

VOLUME 3
JOURNAL
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HOUSE
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SEVENTY-FIRST SESSION
OF THE
LEGISLATURE

STATE OF MINNESOTA

1980

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STATE OF MINNESOTA

SEVENTY-FIRST SESSION — 1980

SIXTIETH DAY

SAINT PAUL, MINNESOTA, TUESDAY, JANUARY 22, 1980

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

Prayer was offered by the Chaplain.

Anderson, I., introduced the following two new House members who were elected in special elections and announced that they had previously been administered the oath of office and that their election certificates were on file:

Frank J. Rodriguez, Sr., of District 67A effective June 26, 1979, to fill the vacancy declared by the House of Representatives of Robert L. Pavlak dated May 18, 1979.

Donna Peterson of District 60B effective January 22, 1980, to fill the vacancy created by the resignation of Stanley A. Enebo dated December 5, 1979.

The roll was called and the following members were present:

Aasness	Corbid	Heap	Long	Onnen
Adams	Crandall	Heinitz	Ludeman	Osthoff
Ainley	Dean	Hoberg	Luknic	Otis
Albrecht	Dempsey	Hokanson	Mann	Patton
Anderson, B.	Den Ouden	Jacobs	McCarron	Pehler
Anderson, D.	Drew	Jaros	McDonald	Peterson, B.
Anderson, G.	Eken	Jennings	McEachern	Peterson, D.
Anderson, I.	Elioff	Johnson, C.	Mehrkens	Piepho
Anderson, R.	Ellingson	Johnson, D.	Metzen	Pleasant
Battaglia	Erickson	Jude	Minne	Prahl
Begich	Essau	Kahn	Moe	Redalen
Berglin	Evans	Kaley	Munger	Reding
Berkelman	Ewald	Kalis	Murphy	Rees
Biersdorf	Farcy	Kelly	Nelsen, B.	Reif
Blatz	Fjoslien	Kempe	Nelsen, M.	Rice
Brinkman	Forsythe	Knickerbocker	Nelson	Rodriguez
Byrne	Friedrich	Kostohryz	Niehaus	Rose
Carlson, D.	Fritz	Kroening	Norman	Rothenberg
Carlson, L.	Fudro	Kvam	Norton	Sarna
Casserly	Greenfield	Laidig	Novak	Schreiber
Clark	Halberg	Lehto	Nysether	Searles
Clawson	Haukoos	Levi	Olsen	Sherwood

Sieben, H.	Stowell	Valan	Weaver	Wigley
Sieben, M.	Sviggum	Valento	Welch	Wynia
Simoneau	Swanson	Vanasek	Welker	Zubay
Stadum	Thiede	Voss	Wenzel	Speaker Searle
Stoa	Tomlinson	Waldorf	Wieser	

A quorum was present.

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

REPORTS OF CHIEF CLERK

Pursuant to Rules of the House, printed copies of S.F. Nos. 129, 917, 1548, 202, 435, 787, 1553, 390, 966, 1234, 1035, 1101, 275, 844, 897, 1166, 1141, 127, 272, 654, 736, 480 and 1151 have been placed in the members' files.

PETITIONS AND COMMUNICATIONS

The following communication was received:

STATE OF MINNESOTA
OFFICE OF THE GOVERNOR
ST. PAUL 55155

November 30, 1979

The Honorable Edward J. Gearty
President of the Senate
The Honorable Rod Searle
Speaker of the House

Sirs:

I respectfully request the opportunity of addressing a joint session of the House and Senate of the 71st Session of the Minnesota Legislature on Thursday, January 24, 1980, at 12:00 noon, for the purpose of presenting my State of the State message to the Legislature.

Sincerely,

ALBERT H. QUIE
Governor

Sieben, H., moved that the House accede to the request of the Governor for a Joint Convention to hear the message of the Governor on Thursday, January 24, 1980, at 12:00 noon; that the Chief Clerk be instructed to invite the Senate to meet in

Joint Convention at 11:45 a.m. and advise the Governor regarding the Joint Convention; and that the Speaker appoint a committee of five members to act with a similar committee to be appointed by the Senate to escort the Governor to the Joint Convention. The motion prevailed.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following recess bill introductions were prefiled with the Speaker. Pursuant to House Rule 9.4 these bills were given a file number and referred to committee.

Knickerbocker and Nelsen, B., introduced:

H. F. No. 1644, A bill for an act relating to the operation of state government; authorizing the governor to appoint a special investigator to follow up on evidence relating to audits of various state agencies and executive branch offices and to institute civil actions to recover state funds or other assets misappropriated; appropriating money; providing penalties.

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

Heinitz, Schreiber, Patton and Simoneau introduced:

H. F. No. 1645, A bill for an act relating to commerce; prohibiting producers or refiners of petroleum from operating retail service stations with company personnel; providing for injunctive enforcement.

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

Carlson, D., introduced:

H. F. No. 1646, A bill for an act relating to mines and mining; regulating the business of subsurface mineral exploration and boring; specifying powers and duties of the department of natural resources and other agencies in regard thereto; providing penalties.

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

Welch introduced:

H. F. No. 1647, A bill for an act relating to agriculture; providing for testing to measure milk protein; providing for payments for milk protein; amending Minnesota Statutes 1978, Section 32.25, Subdivision 1.

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

Ainley introduced:

H. F. No. 1648, A bill for an act relating to energy; establishing a temporary program of grants to counties for the purpose of aiding low income families in payment of home heating expenses during the winters of 1979-80 and 1980-81; providing for allocation of grants among counties by the department of economic security; providing penalties; appropriating funds; inclusion of certain energy audit costs within utility rate bases.

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

Welch introduced:

H. F. No. 1649, A bill for an act relating to agriculture; providing for testing to measure milk protein; providing for payments for milk protein and nonfat solids; amending Minnesota Statutes 1978, Section 32.25, Subdivision 1.

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

Begich and Minne introduced:

H. F. No. 1650, A bill for an act relating to St. Louis County; providing for a vote on its possible division into two counties.

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

Begich and Minne introduced:

H. F. No. 1651, A bill for an act relating to the city of Duluth; review of assessments by county assessor.

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

Waldorf, Jude, McEachern and Sarna introduced:

H. F. No. 1652, A resolution relating to amending the United States Constitution to protect human life; applying to congress to call a constitutional convention to provide for protection of all human life.

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

Clawson and Berkelman introduced:

H. F. No. 1653, A bill for an act relating to public welfare; eliminating authorization for Minnesota State Children's Center; repealing Minnesota Statutes 1978, Sections 260.41 to 260.46.

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

Osthoff introduced:

H. F. No. 1654, A bill for an act relating to the city of St. Paul; providing for election of the city council; repealing Laws 1973, Chapter 691, Sections 1 and 2.

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

Lehto, Munger, Laidig and Greenfield introduced:

H. F. No. 1655, A bill for an act relating to pollution; recognizing the extent and severity of the problem of acid precipitation; appropriating funds and designating state agencies and departments to conduct activities designed to identify, control and abate acid precipitation.

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

Rees, Wenzel, Simoneau, Greenfield and Jude introduced:

H. F. No. 1656, A bill for an act relating to motor vehicles; providing for delivery of motor vehicle certificates of title to owners upon satisfaction of a security interest; amending Minnesota Statutes 1978, Section 168A:20, Subdivision 1.

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

Voss, McCarron, Zubay, Piepho and Johnson, D., introduced:

H. F. No. 1657, A bill for an act relating to elections; eliminating indications of incumbency on ballots for judicial elections; amending Minnesota Statutes 1978, Sections 203A.12, Subdivision 5; 487.03, Subdivision 2; 488A.021, Subdivision 3; and 488A.19, Subdivision 3; repealing Minnesota Statutes 1978, Section 203A.12, Subdivision 6.

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

Clawson, Wenzel, Enebo, Friedrich and Carlson, D., introduced:

H. F. No. 1658, A bill for an act relating to legal notice; requiring notice of various matters of public interest to be published in the state register; amending Minnesota Statutes 1978, Sections 15.051, Subdivision 1; 15.054; 16A.67, Subdivision 4; 18.361, Subdivision 1; 18.371; 25.40, Subdivision 2; 35.05; 43.13, Subdivision 2; 60A.08, Subdivision 7; 85A.03, Subdivision 4a; 92.14; 93.16; 123.33, by adding a subdivision; 144.13; 155.17; 167.50, Subdivision 2; 169.06, Subdivision 2; 182.655, Subdivision 2; 340.63, Subdivision 2; and 360.302, Subdivision 2.

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

Welker introduced:

H. F. No. 1659, A bill for an act relating to education; authorizing school districts to provide bus transportation for certain pupils who live within a mile of school; allowing districts to charge a fee for the transportation.

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

Nelsen, B., introduced:

H. F. No. 1660, A bill for an act relating to taxation; property tax administration; eliminating mandatory assessors meetings; amending Minnesota Statutes 1978, Sections 273.03, Subdivision 1; 273.04; and Minnesota Statutes, 1979 Supplement, Sections 270.06; and 273.061, Subdivision 8.

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

Sherwood, Kalis and Nysether introduced:

H. F. No. 1661, A bill for an act relating to alcoholic beverages; increasing the age for licensing, sale, consumption, possession and furnishing; amending Minnesota Statutes 1978, Sections 340.02, Subdivision 8; 340.035, Subdivision 1; 340.119, Subdivision 2; 340.13, Subdivision 12; 340.403, Subdivision 3; 340.73, Subdivision 1; 340.731; 340.78; 340.79; 340.80; and 340.81.

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

Berglin, Minne, Voss, Laidig and Anderson, D., introduced:

H. F. No. 1662, A bill for an act relating to state government; providing for a career part-time employment demonstration project in state government; appropriating money.

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

Heinitz introduced:

H. F. No. 1663, A bill for an act relating to health; appropriating money to the University of Minnesota for the Minnesota Regional Sleep Disorders Center.

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

Welker and Crandall introduced:

H. F. No. 1664, A bill for an act relating to corrections; authorizing the confinement of pre-trial detainees and sentenced persons up to 90 days in lockup facilities.

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

Piepho and Stowell introduced:

H. F. No. 1665, A bill for an act relating to state government; providing bonus payments to certain state employees; appropriating money.

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

Simoneau, McCarron, Berkelman, Fjoslien and Peterson, B., introduced:

H. F. No. 1666, A bill for an act relating to transportation; repealing a certain administrative rule of the department of transportation enforcing parallel parking on certain streets and highways.

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

Vanasek introduced:

H. F. No. 1667, A bill for an act relating to state government; transferring certain powers and duties relating to natural gas pipeline safety from the state fire marshal in the department of public safety to the director of the department of public service.

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

Sieben, M., introduced:

H. F. No. 1668, A bill for an act relating to drivers licenses; requiring the suspension of licenses of certain uninsured persons; providing a penalty; amending Minnesota Statutes 1978, Chapter 171, by adding sections.

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

Olsen, Rothenberg, McEachern and Fudro introduced:

H. F. No. 1669, A bill for an act relating to highways; limiting construction and right-of-way acquisitions on a certain trunk highway; providing for a transit study; amending Minnesota Statutes, 1979 Supplement, Section 161.123.

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

Kempe introduced:

H. F. No. 1670, A bill for an act relating to crimes; prescribing penalties for the possession or sale of drug related devices.

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

Dempsey, Kvam, Halberg, Pehler and Eken introduced:

H. F. No. 1671, A bill for an act relating to taxation; fixing the jurisdiction of the tax court; providing for determination of certain cases by the district court; amending Minnesota Statutes 1978, Section 271.01, Subdivision 5.

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

Sherwood introduced:

H. F. No. 1672, A bill for an act relating to Independent School District No. 119, Walker; authorizing it to transfer money from its general fund to its capital expenditure fund for the purpose of constructing a facility for special education.

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

McDonald, Kempe, Laidig and Nysether introduced:

H. F. No. 1673, A bill for an act relating to crimes; prescribing penalties for the possession or sale of drug related devices.

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

HOUSE ADVISORIES

The following recess House Advisory Bills were prefiled with the Speaker. Pursuant to House Rule 9.4 these advisory bills have been given a number and referred to committee.

Haukoos; McDonald; Anderson, R.; Jennings and Nysether introduced:

H. A. No. 46, A proposal to study effects of high mileage automobile engines on Minnesota's energy supply.

The advisory was referred to the Committee on Energy and Utilities.

Rees introduced:

H. A. No. 47, A proposal to investigate the management practices and accountability of generation and transmission electric cooperatives.

The advisory was referred to the Committee on Energy and Utilities.

Hokanson introduced:

H. A. No. 48, A proposal to study rising adolescent pregnancy and its accompanying medical and social implications.

The advisory was referred to the Committee on Health and Welfare.

GENERAL ORDERS

Sieben, H., moved that the bills on General Orders for today be continued on General Orders for one day. The motion prevailed.

REPORT FROM THE COMMITTEE ON RULES AND LEGISLATIVE ADMINISTRATION

Anderson, I., for the Committee on Rules and Legislative Administration, offered the following resolution:

Be It Resolved, by the House of Representatives, as follows:

1. That, pursuant to Minnesota Statutes 1978, Section 3.06, the Speaker of the House be removed from that position and said position be, and the same is hereby declared vacant.
2. That the House now proceed to the election of a Speaker *vive voce* with a majority of those voting being required to elect a Speaker.
3. That the Chief Clerk of the House shall preside during said election.
4. That the only order of business before the body shall be the election of a Speaker.

Sieben, H., moved the adoption of the resolution.

Knickerbocker moved to amend the resolution as reported from the Committee on Rules and Legislative Administration as follows:

Delete paragraphs numbered 1 through 3 in their entirety and insert:

"1. That, pursuant to Minnesota Statutes 1978, Section 3.06, the Speaker of the House be removed from that position and that the Speaker Pro Tem shall serve as the presiding officer over the House during the election of a Speaker.

2. That the election shall be vive voce with a majority of those voting being required to elect a Speaker."

Renumber paragraph 4 accordingly.

A roll call was requested and properly seconded.

The question was taken on the adoption of the amendment to the resolution and the roll was called. There were 76 yeas and 58 nays as follows:

Those who voted in the affirmative were:

Aasness	Drew	Kahn	Norton	Stowell
Ainley	Erickson	Kaley	Nysether	Sviggum
Albrecht	Esau	Knickerbocker	Olsen	Thiede
Anderson, D.	Evans	Kvam	Onnen	Valan
Anderson, G.	Ewald	Laidig	Peterson, B.	Valento
Anderson, R.	Fjoslien	Lehto	Piepho	Voss
Biersdorf	Forsythe	Levi	Pleasant	Weaver
Blatz	Friedrich	Ludeman	Redalen	Welker
Carlson, D.	Fritz	Luknic	Rees	Wieser
Casserly	Halberg	McDonald	Reif	Wigley
Clark	Haukoos	Mehrkens	Rose	Zubay
Corbid	Heap	Moe	Rothenberg	Speaker Searle
Crandall	Heinitz	Nelsen, B.	Schreiber	
Dean	Hoberg	Nelson	Searles	
Dempsey	Jennings	Niehaus	Sherwood	
Den Ouden	Johnson, D.	Norman	Stadum	

Those who voted in the negative were:

Adams	Elioff	Kempe	Novak	Sieben, M.
Anderson, B.	Ellingson	Kostohryz	Osthoff	Simoneau
Anderson, I.	Faricy	Kroening	Otis	Stoa
Battaglia	Fudro	Long	Patton	Swanson
Begich	Greenfield	Mann	Pehler	Tomlinson
Berglin	Hokanson	McCarron	Peterson, D.	Vanasek
Berkelman	Jacobs	McEachern	Prahl	Waldorf
Brinkman	Jaros	Metzen	Reding	Welch
Byrne	Johnson, C.	Minne	Rice	Wenzel
Carlson, L.	Jude	Munger	Rodriguez	Wynia
Clawson	Kalis	Murphy	Sarna	
Eken	Kelly	Nelsen, M.	Sieben, H.	

The motion prevailed and the amendment was adopted.

Sieben, H., moved that the resolution, as amended, be now adopted.

A roll call was requested and properly seconded.

Speaker pro tem Heinitz was called to the chair by the Speaker.

The members stood and applauded Mr. Searle to show their appreciation for his services while Speaker.

The question was taken on the adoption of the resolution, as amended, and the roll was called. There were 107 yeas and 26 nays as follows:

Those who voted in the affirmative were:

Aasness	Drew	Jude	Murphy	Stadum
Adams	Eken	Kahn	Nelsen, M.	Stoa
Albrecht	Elioff	Kaley	Nelson	Stowell
Anderson, B.	Ellingson	Kalis	Niehaus	Sviggum
Anderson, D.	Erickson	Kelly	Norton	Swanson
Anderson, G.	Esau	Kempe	Novak	Thiede
Anderson, I.	Evans	Kostohryz	Nysether	Tomlinson
Anderson, R.	Ewald	Kroening	Osthoff	Valan
Battaglia	Faricy	Kvam	Otis	Valento
Begich	Fjoslien	Lehto	Patton	Vanasek
Berglin	Forsythe	Levi	Pehler	Voss
Berkelman	Friedrich	Long	Peterson, D.	Waldorf
Biersdorf	Fudro	Ludeman	Piepho	Weaver
Blatz	Greenfield	Luknic	Redalen	Welch
Brinkman	Haukoos	Mann	Reding	Wenzel
Byrne	Heap	McCarron	Reif	Wigley
Carlson, D.	Heinitz	McEachern	Rice	Wynia
Carlson, L.	Hokanson	Mehrkens	Searles	Zubay
Casserly	Jacobs	Metzen	Sherwood	Speaker Searle
Clark	Jaros	Minne	Sieben, H.	
Clawson	Johnson, C.	Moe	Sieben, M.	
Corbid	Johnson, D.	Munger	Simoneau	

Those who voted in the negative were:

Ainley	Halberg	Nelsen, B.	Rees	Welker
Crandall	Hoberg	Norman	Rodriguez	Wieser
Dean	Jennings	Olsen	Rose	
Dempsey	Knickerbocker	Onnen	Rothenberg	
Den Ouden	Laidig	Peterson, B.	Sarna	
Fritz	McDonald	Pleasant	Schreiber	

The motion prevailed and the resolution, as amended, was adopted.

The Speaker pro tem announced the next order of business to be election of a Speaker.

ELECTION OF SPEAKER

The name of Irvin N. Anderson was placed in nomination by Sieben, H. The nomination was seconded by Tomlinson and Rice.

The name of Fred C. Norton was placed in nomination by Anderson, G.

The name of Rodney N. Searle was placed in nomination by Jennings. The nomination was seconded by Halberg and McDonald.

There being no further nominations, the Speaker pro tem declared the nominations closed.

The Chief Clerk called the roll on the election of a Speaker.

Prior to the closing of the roll the following members announced a change in voting as follows:

Aasness; Anderson, D.; Anderson, R.; Blatz; Crandall; Dean; Erickson; Esau; Evans; Ewald; Fjoslien; Forsythe; Friedrich; Halberg; Haukoos; Heap; Heinitz; Hoberg; Jennings; Johnson, D.; Kaley; Knickerbocker; Kvam; Laidig; Levi; Ludeman; Luknic; Mehrkens; Nelsen, B.; Niehaus; Norman; Nysether; Olsen; Onnen; Piepho; Pleasant; Redalen; Rothenberg; Schreiber; Searle; Searles; Stadum; Stowell; Sviggum; Valan; Weaver; Wieser; Wigley and Zubay changed from Searle to Norton.

Ellingson, McCarron and Patton changed from Anderson, I., to Norton.

Carlson, D., changed from Searle to Rose.

The final results on the election of the Speaker are as follows:

The following members of the House voted for Anderson, I.:

Adams	Eken	Kostohryz	Osthoff	Swanson
Anderson, B.	Elioff	Kroening	Otis	Tomlinson
Anderson, I.	Faricy	Mann	Peterson, D.	Waldorf
Battaglia	Fudro	McEachern	Prahl	Welch
Begich	Hokanson	Metzen	Rice	Wenzel
Berglin	Jacobs	Minne	Rodriguez	Wynia
Brinkman	Jude	Murphy	Sarna	
Carlson, L.	Kelly	Nelsen, M.	Sieben, H.	
Clawson	Kempe	Novak	Sieben, M.	

Anderson, I., received 42 votes.

The following members of the House voted for Norton:

Aasness	Evans	Kahn	Nelsen, B.	Schreiber
Anderson, D.	Ewald	Kaley	Nelson	Searle
Anderson, G.	Fjoslien	Kalis	Niehaus	Searles
Anderson, R.	Forsythe	Knickerbocker	Norman	Simoneau
Berkelman	Friedrich	Kvam	Norton	Stadum
Blatz	Greenfield	Laidig	Nysether	Stoa
Byrne	Halberg	Lehto	Olsen	Stowell
Casserly	Haukoos	Levi	Onnen	Sviggum
Clark	Heap	Long	Patton	Valan
Corbid	Heinitz	Ludeman	Pehler	Vanasek
Crandall	Hoberg	Luknic	Piepho	Voss
Dean	Jaros	McCarron	Pleasant	Weaver
Ellingson	Jennings	Mehrrens	Redalen	Wieser
Erickson	Johnson, C.	Moe	Reding	Wigley
Esau	Johnson, D.	Munger	Rothenberg	Zubay

Norton received 75 votes.

The following members of the House voted for Searle:

Ainley	Den Ouden	Peterson, B.	Sherwood	Valento
Albrecht	Drew	Rees	Thiede	Welker
Biersdorf	Fritz	Reif		
Dempsey	McDonald	Rose		

Searle received 16 votes.

The following member of the House voted for Rose:

Carlson, D.

Rose received one vote.

Norton, pursuant to the resolution adopted earlier today, was declared duly elected Speaker of the House having received a majority of the votes cast.

OATH OF OFFICE

The oath of office was administered to Mr. Norton, the Speaker-elect, by Searle. The Speaker expressed his appreciation for the honor bestowed upon him.

ADJOURNMENT

Sieben, H., moved that when the House adjourns today it adjourn until 11:30 a.m., Thursday, January 24, 1980. The motion prevailed.

Sieben, H., moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 11:30 a.m., Thursday, January 24, 1980.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

STATE OF MINNESOTA

SEVENTY-FIRST SESSION - 1980

SIXTY-FIRST DAY

SAINT PAUL, MINNESOTA, THURSDAY, JANUARY 24, 1980

The House of Representatives convened at 11:30 a.m. and was called to order by the Speaker.

Prayer was offered by the Chaplain.

The roll was called and the following members were present:

Aasness	Drew	Kahn	Nelson	Sherwood
Adams	Eken	Kaley	Niehaus	Sieben, H.
Ainley	Elioff	Kalis	Norman	Sieben, M.
Albrecht	Ellingson	Kelly	Novak	Simoneau
Anderson, B.	Erickson	Kempe	Nysether	Stadum
Anderson, D.	Esau	Knickerbocker	Olsen	Stoa
Anderson, G.	Evans	Kostohryz	Onnen	Stowell
Anderson, I.	Ewald	Kroening	Osthoff	Sviggum
Anderson, R.	Faricy	Kvam	Otis	Swanson
Battaglia	Fjoslien	Laidig	Patton	Thiede
Begich	Forsythe	Lehto	Pehler	Tomlinson
Berglin	Friedrich	Levi	Peterson, B.	Valan
Berkelman	Fritz	Long	Peterson, D.	Valento
Biersdorf	Fudro	Ludeman	Piepho	Vanasek
Blatz	Greenfield	Luknic	Pleasant	Voss
Brinkman	Halberg	Mann	Redalen	Waldorf
Byrne	Haukoos	McCarron	Reding	Weaver
Carlson, D.	Heap	McDonald	Rees	Welch
Carlson, L.	Heinitz	McEachern	Reif	Welker
Casserly	Hoberg	Mehrkens	Rice	Wenzel
Clark	Hokanson	Metzen	Rodriguez	Wieser
Clawson	Jacobs	Minne	Rose	Wigley
Corbid	Jaros	Moe	Rothenberg	Wynia
Crandall	Jennings	Munger	Sarna	Zubay
Dean	Johnson, C.	Murphy	Schreiber	Spkr. Norton
Dempsey	Johnson, D.	Nelsen, B.	Searle	
Den Ouden	Jude	Nelsen, M.	Searles	

A quorum was present.

Prahl was excused.

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.

MESSAGES FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker:

I have the honor to inform the House that the Senate is ready to meet with the House at 11:45 a.m., Thursday, January 24, 1980, to receive the message of the Honorable Albert H. Quie, Governor of the State of Minnesota, which will be delivered at 12:00 noon.

PATRICK E. FLAHAVER, Secretary of the Senate

Sieben, H., moved that when the House adjourns today it adjourn until 2:00 p.m., Monday, January 28, 1980. The motion prevailed.

ANNOUNCEMENT BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to the committee to escort the Governor to the Joint Convention today:

Pehler; Peterson, D.; Nelsen, M.; Albrecht and Olsen.

Sieben, H., moved that the House recess subject to the call of the Chair for the purpose of meeting with the Senate in Joint Convention. The motion prevailed and the Speaker declared the House recessed.

RECESS

RECONVENED

The House reconvened at 11:45 a.m. and was called to order by the Speaker.

The Sergeant at Arms announced the arrival of the members of the Senate, and they were escorted to the seats reserved for them at the front of the Chamber.

JOINT CONVENTION

The Speaker of the House as President of the Joint Convention called the Joint Convention to order.

Prayer was offered by the Chaplain.

The roll being called, the following Senators answered to their names: Anderson, Ashbach and Bang.

Coleman moved that further proceedings of the roll call be dispensed with. The motion prevailed and a quorum was declared present.

The Sergeant at Arms announced the arrival of the following Constitutional Officers of the State of Minnesota: Joan Anderson Grove, Secretary of State; Arne H. Carlson, State Auditor; Jim Lord, State Treasurer; and Warren Spannaus, Attorney General. The Constitutional Officers were escorted to the seats reserved for them at the rostrum.

The Sergeant at Arms announced the arrival of the Honorable Robert J. Sheran, Chief Justice of the Supreme Court, and the Associate Justices of the Supreme Court. They were escorted to the seats reserved for them near the rostrum.

The Sergeant at Arms announced the arrival of former governors Harold E. Stassen, Karl F. Rolvaag, C. Elmer Anderson and Harold LeVander. The distinguished guests were escorted to the seats reserved for them.

The Sergeant at Arms announced the arrival of the Honorable Lou Wangberg, Lieutenant Governor of the State of Minnesota. The Lieutenant Governor was escorted to the rostrum.

The Sergeant at Arms announced the arrival of the Honorable Albert H. Quie, Governor of the State of Minnesota, and his official party. The Governor was escorted to the rostrum by the appointed committees.

ADDRESS BY THE GOVERNOR

Governor Albert H. Quie was presented to the Joint Convention by the President, and the Governor delivered his "State of State Address" to the members of the Convention and their guests.

Following the address, Coleman moved that the Joint Convention arise. The motion prevailed and the President declared the Joint Convention adjourned.

RECONVENED

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

NOTICE PURSUANT TO RULE 1.16

Pursuant to rule 1.16, Thiede gave notice that he is requesting the return to the House of H. F. No. 1151 from the Committee on General Legislation and Veterans Affairs.

ANNOUNCEMENT BY THE SPEAKER

The Speaker announced a change in the membership of the Committee on Rules and Legislative Administration as follows:

DFL Members: Eken, Chairman; Anderson, G.; Anderson, I.; Berglin; Clark; Faricy; Johnson, C.; Mann; Munger; Norton; Sieben, H.; Swanson and Voss.

IR Members: Anderson, R.; Carlson, D.; Dempsey; Forsythe; Friedrich; Heinitz; Knickerbocker; Laidig; Luknic; Nelsen, B.; Schreiber; Searle and Weaver.

ADJOURNMENT

Sieben, H., moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:00 p.m., Monday, January 28, 1980.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

STATE OF MINNESOTA

SEVENTY-FIRST SESSION - 1980

SIXTY-SECOND DAY

SAINT PAUL, MINNESOTA, MONDAY, JANUARY 28, 1980

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

Prayer was offered by the Chaplain.

The roll was called and the following members were present:

Aasness	Drew	Kaley	Nelson	Searle
Adams	Eken	Kalis	Niehaus	Searles
Ainley	Elioff	Kelly	Norman	Sherwood
Albrecht	Ellingson	Kempe	Novak	Sieben, H.
Anderson, D.	Evans	Knickerbocker	Nysether	Sieben, M.
Anderson, G.	Ewald	Kostohryz	Olsen	Simoneau
Anderson, I.	Faricy	Kroening	Onnen	Stadum
Anderson, R.	Fjoslien	Kvam	Osthoff	Stoa
Battaglia	Forsythe	Laidig	Otis	Stowell
Begich	Friedrich	Lehto	Patton	Swiggum
Berglin	Fritz	Levi	Pehler	Swanson
Berkelman	Fudro	Long	Peterson, B.	Thiede
Biersdorf	Greenfield	Ludeman	Peterson, D.	Tomlinson
Blatz	Halberg	Luknic	Piepho	Valan
Brinkman	Haukoos	Mann	Pleasant	Valento
Byrne	Heap	McCarron	Prahl	Vanasek
Carlson, D.	Heinitz	McDonald	Redalen	Voss
Carlson, L.	Hoberg	McEachern	Reding	Waldorf
Casserly	Hokanson	Mehrkens	Rees	Weaver
Clark	Jacobs	Metzen	Reif	Welch
Clawson	Jaros	Minne	Rice	Welker
Corbid	Jennings	Moe	Rodriguez	Wenzel
Crandall	Johnson, C.	Munger	Rose	Wigley
Dean	Johnson, D.	Murphy	Rothenberg	Wynia
Dempsey	Jude	Nelsen, B.	Sarna	Zubay
Den Ouden	Kahn	Nelsen, M.	Schreiber	Spkr. Norton

A quorum was present.

Anderson, B.; Erickson; Esau and Wieser were excused.

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

REPORTS OF STANDING COMMITTEES

Faricy from the Committee on Judiciary to which was referred:

H. F. No. 994, A bill for an act relating to courts; providing court commissioners with the judicial powers of a judge of the county court or the county municipal court; amending Minnesota Statutes 1978, Section 489.02.

Reported the same back with the following amendments:

Page 1, after line 22, insert:

"Sec. 2. Minnesota Statutes 1978, Chapter 489, is amended by adding a section to read:

[489.06] [COUNTY OPTION TO ABOLISH OFFICE OF COURT COMMISSIONER.] *A county may by resolution abolish the office of court commissioner. If any person has been elected to and is serving in the office of court commissioner, the office may be abolished effective only upon the expiration of his term.*"

Amend the title as follows:

Page 1, line 4, after the semicolon, insert "authorizing counties the option of abolishing the office of court commissioner;"

Page 1, line 5, after "Section 489.02" insert "and Chapter 489, by adding a section"

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 1138, A bill for an act relating to local government; authorizing the establishment of a local government training board; prescribing the board's powers and duties; appropriating money.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. *The legislature finds that there is a need for development, coordination, presentation and evaluation of train-*

ing programs for local government officials. The legislature further finds that these functions can best be accomplished by working through organizations which represent governmental units and local government officials.

Sec. 2. Minnesota Statutes 1978, Section 471.59, is amended by adding a subdivision to read:

Subd. 9. For the purposes of the development, coordination, presentation and evaluation of training programs for local government officials, governmental units may exercise their powers under this section in conjunction with organizations representing governmental units and local government officials.

Sec. 3. *Any local government training board created under an agreement authorized by this act shall consist of representatives of the local governmental units in numbers as the agreement may specify, and representatives of the state university system, the board of community colleges, the private college council and the University of Minnesota, provided that the representatives of the systems of higher education shall be equal in number to each other.*

Sec. 4. [APPROPRIATION.] *There is appropriated to the state planning agency from the general fund the sum of \$42,500 to be made available to the organization established pursuant to section 2 for the purposes provided for. The organization which receives the funds shall report to the legislature on or before January 1, 1981, as to the expenditure of funds and as to its recommendations for future state action on training of local government officials."*

Amend the title as follows:

Line 2, delete "the" and insert "local governmental units to establish training programs for local government officials in conjunction with certain organizations;"

Delete lines 3 and 4

Line 5, after "money" insert "; amending Minnesota Statutes 1978, Section 471.59, by adding a subdivision"

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

The report was adopted.

Fudro from the Committee on Transportation to which was referred:

H. F. No. 1443, A bill for an act relating to transportation; providing for a transportation board; providing for transfer of certain duties, powers and functions of the public service commission and the commissioner of transportation to the transportation regulation board; regulating railroads and other common carriers of persons or property for hire; providing penalties; appropriating funds; amending Minnesota Statutes 1978, Sections 15A.081, Subdivision 1; 174.02, Subdivision 4; 174.03, Subdivision 2; 174.10, Subdivisions 1, 3, 4; 218.011, Subdivision 7; 218.021; 218.025; 218.031, Subdivisions 1, 6, 8, 10; 218.041; 218.071; 219.03; 219.14; 219.23; 219.24; 219.25; 219.27; 219.28; 219.383; 219.39; 219.40; 219.41; 219.42; 219.43; 219.46, Subdivision 7; 219.47; 219.51; 219.52; 219.54; 219.55; 219.562, Subdivision 3; 219.65; 219.681; 219.70; 219.71; 219.741; 219.85; 219.86; 219.87; 221.011, Subdivisions 2b, 15, 22; 221.021; 221.031, Subdivision 1; 221.041; 221.051; 221.061; 221.071; 221.081; 221.101; 221.121; 221.131; 221.141, Subdivision 2; 221.151; 221.161; 221.171; 221.181; 221.221; 221.261; 221.271; 221.281; 221.291, Subdivision 1; 221.293; 221.295; 221.296, Subdivisions 2, 3, 4, 8; 221.55; 221.68; repealing Minnesota Statutes 1978, Section 219.742.

Reported the same back with the following amendments:

Page 7, line 6, delete "\$250,000" and insert "\$————"

Page 75, strike line 5

Page 75, line 6, delete "board" and strike "issued hereunder"

Page 75, line 14, delete "1979" and insert "1980"

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

The report was adopted.

Faricy from the Committee on Judiciary to which was referred:

S. F. No. 1042, A bill for an act relating to dogs; removing the urban location requirement in actions for damages against a dog owner; amending Minnesota Statutes 1978, Section 347.22.

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

The report was adopted.

Faricy from the Committee on Judiciary to which was referred:

S. F. No. 1361, A bill for an act relating to courts; providing for appeals from probate court; amending Minnesota Statutes 1978, Section 525.712; repealing Minnesota Statutes 1978, Sections 525.713; and 525.72.

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

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. No. 994 was read for the second time.

SECOND READING OF SENATE BILLS

S. F. Nos. 1042 and 1361 were read for the second time.

REPORT FROM THE COMMITTEE ON RULES AND LEGISLATIVE ADMINISTRATION

Eken, for the Committee on Rules and Legislative Administration, offered the following report and moved its adoption:

Be it Resolved, by the Minnesota House of Representatives, that:

A. The Temporary Rules of the 70th Session except as modified by this resolution are hereby adopted as the Temporary Rules of the House for the remainder of the 71st Session.

B. Temporary Rule 6, Section 1, shall be amended to read:

COMMITTEES. Standing committees of the House shall be appointed by the speaker as follows:

Agriculture

Appropriations

Divisions: Education
Health, Welfare, Corrections
State Departments
Semi-State
Claims

Commerce, Economic Development and Housing

Criminal Justice

Education

Divisions: School Aids
Higher Education

Energy and Utilities
 Environment and Natural Resources
 Financial Institutions and Insurance
 General Legislation and Veterans Affairs
 Governmental Operations
 Health and Welfare
 Judiciary
 Labor-Management Relations
 Local and Urban Affairs
 Rules and Legislative Administration
 Taxes
 Divisions: I
 II
 Transportation

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

Those who voted in the affirmative were:

Aasness	Drew	Kalis	Niehaus	Searles
Adams	Eken	Kelly	Norman	Sherwood
Ainley	Elioff	Kempe	Novak	Sieben, H.
Albrecht	Ellingson	Knickerbocker	Nysether	Sieben, M.
Anderson, D.	Evans	Kostohryz	Olsen	Simoneau
Anderson, G.	Ewald	Kroening	Onnen	Stadum
Anderson, I.	Faricy	Kvam	Osthoff	Stoa
Anderson, R.	Fjoslien	Laidig	Otis	Stowell
Battaglia	Forsythe	Lehto	Patton	Sviggum
Begich	Friedrich	Levi	Pehler	Swanson
Berglin	Fritz	Long	Peterson, B.	Thiede
Berkelman	Fudro	Ludeman	Peterson, D.	Tomlinson
Biersdorf	Greenfield	Luknic	Piepho	Valan
Blatz	Halberg	Mann	Pleasant	Valento
Brinkman	Haukoos	McCarron	Prahl	Vanasek
Byrne	Heinitz	McDonald	Redalen	Voss
Carlson, D.	Hoberg	McEachern	Reding	Waldorf
Carlson, L.	Hokanson	Mehrkens	Rees	Weaver
Cassery	Jacobs	Metzen	Reif	Welch
Clark	Jaros	Minne	Rice	Welker
Clawson	Jennings	Moe	Rodriguez	Wenzel
Corbid	Johnson, C.	Munger	Rose	Wigley
Crandall	Johnson, D.	Murphy	Rothenberg	Wynia
Dean	Jude	Nelsen, B.	Sarna	Zubay
Dempsey	Kahn	Nelsen, M.	Schreiber	Spkr. Norton
Den Ouden	Kaley	Nelson	Searle	

The report was adopted and the temporary rules of the House for the remainder of the 71st Session were adopted.

GENERAL ORDERS

Sieben, H., moved that the bills on General Orders for today be continued on General Orders for one day. The motion prevailed.

MOTIONS AND RESOLUTIONS

Kelly moved that the name of Pavlak be stricken and the name of Kroening be added as an author on H. F. No. 695. The motion prevailed.

Lehto moved that the name of Dean be added as an author on H. F. No. 1655. The motion prevailed.

Clawson moved that the name of Clark be added as an author on H. F. No. 808. The motion prevailed.

Kelly moved that the name of Novak be added as an author on H. F. No. 445. The motion prevailed.

Simoneau moved that the name of Pavlak be stricken and the name of Simoneau be added as an author on H. F. No. 1490. The motion prevailed.

Levi moved that her name be stricken as an author on H. F. No. 959. The motion prevailed.

Pehler moved that the name of Berglin be added as an author on H. F. No. 1412. The motion prevailed.

Ainley moved that the name of Searles be added as an author on H. F. No. 1648. The motion prevailed.

Begich moved that the name of Elioff be added as an author on H. F. No. 1651. The motion prevailed.

Begich moved that the name of Elioff be added as an author on H. F. No. 1650. The motion prevailed.

Drew moved that the name of Pavlak be stricken and the name of Drew be added as an author on H. F. No. 1168. The motion prevailed.

Pehler moved that H. F. No. 996 now on General Orders be returned to its author. The motion prevailed.

ANNOUNCEMENT BY THE SPEAKER

The Speaker announced the following committee assignments:

AGRICULTURE

DFL	IR
Mann — Chairman	Aasness
Kalis — Vice Chairman	Albrecht
Anderson, B.	Carlson, D.
Anderson, G.	Erickson
Berkelman	Ludeman
Brinkman	Luknic
Eken	McDonald
Johnson, C.	Nelsen, B.
Kahn	Stowell
Nelsen, M.	Sviggum
Welch	Valan
Wenzel	

APPROPRIATIONS

DFL	IR
Voss — Chairman	Anderson, D.
Corbid — Vice Chairman	Anderson, R.
Anderson, G.	Dean
Berkelman	Den Ouden
Ellingson	Erickson
Hokanson	Forsythe
Kahn	Haukoos
Kalis	Johnson, D.
Kempe	Laidig
McCarron	Mehrkens
Metzen	Nelsen, B.
Munger	Piepho
Osthoff	Reif
Rice	Stadum
Sieben, M.	Valan
Swanson	Weaver
Waldorf	Welker
Welch	Wieser
Wynia	

EDUCATION DIVISION (APPROPRIATIONS)

DFL	IR
Sieben, M. — Chairman	Dean
Welch — Vice Chairman	Erickson
Metzen	Haukoos
Munger	Nelsen, B.
Osthoff	Stadum
Swanson	Weaver
Waldorf	

**HEALTH, WELFARE AND CORRECTIONS DIVISION
(APPROPRIATIONS)**

DFL	IR
McCarron — Chairman	Anderson, R.
Hokanson — Vice Chairman	Den Ouden
Berkelman	Forsythe
Corbid	Mehrkens
Rice	Reif
Waldorf	Wieser
Wynia	

SEMI-STATE DIVISION (APPROPRIATIONS)

DFL	IR
Anderson, G. — Chairman	Dean
Metzen — Vice Chairman	Laidig
Hokanson	Mehrkens
Osthoff	Stadum
Sieben, M.	

STATE DEPARTMENTS DIVISION (APPROPRIATIONS)

DFL	IR
Kahn — Chairman	Anderson, D.
Berkelman — Vice Chairman	Johnson, D.
Anderson, G.	Laidig
Ellingson	Piepho
Kalis	Valan
Kempe	Welker
Voss	

CLAIMS DIVISION (APPROPRIATIONS)

DFL
Kempe — Chairman

COMMERCE, ECONOMIC DEVELOPMENT AND HOUSING

DFL	IR
Prahl — Chairman	Ainley
Kroening — Vice Chairman	Albrecht
Adams	Anderson, R.
Anderson, G.	Biersdorf
Fudro	Ewald
Jaros	Forsythe
Metzen	Friedrich
Murphy	Heap
Osthoff	Olsen
Reding	Piepho
Sarna	Welker
Sieben, M.	Wieser
Simoneau	

CRIMINAL JUSTICE

DFL

Vanasek — Chairman
 Clark — Vice Chairman
 Battaglia
 Greenfield
 Jaros
 Kelly
 Lehto
 Minne
 Moe
 Nelson
 Novak

IR

Crandall
 Drew
 Jennings
 Kvam
 Laidig
 Nysether
 Rothenberg
 Sherwood
 Zubay

EDUCATION

DFL

Johnson, C. — Chairman
 Kelly — Vice Chairman
 Anderson, B.
 Carlson, L.
 Eken
 Elioff
 Jacobs
 Kostohryz
 Long
 Mann
 McEachern
 Nelsen, M.
 Nelson
 Otis
 Peterson, D.
 Tomlinson

IR

Ainley
 Drew
 Esau
 Fjoslien
 Heap
 Hoberg
 Jennings
 Knickerbocker
 Levi
 Niehaus
 Olsen
 Redalen
 Sherwood
 Thiede
 Zubay

SCHOOL AIDS DIVISION (EDUCATION)

DFL

McEachern — Chairman
 Anderson, B. — Vice Chairman
 Eken
 Johnson, C.
 Kostohryz
 Nelson
 Tomlinson

IR

Esau
 Jennings
 Knickerbocker
 Levi
 Olsen
 Thiede

HIGHER EDUCATION DIVISION (EDUCATION)

DFL	IR
Carlson, L. — Chairman	Ainley
Nelsen, M. — Vice Chairman	Drew
Elioff	Fjoslien
Jacobs	Heap
Kelly	Hoberg
Long	Redalen
Mann	Sherwood
Otis	Zubay
Peterson, D.	

ENERGY AND UTILITIES

DFL	IR
Nelson — Chairman	Ainley
Reding — Vice Chairman	Carlson, D.
Clark	Evans
Corbid	Ewald
Greenfield	Friedrich
Jude	Kaley
Kahn	Nysether
Minne	Redalen
Munger	Rees
Nelsen, M.	Rothenberg
Otis	Welker
Stoa	Wigley
Tomlinson	

ENVIRONMENT AND NATURAL RESOURCES

DFL	IR
Munger — Chairman	Carlson, D.
Kostohryz — Vice Chairman	Dean
Anderson, I.	Den Ouden
Battaglia	Fjoslien
Begich	Levi
Ellingson	Nysether
Jacobs	Peterson, B.
Lehto	Rose
Long	Sherwood
Nelsen, M.	Stadum
Patton	Stowell
Stoa	Weaver
Vanasek	

FINANCIAL INSTITUTIONS AND INSURANCE

DFL

Brinkman — Chairman
 Wenzel — Vice Chairman
 Adams
 Corbid
 Ellingson
 Faricy
 Greenfield
 Kelly
 Osthoff
 Swanson
 Voss
 Wynia

IR

Anderson, D.
 Blatz
 Ewald
 Heinitz
 Jennings
 Johnson, D.
 Rees
 Sviggum
 Valan
 Wieser

GENERAL LEGISLATION AND VETERANS AFFAIRS

DFL

Anderson, I. — Chairman
 Osthoff — Vice Chairman
 Carlson, L.
 Fudro
 Kostohryz
 McCarron
 Minne
 Otis
 Peterson, D.
 Rice
 Vanasek

IR

Halberg
 Haukoos
 Hoberg
 Laidig
 McDonald
 Norman
 Olsen
 Onnen
 Valento
 Wigley

GOVERNMENTAL OPERATIONS

DFL

Moe — Chairman
 Patton — Vice Chairman
 Adams
 Battaglia
 Byrne
 Clawson
 Kroening
 Lehto
 Minne
 Reding
 Rodriguez
 Sarna
 Simoneau
 Stoa
 Wenzel

IR

Aasness
 Albrecht
 Biersdorf
 Heinitz
 Kaley
 Ludeman
 McDonald
 Norman
 Rees
 Rose
 Sviggum
 Stowell
 Wigley

HEALTH AND WELFARE

DFL	IR
Swanson — Chairman	Aasness
Byrne — Vice Chairman	Blatz
Anderson, B.	Crandall
Berglin	Drew
Berkelman	Esau
Clark	Heinitz
Clawson	Kaley
Elioff	Kvam
Greenfield	Niehaus
Hokanson	Onnen
Rodriguez	Reif
Waldorf	Zubay
Welch	

JUDICIARY

DFL	IR
Faricy — Chairman	Anderson, D.
Jude — Vice Chairman	Crandall
Byrne	Dean
Casserly	Dempsey
Kempe	Erickson
Long	Forsythe
Murphy	Mehrkens
Sieben, M.	Peterson, B.
Stoa	Pleasant
Voss	

LABOR-MANAGEMENT RELATIONS

DFL	IR
Rice — Chairman	Biersdorf
Begich — Vice Chairman	Evans
Carlson, L.	Fritz
Elioff	Heap
Metzen	Niehaus
Moe	Norman
Murphy	Reif
Pehler	Rose
Prahl	Searles
Rodriguez	Stadum
Simoneau	

LOCAL AND URBAN AFFAIRS

DFL

Casserly — Chairman
 Pehler — Vice Chairman
 Berglin
 Berkelman
 Clawson
 Elioff
 Ellingson
 Kroening
 Long
 McCarron
 McEachern
 Peterson, D.
 Simoneau
 Waldorf
 Wynia

IR

Anderson, R.
 Fjoslien
 Fritz
 Haukoos
 Hoberg
 Johnson, D.
 Levi
 Piepho
 Pleasant
 Schreiber
 Searles
 Thiede
 Valento
 Weaver

RULES AND LEGISLATIVE ADMINISTRATION

DFL

Eken — Chairman
 Anderson, G.
 Anderson, I.
 Berglin
 Clark
 Faricy
 Johnson, C.
 Mann
 Munger
 Norton
 Sieben, H.
 Swanson
 Voss

IR

Anderson, R.
 Carlson, D.
 Dempsey
 Forsythe
 Friedrich
 Heinitz
 Knickerbocker
 Laidig
 Luknic
 Nelsen, B.
 Schreiber
 Searle
 Weaver

TAXES

DFL

Sieben, H. — Chairman
 Jaros — Vice Chairman
 Anderson, I.
 Begich
 Berglin
 Brinkman
 Casserly
 Eken
 Faricy
 Jacobs
 Johnson, C.
 Novak
 Pehler
 Prahl
 Tomlinson
 Vanasek

IR

Blatz
 Dempsey
 Evans
 Fritz
 Halberg
 Kvam
 Luknic
 Onnen
 Peterson, B.
 Pleasant
 Rothenberg
 Schreiber
 Searle
 Valento
 Searles

DIVISION I (TAXES)

Berglin — Chairman
Pehler — Vice Chairman

DIVISION II (TAXES)

Tomlinson — Chairman
Novak — Vice Chairman

TRANSPORTATION

DFL	IR
Fudro — Chairman	Dempsey
Sarna — Vice Chairman	Den Ouden
Hokanson	Esau
Jacobs	Friedrich
Jude	Halberg
Kalis	Ludeman
Kempe	Luknic
Mann	Mehrkens
McEachern	Nelsen, B.
Novak	Redalen
Otis	Schreiber
Patton	Thiede
Peterson, D.	

ADJOURNMENT

Sieben, H., moved that when the House adjourns today it adjourn until 2:00 p.m., Thursday, January 31, 1980. The motion prevailed.

Sieben, H., moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:00 p.m., Thursday, January 31, 1980.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

STATE OF MINNESOTA

SEVENTY-FIRST SESSION - 1980

SIXTY-THIRD DAY

SAINT PAUL, MINNESOTA, THURSDAY, JANUARY 31, 1980

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

Prayer was offered by the Chaplain.

The roll was called and the following members were present:

Aasness	Drew	Kahn	Nelson	Searles
Adams	Eken	Kaley	Niehaus	Sherwood
Ainley	Elioff	Kalis	Norman	Sieben, H.
Albrecht	Ellingson	Kelly	Novak	Sieben, M.
Anderson, B.	Erickson	Kempe	Nysether	Simoneau
Anderson, D.	Esau	Knickerbocker	Olsen	Stadum
Anderson, G.	Evans	Kostohryz	Onnen	Stoa
Anderson, I.	Ewald	Kroening	Osthoff	Stowell
Anderson, R.	Faricy	Kvam	Otis	Sviggum
Battaglia	Fjoslien	Laidig	Patton	Swanson
Begich	Forsythe	Lehto	Pehler	Thiede
Berglin	Friedrich	Levi	Peterson, B.	Tomlinson
Berkelman	Fritz	Long	Peterson, D.	Valan
Biersdorf	Fudro	Ludeman	Piepho	Valento
Blatz	Greenfield	Luknic	Pleasant	Vanasek
Brinkman	Halberg	Mann	Prahl	Voss
Byrne	Haukoos	McCarron	Redalen	Waldorf
Carlson, D.	Heap	McDonald	Reding	Weaver
Carlson, L.	Heinitz	McEachern	Rees	Welch
Cassarly	Hoberg	Mehrkens	Reif	Welker
Clark	Hokanson	Metzen	Rice	Wenzel
Clawson	Jacobs	Minne	Rodriguez	Wieser
Corbid	Jaros	Moe	Rose	Wigley
Crandall	Jennings	Munger	Rothenberg	Wynia
Dean	Johnson, C.	Murphy	Sarna	Zubay
Dempsey	Johnson, D.	Nelsen, B.	Schreiber	Spkr. Norton
Den Ouden	Jude	Nelsen, M.	Searle	

A quorum was present.

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

REPORTS OF CHIEF CLERK

Pursuant to Rules of the House, printed copies of H. F. No. 994 have been placed in the members' files.

INTRODUCTION AND FIRST READING
OF HOUSE BILLS

The following House Files were introduced:

Carlson, D., introduced:

H. F. No. 1674, A bill for an act relating to taxation; including tax levies to pay certain local election expenses within definition of special levies; amending Minnesota Statutes, 1979 Supplement, Section 275.50, Subdivision 5.

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

Blatz and Ewald introduced:

H. F. No. 1675, A bill for an act relating to financial institutions; authorizing certain additional facilities for banks; amending Minnesota Statutes 1978, Section 47.52.

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

Valan and Stadum introduced:

H. F. No. 1676, A bill for an act relating to highway traffic regulations; authorizing local authorities to establish speed limits within high pedestrian conflict zones on highways and streets under their jurisdiction; amending Minnesota Statutes 1978, Section 169.14, Subdivision 5, and by adding a subdivision.

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

Valan and Stadum introduced:

H. F. No. 1677, A bill for an act relating to highway traffic regulations; regulating speed in certain speed zones; authorizing local authorities to establish speed limits within high pedestrian conflict zones; amending Minnesota Statutes, 1979 Supplement, Section 169.14, Subdivision 5a.

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

Valan, Stadum and Hoberg introduced:

H. F. No. 1678, A bill for an act relating to taxation; authorizing certain taxing districts to provide property tax exemption or abatement for certain new business facilities.

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

Carlson, D., introduced:

H. F. No. 1679, A bill for an act relating to agriculture; renaming the livestock sanitary board; repealing obsolete language; regulating treatment of diseased animals; eliminating certain local boards; providing a penalty; amending Minnesota Statutes 1978, Sections 17A.04, Subdivision 6; 29.051; 29.061; 29.081; 35.01, Subdivisions 1 and 2; 35.02, Subdivision 1; 35.03; 35.05; 35.06; 35.063; 35.065; 35.08; 35.09; 35.10; 35.11; 35.12; 35.13; 35.15; 35.16; 35.245; 35.67; 35.68; 35.695; 35.70, Subdivisions 1, 3 and 4; 35.71, Subdivisions 3 and 7; 35.81; 35.82; 35.822; 35.830; 35.831; 346.26; 347.32; 347.33; 347.34; 347.35; 347.37; 347.38; and 347.39; repealing Minnesota Statutes 1978, Sections 35.01, Subdivisions 3, 4, 5, 6 and 7; 35.07; 35.131; 35.132; 35.133; 35.134; 35.135; 35.136; 35.137; 35.17; 35.18; 35.19; 35.20; 35.21; 35.22; 35.23; 35.24; 35.25; 35.26; 35.27; 35.28; 35.29; 35.30; 35.31; 35.32; 35.33; 35.34; 35.35; 35.40; 35.41; 35.42; 35.43; 35.44; 35.45; 35.46; 35.47; 35.48; 35.49; 35.50; 35.51; 35.55; 35.56; 35.57; 35.58; 35.60; 35.605; 35.70, Subdivisions 2, 5, 6 and 8; 35.73, Subdivision 2; and 35.821, Subdivision 2.

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

Crandall, Clark, Norman and Corbid introduced:

H. F. No. 1680, A bill for an act relating to the City of Minneapolis; authorizing the establishment of a detached banking facility.

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

Pleasant, Rothenberg and Heap introduced:

H. F. No. 1681, A bill for an act relating to metropolitan government; establishing fare policy for the metropolitan transit commission; providing free fares for certain persons during certain hours; appropriating money; amending Minnesota Statutes, 1979 Supplement, Section 473.408, Subdivision 3.

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

Begich introduced:

H. F. No. 1682, A bill for an act relating to governmental operations; use of local and state government vehicles; prohibiting the use of state and local government vehicles for nongovernmental functions.

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

Kostohryz, Osthoff, Wynia, Waldorf and McCarron introduced:

H. F. No. 1683, A bill for an act relating to the Valley Branch Watershed District; providing for representation of Ramsey County on the board of managers for the Valley Branch Watershed District.

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

Elioff and Begich introduced:

H. F. No. 1684, A bill for an act relating to state lands; providing for the conveyance of certain land to the city of Virginia.

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

Begich introduced:

H. F. No. 1685, A bill for an act relating to taxation; income; providing a credit to certain persons for certain motor vehicle fuel costs; amending Minnesota Statutes 1978, Chapter 290, by adding a section.

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

Kostohryz, Osthoff, Wynia and Novak introduced:

H. F. No. 1686, A bill for an act relating to game and fish; prohibiting the sale or use of leghold traps in the territory included in Ramsey County; providing penalties.

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

Sieben, M.; Brinkman; Heinitz and Blatz introduced:

H. F. No. 1687, A bill for an act relating to insurance; excepting certain policies from readability requirements; amending Minnesota Statutes 1978, Sections 72C.03; and 72C.09.

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

Anderson, B., introduced:

H. F. No. 1688, A bill for an act relating to initiative, referendum and recall; proposing an amendment to the Minnesota Constitution by adding articles providing for initiative and referendum and for the recall of public officials.

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

Brinkman, Vanasek, Valan, Mann and Sviggum introduced:

H. F. No. 1689, A bill for an act relating to retirement; granting an option as to public employees retirement association membership to employees of public hospitals, nursing homes and extended care facilities; repealing Minnesota Statutes 1978, Section 355.73, Subdivision 6.

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

Kelly, Rodriguez, Greenfield, Wynia and Berglin introduced:

H. F. No. 1690, A bill for an act relating to metropolitan government; establishing fare policy for the metropolitan transit commission; providing free fares during certain hours for certain persons; amending Minnesota Statutes, 1979 Supplement, Section 473.408, Subdivision 3.

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

Reding introduced:

H. F. No. 1691, A bill for an act relating to game and fish; increasing the period of ineligibility for successful applicants for moose or wild turkey licenses; amending Minnesota Statutes, 1979 Supplement, Section 100.271, Subdivision 3a.

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

Berkelman; Johnson, D.; Corbid; Jennings and Ellingson introduced:

H. F. No. 1692, A bill for an act relating to insurance; requiring the issuance of temporary licenses to certain qualified persons; amending Minnesota Statutes 1978, Section 60A.17, by adding a subdivision.

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

Berkelman, Murphy, Munger, Jaros and Lehto introduced:

H. F. No. 1693, A resolution memorializing the President and Vice President of the United States, the United States Congress, and the United States Secretary of Defense to select the Duluth Air Force Base as the Space Shuttle Control Center.

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

Kempe introduced:

H. F. No. 1694, A bill for an act relating to crimes; prohibiting the sale of drug related devices, cigarette paper or the means for making cigarettes to minors and to any person if there is knowledge or reason to believe that the items will be used in violation of the controlled substance law; prohibiting the sale of objects which when assembled would constitute a drug related device; prohibiting owners of real property to lease or otherwise permit the use of their property for the retail sale of drug related devices; prescribing penalties.

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

Berkelman; Johnson, D.; Wieser; Long and Waldorf introduced:

H. F. No. 1695, A bill for an act relating to highways; providing that a resolution of a county board revoking a county highway that would revert to a town is not effective until the highway meets town road specification standards; amending Minnesota Statutes 1978, Section 163.11, Subdivision 5a.

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

Drew, Mehrkens and Greenfield introduced:

H. F. No. 1696, A bill for an act relating to the environment; directing the pollution control agency to adopt rules related to public notification of hearings when it will be considering requests for variances; amending Minnesota Statutes 1978, Section 116.07, Subdivision 5.

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

Luknic, McEachern, Nelson, Levi and Heap introduced:

H. F. No. 1697, A bill for an act relating to education; providing mobility incentives for teachers at the school for the deaf and at the braille and sight-saving school; amending Minnesota Statutes 1978, Section 354.094, Subdivisions 1 and 5; and Minnesota Statutes, 1979 Supplement, Section 354.094, Subdivisions 3 and 6.

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

Esau, Anderson, R., and Niehaus introduced:

H. F. No. 1698, A bill for an act proposing an amendment to the Minnesota Constitution to add an article to provide for initiative and referendum.

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

Heap introduced:

H. F. No. 1699, A bill for an act relating to food; exempting certain donors of food from civil and criminal liability in certain circumstances.

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

Brinkman, Ewald, Blatz, Wenzel and Swanson introduced:

H. F. No. 1700, A bill for an act relating to financial institutions; permitting industrial loan and thrift companies to take liens on real estate; authorizing charges incurred in taking liens on real estate; amending Minnesota Statutes 1978, Section 53.04, Subdivisions 1, 3, and by adding a subdivision.

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

Rose, Heap, Osthoff, Reif and Crandall introduced:

H. F. No. 1701, A bill for an act relating to families; designating an American family day.

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

Dempsey, Weaver and Johnson, C., introduced:

H. F. No. 1702, A bill for an act relating to corrections; prescribing penalties for persons who introduce contraband into state hospitals; amending Minnesota Statutes, 1979 Supplement, Section 243.55.

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

Kaley; Sieben, H.; Tomlinson; Johnson, C., and Kvam introduced:

H. F. No. 1703, A bill for an act relating to taxation; real property; providing for the classification of certain mobile homes as real property for assessment purposes; amending Minnesota Statutes 1978, Sections 168.012, Subdivision 9; and 273.13, Subdivision 3.

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

Albrecht, Friedrich, Begich, Stadum and Battaglia introduced:

H. F. No. 1704, A bill for an act relating to the state building code; providing for majority of county board to decide applicability of state building codes; amending Minnesota Statutes, 1979 Supplement, Section 16.868.

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

Sviggum; McDonald; Sieben, M.; Mann and Onnen introduced:

H. F. No. 1705, A bill for an act relating to taxation; real property; eliminating tax recapture upon certain sales of qualifying agricultural property; amending Minnesota Statutes 1978, Section 273.111, Subdivision 9, and by adding a subdivision.

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

Haukoos, Ainley, Thiede, Fudro and Patton introduced :

H. F. No. 1706, A bill for an act relating to transportation; providing for a travel information franchise program, and prescribing the powers and duties of the commissioner of transportation in relation thereto; amending Minnesota Statutes 1978, Sections 160.08, Subdivision 7; 161.23, Subdivision 3; 161.433, Subdivision 2; and 161.434.

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

Greenfield introduced :

H. F. No. 1707, A bill for an act relating to children; requiring reports of neglect and sexual abuse of children; amending Minnesota Statutes, 1979 Supplement, Section 626.556, Subdivision 2.

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

Sieben, M.; Laidig and Levi introduced :

H. F. No. 1708, A bill for an act relating to courts; tenth judicial district; authorizing two additional judges; authorizing appointment of a law clerk for each district court judge; amending Minnesota Statutes 1978, Sections 2.722, Subdivision 1; and 484.545, Subdivision 1.

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

Luknic, Nelson, Battaglia, Norman and Minne introduced :

H. F. No. 1709, A bill for an act relating to crimes; prohibiting the sale of drug related devices to minors; prohibiting the possession of drug related devices by minors; prescribing penalties.

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

Nelson; Anderson, D.; Tomlinson; Pehler and Wigley introduced:

H. F. No. 1710, A bill for an act relating to energy; stating legislative energy policy; establishing a joint legislative committee on energy; providing grants and assistance for community energy planning; modifying certain need certification procedures; allowing certain utility expenses; appropriating money; amending Minnesota Statutes 1978, Sections 116H.01; 216B.16, by adding a subdivision; Minnesota Statutes, 1979 Supplement, Section 116H.13, Subdivisions 3, 5, and 7.

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

Blatz, Vanasek, Ellingson, Stadum and Patton introduced:

H. F. No. 1711, A bill for an act relating to waters; exempting certain watercraft from requirements related to personal safety devices; amending Minnesota Statutes 1978, Section 361.141, Subdivision 1.

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

Hokanson; Sieben, H.; Jacobs; Luknic and Evans introduced:

H. F. No. 1712, A bill for an act relating to taxation; income; excluding certain interest income from gross income; amending Minnesota Statutes, 1979 Supplement, Section 290.01, Subdivision 20.

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

Battaglia, Begich, Elioff and Minne introduced:

H. F. No. 1713, A bill for an act relating to the town of Greenwood; granting the town the power to specially assess for a bridge improvement.

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

Berglin, Sherwood and Greenfield introduced:

H. F. No. 1714, A bill for an act relating to local government; permitting enactment of ordinances to impose certain taxes.

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

Rees; Peterson, B.; Swanson; Fudro and Kempe introduced:

H. F. No. 1715, A resolution memorializing the Civil Aeronautics Board and the President of the United States to authorize non-stop service by Northwest Airlines between Minneapolis-St. Paul and London.

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

Nelson, Ainley, Vanasek, Evans and Novak introduced:

H. F. No. 1716, A bill for an act relating to energy; creating a state emergency residential heating grant program; broadening the scope of state weatherization programs; reimbursing counties; providing remedies for tenants whose landlords have not made required energy improvements; providing income tax credits for certain conservation expenditures; providing certain income tax exemptions; extending tax credits for investments in alternative energy systems; appropriating money; amending Minnesota Statutes 1978, Section 290.06, by adding a subdivision; and Minnesota Statutes, 1979 Supplement, Sections 290.01, Subdivision 20; and 290.06, Subdivision 14.

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

Stadum, Begich, Valan, Simoneau and Sviggum introduced:

H. F. No. 1717, A bill for an act relating to workers' compensation; providing for insurance rate setting by individual insurance companies; eliminating duties of rating bureau of Minnesota; creating duties for the commissioner of insurance; amending Minnesota Statutes 1978, Sections 70A.02; 70A.09; 70A.16; 79.09; 79.24; 79.28; 79.29; 79.30; 79.31; 79.32; Chapter 79, by adding a section; Minnesota Statutes, 1979 Supplement, Sections 79.075; 79.21; 79.211; 79.25, Subdivision 1; repealing Minnesota Statutes 1978, Sections 79.08; 79.11; 79.12; 79.13; 79.14; 79.15; 79.16; 79.17; 79.18; 79.19; 79.20; 79.26; 79.27; Minnesota Statutes, 1979 Supplement, Sections 79.01, Subdivision 7; 79.071; 79.072; 79.073; 79.076; 79.10; 79.171; and 79.22.

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

Reding introduced:

H. F. No. 1718, A bill for an act relating to public buildings; appropriating money for the Hormel Institute.

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

Dempsey introduced:

H. F. No. 1719, A bill for an act relating to family; clarifying circumstances in which parent with custody of child may move to another state; amending Minnesota Statutes, 1979 Supplement, Section 518.175, Subdivision 3.

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

Dempsey introduced:

H. F. No. 1720, A bill for an act relating to crimes; criminal sexual conduct; clarifying the term "complainant"; amending Minnesota Statutes, 1979 Supplement, Section 609.341, Subdivision 13.

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

Dempsey introduced:

H. F. No. 1721, A bill for an act relating to natural resources; appropriating funds for a feasibility study of restoration of a dam in Flandrau State Park.

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

Onnen, Vanasek, Schreiber, Johnson, C., and Valento introduced:

H. F. No. 1722, A bill for an act relating to taxation; income; property tax refund; deleting obsolete and unnecessary provisions and references; amending Minnesota Statutes 1978, Sections 209.03; 290.07, Subdivision 4; 290.071, Subdivision 1; 290.073; 290.077, Subdivision 4; 290.08, Subdivisions 3, 8 and 13; 290.09, Subdivisions 5, 13 and 25; 290.095, Subdivisions 3 and 8; 290.131, Subdivision 1; 290.18, Subdivision 1; 290.28, Subdivision 3; 290.311, Subdivisions 1 and 2; 290.32; 290.361, Subdivision 2; 290.38; 290.40; 290.49, Subdivision 1; 290.62; 290.65, Subdivisions 2, 7, 9, 13 and 16; 290.92, Subdivisions 2a, 5, 13 and 15; 290.93, Subdivisions 5 and 9; 290.931, Subdivision 1; 290.932, Subdivision 1; 290.936; 290.97; 290.972, Subdivisions 2 and 3; 290A.07, Subdivision 1; Minnesota Statutes, 1979 Supplement, Sections 290.01, Subdivision 20; and 290A.03, Subdivisions 3 and 13; repealing Minnesota Statutes 1978, Sections 290.06, Subdivisions 2b, 3a and 3b; 290.08, Subdivisions 4 and 5; 290.086; 290.087; 290.09, Subdivisions 11 and 20; 290.095,

Subdivision 6; 290.31, Subdivision 28; 290.34, Subdivision 4; 290.361, Subdivision 4; 290.363; 290.45, Subdivision 2a; 290.49, Subdivision 9; 290.53, Subdivision 6; 290.65, Subdivisions 8, 14 and 15; 290.66; 290.68; 290.69; 290.93, Subdivision 12; 290.932, Subdivision 5; 290.95; 290.96; and 290.972, Subdivision 7.

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

Anderson, I., introduced:

H. F. No. 1723, A bill for an act relating to snowmobiles; authorizing use in trapping related activities in certain counties; amending Minnesota Statutes, 1979 Supplement, Section 100.29, Subdivision 30.

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

Heinitz, Stoa and Stowell introduced:

H. F. No. 1724, A bill for an act relating to labor; exempting seamen from the fair labor standards act; amending Minnesota Statutes, 1979 Supplement, Section 177.23, Subdivision 7.

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

Hoberg introduced:

H. F. No. 1725, A bill for an act relating to retirement; authorizing membership in the public employees' police and fire fund for the Moorhead police chief.

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

Piepho, Rees, Heap, Jennings and Dempsey introduced:

H. F. No. 1726, A bill for an act relating to taxation; income; excluding certain interest income from gross income; amending Minnesota Statutes 1978, Section 290.01, Subdivision 20, as amended.

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

Faricy, for the Committee on Judiciary, introduced:

H. F. No. 1727, A bill for an act relating to family; providing that natural parents may obtain a copy of an adopted child's original birth certificate; allowing parents ten days to revoke consent to adoption; providing a pre-adoption residency of three months; amending Minnesota Statutes 1978, Sections 144.218, Subdivision 1; 144.225, Subdivision 2; 259.24, Subdivision 5, and by adding a subdivision; 259.25, Subdivision 1, and by adding a subdivision; and 259.27, Subdivision 4; repealing Minnesota Statutes, 1979 Supplement, Sections 259.24, Subdivision 6; and 259.25, Subdivision 2.

The bill was read for the first time and laid over one day.

Haukoos, Patton, Redalen and Weaver introduced:

H. F. No. 1728, A bill for an act relating to transportation; providing for maintenance of railroad crossings; providing a penalty; appropriating money; amending Minnesota Statutes 1978, Sections 219.403; 219.42; and Chapter 219, by adding a section.

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

Haukoos, Valento and Jennings introduced:

H. F. No. 1729, A bill for an act relating to taxation; income tax; providing that certain unemployment compensation be included in gross income; amending Minnesota Statutes, 1979 Supplement, Section 290.01, Subdivision 20.

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

Berkelman, Heinitz, Reding, Anderson, G., and Ewald introduced:

H. F. No. 1730, A bill for an act relating to commerce; limiting product liability actions against non-manufacturers.

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

Niehaus; Aasness; Nelsen, M.; Reding and McDonald introduced:

H. F. No. 1731, A bill for an act relating to labor; regulating certain steam engines and boilers and steam engine and boiler operators; amending Minnesota Statutes 1978, Chapter 183, by adding a section.

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

Novak, Fudro, Schreiber, Friedrich and Hokanson introduced:

H. F. No. 1732, A bill for an act relating to motor vehicle carriers; defining courier services carrier; providing the procedures for granting permits to courier services carriers; excluding courier service carriers from the term regular route common carrier; amending Minnesota Statutes 1978, Sections 221.011, Subdivision 9, and by adding a subdivision; and 221.121, by adding a subdivision.

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

Ainley, Eken, Prah, Thiede and Sherwood introduced:

H. F. No. 1733, A resolution memorializing the United States Congress to oppose efforts to include the Upper Mississippi River in the National Wild and Scenic Rivers Program.

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

Sviggum, Haukoos, Wenzel, Redalen and Waldorf introduced:

H. F. No. 1734, A bill for an act relating to taxation; providing an exclusion from gross income for certain interest and dividend income; amending Minnesota Statutes, 1979 Supplement, Section 290.01, Subdivision 20.

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

Stoa and Stowell introduced:

H. F. No. 1735, A bill for an act relating to counties; providing for publication and examination of accounts; amending Minnesota Statutes, 1979 Supplement, Section 375.17.

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

Mehrkens; Johnson, C.; Onnen; Eken and Blatz introduced:

H. F. No. 1736, A bill for an act relating to taxation; income tax; excluding certain interest income from gross income; amending Minnesota Statutes, 1979 Supplement, Section 290.01, Subdivision 20.

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

Kroening, Berglin, Wynia, Begich and Rice introduced:

H. F. No. 1737, A bill for an an act relating to taxation; real property; reducing the assessment ratio for certain property; amending Minnesota Statutes, 1979 Supplement, Section 273.13, Subdivision 7.

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

Stadum, Eken, Valan, Ainley and Nysether introduced:

H. F. No. 1738, A bill for an act relating to housing; appropriating money to the Minnesota housing finance agency for the purpose of subsidizing certain loan origination fees; requiring a report.

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

Pehler and Patton introduced:

H. F. No. 1739, A bill for an act relating to retirement; providing for the amortization of the unfunded accrued liability of the St. Cloud firefighters' relief association.

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

Novak; Simoneau; Anderson, R.; Pehler and Wenzel introduced:

H. F. No. 1740, A bill for an act relating to education; providing for the negotiation and arbitration of collective bargaining agreements between the exclusive representatives and the employers of teachers; extending the applicability of certain sections of PELRA; amending Minnesota Statutes 1978, Sections 179.61; 179.62; 179.63, Subdivisions 1 and 4; 179.64, Subdivision 1; 179.65, Subdivision 1; 179.66, Subdivisions 5, 6 and 9; 179.67, Subdivision 1; 179.68; 179.71, Subdivisions 2, 4 and 5; and 179.74, Subdivision 2; and Chapter 179, by adding a section; and Minnesota Statutes, 1979 Supplement, Sections 179.64, Subdivision 7; 179.65, Subdivision 6; and 179.74, Subdivision 4.

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

Aasness; Evans; Johnson, C.; Eken and Stadum introduced:

H. F. No. 1741, A bill for an act relating to real property; providing for certification of taxes paid before recording instruments; amending Minnesota Statutes 1978, Sections 272.14; 508.47, Subdivision 4; and Chapter 272, by adding a section; and Minnesota Statutes, 1979 Supplement, Section 272.12.

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

Niehaus, Mann, Redalen, Welker and McEachern introduced:

H. F. No. 1742, A bill for an act relating to highway traffic regulations; authorizing pickup trucks used for certain purposes to draw two trailers under certain circumstances and within limited areas; amending Minnesota Statutes 1978, Section 169.81, by adding a subdivision.

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

Schreiber, Hokanson, Jude, Heinitz and Levi introduced:

H. F. No. 1743, A bill for an act relating to highway traffic regulations; speed limits; authorizing cities to establish speed limits on streets and highways under their jurisdiction; placing restrictions on such limits; amending Minnesota Statutes 1978, Section 169.14, Subdivision 5.

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

Nelson, Ainley, Pehler, Anderson, R., and Wenzel introduced:

H. F. No. 1744, A bill for an act relating to energy; creating a state emergency residential heating grant program; broadening the scope of state weatherization programs; reimbursing counties; appropriating money.

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

Niehaus, McEachern, Thiede and Fjoslien introduced:

H. F. No. 1745, A bill for an act relating to government meetings; clarifying application of the open meeting law to town supervisors; amending Minnesota Statutes 1978, Section 471.705, Subdivision 1.

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

Reding, Pleasant, Niehaus and Kempe introduced:

H. F. No. 1746, A bill for an act relating to the legislature; establishing a commission to study groups and individuals which seek to exercise control over children and youth which is detrimental to their mental health; appropriating money.

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

Tomlinson; Sieben, H.; Novak and Pleasant introduced:

H. F. No. 1747, A bill for an act relating to taxation; providing a basic adjustment to property tax refund and annual adjustments according to rate of change in cost of living index; amending Minnesota Statutes 1978, Section 290A.04, by adding a subdivision; and Minnesota Statutes, 1979 Supplement, Section 290A.04, Subdivisions 2, 2a, 2b and 3.

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

Ainley, Nelson, Jennings, Osthoff and Valan introduced:

H. F. No. 1748, A bill for an act relating to energy; authorizing the establishment of county or city energy conservation boards; prescribing their powers and duties; appropriating funds.

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

Ainley, Evans, Den Ouden, Eken and Sherwood introduced:

H. F. No. 1749, A bill for an act relating to economic development; regulating development loans to Indians; amending Minnesota Statutes 1978, Section 362.40, Subdivisions 2 and 8; Minnesota Statutes, 1979 Supplement, Section 362.40, Subdivision 9; repealing Minnesota Statutes 1978, Section 362.40, Subdivision 3.

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

Nysether, Stadum, Corbid, Eken and Ainley introduced:

H. F. No. 1750, A bill for an act relating to taxation; sales tax; exempting sales of certain woodburning appliances; amending Minnesota Statutes, 1979 Supplement, Section 297A.25, Subdivision 1.

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

Simoneau, Moe, Hokanson, Byrne and Clawson introduced:

H. F. No. 1751, A bill for an act relating to unemployment compensation; providing for the non-charging of benefits to nonprofit organizations who continue to provide part-time employment to individuals terminated by their full-time employers; amending Minnesota Statutes 1978, Section 268.06, Subdivision 28; and Minnesota Statutes, 1979 Supplement, Section 268.06, Subdivision 33.

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

Rose introduced:

H. F. No. 1752, A bill for an act relating to retirement; Roseville volunteer firefighters' relief association; authorizing increases in service pensions for retired members; authorizing membership of a retired member on the board of trustees of the relief association.

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

Pehler, Nelson, Dean, Ainley and Nelsen, M., introduced:

H. F. No. 1753, A bill for an act relating to energy; creating the Minnesota state energy fund; authorizing the Minnesota energy agency to administer and supervise programs of loans and grants for public improvements of a capital nature relating to the construction of energy systems utilizing from renewable resources and for efficient energy delivery and use; creating a program of aid to small businesses and low and moderate incomes to assist in the large scale conversion to energy systems using renewable resources and otherwise making the use of existing systems more efficient; authorizing the issuance of state bonds pursuant to Article XI of the Minnesota Constitution; appropriating money.

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

Kelly, Greenfield, Berglin, Wynia and Rodriguez introduced:

H. F. No. 1754, A bill for an act relating to transportation; requiring any public transit system receiving state financial assistance to provide for public transportation to all persons 65 years of age or over; amending Minnesota Statutes 1978, Sections 174.22, by adding a subdivision; 174.23, by adding a subdivision; and Minnesota Statutes, 1979 Supplement, Sections 174.23, Subdivision 2; and 473.408, Subdivision 3.

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

Kelly, Simoneau, Olsen, Kroening and Sieben, M., introduced:

H. F. No. 1755, A bill for an act relating to commerce; requiring invoices on certain repairs; amending Minnesota Statutes 1978, Sections 325.972; and 325.976.

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

Reding introduced:

H. F. No. 1756, A bill for an act relating to taxation; exempting certain interest income from taxation; amending Minnesota Statutes, 1979 Supplement, Section 290.01, Subdivision 20.

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

Reding introduced:

H. F. No. 1757, A bill for an act relating to education; providing free tuition at post-secondary vocational-technical schools for certain veterans; amending Minnesota Statutes 1978, Section 124.565, by adding a subdivision; and Minnesota Statutes, 1979 Supplement, Section 124.565, Subdivision 3.

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

Rose, Patton, Eken, Johnson, D., and Levi introduced:

H. F. No. 1758, A bill for an act relating to veterans; creating a tuition exemption program for certain veterans.

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

McEachern; Fjoslien; Johnson, D.; Niehaus and Pehler introduced:

H. F. No. 1759, A bill for an act relating to towns; permitting compensation and providing for mileage of deputy clerks; amending Minnesota Statutes 1978, Section 367.05, Subdivision 2.

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

Corbid, Mehrkens, Erickson, Kalis and Brinkman introduced:

H. F. No. 1760, A bill for an act relating to agriculture; protecting agricultural operations from nuisance suits under certain circumstances; amending Minnesota Statutes 1978, Chapter 561, by adding a section.

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

Anderson, D.; Nelson; Wigley; Munger and Minne introduced:

H. F. No. 1761, A bill for an act relating to energy conservation; creating the Minnesota district heating account; authorizing the Minnesota energy agency to administer and supervise a program of loans to municipalities for establishing and improving district heating systems; authorizing the issuance of state bonds pursuant to Article XI of the Minnesota Constitution; authorizing cities to operate district heating systems; appropriating money; amending Minnesota Statutes 1978, Sections 412.321, Subdivision 1; 412.351; 412.361, Subdivision 3; Chapter 116H, by adding sections; and Chapter 465, by adding a section.

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

McDonald, Halberg, Ainley, Kempe and Waldorf introduced:

H. F. No. 1762, A bill for an act relating to crimes; prohibiting the possession, manufacture, or delivery of drug paraphernalia; prohibiting the delivery of drug paraphernalia to minors; prohibiting the advertisement of drug paraphernalia; providing for civil forfeiture of drug paraphernalia; prescribing penalties; amending Minnesota Statutes 1978, Sections 152.01, by adding a subdivision; 152.19, Subdivisions 1 and 3; and Chapter 152, by adding sections.

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

Kroening, Clawson, Erickson, Murphy and Kelly introduced:

H. F. No. 1763, A bill for an act relating to education; increasing the bonding authority of the higher education coordinating board; amending Minnesota Statutes, 1979 Supplement, Section 136A.171.

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

Kaley; Swanson; Carlson, L.; Heinitz and Byrne introduced:

H. F. No. 1764, A resolution memorializing the United States Congress to enact legislation to extend the deadline for states to comply with recent amendments to the National Health Planning and Resources Development Act.

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

Simoneau, Blatz, Faricy, Heinitz and Brinkman introduced:

H. F. No. 1765, A bill for an act relating to financial institutions; excluding certain loans made by credit unions in calculating outstanding loans and risk assets for reserve fund purposes; amending Minnesota Statutes 1978, Section 52.17.

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

Faricy introduced:

H. F. No. 1766, A bill for an act relating to taxation; income tax; providing a credit for energy conservation expenditures; amending Minnesota Statutes, 1979 Supplement, Section 290.06, Subdivision 14.

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

Johnson, C.; Nelsen, B.; Simoneau; Kroening and Erickson introduced:

H. F. No. 1767, A bill for an act relating to education; appropriating money to the higher education coordinating board for the development and implementation of a data processing system and the addition of a staff member.

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

Johnson, C.; Jennings; Anderson, B.; Kalis and McDonald introduced:

H. F. No. 1768, A bill for an act relating to partition fences; exempting certain lands from the provisions of chapter 344; providing that when only one owner or occupant is benefited by a fence he shall be assigned the entire expenses of the fence; amending Minnesota Statutes 1978, Section 344.03, Subdivision 1; and Chapter 344, by adding a section.

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

Rees; Hokanson; Johnson, C.; Swanson and Vanasek introduced:

H. F. No. 1769, A bill for an act relating to public welfare; providing access to criminal conviction data of certain applicants for licenses; amending Minnesota Statutes 1978, Section 245.783, Subdivision 3.

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

Berkelman, Patton, Biersdorf and Moe introduced:

H. F. No. 1770, A bill for an act relating to retirement; Duluth teachers retirement fund association; authorizing an increase in retirement allowances and benefits for certain teachers; establishing a new coordinated retirement program within the retirement fund association; amending Minnesota Statutes, 1979 Supplement, Sections 354A.011, Subdivision 11; 354A.092; 354A.093; 354A.12, Subdivisions 1 and 2; 354A.24; 354A.32; 354A.39; and 354A.41.

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

McCarron, Swanson, Kaley, Hokanson and Heinitz introduced:

H. F. No. 1771, A bill for an act relating to health; requiring a study of certain hospital costs by the legislative auditor.

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

Weaver, Clawson and Schreiber introduced:

H. F. No. 1772, A bill for an act relating to local government; extending scope of subdivision regulations; defining "urban district" for the purposes of the traffic laws; amending Minnesota Statutes 1978, Sections 169.01, Subdivision 59; and 462.358, Subdivision 1.

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

Weaver, Luknic and Carlson, D., introduced :

H. F. No. 1773, A bill for an act relating to courts; transfer of persons committed as dangerous to the public or found to have a psychopathic personality; providing for notice of hearing to the county attorney of the county of proposed transfer; amending Minnesota Statutes 1978, Section 253A.14, Subdivision 2.

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

HOUSE ADVISORIES

The following House Advisories were introduced :

Reding introduced :

H. A. No. 49, A proposal to study the effectiveness of Minnesota's anti-corporate farming laws.

The advisory was referred to the Committee on Agriculture.

Simoneau introduced :

H. A. No. 50, A proposal to study interest rates.

The advisory was referred to the Committee on Financial Institutions and Insurance.

Simoneau introduced :

H. A. No. 51, A proposal to study school fire alarms.

The advisory was referred to the Committee on Education.

MESSAGES FROM THE SENATE

The following messages were received from the Senate :

Mr. Speaker :

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

S. F. No. 273, A bill for an act relating to commerce; providing a floating usury rate for contracts for deed on residential property; amending Minnesota Statutes 1978, Section 47.20, Subdivisions 2 and 4, and by adding a subdivision.

And the Senate respectfully requests that a Conference Committee of 3 members be appointed thereon. Messrs. Peterson, Sieloff and Sikorski have been appointed as such committee on the part of the Senate.

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

Evans 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. 273. 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. 917, A bill for an act relating to workers' compensation; changing certain insurance rate making procedures; increasing the membership of the workers' compensation court of appeals; directing certain studies; providing for certain schedules and lists; increasing certain staff; relocating workers' compensation court of appeals; changing availability amounts for certain benefits; changing rehabilitation procedures; changing certain presumptions; changing basis for attorneys' fees; changing notice provisions; establishing a workers' compensation reinsurance association; transferring self-insuring duties to the commissioner of insurance; establishing a reopened case fund; establishing a voluntary group self-insurance association; appropriating money; amending Minnesota Statutes 1978, Sections 79.01, Subdivision 2, and by adding subdivisions; 79.095; 79.10; 79.21; 79.22, by adding a subdivision; 79.25; 175.006, Subdivision 1; 175.08; 176.011, Subdivisions 9 and 15; 176.021, Subdivision 3; 176.061, Subdivision 5; 176.081, Subdivision 5; 176.101, Subdivisions 1, 3 and 4; 176.111, Subdivision 1; 176.131, Subdivisions 3, 10 and by adding a subdivision; 176.135, by adding a subdivision; 176.141; 176.155, Subdivision 2; 176.179; 176.181, Subdivision 2, and by adding a subdivision; 176.191; 176.231, Subdivisions 1 and 2; 176.235, Subdivision 1; 176.241; 176.271; 176.391, Subdivision 2; 176.521, Subdivision 1; Chapters 79, by adding sections; and 176, by adding a section; repealing Minnesota Statutes 1978, Sections 79.05; 79.06; 79.07; 175.092; and 176.101, Subdivision 7.

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

Simoneau moved that the report of the Conference Committee on S. F. No. 917 be laid on the table. The motion prevailed.

Mr. Speaker:

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

S. F. No. 702.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 702, A bill for an act relating to health; requiring counties to establish local nursing home pre-admission screening teams; prescribing duties of the teams and the commissioner of public welfare; appropriating money; amending Minnesota Statutes 1978, Chapter 256B, by adding a section.

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

CONSENT CALENDAR

S. F. No. 1361, A bill for an act relating to courts; providing for appeals from probate court; amending Minnesota Statutes 1978, Section 525.712; repealing Minnesota Statutes 1978, Sections 525.713; and 525.72.

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 133 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Carlson, D.	Ewald	Johnson, C.	Luknic
Adams	Carlson, L.	Faricy	Johnson, D.	Mann
Ainley	Casserly	Fjoslien	Jude	McCarron
Albrecht	Clark	Forsythe	Kahn	McDonald
Anderson, B.	Clawson	Friedrich	Kaley	McEachern
Anderson, D.	Corbid	Fritz	Kalis	Mehrkens
Anderson, G.	Crandall	Fudro	Kelly	Metzen
Anderson, I.	Dean	Greenfield	Kempe	Minne
Anderson, R.	Dempsey	Halberg	Knickerbocker	Moe
Battaglia	Den Ouden	Haukoos	Kostohryz	Munger
Begich	Drew	Heap	Kroening	Murphy
Berglin	Eken	Heinitz	Kvam	Nelsen, B.
Berkelman	Elioff	Hoberg	Laidig	Nelsen, M.
Biersdorf	Ellingson	Hokanson	Lehto	Nelson
Blatz	Erickson	Jacobs	Levi	Niehaus
Brinkman	Esau	Jaros	Long	Norman
Byrne	Evans	Jennings	Ludeman	Novak

Nysether	Prahl	Schreiber	Sviggun	Welch
Olsen	Redalen	Searle	Swanson	Welker
Onnen	Reding	Searles	Thiede	Wenzel
Otis	Rees	Sherwood	Tomlinson	Wieser
Patton	Reif	Sieben, H.	Valan	Wigley
Pehler	Rice	Sieben, M.	Valento	Wynia
Peterson, B.	Rodriguez	Simoneau	Vanasek	Zubay
Peterson, D.	Rose	Stadum	Voss	Spkr. Norton
Piepho	Rothenberg	Stoa	Waldorf	
Pleasant	Sarna	Stowell	Weaver	

The bill was passed and its title agreed to.

Knickerbocker was excused at 3:40 p.m.

GENERAL ORDERS

Pursuant to rules of the House, the House resolved itself into the Committee of the Whole, with Norton in the Chair, for the consideration of bills pending on General Orders of the Day. After some time spent therein the Committee arose.

REPORT OF COMMITTEE OF THE WHOLE

The Speaker resumed the Chair, whereupon the following proceedings of the Committee as kept by the Chief Clerk were reported to the House:

S. F. No. 687 which it recommended to pass.

H. F. Nos. 929 and 649 which it recommended progress.

S. F. Nos. 285, 54, 768 and 58 which it recommended progress.

H. F. Nos. 875, 1295, 935 and 1005 which it recommended be returned to their authors.

H. F. No. 1002 which it recommended re-referral to the Committee on Governmental Operations.

H. F. Nos. 941, 1049 and 1307 which it recommended progress until Thursday, February 7, 1980.

S. F. No. 410 which it recommended progress retaining its place on General Orders.

S. F. Nos. 1166 and 1199 which it recommended progress until Thursday, February 7, 1980.

H. F. Nos. 1216 and 458 which it recommended progress and that the bills be placed at the bottom of General Orders.

H. F. Nos. 1272 and 547 which it recommended progress until Monday, February 18, 1980.

H. F. No. 184 which it recommended progress until Monday, February 25, 1980.

H. F. No. 980 which it recommended progress until Thursday, February 14, 1980.

S. F. No. 895 which it recommended progress and that the bill be placed at the bottom of General Orders.

H. F. No. 924 which it recommended to pass with the following amendment offered by Corbid:

Page 3, line 3, after "business." strike the balance of the line

Page 3, line 4, strike "qualified newspaper in the county"

Page 3, delete lines 6 and 7

Page 3, line 8, delete "Newspaper" and strike the period.

H. F. No. 1169 which it recommended to pass with the following amendment offered by Weaver:

Page 6, line 28, strike "or the amount"

Page 6, line 29, strike entire line

Page 6, line 30, strike "section 477A.01"

Page 8, line 3, strike "or local government aids"

Page 8, line 4, strike "pursuant to section 477A.01"

Page 11, line 26, delete "next"

H. F. No. 1074 which it recommended to pass with the following amendment offered by Levi:

Page 1, line 12, after "Subdivision 1." insert "Upon the request of a majority of"

Page 1, line 13, after "County" insert ", the county board of commissioners"

Page 1, line 14, delete "with the approval"

Page 1, line 15, delete "of the county board of commissioners"

Page 1, line 16, after "law" insert "and under supervision of the district court administrator of the tenth judicial district."

Page 1, line 16, delete "and" and insert "The referee shall"

Page 1, line 21, delete "*county court judges of Washington*"

Page 1, line 22, delete "*County*" and insert "*district court administrator*"

Page 2, line 3, delete "*appointing judges*" and insert "*district court administrator*"

On the motion of Sieben, H., the report of the Committee of the Whole was adopted.

ROLL CALLS IN COMMITTEE OF THE WHOLE

Pursuant to rule 1.6, the following roll call was taken in the Committee of the Whole:

The question was taken on the motion to recommend passage of H. F. No. 924, as amended, and the roll was called. There were 89 yeas and 37 nays as follows:

Those who voted in the affirmative were:

Aasness	Dean	Hokanson	Metzen	Rose
Adams	Dempsey	Jacobs	Minne	Searle
Ainley	Den Ouden	Jennings	Murphy	Searles
Albrecht	Drew	Johnson, D.	Nelsen, B.	Sherwood
Anderson, B.	Eken	Jude	Nelsen, M.	Stadum
Anderson, I.	Elioff	Kaley	Niehaus	Stowell
Anderson, R.	Erickson	Kalis	Norman	Sviggum
Battaglia	Esau	Kelly	Nysether	Swanson
Begich	Evans	Kempe	Onnen	Thiede
Berkelman	Ewald	Knickerbocker	Osthoff	Valan
Biersdorf	Fjoslien	Kvam	Patton	Valento
Blatz	Forsythe	Laidig	Piepho	Weaver
Brinkman	Friedrich	Levi	Pleasant	Welker
Byrne	Fritz	Ludeman	Redalen	Wenzel
Carlson, D.	Fudro	Luknic	Reding	Wieser
Carlson, L.	Haukoos	Mann	Rees	Wigley
Clawson	Heap	McDonald	Reif	Zubay
Corbid	Hoberg	Mehrkens	Rodriguez	

Those who voted in the negative were:

Berglin	Kahn	Nelson	Rice	Voss
Casserly	Kostohryz	Novak	Sarna	Waldorf
Clark	Kroening	Olsen	Sieben, H.	Welch
Crandall	Lehto	Otis	Sieben, M.	Wynia
Ellingson	Long	Pehler	Simoneau	Spkr. Norton
Faricy	McCarron	Peterson, B.	Stoa	
Greenfield	McEachern	Peterson, D.	Tomlinson	
Halberg	Moe	Prahl	Vanasek	

The motion prevailed.

MOTIONS AND RESOLUTIONS

Voss moved that H. F. No. 1663 be recalled from the Committee on Appropriations and be re-referred to the Committee on Health and Welfare. The motion prevailed.

Ellingson moved that H. F. No. 544 be recalled from the Committee on Commerce, Economic Development and Housing and be re-referred to the Committee on Judiciary. The motion prevailed.

Waldorf moved that the name of Jude be stricken and the names of Den Ouden and Kempe be added as authors on H. F. No. 1652. The motion prevailed.

Peterson, D., moved that the name of Enebo be stricken and the name of Peterson, D., be added as an author on H. F. No. 115. The motion prevailed.

Sherwood moved that the names of McDonald and Haukoos be added as authors on H. F. No. 1661. The motion prevailed.

Olsen moved that the name of Patton be added as an author on H. F. No. 1669. The motion prevailed.

Heinitz moved that his name be stricken as an author on H. F. No. 697. The motion prevailed.

Clark moved that the name of Greenfield be added as chief author and the name of Clark be shown as second author on H. F. No. 1608. The motion prevailed.

Anderson, B., moved that the name of Welch be added as an author on H. F. No. 1688. The motion prevailed.

Jennings moved that H. F. No. 571 be returned to its author. The motion prevailed.

Piepho moved that H. F. No. 1665 be returned to its author. The motion prevailed.

Rothenberg introduced:

House Resolution No. 26, a house resolution relating to extending appreciation and thanks to the people and Government of Canada for the assistance given to American diplomats in Iran.

SUSPENSION OF RULES

Rothenberg moved that the Rules be so far suspended that House Resolution No. 26 be now considered and be placed upon its adoption. The motion prevailed.

HOUSE RESOLUTION NO. 26

A house resolution relating to extending appreciation and thanks to the people and Government of Canada for the assistance given to American diplomats in Iran.

Whereas, on November 4, 1979, in violation of international law and custom, the American embassy in Tehran, Iran, was seized by a mob and the embassy staff has since been held hostage by that mob; and,

Whereas, the seizure was carried out with the consent, if not active assistance, of the Government of Iran; and,

Whereas, during the seizure of the United States embassy in Tehran, Iran, a group of six American diplomats managed to escape from the premises of the embassy; and,

Whereas, these diplomats found refuge in the Canadian embassy in Tehran; and,

Whereas, for almost three months the Canadian embassy officials hid our diplomats from their pursuers and then successfully evacuated them from Iran by concealing them among departing Canadian diplomats; and,

Whereas, the actions of the Canadian officials were performed under great personal pressure and at the risk of their own liberty and possibly their lives; and,

Whereas, the actions of the Canadian officials both in Iran and in Canada show great courage, skill and compassion; and,

Whereas, the people of Minnesota believe that their appreciation and thanks should be publicly and formally extended to the Government of Canada and the particular Canadian officials who carried out the assistance to our diplomats; *Now, Therefore*,

Be It Resolved, by the House of Representatives of the State of Minnesota, on behalf of all of the people of Minnesota, that appreciation and thanks are extended to the people of Canada, the Government of Canada and to the diplomats of Canada who are responsible, in any way, for the granting of a safe haven and carrying out a safe evacuation of the American citizens in Iran.

Be It Further Resolved, that the Chief Clerk of the House of Representatives is directed to prepare enrolled copies of this resolution, which shall be authenticated by the signature of the Speaker, and to transmit them to the Governor General of Canada, the Prime Minister of Canada, the Secretary of State for External Affairs of Canada, the Speaker of the House of Commons of Canada, the Speaker of the Senate of Canada, and to the Canadian ambassador in Iran during the recent crisis.

Rothenberg moved that House Resolution No. 26 be now adopted.

The motion prevailed and House Resolution No. 26 was adopted.

ANNOUNCEMENT BY THE SPEAKER

The Speaker announced the following changes in committee assignments:

Financial Institutions and Insurance: Add the name of Searle.

Governmental Operations: Add the name of Friedrich.

ADJOURNMENT

Sieben, H., moved that when the House adjourns today it adjourn until 2:00 p.m., Monday, February 4, 1980. The motion prevailed.

Sieben, H., moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:00 p.m., Monday, February 4, 1980.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

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STATE OF MINNESOTA

SEVENTY-FIRST SESSION - 1980

SIXTY-FOURTH DAY

SAINT PAUL, MINNESOTA, MONDAY, FEBRUARY 4, 1980

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

Prayer was offered by the Chaplain.

The roll was called and the following members were present:

Aasness	Eken	Kalis	Norman	Sieben, H.
Adams	Elioff	Kelly	Novak	Sieben, M.
Ainley	Ellingson	Kempe	Nysether	Simoneau
Albrecht	Erickson	Knickerbocker	Olsen	Stadum
Anderson, B.	Esau	Kostohryz	Onnen	Stoa
Anderson, D.	Evans	Kroening	Osthoff	Stowell
Anderson, G.	Ewald	Kvam	Otis	Sviggum
Anderson, I.	Faricy	Laidig	Patton	Thiede
Anderson, R.	Fjoslien	Lehto	Pehler	Tomlinson
Battaglia	Forsythe	Levi	Peterson, B.	Valan
Begich	Friedrich	Long	Peterson, D.	Valento
Berglin	Fritz	Ludeman	Piepho	Vanasek
Berkelman	Fudro	Luknic	Pleasant	Voss
Biersdorf	Greenfield	Mann	Prahl	Waldorf
Blatz	Haukoos	McCarron	Redalen	Weaver
Brinkman	Heap	McDonald	Reding	Welch
Byrne	Heinitz	McEachern	Rees	Welker
Carlson, D.	Hoberg	Mehrkens	Reif	Wenzel
Carlson, L.	Hokanson	Metzen	Rice	Wieser
Casserly	Jacobs	Minne	Rodriguez	Wigley
Clark	Jaros	Moe	Rose	Wynia
Clawson	Jennings	Munger	Rothenberg	Zubay
Crandall	Johnson, C.	Murphy	Sarna	Spkr. Norton
Dean	Johnson, D.	Nelsen, B.	Schreiber	
Dempsey	Jude	Nelsen, M.	Searle	
Den Ouden	Kahn	Nelson	Searles	
Drew	Kaley	Niehaus	Sherwood	

A quorum was present.

Corbid was excused. Halberg was excused until 2:15 p.m.
Swanson was excused until 2:45 p.m.

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

REPORTS OF CHIEF CLERK

Pursuant to Rules of the House, printed copies of H. F. Nos. 924, 1169 and 1074 and S. F. No. 702 have been placed in the members' files.

REPORTS OF STANDING COMMITTEES

Brinkman from the Committee on Financial Institutions and Insurance to which was referred:

H. F. No. 1145, A bill for an act relating to banks and banking; providing for implementation of certain statutes relating to electronic fund transfers; authorizing the commissioner of banks to adopt temporary rules; amending Minnesota Statutes 1978, Section 47.71.

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

The report was adopted.

Brinkman from the Committee on Financial Institutions and Insurance to which was referred:

H. F. No. 1302, A bill for an act relating to financial institutions; permitting banks and trust companies to take junior liens under certain circumstances; amending Minnesota Statutes 1978, Section 48.19, Subdivision 1.

Reported the same back with the following amendments:

Page 1, line 19, delete "*(i)*"

Page 1, line 20, delete "*loans secured by*" and insert "*out-standing*"

Page 1, line 22, after "*value*" delete the remainder of the line

Page 2, delete lines 1 to 4

Page 2, line 5, delete "*of its most recent published statement*"

With the recommendation that when so amended the bill pass.

The report was adopted.

Brinkman from the Committee on Financial Institutions and Insurance to which was referred:

H. F. No. 1427, A bill for an act relating to banks; raising the amount of an employee loan possible without prior board approval; amending Minnesota Statutes 1978, Section 48.08.

Reported the same back with the following amendments:

Page 1, line 15, strike "servants" and insert "*employees*"

Page 1, line 19, after "authorized" insert "*in advance*"

Page 1, line 21, after "to" strike "an" and insert "*a director, officer, or*"

Page 1, line 22, delete "\$5,000" and insert "\$25,000"

Page 2, line 10, delete "1979" and insert "1980"

With the recommendation that when so amended the bill pass.

The report was adopted.

Brinkman from the Committee on Financial Institutions and Insurance to which was referred:

S. F. No. 998, A bill for an act relating to insurance; providing for cancellation of life insurance contracts providing benefits on a variable basis; amending Minnesota Statutes 1978, Sections 72A.51, Subdivision 3; and 72A.52.

Reported the same back with the following amendments:

Page 1, line 10, delete "*policy or*" and insert "*variable annuity*"

Page 1, line 17, after "Cancellation" insert "*under sections 72A.51 and 72A.52*"

Page 1, line 18, delete "*policy or*" and insert "*variable annuity*"

Page 1, line 22, delete "*policy or*"

Page 2, lines 1, 2, 3, and 4, delete "*policy or*"

Page 2, line 27, delete "*policies or*" and insert "*variable annuity*"

Page 3, line 9, delete "*policy or*"

Page 3, line 10, delete "*issued on a variable basis*" and insert "*a variable annuity contract issued pursuant to sections 61A.13 to 61A.21*"

Page 3, line 14, delete "*policy or contract on a*" and insert "*variable annuity contract, issued pursuant to sections 61A.13 to 61A.21, which is*"

Page 3, line 15, delete "*variable basis*"

With the recommendation that when so amended the bill pass.

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 1727, 1145, 1302 and 1427 were read for the second time.

SECOND READING OF SENATE BILLS

S. F. No. 998 was read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Dempsey, Peterson, B., and Halberg introduced:

H. F. No. 1774, A bill for an act relating to juries; authorizing the trial court in civil actions to seat a jury of 12 persons; amending Minnesota Statutes 1978, Section 593.01, by adding a subdivision.

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

Dempsey and Jennings introduced:

H. F. No. 1775, A bill for an act relating to the county attorney; requiring the county attorney to prosecute persons under certain circumstances; excepting Hennepin County; amending Minnesota Statutes 1978, Chapter 388, by adding a section.

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

Pehler, Dempsey, Osthoff, Niehaus and Rice introduced:

H. F. No. 1776, A bill for an act relating to education; providing individualized instructional materials to nonpublic school pupils; increasing the amount which may be spent for certain materials provided to nonpublic school pupils; amending Minnesota Statutes 1978, Sections 123.932, by adding a subdivision; and 123.933.

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

Fjoslien, Mann, Kalis, Esau and Munger introduced:

H. F. No. 1777, A bill for an act relating to commerce; prohibiting the sale of certain motor vehicles after a certain date unless a certain prescribed condition is met.

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

Kvam, by request, introduced:

H. F. No. 1778, A bill for an act relating to Independent School District No. 466; permitting the sale of certain land.

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

Jude introduced:

H. F. No. 1779, A bill for an act relating to judicial procedures; changing the procedures and circumstances under which guardians and conservators may be appointed; changing the powers and duties of guardians and conservators; providing for the appointment, powers, and duties of guardians and conservators of minors; amending Minnesota Statutes 1978, Sections 525.54; 525.541; 525.542; 525.543; 525.544; 525.55; 525.56; 525.57; 525.58; 525.581; 525.583; 525.59; 525.591; 525.60, Subdivision 1; 525.62; 525.63; 525.67; 525.69; 525.83; and Chapter 525, by adding sections; and Minnesota Statutes, 1979 Supplement, Sections 525.551; and 525.61; repealing Minnesota Statutes 1978, Sections 525.60, Subdivision 2; 525.611; 525.612; 525.613; 525.614; and 525.621.

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

Simoneau, Norman, Rodriguez and Begich introduced:

H. F. No. 1780, A bill for an act relating to workers' compensation; permitting the workers' compensation reinsurance association to incorporate; exempting the reinsurance association from taxation; providing for amendment to the reinsurance association plan of operation; making changes in rules, requirements and procedures affecting members of the reinsurance association; increasing temporary partial benefits; amending Minnesota Statutes 1978, Section 176.101, Subdivision 2; Minnesota Statutes, 1979 Supplement, Sections 79.34; 79.35; 79.36; 79.37; and 79.38; repealing Minnesota Statutes, 1979 Supplement, Sections 79.41 and 79.42.

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

McEachern; Anderson, B.; Jennings; Johnson, C., and Knickerbocker introduced:

H. F. No. 1781, A bill for an act relating to education; eliminating the requirement that school districts make referendum levies in order to qualify to make certain discretionary levies; amending Minnesota Statutes, 1979 Supplement, Section 275.125, Subdivision 7a.

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

Haukoos, Halberg, Sviggum, Valan and Dempsey introduced:

H. F. No. 1782, A bill for an act relating to insurance; providing indemnity from certain automobile insurers to certain employers paying workers' compensation claims; amending Minnesota Statutes 1978, Section 65B.53, by adding a subdivision.

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

Simoneau, Fudro, Heinitz, Kaley and Kelly introduced:

H. F. No. 1783, A bill for an act relating to licensed occupations; removing license renewal requirements; setting license fees; providing for competency hearings; amending Minnesota Statutes 1978, Chapters 15, by adding a section; and 214, by adding a section; and Sections 60A.14, Subdivision 1; 60A.17, Subdivisions 2 and 7; 80A.04, Subdivision 4; 80A.05, Subdivision 1; 82.20, Subdivisions 7 and 11; 82.22, Subdivisions 3, 8 and 13; 82.34, Subdivisions 3 and 4; 125.08; 154.065, Subdivision 1; 154.-

10; 154.16; 154.17; 154.18; 154.24; 155.02, Subdivision 7a; 155.09, Subdivision 5; 155.15; 183.545; 326.10, Subdivision 1; 326.12, Subdivision 2; 326.15; 326.241, Subdivision 2; 326.242, Subdivisions 7, 8 and 9; 326.331; 326.334, Subdivision 6; 326.40, Subdivision 5; 326.42; 326.50; 326.544; 326.546; 326.62; 386.66 and 386.69; and Minnesota Statutes, 1979 Supplement, Sections 82.21, Subdivision 1; 326.20, Subdivisions 1 and 2; repealing Minnesota Statutes 1978, Sections 80A.05, Subdivision 2; 82.20, Subdivisions 8 and 14; 82.22, Subdivision 10; 154.15; 326.10, Subdivision 5; and 326.22, Subdivision 2.

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

Jennings, Piepho, Ludeman, Welker and Thiede introduced:

H. F. No. 1784, A bill for an act relating to state departments; requiring final approval from the legislature for rules promulgated under the administrative procedure act; amending Minnesota Statutes 1978, Sections 15.0412; 15.0413, Subdivision 1; and 15.052, Subdivision 4.

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

Evans, Ainley and McEachern introduced:

H. F. No. 1785, A bill for an act relating to crimes; prescribing penalties for the possession or sale of drug related devices.

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

Evans, Patton, Biersdorf, Moe and Sarna introduced:

H. F. No. 1786, A bill for an act relating to retirement; providing a post retirement adjustment to certain omitted recipients; amending Laws 1979, Chapter 293, Section 10, Subdivision 1.

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

Ainley, Nelson, Friedrich, Reif and Voss introduced:

H. F. No. 1787, A bill for an act relating to energy; establishing state programs for emergency energy assistance, administration of federal grants, supplementing federal weatherization grants, reimbursing counties for home heating expenditures, and emergency energy conservation grants; appropriating funds.

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

Ludeman; Battaglia; Johnson, D.; Piepho and Jennings introduced:

H. F. No. 1788, A bill for an act relating to workers' compensation; abolishing duties of the rating bureau; transferring certain functions; amending Minnesota Statutes 1978, Sections 79.07; 79.08; 79.09; 79.21; 79.22; 79.24; 79.25; 79.28; 79.29; 79.30; and 79.31; repealing Minnesota Statutes 1978, Sections 79.11; 79.12; 79.13; 79.14; 79.15; 79.16; 79.17; 79.18; 79.26; 79.27; and 79.32.

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

Valento, Fudro, Reif, Anderson, R., and Elioff introduced:

H. F. No. 1789, A bill for an act relating to occupations and professions; providing for licensing of public accountants; amending Minnesota Statutes, 1979 Supplement, Section 326.191.

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

Battaglia, Begich and Elioff introduced:

H. F. No. 1790, A bill for an act relating to advertising devices; authorizing advertising devices within 500 feet of local parks under certain circumstances; amending Minnesota Statutes 1978, Section 173.08, Subdivision 2.

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

Ludeman, Friedrich and Nysether introduced:

H. F. No. 1791, A bill for an act relating to the environment; altering the funding formula for certain studies done by the environmental quality board; amending Minnesota Statutes 1978, Section 116C.69, Subdivision 3.

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

Greenfield, Rice, Byrne and Kahn introduced:

H. F. No. 1792, A bill for an act relating to unemployment compensation; regulating benefits for voluntary quitters; amending Minnesota Statutes, 1979 Supplement, Section 268.09, Subdivision 1.

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

Berglin, Dempsey, Vanasek, Searles and Johnson, C., introduced:

H. F. No. 1793, A bill for an act relating to taxation; providing a method of payment of excise tax for bulk purchasers of special fuel; defining subjobber for cigarette tax purposes; allowing the commissioner to refund taxes on cigarettes; requiring reports from common carriers; providing a method of taxing nonliquid intoxicating beverages; providing penalties; amending Minnesota Statutes 1978, Sections 296.12, by adding a subdivision; 297.01, Subdivision 14; 297.03, Subdivision 8; 340.47, by adding a subdivision; and Chapter 340, by adding a section.

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

Aasness; Anderson, G.; Fjoslien; Valan and Anderson, D., introduced:

H. F. No. 1794, A bill for an act relating to courts; providing for elections in a county court district.

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

Nysether introduced:

H. F. No. 1795, A bill for an act relating to historic sites; designating the Canadian National Depot in Warroad as an historic site; requiring notice to the Minnesota historical society when the state or a political subdivision of the state acquires certain property; amending Minnesota Statutes 1978, Section 138.59.

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

Nysether, Lehto, Stoa and Moe introduced:

H. F. No. 1796, A bill for an act relating to occupations and professions; allowing the board of cosmetology to waive certain license requirements for manager-operators with licenses from other states; amending Minnesota Statutes 1978, Section 155.14.

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

Evans, Fritz, Faricy, Brinkman and Minne introduced :

H. F. No. 1797, A bill for an act relating to taxation; providing an income tax credit for wages paid to certain disadvantaged employees; amending Minnesota Statutes 1978, Section 290.06, by adding a subdivision.

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

Byrne and Kostohryz introduced :

H. F. No. 1798, A bill for an act relating to courts; second judicial district; providing for the appointment of the juvenile court clerk; amending Laws 1951, Chapter 653, Section 1, as amended.

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

Stowell, Mann, McDonald, Kalis and Nysether introduced :

H. F. No. 1799, A bill for an act relating to agriculture; clarifying definition of warehouseman; requiring denaturing and labeling of certain foods; adopting certain federal food regulations; changing certain procedures; amending Minnesota Statutes 1978, Sections 28A.15, Subdivision 4; 31.02; and 218.041, Subdivisions 3 and 4; and Minnesota Statutes, 1979 Supplement, Section 31.101, Subdivision 8; and 231.01, Subdivision 5.

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

Minne, Wynia, Reif, Luknic and Brinkman introduced :

H. F. No. 1800, A bill for an act relating to health care; regulating benefits made available under certain health care plans; requiring coverage for reconstructive surgery under certain conditions; amending Minnesota Statutes 1978, Section 62E.06, Subdivision 1, as amended, and Chapter 62A, by adding a section.

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

Redalen and Friedrich introduced :

H. F. No. 1801, A bill for an act relating to state lands; authorizing the sale at public auction of lands and interests in lands located in Mower and Fillmore Counties.

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

Osthoff; Sieben, M.; Dean; Norton and Rose introduced :

H. F. No. 1802, A bill for an act relating to the metropolitan transit area; providing for contracts with socially or economically disadvantaged persons and handicapped persons; amending Minnesota Statutes 1978, Chapter 473, by adding a section.

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

Stowell; McDonald; Nelsen, B.; Stadum and Welker introduced :

H. F. No. 1803, A bill for an act relating to the state building code; providing for referenda on the state building code in certain non-metropolitan cities and towns.

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

Sviggum; Anderson, B.; Wenzel; Haukoos and Wigley introduced :

H. F. No. 1804, A bill for an act relating to state departments; requiring final approval from the legislature for rules promulgated under the administrative procedure act; amending Minnesota Statutes 1978, Sections 15.0412; 15.0413, Subdivision 1; and 15.052, Subdivision 4.

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

Olsen, Halberg, McCarron, Pehler and Welch introduced :

H. F. No. 1805, A bill for an act relating to state employees; providing bonuses to certain state employees.

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

Anderson, I.; Minne; Battaglia; Begich and Rice introduced:

H. F. No. 1806, A bill for an act relating to unemployment compensation; removing the authorization for reducing benefits by the amount of holiday pay; amending Minnesota Statutes 1978, Section 268.07, Subdivision 2.

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

Hokanson, Berglin, Evans, Olsen and Rice introduced:

H. F. No. 1807, A bill for an act relating to taxation; property tax refund; increasing the percentage of rent constituting property taxes; amending Minnesota Statutes, 1979 Supplement, Section 290A.03, Subdivisions 11 and 13.

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

Clawson, Ludeman, Kroening and Anderson, B., introduced:

H. F. No. 1808, A bill for an act relating to eminent domain; limiting the authority to acquire certain property by condemnation; repealing certain obsolete provisions of law authorizing acquisition by condemnation; amending Minnesota Statutes 1978, Sections 84.033; 84.154, Subdivision 3; 84A.10; 84A.39; 84A.55, Subdivision 13; 85.015, Subdivisions 12 and 13; 88.09, Subdivision 2; 89.032, Subdivision 1; 105.39, Subdivision 4; and 463.03; repealing Minnesota Statutes 1978, Sections 38.05; 117.31; 123.40, Subdivision 6; 161.29; 222.42; 308.39; and 643.06.

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

Halberg, Schreiber, Jude, Novak and Heinitz introduced:

H. F. No. 1809, A bill for an act relating to driver's licenses; allowing the commissioner of public safety to waive behind-the-wheel testing for certain applicants; amending Minnesota Statutes 1978, Sections 169.974, Subdivision 2; and 171.13, by adding a subdivision.

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

Ellingson, Kelly, Heinitz, Johnson, D., and Blatz introduced:

H. F. No. 1810, A bill for an act relating to insurance; providing the commissioner with rule-making power on the subject of unfair methods and unfair or deceptive acts and practices; amending Minnesota Statutes 1978, Section 72A.19.

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

Anderson, R.; Anderson, G.; Evans; Casserly and Wenzel introduced:

H. F. No. 1811, A bill for an act relating to the environment; requiring the pollution control agency to promulgate a separate set of rules for solid waste control in rural areas; amending Minnesota Statutes 1978, Section 116.07, Subdivisions 2 and 4.

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

Anderson, B.; Clark; Carlson, L.; Blatz and Reif introduced:

H. F. No. 1812, A bill for an act relating to drivers licenses; providing that certain application forms include a place for applicants to indicate their desire to make an anatomical gift; requiring persons authorized to accept drivers license and renewal applications and applications for Minnesota identification cards to inquire of applicants whether they desire to make an anatomical gift; amending Minnesota Statutes 1978, Sections 171.06, Subdivision 3, and by adding a subdivision; and 171.07, Subdivision 3.

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

Anderson, B.; Sviggum; Nelsen, M., and Kalis introduced:

H. F. No. 1813, A bill for an act relating to public finance; authorizing the issuance of Minnesota state railroad assistance bonds; appropriating money; amending Minnesota Statutes 1978, Chapter 222, by adding a section.

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

Anderson, B.; Eken; Johnson, D.; Mann and Sherwood introduced:

H. F. No. 1814, A bill for an act relating to agriculture; clarifying certain requirements for authorized farm corporations; amending Minnesota Statutes 1978, Section 500.24, Subdivision 2.

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

Peterson, B.; Searles; Luknic; Weaver and Nelsen, B., introduced:

H. F. No. 1815, A bill for an act relating to taxation; increasing the percentage for indexing the taxable net income brackets; amending Minnesota Statutes, 1979 Supplement, Section 290.06, Subdivision 2d.

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

Clawson, Clark, Byrne, Vanasek and Laidig introduced:

H. F. No. 1816, A bill for an act relating to local correctional facilities; updating provisions concerning county jails, city lock-ups and workhouses; repealing provisions concerning correctional or work farms; amending Minnesota Statutes 1978, Sections 241.022, Subdivision 1; 243.91; 588.10; 609.105, Subdivision 3; 609.135, Subdivision 4; 631.461; 641.01; 641.04; 641.06; 641.14; 641.15; 641.16; 641.18; 641.21; 641.22; 642.02, Subdivision 2; 642.03; 642.07; 643.01; 643.02; and 643.29; repealing Minnesota Statutes 1978, Sections 641.17; 641.27; 641.28; 641.29; 641.30; 641.31; 641.32; 641.33; 641.34; 641.35; 641.36; 641.37; 641.38; 642.14; 643.03; 643.04; 643.05; 643.06; 643.07; 643.08; 643.09; 643.10; 643.11; 643.12; 643.13; 643.14; 643.15; 643.16; 643.17; 643.19; and 643.20.

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

Reding, Kalis and Wigley introduced:

H. F. No. 1817, A bill for an act relating to game and fish; prohibiting the taking of raccoon by nonresidents; amending Minnesota Statutes, 1979 Supplement, Sections 98.46, Subdivision 14; and 100.27, Subdivision 3.

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

Reding, Lehto and Nysether introduced:

H. F. No. 1818, A bill for an act relating to game and fish; authorizing moose seasons in the discretion of the commissioner; amending Minnesota Statutes 1978, Section 100.27, Subdivision 2.

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

Zubay, Kaley, Jaros and Berkelman introduced:

H. F. No. 1819, A bill for an act relating to taxation; income; providing for the nonrecognition of gain or loss from sales or exchanges certified by the Federal Communications Commission; amending Minnesota Statutes 1978, Section 290.13, by adding a subdivision.

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

Luknic, Patton, Sarna, Minne and Norman introduced:

H. F. No. 1820, A bill for an act relating to retirement; local police relief associations in cities of the third class; defining permissible investments; amending Minnesota Statutes 1978, Section 423.389.

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

Berglin, Clark, Wynia, Adams and Heinitz introduced:

H. F. No. 1821, A bill for an act relating to financial institutions; permitting credit unions to act as depositories of public funds; amending Minnesota Statutes 1978, Section 51A.02, Subdivision 23.

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

Kempe; Halberg; Sieben, H.; Metzen and Sviggum introduced:

H. F. No. 1822, A bill for an act relating to the Minnesota zoological garden; supplementing and clarifying the authority of the zoological garden board in regard to penalties for rule violations; regulating the use of the name or mark of the garden; providing penalties; amending Minnesota Statutes 1978, Section 85A.02, Subdivision 7; and Chapter 333, by adding sections.

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

Mehrkens, Dempsey, Elioff, Waldorf and Haukoos introduced:

H. F. No. 1823, A bill for an act relating to transportation; permitting informational notations on recorded maps and plats; simplifying correction of errors on them; amending Minnesota Statutes 1978, Section 160.085, Subdivision 1, and by adding a subdivision.

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

Halberg; Metzen; Sieben, H.; Sviggum and Kempe introduced:

H. F. No. 1824, A bill for an act relating to driver's licenses; providing for the disposition of the county fee in Dakota County.

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

Heinitz, Halberg, Reif and Kempe introduced:

H. F. No. 1825, A bill for an act relating to children; specifying rights of stepparents to visit certain children.

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

Norman, Byrne, Fritz, Simoneau and Luknic introduced:

H. F. No. 1826, A bill for an act relating to labor; providing certain powers and procedures in minimum wage enforcement; amending Minnesota Statutes 1978, Section 177.27, Subdivisions 2, 3 and 5.

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

Kalis introduced:

H. F. No. 1827, A bill for an act relating to taxation; income tax; extending the exclusion from gross income of family farm security loan interest to loans executed prior to January 1, 1978; amending Minnesota Statutes 1978, Section 290.08, Subdivision 24.

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

Kalis, Fjoslien, Reding and Mann introduced:

H. F. No. 1828, A bill for an act relating to state government; directing the department of administration to provide gasohol for state owned vehicles; amending Minnesota Statutes 1978, Chapter 16, by adding a section.

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

Greenfield, Clark, Drew, Blatz and Clawson introduced:

H. F. No. 1829, A bill for an act relating to general assistance; authorizing and setting minimum limits for allowances for personal needs in certain cases; amending Minnesota Statutes 1978, Section 256D.06, by adding a subdivision.

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

Greenfield, Berglin, Clark, Drew and Kaley introduced:

H. F. No. 1830, A bill for an act relating to welfare; changing certain eligibility requirements for aid to families with dependent children; amending Minnesota Statutes 1978, Section 256.73, Subdivision 2.

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

Greenfield, Berglin, Clark, Drew and Kaley introduced:

H. F. No. 1831, A bill for an act relating to welfare; changing certain eligibility requirements for supplemental aid; amending Minnesota Statutes 1978, Section 256D.37, Subdivision 2.

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

Tomlinson and Rothenberg introduced:

H. F. No. 1832, A bill for an act relating to taxation; correcting the text of the residential energy income tax credit provision; amending Minnesota Statutes, 1979 Supplement, Section 290.06, Subdivision 14.

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

Aasness, Corbid, Eken, Anderson, R., and Fjoslien introduced:

H. F. No. 1833, A bill for an act relating to veterans; establishing at the Fergus Falls State Hospital a domiciliary home for veterans and a unit for the treatment of drug dependent persons; making appropriations; amending Minnesota Statutes 1978, Sections 253.015 and 254A.03, by adding a subdivision.

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

Kalis, Mann and Jennings introduced:

H. F. No. 1834, A bill for an act relating to education; adding the commissioner of agriculture to the equalization aid review committee; amending Minnesota Statutes 1978, Section 124.212, Subdivision 10.

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

Schreiber, Sarna, Jude, Rose and Evans introduced:

H. F. No. 1835, A bill for an act relating to motor vehicles; setting due dates for installment payments of motor vehicle registration taxes; extending the coroner's reporting time of deaths resulting from motor vehicle accidents; authorizing the use of accident reports by certain agencies for accident analysis purposes; requiring bumpers on certain motor vehicles, and requiring rear rigid safeguards on certain trucks, trailers and semi-trailers; amending Minnesota Statutes 1978, Sections 168.31, Subdivision 4; 169.09, Subdivisions 11 and 13, and 169.73, Subdivision 2; repealing Minnesota Statutes 1978, Section 169.73, Subdivisions 1, 3, 4 and 5.

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

Clawson, Corbid, Eken, Osthoff and Wigley introduced:

H. F. No. 1836, A bill for an act relating to elections; requiring certain solicitors of information to identify the person for whom the information is sought; imposing a penalty.

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

Carlson, L.; Heinitz; Swanson; Rees and Brinkman introduced:

H. F. No. 1837, A bill for an act relating to insurance; extending the temporary joint underwriting association act for an additional two year period; amending Minnesota Statutes 1978, Section 62F.01, Subdivision 2.

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

Berglin, Tomlinson, Casserly, Blatz and Schreiber introduced:

H. F. No. 1838, A bill for an act relating to taxation; real property; clarifying the treatment of cooperatives and charitable corporations; amending Minnesota Statutes 1978, Section 273.133, Subdivision 1.

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

Patton, Fudro, McEachern, Redalen and Dempsey introduced:

H. F. No. 1839, A bill for an act relating to highways; requiring percentage payments to contractors for work completed under contracts for the construction and improvement of county state-aid highways and municipal state-aid streets; amending Minnesota Statutes 1978, Sections 162.04 and 162.10.

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

Patton, Fudro, McEachern, Redalen and Dempsey introduced:

H. F. No. 1840, A bill for an act relating to local improvements; increasing percentage payments to contractors for completed work under local improvement contracts; amending Minnesota Statutes 1978, Section 429.041, Subdivision 6.

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

Clawson, Wynia, Moe, Norton and Drew introduced:

H. F. No. 1841, A bill for an act relating to state government; providing for certain historical memorials; providing an appropriation.

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

Kahn, Rothenberg, Voss, Corbid and Nelson introduced:

H. F. No. 1842, A bill for an act relating to nuclear safety; licensing and regulating nuclear power plants, reactors, and spent nuclear fuel disposal sites; empowering the department of health to conduct monitoring and emergency contingency planning; appropriating funds.

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

Heinitz and Heap introduced:

H. F. No. 1843, A bill for an act relating to the legislature; repealing the requirement that the revisor of statutes furnish the legislature with copies of collective bargaining contracts between the state and state employees; repealing Minnesota Statutes 1978, Section 482.18.

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

Clawson, Swanson, Peterson, D., and Aasness introduced:

H. F. No. 1844, A bill for an act relating to health; authorizing the commissioner of health to investigate complaints under certain circumstances; amending Minnesota Statutes 1978, Section 214.13, by adding subdivisions.

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

McCarron introduced:

H. F. No. 1845, A bill for an act relating to public welfare; closing Anoka state hospital; providing for continued employment of its personnel; directing disposition of related buildings and land; instructing the revisor of statutes to eliminate certain obsolete references from statutes; amending Minnesota Statutes 1978, Sections 246.02, Subdivision 2; 253.015; and 254.05.

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

Prahl, McEachern, Kempe, Jacobs and Nelsen, B., introduced:

H. F. No. 1846, A bill for an act relating to highway traffic regulations; authorizing certain identification rights on motor vehicles operated by certificated volunteer ambulance drivers; amending Minnesota Statutes 1978, Section 169.58, by adding a subdivision.

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

Clawson and Onnen introduced:

H. F. No. 1847, A bill for an act relating to public welfare; providing for a study of revisions to the nursing home rate reimbursement formula; providing for an information retrieval system; appropriating money; amending Minnesota Statutes 1978, Section 256B.47, by adding a subdivision.

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

Halberg, Dempsey, Rothenberg, Faricy and Casserly introduced:

H. F. No. 1848, A bill for an act relating to taxation; estate tax; making technical adjustments and clarifying certain provisions; amending Minnesota Statutes 1978, Sections 290.077, Subdivision 4; 291.07, Subdivision 3; 291.111, Subdivision 2; 291.15; 291.18; 291.32, Subdivision 1; 291.33, by adding a subdivision; 501.211, Subdivision 3, and by adding a subdivision; 524.3-505; 524.3-1003; 525.532, Subdivision 3; and Minnesota Statutes, 1979 Supplement, Sections 290.01, Subdivision 20; 290.14; 291.005, Subdivision 1; 291.01; 291.015; 291.03; 291.05; 291.051; 291.06; 291.07, Subdivision 1; 291.075; 291.09, Subdivisions 1a and 4a; 291.132; 291.215, Subdivision 1; 291.33, Subdivision 1; 524.3-105; and 524.3-1001; repealing Minnesota Statutes 1978, Sections 291.17; 291.20, Subdivision 4; and Minnesota Statutes, 1979 Supplement, Sections 291.111, Subdivision 1; and 291.19.

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

Carlson, L.; Otis; Minne and Norman introduced:

H. F. No. 1849, A bill for an act proposing an amendment to the Minnesota Constitution, Article IV, Section 12; adding a section to allow the legislature or presiding officers to call a special session.

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

Carlson, D., introduced:

H. F. No. 1850, A bill for an act relating to agriculture; testing cattle for anaplasmosis; amending Minnesota Statutes 1978, Chapter 35, by adding a section.

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

Carlson, D., introduced:

H. F. No. 1851, A bill for an act relating to public welfare; allowing alleged father to initiate paternity actions; changing certain terms; imposing support liability on both parents of certain children; requiring attorneys to represent children in paternity actions; giving certain fathers right to custody and visitation; permitting blood tests in evidence in paternity actions; limiting lump-sum settlements of paternity actions; amending Minnesota Statutes 1978, Sections 257.251; 257.252; 257.253; 257.254; 257.255; 257.256; 257.257; 257.261; 257.262; 257.264; 257.27; 257.28; 257.29; 257.30; 257.31; and 257.33; and Chapter 257, by adding sections.

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

Carlson, L.; Haukoos; McEachern and Jennings introduced:

H. F. No. 1852, A bill for an act relating to education; changing the definition of teacher in the law governing limitations on the amount of severance pay for teachers; improving some of the language in a severance pay law; amending Minnesota Statutes, 1979 Supplement, Section 465.72.

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

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 Senate File, herewith transmitted:

S. F. No. 1261.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

S. F. No. 1644.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 1261, A bill for an act relating to public transit; authorizing the acquisition, betterment, operation and maintenance of a people mover system in St. Paul; establishing a procedure for payment of the operating deficit by the metropolitan transit commission, the city of St. Paul and benefited property owners; providing for assistance by the state; authorizing issuance of capital improvement bonds by the Twin Cities Metropolitan Transit Commission; amending Minnesota Statutes, 1979 Supplement, Section 473.436, by adding a subdivision; repealing Laws 1977, Chapter 454, Section 45.

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

S. F. No. 1644, A bill for an act relating to eminent domain; providing for the taking of possession and title by the petitioner under certain circumstances; providing that certain payments deposited with the court shall be paid out under direction of the court; amending Minnesota Statutes 1978, Section 117.042.

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

CALENDAR

H. F. No. 924, A bill for an act relating to commerce; regulating conduct of business under assumed business names; amending Minnesota Statutes 1978, Sections 301.09; 333.01;

333.04; 333.06; and Chapter 333, by adding sections; repealing Minnesota Statutes 1978, Sections 333.001; 333.035; and 333.055.

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 84 yeas and 45 nays as follows:

Those who voted in the affirmative were:

Aasness	Dempsey	Hokanson	Murphy	Schreiber
Adams	Den Ouden	Jennings	Nelsen, B.	Searle
Ainley	Drew	Johnson, C.	Nelsen, M.	Searles
Albrecht	Eken	Johnson, D.	Niehaus	Sherwood
Anderson, B.	Elioff	Kaley	Norman	Stadum
Anderson, D.	Erickson	Kalis	Nysether	Stowell
Anderson, R.	Evans	Kempe	Onnen	Sviggum
Battaglia	Ewald	Knickerbocker	Osthoff	Thiede
Begich	Fjoslien	Kvam	Patton	Valan
Berkelman	Forsythe	Laidig	Piepho	Valento
Biersdorf	Friedrich	Levi	Pleasant	Weaver
Blatz	Fritz	Ludeman	Redalen	Welker
Brinkman	Fudro	Luknic	Reding	Wenzel
Carlson, D.	Haukoos	Mann	Rees	Wieser
Carlson, L.	Heap	McDonald	Reif	Wigley
Crandall	Heinitz	Mehrkens	Rodriguez	Zubay
Dean	Hoberg	Metzen	Rose	

Those who voted in the negative were:

Anderson, G.	Greenfield	Long	Otis	Simoneau
Anderson, I.	Jacobs	McCarron	Pehler	Stos
Berglin	Jaros	McEachern	Peterson, B.	Tomlinson
Byrne	Jude	Minne	Peterson, D.	Vanasek
Casserly	Kahn	Moe	Prahl	Voss
Clark	Kelly	Munger	Rice	Waldorf
Clawson	Kostohryz	Nelson	Sarna	Welch
Ellingson	Kroening	Novak	Sieben, H.	Wynia
Farcy	Lehto	Olsen	Sieben, M.	Spkr. Norton

The bill was passed and its title agreed to.

H. F. No. 1169, A bill for an act relating to census taking; providing for the taking of special censuses by the United States bureau of the census rather than the secretary of state; providing for the approval of school district population estimates by the state demographer; providing for annual population estimates of governmental subdivisions by the state demographer and their use in the computation of tax levy limits and local government aid; abolishing the authority of the municipal board to determine the population of municipalities and towns; amending Minnesota Statutes 1978, Sections 4.12, Subdivision 7; 275.-14; 275.45; 275.53; 414.01, Subdivision 14; 477A.01, Subdivision 4; and Chapter 477A, by adding a section; repealing Minnesota Statutes 1978, Sections 365.61; and 414.033, Subdivision 8.

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 3 nays as follows:

Those who voted in the affirmative were:

Aasness	Elioff	Kalis	Niehaus	Sherwood
Adams	Ellingson	Kelly	Norman	Sieben, H.
Ainley	Erickson	Kempe	Novak	Sieben, M.
Albrecht	Evans	Knickerbocker	Nysether	Simoneau
Anderson, B.	Ewald	Kostohryz	Olsen	Stadum
Anderson, D.	Farcy	Kroening	Onnen	Stoa
Anderson, I.	Fjoslien	Kvam	Osthoff	Stowell
Anderson, R.	Forsythe	Laidig	Otis	Sviggum
Battaglia	Friedrich	Lehto	Patton	Thiede
Begich	Fritz	Levi	Peterson, B.	Tomlinson
Berglin	Fudro	Long	Peterson, D.	Valan
Berkelman	Greenfield	Ludeman	Piepho	Valento
Biersdorf	Halberg	Luknic	Pleasant	Vanasek
Blatz	Haukoos	Mann	Prahl	Voss
Brinkman	Heap	McCarron	Redalen	Waldorf
Byrne	Heinitz	McDonald	Reding	Weaver
Carlson, D.	Hoberg	McEachern	Rees	Welch
Carlson, L.	Hokanson	Mehrkens	Reif	Welker
Casserly	Jacobs	Metzen	Rice	Wenzel
Clark	Jaros	Minne	Rodriguez	Wieser
Clawson	Jennings	Moe	Rose	Wigley
Crandall	Johnson, C.	Munger	Rothenberg	Wynia
Dean	Johnson, D.	Murphy	Sarna	Zubay
Dempsey	Jude	Nelsen, B.	Schreiber	Spkr. Norton
Den Ouden	Kahn	Nelsen, M.	Searle	
Drew	Kaley	Nelson	Searles	

Those who voted in the negative were:

Anderson, G. Eken Pehler

The bill was passed and its title agreed to.

H. F. No. 1074, A bill for an act relating to courts; tenth judicial district; authorizing the position of civil commitment referee in Washington County; amending Minnesota Statutes 1978, Section 253A.21, by adding a subdivision; and Chapter 484, by adding a section.

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 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Ainley	Anderson, B.	Anderson, G.	Anderson, R.
Adams	Albrecht	Anderson, D.	Anderson, I.	Battaglia

Begich	Fjoslien	Kostohryz	Nysether	Sherwood
Berglin	Forsythe	Kroening	Olsen	Sieben, H.
Berkelman	Friedrich	Kvam	Onnen	Sieben, M.
Biersdorf	Fritz	Laidig	Osthoff	Simoneau
Blatz	Fudro	Lehto	Otis	Stadum
Brinkman	Greenfield	Levi	Patton	Stoa
Byrne	Halberg	Long	Pehler	Stowell
Carlson, D.	Haukoos	Ludeman	Peterson, B.	Sviggum
Carlson, L.	Heap	Luknic	Peterson, D.	Thiede
Cassery	Heinitz	Mann	Piepho	Tomlinson
Clark	Hoberg	McCarron	Pleasant	Valan
Clawson	Hokanson	McDonald	Prahl	Valento
Crandall	Jacobs	McEachern	Redalen	Vanasek
Dean	Jaros	Mehrkens	Reding	Voss
Dempsey	Jennings	Metzen	Rees	Waldorf
Den Ouden	Johnson, C.	Minne	Reif	Weaver
Drew	Johnson, D.	Munger	Rice	Welch
Eken	Jude	Murphy	Rodriguez	Welker
Elioff	Kahn	Nelsen, B.	Rose	Wenzel
Ellingson	Kaley	Nelsen, M.	Rothenberg	Wieser
Erickson	Kalis	Nelson	Sarna	Wigley
Evans	Kelly	Niehaus	Schreiber	Wynia
Ewald	Kempe	Norman	Searle	Zubay
Faricy	Knickerbocker	Novak	Searles	Spkr. Norton

The bill was passed and its title agreed to.

S. F. No. 687, A bill for an act relating to banks and banking; regulating interest rates charged by state banks; amending Minnesota Statutes 1978, Chapter 48, by adding a section.

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 114 yeas and 16 nays as follows:

Those who voted in the affirmative were:

Aasness	Drew	Kaley	Niehaus	Sherwood
Adams	Eken	Kalis	Norman	Sieben, H.
Ainley	Elioff	Kelly	Novak	Sieben, M.
Albrecht	Ellingson	Kempe	Nysether	Stadum
Anderson, B.	Erickson	Knickerbocker	Olsen	Stoa
Anderson, D.	Esau	Kvam	Onnen	Stowell
Anderson, G.	Evans	Laidig	Osthoff	Sviggum
Anderson, I.	Ewald	Lehto	Otis	Thiede
Anderson, R.	Fjoslien	Levi	Patton	Tomlinson
Battaglia	Forsythe	Long	Pehler	Valan
Berkelman	Friedrich	Ludeman	Peterson, B.	Valento
Biersdorf	Fudro	Luknic	Piepho	Vanasek
Blatz	Halberg	Mann	Pleasant	Waldorf
Brinkman	Haukoos	McCarron	Redalen	Weaver
Byrne	Heap	McDonald	Reding	Welch
Carlson, D.	Heinitz	McEachern	Rees	Welker
Carlson, L.	Hoberg	Mehrkens	Reif	Wenzel
Cassery	Hokanson	Metzen	Rodriguez	Wieser
Clawson	Jaros	Minne	Rose	Wigley
Crandall	Jennings	Moe	Rothenberg	Wynia
Dean	Johnson, C.	Munger	Schreiber	Zubay
Dempsey	Johnson, D.	Murphy	Searle	Spkr. Norton
Den Ouden	Jude	Nelsen, B.	Searles	

Those who voted in the negative were:

Begich	Fritz	Kostohryz	Rice	Simoneau
Berglin	Greenfield	Kroening	Sarna	Voss
Clark	Jacobs	Nelsen, M.		
Faricy	Kahn	Peterson, D.		

The bill was passed and its title agreed to.

GENERAL ORDERS

Pursuant to rules of the House, the House resolved itself into the Committee of the Whole, with Norton in the Chair, for the consideration of bills pending on General Orders of the Day. After some time spent therein the Committee arose.

REPORT OF COMMITTEE OF THE WHOLE

The Speaker resumed the Chair, whereupon the following proceedings of the Committee as kept by the Chief Clerk were reported to the House:

S. F. No. 285 which it recommended to pass, as amended by the Committee of the Whole on Wednesday, May 2, 1979.

S. F. No. 410 which it recommended progress until Thursday, February 14, 1980 retaining its place on General Orders.

On the motion of Sieben, H., the report of the Committee of the Whole was adopted.

ROLL CALLS IN COMMITTEE OF THE WHOLE

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

The question was taken on the Kroening motion that S. F. No. 285 be re-referred to the Committee on Commerce, Economic Development and Housing and the roll was called. There were 47 yeas and 80 nays as follows:

Those who voted in the affirmative were:

Anderson, I.	Elioff	Kempe	Otis	Simoneau
Battaglia	Ellingson	Kostohryz	Pehler	Swanson
Begich	Faricy	Kroening	Peterson, D.	Tomlinson
Berglin	Fudro	Mann	Prahl	Voss
Byrne	Greenfield	Minne	Reding	Waldorf
Carlson, D.	Hokanson	Moe	Rice	Wynia
Carlson, L.	Jacobs	Murphy	Rodriguez	Spkr. Norton
Casserly	Jude	Nelsen, M.	Sarna	
Clark	Kahn	Novak	Sieben, H.	
Eken	Kelly	Osthoff	Sieben, M.	

Those who voted in the negative were:

Aasness	Den Ouden	Johnson, C.	Nelsen, B.	Searles
Adams	Drew	Johnson, D.	Niehaus	Sherwood
Ainley	Erickson	Kaley	Norman	Stadum
Albrecht	Esau	Kalis	Nysether	Stoa
Anderson, B.	Evans	Knickerbocker	Olsen	Stowell
Anderson, D.	Ewald	Kvam	Onnen	Sviggum
Anderson, G.	Fjoslien	Laidig	Patton	Thiede
Anderson, R.	Forsythe	Lehto	Peterson, B.	Valan
Berkelman	Friedrich	Levi	Piepho	Valento
Biersdorf	Fritz	Long	Pleasant	Vanasek
Blatz	Haukoos	Ludeman	Redalen	Weaver
Brinkman	Heap	Luknic	Rees	Welker
Clawson	Heinitz	McDonald	Reif	Wenzel
Crandall	Hoberg	Mehrkens	Rose	Wieser
Dean	Jaros	Metzen	Rothenberg	Wigley
Dempsey	Jennings	Munger	Schreiber	Zubay

The motion did not prevail.

Sieben, M., moved to amend S. F. No. 285, the unofficial engrossment, as follows:

Page 2, after line 17 insert:

"Sec. 3. Minnesota Statutes 1978, Chapter 334, is amended by adding a section to read:

[334.20] [FINANCE CHARGES FOR OTHER THAN OPEN END CREDIT.] *Subdivision 1. The parties to a consumer credit sale other than a sale pursuant to an open end credit plan may lawfully agree to payment by the consumer of a maximum finance charge which may not exceed one and one-third percent per month on the unpaid balance of the amount financed.*

Subd. 2. For the purposes of this section:

(a) The finance charge may be calculated on the assumption that all scheduled payments will be made when due;

(b) The effect of prepayment is governed by the provisions on rebate upon prepayment under section 5 of this act; and

(c) The term of a consumer credit sale other than one pursuant to an open end credit plan commences thirty days after the credit is granted. Differences in lengths of months are disregarded and a day may be counted as 1/30 of a month.

Subd. 3. Notwithstanding the provisions of subdivisions 1 and 2 of this section, a seller may contract for and receive a minimum finance charge of not more than \$10 with respect to a sale other than one pursuant to an open end credit plan.

Sec. 4. Minnesota Statutes 1978, Chapter 334, is amended by adding a section to read:

[334.21] [PREPAYMENT PENALTIES PROHIBITED.]
Subject to section 5, a buyer may prepay in full, or in any part, the unpaid balance of a consumer credit sale at any time without penalty.

Sec. 5. Minnesota Statutes 1978, Chapter 334, is amended by adding a section to read:

[334.22] [REBATE ON PREPAYMENT.] *Subdivision 1. Unless otherwise authorized by statute, and upon prepayment in full of the unpaid balance of a precomputed consumer credit sale, refinancing or consolidation, an amount not less than the unearned portion of the finance charge calculated according to this section shall be rebated to the buyer; provided, however, that the seller may collect or retain a minimum charge not to exceed \$10, but in no event more than the finance charge contracted for. If the total of all rebates, refunds and credits to be paid to the buyer is less than \$1, no rebate need be made.*

Subd. 2. The unearned portion of the precomputed finance charge on consumer credit sales shall be at least as great a proportion of the time price differential as the sum of the periodic time balances after the month in which prepayment is made bears to the sum of all the periodic time balances under the schedule of payments in the original contract, which method of calculating rebates is commonly known as the "rule of 78" or "sum of the digits" method. When a rebate computed by this method results in a buyer having been charged an effective rate of interest in excess of that allowable under section 3, it shall not be a violation of law.

Subd. 3. Unless otherwise authorized by statute, the parties to a consumer credit sale other than one pursuant to an open end credit plan, may agree in writing at any time subsequent to the transaction to a deferral of all or part of any installments and an appropriate deferral charge which may not exceed one percent per month on the amount deferred. If prepayment in full is made on a transaction for which there was a prior agreement for a deferral and a deferral charge, the unearned portion of the finance charge shall be computed without regard to the deferral. The amount of deferral charge accumulated at the date of prepayment shall also be calculated. If the deferral charge accumulated is less than the deferral charge actually paid by the buyer, the difference shall be added to the unearned portion of the finance charge to be rebated to the buyer. If any part of a deferral charge has been accumulated but has not been paid, that part shall be subtracted from the unearned portion of the finance charge to be rebated to the buyer.

Subd. 4. In the absence of an agreement for deferral of any installment, as provided in subdivision 3, and if the contract between the seller and the buyer so provides, the seller may collect, or retain, in the event of prepayment, a delinquency charge with respect to any installment not paid in full within ten days after its due date, as originally scheduled or as deferred by agreement, up to a maximum amount which is five percent of the unpaid amount of the delinquent installments or \$5, whichever is less. A delinquency charge with respect to any single delinquent installment may be collected only once, however long the installment remains in default. A separate delinquency charge, as computed above, may be imposed with respect to each separate installment that is delinquent. A delinquency charge may not be collected on an installment paid in full within ten days after its scheduled or deferred installment due date even though an earlier maturing installment or a delinquency or deferral charge on an earlier installment has not been paid in full. For purposes of this subdivision, and in the absence of specific direction by the buyer to the contrary, a payment is applied first to any installment due and not delinquent at the time in which it is received and then to delinquent installments and charges. A delinquency charge may be collected at the time it accrues or at any time thereafter.

Subd. 5. Unless otherwise authorized by statute, if the maturity of the obligation is accelerated for any reason and judgment is obtained, the buyer is entitled to the same rebate as if payment in full had been made on the date judgment is entered against the buyer excluding delinquency charges previously collected by the creditor.

Sec. 6. Minnesota Statutes 1978, Chapter 334, is amended by adding a section to read:

[334.23] [ASSIGNEES AND PURCHASERS.] *Any conditional sales contract, personal note or other instrument arising out of or given in connection with a consumer credit sale which reflects or bears a finance charge higher than allowed under sections 3 to 8, or higher than otherwise authorized by statute, may not be held in good faith by an assignee or purchaser of commercial or negotiable paper, and any assignee who acquires the instrument shall be liable for the penalties provided in section 7.*

Sec. 7. Minnesota Statutes 1978, Chapter 334, is amended by adding a section to read:

[334.24] [PENALTY.] *Any seller who violates any of the provisions of sections 3 to 8 except as a bona fide error, shall forfeit to the buyer an amount which is equal to three times any finance charge imposed, charged or collected in connection with a consumer credit sale, with a minimum forfeiture of \$100 plus reasonable attorneys' fees and court costs.*

Sec. 8. Minnesota Statutes 1978, Chapter 334, is amended by adding a section to read:

[334.25] [MOTOR VEHICLE RETAIL INSTALLMENT SALES ACT.] *Sections 3 to 8 shall not apply to sales covered by sections 168.66 to 168.77, known as the motor vehicle retail installment sales act.*"

Renumber the sections as may be required by this amendment.

Amend the title as follows:

Page 1, line 5, after the semicolon, insert: "providing for maximum finance charges for closed end credit; providing a penalty;"

Page 1, line 6, before the period insert: "; and Chapter 334, by adding sections"

The question was taken on the amendment and the roll was called. There were 61 yeas and 71 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Ellingson	Kroening	Otis	Swanson
Anderson, I.	Faricy	Lehto	Patton	Tomlinson
Battaglia	Fudro	Mann	Pehler	Vanasek
Begich	Greenfield	McCarron	Peterson, D.	Voss
Berglin	Hokanson	McEachern	Prahl	Waldorf
Byrne	Jacobs	Minne	Reding	Welch
Carlson, D.	Johnson, C.	Moe	Rice	Wenzel
Carlson, L.	Jude	Munger	Rodriguez	Wynia
Casserly	Kahn	Murphy	Sarna	Spkr. Norton
Clark	Kalis	Nelsen, M.	Sieben, H.	
Clawson	Kelly	Nelson	Sieben, M.	
Eken	Kempe	Novak	Simoneau	
Elioff	Kostohryz	Osthoff	Stoa	

Those who voted in the negative were:

Aasness	Drew	Johnson, D.	Nysether	Stadum
Adams	Erickson	Kaley	Olsen	Stowell
Ainley	Esau	Knickerbocker	Onnen	Sviggum
Albrecht	Evans	Kvam	Peterson, B.	Thiede
Anderson, B.	Ewald	Laidig	Piepho	Valan
Anderson, D.	Forsythe	Levi	Pleasant	Valento
Anderson, R.	Friedrich	Long	Redalen	Weaver
Berkelman	Fritz	Ludeman	Rees	Welker
Biersdorf	Halberg	Luknic	Reif	Wieser
Blatz	Haukoos	McDonald	Rose	Wigley
Brinkman	Heap	Mehrkens	Rothenberg	Zubay
Crandall	Heintz	Metzen	Schreiber	
Dean	Hoberg	Nelsen, B.	Searle	
Dempsey	Jaros	Niehaus	Searles	
Den Ouden	Jennings	Norman	Sherwood	

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

Osthoff moved to amend S. F. No. 285, the unofficial engrossment, as follows:

Page 2, after line 23, add the following section:

"Sec. 4. [REFERENDA ON INCREASING PERMISSIBLE FINANCE CHARGES FOR OPEN END CREDIT SALES.] Notwithstanding any other provision of law to the contrary, a county containing a city of the first class may provide, by a vote of the majority of its electors, that no portion of the increase in permissible finance charges for open end credit shall apply within its jurisdiction.

The county board may, and upon petition therefore signed by voters equal in number to at least five percent of those voting in the last general election shall submit to the voters at a regular or special election the question of adopting the increase in permissible finance charges for open end credit sales. The question on the ballot shall be stated substantially as follows:

"Shall the increase in permissible finance charges for open end credit sales from 12% per year to 16% per year be adopted in County?"

If the majority of votes cast on the proposition is in the negative, the increase in permissible finance charges for open end credit sales shall not apply in the subject county."

The question was taken on the amendment and the roll was called. There were 53 yeas and 75 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Crandall	Kostohryz	Novak	Swanson
Anderson, I.	Elioff	Kroening	Osthoff	Tomlinson
Anderson, R.	Ellingson	Lehto	Pehler	Vanasek
Battaglia	Faricy	Mann	Peterson, D.	Voss
Begich	Fudro	McCarron	Prahl	Waldorf
Berglin	Greenfield	McEachern	Rice	Welch
Byrne	Hokanson	Minne	Rodriguez	Wenzel
Carlson, L.	Jude	Moe	Sarna	Wynia
Casserly	Kahn	Murphy	Sieben, H.	Spkr. Norton
Clark	Kelly	Nelsen, M.	Sieben, M.	
Clawson	Kempe	Nelson	Simoneau	

Those who voted in the negative were:

Aasness	Dempsey	Fritz	Kalis	Niehaus
Adams	Den Ouden	Halberg	Knickerbocker	Norman
Ainley	Drew	Haukoos	Kvam	Nysether
Albrecht	Eken	Heap	Laidig	Olsen
Anderson, B.	Erickson	Heinitz	Levi	Onnen
Anderson, D.	Esau	Hoberg	Ludeman	Otis
Berkelman	Evans	Jaros	Luknic	Patton
Biersdorf	Ewald	Jennings	McDonald	Peterson, B.
Blatz	Fjoslien	Johnson, C.	Mehrkens	Piepho
Brinkman	Forsythe	Johnson, D.	Metzen	Pleasant
Dean	Friedrich	Kaley	Nelsen, B.	Redalen

Reding	Rothenberg	Stadum	Thiede	Welker
Rees	Schreiber	Stoa	Valan	Wieser
Reif	Searles	Stowell	Valento	Wigley
Rose	Sherwood	Sviggum	Weaver	Zubay

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

Casserly moved to amend S. F. No. 285, the unofficial engrossment, as follows:

Page 2, after line 7, insert:

“(c) Notwithstanding subsection (b), no finance charge in excess of one percent per month shall be imposed on an open end and consumer credit account by any seller whose Minnesota annual gross sales exceeds 5 million dollars.”

The question was taken on the amendment and the roll was called. There were 59 yeas and 70 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Elioff	Kalis	Nelson	Sieben, M.
Anderson, I.	Ellingson	Kelly	Novak	Simoneau
Battaglia	Faricy	Kempe	Osthoff	Stoa
Begich	Fjoslien	Kostohryz	Otis	Vanasek
Berglin	Fudro	Kroening	Pehler	Voss
Berkelman	Greenfield	Lehto	Peterson, D.	Waldorf
Byrne	Hokanson	McCarron	Prahl	Welch
Carlson, D.	Jacobs	McEachern	Reding	Wenzel
Casserly	Jaros	Minne	Rice	Wieser
Clark	Johnson, C.	Munger	Rodriguez	Wynia
Clawson	Jude	Murphy	Sarna	Spkr. Norton
Eken	Kahn	Nelsen, M.	Sieben, H.	

Those who voted in the negative were:

Aasness	Den Ouden	Johnson, D.	Norman	Searle
Adams	Drew	Kaley	Nysether	Searles
Ainley	Erickson	Knickerbocker	Olsen	Sherwood
Albrecht	Esau	Kvam	Onnen	Stadum
Anderson, B.	Evans	Laidig	Patton	Stowell
Anderson, D.	Ewald	Levi	Peterson, B.	Sviggum
Anderson, R.	Forsythe	Ludeman	Piepho	Thiede
Biersdorf	Friedrich	Luknic	Pleasant	Tomlinson
Blatz	Halberg	Mann	Redalen	Valan
Brinkman	Haukoos	McDonald	Rees	Valento
Carlson, L.	Heap	Mehrkens	Reif	Weaver
Crandall	Heinitz	Metzen	Rose	Welker
Dean	Hoberg	Nelsen, B.	Rothenberg	Wigley
Dempsey	Jennings	Niehaus	Schreiber	Zubay

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

The question was taken on the motion to recommend passage of S. F. No. 285 and the roll was called. There were 77 yeas and 55 nays as follows:

Those who voted in the affirmative were:

Aasness	Esau	Knickerbocker	Olsen	Sherwood
Adams	Evans	Kvam	Onnen	Stadum
Ainley	Ewald	Laidig	Patton	Stowell
Albrecht	Fjoslien	Lehto	Pehler	Svigum
Anderson, B.	Forsythe	Levi	Peterson, B.	Thiede
Anderson, D.	Friedrich	Long	Piepho	Valan
Anderson, G.	Halberg	Ludeman	Pleasant	Valento
Anderson, R.	Haukoos	Luknic	Redalen	Vanasek
Berkelman	Heap	Mann	Reding	Welker
Biersdorf	Heinitz	McDonald	Rees	Wenzel
Brinkman	Hoberg	Mehrkens	Reif	Wieser
Crandall	Jennings	Metzen	Rose	Wigley
Dean	Johnson, C.	Nelsen, B.	Rothenberg	Zubay
Dempsey	Johnson, D.	Niehaus	Schreiber	
Den Ouden	Kaley	Norman	Searle	
Erickson	Kalis	Nysether	Searles	

Those who voted in the negative were:

Anderson, I.	Drew	Jude	Nelsen, M.	Sieben, M.
Battaglia	Eken	Kahn	Nelson	Simoneau
Begich	Elioff	Kelly	Novak	Stoa
Berglin	Ellingson	Kempe	Osthoff	Swanson
Blatz	Faricy	Kostohryz	Otis	Tomlinson
Byrne	Fritz	Kroening	Peterson, D.	Voss
Carlson, D.	Fudro	McCarron	Prahl	Waldorf
Carlson, L.	Greenfield	Minne	Rice	Weaver
Casserly	Hokanson	Moe	Rodriguez	Welch
Clark	Jacobs	Munger	Sarna	Wynia
Clawson	Jaros	Murphy	Sieben, H.	Spkr. Norton

The motion prevailed.

MOTIONS AND RESOLUTIONS

Kalis moved that the name of Wenzel be added as an author on H. F. No. 1827. The motion prevailed.

Anderson, B., moved that the name of Anderson, D., be added as an author on H. F. No. 1813. The motion prevailed.

Reding moved that the name of Haukoos be added as an author on H. F. No. 1817. The motion prevailed.

Norman moved that his name be stricken as an author on H. F. No. 1849. The motion prevailed.

Den Ouden introduced:

House Resolution No. 27, a house resolution relating to opposition to the registering of women for possible draft into the armed service.

Den Ouden moved that the Rules be so far suspended that House Resolution No. 27 be now considered and be placed upon its adoption.

A roll call was requested and properly seconded.

The question was taken on the motion to suspend the rules and the roll was called. There were 29 yeas and 93 nays as follows:

Those who voted in the affirmative were:

Aasness	Erickson	Ludeman	Rothenberg	Waldorf
Albrecht	Esau	McDonald	Searle	Welker
Anderson, D.	Fjoslien	Niehaus	Sherwood	Wenzel
Carlson, D.	Fritz	Onnen	Stowell	Wieser
Dempsey	Hoberg	Rees	Thiede	Wigley
Den Ouden	Kempe	Rose	Valento	

Those who voted in the negative were:

Adams	Drew	Kaley	Nelsen, M.	Schreiber
Ainley	Eken	Kalis	Nelson	Searles
Anderson, G.	Elioff	Kelly	Norman	Sieben, H.
Anderson, I.	Ellingson	Kostohryz	Novak	Sieben, M.
Anderson, R.	Ewald	Kroening	Nysether	Simoneau
Battaglia	Faricy	Laidig	Olsen	Stadum
Begich	Forsythe	Lehto	Osthoff	Stoa
Berglin	Fudro	Levi	Otis	Swanson
Berkelman	Greenfield	Long	Patton	Tomlinson
Biersdorf	Haukoos	Luknic	Pehler	Valan
Blatz	Heap	Mann	Peterson, B.	Vanasek
Brinkman	Heinitz	McCarron	Peterson, D.	Voss
Byrne	Hokanson	McEachern	Plepho	Weaver
Carlson, L.	Jacobs	Mehrkens	Pleasant	Welch
Casserly	Jennings	Metzen	Prahl	Wynia
Clark	Johnson, C.	Minne	Reding	Zubay
Clawson	Johnson, D.	Moe	Reif	Spkr. Norton
Crandall	Jude	Munger	Rice	
Dean	Kahn	Murphy	Rodriguez	

The motion to suspend the rules did not prevail.

The resolution was referred to the Committee on General Legislation and Veterans Affairs.

Kvam introduced:

House Resolution No. 28, a house resolution commending the people of the City of Litchfield for their "Sister City" program; providing for the adoption of the City of Hartford, Alabama by the city of Litchfield as their "Sister City".

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

ANNOUNCEMENT BY THE SPEAKER

The Speaker announced the following change in committee assignments:

Criminal Justice: Add the name of Blatz.

ADJOURNMENT

Sieben, H., moved that when the House adjourns today it adjourn until 2:00 p.m., Thursday, February 7, 1980. The motion prevailed.

Sieben, H., moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:00 p.m., Thursday, February 7, 1980.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

STATE OF MINNESOTA

SEVENTY-FIRST SESSION - 1980

SIXTY-FIFTH DAY

SAINT PAUL, MINNESOTA, THURSDAY, FEBRUARY 7, 1980

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

Prayer was offered by the Chaplain.

The roll was called and the following members were present:

Aasness	Eken	Kaley	Norman	Sieben, H.
Adams	Elioff	Kalis	Novak	Sieben, M.
Ainley	Ellingson	Kelly	Nysether	Simoneau
Albrecht	Erickson	Kempe	Olsen	Stadum
Anderson, B.	Esau	Knickerbocker	Onnen	Stoa
Anderson, D.	Evans	Kostohryz	Osthoff	Stowell
Anderson, G.	Ewald	Kroening	Otis	Sviggum
Anderson, I.	Faricy	Kvam	Patton	Thiede
Anderson, R.	Fjoslien	Laidig	Pehler	Tomlinson
Battaglia	Forsythe	Lehto	Peterson, B.	Valan
Begich	Friedrich	Levi	Peterson, D.	Valento
Berglin	Fritz	Ludeman	Piepho	Vanasek
Berkelman	Fudro	Luknic	Pleasant	Voss
Biersdorf	Greenfield	Mann	Prahl	Waldorf
Blatz	Halberg	McCarron	Redalen	Weaver
Brinkman	Haukoos	McDonald	Reding	Welch
Byrne	Heap	McEachern	Rees	Welker
Carlson, D.	Heinitz	Mehrkens	Reif	Wenzel
Carlson, L.	Hoberg	Metzen	Rice	Wieser
Casserly	Hokanson	Minne	Rodriguez	Wigley
Clark	Jacobs	Moe	Rose	Wynia
Clawson	Jaros	Munger	Rothenberg	Zubay
Crandall	Jennings	Murphy	Sarna	Spkr. Norton
Dean	Johnson, C.	Nelsen, B.	Schreiber	
Dempsey	Johnson, D.	Nelsen, M.	Searle	
Den Ouden	Jude	Nelson	Searles	
Drew	Kahn	Niehaus	Sherwood	

A quorum was present.

Corbid, Long and Swanson were excused.

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

REPORTS OF CHIEF CLERK

Pursuant to Rules of the House, printed copies of H. F. Nos. 1727, 1145, 1302 and 1427 and S. F. Nos. 1644, 998 and 1261 have been placed in the members' files.

REPORTS OF STANDING COMMITTEES

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

H. F. No. 1489, A bill for an act relating to pollution; providing state funds to the department of natural resources for a certain pilot study project and water control project in Washington County; appropriating money.

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

The report was adopted.

Moe from the Committee on Governmental Operations to which was referred:

H. F. No. 1662, A bill for an act relating to state government; providing for a career part-time employment demonstration project in state government; appropriating money.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [PURPOSE.] The purpose of sections 1 to 7 is to increase career opportunities in the Minnesota state service through job-sharing.

Sec. 2. [DEFINITIONS.] For the purposes of sections 1 to 7 the following terms have the meanings given them:

(a) "Agency" means a department, agency, commission, board, institution, or other entity in the executive branch in which all positions are under the same appointing authority.

(b) "Commissioner" means the commissioner of personnel.

(c) "Coordinator" means the coordinator of the Minnesota demonstration job-sharing program.

(d) "Shared position" means a classified position which has been converted from a full-time position into part-time positions of equivalent class for purposes of sections 1 to 7.

(e) "Program" means the Minnesota demonstration job-sharing program.

(f) "Appropriate shared-time percent" means the percent of full-time hours allocated to a particular shared-time position.

Sec. 3. [POSITIONS AFFECTED.] A total of 50 full-time positions within agencies of state government shall be selected for inclusion within the program. These positions shall be selected within as few separate agencies as possible and in no case shall positions be selected in more than ten agencies. No fewer than fifteen of these positions shall be either professional, supervisory or managerial positions.

Sec. 4. [COORDINATOR.] Subdivision 1. There shall be a coordinator of the program designated by the commissioner from among the employees of the department of personnel.

Subd. 2. The coordinator shall have the following powers and duties:

(1) To select, in cooperation with the affected agencies and the commissioner, the agencies and the positions within the agencies to be included in the program;

(2) To design and implement, in cooperation with the affected agencies and the commissioner, an evaluation plan for the program, in accordance with accepted research criteria, to ascertain the effect of job-sharing on employee satisfaction, productivity, absenteeism, administrative and supervisory time demands, and increased costs both direct and indirect, as well as any other relevant impact on employer or employee;

(3) To coordinate the conversion of full-time to shared positions in the affected agencies and to assist in the design of the shared positions, with attention to employee and employer needs and to the potential for replicability of the program experience in other agencies throughout state government. All shared positions shall be equivalent in classification to the full-time position from which they are converted;

(4) To assist the affected agencies and the commissioner in recruitment, selection and hiring for the affected positions;

(5) To assist both supervisors and employees in the affected agencies in the transition to shared positions under the program and to recommend to the commissioner any modifications in rules, executive authority or statutes deemed desirable to effectuate the purposes of sections 1 to 7;

(6) To monitor the positions selected pursuant to section 3, in cooperation with the affected agencies and the commissioner, throughout the term of the program; and

(7) To assist the commissioner in reporting to the governor and the legislature on January 1, 1981 and January 1, 1982. The commissioner's report shall provide an evaluation of the experience of the program, with attention to the items listed in clause (2) in addition to any other relevant information, and shall offer recommendations concerning the further increase of shared positions in the state service.

Sec. 5. [BENEFITS OF EMPLOYMENT.] Subdivision 1. This section shall govern the compensation and benefits of employees in shared positions where inconsistent with other law.

Subd. 2. A position selected by the coordinator pursuant to section 3 shall be divided into shared positions to be compensated at the rate of the appropriate shared-time percent of the otherwise appropriate salary. The classification of a shared position shall be the same as that applicable to the full-time position from which it is converted.

Subd. 3. Employees in shared positions shall be eligible for the following benefits and subject to the following obligations:

(1) Membership in the Minnesota state retirement system or Minnesota teachers retirement association as appropriate, except that employees who are members of the Minnesota state retirement system shall have allowable service for purposes of Minnesota Statutes, Section 352.01, Subdivisions 11 and 16, credited on a fractional basis either weekly or annually based upon the relationship that the number of hours of service bears to either 40 hours per week or 2,080 hours per year, with any salary paid for the fractional service credited on the basis of the rate of salary applicable for a full-time week or a full-time year;

(2) Vacation and sick leave accrual at the rate of the appropriate shared-time percent of the entitlement of comparable full-time employees;

(3) Employee dental, medical and hospital benefits coverage shall be available of the same type and coverage afforded to comparable full-time employees, except that employees in shared positions who elect such coverage shall pay, by payroll deduction, the difference between the actual cost and the appropriate shared-time percent of the actual cost of the coverage, the remaining percent to be paid by the employer. Employee life insurance coverage shall be available to employees in shared positions on the same terms as for comparable full-time employees;

(4) Dependent life insurance coverage shall be available to employees in shared positions on the same terms as for comparable full-time employees. Dependent medical, hospital and dental benefits coverage shall be available to employees in shared positions of the same type and coverage afforded to comparable full-time employees, except that the employer shall contribute the appropriate shared-time percent of the dollar amount contributed for comparable full-time employees electing the same program, the remainder to be paid by payroll deduction by the employee electing such coverage;

(5) Employees in shared positions shall be entitled to the appropriate shared-time percent of the holiday pay to which comparable full-time employees are entitled for holidays observed by the full-time employees whenever the employee in a shared position would otherwise be scheduled to work on that day. The employee may be allowed to reschedule working hours to avoid any loss in pay due to the prorating of holiday pay. When an employee in a shared position is not scheduled to work on an observed holiday the next scheduled working day shall be treated as the holiday;

(6) Employees in shared positions shall accrue seniority time in every relevant category at the same rate accorded to comparable full-time employees. No full-time employee accepting a shared position shall suffer any loss of or gap in seniority time in the relevant categories applicable to the full-time employment, but shall be treated as though on leave of absence from that full-time employment; and

(7) Any other benefits of employment for employees in shared positions shall be prorated at a rate of the appropriate shared-time percent of those available to comparable full-time employees, whenever the benefits are divisible, with contributions toward the benefits, if any, to be diminished in the same proportion. When not divisible, the cost of the full-time benefits normally allocable to the employer shall be allocated, the appropriate shared-time percent to the employee in a shared position, by payroll deduction, and the remaining percent to the employer.

Sec. 6. No employee holding a full-time or three-quarter time position on the effective date of this act shall be required to accept a shared position pursuant to sections 1 to 7.

Sec. 7. Sections 1 to 7 shall be given effect notwithstanding any law or rule to the contrary. Sections 1 to 7 shall not affect, except as expressly provided therein, any existing labor agreement or personnel rule.

Sec. 8. [APPROPRIATION.] Subdivision 1. There is appropriated from the general fund in the state treasury to the commissioner of personnel to be allocated to agencies to be desig-

nated pursuant to sections 3 and 4 for the purposes of sections 1 to 7 the following sums:

Fiscal year 1981 \$..... Fiscal year 1982 \$.....

Subd. 2. There is appropriated from the general fund in the state treasury to the commissioner of personnel for the purposes of sections 1 to 7 the following sums:

Fiscal year 1981 \$15,000 Fiscal year 1982 \$15,000

The approved complement of the department of personnel is increased by .5 persons.

Sec. 9. This act is effective July 1, 1980 and expires June 30, 1982."

Further, amend the title:

Page 1, line 3, delete "career part-time employment" and after "demonstration" insert "job-sharing"

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

The report was adopted.

Prahl from the Committee on Commerce, Economic Development and Housing to which was referred:

H. F. No. 1715, A bill for an act memorializing the Civil Aeronautics Board and the President of the United States to authorize non-stop service by Northwest Airlines between Minneapolis-St. Paul and London.

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

The report was adopted.

Nelson from the Committee on Energy and Utilities to which was referred:

H. F. No. 1738, A bill for an act relating to housing; appropriating money to the Minnesota housing finance agency for the purpose of subsidizing certain loan origination fees; requiring a report.

Reported the same back with the following amendments:

Page 1, line 8, delete "\$490,000" and insert "\$150,000"

Page 1, line 14, after the period insert "The appropriation in this section may be used only to subsidize that part of a loan origination fee which is equal to the difference between the origination fee for the loan and two percent of the face value of the loan."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Commerce, Economic Development and Housing.

The report was adopted.

Nelson from the Committee on Energy and Utilities to which was referred:

H. F. No. 1744, A bill for an act relating to energy; creating a state emergency residential heating grant program; broadening the scope of state weatherization programs; reimbursing counties; appropriating money.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [EMERGENCY RESIDENTIAL HEATING GRANTS; WEATHERIZATION PROGRAMS.] *Subdivision 1. The commissioner of economic security shall make grants to community action agencies, county boards, or other public or private nonprofit agencies for the purpose of providing emergency residential heating grants to low income households. These grants shall be made to the same agencies and in the same manner as provided for federal grants under the energy crisis assistance program of 42 U.S.C.A., Section 2809, paragraph (a), clause (5), except as otherwise provided in this act.*

Subd. 2. The commissioner of economic security shall promulgate rules that provide: (a) procedures for the administration of grants; (b) data to be reported by grant recipients and heating fuel suppliers; and (c) other matters the commissioner finds necessary for the proper administration of the state and federal grant programs. The rules may take effect as temporary rules upon approval by the attorney general and publication in the state register, without the normal 20 day wait for comments from the public, and may be amended in the same manner at a later date if comments from the public demonstrate that amendments are justified.

Subd. 3. Data on individuals collected, maintained, used, or disseminated pursuant to this act are private data on individuals and shall not be disclosed except as provided for data in the welfare system under Minnesota Statutes, 1979 Supplement, Section 15.1691.

Subd. 4. [ALLOCATIONS.] Money appropriated for grants and for local administrative costs shall be allocated among

local administrative agencies on the basis of the number of households in the area served by the agency whose income falls within the limits specified in subdivisions 5 and 6, in relation to the total of these households in the state.

Subd. 5. [ELIGIBILITY; INCOME LIMITS.] Emergency residential heating grants under this section shall be paid only to households not eligible for the federal energy crisis assistance program and whose total household income does not exceed 150 percent of the community services administration poverty guidelines.

Subd. 6. [AMOUNT OF GRANT.] The amount of a grant under this section, in combination with any grants received for residential heating assistance under the federal energy crisis assistance program, including the special grant paid by the federal government directly to recipients of supplemental security income and money available to the state under the federal department of health, education and welfare block grant program, shall be the lesser of:

(a) The amount needed to relieve the household's energy related problems; or

(b) The following amounts graduated by level of poverty and type of fuel up to:

<i>Percent of Poverty</i>	<i>Domestic Natural Gas</i>	<i>Other Primary Heating Fuel</i>
<i>126-133</i>	<i>\$200</i>	<i>\$325</i>
<i>134-142</i>	<i>\$150</i>	<i>\$250</i>
<i>143-150</i>	<i>\$100</i>	<i>\$175</i>

Grants for recipients who use two or more types of fuel shall be based on the household's primary energy source.

Subd. 7. [INCOME DISREGARDED.] Payments made under this section shall not be considered as income or resources for purposes of determining eligibility or benefits under any income maintenance program including but not limited to medical assistance, aid to families with dependent children, general assistance, food stamps, or Minnesota supplemental aid.

Subd. 8. [ADMINISTRATIVE COSTS.] Money appropriated for local administrative costs shall be used to reimburse local administrative agencies for the costs involved in administering grants, including publicizing the availability of grants. Money not spent for local administrative costs shall be used for weatherization.

Subd. 9. [EMERGENCY ENERGY CONSERVATION GRANT FUND.] *The housing finance agency shall make grants to assist in energy conservation rehabilitation measures for existing housing owned by households whose incomes do not exceed 150 percent of the community services administration poverty guidelines, and who are referred to the housing finance agency by a community action agency or other appropriate entity. Grants shall not exceed \$2,000 per household.*

To be eligible for an emergency energy conservation grant, an applicant must demonstrate that (1) his projected annual heating cost for the winter heating season or projected heating costs for the calendar year for households using an annual budget plan, exceed 10 percent of his income as determined pursuant to subdivision 5. Projected heating costs shall be determined by multiplying energy consumption during the preceding heating season by projected costs for the appropriate fuel type as published by the energy agency, or (2) the household has been precluded from receiving a federal energy conservation grant due to the need for directly related repairs which cannot be funded under the federal program. The energy conservation rehabilitation measures that qualify under this section include: ceiling insulation, storm windows or doors, furnace or space heater repair or replacement, weatherstripping and caulking and structural or building envelope repairs essential for proper weaterization. The entity designated to administer the program shall make a reasonable effort to determine whether other state or federal grant or loan programs are available and adequate to finance the intended improvements. An emergency energy conservation grant may be made in conjunction with grants or loans from other state or federal programs which finance other needed rehabilitation work. The receipt of a grant pursuant to this section shall not affect the applicant's eligibility for other housing finance agency loan or grant programs. Temporary rules required to implement this subdivision may be promulgated pursuant to Minnesota Statutes, Section 15.0412, Subdivision 5 and shall remain in effect until July 1, 1981.

Except as otherwise provided in sections 1 to 3, grants from the emergency energy conservation grant fund shall be made in the same manner and pursuant to the same procedures provided for the emergency home improvement grant fund, administered pursuant to Minnesota Statutes, Section 462A.05, Subdivision 15, provided that grants shall not be recovered by the agency pursuant to section 462A.21, subdivision 4a. Grants may be made without regard to the housing finance agency home improvement grant allocation formula.

Subd. 10. [PILOT RESIDENTIAL ENVELOPE IMPROVEMENT PROGRAM.] *The commissioner of economic security shall establish a pilot program to assist households that are on a weatherization waiting list. Such households shall be*

provided, without cost, weatherization materials such as caulking compound, weatherstripping, plastic sheeting and attachment devices. The value of weatherization materials offered to an eligible household pursuant to this subdivision shall not exceed \$80. As part of the pilot program, the commissioner shall offer a course of appropriate instruction to enable eligible recipients to properly install the materials. The commissioner shall conclude the pilot program by December 31, 1980 and report to the legislature by January 31, 1981.

Sec. 2. Minnesota Statutes, 1979 Supplement, Section 268.37, is amended to read:

268.37 [COORDINATION OF FEDERAL AND STATE RESIDENTIAL WEATHERIZATION PROGRAMS.] Subdivision 1. The department of economic security is the state agency to apply for, receive, and disburse (FEDERAL) money made available to the state by *state or federal law (OR RULES PROMULGATED THEREUNDER)* for the purpose of weatherizing the residences of low-income persons. The commissioner of economic security shall coordinate available federal money with (ANY) state money appropriated for this purpose.

Subd. 2. The commissioner shall make grants of *federal and state money* to community action agencies and other public or private nonprofit agencies for the purpose of weatherizing the residences of low income persons. Grant applications shall be submitted in accordance with rules developed pursuant to 42 U.S.C., Sections 6861 to 6872, any other relevant federal weatherization program, and rules promulgated by the commissioner.

Subd. 3. The commissioner shall promulgate temporary rules as necessary to administer the grants program (BY JULY 1, 1979) and shall promulgate permanent rules by July 1, 1980. The rules shall describe: (a) procedures for the administration of grants, (b) data to be reported by grant recipients, and (c) other matters the commissioner finds necessary for the proper administration of the grant program including compliance with relevant federal regulations. Weatherization assistance shall be given to households where the total income does not exceed 125 percent of the poverty level as updated by the federal office of management and budget poverty guidelines.

Subd. 4. [SUPPLEMENTARY STATE GRANTS.] *The commissioner shall distribute supplementary state grants in a manner consistent with the goal of producing the maximum number of weatherized units feasible. Supplementary state grants are provided primarily for the payment of additional labor costs for the federal weatherization program, and as an incentive for the increased production on weatherized units.*

Criteria for the allocation of state grants to local agencies include: (a) existing local agency production levels, (b) avail-

ability of CETA resources in the area, (c) emergency needs, and (d) the potential for maintaining or increasing acceptable levels of production in the area.

An eligible local agency may receive advance funding for three month's production, but thereafter shall receive grants solely on the basis of program criteria.

Subd. 5. The commissioner shall submit reports to the legislature by March 1 of each year, (1980, AND MARCH 1, 1981,) evaluating the weatherization program. The reports shall describe: (a) the number of households weatherized, (b) the average cost per household, (c) any change in energy consumption after weatherization, (d) outreach efforts, and (e) any other information the commissioner feels is relevant, including information routinely submitted to the federal government.

Sec. 3. [APPROPRIATIONS.] *Subdivision 1.* The sum of \$20,000,000 is appropriated from the general fund to the commissioner of economic security for the following purposes:

(a) Grants pursuant to section 1, subdivision 6	\$8,000,000
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If grants are paid from this appropriation of state money to persons eligible to receive grants for the same purposes from federal money, this appropriation shall be reimbursed for those grants from federal money when the federal money becomes available if reimbursement is permitted under federal law.

(b) Weatherization of residences	\$12,000,000
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The appropriation in clause (a) is available until September 30, 1981. The appropriation in clause (b) is added to the appropriation for the same purposes in Laws 1979, Extra Session, Chapter 2, Section 45, Subdivision 3. Grants made for a residence under clause (b) of this subdivision shall not exceed (1) \$500 in state monies when used in combination with federal funds or (2) \$1500 when made exclusively from state funds. Local administrating agencies may retain up to ten percent of these appropriations for administrative costs.

Subd. 2. The sum of \$5,000,000 is appropriated from the general fund to the housing finance agency for the purpose of the emergency energy conservation grant program specified in section 1, subdivision 9, and for the payment of related costs and

expenses. This appropriation shall remain available until expended.

Subd. 3. The sum of \$2,480,000 is appropriated from the general fund to the commissioner of public welfare to reimburse counties for the county portion of expenses incurred by them in providing residential heating assistance under the emergency assistance and special needs allowance programs during fiscal years 1980 and 1981. No county match is required for this money.

Subd. 4. There is appropriated to the Minnesota energy agency from the general fund the sum of \$100,000, or so much thereof as may be required for the purpose of making a study of residential energy conservation in Minnesota. The study shall determine the energy efficiency of the existing housing stock as it relates to fuel type, household income, ownership, and geographic location. The study shall determine the effectiveness of existing residential conservation efforts including federal weatherization programs, Minnesota housing finance agency grant and loan programs, local programs and others. The study may review programs in other states which show potential for implementation in Minnesota. The study shall recommend methods for meeting identified residential energy conservation needs through new or existing public or private programs, including new or proposed federal programs, and the estimated costs of such programs. The agency shall report its findings to the legislature by January 31, 1981.

Subd. 5. The sum of \$5,000,000 is appropriated to the legislative advisory commission for the purposes of this subdivision. This appropriation is intended to ensure the most effective and efficient delivery of fuel assistance and weatherization programs requiring a coordination of state and federal monies. To the extent that state matching funds are required for participation in federal programs, the legislative advisory commission shall provide the match from these appropriated monies. In case no state matching funds are required by federal rule the legislative advisory commission shall use this appropriation to extend the scope or effectiveness of programs of fuel assistance and weatherization.

Subd. 6. The sum of \$1,000,000 is appropriated from the general fund to the commissioner of economic security for purposes of section 1, subdivision 10. This appropriation shall remain available until January 31, 1981.

Sec. 4. [EFFECTIVE DATE.] *This act is effective the day following final enactment."*

Delete the title and insert:

"A bill for an act relating to energy; creating a state emergency residential heating grant program; broadening the scope

of state weatherization programs; reimbursing counties; appropriating money; amending Minnesota Statutes, 1979 Supplement, Section 268.37."

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

The report was adopted.

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

S. F. No. 544, A bill for an act relating to tax delinquent real estate; requiring notice to the commissioner of natural resources of forfeiture and sale of tax delinquent real estate; clarifying ownership of certain tax forfeited real estate; amending Minnesota Statutes 1978, Sections 281.23, Subdivision 8; 281.25; and 282.01, Subdivisions 1 and 3.

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

The report was adopted.

Brinkman from the Committee on Financial Institutions and Insurance to which was referred:

S. F. No. 693, A bill for an act relating to insurance; excepting certain policies from readability requirements; limiting the applicability of readability requirement with respect to certain forms of insurance policies; permitting delays in compliance for certain forms of insurance policies; amending Minnesota Statutes 1978, Sections 72C.03; 72C.09; and 72C.11, Subdivision 1.

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

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. No. 1715 was read for the second time.

SECOND READING OF SENATE BILLS

S. F. Nos. 544 and 693 were read for the second time.

INTRODUCTION AND FIRST READING
OF HOUSE BILLS

The following House Files were introduced:

Clawson and Pehler introduced:

H. F. No. 1853, A bill for an act relating to counties; providing for sheriffs and deputies compensation and expenses; permitting compensation for use of automobiles; amending Minnesota Statutes 1978, Section 387.20, Subdivisions 1 and 6.

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

Prahl, Rodriguez, Battaglia and Pehler introduced:

H. F. No. 1854, A bill for an act relating to unemployment compensation; limiting disqualification from benefits of certain persons involved in labor disputes; amending Minnesota Statutes, 1979 Supplement, Section 268.09, Subdivision 3.

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

Jude, Dempsey, Murphy, Voss and Drew introduced:

H. F. No. 1855, A bill for an act relating to civil actions; limitations of actions; providing that actions for malpractice against chiropractors be commenced within two years; amending Minnesota Statutes 1978, Section 541.07.

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

Brinkman, Wenzel, Mann, Anderson, D., and Jennings introduced:

H. F. No. 1856, A bill for an act relating to financial institutions; permitting banks or trust companies to invest up to 20 percent of their capital and surplus in certain agricultural credit corporations; amending Minnesota Statutes 1978, Section 48.61, Subdivision 1.

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

Patton introduced:

H. F. No. 1857, A bill for an act relating to retirement; defining a financing emergency for teacher retirement funds; authorizing the increase of employer contributions to teacher retirement funds by executive action; providing for teacher retirement fund benefit plan modifications in the event of a financing emergency; declaring legislative intent and policy; appropriating money; amending Minnesota Statutes, 1979 Supplement, Sections 354.42, Subdivision 5; and 354A.12, Subdivision 2.

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

Osthoff; Anderson, B.; Anderson, I.; Laidig and Wigley introduced:

H. F. No. 1858, A bill for an act relating to veterans; creating an outreach program for Vietnam era disabled veterans in the department of economic security's employment service; amending Minnesota Statutes 1978, Section 268.14, by adding a subdivision.

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

Osthoff; Anderson, I.; Laidig; Biersdorf and Stadum introduced:

H. F. No. 1859, A bill for an act relating to elections; providing for preparation of consolidated primary election ballots by counties at state expense; amending Minnesota Statutes 1978, Section 203A.23, Subdivision 1.

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

Begich and Elioff introduced:

H. F. No. 1860, A bill for an act relating to food; exempting charitable donors of distressed food and charitable organizations from liability for injuries in certain circumstances; amending Minnesota Statutes 1978, Section 31.495, by adding a subdivision.

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

Begich, Battaglia and Elioff introduced :

H. F. No. 1861, A bill for an act relating to taxation; real property; providing for the assessment of property used for residential purposes; amending Minnesota Statutes 1978, Sections 273.08 and 273.20.

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

Begich, Battaglia and Elioff introduced :

H. F. No. 1862, A bill for an act relating to taxation; abolishing the office of the St. Louis County assessor; providing for the assessment of property in St. Louis County by local assessors; amending Minnesota Statutes 1978, Sections 273.052 and 273.063.

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

Heinitz and Kaley introduced :

H. F. No. 1863, A bill for an act relating to retirement; purchase of prior service credit in the public employees retirement association; amending Minnesota Statutes 1978, Section 353.36, Subdivision 2.

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

Patton and Niehaus introduced :

H. F. No. 1864, A bill for an act relating to education; permitting certain previous nonresident students to be treated as resident students in their district of attendance; amending Minnesota Statutes, 1979 Supplement, Section 120.075, Subdivision 4, and by adding a subdivision.

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

Drew, Mehrkens and Weaver introduced :

H. F. No. 1865, A bill for an act relating to taxation; income tax; excluding certain pension income from gross income; amending Minnesota Statutes, 1979 Supplement, Section 290.01, Subdivision 20.

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

Hokanson and Clawson introduced:

H. F. No. 1866, A bill for an act relating to taxation; authorizing the revenue department to set off tax refunds due a debtor against debts owed to the state or to county welfare boards; providing for notice and hearing procedures; establishing priorities for claims; providing for an exemption to data privacy requirements and imposing a penalty for misuse of data; authorizing the promulgation of rules; appropriating money.

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

Reding introduced:

H. F. No. 1867, A bill for an act relating to no-fault automobile insurance; authorizing certain persons to elect to exclude basic economic loss benefits coverage from plans of reparation security covering certain motor vehicles; limiting the scope of the election; requiring plans of reparation security to contain notice; amending Minnesota Statutes 1978, Sections 65B.48, by adding subdivisions; and 65B.49, Subdivisions 1 and 2.

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

Reding introduced:

H. F. No. 1868, A bill for an act relating to real property; providing that the county recorder be notified of deferred special assessments; amending Minnesota Statutes 1978, Sections 273.111, Subdivision 11; and 429.061, Subdivision 2.

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

Norman and Drew introduced:

H. F. No. 1869, A bill for an act relating to taxation; sales and use tax; exempting admissions to square dance club dances; amending Minnesota Statutes, 1979 Supplement, Section 297A.-25, Subdivision 1.

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

Ewald and Knickerbocker introduced:

H. F. No. 1870, A bill for an act appropriating money to pay certain construction and engineering costs incurred by the city of Minnetonka on a temporary trunk highway.

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

Mehrkens, Stoa, Redalen, Reding and Wieser introduced:

H. F. No. 1871, A bill for an act relating to the Minnesota-Wisconsin boundary area commission; providing that the terms of commissioners shall be staggered; amending Minnesota Statutes 1978, Section 1.33.

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

Haukoos, Norman, Moe, Berglin and Piepho introduced:

H. F. No. 1872, A bill for an act relating to drivers licenses; providing for distinctive Minnesota identification cards for senior citizens and prescribing the fee; providing for its use for certain identification purposes; authorizing its issuance to holders of drivers licenses; amending Minnesota Statutes 1978, Section 171.07, by adding a subdivision.

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

Kostohryz, Norton, McCarron, Reif and Kelly introduced:

H. F. No. 1873, A bill for an act relating to local government in Ramsey county; providing for the membership and dues of the Ramsey county league of local governments; amending Laws 1963, Chapter 728, Section 1, as amended.

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

Kempe, Voss, Rodriguez, Kroening and Greenfield introduced:

H. F. No. 1874, A bill for an act relating to public utilities; applying public service commission jurisdiction to certain cooperative electric associations.

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

Kelly, Greenfield, Voss, Ellingson and Wynia introduced:

H. F. No. 1875, A bill for an act relating to no-fault automobile insurance; increasing the weekly maximum for disability and income loss benefits, survivor's economic loss benefits, and survivor's replacement services loss; amending Minnesota Statutes 1978, Section 65B.44, Subdivisions 6 and 7; and Minnesota Statutes, 1979 Supplement, Section 65B.44, Subdivision 3.

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

Kelly, Ellingson, Voss, Greenfield and Heinitz introduced:

H. F. No. 1876, A bill for an act relating to insurance; establishing tort threshold limitations on uninsured motorist coverage for motor vehicles; amending Minnesota Statutes 1978, Section 65B.49, Subdivision 4.

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

Erickson; Fudro; Anderson, B.; Nelsen, B., and Ludeman introduced:

H. F. No. 1877, A bill for an act relating to highway traffic regulations; authorizing an annual permit for certain oversize vehicles transporting implements of husbandry; prescribing limitations on the use of the vehicles; amending Minnesota Statutes 1978, Section 169.80, Subdivision 1.

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

Kelly, Ellingson, Voss, Greenfield and Wynia introduced:

H. F. No. 1878, A bill for an act relating to no-fault automobile insurance; prohibiting certain short-term insurance policies; coordinating repairation benefits; coordinating benefits with medicare and medical assistance; extending eligibility for the assigned claims plan; amending Minnesota Statutes 1978, Sections 65B.49, by adding subdivisions; 65B.61, Subdivisions 1 and 2; 65B.64, Subdivision 1; and Minnesota Statutes, 1979 Supplement, Section 65B.61, Subdivision 3.

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

Wenzel; Munger; Anderson, I.; Jude and Onnen introduced:

H. F. No. 1879, A bill for an act relating to natural resources; providing for a legislative study commission to study the effect of the increasing use of firewood on the forests of the state; appropriating money.

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

Kostohryz; Carlson, L.; Fjoslien; McEachern and Kelly introduced:

H. F. No. 1880, A bill for an act relating to education; providing special instruction and services to certain handicapped children beginning from birth; appropriating money; amending Minnesota Statutes 1978, Section 120.17, Subdivision 1.

