A bill for an act relating to taxation; property; allowing Pope county a special levy for certain purposes; amending Minnesota Statutes 1990, section 275.50, subdivision 5a.

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

S. F. No. 141, A bill for an act relating to human services; delaying the effective date of the moratorium on new negotiated rate facility agreements.

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

GENERAL ORDERS

Pursuant to Rules of the House, the House resolved itself into the Committee of the Whole with Vanasek in the Chair for consideration

of bills pending on General Orders of the day. After some time spent therein the Committee arose.

REPORT OF THE COMMITTEE OF THE WHOLE

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

H. F. Nos. 104 and 172 were recommended for progress.

H. F. No. 245, the first engrossment, which it recommended to pass with the following amendment offered by Tunheim:

Page 1, line 12, delete "school district"

Page 1, line 12, after "consolidation" insert "of two or more school districts that have central administrative offices located"

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

MOTIONS AND RESOLUTIONS

Omann moved that the name of Tompkins be added as an author on H. F. No. 149. The motion prevailed.

Morrison moved that the names of Winter and Smith be added as authors on H. F. No. 153. The motion prevailed.

Uphus moved that the name of Haukoos be stricken and the name of Krinkie be added as an author on H. F. No. 210. The motion prevailed.

Anderson, I., moved that the name of Jacobs be added as an author on H. F. No. 268. The motion prevailed.

Sarna moved that the names of Jefferson, Rice, Clark and Wage-nius be added as authors on H. F. No. 291. The motion prevailed.

O'Connor moved that the names of Orenstein and Trimble be added as authors on H. F. No. 292. The motion prevailed.

Rodosovich moved that the name of Sparby be added as an author on H. F. No. 293. The motion prevailed.

Dempsey moved that the names of Lynch and Olsen, S., be added as authors on H. F. No. 297. The motion prevailed.

Johnson, A., moved that the name of Olsen, S., be added as an author on H. F. No. 305. The motion prevailed.

Gruenes moved that the name of Dempsey be added as an author on H. F. No. 334. The motion prevailed.

Limmer moved that the name of Lynch be added as an author on H. F. No. 335. The motion prevailed.

Gruenes moved that the name of Lynch be added as an author on H. F. No. 347. The motion prevailed.

Beard moved that H. F. No. 52 be returned to its author. The motion prevailed.

ANNOUNCEMENT BY THE SPEAKER

The Speaker announced the following changes in committee assignments:

Agriculture: Add the name of Davids.

Governmental Operations: Add the name of Davids.

Housing: Add the name of Davids.

Transportation: Add the name of Davids.

ADJOURNMENT

Long moved that when the House adjourns today it adjourn until 11:45 a.m., Wednesday, February 20, 1991. The motion prevailed.

Long moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 11:45 a.m., Wednesday, February 20, 1991.

EDWARD A. BURDICK, Chief Clerk, House of Representatives