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

Wenzel, Minne, Sviggum, Wigley and Anderson, G., introduced:

H. F. No. 1881, A bill for an act relating to taxation; income tax; excluding certain interest income from gross income; amending Minnesota Statutes, 1979 Supplement, Section 290.01, Subdivision 20.

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

Knickerbocker, Tomlinson, Kostohryz, Levi and Jennings introduced:

H. F. No. 1882, A bill for an act relating to education; authorizing a school district to close its fund balance account entitled "pupil transportation fund appropriated for bus purchases" under certain conditions; permitting permanent transfers from that account or a levy to eliminate a deficit in the account under certain conditions; extending the power of certain school districts to pay claims before board approval; increasing the rate of interest a school board may pay for buses purchased on the installment plan; authorizing state transportation aid to school districts for additional summer school programs; amending Minnesota Statutes 1978, Sections 123.39, Subdivision 3; and 275.125, by adding a subdivision; and Minnesota Statutes, 1979 Supplement, Sections 121.912, Subdivision 1; 123.35, Subdivision 15; and 124.223.

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

Wenzel; Johnson, C.; Begich; Battaglia and Minne introduced:

H. F. No. 1883, A resolution memorializing the Congress of the United States to reject all proposals to increase the federal tax on the retail sale of gasoline and other motor fuels.

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

Stoa, Patton, Rose, Norman and Pehler introduced:

H. F. No. 1884, A bill for an act relating to education; modifying rule making procedures and the tuition exemption authority of the state university board; allowing a change in the placement service registration fee at state universities; eliminating a visitation and reporting duty of the state university board and a reporting duty of state university presidents; eliminating a provision governing state university rules which conflict with the provisions of certain collective bargaining contracts; amending Minnesota Statutes 1978, Sections 136.11, Subdivisions 1 and 8; and 136.14; repealing Minnesota Statutes 1978, Sections 136.148 and 136.15.

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

Fjoslien, Simoneau, Fudro, Prah and Wieser introduced:

H. F. No. 1885, A bill for an act relating to commerce; requiring manufacturers of certain passenger automobiles to honor warranties; prescribing penalties.

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

Kostohryz, McCarron, Eken, Simoneau and Nelsen, B., introduced:

H. F. No. 1886, A bill for an act relating to highway traffic regulations; requiring certain vehicles operated at a speed of 25 miles per hour or less to display flashing warning lights while traveling on certain highways; amending Minnesota Statutes 1978, Chapter 169, by adding a section.

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

Jaros, Ewald, Heinitz, Prah! and Adams introduced:

H. F. No. 1887, A bill for an act relating to commerce; regulating water conditioning installers and contractors; providing a state bonding and insurance procedure; amending Minnesota Statutes 1978, Chapter 326, by adding a section.

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

Faricy and Ellingson introduced:

H. F. No. 1888, A bill for an act relating to trade secrets; enacting the uniform trade secrets act.

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

Wenzel, Kalis, Nelson, Clawson and Lehto introduced:

H. F. No. 1889, A bill for an act relating to energy; establishing a program of energy assistance to low income households; providing an income tax credit for energy costs; appropriating funds for weatherization of low income family residences; establishing a temporary program for loan guarantees and interest subsidies for certain fuel dealers; establishing an energy grant assistance program for hospitals; appropriating funds; providing penalties.

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

Blatz, Crandall, Ellingson, Jude and Reif introduced:

H. F. No. 1890, A bill for an act relating to courts; Hennepin and Ramsey county district courts, juvenile divisions; authorizing appointment of district court judges to hear cases arising under the juvenile court act for terms up to six years; amending Minnesota Statutes 1978, Section 260.019, Subdivision 3.

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

Fjoslien; Carlson, L.; Clawson and Stadum introduced:

H. F. No. 1891, A bill for an act relating to public safety; regulating boilers, other apparatus and their operators; providing penalties; amending Minnesota Statutes 1978, Sections 183.375, Subdivision 2; 183.38; 183.39, Subdivision 1; 183.41, Subdivision 2; 183.42; 183.44; 183.45; 183.46; 183.465; 183.48; 183.50; 183.51; 183.52; 183.53; 183.54; 183.545; 183.56; 183.57; 183.59; 183.60; 183.61; 183.62; and Chapter 183, by adding sections; repealing Minnesota Statutes 1978, Section 183.39, Subdivision 2.

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

Kahn and Anderson, D., introduced:

H. F. No. 1892, A bill for an act relating to courts; providing that courts may acquire electronic data processing services through supreme court contracts; amending Minnesota Statutes 1978, Chapter 480, by adding a section.

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

Clawson, Voss, Lehto, Brinkman and Drew introduced:

H. F. No. 1893, A bill for an act relating to courts; providing for additional clerk and administrator duties in conciliation court; providing that an informational pamphlet be prepared and distributed to parties in conciliation court; providing for a procedure to assist in collection of conciliation court judgments; providing penalties; amending Minnesota Statutes 1978, Sections 487.30, by adding subdivisions; 488A.13, Subdivision 2; 488A.16, Subdivision 8; 488A.30, Subdivision 2; and 488A.33, Subdivision 7.

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

Nysether, Minne, Elioff, Nelsen, M., and Thiede introduced:

H. F. No. 1894, A bill for an act relating to the state building code; providing that county boards may limit the application of certain sections of the code; amending Minnesota Statutes, 1979 Supplement, Section 16.868.

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

Wynia, Faricy, Byrne, Pleasant and Murphy introduced:

H. F. No. 1895, A bill for an act relating to human rights; further defining certain unfair discriminatory practices related to reprisals; defining the scope of a class for class action suits; increasing a penalty by increasing allowable punitive damages; amending Minnesota Statutes 1978, Sections 363.03, Subdivision 7; 363.071, Subdivision 2; and Minnesota Statutes, 1979 Supplement, Section 363.06, Subdivision 4.

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

Kelly, Novak, Nelson and Crandall introduced:

H. F. No. 1896, A bill for an act relating to juveniles; amending criteria for reference to adult court; amending Minnesota Statutes 1978, Section 260.125, Subdivision 2.

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

Wynia, Ellingson, Rees, Brinkman and Kelly introduced:

H. F. No. 1897, A bill for an act relating to insurance; regulating suicide provisions in life insurance contracts; amending Minnesota Statutes 1978, Chapter 61A, by adding a section.

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

Lehto, Munger, Laidig and Dean introduced:

H. F. No. 1898, A bill for an act relating to transportation; establishing a state rail bank for abandoned rail lines; amending Minnesota Statutes 1978, Chapter 222, by adding a section; Minnesota Statutes, 1979 Supplement, Sections 174.03, Subdivision 4; 222.50, Subdivision 7; and 222.65.

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

Jaros, Tomlinson, Kahn and Casserly introduced:

H. F. No. 1899, A bill for an act relating to the office of secretary of state; adjusting certain fees collected by that office; making them more uniform; amending Minnesota Statutes 1978, Sections 47.16; 53.01; 221.67; 303.13; Subdivision 1; 308.060, Subdivision 4; 317.04, Subdivision 3; 317.67; 540.152; and 543.08.

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

Anderson, B.; Murphy and Stowell introduced:

H. F. No. 1900, A bill for an act relating to education; directing establishment of school policies on grading and absence from class work; authorizing grade reductions for unexcused absence from class; amending Minnesota Statutes 1978, Chapter 127, by adding a section.

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

Clawson, Welch, Onnen and Anderson, G., introduced:

H. F. No. 1901, A bill for an act relating to the environment; providing for public notice of certain applications to the pollution control agency; amending Minnesota Statutes 1978, Section 116.07, Subdivisions 5 and 8.

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

Wynia, Kelly, Greenfield, Jennings and Brinkman introduced:

H. F. No. 1902, A bill for an act relating to insurance; broadening the conversion privilege on group life insurance; amending Minnesota Statutes 1978, Section 61A.09, Subdivision 1.

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

Byrne, Nelson and Laidig introduced:

H. F. No. 1903, A bill for an act relating to juveniles; amending provisions relating to the detention and disposition of juveniles charged with contempt; amending Minnesota Statutes 1978, Sections 260.015, Subdivision 5; 260.173, Subdivision 3; and 260.185, Subdivision 1.

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

Pleasant, Ewald, Forsythe, Knickerbocker and Swanson introduced:

H. F. No. 1904, A bill for an act relating to the Nine Mile Creek Watershed District providing for the establishment of a district water maintenance and repair fund; authorizing a tax levy for water maintenance and repair purposes.

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

Pleasant, Forsythe, Knickerbocker, Swanson and Hokanson introduced:

H. F. No. 1905, A bill for an act relating to the Nine Mile Creek Watershed District; authorizing an ad valorem tax for certain purposes.

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

Redalen, Fudro, McEachern, Thiede and Johnson, D., introduced:

H. F. No. 1906, A bill for an act relating to highways; providing a penalty for certain unlawful uses of or actions on public highways; prohibiting the erection of a fence on the right of way of a town road; amending Minnesota Statutes 1978, Section 160.27, Subdivision 5.

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

Clawson; Johnson, D.; Carlson, D.; McEachern and Onnen introduced:

H. F. No. 1907, A bill for an act creating a legislative commission to study and recommend town zoning and planning laws; appropriating money.

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

McEachern, Thiede, Clawson, Elioff and Johnson, D., introduced:

H. F. No. 1908, A bill for an act relating to towns; requiring a majority of voters to permit town zoning; requiring notice of changes; amending Minnesota Statutes 1978, Sections 366.12 and 366.15.

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

Clawson and Hokanson introduced:

H. F. No. 1909, A bill for an act relating to children; setting the basis for jurisdiction in paternity proceedings; providing that blood and genetic tests may be required and used as evidence in paternity proceedings.

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

Faricy introduced:

H. F. No. 1910, A bill for an act relating to courts; second and fourth judicial districts; authorizing juvenile court referees to hear contested trials, hearings, or motions unless objection is made; amending Minnesota Statutes 1978, Section 484.70, by adding a subdivision.

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

Kalis; Nelsen, B.; Piepho; Johnson, C., and Fudro introduced:

H. F. No. 1911, A bill for an act relating to highway traffic regulations; limiting the length of certain vehicles and combinations of vehicles; prescribing a fee for certain permits; amending Minnesota Statutes 1978, Section 169.81, Subdivision 3, and by adding a subdivision.

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

Pehler, Simoneau, Dean, Begich and Osthoff introduced:

H. F. No. 1912, A bill for an act relating to workers' compensation; regulating the payment of permanent partial disability benefits; amending Minnesota Statutes, 1979 Supplement, Section 176.101, Subdivision 3.

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

Clawson and Hokanson introduced:

H. F. No. 1913, A bill for an act relating to public welfare; providing for the withholding of child support or maintenance; amending Minnesota Statutes 1978, Sections 256.872 and 256.873; and Minnesota Statutes, 1979 Supplement, Section 518.611.

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

Moe, Patton and Biersdorf introduced:

H. F. No. 1914, A bill for an act relating to state government; establishing a post retirement investment fund; and appropriating money; amending Minnesota Statutes 1978, Chapter 11, by adding a section; and repealing Minnesota Statutes 1978, Section 11.25.

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

Moe, Patton and Biersdorf introduced:

H. F. No. 1915, A bill for an act relating to state government; recodifying the laws governing the state board of investment; providing for the appointment of an executive director and detailing his duties and powers; defining terms; establishing standards for the investment of state and pension assets; repealing Minnesota Statutes 1978, Sections 11.01 to 11.115; 11.117, Subdivisions 1, 2, 3, 5, and 7; 11.12 to 11.14; 11.15 to 11.28; and Minnesota Statutes, 1979 Supplement, Sections 11.117, Subdivisions 4 and 6; 11.118; and 11.145.

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

Eken, Fudro, McEachern, Mehrkens and Friedrich introduced:

H. F. No. 1916, A bill for an act relating to motor vehicles; providing for the registration and taxation of certain vehicles for a period of less than 12 months under certain circumstances; amending Minnesota Statutes 1978, Sections 168.012, Subdivision 7; 168.013, Subdivision 6; and 168.017, Subdivision 3.

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

Nelson, Casserly, Clark, Jennings and Berglin introduced:

H. F. No. 1917, A bill for an act relating to education; extending the eligibility for a teacher's early retirement incentive; providing that each school district will determine the amount of the early retirement incentive within certain limits; increasing the percent of the incentive paid by the state; eliminating the added early retirement incentive for teachers in school districts implementing certain desegregation plans; amending Minnesota Statutes, 1979 Supplement, Section 125.61, Subdivisions 1, 3, 4 and 4b; repealing Minnesota Statutes, 1979 Supplement, Section 125.61, Subdivision 3a.

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

Sherwood, Kempe and McDonald introduced:

H. F. No. 1918, A bill for an act relating to children; prescribing certain powers and duties of the American Society for the Prevention of Cruelty to Children; directing government officials to cooperate; giving certain agents authority as peace officers; prescribing certain training and licensing requirements; amending Minnesota Statutes, 1979 Supplement, Sections 626.05, Subdivision 2; and 626.84.

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

McEachern introduced:

H. F. No. 1919, A bill for an act relating to taxation; real property; eliminating tax recapture upon certain sales of qualifying agricultural property; amending Minnesota Statutes 1978, Section 273.111, Subdivision 9, and by adding a subdivision.

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

McEachern introduced:

H. F. No. 1920, A bill for an act relating to highway traffic regulations; providing for speed limits within school zones; amending Minnesota Statutes, 1979 Supplement, Section 169.14, Subdivision 5a.

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

Fjoslien, Waldorf, Niehaus, Mann and McEachern introduced:

H. F. No. 1921, A bill for an act relating to industrial development; extending the industrial development law to all towns; amending Minnesota Statutes 1978, Section 474.02, Subdivision 2.

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

Berglin, Nelson, Casserly, Tomlinson and Clark introduced:

H. F. No. 1922, A bill for an act relating to education; requiring a school board to grant an extended leave of absence to certain teachers; eliminating the requirement of certain reports for denials of the leaves; amending Minnesota Statutes 1978, Section 125.60, Subdivision 7; and Minnesota Statutes, 1979 Supplement, Section 125.60, Subdivision 2; repealing Minnesota Statutes 1978, Section 125.60, Subdivision 2a.

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

POINT OF ORDER

Thiede raised a point of order that his demand for the return of H. F. No. 1151 pursuant to House Rule 1.16 was not entered in the journal, that the bill was not given a second reading, and that the bill was not placed at the foot of General Orders.

The Speaker ruled that the point of order was not well taken.

Thiede appealed the decision of the chair.

A roll call was requested and properly seconded.

CALL OF THE HOUSE

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

Aasness	Den Ouden	Johnson, C.	Munger	Rodriguez
Adams	Drew	Johnson, D.	Murphy	Rose
Ainley	Eken	Jude	Nelsen, B.	Rothenberg
Albrecht	Elioff	Kahn	Nelsen, M.	Sarna
Anderson, B.	Ellingson	Kaley	Neison	Schreiber
Anderson, D.	Erickson	Kalis	Niehaus	Searle
Anderson, G.	Esau	Kelly	Norman	Searles
Anderson, I.	Evans	Kempe	Novak	Sherwood
Anderson, R.	Ewald	Knickerbocker	Nysether	Sieben, H.
Battaglia	Faricy	Kostohryz	Olsen	Sieben, M.
Begich	Fjoslien	Kroening	Onnen	Simoneau
Berglin	Forsythe	Kvam	Osthoff	Stadum
Berkelman	Friedrich	Laidig	Otis	Stoa
Biersdorf	Fritz	Lehto	Patton	Stowell
Blatz	Fudro	Levi	Pehler	Swiggum
Brinkman	Greenfield	Ludeman	Peterson, B.	Thiede
Byrne	Halberg	Luknic	Peterson, D.	Tomlinson
Carlson, D.	Haukoos	Mann	Piepho	Valan
Carlson, L.	Heap	McCarron	Pleasant	Valento
Casserly	Heinitz	McDonald	Prahl	Vanasek
Clark	Hoberg	McEachern	Redalen	Voss
Clawson	Hokanson	Mehrkens	Reding	Waldorf
Crandall	Jacobs	Metzen	Rees	Weaver
Dean	Jaros	Minne	Reif	Welch
Dempsey	Jennings	Moe	Rice	Welker

Wenzel
Wieser

Wigley

Wynia

Zubay

Spkr. Norton

Sieben, H., 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.

Thiede withdrew his appeal of the decision of the chair.

CALL OF THE HOUSE LIFTED

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

CALENDAR

S. F. No. 285, A bill for an act relating to interest rates; increasing permissible finance charges for open end credit sales; providing for calculation of finance charges on open end credit sales; amending Minnesota Statutes 1978, Section 334.16, Subdivision 1, and by adding a subdivision.

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

The question was taken on the passage of the bill and the roll was called. There were 76 yeas and 55 nays as follows:

Those who voted in the affirmative were:

Aasness	Esau	Knickerbocker	Onnen	Stadum
Adams	Evans	Kvam	Patton	Stowell
Ainley	Ewald	Laidig	Pehler	Sviggum
Albrecht	Fjoslien	Lehto	Peterson, B.	Thiede
Anderson, B.	Forsythe	Levi	Piepho	Valan
Anderson, D.	Friedrich	Ludeman	Pleasant	Valento
Anderson, G.	Halberg	Luknic	Redalen	Vanasek
Anderson, R.	Haukoos	Mann	Reding	Welker
Berkelman	Heap	McDonald	Rees	Wenzel
Biersdorf	Heinitz	Mehrkens	Reif	Wieser
Brinkman	Hoberg	Metzen	Rose	Wigley
Crandall	Jennings	Nelsen, B.	Rothenberg	Zubay
Dean	Johnson, C.	Niehaus	Schreiber	
Dempsey	Johnson, D.	Norman	Searle	
Den Ouden	Kaley	Nysether	Searles	
Erickson	Kalis	Olsen	Sherwood	

Those who voted in the negative were:

Anderson, I.	Carlson, D.	Eken	Greenfield	Kelly
Battaglia	Carlson, L.	Elioff	Hokanson	Kempe
Begich	Casserly	Ellingson	Jacobs	Kostohryz
Berglin	Clark	Faricy	Jaros	Kroening
Blatz	Clawson	Fritz	Jude	McCarron
Byrne	Drew	Fudro	Kahn	McEachern

Minne	Nelson	Prahl	Sieben, M.	Waldorf
Moe	Novak	Rice	Simoneau	Weaver
Munger	Osthoff	Rodriguez	Stoa	Welch
Murphy	Otis	Sarna	Tomlinson	Wynia
Nelsen, M.	Peterson, D.	Sieben, H.	Voss	Spkr. Norton

The bill was passed and its title agreed to.

GENERAL ORDERS

Sieben, H., moved that the bills on General Orders for today be continued on General Orders until Monday, February 11, 1980. The motion prevailed.

MOTIONS AND RESOLUTIONS

Nelson moved that his name be shown as second author and the name of Byrne be added as chief author on H. F. No. 829. The motion prevailed.

Anderson, G., moved that the name of Vanasek be added as an author on H. F. No. 109. The motion prevailed.

Ludeman moved that his name be stricken as an author on H. F. No. 1451. The motion prevailed.

Niehaus moved that the name of Anderson, B., be added as an author on H. F. No. 1745. The motion prevailed.

Welker moved that the name of Stadum be added as an author on H. F. No. 1659. The motion prevailed.

Lehto moved that the name of Anderson, D., be added as an author on H. F. No. 1898. The motion prevailed.

Clawson moved that the name of Kalis be added as an author on H. F. No. 1853. The motion prevailed.

Battaglia moved that the name of Enebo be stricken and the name of Clawson be added as chief author on H. F. No. 1475. The motion prevailed.

Clawson moved that the name of Zubay be added as an author on H. F. No. 1475. The motion prevailed.

Faricy moved that the name of Jude be added as an author on H. F. No. 1766. The motion prevailed.

McEachern moved that the name of Jude be added as an author on H. F. No. 1919. The motion prevailed.

Fjoslien moved that H. F. No. 1921 be recalled from the Committee on Commerce, Economic Development and Housing and be re-referred to the Committee on Local and Urban Affairs. The motion prevailed.

Reding moved that H. F. No. 672 be returned to its author. The motion prevailed.

Reding moved that H. F. No. 698 be returned to its author. The motion prevailed.

Sieben, M., moved that the House conferees on S. F. No. 129 be discharged and that the Speaker appoint a new conference committee of five members. The motion prevailed.

NOTICE PURSUANT TO RULE 1.16

Pursuant to rule 1.16, Thiede requested the return to the House of H. F. No. 1151 from the Committee on General Legislation and Veterans Affairs.

ANNOUNCEMENT BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 273:

Evans, Faricy, and Greenfield.

ADJOURNMENT

Sieben, H., moved that when the House adjourns today it adjourn until 2:00 p.m., Monday, February 11, 1980. The motion prevailed.

Sieben, H., moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:00 p.m., Monday, February 11, 1980.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

STATE OF MINNESOTA

SEVENTY-FIRST SESSION - 1980

SIXTY-SIXTH DAY

SAINT PAUL, MINNESOTA, MONDAY, FEBRUARY 11, 1980

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

Prayer was offered by the Chaplain.

The roll was called and the following members were present:

Aasness	Den Ouden	Kaley	Norman	Sherwood
Adams	Drew	Kalis	Novak	Sieben, M.
Ainley	Eken	Kelly	Nysether	Simoneau
Albrecht	Elioff	Kempe	Olsen	Stadum
Anderson, B.	Ellingson	Knickerbocker	Onnen	Stoa
Anderson, D.	Erickson	Kostohryz	Osthoff	Stowell
Anderson, G.	Evans	Kroening	Otis	Sviggum
Anderson, I.	Ewald	Kvam	Patton	Swanson
Anderson, R.	Faricy	Laidig	Pehler	Thiede
Battaglia	Fjoslien	Lehto	Peterson, B.	Tomlinson
Begich	Forsythe	Long	Peterson, D.	Valan
Berglin	Friedrich	Ludeman	Piepho	Valento
Berkelman	Fritz	Luknic	Pleasant	Vanasek
Biersdorf	Fudro	Mann	Prahl	Voss
Blatz	Greenfield	McCarron	Redalen	Waldorf
Brinkman	Haukoos	McDonald	Reding	Weaver
Eyrne	Heap	McEachern	Rees	Welch
Carlson, D.	Heinitz	Mehrkens	Reif	Welker
Carlson, L.	Hoberg	Metzen	Rice	Wenzel
Casserly	Hokanson	Moe	Rodriguez	Wieser
Clark	Jacobs	Munger	Rose	Wigley
Clawson	Jaros	Murphy	Rothenberg	Wynia
Corbid	Jennings	Nelsen, B.	Sarna	Zubay
Crandall	Johnson, D.	Nelsen, M.	Schreiber	Spkr. Norton
Dean	Jude	Nelson	Searle	
Dempsey	Kahn	Niehaus	Searles	

A quorum was present.

Esau; Halberg; Johnson, C.; Levi; Minne and Sieben, H., were excused.

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

REPORTS OF CHIEF CLERK

Pursuant to Rules of the House, printed copies of H. F. No. 1715 have been placed in the members' files.

PETITIONS AND COMMUNICATIONS

The following communication was received:

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

February 7, 1980

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

The Honorable Edward J. Gearty
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1980 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

<i>S.F. No.</i>	<i>H.F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Date Approved 1980</i>	<i>Date Filed 1980</i>
1128		341	February 7	February 7
960		342	February 7	February 7

Sincerely,

JOAN ANDERSON GROWE
Secretary of State

REPORTS OF STANDING COMMITTEES

Faricy from the Committee on Judiciary to which was referred:

H. F. No. 1012, A bill for an act relating to human rights; prohibiting discrimination in housing and real property on the basis of occupancy or prospective occupancy by one or more minors with certain exceptions; prohibiting any person from printing or causing to be printed a discriminatory advertisement; authorizing a charging party to seek temporary injunc-

tive relief from the district court; requiring the commissioner of human rights in certain circumstances to post a notice on the dwelling unit which is the subject of a charge; establishing penalties; amending Minnesota Statutes 1978, Sections 363.01, by adding a subdivision; 363.02, Subdivision 2; 363.03, Subdivision 2; 363.05, Subdivision 1; 363.06, Subdivision 4; 363.11; 363.115; and 363.12, Subdivision 1.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1978, Section 363.01, Subdivision 24, is amended to read:

Subd. 24. [LOCAL COMMISSION.] “Local commission” means an agency of a city created pursuant to law, city charter, or municipal ordinance for the purpose of dealing with discrimination on the basis of race, color, creed, religion, national origin, sex, age, disability, marital status (OR), status with regard to public assistance, or *familial status*.

Sec. 2. Minnesota Statutes 1978, Section 363.01, is amended by adding subdivisions to read:

Subd. 30. [ELDERLY PERSON.] “Elderly person” means a person who is at least 55 years of age.

Subd. 31. [FAMILIAL STATUS.] “Familial status” means the condition of one or more minors being domiciled with their (a) parent or parents or the minor’s legal guardian or (b) the designee of the parent or parents or guardian, provided the parent or parents or guardian has granted written permission for such joint domicile.

Sec. 3. Minnesota Statutes 1978, Section 363.02, Subdivision 2, is amended to read:

Subd. 2. [HOUSING.] (1) The provisions of section 363.03, subdivision 2, shall not apply to:

(a) rooms in a temporary or permanent residence home run by a nonprofit organization, if the discrimination is by sex; or

(b) the rental by an owner or occupier of a one-family accommodation in which he resides of a room or rooms in (SUCH) the accommodation to another person or persons if the discrimination is by sex, marital status, status with regard to public assistance or disability. Nothing in this chapter shall be construed to require any person or group of persons selling, renting or leasing property to modify the property in any way,

or exercise a higher degree of care for a person having a disability than for a person who does not have a disability; nor shall this chapter be construed to relieve any person or persons of any obligations generally imposed on all persons regardless of any disability in a written lease, rental agreement, or contract of purchase or sale, or to forbid distinctions based on the inability to fulfill the terms and conditions, including financial obligations of (SUCH) *the* lease, agreement or contract.

(2) *The provisions of section 363.03, subdivision 2, prohibiting discrimination because of familial status shall not be construed to defeat the applicability of any statute or ordinance prescribing the maximum number of occupants permitted to occupy a dwelling unit and shall not apply to:*

(a) *an unoccupied dwelling unit in any building in which at least a majority of the dwelling units are occupied by elderly persons or are unoccupied and available for occupancy solely by elderly persons; or*

(b) *any owner occupied building containing four or fewer dwelling units.*

Sec. 4. Minnesota Statutes 1978, Section 363.03, Subdivision 2, is amended to read:

Subd. 2. [REAL PROPERTY.] It is an unfair discriminatory practice:

(1) For an owner, lessee, sublessee, assignee, or managing agent of, or other person having the right to sell, rent or lease any real property, or any agent of any of these:

(a) to refuse to sell, rent, or lease or otherwise deny to or withhold from any person or group of persons any real property because of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance (OR), disability, or *familial status*; or

(b) to discriminate against any person or group of persons because of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance (OR), disability, or *familial status* in the terms, conditions or privileges of the sale, rental or lease of any real property or in the furnishing of facilities or services in connection therewith, *except that nothing in this clause shall be construed to prohibit the adoption of reasonable rules and regulations intended to protect the safety of minors in their use of the real property or any facilities or services furnished in connection therewith*; or

(c) in any transaction involving real property, to print, circulate or post or cause to be printed, circulated, or posted

any advertisement or sign, or use any form of application for the purchase, rental or lease of real property, or make any record or inquiry in connection with the prospective purchase, rental, or lease of real property which expresses, directly or indirectly, any limitation, specification, or discrimination as to race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance (OR), disability, or *familial status*, or any intent to make any such limitation, specification, or discrimination.

(2) For a real estate broker, real estate (SALESMAN) *salesperson*, or employee, or agent thereof:

(a) to refuse to sell, rent, or lease or to offer for sale, rental, or lease any real property to any person or group of persons or to negotiate for the sale, rental, or lease of any real property to any person or group of persons because of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance (OR), disability, or *familial status* or represent that real property is not available for inspection, sale, rental, or lease when in fact it is so available, or otherwise deny or withhold any real property or any facilities of real property to or from any person or group of persons because of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance (OR), disability, or *familial status*; or

(b) to discriminate against any person because of (HIS) race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance (OR), disability, or *familial status* in the terms, conditions or privileges of the sale, rental or lease of real property or in the furnishing of facilities or services in connection therewith; or

(c) to print, circulate, or post or cause to be printed, circulated, or posted any advertisement or sign, or use any form of application for the purchase, rental, or lease of any real property or make any record or inquiry in connection with the prospective purchase, rental or lease of any real property, which expresses directly or indirectly, any limitation, specification or discrimination as to race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance (OR), disability, or *familial status* or any intent to make any such limitation, specification or discrimination(;).

(3) For a person, bank, banking organization, mortgage company, insurance company, or other financial institution or lender to whom application is made for financial assistance for the purchase, lease, acquisition, construction, rehabilitation, repair or maintenance of any real property or any agent or employee thereof:

(a) to discriminate against any person or group of persons because of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance (OR), disability, or *familial status* of (SUCH) *the* person or group of persons or of the prespective occupants or tenants of (SUCH) *the* real property in the granting, withholding, extending, modifying or renewing, or in the rates, terms, conditions, or privileges of (ANY SUCH) *the* financial assistance or in the extension of services in connection therewith; or

(b) to use any form of application for (SUCH) *the* financial assistance or make any record or inquiry in connection with applications for (SUCH) *the* financial assistance which expresses, directly or indirectly, any limitation, specification, or discrimination as to race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance (OR), disability, or *familial status* or any intent to make any such limitation, specification, or discrimination(.); or

(c) to discriminate against any person or group of persons who desire to purchase, lease, acquire, construct, rehabilitate, repair or maintain real property in a specific urban or rural area or any part thereof solely because of the social, economic or environmental conditions of the area in the granting, withholding, extending, modifying, or renewing, or in the rates, terms, conditions, or privileges of (ANY SUCH) *the* financial assistance or in the extension of services in connection therewith.

(4) For any real estate broker or real estate (SALESMAN) *salesperson*, for the purpose of inducing a real property transaction from which (SUCH) *the* person, his firm, or any of its members may benefit financially, to represent that a change has occurred or will or may occur in the composition with respect to race, creed, color, national origin, sex, marital status, status with regard to public assistance, or disability of the owners or occupants in the block, neighborhood, or area in which the real property is located, and to represent, directly or indirectly, that this change will or may result in undesirable consequences in the block, neighborhood, or area in which the real property is located, including but not limited to the lowering of property values, an increase in criminal or antisocial behavior, or a decline in the quality of schools or other public facilities.

Sec. 5. Minnesota Statutes 1978, Section 363.05, Subdivision 1, is amended to read:

363.05 [DUTIES OF COMMISSIONER.] Subdivision 1. [FORMULATION OF POLICIES.] The commissioner shall formulate policies to effectuate the purposes of this chapter and shall:

(1) Exercise leadership under the direction of the governor in the development of human rights policies and programs, and

make recommendations to the governor and the legislature for their consideration and implementation;

(2) cooperate and consult with appropriate commissioners and agencies in developing plans and programs to most effectively serve the needs of Indians, to assist women and to fulfill the purposes of chapter 363;

(3) establish and maintain a principal office in St. Paul, and any other necessary branch offices at any location within the state;

(4) meet and function at any place within the state;

(5) employ such hearing examiners, attorneys, clerks and other employees and agents as he may deem necessary and prescribe their duties;

(6) to the extent permitted by federal law and regulation, utilize the records of the department of economic security of the state when necessary to effectuate the purposes of this chapter;

(7) obtain upon request and utilize the services of all state governmental departments and agencies;

(8) adopt suitable rules and regulations for effectuating the purposes of this chapter;

(9) issue complaints, receive and investigate charges alleging unfair discriminatory practices, and determine whether or not probable cause exists for hearing;

(10) subpoena witnesses, administer oaths, take testimony, and require the production for examination of any books or papers relative to any matter under investigation or in question; authorize hearing examiners to exercise the authority conferred by this clause;

(11) attempt, by means of education, conference, conciliation, and persuasion to eliminate unfair discriminatory practices as being contrary to the public policy of the state;

(12) conduct research and study discriminatory practices;

(13) publish and distribute the results of research and study when in the judgment of the commissioner the purposes of this chapter, will be served thereby;

(14) develop and conduct programs of formal and informal education designed to eliminate discrimination and intergroup conflict by use of educational techniques and programs he deems necessary;

(15) make a written report of the activities of the commissioner to the governor each year and to the legislature by November 15 of each even-numbered year;

(16) accept gifts, bequests, grants or other payments public and private to help finance the activities of the department;

(17) create such local and statewide advisory committees as will in his judgment aid in effectuating the purposes of the department of human rights;

(18) appoint a hearing examiner to preside at a public hearing on any complaint;

(19) develop such programs as will aid in determining the compliance throughout the state with the provisions of this chapter, and in the furtherance of such duties, conduct research and study discriminatory practices based upon race, color, creed, religion, national origin, sex, age, disability, marital status (OR), status with regard to public assistance, *familial status*; or other factors and develop accurate data on the nature and extent of discrimination and other matters as they may affect housing, employment, public accommodations, schools, and other areas of public life;

(20) develop and disseminate technical assistance to persons subject to the provisions of this chapter, and to agencies and officers of governmental and private agencies;

(21) provide staff services to such advisory committees as may be created in aid of the functions of the department of human rights;

(22) make grants in aid to the extent that appropriations are made available for (SUCH) *that* purpose in aid of carrying out his duties and responsibilities, but no grant in aid shall be made without first obtaining the advice and consent of the board;

(23) develop educational programs, community organization programs, leadership development programs, motivational programs, and business development programs for the benefit of those persons theretofore and hereafter subject to prejudice and discrimination;

(24) provide information for and direction to a program designed to assist Indian citizens to assume all the rights, privileges, and duties of citizenship; and to coordinate and cooperate with local, state and national and private agencies providing services to the Indian people; and.

(25) cooperate and consult with the commissioner of labor and industry regarding the investigation of violations of, and resolution of complaints regarding section 363.03, subdivision 9.

Sec. 6. Minnesota Statutes 1978, Section 363.11, is amended to read:

363.11 [CONSTRUCTION.] The provisions of this chapter shall be construed liberally for the accomplishment of the purposes thereof. Nothing contained in this chapter shall be deemed to repeal any of the provisions of the civil rights law or of any other law of this state relating to discrimination because of race, creed, color, religion, sex, age, disability, marital status, status with regard to public assistance or national origin *or familial status*; but, as to acts declared unfair by sections 363.03 and 363.123, the procedure herein provided shall, while pending, be exclusive.

Sec. 7. Minnesota Statutes 1978, Section 363.115, is amended to read:

363.115 [REFERRAL TO LOCAL COMMISSION.] The commissioner, whether or not a charge has been filed under this chapter, may refer a matter involving discrimination because of race, color, religion, sex, creed, disability, marital status, status with regard to public assistance, national origin (OR), age, *or familial status* to a local commission for study and report.

Upon referral by the commissioner, the local commission shall make a report and make recommendations to the commissioner and take other appropriate action within the scope of its powers.

Sec. 8. Minnesota Statutes 1978, Section 363.12, Subdivision 1, is amended to read:

363.12 [DECLARATION OF POLICY.] Subdivision 1. It is the public policy of this state to secure for persons in this state, freedom from discrimination;

(1) In employment because of race, color, creed, religion, national origin, sex, marital status, disability, status in regard to public assistance and age;

(2) In housing and real property because of race, color, creed, religion, national origin, sex, marital status, disability (AND), status (IN) *with regard to public assistance and familial status*;

(3) In public accommodations because of race, color, creed, religion, national origin, sex and disability;

(4) In public services because of race, color, creed, religion, national origin, sex, marital status, disability and status in regard to public assistance; and

(5) In education because of race, color, creed, religion, national origin, sex, marital status, disability, status (IN) *with* regard to public assistance and age. Such discrimination threatens the rights and privileges of the inhabitants of this state and menaces the institutions and foundations of democracy. It is also the public policy of this state to protect all persons from wholly unfounded charges of discrimination. Nothing in this chapter shall be interpreted as restricting the implementation of positive action programs to combat discrimination.

Sec. 9. *This act is effective the day following its final enactment.*"

Further, delete the title and insert:

"A bill for an act relating to housing; prohibiting unfair treatment in housing and real property on the basis of familial status; amending Minnesota Statutes 1978, Sections 363.01, Subdivision 24, and by adding subdivisions; 363.02, Subdivision 2; 363.03, Subdivision 2; 363.05, Subdivision 1; 363.11; 363.115; and 363.12, Subdivision 1."

With the recommendation that when so amended the bill pass.

The report was adopted.

Anderson, I., from the Committee on General Legislation and Veterans Affairs to which was referred:

H. F. No. 1693, A bill for an act memorializing the President and Vice President of the United States, the United States Congress, and the United States Secretary of Defense to select the Duluth Air Force Base as the Space Shuttle Control Center.

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

The report was adopted.

Anderson, I., from the Committee on General Legislation and Veterans Affairs to which was referred:

S. F. No. 550, A bill for an act relating to elections; regulating campaign financing; increasing certain expenditure limits; providing that a candidate's expenditure limit agreement is not binding unless agreements are signed by the candidate's op-

ponents; amending Minnesota Statutes 1978, Sections 10A.25, Subdivision 2; and 10A.32, Subdivisions 3 and 3b.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1978, Section 10A.25, Subdivision 2, is amended to read:

Subd. 2. In a year in which an election is held for an office sought by a candidate, no expenditures shall be made by the principal campaign committee of that candidate, nor any approved expenditures made on behalf of that candidate which expenditures and approved expenditures result in an aggregate amount in excess of the following:

(a) For governor and lieutenant governor, running together, 12 1/2 cents per capita or (\$600,000) \$800,000, whichever is greater;

(b) For attorney general, 2 1/2 cents per capita or (\$100,000) \$150,000, whichever is greater;

(c) For secretary of state, state treasurer and state auditor, separately, 1 1/4 cents per capita or (\$50,000) \$75,000, whichever is greater;

(d) For state senator, 20 cents per capita or (\$15,000) \$20,000, whichever is greater;

(e) For state representative, 20 cents per capita or (\$7,500) \$10,000, whichever is greater.

Sec. 2. *This act is effective the day following its final enactment.*”

Delete the title and insert:

“A bill for an act relating to elections; regulating campaign financing; increasing certain expenditure limits; amending Minnesota Statutes 1978, Section 10A.25, Subdivision 2.”

With the recommendation that when so amended the bill pass.

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 1012 and 1693 were read for the second time.

SECOND READING OF SENATE BILLS

S. F. No. 550 was read for the second time.

INTRODUCTION AND FIRST READING
OF HOUSE BILLS

The following House Files were introduced:

McDonald, Olsen and Wenzel introduced:

H. F. No. 1923, A bill for an act relating to the state building code; requiring municipalities to enforce certain building requirements related to handicapped persons; amending Minnesota Statutes 1978, Section 16.851, by adding a subdivision; and Minnesota Statutes, 1979 Supplement, Section 16.868.

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

McDonald, Welker and Kempe introduced:

H. F. No. 1924, A bill for an act relating to regional development; providing advisory referenda on regional development commissions and the metropolitan council.

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

Crandall; Sieben, M.; Halberg and Faricy introduced:

H. F. No. 1925, A bill for an act relating to motor vehicles; clarifying penalty provisions for certain traffic violations; clarifying provisions which prohibit the operation of a motor vehicle while a driver's license is revoked or suspended; amending Minnesota Statutes 1978, Sections 169.141, Subdivision 2; 169.89, Subdivision 1; 171.20, Subdivision 2; and 171.24.

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

Patton, Brinkman, Wigley, Kroening and Biersdorf introduced:

H. F. No. 1926, A bill for an act relating to electricity; providing for the payment of electrical inspection costs; appropriating money; amending Minnesota Statutes 1978, Section 326.241, Subdivision 3.

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

Rees, Tomlinson, Nelson, Dempsey and Munger introduced :

H. F. No. 1927, A bill for an act relating to energy; modifying certain planning and zoning statutes to remove barriers to biomass energy production; amending Minnesota Statutes, 1979 Supplement, Sections 394.25, Subdivision 3; and 394.27, Subdivision 7; 462.357, Subdivisions 1 and 6.

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

Rose, by request, introduced :

H. F. No. 1928, A bill for an act relating to workers' compensation insurance; permitting certain local units of government to join the reinsurance association; amending Minnesota Statutes, 1979 Supplement, Section 79.34, Subdivision 1.

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

Laidig, Moe, Zubay, Vanasek and Rothenberg introduced :

H. F. No. 1929, A bill for an act relating to corrections; providing for licensing of correctional facilities; regulating inmate earnings; providing for the investment of funds in the correctional industries revolving account; prohibiting the introduction of contraband into other state institutions; prescribing penalties; amending Minnesota Statutes 1978, Sections 241.021, Subdivision 1; 243.24, Subdivision 1; Minnesota Statutes, 1979 Supplement, Sections 241.27, Subdivision 2; and 243.55, Subdivision 1.

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

Laidig, Lehto, Jennings, Vanasek and Rothenberg introduced :

H. F. No. 1930, A bill for an act relating to corrections; altering the provisions related to the granting of furloughs for persons on work release; clarifying the provisions relating to the accrual of good time by inmates of state correctional facilities; amending Minnesota Statutes 1978, Sections 241.26, Subdivision 3; and 244.04, Subdivisions 1 and 2.

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

Wynia, Rodriguez, Tomlinson, Kostohryz and Valento introduced:

H. F. No. 1931, A bill for an act relating to Ramsey County; simplifying the numbering of the county code; amending Laws 1974, Chapter 435, Articles I to IV, as amended.

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

Zubay, Kaley and Friedrich introduced:

H. F. No. 1932, A bill for an act relating to Independent School District No. 535, Rochester; providing that its school board may organize at a time other than the time required for the organization of the board of an independent district; amending Laws 1969, Chapter 193, Section 3, as amended.

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

Zubay, Kaley, Begich and Clawson introduced:

H. F. No. 1933, A bill for an act relating to occupations and professions; abolishing the board of examiners in watchmaking; transferring certain of its powers to the department of commerce; amending Minnesota Statutes 1978, Section 214.01, Subdivision 3; repealing Minnesota Statutes 1978, Sections 326.01, Subdivisions 20 and 21; 326.54; 326.541; 326.542; 326.543; 326.544; 326.545; 326.546; and 326.547.

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

Searle introduced:

H. F. No. 1934, A bill for an act relating to transportation; providing for the financing of certain transportation services; providing for the distribution of the motor vehicle excise tax and providing that certain portions of the proceeds be used by certain political subdivisions for optional transportation purposes; creating a contingent bond retirement account; reducing the excise tax on gasoline and special fuel used in producing power to propel motor vehicles on the public highways; imposing an additional excise tax on gasoline and special fuel based on net price; providing for refunds; appropriating money; amending Minnesota Statutes 1978, Sections 168.27, Subdivision 16; 296.02, Subdivision 1; 296.18, Subdivisions 4 and 5; 297B.035, Subdivision 2; 297B.09; Chapter 296, by adding a section; and Minnesota Statutes, 1979 Supplement, Section 296.18, Subdivisions 1 and 2.

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

Osthoff and Norton introduced:

H. F. No. 1935, A bill for an act relating to the city of St. Paul; providing for the number of the city council and the election of council members from separate districts.

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

Nelsen, B.; Kalis; Stadum; Mann and Carlson, D., introduced:

H. F. No. 1936, A bill for an act relating to elections; fixing compensation for county canvassing boards and county and township election judges; amending Minnesota Statutes, 1979 Supplement, Section 204A.23.

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

Reif, Elioff, Onnen, Hokanson and Heinitz introduced:

H. F. No. 1937, A bill for an act relating to health; eliminating certain obsolete language from tuberculosis statutes; requiring detection and treatment of tuberculosis under certain circumstances; amending Minnesota Statutes 1978, Sections 144.422, Subdivisions 2 and 7; 144.424, Subdivision 9; 144.45; 144.471; 144.49, Subdivisions 5 and 8; 241.07; 241.15; 246.28; and 251.15, Subdivision 1; repealing Minnesota Statutes 1978, Sections 144.13; 144.42; 144.421; 144.424, Subdivision 10; 144.427; 144.428; 144.429; 144.43; 144.46; 144.47; 144.50, Subdivision 4; 144.60, Subdivisions 2 and 3; 145.13; 145.24, Subdivision 4; 251.08; 251.09; 251.10; 251.12; 251.13; 251.14; 251.16; and 376.18 to 376.54.

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

Crandall, Haukoos, Knickerbocker, Sherwood and Heinitz introduced:

H. F. No. 1938, A bill for an act relating to occupations and professions; allowing legal education courses to substitute for real estate education courses under certain circumstances; amending Minnesota Statutes 1978, Section 82.22, Subdivision 13.

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

Sviggum and Mehrkens introduced:

H. F. No. 1939, A bill for an act relating to retirement; increasing the service requirement for the legislator's retirement program; amending Minnesota Statutes 1978, Sections 3A.02, Subdivision 1; and 3A.03, Subdivision 2.

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

Luknic; Carlson, L.; Simoneau; Biersdorf and Murphy introduced:

H. F. No. 1940, A bill for an act relating to unemployment compensation; restoring eligibility to certain employees of Minnesota school for the deaf and Minnesota braille and sight saving school; amending Minnesota Statutes 1978, Section 268.08, Subdivision 6.

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

Den Ouden introduced:

H. F. No. 1941, A bill for an act relating to mobile homes; permitting the sale of mobile homes from a residence; amending Minnesota Statutes 1978, Section 327.55, Subdivision 1.

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

Hokanson, Clawson, Wynia, Reif and Den Ouden introduced:

H. F. No. 1942, A bill for an act relating to public welfare; requiring reporting of abuse or neglect of vulnerable adults; requiring certain facilities to establish abuse prevention plans; establishing a penalty; appropriating money; amending Minnesota Statutes 1978, Section 245.813, by adding a subdivision; and Chapter 626, by adding a section; repealing Minnesota Statutes 1978, Sections 245.813, Subdivisions 2, 3, 4, 5, 6, 7, 8, and 9; and 626.555.

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

Sherwood, Battaglia, Begich, Thiede and Nysether introduced:

H. F. No. 1943, A bill for an act relating to taxation; establishing an income tax credit for certain taxpayers using wood to heat their residences; extending the residential energy credit to wood burning stoves and furnaces; amending Minnesota Statutes 1978, Section 290.06, by adding a subdivision; and Minnesota Statutes, 1979 Supplement, Section 290.06, Subdivision 14.

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

Vanasek, Pehler, Casserly and Berglin introduced:

H. F. No. 1944, A bill for an act relating to taxation; imposing a tax on the gross revenues of certain electric utility companies in lieu of certain ad valorem taxes; prescribing penalties for failure to file reports or make payments; providing for distribution of the tax; appropriating money; amending Minnesota Statutes 1978, Sections 116C.04, by adding a subdivision; 124.212, Subdivision 4; 273.13, Subdivisions 4 and 9; 275.125, Subdivision 4, and by adding a subdivision; 298.25; 473F.04; 473F.-06; and 475.53, by adding a subdivision.

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

Anderson, B.; Haukoos; Aasness; Mann and Kalis introduced:

H. F. No. 1945, A bill for an act relating to regional railroad authorities; providing for their organization and governmental purpose, powers and duties.

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

Simoneau, Begich and Kaley introduced:

H. F. No. 1946, A bill for an act relating to workers' compensation; allowing flexibility in election of insurance coverage for certain businesses, partnerships and corporations; amending Minnesota Statutes, 1979 Supplement, Section 176.012.

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

Begich, Rodriguez, Battaglia, Kroening and Rice introduced:

H. F. No. 1947, A bill for an act relating to unemployment compensation; changing certain provisions relating to disqualification from benefits; amending Minnesota Statutes 1978, Section 268.09, Subdivisions 1, as amended, and 2, as amended, and by adding a subdivision.

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

Brinkman, Mann and Patton introduced:

H. F. No. 1948, A bill for an act relating to taxation; motor vehicle excise tax; providing that proceeds from the transfer of a motor vehicle shall be deposited in the highway user tax distribution fund for highway purposes; amending Minnesota Statutes 1978, Sections 168.27, Subdivision 16; 297B.035, Subdivision 2; and 297B.09.

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

Aasness, Clawson, Schreiber, Mann and Fjoslien introduced:

H. F. No. 1949, A bill for an act relating to zoning; providing for notice of hearings; changing notice provisions for variance hearings; amending Minnesota Statutes 1978, Section 394.26, Subdivision 2.

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

Rothenberg, Laidig, Heap, Rose and Jaros introduced:

H. F. No. 1950, A bill for an act relating to crimes; requiring prosecuting attorneys to notify victims and witnesses of the final disposition of criminal actions.

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

Rothenberg, Laidig, Heap, Rose and Jaros introduced:

H. F. No. 1951, A bill for an act relating to the administration of criminal justice; providing senior citizen priority on the criminal calendar; amending Minnesota Statutes 1978, Section 630.36.

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

Rothenberg, Laidig, Heap, Rose and Jaros introduced:

H. F. No. 1952, A bill for an act relating to crimes; requiring presentence investigation reports to include comments from victims; amending Minnesota Statutes, 1979 Supplement, Section 609.115, Subdivision 1.

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

Berglin, Greenfield and Simoneau introduced:

H. F. No. 1953, A bill for an act relating to health; authorizing the registration of nursing pools; imposing requirements for registration; requiring the promulgation of rules; providing penalties for violations; requiring the establishment of maximum reimbursement rates for nursing pools; amending Minnesota Statutes 1978, Section 256B.47, by adding a subdivision.

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

Olsen, Tomlinson, Nelson, Jennings and Knickerbocker introduced:

H. F. No. 1954, A bill for an act relating to education; clarifying responsibility for certain educational programs in chemical dependency day-treatment centers; providing funds to school districts for chemical dependency leadership activities; appropriating money; amending Minnesota Statutes 1978, Section 120.17, by adding a subdivision; and Chapter 124, by adding a section.

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

Kostohryz and Nelson introduced:

H. F. No. 1955, A bill for an act relating to education; defining "nonsectarian nonpublic school" and modifying the definition of "neutral site" to include a nonsectarian nonpublic school for purposes of certain sections providing aid to nonpublic school children; amending Minnesota Statutes 1978, Section 123.932, Subdivision 9, and by adding a subdivision.

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

Casserly, Faricy and Sieben, M., introduced:

H. F. No. 1956, A bill for an act relating to real estate; providing for a state land registration assurance fund; combining the tax forfeited land assurance account with the land registration assurance fund; eliminating separate county assurance funds; appropriating money; amending Minnesota Statutes 1978, Sections 284.28, Subdivisions 8, 9 and 10; 508.75; 508.77; 508.79; 508.82; and 508.83.

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

Peterson, D.; Clark and Schreiber introduced:

H. F. No. 1957, A bill for an act relating to drivers licenses; authorizing instruction permit holders to operate a motor vehicle while receiving behind the wheel training when accompanied by licensed adults; amending Minnesota Statutes 1978, Section 171.05, Subdivision 2.

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

Sieben, M., introduced:

H. F. No. 1958, A bill for an act relating to commerce; expanding the definition of a "sale of goods" as it applies to consumer credit sales to include certain terminable bailments or leases; clarifying the interests of the respective parties; providing for a certain contract provision; amending Minnesota Statutes 1978, Sections 325.94, Subdivision 5; and 325.941, by adding subdivisions.

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

Otis; Carlson, L.; Osthoff; Rothenberg and Blatz introduced:

H. F. No. 1959, A bill for an act relating to recreation; requiring minimum insurance and a certificate of inspection for certain ski lifts, amusement rides, and amusement attractions before their operation; authorizing the commissioner of labor and industry to make the inspections and to prescribe safety rules; authorizing the commissioner to delegate inspection authority to other agencies or political subdivisions; establishing an advisory board; requiring disconnection of hazardous lifts or rides and reporting of serious injuries; establishing penalties; appropriating money.

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

Anderson, I.; Berglin; Sieben, H., and McCarron introduced:

H. F. No. 1960, A bill for an act relating to health; providing a subsidy for prescription drugs for certain persons eligible for catastrophic health expense protection; amending Minnesota Statutes 1978, Sections 62E.52, Subdivision 2, and by adding a subdivision; and 62E.53, Subdivision 2.

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

Brinkman; Johnson, D.; Mann; Stoa and Kaley introduced:

H. F. No. 1961, A bill for an act relating to elections; providing that the cost of special elections may be discharged by special local levies.

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

Simoneau, Kvam, Fudro, Schreiber and Wenzel introduced:

H. F. No. 1962, A bill for an act relating to motor vehicles; permitting the use of foreign state dealer plates in certain circumstances; restricting sales of new motor vehicles by wholesalers; authorizing the use of in-transit plates on used vehicles; imposing certain duties on the registrar of motor vehicles; amending Minnesota Statutes 1978, Sections 168.181, Subdivision 2; 168.27, Subdivisions 6 and 17; and 168A.15, by adding a subdivision.

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

Kempe, Den Ouden, Metzen and Valan introduced:

H. F. No. 1963, A bill for an act relating to interim claims against the state; appropriating money for the payment thereof.

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

Moe introduced:

H. F. No. 1964, A bill for an act relating to retirement; providing for an increase in employer contributions for teachers retirement funds; amending Minnesota Statutes, 1979 Supplement, Sections 354.42, Subdivision 5; and 354A.12, Subdivision 2.

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

Anderson, G., introduced:

H. F. No. 1965, A bill for an act relating to corrections; appropriating money for local correctional facility construction.

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

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 File, herewith transmitted:

S. F. No. 1670.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 1670, A bill for an act relating to energy; creating a state emergency residential heating grant program; broadening the scope of state weatherization programs; providing a credit for energy conservation expenditures; providing a pass-through of federal energy credits; reimbursing counties; appropriating money; amending Minnesota Statutes 1978, Section 462A.21, by adding a subdivision; and Minnesota Statutes, 1979 Supplement, Sections 268.37; 290.01, Subdivision 20; and 290.06, Subdivision 14.

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

Nelsen, M., was excused at 3:00 p.m. Metzen was excused at 3:45 p.m.

GENERAL ORDERS

Pursuant to rules of the House, the House resolved itself into the Committee of the Whole, with Norton in the Chair, for the consideration of bills pending on General Orders of the Day. After some time spent therein the Committee arose.

REPORT OF COMMITTEE OF THE WHOLE

The Speaker resumed the Chair, whereupon the following proceedings of the Committee as kept by the Chief Clerk were reported to the House:

H. F. No. 929 which it recommended progress.

H. F. No. 1049 which it recommended progress until Monday, February 25, 1980.

H. F. No. 941 which it recommended to pass with the following amendment offered by Moe:

Page 140, line 16, delete "144.123" and insert "144.124"

Page 144, line 22, after "Sections" insert "241.01; 241.02; 241.021; 241.022; 241.045; 241.05; 241.06; 241.07; 241.08; 241.09; 241.10; 241.11; 241.13; 241.14; 241.15; 241.16; 241.17; 241.18; 241.19; 241.20; 241.21; 241.22; 241.23; 241.25; 241.251; 241.26, Subdivisions 1 to 6; 241.271; 241.28; 241.29; 241.30; 241.31; 241.32; 241.41; 241.42; 241.43; 241.44; 241.45; 241.51; 241.52; 241.53; 241.55; 241.56; 241.57; 241.58; 241.61; 241.62; 241.63; 241.64; 241.65; 241.66; 241.69; 242.09; 242.10; 242.14; 242.18; 242.19; 242.20; 242.21; 242.22; 242.23; 242.24; 242.31; 242.32; 242.37; 242.375; 242.385; 242.43; 242.44; 242.45; 242.46; 242.47; 242.48; 242.52; 242.53; 242.55; 243.05; 243.06; 243.07; 243.09; 243.10; 243.12; 243.14; 243.15; 243.16; 243.17; 243.18; 243.20; 243.211; 243.22; 243.23; 243.24; 243.25; 243.26; 243.465; 243.49; 243.50; 243.51; 243.52; 243.53; 243.57; 243.58; 243.61; 243.62; 243.64; 243.78; 243.87; 243.88; 243.91;"

Page 144, line 23, delete "325.45; 325.46; 325.47;"

Page 144, line 24, delete "Chapters 241; 242; 243; and" and insert "Chapter"

Page 144, line 25, after "401" insert "; and Minnesota Statutes, 1979 Supplement, Sections 241.023; 241.024; 241.26, Subdivision 7; 241.27; 242.41; 242.51; 243.21; 243.40; 243.48; 243.55; 243.56; 243.59; 243.75 and 243.90"

Page 144, line 31, delete "August 1, 1979" and insert "May 1, 1980"

Further, amend the title as follows:

Page 1, line 13, after "Sections" insert "241.01; 241.02; 241.021; 241.022; 241.045; 241.05; 241.06; 241.07; 241.08; 241.09; 241.10; 241.11; 241.13; 241.14; 241.15; 241.16; 241.17; 241.18; 241.19; 241.20; 241.21; 241.22; 241.23; 241.25; 241.251; 241.26, Subdivisions 1 to 6; 241.271; 241.28; 241.29; 241.30; 241.31; 241.32; 241.41; 241.42; 241.43; 241.44; 241.45; 241.51; 241.52; 241.53; 241.55; 241.56; 241.57; 241.58; 241.61; 241.62; 241.63; 241.64; 241.65; 241.66; 241.69; 242.09; 242.10; 242.14; 242.18; 242.19; 242.20; 242.21; 242.22; 242.23; 242.24; 242.31; 242.32; 242.37; 242.375; 242.385; 242.43; 242.44; 242.45;

242.46; 242.47; 242.48; 242.52; 242.53; 242.55; 243.05; 243.06;
 243.07; 243.09; 243.10; 243.12; 243.14; 243.15; 243.16; 243.17;
 243.18; 243.20; 243.211; 243.22; 243.23; 243.24; 243.25; 243.26;
 243.465; 243.49; 243.50; 243.51; 243.52; 243.53; 243.57; 243.58;
 243.61; 243.62; 243.64; 243.78; 243.87; 243.88; 243.91;"

Page 1, line 14, delete "325.45; 325.46;"

Page 1, line 15, delete "325.47;"

Page 1, line 16, delete "Chapters 241; 242; 243; and" and insert "Chapter"

Page 1, line 16, after "401" insert "; and Minnesota Statutes, 1979 Supplement, Sections 241.023; 241.024; 241.26, Subdivision 7; 241.27; 242.41; 242.51; 243.21; 243.40; 243.48; 243.55; 243.56; 243.59; 243.75; and 243.90"

H. F. No. 649 which it recommended to pass with the following amendment offered by Mehrkens:

Page 2, line 14, delete "If either the"

Page 2, delete lines 15 and 16

Page 2, line 17, delete "refuse to issue the license."

Page 2, line 17, delete "other" and insert "these"

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

ROLL CALLS IN COMMITTEE OF THE WHOLE

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

The question was taken on the Welker motion to re-refer H. F. No. 649, as amended, to the Committee on Energy and Utilities and the roll was called. There were 30 yeas and 79 nays as follows:

Those who voted in the affirmative were:

Aasness	Haukoos	Ludeman	Onnen	Thiede
Albrecht	Heinitz	McDonald	Redalen	Valento
Den Ouden	Hoberg	Mehrkens	Rose	Welker
Evans	Jennings	Nelsen, B.	Searles	Wieser
Friedrich	Knickerbocker	Niehaus	Stadum	Wigley
Fritz	Kvam	Nysether	Sviggunn	Zubay

Those who voted in the negative were:

Adams	Clawson	Kaley	Nelson	Rothenberg
Ainley	Corbid	Kelly	Norman	Sarna
Anderson, B.	Dempsey	Kempe	Novak	Searle
Anderson, G.	Eken	Kostohryz	Olsen	Sieben, M.
Anderson, I.	Elioff	Kroening	Otis	Simoneau
Battaglia	Ellingson	Laidig	Patton	Stoa
Begich	Faricy	Lehto	Pehler	Stowell
Berglin	Forsythe	Long	Peterson, B.	Tomlinson
Biersdorf	Greenfield	Luknic	Peterson, D.	Valan
Blatz	Heap	Mann	Piepho	Vanasek
Brinkman	Hokanson	McCarron	Pleasant	Voss
Byrne	Jacobs	McEachern	Prahl	Welch
Carlson, D.	Jaros	Metzen	Rees	Wenzel
Carlson, L.	Johnson, D.	Moe	Reif	Wynia
Casserly	Jude	Munger	Rice	Spkr. Norton
Clark	Kahn	Murphy	Rodriguez	

The motion did not prevail.

The question was taken on the McDonald motion to re-refer H. F. No. 649, as amended, to the Committee on Governmental Operations and the roll was called. There were 56 yeas and 66 nays as follows:

Those who voted in the affirmative were:

Aasness	Friedrich	Ludeman	Pleasant	Valan
Ainley	Fritz	Luknic	Redalen	Valento
Albrecht	Haukoos	McDonald	Rees	Weaver
Anderson, R.	Heap	Mehrkens	Reif	Welker
Brinkman	Heinitz	Nelsen, B.	Rose	Wenzel
Crandall	Hoberg	Nichaus	Schreiber	Wieser
Dean	Jennings	Norman	Searles	Wigley
Den Ouden	Johnson, D.	Nysether	Sherwood	Zubay
Drew	Kaley	Onnen	Stadum	
Erickson	Knickerbocker	Osthoff	Stowell	
Evans	Kvam	Patton	Sviggum	
Ewald	Laidig	Piepho	Thiede	

Those who voted in the negative were:

Adams	Corbid	Kahn	Nelson	Simoneau
Anderson, B.	Dempsey	Kalis	Novak	Stoa
Anderson, G.	Eken	Kelly	Otis	Swanson
Anderson, I.	Elioff	Kempe	Pehler	Tomlinson
Battaglia	Ellingson	Kostohryz	Peterson, B.	Vanasek
Begich	Faricy	Kroening	Peterson, D.	Voss
Berglin	Fjoslien	Lehto	Prahl	Waldorf
Berkelman	Forsythe	Long	Reding	Welch
Blatz	Fudro	Mann	Rice	Wynia
Byrne	Greenfield	McCarron	Rodriguez	Spkr. Norton
Carlson, D.	Hokanson	McEachern	Rothenberg	
Carlson, L.	Jacobs	Moe	Sarna	
Casserly	Jaros	Munger	Searle	
Clark	Jude	Murphy	Sieben, M.	

The motion did not prevail.

MOTIONS AND RESOLUTIONS

Heap moved that the names of Nelson and Forsythe be added as authors on H. F. No. 1699. The motion prevailed.

Rees and Prah1 moved that H. F. No. 1715, now on General Orders, be re-referred to the Committee on Rules and Legislative Administration. The motion prevailed.

Kempe moved that the name of Rees be added as an author on H. F. No. 1670. The motion prevailed.

McDonald moved that the name of Rees be added as an author on H. F. No. 1924. The motion prevailed.

Reding moved that the name of Lehto be added as an author on H. F. No. 1867. The motion prevailed.

Anderson, G., moved that the name of McCarron be added as an author on H. F. No. 1965. The motion prevailed.

Reding moved that the name of Jude be added as an author on H. F. No. 1756. The motion prevailed.

Adams moved that his name be stricken and the name of Patton be added as chief author on H. F. No. 1216. The motion prevailed.

Sviggum moved that the name of Kalis be added as an author on H. F. No. 1939. The motion prevailed.

Kostohryz moved that the name of Byrne be added as an author on H. F. No. 1955. The motion prevailed.

Anderson, I., moved that the name of Peterson, D., be added as an author on H. F. No. 1960. The motion prevailed.

Casserly moved that H. F. No. 1956 be recalled from the Committee on Taxes and be re-referred to the Committee on Judiciary. The motion prevailed.

Kostohryz moved that the name of Waldorf be added as an author on H. F. No. 1686. The motion prevailed.

Faricy moved that the name of Crandall be added as an author on H. F. No. 1910. The motion prevailed.

Searle moved that H. F. No. 1934 be recalled from the Committee on Transportation and be re-referred to the Committee on Taxes. The motion prevailed.

Otis moved that H. F. No. 1959 be recalled from the Committee on Governmental Operations and be re-referred to the Committee on General Legislation and Veterans Affairs. The motion prevailed.

Nelsen, B.; Patton and Redalen introduced:

House Resolution No. 29, A house resolution requesting the United States Congress to continue dedicating all motor fuel tax revenues for transportation related purposes if any motor fuel tax increase is deemed necessary by Congress.

The resolution was referred to the Committee on Taxes.

ANNOUNCEMENT BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to the Conference Committee on S. F. No. 129:

Sieben, M.; Otis; Osthoff; Peterson, B.; and Ewald.

ADJOURNMENT

Berglin moved that when the House adjourns today it adjourn until 2:00 p.m., Thursday, February 14, 1980. The motion prevailed.

Berglin moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:00 p.m., Thursday, February 14, 1980.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

STATE OF MINNESOTA

SEVENTY-FIRST SESSION - 1980

SIXTY-SEVENTH DAY

SAINT PAUL, MINNESOTA, THURSDAY, FEBRUARY 14, 1980

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

Prayer was offered by the Chaplain.

The roll was called and the following members were present:

Aasness	Drew	Kalis	Niehaus	Searles
Adams	Eken	Kelly	Norman	Sherwood
Ainley	Elioff	Kempe	Novak	Sieben, H.
Albrecht	Ellingson	Knickerbocker	Nysether	Sieben, M.
Anderson, B.	Erickson	Kostohryz	Olsen	Simoneau
Anderson, D.	Esau	Kroening	Onnen	Stadum
Anderson, G.	Ewald	Kvam	Osthoff	Stoa
Anderson, I.	Faricy	Laidig	Otis	Stowell
Anderson, R.	Fjoslien	Lehto	Patton	Sviggum
Battaglia	Forsythe	Levi	Pehler	Swanson
Begich	Friedrich	Long	Peterson, B.	Thiede
Berglin	Fritz	Ludeman	Peterson, D.	Tomlinson
Berkelman	Greenfield	Luknic	Piepho	Valan
Biersdorf	Halberg	Mann	Pleasant	Valento
Blatz	Haukoos	McCarron	Prahl	Vanasek
Brinkman	Heap	McDonald	Redalen	Voss
Byrne	Heinitz	McEachern	Reding	Waldorf
Carlson, D.	Hoberg	Mehrkens	Rees	Weaver
Carlson, L.	Hokanson	Metzen	Reif	Welch
Casserly	Jacobs	Minne	Rice	Welker
Clark	Jaros	Moe	Rodriguez	Wenzel
Clawson	Jennings	Munger	Rose	Wieser
Corbid	Johnson, C.	Murphy	Rothenberg	Wigley
Dean	Jude	Nelsen, B.	Sarna	Wynia
Dempsey	Kahn	Nelsen, M.	Schreiber	Zubay
Den Ouden	Kaley	Nelson	Searle	Spkr. Norton

A quorum was present.

Crandall, Evans, Fudro and Johnson, D., were excused.

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

REPORTS OF CHIEF CLERK

Pursuant to Rules of the House, printed copies of H. F. Nos. 1693, 1012, 649 and 941 and S. F. Nos. 1670 and 550 have been placed in the members' files.

PETITIONS AND COMMUNICATIONS

The following communication was received:

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

February 11, 1980

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

The Honorable Edward J. Gearty
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1980 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

<i>S.F. No.</i>	<i>H.F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Date Approved 1980</i>	<i>Date Filed 1980</i>
687		343	February 11	February 11
1361		344	February 11	February 11

Sincerely,

JOAN ANDERSON GROWE
Secretary of State

REPORTS OF STANDING COMMITTEES

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

H. F. No. 902, A bill for an act relating to pollution; establishing noise limits for motorboats; amending Minnesota Statutes 1978, Section 361.17.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1978, Section 361.17, is amended to read:

361.17 [MOTORBOAT NOISE CONTROL.] *Subdivision 1.* No motor shall be used on any (WATERCRAFT) motorboat unless it is equipped with an efficient muffler, underwater exhaust or other device which at all times adequately muffles or suppresses the sound of the exhaust of the motor so as to prevent excessive or unusual noise, and no motor shall be equipped with any cut-out.

Subd. 2. No person shall operate a motorboat at any time or under any condition of load, acceleration, or deceleration in such a manner as to exceed the noise limits contained in subdivision 6.

Subd. 3. No person shall sell or offer for sale a new marine engine or motorboat which when maintained according to the manufacturer's specifications would exceed the noise limits contained in subdivision 6 when tested with a measurement procedure approved by the commissioner of the Minnesota department of natural resources.

Subd. 4. No person shall modify a marine engine or motorboat in a manner which will amplify or increase the noise emitted by the marine engine or motorboat above the noise limits contained in subdivision 6 when tested with a measurement procedure approved by the commissioner of the Minnesota department of natural resources. No person shall operate a motorboat so modified.

Subd. 5. No person shall sell or offer for sale replacement or additional parts for a marine engine or motorboat which when installed in the marine engine or motorboat will amplify or increase the noise emitted by the marine engine or motorboat above the noise limits contained in subdivision 6 when tested with a measurement procedure approved by the commissioner of the Minnesota department of natural resources. No person shall operate a motorboat incorporating such parts.

Subd. 6. The following limits apply to the total noise from the marine engine or motorboat and shall not be construed as limiting or precluding the enforcement of any other provision of law relating to motorboat noise:

(a) For marine engines or motorboats manufactured before January 1, 1982, a noise level of 84 decibels on the A scale measured at a distance of 50 feet from the motorboat or equivalent noise levels at other distances as specified by the commissioner of the Minnesota department of natural resources.

(b) *For marine engines or motorboats manufactured on or after January 1, 1982, a noise level of 82 decibels on the A scale measured at a distance of 50 feet from the motorboat or equivalent noise levels at other distances as specified by the commissioner of the Minnesota department of natural resources.*

Subd. 7. The provisions of this section shall not apply to motorboats operating under a permit pursuant to section 361.20 or a United States coast guard marine event permit in a regatta, or race, while on trial runs, or while on official trials for speed records during the time and in the designated area authorized by the permit.

Sec. 2. [APPROPRIATION.] *The sum of \$30,000 is appropriated from the general fund to the Minnesota department of natural resources for the purposes of purchasing motorboat noise monitoring equipment, training department personnel and county sheriff's departments in the use of the equipment, and general enforcement of the noise limits contained in subdivision 6, and shall be available until expended.*

Sec. 3. [EFFECTIVE DATE.] *Sections 1 and 2 are effective the day following final enactment."*

Further, amend the title as follows:

Page 1, line 3, after the semi-colon insert "appropriating money;"

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

The report was adopted.

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

S. F. No. 1215, A bill for an act relating to public safety; prohibiting scuba or skin diving during certain hours and under certain conditions; amending Minnesota Statutes 1978, Section 361.09, by adding a subdivision.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1978, Section 361.085, is amended to read:

361.085 [SCUBA DIVING; FLAGS REQUIRED.] *Subdivision 1. All persons who swim in any waters of the state, ex-*

cept in legally designated swimming areas, pursuant to Minnesota Statutes 1974, Section 361.08, while wearing or carrying any apparatus, except a snorkel not attached to any artificial container of oxygen, permitting him to breathe while under water, shall display a diver's flag above the surface of the water and:

- (a) No more than four divers shall dive under one flag.
- (b) Every person who places a diver's flag shall remain within 50 feet of the flag, measured on the surface of the water.
- (c) No person shall place a diver's flag where it will obstruct navigation.
- (d) If a group of divers is operating in a contained area, the perimeter shall be marked and shall be outside of the normal area of navigation. The markings shall consist of the official diver's flag and shall be placed on the perimeter of the diving area at intervals not exceeding 150 feet.
- (e) A diver's flag shall measure at least 15 inches horizontally and 12 inches vertically, and both sides shall have a red-colored background bisected diagonally by a three inch wide white stripe having its upper end adjacent to the flagstaff.
- (f) A diver's flag shall be displayed in a vertical plane extended from a rigid flagstaff equipped to maintain the upper edge of the flag at least 30 inches above the water surface.
- (g) A diver's flag may be reflectorized or fluorescent provided the entire surface is uniformly reflectorized or fluorescent.
- (h) A diver's flag may be anchored or secured to the bottom when a safety hazard would result from towing the flag.
- (i) If at the discretion of the diver it would be safer and more visible, the flag may be displayed on a watercraft. When the flag is displayed on the watercraft, the craft must be at anchor or, if not at anchor, attended by a diver or a person appointed by the diver to tend the craft. Only watercraft displaying an official diver's flag are authorized in the diving area.

Subd. 2. No person shall scuba or skin dive in any waters of this state at any time from one hour after sunset to sunrise on the day following unless the diver has in his possession a diver's light visible when above water from a distance of at least 150 feet, except that no diver's light shall be required in any emergency, salvage, repair, or construction operation. Scuba or skin diving while in possession of a spear is prohibited from sunset to sunrise.

Sec. 2. *This act is effective June 15, 1980.*"

Further amend the title as follows:

Page 1, line 5, delete "361.09, by adding a subdivision" and insert "361.085"

With the recommendation that when so amended the bill pass.

The report was adopted.

Voss from the Committee on Appropriations to which was referred:

S. F. No. 1670, A bill for an act relating to energy; creating a state emergency residential heating grant program; broadening the scope of state weatherization programs; providing a credit for energy conservation expenditures; providing a pass-through of federal energy credits; reimbursing counties; appropriating money; amending Minnesota Statutes 1978, Section 462A.21, by adding a subdivision; and Minnesota Statutes, 1979 Supplement, Sections 268.37; 290.01, Subdivision 20; and 290.06, Subdivision 14.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [EMERGENCY RESIDENTIAL HEATING GRANTS; WEATHERIZATION PROGRAMS.] *Subdivision 1. The commissioner of economic security shall make grants to community action agencies, county boards, or other public or private nonprofit agencies for the purpose of providing emergency residential heating grants to low income households. These grants shall be made to the same agencies and in the same manner as provided for federal grants under the energy crisis assistance program of 42 U.S.C.A., Section 2809, paragraph (a), clause (5), except as otherwise provided in this act.*

Subd. 2. The commissioner of economic security shall promulgate rules that provide: (a) procedures for the administration of grants; (b) data to be reported by grant recipients and heating fuel suppliers; and (c) other matters the commissioner finds necessary for the proper administration of the state and federal grant programs. The rules may take effect as temporary rules upon approval by the attorney general and publication in the state register, without the normal 20 day wait for comments from the public, and may be amended in the same manner at a later date if comments from the public demonstrate that amendments are justified.

Subd. 3. Data on individuals collected, maintained, used, or disseminated pursuant to this act are private data on individuals

and shall not be disclosed except as provided for data in the welfare system under Minnesota Statutes, 1979 Supplement, Section 15.1691.

Subd. 4. [ALLOCATIONS.] Money appropriated for grants and for local administrative costs shall be allocated among local administrative agencies on the basis of the number of households in the area served by the agency whose income falls within the limits specified in subdivisions 5 and 6, in relation to the total of these households in the state.

Subd. 5. [ELIGIBILITY; INCOME LIMITS.] Emergency residential heating grants under this section shall be paid only to households not eligible for the federal energy crisis assistance program and whose total household income does not exceed 150 percent of the poverty level as updated by the community services administration guidelines.

Subd. 6. [AMOUNT OF GRANT.] The amount of a grant under this section, in combination with any grants received for residential heating assistance under the federal energy crisis assistance program, including the special grant paid by the federal government directly to recipients of supplemental security income and money available to the state under the federal department of health, education and welfare block grant program, shall be the lesser of:

(a) The amount needed to relieve the household's energy related problems; or

(b) The following amounts graduated by level of poverty and type of fuel up to:

<i>Percent of Poverty</i>	<i>Domestic Natural Gas</i>	<i>Other Primary Heating Fuel</i>
<i>above 125 to below 134</i>	<i>\$200</i>	<i>\$325</i>
<i>134 to below 143</i>	<i>\$150</i>	<i>\$250</i>
<i>143 to 150</i>	<i>\$100</i>	<i>\$175</i>

Grants for recipients who use two or more types of fuel shall be based on the household's primary energy source.

Subd. 7. [INCOME DISREGARDED.] Payments made under this section shall not be considered as income or resources for purposes of determining eligibility or benefits under any income maintenance program including but not limited to medical assistance, aid to families with dependent children, general assistance, food stamps, or Minnesota supplemental aid.

Subd. 8. [ADMINISTRATIVE COSTS.] Money appropriated for local administrative costs shall be used to reimburse local administrative agencies for the costs involved in administering grants, including publicizing the availability of grants. Money not spent for local administrative costs shall be used for weatherization.

Subd. 9. [EMERGENCY ENERGY CONSERVATION GRANT FUND.] The housing finance agency may make grants to assist in energy conservation rehabilitation measures for existing housing owned by households whose incomes do not exceed 150 percent of the community services administration poverty guidelines, and who are referred to the housing finance agency by a community action agency or other appropriate entity. Grants shall not exceed \$2,000 per household.

To be eligible for an emergency energy conservation grant, an applicant must demonstrate that (1) his projected annual heating cost for the winter heating season or projected heating costs for the calendar year for households using an annual budget plan, exceed 10 percent of his income. Projected heating costs shall be determined by multiplying energy consumption during the preceding heating season by projected costs for the appropriate fuel type as published by the energy agency, or (2) the household has been precluded from receiving a federal energy conservation grant due to the need for directly related repairs which cannot be funded under the federal program. The energy conservation rehabilitation measures that qualify under this subdivision include: ceiling insulation, storm windows or doors, furnace or space heater repair or replacement, chimney construction or improvement, weatherstripping and caulking and structural or building envelope repairs or other directly related activities essential for proper weatherization. The entity designated to administer the program shall make a reasonable effort to determine whether other state or federal grant or loan programs are available and adequate to finance the intended improvements. An emergency energy conservation grant may be made in conjunction with grants or loans from other state or federal programs which finance other needed rehabilitation work. The receipt of a grant pursuant to this subdivision shall not affect the applicant's eligibility for other housing finance agency loan or grant programs. Temporary rules required to implement this subdivision may be promulgated and amended pursuant to Minnesota Statutes, Section 15.0412, Subdivision 5 and shall remain in effect until July 1, 1981.

Except as otherwise provided in sections 1 to 3, grants from the emergency energy conservation grant fund shall be made in the same manner and pursuant to the same procedures provided for the home improvement grant fund, administered pursuant to Minnesota Statutes, Section 462A.05, Subdivision 15, provided that grants shall not be recovered by the agency pursuant to section 462A.21, subdivision 4a. Grants may be made without regard

to the housing finance agency home improvement grant allocation formula.

Subd. 10. [PILOT RESIDENTIAL ENVELOPE IMPROVEMENT PROGRAM.] The commissioner of economic security shall establish a pilot program to assist households that are on a weatherization waiting list. Such households shall be provided, without cost, weatherization materials such as caulking compound, weatherstripping, plastic sheeting and attachment devices. The value of weatherization materials offered to an eligible household pursuant to this subdivision shall not exceed \$80. As part of the pilot program, the commissioner shall offer a course of appropriate instruction to enable eligible recipients to properly install the materials. The commissioner shall conclude the pilot program by December 31, 1980 and report to the legislature by January 31, 1981.

Sec. 2. Minnesota Statutes, 1979 Supplement, Section 268.37, is amended to read:

268.37 [COORDINATION OF FEDERAL AND STATE RESIDENTIAL WEATHERIZATION PROGRAMS.] Subdivision 1. The department of economic security is the state agency to apply for, receive, and disburse (FEDERAL) money made available to the state by federal law (OR RULES PROMULGATED THEREUNDER) for the purpose of weatherizing the residences of low-income persons. The commissioner of economic security shall coordinate available federal money with (ANY) state money appropriated for this purpose.

Subd. 2. The commissioner shall make grants of federal and state money to community action agencies and other public or private nonprofit agencies for the purpose of weatherizing the residences of low-income persons. Grant applications shall be submitted in accordance with rules developed pursuant to 42 U.S.C., Sections 6861 to 6872, any other relevant federal weatherization program, and rules promulgated by the commissioner.

Subd. 3. The commissioner shall promulgate temporary rules as necessary to administer the grants program (BY JULY 1, 1979) and shall promulgate permanent rules by July 1, 1980. The rules shall describe: (a) procedures for the administration of grants, (b) data to be reported by grant recipients, and (c) other matters the commissioner finds necessary for the proper administration of the grant program including compliance with relevant federal regulations. Weatherization assistance shall be given to households where the total income does not exceed 125 percent of the poverty level as updated by the federal office of management and budget poverty guidelines.

Subd. 4. [SUPPLEMENTARY STATE GRANTS.] *The commissioner shall distribute supplementary state grants in a*

manner consistent with the goal of producing the maximum number of weatherized units feasible. Supplementary state grants are provided primarily for the payment of additional labor costs for the federal weatherization program, and as an incentive for the increased production of weatherized units.

Criteria for the allocation of state grants to local agencies include: (a) existing local agency production levels, (b) availability of CETA resources in the area, (c) emergency needs, and (d) the potential for maintaining or increasing acceptable levels of production in the area.

An eligible local agency may receive advance funding for three month's production, but thereafter shall receive grants solely on the basis of program criteria.

Subd. 5. The commissioner shall submit reports to the legislature by March 1 of each year, (1980, AND MARCH 1, 1981,) evaluating the weatherization program. The reports shall describe: (a) the number of households weatherized, (b) the average cost per household, (c) any change in energy consumption after weatherization, (d) outreach efforts, and (e) any other information the commissioner feels is relevant, including information routinely submitted to the federal government.

Sec. 3. [APPROPRIATIONS.] *Subdivision 1. The sum of \$20,000,000 is appropriated from the general fund to the commissioner of economic security for the following purposes:*

(a) *Grants pursuant to section 1, subdivision 6 \$8,000,000*

If grants are paid from this appropriation of state money to persons eligible to receive grants for the same purposes from federal money, this appropriation shall be reimbursed for those grants from federal money when the federal money becomes available if reimbursement is permitted under federal law.

(b) *Weatherization of residences \$12,000,000*

The appropriations in clause (a) is available until September 30, 1981. The appropriation in clause (b) is added to the appropriation for the same purposes in Laws 1979, Extra Session, Chapter 2, Section 45, Subdivision 3. Grants made for a residence under clause (b) of this subdivision shall not exceed (1) \$500 in state monies when used in combination with federal funds or (2) \$1500 when made exclusively from state funds. Local and state administrating agencies may retain up to ten percent of these appropriations for administrative costs.

Subd. 2. The sum of \$5,000,000 is appropriated from the general fund to the housing development fund created in Min-

nesota Statutes, Section 462A.20 for the purpose of the emergency energy conservation grant program specified in section 1, subdivision 9, and for the payment of related costs and expenses. This appropriation shall be for the biennium ending June 30, 1981. The complement of the housing finance agency is increased by two positions.

Subd. 3. The sum of \$2,480,000 is appropriated for the biennium ending June 30, 1981 from the general fund to the commissioner of public welfare to reimburse counties for the county portion of expenses incurred by them in providing residential heating assistance under the emergency assistance and special needs allowance programs during fiscal years 1980 and 1981. No county match is required for this money.

Subd. 4. There is appropriated for the period ending January 31, 1981 to the Minnesota energy agency from the general fund the sum of \$100,000, or so much thereof as may be required for the purpose of making a study of residential energy conservation in Minnesota. The study shall determine the energy efficiency of the existing housing stock as it relates to fuel type, household income, ownership, and geographic location. The study shall determine the effectiveness of existing residential conservation efforts including federal weatherization programs, Minnesota housing finance agency grant and loan programs, local programs and others. The study may review programs in other states which show potential for implementation in Minnesota. The study shall recommend methods for meeting identified residential energy conservation needs through new or existing public or private programs, including new or proposed federal programs, and the estimated costs of such programs. The agency shall report its findings to the legislature by January 31, 1981.

Subd. 5. The sum of \$5,000,000 is appropriated to the general contingent account and shall be expended with the approval of the governor after consultation with the legislative advisory commission pursuant to section 3.30. This appropriation is available until June 30, 1981. This appropriation is intended to ensure the most effective and efficient delivery of fuel assistance and weatherization programs requiring a coordination of state and federal monies. To the extent that state matching funds are required for participation in federal programs, the legislative advisory commission shall provide the match from these appropriated monies. In case no state matching funds are required by federal rule the legislative advisory commission shall use this appropriation to extend the scope or effectiveness of programs of fuel assistance and weatherization.

Subd. 6. The sum of \$1,000,000 is appropriated from the general fund to the commissioner of economic security for purposes of section 1, subdivision 10. This appropriation shall remain available until January 31, 1981.

Sec. 4. [EFFECTIVE DATE.] *This act is effective the day following final enactment.*"

Further, delete the title and insert:

"A bill for an act relating to energy; creating a state emergency residential heating grant program; broadening the scope of state weatherization programs; reimbursing counties; appropriating money; amending Minnesota Statutes, 1979 Supplement, Section 268.37."

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 1715, A resolution memorializing the Civil Aeronautics Board and the President of the United States to authorize non-stop service by Northwest Airlines between Minneapolis-St. Paul and London.

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

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. No. 1715 was read for the second time.

SUSPENSION OF RULES

Pursuant to Article IV, Section 19, of the Constitution of the state of Minnesota, Swanson moved that the rule therein be suspended and an urgency be declared so that H. F. No. 1715 be given its third reading and be placed upon its final passage. The motion prevailed.

Swanson moved that the rules of the House be so far suspended that H. F. No. 1715 be given its third reading and be placed upon its final passage. The motion prevailed.

H. F. No. 1715, A resolution memorializing the Civil Aeronautics Board and the President of the United States to authorize non-stop service by Northwest Airlines between Minneapolis-St. Paul and London.

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 114 yeas and 4 nays as follows:

Those who voted in the affirmative were:

Aasness	Elioff	Kelly	Novak	Sherwood
Adams	Ellingson	Kempe	Nysether	Sieben, H.
Ainley	Erickson	Knickerbocker	Olsen	Sieben, M.
Albrecht	Esau	Kostohryz	Onnen	Simoneau
Anderson, B.	Ewald	Kroening	Osthoff	Stadum
Anderson, D.	Fjoslien	Kvam	Otis	Stowell
Anderson, G.	Forsythe	Laidig	Patton	Sviggum
Anderson, R.	Friedrich	Lehto	Pehler	Swanson
Battaglia	Fritz	Levi	Peterson, B.	Thiede
Begich	Greenfield	Long	Peterson, D.	Tomlinson
Biersdorf	Halberg	Ludeman	Piepho	Valan
Blatz	Haukoos	Luknic	Prahl	Valento
Brinkman	Heap	Mann	Redalen	Vanasek
Byrne	Heinitz	McDonald	Reding	Waldorf
Carlson, D.	Hoberg	McEachern	Reif	Weaver
Carlson, L.	Hokanson	Mehrkens	Rice	Welch
Clark	Jacobs	Metzen	Rodriguez	Welker
Clawson	Jaros	Minne	Rose	Wenzel
Dean	Jennings	Munger	Rothenberg	Wieser
Dempsey	Johnson, C.	Murphy	Sarna	Wigley
Den Ouden	Jude	Nelsen, B.	Schreiber	Zubay
Drew	Kaley	Niehaus	Searle	Spkr. Norton
Eken	Kalis	Norman	Searles	

Those who voted in the negative were:

Corbid	Fariy	Voss	Wynia
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The bill was passed and its title agreed to.

SECOND READING OF SENATE BILLS

S. F. Nos. 1215 and 1670 were read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Rose, Valento, Ellingson and Blatz introduced:

H. F. No. 1966, A bill for an act relating to real estate; enacting the uniform condominium act; providing for taxation as a separate parcel; regulating eminent domain awards; regulating the creation of condominiums; protecting the purchasers of condominiums; regulating condominium declaration; regulating the management of condominiums.

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

Simoneau and McCarron introduced:

H. F. No. 1967, A bill for an act relating to names; changing residence requirements for change of name proceedings; amending Minnesota Statutes 1978, Section 259.10.

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

Pleasant, Hoberg, Clawson, Peterson, D., and Fritz introduced:

H. F. No. 1968, A bill for an act relating to metropolitan transit; permitting employers to purchase passes for resale to employees at discount; amending Minnesota Statutes, 1979 Supplement, Section 473.408, Subdivision 7.

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

Searles, Brinkman, Kvam and Evans introduced:

H. F. No. 1969, A bill for an act relating to taxation; income tax; excluding certain interest income from gross income; amending Minnesota Statutes, 1979 Supplement, Section 290.01, Subdivision 20.

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

Mehrkens, Fudro, McEachern, Den Ouden and Dempsey introduced:

H. F. No. 1970, A bill for an act relating to transportation; exempting certain substituted aircraft from payment of the aircraft registration tax; limiting refunds under certain circumstances; requiring liability insurance for pioneer aircraft; amending Minnesota Statutes 1978, Sections 360.55, by adding a subdivision; and 360.59, Subdivision 10.

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

McEachern, Fudro, Sarna, Mehrkens and Dempsey introduced:

H. F. No. 1971, A bill for an act relating to drivers licenses; establishing a driver's license point system; authorizing the commissioner of public safety to suspend the driver's license of certain persons; amending Minnesota Statutes 1978, Sections 171.17; 171.30, Subdivision 1; and Chapter 171, by adding a section.

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

Friedrich, Stowell, McEachern, Patton and Ludeman introduced:

H. F. No. 1972, A bill for an act relating to elections; providing for towns to set their own hours for town elections; requiring polls to be open at least three hours; amending Minnesota Statutes 1978, Section 205.03, Subdivision 3.

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

Crandall, Norman, Swanson and Hokanson introduced:

H. F. No. 1973, A bill for an act relating to the environment; directing the pollution control agency to adopt rules relating to noise pollution and take off and landing procedures of airports; establishing a penalty; amending Minnesota Statutes 1978, Chapters 116, by adding a section; and 360, by adding a section.

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

Berkelman and Lehto introduced:

H. F. No. 1974, A bill for an act relating to certain towns in St. Louis County; providing a method for determining whether to open or maintain certain town roads.

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

Kvam, Tomlinson, Dempsey, Jacobs and Eken introduced:

H. F. No. 1975, A bill for an act relating to taxation; property tax; providing for uncontested hearings for property valuation; availability of assessor's field cards; information to be included on valuation notices; clarifying the computation of agricultural aid credit; clarifying acreage available for homestead credit; changing date for county board of equalization meeting and transfer of books to treasurer; changing penalty and interest rates; clarifying the role of administrative auditor in fiscal disparities; amending Minnesota Statutes 1978, Sections 270.11, Subdivision 6; 272.70; 273.121; 273.13, Subdivision 6a; 273.135, Subdivision 1; 274.13, Subdivision 1; 274.14; 276.01; 279.01; 279.37, Subdivision 2; 282.01, Subdivisions 1 and 4; 282.222, Subdivision 4; 282.261; and 473F.08, by adding a subdivision; Minnesota Statutes, 1979 Supplement, Sections 273.13, Subdivision 6; and 282.15; repealing Minnesota Statutes 1978, Sections 275.31; 275.32; 275.33; 275.34; 275.35; and 473F.08, Subdivisions 7 and 8.

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

Heinitz, Kaley, Simoneau and Adams introduced:

H. F. No. 1976, A bill for an act relating to workers' compensation; providing an annual date for adjusting supplementary benefit levels; amending Minnesota Statutes, 1979 Supplement, Section 176.132, Subdivision 2.

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

Olsen, Heinitz, Adams, Casserly and Ellingson introduced:

H. F. No. 1977, A bill for an act relating to cable communications; authorizing joint municipal franchising; amending Minnesota Statutes 1978, Section 238.08, by adding a subdivision.

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

Kelly, Greenfield, Battaglia, Tomlinson and Crandall introduced:

H. F. No. 1978, A bill for an act relating to children; increasing parental liability for damage done by children; amending Minnesota Statutes 1978, Section 540.18, Subdivision 1.

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

Piepho, Wigley and Biersdorf introduced:

H. F. No. 1979, A bill for an act relating to elections; changing the time for precinct caucuses; amending Minnesota Statutes 1978, Section 202A.14, Subdivision 1.

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

Piepho, Johnson, D., and Sviggum introduced:

H. F. No. 1980, A bill for an act relating to drivers licenses; providing for certain court reports; requiring the suspension of a driver's license for certain convictions; amending Minnesota Statutes 1978, Section 171.16, Subdivision 1, and by adding a subdivision.

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

McCarron; Forsythe; Anderson, I.; Berglin and Reif introduced:

H. F. No. 1981, A bill for an act relating to public welfare; authorizing certain payments to shelter facilities for battered women; requiring direct payments to shelter facilities from general assistance; amending Minnesota Statutes 1978, Section 256D.05, Subdivision 3.

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

Heap, Heinitz and Swanson introduced:

H. F. No. 1982, A bill for an act relating to public welfare; authorizing the department of vocational rehabilitation to provide funds for power assisted wheelchairs to handicapped persons under certain circumstances; appropriating money; amending Minnesota Statutes 1978, Chapter 129A, by adding a section.

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

Mehrkens, Anderson, B., and Erickson introduced:

H. F. No. 1983, A bill for an act relating to local government; providing for the financial reports of certain municipal hospitals and nursing homes; amending Minnesota Statutes, 1979 Supplement, Sections 471.697, Subdivision 1; and 471.698, Subdivision 1.

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

Dean, Nelson, Wigley, Munger and Rees introduced:

H. F. No. 1984, A bill for an act relating to energy; providing for a community development and assistance program; requiring inspection of combustion air intakes; regulating rates of cogenerating power plants; authorizing tax levies for energy conservation measures; authorizing income tax credits for commuter van purchases; inspection of insulation materials; renewable energy grants, ride sharing, fuelwood management, ethanol plant demonstration; appropriating funds; amending Minnesota Statutes 1978, Sections 116H.087; 116H.12, Subdivision 11; 116H.129, Subdivision 5; and by adding a subdivision; 275.125, by adding a subdivision; 275.50, by adding a subdivision; 290.06, by adding a subdivision; and 325.986, by adding subdivisions; Chapters 116H and 216B, by adding sections; and Minnesota Statutes, 1979 Supplement, Sections 116H.02, Subdivision 5; and 116H.22; repealing Minnesota Statutes 1978, Sections 116H.125; and 325.986, Subdivisions 1 and 2.

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

Reding introduced:

H. F. No. 1985, A bill for an act relating to municipal electric power; permitting municipal power agencies to contract and do business with foreign entities; amending Minnesota Statutes 1978, Section 453.52, Subdivision 9.

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

Reding introduced:

H. F. No. 1986, A bill for an act relating to air pollution; allowing local option to permit certain open burning; amending Minnesota Statutes 1978, Section 116.07, Subdivision 4.

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

Anderson, B.; Erickson and Mehrkens introduced:

H. F. No. 1987, A bill for an act relating to local government; regulating financial reports of certain municipal hospitals and nursing homes; amending Minnesota Statutes, 1979 Supplement, Sections 471.697, Subdivision 1; and 471.698, Subdivision 1.

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

Berkelman, Battaglia, Rose, Pehler and Kaley introduced:

H. F. No. 1988, A bill for an act relating to police and firefighters' relief associations; providing for per diems for officers and members of the board of trustees of a police, salaried firefighters' or volunteer firefighters' relief association; amending Minnesota Statutes 1978, Section 69.80.

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

Berkelman, Heinitz, Waldorf, McCarron and Kaley introduced:

H. F. No. 1989, A bill for an act relating to public health; providing for the establishment of programs for oral and dental health for nursing home residents; appropriating money.

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

Simoneau, Heinitz, Osthoff, Biersdorf and Clark introduced:

H. F. No. 1990, A bill for an act proposing an amendment to the Minnesota Constitution, Article XIII, Section 5; permitting a state lottery if authorized by law.

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

Schreiber, Kroening, Olsen, Simoneau and Ainley introduced:

H. F. No. 1991, A bill for an act relating to housing; permitting an increase in certain grants made by the housing finance agency; authorizing limitations on the assumability of mortgages made or purchased by the agency; modifying the program for moderate rehabilitation of rental properties; amending Minnesota Statutes 1978, Section 462A.05, Subdivision 17; and Minnesota Statutes, 1979 Supplement, Sections 462A.05, Subdivision 15; and 462A.21, Subdivision 11.

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

Fjoslien, Kalis, Mann, Anderson, B., and Stadum introduced:

H. F. No. 1992, A bill for an act relating to taxation; providing a property tax exemption for alcohol fuel production equipment; amending Minnesota Statutes 1978, Section 273.11, Subdivision 6.

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

Rothenberg, Nelson, Crandall and Lehto introduced:

H. F. No. 1993, A bill for an act relating to crimes; authorizing a court to impose as a condition of release for a person charged with a criminal offense a bail procedure that provides for a ten percent deposit.

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

Jude and Onnen introduced:

H. F. No. 1994, A bill for an act relating to education; extending the coverage of a grandfather provision allowing certain pupils to attend school in a school district other than the district in which the pupil resides; amending Minnesota Statutes, 1979 Supplement, Section 120.075.

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

Swanson, Berglin, Forsythe, Rice and Heinitz introduced:

H. F. No. 1995, A bill for an act relating to health care; further defining "qualified expense" as it relates to catastrophic health expense protection; amending Minnesota Statutes 1978, Section 62E.52, Subdivision 3.

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

Casserly, Nelson, Schreiber, Fjoslien and Osthoff introduced:

H. F. No. 1996, A bill for an act relating to industrial development; providing for various energy related projects; amending Minnesota Statutes 1978, Sections 474.01, Subdivision 4; and 474.02, by adding subdivisions; and Minnesota Statutes, 1979 Supplement, Section 474.03.

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

Forsythe, Jude, Dean, Stoa and Byrne introduced:

H. F. No. 1997, A bill for an act relating to courts; providing for distribution of rules proposed by the supreme court; amending Minnesota Statutes 1978, Section 480.054.

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

Stoa, Norman, Piepho, Jude and Hoberg introduced:

H. F. No. 1998, A bill for an act relating to public employment; providing student participation in certain negotiations; amending Minnesota Statutes 1978, Sections 179.61; 179.63, by adding a subdivision; and Chapter 179, by adding a section.

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

Aasness, Stadum, Anderson, G., and Fjoslien introduced:

H. F. No. 1999, A bill for an act relating to public welfare; allowing county boards to delegate certain powers to county welfare boards; allowing human services boards to appoint a director on a permissive basis; amending Minnesota Statutes, 1979 Supplement, Sections 256E.08, by adding a subdivision; and 402.05, Subdivision 1a.

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

Clawson, Berkelman, Hokanson, Kvam and Crandall introduced:

H. F. No. 2000, A bill for an act relating to public welfare; directing the commissioner of public welfare to establish and maintain personnel standards on a merit basis for certain employees of county boards, county welfare boards, and human services boards; amending Minnesota Statutes 1978, Chapter 256, by adding a section.

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

Forsythe, Byrne, Casserly, Crandall and Dempsey introduced:

H. F. No. 2001, A bill for an act relating to children; providing for venue for child custody proceedings; amending Minnesota Statutes, 1979 Supplement, Section 518.156, Subdivision 1.

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

Metzen, Sarna, Biersdorf and Osthoff introduced:

H. F. No. 2002, A bill for an act relating to retirement; authorizing the purchase of prior service by certain persons formerly employed by the city of St. Paul.

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

Eken; Mehrkens; Anderson, G.; Johnson, C., and Aasness introduced:

H. F. No. 2003, A bill for an act relating to taxation; clarifying the provisions of the wetland credit for property tax purposes; amending Minnesota Statutes, 1979 Supplement, Section 273.115, Subdivisions 2 and 6.

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

Long, Peterson, D., and Crandall introduced:

H. F. No. 2004, A bill for an act relating to industrial development; permitting hearings by a committee of the governing body; providing for published notice; amending Minnesota Statutes, 1979 Supplement, Section 474.01, Subdivision 7b.

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

Clawson, Friedrich and Reding introduced:

H. F. No. 2005, A bill for an act relating to local government; providing for the publication of certain ordinances of statutory cities; amending Minnesota Statutes 1978, Section 412.191, by adding a subdivision.

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

Anderson, B.; Wynia; Sherwood; Clawson and Berglin introduced:

H. F. No. 2006, A bill for an act relating to crimes; specifying the crime of incest; prescribing penalties; amending Minnesota Statutes 1978, Section 609.35; and Chapter 609, by adding a section; Minnesota Statutes, 1979 Supplement, Section 518B.01, Subdivision 2; and 626.556, Subdivision 2.

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

Anderson, B.; Kalis; Erickson and Sherwood introduced:

H. F. No. 2007, A bill for an act relating to cooperative associations; allowing board of directors to elect an executive committee; prescribing certain powers of the executive committee and board; amending Minnesota Statutes, 1979 Supplement, Section 308.11.

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

Prahl introduced:

H. F. No. 2008, A bill for an act relating to the city of Nashwauk; police relief widows benefits; officers of association; amending Laws 1943, Chapter 196, Section 4, as amended.

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

Erickson introduced:

H. F. No. 2009, A bill for an act relating to retirement; authorizing escalation of pension benefits of retired members of the Worthington Fire Department Relief Association.

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

Faricy introduced:

H. F. No. 2010, A bill for an act relating to real property; deleting an obsolete provision requiring duplicates of certain plats be filed in the office of the county auditor; amending Minnesota Statutes 1978, Section 505.178, Subdivision 2.

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

Patton, Brinkman, Heinitz, Metzen and Rose introduced:

H. F. No. 2011, A bill for an act relating to motor vehicles; exempting certain retail installment contracts from the Motor Vehicle Installment Sales Act; amending Minnesota Statutes 1978, Section 168.66, Subdivision 4.

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

Berkelman, Friedrich, Hokanson and Nelsen, B., introduced:

H. F. No. 2012, A bill for an act relating to motor vehicles; authorizing personalized license plates bearing radio or television station call signals or letters; amending Minnesota Statutes 1978, Section 168.12, Subdivision 2a.

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

Simoneau, Eken and Battaglia introduced:

H. F. No. 2013, A bill for an act relating to intoxicating liquor; authorizing the use of wine catalogs by off-sale dealers; amending Minnesota Statutes 1978, Section 340.15, Subdivision 1.

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

McCarron, Laidig, Otis, McDonald and Osthoff introduced:

H. F. No. 2014, A bill for an act relating to elections; requiring recounts of elections on county, municipal, school district and special purpose district ballot questions under certain conditions; providing for notice of recounts and for opening recounts to the public; amending Minnesota Statutes 1978, Section 123.32, by adding a subdivision; Chapter 204A, by adding a section; and Minnesota Statutes, 1979 Supplement, Sections 123.32, Subdivision 8a and 204A.515.

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

Carlson, D.; Ainley and Munger introduced:

H. F. No. 2015, A bill for an act relating to natural resources; authorizing additional conservation officers; appropriating money.

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

Nelson, Casserly, Clark, Long and Dean introduced:

H. F. No. 2016, A bill for an act relating to Special Independent School District No. 1, Minneapolis, and Independent School District No. 709; authorizing certain agreements between Special School District No. 1 and the exclusive representative of its teachers about teacher terminations; expanding the definition of teachers in the same authorization for Independent School District No. 709; amending Laws 1974, Chapter 237, Section 1.

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

Nelson, Casserly, Clark, Long and Dean introduced:

H. F. No. 2017, A bill for an act relating to education; extending the applicability of an early retirement incentive for teachers employed by school districts implementing certain desegregation plans; amending Minnesota Statutes, 1979 Supplement, Section 125.61, Subdivision 3a.

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

Reding, Heap, Rice, Rodriguez and Simoneau introduced:

H. F. No. 2018, A bill for an act relating to public employees; expanding the right of public employees to strike; requiring joint requests for arbitration; amending Minnesota Statutes 1978, Sections 179.61; 179.65, Subdivision 7; 179.66, Subdivision 8; 179.69, Subdivisions 3, 5 and 6; 179.72, Subdivisions 6 and 10; and Minnesota Statutes, 1979 Supplement, Section 179.64, Subdivision 7.

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

Nelsen, M.; McEachern; Nelsen, B., and Anderson, D., introduced:

H. F. No. 2019, A bill for an act relating to education; the maximum effort school aid law; changing the definition of "maximum effort debt service levy"; authorizing the sale of bonds for the maximum effort school loan fund; appropriating money; amending Minnesota Statutes 1978, Sections 124.38, Subdivision 7; 124.43, Subdivisions 1 and 2.

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

Wynia, Clawson, Osthoff, Corbid and Heinitz introduced:

H. F. No. 2020, A bill for an act relating to state government; requiring certain state-leased space and state agency meetings to be accessible to physically handicapped persons; requiring certain auxiliary aids for physically handicapped participants at state agency meetings; amending Minnesota Statutes 1978, Section 16.85, Subdivisions 1b and 1c; and Chapter 15, by adding a section.

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

Nelson introduced:

H. F. No. 2021, A bill for an act relating to public and private transit; encouraging and facilitating the use of car pooling, van pooling, ride sharing and public transportation; requiring use of gasohol in certain state-owned vehicles; requiring certain studies and reports; creating a commuter vehicle investment income tax credit; appropriating money; amending Minnesota Statutes 1978, Sections 16.72, Subdivisions 1 and 7; and Minnesota Statutes, 1979 Supplement, Section 16.723.

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

Reding introduced:

H. F. No. 2022, A bill for an act relating to the city of Austin; authorizing the establishment and financing of the capital cost of a solid waste disposal system and program.

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

Cassery, Pehler, Schreiber, Wynia and Pleasant introduced:

H. F. No. 2023, A bill for an act relating to waste management; establishing a waste management board and a legislative commission; providing for a state government resource recovery program; providing for solid waste planning assistance and demonstration programs; providing for the issuance of state waste management bonds; providing for the establishment of solid waste management districts; requiring hazardous waste management planning and development; establishing procedures for the review and approval of permits for waste facilities; authorizing debt; appropriating money; amending Minnesota Statutes 1978, Sections 116.06, Subdivisions 9, 10, 13, and by adding subdivisions; 116.07, Subdivisions 2, 4, 4a, and by adding a subdivision; 116.081, Subdivision 1; 116.101; 116.11; 116.41; 400.03, Subdivision 1; 400.04; 400.06; 400.07; 400.13; 400.16; 400.161; 473.121, by adding a subdivision; 473.149; 473.502; 473.516; 473.802; 473.803; 473.811; 473.812, Subdivision 3; 473.813; 473.823, by adding a subdivision; Chapter 400, by adding a section; and Chapter 473, by adding sections; repealing Minnesota Statutes 1978, Sections 116F.01 to 116F.05; 400.03, Subdivisions 2 to 7; 473.121, Subdivisions 27 to 31c; and 473.823, Subdivisions 1, 2, and 4.

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

Minne introduced:

H. F. No. 2024, A bill for an act relating to the city of Hibbing; authorizing development and administration of a housing program within the city, including that part of the city which formerly comprised the town of Stuntz.

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

Osthoff, Ainley, Wieser, Kostohryz and Munger introduced:

H. F. No. 2025, A bill for an act relating to game and fish; requiring field identification of big game licensees; amending Minnesota Statutes 1978, Section 98.46, by adding a subdivision.

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

Osthoff introduced:

H. F. No. 2026, A bill for an act relating to state government; revising the civil service law; amending Minnesota Statutes 1978, Section 43.30.

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

Osthoff introduced:

H. F. No. 2027, A bill for an act relating to intoxicating liquor; fees for club or veterans' organization on-sale licenses; amending Minnesota Statutes, 1979 Supplement, Section 340.11, Subdivision 11.

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

Sieben, H., introduced:

H. F. No. 2028, A bill for an act relating to state government; clarifying benefits of employees of former Hastings state hospital.

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

Blatz, Rothenberg and Reif introduced:

H. F. No. 2029, A bill for an act relating to highway traffic regulations; driving while under the influence of alcohol or a controlled substance; chemical tests for intoxication; authorizing the admission into evidence of a statement made by a person authorized to withdraw blood in lieu of direct testimony at trial; amending Minnesota Statutes 1978, Section 169.123, by adding a subdivision.

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

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. 1471 and 1609.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 1471, A bill for an act relating to local government; regulating elections in the city of Duluth and Independent School District 709; setting the filing dates in local primary elections back four weeks to allow the city additional time to prepare.

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

S. F. No. 1609, A bill for an act relating to education; extending the coverage of a grandfather provision allowing certain pupils to attend school in a school district other than the district in which the pupil resides; amending Minnesota Statutes, 1979 Supplement, Section 120.075.

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

POINT OF ORDER

Halberg raised a point of order that his request relating to H. F. No. 1371 pursuant to rule 1.16 was not entered in the journal.

The Speaker ruled that the point of order was not well taken.

Halberg appealed the decision of the chair.

A roll call was requested and properly seconded.

Friedrich and Nelson were excused for the remainder of today's session.

CALL OF THE HOUSE

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

Aasness	Den Ouden	Kelly	Novak	Simoneau
Adams	Drew	Kempe	Nysether	Stadum
Ainley	Eken	Knickerbocker	Olsen	Stoa
Albrecht	Elioff	Kostohryz	Onnen	Stowell
Anderson, B.	Ellingson	Kroening	Otis	Sviggum
Anderson, D.	Erickson	Kvam	Patton	Swanson
Anderson, G.	Esau	Laidig	Pehier	Thiede
Anderson, I.	Ewald	Lehto	Peterson, B.	Tomlinson
Anderson, R.	Faricy	Levi	Peterson, D.	Valan
Battaglia	Fjoslien	Long	Piepho	Valento
Begich	Forsythe	Ludeman	Prahl	Vanasek
Berglin	Fritz	Luknic	Redalen	Voss
Berkelman	Greenfield	Mann	Reding	Weaver
Biersdorf	Halberg	McCarron	Rees	Welch
Blatz	Haukoos	McDonald	Reif	Welker
Brinkman	Heap	McEachern	Rodriguez	Wenzel
Byrne	Hoberg	Mehrkens	Rose	Wieser
Carlson, D.	Hokanson	Metzen	Rothenberg	Wigley
Carlson, L.	Jaros	Minne	Sarna	Wynia
Casserly	Jennings	Moe	Schreiber	Zubay
Clark	Johnson, C.	Munger	Searle	Spkr. Norton
Clawson	Jude	Nelsen, B.	Searles	
Corbid	Kahn	Nelsen, M.	Sherwood	
Dean	Kaley	Niehaus	Sieben, H.	
Dempsey	Kalis	Norman	Sieben, M.	

Sieben, H., 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.

Casserly moved that the appeal of the decision of the chair by Halberg be laid on the table.

A roll call on the Casserly motion was requested and properly seconded.

The question was taken on the Casserly motion and the roll was called. There were 65 yeas and 63 nays as follows:

Those who voted in the affirmative were:

Adams	Clawson	Kalis	Murphy	Sieben, H.
Anderson, B.	Corbid	Kelly	Nelsen, M.	Sieben, M.
Anderson, G.	Eken	Kostohryz	Novak	Simoneau
Anderson, I.	Elioff	Kroening	Osthoff	Stoa
Battaglia	Ellingson	Lehto	Otis	Swanson
Begich	Faricy	Long	Patton	Tomlinson
Berglin	Greenfield	Mann	Pehler	Vanasek
Berkelman	Hokanson	McCarron	Peterson, D.	Voss
Brinkman	Jacobs	McEachern	Prahl	Waldorf
Byrne	Jaros	Metzen	Reding	Welch
Carlson, L.	Johnson, C.	Minne	Rice	Wenzel
Casserly	Jude	Moe	Rodriguez	Wynia
Clark	Kahn	Munger	Sarna	Spkr. Norton

Those who voted in the negative were:

Aasness	Esau	Knickerbocker	Onnen	Stadum
Ainley	Ewald	Kvam	Peterson, B.	Stowell
Albrecht	Fjoslien	Laidig	Piepho	Sviggum
Anderson, D.	Forsythe	Levi	Pleasant	Thiede
Anderson, R.	Fritz	Ludeman	Redalen	Valan
Biersdorf	Halberg	Luknic	Rees	Valento
Blatz	Haukoos	McDonald	Reif	Weaver
Carlson, D.	Heap	Mehrkens	Rose	Welker
Dean	Heinitz	Nelsen, B.	Rothenberg	Wieser
Dempsey	Hoberg	Niehaus	Schreiber	Wigley
Den Ouden	Jennings	Norman	Searle	Zubay
Drew	Kaley	Nysether	Searles	
Erickson	Kempe	Olsen	Sherwood	

The Casserly motion prevailed and the appeal of the decision of the chair by Halberg was laid on the table.

CALL OF THE HOUSE LIFTED

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

CONSENT CALENDAR

H. F. No. 1693, A resolution memorializing the President and Vice President of the United States, the United States Congress, and the United States Secretary of Defense to select the Duluth Air Force Base as the Space Shuttle Control Center.

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 1 nay as follows:

Those who voted in the affirmative were:

Aasness	Eken	Kempe	Nysether	Simoneau
Adams	Elioff	Knickerbocker	Olsen	Stadum
Ainley	Ellingson	Kostohryz	Onnen	Stoa
Albrecht	Erickson	Kroening	Osthoff	Stowell
Anderson, B.	Esau	Kvam	Patton	Sviggum
Anderson, D.	Ewald	Laidig	Pehler	Swanson
Anderson, G.	Faricy	Lehto	Peterson, B.	Thiede
Anderson, I.	Fjoslien	Levi	Peterson, D.	Tomlinson
Anderson, R.	Forsythe	Long	Piepho	Valan
Battaglia	Fritz	Ludeman	Pleasant	Valento
Begich	Greenfield	Luknic	Prahl	Vanasek
Berglin	Halberg	Mann	Redalen	Voss
Berkelman	Haukoos	McCarron	Reding	Waldorf
Biersdorf	Heap	McDonald	Rees	Weaver
Blatz	Heinitz	McEachern	Reif	Welch
Brinkman	Hoberg	Mehrrens	Rice	Welker
Byrne	Hokanson	Metzen	Rodriguez	Wenzel
Carlson, D.	Jacobs	Minne	Rose	Wieser
Carlson, L.	Jaros	Moe	Rothenberg	Wigley
Casserly	Jennings	Munger	Sarna	Wynia
Clark	Johnson, C.	Murphy	Schreiber	Zubay
Clawson	Jude	Nelsen, B.	Searle	Spkr. Norton
Dean	Kahn	Nelsen, M.	Searles	
Dempsey	Kaley	Niehaus	Sherwood	
Den Ouden	Kalis	Norman	Sieben, H.	
Drew	Kelly	Novak	Sieben, M.	

Those who voted in the negative were:

Corbid

The bill was passed and its title agreed to.

CALENDAR

H. F. No. 941, A bill for an act relating to corrections; creating a code of corrections; reorganizing various laws relating to corrections, including laws relating to the commissioner, personnel, the ombudsman, compacts, acts, and agreements, institutions, industries, offenders, community-based services, and releases; providing penalties; amending Minnesota Statutes 1978, Sections 244.01, Subdivisions 1 and 2; 244.08; 609.165, Subdivi-

sion 1; Chapters 144, by adding a section; 244, by adding a section; and 631, by adding sections; repealing Minnesota Statutes 1978, Sections 241.01; 241.02; 241.021; 241.022; 241.045; 241.05; 241.06; 241.07; 241.08; 241.09; 241.10; 241.11; 241.13; 241.14; 241.15; 241.16; 241.17; 241.18; 241.19; 241.20; 241.21; 241.22; 241.23; 241.25; 241.251; 241.26, Subdivisions 1 to 6; 241.271; 241.28; 241.29; 241.30; 241.31; 241.32; 241.41; 241.42; 241.43; 241.44; 241.45; 241.51; 241.52; 241.53; 241.55; 241.56; 241.57; 241.58; 241.61; 241.62; 241.63; 241.64; 241.65; 241.66; 241.69; 242.09; 242.10; 242.14; 242.18; 242.19; 242.20; 242.21; 242.22; 242.23; 242.24; 242.31; 242.32; 242.37; 242.375; 242.385; 242.43; 242.44; 242.45; 242.46; 242.47; 242.48; 242.52; 242.53; 242.55; 243.05; 243.06; 243.07; 243.09; 243.10; 243.12; 243.14; 243.15; 243.16; 243.17; 243.18; 243.20; 243.211; 243.22; 243.23; 243.24; 243.25; 243.26; 243.465; 243.49; 243.50; 243.51; 243.52; 243.53; 243.57; 243.58; 243.61; 243.62; 243.64; 243.78; 243.87; 243.88; 243.91; 260.51; 260.52; 260.53; 260.54; 260.55; 260.56; 260.57; 609.105, Subdivision 2; 609.12; 629.292; 629.294; and Chapter 401; and Minnesota Statutes, 1979 Supplement, Sections 241.023; 241.024; 241.26, Subdivision 7; 241.27; 242.41; 242.51; 243.21; 243.40; 243.48; 243.55; 243.56; 243.59; 243.75; and 243.90.

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 118 yeas and 8 nays as follows:

Those who voted in the affirmative were:

Adams	Elioff	Kempe	Novak	Sieben, M.
Ainley	Ellingson	Kostohryz	Nysether	Simoneau
Anderson, B.	Erickson	Kroening	Olsen	Stadum
Anderson, D.	Esau	Kvam	Otis	Stoa
Anderson, G.	Ewald	Laidig	Patton	Stowell
Battaglia	Faricy	Lehto	Pehler	Sviggum
Begich	Forsythe	Levi	Peterson, B.	Swanson
Berglin	Fritz	Long	Peterson, D.	Thiede
Berkelman	Greenfield	Ludeman	Piepho	Tomlinson
Biersdorf	Halberg	Luknic	Pleasant	Valan
Blatz	Haukoos	Mann	Prahl	Valento
Brinkman	Heap	McCarron	Redalen	Vanasek
Byrne	Heinitz	McDonald	Reding	Voss
Carlson, D.	Hoberg	McEachern	Rees	Waldorf
Carlson, L.	Hokanson	Mehrkens	Reif	Weaver
Casserly	Jacobs	Metzen	Rice	Welch
Clark	Jaros	Minne	Rodriguez	Welker
Clawson	Jennings	Moe	Rose	Wenzel
Corbid	Johnson, C.	Munger	Rothenberg	Wigley
Dean	Jude	Murphy	Schreiber	Wynia
Dempsey	Kahn	Nelsen, B.	Searle	Zubay
Den Ouden	Kaley	Nelsen, M.	Searles	Spkr. Norton
Drew	Kalis	Niehaus	Sherwood	
Eken	Kelly	Norman	Sieben, H.	

Those who voted in the negative were:

Aasness	Anderson, I.	Fjoslien	Onnen	Wieser
Albrecht	Anderson, R.	Knickerbocker		

The bill was passed and its title agreed to.

H. F. No. 649 was reported to the House and given its third reading.

McDonald moved that H. F. No. 649 be re-referred to the Committee on Governmental Operations.

A roll call was requested and properly seconded.

The question was taken on the motion and the roll was called. There were 55 yeas and 64 nays as follows:

Those who voted in the affirmative were:

Aasness	Esau	McDonald	Redalen	Stowell
Adams	Forsythe	McEachern	Rees	Sviggun
Ainley	Fritz	Mehrkens	Reif	Swanson
Albrecht	Halberg	Nelsen, B.	Rice	Thiede
Anderson, R.	Haukoos	Niehaus	Rose	Valan
Biersdorf	Hoberg	Norman	Sarna	Valento
Brinkman	Jennings	Nysether	Schreiber	Weaver
Dempsey	Kvam	Onnen	Searle	Welker
Den Ouden	Levi	Osthoff	Searles	Wenzel
Drew	Ludeman	Piepho	Sherwood	Wieser
Erickson	Luknic	Pleasant	Stadum	Zubay

Those who voted in the negative were:

Anderson, B.	Eken	Kaley	Murphy	Sieben, H.
Anderson, D.	Elioff	Kalis	Nelsen, M.	Sieben, M.
Anderson, G.	Ellingson	Kelly	Novak	Simoneau
Berglin	Ewald	Kempe	Olsen	Stoa
Berkelman	Faricy	Kostohryz	Otis	Tomlinson
Byrne	Fjoslien	Kroening	Patton	Vanasek
Carlson, D.	Greenfield	Laidig	Pehler	Voss
Carlson, L.	Hokanson	Lehto	Peterson, B.	Waldorf
Casserly	Jacobs	Long	Peterson, D.	Welch
Clark	Jaros	Mann	Prahl	Wigley
Clawson	Johnson, C.	McCarron	Reding	Wynia
Corbid	Jude	Minne	Rodriguez	Spkr. Norton
Dean	Kahn	Munger	Rothenberg	

The motion did not prevail.

H. F. No. 649, A bill for an act relating to nuclear energy; providing for the storage and disposal of certain radioactive wastes; requiring licensure of radioactive waste management facilities in Minnesota.

The bill was placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 64 yeas and 63 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Corbid	Kahn	Nelsen, M.	Sieben, M.
Anderson, D.	Dean	Kelly	Norman	Simoneau
Anderson, G.	Eken	Kempe	Novak	Stoa
Battaglia	Elioff	Kostohryz	Otis	Swanson
Begich	Ellingson	Kroening	Pehler	Tomlinson
Berglin	Faricy	Laidig	Peterson, B.	Vanasek
Berkelman	Fjoslien	Lehto	Peterson, D.	Voss
Byrne	Greenfield	Long	Prahl	Waldorf
Carlson, D.	Hokanson	Mann	Reding	Welch
Carlson, L.	Jacobs	McCarron	Rodriguez	Wenzel
Casserly	Jaros	Moe	Rothenberg	Wynia
Clark	Johnson, C.	Munger	Sherwood	Spkr. Norton
Clawson	Jude	Murphy	Sieben, H.	

Those who voted in the negative were:

Aasness	Esau	Levi	Osthoff	Stadum
Adams	Forsythe	Ludeman	Patton	Stowell
Ainley	Fritz	Luknic	Piepho	Svigum
Albrecht	Halberg	McDonald	Pleasant	Thiede
Anderson, I.	Haukoos	McEachern	Redalen	Valan
Anderson, R.	Heap	Mehrkens	Rees	Valento
Biersdorf	Heinitz	Metzen	Reif	Weaver
Blatz	Hoberg	Minne	Rice	Welker
Brinkman	Jennings	Nelsen, B.	Rose	Wieser
Dempsey	Kaley	Niehaus	Sarna	Wigley
Den Ouden	Kalis	Nysether	Schreiber	Zubay
Drew	Knickerbocker	Olsen	Searle	
Erickson	Kvam	Onnen	Searles	

The bill was not passed.

Aasness was excused at 4:15 p.m. Wigley was excused at 4:30 p.m.

GENERAL ORDERS

Pursuant to rules of the House, the House resolved itself into the Committee of the Whole, with Norton in the Chair, for the consideration of bills pending on General Orders of the Day. After some time spent therein the Committee arose.

REPORT OF COMMITTEE OF THE WHOLE

The Speaker resumed the Chair, whereupon the following proceedings of the Committee as kept by the Chief Clerk were reported to the House:

H. F. No. 929 which it recommended re-referral to the Committee on Appropriations.

H. F. No. 980 which it recommended progress until Monday, March 3, 1980.

S. F. No. 1166 which it recommended progress until Monday, February 18, 1980 retaining its place on General Orders.

S. F. No. 1199 which it recommended progress until Monday, February 25, 1980.

S. F. No. 410 which it recommended to pass with the following amendments to the unofficial engrossment:

Offered by McCarron:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1978, Section 490.15, Subdivision 1, is amended to read:

490.15 [ESTABLISHMENT; COMPOSITION.] Subdivision 1. The board on judicial standards is established and consists of one judge of the district court, one judge of a municipal (COURT, ONE JUDGE OF) or county court, two lawyers who have practiced law in the state for ten years and (FOUR) five citizens who are not judges, retired judges or lawyers. *The board may employ or appoint an executive secretary (IS APPOINTED BY THE GOVERNOR. COMMENCING JULY 1, 1980, THE BOARD SHALL APPOINT THE EXECUTIVE SECRETARY). Members representing the district, municipal, and county courts shall be appointed by the chief justice of the supreme court. All other members shall be appointed by the governor (WITH). The appointment of all members shall be subject to the advice and consent of the senate and house. No member shall serve more than two full four-year terms or their equivalent. Membership terminates if a member ceases to hold the position that qualified him for appointment. The additional citizen member shall be appointed to fill the term of the first vacancy of a municipal or county court representative.”*

Amend the title, as follows:

Page 1, line 4, after the semicolon insert “providing for appointment of members to the board;”

Offered by Voss as amended by the McCarron amendment:

Page 2, after line 4, add a section to read:

“Sec. 2. Minnesota Statutes 1978, Section 490.15, is amended by adding a subdivision to read:

Subd. 3. Notwithstanding the provisions of chapter 480, no rule promulgated by the supreme court shall supersede the provisions of sections 490.15, 490.16 and 490.18.”

Further amend the title:

Page 1, line 5, after "Subdivision 1" insert ", and by adding a subdivision"

H. F. No. 1307 which it recommended to pass with the following amendments:

Offered by Rice:

Page 2, line 32, delete section 5 from the bill

Page 3, line 32, delete section 6 from the bill

Renumber sections accordingly

Further, amend the title as follows:

Page 1, line 6, delete "238.07; 238.08, Subdivision 4;"

Offered by Laidig:

Page 5, line 1, delete "*obscene or*"

On the motion of Sieben, H., the report of the Committee of the Whole was adopted.

ROLL CALLS IN COMMITTEE OF THE WHOLE

Pursuant to rule 1.6, the following roll call was taken in the Committee of the Whole:

Welker moved to amend H. F. No. 1307, as amended, as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1978, Sections 238.01 through 238.17 are repealed. All rules promulgated pursuant to these sections are repealed.

Sec. 2. Any contested case or court action pending before the cable communications board on the effective date of this section may be completed by the department of administration, if such action is not made moot by section 1.

Sec. 3. All contracts, books, maps, plans, papers, records and property of every description within the jurisdiction or control of the cable communications board shall become the property of the department of administration.

Sec. 4. All unexpended funds appropriated to the cable communications board shall revert to the general fund.

Sec. 5. All classified employees of the cable communications board are transferred to the department of administration. The positions of all unclassified employees of the cable communications board are abolished. Nothing herein shall be construed as abrogating or modifying any rights now enjoyed by affected employees under terms of an agreement between an exclusive bargaining representative and the state."

Delete the title and insert:

"A bill for an act relating to cable communications; abolishing the cable communications board; repealing Minnesota Statutes 1978, Sections 238.01 through 238.17."

The question was taken on the amendment and the roll was called. There were 59 yeas and 60 nays as follows:

Those who voted in the affirmative were:

Aasness	Erickson	Kaley	Olsen	Sherwood
Ainley	Esau	Kalis	Onnen	Stadum
Albrecht	Fjoslien	Knickerbocker	Peterson, B.	Stoa
Anderson, B.	Forsythe	Kvam	Piepho	Stowell
Anderson, G.	Fritz	Laidig	Pleasant	Sviggum
Biersdorf	Halberg	Levi	Redalen	Thiede
Blatz	Haukoos	Ludeman	Rees	Valan
Carlson, D.	Heap	McDonald	Reif	Valento
Dean	Heinitz	Mehrkens	Rose	Welker
Dempsey	Hoberg	Nelsen, B.	Rothenberg	Wieser
Den Ouden	Jennings	Niehaus	Searle	Zubay
Drew	Jude	Nysether	Searles	

Those who voted in the negative were:

Adams	Eken	Kroening	Nelsen, M.	Sieben, M.
Anderson, I.	Elioff	Lehto	Novak	Simoneau
Battaglia	Ellingson	Long	Osthoff	Swanson
Begich	Farcy	Luknic	Otis	Tomlinson
Berglin	Greenfield	Mann	Patton	Vanasek
Brinkman	Hokanson	McCarron	Peterson, D.	Voss
Byrne	Jacobs	McEachern	Prahl	Waldorf
Carlson, L.	Jaros	Metzen	Reding	Weaver
Casserly	Kahn	Minne	Rice	Welch
Clark	Kelly	Moe	Rodriguez	Wenzel
Clawson	Kempe	Munger	Sarna	Wynia
Corbid	Kostohryz	Murphy	Sieben, H.	Spkr. Norton

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

Sieben, H., moved that when the House adjourns today it adjourn until 2:00 p.m., Monday, February 18, 1980. The motion prevailed.

McDonald moved that the vote whereby H. F. No. 649 was not passed on the Calendar for today be now reconsidered.

ADJOURNMENT

Sieben, H., moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:00 p.m., Monday, February 18, 1980.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

STATE OF MINNESOTA

SEVENTY-FIRST SESSION - 1980

SIXTY-EIGHTH DAY

SAINT PAUL, MINNESOTA, MONDAY, FEBRUARY 18, 1980

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

Prayer was offered by the Chaplain.

The roll was called and the following members were present:

Aasness	Drew	Kahn	Niehaus	Sherwood
Adams	Eken	Kaley	Norman	Sieben, H.
Ainley	Elioff	Kalis	Novak	Sieben, M.
Albrecht	Ellingson	Kelly	Nysether	Simoneau
Anderson, B.	Erickson	Kempe	Olsen	Stadum
Anderson, D.	Esau	Knickerbocker	Onnen	Stoa
Anderson, G.	Evans	Kostohryz	Osthoff	Stowell
Anderson, I.	Ewald	Kroening	Otis	Sviggum
Anderson, R.	Faricy	Kvam	Patton	Swanson
Battaglia	Fjoslien	Laidig	Pehler	Thiede
Begich	Forsythe	Lehto	Peterson, B.	Tomlinson
Berglin	Friedrich	Levi	Peterson, D.	Valan
Berkelman	Fritz	Ludeman	Piepho	Valento
Biersdorf	Fudro	Luknic	Pleasant	Vanasek
Blatz	Greenfield	Mann	Prahl	Voss
Brinkman	Halberg	McCarron	Redalen	Waldorf
Byrne	Haukoos	McDonald	Reding	Weaver
Carlson, D.	Heap	McEachern	Rees	Welch
Carlson, L.	Heinitz	Mehrkens	Reif	Welker
Casserly	Hoberg	Metzen	Rice	Wenzel
Clark	Hokanson	Minne	Rodriguez	Wieser
Clawson	Jacobs	Moe	Rose	Wigley
Corbid	Jaros	Munger	Rothenberg	Wynia
Crandall	Jennings	Murphy	Sarna	Zubay
Dean	Johnson, C.	Nelsen, B.	Schreiber	Spkr. Norton
Dempsey	Johnson, D.	Nelsen, M.	Searle	
Den Ouden	Jude	Nelson	Searles	

A quorum was present.

Long was excused.

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

REPORTS OF CHIEF CLERK

Pursuant to Rules of the House, printed copies of H. F. No. 1307 and S. F. Nos. 1471, 1609, 1215, 1670 and 410 have been placed in the members' files.

PETITIONS AND COMMUNICATIONS

The following communication was received:

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

February 14, 1980

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

The Honorable Edward J. Gearty
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1980 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

<i>S.F.</i> <i>No.</i>	<i>H.F.</i> <i>No.</i>	<i>Session Laws</i> <i>Chapter No.</i>	<i>Date Approved</i> <i>1980</i>	<i>Date Filed</i> <i>1980</i>
618		345	February 14	February 14

Sincerely,

JOAN ANDERSON GROWE
Secretary of State

REPORTS OF STANDING COMMITTEES

Brinkman from the Committee on Financial Institutions and Insurance to which was referred:

H. F. No. 1800, A bill for an act relating to health care; regulating benefits made available under certain health care plans; requiring coverage for reconstructive surgery under certain conditions; amending Minnesota Statutes 1978, Section 62E.06, Subdivision 1, as amended, and Chapter 62A, by adding a section.

Reported the same back with the following amendments:

Page 1, line 13, delete "*group*"

Page 1, line 19, after "*§2C*" insert a period and delete the remainder of the line

Page 1, delete lines 20 to 23

Page 2, delete lines 1 to 4

Page 2, line 5, delete "*No*" and insert "*Every*"

Page 2, line 6, delete "*exclude*" and insert "*provide*"

Page 2, line 8, delete "*trauma, infection*" and insert "*injury, sickness*"

Page 2, line 12, after "*defect*" insert "*as determined by the attending physician*"

Page 4, line 16, delete "*trauma, infection*" and insert "*injury, sickness*"

Page 4, line 20, after "*defect*" insert "*as determined by the attending physician*"

With the recommendation that when so amended the bill pass.

The report was adopted.

Faricy from the Committee on Judiciary to which was referred:

S. F. No. 1248, A bill for an act relating to guardianship; establishing criteria for the selection of guardians and conservators; amending Minnesota Statutes 1978, Section 525.544.

Reported the same back with the following amendments:

Page 2, line 4, delete "*is*" and insert "*shall*"

Page 2, line 5, after "*not*" insert "*be*"

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

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. No. 1800 was read for the second time.

SECOND READING OF SENATE BILLS

S. F. No. 1248 was read for the second time.

INTRODUCTION AND FIRST READING
OF HOUSE BILLS

The following House Files were introduced:

Dempsey, Piepho and McDonald introduced:

H. F. No. 2030, A bill for an act relating to probate; allowing claims based on certain medical assistance to be made against the homestead; amending Minnesota Statutes 1978, Sections 510.05; and 525.16.

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

Dempsey introduced:

H. F. No. 2031, A bill for an act relating to courts; providing district court judges with reimbursement for travel and other expenses; providing that the chief judge in a judicial district shall be a judge of the district court; authorizing the judge of any court to be an assistant chief judge; authorizing the district court judges to establish a starting salary in the event of a vacancy in the office of clerk of district court; requiring the state court administrator to consult with the district court judges prior to certification that the clerk of district court has failed to perform his duties; providing for appeal to the court upon a jury commissioner's refusal to grant an excuse from jury service to a prospective juror; appropriating money; amending Minnesota Statutes 1978, Sections 484.54, Subdivision 3; 484.69, Subdivision 2; 485.018, Subdivisions 2 and 2a; and 593.45, by adding a subdivision; Minnesota Statutes, 1979 Supplement, Section 484.54, Subdivision 1; repealing Minnesota Statutes 1978, Section 484.54, Subdivision 2.

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

Peterson, B.; Munger; Brinkman; Norman and Searle introduced:

H. F. No. 2032, A bill for an act relating to state lands; changing the interest rate on unpaid sale balances; amending Minnesota Statutes 1978, Section 92.06, Subdivision 1.

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

Moe, Patton and Berglin introduced:

H. F. No. 2033, A bill for an act relating to retirement; local police and salaried firefighters' relief associations; authorizing certain municipalities to modify retirement coverage and benefits for certain police officers and firefighters by local action; establishing a local police and salaried firefighters' relief association amortization state aid program; appropriating money; amending Minnesota Statutes 1978, Section 69.77, Subdivision 2.

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

Clark, Dean, Kahn and Crandall introduced:

H. F. No. 2034, A bill for an act relating to the city of Minneapolis; providing for positions in the unclassified service; amending Laws 1969, Chapter 937, Section 1, Subdivision 1, as amended, and by adding subdivisions.

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

Johnson, C., and Battaglia introduced:

H. F. No. 2035, A bill for an act relating to historic sites and monuments; adding property to Split Rock Lighthouse historic site; reestablishing Traverse des Sioux historic site as a state monument; appropriating funds; amending Minnesota Statutes 1978, Sections 138.025, Subdivision 10; and 138.585, by adding a subdivision; repealing Minnesota Statutes 1978, Section 138.55, Subdivision 5.

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

Pehler and Rice introduced:

H. F. No. 2036, A bill for an act relating to labor; regulating migrant labor; requiring employers and recruiters to provide statements of hire to migrant workers; setting requirements for statements of hire and for payments of wages to migrant workers; providing for private causes of action.

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

Kaley, Heinitz, Adams, Rose and Simoneau introduced:

H. F. No. 2037, A bill for an act relating to workers' compensation; changing special compensation fund assessment procedures; providing for reimbursement to certain insurers; amending Minnesota Statutes, 1979 Supplement, Sections 176.131, Subdivision 10; and 176.191, Subdivision 3.

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

Mehrkens, Luknic, Jacobs, Eken and Evans introduced:

H. F. No. 2038, A bill for an act relating to taxation; motor vehicle, excise; providing a credit on the excise tax for the value of a motor vehicle destroyed in an accident in certain transactions; amending Minnesota Statutes 1978, Section 297B.01, Subdivision 8.

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

Battaglia, Elihoff, Begich and Minne introduced:

H. F. No. 2039, A bill for an act relating to retirement; extending coverage in the public employees retirement association to certain employees; amending Minnesota Statutes, 1979 Supplement, Section 353.01, Subdivision 2a.

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

Stoa introduced:

H. F. No. 2040, A bill for an act relating to privacy; providing for classification of certain welfare data; amending Minnesota Statutes, 1979 Supplement, Section 15.1691, Subdivision 3.

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

Stoa introduced:

H. F. No. 2041, A bill for an act relating to administrative rules; repealing rules adopted without a hearing conducted by the office of hearing examiners; providing authority to adopt new rules; setting a schedule for repeal of rules.

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

Biersdorf introduced:

H. F. No. 2042, A bill for an act relating to state lands; providing for the conveyance of certain lands to the city of Owatonna.

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

Peterson, D.; Anderson, I.; Laidig and Halberg introduced:

H. F. No. 2043, A bill for an act relating to elections; authorizing time off from work for election judges; amending Minnesota Statutes 1978, Section 204A.18, by adding a subdivision.

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

Jacobs, Kempe, Voss and Kroening introduced:

H. F. No. 2044, A bill for an act relating to taxation; income; providing a deduction for the cost of removal of diseased trees; amending Minnesota Statutes 1978, Section 290.09, by adding a subdivision.

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

Reding; Ewald; Anderson, G.; Johnson, D., and Kalis introduced:

H. F. No. 2045, A bill for an act relating to economic development; creating a small business finance agency with authority to borrow to provide loans for small business projects.

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

Pehler; Biersdorf; Anderson, G.; Anderson, R., and Reding introduced:

H. F. No. 2046, A bill for an act establishing the Minnesota small business conference; providing for its organization, meetings and procedures; appropriating money.

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

Simoneau, Laidig, Patton, Byrne and Rose introduced:

H. F. No. 2047, A bill for an act relating to state government; raising the limit on the balance allowed to remain in the state auditor's revolving fund; empowering the state auditor to establish a personnel recruitment, hiring, promotional, and salary plan in consultation with the commissioner of the department of personnel; amending Minnesota Statutes 1978, Section 6.58; and Chapter 6, by adding a section.

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

Simoneau, Laidig, Patton, Rose and Byrne introduced:

H. F. No. 2048, A bill for an act relating to the state auditor; providing that the report to the legislature on the general financial condition of the various volunteer firefighters' relief associations be prepared as time and resources permit; authorizing the auditor to examine the accounts of certain police relief associations; providing for location of the auditor's offices; amending Minnesota Statutes 1978, Section 10.01; Chapter 423, by adding sections; and Minnesota Statutes, 1979 Supplement, Section 6.72, Subdivision 1.

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

Hoberg and Valan introduced:

H. F. No. 2049, A bill for an act relating to the city of Moorhead; increasing the amount which the city may expend under a contract for public transportation services; amending Laws 1969, Chapter 192, Section 1.

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

Schreiber, Dempsey, Jacobs, Johnson, C., and Pehler introduced:

H. F. No. 2050, A bill for an act relating to transportation; authorizing home rule charter and statutory cities to advance money to the commissioner of transportation to expedite highway construction and improvements within their corporate boundaries; authorizing the issuance of bonds by the cities for that purpose; providing for the financing of the cities' share of the project; authorizing agreements for that purpose.

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

Begich, Battaglia, Elioff, Minne and Berkelman introduced:

H. F. No. 2051, A bill for an act relating to elections; requiring certain employers to attempt to let employees make up time taken off for certain public meetings; amending Minnesota Statutes 1978, Section 210A.09, Subdivision 2.

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

Jennings, Searle, Piepho, Voss and Eken introduced:

H. F. No. 2052, A bill for an act relating to taxation; sales tax; increasing the tax on sales through coin operated vending machines to four percent; amending Minnesota Statutes 1978, Section 297A.02.

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

Kroening, Nelson, Kelly and Rothenberg introduced:

H. F. No. 2053, A bill for an act relating to public utilities; repealing authority of a public utility or telephone company to impose increased rates pending a final determination by the public service commission; repealing Minnesota Statutes 1978, Sections 216B.16, Subdivision 3; and 237.075, Subdivision 3.

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

Wynia, Levi, Schreiber, Kroening and Berkelman introduced:

H. F. No. 2054, A bill for an act relating to municipal industrial development; defining projects appropriate for development; amending Minnesota Statutes 1978, Section 474.02, Subdivision 1c.

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

Greenfield; Anderson, I.; Dean; Kahn and Laidig introduced:

H. F. No. 2055, A bill for an act relating to communications; establishing a program of special grants to noncommercial radio stations; appropriating money.

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

Haukoos, Munger and Metzen introduced:

H. F. No. 2056, A bill for an act relating to public employment; clarifying the definition of essential employees; amending Minnesota Statutes, 1979 Supplement, Section 179.63, Subdivision 11.

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

Haukoos, Reif, Jennings, Metzen and Munger introduced:

H. F. No. 2057, A bill for an act relating to commerce; regulating the licensing of electricians; amending Minnesota Statutes 1978, Section 326.242, Subdivision 2.

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

Albrecht; Ludeman; Anderson, G.; Sviggum and Redalen introduced:

H. F. No. 2058, A bill for an act relating to cooperatives; authorizing the board of directors by resolution to allow stockholders to elect members of the board by mail vote; amending Minnesota Statutes 1978, Section 308.07, Subdivision 10.

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

Kvam, Tomlinson, Dempsey, Schreiber and Casserly introduced:

H. F. No. 2059, A bill for an act relating to taxation; real property; extending the definition of family farm corporation for certain purposes; amending Minnesota Statutes 1978, Section 273.111, Subdivision 3.

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

Kroening, Ainley, Searle, Anderson, I., and Norton introduced:

H. F. No. 2060, A bill for an act relating to housing; appropriating money for American Indian housing.

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

Rees, Heinitz, Metzen, Patton and Hoberg introduced:

H. F. No. 2061, A bill for an act relating to state government; renaming the securities division of the department of commerce; amending Minnesota Statutes 1978, Section 45.01.

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

Jaros; Carlson, D.; Vanasek; Osthoff and Byrne introduced:

H. F. No. 2062, A bill for an act relating to elections; eliminating broadcast exception from prohibition of defamatory statements about candidates; amending Minnesota Statutes 1978, Section 210A.04, Subdivisions 1 and 2.

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

Tomlinson, McEachern, Kvam, Novak and Jennings introduced:

H. F. No. 2063, A bill for an act relating to taxation; changing settlement dates for property taxes; amending Minnesota Statutes 1978, Sections 276.09; 276.10; and 276.11.

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

Piepho, Dempsey and Wigley introduced:

H. F. No. 2064, A bill for an act relating to county conciliation courts; clarifying that the court has jurisdiction of certain replevin actions; amending Minnesota Statutes 1978, Section 487.30, by adding a subdivision.

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

Piepho; Johnson, D.; Kvam; Brinkman and Kaley introduced:

H. F. No. 2065, A bill for an act relating to motor vehicle sales; increasing interest rates; amending Minnesota Statutes 1978, Section 168.72.

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

Anderson, G., introduced:

H. F. No. 2066, A bill for an act relating to motor vehicles; registration and taxation; exempting certain tax exempt vehicles from special markings; amending Minnesota Statutes 1978, Section 168.012, Subdivision 1.

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

Heinitz, Valan, Sviggum and Brinkman introduced:

H. F. No. 2067, A bill for an act relating to financial institutions; modifying director's residence requirements for industrial loan and thrift companies; providing for a report to the commissioner in the event of a change of control; requiring insurance or guarantee of certificates of indebtedness sold or issued for investment; exempting certificates of indebtedness from the regulation of securities; amending Minnesota Statutes 1978, Sections 53.06; 53.09, Subdivision 2; Chapter 53, by adding a section; and Minnesota Statutes, 1979 Supplement, Section 80A.15, Subdivision 1.

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

Schreiber, Jacobs, Patton, Nelsen, B., and McCarron introduced:

H. F. No. 2068, A bill for an act relating to the state transportation system; authorizing the issuance and sale of Minnesota state transportation bonds; appropriating the proceeds for the payment of state and local shares of the cost of interstate highway segments and substitution projects; amending Minnesota Statutes 1978, Section 174.50, Subdivision 1.

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

Jacobs, Metzen, Ewald, Biersdorf and McEachern introduced:

H. F. No. 2069, A bill for an act relating to commerce; providing for ownership rights in dies and molds under certain conditions.

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

Laidig, Ewald, Novak, Pehler and Sieben, M., introduced:

H. F. No. 2070, A bill for an act relating to municipal industrial development; requiring consideration of certain policy matters; defining projects; amending Minnesota Statutes 1978, Section 474.02, Subdivision 1b; and Minnesota Statutes, 1979 Supplement, Section 474.01, Subdivision 7a.

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

Voss, Vanasek, Rose and Jacobs introduced:

H. F. No. 2071, A bill for an act relating to crimes; prescribing penalties for the possession of controlled substances on school premises; amending Minnesota Statutes 1978, Section 152.15, by adding a subdivision.

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

Clawson, Casserly, Patton, Berkelman and Kelly introduced:

H. F. No. 2072, A bill for an act relating to animals; prohibiting the transfer of certain animals for experimental purposes; amending Minnesota Statutes 1978, Section 35.71.

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

Nelsen, M., introduced:

H. F. No. 2073, A bill for an act relating to Aitkin county; authorizing combination on-sale and off-sale intoxicating liquor licenses.

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

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 File, herewith transmitted:

S. F. No. 1755.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 1755, A bill for an act relating to towns; permitting compensation and providing for mileage of deputy clerks; amending Minnesota Statutes 1978, Section 367.05, Subdivision 2.

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

CALENDAR

S. F. No. 410, A bill for an act relating to courts; board on judicial standards; providing for appointment of an executive secretary by the board; providing for appointment of board members by certain organizations; amending Minnesota Statutes 1978, Section 490.15, Subdivision 1.

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

The question was taken on the passage of the bill and the roll was called. There were 125 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Aasness	Den Ouden	Johnson, D.	Nelson	Searles
Adams	Drew	Jude	Niehau	Sherwood
Ainley	Eken	Kahn	Norman	Sieben, H.
Albrecht	Elioff	Kaley	Novak	Sieben, M.
Anderson, B.	Ellingson	Kalis	Nysether	Simoneau
Anderson, D.	Erickson	Kelly	Olsen	Stadum
Anderson, G.	Esau	Kempe	Onnen	Stoa
Anderson, I.	Evans	Knickerbocker	Osthoff	Stowell
Battaglia	Ewald	Kostohryz	Otis	Sviggum
Begich	Faricy	Kroening	Patton	Swanson
Berglin	Forsythe	Kvam	Pehler	Thiede
Berkelman	Friedrich	Laidig	Peterson, B.	Tomlinson
Biersdorf	Fritz	Lehto	Peterson, D.	Valan
Blatz	Fudro	Levi	Piepho	Valento
Brinkman	Greenfield	Luknic	Redalen	Voss
Byrne	Halberg	Mann	Reding	Waldorf
Carlson, D.	Haukoos	McCarron	Rees	Weaver
Carlson, L.	Heap	McDonald	Reif	Welch
Casserly	Heinitz	McEachern	Rice	Welker
Clark	Hoberg	Mehrrens	Rodriguez	Wenzel
Clawson	Hokanson	Metzen	Rose	Wieser
Corbid	Jacobs	Minne	Rothenberg	Wigley
Crandall	Jaros	Munger	Sarna	Wynia
Dean	Jennings	Murphy	Schreiber	Zubay
Dempsey	Johnson, C.	Nelsen, B.	Searle	Spkr. Norton

Those who voted in the negative were:

Ludeman

The bill was passed and its title agreed to.

H. F. No. 1307, A bill for an act relating to cable communications; regulating the franchising and operating of cable communications systems; amending Minnesota Statutes 1978, Sections 238.02, Subdivisions 3, 6 and 8; 238.05, Subdivision 17; 238.09, Subdivisions 6 and 7; 238.11, Subdivision 2; and 238.12, Subdivisions 1 and 2.

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

The question was taken on the passage of the bill and the roll was called. There were 130 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Aasness	Drew	Jude	Nelson	Searles
Adams	Eken	Kahn	Niehaus	Sherwood
Ainley	Elioff	Kaley	Norman	Sieben, H.
Albrecht	Ellingson	Kalis	Novak	Sieben, M.
Anderson, B.	Erickson	Kelly	Nysether	Simoneau
Anderson, D.	Esau	Kempe	Olsen	Stadum
Anderson, G.	Evans	Knickerbocker	Onnen	Stoa
Anderson, I.	Ewald	Kostohryz	Osthoff	Stowell
Anderson, R.	Farcy	Kroening	Otis	Sviggum
Battaglia	Fjoslien	Kvam	Patton	Swanson
Begich	Forsythe	Laidig	Pehler	Thiede
Berkelman	Friedrich	Lehto	Peterson, B.	Tomlinson
Biersdorf	Fritz	Levi	Peterson, D.	Valan
Blatz	Fudro	Ludeman	Piepho	Valento
Brinkman	Greenfield	Luknic	Pleasant	Vanasek
Byrne	Halberg	Mann	Redalen	Voss
Carlson, D.	Haukoos	McCarron	Reding	Waldorf
Carlson, L.	Heap	McDonald	Rees	Weaver
Casserly	Heinitz	McEachern	Reif	Welch
Clark	Hoberg	Mehrkens	Rice	Welker
Clawson	Hokanson	Metzen	Rodriguez	Wenzel
Corbid	Jacobs	Minne	Rose	Wieser
Crandall	Jaros	Moe	Rothenberg	Wigley
Dean	Jennings	Munger	Sarna	Wynia
Dempsey	Johnson, C.	Murphy	Schreiber	Zubay
Den Ouden	Johnson, D.	Nelsen, B.	Searle	Spkr. Norton

Those who voted in the negative were:

Berglin

The bill was passed and its title agreed to.

CONSIDERATION UNDER RULE 1.10

Pursuant to rule 1.10, Voss requested immediate consideration of S. F. No. 1670.

S. F. No. 1670 was reported to the House.

Osthoff and Pehler offered an amendment to S. F. No. 1670.

POINT OF ORDER

Searle raised a point of order pursuant to rule 3.9 that the Osthoff and Pehler amendment was not in order. The Speaker ruled the point of order well taken and the amendment out of order.

Osthoff; Carlson, L.; Pehler and Adams moved to amend S. F. No. 1670, the unofficial engrossment, as follows:

Page 7, after line 14, insert:

"Sec. 3. Minnesota Statutes, 1979 Supplement, Section 290.06, Subdivision 14, is amended to read:

Subd. 14. [RESIDENTIAL ENERGY CREDIT.] A credit of 20 percent of the first \$10,000 of renewable energy source expenditures, including the expenditures described in clauses (a), (b) and (d) if made by an individual taxpayer on a Minnesota building of six dwelling units or less and expenditures for biomass conversion equipment described in clause (c), *and a credit of 15 percent of the first \$2,000 of energy conservation expenditures made by a taxpayer and installed in or on a dwelling unit located in Minnesota*, may be deducted from the tax due under this chapter for the taxable year in which the expenditures were made. For purposes of this subdivision, the term "building" shall include a condominium or townhouse used by the taxpayer as a residence. In the case of qualifying expenditures incurred in connection with a building under construction by a contractor, the credit shall be deducted from the tax liability of the first individual to purchase the building for use as a principal residence or for residential rental purposes; the contractor shall not be eligible for the credit given pursuant to this subdivision for that expenditure.

A "renewable energy source expenditure" which qualifies shall include:

(a) Expenditures which qualify for the federal renewable energy credit, pursuant to Section 44C of the Internal Revenue Code of 1954, as amended through December 31, 1978, and any regulations promulgated pursuant thereto;

(b) Expenditures for earth sheltered dwelling units. For purposes of this credit, an "earth sheltered dwelling unit" shall mean a structure which complies with applicable building standards and which is constructed so that:

(1) 80 percent or more of the (WALL) roof area is covered with a minimum depth of 12 inches of earth; and

(2) 50 percent or more of the wall area is covered with a minimum depth of 12 inches of earth; and

(3) Those portions of the structure not insulated with a minimum of seven feet of earth shall have additional insulation;

(c) Expenditures for biomass conversion equipment which produces ethanol, methane or methanol for use as a liquid fuel which is not offered for sale; and

(d) Expenditures for passive solar energy systems. For purposes of this credit, a "passive solar energy system" is defined to include systems which utilize elements of the building and its operable components to heat or cool a building (UNIT) with the sun's energy by means of conduction, convection, radiation, or evaporation. A passive system shall include:

(1) Collection aperture, including glazing installed in south facing walls and roofs; and

(2) Storage element, including thermal mass in the form of water, masonry, rock, concrete, or other mediums which is designed to store heat collected from solar radiation.

A passive system may include:

(1) Control and distribution element, including fans, louvers, and air ducts; and/or

(2) Retention element, including movable insulation used to minimize heat loss caused by nocturnal radiation through areas used for direct solar heat gain during daylight hours.

Eligible passive expenditures shall be for equipment, materials or devices that are an integral part of the components listed above and essential to the functioning of a passive design which qualifies pursuant to rules promulgated by the commissioner of revenue in cooperation with the director of the energy agency. Expenditures for equipment, materials, or devices which are a part of the normal heating, cooling, or insulation system of a building are not eligible for the credit.

An "energy conservation expenditure" is an expenditure which qualifies for the federal energy conservation credit pursuant to section 44C of the Internal Revenue Code of 1954, as amended through December 31, 1979, and any regulations promulgated pursuant thereto.

If a credit for a renewable energy expenditure was allowed to a taxpayer under this subdivision for any prior taxable year, the dollar amount of the maximum renewable energy expendi-

ture for which a taxpayer may qualify for a credit under this subdivision in subsequent years shall be \$10,000 reduced by the amount of *renewable energy* expenditures which a credit was claimed pursuant to this subdivision in prior years. *If a credit for an energy conservation expenditure was allowed to a taxpayer under this subdivision for any prior taxable year, the dollar amount of the maximum energy conservation expenditure for which a taxpayer may qualify for a credit under this subdivision in subsequent years shall be \$2,000 reduced by the amount of energy conservation expenditures for which a credit was claimed pursuant to this subdivision in prior years.*

(THE) A credit provided in this subdivision shall not be allowed in a taxable year if the (AMOUNT) sum of the (CREDIT) credits provided in this subdivision would be less than \$10.

If (THE) a credit allowable under this subdivision exceeds the amount of tax due in a taxable year, the excess credit shall not be refunded but may be carried forward to the succeeding taxable year and added to the credit allowable for that year. No amount attributable to *renewable energy source expenditures* may be carried forward to a taxable year beginning after December 31, 1984. *No amount attributable to energy conservation expenditures may be carried forward to a taxable year beginning after December 31, 1982. In the case of energy conservation expenditures, excess credit may be carried back to the taxpayer's two first taxable years beginning after December 31, 1977.*

A shareholder in a family farm corporation and each partner in a partnership operating a family farm shall be eligible for the (CREDIT) credits provided by this subdivision in the same manner and to the same extent allowed a joint owner of property under (CLAUSE (A)) *section 44C (d) of the Internal Revenue Code of 1954, as amended through December 31, 1979.* "Family farm corporation" and "family farm" have the meanings given in section 500.24.

The (CREDIT) credits provided in this subdivision (IS) are subject to the provisions of Section 44C, (c) (7), (d) (1) to (3), and (e), of the Internal Revenue Code of 1954, as amended through December 31, 1978, and any regulations promulgated pursuant thereto.

The commissioner of revenue in cooperation with the director of the energy agency shall promulgate rules establishing additional qualifications and definitions for the credits provided in (CLAUSES (A) TO (D)) *this subdivision.*

(THIS SUBDIVISION) *The credit for renewable energy source expenditures is effective for expenditures made during*

taxable years beginning after December 31, 1978 and before January 1, 1983. *The credit for energy conservation expenditures is effective for expenditures made during taxable years beginning after December 31, 1979, and before January 1, 1983.*

In the case of married taxpayers, the maximum credit available for energy conservation expenditures shall apply to both spouses."

Renumber the remaining Sections accordingly.

Amend the title as follows:

Page 1, line 3, after the semi-colon, insert "providing a credit for energy conservation expenditures;"

Page 1, line 7, before the period, insert "; and 290.06, subdivision 14"

A roll call was requested and properly seconded.

The question was taken on the adoption of the amendment and the roll was called. There were 66 yeas and 65 nays as follows:

Those who voted in the affirmative were:

Adams	Elioff	Kempe	Munger	Simoneau
Anderson, I.	Ellingson	Knickerbocker	Murphy	Stadum
Battaglia	Ewald	Kostohryz	Norman	Stoa
Begich	Fjoslien	Kroening	Novak	Swanson
Berglin	Fritz	Lehto	Osthoff	Valan
Berkelman	Fudro	Levi	Patton	Welch
Blatz	Greenfield	Luknic	Pehler	Wenzel
Brinkman	Halberg	McCarron	Peterson, B.	Wieser
Byrne	Hokanson	McDonald	Peterson, D.	Wynia
Carlson, L.	Jacobs	McEachern	Piepho	Spkr. Norton
Clark	Jaros	Mehrkens	Reding	
Clawson	Jude	Metzen	Rice	
Crandall	Kalis	Minne	Rodriguez	
Dean	Kelly	Moe	Sarna	

Those who voted in the negative were:

Aasness	Drew	Johnson, C.	Onnen	Sieben, M.
Ainley	Eken	Johnson, D.	Otis	Stowell
Albrecht	Erickson	Kahn	Pleasant	Sviggum
Anderson, B.	Esau	Kaley	Redalen	Thiede
Anderson, D.	Evans	Kvam	Rees	Tomlinson
Anderson, G.	Faricy	Laidig	Reif	Valento
Anderson, R.	Forsythe	Ludeman	Rose	Vanasek
Biersdorf	Friedrich	Mann	Rothenberg	Voss
Carlson, D.	Haukoos	Nelsen, B.	Schreiber	Waldorf
Casserly	Heap	Nelson	Searle	Weaver
Corbid	Heinitz	Niehaus	Searles	Welker
Dempsey	Hoberg	Nysether	Sherwood	Wigley
Den Ouden	Jennings	Olsen	Sieben, H.	Zubay

The motion prevailed and the amendment was adopted.

Osthoff; Carlson, L.; Pehler and Adams moved to amend S. F. No. 1670, the unofficial engrossment, as follows:

Page 7, after line 14, insert:

"Sec. 4. Minnesota Statutes, 1979 Supplement, Section 290.01, Subdivision 20, is amended to read:

Subd. 20. [GROSS INCOME.] Except as otherwise provided in this chapter, the term "gross income," as applied to corporations includes every kind of compensation for labor or personal services of every kind from any private or public employment, office, position or services; income derived from the ownership or use of property; gains or profits derived from every kind of disposition of, or every kind of dealing in, property; income derived from the transaction of any trade or business; and income derived from any source; except that gross income shall not include "exempt function income" of a "home-owners association" as those terms are defined in Section 528 of the Internal Revenue Code of 1954, as amended.

For each of the taxable years beginning after December 31, 1960 and prior to January 1, 1971, the term "gross income" in its application to individuals, estates, and trusts, shall mean the adjusted gross income as computed for federal income tax purposes as defined in the Internal Revenue Code of 1954, as amended through December 31, 1970 for the applicable taxable year, with the modifications specified in this section.

For each of the taxable years beginning after December 31, 1970, the term "gross income" in its application to individuals, estates, and trusts shall mean the adjusted gross income as computed for federal income tax purposes as defined in the Internal Revenue Code of 1954, as amended through the date specified herein for the applicable taxable year, with the modifications specified in this section.

(i) The Internal Revenue Code of 1954, as amended through December 31, 1970, shall be in effect for taxable years beginning after December 31, 1970 and prior to January 1, 1973.

(ii) The Internal Revenue Code of 1954, as amended through December 31, 1972, shall be in effect for taxable years beginning after December 31, 1972.

(iii) The Internal Revenue Code of 1954, as amended through December 31, 1973, shall be in effect for taxable years beginning after December 31, 1973.

(iv) The Internal Revenue Code of 1954, as amended through December 31, 1974, shall be in effect for the taxable years beginning after December 31, 1974.

(v) The Internal Revenue Code of 1954, as amended through December 31, 1976, including the amendments made to section 280A (relating to licensed day care centers) in H.R. 3477 as it

passed the Congress on May 16, 1977, shall be in effect for the taxable years beginning after December 31, 1976. The provisions of the Tax Reform Act of 1976, P.L. 94-455, which affect adjusted gross income shall become effective for purposes of this chapter at the same time they become effective for federal income tax purposes. Section 207 (relating to extension of period for nonrecognition of gain on sale or exchange of residence) and section 402 (relating to time for making contributions to pension plans of self employed people) of P.L. 94-12 shall be effective for taxable years beginning after December 31, 1974.

The amendments made to sections 219(c) (3) and 220(c) (4) (extending the time for which a taxpayer is deemed to have made a contribution to an individual retirement account for the taxable year) by section 157(a) of P.L. 95-600 shall be effective for taxable years beginning after December 31, 1977.

References to the Internal Revenue Code of 1954 in clauses (a), (b) and (c) following shall mean the code in effect for the purpose of defining gross income for the applicable taxable year.

(a) Modifications increasing federal adjusted gross income. There shall be added to federal adjusted gross income:

(1) Interest income on obligations of any state other than Minnesota or a political subdivision of any such other state exempt from federal income taxes under the Internal Revenue Code of 1954;

(2) Interest income on obligations of any authority, commission, or instrumentality of the United States, which the laws of the United States exempt from federal income tax, but not from state income taxes;

(3) Income taxes imposed by this state or any other taxing jurisdiction, to the extent deductible in determining federal adjusted gross income and not credited against federal income tax;

(4) Interest on indebtedness incurred or continued to purchase or carry securities the income from which is exempt from tax under this chapter, to the extent deductible in determining federal adjusted gross income;

(5) Amounts received as reimbursement for an expense of sickness or injury which was deducted in a prior taxable year to the extent that the deduction for such reimbursed expenditure resulted in a tax benefit;

(6) The amount of any federal income tax overpayment for any previous taxable year, received as refund or credited to

another taxable year's income tax liability, proportionate to the percentage of federal income tax that was claimed as a deduction in determining Minnesota income tax for such previous taxable year.

The overpayment refund or credit, determined with respect to a husband and wife on a joint federal income tax return for a previous taxable year, shall be reported on joint or separate Minnesota income tax returns. In the case of separate Minnesota returns, the overpayment shall be reported by each spouse proportionately according to the relative amounts of federal income tax claimed as a deduction on his or her separate Minnesota income tax return for such previous taxable year;

(7) In the case of a change of residence from Minnesota to another state or nation, the amount of moving expenses which exceed total reimbursements and which were therefore deducted in arriving at federal adjusted gross income;

(8) In the case of property disposed of on or after January 1, 1973, the amount of any increase in the taxpayer's federal tax liability under section 47 of the Internal Revenue Code of 1954, as amended through December 31, 1976, to the extent of the credit under section 38 of the Internal Revenue Code of 1954, as amended through December 31, 1976, that was previously allowed as a deduction either under section 290.01, subdivision 20 (b) (7) or under section 290.09, subdivision 24;

(9) Expenses and losses arising from a farm which are not allowable under section 290.09, subdivision 29;

(10) Expenses and depreciation attributable to substandard buildings disallowed by section 290.101;

(11) The amount by which the gain determined pursuant to section 41.59, subdivision 2 exceeds the amount of such gain included in federal adjusted gross income;

(12) To the extent deducted in computing the taxpayer's federal adjusted gross income for the taxable year, losses realized upon a transfer of property to the spouse or former spouse of the taxpayer in exchange for the release of the spouse's marital rights;

(13) Interest income from qualified scholarship funding bonds as defined in section 103(e) of the Internal Revenue Code of 1954, as amended through December 31, 1976, if the nonprofit corporation is domiciled outside of Minnesota; and

(14) Exempt-interest dividends, as defined in section 852 (b)(5)(A) of the Internal Revenue Code of 1954, as amended through December 31, 1976, not included in federal adjusted

gross income pursuant to section 852(b)(5)(B) of the Internal Revenue Code of 1954, as amended through December 31, 1976, except for that portion of such exempt-interest dividends derived from interest income on obligations of the state of Minnesota, any of its political or governmental subdivisions, any of its municipalities, or any of its governmental agencies or instrumentalities;

(15) The amount of any excluded gain realized by a trust on the sale or exchange of property as defined in section 641(c)(1).

(b) Modifications reducing federal adjusted gross income. There shall be subtracted from federal adjusted gross income:

(1) Interest income on obligations of any authority, commission or instrumentality of the United States to the extent includible in gross income for federal income tax purposes but exempt from state income tax under the laws of the United States;

(2) The portion of any gain, from the sale or other disposition of property having a higher adjusted basis for Minnesota income tax purposes than for federal income tax purposes, that does not exceed such difference in basis; but if such gain is considered a long-term capital gain for federal income tax purposes, the modifications shall be limited to 50 per centum of such portion of the gain. This modification shall not be applicable if the difference in basis is due to disallowance of depreciation pursuant to section 290.101.

(3) Interest or dividend income on securities to the extent exempt from income tax under the laws of this state authorizing the issuance of such securities but includible in gross income for federal income tax purposes;

(4) Losses, not otherwise reducing federal adjusted gross income assignable to Minnesota, arising from events or transactions which are assignable to Minnesota under the provisions of sections 290.17 to 290.20, including any capital loss or net operating loss carryforwards or carrybacks resulting from such losses;

(5) If included in federal adjusted gross income, the amount of any credit received, whether received as a refund or credit to another taxable year's income tax liability, pursuant to chapter 290A, and the amount of any overpayment of income tax to Minnesota, or any other state, for any previous taxable year, whether such amount is received as a refund or credited to another taxable year's income tax liability;

(6) To the extent included in federal adjusted gross income, notwithstanding any other law to the contrary, the amount re-

ceived by any person (i) from the United States, its agencies or instrumentalities, the Federal Reserve Bank or from the state of Minnesota or any of its political or governmental subdivisions or from any other state or its political or governmental subdivisions, or a Minnesota volunteer firefighter's relief association, by way of payment as a pension, public employee retirement benefit, or any combination thereof, or (ii) as a retirement or survivor's benefit made from a plan qualifying under section 401, 403, 404, 405, 408, 409 or 409A of the Internal Revenue Code of 1954, as amended through December 31, 1977. The maximum amount of this subtraction shall be \$10,000 less the amount by which the individual's federal adjusted gross income exceeds \$17,000. In the case of a volunteer firefighter who receives an involuntary lump sum distribution of his pension or retirement benefits, the maximum amount of this subtraction shall be \$10,000; this subtraction shall not be reduced by the amount of the individual's federal adjusted gross income in excess of \$17,000;

(7) In the case of property acquired on or after January 1, 1973, the amount of any credit to the taxpayer's federal tax liability under section 38 of the Internal Revenue Code of 1954, as amended through December 31, 1976, but only to the extent that the credit is connected with or allocable against the production or receipt of income included in the measure of the tax imposed by this chapter;

(8) To the extent included in the taxpayer's federal adjusted gross income for the taxable year, gain realized upon a transfer of property to the spouse or former spouse of the taxpayer in exchange for the release of the spouse's marital rights;

(9) The amount of any distribution from a qualified pension or profit sharing plan included in federal adjusted gross income in the year of receipt to the extent of any contribution not previously allowed as a deduction by reason of a change in federal law which was not adopted by Minnesota law for a taxable year beginning in 1974 or later;

(10) Interest, including payment adjustment to the extent that it is applied to interest, earned by the seller of the property on a family farm security loan executed after December 31, 1977 and before January 1, 1982 that is guaranteed by the commissioner of agriculture as provided in sections 41.51 to 41.60;

(11) The amount of gain on the sale of the taxpayer's residence excluded from the federal gross income of the taxpayer pursuant to section 121 of the Internal Revenue Code of 1954, as amended through December 31, 1978 provided that a taxpayer who elects under that section shall not, for the purpose of this subdivision, also take an exclusion according to the provisions of section 121 of the Internal Revenue Code, as amended through December 31, 1976;

(12) The first \$3,000 of compensation for personal services in the armed forces of the United States or the United Nations, and the next \$2,000 of compensation for personal services in the armed forces of the United States or the United Nations wholly performed outside the state of Minnesota; (AND)

(13) The amount of any income earned for personal services rendered prior to the date when the taxpayer became a resident of Minnesota; and

(14) *Effective for taxable years beginning December 31, 1979, the amount of any credit to the taxpayer's federal tax liability for qualified expenditures for energy conservation or renewable energy sources under section 44C of the Internal Revenue Code of 1954, as amended through December 31, 1979.*

(c) Modifications affecting shareholders of electing small business corporations under section 1372 of the Internal Revenue Code of 1954, or section 290.972 of this chapter.

(1) Shareholders in a small business corporation, which has elected to be so taxed under the Internal Revenue Code of 1954, but has not made an election under section 290.972 of this chapter, shall deduct from federal adjusted gross income the amount of any imputed income from such corporation and shall add to federal adjusted gross income the amount of any loss claimed as a result of such stock ownership. Also there shall be added to federal adjusted gross income the amount of any distributions in cash or property made by said corporation to its shareholders during the taxable year.

(2) In cases where the small business corporation has made an election under section 1372 of the Internal Revenue Code of 1954, but has not elected under section 290.972 of this chapter and said corporation is liquidated or the individual shareholder disposes of his stock and there is no capital loss reflected in federal adjusted gross income because of the fact that corporate losses have exhausted the shareholders basis for federal purposes, such shareholders shall be entitled, nevertheless, to a capital loss commensurate to their Minnesota basis for the stock.

(3) In cases where the election under section 1372 of the Internal Revenue Code of 1954 antedates the election under section 290.972 of this chapter and at the close of the taxable year immediately preceding the effective election under section 290.972 the corporation has a reserve of undistributed taxable income previously taxed to shareholders under the provisions of the Internal Revenue Code of 1954, in the event and to the extent that such reserve is distributed to shareholders such distribution shall be taxed as a dividend for purposes of this act.

Items of gross income includible within these definitions shall be deemed such regardless of the form in which received. Items of gross income shall be included in gross income of the taxable year in which received by a taxpayer unless properly to be accounted for as of a different taxable year under methods of accounting permitted by section 290.07, except that (1) amounts transferred from a reserve or other account, if in effect transfers to surplus, shall, to the extent that such amounts were accumulated through deductions from gross income or entered into the computation of taxable net income during any taxable year, be treated as gross income for the year in which the transfer occurs, but only to the extent that such amounts resulted in a reduction of the tax imposed by this act, and (2) amounts received as refunds on account of taxes deducted from gross income during any taxable year shall be treated as gross income for the year in which actually received, but only to the extent that such amounts resulted in a reduction of the tax imposed by this act.

(d) Modification in computing taxable income of the estate of a decedent. Amounts allowable under section 291.07, subdivision 1(2) in computing Minnesota inheritance tax liability shall not be allowed as a deduction in computing the taxable income of the estate unless there is filed within the time and in the manner and form prescribed by the commissioner a statement that the amounts have not been allowed as a deduction under section 291.07 and a waiver of the right to have such amounts allowed at any time as deductions under section 291.07. The provisions of this paragraph shall not apply with respect to deductions allowed under section 290.077 (relating to income in respect of decedents). In the event that the election made for federal tax purposes under section 642(g) of the Internal Revenue Code of 1954 differs from the election made under this paragraph appropriate modification of the estate's federal taxable income shall be made to implement the election made under this paragraph in accordance with regulations prescribed by the commissioner."

Renumber the remaining sections accordingly:

Page 9, line 32, after "]" insert "*Except as provided elsewhere in the bill.*"

Amend the title as follows:

Page 1, line 3, after the semi-colon, insert "providing a pass-through of federal energy credits;"

Page 1, line 7, before the period, insert "; 290.01, subdivision 20"

A roll call was requested and properly seconded.

The question was taken on the adoption of the amendment and the roll was called. There were 46 yeas and 85 nays as follows:

Those who voted in the affirmative were:

Adams	Ewald	Kelly	Munger	Simoneau
Anderson, I.	Forsythe	Knickerbocker	Murphy	Stadum
Battaglia	Fritz	Kostohryz	Nelsen, M.	Stoa
Begich	Fudro	Kroening	Novak	Swanson
Byrne	Greenfield	Levi	Osthoff	Wenzel
Carlson, L.	Hokanson	McCarron	Pehler	Wynia
Clark	Jacobs	McEachern	Peterson, D.	
Dean	Jaros	Metzen	Rice	
Elioff	Jude	Minne	Rodriguez	
Ellingson	Kalis	Moe	Sarna	

Those who voted in the negative were:

Aasness	Den Ouden	Kahn	Onnen	Sieben, M.
Ainley	Drew	Kaley	Otis	Stowell
Albrecht	Eken	Kempe	Patton	Sviggum
Anderson, B.	Erickson	Kvam	Peterson, B.	Thiede
Anderson, D.	Esau	Laidig	Piepho	Tomlinson
Anderson, G.	Evans	Lehto	Pleasant	Valan
Anderson, R.	Faricy	Ludeman	Redalen	Valento
Berglin	Fjoslien	Luknic	Reding	Vanasek
Berkelman	Friedrich	Mann	Rees	Voss
Biersdorf	Halberg	McDonald	Reif	Waldorf
Blatz	Haukoos	Mehrkens	Rose	Weaver
Carlson, D.	Heap	Nelsen, B.	Rothenberg	Welch
Casserly	Heinitz	Nelson	Schreiber	Welker
Clawson	Hoberg	Niehaus	Searle	Wieser
Corbid	Jennings	Norman	Searles	Wigley
Crandall	Johnson, C.	Nysether	Sherwood	Zubay
Dempsey	Johnson, D.	Olsen	Sieben, H.	Sprk. Norton

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

Osthoff moved to amend S. F. No. 1670, the unofficial engrossment, as amended, as follows:

Page 3, after line 10, insert: *"In determining total household income, a household with earned income may deduct 20 percent of all earned income in order to compensate for taxes, other mandatory deductions from salary, and work expenses."*

A roll call was requested and properly seconded.

The question was taken on the adoption of the amendment and the roll was called. There were 19 yeas and 109 nays as follows:

Those who voted in the affirmative were:

Adams	Carlson, L.	Fritz	Munger	Peterson, D.
Begich	Clark	Fudro	Nelsen, M.	Sarna
Berglin	Drew	Jaros	Osthoff	Simoneau
Byrne	Elioff	Kostohryz	Pehler	

Those who voted in the negative were:

Aasness	Erickson	Kalis	Novak	Stadum
Ainley	Esau	Kelly	Nysether	Stoa
Albrecht	Evans	Kempe	Olsen	Stowell
Anderson, B.	Ewald	Knickerbocker	Onnen	Sviggum
Anderson, D.	Faricy	Kroening	Otis	Swanson
Anderson, G.	Fjoslien	Kvam	Peterson, B.	Thiede
Anderson, I.	Forsythe	Laidig	Piepho	Tomlinson
Anderson, R.	Friedrich	Lehto	Pleasant	Valan
Battaglia	Greenfield	Levi	Redalen	Valento
Berkelman	Halberg	Ludeman	Reding	Vanasek
Biersdorf	Haukoos	Luknic	Rees	Voss
Blatz	Heap	Mann	Reif	Waldorf
Carlson, D.	Heinitz	McCarron	Rice	Weaver
Casserly	Hoberg	McDonald	Rodriguez	Welch
Clawson	Hokanson	McEachern	Rose	Welker
Corbid	Jacobs	Mehrkens	Rothenberg	Wenzel
Crandall	Jennings	Minne	Schreiber	Wieser
Dean	Johnson, C.	Murphy	Searle	Wigley
Dempsey	Johnson, D.	Nelsen, B.	Searles	Wynia
Den Ouden	Jude	Nelson	Sherwood	Zubay
Eken	Kahn	Niehaus	Sieben, H.	Spkr. Norton
Ellingson	Kaley	Norman	Sieben, M.	

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

Osthoff moved to amend S. F. No. 1670, the unofficial engrossment, as amended, as follows:

Page 3, after line 20, insert a new subdivision:

"Subd. 8. [DISCRETIONARY GRANTS.] A local administrative agency may request a waiver from the commissioner of economic security to assist households in extraordinary need whose income, assets, or heating costs fall outside the limits set in subdivision 5 and who are not eligible for additional assistance under any federal program. Waiver requests shall include justification of a recommended grant amount."

Renumber the remaining subdivisions accordingly.

Page 7, after line 30, insert: "(b) Discretionary grants \$2,000,000"

Reletter the remaining clauses accordingly.

Page 7, line 32, after "(a)" insert "and (b)"

A roll call was requested and properly seconded.

The question was taken on the adoption of the amendment and the roll was called. There were 30 yeas and 97 nays as follows:

Those who voted in the affirmative were:

Adams	Elioff	Kostohryz	Nelsen, M.	Sarna
Battaglia	Faricy	Kroening	Novak	Simoneau
Begich	Fjoslien	Metzen	Osthoff	Swanson
Berglin	Fritz	Moe	Peterson, D.	Tomlinson
Byrne	Fudro	Munger	Rice	Waldorf
Clark	Kalis	Murphy	Rodriguez	Wynia

Those who voted in the negative were:

Aasness	Eken	Kelly	Olsen	Stadum
Ainley	Erickson	Kempe	Onnen	Stoa
Albrecht	Esau	Knickerbocker	Otis	Stowell
Anderson, B.	Evans	Kvam	Patton	Sviggum
Anderson, D.	Ewald	Laidig	Pehler	Thiede
Anderson, G.	Forsythe	Lehto	Peterson, B.	Valan
Anderson, R.	Friedrich	Levi	Piepho	Valento
Berkelman	Halberg	Ludeman	Pleasant	Vanasek
Biersdorf	Haukoos	Luknic	Redalen	Voss
Blatz	Heap	Mann	Reding	Weaver
Carlson, D.	Heinitz	McCarron	Rees	Welch
Carlson, L.	Hoberg	McDonald	Reif	Welker
Casserly	Hokanson	McEachern	Rose	Wenzel
Clawson	Jacobs	Mehrkens	Rothenberg	Wieser
Corbid	Jennings	Minne	Schreiber	Wigley
Crandall	Johnson, C.	Nelsen, B.	Searle	Zubay
Dean	Johnson, D.	Nelson	Searles	Spkr. Norton
Dempsey	Jude	Niehaus	Sherwood	
Den Ouden	Kahn	Norman	Sieben, H.	
Drew	Kaley	Nysether	Sieben, M.	

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

Schreiber moved to amend S. F. No. 1670, the unofficial engrossment, as amended, as follows:

Page 2, line 26, after "guidelines" insert "and as adjusted for extraordinary medical expenses. A household in which medical expenses not reimbursed by insurance or other sources exceed ten percent of the household income may reduce calculated household income by one dollar for each dollar medical expenses exceed ten percent of household income"

Page 5, delete lines 11 to 24

Page 7, line 16, delete "\$20,000,000" and insert "\$21,000,000"

Page 7, line 20, delete "\$8,000,000" and insert "\$9,000,000"

Page 9, delete lines 28 to 31

Tomlinson requested a division of the amendment.

The second portion of the amendment reads as follows:

Page 5, delete lines 11 to 24

Page 7, line 16, delete "\$20,000,000" and insert "\$21,000,000"

Page 7, line 20, delete "\$8,000,000" and insert "\$9,000,000"

Page 9, delete lines 28 to 31

A roll call on the second portion of the amendment was requested and properly seconded.

The question was taken on the second portion of the Schreiber amendment and the roll was called. There were 5 yeas and 119 nays as follows:

Those who voted in the affirmative were:

Corbid	Fritz	Schreiber	Sherwood	Svigum
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Those who voted in the negative were:

Aasness	Dempsey	Johnson, D.	Nelsen, B.	Rothenberg
Adams	Den Ouden	Jude	Nelsen, M.	Searles
Ainley	Drew	Kahn	Nelson	Sieben, H.
Albrecht	Eken	Kaley	Niehaus	Sieben, M.
Anderson, B.	Elioff	Kalis	Norman	Stadum
Anderson, D.	Ellingson	Kelly	Novak	Stoa
Anderson, G.	Evans	Kempe	Nysether	Stowell
Anderson, I.	Ewald	Kostohryz	Olsen	Swanson
Anderson, R.	Faricy	Kroening	Onnen	Thiede
Battaglia	Fjoslien	Kvam	Osthoff	Tomlinson
Begich	Forsythe	Laidig	Otis	Valan
Berglin	Friedrich	Lehto	Patton	Valento
Berkelman	Fudro	Levi	Pehler	Vanasek
Biersdorf	Greenfield	Ludeman	Peterson, B.	Voss
Blatz	Halborg	Luknic	Peterson, D.	Waldorf
Brinkman	Haukoos	Mann	Piepho	Weaver
Byrne	Heap	McCarron	Pleasant	Welker
Carlson, D.	Heinitz	McDonald	Prahl	Wenzel
Carlson, L.	Hoberg	McEachern	Redalen	Wieser
Casserly	Hokanson	Mehrkens	Reding	Wigley
Clark	Jacobs	Metzen	Rees	Wynia
Clawson	Jaros	Minne	Reif	Zubay
Crandall	Jennings	Moe	Rice	Spkr. Norton
Dean	Johnson, C.	Murphy	Rodriguez	

The motion did not prevail and the second portion of the amendment was not adopted.

The first portion of the Schreiber amendment reads as follows:

Page 2, line 26, after "guidelines" insert "and as adjusted for extraordinary medical expenses. A household in which medical expenses not reimbursed by insurance or other sources exceed ten percent of the household income may reduce calculated

household income by one dollar for each dollar medical expenses exceed ten percent of household income"

Schreiber temporarily withdrew the first portion of his amendment.

MOTION FOR RECONSIDERATION

McDonald moved that the vote whereby the first Osthoff; Carlson, L.; Pehler and Adams amendment was adopted to S. F. No. 1670, the unofficial engrossment, be now reconsidered.

A roll call was requested and properly seconded.

The question was taken on the motion for reconsideration and the roll was called. There were 77 yeas and 55 nays as follows:

Those who voted in the affirmative were:

Aasness	Erickson	Kaley	Peterson, B.	Sviggum
Ainley	Esau	Knickerbocker	Piepho	Thiede
Albrecht	Evans	Kvam	Pleasant	Tomlinson
Anderson, B.	Faricy	Laidig	Redalen	Valan
Anderson, D.	Forsythe	Levi	Rees	Valento
Anderson, G.	Friedrich	Ludeman	Reif	Vanasek
Anderson, R.	Fritz	McDonald	Rose	Voss
Biersdorf	Halberg	Mehrkens	Rothenberg	Waldorf
Carlson, D.	Haukoos	Nelsen, B.	Schreiber	Weaver
Casserly	Heap	Nelson	Searle	Welker
Corbid	Heinitz	Niehaus	Searles	Wieser
Crandall	Hoberg	Norman	Sherwood	Wigley
Dempsey	Jennings	Nysether	Sieben, H.	Zubay
Den Ouden	Johnson, C.	Olsen	Sieben, M.	
Drew	Johnson, D.	Onnen	Stadum	
Eken	Kahn	Otis	Stowell	

Those who voted in the negative were:

Adams	Clawson	Kalis	Minne	Reding
Anderson, I.	Dean	Kelly	Moe	Rice
Battaglia	Elioff	Kempe	Munger	Rodriguez
Begich	Ellingson	Kostohryz	Murphy	Sarna
Berglin	Ewald	Kroening	Nelsen, M.	Simoneau
Berkelman	Fjoslien	Lehto	Novak	Stoa
Blatz	Fudro	Luknic	Osthoff	Swanson
Brinkman	Greenfield	Mann	Patton	Welch
Byrne	Hokanson	McCarron	Pehler	Wenzel
Carlson, L.	Jacobs	McEachern	Peterson, D.	Wynia
Clark	Jude	Metzen	Prahl	Spkr. Norton

The motion prevailed.

The following Osthoff; Carlson, L.; Pehler and Adams amendment was again reported to the House.

Page 7, after line 14, insert:

"Sec. 3. Minnesota Statutes, 1979 Supplement, Section 290.06, Subdivision 14, is amended to read:

Subd. 14. [RESIDENTIAL ENERGY CREDIT.] A credit of 20 percent of the first \$10,000 of renewable energy source expenditures, including the expenditures described in clauses (a), (b) and (d) if made by an individual taxpayer on a Minnesota building of six dwelling units or less and expenditures for biomass conversion equipment described in clause (c), and a credit of 15 percent of the first \$2,000 of energy conservation expenditures made by a taxpayer and installed in or on a dwelling unit located in Minnesota, may be deducted from the tax due under this chapter for the taxable year in which the expenditures were made. For purposes of this subdivision, the term "building" shall include a condominium or townhouse used by the taxpayer as a residence. In the case of qualifying expenditures incurred in connection with a building under construction by a contractor, the credit shall be deducted from the tax liability of the first individual to purchase the building for use as a principal residence or for residential rental purposes; the contractor shall not be eligible for the credit given pursuant to this subdivision for that expenditure.

A "renewable energy source expenditure" which qualifies shall include:

(a) Expenditures which qualify for the federal renewable energy credit, pursuant to Section 44C of the Internal Revenue Code of 1954, as amended through December 31, 1978, and any regulations promulgated pursuant thereto;

(b) Expenditures for earth sheltered dwelling units. For purposes of this credit, an "earth sheltered dwelling unit" shall mean a structure which complies with applicable building standards and which is constructed so that:

(1) 80 percent or more of the (WALL) roof area is covered with a minimum depth of 12 inches of earth; and

(2) 50 percent or more of the wall area is covered with a minimum depth of 12 inches of earth; and

(3) Those portions of the structure not insulated with a minimum of seven feet of earth shall have additional insulation;

(c) Expenditures for biomass conversion equipment which produces ethanol, methane or methanol for use as a liquid fuel which is not offered for sale; and

(d) Expenditures for passive solar energy systems. For purposes of this credit, a "passive solar energy system" is defined to include systems which utilize elements of the building and its

operable components to heat or cool a building (UNIT) with the sun's energy by means of conduction, convection, radiation, or evaporation. A passive system shall include:

(1) Collection aperture, including glazing installed in south facing walls and roofs; and

(2) Storage element, including thermal mass in the form of water, masonry, rock, concrete, or other mediums which is designed to store heat collected from solar radiation.

A passive system may include:

(1) Control and distribution element, including fans, louvers, and air ducts; and/or

(2) Retention element, including movable insulation used to minimize heat loss caused by nocturnal radiation through areas used for direct solar heat gain during daylight hours.

Eligible passive expenditures shall be for equipment, materials or devices that are an integral part of the components listed above and essential to the functioning of a passive design which qualifies pursuant to rules promulgated by the commissioner of revenue in cooperation with the director of the energy agency. Expenditures for equipment, materials, or devices which are a part of the normal heating, cooling, or insulation system of a building are not eligible for the credit.

An "energy conservation expenditure" is an expenditure which qualifies for the federal energy conservation credit pursuant to section 44C of the Internal Revenue Code of 1954, as amended through December 31, 1979, and any regulations promulgated pursuant thereto.

If a credit for a renewable energy expenditure was allowed to a taxpayer under this subdivision for any prior taxable year, the dollar amount of the maximum renewable energy expenditure for which a taxpayer may qualify for a credit under this subdivision in subsequent years shall be \$10,000 reduced by the amount of renewable energy expenditures which a credit was claimed pursuant to this subdivision in prior years. If a credit for an energy conservation expenditure was allowed to a taxpayer under this subdivision for any prior taxable year, the dollar amount of the maximum energy conservation expenditure for which a taxpayer may qualify for a credit under this subdivision in subsequent years shall be \$2,000 reduced by the amount of energy conservation expenditures for which a credit was claimed pursuant to this subdivision in prior years.

(THE) A credit provided in this subdivision shall not be allowed in a taxable year if the (AMOUNT) *sum* of the (CREDIT) *credits provided in this subdivision* would be less than \$10.

If (THE) a credit allowable under this subdivision exceeds the amount of tax due in a taxable year, the excess credit shall not be refunded but may be carried forward to the succeeding taxable year and added to the credit allowable for that year. No amount *attributable to renewable energy source expenditures* may be carried forward to a taxable year beginning after December 31, 1984. No amount *attributable to energy conservation expenditures* may be carried forward to a taxable year beginning after December 31, 1982. In the case of *energy conservation expenditures, excess credit may be carried back to the taxpayer's two first taxable years beginning after December 31, 1977.*

A shareholder in a family farm corporation and each partner in a partnership operating a family farm shall be eligible for the (CREDIT) *credits* provided by this subdivision in the same manner and to the same extent allowed a joint owner of property under (CLAUSE (A)) *section 44C (d) of the Internal Revenue Code of 1954, as amended through December 31, 1979.* "Family farm corporation" and "family farm" have the meanings given in section 500.24.

The (CREDIT) *credits* provided in this subdivision (IS) *are* subject to the provisions of Section 44C, (c) (7), (d) (1) to (3), and (e), of the Internal Revenue Code of 1954, as amended through December 31, 1978, and any regulations promulgated pursuant thereto.

The commissioner of revenue in cooperation with the director of the energy agency shall promulgate rules establishing additional qualifications and definitions for the credits provided in (CLAUSES (A) TO (D)) *this subdivision.*

(THIS SUBDIVISION) *The credit for renewable energy source expenditures* is effective for expenditures made during taxable years beginning after December 31, 1978 and before January 1, 1983. *The credit for energy conservation expenditures* is effective for expenditures made during taxable years beginning after December 31, 1979, and before January 1, 1983.

In the case of married taxpayers, the maximum credit available for energy conservation expenditures shall apply to both spouses."

Renumber the remaining Sections accordingly.

Amend the title as follows:

Page 1, line 3, after the semi-colon, insert "providing a credit for energy conservation expenditures;"

Page 1, line 7, before the period, insert "; and 290.06, subdivision 14"

A roll call was requested and properly seconded.

CALL OF THE HOUSE

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

Aasness	Den Ouden	Kahn	Norman	Sieben, H.
Adams	Drew	Kaley	Novak	Sieben, M.
Ainley	Eken	Kelly	Nysether	Simoneau
Albrecht	Ellingson	Kempe	Olsen	Stadum
Anderson, B.	Erickson	Knickerbocker	Onnen	Stoa
Anderson, D.	Esau	Kostohryz	Osthoff	Stowell
Anderson, G.	Evans	Kroening	Otis	Sviggum
Anderson, I.	Ewald	Kvam	Patton	Swanson
Anderson, R.	Faricy	Laidig	Pehler	Thiede
Battaglia	Fjoslien	Lehto	Peterson, B.	Valan
Begich	Forsythe	Levi	Peterson, D.	Valento
Berglin	Friedrich	Ludeman	Piepho	Voss
Berkelman	Fritz	Luknic	Pleasant	Waldorf
Biersdorf	Fudro	Mann	Prahl	Weaver
Blatz	Greenfield	McCarron	Redalen	Welch
Brinkman	Halberg	McDonald	Reding	Welker
Byrne	Haukoos	McEachern	Rees	Wenzel
Carlson, D.	Heap	Mehrkens	Reif	Wieser
Carlson, L.	Heinitz	Metzen	Rodriguez	Wigley
Casserly	Hoberg	Minne	Rose	Wynia
Clark	Hokanson	Moe	Rothenberg	Zubay
Clawson	Jacobs	Murphy	Sarna	Spkr. Norton
Corbid	Jennings	Nelsen, B.	Schreiber	
Crandall	Johnson, C.	Nelsen, M.	Searle	
Dean	Johnson, D.	Nelson	Searles	
Dempsey	Jude	Niehaus	Sherwood	

Anderson, I., 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.

McDonald moved to amend the Osthoff; Carlson, L.; Pehler and Adams amendment to S. F. No. 1670, the unofficial engrossment, as follows:

Page 1, line 9, after "credit of" delete "15 percent" and insert "30 percent"

Page 1, line 9, after "first" delete "\$2,000" and insert "\$4,000"

Page 3, line 25, after "shall be" and before "reduced" delete "\$2,000" and insert "\$4,000"

A roll call was requested and properly seconded

The question was taken on the adoption of the McDonald amendment to the Osthoff; Carlson, L.; Pehler and Adams amendment and the roll was called. There were 4 yeas and 119 nays as follows:

Those who voted in the affirmative were:

Anderson, R. Fritz McDonald Searles

Those who voted in the negative were:

Aasness	Ellingson	Kempe	Nysether	Sieben, M.
Adams	Erickson	Kostohryz	Olsen	Simoneau
Ainley	Esau	Kroening	Onnen	Stadum
Anderson, B.	Ewald	Kvam	Osthoff	Stoa
Anderson, D.	Faricy	Laidig	Otis	Stowell
Anderson, G.	Fjoslien	Lehto	Patton	Sviggum
Anderson, I.	Forsythe	Levi	Pehler	Swanson
Battaglia	Friedrich	Ludeman	Peterson, B.	Thiede
Begich	Fudro	Luknic	Peterson, D.	Tomlinson
Berglin	Greenfield	Mann	Piepho	Valan
Berkelman	Haukoos	McCarron	Prahl	Valento
Biersdorf	Heap	McEachern	Redalen	Vanasek
Blatz	Heinitz	Mehrkens	Reding	Voss
Brinkman	Hokanson	Metzen	Rees	Waldorf
Byrne	Jacobs	Minne	Reif	Weaver
Carlson, D.	Jaros	Moe	Rice	Welch
Carlson, L.	Jennings	Munger	Rodriguez	Welker
Casserly	Johnson, C.	Murphy	Rose	Wenzel
Clark	Johnson, D.	Nelsen, B.	Rothenberg	Wieser
Corbid	Jude	Nelsen, M.	Sarna	Wigley
Crandall	Kahn	Nelson	Schreiber	Wynia
Den Ouden	Kaley	Niehaus	Searle	Zubay
Drew	Kalis	Norman	Sherwood	Sprk. Norton
Eken	Kelly	Novak	Sieben, H.	

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

The question recurred on the adoption of the Osthoff; Carlson, L.; Pehler and Adams amendment and the roll was called. There were 70 yeas and 63 nays as follows:

Those who voted in the affirmative were:

Adams	Clawson	Jacobs	Mann	Olsen
Anderson, I.	Crandall	Jaros	McCarron	Osthoff
Anderson, R.	Dean	Jude	McEachern	Patton
Battaglia	Elioff	Kalis	Mehrkens	Pehler
Begich	Ellingson	Kelly	Metzen	Peterson, B.
Berglin	Ewald	Kempe	Minne	Peterson, D.
Berkelman	Fjoslien	Knickerbocker	Moe	Prahl
Blatz	Fritz	Kostohryz	Munger	Reding
Brinkman	Fudro	Kroening	Murphy	Rice
Byrne	Greenfield	Lehto	Nelsen, M.	Rodriguez
Carlson, L.	Halberg	Levi	Norman	Rothenberg
Clark	Hokanson	Luknic	Novak	Sarna

Simoneau
Stadium

Stoa
Swanson

Valan
Welch

Wenzel
Wieser

Wynia
Spkr. Norton

Those who voted in the negative were:

Aasness	Eken	Johnson, D.	Piepho	Sviggum
Ainley	Erickson	Kahn	Pleasant	Thiede
Albrecht	Esau	Kaley	Redalen	Tomlinson
Anderson, B.	Evans	Kvam	Rees	Valento
Anderson, D.	Faricy	Laidig	Reif	Vanasek
Anderson, G.	Forsythe	Ludeman	Rose	Voss
Biersdorf	Friedrich	McDonald	Schreiber	Waldorf
Carlson, D.	Haukoos	Nelsen, B.	Searle	Weaver
Casserly	Heap	Nelson	Searles	Welker
Corbid	Heinitz	Niehaus	Sherwood	Wigley
Dempsey	Hoberg	Nysether	Sieben, H.	Zubay
Den Ouden	Jennings	Onnen	Sieben, M.	
Drew	Johnson, C.	Otis	Stowell	

The motion prevailed and the amendment was adopted.

Hokanson moved to amend S. F. No. 1670, the unofficial engrossment, as follows:

Page 8, delete lines 25 to 29, and insert "*Subd. 4. The Minnesota energy agency*"

A roll call was requested and properly seconded.

The question was taken on the adoption of the Hokanson amendment and the roll was called. There were 105 yeas and 24 nays as follows:

Those who voted in the affirmative were:

Aasness	Elioff	Kaley	Nelsen, M.	Searles
Adams	Ellingson	Kalis	Niehaus	Sherwood
Anderson, B.	Erickson	Kempe	Norman	Sieben, H.
Anderson, G.	Esau	Knickerbocker	Novak	Sieben, M.
Anderson, I.	Evans	Kostohryz	Olsen	Simoneau
Anderson, R.	Faricy	Kroening	Osthoff	Stadium
Battaglia	Fjoslien	Kvam	Pehler	Stoa
Begich	Forsythe	Lehto	Peterson, B.	Sviggum
Berglin	Friedrich	Levi	Peterson, D.	Swanson
Biersdorf	Fudro	Ludeman	Piepho	Thiede
Blatz	Halberg	Luknic	Pleasant	Valan
Brinkman	Haukoos	Mann	Prahl	Valento
Carlson, D.	Heap	McDonald	Redalen	Vanasek
Carlson, L.	Heinitz	McEachern	Reding	Waldorf
Clark	Hoberg	Mehrkens	Reif	Weaver
Clawson	Hokanson	Metzen	Rice	Welch
Crandall	Jacobs	Minne	Rodriguez	Welker
Dean	Jennings	Moe	Rose	Wenzel
Dempsey	Johnson, C.	Munger	Rothenberg	Wieser
Den Ouden	Johnson, D.	Murphy	Sarna	Wynia
Drew	Jude	Nelsen, B.	Schreiber	Zubay

Those who voted in the negative were:

Ainley	Eken	Laidig	Otis	Tomlinson
Albrecht	Fritz	McCarron	Patton	Voss
Anderson, D.	Greenfield	Nelson	Rees	Wigley
Casserly	Kahn	Nysether	Searle	Spkr. Norton
Corbid	Kelly	Onnen	Stowell	

The motion prevailed and the amendment was adopted.

Schreiber moved to amend S. F. No. 1670, the unofficial engrossment, as follows:

Page 2, line 26, after "guidelines" insert "and as adjusted for extraordinary medical expenses. A household in which medical expenses not reimbursed by insurance or other sources exceed ten percent of the household income may reduce calculated household income by one dollar for each dollar medical expenses exceed ten percent of household income"

A roll call was requested and properly seconded.

The question was taken on the adoption of the Schreiber amendment and the roll was called. There were 87 yeas and 46 nays as follows:

Those who voted in the affirmative were:

Adams	Elioff	Kalis	Murphy	Rose
Anderson, B.	Ellingson	Kelly	Nelsen, M.	Rothenberg
Anderson, G.	Erickson	Kempe	Niehaus	Sarna
Anderson, I.	Esau	Knickerbocker	Norman	Schreiber
Anderson, R.	Ewald	Kostohryz	Novak	Simoneau
Battaglia	Farcy	Kroening	Olsen	Stadum
Begich	Fjoslien	Kvam	Osthoff	Swanson
Berglin	Forsythe	Laidig	Otis	Tomlinson
Berkelman	Fritz	Lehto	Patton	Valan
Biersdorf	Fudro	Levi	Peterson, B.	Valento
Blatz	Greenfield	Luknic	Peterson, D.	Waldorf
Brinkman	Heinitz	Manu	Pleasant	Wenzel
Byrne	Hoberg	McDonald	Prahl	Wieser
Carlson, L.	Hokanson	Mehrkens	Reding	Wynia
Casserly	Jacobs	Metzen	Rees	Spkr. Norton
Clark	Jaros	Minne	Reif	
Clawson	Johnson, D.	Moe	Rice	
Dean	Jude	Munger	Rodriguez	

Those who voted in the negative were:

Aasness	Eken	Ludeman	Searle	Voss
Ainley	Evans	McCarron	Searles	Weaver
Albrecht	Friedrich	McEachern	Sherwood	Welch
Anderson, D.	Halberg	Nelsen, B.	Sieben, H.	Welker
Carlson, D.	Haukoos	Nelson	Sieben, M.	Wigley
Corbid	Heap	Nysether	Stoa	Zubay
Crandall	Jennings	Onnen	Stowell	
Dempsey	Johnson, C.	Pehler	Sviggum	
Den Ouden	Kahn	Piepho	Thiede	
Drew	Kaley	Redalen	Vanasek	

The motion prevailed and the amendment was adopted.

S. F. No. 1670, A bill for an act relating to energy; creating a state emergency residential heating grant program; broadening the scope of state weatherization programs; providing a credit for energy conservation expenditures; providing a pass-through of federal energy credits; reimbursing counties; appropriating money; amending Minnesota Statutes 1978, Section 462A.21, by adding a subdivision; and Minnesota Statutes, 1979 Supplement, Sections 268.37; 290.01, Subdivision 20; and 290.06, Subdivision 14.

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 109 yeas and 24 nays as follows:

Those who voted in the affirmative were:

Aasness	Drew	Kahn	Nelsen, M.	Sherwood
Adams	Eken	Kalis	Nelson	Sieben, H.
Ainley	Elihoff	Kelly	Norman	Sieben, M.
Anderson, B.	Ellingson	Kempe	Novak	Simoneau
Anderson, D.	Esau	Knickerbocker	Nysether	Stadum
Anderson, I.	Evans	Kostohryz	Olsen	Stoa
Anderson, R.	Ewald	Kroening	Osthoff	Stowell
Battaglia	Faricy	Kvam	Otis	Sviggum
Begich	Fjoslien	Laidig	Patton	Swanson
Berglin	Fritz	Lehto	Pehler	Tomlinson
Berkelman	Fudro	Levi	Peterson, D.	Valan
Biersdorf	Greenfield	Luknic	Prahl	Valento
Blatz	Halberg	Mann	Redalen	Vanasek
Brinkman	Heap	McCarron	Reding	Voss
Byrne	Heinitz	McEachern	Reif	Waldorf
Carlson, D.	Hoberg	Mehrkens	Rice	Weaver
Carlson, L.	Hokanson	Metzen	Rodriguez	Welch
Casserly	Jacobs	Minne	Rose	Wenzel
Clark	Jaros	Moe	Rothenberg	Wieser
Clawson	Johnson, C.	Munger	Sarna	Wynia
Corbid	Johnson, D.	Murphy	Schreiber	Spkr. Norton
Dean	Jude	Nelsen, B.	Searles	

Those who voted in the negative were:

Albrecht	Erickson	Kaley	Peterson, B.	Thiede
Anderson, G.	Forsythe	Ludeman	Piepho	Welker
Crandall	Friedrich	McDonald	Pleasant	Wigley
Dempsey	Haukoos	Niehaus	Rees	Zubay
Den Ouden	Jennings	Onnen	Searle	

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

MOTION FOR RECONSIDERATION

Patton moved that the vote whereby H. F. No. 649 was not passed on the Calendar for Thursday, February 14, 1980 be now reconsidered. The motion prevailed.

H. F. No. 649 was reported to the House.

Kahn moved that H. F. No. 649 be returned to General Orders. The motion prevailed.

Carlson, D., and Simoneau were excused at 4:30 p.m. Blatz and Searles were excused at 4:40 p.m.

GENERAL ORDERS

Pursuant to rules of the House, the House resolved itself into the Committee of the Whole, with Norton in the Chair, for the consideration of bills pending on General Orders of the Day. After some time spent therein the Committee arose.

REPORT OF COMMITTEE OF THE WHOLE

The Speaker resumed the Chair, whereupon the following proceedings of the Committee as kept by the Chief Clerk were reported to the House:

H. F. No. 1272 which it recommended to pass.

H. F. No. 547 which it recommended progress until Thursday, February 21, 1980 retaining its place on General Orders.

S. F. Nos. 1166 and 54 which it recommended progress.

S. F. No. 768 which it recommended progress with the following amendments:

Offered by Anderson, G.:

Page 3, line 22, delete the language after "*disapproval.*"

Page 3, delete lines 23 through 33

Delete all of page 4

Offered by Kvam:

Page 3, line 4, after "*county*" insert "*and the town officers in each township*"

Page 3, line 5, after "*board*" insert "*and the township officers*"

Page 3, line 8, after "*board*" insert "*and the township officers*".

On the motion of Sieben, H., the report of the Committee of the Whole was adopted.

ROLL CALLS IN COMMITTEE OF THE WHOLE

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

Anderson, G., moved to amend S. F. No. 768 as follows:

Page 3, line 22, delete the language after "*disapproval.*"

Page 3, delete lines 23 through 33

Delete all of page 4

The question was taken on the amendment and the roll was called. There were 80 yeas and 39 nays as follows:

Those who voted in the affirmative were:

Aasness	Dempsey	Jennings	Minne	Stadum
Adams	Den Ouden	Johnson, C.	Murphy	Stowell
Ainley	Drew	Johnson, D.	Nelsen, B.	Sviggum
Albrecht	Eken	Kaley	Niehaus	Swanson
Anderson, B.	Elioff	Kalis	Nysether	Thiede
Anderson, D.	Erickson	Kostohryz	Onnen	Valan
Anderson, G.	Esau	Kvam	Patton	Valento
Anderson, I.	Evans	Levi	Pehler	Voss
Anderson, R.	Fjoslien	Ludeman	Peterson, D.	Weaver
Battaglia	Friedrich	Luknic	Piepho	Welch
Begich	Fritz	Mann	Redalen	Welker
Berkelman	Fudro	McCarron	Rees	Wenzel
Biersdorf	Haukoos	McDonald	Reif	Wieser
Brinkman	Hoberg	McEachern	Rodriguez	Wigley
Byrne	Hokanson	Mehrkens	Searle	Zubay
Corbid	Jacobs	Metzen	Sherwood	Spkr. Norton

Those who voted in the negative were:

Berglin	Forsythe	Kelly	Novak	Sieben, H.
Carlson, L.	Greenfield	Kempe	Olsen	Sieben, M.
Casserly	Halberg	Kroening	Osthoff	Stoa
Clawson	Heap	Laidig	Otis	Tomlinson
Dean	Heinitz	Lehto	Peterson, B.	Vanasek
Ellingson	Jaros	Munger	Pleasant	Waldorf
Ewald	Jude	Nelson	Rose	Wynia
Faricy	Kahn	Norman	Rothenberg	

The motion prevailed and the amendment was adopted.

Kvam moved to amend S. F. No. 768, as follows:

Page 3, line 4, after "*county*" insert "*and the town officers in each township*"

Page 3, line 5, after "*board*" insert "*and the township officers*"

Page 3, line 8, after "*board*" insert "*and the township officers*"

The question was taken on the amendment and the roll was called. There were 77 yeas and 46 nays as follows:

Those who voted in the affirmative were:

Aasness	Den Ouden	Johnson, D.	Niehaus	Sviggum
Adams	Drew	Jude	Nysether	Swanson
Ainley	Eken	Kaley	Onnen	Thiede
Albrecht	Elioff	Kalis	Patton	Valan
Anderson, B.	Erickson	Kvam	Pehler	Valento
Anderson, D.	Esau	Lehto	Piepho	Voss
Anderson, G.	Evans	Ludeman	Pleasant	Weaver
Anderson, I.	Fjoslien	Luknic	Prahl	Welch
Anderson, R.	Friedrich	Mann	Redalen	Welker
Battaglia	Fritz	McDonald	Reding	Wenzel
Begich	Fudro	McEachern	Rees	Wieser
Berkelman	Haukoos	Mehrkens	Rodriguez	Wigley
Biersdorf	Hoberg	Metzen	Rose	Zubay
Brinkman	Hokanson	Minne	Searle	
Corbid	Jennings	Murphy	Stadum	
Dempsey	Johnson, C.	Nelsen, B.	Stowell	

Those who voted in the negative were:

Berglin	Faricy	Kostohryz	Osthoff	Stoa
Byrne	Greenfield	Kroening	Otis	Tomlinson
Carlson, L.	Halberg	Laldig	Peterson, B.	Vanasek
Cassery	Heap	Levi	Peterson, D.	Waldorf
Clark	Heinitz	McCarron	Rice	Wynia
Clawson	Jacobs	Munger	Rothenberg	Spkr. Norton
Crandall	Jaros	Nelson	Schreiber	
Dean	Kahn	Norman	Sherwood	
Ellingson	Kelly	Novak	Sieben, H.	
Ewald	Kempe	Olsen	Sieben, M.	

The motion prevailed and the amendment was adopted.

MOTIONS AND RESOLUTIONS

Berglin moved that the name of Swanson be added as an author on H. F. No. 1953. The motion prevailed.

Voss moved that the name of Simoneau be shown as chief author and Voss be shown as second author on H. F. No. 1486. The motion prevailed.

Voss moved that the name of Voss be stricken and the name of Ellingson be added as chief author on H. F. No. 841. The motion prevailed.

Voss moved that the name of Voss be stricken and the name of Ellingson be added as chief author on H. F. No. 1318. The motion prevailed.

Faricy moved that H. F. No. 1727, now on General Orders, be re-referred to the Committee on Judiciary. The motion prevailed.

Peterson, B., moved that the name of Pavlak be stricken and the name of Dempsey be added as an author on H. F. No. 1020. The motion prevailed.

Nelsen, M., moved that the name of McEachern be stricken and the names of Anderson, I., and Voss be added as authors on H. F. No. 2019. The motion prevailed.

Reding moved that the name of Minne be added as an author on H. F. No. 1985. The motion prevailed.

Anderson, G., moved that the names of Voss and Welker be added as authors on H. F. No. 109. The motion prevailed.

Blatz moved that the names of Vanasek and Ellingson be added as authors on H. F. No. 2029. The motion prevailed.

Voss moved that the name of Valento be added as an author on H. F. No. 2071. The motion prevailed.

Rees moved that the name of Pavlak be stricken as an author on H. F. No. 1362. The motion prevailed.

Wynia moved that H. F. No. 1895 be recalled from the Committee on Governmental Operations and be re-referred to the Committee on Judiciary. The motion prevailed.

Haukoos moved that the name of Kaley be added as an author on H. F. No. 2056. The motion prevailed.

Olsen moved that the name of Heap be added as an author on H. F. No. 1415. The motion prevailed.

Moe moved that H. F. No. 1780, H. F. No. 1788, H. F. No. 1912, H. F. No. 1928 and H. F. No. 1946 be recalled from the Committee on Governmental Operations and be re-referred to the Committee on Labor-Management Relations. The motion prevailed.

Rice moved that H. F. No. 1717 be recalled from the Committee on Financial Institutions and Insurance and be re-referred to the Committee on Labor-Management Relations. The motion prevailed.

Welker moved that H. F. No. 1294 be returned to its author. The motion prevailed.

Nelson moved that the House and the Senate meet in joint convention in the House chambers at 3:00 p.m. on Thursday, February 21, 1980 for the purpose of hearing an address by

the Honorable Charles W. Duncan, Jr., U.S. Secretary of Energy, and that the Chief Clerk be instructed to invite the Senate by message. The motion prevailed.

ANNOUNCEMENT BY THE SPEAKER

The Speaker announced the following changes in committee assignments:

Semi-State Division/Appropriations: Remove the name of Sieben, M., and add the names of Anderson, D., Corbid, Kahn, Kalis and Valan.

Agriculture: Remove the name of Berkelman and add the name of Jude.

ADJOURNMENT

Sieben, H., moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:00 p.m., Tuesday, February 19, 1980.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

STATE OF MINNESOTA

SEVENTY-FIRST SESSION - 1980

SIXTY-NINTH DAY

SAINT PAUL, MINNESOTA, TUESDAY, FEBRUARY 19, 1980

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

Prayer was offered by the Chaplain.

The roll was called and the following members were present:

Aasness	Drew	Kahn	Niehaus	Sieben, H.
Adams	Eken	Kaley	Norman	Sieben, M.
Ainley	Elioff	Kalis	Novak	Simoneau
Albrecht	Ellingson	Kelly	Nysether	Stadum
Anderson, B.	Erickson	Kempe	Olsen	Stoa
Anderson, D.	Esau	Kostohryz	Onnen	Stowell
Anderson, G.	Evans	Kroening	Osthoff	Sviggum
Anderson, I.	Ewald	Kvam	Otis	Thiede
Anderson, R.	Faricy	Laidig	Patton	Tomlinson
Battaglia	Fjoslien	Lehto	Pehler	Valan
Begich	Forsythe	Levi	Peterson, B.	Valento
Berglin	Friedrich	Long	Peterson, D.	Vanasek
Berkelman	Fritz	Ludeman	Piepho	Voss
Biersdorf	Fudro	Luknic	Pleasant	Waldorf
Blatz	Greenfield	Mann	Redalen	Weaver
Brinkman	Halberg	McCarron	Reding	Welch
Byrne	Haukoos	McDonald	Rees	Welker
Carlson, D.	Heap	McEachern	Reif	Wenzel
Carlson, L.	Heinitz	Mehrkens	Rice	Wieser
Casserly	Hoberg	Metzen	Rodriguez	Wigley
Clark	Hokanson	Minne	Rose	Wynia
Clawson	Jacobs	Moe	Rothenberg	Zubay
Corbid	Jaros	Munger	Sarna	Sprk. Norton
Crandall	Jennings	Murphy	Schreiber	
Dean	Johnson, C.	Nelsen, B.	Searle	
Dempsey	Johnson, D.	Nelsen, M.	Searles	
Den Ouden	Jude	Nelson	Sherwood	

A quorum was present.

Knickerbocker was excused. Prah! was excused until 3:25 p.m.
Swanson was excused until 3:50 p.m.

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

REPORTS OF CHIEF CLERK

Pursuant to Rules of the House, printed copies of H. F. No. 1800 and S. F. Nos. 1755, 1248 and 768 have been placed in the members' files.

REPORTS OF STANDING COMMITTEES

Farcy from the Committee on Judiciary to which was referred:

H. F. No. 1020, A bill for an act relating to crimes; providing for admission into evidence of certain certificates of analysis.

Reported the same back with the following amendments:

Page 1, line 8, after "misdemeanor," insert "or proceeding pursuant to Minnesota Statutes, Section 169.123, Subdivision 4,"

Page 2, line 4, delete "county" and insert "prosecuting"

Page 2, line 9, delete "1979" and insert "1980"

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

The report was adopted.

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

H. F. No. 1601, A bill for an act relating to political parties; allowing party officers and delegates to party conventions to take certain leave time from employment; providing penalties; amending Minnesota Statutes 1978, Chapter 202A, by adding a section.

Reported the same back with the following amendments:

Page 1, line 18, after "*delegate*" insert "*or alternate delegate*"

Further amend the title as follows

Page 1, line 3, after "delegates" insert "and alternate delegates"

With the recommendation that when so amended the bill pass.

The report was adopted.

Johnson, C., from the Committee on Education to which was referred:

H. F. No. 1684, A bill for an act relating to state lands; providing for the conveyance of certain land to the city of Virginia.

Reported the same back with the following amendments:

Page 1, line 20, delete "715.0" and insert "725.0"

Page 2, line 4, after "land" delete "of"

Page 2, after line 9, insert:

"Sec. 2. This act shall be effective the day following final enactment."

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

The report was adopted.

Johnson, C., from the Committee on Education to which was referred:

H. F. No. 1763, A bill for an act relating to education; increasing the bonding authority of the higher education coordinating board; amending Minnesota Statutes, 1979 Supplement, Section 136A.171.

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

The report was adopted.

Johnson, C., from the Committee on Education to which was referred:

H. F. No. 1767, A bill for an act relating to education; appropriating money to the higher education coordinating board for the development and implementation of a data processing system and the addition of a staff member.

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

The report was adopted.

Farcy from the Committee on Judiciary to which was referred:

S. F. No. 482, A bill for an act relating to corporations; authorizing purchase of insurance to provide indemnification of certain persons for certain liabilities and expenses; amending Minnesota Statutes 1978, Sections 300.082, Subdivisions 4 and 5; and 301.095, Subdivisions 4 and 5.

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

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 1020, 1601 and 1684 were read for the second time.

SECOND READING OF SENATE BILLS

S. F. No. 482 was read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

McEachern introduced:

H. F. No. 2074, A bill for an act relating to education; increasing the amount a school district may levy for community services; amending Minnesota Statutes, 1979 Supplement, Section 275.125, Subdivision 8.

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

Swanson; Carlson, L.; Berglin; Kaley and Heinritz introduced:

H. F. No. 2075, A bill for an act relating to health; requiring certain immunizations for children; requiring certain schools to maintain immunization records and make certain reports; amending Minnesota Statutes 1978, Section 123.70.

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

Stoa introduced:

H. F. No. 2076, A bill for an act relating to the port authority of Winona; providing powers and conditions of debt; amending Laws 1967, Chapter 541, Section 1, as amended.

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

Berglin introduced:

H. F. No. 2077, A bill for an act relating to public welfare; clarifying zoning requirements for licensed residential facilities; amending Minnesota Statutes 1978, Section 245.812, Subdivision 2.

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

Patton, Rose, Rees, Sieben, H., and Norton introduced:

H. F. No. 2078, A bill for an act relating to retirement; contributions and benefits of judges and survivors under the uniform retirement and survivors' annuities law; amending Minnesota Statutes 1978, Sections 490.123, Subdivision 1; and 490.124, Subdivisions 1, 9 and 12.

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

Anderson, G.; Den Ouden and Welker introduced:

H. F. No. 2079, A bill for an act relating to education; removing a limitation on the state board for vocational education's authority to approve certain fund transfers for post-secondary vocational-technical schools; modifying the procedure for allocating categorical aid to those schools; amending Minnesota Statutes, 1979 Supplement, Sections 121.912, Subdivision 1 and 124.563, Subdivision 1.

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

Osthoff introduced:

H. F. No. 2080, A bill for an act relating to insurance; providing participation eligibility for state insurance coverages for certain employees; amending Minnesota Statutes, 1979 Supplement, Section 43.491, Subdivision 2.

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

Valan introduced:

H. F. No. 2081, A bill for an act relating to the city of Campbell; authorizing issuance of general obligation bonds to finance construction of a community hall.

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

McCarron, Osthoff, Olsen and Sieben, M., introduced:

H. F. No. 2082, A bill for an act relating to elections; providing for special elections to fill vacancies in statutory city offices; amending Minnesota Statutes 1978, Sections 205.10; 205.17, Subdivision 1; and 412.02, Subdivision 2, and by adding a subdivision.

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

McDonald, Waldorf and Rees introduced:

H. F. No. 2083, A bill for an act relating to obscenity; prohibiting the dissemination of intrusively offensive sexual material by cable communication companies; providing penalties; amending Minnesota Statutes 1978, Section 238.11, by adding subdivisions; and Chapter 617, by adding sections.

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

Sviggum, Vanasek, Begich, Wenzel and Carlson, D., introduced:

H. F. No. 2084, A bill for an act relating to taxation; real property; providing a credit for certain property along wild and scenic rivers; appropriating money; amending Minnesota Statutes 1978, Chapter 273, by adding a section.

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

Reding, Patton and Kaley introduced:

H. F. No. 2085, A bill for an act relating to retirement; financing and amounts of pensions for volunteer firefighters; amending Minnesota Statutes, 1979 Supplement, Sections 69.772, Subdivision 2a; and 424A.02, Subdivisions 3, 7, 9, and by adding a subdivision.

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

Elioff, Murphy, Begich and Battaglia introduced:

H. F. No. 2086, A bill for an act relating to state departments; providing for the creation of a state employee assistance program in the department of administration; amending Minnesota Statutes 1978, Section 16.02, by adding a subdivision.

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

Kroening; Anderson, I.; Sieben, H.; Jacobs and Hokanson introduced:

H. F. No. 2087, A bill for an act relating to taxation; providing adjustments to property tax refund due to granting of abatements on claimant's homestead; amending Minnesota Statutes 1978, Sections 290A.11, by adding a subdivision; and 375.192, Subdivision 1.

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

Greenfield, Voss, Kahn, Kvam and Heinitz introduced:

H. F. No. 2088, A bill for an act relating to trade regulations; providing limits on formaldehyde concentrations emitted from building materials and insulation; prohibiting certain transactions; providing remedies; prescribing penalties; amending Minnesota Statutes 1978, Section 325.907, Subdivision 1.

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

Pleasant, Hoberg, Waldorf and Schreiber introduced:

H. F. No. 2089, A bill for an act relating to metropolitan transit; providing assumptions for fare policy; amending Minnesota Statutes 1978, Section 473.408, by adding a subdivision.

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

Battaglia introduced:

H. F. No. 2090, A bill for an act relating to intoxicating liquor; authorizing the issuance of Sunday sales licenses by county boards in unorganized territory without voter approval; amending Minnesota Statutes 1978, Section 340.14, Subdivision 5.

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

Battaglia, Begich, Minne and Elioff introduced:

H. F. No. 2091, A bill for an act relating to energy; appropriating money for a wood fuel conversion consortium between Independent School Districts Nos. 692, 696, 708 and Vermillion Community College.

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

Pehler and Sieben, H., introduced:

H. F. No. 2092, A bill for an act relating to education; permitting the state board of education to award scholarships to Indian students attending a college preparatory school; amending Minnesota Statutes 1978, Section 124.48.

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

Byrne introduced:

H. F. No. 2093, A bill for an act relating to juveniles; changing procedures with regard to detention and disposition; amending Minnesota Statutes 1978, Sections 260.172, Subdivision 4, and by adding a subdivision; 260.185, Subdivision 4; and 260.191, Subdivision 2.

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

Osthoff introduced:

H. F. No. 2094, A bill for an act relating to ethics in government; changing certain procedures and standards concerning election campaign financing; appropriating money; amending Minnesota Statutes 1978, Sections 10A.01, by adding subdivisions; 10A.13, by adding a subdivision; 10A.20, Subdivision 3; 10A.25, Subdivision 1; 10A.27, Subdivisions 1, 2 and 8; 10A.28, Subdivisions 1, 3 and 4; 10A.30, Subdivision 2; 10A.31, Subdivi-

sions 1, 2, 3, 4, 5, and by adding subdivisions; and 10A.32, Subdivisions 1, 3, and by adding a subdivision; repealing Minnesota Statutes 1978, Sections 10A.25, Subdivisions 2 to 7, and 10; 10A.27, Subdivision 7; 10A.28, Subdivision 2; 10A.31, Subdivisions 3a, and 6 to 11; 10A.32, Subdivisions 2, 3a, 3b and 4; 10A.33; and 10A.335.

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

Stoa; Carlson, D.; Tomlinson and Evans introduced:

H. F. No. 2095, A bill for an act relating to energy; requiring the public service commission to develop rules for conservation expenditures by public utilities; and amending the certificate of need requirements for large energy facilities.

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

Murphy, Dempsey, Jude and Crandall introduced:

H. F. No. 2096, A bill for an act relating to commerce; providing for service of legal process on nonresident brokers and salespersons licensed to do business in Minnesota; amending Minnesota Statutes 1978, Section 82.31, Subdivision 3.

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

Casserly; Kroening; Sieben, H.; Jaros and Osthoff introduced:

H. F. No. 2097, A bill for an act relating to taxation; providing an adjustment in the computation method for adjusted assessed value for school aid purposes; providing for state reimbursement of taxing jurisdictions for tax reduction granted to Title II property, class 3cc property, and property containing public housing unit; modifying the method of computing levy limits; increasing homestead relief for certain property; providing state assistance for municipal pension costs; appropriating money; amending Minnesota Statutes 1978, Sections 124.212, Subdivision 2; 273.13, Subdivision 17b; 275.51, by adding a subdivision; 276.04; and Chapter 273, by adding a section; amending Minnesota Statutes, 1979 Supplement, Section 273.13, Subdivision 7.

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

Nelsen, B., and Aasness introduced:

H. F. No. 2098, A bill for an act relating to courts; providing for travel expenses of district court judges; amending Minnesota Statutes 1978, Section 484.54, Subdivision 2.

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

Nelson, Pleasant, Casserly, Moe and Norton introduced:

H. F. No. 2099, A bill for an act relating to state government; creating a state council on Black Minnesotans; appropriating money.

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

Moe, Nelson, Berglin, Norton and Blatz introduced:

H. F. No. 2100, A bill for an act relating to housing; providing the housing finance agency with authority to make grants and loans to certain sponsors of housing used for temporary shelter; appropriating money; amending Minnesota Statutes 1978, Sections 462A.05, by adding a subdivision; and 462A.21, by adding a subdivision.

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

Adams, Brinkman, Ewald, Wenzel and Rees introduced:

H. F. No. 2101, A bill for an act relating to financial institutions; establishing a maximum lawful rate of interest chargeable on loans made by credit unions; amending Minnesota Statutes 1978, Section 52.14.

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

Rothenberg, Stoa, Nelson and Rees introduced:

H. F. No. 2102, A bill for an act relating to public utilities; revision of rates pending approval by the public service commission; amending Minnesota Statutes 1978, Sections 216B.16, Subdivision 1, and by adding subdivisions; and 237.075, Subdivisions 1 and 2, and by adding subdivisions.

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

Lehto, Jaros, Murphy, Berkelman and Munger introduced:

H. F. No. 2103, A bill for an act relating to retirement; authorizing certain persons to purchase prior service credit.

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

Anderson, B.; Stowell; Welch; Mann and Kalis introduced:

H. F. No. 2104, A bill for an act relating to agriculture; establishing a program of loan guarantees for development of grain alcohol fuel facilities; appropriating money.

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

Sieben, H.; Berglin; Jacobs; Kvam and Halberg introduced:

H. F. No. 2105, A bill for an act proposing an amendment to the Minnesota Constitution, Article X, Section 6; removing restrictions upon the power to tax the mining, production or beneficiation of copper, copper-nickel or nickel.

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

Simoneau, Laidig, McCarron, Patton and Sherwood introduced:

H. F. No. 2106, A bill for an act relating to state government; providing for the appropriation of funds equal to the value of transferred assets when certain assets are transferred among state agencies; directing the state auditor to determine certain adjustments to foundation aid payments; transferring to the commissioner of finance certain duties of the state auditor related to Minnesota aeronautics bonds; providing for the state auditor to approve bonds for officers and employees of regional development commissions; providing for audits of housing and redevelopment authorities under certain conditions; transferring duties of the state auditor to the commissioner of finance related to state taxes on the sale of certain obligations; appropriating money; amending Minnesota Statutes 1978, Sections 16.73; 360.301; 360.302; 462.389, Subdivisions 2 and 4; 462.451, Subdivision 1; 475.73, Subdivision 2; and Chapter 6, by adding sections; Minnesota Statutes, 1979 Supplement, Section 124.212, Subdivision 20; repealing Minnesota Statutes 1978, Sections 3.976; and 3.977.

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

Wigley, Osthoff, Otis, Rees and Anderson, I., introduced:

H. F. No. 2107, A bill for an act relating to veterans; authorizing a memorial to Minnesota's war dead in Arlington National Cemetery; appropriating money.

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

Patton; Kaley; Sieben, H.; Biersdorf and Sarna introduced:

H. F. No. 2108, A bill for an act relating to retirement; deferral of benefits and age and service requirements for certain justices of the supreme court; amending Minnesota Statutes 1978, Section 490.025, Subdivisions 2 and 3.

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

Patton; Biersdorf; Nelsen, B.; Welch and Sarna introduced:

H. F. No. 2109, A bill for an act relating to education; exempting certain adult vocational-technical school teachers from a license requirement and from participation in certain retirement programs; including additional persons in teachers retirement; amending Minnesota Statutes 1978, Section 354.05, Subdivision 2; and Chapter 125, by adding a section; and Minnesota Statutes, 1979 Supplement, Section 353.01, Subdivision 2b.

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

Patton, Simoneau, Brinkman and Hokanson introduced:

H. F. No. 2110, A bill for an act relating to motor vehicles; authorizing the identification of certain tax exempt vehicles by use of removable plates or placards; amending Minnesota Statutes 1978, Section 168.012, Subdivision 1.

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

Kalis, Johnson, D., and Anderson, B., introduced:

H. F. No. 2111, A bill for an act relating to transportation; excluding minor pipeline relocations caused by highway construction from certain easement or right-of-way agreement provisions; amending Minnesota Statutes, 1979 Supplement, Section 116L.01, Subdivision 2.

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

Patton, Biersdorf, Metzen, Begich and Hoberg introduced:

H. F. No. 2112, A bill for an act relating to retirement; local police and salaried firefighters relief associations; providing limited annual automatic post retirement adjustments for certain newly employed, active and retired local relief association members with municipal approval.

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

Kalis, Albrecht, Reding, Mann and Brinkman introduced:

H. F. No. 2113, A bill for an act relating to cooperatives; prohibiting stockholder signature lines on the face of ballots received by mail; amending Minnesota Statutes 1978, Section 308.07, Subdivision 10.

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

Nelsen, M.; Lehto; Battaglia and Elioff introduced:

H. F. No. 2114, A bill for an act relating to taxation; real property; providing that certain commercial use real property qualify for class 3a assessment; amending Minnesota Statutes, 1979 Supplement, Section 273.13, Subdivision 5a.

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

Carlson, L.; Rothenberg; Clawson; Moe and Kaley introduced:

H. F. No. 2115, A bill for an act relating to state government; providing for the publication of certain agency data and for notice of vacancies on boards, commissions, councils, task forces, and similar agencies; appropriating money; amending Minnesota Statutes 1978, Section 15.0597, Subdivisions 3, 4, 5, 6 and 7.

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

Searles, McCarron and McDonald introduced:

H. F. No. 2116, A bill for an act relating to metropolitan government; changing the method for election of metropolitan council members; amending Minnesota Statutes 1978, Sections 473.121, by adding a subdivision; 473.123; and 473.141, Subdivisions 3 and 5.

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

Schreiber; Sieben, H.; McDonald; Jude and Rees introduced:

H. F. No. 2117, A bill for an act relating to metropolitan government; permitting loans from the metropolitan council to purchase highway rights-of-way; appropriating money; amending Minnesota Statutes 1978, Chapter 473, by adding a section.

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

Carlson, L.; Otis; Heap; Nelson and Jennings introduced:

H. F. No. 2118, A bill for an act relating to education; modifying the employment status of certain substitute teachers; amending Minnesota Statutes 1978, Section 123.35, Subdivision 5.

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

Hokanson, Wenzel, Jacobs, Laidig and Rose introduced:

H. F. No. 2119, A bill for an act relating to the military; extending indefinitely the duration of the authority of the adjutant general to acquire lands for military training from funds available in the military land fund; repealing certain obsolete provisions relating to the military land fund; amending Minnesota Statutes 1978, Sections 190.25; 190.26, Subdivision 1; 190.29; 190.30, Subdivisions 1, 5 and 6; and repealing Minnesota Statutes 1978, Sections 190.26, Subdivisions 2 and 3; and 190.27.

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

CALENDAR

H. F. No. 1272, A bill for an act relating to aeronautics; excluding parachutes and parachuting from the jurisdiction of the department of transportation; amending Minnesota Statutes 1978, Section 360.013, Subdivisions 2, 3 and 11.

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

The question was taken on the passage of the bill and the roll was called. There were 123 yeas and 2 nays as follows:

Those who voted in the affirmative were:

Aasness	Eken	Kahn	Norman	Sieben, H.
Adams	Elioff	Kaley	Novak	Sieben, M.
Ainley	Ellingson	Kelly	Nysether	Simoneau
Albrecht	Erickson	Kempe	Olsen	Stadum
Anderson, B.	Esau	Kroening	Onnen	Stoa
Anderson, D.	Evans	Kvam	Osthoff	Stowell
Anderson, G.	Ewald	Laidig	Otis	Sviggum
Anderson, I.	Faricy	Lehto	Patton	Thiede
Anderson, R.	Fjoslien	Levi	Pehler	Tomlinson
Battaglia	Forsythe	Long	Peterson, B.	Valan
Begich	Friedrich	Ludeman	Peterson, D.	Valento
Berglin	Fritz	Luknic	Piepho	Vanasek
Biersdorf	Fudro	Mann	Pleasant	Voss
Blatz	Greenfield	McCarron	Reding	Waldorf
Brinkman	Halberg	McDonald	Rees	Weaver
Byrne	Haukoos	McEachern	Reif	Welch
Carlson, L.	Heap	Mehrkens	Rice	Welker
Casserly	Heinitz	Metzen	Rodriguez	Wenzel
Clark	Hokanson	Minne	Rose	Wieser
Clawson	Jacobs	Munger	Rothenberg	Wigley
Corbid	Jaros	Murphy	Sarna	Wynia
Crandall	Jennings	Nelsen, B.	Schreiber	Zubay
Dempsey	Johnson, C.	Nelsen, M.	Searle	Spkr. Norton
Den Ouden	Johnson, D.	Nelson	Searles	
Drew	Jude	Niehaus	Sherwood	

Those who voted in the negative were:

Kalis Moe

The bill was passed and its title agreed to.

Evans was excused at 2:40 p.m. Heinitz was excused between the hours of 3:20 p.m. and 6:00 p.m. Searles was excused at 4:50 p.m. Pleasant was excused at 5:20 p.m.

GENERAL ORDERS

Pursuant to rules of the House, the House resolved itself into the Committee of the Whole, with Norton in the Chair, for the consideration of bills pending on General Orders of the Day. After some time spent therein the Committee arose.

REPORT OF COMMITTEE OF THE WHOLE

The Speaker resumed the Chair, whereupon the following proceedings of the Committee as kept by the Chief Clerk were reported to the House:

H. F. Nos. 994 and 1145 which it recommended to pass.

S. F. Nos. 1257, 1042 and 550 which it recommended to pass.

H. F. Nos. 326, 458, 1302 and 1427 which it recommended progress.

S. F. Nos. 58, 951, 895, 998, 544 and 693 which it recommended progress.

H. F. No. 649 which it recommended progress until Monday, March 3, 1980 retaining its place on General Orders.

S. F. No. 54 which it recommended progress retaining its place on General Orders.

S. F. No. 1010 which it recommended progress until Thursday, February 28, 1980.

H. F. No. 1216 which it recommended progress until Monday, March 3, 1980.

H. F. No. 1012 which it recommended progress until Thursday, March 6, 1980.

S. F. No. 768 which it recommended to pass, as amended by the Committee of the Whole on Monday, February 18, 1980, and with the following amendment to the unofficial engrossment offered by Kvam:

Page 2, line 2, after the period insert "*Any landowner possessing property interests being sought by the commissioner may negotiate a lease, easement, or servitude of land as an option to a fee transfer. A landowner negotiating the terms of a lease, easement, or servitude of land may:*

(a) *Negotiate the term of the lease, easement, or servitude being sought, which shall terminate upon the death of a landowner or upon change of ownership;*

(b) *Restrict a lease, easement, or servitude by legal description to the land, wetland, or water areas being sought, and may drain any after-expanded wetland, or water area in excess of the legal description in the lease, easement, or servitude."*

H. F. No. 1453 which it recommended to pass with the following amendments:

Offered by Johnson, D.:

Page 2, line 5, after "Statutes" strike "1978" and insert "1979 Supplement,"

Page 2, delete lines 7 to 24 and insert:

"465.72 [SEVERANCE PAY.] Except as may otherwise be provided in Laws 1959, Chapter 690, as amended, all counties, cities, townships and school districts are hereby authorized and empowered to pay severance pay to all of its employees and to establish, prescribe and promulgate provisions, rules and regulations for the payment of such severance pay upon leaving employment *on or* prior to the normal retirement date. Such severance pay shall be excluded from retirement deductions and from any calculations in retirement benefits, and shall be paid in a manner mutually agreeable to the employee and employer over a period not to exceed five years from *retirement or* termination of employment. In the event that a *retired or* terminated employee dies before all or a portion of the severance pay has been disbursed, that balance due shall be paid to a named beneficiary or, lacking same, to the deceased's estate. In no event shall severance pay provided for an employee except a teacher as defined in section 179.63, subdivision 13, leaving employment exceed an amount equivalent to 100 days pay. Severance pay for a teacher as defined in section 179.63, subdivision 13, shall not exceed an amount equivalent to one year of pay."

Further, amend the title as follows:

Page 1, delete line 5 and insert "Section 356.24; and Minnesota Statutes, 1979 Supplement, Section 465.72."

Offered by Sviggum and Mehrkens:

As previously amended:

Page 2, line 13, after "prior" insert "*or subsequent*"

Page 2, line 25, after "*payments*" insert "*or agreements for payments*" and after "*made*" insert "*or authorized*"

On the motion of Sieben, H., the report of the Committee of the Whole was adopted.

ROLL CALLS IN COMMITTEE OF THE WHOLE

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

Kvam moved to amend S. F. No. 768, the unofficial engrossment, as follows:

Page 2, line 2, after the period insert "*Any landowner possessing property interests being sought by the commissioner may negotiate a lease, easement, or servitude of land as an option to*

a fee transfer. A landowner negotiating the terms of a lease, easement, or servitude of land may:

(a) Negotiate the term of the lease, easement, or servitude being sought, which shall terminate upon the death of a landowner or upon change of ownership;

(b) Restrict a lease, easement, or servitude by legal description to the land, wetland, or water areas being sought, and may drain any after expanded wetland, or water area in excess of the legal description in the lease, easement, or servitude."

The question was taken on the amendment and the roll was called. There were 75 yeas and 40 nays as follows:

Those who voted in the affirmative were:

Aasness	Carlson, D.	Greenfield	McEachern	Rodriguez
Adams	Carlson, L.	Hoberg	Mehrkens	Sarna
Ainley	Casserly	Hokanson	Metzen	Searle
Albrecht	Corbid	Jacobs	Minne	Stadum
Anderson, B.	Dempsey	Jennings	Moe	Stowell
Anderson, D.	Den Ouden	Jude	Murphy	Sviggum
Anderson, G.	Eken	Kaley	Nelsen, B.	Valan
Anderson, I.	Elioff	Kalis	Niehaus	Valento
Anderson, R.	Erickson	Kelly	Nysether	Waldorf
Battaglia	Esau	Kroening	Onnen	Weaver
Begich	Evans	Kvam	Osthoff	Welker
Biersdorf	Fjoslien	Levi	Patton	Wenzel
Blatz	Friedrich	Ludeman	Pehler	Wieser
Brinkman	Fritz	Luknic	Pleasant	Wigley
Byrne	Fudro	Mann	Redalen	Zubay

Those who voted in the negative were:

Berkelman	Haukoos	McCarron	Peterson, D.	Sherwood
Crandall	Heap	McDonald	Piepho	Sieben, H.
Dean	Heinitz	Munger	Reding	Sieben, M.
Drew	Jaros	Nelsen, M.	Rees	Simoneau
Ewald	Kempe	Norman	Reif	Stoa
Faricy	Laidig	Novak	Rice	Tomlinson
Forsythe	Lehto	Olsen	Rose	Vanasek
Halberg	Long	Peterson, B.	Rothenberg	Wynia

The motion prevailed and the amendment was adopted.

McCarron moved to amend S. F. No. 1257, as follows:

Page 2, line 8, delete "*The vendor of medical care shall*"

Page 2, delete lines 9 and 10

Page 2, line 11, delete "*records.*"

Page 6, line 2, delete the new language

Page 6, delete line 3

Page 6, line 4, delete the new language

Page 8, line 17, delete "*The vendor of medical*"

Page 8, delete lines 18 and 19

Page 8, line 20, delete "*records.*"

The question was taken on the amendment and the roll was called. There were 23 yeas and 99 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Clark	Kahn	Murphy	Simoneau
Berglin	Corbid	Kelly	Nelsen, M.	Stoa
Byrne	Ellingson	Lehto	Nelson	Welch
Carlson, L.	Fudro	Long	Peterson, D.	
Cassery	Greenfield	McCarron	Sieben, M.	

Those who voted in the negative were:

Aasness	Esau	Kempe	Olsen	Sieben, H.
Adams	Ewald	Kostohryz	Onnen	Stadum
Ainley	Farcy	Kroening	Otis	Stowell
Albrecht	Fjoslien	Kvam	Patton	Svigum
Anderson, D.	Forsythe	Laidig	Pehler	Thiede
Anderson, G.	Friedrich	Levi	Peterson, B.	Tomlinson
Battaglia	Fritz	Ludeman	Piepho	Valan
Begich	Halberg	Luknic	Pleasant	Valento
Berkelman	Haukoos	Mann	Redalen	Vanasek
Biersdorf	Heap	McDonald	Rees	Voss
Blatz	Heinitz	McEachern	Reif	Waldorf
Carlson, D.	Hoberg	Mehrrens	Rice	Weaver
Clawson	Hokanson	Metzen	Rodriguez	Welker
Crandall	Jacobs	Minne	Rose	Wenzel
Dean	Jennings	Munger	Rothenberg	Wieser
Dempsy	Johnson, C.	Nelsen, B.	Sarna	Wigley
Den Ouden	Johnson, D.	Niehaus	Schreiber	Wynia
Drew	Jude	Norman	Searle	Zubay
Elioff	Kaley	Novak	Searles	Spkr. Norton
Erickson	Kalis	Nysether	Sherwood	

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

Fritz moved to amend S. F. No. 550, the unofficial engrossment, as follows:

Page 1, line 18, strike "greater" and insert "*lesser*"

Page 1, line 20, strike "greater" and insert "*lesser*"

Page 2, line 1, strike "greater" and insert "*lesser*"

Page 2, line 3, strike "greater" and insert "lesser"

Page 2, line 5, strike "greater" and insert "lesser"

Amend the title as follows:

Page 1, line 3, delete "increasing" and insert "changing"

The question was taken on the amendment and the roll was called. There were 57 yeas and 68 nays as follows:

Those who voted in the affirmative were:

Aasness	Den Ouden	Jennings	Olsen	Sviggum
Ainley	Drew	Johnson, D.	Onnen	Thiede
Albrecht	Erickson	Kaley	Peterson, B.	Valan
Anderson, D.	Esau	Kvam	Piepho	Valento
Anderson, R.	Ewald	Laidig	Pleasant	Weaver
Berkelman	Fjoslien	Levi	Redalen	Welker
Biersdorf	Forsythe	Ludeman	Rose	Wieser
Blatz	Fritz	Mehrkens	Rothenberg	Wigley
Carlson, D.	Haukoos	Nelsen, B.	Searle	Zubay
Crandall	Heap	Niehaus	Searles	
Dean	Hoberg	Norman	Sherwood	
Dempsey	Hokanson	Nysether	Stowell	

Those who voted in the negative were:

Adams	Eken	Kroening	Nelson	Sieben, H.
Anderson, B.	Elioff	Lehto	Novak	Sieben, M.
Anderson, G.	Ellingson	Long	Osthoff	Simoneau
Anderson, I.	Faricy	Luknic	Otis	Stadum
Battaglia	Fudro	Mann	Patton	Stoa
Begich	Greenfield	McCarron	Pehler	Tomlinson
Berglin	Jacobs	McDonald	Peterson, D.	Vanasek
Brinkman	Jaros	McEachern	Prahl	Waldorf
Byrne	Johnson, C.	Metzen	Reding	Welch
Carlson, L.	Jude	Minne	Rees	Wenzel
Casserly	Kahn	Moe	Rice	Wynia
Clark	Kalis	Munger	Rodriguez	Spkr. Norton
Clawson	Kelly	Murphy	Sarna	
Corbid	Kostohryz	Nelsen, M.	Schreiber	

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

The question was taken on the Laidig motion that S. F. No. 550 be re-referred to the Committee on General Legislation and Veterans Affairs and the roll was called. There were 60 yeas and 68 nays as follows:

Those who voted in the affirmative were:

Aasness	Anderson, R.	Dean	Erickson	Forsythe
Ainley	Blatz	Dempsey	Esau	Friedrich
Albrecht	Carlson, D.	Den Ouden	Ewald	Fritz
Anderson, D.	Crandall	Drew	Fjoslien	Halberg

Haukoos	Levi	Nysether	Rose	Thiede
Heap	Ludeman	Olsen	Rothenberg	Valan
Hoberg	Luknic	Onnen	Schreiber	Valento
Jennings	McDonald	Peterson, B.	Searle	Weaver
Johnson, D.	Mehrkens	Piepho	Searles	Welker
Kaley	Nelsen, B.	Pleasant	Sherwood	Wieser
Kvam	Niehaus	Rees	Stadum	Wigley
Laidig	Norman	Reif	Sviggum	Zubay

Those who voted in the negative were:

Adams	Corbid	Kelly	Nelsen, M.	Sieben, M.
Anderson, B.	Eken	Kempe	Nelson	Simoneau
Anderson, G.	Elioff	Kostohryz	Novak	Stoa
Anderson, I.	Ellingson	Kroening	Osthoff	Swanson
Battaglia	Faricy	Lehto	Otis	Tomlinson
Begich	Fudro	Long	Patton	Vanasek
Berglin	Greenfield	Mann	Pehler	Voss
Berkelman	Hokanson	McCarron	Peterson, D.	Waldorf
Brinkman	Jacobs	McEachern	Prahl	Welch
Byrne	Jaros	Metzen	Reding	Wenzel
Carlson, L.	Johnson, C.	Minne	Rice	Wynia
Casserly	Jude	Moe	Rodriguez	Spkr. Norton
Clark	Kahn	Munger	Sarna	
Clawson	Kalis	Murphy	Sieben, H.	

The motion did not prevail.

Halberg moved to amend S. F. No. 550, the unofficial engrossment, as follows:

Page 2, after line 5, insert a new section to read:

"Sec. 2. Minnesota Statutes 1978, Section 10A.27, Subdivision 4, is amended to read:

Subd. 4. For the purposes of this section, a political party means the aggregate of the *national or state* party organization (WITHIN EACH HOUSE OF THE LEGISLATURE, THE STATE PARTY ORGANIZATION,) and the party organization within congressional districts, counties, legislative districts, municipalities, and precincts."

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

Amend the title as follows:

Page 1, line 3, after the second semicolon insert "exempting legislative caucuses from contribution limitations imposed on party organization;"

Page 1, line 4, delete "Section" and insert "Sections"

Page 1, line 5, after "Subdivision 2" insert "; and 10A.27, Subdivision 4"

The question was taken on the amendment and the roll was called. There were 64 yeas and 64 nays as follows:

Those who voted in the affirmative were:

Aasness	Erickson	Johnson, D.	Olsen	Sherwood
Ainley	Esau	Kaley	Onnen	Stadum
Albrecht	Ewald	Kempe	Peterson, B.	Stowell
Anderson, D.	Fjoslien	Kvam	Piepho	Sviggum
Berkelman	Forsythe	Laidig	Pleasant	Thiede
Biersdorf	Friedrich	Levi	Redalen	Valent
Blatz	Fritz	Ludeman	Rees	Valento
Carlson, D.	Halberg	McDonald	Reif	Weaver
Crandall	Haukoos	Mehrkens	Rose	Welker
Dean	Heap	Nelsen, B.	Rothenberg	Wieser
Dempsey	Heinitz	Niehaus	Schreiber	Wigley
Den Ouden	Hoberg	Norman	Searle	Zubay
Drew	Jennings	Nysether	Searles	

Those who voted in the negative were:

Adams	Eken	Kelly	Murphy	Sieben, H.
Anderson, G.	Elioff	Kostohryz	Nelsen, M.	Sieben, M.
Anderson, I.	Ellingson	Kroening	Nelson	Simoneau
Battaglia	Faricy	Lehto	Novak	Stoa
Begich	Fudro	Long	Osthoff	Swanson
Berglin	Greenfield	Luknic	Otis	Tomlinson
Brinkman	Hokanson	Mann	Patton	Vanasek
Byrne	Jacobs	McCarron	Pehler	Voss
Carlson, L.	Jaros	McEachern	Peterson, D.	Waldorf
Cassery	Johnson, C.	Metzen	Prahl	Wenzel
Clark	Jude	Minne	Rice	Wynia
Clawson	Kahn	Moe	Rodriguez	Spkr. Norton
Corbid	Kalis	Munger	Sarna	

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

Fritz moved to amend S. F. No. 550, the unofficial engrossment, as follows:

Page 2, after line 5, insert

"Sec. 2. Minnesota Statutes 1978, Section 10A.27, Subdivision 1, is amended to read:

10A.27 [ADDITIONAL LIMITATIONS.] Subdivision 1. Except as provided in subdivisions 2 and 6, no candidate shall permit his principal campaign committee to accept contributions from any individual, political committee, or political fund in excess of the following:

(a) To candidates for governor and lieutenant governor running together, \$60,000 in an election year for the office sought and \$12,000 in other years;

(b) To a candidate for attorney general, \$10,000 in an election year for the office sought and \$2,000 in other years;

(c) To a candidate for the office of secretary of state, state treasurer or state auditor, \$5,000 in an election year for the office sought and \$1,000 in other years;

(d) To a candidate for state senator, (\$1,500) \$200 in an election year for the office sought and (\$300) \$100 in other years, except that the committee may accept contributions from any individual of an amount not greater than \$1,500 in an election year for the office sought and \$300 in the other years; and

(e) To a candidate for state representative, (\$750) \$100 in an election year for the office sought and (\$150) \$50 in the other year, *except that the committee may accept contributions from any individual of an amount not greater than \$750 in an election year for the office sought and \$150 in the other year.*"

Renumber the remaining section

Amend the title as follows:

Page 1, line 3, delete "increasing" and insert "changing"

Page 1, line 4, delete "Section" and insert "Sections"

Page 1, line 5, after "2" insert "; and 10A.27, Subdivision 1"

The question was taken on the amendment and the roll was called. There were 52 yeas and 76 nays as follows:

Those who voted in the affirmative were:

Aasness	Fjoslien	Kvam	Peterson, B.	Swiggum
Albrecht	Forsythe	Laidig	Piepho	Thiede
Anderson, R.	Fritz	Levi	Pleasant	Valan
Berkelman	Halberg	Ludeman	Redalen	Valento
Blatz	Haukoos	Mehrkens	Reif	Welker
Crandall	Heap	Nelsen, B.	Rose	Wieser
Dempsey	Heinitz	Niehaus	Rothenberg	Wigley
Den Ouden	Hoberg	Norman	Searle	Zubay
Drew	Jennings	Nysether	Sherwood	
Erickson	Johnson, D.	Olsen	Stadum	
Esau	Kaley	Onnen	Stowell	

Those who voted in the negative were:

Adams	Carlson, L.	Fudro	Lehto	Nelsen, M.
Ainley	Casserly	Greenfield	Long	Nelson
Anderson, B.	Clark	Hokanson	Luknic	Novak
Anderson, D.	Clawson	Jacobs	Mann	Osthoff
Anderson, G.	Corbid	Jaros	McCarron	Otis
Anderson, I.	Dean	Johnson, C.	McDonald	Patton
Battaglia	Eken	Jude	McEachern	Pehler
Begich	Elioff	Kahn	Metzen	Peterson, D.
Berglin	Ellingson	Kalis	Minne	Prah
Biersdorf	Ewald	Kelly	Moe	Reding
Brinkman	Faricy	Kostohryz	Munger	Rees
Byrne	Friedrich	Kroening	Murphy	Rice

Rodriguez	Simoneau	Vanasek	Welch	Wynia
Sarna	Stoa	Voss	Wenzel	Spkr. Norton
Sieben, H.	Swanson	Waldorf		
Sieben, M.	Tomlinson	Weaver		

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

Laidig offered an amendment to S. F. No. 550.

POINT OF ORDER

Sieben, H., raised a point of order pursuant to rule 3.9 that the Laidig amendment was not in order. The Speaker ruled the point of order well taken and the amendment out of order.

Laidig appealed the decision of the chair.

A roll call was requested and properly seconded.

The vote was taken on the question "Shall the decision of the Speaker stand as the judgment of the House?"

The roll was called and there were 69 yeas and 60 nays as follows:

Those who voted in the affirmative were:

Adams	Corbid	Kelly	Nelsen, M.	Sieben, M.
Anderson, B.	Eken	Kempe	Nelson	Simoneau
Anderson, D.	Elioff	Kostohryz	Novak	Stoa
Anderson, G.	Ellingson	Kroening	Osthoff	Stowell
Anderson, I.	Faricy	Lehto	Otis	Swanson
Battaglia	Fudro	Long	Patton	Tomlinson
Begich	Greenfield	Mann	Pehler	Vanasek
Berglin	Hokanson	McCarron	Peterson, D.	Voss
Berkelman	Jacobs	McEachern	Prahl	Waldorf
Brinkman	Jaros	Metzen	Reding	Welch
Byrne	Johnson, C.	Minne	Rice	Wenzel
Casserly	Jude	Moe	Rodriguez	Wynia
Clark	Kahn	Munger	Sarna	Spkr. Norton
Clawson	Kalis	Murphy	Sieben, H.	

Those who voted in the negative were:

Aasness	Erickson	Johnson, D.	Nysether	Searle
Ainley	Esau	Kaley	Olsen	Sherwood
Albrecht	Fjoslien	Kvam	Onnen	Stadum
Anderson, R.	Forsythe	Laidig	Peterson, B.	Sviggum
Biersdorf	Friedrich	Levi	Piepho	Thiede
Blatz	Fritz	Ludeman	Pleasant	Valan
Carlson, D.	Halberg	Luknic	Redalen	Valento
Crandall	Haukoos	McDonald	Rees	Weaver
Dean	Heap	Mehrkens	Reif	Welker
Dempsey	Heinitz	Nelsen, B.	Rose	Wieser
Den Ouden	Hoberg	Niehaus	Rothenberg	Wigley
Drew	Jennings	Norman	Schreiber	Zubay

So it was the judgment of the House that the decision of the Speaker shall stand.

The question was taken on the Halberg motion to continue S. F. No. 550 one day and the roll was called. There were 64 yeas and 67 nays as follows:

Those who voted in the affirmative were:

Aasness	Erickson	Johnson, D.	Olsen	Sherwood
Ainley	Esau	Kaley	Onnen	Stadum
Albrecht	Ewald	Kvam	Peterson, B.	Stowell
Anderson, D.	Fjoslien	Laidig	Piepho	Sviggum
Anderson, R.	Forsythe	Levi	Pleasant	Thiede
Biersdorf	Friedrich	Ludeman	Redalen	Valan
Blatz	Fritz	Luknic	Rees	Valento
Carlson, D.	Halberg	McDonald	Reif	Weaver
Crandall	Haukoos	Mehrkens	Rose	Welker
Dean	Heap	Nelsen, B.	Rothenberg	Wieser
Dempsey	Heinitz	Niehaus	Schreiber	Wigley
Den Ouden	Hoberg	Norman	Searle	Zubay
Drew	Jennings	Nysether	Searles	

Those who voted in the negative were:

Adams	Corbid	Kempe	Nelson	Simoneau
Anderson, B.	Eken	Kostohryz	Novak	Stoa
Anderson, G.	Elioff	Kroening	Osthoff	Swanson
Anderson, I.	Ellingson	Lehto	Otis	Tomlinson
Battaglia	Faricy	Long	Patton	Vanasek
Begich	Fudro	Mann	Pehler	Voss
Berglin	Greenfield	McCarron	Peterson, D.	Waldorf
Berkelman	Hokanson	McEachern	Prahl	Welch
Brinkman	Jacobs	Metzen	Reding	Wenzel
Byrne	Jaros	Minne	Rice	Wynia
Carlson, L.	Johnson, C.	Moe	Rodriguez	Sprk. Norton
Casserly	Jude	Munger	Sarna	
Clark	Kahn	Murphy	Sieben, H.	
Clawson	Kalis	Nelsen, M.	Sieben, M.	

The motion did not prevail.

The question was taken on the motion to recommend passage of S. F. No. 550 and the roll was called. There were 69 yeas and 62 nays as follows:

Those who voted in the affirmative were:

Adams	Clark	Johnson, C.	McEachern	Pehler
Anderson, B.	Clawson	Jude	Metzen	Peterson, D.
Anderson, G.	Corbid	Kahn	Minne	Prahl
Anderson, I.	Eken	Kalis	Moe	Reding
Battaglia	Elioff	Kelly	Munger	Rice
Begich	Ellingson	Kempe	Murphy	Rodriguez
Berglin	Faricy	Kostohryz	Nelsen, M.	Sarna
Berkelman	Fudro	Kroening	Nelson	Schreiber
Brinkman	Greenfield	Lehto	Novak	Sieben, H.
Byrne	Hokanson	Long	Osthoff	Sieben, M.
Carlson, L.	Jacobs	Mann	Otis	Simoneau
Casserly	Jaros	McCarron	Patton	Stoa

Swanson
TomlinsonVanasek
VossWaldorf
WelchWenzel
Wynia

Spkr. Norton

Those who voted in the negative were:

Aasness	Erickson	Kaley	Onnen	Stowell
Ainley	Esau	Kvam	Peterson, B.	Sviggum
Albrecht	Ewald	Laidig	Piepho	Thiede
Anderson, D.	Fjoslien	Levi	Pleasant	Valan
Anderson, R.	Forsythe	Ludeman	Redalen	Valento
Biersdorf	Friedrich	Luknic	Rees	Weaver
Blatz	Fritz	McDonald	Reif	Welker
Carlson, D.	Haukoos	Mehrkens	Rose	Wieser
Crandall	Heap	Nelsen, B.	Rothenberg	Wigley
Dean	Heinitz	Niehaus	Searle	Zubay
Dempsey	Hoberg	Norman	Searles	
Den Ouden	Jennings	Nysether	Sherwood	
Drew	Johnson, D.	Olsen	Stadum	

The motion prevailed.

MOTIONS AND RESOLUTIONS

Blatz moved that H. F. No. 2029 be recalled from the Committee on Transportation and be re-referred to the Committee on Criminal Justice. The motion prevailed.

Moe moved that the name of Heinitz be added as an author on H. F. No. 1915. The motion prevailed.

Johnson, D., moved that the name of Pavlak be stricken as an author on H. F. No. 1142, H. F. No. 1143 and H. F. No. 1336. The motion prevailed.

Johnson, D., moved that the name of Pavlak be stricken and the name of Johnson, D., be shown as chief author on H. F. No. 1225. The motion prevailed.

McDonald moved that the name of Wieser be added as an author on H. F. No. 2083. The motion prevailed.

Reding moved that the name of Zubay be added as an author on H. F. No. 1985. The motion prevailed.

ADJOURNMENT

Sieben, H., moved that when the House adjourns today it adjourn until 2:00 p.m., Thursday, February 21, 1980. The motion prevailed.

Sieben, H., moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:00 p.m., Thursday, February 21, 1980.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

STATE OF MINNESOTA

SEVENTY-FIRST SESSION - 1980

SEVENTIETH DAY

SAINT PAUL, MINNESOTA, THURSDAY, FEBRUARY 21, 1980

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

Prayer was offered by the Chaplain.

The roll was called and the following members were present:

Aasness	Drew	Kahn	Niehaus	Sherwood
Adams	Eken	Kaley	Norman	Sieben, H.
Ainley	Elioff	Kalis	Novak	Sieben, M.
Albrecht	Ellingson	Kelly	Nysether	Simoneau
Anderson, B.	Erickson	Kempe	Olsen	Stadum
Anderson, D.	Esau	Kostohryz	Onnen	Stoa
Anderson, G.	Evans	Kroening	Osthoff	Stowell
Anderson, I.	Ewald	Kvam	Otis	Sviggum
Anderson, R.	Farcy	Laidig	Patton	Swanson
Battaglia	Fjoslien	Lehto	Pehler	Thiede
Begich	Forsythe	Levi	Peterson, B.	Tomlinson
Berglin	Friedrich	Long	Peterson, D.	Valan
Berkelman	Fritz	Ludeman	Piepho	Valento
Biersdorf	Fudro	Luknic	Pleasant	Vanasek
Blatz	Greenfield	Mann	Prahl	Voss
Brinkman	Halberg	McCarron	Redalen	Waldorf
Byrne	Haukoos	McDonald	Reding	Weaver
Carlson, D.	Heap	McEachern	Rees	Welch
Carlson, L.	Heinitz	Mehrkens	Reif	Welker
Casserly	Hoberg	Metzen	Rice	Wenzel
Clark	Hokanson	Minne	Rodriguez	Wieser
Clawson	Jacobs	Moe	Rose	Wigley
Corbid	Jaros	Munger	Rothenberg	Wynia
Crandall	Jennings	Murphy	Sarna	Zubay
Dean	Johnson, C.	Nelsen, B.	Schreiber	Spkr. Norton
Dempsey	Johnson, D.	Nelsen, M.	Searle	
Den Ouden	Jude	Nelson	Searles	

A quorum was present.

Knickerbocker was excused.

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

REPORTS OF CHIEF CLERK

Pursuant to Rules of the House, printed copies of H. F. Nos. 1020, 1601, 1684 and 1453 and S. F. No. 768 have been placed in the members' files.

REPORTS OF STANDING COMMITTEES

Brinkman from the Committee on Financial Institutions and Insurance to which was referred:

H. F. No. 753, A bill for an act relating to banks and banking; removing certain restrictions on services that may be offered at detached facilities; amending Minnesota Statutes 1978, Section 47.53.

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

The report was adopted.

Prahl from the Committee on Commerce, Economic Development and Housing to which was referred:

H. F. No. 1036, A bill for an act relating to transportation; providing for advertising along certain highways.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [DEFINITIONS.] Subdivision 1. For the purposes of sections 1 to 5 the terms defined in this section have the meanings given them.

Subd. 2. "Specific service sign" means a rectangular sign panel not greater than one and one-half feet by six feet displaying a motel, resort or recreational camping area business name and, where appropriate, the direction to and distance.

Subd. 3. "Specific service sign assembly" means a combination of specific service sign panels not to exceed four panels to be placed within the right of way on appropriate approaches to an intersection.

Subd. 4. "Specific service sign cluster" means a grouping of specific service sign assemblies not exceeding two on appropriate approaches to an intersection.

Subd. 5. "Nonfreeway type highway" means all roadways with crossing traffic at grade intersections except the roadway may have an isolated interchange.

Subd. 6. "Resort" has the meaning given it in Minnesota Statutes 1978, Section 157.01.

Subd. 7. "Motel" shall have the meaning given to the word "hotel" in Minnesota Statutes 1978, Section 157.01.

Subd. 8. "Recreational camping area" has the meaning given it in Minnesota Statutes 1978, Section 327.14, Subdivision 8.

Subd. 9. "Local road" means any nontrunk highway.

Subd. 10. "Specific service" means resorts, motels or recreational camping areas that provide sleeping accommodations for the tourist type traveling public.

Sec. 2. [INTENDED USE.] Subdivision 1. [PURPOSE.] Specific service signs are to be used to create and implement a system of signing for the purpose of displaying resort, motel and recreational camping area information to the traveling public on nonfreeway type trunk highways in rural areas. They may be used on by-passes of outstate municipalities consistent with other provisions herein.

Subd. 2. [SPECIFIC SERVICE SIGNS ON NONFREEWAY HIGHWAYS.] A specific service sign may not be included in the signing of trunk highway intersections if the subject business is readily visible or effective directional advertising is visible or the sign may be legally and effectively located near the intersection. Specific service signs may be placed on the approaches of a trunk highway intersection with a local road.

Subd. 3. [NUMBER OF TRUNK HIGHWAY INTERSECTIONS.] A specific service sign for any resort, motel or recreational camping area is limited to one intersection on the trunk highway system.

Subd. 4. [TRAILBLAZING.] Appropriate signing on local roads between a trunk highway intersection and a specific service shall be the responsibility of the specific service and the local road authority.

Subd. 5. [SIGNING STANDARDS.] Placement of specific service sign assemblies shall be in accordance with sections 1 to 5 and existing traffic control device standards.

Subd. 6. [RURAL ROAD MARKINGS.] Rural roads, named and marked in accordance with resolutions from their road authority, shall continue to be identified.

Sec. 3. [SIGN DETAILS.] Subdivision 1. [CONSTRUCTION OF SIGN.] Specific service sign panels shall be made

of reflective sheeting and shall be on blue background with white letters, arrows and border. The directional arrow and mileage shall be displayed on the same side of the panel as the direction of turn. Signing for straight ahead movement shall not be permitted.

Subd. 2. [SPECIFIC SERVICE SIGN ASSEMBLIES.] Left directional panels shall be placed on top of the right directional panels. A gap shall separate a left panel from the right panel. An assembly shall be spaced preferably 300 feet, but a minimum of 200 feet from other required signing. If no other signing is located at an intersection, the assembly shall be placed 300 feet in advance of the intersection. Assemblies within a cluster shall not be placed closer than 300 feet. No specific service sign or assembly shall be placed at a location that will interfere with other necessary signing.

Sec. 4. [CRITERIA FOR SPECIFIC SERVICE SIGNS.]
Subdivision 1. [CONFORMITY WITH LAW.] Each specific service identified on a specific service sign shall be in conformity with all applicable laws and regulations concerning the provisions for public accommodation without regard to race, religion, color, sex or national origin.

Subd. 2. [DISTANCE TO SPECIFIC SERVICE.] A specific service sign may be placed on a nonfreeway type road if the specific service is located within ten miles of the qualifying site.

Subd. 3. [RESORT WARRANT.] Resorts and motels served by the specific service signing shall be licensed by the state department of health as required by Minnesota Statutes, Section 157.03.

Subd. 4. [RECREATIONAL CAMPING AREA.] Recreational camping areas shall possess a state department of health license as required by Minnesota Statutes, Section 327.15 and the following:

- (1) A minimum of 15 camping spaces;
- (2) Modern sanitary facilities (flush, chemical, or incinerator toilets) and drinking water; and
- (3) Services available 24 hours a day.

Sec. 5. [SIGNS; ADMINISTRATION; RULES.]
Subdivision 1. [PROCEDURE] A person desiring to have a specific service sign panel shall request the department of transportation to install the sign. The department of transportation may grant the request if the applicant qualifies for the sign panel and if

space is available. All signs shall be fabricated, installed, maintained, replaced and removed by the department of transportation. The applicant shall pay a fee to the commissioner of transportation to cover all costs for fabricating, installing, maintaining, replacing and removing. The requests for specific service sign panels shall be renewed every three years.

Subd. 2. [SEASONAL SERVICES.] All sign panels for seasonal services shall be covered or removed when the service is not available.

Subd. 3. [COMMUNICATIONS.] Any new or participating specific service business shall respond to any communication from the commissioner of transportation within 30 days or an in-place sign panel will be removed.

Subd. 4. [SIGN REMOVAL.] The specific service sign panels shall be removed by the department of transportation if any of the requirements in sections 1 to 5 are not continually met.

Sec. 6. [OTHER LAWS.] Sections 1 to 5 provide additional authority to erect signs on nonfreeway type highways and does not limit the authority to erect highway signs provided by other law or rule.

Sec. 7. [EFFECTIVE DATE.] This act is effective the day following final enactment."

Further amend the title by deleting it in its entirety and inserting:

"A bill for an act relating to transportation; providing for specific information signing for resorts, motels and recreational camping areas along certain highways."

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 1513, A bill for an act relating to the environment; regulating activities of drillers of exploratory borings; specifying the powers and duties of public officers and agencies; providing penalties; amending Minnesota Statutes 1978, Sections 156A.01; 156A.02, Subdivision 1, and by adding subdivisions; 156A.03, Subdivision 1; 156A.04; 156A.08; and Chapter 156A, by adding a section.

Reported the same back with the following amendments:

Page 3, line 11, after "to" insert "*natural iron ore or*"

Page 7, line 12, delete "*Before consideration by a state agency*" and insert "*Upon application*"

Page 8, line 23, after the period insert:

"Sec. 9. [STUDY.] *The legislative commission on Minnesota resources shall review the adequacy of the state's regulatory framework applicable to uranium exploration and mining. Before March 1, 1981, the commission shall forward its findings and recommendations to the appropriate standing committees in the house and senate.*"

Renumber subsequent section

Page 8, line 25, delete "1980" and insert "1981"

Page 8, line 27, delete "July 1, 1979" and insert "May 1, 1980"

With the recommendation that when so amended the bill pass.

The report was adopted.

Johnson, C., from the Committee on Education to which was referred:

H. F. No. 1778, A bill for an act relating to Independent School District No. 466; permitting the sale of certain land.

Reported the same back with the following amendments:

Page 2, delete lines 1 to 3 and insert:

"Sec. 2. [APPLICABILITY.] On its effective date, section 1 applies to Independent School District No. 466.

Sec. 3. [EFFECTIVE DATE.] Pursuant to Minnesota Statutes, Section 645.023, Subdivision 1, Clause (a), section 1 is effective without local approval on the day following final enactment."

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

The report was adopted.

Moe from the Committee on Governmental Operations to which was referred:

H. F. No. 1789, A bill for an act relating to occupations and professions; providing for licensing of public accountants; amending Minnesota Statutes, 1979 Supplement, Section 326.191.

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

The report was adopted.

Moe from the Committee on Governmental Operations to which was referred:

H. F. No. 1871, A bill for an act relating to the Minnesota-Wisconsin boundary area commission; providing that the terms of commissioners shall be staggered; amending Minnesota Statutes 1978, Section 1.33.

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

The report was adopted.

Johnson, C., from the Committee on Education to which was referred:

H. F. No. 1884, A bill for an act relating to education; modifying rule making procedures and the tuition exemption authority of the state university board; allowing a change in the placement service registration fee at state universities; eliminating a visitation and reporting duty of the state university board and a reporting duty of state university presidents; eliminating a provision governing state university rules which conflict with the provisions of certain collective bargaining contracts; amending Minnesota Statutes 1978, Sections 136.11, Subdivisions 1 and 8; and 136.14; repealing Minnesota Statutes 1978, Sections 136.148 and 136.15.

Reported the same back with the following amendments:

Page 3, line 21, reinstate "It shall, as a whole or by committee, visit"

Page 3, line 23, reinstate "each university at least once"

Page 3, line 23, after "each" insert "state"

Page 3, line 24, reinstate "in each year."

Page 3, line 24, after "year" insert "*for the purpose of meeting with administrators, faculty, students, and the community to discuss such matters as facilities, modes of instruction, curriculum, extracurricular programs, and management*"

Page 3, lines 27 to 31, delete the new language

Amend the title as follows:

Line 6, delete "eliminating" and insert "modifying"

Line 7, delete "and" and insert "; eliminating"

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

The report was adopted.

Nelson from the Committee on Energy and Utilities to which was referred:

H. F. No. 1985, A bill for an act relating to municipal electric power; permitting municipal power agencies to contract and do business with foreign entities; amending Minnesota Statutes 1978, Section 453.52, Subdivision 9.

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

The report was adopted.

Nelson from the Committee on Energy and Utilities to which was referred:

H. F. No. 1996, A bill for an act relating to industrial development; providing for various energy related projects; amending Minnesota Statutes 1978, Sections 474.01, Subdivision 4; and 474.02, by adding subdivisions; and Minnesota Statutes, 1979 Supplement, Section 474.03.

Reported the same back with the following amendments:

Page 1, line 17, delete "*inflation*,"

With the recommendation that when so amended the bill pass.

The report was adopted.

Johnson, C., from the Committee on Education to which was referred:

H. F. No. 2019, A bill for an act relating to education; the maximum effort school aid law; changing the definition of "maximum effort debt service levy"; authorizing the sale of

bonds for the maximum effort school loan fund; appropriating money; amending Minnesota Statutes 1978, Sections 124.38, Subdivision 7; 124.43, Subdivisions 1 and 2.

Reported the same back with the following amendments:

Delete Section 1 and insert:

"Section 1. Minnesota Statutes 1978, Section 124.38, Subdivision 7, is amended to read:

Subd. 7. "Maximum effort debt service levy" means the lesser of:

(1) A levy in a total dollar amount computed as (20) 15 mills on the adjusted assessed value; or

(2) A levy in whichever of the following amounts is applicable:

(a) In any school district which received a debt service or capital loan from the state before January 1, 1965, a levy in a total dollar amount computed as 4.10 mills on the market value in each year, unless the district applies or has applied for an additional loan subsequent to January 1, 1965, or issues or has issued bonds on the public market, other than bonds refunding state loans, subsequent to January 1, 1967;

(b) In any school district granted a debt service or capital loan between January 1, 1965, and July 1, 1969, a levy in a total dollar amount computed as 5 1/2 mills on the market value in each year, until and unless the district receives an additional loan;

(c) In any school district granted a debt service or capital loan between July 1, 1969 and July 1, 1975, a levy in a total dollar amount computed as 6.3 mills on market value in each year until and unless the district has received an additional loan; or

(d) In any school district which has an outstanding capital loan, a levy in a total dollar amount equal to the sum of the amount of the required debt service levy and an amount which when levied annually will in the opinion of the commissioner be sufficient to retire the remaining interest and principal on any outstanding loans from the state within 30 years of the original date when the capital loan was granted; provided, that the school board in any district affected by the provisions of clause (2) (d) may elect instead to determine the amount of its levy according to the provisions of clause (1); provided further that if a district's capital loan is not paid within 30 years because it elects to determine the amount of its levy according to the provisions of clause (2)(d), the liability of the district for the

amount of the difference between the amount it levied under clause (2) (d) and the amount it would have levied under clause (1), and for interest on the amount of that difference, shall not be satisfied and discharged pursuant to section 124.43, subdivision 4.”

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

The report was adopted.

Moe from the Committee on Governmental Operations to which was referred:

S. F. No. 919, A bill for an act relating to the town of Winona; providing for the employment of building officials by the town of Winona.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1978, Section 16.861, Subdivision 1, is amended to read:

16.861 [BUILDING OFFICIALS.] Subdivision 1. [APPOINTMENTS.] Not later than 90 days prior to July 1, 1972, the governing body of each municipality shall, unless other means are already provided, appoint a person to administer the code who shall be known as building official. Two or more municipalities may combine in the appointment of a single building official for the purpose of administering the provisions of the code within their communities. In those municipalities for which no building officials have been appointed by the designated date, the state building inspector, with the approval of the commissioner, may appoint building officials to serve said municipalities until such time as the municipalities have made an appointment. If the state building inspector is unable to make such appointment he may use such state employees or state agencies as are necessary to perform the duties of the building official. All costs incurred by virtue of an appointment by the state building inspector or services rendered by state employees shall be borne by the involved municipality. Receipts arising therefrom shall be paid into the state treasury and credited to the general fund.

Any town, not defined as a municipality by section 16.84, may employ a building official to administer the code within the town, if the town employed a building inspector prior to January 1, 1979. The qualifications outlined in this section are not mandatory for a building official employed by a town not defined as a municipality by section 16.84.

Sec. 2. Minnesota Statutes 1978, Section 541.051, Subdivision 1, is amended to read:

541.051 [LIMITATION OF ACTION FOR DAMAGES BASED ON SERVICES OR CONSTRUCTION TO IMPROVE REAL PROPERTY.] Subdivision 1. Except where fraud is involved, no action *by any person in contract, tort, or otherwise* to recover damages for any injury to property, real or personal, or for bodily injury or wrongful death, arising out of the defective and unsafe condition of an improvement to real property, nor any action for contribution or indemnity for damages sustained on account of (SUCH) *the* injury, shall be brought against any person performing or furnishing the design, planning, supervision, *materials*, or observation of construction or construction of (SUCH) *the* improvement to real property or *against the owner of the real property* more than two years after discovery thereof, in any event *shall such a cause of action accrue* more than (TEN) 15 years after (THE) *substantial* completion of (SUCH) *the* construction. (THIS LIMITATION SHALL NOT BE APPLIED IN FAVOR OF ANY PERSON IN ACTUAL POSSESSION AND CONTROL AS OWNER, TENANT, OR OTHERWISE, OF THE IMPROVEMENT AT THE TIME THE DEFECTIVE AND UNSAFE CONDITIONS OF SUCH IMPROVEMENT CONSTITUTES THE PROXIMATE CAUSE OF THE INJURY FOR WHICH IT IS PROPOSED TO BRING AN ACTION.) *Date of substantial completion shall be determined by the date when construction is sufficiently completed so that the owner or his representative can occupy or use the improvement for the intended purpose.*

Nothing in this section shall apply to actions for damages resulting from negligence in the maintenance, operation or inspection of the real property improvement against the owner or other person in possession.

Sec. 3. Minnesota Statutes 1978, Section 541.051, Subdivision 2, is amended to read:

Subd. 2. Notwithstanding the provisions of subdivision 1, in the case of (SUCH) and (INJURY TO PROPERTY OR THE PERSON, OR SUCH AN INJURY CAUSING WRONGFUL DEATH,) *action* which (INJURY OCCURRED) *accrues* during the (TENTH) *fourteenth or fifteenth* year after (THE) *substantial* completion of (SUCH) *the* construction, an action to recover damages (FOR SUCH AN INJURY OR WRONGFUL DEATH) may be brought within (ONE YEAR) *two years* after the date on which (SUCH INJURY OCCURRED, IRRESPECTIVE OF THE DATE OF DEATH) *the action accrued*, but in no event may (SUCH) an action be brought more than (11) 17 years after (THE) *substantial* completion of (SUCH) *the* construction.

Sec. 4. Minnesota Statutes 1978, Section 541.051, Subdivision 4, is amended to read:

Subd. 4. This section shall not apply to actions based on breach of the statutory warranties set forth in section 327A.02, or to actions based on breach of an express written warranty, provided such actions shall be brought within two years of the discovery of the breach.

Sec. 5. [EFFECTIVE DATE.] *Section 1 is effective the day after final enactment. Sections 2, 3, and 4 are effective 30 days following final enactment and apply to all causes of action which accrue on or after that date.*"

Delete the title in its entirety and insert:

"A bill for an act relating to building construction and inspection; providing for the employment of building officials by certain towns; setting forth time limits for the accrual of certain actions involving construction and improvements to real property; amending Minnesota Statutes 1978, Sections 16.861, Subdivision 1; 541.051, Subdivisions 1, 2, and 4."

With the recommendation that when so amended the bill pass.

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 753, 1036, 1513, 1778, 1789, 1871, 1985 and 1996 were read for the second time.

SECOND READING OF SENATE BILLS

S. F. No. 919 was read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Onnen; Aasness; Anderson, B.; McDonald and Wenzel introduced:

H. F. No. 2120, A bill for an act relating to towns; making authority to exercise certain powers optional with certain towns; amending Minnesota Statutes 1978, Section 368.01, Subdivision 1.

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

Osthoff, Brinkman, Corbid, Kvam and Heinritz introduced:

H. F. No. 2121, A bill for an act relating to motor vehicles; increasing the maximum interest rate on certain loans under the Motor Vehicle Retail Installment Sales Act; amending Minnesota Statutes 1978, Section 168.72.

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

Brinkman introduced:

H. F. No. 2122, A bill for an act relating to insurance; increasing the maximum limits on the insuring or reinsuring of a single risk of certain companies; defining a term; amending Minnesota Statutes 1978, Section 60A.09, Subdivision 1, and by adding a subdivision.

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

Niehaus introduced:

H. F. No. 2123, A bill for an act relating to the city of Melrose; authorizing the issuance of general obligation bonds for a fire hall and community center.

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

Sarna and Biersdorf introduced:

H. F. No. 2124, A bill for an act relating to retirement; Minneapolis teachers retirement fund association; providing for the purchase of military service credit by certain members; authorizing an amendment to the articles of incorporation of the retirement fund.

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

Simoneau, Rose, Luknic, Moe and McCarron introduced:

H. F. No. 2125, A bill for an act relating to local government; providing for two alternative fiscal years for towns; prescribing certain duties and powers for regional development commissions; providing for preservation of municipal contracts and related records; requiring joint powers agreements to be in writing; requiring audits related to joint powers agreements under certain conditions; amending Minnesota Statutes 1978, Sections 366.01, by adding a subdivision; 462.396, Subdivisions 3 and 4; 462.397, Subdivision 3; 471.345; and 471.59, Subdivisions 1 and 3.

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

Nelsen, B.; Ludeman; McEachern and Brinkman introduced:

H. F. No. 2126, A bill for an act relating to eminent domain; requiring petitioners to reimburse owners for costs and disbursements, including attorney, appraisal and engineering fees, when an eminent domain award exceeds the last offer of the petitioner by a certain percent; amending Minnesota Statutes 1978, Section 117.115, by adding a subdivision.

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

McEachern; Johnson, C.; Anderson, B., and Jennings introduced:

H. F. No. 2127, A bill for an act relating to education; requiring school districts to develop a policy and procedures to minimize chemical use problems; appropriating money.

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

Johnson, D.; Forsythe; Brinkman; Piepho and Blatz introduced:

H. F. No. 2128, A bill for an act relating to commerce; authorizing floating interest rates for contracts for deed on residential property.

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

Johnson, D.; Crandall; Ellingson; Stadum and Blatz introduced:

H. F. No. 2129, A bill for an act relating to courts; providing senior citizen priority on the civil calendar; amending Minnesota Statutes 1978, Section 546.07.

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

Rice, Heinitz, Brinkman, Sviggum and Jennings introduced:

H. F. No. 2130, A bill for an act relating to financial institutions; regulating certain acquisitions by bank holding companies; defining terms; prescribing limitations.

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

Clark, Nelson, Fudro, Friedrich and Crandall introduced:

H. F. No. 2131, A bill for an act relating to drivers' licenses; authorizing the issuance of a driver's license without examination to certain persons under certain circumstances; amending Minnesota Statutes 1978, Section 171.03.

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

Olsen; Sieben, M.; Biersdorf; Adams and Reding introduced:

H. F. No. 2132, A bill for an act relating to securities; providing for improved regulation of the sale of securities and the licensing of broker-dealers, agents and investment advisers; making miscellaneous clarifications and revisions; prescribing certain fees; amending Minnesota Statutes 1978, Sections 80A.05, Subdivision 1; 80A.07, Subdivision 1; 80A.12, Subdivision 3; 80A.14; 80A.15, Subdivision 2; 80A.16; 80A.21, Subdivision 1; 80A.28, Subdivisions 2, 7, and by adding a subdivision; and 80A.30, Subdivision 2; and Minnesota Statutes, 1979 Supplement, Section 80A.15, Subdivision 1.

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

Jude, Clark, Onnen, Niehaus and Byrne introduced:

H. F. No. 2133, A bill for an act relating to hospitalization and commitment; providing patients with right of access to medical records; requiring patients to be provided with a copy of a physician's emergency hold statement; requiring an investigation and report by the county welfare department prior to filing a commitment petition; providing that the written statement accompanying a commitment petition may be made only by a licensed physician or licensed consulting psychologist; providing for appointment of an examiner knowledgeable and trained in the diagnosis and treatment of mental disorders; providing for determinate terms of commitment subject to annual renewal; amending Minnesota Statutes 1978, Sections 144.335, Subdivision 2; 253A.03; 253A.04, Subdivision 1; 253A.07, Subdivisions 2, 6, and 25; 253A.15, Subdivisions 1 and 4; 253A.16, Subdivision 4; and Chapter 253A, by adding sections; Minnesota Statutes, 1979 Supplement, Section 253A.07, Subdivision 1.

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

Peterson, B.; Swanson; Blatz; Pleasant and Hokanson introduced:

H. F. No. 2134, A bill for an act relating to the city of Bloomington; permitting the establishment of a port authority.

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

Hokanson, Kaley, McDonald, Berglin and Wynia introduced:

H. F. No. 2135, A bill for an act relating to public welfare; providing that certain relatives of children receiving aid to families with dependent children are not responsible for contributions; amending Minnesota Statutes 1978, Section 256.87, Subdivision 1.

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

Heap, Ewald, Biersdorf, Metzen and Sieben, M., introduced:

H. F. No. 2136, A bill for an act relating to commerce; regulating the sale of subdivided lands; prescribing certain registration and exemption procedures and requirements; modifying the enforcement powers and procedures of the commissioner of securities; prescribing certain fees; providing certain penalties; amending Minnesota Statutes 1978, Sections 83.23, Subdivision 4; 83.26; 83.27; 83.28, Subdivision 2; 83.29, Subdivision 1; 83.30, Subdivision 2; 83.31; 83.35, Subdivisions 1, 2 and 3; and 83.37, Subdivision 1; repealing Minnesota Statutes 1978, Section 83.35, Subdivision 5.

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

Lehto, Kahn, Sherwood and Corbid introduced:

H. F. No. 2137, A bill for an act relating to energy; promoting energy conservation by prohibiting smoking in public places; providing a penalty.

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

Jaros introduced:

H. F. No. 2138, A bill for an act relating to corrections; clarifying the provisions relating to the introduction of contraband and dangerous weapons into correctional facilities; amending Minnesota Statutes 1978, Section 641.165, Subdivision 2.

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

Ellingson and Vanasek introduced:

H. F. No. 2139, A bill for an act relating to taxation; income tax; allowing lending institutions and original sellers to qualify as tenant-stockholders of cooperative apartment corporations; amending Minnesota Statutes 1978, Section 290.09, Subdivision 17, and by adding a subdivision.

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

Rothenberg; Peterson, B.; Wenzel and Heap introduced:

H. F. No. 2140, A bill for an act relating to elections; providing for a presidential primary election; regulating the selection of convention delegates.

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

Novak, Laidig, Clark, Vanasek and Kelly introduced:

H. F. No. 2141, A bill for an act relating to crimes; requiring inclusion of information on presentence investigation reports deemed necessary by the sentencing guidelines commission; amending Minnesota Statutes, 1979 Supplement, Section 609.115, Subdivision 1.

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

Novak, Laidig, Clark, Vanasek and Kelly introduced:

H. F. No. 2142, A bill for an act relating to crimes; requiring sentencing courts to submit information as the sentencing guidelines commission requires which is reasonably related to monitoring application of sentence guidelines; amending Minnesota Statutes 1978, Section 244.09, Subdivision 6.

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

Novak, Laidig, Clark, Vanasek and Kelly introduced:

H. F. No. 2143, A bill for an act relating to crimes; permitting limited use of juvenile records for sentencing purposes in adult court; amending Minnesota Statutes 1978, Sections 260.161, Subdivision 1; and 260.211, Subdivision 1.

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

Patton; Peterson, B.; Berkelman; Rose and Dempsey introduced:

H. F. No. 2144, A bill for an act relating to intoxicating liquor; removing limitations on the number of on-sale licenses which cities may issue; permitting counties and cities to set off-sale license fees; amending Minnesota Statutes 1978, Section 340.11; Subdivisions 3a, 5a, 7a, 10a, 13, 14, and 20; 340.353, Subdivision 5; Minnesota Statutes, 1979 Supplement, Section 340.11, Subdivisions 11 and 11b; and repealing Minnesota Statutes 1978, Section 340.11, Subdivisions 8 and 18.

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

Jude; Peterson, B.; Long; Dean and Casserly introduced:

H. F. No. 2145, A bill for an act relating to courts; providing for an additional probate judge for Hennepin county; amending Minnesota Statutes 1978, Section 525.04.

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

Wynia, Casserly and Pleasant introduced:

H. F. No. 2146, A bill for an act relating to public depositories; changing collateral requirements; providing that depositories pool losses; requiring security by collateral in the general depository law; appropriating money; amending Minnesota Statutes 1978, Sections 9.031; 11.10, Subdivision 1; 11.16, Subdivision 14; 11.17; 37.07; 118.005, Subdivision 2; 118.01; 124.05, Subdivision 2; 427.01; 427.02; 427.09; 458.12; 462.396, Subdivision 6; and 473.10; and Chapter 118, by adding sections; repealing Minnesota Statutes 1978, Sections 118.10 and 118.11.

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

Rodriguez, Metzen, Sieben, H., and Halberg introduced:

H. F. No. 2147, A bill for an act relating to Dakota County; providing for the expenses of the county commissioners; amending Laws 1961, Chapter 249, Section 2, as amended.

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

Clawson; Sieben, H.; Fudro and Weaver introduced:

H. F. No. 2148, A bill for an act relating to transportation; providing for statewide park and ride facilities; amending Minnesota Statutes 1978, Chapter 174, by adding sections; appropriating money.

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

Brinkman, Clark, Johnson, D., and Heinitz introduced:

H. F. No. 2149, A bill for an act relating to public welfare; clarifying duties of the commissioner of public welfare regarding approval of public and private mental health centers and clinics for certain purposes; mandating additional rulemaking; amending Minnesota Statutes, 1979 Supplement, Section 245.69.

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

Begich, Battaglia, Elioff, Anderson, I., and Munger introduced:

H. F. No. 2150, A bill for an act relating to natural resources; regulating the use of state funded trails; providing a penalty; amending Minnesota Statutes 1978, Section 84.90, Subdivision 4; and Chapter 85, by adding a section.

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

Anderson, G.; Moe; Friedrich and Clark introduced:

H. F. No. 2151, A bill for an act relating to state government; separating the department of public service from the public service commission; changing the name of the commission to the public utilities commission; removing obsolete language; clarifying powers and duties; transferring certain funds previously appropriated; amending Minnesota Statutes 1978, Sections 216.16; 216A.01; 216A.04; 216A.05, Subdivisions 2, 4 and 5; 216A.07; 216B.08; 216B.12, Subdivision 1; 216B.15; 216B.62, Subdivisions 2 and 3; repealing Minnesota Statutes 1978, Section 216B.62, Subdivision 1.

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

McDonald and Rees introduced:

H. F. No. 2152, A bill for an act relating to Carver county; applying the provisions of the municipal housing and redevelopment act to Carver county; providing for local approval of projects.

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

Prahl, Minne, Kalis, Murphy and Swanson introduced:

H. F. No. 2153, A bill for an act relating to health; authorizing the commissioner of health to issue orders concerning well water quality; amending Minnesota Statutes 1978, Section 156A.05, by adding a subdivision.

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

Simoneau, Norton, Rose and Sieben, H., introduced:

H. F. No. 2154, A bill for an act relating to public employees; creating a state department of employee relations; establishing appropriate units for state and university employees; providing for a right to strike; providing for interim contract approval by the legislative commission on employee relations; clarifying civil service laws; providing for health benefits; providing for a study of promotional systems; appropriating money; amending Minnesota Statutes 1978, Sections 43.001; 43.01, Subdivision 8; 43.111; 43.245; 43.321; 43.45; 43.46; 179.63, Subdivision 7; 179.6, Subdivisions 2, 3, 4, and 5, and by adding a subdivision; 179.67, Subdivision 4; 179.69, Subdivisions 1 and 3; 179.71, Subdivisions 3 and 5; 179.72, Subdivision 6; 179.74, Subdivisions 1, 2, and 3, and by adding a subdivision; and Chapters 43 and 179, by adding sections; and Minnesota Statutes, 1979 Supplement, Sections 3.855; 43.067, Subdivision 1; 43.19, Subdivision 1; 43.50, Subdivision 1; 43.51; 62D.22, Subdivision 7; 179.63, Subdivision 11; 179.65, Subdivision 6; and 179.74, Subdivisions 4 and 5; and Laws 1979, Chapter 332, Article I, Section 114; repealing Minnesota Statutes 1978, Sections 43.003; 43.50, Subdivision 3; 179.64, Subdivision 1; and 179.69, Subdivisions 4, 5, and 6; and Minnesota Statutes, 1979 Supplement, Sections 15A.081, Subdivision 5; and 179.64, Subdivision 7.

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I have the honor to inform the House that the Senate is ready to meet informally with the House at 3:00 p.m. on Thursday, February 21, 1980, for the purpose of hearing an address by the Honorable Charles W. Duncan, Jr., United States Secretary of Energy.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

Senate Concurrent Resolution No. 13, A Concurrent Resolution relating to adjournment of the House of Representatives for more than three days.

PATRICK E. FLAHAVEN, Secretary of the Senate

SUSPENSION OF RULES

Sieben, H., moved that the Rules be so far suspended that Senate Concurrent Resolution No. 13 be now considered and be placed upon its adoption. The motion prevailed.

SENATE CONCURRENT RESOLUTION NO. 13

A senate concurrent resolution relating to adjournment of the House of Representatives for more than three days.

Be It Resolved by the Senate, the House of Representatives concurring:

(1) Upon its adjournment on February 21, 1980, the House of Representatives may set its next day of meeting for 2:00 p.m. on February 28, 1980.

(2) Pursuant to the Minnesota Constitution, Article IV, Section 12, the Senate consents to the adjournment of the House of Representatives as provided by paragraph (1).

Sieben, H., moved that Senate Concurrent Resolution No. 13 be now adopted. The motion prevailed and the resolution was adopted.

Mr. Speaker:

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

S. F. Nos. 1645 and 1646.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 1645, A bill for an act relating to courts; providing for hearings on rules proposed by the supreme court; amending Minnesota Statutes 1978, Section 480.054.

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

S. F. No. 1646, A bill for an act relating to executions; providing that issuance of an execution may be made without docketing of the judgment in the county where the money or personal property is owed to the judgment debtor by a third party; amending Minnesota Statutes 1978, Section 550.07.

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

PROGRESS REPORT ON CONFERENCE COMMITTEES

Progress by the Conference Committee was reported to the House on the following bills: S. F. Nos. 129 and 273.

CONSENT CALENDAR

S. F. No. 1248, A bill for an act relating to guardianship; establishing criteria for the selection of guardians and conservators; amending Minnesota Statutes 1978, Section 525.544.

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 2 nays as follows:

Those who voted in the affirmative were:

Aasness	Berglin	Crandall	Faricy	Hoberg
Adams	Berkelman	Dean	Fjoslien	Hokanson
Ainley	Biersdorf	Dempsey	Forsythe	Jacobs
Albrecht	Blatz	Den Ouden	Friedrich	Jaros
Anderson, B.	Brinkman	Drew	Fritz	Johnson, C.
Anderson, D.	Byrne	Eken	Fudro	Johnson, D.
Anderson, G.	Carlson, L.	Elioff	Greenfield	Jude
Anderson, I.	Casserly	Erickson	Halberg	Kahn
Anderson, R.	Clark	Esau	Haukoos	Kaley
Battaglia	Clawson	Evans	Heap	Kalis
Begich	Corbid	Ewald	Heinitz	Kelly

Kempe	Metzen	Patton	Searle	Voss
Kostohryz	Minne	Pehler	Searles	Waldorf
Kroening	Moe	Peterson, B.	Sherwood	Weaver
Kvam	Munger	Peterson, D.	Sieben, H.	Welch
Laidig	Nelsen, B.	Piepho	Sieben, M.	Welker
Lehto	Nelsen, M.	Pleasant	Simoneau	Wenzel
Levi	Nelson	Prahl	Stadum	Wieser
Long	Niehaus	Redalen	Stoa	Wigley
Ludeman	Norman	Reding	Stowell	Wynia
Luknic	Novak	Rees	Swanson	Zubay
Mann	Nysether	Rice	Thiede	Spkr. Norton
McCarron	Olsen	Rodriguez	Tomlinson	
McDonald	Onnen	Rose	Valan	
McEachern	Osthoff	Rothenberg	Valento	
Mehrkens	Otis	Sarna	Vanasek	

Those who voted in the negative were:

Jennings Reif

The bill was passed and its title agreed to.

H. F. No. 1020, A bill for an act relating to crimes; providing for admission into evidence of certain certificates of analysis.

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

The question was taken on the passage of the bill and the roll was called. There were 127 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Aasness	Eken	Kaley	Norman	Sieben, H.
Adams	Elioff	Kalis	Novak	Sieben, M.
Ainley	Erickson	Kelly	Nysether	Simoneau
Albrecht	Esau	Kempe	Olsen	Stadum
Anderson, B.	Evans	Kostohryz	Onnen	Stoa
Anderson, D.	Ewald	Kroening	Osthoff	Stowell
Anderson, G.	Faricy	Kvam	Otis	Swanson
Anderson, I.	Fjoslien	Laidig	Patton	Thiede
Anderson, R.	Forsythe	Lehto	Pehler	Tomlinson
Battaglia	Friedrich	Levi	Peterson, B.	Valan
Begich	Fritz	Long	Peterson, D.	Valento
Berglin	Fudro	Ludeman	Piepho	Vanasek
Berkelman	Greenfield	Luknic	Pleasant	Voss
Biersdorf	Halberg	Mann	Prahl	Waldorf
Blatz	Haukoos	McDonald	Redalen	Weaver
Brinkman	Heap	McEachern	Reding	Welch
Byrne	Heinitz	Mehrkens	Rees	Welker
Carlson, L.	Hoberg	Metzen	Reif	Wenzel
Casserly	Hokanson	Minne	Rice	Wieser
Clark	Jacobs	Moe	Rodriguez	Wigley
Clawson	Jaros	Munger	Rose	Wynia
Corbid	Jennings	Murphy	Rothenberg	Zubay
Dean	Johnson, C.	Nelsen, B.	Sarna	Spkr. Norton
Dempsey	Johnson, D.	Nelsen, M.	Searle	
Den Ouden	Jude	Nelson	Searles	
Drew	Kahn	Niehaus	Sherwood	

Those who voted in the negative were:

McCarron

The bill was passed and its title agreed to.

H. F. No. 1684, A bill for an act relating to state lands; providing for the conveyance of certain land to the city of Virginia.

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:

Aasness	Eken	Kahn	Nelson	Sherwood
Adams	Elioff	Kaley	Niehaus	Sieben, H.
Ainley	Ellingson	Kalis	Norman	Sieben, M.
Albrecht	Erickson	Kelly	Novak	Simoneau
Anderson, B.	Esau	Kempe	Nysether	Stadum
Anderson, D.	Evans	Kostohryz	Olsen	Stoa
Anderson, G.	Ewald	Kroening	Onnen	Stowell
Anderson, I.	Faricy	Kvam	Otis	Swanson
Anderson, R.	Fjoslien	Laidig	Patton	Thiede
Battaglia	Forsythe	Lehto	Pehler	Tomlinson
Begich	Friedrich	Levi	Peterson, B.	Valan
Berglin	Fritz	Long	Peterson, D.	Valento
Berkelman	Fudro	Ludeman	Piepho	Vanasek
Biersdorf	Greenfield	Luknic	Pleasant	Voss
Blatz	Halberg	Mann	Prahl	Waldorf
Brinkman	Haukoos	McCarron	Redalen	Weaver
Byrne	Heap	McDonald	Reding	Welch
Carlson, L.	Heinitz	McEachern	Rees	Welker
Clark	Hoberg	Mehrkens	Reif	Wenzel
Clawson	Hokanson	Metzen	Rice	Wieser
Corbid	Jacobs	Minne	Rodriguez	Wigley
Crandall	Jaros	Moe	Rose	Wynia
Dean	Jennings	Munger	Rothenberg	Zubay
Dempsey	Johnson, C.	Murphy	Sarna	Spkr. Norton
Den Ouden	Johnson, D.	Nelsen, B.	Searle	
Drew	Jude	Nelsen, M.	Searles	

The bill was passed and its title agreed to.

CALENDAR

S. F. No. 768, A bill for an act relating to natural resources; requiring county board or land exchange board approval on the acquisition of wildlife lands by the commissioner of natural resources; amending Minnesota Statutes 1978, Section 97.481.

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 15 nays as follows :

Those who voted in the affirmative were :

Aasness	Eken	Kelly	Novak	Searles
Adams	Elioff	Kempe	Nysether	Sherwood
Ainley	Ellingson	Kroening	Olsen	Sieben, H.
Albrecht	Evans	Kvam	Onnen	Sieben, M.
Anderson, B.	Ewald	Laidig	Osthoff	Stadum
Anderson, D.	Faricy	Lehto	Otis	Stoa
Anderson, G.	Forsythe	Levi	Patton	Stowell
Anderson, R.	Friedrich	Long	Pehler	Swanson
Battaglia	Fritz	Ludeman	Peterson, B.	Tomlinson
Begich	Fudro	Luknic	Peterson, D.	Valento
Berglin	Greenfield	Mann	Piepho	Vanasek
Berkelman	Halberg	McDonald	Pleasant	Waldorf
Blatz	Haukoos	McEachern	Prahl	Weaver
Brinkman	Heap	Mehrkens	Redalen	Welch
Byrne	Heinitz	Metzen	Reding	Welker
Carlson, D.	Hoberg	Minne	Rees	Wenzel
Carlson, L.	Hokanson	Moe	Reif	Wieser
Clark	Jacobs	Munger	Rice	Wigley
Clawson	Jaros	Murphy	Rodriguez	Wynia
Crandall	Jennings	Nelsen, B.	Rothenberg	Zubay
Dean	Johnson, D.	Nelsen, M.	Sarna	Spkr. Norton
Dempsey	Jude	Nelson	Schreiber	
Drew	Kaley	Norman	Searle	

Those who voted in the negative were :

Anderson, I.	Den Ouden	Fjoslien	Kalis	Niehaus
Biersdorf	Erickson	Johnson, C.	Kostohryz	Simoneau
Corbid	Esau	Kahn	McCarron	Voss

The bill was passed and its title agreed to.

H. F. No. 1453, A bill for an act relating to retirement; authorizing payment of severance pay to retiring employees; validating past payments; amending Minnesota Statutes 1978, Section 356.24; and Minnesota Statutes, 1979 Supplement, Section 465.72.

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 :

Aasness	Anderson, I.	Blatz	Clawson	Eken
Adams	Anderson, R.	Brinkman	Corbid	Elioff
Ainley	Battaglia	Byrne	Crandall	Ellingson
Albrecht	Begich	Carlson, D.	Dean	Erickson
Anderson, B.	Berglin	Carlson, L.	Dempsey	Esau
Anderson, D.	Berkelman	Casserly	Den Ouden	Evans
Anderson, G.	Biersdorf	Clark	Drew	Ewald

Faricy	Kaley	Moe	Prahl	Stowell
Fjoslien	Kalis	Munger	Redalen	Swanson
Forsythe	Kelly	Murphy	Reding	Tomlinson
Friedrich	Kostohryz	Nelsen, B.	Rees	Valan
Fritz	Kroening	Nelsen, M.	Reif	Valento
Fudro	Kvam	Nelson	Rice	Vanasek
Greenfield	Laidig	Niehaus	Rodriguez	Voss
Halberg	Lehto	Norman	Rose	Waldorf
Haukoos	Levi	Novak	Rothenberg	Weaver
Heap	Long	Nysether	Sarna	Welch
Heinitz	Ludeman	Olsen	Schreiber	Welker
Hoberg	Luknic	Onnen	Searle	Wenzel
Hokanson	Mann	Otis	Searles	Wieser
Jacobs	McCarron	Patton	Sherwood	Wigley
Jennings	McDonald	Pehler	Sieben, H.	Wynia
Johnson, C.	McEachern	Peterson, B.	Sieben, M.	Zubay
Johnson, D.	Mehrkens	Peterson, D.	Simoneau	Spkr. Norton
Jude	Metzen	Piepho	Stadum	
Kahn	Minne	Pleasant	Stoa	

The bill was passed and its title agreed to.

S. F. No. 1257, A bill for an act relating to public welfare; requiring certain recipients of state aid for medical care to authorize the commissioner of public welfare to have access to their medical records for certain purposes; authorizing the commissioner to promulgate certain rules related to investigation of fraud perpetrated by health care vendors; authorizing certain sanctions against fraudulent vendors; authorizing the commissioner to institute an action to recover moneys wrongfully paid; amending Minnesota Statutes 1978, Sections 62E.53, by adding a subdivision; 62E.54, Subdivision 1; 256B.04, Subdivision 10, and by adding a subdivision; 256B.064, Subdivision 2, and by adding subdivisions; 256B.27, Subdivisions 3 and 4; 256D.03, Subdivision 3; and 256D.05, by adding a subdivision.

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

The question was taken on the passage of the bill and the roll was called. There were 122 yeas and 9 nays as follows:

Those who voted in the affirmative were:

Aasness	Carlson, D.	Faricy	Johnson, D.	McEachern
Adams	Carlson, L.	Fjoslien	Jude	Mehrkens
Ainley	Casserly	Forsythe	Kahn	Metzen
Albrecht	Clark	Friedrich	Kaley	Minne
Anderson, D.	Clawson	Fritz	Kelly	Moe
Anderson, G.	Corbid	Fudro	Kempe	Munger
Anderson, I.	Crandall	Greenfield	Kostohryz	Murphy
Anderson, R.	Dean	Halberg	Kroening	Nelsen, B.
Battaglia	Den Ouden	Haukoos	Kvam	Nelsen, M.
Begich	Drew	Heap	Laidig	Nelson
Berglin	Eken	Heinitz	Lehto	Niehaus
Berkelman	Elioff	Hoberg	Levi	Norman
Biersdorf	Ellingson	Hokanson	Long	Novak
Blatz	Erickson	Jacobs	Luknic	Nysether
Brinkman	Evans	Jaros	Mann	Olsen
Byrne	Ewald	Johnson, C.	McCarron	Onnen

Osthoff	Redalen	Schreiber	Swanson	Wenzel
Otis	Reding	Searles	Tomlinson	Wieser
Patton	Rees	Sherwood	Valan	Wigley
Pehler	Reif	Sieben, H.	Valento	Wynia
Peterson, B.	Rice	Sieben, M.	Vanasek	Zubay
Peterson, D.	Rodriguez	Simoneau	Voss	Spkr. Norton
Piepho	Rose	Stadum	Waldorf	
Pleasant	Rothenberg	Stowell	Weaver	
Prahl	Sarna	Sviggum	Welch	

Those who voted in the negative were:

Anderson, B.	Jennings	Ludeman	Searle	Welker
Dempsey	Kalis	McDonald	Stoa	

The bill was passed and its title agreed to.

H. F. No. 994, A bill for an act relating to courts; providing court commissioners with the judicial powers of a judge of the county court or the county municipal court; authorizing counties the option of abolishing the office of court commissioner; amending Minnesota Statutes 1978, Section 489.02 and Chapter 489, by adding a section.

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 132 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Eken	Kaley	Norman	Sieben, H.
Adams	Elioff	Kalis	Novak	Sieben, M.
Ainley	Ellingson	Kelly	Nysether	Simoneau
Albrecht	Erickson	Kempe	Olsen	Stadum
Anderson, B.	Esau	Kostohryz	Onnen	Stoa
Anderson, G.	Evans	Kroening	Osthoff	Stowell
Anderson, I.	Ewald	Kvam	Otis	Sviggum
Anderson, R.	Faricy	Laidig	Patton	Swanson
Battaglia	Fjoslien	Lehto	Pehler	Thiede
Begich	Forsythe	Levi	Peterson, B.	Tomlinson
Berglin	Friedrich	Long	Peterson, D.	Valan
Berkelman	Fritz	Ludeman	Piepho	Valento
Biersdorf	Fudro	Luknic	Pleasant	Vanasek
Blatz	Greenfield	Mann	Prahl	Voss
Brinkman	Halberg	McCarron	Redalen	Waldorf
Byrne	Haukoos	McDonald	Reding	Weaver
Carlson, D.	Heap	McEachern	Rees	Welch
Carlson, L.	Heinitz	Mehrkens	Reif	Welker
Casserly	Hoberg	Metzen	Rice	Wenzel
Clark	Hokanson	Minne	Rodriguez	Wieser
Clawson	Jacobs	Moe	Rose	Wigley
Corbid	Jaros	Munger	Rothenberg	Wynia
Crandall	Jennings	Murphy	Sarna	Zubay
Dean	Johnson, C.	Nelsen, B.	Schreiber	Spkr. Norton
Dempsey	Johnson, D.	Nelsen, M.	Searle	
Den Ouden	Jude	Nelson	Searles	
Drew	Kahn	Niehaus	Sherwood	

The bill was passed and its title agreed to.

S. F. No. 1042, A bill for an act relating to dogs; removing the urban location requirement in actions for damages against a dog owner; amending Minnesota Statutes 1978, Section 347.22.

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 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Elioff	Kaley	Norman	Sherwood
Adams	Ellingson	Kalis	Novak	Sieben, H.
Ainley	Erickson	Kelly	Nysether	Sieben, M.
Albrecht	Esau	Kempe	Olsen	Simoneau
Anderson, B.	Evans	Kostohryz	Onnen	Stadum
Anderson, D.	Ewald	Kroening	Osthoff	Stoa
Anderson, G.	Farcy	Kvam	Otis	Stowell
Anderson, I.	Fjoslien	Laidig	Patton	Sviggum
Anderson, R.	Forsythe	Lehto	Pehler	Swanson
Battaglia	Friedrich	Levi	Peterson, B.	Thiede
Begich	Fritz	Long	Peterson, D.	Tomlinson
Berglin	Fudro	Ludeman	Piepho	Valan
Berkelman	Greenfield	Luknic	Pleasant	Valento
Biersdorf	Halberg	Mann	Prahl	Vanasek
Blatz	Haukoos	McDonald	Redalen	Voss
Byrne	Heap	McEachern	Reding	Waldorf
Carlson, D.	Heinitz	Mehrkens	Rees	Weaver
Carlson, L.	Hoberg	Metzen	Reif	Welch
Casserly	Hokanson	Minne	Rice	Welker
Clark	Jacobs	Moe	Rodriguez	Wenzel
Clawson	Jaros	Munger	Rose	Wieser
Corbid	Jennings	Murphy	Rothenberg	Wigley
Dean	Johnson, C.	Nelsen, B.	Sarna	Wynia
Den Ouden	Johnson, D.	Nelsen, M.	Schreiber	Zubay
Drew	Jude	Nelson	Searle	Spkr. Norton
Eken	Kahn	Niehaus	Searles	

The bill was passed and its title agreed to.

H. F. No. 1145, A bill for an act relating to banks and banking; providing for implementation of certain statutes relating to electronic fund transfers; authorizing the commissioner of banks to adopt temporary rules; amending Minnesota Statutes 1978, Section 47.71.

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 8 nays as follows:

Those who voted in the affirmative were:

Aasness	Adams	Ainley	Anderson, B.	Anderson, D.
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Anderson, G.	Esau	Kempe	Olsen	Sieben, M.
Anderson, I.	Evans	Kostohryz	Onnen	Simoneau
Battaglia	Ewald	Kvam	Osthoff	Stadum
Begich	Faricy	Laidig	Otis	Stoa
Berkelman	Fjoslien	Lehto	Patton	Stowell
Biersdorf	Forsythe	Levi	Pehler	Swanson
Blatz	Friedrich	Long	Peterson, B.	Thiede
Brinkman	Fritz	Luknic	Peterson, D.	Tomlinson
Byrne	Fudro	Mann	Piepho	Valan
Carlson, D.	Greenfield	McCarron	Pleasant	Valento
Carlson, L.	Haukoos	McDonald	Prahl	Vanasek
Casserly	Heap	McEachern	Redalen	Voss
Clark	Heinitz	Mehrkens	Reding	Waldorf
Clawson	Hoberg	Metzen	Rees	Welch
Corbid	Hokanson	Minne	Reif	Wenzel
Crandall	Jacobs	Moe	Rodriguez	Wieser
Dean	Jaros	Munger	Rose	Wigley
Dempsey	Johnson, C.	Murphy	Rothenberg	Wynia
Den Ouden	Johnson, D.	Nelsen, B.	Sarna	Zubay
Drew	Jude	Nelson	Schreiber	Spkr. Norton
Eken	Kahn	Niehaus	Searle	
Elioff	Kaley	Norman	Searles	
Ellingson	Kalis	Novak	Sherwood	
Erickson	Kelly	Nysether	Sieben, H.	

Those who voted in the negative were:

Berglin	Kroening	Nelsen, M.	Sviggum	Welker
Jennings	Ludeman	Rice		

The bill was passed and its title agreed to.

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

CALL OF THE HOUSE

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

Aasness	Dempsey	Hokanson	McCarron	Piepho
Adams	Den Ouden	Jacobs	McDonald	Pleasant
Ainley	Drew	Jaros	McEachern	Prahl
Albrecht	Eken	Jennings	Mehrkens	Redalen
Anderson, B.	Elioff	Johnson, C.	Metzen	Reding
Anderson, D.	Ellingson	Johnson, D.	Minne	Rees
Anderson, G.	Erickson	Jude	Moe	Reif
Anderson, I.	Esau	Kahn	Munger	Rice
Anderson, R.	Evans	Kaley	Murphy	Rodriguez
Battaglia	Ewald	Kalis	Nelsen, M.	Rose
Begich	Faricy	Kelly	Nelson	Rothenberg
Berglin	Fjoslien	Kempe	Niehaus	Sarna
Biersdorf	Forsythe	Kostohryz	Norman	Schreiber
Blatz	Friedrich	Kroening	Novak	Searle
Brinkman	Fritz	Kvam	Nysether	Searles
Byrne	Fudro	Laidig	Olsen	Sherwood
Carlson, D.	Greenfield	Lehto	Osthoff	Sieben, H.
Carlson, L.	Halberg	Levi	Otis	Sieben, M.
Casserly	Haukoos	Long	Patton	Simoneau
Clark	Heap	Ludeman	Pehler	Stadum
Clawson	Heinitz	Luknic	Peterson, B.	Stoa
Crandall	Hoberg	Mann	Peterson, D.	Stowell

Swiggum	Valan	Waldorf	Wieser	Spkr. Norton
Swanson	Valento	Welch	Wigley	
Thiede	Vanasek	Welker	Wynia	
Tomlinson	Voss	Wenzel	Zubay	

Sieben, H., 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.

S. F. No. 550, A bill for an act relating to elections; regulating campaign financing; increasing certain expenditure limits; providing that a candidate's expenditure limit agreement is not binding unless agreements are signed by the candidate's opponents; amending Minnesota Statutes 1978, Sections 10A.25, Subdivision 2; and 10A.32, Subdivisions 3 and 3b.

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.

Sieben, H., moved that those not voting be excused from voting. The motion prevailed.

There were 68 yeas and 62 nays as follows:

Those who voted in the affirmative were:

Adams	Corbid	Kelly	Nelsen, M.	Sieben, M.
Anderson, B.	Eken	Kempe	Nelson	Simoneau
Anderson, G.	Elioff	Kostohryz	Novak	Stoa
Anderson, I.	Ellingson	Kroening	Osthoff	Swanson
Battaglia	Faricy	Lehto	Otis	Tomlinson
Begich	Fudro	Long	Patton	Vanasek
Berglin	Greenfield	Mann	Pehler	Voss
Berkelman	Hokanson	McCarron	Peterson, D.	Waldorf
Brinkman	Jacobs	McEachern	Prahl	Welch
Byrne	Jaros	Metzen	Reding	Wenzel
Carlson, L.	Johnson, C.	Minne	Rice	Wynia
Casserly	Jude	Moe	Rodriguez	Spkr. Norton
Clark	Kahn	Munger	Sarna	
Clawson	Kalis	Murphy	Sieben, H.	

Those who voted in the negative were:

Aasness	Den Ouden	Haukoos	Ludeman	Peterson, B.
Ainley	Drew	Heap	Luknic	Piepho
Albrecht	Erickson	Heinitz	McDonald	Pleasant
Anderson, D.	Esau	Hoberg	Mehrkens	Redalen
Anderson, R.	Evans	Jennings	Nelsen, B.	Rees
Biersdorf	Ewald	Johnson, D.	Niehaus	Reif
Blatz	Fjoslien	Kaley	Norman	Rose
Carlson, D.	Forsythe	Kvam	Nysether	Rothenberg
Crandall	Friedrich	Laidig	Olsen	Searle
Dempsey	Fritz	Levi	Onnen	Searies

Sherwood
Stadum
Stowell

Sviggum
Thiede
Valan

Valento
Weaver
Welker

Wieser
Wigley

Zubay

The bill was passed and its title agreed to.

CALL OF THE HOUSE LIFTED

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

GENERAL ORDERS

Pursuant to rules of the House, the House resolved itself into the Committee of the Whole, with Norton in the Chair, for the consideration of bills pending on General Orders of the Day. After some time spent therein the Committee arose.

REPORT OF COMMITTEE OF THE WHOLE

The Speaker resumed the Chair, whereupon the following proceedings of the Committee as kept by the Chief Clerk were reported to the House:

A motion by Nelsen, B., to re-refer H. F. No. 547 to the Committee on Education was pending when the committee arose. A roll call had been requested and properly seconded.

On the motion of Sieben, H., the report of the Committee of the Whole was adopted.

ADJOURNMENT

Sieben, H., moved that when the House adjourns today it adjourn until 2:00 p.m., Thursday, February 28, 1980. The motion prevailed.

Sieben, H., moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:00 p.m., Thursday, February 28, 1980.

Immediately following the adjournment of the House the Honorable Charles W. Duncan, Jr., United States Secretary of Energy, addressed a joint meeting of the House and Senate in the House Chamber.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

STATE OF MINNESOTA

SEVENTY-FIRST SESSION - 1980

SEVENTY-FIRST DAY

SAINT PAUL, MINNESOTA, MONDAY, FEBRUARY 25, 1980

The Senate met on Monday, February 25, 1980, which was the Seventy-first Legislative Day of the Seventy-first Session of the Minnesota State Legislature. The House of Representatives did not meet on this date.

STATE OF MINNESOTA

SEVENTY-FIRST SESSION - 1980

SEVENTY-SECOND DAY

SAINT PAUL, MINNESOTA, THURSDAY, FEBRUARY 28, 1980

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

Prayer was offered by the Chaplain.

The roll was called and the following members were present:

Aasness	Drew	Kahn	Nelson	Searles
Adams	Eken	Kaley	Niehaus	Sherwood
Ainley	Elioff	Kalis	Norman	Sieben, H.
Albrecht	Ellingson	Kelly	Novak	Sieben, M.
Anderson, B.	Erickson	Kempe	Nysether	Simoneau
Anderson, D.	Esau	Knickerbocker	Olsen	Stadum
Anderson, G.	Evans	Kostohryz	Onnen	Stoa
Anderson, I.	Ewald	Kroening	Osthoff	Stowell
Anderson, R.	Faricy	Kvam	Otis	Sviggum
Battaglia	Fjoslien	Laidig	Patton	Swanson
Begich	Forsythe	Lehto	Pehler	Thiede
Berglin	Friedrich	Levi	Peterson, B.	Tomlinson
Berkelman	Fritz	Long	Peterson, D.	Valan
Biersdorf	Fudro	Ludeman	Piepho	Valento
Blatz	Greenfield	Luknic	Pleasant	Vanasek
Brinkman	Halberg	Mann	Prahl	Voss
Byrne	Haukoos	McCarron	Redalen	Waldorf
Carlson, D.	Heap	McDonald	Reding	Weaver
Carlson, L.	Heinitz	McEachern	Rees	Welch
Casserly	Hoberg	Mehrkens	Reif	Welker
Clark	Hokanson	Metzen	Rice	Wenzel
Clawson	Jacobs	Minne	Rodriguez	Wieser
Corbid	Jaros	Moe	Rose	Wigley
Crandall	Jennings	Munger	Rothenberg	Wynia
Dean	Johnson, C.	Murphy	Sarna	Zubay
Dempsey	Johnson, D.	Nelsen, B.	Schreiber	Sprk. Norton
Den Ouden	Jude	Nelsen, M.	Searle	

A quorum was present.

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

REPORTS OF CHIEF CLERK

Pursuant to Rules of the House, printed copies of H. F. Nos. 753, 1789, 1871, 1985, 1778, 1036, 1513, and 1996 and S. F. Nos. 1645, 1646 and 919 have been placed in the members' files.

PETITIONS AND COMMUNICATIONS

The following communication was received:

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

February 21, 1980

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

The Honorable Edward J. Gearty
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1980 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

<i>S.F.</i> No.	<i>H.F.</i> No.	<i>Session Laws</i> <i>Chapter No.</i>	<i>Date Approved</i> 1980	<i>Date Filed</i> 1980
285		346	February 21	February 21

Sincerely,

JOAN ANDERSON GROWE
Secretary of State

REPORTS OF STANDING COMMITTEES

Osthoff from the Committee on General Legislation and Veterans Affairs to which was referred:

H. F. No. 1031, A bill for an act relating to Morrison County; allowing free, nonsubscription publications to qualify as legal newspapers in Morrison County.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [LEGAL NEWSPAPER; QUALIFICATIONS.]
In order to qualify as a medium of official and legal publication in Morrison County, a newspaper shall:

(1) Be printed in the English language in newspaper format and in column and sheet form equivalent in printed space to at least 900 square inches;

(2) If a weekly, be distributed at least once each week for 50 weeks each year, or if a daily, at least five days each week; but in any week in which a legal holiday is included, not more than four issues of daily paper are necessary;

(3) Have 25 percent of its space, in at least 50 percent of its annual issues, devoted to news, and have 50 percent of its news devoted to news of local interest to the community which it purports to serve, and it may contain general news, comment, and miscellany, but not wholly duplicate any other publication, or be made up entirely of patents, plate matter, and advertisements.

(4) Be circulated in and near Little Falls and have at least 500 copies regularly distributed;

(5) Have its known office of issue established in Morrison County;

(6) File a copy of each issue immediately with the state historical society;

(7) Be made available at single or subscription prices or at no charge to any person, corporation, partnership or other unincorporated association requesting the newspaper and making the applicable payment;

(8) File with the secretary of state, prior to January 1 of each year, an affidavit signed by the publisher or managing officer and sworn to before a notary public stating that the newspaper is a legal newspaper. The form of the affidavit shall be prescribed by the secretary of state.

Sec. 2. This act takes effect when approved by a majority of the board of county commissioners of Morrison County, and upon compliance with Minnesota Statutes 1978, Section 645.021."

With the recommendation that when so amended the bill pass.

The report was adopted.

Brinkman from the Committee on Financial Institutions and Insurance to which was referred:

H. F. No. 1207, A bill for an act relating to motor vehicles; defining the term "motor vehicle" for the purposes of no-fault automobile insurance; amending Minnesota Statutes 1978, Section 65B.43, Subdivision 2.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1978, Section 65B.68, Subdivision 2, is amended to read:

Subd. 2. The commissioner of public safety may by rule provide that motor vehicles owned by certain persons may not be registered in this state unless satisfactory evidence is furnished that security has been provided as required by section 65B.48. If a person who is required to furnish evidence ceases to maintain security, he shall immediately surrender the registration certificate and license plates for the vehicle. These requirements may be imposed if:

(1) The registrant has not previously registered a motor vehicle in this state; or

(2) An owner or operator of the vehicle has previously failed to comply with the security requirements of sections 65B.41 to 65B.71 or of prior law; or

(3) The driving record of an owner or operator of the vehicle evidences his continuing disregard of the laws of this state enacted to protect the public safety; or

(4) Other circumstances indicate that such action is necessary to effectuate the purposes of sections 65B.41 to 65B.71.

No owner of a boat, snowmobile or utility trailer registered for a gross weight of 3,000 pounds or less shall be required by the commissioner of public safety to furnish evidence that the security required by section 65B.48 has been provided."

Further, amend the title as follows:

Page 1, line 2, delete "defining the term"

Page 1, delete line 3

Page 1, line 4, delete "automobile insurance" and insert "excluding owners of certain trailers from the requirement to furnish evidence of security"

Page 1, line 5, delete "65B.43" and insert "65B.68"

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

The report was adopted.

Osthoff from the Committee on General Legislation and Veterans Affairs to which was referred:

H. F. No. 1286, A bill for an act relating to commerce; providing for the qualification of free distribution newspapers as legal newspapers; amending Minnesota Statutes 1978, Section 331.02, Subdivisions 1 and 8.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [PURPOSE.] The legislature finds that every unit of government in this state has a responsibility as established by law to inform the public of its activities and decisions. The legislature further finds that the information must be as complete as is practicable and put in a form easily comprehensible by the general public, distributed as widely as possible within the jurisdiction of the unit of government and at the most economical cost to it. It is the purpose of Minnesota Statutes, Chapter 331 to provide direction to units of government in the state to utilize the print media in fulfilling these responsibilities.

Sec. 2. Minnesota Statutes 1978, Section 331.02, Subdivision 1, is amended to read:

331.02 [LEGAL NEWSPAPER.] Subdivision 1. [QUALIFICATIONS.] In order to be qualified as a medium of official and legal publication, a newspaper shall:

(1) Be printed in the English language in newspaper format and in column and sheet form equivalent in printed space to at least (900) 1200 square inches;

(2) If a weekly, be distributed at least once each week for 50 weeks each year, or if a daily, at least five days each week; but in any week in which a legal holiday is included, not more than four issues of a daily paper are necessary;

(3) (HAVE 25 PERCENT, IF PUBLISHED MORE OFTEN THAN WEEKLY, OR 50 PERCENT, IF A WEEKLY, OF ITS NEWS COLUMNS DEVOTED TO NEWS OF LOCAL INTEREST TO THE COMMUNITY WHICH IT PURPORTS TO SERVE, AND IT MAY CONTAIN GENERAL NEWS,

COMMENT, AND MISCELLANY, BUT NOT WHOLLY DUPLICATE ANY OTHER PUBLICATION, OR BE MADE UP ENTIRELY OF PATENTS, PLATE MATTER, AND ADVERTISEMENTS;) *In at least half of its issues each year, have an average of no more than 75 percent of its printed space, taken as an aggregate, comprised of advertising material and paid legal notices; and in all of its issues each year, have 25 percent if published more often than weekly, of its news columns devoted to news of local interest to the community which it purports to serve, but not more than 25 percent of its total nonadvertising column inches in any issue may wholly duplicate any other publication unless the duplicated material is from recognized general news services;*

(4) Be circulated in and near the municipality which it purports to serve, and have at least 500 copies regularly delivered to paying subscribers (, AND HAVE AN AVERAGE OF AT LEAST 75 PERCENT OF ITS TOTAL CIRCULATION CURRENTLY PAID OR NO MORE THAN THREE MONTHS IN ARREARS) and have entry as second-class matter in its local post office, *or have at least 500 copies regularly distributed without charge to local residents;*

(5) Have its known office of issue established in the county in which lies, in whole or in part, the municipality which the newspaper purports to serve;

(6) File a copy of each issue immediately with the state historical society;

(6a) Be made available at single or subscription prices to any person, corporation, partnership or other unincorporated association requesting the newspaper and making the applicable payment, *or be distributed without charge to local residents;*

(7) Have complied with all the foregoing conditions of this subdivision for at least one year last past;

(8) (FILE WITH THE SECRETARY OF STATE, PRIOR TO JANUARY 1 OF EACH YEAR, AN AFFIDAVIT SIGNED BY THE PUBLISHER OR MANAGING OFFICER AND SWORN TO BEFORE A NOTARY PUBLIC STATING THAT THE NEWSPAPER IS A LEGAL NEWSPAPER. THE FORM OF THE AFFIDAVIT SHALL BE PRESCRIBED BY THE SECRETARY OF STATE) *The newspaper must annually publish and submit to the secretary of state a sworn United States Post Office second-class statement of ownership and circulation or in the absence of a permit must annually publish and submit a statement of ownership and circulation verified by a recognized independent circulation auditing agency.*

Sec. 3. Minnesota Statutes 1978, Section 331.02, Subdivision 8, is amended to read:

Subd. 8. [DEFINITIONS.] For the purposes of this section, the following definitions shall apply except as otherwise expressly provided or indicated by the context:

(1) "Newspaper" means a publication issued regularly by the same person, persons, or corporation or his, their or its successor, successors or assigns, whether the name of the publication be the same or different.

(2) "Known office of issue" means the office established and open during its regular business hours for the gathering of news, sale of advertisements and sale of subscriptions for the newspaper, whether or not printing or any other newspaper operations are conducted at or from (SUCH) *that* office; maintained by the publisher or managing officer of (SUCH) *the* newspaper or a person or persons in his or its employ and subject to his direction and control during (ALL SUCH) regular business hours; and, unless (SUCH) *the* newspaper is printed at (SUCH) *that* office, devoted exclusively during (SUCH) regular business hours to the business of the newspaper and business related thereto, including the sale of commercial printing, stationery, office supplies and office equipment.

(3) "Municipality" means a city or town.

(4) "Local public corporation" means a municipality, school district, or other political subdivision or local district, commission, board or authority except a county.

Sec. 4. *Minnesota Statutes 1978, Section 16.61 and 331.09 are repealed."*

And further amend the title to read:

"A bill for an act relating to commerce; providing for the qualification of free distribution newspapers as legal newspapers; amending Minnesota Statutes 1978, Section 331.02, Subdivisions 1 and 8; repealing Minnesota Statutes 1978, Sections 16.61 and 331.09."

With the recommendation that when so amended the bill pass.

The report was adopted.

Fudro from the Committee on Transportation to which was referred:

H. F. No. 1656, A bill for an act relating to motor vehicles; providing for delivery of motor vehicle certificates of title to owners upon satisfaction of a security interest; amending Minnesota Statutes 1978, Section 168A.20, Subdivision 1.

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

The report was adopted.

Fudro from the Committee on Transportation to which was referred:

H. F. No. 1666, A bill for an act relating to transportation; repealing a certain administrative rule of the department of transportation enforcing parallel parking on certain streets and highways.

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

The report was adopted.

Brinkman from the Committee on Financial Institutions and Insurance to which was referred:

H. F. No. 1692, A bill for an act relating to insurance; requiring the issuance of temporary licenses to certain qualified persons; amending Minnesota Statutes 1978, Section 60A.17, by adding a subdivision.

Reported the same back with the following amendments:

Page 1, line 19, after "subdivision" insert "*shall be issued for the insurance company which has endorsed the person's application for license. It shall be limited to the line or lines of insurance for which the applicant has satisfactorily completed the written examination and it*"

Page 1, line 21, after the period insert "*In no event shall the temporary license be valid for a period in excess of 90 days.*"

With the recommendation that when so amended the bill pass.

The report was adopted.

Fudro from the Committee on Transportation to which was referred:

H. F. No. 1695, A bill for an act relating to highways; providing that a resolution of a county board revoking a county highway that would revert to a town is not effective until the highway meets town road specification standards; amending Minnesota Statutes 1978, Section 163.11, Subdivision 5a.

Reported the same back with the following amendments:

Page 2, line 5, after "located" insert "and further provided that the town road specification standards of the town to which the revoked highway would revert shall not be higher than the comparable specification standards of the county"

With the recommendation that when so amended the bill pass.

The report was adopted.

Faricy from the Committee on Judiciary to which was referred:

H. F. No. 1708, A bill for an act relating to courts; tenth judicial district; authorizing two additional judges; authorizing appointment of a law clerk for each district court judge; amending Minnesota Statutes 1978, Sections 2.722, Subdivision 1; and 484.545, Subdivision 1.

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

The report was adopted.

Fudro from the Committee on Transportation to which was referred:

H. F. No. 1732, A bill for an act relating to motor vehicle carriers; defining courier services carrier; providing the procedures for granting permits to courier services carriers; excluding courier service carriers from the term regular route common carrier; amending Minnesota Statutes 1978, Sections 221.011, Subdivision 9, and by adding a subdivision; and 221.121, by adding a subdivision.

Reported the same back with the following amendments:

Page 1, line 18, strike "shall" and insert "does"

Page 1, line 24, strike "such" and insert "the"

Page 2, line 3, strike "such" and insert "the"

Page 2, line 8, strike "such" and insert "the"

Page 2, after line 30 insert:

"Sec. 4. *This act is effective the day following final enactment.*"

With the recommendation that when so amended the bill pass.

The report was adopted.

Faricy from the Committee on Judiciary to which was referred:

H. F. No. 1779, A bill for an act relating to judicial procedures; changing the procedures and circumstances under which guardians and conservators may be appointed; changing the powers and duties of guardians and conservators; providing for the appointment, powers, and duties of guardians and conservators of minors; amending Minnesota Statutes 1978, Sections 525.54; 525.541; 525.542; 525.543; 525.544; 525.55; 525.56; 525.57; 525.58; 525.581; 525.583; 525.59; 525.591; 525.60, Subdivision 1; 525.62; 525.63; 525.67; 525.69; 525.83; and Chapter 525, by adding sections; and Minnesota Statutes, 1979 Supplement, Sections 525.551; and 525.61; repealing Minnesota Statutes 1978, Sections 525.60, Subdivision 2; 525.611; 525.612; 525.613; 525.614; and 525.621.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1978, Chapter 525, is amended by adding a section to read:

[525.539] [DEFINITIONS.] *For the purposes of sections 525.54 to 525.702, the following terms shall have the meanings given them:*

Subdivision 1. "Guardian" means a person who is appointed by the court to exercise all of the powers and duties designated in section 525.56 for the care of an incapacitated person or his estate, or both.

Subd. 2. "Conservator" means a person appointed by the court to exercise some, but not all the powers designated in section 525.56 for the care of an incapacitated person or his estate, or both.

Subd. 3. "Ward" means an incapacitated person for whom the court has appointed a guardian.

Subd. 4. "Appointment of a guardian" is a determination of the incompetency of the ward.

Subd. 5. "Conservatee" means an incapacitated person for whom the court has appointed a conservator.

Sec. 2. Minnesota Statutes 1978, Section 525.54, is amended to read:

525.54 [ADULTS SUBJECT TO GUARDIANSHIP AND CONSERVATORSHIP.] Subdivision 1. [ADULTS SUBJECT

TO GUARDIANSHIP AND CONSERVATORSHIP.] *Upon petition as provided in this chapter, the court, if satisfied of the need therefor, may appoint one or two persons suitable and competent to discharge the trust as guardians of the person or estate or of both or as conservators of the person or the estate or of both of any incapacitated person (WHO IS A MINOR, WHO BECAUSE OF OLD AGE, OR IMPERFECTION OR DETERIORATION OF MENTALITY IS INCOMPETENT TO MANAGE HIS PERSON OR ESTATE, WHO BECAUSE OF EXCESSIVE INTOXICATION, GAMBLING, IDLENESS, OR DEBAUCHERY, SO SPENDS OR WASTES HIS ESTATE OR INJURES HIS PERSON AS TO BE LIKELY TO EXPOSE HIMSELF OR HIS FAMILY TO WANT OR SUFFERING, OR WHO, THOUGH NOT OTHERWISE INCOMPETENT TO MANAGE HIS PERSON OR ESTATE, REQUESTS THE COURT TO APPOINT SUCH A GUARDIAN, PROVIDED SUCH PERSON IS A RESIDENT OF THE COUNTY OR BEING A NONRESIDENT OF THIS STATE HAS PROPERTY IN THE COUNTY. NO GUARDIAN OF THE PERSON OF ANY MINOR SHALL BE APPOINTED WHILE PROCEEDINGS FOR HIS CARE AND CUSTODY ARE PENDING IN ANY JUVENILE COURT OF THIS STATE. NOTHING HEREIN CONTAINED SHALL DIMINISH THE POWER OF ANY COURT TO APPOINT A GUARDIAN TO SERVE OR PROTECT THE INTEREST OF ANY MINOR OR OTHER PERSON UNDER DISABILITY IN ANY PROCEEDINGS THEREIN, NOR ABRIDGE THE RIGHTS OF THE FATHER AND MOTHER, IF SUITABLE AND COMPETENT, AS THE NATURAL GUARDIANS OF THEIR MINOR CHILDREN). The standard of proof in contested cases shall be that of clear and convincing evidence.*

Subd. 2. [GUARDIANSHIP OR CONSERVATORSHIP OF THE PERSON.] (THE COURT MAY APPOINT ONE OR TWO PERSONS SUITABLE AND COMPETENT TO DISCHARGE THE TRUST AS CONSERVATORS OF THE PERSON OR ESTATE OR OF BOTH OF ANY PERSON WHO IS A MINOR, OR WHO BECAUSE OF OLD AGE OR OTHER CAUSE IS UNABLE PROPERLY TO CARE FOR HIMSELF OR FOR HIS PROPERTY, OR WHO BECAUSE OF OLD AGE OR OTHER CAUSE IS LIKELY TO BE DECEIVED OR IMPOSED UPON BY ARTFUL OR DESIGNING PERSONS, OR WHO, FOR THESE CAUSES OR OTHER CAUSE REQUESTS THE COURT TO APPOINT SUCH A CONSERVATOR AND ESTABLISHES TO THE SATISFACTION OF THE COURT THE NEED THEREOF, PROVIDED SUCH PERSON IS A RESIDENT OF THE COUNTY OR BEING A NON-RESIDENT OF THIS STATE HAS PROPERTY IN THE COUNTY. NO CONSERVATOR OF THE PERSON OF ANY MINOR SHALL BE APPOINTED WHILE PROCEEDINGS FOR HIS CARE AND CUSTODY ARE PENDING IN ANY JUVENILE COURT OF THIS STATE) "*Incapacitated person*" means, in the case of guardianship or conservatorship of the person, an

adult person who is impaired by reason of mental condition to the extent that he lacks sufficient understanding or capacity to make or communicate responsible decisions concerning his person, and who has demonstrated behavior which evidences his inability to meet essential requirements for his health or safety. "Unable to meet essential requirements for his health or safety" means unable to meet his needs for medical care, nutrition, clothing, shelter, or safety so that, in the absence of guardianship, injury or illness is likely to occur in the near future.

Subd. 3. [GUARDIANSHIP OR CONSERVATORSHIP OF THE ESTATE.] Appointment of a guardian or conservator may be made in relation to the estate and financial affairs of an adult person: (a) voluntarily, upon the person's request if the court is satisfied of the need for it, or (b) involuntarily, upon the court's determination that (1) that person is unable to manage his property and affairs effectively because he is an incapacitated person, and (2) he has property which will be wasted or dissipated unless proper management is provided, or that funds are needed for the support, care and welfare of the person or those entitled to be supported by him and (3) no less restrictive form of intervention is available which will adequately protect his estate or financial affairs. "Incapacitated person" means, in the case of guardianship or conservatorship of the estate of an adult, any adult person who is impaired by reason of mental condition to the extent that he lacks sufficient understanding or capacity to make or communicate responsible decisions concerning his estate or financial affairs, and who has demonstrated behavior which evidences his inability to manage his estate.

Subd. 4. Appointment of a guardian is a determination of the incompetency of the word.

Subd. 5. Appointment of a conservator is not evidence of incompetency of the incapacitated person, and does not remove or modify any civil or legal right of the incapacitated person except as specifically ordered by the court, pursuant to section 525.551. The appointment of a conservator shall not deprive the conservatee of the right to vote or marry if otherwise competent.

Subd. 6. Nothing contained in this section shall diminish the power of the court to appoint a guardian ad litem to serve or protect the interest of any person under disability in any proceedings therein.

Sec. 3. Minnesota Statutes 1978, Section 525.541, is amended to read:

525.541 [PETITIONERS.] Any person may petition for the appointment of a guardian or guardians or conservator or

conservators for any person believed to be subject to guardianship or conservatorship (, PROVIDED THAT). The petition of (A) *an adult* person (OVER THE AGE OF 14 YEARS) for the appointment of a guardian or guardians or conservator or conservators of his own person or estate (, AND THE PETITION OF ANY PERSON NOMINATED BY THE WILL OF A DECEASED PARENT WITH THE WRITTEN CONSENT OF THE OTHER PARENT IF LIVING AND NOT UNDER DISABILITY, FOR THE APPOINTMENT OF A GUARDIAN OR CONSERVATOR OR GUARDIANS OR CONSERVATORS FOR THEIR MINOR CHILD) shall have priority over the petition of any other person. (WHEN ANY MINOR UNDER GUARDIANSHIP OR CONSERVATORSHIP ATTAINS THE AGE OF 14 YEARS, HE MAY PETITION FOR THE APPOINTMENT OF A GUARDIAN OR CONSERVATOR OR GUARDIANS OR CONSERVATORS NOMINATED BY HIM IN LIEU OF THE GUARDIANS OR CONSERVATORS THERETOFORE APPOINTED.)

Sec. 4. Minnesota Statutes 1978, Section 525.542, is amended to read:

525.542 [CONTENTS OF PETITION.] The petition shall show (1) the name and address of the person for whom a guardian or conservator, is sought, (2) the date and place of his birth, (3) (IF HE BE A MINOR,) the names and addresses of his parents, (OR IF THE PARENTS BE DEAD OR HAVE ABANDONED THE MINOR, THE NAMES AND ADDRESSES OF HIS CUSTODIANS AND OF ANY PERSON NAMED AS TESTAMENTARY GUARDIANS OR CONSERVATORS IN THE WILL OF A DECEDENT, (4) IF HE BE NOT A MINOR,) *children, and siblings, or in the event that none of these persons are living,* the names and addresses of his nearest kindred, ((5)) (4) if he (BE) is married, the name and address of his spouse, ((6)) (5) the reasons for the guardianship or conservatorship, *including specific factual information which the petitioner believes supports the need for appointment of a guardian or conservator, such as mental and physical condition, financial transactions, personal actions, or actual occurrences which are claimed to demonstrate his inability to manage his estate, or to provide for personal needs for food, clothing, shelter or health care,* (6) the powers the petitioner believes are necessary in order for a guardian or conservator to protect and supervise the proposed ward's or conservatee's person or property, (7) the probable value and general character of his real and personal property and the probable amount of his debts, (8) the names, ages, addresses, and occupations of the proposed guardians or conservators.

Sec. 5. Minnesota Statutes 1978, Section 525.543, is amended to read:

525.543 [LIS PENDENS.] After the filing of the petition, a certificate of the probate court certified to that fact may be

filed for record in the office of the county recorder of any county in which any real estate owned by the *proposed* ward or conservatee is situated and if a resident of this state, in the county of his residence. (SUCH) *The certificate shall state that (SUCH) a petition is pending and shall state the name and address of the person for whom a guardian or conservator is sought. If a guardian or conservator (BE) is appointed on (SUCH) the petition, and, in the case of a conservatorship, if the letters of conservatorship remove or restrict the right of the conservatee to transfer property or to contract, then all contracts except for necessities, and all transfers of real or personal property made by the ward or conservatee after (SUCH) the filing and before the termination of the guardianship or conservatorship shall be void.*

Sec. 6. Minnesota Statutes 1978, Section 525.544, is amended to read:

525.544 [PLANNING PROVISIONS.] In the petition or in a written instrument executed before or after the petition is filed, the person may, if at the time of signing the same, he has sufficient capacity to form an intelligent preference, nominate a conservator or guardian or give instructions to the conservator or guardian or he may do both. The written instrument shall be executed and attested in the same manner as a will. The court shall appoint the person so nominated as conservator or guardian and shall charge him with the instructions, unless the court finds that the appointment of the nominee or the instructions or both are not in the best interests of the person to be placed under conservatorship or guardianship. When any person lacks capacity or fails to nominate a conservator or guardian, the court may appoint any qualified person as *conservator or guardian*. If the proposed ward or conservatee lacks capacity or fails to give instructions, the court may give such powers as required *in accordance with section 525.56*.

Sec. 7. Minnesota Statutes 1978, Section 525.55, is amended to read:

525.55 [NOTICE OF HEARING.] *Subdivision 1. (IF THE PETITION BE MADE BY THE PERSON FOR WHOM A GUARDIAN OR CONSERVATOR IS SOUGHT, OR BY A PARENT, CUSTODIAN, OR TESTAMENTARY GUARDIAN OR CONSERVATOR OF A MINOR UNDER THE AGE OF 14 YEARS, THE COURT MAY HEAR THE SAME WITH OR WITHOUT NOTICE.)* In all (OTHER) cases, upon the filing of the petition the court shall fix the time and place for the hearing (THEREOF) *and shall order that notice of it be given. At least 14 days prior to (SUCH TIME) the hearing, personal service of the notice shall be made upon the proposed ward or conservatee. (IF HE HAS A SPOUSE, CUSTODIAN, OR IF THERE BE A TESTAMENTARY GUARDIAN OR CONSERVATOR NAMED IN THE WILL OF A DECEDENT, NOTICE SHALL BE GIVEN TO SUCH PERSONS AND TO SUCH OF THE NEAREST KINDRED AND IN SUCH MANNER AS*

THE COURT MAY DIRECT) Notice shall also be served on his spouse, parents, adult children and siblings, and on any other persons the court may direct by mail postmarked at least 14 days prior to the hearing. If he (BE) is a patient or resident of any hospital or (ASYLUM) other institution, notice by mail shall be given to the (SUPERINTENDENT THEREOF) administrative head of it. If he (BE) is a non-resident or if after diligent search he cannot be found in this state, notice shall be given in (SUCH) the manner and to (SUCH) the persons (AS) the court (MAY DETERMINE) directs.

Subd. 2. The notice shall be written in language which can be easily understood. Included with the notice shall be a copy of the petition. The notice shall contain information regarding the nature, purpose and legal effects of the guardianship or conservatorship proceedings on the proposed ward or conservatee. The notice shall state that he may be adjudged incapable of caring for his person or property, and by reason of the adjudication, a guardian or conservator may be appointed for him, and that the adjudication may transfer to the appointed guardian or conservator certain rights, including his right to manage and control property, to enter into contracts and to determine his residence. The notice shall further contain information regarding the rights of the proposed ward or conservatee in the proceeding, including his right to attend the hearing, to be represented by an attorney, to oppose the proceeding, and to present evidence. The notice shall state that if the proposed ward or conservatee wishes to exercise the right to be represented by an attorney, he must either obtain counsel of his own choice or ask the court to appoint an attorney to represent him, and that the county shall pay a reasonable attorney's fee if he is indigent. The procedure for requesting a court appointed attorney shall be described in the notice.

The process server shall inquire whether the proposed ward or conservatee desires the notice and petition to be read to him, and shall read the notice and petition if requested to do so.

Sec. 8. Minnesota Statutes, 1979 Supplement, Section 525.551, is amended to read:

525.551 [HEARING; APPOINTMENT; BOND; PROSECUTION; NOTICE.] Subdivision 1. [ATTENDANCE AT HEARING.] (UPON PROOF OF THE PETITION, THE COURT SHALL APPOINT ONE OR TWO PERSONS SUITABLE AND COMPETENT TO DISCHARGE THE TRUST AS GENERAL GUARDIANS OR CONSERVATORS OF THE PERSON OR ESTATE OR OF BOTH. UPON THE FILING OF A BOND IN AN AMOUNT AS THE COURT MAY DIRECT AND AN OATH ACCORDING TO LAW, OR UPON THE FILING OF AN ACCEPTANCE OF THE TRUST PURSUANT TO SECTION 48.79, LETTERS OF GUARDIANSHIP OR CONSERVATORSHIP SHALL ISSUE. IF THERE BE

NO PERSONAL PROPERTY, THE COURT MAY WAIVE THE FILING OF A BOND, BUT IF THE GUARDIAN OR CONSERVATOR RECEIVES OR BECOMES ENTITLED TO ANY SUCH PROPERTY HE SHALL IMMEDIATELY FILE A REPORT THEREOF AND A BOND IN SUCH AMOUNT AS THE COURT MAY DIRECT. IN CASE OF BREACH OF ANY CONDITION OF THE BOND AN ACTION THEREON MAY BE PROSECUTED BY LEAVE OF THE COURT BY ANY INTERESTED PERSON. IF THE WARD OR CONSERVATEE BE A PATIENT OF A STATE HOSPITAL FOR THE MENTALLY ILL, OR COMMITTED TO THE GUARDIANSHIP OR CONSERVATORSHIP OF THE COMMISSIONER OF PUBLIC WELFARE AS MENTALLY RETARDED, EPILEPTIC, DEPENDENT AND NEGLECTED OR IS UNDER THE TEMPORARY CUSTODY OF THE COMMISSIONER OF PUBLIC WELFARE, THE COURT SHALL NOTIFY THE COMMISSIONER OF PUBLIC WELFARE OF THE APPOINTMENT OF A GUARDIAN OR CONSERVATOR OR SUCCESSOR GUARDIAN OR CONSERVATOR OF THE ESTATE OF THE WARD OR CONSERVATEE.) *If the proposed ward or conservatee is within the state, he shall be present at the hearing unless he is not able to attend by reason of medical condition, as evidenced by a letter from a licensed physician. The letter shall be evidence only of the proposed ward's or conservatee's medical inability to attend the hearing and shall not be considered in determining the issue of his incapacity. In any instance in which a proposed ward or conservatee is absent from the hearing, the court shall specify in its findings of fact the reason for nonattendance.*

Subd. 2. [INTERCHANGE ABILITY OF HEARING.] If the circumstances warrant, the court may treat a petition for guardianship as a petition for conservatorship.

Subd. 3. [CONDUCT OF HEARING; BURDEN OF PROOF.] *The proposed ward or conservatee has the right to summon and cross-examine witnesses. The rules of evidence shall apply, and no hearsay evidence which is not otherwise admissible by exception in a court of law shall be admitted into evidence. In the proceedings there shall be a legal presumption of capacity, and the burden of proof shall be on the petitioner.*

Subd. 4. [RECORD OF PROCEEDINGS.] *In all contested proceedings the court shall take and preserve an accurate stenographic record or tape recording of the proceedings.*

Subd. 5. [FINDINGS.] *In all cases the court shall find the facts specifically, state separately its conclusions of law, and direct the entry of an appropriate judgment.*

If upon completion of the hearing and consideration of the record the court finds: (1) that the proposed ward or conserva-

tee is incapacitated as defined in section 525.54; and (2) that the proposed ward or conservatee is in need of the supervision and protection of a guardian or conservator; and (3) that no appropriate alternatives to the guardianship or conservatorship exist which are less restrictive of the person's civil rights and liberties, it shall enter judgment specifying the powers of the guardian or conservator pursuant to section 525.56. Before appointing a guardian or conservator, the court shall make a finding that the person to be appointed as guardian or conservator is the most suitable and best qualified person to discharge the trust.

Subd. 6. [BOND.] Upon the filing of a bond in an amount the court may direct and upon taking an oath according to law, or upon the filing of an acceptance of the trust pursuant to section 48.79, letters of guardianship or conservatorship shall issue. If there is no personal property, the court may waive the filing of a bond, but if the guardian or conservator receives or becomes entitled to any property of the ward or conservatee he shall immediately file a report of it and a bond in an amount the court may direct. In case of breach of a condition of the bond an action on it may be prosecuted by leave of the court by any interested person.

Subd. 7. [NOTIFICATION OF COMMISSIONER OF PUBLIC WELFARE.] If the ward or conservatee is a patient of a state hospital for the mentally ill, or is committed to the guardianship or conservatorship of the commissioner of public welfare as mentally retarded or dependent and neglected, or is under the temporary custody of the commissioner of public welfare, the court shall notify the commissioner of public welfare of the appointment of a conservator or successor conservator of the estate of the conservatee.

Sec. 9. Minnesota Statutes 1978, Chapter 525, is amended by adding a section to read:

[525.5515] [LETTERS OF GUARDIANSHIP OR CONSERVATORSHIP.] Subdivision 1. A copy of the order appointing the guardian or conservator shall be served upon the ward or conservatee and his counsel, if he was represented at the hearing. The order shall be accompanied by a notice which advises the ward or conservatee of his right to appeal the guardianship or conservatorship appointment within 30 days.

Subd. 2. Letters of guardianship or conservatorship shall contain: (a) the name, address and telephone number of the guardian or conservator; (b) the name, address and telephone number of the ward or conservatee; (c) the nature and scope of the guardianship or conservatorship; (d) the specific powers and legal limitations imposed by the court on the guardian or conservator.

Subd. 3. Letters of guardianship or conservatorship shall issue to the guardian or conservator. Copies shall be mailed or personally served on the ward or conservatee, his counsel, if he was represented at the hearing, the relatives of the ward or conservatee whose names and addresses appear on the original petition, and any other person, institution, organization or agency which the court deems reasonable to notify under the circumstances of the guardianship or conservatorship.

Sec. 10. Minnesota Statutes 1978, Section 525.56, is amended to read:

525.56 [GUARDIAN'S OR CONSERVATOR'S POWERS AND DUTIES.] Subdivision 1. A guardian or conservator shall be subject to the control and direction of the court at all times and in all things.

Subd. 2. (A GENERAL GUARDIAN OR CONSERVATOR OF THE PERSON SHALL HAVE CHARGE OF THE PERSON OF THE WARD OR CONSERVATEE.) *The court shall grant to a guardian or conservator only those powers necessary to provide for the demonstrated needs of the ward or conservatee.*

Subd. 3. The court may appoint a guardian of the person if it determines that all of the powers and duties listed in this subdivision are needed to provide for the needs of the incapacitated person. The court may appoint a conservator of the person if it determines that a conservator is needed to provide for the needs of the incapacitated person through the exercise of some, but not all, of the powers and duties listed in this subdivision. The duties and powers which the court may grant to a guardian or conservator of the person include, but are not limited to:

(1) The power to have custody of the ward or conservatee and the power to establish his place of abode within or without the state, except as otherwise provided in this clause. The ward, conservatee, or any person interested in his welfare may petition the court to prevent or to initiate a change in abode. A ward or conservatee may not be admitted to any state institution by his guardian or conservator except after a hearing pursuant to section 253A.07.

(2) The duty to provide for the ward's or conservatee's care, comfort and maintenance needs, including food, clothing, shelter, health care, social and recreational requirements, and, whenever appropriate, training, education and rehabilitation. The guardian or conservator has no duty to pay for these requirements out of his own funds. Whenever possible and appropriate, the guardian or conservator has the duty to meet these requirements

through governmental benefits or services to which the ward or conservatee is entitled, rather than from the ward's estate.

(3) *The duty to take reasonable care of the ward's or conservatee's clothing, furniture, vehicles and other personal effects, and, if other property requires protection, the power to seek appointment of a guardian or conservator of the estate. A guardian or conservator may not dispose of a ward's or conservatee's clothing, furniture, vehicles or other personal effects without the consent of the court.*

(4) (a) *The power to give any necessary consent to enable the ward or conservatee to receive necessary medical or other professional care, counsel, treatment or service, except that no guardian or conservator may give consent for psychosurgery, electroshock, sterilization or experimental treatment of any kind unless the procedure is first approved by order of the court as provided in this clause. The guardian shall not consent to any medical care for the ward which violates the known conscientious, religious, or moral belief of the ward.*

(b) *A guardian or conservator who believes a procedure described in clause (4)(a) requiring prior court approval to be necessary for the proper care of the ward or conservatee shall petition the court for an order. The court shall fix the time and place for the hearing and shall give notice to the ward or conservatee and to the other persons specified in section 525.55, subdivision 1. The notice shall comply with the requirements of, and be served in the manner provided in section 525.55, subdivision 2. The court shall appoint an attorney to represent the ward or conservatee, unless he has counsel of his own choice. In every case the court shall determine if the procedure is in the best interests of the ward or conservatee. In making its determination the court shall consider a written medical report which specifically considers the medical risks of the procedure and whether alternative, less restrictive methods of treatment could be used to protect the best interests of the ward or conservatee.*

(c) *In the case of a petition for sterilization of a mentally retarded ward or conservatee whose right to consent to medical treatment has been restricted, the court shall utilize the procedures specified in section 252A.13, subdivision 4, except that the consent of the guardian or conservator shall be required rather than the consent of the commissioner.*

(5) *The power to approve or withhold approval of any contract, except for necessities, which the ward or conservatee may make or wish to make.*

(6) *The duty and power to exercise supervisory authority over the ward or conservatee in a manner which limits his civil rights and restricts his personal freedom only to the extent necessary to provide needed care and services.*

Subd. (3) 4. (A GENERAL GUARDIAN OR CONSERVATOR OF THE ESTATE SHALL) *The court may appoint a guardian of the estate if it determines that all of the powers and duties listed in this subdivision are needed to provide for the needs of the incapacitated person. The court may appoint a conservator of the estate if it determines that a conservator is necessary to provide for the needs of the incapacitated person through the exercise of some, but not all of the powers and duties listed in this subdivision. The duties and powers which the court may order include, but are not limited to:*

(1) *The duty to pay the reasonable charges for the support, maintenance, and education of the ward or conservatee in a manner suitable to his station in life and the value of his estate (; BUT). Nothing herein contained shall release parents from obligations imposed by law for the support, maintenance, and education of their children. The guardian or conservator has no duty to pay for these requirements out of his own funds. Wherever possible and appropriate, the guardian or conservator has the duty to meet these requirements through governmental benefits or services to which the ward or conservatee is entitled, rather than from the ward's or conservatee's estate;*

(2) *The duty to pay out of the ward's or conservatee's estate all just and lawful debts of the ward or conservatee and the reasonable charges incurred for the support, maintenance, and education of (HIS WIFE) the ward's or conservatee's spouse and dependent children and, upon order of the court, the duty to pay such sum as the court may fix as reasonable for the support of any person unable to earn a livelihood who is (OR MAY BECOME) legally entitled to support from the ward or conservatee;*

(3) *The duty to possess and manage the estate, collect all debts and claims in favor of the ward or conservatee, or, with the approval of the court, compromise (THE SAME) them, institute suit on behalf of the ward or conservatee and represent the ward or conservatee in any court proceedings, and invest all funds not currently needed for the debts and charges named in clauses (1) and (2) and the management of the estate, in accordance with the provisions of sections 48.84 (,) and 501.125, subdivision 1 (AND SECTION 51.29, SUBDIVISION 2). Where a bank or trust company is a guardian or conservator, with or without coguardians or coconservators, it may invest in (SUCH) securities without approval of the probate court, but the investments (OF) by other guardians or conservators in (SUCH) securities shall be subject to the approval of the probate court except as otherwise specifically provided by law. A guardian or conservator shall also have the power to purchase certain contracts of insurance as provided in section 50.14, subdivision 14(b);*

(4) *Where a ward or conservatee has inherited an undivided interest in real estate, the court, on a showing that it is for the best interest of the ward or conservatee, may authorize an ex-*

change or sale of the ward's or conservatee's interest or a purchase by the ward or conservatee of any interest other heirs may have in the real estate.

Sec. 11. Minnesota Statutes 1978, Section 525.57, is amended to read:

525.57 [TRANSFER OF VENUE.] When it is for the best interest of the ward or conservatee or his estate, the venue may be transferred to another county. Upon the filing of a petition by any person interested in the ward or conservatee or in his estate, the court shall fix the time and place for the hearing (THEREOF,) *of it and shall give notice (OF WHICH SHALL BE GIVEN) to (SUCH) the persons and in (SUCH) the manner (AS THE COURT MAY DIRECT) required by section 525.55.* Upon proof that a transfer of venue is for the best interest of the ward or conservatee or his estate, and upon the settlement and allowance of the guardian's or conservator's accounts to the time of (SUCH) *the* hearing, the court shall transmit the entire file to the court of (SUCH) *the* other county (IN WHICH) *where* all subsequent proceedings shall be (HAD) *held*.

Sec. 12. Minnesota Statutes 1978, Section 525.58, is amended to read:

525.58 [FILING OF ACCOUNTS; FILING OF AFFIDAVIT.] *Subdivision 1.* Except where expressly waived by the court, every guardian or conservator annually shall file *with the court* a verified account covering the period from the date of appointment or his last account *and give a copy of the annual account to the ward or conservatee. The court or its designee shall annually examine the accounts filed pursuant to this subdivision and if the accounts do not comply with the provisions of this chapter, the court shall order that an appropriate accounting be refiled or shall order that other corrective action be taken.* At the termination of the guardianship or conservatorship, or upon the guardian's or conservator's removal or resignation, he or his surety, or, in the event of his death or disability, his representative or surety shall file a verified final account with a petition for the settlement and allowance (THEREOF) *of it.* Every account shall show in detail all property received and disbursed, the property on hand, the present address of the ward or conservatee and of the guardian or conservator, and unless the guardian or conservator be a corporation, the amount of the bond, the names and addresses of all sureties (THEREON) *on it,* that each unincorporated surety is a resident of this state, is not under disability, and is worth the amount in which he justified.

Subd. 2. *Except where expressly waived by the court after a finding that the ward or conservatee is so incapacitated as to be unable to understand any notice, every guardian or con-*

servator shall annually give notice to the ward or conservatee of his right to petition for restoration to capacity, discharge of guardian or conservator, or modification of the orders of guardianship or conservatorship. The notice shall describe the procedure for preparing and filing such a petition. Notice shall also inform the ward or conservatee that after a petition is filed the court will hold a hearing on the matter and that he has the right to be present and to be represented by counsel at the hearing. The form of the notice shall be approved or supplied by the court.

Subd. 3. Except where expressly waived by the court as provided in subdivision 2, every guardian or conservator shall file annually with the court an affidavit stating that he has given a copy of the annual account and the notice required by subdivision 2 to the ward or conservatee.

Sec. 13. Minnesota Statutes 1978, Section 525.581, is amended to read:

525.581 [NOTICE OF HEARING ON ACCOUNT.] The court on its own motion may, or upon the petition of the guardian (OR), conservator, *ward, conservatee*, or any person interested in the ward or conservatee or his estate, shall (,) fix the time and place for the hearing on any account, notice of which shall be given (IN SUCH MANNER) *to the ward or conservatee* and to (SUCH) *other* persons as the court may direct. Wherever any funds have been received from the veterans' administration, notice by mail shall be given to the regional office having charge (THEREOF) *of it*.

Sec. 14. Minnesota Statutes 1978, Section 525.583, is amended to read:

525.583 [ALLOWANCE AND WAGES OF CONSERVATEE; LIMITED ACCOUNTABILITY OF CONSERVATOR.] The court, *upon its own motion* or upon petition of the conservator or conservatee, may authorize or *direct* the conservator to pay to the conservatee out of the conservatorship estate a reasonable allowance for the personal use of the conservatee in (SUCH) *the* amount (AS) the court may determine to be for the best interests of the conservatee. Unless otherwise ordered by the court, if the conservatee shall at any time during the continuance of the conservatorship be employed, his wages or salary for employment shall not be a part of the conservatorship estate and the wages and salaries shall be paid to the conservatee and shall be subject to his control to the same extent as if the conservatorship did not exist. The conservator shall not be accountable for (SUCH) *the* allowances or wages and salary.

Sec. 15. Minnesota Statutes 1978, Section 525.59, is amended to read:

525.59 [SUCCEEDING GUARDIAN OR CONSERVATOR.] If a guardian or conservator dies, resigns, or is removed, the court (WITH OR WITHOUT NOTICE) may appoint a successor *with at least 14 days prior notice to the ward or conservatee, his spouse, parents, adult children and siblings, and to other persons as the court may direct. If the ward or conservatee has capacity to do so, he may nominate a person to serve as successor or may give instructions to the succeeding guardian or conservator or he may do both. The court shall appoint the person so nominated and shall charge him with the instructions, unless the court finds that the appointment of the nominee or the instructions or both are not in the best interests of the ward or conservatee.*

Sec. 16. Minnesota Statutes 1978, Section 525.591, is amended to read:

525.591 [SPECIAL GUARDIAN OR CONSERVATOR.]
Subdivision 1. Any person may file a verified petition for a special guardian or conservator. The petition shall contain: (a) all of the information required in section 525.542; (b) the reasons that the petitioner believes the proposed ward or conservatee is in need of a special guardian or conservator; and (c) the reasons why the regular procedure for obtaining guardianship or conservatorship is not appropriate.

Subd. 2. Upon a clear showing of necessity (OR EXPEDIENCY), the court with (OR WITHOUT) notice may appoint a special guardian or conservator (OF THE PERSON OR ESTATE) or both of any adult person designated in section 525.54, whether or not a petition for general guardianship or conservatorship has been filed (OR NOT). Notice shall be given in language which can be easily understood at least 24 hours prior to the hearing, and shall contain the information required by section 525.55, subdivision 2, regarding the purpose of the hearing and the rights of the proposed ward or conservatee. A copy of the petition shall be served with the notice. The court may waive the 24 hour notice requirement upon a showing that immediate and reasonably foreseeable harm to the person or his estate will result from the 24 hour delay. Notice of the court's order shall be given to the proposed ward or conservatee.

Subd. 3. (THERE SHALL BE NO) An appeal may be taken from any order appointing (OR REFUSING TO APPOINT) a special guardian or conservator. (A SPECIAL GUARDIAN OR CONSERVATOR OF THE PERSON SHALL HAVE CHARGE OF THE PERSON OF THE WARD OR CONSERVATEE. A SPECIAL GUARDIAN OR CONSERVATOR OF THE ESTATE SHALL COLLECT THE ASSETS AND CONSERVE THE ESTATE, UNLESS HIS POWERS ARE LIMITED BY THE COURT IN THE ORDER OF APPOINTMENT AND IN THE LETTERS TO THE PERFORMANCE OF SPECIFIED ACTS. UPON A SHOWING OF NECESSITY OR

EXPEDIENCY, THE COURT WITH OR WITHOUT NOTICE MAY EXPRESSLY CONFER UPON A SPECIAL GUARDIAN OR CONSERVATOR POWER TO PERFORM ANY OR ALL ACTS IN THE ADMINISTRATION OF THE GUARDIANSHIP OR CONSERVATORSHIP, NOT EXCEEDING THE POWERS CONFERRED BY LAW UPON GENERAL GUARDIANS OR CONSERVATORS) *The appeal shall be handled on an expedited basis by the district court.*

Subd. 4. The court shall grant to a special guardian or conservator only those powers necessary to provide for the demonstrated needs of the ward or conservatee. Subject to this limitation the court may grant any of the powers specified in section 525.56.

Subd. 5. Within 14 days after appointment, a special guardian or conservator of the estate shall file an inventory and appraisal of the personal property according to the requirements of sections 525.561 and 525.562. The court shall specify in its order the duration of the special guardianship or conservatorship. At the expiration of the time specified in the court's order, or upon the granting of letters of general guardianship or conservatorship, the power of a special guardian or conservator shall cease, and he shall proceed forthwith to a final accounting. When a special guardian or conservator has been appointed to protect the ward's or conservatee's interest in any matter wherein the interest of the general guardian or conservator appears to conflict with that of the ward or conservatee, or to protect the ward's or conservatee's interest upon suspension of an order of removal of a general guardian or conservator by appeal, the power of (SUCH) the special guardian or conservator shall not cease until terminated by the court.

Sec. 17. Minnesota Statutes 1978, Section 525.60, Subdivision 1, is amended to read:

525.60 [TERMINATION.] Subdivision 1. (A GUARDIANSHIP OR CONSERVATORSHIP OF A MINOR SHALL TERMINATE UPON HIS DEATH OR UPON HIS ATTAINMENT OF LEGAL AGE. THE MARRIAGE OF A FEMALE WARD OR CONSERVATEE UNDER GUARDIANSHIP OR CONSERVATORSHIP AS A MINOR ONLY AND NOT UNDER A JUVENILE COURT GUARDIANSHIP OR CONSERVATORSHIP SHALL TERMINATE THE GUARDIANSHIP OR CONSERVATORSHIP OF HER PERSON BUT NOT OF HER ESTATE.) The guardianship or conservatorship of (A) *an adult ward or conservatee (OTHER THAN A MINOR)* shall terminate upon his death or upon (HIS) *the ward's or conservatee's restoration to capacity.* When there is no further need for any guardianship or conservatorship, the court may terminate the same upon (SUCH) notice as it may direct. *Termination does not affect a guardian's or conservator's liability for*

prior acts, nor his obligation to account for funds and assets of his ward or conservatee.

Sec. 18. Minnesota Statutes, 1979 Supplement, Section 525.61, is amended to read:

525.61 [RESTORATION TO CAPACITY; MODIFICATION OF GUARDIANSHIP OR CONSERVATORSHIP.] Any *adult* person who is under guardianship or conservatorship ((EXCEPT AS A MINOR, OR AS A FEEBLE MINDED OR EPILEPTIC PERSON, OR A PERSON UNDER GUARDIANSHIP OR CONSERVATORSHIP IN THE JUVENILE COURT), OR), his guardian or conservator, or any other person (INTERESTED IN HIM OR HIS ESTATE) may petition the court in which (HE WAS SO ADJUDICATED) *the ward or conservatee was placed under guardianship or conservatorship to be restored to capacity (OR), to have a guardianship transferred to a conservatorship or to modify the guardianship or conservatorship.* Upon the filing of (A) *the* petition, the court shall fix the time and place for the hearing (THEREOF) *of it,* notice of which shall be given to the (COMMISSIONER OF PUBLIC WELFARE IF HE WAS UNDER THE CONTROL OF THE COMMISSIONER AND HAS NOT BEEN DISCHARGED BY THE COMMISSIONER,) *ward or conservatee, guardian or conservator,* and to those other persons and in (A) *the* manner (AS THE COURT MAY DIRECT) *provided in section 525.55.*

(ANY PERSON MAY OPPOSE THE RESTORATION. UPON PROOF THAT THE PERSON IS OF SOUND MIND AND CAPABLE OF MANAGING HIS PERSON AND ESTATE, AND THAT HE IS NOT LIKELY TO EXPOSE HIMSELF OR HIS FAMILY TO WANT OR SUFFERING, THE COURT SHALL ADJUDGE HIM RESTORED TO CAPACITY) *To obtain an order of restoration to capacity the petitioner must prove by a preponderance of the evidence that the ward or conservatee is no longer incapacitated as defined in section 525.54 and is able to make provisions for his care or manage his property. If a ward or conservatee has the functional ability to care for himself or for his property, or to make provisions for his care or the care of his property, the fact that he may be impaired to some extent by a mental condition shall not preclude his restoration to capacity. In any proceedings for restoration, the court may appoint (TWO) one person duly licensed (DOCTORS OF MEDICINE TO ASSIST IN THE DETERMINATION OF THE MENTAL CAPACITY OF THE PATIENT) by a health related licensing board and one accredited social worker with expertise in evaluating persons who have disabilities similar to those found to be the reason for the ward's or conservatee's incapacity, to assist in the determination of the ward's or conservatee's mental condition and functional ability to care for himself or his property. The court shall allow and order paid to each (DOCTOR) health professional and social worker a reasonable sum for his services. Upon the order,*

the county auditor shall issue a warrant on the county treasurer for the payment (THEREOF) of it.

Sec. 19. Minnesota Statutes 1978, Section 525.62, is amended to read:

525.62 [MORTGAGE AND LEASE.] Sections 525.62 to 525.702 shall be applicable only to guardianships and conservatorships and not to decedents' estates. As used in sections 525.62 to 525.702, the word "mortgage" includes an extension of an existing mortgage, subject to the provisions of section 525.691 (; THE WORD "LEASE," UNLESS THE CONTEXT OTHERWISE INDICATES, MEANS A LEASE FOR MORE THAN THREE YEARS).

Sec. 20. Minnesota Statutes 1978, Section 525.63, is amended to read:

525.63 [REASONS FOR SALE, MORTGAGE, LEASE.] The court may direct a sale, mortgage, or lease of any real estate of a ward or conservatee when the personal property is insufficient to pay his debts and other charges against his estate, or to provide for the support, maintenance, and education of the ward or conservatee, his (WIFE) *spouse*, and *dependent* children, or when it shall determine (SUCH) *the* sale, mortgage, or lease to be for the best interest of the ward or conservatee.

The homestead of a ward or conservatee shall not be sold, mortgaged, or leased unless the written consent of the spouse has been filed.

Sec. 21. Minnesota Statutes 1978, Section 525.67, is amended to read:

525.67 [AGREEMENT AND SALE FOR PUBLIC PURPOSE.] When any real estate of a ward or conservatee is desired by any person, firm, association, corporation, or governmental agency having the power of eminent domain, the guardian or conservator may agree, in writing, upon the compensation to be made for the taking, injuring, damaging, or destroying (THEREOF) of it, subject to the approval of the court. When (SUCH) *the* agreement has been made, the guardian or conservator shall file a petition, of which the agreement shall be a part, setting forth the facts relative to the transaction. The court, with (OR WITHOUT) notice *as provided in section 525.83*, shall hear, determine, and act upon the petition. If the court approves the agreement, the guardian or conservator, upon payment of the agreed compensation, shall convey the real estate sought to be acquired and execute any release which may be authorized.

Sec. 22. Minnesota Statutes 1978, Section 525.69, is amended to read:

525.69 [CONVEYANCE OF VENDOR'S TITLE.] When any ward or conservatee is legally bound to make a conveyance or lease, the court, with (OR WITHOUT) notice *as provided in section 525.83*, may direct the guardian or conservator to make the conveyance or lease to the person entitled (THERE TO) to it. The petition may be made by any person claiming to be entitled to (SUCH) *the* conveyance or lease, (OR) by the guardian or conservator, or by any person interested in the estate or claiming an interest in (SUCH) *the* real estate or contract, and shall show the description of the land and the facts upon which (SUCH) *the* claim for conveyance or lease is based. Upon proof of the petition, the court may order the guardian or conservator to execute and deliver an instrument of conveyance or lease upon performance of the contract.

Sec. 23. Minnesota Statutes 1978, Chapter 525, is amended by adding a section to read:

[525.703] [COSTS.] *In proceedings under sections 525.54 to 525.702, except in cases in which the petitioner filed a petition in bad faith, fees for counsel representing the proposed ward or conservatee shall be borne by the proposed ward or conservatee. In cases in which the petitioner acted in bad faith, he shall bear the costs. Except as otherwise provided in this section, the fee of petitioner's counsel shall be borne by the petitioner. In uncontested cases the court may order the fee charged to the ward or conservatee if the petition is granted. If the proposed ward or conservatee is indigent, the fees for which the ward or conservatee is responsible shall be borne by the county having jurisdiction over the guardianship proceedings.*

Sec. 24. Minnesota Statutes 1978, Section 525.83, is amended to read:

525.83 [NOTICE.] When notice of hearing is required by any provision of this chapter by reference to this section, (SUCH) *the* notice shall be given once a week for three consecutive weeks in a legal newspaper designated by the petitioner in the county wherein the proceedings are pending; or, if no such designation (BE) is made, in any legal newspaper in (SUCH) *the* county; or, if the city of the decedent's residence is situated in more than one county, in any legal newspaper in (SUCH) *the* city. The first publication shall be had within two weeks after the date of the order fixing the time and place for the hearing.

At least 14 days prior to the date fixed for hearing the petitioner, his attorney or agent, shall in guardianship or conservatorship mail a copy of the notice to (SUCH) *the* ward or conservatee, and other persons as the court may direct and in decedents' estates shall mail a copy of the notice to each heir, devisee, and legatee whose name and address are known to him.

Proof of (SUCH) publication and mailing shall be filed before the hearing. No defect in any notice nor in the publication or service (THEREOF) of it shall invalidate any proceedings.

Sec. 25. [525.615] [STATUS OF GUARDIAN OF MINOR; GENERAL.] *A person becomes a guardian of a minor by acceptance of a testamentary appointment or upon appointment by the court. The guardianship status continues until terminated, without regard to the location from time to time of the guardian and minor ward.*

Sec. 26. [525.6155] [TESTAMENTARY APPOINTMENT OF GUARDIAN OF MINOR.] *The parent of a minor may appoint by will a guardian of an unmarried minor. Subject to the right of the minor under section 26, a testamentary appointment becomes effective upon filing the guardian's acceptance in the court in which the will is probated, if before acceptance both parents are dead or the surviving parent is adjudged incapacitated. If both parents are dead, an effective appointment by the parent who died later has priority. This state recognizes a testamentary appointment effected by filing the guardian's acceptance under a will probated in another state which is the testator's domicile. Upon acceptance of appointment, written notice of acceptance must be given within five days by the guardian to the minor, to the person having his care, to his adult siblings, his grandparents, aunts and uncles. Notice shall state that any person interested in the welfare of the minor or the minor, if 14 or more years of age, may file with the court a written objection to the appointment in accordance with section 26.*

Sec. 27. [525.616] [OBJECTION BY MINOR OF 14 OR OLDER OR INTERESTED ADULT TO TESTAMENTARY APPOINTMENT.] *A minor of 14 or more years or any adult interested in his welfare may prevent an appointment of a testamentary guardian from becoming effective, or may cause a previously accepted appointment to terminate, by filing with the court in which the will is probated a written objection to the appointment before it is accepted or within 30 days after its acceptance. An objection may be withdrawn. An objection shall not preclude appointment by the court in a proper proceeding of the testamentary nominee, or any other suitable person.*

Sec. 28. [525.6165] [COURT APPOINTMENT OF GUARDIAN OF MINOR; CONDITIONS FOR APPOINTMENT.] *The court may appoint a guardian for an unmarried minor if all parental rights of custody have been terminated or suspended by circumstances or prior court order. A guardian appointed by will as provided in section 25 whose appointment has not been prevented or nullified under section 26 has priority over any guardian who may be appointed by the court, but the court may proceed with an appointment upon a finding that the testamentary guardian has failed to accept the testamentary appointment within 30 days after notice of the guardianship proceeding.*

Sec. 29. [525.617] [COURT APPOINTMENT OF GUARDIAN OF MINOR; VENUE.] *The venue for guardianship pro-*

ceedings for a minor is in the place where the minor resides or is present.

Sec. 30. [525.6175] [COURT APPOINTMENT OF GUARDIAN OF MINOR; QUALIFICATION; PRIORITY OF MINOR'S NOMINEE.] *The court may appoint as guardian any person whose appointment would be in the best interests of the minor. The court shall appoint a person nominated by the minor, if the minor is 14 years of age or older, unless the court finds the appointment contrary to the best interests of the minor.*

Sec. 31. [525.618] [COURT APPOINTMENT OF GUARDIAN OF MINOR; PROCEDURE.] *Subdivision 1. Notice of the time and place of hearing of a petition for the appointment of a guardian of a minor shall be given by the petitioner in the following manner and to the following persons:*

(a) *The minor, if he is 14 or more years of age, by personal service at least 14 days prior to the date of hearing;*

(b) *The person who has had the principal care and custody of the minor during the 60 days preceding the date of the petition, by personal service at least 14 days prior to the date of hearing;*

(c) *Any living parent of the minor by personal service, at least 14 days prior to the date of hearing;*

(d) *Any adult siblings of the minor, service by mail, at least 14 days prior to the date of hearing; and*

(e) *To any other persons that the court may direct.*

Subd. 2. Upon hearing, if the court finds that a qualified person seeks appointment, venue is proper, the required notices have been given, the requirements of section 27 have been met, and the welfare and best interests of the minor will be served by the requested appointment, it shall make the appointment. In other cases the court may dismiss the proceedings, or make any other disposition of the matter that will best serve the interests of the minor.

Subd. 3. If necessary, the court may appoint a temporary guardian, with the status of an ordinary guardian of a minor, but the authority of a temporary guardian shall not last longer than six months.

Subd. 4. If, at any time in the proceeding, the court determines that the interests of the minor are or may be inadequately represented, it may appoint an attorney to represent the minor, giving consideration to the preference of the minor if the minor is 14 years of age or older.

Sec. 32. [525.6185] [CONSENT TO SERVICE BY ACCEPTANCE OF APPOINTMENT; NOTICE.] *By accepting a testamentary or court appointment as guardian, a guardian submits personally to the jurisdiction of the court in any proceeding relating to the guardianship that may be instituted by any interested person. Notice of any proceeding shall be given by personal service upon the guardian at least 14 days prior to the date of the hearing. Letters of guardianship must indicate whether the guardian was appointed by will or by court order.*

Sec. 33. [525.619] [POWERS AND DUTIES OF GUARDIAN OF MINOR.] *A guardian of a minor has the powers and responsibilities of a parent who has not been deprived of custody of his minor and unemancipated child, except that a guardian is not legally obligated to provide from his own funds for the ward and is not liable to third persons by reason of the parental relationship for acts of the ward. In particular, and without qualifying the foregoing, a guardian has the following powers and duties:*

(a) *He must take reasonable care of his ward's personal effects and commence protective proceedings if necessary to protect other property of the ward.*

(b) *He may receive money for the support of the ward payable to the ward's parent, guardian or custodian under the terms of any statutory benefit or insurance system, or under any private contract, devise, trust, conservatorship or custodianship. He also may receive money or property of the ward paid or delivered by virtue of section 36. Any sums so received shall be applied to the ward's current needs for support, care and education. The guardian must exercise due care to conserve any excess for the ward's future needs unless a conservator has been appointed for the estate of the ward, in which case the excess shall be paid over at least annually to the conservator. Sums so received by the guardian are not to be used for compensation for his services except as approved by order of court or as determined by a duly appointed conservator other than the guardian. A guardian may institute proceedings to compel the performance by any person of a duty to support the ward or to pay sums for the welfare of the ward.*

(c) *The guardian is empowered to facilitate the ward's education, social, or other activities and to authorize medical or other professional care, treatment or advice. A ward may not be committed to any state institution except pursuant to sections 253A.01 to 253A.21, and no guardian may give consent for psychosurgery, electroshock, sterilization or experimental treatment of any kind unless the procedure is first approved by the order of the court, after a hearing as prescribed by section 525.56, subdivision 2.*

A guardian is not liable by reason of his consent for injury to the ward resulting from the negligence or acts of third persons unless it would have been illegal for a parent to have consented, or unless he fails to comply with the requirements of this section which provide that a court order is necessary for commitment and for certain types of medical procedures. A guardian may consent to the marriage or adoption of his ward.

(d) A guardian must report the condition of his ward and of the ward's estate which has been subject to his possession or control, as ordered by the court on petition of any person interested in the minor's welfare and as required by section 525.58, subdivision 1.

Sec. 34. [525.6192] [TERMINATION OF APPOINTMENT OF GUARDIAN; GENERAL.] *A guardian's authority and responsibility terminates upon the death, resignation or removal of the guardian or upon the minor's death, adoption, marriage or attainment of majority, but termination does not affect the guardian's liability for prior acts, nor his obligation to account for funds and assets of his ward. Resignation of a guardian does not terminate the guardianship until it has been approved by the court. A testamentary appointment under an informally probated will terminates if the will is later denied probate in a formal proceeding.*

Sec. 35. [525.6194] [PROCEEDINGS SUBSEQUENT TO APPOINTMENT; VENUE.] *(a) The court where the ward resides has concurrent jurisdiction with the court which appointed the guardian or in which acceptance of a testamentary appointment was filed, over resignation, removal, accounting and other proceedings relating to the guardianship.*

(b) If the court located where the ward resides is not the court in which acceptance of appointment is filed, the court in which proceedings subsequent to appointment are commenced shall in all appropriate cases notify the other court, in this or another state, and after consultation with that court shall determine whether to retain jurisdiction or transfer the proceedings to the other court, whichever is in the best interests of the ward. A copy of any order accepting a resignation or removing a guardian shall be sent to the court in which acceptance of appointment is filed.

Sec. 36. [525.6195] [RESIGNATION OR REMOVAL PROCEEDINGS.] *(a) Any person interested in the welfare of a ward or the ward, if 14 or more years of age, may petition for removal of a guardian on the ground that removal would be in the best interests of the ward. A guardian may petition for permission to resign. A petition for removal or for permission to resign may, but need not, include a request for appointment of a successor guardian.*

(b) After notice and hearing on a petition for removal or for permission to resign, the court may terminate the guardianship and make any further order that may be appropriate.

(c) If, at any time in the proceeding, the court determines that the interests of the ward are, or may be, inadequately represented, it may appoint an attorney to represent the minor, giving consideration to the preference of the minor if the minor is 14 or more years of age.

Sec. 37. [525.6196] [FACILITY OF PAYMENT OR DELIVERY.] Any person under a duty to pay or deliver money or personal property to a minor may perform this duty, in amounts not exceeding \$5,000 per annum, by paying or delivering the money or property to, (1) any person having the care and custody of the minor with whom the minor resides; (2) a guardian of the minor; or (3) a financial institution incident to a deposit in a federally insured savings account in the sole name of the minor and giving notice of the deposit to the minor. This section does not apply if the person making payment or delivery has actual knowledge that a conservator has been appointed or that proceedings for appointment of a conservator of the estate of the minor are pending. The persons, other than the minor or any financial institution under (3) above, receiving money or property for a minor, are obligated to apply the money to the support and education of the minor, but may not pay themselves except by way of reimbursement for out-of-pocket expenses for goods and services necessary for the minor's support. Any excess sums shall be preserved for future support of the minor and any balance not so used and any property received for the minor must be turned over to the minor when he attains majority. Persons who pay or deliver money or personal property in accordance with provisions of this section are not responsible for the proper application of it.

Sec. 38. [525.6198] [PROTECTIVE PROCEEDINGS; APPOINTMENT OF CONSERVATOR OF ESTATE OF MINOR.] Upon petition and after notice and hearing in accordance with the provisions of section 30 the court may appoint a conservator or make other protective order for cause as follows:

(1) Appointment of a conservator or other protective order may be made in relation to the estate and affairs of a minor if the court determines that a minor owns money or property requiring management or protection which cannot otherwise be provided, that a minor has or may have business affairs which may be jeopardized or prevented by his minority, or that funds are needed for the minor's support and education and that protection is necessary or desirable to obtain or provide funds.

(2) The court may grant to the conservator of the estate of a minor any or all of the powers and duties enumerated in

section 525.56, subdivision 3, and the conservator shall be subject to the requirements of 525.58 to 525.582 regarding an inventory and accounting. The conservator shall file a bond with the court in such amount as the court may direct.

Sec. 39. [REPEALER.] *Minnesota Statutes 1978, Sections 525.60, Subdivision 2; 525.611; 525.612; 525.613; 525.614; and 525.621 are repealed."*

Further, delete the title and insert:

"A bill for an act relating to judicial procedures; changing the procedures and circumstances under which guardians and conservators may be appointed; changing the powers and duties of guardians and conservators; providing for the appointment, powers, and duties of guardians and conservators of minors; amending Minnesota Statutes 1978, Sections 525.54; 525.541; 525.542; 525.543; 525.544; 525.55; 525.56; 525.57; 525.58; 525.581; 525.583; 525.59; 525.591; 525.60, Subdivision 1; 525.62; 525.63; 525.67; 525.69; 525.83; and Chapter 525, by adding sections; and Minnesota Statutes, 1979 Supplement, Sections 525.551; and 525.61; repealing Minnesota Statutes 1978, Sections 525.60, Subdivision 2; 525.611; 525.612; 525.613; 525.614; and 525.621."

With the recommendation that when so amended the bill pass.

The report was adopted.

Farcy from the Committee on Judiciary to which was referred:

H. F. No. 1910, A bill for an act relating to courts; second and fourth judicial districts; authorizing juvenile court referees to hear contested trials, hearings, or motions unless objection is made; amending Minnesota Statutes 1978, Section 484.70, by adding a subdivision.

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

The report was adopted.

Farcy from the Committee on Judiciary to which was referred:

H. F. No. 1956, A bill for an act relating to real estate; providing for a state land registration assurance fund; combining the tax forfeited land assurance account with the land registration assurance fund; eliminating separate county assurance funds; appropriating money; amending Minnesota Statutes

1978, Sections 284.28, Subdivisions 8, 9 and 10; 508.75; 508.77; 508.79; 508.82; and 508.83.

Reported the same back with the following amendments:

Page 3, line 28, after "him" insert "*or the county treasurer*"

Page 5, line 11, delete "*attorney general's*" and insert "*request of either the attorney general*"

Page 5, line 12, delete "*request, the county attorney*" and insert "*or the board of county commissioners*"

Page 5, line 13, after "*lies,*" insert "*the county attorney of that county*"

Page 7, delete lines 6 to 21

Page 7, line 22, delete "9" and insert "8"

Page 7, after line 32 insert a section to read:

"Sec. 9. [REPEALER.] *Minnesota Statutes 1978, Section 508.83, is repealed.*"

Further amend the title:

Page 1, line 9, before "508.82" insert "and" and after "508.82;" delete "and 508.83" and insert "repealing Minnesota Statutes 1978, Section 508.83"

With the recommendation that when so amended the bill pass.

The report was adopted.

Fudro from the Committee on Transportation to which was referred:

H. F. No. 2012, A bill for an act relating to motor vehicles; authorizing personalized license plates bearing radio or television station call signals or letters; amending Minnesota Statutes 1978, Section 168.12, Subdivision 2a.

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

The report was adopted.

Prahl from the Committee on Commerce, Economic Development and Housing to which was referred:

S. F. No. 744, A bill for an act relating to automobile insurance; regulating damage appraisals, adjustments and related repair practices; prohibiting certain acts by insurers, adjusters and appraisers; amending Minnesota Statutes 1978, Section 72B.02, by adding a subdivision; and Chapter 72B, by adding sections.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1978, Section 72B.02, is amended by adding a subdivision to read:

Subd. 13. “Appraiser identification” means a writing including the appraiser’s name, place of business, business telephone number, and the name of the insurer or other business entity employing the appraiser, if any.

Sec. 2. Minnesota Statutes 1978, Chapter 72B, is amended by adding a section to read:

[72B.091] [DAMAGE APPRAISALS; ADJUSTMENTS; DUTIES OF APPRAISERS, ADJUSTERS, AND INSURERS.]
Subdivision 1. Each appraiser while engaged in appraisal duties shall carry appraiser identification and shall display it upon request to an owner whose vehicle is being inspected, to the repair shop representative involved, or to any insurance commissioner’s representative.

Subd. 2. The appraiser shall provide one legible copy of the appraisal to the vehicle owner and one legible copy of the appraisal to the repair shop designated by the owner if requested by the repair shop. The motor vehicle repair shop shall provide the vehicle owner and the insurance company or companies involved in the loss one legible copy of the appraisal. This appraisal shall include an itemized listing of those parts to be repaired and those parts to be replaced by new, used, reconditioned or replated parts. The appraisal shall contain the name of the insurance company ordering it, if any, the insurance company’s address and telephone number, its file number, the appraiser’s name, telephone number, and the proper identification of the vehicle being inspected. The appraisal shall indicate all significant old and unrelated damages and shall include an itemized listing of all damages, specifying those parts to be repaired and those parts to be replaced by new, used, reconditioned, or replated parts.

Subd. 3. No appraiser, adjuster, or his employer shall require that repairs be made in any specified repair facility.

Subd. 4. Each appraiser shall promptly reinspect damaged vehicles when supplementary allowances are requested by the repair shop or when the amount or extent of damages is in dispute. Reinspection of any damage on a damaged vehicle may be waived if authorized by the insurer by any oral or written communication.

Subd. 5. No appraiser or adjuster for personal gain shall receive or trade in auto salvage if the salvage is obtained as a result of his appraisals.

Sec. 3. Minnesota Statutes 1978, Chapter 72B, is amended by adding a section to read:

[72B.092] [MOTOR VEHICLE INSURANCE ADJUSTMENTS; PROHIBITIONS.] *Subdivision 1. No adjuster or insurer, director, officer, broker, agent, attorney-in-fact, employee, or other representative of an insurer shall in collision cases:*

(a) Limit the freedom of an insured or claimant to choose the shop of his choice;

(b) Require that an insured or claimant present his claim or his automobile for loss adjustment or inspection at a "drive-in" claim center or any other similar facility solely under the control of the insurer;

(c) Engage in boycotts, intimidation or coercive tactics in negotiating repairs to damaged motor vehicles which they insure or are liable to claimants to have repaired; or

(d) Attempt to secure, except in an emergency, the insured's or claimant's signature authorizing the party securing the signature to act in behalf of the insured or claimant in selection of a repair shop facility.

Subd. 2. No motor vehicle repair shop shall in any way coerce, or intimidate a motor vehicle owner to boycott an insurer's "drive-in" claim center or similar facility.

Subd. 3. No motor vehicle repair shop shall attempt to secure, except in an emergency, the vehicle owner's signature authorizing the party securing the signature to act in behalf of the owner in selection of a repair shop.

Subd. 4. An insurer's representative shall not be unreasonably denied access to a motor vehicle repair shop during normal business hours for the purpose of inspecting or reinspecting damaged vehicles.

Subd. 5. When a damaged vehicle is towed to a motor vehicle repair shop, the storage and towing charges shall not exceed

the usual and customary charges for the towing and storage of undamaged vehicles in the area except if the vehicle, due to its damaged condition, requires special handling in the towing or storage, an added charge may be made.

Sec. 4. *This act is effective July 1, 1980.*"

With the recommendation that when so amended the bill pass.

The report was adopted.

Brinkman from the Committee on Financial Institutions and Insurance to which was referred:

S. F. No. 1293, A bill for an act relating to insurance; providing for certain group coverages to be continued; amending Minnesota Statutes 1978, Chapter 60A, by adding a section.

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

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 1031, 1207, 1286, 1656, 1666, 1692, 1695, 1732, 1779, 1910, 1956 and 2012 were read for the second time.

SECOND READING OF SENATE BILLS

S. F. Nos. 744 and 1293 were read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Patton introduced:

H. F. No. 2155, A bill for an act relating to retirement; Minneapolis police and firefighters relief associations; providing for an increase in member contributions; providing a health and welfare benefit for retiring members.

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

Sieben, H.; Casserly; Voss; Schreiber and Weaver introduced:

H. F. No. 2156, A bill for an act relating to metropolitan government; providing for the maximum amount of the borrowing authorization of the metropolitan airports commission; amending Minnesota Statutes 1978, Section 473.667, Subdivision 2.

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

Kelly, Novak and Faricy introduced:

H. F. No. 2157, A bill for an act relating to courts; second judicial district; requiring fees to be taxed to the state in certain criminal prosecutions; requiring the state and city of St. Paul to pay civil fees; amending Minnesota Statutes 1978, Sections 488A.20, Subdivision 4; and 488A.23, Subdivision 6.

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

Pehler introduced:

H. F. No. 2158, A bill for an act relating to transportation; providing grants for paratransit projects; amending Minnesota Statutes, 1979 Supplement, Section 174.25, Subdivision 1.

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

Drew, Kelly and Novak introduced:

H. F. No. 2159, A bill for an act relating to the administration of criminal justice; appropriating matching funds for the development of local criminal justice information systems.

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

McEachern introduced:

H. F. No. 2160, A bill for an act relating to education; requiring a school board to provide certain teachers on extended leaves of absence with certain health care benefits under certain conditions; amending Minnesota Statutes 1978, Section 125.60, by adding a subdivision.

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

Stowell, Mehrkens, Ludeman, Anderson, B., and Begich introduced:

H. F. No. 2161, A bill for an act relating to peace officers; altering membership in the board of peace officer standards and training to include mayors or city council members from municipalities outside the metropolitan area; amending Minnesota Statutes, 1979 Supplement, Section 626.841.

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

Dempsey, Casserly and Johnson, D., introduced:

H. F. No. 2162, A bill for an act relating to corrections; requiring expiration of the sentencing guidelines commission four years after its establishment; amending Minnesota Statutes 1978, Section 244.09, by adding a subdivision.

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

McDonald and Rees introduced:

H. F. No. 2163, A bill for an act relating to retirement; authorizing the purchase of prior service by certain members of the public employees retirement association.

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

Nelson introduced:

H. F. No. 2164, A bill for an act relating to energy; requiring public utilities to make available residential energy audits; allowing for costs thereof; providing for standards and qualifications of personnel.

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

Ludeman, Fritz and Piepho introduced :

H. F. No. 2165, A bill for an act relating to state government; removing certain powers and duties from the state planning agency; amending Minnesota Statutes 1978, Sections 4.12, Subdivisions 1, 2, and 4; 4.13; 4.191; 160.265, Subdivision 1; repealing Minnesota Statutes 1978, Sections 4.26, Subdivisions 2 and 3; 4.27; 4.28; 4.29; 4.30; 4.35; 4.36; and Minnesota Statutes, 1979 Supplement, Section 4.26, Subdivision 1.

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

Ludeman, Stowell, Anderson, B., and Jennings introduced :

H. F. No. 2166, A bill for an act relating to peace officers; requiring the bureau of criminal apprehension to continue to offer an eight week basic police science course; appropriating money; amending Minnesota Statutes 1978, Section 626.849; and Chapter 626, by adding a section.

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

Dempsey, Wenzel and Wigley introduced :

H. F. No. 2167, A bill for an act relating to landlords and tenants; clarifying certain duties of landlords and tenants in relation to the return of security deposits; amending Minnesota Statutes 1978, Section 504.20, Subdivision 3.

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

Wigley; Johnson, C.; Kalis and Dempsey introduced :

H. F. No. 2168, A bill for an act relating to Blue Earth County; authorizing the county to contract for the completion of the improvement of county ditch No. 27; setting limits on the expenditure of money for the improvement; providing for financing; amending Laws 1975, Chapter 249, Section 1, Subdivision 1, as amended; and Section 2, as amended.

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

Greenfield, Kelly, Drew, Piepho and Otis introduced:

H. F. No. 2169, A bill for an act relating to education; imposing duties on certain test agencies; providing a penalty for failure to perform the duties.

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

Piepho, Stowell, Johnson, D., and Wigley introduced:

H. F. No. 2170, A bill for an act relating to state government; providing bonus payments to certain state employees; appropriating money.

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

Waldorf introduced:

H. F. No. 2171, A bill for an act relating to metropolitan government; regulating transit fares; regulating transit commission debt; appropriating money for various transit programs; amending Minnesota Statutes, 1979 Supplement, Sections 174.28, Subdivision 2; 473.408, Subdivisions 6 and 7; and 473.436, Subdivision 5.

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

Sherwood introduced:

H. F. No. 2172, A bill for an act relating to state forests; altering the boundaries of Badoura State Forest; amending Minnesota Statutes 1978, Section 89.021, Subdivision 2.

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

Kelly, Laidig, Novak, Vanasek and Crandall introduced:

H. F. No. 2173, A bill for an act relating to juveniles; modifying dispositions available to juvenile court judges; increasing civil liability of parents for intentional acts of their children; changing the definitions of "delinquent" and "dependent" children; modifying statutory provisions relating to records of convictions and adjudications of delinquency; making the rules of evidence applicable in juvenile proceedings; providing for open hearings for juveniles in certain cases; providing for the promulgation of statewide juvenile court rules; providing for a juvenile dispositional guidelines commission and the promulgation and application of guidelines; modifying the jurisdiction of the juvenile courts; modifying the provisions for reference of juveniles for adult prosecution; expanding the coverage of the provisions requiring preparation of a case plan for children placed in foster care; repealing the statute prohibiting underage smoking; appropriating money; amending Minnesota Statutes 1978, Sections 257.071, Subdivision 1; 260.011, Subdivision 2; 260.015, Subdivisions 5 and 6; 260.111, Subdivision 1; 260.115, Subdivision 1; 260.121, Subdivisions 1 and 3; 260.125; 260.155, Subdivision 1; 260.173, Subdivisions 2 and 3; 260.181, Subdivision 4; 260.185, Subdivisions 1 and 2, and by adding subdivisions; 260.191, Subdivision 1; 260.193; 260.211, Subdivision 1; 540.18, Subdivision 1; and Chapter 244, by adding a section; Chapter 260, by adding a section; and Chapter 480, by adding a section; repealing Minnesota Statutes 1978, Section 609.685.

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

Piepho, Stoa, Hoberg, Ludeman and Pehler introduced:

H. F. No. 2174, A bill for an act relating to state universities; authorizing legislative advocacy as a student activity; amending Minnesota Statutes 1978, Section 136.11, Subdivision 4.

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

McEachern; Johnson, C.; Levi and Peterson, D., introduced:

H. F. No. 2175, A bill for an act relating to education; establishing an experimental chemical dependency resource specialist program; imposing duties on the state board of education, the department of education, and school districts; appropriating money.

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

Welker, Voss and Nelsen, B., introduced:

H. F. No. 2176, A bill for an act relating to waters; permitting the re-injection of ground waters into aquifers from which drawn.

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

Anderson, R.; Kahn; Casserly; Aasness and Fjoslien introduced:

H. F. No. 2177, A bill for an act relating to the city of Fergus Falls; providing for cooperative use of city solid waste by the city and the state welfare department; appropriating money.

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

Valan; Nysether; Johnson, D.; Hoberg and Mehrkens introduced:

H. F. No. 2178, A bill for an act relating to local government; providing for compensation for use of private automobiles; amending Minnesota Statutes, 1979 Supplement, Section 471.665, Subdivision 1.

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

Patton, Fudro, Ewald, Anderson, D., and Jacobs introduced:

H. F. No. 2179, A bill for an act relating to taxation; sales; exempting sales of road building materials; amending Minnesota Statutes, 1979 Supplement, Section 297A.25, Subdivision 1; repealing Minnesota Statutes 1978, Section 297A.25, Subdivision 4.

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

Valan; Stadum; Johnson, D.; Piepho and Welker introduced:

H. F. No. 2180, A bill for an act relating to economic development; regulating the development revolving fund; amending Minnesota Statutes 1978, Section 472.13, Subdivision 1.

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

Berkelman, Byrne, Den Ouden, Clawson and Greenfield introduced:

H. F. No. 2181, A bill for an act relating to public welfare; establishing a grant program for brain injured young persons for participation in a program of neurological stimulation; appropriating money.

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

Crandall, Welker, Rothenberg and Halberg introduced:

H. F. No. 2182, A bill for an act relating to crimes; delaying implementation of sentencing guidelines; amending Minnesota Statutes 1978, Sections 244.04, Subdivision 2; 244.08, Subdivision 1; 244.09, Subdivision 12, and by adding a subdivision; and Laws 1978, Chapter 723, Article I, Section 20, Subdivision 2.

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

Berglin, Ellingson, Heinitz and Peterson, D., introduced:

H. F. No. 2183, A bill for an act relating to Hennepin County; providing for a county personnel system; providing various conditions of public employment; amending Laws 1965, Chapter 855, Sections 1, 2, 3, 4, as amended, 5, 6, as amended, 7, as amended, 8, 9, 10, 11, 12, 13, 14, 15, as amended, and 16; and Laws 1979, Chapter 198, Article I, Section 2; repealing Laws 1945, Chapter 607, as amended; Laws 1965, Chapter 855, Section 17; Laws 1967, Chapter 646, Sections 4, 5, 6, and 7, and Chapter 779; and Laws 1979, Chapter 198, Article III, Section 5.

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

Carlson, D., introduced:

H. F. No. 2184, A bill for an act relating to the Moose Lake-Windemere Sewer District; definitions; board membership and compensation; powers; amending Laws 1974, Chapter 400, Sections 3, Subdivisions 5 and 12; 4, Subdivisions 2 and 9; and 8, by adding a subdivision.

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

Nelsen, M., introduced:

H. F. No. 2185, A bill for an act relating to Knife Lake Improvement District in Kanabec County; authorizing Kanabec County to finance the cost of a certain improvement within the district.

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

Ellingson introduced:

H. F. No. 2186, A bill for an act relating to local government; clarifying basis for certain sewer charges; amending Minnesota Statutes 1978, Section 444.075, Subdivision 3.

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

Ellingson introduced:

H. F. No. 2187, A bill for an act relating to state lands; authorizing conveyance of certain parcels of land in the city of Brooklyn Center.

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

Fjoslien; Johnson, C.; McDonald; Mann and Kalis introduced:

H. F. No. 2188, A bill for an act relating to education; providing for training teachers and producers in the method of producing agriculturally derived alcohol fuels; appropriating money.

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

Reding introduced:

H. F. No. 2189, A bill for an act relating to game and fish; requiring licenses of persons providing guide services for bear hunters; specifying fees; amending Minnesota Statutes 1978, Section 98.46, Subdivisions 4 and 16.

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

Clawson, Pehler and Levi introduced:

H. F. No. 2190, A bill for an act relating to counties; providing for the responsibilities and appointments of deputy county treasurers; amending Minnesota Statutes 1978, Section 385.02, Subdivision 1.

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

Minne, Rodriguez, Moe, Simoneau and Heinritz introduced:

H. F. No. 2191, A bill for an act relating to unemployment compensation; including certain services as within definition of employment; providing for the noncharging of certain benefits; regulating accounts of successor employers; regulating reimbursements; providing for deductions from benefits; clarifying a certain disqualification from benefits; regulating employer protests; regulating certain interest charges and penalties; providing for adjustments; amending Minnesota Statutes 1978, Sections 268.06, Subdivisions 25, 26 and 28; 268.10, Subdivision 1; 268.16, Subdivisions 1, 2 and 6; and Minnesota Statutes, 1979 Supplement, Sections 268.04, Subdivision 12; 268.06, Subdivisions 5, 22 and 33; 268.08, Subdivision 3; and 268.09, Subdivision 1.

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

Brinkman, Kvam and Onnen introduced:

H. F. No. 2192, A bill for an act relating to the Clearwater River watershed district; developing a pilot pollution control project; appropriating money.

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

Mann introduced:

H. F. No. 2193, A bill for an act relating to transportation; requiring the early construction of trunk highway marked No. 60 between Worthington and St. James.

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

McCarron introduced:

H. F. No. 2194, A bill for an act relating to crimes; authorizing the commissioner of public welfare to designate the state mental hospital or other suitable hospital or facility when a criminal court orders a mental evaluation of a defendant.

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

McCarron introduced:

H. F. No. 2195, A bill for an act relating to crimes; providing that counties shall reimburse the state for certain court ordered mental evaluations in state hospitals.

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

McCarron introduced:

H. F. No. 2196, A bill for an act relating to local government; authorizing governing bodies of local governmental units to set mileage allowances for officers and employees; repealing Minnesota Statutes, 1979 Supplement, Section 471.665, Subdivision 1.

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

Carlson, D., introduced:

H. F. No. 2197, A bill for an act relating to historic sites; designating an additional historic site; amending Minnesota Statutes 1978, Section 138.56, by adding a subdivision.

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

Kelly introduced:

H. F. No. 2198, A bill for an act relating to juveniles; requiring notice to noncustodial parents of filing of petitions for dependency, delinquency, neglect, or neglected and in foster care; amending Minnesota Statutes 1978, Sections 260.135, Subdivision 2; and 260.251, Subdivision 1.

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

Brinkman; Anderson, D.; Wenzel; Adams and Ewald introduced:

H. F. No. 2199, A bill for an act relating to financial institutions; providing for interest rates on certain installment loans; amending Minnesota Statutes 1978, Section 48.153.

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

McEachern introduced:

H. F. No. 2200, A bill for an act relating to local government; authorizing governing bodies of local governmental units to set mileage allowances for officers and employees; repealing Minnesota Statutes, 1979 Supplement, Section 471.665, Subdivision 1.

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

Kelly and Vanasek introduced:

H. F. No. 2201, A bill for an act relating to juveniles; providing for termination of juvenile court jurisdiction; amending Minnesota Statutes 1978, Section 260.181, Subdivision 4.

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

Kelly and Vanasek introduced:

H. F. No. 2202, A bill for an act relating to juveniles; providing for the promulgation of statewide juvenile court rules; amending Minnesota Statutes 1978, Chapter 480, by adding a section.

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

Kelly introduced:

H. F. No. 2203, A bill for an act relating to juveniles; providing for maintenance and use of juvenile court records; amending Minnesota Statutes 1978, Sections 260.161, Subdivision 1; and 260.211, Subdivision 1.

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

Kelly and Vanasek introduced:

H. F. No. 2204, A bill for an act relating to children; defining "foster home" for purposes of provisions requiring preparation of a case plan when child is placed therein by court order or voluntary release of parents; providing for appointment of a guardian ad litem as alternative to right to counsel and notice of availability of either; amending Minnesota Statutes 1978, Section 257.071, Subdivision 1.

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

Kelly and Vanasek introduced:

H. F. No. 2205, A bill for an act relating to juveniles; revising the purpose of the juvenile court act; amending Minnesota Statutes 1978, Section 260.011, Subdivision 2.

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

Sieben, M.; Forsythe; Biersdorf; Simoneau and Kroening introduced:

H. F. No. 2206, A bill for an act relating to employment agencies; exempting certain medical doctor placement services from licensing provisions; amending Minnesota Statutes 1978, Section 184.21, Subdivision 2.

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

Simoneau and McCarron introduced:

H. F. No. 2207, A bill for an act relating to public safety; providing for fire alarm and sprinkler systems in schools.

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

Patton, Fudro, Clawson and Schreiber introduced:

H. F. No. 2208, A bill for an act relating to transportation; allowing the use of certain documents as relevant evidence of exceeding vehicle weight limits; requiring record keeping for shipments unloaded; imposing civil penalties; amending Minnesota Statutes 1978, Chapter 169, by adding sections.

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

Patton, Fudro, Kalis and Anderson, D., introduced:

H. F. No. 2209, A bill for an act relating to highway traffic regulations; authorizing an annual permit for vehicles equipped with more than four axles and prescribing a fee therefor; providing that certain axles registered after a certain date shall not be deemed a trailer; amending Minnesota Statutes 1978, Section 169.86, by adding a subdivision; and Chapter 169, by adding a section.

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

Minne introduced:

H. F. No. 2210, A bill for an act relating to retirement; the city of Hibbing; authorizing the establishment or maintenance of separate relief associations for salaried and volunteer firefighters.

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

Pehler, Munger, Begich, Anderson, D., and Searle introduced:

H. F. No. 2211, A bill for an act relating to the environment; setting a date by which the environmental quality board is to amend certain procedures; changing the recipient of petitions for environmental impact statements; providing for contested case hearings; altering the liability for environmental impact statement costs under certain conditions; amending Minnesota Statutes 1978, Sections 116D.04, Subdivisions 2, 3 and 7; and 116D.045.

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

Sieben, H.; Faricy; Stoa; Pleasant and Crandall introduced:

H. F. No. 2212, A bill for an act relating to insurance; providing direct liability of certain insurers to persons entitled to recovery; permitting a direct action against the insurer; amending Minnesota Statutes 1978, Section 60A.08, by adding a subdivision; and Chapter 540, by adding a section.

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

Patton introduced:

H. F. No. 2213, A bill for an act relating to Independent School District No. 748, Sartell; authorizing an additional levy for special assessments.

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

Schreiber; Casserly; Sieben, H.; Dempsey and Johnson, C., introduced:

H. F. No. 2214, A bill for an act relating to public indebtedness; fixing the maximum interest rates on public obligations; amending Minnesota Statutes 1978, Section 475.55.

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

Osthoff; Rodriguez; Carlson, D.; McEachern and Norman introduced:

H. F. No. 2215, A bill for an act relating to taxation; restricting the allowance of abortion expenses as a medical deduction for income tax purposes; amending Minnesota Statutes 1978, Section 290.09, Subdivision 10.

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

Stadum and Eken introduced:

H. F. No. 2216, A bill for an act relating to taxation; levy limits; providing for a special levy for the decrease in revenue attributable to the change from inheritance tax to estate tax; amending Minnesota Statutes, 1979 Supplement, Section 275.50, Subdivision 5.

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

Casserly and Pehler introduced:

H. F. No. 2217, A bill for an act relating to waste management; establishing a waste management board and a legislative commission; providing for a state government resource recovery program; requiring hazardous waste management planning and development; establishing procedures for the review and approval of permits for waste facilities; appropriating money.

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

Laidig introduced:

H. F. No. 2218, A bill for an act relating to retirement; corrections officers; coverage and mandatory retirement; amending Minnesota Statutes 1978, Sections 352.90; 352.91, Subdivisions 1 and 2, and by adding a subdivision; and Minnesota Statutes, 1979 Supplement, Section 43.051, Subdivision 3.

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

HOUSE ADVISORIES

The following House Advisory was introduced:

Mann, Valan and Redalen introduced:

H. A. No. 52, A proposal to study milk room standards.

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 that the Senate refuses to concur in the House amendment to:

S. F. No. 1670, A bill for an act relating to energy; creating a state emergency residential heating grant program; broadening the scope of state weatherization programs; providing a credit for energy conservation expenditures; providing a pass-through of federal energy credits; reimbursing counties; appropriating money; amending Minnesota Statutes 1978, Section 462A.21, by adding a subdivision; and Minnesota Statutes, 1979 Supplement, Sections 268.37; 290.01, Subdivision 20; and 290.06, Subdivision 14.

And the Senate respectfully requests that a Conference Committee be appointed thereon. Messrs. Humphrey, Dieterich, Ogdahl, Anderson and McCutcheon have been appointed as such committee on the part of the Senate.

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

PATRICK E. FLAHAVEN, Secretary of the Senate

Nelson moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 5 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two Houses on S. F. No. 1670. The motion prevailed.

Mr. Speaker:

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

S. F. No. 768, A bill for an act relating to natural resources; requiring county board or land exchange board approval on the acquisition of wildlife lands by the commissioner of natural resources; amending Minnesota Statutes 1978, Section 97.481.

And the Senate respectfully requests that a Conference Committee be appointed thereon. Messrs. Luther, Benedict and Ulland, J. have been appointed as such committee on the part of the Senate.

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

PATRICK E. FLAHAVEN, Secretary of the Senate

Rothenberg 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. 768. The motion prevailed.

Mr. Speaker:

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

S. F. No. 410, A bill for an act relating to courts; board on judicial standards; providing for appointment of an executive secretary by the board; providing for appointment of board members by certain organizations; amending Minnesota Statutes 1978, Section 490.15, Subdivision 1.

And the Senate respectfully requests that a Conference Committee be appointed thereon. Messrs. Davies, Knutson and Lessard have been appointed as such committee on the part of the Senate.

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

PATRICK E. FLAHAVEN, Secretary of the Senate

Rothenberg 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. 410. The motion prevailed.

Mr. Speaker:

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

S. F. No. 1848.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

S. F. Nos. 1611, 1665 and 1729.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

S. F. Nos. 1438, 1652 and 1722.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 1848, A bill for an act relating to veterans; creating an outreach program for Vietnam era disabled veterans in the department of economic security's employment service; amending Minnesota Statutes 1978, Section 268.14, by adding a subdivision.

The bill was read for the first time.

SUSPENSION OF RULES

Pursuant to Article IV, Section 19, of the Constitution of the state of Minnesota, Osthoff moved that the rule therein be suspended and an urgency be declared so that S. F. No. 1848 be given its second and third readings and be placed upon its final passage. The motion prevailed.

Osthoff moved that the rules of the House be so far suspended that S. F. No. 1848 be given its second and third readings and be placed upon its final passage. The motion prevailed.

S. F. No. 1848 was read for the second time.

S. F. No. 1848, A bill for an act relating to veterans; creating an outreach program for Vietnam era disabled veterans in the department of economic security's employment service; amending Minnesota Statutes 1978, Section 268.14, by adding a subdivision.

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

The question was taken on the passage of the bill and the roll was called. There were 133 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Drew	Kahn	Niehaus	Sherwood
Adams	Eken	Kaley	Norman	Sieben, H.
Ainley	Elioff	Kalis	Novak	Sieben, M.
Albrecht	Ellingson	Kempe	Nysether	Simoneau
Anderson, B.	Erickson	Knickerbocker	Olsen	Stadium
Anderson, D.	Esau	Kostohryz	Onnen	Stoa
Anderson, G.	Evans	Kroening	Osthoff	Stowell
Anderson, I.	Ewald	Kvam	Otis	Sviggum
Anderson, R.	Faricy	Laidig	Patton	Swanson
Battaglia	Fjoslien	Lehto	Pehler	Thiede
Begich	Forsythe	Levi	Peterson, B.	Tomlinson
Berglin	Friedrich	Long	Peterson, D.	Valan
Berkelman	Fritz	Ludeman	Piepho	Valento
Biersdorf	Fudro	Luknic	Pleasant	Vanasek
Blatz	Greenfield	Mann	Prahl	Voss
Brinkman	Halberg	McCarron	Redalen	Waldorf
Byrne	Haukoos	McDonald	Reding	Weaver
Carlson, D.	Heap	McEachern	Rees	Welch
Carlson, L.	Heinitz	Mehrkens	Reif	Welker
Casserly	Hoberg	Metzen	Rice	Wenzel
Clark	Hokanson	Minne	Rodriguez	Wieser
Clawson	Jacobs	Moe	Rose	Wigley
Corbid	Jaros	Munger	Rothenberg	Wynia
Crandall	Jennings	Murphy	Sarna	Zubay
Dean	Johnson, C.	Nelsen, B.	Schreiber	Spkr. Norton
Dempsey	Johnson, D.	Nelsen, M.	Searle	
Den Ouden	Jude	Nelson	Searles	

The bill was passed and its title agreed to.

FIRST READING OF SENATE BILLS, Continued

S. F. No. 1611, A bill for an act relating to local government; establishing the Moorhead-Clay County area redevelopment authority; terminating the existence of the Moorhead local redevelopment agency and the Clay County local redevelopment agency; granting certain powers to the city of Moorhead and the county of Clay.

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

S. F. No. 1665, A bill for an act relating to public contracts; providing for progress payments; authorizing alternative means of securing full performance; amending Minnesota Statutes 1978, Sections 161.322; 162.04; 162.10; and 429.041, Subdivision 6.

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

S. F. No. 1729, A bill for an act relating to crimes; eliminating the power of a sentencing court to stay the revocation of the driver's license of a person convicted of driving, operating or being in physical control of a motor vehicle while under the influence of alcohol or controlled substances or a combination thereof, or of driving after cancellation, suspension, or revocation of his driver's license; amending Minnesota Statutes 1978, Sections 169.121, Subdivision 5; and 609.135, Subdivision 1.

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

S. F. No. 1438, A bill for an act relating to towns; providing for the date and notice of town meetings; amending Minnesota Statutes 1978, Section 365.51.

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

S. F. No. 1652, A bill for an act relating to crimes; prescribing penalties for the possession of controlled substances on school premises; amending Minnesota Statutes 1978, Section 152.15, by adding a subdivision.

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

S. F. No. 1722, A bill for an act relating to corrections; prescribing penalties for persons who introduce contraband into state hospitals; amending Minnesota Statutes, 1979 Supplement, Section 243.55.

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

PROGRESS REPORT ON CONFERENCE COMMITTEE

Progress by the Conference Committee was reported to the House on the following bills: S. F. Nos. 129 and 273.

CONSENT CALENDAR

H. F. No. 1778 was reported to the House.

Kvam moved to amend H. F. No. 1778 as follows:

Page 1, line 10, delete "(4)" and "(20)"; delete "Auditor's Re-plat" and insert "auditor's replat"

Page 1, line 11, delete "except those portions" and insert "excepting that portion" and delete "(4)"

Page 1, line 13, delete "Auditor's Re-plat" and insert "auditor's replat"

Page 1, line 16, delete "40" and insert "32"

Page 1, line 17, after "feet" insert ";" and delete "to the"

Page 1, line 18, delete "West line of said Lot 4," and delete "along the West line,"

Page 1, line 19, delete "40" and insert "32" and delete "ALSO" and insert "also"

Page 1, line 20, delete "EXCEPTING" and insert "excepting"

Page 1, line 21, after "Minnesota." insert "The following described parts of Lots 4 and 5 are subject to an easement for ingress and egress purposes for the remaining portions of Lots 4 and 5: commencing at the Northeast corner of Lot 5, Block 1 of Rudberg's Addition to the City of Dassel; thence East to the Northwest corner of Lot 6, Block 1 of Rudberg's Addition; thence North parallel to the East line of Lot 5, Block 20 of auditor's replat of the City of Dassel 182.00 feet; thence West parallel to the South line of Lot 4, Block 20 of auditor's replat to a point North of the point of beginning on a line parallel with the West line of Lot 5, Block 20 of auditor's replat; thence south parallel with the West line of Lot 5, Block 20 of Auditor's replat a distance of 182.00 feet, to the point of beginning."

The motion prevailed and the amendment was adopted.

H. F. No. 1778, A bill for an act relating to Independent School District No. 466; permitting the sale of certain land.

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 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Eken	Kaley	Novak	Sieben, M.
Adams	Elioff	Kalis	Nysether	Simoneau
Ainley	Ellingson	Kempe	Olsen	Stadum
Albrecht	Erickson	Knickerbocker	Onnen	Stoa
Anderson, B.	Esau	Kostohryz	Osthoff	Stowell
Anderson, D.	Evans	Kroening	Otis	Sviggum
Anderson, G.	Ewald	Kvam	Patton	Swanson
Anderson, I.	Faricy	Laidig	Pehler	Thiede
Anderson, R.	Fjoslien	Lehto	Peterson, B.	Tomlinson
Battaglia	Forsythe	Long	Peterson, D.	Valan
Begich	Friedrich	Ludeman	Piepho	Valento
Berglin	Fritz	Luknic	Pleasant	Vanasek
Berkelman	Fudro	Mann	Prahl	Voss
Biersdorf	Greenfield	McCarron	Redalen	Waldorf
Blatz	Halberg	McDonald	Reding	Weaver
Brinkman	Haukoos	McEachern	Rees	Welch
Byrne	Heap	Mehrkens	Reif	Welker
Carlson, D.	Heinitz	Metzen	Rice	Wenzel
Carlson, L.	Hoberg	Minne	Rodriguez	Wieser
Casserly	Hokanson	Moe	Rose	Wigley
Clark	Jacobs	Munger	Rothenberg	Wynia
Clawson	Jaros	Murphy	Sarna	Zubay
Corbid	Jennings	Nelsen, B.	Schreiber	Spkr. Norton
Crandall	Johnson, C.	Nelsen, M.	Searle	
Dean	Johnson, D.	Nelson	Searles	
Dempsey	Jude	Niehaus	Sherwood	
Drew	Kahn	Norman	Sieben, H.	

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

H. F. No. 1789 was reported to the House.

Valento moved to amend H. F. No. 1789, as follows:

Page 1, line 15, after "of" strike "January" and insert "*July*"

Page 1, line 15, reinstate the stricken "(1980)"

Page 1, line 15, delete "1981"

The motion prevailed and the amendment was adopted.

H. F. No. 1789, A bill for an act relating to occupations and professions; providing for licensing of public accountants; amending Minnesota Statutes, 1979 Supplement, Section 326.191.

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 1 nay as follows:

Those who voted in the affirmative were:

Aasness	Drew	Kaley	Novak	Sherwood
Adams	Elioff	Kalis	Nysether	Sieben, M.
Ainley	Ellingson	Kempe	Oisen	Simoneau
Albrecht	Erickson	Knickerbocker	Onnen	Stadum
Anderson, B.	Esau	Kostohryz	Osthoff	Stoa
Anderson, D.	Evans	Kroening	Otis	Stowell
Anderson, G.	Ewald	Kvam	Patton	Sviggum
Anderson, I.	Faricy	Laidig	Pehler	Swanson
Anderson, R.	Fjoslien	Lehto	Peterson, B.	Thiede
Battaglia	Forsythe	Levi	Peterson, D.	Tomlinson
Begich	Friedrich	Long	Piepho	Valan
Berkelman	Fritz	Ludeman	Pleasant	Valento
Biersdorf	Fudro	Luknic	Prahl	Vanasek
Blatz	Halberg	Mann	Redalen	Voss
Brinkman	Haukoos	McCarron	Reding	Waldorf
Byrne	Heap	McDonald	Rees	Weaver
Carlson, D.	Heinitz	McEachern	Reif	Welch
Carlson, L.	Hoberg	Mehrkens	Rice	Welker
Casserly	Hokanson	Metzen	Rodriguez	Wenzel
Clawson	Jacobs	Minne	Rose	Wieser
Corbid	Jaros	Murphy	Rothenberg	Wigley
Crandall	Jennings	Nelsen, B.	Sarna	Wynia
Dean	Johnson, D.	Nelsen, M.	Schreiber	Zubay
Dempsey	Jude	Niehaus	Searle	Spkr. Norton
Den Ouden	Kahn	Norman	Searles	

Those who voted in the negative were:

Eken

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

H. F. No. 1871, A bill for an act relating to the Minnesota-Wisconsin boundary area commission; providing that the terms of commissioners shall be staggered; amending Minnesota Statutes 1978, Section 1.33.

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 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Blatz	Drew	Fudro	Kahn
Adams	Brinkman	Eken	Halberg	Kaley
Ainley	Byrne	Elioff	Haukoos	Kalis
Albrecht	Carlson, D.	Ellingson	Heap	Kelly
Anderson, B.	Carlson, L.	Erickson	Heinitz	Kempe
Anderson, D.	Casserly	Esau	Hoberg	Knickerbocker
Anderson, G.	Clark	Evans	Hokanson	Kostohryz
Anderson, I.	Clawson	Ewald	Jacobs	Kroening
Anderson, R.	Corbid	Faricy	Jaros	Kvam
Battaglia	Crandall	Fjoslien	Jennings	Laidig
Begich	Dean	Forsythe	Johnson, C.	Lehto
Berkelman	Dempsey	Friedrich	Johnson, D.	Levi
Biersdorf	Den Ouden	Fritz	Jude	Long

Ludeman	Nelson	Pleasant	Sherwood	Waldorf
Luknic	Niehaus	Prahl	Sieben, M.	Weaver
Mann	Norman	Redalen	Simoneau	Welch
McCarron	Novak	Reding	Stadum	Welker
McDonald	Nysether	Rees	Stoa	Wenzel
McEachern	Olsen	Reif	Stowell	Wieser
Mehrkens	Onnen	Rice	Sviggum	Wigley
Metzen	Osthoff	Rodriguez	Swanson	Wynia
Minne	Otis	Rose	Thiede	Zubay
Moe	Patton	Rothenberg	Tomlinson	Spkr. Norton
Munger	Pehler	Sarna	Valan	
Murphy	Peterson, B.	Schreiber	Valento	
Nelsen, B.	Peterson, D.	Searle	Vanasek	
Nelsen, M.	Piepho	Searles	Voss	

The bill was passed and its title agreed to.

H. F. No. 1985, A bill for an act relating to municipal electric power; permitting municipal power agencies to contract and do business with foreign entities; amending Minnesota Statutes 1978, Section 453.52, 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 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Eken	Kalis	Novak	Sieben, M.
Adams	Elioff	Kempe	Nysether	Simoneau
Ainley	Ellingson	Knickerbocker	Olsen	Stadum
Albrecht	Erickson	Kostohryz	Onnen	Stoa
Anderson, B.	Esau	Kroening	Osthoff	Stowell
Anderson, D.	Evans	Kvam	Otis	Sviggum
Anderson, G.	Ewald	Laidig	Patton	Swanson
Anderson, I.	Farcy	Lehto	Pehler	Thiede
Anderson, R.	Fjoslien	Levi	Peterson, B.	Tomlinson
Battaglia	Forsythe	Long	Peterson, D.	Valan
Begich	Friedrich	Ludeman	Piepho	Valento
Berglin	Fritz	Luknic	Pleasant	Vanasek
Berkelman	Fudro	Mann	Prahl	Voss
Biersdorf	Halberg	McCarron	Redalen	Waldorf
Blatz	Haukoos	McDonald	Reding	Weaver
Brinkman	Heap	McEachern	Rees	Welch
Byrne	Heinitz	Mehrkens	Reif	Welker
Carlson, D.	Hoberg	Metzen	Rice	Wenzel
Carlson, L.	Hokanson	Minne	Rodriguez	Wieser
Casserly	Jacobs	Moe	Rose	Wigley
Clark	Jaros	Munger	Rothenberg	Wynia
Clawson	Jennings	Murphy	Sarna	Zubay
Crandall	Johnson, C.	Nelsen, B.	Schreiber	Spkr. Norton
Dean	Johnson, D.	Nelsen, M.	Searle	
Dempsey	Jude	Nelson	Searles	
Den Ouden	Kahn	Niehaus	Sherwood	
Drew	Kaley	Norman	Sieben, H.	

The bill was passed and its title agreed to.

Anderson, R., and McDonald were excused at 3:20 p.m. Clawson was excused at 3:30 p.m. Hokanson and Byrne were excused at 4:00 p.m.

GENERAL ORDERS

Pursuant to rules of the House, the House resolved itself into the Committee of the Whole, with Norton in the Chair, for the consideration of bills pending on General Orders of the Day. After some time spent therein the Committee arose.

REPORT OF COMMITTEE OF THE WHOLE

The Speaker resumed the Chair, whereupon the following proceedings of the Committee as kept by the Chief Clerk were reported to the House:

H. F. Nos. 1302, 1427, 1036 and 1800 which it recommended to pass.

S. F. Nos. 54 and 998 which it recommended to pass.

H. F. No. 1049 which it recommended progress until Monday, March 3, 1980 retaining its place on General Orders.

S. F. No. 1199 which it recommended progress until Thursday, March 6, 1980 retaining its place on General Orders.

S. F. Nos. 1010, 1215 and 482 which it recommended progress until Monday, March 3, 1980.

H. F. No. 547 which it recommended be re-referred to the Committee on Education.

H. F. Nos. 326 and 753 which it recommended progress.

S. F. Nos. 895, 544 and 1166 which it recommended progress.

H. F. No. 458 which it recommended progress to the bottom of General Orders.

H. F. No. 184 which it recommended progress with the following amendment and be placed at the bottom of General Orders:

Offered by Begich:

Page 1, line 6, after "proprietor" insert "in the cities of the first class"

S. F. No. 58 which it recommended to pass with the following amendments to the unofficial engrossment:

Offered by Voss :

Page 2, line 15, delete "1979" and insert "1980"

Page 2, line 20, delete "1979" and insert "1980"

Offered by Sieben, M. :

Page 2, line 14, after "otherwise." insert "*This subdivision shall not apply unless the policy providing coverage provides an appropriately reduced premium rate which takes into account the resulting projected reduction in benefits, based upon sound actuarial principles.*"

S. F. No. 951 which it recommended to pass with the following amendments to the unofficial engrossment offered by Reding :

Page 1, line 10, delete "1978" and insert ", 1979 Supplement"

Page 1, line 16, delete everything after "(a)"

Page 1, delete lines 17 to 23

Page 2, delete lines 1 to 13

Page 2, line 14, delete the stricken "(d)"

Page 2, line 18, delete the stricken "(e)" and delete underscoring from "(b)"

Page 2, line 21, delete the stricken "(f)" and delete underscoring from "(c)"

Page 2, line 24, delete the stricken "(e)" and delete underscoring from "(b)"

Further, amend the title as follows :

Page 1, line 5, delete "Subdivisions 1 and" and insert "Subdivision"

Page 1, line 6, after the semicolon insert :

"Minnesota Statutes, 1979 Supplement, Section 161.321, Subdivision 1;"

Page 4, delete section 6 and insert :

"Sec. 6. [EFFECTIVE DATE.] Sections one to four are effective on October 1, 1980."

S. F. No. 693 which it recommended to pass with the following amendment to the unofficial engrossment offered by Wynia:

Page 4, line 1, delete "or" and reinstate the stricken commas

Page 4, line 2, reinstate the stricken language

H. F. No. 1601 which it recommended to pass with the following amendment offered by Begich:

Page 1, line 16, delete "or of" and insert "at the congressional district, state, county or federal level"

Page 1, line 17, delete "any of its sub-units"

Page 1, line 18, delete "or sub-unit" and insert "at that level"

Page 1, line 18, after "any" insert "state or national"

On the motion of Sieben, H., the report of the Committee of the Whole was adopted.

ROLL CALLS IN COMMITTEE OF THE WHOLE

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

Begich moved to amend H. F. No. 184 as follows:

Page 1, line 6, after "proprietor" insert "in the cities of the first class"

The question was taken on the amendment and the roll was called. There were 69 yeas and 55 nays as follows:

Those who voted in the affirmative were:

Aasness	Dempsey	Johnson, C.	Nelsen, B.	Simoneau
Adams	Den Ouden	Johnson, D.	Niehaus	Stadum
Ainley	Drew	Jude	Nysether	Stowell
Albrecht	Eken	Kempe	Onnen	Sviggum
Anderson, G.	Elioff	Kostohryz	Osthoff	Valan
Anderson, I.	Evans	Kroening	Patton	Valento
Anderson, R.	Forsythe	Kvam	Piepho	Vanasek
Battaglia	Friedrich	Levi	Redalen	Weaver
Begich	Fritz	Ludeman	Reif	Welch
Biersdorf	Fudro	Mann	Rice	Welker
Blatz	Haukoos	McDonald	Rodriguez	Wenzel
Brinkman	Hoberg	McEachern	Rose	Wigley
Carlson, D.	Jacobs	Mehrkens	Sarna	Zubay
Carlson, L.	Jennings	Minne	Searles	

Those who voted in the negative were:

Anderson, B.	Esau	Knickerbocker	Novak	Searle
Berglin	Ewald	Laidig	Olsen	Sherwood
Berkelman	Faricy	Lehto	Otis	Sieben, M.
Byrne	Fjoslien	Long	Pehler	Stoa
Cassery	Heap	Luknic	Peterson, B.	Swanson
Clark	Heinitz	Moe	Peterson, D.	Thiede
Clawson	Hokanson	Munger	Pleasant	Tomlinson
Corbid	Jaros	Murphy	Prahl	Voss
Dean	Kahn	Nelsen, M.	Reding	Waldorf
Ellingson	Kaley	Nelson	Rees	Wieser
Erickson	Kalis	Norman	Rothenberg	Wynia

The motion prevailed and the amendment was adopted.

The question was taken on the Nelsen, B., motion to re-refer H. F. No. 547 to the Committee on Education and the roll was called. There were 84 yeas and 42 nays as follows:

Those who voted in the affirmative were:

Aasness	Drew	Johnson, D.	Niehaus	Stadum
Adams	Eken	Jude	Nysether	Stoa
Ainley	Erickson	Kaley	Olsen	Sviggum
Albrecht	Esau	Kalis	Onnen	Thiede
Anderson, B.	Evans	Knickerbocker	Patton	Tomlinson
Anderson, D.	Fjoslien	Kvam	Peterson, B.	Valan
Anderson, G.	Forsythe	Laidig	Piepho	Valento
Anderson, R.	Friedrich	Lehto	Pleasant	Vanasek
Berkelman	Fudro	Levi	Redalen	Voss
Biersdorf	Halberg	Ludeman	Rees	Waldorf
Blatz	Haukoos	Luknic	Reif	Weaver
Brinkman	Heap	Mann	Rose	Welker
Carlson, D.	Heinitz	McDonald	Rothenberg	Wenzel
Crandall	Hoberg	McEachern	Schreiber	Wieser
Dean	Jaros	Mehrkens	Searle	Wigley
Dempsey	Jennings	Munger	Searles	Zubay
Den Ouden	Johnson, C.	Nelsen, B.	Sherwood	

Those who voted in the negative were:

Anderson, I.	Corbid	Kostohryz	Norman	Sarna
Battaglia	Elioff	Kroening	Novak	Sieben, H.
Begich	Ellingson	Long	Osthoff	Sieben, M.
Berglin	Ewald	McCarron	Otis	Simoneau
Byrne	Fritz	Metzen	Pehler	Stowell
Carlson, L.	Hokanson	Minne	Peterson, D.	Wynia
Cassery	Jacobs	Moe	Prahl	
Clark	Kahn	Murphy	Rice	
Clawson	Kempe	Nelson	Rodriguez	

The motion prevailed.

Sieben, M., moved to amend S. F. No. 58, the unofficial engrossment, as follows:

Page 2, line 14, after "otherwise." insert "This subdivision shall not apply unless the policy providing coverage provides an

appropriately reduced premium rate which takes into account the resulting projected reduction in benefits, based upon sound actuarial principles."

The question was taken on the amendment and the roll was called. There were 111 yeas and 14 nays as follows:

Those who voted in the affirmative were:

Aasness	Drew	Kalis	Novak	Simoneau
Adams	Elioff	Kempe	Olsen	Stoa
Ainley	Ellingson	Kroening	Onnen	Stowell
Albrecht	Erickson	Kvam	Osthoff	Sviggum
Anderson, B.	Esau	Laidig	Otis	Swanson
Anderson, I.	Faricy	Lehto	Patton	Thiede
Anderson, R.	Fjoslien	Long	Pehler	Tomlinson
Battaglia	Fritz	Luknic	Peterson, B.	Valan
Begich	Fudro	Mann	Peterson, D.	Valento
Berglin	Greenfield	McCarron	Piepho	Vanasek
Berkelman	Halberg	McDonald	Pleasant	Voss
Biersdorf	Haukoos	McEachern	Prahl	Waldorf
Blatz	Heap	Mehrkens	Reding	Weaver
Brinkman	Heinritz	Metzen	Rees	Welch
Carlson, D.	Hoberg	Minne	Reif	Wenzel
Carlson, L.	Hokanson	Moe	Rice	Wieser
Casserly	Jacobs	Munger	Rodriguez	Wigley
Clark	Jaros	Murphy	Rose	Wynia
Clawson	Jennings	Nelsen, B.	Sarna	Zubay
Corbid	Johnson, D.	Nelsen, M.	Searle	
Crandall	Jude	Nelson	Sherwood	
Dean	Kahn	Niehaus	Sieben, H.	
Dempsey	Kaley	Norman	Sieben, M.	

Those who voted in the negative were:

Anderson, D.	Eken	Forsythe	Ludeman	Stadum
Anderson, G.	Evans	Friedrich	Nysether	Welker
Den Ouden	Ewald	Kostohryz	Redalen	

The motion prevailed and the amendment was adopted.

Olsen moved to amend S. F. No. 951, the unofficial engrossment, as follows:

Page 4, after line 9, insert:

"Subd. 6. Notwithstanding the definition contained in subdivision 2, the appropriate state official has the discretion, on a case-by-case basis, to include within any state small business program or rule, businesses which do not fall within the definition of "small business" contained in subdivision 2."

The question was taken on the amendment and the roll was called. There were 17 yeas and 86 nays as follows:

Those who voted in the affirmative were:

Esau	Hoberg	Levi	Peterson, B.	Welker
Forsythe	Jennings	Ludeman	Reif	
Fritz	Kvam	Niehaus	Rothenberg	
Heap	Laidig	Olsen	Searles	

Those who voted in the negative were:

Aasness	Corbid	Kalis	Onnen	Sviggum
Adams	Crandall	Kempe	Osthoff	Swanson
Ainley	Dean	Kostohryz	Otis	Thiede
Anderson, B.	Drew	Kroening	Patton	Tomlinson
Anderson, D.	Eken	Lehto	Pehler	Valento
Anderson, G.	Elioff	Long	Piepho	Vanasek
Anderson, I.	Ellingson	Mann	Prahl	Voss
Battaglia	Faricy	McEachern	Reding	Waldorf
Begich	Fjoslien	Mehrkens	Rees	Welch
Berglin	Friedrich	Metzen	Rice	Wenzel
Berkelman	Fudro	Minne	Rodriguez	Wieser
Blatz	Greenfield	Moe	Sarna	Wigley
Brinkman	Hokanson	Munger	Sherwood	Wynia
Byrne	Jacobs	Murphy	Sieben, H.	Zubay
Carlson, D.	Johnson, C.	Nelsen, B.	Sieben, M.	
Carlson, L.	Johnson, D.	Nelsen, M.	Simoneau	
Casserly	Jude	Nelson	Stadum	
Clark	Kahn	Novak	Stoa	

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

The question was taken on the motion to recommend passage of H. F. No. 1800 and the roll was called. There were 108 yeas and 12 nays as follows:

Those who voted in the affirmative were:

Adams	Drew	Kalis	Nelsen, M.	Sieben, H.
Ainley	Eken	Kelly	Nelson	Sieben, M.
Anderson, B.	Elioff	Kempe	Norman	Simoneau
Anderson, D.	Ellingson	Knickerbocker	Novak	Stadum
Anderson, G.	Erickson	Kostohryz	Olsen	Stoa
Anderson, I.	Ewald	Kroening	Onnen	Stowell
Battaglia	Faricy	Kvam	Otis	Swanson
Begich	Fjoslien	Laidig	Patton	Tomlinson
Berglin	Forsythe	Lehto	Pehler	Valan
Berkelman	Fritz	Levi	Peterson, B.	Vanasek
Biersdorf	Fudro	Long	Peterson, D.	Voss
Blatz	Halberg	Luknic	Piepho	Waldorf
Brinkman	Haukoos	Mann	Prahl	Weaver
Byrne	Hoberg	McCarron	Rees	Welch
Carlson, D.	Jacobs	McEachern	Reif	Wenzel
Carlson, L.	Jaros	Mehrkens	Rice	Wieser
Casserly	Jennings	Metzen	Rodriguez	Wigley
Clark	Johnson, C.	Minne	Rose	Wynia
Corbid	Johnson, D.	Moe	Rothenberg	Zubay
Crandall	Jude	Munger	Sarna	Spkr. Norton
Dean	Kahn	Murphy	Searle	
Dempsey	Kaley	Nelsen, B.	Searles	

Those who voted in the negative were:

Aasness	Esau	Redalen	Thiede	Welker
Albrecht	Ludeman	Sherwood	Valento	
Den Ouden	Niehaus	Sviggum		

The motion prevailed.

POINT OF ORDER

Thiede raised a point of order that his demand dated February 21, 1980, for the return of H. F. No. 1151 pursuant to House Rule 1.16 was not entered in the Journal, that the bill was not given a second reading, and that the bill was not placed at the foot of General Orders. The Speaker ruled the point of order not well taken.

Knickerbocker appealed the decision of the chair.

A roll call was requested and properly seconded.

The vote was taken on the question "Shall the decision of the Speaker stand as the judgment of the House?"

The roll was called and there were 65 yeas and 64 nays as follows:

Those who voted in the affirmative were:

Adams	Corbid	Kelly	Nelsen, M.	Sieben, H.
Anderson, B.	Eken	Kostohryz	Nelson	Sieben, M.
Anderson, G.	Elioff	Kroening	Novak	Simoneau
Anderson, I.	Ellingson	Lehto	Osthoff	Stoa
Battaglia	Faricy	Long	Otis	Swanson
Begich	Fudro	Mann	Patton	Tomlinson
Berglin	Greenfield	McCarron	Pehler	Vanasek
Berkelman	Jacobs	McEachern	Peterson, D.	Voss
Brinkman	Jaros	Metzen	Prahl	Waldorf
Byrne	Johnson, C.	Minne	Reding	Welch
Carlson, L.	Jude	Moe	Rice	Wenzel
Casserly	Kahn	Munger	Rodriguez	Wynia
Clark	Kalis	Murphy	Sarna	Spkr. Norton

Those who voted in the negative were:

Aasness	Esau	Johnson, D.	Olsen	Sherwood
Ainley	Evans	Kaley	Onnen	Stadum
Albrecht	Ewald	Knickerbocker	Peterson, B.	Stowell
Anderson, D.	Fjoslien	Kvam	Piepho	Sviggum
Biersdorf	Forsythe	Laidig	Pleasant	Thiede
Blatz	Friedrich	Levi	Redalen	Valan
Carlson, D.	Fritz	Ludeman	Rees	Valento
Crandall	Halberg	Luknic	Reif	Weaver
Dean	Haukoos	Mehrrens	Rose	Welker
Dempsey	Heap	Nelsen, B.	Rothenberg	Wieser
Den Ouden	Heinitz	Niehaus	Schreiber	Wigley
Drew	Hoberg	Norman	Searle	Zubay
Erickson	Jennings	Nysether	Searles	

So it was the judgment of the House that the decision of the Speaker shall stand.

MOTIONS AND RESOLUTIONS

Reding moved that the name of Haukoos be added as an author on H. F. No. 2085. The motion prevailed.

Simoneau moved that the name of Halberg be added as an author on H. F. No. 2154. The motion prevailed.

Olsen moved that H. F. No. 2132 be recalled from the Committee on Financial Institutions and Insurance and be re-referred to the Committee on Commerce, Economic Development and Housing. The motion prevailed.

Voss moved that the name of Begich be added as an author on H. F. No. 565. The motion prevailed.

Rees moved that the name of Berglin be added as an author on H. F. No. 1362. The motion prevailed.

Crandall moved that the name of Dean be added as an author on H. F. No. 1973. The motion prevailed.

Jaros moved that H. F. No. 1887 be recalled from the Committee on Governmental Operations and be re-referred to the Committee on Commerce, Economic Development and Housing. The motion prevailed.

Osthoff moved that the name of Ainley be stricken as an author on H. F. No. 2025. The motion prevailed.

Wigley moved that H. F. No. 2168 be recalled from the Committee on Local and Urban Affairs and be re-referred to the Committee on Environment and Natural Resources. The motion prevailed.

McEachern moved that the name of Long be added as an author on H. F. No. 2175. The motion prevailed.

Kelly moved that the name of Tomlinson be added as an author on H. F. No. 2205. The motion prevailed.

Reding moved that the name of Osthoff be added as an author on H. F. No. 1092. The motion prevailed.

Valan moved that the names of Dempsey and Metzen be added as authors on H. F. No. 1678. The motion prevailed.

Rice moved that H. F. No. 1751, H. F. No. 1792, H. F. No. 1854, H. F. No. 1940 and H. F. No. 1947 be recalled from the Committee on Labor-Management Relations and be re-referred to the Committee on Governmental Operations. The motion prevailed.

Valento, Novak, Weaver, Rose and Hokanson introduced:

House Resolution No. 30, A house resolution relating to extending congratulations to the United States ice hockey team at the XIII Olympic Winter Games.

SUSPENSION OF RULES

Valento moved that the Rules be so far suspended that House Resolution No. 30 be now considered and be placed upon its adoption. The motion prevailed.

HOUSE RESOLUTION NO. 30

A house resolution relating to extending congratulations to the United States ice hockey team at the XIII Olympic Winter Games.

Whereas, residents of the State of Minnesota make up the majority of the United States ice hockey team at the XIII Olympic Winter Games; and,

Whereas, the team was coached by Herb Brooks of the University of Minnesota; and,

Whereas, even before the games all Minnesotans were proud of the fact that the state is so heavily represented on the ice hockey team at the Olympics; and,

Whereas, against the predictions of "experts" who predicted that the team would not do well and, in particular, that they would be beaten by a "vastly superior" Russian team; and,

Whereas, the winning of the gold medal in ice hockey by the team involving a victory over the skilled team from the Union of Soviet Socialist Republics was inspirational to all Minnesotans; and,

Whereas, throughout the Olympics the Minnesotans performed with great skill and tenacity against the rugged competition from many nations; and,

Whereas, it is proper to recognize the coach and players from Minnesota on the ice hockey team; *Now Therefore*,

Be It Resolved, by the House of Representatives of the State of Minnesota that Herb Brooks and the players on the ice hockey team from Minnesota who participated in the XIII Olympic Winter Games are congratulated on their skill, efforts, and accomplishments.

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 forwarded to Mr. Herb Brooks and to each Minnesotan who is a player on the United States ice hockey team at the XIII Olympic Winter Games.

Valento moved that House Resolution No. 30 be now adopted. The motion prevailed and the resolution was adopted.

POINT OF ORDER

Halberg raised a point of order that the roll call taken earlier today on the Knickerbocker appeal of the decision of the chair relating to the Thiede point of order was not proper. The Speaker ruled that the Halberg point of order was not well taken.

MOTIONS AND RESOLUTION

Elioff; Anderson, I.; Minne; Novak; Rose; Begich; Battaglia and Hokanson introduced.

House Resolution No. 31, A house resolution extending congratulations to the Minnesotans who participated in the XIII Olympic Winter Games.

SUSPENSION OF RULES

Elioff moved that the Rules be so far suspended that House Resolution No. 31 be now considered and be placed upon its adoption. The motion prevailed.

HOUSE RESOLUTION NO. 31

A house resolution extending congratulations to the Minnesotans who participated in the XIII Olympic Winter Games.

Whereas, the 1980 United States Olympic Team has exemplified excellence in athletics and sportsmanship in its participation at the XIII Olympic Winter Games in Lake Placid; and,

Whereas, our Minnesota athletes have made significant contributions to the United States Olympic Team which are recognized and applauded by the people of the State of Minnesota; *Now, Therefore*,

Be It Resolved by the House of Representatives of the State of Minnesota that the United States Olympic Team be congratulated for the exemplary sportsmanship shown by all members of the team in its participation in the XIII Olympic Winter Games.

Be It Further Resolved that congratulations be especially extended to Minnesota members of the United States Olympic Team for their significant contributions to the team.

Be It Further Resolved that the Chief Clerk of the Minnesota House of Representatives is instructed to prepare enrolled copies of this resolution and transmit them to all Minnesota members of the 1980 United States Team participating in the XIII Olympic Winter Games.

Elicoff moved that House Resolution No. 31 be now adopted. The motion prevailed and the resolution was adopted.

ANNOUNCEMENT BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 1670:

Nelson, Pehler, Osthoff, Ainley, and Anderson, R.

ADJOURNMENT

Sieben, H., moved that when the House adjourns today it adjourn until 2:00 p.m., Monday, March 3, 1980. The motion prevailed.

Sieben, H., moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:00 p.m., Monday, March 3, 1980.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

STATE OF MINNESOTA

SEVENTY-FIRST SESSION - 1980

SEVENTY-THIRD DAY

SAINT PAUL, MINNESOTA, MONDAY, MARCH 3, 1980

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

Prayer was offered by the Chaplain.

The roll was called and the following members were present:

Aasness	Drew	Kahn	Nelson	Searles
Adams	Eken	Kaley	Niehaus	Sherwood
Ainley	Elioff	Kalis	Norman	Sieben, H.
Albrecht	Ellingson	Kelly	Novak	Sieben, M.
Anderson, B.	Erickson	Kempe	Nysether	Simoneau
Anderson, D.	Esau	Knickerbocker	Olsen	Stadum
Anderson, G.	Evans	Kostohryz	Onnen	Stoa
Anderson, I.	Ewald	Kroening	Osthoff	Stowell
Anderson, R.	Faricy	Kvam	Otis	Sviggum
Battaglia	Fjoslien	Laidig	Patton	Swanson
Begich	Forsythe	Lehto	Pehler	Thiede
Berglin	Friedrich	Levi	Peterson, B.	Tomlinson
Berkelman	Fritz	Long	Peterson, D.	Valan
Biersdorf	Fudro	Ludeman	Piepho	Valento
Blatz	Greenfield	Luknic	Pleasant	Vanasek
Brinkman	Halberg	Mann	Prahl	Voss
Byrne	Haukoos	McCarron	Redalen	Waldorf
Carlson, D.	Heap	McDonald	Reding	Weaver
Carlson, L.	Heinitz	McEachern	Rees	Welch
Cassery	Hoberg	Mehrkens	Reif	Welker
Clark	Hokanson	Metzen	Rice	Wenzel
Clawson	Jacobs	Minne	Rodriguez	Wieser
Corbid	Jaros	Moe	Rose	Wigley
Crandall	Jennings	Munger	Rothenberg	Wynia
Dean	Johnson, C.	Murphy	Sarna	Zubay
Dempsey	Johnson, D.	Nelsen, B.	Schreiber	Spkr. Norton
Den Ouden	Jude	Nelsen, M.	Searle	

A quorum was present.

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

REPORTS OF CHIEF CLERK

Pursuant to Rules of the House, printed copies of H. F. Nos. 1656, 1666, 1910, 2012, 184, 1031, 1207, 1286, 1601, 1692, 1695, 1732, 1778, 1779, 1789 and 1956 and S. F. Nos. 1611, 1665, 1729, 1438, 1652, 1722, 1848, 744, 693, 58 and 951 have been placed in the members' files.

PETITIONS AND COMMUNICATIONS

The following communication was received:

STATE OF MINNESOTA
OFFICE OF THE GOVERNOR
ST. PAUL 55155

February 25, 1980

The Honorable Fred Norton
Speaker of the House
3rd Floor State Office Bldg.
St. Paul, Minnesota 55155

Dear Sir:

The following appointment to the State Ethical Practices Board is hereby respectfully submitted to the House for confirmation as required by law:

Elizabeth Ebbott, 409 Birchwood Avenue, White Bear Lake, Washington County, has been appointed by me effective February 12, 1980, for a term expiring on the first Monday in January, 1984.

Sincerely yours,

ALBERT H. QUIE
Governor

The communication relating to the State Ethical Practices Board was referred to the Committee on General Legislation and Veterans Affairs.

REPORTS OF STANDING COMMITTEES

Farcy from the Committee on Judiciary to which was referred:

H. F. No. 429, A bill for an act relating to courts; providing statewide jurisdiction for conciliation courts; providing state-

wide jurisdiction for the municipal courts of Hennepin and Ramsey counties; providing that venue for an action in conciliation court may lie in the county where the plaintiff resides; amending Minnesota Statutes 1978, Sections 487.30, Subdivision 1; 488A.01, Subdivision 8; 488A.12, Subdivision 3; 488A.18, Subdivisions 4 and 9; 488A.29, Subdivision 3; and 542.09.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1978, Section 487.30 is amended by adding a subdivision to read:

Subd. 4. Notwithstanding the provisions of subdivision 1 or any rule of court to the contrary, the conciliation court of the county has jurisdiction to determine an action to recover payment for medical care rendered in the county, and the summons in the action may be served anywhere within the state.

Sec. 2. Minnesota Statutes 1978, Section 488A.12, Subdivision 3, is amended to read:

Subd. 3. [JURISDICTION.] (a) Excepting actions involving title to real estate, the court has jurisdiction to hear, conciliate, try and determine civil actions at law where the amount in controversy does not exceed the sum of \$1000. The territorial jurisdiction of the court is coextensive with the geographic boundaries of the county of Hennepin.

(b) Notwithstanding the provisions of clause (a), or any rule of court to the contrary, the conciliation court of Hennepin county has jurisdiction to determine an action brought pursuant to section 504.20 for the recovery of a deposit on rental property located in whole or in part in Hennepin county, and the summons in the action may be served anywhere within the state of Minnesota.

(c) Notwithstanding the provisions of clause (a) or any rule of court to the contrary the conciliation court of Hennepin County has jurisdiction to determine an action to recover payment for medical care rendered in the county, and the summons in the action may be served anywhere in the state.

Sec. 3. Minnesota Statutes 1978, Section 488A.29, Subdivision 3, is amended to read:

Subd. 3. [JURISDICTION.] (a) Excepting actions involving title to real estate, the court has jurisdiction to hear, conciliate, try and determine civil actions at law where the amount in controversy does not exceed the sum of \$1000. The

territorial jurisdiction of the court is coextensive with the geographic boundaries of the county of Ramsey.

(b) Notwithstanding the provisions of clause (a) or any rule of court to the contrary, the conciliation court of Ramsey county has jurisdiction to determine an action brought pursuant to section 504.20 for the recovery of a deposit on rental property located in whole or in part in Ramsey county, and the summons in the action may be served anywhere in the state of Minnesota.

(c) *Notwithstanding the provisions of clause (a) or any rule of court to the contrary, the conciliation court of Ramsey county has jurisdiction to determine an action to recover payment for medical care rendered in the county, and the summons in the action may be served anywhere in the state.*"

Further, delete the title and insert:

"A bill for an act relating to conciliation court; providing that a conciliation court may hear an action to recover payment for medical care rendered in the county; allowing service in the action anywhere in the state; amending Minnesota Statutes 1978, Sections 487.30, by adding a subdivision; 488A.12, Subdivision 3; and 488A.29, Subdivision 3."

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 593, A bill for an act relating to wild animals; prohibiting possession of firearms while shining wild animals; amending Minnesota Statutes 1978, Section 100.29, Subdivision 10.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1978, Section 100.29, Subdivision 10, is amended to read:

Subd. 10. It shall be unlawful to throw or cast the rays of a spotlight, headlight, or other artificial light on any highway, or in any field, woodland, or forest, for the purpose of spotting, locating or taking any wild animal, (EXCEPT RACCOONS WHEN TREED WITH THE AID OF DOGS WHILE ON FOOT,) while having in possession or under control, either singly or as one of a group of persons, any firearm, bow or

other implement whereby big game could be killed, unless the firearm is unloaded in both barrels and magazine and completely contained in a gun case expressly made for that purpose which is fully enclosed by being zipped, snapped, buckled, tied, or otherwise fastened with no portion of the firearm exposed, and, as so enclosed, the firearm is contained in the trunk of the car with the trunk door closed and in the case of a bow, unless the same is completely encased or unstrung and, as so encased or unstrung, the bow is contained in the trunk of the car with the trunk door closed; provided, however, that if the vehicle has no trunk, the firearm or bow must be placed in the rearmost location in the vehicle. (WHEN ARTIFICIAL LIGHTS ARE USED TO TAKE RACCOON WHEN TREED WITH THE AID OF DOGS WHILE ON FOOT, THE RIFLES USED TO TAKE RACCOON SHALL NOT BE OF A LARGER CALIBER THAN .22 RIM-FIRE, AND SHOTGUNS SO USED SHALL ONLY CONTAIN SHELLS WITH SHOT NO LARGER THAN NO. 4. ARTIFICIAL LIGHTS TO TAKE RACCOON WHEN TREED WITH THE AID OF DOGS WHILE ON FOOT SHALL BE LEGAL.) *Raccoons may be taken between the hours of sunset and sunrise only under the following conditions:*

(a) *Hunters shall be on foot.*

(b) *Artificial lights shall not be used to locate a raccoon, or to shine upon a raccoon until after the raccoon has been treed or caught by a dog.*

(c) *Rifles, when used, shall be no larger than .22 rim-fire, using .22 short, long or long rifle.*

(d) *Shotguns, when used, shall use shells with shot no larger than No. 4 fine shot."*

Further, delete the title and insert:

"A bill for an act relating to wild animals; clarifying conditions under which raccoons may be taken at night; amending Minnesota Statutes 1978, Section 100.29, Subdivision 10."

With the recommendation that when so amended the bill pass.

The report was adopted.

Swanson from the Committee on Health and Welfare to which was referred:

H. F. No. 1435, A bill for an act relating to health; exempting out of state physicians from licensing regulations under certain conditions; amending Minnesota Statutes 1978, Section 147.09.

Reported the same back with the following amendments:

Page 2, after line 2, insert:

"These physicians shall first register with the board of medical examiners and shall complete a form provided by the board for that purpose. The board shall not be required to promulgate the contents of that form by rule. No fee shall be charged for this registration.

Sec. 2. This act is effective the day following final enactment."

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

The report was adopted.

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

H. F. No. 1451, A bill for an act relating to natural resources; authorizing additions to and deletions from certain state parks and authorizing land acquisition in relation thereto.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [NATURAL RESOURCES; ADDITIONS TO AND DELETIONS FROM CERTAIN STATE PARKS.] Subdivision 1. The lands described in this section are, as specified in this section, added to or deleted from the boundaries of the state parks designated in this section. The commissioner of administration for the commissioner of natural resources is authorized to acquire by gift, exchange, purchase, or, if authorized by law, by condemnation proceedings the lands as described which are added. Any land which now is or hereafter becomes tax-forfeited land and is located within the described park boundaries is withdrawn from sale and is transferred from the custody, control, and supervision of the county board of the county to the commissioner of natural resources, free from any trust in favor of the interested taxing districts. The commissioner shall execute a certificate of acceptance of the lands on behalf of the state for such purposes and transmit the same to the county auditor of the county for record as provided by law in the case of tax-forfeited land transferred to the commissioner by resolution of the county board for conservation purposes. Any lands within the herein described boundaries which may be owned by the United States and managed by any of its agents may be acquired by land exchange, direct transfer, or purchase as federal laws may prescribe. The lands acquired pursuant to this section shall be administered in the same manner as pro-

vided for other state parks and shall be perpetually dedicated for such use.

[85.012] [Subd. 10.] Subd. 2. [CAMDEN STATE PARK.] (a) The following areas are added to Camden State Park: The North Half of the Southeast Quarter and the North Half of the South Half of the Southeast Quarter of Section 7; all in Township 110, North, Range 42 West.

(b) The following areas are deleted from Camden State Park:

The Southwest Quarter of Section 33 lying northeasterly of the township road and northwesterly of Minnesota Highway 23; The East Half of the Southeast Quarter of Section 32 lying easterly of the township road and County State Aid Highway 25; all in Township 111 North, Range 42 West.

The Northwest Quarter of the Northwest Quarter of Section 4 lying northeasterly of the Township road and northwesterly of Minnesota Highway 23; Township 111 North, Range 42 West. The North Half of Section 17 lying southerly of the township road and East of the unimproved road and the unimproved road extended; the Southeast Quarter and the East Half of the Southwest Quarter of Section 17, excepting that portion of the Southeast Quarter of the Southeast Quarter lying easterly of the westerly right-of-way line of Minnesota Highway 23; the North 1500 feet more or less of Section 20 bounded by the easterly line of the Burlington Northern Inc. Railroad right-of-way and the westerly right-of-way line of Minnesota Highway 23; all in Township 110 North, Range 42 West.

[85.012] [Subd. 18.] Subd. 3. [FORT SNELLING STATE PARK.] (a) The following areas are added to Fort Snelling State Park and, to the extent any of such lands were previously included in the Minnesota Valley Trail pursuant to Laws 1971, Chapter 859, Section 7, and acts amendatory thereof, they are withdrawn from the Minnesota Valley Trail: All that part of Section 7 lying easterly of the original Minnesota River; All that part of Section 8 lying easterly of the Minnesota River and northwesterly of the Chicago and Northwestern Railroad; All that part of Section 9 lying northwesterly of the Chicago and Northwestern Railroad; All that part of Section 17 lying northwesterly of the Chicago and Northwestern Railroad; All that part of Section 18 lying easterly of the original channel of the Minnesota River, northwesterly of the Chicago and Northwestern Railroad and northeasterly of Cedar Avenue; All in Township 27 North, Range 23 West. All that part of Section 13 lying easterly of the Minnesota River and northerly of Cedar Avenue; Township 27 North, Range 24 West, Dakota County. Commencing at the southwest corner of Section 17, Township 28 North, Range 24 West of the fourth principal meridian, said

corner being MCM 107 of the City of Minneapolis and State of Minnesota coordinate grid systems; thence South 39 degrees 54 minutes 57 seconds East a distance of 4015.45 feet to monument number 2 located on a western extension of the south line of the U.S. Bureau of Mines reservation heretofore established; thence east for a distance of 1192 feet more or less, along the south boundary and fence line of the Bureau of Mines to STA. H.H., the said station being a 1-inch diameter steel rod firmly imbedded in concrete, the center point of which being the point of beginning of the land to be described; thence continuing east for an indefinite distance to the center of the main channel of the Mississippi River, the boundary between Hennepin and Ramsey Counties; thence northwesterly and northeasterly along the center of the channel for a distance of 1950 feet, more or less; thence west for an indefinite distance to STA. A.A. the station being a 2-inch pipe cap, the exact point being a center punch mark; thence continuing west for a distance of 100 feet, more or less, to the westerly right-of-way of the former Chicago, Milwaukee, St. Paul, and Pacific Railroad; thence southerly along said westerly right-of-way line to the south line of the U.S. Bureau of Mines reservation; thence east for a distance of 290 feet, more or less, along the said south boundary of STA. H.H., and the point of beginning.

(b) The following areas are deleted from Fort Snelling State Park:

All that part of Section 22, Township 28 North, Range 23 West, lying southeasterly of the southeasterly right-of-way of the Chicago, Milwaukee, St. Paul, and Pacific Railroad, northwesterly of Minnesota Highway 13 and northeasterly of the following described line: Commencing at the intersection of the center line of Minnesota Highway No. 13 and the east line of Section 22, Township 28 North, Range 23 west, said point being 1855.0 feet North of the southeast corner of said Section 22; thence sight South along said section line and turn 64 degrees 37 minutes to the right 31.27 feet along the center line of Minnesota Highway No. 13 to the beginning of an 08 degrees 00 minutes curve to the left; thence along said curve 191.7 feet; thence on a tangent to said curve 559.23 feet; thence continuing along the last described line 267.84 feet to the beginning of a 04 degrees 00 minutes curve to the left; thence along said curve 227.9 feet; thence on a tangent to said curve 30.0 feet; thence northwesterly at right angle to the last described line 45.0 feet to a judicial land mark; thence southeasterly along the last described line a distance of 3.55 feet to the northwesterly right-of-way line of Minnesota Highway No. 13, said northwesterly right-of-way line being the northwesterly line of First Street in Beaudet's Addition; thence northeasterly 258.50 feet along the southeasterly line of Lots 67, 68, 69, and 70 of Beaudet's Addition to the most easterly corner of Lot 70 of Beaudet's Addition, said line being the northwesterly line of First Street and right-of-way line of Minnesota Highway No. 13; thence

northeasterly along the northwesterly right-of-way line of Minnesota Highway No. 13 to the most southerly corner of Lot 71 of Beudet's Addition; thence continuing northeasterly along the southeasterly line of Lots 71, 72, and 73 of Beudet's Addition, said lot lines being the northwesterly line of First Street and right-of-way of Minnesota Highway No. 13 a distance of 155.17 feet to the point of beginning of line; thence deflecting to the left 98 degrees 42 minutes a distance of 80.0 feet to a Department of Natural Resources monument; thence continuing along the last described line to the southerly right-of-way line of the Chicago, Milwaukee, St. Paul, and Pacific Railroad, said railroad right-of-way line being 50 feet southerly and parallel with the center line of the tracks in place and there terminating.

All that part of Sections 29 and 32, Township 28 North, Range 23 West, bounded by the following described lines: Commencing at the northwest corner of said Section 29; thence South 00 degrees 16 minutes 33 seconds East, 771.38 feet along the west line of said Section 29; thence South 60 degrees 34 minutes 28 seconds East, 2326.03 feet; thence South 46 degrees 14 minutes 26 seconds East, 166.37 feet; thence North 37 degrees 44 minutes 49 seconds East, 229.13 feet to an iron pipe; thence South 60 degrees 34 minutes 28 seconds East, to the southeasterly right-of-way old Minnesota Highway 5 and 100 and the point of beginning; thence southwesterly along the said southeasterly right-of-way of old Minnesota Highway 5 and 100 to a line which was the former common boundary between the Veteran's Administration and the Metropolitan Airports Commission property; thence southeasterly along the said former common boundary between the Veteran's Administration and the Metropolitan Airports Commission to the northerly right-of-way of Minnesota Highway 5; thence southwesterly along the northerly right-of-way of Minnesota Highway 5 and Interstate Highway 494 to the west line of Section 32; thence southerly along the said west line of Section 32 to the southerly right-of-way of Minnesota Highway 5 and Interstate Highway 494; thence northeasterly along the said southerly right-of-way of Minnesota Highway 5 and Interstate Highway 494 to a point which bears South 60 degrees 34 minutes 28 seconds East from the point of beginning; thence North 60 degrees 34 minutes 28 seconds West to the Southeasterly right-of-way of old Minnesota Highway 5 and 100 and the point of beginning.

Lot 1 except the northerly 10 feet, Lots 2 and 3 except the northerly 20 feet, and Lots 4 and 5 except the railroad right-of-way, Block 2; the westerly 56 feet of Lot 6, Block 2; Lot 6 except the westerly 56 feet thereof, and the westerly 20 feet of vacated "E" Street adjacent thereto; Lot 7, Block 2; Lot 8, Block 2; Lot 9, Block 2; Lot 10 except the northerly 80 1/2 feet thereof, Block 2; northerly 80 1/2 feet of Lot 10, Block 2; East 50 feet of Lot 2 and all of Lots 3, 4, and 5, Block 3, including any portion of any street or alley adjacent thereto, vacated or to be vacated, but excepting railroad right-of-way, and subject to Minnesota Highway 13; Lot 1, and all of Lot 2 except the east 50 feet thereof, Block

3, including any portion of any street or alley adjacent thereto, vacated or to be vacated, but excepting railroad right-of-way, and subject to Minnesota Highway 13; All of Block 4 including any portion of any street or alley adjacent thereto, vacated or to be vacated, but excepting railroad right-of-way, subject to Minnesota Highway 13 and lying southerly of the center line of the former railroad running through Block 4 now abandoned; East Half of vacated "E" Street; All being a part of the original town of Mendota in Section 27, Township 28 North, Range 23 West.

[85.012] [Subd. 29.] Subd. 4. [ITASCA STATE PARK.] The following areas are added to Itasca State Park: The South Half of the Northeast Quarter of Section 34, Township 144 North, Range 36 West.

[85.012] [Subd. 30.] Subd. 5. [JAY COOKE STATE PARK.] The following areas are deleted from Jay Cooke State Park:

That part of the Southeast Quarter of Section 3 lying northwesterly of the northwesterly right-of-way line of the Burlington Northern, Inc. Railway; all of Section 25; that part of the Northeast Quarter of the Southeast Quarter and the East Half of the Northeast Quarter of Section 26 lying easterly of the Burlington Northern, Inc. Railway; that part of the Southeast Quarter of the Southeast Quarter of Section 23 lying southeasterly of Minnesota Highway 23 and northeasterly of the Burlington Northern, Inc. Railway; that part of Section 24 lying southeasterly of Minnesota Highway 23; that part of the Northeast Quarter, the Southwest Quarter and the Southeast Quarter of Section 13 lying southeasterly of Minnesota Highway 23; all being in Township 48 North, Range 16 West.

All of Sections 19 and 30; that part of the South Half of the South Half of Section 7 lying southeasterly of Minnesota Highway 23; that part of Section 18 lying southeasterly of Minnesota Highway 23; all in Township 48 North, Range 15 West.

[85.012] [Subd. 37.] Subd. 6. [LAKE MARIA STATE PARK.] The following areas are added to Lake Maria State Park:

The South Half of the Southwest Quarter; that part of the Northwest Quarter lying easterly of the township road; and that part of the North Half of the Southwest Quarter lying easterly of the township road except: Commencing at the West Quarter corner, Section 4, Township 121 North, Range 26 West; thence Southerly along the west side of said Section 4, distant 1039.8 feet; thence deflect left 90 degrees 00 minutes, distant 66.0 feet to the point of beginning; thence continue on last described course, distant 247.4 feet; thence deflect 107 degrees 56 minutes left, distant 323.4 feet; thence deflect 31 degrees 44 minutes left, distant

72.6 feet to the center of Township Road; thence deflect left 103 degrees 55 minutes 30 seconds, being along center line of Township Road, distant 207.4 feet; thence deflect 26 degrees 15 minutes left, distant 169.3 feet, more or less, to the point of beginning; All in Section 4, Township 121 North, Range 26 West.

[85.012] [Subd. 42.] Subd. 7. [MILLE LACS KATHIO STATE PARK.] (a) The following areas are added to Mille Lacs Kathio State Park:

The westerly 200 feet of Government Lot 3 in Section 2 lying southerly of U.S. Highway No. 169; all in Township 42 North, Range 27 West.

(b) The following areas are deleted from Mille Lacs Kathio State Park:

That part of Government Lots 1 and 2 and the Southeast Quarter of the Southeast Quarter in Section 12 lying northerly of the northerly right-of-way line of U.S. Highway No. 169.

That part of Government Lot 4 in Section 12 lying west of northerly extension of the west line of Government Lot 3 of said Section 12.

That part of the Southeast Quarter of the Northeast Quarter and Government Lot 1 in Section 11 lying northerly of the following described lines:

Commencing at the iron monument at the east quarter corner of said Section 11; thence North 0 degrees 44 minutes 43 seconds East, assumed bearing of 1246.00 feet along the east line of said Section 11 to point "A"; thence South 0 degrees 44 minutes 43 seconds West, 600.00 feet along the east line of said Section 11; thence West, 1495.01 feet; thence North 00 degrees 44 minutes 43 seconds East, 799.00 feet to the point of beginning of the line to be described; thence East, 793.34 feet to the westerly line of a 66 foot wide road easement; thence South 6 degrees 26 minutes 55 seconds East, 28.87 feet along the westerly line of said road easement; thence southerly 138.27 feet along a tangential curve concave to the west having a radius of 179.04 feet and a central angle of 44 degrees 14 minutes 52 seconds continuing along the westerly line of said road easement; thence South 52 degrees 12 minutes 03 seconds East, 66 feet radially to said road easement to the east line of said road easement; thence East, 680.12 feet to point "A" on the east line of said Section 11 and there terminating.

That part of Government Lots 1, 2, 3 and 4 and the Northwest Quarter of the Southeast Quarter and the Northeast Quarter of the Southwest Quarter in Section 3 lying northerly of the northerly right-of-way of U.S. Highway No. 169.

That part of Government Lot 1 in Section 4 lying northerly of the northerly right-of-way line of U.S. Highway No. 169 and easterly of the following described line:

Commencing at the intersection of the east line of said Government Lot 1 and the southerly right-of-way line of County State Aid Highway No. 35, formerly U.S. Highway No. 169, which point is 72.6 feet south of the meander corner on said east line; thence in a northwesterly direction along said southerly right-of-way line at an angle measured from said east line of 75 degrees 10 minutes a distance of 267.0 feet to point "A"; thence deflect 90 degrees 05 minutes to the left in a southwesterly direction to intersect the northerly right-of-way of U.S. Highway No. 169 a distance of 144.15 feet, more or less; thence northwesterly along the said right-of-way 98.5 feet to the point of beginning; thence northeasterly a distance of 128.75 feet, more or less, to intersect said southerly right-of-way line of County State Aid Highway No. 35 a distance of 98.5 feet northwesterly of point "A"; thence southeasterly a distance of 31.0 feet along said southerly right-of-way line towards point "A"; thence northeasterly at right angles to the shore line of Mille Lacs Lake and there terminating.

All in Township 42 North, Range 27 West.

All of Government Lots 1 and 2 in Section 33, Township 43 North, Range 27 West.

[85.012] [Subd. 52.] Subd. 8. [SCENIC STATE PARK.]
The following areas are added to Scenic State Park:

The South Half of the Southwest Quarter of Section 28;

The South Half of the Southeast Quarter and the South Half of the Southwest Quarter of Section 29;

The South Half of the Southeast Quarter of Section 30;

The Northeast Quarter and the Southeast Quarter of Section 31;

The Northwest Quarter and the Southwest Quarter of Section 33; All in Township 61 North, Range 25 West.

Governments Lots 1, 2, 7, 8, 9, 10, 15, 16, and 17 of Section 1; All in Township 60 North, Range 26 West. Any land which now is tax-forfeited land and is located within the adjusted boundaries of Scenic State Park is hereby withdrawn from sale and is transferred from the custody, control, and supervision of the county board of the county to the commissioner of natural resources, free from any trust in favor of the interested taxing

districts. The transfer of such tax-forfeited land is effective only after an amount equal to the fair market value of the land is paid by the commissioner to the county. Any money appropriated for state park land acquisition may be expended for this payment related to tax-forfeited land. The county auditor shall apportion this money in the manner provided in Minnesota Statutes, Section 282.08 for the apportionment of proceeds from the sale of tax-forfeited lands. The commissioner shall execute a certificate of acceptance of the lands on behalf of the state and shall transmit the same to the county auditor of the county for record as provided by law in the case of tax-forfeited land transferred to the commissioner by resolution of the county board for conservation purposes.

[85.012] [Subd. 53.] Subd. 9. [SIBLEY STATE PARK.]
The following areas are deleted from Sibley State Park:

The land included in the Plat of Ekeberg Beach in Government Lot 1 and the Northeast Quarter of the Northwest Quarter of Section 12; Township 121 North, Range 35 West. Lot 2 and the East 150 feet of Lot 3 of the Subdivision of Government Lot 7 in Section 3 lying southerly of a line 150 feet southerly of the water's edge of Henchien Lake; Township 121 North, Range 35 West.

All of Blocks 1 and 2 of the Plat of part of Government Lot 5 in Section 3, except Lot 9 and that part of Lot 8 lying westerly of the northerly extension of the west line of Lot 7 in Block 1; That part of Government Lot 5 in Section 3 lying easterly of County State Aid Highway 38 and southerly of the south line of Block 2 of the Plat of part of Government Lot 5; That part of Lot 1 of the Subdivision of Government Lot 4 in Section 3 described as follows:

Beginning at the northeast corner of said Government Lot 4; thence west 11.68 chains along the north line of said Government Lot 4 to the northwest corner of Lot 1 of the Subdivision of Government Lot 4; thence South 2 rods along the west line of said Lot 1; thence East 17 rods 18 links parallel with the south line of said Section 3; thence South 38 rods along the west side of a 2 rod wide alley for driveway west of shorelots; thence East 17 rods to the water's edge of Lake Andrew; thence northerly along the water's edge of Lake Andrew to the northeast corner of Government Lot 4 and the point of beginning; All in Township 121 North, Range 35 West.

Sec. 2. The commissioner of natural resources may convey to the county of Kandiyohi in a form of conveyance to be approved by the attorney general the following described property within the statutory boundaries of Sibley State Park:

That part of Subdivision Lots 1, 2, 15, and 16 of Subdivision of Government Lots 2, 3, and 4 of Section 4, Township 121 North, Range 35 West, described as follows:

Commencing at the northwest corner of said Government Lot 4; thence on an assumed bearing of South, 90.66 feet along the west of said Government Lot 4 to the point of beginning; thence East, 475.00 feet; thence South, 960.00 feet; thence West 365 feet, more or less, to the center line of C.S.A.H. 5; thence northwesterly along said centerline of C.S.A.H. 5 to the west line of said Government Lot 4; thence North along said west line of Government Lot 4 to the point of beginning; containing 10 acres, more or less.

The conveyance shall be made in exchange for the conveyance to the state by Kandiyohi county of the following described property within the statutory boundaries of Sibley State Park:

Lot 5 of Government Lots 1 and 6 and the Northwest Quarter of the Northeast Quarter of Section 3, Township 121 North, Range 35 West, containing 10 acres, more or less.

Sec. 3. In order to correct inadvertent errors of legal description, the commissioner of natural resources in the name of the state, with the approval of the state executive council, may convey, without monetary consideration, by quitclaim deed in such form as the attorney general approves such rights, titles, and interests of the state in state lands for such rights, titles and interests in adjacent lands as are necessary for the purpose of correcting legal descriptions of boundaries. The commissioner's recommendations to the executive council shall include his determination of the value, if any, of the rights, titles, and interests involved. The provisions of this section apply only to ownership interests which have been affected by errors of legal description and do not otherwise replace or supersede laws relating to land exchange or disposal of surplus state property.

Sec. 4. [EFFECTIVE DATE.] This act is effective the day following final enactment."

With the recommendation that when so amended the bill pass.

The report was adopted.

Swanson from the Committee on Health and Welfare to which was referred:

H. F. No. 1653, A bill for an act relating to public welfare; eliminating authorization for Minnesota State Children's Center; repealing Minnesota Statutes 1978, Sections 260.41 to 260.46.

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

The report was adopted.

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

H. F. No. 1667, A bill for an act relating to state government; transferring certain powers and duties relating to natural gas pipeline safety from the state fire marshal in the department of public safety to the director of the department of public service.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1978, Section 299F.56, is amended by adding a subdivision to read:

Subd. 2a. "Department" means the department of public service.

Sec. 2. Minnesota Statutes 1978, Section 299F.56, Subdivision 5, is amended to read:

Subd. 5. "Transportation of gas" means the gathering, transmission, or distribution of gas by pipeline or its storage; except that it shall not include any such transportation of gas which is subject to the jurisdiction of the Federal Power Commission under the Natural Gas Act of the United States, or the gathering of gas in those rural locations which lie outside the limits of any incorporated or unincorporated city, town, or any other designated residential or commercial area such as a subdivision, a business or shopping center, a community development or any similar populated area which the (STATE FIRE MARSHAL) *department* may define as a nonrural area.

Sec. 3. Minnesota Statutes 1978, Section 299F.56, Subdivision 6, is amended to read:

Subd. 6. "Pipeline facilities" includes, without limitation, new and existing pipe rights of way and any equipment facility or building used in the transportation of gas or the treatment of gas during the course of transportation, but "rights of way" as used in sections 299F.56 to 299F.64 does not authorize the (STATE FIRE MARSHAL) *department* to prescribe the location or routing of any pipeline facility. "Pipeline facilities" shall not include any facilities subject to the jurisdiction of the Federal Power Commission under the Natural Gas Act of the United States.

Sec. 4. Minnesota Statutes 1978, Section 299F.57, is amended to read:

299F.57 [MINIMUM SAFETY STANDARDS.] Subdivision 1. The (STATE FIRE MARSHAL) *department* 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) *department* 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) *department* 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.

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) *department*, 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 15, 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) *department* 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. Whenever the (STATE FIRE MARSHAL) *department* shall find a particular facility to be hazardous to life or property, he 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) *department* may, after notice and opportunity for hearing and under such terms and conditions and to such extent as he deems appropriate, waive in whole or in part compliance with any standards established under sections 299F.56 to 299F.64, if he determines that a waiver of compliance with such standard is not inconsistent with gas pipeline safety. The (STATE FIRE MARSHAL) *department* shall state (HIS) *the* reasons for any such waiver.

Sec. 5. Minnesota Statutes 1978, Section 299F.58, is amended to read:

299F.58 [CERTIFICATIONS AND REPORTS.] The (STATE FIRE MARSHAL) *department* 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. 6. Minnesota Statutes 1978, Section 299F.60, Subdivision 1, 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 regulation issued thereunder, shall be subject to a civil penalty to be imposed by the (STATE FIRE MARSHAL) *department* not to exceed \$1,000 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.

Sec. 7. Minnesota Statutes 1978, Section 299F.60, Subdivision 2, is amended to read:

Subd. 2. The (STATE FIRE MARSHAL) *department* 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) *department* 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 15 shall apply to all orders of the (STATE FIRE MARSHAL) *department* imposing

any penalty under sections 299F.56 to 299F.64 or under any regulation 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.

Sec. 8. Minnesota Statutes 1978, Section 299F.61, Subdivision 1, 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) *department* shall give notice to any person against whom an action for injunctive relief is contemplated and afford him an opportunity to present his views, and, except in the case of a knowing and willful violation, shall afford him reasonable opportunity to achieve compliance. However, the failure to give such notice and afford such opportunity shall not preclude the granting of appropriate relief.

Sec. 9. Minnesota Statutes 1978, 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) *department* 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 regulations prescribed by the (STATE FIRE MARSHAL) *department*. If the (STATE FIRE MARSHAL) *department* finds that such plan is inadequate to achieve safe operation, (HE) *it* shall, after notice and opportunity for a hearing, require such plan to be revised. The plan required by the (STATE FIRE MARSHAL) *department* shall be practicable and designed to meet the need for pipeline safety. In determining the adequacy of any such plan, the (STATE FIRE MARSHAL) *department* 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. 10. Minnesota Statutes 1978, Section 299F.63, is amended to read:

299F.63 [RECORDS AND REPORTS; INSPECTION; COSTS; 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) *department* may reasonably require to enable (HIM) *it* 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) *department*, 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) *department*, 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) *the* facilities. Each (SUCH) inspection shall be commenced and completed with reasonable promptness.

Subd. 1a. The department shall assess and bill the salary and expense costs of the gas pipeline safety inspection program less any offsetting federal grant reimbursements for that program to all the gas systems whether private or municipal subject to inspection in proportion to the number of gas meters in each system. Billing shall be done within 90 days of the close of the state fiscal year. The assessment shall be paid to the state treasury within 30 days after the bill has been mailed to the gas systems which mailed bill shall constitute notice of assessment and demand for payment thereof.

Subd. 2. In the course of the exercise of his duties and responsibilities under sections 299F.56 to 299F.64, the (STATE FIRE MARSHAL) *department* 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 OR HIS) *department or its*

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 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.

Sec. 11. Minnesota Statutes 1978, Section 299F.64, is amended to read:

299F.64 [FEDERAL MONEYS.] The (STATE FIRE MARSHAL) *department* 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, regulations, 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) *department* 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.

Sec. 12. [TRANSFER OF FUNCTIONS; RULES; PENDING ACTIONS.] *Subdivision 1. All powers, duties and functions previously vested in the division of fire marshal of the department of public safety by Minnesota Statutes 1978, Sections 299F.56 to 299F.64 are transferred to, vested in and imposed upon the department of public service, effective July 1, 1980.*

Subd. 2. Regulations and standards for gas and pipeline safety as incorporated in Title 49, Code of Federal Regulations 192, and amendments thereto published in the Federal Register through September 5, 1978, as modified by Fire Mar Rules 4, 14 and 23, are incorporated by reference and made a part of the Minnesota rules and standards for gas and pipeline safety, along with existing Fire Mar Rules 1 to 29. Administration of these rules, regulations and standards is transferred from the division of fire marshal of the department of public safety to the department of public service, effective July 1, 1980. Rules, regulations and standards adopted or transferred to the department of public service by this subdivision shall continue in effect until repealed, modified or suspended by subsequent rule of the department of public service. Discrepancies or inconsistencies between any provision of Fire Mar Rules 1 to 29 and the Code of Federal Regulations shall be resolved in favor of the Code of Federal Regulations.

Subd. 3. Any proceeding, legal action, prosecution or other business or matter undertaken or commenced prior to July 1,

1980 by the fire marshal division of the department of public safety in the exercise of a power, duty or function transferred by this section may be continued to completion by the department of public service in the same manner, under the same terms and conditions and with the same effect as though undertaken or commenced by the department of public service in the first instance.

Sec. 13. [TRANSFER OF FUNDS, POSITIONS, EQUIPMENT.] *Subdivision 1. All unexpended funds appropriated to the department of public safety for the gas pipeline safety program by the Laws 1979, Chapter 333, Section 41, are cancelled and shall revert to the general fund.*

Subd. 2. One full-time position in the classified service in the department of public safety used to support any of the functions, powers and duties transferred to the department of public service is transferred to the department of public service. The commissioner of finance and commissioner of personnel shall determine the position to be transferred along with any accrued benefits pertaining thereto to the department of public service.

Subd. 3. All equipment, furnishings, supplies and any appropriate contractual agreements related to the gas pipeline safety program are transferred to the department of public service.

Subd. 4. The authorized complement of the department of public service is increased by six positions and the authorized complement of the department of public safety is reduced by one position.

Sec. 14. *There is appropriated to the department of public service from the general fund \$259,280 for the biennium ending June 30, 1981. The department of public service is authorized to make application for, receive and deposit into the general fund any and all gas pipeline safety program funds available from the federal government in support of this program.*

Sec. 15. *This act is effective July 1, 1980."*

Amend the title by deleting it in its entirety and inserting:

"A bill for an act relating to natural gas pipeline safety; transferring powers and duties in the administration of pipeline safety laws from the fire marshal division of the department of public safety to the department of public service; transferring personnel and records; appropriating funds; amending Minnesota Statutes 1978, Sections 299F.56, Subdivisions 5 and 6, and by adding a subdivision; 299F.57; 299F.58; 299F.60, Subdivisions 1 and 2; 299F.61, Subdivision 1; 299F.62; 299F.63; and 299F.64."

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

The report was adopted.

Brinkman from the Committee on Financial Institutions and Insurance to which was referred:

H. F. No. 1675, A bill for an act relating to financial institutions; authorizing certain additional facilities for banks; amending Minnesota Statutes 1978, Section 47.52.

Reported the same back with the following amendments:

Page 2, line 15, delete "*provided*" and insert "*if the commissioner determines*"

With the recommendation that when so amended the bill pass.

The report was adopted.

Brinkman from the Committee on Financial Institutions and Insurance to which was referred:

H. F. No. 1680, A bill for an act relating to the City of Minneapolis; authorizing the establishment of a detached banking facility.

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

The report was adopted.

Brinkman from the Committee on Financial Institutions and Insurance to which was referred:

H. F. No. 1700, A bill for an act relating to financial institutions; permitting industrial loan and thrift companies to take liens on real estate; authorizing charges incurred in taking liens on real estate; amending Minnesota Statutes 1978, Section 53.04, Subdivisions 1, 3, and by adding a subdivision.

Reported the same back with the following amendments:

Page 4, line 5, delete "*other provision*" and insert "*provisions*"

Page 4, delete lines 10 to 24 and insert "*charges for appraisal, abstracting, title search and real estate recording fees, provided*

the charges are paid entirely to a third party not the employee of the industrial loan and thrift company, and do not exceed \$100 in the aggregate.

An industrial loan and thrift company may not establish any escrow for taxes or insurance in connection with a loan secured by real estate."

With the recommendation that when so amended the bill pass.

The report was adopted.

Swanson from the Committee on Health and Welfare to which was referred:

H. F. No. 1764, A resolution memorializing the United States Congress to enact legislation to extend the deadline for states to comply with recent amendments to the National Health Planning and Resources Development Act.

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

The report was adopted.

Mann from the Committee on Agriculture to which was referred:

H. F. No. 1799, A bill for an act relating to agriculture; clarifying definition of warehouseman; requiring denaturing and labeling of certain foods; adopting certain federal food regulations; changing certain procedures; amending Minnesota Statutes 1978, Sections 28A.15, Subdivision 4; 31.02; and 218.041, Subdivisions 3 and 4; and Minnesota Statutes, 1979 Supplement, Section 31.101, Subdivision 8; and 231.01, Subdivision 5.

Reported the same back with the following amendments:

Page 1, delete lines 13 through 20

Page 7, lines 28 and 29, delete the underscored language

Page 8, line 5, after "equipment" insert "*or facilities in which the party storing goods rents and occupies space as a tenant and the entire risk of loss is with the tenant pursuant to written contract between the landlord and tenant*"

Re-number the sections in sequence

Further, amend the title as follows:

Page 1, line 6, delete "28A.15"

Page 1, line 7, delete "Subdivision 4;"

Page 1, line 9, delete "Section" and insert "Sections"

With the recommendation that when so amended the bill pass.

The report was adopted.

Mann from the Committee on Agriculture to which was referred:

H. F. No. 1814, A bill for an act relating to agriculture; clarifying certain requirements for authorized farm corporations; amending Minnesota Statutes 1978, Section 500.24, Subdivision 2.

Reported the same back with the following amendments:

Page 2, line 24, after "*holding*" insert "*and controlling*"

With the recommendation that when so amended the bill pass.

The report was adopted.

Anderson, I., from the Committee on General Legislation and Veterans Affairs to which was referred:

H. F. No. 1858, A bill for an act relating to veterans; creating an outreach program for Vietnam era disabled veterans in the department of economic security's employment service; amending Minnesota Statutes 1978, Section 268.14, by adding a subdivision.

Reported the same back with the following amendments:

Page 2, line 2, delete "*July 27, 1973*" and insert "*May 7, 1975*"

Page 2, line 12, before the period, insert "*, and shall expire on January 30, 1981*"

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

The report was adopted.

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

H. F. No. 2023, A bill for an act relating to waste management; establishing a waste management board and a legislative commission; providing for a state government resource recovery program; providing for solid waste planning assistance and demonstration programs; providing for the issuance of state waste management bonds; providing for the establishment of solid waste management districts; requiring hazardous waste management planning and development; establishing procedures for the review and approval of permits for waste facilities; authorizing debt; appropriating money; amending Minnesota Statutes 1978, Sections 116.06, Subdivisions 9, 10, 13, and by adding subdivisions; 116.07, Subdivisions 2, 4, 4a, and by adding a subdivision; 116.081, Subdivision 1; 116.101; 116.11; 116.41; 400.03, Subdivision 1; 400.04; 400.06; 400.07; 400.13; 400.16; 400.161; 473.121, by adding a subdivision; 473.149; 473.502; 473.516; 473.802; 473.803; 473.811; 473.812, Subdivision 3; 473.813; 473.823, by adding a subdivision; Chapter 400, by adding a section; and Chapter 473, by adding sections; repealing Minnesota Statutes 1978, Sections 116F.01 to 116F.05; 400.03, Subdivisions 2 to 7; 473.121, Subdivisions 27 to 31c; and 473.823, Subdivisions 1, 2, and 4.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“ARTICLE I

CITATION, PURPOSE, AND DEFINITIONS

“Section 1. [CITATION.] *Articles I to VIII shall be known as the waste management act of 1980.*

Sec. 2. [LEGISLATIVE DECLARATION OF POLICY; PURPOSES.] *It is the goal of articles I to VIII to improve waste management in the state to serve the following purposes:*

- (a) *Reduction in waste generated;*
- (b) *Separation and recovery of materials and energy from waste;*
- (c) *Reduction in indiscriminate dependence on disposal of waste;*
- (d) *Coordination of solid waste management among political subdivisions;*
- (e) *Orderly and deliberate development and financial security of waste facilities including disposal facilities.*

Sec. 3. [DEFINITIONS.] *Subdivision 1. For the purposes of articles I to VIII, the terms defined in this section have the meanings given them, unless the context requires otherwise.*

Subd. 2. "Agency" means the pollution control agency.

Subd. 3. "Board" means the waste management board established in article II, section 1.

Subd. 4. "Cities" means statutory and home rule charter cities and towns authorized to plan under sections 462.351 to 462.364.

Subd. 5. "Collection" means the aggregation of waste from the place at which it is generated and includes all activities up to the time the waste is delivered to a waste facility.

Subd. 6. "Commercial waste facility" means a waste facility established and permitted to sell waste processing or disposal services to generators other than the owner and operator of the facility.

Subd. 7. "Degree of intrinsic hazard" of a waste means the relative propensity of the waste to migrate in the environment, and thereby to become exposed to the public, and the relative significance of the harm or damage likely to result from exposure of natural resources or the public to the waste, as a result of such inherent or induced attributes of the waste as its chemical and physical stability, solubility, bioconcentratability, toxicity, flammability, and corrosivity.

Subd. 8. "Development region" means a region designated pursuant to sections 462.381 to 462.397.

Subd. 9. "Disposal" means the discharge, deposit, injection, dumping, spilling, leaking, or placing of any waste into or on any land or water so that the waste or any constituent thereof may enter the environment or be emitted into the air, or discharged into any waters, including ground waters.

Subd. 10. "Disposal facility" means a waste facility permitted by the agency that is designated or operated for the purpose of disposing of waste on or in the land.

Subd. 11. "Generation" means the act or process of producing waste.

Subd. 12. "Generator" means any person who generates waste.

Subd. 13. "Hazardous waste" has the meaning given it in section 116.06, subdivision 13.

Subd. 14. "Intrinsic suitability" of a land area or site means that, because of the inherent and natural attributes, physical features, and location of the land area or site, the waste facility proposed to be located in the area or site would not be likely to result in material harm to the public health and safety and natural resources and that therefore the proposed facility can reasonably be expected to be permittable in accordance with agency rules.

Subd. 15. "Legislative commission on waste management" or "legislative commission" means the commission established in article II, section 11.

Subd. 16. "Local government unit" means cities, towns, and counties.

Subd. 17. "Metropolitan area" has the meaning given it in section 473.121.

Subd. 18. "Metropolitan council" means the council established in Chapter 473.

Subd. 19. "Metropolitan waste control commission" or "waste control commission" means the waste control commission established in Chapter 473.

Subd. 20. "Mixed municipal solid waste" means garbage, refuse, and other solid waste from residential, commercial, industrial, and community activities which is generated and collected in aggregate, but does not include auto hulks, street sweepings, ash, demolition and construction debris, mining waste, sludges, tree and agricultural wastes, tires, and other materials collected, processed, and disposed of as separate waste streams.

Subd. 21. "Natural resources" has the meaning given it in Chapter 116B.

Subd. 22. "Person" means a natural person, a public or private corporation, firm, partnership, association, trust, or organization of any nature, and any public agency, department, political subdivision, governmental unit, or instrumentality thereof.

Subd. 23. "Political subdivision" means any municipal corporation, governmental subdivision of the state, local government unit, special district, or local or regional board, commission, or authority authorized by law to plan or provide for waste management.

Subd. 24. "Processing" means the treatment of waste after collection and before disposal. Processing includes but is not limited to reduction, storage, separation, exchange, resource recovery, physical, chemical, or biological modification, and transfer from one waste facility to another.

Subd. 25. "Regional development commission" means a commission established pursuant to sections 462.381 to 462.397.

Subd. 26. "Resource recovery" means the reclamation for sale or reuse of materials, substances, energy, or other products contained within or derived from waste.

Subd. 27. "Resource recovery facility" means a waste facility established and used primarily for resource recovery.

Subd. 28. "Sewage sludge" means the solids and associated liquids in municipal wastewater which are encountered and concentrated by a municipal wastewater treatment plant for disposal at a sewage sludge disposal facility. Sewage sludge does not include incinerator residues and grit, scum, or screenings removed from other solids during treatment.

Subd. 29. "Sewage sludge disposal facility" means property owned by a political subdivision and used for interim or final disposal or land spreading of sewage sludge.

Subd. 30. "Solid waste" has the meaning given it in section 116.06, subdivision 10.

Subd. 31. "Solid waste management district" or "waste district" means a geographical area extending into two or more counties in which the management of solid waste is vested in a special district established pursuant to article VIII, section 2.

Subd. 32. "Transfer station" means an intermediate waste facility in which waste collected from any source is temporarily deposited to await transportation to another waste facility.

Subd. 33. "Waste" means solid waste, sewage sludge, and hazardous waste.

Subd. 34. "Waste facility" means all property, real or personal, including negative and positive easements and water and air rights, which is or may be needed or useful for the processing or disposal of waste, except property for the collection of the waste and property used primarily for the manufacture of scrap metal or paper. Waste facility includes but is not limited to transfer stations, processing facilities, and disposal sites and facilities.

Subd. 35. "Waste management" means activities which are intended to affect or control the generation of waste and activ-

ities which provide for or control the collection, processing and disposal of waste.

ARTICLE II

WASTE MANAGEMENT BOARD; LEGISLATIVE COMMISSION ON WASTE MANAGEMENT; STATE GOVERNMENT RESOURCE RECOVERY PROGRAM

Section. 1. [WASTE MANAGEMENT BOARD; CREATION.] *There is created in the executive branch a waste management board.*

Sec. 2. [BOARD MEMBERSHIP.] Subdivision 1. [GENERAL.] *The board shall be composed of eight permanent members. Temporary members shall be added pursuant to subdivision 3.*

Subd. 2. [PERMANENT MEMBERS.] *The permanent voting members of the board are: (1) the commissioner of health; (2) the commissioner of natural resources; (3) the commissioner of agriculture; (4) the director of the energy agency; (5) the director of the planning agency; and (6) the commissioner of economic development; or their permanent designees in the unclassified service. The chairperson and seventh permanent voting member of the board shall be appointed by the governor with the advice and consent of the senate to serve at the pleasure of the governor. The chairperson shall not be a representative of a state agency. The chairperson shall not hold other elected or appointed public office or employment. The director of the pollution control agency, or the director's permanent designee in the unclassified service, shall serve, ex officio, as the eighth permanent member of the board.*

Subd. 3. [TEMPORARY MEMBERS.] *For the purposes of each project review conducted by the board under article III and article IV, and for the purpose of preparing and adopting the hazardous waste facilities development and disposal abatement plan under section 8 and making decisions on the elements of the certification of need for disposal required under article III, six local representatives shall be added to the board as temporary voting members, as provided in article III, section 6, subdivision 4, and article IV, section 2, subdivision 3, and section 3, subdivision 3.*

Sec. 3. [POWERS OF THE BOARD.] Subdivision 1. [GENERAL.] *The board shall have such powers and duties as are prescribed by articles I to VIII and all powers necessary or convenient to discharge its duties.*

Subd. 2. [RULES.] *The board may promulgate rules necessary or required to govern its activities and implement articles*

I to VIII. The rules shall be promulgated in accordance with chapter 15.

Subd. 3. [ACTIONS.] The board may sue and be sued.

Subd. 4. [ACQUISITION OF SITES FOR HAZARDOUS WASTE FACILITIES.] The board may direct the commissioner of administration to acquire by purchase, lease, condemnation, gift, or grant, any right, title, and interest in and to real property, including positive and negative easements and water, air, and development rights, for sites and buffer and impact areas surrounding sites for hazardous waste facilities approved by the board pursuant to articles III and IV. Money for the acquisition of any real property and interest in real property pursuant to this subdivision shall come from the issuance of state waste management bonds in accordance with article VII. The property shall be leased to the owner and operator of the hazardous waste facility located thereon at a rate sufficient to pay debt service on the bonds and the public costs of evaluating the eligibility of the property for inclusion in the inventory under section 7 or candidacy under article III. Any local government unit and the commissioners of transportation, natural resources, and administration may convey or allow the use of any property for such sites and areas, subject to the rights of the holders of any bonds issued with respect thereto, with or without compensation and without an election or approval by any other government agency. Land owned by the state may be exchanged for land not owned by the state for the purpose of providing a site and buffer area for a commercial hazardous waste facility, in accordance with the provisions of section 94.341 and other law. The commissioner of administration may hold the property for the purposes for which it was acquired, and may lease, rent, or dispose of the property so far as not needed for such purposes, upon the terms and in the manner the commissioner deems advisable. The right to acquire lands and property rights by condemnation shall be exercised in accordance with chapter 117. The commissioner of administration may take possession of any property for which condemnation proceedings have been commenced at any time after the issuance of a court order appointing commissioners for its condemnation. The value of any property for uses other than the highest and best use permitted by law prior to the identification of the property as a preferred or candidate site for a facility shall not be considered in establishing the value of the property in the condemnation proceeding.

Subd. 5. [RIGHT OF ACCESS.] Whenever the board deems it necessary to the accomplishment of its purposes, the board or any member, employee, or agent thereof, when authorized by it, may enter upon any property, public or private, for the purpose of obtaining information or conducting surveys or investigations, provided that the entrance and activity is undertaken after reasonable notice and during normal business hours

and provided that compensation is made for any damages to the property caused by the entrance and activity.

Subd. 6. [GIFTS AND GRANTS.] *The board or the commissioner of administration may apply for and accept gifts, loans, or other property from the United States, the state, or any person for any of the purposes of the board, may enter into any agreement required in connection therewith, and may hold, use, and dispose of the money or property in accordance with the terms of the gift, grant, loan or agreement.*

Subd. 7. [PROPERTY EXEMPT FROM TAXATION.] *Any real or personal property owned, leased, controlled, used, or occupied by the board or the commissioner of administration for any purpose referred to in articles I to VIII is declared to be acquired, owned, leased, controlled, used, and occupied for public and governmental purposes, and shall be exempt from taxation by the state or any political subdivision of or other governmental unit of or within the state, provided that those properties shall be subject to special assessments levied for a local improvement in amounts proportionate to and not exceeding the special benefit received by the properties from the improvement. No possible use of the properties in any manner different from their use for hazardous waste management at the time shall be considered in determining the special benefit received by the properties.*

Subd. 8. [CONTRACTS.] *The board may enter into any contract necessary or proper for the exercise of its powers or the accomplishment of its purposes.*

Subd. 9. [JOINT POWERS.] *The board may act under the provisions of Minnesota Statutes, Section 471.59, or any other law providing for joint or cooperative action.*

Subd. 10. [RESEARCH.] *The board may conduct research studies and programs, collect and analyze data, prepare reports, maps, charts, and tables, and conduct all necessary hearings and investigations in connection with its work and may advise and assist other government units on planning matters within the scope of its powers, duties, and objectives.*

Subd. 11. [EMPLOYEES; CONTRACTS FOR SERVICES.] *The board may employ persons and contract for services to perform research, engineering, legal, or other services necessary to carry out its functions.*

Subd. 12. [INSURANCE.] *The board may require any employee to obtain and file with it an individual bond or fidelity insurance policy. It may procure insurance in amounts it deems necessary to insure against liability of the board and employees or both, for personal injury or death and property damage or destruction, with the force and effect stated in Minnesota Stat-*

utes, Chapter 466, and against risks of damage to or destruction of any of its property as it deems necessary.

Sec. 4. [DUTIES OF THE BOARD; GENERAL.] *Subdivision 1. [INTERAGENCY COORDINATION.] The board shall inform the state planning agency of its activities in accordance with section 4.191. The board shall keep the pollution control agency informed of its activities, solicit the advice and recommendations of the agency, and coordinate its work with the regulatory and enforcement activities of the agency. The rules of the board shall provide for such communication and coordination.*

Subd. 2. [BIENNIAL REPORT.] Before November 15 of each even-numbered year the board shall prepare and submit to the legislative commission a report of its operations and activities pursuant to articles I to VIII and any recommendations which it wishes to make for legislative action. The report shall include a proposed work plan for the following biennium.

Sec. 5. [DUTIES OF THE BOARD; SOLID WASTE MANAGEMENT PLANNING ASSISTANCE.] *The board shall be the state agency responsible for providing technical and financial assistance to political subdivisions of the state for solid waste management planning.*

Sec. 6. [DUTIES OF THE BOARD; HAZARDOUS WASTE MANAGEMENT REPORTS.] *Subdivision 1. [REPORT ON LIABILITY AND LONG-TERM CARE.] By January 1, 1981, the board shall report and make recommendations to the legislative commission on the management and financing of liability and post-closure monitoring and care for hazardous waste facilities in the state. The commissioner of economic development shall conduct background research and shall report to the board by July 1, 1980, on the subject of the report required by this subdivision and on additional research needed to complete the report and recommendations.*

Subd. 2. [REPORT ON PRIVATE INVESTMENT IN HAZARDOUS WASTE MANAGEMENT.] By January 1, 1981, the board shall report and make recommendations to the legislative commission on alternative state strategies to promote and secure private investment in hazardous waste management services, technologies, and facilities. The report at least shall evaluate: (a) strategies to promote and secure investments by generators in waste reduction, separation, pretreatment, and recovery; (b) strategies to secure generator assistance in the establishment and financing of hazardous waste facilities either directly through joint investment or indirectly through taxation; (c) strategies to protect the public against business failure by owners and operators of hazardous waste facilities; (d) strategies to promote and secure investment by the private waste management industry in hazardous waste facilities in the state. The

report shall recommend priorities, objectives, and appropriate legislation for promoting and securing private investment in hazardous waste management.

Subd. 3. [REPORT ON INTERSTATE COOPERATION.] By January 1, 1981, the board shall report and make recommendations to the legislative commission on actions to develop interstate cooperation in hazardous waste planning and management. The board shall make recommendations on uniformity of state laws, regulations, and enforcement and on coordination of decisions on facility development and use. The director of the state planning agency shall conduct background research and shall report to the board by July 1, 1980, on the report required by this subdivision and on additional research needed to complete the report and recommendations.

Subd. 4. [REPORT ON HAZARDOUS WASTE MANAGEMENT STRATEGIES.] By January 1, 1982, the board shall report to the legislative commission on hazardous waste management strategies. The report shall include at least the following elements:

(a) an estimate of the types and volumes of waste for which disposal facilities are and will be needed through the year 2000, based on existing and projected hazardous waste generation rates without regard to potential waste reduction, separation, pretreatment, processing, and resource recovery activity except that provided by services and facilities in operation or under construction;

(b) an evaluation of alternative disposal facilities, disposal facility technologies, and disposal facility design and operating specifications;

(c) an analysis of prospects, strategies, and methods for developing commercial hazardous waste disposal facilities of various types, sizes, and functions;

(d) an analysis and evaluation of all feasible and prudent alternatives to disposal, including waste reduction, separation, pretreatment, processing, and resource recovery, and the potential of such alternatives to reduce the need for and practice of disposal;

(e) a description of specific and quantifiable alternative disposal abatement objectives and degrees of abatement, along with hazardous waste management methods and technologies, private and government actions, facilities and services, development schedules, revenue-raising measures, and levels of public and private expenditure and effort necessary to the achievement of those alternative objectives and degrees of abatement. The commissioner of economic development shall conduct background research and shall report to the board by July 1, 1980, on the

subject of the report required by this subdivision and on additional research needed to complete the report and recommendations.

Subd. 5. [REPORT ON MITIGATION OF LOCAL EFFECTS OF HAZARDOUS WASTE FACILITIES.] *By January 1, 1982, the board shall report and make recommendations to the legislative commission on methods of mitigating and compensating for the local risks, costs, and other adverse effects of various types of hazardous waste facilities and on methods of financing mitigation and compensation measures. The methods of mitigating and compensating to be considered shall include but not be limited to the following: payment outside of levy limitations in lieu of taxes for all property taken off the tax rolls; preference in reviews of applications for federal funds conducted by the metropolitan council and regional development commissions; payment of all costs to service the facilities including the cost of roads, monitoring, inspection, enforcement, police and fire, and litter clean up costs; payment for buffer zone amenities and improvement; local control over buffer zone design; a guarantee against any and all liability that may occur.*

Subd. 6. [PREPARATION OF HAZARDOUS WASTE REPORTS; PROCEDURES; PUBLIC INVOLVEMENT.] *By January 1, 1981, the board shall submit a proposed scope of work and work program for the hazardous waste reports required by subdivisions 4 and 5 to the legislative commission for review. During the preparation of the proposed scope of work and work plan and the reports, the board shall encourage public debate and discussion of the issues relating to the reports. The board shall meet with local officials and sponsor at least one public meeting in areas of the state affected by the inventory of preferred processing facility sites prepared pursuant to section 7. The board shall follow the procedures set out in article III, section 6, for consulting with citizens in areas affected by the selection of candidate sites for disposal facilities. The board shall request recommendations from the private waste management industry, the advisory committee, affected regional development commissions, and the metropolitan council and shall consult with them on the board's intended disposition of the recommendations. The board shall summarize in its reports the comments received and the board's response to the comments.*

Subd. 7. [GRANTS.] *To assist it in preparing the reports required by subdivision 4, the board may make grants to institutions of higher learning for research, feasibility studies, and public education and participation programs relating to the subjects required to be considered in the reports. To assist it in preparing the reports required by subdivisions 4 and 5, the board shall make grants to each local project review committee established for a candidate site for disposal identified under article III, section 5. The grants may be used by the committee to em-*

ploy staff, pay administrative expenses, or contract with affected units of government or qualified consultants.

Sec. 7. [DUTIES OF THE BOARD; INVENTORY OF PREFERRED SITES FOR HAZARDOUS WASTE PROCESSING FACILITIES.] *Subdivision 1. [BOARD RESPONSIBILITY.]* By October 1, 1981, the board shall prepare and adopt an inventory of preferred sites for commercial hazardous waste processing facilities. In each county containing all or part of a city of the first or second class and in each county within a standard metropolitan statistical area, the inventory shall identify at least one site for: (a) a commercial chemical processing facility for hazardous waste, (b) a commercial incineration facility for hazardous waste, and (c) a commercial transfer and storage facility for hazardous waste.

Subd. 2. [INVENTORY PREPARATION PROCEDURES.] By January 1, 1981, each county referred to in subdivision 1 shall submit to the board, and the city or town within which a proposed site is located, proposals on the site or sites within the county to be included in the inventory. The board shall request the appropriate regional development commission or the metropolitan council to review and comment on the county proposals. If a county fails to submit the proposal in the time permitted, the board shall identify and propose the site or sites within the county it deems appropriate after a public meeting in the county. The board shall evaluate the sites proposed by counties in consultation with the advisory committee, the affected counties and regions, generators of hazardous waste, and prospective facility developers. In its evaluation the board shall consider at least the consistency of the proposed sites with state and federal regulations, local land use and land use controls, existing and future development patterns, transportation and other services appropriate to the hazardous waste facilities, the quality of other potential sites, and the location of hazardous waste generators. No site shall be included in the inventory unless the agency certifies its apparent suitability for the use intended, based on preliminary environmental analysis and contingent on any further environmental review that may be required for permits. If the board has substantial reason to believe that another site within the county would be more suitable than one proposed, the board may request the county to justify its selection. The county shall have 60 days to respond, and thereafter the board shall determine whether to approve the county selection or substitute another site for the one proposed by the county.

Subd. 3. [ADOPTION; EFFECT.] The inventory of sites shall be proposed by the board by July 1, 1981, and adopted by October 1, 1981. The inventory shall not exclude other locations in the state from consideration as sites, but appearance in the inventory shall signify that a site is available for facility development and shall qualify it for supplementary review under article IV. When any site in the inventory becomes unavailable

as a hazardous waste facility site, the inventory shall be amended, in the manner of its original adoption, to add a new site within the county provided, however, that during the period when the inventory is being amended any other site in the inventory may be reviewed and approved under article IV.

Subd. 4. [GRANTS; TECHNICAL ASSISTANCE.] To assist counties participating in the inventory required by this section, the board shall make grants to the counties to be used to employ staff, pay administrative expenses, or contract with qualified consultants. The board shall ensure the delivery to the counties of technical information and assistance by appropriate state agencies.

Sec. 8. [DUTIES OF THE BOARD; HAZARDOUS WASTE FACILITIES DEVELOPMENT AND DISPOSAL ABATEMENT PLAN.] *Subdivision 1. [PREFERENCE FOR PRIVATE ENTERPRISE.]* The board shall encourage the development and operation of hazardous waste facilities by private enterprise to the extent practicable and consistent with the purposes of articles I to VIII and the board's facilities development and disposal abatement plan. In preparing the reports under section 6 and the inventory of processing facility sites under section 7, in adopting the facilities development and disposal abatement plan under subdivision 2 of this section, and in its actions and decisions under articles III and IV, the board shall solicit the active participation of private waste management firms and shall so conduct its activities as to encourage private permit applications for facilities needed in the state.

Subd. 2. [FACILITIES DEVELOPMENT AND DISPOSAL ABATEMENT PLAN.] By May 1, 1982, the board shall adopt a facilities development and disposal abatement plan. The plan shall include at least the following elements:

(a) a certificate or certificates of need for disposal facilities issued pursuant to and in accordance with article III, section 9;

(b) a strategy, including specific and quantifiable objectives, for developing the alternatives to disposal determined by the board to be feasible and prudent, along with a description of the methods, private and government actions, facilities and services, development schedules, revenue-raising measures, and levels of public and private expenditure and effort necessary to the implementation of the disposal abatement strategy and the achievement of the disposal abatement objectives.

Subd. 3. [SELECTING PERMITTEES; STANDARDS AND PROCEDURES.] The board shall promulgate rules for accepting, evaluating, and selecting applications for permits for the construction and operation of facilities at sites preferred or selected by the board pursuant to section 7 or article III. The rules shall include standards and procedures for making determi-

nations on the minimum qualifications, including technical competence and financial capability, of permit applicants. The rules shall include standards and procedures for soliciting and accepting bids or permit applications and for selecting developers and operators of hazardous waste disposal facilities at sites chosen by the board pursuant to article III, which shall include a preference for qualified permit applicants who control a site chosen by the board.

Sec. 9. [BOARD; FEDERAL FUNDS.] *Federal funds received by the state under PL 94-580, the Resource Conservation and Recovery Act of 1976, shall be allocated to the board for its responsibilities in accordance with the applicable provisions and amendments of PL 94-580 and guidelines and regulations promulgated pursuant thereto.*

Sec. 10. [ADVISORY COMMITTEES TO BOARD.] *Subdivision 1. [SOLID WASTE MANAGEMENT.] The board shall establish a solid waste management advisory committee broadly representative of the geographic areas and interests of the state. The committee shall have not less than 15 nor more than 30 members. The membership shall consist of one-third citizen representatives, one-third representatives from local government units, and one-third representatives from private solid waste management firms. The committee shall contain at least one member experienced in each of the following areas: state and municipal finance; solid waste collection, processing, and disposal; and solid waste reduction and resource recovery.*

Subd. 2. [HAZARDOUS WASTE MANAGEMENT PLANNING.] The board shall establish a hazardous waste management planning advisory committee broadly representative of the geographic areas and interests of the state. The committee shall have not less than 15 nor more than 30 members. The membership shall consist of one-third citizen representatives, one-third representatives from local government units, and one-third representatives of hazardous waste generators and private hazardous waste management firms.

Subd. 3. [ORGANIZATION.] The chairperson of each advisory committee shall be appointed by the board. The board and its constituent agencies shall provide administrative and staff services for the advisory committees.

Subd. 4. [DUTIES AND AUTHORITY.] The advisory committees shall have such duties as are assigned by law or the board. The solid waste management advisory committee shall make recommendations to the board on its solid waste management activities. The hazardous waste management planning advisory committee shall make recommendations to the board on its activities under article II, sections 6, 7, and 8 and article III, sections 3 and 5.

Subd. 5. [COMPENSATION.] Members of the advisory committees shall serve without compensation but shall be reimbursed for their reasonable expenses as determined by the board.

Sec. 11. [LEGISLATIVE COMMISSION ON WASTE MANAGEMENT.] *Subdivision 1. [CREATION, MEMBERSHIP, VACANCIES.] There is created in the legislative branch a legislative commission on waste management. The commission shall consist of 14 members appointed as follows:*

(1) Seven members of the senate to be appointed by the subcommittee on committees and to serve until their successors are appointed;

(2) Seven members of the house to be appointed by the speaker and to serve until their successors are appointed;

(3) Vacancies occurring on the commission shall not affect the authority of the remaining members of the commission to carry out the functions thereof, and such vacancies shall be filled in the same manner as the original positions.

Subd. 2. [STAFF.] The commission is authorized, without regard to the civil service laws and regulations, to appoint and fix the compensation of such additional legal and other personnel and consultants as may be necessary to enable it to carry out its functions, or to contract for services to supply necessary data, except that any state employees subject to the civil service laws and regulations who may be assigned to the commission shall retain civil service status without interruption or loss of status or privilege.

Subd. 3. [DATA FROM STATE AGENCIES; AVAILABILITY.] The commission may request information from any state officer or agency in order to assist it in carrying out its duties and such officer or agency is authorized and directed to promptly furnish any data required.

Subd. 4. [POWERS AND DUTIES.] The commission shall review and approve the biennial report of the board. The commission shall oversee the activities of the board and direct such changes or additions in the work plan of the board as it deems fit. The commission may conduct public hearings and otherwise secure data and expressions of opinion. The commission shall make such recommendations as it deems proper to assist the legislature in formulating legislation. Any data or information compiled by the commission shall be made available to any standing or interim committee of the legislature upon request of the chairperson of the respective committee.

Sec. 12. [STATE GOVERNMENT RESOURCE RECOVERY.] *Subdivision 1. [ESTABLISHMENT OF PROGRAM.]*

There is established within state government a resource recovery program to promote the reduction of waste generated by state agencies, the separation and recovery of recyclable and reusable commodities, the procurement of recyclable commodities and commodities containing recycled materials, and the uniform disposition of recovered materials and surplus property. The program shall be administered by the commissioner of administration.

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

Subd. 3. [POWERS OF COMMISSIONER.] The commissioner of administration shall have such powers as are necessary to implement and operate the program. All state agencies shall comply with the policies, guidelines, and procedures established by the commissioner pursuant to this section. The commissioner shall have the power to issue orders to compel such compliance.

Subd. 4. [STAFF.] The commissioner of administration shall employ an administrator to manage the resource recovery program and such other staff and consultants as are necessary to carry out the program.

Subd. 5. [REPORTS.] By January 1, 1981, and each odd-numbered year thereafter, the commissioner of administration shall submit a report to the governor and to the legislative commission summarizing past activities and proposed goals of the program for the following biennium. By July 1, 1980, and thereafter within three months following the commissioner's report to the legislative commission, the directors of the energy agency and the pollution control agency shall submit recommen-

dations to the commissioner regarding the operation of the program.

Subd. 6. [RESOURCE RECOVERY REVOLVING ACCOUNT.] Upon the certification of the commissioner of administration, the commissioner of finance shall establish an account in the general services revolving fund, effective June 30, 1980, for the operation of the state government resource recovery program. The revolving account shall consist of all funds appropriated by the state for the program and all revenues resulting from the sale of used commodities made available for sale as a result of the resource recovery program. The account may be used for all activities associated with the program including payment of administrative and operating costs.

ARTICLE III

COMMERCIAL HAZARDOUS WASTE DISPOSAL FACILITIES

Section 1. [LEGISLATIVE FINDINGS; PURPOSE.] The legislature finds that commercial hazardous waste disposal facilities are needed in the state to manage properly the hazardous waste generated in the state and to conserve and protect the natural resources in the state and the health, safety, and welfare of its citizens, that this need cannot be met solely by the activities of private persons and political subdivisions acting alone or jointly, and that therefore it is necessary to provide a procedure for making final determinations on the locations, sizes, types, and functions of such facilities.

Sec. 2. [PROCEDURE NOT EXCLUSIVE.] The procedure established by this article for the permitting of hazardous waste disposal facilities is not exclusive and shall not preclude the issuance of other permits by the agency pursuant to section 116.07.

Sec. 3. [SITE EVALUATION FACTORS.] In evaluating and selecting sites for disposal facilities, the board shall consider at least the following factors:

(a) economic feasibility and viability, proximity to concentrations of generators of the types of hazardous wastes likely to be proposed and permitted for disposal;

(b) willingness of qualified private waste management firms to establish a facility at the site, as indicated by facility proposals and permit applications;

(c) intrinsic suitability of the sites;

(d) *federal and state pollution control and environmental protection rules;*

(e) *the risk and effect for local residents, units of government, and the local public health, safety, and welfare, including such dangers as an accidental release of wastes during transportation to a facility or at a facility, water, air, and land pollution, and fire or explosion;*

(f) *the consistency of a facility with, and its effect on, existing and planned local land use and development; local laws, ordinances, and permits; and local public facilities and services;*

(g) *the adverse effects of a facility at the site on the natural environment, resources, and ecology and scenic, cultural, historic, aesthetic, and recreational values, and opportunities to mitigate or eliminate such adverse effects by stipulations, conditions, and requirements respecting the design and operation of a disposal facility at the proposed site.*

Sec. 4. [RULES NOT REQUIRED.] *The board shall not be required to promulgate rules pursuant to chapter 15 governing its activities under this article.*

Sec. 5. [CANDIDATE SITES.] *Subdivision 1. [SELECTION.] By July 1, 1981, the board shall select six locations in the state as candidate sites for commercial disposal facilities for hazardous waste. No location shall be selected as a candidate site 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 board or agency. The board shall consult with the agency and the private waste management industry in selecting candidate sites. Any sites proposed in applications for permits for disposal facilities being reviewed by the agency on July 1, 1981, may be included by the board as candidate sites, provided the agency certifies the apparent intrinsic suitability of the sites.*

Subd. 2. [PROCEDURE.] *As soon as practicable, the board shall publish a request soliciting proposals and permit applications for hazardous waste disposal facilities from potential developers and operators of such facilities. Notice of the request shall be published in the state register and newspapers of general circulation in the state and shall be transmitted to all regional development commissions, the metropolitan council, and all counties in the state. By January 1, 1981, for the purpose only of informing the selection of candidate sites under this section, the board shall select conceptual design and operating specifications for a variety of hazardous waste disposal facilities in sufficient detail and extent in the judgment of the board to allow the evaluation of sites and the selection of candidate sites. By January 1, 1981, the board shall notify each regional development commission, or the metropolitan council, and each county,*

city, and town within whose jurisdiction the board intends to search for candidate sites. The notification shall explain the selection of the jurisdiction as a search area; shall summarize the conceptual specifications and the evaluation factors, criteria, standards, and procedures the board intends to use in selecting candidate sites; and shall describe the relationship of the candidate site selection process to the other review procedures under this article and the hazardous waste reports and plans required under article II. The notification shall request recommendations and suggestions from each such commission, the metropolitan council, and county, city, and town on the criteria, standards, and procedures the board should use in selecting candidate sites within the time allowed. The board shall make a written response to any recommendations, explaining its disposition of the recommendations.

Subd. 3. [MORATORIUM.] A moratorium is hereby imposed on all development, except hazardous waste facilities, within each candidate site identified pursuant to this section and in a buffer area identified by the board surrounding and at least equal in area to the site. The moratorium shall extend until six months following final action of the board pursuant to this article. No such development shall be allowed to occur within a proposed site or buffer area during the period of the moratorium. No county, city, or town land use control shall permit such development, nor shall any county, city, or town sanction or approve any subdivision, permit, license, or other authorization which would allow such development to occur.

Sec. 6. [PARTICIPATION BY AFFECTED LOCALITIES.]
Subdivision 1. [GENERAL.] In order systematically to involve those who would be affected most directly by disposal facilities in all decisions leading to their establishment, the board's decisions on the preliminary specifications under section 7, the reports referred to in section 8 and the certification of need required under section 9 shall not be made until after the establishment of local project review committees for each candidate site, with representation on the board, pursuant to this section.

Subd. 2. [ESTABLISHMENT OF LOCAL PROJECT REVIEW COMMITTEES.] A local project review committee shall be established for each location selected as a candidate site. The local committee shall exist, and its members shall serve, so long as the location for which the committee was formed is a candidate site or, for the site or sites finally chosen, until the commencement of the operation of the facility at that site.

Subd. 3. [MEMBERSHIP ON LOCAL COMMITTEES.] By August 1, 1981, the governor shall appoint the chairperson and members of each local project review committee, ensuring a balanced representation of all parties with a legitimate and direct interest in the outcome of the project review. The gov-

ernor shall consult particularly with affected local units of government before selecting members. Members may be added to the local committee from time to time by the governor or by the governor upon motion of the committee or the board.

Subd. 4. [APPOINTMENT OF TEMPORARY BOARD MEMBERS.] *By September 1, 1981, each local committee shall select a temporary board member to be added to the board for the purposes of the reports, certifications, and review conducted under this article. Temporary board members may be members of the local project review committee, and they shall be residents of the county where the candidate site is located.*

Subd. 5. [DUTIES OF LOCAL COMMITTEES.] *During the review, the local project review committee shall: inform affected local communities, government units, and residents of the proposed land containment and disposal facilities and of the planning and environmental review process relating to the proposed facilities; solicit and record local attitudes and concerns respecting the proposed facilities and represent and communicate such attitudes and concerns to the board, the legislative commission, the environmental quality board, the agency, and other units and agencies of government; and act as a forum for the exchange of local attitudes and concerns and the development, where possible, of local consensus.*

Subd. 6. [TECHNICAL ASSISTANCE; GRANTS.] *To assist local project review committees to participate in the certification of need and the review process, the board shall make grants to the committees to be used to employ staff, pay administrative expenses, or contract with qualified consultants. The board shall ensure the delivery to the committees of technical information and assistance by appropriate state agencies.*

Sec. 7. [DISPOSAL FACILITIES; PRELIMINARY DESIGN AND OPERATING SPECIFICATIONS.] *By January 1, 1982, the board shall select, for further study and consideration, design and operating specifications for a variety of disposal facilities for hazardous waste, in sufficient detail and extent in the judgement of the agency to allow the agency to begin preparing an environmental impact statement on the alternative facilities at each of the candidate sites pursuant to section 10. The preliminary design and operating specifications shall describe the facility alternatives which will be considered at each site but shall not foreclose the subsequent addition by the board or agency of other disposal facility alternatives to be considered.*

Sec. 8. [HAZARDOUS WASTE MANAGEMENT REPORTS.] *The board shall prepare and submit the hazardous waste management reports required by Article II, section 6, subdivisions 4 and 5, in consultation with the local project review committees. The board shall request recommendations from the local committees and shall consult with the committees on the*

board's intended disposition of the recommendations. In its reports, the board shall summarize the recommendations of the committees and the board's response to the recommendations. Before submitting the reports, the board shall hold at least one public meeting in each county in which a candidate site is located. Notice of the public meeting shall be published in a newspaper or newspapers of general circulation in the area for two successive weeks ending at least 15 days before the date of the meeting. The notice shall describe the proposed facilities, the proposed location, the purpose of the board's report to the legislature, and the subsequent and related activities of the board.

Sec. 9. [CERTIFICATION OF NEED.] *By May 1, 1982, as part of its facilities development and disposal abatement plan adopted under article II, section 8, the board shall issue a certificate or certificates of need for disposal facilities for hazardous wastes in the state. The certificate or certificates shall indicate the types and volumes of waste for which disposal facilities are and will be needed through the year 2000 and the number, types, sizes, and general design, operating character, and function or use of the disposal facilities needed in the state. The board shall certify need only to the extent that the board has determined that there are no feasible and prudent alternatives including waste reduction, separation, pretreatment, processing, and resource recovery which would minimize adverse impact upon natural resources, provided that the board shall require the establishment of at least one commercial disposal facility in the state. Economic considerations alone shall not justify certification nor the rejection of alternatives. The certification shall be the final determination required on the matters decided by the certificate or certificates of need. The board and the permitting agencies, in reviewing and selecting sites, completing environmental impact statements, and issuing approvals and permits for waste disposal facilities described in the certificate or certificates of need, shall not reconsider matters determined in the certification. The board and the permitting agencies shall be required to make a final decision approving the establishment of facilities having the waste management capabilities described in the certification. The board and the permitting agencies shall be required to make a final decision approving the establishment of at least one commercial disposal facility for hazardous waste in the state.*

Sec. 10. [AGENCY; ENVIRONMENTAL REVIEW PROCEDURES.] *Subdivision 1. [ENVIRONMENTAL IMPACT STATEMENT.] An environmental impact statement meeting the requirements of chapter 116D shall be completed by the agency. The parts of the statement required by the board to prepare the reports required by article II, section 6, subdivisions 4 and 5, the plan required by article II, section 8, and the certification of need required by section 9 of this article shall be finally accepted or rejected at least 90 days before the report, plan, or certification is required. The parts of the statement required to*

make decisions pursuant to sections 11 and 12 on disposal facilities at each candidate site shall be finally accepted or rejected within 120 days following the issuance of a certificate or certificates of need under section 9.

Subd. 2. [PUBLIC DISCLOSURE.] Before commencing preparation of the environmental impact statement, the agency shall issue a document summarizing and making full disclosure of the intended objectives and contents of the environmental impact statement and the environmental review. Announcement of the disclosure shall be published in the state register. The disclosure shall:

- (a) identify the candidate sites;*
- (b) summarize preliminary design and operating specifications and indicate where and when the specifications are available for inspection;*
- (c) describe as fully as possible the object of the review, including the significant actions, issues, alternatives, types of impacts, and compensation and mitigation measures expected to be addressed in the statement; the depth of the analysis expected; and subjects which the statement will not address in depth because they have been disposed of previously or because they are believed to be insignificant or remote and speculative;*
- (d) identify, by reference and brief summary, any related planning activities and environmental reviews which have been, are being, or will be conducted, and the substantive, chronological, and procedural relationship between the proposed review and the other activities and reviews;*
- (e) identify the membership and address of the local project review committees and the names of the local representatives on the board;*
- (f) summarize the comments and suggestions received from the public pursuant to subdivision 3 and the agency's response.*

Subd. 3. [PUBLIC PARTICIPATION PROCEDURES.] The public disclosure document shall be issued following diligent effort to involve the public in determining the objective and contents of the environmental impact statement. At least one public meeting shall be held in each county with a candidate site. The advice of the board, facility developers, state agencies, the local project review committees, and local units of government shall be actively solicited. The agency may engage the state hearing examiner to conduct meetings and make recommendations concerning the review. Each local project review committee shall present to the agency a written report summarizing local concerns and attitudes about the proposed action and the specific

issues which the local communities and residents wish to see addressed in the environmental review.

Sec. 11. [AGENCIES; PERMIT CONDITIONS.] *Within 60 days following the acceptance of the final environmental impact statement, and after consulting with the board, facility developers, affected local government units, and the local project review committees, the permitting state agency or agencies shall finally indicate the conditions and terms of agency approval for all permits needed at each candidate site for construction of the facilities described in the board's certification of need. The agency decisions shall be consistent with the establishment of facilities in accordance with the certification of need.*

Sec. 12. [FINAL ACTION.] *Subdivision 1. [DECISION OF BOARD.] Within 60 days following the agency decisions on permit conditions, and after consulting with private facility developers, the agency, affected local government units, and the local project review committees, the board shall finally select the site or sites for the facilities and shall submit or cause to be submitted final permit applications. The final permit applications shall contain the provisions required by the permitting agencies, plus other stipulations, conditions, and requirements of the board relating to the facility as may be consistent with the certification of need and the agency rules and permit conditions. The board's decision shall finally resolve any conflicts among state agency permit terms and conditions. The board's decision and the permit applications shall provide for the establishment of facilities having the waste management capabilities described in the board's certification of need.*

Subd. 2. [BOARD'S DECISION PARAMOUNT.] To assure the paramount and controlling effect of the review process conducted under this article, the board's decision pursuant to subdivision 1 shall be final and shall supercede and preempt conflicting requirements of state agencies and political subdivisions. The permitting agencies shall issue permits within 30 days in accordance with the board's final decision and the final permit applications. All construction and operating permits shall conform to the terms of the decision and applications. No charter provision, ordinance, regulation, permit, or other requirement of any state agency or political subdivision shall prevent or restrict the establishment and operation of a facility in accordance with the final decision of the board.

Sec. 13. [RECONCILIATION AND INTERVENTION PROCEDURES.] *Subdivision 1. [REPORTS TO LEGISLATIVE COMMISSION.] At least 30 days before making final decisions on final site selection and permit application under section 12, the board may report to the legislative commission describing permit conditions or requirements being considered which are not within the existing authority of the agency or the board or which would require legislation or public financial assis-*

tance. The report shall not raise issues previously decided by the board's certification of need. In any such report the board may request the commission to intervene in the review.

Subd. 2. [PRE-INTERVENTION ASSESSMENT.] If the legislative commission determines that intervention might be warranted under the terms of subdivision 1, the commission may suspend the review process for up to 60 days to allow a pre-intervention assessment. The pre-intervention assessment shall be conducted by an independent, impartial, and qualified public intervenor appointed by the commission with the advice and consent of the parties to the dispute. The intervenor shall report to the commission. The report shall include:

(a) an assessment of whether the dispute is ripe for mediation and whether the parties are willing to mediate;

(b) an assessment of whether, within the terms of subdivision 1, substantive issues exist which were not decided by the certification of need and which cannot be resolved effectively through normal administrative and judicial procedures;

(c) a preliminary definition of the facts and issues in dispute and actions and decisions being considered;

(d) a description of the diverse parties having a legitimate and direct interest in the outcome of the dispute.

Subd. 3. [SUSPENSION OF REVIEW PROCESS; INTERVENTION PROCEEDING.] Following the report of the intervenor, the legislative commission may suspend the review process for an additional period not to exceed 90 days for an intervention proceeding. The intervention proceeding shall not consider issues previously decided by the board's certification of need. The intervenor shall be in charge of the intervention proceeding and may call for such participation and establish such procedures as he deems necessary and appropriate to facilitate agreement. The intervenor shall keep the chairperson of the legislative commission informed on the progress of the intervention proceeding, particularly with respect to agreements or proposed agreements which may require action or decisions not within the authority of the agency or board, legislative action, or public financial assistance. The intervenor shall make recommendations to the commission respecting any such agreements or proposed agreements. The commission may make recommendations to the intervenor respecting any such agreement or proposed agreement. If the commission approves of an agreement, or a decision based upon an agreement, which requires action or decisions not within the authority of the agency or board, legislative action, or public financial assistance, the commission shall cause the matter and recommendations to be submitted to the legislature for consideration.

Sec. 14. [JUDICIAL REVIEW.] *Any civil action maintained by or against the agency or board under this article shall be brought in the county where the site is located and shall take precedence over all other matters of a civil nature and be expedited to the maximum extent possible. Any person aggrieved by a final decision of the board authorizing facilities under this Article may appeal therefrom within 30 days as provided in chapter 15. No civil action shall be maintained pursuant to section 116B.03 with respect to conduct taken by a person pursuant to any environmental quality standard, limitation, regulation, rule, order, license, stipulation agreement or permit issued by the board under this article. Notwithstanding any provision of chapter 116B to the contrary, in any action brought under that chapter with respect to any decision or conduct undertaken by any person or the board or agency pursuant to this article after the period for appeal under this section has lapsed, the plaintiff shall have the burden of proving that the evidence required under section 116B.10 was not reasonably available within the time provided for appeal. The trial court shall, upon motion of any prevailing non-governmental party, award costs, disbursements, reasonable attorney's fees, and reasonable expert witness fees, if the court finds the action hereunder was commenced or defended in bad faith or was frivolous.*

ARTICLE IV

WASTE FACILITIES: SUPPLEMENTARY REVIEW BY BOARD

Section 1. [RULES.] *The board shall promulgate rules pursuant to chapter 15 governing its activities under article IV.*

Sec. 2. [SOLID WASTE AND SEWAGE SLUDGE FACILITIES.] *Subdivision 1. [ELIGIBILITY.] The following persons shall be eligible to request supplementary review by the board pursuant to this section: (a) a generator of sewage sludge within the state which has been issued permits by the agency for a facility to dispose of sewage sludge or solid waste resulting from sewage treatment; and (b) a political subdivision which has been issued permits by the agency for a solid waste facility which is no larger than 250 acres and located outside the metropolitan area.*

Subd. 2. [REQUEST FOR REVIEW.] *An eligible person may request a supplementary review by the board. The request shall show that the required permits for the facility have been issued by the agency, and that a political subdivision has refused to approve the establishment or operation of the facility. The board shall not accept a request for review under subdivision 1, clause (a), from the metropolitan waste control commission for a sewage sludge disposal facility. The board shall not accept a request for review under subdivision 1, clause (a), from the metropolitan waste control commission for a solid waste facility*

with a proposed permitted life of longer than four years. For requests for review under subdivision 1, clause (b), the board may require completion of a plan conforming to the requirements of article V, section 5, before granting review.

Subd. 3. [APPOINTMENT OF TEMPORARY BOARD MEMBERS.] Within 45 days of the submission of a request determined by the board to satisfy the requirements for review under this section, temporary board members shall be added to the board for the purpose of the supplementary review. Three members shall be selected by the governing body of the city or town in which the waste management board determines the facility would be principally located, and three members shall be selected by the governing body of the county in which the waste management board determines the proposed facility would be principally located. Temporary members shall be residents of the county or counties in which the proposed facility would be located and shall be selected to represent broadly the local interests that would be directly affected by the proposed facility. At least one member appointed by the city or town shall live within one mile of the proposed facility, and at least one member appointed by the county shall be a resident of a city or town in which the proposed facility would be located. Temporary board members shall serve for terms lasting until the board has taken final action on the project.

Subd. 4. [REVIEW PROCEDURE.] The board shall meet to commence the supplementary review within 90 days of the submission of a request determined by the board to satisfy the requirements for review under this section. At the meeting commencing the review the chairman shall recommend and the board establish a scope and procedure for its review and final decision on the proposed facility. The procedure shall require the board to make a final decision on the proposed facility within 90 days following the commencement of review. The procedure shall require the board to conduct at least one public meeting in the county within which the proposed facility would be located. Notice of the meeting shall be published in a newspaper or newspapers of general circulation in the area for two successive weeks ending at least 15 days before the date of the meeting. The notice shall describe the proposed facility, its location, the proposed permits, and the board's scope and procedure for review. The notice shall identify a location or locations within the city or town and county where the permit applications, the agency notice of intent, and the board's scope and procedure for review are available for review and where copies may be obtained.

Subd. 5. [SCOPE AND CONTENT OF REVIEW.] In its review and final decision on the proposed facility, the board shall consider at least the following matters:

(a) the risk and effect of the proposed facility on local residents, units of government, and the local public health, safety,

and welfare, and the degree to which the risk or effect may be alleviated;

(b) the consistency of the proposed facility with, and its effect on, existing and planned local land use and development; local laws, ordinances, and permits; and local public facilities and services;

(c) opportunities to apply local regulations and requirements to the proposed facility at the proposed site;

(d) the adverse effects of the facility on the natural environment and ecology and scenic, cultural, historic, aesthetic, and recreational values, and opportunities to mitigate or eliminate such adverse effects by additional stipulations, conditions, and requirements respecting the design and operation of the proposed facility at the proposed site; and

(e) the need for the proposed facility, the availability of alternative sites, and opportunities to mitigate or eliminate need by additional and alternative solid waste management strategies or actions of a significantly different nature;

(f) whether, in the case of resource recovery facilities, the applicant has considered all other feasible and prudent waste processing alternatives for accomplishing the purposes of the proposed project and has compared and evaluated the costs of all such alternatives, including capital and operating costs, and the effects of all such alternatives on the cost to generators.

Subd. 6. [DECISION OF BOARD.] In its final decision in the review, the board may:

(a) disapprove the facility;

(b) approve the facility and the agency permits; or

(c) approve the facility but add more stringent stipulations, conditions, and requirements respecting the design and operation of the proposed facility at the site proposed.

The board shall not stipulate or establish conditions or requirements which are less stringent than those established by the agency permits. The board shall not stipulate or establish conditions or requirements affecting the location proposed for the facility in the agency permits. The board shall not stipulate or establish conditions or requirements for additional solid waste management capabilities at the facility of a different nature than those permitted in the agency permits. The board shall not stipulate or establish conditions or requirements relating to alternative solid waste management strategies, actions, or facilities not proposed by the applicant or addressed in the agency permits.

Sec. 3. [HAZARDOUS WASTE FACILITIES.] *Subdivision 1. [ELIGIBILITY.] The following persons shall be eligible to request supplementary review by the board pursuant to this section: (a) a generator of hazardous waste within the state who has been issued permits by the agency for a hazardous waste facility to be owned and operated by the generator, on property owned by the generator, and to be used by the generator exclusively for managing the hazardous wastes produced by the generator; (b) a generator of hazardous waste within the state, or an entity composed of or under contract to such generators, which has been issued permits by the agency for an interim storage facility for hazardous waste pursuant to article XI, section 9; and (c) a person who has been issued permits by the agency for a commercial hazardous waste processing facility at a site included in the board's inventory of preferred sites for such facilities adopted pursuant to article II, section 7.*

Subd. 2. [REQUEST FOR REVIEW.] An eligible person may request a supplementary review by the board. The request shall show that the required permits for the facility have been issued by the agency and that another state agency or political subdivision has refused to approve the establishment or operation of the facility.

Subd. 3. [APPOINTMENT OF TEMPORARY BOARD MEMBERS.] Within 45 days of the submission of a request determined by the board to satisfy the requirements for review under this section, temporary board members shall be added to the board for the purpose of the supplementary review. Three members shall be selected by the governing body of the city or town in which the waste management board determines the facility would be principally located, and three members shall be selected by the governing body of the county in which the waste management board determines the proposed facility would be principally located. Temporary members shall be residents of the county or counties in which the proposed facility would be located and shall be selected to represent broadly the local interests that would be directly affected by the proposed facility. At least one member appointed by the city or town shall live within one mile of the proposed facility, and at least one member appointed by the county shall be a resident of a city or town in which the proposed facility would be located. Temporary board members shall serve for terms lasting until the board has taken final action on the project.

Subd. 4. [REVIEW PROCEDURE.] The board shall meet to commence the supplementary review within 90 days of the submission of a request determined by the board to satisfy the requirements for review under this section. At the meeting commencing the review the chairperson shall recommend and the board establish a scope and procedure for its review and final decision on the proposed facility. The procedure shall require the board to make a final decision on the proposed facility within

90 days following the commencement of review. The procedure shall require the board to conduct at least one public meeting in the county within which the proposed facility would be located. Notice of the meeting shall be published in a newspaper or newspapers of general circulation in the area for two successive weeks ending at least 15 days before the date of the meeting. The notice shall describe the proposed facility, its location, the proposed permits, and the board's scope and procedure for review. The notice shall identify a location or locations within the city or town and county where the permit applications, the agency notice of intent, and the board's scope and procedure for review are available for review and where copies may be obtained.

Subd. 5. [SCOPE AND CONTENT OF REVIEW.] In its review and final decision on the proposed facility, the board shall consider at least the following matters:

(a) the risk and effect of the proposed facility on local residents, units of government, and the local public health, safety, and welfare, including such dangers as an accidental release of wastes during transportation to the facility or at the facility, water, air, and land pollution, and fire or explosion;

(b) the consistency of the proposed facility with, and its effect on, existing and planned local land use and development; local laws, ordinances, and permits; and local public facilities and services;

(c) opportunities to apply local regulations and requirements to the proposed facility at the proposed site;

(d) the adverse effects of the facility on the natural environment and ecology and scenic, cultural, historic, aesthetic, and recreational values, and opportunities to mitigate or eliminate such adverse effects by additional stipulations, conditions, and requirements respecting the design and operation of the proposed facility at the proposed site; and

(e) the need for the proposed facility, especially its contribution to abating disposal, and opportunities to mitigate or eliminate need by additional and alternative waste management strategies or actions of a significantly different nature.

Subd. 6. [DECISION OF BOARD.] In its final decision in the review, the board may:

(a) disapprove the facility;

(b) approve the facility and the agency permits; or

(c) approve the facility but add more stringent stipulations, conditions, and requirements respecting the design and operation of the proposed facility at the site proposed.

The board shall not stipulate or establish conditions or requirements which are less stringent than those established by the agency permits. The board shall not stipulate or establish conditions or requirements affecting the location proposed for the facility in the agency permits. The board shall not stipulate or establish conditions or requirements for additional waste management capabilities at the facility of a different nature than those permitted in the agency permits. The board shall not stipulate or establish conditions or requirements relating to alternative waste management strategies, actions, or facilities not proposed by the applicant or addressed in the agency permits.

Sec. 4. [BOARD'S DECISION PARAMOUNT.] To assure the paramount and controlling effect of the reviews conducted under this article, the board's decisions under sections 2 and 3, shall supersede and preempt conflicting requirements of state agencies and political subdivisions. The permitting agency or agencies shall withdraw, modify, or issue the permits for the facility in accordance with the decision of the board following a supplementary review under article IV. All permits issued by the agency or agencies shall conform to the terms of the board's decision. No charter provision, ordinance, regulation, permit, or other requirement of any state agency or political subdivision shall prevent or restrict the establishment and operation of the facility in accordance with the board's final decision.

Sec. 5. [RECONCILIATION AND INTERVENTION PROCEDURES.] Subdivision 1. [REPORTS TO LEGISLATIVE COMMISSION.] At least 30 days before making a final decision under section 3 the board may report to the legislative commission describing permit conditions or requirements being considered which are not within the existing authority of the agency or the board or which would require legislation or public financial assistance. In any such report the board may request the commission to intervene in the review.

Subd. 2. [PRE-INTERVENTION ASSESSMENT.] If the legislative commission determines that intervention might be warranted under the terms of subdivision 1, the commission may suspend the review process for up to 60 days to allow a pre-intervention assessment. The pre-intervention assessment shall be conducted by an independent, impartial, and qualified public intervenor appointed by the commission with the advice and consent of the parties to the dispute. The intervenor shall report to the commission. The report shall include:

(a) an assessment of whether the dispute is ripe for mediation and whether the parties are willing to mediate;

(b) an assessment of whether, within the terms of subdivision 1, substantive issues exist which cannot be resolved effectively through normal administrative and judicial procedures;

(c) a preliminary definition of the facts and issues in dispute and actions and decisions being considered;

(d) a description of the diverse parties having a legitimate and direct interest in the outcome of the dispute.

Subd. 3. [SUSPENSION OF REVIEW PROCESS; INTERVENTION PROCEEDING.] *Following the report of the intervenor, the legislative commission may suspend the review process of an additional period not to exceed 90 days for an intervention proceeding. The intervenor shall be in charge of the intervention proceeding and may call for such participation and establish such procedures as he deems necessary and appropriate to facilitate agreement. The intervenor shall keep the chairman of the legislative commission informed on the progress of the intervention proceeding, particularly with respect to agreements or proposed agreements which may require action or decisions not within the authority of the agency or board, legislative action, or public financial assistance. The intervenor shall make recommendations to the commission respecting any such agreements or proposed agreements. The commission may make recommendations to the intervenor respecting any such agreement or proposed agreement. If the commission approves of an agreement, or a decision based upon an agreement, which requires action or decisions not within the authority of the agency or board, legislative action, or public financial assistance, the commission shall cause the matter and recommendations to be submitted to the legislature for consideration.*

Sec. 6. [JUDICIAL REVIEW.] *Judicial review with respect to conduct or decisions in reviews brought pursuant to section 3 of this article shall be as provided in article III, section 14.*

ARTICLE V

SOLID WASTE MANAGEMENT PLANNING ASSISTANCE PROGRAM

Section 1. [ESTABLISHMENT AND ADMINISTRATION.] *There is established a planning assistance program to provide technical and financial assistance to political subdivisions of the state for the purpose of encouraging and improving regional and local solid waste management planning activities and efforts. The program shall be administered by the board, except in the metropolitan area where the program shall be administered by the metropolitan council pursuant to chapter 473. The board shall promulgate rules pursuant to chapter 15 for its administration of the program outside the metropolitan area. The board and the metropolitan council shall ensure conformance with agency rules and federal requirements and programs established pursuant to the Resource Conservation and Recovery Act of 1976 and amendments thereto.*

Sec. 2. [ELIGIBLE RECIPIENTS.] *Political subdivisions shall be eligible for assistance under the program.*

Sec. 3. [FINANCIAL ASSISTANCE.] *Eligible recipients may receive grants for up to 50 percent of the cost of the planning activity, except that planning by a regional development commission and joint planning by two or more contiguous counties or contiguous political subdivisions located within two or more counties may receive grants for up to 100 percent of the cost of the planning activity. Financial assistance provided under the program may be used to employ staff, contract with other units of government or qualified consultants, and pay such other planning expenses as the board or metropolitan council may allow.*

Sec. 4. [TECHNICAL ASSISTANCE.] *The board and metropolitan council shall provide for technical assistance for eligible recipients. The board and metropolitan council shall provide model plans for regional and local solid waste management. The board and metropolitan council may contract for the delivery of technical assistance by a regional development commission, any state or federal agency, or private consultants. The board shall prepare and publish an inventory of sources of technical assistance for solid waste planning, including studies, publications, agencies, and persons available.*

Sec. 5. [CONTENTS.] *Plans prepared by local units of government in the metropolitan area shall conform to the requirements of chapter 473. Plans prepared by political subdivisions outside the metropolitan area with assistance from the program shall conform to the requirements of this section. The plans shall describe existing collection, processing, and disposal systems, including schedules of rates and charges, financing methods, environmental acceptability, and opportunities for improvements in the systems. The plans shall include an estimate of the land disposal capacity in acre-feet which will be needed through the year 2000, on the basis of current and projected waste generation practices. The plans shall contain an assessment of opportunities to reduce the need for land disposal through waste reduction and resource recovery, the alternative degrees of reduction achievable, and a comparison of the costs of all such alternatives, including capital and operating costs, and the effects of all such alternatives on the cost to generators. The plans shall establish a siting procedure and development program to assure the orderly location, development, and financing of new or expanded solid waste facilities and services sufficient for a prospective ten-year period, including estimated costs and implementation schedules, proposed procedures for operation and maintenance, estimated annual costs and gross revenues, and proposals for the use of facilities after they are no longer needed or usable. The plans shall describe existing and proposed county and municipal ordinances and license and permit requirements relating to solid waste management and shall describe existing and proposed regulation and enforcement procedures. Plans for location, establishment, operation, main-*

tenance, and post-closure use of facilities and facility sites, for ordinances, and for licensing, permit, and enforcement activities shall be consistent with the rules adopted by the agency pursuant to chapter 116. The plans shall address the resolution of conflicting, duplicative, or overlapping local management efforts. The plans shall address the establishment of joint powers management programs or waste districts where appropriate. The plans shall address such other matters as the rules of the board may require consistent with the purposes of article V.

ARTICLE VI

SOLID WASTE MANAGEMENT DEMONSTRATION PROGRAM

Section 1. [DEMONSTRATION PROGRAM; ESTABLISHMENT; ADMINISTRATION.] *There is established a solid waste management demonstration program to encourage and assist cities, counties, and solid waste management districts in the development and implementation of solid waste management projects of potential state wide application or significance and to transfer the knowledge and experience gained from such projects to other communities in the state. The program shall be administered so as to demonstrate the application of all feasible and prudent waste processing methods, including waste reduction; waste separation by generators, collectors, and other persons; and waste processing. The program shall be administered by the board in accordance with the requirements of article VI and rules promulgated by the board pursuant to chapter 15.*

Sec. 2. [TECHNICAL ASSISTANCE FOR DEMONSTRATION PROJECTS.] *The board shall ensure the delivery of the technical assistance necessary to proper implementation of each demonstration project funded under the program. The board may contract for the delivery of technical assistance by any state or federal agency, a regional development commission, the metropolitan council, or private consultants and may use program funds to reimburse the agency, commission, council, or consultants. The board shall prepare and publish an inventory of sources of technical assistance, including studies, publications, agencies, and persons available. The board shall ensure state wide benefit from projects assisted under the demonstration program by developing exchange and training programs for local officials and employees and by using the experience gained in demonstration projects to provide technical assistance and education for other solid waste management projects in the state. With at least one contract for financial assistance under the demonstration program, the board shall provide a locally-based agent, approved by the recipient of the assistance, who shall be the chief project officer responsible to the recipient for technical assistance and implementation of the project.*

Sec. 3. [ELIGIBLE PROJECTS; PRIORITIES.] *The program shall be limited to projects which are determined by the*

board to serve one of the following objectives: (a) the reduction of dependence on land disposal of solid waste; (b) the development of resource recovery facilities; (c) the development of systems for the separation of materials from solid waste for reuse or recycling; (d) the reduction of waste generation. In administering the program, the board shall give priority to: (a) areas where natural geologic and soil conditions are unsuitable for land disposal of solid waste; (b) areas where the capacity of existing solid waste disposal facilities is determined by the board to be less than five years; (c) projects demonstrating, in order of preference, waste reduction, waste separation, and waste processing. In administering the program, the board shall allocate at least 15 percent of program funds, excluding those available under sections 6 to 8, to projects in each of the following categories: waste reduction; waste separation; and alternative methods of waste processing.

Sec. 4. [ELIGIBLE RECIPIENTS AND ACTIVITIES.] Eligible recipients for assistance under the program shall be limited to cities, counties, and solid waste management districts established pursuant to article VIII. Eligible recipients may apply for assistance for other persons. Activities eligible for assistance under the program include legal, financial, economic, educational, marketing, social, governmental, and administrative activities related to the implementation of a demonstration project. Preliminary planning and development, feasibility study, and conceptual design costs shall also be eligible activities, but no more than 20 percent of the money appropriated for the demonstration program shall be used to fund such activities. Acquisition and construction costs for resource recovery facilities are eligible for capital assistance under sections 6 to 8.

Sec. 5. [APPLICATION REQUIREMENTS.] Applications for assistance under the program shall demonstrate: (a) that the project is conceptually and technically feasible; (b) that affected political subdivisions are committed to implement the project, to provide necessary local financing, and to accept and exercise the government powers necessary to the project; (c) that operating revenues from the project, considering the availability and security of sources of solid waste and of markets for recovered resources, together with any proposed federal, state, or local financial assistance, will be sufficient to pay all costs over the projected life of the project; (d) that the applicant has considered all other feasible and prudent waste processing alternatives for accomplishing the purposes of the proposed project and has compared and evaluated the costs of all such alternatives, including capital and operating costs, and the effects of all such alternatives on the cost to generators. The board may require completion of a comprehensive solid waste management plan conforming to the requirements of article V, section 5 before accepting an application.

Sec. 6. [RESOURCE RECOVERY FACILITY DEMONSTRATION PROGRAM.] As part of the demonstration pro-

gram established under article VI, the board shall provide assistance pursuant to sections 6 to 8 to eligible recipients for the acquisition and betterment of demonstration resource recovery facilities or systems.

Sec. 7. [PURPOSES; PUBLIC INTEREST; DECLARATION OF POLICY.] *The legislature finds that the establishment of resource recovery facilities and systems is needed to manage properly the solid waste generated in the state and to conserve and protect the natural resources in the state and the health, safety, and welfare of its citizens; that opportunities to establish such facilities and systems are not being fully realized by individual political subdivisions or by agreements among subdivisions; and that therefore it is necessary to provide capital assistance for demonstration resource recovery facilities and systems to stimulate and encourage the acquisition and betterment of such facilities and systems.*

Sec. 8. [FINANCIAL ASSISTANCE.] Subdivision 1. [GRANTS AND LOANS.] *Of revenues derived from the issuance of bonds authorized by article VII, section 2, for the purposes of the demonstration program, at least 70 percent shall be distributed as loans, and the remainder shall be distributed as grants. An individual project may receive assistance totaling up to 100 percent of the capital cost of the project and grants up to 50 percent of the capital cost of the project.*

Subd. 2. [CAPITAL COSTS; ASSURANCE OF FUNDS.] *No grant or loan shall be disbursed to any recipient until the board has determined the total estimated capital cost of the project and ascertained that financing of the cost is assured by funds provided by the state, by an agency of the federal government within the amount of funds then appropriated to that agency and allocated by it to projects within the state, by any person, or by the appropriation of proceeds of bonds or other funds of the recipient to a fund for the construction of the project.*

Subd. 3. [OBLIGATIONS OF RECIPIENT.] *No grant or loan for any project shall be disbursed until the governing body of the recipient has made an irrevocable undertaking, by resolution, to use all funds made available exclusively for the capital cost of the project and to pay any additional amount by which the cost of the project exceeds the estimate by appropriation to the construction fund of additional funds or proceeds of additional bonds of the recipient. The resolution shall also indicate that any subsequent withdrawal of allocated or additional funds of the recipient will impair the obligation of contract between the state of Minnesota, the recipient, and the bondholders. The resolution shall pledge payment to the debt service account of all revenues of the project to the extent that they exceed costs and shall also obligate the recipient to levy a tax sufficient to make timely payments under the loan agreement, if a deficiency occurs in the amount of user charges, taxes, special assessments,*

or other moneys pledged for payment under the loan agreement. Each loan made to a recipient shall be secured by resolutions adopted by the board and the governing body of the recipient, obligating the recipient to repay the loan to the state treasurer in annual installments including both principal and interest. Installments shall be in an amount sufficient to pay the principal amount within the period required by the board. The interest on the loan shall be calculated on the declining balance at a rate not less than the average annual interest rate on the state bonds of the issue from which proceeds of the loan were made. The resolution shall obligate the recipient to provide money for the repayment from user charges, taxes, special assessments or any other funds available to it.

ARTICLE VII

STATE WASTE MANAGEMENT BONDS

Section 1. [WASTE MANAGEMENT FUND.] *Subdivision 1. [CREATION; RECEIPTS.] The commissioner of finance shall maintain a Minnesota state waste management fund. The fund shall receive the proceeds of state bonds and other money appropriated to the fund and disburse money for the acquisition of real property and interests in real property for hazardous waste facility sites and surrounding buffer and impact areas, as authorized by article II, section 3, subdivision 4 and money to be granted or loaned to political subdivisions pursuant to the capital assistance program created by article VI, sections 6 to 8. The commissioner of finance and state treasurer shall deposit in the fund as received (a) all proceeds of Minnesota state waste management bonds, except accrued interest and premiums received upon the sale of the bonds; (b) all other money appropriated by law for purposes stated in article VII, and (c) all money granted to the state for those purposes by the federal government or any agency thereof. All the receipts are annually appropriated for the purposes of the fund, and shall remain available until expended.*

Subd. 2. [DISBURSEMENTS.] Disbursements from the fund shall be made at the times and in the amounts authorized by the board in accordance with applicable state laws and the board's rules.

Sec. 2. [MINNESOTA STATE WASTE MANAGEMENT BONDS.] *Subdivision 1. [AUTHORITY TO ISSUE BONDS.] The commissioner of finance shall sell bonds of the state of Minnesota for the prompt and full payment of which, together with interest, the full faith, credit, and taxing powers of the state are irrevocably pledged. Bonds shall be sold only upon request of the board and in the amount as may otherwise be authorized by this or a subsequently enacted law which authorizes the sale of additional bonds and the deposit of the proceeds in the state waste management fund. Any authorized amount of bonds in this law or any subsequently enacted law authorizing the issuance of*

bonds for the purposes of the state waste management fund, together with this section, constitute complete authority for the issue. The bonds shall not be subject to restrictions or limitations contained in any other law.

Subd. 2. [ISSUANCE OF BONDS.] Upon request by the board and upon authorization as provided in subdivision 1, the commissioner of finance shall sell Minnesota state waste management bonds. The bonds shall be in the aggregate amount requested, and sold upon sealed bids upon the notice, at the price, in the form and denominations, bearing interest at the rate or rates, maturing in the amounts and on the dates (without option of prepayment or subject to prepayment upon the notice and at the times and prices), payable at the bank or banks within or outside the state (with provisions for registration, conversion, and exchange and for the issuance of notes in anticipation of the sale or delivery of definitive bonds), and in accordance with any further provisions as the commissioner of finance shall determine. The sale is subject to the approval of the attorney general, but not subject to the provisions of Minnesota Statutes, Sections 15.0411 to 15.0422. The bonds shall be executed by the commissioner of finance and attested by the state treasurer under their official seals. The signatures of the officers on the bonds and any interest coupons and their seals may be printed, lithographed, engraved, or stamped thereon, except that each bond shall be authenticated by the manual signature on its face of one of the officers or of an officer of a bank designated by them as authenticating agent. The commissioner of finance shall ascertain and certify to the purchasers of the bonds the performance and existence of all acts, conditions, and things necessary to make them valid and binding general obligations of the state of Minnesota, subject to the approval of the attorney general.

Subd. 3. [EXPENSES.] All expenses incidental to the sale, printing, execution, and delivery of bonds pursuant to this section, including but not limited to actual and necessary travel and subsistence expenses of state officers and employees for these purposes, and any expenses of litigation relating to the validity of the bonds, shall be paid from the waste management fund, and the amounts necessary are appropriated from that fund.

Subd. 4. [DEBT SERVICE ACCOUNT IN THE STATE WASTE MANAGEMENT FUND.] The commissioner of finance shall maintain in the Minnesota state waste management fund a separate account to be called the state waste management debt service account. It shall record receipts of premium and accrued interest, loan repayments, project revenue or other money transferred to the fund and income from the investment of the money and record any disbursements to pay the principal and interest on waste management bonds. Income from investment shall be credited to the account in each fiscal year. The amount credited shall be equal to the average return that year on all funds invested by the state treasurer, as determined by the treasurer, times the average balance in the account that year.

Subd. 5. [APPROPRIATIONS TO DEBT SERVICE ACCOUNT; APPROPRIATION FROM ACCOUNT TO PAY DEBT SERVICE.] *The premium and accrued interest received on each issue of Minnesota waste management bonds, and all payments received in repayment of loans and other revenue received are appropriated to the debt service account. All income from the investment of the Minnesota state waste management fund is appropriated to the debt service account. In order to reduce the amount of taxes otherwise required to be levied, there is also appropriated to the debt service account from any funds available in the general fund on November 1 in each year, a sum of money sufficient in amount, when added to the balance then on hand, to pay all principal and interest on Minnesota waste management bonds due and to become due before July 1 in the second ensuing year. So much of the debt service account of the state waste management fund as is necessary to pay principal and interest on waste management bonds is annually appropriated from the debt service account for the payment of principal and interest of the waste management bonds. All funds appropriated by this subdivision shall be available in the debt service account prior to any levy of the tax in any year required by the Minnesota Constitution, Article XI, Section 7.*

Subd. 6. [SECURITY.] *On or before December 1 in each year the state auditor shall levy on all taxable property within the state whatever tax may be necessary to produce an amount sufficient, with all money currently credited to the debt service account, to pay the entire amount of principal and interest currently due and the principal and interest to become due before July 1 in the second year thereafter on Minnesota waste management bonds. This tax shall be levied upon all real property used for the purposes of a homestead, as well as other taxable property, notwithstanding the provisions of Minnesota Statutes, Section 273.13, Subdivisions 6 and 7, and shall be subject to no limitation of rate or amount until all the bonds and interest thereon are fully paid. The proceeds of this tax are appropriated to the debt service account. The principal of and interest on the bonds are payable from the proceeds of this tax.*

Sec. 3. [BOND AUTHORIZATION AND APPROPRIATION OF PROCEEDS.] *The commissioner of finance is authorized, upon request of the board, to sell Minnesota state waste management bonds in the amount of up to \$100,000,000 in the manner and upon the conditions prescribed in article VII, section 2, and in the Minnesota Constitution, Article XI, Sections 4 to 7. Of this amount, up to five percent may be issued for the purpose of acquiring real property and interests in real property for hazardous waste facility sites as authorized by article II, section 3, subdivision 4 and the remainder may be issued for the purposes of the capital assistance program established pursuant to article VI, sections 6 to 8. The proceeds of the bonds, except as provided in section 2, subdivision 5, are appropriated to the Minnesota state waste management fund. The amount of bonds*

issued pursuant to this authorization shall not exceed at any time the amount needed to produce a balance in the waste management fund equal to the aggregate amount of the loans and grants then approved and not previously disbursed, plus the amount of the loans and grants to be approved in the current and the following fiscal year, as estimated by the board.

ARTICLE VIII

SOLID WASTE MANAGEMENT DISTRICTS

Section 1. [PURPOSE; PUBLIC INTEREST; DECLARATION OF POLICY.] *The legislature finds that the development of integrated and coordinated solid waste management systems is needed to manage properly the solid waste generated in the state and to conserve and protect the natural resources in the state and the health, safety, and welfare of its citizens; that this need cannot always be met solely by the activities of individual political subdivisions or by agreements among subdivisions; and that therefore it is necessary to establish a procedure for the creation of solid waste management districts having the powers and performing the functions prescribed in article VIII.*

Sec. 2. [SOLID WASTE MANAGEMENT DISTRICTS.]
Subdivision 1. [LEGAL STATUS.] *Solid waste management districts established pursuant to article VIII shall be public corporations and political subdivisions of the state.*

Subd. 2. [ESTABLISHMENT BY BOARD.] *The board may establish waste districts as public corporations and political subdivisions of the state, define the powers of such districts in accordance with article VIII, define and alter the boundaries of such districts as provided in section 3, and terminate districts as provided in section 5. The board shall promulgate rules pursuant to chapter 15 governing the establishment, alteration, and termination of districts.*

Subd. 3. [RESTRICTIONS.] *No waste district shall be established within the boundaries of the western lake superior sanitary district established by Laws 1971, Chapter 478, as amended. No waste district shall be established wholly within one county. The board shall not establish a waste district within or extending into the metropolitan area, nor define or alter the powers or boundaries of such a district, without the approval of the metropolitan council. The council shall not approve such a district unless the articles of incorporation of the district require that the district will have the same procedural and substantive responsibilities, duties, and relationship to the metropolitan agencies as a metropolitan county. The board shall not establish a district unless it determines that the petitioners would be unable to fulfill the purposes of the district through joint action under Minnesota Statutes, section 471.59. The board*

may require the completion of a comprehensive solid waste management plan conforming to the requirements of article V, section 5, by petitioners seeking to establish a district.

Sec. 3. [PROCEDURE FOR ESTABLISHMENT AND ALTERATION.] *Subdivision 1. [LOCAL PETITION.]* Waste districts shall be established and their powers and boundaries defined or altered by the board only after petition requesting such action jointly submitted by the governing bodies of petitioners comprising at least one-half of the counties partly or wholly within the district. A petition for alteration shall include a resolution by the board of directors of the district approving the alteration.

Subd. 2. [PETITION CONTENTS.] A petition requesting establishment or alteration of a waste district shall contain such information as the board may require, including at least the following:

- (a) the name of the proposed district;
- (b) a description of the territory and political subdivisions within and the boundaries of the proposed district or alteration thereto, along with a map showing the district or alteration;
- (c) resolutions of support for the district, as proposed to the board, from the governing body of each of the petitioning counties;
- (d) a statement of the reason, necessity, and purpose for the district, plus a general description of the solid waste management improvements and facilities contemplated for the district showing how its activities will accomplish the purpose of the district and the purposes for waste resource districts stated in article VIII;
- (e) the location of the registered office of the proposed district;
- (f) articles of incorporation stating the powers of the district consistent with article VIII, including a statement of powers proposed pursuant to sections 9 and 10.

After the petition has been filed, no petitioner may withdraw from it except with the written consent of all other petitioners filed with the board.

Subd. 3. [LOCAL REVIEW AND COMMENT.] At least 60 days before submitting the petition to the board, the petitioners shall publish notice of the petition in newspapers of general circulation in the proposed district and shall cause a

copy of the petition to be served upon the agency and the governing body of each political subdivision which is wholly or partly within the proposed district or is affected by the proposed alteration. Each entity receiving service shall have 60 days within which to comment to the petitioners on the petition and the proposed district or alteration. Proof of service, along with any comments received, shall be attached to the petition when it is submitted to the board.

Subd. 4. [REVIEW PROCEDURES.] Upon receipt of the petition, the chairperson of the board shall determine whether the petition conforms in form and substance to the requirements of law and rule. If the petition does not conform to the requirements, the chairperson shall return it immediately to the petitioners with a statement describing the deficiencies and the amendments necessary to rectify them. If the petition does conform to the requirements, and if comments have been received objecting to the establishment or alteration of the district as proposed, the chairperson shall request the office of hearing examiners to conduct a hearing on the petition. The hearing shall be conducted in the proposed district in the manner provided in chapter 15 for contested cases. If the petition conforms to the requirements, the chairperson shall also immediately forward the petition to the director of the agency, who shall prepare and submit to the board a report containing recommendations on the disposition of the petition. The director's report shall contain at least the director's findings and conclusions on whether the proposed boundaries, purposes, powers, and management plans of the district or alteration thereto serve the purposes of waste resource districts, are appropriately related to the waste generation, collection, processing, and disposal patterns in the area, and are generally consistent with the purposes of the agency's regulatory program.

Subd. 5. [CORRECTIONS ALLOWED.] No petition submitted by the requisite number of counties shall be void or dismissed on account of defects exposed in the hearing documents or report. The board shall permit the petition to be amended in form and substance to conform to the facts by correcting any errors in the description of the territory or any other defects.

Subd. 6. [BOARD ORDER.] After considering of the reports of the hearing examiner and the director of the pollution control agency, the board shall make a final decision on the petition. If the board finds and determines that the establishment or alteration of a district as proposed in the petition would not be in the public interest and would not serve the purposes of article VIII, it shall, by its decision, dismiss the proceedings and mail a copy of its decision to the governing body of each affected political subdivision. If the board finds and determines that the establishment or alteration of a district as proposed in the petition would be in the public interest and would serve

the purposes of article VIII, it shall, by order, establish the district, define its boundaries, and give it a corporate name by which, in all proceedings, it shall thereafter be known. The order shall include articles of incorporation stating the powers of the district and the location of its registered office. Upon the filing of a certified copy of the order of the board with the secretary of state, the district shall become a political subdivision of the state and a public corporation, with the authority, power, and duties prescribed in article VIII and the order of the board. At the time of filing, a copy of the order shall be mailed by the board to the governing body of each political subdivision wholly or partly within the district or affected by the alteration of the district.

Sec. 4. [PERPETUAL EXISTENCE.] *A waste district created under the provisions of article VIII shall have perpetual existence to the extent necessary to perform all acts necessary and proper for carrying out and exercising the powers and duties expressly given in it. A district shall not be terminated except pursuant to section 5.*

Sec. 5. [TERMINATION.] *Subdivision 1. [PETITION.] Proceedings for the termination of a district shall be initiated by the filing of a petition with the board. The petition shall be submitted by the governing bodies of not less than 50 percent of the counties which are in the district. The petition shall state that the existence of the district is no longer in the public interest. The petitioners shall publish notice of the petition in newspapers of general circulation in the district and shall cause to be served upon each political subdivision wholly or partly within the district a copy of the petition, and proof of service shall be attached to the petition filed with the board.*

Subd. 2. [BOND; PAYMENT OF COSTS.] If the petition is dismissed or denied, the petitioners shall be required to pay all costs and expenses of the proceeding for termination. At the time of filing the petition a bond shall be filed by the petitioners with the board in such sum as the board determines to be necessary to ensure payment of costs.

Subd. 3. [HEARING; DECISION.] If objection is made to the board against the petition for termination, a contested case hearing on the petition shall be held in the waste district pursuant to chapter 15. If the board determines after the hearing that the termination of the district as proposed in the petition would not be in the public interest, the board shall dismiss the petition and all costs of the proceeding shall be assessed against the petitioner. If the board determines that the existence of the district is no longer in the public interest, the board shall by its findings and order terminate the district. Upon the filing of a certified copy of the findings and order with the secretary of state the district shall cease to be a public corporation and a political subdivision of the state.

Subd. 4. [LIMITATION.] *The board shall not entertain a petition for termination of a district within five years from the date of the formation of the district nor shall the board entertain a petition for termination of the same district more often than once in five years.*

Sec. 6. [ORGANIZATION OF DISTRICT.] *The governing body of each county wholly or partly within the district shall appoint two persons to serve on the first board of directors of the district. The first chairperson of the board of directors shall be appointed by the waste management board and shall be a local elected official within the district. The first chairperson shall serve for a term of two years. Thereafter the chairperson shall be elected from outside the board of directors by majority vote of the board of directors. The first meeting of the board of directors shall be held at the call of the chairperson, after notice, for the purpose of proposing the by laws, electing officers and for any other business that comes before the meeting. The by laws of the district, and amendments thereto, shall be adopted by a majority vote of the board of directors unless the certificate of incorporation requires a greater vote. The by laws shall state:*

(a) *the manner and time of calling regular meetings of the representatives and the board of directors, not less than once annually;*

(b) *the title, manner of selection, and term of office of officers of the district;*

(c) *the term of office of members of the board of directors, the manner of their removal, and the manner of filling vacancies on the board of directors;*

(d) *the powers and duties of the board of directors consistent with the order and articles of incorporation establishing the district;*

(e) *the definition of a quorum for meetings of the board of directors, which shall be not less than a majority of the members;*

(f) *the compensation and reimbursement for expenses for members of the board of directors, which shall not exceed that provided for in section 15.0575, subdivision 3;*

(g) *such other provisions for regulating the affairs of the district as the board of directors shall determine to be necessary.*

Sec. 7. [REGISTERED OFFICE.] *Every district shall maintain an office in this state to be known as its registered office. When a district desires to change the location of its registered office, it shall file with the secretary of state, the board,*

and the director of the agency, a certificate stating the new location by city, town, or other community and effective date of change. When the certificate has been duly filed, the board of directors may make the change without any further action.

Sec. 8. [POWERS.] Subdivision 1. [GENERAL.] A district shall have all powers necessary or convenient to perform its duties, including the powers provided in this section.

Subd. 2. [ACTIONS.] The district may sue and be sued, and shall be a public body within the meaning of chapter 562.

Subd. 3. [ACQUISITION OF PROPERTY.] The district may acquire by purchase, lease, condemnation, gift, or grant, any right, title, and interest in and to real or personal property deemed necessary for the exercise of its powers or the accomplishment of its purposes, including positive and negative easements and water and air rights. Any local government unit and the commissioners of transportation, natural resources, and administration may convey to or permit the use of any property or facilities by the district, subject to the rights of the holders of any bonds issued with respect thereto, with or without compensation and without an election or approval by any other government agency. The district may hold the property for its purposes, and may lease or rent the property so far as not needed for its purposes, upon the terms and in the manner as it deems advisable. The right to acquire lands and property rights by condemnation shall be exercised in accordance with Minnesota Statutes, Chapter 117. The district may take possession of any property for which condemnation proceedings have been commenced at any time after the issuance of a court order appointing commissioners for its condemnation.

Subd. 4. [RIGHT OF ENTRY.] Whenever the district deems it necessary to the accomplishment of its purposes, the district or any member, employee, or agent thereof, when authorized by it, may enter upon any property, public or private, for the purpose of obtaining information or conducting surveys or investigations, provided that the entrance and activity is undertaken after reasonable notice and during normal business hours and provided that compensation is made for any damage to the property caused by the entrance and activity.

Subd. 5. [GIFTS AND GRANTS.] The district may apply for and accept gifts, loans, or other property from the United States, the state, or any person for any of its purposes, may enter into any agreement required in connection therewith, and may hold, use, and dispose of the money or property in accordance with the terms of the gift, grant, loan or agreement.

Subd. 6. [PROPERTY EXEMPT FROM TAXATION.] Any real or personal property owned, leased, controlled, used, or occupied by the district for any authorized purpose is declared

to be acquired, owned, leased, controlled, used and occupied for public and governmental purposes, and shall be exempted from taxation by the state or any political subdivision of the state, provided that those properties shall be subject to special assessments levied by a political subdivision for a local improvement in amounts proportionate to and not exceeding the special benefit received by the properties from the improvement. No possible use of the properties in any manner different from their use for solid waste management at the time shall be considered in determining the special benefit received by the properties. All bonds, certificates of indebtedness or other obligations of the district shall be exempted from taxation by the state or any political subdivision of the state. Interest on the obligations of the district shall be exempted from taxation in the same manner provided for interest on obligations qualifying under section 290.08, subdivision 7.

Subd. 7. [FACILITIES AND SERVICES.] The district may construct, equip, develop, enlarge, improve, and operate solid waste facilities and services as it deems necessary and may negotiate contracts for the use of public or private facilities and services. Whenever practicable, the district shall contract with private persons for the construction, maintenance, and operation of solid waste facilities.

Subd. 8. [RATES; CHARGES.] The district may establish and collect rates and charges for the facilities and services provided and may negotiate and collect rates and charges for facilities and services contracted for by the district. The board of directors of the district may agree with the holders of district obligations which are secured by revenues of the district as to the maximum or minimum amounts which the district shall charge and collect for services provided by the district. Before establishing or raising any rates and charges the board of directors shall hold a public hearing regarding the proposed rates and charges. Notice of the hearing shall be published at least once in a legal newspaper of general circulation throughout the area affected by the rates and charges. Publication shall be no more than 45 days and no less than 15 days prior to the date of the hearing.

Subd. 9. [DISPOSITION OF PROPERTY.] The district may sell or otherwise dispose of any real or personal property acquired by it which is no longer required for accomplishment of its purposes. The property shall be sold in the manner provided by Minnesota Statutes, Section 458.196, insofar as practical. The district shall give notice of sale which it deems appropriate. When the district determines that any property which has been acquired from a government unit without compensation is no longer required, the district shall transfer it to the government unit.

Subd. 10. [DISPOSITION OF PRODUCTS AND ENERGY.] The district may use, sell, or otherwise dispose of all of

the products and energy produced by its facilities. The district may, on a competitive basis, enter into short or long term contracts, make spot sales, solicit bids, enter into direct negotiations, deal with brokers, or use such other methods of disposal as it chooses, provided that the dealings of the district shall be on a competitive basis so as not to create an unfair or unreasonable advantage or restraint of trade on the part of the district. The district shall give particular consideration to the needs of purchasers in this state and shall actively promote sales to such purchasers so long as this can be done at prices and under conditions that meet constitutional requirements and that are consistent with the district's object of being financially self supporting to the greatest extent possible.

Subd. 11. [CONTRACTS.] The district may enter into any contract necessary or proper for the exercise of its powers or the accomplishment of its purposes.

Subd. 12. [JOINT POWERS.] The district may act under the provisions of Minnesota Statutes, Section 471.59, or any other law providing for joint or cooperative action between government units.

Subd. 13. [RESEARCH.] The district may conduct research studies and programs, collect and analyze data, prepare reports, maps, charts, and tables, and conduct all necessary hearings and investigations in connection with its work and may advise and assist other government units on planning matters within the scope of its powers, duties, and objectives.

Subd. 14. [EMPLOYEES; CONTRACTS FOR SERVICES.] The district may employ persons or firms and contract for services to perform engineering, legal or other services necessary to carry out its functions.

Subd. 15. [INSURANCE.] The district may require any employee to obtain and file with it an individual bond or fidelity insurance policy. It may procure insurance in amounts it deems necessary to insure against liability of the board of directors and employees or both, for personal injury or death and property damage or destruction, with the force and effect stated in Minnesota Statutes, Chapter 466, and against risks of damage to or destruction of any of its facilities, equipment, or other property as it deems necessary.

Subd. 16. [REVIEW OF PROJECTS.] The district may require that persons shall not acquire, construct, alter, reconstruct or operate a solid waste facility within the district without prior consultation with and approval of the district.

Subd. 17. [COLLECTION SERVICES; LIMITATION OF POWER.] A district shall not provide collection service unless it is unable to secure the service from private providers.

Sec. 9. [DESIGNATION OF RESOURCE RECOVERY FACILITIES; REQUIRED USE.] *Subdivision 1. [GENERAL.] A district may be authorized by the order and articles of incorporation establishing the district to require that all or any portion of the solid waste that is generated within its boundaries or any service area thereof and is deposited within the state be taken for processing to a resource recovery facility designated by the district.*

Subd. 2. [STANDARDS.] In determining whether to designate and require use of resource recovery facilities the district shall consider whether:

(a) the required use will result in the recovery of resources or energy from materials which would otherwise be wasted;

(b) the required use will lessen the demand for and use of land disposal;

(c) the required use is necessary for the financial support of the facility;

(d) less restrictive methods for ensuring an adequate solid waste supply are available;

(e) the applicant has considered all other feasible and prudent waste processing alternatives for accomplishing the purposes of the proposed project and has compared and evaluated the costs of all such alternatives, including capital and operating costs, and the effects of all such alternatives on the cost to generators.

Subd. 3. [EXEMPTION.] The district shall not designate and require use of facilities for materials which are separated from solid waste and recovered for reuse or recycling by the generator or by a private person under contract with the generator.

Subd. 4. [PROCEDURE.] The district shall proceed as follows when designating and requiring use of facilities:

(a) The district shall notify those persons whom the district has determined should use the facilities. Notification to political subdivisions shall be in writing. All other persons shall be notified at least by publication in a legal newspaper or newspapers having general circulation in the area. The notification shall specify types and quantities of solid wastes, plans for use of the solid wastes, the point of delivery of the solid wastes, and the fee to be charged. During a period of 90 days following the notification, the district shall negotiate with the persons within the areas to be served in order to develop contractual agreements on the terms of required use of the designated facilities.

(b) *If contracts have not been made at the end of the 90 day period, or if persons subject to the required use have not made arrangements sufficient to justify exemption under subdivision 3, the district shall hold a public hearing to take testimony on the required use of the designated facilities. The hearing shall be preceded by the notice required under clause (a).*

(c) *If contracts have not been made within 30 days after the public hearing, or if persons subject to the required use have not made arrangements sufficient to justify exemption under subdivision 3, the district may order any person identified in the notice of the district to use the designated facilities, starting at a specified date which shall be at least 30 days after the order has been issued.*

Subd. 5. [SERVICE GUARANTEE.] The district shall not arbitrarily terminate, suspend, or curtail services provided to any person required pursuant to this section to use designated facilities without the consent of the person or without just cause.

Subd. 6. [TERMINATION.] Use required under contract or order pursuant to this section may be terminated by a person upon an adequate showing to the district that the solid waste generated by the person has value and that arrangements have been made by the person sufficient to justify exemption under subdivision 3, unless the district determines that the requirement must be continued to assure delivery of waste necessary to the financial support of the district facilities.

Sec. 10. [BONDING AND TAXING POWERS.] Subdivision 1. [GENERAL.] A district may exercise any or all of the bonding and taxing powers provided in this section to the extent such powers are authorized by the order of the board establishing the district and by its articles of incorporation.

Subd. 2. [DEBT.] The district's bonds shall be sold, issued, and secured in the manner provided in chapter 475 and the district shall have the same powers and duties as a municipality and its governing body in issuing bonds under that chapter. No election shall be required. The bonds may be sold at any price and at public or private sale as determined by the district and shall not be subject to any limitation as to rate.

Subd. 3. [REVENUE BONDS.] A district may borrow money and incur indebtedness by issuing bonds and obligations which are payable solely:

(a) from revenues, income, receipts, and profits derived by the district from its operation and management of solid waste facilities;

(b) from the proceeds of warrants, notes, revenue bonds, debentures, or other evidences of indebtedness issued and sold by the district which are payable solely from such revenues, income, receipts, and profits;

(c) from federal or state grants, gifts, or other moneys received by the district which are available therefor.

Every issue of revenue bonds by the district shall be payable out of any funds or revenues from any facility of the district, subject only to agreements with the holders of particular bonds or notes pledging particular revenues or funds. If any facility of the district is funded in whole or in part by Minnesota state waste management bonds pursuant to articles VI and VII the state bonds shall take priority. The district may provide for priorities of liens in the revenues between the holders of district obligations issued at different times or under different resolutions. The district may provide for the refunding of any district obligation through the issuance of other district obligations entitled to rights and priorities similar in all respects to those held by the obligations that are refunded.

Subd. 4. [GENERAL OBLIGATION BONDS.] The district may borrow money and incur indebtedness by issuing its bonds and obligations for the payment of which the full faith and credit of the district are pledged. By October 1 of each year the treasurer of the board of directors shall examine the debt service fund of the district and determine whether or not there are sufficient funds to pay all principal and interest of bonds coming due the following year. If the available funds are insufficient, the treasurer shall notify and direct each county or city auditor within the district to levy a tax. If the tax is to be levied solely in proportion to the value of the property in the district, the commissioner of revenue is authorized to adjust the rate of taxation pursuant to section 270.12, subdivision 3. The tax shall be subject to no limitation of rate or amount until the money in the debt service fund becomes sufficient to pay all principal and interest payments coming due. Taxes levied by the district for the payment of its bonds in accordance with section 475.61 shall be included in computing the levy limitations under section 275.11. If the tax required by section 475.61 to be levied for any year of the term of a bond issue upon would, when added to the taxes levied by a political subdivision for all purposes in the year preceding such issue, exceed the limitations prescribed in section 275.11, the bonds shall not be issued without the consent by resolution of the governing body of the political subdivision.

Sec. 11. [AUDIT.] The board of directors, at the close of each year's business, shall cause an audit of the books, records and financial affairs of the district to be made by a certified public accountant or the state auditor. Copies of a written re-

port of the audit, certified to by the auditors, shall be placed and kept on file at the principal place of business of the district and shall be filed with the secretary of state and the board.

ARTICLE IX

NONMETROPOLITAN COUNTIES

Section 1. Minnesota Statutes 1978, Section 400.03, Subdivision 1, is amended to read:

400.03 [DEFINITIONS.] Subdivision 1. For the purposes of sections 400.01 to 400.17 the terms defined in this section have the meaning given them. The terms defined in (MINNESOTA STATUTES 1969,) chapter 116 *and article I, section 3*, also apply to the terms used in sections 400.01 to 400.17.

Sec. 2. Minnesota Statutes 1978, Section 400.04, is amended to read:

400.04 [SOLID WASTE MANAGEMENT PROGRAM.] Subdivision 1. [GENERAL.] Any county may conduct a solid waste management program which may include activities authorized by sections 400.01 to 400.17 and such other activities as are necessary and convenient to effectively carry out the purposes of sections 400.01 to 400.17.

Subd. 2. [ACQUISITION OF REAL PROPERTY.] A county may acquire by gift, lease, purchase or eminent domain as provided by law any land or interest in land upon such terms and conditions as it shall determine, including the use of contracts for deed, within or outside of the county, which the board deems suitable for these purposes; provided that no such land or interest in land situated in any other county shall be acquired without the approval by resolution of the county board thereof.

Subd. 3. [ACQUISITION, CONSTRUCTION AND OPERATION OF PROPERTY AND FACILITIES.] A county may *acquire*, construct, enlarge, improve, repair, supervise, control, maintain, and operate any and all *solid waste facilities and other property and facilities* needed, used, or useful for (A) solid waste management (PROGRAM) purposes, and may purchase and lease materials, equipment, machinery and such other personal property as is necessary for such purposes upon terms and conditions determined by the board including the use of conditional sales contracts and lease-purchase agreements. A county may employ such personnel as are reasonably necessary for the care, maintenance and operation of such *property and facilities*. *Whenever practicable, a county shall contract with private persons for the construction, maintenance, and operation of solid waste facilities.*

Subd. 4. [MANAGEMENT AND SERVICE CONTRACTS.] A county may enter into contracts for the construction, installation, maintenance and operation of *property and facilities* on private or public lands and may contract for the furnishing of solid waste management services.

Subd. 5. [PLANS.] The county may provide for surveys and plans to determine locations available, appropriate, and suitable for *property and facilities* needed for the program, and plans for the improvement of (SITES) *property and facilities*.

Subd. 6. [EXPENDITURE OF FUNDS.] A county is authorized to expend funds for the purposes enumerated in this section and for any other activities necessary to an efficient solid waste *management program*.

Sec. 3. Minnesota Statutes 1978, Section 400.06, is amended to read:

400.06 [INSPECTION; COOPERATION WITH AGENCY.] All counties shall provide for the periodic inspection of *mixed municipal solid waste (COLLECTION, STORAGE, TRANSPORTATION AND DISPOSAL) facilities, mixed municipal solid waste management property and facilities, and sewage sludge disposal facilities* located and being operated within their respective boundaries to determine whether (SUCH) *the property and facilities* are being maintained and operated in compliance with applicable county ordinances and rules, regulations, standards, orders, permits, and requirements of the agency. In the event that (SUCH) *the property and facilities* are not so in compliance, the county board shall take (SUCH) actions (AS ARE) necessary to assure future compliance with all applicable ordinances, rules, regulations, standards and requirements according to law, and shall cooperate with the agency in obtaining and maintaining (SUCH) compliance. *All inspectors provided or used by the county under this section shall be certified by the agency in accordance with section 116.41.*

Sec. 4. Minnesota Statutes 1978, Section 400.07, is amended to read:

400.07 [DEVELOPMENT OF RESOURCE RECOVERY SYSTEMS.] All counties shall cooperate with (THE AGENCY) *the waste management board* in the *planning, development and implementation of resource recovery systems (FOR THE RECOVERY AND USE OF MATERIALS AND ENERGY FROM SOLID WASTE)*, and toward that end, shall modify applicable county ordinances consistent with rules (, REGULATIONS) and standards of the agency (CONCERNING THIS SUBJECT).

Sec. 5. Minnesota Statutes 1978, Section 400.13, is amended to read:

400.13 [SOLID WASTE MANAGEMENT FUND.] Any county *owning or operating solid waste management property or facilities pursuant to section 400.04, subdivision 3, and establishing fees for the provision of services by the county pursuant to section 400.08, shall continuously maintain a special account on its official books and records designated as the solid waste management fund, to which it shall credit all receipts from the rates and charges authorized in section 400.08 and from the sale of real or personal property pertaining to (THE) solid waste (DISPOSAL SYSTEM) management purposes, and the proceeds of all gifts, grants, loans, and issues of bonds for (THE) such purposes (OF THE SYSTEM), and to which it shall charge all costs of the acquisition, construction, enlargement, improvement, repair, supervision, control, maintenance, and operation of (THE SYSTEM AND OF ALL FACILITIES INCLUDED THEREIN) property, facilities, and services. Separate accounts may be established within this fund for the segregation of revenues pledged for the payment of bonds or loans, or money granted or borrowed for use for a specific purpose.*

Sec. 6. Minnesota Statutes 1978, Section 400.16, is amended to read:

400.16 [SOLID WASTE AND SEWAGE SLUDGE DISPOSAL REGULATIONS.] The county may by ordinance establish and (FROM TIME TO TIME) revise rules, regulations, and standards for solid waste management and land pollution, relating to (a) the location, sanitary operation, and maintenance of solid waste (MANAGEMENT) facilities by the county and any municipality or other public agency and by private operators; (b) the collection, (TRANSPORTATION, STORAGE) processing, and disposal of solid waste; (c) the amount and type of equipment required in relation to the amount and type of material received at any *solid waste facility*; (d) the control of salvage operations, water or air or land pollution, and rodents *at such facilities*; (e) the termination or abandonment of *such facilities or activities*; and (f) (SUCH) other matters *relating to such facilities* as may be determined necessary for the public health, welfare, and safety. *The county shall adopt such ordinances for mixed municipal solid waste management and for sewage sludge disposal. The county (MAY ISSUE) shall make provision for issuing permits or licenses for mixed municipal solid waste (MANAGEMENT) facilities and sewage sludge disposal facilities and (MAY) shall require that such facilities be registered with an appropriate county office. The county ordinance shall not prevent or restrain the location, establishment, operation, expansion, continuance, or closure of any solid waste or sewage sludge disposal facility in accordance with certificates, permits and other approvals by state agencies pursuant to Article IV, except that ordinances approved by the agency as being consistent with the establishment and use of facilities in accordance with such certificates, permits, and approvals may im-*

pose conditions respecting the construction, inspection, monitoring, and maintenance of a facility. No permit or license shall be issued for a mixed municipal solid waste facility unless the applicant has demonstrated the availability of sufficient solid waste to provide operating revenues necessary to operate the facility in accordance with applicable state and local laws, ordinances, and rules. The county ordinance (MAY) shall require appropriate procedures for termination or abandonment of any mixed municipal solid waste facilities or sewage sludge disposal facilities or services, which shall include provision for long term monitoring for possible land pollution, and for the payment by the owners or operators thereof, or both, of any costs incurred by the county in completing such procedures. In the event the operators or owners fail to complete such procedures in accordance with the ordinance, the county may recover the costs of completion in a civil action in any court of competent jurisdiction or, in the discretion of the board, the costs may be certified to the county auditor as a special tax against the land to be collected as other taxes are collected. The ordinance may be enforced by injunction, action to compel performance, or other appropriate action in the district court. Any ordinance enacted under this section shall embody minimum standards and requirements established by rule of the agency.

Sec. 7. Minnesota Statutes 1978, Section 400.161, is amended to read:

400.161 [HAZARDOUS WASTE REGULATIONS.] The county may by ordinance establish and (FROM TIME TO TIME) revise rules, regulations, and standards (FOR HAZARDOUS WASTE MANAGEMENT) relating to (a) identification of hazardous waste, (b) the labeling and classification of hazardous waste, (c) the (HANDLING,) collection, transportation *processing, disposal,* and storage of hazardous waste, (d) (THE ULTIMATE DISPOSAL SITE OF THE HAZARDOUS WASTE, AND (E) SUCH) other matters as may be determined necessary for the public health, welfare and safety. The county may issue permits or licenses for hazardous waste generation and may require the generators be registered with a county office. *The county ordinance shall not prevent or restrain the location, establishment, operation, expansion, continuance, or closure of any hazardous waste facility in accordance with certificates, permits, and other approvals by state agencies pursuant to articles III and IV, except that ordinances approved by the agency as being consistent with the establishment and use of facilities in accordance with such certificates, permits, and approvals may impose conditions respecting the construction, inspection, monitoring, and maintenance of a facility.* The ordinance may require appropriate procedures for the payment by the generator of any costs incurred by the county in completing such procedures. If the generator fails to complete such procedures, the county may recover the costs of completion in a civil action in any court of competent jurisdiction or, in the discretion

of the board, the costs may be certified to the county auditor as a special tax against the land as other taxes are collected. The ordinance may be enforced by injunction, action to compel performance, or other action in district court. Any ordinance under this section shall embody standards and requirements established by rule of the agency. Issuing, denying, modifying, imposing conditions upon, or revoking permits pursuant to the provisions of this section or regulations promulgated hereunder shall be (,) subject to review, denial, suspension, *modification*, and reversal by the (POLLUTION CONTROL) agency. The (POLLUTION CONTROL) agency shall after written notification have 15 days to review, *deny*, suspend, modify, or reverse the action of the county. After 15 days, the action of the county board shall be final subject to appeal to the district court as provided in section 115.05.

Sec. 8. Minnesota Statutes 1978, Chapter 400, is amended by adding a section to read:

[400.162] [COUNTY DESIGNATION OF RESOURCE RECOVERY FACILITY.] *Except within the metropolitan area, the western lake superior sanitary district established by Laws 1971, Chapter 47B, as amended, and any solid waste management district established under article VIII, any county may require that all or any portion of the solid waste that is generated within the boundaries of the county or any service area thereof and is disposed of in the state be delivered to a resource recovery facility designated by the county board, provided that the designation is approved by the board. The board may require the county to complete a comprehensive solid waste management plan conforming to the requirements of article V, section 5. In establishing, continuing, and terminating the designation, the county shall be governed by all standards, exemptions, procedures, and other requirements provided in article VIII, section 9, subdivisions 2 to 6.*

ARTICLE X

SOLID WASTE AND SEWAGE SLUDGE MANAGEMENT: METROPOLITAN AREA

Section 1. Minnesota Statutes 1978, Section 473.121, is amended by adding a subdivision to read:

Subd. 36. The definitions of terms relating to waste in chapter 116 and article I, section 3, also apply to the same terms relating to waste used in chapter 473.

Sec. 2. Minnesota Statutes 1978, Section 473.149, is amended to read:

473.149 [SOLID WASTE COMPREHENSIVE PLANNING.] Subdivision 1. [POLICY PLAN; GENERAL REQUIREMENTS.] (BY JULY 1, 1978.) The metropolitan council shall prepare and by resolution adopt as part of its development guide a long range policy plan for (THE COLLECTION AND PROCESSING OF) solid (AND HAZARDOUS) waste *management* in the metropolitan area. When adopted, the plan shall be followed in the metropolitan area. The plan shall substantially conform to all policy statements, purposes, goals, standards, maps and plans in development guide sections and plans adopted by the council. The plan shall include goals and policies for (THE COLLECTION AND PROCESSING OF) solid (AND HAZARDOUS) waste *management* in the metropolitan area and, to the extent appropriate, statements and information similar to that required under section 473.146, subdivision 1. The plan shall include criteria and standards for *solid* waste facilities and *solid* waste facility sites respecting the following matters: general location; capacity; operation; processing techniques; environmental impact; effect on existing, planned, or proposed collection services and waste facilities; and economic viability. For *solid* waste facilities owned or operated by public agencies or supported primarily by public funds or obligations, the plan shall include additional criteria and standards (RESPECTING FINANCIAL SELF-SUFFICIENCY BASED UPON COMPETITIVE RATES AND CHARGES) *to ensure that the facilities are operated on a competitive basis so as not to create an unfair or unreasonable advantage or restraint of trade in relation to comparable private facilities existing in the area.* In developing the plan the council shall consider the orderly and economic development, public and private, of the metropolitan area; the preservation and best and most economical use of land and water resources in the metropolitan area; the protection and enhancement of environmental quality; the conservation and reuse of resources and energy; the preservation and promotion of conditions conducive to efficient, (LOW COST,) competitive, and adaptable systems of waste (COLLECTION AND PROCESSING) *management*; and the orderly resolution of questions concerning changes in systems of waste (COLLECTION AND PROCESSING) *management*. Criteria and standards for solid (AND HAZARDOUS) waste facilities shall be consistent with regulations adopted by the pollution control agency pursuant to chapter 116 and (SECTION 473.823. THE HAZARDOUS WASTE PORTION OF THE POLICY PLAN SHALL BE APPROVED BY THE POLLUTION CONTROL AGENCY IN ACCORDANCE WITH ITS STANDARDS AND REGULATIONS PRIOR TO ADOPTION BY THE COUNCIL) *shall be at least as stringent as the guidelines, regulations, and standards of the federal environmental protection agency.*

Subd. 2. [DISPOSAL CAPACITY ESTIMATE.] By July 1, 1980, the council shall adopt by resolution an estimate of the added solid waste disposal capacity needed in appropriate sectors

of the metropolitan area in annual increments through the year 1990 and thereafter in five year increments through the year 2000. The council's estimate shall be based upon existing and projected solid waste generation rates without regard to potential waste reduction, separation, and recovery activity except that provided by services and facilities in operation or under construction.

Subd. 3. [DISPOSAL ABATEMENT REPORT.] By January 1, 1981, the council shall prepare and submit a report to metropolitan counties on potentials for abating the need for and practice of land disposal of mixed municipal solid waste in the metropolitan area, for use by the counties in developing land disposal abatement plans pursuant to section 473.803, subdivision 3. The report shall contain an analysis of abatement achievable through waste reduction, waste separation, waste processing, and resource recovery. The report shall contain specific and quantifiable alternative abatement objectives and degrees of abatement, along with solid waste management methods and technologies, private and government actions, facilities and services, development schedules, revenue-raising measures, and levels of public and private expenditure and effort necessary to the achievement of those alternative objectives and degrees of abatement. The report shall recommend priorities and objectives for abating, immediately and over specified time periods, the disposal of mixed municipal solid waste in the metropolitan area. During the preparation of the report, the council shall encourage public debate and discussion of the issues relating to land disposal abatement and shall hold a public meeting on the issues in each metropolitan county.

Subd. 4. [INVENTORY OF SOLID WASTE DISPOSAL SITES.] By October 1, 1981, the council shall adopt by resolution an inventory of eligible solid waste disposal sites and buffer areas within the metropolitan area. The council's inventory shall be composed of the sites and buffer areas proposed by the counties and reviewed and approved by the council pursuant to section 473.803, subdivision 2. If a county does not have an approved inventory, the council shall adopt the required inventory for the county, following such investigations by the council and such public hearings as the council deems appropriate. The council's inventory shall satisfy all requirements and standards described in section 473.803, subdivision 2, for sites and buffer areas proposed by counties. For sites and buffer areas included in the council's inventory, the moratorium imposed under section 473.803, subdivision 2, shall extend until October 1, 1983.

Subd. 5. [REPORT ON LOCAL EFFECTS OF SOLID WASTE DISPOSAL FACILITIES.] By January 1, 1982, the council shall report to the legislative commission on methods of mitigating and compensating for the local risks, costs, and other adverse effects of solid waste disposal facilities and on methods of financing mitigation and compensation measures. The methods of mitigating and compensating to be considered shall in-

clude but not be limited to the following: payment outside of levy limitations in lieu of taxes for all property taken off the tax rolls; preference for the city or town containing a facility in federal A-95 reviews conducted by the council; payment of all costs to service the facilities including the costs of roads, monitoring, inspection, enforcement, police and fire, and litter clean up costs; payment for buffer zone amenities and improvements; city or town control over buffer zone design; elimination of the tipping charge for solid waste collected in the city or town; a guarantee against any and all liability that may occur; payment for reclamation of closed sites to local design specifications.

Subd. 6. [LAND DISPOSAL ABATEMENT PLAN; REPORT TO LEGISLATURE.] By January 1, 1983, after considering county land disposal abatement proposals submitted pursuant to section 473.803, subdivision 3, the council shall amend its policy plan to include specific and quantifiable objectives for abating the land disposal of mixed municipal solid waste. The plan shall include a reduced estimate, based on the council's abatement objectives, of the added solid waste disposal capacity needed in appropriate sectors of the metropolitan area, stated in annual increments through the year 1990 and thereafter in five year increments through the year 2000. The objectives in the plan shall be based upon standards for county resource recovery and waste reduction and separation programs and activities. The plan shall include standards and procedures to be used by the council in determining that metropolitan counties have not implemented the council's land disposal abatement plan and have not met the standards for county abatement programs and activities. The council shall report to the legislative commission on its abatement plan and on legislation that may be required to implement the plan.

Subd. 7. [SOLID WASTE DISPOSAL FACILITIES DEVELOPMENT SCHEDULE.] By January 1, 1983, after requesting and considering recommendations from the counties, cities, and towns, the council as part of its policy plan shall determine the number of sites to be acquired within each metropolitan county for solid waste disposal facilities in accordance with section 15. The council shall adopt a schedule for development of disposal facilities by each such county through the year 2000. The schedule shall be based upon the council's reduced estimate of the disposal capacity needed because of the council's land disposal abatement plan. The schedule may include standards, criteria, and procedures to be used by counties in selecting sites for acquisition pursuant to section 15. The schedule shall include standards and procedures for council certification of need pursuant to section 473.823. The schedule shall include a facility closure schedule and plans for post-closure management and disposition, for the use of property after acquisition and before facility development, and for the disposition of property and development rights no longer needed for disposal facilities.

Subd. (3) 8. [PREPARATION AND ADOPTION.] The solid waste policy plan shall be prepared, adopted, and amended

in accordance with section 473.146, subdivision 2, provided that the procedural duties and responsibilities established therein for the affected metropolitan commission shall extend to the metropolitan counties and the pollution control agency. In addition to the requirements of section 473.146, subdivision 2, the council shall send notice of any hearing to the pollution control agency and the governing body of each metropolitan county and each local governmental unit, as defined in section 473.801, wherein a *solid* waste facility is or may be located in accordance with the plan. Any comprehensive (SOLID AND HAZARDOUS WASTE) plan adopted by the council (PRIOR TO THE EFFECTIVE DATE OF THIS ACT) shall remain in force and effect (UNTIL A POLICY PLAN IS) *while new or amended plans are being prepared* (IN ACCORDANCE WITH SUBDIVISION 1) and adopted by the council. By October 1, 1976, the council shall adopt either interim policies or amendments to the existing comprehensive plan establishing standards and criteria for the review under section 473.823 of permit applications for *solid* waste facilities used primarily for resource recovery. For permit applications received by the council prior to October 1, 1976, the council may extend the time period provided for review under section 473.823 until 60 days after the adoption of the interim policies or amendments. No metropolitan county, local government unit, commission, or person shall acquire, construct, improve or operate any *solid* waste facility in the metropolitan area except in accordance with the council's plan and section 473.823, provided that no *solid* waste facility in use when a plan is adopted shall be discontinued solely because it is not located in an area designated in the plan as acceptable for the location of such facilities.

Subd. (4) 9. [ADVISORY COMMITTEE.] The council shall establish an advisory committee to aid in the preparation of the policy plan (AND,) *the performance of the council's responsibilities under subdivisions 2 to 7, the review of county master plans and reports and applications for permits for waste facilities, under sections 473.151 and 473.801 to 473.823 and sections 13 to 15, and other duties determined by the council.* The committee shall consist of one-third citizen representatives, one-third representatives from metropolitan counties and municipalities, and one-third representatives from private waste management firms. *From October 1, 1981 to January 1, 1983, for the purpose only of participating in the preparation of the legislative report required by subdivision 5 and the land disposal abatement plan required by subdivision 6, additional members shall be included on the advisory committee sufficient to assure that at least one-third of the members of the committee are residents of cities or towns containing eligible solid waste disposal sites included in the councils' disposal site inventory.* A representative from the pollution control agency, one from the waste management board established under article II, section 1, and one from the Minnesota health department shall serve as ex officio members of the committee.

Sec. 3. Minnesota Statutes 1978, Chapter 473 is amended by adding a section to read:

[473.153] [COMPREHENSIVE DISPOSAL FACILITIES PLAN FOR SEWAGE SLUDGE AND SOLID WASTE FROM SEWAGE TREATMENT.] *Subdivision 1. [FACILITIES REQUIRED.] Except as provided in subdivision 7 and article IV, section 2, all sewage sludge disposal facilities and facilities for the disposal of solid waste generated by the metropolitan waste control commission shall be established and operated in accordance with this section and section 473.516. The council and the commission shall establish at least one facility for sewage sludge disposal and at least one facility for solid waste disposal.*

Subd. 2. [CANDIDATE SITE SELECTION.] By July 1, 1981, the council shall select three candidate sites for the disposal of the commission's sewage sludge and three candidate sites for the disposal of the commission's solid waste, together with appropriate surrounding buffer areas. The council shall evaluate sites for candidacy on the basis of at least the following factors: local land use and land use controls, existing and future development patterns, transportation facilities, distance from the points of generation, and the intrinsic suitability of sites compared with other potential sites. Notwithstanding any plan, charter provision, law, ordinance, regulation, or other requirement of the council, counties, or local units of government, no land shall be excluded from consideration for candidacy except land determined by the agency to be intrinsically unsuitable. No site shall be selected for candidacy unless the agency certifies its apparent intrinsic suitability for the use intended, based on preliminary environmental analysis and on-site surveys and investigations conducted by the agency.

Subd. 3. [MORATORIUM.] A moratorium is hereby imposed on development within the area of each proposed site and buffer area selected by the council. The moratorium shall extend until six months following the council's decision under subdivision 6. No development shall be allowed to occur within the area of a proposed site or buffer area during the period of the moratorium. No county, city, or town land use control shall permit such development, nor shall any county, city, or town sanction or approve any subdivision, permit, license, or other authorization which would allow such development to occur.

Subd. 4. [ADVISORY COMMITTEE.] For the purposes only of advising the council on decisions under this section, additional members shall be added to the advisory committee established by section 473.149, subdivision 9, sufficient to assure that each city and town containing a candidate site has at least one representative on the committee.

Subd. 5. [ENVIRONMENTAL AND PERMIT REVIEW.] An environmental impact statement meeting the requirements of chapter 116D shall be completed on each candidate site, pro-

vided that the statement shall be finally accepted or rejected within 280 days of the selection of candidate sites. Within 90 days following the acceptance of the statement, the agency shall indicate the conditions and terms of approval of all permits needed at each candidate site.

Subd. 6. [COUNCIL SITE SELECTION.] Within 90 days following the agency's decision on permit conditions and terms, the council shall select at least one of the candidate sites for acquisition and development by the commission as a sewage sludge disposal facility and at least one of the candidate sites for acquisition and development by the commission as a solid waste disposal facility. Before its selection the council shall consult with the advisory committee and affected counties, cities, and towns.

Subd. 7. [EXISTING FACILITIES EXEMPTED.] Nothing in this section shall be construed to preclude the commission from continuing to use existing sewage sludge disposal facilities.

Sec. 4. Minnesota Statutes 1978, Section 473.502, is amended to read:

473.502 [LEGISLATIVE PURPOSE AND POLICY.] The legislature determines that in the metropolitan area there are serious problems of water pollution and processing and disposal of sewage and waste resulting from sewage treatment, which cannot be effectively or economically dealt with by existing local government units in the area under existing laws. The legislature therefore declares that for the protection of the public health, safety, and welfare of the area, for the preservation and best use of waters and other natural resources of the state in the area, for the prevention, control and abatement of water pollution in the area, and for the efficient and economic collection, treatment and disposal of sewage and waste resulting from sewage treatment it is necessary to assign to the metropolitan council the responsibility of carrying on a continuous, long-range program of planning with respect thereto and to establish a waste control commission, which, together with the council, can take over, acquire, construct, operate, and maintain all interceptors and treatment works and waste facilities necessary for the collection, treatment and disposal of sewage and waste resulting from sewage treatment in the metropolitan area, and can take over, acquire, construct, operate, and maintain waste facilities in the metropolitan area.

Sec. 5. Minnesota Statutes 1978, Section 473.516, is amended to read:

473.516 [WASTE FACILITIES; SEWAGE SLUDGE DISPOSAL.] *Subdivision 1. [ACQUISITION AND OPERATION.] Without limiting the grant or enumeration of any of the powers conferred on the council or commission under sections*

473.501 to 473.549, the commission shall have the specific power to acquire by purchase, lease, condemnation, gift or grant any real or personal property including *development rights*, positive and negative easements and water and air rights, and it may construct, enlarge, improve, replace, repair, maintain and operate (HAZARDOUS) waste facilities in the metropolitan area deemed to be necessary or convenient in connection with the processing or disposal of (HAZARDOUS) waste *resulting from sewage treatment*, and the commission may contract for the maintenance and operation of such waste facilities, subject to the bidding requirements of section 473.523. The commission may accept for processing (HAZARDOUS) waste derived from outside the metropolitan area in the state, as well as (HAZARDOUS) waste derived from within the metropolitan area, and may fix and collect fees and charges for the acceptance of (HAZARDOUS) waste as the commission determines to be reasonable.

Subd. 2. [GENERAL REQUIREMENTS.] With respect to its activities under this section, the commission shall be subject to and comply with the applicable provisions of this chapter. Property acquired by the commission under this section shall be subject to the provisions of section 473.545. Any site or facility owned or operated for or by the commission shall conform to the policy plan adopted by the council under section 473.149 and shall be authorized in accordance with the commission's development program and capital budget approved by the council. *Whenever possible, the commission shall contract with private persons for the construction, maintenance, and operation of waste facilities, subject to the bidding requirements of section 473.523.*

Subd. 3. [LOCAL RESTRICTIONS.] *Counties and local units of government may impose conditions respecting the construction, operation, inspection, monitoring, and maintenance of a waste facility of the commission and conditions respecting the sale, gift, delivery, storage, use, and disposal of sewage sludge of the commission on private property as a soil conditioner or amendment, but only in the manner and only to the extent authorized and approved by the council and the agency as being consistent with the establishment and use of the commission's waste facilities and the disposal of the commission's sewage sludge on private property in accordance with the council's plan, adopted under section 3, and agency permits and rules. Counties may exercise the enforcement powers granted under section 473.811, subdivision 10, in the manner and to the extent authorized and approved in accordance with this subdivision.*

Subd. 4. [TECHNICAL MONITORING; SEWAGE SLUDGE DISPOSAL.] *Each sewage sludge disposal facility of the waste control commission, or site used for the disposal of sewage sludge of the commission, shall be required to have an agency permit issued pursuant to agency rules for permitting sewage sludge disposal facilities sites. Each such permit shall*

require a regular monitoring, inspection, and testing program to be carried out by the agency, or the state department of health or county under contract to the agency, to prevent impairment or threat of impairment of ground and surface water. The commission shall reimburse the agency quarterly for the cost of the program.

Sec. 6. Minnesota Statutes 1978, Section 473.801, Subdivision 1, is amended to read:

473.801 [DEFINITIONS.] Subdivision 1. For the purposes of sections 473.801 to 473.823 and sections 13 to 16 the terms defined in this section have the meanings given them.

Sec. 7. Minnesota Statutes 1978, Section 473.802, is amended to read:

473.802 [LEGISLATIVE PURPOSE AND POLICY.] The legislature determines that for the protection of the public health, safety, and welfare of the people of the metropolitan area, for the prevention, control and abatement of pollution of air and waters of the state in the metropolitan area, and for the efficient and economic (COLLECTION AND PROCESSING) *management* of solid (AND HAZARDOUS) waste in the metropolitan area, it is necessary to (AUTHORIZE THE AGENCY TO REGULATE THE HANDLING OF HAZARDOUS WASTE AND THE LOCATION AND OPERATION OF WASTE FACILITIES IN THE AREA; TO) authorize the metropolitan council to carry on a continuous, long range program of planning with respect to solid (AND HAZARDOUS) waste (COLLECTION AND PROCESSING) *management*, (AND) to establish criteria and standards and approve permits for *solid waste* facilities in the area, and to provide funds for the acquisition of property for solid waste disposal purposes; and to authorize the metropolitan counties if necessary to acquire, construct, operate and maintain solid waste facilities, to plan for and regulate *solid waste* collection services and facilities, to collect data on solid and hazardous waste (COLLECTION AND PROCESSING) *management* systems and procedures, and to assist state agencies to regulate the (HANDLING) *management* of hazardous waste. The legislature declares that a public purpose is served by the recovery and utilization of resources from solid (WASTE AND HAZARDOUS) waste where economically viable and compatible with source reduction. The plans, criteria, standards and regulations of the agency, council and metropolitan counties shall, to the extent practicable, encourage ownership and operation of solid waste facilities by private industry.

Sec. 8. Minnesota Statutes 1978, Section 473.803, is amended to read:

473.803 [METROPOLITAN COUNTY PLANNING.] Subdivision 1. [COUNTY MASTER PLANS; GENERAL REQUIREMENTS.] Each metropolitan county, following adoption or revision of the council's solid (AND HAZARDOUS) waste policy plan and in accordance with the dates specified therein, and after consultation with all affected (MUNICIPALITIES) *local government units*, shall prepare and submit to the council for its approval, a county solid (AND HAZARDOUS) waste master plan to implement the policy plan. *The master plan shall be revised and resubmitted at such times as the council's policy plan may require.* The master plan shall describe county solid (AND HAZARDOUS) waste activities, functions, and facilities; the existing system of solid (AND HAZARDOUS) waste generation, collection, and processing, and disposal within the county; existing and proposed county and municipal ordinances and license and permit requirements relating to *solid* waste facilities and (HAZARDOUS AND) solid waste generation, collection, and processing, and disposal; existing or proposed municipal, county, or private *solid* waste facilities and collection services within the county together with schedules of existing rates and charges to users and statements as to the extent to which such facilities and services will or may be used to implement the policy plan; and any solid waste facility which the county owns or plans to acquire, construct, or improve together with statements as to the planned method, estimated cost and time of acquisition, proposed procedures for operation and maintenance of each facility; an estimate of the annual cost of operation and maintenance of each facility; an estimate of the annual gross revenues which will be received from the operation of each facility; and a proposal for the use of each facility after it is no longer needed or usable as a waste facility. The master plan shall, to the extent practicable, encourage ownership and operation of solid waste facilities by private industry. For *solid* waste facilities owned or operated by public agencies or supported primarily by public funds or obligations, the master plan shall contain policies to ensure (FINANCIAL SELF-SUFFICIENCY BASED UPON COMPETITIVE RATES AND CHARGES) *that the facilities are operated on a competitive basis so as not to create an unfair or unreasonable advantage or restraint of trade in relation to comparable private facilities existing in the area.*

Subd. 2. [PROPOSED INVENTORY OF DISPOSAL SITES.] *By June 1, 1981, each county shall adopt, by resolution of its governing body, an inventory of three proposed sites in the county suitable for mixed municipal solid waste disposal facilities and one proposed site in the county suitable for the disposal of demolition debris and shall submit the inventory to the council for approval or disapproval. The council shall evaluate and approve or disapprove each proposed site in accordance with the standards set out in this subdivision. Each proposed site shall contain no less than 80 acres and no more than 250 acres. The inventory shall include, for each proposed site, a buffer*

area surrounding and at least equal to the area of the site. Each proposed site shall satisfy the standards and criteria in the council's policy plan and state and federal regulations. No site shall be proposed by the county or approved by the council unless the agency certifies its apparent intrinsic suitability for the use intended, based on preliminary environmental analysis and on site surveys and investigations conducted by the county or agency. Notwithstanding any plan, charter provision, law, ordinance, regulation, or other requirement of any federal or state agency or political subdivision, no public land shall be excluded from consideration for inclusion in the inventory except land determined by the agency to be intrinsically unsuitable. The council shall evaluate each proposed site with respect to local land use and land use controls, 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 proposed 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 proposed sites required of that county. A moratorium is hereby imposed on development within the area of each proposed site and buffer area pending the council's adoption of an inventory pursuant to section 473.149, subdivision 4. For sites and buffer areas included in the council's inventory, the moratorium shall extend until October 1, 1983. No development shall be allowed to occur within the area of a proposed site or buffer area during the period of the moratorium. No county, city, or town land use control shall permit such development, nor shall any county, city, or town sanction or approve any subdivision, permit, license, or other authorization which would allow such development to occur.

Subd. 3. [LAND DISPOSAL ABATEMENT.] By April 1, 1982, after considering the council's disposal abatement report submitted to the counties pursuant to section 473.149, subdivision 3, each county shall submit to the council a proposal to reduce to the greatest feasible and prudent extent the need for and practice of land disposal of mixed municipal solid waste. The proposal shall include programs for waste reduction and separation and resource recovery. The proposal shall include objectives, immediately and over specified time periods, for reducing the land disposal of mixed municipal solid waste generated within the county. The proposal shall describe specific functions to be performed and activities to be undertaken by the county and cities and towns within the county to achieve the objectives and shall describe the estimated cost, proposed manner of financing, and timing of the functions and activities. The proposal shall include alternatives which could be used to achieve the objectives if the proposed functions and activities are not es-

tablished. By June 1, 1983, each county shall revise its master plan to include a land disposal abatement element to implement the council's land disposal abatement plan adopted under section 473.149, subdivision 6, and shall submit the revised plan to the council for review under subdivision 4. The proposal and master plan revision required by this subdivision shall be prepared in consultation with cities and towns within the county, particularly the cities and towns in which a solid waste disposal facility is or may be located pursuant to the county master plan.

Subd. (2) 4. [COUNCIL REVIEW.] The council shall review each master plan or revision thereof to determine whether it is consistent with the council's policy plan. If it is not consistent, the council shall *disapprove* and return the plan with its comments to the county for revision and resubmittal. *The county shall have 90 days to revise and resubmit the plan for council approval.* Any county solid (OR HAZARDOUS) waste plan or report approved by the council prior to April 9, 1976, shall remain in effect until a new master plan is submitted to and approved by the council in accordance with this section.

Subd. (3) 5. [ANNUAL REPORT.] Each metropolitan county shall prepare and submit annually to the council *for its approval* a report containing information, as the council may prescribe in its policy plan, concerning solid (AND HAZARDOUS) waste generation (, COLLECTION, AND PROCESSING) *and management* within the county. *The report shall include a statement of progress in achieving the land disposal abatement objectives of the council's policy plan and county master plan.* The report shall include a schedule of rates and charges in effect or proposed for the use of any *solid* waste facility owned or operated by or on its behalf, together with a statement of the basis for such charges.

Sec. 9. Minnesota Statutes 1978, Section 473.811, is amended to read:

473.811 [COUNTIES AND LOCAL UNITS OF GOVERNMENT: WASTE MANAGEMENT.] Subdivision 1. [COUNTY ACQUISITION OF FACILITIES.] To accomplish the purpose specified in section 473.803, each metropolitan county may acquire by purchase, lease, gift or condemnation as provided by law, upon such terms and conditions as it shall determine, including contracts for deed and conditional sales contracts, solid waste facilities or properties *or easements or development rights* for solid waste facilities which are in accordance with regulations adopted by the agency, the policy plan adopted by the council and the county master plan as approved by the council, and may improve or construct improvements on any property or facility so acquired. No metropolitan city, county or town shall own or operate a hazardous waste facility. Each metropolitan county is authorized to levy a tax in anticipation of need for expenditure for the acquisition and betterment of solid waste facilities. If (SUCH) a tax is levied in anticipation of need, the

purpose must be specified in a resolution of the county directing that the levy and the proceeds of the tax may be used only for that purpose. Until so used, the proceeds shall be retained in a separate fund or invested in the same manner as surplus in a sinking fund may be invested under section 475.66. The right of condemnation shall be exercised in accordance with chapter 117. (A) *Except as provided in subdivision 9, metropolitan county may acquire property for and operate a solid waste disposal facility within the boundaries of any (CITY) other county or (TOWN IN THE METROPOLITAN AREA,) local unit of government without complying with the provisions of any (ZONING) ordinance (ADOPTED AFTER APRIL 15, 1969) of the other county or local unit, if the action is approved by the council as being in conformance with its policy plan. For facilities outside the metropolitan area, approval of the board shall also be required, following review pursuant to article IV.*

Subd. 2. [RIGHT OF ACCESS.] Whenever the county deems it necessary to the evaluation of a waste facility for enforcement purposes or to the evaluation of a site or buffer area for inclusion in the inventory of disposal sites pursuant to section 473.149, subdivision 4, and section 473.803, subdivision 2, or for final acquisition under section 15, the county or any member, employee, or agent thereof, when authorized by it, may enter upon any property, public or private, for the purpose of obtaining information or conducting surveys or investigations, provided that the entrance and activity is undertaken after reasonable notice and during normal business hours and provided that compensation is made for any damage to the property caused by the entrance and activity.

Subd. (2) 3. [COUNTY FINANCING OF FACILITIES.] Each metropolitan county may by resolution authorize the issuance of bonds to provide funds for the acquisition or betterment of solid waste facilities or property or property rights for a solid waste facility, or for refunding any outstanding bonds issued for any such purpose, and may pledge to the payment of the bonds and the interest thereon, its full faith, credit and taxing powers, or the proceeds of any designated tax levies, or the gross or net revenues or charges to be derived from any facility operated by or for the county, or any combination thereof. Taxes levied for the payment of the bonds and interest shall not reduce the amounts of other taxes which the county is authorized by law to levy. No election shall be required to authorize the issuance of the bonds. Except as otherwise provided, the bonds shall be issued and sold in accordance with the provisions of chapter 475.

Subd. (3) 4. [COUNTY OPERATION OF FACILITIES.] Each metropolitan county may operate and maintain solid waste facilities, and for this purpose may employ all necessary personnel, may adopt regulations governing operation, and may establish and collect reasonable, non-discriminatory rates and charges for the use of the facilities by any local government unit or person, estimated to be sufficient, with any other moneys appropri-

ated for the purpose, to pay all costs of acquisition, operation and maintenance. Each metropolitan county may use itself or sell all or any part of materials or energy recovered from solid waste to private interests or public agencies for consumption or reuse by them. Section 471.345 and Laws 1951, Chapter 556, as amended shall not apply to the sale of the materials or energy provided that the dealings of each county shall be on a competitive basis so as not to create an unfair or unreasonable advantage or restraint of trade on the part of the county.

Subd. (4) 5. [COUNTY CONTRACTS.] Each metropolitan county *may contract* for the use of existing public or private *solid waste facilities and may contract* with any person for the operation and maintenance of any solid waste facility owned by the county. The contract shall provide for the operation and maintenance of the facility in accordance with any regulations, criteria, and standards of the agency, the metropolitan council and the county relating thereto.

Subd. 6. [ORDINANCES; GENERAL CONDITIONS; RESTRICTIONS; APPLICATION.] *Ordinances of counties and local government units related to or affecting waste management shall embody plans, policies, rules, standards and requirements adopted by any state agency authorized to manage or plan for or regulate the management of waste and the waste management plans adopted by the council and shall be consistent with county master plans approved by the council.*

Subd. (5) 7. [ORDINANCES; SOLID WASTE COLLECTION AND TRANSPORTATION.] Each metropolitan county may adopt ordinances governing the collection of solid waste. (THE ORDINANCES SHALL NOT PREVENT THE HAULING OF SOLID WASTE FROM ONE COUNTY TO ANOTHER.) Each (MUNICIPALITY AND TOWN) *local unit of government* within the metropolitan area shall adopt an ordinance governing the collection of solid waste within its boundaries. If the county within which it is located has adopted an ordinance, the (MUNICIPALITY OR TOWN) *local unit* shall adopt either the county ordinance by reference or a more strict ordinance. (A HAULER WHO QUALIFIED UNDER THE ORDINANCE OF THE MUNICIPALITY WHERE HE IS MAKING PICKUPS MAY TRANSPORT SOLID WASTE ON STREETS AND HIGHWAYS IN OTHER MUNICIPALITIES WITHIN THE COUNTY WITHOUT CONFORMING TO THEIR ORDINANCES.) *Ordinances of counties and local government units may establish reasonable conditions respecting but shall not prevent the transportation of solid waste by a licensed collector through and between counties and local units, except as required for the enforcement of any designation of a facility by the council pursuant to section 13. A licensed collector or a metropolitan county or local government unit may request review by the council of an ordinance adopted under this subdivision. Upon such a request the ordinance shall be invalid*

unless it is approved by the council as reasonable. Ordinances of counties and local units of government shall provide for the enforcement of any designation of facilities by the council under section 13. Nothing in this subdivision shall be construed to limit the authority of the local government unit to regulate and license collectors of solid waste or to require review or approval by the council for ordinances regulating collection.

Subd. 8. [ORDINANCES; SOLID WASTE FACILITIES.] Each metropolitan county shall by ordinance establish and from time to time revise rules, regulations, and standards for *solid waste facilities* within the county, relating to location, sanitary operation, periodic inspection and monitoring, maintenance, termination and abandonment, and other pertinent matters. The county ordinance shall require permits or licenses for *solid waste facilities* and shall require that such facilities be registered with a county office. *Ordinances of counties and local government units shall not prevent or restrain the acquisition, establishment, operation, expansion, continuance, or closure of solid waste disposal facilities and solid waste disposal facility sites pursuant to the council's policy plan and development schedule for such facilities, adopted pursuant to section 473.149, subdivision 7, except that ordinances approved by the council and the agency as being consistent with the establishment and use of facilities in accordance with the council's plan and agency rules and permits may impose conditions respecting the construction, operation, inspection, monitoring, and maintenance of a facility.*

Subd. 9. [ORDINANCES; HAZARDOUS WASTE MANAGEMENT.] Each metropolitan county shall by ordinance establish and revise rules, regulations, and standards (FOR HAZARDOUS WASTE MANAGEMENT) relating to (a) the identification of hazardous waste, (b) the labeling and classification of hazardous waste, (c) the (HANDLING,) collection, storage, transportation (AND STORAGE), *processing, disposal, and land containment* of hazardous waste, and (d) (THE ULTIMATE DISPOSAL SITE OF HAZARDOUS WASTE, AND (E)) other matters necessary for the public health, welfare and safety. The county shall require permits or licenses for the generation, collection, (AND) processing, *disposal, and land containment* of hazardous waste and shall require registration with a county office. *Ordinances of counties and local government units shall not prevent or restrain the location, establishment, operation, expansion, continuance, or closure of any hazardous waste facility in accordance with certificates, permits, and other approvals by state agencies pursuant to articles III and IV, except that ordinances approved by the agency as being consistent with the establishment and use of facilities in accordance with such certificates, permits, and approvals may impose conditions respecting the construction, inspection, monitoring, and maintenance of a facility. (ANY ORDINANCE ENACTED UNDER THIS SUBDIVISION SHALL EMBODY REGULATIONS, STANDARDS, AND REQUIREMENTS ADOPTED*

BY THE AGENCY AND GOALS, POLICIES, CRITERIA, AND STANDARDS ADOPTED BY THE COUNCIL AND SHALL BE CONSISTENT WITH THE COUNTY MASTER PLAN APPROVED BY THE COUNCIL. COUNTY ORDINANCES ADOPTED PURSUANT TO THIS SUBDIVISION SHALL NOT APPLY TO THE LOCATION OR OPERATION OF ANY HAZARDOUS WASTE FACILITY OWNED OR OPERATED BY THE WASTE CONTROL COMMISSION UNDER SECTION 473.516.) Issuing, denying, *suspending*, modifying, imposing conditions upon, or revoking hazardous waste permits or licenses, and county hazardous waste regulations *and ordinances*, shall be subject to review, denial, suspension, *modification*, and reversal by the agency. The agency shall after written notification have 15 days to review, suspend, modify, or reverse the action of the county. After this period, the action of the county board shall be final subject to appeal to the district court in the manner provided in (SECTION 115.05. ANY ORDINANCE ENACTED SHALL BE PUBLISHED IN ACCORDANCE WITH THE PROVISIONS OF SECTION 375.51) *chapter 15*.

Subd. (5A) 10. [COUNTY ENFORCEMENT.] Each metropolitan county shall be responsible for insuring that waste facilities, solid waste collection operations licensed or regulated by the county and hazardous waste generation (,) *and* collection (, AND PROCESSING) operations are brought into conformance with, or terminated and abandoned in accordance with, applicable county ordinances; rules, regulations and requirements of the (AGENCY) *state*; and (GOALS, POLICIES, CRITERIA, AND STANDARDS) *the policy plan* of the council. Counties may provide by ordinance that operators or owners or both of such facilities or operations shall be responsible to the county for satisfactorily performing the procedures required. If operators or owners or both fail to perform, the county may recover the costs incurred by the county in completing the procedures in a civil action in any court of competent jurisdiction or, in the discretion of the board, the costs may be certified to the county auditor as a special tax against the land. The ordinances may be enforced by action in district court. The county may prescribe a criminal penalty for the violation of any ordinance enacted under this section not exceeding the maximum which may be specified for a misdemeanor.

Subd. (6) 11. [GRANTS AND LOANS TO COUNTIES.] Each metropolitan county may accept gifts, may apply for and accept grants or loans of money or other property from the United States, the state, the metropolitan council, any local government unit, or any person, to accomplish the purposes specified in sections 473.149, 473.151, and 473.801 to 473.823 *and sections 13 to 16*, may enter into any agreement required in connection therewith, and may hold, use, and dispose of the money or property in accordance with the terms of the gift, grant, loan or agreement relating thereto.

Subd. (7) 12. [JOINT ACTION.] Each metropolitan county and local government unit may act *together with any county, city, or town within or without the metropolitan area* under the provisions of section 471.59 or any other appropriate law providing for joint or cooperative action between government units, to accomplish any purpose specified in sections 473.149, 473.151, and 473.801 to 473.823 and sections 13 to 16.

Subd. (8) 13. [COUNTY SALE OR LEASE.] Each metropolitan county may sell or lease any facilities or property or property rights previously used or acquired to accomplish the purposes specified by sections 473.149, 473.151, and 473.801 to 473.823 and sections 13 to 16. Such property may be sold in the manner provided by section 458.196. Each metropolitan county may convey to or permit the use of any such property by a local government unit, with or without compensation, without submitting the matter to the voters of the county. No real property or property rights acquired pursuant to this section, may be disposed of in any manner unless and until the county shall have submitted to the agency and the metropolitan council for review and comment the terms on and the use for which the property will be disposed of. The agency and the council shall review and comment on the proposed disposition within 60 days after each has received the data relating thereto from the county.

Subd. (9) 14. [SOLID AND HAZARDOUS WASTE FUND.] All moneys received by any metropolitan county from any source specified in sections 473.149, 473.151, and 473.801 to 473.823 and sections 13 to 16 shall be paid into the county treasury, placed in a special fund designated as the county solid and hazardous waste fund, and used only for the purposes authorized in those sections, as appropriated by the county board, subject to any lawful restrictions, conditions, or pledges applicable thereto.

Sec. 10. Minnesota Statutes 1978, Section 473.813, is amended to read:

473.813 [CITIES, COUNTIES, TOWNS; SOLID WASTE CONTRACTS.] Subdivision 1. Notwithstanding any contrary provision of law or charter, and in addition to the powers or authority granted by any other law or charter, a city, county, or town in the metropolitan area may directly negotiate and enter into contracts, for a term not to exceed 30 years, for the delivery of solid waste to a waste facility and the processing of solid waste. Contracts made by direct negotiations shall be approved by resolution adopted by the governing body of the city, county, or town.

Subd. 2. Before a city, county, or town (MAY ENTER) enters into any contract pursuant to subdivision 1 (, WHICH CONTRACT IS) for a period of more than five years, the city,

county, or town shall submit the proposed contract and a description of the proposed activities under the contract to the council for review and approval. The council shall approve the proposed contract if it determines that the contract (WILL NOT ADVERSELY AFFECT COLLECTION RATES AND CHARGES DURING THE TERM OF THE CONTRACT AND THAT THE CONTRACT) is consistent with the council's plan, permits issued under section 473.823, and county reports or master plans approved by the council. The council may consolidate its review of contracts submitted under this section with its review of related permit applications submitted under section 473.823 and for this purpose may delay the review required by this section.

Sec. 11. Minnesota Statutes 1978, Section 473.823, Subdivision 3, is amended to read:

Subd. 3. [SOLID WASTE FACILITIES; REVIEW PROCEDURES.] (THE AGENCY MAY PRESCRIBE PERMIT AND PERMIT APPLICATION FORMS, AND MAY REQUEST APPLICANTS TO SUBMIT IN WRITING ALL INFORMATION DEEMED RELEVANT BY THE AGENCY.) The agency shall request applicants for *solid waste facility permits* to submit all information deemed relevant by the council to its review, including without limitation information relating to the geographic areas and population served, the need, the effect on existing facilities and services, the anticipated public cost and benefit, the anticipated rates and charges, the manner of financing, the effect on metropolitan plans and development programs, the supply of waste, anticipated markets for any product, and alternative means of disposal or energy production. (THE AGENCY, OR ANY EMPLOYEE OR AGENT THEREOF, WHEN AUTHORIZED BY IT, MAY EXAMINE ANY BOOKS, PAPERS, RECORDS OR MEMORANDA OF THE APPLICANT PERTAINING TO ITS WASTE FACILITY, AND MAY ENTER ON ANY PROPERTY, PUBLIC OR PRIVATE, FOR THE PURPOSE OF OBTAINING INFORMATION, CONDUCTING SURVEYS OR MAKING INVESTIGATIONS RELATIVE TO THE LOCATION OR OPERATION OF A WASTE FACILITY. THE AGENCY MAY ISSUE PERMITS FOR THE OPERATION OF WASTE FACILITIES BY ANY METROPOLITAN COUNTY OR COMMISSION, LOCAL GOVERNMENT UNIT OR PERSON WHERE THE OPERATION THEREOF IS CONSISTENT WITH APPLICABLE REGULATIONS ADOPTED BY THE AGENCY PURSUANT TO SUBDIVISION 1, PROVIDED THAT) No permit may be issued for the operation of a *solid waste facility* in the metropolitan area which is not in accordance with the metropolitan council's solid (AND HAZARDOUS) waste policy plan. The metropolitan council shall determine whether a permit is in accordance with the (GOALS, POLICIES, STANDARDS, AND CRITERIA IN ITS) policy plan. In making its determination, the council shall consider the area-wide need and benefit of the applicant facility and may consider, without limitation, the effect of the applicant facility on existing and planned *solid waste facilities* described in a waste

control commission development program or county report or master plan. If the council determines that a permit is in accordance with its policy plan, the council shall approve the permit. If the council determines that a permit is not in accordance with its policy plan, it shall disapprove the permit. The council's approval of permits may be subject to conditions necessary to satisfy criteria and standards in its policy plan, including conditions respecting the type, character, and quantities of waste to be processed at a *solid* waste facility used primarily for resource recovery and (RESTRICTIONS ON) the geographic territory from which a (WASTE FACILITY USED PRIMARILY FOR) resource recovery *facility or transfer station serving such a facility* may draw its waste. For the purpose of this review and approval by the council, the agency shall send a copy of each permit application and any supporting information furnished by the applicant to the metropolitan council within 15 days after receipt of the application and all other information requested from the applicant. Within 60 days after the application and supporting information are received by the council, unless a time extension is authorized by the agency, the council shall issue to the agency in writing its determination whether the permit is disapproved, approved, or approved with conditions. If the council does not issue its determination to the agency within the 60 day period, unless a time extension is authorized by the agency, the permit shall be deemed to be in accordance with the council's policy plan. No permit may be issued in the metropolitan area for a *solid* waste facility used primarily for resource recovery, if the facility or site is owned and operated by a public agency or if the acquisition or betterment of the facility or site is secured by *public funds or obligations* (PLEDGING THE FULL FAITH AND CREDIT OR TAXING POWERS OF A CITY, COUNTY, OR TOWN,) unless the council finds that adequate markets exist for the products recovered without substantially reducing the supply of solid waste available for existing resource recovery operations and that (ALL COSTS OF OPERATION, ADMINISTRATION, MAINTENANCE AND DEBT SERVICE WILL BE COVERED BY REASONABLE RATES AND CHARGES FOR THE USE OF THE FACILITY) *the facility is operated on a competitive basis so as not to create an unfair or unreasonable advantage or restraint of trade in relation to comparable private facilities existing in the area.*

Sec. 12. Minnesota Statutes 1978, Section 473.823, is amended by adding a subdivision to read:

Subd. 5. [COUNCIL; CERTIFICATION OF NEED.] No new mixed municipal solid waste disposal facility shall be permitted in the metropolitan area without a certificate of need issued by the council indicating the council's determination that the additional disposal capacity planned for the facility is needed in the metropolitan area. The council shall amend its policy plan, adopted pursuant to section 473.149, to include standards and procedures for certifying need. The standards and procedures shall be based on the council's disposal abatement plan adopted

pursuant to section 473.149, subdivision 6, and the abatement master plans of counties adopted pursuant to section 473.803, subdivision 3. The council shall certify need only if and only to the extent that the county or permit applicant demonstrates that there are no feasible and prudent alternatives to the disposal facility, including waste reduction, source separation and resource recovery which would minimize adverse impact upon natural resources. Economic considerations alone shall not justify the certification of need or the rejection of alternatives.

Sec. 13. Minnesota Statutes 1978, Chapter 473, is amended by adding a section to read:

[473.827] [COUNCIL DESIGNATION OF SOLID WASTE FACILITY; REQUIRED USE.] *Subdivision 1. [AUTHORITY.] The council may require that all or any portion of the solid waste that is generated within the metropolitan area or any service area thereof and is disposed of in the state be delivered to a resource recovery facility designated by the council or a transfer station serving such a facility. The council may designate a facility under this section without the approval of the board except that the approval of the board shall be required if the solid waste required to be delivered is generated outside of the metropolitan area.*

Subd. 2. [STANDARDS.] In determining whether to designate and require the use of the facility the council shall consider whether:

(a) the required use will result in the recovery of resources or energy from materials which would otherwise be wasted;

(b) the required use will lessen the demand for and use of land disposal;

(c) the required use is necessary for the financial support of the facility.

(d) less restrictive methods for ensuring an adequate solid waste supply are available.

Subd. 3. [EXEMPTION.] The council shall not designate and require use of facilities for materials which are separated from solid waste and recovered for reuse or recycling by the generator, by a private person under contract with the generator, or by a licensed solid waste collector.

Subd. 4. [PROCEDURE.] The council shall proceed as follows when designating and requiring use of facilities:

(a) The council shall notify those persons whom the council has determined should use the facilities. Notification to politi-

cal subdivisions shall be in writing. All other persons shall be notified at least by publication in a legal newspaper or newspapers having general circulation in the area. The notification shall specify types and quantities of solid wastes, plans for use of the solid wastes, the point of delivery of the solid wastes, and the fee to be charged. During a period of 90 days following the notification, the council shall negotiate with the persons within the areas to be served in order to develop contractual agreements on the terms of required use of the designated facilities.

(b) If contracts have not been made at the end of the 90-day period, or if persons subject to the required use have not made arrangements sufficient to justify exemption, the council shall hold a public hearing to take testimony on the required use of the designated facilities. The hearing shall be preceded by the notice required under clause (a).

(c) If contracts have not been made within 30 days after the public hearing, or if persons subject to the required use have not made arrangements sufficient to justify exemption, the council may order any person identified in the notice of the council to use the designated facilities, starting at a specified date which shall be at least 30 days after the order has been issued.

Subd. 5. [SERVICE GUARANTEE.] The facility designated by the council shall not arbitrarily terminate, suspend, or curtail services provided to any person required pursuant to this section to use designated facilities without the consent of the person, or without just cause.

Subd. 6. [TERMINATION.] Use required under contract or order pursuant to this section may be terminated by a person upon an adequate showing to the council that the solid waste has value and that arrangements have been made sufficient to justify exemption from the designation, unless the council determines that the requirement must be continued to assure delivery of waste necessary to the financial support of the facilities designated by the council.

Sec. 14. Minnesota Statutes 1978, Chapter 473, is amended by adding a section to read:

[473.831] [DEBT OBLIGATIONS; SOLID WASTE DISPOSAL.] Subdivision 1. [GENERAL OBLIGATION BONDS.] Following the adoption of the revisions to its policy plan required by section 473.149, subdivision 7, the council may by resolution authorize the issuance of general obligation bonds of the council to provide funds for the acquisition of sites and surrounding buffer areas for development as solid waste disposal facilities pursuant to this section and section 15 and to provide funds for refunding obligations issued under this section. The bonds shall be sold, issued, and secured in the manner provided in chapter 475 for general obligation bonds, and the

council shall have the same power and duties as a municipality and its governing body in issuing bonds under chapter 475, except as otherwise provided in this chapter. No election shall be required, and the net debt limitations in chapter 475 shall not apply.

Subd. 2. [USE OF PROCEEDS.] The proceeds of bonds issued under subdivision 1 shall be used pursuant to section 15, by the council to make grants to metropolitan counties to pay the cost of the acquisition of all property or interests in property for solid waste disposal sites and surrounding buffer areas required to be acquired by the county in the council's policy plan and development schedule adopted pursuant to section 473.149.

Sec. 15. Minnesota Statutes 1978, Chapter 473, is amended by adding a section to read:

[473.833] [SOLID WASTE DISPOSAL SITES AND BUFFER AREAS.] Subdivision 1. [COUNTY SITE SELECTION AUTHORITIES.] Each metropolitan county shall establish a site selection authority. By June 1, 1983, each site selection authority shall select specific sites within the county from the council's disposal site inventory, in accordance with the standards, criteria, and procedures established by the council under section 473.149, subdivision 7, and in a number 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 chairman 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 chairman of the county board shall be the chairman of the site selection authority. If a site selection authority has not selected the requisite number of sites in accordance with the council's standards, criteria, and procedures by June 1, 1983, the council shall make the selection.

Subd. 2. [ACQUISITION AND DISPOSITION.] In order to prevent the development of conflicting land uses at and around future solid waste disposal facility sites, the council shall provide for the acquisition by a metropolitan county of property and rights in property at and around each solid waste disposal site selected pursuant to subdivision 1. Each site scheduled for development as a facility through the year 1990 shall be acquired in fee. Development rights shall be acquired for

each site scheduled for development as a facility after the year 1990 through the year 2000. Development rights shall be acquired in a buffer area surrounding and at least equal to the area of each site scheduled for development as a facility through the year 2000. An increase or decrease in the value of property resulting from its designation in the inventory of disposal sites and buffer areas or its selection as a site or buffer area shall not be considered in establishing the value of the property in a condemnation proceeding. The county may sell property and development rights, with the permission of the council, when they are no longer needed for a site or surrounding buffer area. The owner of the fee shall have the right of first refusal of any development rights at the price of purchase plus interest at the rate permitted under section 344.01. The proceeds from any sale of property or development rights shall be returned to the council and used to pay debt service on the council's solid waste bonds.

Subd. 3. [ACQUISITION PROCEDURE.] The council shall offer a grant covering the full cost of acquisition to the county or counties in which the property is located. If the acquisition is not made or condemnation proceedings initiated within 60 days following June 1, 1983, the council shall offer the grant to any other county in the metropolitan area.

Subd. 4. [FAILURE OF COUNTIES TO ACQUIRE; REPORT TO LEGISLATURE.] If any county fails to identify property for acquisition or if counties refuse to proceed with acquisition, as required by this section and the council's disposal facility development schedule adopted pursuant to section 473.149, subdivision 7, the council shall prepare and recommend to the legislature, no later than January 1, 1984, legislation to transfer solid waste management authority and responsibility in the metropolitan area from the counties to the waste control commission or a new metropolitan commission established for that purpose.

Sec. 16. Minnesota Statutes 1978, Chapter 473, is amended by adding a section to read:

[473.834] [DEBT SERVICE; SOLID WASTE BONDS.]
Subdivision 1. [CERTAIN CITIES AND TOWNS; EXEMPTION.] Each city or town in which a solid waste disposal facility is operating after January 1, 1980, shall be permanently exempt from the payments required by this section, if the facility is a commercial facility disposing of garbage and mixed municipal refuse under an agency permit.

Subd. 2. [ALLOCATION OF DEBT SERVICE.] The annual debt service on the council's solid waste bonds, issued under section 15, shall be annually apportioned by the council to each city and town in the metropolitan area, as follows: (a)

one-half in the proportion that the assessed value of all taxable property within such city or town bears the assessed value of the taxable property in all such cities and towns, as last finally equalized before October 1 in the year in which the allocation is made; and (b) one-half in the proportion that the population of each such city or town bears to the total population in all such cities and towns, as estimated by the council.

Subd. 3. [CERTAIN CITIES AND TOWNS; REDUCED PAYMENTS.] *When a solid waste reduction, separation, or resource recovery program is implemented or solid waste processing facilities are established in a city or town pursuant to a county land disposal abatement plan approved by the council, the annual payment otherwise required of the city or town pursuant to subdivision 2, shall be reduced by an amount determined by the council to be proportionate to the abatement in the waste going from the city or town into a solid waste disposal facility as a result of the local abatement program or processing facility.*

Subd. 4. [PROCEDURES FOR PAYMENT.] *By January 1 of each year, the council shall certify to each city and town in the metropolitan area the payment required from it to pay debt service on the council's bonds in the next succeeding calendar year. The amounts so certified shall be due and payable to the council, for deposit in the council's debt service fund, at such time or times during the year as the council determines. The council shall set the dates for payment with reference to the dates on which tax, assessment, and revenue collections become available to the government units required to pay such charges, provided that all payments shall be due in time to allow the council to certify deficiency tax levies pursuant to subdivision 5.*

Subd. 5. [DEFICIENCY TAX LEVIES.] *If the governing body of any local government unit fails to make payment to the council when due, the council shall certify to the auditor of the county in which the government unit is located the amount required for payment with interest at six percent per annum. The auditor shall levy and extend such amount as a tax upon all taxable property in the government unit for the next calendar year, free from any existing limitations imposed by law or charter. Such tax shall be collected in the same manner as the general taxes of the government unit, and the proceeds thereof, when collected, shall be paid by the county treasurer to the council for deposit in the debt service fund and credited to the government unit for which the tax was levied.*

Subd. 6. [SECURITY.] *In addition to the power to require payments and tax levies under subdivisions 3 to 5 for the payment of debt service on bonds issued under section 15, the council may levy taxes for the payment of the debt service upon all taxable property within the metropolitan area without limitation of rate or amount and without affecting the amount or rate of*

taxes which may be levied by the council for other purposes or by any local government unit in the area.

Sec. 17. *Article X applies in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.*

ARTICLE XI

POLLUTION CONTROL AGENCY

Section 1. Minnesota Statutes 1978, Section 116.06, Subdivision 9, is amended to read:

Subd. 9. "Land pollution" means the presence in or on the land of any (SOLID) waste in such quantity, of such nature and duration, and under such condition as would affect injuriously any waters of the state, create air contaminants or cause air pollution.

Sec. 2. Minnesota Statutes 1978, Section 116.06, is amended by adding subdivisions to read:

Subd. 9a. "Waste" has the meaning given it in article I, section 3.

Subd. 9b. "Waste management" has the meaning given it in article I, section 3.

Subd. 9c. "Collection" of waste has the meaning given it in article I, section 3.

Subd. 9d. "Processing" of waste has the meaning given it in article I, section 3.

Subd. 9e. "Disposal" of waste has the meaning given it in article I, section 3.

Subd. 9f. "Degree of intrinsic hazard" of a waste has the meaning given it in article I, section 3.

Subd. 9g. "Degree of intrinsic suitability" of a land area or site has the meaning given it in article I, section 3.

Subd. 9h. "Sewage sludge" has the meaning given it in article I, section 3.

Sec. 3. Minnesota Statutes 1978, Section 116.06, Subdivision 10, is amended to read:

Subd. 10. "Solid waste" means garbage, refuse, sludge from a water supply treatment plant or air contaminant treatment

facility, and other discarded (SOLID) waste materials and sludges, (INCLUDING SOLID WASTE MATERIALS AND WASTE SLUDGES) in solid, semi-solid, liquid, or contained gaseous form, resulting from industrial, commercial, mining, and agricultural operations, and from community activities, but does not include hazardous waste; animal waste used as fertilizer (,); earthen fill, boulders, rock (, SOLIDS); sewage sludge; solid or dissolved material in domestic sewage or other (SIGNIFICANT) common pollutants in water resources, such as silt, dissolved or suspended solids in industrial waste water effluents or discharges which are point sources subject to permits under section 402 of the federal water pollution control act, as amended, dissolved materials in irrigation return flows (, OR OTHER COMMON WATER POLLUTANTS); or source, special nuclear, or by-product material as defined by The Atomic Energy Act of 1954, as amended.

Sec. 4. Minnesota Statutes 1978, Section 116.06, Subdivision 13, is amended to read:

Subd. 13. "Hazardous waste" means any refuse or discarded material or combinations of refuse or discarded materials in solid, semi-solid, liquid, or gaseous form which cannot be handled by routine waste management techniques because they pose a substantial present or potential hazard to human health or other living organisms because of their chemical, biological, or physical properties. Categories of hazardous waste materials include, but are not limited to: explosives, flammables, oxidizers, poisons, irritants, and corrosives. *Hazardous waste does not include sewage sludge and source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954, as amended.*

Sec. 5. Minnesota Statutes 1978, Section 116.07, Subdivision 2, is amended to read:

Subd. 2. [ADOPTION OF STANDARDS.] The pollution control agency shall improve air quality by promoting, in the most practicable way possible, the use of energy sources and waste disposal methods which produce or emit the least air contaminants consistent with the agency's overall goal of reducing all forms of pollution. The agency shall also adopt standards of air quality, including maximum allowable standards of emission of air contaminants from motor vehicles, recognizing that due to variable factors, no single standard of purity of air is applicable to all areas of the state. In adopting standards the pollution control agency shall give due recognition to the fact that the quantity or characteristics of air contaminants or the duration of their presence in the atmosphere, which may cause air pollution in one area of the state, may cause less or not cause any air pollution in another area of the state, and it shall take into consideration in this connection such factors, including others which it may deem proper, as existing physical conditions, zoning classifications, topography, prevailing wind directions and velocities, and the fact that a standard of air quality which may be proper

as to an essentially residential area of the state, may not be proper as to a highly developed industrial area of the state. Such standards of air quality shall be premised upon scientific knowledge of causes as well as effects based on technically substantiated criteria and commonly accepted practices. No local government unit shall set standards of air quality which are more stringent than those set by the pollution control agency.

The pollution control agency shall promote solid waste disposal control by encouraging the updating of collection systems, elimination of open dumps, and improvements in incinerator practices. The agency shall also adopt standards for the control of the collection, transportation, storage, *processing*, and disposal of solid waste *and the disposal of sewage sludge* for the prevention and abatement of water, air and land pollution, recognizing that due to variable factors, no single standard of (SOLID WASTE) control is applicable to all areas of the state. In adopting standards, the pollution control agency shall give due recognition to the fact that elements of control which may be reasonable and proper in densely populated areas of the state may be unreasonable and improper in sparsely populated or remote areas of the state, and it shall take into consideration in this connection such factors, including others which it may deem proper, as existing physical conditions, topography, soils and geology, climate, transportation, and land use. Such standards of (SOLID WASTE) control shall be premised on technical criteria and commonly accepted practices.

The pollution control agency shall also adopt standards describing the maximum levels of noise in terms of sound pressure level which may occur in the outdoor atmosphere, recognizing that due to variable factors no single standard of sound pressure is applicable to all areas of the state. Such standards shall give due consideration to such factors as the intensity of noises, the types of noises, the frequency with which noises recur, the time period for which noises continue, the times of day during which noises occur, and such other factors as could affect the extent to which noises may be injurious to human health or welfare, animal or plant life, or property, or could interfere unreasonably with the enjoyment of life or property. In adopting standards, the pollution control agency shall give due recognition to the fact that the quantity or characteristics of noise or the duration of its presence in the outdoor atmosphere, which may cause noise pollution in one area of the state, may cause less or not cause any noise pollution in another area of the state, and it shall take into consideration in this connection such factors, including others which it may deem proper, as existing physical conditions, zoning classifications, topography, meteorological conditions and the fact that a standard which may be proper in an essentially residential area of the state, may not be proper as to a highly developed industrial area of the state. Such noise standards shall be premised upon scientific knowledge as well as effects based on technically substantiated criteria and commonly accepted practices. No local governing

unit shall set standards describing the maximum levels of sound pressure which are more stringent than those set by the pollution control agency.

The pollution control agency shall adopt standards for the identification of hazardous waste and for the *management, identification, labeling, classification, storage, collection, transportation, processing, and disposal* of hazardous waste, recognizing that due to variable factors, (NO) a single standard of hazardous waste control (IS) *may not be applicable* to all areas of the state. In adopting standards, the pollution control agency shall recognize that elements of control which may be reasonable and proper in densely populated areas of the state may be unreasonable and improper in sparsely populated or remote areas of the state. The agency shall consider existing physical conditions, topography, soils, and geology, climate, transportation and land use. Standards of hazardous waste control shall be premised on technical knowledge, and commonly accepted practices. No local government unit shall set standards of hazardous waste control which are in conflict or inconsistent with those set by the pollution control agency.

Sec. 6. Minnesota Statutes 1978, Section 116.07, Subdivision 4, is amended to read:

Subd. 4. [RULES AND STANDARDS.] Pursuant and subject to the provisions of chapter 15, and the provisions hereof, the pollution control agency may adopt, amend and rescind (REGULATIONS) *rules* and standards having the force of law relating to any purpose within the provisions of Laws 1969, Chapter 1046, for the prevention, abatement, or control of air pollution. Any such (REGULATION) *rule* or standard may be of general application throughout the state, or may be limited as to times, places, circumstances, or conditions in order to make due allowance for variations therein. Without limitation, (REGULATIONS) *rules* or standards may relate to sources or emissions of air contamination or air pollution, to the quality or composition of such emissions, or to the equality of or composition of the ambient air or outdoor atmosphere or to any other matter relevant to the prevention, abatement, or control of air pollution.

Pursuant and subject to the provisions of chapter 15, and the provisions hereof, the pollution control agency may adopt, amend, and rescind (REGULATIONS) *rules* and standards having the force of law relating to any purpose within the provisions of Laws 1969, Chapter 1046, for the collection, transportation, storage, *processing, and disposal* of solid waste and the prevention, abatement, or control of water, air, and land pollution which may be related thereto, and the deposit in or on land of any other material that may tend to cause pollution. *The agency shall adopt such rules and standards for the disposal of sewage sludge, addressing the intrinsic suitability of land, the volume and rate*

of application of sewage sludge of various degrees of intrinsic hazard, design of disposal facilities, and operation of disposal facilities and disposal sites. The agency shall promulgate temporary rules for sewage sludge disposal pursuant to section 15.0412, subdivision 5. Any such (REGULATION) rule or standard may be of general application throughout the state or may be limited as to times, places, circumstances, or conditions in order to make due allowance for variations therein. Without limitation, (REGULATIONS) rules or standards may relate to collection, transportation, *processing*, disposal, equipment, location, procedures, methods, systems or techniques or to any other matter relevant to the prevention, abatement or control of water, air, and land pollution which may be advised through the control of collection, transportation, *processing*, and disposal of solid waste and the disposal of sewage sludge, and the deposit in or on land of any other material that may tend to cause pollution.

Pursuant and subject to the provisions of chapter 15, and the provisions hereof, the pollution control agency may adopt, amend and rescind (REGULATIONS) rules and standards having the force of law relating to any purpose within the provisions of Laws 1971, Chapter 727, for the prevention, abatement, or control of noise pollution. Any such (REGULATION) rule or standard may be of general application throughout the state, or may be limited as to times, places, circumstances or conditions in order to make due allowances for variations therein. Without limitation, (REGULATIONS) rules or standards may relate to sources or emissions of noise or noise pollution, to the quality or composition of noises in the natural environment, or to any other matter relevant to the prevention, abatement, or control of noise pollution.

As to any matters subject to this chapter, local units of government may set emission regulations with respect to stationary sources which are more stringent than those set by the pollution control agency.

Pursuant to chapter 15, the pollution control agency may adopt, amend, and rescind (REGULATIONS) rules and standards having the force of law relating to any purpose within the provisions of this chapter for the *management*, identification, labeling, classification, storage, collection, treatment, *transportation*, *processing*, and disposal of hazardous waste and location of hazardous waste (DISPOSAL) facilities. A (REGULATION) rule or standard may be of general application throughout the state or may be limited as to time, places, circumstances, or conditions. The public service commission, in cooperation with the pollution control agency, shall set standards for the transportation of hazardous waste in accordance with chapter 221.

The pollution control agency shall give highest priority in the consideration of permits to authorize disposal of diseased

shade trees by open burning at designated sites to evidence concerning economic costs of transportation and disposal of diseased shade trees by alternative methods.

Sec. 7. Minnesota Statutes 1978, Section 116.07, Subdivision 4a, is amended to read:

Subd. 4a. [PERMITS.] The pollution control agency may issue, continue in effect or deny permits, under such conditions as it may prescribe for the prevention of pollution, for the emission of air contaminants, or for the installation or operation of any emission facility, air contaminant treatment facility, treatment facility, potential air contaminant storage facility, or storage facility, or any part thereof, or for the sources or emissions of noise pollution.

The pollution control agency may also issue, continue in effect or deny permits, under such conditions as it may prescribe for the prevention of pollution, for the *storage*, collection, transportation, *processing*, or disposal of (SOLID) waste, or for the installation or operation of any system or facility, or any part thereof, related to the *storage*, collection, transportation, *processing*, or disposal of (SOLID) waste.

The pollution control agency may revoke or modify any permit issued under this subdivision and section 116.081 whenever it is necessary, in the opinion of the agency, to prevent or abate pollution.

(THE POLLUTION CONTROL AGENCY MAY ISSUE, CONTINUE IN EFFECT OR DENY PERMITS, UNDER SUCH CONDITIONS AS IT MAY PRESCRIBE FOR THE TREATMENT OR DISPOSAL OR BOTH OF HAZARDOUS WASTE, OR FOR THE INSTALLATION OR OPERATION OF ANY SYSTEM OR FACILITY OR ANY PART THEREOF.)

Sec. 8. Minnesota Statutes 1978, Section 116.07, is amended by adding a subdivision to read:

Subd. 4b. [PERMITS; HAZARDOUS WASTE FACILITIES.] *In reviewing applications for hazardous waste facility permits, in addition to the requirements imposed on it under this chapter and chapter 116D, the agency shall act in accordance with articles III and IV. The agency shall provide to the waste management board copies of each preliminary and final permit application for a hazardous waste facility immediately upon its submittal to the agency. The agency shall request recommendations on each permit application from the board and shall consult with the board on the agency's intended disposition of the recommendations. The agency shall respond to a preliminary permit application for a hazardous waste facility within 120*

days following a decision not to prepare environmental documents or following the acceptance of a negative declaration notice or an environmental impact statement by the environmental quality board. Except as otherwise provided in article III, within 60 days following the submission of a final permit application for a hazardous waste facility, unless a time extension is agreed to by the applicant, the agency shall issue or deny all permits needed for the construction of the proposed facility.

Sec. 9. Minnesota Statutes 1978, Section 116.07, is amended by adding a subdivision to read:

Subd. 4c. [PERMITS; INTERIM HAZARDOUS WASTE STORAGE FACILITIES.] A generator of hazardous waste within the state, or an entity composed of or under contract to such generators, may apply to the agency for permits for interim storage facilities for hazardous waste generated within the state. The application shall demonstrate: (a) that no feasible and prudent alternative is available to eliminate the hazardous properties of the waste or the need for a waste facility to handle the waste, and (b) that no waste facility is reasonably available to accept the waste. The agency and the environmental quality board shall give highest priority to and shall expedite consideration of such applications. The agency shall make a determination on environmental documents required on the application within 30 days of submittal of the application. The environmental quality board shall finally accept or reject any environmental impact statement required within 280 days following publication of the impact statement preparation notice. The agency shall finally issue or deny permits within 30 days following a decision not to prepare environmental documents or following acceptance of a negative declaration notice or an environmental impact statement by the environmental quality board. An interim storage permit issued pursuant to this subdivision or pursuant to or in accordance with an order or decision of the board regarding such a permit under article IV shall not affect the responsibility of the generator for removal and final processing or disposal in a permitted hazardous waste facility. A permit shall not be issued under this subdivision for a period longer than three years, but such permits may be renewed by administrative action of the agency without a hearing or other review procedures for up to three additional one year periods.

Sec. 10. Minnesota Statutes 1978, Section 116.07, is amended by adding a subdivision to read:

Subd. 9. [ORDERS; INVESTIGATIONS.] The agency shall have the following powers and duties for the enforcement of any provision of chapter 116, relating to waste:

(a) to adopt, issue, reissue, modify, deny, revoke, enter into or enforce reasonable orders, schedules of compliance and stipulation agreements;

(b) to require by rule the owner or operator of any system or facility related to the storage, collection, transportation, processing, land containment, or disposal of waste to establish and maintain records; to make reports; to install, use, and maintain monitoring equipment or methods; and to make tests, in accordance with methods, at locations, at intervals, and in a manner as the agency shall prescribe; and to provide other information as the agency may reasonably require;

(c) to conduct investigations, issue notices, public and otherwise, and hold hearings as it may deem necessary or advisable for the discharge of its duties under chapter 116, including but not limited to the issuance of permits; and to authorize any member, employee, or agent appointed by it to conduct the investigations and issue the notices.

Sec. 11. Minnesota Statutes 1978, Section 116.081, Subdivision 1, is amended to read:

116.081 [PROHIBITIONS.] Subdivision 1. [OBTAIN PERMIT.] It shall be unlawful for any person to construct, install or operate an emission facility, air contaminant treatment facility, treatment facility, potential air contaminant storage facility, storage facility, or system or facility related to the collection, transportation, storage, *processing*, or disposal of (SOLID) waste, or any part thereof unless otherwise exempted by any agency (REGULATION) *rule* now in force or hereinafter adopted, until plans therefor shall have been submitted to the agency, and a written permit therefor shall have been granted by the agency. The requirements of this section shall not be applied to motor vehicles, abatement and control of air and land pollution during each biennium to the legislature with recommendations for action in furtherance of the air and land pollution and (SOLID) waste programs.

Sec. 12. Minnesota Statutes 1978, Section 116.101, is amended to read:

116.101 [HAZARDOUS WASTE CONTROL AND SPILL CONTINGENCY PLAN.] The pollution control agency shall study and investigate the problems of hazardous waste control and shall develop a statewide hazardous waste (MANAGEMENT) *spill contingency* plan detailing the location of hazardous waste (DISPOSAL) facilities and storage sites throughout the state and the needs relative to the interstate transportation of hazardous waste.

(ELEMENTS OF) The statewide hazardous *waste* spill contingency plan (WHICH RELATE TO HAZARDOUS

WASTES,) shall be incorporated into the statewide hazardous waste management (PLAN) *plans of the waste management board established by article II.* The pollution control agency shall develop an informational reporting system of hazardous waste quantities generated, *processed,* and disposed of in the state.

Sec. 13. Minnesota Statutes 1978, Section 116.41, is amended to read:

116.41 [WASTE AND WASTE FACILITIES CLASSIFICATION; TRAINING AND CERTIFICATION.] Subdivision 1. [LAND CONTAINMENT AND DISPOSAL FACILITY CLASSIFICATION.] *By January 1, 1982, the (POLLUTION CONTROL) agency (MAY) shall classify, respectively, facilities for the disposal of solid waste, facilities for the disposal of sewage sludge, and facilities for the disposal of hazardous waste according to the degree of hazard to public health or the environment involved in their operation (, AND ACCORDING TO THE VOLUME OR HAZARDOUS CHARACTER OF SOLID WASTE DISPOSED OF AT THE FACILITY. THE AGENCY MAY DEVELOP STANDARDS OF COMPETENCE FOR PERSONS OPERATING VARIOUS CLASSES OF FACILITIES FOR THE DISPOSAL OF SOLID WASTE). The classification of disposal facilities for waste shall be based upon the degree of intrinsic hazard and the volume and rate of application of the waste accepted by a facility, the degree of intrinsic suitability of the location of the facility, the design and operating character of the facility, and other factors deemed relevant by the agency.*

Subd. 1a. [HAZARDOUS WASTE CLASSIFICATION.] *By January 1, 1982, the agency shall prescribe criteria for excluding types and categories of hazardous wastes from disposal criteria for accepting types and categories of wastes as suitable for disposal, and minimum pre-treatment standards required as a condition of acceptance for disposal. The criteria and standards shall be based upon the degree of intrinsic hazard of the waste; the availability of conventional processing technologies for reducing, separating, reusing, recycling, and treating the waste; the feasibility and cost of applying the processing technologies in relation to the benefits to be achieved by such application; the class of facility; and other factors deemed relevant by the agency.*

Subd. 2. [TRAINING AND CERTIFICATION PROGRAMS.] *The agency shall develop standards of competence for persons operating and inspecting various classes of disposal facilities. The agency (MAY) shall conduct training programs for persons operating facilities for the disposal of (SOLID) waste and for inspectors of such facilities, and may charge such fees as are necessary to cover the actual costs of the training programs.*

(SUBD. 3. AFTER JULY 1, 1976, WHEN A FACILITY FOR THE DISPOSAL OF SOLID WASTE, OTHER THAN AN ANIMAL FEEDLOT, IS OPERATING UNDER A PERMIT FROM THE AGENCY.) The agency (MAY) shall require (THE OPERATOR) operators and inspectors of (THE FACILITY) such facilities to obtain from the agency a certificate of (HIS) competence (TO OPERATE THE FACILITY). The agency (MAY) shall conduct examinations to test the competence of applicants for certification, and (MAY) shall require that certificates be renewed at reasonable intervals. The agency may charge such fees as are necessary to cover the actual costs of receiving and processing applications, conducting examinations, and issuing and renewing certificates.

Subd. 3. [REGULATION AND ENFORCEMENT ASSISTANCE.] The agency shall establish a program to provide technical and financial assistance for regulation and enforcement to counties which have certified operators and inspectors conforming to the requirements of the agency, chapters 400 and 473, and articles I to VIII.

Subd. 4. [RULES.] The agency (MAY) shall adopt, amend, and rescind (SUCH) rules (AND REGULATIONS) as may be necessary to carry out the provisions of this section in accordance with chapter 15.

ARTICLE XII

APPROPRIATIONS

Section 1. [BOARD.] *For the fiscal year ending June 30, 1981, the sum of \$ is appropriated from the general fund to the waste management board for the purposes of general administration, management, and staff. Of this amount, \$ shall be for the salary of the chairperson of the board who shall be a full-time employee in the unclassified service.*

Sec. 2. [HAZARDOUS WASTE.] *Subdivision 1. [BOARD; HAZARDOUS WASTE REPORTS.] For the fiscal year ending June 30, 1981, the sum of \$ is appropriated from the general fund to the waste management board for the purpose of preparing the hazardous waste reports required by article II, section 6. Of this amount, the sum of \$ is available for the purpose of making grants for assistance in the preparation of hazardous waste reports, in accordance with article II, section 6, subdivision 6.*

Subd. 2. [GRANTS AND TECHNICAL ASSISTANCE TO COUNTIES AND PROJECT REVIEW COMMITTEES.] For the fiscal year ending June 30, 1981, the sum of \$ is appropriated from the general fund to the waste management board for the purpose of grants and technical assistance to coun-

ties participating in the preparation of the inventory of preferred sites for hazardous waste processing facilities under article II, section 7, and to project review committees participating in the certification of need and review of candidate sites for land containment and disposal facilities under Article III.

Sec. 3. [STATE GOVERNMENT RESOURCE RECOVERY.] For the fiscal year ending June 30, 1981, the sum of \$ is appropriated from the general fund to the general services revolving fund, resource recovery account, to be used by the commissioner of administration for the implementation and operation of the state government resource recovery program under article II, section 12. The complement of the department of administration is increased by two positions. The positions shall be in the unclassified service. These funds are available until expended.

Sec. 4. [SOLID WASTE MANAGEMENT PLANNING ASSISTANCE.] For the fiscal year ending June 30, 1981, the sum of \$ is appropriated from the general fund to the waste management board for the purposes of the planning assistance program established by article V. One-half of this sum shall be reappropriated to the metropolitan council for solid waste management planning in the metropolitan area. Of the amount reappropriated to the metropolitan council, \$ shall be available to the council for administration and the preparation of plans and reports required of the council in article X, and the remainder shall be for assistance to counties required to prepare solid waste management plans under chapter 473 and article X. The appropriation is available until expended.

Sec. 5. [SOLID WASTE MANAGEMENT DEMONSTRATION PROGRAM.] For the fiscal year ending June 30, 1981, the sum of \$ is appropriated from the general fund to the waste management board for the demonstration program established by Article VI. The appropriation is available until expended.

Sec. 6. [RESOURCE RECOVERY FACILITY DEMONSTRATION PROGRAM.] For the fiscal year ending June 30, 1981, the sum of \$100,000,000 is appropriated from the Minnesota state solid waste management fund to the waste management board for the purposes of the resource recovery facility demonstration program established by article VI.

Sec. 7. [POLLUTION CONTROL AGENCY.] For the fiscal year ending June 30, 1981, the sum of \$ is appropriated from the general fund to the pollution control agency for the purpose of certifying and training operators and inspectors of solid waste facilities and providing technical and financial assistance to improve regulation, compliance, and enforcement.

ARTICLE XIII

Section 1. [REPEALER.] Minnesota Statutes 1978, Sections 116F.01; 116F.02; 116F.03; 116F.04; 116F.05; 400.03, Subdivisions 2, 3, 4, 5, 6, and 7; 473.121, Subdivisions 27, 28, 29, 31, 31a, 31b, and 31c; 473.823, Subdivisions 1, 2, and 4, and Laws 1978, Chapter 728, Section 7, are repealed."

Further, delete the title and insert:

"A bill for an act relating to waste management; establishing a waste management board and a legislative commission; establishing a state government resource recovery program; establishing solid waste planning assistance and demonstration programs; providing for the issuance of state waste management bonds; providing for the establishment of solid waste management districts; requiring hazardous waste management planning and development; establishing procedures for the review and approval of permits for waste facilities; authorizing debt; appropriating money; amending Minnesota Statutes 1978, Sections 116.06, Subdivisions 9, 10, 13, and by adding subdivisions; 116.07, Subdivisions 2, 4, 4a, and by adding subdivisions; 116.081, Subdivision 1; 116.101; 116.41; 400.03, Subdivision 1; 400.04; 400.06; 400.07; 400.13; 400.16; 400.161; 473.121, by adding a subdivision; 473.149; 473.502; 473.516; 473.801, subdivision 1; 473.802; 473.803; 473.811; 473.813; 473.823, subdivision 3, and by adding a subdivision; Chapter 400, by adding a section; and Chapter 473, by adding sections; repealing Minnesota Statutes 1978, Sections 116F.01 to 116F.05; 400.03, Subdivisions 2 to 7; 473.121, Subdivisions 27 to 31c; 473.823, Subdivisions 1, 2, and 4; and Laws 1978, Chapter 728, Section 7."

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

The report was adopted.

Nelson from the Committee on Energy and Utilities to which was referred:

H. F. No. 2095, A bill for an act relating to energy; requiring the public service commission to develop rules for conservation expenditures by public utilities; and amending the certificate of need requirements for large energy facilities.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [216B.241] [ENERGY CONSERVATION IMPROVEMENTS.] *Subdivision 1. [DEFINITIONS.] For purposes of this section, the terms defined in this subdivision shall have the meanings given them:*

(a) "Commission" means the public service commission, department of public service;

(b) "Energy conservation improvement" means the purchase or installation of any device, method or material that increases the efficiency in the residential use of electricity or natural gas including, but not limited to:

- (1) insulation and ventilation;
- (2) storm or thermal doors or windows;
- (3) caulking and weatherstripping;
- (4) furnace efficiency modifications;
- (5) thermostat or lighting controls;
- (6) awnings; or

(7) systems to turn off or vary the delivery of energy. The term "energy conservation improvement" does not include any device or method which creates, converts or actively uses energy from renewable sources such as solar, wind and biomass.

(c) "Investments and expenses of a public utility" includes the investments and expenses incurred by a public utility in connection with an energy conservation improvement including, but not limited to:

(1) the differential in interest cost between the market rate and the rate charged on a no interest or below market interest loan made by a public utility to a customer for the purchase or installation of an energy conservation improvement;

(2) the difference between the utility's cost of purchase or installation of energy conservation improvements and any price charged by a public utility to a customer for such improvements.

(d) "Public utility" has the same meaning as given that term in section 216B.02, subdivision 4. For the purposes of this section, "public utility" shall not include cooperative electric associations that become subject to rate regulation after the effective date of this act.

Subd. 2. [PROGRAMS.] Prior to May 1, 1981, the commission, after consultation with the energy agency, shall adopt rules to allow investments and expenses of a public utility in energy conservation improvements. The commission shall order each public utility to make investments and expenditures in energy conservation improvements, explicitly setting forth the interest rates, prices, and terms under which the improvements shall be offered to the customers. The commission shall not order a utility to make any energy conservation improvement investment or expenditure unless it first finds that the improvement will result in energy savings at a total cost to the utility less than the cost to the utility to produce or purchase an equivalent amount of new supply of energy. Investments and expenditures made pursuant to such orders shall be treated for ratemaking purposes in the manner prescribed in section 2 of this act. No utility shall make an energy conservation improvement pursuant to this section to a residential building envelope unless it is the primary supplier of energy used for either space heating or cooling in the building.

Subd. 3. [OWNERSHIP OF RESIDENTIAL ENERGY CONSERVATION IMPROVEMENTS.] Any energy conservation improvement made to or installed in any residential building pursuant to this section shall be the exclusive property of the owner of said building except insofar as it is subjected to a security interest in favor of the utility in case of a loan to the building owner. The utility shall have no liability for loss, damage or injury caused directly or indirectly by any energy conservation improvement except for negligence by the utility in purchase, installation, or modification of the product.

Subd. 4. [FEDERAL LAW PROHIBITIONS.] If investments by public utilities in energy conservation improvements are in any manner prohibited or restricted by federal law and there is a provision under which such prohibition or restriction may be waived, then the commission, the governor, or any other necessary state agency or officer shall take all necessary and appropriate steps to secure such waiver with respect to those public utility investments in energy conservation improvements included in this section.

Sec. 2. Minnesota Statutes 1978, Section 216B.16, is amended by adding a subdivision to read:

Subd. 6b. All investments and expenses of a public utility incurred in connection with energy conservation improvements as defined in section 1, subdivision (1)(c) shall be recognized and included by the commission in the determination of just and reasonable rates as if the investments and expenses were directly made or incurred by the utility in furnishing utility service.

Sec. 3. Minnesota Statutes, 1979 Supplement, Section 116H.13, Subdivision 3, is amended to read:

Subd. 3. No proposed large energy facility shall be certified for construction unless the applicant has justified its need. In assessing need, the director shall evaluate:

- (1) The accuracy of the long range energy demand forecasts on which the necessity for the facility is based;
- (2) The effect of existing or possible energy conservation programs under sections 116H.01 to 116H.15 or other federal or state legislation on long term energy demand;
- (3) The relationship of the proposed facility to overall state energy needs, such as are described in the most recent state energy policy and conservation report prepared pursuant to section 116H.11;
- (4) Promotional activities which may have given rise to the demand for this facility;
- (5) Socially beneficial uses of the output of this facility including its uses to protect or enhance environmental quality;
- (6) The effects of the facility in inducing future development;
- (7) Possible alternatives for satisfying the energy demand including but not limited to potential for increased efficiency of existing energy generation facilities;
- (8) The policies, rules and regulations of other state and federal agencies and local governments (.); and
- (9) *Any feasible combination of energy conservation improvements, required by the public service commission pursuant to section 1, that can (1) replace part or all of the energy to be provided by the proposed facility, and (2) compete with it economically.*

Sec. 4. *This act is effective the day following final enactment.*"

Delete the title and insert:

"A bill for an act relating to energy; requiring conservation investments and expenditures by public utilities; changing need certification requirements; amending Minnesota Statutes 1978, Section 216B.16, by adding a subdivision; and Minnesota Statutes, 1979 Supplement, Section 116H.13, Subdivision 3."

With the recommendation that when so amended the bill pass.

The report was adopted.

Swanson from the Committee on Health and Welfare to which was referred:

S. F. No. 888, A bill for an act relating to tuberculosis; closing the Glen Lake State Sanatorium; requiring the treatment of tuberculosis; allocating costs of tuberculosis treatment for persons in the welfare system; amending Minnesota Statutes 1978, Sections 144.422, Subdivisions 6 and 9; 144.424, Subdivisions 8 and 11; 144.425; 197.01; 246.014; 251.043, Subdivision 1; 251.053; and 256.01, Subdivision 2; repealing Minnesota Statutes 1978, Sections 246.014, Subdivision 8; 251.01; 251.011, Subdivisions 2 and 5; 251.02; 251.03; and 251.11.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1978, Section 144.422, Subdivision 2, is amended to read:

Subd. 2. [REPORTS OF SUSPECTS.] Any health officer who has information that a patient does by his conduct or mode of living, endanger the health and well-being of his family or other persons, may make a report thereof to the county board of the county in which (SUCH) *the* patient resides or is found. The report shall state the name and address of the patient and a summary of the health officer's information. If upon the examination of (SAID) *the* report the county board shall have reasonable cause to believe that the patient is infected with tuberculosis in the infectious stage and does by his conduct or mode of living, endanger the health and well-being of his family or other persons it shall so find, and may by resolution direct that the patient be committed to the (TUBERCULOSIS SANATORIUM OR) public hospital designated in the resolution where (HE) *the patient* shall remain until discharged by the (SUPERINTENDENT OR) chief medical officer of the (INSTITUTION) *hospital*. A copy of (SAID) *the* resolution shall be served upon the patient in the manner of service of a summons in a civil action. If the patient refuses to enter (SUCH INSTITUTION) *the hospital*, a copy of (SAID) *the* resolution with (SUCH) *the* findings and with proof of the service aforesaid, certified to by the county auditor, shall be filed with the clerk of the district court of the county in which (SUCH) *the* proceedings were (HAD) *held*, and upon presentation thereof to a judge of (SAID) *the* court, (SUCH) *the* judge shall order the sheriff or other person to apprehend the patient and deliver him to the (SUPERINTENDANT OR) chief medical officer of the (INSTITUTION) *hospital* designated in the resolution.

Sec. 2. Minnesota Statutes 1978, Section 144.422, Subdivision 6, is amended to read:

Subd. 6. [FINDINGS, COMMITMENT.] If the patient (BE) is found to be afflicted with tuberculosis in the infectious stage and the court (SHALL FIND) *finds* that the patient does by (HIS) conduct or mode of living, endanger the health and well-being of his family or other persons, and finds and determines it to be for the best interests of the patient, his family or the public, the court shall issue to the sheriff a warrant, in duplicate, committing the patient to the custody of the (SUPERINTENDENT OF THE TUBERCULOSIS SANATORIUM OR) *chief medical officer of the public hospital* named in its findings and determination, where the patient shall remain until discharged therefrom by (SAID SUPERINTENDENT OR) *the chief medical officer* when his discharge will not endanger the health of any other person, or by the court upon petition of the patient. The court may, upon consent of the commissioner of public welfare, order the patient confined at (THE TUBERCULOSIS UNIT AT ANOKA STATE HOSPITAL OR AT SUCH OTHER TUBERCULOSIS UNIT AS) *a place* the commissioner may designate until (SUCH TIME AS) the commissioner determines (HE) *the patient* may be safely cared for at the (SANATORIUM OR) hospital named in the court's findings or may be discharged. The commissioner of public welfare may transfer (SUCH) *the patient* to (SUCH SANATORIUM OR) *the hospital*, and at any time prior to (HIS) *the patient's* discharge the commissioner, upon request of (THE SUPERINTENDENT OF SUCH SANATORIUM OR) the officer in charge of (SUCH) *the hospital*, may return the patient to (SUCH UNIT) *the place designated by the commissioner*.

Sec. 3. Minnesota Statutes 1978, Section 144.422, Subdivision 7, is amended to read:

Subd. 7. [HEALTH OFFICER MAY PETITION FOR COMMITMENT.] Any health officer who has the information referred to in subdivision 2, may (, IN THE FIRST INSTANCE,) file in the district court of the county in which the patient resides or is found, a petition for commitment of the patient to a (TUBERCULOSIS SANATORIUM OR) public hospital, setting forth the name and address of the patient and the reasons for the petition. Upon filing (SUCH), *the petition proceedings* shall be (HAD THEREON) *conducted* as provided for in subdivisions 5 and 6. In such cases reference in those subdivisions to "adverse party" shall be understood as referring to the patient, and reference to "appeal" as referring to the petition.

Sec. 4. Minnesota Statutes 1978, Section 144.422, Subdivision 9, is amended to read:

Subd. 9. [EXPENSES AND COST, PAYMENT.] The expense of the proceedings (HAD) under the provisions of subdivisions 1 to 7, and the cost of the care, treatment and maintenance furnished to (SUCH) *the committed person*, is a charge against the county of his residence. If (SUCH) *the person* resided in the state throughout the year preceding (HIS) commitment under

the provisions of (SAID) *those* subdivisions, exclusive of the time spent in a hospital (OR SANATORIUM), but did not reside continuously in any one county during (SAID) *that* time, then the cost of (HIS) *the person's* care, treatment and maintenance shall be paid by the county in which (HE LONGEST RESIDED) *the person resided longest* during the year preceding (HIS) commitment (HEREUNDER). If (SUCH) *the* person did not reside in the state throughout the year preceding (HIS) commitment, exclusive of the time spent in a hospital (OR SANATORIUM), then (HIS) *the person's* care, treatment and maintenance shall be provided (BY THE STATE OF MINNESOTA AT THE GLEN LAKE SANATORIUM OR IF COMMITTED BY THE DISTRICT COURT AT THE TUBERCULOSIS UNIT AT ANOKA STATE HOSPITAL, OR AT SUCH OTHER TUBERCULOSIS UNIT AS) *at a place* the commissioner may designate, and the county of commitment shall pay an amount not to exceed 20 percent of the cost of (SUCH) care. The county in which (SUCH) *the* person is present at the time of commitment shall conduct an investigation of (HIS) *the person's* residence and financial circumstances and shall submit (SUCH) information *from the investigation* to the commissioner of public welfare within one month of the date of commitment. (THE COMMISSIONER OF PUBLIC WELFARE SHALL PAY OUT OF AID TO COUNTY SANATORIA FUNDS, AID IN THE MAINTENANCE OF EACH COMMITTED PATIENT TREATED IN ANY PUBLIC SANATORIUM AT THE EXPENSE OF ANY COUNTY AND AID FOR SURGERY TO EFFECT TREATMENT OF TUBERCULOSIS OF A COMMITTED PATIENT WHO IS A NONRESIDENT OF THE COUNTY OR GROUP OF COUNTIES MAINTAINING THE SANATORIUM, THE AMOUNTS AUTHORIZED BY PROVISIONS OF SECTIONS 376.31 AND 376.33, AS AMENDED. ANY QUESTION ARISING BETWEEN COUNTIES AS TO THE PLACE OF RESIDENCE OF A COMMITTED PERSON SHALL BE DETERMINED IN ACCORD WITH THE PROVISIONS OF SECTION 376.18.)

Sec. 5. Minnesota Statutes 1978, Section 144.424, Subdivision 8, is amended to read:

Subd. 8. Any person entering any (PUBLIC SANATORIUM OR) hospital for tuberculous care and treatment under the provisions of any law of this state, shall observe all regulations of the (SANATORIUM OR) hospital. When any person fails to obey (SUCH) *the* regulations, (HE) *that person* may be placed and confined in quarters apart from the other patients. Any person admitted upon application (TO THE STATE SANATORIUM OR) to any (COUNTY SANATORIUM OR) hospital (UNDER THE PROVISIONS OF MINNESOTA STATUTES 1949, SECTION 251.02 OR SECTIONS 376.33 AND 376.34,) who is afflicted with tuberculosis in the infectious stage and who repeatedly violates (SUCH) regulations or attempts or threatens to leave the (INSTITUTION) *hospital* without the consent of

the (SUPERINTENDENT OR) chief medical officer (THEREOF), may be restrained by reasonable force, if necessary, and (THEREUPON, SAID) *the* (SUPERINTENDENT OR) chief medical officer may institute proceedings to commit (SUCH) *the* person as a public health menace under the provisions of section 144.422, subdivisions 1 to 7. In such cases the (SAID SUPERINTENDENT AND THE SAID) chief medical officer shall have all the powers of sections 144.422, 144.424 and 144.425 vested in health officers.

Sec. 6. Minnesota Statutes 1978, Section 144.424, Subdivision 9, is amended to read:

Subd. 9. Any person who is confined to any sanatorium or hospital for tuberculous care and treatment, whether committed under the provisions of section 144.422, subdivisions 1 to 7, or entering the same voluntarily, and who is refused discharge upon written demand (THEREFOR) to (SUPERINTENDENT OR) *the* chief medical officer (THEREOF), may petition the district court of the county in which (SUCH INSTITUTION) *the hospital* is located for an order directing his release, and if it (SHALL APPEAR) *appears* to the court after a trial on the merits that (SAID) *the* patient is not afflicted with tuberculosis in the infectious stage and has progressed in the cure of the disease (WITH WHICH HE IS AFFLICTED) to a point (WHERE IF HE IS RELEASED HE) *when his release* will not endanger the health and well-being of his family or other persons, the court may direct (HIS) release. Such petition shall not be renewed oftener than once every six months.

Sec. 7. Minnesota Statutes 1978, Section 144.424, Subdivision 11, is amended to read:

Subd. 11. If any person committed under the provisions of section 144.422, subdivisions 1 to 7, wilfully violates any regulation adopted pursuant to subdivision 10 of this section, or leaves a (SANATORIUM OR) hospital without consent of the (SUPERINTENDENT OR) officer in charge (THEREOF), (THE SUPERINTENDENT OF THE SANATORIUM OR) the chief medical officer of the hospital may file an affidavit with the committing court setting forth (SUCH) *these* facts. Upon such notice and hearing as the court may order and upon consent of the commissioner of public welfare, the court may amend its commitment and order (SUCH) *the* person to be confined in (THE TUBERCULOSIS UNIT AT ANOKA STATE HOSPITAL OR AT SUCH OTHER TUBERCULOSIS UNIT AS) *a place* the commissioner (MAY DESIGNATE, AS PROVIDED BY SECTION 144.422, SUBDIVISION 6) *designates*.

Sec. 8. Minnesota Statutes 1978, Section 144.425, is amended to read:

144.425 [PATIENTS; FACILITIES, TRANSFER.] (THE COMMISSIONER OF PUBLIC WELFARE IS HEREBY AU-

THORIZED AND DIRECTED TO PROVIDE ADEQUATE FACILITIES AT ONE OF THE STATE INSTITUTIONS UNDER HIS CONTROL WHERE PROPER CARE CAN BE PROVIDED AND WHERE PROPER PRECAUTIONS CAN BE TAKEN TO DETAIN AND SAFELY KEEP ANY PERSON COMMITTED THERETO UNDER THE PROVISIONS OF SECTIONS 144.422 OR 144.424. WHEN IT IS DEEMED NECESSARY OR DESIRABLE, ANY SUCH PERSON MAY BE TRANSFERRED FROM ANOTHER INSTITUTION TO THE INSTITUTION PROVIDING SUCH FACILITIES WITH THE APPROVAL OF THE COMMISSIONER OF PUBLIC WELFARE. THE COMMISSIONER OF PUBLIC WELFARE SHALL ESTABLISH THE RATES TO BE CHARGED FOR CARE AND TREATMENT AT SUCH FACILITIES. WHERE THE PATIENT IS COMMITTED OR TRANSFERRED TO SUCH FACILITY FROM THE STATE SANATORIUM OR A COUNTY SANATORIUM, THE COST OF HIS TRANSPORTATION TO AND FROM THE FACILITY AND HIS CARE AND TREATMENT THEREIN SHALL BE PAID AS PROVIDED IN SECTION 144.422, SUBDIVISION 9, PROVIDED SUCH COSTS MAY BE PAID FROM THE COUNTY SANATORIUM FUND OF THE COUNTY OF HIS RESIDENCE)

The commissioner of public welfare shall arrange appropriate medical care for any patient who contracts tuberculosis at a state-operated hospital or nursing home. The cost of the care including transportation costs shall be paid from appropriations to the commissioner for state-operated hospitals and nursing homes.

(WHERE IT IS DEEMED NECESSARY OR DESIRABLE, THE COMMISSIONER OF CORRECTIONS, WITH THE CONSENT OF THE COMMISSIONER OF PUBLIC WELFARE, MAY AUTHORIZE THE TRANSFER OF ANY INMATE AFFLICTED WITH TUBERCULOSIS FROM ANY OF THE STATE PENAL INSTITUTIONS UNDER HIS CONTROL AND MANAGEMENT TO SAID TUBERCULOSIS DETENTION FACILITY TO BE HELD UNTIL HIS DISEASE IS ARRESTED OR HIS SENTENCE EXPIRES WHEREUPON HE SHALL BE RETURNED TO THE INSTITUTION FROM WHICH HE CAME UNLESS HIS SENTENCE TO SUCH INSTITUTION SHALL HAVE EXPIRED. THE STATE HOSPITAL RECEIVING SUCH PATIENTS FROM THE STATE PENAL INSTITUTIONS SHALL MAKE NO CHARGE FOR SUCH CARE.)

Sec. 9. Minnesota Statutes 1978, Section 144.45, is amended to read:

144.45 [TUBERCULOSIS IN SCHOOLS; CERTIFICATE.] No (TEACHER, PUPIL, OR EMPLOYEE ABOUT A SCHOOL BUILDING WHO IS AFFLICTED) *person with active tuberculosis shall remain in or (ABOUT SUCH) near a school building unless (HE) the person has a certificate issued by (THE*

LOCAL BOARD OF HEALTH) *a physician stating that (HE DOES NOT ENDANGER THE HEALTH OF OTHER PERSONS BY HIS) the person's presence in (SUCH) a school building will not endanger the health of other people.*

Sec. 10. Minnesota Statutes 1978, Section 144.471, is amended to read:

144.471 [LOCAL BOARD OF HEALTH; DUTIES.] When any person having tuberculosis is not attended by any physician or when the physician attending any such person fails to perform any duty required of him by any provision of sections (144.42 AND) 144.424 to 144.47, the duties required to be so performed by any such physician shall be performed by the local board of health.

Sec. 11. Minnesota Statutes 1978, Section 144.49, Subdivision 5, is amended to read:

Subd. 5. Any person violating any of the provisions of sections (144.42 AND) 144.424 to 144.47 is guilty of a misdemeanor.

Sec. 12. Minnesota Statutes 1978, Section 144.49, Subdivision 8, is amended to read:

Subd. 8. Any person lawfully engaged in the practice of healing who wilfully makes any false statement in any report required to be made by him pursuant to sections (144.42 AND) 144.424 to 144.47 (OR WHO CERTIFIES FALSELY AS TO ANY PRECAUTIONS TAKEN OR INSTRUCTIONS GIVEN TO SAFEGUARD THE HEALTH AND WELL BEING OF ANY PERSON PURSUANT TO SECTION 144.427) is guilty of a misdemeanor.

Sec. 13. Minnesota Statutes 1978, Section 197.01, is amended to read:

197.01 [FUNDS COLLECTED FROM UNITED STATES.] The commissioner of veterans affairs, the board, (SUPERINTENDENT,) commission, or other administrative body in charge of any state (INSANE) hospital, (MINNESOTA STATE SANATORIUM,) the University of Minnesota hospitals, or any state institution or in charge of any county hospital (OR SANATORIUM FOR CONSUMPTIVES), whether maintained by one county or by a group of counties in which any persons suffering from disability incurred in or connected with service in the military or naval forces of the United States in the world war are inmates or domiciled, for whose care and maintenance provision is made by the United States government, (ARE HEREBY AUTHORIZED AND DIRECTED TO) *shall* collect from the United States veterans' bureau or other agency

of the United States government authorized to pay for the care and support of (SUCH) *these* persons, the maximum amount allowed and that can be collected for the care, maintenance, and treatment of any and all (SUCH) *these* ex-service persons.

Sec. 14. Minnesota Statutes 1978, Section 241.07, is amended to read:

241.07 [TRANSFER OF INMATES TO OTHER STATE INSTITUTIONS.] The commissioner of corrections may transfer an inmate of the state prison, state reformatory for men, or Minnesota correctional institution for women to a state institution for the mentally ill (,) *or the* mentally retarded or epileptic (OR TO THE STATE SANATORIUM) for diagnosis, treatment, or care which is not available at the prison or at a reformatory and shall cause a proper record (THEREOF) to be made at the institutions to which a transfer has been made and at his office. No (SUCH) transfer shall be made by the commissioner of corrections without the approval of the commissioner of public welfare. An inmate of the prison or reformatory so transferred shall be returned to the prison or reformatory by order of the commissioner of corrections upon conclusion of treatment, or, if the inmate becomes eligible for release from custody pursuant to the terms of (HIS) *the* sentence prior to conclusion of treatment, (HE) *the inmate* shall be released unless prior to (SUCH) *this* time, he *the inmate* shall have been committed to (SUCH) *a* medical institution by competent authority as provided by law. The superintendent of any state hospital for the mentally ill or institution for the mentally retarded or epileptic shall at once notify the commissioner of corrections if there is any question as to the propriety of the commitment or detention of any person admitted to (SUCH) *an* institution and the commissioner shall immediately take action thereon.

Sec. 15. Minnesota Statutes 1978, Section 241.15, is amended to read:

241.15 [SCOPE OF PHYSICAL EXAMINATION.] (SUCH) *The* physical examination shall include (AN X-RAY EXAMINATION OF THE LUNGS AND SUCH) *a standard intradermal tuberculin test, a chest X-ray when the test is positive, and any additional special diagnostic tests for the detection of the presence of tuberculosis as shall be set up in regulations of the state commissioner of health in cooperation with the department of corrections. (SUCH) The* examination shall be made by a licensed physician and surgeon, who shall report in writing to the superintendent of the institution in which the employment is contemplated on a form set up by the department of corrections in cooperation with the state commissioner of health showing the presence or absence of tuberculosis infection and disease based upon (SUCH) *the* examination.

Sec. 16. Minnesota Statutes 1978, Section 246.014, is amended to read:

246.014 [SERVICES.] The measure of services established and prescribed by section 246.012, are:

(1) There shall be served in state hospitals a single standard of food for patients and employees alike, which is nutritious and palatable together with special diets as prescribed by the medical staff thereof. There shall be a chief dietitian in the department of public welfare and at least one dietitian at each state hospital. There shall be adequate staff and equipment for processing, preparation, distribution and serving of food.

(2) There shall be a staff of persons, professional and lay, sufficient in number, trained in the diagnosis, care and treatment of the mentally ill, physical illness, and including religious and spiritual counsel through qualified chaplains (who shall be in the unclassified service) adequate to take advantage of and put into practice modern methods of psychiatry, medicine and related field.

(3) There shall be a staff and facilities to provide occupational and recreational therapy, entertainment and other creative activities as are consistent with modern methods of treatment and well being.

(4) There shall be in each state hospital for the care and treatment of the mentally ill facilities for the segregation and treatment of patients who have communicable disease.

(5) The commissioner of public welfare shall provide modern and adequate psychiatric social case work service.

(6) The commissioner of public welfare shall make every effort to improve the accommodations for patients so that the same shall be comfortable and attractive with adequate furnishings, clothing, and supplies.

(7) The commissioner of public welfare shall establish training programs for the training of personnel and may require the participation of personnel in such programs. Within the limits of the appropriations available he may establish professional training programs in the forms of educational stipends for positions for which there is a scarcity of applicants.

((8) THERE SHALL BE A SEPARATE HOSPITAL FOR THE DIAGNOSIS, CARE AND TREATMENT OF THE MENTALLY ILL WHO HAVE TUBERCULOSIS WHICH SHALL CONFORM TO THE STANDARDS ESTABLISHED FOR THE DIAGNOSIS, CARE AND TREATMENT OF PHYSICAL DISEASE. PENDING CONSTRUCTION OF SUCH SEPA-

RATE HOSPITAL, ONE OF THE PRESENT STATE HOSPITALS, OR SO MUCH THEREOF AS MAY BE NECESSARY, SHALL BE SET APART FOR THE DIAGNOSIS, CARE AND TREATMENT OF THE MENTALLY ILL WHO HAVE TUBERCULOSIS AND SHALL BE STAFFED AND EQUIPPED TO MEET THE ACCEPTED REQUIREMENTS OF MODERN MEDICINE FOR THE CARE AND TREATMENT OF PERSONS AFFLICTED WITH TUBERCULOSIS.)

((9)) (8) The standards herein established shall be adapted and applied to the diagnosis, care and treatment of inebriate persons and mentally deficient persons who come within those terms as defined in the laws relating to the hospitalization and commitment of such persons, and of persons who are psychopathic personalities within the definition thereof in Minnesota Statutes 1945, Section 526.09.

((10)) (9) The commissioner of public welfare shall establish a program of detection, diagnosis and treatment of mentally or nervously ill persons and persons described in paragraph ((9)) (8), and within the limits of appropriations may establish clinics and staff the same with persons specially trained in psychiatry and related fields.

((11)) (10) The commissioner of personnel and the personnel board may reclassify employees of the mental institutions from time to time, and assign classifications to such salary brackets as will adequately compensate personnel and reasonably assure a continuity of adequate staff.

((12)) (11) In addition to the chaplaincy services, provided in (2), the commissioner of public welfare shall open said institutions to ministers of the Gospel to the end that religious and spiritual counsel and services are made available to the patients therein, and shall cooperate with all ministers of the Gospel in making said patients available for religious and spiritual counsel, and shall provide such ministers of the Gospel with meals and accommodations.

((13)) (12) Within the limits of the appropriations therefor, the commissioner of public welfare shall establish and provide facilities and equipment for research and study in the field of modern hospital management, the causes of mental and related illness and the treatment, diagnosis and care of the mentally ill and funds provided therefor may be used to make available services, abilities and advice of leaders in these and related field, and may provide them with meals and accommodations and compensate them for traveling expenses and services.

Sec. 17. Minnesota Statutes 1978, Section 246.28, is amended to read:

246.28 [DIAGNOSTIC TESTS AND X-RAY EXAMINATIONS; REPORT.] (SUCH) *The physical examination shall include (AN X-RAY EXAMINATION OF THE LUNGS) a standard intradermal tuberculin test, a chest X-ray when the test is positive and (SUCH) additional special diagnostic tests for the detection of the presence of tuberculosis as shall be set up in regulations of the state commissioner of health in cooperation with the commissioner of public welfare. (SUCH) The examination shall be made by a licensed physician and surgeon, who shall report in writing to the superintendent of the institution in which the employment is contemplated on a form set up by the department of public welfare in cooperation with the state commissioner of health showing the presence or absence of tuberculosis infection and disease based upon (SUCH) the examination.*

Sec. 18. Minnesota Statutes 1978, Section 251.043, Subdivision 1, is amended to read:

251.043 [FINDINGS, PAYMENT OF MEDICAL CARE AND COMPENSATION.] Subdivision 1. If upon the evidence mentioned in the preceding section, the workers' compensation division finds that (SUCH) *an employee is suffering from tuberculosis contracted in the institution or department by contact with inmates or patients therein or by contact with tuberculosis contaminated material therein, it shall order the (SUPERINTENDENT OF SUCH INSTITUTION OR HEAD OF SUCH DEPARTMENT TO APPLY FOR THE ADMISSION OF THE) employee to (THE MINNESOTA STATE SANATORIUM OR ANY COUNTY TUBERCULOSIS SANATORIUM) seek the services of a physician or medical care facility. There shall be paid to the (INSTITUTION) physician or facility where (SUCH) the employee may be received, the same fee for the maintenance and care of (SUCH) the person as is received by (SUCH) the institution for the maintenance and care of a non-resident patient. If the employee worked in a state (TUBERCULOSIS SANATORIUM OR IN A COUNTY TUBERCULOSIS SANATORIUM) hospital or nursing home, payment for (SUCH) the care shall be made by the (DEPARTMENT OF SOCIAL SECURITY OUT OF FUNDS HERETOFORE OR HEREAFTER APPROPRIATED FOR AID TO OR MAINTENANCE OF COUNTY TUBERCULOSIS SANATORIA) commissioner of public welfare. If employed in any other institution or department (SUCH) the payment shall be made from funds allocated or appropriated for the operation of (SUCH) the institution or department (, OR IN SUCH OTHER MANNER AS THE APPROPRIATE COUNTY BOARD OR CITY OR OTHER GOVERNING BODY MAY DETERMINE). (SUCH EMPLOYEE SHALL RECEIVE FULL HOSPITAL CARE AND MEDICAL CARE, WITHOUT COST, FOR THE DURATION OF HIS ILLNESS, OR ANY RECURRENCE THEREOF OR ANY DISABILITY RESULTING THEREFROM. THE WORKERS' COMPENSATION DIVISION SHALL ORDER PAYMENT TO SUCH EMPLOYEE OF TWO-*

THIRDS OF HIS SALARY DURING THE PERIOD OF DISABILITY AND UNTIL THE EMPLOYEE IS ABLE TO RESUME HIS PREVIOUS POSITION OR UNTIL THE MEDICAL BOARD OF THE INSTITUTION WHERE THE EMPLOYEE IS OR HAS BEEN HOSPITALIZED SHALL CERTIFY THAT SUCH EMPLOYEE IS ABLE TO PURSUE, WITHOUT INJURY, SOME OTHER NORMAL WORK OR OCCUPATION. IF SUCH EMPLOYEE DIES LEAVING DEPENDENTS, AS DEFINED BY THE WORKERS' COMPENSATION LAW OF THE STATE, THERE SHALL BE PAID TO SUCH DEPENDENTS THE SUM OF \$7,500, IF TUBERCULOSIS WAS THE AUTHENTIC CAUSE OF DEATH. SUCH COMPENSATION FOR DEATH SHALL BE PAID TO SUCH DEPENDENTS IN INSTALLMENTS OF TWO-THIRDS OF THE EMPLOYEE'S WAGE AT INTERVALS WHEN THE WAGE WAS PAYABLE, AS NEARLY AS MAY BE. THE COMMISSIONER OF THE DEPARTMENT OF LABOR AND INDUSTRY SHALL CERTIFY AND SUPERVISE THE PAYMENT OF SUCH COMPENSATION.) *If the employee dies from the effects of the disease of tuberculosis and if the tuberculosis was the primary infection and the authentic cause of death, the workers' compensation division shall order payment to dependents as provided for under the general provisions of the workers' compensation law.*

Sec. 19. Minnesota Statutes 1978, Section 251.053, is amended to read:

251.053 [OFFICERS ADMITTED TO HOSPITAL; PAYMENTS.] If upon the evidence mentioned in section 251.052, the workers' compensation division finds that (SUCH) a police officer is suffering from tuberculosis contracted by contact with persons suffering from tuberculosis while (SAID) the police officer was working within the scope of (HIS) the officer's employment, it shall (ORDER THE HEAD OF THE POLICE DEPARTMENT IN WHICH SAID POLICE OFFICER IS ENGAGED, TO APPLY FOR THE ADMISSION OF THE SAID) require the police officer to (THE MINNESOTA STATE SANATORIUM OR SOME COUNTY TUBERCULOSIS SANATORIUM) seek the services of a physician or a medical care facility. There shall be paid to the (INSTITUTION) physician or facility where (SUCH) the employee may be received the same fee for the maintenance and care of (SUCH PERSONS) the employee as is received by (SUCH INSTITUTION) the facility for the maintenance and care of a nonresident patient, and (SUCH) the fees shall be paid by the state, county or city in whose employment the (SAID) police officer was hired and working at the time (SAID) the police officer contracted the tuberculosis. (SUCH) The police officer shall receive full hospital care and medical care without cost for the duration of the infection of tuberculosis or any recurrence thereof or any disability resulting therefrom. Further, the workers' compensation division shall order payment to (SUCH) the police officer by the state, county or city concerned, of the compen-

sation provided for under the general provisions of the workers' compensation law, including benefits to dependents as defined by the workers' compensation law, if (SAID) *the* police officer dies from the effects of the disease of tuberculosis and if the tuberculosis was the primary infection and the authentic cause of death.

Sec. 20. Minnesota Statutes 1978, Section 251.15, Subdivision 1, is amended to read:

251.15 [HOSPITAL EMPLOYEE CONTRACTING TUBERCULOSIS.] Subdivision 1. [STUDENT NURSE, MEDICAL STUDENT, OR PHYSICIAN IN TRAINING CONTRACTING TUBERCULOSIS TO HAVE CARE AT EXPENSE OF COUNTY.] Any student nurse, medical student, or (MEDICAL INTERNE) *physician in training*, who contracts tuberculosis as a result of direct contact with tuberculosis patients during the course of his or her training, or internship in a public tax supported hospital in this state, may be given care and treatment in a public tax supported (TUBERCULOSIS SANATORIUM) *hospital* operated and controlled by the (SANATORIUM COMMISSION OF THE DISTRICT) *county* in which (SUCH) *the* public tax supported hospital is located, and at the expense of the county in which (SUCH) *the* public hospital is located.

Sec. 21. Minnesota Statutes 1978, Section 256.01, Subdivision 2, is amended to read:

Subd. 2. [SPECIFIC POWERS.] Subject to the provisions of section 241.021, subdivision 2, the commissioner of public welfare shall:

(1) Administer and supervise all forms of public assistance provided for by state law and other welfare activities or services as may from time to time be vested in the commissioner.

(2) Administer and supervise all child welfare activities; promote the enforcement of laws protecting defective, illegitimate, dependent, neglected and delinquent children; license and supervise child-caring and child-placing agencies and institutions; supervise the care of children in boarding and foster homes or in private institutions; and generally perform all functions relating to the field of child welfare now vested in the state board of control.

(3) Administer and supervise all non-institutional service to handicapped persons, including the blind, the deaf, the tuberculous, the crippled, and otherwise handicapped persons. The authority and power conferred by this subdivision shall include the authority and power to provide and contract for the care and treatment of qualified indigent children in facilities other

than those located and available at state hospitals when it is not feasible to provide the service in state hospitals.

(4) Assist and actively cooperate with other departments, agencies and institutions, local, state, and federal, by performing services in conformity with the purposes of Laws 1939, Chapter 431.

(5) Act as the agent of and cooperate with the federal government in matters of mutual concern relative to and in conformity with the provisions of Laws 1939, Chapter 431, including the administration of any federal funds granted to the state to aid in the performance of any functions of the commissioner as specified in Laws 1939, Chapter 431, and including the promulgation of rules making uniformly available medical care benefits to all recipients of public assistance, at such times as the federal government increases its participation in assistance expenditures for medical care to recipients of public assistance, the cost thereof to be borne in the same proportion as are grants of aid to said recipients.

(6) Establish and maintain any administrative units reasonably necessary for the performance of administrative functions common to all divisions of the department.

(7) Administer and supervise any additional welfare activities and services as may, from time to time, hereafter be vested by law in the state department.

(8) The commissioner is hereby specifically constituted as guardian of both the estate and the person of all the wards of the state of Minnesota and other persons the guardianship of whom has been heretofore vested in the state board of control, whether by operation of law or by an order of court, without any further act or proceeding whatever, except as to persons committed as (FEEBLEMINDED) *mentally retarded* or epileptic. All of said guardianships, and the funds and property of the same, are hereby transferred to and vested in said commissioner, and said commissioner is hereby constituted a legal entity and is hereby empowered to act as guardian under any laws of this state heretofore conferring such powers upon the state board of control.

(9) ALL THE POWERS AND DUTIES VESTED IN OR IMPOSED UPON THE DIRECTOR OF PUBLIC INSTITUTIONS WITH REFERENCE TO THE MINNESOTA STATE SANATORIUM ARE HEREBY TRANSFERRED TO, VESTED IN, AND IMPOSED UPON THE COMMISSIONER OF PUBLIC WELFARE. THE COMMISSIONER OF PUBLIC WELFARE SHALL APPOINT THE SUPERINTENDENT OF THE MINNESOTA STATE SANATORIUM,

BUT SHALL NOT HAVE THE POWER TO FIX HIS SALARY.)

((10)) (9) Act as coordinating referral and informational center on requests for service for newly arrived immigrants coming to Minnesota.

((11)) (10) The specific enumeration of powers and duties as hereinabove set forth shall in no way be construed to be a limitation upon the general transfer of powers herein contained.

((12)) (11) Establish county, regional, or state-wide schedules of maximum fees and charges which may be paid by local agencies for medical, dental, surgical, hospital, nursing and nursing home care and medicine and medical supplies under all programs of medical care provided by the state and for congregate living care under the income maintenance programs.

((13)) (12) Have the authority to conduct and administer experimental projects to test methods and procedures of administering assistance and services to recipients or potential recipients of public welfare. To carry out such experimental projects, it is further provided that the commissioner of public welfare is authorized to waive the enforcement of existing specific statutory program requirements, regulations, and standards in one or more counties. The order establishing the waiver shall provide alternative methods and procedures of administration, shall not be in conflict with the basic purposes, coverage, or benefits provided by law, and in no event shall the duration of a project exceed two years. It is further provided that no order establishing an experimental project as authorized by the provisions of this section shall become effective until the following conditions have been met:

(a) The proposed comprehensive plan including estimated project costs and the proposed order establishing the waiver shall be filed with the Secretary of the Senate and Chief Clerk of the House of Representatives at least 60 days prior to its effective date.

(b) The secretary of health, education, and welfare of the United States has agreed, for the same project, to waive state plan requirements relative to state-wide uniformity.

(c) A comprehensive plan, including estimated project costs, shall be approved by the legislative advisory commission and filed with the commissioner of administration.

((14)) (13) In accordance with federal requirements establish procedures to be followed by local welfare boards in creating citizen advisory committees, including procedures for selection of committee members.

((15)) (14) Promulgate, by rule, standards of administration to be applied by local welfare boards administering state and county financed programs of medical assistance pursuant performance shall be deducted from administrative reimbursement otherwise due the county.

((16) DEVELOP A PLAN AND REPORT TO THE LEGISLATURE DURING ITS 1976 SESSION ON METHODS BY WHICH THE PAYMENT AND ADMINISTRATION OF ALL INCOME MAINTENANCE PROGRAMS COULD BE ASSUMED BY THE STATE DEPARTMENT OF PUBLIC WELFARE.)

Sec. 22. *Minnesota Statutes 1978, Section 144.42; 144.421; 144.424, Subdivision 10; 144.427; 144.428; 144.429; 144.43; 144.46; 144.47; 144.50, Subdivision 4; 145.13; 145.24, Subdivision 4; 246.014, Subdivision 8; 251.01; 251.011, Subdivisions 2 and 5; 251.02; 251.03; 251.08; 251.09; 251.10; 251.11; 251.12; 251.13; 251.14; 251.16; 376.18; 376.19; 376.20; 376.21; 376.22; 376.231; 376.24; 376.25; 376.26; 376.28; 376.29; 376.30 376.31; 376.32; 376.33; 376.34; 376.35; 376.37; 376.38; 376.39; 376.40; 376.41; 376.42; 376.423; 376.424; 376.44; 376.49; 376.50; 376.52; 376.523; and 376.54 are repealed."*

Further amend the title as follows:

Page 1, line 2, after the semicolon insert "eliminating certain obsolete language from tuberculosis statutes; requiring detection and treatment of tuberculosis under certain circumstances;"

Page 1, line 7, delete "6 and 9" and insert "2, 6, 7 and 9"

Page 1, line 8, after "8" insert ", 9"

Page 1, line 8, after "144.425;" insert "144.45; 144.471; 144.-49, Subdivisions 5 and 8;"

Page 1, line 8, after "197.01;" insert "241.07; 241.15;" and after "246.014;" insert "246.28;"

Page 1, line 9, after "251.053;" insert "251.15, Subdivision 1;"

Page 1, line 11, after "Sections" insert "144.42; 144.421; 144.424, Subdivision 10; 144.427; 144.428; 144.429; 144.43; 144.-46; 144.47; 144.50, Subdivision 4; 145.13; 145.24, Subdivision 4;"

Page 1, line 12, after "251.03;" insert "251.08; 251.09; 251.10;"

Page 1, line 12, delete "and" and before the period insert "; 251.12; 251.13; 251.14; 251.16; and 376.18 to 376.54"

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

The report was adopted.

Moe from the Committee on Governmental Operations to which was referred:

S. F. No. 1644, A bill for an act relating to eminent domain; providing for the taking of possession and title by the petitioner under certain circumstances; providing that certain payments deposited with the court shall be paid out under direction of the court; amending Minnesota Statutes 1978, Section 117.042.

Reported the same back with the following amendments:

Page 2, after line 18, insert:

"Sec. 2. Minnesota Statutes 1978, Section 84.033, is amended to read:

84.033 [SCIENTIFIC AND NATURAL AREAS.] The commissioner of natural resources may acquire by gift, lease, easement, or purchase, in the manner prescribed under chapter 117, in the name of the state, lands or any interest in lands suitable and desirable for establishing and maintaining scientific and natural areas. The commissioner shall designate any land so acquired as a scientific and natural area and shall administer any land so acquired and designated as provided by section 86A.-05. *The commissioner shall obtain approval from the executive council before instituting condemnation proceedings under this section.*

Sec. 3. Minnesota Statutes 1978, Section 84.154, Subdivision 3, is amended to read:

Subd. 3. [POWERS OF COMMISSIONER.] The commissioner of natural resources may use for any project herein authorized any land of the state under his jurisdiction or control so far as is not inconsistent with the laws governing the same, may acquire by purchase (,) or gift (, OR CONDEMNATION) any additional lands or interests in lands required for such projects, including lands or interests in adjacent states if authorized by the laws thereof, may accept gifts or grants of money or property from the United States or any other source for such projects, may use and apply any money or property so received in accordance with the terms of the gift or grant so far as is not inconsistent with the provisions of this act or other laws, may

act in behalf of the state as sponsor for any such project undertaken or authorized by the United States, may make any sponsor's contributions required for any such project out of moneys appropriated by Laws 1943, Chapter 476, or otherwise made available therefor, and may cooperate with the United States or any adjacent state or any authorized agency of either in constructing, maintaining and operating any such project upon such terms and conditions as he may deem proper not inconsistent with the laws of this state.

Sec. 4. Minnesota Statutes 1978, Section 84A.10, is amended to read:

84A.10 [EMINENT DOMAIN.] The department (IS HEREBY AUTHORIZED AND EMPOWERED TO) *may* acquire (, BY EXERCISE OF THE RIGHT OF EMINENT DOMAIN, WHICH RIGHT IS HEREBY GIVEN IT, TO BE EXERCISED IN THE MANNER PROVIDED IN CHAPTER 117, OR) by *gift or purchase* (,) any lands or interests in lands in this preserve and hunting ground which the department shall deem necessary for state ownership, use, or development for the purposes of sections 84A.01 to 84A.11. No moneys shall be used for the purposes specified in this section until and unless the department shall have determined that such moneys will not be required to meet the requisitions of the counties authorized under section 84A.04, or for payment of certificates of indebtedness and interest thereon.

Sec. 5. Minnesota Statutes 1978, Section 84A.39, is amended to read:

84A.39 [DEPARTMENT SHALL HAVE RIGHT OF EMINENT DOMAIN.] The department (IS HEREBY AUTHORIZED AND EMPOWERED TO) *may* acquire (BY EXERCISE OF THE RIGHT OF EMINENT DOMAIN, WHICH RIGHT IS HEREBY GIVEN IT, TO BE EXERCISED IN THE MANNER PROVIDED IN CHAPTER 117, OR) by *gift or purchase* (,) any privately-owned lands or interests in lands within the boundaries of any such project which it shall deem necessary for state ownership, use, or development for the purposes of sections 84A.31 to 84A.42; provided, that no moneys shall be used for the purposes specified in this section until and unless the department and the commissioner of finance shall have determined that such moneys will not be required to meet the requisitions of the counties authorized under section 84A.33 or for the payment of certificates of indebtedness and interest thereon herein provided for.

Sec. 6. Minnesota Statutes 1978, Section 84A.55, Subdivision 13, is amended to read:

Subd. 13. The commissioner may acquire by *gift or purchase* (OR CONDEMNATION) any land or interest therein or any

public work or project or right therein which may be necessary for any purpose herein authorized.

Sec. 7. Minnesota Statutes 1978, Section 85.015, Subdivision 12, is amended to read:

Subd. 12. Heartland Trail, Hubbard and Cass counties.

(a) The trail shall originate at mile post 90.92 at Park Rapids in Hubbard county and shall extend in an easterly direction along the Burlington Northern Railroad right-of-way to the south line of Oak Avenue in Walker in Cass county. The trail shall then continue from the section line between sections 9 and 16, Township 142 North, Range 31 West, in a northerly direction along the Burlington Northern Railroad right-of-way to mile post 137.78, approximately 2 miles south of Cass Lake in Cass county, and there terminate.

(b) The trail shall be developed primarily for riding and hiking.

(c) In addition to the authority granted in subdivision 1, lands and interests in lands for the Heartland Trail may be acquired by eminent domain. Before acquiring any land or interest in land by eminent domain the commissioner of administration shall obtain the approval of the (GOVERNOR) *executive council*. The (GOVERNOR) *executive council* shall consult with the legislative advisory commission before granting (HIS) approval. Recommendations of the legislative advisory commission shall be advisory only. Failure or refusal of the commission to make a recommendation shall be deemed a negative recommendation.

Sec. 8. Minnesota Statutes 1978, Section 85.015, Subdivision 13, is amended to read:

Subd. 13. Arrowhead Region Trails, in Cook, Lake, St. Louis, Koochiching and Itasca counties.

(a) (1) The Taconite Trail shall originate at Ely in St. Louis county and extend southwesterly to Tower in St. Louis county, thence westerly to McCarthy Beach state park in St. Louis county, thence southerly crossing state trunk highway number 169 at O'Brien creek between Keewatin and Nashwauk in Itasca county, thence southwesterly to Blackberry in Itasca county and there terminate;

(2) The Northshore Trail shall originate in Duluth in St. Louis county and extend northeasterly to Two Harbors in Lake county, thence northeasterly to Grand Marais in Cook county, thence northeasterly to the international boundary in the vicinity of the north shore of Lake Superior, and there terminate;

(3) The Grand Marais to International Falls Trail shall originate in Grand Marais in Cook county and extend northwesterly, outside of the Boundary Waters Canoe Area, to Ely in St. Louis county, thence southwesterly along the route of the Tacomite Trail to Tower in St. Louis county, thence northwesterly through the Pelican Lake area in St. Louis county to International Falls in Koochiching county, and there terminate.

(b) The trails shall be developed primarily for riding and hiking.

(c) In addition to the authority granted in subdivision 1, lands and interests in lands for the Arrowhead Region Trails may be acquired by eminent domain. Before acquiring any land or interest in land by eminent domain the commissioner of administration shall obtain the approval of the (GOVERNOR) *executive council*. The (GOVERNOR) *executive council* shall consult with the legislative advisory commission before granting (HIS) approval. Recommendations of the legislative advisory commission shall be advisory only. Failure or refusal of the commission to make a recommendation shall be deemed a negative recommendation.

Sec. 9. Minnesota Statutes 1978, Section 88.09, Subdivision 2, is amended to read:

Subd. 2. [PURCHASE, LEASE, OR CONDEMNATION.] The commissioner may on behalf of the state, where no suitable state lands are available, purchase, lease (OR), acquire easements on or acquire by condemnation small tracts or parcels of lands, not exceeding 40 acres in area, or costing more than \$1500 for any single tract, to be used as locations for fire lookout towers, warehouses, or other buildings of any kind, or as locations for fire-breaks, or for any other use which he may deem suitable; also acquire by condemnation any tract of land, not exceeding 40 acres, for these purposes; also acquire, by gift, purchase, or condemnation, any easement or right of way that may be necessary to provide access to any tract of land so acquired. *The commissioner shall obtain approval from the executive council before instituting condemnation proceedings under this section.*

Sec. 10. Minnesota Statutes 1978, Section 89.032, Subdivision 1, is amended to read:

89.032 [ACQUISITION OF LAND.] Subdivision 1. The commissioner may acquire (ADMINISTRATIVE SITES OR) rights of way by eminent domain, in the manner provided by law, or by purchase any lands or interest in lands in the state forests as created by law, which he shall deem necessary for state use, and development. *The commissioner shall obtain approval from the executive council before instituting condemnation proceedings under this section.*

Sec. 11. Minnesota Statutes 1978, Section 105.39, Subdivision 4, is amended to read:

Subd. 4. [POWER TO ACQUIRE PROPERTY; EMINENT DOMAIN.] The commissioner shall have the power to acquire title to any private property for any authorized purpose by purchase or by the exercise of the right of eminent domain; and the use of such property in the furtherance of lawful projects under sections 105.37 to 105.55 is hereby declared to be a public purpose. On request by the commissioner, the attorney general shall proceed to acquire the necessary title to private property for such use under the provisions of Minnesota Statutes 1945, Chapter 117. *The commissioner shall obtain approval from the executive council before instituting condemnation proceedings under this section.*

Sec. 12. Minnesota Statutes 1978, Section 463.03, is amended to read:

463.03 [ALONG PARKS AND PARKWAYS.] Any *elect-ed* board of park commissioners having control of any park or parkway may in like manner acquire building line easements along the same, or any portion thereof.

Sec. 13. [REPEALER.] *Minnesota Statutes 1978, Sections 38.05; 117.31; 123.40, Subdivision 6; 161.29; 222.42; 308.39; and 643.06 are repealed.*"

Renumber the remaining section

Page 2, line 19, delete "This act" and insert "Section 1"

Further, amend the title as follows:

Delete the title in its entirety and insert:

"A bill for an act relating to eminent domain; providing for the taking of possession and title by the petitioner under certain circumstances; providing that certain payments deposited with the court shall be paid out under direction of the court; limiting the authority to acquire certain property by condemnation; repealing certain obsolete provisions of law authorizing acquisition by condemnation; amending Minnesota Statutes 1978, Sections 84.033; 84.154, Subdivision 3; 84A.10; 84A.39; 84A.55, Subdivision 13; 85.015, Subdivisions 12 and 13; 88.09, Subdivision 2; 89.032, Subdivision 1; 105.39, Subdivision 4; 117.042; and 463.03; repealing Minnesota Statutes 1978, Sections 38.05; 117.31; 123.40, Subdivision 6; 161.29; 222.42; 308.39; and 643.06."

With the recommendation that when so amended the bill pass.

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 429, 593, 1435, 1451, 1653, 1675, 1680, 1700, 1764, 1799, 1814, 1858 and 2095 were read for the second time.

SECOND READING OF SENATE BILLS

S. F. Nos. 888 and 1644 were read for the second time.

INTRODUCTION AND FIRST READING
OF HOUSE BILLS

The following House Files were introduced:

Kvam, Begich, Fritz, Luknic and Murphy introduced:

H. F. No. 2219, A bill for an act relating to tax increment financing; providing for approval of a majority of local taxing districts prior to establishment or modification of a tax increment financing district; providing for approval of a majority of local taxing districts prior to deferred property taxation for private redevelopment; amending Minnesota Statutes, 1979 Supplement, Sections 273.74, Subdivisions 2 and 3; and 273.86, Subdivision 1.

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

Johnson, C., introduced:

H. F. No. 2220, A bill for an act relating to retirement; allowing accrual of service credit in excess of 40 years in a public retirement plan; repealing Minnesota Statutes, 1979 Supplement, Section 356.60.

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

Begich, Battaglia, Elioff, Anderson, I., and Minne introduced:

H. F. No. 2221, A bill for an act relating to economic development; requiring that a majority of the members of the iron range resources and rehabilitation board represent legislative districts containing taconite tax relief areas; amending Minnesota Statutes 1978, Section 298.22, Subdivision 2.

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

Brinkman, Wenzel, Swanson, Kaley and Heinitz introduced:

H. F. No. 2222, A bill for an act relating to insurance; authorizing business trusts to exchange reciprocal or interinsurance contracts; amending Minnesota Statutes 1978, Section 71A.01, Subdivision 1.

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

Kroening and Jacobs introduced:

H. F. No. 2223, A bill for an act relating to accounting; providing for the licensing of public accountants and certified public accountants; specifying additional means of satisfying experience requirements; amending Minnesota Statutes 1978, Section 326.19, Subdivision 4.

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

Fudro; Voss; Sieben, H.; Norton and Moe introduced:

H. F. No. 2224, A bill for an act creating an interim study commission on transportation financing; prescribing its powers and duties; appropriating money.

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

Drew, Heap and Kelly introduced:

H. F. No. 2225, A bill for an act relating to education; encouraging school boards to use school-based management; amending Minnesota Statutes 1978, Section 123.741, by adding a subdivision.

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

Den Ouden and Esau introduced:

H. F. No. 2226, A bill for an act relating to retirement; making members of the Redwood soil and water conservation district members of the public employees retirement association; allowing purchase of prior service credit.

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

Reif and Valento introduced:

H. F. No. 2227, A bill for an act relating to towns; removing a property tax levy limit on certain towns; repealing Minnesota Statutes 1978, Sections 275.31; 275.32; 275.33; 275.34 and 275.35.

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

Forsythe, Kaley, Swanson, Crandall and Hokanson introduced:

H. F. No. 2228, A bill for an act relating to children; establishing a photographic state adoption exchange; requiring certain children to be listed on the exchange; appropriating money.

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

Corbid, Ellingson, Wieser and Wigley introduced:

H. F. No. 2229, A bill for an act relating to banks and trust companies; allowing substitution of certain banks and trust companies in fiduciary capacities maintained by affiliated banks.

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

Reding and Hoberg introduced:

H. F. No. 2230, A bill for an act relating to gambling devices; changing definition of gambling devices; authorizing certain payments for operation of gambling devices; amending Minnesota Statutes 1978, Section 349.26, Subdivision 2; and Minnesota Statutes, 1979 Supplement, Section 349.26, Subdivision 12.

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

Luknic and Jacobs introduced:

H. F. No. 2231, A bill for an act relating to highway traffic regulations; providing that the operation of certain motorcycles does not require a two-wheeled vehicle endorsement on the operator's driver's license; amending Minnesota Statutes 1978, Section 169.974, Subdivision 2; and by adding a subdivision.

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

Peterson, B.; Dempsey; Jude and Sieben, M., introduced:

H. F. No. 2232, A bill for an act relating to arrest records; providing for the return of arrest records to unconvicted persons; providing for the sealing of arrest records when convictions are set aside; amending Minnesota Statutes 1978, Sections 299C.11; 609.166; 609.167, Subdivision 3; and 609.168.

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

Sviggum, Brinkman, Ludeman, Wenzel and Weaver introduced:

H. F. No. 2233, A bill for an act relating to local government; providing for mileage allowances of officers and employees; amending Minnesota Statutes, 1979 Supplement, Section 471.665, Subdivision 1.

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

Tomlinson, Luknic, Valento, Faricy and Novak introduced:

H. F. No. 2234, A bill for an act relating to the legislature; providing a statutory limit on state appropriations; amending Minnesota Statutes 1978, Section 16A.15, Subdivision 1.

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

Nelsen, B.; Tomlinson; McDonald; Searles and Vanasek introduced:

H. F. No. 2235, A bill for an act relating to public debt; providing a maximum interest rate on certain obligations; amending Minnesota Statutes 1978, Section 475.55, Subdivision 1.

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

Rees, Vanasek, Pleasant, McDonald and Johnson, C., introduced:

H. F. No. 2236, A bill for an act appropriating money for restoration projects and educational programs at Murphy's Landing in Scott County.

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

Murphy, Corbid, Clawson, Heap and Hoberg introduced:

H. F. No. 2237, A bill for an act relating to public employees; clarifying the definition of public employees; amending Minnesota Statutes 1978, Section 179.63, Subdivision 7.

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

Peterson, B.; Drew; Munger; Faricy and Stowell introduced:

H. F. No. 2238, A bill for an act relating to the environment; altering definitions relating to environmental coordination procedures; eliminating some certification requirements for certain environmental projects; reducing time requirements related to environmental hearings and decisions; amending Minnesota Statutes 1978, Sections 116C.24, Subdivisions 5 and 7; 116C.25; 116C.26, Subdivisions 1, 3 and 5; 116C.27; 116C.28; 116C.31; 116C.32; and 116C.33, by adding a subdivision.

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

Dempsey, Clawson and Piepho introduced:

H. F. No. 2239, A bill for an act relating to local improvements; providing for certain hearings and appeals on special assessments; amending Minnesota Statutes 1978, Sections 429.061, Subdivisions 1 and 2; and 429.081.

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

Dempsey and Piepho introduced:

H. F. No. 2240, A bill for an act relating to workers' compensation insurance; permitting certain local units of government to join the reinsurance association; amending Minnesota Statutes, 1979 Supplement, Section 79.34, Subdivision 1.

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

Byrne introduced:

H. F. No. 2241, A bill for an act relating to taxation; increasing the amount of value of a 3cc homestead that qualifies for reduced assessment; amending Minnesota Statutes, 1979 Supplement, Sections 273.122 and 273.13, Subdivision 7.

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

Byrne introduced:

H. F. No. 2242, A bill for an act relating to public debt; providing a maximum interest rate on certain obligations; amending Minnesota Statutes 1978, Section 475.55, Subdivision 1.

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

Anderson, R., introduced:

H. F. No. 2243, A bill for an act relating to retirement; teachers retirement association; authorizing the retroactive payment of certain omitted retirement annuity amounts to certain persons.

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

Mehrkens, Drew, Otis, Stowell and Novak introduced:

H. F. No. 2244, A bill for an act relating to intoxicating liquor; authorizing the production and sale of table or sparkling wines produced by a Minnesota farm winery; providing for the taxation thereof.

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

Elioff, Battaglia, Begich and Minne introduced:

H. F. No. 2245, A bill for an act relating to taxation; distribution of taconite taxes among school districts; amending Minnesota Statutes 1978, Section 298.28, Subdivision 1.

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

Sarna, McEachern, Osthoff, Sieben, M., and Biersdorf introduced:

H. F. No. 2246, A bill for an act relating to trade regulations; requiring posting and display of certain price information on motor fuel sold at retail; amending Minnesota Statutes 1978, Section 325.77.

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

Ainley, Eken, Corbid, Anderson, I., and Nysether introduced :

H. F. No. 2247, A bill for an act relating to communications; providing funds for the purchase of studio and production equipment by Northern Minnesota Public Television; appropriating money.

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

Reif, Valento and Jennings introduced :

H. F. No. 2248, A bill for an act relating to health; appropriating money for fellowships and research grants related to certain areas of health and health care.

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

Corbid and Eken introduced :

H. F. No. 2249, A bill for an act relating to agriculture; providing for inspection and certification of grain moisture measuring devices and their operators.

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

Eken, Johnson, C., and Corbid introduced :

H. F. No. 2250, A bill for an act relating to natural resources; requiring county board approval before department of natural resources purchase of wildlife lands; amending Minnesota Statutes 1978, Section 97.481.

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

Corbid and Eken introduced :

H. F. No. 2251, A bill for an act relating to taxation; authorizing exemptions from real estate tax for property used for manufacturing or commercial purposes; amending Minnesota Statutes 1978, Section 272.02, by adding a subdivision.

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

Patton, Schreiber, Nelsen, B., and Mann introduced:

H. F. No. 2252, A bill for an act relating to transportation; providing for the financing of certain transportation services; providing for the distribution of the motor vehicle excise tax and providing that certain portions of the proceeds be used by certain political subdivisions for optional transportation purposes; creating a contingent bond retirement account; increasing the excise tax on gasoline and special fuel used in producing power to propel motor vehicles on the public highways; creating a study commission on transportation financing; appropriating money; amending Minnesota Statutes 1978, Sections 168.27, Subdivision 16; 296.02, Subdivision 1; 297B.035, Subdivision 2; and 297B.09.

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

Lehto, Munger, Brinkman, Stowell and Sherwood introduced:

H. F. No. 2253, A bill for an act relating to natural resources; providing for analysis of hydroelectric generating capacity of publicly owned dams; clarifying provisions relating to the administration of and authorization for dam repair and reconstruction grants; authorizing the employment of a person to administer grants; amending Minnesota Statutes 1978, Section 105.482, Subdivisions 1 and 4; Minnesota Statutes, 1979 Supplement, Section 105.482, Subdivisions 3 and 5a; and Laws 1979, Chapter 300, Section 4, Subdivisions 1 and 5.

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

Weaver, McCarron, Simoneau, Jacobs and Clawson introduced:

H. F. No. 2254, A bill for an act relating to state lands; providing for the conveyance to the county of Anoka of a leasehold interest in certain state property.

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

Sieben, H.; Rodriguez; Byrne; Drew and Nelsen, M., introduced:

H. F. No. 2255, A bill for an act relating to health; requiring health maintenance organizations to provide chiropractic care; amending Minnesota Statutes 1978, Section 62D.02, Subdivision 7.

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

Ewald, Dean, Friedrich, Carlson, D., and Ludeman introduced:

H. F. No. 2256, A bill for an act relating to taxation; income tax; excluding certain interest income from gross income; amending Minnesota Statutes, 1979 Supplement, Section 290.01, Subdivision 20.

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

Biersdorf, Sarna, Kaley and Patton introduced:

H. F. No. 2257, A bill for an act relating to retirement; extending the option for purchase of prior service credit by certain legislative employees; amending Laws 1975, Chapter 388, Section 1, Subdivision 3, as added and amended.

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

Kelly, Battaglia, Greenfield, Drew and Jennings introduced:

H. F. No. 2258, A bill for an act relating to juveniles; establishing a commission to plan a program for the secure diagnosis and treatment of serious juvenile offenders; appropriating money.

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

Kempe introduced:

H. F. No. 2259, A bill for an act relating to local government; permitting units to contract with each other for police service; amending Minnesota Statutes 1978, Section 436.05.

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

Wieser, Fjoslien, Prah, Battaglia and Anderson, R., introduced:

H. F. No. 2260, A bill for an act relating to outdoor advertising; authorizing privately owned directional devices to be erected and maintained in areas adjacent to the right-of-way of interstate and other trunk highways; restricting the purposes for which they may be erected and maintained; providing for their regulation by rule; prescribing a fee; amending Minnesota Statutes 1978, Sections 173.02, Subdivision 6; 173.13, Subdivision 4; and Chapter 173, by adding a section.

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

Wieser, Munger, Redalen, Wigley and Den Ouden introduced:

H. F. No. 2261, A bill for an act relating to state parks; clarifying the law governing state acquisitions and landowners' rights; hunting and fishing within boundaries; amending Minnesota Statutes 1978, Sections 85.0115; and 99.25, Subdivision 1.

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

Lehto and Berkelman introduced:

H. F. No. 2262, A bill for an act relating to highway traffic regulations; including a constable within the meaning of the definition of peace officer in the implied consent law; amending Minnesota Statutes 1978, Section 169.123, Subdivision 1.

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

Patton; Peterson, B.; Jaros and Dempsey introduced:

H. F. No. 2263, A bill for an act relating to intoxicating liquor; permitting municipalities to authorize the sale of intoxicating liquor at arenas and sports complexes in certain cases; amending Minnesota Statutes 1978, Section 340.11, by adding a subdivision.

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

Fjoslien, Kalis, Mann, Reding and Brinkman introduced:

H. F. No. 2264, A bill for an act relating to taxation; motor fuels tax; providing for the payment of tax on ethyl alcohol produced for personal use; amending Minnesota Statutes 1978, Section 296.14, by adding a subdivision.

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

Ellingson introduced:

H. F. No. 2265, A bill for an act relating to Independent School Districts Nos. 279 (Osseo) and 286 (Brooklyn Center); providing for transfers of territory between the districts.

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

Ellingson, Casserly, Sieben, M., and Jude introduced:

H. F. No. 2266, A bill for an act relating to courts; providing for appointment of clerks of court by district administrators; transferring clerks of court to the state judicial system; requiring the state court administrator to establish a judicial position, classification, and compensation system for nonjudicial personnel; requiring the state court administrator to promulgate and administer uniform standards and procedures relating to personnel matters for nonjudicial personnel; amending Minnesota Statutes 1978, Sections 485.01; 485.018, Subdivisions 6 and 7; Chapters 480, by adding a section; and 485, by adding a section; Minnesota Statutes, 1979 Supplement, Section 43.43, Subdivision 2; repealing Minnesota Statutes 1978, Sections 485.018, Subdivisions 1, 2, 2a, and 4; and 485.12.

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

Welch; Luknic; Johnson, C.; Swanson and Nelsen, B., introduced:

H. F. No. 2267, A bill for an act relating to education; appropriating money for the purpose of providing facilities for the education of residents of state hospitals; imposing certain conditions on receipt of the money by a school district; authorizing the sale of bonds.

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

Ellingson introduced:

H. F. No. 2268, A bill for an act relating to financial institutions; authorizing examinations of certain bank holding companies; providing for the institution of cease and desist proceedings and the issuance of temporary orders; amending Minnesota Statutes 1978, Section 46.24; and Minnesota Statutes, 1979 Supplement, Section 46.04.

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

Peterson, D.; Casserly; Pleasant and Dean introduced:

H. F. No. 2269, A bill for an act appropriating money to the department of transportation for certain transit purposes.

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

Byrne introduced:

H. F. No. 2270, A bill for an act relating to state agencies; altering certain procedures of the capitol area architectural and planning board; adding members to the board; appropriating money; amending Minnesota Statutes 1978, Section 15.50, Subdivisions 1 and 2.

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

Rees, Munger, Knickerbocker, Casserly and Anderson, D., introduced:

H. F. No. 2271, A bill for an act relating to natural resources; appropriating money for a demonstration project to utilize sewage sludge in forest management.

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

Kelly, Tomlinson, Long and Otis introduced:

H. F. No. 2272, A bill for an act relating to education; modifying and providing certain procedures for the termination, discharge and demotion of certain teachers; amending Minnesota Statutes 1978, Section 125.12, Subdivisions 3, 4, 8, 9, 10, 11, and by adding a subdivision; and 125.17, Subdivisions 2, 5, and 10; repealing Minnesota Statutes 1978, Section 125.17, Subdivisions 6, 7, 8 and 9.

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

Albrecht, Ludeman, Sviggum and Redalen introduced:

H. F. No. 2273, A bill for an act relating to cooperative associations; requiring the articles of incorporation or the bylaws of a newly formed association to specifically authorize the election of directors by mail votes; amending Minnesota Statutes 1978, Section 308.071.

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

Esau; McEachern; Johnson, C.; Thiede and Olsen introduced:

H. F. No. 2274, A bill for an act relating to education; increasing the minimum foundation aid for certain school districts in which agricultural land comprises a large percent of the assessed valuation; amending Minnesota Statutes, 1979 Supplement, Section 124.212, Subdivision 7d.

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

Kaley, Patton, Zubay and Friedrich introduced:

H. F. No. 2275, A bill for an act relating to the city of Rochester; granting investment jurisdiction over funds of the Rochester fire department relief association to the governing board of the association; repealing Laws 1959, Chapter 131, Section 25, as amended.

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

Esau, Mann, Nysether, Reding and Sherwood introduced:

H. F. No. 2276, A bill for an act relating to children; prescribing certain powers and duties of the American Society for the Prevention of Cruelty to Children; directing government officials to cooperate; giving certain agents authority as peace officers; prescribing certain training and licensing requirements; amending Minnesota Statutes, 1979 Supplement, Sections 626.05, Subdivision 2; and 626.84.

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

Sieben, M., introduced:

H. F. No. 2277, A bill for an act relating to executions; providing that issuance of an execution may be made without docketing of the judgment in the county where the money or personal property is owed to the judgment debtor by a third party; amending Minnesota Statutes 1978, Section 550.07.

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

Sieben, M., introduced:

H. F. No. 2278, A bill for an act relating to real estate; prohibiting time shared estates in real property; amending Minnesota Statutes 1978, Chapter 500, by adding a section.

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

Sieben, M., introduced:

H. F. No. 2279, A bill for an act relating to state government; removing a limitation on the use of veterans' preference in the civil service; amending Minnesota Statutes 1978, Section 43.30.

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

Dempsey, Pehler, Schreiber and Casserly introduced:

H. F. No. 2280, A bill for an act relating to taxation; clarifying the limitations on city tax levies; amending Minnesota Statutes 1978, Section 275.11, Subdivision 2.

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

Sieben, M.; Kahn; Nelson; Rees and Heinitz introduced:

H. F. No. 2281, A bill for an act relating to public utilities; deregulating certain business activities of public utilities; amending Minnesota Statutes 1978, Chapter 216B, by adding a section.

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

Schreiber, Casserly and Pehler introduced:

H. F. No. 2282, A bill for an act relating to municipal development; permitting hearings on commercial and industrial revenue bonds by a committee of the governmental body; providing for ten days published notice; providing for project approval by the commissioner of economic development; providing for local public purpose findings; providing limitations for commercial revenue bonds; amending Minnesota Statutes 1978, Chapter 474, by adding a section; and Minnesota Statutes, 1979 Supplement, Section 474.01, Subdivision 7b.

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

Schreiber, Casserly, Dempsey, Pehler and Kroening introduced:

H. F. No. 2283, A bill for an act relating to housing; authorizing certain housing and redevelopment authorities to plan, implement, and finance single family housing rehabilitation loan and grant programs; authorizing the planning, implementation and financing of multifamily moderate rehabilitation loan and grant programs; authorizing the planning, implementation and financing of single family housing mortgage programs in conjunction with municipal redevelopment and revitalization; authorizing the planning, implementation and financing of the construction of multifamily rental housing; defining terms; amending Minnesota Statutes 1978, Sections 462.421, Subdivision 14, and by adding subdivisions; and 462.445, by adding subdivisions; and Minnesota Statutes, 1979 Supplement, Section 462.445, Subdivision 9.

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

Casserly, Schreiber, Dempsey, Tomlinson and Pehler introduced:

H. F. No. 2284, A bill for an act relating to taxation; clarifying provisions of the Minnesota tax increment financing act; amending Minnesota Statutes 1978, Section 472A.02, by adding a subdivision; and Minnesota Statutes, 1979 Supplement, Sections 273.73, Subdivisions 7, 8, 10, 11 and 12; 273.74, Subdivision 3; 273.75, Subdivisions 1, 2, 5 and 6; 273.76, Subdivisions 1, 2 and 3, and by adding a subdivision; 273.77; 273.78; 273.86, Subdivision 4; and 473F.08, Subdivision 6.

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

Casserly, Schreiber, Dempsey, Pehler and Tomlinson introduced:

H. F. No. 2285, A bill for an act relating to taxation; changing certain provisions of the Minnesota Tax Increment Financing Act; amending Minnesota Statutes, 1979 Supplement, Section 273.76, Subdivision 1, and by adding subdivisions.

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

Ellingson; Johnson, D.; Heinitz; Corbid and Adams introduced:

H. F. No. 2286, A bill for an act relating to financial institutions; providing that certain agreements taken by a bank and subject to a certain percentage limitation will not constitute a liability against it; providing for a different percentage limitation in certain cases; amending Minnesota Statutes 1978, Section 48.24, Subdivision 3.

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

Forsythe and Pleasant introduced:

H. F. No. 2287, A bill for an act relating to the city of Edina; authorizing a temporary short term on-sale liquor license for a certain civic or charitable festival.

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

Dean and Forsythe introduced:

H. F. No. 2288, A bill for an act relating to Independent School District No. 273 (Edina) and Independent School District No. 280 (Richfield); providing for the transfer of territory from Independent School District No. 280 to Independent School District No. 273.

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

Osthoff; Anderson, G.; Anderson, D.; Anderson, B., and Fudro introduced:

H. F. No. 2289, A bill for an act proposing an amendment to the Minnesota Constitution, Article XIV, Section 11; removing certain restrictions on highway bonds.

The bill was read for the first time and referred to the Committee on Transportation.

Begich; Sieben, H.; Elioff and Battaglia introduced:

H. F. No. 2290, A bill for an act relating to taxation; clarifying the apportionment of income from taconite producers to Minnesota; amending Minnesota Statutes 1978, Section 298.40, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Taxes.

Begich; Sieben, H.; Elioff and Battaglia introduced:

H. F. No. 2291, A bill for an act relating to taxation; restricting the use of certain proceeds of the taconite production tax; amending Minnesota Statutes 1978, Sections 298.223 and 298.28, Subdivision 1.

The bill was read for the first time and referred to the Committee on Taxes.

Battaglia, Begich and Elioff introduced:

H. F. No. 2292, A bill for an act relating to Cook County and Independent School District No. 166; providing for certain agreements relating to the sale of excess steam from the existing wood fueled steam generating plant of the district; giving certain parties to the agreement certain powers.

The bill was read for the first time and referred to the Committee on Education.

Patton introduced:

H. F. No. 2293, A bill for an act relating to retirement; providing for periodic increases in the amount of employer contributions to the teachers retirement association and to the teachers retirement fund associations in cities of the first class; amending Minnesota Statutes, 1979 Supplement, Sections 354.42, Subdivision 5; and 354A.12, Subdivision 2.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Munger, Norton, Voss, Dean and Anderson, D., introduced:

H. F. No. 2294, A bill for an act relating to transportation; providing for continuing Amtrak rail passenger service between Duluth and the Twin Cities metropolitan area; appropriating money.

The bill was read for the first time and referred to the Committee on Appropriations.

Simoneau, Berkelman, Fjoslien, McCarron and Peterson, B., introduced:

H. F. No. 2295, A resolution memorializing the President and Congress to take all actions necessary to effect changes in regulations of the Department of Health, Education, and Welfare so that physician visits to medically stable residents of certain health care facilities are required only quarterly or semi-annually.

The bill was read for the first time and referred to the Committee on Health and Welfare.

McEachern introduced:

H. F. No. 2296, A bill for an act relating to libraries; authorizing a school board to transfer the responsibility for maintaining a library to a city under certain conditions; amending Minnesota Statutes 1978, Section 134.03.

The bill was read for the first time and referred to the Committee on Education.

Rees, Brinkman, Ewald, Osthoff and Adams introduced:

H. F. No. 2297, A bill for an act relating to commerce; establishing certain time price differentials on retail installment sales of mobile homes; amending Minnesota Statutes 1978, Section 168.72.

The bill was read for the first time and referred to the Committee on Commerce, Economic Development and Housing.

Pehler, Patton, Ainley and Kelly introduced:

H. F. No. 2298, A bill for an act relating to state universities; appropriating funds for faculty salary increases.

The bill was read for the first time and referred to the Committee on Education.

Berglin introduced:

H. F. No. 2299, A bill for an act relating to human rights; prohibiting certain discrimination; amending Minnesota Statutes 1978, Sections 363.01, by adding a subdivision; and 363.03, Subdivisions 1, 2, 5 and 8.

The bill was read for the first time and referred to the Committee on Judiciary.

Begich introduced:

H. F. No. 2300, A bill for an act relating to the city of Duluth; providing for review of assessments by the county assessor.

The bill was read for the first time and referred to the Committee on Taxes.

Osthoff introduced:

H. F. No. 2301, A bill for an act relating to the city of St. Paul; providing a commission form of government for the city.

The bill was read for the first time and referred to the Committee on General Legislation and Veterans Affairs.

Dempsey, Kelly, Ainley, Anderson, G., and Sviggum introduced:

H. F. No. 2302, A bill for an act relating to financial institutions; requiring all checks and drafts drawn on certain accounts to clearly display the month and year the account was opened.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Long, Greenfield, Kahn, Norman and Sarna introduced:

H. F. No. 2303, A bill for an act relating to education; providing aid for free and reduced price lunches rather than full paid lunches in certain school districts; providing certain bonding authority for Special School District No. 1; appropriating money; amending Minnesota Statutes 1978, Section 124.646, Subdivision 2, and by adding a subdivision; Minnesota Statutes, 1979 Supplement, Section 124.646, Subdivision 1; and Laws 1959, Chapter 462, Section 3, Subdivision 7, as amended.

The bill was read for the first time and referred to the Committee on Education.

Kempe introduced:

H. F. No. 2304, A bill for an act proposing an amendment to the Minnesota Constitution, adding a section to Article VII; providing for a popular initiative.

The bill was read for the first time and referred to the Committee on General Legislation and Veterans Affairs.

Rothenberg, by request, introduced:

H. F. No. 2305, A bill for an act relating to retirement; authorizing purchase of allowable service credit in the public employees police and fire fund by a certain former police officer in the city of St. Louis Park.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Rice and Casserly introduced:

H. F. No. 2306, A bill for an act relating to Hennepin County; providing for redistricting of county commissioner districts.

The bill was read for the first time and referred to the Committee on General Legislation and Veterans Affairs.

HOUSE ADVISORIES

The following House Advisory was introduced :

Den Ouden, Welker, Fjoslien and Mehrkens introduced :

H. A. No. 53, A proposal to study possible state/federal duplication in aeronautics regulation.

The advisory was referred to the Committee on Transportation.

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 Senate Files, herewith transmitted :

S. F. Nos. 1240, 1584 and 1772.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker :

I hereby announce the passage by the Senate of the following Senate File, herewith transmitted :

S. F. No. 1764.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker :

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted :

S. F. Nos. 1619, 1625 and 1726.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 1240, A bill for an act relating to natural resources ; setting forth the rights of property owners whose property is purchased for conservation purposes ; revising responsibilities of the commissioner of natural resources and the commissioner

of administration in property acquisition; authorizing the commissioner of natural resources, with the approval of the state executive council to convey the interests of the state in lands for the purpose of correcting boundary description errors; amending Minnesota Statutes 1978, Sections 84.0272; 85.012, Subdivision 1; 85.015, Subdivision 1; 85.021, Subdivisions 1 and 2; and 104.-37, Subdivision 1.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

S. F. No. 1584, A bill for an act relating to transportation; providing for specific information signing for resorts and recreational camping areas along certain highways.

The bill was read for the first time.

Ainley moved that S. F. No. 1584 and H. F. No. 1036, now on the Calendar, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1772, A bill for an act relating to highway traffic regulations; authorizing an annual permit for certain oversize vehicles transporting implements of husbandry; prescribing limitations on the use of the vehicles; amending Minnesota Statutes 1978, Section 169.80, Subdivision 1.

The bill was read for the first time and referred to the Committee on Transportation.

S. F. No. 1764, A bill for an act relating to taxation; property tax; providing for uncontested hearings for property valuation; information to be included on valuation notices; clarifying the computation of agricultural aid credit; clarifying acreage available for homestead credit; prohibiting increases in valuation of property after appeals of market value; changing date for county board of equalization meeting and transfer of books to treasurer; changing penalty and interest rates; clarifying the role of administrative auditor in fiscal disparities; amending Minnesota Statutes 1978, Sections 270.11, Subdivision 6; 273.121; 273.13, Subdivision 6a; 273.135, Subdivision 1; 274.01, Subdivision 1; 274.13, Subdivision 1; 274.14; 276.01; 279.01; 279.37, Subdivision 2; 282.01, Subdivisions 1 and 4; 282.222, Subdivision 4; 282.261; and 473F.08, by adding a subdivision; Minnesota Statutes, 1979 Supplement, Sections 273.13, Subdivision 6; and 282.15; repealing Minnesota Statutes 1978, Sections 275.31; 275.32; 275.33; 275.34; 275.35; and 473F.08, Subdivisions 7 and 8.

The bill was read for the first time and referred to the Committee on Taxes.

S. F. No. 1619, A bill for an act relating to the metropolitan transit area; providing for contracts with socially or economically disadvantaged persons including handicapped persons; amending Minnesota Statutes 1978, Chapter 473, by adding a section.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

S. F. No. 1625, A bill for an act relating to the town of Greenwood; granting the town the power to specially assess for a bridge improvement.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

S. F. No. 1726, A bill for an act relating to children; providing for review of foster care of certain developmentally disabled children; amending Minnesota Statutes 1978, Section 257.071, Subdivision 3, and by adding a subdivision.

The bill was read for the first time and referred to the Committee on Judiciary.

CONSENT CALENDAR

H. F. No. 1207, A bill for an act relating to motor vehicles; excluding owners of certain trailers from the requirement to furnish evidence of security; amending Minnesota Statutes 1978, Section 65B.68, Subdivision 2.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 128 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Byrne	Esau	Jacobs	Levi
Adams	Carlson, D.	Evans	Jaros	Long
Ainley	Carlson, L.	Ewald	Jennings	Ludeman
Albrecht	Casserly	Faricy	Johnson, C.	Luknic
Anderson, B.	Clark	Fjoslien	Johnson, D.	Mann
Anderson, D.	Clawson	Forsythe	Jude	McCarron
Anderson, G.	Corbid	Friedrich	Kahn	McDonald
Anderson, I.	Crandall	Fritz	Kaley	McEachern
Anderson, R.	Dean	Fudro	Kalis	Mehrrens
Battaglia	Dempsey	Greenfield	Kelly	Metzen
Begich	Den Ouden	Halberg	Kempe	Minne
Berglin	Drew	Haukoos	Knickerbocker	Munger
Berkelman	Eken	Heap	Kostohryz	Murphy
Biersdorf	Elioff	Heinitz	Kroening	Nelsen, B.
Blatz	Ellingson	Hoberg	Kvam	Nelsen, M.
Brinkman	Erickson	Hokanson	Lehto	Nelson

Niehaus	Peterson, B.	Sarna	Sviggum	Welch
Norman	Peterson, D.	Searle	Swanson	Welker
Novak	Piepho	Searles	Thiede	Wenzel
Nysether	Prahl	Sherwood	Tomlinson	Wieser
Olsen	Redalen	Sieben, H.	Valan	Wigley
Onnen	Reding	Sieben, M.	Valento	Wynia
Osthoff	Rees	Simoneau	Vanasek	Zubay
Otis	Rice	Stadum	Voss	Spkr. Norton
Patton	Rose	Stoa	Waldorf	
Pehler	Rothenberg	Stowell	Weaver	

The bill was passed and its title agreed to.

H. F. No. 1910, A bill for an act relating to courts; second and fourth judicial districts; authorizing juvenile court referees to hear contested trials, hearings, or motions unless objection is made; amending Minnesota Statutes 1978, Section 484.70, by adding a subdivision.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Den Ouden	Jude	Nelsen, M.	Sherwood
Adams	Drew	Kahn	Nelson	Sieben, H.
Ainley	Eken	Kaley	Niehaus	Sieben, M.
Albrecht	Elioff	Kalis	Norman	Simoneau
Anderson, B.	Ellingson	Kelly	Novak	Stadum
Anderson, D.	Erickson	Kempe	Nysether	Stoa
Anderson, G.	Esau	Knickerbocker	Olsen	Stowell
Anderson, I.	Evans	Kostohryz	Onnen	Swanson
Anderson, R.	Faricy	Kroening	Osthoff	Thiede
Battaglia	Fjoslien	Kvam	Otis	Tomlinson
Begich	Forsythe	Lehto	Patton	Valan
Berglin	Friedrich	Levi	Pehler	Valento
Berkelman	Fritz	Long	Peterson, B.	Vanasek
Biersdorf	Fudro	Ludeman	Peterson, D.	Waldorf
Blatz	Greenfield	Luknic	Piepho	Weaver
Brinkman	Halberg	Mann	Prahl	Welch
Byrne	Haukoos	McCarron	Redalen	Welker
Carlson, D.	Heap	McDonald	Reding	Wenzel
Carlson, L.	Heinitz	McEachern	Rees	Wieser
Casserly	Hoberg	Mehrkens	Rice	Wigley
Clark	Hokanson	Metzen	Rodriguez	Wynia
Clawson	Jacobs	Minne	Rose	Zubay
Corbid	Jaros	Moe	Rothenberg	Spkr. Norton
Crandall	Jennings	Munger	Sarna	
Dean	Johnson, C.	Murphy	Searle	
Dempsey	Johnson, D.	Nelsen, B.	Searles	

The bill was passed and its title agreed to.

H. F. No. 2012, A bill for an act relating to motor vehicles; authorizing personalized license plates bearing radio or television station call signals or letters; amending Minnesota Statutes 1978, Section 168.12, Subdivision 2a.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 125 yeas and 6 nays as follows:

Those who voted in the affirmative were:

Aasness	Den Ouden	Johnson, C.	Munger	Searle
Adams	Drew	Johnson, D.	Murphy	Searles
Ainley	Eken	Jude	Nelsen, B.	Sherwood
Albrecht	Elioff	Kahn	Nelsen, M.	Sieben, H.
Anderson, B.	Ellingson	Kaley	Nelson	Sieben, M.
Anderson, D.	Erickson	Kalis	Niehaus	Simoneau
Anderson, G.	Esau	Kelly	Norman	Stadum
Anderson, I.	Evans	Kempe	Novak	Stoa
Anderson, R.	Ewald	Knickerbocker	Nysether	Stowell
Battaglia	Faricy	Kostohryz	Olsen	Sviggum
Begich	Fjoslien	Kvam	Onnen	Swanson
Berglin	Forsythe	Laidig	Otis	Thiede
Berkelman	Friedrich	Lehto	Patton	Tomlinson
Biersdorf	Fritz	Levi	Pehler	Valan
Blatz	Fudro	Long	Peterson, B.	Valento
Brinkman	Greenfield	Ludeman	Peterson, D.	Vanasek
Byrne	Halberg	Luknic	Piepho	Weaver
Carlson, D.	Haukoos	Mann	Prahl	Welch
Carlson, L.	Heap	McCarron	Redalen	Welker
Cassery	Heinitz	McDonald	Reding	Wenzel
Clark	Hoberg	McEachern	Rees	Wieser
Clawson	Hokanson	Mehrkens	Rodriguez	Wigley
Crandall	Jacobs	Metzen	Rose	Wynia
Dean	Jaros	Minne	Rothenberg	Zubay
Dempsey	Jennings	Moe	Sarna	Spkr. Norton

Those who voted in the negative were:

Corbid	Osthoff	Rice	Voss	Waldorf
Kroening				

The bill was passed and its title agreed to.

CALENDAR

S. F. No. 54, A bill for an act relating to profit and nonprofit corporations; simplifying certain requirements governing formation and management of nonprofit corporations; resolving certain inconsistencies between profit and nonprofit corporations; removing certain ambiguities and deficiencies; amending Minnesota Statutes 1978, Sections 301.30, Subdivision 1; 317.02, Subdivision 5; 317.07; 317.08, Subdivisions 1 and 3; 317.20, Subdivision 1; and 317.21, Subdivision 1.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Den Ouden	Johnson, D.	Murphy	Searles
Adams	Drew	Jude	Nelsen, B.	Sherwood
Ainley	Eken	Kahn	Nelsen, M.	Sieben, H.
Albrecht	Elioff	Kaley	Nelson	Sieben, M.
Anderson, B.	Ellingson	Kalis	Niehaus	Simoneau
Anderson, D.	Erickson	Kelly	Norman	Stadum
Anderson, G.	Esau	Kempe	Novak	Stoa
Anderson, I.	Evans	Knickerbocker	Nysether	Stowell
Anderson, R.	Ewald	Kostohryz	Olsen	Swiggum
Battaglia	Farcy	Kroening	Onnen	Swanson
Begich	Fjoslien	Kvam	Osthoff	Thiede
Berglin	Forsythe	Laidig	Otis	Tomlinson
Berkelman	Friedrich	Lehto	Patton	Valan
Biersdorf	Fritz	Levi	Pehler	Valento
Blatz	Fudro	Long	Peterson, B.	Vanasek
Brinkman	Greenfield	Ludeman	Peterson, D.	Voss
Byrne	Halberg	Luknic	Prahl	Waldorf
Carlson, D.	Haukoos	Mann	Redalen	Weaver
Carlson, L.	Heap	McCarron	Reding	Welch
Casserly	Heinitz	McDonald	Rees	Welker
Clark	Hoberg	McEachern	Rice	Wenzel
Clawson	Hokanson	Mehrzens	Rodriguez	Wieser
Corbid	Jacobs	Metzen	Rothenberg	Wigley
Crandall	Jaros	Minne	Sarna	Wynia
Dean	Jennings	Moe	Schreiber	Zubay
Dempsey	Johnson, C.	Munger	Searle	Spkr. Norton

The bill was passed and its title agreed to.

S. F. No. 58, A bill for an act relating to no-fault automobile insurance; increasing basic economic loss benefits; clarifying legislative intent concerning stacking of insurance policies; amending Minnesota Statutes 1978, Sections 65B.44, Subdivision 1; 65B.47, by adding a subdivision; and 65B.49, Subdivisions 4 and 6.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 54 yeas and 73 nays as follows:

Those who voted in the affirmative were:

Adams	Clark	Jude	Munger	Sieben, M.
Anderson, D.	Corbid	Kahn	Murphy	Simoneau
Battaglia	Eken	Kelly	Nelsen, M.	Stoa
Begich	Elioff	Laidig	Nelson	Swanson
Berkelman	Ellingson	Lehto	Novak	Voss
Biersdorf	Evans	Long	Otis	Waldorf
Blatz	Greenfield	Mann	Peterson, D.	Welch
Brinkman	Hokanson	McCarron	Prahl	Wenzel
Byrne	Jacobs	Metzen	Reding	Wynia
Carlson, L.	Jaros	Minne	Reif	Spkr. Norton
Casserly	Johnson, C.	Moe	Rodriguez	

Those who voted in the negative were:

Aasness	Ewald	Kalis	Olsen	Sherwood
Ainley	Faricy	Kempe	Onnen	Sieben, H.
Albrecht	Fjoslien	Kostohryz	Patton	Stadum
Anderson, B.	Forsythe	Kroening	Pehler	Stowell
Anderson, G.	Friedrich	Kvam	Peterson, B.	Sviggum
Berglin	Fritz	Levi	Piepho	Thiede
Carlson, D.	Fudro	Ludeman	Pleasant	Valan
Clawson	Halberg	Luknic	Redalen	Valento
Crandall	Haukoos	McDonald	Rees	Weaver
Dean	Heap	McEachern	Rice	Welker
Dempsey	Heinitz	Mehrkens	Rose	Wieser
Den Ouden	Hoberg	Nelsen, B.	Sarna	Wigley
Drew	Jennings	Niehaus	Schreiber	Zubay
Erickson	Johnson, D.	Norman	Searle	
Esau	Kaley	Nysether	Searles	

The bill was not passed.

S. F. No. 951, A bill for an act relating to small businesses; establishing a uniform definition of small business; amending Minnesota Statutes 1978, Section 161.321, Subdivisions 1 and 3; and Chapter 645, by adding a section; repealing Minnesota Statutes 1978, Section 16.082, Subdivisions 2, 3, 4 and 5.

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 10 nays as follows:

Those who voted in the affirmative were:

Aasness	Ellingson	Kelly	Norman	Sieben, H.
Adams	Erickson	Kempe	Novak	Sieben, M.
Anderson, B.	Esau	Knickerbocker	Nysether	Simoneau
Anderson, D.	Evans	Kostohryz	Olsen	Stadum
Anderson, G.	Ewald	Kroening	Onnen	Stoa
Anderson, I.	Faricy	Kvam	Osthoff	Stowell
Battaglia	Fjoslien	Laidig	Otis	Sviggum
Begich	Forsythe	Lehto	Patton	Swanson
Berglin	Friedrich	Levi	Pehler	Tomlinson
Berkelman	Fudro	Long	Peterson, B.	Valan
Biersdorf	Greenfield	Luknic	Peterson, D.	Vanasek
Blatz	Halberg	Mann	Pleasant	Voss
Brinkman	Haukoos	McCarron	Redalen	Waldorf
Byrne	Heap	McDonald	Reding	Weaver
Carlson, D.	Heinitz	McEachern	Rees	Welch
Carlson, L.	Hoberg	Mehrkens	Reif	Wenzel
Clark	Hokanson	Metzen	Rice	Wieser
Clawson	Jacobs	Minne	Rodriguez	Wigley
Corbid	Jaros	Moe	Rose	Wynia
Crandall	Johnson, C.	Munger	Rothenberg	Zubay
Dean	Johnson, D.	Murphy	Sarna	Spkr. Norton
Dempsey	Jude	Nelsen, B.	Schreiber	
Drew	Kahn	Nelsen, M.	Searle	
Eken	Kaley	Nelson	Searles	
Elioff	Kalis	Niehaus	Sherwood	

Those who voted in the negative were:

Ainley	Den Ouden	Jennings	Piepho	Valento
Albrecht	Fritz	Ludeman	Thiede	Welker

The bill was passed and its title agreed to.

H. F. No. 1302, A bill for an act relating to financial institutions; permitting banks and trust companies to take junior liens under certain circumstances; amending Minnesota Statutes 1978, Section 48.19, Subdivision 1.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 128 yeas and 2 nays as follows:

Those who voted in the affirmative were:

Aasness	Drew	Kaley	Niehaus	Sieben, H.
Adams	Eken	Kalis	Norman	Sieben, M.
Ainley	Elioff	Kempe	Novak	Simoneau
Albrecht	Ellingson	Knickerbocker	Nysether	Stadum
Anderson, B.	Erickson	Kostohryz	Olsen	Stoa
Anderson, D.	Esau	Kroening	Onnen	Stowell
Anderson, G.	Evans	Kvam	Otis	Sviggum
Anderson, I.	Ewald	Laidig	Patton	Swanson
Battaglia	Faricy	Lehto	Pehler	Thiede
Begich	Fjoslien	Levi	Peterson, B.	Tomlinson
Berglin	Forsythe	Long	Peterson, D.	Valan
Berkelman	Friedrich	Ludeman	Piepho	Valento
Biersdorf	Fudro	Luknic	Prahl	Vanasek
Blatz	Greenfield	Mann	Redalen	Voss
Brinkman	Halberg	McCarron	Reding	Waldorf
Byrne	Haukoos	McDonald	Rees	Weaver
Carlson, D.	Heap	McEachern	Reif	Welch
Carlson, L.	Heinitz	Mehrkens	Rice	Welker
Casserly	Hoberg	Metzen	Rodriguez	Wenzel
Clark	Hokanson	Minne	Rose	Wieser
Clawson	Jacobs	Moe	Rothenberg	Wigley
Corbid	Jaros	Munger	Sarna	Wynia
Crandall	Johnson, C.	Murphy	Schreiber	Zubay
Dean	Johnson, D.	Nelsen, B.	Searle	Spkr. Norton
Dempsey	Jude	Nelsen, M.	Searles	
Den Ouden	Kahn	Nelson	Sherwood	

Those who voted in the negative were:

Fritz	Kelly
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The bill was passed and its title agreed to.

H. F. No. 1427, A bill for an act relating to banks; raising the amount of an employee loan possible without prior board approval; amending Minnesota Statutes 1978, Section 48.08.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 127 yeas and 3 nays as follows:

Those who voted in the affirmative were:

Aasness	Eken	Kalis	Niehaus	Sherwood
Adams	Elioff	Kelly	Norman	Sieben, H.
Ainley	Ellingson	Kempe	Novak	Sieben, M.
Albrecht	Erickson	Knickerbocker	Nysether	Simoneau
Anderson, B.	Esau	Kostohryz	Olsen	Stadum
Anderson, D.	Evans	Kroening	Onnen	Stoa
Anderson, G.	Ewald	Kvam	Osthoff	Stowell
Anderson, I.	Faricy	Laidig	Otis	Sviggum
Battaglia	Fjoslien	Lehto	Patton	Thiede
Begich	Forsythe	Levi	Pehler	Tomlinson
Berglin	Friedrich	Long	Peterson, B.	Valan
Berkelman	Fudro	Ludeman	Peterson, D.	Valento
Biersdorf	Greenfield	Luknic	Piepho	Vanasek
Blatz	Halberg	Mann	Prahl	Waldorf
Brinkman	Haukoos	McCarron	Redalen	Weaver
Byrne	Heap	McDonald	Reding	Welch
Carlson, D.	Heinitz	McEachern	Rees	Welker
Carlson, L.	Hoberg	Mehrkens	Reif	Wenzel
Casserly	Hokanson	Metzen	Rice	Wieser
Clark	Jacobs	Minne	Rodriguez	Wigley
Clawson	Jaros	Moe	Rose	Wynia
Crandall	Johnson, C.	Munger	Rothenberg	Zubay
Dean	Johnson, D.	Murphy	Sarna	Spkr. Norton
Dempsey	Jude	Nelsen, B.	Schreiber	
Den Ouden	Kahn	Nelsen, M.	Searle	
Drew	Kaley	Nelson	Searles	

Those who voted in the negative were:

Fritz Swanson Voss

The bill was passed and its title agreed to.

S. F. No. 998, A bill for an act relating to insurance; providing for cancellation of life insurance contracts providing benefits on a variable basis; amending Minnesota Statutes 1978, Sections 72A.51, Subdivision 3; and 72A.52.

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 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Anderson, D.	Berglin	Byrne	Clawson
Adams	Anderson, G.	Berkelman	Carlson, D.	Corbid
Ainley	Anderson, I.	Biersdorf	Carlson, L.	Crandall
Albrecht	Battaglia	Blatz	Casserly	Dean
Anderson, B.	Begich	Brinkman	Clark	Dempsey

Den Ouden	Hokanson	Mann	Patton	Simoneau
Drew	Jacobs	McCarron	Pehler	Stadum
Eken	Jaros	McDonald	Peterson, B.	Stoa
Elioff	Johnson, C.	McEachern	Peterson, D.	Stowell
Ellingson	Johnson, D.	Mehrkens	Piepho	Swiggum
Erickson	Jude	Metzen	Prahl	Swanson
Esau	Kahn	Minne	Redalen	Thiede
Evans	Kaley	Moe	Reding	Tomlinson
Ewald	Kalis	Munger	Rees	Valan
Faricy	Kelly	Murphy	Reif	Valento
Fjoslien	Kempe	Nelsen, B.	Rice	Vanasek
Forsythe	Knickerbocker	Nelsen, M.	Rodriguez	Waldorf
Friedrich	Kostohryz	Nelson	Rose	Weaver
Fritz	Kroening	Niehaus	Rothenberg	Welch
Fudro	Kvam	Norman	Sarna	Welker
Greenfield	Laidig	Novak	Schreiber	Wenzel
Halberg	Lehto	Nysether	Searle	Wieser
Haukoos	Levi	Olsen	Searles	Wigley
Heap	Long	Onnen	Sherwood	Wynia
Heinitz	Ludeman	Osthoff	Sieben, H.	Zubay
Hoberg	Luknic	Otis	Sieben, M.	Spr. Norton

The bill was passed and its title agreed to.

S. F. No. 693, A bill for an act relating to insurance; excepting certain policies from readability requirements; limiting the applicability of readability requirement with respect to certain forms of insurance policies; permitting delays in compliance for certain forms of insurance policies; amending Minnesota Statutes 1978, Sections 72C.03; 72C.09; and 72C.11, Subdivision 1.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Dean	Jacobs	McEachern	Prahl
Adams	Dempsey	Jaros	Mehrkens	Redalen
Ainley	Den Ouden	Johnson, C.	Metzen	Reding
Albrecht	Drew	Johnson, D.	Minne	Rees
Anderson, B.	Eken	Jude	Moe	Reif
Anderson, D.	Elioff	Kahn	Munger	Rice
Anderson, G.	Ellingson	Kaley	Murphy	Rodriguez
Anderson, I.	Erickson	Kalis	Nelsen, B.	Rose
Anderson, R.	Esau	Kelly	Nelsen, M.	Rothenberg
Battaglia	Evans	Kempe	Nelson	Sarna
Begich	Ewald	Knickerbocker	Niehaus	Schreiber
Berglin	Faricy	Kostohryz	Norman	Searle
Berkelman	Fjoslien	Kroening	Novak	Searles
Biersdorf	Forsythe	Kvam	Nysether	Sherwood
Blatz	Fritz	Laidig	Olsen	Sieben, H.
Brinkman	Fudro	Lehto	Onnen	Sieben, M.
Byrne	Greenfield	Levi	Osthoff	Simoneau
Carlson, L.	Halberg	Long	Otis	Stadum
Casserly	Haukoos	Ludeman	Patton	Stoa
Clark	Heap	Luknic	Pehler	Stowell
Clawson	Heinitz	Mann	Peterson, B.	Swiggum
Corbid	Hoberg	McCarron	Peterson, D.	Swanson
Crandall	Hokanson	McDonald	Piepho	Thiede

Tomlinson	Vanasek	Welch	Wieser	Zubay
Valan	Waldorf	Welker	Wigley	Spkr. Norton
Valento	Weaver	Wenzel	Wynia	

The bill was passed and its title agreed to.

H. F. No. 1800, A bill for an act relating to health care; regulating benefits made available under certain health care plans; requiring coverage for reconstructive surgery under certain conditions; amending Minnesota Statutes 1978, Section 62E.06, Subdivision 1, as amended, and Chapter 62A, by adding a section.

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 3 nays as follows:

Those who voted in the affirmative were:

Aasness	Drew	Jude	Nelson	Searles
Adams	Eken	Kahn	Niehaus	Sherwood
Ainley	Elioff	Kaley	Norman	Sieben, H.
Albrecht	Ellingson	Kalis	Novak	Sieben, M.
Anderson, B.	Erickson	Kelly	Nysether	Simoneau
Anderson, D.	Esau	Kempe	Olsen	Stadum
Anderson, G.	Evans	Knickerbocker	Onnen	Stoa
Anderson, I.	Ewald	Kostohryz	Osthoff	Stowell
Anderson, R.	Faricy	Kroening	Otis	Sviggum
Battaglia	Fjoslien	Laidig	Patton	Swanson
Begich	Forsythe	Lehto	Pehler	Thiede
Berglin	Friedrich	Levi	Peterson, B.	Tomlinson
Berkelman	Fritz	Long	Peterson, D.	Valan
Biersdorf	Fudro	Ludeman	Piepho	Valento
Blatz	Greenfield	Luknic	Pleasant	Vanasek
Brinkman	Halberg	Mann	Prahl	Voss
Byrne	Haukoos	McCarron	Redalen	Waldorf
Carlson, D.	Heap	McEachern	Reding	Weaver
Carlson, L.	Heinitz	Mehrkens	Rees	Welch
Cassery	Hoberg	Metzen	Reif	Wenzel
Clark	Hokanson	Minne	Rice	Wieser
Corbid	Jacobs	Moe	Rodriguez	Wynia
Crandall	Jaros	Munger	Rose	Zubay
Dean	Jennings	Murphy	Rothenberg	Spkr. Norton
Dempsey	Johnson, C.	Nelsen, B.	Sarna	
Den Ouden	Johnson, D.	Nelsen, M.	Searle	

Those who voted in the negative were:

McDonald	Schreiber	Welker
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The bill was passed and its title agreed to.

H. F. No. 1601, A bill for an act relating to political parties; allowing party officers and delegates and alternate delegates to party conventions to take certain leave time from employment; providing penalties; amending Minnesota Statutes 1978, Chapter 202A, by adding a section.

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 101 yeas and 31 nays as follows:

Those who voted in the affirmative were:

Adams	Eken	Kalis	Novak	Stadum
Anderson, B.	Elioff	Kelly	Nysether	Stoa
Anderson, D.	Ellingson	Kempe	Onnen	Sviggum
Anderson, G.	Evans	Kostohryz	Otis	Swanson
Anderson, I.	Ewald	Kroening	Patton	Tomlinson
Battaglia	Faricy	Laidig	Pehler	Valan
Begich	Fjoslien	Lehto	Peterson, D.	Vanasek
Berglin	Friedrich	Long	Pleasant	Voss
Berkelman	Fritz	Luknic	Prahl	Waldorf
Biersdorf	Fudro	Mann	Redalen	Weaver
Blatz	Greenfield	McCarron	Reding	Welch
Brinkman	Heap	McEachern	Rees	Wenzel
Byrne	Hoberg	Mehrkens	Reif	Wieser
Carlson, D.	Hokanson	Metzen	Rice	Wigley
Carlson, L.	Jacobs	Minne	Rodriguez	Wynia
Casserly	Jaros	Moe	Rothenberg	Zubay
Clark	Johnson, C.	Munger	Sarna	Spkr. Norton
Clawson	Johnson, D.	Murphy	Sherwood	
Corbid	Jude	Nelsen, M.	Sieben, H.	
Dempsey	Kahn	Nelson	Sieben, M.	
Drew	Kaley	Norman	Simoneau	

Those who voted in the negative were:

Aasness	Esau	Kvam	Peterson, B.	Thiede
Ainley	Forsythe	Ludeman	Piepho	Valento
Anderson, R.	Halberg	McDonald	Rose	Welker
Crandall	Haukoos	Nelsen, B.	Schreiber	
Dean	Heinitz	Niehaus	Searle	
Den Ouden	Jennings	Olsen	Searles	
Erickson	Knickerbocker	Osthoff	Stowell	

The bill was passed and its title agreed to.

PROGRESS REPORT ON CONFERENCE COMMITTEES

Progress by Conference Committees was reported to the House on the following bills: H. F. No. 455 and S. F. Nos. 572 and 801.

Carlson, D., was excused at 4:25 p.m.

GENERAL ORDERS

Pursuant to rules of the House, the House resolved itself into the Committee of the Whole, with Norton in the Chair, for the consideration of bills pending on General Orders of the Day. After some time spent therein the Committee arose.

REPORT OF COMMITTEE OF THE WHOLE

The Speaker resumed the Chair, whereupon the following proceedings of the Committee as kept by the Chief Clerk were reported to the House:

S. F. Nos. 1215 and 482 which it recommended to pass.

H. F. Nos. 980 and 753 which it recommended progress.

S. F. No. 544 which it recommended progress.

H. F. No. 1049 which it recommended be returned to its author.

H. F. No. 649 and S. F. No. 895 which it recommended progress retaining their place on General Orders.

H. F. No. 1216 which it recommended progress until Thursday, March 6, 1980 retaining its place on General Orders.

H. F. Nos. 326 and 1513 which it recommended progress until Monday, March 10, 1980 retaining their place on General Orders.

S. F. No. 1010 which it recommended to pass with the following amendments:

Offered by Carlson, L.:

Page 18, line 11, delete "1979" and insert "1980"

Offered by Carlson, L.:

Page 2, line 22, after "individual" insert ", not within the definition of candidate of Minnesota Statutes, Section 10A.01, Subdivision 5,"

On the motion of Sieben, H., the report of the Committee of the Whole was adopted.

ROLL CALLS IN COMMITTEE OF THE WHOLE

Pursuant to rule 1.6, the following roll calls were taken in the Committee of the Whole:

Carlson, L., moved to amend S. F. No. 1010, as follows:

Page 1, line 15, delete "18" and insert "17"

Page 1, line 17, after "city" insert "and school district" and after "cities" insert a comma and delete "and"

Page 1, line 18, after "cities" insert "and school districts"

Page 1, line 19, delete "75,000" and insert "5,000" and after "more" delete the comma

Page 1, line 24, delete "18" and insert "17"

Page 2, line 1, delete "18" and insert "17"

Page 2, line 4, delete "18" and insert "17"

Page 2, line 24, after the first "city" insert "or school district"

Page 2, line 25, delete "or" and insert a comma and after "city" insert "or school district"

Page 2, line 26, delete "75,000" and insert "5,000"

Page 2, line 28, after "city" insert "located"

Page 2, line 29, delete "75,000" and insert "5,000"

Page 3, line 18, after "charter city" delete "or" and insert a comma and before "located" insert "or school district"

Page 3, line 19, delete "75,000" and insert "5,000"

Page 4, delete lines 11 and 12

Page 4, line 13, delete "16" and insert "15"

Page 4, line 15, delete "17" and insert "16"

Page 6, line 16, after the period insert "A political committee or political fund other than a principal campaign committee shall register with the filing officer of each jurisdiction holding an election the outcome of which that committee or fund seeks to influence."

Page 10, line 2, after "expenditures" insert "to influence the outcome of any election"

Page 10, line 15, delete "county or city" and delete "at" and insert "in"

Page 11, line 16, delete "employment" and insert "employment"

Page 11, line 28, after "for" insert "city or school district"

Page 11, line 29, after "city" delete "or" and insert a comma

Page 11, line 30, after "city" insert "or school district"

Page 11, line 31, delete "75,000" and insert "5,000"

Page 12, line 2, after "officials" delete "of"

Page 12, delete lines 3 and 4

Page 12, line 5, delete "a population of 75,000 or more who are"

Page 13, line 19, after "city" delete "clerk" and insert "or school district"

Page 13, line 20, after "city" insert "or school district"

Page 13, line 22, after "or" insert "school district election or" and after "city" insert "or school district"

Page 13, line 23, delete everything after the period

Page 13, delete lines 24 to 26

Page 15, line 29, delete "18" and insert "17"

Page 16, line 11, delete "18" and insert "17"

Page 16, line 24, after "The" insert "county" and after "officer" insert "in Hennepin County"

Page 16, line 26, after "all" insert "other filing" and after "candidates" delete "file affidavits" and after "or" insert "elected officials are required to file reports under sections 6 to 14."

Page 16, delete line 27

Page 16, delete lines 28 to 33 and insert:

"Subd. 3. Every filing officer shall furnish the necessary forms to individuals required to file statements or reports with that filing officer and shall receive, preserve, and make available for public inspection any statement or report filed by those individuals for a period of five years. A filing officer shall mail or deliver a copy of each form required to be filed by a candidate to each candidate who files an affidavit, application or petition of candidacy with that officer or other officer of that jurisdiction, or for whom a write-in vote is cast on the ballot of that jurisdiction. Any filing officer who fails to carry out the duties imposed by this subdivision is guilty of a misdemeanor."

Page 17, delete lines 1 and 2

Page 17, line 14, delete "17" and insert "16"

Page 17, line 16, delete "18" and insert "16"

Page 17, line 22, delete "or" and insert a comma

Page 17, line 23, after "city" insert "or school district" and after "wholly" delete "in" and insert "within" and after "County" insert "and having a population of 5,000 or more"

Page 18, line 1, delete "17" and insert "16"

Page 18, line 4, delete "18" and insert "17"

Page 18, line 5, after "Hennepin" insert "and to home rule charter cities, statutory cities and school districts located wholly within Hennepin County and having a population of 5,000 or more"

Further, amend the title as follows:

Page 1, line 7, after "officials" delete "and" and insert a comma

Page 1, line 7, after "clerks" insert "and school district administrators"

The question was taken on the amendment and the roll was called. There were 58 yeas and 70 nays as follows:

Those who voted in the affirmative were:

Adams	Dean	Kroening	Norman	Sieben, H.
Anderson, G.	Eken	Lehto	Novak	Sieben, M.
Anderson, I.	Elioff	Long	Osthoff	Simoneau
Battaglia	Ellingson	Mann	Otis	Stoa
Begich	Farcy	McCarron	Patton	Swanson
Berglin	Fudro	Metzen	Pehler	Tomlinson
Byrne	Greenfield	Minne	Peterson, D.	Vanasek
Carlson, L.	Jacobs	Moe	Prahl	Waldorf
Cassery	Jaros	Munger	Rice	Wenzel
Clark	Kahn	Murphy	Rodriguez	Wynia
Clawson	Kelly	Nelsen, M.	Rothenberg	
Corbid	Kostohryz	Nelson	Sarna	

Those who voted in the negative were:

Aasness	Biersdorf	Den Ouden	Fjoslien	Heinitz
Ainley	Blatz	Drew	Forsythe	Hoberg
Albrecht	Brinkman	Erickson	Fritz	Hokanson
Anderson, B.	Carlson, D.	Esau	Halberg	Jennings
Anderson, D.	Crandall	Evans	Haukoos	Johnson, D.
Anderson, R.	Dempsey	Ewald	Heap	Jude

Kaley	Luknic	Onnen	Schreiber	Valan
Kalis	McDonald	Peterson, B.	Searle	Valento
Kempe	McEachern	Piepho	Searles	Weaver
Knickerbocker	Mehrkens	Pleasant	Sherwood	Welch
Kvam	Nelsen, B.	Redalen	Stadum	Welker
Laidig	Niehaus	Rees	Stowell	Wieser
Levi	Nysether	Reif	Sviggum	Wigley
Ludeman	Olsen	Rose	Thiede	Zubay

The motion did not prevail and the amendment was not adopted.

Peterson, B., moved to amend S. F. No. 1010, as follows:

Page 1, line 19, delete "75,000" and insert "100,000"

Page 2, line 26, delete "75,000" and insert "100,000"

Page 2, line 29, delete "75,000" and insert "100,000"

Page 3, line 19, delete "75,000" and insert "100,000"

Page 11, line 31, delete "75,000" and insert "100,000"

Page 12, line 5, delete "75,000" and insert "100,000"

The question was taken on the amendment and the roll was called. There were 59 yeas and 74 nays as follows:

Those who voted in the affirmative were:

Aasness	Erickson	Jennings	Olsen	Searles
Ainley	Esau	Johnson, D.	Onnen	Sherwood
Albrecht	Evans	Kaley	Peterson, B.	Stowell
Anderson, D.	Fjoslien	Knickerbocker	Piepho	Sviggum
Anderson, R.	Forsythe	Kvam	Pleasant	Thiede
Biersdorf	Friedrich	Laidig	Redalen	Valan
Blatz	Fritz	Levi	Rees	Valento
Carlson, D.	Halberg	Ludeman	Reif	Welker
Crandall	Haukoos	McDonald	Rose	Wieser
Dempsey	Heap	Mehrkens	Rothenberg	Wigley
Den Ouden	Heinitz	Nelsen, B.	Schreiber	Zubay
Drew	Hoberg	Niehaus	Searle	

Those who voted in the negative were:

Adams	Clawson	Johnson, C.	McEachern	Patton
Anderson, B.	Corbid	Jude	Metzen	Pehler
Anderson, G.	Dean	Kahn	Minne	Peterson, D.
Anderson, I.	Eken	Kalis	Moe	Prahl
Battaglia	Elioff	Kelly	Munger	Reding
Begich	Ellingson	Kempe	Murphy	Rice
Berglin	Ewald	Kostohryz	Nelsen, M.	Rodriguez
Berkelman	Faricy	Kroening	Nelson	Sarna
Brinkman	Fudro	Lehto	Norman	Sieben, H.
Byrne	Greenfield	Long	Novak	Sieben, M.
Carlson, L.	Hokanson	Luknic	Nysether	Simoneau
Casserly	Jacobs	Mann	Osthoff	Stadum
Clark	Jaros	McCarron	Otis	Stoa

Swanson	Vanasek	Waldorf	Welch	Wynia
Tomlinson	Voss	Weaver	Wenzel	

The motion did not prevail and the amendment was not adopted.

Schreiber moved to amend S. F. No. 1010, as follows:

Page 18, line 11, after "1979" and before the period insert "and upon compliance with Minnesota Statutes, Section 645.021"

The question was taken on the amendment and the roll was called. There were 59 yeas and 73 nays as follows:

Those who voted in the affirmative were:

Aasness	Esau	Johnson, D.	Onnen	Stadum
Ainley	Evans	Kaley	Peterson, B.	Stowell
Albrecht	Ewald	Knickerbocker	Piepho	Sviggun
Anderson, D.	Fjoslien	Kvam	Pleasant	Thiede
Anderson, R.	Forsythe	Laidig	Redalen	Valan
Biersdorf	Friedrich	Levi	Rees	Valento
Blatz	Fritz	Ludeman	Reif	Weaver
Carlson, D.	Haukoos	McDonald	Rose	Welker
Dempsey	Heap	Mehrkens	Schreiber	Wieser
Den Ouden	Heintz	Nelsen, B.	Searle	Wigley
Drew	Hoberg	Niehaus	Searles	Zubay
Erickson	Jennings	Olsen	Sherwood	

Those who voted in the negative were:

Adams	Dean	Kelly	Nelsen, M.	Sieben, H.
Anderson, B.	Eken	Kempe	Nelson	Sieben, M.
Anderson, G.	Elioff	Kostohryz	Norman	Simoneau
Anderson, I.	Ellingson	Kroening	Novak	Stoa
Battaglia	Faricy	Lehto	Osthoff	Swanson
Begich	Fudro	Long	Otis	Tomlinson
Berglin	Greenfield	Luknic	Patton	Vanasek
Berkelman	Halberg	Mann	Pehler	Voss
Brinkman	Hokanson	McCarron	Peterson, D.	Waldorf
Byrne	Jacobs	McEachern	Prahl	Welch
Carlson, L.	Jaros	Metzen	Reding	Wenzel
Casserly	Johnson, C.	Minne	Rice	Wynia
Clark	Jude	Moe	Rodriguez	Spkr. Norton
Corbid	Kahn	Munger	Rothenberg	
Crandall	Kalis	Murphy	Sarna	

The motion did not prevail and the amendment was not adopted.

The question was taken on the motion to recommend passage of S. F. No. 1010, as amended, and the roll was called. There were 87 yeas and 46 nays as follows:

Those who voted in the affirmative were:

Adams	Anderson, G.	Battaglia	Berglin	Blatz
Anderson, B.	Anderson, I.	Begich	Berkelman	Brinkman

Byrne	Haukoos	Luknic	Olsen	Sieben, M.
Carlson, L.	Heap	Mann	Osthoff	Simoneau
Casserly	Hokanson	McCarron	Otis	Stoa
Clark	Jacobs	McEachern	Patton	Swanson
Clawson	Jaros	Mehrkens	Pehler	Tomlinson
Corbid	Johnson, C.	Metzen	Peterson, D.	Vanasek
Crandall	Jude	Minne	Pleasant	Voss
Dean	Kahn	Moe	Prahl	Waldorf
Eken	Kalis	Munger	Reding	Weaver
Elioff	Kelly	Murphy	Reif	Welch
Ellingson	Kempe	Nelsen, B.	Rice	Wenzel
Ewald	Knickerbocker	Nelsen, M.	Rodriguez	Wynia
Faricy	Kostohryz	Nelson	Rothenberg	Spkr. Norton
Fritz	Kroening	Norman	Sarna	
Fudro	Lehto	Novak	Schreiber	
Greenfield	Long	Nysether	Sieben, H.	

Those who voted in the negative were:

Aasness	Erickson	Kaley	Redalen	Valan
Ainley	Esau	Kvam	Rees	Valento
Albrecht	Evans	Laidig	Rose	Welker
Anderson, D.	Forsythe	Levi	Searle	Wieser
Anderson, R.	Friedrich	Ludeman	Searles	Wigley
Biersdorf	Halberg	McDonald	Sherwood	Zubay
Carlson, D.	Heinitz	Niehaus	Stadum	
Dempsey	Hoberg	Onnen	Stowell	
Den Ouden	Jennings	Peterson, B.	Sviggum	
Drew	Johnson, D.	Piepho	Thiede	

The motion prevailed.

MOTIONS AND RESOLUTIONS

Rees moved that the name of Vanasek be added as an author on H. F. No. 1362. The motion prevailed.

Simoneau moved that the name of Sieben, H., be stricken and the name of Novak be added as third author on H. F. No. 2154. The motion prevailed.

Eken moved that the names of Anderson, G., and Kvam be added as authors on H. F. No. 2250. The motion prevailed.

Rees moved that H. F. No. 2297 be recalled from the Committee on Commerce, Economic Development and Housing and be re-referred to the Committee on Financial Institutions and Insurance. The motion prevailed.

Pehler moved that H. F. No. 2158 be recalled from the Committee on Transportation and be re-referred to the Committee on Local and Urban Affairs. The motion prevailed.

Voss moved that the name of Novak be added as an author on H. F. No. 1529. The motion prevailed.

Reding moved that the name of Levi be added as an author on H. F. No. 2230. The motion prevailed.

Welch moved that H. F. No. 2267 be recalled from the Committee on Education and be re-referred to the Committee on Appropriations. The motion prevailed.

Clawson moved that the name of Jude be added as an author on H. F. No. 2148. The motion prevailed.

Elioff moved that his name be stricken as an author on H. F. No. 184. The motion prevailed.

Osthoff moved that H. F. No. 1858 be returned to its author. The motion prevailed.

ANNOUNCEMENTS BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to the following commissions:

Interstate Cooperation Commission pursuant to the provisions of Minnesota Statutes 1978, Section 3.29: Lehto.

Legislative Commission on Minnesota Resources pursuant to the provisions of Minnesota Statutes 1978, Section 86.07: Munger.

Legislative Advisory Committee to assist the Minnesota-Wisconsin Boundary Area Commission pursuant to the provisions of Minnesota Statutes 1978, Section 1.34: Clawson.

Mississippi River Parkway Commission pursuant to the provisions of Minnesota Statutes 1978, Section 161.1419: Peterson, D.

Joint Legislative Committee on Agricultural Land Preservation pursuant to Laws of Minnesota 1979, Chapter 315, Section 2: Jude, Kalis, and McEachern.

Legislative Study Group on Minneapolis pursuant to Laws of Minnesota 1979, Chapter 303, Article X, Section 22: Long, Nelson, K., and Peterson, D.

Workers' Compensation State Fund Legislative Study Commission pursuant to Special Session Laws of Minnesota 1979, Chapter 3, Section 67: Begich, Reding, and Simoneau.

Legislative Coordinating Commission pursuant to Minnesota Statutes 1978, Section 3.303: Anderson, I.; Eken, and Faricy.

Science and Technology Subcommittee of the Legislative Coordinating Commission: Greenfield and Nelson, K.

ADJOURNMENT

Sieben, H., moved that when the House adjourns today it adjourn until 2:00 p.m., Thursday, March 6, 1980. The motion prevailed.

Sieben, H., moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:00 p.m., Thursday, March 6, 1980.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

STATE OF MINNESOTA

SEVENTY-FIRST SESSION - 1980

SEVENTY-FOURTH DAY

SAINT PAUL, MINNESOTA, THURSDAY, MARCH 6, 1980

The House of Representatives convened at 2:00 p.m. and was called to order by the Speaker.

Prayer was offered by the Chaplain.

The roll was called and the following members were present:

Aasness	Drew	Kahn	Nelson	Searles
Adams	Eken	Kaley	Niehaus	Sherwood
Ainley	Elioff	Kalis	Norman	Sieben, H.
Albrecht	Ellingson	Kelly	Novak	Sieben, M.
Anderson, B.	Erickson	Kempe	Nysether	Simoneau
Anderson, D.	Esau	Knickerbocker	Olsen	Stadum
Anderson, G.	Evans	Kostohryz	Onnen	Stoa
Anderson, I.	Ewald	Kroening	Osthoff	Stowell
Anderson, R.	Fariely	Kvam	Otis	Sviggum
Battaglia	Fjoslien	Laidig	Patton	Swanson
Begich	Forsythe	Lehto	Pehler	Thiede
Berglin	Friedrich	Levi	Peterson, B.	Tomlinson
Berkelman	Fritz	Long	Peterson, D.	Valan
Biersdorf	Fudro	Ludeman	Piepho	Valento
Blatz	Greenfield	Luknic	Pleasant	Vanasek
Brinkman	Halberg	Mann	Prahl	Voss
Byrne	Haukoos	McCarron	Redalen	Waldorf
Carlson, D.	Heap	McDonald	Reding	Weaver
Carlson, L.	Heinitz	McEachern	Rees	Welch
Casslerly	Hoberg	Mehrkens	Reif	Welker
Clark	Hokanson	Metzen	Rice	Wenzel
Clawson	Jacobs	Minne	Rodriguez	Wieser
Corbid	Jaros	Moe	Rose	Wigley
Crandall	Jennings	Munger	Rothenberg	Wynia
Dean	Johnson, C.	Murphy	Sarna	Zubay
Dempsey	Johnson, D.	Nelsen, B.	Schreiber	Spkr. Norton
Den Ouden	Jude	Nelsen, M.	Searle	

A quorum was present.

The Chief Clerk proceeded to read the the Journal of the preceding day. Erickson moved that further reading of the Journal be dispensed with and that the Journal be approved as corrected by the Chief Clerk. The motion prevailed.

REPORTS OF CHIEF CLERK

Pursuant to Rules of the House, printed copies of H. F. Nos. 1653, 1680, 1764, 1675, 1700, 1814, 1435, 429, 593, 1799, 2095 and 1451 and S. F. Nos. 1240, 1584, 1772, 1764, 1619, 1625, 1726, 1644, 1010 and 888 have been placed in the members' files.

S. F. No. 1584 and H. F. No. 1036, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Ainley moved that the rules be so far suspended that S. F. No. 1584 be substituted for H. F. No. 1036 and that the House File be indefinitely postponed. The motion prevailed.

PETITIONS AND COMMUNICATIONS

The following communication was received:

STATE OF MINNESOTA
OFFICE OF THE SECRETARY OF STATE
ST. PAUL 55155

March 3, 1980

The Honorable Fred C. Norton
Speaker of the House of Representatives

The Honorable Edward J. Gearty
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1980 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

<i>S.F. No.</i>	<i>H.F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Date Approved 1980</i>	<i>Date Filed 1980</i>
1042		347	March 3	March 3
1248		348	March 3	March 3
1257		349	March 3	March 3

Sincerely,

JOAN ANDERSON GROWE
Secretary of State

REPORTS OF STANDING COMMITTEES

Nelson from the Committee on Energy and Utilities to which was referred:

H. F. No. 378, A bill for an act relating to nuclear waste management and disposal; requiring certificates of feasibility; administration by the Minnesota energy agency; legislative approval; providing penalties.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. [CITATION.] Sections 1 to 8 shall be known and may be cited as the “Minnesota Nuclear Waste Management and Disposal Feasibility Act.”

Sec. 2. [FINDINGS.] The state of Minnesota has a substantial interest in the technological and economic feasibility of safe, permanent, and terminal disposal of radioactive wastes generated by nuclear fission thermal power plants located in the state. This interest results from the fact that unsafe disposal of radioactive wastes may result in higher electrical costs, unreliable supply of electricity, higher taxes, and a danger to public health and safety.

Sec. 3. [DEFINITIONS.] Subdivision 1. For purposes of sections 1 to 8, the terms defined in this section have the following meanings.

Subd. 2. “Agency” means the Minnesota energy agency.

Subd. 3. “Person” means any individual, corporation, partnership or other unincorporated association.

Subd. 4. “Radioactive waste” means the following when produced as a result of and incident to operation of a nuclear fission thermal power plant:

(a) Useless or unwanted capturable radioactive residues produced incidental to the use of radioactive material; or

(b) Useless or unwanted radioactive material; or

(c) Otherwise nonradioactive material made radioactive by contamination with radioactive material.

Radioactive waste does not include discharges of radioactive effluents to air or surface water when subject to applicable federal or state regulations.

Sec. 4. [NUCLEAR FISSION THERMAL POWER PLANT; CERTIFICATE REQUIRED.] Subdivision 1. On and after the effective date of this act, no utility shall apply for a certificate of need pursuant to Minnesota Statutes, Section 116H.13, for a nuclear fission thermal power plant or for expansion of the generating capacity of an existing plant until it has received a certificate of economic and technological feasibility for the plant by the agency pursuant to and consistent with the requirement set forth in section 5. Receiving said certificate of economic and technological feasibility shall be the first step toward obtaining a certificate of need for a nuclear fission power plant. No other type of electrical generating facility shall require a certificate of economic and technological feasibility. For purposes of this section, expansion of the generating capacity of an existing power plant shall constitute construction. Expansion or modification of existing spent nuclear fuel assembly storage at the site of the nuclear generating facility shall not constitute construction.

Subd. 2. Application for a certificate shall be on forms and in a manner prescribed by the agency by rule. In reviewing each application the agency shall hold at least one public hearing pursuant to Minnesota Statutes, Chapter 15. For purposes of Minnesota Statutes, Chapter 15, the application shall be considered a contested case.

Subd. 3. Other state agencies with responsibilities over licensing, construction, operation and rate determination of nuclear fission power plants in the state may present testimony and participate in the certification of economic and technological feasibility process. This includes, but is not limited to, department of health, department of natural resources, pollution control agency, environmental quality board, and public service commission.

Sec. 5. [CERTIFICATE OF ECONOMIC AND TECHNOLOGICAL FEASIBILITY; CRITERIA.] In order for the agency to grant a certificate of economic and technological feasibility, the agency shall first find that each of the following conditions has been satisfied:

(1) That at the time of the application there exist demonstrated technological means and facilities for the safe, permanent, and final disposition of radioactive waste material from the proposed plant;

(2) That the cost for such demonstrated technologically feasible means and facilities can be calculated to reasonable accuracy and shown to be just and reasonable for ratepayers and the applicant; and

(3) That the Nuclear Regulatory Commission, or its successor, has licensed use of the means and facilities specified in clauses (1) and (2).

Sec. 6. [PENALTIES; INJUNCTION.] Subdivision 1. Any person who violates sections 4 to 5 or knowingly submits false information in an application for a certificate of economic and technological feasibility, or in conjunction therewith, shall be guilty of a gross misdemeanor and subject to either or both of a fine of \$1,000 or a year in jail. Each day a violation continues shall constitute a separate offense.

Subd. 2. The provisions of sections 4 to 5 may be enforced by injunction, action to compel performance, or other appropriate action in the district court of the county wherein the violation takes place. The attorney general shall bring any action under this subdivision upon the request of the agency.

Sec. 7. [PREEXISTING FACILITIES.] The provisions of sections 1 to 6 shall not apply to any nuclear fission power plant or expansion thereof if, prior to the effective date of this act, an electric utility has performed substantial construction on such power plant or expansion and has incurred substantial expense for necessary materials for such power plant or expansion.

Sec. 8. [EFFECTIVE DATE.] Sections 1 to 7 are effective the day following final enactment."

With the recommendation that when so amended the bill pass.

The report was adopted.

Rice from the Committee on Labor-Management Relations to which was referred:

H. F. No. 1439, A bill for an act relating to labor relations; making collective bargaining agreements binding and enforceable upon transferee employers; defining transferee employer; creating certain exclusions; requiring the disclosure of collective bargaining agreements; providing for enforcement procedures.

Reported the same back with the following amendments:

Page 1, line 20, after the comma insert "as well as an employer's rights under the contract,"

Page 1, line 20, delete "an employer sells a" and insert "ownership of a"

Page 1, line 21, after "business" insert "is transferred"

Page 2, line 8, after "employee" insert "an employer"

Page 2, line 11, after "agreement" insert "exists"

Page 2, line 12, delete "contains what is"

Page 2, line 13, delete "commonly referred to as a successor clause,"

Page 2, line 18, delete "24" and insert "36" and after the period insert "The contract shall be binding upon and enforceable against the labor organization under the same circumstances and for the same period."

Page 2, line 32, after "corporation" insert ", incorporated under sections 317.01 to 317.69 or similar law or to the labor organization in such circumstances"

Page 3, line 6, after "by" insert "and may enforce"

Further, amend the title as follows:

Page 1, line 3, delete "upon" and insert "when ownership is transferred"

Page 1, line 4, delete "transferee employers"

With the recommendation that when so amended the bill pass.

The report was adopted.

Casserly from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 1488, A bill for an act relating to St. Louis County; providing authority to negotiate public employees wages; amending Laws 1941, Chapter 423, Section 5, as amended.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Mann from the Committee on Agriculture to which was referred:

H. F. No. 1527, A bill for an act relating to agriculture; establishing a system for collection of disease incidence, morbidity and mortality; appropriating money.

Reported the same back with the following amendments:

Page 1, line 17, delete "\$144,000" and insert "\$72,000"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Casserly from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 1534, A bill for an act relating to real estate; increasing certain fees charged by the county recorder and registrar of titles; amending Minnesota Statutes 1978, Sections 357.18, Subdivision 1; and 508.82.

Reported the same back with the following amendments:

Page 3, after line 28, insert the following:

"Sec. 3. Minnesota Statutes 1978, Section 273.111, Subdivision 11, is amended to read:

Subd. 11. The payment of special local assessments levied after the date of Extra Session Laws 1967, Chapter 60, for improvements made to any real property described in subdivision 3 together with the interest thereon shall, on timely application as provided in subdivision 8, be deferred as long as such property meets the conditions contained in subdivisions 3 and 6. *If special assessments against the property have been deferred pursuant to this subdivision, the governmental unit shall file with the county recorder in the county in which the property is located a certificate containing the description of the affected property and of the amount deferred.* When such property is sold or no longer qualifies under subdivisions 3 and 6, all deferred special assessments plus interest shall be payable within 90 days. Penalty shall not be levied on any such special assessments if timely paid. If not paid within such 90 days, the county auditor shall include such deferred special assessments plus a 10 percent penalty on the tax list for the current year.

Sec. 4. Minnesota Statutes 1978, Section 429.061, Subdivision 2, is amended to read:

Subd. 2. [ADOPTION; INTEREST.] At such meeting or at any adjournment thereof the council shall hear and pass upon all objections to the proposed assessment, whether presented orally or in writing. The Council may amend the proposed assessment as to any parcel and by resolution adopt the same as the special assessment against the lands named in the assessment roll. Notice of any adjournment of the hearing shall be adequate if the minutes of the meeting so adjourned show the time and place when and where the hearing is to be continued, or if three days notice thereof be published in the newspaper. The assess-

ment, with accruing interest, shall be a lien upon all private and public property included therein, from the date of the resolution adopting the assessment, concurrent with general taxes; but the lien shall not be enforceable against public property as long as it is publicly owned, and during such period the assessment shall be recoverable from the owner of such property only in the manner and to the extent provided in section 435.19. Except as provided below, all assessments shall be payable in equal annual installments extending over such period, not exceeding 30 years, as the resolution determines, payable on the first Monday in January in each year, but the number of installments need not be uniform for all assessments included in a single assessment roll if a uniform criterion for determining the number of installments is provided by the resolution. The first installment of each assessment shall be included in the first tax rolls completed after its adoption and shall be payable in the same year as the taxes contained therein; except that the payment of the first installment of any assessment levied upon unimproved property may be deferred until a designated future year, or until the platting of the property or the construction of improvements thereon, upon such terms and conditions and based upon such standards and criteria as may be provided by resolution of the council. *If special assessments against the property have been deferred pursuant to this subdivision, the governmental unit shall file with the county recorder in the county in which the property is located a certificate containing the description of the affected property and of the amount deferred.* In any event, every assessment the payment of which is so deferred, when it becomes payable, shall be divided into a number of installments such that the last installment thereof will be payable not more than 30 years after the levy of the assessment. All assessments shall bear interest at such rate as the resolution determines, not exceeding eight percent per annum, except that the rate may in any event equal the average annual interest rate on bonds issued to finance the improvement for which the assessments are levied. To the first installment of each assessment shall be added interest on the entire assessment from a date specified in the resolution levying the assessment, not earlier than the date of the resolution, until December 31 of the year in which the first installment is payable, and to each subsequent installment shall be added interest for one year on all unpaid installments; or alternatively, any assessment may be made payable in equal annual installments including principal and interest, each in the amount annually required to pay the principal over such period with interest at such rate as the resolution determines, not exceeding the maximum period and rate specified above. In the latter event no prepayment shall be accepted under subdivision 3 without payment of all installments due to and including December 31 of the year of prepayment, together with the original principal amount reduced only by the amounts of principal included in such installments, computed on an annual amortization basis. When payment of an assessment is deferred, as authorized in this subdivision, interest thereon for the period of deferment may be made payable annually at the same times as the principal installments of the as-

assessment would have been payable if not deferred; or interest for this period may be added to the principal amount of the assessment when it becomes payable; or, if so provided in the resolution levying the assessment, interest thereon to December 31 of the year before the first installment is payable may be forgiven.

Sec. 5. [PRIOR SPECIAL ASSESSMENTS DEFERRED; NOTICE.] *In the case of special assessments deferred prior to the effective date of this act, the governmental unit shall file with the county recorder prior to January 1, 1982 a certified list of the affected properties and the amount of the unpaid deferment on each property.*"

Further, amend the title as follows:

Page 1, line 4, after the semi-colon insert "providing that the county recorder be notified of deferred assessments;" and after "Sections" insert "273.111, Subdivision 11;"

Page 1, line 5, after the semi-colon insert "429.061, Subdivision 2;"

With the recommendation that when so amended the bill pass.

The report was adopted.

Brinkman from the Committee on Financial Institutions and Insurance to which was referred:

H. F. No. 1623, A bill for an act relating to insurance; providing for the operation of the Minnesota life and health insurance guaranty association; correcting certain oversights and ambiguities; making certain improvements; amending Minnesota Statutes 1978, Sections 61B.02, Subdivision 1; 61B.05, by adding a subdivision; 61B.07, Subdivisions 1, 2, 3 and 7; and 61B.15.

Reported the same back with the following amendments:

Page 2, line 23, delete "shall have" and insert "has"

Page 2, line 23, before "exercise" insert "shall"

Page 2, line 25, delete "Any such" and insert "This"

Page 2, line 27, delete "shall be" and insert "is"

Page 2, line 31, delete "shall"

Page 2, line 31, before "exercise" insert "shall"

Page 2, line 31, delete "*such*" and insert "*the*"

Page 2, line 32, delete "*may be*"

Page 3, line 1, delete "*might*" and insert "*may*"

Page 3, line 6, delete "*; and the*" and insert "*. This*"

Page 3, line 6, delete "*shall be*" and insert "*is*"

Page 3, line 8, delete "*such*" and insert "*an*"

Page 3, line 13, delete "*by means of*" and insert "*through*"

Page 3, line 16, delete "*shall constitute*" and insert "*constitutes*"

Page 3, line 23, strike "*such*" and insert "*the*" in both places

Page 3, line 24, strike "*as*"

Page 3, line 26, delete "*shall be*" and insert "*are*"

Page 3, line 27, delete "*, which*" and insert "*. This*"

Page 3, line 30, delete "*per annum*" and insert "*a year*"

Page 4, line 32, delete "*shall be*" and insert "*is*"

Page 5, line 12, delete "*shall be*" and insert "*is*"

Page 6, line 9, before the period insert "*including the power to purchase and maintain insurance on behalf of these persons as provided by section 300.082, subdivision 7*"

Page 6, line 12, before the period insert "*and the term "association" shall be substituted for the term "corporation"*"

Page 6, after line 12, insert:

"Sec. 8. Assessments made under chapter 61B prior to the effective date of this act are not affected by this act."

Re-number the sections in sequence.

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Moe from the Committee on Governmental Operations to which was referred:

H. F. No. 1679, A bill for an act relating to agriculture; re-naming the livestock sanitary board; repealing obsolete language; regulating treatment of diseased animals; eliminating certain local boards; providing a penalty; amending Minnesota Statutes 1978, Sections 17A.04, Subdivision 6; 29.051; 29.061; 29.081; 35.01, Subdivisions 1 and 2; 35.02, Subdivision 1; 35.03; 35.05; 35.06; 35.063; 35.065; 35.08; 35.09; 35.10; 35.11; 35.12; 35.13; 35.15; 35.16; 35.245; 35.67; 35.68; 35.695; 35.70, Subdivisions 1, 3 and 4; 35.71, Subdivisions 3 and 7; 35.81; 35.82; 35.822; 35.830; 35.831; 346.26; 347.32; 347.33; 347.34; 347.35; 347.37; 347.38; and 347.39; repealing Minnesota Statutes 1978, Sections 35.01, Subdivisions 3, 4, 5, 6 and 7; 35.07; 35.131; 35.132; 35.133; 35.134; 35.135; 35.136; 35.137; 35.17; 35.18; 35.19; 35.20; 35.21; 35.22; 35.23; 35.24; 35.25; 35.26; 35.27; 35.28; 35.29; 35.30; 35.31; 35.32; 35.33; 35.34; 35.35; 35.40; 35.41; 35.42; 35.43; 35.44; 35.45; 35.46; 35.47; 35.48; 35.49; 35.50; 35.51; 35.55; 35.56; 35.57; 35.58; 35.60; 35.605; 35.70, Subdivisions 2, 5, 6 and 8; 35.73, Subdivision 2; and 35.821, Subdivision 2.

Reported the same back with the following amendments:

Page 3, line 4, strike "employing"

Page 3, line 5, strike "means and"

Page 3, line 10, after the stricken "in" insert "of"

Page 26, line 23, reinstate the stricken "railroad cars" and strike "the"

Page 26, line 24, insert a comma at the end of the line

Page 26, line 27, after "highways" insert "and railroads"

Page 38, line 5, strike "20" and insert "*a minimum of 30*"

With the recommendation that when so amended the bill pass.

The report was adopted.

Johnson, C., from the Committee on Education to which was referred:

H. F. No. 1697, A bill for an act relating to education; providing mobility incentives for teachers at the school for the deaf and at the braille and sight-saving school; amending Minnesota Statutes 1978, Section 354.094, Subdivisions 1 and 5; and Minnesota

Statutes, 1979 Supplement, Section 354.094, Subdivisions 3 and 6.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Governmental Operations.

The report was adopted.

Mann from the Committee on Agriculture to which was referred:

H. F. No. 1699, A bill for an act relating to food; exempting certain donors of food from civil and criminal liability in certain circumstances.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [31.50.] [LIABILITY OF FOOD DONORS.]
Subdivision 1. For the purposes of this section,

"Distressed food" means, in addition to the definition in Minnesota Statutes, Section 31.495, certain perishable foods, as defined in Minnesota Statutes, Section 28A.03, which may not be readily marketable due to appearance, freshness, grade, surplus or other considerations but which are safe and adequately labeled.

Subd. 2. A food manufacturer, distributor, processor or person who donates or collects distressed food to or for a charitable organization as defined in Minnesota Statutes, Section 309.50, subdivision 4, for distribution at no charge to the elderly or needy, or who directly distributes distressed food to the elderly or needy at no charge, shall not be liable for any injury, including but not limited to injury resulting from the ingesting of the distressed food, unless the injury is caused by the gross negligence, recklessness or intentional misconduct of the food manufacturer, processor, distributor or person.

Subd. 3. A charitable organization as defined in Minnesota Statutes, Section 309.50, subdivision 4, which in good faith collects or receives distressed food and distributes it at no charge to the elderly or needy shall not be liable for any injury, including but not limited to injury resulting from the ingesting of the distressed food, unless the injury is caused by the gross negligence, recklessness or intentional misconduct of the charitable organization.

Subd. 4. The provisions of this section shall not restrict the authority of the commissioner to regulate or ban the use or

consumption of distressed food donated, collected or received for charitable purposes.”

With the recommendation that when so amended the bill pass.

The report was adopted.

Vanasek from the Committee on Criminal Justice to which was referred:

H. F. No. 1707, A bill for an act relating to children; requiring reports of neglect and sexual abuse of children; amending Minnesota Statutes, 1979 Supplement, Section 626.556, Subdivision 2.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Fudro from the Committee on Transportation to which was referred:

H. F. No. 1742, A bill for an act relating to highway traffic regulations; authorizing pickup trucks used for certain purposes to draw two trailers under certain circumstances and within limited areas; amending Minnesota Statutes 1978, Section 169.81, by adding a subdivision.

Reported the same back with the following amendments:

Page 1, line 19, delete “*Only one trailer*”

Page 1, line 20, delete “*shall carry a load.*”

Page 1, line 23, after “*truck*” insert “*nor at a speed exceeding 35 miles per hour*”

With the recommendation that when so amended the bill pass.

The report was adopted.

Casserly from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 1760, A bill for an act relating to agriculture; protecting agricultural operations from nuisance suits under certain circumstances; amending Minnesota Statutes 1978, Chapter 561, by adding a section.

Reported the same back with the following amendments:

Page 2, line 5, after the comma delete "*when*" and insert "*if*" and delete "*at the time the*" and insert "*during the first year of*"

Page 2, line 6, after "*operation*" delete "*began*".

Page 2, line 18, after the comma insert "*ground water, lake,*"

Page 2, delete lines 20 to 27

Page 2, line 28, delete "*operation or its appurtenances.*"

Page 2, line 29, delete "*subdivision*" and insert "*section*"

Page 2, line 30, after "*operation*" insert "*on property not zoned for agriculture*"

Renumber the remaining section

With the recommendation that when so amended the bill pass.

The report was adopted.

Mann from the Committee on Agriculture to which was referred:

H. F. No. 1768, A bill for an act relating to partition fences; exempting certain lands from the provisions of chapter 344; providing that when only one owner or occupant is benefited by a fence he shall be assigned the entire expenses of the fence; amending Minnesota Statutes 1978, Section 344.03, Subdivision 1; and Chapter 344, by adding a section.

Reported the same back with the following amendments:

Page 2, after section 2, add a new section to read:

"Sec. 3. Minnesota Statutes 1978, Chapter 344, is amended by adding a section to read:

[344.20] [OPTION.] *Notwithstanding any other provisions of this chapter, any government body charged with responsibilities under this chapter may by resolution adopt a policy regarding partition fences, including enforcement procedures. If said government body does adopt such policy, the provisions of Chapter 344 shall not apply. Failing to adopt a policy relative to partition fences, the provisions of Chapter 344 shall apply.*"

Further, amend the title as follows:

Page 1, line 8, delete "a section" and insert "sections"

With the recommendation that when so amended the bill pass.

The report was adopted.

Moe from the Committee on Governmental Operations to which was referred:

H. F. No. 1796, A bill for an act relating to occupations and professions; allowing the board of cosmetology to waive certain license requirements for manager-operators with licenses from other states; amending Minnesota Statutes 1978, Section 155.14.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Fudro from the Committee on Transportation to which was referred:

H. F. No. 1812, A bill for an act relating to drivers licenses; providing that certain application forms include a place for applicants to indicate their desire to make an anatomical gift; requiring persons authorized to accept drivers license and renewal applications and applications for Minnesota identification cards to inquire of applicants whether they desire to make an anatomical gift; amending Minnesota Statutes 1978, Sections 171.06, Subdivision 3, and by adding a subdivision; and 171.07, Subdivision 3.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Fudro from the Committee on Transportation to which was referred:

H. F. No. 1813, A bill for an act relating to public finance; authorizing the issuance of Minnesota state railroad assistance bonds; appropriating money; amending Minnesota Statutes 1978, Chapter 222, by adding a section.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Vanasek from the Committee on Criminal Justice to which was referred:

H. F. No. 1816, A bill for an act relating to local correctional facilities; updating provisions concerning county jails, city lock-ups and workhouses; repealing provisions concerning correctional or work farms; amending Minnesota Statutes 1978, Sections 241.022, Subdivision 1; 243.91; 588.10; 609.105, Subdivision 3; 609.135, Subdivision 4; 631.461; 641.01; 641.04; 641.06; 641.14; 641.15; 641.16; 641.18; 641.21; 641.22; 642.02, Subdivision 2; 642.03; 642.07; 643.01; 643.02; and 643.29; repealing Minnesota Statutes 1978, Sections 641.17; 641.27; 641.28; 641.29; 641.30; 641.31; 641.32; 641.33; 641.34; 641.35; 641.36; 641.37; 641.38; 642.14; 643.03; 643.04; 643.05; 643.06; 643.07; 643.08; 643.09; 643.10; 643.11; 643.12; 643.13; 643.14; 643.15; 643.16; 643.17; 643.19; and 643.20.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1978, Section 401.02, Subdivision 3, is amended to read:

Subd. 3. [ESTABLISHMENT AND REORGANIZATION OF ADMINISTRATIVE STRUCTURE.] Any county or group of counties which have qualified for participation in the community corrections subsidy program provided by this chapter may, *after consultation with the judges of the district court, county court, municipal court, probate court, and juvenile court having jurisdiction in the county or group of counties, establish, organize, and reorganize (ITS) an administrative structure, (INCLUDING BUT NOT LIMITED TO) and provide for the budgeting, staffing, and operation of court services and probation, juvenile detention and juvenile correctional facilities, and other activities required to conform (WITH) to the (REQUIREMENTS) purposes of (SUBDIVISION 1 NOTWITHSTANDING ANY INCONSISTENT SPECIAL LAW) this chapter. No contrary general or special statute divests any county or group of counties of the authority granted by this subdivision.*

Sec. 2. Minnesota Statutes 1978, Section 641.01, is amended to read:

641.01 [CONSTRUCTION, MAINTENANCE; PRISONERS PLACED IN JAIL, REPORTS.] The county board of each county is authorized to construct, *purchase, or lease, regulate and maintain, at the expense of the county, a jail for the safekeeping of prisoners, and also, adjoining and connected (THEREWITH) to it, a residence for the use of the sheriff.*

Any peace officer placing a prisoner in (SUCH) *the jail shall report immediately to (HIS) the officer's superior officer concerning the fact of that placement. No prisoner shall be detained without a jailer or custodian (SHALL BE) present (DURING) in the jail, awake and alert at all times, capable of responding*

to the reasonable needs of the (TIME ANY) prisoner (IS DETAINED IN SUCH JAIL).

Sec. 3. Minnesota Statutes 1978, Section 641.04, is amended to read:

641.04 [COMMITMENT PRESERVED.] Every instrument, or attested copy thereof, by which a prisoner is committed or liberated, shall be endorsed, filed, and safely (KEPT IN A SUITABLE BOX) stored by the sheriff or jailer, and delivered to (HIS) *the sheriff's or jailer's* successor (; AND,). When the process by which any prisoner is committed is required to be returned to the court, (SUCH) *the sheriff or jailer* shall keep a copy thereof, duly certified by himself, which shall be prima facie evidence of (HIS) *the sheriff's or jailer's* right to retain (SUCH) *the* prisoner in custody.

Sec. 4. Minnesota Statutes 1978, Section 641.06, is amended to read:

641.06 [APPOINTMENT OF EMPLOYEES; COMPENSATION.] The sheriff of every county maintaining a jail, shall appoint a competent woman as matron, who, under (HIS) *the sheriff's* direction, shall have exclusive charge of all female prisoners. Matrons and jailers shall hold office during the pleasure of the sheriff (AND JUDGES) and may be removed at any time by the sheriff (OR BY THE JUDGES).

Sec. 5. Minnesota Statutes 1978, Section 641.14, is amended to read:

641.14 [JAILS, HOW KEPT.] The sheriff of each county (, BY HIMSELF OR DEPUTY,) shall have charge of the jail, and be responsible for its condition. No female prisoner shall be kept in the same room with a male prisoner (, AND). No minor under 18 years shall be kept in the same room with adult prisoners. No insane prisoner shall be kept in the same room with any other prisoner (UNLESS THAT PERSON IS DETAILED AS A NURSE; AND, SO FAR AS THE CONSTRUCTION OF THE JAIL WILL PERMIT, STRICT SEPARATION OF PRISONERS SHALL BE MAINTAINED). No person awaiting trial shall be kept in a room with (ANY OTHER PRISONER) *a person convicted of a crime. No person awaiting trial shall be kept in a room with another person awaiting trial unless consistent with the person's safety, health and welfare. So far as construction of the jail will permit, and so far as consistent with prisoners' security, safety, health and welfare, strict separation of prisoners shall be maintained.*

Sec. 6. Minnesota Statutes 1978, Section 641.15, is amended to read:

641.15 [PRISONERS; FEEDING, CARE.] The county board shall provide *suitable* jail (SUITS OF COARSE MATERIAL) *clothing*, without distinctive marks, (SUITABLE) underclothing, *linen and* bedding, towels, and medical aid for prisoners, and fuel for the jail and, *if adjoining and connected*, the sheriff's residence. (UNLESS OTHERWISE FURNISHED,) The sheriff may require a prisoner to wear (A) jail (SUIT) *clothing* during his confinement, but shall restore (HIS OWN) *personal* clothing upon discharge. No prisoner shall be required to wear clothing previously used until it has been thoroughly cleansed. The sheriff or jailer shall keep the jail in a clean and healthy condition, (AND) have each prisoner's (SHIRT) *clothing* washed at least once a week, (AND SHALL) furnish to each sufficient clean water for drinking and bathing, and serve each three times a day with a sufficient quantity of wholesome, well cooked food. (IF THE CONSTRUCTION OF THE JAIL WILL PERMIT PERSONS HELD FOR TRIAL TO BE KEPT SEPARATE FROM THOSE SERVING SENTENCE, A DIFFERENCE IN THEIR DIET SHALL BE MADE.)

Sec. 7. Minnesota Statutes 1978, Section 641.16, is amended to read:

641.16 [BIBLES.] Every keeper of a jail shall provide for each prisoner able and willing to read (THE SAME) *it* a copy of the Bible, at the expense of the county (, AND ANY MINISTER OF THE GOSPEL DESIROUS OF GIVING MORAL AND RELIGIOUS INSTRUCTION TO PRISONERS SHALL HAVE ACCESS TO THEM AT PROPER TIMES. ALL IMMORAL BOOKS AND PAPERS AND THOSE LARGELY COMPOSED OF ACCOUNTS OF CRIME SHALL BE EXCLUDED FROM EVERY JAIL).

Sec. 8. Minnesota Statutes 1978, Section 641.18, is amended to read:

641.18 [SOLITARY CONFINEMENT.] When any prisoner is unruly or disobeys any regulation for the management of jails, the (SHERIFF OR JAILER) *prisoner* may (ORDER HIM) *be* kept in solitary confinement as provided in section 641.09.

Sec. 9. Minnesota Statutes 1978, Section 641.21, is amended to read:

641.21 [JAIL, ADVICE AS TO CONSTRUCTION.] When any county board determines to *purchase, lease or* erect a new jail, or to repair an existing one at an expense of more than \$5,000, it shall pass a resolution to that effect, and transmit a copy thereof to the commissioner of corrections, who, within 30 days thereafter, shall transmit to that county board the

advice and suggestions in reference to the *purchase, lease or construction thereof as (HE) the commissioner deems proper.*

Sec. 10. Minnesota Statutes 1978, Section 641.22, is amended to read:

641.22 [PLANS AND ESTIMATES SUBMITTED.] After the receipt of (SUCH) *the commissioner of correction's* advice and suggestions, (SUCH) *the board shall procure plans and estimates of the cost of (SUCH) the new jail or repairs, and submit the same to the commissioner (OF CORRECTIONS) for suggestions and for approval, so far as relates to the (SAFETY) management, operation and (SANITARY CONDITIONS) physical condition of the proposed building, and the security, safety, health, treatment and discipline of persons detained or confined therein.* (SUCH) Suggestions and approval shall be in writing and filed with the county auditor before any contract for (SUCH) *purchase, lease, erection or repairs shall be binding, or any warrant is drawn for payment for labor or materials therefor.*

Sec. 11. Minnesota Statutes 1978, Section 642.02, Subdivision 2, is amended to read:

Subd. 2. [JAILER OR CUSTODIAN.] *No prisoner shall be detained without a jailer or custodian (SHALL BE) present (DURING) in the lockup, awake and alert at all times, capable of responding to the reasonable needs of the (TIME ANY) prisoner (IS DETAINED IN SUCH LOCKUP).*

Sec. 12. Minnesota Statutes 1978, Section 642.03, is amended to read:

642.03 [TEMPORARY POLICE STATIONS AND LOCK-UPS IN CERTAIN CASES IN CITIES OF FIRST CLASS.] When, in the opinion of the board of police commissioners of any city of the first class in the state, or of any board of (SUCH) *the city having charge, control, and direction of the administration of the police department of (SUCH) the city, it shall be necessary to remove from and destroy any existing police station or lockup, and to provide and equip new temporary central police stations and lockups, pending the erection by (SUCH) the city, upon the site of (SUCH) the abandoned police station, of a new and permanent central police station and lockup, (ANY SUCH) the city is hereby authorized and empowered, acting by and through its board of police commissioners, or other board having the control and direction of the administration of the police department, of (SUCH) the city, to lease a new site for (SUCH) the temporary central police station and lockup, and to provide and equip the same.*

Section 642.02 shall (NOT) apply to, (OR) *and* be binding upon, (ANY SUCH) *the city* in the providing of a temporary

central police station and lockup, under the circumstances hereinbefore stated.

Sec. 13. Minnesota Statutes 1978, Section 642.07, is amended to read:

642.07 [CHIEF OF POLICE, MARSHAL; DUTIES.] The chief of police or statutory city marshal, as the case may be, shall cause every lockup under (HIS) *the chief's or marshal's* care, and the bedding therein, to be kept clean, wholesome, and free from vermin. (SUCH LOCKUP SHALL BE SWEEPED DAILY AND THOROUGHLY CLEANSED WITH WATER AT LEAST ONCE EVERY TWO WEEKS WHEN OCCUPIED.) *The lockup shall be kept in good repair and maintained so as to protect the health, comfort, safety and well being of prisoners and staff.* (SUCH) *Each* chief of police or marshal shall keep in a book furnished by the municipality a complete register of all prisoners committed (THERETO) *to the lockup*, and all persons admitted as lodgers therein, in the form prescribed by the commissioner of corrections. Any peace officer placing a prisoner in (SUCH) *the* lockup shall report immediately to (HIS) *the officer's* superior concerning the fact of the placement.

Sec. 14. Minnesota Statutes 1978, Section 642.12, is amended to read:

642.12 [FURNISHING LIQUOR TO INMATES.] No sheriff, jailer, police officer, marshal, or other person in charge of any jail or lockup, under any pretense, shall give, sell, or deliver to any prisoner therein any (SPIRITUOUS LIQUOR, OR ANY MIXED LIQUOR, PART OF WHICH IS SPIRITUOUS, OR ANY WINE, CIDER, OR BEER) *contraband, as defined in section 641.165, subdivision 1*, unless a reputable physician certifies in writing that the health of such prisoner or inmate requires it, in which case he may be allowed the prescribed quantity, and no more.

Sec. 15. Minnesota Statutes 1978, Section 643.01, is amended to read:

643.01 [TRANSFER OF PRISONERS BETWEEN JAIL AND WORKHOUSE.] In any county of this state in which there is now or shall be hereafter maintained by any county or by any city and county, a workhouse, correctional or work farm for the confinement of criminal offenders, *and a county jail*, any *district court or county court* judge of the judicial district in which the county is situated, shall have the power, either of his own motion, or on the application of the county attorney of (SUCH) *the* county, (FOR SUFFICIENT CAUSE) *in accordance with written county policy approved by the commissioner of corrections*, to order:

(1) any prisoner who shall be confined in the county jail (OF SUCH COUNTY) under sentence (TO SUCH JAIL BY ANY DISTRICT JUDGE, JUSTICE OF THE PEACE OR MUNICIPAL JUDGE), to be transferred (FROM SUCH COUNTY JAIL) and recommitted to (ANY SUCH) *the* workhouse, correctional or work farm at hard labor, for the remainder of the term for which (SUCH PRISONER WAS ORIGINALLY) sentenced; or

(2) any prisoner who shall be confined in the workhouse, correctional or work farm under sentence, to be transferred and recommitted to the county jail for the remainder of the term for which sentenced; or

(3) any prisoner who shall be confined in the county jail, convicted and awaiting sentence, to be transferred to and confined in the workhouse, correctional or work farm while awaiting sentence.

Transferred prisoners are subject to the rules and discipline of the confining institution. Transportation of prisoners is the responsibility of the sending institution.

Sec. 16. Minnesota Statutes 1978, Section 643.02, is amended to read:

643.02 [PROCEDURE OF DISTRICT COURT OR COUNTY COURT JUDGE IN CHARGE AND DUTY OF SHERIFF.] When any (SUCH) district court or county court judge shall make an order for the transfer of any prisoner (FROM THE COUNTY JAIL TO ANY SUCH WORKHOUSE, CORRECTIONAL OR WORK FARM SUCH) *as provided in section 643.01, the order shall be made in duplicate by (SUCH) the judge, shall recite therein the name of the court by which the prisoner was sentenced (TO SUCH COUNTY JAIL) or convicted, the date of sentence or conviction, the general nature of the offense for which sentenced or convicted, the length of the original sentence (,) and the length of (SUCH) the sentence still remaining (,) or the sentencing date if known, and any other facts (OBTAINABLE FROM THE COMMITMENT UNDER WHICH THE PRISONER MAY BE HELD,) that will furnish material information regarding the case, and shall direct the superintendent or other keeper of (SUCH) the workhouse, correctional or work farm, or sheriff or other keeper of the county jail to safely keep (SUCH) the prisoner at hard labor for the remainder of (SUCH) the original term of sentence, or until further sentencing proceedings, as stated in (SUCH) the order, unless otherwise released according to law, or the parole rules and regulations of (SUCH) the workhouse, correctional or work farm, or county jail. Both of the orders for transfer (AND RECOMMITMENT) of (SUCH) the prisoner to (SUCH) the workhouse (,) correctional or work farm, or county jail (,) shall be filed forthwith (,) with the sheriff (OF SUCH COUNTY)*

or other keeper of the jail, or superintendent or other keeper of the workhouse, correctional or work farm and the sheriff or other keeper of the workhouse, correctional or work farm, or workhouse, correctional or work farm shall thereupon retain one of the orders of transfer (AND RECOMMITMENT IN HIS POSSESSION) and shall without delay (, AT THE EXPENSE OF THE COUNTY,) transfer (SUCH) *the* prisoner named in (SUCH) *the* order and deliver him or her, together with the other of the duplicate orders for the transfer (AND RECOMMITMENT) of (SUCH) *the* prisoner to the superintendent or other keeper of the workhouse, correctional or work farm, or sheriff or other keeper of the jail, who shall retain the order and safely keep the prisoner named therein for the remainder of the sentence at hard labor or until further sentencing proceedings, as specified in the order, unless otherwise released as hereinbefore provided. The order for transfer (AND RECOMMITMENT) of any (SUCH) prisoner, as hereinbefore mentioned, shall have the same force and effect as the writ of commitment issued by the court which sentenced the prisoner in the first instance or as the order for confinement issued by the court in the first instance, and in addition shall be full authority for the holding and keeping of the prisoner (, AT HARD LABOR,) by the superintendent or other keeper of the workhouse, correctional or work farm, or the sheriff or other keeper of the jail, and for his apprehension by any peace officer in case of the escape of (SUCH) *the* prisoner from (ANY SUCH) *the* workhouse, correctional or work farm, or county jail. On the request of any district court or county court judge of the district in which (ANY SUCH) *the* workhouse, correctional or work farm, and county jail (IS) are located, the sheriff of (ANY SUCH) *the* county, or superintendent, shall without delay furnish a copy to (SUCH) *the* judge of any commitment or order in his possession.

Sec. 17. Minnesota Statutes 1978, Section 643.29, is amended to read:

643.29 [DIMINUTION OF SENTENCE.] Subdivision 1. ["GOOD CONDUCT" ALLOWANCE.] Any person sentenced for a term to any county jail, workhouse, or correctional work farm may diminish the term of (HIS) *the* sentence five days for each month, commencing on the day of (HIS) arrival, during which (HE) *the person* has not violated any rule or discipline of the place wherein (HE) *the person* is incarcerated and, if required to labor, has labored with diligence and fidelity.

Subd. 2. [ENFORCEMENT.] Any jailer, workhouse or correctional work farm superintendent, or person similarly in custody of persons incarcerated as set forth in subdivision 1 may (IN HIS DISCRETION), pursuant to a prisoner discipline plan, take away any or all of the reduction in sentence previously gained by good conduct, and in consideration of mitigating circumstances, may afterwards restore him in whole or in part, to the standing he possessed before (SUCH) *the* reduction in sentence was taken away.

Sec. 18. [REPEALER.] *Laws 1925, Chapter 12; Laws 1927, Chapter 142; Minnesota Statutes 1945, Sections 643.21, 643.22, 643.23, 643.24, 643.25, 643.26, 643.27, and 643.28; and Minnesota Statutes 1978, Sections 641.17, 641.27, 641.28, 641.29, 641.30, 641.31, 641.32, 641.33, 641.34, 641.35, 641.36, 641.37, 641.38, 642.14, 643.03, 643.04, 643.05, 643.06, 643.07, 643.08, 643.09, 643.10, 643.11, 643.12, 643.13, 643.14, 643.15, 643.16, 643.17, 643.19 and 643.20, are repealed."*

Further, amend the title as follows:

"A bill for an act relating to local correctional facilities; updating provisions concerning county jails, city lockups and workhouses; repealing provisions concerning correctional or work farms; providing for establishing and organizing court administrative structure; budgeting and operation of court services, probation, juvenile detention and correctional facilities by counties; amending Minnesota Statutes 1978, Sections 401.02, Subdivision 3; 641.01; 641.04; 641.06; 641.14; 641.15; 641.16; 641.18; 641.21; 641.22; 642.02, Subdivision 2; 642.03; 642.07; 642.12; 643.01; 643.02; and 643.29; repealing Laws 1925, Chapter 12; Laws 1927, Chapter 142; Minnesota Statutes 1945, Sections 643.21; 643.22; 643.23; 643.24; 643.25; 643.26; 643.27; 643.28; and Minnesota Statutes 1978, Sections 641.17; 641.27; 641.28; 641.29; 641.30; 641.31; 641.32; 641.33; 641.34; 641.35; 641.36; 641.37; 641.38; 642.14; 643.03; 643.04; 643.05; 643.06; 643.07; 643.08; 643.09; 643.10; 643.11; 643.12; 643.13; 643.14; 643.15; 643.16; 643.17; 643.19; and 643.20."

With the recommendation that when so amended the bill pass.

The report was adopted.

Johnson, C., from the Committee on Education to which was referred:

H. F. No. 1834, A bill for an act relating to education; adding the commissioner of agriculture to the equalization aid review committee; amending Minnesota Statutes 1978, Section 124.212, Subdivision 10.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Brinkman from the Committee on Financial Institutions and Insurance to which was referred:

H. F. No. 1837, A bill for an act relating to insurance; extending the temporary joint underwriting association act for an additional two year period; amending Minnesota Statutes 1978, Section 62F.01, Subdivision 2.

Reported the same back with the following amendments:

Page 1, after line 11, insert:

"Sec. 2. Minnesota Statutes 1978, Section 62F.06, Subdivision 1, is amended to read:

62F.06 [POLICY FORMS AND RATES.] Subdivision 1. A policy issued by the association shall provide for a continuous period of coverage beginning with its effective date and terminating automatically at 12:01 a.m. on September 1, (1978) 1982, or sooner as provided in sections 62F.01 to 62F.14. The policy shall be issued subject to the group retrospective rating plan and the stabilization reserve fund authorized by section 62F.09. The policy shall be written to apply to injury which results from acts or omissions during the policy period. No policy form shall be used by the association unless it has been filed with the commissioner, and the commissioner may disapprove the form within 30 days if he determines it is misleading or violates public policy."

Renumber the remaining sections.

Page 1, line 12, delete "Section" and insert "Sections"

Page 1, line 12, after "1" insert "and 2"

Page 1, line 12, delete "is" and insert "are"

Page 1, line 12, delete "its"

And further amend the title as follows:

Page 1, line 4, after the semicolon insert "extending the termination date of certain insurance policies;"

Page 1, line 5, delete "Section" and insert "Sections"

Page 1, line 5, after "2" insert "; and 62F.06, Subdivision 1"

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Nelson from the Committee on Energy and Utilities to which was referred:

H. F. No. 1842, A bill for an act relating to nuclear safety; licensing and regulating nuclear power plants, reactors, and spent

nuclear fuel disposal sites; empowering the department of health to conduct monitoring and emergency contingency planning; appropriating funds.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [CITATION.] This act shall be known and may be cited as the "Minnesota Nuclear Safety Preparedness Act."

Sec. 2. [POLICY.] It is declared to be the policy of the legislature to protect the people of the state of Minnesota against adverse health effects resulting from radiological accidents by establishing a mechanism for emergency preparedness to mitigate the effects of such accidents. The legislature finds it appropriate that the nuclear power industry in Minnesota bear costs associated with preparing and implementing plans to deal with the effects of nuclear accidents.

Sec. 3. Minnesota Statutes, 1979 Supplement, Section 12.03, Subdivision 4, is amended to read:

Subd. 4. "Emergency services or civil defense" means the preparation for and the carrying out of all emergency functions, other than functions for which military forces are primarily responsible, to prevent, minimize and repair injury and damage resulting from disasters, or from acute shortages of energy, or from incidents occurring at nuclear fission electrical generating plants which pose radiological or other health hazards. These functions include, without limitation, fire-fighting services, police services, medical and health services, rescue, engineering, warning services, communications, radiological, chemical and other special weapons defense, evacuation of persons from stricken areas, emergency welfare services, emergency transportation, existing or properly assigned functions of plant protection, temporary restoration of public utility services, implementation of energy supply emergency conservation and allocation measures, and other functions related to civilian protection, together with all other activities necessary or incidental to preparation for and carrying out of the foregoing functions.

Sec. 4. Minnesota Statutes 1978, Chapter 12, is amended by adding a section to read:

[12.13] [NUCLEAR POWER PLANT EMERGENCY RESPONSE PLAN.] *The state director, in cooperation with the commissioner of health and affected local units of government, shall develop the state and local portions of the emergency response plans specified in the licensing of each nuclear fission electrical generating plant located in Minnesota.*

In addition to any requirements imposed by federal law, the director shall assess the need for protective actions required to mitigate the effect of an incident at a nuclear power plant, and develop a nuclear power plant emergency response plan which shall include, but is not limited to:

(1) Purchase of equipment for state and local units of government, including public warning systems, protective devices, and communication systems, including preparation of brochures, pamphlets and educational programs;

(2) Development of a detailed nuclear emergency response plan for areas surrounding each nuclear fission electrical generating plant;

(3) Training of state and local emergency response personnel;

(4) Development of accident scenarios and exercises for nuclear emergency response plans; and

(5) Provision of any other specialized response equipment necessary to fulfill the plan.

The director shall provide any necessary assistance to other state agencies in order to improve the state's nuclear power plant emergency response capacity.

Sec. 5. Minnesota Statutes, 1979 Supplement, Section 12.21, Subdivision 1, is amended to read:

12.21 [GOVERNOR.] Subdivision 1. The governor has general direction and control of emergency services and has the power and duty to carry out the provisions of this chapter and, during a civil defense emergency declared as existing under section 12.31, or during the existence of an energy supply emergency as declared under section 116H.09, or during the existence of any emergency resulting from an incident at a nuclear fission electrical generating plant which poses radiological or other health hazard, may assume direct operational control over all or any part of the emergency services functions within this state.

Sec. 6. [ASSESSMENT FOR NUCLEAR SAFETY PREPAREDNESS ACT.] Any person, firm, corporation or association in the business of owning or operating a nuclear fission electrical generating plant located in Minnesota, shall pay an initial one-time assessment fee to cover the cost of upgrading nuclear power plant emergency response plans, and other programs necessary to deal with incidents resulting from the operation of nuclear fission electrical generating plants. Each owner or operator shall, within 90 days of the effective date of this act, pay to the state treasurer for deposit in the general fund, the sum

of \$350,000 for each nuclear fission generating plant in operation for the purpose of funding initial plan costs and a study of costs associated with monitoring equipment.

Sec. 7. [APPROPRIATIONS.] *The sum of \$700,000 is appropriated from the general fund to the director of emergency services for the purpose of furthering the policy stated in section 2 and for a study to include analysis of existing emergency planning zones, and the need for modification or extension, the capacity of state and local agencies to deal with a nuclear power plant emergency, the scope of federal assistance during an emergency, the scope and coverage of utility insurance programs, a review of the state's role in emergency planning, an evaluation of remote monitoring systems used or planned for use in other states, an evaluation and recommendations for the annual assessment fees to the owners of the nuclear power plants. The director of emergency services shall submit a report to the legislature by February 15, 1981.*

No more than \$100,000 of appropriated moneys may be utilized for purchase of equipment for local governments.

The department of public safety, division of emergency services is authorized to increase its complement by two full time positions.

The department of health is authorized to increase its complement by one full time position.

This appropriation is available immediately and shall not cancel until June 30, 1982."

Delete the title and insert:

"A bill for an act relating to nuclear safety; providing for a nuclear power plant emergency response plan; providing for assessment of costs to nuclear power plants; requiring the departments of public safety and health to monitor, provide training, and prepare plans for nuclear power plant incidents; requiring a study; appropriating money; amending Minnesota Statutes 1978, Chapter 12, by adding a section; and Minnesota Statutes, 1979 Supplement, Sections 12.03, Subdivision 4; and 12.21, Subdivision 1."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Swanson from the Committee on Health and Welfare to which was referred:

H. F. No. 1847, A bill for an act relating to public welfare; providing for a study of revisions to the nursing home rate reimbursement formula; providing for an information retrieval system; appropriating money; amending Minnesota Statutes 1978, Section 256B.47, by adding a subdivision.

Reported the same back with the following amendments:

Page 2, delete lines 21 to 25 and insert:

“(a) Revise the formula for allowable raw food cost increases based on the U.S. bureau of labor, food at home index and update the total per diem food allowances in order to reconcile it with the 1980 food at home index;

“(b) Allow providers to allocate their resources in order to provide as many nursing hours as necessary within the total cost limitations of the per diem already granted; and

“(c) Increase the maximum and minimum top management compensation limits to reflect the changes in the consumer price index since October 1972 except the new maximum shall not be in excess of \$49,000 per year.”

Page 2, line 26, delete “*Subdivision 1.*”

Page 2, delete lines 32 and 33

Page 3, delete lines 1 to 7

Further, amend the title as follows:

Page 1, line 4, after the semi-colon delete the balance of the line.

Page 1, line 5, delete “information retrieval system;” and insert “directing the commissioner of public welfare to promulgate certain rules;”

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Mann from the Committee on Agriculture to which was referred:

H. F. No. 1850, A bill for an act relating to agriculture; testing cattle for anaplasmosis; amending Minnesota Statutes 1978, Chapter 35, by adding a section.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Cassery from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 1873, A bill for an act relating to local government in Ramsey county; providing for the membership and dues of the Ramsey county league of local governments; amending Laws 1963, Chapter 72B, Section 1, as amended.

Reported the same back with the following amendments:

Page 1, line 18, after "*districts,*" insert "*soil and water conservation districts,*"

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Moe from the Committee on Governmental Operations to which was referred:

H. F. No. 1884, A bill for an act relating to education; modifying rule making procedures and the tuition exemption authority of the state university board; allowing a change in the placement service registration fee at state universities; modifying a visitation and reporting duty of the state university board; eliminating a reporting duty of state university presidents; eliminating a provision governing state university rules which conflict with the provisions of certain collective bargaining contracts; amending Minnesota Statutes 1978, Sections 136.11, Subdivisions 1 and 8; and 136.14; repealing Minnesota Statutes 1978, Sections 136.148 and 136.15.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Vanasek from the Committee on Criminal Justice to which was referred:

H. F. No. 1896, A bill for an act relating to juveniles; amending criteria for reference to adult court; amending Minnesota Statutes 1978, Section 260.125, Subdivision 2.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1978, Section 260.125, is amended by adding subdivisions to read:

Subd. 2a. Evidence shall be prima facie sufficient for a reference order pursuant to subdivision 2, clause (d) if the child:

(a) Attained the age of 16 years at the time of the alleged offense; and

(b) Is charged with murder in the first degree; or

(c) Has been adjudicated delinquent for an offense committed within the preceding 24 months, which offense would be a felony if committed by an adult, and is charged with murder in the second or third degree, manslaughter in the first degree, criminal sexual conduct in the first degree or assault in the first degree; or

(d) Has been adjudicated delinquent for two offenses, not in the same behavioral incident, which offenses were committed within the preceding 24 months and which would be felonies if committed by an adult, and is charged with manslaughter in the second degree, kidnapping, criminal sexual conduct in the second degree, arson in the first degree, aggravated robbery or assault in the second degree; or

(e) Has been previously adjudicated delinquent for three offenses, none of which offenses were committed in the same behavioral incident, which offenses were committed within the preceding 24 months and which offenses would be felonies if committed by an adult, and is charged with any felony other than those described in clauses (b), (c) or (d).

Subd. 2b. If the juvenile court orders a reference for prosecution, the order shall contain, in writing, findings of fact and conclusions of law as to why the child is not suitable to treatment or the public safety is not served under the provisions of laws relating to the juvenile courts. If the juvenile court, after a hearing pursuant to subdivision 2, decides not to order a reference for prosecution, the decision shall contain, in writing, findings of fact and conclusions of law as to why a reference for prosecution is not ordered.

Sec. 2. The crime control planning board, created pursuant to section 299A.03, shall monitor and evaluate the effect of this act and submit a report to the legislature on or before January 1, 1983. The report shall, at the minimum, compare the number of references ordered and the characteristics of juveniles re-

ferred for prosecution pursuant to section 260.125 prior and subsequent to the effective date of this act.

Sec. 3. [EFFECTIVE DATE.] *This act is effective August 1, 1980 and applies to any child charged with an offense committed on or after that date.*"

Further, amend the title as follows:

Delete the title in its entirety and insert:

"A bill for an act relating to juveniles; establishing criteria for reference of certain juveniles for prosecution; requiring written findings and conclusions after reference hearings; providing monitoring by the crime control planning board; amending Minnesota Statutes 1978, Section 260.125, by adding subdivisions."

With the recommendation that when so amended the bill pass.

The report was adopted.

Fudro from the Committee on Transportation to which was referred:

H. F. No. 1898, A bill for an act relating to transportation; establishing a state rail bank for abandoned rail lines; amending Minnesota Statutes 1978, Chapter 222, by adding a section; Minnesota Statutes, 1979 Supplement, Sections 174.03, Subdivision 4; 222.50, Subdivision 7; and 222.65.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes, 1979 Supplement, Section 174.03, Subdivision 4, is amended to read:

Subd. 4. [OTHER DUTIES.] The commissioner shall:

(a) Construct and maintain transportation facilities as authorized by law;

(b) Cooperate with, and may provide technical and financial assistance to, the metropolitan council and regional development commissions in the regional transportation planning process, in accordance with mutually acceptable terms and conditions;

(c) Cooperate with and may provide planning and technical assistance upon the request of any political subdivision or other

governmental agency in accordance with mutually accepted terms and conditions, except as otherwise restricted by law; and

(d) Develop, revise and monitor a statewide rail transportation plan as part of the statewide transportation planning process, including a study and evaluation of alternative methods for insuring adequate and economical transportation of agricultural commodities, supplies and other goods to and from rural areas of the state. The plan (MAY) shall include an analysis of rail lines in the state for the purpose of determining: (1) eligibility of rail lines for assistance under federal and state rail assistance programs; (2) *eligibility of rail lines for inclusion in the state rail bank*; and ((2)) (3) the actions required by the state to insure the continuation of rail service that meets essential state needs and objectives.

Sec. 2. Minnesota Statutes, 1979 Supplement, Section 222.50, Subdivision 7, is amended to read:

Subd. 7. The commissioner may expend money from the rail service improvement account for the following purposes:

(a) To pay interest adjustments on loans guaranteed under the state rail user loan guarantee program;

(b) To pay a portion of the costs of capital improvement projects designed to improve rail service including construction or improvement of short segments of rail line such as side track, team track and connections between existing lines, and construction and improvement of loading, unloading, storage and transfer facilities of a rail user;

(c) To acquire, maintain, manage and dispose of railroad right-of-way pursuant to subdivision 8 *and the state rail bank program* (.);

(d) *To provide for aerial photography survey of proposed and abandoned railroad tracks for the purpose of recording and reestablishing by analytical triangulation the existing alignment of the in-place track.*

All money derived by the commissioner from the disposition of railroad right-of-way or of any other property acquired pursuant to sections 222.46 to 222.62 shall be deposited in the rail service improvement account.

Sec. 3. Minnesota Statutes 1978, Chapter 222, is amended by adding a section to read:

[222.63] [ABANDONED RIGHT-OF-WAY; STATE RAIL BANK.] *Subdivision 1. [DEFINITION.] For the purpose of this section the term "abandoned", when used with reference to a railroad line or right-of-way, means a line or right-of-way*

with respect to which the interstate commerce commission or other empowered authority has found that the public convenience and necessity permit discontinuance of rail service.

Subd. 2. [ESTABLISHMENT; ACQUISITION; ELIGIBLE PROPERTIES.] A state rail bank is established for the acquisition, preservation and disposition of abandoned railroad right-of-way for future use for commercial transportation and transmission. The commissioner of transportation may acquire by purchase or otherwise all or part of any abandoned railroad right-of-way which is necessary for inclusion in the state rail bank to meet the future commercial transportation needs of the state. The commissioner shall not acquire any interest in an abandoned right-of-way for inclusion in the state rail bank by eminent domain except when all owners as defined in section 117.025 that are known to the court have no objection to the taking.

An abandoned right-of-way is eligible for inclusion in the state rail bank if the right-of-way meets one or more of the following criteria:

(a) Provides or is expected to provide access to a present or proposed major energy generating or using facility such as an electrical generating plant, major heating plant or other major industrial user of energy;

(b) Provides or is expected to provide access to a major storage or terminal facility in the marketing of agricultural commodities and forest products;

(c) Provides important access to surrounding states;

(d) Is a present or potential corridor for a pipeline, electrical transmission line, highway, transit route, rail freight or passenger line or other similar commercial transportation use;
or

(e) Provides access to an extractive resource requiring transportation and transmission rail services for its development.

The commissioner shall provide for the maintenance including control of weeds, of any right-of-way that is included in the rail bank. The commissioner shall provide for the maintenance and management of any right-of-way that is acquired under the rail bank program in a manner that minimizes maintenance costs and provides a benefit to the state. The commissioner may allow interim uses of the right-of-way compatible with the adjacent land use. The commissioner may also require that any existing railroad track that is included in the acquired right-of-way shall not be removed during the period the right-of-way is included in the state rail bank.

Subd. 3. [PUBLIC AND AGENCY PARTICIPATION.] *If the commissioner desires to acquire, dispose of or utilize any right-of-way which he is authorized to acquire or has acquired pursuant to authorization under subdivision 2, he shall publish a notice of the proposed action in the state register and in at least one newspaper of general circulation in the area where the right-of-way is located. If any person objects in writing to the proposed action within 30 days of publication of notice the commissioner shall proceed in the manner provided for a contested case. If no written objection is received the commissioner may take the proposed action only after holding a public meeting to seek public comment on the action. At least one hearing or meeting required under this subdivision shall be held in the area where the right-of-way is located.*

Subd. 4. [DISPOSITION PERMITTED.] *The commissioner shall lease any right-of-way acquired under the state rail bank program for any of the purposes set forth in subdivision 2 in accordance with a fee schedule to be developed by the commissioner in consultation with the advisory task force established in section 222.65.*

Subd. 5. [SPECIFIC USE OF RIGHT-OF-WAY; DISPOSITION REQUIRED.] *If a property acquired for the state rail bank has not been disposed of according to subdivision 4 and no specific commercial transportation use for that property has been identified by the commissioner within 20 years after its acquisition the commissioner shall offer it for sale to the owners of private property adjacent to the rail bank property. If a specific commercial transportation use has been identified for a rail bank property but the property is not disposed of or utilized as provided in subdivision 4 within 30 years after its acquisition it shall be offered for sale to the owners of private property adjacent to the rail bank property. The commissioner may not offer any property required to be disposed of under this subdivision to any other state department or agency until the owners of adjacent private property have had an opportunity for at least six months to make offers to purchase the property from the commissioner at its fully appraised value.*

Subd. 6. [INTERVENTION IN ABANDONMENT PROCEEDING.] *The commissioner may intervene in a proceeding of the interstate commerce commission on the issue of suitability for a public use of a rail line proposed to be abandoned if the commissioner finds that the right-of-way of the line would be eligible for inclusion in the state rail bank. To the extent practicable before intervening as provided in this section the commissioner shall hold at least one public meeting in the area in which the line is located to solicit opinions of interested persons concerning the commissioner's proposed action.*

Subd. 7. [RULES.] *The commissioner of transportation shall adopt rules necessary to establish criteria for properties*

eligible for inclusion in the rail bank and to establish public procedures for acquisition and disposition of rail bank properties.

Sec. 4. Minnesota Statutes, 1979 Supplement, Section 222.65, is amended to read:

222.65 [ADVISORY TASK FORCE.] The commissioner of transportation may establish an advisory task force in the manner provided in section 15.059 to advise the department concerning the implementation of the rail service improvement program, the federal rail service continuation program, *the state rail bank program*, and the rail user loan guarantee program. The task force may include representatives of departments of agriculture, commerce, economic development, the energy agency, state planning agency, railroad companies, railroad labor organizations, and rail users."

With the recommendation that when so amended the bill pass.

The report was adopted.

Moe from the Committee on Governmental Operations to which was referred:

H. F. No. 1899, A bill for an act relating to the office of secretary of state; adjusting certain fees collected by that office; making them more uniform; amending Minnesota Statutes 1978, Sections 47.16; 53.01; 221.67; 303.13, Subdivision 1; 308.060, Subdivision 4; 317.04, Subdivision 3; 317.67; 540.152; and 543.08.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Casserly from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 1904, A bill for an act relating to the Nine Mile Creek Watershed District; providing for the establishment of a district water maintenance and repair fund; authorizing a tax levy for water maintenance and repair purposes.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert the following:

"Section 1. [NINE MILE CREEK AND RILEY-PURGATORY CREEK WATERSHED DISTRICTS; WATER MAIN-

TENANCE AND REPAIR FUND; CREATION OF FUND; TAX LEVY.] Notwithstanding any other law to the contrary, the Nine Mile Creek Watershed District in Hennepin County and the Riley-Purgatory Creek Watershed District in Hennepin and Carver counties are each authorized to establish a fund to be known as the water maintenance and repair fund which shall be kept distinct from all other funds of the district. This fund shall be maintained by an annual ad valorem tax levy on each dollar of assessed valuation of all taxable property within the Nine Mile Creek Watershed District sufficient to raise an amount in the first year following enactment of this legislation of up to \$30,000 and thereafter in subsequent years an amount of up to \$15,000 in each district. The board of managers of the district shall adopt each year by resolution the amount to be raised by mill levy for the fund for the ensuing year, which amount shall then be levied, collected and distributed to the district in accordance with Minnesota Statutes, Section 112.611, and is in addition to any other moneys levied, collected and distributed to the district thereby.

Sec. 2. [PURPOSE OF FUND.] The water maintenance and repair fund may be used for any maintenance, repair, restoration, upkeep and rehabilitation of any public ditch, drain, dams, sewer, river, stream, watercourse, and waterbody, natural or artificial, lying wholly or partly within the district. Any work performed in accordance with the purposes of this act may include, but is not limited to, stream and watercourse clean up and maintenance and stream and watercourse bank and bed repair and stabilization.

Sec. 3. [WORK; MUNICIPALITIES.] Any work to be undertaken and paid for from the water maintenance and repair fund under this act shall be ordered by the board of managers of the district according to law. Before the commencement of any work so ordered, any affected municipality shall be notified in writing by the district about the proposed work and estimated costs. Within 30 days following receipt of the written notice, any affected municipalities may notify the district in writing that it will perform the work ordered by the district. If the municipality undertakes such work, it shall be paid as previously prescribed by the district from the water maintenance and repair fund. If any affected municipality fails to perform any work ordered by the board of managers, the district may have such work performed in any other manner as authorized by law.

Sec. 4. [EFFECTIVE DATE.] This act is effective for each district named in section 1 upon approval by a majority of the board of managers of the respective districts, and upon compliance with the provisions of Minnesota Statutes, Section 645.021."

Amend the title as follows:

Line 2, after "Creek" insert "and Riley-Purgatory Creek"

Line 2, delete "District" and insert "Districts"

Line 3, delete "a"

Line 4, delete "fund" and insert "funds"

Line 4, delete "a"

Line 5, delete "levy" and insert "levies"

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Casserly from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 1905, A bill for an act relating to the Nine Mile Creek Watershed District; authorizing an ad valorem tax for certain purposes.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert the following:

"Section 1. [NINE MILE CREEK AND RILEY-PURGATORY CREEK WATERSHED DISTRICTS; TAX LEVY; ANNUAL ADMINISTRATIVE FUND LEVY.] Notwithstanding any other law to the contrary, the Nine Mile Creek Watershed District in Hennepin county and the Riley-Purgatory Creek Watershed District in Hennepin and Carver counties are each authorized, in addition to all powers it now possesses, to establish an administrative fund. This fund shall be maintained by an annual ad valorem tax levy on each dollar of assessed valuation of all taxable property within the respective districts sufficient to raise an amount each year of up to, but not to exceed, an amount of \$125,000 in each district. This levy is in lieu of, not in addition to, the administrative levy contained in Minnesota Statutes 1978, Section 112.61, Subdivision 3. The funds shall be used for general administrative expenses and for the construction and maintenance of projects of benefit to the district. The managers may make an annual levy for this fund as provided in Minnesota Statutes, Section 112.611.

Sec. 2. [EFFECTIVE DATE.] This act is effective for each district named in section 1 upon approval by a majority of the board of managers of the respective districts, and upon com-

pliance with the provisions of Minnesota Statutes, Section 645.021."

Amend the title as follows:

Line 2, after "Creek" insert "and Riley-Purgatory Creek"

Line 2, delete "District" and insert "Districts"

Line 3, delete "an"

Line 4, delete "tax" and insert "taxes"

With the recommendation that when so amended the bill pass.

The report was adopted.

Fudro from the Committee on Transportation to which was referred:

H. F. No. 1911, A bill for an act relating to highway traffic regulations; limiting the length of certain vehicles and combinations of vehicles; prescribing a fee for certain permits; amending Minnesota Statutes 1978, Section 169.81, Subdivision 3, and by adding a subdivision.

Reported the same back with the following amendments:

Page 3, line 18, delete "39" and insert "40"

With the recommendation that when so amended the bill pass.

The report was adopted.

Fudro from the Committee on Transportation to which was referred:

H. F. No. 1916, A bill for an act relating to motor vehicles; providing for the registration and taxation of certain vehicles for a period of less than 12 months under certain circumstances; amending Minnesota Statutes 1978, Sections 168.012, Subdivision 7; 168.013, Subdivision 6; and 168.017, Subdivision 3.

Reported the same back with the following amendments:

Pages 1 and 2, delete all of Section 1.

Page 3, line 17, delete "If"

Page 3, line 18, delete the new language and re-instate the stricken language

Page 3, lines 19 to 24, delete the new language

Page 3, after line 30, insert a new section to read:

"Sec. 3. [REPEALER.] *Minnesota Statutes 1978, Section 168.012, Subdivision 7, is repealed.*"

Renumber the sections

Further amend the title as follows:

Line 6, delete "168.012, Subdivision 7;"

Line 7, after "Subdivision 3" insert "; repealing Minnesota Statutes 1978, Section 168.012, Subdivision 7"

With the recommendation that when so amended the bill pass.

The report was adopted.

Johnson, C., from the Committee on Education to which was referred:

H. F. No. 1932, A bill for an act relating to Independent School District No. 535, Rochester; providing that its school board may organize at a time other than the time required for the organization of the board of an independent district; amending Laws 1969, Chapter 193, Section 3, as amended.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Fudro from the Committee on Transportation to which was referred:

H. F. No. 1970, A bill for an act relating to transportation; exempting certain substituted aircraft from payment of the aircraft registration tax; limiting refunds under certain circumstances; requiring liability insurance for pioneer aircraft; amending Minnesota Statutes 1978, Sections 360.55, by adding a subdivision; and 360.59, Subdivision 10.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1978, Section 360.55, is amended by adding a subdivision to read:

Subd. 5. [SUBSTITUTE AIRCRAFT.] If an aircraft registered with the state of Minnesota is temporarily removed from service for a period not to exceed 30 days for maintenance and repair, and a like or similar aircraft is substituted for it, the substituted aircraft is exempt from the Minnesota aircraft registration tax during the period of substitution. The exemption is only permitted if the principal aircraft is removed from the state for maintenance and repair. The exemption is not permitted if the principal aircraft is removed from service in the state for scheduling or other purposes.

The owner of the principal aircraft shall notify the department of transportation of the identity of the principal aircraft being removed from the state, the date of removal, and the date that the principal aircraft being removed is returned to service in the state of Minnesota. Similar information shall be reported to the department regarding the substituted aircraft. The information shall be delivered to the commissioner within five days after removal of the principal aircraft and within five days after the substitution of the substitute aircraft, as the case may be. No refunds of aircraft registration taxes shall be made for principal aircraft removed from the state in accordance with this subdivision.

Sec. 2. Minnesota Statutes 1978, Section 360.61, is amended to read:

360.61 [DUE DATE OF TAX; PENALTY.] Subdivision 1. [FIRST REGISTRATION.] The tax required under sections 360.54 to 360.67 to be paid upon an aircraft is due as soon as (SUCH) the aircraft first uses the air space overlying the state of Minnesota or the airports (THEREOF) within the state, in accordance with section 360.54, and (SHALL BECOME DELINQUENT) a penalty shall be assessed upon the expiration of 20 days (THEREAFTER) after the aircraft first uses the air space or the airports, unless paid.

Subd. 2. [RENEWAL REGISTRATION.] The tax for that period January 1, 1966, to and including June 30, 1967, and for each succeeding fiscal year (THEREAFTER), shall be due and payable July 1, and (SHALL BECOME DELINQUENT) a penalty shall be assessed upon the expiration of ten days (THEREAFTER) after July 1 of that fiscal year, unless paid.

Subd. 3. [PENALTIES.] (EVERY) An owner or person charged with the duty to register an aircraft or pay (ANY) a tax payable under the provisions of sections 360.511 to 360.67 who fails or delays to register (SUCH) the aircraft and pay (SUCH) the tax as required by the provisions of (THIS ACT) sections 360.511 to 360.67 shall pay to the commissioner as an added fee for failure or delay after the due date in registering and paying the tax a penalty fee of \$2.50 for the (FIRST) calendar month (OR ANY PART THEREOF IN WHICH SUCH FAILURE OR DELAY CONTINUES,) in which the due date

falls plus a monthly penalty of five percent of the tax due and payable for the tax period for which the penalty is charged, (SUCH) the monthly penalty to be paid for the (SECOND) first calendar month or (ANY) a part (THEREOF) of that calendar month, after the month in which the due date falls and for each additional month (THEREAFTER) or (ANY) a part (THEREOF) of that additional month in which (SUCH) the failure or delay continues; but in no event shall (SUCH) the total added fees and penalties for (SUCH) the failure or (SUCH) the delay exceed the sum of \$200 for the tax period for which the added fee or penalty is charged. When the last day for payment without penalty of (ANY) taxes shall fall upon Sunday or (ANY) a legal holiday, (SUCH) the taxes may be paid without (SUCH) a penalty on the next succeeding business day."

Further amend the title as follows:

Line 5, delete "requiring liability insurance for"

Line 6, delete "pioneer aircraft" and insert "clarifying the penalty assessed for late payment of registration tax"

Line 8, delete "360.59, Subdivision 10" and insert "360.61"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Taxes.

The report was adopted.

Prahl from the Committee on Commerce, Economic Development and Housing to which was referred:

H. F. No. 1991, A bill for an act relating to housing; permitting an increase in certain grants made by the housing finance agency; authorizing limitations on the assumability of mortgages made or purchased by the agency; modifying the program for moderate rehabilitation of rental properties; amending Minnesota Statutes 1978, Section 462A.05, Subdivision 17; and Minnesota Statutes, 1979 Supplement, Sections 462A.05, Subdivision 15; and 462A.21, Subdivision 11.

Reported the same back with the following amendments:

Page 3, line 6, after "agency" insert "*or any local housing finance agency authorized by law*"

Page 3, line 15, strike "of"

Page 3, line 15, delete "*two*"

Page 3, line 15, strike "units or more"

Amend the title as follows:

Page 1, line 5, before the semicolon insert "or any local housing finance agency authorized by law"

With the recommendation that when so amended the bill pass.

The report was adopted.

Casserly from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 2024, A bill for an act relating to the city of Hibbing; authorizing development and administration of a housing program within the city, including that part of the city which formerly comprised the town of Stuntz.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Moe from the Committee on Governmental Operations to which was referred:

H. F. No. 2028, A bill for an act relating to state government; clarifying benefits of employees of former Hastings state hospital.

Reported the same back with the following amendments:

Page 1, line 20, after "at" insert "or above"

Page 2, line 1, after the first "increases" insert "or in the denial of a salary increase effective July 4, 1979 pursuant to Minnesota Statutes, 1979 Supplement, Section 43.12, Subdivision 9a"

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Casserly from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 2034, A bill for an act relating to the city of Minneapolis; providing for positions in the unclassified service; amending Laws 1969, Chapter 937, Section 1, Subdivision 1, as amended, and by adding subdivisions.

Reported the same back with the following amendments:

Page 1, line 16, delete "9" and insert "8"

Page 2, delete lines 4 to 6

Page 2, line 7, delete "9" and insert "8"

Page 2, line 3, delete "subdivisions" and insert "a subdivision"

Amend the title as follows:

Page 1, line 5, delete "subdivisions" and insert "a subdivision"

With the recommendation that when so amended the bill pass.

The report was adopted.

Prahl from the Committee on Commerce, Economic Development and Housing to which was referred:

H. F. No. 2045, A bill for an act relating to economic development; creating a small business finance agency with authority to borrow to provide loans for small business projects.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [362.50] [DEFINITIONS.] Subdivision 1. Each term defined in this section has the meaning given it whenever used in sections 1 to 4.

Subd. 2. "Agency" means the small business finance agency created in section 2.

Subd. 3. "Owner" means a person, partnership, firm, or corporation engaged in a small business and applying to the agency for a loan for a project.

Subd. 4. "Small business" means an enterprise defined as a small business concern by the United States small business administration or by another agency or instrumentality of the United States to which the same or similar power may be granted, as authorized by 15 U.S. Code, Sections 631 et seq. on the effective date of this section.

Sec. 2. [362.51] [SMALL BUSINESS FINANCE AGENCY.] Subdivision 1. A small business finance agency is hereby created as a public body corporate and politic and a public corporation and is constituted as an authority to act on behalf of the state within the scope of the powers granted to it in sections 1 to 4 to implement a loan program by which, in cooperation with cities, towns, counties and private or public

lenders, adequate funds may be provided on sufficiently favorable terms to assist and encourage the establishment, maintenance and growth of small business in Minnesota and to reduce to a manageable level the cost of the control of pollution and disposal of waste resulting from the operations of small business.

Subd. 2. Sections 1 to 5 are enacted to promote the welfare and prosperity of the state by maintaining and increasing the career and job opportunities of its citizens, by reducing, controlling and preventing environmental pollution and waste of resources and by protecting and enhancing the tax base on which state and local governments depend for the financing of public services.

Subd. 3. Neither the state nor any other agency or political subdivision of the state shall be liable on any bond, note or other obligation of the agency, and no bond, note, or other obligation of the agency shall constitute a debt or loan of credit of the state or any political subdivision or any individual member of the agency.

Subd. 4. The state pledges and agrees with all holders of obligations of the agency that it will not limit or alter the rights vested in the agency to fulfill their terms, and will not in any way impair the rights or remedies of the holders, until all of the obligations and interest on them, with interest on any unpaid installments of interest and all costs and expenses in connection with any action or proceeding by or on behalf of such holders to enforce the payment and other provisions of the obligations, are fully met and discharged. The agency is authorized to include and recite this pledge and agreement of the state in any obligation or related document.

Subd. 5. The provisions of this section do not affect the power of the state to supervise and control the agency or to discontinue its operation or alter its organization, programs or activities or transfer its powers to a successor agency, provided that the action of the state is consistent with the provisions of subdivision 4.

Subd. 6. The property of the agency and its income and operation shall be exempt from all taxation by the state or any of its political subdivisions and all bonds and notes of the agency shall be exempt from all taxation by the state or any of its political subdivisions.

Subd. 7. The state covenants with the purchasers and all subsequent holders and transferees of notes and bonds issued by the agency in consideration of the acceptance of and payment for the notes and bonds, that the notes and bonds of the agency issued pursuant to sections 1 to 4 and the income therefrom and all its fees, charges, gifts, grants, revenues, receipts, and other

moneys received or to be received, pledges to pay or secure the payment of such notes or bonds shall at all times be free and exempt from all state, city, county or other taxation provided by the laws of the state, except for estate and gift taxes and taxes on transfers, and except for the Minnesota corporate franchise tax measured by income, so long as the interest on federal bonds is included in the income by which such tax is measured.

Subd. 8. The members and governing body of the agency shall be the commissioner of economic development and six other members holding no other elective or appointive office of the state or any local government, appointed by the governor with advice and consent of the senate. The commissioner shall be vice chairman, and the governor shall designate the chairman from among the other members, to serve as chairman at the pleasure of the governor. Minnesota Statutes, Section 15.0575 governs the terms, compensation, removal and filling vacancies in the offices of members other than the commissioner.

Subd. 9. The members shall be responsible for management and control of the agency. A majority of the members, excluding vacant memberships, is a quorum. When a quorum is present at any meeting of which notice has been given to or waived by all absent members in the manner provided in bylaws adopted by the vote of a majority of all members, any action of the agency may be taken by the vote of a majority of the members present. Fewer than a quorum may hear reports and adjourn from time to time.

Subd. 10. The commissioner of economic development shall designate an assistant commissioner as executive director of the agency and may appoint permanent and temporary employees necessary for the administration of the agency. The governing body of the agency may enter into agreements under which the department will provide administrative support for the agency.

Sec. 3. [362.52] [LOANS.] Subdivision 1. The agency may participate with banks, savings institutions, investment bankers, insurance companies and other financial institutions in making and committing to make or purchase business facilities loans and pollution control facilities loans, as described in subdivisions 2 and 3 of this section.

Subd. 2. Business facilities loans shall consist of:

(a) Mortgage loans to owners of small businesses for:

(1) Interim or long term financing of projects consisting of the acquisition, construction, or improvement of land and buildings, or the substantial improvement of existing buildings and land in connection therewith, or

(2) The installation of fixtures and other capital expenditures to make facilities useful in connection with the conduct of a small business; and

(b) Secured loans to owners of small businesses for capital expenditures in the purchase of equipment useful in connection with the conduct of a small business.

Subd. 3. Pollution control facilities loans shall consist of loans for the purpose of pollution control facilities, evidenced and secured by qualified contracts under which the full amount of payments due is guaranteed or to be guaranteed, as a full faith and credit obligation of the United States, by the United States small business administration or by another agency or instrumentality of the United States to which the same or similar power may be granted. On the effective date of this section, the guaranties are authorized by 15 U.S. Code, Sections 694-1 and 694-2, in which pollution control facilities are defined as real and personal property as the administration, in its discretion, determines is likely to help prevent, reduce, abate or control noise, air, or water pollution or contamination by removing, altering, disposing or storing pollutants, contaminants, wastes or heat and real and personal property as the administration determines will be used for the collection, storage, treatment, utilization, processing or final disposal of solid or liquid waste.

Subd. 4. The agency's participation in any business facilities loan may not exceed 90 percent of the principal amount thereof. The total principal amount of any business facilities loan may not exceed 90 percent of the appraised value or the purchase price of the property which will secure the loan, whichever is less, unless the amount in excess of 90 percent is loaned from surplus funds of the agency available for that purpose under the terms of the instrument securing its outstanding obligations, or unless insurance is procured from a federal agency or from a private insurer satisfactory to the governing body of the agency and qualified to write the insurance in the state, insuring a percentage of any claim for loss at least equal to that percentage of the value or price by which the loan exceeds 90 percent of the value or price, as the case may be. The value and price of the property shall be certified by the participating bank, savings institution, investment banker, mortgage banker, insurance company or other financial institution on the basis of appraisals, bids, purchase orders and engineers' certificates as to work and materials furnished in conformity with plans and specifications and construction contracts as the agency may require. No other indebtedness of the borrower for any loan made other than pursuant to this section may be secured by a mortgage on or security interest in property securing a loan made pursuant to this section.

Subd. 5. No business facilities loan made for the purpose of providing long term financing for construction or substantial

improvement of property shall be disbursed unless the construction or improvement has been completed in accordance with plans and specifications or unless the bank, savings institution, investment banker, mortgage banker, insurance company or other financial institution furnishes an irrevocable letter of credit or a qualified corporate surety furnishes payment and performance bonds or both satisfactory to the governing body of the agency and in the aggregate amount payable under the construction contract.

Subd. 6. The maximum loan allowable under sections 1 to 6 is \$300,000.

Sec. 4. [362.53] [POWERS; DUTIES.] Subdivision 1. In implementing its corporate purposes and the programs described in sections 1 to 3, the agency shall have the powers and duties set forth in this section.

Subd. 2. It may sue and be sued.

Subd. 3. It may have a seal and alter the same at will.

Subd. 4. It may adopt, amend and repeal rules not inconsistent with the provisions of sections 1 to 4 as necessary to effectuate its corporate purposes.

Subd. 5. It may acquire, hold and dispose of personal property for its corporate purposes.

Subd. 6. It may enter into agreements or other transactions with any federal or state agency, any person and any domestic or foreign partnership, corporation, association or organization.

Subd. 7. It may acquire real property, or an interest therein, in its own name, by purchase or foreclosure, where such acquisition is necessary or appropriate to protect any loan in which the agency has an interest and may sell, transfer and convey any such property to a buyer and, in the event such sale, transfer or conveyance cannot be effected with reasonable promptness or at a reasonable price, may lease such property to a tenant.

Subd. 8. It may sell, at public or private sale, any note, mortgage or other instrument or obligation evidencing or securing a loan.

Subd. 9. It may procure insurance against any loss in connection with its property in such amounts, and from such insurers, as may be necessary or desirable.

Subd. 10. It may consent, whenever it deems it necessary or desirable in the fulfillment of its corporate purpose, to the

modification of the rate of interest, time of payment or any installment of principal or interest, or any other term, of any mortgage loan, mortgage loan commitment, construction loan, temporary loan, contract or agreement of any kind to which the agency is a party.

Subd. 11. It may borrow money to carry out and effectuate its corporate purpose and may issue its negotiable bonds or notes as evidence of any such borrowing in accordance with sections 462A.08 to 462A.13, 462A.16 and 462A.17. The aggregate principal amount of the agency's general obligation bonds and notes outstanding at any one time, excluding the amount satisfied and discharged by payment or provision for payment in accordance with their terms, and deducting amounts held in debt service reserve funds therefor, shall not exceed \$100,000,000 unless authorized by another law.

Subd. 12. It may issue and sell revenue bonds, notes and other obligations payable solely from particular moneys, assets or revenues derived from its programs.

Subd. 13. It may sell any of its obligations at public or private sale, at such price or prices as the agency shall determine, notwithstanding the limitation on sale price in the fourth sentence of section 462A.09.

Subd. 14. It may establish and collect reasonable interest and amortization payments on loans, and in connection therewith may establish and collect or authorize the collection of reasonable fees and charges or require funds to be placed in escrow, sufficient to provide for the payment and security of its bonds, notes, commitments and other obligations and for the servicing thereof, to provide reasonable allowances for or insurance against losses which may be incurred and to cover the cost of issuance of obligations and technical, consultative and project assistance services. It shall require the payment of all processing, administrative and guarantee fees and the deposit in escrow of all funds required by the small business administration or other federal agency or instrumentality guaranteeing any loan and shall comply and enforce compliance with all terms and conditions of each guarantee, and the prompt filing of all claims which may arise thereunder.

Subd. 15. It may cause any funds not required for immediate disbursement to be invested in direct obligations of or obligations guaranteed as to principal and interest by the United States, or in insured savings accounts, up to the amount of the insurance, in any institution the accounts of which are insured by the federal savings and loan insurance corporation or to be deposited in a savings or other account in a bank insured by the federal deposit insurance corporation or to be invested in time certificates of deposit issued by a bank insured by the fed-

eral deposit insurance corporation and maturing within one year or less.

Subd. 16. It may provide general consultative and technical services to assist in financing small business facilities for which loans may be made pursuant to section 3. It may enter into agreements or other transactions concerning the receipt or provision of those services.

Subd. 17. Financial information, including, but not limited to, credit reports, financial statements and net worth calculations, received or prepared by the agency regarding any project loan is private data on individuals as defined in Minnesota Statutes, Section 15.162, Subdivision 5a.

Subd. 18. It may accept appropriations, gifts, grants, bequests and devises and use or dispose of them for its corporate purposes.

Subd. 19. All proceeds of the agency's bonds, notes and other obligations, all income from their investment and all revenues from loans, fees and charges of the agency are annually appropriated to the agency for the accomplishment of its corporate purposes and shall be expended, administered and accounted for in accordance with the applicable provisions of all bond and note resolutions, indentures and other instruments, contracts, and agreements of the agency. Notwithstanding Minnesota Statutes, Section 16A.28, these appropriations are available until expended.

Sec. 5. [362.132] [SMALL BUSINESS FINANCE AGENCY.] The commissioner of economic development may enter into agreements or transactions with the small business finance agency created under section 2 to perform any or all administrative tasks in connection with the exercise and implementation of the powers and programs of the small business finance agency.

Sec. 6. [EFFECTIVE DATE.] This act is effective the day following final enactment."

Amend the title as follows:

Page 1, line 3, delete "borrow" and insert "sell tax exempt revenue bonds"

Page 1, line 4, before the period insert "; appropriating money"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Governmental Operations.

The report was adopted.

Moe from the Committee on Governmental Operations to which was referred:

H. F. No. 2047, A bill for an act relating to state government; raising the limit on the balance allowed to remain in the state auditor's revolving fund; empowering the state auditor to establish a personnel recruitment, hiring, promotional, and salary plan in consultation with the commissioner of the department of personnel; amending Minnesota Statutes 1978, Section 6.58; and Chapter 6, by adding a section.

Reported the same back with the following amendments:

Page 3, line 3, after "*implement*" insert "*for non-clerical positions in the office of the state auditor*"

Page 3, line 5, after "*plan*" delete "*in consultation with the commissioner of personnel*" and after the period insert "*The plan shall be approved by the commissioner of personnel before becoming effective.*"

Further amend the title:

Page 1, line 6, delete "in"

Page 1, line 7, delete "consultation" and after "with" insert "the approval of"

With the recommendation that when so amended the bill pass.

The report was adopted.

Prahl from the Committee on Commerce, Economic Development and Housing to which was referred:

H. F. No. 2069, A bill for an act relating to commerce; providing for ownership rights in dies and molds under certain conditions.

Reported the same back with the following amendments:

Page 1, line 10, before the period insert "to be used for the manufacture of plastic products"

Page 1, line 13, before the period insert "to be used for the manufacture of plastic products"

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Casserly from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 2090, A bill for an act relating to intoxicating liquor; authorizing the issuance of Sunday sales licenses by county boards in unorganized territory without voter approval; amending Minnesota Statutes 1978, Section 340.14, Subdivision 5.

Reported the same back with the following amendments:

Page 3, after line 1, add new sections to read:

"Sec. 2. Any Sunday on-sale intoxicating liquor license issued to a licensed premises before the effective date of this act is hereby legalized and validated.

Sec. 3. This act is effective on the day following its final enactment."

With the recommendation that when so amended the bill pass.

The report was adopted.

Moe from the Committee on Governmental Operations to which was referred:

H. F. No. 2099, A bill for an act relating to state government; creating a state council on Black Minnesotans; appropriating money.

Reported the same back with the following amendments:

Page 1, line 12, after "membership" delete the comma

Page 1, line 13, after "vacancies" insert "for non-legislative members"

Page 1, line 14, delete "15.0575" and insert "15.059" and after the period insert "In addition, two members of the house of representatives appointed by the speaker and two members of the senate appointed by the committee on rules and administration shall serve as ex-officio, non-voting members of the council."

Page 2, line 6, delete "commissioner of personnel" and insert "governor and the legislature"

Page 3, line 3, delete "will have their primary"

Page 3, line 4, delete "effect" and insert "impact significantly"

Page 3, line 5, delete "and recommendation"

Page 3, delete Section 6

Renumber the remaining sections in sequence

Page 3, line 18, delete "11" and insert "8"

Page 3, line 24, delete "11" and insert "8"

Page 4, line 16, delete "\$82,000" and insert "\$"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Fudro from the Committee on Transportation to which was referred:

H. F. No. 2110, A bill for an act relating to motor vehicles; authorizing the identification of certain tax exempt vehicles by use of removable plates or placards; amending Minnesota Statutes 1978, Section 168.012, Subdivision 1.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Moe from the Committee on Governmental Operations to which was referred:

H. F. No. 2115, A bill for an act relating to state government; providing for the publication of certain agency data and for notice of vacancies on boards, commissions, councils, task forces, and similar agencies; appropriating money; amending Minnesota Statutes 1978, Section 15.0597, Subdivisions 3, 4, 5, 6 and 7.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Moe from the Committee on Governmental Operations to which was referred:

H. F. No. 2191, A bill for an act relating to unemployment compensation; including certain services as within definition of employment; providing for the noncharging of certain benefits; regulating accounts of successor employers; regulating reimbursements; providing for deductions from benefits; clarifying a certain disqualification from benefits; regulating employ-

er protests; regulating certain interest charges and penalties; providing for adjustments; amending Minnesota Statutes 1978, Sections 268.06, Subdivisions 25, 26 and 28; 268.10, Subdivision 1; 268.16, Subdivisions 1, 2 and 6; and Minnesota Statutes, 1979 Supplement, Sections 268.04, Subdivision 12; 268.06, Subdivisions 5, 22 and 33; 268.08, Subdivision 3; and 268.09, Subdivision 1.

Reported the same back with the following amendments:

Page 16, line 28, after "to" insert "*an employer that is liable for payments in lieu of contributions or to*"

Page 16, line 29, strike "who" and insert "*if the employer*"

Page 17, delete lines 17 and 18 and insert "*Benefits shall not be charged to an employer that is liable for payments in lieu of contributions or to the experience rating account of an employer for*"

Page 17, line 22, after "the" insert "*unemployed*"

Page 17, delete lines 26 to 28

Page 19, line 26, strike "this chapter, including"

Page 19, line 27, strike the comma

Page 27, line 11, after the period insert "*For the purpose of this clause, a separation from employment by reason of its temporary nature or for inability to pass a test or for inability to meet performance standards necessary for continuation of employment shall not be deemed voluntary.*"

Page 27, delete lines 25 to 30 and insert "*An individual who is separated from his employment due to his illness of chemical dependency which has been professionally diagnosed or who has voluntarily submitted for treatment and who fails to make consistent efforts to maintain the treatment he knows or has been professionally advised is necessary to control that illness has not made reasonable efforts to retain his employment.*"

Page 35, after line 24, insert:

"Sec. 14. (EFFECTIVE DATE.) *The provision of section 9 which amends Minnesota Statutes, Section 268.09, Subdivision 1, clause (1) is effective July 27, 1979. All other provisions of this act are effective the day following final enactment.*"

With the recommendation that when so amended the bill pass.

The report was adopted.

Casserly from the Committee on Local and Urban Affairs to which was referred:

S. F. No. 824, A bill for an act relating to local government; limiting spending for certain cemeteries; amending Minnesota Statutes 1978, Section 471.24; repealing Minnesota Statutes 1978, Section 471.25.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Casserly from the Committee on Local and Urban Affairs to which was referred:

S. F. No. 1114, A bill for an act relating to the town of White Bear in Ramsey County; permitting exercise of powers relating to sewers, drains and waterworks.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Casserly from the Committee on Local and Urban Affairs to which was referred:

S. F. No. 1438, A bill for an act relating to towns; providing for the date and notice of town meetings; amending Minnesota Statutes 1978, Section 365.51.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Casserly from the Committee on Local and Urban Affairs to which was referred:

S. F. No. 1611, A bill for an act relating to local government; establishing the Moorhead-Clay County area redevelopment authority; terminating the existence of the Moorhead local redevelopment agency and the Clay County local redevelopment agency; granting certain powers to the city of Moorhead and the county of Clay.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [ESTABLISHMENT OF AUTHORITY.] The Moorhead-Clay County area redevelopment agency, heretofore established and operating as a joint board under Minnesota Statutes, Chapter 472, is declared to be a public corporation and political subdivision of the state with perpetual succession and all rights, powers, privileges, immunities, and duties which may be validly granted to or imposed upon a municipal corporation, as provided in this act, and shall be known hereafter as the Moorhead-Clay County area redevelopment authority. The passage of this act shall not affect the title or interest of the authority in or to any real or personal property, contract or obligation, and shall not impair the effectiveness of any action taken heretofore by the board or any employee or agent of the authority.

Sec. 2. [GENERAL POWERS OF THE AUTHORITY.] Minnesota Statutes, Sections 472.01 to 472.16, with all the powers and duties therein granted, apply to the Moorhead-Clay County area redevelopment authority, except as hereinafter provided.

Sec. 3. [POWERS OF EMINENT DOMAIN.] In addition to the powers granted in Minnesota Statutes, Sections 472.01 to 472.16, the Moorhead-Clay County area redevelopment authority may acquire real and personal property which it deems necessary for its purposes under this act by exercise of the power of eminent domain, as provided by Minnesota Statutes, Chapter 117, without regard to the procedural requirements of Minnesota Statutes, Section 472.08, Subdivision 1.

Sec. 4. [STATUS AS REDEVELOPMENT AGENCY.] The Moorhead-Clay County area redevelopment authority is declared to be a "redevelopment agency," as that term is defined in Minnesota Statutes, Chapter 474, with all the powers and duties which that designation entails under Minnesota Statutes, Chapter 474.

Sec. 5. [TRANSFER OF REAL PROPERTY.] Notwithstanding the provisions of any other law or of any city charter, the city of Moorhead and Clay County, separately or jointly, may transfer, with or without consideration and upon the terms and conditions their respective governing bodies may determine, any interest in real property, including fee title, to the Moorhead-Clay County area redevelopment authority. Any transfer shall be authorized by a resolution which shall contain among its provisions the following: (a) a general description and a legal description of the property; (b) a finding by the appropriate governing body that the real property involved is a "redevelopment area" as that term is defined in Minnesota Statutes, Section 472.03, Subdivision 7; (c) a statement as to the consideration, if any, to be received at the time of transfer; and (d) any other information deemed appropriate by the governing body. Any conveyance or transfer of real property pursuant to this section shall be by quitclaim deed.

Sec. 6. [CONTRIBUTIONS; CONTRACTS FOR SERVICE.] Notwithstanding the provisions of any other law or of any city charter, the city of Moorhead and Clay County, separately or jointly, may make grants and loans of money, services or personal property to the Moorhead-Clay County area redevelopment authority, and the Moorhead-Clay County area redevelopment authority may receive the grants and loans, on the terms and conditions the respective governing bodies of the city and county deem appropriate. Notwithstanding the provisions of any other law or of any city charter, the city of Moorhead and Clay County, separately or jointly, may lease, sell or otherwise provide to the Moorhead-Clay County area redevelopment authority any services or personal property, on terms and conditions the respective governing bodies of the city and county deem appropriate. The provisions of Minnesota Statutes, Chapter 475, shall not apply to loans, sales contracts or leases made pursuant to this section.

Sec. 7. [GIFTS, GRANTS AND LOANS.] Notwithstanding any contrary provision of law, the Moorhead-Clay County area redevelopment authority may accept gifts of money, property or services, may apply for and accept grants or loans of money or other property from the United States, the state, any subdivision of the state, or any person for any of its purposes, may enter into any agreement required in connection therewith, and may hold, use, and dispose of the money, property, or services in accordance with the terms of the gift, grant, loan or agreement relating thereto. Any loan accepted by the Moorhead-Clay County area redevelopment authority under this section may be secured by mortgages or other security interests upon property held by or to be held by the Moorhead-Clay County area redevelopment authority or by pledge of all or any part of the revenues of the Moorhead-Clay County area redevelopment authority, including any grants or gifts.

Sec. 8. [ISSUANCE OF BONDS.] Bonds issued by the Moorhead-Clay County area redevelopment authority under Minnesota Statutes, Chapter 472, may be sold at a price equal to the percentage of the par value thereof, plus interest, and bearing interest at the rate or rates, without limitation, as the board may determine, notwithstanding contrary provisions contained in Minnesota Statutes, Section 472.09, Subdivision 6. The bonds are securities in which all public officers and bodies of the state, its agencies and political subdivisions, all banks, all insurance companies and associations, and all savings banks and institutions, including savings and loan associations, may properly and legally invest funds within their control, notwithstanding the contrary provisions contained in Minnesota Statutes, Section 472.09, Subdivision 7.

Sec. 9. [CONSENT OF CITY.] The powers granted by this act to the Moorhead-Clay County area redevelopment authority shall not be effective within the corporate boundaries of any statutory or home rule charter city except the city of Moorhead

unless the city council of the city has given its consent to the exercise of powers.

Sec. 10. [CONFLICT OF INTEREST.] No commissioner or employee of the Moorhead-Clay County area redevelopment authority may have or acquire any interest, direct or indirect, in any redevelopment project or property included or planned to be included in any redevelopment project, or any interest, direct or indirect, in any contract or proposed contract for materials or services to be furnished or used in connection with any redevelopment project, except that:

(a) A commissioner or employee may have or acquire an interest, direct or indirect, in a contract for materials to be provided or services to be performed in connection with the improvement of any land previously owned by the authority, if (1) the contract is entered into subsequent to the time that the authority has transferred title to the land to a developer or expected user of land; (2) disclosure of the contract is made to the authority in writing when the contract is entered; and (3) the disclosure is entered upon the minutes of the authority;

(b) No contract between the authority and the Greater Moorhead Development Corporation for the sale, lease or development of any land owned by the authority shall be in violation of this section. Any commissioner or employee of the authority who has any interest, direct or indirect, in the Greater Moorhead Development Corporation shall disclose the interest to the authority in writing and the disclosure shall be entered upon the minutes of the authority. A commissioner with an interest shall abstain from the discussion, consideration and vote on the sale, lease or contract for development. An employee with an interest shall refrain from discussion or consideration of or making any recommendation with respect to the sale, lease or contract for development.

Violation of this section shall not impair the validity of any bonds or the underlying security therefor.

Sec. 11. [EXISTING AREA REDEVELOPMENT AGENCIES.] On July 1, 1980, or an earlier date as the board of the Moorhead-Clay County area redevelopment authority shall determine, the corporate existence of the city of Moorhead local redevelopment agency and the Clay County local redevelopment agency, heretofore established under Minnesota Statutes, Chapter 472, shall terminate. On July 1, 1980, or the earlier date, all funds of the redevelopment agencies then on hand shall be transferred to or made payable to the Moorhead-Clay County area redevelopment authority. On July 1, 1980, or the earlier date, the Moorhead-Clay County area redevelopment authority shall succeed to and become vested with all right, title and interest in and to any property real or personal, owned or operated by the local redevelopment agencies. Prior to that date the proper officers of the local redevelopment agencies shall execute and de-

liver to the Moorhead-Clay County area redevelopment authority all deeds, conveyances, bills of sale, and other documents or instruments required to vest in the board good and marketable title to all the real or personal property, but this act shall operate as transfer and conveyance to the board of the real or personal property, if not so transferred, as may be required under the law or under the circumstances. On July 1, 1980, or the earlier date, the Moorhead-Clay County area redevelopment authority shall become obliged to pay or assume all outstanding contracts or obligations incurred by the local redevelopment agencies.

Sec. 12. [MEMBERSHIP OF BOARD OF COMMISSIONERS.] The Moorhead-Clay County area redevelopment authority shall be governed by a board of seven commissioners, two of which may be elected public officials. The present commissioners of the Moorhead-Clay County area redevelopment agency are confirmed in their offices for the terms for which they were respectively originally appointed and until the expiration dates that the board determines by resolution for the purpose of staggering the terms of the present commissioners. Future appointments to the board, whether occasioned by a vacancy or the expiration of a term, shall be made as follows:

(a) The city council of the city of Moorhead shall appoint three commissioners. The commissioners to be hereafter appointed by the city council of the city of Moorhead are for the positions now held by the persons originally appointed to the board by the city council of the city of Moorhead.

(b) The board of Clay County commissioners shall appoint four commissioners. The commissioners to be hereafter appointed by the board of Clay County commissioners are for the positions now held by the persons originally appointed to the board by the board of Clay County commissioners and the person originally appointed to the board by the governor of the state of Minnesota.

(c) All future appointments shall be for a term of five years unless made for the unexpired portion of an existing term. All commissioners shall be residents of Clay County. Determination of a vacancy in the office of a commissioner shall be made under Minnesota Statutes, Section 351.02. A commissioner appointed by the city council of the city of Moorhead may be removed by the unanimous vote of the city council of the city of Moorhead, with or without cause. A commissioner appointed other than by the city council of the city of Moorhead may be removed by the unanimous vote of the board of commissioners of Clay County, with or without cause.

Sec. 13. [COMMISSIONERS' COMPENSATION.] Each commissioner, including the chairman, may be paid for attending meetings of the board, or any meetings designated by the board for attendance by board members. No commissioner shall be entitled to be paid for attending meetings of the board until

a resolution has been passed by the board authorizing the payments and detailing the rates, terms and conditions of the payment and until that resolution has been approved by the city council of the city of Moorhead and the board of Clay County commissioners. In addition to the payment for attendance at meetings of the board, each commissioner shall be entitled to receive reimbursement for necessary expenses, including travel expenses, incurred in the performance of activities authorized by the board, but only upon the submission of reimbursement requests in a written form satisfactory to the board.

Sec. 14. [EXEMPTION OF PROPERTY.] Notwithstanding any contrary provision of law, any real or personal property acquired, owned, leased, controlled, used or occupied by the Moorhead-Clay County area redevelopment authority for any of its purposes is declared to be acquired, owned, leased, controlled, used and occupied for public, governmental, and municipal purposes, and shall be exempt from taxation by the state or any political subdivision of the state, subject however to the requirements of Minnesota Statutes, Section 272.01, Subdivision 2. The properties are subject to special assessments levied by a political subdivision for a local improvement in amounts proportionate to and not exceeding the special benefit received by the properties from the improvement.

Sec. 15. [FOREIGN TRADE ZONE POWERS.] The board may apply to the board defined in 19 U.S.C., Section 81a, for authorization to exercise the powers provided for in 19 U.S.C., Sections 81a to 81u, and may upon receiving authorization exercise those powers.

Sec. 16. [LOCAL APPROVAL.] This act is effective upon its approval by the city council of the city of Moorhead and the board of county commissioners of Clay County and compliance with Minnesota Statutes, Section 645.021."

With the recommendation that when so amended the bill pass.

The report was adopted.

Casserly from the Committee on Local and Urban Affairs to which was referred:

S. F. No. 1625, A bill for an act relating to the town of Greenwood; granting the town the power to specially assess for a bridge improvement.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 378, 1439, 1488, 1534, 1623, 1679, 1699, 1707, 1742, 1760, 1768, 1796, 1812, 1816, 1834, 1837, 1850, 1873, 1884, 1896, 1898, 1899, 1904, 1905, 1911, 1916, 1932, 1991, 2024, 2028, 2034, 2047, 2069, 2090, 2110 and 2191 were read for the second time.

SECOND READING OF SENATE BILLS

S. F. Nos. 1584, 824, 1114, 1438, 1611 and 1625 were read for the second time.

INTRODUCTION AND FIRST READING
OF HOUSE BILLS

The following House Files were introduced:

Peterson, B.; Rothenberg; Faricy; Sieben, M., and Pleasant introduced:

H. F. No. 2307, A bill for an act relating to human rights; prohibiting employment discrimination based on activity in a local human rights commission; amending Minnesota Statutes 1978, Section 363.03, Subdivision 1.

The bill was read for the first time and referred to the Committee on Judiciary.

Eken introduced:

H. F. No. 2308, A bill for an act relating to the state building code; authorizing municipalities under 5,000 to elect that the code not apply within their jurisdictions.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Simoneau introduced:

H. F. No. 2309, A bill for an act relating to workers' compensation; creating a small claims division within the workers' compensation division of the department of labor and industry.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Prahl introduced:

H. F. No. 2310, A bill for an act relating to taxation; income; providing a deduction for carpool and vanpool commuting costs; amending Minnesota Statutes 1978, Section 290.09, Subdivision 2.

The bill was read for the first time and referred to the Committee on Taxes.

Prahl introduced:

H. F. No. 2311, A bill for an act relating to taxation; income; providing a deduction for commuting costs; amending Minnesota Statutes 1978, Section 290.09, Subdivision 2.

The bill was read for the first time and referred to the Committee on Taxes.

Simoneau introduced:

H. F. No. 2312, A bill for an act relating to public safety; regulating boilers, other apparatus and their operators; providing penalties; amending Minnesota Statutes 1978, Sections 183.375, Subdivision 2; 183.38; 183.39, Subdivision 1; 183.41, Subdivision 2; 183.42; 183.44; 183.45; 183.46; 183.465; 183.48; 183.50; 183.51; 183.52; 183.53; 183.54; 183.545; 183.56; 183.57; 183.59; 183.60; 183.61; 183.62; and Chapter 183, by adding sections; repealing Minnesota Statutes 1978, Section 183.39, Subdivision 2.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Simoneau introduced:

H. F. No. 2313, A bill for an act relating to health; establishing a fund to compensate employees with disabilities attributable to occupational diseases and to smoking; imposing an additional excise tax on cigarettes; imposing duties on the commissioner of labor and industry; amending Minnesota Statutes 1978, Sections 297.02, Subdivision 1; 297.13; and Chapter 176, by adding a section.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Moe, for the Committee on Governmental Operations, introduced:

H. F. No. 2314, A bill for an act relating to the legislative auditor; clarifying access to data; amending Minnesota Statutes 1978, Section 3.97, by adding subdivisions.

The bill was read for the first time and laid over one day.

Jacobs; Fudro; Nelsen, B.; Jude and Haukoos introduced:

H. F. No. 2315, A bill for an act relating to advertising devices; providing for local regulation of certain devices; requiring compensation for removing certain devices; providing for maintenance of areas; amending Minnesota Statutes 1978, Section 173.08, Subdivision 2; 173.13, Subdivision 1; 173.17; and Chapter 173, by adding a section.

The bill was read for the first time and referred to the Committee on Transportation.

Berglin and Wenzel introduced:

H. F. No. 2316, A bill for an act relating to public welfare; changing certain eligibility requirements for medical assistance; amending Minnesota Statutes, 1979 Supplement, Section 256B.06, Subdivision 1.

The bill was read for the first time and referred to the Committee on Health and Welfare.

Berglin; Kahn; Anderson, D., and Anderson, G., introduced:

H. F. No. 2317, A bill for an act relating to the arts; providing for a payment to the artist and to the board of the arts upon the sale of certain works of fine art; providing for the use of the payments by the board; authorizing an action for damages if a payment is not made; appropriating money.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Jennings; Dempsey; Johnson, D.; Ainley and Thiede introduced:

H. F. No. 2318, A bill for an act relating to local government; permitting local governmental bodies to set mileage allowances for officers and employees; amending Minnesota Statutes 1978, Section 471.665, Subdivision 3; and Minnesota Statutes, 1979 Supplement, Section 471.665, Subdivision 1.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Jennings, Stowell, Haukoos, Drew and Blatz introduced:

H. F. No. 2319, A bill for an act relating to crimes; appropriating money for the investigation of narcotics offenses; amending Minnesota Statutes, 1979 Supplement, Section 299C.065, Subdivision 1.

The bill was read for the first time and referred to the Committee on Criminal Justice.

Long, Dean and Peterson, D., introduced:

H. F. No. 2320, A bill for an act relating to the city of Minneapolis; authorizing the creation of an economic development and redevelopment agency or department.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Weaver, McCarron, Pleasant, Casserly and Schreiber introduced:

H. F. No. 2321, A bill for an act relating to the environment; providing for studies of potential soil and ground water contamination in cases where there is actual or potential danger to drinking water supplies resulting from the disposal of hazardous wastes; authorizing the attorney general to recover the costs of the studies under certain circumstances; appropriating money.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Simoneau introduced:

H. F. No. 2322, A bill for an act relating to health; regulating the use of ionizing radiation; directing the commissioner of health to set standards related to the use of x-ray equipment; setting a penalty.

The bill was read for the first time and referred to the Committee on Health and Welfare.

Osthoff introduced:

H. F. No. 2323, A bill for an act relating to retirement; specifying eligibility for early retirement health and welfare insurance coverage for certain employees of the city of St. Paul.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Heinitz introduced:

H. F. No. 2324, A bill for an act relating to children; defining and specifying disposition of endangered children; changing procedures relative to termination of parental rights; amending Minnesota Statutes 1978, Sections 260.015, by adding a subdivision; 260.103, Subdivision 1; 260.111, Subdivision 1; 260.121, Subdivision 1; 260.131, Subdivision 1; 260.135, Subdivision 3; 260.155, Subdivision 4; 260.191, Subdivisions 1, 4, and by adding a subdivision; 260.221; 260.235; 260.255, Subdivisions 1 and 2; 260.291, Subdivision 1; 260.315; 260.35; 260.36; 260.41; 260.44; and 260.45.

The bill was read for the first time and referred to the Committee on Criminal Justice.

Johnson, D.; Lehto; Welker; Wenzel and Forsythe introduced:

H. F. No. 2325, A bill for an act relating to taxation; providing for interest on certain generally tax exempt obligations; amending Minnesota Statutes 1978, Section 475.55, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Taxes.

Nysether introduced:

H. F. No. 2326, A bill for an act relating to taxation; imposing penalties for failure to file returns for Kittson and Marshall counties' gravel tax; amending Laws 1977, Chapter 112, Section 3.

The bill was read for the first time and referred to the Committee on Taxes.

Otis introduced:

H. F. No. 2327, A bill for an act relating to taxation; income tax; allowing certain transportation expenses as a medical deduction; amending Minnesota Statutes 1978, Section 290.09, Subdivision 10.

The bill was read for the first time and referred to the Committee on Taxes.

Olsen and Knickerbocker introduced:

H. F. No. 2328, A bill for an act appropriating money to Independent School District No. 274, Hopkins, to reimburse the district for certain consolidation costs.

The bill was read for the first time and referred to the Committee on Education.

Crandall and Sieben, M., introduced:

H. F. No. 2329, A bill for an act relating to attachment, garnishment and executions; exempting certain insurance contracts and rights of action from garnishment or attachment; amending Minnesota Statutes 1978, Section 550.37, by adding subdivisions.

The bill was read for the first time and referred to the Committee on Judiciary.

Anderson, R., introduced:

H. F. No. 2330, A bill for an act relating to state government; establishing a grant-in-aid program to partially fund construction of historical interpretive centers; appropriating money.

The bill was read for the first time and referred to the Committee on Appropriations.

Novak introduced:

H. F. No. 2331, A bill for an act relating to transportation; permitting certain exemptions from motor carrier reporting requirements; permitting establishment of driver qualifications and safety requirements for certain carriers; creating a single annual renewal date for holders of multiple permits; permitting issuance of "floater" identification cards to motor carriers; clarifying enforcement powers; amending Minnesota Statutes 1978, Sections 221.031; 221.131; and 221.221.

The bill was read for the first time and referred to the Committee on Transportation.

Niehaus, Brinkman, Jude, Aasness and Fjoslien introduced:

H. F. No. 2332, A bill for an act relating to health; directing the department of health to undertake studies for determining health and environmental effects of high voltage transmission lines; appropriating money.

The bill was read for the first time and referred to the Committee on Appropriations.

Norman and Drew introduced:

H. F. No. 2333, A bill for an act relating to crimes; prohibiting the setting of certain traps; increasing the penalties for the setting of certain devices; amending Minnesota Statutes 1978, Section 609.665.

The bill was read for the first time and referred to the Committee on Criminal Justice.

Fudro, Rees and Johnson, C., introduced:

H. F. No. 2334, A bill for an act relating to transportation; permitting establishment of toll bridges on county highways and county state aid highways; authorizing the issuance of revenue bonds to finance their cost; amending Minnesota Statutes 1978, Chapter 165, by adding a section.

The bill was read for the first time and referred to the Committee on Transportation.

Wenzel; Carlson, D.; Voss; Ludeman and Novak introduced:

H. F. No. 2335, A bill for an act relating to state government; eliminating pay increases for certain government employees; amending Minnesota Statutes, 1979 Supplement, Sections 15A.-081, Subdivision 6; and 15A.083, Subdivisions 1 and 2.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Greenfield, Novak, Jennings, Vanasek and Kelly introduced:

H. F. No. 2336, A bill for an act relating to crimes; establishing the crime of commercial bribery; prescribing penalties.

The bill was read for the first time and referred to the Committee on Criminal Justice.

Peterson, B.; Zubay; Johnson, D.; Reif and Heinitz introduced:

H. F. No. 2337, A bill for an act relating to education; creating a commission to study equalization of the compensation of teachers at community colleges, state universities and the University of Minnesota; appropriating money.

The bill was read for the first time and referred to the Committee on Education.

Dean introduced:

H. F. No. 2338, A bill for an act relating to foreign corporations; removing certain deficiencies and ambiguities; defining certain activities that do not constitute transacting business in the state; and removing limitations on engaging in the business of making real estate loans; amending Minnesota Statutes 1978, Sections 303.02, Subdivision 3; 303.03; 303.04; and 303.25.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Dean; Ewald; Clark; Kahn and Carlson, D., introduced:

H. F. No. 2339, A bill for an act relating to transportation; granting an income tax credit for commuter van purchases; establishing a Minnesota rideshare program; appropriating funds; amending Minnesota Statutes 1978, Section 290.06, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Transportation.

Dean, Greenfield, Nysether, Rees and Otis introduced:

H. F. No. 2340, A bill for an act relating to public utilities; establishment of rates for cogenerating power plants; amending Minnesota Statutes 1978, Chapter 216B, by adding a section.

The bill was read for the first time and referred to the Committee on Energy and Utilities.

Adams, Corbid, Ellingson and Ewald introduced:

H. F. No. 2341, A bill for an act relating to financial institutions; granting certain lending powers to savings associations and savings and loan associations; amending Minnesota Statutes 1978, Section 51A.21, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Jude and McEachern introduced:

H. F. No. 2342, A bill for an act relating to witnesses; exempting parents and minors from testifying with respect to confidential communications made by the minor to parent; amending Minnesota Statutes 1978, Section 595.02.

The bill was read for the first time and referred to the Committee on Judiciary.

Nelsen, M., introduced:

H. F. No. 2343, A bill for an act relating to taxation; sales and use; exempting certain sales made by persons age 60 or over; amending Minnesota Statutes, 1979 Supplement, Section 297A.25, Subdivision 1.

The bill was read for the first time and referred to the Committee on Taxes.

Long and Casserly introduced:

H. F. No. 2344, A bill for an act relating to commerce; restricting the scope of the corporate take-over statute; amending Minnesota Statutes 1978, Sections 80B.02, Subdivision 5; 80B.03, Subdivisions 2 and 3; repealing Minnesota Statutes 1978, Sections 80B.02, Subdivision 8; and 80B.03, Subdivisions 4 and 5.

The bill was read for the first time and referred to the Committee on Commerce, Economic Development and Housing.

Long, Casserly, Byrne and Dempsey introduced:

H. F. No. 2345, A bill for an act relating to eminent domain; providing for the taking of possession and title by the petitioner under certain circumstances; providing that certain payments deposited with the court shall be paid out under direction of the court; amending Minnesota Statutes 1978, Section 117.042.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Long, Casserly, Byrne and Dempsey introduced:

H. F. No. 2346, A bill for an act relating to children; providing for review of foster care of certain developmentally disabled children; amending Minnesota Statutes 1978, Section 257.071, Subdivision 3, and by adding a subdivision.

The bill was read for the first time and referred to the Committee on Judiciary.

Long, Casserly, Byrne and Dempsey introduced:

H. F. No. 2347, A bill for an act relating to the family; changing certain procedures and criteria for termination of parental rights; amending Minnesota Statutes 1978, Sections 260.221; 260.241, Subdivisions 1 and 2; and Chapter 260, by adding a section.

The bill was read for the first time and referred to the Committee on Judiciary.

Ellingson introduced:

H. F. No. 2348, A bill for an act relating to probate; changing certain time limits and procedures for a personal representative to file an inventory and appraisal; amending Minnesota Statutes, 1979 Supplement, Section 524.3-706.

The bill was read for the first time and referred to the Committee on Judiciary.

Welch introduced:

H. F. No. 2349, A bill for an act relating to retirement; authorizing the purchase of prior service credit in the public employees retirement association by a certain county commissioner.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Nelsen, M.; Brinkman; Reding; Kalis and Pehler introduced:

H. F. No. 2350, A bill for an act relating to regional development commissions; requiring a report on the commission's effectiveness; providing procedures for terminating commissions; amending Minnesota Statutes 1978, Section 462.398; and Chapter 462, by adding a section.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Den Ouden introduced:

H. F. No. 2351, A bill for an act relating to the city of Redwood Falls; authorizing the issuance of general obligation revenue bonds to finance improvements to the electric utility of the city.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Clawson; Anderson, B.; Kalis; Jennings and Weaver introduced:

H. F. No. 2352, A bill for an act relating to education; providing for school bus safety education; eliminating certain requirements relating to the use of stop signal arms, flashing red signals and school patrol flags and signals in connection with school buses; imposing a duty on the driver of a school bus; amending Minnesota Statutes 1978, Section 169.44, Subdivision 2.

The bill was read for the first time and referred to the Committee on Education.

Johnson, C.; Munger and Dempsey introduced:

H. F. No. 2353, A bill for an act relating to water resources; continuing the water planning board; changing its membership and duties; appropriating money; amending Minnesota Statutes 1978, Section 105.401; and Laws 1979, Chapter 333, Section 31, Subdivision 5.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Welch; Anderson, B.; Stadum and Carlson, D., introduced:

H. F. No. 2354, A bill for an act relating to agriculture; agreeing to the Interstate Compact on Agricultural Grain Marketing.

The bill was read for the first time and referred to the Committee on Agriculture.

Kempe, Metzen and Halberg introduced:

H. F. No. 2355, A bill for an act relating to local improvements; fixing the date for prepayment of special assessments; amending Minnesota Statutes 1978, Section 429.061, Subdivision 3.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Johnson, D., and Jennings introduced:

H. F. No. 2356, A bill for an act relating to commerce; exempting savings associations from licensing and bonding requirements of safe deposit companies; deleting the dollar limitation on examination fees; amending Minnesota Statutes 1978, Sections 55.06, Subdivision 1; and 55.095.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Anderson, R.; Wenzel; Evans; Redalen and Esau introduced:

H. F. No. 2357, A bill for an act relating to waters; effective date of notice of cancellation of permits to appropriate public waters; amending Minnesota Statutes 1978, Section 105.44, Subdivision 9.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Wynia; Hokanson; Anderson, R.; Rice and Den Ouden introduced:

H. F. No. 2358, A bill for an act relating to handicapped persons; providing for the establishment of centers for independent living; authorizing the promulgation of rules; appropriating money.

The bill was read for the first time and referred to the Committee on Health and Welfare.

Nelsen, M., introduced:

H. F. No. 2359, A bill for an act relating to health; assisting rural health cooperatives; appropriating money.

The bill was read for the first time and referred to the Committee on Health and Welfare.

Jennings, Brinkman, Metzen and Ludeman introduced:

H. F. No. 2360, A bill for an act relating to interest; regulating rates of interest on loans for business and agricultural transactions; removing certain deficiencies and ambiguities; amending Minnesota Statutes, 1979 Supplement, Section 334.011, Subdivision 1.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Corbid introduced:

H. F. No. 2361, A bill for an act relating to retirement; police survivor benefits in the city of Thief River Falls.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Simoneau introduced:

H. F. No. 2362, A bill for an act relating to highways; prohibiting the use of salt and chemicals for the removal of snow and ice from highways and streets; amending Minnesota Statutes 1978, Chapter 160, by adding a section; repealing Minnesota Statutes 1978, Section 160.215.

The bill was read for the first time and referred to the Committee on Transportation.

Pleasant, Clawson, Olsen, Casserly and Valento introduced:

H. F. No. 2363, A bill for an act relating to metropolitan government; providing for a metropolitan rail transit program; providing financing; appropriating money; amending Minnesota Statutes 1978, Sections 473.401, by adding subdivisions; 473.402, by adding a subdivision; and Chapter 473, by adding sections.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Swanson introduced:

H. F. No. 2364, A bill for an act relating to taxation; changing the eligibility of the election by small business corporations; amending Minnesota Statutes 1978, Section 290.972, Subdivision 1.

The bill was read for the first time and referred to the Committee on Taxes.

Rees, Brinkman, Heinitz, Wynia and Wenzel introduced:

H. F. No. 2365, A bill for an act relating to insurance; providing for a program of continuing education; establishing a continuing insurance education advisory committee; authorizing the commissioner of insurance to promulgate rules and to implement the program.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Carlson, D., introduced:

H. F. No. 2366, A bill for an act relating to public utilities and telephone companies; regulating delinquency charges on customer or subscriber accounts.

The bill was read for the first time and referred to the Committee on Energy and Utilities.

Carlson, D.; Munger; Reding and Rothenberg introduced:

H. F. No. 2367, A bill for an act relating to the environmental quality board; authorizing intervention in the proceedings of other states and provinces relating to certain energy facilities; clarifying considerations to be made in adopting site and route criteria and standards; authorizing the environmental quality board to consider upgrading of existing facilities; specifying amounts of application fees; creating limitations on judicial review of certain decisions; providing notice for entry onto land; authorizing temporary emergency suspension of construction; providing for enforcement of certificates and permits; requiring the promulgation of emergency rules; amending Minnesota Statutes 1978, Sections 116C.52, by adding subdivisions; 116C.53, by adding a subdivision; 116C.55, Subdivision 2; 116C.57, Subdivisions 1, 2, 4, and by adding a subdivision; 116C.63, by adding subdivisions; 116C.645; 116C.65; 116C.68; and 116C.69, Subdivisions 2, 2a, and 3.

The bill was read for the first time and referred to the Committee on Energy and Utilities.

Knickerbocker introduced:

H. F. No. 2368, A bill for an act relating to elections; changing certain procedures and the effect of absentee ballots; amending Minnesota Statutes 1978, Section 207.05, Subdivision 1.

The bill was read for the first time and referred to the Committee on General Legislation and Veterans Affairs.

Faricy, for the Committee on Judiciary, introduced:

H. F. No. 2369, A bill for an act relating to Minnesota Statutes; correcting erroneous, ambiguous, omitted and obsolete references and text; eliminating certain redundant, conflicting and superseded provisions; reenacting a law; amending Minnesota Statutes 1978, Sections 15.052, Subdivision 9; 16.851, Subdivision 1; 16A.26; 25.31; 25.32; 25.33, Subdivisions 1 and 5; 25.34, Subdivision 3; 25.36; 25.40; 25.41, Subdivisions 1 and 5; 25.42; 25.43; 25.44; 28A.15, Subdivision 4; 89.35; 89.36, Subdivision 1; 89.39; 93.45, Subdivision 2; 111.21, Subdivision 1; 112.46; 116.02, Subdivision 2; 116.16, Subdivision 2; 116C.65; 116H.06; 120.17, Subdivision 9; 122.531, Subdivision 2; 123.42; 124.212, Subdivision 8a; 124.46, Subdivision 3; 125.12, Subdivision 4; 126.41, Subdivision 2; 128A.04; 136.148; 136.501; 136.503, Subdivision 1; 136.506; 144.225, Subdivision 1; 144A.01, Subdivision 5; 144A.10, Subdivision 1; 144A.24; 145.22; 147.073, Subdivision 1; 161.171, Subdivision 5; 161.173; 162.02, Subdivision 11; 168B.02, Subdivisions 1 and 2; 168B.05; 168B.07, Subdivision 2; 168B.08, Subdivision 3; 169.751; 169.99, Subdivision 3; 179.61; 179.62; 179.63, Subdivisions 1 and 4; 179.65, Subdivision 1; 179.66, Subdivisions 5, 6 and 9; 179.67, Subdivision 1; 179.68; 179.71, Subdivisions 2, 4 and 5; 179.74, Subdivision 2; 181.12; 197.17; 202A.61; 238.01; 238.02, Subdivisions 1 and 4; 238.03; 238.04, Subdivision 9; 238.06, Subdivision 2; 238.08, Subdivision 4; 238.10; 238.16, Subdivision 2; 241.08, Subdivision 2; 241.44, Subdivision 1a; 242.37; 243.07; 243.12; 245.813, Subdivision 9; 256.09; 256.736, Subdivision 3; 256.76, Subdivision 2; 256.78; 256D.10; 256D.13; 260.251, Subdivision 3; 268.013, Subdivision 6; 296.01, Subdivision 1; 296.11; 296.15, Subdivision 2; 296.17, Subdivisions 1 and 5; 296.19; 296.20; 296.24; 301.511, Subdivision 2; 325.01, Subdivision 1; 325.907, Subdivision 1; 326.33, Subdivision 1; 333.055, Subdivision 2; 340.07, Subdivision 11; 340.11, Subdivision 9; 340.12; 340.14, Subdivision 5; 352.116; 352.1191; 352E.01, Subdivision 1; 352E.04; 352E.045; 354.44, Subdivision 5; 359.07, Subdivision 2; 360.018, Subdivisions 7 and 9; 363.02, Subdivision 3; 365.22; 367.33, Subdivision 3; 387.45; 390.23; 394.24, Subdivision 3; 394.25, Subdivision 5a; 401.02, Subdivision 1; 412.251; 419.07; 419.075, Subdivision 2; 422A.06, Subdivision 2; 422A.11, Subdivision 1; 429.061, Subdivision 1; 435.191; 440.40; 459.14, Subdivision 7; 462.352, Subdivision 10; 462.36, Subdivision 1; 465.56, Subdivision 2; 471.591, Subdivision 1; 473.163, Subdivision 3; 473.223; 473F.02,

Subdivision 21; 474.02, Subdivision 1b; 485.018, Subdivision 4; 485.021; 505.178, Subdivision 2; 525.72; 546.10; 626.556, Subdivision 11; 628.41, Subdivision 6; Chapter 390, by adding a section; Minnesota Statutes, 1979 Supplement, Sections 10A.01, Subdivision 11; 62A.02, Subdivision 3; 69.771, Subdivision 1; 179.74, Subdivision 4; 256B.06, Subdivision 1; 273.73, Subdivision 6; 273.76, Subdivision 2; 273.77; 273.86, Subdivision 4; 275.125, Subdivision 9; 290.06, Subdivisions 3g and 14; 326.211, Subdivision 9; 354A.094, Subdivisions 2, 3, 8, and by adding a subdivision; 354A.38, Subdivision 3; 402.01, Subdivision 1; 424A.06, Subdivision 2; 462A.22, Subdivision 1a; 519.11, Subdivision 1; 549.09, Subdivision 1; Laws 1979, Chapters 134, Section 2; 333, Sections 26, and 31, Subdivision 3; 335, Section 3, Subdivision 20; and reenacting Laws 1979, Chapter 303, Article 1, Section 14; repealing Minnesota Statutes 1978, Sections 239.27; 325.01, Subdivisions 8, 9, 10, 11 and 12; 354A.22, as amended by Laws 1979, Chapter 334, Article VII, Sections 23 to 26; 390.33, Subdivision 7; Laws 1976, Chapters 155, Section 1; 222, Sections 30 and 31; 348, Section 15; Laws 1977, Chapter 323, Section 1; Laws 1979, Chapters 31, Section 2; 217, Section 11; and 316, Section 11.

The bill was read for the first time and laid over one day.

Sieben, M., introduced:

H. F. No. 2370, A bill for an act relating to Washington County; permitting the imposition of a tax on removing gravel; providing for its administration; providing a penalty.

The bill was read for the first time and referred to the Committee on Taxes.

Reding introduced:

H. F. No. 2371, A resolution memorializing the President and Congress to adopt federal legislation concerning the destruction of certain energy facilities.

The bill was read for the first time and referred to the Committee on Energy and Utilities.

Anderson, G., introduced:

H. F. No. 2372, A bill for an act relating to waters; creating a South Dakota-Minnesota boundary waters commission; assigning duties and powers; amending Minnesota Statutes 1978, Section 114.13, Subdivisions 1, 2, 4, and by adding a subdivision; repealing Minnesota Statutes 1978, Section 114.13, Subdivision 3.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Murphy introduced:

H. F. No. 2373, A bill for an act relating to game and fish; hours for taking of lake trout; repealing Minnesota Statutes 1978, Section 101.42, Subdivision 8.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Moe, for the Committee on Governmental Operations, introduced:

H. F. No. 2374, A bill for an act relating to the state ceremonial building; creating the state ceremonial building board; amending Minnesota Statutes 1978, Section 16.872.

The bill was read for the first time and laid over one day. Pursuant to rule 5.5 and the Committee recommendation, the bill was placed on the Consent Calendar.

Patton, Sarna and Kaley introduced:

H. F. No. 2375, A bill for an act relating to the public employees retirement association; providing for an exemption from membership therein for certain public employees; amending Minnesota Statutes 1978, Chapter 353, by adding a section.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Johnson, C.; Begich; Jennings; Ainley and Hoberg introduced:

H. F. No. 2376, A bill for an act relating to peace officers; exempting municipalities with a population of less than or equal to 5,000 from part-time officer licensing by the board of peace officer standards and training; authorizing such municipalities to adopt part-time officer licensing ordinances; amending Minnesota Statutes 1978, Chapter 626, by adding a section; and Minnesota Statutes, 1979 Supplement, Section 626.8461.

The bill was read for the first time and referred to the Committee on Criminal Justice.

Murphy, Pehler and Long introduced :

H. F. No. 2377, A bill for an act relating to veterans; prohibiting discrimination against Vietnam veterans; appropriating money; amending Minnesota Statutes 1978, Sections 43.15, Subdivision 6; 363.01, by adding a subdivision; 363.03, Subdivisions 1, 2, 3, 4 and 5; Minnesota Statutes, 1979 Supplement, Section 43.15, Subdivision 1.

The bill was read for the first time and referred to the Committee on General Legislation and Veterans Affairs.

Fjoslien, Schreiber and Casserly introduced :

H. F. No. 2378, A bill for an act relating to state government; regulating hearing procedures of the public service commission; amending Minnesota Statutes 1978, Section 216A.05, Subdivision 5.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Heinitz, Pleasant and Voss introduced :

H. F. No. 2379, A bill for an act relating to commerce; prohibiting certain indemnification clauses in construction contracts.

The bill was read for the first time and referred to the Committee on Commerce, Economic Development and Housing.

Byrne introduced :

H. F. No. 2380, A bill for an act relating to retirement; correcting gender references in the St. Paul police retirement law; amending Laws 1955, Chapter 151, Sections 1, Subdivision 5, as amended; 3, Subdivision 2; 13, as amended; and 16.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Corbid introduced :

H. F. No. 2381, A bill for an act relating to workers' compensation; permitting the commissioner of labor and industry to enter reciprocity agreements with workers' compensation agencies of other states; amending Minnesota Statutes 1978, Section 176.041, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Kvam, Dempsey and Schreiber introduced :

H. F. No. 2382, A bill for an act relating to taxation; property tax refund; providing an additional credit for certain homeowners; appropriating money; amending Minnesota Statutes 1978, Section 290A.04, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Taxes.

Kvam, Dempsey and Schreiber introduced :

H. F. No. 2383, A bill for an act relating to taxation; abolishing the minimum tax on tax preference income; repealing Minnesota Statutes, 1979 Supplement, Section 290.091.

The bill was read for the first time and referred to the Committee on Taxes.

Anderson, I., introduced :

H. F. No. 2384, A bill for an act relating to unemployment compensation; creating an acute local unemployment benefits program; establishing eligibility for such benefits; imposing duties upon the commissioner of economic security; appropriating money; amending Minnesota Statutes 1978, Chapter 268, by adding a section.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Anderson, I.; Sieben, H., and Berglin introduced :

H. F. No. 2385, A bill for an act relating to elections; providing for hearings of contested legislative elections; amending Minnesota Statutes 1978, Sections 209.02, Subdivision 4a; 209.09; and 209.10, Subdivision 1.

The bill was read for the first time and referred to the Committee on General Legislation and Veterans Affairs.

Reding introduced:

H. F. No. 2386, A bill for an act relating to public utilities; removing municipal utilities from public service commission jurisdiction and granting an option in regard thereto; amending Minnesota Statutes 1978, Section 216B.11; and Chapter 216B, by adding a section; repealing Minnesota Statutes 1978, Sections 216B.10, Subdivision 6; 216B.12, Subdivision 2; and 216B.13, Subdivision 2.

The bill was read for the first time and referred to the Committee on Energy and Utilities.

Begich and Elioff introduced:

H. F. No. 2387, A bill for an act relating to retirement; authorizing an increase in retirement and survivor benefits payable by the Eveleth police and firefighters relief associations.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Ellingson introduced:

H. F. No. 2388, A bill for an act relating to delivery or filing of documents; providing for timely delivery or filing of certain documents with respect to weekends and holidays; amending Minnesota Statutes 1978, Chapter 645, by adding a section.

The bill was read for the first time and referred to the Committee on Judiciary.

Ellingson introduced:

H. F. No. 2389, A bill for an act relating to local government; permitting the acquisition and financing of data processing equipment by Local Government Information Systems and its members.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Jacobs introduced:

H. F. No. 2390, A bill for an act relating to the cities of Coon Rapids in Anoka County and Vadnais Heights in Ramsey County; financing housing programs; amending Laws 1979, Chapter 306, Section 14, Subdivision 3.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Jacobs introduced :

H. F. No. 2391, A bill for an act relating to taxation; removing property tax refund return check-off provisions from state elections campaign fund law; amending Minnesota Statutes 1978, Sections 10A.31, Subdivisions 1 and 3; and 10A.335.

The bill was read for the first time and referred to the Committee on Taxes.

Wynia, Greenfield, Sviggum, Rice and Voss introduced :

H. F. No. 2392, A bill for an act relating to insurance; requiring automobile insurers to disclose surcharge rates and practices; requiring automobile insurers to provide a cost breakdown of premiums; amending Minnesota Statutes 1978, Section 65B.49, Subdivision 1.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker :

I hereby announce that the Senate refuses to concur in the House amendment to:

S. F. No. 74, A bill for an act relating to elections; allowing post-election challenges to absent voters; permitting certain challenges of voters in an election contest; establishing conditions for compelling voters to disclose the manner in which they voted; clarifying and simplifying the procedures for instituting an election contest; extending the deadline for instituting an election contest after a general election; amending Minnesota Statutes 1978, Sections 204A.32, Subdivision 4; 209.02, Subdivisions 3, 4 and 4a; 209.06, Subdivision 2; and Chapter 209, by adding a section.

And the Senate respectfully requests that a Conference Committee be appointed thereon. Messrs. Davies, Keefe, S. and Jensen have been appointed as such committee on the part of the Senate.

Said Senate File is herewith transmitted to the House with the request that the House appoint a committee.

PATRICK E. FLAHAVEN, Secretary of the Senate

Osthoff 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. 74. The motion prevailed.

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted.

S. F. Nos. 407, 1605 and 1709.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 507, 523 and 1728.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 1734 and 1802.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 1789 and 1842.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 407, A bill for an act relating to regional development commissions; requiring a report on the commission's effectiveness; providing procedures for terminating commission; amending Minnesota Statutes 1978, Section 462.393; and Chapter 462, by adding a section.

The bill was read for the first time and referred to the Committee on Governmental Operations.

S. F. No. 1605, A bill for an act relating to elections; providing for a place on tax forms to indicate a desire not to allocate state money to finance election campaigns; amending Minnesota Statutes 1978, Section 10A.31, Subdivision 3.

The bill was read for the first time and referred to the Committee on General Legislation and Veterans Affairs.

S. F. No. 1709, A bill for an act relating to corrections; providing for licensing of correctional facilities; regulating inmate earnings; providing for the investment of money in the correctional industries revolving account; authorizing the commissioner of corrections to amend 11 MCAR, sections 2.402 to 2.403; amending Minnesota Statutes 1978, Sections 241.021, Subdivision 1; 243.24, Subdivision 1; 243.88, Subdivision 2; and Minnesota Statutes, 1979 Supplement, Section 241.27, Subdivision 2.

The bill was read for the first time and referred to the Committee on Criminal Justice.

S. F. No. 507, A bill for an act relating to taxation; providing for a levy apportionment for certain jurisdictions upon an assessment level differential greater than five percent; amending Minnesota Statutes 1978, Section 270.12, Subdivision 3.

The bill was read for the first time and referred to the Committee on Taxes.

S. F. No. 523, A bill for an act relating to highway traffic regulations; limiting the length of certain vehicles and combinations of vehicles; prescribing a fee for certain permits; amending Minnesota Statutes 1978, Section 169.81, Subdivision 3, and by adding a subdivision.

The bill was read for the first time.

Kalis moved that S. F. No. 523 and H. F. No. 1911, now on Technical General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1728, A bill for an act relating to witnesses; exempting parents and minors from testifying with respect to confidential communications made by the minor to parent; amending Minnesota Statutes 1978, Section 595.02.

The bill was read for the first time and referred to the Committee on Judiciary.

S. F. No. 1734, A bill for an act relating to agriculture; renaming the livestock sanitary board; repealing obsolete language; regulating treatment of diseased animals; eliminating certain local boards; providing a penalty; amending Minnesota Statutes 1978, Sections 17A.04, Subdivision 6; 29.051; 29.061; 29.081; 35.01, Subdivisions 1 and 2; 35.02, Subdivision 1; 35.03; 35.05; 35.06; 35.063; 35.065; 35.06; 35.09; 35.10; 35.11; 35.12; 35.13; 35.15; 35.16; 35.245; 35.67; 35.68; 35.695; 35.70, Subdivision 1, 3 and 4; 35.71, Subdivisions 3 and 7; 35.81; 35.82; 35.822; 35.830; 35.831; 346.26; 347.32; 347.33; 347.34; 347.35; 347.37; 347.38; and 347.39; repealing Minnesota Statutes 1978, Sections 35.01, Subdivisions 3, 4, 5, 6 and 7; 35.07; 35.131; 35.132; 35.133; 35.134; 35.135; 35.136; 35.137; 35.17; 35.18; 35.19; 35.20; 35.21; 35.22; 35.23; 35.24; 35.25; 35.26; 35.27; 35.28; 35.29; 35.30; 35.31; 35.32; 35.33; 35.34; 35.35; 35.40; 35.41; 35.42; 35.43; 35.44; 35.45; 35.46; 35.47; 35.48; 35.49; 35.50; 35.51; 35.55; 35.56; 35.57; 35.58; 35.60; 35.605; 35.70, Subdivisions 2, 5, 6 and 8; 35.73, Subdivision 2; and 35.821, Subdivision 2.

The bill was read for the first time.

Carlson, D., moved that S. F. No. 1734 and H. F. No. 1679, now on Technical General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1802, A bill for an act relating to foreign corporations; removing certain deficiencies and ambiguities; defining certain activities that do not constitute transacting business in the state; and removing limitations on engaging in the business of making real estate loans; amending Minnesota Statutes 1978, Sections 303.02, Subdivision 3; 303.03; 303.04; and 303.25.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

S. F. No. 1789, A bill for an act relating to taxation; estate tax; making technical adjustments and clarifying certain provisions; amending Minnesota Statutes 1978, Sections 290.077, Subdivision 4; 291.07, Subdivision 3; 291.111, Subdivision 2; 291.15; 291.18; 291.32, Subdivision 1; 291.33, by adding a subdivision; 501.211, Subdivision 3, and by adding a subdivision; 524.3-505; 524.3-1003; 525.532, Subdivision 3; and Minnesota Statutes, 1979 Supplement, Sections 290.01, Subdivision 20; 290.14; 291.005, Subdivision 1; 291.01; 291.015; 291.03; 291.05; 291.051; 291.06; 291.07, Subdivision 1; 291.075; 291.09, Subdivisions 1a and 4a; 291.11, Subdivision 1; 291.132; 291.14; 291.215, Subdivision 1; 291.33, Subdivision 1; 291.48; 524.3-105; and 524.3-1001; repealing Minnesota Statutes 1978, Sections 291.17; 291.19, Subdivisions 1, 2 and 4; 291.20, Subdivision 4; and Minnesota Statutes, 1979 Supplement, Sections 291.111, Subdivision 1; and 291.19, Subdivision 3.

The bill was read for the first time and referred to the Committee on Taxes.

S. F. No. 1842, A bill for an act relating to agriculture; requiring denaturing and labeling of certain foods; adopting certain federal food regulations; striking certain obsolete language; changing certain procedures; amending Minnesota Statutes 1978, Sections 31.02; and 218.041, Subdivisions 3 and 4; and Minnesota Statutes, 1979 Supplement, Section 31.101, Subdivision 8; and 231.01, Subdivision 5.

The bill was read for the first time.

Stowell moved that S. F. No. 1842 and H. F. No. 1799, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

PROGRESS REPORTS ON CONFERENCE COMMITTEES

Progress by Conference Committees was reported to the House on the following bills: S. F. Nos. 129, 273 and 1670.

The following conference committee report was received:

CONFERENCE COMMITTEE REPORT ON H. F. NO. 455

A bill for an act relating to education; providing equal opportunity for members of both sexes to participate in certain athletics; modifying the coverage and terms of the current law providing for equal opportunity in certain athletics; requiring the state board of education to promulgate certain rules and giving it exclusive jurisdiction over certain sex discrimination charges; providing for the rights of certain parties in the case of certain sex discrimination charges; amending Minnesota Statutes 1978, Sections 126.21 and 363.02, Subdivision 3.

February 29, 1980

The Honorable Fred C. Norton
Speaker of the House of Representatives

The Honorable Edward J. Gearty
President of the Senate

We, the undersigned conferees for H. F. No. 455, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and that H. F. No. 455 be further amended as follows:

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1978, Section 126.21, is amended to read:

126.21 [ATHLETIC PROGRAMS; SEX DISCRIMINATION.] Subdivision 1. **[POLICY.]** *The legislature recognizes certain past inequities in access to athletic programs and in the various degrees of athletic opportunity previously afforded members of each sex. The purpose of this section is to provide an equal opportunity for members of both sexes to participate in athletic programs.*

Subd. 2. Each educational institution or public service shall provide equal opportunity for members of both sexes to participate in its athletic program. In determining whether equal opportunity to participate in athletic programs is available for the purposes of this section, at least the following factors shall be considered to the extent that they are applicable to a given situation: whether the opportunity for males and females to participate in the athletic program reflects the demonstrated interest in athletics of the males and females in the student body of the educational institution or the population served by the public service; whether the variety and selection of sports and levels of competition effectively accommodate the demonstrated interests of members of both sexes; the provision of equipment and supplies; scheduling of games and practice times; assignment of coaches; provision of locker rooms; practice and competitive facilities; and the provision of necessary funds for teams of one sex.

Subd. 3. (1) Notwithstanding any other state law to the contrary, in athletic programs operated by educational institutions or public services and designed for participants 12 years old or older or in the seventh grade or above, it is not an unfair discriminatory practice (: (1)) to restrict membership on an athletic team to participants of one sex (, IF THIS RESTRICTION IS NECESSARY TO PROVIDE MEMBERS OF EACH SEX WITH AN EQUAL OPPORTUNITY TO PARTICIPATE IN THE ATHLETIC PROGRAM; PROVIDED, IF A MEMBERSHIP RESTRICTION ON THE BASIS OF SEX RESULTS IN THE OPERATION OF TWO TEAMS IN THE SAME SPORT WHICH ARE SEPARATED OR SUBSTANTIALLY SEPARATED ACCORDING TO SEX, THE TWO TEAMS SHALL BE OPERATED IN COMPLIANCE WITH ALL THE PROVISIONS OF CLAUSE (2); OR) whose overall athletic opportunities have previously been limited.

(2) When an educational institution or a public service provides athletic teams for children eleven years old or younger or in the sixth grade or below, those teams shall be operated with-

out restrictions on the basis of sex, except that when overall athletic opportunities for one sex have previously been limited and there is a demonstrated interest by members of that sex to participate on a team restricted to members of that sex, the educational institution or public service may provide a team restricted to members of that sex.

(2) TO PROVIDE) (3) *When two teams in the same sport (WHICH) are in fact separated or substantially separated according to sex, (IF) the two teams (ARE) shall be provided with substantially equal budgets per participant, exclusive of gate receipts and other revenues generated by that sport, and in all other respects (ARE) shall be treated in a substantially equal manner. (THE TWO TEAMS SHALL BE OPERATED SEPARATELY ONLY IN THOSE ACTIVITIES WHERE SEPARATION IS NECESSARY TO PROVIDE THE MEMBERS OF EACH SEX EQUAL OPPORTUNITY TO PARTICIPATE IN THE ATHLETIC PROGRAM.) However, nothing in this section shall be construed to require the two teams to conduct combined practice sessions or any other combined activities related to athletics.*

(4) *If two teams are provided in the same sport, one of these teams may be restricted to members of a sex whose overall athletic opportunities have previously been limited, and members of either sex shall be permitted to try out for the other team.*

Subd. 4. When an equal opportunity to participate in the elementary or secondary school level athletic program of an educational institution or public service is not provided to members of a sex whose overall athletic opportunities have previously been limited, that educational institution or public service shall, where there is demonstrated interest, provide separate teams for members of the excluded sex in sports which it determines will provide members of that excluded sex with an equal opportunity to participate in its athletic program and which will attempt to accommodate their demonstrated interests.

Subd. (2) 5. *The state board of education, after consultation with the commissioner of human rights shall promulgate rules in accordance with chapter 15 to implement this section to prevent discrimination in elementary and secondary school athletic programs operated by educational institutions. The rules promulgated by the state board pursuant to this section shall not require athletic competition or tournaments for teams whose membership may be restricted to members of a sex whose overall athletic opportunities have previously been limited to be scheduled in conjunction with the scheduling of athletic competition or tournaments for teams whose membership is not so restricted by this section. Any organization, association or league entered into by (EDUCATIONAL INSTITUTIONS) elementary or secondary schools or public services for the purpose of promoting sports or adopting rules and regulations for the conduct of ath-*

letic contests between members shall (EFFECTIVE JULY 1, 1976) provide rules and regulations and conduct its activities so as to permit its members to comply fully with (SUBDIVISION 1 AND SECTION 363.03, SUBDIVISIONS 4 AND 5) *this section. The rules of that organization, association or league may provide separate seasons for athletic competition or tournaments in a sport for teams whose membership may be restricted to members of a sex whose overall athletic opportunities have previously been limited from athletic competition or tournaments established for teams in that same sport whose membership is not so restricted by this section, and its rules may prohibit a participating student from competing on more than one school team in a given sport during a single school year.*

(SUBD. 3. EDUCATIONAL INSTITUTIONS AND PUBLIC SERVICES SHALL MAKE EVERY REASONABLE EFFORT TO PROVIDE SUBSTANTIALLY EQUAL BUDGETS PER PARTICIPANT PURSUANT TO SUBDIVISION 1 DURING THE SCHOOL YEAR 1975-1976, AND THEREAFTER SHALL PROVIDE SUBSTANTIALLY EQUAL BUDGETS PER PARTICIPANT PURSUANT TO SUBDIVISION 1. EDUCATIONAL INSTITUTIONS AND PUBLIC SERVICES SHALL PHASE OUT SEPARATION BASED ON SEX IN ATHLETIC PROGRAMS DESIGNED FOR PARTICIPANTS 11 YEARS OLD OR YOUNGER AND IN THE SIXTH GRADE OR BELOW DURING THE SCHOOL YEARS 1975-1976, 1976-1977, AND 1977-1978, AND THEREAFTER SHALL COMPLY FULLY WITH SUBDIVISION 1 AND SECTION 363.03, SUBDIVISIONS 4 AND 5.)

Sec. 2. Minnesota Statutes 1978, Section 129.121, is amended by adding a subdivision to read:

Subd. 5. For the purposes of section 471.705, the Minnesota state high school league shall be deemed to be a state agency required by law to transact business in meetings open to the public.

Sec. 3. Minnesota Statutes 1978, Section 363.02, Subdivision 3, is amended to read:

Subd. 3. [EDUCATION.] (a) It is not an unfair discriminatory practice for a religious or denominational institution to limit admission or give preference to applicants of the same religion. The provisions of section 363.03, subdivision 5, relating to sex, shall not apply to a private educational institution, or branch or level of a private educational institution, in which students of only one sex are permitted to enroll. Nothing in this chapter shall be construed to require any educational institution to provide any special service to any person because of the disability of such person or to modify in any manner its buildings, grounds, facilities, or admission procedures because of the disability of any such person. Nothing in this chapter shall pro-

hibit an educational institution from discriminating on the basis of academic qualifications or achievements or requiring from applicant's information which relates to academic qualifications or achievements.

(b) Notwithstanding any other provisions of this chapter or any law to the contrary, it is not an unfair discriminatory practice for an educational institution or a public service to operate or sponsor separate athletic teams and activities for members of each sex or to restrict membership on an athletic team to participants of one sex, if this separation or restriction meets the requirements of section 126.21.

(c) The department of human rights shall investigate all charges alleging sex discrimination in athletic programs in educational institutions and public services pursuant to the standards and requirements of section 126.21 and the procedures enumerated in chapter 363."

Further, delete the title and insert:

"A bill for an act relating to education; providing equal opportunity for members of both sexes to participate in certain athletics; modifying the coverage and terms of the current law providing for equal opportunity in certain athletics; requiring the state board of education after consultation with the commissioner of human rights to promulgate certain rules; providing for the rights of certain parties in the case of certain sex discrimination charges; requiring the Minnesota state high school league to transact business in an open meeting; amending Minnesota Statutes 1978, Sections 126.21; 129.121, by adding a subdivision; and 363.02, Subdivision 3."

We request adoption of this report and repassage of the bill.

House Conferees: CARL M. JOHNSON, BOB MCEACHERN, JOHN L. WEAVER and SALLY OLSEN.

Senate Conferees: GENE MERRIAM, DELORES J. KNAAK, EMILY ANNE STAPLES, NANCY BRATAAS and COLLIN C. PETERSON.

Johnson, C., moved that the report of the Conference Committee on H. F. No. 455 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 455, A bill for an act relating to education; providing equal opportunity for members of both sexes to participate in certain athletics; modifying the coverage and terms of the current law providing for equal opportunity in certain athletics; requiring the state board of education to promulgate certain rules and giving it exclusive jurisdiction over certain sex discrimination charges; providing for the rights of certain parties

in the case of certain sex discrimination charges; amending Minnesota Statutes 1978, Sections 126.21 and 363.02, Subdivision 3.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 87 yeas and 41 nays as follows:

Those who voted in the affirmative were:

Aasness	Evans	Knickerbocker	Olsen	Sviggum
Ainley	Fjoslien	Kostohryz	Onnen	Swanson
Albrecht	Forsythe	Kroening	Peterson, B.	Thiede
Anderson, B.	Friedrich	Kvam	Piepho	Tomlinson
Anderson, I.	Fritz	Laidig	Prahl	Valan
Anderson, R.	Halberg	Levi	Redalen	Valento
Begich	Haukoos	Ludeman	Reding	Voss
Biersdorf	Heap	Luknic	Rees	Waldorf
Brinkman	Heinitz	Mann	Reif	Weaver
Carlson, L.	Hoberg	McCarron	Rose	Welch
Clawson	Hokanson	McDonald	Schreiber	Welker
Crandall	Jacobs	McEachern	Searle	Wenzel
Dempsey	Jennings	Mehrkens	Searles	Wieser
Den Ouden	Johnson, C.	Metzen	Sherwood	Wigley
Drew	Johnson, D.	Nelsen, B.	Sieben, M.	Zubay
Eken	Jude	Niehaus	Simoneau	
Erickson	Kelly	Norman	Stadum	
Esau	Kempe	Nysether	Stowell	

Those who voted in the negative were:

Adams	Corbid	Kahn	Novak	Sarna
Anderson, G.	Dean	Kaley	Osthoff	Stoa
Battaglia	Elioff	Lehto	Otis	Vanasek
Berglin	Ellingson	Long	Patton	Wynia
Berkelman	Ewald	Minne	Pehler	Spkr. Norton
Blatz	Faricy	Moe	Peterson, D.	
Byrne	Fudro	Munger	Rice	
Casserly	Greenfield	Murphy	Rodriguez	
Clark	Jaros	Nelson	Rothenberg	

The bill was repassed, as amended by Conference, and its title agreed to.

CONSENT CALENDAR

H. F. No. 1435, A bill for an act relating to health; exempting out of state physicians from licensing regulations under certain conditions; amending Minnesota Statutes 1978, Section 147.09.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 132 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Drew	Kahn	Niehaus	Sherwood
Adams	Eken	Kaley	Norman	Sieben, M.
Ainley	Elioff	Kelly	Novak	Simoneau
Albrecht	Ellingson	Kempe	Nysether	Stadum
Anderson, B.	Erickson	Knickerbocker	Olsen	Stoa
Anderson, D.	Esau	Kostohryz	Onnen	Stowell
Anderson, G.	Evans	Kroening	Osthoff	Sviggum
Anderson, I.	Ewald	Kvam	Otis	Swanson
Anderson, R.	Faricy	Laidig	Patton	Thiede
Battaglia	Fjoslien	Lehto	Pehler	Tomlinson
Begich	Forsythe	Levi	Peterson, B.	Valan
Berglin	Friedrich	Long	Peterson, D.	Valento
Berkelman	Fritz	Ludeman	Piepho	Vanasek
Biersdorf	Fudro	Luknic	Pleasant	Voss
Blatz	Greenfield	Mann	Prahl	Waldorf
Brinkman	Halberg	McCarron	Redalen	Weaver
Byrne	Haukoos	McDonald	Reding	Welch
Carlson, D.	Heap	McEachern	Rees	Welker
Carlson, L.	Heinitz	Mehrkens	Reif	Wenzel
Casserly	Hoberg	Metzen	Rice	Wieser
Clark	Hokanson	Minne	Rodriguez	Wigley
Clawson	Jacobs	Moe	Rose	Wynia
Corbid	Jaros	Munger	Rothenberg	Zubay
Crandall	Jennings	Murphy	Sarna	Spkr. Norton
Dean	Johnson, C.	Nelsen, B.	Schreiber	
Dempsey	Johnson, D.	Nelsen, M.	Searle	
Den Ouden	Jude	Nelson	Searles	

The bill was passed and its title agreed to.

H. F. No. 1653, A bill for an act relating to public welfare; eliminating authorization for Minnesota State Children's Center; repealing Minnesota Statutes 1978, Sections 260.41 to 260.46.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Casserly	Friedrich	Kelly	Minne
Adams	Clark	Fritz	Kempe	Moe
Ainley	Clawson	Fudro	Knickerbocker	Munger
Albrecht	Corbid	Greenfield	Kostohryz	Murphy
Anderson, B.	Crandall	Halberg	Kroening	Nelsen, B.
Anderson, D.	Dean	Haukoos	Kvam	Nelsen, M.
Anderson, I.	Dempsey	Heap	Laidig	Nelson
Anderson, R.	Den Ouden	Heinitz	Lehto	Niehaus
Battaglia	Drew	Hoberg	Levi	Norman
Begich	Elioff	Hokanson	Long	Novak
Berglin	Ellingson	Jacobs	Ludeman	Nysether
Berkelman	Erickson	Jaros	Luknic	Olsen
Biersdorf	Esau	Jennings	Mann	Onnen
Blatz	Evans	Johnson, C.	McCarron	Osthoff
Brinkman	Ewald	Johnson, D.	McDonald	Otis
Byrne	Faricy	Jude	McEachern	Patton
Carlson, D.	Fjoslien	Kahn	Mehrkens	Pehler
Carlson, L.	Forsythe	Kaley	Metzen	Peterson, B.

Peterson, D.	Rice	Sieben, H.	Thiede	Welch
Piepho	Rodriguez	Sieben, M.	Tomlinson	Welker
Pleasant	Rose	Simoneau	Valan	Wenzel
Prahl	Rothenberg	Stadum	Valento	Wieser
Redalen	Sarna	Stoa	Vanasek	Wigley
Reding	Searle	Stowell	Voss	Wynia
Rees	Searles	Sviggum	Waldorf	Zubay
Reif	Sherwood	Swanson	Weaver	Spkr. Norton

The bill was passed and its title agreed to.

H. F. No. 1764, A resolution memorializing the United States Congress to enact legislation to extend the deadline for states to comply with recent amendments to the National Health Planning and Resources Development Act.

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 133 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Drew	Kahn	Nelson	Sherwood
Adams	Eken	Kaley	Niehaus	Sieben, H.
Ainley	Elioff	Kalis	Norman	Sieben, M.
Albrecht	Ellingson	Kelly	Novak	Simoneau
Anderson, B.	Erickson	Kempe	Nysether	Stadum
Anderson, D.	Esau	Knickerbocker	Olsen	Stoa
Anderson, G.	Evans	Kostohryz	Onnen	Stowell
Anderson, I.	Ewald	Kroening	Osthoff	Sviggum
Anderson, R.	Faricy	Kvam	Otis	Swanson
Battaglia	Fjoslien	Laidig	Patton	Thiede
Begich	Forsythe	Lehto	Pehler	Tomlinson
Berglin	Friedrich	Levi	Peterson, B.	Valan
Berkelman	Fritz	Long	Peterson, D.	Valento
Biersdorf	Fudro	Ludeman	Piepho	Vanasek
Blatz	Greenfield	Luknic	Pleasant	Voss
Brinkman	Halberg	Mann	Prahl	Waldorf
Byrne	Haukoos	McCarron	Redalen	Weaver
Carlson, D.	Heap	McDonald	Reding	Welch
Carlson, L.	Heinitz	McEachern	Rees	Welker
Casserly	Hoberg	Mehrkens	Reif	Wenzel
Clark	Hokanson	Metzen	Rice	Wieser
Clawson	Jacobs	Minne	Rodriguez	Wigley
Corbid	Jaros	Moe	Rose	Wynia
Crandall	Jennings	Munger	Rothenberg	Zubay
Dean	Johnson, C.	Murphy	Sarna	Spkr. Norton
Dempsey	Johnson, D.	Nelsen, B.	Searle	
Den Ouden	Jude	Nelsen, M.	Searles	

The bill was passed and its title agreed to.

S. F. No. 888, A bill for an act relating to tuberculosis; closing the Glen Lake State Sanatorium; requiring the treatment of tuberculosis; allocating costs of tuberculosis treatment for persons in the welfare system; amending Minnesota Statutes 1978,

Sections 144.422, Subdivisions 6 and 9; 144.424, Subdivisions 8 and 11; 144.425; 197.01; 246.014; 251.043, Subdivision 1; 251.-053; and 256.01, Subdivision 2; repealing Minnesota Statutes 1978, Sections 246.014, Subdivision 8; 251.01; 251.011, Subdivisions 2 and 5; 251.02; 251.03; and 251.11.

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 133 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Drew	Kahn	Nelson	Sherwood
Adams	Eken	Kaley	Niehaus	Sieben, H.
Ainley	Elioff	Kalis	Norman	Sieben, M.
Albrecht	Ellingson	Kelly	Novak	Simoneau
Anderson, B.	Erickson	Kempe	Nysether	Stadum
Anderson, D.	Esau	Knickerbocker	Olsen	Stoa
Anderson, G.	Evans	Kostohryz	Onnen	Stowell
Anderson, I.	Ewald	Kroening	Osthoff	Swiggum
Anderson, R.	Faricy	Kvam	Otis	Swanson
Battaglia	Fjoslien	Laidig	Patton	Thiede
Begich	Forsythe	Lehto	Pehler	Tomlinson
Berglin	Friedrich	Levi	Peterson, B.	Valan
Berkelman	Fritz	Long	Peterson, D.	Valento
Biersdorf	Fudro	Ludeman	Piepho	Vanasek
Blatz	Greenfield	Luknic	Pleasant	Voss
Brinkman	Halberg	Mann	Prahl	Waldorf
Byrne	Haukoos	McCarron	Redalen	Weaver
Carlson, D.	Heap	McDonald	Reding	Welch
Carlson, L.	Heinitz	McEachern	Rees	Welker
Casserly	Hoberg	Mehrkens	Reif	Wenzel
Clark	Hokanson	Metzen	Rice	Wieser
Clawson	Jacobs	Minne	Rodriguez	Wigley
Corbid	Jaros	Moe	Rose	Wynia
Crandall	Jennings	Munger	Rothenberg	Zubay
Dean	Johnson, C.	Murphy	Sarna	Spkr. Norton
Dempsey	Johnson, D.	Nelsen, B.	Searle	
Den Ouden	Jude	Nelsen, M.	Searles	

The bill was passed and its title agreed to.

MOTION FOR RECONSIDERATION

Searle moved that the vote whereby S. F. No. 58 was not passed on the Calendar on Monday, March 3, 1980 be now reconsidered. The motion prevailed.

S. F. No. 58 was reported to the House.

S. F. No. 58, A bill for an act relating to no-fault automobile insurance; increasing basic economic loss benefits; clarifying legislative intent concerning stacking of insurance policies; amending Minnesota Statutes 1978, Sections 65B.44, Subdivision 1; and 65B.47, by adding a subdivision.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 47 yeas and 84 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Eken	Kostohryz	Nelsen, M.	Simoneau
Anderson, D.	Ellingson	Laidig	Nelson	Vanasek
Anderson, G.	Ewald	Lehto	Norman	Voss
Berkelman	Greenfield	Levi	Novak	Waldorf
Byrne	Heap	Long	Otis	Welch
Carlson, L.	Heinitz	Mann	Peterson, D.	Wynia
Casserly	Johnson, C.	McCarron	Reif	Spkr. Norton
Clark	Kahn	Moe	Rose	
Corbid	Kaley	Munger	Searle	
Dean	Kelly	Murphy	Sieben, M.	

Those who voted in the negative were:

Aasness	Elioff	Jude	Onnen	Sieben, H.
Adams	Erickson	Kalis	Osthoff	Stadum
Ainley	Esau	Kempe	Patton	Stoa
Albrecht	Evans	Knickerbocker	Pehler	Stowell
Anderson, I.	Faricy	Kroening	Peterson, B.	Sviggum
Anderson, R.	Fjoslien	Kvam	Piepho	Swanson
Battaglia	Forsythe	Ludeman	Pleasant	Thiede
Begich	Friedrich	Luknic	Prahl	Tomlinson
Berglin	Fritz	McDonald	Redalen	Valan
Biersdorf	Fudro	McEachern	Reding	Valento
Blatz	Halberg	Mehrkens	Rees	Weaver
Brinkman	Hankoos	Metzen	Rice	Welker
Carlson, D.	Hoberg	Minne	Rodriguez	Wenzel
Clawson	Hokanson	Nelsen, B.	Sarna	Wieser
Crandall	Jacobs	Niehaus	Schreiber	Wigley
Dempsey	Jennings	Nysether	Searles	Zubay
Den Ouden	Johnson, D.	Olsen	Sherwood	

The bill was not passed.

CALENDAR

S. F. No. 1010, A bill for an act relating to elections; regulating the financing of political campaigns and disclosure of economic interests by certain candidates and elected officials in Hennepin county; imposing duties on the ethical practices board, county election officials and city clerks; superseding other special laws, home rule charters and local ordinances; imposing late filing fees and criminal penalties; repealing Laws 1977, Chapter 131.

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 82 yeas and 45 nays as follows:

Those who voted in the affirmative were:

Adams	Dean	Kelly	Norman	Sieben, H.
Anderson, B.	Eken	Kempe	Novak	Sieben, M.
Anderson, G.	Elioff	Knickerbocker	Nysether	Simoneau
Anderson, I.	Ellingson	Kostohryz	Osthoff	Stoa
Battaglia	Faricy	Kroening	Otis	Swanson
Begich	Fudro	Lehto	Patton	Tomlinson
Berglin	Greenfield	Long	Pehler	Vanasek
Berkelman	Halberg	Luknic	Peterson, B.	Voss
Blatz	Haukoos	Mann	Peterson, D.	Waldorf
Brinkman	Heap	McCarron	Prahl	Weaver
Byrne	Hokanson	McEachern	Reding	Welch
Carlson, L.	Jacobs	Metzen	Rice	Wenzel
Casserly	Jaros	Minne	Rodriguez	Wynia
Clark	Johnson, C.	Moe	Rose	Spkr. Norton
Clawson	Jude	Murphy	Rothenberg	
Corbid	Kahn	Nelsen, M.	Sarna	
Crandall	Kalis	Nelson	Schreiber	

Those who voted in the negative were:

Aasness	Drew	Jennings	Onnen	Stadum
Ainley	Erickson	Kaley	Piepho	Stowell
Albrecht	Esau	Laidig	Pleasant	Thiede
Anderson, D.	Evans	Levi	Redalen	Valan
Anderson, R.	Fjoslien	Ludeman	Rees	Valento
Biersdorf	Forsythe	McDonald	Reif	Welker
Carlson, D.	Friedrich	Mehrkens	Searle	Wieser
Dempsey	Fritz	Nelsen, B.	Searles	Wigley
Den Ouden	Hoberg	Niehaus	Sherwood	Zubay

The bill was passed and its title agreed to.

S. F. No. 1215, A bill for an act relating to public safety; prohibiting scuba or skin diving during certain hours and under certain conditions; amending Minnesota Statutes 1978, Section 361.09, by adding a subdivision.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 123 yeas and 6 nays as follows:

Those who voted in the affirmative were:

Aasness	Brinkman	Eken	Greenfield	Kaley
Adams	Byrne	Elioff	Halberg	Kalis
Albrecht	Carlson, D.	Ellingson	Haukoos	Kelly
Anderson, B.	Carlson, L.	Erickson	Heap	Kempe
Anderson, D.	Casserly	Esau	Hoberg	Knickerbocker
Anderson, G.	Clark	Evans	Hokanson	Kostohryz
Anderson, I.	Clawson	Ewald	Jacobs	Kroening
Anderson, R.	Corbid	Faricy	Jaros	Kvam
Battaglia	Crandall	Fjoslien	Jennings	Laidig
Begich	Dean	Forsythe	Johnson, C.	Lehto
Berglin	Dempsey	Friedrich	Johnson, D.	Levi
Berkelman	Den Ouden	Fritz	Jude	Long
Blatz	Drew	Fudro	Kahn	Luknic

Mann	Nelson	Piepho	Sherwood	Vanasek
McCarron	Niehaus	Prahl	Sieben, H.	Voss
McDonald	Norman	Redalen	Sieben, M.	Waldorf
McEachern	Novak	Reding	Simoneau	Weaver
Mehrkens	Nysether	Rees	Stadum	Welch
Metzen	Olsen	Rice	Stoa	Wenzel
Minne	Onnen	Rodriguez	Stowell	Wigley
Moe	Otis	Rothenberg	Swanson	Wynia
Munger	Patton	Sarna	Thiede	Zubay
Murphy	Pehler	Schreiber	Tomlinson	Spkr. Norton
Nelsen, B.	Peterson, B.	Searle	Valan	
Nelsen, M.	Peterson, D.	Searles	Valento	

Those who voted in the negative were:

Ainley	Pleasant	Rose	Welker	Wieser
Ludeman				

The bill was passed and its title agreed to.

S. F. No. 482, A bill for an act relating to corporations; authorizing purchase of insurance to provide indemnification of certain persons for certain liabilities and expenses; amending Minnesota Statutes 1978, Sections 300.082, Subdivisions 4 and 5; and 301.095, Subdivisions 4 and 5.

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 1 nay as follows:

Those who voted in the affirmative were:

Aasness	Drew	Jude	Nelsen, M.	Sherwood
Adams	Eken	Kahn	Nelson	Sieben, H.
Ainley	Elioff	Kaley	Niehaus	Sieben, M.
Albrecht	Ellingson	Kalis	Norman	Simoneau
Anderson, B.	Erickson	Kelly	Novak	Stadum
Anderson, D.	Esau	Kempe	Nysether	Stoa
Anderson, G.	Evans	Knickerbocker	Olsen	Stowell
Anderson, I.	Ewald	Kostohryz	Otis	Swiggum
Anderson, R.	Faricy	Kroening	Patton	Swanson
Battaglia	Fjoslien	Kvam	Peterson, B.	Thiede
Begich	Forsythe	Laidig	Peterson, D.	Tomlinson
Berglin	Friedrich	Levi	Piepho	Valan
Berkelman	Fritz	Long	Pleasant	Valento
Blatz	Fudro	Ludeman	Prahl	Vanasek
Brinkman	Greenfield	Luknic	Redalen	Waldorf
Byrne	Halberg	Mann	Reding	Weaver
Carlson, D.	Haukoos	McCarron	Rees	Welch
Carlson, L.	Heap	McDonald	Reif	Welker
Casserly	Heinitz	McEachern	Rice	Wenzel
Clark	Hoberg	Mehrkens	Rodriguez	Wieser
Clawson	Hokanson	Metzen	Rose	Wigley
Corbid	Jacobs	Minne	Rothenberg	Wynia
Crandall	Jaros	Moe	Sarna	Zubay
Dean	Jennings	Munger	Schreiber	Spkr. Norton
Dempsey	Johnson, C.	Murphy	Searle	
Den Ouden	Johnson, D.	Nelsen, B.	Searles	

Those who voted in the negative were:

Voss

The bill was passed and its title agreed to.

Long was excused at 4:10 p.m.

GENERAL ORDERS

Pursuant to rules of the House, the House resolved itself into the Committee of the Whole, with Norton in the Chair, for the consideration of bills pending on General Orders of the Day. After some time spent therein the Committee arose.

REPORT OF COMMITTEE OF THE WHOLE

The Speaker resumed the Chair, whereupon the following proceedings of the Committee as kept by the Chief Clerk were reported to the House:

H. F. No. 649 which it recommended progress retaining its place on General Orders.

S. F. No. 1199 which it recommended progress until Thursday, March 13, 1980 retaining its place on General Orders.

S. F. No. 895 which it recommended progress.

H. F. No. 1216 which it recommended to pass with the following amendment offered by Nelsen, B.:

Delete everything after the enacting clause and insert the following:

"Section 1. Minnesota Statutes 1978, Section 340.62, is amended to read:

340.62 [CERTAIN LIQUOR REGISTERED.] *Subdivision 1.* No licensed manufacturer or wholesaler shall manufacture or import for sale within the state, any brand of intoxicating liquor or *non-intoxicating malt beverage* such as distilled spirits and wine, *beer or malt beverage*, or any distilled or vinous liquor designated as a specialty, wherein such liquor is ready for sale for beverage purposes without further processing, unless the label of such brand has been registered with and approved by the commissioner.

Subd. 2. *The label of any brand of distilled liquor, beer or malt beverage may be registered only by the owner thereof or an authorized agent of the owner. No brand of distilled liquor, beer or malt beverage may be imported for sale within the state*

without the consent of the brand owner or authorized agent of the owner. Nothing in this subdivision shall be construed to repeal, limit or otherwise affect the provisions of section 340-114.

Subd. 3. The label of any brand of wine may be registered by the owner thereof or an authorized agent of the owner.

Subd. 4. The commissioner shall (HEREINAFTER) establish a register for (SUCH) brand labels (, WHICH LABELS SHALL BE ACCEPTABLE UNDER THE FOLLOWING CONDITIONS:)

((1) NO BRAND OF INTOXICATING LIQUOR AS HEREINBEFORE DESCRIBED SHALL BE MANUFACTURED OR IMPORTED FOR SALE WITHIN THE STATE AFTER THE PASSAGE OF THIS ACT UNLESS THE BRAND LABEL THEREOF HAS BEEN SUBMITTED TO AND APPROVED BY THE COMMISSIONER). The fee for (SUCH) registration shall be (\$10) \$15 for each brand label.

((2) THE SAME REGISTRATION AND FEE SHALL BE REQUIRED FOR ANY BRAND OF LIQUOR AS HEREINBEFORE DESCRIBED WHICH HAS BEEN MANUFACTURED OR IMPORTED FOR SALE WITHIN THIS STATE AND IN WHICH THE BRAND LABEL FOR SUCH BRAND HAS BEEN FILED WITH THE COMMISSIONER AND WHEREIN THE SALE OF SUCH BRAND HAS BEEN DISCONTINUED WITHIN THE STATE BY THE MANUFACTURER OR WHOLESALER FOR A PERIOD OF TWO YEARS.)

((3) AFTER THE SALE OF ANY BRAND OF INTOXICATING LIQUOR AS HEREINBEFORE DESCRIBED HAS BEEN DISCONTINUED WITHIN THIS STATE FOR A PERIOD OF THREE YEARS BY THE MANUFACTURER OR WHOLESALER DISTRIBUTING IT, SAID BRAND AND ITS BRAND LABEL AND ANY AND ALL REGISTRATIONS THEREOF IN THIS STATE SHALL THEREAFTER BE CONCLUSIVELY PRESUMED TO HAVE BEEN ABANDONED BY SAID MANUFACTURER OR WHOLESALER.)

All labels shall be registered for a two year period. The registration period shall begin on the first day of the month in which the application is approved by the commissioner. When a label approval expires, it may be re-registered for another two year period, by re-filing, paying the fee and obtaining the approval of the commissioner. In order to implement the provisions of this act, all labels approved before July 1, 1978 shall expire June 30, 1980 and all labels approved between July 1, 1978 and June 30, 1979 shall expire June 30, 1981.

((4)) The terms "brand" and "brand label," when used (HEREIN) *in this section*, shall each be construed to mean and include trademarks and designs used in connection therewith.

((5)) All money received by the commissioner under the provisions of this section shall be paid to the state treasurer and (SUCH MONEY) shall be credited to the general fund.

Sec. 2. [EFFECTIVE DATE.] *This act is effective July 1, 1980.*"

H. F. No. 1012 which it recommended to pass with the following amendments:

Offered by McCarron:

Page 3, line 1, after the colon insert "(a) *any unit in a condominium created prior to the effective date of this act and any unit in a condominium constructed on vacant land on or after the effective date of this act; or*"

Reletter the clauses in sequence.

Offered by McCarron:

As previously amended:

Page 3, line 1, after the colon insert:

"(a) *any unoccupied dwelling unit in one building of a housing complex consisting of no more than two buildings on a contiguous parcel of land and owned by the same person, or any unoccupied dwelling unit in up to one-third of all buildings in a housing complex consisting of three or more buildings on a contiguous parcel of land and owned by the same person; for the purposes of this clause, "building" means a structure containing more than one dwelling unit; or*"

Reletter the clauses in sequence.

Offered by Drew:

Page 10, line 21, after the period, insert: "*To carry out the purpose of this act, the local commission shall review any proposals for housing which contemplate a whole or partial subsidy of the housing project through funds provided by local bonds, to determine their compliance with this act. The local commission shall make recommendations to the local governing body based upon their review.*"

Offered by Tomlinson:

Page 11, line 17, before the period insert "*except that this act shall not apply to adult-only residential buildings until either all the leases in effect on the effective date of this act pertaining to rental units within these buildings have, by their terms, expired, or until one year from the effective date of this act, whichever is less*"

On the motion of Sieben, H., the report of the Committee of the Whole was adopted.

ROLL CALLS IN COMMITTEE OF THE WHOLE

Pursuant to rule 1.6, the following roll calls were taken in the Committee of the Whole:

The question was taken on the motion to recommend passage of H. F. No. 1216, as amended, and the roll was called. There were 82 yeas and 32 nays as follows:

Those who voted in the affirmative were:

Adams	Corbid	Johnson, D.	Osthoff	Simoneau
Albrecht	Crandall	Kahn	Otis	Stadum
Anderson, B.	Dean	Kaley	Patton	Stoa
Anderson, D.	Dempsey	Kalis	Pehler	Swanson
Anderson, G.	Drew	Knickerbocker	Peterson, B.	Thiede
Anderson, I.	Eken	Kostohryz	Piepho	Tomlinson
Anderson, R.	Ellingson	McCarron	Redalen	Valan
Battaglia	Evans	McDonald	Reding	Valento
Berkelman	Forsythe	Mehrkens	Rees	Voss
Biersdorf	Friedrich	Metzen	Rice	Waldorf
Blatz	Fudro	Minne	Rodriguez	Weaver
Byrne	Halberg	Moe	Sarna	Welch
Carlson, D.	Haukoos	Nelsen, B.	Schreiber	Wenzel
Carlson, L.	Heap	Nelson	Searle	Wigley
Casserly	Hokanson	Norman	Searles	
Clark	Jacobs	Nysether	Sieben, H.	
Clawson	Jaros	Olsen	Sieben, M.	

Those who voted in the negative were:

Aasness	Esau	Kempe	Munger	Welker
Ainley	Faricy	Kroening	Murphy	Wieser
Begich	Fjoslien	Kvam	Niehaus	Wynia
Brinkman	Fritz	Laidig	Onnen	Zubay
Den Ouden	Hoberg	Ludeman	Prahl	
Elioff	Jude	Mann	Sherwood	
Erickson	Kelly	McEachern	Sviggum	

The motion prevailed.

Dempsey moved to amend H. F. No. 1012, as amended, as follows:

Page 1, strike lines 22 and 23. Renumber the subdivisions accordingly.

Page 3, line 1, after "*dwelling unit*" insert "." and strike "and shall not apply to:".

Page 3, strike lines 2, 3, 4, 5, 6 and 7.

The question was taken on the amendment and the roll was called. There were 29 yeas and 92 nays as follows:

Those who voted in the affirmative were:

Aasness	Esau	Kalis	Onnen	Sherwood
Albrecht	Ewald	Kvam	Piepho	Stowell
Carlson, D.	Fjoslien	Ludeman	Rees	Sviggum
Dempsey	Fritz	McDonald	Reif	Valento
Drew	Jennings	Mehrkens	Searle	Wigley
Erickson	Johnson, D.	Niehaus	Searles	

Those who voted in the negative were:

Adams	Dean	Kaley	Nysether	Stoa
Ainley	Den Ouden	Kelly	Olsen	Swanson
Anderson, B.	Eken	Kempe	Osthoff	Thiede
Anderson, G.	Elioff	Kroening	Otis	Tomlinson
Anderson, I.	Ellingson	Laidig	Patton	Valan
Anderson, R.	Faricy	Lehto	Pehler	Vanasek
Battaglia	Forsythe	Levi	Peterson, B.	Voss
Begich	Fudro	Luknic	Peterson, D.	Waldorf
Berglin	Greenfield	Mann	Pleasant	Weaver
Berkelman	Halberg	McCarron	Prahl	Welch
Blatz	Haukoos	McEachern	Reding	Welker
Brinkman	Heap	Metzen	Rodriguez	Wenzel
Byrne	Hoberg	Minne	Rose	Wieser
Carlson, L.	Hokanson	Moe	Rothenberg	Wynia
Casserly	Jacobs	Munger	Sarna	Zubay
Clark	Jaros	Murphy	Sieben, H.	Spkr. Norton
Clawson	Johnson, C.	Nelson	Sieben, M.	
Corbid	Jude	Norman	Simoneau	
Crandall	Kahn	Novak	Stadum	

The motion did not prevail and the amendment was not adopted.

Den Ouden moved to amend H. F. No. 1012, as amended by the Tomlinson amendment, as follows:

In the last line of the Tomlinson amendment, delete "*less*" and insert "*greater*"

The question was taken on the amendment and the roll was called. There were 34 yeas and 82 nays as follows:

Those who voted in the affirmative were:

Aasness	Adams	Albrecht	Carlson, D.	Den Ouden
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Drew	Kvam	Niehaus	Reif	Stowell
Erickson	Levi	Osthoff	Rose	Sviggum
Esau	Ludeman	Peterson, B.	Rothenberg	Thiede
Forsythe	McDonald	Piepho	Searle	Welker
Fritz	Mehrkens	Redalen	Searles	Wieser
Fudro	Nelsen, B.	Rees	Sherwood	

Those who voted in the negative were:

Ainley	Dean	Kahn	Nelson	Simoneau
Anderson, B.	Dempsey	Kaley	Norman	Stadum
Anderson, D.	Eken	Kelly	Novak	Stoa
Anderson, G.	Elioff	Kempe	Nysether	Tomlinson
Anderson, I.	Ellingson	Kostohryz	Olsen	Valan
Anderson, R.	Faricy	Kroening	Onnen	Vanasek
Battaglia	Greenfield	Laidig	Otis	Voss
Begich	Halberg	Lehto	Patton	Waldorf
Berglin	Haukoos	Luknic	Pehler	Weaver
Berkelman	Hoberg	Mann	Peterson, D.	Welch
Brinkman	Hokanson	McCarron	Pleasant	Wenzel
Byrne	Jacobs	McEachern	Reding	Wynia
Carlson, L.	Jaros	Metzen	Rice	Zubay
Casserly	Jennings	Minne	Rodriguez	Spkr. Norton
Clark	Johnson, C.	Munger	Sarna	
Corbid	Johnson, D.	Murphy	Sieben, H.	
Crandall	Jude	Nelsen, M.	Sieben, M.	

The motion did not prevail and the amendment was not adopted.

Osthoff moved to amend H. F. No. 1012, as amended, as follows:

Page 3, lines 6 and 7 delete sub clause (b) from the bill

The question was taken on the amendment and the roll was called. There were 41 yeas and 81 nays as follows:

Those who voted in the affirmative were:

Adams	Friedrich	Metzen	Reif	Waldorf
Albrecht	Fudro	Nysether	Rice	Weaver
Anderson, B.	Haukoos	Onnen	Rose	Wieser
Brinkman	Heap	Osthoff	Rothenberg	Wigley
Carlson, D.	Jacobs	Patton	Schreiber	Zubay
Carlson, L.	Kaley	Peterson, B.	Stadum	
Dean	Kvam	Piepho	Stowell	
Dempsey	Laidig	Pleasant	Swanson	
Drew	Mehrkens	Redalen	Valento	

Those who voted in the negative were:

Aasness	Berkelman	Crandall	Faricy	Jennings
Ainley	Biersdorf	Den Ouden	Forsythe	Johnson, C.
Anderson, D.	Blatz	Eken	Fritz	Johnson, D.
Anderson, G.	Byrne	Elioff	Greenfield	Jude
Anderson, I.	Casserly	Ellingson	Halberg	Kahn
Battaglia	Clark	Erickson	Heintz	Kelly
Begich	Clawson	Esau	Hoberg	Kempe
Berglin	Corbid	Ewald	Hokanson	Kostohryz

Kroening	Moe	Otis	Sieben, M.	Welch
Levi	Munger	Pehler	Simoneau	Welker
Ludeman	Murphy	Peterson, D.	Stoa	Wenzel
Luknic	Nelsen, M.	Reding	Sviggum	Wynia
Mann	Nelson	Rees	Thiede	Spkr. Norton
McCarron	Niehaus	Rodriguez	Tomlinson	
McDonald	Norman	Sarna	Valan	
McEachern	Novak	Searle	Vanasek	
Minne	Olsen	Sherwood	Voss	

The motion did not prevail and the amendment was not adopted.

Den Ouden moved to amend H. F. No. 1012, as follows:

Page 11, after line 15, insert "Sec. 9. *The familial status provisions of this act are effective only for cities of the first class.*"

Renumber the following section.

The question was taken on the amendment and the roll was called. There were 13 yeas and 108 nays as follows:

Those who voted in the affirmative were:

Anderson, D.	Den Ouden	Ludeman	Redalen	Welker
Carlson, D.	Fritz	Peterson, B.	Sherwood	
Dempsey	Kvam	Piepho	Thiede	

Those who voted in the negative were:

Aasness	Elioff	Kelly	Novak	Sieben, M.
Adams	Ellingson	Kempe	Nysether	Simoneau
Anderson, B.	Ewald	Kostohryz	Olsen	Stadum
Anderson, G.	Farcy	Kroening	Onnen	Stoa
Anderson, I.	Forsythe	Laidig	Osthoff	Stowell
Battaglia	Fudro	Lehto	Otis	Sviggum
Begich	Greenfield	Levi	Patton	Swanson
Berglin	Halberg	Luknic	Pehler	Tomlinson
Berkelman	Haukoos	Mann	Peterson, D.	Valan
Biersdorf	Heap	McCarron	Pleasant	Vanasek
Blatz	Heinitz	McEachern	Prahl	Voss
Brinkman	Hoberg	Mehrkens	Reding	Waldorf
Byrne	Hokanson	Metzen	Rees	Weaver
Carlson, L.	Jacobs	Minne	Reif	Welch
Casserly	Jaros	Moe	Rice	Wenzel
Clark	Jennings	Munger	Rodriguez	Wieser
Clawson	Johnson, C.	Murphy	Rose	Wigley
Corbid	Johnson, D.	Nelsen, B.	Rothenberg	Wynia
Crandall	Jude	Nelsen, M.	Sarna	Zubay
Dean	Kahn	Nelson	Schreiber	Spkr. Norton
Drew	Kaley	Niehaus	Searle	
Eken	Kalis	Norman	Sieben, H.	

The motion did not prevail and the amendment was not adopted.

The question was taken on the motion to recommend passage of H. F. No. 1012, as amended, and the roll was called. There were 82 yeas and 47 nays as follows:

Those who voted in the affirmative were:

Adams	Crandall	Kelly	Novak	Sieben, M.
Anderson, B.	Dean	Kempe	Nysether	Simoneau
Anderson, G.	Eken	Kostohryz	Otis	Stadum
Anderson, I.	Elioff	Kroening	Patton	Stoa
Battaglia	Ellingson	Lehto	Pehler	Tomlinson
Begich	Faricy	Luknic	Peterson, D.	Valan
Berglin	Greenfield	Mann	Pleasant	Vanasek
Berkelman	Haukoos	McCarron	Prahl	Voss
Biersdorf	Heinitz	McEachern	Reding	Waldorf
Blatz	Hoberg	Metzen	Rees	Weaver
Brinkman	Hokanson	Minne	Reif	Welch
Byrne	Jacobs	Moe	Rice	Wenzel
Carlson, L.	Jaros	Munger	Rodriguez	Wynia
Casserly	Johnson, C.	Murphy	Rothenberg	Spkr. Norton
Clark	Jude	Nelsen, M.	Sarna	
Clawson	Kahn	Nelson	Searles	
Corbid	Kalis	Niehaus	Sieben, H.	

Those who voted in the negative were:

Aasness	Esau	Kaley	Olsen	Stowell
Ainley	Ewald	Knickerbocker	Onnen	Sviggum
Albrecht	Forsythe	Kvam	Osthoff	Thiede
Anderson, D.	Friedrich	Laidig	Peterson, B.	Welker
Anderson, R.	Fritz	Levi	Piepho	Wieser
Carlson, D.	Fudro	Ludeman	Redalen	Wigley
Dempsey	Halberg	McDonald	Rose	Zubay
Den Ouden	Heap	Mehrkens	Schreiber	
Drew	Jennings	Nelsen, B.	Searle	
Erickson	Johnson, D.	Norman	Sherwood	

The motion prevailed.

MOTIONS AND RESOLUTIONS

Ludeman moved that his name be stricken as an author on H. F. No. 1203. The motion prevailed.

Heap moved that the names of Begich and Elioff be added as authors on H. F. No. 1699. The motion prevailed.

McEachern moved that his name be stricken as an author on H. F. No. 1745. The motion prevailed.

Clawson moved that the name of Drew be added as an author on H. F. No. 1844. The motion prevailed.

Hokanson moved that the name of Crandall be added as an author on H. F. No. 1866. The motion prevailed.

Clawson and Hokanson moved that the name of Crandall be added as an author on H. F. Nos. 1909 and 1913. The motion prevailed.

Brinkman moved that the name of Jude be added as an author on H. F. No. 1948. The motion prevailed.

Anderson, B., moved that the name of Mehrkens be shown as chief author and Anderson, B., be shown as third author on H. F. No. 1987. The motion prevailed.

Laidig and Halberg moved that their names be stricken as authors on H. F. No. 2043. The motion prevailed.

Jennings moved that the name of Piepho be stricken and the name of Haukoos be added as an author on H. F. No. 2052. The motion prevailed.

Berglin moved that the name of Berglin be stricken and the name of Greenfield be added as chief author on H. F. No. 2183. The motion prevailed.

Begich moved that the name of Minne be added as an author on H. F. Nos. 2290 and 2291. The motion prevailed.

Simoneau moved that the name of Lehto be added as an author on H. F. No. 2313. The motion prevailed.

Berglin moved that the name of Berkelman be added as an author on H. F. No. 2317. The motion prevailed.

Fudro moved that the name of Fudro be shown as fourth author and Jacobs be added as chief author on H. F. No. 2334. The motion prevailed.

Welch moved that the name of Clawson be added as an author on H. F. No. 2354. The motion prevailed.

Jacobs moved that the name of Valento be added as an author on H. F. No. 2390. The motion prevailed.

Stowell moved that H. F. No. 1581 be returned to its author. The motion prevailed.

Peterson, B., moved that H. F. No. 2238 be returned to its author. The motion prevailed.

Clawson moved that S. F. No. 544, now on General Orders, be re-referred to the Committee on Taxes. The motion prevailed.

Prahl moved that S. F. No. 1115 be recalled from the Committee on Commerce, Economic Development and Housing and be re-referred to the Committee on Financial Institutions and Insurance. The motion prevailed.

Clawson moved that H. F. No. 632 be recalled from the Committee on Judiciary and be re-referred to the Committee on Rules and Legislative Administration. The motion prevailed.

Lehto moved that H. F. No. 2262 be recalled from the Committee on Transportation and be re-referred to the Committee on Criminal Justice. The motion prevailed.

Pehler moved that H. F. No. 2298 be recalled from the Committee on Education and be re-referred to the Committee on Appropriations. The motion prevailed.

Nelsen, B., and Sherwood introduced:

House Resolution No. 32, A house resolution congratulating the Staples Public High School Wrestling Team on winning the State Class A Wrestling Championship.

The resolution was referred to the Committee on Rules and Legislative Administration.

Peterson, B.; and Blatz introduced:

House Resolution No. 33, A house resolution congratulating the Bloomington Kennedy High School Wrestling Team on winning the State Class AA Wrestling Championship.

The resolution was referred to the Committee on Rules and Legislative Administration.

ANNOUNCEMENTS BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 768:

Rothenberg, Stoa, and Kvam.

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 410:

Rothenberg, McCarron, and Voss.

ADJOURNMENT

Sieben, H., moved that when the House adjourns today it adjourn until 2:00 p.m., Monday, March 10, 1980. The motion prevailed.

Sieben, H., moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:00 p.m., Monday, March 10, 1980.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

STATE OF MINNESOTA

SEVENTY-FIRST SESSION - 1980

SEVENTY-FIFTH DAY

SAINT PAUL, MINNESOTA, MONDAY, MARCH 10, 1980

The House of Representatives convened at 2:00 p.m. and was called to order by the Speaker.

Prayer was offered by the Chaplain.

The roll was called and the following members were present:

Aasness	Drew	Kahn	Nelson	Searles
Adams	Eken	Kaley	Niehaus	Sherwood
Ainley	Elioff	Kalis	Norman	Sieben, H.
Albrecht	Ellingson	Kelly	Novak	Sieben, M.
Anderson, B.	Erickson	Kempe	Nysether	Simoneau
Anderson, D.	Esau	Knickerbocker	Olsen	Stadum
Anderson, G.	Evans	Kostohryz	Onnen	Stoa
Anderson, I.	Ewald	Kroening	Osthoff	Stowell
Anderson, R.	Faricy	Kvam	Otis	Swiggum
Battaglia	Fjoslien	Laidig	Patton	Swanson
Begich	Forsythe	Lehto	Pehler	Thiede
Berglin	Friedrich	Levi	Peterson, B.	Tomlinson
Berkelman	Fritz	Long	Peterson, D.	Valan
Biersdorf	Fudro	Ludeman	Piepho	Valento
Blatz	Greenfield	Luknic	Pleasant	Vanasek
Brinkman	Halberg	Mann	Prahl	Voss
Byrne	Haukoos	McCarron	Redalen	Waldorf
Carlson, D.	Heap	McDonald	Reding	Weaver
Carlson, L.	Heinitz	McEachern	Rees	Welch
Casserly	Hoberg	Mehrkens	Reif	Welker
Clark	Hokanson	Metzen	Rice	Wenzel
Clawson	Jacobs	Minne	Rodriguez	Wieser
Corbid	Jaros	Moe	Rose	Wigley
Crandall	Jennings	Munger	Rothenberg	Wynia
Dean	Johnson, C.	Murphy	Sarna	Zubay
Dempsey	Johnson, D.	Nelsen, B.	Schreiber	Spkr. Norton
Den Ouden	Jude	Nelsen, M.	Searle	

A quorum was present.

The Chief Clerk proceeded to read the Journal of the preceding day. Kalis moved that further reading of the Journal be dispensed with and that the Journal be approved as corrected by the Chief Clerk. The motion prevailed.

REPORTS OF CHIEF CLERK

Pursuant to Rules of the House, printed copies of H. F. Nos. 1488, 1707, 1796, 1812, 1834, 1850, 1884, 1899, 1932, 2024, 2110, 1904, 2028, 2047, 2069, 2090, 1439, 1534, 1768, 1896, 1991, 378, 1623, 1873, 1898, 1905, 1679, 1760, 1916, 1699, 1911, 2034, 1837, 1742, 2191, 1816, 1012 and 1216 and S. F. Nos. 407, 1605, 1709, 507, 523, 1728, 1789, 1842, 1734, 1611 and 1802 have been placed in the members' files.

S. F. No. 1734 and H. F. No. 1679 which had been referred to the Chief Clerk for comparison, were examined and found to be identical, with certain exceptions.

SUSPENSION OF RULES

Carlson, D., moved that the rules be so far suspended that S. F. No. 1734 be substituted for H. F. No. 1679 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 523 and H. F. No. 1911, 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. 523 be substituted for H. F. No. 1911 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1842 and H. F. No. 1799, which had been referred to the Chief Clerk for comparison, were examined and found to be identical, with certain exceptions.

SUSPENSION OF RULES

Stowell moved that the rules be so far suspended that S. F. No. 1842 be substituted for H. F. No. 1799 and that the House File be indefinitely postponed. The motion prevailed.

REPORTS OF STANDING COMMITTEES

Vanasek from the Committee on Criminal Justice to which was referred:

H. F. No. 109, A bill for an act relating to corrections; establishing grants-in-aid for construction or renovation of lockups, jails and other correctional facilities; appropriating money.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [APPROPRIATION.] The sum of \$7,500,000 is appropriated from the general fund to the commissioner of corrections for the purpose of funding phase one local correctional facility construction as described in the department of corrections statewide jail plan of 1980, and shall be available until expended. The commissioner shall disburse money in the form of grants to counties in accordance with Minnesota Statutes, Section 241.022. The state shall pay no more than 25 percent of the cost of local correctional facility construction."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Farcy from the Committee on Judiciary to which was referred:

H. F. No. 542, A bill for an act relating to limitation of actions; exempting town roads from the marketable title act; amending Minnesota Statutes 1978, Section 541.023, by adding a subdivision.

Reported the same back with the following amendments:

Page 1, line 18, delete "1979" and insert "1980"

With the recommendation that when so amended the bill pass.

The report was adopted.

Munger from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 942, A bill for an act relating to pollution control; authorizing state use of up to two percent of federal construction grant funds to administer the federal water pollution control act; amending Minnesota Statutes 1978, Section 116.16, Subdivision 10.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Farcy from the Committee on Judiciary to which was referred:

H. F. No. 960, A bill for an act relating to legal notice; authorizing supplementary publication of legal notices by radio or television broadcast; amending Minnesota Statutes 1978, Chapter 331, by adding a section.

Reported the same back with the following amendments:

Page 1, line 10, delete "An" and insert "The"

Page 1, delete line 11 and insert "head of a state agency or the governing board of any political subdivision which is"

Page 1, line 12, after "notice" insert "of a meeting or hearing"

With the recommendation that when so amended the bill pass.

The report was adopted.

Faricy from the Committee on Judiciary to which was referred:

H. F. No. 1095, A bill for an act relating to courts; venue; authorizing actions against public officers to be retained in a county other than where the public officer resides; amending Minnesota Statutes 1978, Section 542.03.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1978, Section 542.03, is amended to read:

542.03 [OFFICIAL MISCONDUCT, WHERE CAUSE AROSE.] *Subdivision 1. Except as provided in subdivision 2, actions against a public officer, or person specially appointed to execute his duties, for acts done by virtue of (SUCH) his office, and against any person for like cause who has acted in place or in aid of (SUCH) the officer, and actions to recover penalties or forfeitures imposed by statute, shall be tried in the county in which the cause of action arose. If the act for which the penalty or forfeiture is imposed (BE) is committed upon a lake or stream extending into, or bordering upon, more than one county, (SUCH) the action may be tried in any of these counties.*

Subd. 2. The trial of any action against a state official for acts affecting the use of land or waters of the state may, in the discretion of the court, be tried in the county where the land or water is located, whether or not the state official resides in that county, on motion made to the court in that county by any party to the action if the court finds (1) that trial of the action in that county is in the interests of justice, (2) that no party to the action will be prejudiced thereby and (3) that the trial of the action will be expedited. The motion may be submitted on pleadings mailed to the court without the necessity of personal appearance.

Sec. 2. Minnesota Statutes 1978, Section 542.18; is amended to read:

542.18 [STATE AS PARTY TO CIVIL ACTION; REMOVAL FROM RAMSEY COUNTY.] Notwithstanding any provision of law to the contrary, the trial of any civil action in the county of Ramsey to which the state or any officer, department or agency thereof is a party may, in the discretion of the court, be removed to any other county in which one of the parties resides on motion made to the court as in civil actions by any of the parties to the action, if the court finds (THAT SUCH REMOVAL IS) (1) *that removal is in the interests of justice*, (2) that no party to the action will be prejudiced thereby and (3) that the trial of the action will be expedited thereby. *The motion may be submitted on pleadings mailed to the court without the necessity of personal appearance.*

Sec. 3. *This act is effective the day after final enactment and applies to all actions commenced on or after that date.*

Amend the title as follows:

Page 1, line 2, delete "venue;"

Page 1, line 2, after "authorizing" insert "certain"

Page 1, line 3, delete "public" and insert "state"

Page 1, line 3, delete "retained" and insert "tried"

Page 1, line 4, delete "public officer resides" and insert "cause of action arose"

Page 1, line 4, after the semicolon, insert "providing for procedure for removal;"

Page 1, line 5, delete "Section" and insert "Sections"

Page 1, line 5, after "542.03" insert "; and 542.18"

With the recommendation that when so amended the bill pass.

The report was adopted.

Brinkman from the Committee on Financial Institutions and Insurance to which was referred:

H. F. No. 1142, A bill for an act relating to insurance; providing for continuation of waiver of premium benefits for the disabled, regardless of continuation of the master policy; amending Minnesota Statutes 1978, Section 61A.091.

Reported the same back with the following amendments:

Page 2, lines 10, 12 and 15, strike "shall" and insert "does"

Page 2, line 26, delete "total"

Page 2, line 28, after the period, insert: "*This subdivision may be superseded by a rule promulgated by the Commissioner of Insurance.*"

Page 2, line 29, delete "shall become effective" and insert "applies to"

Page 2, line 30, delete "For"

Page 2, line 30, after "delivered" insert "on or"

Page 2, line 31, delete "1979" and insert "1980"

Page 2, line 32, delete "For"

Page 2, line 32, delete "annual"

Page 2, line 33, after "the" insert "first"

Page 2, line 33, delete everything after "date" and insert "after October 1, 1980;"

Page 3, delete lines 1 and 2

Page 3, line 3, delete "For"

Page 3, line 3, delete "annual"

Page 3, line 4, delete "1980" and insert "1981"

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Brinkman from the Committee on Financial Institutions and Insurance to which was referred:

H. F. No. 1143, A bill for an act relating to insurance; providing that an employer group disability income policy provide coverage for pre-termination claims.

Reported the same back with the following amendments:

Page 1, line 9, delete "shall"

Page 2, line 3, after the period, insert: "Sections 1 and 2 may be superseded by a rule promulgated by the commissioner of insurance."

Page 2, line 5, delete "1979" and insert "1980"

Page 2, line 6, delete "1979" and insert "1980"

Page 2, line 8, delete "1980" and insert "1981"

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Fudro from the Committee on Transportation to which was referred:

H. F. No. 1190, A bill for an act relating to transportation; requiring the consent of municipalities for certain trunk highway improvements; authorizing the commissioner of transportation to convey or otherwise dispose of certain lands no longer needed for trunk highway purposes; authorizing the commissioner to lease airspace above and subsurface areas below trunk highway right-of-way; adding new routes to the trunk highway system, and adding new routes in substitution of existing routes; providing for the designation of handicapped parking spaces; authorizing leaves of absence for certain employees under certain conditions; modifying the procedures for approval of plats which include lands abutting trunk highways; amending Minnesota Statutes 1978, Sections 161.172; 161.23, Subdivision 2; 161.43; 161.433, Subdivision 1; 161.44, Subdivision 1; 169.346, Subdivision 2; 174.03, by adding a subdivision; and 505.03, Subdivision 2; repealing Minnesota Statutes 1978, Section 163.07, Subdivision 3.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes, 1979 Supplement, Section 116I.01, Subdivision 2, is amended to read:

Subd. 2. "Construction" means any clearing of land, excavation, or other action that would adversely affect the natural environment of a pipeline route but does not include changes needed for temporary use of a route for purposes other than installation of a pipeline, for securing survey or geological data, or for the repair or replacement of an existing pipeline within the exist-

ing right-of-way, or for the minor relocation of less than three-fourths mile of an existing pipeline.

Sec. 2. Minnesota Statutes 1978, Section 160.27, Subdivision 5, is amended to read:

Subd. 5. [MISDEMEANORS.] Except for the actions of the road authorities, their agents, employees, contractors, and utilities in carrying out their duties imposed by law or contract, and except as herein provided, it shall be unlawful to:

- (1) Obstruct any highway or deposit snow or ice thereon;
- (2) Plow or perform any other detrimental operation within the road right of way except in the preparation of the land for planting a perennial hay crop, and the harvesting of said crop;
- (3) Erect a fence on the right of way of a trunk highway, county state-aid highway or county highway, except to erect a lane fence to the ends of a livestock pass;
- (4) Dig any holes in any highway;
- (5) Remove any earth, gravel or rock from any highway;
- (6) Obstruct any ditch draining any highway or drain any noisome materials into any ditch;
- (7) Place or maintain any building or structure within the limits of any highway;
- (8) Place or maintain any advertisement within the limits of any highway;
- (9) Paint, print, place, or affix any advertisement or any object within the limits of any highway;
- (10) Deface, mar, damage, or tamper with any structure, work, material, equipment, tools, signs, markers, signals, paving, guardrails, drains, or any other highway appurtenance on or along any highway;
- (11) Remove, injure, displace, or destroy right of way markers, or reference or witness monuments, or markers placed to preserve section or quarter section corners;
- (12) Improperly place or fail to place warning signs and detour signs as provided by law;

(13) Drive over, through, or around any barricade, fence, or obstruction erected for the purpose of preventing traffic from passing over a portion of a highway closed to public travel or to remove, deface, or damage any such barricade, fence, or obstruction.

Violations hereof shall be prosecuted by the county attorney of the county where the violations occur. Any person convicted of such violations shall be guilty of a misdemeanor.

Sec. 3. [161.115] [TRUNK HIGHWAY SYSTEM; NEW ROUTES.] *Subdivision 1. There is added to the trunk highway system new routes described as follows:*

Route No. 334. Beginning at a point on Route No. 116 at or near Inver Grove Heights; thence extending in a general northerly direction to a point on Route No. 102 at or near St. Paul.

Route No. 335. Beginning at a point on Route No. 7 near St. Peter; thence extending in a southerly direction to a point at or in the grounds of the St. Peter state hospital.

Subd. 2. The revisor of statutes is directed to assign numbers to the routes described in subdivision 1 and compile them in the next and subsequent editions of Minnesota Statutes.

Sec. 4. [161.115] [TRUNK HIGHWAY SYSTEM; NEW ROUTES IN SUBSTITUTION OF EXISTING ROUTES.] *Subdivision 1. There is added to the trunk highway system new routes described as follows:*

Route No. 263. Beginning at a point in or adjacent to Ceylon; thence extending in a general northerly direction to a point on Route No. 391 westerly of Fairmont.

Route No. 264. Beginning at a point in or adjacent to Round Lake; thence extending in a general northerly direction to a point on Route No. 391 easterly of Worthington.

Route No. 278. Beginning at a point on Route No. 105 at or near the westerly limits of Minneapolis; thence extending in a generally easterly direction on or near Lowry Avenue in Minneapolis to a point on Route No. 110.

Subd. 2. The routes established in subdivision 1 are substituted for trunk highway routes numbered 263, 264 and 278 as contained and described in Minnesota Statutes 1978, Section 161.115, and routes numbered 263, 264 and 278 as contained and described in said section are discontinued and removed from the trunk highway system.

Subd. 3. The revisor of statutes in compiling the next and subsequent editions of Minnesota Statutes shall substitute the routes established in subdivision 1 for the routes discontinued and removed from the trunk highway system in subdivision 2.

Sec. 5. [116.115] [TRUNK HIGHWAY SYSTEM; REMOVAL OF ROUTE NO. 327.] *Subdivision 1. Route No. 327 as contained and described in Minnesota Statutes 1978, Section 161.115 is discontinued and removed from the trunk highway system.*

Subd. 2. Revisor of statutes, in compiling the next and subsequent editions of Minnesota Statutes shall delete the route specified in Subdivision 1.

Sec. 6. Minnesota Statutes 1978, Section 161.172, is amended to read:

161.172 [MUNICIPALITIES TO CONSENT.] Except for routes on the interstate system, no state trunk highway or any part thereof, located within the corporate limits of any municipality, shall be constructed or improved in the manner specified in this section without the consent of the governing body of such municipality, unless the procedures prescribed by sections 161.172 to 161.177 shall have been followed by the commissioner of transportation. *The highway improvements requiring consent are limited to those improvements which alter access, increase or reduce highway traffic capacity or require acquisition of permanent rights-of-way.* This section shall not limit the power of the commissioner to regulate traffic or install traffic control devices or other safety (DEVICES) measures on trunk highways located within municipalities.

Nothing contained in this section shall be construed as in any way limiting the commissioner's discretion to determine the priority and programming of trunk highway construction.

Sec. 7. Minnesota Statutes 1978, Section 161.23, Subdivision 2, is amended to read:

Subd. 2. [CONVEYANCE OF EXCESS.] If the commissioner of transportation acquires real estate in excess of what is needed for trunk highway purposes as authorized in subdivision 1 (HEREOF), he shall, within one year after the completion of the construction, reconstruction, or improvement of the highway for which a portion of the real estate was needed and required, (NOTIFY THE GOVERNOR THAT SUCH EXCESS REAL ESTATE MAY BE SOLD. THE GOVERNOR, IN BEHALF OF THE STATE, AFTER SUCH NOTIFICATION SHALL) convey and quitclaim (SUCH) the excess real estate to the highest responsible bidder, after receipt of sealed bids following published notice of the sale for three successive weeks in a newspaper or trade journal of general circulation in

the territory from which bids are likely to be received. The deed may contain restrictive clauses limiting the use of such real estate in the interests of safety and convenient public travel when the commissioner finds that (SUCH) *the* restrictions are reasonably necessary.

Sec. 8. Minnesota Statutes 1978, Section 161.43, is amended to read:

161.43 [RELINQUISHMENT OF HIGHWAY EASEMENTS.] (THE GOVERNOR, IN BEHALF OF THE STATE AND UPON RECOMMENDATION OF) The commissioner of transportation (,) may relinquish and quitclaim to the fee owner or, if the fee owner refuses or cannot be located, to another agency or political subdivision of the state any easement or portion thereof owned but no longer needed by the (STATE) transportation department for trunk highway purposes, upon payment to the (STATE) transportation department of at least the amount of money paid for the acquisition thereof. Whenever less than the easement as originally acquired is to be relinquished and quitclaimed, the amount of moneys to be paid to the (STATE) transportation department shall not be a less proportion of the consideration paid therefor by the (STATE) transportation department than the portion to be relinquished and quitclaimed bears to the easement as originally acquired. In determining the amount to be paid upon reconveyance to the fee holder, the estimated amount of money paid by the (STATE) transportation department for any improvement acquired in the original easement and not included in the reconveyance, and the estimated amount of money paid by reason of damages to remaining portions of the tract, if any, not mitigated by the reconveyance, shall first be subtracted from the total consideration paid by the (STATE) transportation department for the original easement. Before any (SUCH) easement may be relinquished and quitclaimed to another governmental agency or political subdivision of the state, the (GOVERNOR) *commissioner of transportation* must first publish for three successive weeks in a newspaper of general circulation in the county in which the easement is located notice of his intent to so relinquish and quitclaim (SUCH) *the* easement to another governmental agency or political subdivision of the state.

Sec. 9. Minnesota Statutes 1978, Section 161.433, Subdivision 1, is amended to read:

161.433 [USE OF AIR SPACE ABOVE AND SUBSURFACE BELOW TRUNK HIGHWAYS.] Subdivision 1. [LEASE OR PERMIT, CONDITIONS AND RESTRICTIONS.] The commissioner of transportation (, WITH THE WRITTEN APPROVAL OF THE GOVERNOR,) may lease or otherwise permit the use of the air space above and subsurface area below the surface of the right of way of any trunk highway, including the surface of the right of way above and below the air space or subsurface areas, where the land is owned in fee by the state for

trunk highway purposes when (SUCH) *the* use will not impair or interfere with the use and safety of the highway. The lease, permit, or other agreement may contain such restrictive clauses as the commissioner deems necessary in the interest of safety and convenience of public travel and other highway purposes. No lease, permit, or other agreement shall be for a period in excess of 99 years. Vehicular access to such air space, subsurface, or surface areas shall not be allowed directly from the highway where such access would violate the provisions of Title 23 of the United States Code, or would interfere in any way with the free flow of traffic on the highway. Any (SUCH) lease, permit, or other agreement shall have the approval of the appropriate federal agency when required.

Sec. 10. Minnesota Statutes 1978, Section 161.44, Subdivision 1, is amended to read:

161.44 [RELINQUISHMENT OF LANDS OWNED IN FEE.] Subdivision 1. [CONVEYANCE.] (THE GOVERNOR, IN BEHALF OF THE STATE AND UPON RECOMMENDATION OF) The commissioner (,) may convey and quitclaim any lands, including any improvements thereon, owned in fee by the state for trunk highway purposes but no longer needed therefor. Notwithstanding any provisions in this section or in section 161.23 to the contrary, fee title to or an easement in all or part of (SUCH) *the* lands and lands previously acquired in fee for trunk highways or acquired pursuant to (MINNESOTA STATUTES 1965,) section 161.23, in excess of what is needed for highway purposes may be conveyed and quitclaimed for public purposes to any political subdivision or agency of the state upon (SUCH) *the* terms and conditions as may be agreed upon between the commissioner and the political subdivision or agency.

Sec. 11. Minnesota Statutes 1978, Section 161.51, is amended to read:

161.51 [FEDERAL-STATE SAFETY ACCOUNT.] There is established within the trunk highway fund a federal-state safety account. The commissioner of transportation may transfer the unobligated balance of any direct appropriation to the department of transportation for administrative operations, maintenance, highway development support, research and standards, state aid administration, or planning and programming, into this account if needed to advance state money for approved federal highway safety projects. The commissioner may receive money from state or local governmental agencies to be used for projects under the federal highway safety program. All federal reimbursements shall be deposited in the state treasury and are appropriated to the federal-state safety account to be available until (THE END OF THE FISCAL BIENNIUM DURING WHICH THEY ARE RECEIVED) *expended*.

Sec. 12. Minnesota Statutes 1978, Section 169.305, Subdivision 1, is amended to read:

169.305 [CONTROLLED ACCESS REGULATIONS AND PENALTIES.] Subdivision 1. (a) No person shall drive a vehicle onto or from any controlled access highway except at such entrances and exits as are established by public authority.

(b) When special crossovers between the main roadways of a controlled access highway are provided for emergency vehicles or maintenance equipment and such crossovers are signed to prohibit "U" turns, it shall be unlawful for any vehicle, except an emergency vehicle (OR), maintenance equipment, or *construction equipment including contractor's and state owned equipment when operating within a marked construction zone*, to use such crossover. For the purposes of this clause "emergency vehicle" includes a wrecker if it is on the way to the location of an accident or a disabled vehicle.

(c) The commissioner of transportation may by order, and any public authority may by ordinance, with respect to any controlled access highway under their jurisdictions prohibit or regulate the use of any such highway by pedestrians, bicycles, or other nonmotorized traffic, or by motorized bicycles, or by any class or kind of traffic which is found to be incompatible with the normal and safe flow of traffic.

(d) The commissioner of transportation or the public authority adopting any such prohibitory regulations shall erect and maintain official signs on the controlled access highway on which such regulations are applicable and when so erected no person shall disobey the restrictions stated on such signs.

Sec. 13. Minnesota Statutes 1978, Section 169.42, Subdivision 1, is amended to read:

169.42 [LITTERING OR PLACING REFUSE UPON HIGHWAYS OR ADJACENT LANDS, PRIVATE PROPERTY, PARKS OR PUBLIC PLACE; DROPPING OBJECTS ON VEHICLES.] Subdivision 1. No person shall throw, deposit, place or dump, or cause to be thrown, deposited, placed or dumped upon any street or highway or upon any public or privately owned land adjacent thereto without the owner's consent any *snow, ice, glass bottle, glass, nails, tacks, wire, cans, garbage, swill, papers, ashes, refuse, carcass of any dead animal, offal, trash or rubbish or any other form of offensive matter or any other substance likely to injure any person, animal or vehicle upon any such street or highway.*

Sec. 14. Minnesota Statutes 1978, Section 505.03, Subdivision 2, is amended to read:

Subd. 2. Any (SUCH) proposed *preliminary* plat which includes lands abutting upon any existing or established trunk highway or proposed highway which has been designated by a centerline order filed in the office of the county recorder shall first be presented to the commissioner of transportation for his written comments and recommendations. Where any (SUCH) *preliminary* plat includes land abutting upon an existing or established county or county state aid highway, it shall first be submitted to the county engineer for his written comments and recommendations. *Preliminary* plats involving both a trunk highway and a highway under county jurisdiction shall be submitted to the commissioner of transportation and the county highway engineer. *Plats shall be submitted for review at least 30 days prior to the home rule charter or statutory city, town or county taking final action on the preliminary plat.* The commissioner of transportation (OR) *and/or* the county highway engineer shall submit (SUCH) *the* written comments and recommendations to the city, town, or county within (15) 30 days after receipt by (HIM) *them* of such a plat. Final action on such plat by the city, town, or county shall not be taken until after these required comments and recommendations have been received or until the (15) 30 day period has elapsed. A legible preliminary drawing or print of a proposed *preliminary* plat shall be acceptable for purposes of review by the commissioner of transportation or the county highway engineer. To such drawing or print there shall be attached a written statement describing; (1) the outlet for and means of disposal of surface waters from the proposed platted area, (2) *the land use designation or zoning category of the proposed platted area,* (3) *the locations of ingress and egress to the proposed platted area,* and (4) *a preliminary site plan for the proposed platted area, if one has been prepared.* Failure to obtain the written comments and recommendations of the commissioner of transportation or the county highway engineer shall in no manner affect the title to the lands included in the plat or the platting of said lands. (NO) A certificate or other evidence (IS) *shall be* required to or upon the plat for filing in the office of the county recorder or registrar of titles as to the submission of or the obtaining of such written comments and recommendations. *The home rule charter or statutory city, town or county shall provide the certificate or other evidence to the county recorder or registrar of titles.*

Sec. 15. [EFFECTIVE DATE.] *This act is effective the day following its final enactment."*

Delete the title in its entirety and insert:

"A bill for an act relating to transportation; requiring the consent of municipalities for certain trunk highway improvements; authorizing the commissioner of transportation to convey or otherwise dispose of certain lands no longer needed for trunk highway purposes; authorizing the commissioner to lease airspace above and subsurface areas below trunk highway right-of-

way; adding new routes to the trunk highway system, and adding new routes in substitution of existing routes; discontinuing and removing Route No. 327 from the trunk highway system; permitting certain equipment to use crossovers between the main line roadways of controlled access highways when operating within a marked construction zone; modifying the availability of federal reimbursements deposited in the state treasury and appropriated to the federal-state safety account; prohibiting depositing snow or ice on a highway; excluding minor relocations of pipelines caused by highway construction from the definition of construction; modifying the procedures for approval of plats which include lands abutting trunk highways; amending Minnesota Statutes 1978, Sections 160.27, Subdivision 5; 161.172; 161.23, Subdivision 2; 161.43; 161.433, Subdivision 1; 161.44, Subdivision 1; 161.51; 169.305, Subdivision 1; 169.42, Subdivision 1; 505.03, Subdivision 2; and Minnesota Statutes, 1979 Supplement, Section 116L.01, Subdivision 2."

With the recommendation that when so amended the bill pass.

The report was adopted.

Munger from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 1349, A bill for an act relating to natural resources; authorizing the commissioner of natural resources to convey the interests of the state in certain lands in Kandiyohi county for the purpose of correcting conveyancing errors.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Fudro from the Committee on Transportation to which was referred:

H. F. No. 1373, A bill for an act relating to motor vehicles; establishing gross weight limitations on certain highways for certain vehicles and combinations of vehicles; providing an exception; providing for the enforcement of weight limitations and providing penalties; authorizing the employment of certain personnel in the unclassified service to enforce certain motor vehicle and traffic laws, and prescribing the conditions of employment; amending Minnesota Statutes 1978, Sections 168.013, Subdivision 3; 169.03, Subdivision 6; 169.83, Subdivision 2; 169.832, Subdivision 2, and by adding a subdivision; 169.85; and 299D.06.

Reported the same back with the following amendments:

Pages 4, 5, 6, 7, and 8, delete all of Section 3

Page 10, line 3, strike "five" and insert "ten"

Pages 11 and 12, strike all of Section 7

Renumber the remaining sections accordingly.

Further amend the title by deleting it in its entirety and inserting as follows:

"A bill for an act relating to motor vehicles; providing for the re-registration of certain motor vehicles; exempting certain vehicles from certain weight limitations; providing for the enforcement of weight limitations and providing penalties; amending Minnesota Statutes 1978, Section 168.013, Subdivision 3; 169.03, Subdivision 6; 169.832, Subdivision 2, and by adding a Subdivision; and 169.85."

With the recommendation that when so amended the bill pass.

The report was adopted.

Brinkman from the Committee on Financial Institutions and Insurance to which was referred:

H. F. No. 1400, A bill for an act relating to insurance; placing certain restrictions on life insurance policies designed to protect certain interests arising out of business relationships; amending Minnesota Statutes 1978, Chapter 61A, by adding a section.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Farcy from the Committee on Judiciary to which was referred:

H. F. No. 1577, A bill for an act relating to real property; empowering the commissioner of banks to clear certain title defects involving a defunct state agency.

Reported the same back with the following amendments:

Page 1, line 8, delete "duplicate and original satisfactions of mortgages" and insert "quit claim deeds"

Page 1, line 11, delete "satisfactions" and insert "quit claim deeds"

Page 1, line 11, delete "receipt of"

Page 1, line 11, after "evidence" insert "the state of Minnesota no longer has a valid claim of title to the property involved"

Page 1, line 12, delete "that a mortgage was satisfied"

Page 1, line 13, delete "satisfaction" and insert "quit claim deed"

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Fudro from the Committee on Transportation to which was referred:

H. F. No. 1591, A bill for an act relating to transportation; abolishing the functions, powers and duties of the department of transportation relating to the inspection, grading, sampling and analysis of hay and straw, and establishing a board of hay and straw standards in the department of agriculture; clarifying laws relating to the regulation of railroads and removing obsolete and duplicative language; prescribing certain powers of the commissioner of transportation and the public service commission relating to rates and charges; requiring track scales, and regulating the weighing of railroad cars and freight; providing for railroad grade crossing safety devices and other safety devices; prescribing penalties; amending Minnesota Statutes 1978, Sections 218.011, Subdivision 2; 218.021; 218.031, Subdivision 1; 218.041; 219.01; 219.07; 219.08; 219.10; 219.14, Subdivision 2; 219.17; 219.19; 219.23; 219.28; 219.383, Subdivision 4; 219.39; 219.40; 219.47; 219.50; 219.52; 219.54; 219.64; 219.70; 219.741 219.85; 219.92; 219.97, Subdivision 7; 222.48, Subdivisions 2 and 3; 222.49; 222.50, Subdivisions 2, 3, 4 and 5; 222.51; 222.52; 222.53; 222.54; Chapters 25, by adding sections; 219, by adding a section; and 239, by adding a section; repealing Minnesota Statutes 1978, Sections 219.02; 219.03; 219.04; 219.05; 219.11; 219.12; 219.22; 219.25; 219.43; 219.58; 219.59; 219.60; 219.61 219.62; 219.63; 219.65; 219.66; 219.67; 219.84; 219.86; 219.87; 219.89 219.90; 219.91; 219.94; 219.95; 219.96; 219.97, Subdivisions 1, 2, 3, 8, 9, 11, 14, 15 and 16; 222.38; 222.39; 222.40; 222.41; 222.42; 222.43; 222.44; 222.45; 229.01; 229.02; 229.03; 229.04; 229.05; 229.06; 229.07; 229.08; 229.10; 229.11; 229.12 229.13; 229.14; 229.15; 229.16; 229.17; 229.18; 229.19; 229.20; and 452.14.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1978, Chapter 25, is amended by adding a section to read:

[25.46] [HAY AND STRAW WEIGHING, SAMPLING, ANALYSIS.] *The commissioner of agriculture shall exercise general supervision over the inspection, grading, sampling and analysis of hay and straw in the state. The functions, powers and duties of the department of transportation relating to the inspection, grading, sampling and analysis of hay and straw are abolished.*

Sec. 2. Minnesota Statutes 1978, Chapter 25, is amended by adding a section to read:

[25.47] [HAY AND STRAW STANDARDS.] *Subdivision 1. The commissioner of agriculture shall have jurisdiction over hay and straw standards established in Minnesota and shall regulate the inspection, grading, weighing, sampling and analysis of hay and straw within the state.*

Subd. 2. The commissioner of agriculture shall, on or before June 15 of each year, establish the grades of hay and straw subject to state inspection which shall be known as the "Minnesota Grades" and hay and straw received at a public warehouse shall be graded accordingly. The grades shall not be changed before June 15 of the next succeeding year. The commissioner of agriculture shall also adopt rules in accordance with the administrative procedure act as it deems necessary to implement this section and section 1.

Sec. 3. Minnesota Statutes 1978, Section 218.011, Subdivision 2, is amended to read:

Subd. 2. "Common carrier" shall mean (ALL) railroad companies, except private railroads; express companies; (SLEEPING CAR COMPANIES;) and (ALL) persons, natural or artificial, engaged in (SUCH) rail transportation as (AFORESAID) common carriers for hire.

Sec. 4. Minnesota Statutes 1978, Section 218.021, is amended to read:

218.021 [COMMON CARRIERS, UNLAWFUL ACTS.]
Subdivision 1. It shall be unlawful for any common carrier:

(1) To charge, demand, collect or receive for any service a greater or a lesser sum than that fixed in its published schedules.

(2) To change or discontinue any published rate, charge or classification, minimum weight or rule relating to (THE SAME, OR OPERATION OF ANY REGULARLY SCHEDULED IN-

TRASTATE PASSENGER TRAINS,) *service* without approval of the commission.

(3) To make or give any undue or unreasonable preference or advantage, or any undue or unreasonable prejudice or disadvantage, to any person, company, firm, corporation, transit point or locality or to any particular description of traffic.

(4) By any special rate, rebate, drawback or other device, directly or indirectly, to charge, demand, collect or receive a greater or less compensation for any service rendered in the transportation of any property within this state than the regular established schedule of rates and charges for like and contemporaneous service for any other person, or for the public generally; or, directly or indirectly, to offer or give any shipper, in connection with or as an inducement or reward for receiving any property for transportation, any gift, gratuity or free pass or any rate less than that offered to the public.

(5) Except as expressly permitted, to charge a greater rate per ton or per ton mile for a single carload of freight of any kind or class than for a greater number of carloads of the same kind or class, to and from the same points of origin or destination.

(6) To charge or receive any greater compensation for the transportation of (PASSENGERS OR OF LIKE KIND OR CLASS AND) a quantity of property for a shorter than for a longer distance over the same line, the shorter being included within the longer; but this shall not be so construed as to authorize any carrier to charge or receive as great compensation for a shorter as for a longer distance; or to charge or receive any greater compensation per ton per mile for the contemporaneous transportation of the same class of freight for a longer than for a shorter distance over the same line in the same general direction, or from the same original point of departure or to the same point of arrival; but this shall not be construed so as to authorize any carrier to charge as high a rate per ton per mile for a longer as for a shorter distance.

(7) To charge or receive for the transportation of freight of any description for any distance within this state a greater amount than is at the same time charged or received for a like quantity of freight of the same class over a greater distance of the same railway; or to charge or receive at any point upon its road a higher rate for receiving, handling or delivering freight of the same class or quantity than it shall at the same time charge or receive to any other point upon the same line; or to charge or receive for freight of any description over its railway a greater amount than at the same time is charged or received for the transportation of a like quantity of freight of the same class being transported over any portion of the same

TATIVES OF ANY RAILROAD OR MOTOR BUS LABOR ORGANIZATIONS, OR TO CHILDREN UNDER TWELVE (12) YEARS OF AGE, MINISTERS OF RELIGION, SECRETARIES OF YOUNG MEN'S ASSOCIATIONS, PERSONS EXCLUSIVELY ENGAGED IN CHARITABLE AND ELEEMOSYNARY WORK, INDIGENT, DESTITUTE AND HOMELESS PERSONS AND SUCH PERSONS, WHEN TRANSPORTED BY CHARITABLE SOCIETIES OR HOSPITALS OR BY ANY PUBLIC CHARITY AND THE NECESSARY AGENTS EMPLOYED IN SUCH TRANSPORTATION, INMATES OF NATIONAL HOMES OR STATE HOMES FOR DISABLED SOLDIERS, INMATES OF SOLDIERS' AND SAILORS' HOMES INCLUDING THOSE ENTERING AND RETURNING FROM SUCH HOMES AND TRANSPORTATION OF MANAGERS OF SUCH HOMES, POST OFFICE INSPECTORS, CUSTOM AND IMMIGRATION INSPECTORS, WITNESSES OF COMMON CARRIERS ATTENDING ANY LEGAL INVESTIGATION IN WHICH THE COMPANY IS INTERESTED, OFFICIALS AND LINE-MEN OF TELEGRAPH AND TELEPHONE COMPANIES, EX-EMPLOYEES RETIRED FROM SERVICE ON ACCOUNT OF AGE OR BECAUSE OF DISABILITY SUSTAINED WHILE IN THE SERVICE OF THE COMMON CARRIER AND DEPENDENT MEMBERS OF THEIR FAMILIES, OR THE WIDOWS OR DEPENDENT CHILDREN OF EMPLOYEES KILLED OR DYING WHILE IN THE SERVICE OF SUCH COMPANY, NECESSARY CARETAKERS OF LIVESTOCK, POULTRY, VEGETABLES AND FRUIT, INCLUDING TRANSPORTATION TO AND FROM THE POINT OF DELIVERY, EMPLOYEES ON SLEEPING AND EXPRESS CARS, RAILWAY OR MOTOR BUS MAIL SERVICE EMPLOYEES, NEWSBOYS ON TRAINS OR MOTOR BUSES, BAGGAGE AGENTS, PERSONS INJURED IN WRECKS AND PHYSICIANS AND NURSES ATTENDING THEM; NOR PROHIBIT THE INTERCHANGE OF PASSES, EXPRESS AND OTHER FRANKS FOR THE OFFICERS, BONA FIDE AGENTS, SURGEONS, PHYSICIANS, ATTORNEYS AND EMPLOYEE AND DEPENDENT MEMBERS OF THEIR FAMILIES OF ANY PERSON OR COMPANY WITH THE OBJECT OF PROVIDING RELIEF IN CASES OF GENERAL EPIDEMIC, PESTILANCE OR CALAMITOUS VISITATION;) nor prohibit the interchange of (PASSENGER AND) freight transportation and message service between railroad, motor bus and telegraph companies (; NOR PROHIBIT FURNISHING FREE TRANSPORTATION TO THE COMMISSIONER, MEMBERS OF THE COMMISSION, HEARINGS OFFICERS, COUNSEL OR EMPLOYEES AND AGENTS WHILE ENGAGED IN THE PERFORMANCE OF THEIR DUTIES, PROVIDED NO SUCH FREE TRANSPORTATION SHALL BE GIVEN TO ANY PERSON WHEN A MEMBER OF, EMPLOYED BY OR IN ANY WAY CONNECTED WITH ANY POLITICAL COMMITTEE OR AN INCUMBENT OF ANY OFFICE OR POSITION UNDER THE CONSTITUTION AND LAWS OF THIS STATE, EXCEPT AS

ABOVE PROVIDED AND EXCEPT THAT FREE PASSES MAY BE GIVEN TO EMPLOYEES WHILE OCCUPYING OFFICE OR POSITION OTHER THAN JUDICIAL UNDER A MUNICIPALITY, COUNTY OR PUBLIC SCHOOL DISTRICT, OR WHILE ACTING UNDER APPOINTMENT AS A NOTARY PUBLIC, AND MAY FURTHER ISSUE FREE PASSES TO ANY MEMBER OF THE LEGISLATURE WHO HAS BEEN AN EMPLOYEE OF SUCH COMPANY FOR A CONTINUOUS PERIOD OF FIVE (5) YEARS PRIOR TO HIS ELECTION, AND, PROVIDED, THAT SUCH MEMBER OF THE LEGISLATURE DOES NOT COLLECT MILEAGE FOR SUCH TRAVEL FROM THE STATE).

Sec. 5. Minnesota Statutes 1978, Section 218.031, Subdivision 1, is amended to read:

218.031 [COMMON CARRIERS, DUTIES.] Subdivision 1. Except as otherwise directed or authorized, it shall be the duty of every common carrier:

(1) To prescribe in the first instance, and to publish upon not less than ten days' public notice in such manner as may be required by the commissioner and law, all schedules of fares, rates and charges and classifications thereof, together with the rules governing the same, and minimum weights for transportation of freight articles between points or stations in the state, and terminal and switching charges, provided there shall be but one classification applicable to any one commodity which shall be uniform on all railroads in this state and govern in all state commerce.

(2) To comply with every duly authorized rule, regulation or directive of the commissioner or commission except as the same may be stayed, pending appeal therefrom.

(3) To put into effect and observe all schedules of rates, fares and charges and classifications and any amendments or changes therein duly ordered by the commission, except as the same may be stayed, pending appeal.

(4) To maintain as may be directed by the commissioner for public inspection at stations and depots all schedules showing all classifications, rates, fares and charges for transportation of freight (AND PASSENGERS) currently in force applying from such station. Such schedules shall state the places between which (PERSONS AND) property will be carried and show the classification of freight, the distance tariff, a table of distances between stations, any terminal charges and any rules or regulations in any way affecting the aggregate of such rates, fares and charges.

(5) Upon request of an owner or consignor of freight to the initial company, whenever the initial line does not reach the place of destination, or the distance from the place of origin to destina-

tion may be shortened, to transfer such freight to a connecting line without change in cars if in carload lots, except such change be free of charge to the shipper and receiver; and to transfer with or without change in cars of less than carload lots at a reasonable joint through rate agreed upon by the connecting carriers or prescribed by the commission, not greater than the maximum rates allowed by law, provided any unloading and re-loading which is necessary shall be at cost and the charge for such transfer included in the joint rate.

(6) To provide the same switching, transfer and handling facilities for local as for interstate traffic.

(7) Upon written demand of the owner, to construct, maintain and operate side tracks and reasonable facilities connecting with any grain warehouse, dock, wharf, mill, coal yard, quarry, brick or lime kiln, sand or gravel pit, crushed rock or concrete plant or manufactory as may be required by the (COMMISSION) *commissioner*, and on such terms as may be agreed upon, or, on failure of agreement, as may be prescribed by the (COMMISSION) *commissioner*.

(8) To issue receipts or bills of lading covering all property received for transportation from any point in the state to any other point in the state, and to respond for any loss, damage or injury to such property caused by it or any carrier to whom such property may be delivered or over whose line it may pass, nor shall any contractual provision whatever exempt it from such liability.

(9) To refund all overcharges for freight, baggage or express, and pay for any loss, damage or injury to property while in its possession, within ninety (90) days after the filing of a claim for such over-charge, loss or damage.

((10) TO REDEEM, UPON PRESENTATION TO ANY AUTHORIZED TICKET AGENT, ANY PASSENGER TICKET UNUSED IN WHOLE OR IN PART, WHICH HAS NOT BY ITS TERMS EXPIRED, AND PAY THEREFOR A PRO RATA SHARE OF THE PRICE FOR WHICH SUCH TICKET WAS SOLD OR, IF WHOLLY UNUSED, THE ENTIRE PURCHASE PRICE.)

((11) TO FURNISH SUITABLE CARE FOR THE TRANSPORTATION OF LIVESTOCK AND TRANSPORT LIVESTOCK OF DIFFERENT KINDS IN THE SAME CAR AT THE OPTION OF THE SHIPPER; TO DELIVER ALL LIVESTOCK ARRIVING AT ANY TERMINAL, BILLED TO ANY STOCKYARD WITHIN TWENTY (20) MILES THEREOF, TO THE CHUTES OF SUCH STOCKYARD WITHIN FIVE (5) HOURS AFTER ARRIVAL AT THE TERMINAL UNLESS PREVENTED BY ACT OF GOD, OR TO ANY CHUTES WITHIN TEN (10) MILES OF THE TERMINAL

WITHIN THREE (3) HOURS AFTER ARRIVAL THEREAT UNLESS PREVENTED BY ACT OF GOD; TO FURNISH TRANSPORTATION WITHOUT CHARGE, IN CONNECTION WITH LIVESTOCK SHIPMENTS IN CARLOAD LOTS, FOR ONE (1) PERSON FOR THE FIRST CAR AND AN ADDITIONAL PERSON FOR EACH ADDITIONAL FOUR (4) CARLOADS SHIPPED AT THE SAME TIME, IN A CABOOSE OR OTHER SUITABLE CAR WHILE GOING, AND BY FIRST CLASS PASSAGE WHEN RETURNING.)

((12)) (10) To keep its accounts so as to show, as far as practicable, the earnings derived from, and the expenses incurred in, handling intrastate business in such form as the commissioner shall prescribe, including the separation of accounts for each operating division, wholly or partly within the state. Such accounts shall show the total cost of operating through trains and the total cost of operating the local or distributing trains of each operating division, wholly or partly within the state, during the fiscal year to be fixed by the commissioner, the total number of tons of revenue and non-revenue freight, the number of tons of each carried one (1) mile on the through trains and on the local trains, respectively, the number of tons and ton miles of revenue and non-revenue freight carried on through or local trains which are exclusively intrastate, and the gross tons and ton miles made by through and local trains on each division. The accounts shall show the total revenue and non-revenue train and engine miles and the total revenue and non-revenue car miles (the non-revenue car miles to be shown loaded and empty separately) produced by such railroad in the state in each operating division, the number of each of the above train, engine and car mileage produced in handling the through trains and in handling the local trains, the total locomotive miles produced in switching on each division and such further information related to the income or cost of intrastate business as the commissioner may require. The commissioner may require such accounts to be kept with reference to the intrastate passenger business of each carrier and the train, car and engine mileage incurred in such business in this state as (it) *he* may deem necessary.

((13)) (11) During pendency of any litigation, when rates prescribed by the commission have not been put into effect, to keep a correct account of every charge made by it for any services to which such rates apply in excess of the rates prescribed, showing in each case the difference between the amount actually charged and the amount allowed to be charged, the date of the transaction, the stations between which the business was carried and the names and addresses of the consignor and consignee, and to report such information in full to the commission on his request.

Sec. 6. Minnesota Statutes 1978, Section 218.041, is amended to read:

218.041 [DUTIES OF PUBLIC SERVICE COMMISSION AND COMMISSIONER.] Subdivision 1. With respect to all common carriers including express companies (AND SLEEPING CAR COMPANIES,) the commissioner shall investigate the management thereof, the manner in which their businesses are conducted, and the adequacy of the services they are affording the public and shall prescribe uniform systems of keeping and rendering accounts and the time within which such systems shall be adopted. The commission shall make all appropriate orders relating to continuation, termination, modification or extension of services and facilities with a view to properly promoting the security and convenience of the public.

Subd. 2. The public service commission shall, upon petition after hearing:

(1) Review and ascertain the reasonableness and equalities of all schedules of rates, fares and charges or any part or classification thereof, including joint through rates, and, if found unreasonable or discriminatory, establish new schedules and prescribe the form and manner of filing, posting and publication thereof.

(2) Order the issuance of any franchises, permits or certificates of convenience and necessity.

(3) Prescribe schedules of reasonable maximum rates or charges for the transportation of freight and cars on each railroad, including the classification of such rates and rules governing the same, and revise the same from time to time.

((4) FIX RATES OR CHARGES FOR CARRYING LIVESTOCK TO ST. PAUL OR BETWEEN ST. PAUL AND SOUTH ST. PAUL, PROVIDED THAT THE RAILROAD TRANSPORTING SUCH LIVESTOCK TO ST. PAUL SHALL ABSORB SWITCHING CHARGES FROM ST. PAUL TO SOUTH ST. PAUL OUT OF ITS LINE HAUL RATES OR CHARGES FOR TRANSPORTATION OF SUCH LIVESTOCK TO ST. PAUL, OR THE COMMON RATE POINT WHICH INCLUDES ST. PAUL.)

((5) PRESCRIBE RATES FOR FEEDING CATTLE APPLICABLE TO OUTMOVEMENT FROM TERMINAL MARKETS.) (4) The commission may unite two or more stations or commercial centers into a common rate point and may designate the classes of freight which shall take common rates, and fix the mileage that shall govern between the common rate point and any or all other points in the state. The distance so fixed shall not apply as a measure of the rate for the movement of the same class of freight for similar distances between other points.

((6)) (5) Prescribe a schedule of joint through railway rates for freight over two or more connecting lines of railway and revise the same from time to time. In so doing, the commission shall

consider, among other things, rates established for shipments within this state for like distances over single lines, rates charged by the railway companies operating such connecting lines for joint interstate shipments, and the increased cost, if any, of a joint through shipment as compared with a shipment over a single line for like distances. In establishing rates for shipments in less than carload lots, in cases where connecting railways are not required to have common stations or stopping place for loading or unloading freight at connecting points, the commission shall regulate the transportation of such freight from the usual unloading place of one railway to the usual loading place of the other. The share of any railway company of any joint through rates shall not be construed to fix the charge that it may make for a similar distance over any part of its line for any single rate shipment, or the share of any other joint rate. Where the line of a railway company connects the point of shipment with the point of destination but would require a longer haul than a joint haul for which a joint rate has been established, the commission may authorize charging the joint rate for the single haul without affecting the charge upon any other part of its line except that the charge for a like kind of property must not be greater for a shorter than for a longer distance upon that railroad, all of the shorter hauls being included within the longer.

((7)) (6) Define switching and drayage service to apply to the movement of traffic within and between points and fix reasonable maximum rates for the same, which shall be independent of any rates that may be made for line haul transportation. There shall be but one terminal charge for switching or transferring any car within any one municipality and, if it is necessary that any car in such transfer pass over the tracks of more than one railroad within such limits, the company first so transferring such car shall receive the entire charge therefor and be liable to each company doing subsequent switching for its just share of such charge as may be agreed upon among the companies, or, in the event of disagreement, as prescribed by the commissioner.

((8) UPON APPLICATION BY A CARRIER STATING THAT IT DESIRES TO ESTABLISH A RATE FOR A TEMPORARY PERIOD FOR THE PROTECTION OF THE INTERESTS OF THE CARRIERS OR ITS SHIPPERS, AUTHORIZE AND ESTABLISH THE TEMPORARY RATE, AND EXTEND THE RATE AS THE CIRCUMSTANCES OF THE CASE MAY REQUIRE, AND PERMIT THE RESTORATION OF THE RATE EXISTING AT THE TIME OF THE APPLICATION WITHOUT FURTHER PROCEEDINGS.)

((9) AUTHORIZE LESS THAN FULL FARE RATES FOR TRANSPORTATION OF CHILDREN UNDER 12 YEARS OF AGE.)

((10) APPROVE THE ESTABLISHMENT, CHANGE, OR ALTERATION OF ANY RATE, CHARGE, OR CLASSI-

FICATION, MINIMUM RATE, OR RULE GOVERNING THE SAME, TO WHICH A COMMON CARRIER IS A PARTY, UPON APPLICATION OF SUCH COMMON CARRIER IN WRITING WHEN SUCH APPLICATION APPEARS TO BE NONCONTROVERSIAL.)

Subd. 3. The commissioner shall, upon petition:

(1) At all points of intersection and crossings of different railroads, or where two railroads are not more than one-half mile apart, and at all terminals, prescribe ample facilities by track connection, joint use of tracks, (PASSENGER AND) freight platforms and depots, warehouses, docks over which general merchandise is handled and forwarded, and other necessary appliances and conveniences for the transfer, forwarding and handling of general merchandise and parcel freight between such railroads and between such railroads and such docks, warehouses and vessels at such docks.

(2) Determine the proportionate share of each company in the cost of providing connecting and transfer facilities in the event the companies fail to agree.

(3) Direct construction, maintenance and operation at any points prescribed by law of all side tracks and reasonable facilities connecting any road with any grain warehouse or mill, dock, wharf, coal yard, quarry, brick or lime kiln, sand or gravel pit, crushed rock or concrete plant, or manufactory adjacent thereto, and prescribe the terms therefor.

((4) DIRECT THE DISCONTINUANCE OF ANY REGULARLY SCHEDULED INTRASTATE PASSENGER TRAINS UPON A FINDING THAT THE PUBLIC WILL NOT BE DEPRIVED OF REASONABLY ADEQUATE SERVICE THEREBY.)

((5) PRESCRIBE RULES FOR DISTRIBUTION OF CARS AT STATIONS FOR USE OF SHIPPERS OF LIVESTOCK AND FARM PRODUCTS.)

((6) REQUIRE INSTALLATION OF TRACK SCALES AT TERMINALS, WAREHOUSES AND AT ALL OTHER POINTS IN THE STATE WHERE THE SAME ARE DEEMED NECESSARY AND PRESCRIBE REASONABLE REGULATIONS FOR THE WEIGHING OF CARS AND OF FREIGHT.)

((7) PRESCRIBE THE SPEED AT WHICH AND THE CONDITIONS UNDER WHICH CARS OF LIVESTOCK SHALL BE MOVED BY ANY CARRIER WITHIN THE STATE IN INTRASTATE SHIPMENTS.)

(8) PRESCRIBE THE FEES NECESSARY TO COVER COST OF SUPERVISION AND WEIGHING AND THE METHOD OF ASSESSMENT AND COLLECTION THEREOF.)

((9)) (4) Prescribe reasonable regulations for handling property, passenger, baggage, express and mail, partly over privately owned rights-of-way and partly over highways, so that reasonable and adequate accommodations and service may be afforded.

((10)) (5) Prescribe the extent to which any designated carrier, upon its petition, may be relieved from the operation of the principles established by section 218.021, subdivision 1, clauses (6), (7) and (8).

Upon receipt of a petition for action pursuant to this subdivision the commissioner shall give notice to all persons known to him to have an interest in the matter and publish notice of the petition in the state register. The commissioner may grant the petition 30 days after notice has been fully made. If the commissioner receives a written objection to the petition from any person within 20 days after the notice of filing has been fully made, the exemption shall be granted or denied only after a contested case hearing has been held on the matter. The commissioner may elect to hold a contested case hearing if no objections to the petition or application are received. If a timely objection is not received and the commissioner declines to act without hearing, the petitioner may request within 30 days of receiving a notice of denial, and shall be granted, a contested case hearing on the application.

Subd. 4. The commissioner shall:

((1) SUPERVISE AND INSPECT ALL TRACK SCALES, AND DIRECT ANY CARRIER TO TRANSPORT, MOVE AND SWITCH TO ANY TRACK SCALE FREE OF CHARGE ANY TEST CAR USED BY THE STATE IN TESTING THE SCALES;)

((2)) (1) Investigate and determine whether any common carriers are granting rebates or, in any other particular, failing to comply with laws or with orders, rules or directives of the commissioner or the department;

((3)) (2) Appear and press before the Interstate Commerce Commission any petition, whether filed by a resident of the state or otherwise, charging any common carrier doing business in this state with any violation of the Interstate Commerce Act of the United States, whenever the department deems the matter to be one of public interest;

((4) APPOINT AT PUBLIC STOCKYARDS WEIGHERS AS MAY BE NECESSARY FOR THE PURPOSE OF WEIGHING LIVESTOCK; A WEIGHER SHALL REPORT DAILY TO THE SUPERVISOR OF THE STOCKYARDS ON THE WEIGHTS TAKEN BY HIM; THE REPORT SHALL BE IN THE FORM PRESCRIBED BY THE COMMISSIONER AND THE SUPERVISOR SHALL FURNISH TO INTERESTED PARTIES A CERTIFICATE SETTING FORTH THE NUMBER OF ANIMALS WEIGHED, FOR WHOSE ACCOUNT WEIGHED AND THE ACTUAL WEIGHT OF THE ANIMALS; NO WEIGHER SHALL, DURING HIS TERM OF SERVICE, BE IN ANY MANNER INTERESTED IN THE HANDLING, SHIPPING, PURCHASING OR SELLING OF LIVESTOCK OR IN THE EMPLOY OF ANY PERSON OR CORPORATION ENGAGED IN THAT ACTIVITY, NOR SHALL HE BE A MEMBER OF ANY LIVESTOCK EXCHANGE OR ORGANIZATION OF LIKE CHARACTER;)

((5) AUTHORIZE PUBLICATION ON LESS THAN TEN DAYS' PUBLIC NOTICE OF SCHEDULES CONTAINING ALL CLASSIFICATIONS, RATES, FARES AND CHARGES FOR THE TRANSPORTATION OF FREIGHT AND PASSENGERS;)

((6) COLLECT ALL FEES PRESCRIBED BY THE COMMISSIONER TO COVER THE COST OF SUPERVISION AND WEIGHING, DEPOSITING THE SAME IN THE STATE TREASURY IN A FUND KNOWN AS THE LIVESTOCK WEIGHING FUND; AND)

((7)) (3) Institute and prosecute all actions and proceedings in the appropriate courts for the enforcement of the provisions of this chapter, the orders, rules and directives of the commissioner and the commission issued thereunder and any violations thereof; and

((8)) (4) Direct the repair, reconstruction or replacement of any inadequate or unsafe trackage, structure or facility.

Subd. 5. The commissioner may:

(1) Subpoena books, papers or accounts kept by any regulated business within or without the state, or compel production of verified copies;

(2) Prepare all forms or blanks for the purpose of obtaining information which the commissioner may deem necessary or useful for the proper exercise of his authority and duties in connection with regulated businesses, and prescribe the time and manner within which the blanks and forms shall be completed and filed;

(3) Inspect, at all reasonable times, and copy the books, records, memoranda, correspondence or other documents and records of any business under his jurisdiction; (AND)

(4) Examine, under oath, any officer, agent or employee of a business under his jurisdiction concerning its business and affairs(.); and

(5) *Prescribe rules, duly promulgated in accordance with chapter 15, relating to rates, care in handling and other live-stock transportation matters.*

Subd. 6. The (COMMISSIONER) *public service commission may upon its discretion and without hearing:*

(1) (ORDER ANY RAILROAD COMPANY TO FURNISH WATER FOR THE USE OF STOCK AT ALL STOCKYARDS IN THE STATE) *Upon application by a carrier stating that it desires to establish a rate for a temporary period for the protection of the interest of the carriers or its shippers, authorize and establish the temporary rate, and extend the rate as the circumstances of the case may require, and permit the restoration of the rate existing at the time of the application without further proceedings.*

(2) (PRESCRIBE REGULATIONS FOR THE WEIGHING OF CARS AND FREIGHT OFFERED FOR SHIPMENT IN CARLOAD LOTS, APPROVE SEALING DEVICES TO BE USED IN SEALING SCALES AND REQUIRE INSTALLATION OF SUCH SEALING DEVICES) *Approve the establishment, change, or alteration of any rate, charge or classification, minimum rate, or rule governing the same, to which a common carrier is a party, upon application of the common carrier in writing, when the application appears to be noncontroversial.*

(3) (ORDER IN AND REQUIRE INSTALLATION AND MAINTENANCE OF STOCK SCALES AT ALL STOCKYARDS, AND FIX THE CAPACITY OF SUCH SCALES WHICH SHALL BE FOR FREE USE OF ALL PATRONS, SHIPPING LIVESTOCK FROM, INTO OR THROUGH SUCH STOCKYARDS) *Authorize, on less than ten days' public notice, schedules containing classifications, rates, fares and charges for the transportation of freight and passengers.*

(4) *Retain general rate-making authority in intrastate transportation of livestock.*

Subd. 7. *The public service commission, or the commissioner, as appropriate, may take action to promulgate rules in areas including, but not limited to the following: rates, routes, depots, schedules, quality of service, and safety requirements relating to intrastate rail passenger service.*

Sec. 7. Minnesota Statutes 1978, Section 219.01, is amended to read:

219.01 [CONSTRUCTION OF RAILROADS.] (ALL STEAM RAILROADS SHALL BE OF THE STANDARD GAUGE OF FOUR FEET EIGHT AND ONE-HALF INCHES AND SUBSTANTIALLY AND SAFELY CONSTRUCTED) *The United States department of transportation and federal railroad administration track safety standards shall apply to all railroad trackage and shall be standard for determination of unsafe trackage within the state.*

Sec. 8. Minnesota Statutes 1978, Chapter 219, is amended by adding a section to read:

[219.071] [MAINTENANCE OF GRADE CROSSING SURFACES.] *Subdivision 1. It is the primary responsibility of the owner or lessee of railroad track in Minnesota to maintain grade crossing surfaces over public highways in a safe and passable condition for vehicular traffic in a manner consistent with appropriate federal track safety standards. The surfaces shall extend the full width of the public highway within the railroad track structure.*

Subd. 2. If a grade crossing surface, as defined in section 219.16, is in need of repair or maintenance, the cost for the repair or maintenance may be paid jointly by the owner or lessee of the track, the road authority having jurisdiction over the public highway involved and funds that may be available to the department for grade crossing surfaces from the following sources:

(1) *Monies appropriated to the department in the future for the purposes of this section.*

(2) *Available federal funds allocated to this state for the grade crossing program established by this section.*

(3) *Monies acquired by the department from any gift, grant or contributions from any source for purposes of this section.*

Subd. 3. If the owner or lessee of the railroad track and the road authority having jurisdiction over the public highway involved agree upon the allocation of the cost of repair or maintenance of the grade crossing surface, a copy of the agreement shall be filed with the commissioner. If the parties to the negotiations contemplate the use in whole or in part of the funds described in subdivision 2, either party shall notify the commissioner before the conclusion of negotiations and the department may participate in the negotiations and may be a party to the agreement and participate in the costs incurred subsequent to agreement.

Subd. 4. If the owner or lessee of the railroad track and the road authority having jurisdiction over the public highway at the grade crossing cannot reach an agreement under subdivision 3 regarding repair or maintenance of a grade crossing surface, either party may invoke the jurisdiction of the department by filing with the commissioner a statement setting forth the status of negotiations and requesting the commissioner to make a final determination of the dispute. The commissioner, after written notice to the parties involved in the negotiations and after providing an opportunity for the parties to participate in a conference, may order the repair or maintenance of the grade crossing surface within a reasonable time as is needed to comply with standards set forth in subdivision 1 above. The order of the commissioner, in addition to enforcing the responsibility of the owner or lessee of the railroad track in question, may provide for participation in the costs of the project by the road authority or the funds available to the department in subdivision 2 above or other formulas as may be practical and reasonable under the circumstances. A party failing to comply with an order of the commissioner shall be subject to a penalty of \$50 for each day of noncompliance and each day shall constitute a separate offense, to be recovered for the state in a civil action instituted by the department.

Subd. 5. A party subject to an order issued pursuant to subdivision 4 may appeal the order of the commissioner to the district court of the county in which the grade crossing is located; and, in case of appeal, the same proceedings shall be conducted as are now provided by law for an appeal from orders of the commissioner. All orders of the commissioner shall be enforced by the attorney general.

Sec. 9. Minnesota Statutes 1978, Chapter 219, is amended by adding a section to read:

[219.072] [ESTABLISHMENT OF NEW GRADE CROSSINGS.] *The establishment of all new grade crossings shall be approved by the commissioner. When it is desired, either by the public officials having the necessary authority or by the railroad company, to establish a new grade crossing and an agreement cannot be reached between the public officials and the railroad company, either as to need, location, or type of warning devices required, either party may file a petition with the commissioner setting forth the facts and submitting the matter for determination. The commissioner, after notice as he shall deem reasonable, shall conduct a hearing and issue his order determining the matters so submitted.*

Sec. 10. Minnesota Statutes 1978, Section 219.08, is amended to read:

219.08 [CROSSINGS: CHANGE OF GRADE.] (EVERY RAILROAD COMPANY IN THIS STATE SHALL KEEP

WELL PLANKED AND IN A SAFE AND PASSABLE CONDITION EVERY CROSSING OVER ANY PUBLIC HIGHWAY, AND) When any (SUCH) railroad company (SHALL HAVE CHANGED OR RAISED) *changes or raises* the grade of its tracks at any (SUCH) crossing it shall also grade the approaches on each side so as to make the approach and crossing of (SUCH) *the* tracks safe (AND EASY) for (TEAMS WITH LOADS AND OTHER) vehicles.

Sec. 11. Minnesota Statutes 1978, Section 219.10, is amended to read:

219.10 [PENALTY FOR VIOLATION.] *Subdivision 1.* Every railroad company who shall refuse or neglect to comply with the provisions of (SECTION) *sections 219.08 and 219.09* for the space of 30 days after having been notified to *comply* in writing by any (TOWN OR COUNTY BOARD SO TO DO) *road authority* shall be guilty of a violation of sections 219.08 (TO 219.12) and 219.09 and shall be subject to a fine of \$50 for each day thereafter that such crossing is left in such dangerous and unsafe condition and each such day shall constitute a separate offense.

Subd. 2. [DUTY OF COUNTY ATTORNEY.] *The county attorney of any county may institute court proceedings for the collection of the fines, together with all costs and disbursements on the part of the road authority making the complaint, together with \$100 attorney's fees for each prosecution.*

Sec. 12. Minnesota Statutes 1978, Section 219.14, is amended to read:

219.14 [RAILROAD CROSSINGS PROTECTED.] *Subdivision 1.* [INVESTIGATION.] The commissioner on his own motion may investigate and determine whether any railroad crossing over any street or public highway now or hereafter established and traveled or to be traveled in this state is or will be when opened to public travel dangerous to life and property, or either, and may order the same protected in any manner (IT) *he* may find reasonable and proper, including requiring the company to separate the grades.

Subd. 2. [HEARING.] The commissioner shall give the interested railroad company and *road authority* such notice of the investigation as he deems reasonable, and an opportunity to be heard before any order is made.

Sec. 13. Minnesota Statutes 1978, Section 219.17, is amended to read:

219.17 [UNIFORM WARNING SIGNS.] The commissioner by rule shall require that uniform warning signs be placed at

grade crossings in this state. There shall be at least three distinct types of such warning signs: a home crossing sign, for use in the immediate vicinity of the crossing, an approach crossing sign, to indicate the approach to a grade crossing, and a stop sign *when deemed necessary*, which shall have the word "stop" plainly appearing thereon, to indicate the necessity to persons on the highway approaching the crossing, whether in vehicles or otherwise, to come to a stop before proceeding over the grade crossing.

Sec. 14. Minnesota Statutes 1978, Section 219.19, is amended to read:

219.19 [ADDITIONAL WARNING SIGNS; ROAD AUTHORITY TO PROVIDE.] At each grade crossing where, because of the conditions surrounding the same, the reasonable protection to life and property makes it necessary for additional warning signs to be placed on the highway at a greater distance from the crossing than the home *crossing* signs, (SUCH) approach warning signs shall be installed. The commissioner may designate any (SUCH) grade crossings requiring (SUCH) additional signs on either or both sides of (SAID) *the* crossing. When any (SUCH) crossing is designated by the commissioner as requiring (SUCH) additional protection, he shall notify the (RAILWAY COMPANY OPERATING THE RAILROAD THEREAT AND THE PUBLIC AUTHORITIES) *road authority* having the care of the highway. (SUCH RAILWAY COMPANY) *The road authority* shall, within 30 days after (SUCH) notification, furnish (SUCH) *and maintain* uniform signs (TO SUCH PUBLIC AUTHORITIES, AND SUCH PUBLIC AUTHORITIES SHALL ERECT THESE SIGNS IN CONSPICUOUS) *in the appropriate* places on the highway on either or both sides of (SUCH) *the* grade crossings (, AS THE CASE MAY BE, NOT LESS THAN 200 FEET FROM THE CROSSING AND THEREAFTER MAINTAIN THE SAME).

Sec. 15. Minnesota Statutes 1978, Section 219.23, is amended to read:

219.23 [WATCHMEN; RAILROADS TO PROVIDE.] When the commissioner, in any investigation instituted upon (HE) *his* own motion or upon complaint and after (NOTICE AND) *opportunity* for hearing, finds that (THE PRESENCE OF) a watchman is necessary for the protection of life and property at any grade crossing, he shall order the railway company operating the railroad thereat to provide (SUCH) a watchman and shall specify in (SUCH) *the* order the hours during which the presence of the same is required. It shall thereupon be the duty of (SUCH) *the* railway company to provide (SUCH) a watchman during (SUCH) *that* time. (SUCH) *The* watchman shall have full control over the traffic at this crossing.

Sec. 16. Minnesota Statutes 1978, Section 219.28, is amended to read:

219.28 [OVERHEAD OR UNDERGROUND CROSSINGS; SEPARATE GRADES.] The commissioner (MAY REQUIRE ANY RAILROAD COMPANY TO CONSTRUCT OVERHEAD AND MAINTAIN UNDERGROUND CROSSINGS AND SEPARATE GRADES WHEN, IN HIS OPINION, THE INTERESTS AND SAFETY OF THE PUBLIC REQUIRE, AND NO OVERHEAD OR UNDERGROUND CROSSINGS, NOR SEPARATION OF GRADE, SHALL BE MADE EXCEPT UPON PETITION THEREFOR, AND WITH THE APPROVAL OF THE COMMISSIONER) *shall approve the establishment of all overhead or underground crossings or separation of grades.*

Sec. 17. Minnesota Statutes 1978, Section 219.383, Subdivision 4, is amended to read:

Subd. 4. [NOT TO BLOCK PUBLIC ROADS OR STREETS.] No railway corporation shall permit any public road or street crossing a railroad track to be closed for traffic by a standing car, train, (OR) engine, or other railroad equipment, *or a switching movement which continuously blocks a crossing* for a longer period than ten minutes, provided, this section shall not apply to cities of the first class which regulate obstruction of streets by ordinance.

Sec. 18. Minnesota Statutes 1978, Section 219.39, is amended to read:

219.39 [DANGEROUS CROSSINGS; COMPLAINTS; HEARINGS.] (ON HIS OWN MOTION OR) Upon written complaint authorized by the governing body of any city or county, or by the board of supervisors of any town, *or authorized officers of a subject railroad*, alleging that any railroad crossing with any street, road or highway in the city, town or county is dangerous to life and property, and giving the reasons therefor, the commissioner shall investigate the matters contained in the complaint, and, where necessary, convene a hearing, at a time and place to be fixed by the commissioner, after such notice to the (COMPLAINANT) *road authority* and the railroad as the commissioner may deem reasonable.

Sec. 19. Minnesota Statutes 1978, Section 219.40, is amended to read:

219.40 [DETERMINATION; ORDER; FLAGMEN OR SAFETY DEVICE.] If a complaint is made under section 219.39, the commissioner shall determine whether the crossing is (DANGEROUS) *hazardous* and may with or without a hearing require the railroad company (COMPLAINED OF) to provide flagmen at (SUCH) *the* crossing, or to adopt (SUCH) safety

devices as the commissioner may deem necessary for the proper protection of the crossing, or may require the removal of any structure, embankment or other obstruction to the view, or may require the crossing complained of or other crossing in the vicinity thereof closed, or (IT) may require the railroad company to construct an overhead or maintain an underground crossing and divide the cost thereof between the railroad company, the town, county, municipal corporation, or state transportation department interested, on (SUCH) terms and conditions as may seem just and equitable. (WHERE THE RAILROAD HAS BEEN CONSTRUCTED OR THE GRADE THEREOF LOWERED AFTER THE LAYING OUT OF THE HIGHWAY AND THE RAILROAD TRACKS ARE SEVEN FEET OR MORE BELOW THE NATURAL SURFACE OF THE GROUND,) The commissioner may require the (MAINTENANCE OF AN OVERHEAD BRIDGE WITH SUITABLE APPROACHES AND REQUIRE THE) complaining city, town, or county to remove any embankment, structure or other obstruction to the view as may be reasonable and necessary to properly protect the crossing (; PROVIDED, THAT NO HIGHWAY SHALL BE LAID OUT OVER ANY RAILROAD SO AS TO CROSS AT THE SAME GRADE UNTIL SUCH CROSSING HAS BEEN APPROVED BY THE COMMISSIONER). If the complainant, *road authority*, or the railroad files exceptions to an order of the commissioner made under this section without a hearing, the commissioner shall convene a hearing on the original complaint. If the commissioner or his designee after notice and hearing orders the installation of a safety device, or the construction, reconstruction, modernization or replacement of major parts, as defined by rule of the commissioner, of said safety device, gates, or other type of special protection, or the removal of a structure, embankment or other obstruction to the view, or orders the construction, reconstruction or maintenance of an underground or overhead crossing on any public road, street, or highway, he may in the same order direct that the costs thereof be divided between the railroad company and the public authority involved on (SUCH) *the* basis as the parties may agree, or, if they fail to agree, then the costs thereof shall be as determined by the commissioner or his designee on the basis of benefit to the users of each; or the commissioner or his designee may defer determination of the division of costs to a subsequent order to be made on the basis of evidence previously taken. Where a state trunk highway is involved, the state's share of the costs shall be paid from any funds available to the department of transportation. In all other cases the public's share of the costs shall be paid from available funds or from the trunk highway fund, if ordered by the commissioner or his designee, or from any combination of the above or other available funds; provided that any highway, street or road fund shall only be expended for (SUCH) *the* costs on a highway, street or road within the political subdivision charged with the maintenance and care thereof and only upon the highways, streets or roads for which the fund was allocated, or for which the fund was created. *Any crossing safety devices or improvements installed or maintained under provisions of this chapter as approved by the commissioner, whether by*

order or otherwise, shall be deemed adequate and appropriate protection for the crossing.

Sec. 20. Minnesota Statutes 1978, Section 219.403, is amended to read:

219.403 [NOT TO AFFECT EXISTING LAWS RELATING TO MUNICIPALITIES.] Nothing in sections 161.20, 219.40, 219.403 or *section 8 of this act* shall be construed to change any existing law relating to the rights and liabilities of any city, town, or county in connection with the construction or maintenance of any railroad crossing, grade separation, or signal system, or to impair the terms or conditions of any existing arrangement or agreement, or renewals thereof, between any railroad company and any municipality with reference to the maintenance of any railroad crossing, grade separation, or signal system.

Sec. 21. Minnesota Statutes 1978, Section 219.47, is amended to read:

219.47 [EXCEPTIONS.] *Subdivision 1. [PERMANENT.]* The commissioner may upon application made, after a thorough investigation and hearing in any particular case, permit any common carrier or any person or corporation to which Laws 1913, Chapter 307, as amended, applies to erect any overhead or side obstruction at a less distance from the track than herein provided for, and to construct any track or tracks at a less clearance than herein provided for, and to reconstruct and maintain the same when in the judgment of the commissioner a compliance with the clearance prescribed herein would be unreasonable or unnecessary or the erection or construction of such overhead or side obstruction or tracks or the reconstruction and maintenance of the same at a less clearance than herein provided would not create a condition unduly hazardous to the employees of (SUCH) *the common carrier or any person or corporation.*

Subd. 2. [TEMPORARY.] *The commissioner may upon application made, grant temporary clearance variances with appropriate safeguards without hearing, for statutory encroachments which result from emergency or temporary construction situations.*

Sec. 22. Minnesota Statutes 1978, Section 219.50, is amended to read:

219.50 [OBSTRUCTING SPACE BETWEEN TRACKS.] It shall be unlawful for any such common carrier or any person or corporation to which sections 219.44 to 219.52 apply to permit the space between or beside such of its tracks as are ordinarily used by yardmen and other employees in the discharge of their duties, and within eight feet *six inches* of the center line of any such track, to become or remain obstructed by any foreign ob-

stacle that will interfere with the work of the employees or subject the employees to unnecessary hazard. (SUCH) *The* space between or beside the tracks, as aforesaid, and between the rails of the tracks must be kept in (SUCH) *a* condition as to permit the employees to pass over or between the tracks or to use the same day or night and under all weather conditions without unnecessary hazard. (WHEREVER ANY RAILROAD COMPANY HAS ALREADY BEGUN WORK ON DEPRESSING A PORTION OF ITS TRACKS, WITHIN THE CORPORATE LIMITS OF ANY MUNICIPALITY, WHETHER UNDER CONTRACT WITH SUCH MUNICIPALITY OR OTHERWISE, SECTIONS 219.44 TO 219.52 SHALL NOT APPLY TO ANY DEPRESSION OF THE TRACKS OF SUCH COMPANY LYING WHOLLY WITHIN THE CORPORATE LIMITS OF SUCH MUNICIPALITY. NONE OF THE PROVISIONS OF SECTIONS 219.44 TO 219.52 SHALL APPLY TO ANY PART OF ANY WORK OR ENTERPRISE HERETOFORE BEGUN OR UNDER CONSTRUCTION, WHETHER UNDER CONTRACT BETWEEN ANY RAILROAD COMPANY AND ANY MUNICIPALITY OR OTHERWISE.)

Sec. 23. Minnesota Statutes 1978, Section 219.52, is amended to read:

219.52 [INSPECTORS OF DEPARTMENT OF LABOR; DUTIES.] Where any structure is at a less distance from the track than as provided by sections 219.45 to 219.53 the commissioner shall provide for warning signs to be placed thereon of (SUCH) *a* design and type as the commissioner shall deem proper unless the commissioner shall determine (SUCH) *a* sign is unnecessary. It shall be the duty of the railroad inspectors of the department of labor and industry to report to the commissioner and to the attorney general any violation of the provisions of sections 219.45 to 219.53 of which they may obtain knowledge.

Sec. 24. Minnesota Statutes 1978, Section 219.54, is amended to read:

219.54 [FREIGHT PLATFORMS.] Every railroad company shall provide at all stations in statutory cities containing 250 inhabitants or more within 30 days after written notice, served in the same manner as a summons in district court, from the city council of such city requiring such company so to do, and at other stations and sidings when required by the commissioner, immediately alongside of its tracks or sidetracks, platforms with approaches at each end, suitable and convenient for loading upon and unloading from its cars heavy machinery and other freight. (SUCH) *The* platforms shall be at least 12 feet wide, strongly built, and floored with plank at least three inches thick. The platforms, exclusive of approaches, shall be at least 32 feet long and of the height of the floor of an ordinary box car, and the approaches of such grade that heavily loaded (TEAMS) *vehicles and equipment* can be driven up and

down the same. Any (SUCH) company failing to comply with the provisions of this section shall forfeit to the state not less than \$500 nor more than \$1,000 for every 30 days that (SUCH) *the failure shall continue.*

Sec. 25. Minnesota Statutes 1978, Section 219.64, is amended to read:

219.64 [ASSUMPTION OF RISK; CONTRIBUTORY NEGLIGENCE.] Any employee of any common carrier who may be killed or injured *due to improperly adjusted and filled frogs, switches, and guardrails or by any locomotive, tender, car, similar vehicle, or train in use contrary to (THE PROVISIONS OF SECTIONS 219.58 TO 219.66) federal or state railroad safety laws and standards* shall not be deemed thereby to have assumed the risk thereby occasioned, although continuing in the employment of (SUCH) *the carrier* after the unlawful use of (SUCH) *the locomotive, tender, car, similar vehicle, or train* has been brought to his knowledge, nor shall (SUCH) *the employee* be held to have contributed to his injury in any case where the carrier shall have violated (ANY PROVISION OF SECTIONS 219.58 TO 219.66,) *federal or state railroad safety laws and standards* when (SUCH) *the violation* contributed to the death or injury of (SUCH) *the employee.*

Sec. 26. Minnesota Statutes 1978, Section 219.70, is amended to read:

219.70 [APPLICATION TO ABANDON; POWER OF COMMISSIONER.] Any (SUCH) company desiring to abandon any shop or terminal or move any shop or change the location of any terminal in this state shall first make application to the commissioner in writing. Before passing upon (SUCH) *the application* the commissioner shall order a public hearing in accordance with chapter 15.

Sec. 27. Minnesota Statutes 1978, Section 219.741, is amended to read:

219.741 [APPLICATION FOR REMOVAL.] Any railroad company desiring to abandon, close for traffic, or remove any of its tracks described in section 219.681 shall first make application to the commissioner in writing. Before passing upon (SUCH) *the application* the commissioner shall (FOLLOW THE PROCEDURE SET OUT IN SECTION 218.041, SUBDIVISION 3) *provide the opportunity for a hearing after public notice and, if he so determines, shall fix a time and place for hearing, and a notice of the hearing shall be served upon all interested persons so far as known to the commissioner.*

Sec. 28. Minnesota Statutes 1978, Section 219.85, is amended to read:

219.85 [RAILROAD STATIONS, AGENCY SERVICE.] Agency service at common carrier railroad stations shall be that required by the public convenience and necessity. No (SUCH) station shall be abandoned nor agency service thereat reduced or discontinued without the consent of the commissioner after public notice and (HEARING) *opportunity for hearing is afforded*. The commissioner may on his own motion or upon the petition of any interested party order station agency service at any station established, reestablished or expanded after notice and (HEARING AS HEREIN PROVIDED. HEARINGS SHALL BE CONDUCTED IN THE SAME MANNER AS OTHER HEARINGS BEFORE THE COMMISSIONER WITH NOT LESS THAN 30 DAYS' NOTICE TO SUCH PERSONS AND IN SUCH A MANNER AS MAY BE PRESCRIBED BY RULE OF THE COMMISSIONER) *an opportunity for hearing*.

Sec. 29. Minnesota Statutes 1978, Section 219.92, is amended to read:

219.92 [NEW ROADS; NOTICE; FILING OF MAPS AND PROFILES.] Every railroad company having constructed any railroad by way of branch or extension or otherwise, before opening the same to public use, shall notify the commissioner that the same is finished and in a safe condition for operation, *being in full compliance with federal track safety standards*, and shall file with the commissioner a map and profile thereof with table of grades, curvatures, and mileage, and a statement of other characteristics of (SUCH) *the* road and an itemized statement showing the actual cost thereof; all of the foregoing to be in (SUCH) *a* form (AS THE COMMISSIONER SHALL PRESCRIBE) *so as to be in compliance with the federal track safety standards* and to be attested by the oath of the president or other managing officer, and the chief engineer of the company.

Before the new line is operated as a public road, the commissioner shall inspect the same, or cause it to be inspected *by the state federal track safety inspectors*, and furnish the company with a certificate showing compliance with the foregoing conditions, and that the road has been inspected and found to be in safe condition for operation.

When it is found desirable to operate any portion of any new railroad built or any new branch or extension, or otherwise, before completion of the same, the commissioner may, on application, authorize the operation of (SUCH) *the* portion thereof pending the completion of the entire road under such terms and conditions as the commissioner may impose in the interests of the public.

Sec. 30. Minnesota Statutes 1978, Section 219.97, Subdivision 7, is amended to read:

Subd. 7. Any company failing to comply with any of the provisions of (SECTIONS 219.84 AND) *section* 219.85 shall forfeit to the state for each (SUCH) violation not less than \$500 nor more than \$1,000; and each period of 30 days that any such failure shall continue shall be deemed to constitute a separate offense.

Sec. 31. Minnesota Statutes 1978, Chapter 239, is amended by adding a section to read:

[239.081] [INSPECTING TRACK SCALES.] *The department shall supervise and inspect all track scales, and may direct any carrier to transport, move, and switch to any track scale free of charge any car used in the inspection and testing of scales. The department shall require the installation and maintenance of track scales at terminals, warehouses, and at other points in the state where scales are deemed necessary. The department shall prescribe reasonable regulations for the weighing of railroad cars and of freight. Rules of the department promulgated under chapter 218 and in effect on January 1, 1976, which pertain to installation or inspection of track scales or the weighing of railroad cars and freight shall continue in effect until amended or repealed by the department.*

Sec. 32. [REPEALER.] *Minnesota Statutes 1978, Sections 219.02; 291.03; 219.04; 219.05; 219.07; 219.11; 219.12; 219.25; 219.43; 219.58; 219.59; 219.60; 219.61; 219.62; 219.63; 219.65; 219.66; 219.67; 219.84; 219.86; 219.87; 219.89; 219.90; 219.91; 219.94; 219.95; 219.96; 219.97, Subdivisions 1, 2, 3, 8, 9, 11, 14, 15 and 16; 222.38; 222.39; 222.40; 222.41; 222.42; 222.43; 222.44; 222.45; 229.01; 229.02; 229.03; 229.04; 229.05; 229.06; 229.07; 229.08; 229.10; 229.11; 229.12; 229.13; 229.14; 229.15; 229.16; 229.17; 229.18; 229.19; 229.20; and 452.14, are repealed.*

Sec. 33. [EFFECTIVE DATE.] *This act is effective the day following its final enactment.*

Further amend the title as follows:

Delete everything in its entirety and insert:

“A bill for an act relating to transportation; abolishing the functions, powers and duties of the department of transportation relating to the inspection, grading, sampling and analysis of hay and straw; clarifying laws relating to the regulation of railroads and removing obsolete and duplicative language; prescribing certain powers of the commissioner of transportation and the public service commission relating to rates and charges; requiring track scales, and regulating the weighing of railroad cars and freight; providing for railroad grade crossing safety devices and other safety devices; prescribing penalties; amending Minnesota Statutes 1978, Sections 218.011, Subdivision 2; 218.021; 218.031, Subdivision 1; 218.041; 219.01; 219.08; 219.10;

219.14; 219.17; 219.19; 219.23; 219.28; 219.383, Subdivision 4; 219.39; 219.40; 219.403; 219.47; 219.50; 219.52; 219.54; 219.64; 219.70; 219.741; 219.85; 219.92; 219.97, Subdivision 7; Chapters 25, by adding sections; 219, by adding sections; and 239, by adding a section; repealing Minnesota Statutes 1978, Sections 219.02; 219.03; 219.04; 219.05; 219.07; 219.11; 219.12; 219.25; 219.43; 219.58; 219.59; 219.60; 219.61; 219.62; 219.63; 219.65; 219.66; 219.67; 219.84; 219.86; 219.87; 219.89; 219.90; 219.91; 219.94; 219.95; 219.96; 219.97, Subdivisions 1, 2, 3, 8, 9, 11, 14, 15 and 16; 222.38; 222.39; 222.40; 222.41; 222.42; 222.43; 222.44; 222.45; 229.01, 229.02; 229.03; 229.04; 229.05; 229.06; 229.07; 229.08; 229.10; 229.11; 229.12; 229.13; 229.14; 229.15; 229.16; 229.17; 229.18; 229.19; 229.20; and 452.14.”

With the recommendation that when so amended the bill pass.

The report was adopted.

Vanasek from the Committee on Criminal Justice to which was referred:

H. F. No. 1661, A bill for an act relating to alcoholic beverages; increasing the age for licensing, sale, consumption, possession and furnishing; amending Minnesota Statutes 1978, Sections 340.02, Subdivision 8; 340.035, Subdivision 1; 340.119, Subdivision 2; 340.13, Subdivision 12; 340.403, Subdivision 3; 340.73, Subdivision 1; 340.731; 340.78; 340.79; 340.80; and 340.81.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1978, Section 340.035, Subdivision 2, is amended to read:

Subd. 2. A person violating any provision of (THIS SECTION) *subdivision 1, clauses (4), (5) or (6)* is guilty of a misdemeanor. *Any person violating any provision of subdivision 1, clauses (1), (2) or (3) is guilty of a gross misdemeanor and in addition to any criminal penalty imposed, if the violator is a licensee or employee thereof, the license of the licensee shall be suspended for a period of one year.*

Sec. 2. Minnesota Statutes 1978, Section 340.73, Subdivision 3, is amended to read:

Subd. 3. *Whoever shall in any way procure liquor for the use of any person named in this section shall be deemed to have sold it to such person. Any person violating any of the provisions of this section is guilty of a gross misdemeanor. In addition to any criminal penalty imposed, if the violator is a licensee or employee thereof, the license of the licensee shall be suspended for a period of one year.*

Sec. 3. Minnesota Statutes 1978, Section 340.79, is amended to read:

340.79. [GIVING TO OR PROCURING FOR CERTAIN PERSONS; PENALTY.] Any person who shall give to, procure or purchase, intoxicating liquors for any person under the age of 19 years or other person to whom the sale of intoxicating liquors is by law forbidden, is guilty of a gross misdemeanor and, upon conviction, shall be punished in accordance with the laws of the state. *In addition to any criminal penalty imposed, if the violator is a licensee or employee thereof, the license of the licensee shall be suspended for a period of one year.*

Sec. 4. Minnesota Statutes 1978, Section 169.121, Subdivision 3, is amended to read:

Subd. 3. Every person convicted of a violation of this section or an ordinance in conformity therewith is punishable by imprisonment of not more than 90 days, or by a fine of not more than \$500, or both, and his driver's license shall be revoked for not less than 30 days (, EXCEPT THAT). Every person who is convicted of a violation of this section or an ordinance in conformity therewith, when the violation is found to be the proximate cause of great bodily harm as defined in section 609.02, subdivision 8, or death to another person, shall be punished by imprisonment for not more than 90 days, or by fine of not more than \$500, or both, and his driver's license shall be revoked for not less than 90 days. *The driver's license of any person under the age of 19 years on the date of violation who is convicted or adjudicated delinquent or a juvenile highway traffic offender pursuant to Minnesota Statutes, Chapter 260, for a violation of this section or an ordinance in conformity therewith shall be revoked for not less than one year.*

Any person whose license has been revoked pursuant to section 169.123 is not subject to the mandatory revocation provision of this subdivision."

Delete the title in its entirety, and insert:

"A bill for an act relating to driver's licenses; requiring revocation of the license of minors convicted of driving while intoxicated or under the influence of a controlled substance; intoxicating liquor; penalties and license suspension for sale to minors; amending Minnesota Statutes 1978, Sections 169.121, Subdivision 3; 340.035, Subdivision 2; 340.73, Subdivision 3; and 340.79."

With the recommendation that when so amended the bill pass.

The report was adopted.

Fudro from the Committee on Transportation to which was referred:

H. F. No. 1706, A bill for an act relating to transportation; providing for a travel information franchise program, and prescribing the powers and duties of the commissioner of transportation in relation thereto; amending Minnesota Statutes 1978, Sections 160.08, Subdivision 7; 161.23, Subdivision 3; 161.433, Subdivision 2; and 161.434.

Reported the same back with the following amendments:

Page 1, line 15, after "*through*" insert "*travel-related*"

Page 1, line 20, delete "*June 1, 1980.*" and insert "*May 1, 1981. Franchises for this phase shall be ready to let by January 1, 1981.*"

Page 2, line 3, delete the period and insert "*and shall satisfy the requirements of the state building code for accessibility by the physically handicapped. All structures shall be designed to enhance their site and shall be aesthetically compatible with the natural environment.*"

Subd. 4. The commissioner shall determine the sites to be included in this program and shall also determine if the advertising display at each site is to be inside or outside of any buildings or shelters.

Page 2, line 28, delete "*federal highway*"

Page 2, delete line 29

Page 2, line 30, delete "*Volume 6, Chapter 2, Section 5)*" and insert "*23 CFR 252 and subsequent revisions*"

Page 2, line 33, after "*offered*" insert "*initially*"

Page 3, line 3, delete "*and*" and insert:

"(c) The franchisees shall make appropriate marketing efforts in an attempt to lease at least 40 percent of the commercial advertising space to local advertisers; and"

Page 3, line 4, delete "*(c)*" and insert "*(d)*"

With the recommendation that when so amended the bill pass.

The report was adopted.

Nelson from the Committee on Energy and Utilities to which was referred:

H. F. No. 1710, A bill for an act relating to energy; stating legislative energy policy; establishing a joint legislative committee on energy; providing grants and assistance for community energy planning; modifying certain need certification procedures; allowing certain utility expenses; appropriating money; amending Minnesota Statutes 1978, Sections 116H.01; 216B.16, by adding a subdivision; Minnesota Statutes, 1979 Supplement, Section 116H.13, Subdivisions 3, 5, and 7.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1978, Section 116H.01, is amended to read:

116H.01 [FINDINGS AND PURPOSE.] The legislature finds and declares that (THE PRESENT RAPID) *continued* growth in demand for energy (IS IN PART DUE TO UN-NECESSARY ENERGY USE; THAT A CONTINUATION OF THIS TREND WILL RESULT IN SERIOUS DEPLETION OF FINITE QUANTITIES OF FUELS, LAND AND WATER RESOURCES, AND THREATS TO THE STATE'S ENVIRONMENTAL QUALITY; THAT THE STATE MUST INSURE CONSIDERATION OF URBAN EXPANSION, TRANSIT SYSTEMS; ECONOMIC DEVELOPMENT, ENERGY CONSERVATION AND ENVIRONMENTAL PROTECTION IN PLANNING FOR LARGE ENERGY FACILITIES; THAT THERE IS A NEED TO CARRY OUT ENERGY CONSERVATION MEASURES; AND THAT ENERGY PLANNING, PROTECTION OF ENVIRONMENTAL VALUES, DEVELOPMENT OF MINNESOTA ENERGY SOURCES, AND CONSERVATION OF ENERGY REQUIRE EXPANDED AUTHORITY AND TECHNICAL CAPABILITY AND A UNIFIED, COORDINATED RESPONSE WITHIN STATE GOVERNMENT.)

(THE LEGISLATURE SEEKS TO ENCOURAGE THRIFT IN THE USE OF ENERGY, AND TO MAXIMIZE USE OF ENERGY EFFICIENT SYSTEMS, THEREBY REDUCING THE RATE OF GROWTH OF ENERGY CONSUMPTION, PRUDENTLY CONSERVING ENERGY RESOURCES, AND ASSURING STATEWIDE ENVIRONMENTAL PROTECTION CONSISTENT WITH AN ADEQUATE, RELIABLE SUPPLY OF ENERGY.) *will cause severe social and economic dislocations, and that the state has a vital interest in providing for: increased efficiency in energy consumption, the development and use of renewable energy resources wherever possible, and the creation of an effective energy forecasting, planning and education program.*

The legislature further finds and declares that the protection of life, safety and financial security for citizens during an energy crisis is of paramount importance.

Therefore, the legislature finds that it is in the public interest to encourage and support those energy programs which will prevent the need for annual increases in fossil fuel consumption by 1990 and the need for additional electrical generating plants, and provide for an optimum combination of energy sources consistent with environmental protection and the protection of citizens.

The legislature intends to monitor through energy policy, planning, and implementation the transition from historic growth in energy demand to a period when demand for traditional fuels becomes stable and the supply of renewable energy resources is readily available and adequately utilized.

Sec. 2. [116H.089] [COMMUNITY ENERGY PLANNING; GRANTS.] *Subdivision 1. [PURPOSE.] In order to improve the energy planning capabilities of local governments, the energy agency shall make grants to counties and cities, however organized. The energy agency shall give priority when granting funds to those units of government that submit plans that would result in significant savings of traditional energy sources, development of renewable energy systems, and broad community involvement. The director shall give priority to local units of government which agree to pay part of the cost of a program and which request grants for programs which can be duplicated by other local governments. The grants may be used to purchase materials, employ staff or contract with other units of government or qualified consultants.*

Subd. 2. [QUALIFYING EXPENDITURES.] *Community energy planning grants may be used for the following purposes:*

(a) To gather, monitor, and analyze local energy supply, demand, and cost information;

(b) Preparation of community energy plans which may be incorporated into other community plans and ordinances;

(c) Implementation of programs which result in significant energy savings or the development of alternative and renewable energy resources and which have the potential to achieve community energy conservation goals; and

(d) To assist neighborhood organizations in counties, and cities to do energy planning; and

(e) Any other purposes deemed appropriate by the director of the energy agency.

Subd. 3. [ADMINISTRATION.] The energy agency shall determine priorities pursuant to subdivisions 1 and 2, and shall promulgate rules for the submission and review of applications in accordance with the provisions of chapter 15. For this purpose the energy agency may adopt temporary rules pursuant to the provisions of section 15.0412, subdivision 5.

Sec. 3. Minnesota Statutes 1978, Chapter 216B, is amended by adding a section to read:

[216B.165.] [ENERGY AUDITS.] *Subdivision 1. A customer who asks a public utility to perform an energy audit of his residence pursuant to 42 U.S.C. 8211 shall pay no more than \$10 of the administrative and general expenses associated with the audit. The remainder of the administrative and general expenses of operating a program of energy audits pursuant to 42 U.S.C. 8211, including those associated with program audits, list distribution, customer billing services, arranging services and post-installation inspections shall be treated as current operating expenses of providing utility service and shall be charged to all ratepayers of the public utility in the same manner as other current operating expenses of providing utility service.*

Subd. 2. All audits performed pursuant to 42 U.S.C. 8211 of residences which are required by section 116H.129, subdivision 3 to comply with energy efficiency standards shall include a separate list of those improvements to the residence which are required to bring the residence into compliance with section 116H.129, subdivision 3, and a statement describing remedies available to tenants for violations.

Sec. 4. Minnesota Statutes, 1979 Supplement, Section 116H.13, Subdivision 7, is amended to read:

Subd. 7. Other state agencies authorized to issue permits for siting, construction or operation of large energy facilities, including the department of public service when the proposed facility would be subject to its ratemaking authority, shall present their position regarding need and participate in the public hearing process prior to the issuance or denial of a certificate of need. Issuance or denial of certificates of need shall be the sole and exclusive prerogative of the director and said determinations and certificates shall be binding upon other state departments and agencies, regional, county and local governments and special purpose government districts except as provided in sections 116C.01 to 116C.08 and 116D.04, subdivision 9.

Sec. 5. [APPROPRIATION.] *Subdivision 1. There is appropriated from the general fund to the energy agency the sum of \$50,000 to administer the grant program established by section 2 and to develop model community energy plans and ordinances of statewide applicability pursuant to section 2. This*

appropriation shall remain available until June 30, 1981. The approved complement of the energy agency is increased by one person.

Subd. 2. There is appropriated from the general fund to the energy agency the sum of \$2,000,000 for the grants established by section 2. The appropriation shall not cancel but shall remain available until expended.

Sec. 6. [EFFECTIVE DATE.] *This act is effective the day following final enactment."*

Delete the title in its entirety and insert:

"A bill for an act relating to energy; stating legislative energy policy; providing grants and assistance for community energy planning; assessment of fees for residential energy audits; appropriating money; amending Minnesota Statutes 1978, Section 116H.01; and Chapter 216B, by adding a section; Minnesota Statutes, 1979 Supplement, Section 116H.13, Subdivision 7."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Faricy from the Committee on Judiciary to which was referred:

H. F. No. 1727, A bill for an act relating to family; providing that natural parents may obtain a copy of an adopted child's original birth certificate; allowing parents ten days to revoke consent to adoption; providing a pre-adoption residency of three months; amending Minnesota Statutes 1978, Sections 144.218, Subdivision 1; 144.225, Subdivision 2; 259.24, Subdivision 5, and by adding a subdivision; 259.25, Subdivision 1, and by adding a subdivision; and 259.27, Subdivision 4; repealing Minnesota Statutes, 1979 Supplement, Sections 259.24, Subdivision 6; and 259.25, Subdivision 2.

Reported the same back with the following amendments:

Page 4, after line 32, insert:

"Sec. 7. Minnesota Statutes 1978, Chapter 259, is amended by adding a section to read:

[259.251] [REPRESENTATION OF MINOR PARENT.]
A guardian ad litem shall be appointed for a parent who is under 18 years of age and who wishes to consent to the adoption of a child or to enter an agreement giving authority to place a child for adoption. An agency with whom such a parent desires to

execute a consent to adoption or to enter a placement agreement shall petition the court for appointment of a guardian ad litem before the consent is executed or the placement agreement is entered. The guardian ad litem shall explain to the parent the legal consequences of consenting to adoption or of entering a placement agreement and shall explain the right to withdraw consent or revoke a placement agreement, in order to insure that the parent makes an informed and voluntary decision. The cost of appointing the guardian ad litem shall be borne by the county."

Renumber the remaining sections accordingly

Further, amend the title as follows:

Page 1, line 11, delete "and" and after the second semi-colon insert "and Chapter 259, by adding a section;"

With the recommendation that when so amended the bill pass.

The report was adopted.

Prahl from the Committee on Commerce, Economic Development and Housing to which was referred:

H. F. No. 1730, A bill for an act relating to commerce; limiting product liability actions against non-manufacturers.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Cassery from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 1735, A bill for an act relating to counties; providing for publication and examination of accounts; amending Minnesota Statutes, 1979 Supplement, Section 375.17.

Reported the same back with the following amendments:

Page 2, after line 30, insert a new section as follows:

"Sec. 2. Minnesota Statutes 1978, Section 375.26, is amended to read:

375.26 [GIFTS, ACCEPTANCE.] Any county in this state may receive by grant, gift, devise, or bequest, and take charge of, own, hold, control, invest, and administer free from taxation, in accordance with the terms of the trust or the conditions of the gift, any personal property, and any real property not to exceed

40 acres in any one county, for the use and benefit of the inhabitants of the county or as a park or recreation grounds, and in the encouragement, aid, and maintenance of the county cooperative work and education in agriculture and home economics (, AND IN AID AND FURTHERANCE OF THE OBJECT AND PURPOSE OF THE FARM BUREAU ASSOCIATION IN THE COUNTY). Such county may, from time to time, by resolution of the county board, appropriate from the county revenue fund such sum or sums as may by the board be deemed necessary to suitably maintain, improve, and care for the property for such use and purpose (, NOT EXCEEDING THE SUM OF \$3,500 IN ANY ONE YEAR)."

Amend the title as follows:

Page 1, line 4, after "Statutes" delete the comma and insert "1978, Section 375.26; and Minnesota Statutes,"

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Prahl from the Committee on Commerce, Economic Development and Housing to which was referred:

H. F. No. 1738, A bill for an act relating to housing; appropriating money to the Minnesota housing finance agency for the purpose of subsidizing certain loan origination fees; requiring a report.

Reported the same back with the following amendments:

Page 1, line 9, delete "Minnesota"

Page 1, line 10, delete "finance agency" and insert "development fund created by Minnesota Statutes, Section 462A.20"

Page 1, lines 18 to 19, delete everything after the period

Amend the title as follows:

Page 1, after line 2, insert "housing development fund of the"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Fudro from the Committee on Transportation to which was referred:

H. F. No. 1743, A bill for an act relating to highway traffic regulations; speed limits; authorizing cities to establish speed limits on streets and highways under their jurisdictions; placing restrictions on such limits; amending Minnesota Statutes 1978, Section 169.14, Subdivision 5.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1978, Section 169.14, is amended by adding a subdivision to read:

Subd. 5b. When any segment of at least a quarter-mile in distance of any city street, municipal state aid street or town road on which a speed limit in excess of 30 miles per hour has been established pursuant to an engineering and traffic investigation by the commissioner meets the definition of "urban district" as defined in section 169.01, subdivision 59, the governing body of the city or town may by resolution declare the segment to be an urban district and may establish on the segment the speed limit for urban districts prescribed in subdivision 2. The speed limit so established shall be effective upon the erection of appropriate signs designating the speed and indicating the beginning and end of the segment on which the speed limit is established, and any speed in excess of such posted limits shall be unlawful. A copy of the resolution shall be transmitted to the commissioner at least 10 days prior to the erection of the signs."

Further, amend the title by deleting it in its entirety and inserting:

"A bill for an act relating to highway traffic regulations; speed limits; allowing cities and towns to declare segments of city streets and town roads to be urban districts and to post urban district speed limits on them; amending Minnesota Statutes 1978, Section 169.14, by adding a subdivision."

With the recommendation that when so amended the bill pass.

The report was adopted.

Anderson, I., from the Committee on General Legislation and Veterans Affairs to which was referred:

H. F. No. 1758, A bill for an act relating to veterans; creating a tuition exemption program for certain veterans.

Reported the same back with the following amendments:

Page 1, line 12, after "Minnesota" insert "or an area vocational-technical school located in the state of Minnesota"

Page 1, line 21, delete "March" and insert "May"

Page 2, after line 2, insert:

“(d) “Commissioner” means the commissioner of veterans’ affairs.

(e) “Armed forces” means United States Army, Navy, Marine Corps, Coast Guard, or Air Force.”

Page 2, line 3, after “[AUTHORIZATION.]” insert “Notwithstanding any other law to the contrary,”

Page 2, line 6, after the period insert “Tuition free enrollment shall be available to a veteran only for attendance at an eligible educational institution which occurs after the date on which application is made under subdivision 3 of this section.”

Page 2, delete lines 7 through 17 and insert:

“Subd. 3. [COORDINATION OF PROGRAM.] The commissioner shall administer the provisions of this section. A veteran who wishes to attend an eligible institution tuition free may make application therefore to the commissioner for a tuition exemption, which shall be made upon a form prescribed by the commissioner and verified by the applicant. Each application shall be accompanied by such information and evidence as the commissioner may require. In the application the veteran shall name the institution at which the veteran will use the exemption. The commissioner shall grant the exemption if he finds that the veteran is entitled to it under the terms of this section and shall notify the appropriate eligible institution of the exemption.”

Page 2, line 18, delete “department of veterans affairs” and insert “commissioner is authorized to”

Page 2, line 19, delete “shall”

Page 2, line 25, delete “after” and insert “beyond the date at which”

Page 2, line 27, after “1661” insert “, whichever date occurs first”

Page 2, line 27, after the period insert “If the veteran is enrolled in an eligible educational institution regularly operated on the quarter or semester system and the date for termination of his tuition exemption falls during a quarter or semester, the tuition exemption shall be extended to the termination of such unexpired quarter or semester.”

Page 2, after line 27, add a new section to read:

“Sec. 2 [APPROPRIATION.] The sum of \$ is appropriated to the commissioner of veterans’ affairs from

the general fund for the purposes of section 1 for the period ending June 30, 1981."

Further, amend the title as follows:

Page 1, line 3, after "veterans" insert "; appropriating money"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Nelson from the Committee on Energy and Utilities to which was referred:

H. F. No. 1761, A bill for an act relating to energy conservation; creating the Minnesota district heating account; authorizing the Minnesota energy agency to administer and supervise a program of loans to municipalities for establishing and improving district heating systems; authorizing the issuance of state bonds pursuant to Article XI of the Minnesota Constitution; authorizing cities to operate district heating systems; appropriating money; amending Minnesota Statutes 1978, Sections 412.321, Subdivision 1; 412.351; 412.361, Subdivision 3; Chapter 116H, by adding sections; and Chapter 465, by adding a section.

Reported the same back with the following amendments:

Page 3, line 18, delete "*the agency and*"

Page 3, line 27, delete "*energy*" and insert "*heating*"

Page 6, line 32, delete "50" and insert "25"

Page 6, delete line 33 and insert "4, clause (a);"

Page 7, line 1, delete "90" and insert "70"

Page 7, line 2, delete "*(d) and (f)*" and insert "*(b), (c), (d), (e) and (f)*"

Page 12, line 9, delete "\$100,000,000" and insert "\$70,000,000"

Page 15, after line 9, add sections to read:

"Sec. 9. Minnesota Statutes 1978, Chapter 216B, is amended by adding a section to read:

[216B.166] [COGENERATING POWER PLANTS.] *Subdivision 1. The legislature finds and declares that significant public benefits may be derived from the cogeneration of elec-*

trical and thermal energy and that cogenerated district heating may result in improved utilization and conservation of fuel, the substitution of coal for scarce oil and natural gas, the substitution of domestic fuel for imported fuel, and the establishment of a reliable, competitively priced heat source. Since the cost of cogenerated thermal energy is dependent upon the method used to allocate costs between the production of electric and thermal energy at a power plant, and because the method of cost allocation can be a significant factor in determining investment in district heating, it is necessary to develop cost allocation methods rapidly.

Subd. 2. For the purpose of this section, the following terms shall have the meanings given.

(a) "Cogeneration" means a combined process whereby electrical and thermal energy are simultaneously produced by a public utility power plant.

(b) "District heating" means a process whereby thermal energy is distributed within a community for use as a primary heat source.

(c) "District heating utility" means any person, corporation, or other legal entity which owns and operates a facility for district heating.

Subd. 3. In determining just and reasonable rates to be charged for electrical and thermal energy produced by cogenerating power plants owned by public utilities, the commission shall utilize methods and procedures to allocate costs which are consistent with the following principles:

(a) The method used shall result in a cost per unit of electricity which is no greater than the cost per unit which would exist if the power plants owned by the public utility had been optionally constructed and operated without cogenerating capability;

(b) The method shall result in a cost per unit of thermal energy which is no greater than would exist if the district heating utility optimally constructed and operated a separate facility without cogeneration capability;

(c) Costs which the public utility incurs for the exclusive benefit of the district heating utility, including but not limited to backup and peaking facilities, shall be assigned and included in the rate charged for thermal energy produced by cogeneration;

(d) The methods and procedures may be different for retrofitted and new cogenerating power plants; and

(e) *The methods should encourage cogeneration while preventing subsidization by electric consumers so that both heating and electricity consumers are treated fairly and equitably with respect to the costs and benefits of cogeneration.*

Sec. 10. [SYSTEM AUDIT.] *Any municipality operating a district heating system funded in part under the lending provisions of sections 1 to 3 shall contract a qualified engineering auditing firm to examine the performance of the system every two years after the beginning of operation of the system. The audit shall specifically examine the adequacy of system revenues to insure the proper maintenance and long-term operation of the system. The audit report shall be forwarded to the governor, the legislative advisory commission, the energy agency, and the commissioner of finance."*

Renumber the subsequent sections

Further, amend the title as follows:

Page 1, line 10, after "systems;" insert "requiring biennial audits of certain municipal heating systems; requiring the establishment of rates by the public service commission which encourage cogeneration plants;"

Page 1, line 13, delete "Chapter" and insert "Chapters"

Page 1, line 13, after "sections;" insert "216B, by adding a section;"

Page 1, line 14, delete "Chapter"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations

The report was adopted.

Brinkman from the Committee on Financial Institutions and Insurance to which was referred:

H. F. No. 1765, A bill for an act relating to financial institutions; excluding certain loans made by credit unions in calculating outstanding loans and risk assets for reserve fund purposes; amending Minnesota Statutes 1978, Section 52.17.

Reported the same back with the following amendments:

Page 2, line 18, strike the old language and delete the new

Page 2, delete lines 19 and 20

Page 2, line 21, delete "*only to the amount of the insurance or guarantee,*" and insert "*The following*"

Page 2, line 23, before the period insert "*: loans to other credit unions; loans fully secured by a pledge of savings in the lending credit union equal to and maintained to at least the amount of the loan outstanding; loans which are purchased or acquired from liquidating or merging credit unions and guaranteed by an insurance corporation pursuant to section 52.24; loans insured or guaranteed by the United States or the State of Minnesota, any agency or instrumentality of the United States or the State of Minnesota, to the amount of the insurance or guarantee*"

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Farcy from the Committee on Judiciary to which was referred:

H. F. No. 1774, A bill for an act relating to juries; authorizing the trial court in civil actions to seat a jury of 12 persons; amending Minnesota Statutes 1978, Section 593.01, by adding a subdivision.

Reported the same back with the following amendments:

Page 1, line 13, delete "*may, in its discretion,*" and insert "*shall*"

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Prahl from the Committee on Commerce, Economic Development and Housing to which was referred:

H. F. No. 1777, A bill for an act relating to commerce; prohibiting the sale of certain motor vehicles after a certain date unless a certain prescribed condition is met.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [ALCOHOL FUELED MOTOR VEHICLES.] Any motor vehicle manufacturer doing business in this state who manufactures motor vehicles powered by pure alcohol or

by a blend of alcohol and water shall offer for sale within the state the line of alcohol powered vehicles after August 1, 1982."

Delete the title and insert:

"A bill for an act relating to commerce; requiring manufacturers of alcohol fueled motor vehicles to offer the same for sale within the state."

With the recommendation that when so amended the bill pass.

The report was adopted.

Johnson from the Committee on Education to which was referred:

H. F. No. 1781, A bill for an act relating to education; eliminating the requirement that school districts make referendum levies in order to qualify to make certain discretionary levies; amending Minnesota Statutes, 1979 Supplement, Section 275.125, Subdivision 7a.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"ARTICLE I

FOUNDATION AIDS AND LEVIES

Section 1. Minnesota Statutes 1978, Section 122.531, is amended by adding a subdivision to read:

Subd. 3a. (1) For purposes of computing the levy limitation under section 275.125, subdivision 6b, of a district newly created through consolidation or enlarged through the dissolution of a district and its attachment to one or more existing districts, the amounts specified in this subdivision shall be used in lieu of the amounts specified in the designated clauses of section 275.125, subdivision 6b.

(2) In lieu of the amount specified in section 275.125, subdivision 6b, clause (2), part (b), subpart (i), there shall be used the sum of the amounts derived by performing the following multiplication for each component district.

(a) the product in section 275.125, subdivision 6b, clause (1), part (b), computed for the component district, times

(b) the quotient obtained by dividing the number of pupil units identified in section 124.17, subdivision 1, clauses (1) and

(2), from that component district who are enrolled in the newly created or enlarged district in the year when the consolidation or dissolution and attachment becomes effective, by the total number of pupil units identified in section 124.17, subdivision 1, clauses (1) and (2), enrolled in the component district in the year preceding the year when the consolidation or dissolution and attachment becomes effective.

(3) In lieu of the quotient used in the computation in section 275.125, subdivision 6b, clause (2), part (b), subpart (ii), there shall be used the quotient obtained by dividing:

(a) the sum derived in clause (2) of this subdivision, by

(b) the sum of the amounts derived by performing the following computation for each component district:

(i) the number of pupil units identified in section 124.17, subdivision 1, clauses (1) and (2) in the component district in 1979-1980, times

(ii) the quotient derived for that component district in clause (2), part (b) of this subdivision.

Sec. 2. Minnesota Statutes 122.531, is amended by adding a subdivision to read:

Subd. 5. For purposes of computing the levy limitation under section 275.125, subdivision 6c, of a district newly created through consolidation or enlarged through the dissolution of a district and its attachment to one or more other districts there shall be used in lieu of the amount specified in section 275.125, subdivision 6c, clause (1), part (a)(i) (A), the quotient obtained by dividing:

(1) the sum of the amounts derived by performing the following multiplication for each component district:

(a) the quotient in section 275.125, subdivision 6c, clause (1), part (a)(i)(A), computed for the component district for purposes of 1979 payable 1980 levy limitations, times

(b) the number of pupil units identified in section 124.17, subdivision 1, clauses (1), (2), (4), and (5), from that component district who are enrolled in the newly created or enlarged district in the year when the consolidation or dissolution and attachment becomes effective; by

(2) the total number of pupil units identified in section 124.17, subdivision 1, clauses (1), (2), (4), and (5), in the year when the consolidation or dissolution and attachment becomes effective.

Sec. 3. Minnesota Statutes, 1979 Supplement, Section 124.01, is amended to read:

124.01 [DEFINITIONS.] Subdivision 1. For purposes of this chapter, the words defined in section 120.02 have the same meaning and the terms defined in this section have the meanings attributed to them in this section.

Subd. 2. "Foundation aid formula allowance" or "formula allowance" means the amount of revenue per pupil unit specified for use in the computation of foundation aid for a particular school year pursuant to section 124.212 and in the computation of permissible levies for use in that school year. For foundation aid for the 1979-1980 school year, the formula allowance shall be \$1,182. For 1979 payable 1980 levies and for foundation aid for the 1980-1981 school year, the formula allowance shall be \$1,265. For 1980 payable 1981 levies and for foundation aid for the 1981-1982 school year the formula allowance shall be \$1,354. *For 1981 payable 1982 levies and for foundation aid for the 1982-1983 school year, the formula allowance shall be \$1,449.*

Subd. 3. "Basic maintenance mill rate" means the maximum permissible mill rate applicable to the adjusted assessed valuation of a district, specified for use in the computation of foundation aid for a particular school year pursuant to section 124.212 and of permissible levies for use in that school year pursuant to section 275.125, subdivision 2a, clause (1) or (2). For 1979 payable 1980 levies and for foundation aid for the 1980-1981 school year, the basic maintenance mill rate shall be .023. For 1980 payable 1981 levies and for foundation aid for the 1981-1982 school year, the basic maintenance mill rate shall be .021. *For 1981 payable 1982 levies and for foundation aid for the 1982-1983 school year, the basic maintenance mill rate shall be .020.*

Subd. 4. "Equalizing factor" means the ratio of the formula allowance for a particular school year to the basic maintenance mill rate for that school year. For 1979 payable 1980 levies and for foundation aid for the 1980-1981 school year, the equalizing factor shall be \$55,000. For 1980 payable 1981 levies and for foundation aid for the 1981-1982 school year, the equalizing factor shall be \$64,476. *For 1981 payable 1982 levies and for foundation aid for the 1982-1983 school year, the equalizing factor shall be \$72,450.*

Sec. 4. Minnesota Statutes, 1979 Supplement, Section 124.19, Subdivision 4 is amended to read:

Subd. 4. In (AN ELEMENTARY) a school where the number of instructional hours in the school day is greater than the number of instructional hours prescribed in the rules of the state board for the school day, the excess number of instructional hours for those days may be included in calculating the required number of days school is in session for purposes of

fulfilling the requirements of subdivision 1, provided that the school is in session for not less than 160 days during the school year, and provided that no instructional hours are included from half-day sessions or any school day which has less instructional hours than the number of instructional hours prescribed in the rules of the state board.

Sec. 5. Minnesota Statutes 1978, Section 124.20, is amended to read:

124.20 [EDUCATION; STATE AID; SUMMER SCHOOL AND FLEXIBLE SCHOOL YEAR CLASSES.] Foundation aid for (1) summer school classes which are not a part of the regular school term in hospitals, sanatoriums, and home instruction programs, (2) inter-session classes of flexible school year programs, (3) summer school classes in elementary and secondary schools, and (4) summer school instruction in teachers college laboratory schools or in the university laboratory school, shall be paid at a proportionate rate for foundation aids paid for the preceding regular school year programs under this section in an amount greater than its actual expenditures for these programs; provided further, that for purposes of computing summer school foundation aid, a district's foundation aid for the regular school year shall be reduced by the amount of the agricultural tax credit included in that foundation aid; *provided further, that for purposes of computing summer school foundation aid starting in 1981, foundation aid for the regular school year shall be reduced by amounts of foundation aid computed pursuant to section 124.212, subdivision 7c, clauses (2), (3), (4) and (5), and section 124.212, subdivision 7d, clauses (2), (3), (4) and (5), or their successor provisions.*

Sec. 6. Minnesota Statutes, 1979 Supplement, Section 124.-212, Subdivision 7d, is amended to read:

Subd. 7d. For the 1981-1982 school year a district shall receive in foundation aid:

(1) \$1,354 per pupil unit identified in section 124.17, subdivision 1, clauses (1), (2), (4) and (5), less 21 mills times the 1979 adjusted assessed valuation of the district; plus

(2) the amount of the agricultural tax credit by which 1980 payable 1981 property taxes in the district are reduced pursuant to section 273.132; plus

(3) an amount equal to the product obtained by multiplying the ratio of the district's actual levy to its permitted levy in 1980 payable 1981 pursuant to section 275.125, subdivision 6b, times the difference between

(a) the greater of

(i) the amount derived in subdivision 7c, clause (3), part (a), or

(ii) the product obtained by multiplying the number of pupil units identified in section 124.17, subdivision 1, clauses (1) and (2), in the district in 1980-1981, times the quotient obtained by dividing the amount derived in subdivision 7c, clause (3), part (a), by the number of pupil units identified in section 124.17, subdivision 1, clauses (1) and (2) in the district in 1979-1980, and

(b) the product obtained by multiplying the amount derived in part (a) of this clause times the lesser of

(i) one or

(ii) the ratio of the district's 1979 adjusted assessed valuation per pupil unit identified in section 124.17, subdivision 1, clauses (1), (2), (4) and (5) in the district in 1980-1981, to the state average 1979 adjusted assessed valuation per pupil unit identified in section 124.17, subdivision 1, clauses (1), (2), (4) and (5), in the state in 1980-1981; plus

(4) an amount equal to the ratio of the district's actual levy to its permitted levy in 1980 payable 1981 pursuant to section 275.125, subdivision 6c, times the difference between

(a) the product obtained by multiplying

(i) the number of pupil units identified in section 124.17, subdivision 1, clauses (1), (2), (4) and (5) in the district in 1981-1982 times

(ii) 107 percent of the quotient obtained by dividing the amount derived in subdivision 7c, clause (4), part (a), by the number of pupil units identified in section 124.17, subdivision 1, clauses (1), (2), (4) and (5) in the district in 1980-1981, and

(b) the product obtained by multiplying the ratio of the amount derived in part (a) (ii) of this clause to \$64,476, times the district's 1979 adjusted assessed valuation; plus

(5) an amount equal to the difference between

(a) the product obtained by multiplying the mill rate levied by the district on its adjusted assessed valuation in 1980 payable 1981 pursuant to section 275.125, subdivision 7a, times \$64,476, times the number of pupil units identified in section 124.17, subdivision 1, clauses (1), (2), (4) and (5), in the district in 1980-1981; and

(b) the product obtained by multiplying the mill rate levied by the district on its adjusted assessed valuation in 1980 payable 1981 pursuant to section 275.125, subdivision 7a, times the district's 1979 adjusted assessed valuation.

(6) No district where the assessed valuation of agricultural land identified in section 273.13, subdivisions 4, 6 and 6a, comprises 60 percent or more of the assessed valuation of the district shall receive an amount of foundation aid pursuant to clause (1) which is less than the following difference:

(a) (\$600) \$800 times the number of pupil units identified in section 124.17, subdivision 1, clauses (1), (2), (4) and (5), less

(b) the sum of

(i) the amount of the agricultural tax credit by which 1980 payable 1981 property taxes in the district are reduced pursuant to section 273.132, plus

(ii) the amount by which 1980 payable 1981 property taxes in the district are reduced pursuant to section 273.13, subdivisions 6, 7 and 14a, plus

(iii) the amount by which 1980 payable 1981 property taxes in the district are reduced pursuant to section 273.135, plus

(iv) the amount by which 1980 payable 1981 taxes in the district are reduced pursuant to section 273.138, subdivision 6.

Sec. 7. Minnesota Statutes, 1979 Supplement, Section 275.-125, Subdivision 2a, is amended to read:

Subd. 2a. (1) In 1979, a school district may levy for all general and special school purposes, an amount equal to the amount raised by 23 mills times the 1978 adjusted assessed valuation of the district.

(2) In 1980, a school district may levy for all general and special school purposes, an amount equal to the amount raised by 21 mills times the 1979 adjusted assessed valuation of the district.

(3) For any district levying less than 95 percent of the maximum levy allowable in clauses (1) and (2), (BEGINNING WITH THE LEVY CERTIFIED IN 1978, PAYABLE IN 1979,) the foundation aid to the district for the (1979-1980) school year (, AND FOR SUBSEQUENT LEVIES, FOUNDATION AID FOR SUBSEQUENT SCHOOL YEARS) *when the levy is recognized as revenue*, calculated pursuant to section 124.212, subdivision 7c, clauses (1) and (6), or their successor

provisions, as applicable, shall be reduced to an amount equal to the ratio between the actual levy and the maximum levy allowable under clauses (1) and (2) times the foundation aid calculated pursuant to section 124.212, subdivision 7c, clauses (1) and (6), or section 124.212, subdivision 7d, clauses (1) and (6), or their successor provisions, as applicable, to which the district is otherwise entitled for that year. For purposes of computations pursuant to this clause, the maximum levy allowable and the actual levy under clauses (1) and (2) shall be increased by any reduction of this levy which is required by section 275.125, subdivision 9 or any other law.

(4) (a) The levy authorized by clauses (1) or (2) may be increased in any amount which is approved by the voters of the district at a referendum called for the purpose. Such a referendum may be called by the school board or shall be called by the school board upon written petition of qualified voters of the district. The referendum shall be held on a date set by the school board. Only one such election may be held to approve a levy increase which will commence in a specific school year. The question on the ballot shall state the maximum amount of the increased levy in mills, the amount that will be raised by that millage in the first year it is to be levied, and that the millage shall be used to finance school operations. The question may designate a specific number of years for which the referendum authorization shall apply. If approved, the amount provided by the approved millage applied to each year's taxable valuation shall be authorized for certification for the number of years approved, if applicable, or until revoked by the voters of the district at a subsequent referendum.

(b) A referendum on the question of revoking the increased levy amount authorized pursuant to clause (a) of this clause may be called by the school board and shall be called by the school board upon the written petition of qualified voters of the district. The amount approved by the voters of the district pursuant to clause (a) of this clause must be levied at least once before it is subject to a referendum on its revocation for subsequent years. Only one such revocation election may be held to revoke a levy for any specific year and for years thereafter.

(c) A petition authorized by clauses (a) or (b) of this clause shall be effective if signed by a number of qualified voters in excess of 15 percent, or 10 percent if the school board election is held in conjunction with a general election, of the average number of voters at the two most recent district wide school elections. A referendum invoked by petition shall be held within three months of submission of the petition to the school board.

(d) Notwithstanding any law to the contrary, the approval of 50 percent plus one of those voting on the question is required to pass a referendum.

(e) Within 30 days after the district holds a referendum pursuant to this clause, the district shall notify the commissioner of education of the results of the referendum.

Sec. 8. Minnesota Statutes, 1979 Supplement, Section 275.125, Subdivision 2b, is amended to read:

Subd. 2b. (1) (BEGINNING IN 1979,) In any year when the amount of the maximum levy allowed by subdivision 2a, clause (1) or (2), for any district with 950 or more pupil units under section 124.17, subdivision 1, clauses (1) and (2), exceeds the product of the district's foundation aid formula allowance under section 124.212 for the (CORRESPONDING) school year *in which the levy is recognized as revenue* times the *estimated* number of pupil units computed for that district under section 124.17, subdivision 1, clauses (1), (2), (4) and (5), for that school year, the levy permitted that district by subdivision 2a, clause (1) or (2) shall be limited to the greater of the dollar amount of the levy the district certified in 1977 under subdivision 2a, clause (1) or (107 PERCENT OF) the sum of the following, but not to exceed the (AMOUNT RAISED BY THE NUMBER OF MILLS PERMITTED) *levy limitation* under subdivision 2a, clause (1) or (2):

(a) (i) the product of the district's foundation aid formula allowance under section 124.212 for the school year in which the levy is (CERTIFIED) *recognized as revenue*, times the *estimated* number of pupil units computed for that district under section 124.17, subdivision 1, clauses (1), (2), (4) and (5), for (THE) *that* school year (IN WHICH THE LEVY IS CERTIFIED); (PLUS) *less*

(ii) *the estimated amount of any payments which would reduce the district's foundation aid entitlement as provided in section 124.212, subdivision 5a in the school year in which the levy is recognized as revenue; plus*

(b) the district's estimated aid entitlement pursuant to section 124.20 for the summer school which begins in the school year in which the levy is (CERTIFIED) *recognized as revenue*; plus

(c) that district's *estimated* entitlement, for the year in which the levy is (CERTIFIED) *recognized as revenue*, for transportation aid pursuant to section 124.225, special education aid pursuant to section 124.32, secondary vocational aid pursuant to section 124.573 and secondary vocational aid for handicapped children pursuant to section 124.574.

(2) IF A DISTRICT LEVIES THE FULL 107 PERCENT OF ITS ENTITLEMENT UNDER CLAUSE (1) FOR A SCHOOL YEAR AND THAT AMOUNT IS LESS THAN THE AMOUNT TO WHICH THE DISTRICT WOULD ACTUALLY

HAVE BEEN ENTITLED UNDER SECTIONS 124.20, 124.212, 124.225, 124.32, 124.573, AND 124.574, FOR THE YEAR TO WHICH THE LEVY IS ATTRIBUTABLE, THE DISTRICT MAY ADJUST ITS LEVIES IN THE SUCCEEDING YEARS TO MAKE UP THIS DIFFERENCE. THE AMOUNT BY WHICH THE DISTRICT ADJUSTS ANY LEVY IN THE SUCCEEDING YEARS PURSUANT TO THIS SECTION SHALL BE RECOGNIZED AS REVENUE IN THE SCHOOL YEAR WHEN THE LEVY WHICH IS SO ADJUSTED IS RECOGNIZED AS REVENUE.)

((3) IF A DISTRICT LEVIES PURSUANT TO CLAUSE (1) FOR SCHOOL YEAR AND THE AMOUNT LEVIED IS GREATER THAN THE AMOUNT TO WHICH THE DISTRICT WOULD ACTUALLY HAVE BEEN ENTITLED UNDER SECTIONS 124.20, 124.212, 124.225, 124.32, 124.573, AND 124.574, FOR THE YEAR TO WHICH THE LEVY IS ATTRIBUTABLE, THE DISTRICT SHALL REDUCE ITS LEVIES IN THE SUCCEEDING YEARS BY THE AMOUNT OF THIS DIFFERENCE.)

((4) HOWEVER, IF THE AMOUNT OF THE DIFFERENCE IN CLAUSE (2), WHEN CALCULATED AS AN ADDITION TO THE ORIGINAL LEVY FOR THAT YEAR, WOULD HAVE EXCEEDED THE AMOUNT RAISED BY THE MILLAGE LIMITATION IN SUBDIVISION 2A, CLAUSE (1) OR (2) FOR THAT YEAR, THE STATE SHALL PAY THE AMOUNT TO WHICH THE DISTRICT IS ENTITLED UNDER SECTIONS 124.20, 124.212, 124.225, 124.32, 124.573, AND 124.574, FOR THAT SCHOOL YEAR, WHICH EXCEEDS THE AMOUNT RAISED BY THAT MILLAGE LIMITATION.)

((5) IF THE DISTRICT IS UNABLE TO LEVY THE FULL 107 PERCENT OF ITS ENTITLEMENT FOR A SCHOOL YEAR BECAUSE OF THE MILLAGE LIMITATION IN SUBDIVISION 2A, CLAUSE (1) OR (2), THE STATE SHALL PAY THE AMOUNT UNDER SECTIONS 124.28, 124.212, 124.225, 124.32, 124.573, OR 124.574 TO WHICH THE DISTRICT IS ENTITLED FOR THAT SCHOOL YEAR WHICH EXCEEDS THE AMOUNT RAISED BY THAT MILLAGE LIMITATION.)

((6)) (2). Prior to the certification of levies, the commissioner of education shall notify an applicable district that it is subject to the levy limitation of this subdivision and of its estimated entitlements pursuant to sections 124.20, 124.212, 124.225, 124.32, 124.573, and 124.574. (THE COMMISSIONER SHALL DECIDE THAT A DISTRICT IS SUBJECT TO THIS LEVY LIMITATION IF IT APPEARS REASONABLY CERTAIN THAT THE MAXIMUM LEVY ALLOWED THAT DISTRICT PURSUANT TO SUBDIVISION 2A, CLAUSE (1) OR (2) WILL EXCEED THE DISTRICT'S FOUNDATION AID FORMULA ALLOWANCE TIMES THE NUMBER OF PUPIL

UNITS COMPUTED FOR THAT DISTRICT UNDER SECTION 124.17, SUBDIVISION 1, CLAUSES (1), (2), (4) AND (5); FOR THAT CORRESPONDING YEAR. IF, UPON THE ORDER OF THE COMMISSIONER, THE DISTRICT LEVIES PURSUANT TO THIS SUBDIVISION BUT THE MAXIMUM LEVY ALLOWED THAT DISTRICT PURSUANT TO SUBDIVISION 2A, CLAUSE (1) OR (2) WOULD NOT ACTUALLY HAVE EXCEEDED THE DISTRICT'S FOUNDATION AID FORMULA ALLOWANCE TIMES THE NUMBER OF PUPIL UNITS COMPUTED FOR THAT DISTRICT UNDER SECTION 124.17, SUBDIVISION 1, CLAUSES (1), (2), (4) AND (5), FOR THAT CORRESPONDING YEAR, THE DISTRICT SHALL REDUCE ITS LEVY FOR THE NEXT YEAR BY THE AMOUNT BY WHICH THE LEVY CERTIFIED PURSUANT TO THIS SUBDIVISION EXCEEDED THE AMOUNT THE DISTRICT COULD HAVE LEVIED UNDER SUBDIVISION 2A, CLAUSE (1) OR (2). ALSO IN THAT CASE, THE DISTRICT SHALL RECEIVE ALL AID FROM THE STATE PURSUANT TO SECTIONS 124.20, 124.212, 124.225, 124.32, 124.573, AND 124.574 TO WHICH IT WOULD OTHERWISE HAVE BEEN ENTITLED IF ITS PERMITTED LEVY HAD NOT BEEN COMPUTED PURSUANT TO THIS SUBDIVISION.)

((7)) (3) Any district which is required to compute its (PERMITTED LEVY) *levy limitation* under this subdivision shall not be eligible to receive *that amount of aid for the corresponding school year* under sections 124.20, (124.212,) 124.225, 124.32, 124.573, and 124.574 (FOR THE CORRESPONDING YEAR EXCEPT AS AUTHORIZED BY THIS SUBDIVISION) *for which it is eligible to levy pursuant to this subdivision and subdivision 20. Clause (1) and this clause shall apply to aids pursuant to these sections in the following order: (a) 124.20; (b) 124.225; (c) 124.32; (d) 124.573; (e) 124.574.*

((8)) (4) Nothing within the provisions of this subdivision shall be construed to affect any other levy under this section, including levies made pursuant to subdivision 2a, clause (4), to which a district is otherwise entitled.

((9)) (5) A levy made by a district pursuant to the provisions of this subdivision shall be construed to be the levy made by that district pursuant to subdivision 2a, clause (1) and (2), for purposes of statutory cross-reference.

((10)) THE PROVISIONS OF CLAUSES (2) TO (9) SHALL GOVERN 1979-1980 AID, THE ADJUSTMENT OF LEVIES, AND STATUTORY CROSS-REFERENCES TO THE 1978 LEVY, FOR ANY DISTRICT WHICH LEVIED PURSUANT TO CLAUSE (1) IN 1978 AND WHICH IS NOT REQUIRED TO LEVY PURSUANT TO CLAUSE (1) IN 1979 OR SUBSEQUENT YEARS.)

Sec. 9. Minnesota Statutes, 1979 Supplement, Section 275-125, Subdivision 7a, is amended to read:

Subd. 7a. (1) (IN 1979) *In 1980* each district which levies the maximum permissible amount pursuant to (SUBDIVISIONS 2A, CLAUSES (1), (2), AND (4),;) *subdivision 6b, (AND 6C,)* may levy an additional amount which shall not exceed the lesser of (a) an amount equal to (ONE-HALF) *one* mill times the district's (1978) 1979 adjusted assessed valuation or (b) the product obtained by multiplying (\$27.50) *\$64.48* times the number of pupil units identified in section 124.17, subdivision 1, clauses (1), (2), (4), and (5), in the district in (1979-1980) *1980-1981 school year.*

(2) In (1980) *1981* and each year thereafter, each district which levies the maximum permissible amount pursuant to (SUBDIVISIONS 2A, CLAUSES (1), (2) AND (4),) *subdivision 6b (, AND 6C,)* may levy an additional amount which shall not exceed the lesser of (a) an amount equal to one (MILL) *and one-half mills* times the district's adjusted assessed valuation for the preceding year or (b) the product obtained by multiplying (i) *one and one-half times* ((i)) (ii) the ratio of the equalizing factor to 1,000, times ((ii)) (iii) the number of pupil units identified in section 124.17, subdivision 1, clauses (1), (2), (4), and (5), in the district in the school year when the levy is certified.

(3) (BY AUGUST 1 BEFORE A DISTRICT CERTIFIES ANY LEVY PURSUANT TO THIS SUBDIVISION IN 1979, OR) By the July 1 before a district certifies any levy pursuant to this subdivision in 1980, in any even-numbered year thereafter, or in any odd-numbered year thereafter when the district has not certified a levy pursuant to this subdivision in the preceding year, the board of the district shall hold a public hearing on the need for the proposed levy pursuant to this subdivision. At least three weeks published notice of the hearing in 10 point type, on 12 point body, with a larger headline, shall be given in the legal newspaper with the largest circulation in the district. The notice shall state the amount of the proposed levy in dollars and mills, the *estimated* net unappropriated fund balance in the district's operating funds as of the June 30 before the levy is certified, and the tax impact of the proposed levy on homesteads with market values of \$30,000 and \$50,000. At the hearing, the district shall present its proposed revenue and expenditure budgets for the next two school years and the *estimated* net unappropriated fund balances in all district funds as of the June 30 before the levy is certified, and the board shall hear all parties requesting to give testimony for and against the proposed levy. Upon petition within 20 days after the hearing of (FIVE PERCENT) *the greater of (a) 50 voters, or (b) 15 percent, or 10 percent if the school board election was held in conjunction with a general or municipal election,* of the number of voters who voted in the district at the (PRECEDING STATEWIDE GENERAL)

most recent regular school board election, the board shall call a referendum on a reduction of the proposed levy. The petition shall state the number of mills on the district's adjusted assessed valuation by which it proposes to reduce the proposed levy. No petition or referendum shall provide for a reduction of a proposed levy pursuant to this subdivision to a rate less than one-half mill on the district's adjusted assessed valuation below the rate levied by the district pursuant to this subdivision in the preceding year. The referendum shall be held on a date set by the school board, but no later than (SEPTEMBER 20 IN 1979 OR) the August 20 before the levy is certified (IN SUBSEQUENT YEARS). The question on the ballot shall state the maximum amount of the proposed levy, the amount of the proposed reduction of the levy and the amount of the levy if the reduction is approved, in mills on the district's adjusted assessed valuation and in dollars in the first year of the proposed levy. The district may levy the amount provided by the millage proposed by the school board, reduced by any reduction in millage approved at a referendum pursuant to this clause, applied to the preceding year's adjusted assessed valuation until the next even-numbered year. The district is not required to hold a public hearing or call a referendum on a levy pursuant to this subdivision in any odd-numbered year (AFTER 1979) which succeeds a year in which a levy is certified pursuant to this subdivision.

Sec. 10. Minnesota Statutes, 1979 Supplement, Section 275.-125, Subdivision 7b is amended to read:

Subd. 7b. (1) It is the intention of the legislature that the revenue provided by the discretionary levy authorized in subdivision 7a and by the corresponding portion of foundation aid provided in section 124.212, subdivisions 7c, clause (5), and 7d, clause (5), be used to improve instructional programs in grades kindergarten through 12 and not be used to increase a district's fund balance. (IF THE BOARD OF ANY DISTRICT WITH A REASONABLE GENERAL FUND BALANCE DETERMINES THAT ALL OR PART OF THIS REVENUE IS NOT NEEDED FOR THIS PURPOSE AND IF THIS DETERMINATION IS DEMONSTRATED BY AN INCREASE IN THE DISTRICT'S GENERAL FUND BALANCE IN ANY FISCAL YEAR STARTING IN FISCAL YEAR 1981, THE MILL RATE USED TO CALCULATE THE AUTHORIZED DISCRETIONARY LEVY AND THE CORRESPONDING PORTION OF FOUNDATION AID SHALL BE REDUCED AS PROVIDED IN THIS SUBDIVISION.) For purposes of this subdivision, a "reasonable (GENERAL FUND) balance" shall mean (\$150) an amount per pupil unit identified in section 124.17, subdivision 1, clauses (1), (2), (4) and (5), equal to 15 percent of the foundation aid formula allowance for the school year ending on the second June 30 before the levy is certified.

(2) In any district where the maximum permissible levy pursuant to subdivision 7a in 1981 or in any year thereafter is de-

terminated according to clause (2), part (a), of that subdivision, and where the net unappropriated (GENERAL) fund balance *in all operating funds* has increased between the second June 30 before the levy is certified and the June 30 before the levy is certified, the maximum permissible levy pursuant to subdivision 7a in that year shall be reduced by an amount equal to the product obtained by multiplying

(a) the ratio of

(i) the quotient obtained by dividing the amount of that increase in the (GENERAL FUND) balance *in all operating funds* by the number of pupil units identified in section 124.17, subdivision 1, clauses (1), (2), (4) and (5), in the district in the year when the levy is certified, to

(ii) the equalizing factor, times

(b) the district's adjusted assessed valuation for the preceding year.

No levy reduction pursuant to this clause, however, shall exceed an amount equal to the product obtained by multiplying

(a) the ratio of

(i) the difference obtained by subtracting (\$150) *the amount of a reasonable balance as defined in clause (1)* from the quotient obtained by dividing the *total* amount of the net unappropriated (GENERAL FUND) balance *in all operating funds* of the district as of the June 30 before the levy is certified, by the number of pupil units identified in section 124.17, subdivision 1, clauses (1), (2), (4) and (5), in the district in the year when the levy is certified, to

(ii) the equalizing factor, times

(b) the district's adjusted assessed valuation for the preceding year.

(3) In any district where the maximum permissible levy pursuant to subdivision 7a in 1981 or in any year thereafter is determined according to clause (2), part (b), of that subdivision, and where the net unappropriated (GENERAL FUND) balance *in all operating funds* has increased between the second June 30 before the levy is certified and the June 30 before the levy is certified, the maximum permissible levy pursuant to subdivision 7a in that year shall be reduced by the *total* amount of (THAT) *the* increase in the (GENERAL FUND) *balances of all operating funds*. No levy reduction pursuant to this clause, however, shall exceed an amount equal to the difference obtained by subtracting

(a) the product obtained by multiplying (\$150) the amount of a reasonable balance as defined in clause (1) times the number of pupil units identified in section 124.17, subdivision 1, clauses (1), (2), (4) and (5), in the district in the year when the levy is certified, from

(b) the total amount of the net unappropriated (GENERAL FUND) balance in all operating funds in the district as of the June 30 before the levy is certified.

Sec. 11. Minnesota Statutes, 1979 Supplement, Section 275.125, Subdivision 20 is amended to read:

Subd. 20. The computation of levy limitations pursuant to subdivisions 2b, 2c, 6c and 19 shall be based on estimates where necessary. If as a result of using estimates for these computations the amount of any levy is different from the amount which could actually have been levied if actual data had been available, levy limitations in the first year when the actual data is known shall be adjusted to reflect for this difference. The amount of any adjustment to levy limitations pursuant to this subdivision shall be recognized as revenue in the school year when the levy for which the levy limitation is so adjusted is recognized as revenue.

Sec. 12. [REPEALER.] Minnesota Statutes 1978, Section 122.531, subdivision 3, is repealed.

Sec. 13. [DEFICIENCY APPROPRIATION; SUMMER SCHOOL.] The sum of \$685,000 is appropriated from the general fund to the department of education for the fiscal year ending June 30, 1980, for the payment of a deficiency in funds available for state aid for summer school. This amount is for 1979 summer school programs and shall be added to the sum appropriated for fiscal year 1980 for summer school aid in Laws 1979, Article I, Section 28, subdivision 3.

Sec. 14. [DEFICIENCY APPROPRIATION SPARSITY AID.] There is appropriated from the general fund to the department of education the sum of \$30,000 for the fiscal year ending June 30, 1980, and the sum of \$6,000 for the fiscal year ending June 30, 1981, for the payment of a deficiency in funds available for sparsity aid for 1980 pursuant to section 124.224. These appropriations shall be added to the amounts appropriated for sparsity aid in Laws 1979, Chapter 334, Article I, Section 28, Subdivision 4.

Sec. 15. [EFFECTIVE DATES.] Sections 4, 13 and 14, of this article shall be effective the day following final enactment.

ARTICLE II

TRANSPORTATION AID

Section 1. Minnesota Statutes, 1979 Supplement, Section 124.223, is amended to read:

124.223 [TRANSPORTATION AID AUTHORIZATION.]
School transportation and related services for which state transportation aid is authorized are:

(1) Transportation or board of resident pupils who reside one mile or more from the public schools which they could attend, or transportation to, from, or between the schools they attend pursuant to a program approved by the commissioner of education, or who reside one mile or more from a private school actually attended, but only to the extent permitted by sections 123.76 to 123.79 with respect to private school pupils;

(2) Transportation to and from or board and lodging in another district, of resident pupils of a district without a secondary school; the pupils may attend a classified secondary school in another district and shall receive board and lodging in or transportation to and from a district having a classified secondary school at the expense of the district of the pupil's residence;

(3) Transportation to and from a state board approved secondary vocational center for secondary vocational classes for resident pupils of any of the districts who are members of or participating in programs at that center;

(4) Transportation or board and lodging of a handicapped pupil when that pupil cannot be transported on a regular school bus, the conveying of handicapped pupils *any distance* between home and school (AND WITHIN THE SCHOOL PLANT), *necessary transportation of handicapped pupils during the school day within the school plant and to and from other buildings within or outside the district where special education services are provided*, and necessary transportation for resident handicapped pupils required by section 120.17, subdivision 4a;

(5) When necessary, board and lodging for nonresident handicapped pupils in a district maintaining special classes;

(6) Transportation from one educational facility to another within the district for resident pupils enrolled on a shared time basis in educational programs approved by the commissioner of education, and necessary transportation required by section 120.17, subdivision 9 for resident handicapped pupils who are provided special instruction and services on a shared time basis;

(7) Transportation for residents to and from the Minnesota school for the deaf or the Minnesota braille and sight-saving school;

(8) Services described in (CLAUSES (1) TO (7) AND CLAUSE (10)) *any clause of this section* when provided in conjunction with a state board approved summer school program;

(9) Transportation to, from or between educational facilities located in any of two or more school districts jointly offering academic classes approved by the commissioner or secondary vocational classes not provided at a secondary vocational center which are approved by the commissioner for resident pupils of any of these districts; and

(10) Necessary transportation within district boundaries between a nonpublic school and a public school or a neutral site for nonpublic school pupils who are provided pupil support services pursuant to section 123.935.

Sec. 2. Minnesota Statutes, 1979 Supplement, Section 124.-225, is amended to read:

124.225 [TRANSPORTATION AID ENTITLEMENT.]
Subdivision 1. For purposes of this section, the terms defined in this subdivision have the meanings given to them.

(a) "FTE" means a transported full time equivalent pupil whose transportation is authorized for aid purposes by section 124.223.

(b) "*Region*" means development region as defined in section 462.384, subdivision 5, except that for purposes of this section, development regions 1 and 2 shall be considered one region, development regions 4 and 5 shall be considered one region, development regions 6E and 6W shall be considered one region, and development regions 7E and 7W shall be considered one region.

(c) "Total authorized cost" or "total authorized expenditure" means the sum of:

(i) all expenditures for transportation for which aid is authorized in section 124.223, plus

(ii) an amount equal to one year's depreciation on the district's school bus fleet computed on a straight line basis at the rate of 12-1/2 percent per year of the cost of the fleet, plus

(iii) an amount equal to one year's depreciation on district school buses reconditioned by the department of corrections

computed on a straight line basis at the rate of 33-1/3 percent per year of the cost to the district of the reconditioning.

((C)) (d) "Total authorized predicted cost" means the total authorized cost predicted by a (LINEAR) *multiple regression formula* determined by the department of education.

((D)) (e) *For the 1979-1980 school year, "regular and summer school authorized FTE's transported" means full time equivalent pupils transported under section 124.223, clause (1), during the regular school year and in conjunction with a state board approved summer school program.*

(f) *"Transportation category" means a category of transportation service provided to pupils. Each category includes transportation provided during the regular school year and in conjunction with a state board approved summer school program. For purposes of this section, transportation categories are as follows:*

(i) *Regular transportation is transportation services provided under section 124.223, clauses (1) and (2), excluding transportation between schools under section 124.223, clause (1);*

(ii) *Secondary vocational center transportation is transportation services provided under section 124.223, clause (3);*

(iii) *Handicapped transportation is transportation services provided under section 124.223, clause (4), excluding board and lodging and excluding transportation to and from board and lodging facilities;*

(iv) *Board and lodging is services provided, in lieu of transportation, under section 124.223, clauses (4) and (5);*

(v) *Between schools transportation is transportation services between schools provided under section 124.223, clause (1);*

(vi) *Shared time regular transportation is transportation services provided under section 124.223, clause (6), excluding transportation provided for pupils attending shared time special education classes;*

(vii) *Shared time special education transportation is transportation services provided under section 124.223, clause (6) for pupils attending shared time special education classes;*

(viii) *To and from board and lodging facility transportation is transportation services to and from board and lodging facilities provided under section 124.223, clauses (4) and (7);*

(ix) *Cooperative academic and vocational transportation is transportation services provided under section 124.223, clause (9);*

(x) *Nonpublic health, guidance and counseling transportation is transportation services provided under section 124.223, clause (10);*

(g) *"Pupil weighting factor" means the ratio of the actual regional average cost per FTE in a particular transportation category to the actual regional average cost per FTE in the regular transportation category.*

(h) *"Weighted FTE's" means the number of FTE's in each transportation category multiplied by the pupil weighting factor for that category.*

Subd. 1a. In computing transportation aid for each school year the department of education shall establish the pupil weighting factors for each transportation category for each region using transportation cost data for the second prior school year. The department shall establish an appropriate pupil weighting factor for any transportation category for which a region had no experience during the second prior school year.

Subd. 2. For the 1979-1980 school year, the state shall pay to each school district for all pupil transportation and related services for which the district is authorized by law to receive state aid an amount determined according to this section. A linear regression formula shall be determined for each planning region by the department of education, using the terms specified in subdivision 4, to maximize the amount of variance accounted for between the total actual authorized cost per FTE for the 1977-1978 school year and the total authorized predicted cost per FTE for the 1977-1978 school year. The formula determined for each region shall be used to determine a total authorized predicted cost per FTE for the 1977-1978 school year for each district in the region. The amount determined for each district shall be adjusted according to the provisions of subdivisions 5 and 7. (THE LINEAR REGRESSION FORMULAS SHALL BE DETERMINED SO THAT THE TOTAL TRANSPORTATION AID FOR THE 1979-1980 SCHOOL YEAR DOES NOT EXCEED THE AMOUNT APPROPRIATED FOR TRANSPORTATION AID FOR THE 1979-1980 SCHOOL YEAR.)

Subd. 3. For the 1980-1981 school year, the state shall pay to each school district for all pupil transportation and related services for which the district is authorized by law to receive state aid an amount determined according to this section. A (LINEAR) multiple regression formula shall be determined through stepwise multiple regression analysis for each (PLANNING) region by the department of education, using the terms specified in subdivision (4) 4a, to maximize the amount of variance accounted for between

the total actual authorized cost per *weighted* FTE for the 1978-1979 school year and the total authorized predicted cost per *weighted* FTE for the 1978-1979 school year. The formula determined for each region shall be used to determine a total authorized predicted cost per *weighted* FTE for the 1978-1979 school year for each district in the region. The amount determined for each district shall be adjusted according to the provisions of subdivisions 6 and (7) 7a. (THE LINEAR REGRESSION FORMULAS SHALL BE DETERMINED SO THAT THE TOTAL TRANSPORTATION AID FOR ALL DISTRICTS FOR THE 1980-1981 SCHOOL YEAR DOES NOT EXCEED THE AMOUNT APPROPRIATED FOR TRANSPORTATION AID FOR THE 1980-1981 SCHOOL YEAR.)

Subd. 4. To predict the natural logarithm of the total authorized cost per FTE transported authorized by law for the 1979-1980 school year, the linear regression formula shall use the following terms and all their cross products:

(1) The natural logarithm of the quotient of 1.00 divided by the total number of authorized FTE's transported;

(2) The natural logarithm of the sum of 100 plus the difference between the average of the square roots computed for all districts in the state of the number of regular and summer school authorized FTE's transported per square mile minus the square root of the number of regular and summer school authorized FTE's transported per square mile in the district;

(3) The natural logarithm of the ratio of the number of regular and summer school authorized FTE's transported to the district's total average daily membership;

(4) The natural logarithm of the number of regular and summer school authorized FTE's transported per square mile;

(5) The natural logarithm of the district's average daily membership;

(6) The natural logarithm of the size of the district measured in square miles; and

(7) The natural logarithm of the total number of FTE's transported by the district authorized for aid pursuant to section 124.223 minus the number of regular and summer school authorized FTE's transported.

Subd. 4a. To predict the total authorized cost per weighted FTE for each district beginning in the 1980-1981 school year, each regional multiple regression formula shall use the following terms and their squares for each district in the region:

- (1) *The area of the district measured in square miles;*
- (2) *The district's average daily membership;*
- (3) *The total number of authorized FTE's transported by the district;*
- (4) *The total number of authorized FTE'S transported by the district in the handicapped, shared time special education, and to and from board and lodging facility transportation categories as a percentage of the total number of authorized FTE's transported by the district;*
- (5) *The number of authorized FTE's transported by the district in the board and lodging transportation category as a percentage of the total number of authorized FTE's transported by the district;*
- (6) *The number of authorized FTE's transported by the district in the between schools transportation category as a percentage of the total number of authorized FTE's transported by the district;*
- (7) *The number of authorized FTE's transported by the district in the shared time regular transportation category as a percentage of the total number of authorized FTE's transported by the district;*
- (8) *The number of authorized FTE's transported by the district in the secondary vocational center transportation category as a percentage of the total number of authorized FTE's transported by the district;*
- (9) *The number of authorized FTE's per square mile transported by the district in the regular transportation category;*
- (10) *The number of authorized FTE's per square mile transported by the district in the handicapped transportation category;*
- (11) *The number of authorized FTE's transported by the district in the regular transportation category as a percentage of the district's average daily membership;*
- (12) *An index of the district's shape computed by the department of education based on a comparison of the perimeter of the district to the perimeter of a circle with the same square mile area as the district;*
- (13) *The percentage of the district's square mile area which is classified by the state planning agency as water-covered or marshland;*

(14) *The number of 40 acre parcels of land in the district which are contiguous to or intersected by unpaved roads, as a percentage of the number of 40 acre parcels of land in the district which are contiguous to or intersected by any roads, paved or unpaved. The number of 40 acre parcels of each type shall be obtained from the state planning agency;*

(15) *The percentage of the district's square mile area which is classified by the state planning agency as having a slope of land exceeding six percent;*

(16) *The number of authorized FTE's transported to non-public schools by the district in the regular transportation category as a percentage of the total number of authorized FTE's transported by the district in the regular transportation category.*

Subd. 5. The total authorized predicted cost per FTE determined for a district under subdivision 2 for 1977-1978 shall be increased by (17) 27 percent.

Subd. 6. The total authorized predicted cost per *weighted* FTE determined for a district under subdivision 3 for 1978-1979 shall be increased by (17) 31 percent.

Subd. 7. (1) Each district's adjusted total authorized predicted cost per FTE determined for (EACH) *the 1979-1980* school year according to subdivision 5. (OR 6) shall be compared to the total actual expenditure per FTE for authorized transportation for that district for that year to determine the district's aid entitlement per FTE for that year.

(2) *For the 1979-1980 school year*, if the adjusted total authorized predicted cost per FTE is greater than the district's actual authorized expenditure per FTE, its aid entitlement per FTE shall equal the adjusted predicted cost per FTE minus 10 percent of the first \$10 of difference between the adjusted total authorized predicted cost per FTE and the actual expenditure per FTE; minus 20 percent of the next \$20; minus 40 percent of the next \$20; minus 60 percent of the next \$50; and minus 75 percent of the difference which exceeds \$100.

(3) *For the 1979-1980 school year*, if the adjusted total authorized predicted cost per FTE is less than the district's actual authorized expenditure per FTE, its aid entitlement per FTE shall equal the adjusted total authorized predicted cost per FTE plus 10 percent of the first \$10 of difference between the adjusted predicted cost per FTE and the actual expenditure per FTE; plus 20 percent of the next \$20; plus 40 percent of the next \$20; plus 60 percent of the next \$50; and plus 75 percent of the difference which exceeds \$100.

(4) Notwithstanding clauses (2) and (3), for the 1979-1980 school year, no district's aid entitlement per FTE shall be less than its actual authorized expenditure per FTE minus \$20 or more than its actual authorized expenditure per FTE plus \$20.

Subd. 7a. (1) Each district's adjusted total authorized predicted cost per weighted FTE determined for the 1980-1981 school year and each year thereafter according to subdivision 6 shall be compared to the total actual expenditure per weighted FTE for authorized transportation for that district for that year to determine the district's aid entitlement per weighted FTE for that year.

(2) If the adjusted total authorized predicted cost per weighted FTE is greater than the district's actual authorized expenditure per weighted FTE, its aid entitlement per weighted FTE shall equal the adjusted predicted cost per weighted FTE minus 20 percent of the first \$10 of difference between the adjusted total authorized predicted cost per weighted FTE and the actual expenditure per weighted FTE; minus 40 percent of the next \$10; minus 60 percent of the next \$10; minus 80 percent of the next \$10; and minus 100 percent of the difference which exceeds \$40.

(3) If the adjusted total authorized predicted cost per weighted FTE is less than the district's actual authorized expenditure per weighted FTE, its aid entitlement per weighted FTE shall equal the adjusted total authorized predicted cost per weighted FTE plus 20 percent of the first \$10 of difference between the adjusted predicted cost per weighted FTE and the actual expenditure per weighted FTE; plus 40 percent of the next \$10; plus 60 percent of the next \$10; plus 80 percent of the next \$10; and plus 100 percent of the difference which exceeds \$40.

Subd. 8. A district's aid pursuant to this section for (EACH) the 1979-1980 school year shall equal the district's aid entitlement per FTE determined according to subdivision 7 times the total number of authorized FTE's transported in the district in that school year, minus the amount raised by one mill times the adjusted assessed valuation which is used to compute the transportation levy limitation for the levy attributable to that school year.

Subd. 8a. A district's aid pursuant to this section for the 1980-1981 school year and each year thereafter shall equal the district's aid entitlement per weighted FTE determined according to subdivision 7a times the total number of authorized weighted FTE's transported in the district in that school year, minus the amount raised by one mill times the adjusted assessed valuation which is used to compute the transportation levy limitation for the levy attributable to that school year.

Subd. 9. Each district shall report to the department before July 1 of each year an estimate for the next school year of the total number of FTE's transported by *transportation* category and an estimate of the district's total actual authorized transportation expenditure by *transportation* category. The district's aid shall be determined for purposes of the first three transportation aid payments for the school year using these estimates. Before August 15 (OF EACH YEAR), 1980, each district shall provide the department with the information for the (PRECEDING) 1979-1980 school year which the department determines is necessary to compute the district's actual authorized expenditure per FTE for purposes of the computation in subdivision 7 and the district's actual total number of FTE's transported for purposes of the aid computation in subdivision 8. *Before August 15, 1981 and each August 15 thereafter, each district shall provide the department with the information for the preceding school year which the department determines is necessary to compute the district's actual authorized expenditure per weighted FTE for purposes of the computation in subdivision 7a and the district's actual total number of weighted FTE's transported for purposes of the aid computation in subdivision 8a.* The district's final transportation aid payment for (THAT) the school year shall be based on these computations.

Subd. 10. Any school district which owns school buses shall transfer annually from *the unappropriated fund balance account* in its transportation fund to *the appropriated fund balance account for bus purchases* in its (BUS PURCHASE) transportation fund at least an amount equal to 12-1/2 percent of the original cost of each bus until the original cost of each bus is fully amortized, plus 33-1/3 percent of the cost to the district as of July 1 of each year for school bus reconditioning done by the department of corrections until the cost of the reconditioning is fully amortized. Any school district may transfer any amount from *the unappropriated fund balance account* in its transportation fund to any other operating fund or to *the appropriated fund balance account for bus purchases* in its (BUS PURCHASE) transportation fund.

Subd. 11. [PAYMENT SCHEDULE.] *Except as may be otherwise authorized by the commissioner to accommodate a flexible school year program, the state shall pay to each school district 30 percent of its estimated school transportation aid entitlement for the fiscal year on or before each of the following dates: August 31, December 31, and March 31. The final aid distribution to each district shall be made on or before October 31 of the following fiscal year.*

Sec. 3. Minnesota Statutes 1978, Section 275.125, Subdivision 5, is amended to read:

Subd. 5. For school transportation services, a school district may levy an amount not to exceed the amount raised by a levy

of one mill times the adjusted assessed valuation of the taxable property of the district for the preceding year. A district may levy under this subdivision for the (ANNUAL CASH PAYMENTS TO BE MADE FOR THE PURCHASE OF BUSES, BUT ONLY FOR THAT PORTION OF THE PAYMENTS NOT OFFSET BY STATE TRANSPORTATION AID RECEIVED ON ACCOUNT OF DEPRECIATION) *amount necessary to eliminate any projected deficit in the appropriated fund balance account for bus purchases in its transportation fund as of June 30 in the school year when the levy is recognized as revenue.* (BEGINNING WITH THE LEVY CERTIFIED IN 1976,) A district may also levy for transportation costs or other related services which are approved by the commissioner as necessary because of extraordinary traffic hazards for the current fiscal year.

Sec. 4. Minnesota Statutes 1978, Section 275.125, Subdivision 5a, is amended to read:

Subd. 5a. (UPON APPROVAL OF THE COMMISSIONER, A DISTRICT MAY LEVY FOR INCREASED TRANSPORTATION COSTS ABOVE THE FORMULA LIMITATION RESULTING FROM CHANGES IN TRANSPORTATION PATTERNS REQUIRED BY LEASING A SCHOOL IN ANOTHER DISTRICT PROVIDED THAT THE COST INCREASES ARE ESTIMATED TO BE A DIRECT RESULT OF LEASING THAT SCHOOL AND THE INCREASES RESULT IN COSTS ABOVE THE FORMULA LIMITATION.) *When the transportation patterns of a district change as a result of leasing a school in another district, the district may, upon approval of the commissioner, levy for any increase in transportation cost above the cost that would occur without the leasing of the school. The commissioner shall approve a specific dollar amount which may be levied because of these increased costs. The levy authorized by this subdivision may be computed on the basis of estimated increased costs. In the first year a district makes the levy authorized by this subdivision, the commissioner may authorize a levy sufficient to pay for estimated increased costs resulting from leasing for two years. The amount provided by this levy shall not be included in the computation of the actual net operating cost per pupil transported in future years.*

Sec. 5. *In accordance with section 648.34, in the next edition of Minnesota Statutes, the revisor of statutes shall renumber section 124.224 as section 124.2131 and alter references to it in the statutes to conform to the change.*

Sec. 6. [SCHOOL BUS ALCOHOL FUEL DEMONSTRATION.] *Subdivision 1: The commissioner of education may make grants to school districts for the purpose of converting gasoline-fueled school buses to the use of straight alcohol fuel. Each grant shall be limited to the actual cost of the conversion from gasoline fuel to alcohol fuel, but the total grant shall not*

exceed \$700 per bus to be converted plus reimbursement for additional costs necessary for compliance with subdivision 4. If a school district contracts for transportation services the district may make its grant available to its contractor. The commissioner shall provide general guidelines for districts to follow in making these conversions.

Subd. 2. [SELECTION OF PARTICIPATING DISTRICTS.] To the extent feasible, the commissioner shall make grants pursuant to subdivision 1 so as to include one or more school districts in each of the following categories: districts with primarily urban bus routes, districts with primarily rural bus routes, districts with gravel or unpaved roads on their bus routes, and suburban school districts having a broad range of population densities.

Subd. 3. [ALCOHOL FUEL STORAGE FACILITIES.] School districts or transportation contractors which participate in this program may apply for an additional grant to cover the costs of establishing satisfactory alcohol fuel storage facilities. These additional grants shall be limited to \$1,000 per school district or contractor or to the actual cost of the necessary storage facilities, whichever is less.

Subd. 4. [REPORT BY DISTRICTS.] On or before February 1, 1981, every school district receiving a grant pursuant to subdivision 1 shall make a report to the commissioner including the following information: (1) the fuel cost differences between using alcohol as a fuel and using gasoline as a fuel in its school buses, (2) any fuel system or drivability problems with its buses converted to alcohol, (3) any differences in maintenance costs between gasoline-fueled and alcohol-fueled buses, (4) any difficulties with the availability of alcohol fuel, and (5) any other observations the district deems pertinent.

This reporting requirement shall not apply to any school district which has not used any of its alcohol-fueled school buses on a regular basis before November 15, 1980.

Subd. 5. [REPORT TO LEGISLATURE.] The commissioner shall make the information received pursuant to subdivision 4 available to the energy agency and shall report to the legislature on or before February 15, 1981, evaluating the practicality of alcohol as a fuel for school buses.

Subd. 6. [RECONVERSION TO GASOLINE.] If a district which made a conversion pursuant to subdivision 1 desires to reconvert a bus from the use of straight alcohol fuel to gasoline, it may apply to the commissioner for a grant for reconversion. The amount of this grant shall not exceed the lesser of \$400 per bus reconversion or the actual cost of reconversion. The application shall contain the district's reasons for desiring reconversion.

The commissioner shall not grant any funds for reconversion until at least six months have elapsed from the date the district converted the bus or buses which are the subject of its reconversion application.

Sec. 7. [REPEALER.] *Minnesota Statutes, 1979 Supplement, Section 124.222, Subdivision 3, is repealed.*

Sec. 8. [APPROPRIATION.] *For grants pursuant to section 6, there is appropriated to the department of education from the general fund the sum of \$60,000 for the fiscal year ending June 30, 1981. If this appropriation amount is insufficient for the purposes indicated, the state shall not be obligated for any amount in excess of the appropriation in this section for these purposes.*

Sec. 9. [APPROPRIATION.] *Subdivision 1. There is appropriated from the general fund to the department of education the sums indicated in this section for the fiscal years ending June 30 in the years designated.*

Subd. 2. [TRANSPORTATION AID.] *For transportation aid there is appropriated:*

\$ 2,000,000 1980,

\$13,688,300 1981.

(a) *The appropriation for 1980 is for aid for fiscal year 1980 payable in fiscal year 1980.*

(b) *The appropriation for 1981 includes \$2,225,600 for aid for fiscal year 1980 payable in fiscal year 1981 and \$11,462,700 for aid for fiscal year 1981 payable in fiscal year 1981.*

(c) *The amounts appropriated in this subdivision shall be added to the amounts appropriated for transportation aid in Laws 1979, Chapter 334, Article II, Section 15, Subdivision 2.*

Subd. 3. *Any unexpended balance remaining from the appropriation in this section for 1980 shall cancel and shall not be available for the second year of the biennium. None of the amounts appropriated in this section shall be expended for a purpose other than the purpose indicated. If the appropriated amount attributable to either year for any purpose indicated is insufficient when added to the amount appropriated for the purpose in Laws 1979, Chapter 334, Article II, Section 15, Subdivision 2, the aid for that year shall be prorated among all qualifying districts. The state shall not be obligated for any amount in excess of the total appropriations in this section and in Laws 1979, Chapter 334, Article II, Section 15, Subdivision 2, for those purposes.*

Sec. 10. [EFFECTIVE DATE.] Sections 1, 2, 6, 7, 8 and 9 of this article are effective the day after final enactment.

ARTICLE III

SPECIAL EDUCATION, INDIAN EDUCATION AND EDUCATION FOR PUPILS OF LIMITED ENGLISH PROFICIENCY

Section 1. Minnesota Statutes 1978, Section 120.095, Subdivision 6, is amended to read:

Subd. 6. The school census shall include an enumeration of children of limited English speaking ability residing within the district by primary language (, RACE AND NATIONAL ORIGIN). In making this census the school board shall seek the assistance and cooperation of agencies, organizations or community groups, public or private, which might have information about students of limited English (SPEAKING ABILITY) proficiency residing in the school district. As used in this subdivision, the following terms have the meanings given them:

(a) "Children of limited English (SPEAKING ABILITY) proficiency" means children whose primary language is other than English or who come from home environments where the primary language is other than English and by reason thereof, have difficulty reading, writing, speaking and understanding ordinary classroom instruction and have difficulty in performing ordinary classwork in the English language; and

(b) "Primary language" (SHALL HAVE THE MEANINGS ASCRIBED TO THEM IN SECTION 126.34) means a language other than English which is the language normally used by the child or the language which is spoken in the child's home environment.

Sec. 2. Minnesota Statutes 1978, Section 120.10, Subdivision 2, is amended to read:

Subd. 2. [SCHOOL.] A school, to satisfy the requirements of compulsory attendance, must be one: (1) in which all the common branches are taught in the English language, from textbooks written in the English language, and taught by teachers whose qualifications are essentially equivalent to the minimum standards for public school teachers of the same grades or subjects and (2) which is in session each school year for at least 175 days or their equivalent; provided that in a program of instruction for children of limited English (SPEAKING ABILITY) proficiency, instruction and textbooks may be in the primary language of the children of limited English (SPEAKING ABILITY) proficiency enrolled therein. Any other language may be taught as provided in section 126.07. As used in this subdivision, the terms "chil-

dren of limited English (SPEAKING ABILITY) *proficiency*" and "primary language" shall have the meanings ascribed to them in section (126.34) 12.

Sec. 3. Minnesota Statutes 1978, Section 126.07, is amended to read:

126.07 [INSTRUCTION, USE OF ENGLISH LANGUAGE.] The books used and the instruction given in public schools shall be in the English language, but any other language may be used by teachers in explaining to pupils who understand such language the meaning of English words; provided that in the case of a program for children of limited English (SPEAKING ABILITY) *proficiency*, instructions and books may be in the primary language of the children of limited English (SPEAKING ABILITY) *proficiency*. As used in this section, the terms "children of limited English (SPEAKING ABILITY) *proficiency*" and "primary language" shall have the meanings ascribed to them in section (126.34) 12. In secondary and elementary schools other languages may be taught, when made a part of a regular or optional course of study.

Sec. 4. Minnesota Statutes 1978, Section 126.36, Subdivision 3, is amended to read:

Subd. 3. [EMPLOYMENT OF TEACHERS.] Teachers employed in a bilingual education program established pursuant to sections (126.31) 11 to (126.42) 20 shall not be employed to replace any presently employed teacher who otherwise would not be replaced.

Sec. 5. Minnesota Statutes 1978, Section 126.52, Subdivision 5, is amended to read:

Subd. 5. [COMMUNITY INVOLVEMENT.] The state board shall provide for the maximum involvement of the state advisory task force on American Indian language and culture education, parents of American Indian children, secondary students eligible to be served, American Indian language and culture education teachers, teachers' aides, representatives of community groups, and persons knowledgeable in the field of American Indian language and culture education, in the formulation of policy and procedures relating to the administration of sections 126.45 to 126.55. (THE NEEDS ASSESSMENTS AND RESOURCE EVALUATIONS PROVIDED FOR IN SUBDIVISIONS 1 AND 2 SHALL BE UNDERTAKEN ON INDIAN RESERVATIONS ONLY IN CONNECTION WITH, OR WITH THE PERMISSION OF, THE RESPECTIVE TRIBAL GOVERNMENTS.)

Sec. 6. Minnesota Statutes 1978, Section 126.52, is amended by adding a subdivision to read:

Subd. 12. [COMPREHENSIVE PLAN.] The governor shall prepare a comprehensive plan for Indian education, based upon information available from the department of economic development, department of economic security, department of education, and the department of corrections. The commissioners of these departments shall cooperate with and assist the governor in preparing the comprehensive plan. The plan shall be presented to the education and appropriations committees of the house of representatives and the education and finance committees of the senate by February 1, 1981.

Sec. 7. Minnesota Statutes, 1979 Supplement, Section 126.54, Subdivision 1, is amended to read:

126.54 [CONTINUATION OF INDIAN EDUCATION PILOT PROJECT GRANTS.] Subdivision 1. **[GRANTS; PROCEDURES.]** For fiscal (YEARS 1978, 1979, AND 1980, AS PART OF THE NEEDS ASSESSMENT EFFORT) year 1981, the state board of education shall make grants to no fewer than six school year pilot American Indian language and culture education programs. At least three pilot programs shall be in urban areas and at least three shall be on or near reservations. The board of a local district, a participating school or a group of boards may develop a proposal for grants in support of pilot American Indian language and culture education programs. Proposals may provide for contracts for the provision of program components by nonsectarian nonpublic, community, tribal or alternative schools. The state board shall prescribe the form and manner of application for grants, and no grant shall be made for a proposal not complying with the requirements of sections 126.45 to 126.55. The state board shall submit all proposals to the state advisory task force on American Indian language and culture education programs for its recommendations concerning approval, modification, or disapproval and the amounts of grants to approved programs.

Sec. 8. Minnesota Statutes 1978, Section 126.54, Subdivision 5, is amended to read:

Subd. 5. **[RECORDS.]** Participating schools and school districts shall keep records and afford access to them as the commissioner finds necessary to ensure that American Indian language and culture education programs are implemented in conformity with sections 126.45 to 126.55. Each school district or participating school shall keep an accurate, detailed, and separate (ACCOUNT OF) fund for all money received and paid out by it for pilot American Indian language and culture education programs funded under this section.

Sec. 9. Minnesota Statutes 1978, Section 126.54, Subdivision 6, is amended to read:

Subd. 6. [MONIES FROM OTHER SOURCES.] A school district or participating school providing American Indian language and culture education programs shall be eligible to receive (FUNDS) monies for these programs from other government agencies and from private sources when the (FUNDS) monies are available.

Sec. 10. *Subdivision 1. The legislature is concerned about the special needs of handicapped children younger than the age of four years who are not receiving special instruction and services pursuant to section 120.17.*

Subd. 2. The commissioner of education, in cooperation with the commissioner of health and the commissioner of public welfare, shall design and conduct a statewide assessment of the special education and related services needs of all children younger than four years of age who are handicapped as defined by section 120.03. The procedures for this needs assessment shall be established by the commissioners by September 1, 1980, and the needs assessment shall be completed by June 30, 1981.

Subd. 3. By January 1, 1981, every school district shall provide to the commissioner of education an estimate of the number of handicapped children, as defined by section 120.03, under four years of age in that district. The district shall also report to the commissioner the number of these children receiving special instruction and services according to section 120.17 on the date the estimate is prepared.

Subd. 4. The commissioner of education shall report to the legislature by September 1, 1981, on the information gathered pursuant to subdivisions 2 and 3.

Sec. 11. [CITATION.] Sections 11 to 20 may be cited as the education for limited English proficient students act.

Sec. 12. [DEFINITIONS.] *Subdivision 1. For purposes of sections 11 to 20, the words, phrases, and terms defined in this section shall have the meanings given them.*

"Pupil of limited English proficiency" means a pupil in any of the grades of kindergarten through 12 who meets the following requirements:

(a) the pupil, as declared by his parent or guardian (1) first learned a language other than English, or (2) comes from a home where the language usually spoken is other than English, or (3) usually speaks a language other than English; and

(b) the pupil's score is significantly below the average district score for pupils of the same age on a nationally normed English reading or English language arts achievement test. A

pupil's score shall be considered significantly below the average district score for pupils of the same age if it is one-third of a standard deviation below that average score.

Subd. 2. "Essential instructional personnel" means the following:

(a) a teacher licensed by the state board of teaching to teach bilingual education or English as a second language;

(b) a teacher with an exemption from a teaching license requirement pursuant to section 16 or section 126.36, subdivision 5 who is employed in a school district's English as a second language or bilingual education program;

(c) any teacher as defined in section 125.03 who holds a valid license from the state board of teaching, if the district assures the state department of education that the teacher will obtain the preservice and inservice training the department considers necessary to enable the teacher to provide appropriate service to pupils of limited English proficiency;

(d) teachers' aides performing services for limited English proficient students under the supervision of an English as a second language, bilingual, or other teacher.

Subd. 3. "English as a second language program" means a program for the instruction of pupils of limited English proficiency in the following English language skills: reading, writing, listening and speaking.

Subd. 4. "Bilingual education program" means an educational program in which instruction is given both in English and the primary language of the pupil of limited English proficiency to the extent necessary to allow the pupil to progress effectively through the educational system and to attain the basic skills of reading, writing, listening, and speaking in the English language so that the pupil will be able to perform ordinary classwork successfully in English.

Subd. 5. "Primary language" is a language other than English which is the language normally used by the child or the language which is spoken in the child's home environment.

Subd. 6. "Parent" includes a child's legal guardian.

Subd. 7. "Educational program for limited English proficient students" means an English as a second language program, bilingual education program, or both an English as a second language and a bilingual education program.

Sec. 13. [AID AUTHORIZATION.] *Subdivision 1. Beginning with the 1980-1981 school year, the state department of education shall pay aid to each school district providing a bilingual education program, an English as a second language program, or both of these programs. The total amount of this aid for each school district for each school year shall be determined by the department of education according to the following formula:*

The aid per limited English proficient pupil shall equal \$220 plus the quotient of \$3,600 divided by the total number of limited English proficient pupils enrolled in the district's educational program for limited English proficient students.

Subd. 2. [PARTICIPATION OF NONPUBLIC SCHOOL PUPILS.] In counting the number of pupils of limited English proficiency for purposes of this section, districts may include pupils of limited English proficiency who attend nonpublic schools in the district. A district which counts those pupils and receives aid pursuant to this section shall offer those pupils the same programs on the same terms that it offers to pupils of limited English proficiency who attend the public school. A program provided for a nonpublic school pupil pursuant to this subdivision shall be provided at a public school or a neutral site as defined in section 123.932, subdivision 9. Nonpublic school pupils served by a district's educational program for limited English proficient students shall be counted for average daily membership pursuant to section 124.212, subdivision 9a.

Subd. 3. [APPLICATIONS.] A district that wishes to receive aid pursuant to this section shall apply to the commissioner of education before September 15 each year in the manner prescribed by the commissioner. The application shall include the number of pupils to be served in the district's educational program for limited English proficient students, the number of essential instructional personnel the district proposes to employ in its educational program for limited English proficient students, and any other information deemed necessary by the commissioner to implement this section. School districts may submit joint applications for aid pursuant to this section, and districts which have fewer than 50 pupils of limited English proficiency are encouraged to submit joint applications and to share essential instructional personnel for educational programs for limited English proficient students.

Subd. 4. [NOTICE OF AID; PAYMENTS.] The department shall inform each applicant district of the amount of aid it will receive pursuant to this section by October 15, and shall pay the aid by December 1.

Subd. 5. [APPLICATIONS FOR ADDITIONAL AID FOR NEW STUDENTS.] Notwithstanding the time limitations of subdivisions 3 and 4, a school district which has received aid

pursuant to this section may submit an application for additional aid by January 15 of any school year in which the number of limited English proficient pupils enrolled in its educational program for limited English proficient students increases between September 15 and January 14. This application shall be submitted in the manner prescribed by the commissioner, and shall include the number of pupils for whom the district has previously received aid for that school year, the additional number of limited English proficient pupils who have enrolled in the district's educational program for limited English proficient students after September 15 of that school year and who were not included in the district's previous application for aid pursuant to this section, and the number of pupils who were included in the district's previous application who are no longer participating in that district's educational program for limited English proficient pupils.

Subd. 6. The commissioner of education may pay additional aid pursuant to subdivision 5 only for the net increase in limited English proficient pupils enrolled in the district's program for limited English proficient pupils between the number counted by the district in its application submitted by the preceding September 15 and its application for additional aid. To determine the net increase, the commissioner shall subtract the number of pupils counted in the district's previous application who are no longer participating in that district's educational program for limited English proficient students from the number of additional students who were not included in the district's previous application for aid pursuant to this section.

The per pupil dollar amount of additional aid shall be based upon the total number of limited English proficient pupils enrolled in the district's educational program for limited English proficient students as of January 15. The per pupil dollar amounts of additional aid pursuant to this subdivision shall be one-half of the amount determined by application of the formula provided in subdivision 1.

Subd. 7. The commissioner of education shall notify each district applying for additional aid of the amount of aid it will receive pursuant to subdivision 5 by February 15, and shall pay the aid by March 1.

Subd. 8. [RECORDS; AUDIT.] A district which applies for aid pursuant to this section shall maintain records which support the information contained in all of its applications. The commissioner of education may audit these records upon request. A district which receives aid pursuant to this section shall keep such additional records in the manner prescribed by the commissioner as the commissioner deems necessary to ensure that an educational program for limited English proficient students is implemented and operated in accordance with sections 11 to 17. Each school district receiving monies pursuant to this section

shall keep an accurate, detailed and separate fund for all money received and paid out by it for instructional programs funded under this section.

Subd. 9. [MONEY FROM OTHER SOURCES.] A school district providing a program for limited English proficient students shall be eligible to receive monies for these programs from other government agencies and from private sources when these monies are available.

Subd. 10. [AUTHORIZED USES OF MONIES.] Monies received by school districts pursuant to this section shall be used only for the following purposes:

- (1) payment of salaries of essential instructional personnel,*
- (2) the purchase or rental of textbooks and other instructional materials written in the primary language of students in a bilingual education program or prepared for the exclusive purpose of teaching English as a second language, and*
- (3) inservice training of essential instructional personnel.*

Sec. 14. [RIGHTS OF PARENTS.] Subdivision 1. No later than ten days after the enrollment of any pupil in an instructional program for limited English proficient students, the school district in which the pupil resides shall notify the parent or guardian by mail. This notice shall:

- (a) Be in writing in English and in the primary language of the pupil's parents;*
- (b) Inform the parents that their child has been enrolled in an instructional program for limited English proficient students;*
- (c) Contain a simple, nontechnical description of the purposes, method and content of the program;*
- (d) Inform the parents that they have the right to visit the educational program for limited English proficient students in which their child is enrolled;*
- (e) Inform the parents of the time and manner in which to request and receive a conference for the purpose of explaining the nature and purpose of the program; and*
- (f) Inform the parents of their rights to withdraw their child from an educational program for limited English proficient students and the time and manner in which to do so.*

Subd. 2. Any parent whose child is enrolled in an educational program for limited English proficient students shall have the right, either at the time of the original notification of enrollment or at the close of any semester thereafter, to withdraw his child from the program by providing written notice of this intent to the principal of the school in which his child is enrolled or to the superintendent of the school district in which his child resides; provided that no withdrawal shall be allowed until the parent is informed in a conference with school district officials of the nature and purpose of the program. At that conference, parents must also be informed of the nature of the program into which the child will be placed after withdrawal from the educational program for limited English proficient students. The conference shall be held in a manner and language understood by the parents. Nothing herein shall preclude a parent from reenrolling a child of limited English proficiency in an educational program for limited English proficient students.

Subd. 3. A district which receives monies pursuant to section 13 shall encourage involvement of parents of pupils enrolled in the educational program for limited English proficient students in this program. The district shall solicit the views of parents about the program and its effects upon their children.

Sec. 15. [GENERAL REQUIREMENTS FOR PROGRAMS.]

Subdivision 1. A district which receives aid pursuant to section 13 shall comply with the following program requirements:

(a) To the extent possible, the district shall avoid isolating children of limited English proficiency for a substantial part of the school day; and

(b) In predominantly nonverbal subjects, such as art, music, and physical education, pupils of limited English proficiency shall be permitted to participate fully and on an equal basis with their contemporaries in public school classes provided for these subjects. To the extent possible, the school district shall assure to pupils enrolled in a program for limited English proficient students an equal and meaningful opportunity to participate fully with other pupils in all extracurricular activities.

Sec. 16. [EXEMPTION FROM TEACHING LICENSURE.]

Subdivision 1. The commissioner of education may grant an exemption from the licensure requirement in the hiring of teachers of English as a second language or bilingual education teachers to a school district if the commissioner finds that compliance would impose a hardship upon the district in the securing of teachers for its educational programs for limited English proficient students. The commissioner of education shall notify the board of teaching of any exemptions granted pursuant to this section.

Subd. 2. A teacher serving under an exemption as provided in subdivision 1 shall be granted a license as soon as that teacher qualifies for it. Not more than one year of service by a teacher under an exemption shall be credited to the teacher for the purposes of section 125.12, and not more than two years shall be credited to the teacher for purposes of section 125.17; and the one or two years shall be deemed to precede immediately and be consecutive with the year in which the teacher becomes licensed.

Sec. 17. [TEACHER AIDES.] *A district providing an educational program for limited English proficient students may employ teachers' aides to perform services for limited English proficient pupils under the supervision of a bilingual teacher, English as a second language teacher, or other teacher. Teachers' aides shall not be employed to supplant bilingual education teachers or English as a second language teachers.*

Sec. 18. [TECHNICAL ASSISTANCE.] *The state board of education shall provide technical assistance to school districts receiving aid pursuant to section 13 and to post-secondary institutions for preservice and inservice training for bilingual education teachers, English as a second language teachers, and teachers' aides employed in educational programs for limited English proficient students, teaching methods, curriculum development, testing and testing mechanisms, and the development of instructional materials for educational programs for limited English proficient students.*

Sec. 19. [DEPARTMENT OF EDUCATION STAFF COMPLEMENT; FUNDS FROM OTHER SOURCES.] *Subdivision 1. In order to carry out the duties of the commissioner of education pursuant to sections 13, 16, and 18, the department of education may add two professional positions and one clerical position with moneys appropriated to the commissioner of education for this purpose in section 24, subdivision 3. In addition, if the commissioner of education receives moneys for that purpose pursuant to Title IV of the Civil Rights Act of 1964 (P.L. 88-352), as amended, or Title VII of the Elementary and Secondary Education Act of 1965 (P.L. 89-10), as amended, the department may add two professional positions and one clerical position and pay the salaries for the positions from the federal moneys.*

Subd. 2. The state board of education may apply for moneys which are or may become available under federal refugee assistance and other programs for administration, demonstration projects, training, technical assistance, planning, and evaluation of programs for limited English proficient students.

Sec. 20. [CONSTRUCTION.] *Nothing in the provisions of sections 11 to 19 shall be construed to violate the provisions of section 127.08 or Chapter 363. Programs and activities pursuant to sections 11 to 19 shall be deemed to be positive action programs to combat discrimination.*

Sec. 21. [REPEALER.] *Minnesota Statutes 1978, Sections 126.31; 126.32; 126.33; 126.34; 126.35; 126.36, Subdivisions 5 and 6; 126.37; 126.38; 126.39, Subdivisions 1, 2, 3, 4, 5, 6, 7, 8, and 9; 126.40, Subdivisions 1 and 2; 126.41, Subdivisions 2, 3, 4, 5, 6, and 7; 126.42; 126.52, Subdivisions 1, 2, 3, 4, 6 and 7; and Minnesota Statutes, 1979 Supplement, Sections 126.39, Subdivision 10; 126.41, Subdivision 1; and 126.52, Subdivision 10, are repealed.*

Sec. 22. [APPROPRIATION.] *The sum of \$600,000 is appropriated from the general fund to the department of education for the purpose of making the grants authorized by section 7 and shall be available until June 30, 1981.*

Sec. 23. [APPROPRIATION; INDIAN EDUCATION.] *For certain Indian education programs there is appropriated:*

\$398,000 1981.

This appropriation is available for expenditure with the approval of the governor after consultation with the legislative advisory commission in the manner provided in section 3.30. Each district which wishes to receive monies under the provisions of this section shall submit to the commissioner of education by September 1, 1980 a financial management plan showing a balanced budget. The estimated amount of each affected district's net positive unappropriated fund balance in all operating budgets as of June 30, 1980 shall be reviewed by the commissioner. The commissioner of education, in consultation with the commissioner of finance, shall make a recommendation to the legislative advisory commission regarding the release of moneys appropriated in this section. Prior to making this recommendation, the commissioners shall review and evaluate each affected district's financial management plan, fund balances, and compliance with other state laws. This appropriation is available July 1, 1980, but only if there will not be available for the districts enumerated in this section for the 1980-1981 school year any operational support funds from the federal bureau of Indian affairs pursuant to the Johnson-O'Malley Act, P.L. 73-167 or 25 CFR 273.31, or equivalent money from the same or another source. This appropriation may be distributed as follows: \$125,000 to Independent School District No. 309—Pine Point school; \$22,000 to Independent School District No. 166; \$34,000 to Independent School District No. 432; \$32,000 to Independent School District No. 435; \$96,000 to Independent School District No. 707; and \$89,000 to Independent School District No. 38. These amounts shall be expended only for the benefit of Indian students and for the purpose of meeting established state educational standards or statewide requirements.

The governor shall not approve the appropriation of these amounts to a school district unless that school district is in compliance with all applicable laws of this state.

Sec. 24. [APPROPRIATION.] *Subdivision 1. The sums set forth in this section are appropriated from the general fund to the department of education for the purposes specified in subdivisions 2 and 3 of this section and shall be available until June 31, 1981.*

Subd. 2. For aid to educational programs for limited English proficient students as provided in section 13, there is appropriated \$3,813,000.

Subd. 3. To increase the state paid complement as provided in section 19, there is appropriated \$87,000.

Subd. 4. None of the amounts appropriated in this section shall be expended for a purpose other than the purpose indicated. If the appropriation amount attributable to the purpose specified in subdivision 2 of this section is insufficient, the aid shall be prorated among all qualifying districts, and the state shall not be obligated for any amount in excess of the appropriation in subdivision 2 of this section for this purpose.

Sec. 25. *Section 10 of this article shall be effective the day following final enactment.*

ARTICLE IV

OTHER AIDS AND LEVIES

Section 1. Minnesota Statutes 1978, Section 121.88, is amended by adding a subdivision to read:

Subd. 5. Each council shall adopt a comprehensive policy and procedures to minimize chemical use problems pursuant to section 8.

Sec. 2. Minnesota Statutes 1978, Section 124.214, Subdivision 2, is amended to read:

Subd. 2. [ABATEMENTS.] Whenever by virtue of chapter 278, sections 270.07, 375.192, or otherwise, the assessed valuation of any school district for any taxable year is changed after the taxes for that year have been spread by the county auditor and whenever the mill rate as determined by the county auditor based upon the original assessed valuation is applied upon such changed valuations, the county auditor shall, prior to February 1 of each year, (BEGINNING IN 1979,) certify to the commissioner of education the amount of any resulting net revenue loss that accrued to the school district during the preceding year. In August of each year, (BEGINNING IN 1979, WHEN THE DISTRICT'S NET REVENUE LOSS DURING THE PRECEDING YEAR EXCEEDS \$1 PER PUPIL UNIT IN THE DISTRICT IN THE MOST RECENT SCHOOL YEAR FOR WHICH DATA

IS AVAILABLE,) the commissioner shall pay an abatement adjustment to the district in an amount calculated according to the provisions of this subdivision. This amount shall be deducted from the amount of the levy authorized by section 275.48. The amount of the abatement adjustment shall be the product of (1) the net revenue loss as certified by the county auditor, times (2) the ratio of the sum of the amounts of the district's levy limitations in the preceding October pursuant to section 275.125, subdivision 2a, clause (1) or (2), and (SUBDIVISION) *subdivisions 5, 6c, and (SUBDIVISION 13,) 7a* to the total amount of the district's maximum levy limitation in the preceding October pursuant to section 275.125. *For purposes of this computation, the district's levy limitation pursuant to section 275.125, subdivision 5, shall not include the amounts authorized to be levied for bus purchases or because of extraordinary traffic hazards.* The abatement adjustment shall be recognized as revenue in the fiscal year in which it is received.

Sec. 3. Minnesota Statutes, 1979 Supplement, Section 124.245, Subdivision 1, is amended to read:

124.245 [CAPITAL EXPENDITURE EQUALIZATION AID.] Subdivision 1. The state shall pay a school district the difference by which an amount equal to (\$80) \$90 per pupil unit in that school year or, in districts where the actual number of pupil units identified in section 124.17, subdivision 1, clauses (1) and (2), has increased from the prior year, (\$85) \$95 per pupil unit in that school year, exceeds the amount raised by (TEN) seven mills times the adjusted assessed valuation of the taxable property in the district for the preceding year. In order to qualify for aid pursuant to this section in any year, a district must have levied the full (TEN) seven EARC mills for use for capital expenditures in that year pursuant to section 275.125, subdivision 11a.

Sec. 4. Minnesota Statutes, 1979 Supplement, Section 124.245, Subdivision 2, is amended to read:

Subd. 2. As used in this section, pupil units shall include only those units identified in section 124.17, subdivision 1, clauses (1), (2), (4), (5), (6) and (7). Beginning in the 1980-1981 school year, pupil units shall include only those units identified in section 124.17, subdivision 1, clauses (1), (2), (4) and (5); *provided that notwithstanding the expiration of Minnesota Statutes, 1979 Supplement, Section 124.17, Subdivision 1, Clauses (6) and (7), pupil units identified in those clauses shall also be included for purposes of the computation of capital expenditure aid for the 1980-1981 school year.*

Sec. 5. *Notwithstanding the provisions of Minnesota Statutes, 1979 Supplement, Section 275.125, subdivision 11a, regarding pupil units, the computation of 1979 payable 1980 capital expenditure levy limitations by the department of education pur-*

suant to that subdivision using pupil units identified in Minnesota Statutes, 1979 Supplement, section 124.17, subdivision 1, clauses (1), (2), (4), (5), (6) and (7), and the certification of 1979 payable 1980 capital expenditure levies by districts in accordance with these levy limitations are hereby sanctioned.

Sec. 6. Notwithstanding any law to the contrary, for any district which made its 1979 payable 1980 capital expenditure levy in an amount less than the maximum limitations computed by the department of education in order to comply with the provisions of Minnesota Statutes, 1979 Supplement, Section 275.125, Subdivision 11a, regarding pupil units, the 1980 payable 1981 capital expenditure levy limitation shall be increased by the difference between the amount of the 1979 payable 1980 capital expenditure levy limitation certified by the department of education and the amount of the 1979 payable 1980 capital expenditure levy certified by the district. In order to qualify for the increased levy limitation provided by this section, the clerk of the school board of the district shall notify the commissioner in writing by September 1, 1980, stating the amount by which the district's 1979 payable 1980 capital expenditure levy was reduced, and stating the school board's desire to have its 1980 payable 1981 capital expenditure levy limitation increased accordingly.

Sec. 7. Minnesota Statutes, 1979 Supplement, Section 275.125, Subdivision 11a, is amended to read:

Subd. 11a. (a) A school district may levy an amount not to exceed the amount equal to (\$80) \$90 per pupil unit or, in districts where the actual number of pupil units identified in section 124.17, subdivision 1, clauses (1) and (2), has increased from the prior year, (\$85) \$95 per pupil unit. For purposes of computing allowable levies under section 275.125, pupil units shall include only those units identified in section 124.17, subdivision 1, clauses (1), (2), (4), and (5). No levy under this subdivision shall exceed (TEN) seven mills times the adjusted assessed valuation of the taxable property in the district for the preceding year, notwithstanding the provisions of sections 272.64 and 275.49.

(b) The proceeds of the tax may be used only to acquire land, to equip and reequip buildings and permanent attached fixtures, to pay leasing fees for computer systems hardware and related proprietary software, and to pay leasing fees for photocopy machines and telecommunications equipment. The proceeds of the tax may also be used for capital improvement and repair of school sites, buildings and permanent attached fixtures, energy assessments as required pursuant to section 116H.126, and for the payment of any special assessments levied against the property of the district authorized pursuant to section 435.19 or any other law or charter provision authorizing assessments against publicly owned property; provided that a district may

not levy amounts to pay assessments for service charges, including but not limited to those described in section 429.101, whether levied pursuant to that section or pursuant to any other law or home rule provision. The proceeds of the tax may also be used for capital expenditures for the purpose of reducing or eliminating barriers to or increasing access to school facilities by handicapped individuals.

(c) Subject to the commissioner's approval, the tax proceeds may also be used to rent or lease buildings for school purposes and to acquire or construct buildings. The state board shall promulgate rules establishing the criteria to be used by the commissioner in approving and disapproving district applications requesting the use of capital expenditure tax proceeds for the renting or leasing of buildings for school purposes and the acquisition or construction of buildings. The approval criteria for purposes of building acquisition and construction shall include: the appropriateness of the proposal with respect to the district's long term needs; the availability of adequate existing facilities; and the economic feasibility of bonding because of the proposed building's size or cost.

(d) The board shall establish a fund in which the proceeds of this tax shall be accumulated until expended.

(e) The proceeds of the tax shall not be used for custodial or other maintenance services.

Sec. 8. [CHEMICAL USE PROBLEMS.] *Subdivision 1. [STATEMENT OF PURPOSE.] The legislature finds that the development of local policies to minimize chemical use problems among school pupils and a report to the legislature on these local policies are necessary for the legislature to determine what legislative action is needed to assist school districts in addressing these chemical use problems.*

Subd. 2. [COMPREHENSIVE POLICY AND PROCEDURES.] A comprehensive policy and procedures to minimize chemical use problems among pupils in grades kindergarten through twelve in each school district shall be developed by the citizens advisory council for community schools established pursuant to section 121.88, subdivision 2. If no such citizens advisory council has been appointed in the district, the curriculum advisory committee established pursuant to section 123.741, subdivision 3 shall develop the policy and procedures. If neither a citizens advisory council nor a curriculum advisory committee has been appointed in the district, the school board shall develop the policy and procedures.

Subd. 3. [SCHOOL BOARD AND STAFF INVOLVEMENT.] The school board and district staff are encouraged to cooperate in the development of the comprehensive policy and procedures to minimize chemical use problems in every district

where a citizens advisory council or curriculum advisory committee is developing the policy and procedures. The completed policy and procedures shall be submitted to the school board, and the school board is encouraged to adopt them.

Subd. 4. [DEVELOPMENT ACTIVITIES.] To develop the policy and procedures required by subdivision 1, a citizens advisory council, curriculum advisory council or school board, as applicable, is encouraged to do the following:

(a) assess the magnitude of the chemical use problem as it affects pupils in the district in grades kindergarten through twelve;

(b) identify and evaluate existing policies and programs in the schools of the district for minimizing chemical use problems;

(c) assess the needs of pupils in grades kindergarten through twelve for additional chemical abuse prevention, intervention, and referral programs and for support programs for pupils who have or have had chemical abuse problems;

(d) define the role of the school and the family in minimizing chemical use problems in the community;

(e) identify public and private community resources available to assist the school in minimizing chemical use problems among pupils in the district;

(f) study the feasibility of cooperative efforts among the school district and public and private agencies, including law enforcement agencies, to minimize chemical use problems among pupils;

(g) examine research studies for assistance in formulating the policy and procedures required pursuant to subdivision 1;

(h) assess school district staff training needs for a program to minimize chemical use problems among pupils;

(i) evaluate the need for community chemical abuse awareness programs; and

(j) take any other action deemed appropriate to develop the policy and procedures required by subdivision 1.

Subd. 5. [TECHNICAL ASSISTANCE.] The department of education shall provide technical assistance to a citizens advisory council, curriculum advisory committee or school board, as applicable, which requests the assistance of the department in performing the duties imposed by this section.

Subd. 6. [REPORT.] By February 15, 1981, the appropriate state agency, designated by the governor, shall report to the legislature on the policies and procedures developed by school districts pursuant to subdivision 1. The report shall include any other information deemed pertinent to the needs of school districts in their efforts to minimize chemical use problems among school pupils.

Sec. 9. Laws 1979, Chapter 334, Article VI, Section 35, Subdivision 9 is amended to read:

Subd. 9. [FOOD STORAGE AND TRANSPORTATION.] For food storage and transportation costs for U.S.D.A. donated commodities there is appropriated:

\$578,800 1980,

\$665,500 1981

Any unexpended balance from the appropriations in this subdivision may be expended, in addition to the amounts appropriated in subdivision 8, for school lunch aid pursuant to section 124.646.

Sec. 10. [DEFICIENCY APPROPRIATION; SCHOOL LUNCH AID.] *There is appropriated from the general fund to the department of education the sum of \$162,000 for the fiscal year ending June 30, 1980, and the sum of \$160,000 for the fiscal year ending June 30, 1981, for the payment of deficiencies in funds available for school lunch aid pursuant to section 124.646 in those years. These appropriations shall be added to the sums appropriated for fiscal years 1980 and 1981 for school lunch aid in Laws 1979, Chapter 334, Article VI, Section 35, Subdivision 8.*

Sec. 11. [APPROPRIATION.] *The sum of \$150,000 is appropriated from the general fund to the department of education for the purpose of financing the technical assistance program pursuant to section 8, subdivision 5 and is available until June 30, 1981. During fiscal year 1981, the department may use this amount to employ up to three staff members beyond existing complement.*

Sec. 12. [EFFECTIVE DATE.] *Subdivision 1. Sections 1, 5, 8, 9, 10 and 11 of this article shall be effective the day following final enactment.*

Subd. 2. Section 3 of this article shall be effective July 1, 1981.

ARTICLE V

VOCATIONAL EDUCATION

Section 1. Minnesota Statutes, 1979 Supplement, Section 124.11, Subdivision 2a, is amended to read:

Subd. 2a. Ninety percent of the estimated post-secondary vocational instructional aid shall be paid to each district in 12 equal monthly payments on the 15th of each month beginning in July 1980. A final payment of the remainder of the post-secondary vocational instructional aid for each fiscal year shall be made to each district in September of the following fiscal year. The September 1980 payment shall be adjusted to reflect any deficit or excess in post-secondary vocational foundation aid received by a district in fiscal year 1980. The September 1981 final payment *and the September final payment in each year thereafter* shall be adjusted to reflect the actual average daily membership for the previous fiscal year. (THE FINAL PAYMENT IN SEPTEMBER 1982 AND EACH YEAR THEREAFTER SHALL BE ADJUSTED TO REFLECT THE ACTUAL ANNUAL STUDENT COUNT FOR THE PREVIOUS FISCAL YEAR. FOR) *Beginning with the 1980-1981 school year, 90 percent of the estimated post-secondary vocational instructional aid shall be paid on the basis of the department of education's estimates of the current year's average daily membership adjusted in September, December, March and June to reflect any increases or decreases in enrollment. (BEGINNING WITH THE 1981-1982 SCHOOL YEAR, THE ESTIMATED POST-SECONDARY VOCATIONAL INSTRUCTIONAL AID SHALL BE PAID ON THE BASIS OF THE DEPARTMENT OF EDUCATION'S ESTIMATES OF THE CURRENT YEAR'S ANNUAL STUDENT COUNT, ADJUSTED IN SEPTEMBER, DECEMBER, MARCH AND JUNE TO REFLECT ANY INCREASES OR DECREASES IN ENROLLMENT, PURSUANT TO SECTION 124.5621, SUBDIVISION 11.)*

Sec. 2. Minnesota Statutes, 1979 Supplement, Section 124.11, Subdivision 2b, is amended to read:

Subd. 2b. Post-secondary vocational supply aid (,) *and support services aid (AND EQUIPMENT AID)* shall be paid to districts in equal installments on or before August 1, (DECEMBER) *November 1, (MARCH) February 1, and (JUNE) May 1* of each year. (ADDITIONAL POST-SECONDARY VOCATIONAL SUPPLY AID, SUPPORT SERVICES AID, AND EQUIPMENT AID MAY BE DISTRIBUTED ON OR BEFORE MARCH AND JUNE 1 OF EACH YEAR IF IT IS APPORTIONED AT A CONSOLIDATED PUBLIC HEARING HELD BEFORE FEBRUARY 15 OF THAT YEAR IN THE MANNER SPECIFIED IN SECTION 124.561, SUBDIVISION 3A.) *Eighty percent of post-secondary vocational capital expenditure aid shall be paid to districts on or before August 1 of each year. The remaining 20 percent of post-secondary vocational capital*

expenditure aid shall be paid to districts on or before May 1 of each year.

Sec. 3. Minnesota Statutes 1978, Section 124.11, is amended by adding a subdivision to read:

Subd. 2c. Additional post secondary vocational supply aid, support services aid and capital expenditure aid may be distributed on or before May 1 of each year if it is apportioned at a consolidated public hearing held before February 15 of that year pursuant to section 124.561, subdivision 3a.

Sec. 4. Minnesota Statutes, 1979 Supplement, Section 124.561, Subdivision 3a, is amended to read:

Subd. 3a. [HEARING.] The consolidated public hearing held by the state board pursuant to (SUBDIVISIONS) *subdivision 2a (AND 3)* shall take place with at least six board members present and shall continue until all interested persons, representatives, and organizations have had an opportunity to be heard. In 1980 and each year thereafter the state board shall authorize the allocations of post-secondary vocational supply aid, support services aid and capital expenditure aid for the following fiscal year at this hearing. Notice of intention to hold the hearing shall be given at least 20 days prior to the date set for the hearing by United States mail to each district submitting a post-secondary vocational school budget, to other interested persons, representatives, and organizations who register their names with the commissioner of education for that purpose, and in the state register. The department of education shall make available at least one free copy of the proposed (DISPOSITION OF BUDGETS OR) allocations of aids to the education committees of the legislature and to any person requesting it. Unless the commissioner determines that the use of an audio magnetic recording device is more appropriate, a court reporter shall keep a record at every hearing. A transcript of the hearing record shall be made available upon the request of any person, provided that the request is in writing and the cost of preparing the transcript is borne by the requesting person. After allowing written material to be submitted and added to the hearing record for five days after the public hearing ends, the commissioner of education shall proceed as promptly as possible to write a report containing the final proposed (FINAL DISPOSITION OF BUDGETS OR) allocations of aids. This report shall contain findings and conclusions based on substantial evidence from the hearing record to support the final proposed (FINAL DISPOSITION OR) allocations. The report shall be available to all affected school districts upon request for at least 15 days before the state board takes final action (DISPOSING OF THE BUDGETS OR) allocating aids. Any district which is adversely affected by the final proposed (DISPOSITION OF BUDGETS OR) allocations of aids may demand and shall be given an opportunity to be heard in support of modification of the proposed (DISPOSITION OR) allocations of aids at the meeting at which the state

board takes final action (DISPOSING OF THE BUDGETS OR) allocating aids; provided, the state board may place reasonable restrictions on the length of time allowed for testimony.

Sec. 5. Minnesota Statutes 1979 Supplement, Section 124-562, Subdivision 2, is amended to read:

Subd. 2. Membership for pupils in post-secondary vocational-technical schools shall mean the number of pupils on the current roll of the school, counted from the date of entry until withdrawal. The date of withdrawal shall mean the day a pupil completes his program and permanently leaves the school, or for a pupil who permanently leaves the school after the fifteenth school day of a quarter without completing his program, the day he is scheduled to complete his program, the day when the school fills the vacancy created by his leaving, or the last day of the quarter during which he permanently leaves the school, whichever occurs first; provided that any pupil who has been absent from school for 15 consecutive school days shall be deemed to have permanently left the school; provided further that a pupil who permanently leaves the school on or before the fifteenth school day of a quarter shall be deemed not to have entered the school during that quarter. No pupil who is counted in average daily membership pursuant to this section shall be counted in average daily membership in any district pursuant to section 124.17, subdivision 2, unless he is eligible to earn foundation aid pursuant to section 120.80 or is attending a post-secondary vocational-technical school course on a part time basis in addition to spending six hours per day in a secondary program. Average daily membership for pupils who are enrolled in post-secondary vocational-technical schools, but not including adult vocational pupils, shall equal (a) the sum for all pupils of the number of days of the school year each pupil is enrolled in a post-secondary vocational-technical school in the district, counted from the date of entry until the date of withdrawal as defined in this subdivision, times the number of hours per day each student is enrolled divided by six (b) divided by 175. The number of hours which are counted for average daily membership for any pupil in any one program shall not exceed the number of hours approved by the state board for completion of the program, except that (THE COMMISSIONER MAY GRANT) a district (PERMISSION TO) *may* count additional hours for membership (, NOT TO EXCEED TEN PERCENT OF THE APPROVED NUMBER OF HOURS FOR THE PROGRAM, IF) *to the extent* additional hours are necessary for a pupil who is identified by the district as disadvantaged or handicapped to complete the program. For a post-secondary vocational-technical school, the normal school year shall be at least the number of session days required by section 124.19, subdivision 1. In all post-secondary vocational-technical schools, the minimum length of the school day for each pupil, exclusive of the noon intermission, shall be six hours. Exceptions may be made by the local school administration for

approved post-secondary vocational-technical programs provided on a part time or extended day basis to meet the needs of individual students or classes; provided, these exceptions are authorized only for programs originally provided on a full time basis.

Sec. 6. Minnesota Statutes, 1979 Supplement, Section 124.562, Subdivision 3, is amended to read:

Subd. 3. All (FUNDS) *monies*, whether state, federal, or from other sources, which may be made available to the department of education for carrying out the purposes of post-secondary vocational-technical education shall be apportioned by the state board for vocational education to the various school districts in accordance with law and shall be distributed by the state aids, statistics and research section of the state department of education. State board approval shall not be required for the adjustment of average daily membership (OR FOR THE ADJUSTMENT OF THE ANNUAL STUDENT COUNT), pursuant to section 124.11, subdivisions 2 and 2a.

Sec. 7. Minnesota Statutes, 1979 Supplement, Section 124.562, Subdivision 4, is amended to read:

Subd. 4. Each district providing post-secondary vocational-technical education programs shall establish and maintain (AC-COUNTS) *funds* separate from all other district accounts for the receipt and disbursement of all (FUNDS) *monies* related to these post-secondary vocational-technical education programs. All post-secondary vocational aids, all (FUNDS) *monies* received pursuant to the levy authorized by section 275.125, subdivision 13 and all tuition authorized by section 124.565 shall be utilized solely for the purposes of post-secondary vocational-technical education programs.

Sec. 8. Minnesota Statutes, 1979 Supplement, Section 124.5621, Subdivision 11, is amended to read:

Subd. 11. (1) "Student growth or decline factor" for the 1980-1981 school year means the following ratio, adjusted according to clause ((4)) (2):

(a) The current year's average daily membership as defined in section 124.562, subdivision 2, for a particular AVTI, divided by:

(b) The second prior year's average daily membership for that AVTI.

((2) BEGINNING IN THE 1979-1980 SCHOOL YEAR, EACH AVTI SHALL TAKE A COUNT OF ALL FULL TIME

EQUIVALENT STUDENTS IN ATTENDANCE ON THE FIFTEENTH DAY OF EACH QUARTER THAT FULL TIME POST-SECONDARY VOCATIONAL PROGRAMS ARE OFFERED BY THAT AVTI. THESE QUARTERLY COUNTS SHALL BE TOTALED TO PRODUCE AN ANNUAL STUDENT COUNT.)

((3) BEGINNING IN THE 1981-1982 school year, "STUDENT GROWTH OR DECLINE FACTOR" MEANS THE FOLLOWING RATIO, ADJUSTED ACCORDING TO CLAUSE (4).)

((A) THE CURRENT YEAR'S ANNUAL STUDENT COUNT FOR A PARTICULAR AVTI, DIVIDED BY)

((B) THE ANNUAL STUDENT COUNT FOR THE SECOND PRIOR YEAR FOR THAT AVTI.)

((4)) (2) If the ratio in (1) (OR (3)) is greater than .95 but less than 1.05, the ratio shall equal 1.0. If the ratio is .95 or less, the ratio shall be adjusted by adding .05. If the ratio is 1.05 or greater, the ratio shall be adjusted by subtracting .05.

Sec. 9. Minnesota Statutes, 1979 Supplement, Section 124.5624, Subdivision 6, is amended to read:

Subd. 6. Before August 1, 1980 and before August 1 of each subsequent year, the commissioner shall issue a report on the capital expenditure aid allocation to each AVTI. This report shall include recommended aid allocations for each capital expenditure category and an explanation comparing the amount of the authorized capital expenditure aid allocation to the budget submitted for each AVTI. The fund balances used by the state board in determining the capital expenditure aid allocation shall be included.

Before August 1, 1980 and before August 1 of each subsequent year the commissioner shall also report on the equipment inventory of each AVTI, including original cost, (AMORTIZATION SCHEDULE AND) current value *and estimated remaining useful life*.

These reports shall be transmitted to the education committees of the legislature and to the directors of the AVTI's.

Sec. 10. Minnesota Statutes, 1979 Supplement, Section 124.5625, is amended to read:

124.5625 [POST-SECONDARY VOCATIONAL CONTINGENCY FUND.] There is established a post-secondary (AND ADULT) vocational contingency fund. This fund shall be used for the start-up costs of *new full time* post-secondary vocational

programs (, INCLUDING JOB TRAINING PROGRAMS PROVIDED AT THE REQUEST OF INDUSTRY. THIS FUND SHALL ALSO BE USED FOR SHORT TERM TRAINING OF EMPLOYEES AT THE REQUEST OF BUSINESS AND INDUSTRY, WHEN THAT TRAINING IS SPECIALIZED AND NOT AVAILABLE FROM ANY OTHER SOURCE). The commissioner shall establish rules for the administration of this fund. The rules shall conform, where applicable, to the rules and procedures for the approval of new post-secondary (AND ADULT) vocational programs.

Sec. 11. Minnesota Statutes 1978, Chapter 124, is amended by adding a section to read:

[124.5626] [ADULT NEW JOBS FUND.] *There is established a new jobs fund. This fund shall be used for the short term training of employees at the request of business and industry, when that training is specialized and not available from any other source. The commissioner shall establish rules for the administration of this fund. The rules shall conform, where applicable, to the rules and procedures for the approval of new adult vocational programs.*

Sec. 12. Minnesota Statutes, 1979 Supplement, Section 124.565, Subdivision 6, is amended to read:

Subd. 6. For purposes of the tuition charges established in this section, a quarter shall consist of 60 school days. The state board for vocational education shall adopt rules providing for proportionate tuition charges for quarters which are shorter or longer than 60 days and for (PUPILS WHO ENROLL ON A) part time (OR) *and extended day (BASIS) enrollment, for individualized programs, and for programs which begin or end during a quarter.* (THE STATE BOARD SHALL ADOPT RULES PROVIDING FOR TUITION CHARGES BASED ON APPROVED PROGRAM LENGTHS FOR PROGRAMS OFFERED ON AN INDIVIDUALIZED BASIS.)

Sec. 13. Minnesota Statutes, 1979 Supplement, Section 124.566, is amended to read:

124.566 [USE OF POST-SECONDARY VOCATIONAL AID APPROPRIATIONS.] Notwithstanding the provisions of section 16A.57 or any other law to the contrary, the state board for vocational education may expend amounts appropriated by the legislature for post-secondary vocational categorical aid to pay post-secondary vocational foundation aid for the 1979-1980 school year if the appropriation for post-secondary vocational foundation aid is insufficient because of an increase in average daily membership. *Beginning with the 1980-1981 school year,* the state board may expend amounts appropriated by the legislature for post-secondary vocational support services aid to pay post-secondary vocational instructional aid (IN THE 1980-1981

SCHOOL YEAR) if the appropriation for post-secondary vocational instructional aid is insufficient because of an increase in average daily membership (, OR IN THE 1981-1982 SCHOOL YEAR, AND EACH YEAR THEREAFTER, WHEN THE APPROPRIATION FOR POST-SECONDARY VOCATIONAL INSTRUCTIONAL AID IS INSUFFICIENT BECAUSE OF AN INCREASE IN THE ANNUAL STUDENT COUNT). Beginning in the 1980-1981 school year, the state board may expend amounts appropriated by the legislature for post-secondary vocational instructional aid to pay post-secondary vocational support services aid in any year when the state board determines that the appropriation for instructional aid is excessive. On the date of any expenditure pursuant to this section, the state board shall report the expenditure to the appropriate committees of the legislature.

Sec. 14. Minnesota Statutes, 1979 Supplement, Section 124.572, Subdivision 2, is amended to read:

Subd. 2. The state shall pay to any district or cooperative vocational center 75 percent of the salaries paid to essential, licensed personnel in that school year for services rendered in that district's or center's adult vocational education programs. In addition, the state shall pay 50 percent of the costs of necessary travel between instructional sites by adult vocational education teachers. The commissioner may withhold all or any portion of this aid for an adult vocational education program which receives (FUNDS) *monies* from any other source, and in no event shall a district or center receive a total amount of state aid for salaries and travel pursuant to this section which, when added to (FUNDS) *monies* from other sources, will provide the program an amount for salaries and travel which exceeds 100 percent of the amount of its expenditures for salaries and travel in the program.

Sec. 15. Minnesota Statutes 1978, Section 124.572, Subdivision 7, is amended to read:

Subd. 7. Each district providing adult vocational education shall establish and maintain separate (ACCOUNTS) *funds* for the receipt and disbursement of all (FUNDS) *monies* related to these adult vocational education programs. All adult vocational education aid received by the district from any source shall be utilized solely for the purposes of adult vocational education programs.

Sec. 16. Minnesota Statutes, 1979 Supplement, Section 353.01, Subdivision 2b, is amended to read:

Subd. 2b. [EXCLUDED EMPLOYEES.] The following persons are excluded from the meaning of "public employee":

(a) Persons employed for professional services where such service is incidental to regular professional duties.

(b) Election officers.

(c) Independent contractors and their employees.

(d) Patient and inmate help in governmental subdivision charitable, penal and correctional institutions.

(e) Members of boards, commissions, bands and others who serve the governmental subdivision intermittently.

(f) Employees who hold positions of an essentially temporary or seasonal character, provided such employment does not continue for a period in excess of 120 working days in any calendar year. Immediately following the expiration of such 120 working days if such employees continue in public service and earn in excess of \$250 in any one calendar month, the department heads must then report all such employees for membership and must cause employee contributions to be made on behalf of such employees in accordance with section 353.27, subdivision 4, and they shall remain members until termination of public service.

(g) Part-time employees other than firefighters who receive monthly compensation not exceeding \$250, and part-time employees other than firefighters and elected officials whose annual compensation is stipulated in advance to be not more than \$3,000 per year, except that members shall continue their membership until termination of public service.

(h) Persons who first occupy an elected office after March 1, 1978, the compensation for which does not exceed \$250 per month.

(i) Emergency employees who are employed by reason of work caused by fire, flood, storm or similar disaster.

(j) Employees who by virtue of their employment are required to contribute to any other pension, relief or retirement fund established for the benefit of officers and employees of a governmental subdivision, except as an act of the legislature has specifically enabled participation by employees of a designated governmental subdivision in a plan supplemental to the public employees retirement association; provided that this clause shall not prevent a person from contributing to the public employees retirement association and also belonging to or contributing to another public pension fund for other service occurring during the same period of time.

(k) Police matrons employed in a police department of any city who are transferred to the jurisdiction of a joint city and county detention and corrections authority.

(l) Chaplains and nuns who have taken a vow of poverty as members of a religious order.

(m) Full-time students who are enrolled and are regularly attending classes at an accredited school, college or university; provided, no person employed full-time by a governmental subdivision shall be exempt under this paragraph.

(n) Resident physicians, medical interns and pharmacist interns who are serving in public hospitals.

(o) Appointed or elected officers, paid entirely on a fee basis, and who were not members on June 30, 1971.

(p) Nothing in Laws 1973, Chapter 753 shall be interpreted to impair or revoke any option exercised under Laws 1963, Chapter 793.

(q) Persons employed in subsidized on-the-job training, work experience or public service employment as enrollees under the federal comprehensive employment and training act from and after March 30, 1978, unless the person has as of the later of March 30, 1978 or the date of employment sufficient service credit in the retirement fund to meet the minimum vesting requirements for a deferred retirement annuity, or the employer agrees in writing on forms prescribed by the executive director to make the required employer contributions, including any employer additional contributions, on account of that person from revenue sources other than funds provided under the federal comprehensive training and employment act, or the person agrees in writing on forms prescribed by the executive director to make the required employer contributions in addition to the required employee contribution.

(r) Town, city or county assessors elected or appointed pursuant to chapter 273 who do not receive compensation in excess of \$250 per month from any one employing governmental subdivision or who are employed pursuant to an employment contract which sets forth the total compensation to be paid and the length of service, not to exceed three months in duration, required for the performance of the contract and which was entered into in advance of the commencement of employment.

(s) Volunteer firefighters as defined in subdivision 34.

(t) *Adult vocational education instructors who teach less than 300 hours per year on an adult supplementary license, unless the person has as of the date of employment sufficient*

service credits to meet the minimum vesting requirements for a deferred retirement annuity or agrees in writing on forms provided by the executive director to become a member of the fund.

Sec. 17. Minnesota Statutes 1978, Section 354.05, Subdivision 2, is amended to read:

Subd. 2. [TEACHER.] The word "teacher" includes any person who has rendered, is rendering, or shall hereafter render, service as a teacher, supervisor, principal, superintendent, or librarian in the public schools of the state, located outside of the corporate limits of the cities of the first class, in the state universities, or in any charitable or state institution including penal and corrective institutions supported, in whole or in part, by public funds, or who has been engaged, is engaged, or shall hereafter be engaged, in educational administration in connection with the state public school system, including the state university system and state community college system, but excluding the university of Minnesota, whether the position be a public office or an employment, not including members of any general governing or managing board or body connected with such systems, or the officers of common, independent, special, or associated school districts, or unorganized territory. The term shall also include an employee of the teachers retirement association employed subsequent to July 1, 1969, and any nurse, counselor, social worker or psychologist who has rendered, is rendering or shall hereafter render service in the public schools as defined above or in state universities. The term shall also include any person who renders teaching service on a part time basis and who also renders other services for a school district. In such cases, the teachers retirement association shall have the authority to determine whether all or none of such combined employment will be covered by the teachers retirement association. The term does not mean any person who works for such school or institution as an independent contractor. During any fiscal year, the term also does not mean a person who works for a school or institution on a part time basis where the person has certified that he has established and is contributing to an individual retirement account; provided that the certification is made annually and is made on a form prescribed by the executive director. The term shall not include any person employed in subsidized on-the-job training, work experience or public service employment as an enrollee under the federal comprehensive employment and training act from and after March 30, 1978, unless the person has as of the later of March 30, 1978 or the date of employment sufficient service credit in the retirement fund to meet the minimum vesting requirements for a deferred retirement annuity, or the employer agrees in writing on forms prescribed by the executive director to make the required employer contributions, including any employer additional contributions, on account of that person from revenue sources other than funds provided under the federal comprehensive training and employment act, or the person agrees in writing on forms prescribed by the executive director to make the required employer contribution in addition to the

required employee contribution. *The term shall not include an adult vocational education instructor who teaches less than 300 hours per year on an adult supplementary license, unless the person has as of the date of employment sufficient service credit in the retirement fund to meet the minimum vesting requirements for a deferred retirement annuity, or agrees in writing on forms provided by the executive director to become a member of the fund.*

Sec. 18. Minnesota Statutes, 1979 Supplement, Section 354A.-011, Subdivision 27, is amended to read:

Subd. 27. [TEACHER.] "Teacher" means any person who renders service in a public school district located in the corporate limits of one of the cities of the first class which was so classified on January 1, 1979 as any of the following:

(a) a full time employee in a position for which a valid license from the state board of education is required;

(b) an employee of the teachers retirement fund association located in the city of the first class unless the employee has exercised the option pursuant to Laws 1955, Chapter 10, Section 1, to retain membership in the Minneapolis municipal employees retirement fund established pursuant to chapter 422A;

(c) a part time employee in a position for which a valid license from the state board of education is required who also renders other non-teaching services for the school district unless the board of trustees of the teachers retirement fund association determines that the combined employment is on the whole so substantially dissimilar to teaching service that the service shall not be covered by the association.

The term shall not mean any person who renders service in the school district as any of the following:

(1) an independent contractor or the employee of an independent contractor;

(2) a part time employee who, in the calendar year, has certified that he has established and is contributing to an individual retirement account established pursuant to federal law where certification is provided annually or upon request on a form prescribed by the board of the teachers retirement fund association;

(3) for the Duluth and St. Paul teachers retirement fund associations, and for the Minneapolis teachers retirement fund association, unless the person is designated by the board of education of special school district number 1 pursuant to section 356.451 as a provisional member of the teachers retirement fund association, a person employed in subsidized on-the-job train-

ing, work experience or public service employment as an enrollee under the federal comprehensive employment and training act from and after March 30, 1978, unless the person has as of the later of March 30, 1978, or the date of employment, sufficient service credit in the teachers retirement fund association to meet the minimum vesting requirements for a deferred retirement annuity, or the employer agrees in writing to make the required employer contributions, including any employer additional contributions, on account of that person from revenue sources other than funds provided under the federal comprehensive employment and training act, or the person agrees in writing to make the required employer contributions, including any employer additional contributions, in addition to the required employee or member contributions;

(4) an employee who is a full time teacher covered by another teachers retirement fund association established pursuant to this chapter (.);

(5) an adult vocational education instructor who teaches less than 300 hours per year on an adult supplementary license, unless the person has as of the date of employment sufficient service credit in the teachers retirement fund association to meet the minimum vesting requirements for a deferred retirement annuity or agrees in writing to become a member of that teachers retirement fund association.

Sec. 19. [REPEALER.] *Laws 1979, Chapter 334, Article V, Section 29, Subdivision 4, is repealed.*

Sec. 20. [APPROPRIATION.] *There is appropriated from the general fund in the state treasury to the department of education the sum of \$650,000 for the purpose of the adult new jobs fund established in section 124.5626 for the biennium ending June 30, 1981.*

Sec. 21. [EFFECTIVE DATE.] *Sections 4, 9, 10, 11, 12, 19 and 20 of this article shall be effective the day following final enactment.*

ARTICLE VI

MISCELLANEOUS PROVISIONS

Section 1. Minnesota Statutes, 1979 Supplement, Section 120.075, is amended by adding a subdivision to read:

Subd. 3a. Any child who was born on or before January 1, 1978 but who was adopted after January 1, 1978 and whose adoptive parent on January 1, 1978 owned property residence upon which would have qualified the child for enrollment pursuant to Minnesota Statutes 1976, Section 120.065, in a school district

of which the child was not a resident may enroll in that district. Any child who was born on or before January 1, 1978 but who was adopted after January 1, 1978 and whose adoptive parent on January 1, 1978 owned or was a tenant upon property so as to qualify a child for enrollment pursuant to Minnesota Statutes, 1977 Supplement, Section 123.39, Subdivision 5a, in a school district of which the child was not a resident may enroll in that district.

Sec. 2. Minnesota Statutes, 1979 Supplement, Section 120.075, Subdivision 4, is amended to read:

Subd. 4. Subdivisions 1, 2 (AND) 3 and 3a shall also apply to any brother or sister of a qualified pupil who is related to that pupil by blood, adoption or marriage and to any foster child of that pupil's parents. The enrollment of any pupil pursuant to this section shall remain subject to the provisions of Minnesota Statutes 1976, Section 120.065 and Minnesota Statutes, 1977 Supplement, Section 123.39, Subdivision 5a, as they read on January 1, 1978.

Sec. 3. Minnesota Statutes, 1979 Supplement, Section 121.912, Subdivision 1, is amended to read:

121.912 [PERMANENT FUND TRANSFERS.] Subdivision 1. (AFTER JULY 1, 1977,) No school district shall permanently transfer money from an operating fund to a nonoperating fund except as provided in this subdivision. Permanent transfers may be made from an operating fund to any other fund to correct for prior fiscal years' errors discovered after the books have been closed for that year. Permanent transfers may be made from the general fund to eliminate deficits in another fund when that other fund is being discontinued. *With the approval of the commissioner, permanent transfers may be made from the fund balance account entitled "pupil transportation fund appropriated for bus purchases" to the capital expenditure fund.* Permanent transfers may be made from the general fund to the capital expenditure fund of a post-secondary vocational-technical school in the amount and for the purposes authorized by the state board for vocational education in approving the school's budget pursuant to section 124.561; provided, the state board shall not approve any permanent transfer for the purpose of an acquisition or betterment of lands or buildings or a capital improvement which requires the expenditure of an amount equal to or greater than \$50,000, which changes the perimeter walls of an existing facility, which adds more than 1,000 square feet to a post-secondary vocational facility, or which requires the issuance of school district bonds; provided further, the state board shall not approve the permanent transfer for any other purpose of any amount which exceeds \$150,000.

Sec. 4. Minnesota Statutes 1978, Section 122.22, Subdivision 2, is amended to read:

Subd. 2. Proceedings under this section may be instituted by:

(a) Resolution of the county board of the county containing the greatest land area of the district proposed for dissolution when (SUCH) *the* district is dissolved pursuant to sections 122.32 to 122.52.

(b) Petition executed by a majority of the (RESIDENT FREEHOLDERS) *eligible voters, as defined in section 123.32, subdivision 1a,* of the district proposed for dissolution and addressed to the county board of the county containing the greatest land area of the district.

(c) Certification by the clerk of the district proposed for dissolution to the county board of the county containing the greatest land area of the district to the effect that a majority of votes cast at an election were in favor of dissolving the district.

Sec. 5. Minnesota Statutes 1978, Section 122.22, Subdivision 4, is amended to read:

Subd. 4. Petition executed pursuant to subdivision 2(b) shall be filed with the auditor and shall contain:

(a) A statement that petitioners desire proceedings instituted leading to dissolution of the district and other provisions made for the education of the inhabitants of the territory (;) and that petitioners are (RESIDENT FREEHOLDERS) *eligible voters, as defined in section 123.32, subdivision 1a,* of the district.

(b) An identification of the district.

(c) The reasons supporting the petition which may include recommendations as to disposition of territory to be dissolved. (SUCH) *The* recommendations are advisory in nature only and are not binding on any petitioners or county board for any purpose.

(d) The persons circulating the petition shall attach their affidavit swearing or affirming that the persons executing the petition are (RESIDENT FREEHOLDERS) *eligible voters, as defined in section 123.32, subdivision 1a, of the district* and that they signed in the presence of one of the circulators.

(e) The auditor shall present the petition to the county board at its next meeting. At that meeting, the county board shall determine a date for a hearing not less than ten nor more than 60 days from the date of that meeting.

Sec. 6. Minnesota Statutes 1978, Section 122.23, Subdivision 9, is amended to read:

Subd. 9. If the approved plat contains land area in more than one independent district maintaining a secondary school, or common district maintaining a secondary school, and if each board entitled to act on the plat approves the plat, each (such) board shall cause notice of its action to be published at least once in its official newspaper. If five percent of the (RESIDENT FREEHOLDERS) *eligible voters, as defined in section 123.32, subdivision 1a*, of any (SUCH) district (SHALL) petition the clerk of the district, within 30 days after the publication of (SUCH) *the* notice, for an election on the question, the consolidation shall not become effective until approved by a majority vote in (SUCH) *the* district at an election held in the manner provided in subdivisions 11, 12 and 13.

Sec. 7. Minnesota Statutes 1978, Section 122.23, Subdivision 10, is amended to read:

Subd. 10. If an approved plat contains land area in any district not entitled to act on approval or rejection of the plat by action of its board, the plat may be approved by the the residents of (SUCH) *the* land area within 60 days of approval of plat by the state board in the following manner:

A petition calling upon the county auditor to call and conduct an election on the question of adoption or rejection of the plat may be circulated in (SUCH) *the* land area by any person residing in (SUCH AREAS) *the area*. Upon the filing of (SUCH) *the* petition with the county auditor, executed by at least 25 percent of the (RESIDENT FREEHOLDERS) *eligible voters, as defined in section 123.32, subdivision 1a*, in each district or part of a district contained in (SUCH) *the* land area, the county auditor shall forthwith call and conduct a special election of the electors resident in the whole land area on the question of adoption of the plat. For the purposes of this section, the term "electors resident in the whole land area" means (AND SHALL BE CONSTRUED TO INCLUDE) any person (OR PERSONS) residing on any remaining portion of land, a part of which is included in the consolidation plat. Any (FREEHOLDER) *eligible voter, as defined in section 123.32, subdivision 1a*, owning land included in (SUCH) *the* plat who lives upon land adjacent or contiguous to that part of his land included in (SUCH) *the* plat shall be included and counted in computing the 25 percent of the (RESIDENT FREEHOLDERS) *eligible voters, as defined in section 123.32, subdivision 1a*, necessary to sign (SUCH) *the* petition and shall also be qualified to sign (SUCH) *the* petition. Failure to file (SUCH) *the* petition within 60 days of approval of plat by the state board terminates the proceedings.

Sec. 8. Minnesota Statutes 1978, Section 122.25, Subdivision 1, is amended to read:

122.25. [COMMON DISTRICT TO INDEPENDENT DISTRICT.] Subdivision 1. If six or more (RESIDENT FREE-

HOLDERS) *eligible voters, as defined in section 123.32, subdivision 1a*, of a common district desire to change the organization of their district to an independent district, they may call for a vote upon the question at the next annual meeting by filing a petition therefor with the clerk. In the notice for the meeting, the clerk shall include a statement that the question will be voted upon at the meeting.

Sec. 9. Minnesota Statutes, 1979 Supplement, Section 122.-541, Subdivision 5, is amended to read:

Subd. 5. If compatible plans are not negotiated pursuant to subdivision 4 before the (JUNE) March 1 preceding any year of the agreement permitted by subdivision 1, the cooperating districts shall be governed by the provisions of this subdivision. Insofar as possible, teachers who have acquired continuing contract rights and whose positions are discontinued as a result of the agreement shall be employed by a cooperating district or assigned to teach in a cooperating district as exchange teachers pursuant to section 125.13. If necessary, teachers whose positions are discontinued as a result of the agreement and who have acquired continuing contract rights shall be placed on unrequested leave of absence in fields in which they are licensed in the inverse order in which they were employed by a cooperating district, according to a combined seniority list of teachers in the cooperating districts.

Sec. 10. Minnesota Statutes 1978, Section 123.11, Subdivision 7, is amended to read:

Subd. 7. Upon the filing of a petition therefor, executed by five (RESIDENT FREEHOLDERS) *eligible voters, as defined in section 123.32, subdivision 1a*, of the common district, specifying the business to be acted upon, or upon the adoption of a proper resolution (,) so specifying, signed by a majority of the members of the board, the clerk shall forthwith call a special meeting of the district upon ten days' posted notice and one week's published notice if there be a newspaper printed in (SUCH) the district and specify in (SUCH) the notice the business named in (SUCH) the request or resolution and the time and place of the meeting. If there be no clerk in the district or if he fails for three days after receiving (SUCH) a request or resolution to give notice of (SUCH) a meeting, it may be called by like notice by five (FREEHOLDERS QUALIFIED TO VOTE) *eligible voters, as defined in section 123.32, subdivision 1a*, of the district. No business except that named in the notice shall be transacted at (SUCH) the meeting. If there are not five (VOTERS WHO ARE FREEHOLDERS IN THE DISTRICT) *eligible voters, as defined in section 123.32, subdivision 1a*, or if there is not a board therein, the county superintendent may call a special meeting by giving notice thereof as provided in this section. The voters at a special meeting have power to repeal or modify their proceedings.

Sec. 11. Minnesota Statutes, 1979 Supplement, Section 123.35, Subdivision 15, is amended to read:

Subd. 15. When payment of a claim cannot be deferred until the next board meeting without loss to the district of a discount privilege, or when payment of a claim cannot be deferred until the next board meeting because of contract terms, purchase order terms, or a vendor's standard terms which are part of the contract, the claim may be paid prior to board approval, providing that the board:

(a) Has delegated authority to the clerk or a designated business administrator to make a payment prior to board approval and

(b) Requires that payment made prior to board approval be acted upon at the next board meeting.

Payment prior to board approval shall not affect the right of the district or a taxpayer to challenge the validity of a claim.

Sec. 12. Minnesota Statutes 1978, Section 123.36, is amended by adding a subdivision to read:

Subd. 10a. Except as otherwise provided in this subdivision, the board shall place the proceeds from the sale or exchange of sites, buildings and equipment in the capital expenditure fund of the district. If a district has an outstanding debt on the site, building or equipment which is sold or exchanged, the board may elect to first place enough proceeds in its debt service fund to cover the principal of the outstanding debt and then to place the remaining net proceeds in the capital expenditure fund of the district.

Sec. 13. Minnesota Statutes 1978, Section 123.39, Subdivision 3, is amended to read:

Subd. 3. The board may purchase buses on the installment plan, the installments to be all paid within a period of not to exceed three years from the date of purchase and the deferred payments to bear a rate of interest (OF NOT TO EXCEED SIX PERCENT PER ANNUM) *to be negotiated by the parties.*

Sec. 14. Minnesota Statutes 1978, Section 123.932, is amended by adding a subdivision to read:

Subd. 3a. "Nonsectarian nonpublic school" means any nonpublic school as defined in subdivision 3, which is not church related, is not controlled by a church, and does not promote a religious belief.

Sec. 15. Minnesota Statutes 1978, Section 123.932, Subdivision 9, is amended to read:

Subd. 9. "Neutral site" means a public center, a *nonsectarian nonpublic school*, a mobile unit located off the nonpublic school premises, or any other location off the nonpublic school premises which is neither physically nor educationally identified with the functions of the nonpublic school.

Sec. 16. Minnesota Statutes, 1979 Supplement, Section 124.247, Subdivision 3, is amended to read:

Subd. 3. [AID.] A district which establishes program for gifted and talented students shall receive for the purpose of this program an amount equal to \$30 times the number of gifted and talented students in the district. No more than 2-1/2 percent of the students enrolled in the district shall be counted as gifted and talented for the purpose of aid computations pursuant to this subdivision. No more than five percent of the (FUNDS) *monies* received by a district pursuant to this subdivision may be expended for the purpose of administration of the program for gifted and talented students.

Sec. 17. Minnesota Statutes, 1979 Supplement, Section 124.247, Subdivision 4 is amended to read:

Subd. 4. [FUNDS.] A district which receives (FUNDS) under this section shall maintain a separate (ACCOUNT) *fund* for the receipt and disbursement of (FUNDS) *monies* allocated to the district for the purpose of this section, and the (FUNDS) *monies* shall be spent only for the purpose of the program for gifted and talented students.

Sec. 18. Minnesota Statutes 1978, Chapter 125, is amended by adding a section to read:

[125.611.] [TEACHER EARLY RETIREMENT INCENTIVE PROGRAM.] *Subdivision 1. For purposes of this section, "teacher" means a teacher as defined in section 125.03, subdivision 1, who is employed in the public elementary, secondary or area vocational-technical schools in the state, who has not less than 15 total years of full time teaching service in elementary, secondary and area vocational-technical schools, and who has or will have attained the age of 55 years but less than 65 years as of the June 30 in the school year during which an application for an early retirement incentive is made.*

Subd. 2. For purposes of this section, "retirement" means termination of services in the employing district and withdrawal from active teaching service.

Subd. 3. A teacher meeting the requirements of subdivision 1 may apply to the school board of the employing district for a contract for termination of his services, withdrawal from active teaching service, and payment of an early retirement incentive. This application shall be submitted on or before June 1 of the school year at the end of which the teacher wishes to retire, and shall be submitted on the form established by the commissioner of education for this purpose.

Subd. 4. A school board receiving an application submitted by a teacher pursuant to subdivision 3 shall approve or deny the application within 30 days after it is received by the board, and shall notify the teacher by United States mail of the board's approval or denial within seven days after the board's decision is made. The notification of approval shall state that no agreement for termination of services with an early retirement incentive shall be made unless and until the board receives authorization from the commissioner of education.

Subd. 5. If the school board approves the teacher's application, the board shall apply to the commissioner of education for authorization to enter into a contract with the teacher for termination of his services and payment of an early retirement incentive. The school board's application shall be submitted on the form required by the commissioner and must be received by the commissioner by the July 15 immediately following the school board's approval of the teacher's application. The commissioner of education shall establish procedures for applications pursuant to this subdivision and shall approve or disapprove applications pursuant to this subdivision within the limits of the appropriation for the purposes of this section. Applications pursuant to this subdivision shall include the annual salaries which would be paid to the teachers for whom the applications are made if they did not retire and any other information required by the commissioner of education.

Subd. 6. Notwithstanding the time limitations imposed by subdivisions 4 and 5, the commissioner of education may approve applications received from school boards after the time limit established in subdivision 4 if the teacher's application was submitted to the school board within the time limit and in the form required by subdivision 3, unless the failure of the school board to meet the time limit of subdivision 4 was caused by conduct of that teacher.

Subd. 7. A teacher whose early retirement pursuant to this section has been approved by the commissioner of education shall be offered a contract for termination of services in the employing district, withdrawal from active teaching service, and payment of an early retirement incentive by the employing school district. An offer may be accepted by the teacher by submitting a written resignation to the school board of the employing district.

Subd. 8. An eligible teacher who is or will be 55 years of age as of the end of the school year during which an application for an early retirement incentive is made and accepted shall receive an early retirement incentive in the amount of \$10,000. This amount shall be reduced by \$500 for each year that a teacher is over the age of 55 years to a maximum age of 60 years and by an additional \$1,500 for each year that a teacher is over the age of 60 years. The age of the teacher shall be determined as of the June 30 in the school year during which the application for the early retirement incentive is made.

Subd. 9. Notwithstanding the provisions of subdivision 8, an eligible teacher who wishes to retire at the end of the 1979-1980, 1980-1981, or 1981-1982 school year, who is employed by a school district which is implementing a desegregation plan ordered by federal court or approved by the state board, and who is offered and accepts an early retirement incentive contract pursuant to subdivision 7, shall receive an early retirement incentive in the amount of \$15,000. This amount shall be reduced by \$750 for each year that a teacher is over the age of 55 years to a maximum age of 60 years and by an additional \$2,250 for each year that a teacher is over the age of 60 years. The age of the teacher shall be determined as of the June 30 in the school year during which the application for the early retirement incentive is made.

Subd. 10. The early retirement incentive shall be paid by the employing school district at the time and in the manner mutually agreed upon by a teacher and the board. The state shall reimburse the district for 50 percent of any amount or amounts paid out as an early retirement incentive pursuant to this section. An early retirement incentive shall not be paid to any teacher who is discharged by a school district.

Subd. 11. Notwithstanding the provisions of subdivisions 2, 3, 5 and 7, a teacher who has entered into an agreement for termination of services and withdrawal from active teaching service with an early retirement incentive may be employed as a substitute teacher after his retirement.

Subd. 12. Any amount of unemployment insurance which the teacher receives and for which the district is required to pay into the unemployment compensation fund pursuant to section 268.06, subdivision 25, at any time after the teacher has entered into an agreement pursuant to subdivision 7, may be deducted by the district from the amount of the teacher's early retirement incentive or recovered by the district from the teacher up to the amount of the early retirement incentive. The district shall pay 50 percent of any amount so deducted or recovered to the department of education, and any amount so received by the department shall be deposited in the state treasury.

Sec. 19. Minnesota Statutes 1978, Section 127.09, is amended to read:

127.09 [REFUSING TO SERVE ON SCHOOL BOARD.] Any person accepting an election or appointment upon any school board and refusing or neglecting to qualify or to serve or to perform any of the duties of (SUCH) *the* office, shall forfeit for each offense the sum of \$10 to be collected in an action before a justice of the peace, to be prosecuted in the name of the district by any school board member of the district or by any (FREEHOLDER THEREOF) *eligible voter, as defined in section 123.32, subdivision 1a, of the district.*

Sec. 20. Minnesota Statutes 1978, Section 127.11, is amended to read:

127.11 [DRAWING ILLEGAL ORDER.] Any school district clerk who (SHALL) illegally (DRAW) *draws* an order upon the treasurer, any chairman or other officer who (SHALL ATTEST SUCH) *attests the* order, and any school district treasurer who (SHALL) knowingly (PAY) *pays* the (SAME) *order*, shall each forfeit to the district twice the amount of (SUCH) *the* order, to be collected in an action brought in the name of the district by any (FREEHOLDER THEREOF) *eligible voter, as defined in section 123.32, subdivision 1a, of the district.*

Sec. 21. Minnesota Statutes 1978, Section 127.21, is amended to read:

127.21 [COMBINATION TO CONTROL PRICES.] If at any time any publisher shall enter into any understanding, agreement, or combination to control the prices or to restrict competition in the adoption or sale of school books, (THEN THE ATTORNEY GENERAL SHALL INSTITUTE AND PROSECUTE LEGAL PROCEEDINGS FOR THE FORFEITURE OF THE BOND OF THE PUBLISHER AND FOR THE REVOCATION OF HIS LICENSE TO SELL SCHOOL BOOKS IN THIS STATE AND) each and every contract made by the publisher (UNDER THIS CHAPTER) shall thereupon become null and void at the option of the other parties thereto.

Section 22. Minnesota Statutes 1978, Section 134.03, is amended to read:

134.03. [TAX LEVY.] *Subdivision 1.* In cities of less than 2,000 inhabitants not levying a tax for public library purposes, the school board may maintain a public library for the use of all residents of the district and provide ample and suitable rooms for its use in the school buildings or the district.

Upon a library being so established in any such school district, whose library building has been erected with funds acquired by gift or donation, the school board is empowered to appoint a library board of nine members, of which each member of the school board shall be a member *ex officio*.

The remaining members of such library board shall be appointed by the school board, one of which remaining members shall hold office for one year, one for two years, and one for three years if the school board has only six members, from the first Saturday of September following their appointment, the term of office of each being specified in such appointment; annually thereafter, such school board shall appoint a member of the library board for the term of three years and until his successor shall qualify. Such school board may remove any member so appointed for misconduct or neglect. Vacancies in such board shall be filled by appointment for the unexpired term. Members of such board shall receive no compensation for their services as such.

Immediately after appointment, such board shall organize by electing one of its members as president and one as secretary and from time to time it may appoint such other officers and employees as it deems necessary. The secretary, before entering upon his duties, shall give bond to the school district in an amount fixed by the library board, conditioned for the faithful discharge of his official duties. The library board shall adopt such bylaws and regulations for the government of the library and reading-room and for the conduct of its business as may be expedient and conformable to law. It shall have exclusive control of the expenditures of all money collected for, or placed to the credit of, the library funds, and of the rooms and buildings provided for library purposes. All moneys received for such library fund shall be kept in the treasury of the school district, credited to the library fund, and be paid out only upon itemized vouchers approved by the library board. The library board may fix the compensation of employees and remove any of them at pleasure.

All books or other property given, granted, conveyed, donated, devised, or bequeathed to, or purchased by, such library shall vest in, and be held in the name of, such school district. Every library and reading-room established hereunder shall be free to the use of the inhabitants of the school district, subject to such reasonable regulations as the directors may adopt.

When so established, no such library shall be abandoned without a two-thirds majority vote of the electors cast at any annual or special school meeting called for the purpose.

When so established, in cases where the building has been erected with funds so donated, no such library shall be abandoned without a two-thirds majority vote of the electors cast at any annual or special school meeting called for the purpose.

Subd. 2. Notwithstanding subdivision 1, if the library building of a library established pursuant to this section has been erected with funds acquired by gift or donation, a school board may, if authorized by the vote of a majority of all members of the school board and the vote of a majority of all members of the

governing body of the city, permanently transfer the responsibility for maintaining the library to the city.

Sec. 23. Minnesota Statutes 1978, Section 134.08, is amended to read:

134.08 [WHEN ESTABLISHED BY VOTE; EXISTING LIBRARIES.] If (SUCH) a library or reading-room (BE) is not otherwise established, the governing body of the municipality, upon the petition of 50 (FREEHOLDERS THEREOF) eligible voters, as defined in section 200.02, subdivision 25, of the municipality, shall submit the question of (SUCH) the establishment to the voters at the next municipal election. If two-thirds of the votes cast on the question (BE) are in the affirmative, the governing body shall establish the library or reading-room and levy a yearly tax for its support, within the limits fixed by section 134.07. All public libraries and reading-rooms heretofore established and now existing in cities are continued and all ordinances setting apart public property for their support are hereby confirmed. Nothing in sections 134.08 to 134.15 shall be construed as abridging any power or duty in respect to libraries conferred by any city charter.

Sec. 24. Minnesota Statutes, 1979 Supplement, Section 465.72, is amended to read:

465.72 [SEVERANCE PAY.] Except as may otherwise be provided in Laws 1959, Chapter 690, as amended, (ALL COUNTIES, CITIES, TOWNSHIPS AND SCHOOL DISTRICTS ARE HEREBY AUTHORIZED AND EMPOWERED TO) any county, city, township and school district may pay severance pay to (ALL OF) its employees and (TO ESTABLISH, PRESCRIBE AND) promulgate (PROVISIONS,) rules (AND REGULATIONS) for the payment of (SUCH) severance pay (UPON LEAVING) to an employee who leaves employment (PRIOR TO) before the normal retirement date. (SUCH) The severance pay shall be excluded from retirement deductions and from any calculations in retirement benefits (, AND). It shall be paid in a manner mutually agreeable to the employee and employer over a period not to exceed five years from termination of employment. (IN THE EVENT THAT) If a terminated employee dies before all or a portion of the severance pay has been disbursed, that balance due shall be paid to a named beneficiary or, lacking same, to the deceased's estate. In no event shall severance pay provided for an employee leaving employment, except a teacher as defined in section (179.63) 125.03, subdivision (13) 1, (LEAVING EMPLOYMENT) exceed an amount equivalent to 100 days pay. Severance pay for a teacher as defined in section (179.63) 125.03, subdivision (13) 1, shall not exceed an amount equivalent to one year of pay.

Sec. 25. Laws 1979, Chapter 69, Section 2, is amended to read:

Sec. 2. The board of Independent School District No. 275 may propose in its resolution for consolidation that the proposed new district be governed at first by the board of another pre-existing district and that one member of the board of Independent School District No. 275 serve as an additional member of the board of the new district for a specific period. These proposals shall be deemed to be part of the consolidation plat. If the plat containing the proposals is finally approved by all affected school boards and at each election held on the plat in an affected district, the new district shall be governed by the board of a pre-existing district as provided in the plat, and a member of the board of Independent School District No. 275 shall serve as an additional member of the board of the new district for the period specified in the plat. *This governing board of the new district shall be deemed to be the newly elected board of the new district for purposes of Minnesota Statutes, Sections 122.23 and 122.532.* As the terms of the members of the board of the pre-existing district expire, their successors shall be elected by the legally qualified voters of the new district. The members of the last board of Independent School District No. 275 to exist before the consolidation shall select the member of that board who shall serve as an additional member of the board of the new district and shall also select one of their number to replace that member if before the specified period elapses the member dies, resigns, ceases to be a resident of the area formerly contained in Independent School District No. 275 or is found by resolution of the board of the new district to be unable to serve on the board for a period of 90 days or more because of illness or prolonged absence from the district.

Sec. 26. Laws 1979, Chapter 69, Section 5, is amended to read:

Sec. 5. If the effective date of the consolidation is not July 1 of an odd-numbered year and if the new district is governed by the board of a pre-existing district as provided in section 2, the contract between the board of the pre-existing district and the exclusive bargaining representative of teachers in that district shall continue in effect for the remainder of its term and shall also govern the terms and conditions of employment in the new district of the teachers previously employed by Independent School District No. 275 and, *if applicable* any placement of those teachers on unrequested leave of absence by (THE NEW DISTRICT) *that board* during the school year before the consolidation becomes effective.

Sec. 27. [APPLICABILITY.] *On their effective date, sections 25 and 26 apply to Independent School District No. 275, Golden Valley.*

Sec. 28. *Subdivision 1.* [FUND TRANSFER AUTHORITY.] *Notwithstanding Minnesota Statutes, Section 475.61, Subdivision 4, the board of Independent School District No. 283, St. Louis Park, may transfer the amount not needed to pay out-*

standing obligations and interest thereon, but not to exceed \$510,000, from the district's debt service fund to its capital expenditure fund, and this amount shall not be used to reduce the district's maintenance levy authorized pursuant to Minnesota Statutes, Section 275.125, Subdivision 2a.

Subd. 2. [EXPIRATION OF AUTHORITY.] The authority to transfer funds which is given by subdivision 1 shall expire when the board of Independent School District No. 283, St. Louis Park, has made the authorized transfer of funds.

Subd. 3. [APPLICABILITY.] On their effective date, subdivisions 1 and 2 apply to Independent School District No. 283, St. Louis Park.

Sec. 29. Laws 1979, Chapter 334, Article VIII, Section 29, is amended to read:

Sec. 29. [APPROPRIATION.] To meet the state's obligation prescribed in Minnesota Statutes, Sections 125.61, *Section 18 of this article*, 354.094, 354.66, 354A.091 and 354A.22, there is appropriated from the general fund to the department of education the sum of \$1,247,000 for the fiscal year ending June 30, 1980 and the sum of \$1,532,800 for the fiscal year ending June 30, 1981.

(a) Any unexpended balance remaining from the appropriation in this section for fiscal year 1980 shall not cancel but shall be available for the second year of the biennium. If the appropriation amount attributable to either year for the purposes indicated is insufficient, the state shall not be obligated for any amount in excess of the appropriation in this section for this purpose.

(b) Notwithstanding the provisions of Minnesota Statutes, Sections 354.43 and 354A.12, the state's obligations prescribed in Minnesota Statutes, Sections 354.094, 354.66, 354A.091 and 354A.-22 shall not be financed out of standing appropriations for the state's obligations pursuant to Minnesota Statutes, Chapter 354 or 354A.

Sec. 30. [REPEALER.] *Minnesota Statutes 1978, Sections 125.61, as amended by Laws 1979, Chapter 334, Article VIII, Sections 7 to 13; and 127.22, are repealed.*

Sec. 31. [EFFECTIVE DATE.] *Subdivision 1. Sections 1 to 24, 29 and 30 of this article shall be effective the day following final enactment.*

Subd. 2. Pursuant to Minnesota Statutes, Section 645.023, Subdivision 1, Clause (a), Sections 25, 26 and 28 of this article

shall be effective without local approval on the day following final enactment."

Further, delete the title and insert:

"A bill for an act relating to education; providing for aids to education, tax levies and the distribution of tax revenues; granting certain powers and duties to school districts, the commissioner of education, the department of education and others; aid for education of pupils of limited English proficiency; requiring the establishment of local policies to minimize chemical use problems; appropriating money; amending Minnesota Statutes 1978, Sections 120.095, Subdivision 6; 120.10, Subdivision 2; 121.88, by adding a subdivision; 122.22, Subdivisions 2 and 4; 122.23, Subdivisions 9 and 10; 122.25, Subdivision 1; 122.531, by adding subdivisions; 123.11, Subdivision 7; 123.36, by adding a subdivision; 123.39, Subdivision 3; 123.932, Subdivision 9, and by adding a subdivision; 124.20; 124.214, Subdivision 2; 124.572, Subdivision 7; 126.07; 126.36, Subdivision 3; 126.52, Subdivision 5, and by adding a subdivision; 126.54, Subdivisions 5 and 6; 127.09; 127.11; 127.21; 134.03; 134.08; 275.125, Subdivisions 5 and 5a; 354.05, Subdivision 2; Chapter 124, by adding a section; Chapter 125, by adding a section; Minnesota Statutes, 1979 Supplement, Sections 120.075, Subdivision 4, and by adding a subdivision; 121.912, Subdivision 1; 122.541, Subdivision 5; 123.35, Subdivision 15; 124.01; 124.11, Subdivisions 2a and 2b, and by adding a subdivision; 124.19, Subdivision 4; 124.212, Subdivision 7d; 124.223; 124.225; 124.245, Subdivisions 1 and 2; 124.247, Subdivisions 3 and 4; 126.54, Subdivision 1; 124.561, Subdivision 3a; 124.562, Subdivisions 2, 3 and 4; 124.5621, Subdivision 11; 124.5624, Subdivision 6; 124.5625; 124.565, Subdivision 6; 124.566; 124.572, Subdivision 2; 275.125, Subdivisions 2a, 2b, 7a, 7b, 11a and 20; 353.01, Subdivision 2b; 354A.011, Subdivision 27; 465.72; Laws 1979, Chapter 69, Sections 2 and 5; Chapter 334, Article VI, Section 35, Subdivision 9; Article VIII, Section 29; repealing Minnesota Statutes 1978, Sections 122.531, Subdivision 3; 125.61, as amended; 126.31 to 126.35; 126.36, Subdivisions 5 and 6; 126.37; 126.38; 126.39, Subdivisions 1, 2, 3, 4, 5, 6, 7, 8 and 9; 126.40, Subdivisions 1 and 2; 126.41, Subdivisions 2, 3, 4, 5, 6 and 7; 126.42; 126.52, Subdivisions 1, 2, 3, 4, 6 and 7; 127.22; Minnesota Statutes, 1979 Supplement, Sections 124.222, Subdivision 3; 126.39, Subdivision 10; 126.41, Subdivision 1; 126.52, Subdivision 10; Laws 1979, Chapter 334, Article V, Section 29."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Faricy from the Committee on Judiciary to which was referred:

H. F. No. 1794, A bill for an act relating to courts; providing for elections in a county court district.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. In the county court district 8c, consisting of the counties of Big Stone, Grant, Pope, Stevens, Traverse and Wilkin, in order to make judicial services available to the widest geographical area, no more than one county court judge may reside in any one county unless there is a resident judge in each county of that district.

Sec. 2. County court district 8c is effective for election purposes on the effective date of this act and the entire county court district shall be the election district for county court judges on the effective date of this act.

Sec. 3. This act is effective on the day following final enactment."

With the recommendation that when so amended the bill pass.

The report was adopted.

Munger from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 1795, A bill for an act relating to historic sites; designating the Canadian National Depot in Warroad as an historic site; requiring notice to the Minnesota historical society when the state or a political subdivision of the state acquires certain property; amending Minnesota Statutes 1978, Section 138.59.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Farcy from the Committee on Judiciary to which was referred:

H. F. No. 1798, A bill for an act relating to courts; second judicial district; providing for the appointment of the juvenile court clerk; amending Laws 1951, Chapter 653, Section 1, as amended.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Fudro from the Committee on Transportation to which was referred:

H. F. No. 1823, A bill for an act relating to transportation; permitting informational notations on recorded maps and plats; simplifying correction of errors on them; amending Minnesota Statutes 1978, Section 160.085, Subdivision 1, and by adding a subdivision.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Faricy from the Committee on Judiciary to which was referred:

H. F. No. 1825, A bill for an act relating to children; specifying rights of stepparents to visit certain children.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Fudro from the Committee on Transportation to which was referred:

H. F. No. 1835, A bill for an act relating to motor vehicles; setting due dates for installment payments of motor vehicle registration taxes; extending the coroner's reporting time of deaths resulting from motor vehicle accidents; authorizing the use of accident reports by certain agencies for accident analysis purposes; requiring bumpers on certain motor vehicles, and requiring rear rigid safeguards on certain trucks, trailers and semi-trailers; amending Minnesota Statutes 1978, Sections 168.-31, Subdivision 4; 169.09, Subdivisions 11 and 13, and 169.73, Subdivision 2; repealing Minnesota Statutes 1978, Section 169.-73, Subdivisions 1, 3, 4 and 5.

Reported the same back with the following amendments:

Page 3, line 28, reinstate the stricken language

Page 3, line 29, delete the new language

Page 3, line 31, delete the new language and reinstate the stricken language

Page 4, line 31, after "publications" insert "*and licensed radio and television stations*"

Page 5, line 4, after "publications" insert "*and licensed radio and television stations*"

Page 5, line 8, after "publication" insert "*or broadcast*"

Page 5, line 12, delete the new language and reinstate the stricken language

Page 5, line 14, reinstate the stricken language

Page 5, line 15, delete the new language

Pages 5 and 6, delete Sections 4 and 5 and renumber the remaining section

Further amend the title as follows:

Line 7, delete "analysis" and insert "prevention"

Line 7, delete "requiring"

Delete lines 8 and 9

Line 10, delete "and semi-trailers;"

Line 11, before "169.09" insert "and"

Line 12, delete ", and 169.73, Subdivision 2;"

Lines 13 and 14, delete the language up to the period.

With the recommendation that when so amended the bill pass.

The report was adopted.

Swanson from the Committee on Health and Welfare to which was referred:

H. F. No. 1844, A bill for an act relating to health; authorizing the commissioner of health to investigate complaints under certain circumstances; amending Minnesota Statutes 1978, Section 214.13, by adding subdivisions.

Reported the same back with the following amendments:

Page 2, line 6, after the period insert "*For the purposes of subdivisions 6 and 7, the*" and delete the balance of the line

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Fudro from the Committee on Transportation to which was referred:

H. F. No. 1846, A bill for an act relating to highway traffic regulations; authorizing certain identification rights on motor vehicles operated by certificated volunteer ambulance drivers; amending Minnesota Statutes 1978, Section 169.58, by adding a subdivision.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Brinkman from the Committee on Financial Institutions and Insurance to which was referred:

H. F. No. 1856, A bill for an act relating to financial institutions; permitting banks or trust companies to invest up to 20 percent of their capital and surplus in certain agricultural credit corporations; amending Minnesota Statutes 1978, Section 48.61, Subdivision 1.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Swanson from the Committee on Health and Welfare to which was referred:

H. F. No. 1866, A bill for an act relating to taxation; authorizing the revenue department to set off tax refunds due a debtor against debts owed to the state or to county welfare boards; providing for notice and hearing procedures; establishing priorities for claims; providing for an exemption to data privacy requirements and imposing a penalty for misuse of data; authorizing the promulgation of rules; appropriating money.

Reported the same back with the following amendments:

Page 2, line 3, delete "any county welfare board" and insert "public agency responsible for child support enforcement"

Page 2, line 13, after the period insert, "A debt does not include any legal obligation of a current recipient of assistance which is based on overpayment of an assistance grant."

Page 5, line 10, after "hearing" insert a period

Page 5, line 11, delete "before the claimant agency."

Page 5, line 17, delete "county welfare board" and insert "public agency responsible for child support enforcement"

Page 5, line 23, delete "County welfare boards" and insert "The public agency responsible for child support enforcement"

Page 6, line 7, delete "290.17" and insert "290A.17"

Further, amend the title as follows:

Page 1, line 4, delete "county" and insert, "public agency responsible for child support enforcement;"

Page 1, line 5, delete "welfare boards;"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Taxes.

The report was adopted.

Fudro from the Committee on Transportation to which was referred:

H. F. No. 1872, A bill for an act relating to drivers licenses; providing for distinctive Minnesota identification cards for senior citizens and prescribing the fee; providing for its use for certain identification purposes; authorizing its issuance to holders of drivers licenses; amending Minnesota Statutes 1978, Section 171.07, by adding a subdivision.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1978, Section 171.07, is amended by adding a subdivision to read:

Subd. 3a. A Minnesota identification card issued to an applicant 65 years of age or over shall be of a distinguishing color and plainly marked "senior". The fee for the card issued to an applicant 65 years of age or over shall be one-half the required fee for a class C driver's license. A Minnesota identification card or a Minnesota driver's license issued to a person 65 years of age or

over shall be valid identification for the purpose of qualifying for reduced rates, free licenses or services provided by any board, commission, agency or institution that is wholly or partially funded by state appropriations.

Sec. 2. Minnesota Statutes 1978, Section 171.07, Subdivision 1, is amended to read:

171.07 [DEPARTMENT TO ISSUE LICENSE AND NON-QUALIFICATION CERTIFICATES; ANATOMICAL GIFT INDICATION.] Subdivision 1. The department shall, upon the payment of the required fee, issue to every applicant qualifying therefor a license designating the type or class of vehicles he is authorized to drive as applied for, which license shall bear thereon a distinguishing number assigned to the licensee, the full name, date of birth, residence address, a description of the licensee in such manner as the commissioner deems necessary, and a space upon which the licensee shall write his usual signature with pen and ink. No license shall be valid until it has been so signed by the licensee. Except in the case of an instruction permit, every license shall bear thereon a colored photograph of the licensee. Every license issued to an applicant under the age of 18 shall be of a distinguishing color and plainly marked "provisional." The department shall use such process or processes in the issuance of licenses that prohibits as near as possible, the ability to alter or reproduce the licenses, or prohibit the ability to superimpose a photo on such licenses without ready detection. Each license certificate issued shall be on an all plastic or laminated plastic card with the identifying information embossed thereon. *A license issued to an applicant of age 65 or over shall be plainly marked "senior" if requested by the applicant.*

Further, amend the title as follows:

Page 1, line 8, after the comma, insert "Subdivision 1, and"

With the recommendation that when so amended the bill pass.

The report was adopted.

Faricy from the Committee on Judiciary to which was referred:

H. F. No. 1890, A bill for an act relating to courts; Hennepin and Ramsey county district courts, juvenile divisions; authorizing appointment of district court judges to hear cases arising under the juvenile court act for terms up to six years; amending Minnesota Statutes 1978, Section 260.019, Subdivision 3.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1978, Section 260.019, Subdivision 3, is amended to read:

Subd. 3. The chief judge shall (NOT) designate any judge to hear cases arising under sections 260.011 to 260.301 as his principal or exclusive assignment for *no more than three years out of any six year period in Ramsey county, and for no more than six years out of any 12 year period in Hennepin county.*

Sec. 2. [EFFECTIVE DATE.] *This bill shall become effective the day after final enactment and be applicable to incumbent juvenile court judges."*

With the recommendation that when so amended the bill pass.

The report was adopted.

Faricy from the Committee on Judiciary to which was referred:

H. F. No. 1892, A bill for an act relating to courts; providing that courts may acquire electronic data processing services through supreme court contracts; amending Minnesota Statutes 1978, Chapter 480, by adding a section.

Reported the same back with the following amendments:

Page 1, line 19, after the period insert *"The state court administrator shall grant this authority only pursuant to the implementation of justice information systems compatible with systems participating on the Minnesota criminal justice information systems communications network administered by the department of public safety."*

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Faricy from the Committee on Judiciary to which was referred:

H. F. No. 1895, A bill for an act relating to human rights; further defining certain unfair discriminatory practices related to reprisals; defining the scope of a class for class action suits; increasing a penalty by increasing allowable punitive damages; amending Minnesota Statutes 1978, Sections 363.03, Subdivision 7; 363.071, Subdivision 2; and Minnesota Statutes, 1979 Supplement, Section 363.06, Subdivision 4.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Swanson from the Committee on Health and Welfare to which was referred:

H. F. No. 1909, A bill for an act relating to children; setting the basis for jurisdiction in paternity proceedings; providing that blood and genetic tests may be required and used as evidence in paternity proceedings.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Judiciary.

The report was adopted.

Swanson from the Committee on Health and Welfare to which was referred:

H. F. No. 1913, A bill for an act relating to public welfare; providing for the withholding of child support or maintenance; amending Minnesota Statutes 1978, Sections 256.872 and 256.873; and Minnesota Statutes, 1979 Supplement, Section 518.611.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Judiciary.

The report was adopted.

Vanasek from the Committee on Criminal Justice to which was referred:

H. F. No. 1930, A bill for an act relating to corrections; altering the provisions related to the granting of furloughs for persons on work release; clarifying the provisions relating to the accrual of good time by inmates of state correctional facilities; amending Minnesota Statutes 1978, Sections 241.26, Subdivision 3; and 244.04, Subdivisions 1 and 2.

Reported the same back with the following amendments:

Delete sections 1 and 2 and insert:

“Section 1. Minnesota Statutes 1978, Section 241.26, Subdivision 1, is amended to read:

241.26 [PRIVATE EMPLOYMENT OF INMATES OF STATE CORRECTIONAL INSTITUTIONS IN COMMUN-

ITY.] Subdivision 1. [BOARD.] When consistent with the public interest and the public safety, the board may, with the recommendation of the commissioner, conditionally release an inmate *who is eligible and being considered for parole under section 243.05*, to work at paid employment, seek employment, or participate in a vocational training or educational program (, IF THE INMATE HAS SERVED AT LEAST ONE-HALF OF HIS TERM OF IMPRISONMENT AS REDUCED BY GOOD TIME EARNED BY THE INMATE). Release under this subdivision constitutes an extension of the limits of confinement and each inmate so released shall be confined in the institution from which released or in some other suitable place of confinement designated by the commissioner of corrections during the hours he is not employed, seeking employment, or engaged in a vocational training or educational program, or, if employed, seeking employment, or engaged in a vocational training or educational program, between the hours of such activity. A reasonable allowance for travel time and meals shall be permitted.

Sec. 2. Minnesota Statutes 1978, Section 241.26, Subdivision 2, is amended to read:

Subd. 2. [USE OF LOCAL DETENTION FACILITIES.] The commissioner of corrections shall designate state correctional institutions for participation in the program authorized in subdivision 1 and shall adapt facilities of such institutions to provide housing and supervision of inmates participating in such program. He may also enter into contractual agreements with appropriate city and county authorities for the confinement of and provision of other correctional services to such inmates whose employment, *educational* or vocational training programs so require, and such city and county authorities are hereby authorized to make and enter such contracts and agreements. When determined by the commissioner that the circumstances of a participant in the program authorized by subdivision 1 do not require the security of a public detention facility, he may contract with public and private agencies for the custody and separate care of such participant or house him in a community correction center.

Sec. 3. Minnesota Statutes 1978, Section 241.26, Subdivision 4, is amended to read:

Subd. 4. [REVOCATION.] The willful failure of an inmate to report to or return from planned employment, the seeking of employment, *educational* or vocational training, or furlough as provided in subdivision 3 shall be considered an escape under section 609.485. If an inmate violates any of the rules as provided for in subdivision 3, his work placement, *educational* or vocational training privileges may be withdrawn by the board granting such conditional release.

Sec. 4. Minnesota Statutes 1978, Section 243.18, is amended to read:

243.18 [DIMINUTION OF SENTENCE.] Every (CONVICT) *inmate* sentenced for any term other than life, (WHETHER) confined in (THE STATE PRISON, THE STATE REFORMATORY, OR THE MINNESOTA CORRECTIONAL INSTITUTION FOR WOMEN,) *a state adult correctional facility* or on parole therefrom, may diminish the term of his sentence (AS FOLLOWS:)

((1) FOR EACH MONTH, COMMENCING ON THE DAY OF HIS ARRIVAL,) *one day for each two days* during which he has not violated any prison rule or discipline (, AND HAS LABORED WITH DILIGENCE AND FIDELITY, FIVE DAYS;)

((2) AFTER ONE YEAR OF SUCH CONDUCT, SEVEN DAYS FOR EACH MONTH;)

((3) AFTER TWO YEARS OF SUCH CONDUCT, NINE DAYS FOR EACH MONTH;)

((4) AFTER THREE YEARS, TEN DAYS FOR EACH MONTH FOR THE ENTIRE TIME THEREAFTER).

The commissioner of corrections, in view of the aggravated nature and frequency of offenses, may take away any or all of the good time previously gained, and, in consideration of mitigating circumstances or ignorance on the part of the (CONVICT) *inmate*, may afterwards restore him, in whole or in part, to the standing he possessed before such good time was taken away.

Sec. 5. Minnesota Statutes 1978, Chapter 244, is amended by adding a section to read:

[244.065] [PRIVATE EMPLOYMENT OF INMATES OF STATE CORRECTIONAL INSTITUTIONS IN COMMUNITY.] *When consistent with the public interest and the public safety, the Minnesota corrections board may, with the recommendation of the commissioner, conditionally release an inmate to work at paid employment, seek employment, or participate in a vocational training or educational program, as provided in section 241.26, if the inmate has served at least one-half of his term of imprisonment as reduced by good time earned by the inmate.*

Sec. 6. Minnesota Statutes 1978, Section 244.01, Subdivision 1, is amended to read:

[244.01] [DEFINITIONS.] Subdivision 1. For purposes of sections 244.01 to 244.11, *and section 5*, the following terms shall have the meanings given them.

Sec. 7. Minnesota Statutes 1978, Section 244.01, Subdivision 2, is amended to read:

Subd. 2. "Inmate" means any person who is convicted of a felony, is committed to the custody of the commissioner of corrections and is confined in a state correctional institution or released from a state correctional institution pursuant to sections (241.26, SUBDIVISION 1) 5, 244.05, and 244.07."

Page 2, line 20, delete "3" and insert "8"

Page 3, after line 10, insert:

"Sec. 9. Minnesota Statutes 1978, Section 244.08, is amended to read:

244.08 [MINNESOTA CORRECTIONS BOARD; COMMISSIONER.] Subdivision 1. Effective May 1, 1980, the Minnesota corrections board shall have only those powers and duties vested in and imposed upon it in sections (241.26, SUBDIVISION 1) 5, 244.01 to 244.11, 609.10, 609.145, subdivision 1, 609.165, subdivision 2, and 609.346, subdivision 1, with relation to persons sentenced for crimes committed on or after May 1, 1980.

The Minnesota corrections board shall retain all powers and duties presently vested in and imposed upon it with relation to persons sentenced for crimes committed on or before April 30, 1980.

The Minnesota corrections board shall take into consideration, but not be bound by, the sentence terms embodied in the sentencing guidelines promulgated by the Minnesota sentencing guidelines commission and the penal philosophy embodied in sections (241.26, SUBDIVISION 1) 5, 244.01 to 244.11, 609.10, 609.145, subdivision 1, 609.165, subdivision 2, and 609.346, subdivision 1, in its deliberations relative to parole, probation, release, or other disposition of inmates who commit the crimes giving rise to their sentences on or before April 30, 1980.

Subd. 2. Nothing in sections (241.26, SUBDIVISION 1) 5, 244.01 to 244.11, 609.10, 609.145, subdivision 1, 609.165, subdivision 2, and 609.346, subdivision 1, shall be deemed to limit the powers and duties otherwise provided by law to the commissioner of corrections with regard to the management of correctional institutions or the disposition of inmates unless those powers and duties are inconsistent with the provisions of sections (241.26, SUBDIVISION 1) 5, 244.01 to 244.11, 609.10, 609.145, subdivision 1, 609.165, subdivision 2, and 609.346, subdivision 1, in which case those powers and duties shall be superseded by sections (241.26, SUBDIVISION 1) 5, 244.01 to 244.11, 609.10, 609.145, subdivision 1, 609.165, subdivision 2, and 609.346, subdivision 1.

Sec. 10. Laws 1978, Chapter 723, Article I, Section 19, is amended to read:

Sec. 19. [REPEALER.] Minnesota Statutes 1976, Sections (243.14; 243.18;) 246.43, as amended by Laws 1977; Chapter 130, Section 1; and 609.16 are repealed."

Page 3, line 11, delete "4" and insert "11"

Page 3, line 11, delete "*This act*" and insert "*Sections 1 to 9*"

Page 3, line 12, after the period insert "*Section 10 shall be effective the day following final enactment.*"

Delete the title in its entirety and insert:

"A bill for an act relating to corrections; clarifying provisions relating to work release and temporary parole; amending provisions concerning good time; amending Minnesota Statutes 1978, Sections 241.26, Subdivisions 1, 2 and 4; 243.18; Chapter 244, by adding a section; 244.01, Subdivisions 1 and 2; 244.04, Subdivision 2, and 244.08; Laws 1978, Chapter 723, Article I, Section 19."

With the recommendation that when so amended the bill pass.

The report was adopted.

Casserly from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 1931, A bill for an act relating to Ramsey County; simplifying the numbering of the county code; amending Laws 1974, Chapter 435, Articles I to IV, as amended.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Casserly from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 1945, A bill for an act relating to regional railroad authorities; providing for their organization and governmental purpose, powers and duties.

Reported the same back with the following amendments:

Page 5, line 21, after the period insert: "The board shall provide for the keeping of a full and accurate record of all proceed-

ings and of resolutions, regulations, and orders issued or adopted; the state auditor shall, as time and resources permit, annually audit the books of said regional railroad authority."

Amend the title as follows:

Page 1, line 4, before the period insert "; providing for audits"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Taxes.

The report was adopted.

Cassery from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 1949, A bill for an act relating to zoning; providing for notice of hearings; changing notice provisions for variance hearings; amending Minnesota Statutes 1978, Section 394.26, Subdivision 2.

Reported the same back with the following amendments:

Page 2, line 10, reinstate "(WITHIN 500 FEET OF THE AFFECTED PROPERTY)"

Page 2, line 12, delete "of"

Page 2, delete line 13

Page 2, line 14, delete "*affected property*"

With the recommendation that when so amended the bill pass.

The report was adopted.

Fudro from the Committee on Transportation to which was referred:

H. F. No. 1962, A bill for an act relating to motor vehicles; permitting the use of foreign state dealer plates in certain circumstances; restricting sales of new motor vehicles by wholesalers; authorizing the use of in-transit plates on used vehicles; imposing certain duties on the registrar of motor vehicles; amending Minnesota Statutes 1978, Sections 168.181, Subdivision 2; 168.27, Subdivisions 6 and 17; and 168A.15, by adding a subdivision.

Reported the same back with the following amendments:

Page 3, delete Section 4 and renumber the remaining section

Further amend the title as follows:

Line 10, delete “; and 168A.15, by adding a subdivision”.

With the recommendation that when so amended the bill pass.

The report was adopted.

Moe from the Committee on Governmental Operations to which was referred:

H. F. No. 1964, A bill for an act relating to retirement; providing for an increase in employer contributions for teachers retirement funds; amending Minnesota Statutes, 1979 Supplement, Sections 354.42, Subdivision 5; and 354A.12, Subdivision 2.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Nelson from the Committee on Energy and Utilities to which was referred:

H. F. No. 1984, A bill for an act relating to energy; providing for a community development and assistance program; requiring inspection of combustion air intakes; regulating rates of cogenerating power plants; authorizing tax levies for energy conservation measures; authorizing income tax credits for commuter van purchases; inspection of insulation materials; renewable energy grants, ride sharing, fuelwood management, ethanol plant demonstration; appropriating funds; amending Minnesota Statutes 1978, Sections 116H.087; 116H.12, Subdivision 11; 116H.129, Subdivision 5; and by adding a subdivision; 275.125, by adding a subdivision; 275.50, by adding a subdivision; 290.06, by adding a subdivision; and 325.986, by adding subdivisions; Chapters 116H and 216B, by adding sections; and Minnesota Statutes, 1979 Supplement, Sections 116H.02, Subdivision 5; and 116H.22; repealing Minnesota Statutes 1978, Sections 116H.125; and 325.986, Subdivisions 1 and 2.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes, 1979 Supplement, Section 116H.02, Subdivision 5, is amended to read:

Subd. 5. “Large energy facility” means:

(a) Any electric power generating plant or combination of plants at a single site with a combined capacity of 50,000 kilowatts or more, or any facility of 5,000 kilowatts or more which requires oil, natural gas, or natural gas liquids as a fuel and for

which an installation permit has not been applied for by May 19, 1977 pursuant to Minn. Reg. APC 3(a);

(b) Any high voltage transmission line with a capacity of 200 kilovolts or more and with more than 50 miles of its length in Minnesota; or, any high voltage transmission line with a capacity of 300 kilovolts or more with more than 25 miles of its length in Minnesota;

(c) Any facility on a single site designed for or capable of storing more than one million gallons of crude petroleum or petroleum fuels or oil or their derivatives, unless the facility would be at an existing petroleum storage site and would constitute an increase of less than 20 percent in the storage capacity at that site;

(d) Any pipeline greater than six inches in diameter and having more than 50 miles of its length in Minnesota used for the transportation of coal, crude petroleum or petroleum fuels or oil or their derivatives;

(e) Any pipeline for transporting natural or synthetic gas at pressures in excess of 200 pounds per square inch with more than 50 miles of its length in Minnesota;

(f) Any facility designed for or capable of storing on a single site more than 100,000 gallons of liquified natural gas or synthetic gas;

(g) Any underground gas storage facility requiring permit pursuant to section 84.57;

(h) Any facility designed or capable of transferring more than 300 tons of coal per hour or with an annual throughput of more than 500,000 tons of coal from one mode of transportation to a similar or different mode of transportation;

(i) Any facility designed for or capable of storing more than (7,500) 75,000 tons of coal or with an annual throughput of more than 125,000 tons of coal;

(j) Any petroleum refinery;

(k) Any nuclear fuel processing or nuclear waste storage or disposal facility; and

(l) Any facility intended to convert any material into any other combustible fuel and having the capacity to process in excess of 25 tons of the material per hour.

Sec. 2. Minnesota Statutes 1978, Section 116H.087, is amended to read:

116H.087 [ENERGY CONSERVATION PUBLICITY.] The director of the energy agency in consultation with (THE DIRECTOR OF THE HOUSING FINANCE AGENCY) *other affected agencies or departments* shall develop *informational materials*, pamphlets and radio and television messages on (THE) energy conservation and housing programs available in Minnesota, *renewable energy resources, and energy supply and demand*. The (PAMPHLETS) *printed and broadcast materials* shall include information on available tax credits for residential energy conservation measures, residential retrofitting loan and grant programs, and data on the economics of energy conservation and *renewable resource* measures. (BEFORE THE PAMPHLETS OR MEDIA MESSAGES ARE RELEASED FOR GENERAL DISTRIBUTION THEY) *Copies of printed materials* shall be (REVIEWED BY) *distributed to members of the appropriate standing committees of the legislature.*

Sec. 3. Minnesota Statutes 1978, Section 116H.12, Subdivision 11, is amended to read:

Subd. 11. Beginning January 1, 1979, no new residential

(a) forced air type central furnace,

(b) cooking appliance manufactured with an electrical supply cord, or

(c) clothes drying equipment designed to burn natural gas equipped with a continuously burning pilot shall be sold or installed in Minnesota. *This subdivision shall not apply to forced air type furnaces designed for installation in mobile homes.*

Sec. 4. Minnesota Statutes 1978, Section 275.50, is amended by adding a subdivision to read:

Subd. 7. The cost to a governmental subdivision of implementing certain energy related activities is a "special levy" and is not subject to tax levy limitations contained in sections 275.50 to 275.56. Activities which may be financed pursuant to this subdivision are the administrative costs of energy planning, energy committees and energy conservation programs; the costs of making grants for energy conservation and renewable energy resource demonstrations; and the costs of energy conservation measures installed in buildings owned by the governmental subdivision which are indicated in a maxi-audit as defined in section 116H.02. No more than one mill on each dollar of the assessed valuation of taxable property in the governmental subdivision may be levied by each governmental subdivision for this purpose.

Sec. 5. Minnesota Statutes, 1979 Supplement, Section 116H.22, is amended to read:

116H.22 [FUNDS FOR SCHOOLS AND GOVERNING BODIES.] Funds to pay part or all of the actual costs of *mini-audits*, *maxi-audits* and energy conservation measures performed by or for schools and governing bodies shall be available from legislative appropriations made for that purpose in accordance with the priorities established in section 116H.23. *Funds appropriated pursuant to this section shall be available to school districts and local governmental units which submitted acceptable mini-audits or maxi-audits after April 9, 1976 and prior to July 1, 1979.*

Sec. 6. [504.28] [TENANT REMEDIES.] *Subdivision 1. [GENERALLY.] If a landlord breaches a provision of a rental agreement for residential premises and fails to remedy the breach within the period of time set forth in subdivision 3, the tenant may remedy the breach and deduct the actual expense from the rent in accordance with the provisions of this section.*

Subd. 2. [DEFINITIONS.] As used in this section, the following terms shall have the meanings given:

(a) "Landlord" means an owner, defined in Minnesota Statutes, Section 566.18, Subdivision 3.

(b) "Tenant" means a tenant as defined in Minnesota Statutes, Section 566.18, Subdivision 2.

(c) "Rental agreement" includes oral or written agreements and leases. For purposes of this section "provisions of a rental agreement" is limited to those standards mandated by section 116H.129, subdivision 3 which relate to caulking and weather-stripping.

Subd. 3. [TIME FOR REMEDY BY LANDLORD.] For the purpose of this section only, the landlord's period of time to remedy the breach shall be as set forth in this subdivision.

(a) The period shall commence when a written statement describing the breach and indicating the tenant's intention to remedy it has been deposited in the United States mail with first class postage prepaid, properly addressed to the landlord, his agent, his caretaker, or the person to whom rent is paid, or when such a statement is delivered to one of such persons, and shall terminate 60 days thereafter.

(b) Notwithstanding any provision to the contrary in this subdivision, the period shall commence upon the occurrence of the breach, whether or not the tenant attempts to inform the

landlord of the breach, and shall terminate as otherwise provided in this subdivision, if:

(1) The landlord has failed to comply with Minnesota Statutes, Section 504.22, Subdivisions 2 and 3; and

(2) The tenant does not know and is unable to learn the name and address of the landlord, his agent, his caretaker, or the person to whom rent is paid.

Subd. 4. [ACTIONS INVOLVING NONPAYMENT OF RENT.] *In any proceeding for restitution of the premises on the ground of nonpayment of rent or in any other proceeding in which the tenant's rental obligation is an issue:*

(a) If the tenant proves that the landlord breached a provision of the rental agreement, that the landlord failed to remedy the breach within the period of time set forth in subdivision 3, and that thereafter the rent was expended for the purpose of remedying the breach and that the breach was remedied, the court shall abate the tenant's rental obligation by the amount so expended and enter judgment accordingly, unless the landlord establishes by clear and convincing evidence that the tenant acted unreasonably.

(b) If the tenant proves that the landlord breached a provision of the rental agreement and that the rent was expended for the purposes of remedying the breach, but fails to prove that the landlord was given the period of time to remedy the breach set forth in subdivision 3, or if the landlord proves that during the period of time set forth in subdivision 3 the tenant unreasonably refused the landlord or his agent entry to the premises for the purpose of remedying the breach, the court shall, upon a finding that the tenant acted in good faith, abate the tenant's rental obligation by the amount which the landlord proves would have been the reasonable cost to him of remedying the breach and, in proceedings for restitution of the premises, enter an order establishing a reasonable payment schedule for the difference, if any, between the reasonable cost to the landlord of remedying the breach and the amount actually deducted; if the tenant fails to comply with such payment schedule, the landlord may, upon three days' written notice to the tenant, move for an order for judgment of restitution of the premises.

(c) In proceedings for restitution of the premises, if the tenant fails to prove that the condition which he remedied constituted a breach of a provision of the rental agreement, the court shall, upon a finding that the tenant acted in good faith, enter an order establishing a reasonable payment schedule for the rent so expended; if the tenant fails to comply with such payment schedule, the landlord may, upon three days' written notice to the tenant, move for an order for judgment of restitution of the premises.

Subd. 5. [TENDER NOT REQUIRED.] The court shall not require that the amount alleged by the tenant to have been expended under this section be tendered to the court or to the landlord as a condition to the assertion of rights under this section, provided that the court may require the tenant to produce receipts concerning the amount so expended as a condition to the assertion of rights under this section. The court may continue the proceeding for not more than two days in order to allow the tenant an opportunity to produce such receipts.

Subd. 6. [LIMITATION.] In any calendar year, a tenant may not deduct under this section an amount greater than the total of two months' rent.

Subd. 7. [LIMITATIONS; WAIVER PROHIBITED; RIGHTS AS ADDITIONAL.] The rights afforded to the tenant under this section:

(a) Shall not extend to conditions caused by the willful, malicious, or negligent conduct of the tenant or of a person under his direction or control;

(b) May not be waived or modified; and

(c) Are in addition to and shall not limit other rights available to the tenant; including the right to damages or to additional abatement of the rental obligation based upon the landlord's breach and the right to restoration of possession of the premises afforded by Minnesota Statutes, Section 504.02.

Sec. 7. [AVAILABILITY OF MATCHING FUNDS; POSITIONS.] Money appropriated by Extra Session Laws 1979, Chapter 2, Section 45, Subdivision 2, Clause (i) shall be available for use in matching federal, local or private money for district heating systems when the federal or local government or private sources, or a combination thereof, issues a letter of intent to finance the project at the rate of \$3 for each \$1 of state money. Positions authorized by Extra Session Laws 1979, Chapter 2, Section 45, Subdivision 2, may be in the classified or unclassified service.

Sec. 8. [RENEWABLE ENERGY RESOURCE RESEARCH AND DEVELOPMENT GRANTS.] The Minnesota energy agency may make grants to implement research projects and demonstrations of the use of wind and wood or agricultural residues. The director of the agency shall make grants to projects which will further the development of renewable energy technologies which utilize Minnesota energy resources. Funds shall be released to successful applicants pursuant to this section by the commissioner of finance when the federal government, a local government, private sources or a combination thereof issues a letter of intent to finance the project. State funding shall not exceed a maximum of one-third of the total cost of any project.

Funds shall be appropriated to the Minnesota energy agency for the year beginning July 1, 1980, for research on the potential of using Minnesota wetlands for plant biomass production for energy. A report of this research shall be presented to the appropriate standing committee of the legislature by March 1, 1982.

Sec. 9. [ENERGY EFFICIENT BUILDING EDUCATION.] *The energy agency shall develop a program to provide information and training to contractors, engineers and architects on techniques and standards for the design and construction of buildings which maximize energy efficiency. The program may include the production of printed materials and the development of training courses.*

Sec. 10. [ENERGY AUDITS.] *The energy agency and the consumer services division of the department of commerce shall develop a state plan for and carry out the state's responsibilities under a federally-mandated program of energy audits of residential and commercial buildings. The program shall be operated in compliance with standards established pursuant to Title 42 United States Code 8211.*

Sec. 11. [ETHANOL PLANT DEMONSTRATION.] *The university of Minnesota shall construct and operate a small scale plant for the production of ethanol. The plant shall produce ethanol from more than one resource. The plant shall operate for at least two years and shall be instrumented and monitored. The university shall determine the feasibility of utilization of byproducts produced by the plant. The plant shall be designed for easy replication by farmers. The university shall develop and print easily understandable plans and blueprints which demonstrate the construction of a small scale ethanol plant. The plans and blueprints shall be available at no cost from the agricultural extension service.*

Sec. 12. Minnesota Statutes, 1979 Supplement, Section 116H.085, is amended to read:

116H.085 [ENERGY INFORMATION CENTER.] The director shall establish an energy (CONSERVATION) information center in the agency's offices in St. Paul. The information center shall maintain a toll-free telephone information service and disseminate printed materials on energy conservation topics, including but not limited to, availability of loans and other public and private financing methods for energy conservation physical improvements, the techniques and materials used to conserve energy in buildings, including retrofitting or upgrading insulation and installing weatherstripping, the projected prices and availability of different sources of energy, and (THE) alternative sources of energy.

The energy information center shall serve as the official Minnesota alcohol fuels information center and shall disseminate information, printed, by the toll-free telephone information service, or otherwise on the applicability and technology of alcohol fuels.

The information center shall include information on the potential hazards of energy conservation techniques and improvements in the printed materials disseminated. The agency shall not be liable for damages arising from the installation or operation of equipment or materials recommended by the information center.

Sec. 13. [APPROPRIATIONS.] *Subdivision 1. The sum of \$2,740,000 is appropriated from the general fund to the agencies and for the purposes indicated in this section, to be available until June 30, 1981, except as otherwise provided in this section. Approved complement positions may be in the classified or unclassified service and shall be for the balance of the biennium ending June 30, 1981 only.*

Subd. 2. To the Minnesota energy agency:

(a) Expansion of the energy conservation information center established pursuant to Minnesota Statutes, Section 116H.085 **\$123,000**

Approved complement — 3.

(b) Energy conservation publicity pursuant to section 2 **\$380,000**

Approved complement — 4.

(c) Continued operation of fuel allocation program **\$182,000**

Approved complement — 8.

(d) Energy supply emergency plan development .. **\$ 60,000**

Approved complement — 2.

(e) Renewable energy resource research and development grants pursuant to section 8 **\$350,000**

(f) Wetlands for the plant biomass research pursuant to section 8, subdivision 1 **\$250,000**

(g) Energy efficient building education pursuant to section 9 **\$ 70,000**

Approved complement — 1.

(h) Development of energy audit program for residential and commercial buildings pursuant to section 10 \$ 70,000

Approved complement — 1.

(i) There is appropriated from the general fund to the energy agency \$25,000 for the purposes of the alcohol fuels information center established pursuant to section 12. The approved complement of the energy agency is increased by one unclassified position.

Subd. 3. To the department of natural resources for developing and implementing a fuelwood management program to increase the availability of fuelwood on public and private lands by the application of sound forest management techniques including timber stand improvements and utilization of wood residues resulting from timber harvesting and site conversion \$400,000

Notwithstanding any law to the contrary the department may make contracts for professional, technical or consulting services to implement this program.

Approved complement — 1.

Subd. 4. To the University of Minnesota for construction and operation of small scale ethanol plant and production of plans and blueprints pursuant to section 11 \$300,000

Subd. 5. To the department of administration for the purchase of 50 commuter vans for use in the state employee commuter van program established pursuant to Minnesota Statutes, Section 16.756 \$500,000

Subd. 6. To the department of commerce for development of energy audit program for commercial and residential buildings \$ 30,000

Approved complement — 1.

Sec. 14. [REPEALER.] Minnesota Statutes 1978, Sections 116H.125; and 325.986, Subdivisions 1 and 2, are repealed.

Sec. 15. [EFFECTIVE DATE.] This act is effective the day following final enactment. Section 4 is effective for taxes levied in 1980 and thereafter and payable in 1981 and thereafter."

Delete the title and insert:

"A bill for an act relating to energy; defining large energy facilities; energy conservation publicity; governmental levies for energy activities; energy resource research and development grants; energy efficient building education; energy audits; ethanol plant demonstration project; creating the alcohol fuels information center; tenant's remedies for landlord's breach of duty; appropriating funds; amending Minnesota Statutes 1978, Sections 116H.087; 116H.12, Subdivision 11; and 275.50, by adding a subdivision; and Minnesota Statutes, 1979 Supplement, Sections 116H.02, Subdivision 5; 116H.085; and 116H.22; repealing Minnesota Statutes 1978, Sections 116H.125; and 325.986, Subdivisions 1 and 2."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Swanson from the Committee on Health and Welfare to which was referred:

H. F. No. 1995, A bill for an act relating to health care; further defining "qualified expense" as it relates to catastrophic health expense protection; amending Minnesota Statutes 1978, Section 62E.52, Subdivision 3.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1978, Section 62E.12, is amended to read:

62E.12 [MINIMUM BENEFITS OF COMPREHENSIVE HEALTH INSURANCE PLAN.] The association through its comprehensive health insurance plan shall offer policies which provide the benefits of a number one qualified plan, a number two qualified plan and a qualified medicare supplement plan. They shall offer health maintenance organization contracts in those areas of the state where a health maintenance organization has agreed to make the coverage available and has been selected as a writing carrier. *Notwithstanding the provisions of section 62E.06 the state plan shall exclude coverage of services of a private duty nurse other than on an inpatient basis and any charges for treatment in a hospital located outside of the state of Minnesota in which the covered person is receiving treatment for a mental or nervous disorder.*

Sec. 2. Minnesota Statutes 1978, Section 62E.14, Subdivision 3, is amended to to read:

Subd. 3. [PRE-EXISTING CONDITIONS.] No person who obtains coverage pursuant to this section shall be covered for any pre-existing condition during the first (SIX) 12 months of coverage under the state plan if the person was diagnosed or treated for that condition during the 90 days immediately preceding the filing of an application.

Sec. 3. Minnesota Statutes 1978, Section 62E.53, is amended by adding a subdivision to read:

(Subd. 4. Health services provided outside Minnesota to eligible persons are qualified expenses in the following situations:

(1) when it is general practice for residents of Minnesota to use health services beyond the borders of this state; or

(2) when the availability of necessary medical care, services, or supplementary resources make it necessary for an individual to use health services outside the state; or

(3) where an emergency arises from accident or illness and the individual is outside the state; or

(4) where the health of the individual would be endangered if the care and services were postponed until he returns to Minnesota; or

(5) where the health of the individual would be endangered if he attempted to return to Minnesota in order to receive medical care.

Sec. 4. Laws 1979, Chapter 272, Section 12, is amended to read:

Sec. 12. [EFFECTIVE DATE.] This act is effective the day following its final enactment. (THE PROVISIONS OF SECTION 62E.11, SUBDIVISION 8, SHALL EXPIRE ON JULY 1, 1981.)

Sec. 5. *Section 1 of this act is effective on August 1, 1980 and shall apply to all hospitalizations occurring on or after said date. Section 2 is effective for policies issued on or after August 1, 1980. The remaining sections are effective the day following final enactment.*

Further, delete the title in its entirety and insert:

“A bill for an act relating to health care; excluding coverage of certain services in the Comprehensive Health Insurance Plan; extending the pre-existing condition period; qualifying certain services covered by the Catastrophic Health Expense Protection

program; repealing certain provisions; amending Minnesota Statutes 1978, Section 62E.12; 62E.14, Subdivision 3; 62E.53, by adding a subdivision; and Laws 1979, Chapter 272, Section 12.”

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Munger from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 2023, A bill for an act relating to waste management; establishing a waste management board and a legislative commission; establishing a state government resource recovery program; establishing solid waste planning assistance and demonstration programs; providing for the issuance of state waste management bonds; providing for the establishment of solid waste management districts; requiring hazardous waste management planning and development; establishing procedures for the review and approval of permits for waste facilities; authorizing debt; appropriating money; amending Minnesota Statutes 1978, Sections 116.06, Subdivisions 9, 10, 13, and by adding subdivisions; 116.07, Subdivisions 2, 4, 4a, and by adding subdivisions; 116.081, Subdivision 1; 116.101; 116.41; 400.03, Subdivision 1; 400.04; 400.06; 400.07; 400.13; 400.16; 400.161; 473.121, by adding a subdivision; 473.149; 473.502; 473.516; 473.801, Subdivision 1; 473.802; 473.803; 473.811; 473.813; 473.823, Subdivision 3, and by adding a subdivision; Chapter 400, by adding a section; and Chapter 473, by adding sections; repealing Minnesota Statutes 1978, Sections 116F.01 to 116F.05; 400.03, Subdivisions 2 to 7; 473.121, Subdivisions 27 to 31c; 473.823, Subdivisions 1, 2, and 4; and Laws 1978, Chapter 728, Section 7.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“ARTICLE I

CITATION, PURPOSE, AND DEFINITIONS

Section 1. [CITATION.] *Articles I to VIII shall be known as the waste management act of 1980.*

Sec. 2. [LEGISLATIVE DECLARATION OF POLICY; PURPOSES.] *It is the goal of articles I to VIII to improve waste management in the state to serve the following purposes:*

(a) *Reduction in waste generated;*

(b) *Separation and recovery of materials and energy from waste;*

(c) *Reduction in indiscriminate dependence on disposal of waste;*

(d) *Coordination of solid waste management among political subdivisions;*

(e) *Orderly and deliberate development and financial security of waste facilities including disposal facilities.*

Sec. 3. [DEFINITIONS.] *Subdivision 1. For the purposes of articles I to VIII, the terms defined in this section have the meanings given them, unless the context requires otherwise.*

Subd. 2. "Agency" means the pollution control agency.

Subd. 3. "Board" means the waste management board established in article II, section 1.

Subd. 4. "Cities" means statutory and home rule charter cities and towns authorized to plan under sections 462.351 to 462.364.

Subd. 5. "Collection" means the aggregation of waste from the place at which it is generated and includes all activities up to the time the waste is delivered to a waste facility.

Subd. 6. "Commercial waste facility" means a waste facility established and permitted to sell waste processing or disposal services to generators other than the owner and operator of the facility.

Subd. 7. "Degree of intrinsic hazard" of a waste means the relative propensity of the waste to migrate in the environment, and thereby to become exposed to the public, and the relative significance of the harm or damage likely to result from exposure of natural resources or the public to the waste, as a result of such inherent or induced attributes of the waste as its chemical and physical stability, solubility, bioconcentratability, toxicity, flammability, and corrosivity.

Subd. 8. "Development region" means a region designated pursuant to sections 462.381 to 462.397.

Subd. 9. "Disposal" means the discharge, deposit, injection, dumping, spilling, leaking, or placing of any waste into or on any land or water so that the waste or any constituent thereof may enter the environment or be emitted into the air, or discharged into any waters, including ground waters.

Subd. 10. "Disposal facility" means a waste facility permitted by the agency that is designed or operated for the purpose of disposing of waste on or in the land.

Subd. 11. "Generation" means the act or process of producing waste.

Subd. 12. "Generator" means any person who generates waste.

Subd. 13. "Hazardous waste" has the meaning given it in section 116.06, subdivision 13.

Subd. 14. "Intrinsic suitability" of a land area or site means that, because of the inherent and natural attributes, physical features, and location of the land area or site, the waste facility proposed to be located in the area or site would not be likely to result in material harm to the public health and safety and natural resources and that therefore the proposed facility can reasonably be expected to be permissible in accordance with agency rules.

Subd. 15. "Legislative commission on waste management" or "legislative commission" means the commission established in article II, section 11.

Subd. 16. "Local government unit" means cities, towns, and counties.

Subd. 17. "Metropolitan area" has the meaning given it in section 473.121.

Subd. 18. "Metropolitan council" means the council established in Chapter 473.

Subd. 19. "Metropolitan waste control commission" or "waste control commission" means the waste control commission established in Chapter 473.

Subd. 20. "Mixed municipal solid waste" means garbage, refuse, and other solid waste from residential, commercial, industrial, and community activities which is generated and collected in aggregate, but does not include auto hulks, street sweepings, ash, demolition and construction debris, mining waste, sludges, tree and agricultural wastes, tires, and other materials collected, processed, and disposed of as separate waste streams.

Subd. 21. "Natural resources" has the meaning given it in Chapter 116B.

Subd. 22. "Person" has the meaning given it in section 116.06, but does not include the board.

Subd. 23. "Political subdivision" means any municipal corporation, governmental subdivision of the state, local government unit, special district, or local or regional board, commission, or authority authorized by law to plan or provide for waste management.

Subd. 24. "Processing" means the treatment of waste after collection and before disposal. Processing includes but is not limited to reduction, storage, separation, exchange, resource recovery, physical, chemical, or biological modification, and transfer from one waste facility to another.

Subd. 25. "Regional development commission" means a commission established pursuant to sections 462.381 to 462.397.

Subd. 26. "Resource recovery" means the reclamation for sale or reuse of materials, substances, energy, or other products contained within or derived from waste.

Subd. 27. "Resource recovery facility" means a waste facility established and used primarily for resource recovery.

Subd. 28. "Sewage sludge" means the solids and associated liquids in municipal wastewater which are encountered and concentrated by a municipal wastewater treatment plant for disposal at a sewage sludge disposal facility. Sewage sludge does not include incinerator residues and grit, scum, or screenings removed from other solids during treatment.

Subd. 29. "Sewage sludge disposal facility" means property owned by a political subdivision and used for interim or final disposal or land spreading of sewage sludge.

Subd. 30. "Solid waste" has the meaning given it in section 116.06, subdivision 10.

Subd. 31. "Solid waste management district" or "waste district" means a geographic area extending into two or more counties in which the management of solid waste is vested in a special district established pursuant to article VIII, section 2.

Subd. 32. "Transfer station" means an intermediate waste facility in which waste collected from any source is temporarily deposited to await transportation to another waste facility.

Subd. 33. "Waste" means solid waste, sewage sludge, and hazardous waste.

Subd. 34. "Waste facility" means all property, real or personal, including negative and positive easements and water and air rights, which is or may be needed or useful for the processing or disposal of waste, except property for the collection of the

waste and property used primarily for the manufacture of scrap metal or paper. Waste facility includes but is not limited to transfer stations, processing facilities, and disposal sites and facilities.

Subd. 35. "Waste management" means activities which are intended to affect or control the generation of waste and activities which provide for or control the collection, processing and disposal of waste.

ARTICLE II

WASTE MANAGEMENT BOARD; LEGISLATIVE COMMISSION ON WASTE MANAGEMENT; STATE GOVERNMENT RESOURCE RECOVERY PROGRAM

Section 1. [WASTE MANAGEMENT BOARD; CREATION.] *There is created in the executive branch a waste management board.*

Sec. 2. [BOARD MEMBERSHIP.] Subdivision 1. [GENERAL.] *The board shall be composed of eight permanent members. Temporary members shall be added pursuant to subdivision 3.*

Subd. 2. [PERMANENT MEMBERS.] *The permanent voting members of the board are: (1) the commissioner of health; (2) the commissioner of natural resources, (3) the commissioner of agriculture, (4) the director of the energy agency; (5) the director of the pollution control agency; and (6) the commissioner of economic development; or their designees in the unclassified service. The chairperson and seventh permanent voting member of the board shall be appointed by the governor with the advice and consent of the senate to serve at the pleasure of the governor. The chairperson shall not be a representative of a state agency. The chairperson shall not hold other elected or appointed public office or employment. The director of the planning agency, or the director's designee in the unclassified service, shall serve, ex officio, as the eighth permanent member of the board.*

Subd. 3. [TEMPORARY MEMBERS.] *For the purposes of each project review conducted by the board under article III and article IV, and for the purpose of preparing and adopting the hazardous waste facilities development and disposal abatement plan under section 8 and making decisions on the elements of the certification of need for disposal required under article III, six local representatives shall be added to the board as temporary voting members, as provided in article III, section 6, subdivision 4, and article IV, section 2, subdivision 3, and section 3, subdivision 3.*

Sec. 3. [POWERS OF THE BOARD.] Subdivision 1. [GENERAL.] *The board shall have such powers and duties*

as are prescribed by articles I to VIII and all powers necessary or convenient to discharge its duties.

Subd. 2. [RULES.] *The board may promulgate rules necessary or required to govern its activities and implement articles I to VIII. The rules shall be promulgated in accordance with chapter 15.*

Subd. 3. [ACTIONS.] *The board may sue and be sued.*

Subd. 4. [ACQUISITION OF SITES FOR HAZARDOUS WASTE FACILITIES.] *The board may direct the commissioner of administration to acquire by purchase, lease, condemnation, gift, or grant, any right, title, and interest in and to real property, including positive and negative easements and water, air, and development rights, for sites and buffer and impact areas surrounding sites for hazardous waste facilities approved by the board pursuant to articles III and IV. Money for the acquisition of any real property and interest in real property pursuant to this subdivision shall come from the issuance of state waste management bonds in accordance with article VII. The property shall be leased to the owner and operator of the hazardous waste facility located thereon at a rate sufficient to pay debt service on the bonds and the public costs of evaluating the eligibility of the property for inclusion in the inventory under section 7 or candidacy under article III. Any local government unit and the commissioners of transportation, natural resources, and administration may convey or allow the use of any property for such sites and areas, subject to the rights of the holders of any bonds issued with respect thereto, with or without compensation and without an election or approval by any other government agency. Land owned by the state may be exchanged for land not owned by the state for the purpose of providing a site and buffer area for a commercial hazardous waste facility, in accordance with the provisions of section 94.341 and other law. The commissioner of administration may hold the property for the purposes for which it was acquired, and may lease, rent, or dispose of the property so far as not needed for such purposes, upon the terms and in the manner the commissioner deems advisable. The right to acquire lands and property rights by condemnation shall be exercised in accordance with chapter 117. The commissioner of administration may take possession of any property for which condemnation proceedings have been commenced at any time after the issuance of a court order appointing commissioners for its condemnation. The value of any property for uses other than the highest and best use permitted by law prior to the identification of the property as a preferred or candidate site for a facility shall not be considered in establishing the value of the property in the condemnation proceeding.*

Subd. 5. [RIGHT OF ACCESS.] *Whenever the board deems it necessary to the accomplishment of its purposes, the board*

or any member, employee, or agent thereof, when authorized by it, may enter upon any property, public or private, for the purpose of obtaining information or conducting surveys or investigations, provided that the entrance and activity is undertaken after reasonable notice and during normal business hours and provided that compensation is made for any damages to the property caused by the entrance and activity.

Subd. 6. [GIFTS AND GRANTS.] The board or the commissioner of administration may apply for and accept gifts, loans, or other property from the United States, the state, or any person for any of the purposes of the board, may enter into any agreement required in connection therewith, and may hold, use, and dispose of the money or property in accordance with the terms of the gift, grant, loan or agreement.

Subd. 7. [PROPERTY EXEMPT FROM TAXATION.] Any real or personal property owned, leased, controlled, used, or occupied by the board or the commissioner of administration for any purpose referred to in articles I to VIII is declared to be acquired, owned, leased, controlled, used, and occupied for public and governmental purposes, and shall be exempt from taxation by the state or any political subdivision of or other governmental unit of or within the state, provided that those properties shall be subject to special assessments levied for a local improvement in amounts proportionate to and not exceeding the special benefit received by the properties from the improvement. No possible use of the properties in any manner different from their use for hazardous waste management at the time shall be considered in determining the special benefit received by the properties.

Subd. 8. [CONTRACTS.] The board may enter into any contract necessary or proper for the exercise of its powers or the accomplishment of its purposes.

Subd. 9. [JOINT POWERS.] The board may act under the provisions of Minnesota Statutes, Section 471.59, or any other law providing for joint or cooperative action.

Subd. 10. [RESEARCH.] The board may conduct research studies and programs, collect and analyze data, prepare reports, maps, charts, and tables, and conduct all necessary hearings and investigations in connection with its work and may advise and assist other government units on planning matters within the scope of its powers, duties, and objectives.

Subd. 11. [EMPLOYEES; CONTRACTS FOR SERVICES.] The board may employ persons and contract for services to perform research, engineering, legal, or other services necessary to carry out its functions.

Subd. 12. [INSURANCE.] The board may require any employee to obtain and file with it an individual bond or fidelity insurance policy. It may procure insurance in amounts it deems necessary to insure against liability of the board and employees or both, for personal injury or death and property damage or destruction, with the force and effect stated in Minnesota Statutes, Chapter 466, and against risks of damage to or destruction of any of its property as it deems necessary.

Sec. 4. [DUTIES OF THE BOARD; GENERAL.] *Subdivision 1. [INTERAGENCY COORDINATION.] The board shall inform the state planning agency of its activities in accordance with section 4.191. The board shall keep the pollution control agency informed of its activities, solicit the advice and recommendations of the agency, and coordinate its work with the regulatory and enforcement activities of the agency. The rules of the board shall provide for such communication and coordination.*

Subd. 2. [BIENNIAL REPORT.] Before November 15 of each even-numbered year the board shall prepare and submit to the legislative commission a report of its operations and activities pursuant to Articles I to VIII and any recommendations which it wishes to make for legislative action. The report shall include a proposed work plan for the following biennium.

Sec. 5. [DUTIES OF THE AGENCY; SOLID WASTE MANAGEMENT PLANNING ASSISTANCE.] *Commencing July 1, 1981, the agency shall be the state agency responsible for providing technical and financial assistance to political subdivisions of the state for solid waste management planning and demonstration projects pursuant to articles V and VI. The board may contract for the delivery of technical assistance by the agency in accordance with rules of the board.*

Sec. 6. [DUTIES OF THE BOARD; HAZARDOUS WASTE MANAGEMENT REPORTS.] *Subdivision 1. [REPORT ON LIABILITY AND LONG-TERM CARE.] By January 1, 1981, the board shall report and make recommendations to the legislative commission on the management and financing of liability and post-closure monitoring and care for hazardous waste facilities in the state. The commissioner of economic development shall conduct background research and shall report to the board by July 1, 1980, on the subject of the report required by this subdivision and on additional research needed to complete the report and recommendations.*

Subd. 2. [REPORT ON PRIVATE INVESTMENT IN HAZARDOUS WASTE MANAGEMENT.] By January 1, 1981, the board shall report and make recommendations to the legislative commission on alternative state strategies to promote and secure private investment in hazardous waste management services, technologies, and facilities. The report at least shall

evaluate: (a) strategies to promote and secure investments by generators in waste reduction, separation, pretreatment, and recovery; (b) strategies to secure generator assistance in the establishment and financing of hazardous waste facilities either directly through joint investment or indirectly through taxation; (c) strategies to protect the public against business failure by owners and operators of hazardous waste facilities; (d) strategies to promote and secure investment by the private waste management industry in hazardous waste facilities in the state. The report shall recommend priorities, objectives, and appropriate legislation for promoting and securing private investment in hazardous waste management. The commissioner of economic development shall conduct background research and shall report to the board by July 1, 1980, on the subject of the report required by this subdivision and on additional research needed to complete the report and recommendations.

Subd. 3. [REPORT ON INTERSTATE COOPERATION.] By January 1, 1981, the board shall report and make recommendations to the legislative commission on actions to develop interstate cooperation in hazardous waste planning and management. The board shall make recommendations on uniformity of state laws, regulations, and enforcement and on coordination of decisions on facility development and use. The director of the state planning agency shall conduct background research and shall report to the board by July 1, 1980, on the report required by this subdivision and on additional research needed to complete the report and recommendations.

Subd. 4. [REPORT ON HAZARDOUS WASTE MANAGEMENT STRATEGIES.] By January 1, 1982, the board shall report to the legislative commission on hazardous waste management strategies. The report shall include at least the following elements:

(a) an estimate of the types and volumes of waste for which disposal facilities are and will be needed through the year 2000, based on existing and projected hazardous waste generation rates without regard to potential waste reduction, separation, pretreatment, processing, and resource recovery activity except that provided by services and facilities in operation or under construction;

(b) an evaluation of alternative disposal facilities, disposal facility technologies, and disposal facility design and operating specifications;

(c) an analysis of prospects, strategies, and methods for developing commercial hazardous waste disposal facilities of various types, sizes, and functions;

(d) an analysis and evaluation of all feasible and prudent alternatives to disposal, including waste reduction, separation,

pretreatment, processing, and resource recovery, and the potential of such alternatives to reduce the need for and practice of disposal;

(e) a description of specific and quantifiable alternative disposal abatement objective and degrees of abatement, along with hazardous waste management methods and technologies, private and government actions, facilities and services, development schedules, revenue-raising measures, and levels of public and private expenditure and effort necessary to the achievement of those alternative objectives and degrees of abatement.

Subd. 5. [REPORT ON MITIGATION OF LOCAL EFFECTS OF HAZARDOUS WASTE FACILITIES.] By January 1, 1982, the board shall report and make recommendations to the legislative commission on methods of mitigating and compensating for the local risks, costs, and other adverse effects of various types of hazardous waste facilities and on methods of financing mitigation and compensation measures. The methods of mitigating and compensating to be considered shall include but not be limited to the following: payment outside of levy limitations in lieu of taxes for all property taken off the tax rolls; preference in reviews of applications for federal funds conducted by the metropolitan council and regional development commissions; payment of all costs to service the facilities including the cost of roads, monitoring, inspection, enforcement, police and fire, and litter clean up costs; payment for buffer zone amenities and improvement; local control over buffer zone design; a guarantee against any and all liability that may occur.

Subd. 6. [PREPARATION OF HAZARDOUS WASTE REPORTS; PROCEDURES v. PUBLIC INVOLVEMENT.] By January 1, 1981, the board shall submit a proposed scope of work and work program for the hazardous waste reports required by subdivisions 4 and 5 to the legislative commission for review. During the preparation of the proposed scope of work and work plan and the reports, the board shall encourage public debate and discussion of the issues relating to the reports. The board shall meet with local officials and sponsor at least one public meeting in areas of the state affected by the inventory of preferred processing facility sites prepared pursuant to section 7. The board shall follow the procedures set out in article III, section 6, for consulting with citizens in areas affected by the selection of candidate sites for disposal facilities. The board shall request recommendations from the private waste management industry, the advisory committee, affected regional development commissions, and the metropolitan council and shall consult with them on the board's intended disposition of the recommendations. The board shall summarize in its reports the comments received and the board's response to the comments.

Subd. 7. [GRANTS.] To assist it in preparing the report required by subdivision 4, the board may make grants to institu-

tions of higher learning for research, feasibility studies, and public education and participation programs relating to the subjects required to be considered in the reports. To assist in preparing the reports required by subdivisions 4 and 5, the board shall make grants to each local project review committee established for a candidate site for disposal identified under article III, section 5. The grants may be used by the committee to employ staff, pay administrative expenses, or contract with affected units of government or qualified consultants.

Sec. 7. [DUTIES OF THE BOARD; INVENTORY OF PREFERRED SITES FOR HAZARDOUS WASTE PROCESSING FACILITIES.] *Subdivision 1. [BOARD RESPONSIBILITY.]* By October 1, 1981, the board shall prepare and adopt an inventory of preferred sites for commercial hazardous waste processing facilities. The inventory shall include at least three sites for each of the following categories of processing facilities: (a) a commercial chemical processing facility for hazardous waste, (b) a commercial incineration facility for hazardous waste, and (c) a commercial transfer and storage facility for hazardous waste.

Subd. 2. [INVENTORY PREPARATION PROCEDURES.] By June 1, 1981, the board shall propose the inventory of sites. Any county in which a site is proposed for inclusion in the inventory may propose an alternative site or sites to the board. The board shall evaluate the sites in consultation with the advisory committee, the affected counties and regions, generators of hazardous waste, and prospective facility developers. In its evaluation the board shall consider at least the consistency of sites with state and federal regulations, local land use and land use controls, existing and future development patterns, transportation and other services appropriate to the hazardous waste facilities, the quality of other potential sites, and the location of hazardous waste generators. No site shall be included in the inventory unless the agency certifies its intrinsic suitability for the use intended, based on preliminary environmental analysis. No land shall be excluded from consideration for inclusion in the inventory except land determined by the agency to be intrinsically unsuitable for the use intended.

Subd. 3. [ADOPTION; EFFECT.] The inventory of sites shall be adopted by October 1, 1981. The inventory shall not exclude other locations in the state from consideration as sites, but appearance in the inventory shall signify that a site is available for facility development and shall qualify it for supplementary review under article IV. When any site in the inventory becomes unavailable as a hazardous waste facility site, the inventory shall be amended, in the manner of its original adoption, provided, however, that during the period when the inventory is being amended any other site in the inventory may be reviewed and approved under article IV.

Subd. 4. [GRANTS; TECHNICAL ASSISTANCE.] To assist counties participating in the inventory required by this section, the board shall make grants to the counties to be used to employ staff, pay administrative expenses, or contract with qualified consultants. The board shall ensure the delivery to the counties of technical information and assistance by appropriate state agencies.

Sec. 8. [DUTIES OF THE BOARD; HAZARDOUS WASTE FACILITIES DEVELOPMENT AND DISPOSAL ABATEMENT PLAN.] *Subdivision 1. [PREFERENCE FOR PRIVATE ENTERPRISE.] The board shall encourage the development and operation of hazardous waste facilities by private enterprise to the extent practicable and consistent with the purposes of articles I to VIII and the board's facilities development and disposal abatement plan. In preparing the reports under section 6 and the inventory of processing facility sites under section 7, in adopting the facilities development and disposal abatement plan under subdivision 2 of this section, and in its actions and decisions under articles III and IV, the board shall solicit the active participation of private waste management firms and shall so conduct its activities as to encourage private permit applications for facilities needed in the state.*

Subd. 2. [FACILITIES DEVELOPMENT AND DISPOSAL ABATEMENT PLAN.] By May 1, 1982, the board shall adopt a facilities development and disposal abatement plan. The plan shall include at least the following elements:

(a) a certificate or certificates of need for disposal facilities issued pursuant to and in accordance with article III, section 9;

(b) a strategy, including specific and quantifiable objectives, for developing the alternatives to disposal determined by the board to be feasible and prudent, along with a description of the methods, private and government actions, facilities and services, development schedules, revenue-raising measures, and levels of public and private expenditure and effort necessary to the implementation of the disposal abatement strategy and the achievement of the disposal abatement objectives.

Subd. 3. [SELECTING PERMITTEES; STANDARDS AND PROCEDURES.] The board shall promulgate rules for accepting, evaluating, and selecting applications for permits for the construction and operation of facilities at sites preferred or selected by the board pursuant to section 7 or article III. The rules shall include standards and procedures for making determinations on the minimum qualifications, including technical competence and financial capability, of permit applicants. The rules shall include standards and procedures for soliciting and accepting bids or permit applications and for selecting developers and

operators of hazardous waste disposal facilities at sites chosen by the board pursuant to article III, which shall include a preference for qualified permit applicants who control a site chosen by the board.

Sec. 9. [BOARD; FEDERAL FUNDS.] Federal funds received by the state under PL 94-580, the Resource Conservation and Recovery Act of 1976, shall be allocated to the board for its responsibilities in accordance with the applicable provisions and amendments of PL 94-580 and guidelines and regulations promulgated pursuant thereto.

Sec. 10. [ADVISORY COMMITTEES.] Subdivision 1. [SOLID WASTE MANAGEMENT.] The agency shall establish a solid waste management advisory committee broadly representative of the geographic areas and interests of the state. The committee shall have not less than 15 nor more than 30 members. The membership shall consist of one-third citizen representatives, one-third representatives from local government units, and one-third representatives from private solid waste management firms. The committee shall contain at least one member experienced in each of the following areas: state and municipal finance; solid waste collection, processing, and disposal; and solid waste reduction and resource recovery. The chairperson of the advisory committee shall be appointed by the agency. The agency shall provide administrative and staff services for the advisory committee.

Subd. 2. [HAZARDOUS WASTE MANAGEMENT PLANNING.] The board shall establish a hazardous waste management planning advisory committee broadly representative of the geographic areas and interests of the state. The committee shall have not less than 15 nor more than 30 members. The membership shall consist of one-third citizen representatives, one-third representatives from local government units, and one-third representatives of hazardous waste generators and private hazardous waste management firms.

The chairperson of the advisory committee shall be appointed by the board. The board and its constituent agencies shall provide administrative and staff services for the advisory committee.

Subd. 3. [DUTIES AND AUTHORITY.] The advisory committees shall have such duties as are assigned by law or the board or agency. The solid waste management advisory committee shall make recommendations to the agency on its solid waste management activities. The hazardous waste management planning advisory committee shall make recommendations to the board on its activities under article II, sections 6, 7, and 8 and article III, sections 3 and 5.

Subd. 4. [COMPENSATION.] Members of the advisory committees shall serve without compensation but shall be reim-

bursed for their reasonable expenses as determined by the board or agency.

Sec. 11. [BOARD; EXPIRATION.] *The board shall cease to exist on June 30, 1987.*

Sec. 12. [LEGISLATIVE COMMISSION ON WASTE MANAGEMENT.] *Subdivision 1. [CREATION, MEMBERSHIP, VACANCIES.] There is created in the legislative branch a legislative commission on waste management. The commission shall consist of 14 members appointed as follows:*

(1) *Seven members of the senate to be appointed by the subcommittee on committees and to serve until their successors are appointed;*

(2) *Seven members of the house to be appointed by the speaker and to serve until their successors are appointed;*

(3) *Vacancies occurring on the commission shall not affect the authority of the remaining members of the commission to carry out the functions thereof, and such vacancies shall be filled in the same manner as the original positions.*

Subd. 2. [STAFF] *The commission is authorized, without regard to the civil service laws and regulations, to appoint and fix the compensation of such additional legal and other personnel and consultants as may be necessary to enable it to carry out its functions, or to contract for services to supply necessary data, except that any state employees subject to the civil service laws and regulations who may be assigned to the commission shall retain civil service status without interruption or loss of status or privilege.*

Subd. 3. [DATA FROM STATE AGENCIES; AVAILABILITY.] *The commission may request information from any state officer or agency in order to assist it in carrying out its duties and such officer or agency is authorized and directed to promptly furnish any data required.*

Subd. 4. [POWERS AND DUTIES.] *The commission shall review and approve the biennial report of the board. The commission shall oversee the activities of the board and direct such changes or additions in the work plan of the board as it deems fit. The commission may conduct public hearings and otherwise secure data and expressions of opinion. The commission shall make such recommendations as it deems proper to assist the legislature in formulating legislation. Any data or information compiled by the commission shall be made available to any standing or interim committee of the legislature upon request of the chairperson of the respective committee.*

Subd. 5. [EXPIRATION.] *The commission shall cease to exist on June 30, 1985.*

Sec. 13. [STATE GOVERNMENT RESOURCE RECOVERY.] *Subdivision 1. [ESTABLISHMENT OF PROGRAM.] There is established within state government a resource recovery program to promote the reduction of waste generated by state agencies, the separation and recovery of recyclable and reuseable commodities, the procurement of recycable commodities and commodities containing recycled materials, and the uniform disposition of recovered materials and surplus property. The program shall be administered by the commissioner of administration.*

Subd. 2. [DUTIES OF COMMISSIONER.] The commissioner of administration shall develop policies to reduce the volume of waste generated by state agencies. The commissioner shall develop and institute procedures for the separation, collection, and storage of used commodities wherever feasible in state agencies and shall establish policies for the reuse, sale, or disposition of recovered materials and surplus property. The commissioner shall promote and publicize the waste reduction and waste separation and recovery procedures on an on going basis to all state employees. The commissioner shall issue guidelines for the procurement of recyclable commodities and commodities containing recycled materials that include definitions of recycled materials, the percentage of recycled materials to be contained in each commodity and performance specifications. To the extent practicable, the guidelines shall be written so as to give preference to recyclable commodities and commodities containing recycled materials. The commissioner shall inform state agencies whenever recycled commodities are available for purchase. The commissioner shall investigate opportunities for the inclusion of local governments and regional agencies in administrative programs to reduce, separate, and recover waste materials. The commissioner shall investigate opportunities for the inclusion of local governments and regional agencies in the resource recovery program.

Subd. 3. [POWERS OF COMMISSIONER.] The commissioner of administration shall have such powers as are necessary to implement and operate the program. All state agencies shall comply with the policies, guidelines, and procedures established by the commissioner pursuant to this section. The commissioner shall have the power to issue orders to compel such compliance.

Subd. 4. [STAFF.] The commissioner of administration shall employ an administrator to manage the resource recovery program and such other staff and consultants as are necessary to carry out the program.

Subd. 5. [REPORTS.] By January 1, 1981, and each odd-numbered year thereafter, the commissioner of administration shall submit a report to the governor and to the legislative commission summarizing past activities and proposed goals of the program for the following biennium. By July 1, 1980, and thereafter within three months following the commissioner's report to the legislative commission, the directors of the energy agency

and the pollution control agency shall submit recommendations to the commissioner regarding the operation of the program.

Subd. 6. [RESOURCE RECOVERY REVOLVING ACCOUNT.] Upon the certification of the commissioner of administration, the commissioner of finance shall establish an account in the general services revolving fund, effective June 30, 1980, for the operation of the state government resource recovery program. The revolving account shall consist of all funds appropriated by the state for the program and all revenues resulting from the sale of used commodities made available for sale as a result of the resource recovery program. The account may be used for all activities associated with the program including payment of administrative and operating costs.

ARTICLE III

COMMERCIAL HAZARDOUS WASTE DISPOSAL FACILITIES

Section 1. [LEGISLATIVE FINDINGS; PURPOSE.] The legislature finds that proper management of hazardous waste generated in the state is needed to conserve and protect the natural resources in the state and the health, safety, and welfare of its citizens, that the establishment of safe disposal facilities is necessary to properly manage the waste, that this cannot be accomplished solely by the activities of private persons and political subdivisions acting alone or jointly, and that therefore it is necessary to provide a procedure for making final determinations on the locations, sizes, types, and functions of such facilities.

Sec. 2. [PROCEDURE NOT EXCLUSIVE.] The procedure established by this article for the permitting of hazardous waste disposal facilities is not exclusive and shall not preclude the issuance of other permits by the agency pursuant to section 116.07.

Sec. 3. [SITE EVALUATION FACTORS.] In evaluating and selecting sites for disposal facilities, the board shall consider at least the following factors:

(a) economic feasibility and viability and proximity to concentrations of generators of the types of hazardous wastes likely to be proposed and permitted for disposal;

(b) willingness of qualified private waste management firms to establish a facility at the site, as indicated by facility proposals and permit applications;

(c) intrinsic suitability of the sites;

(d) *federal and state pollution control and environmental protection rules;*

(e) *the risk and effect for local residents, units of government, and the local public health, safety, and welfare, including such dangers as an accidental release of wastes during transportation to a facility or at a facility, water, air, and land pollution, and fire or explosion;*

(f) *the consistency of a facility with, and its effect on, existing and planned local land use and development; local laws, ordinances, and permits; and local public facilities and services;*

(g) *the adverse effects of a facility at the site on the natural environment, resources, and ecology and scenic, cultural, historic, aesthetic, and recreational values, and opportunities to mitigate or eliminate such adverse effects by stipulations, conditions, and requirements respecting the design and operation of a disposal facility at the proposed site.*

No land shall be excluded from consideration except land determined by the agency to be intrinsically unsuitable for the use intended.

Sec. 4. [RULES NOT REQUIRED.] *The board shall not be required to promulgate rules pursuant to chapter 15 governing its activities under this article.*

Sec. 5. [CANDIDATE SITES.] *Subdivision 1. [SELECTION.] By July 1, 1981, the board shall select six locations in the state as candidate sites for commercial disposal facilities for hazardous waste. No location shall be selected as a candidate site 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 board or agency. The board shall consult with the agency and the private waste management industry in selecting candidate sites. Any sites proposed in applications for permits for disposal facilities being reviewed by the agency on July 1, 1981, may be included by the board as candidate sites, provided the agency certifies the intrinsic suitability of the sites.*

Subd. 2. [PROCEDURE.] As soon as practicable, the board shall publish a request soliciting proposals and permit applications for hazardous waste disposal facilities from potential developers and operators of such facilities. Notice of the request shall be published in the state register and newspapers of general circulation in the state and shall be transmitted to all regional development commissions, the metropolitan council, and all counties in the state. By January 1, 1981, for the purpose only of informing the selection of candidate sites under this section, the board shall select conceptual design and operating specifications for a variety of hazardous waste disposal facilities

in sufficient detail and extent in the judgment of the board to allow the evaluation of sites and the selection of candidate sites. By January 1, 1981, the board shall notify each regional development commission, or the metropolitan council, and each county, city, and town within whose jurisdiction the board intends to search for candidate sites. The notification shall explain the selection of the jurisdiction as a search area; shall summarize the conceptual specifications and the evaluation factors, criteria, standards, and procedures the board intends to use in selecting candidate sites; and shall describe the relationship of the candidate site selection process to the other review procedures under this article and the hazardous waste reports and plans required under article II. The notification shall request recommendations and suggestions from each such commission, the metropolitan council, and county, city, and town on the criteria, standards, and procedures the board should use in selecting candidate sites within the time allowed. The board shall make a written response to any recommendations, explaining its disposition of the recommendations.

Subd. 3. [MORATORIUM.] A moratorium is hereby imposed on all development, except hazardous waste facilities, within each candidate site identified pursuant to this section and in a buffer area identified by the board surrounding and at least equal in area to the site. The moratorium shall extend until six months following final action of the board pursuant to this article. No such development shall be allowed to occur within a proposed site or buffer area during the period of the moratorium. No county, city, or town land use control shall permit such development, nor shall any county, city, or town sanction or approve any subdivision, permit, license, or other authorization which would allow such development to occur.

Sec. 6. [PARTICIPATION BY AFFECTED LOCALITIES.]
Division 1. [GENERAL.] In order systematically to involve those who would be affected most directly by disposal facilities in all decisions leading to their establishment, the board's decisions on the preliminary specifications under section 7, the reports referred to in section 8 and the certification of need required under section 9 shall not be made until after the establishment of local project review committees for each candidate site, with representation on the board, pursuant to this section.

Subd. 2. [ESTABLISHMENT OF LOCAL PROJECT REVIEW COMMITTEES.] A local project review committee shall be established for each location selected as a candidate site. The local committee shall exist, and its members shall serve, so long as the location for which the committee was formed is a candidate site or, for the site or sites finally chosen, until the commencement of the operation of the facility at that site.

Subd. 3. [MEMBERSHIP ON LOCAL COMMITTEES.] By August 1, 1981, the governor shall appoint the chairperson and members of each local project review committee, ensuring

a balanced representation of all parties with a legitimate and direct interest in the outcome of the project review. The governor shall consult particularly with affected local units of government before selecting members. Members may be added to the local committee from time to time by the governor or by the governor upon motion of the committee or the board.

Subd. 4. [APPOINTMENT OF TEMPORARY BOARD MEMBERS.] *By September 1, 1981, each local committee shall select a temporary board member to be added to the board for the purposes of the reports, certifications, and review conducted under this article. Temporary board members may be members of the local project review committee, and they shall be residents of the county where the candidate site is located.*

Subd. 5. [DUTIES OF LOCAL COMMITTEES.] *During the review, the local project review committee shall: inform affected local communities, government units, and residents of the proposed land containment and disposal facilities and of the planning and environmental review process relating to the proposed facilities; solicit and record local attitudes and concerns respecting the proposed facilities and represent and communicate such attitudes and concerns to the board, the legislative commission, the environmental quality board, the agency, and other units and agencies of government; and act as a forum for the exchange of local attitudes and concerns and the development, where possible, of local consensus.*

Subd. 6. [TECHNICAL ASSISTANCE; GRANTS.] *To assist local project review committees to participate in the certification of need and the review process, the board shall make grants to the committees to be used to employ staff, pay administrative expenses, or contract with qualified consultants. The board shall ensure the delivery to the committees of technical information and assistance by appropriate state agencies.*

Sec. 7. [DISPOSAL FACILITIES; PRELIMINARY DESIGN AND OPERATING SPECIFICATIONS.] *By January 1, 1982, the board shall select, for further study and consideration, design and operating specifications for a variety of disposal facilities for hazardous waste, in sufficient detail and extent in the judgement of the agency to allow the agency to begin preparing an environmental impact statement on the alternative facilities at each of the candidate sites pursuant to section 10. The preliminary design and operating specifications shall describe the facility alternatives which will be considered at each site but shall not foreclose the subsequent addition by the board or agency of other disposal facility alternatives to be considered.*

Sec. 8. [HAZARDOUS WASTE MANAGEMENT REPORTS.] *The board shall prepare and submit the hazardous waste management reports required by Article II, section 6, subdivisions 4 and 5, in consultation with the local project review*

committees. The board shall request recommendations from the local committees and shall consult with the committees on the board's intended disposition of the recommendations. In its reports, the board shall summarize the recommendations of the committees and the board's response to the recommendations. Before submitting the reports, the board shall hold at least one public meeting in each county in which a candidate site is located. Notice of the public meeting shall be published in a newspaper or newspapers of general circulation in the area for two successive weeks ending at least 15 days before the date of the meeting. The notice shall describe the proposed facilities, the proposed location, the purpose of the board's report to the legislature, and the subsequent and related activities of the board.

Sec. 9. [CERTIFICATION OF NEED.] By May 1, 1982, as part of its facilities development and disposal abatement plan adopted under article II, section 8, the board shall issue a certificate or certificates of need for disposal facilities for hazardous wastes in the state. The certificate or certificates shall indicate the types and volumes of waste for which disposal facilities are and will be needed through the year 2000 and the number, types, sizes, and general design, operating character, and function or use of the disposal facilities needed in the state. The board shall certify need only to the extent that the board has determined that there are no feasible and prudent alternatives including waste reduction, separation, pretreatment, processing, and resource recovery which would minimize adverse impact upon natural resources, provided that the board shall require the establishment of at least one commercial disposal facility in the state. Economic considerations alone shall not justify certification nor the rejection of alternatives. The certification shall be the final determination required on the matters decided by the certificate or certificates of need. The board and the permitting agencies, in reviewing and selecting sites, completing environmental impact statements, and issuing approvals and permits for waste disposal facilities described in the certificate or certificates of need, shall not reconsider matters determined in the certification. The board and the permitting agencies shall be required to make a final decision approving the establishment of facilities having the waste management capabilities described in the certification. The board and the permitting agencies shall be required to make a final decision approving the establishment of at least one commercial disposal facility for hazardous waste in the state.

Sec. 10. [AGENCY; ENVIRONMENTAL REVIEW PROCEDURES.] Subdivision 1. [ENVIRONMENTAL IMPACT STATEMENT.] An environmental impact statement meeting the requirements of chapter 116D shall be completed by the agency. The parts of the statement required by the board to prepare the reports required by article II, section 6, subdivisions 4 and 5, the plan required by article II, section 8, and the certification of need required by section 9 of this article shall be finally accepted or rejected at least 90 days before the report, plan, or

certification is required. The parts of the statement required to make decisions pursuant to sections 11 and 12 on disposal facilities at each candidate site shall be finally accepted or rejected within 120 days following the issuance of a certificate or certificates of need under section 9.

Subd. 2. [PUBLIC DISCLOSURE.] Before commencing preparation of the environmental impact statement, the agency shall issue a document summarizing and making full disclosure of the intended objectives and contents of the environmental impact statement and the environmental review. Announcement of the disclosure shall be published in the state register. The disclosure shall:

- (a) identify the candidate sites;
- (b) summarize preliminary design and operating specifications and indicate where and when the specifications are available for inspection;
- (c) describe as fully as possible the object of the review, including the significant actions, issues, alternatives, types of impacts, and compensation and mitigation measures expected to be addressed in the statement; the depth of the analysis expected; and subjects which the statement will not address in depth because they have been disposed of previously or because they are believed to be insignificant or remote and speculative;
- (d) identify, by reference and brief summary, any related planning activities and environmental reviews which have been, are being, or will be conducted, and the substantive, chronological, and procedural relationship between the proposed review and the other activities and reviews;
- (e) identify the membership and address of the local project review committees and the names of the local representatives on the board;
- (f) summarize the comments and suggestions received from the public pursuant to subdivision 3 and the agency's response.

Subd. 3. [PUBLIC PARTICIPATION PROCEDURES.] The public disclosure document shall be issued following diligent effort to involve the public in determining the objective and contents of the environmental impact statement. At least one public meeting shall be held in each county with a candidate site. The advice of the board, facility developers, state agencies, the local project review committees, and local units of government shall be actively solicited. The agency may engage the state hearing examiner to conduct meetings and make recommendations concerning the review. Each local project review committee shall present to the agency a written report summarizing local concerns and attitudes about the proposed action and the specific

issues which the local communities and residents wish to see addressed in the environmental review.

Sec. 11. [AGENCIES; PERMIT CONDITIONS.] *Within 60 days following the acceptance of the final environmental impact statement, and after consulting with the board, facility developers, affected local government units, and the local project review committees, the permitting state agency or agencies shall finally indicate the conditions and terms of agency approval for all permits needed at each candidate site for construction of the facilities described in the board's certification of need. The agency decisions shall be consistent with the establishment of facilities in accordance with the certification of need.*

Sec. 12. [FINAL ACTION.] *Subdivision 1. [DECISION OF BOARD.] Within 60 days following the agency decisions on permit conditions, and after consulting with private facility developers, the agency, affected local government units, and the local project review committees, the board shall finally select the site or sites for the facilities and shall submit or cause to be submitted final permit applications. The final permit applications shall contain the provisions required by the permitting agencies, plus other stipulations, conditions, and requirements of the board relating to the facility as may be consistent with the certification of need and the agency rules and permit conditions. The board's decision shall finally resolve any conflicts among state agency permit terms and conditions. The board's decision and the permit applications shall provide for the establishment of facilities having the waste management capabilities described in the board's certification of need.*

Subd. 2. [BOARD'S DECISION PARAMOUNT.] To assure the paramount and controlling effect of the review process conducted under this article, the board's decision pursuant to subdivision 1 shall be final and shall supersede and preempt conflicting requirements of state agencies and political subdivisions. The permitting agencies shall issue permits within 30 days in accordance with the board's final decision and the final permit applications. All construction and operating permits shall conform to the terms of the decision and applications. No charter provision, ordinance, regulation, permit, or other requirement of any state agency or political subdivision shall prevent or restrict the establishment and operation of a facility in accordance with the final decision of the board.

Sec. 13. [RECONCILIATION AND INTERVENTION PROCEDURES.] *Subdivision 1. [REPORTS TO LEGISLATIVE COMMISSION.] At least 30 days before making final decisions on final site selection and permit application under section 12, the board may report to the legislative commission describing permit conditions or requirements being considered which are not within the existing authority of the agency or the board or which would require legislation or public financial assistance. The report shall not raise issues previously decided by*

the board's certification of need. In any such report the board may request the commission to intervene in the review.

Subd. 2. [PRE-INTERVENTION ASSESSMENT.] If the legislative commission determines that intervention might be warranted under the terms of subdivision 1, the commission may suspend the review process for up to 60 days to allow a pre-intervention assessment. The pre-intervention assessment shall be conducted by an independent, impartial, and qualified public intervenor appointed by the commission with the advice and consent of the parties to the dispute. The intervenor shall report to the commission. The report shall include:

(a) an assessment of whether the dispute is ripe for mediation and whether the parties are willing to mediate;

(b) an assessment of whether, within the terms of subdivision 1, substantive issues exist which were not decided by the certification of need and which cannot be resolved effectively through normal administrative and judicial procedures;

(c) a preliminary definition of the facts and issues in dispute and actions and decisions being considered;

(d) a description of the diverse parties having a legitimate and direct interest in the outcome of the dispute.

Subd. 3. [SUSPENSION OF REVIEW PROCESS; INTERVENTION PROCEEDING.] Following the report of the intervenor, the legislative commission may suspend the review process for an additional period not to exceed 90 days for an intervention proceeding. The intervention proceeding shall not consider issues previously decided by the board's certification of need. The intervenor shall be in charge of the intervention proceeding and may call for such participation and establish such procedures as he deems necessary and appropriate to facilitate agreement. The intervenor shall keep the chairperson of the legislative commission informed on the progress of the intervention proceeding, particularly with respect to agreements or proposed agreements which may require action or decisions not within the authority of the agency or board, legislative action, or public financial assistance. The intervenor shall make recommendations to the commission respecting any such agreements or proposed agreements. The commission may make recommendations to the intervenor respecting any such agreement or proposed agreement. If the commission approves of an agreement, or a decision based upon an agreement, which requires action or decisions not within the authority of the agency or board, legislative action, or public financial assistance, the commission shall cause the matter and recommendations to be submitted to the legislature for consideration.

Sec. 14. [JUDICIAL REVIEW.] Any civil action maintained by or against the agency or board under this article shall be brought in the county where the site is located and shall take precedence over all other matters of a civil nature and be expe-

dated to the maximum extent possible. Any person aggrieved by a final decision of the board authorizing facilities under this Article may appeal therefrom within 30 days as provided in chapter 15. No civil action shall be maintained pursuant to section 116B.03 with respect to conduct taken by a person pursuant to any environmental quality standard, limitation, regulation, rule, order, license, stipulation agreement or permit issued by the board under this article. Notwithstanding any provision of chapter 116B to the contrary, in any action brought under that chapter with respect to any decision or conduct undertaken by any person or the board or agency pursuant to this article after the period for appeal under this section has lapsed, the plaintiff shall have the burden of proving that the evidence required under section 116B.10 was not reasonably available within the time provided for appeal. The trial court shall, upon motion of any prevailing non-governmental party, award costs, disbursements, reasonable attorney's fees, and reasonable expert witness fees, if the court finds the action hereunder was commenced or defended in bad faith or was frivolous.

ARTICLE IV

WASTE FACILITIES: SUPPLEMENTARY REVIEW BY BOARD

Section 1. [RULES.] *The board shall promulgate rules pursuant to chapter 15 governing its activities under article IV.*

Sec. 2. [SOLID WASTE AND SEWAGE SLUDGE FACILITIES.] *Subdivision 1. [ELIGIBILITY.] The following persons shall be eligible to request supplementary review by the board pursuant to this section: (a) a generator of sewage sludge within the state which has been issued permits by the agency for a facility to dispose of sewage sludge or solid waste resulting from sewage treatment; and (b) a political subdivision which has been issued permits by the agency for a solid waste facility which is no larger than 250 acres and located outside the metropolitan area.*

Subd. 2. [REQUEST FOR REVIEW.] An eligible person may request a supplementary review by the board. The request shall show that the required permits for the facility have been issued by the agency, and that a political subdivision has refused to approve the establishment or operation of the facility. The board shall not accept a request for review under subdivision 1, clause (a), from the metropolitan waste control commission for a sewage sludge disposal facility. The board shall not accept a request for review under subdivision 1, clause (a), from the metropolitan waste control commission for a solid waste facility with a proposed permitted life of longer than four years. For requests for review under subdivision 1, clause (b), the board may require completion of a plan conforming to the requirements of article V, section 5, before granting review.

Subd. 3. [APPOINTMENT OF TEMPORARY BOARD MEMBERS.] *Within 45 days of the submission of a request determined by the board to satisfy the requirements for review under this section, temporary board members shall be added to the board for the purpose of the supplementary review. Three members shall be selected by the governing body of the city or town in which the waste management board determines the facility would be principally located, and three members shall be selected by the governing body of the county in which the waste management board determines the proposed facility would be principally located. Temporary members shall be residents of the county or counties in which the proposed facility would be located and shall be selected to represent broadly the local interests that would be directly affected by the proposed facility. At least one member appointed by the city or town shall live within one mile of the proposed facility, and at least one member appointed by the county shall be a resident of a city or town in which the proposed facility would be located. Temporary board members shall serve for terms lasting until the board has taken final action on the project.*

Subd. 4. [REVIEW PROCEDURE.] *The board shall meet to commence the supplementary review within 90 days of the submission of a request determined by the board to satisfy the requirements for review under this section. At the meeting commencing the review the chairman shall recommend and the board establish a scope and procedure for its review and final decision on the proposed facility. The procedure shall require the board to make a final decision on the proposed facility within 90 days following the commencement of review. The procedure shall require the board to conduct at least one public meeting in the county within which the proposed facility would be located. Notice of the meeting shall be published in a newspaper or newspapers of general circulation in the area for two successive weeks ending at least 15 days before the date of the meeting. The notice shall describe the proposed facility, its location, the proposed permits, and the board's scope and procedure for review. The notice shall identify a location or locations within the city or town and county where the permit applications, the agency notice of intent, and the board's scope and procedure for review are available for review and where copies may be obtained.*

Subd. 5. [SCOPE AND CONTENT OF REVIEW.] *In its review and final decision on the proposed facility, the board shall consider at least the following matters:*

(a) *the risk and effect of the proposed facility on local residents, units of government, and the local public health, safety, and welfare, and the degree to which the risk or effect may be alleviated;*

(b) *the consistency of the proposed facility with, and its effect on, existing and planned local land use and development;*

local laws, ordinances, and permits; and local public facilities and services;

(c) opportunities to apply local regulations and requirements to the proposed facility at the proposed site;

(d) the adverse effects of the facility on the natural environment and ecology and scenic, cultural, historic, aesthetic, and recreational values, and opportunities to mitigate or eliminate such adverse effects by additional stipulations, conditions, and requirements respecting the design and operation of the proposed facility at the proposed site; and

(e) the need for the proposed facility, the availability of alternative sites, and opportunities to mitigate or eliminate need by additional and alternative solid waste management strategies or actions of a significantly different nature;

(f) whether, in the case of resource recovery facilities, the applicant has considered all other feasible and prudent waste processing alternatives for accomplishing the purposes of the proposed project and has compared and evaluated the costs of all such alternatives, including capital and operating costs, and the effects of all such alternatives on the cost to generators.

Subd. 6. [DECISION OF BOARD.] In its final decision in the review, the board may:

(a) disapprove the facility;

(b) approve the facility and the agency permits; or

(c) approve the facility but add more stringent stipulations, conditions, and requirements respecting the design and operation of the proposed facility at the site proposed.

The board shall not stipulate or establish conditions or requirements which are less stringent than those established by the agency permits. The board shall not stipulate or establish conditions or requirements affecting the location proposed for the facility in the agency permits. The board shall not stipulate or establish conditions or requirements for additional solid waste management capabilities at the facility of a different nature than those permitted in the agency permits. The board shall not stipulate or establish conditions or requirements relating to alternative solid waste management strategies, actions, or facilities not proposed by the applicant or addressed in the agency permits.

Sec. 3. [HAZARDOUS WASTE FACILITIES.] Subdivision 1. [ELIGIBILITY.] The following persons shall be eligible to request supplementary review by the board pursuant to this section: (a) a generator of hazardous waste within the

state who has been issued permits by the agency for a hazardous waste facility to be owned and operated by the generator, on property owned by the generator, and to be used by the generator exclusively for managing the hazardous wastes produced by the generator; (b) a generator of hazardous waste within the state, or an entity composed of or under contract to such generators, which has been issued permits by the agency for an interim storage facility for hazardous waste pursuant to article XI, section 9; and (c) a person who has been issued permits by the agency for a commercial hazardous waste processing facility at a site included in the board's inventory of preferred sites for such facilities adopted pursuant to article II, section 7.

Subd. 2. [REQUEST FOR REVIEW.] An eligible person may request a supplementary review by the board. The request shall show that the required permits for the facility have been issued by the agency and that another state agency or political subdivision has refused to approve the establishment or operation of the facility.

Subd. 3. [APPOINTMENT OF TEMPORARY BOARD MEMBERS.] Within 45 days of the submission of a request determined by the board to satisfy the requirements for review under this section, temporary board members shall be added to the board for the purpose of the supplementary review. Three members shall be selected by the governing body of the city or town in which the waste management board determines the facility would be principally located, and three members shall be selected by the governing body of the county in which the waste management board determines the proposed facility would be principally located. Temporary members shall be residents of the county or counties in which the proposed facility would be located and shall be selected to represent broadly the local interests that would be directly affected by the proposed facility. At least one member appointed by the city or town shall live within one mile of the proposed facility, and at least one member appointed by the county shall be a resident of a city or town in which the proposed facility would be located. Temporary board members shall serve for terms lasting until the board has taken final action on the project.

Subd. 4. [REVIEW PROCEDURE.] The board shall meet to commence the supplementary review within 90 days of the submission of a request determined by the board to satisfy the requirements for review under this section. At the meeting commencing the review the chairperson shall recommend and the board establish a scope and procedure for its review and final decision on the proposed facility. The procedure shall require the board to make a final decision on the proposed facility within 90 days following the commencement of review. The procedure shall require the board to conduct at least one public meeting in the county within which the proposed facility would be located. Notice of the meeting shall be published in a newspaper

or newspapers of general circulation in the area for two successive weeks ending at least 15 days before the date of the meeting. The notice shall describe the proposed facility, its location, the proposed permits, and the board's scope and procedure for review. The notice shall identify a location or locations within the city or town and county where the permit applications, the agency notice of intent, and the board's scope and procedure for review are available for review and where copies may be obtained.

Subd. 5. [SCOPE AND CONTENT OF REVIEW.] In its review and final decision on the proposed facility, the board shall consider at least the following matters:

(a) the risk and effect of the proposed facility on local residents, units of government, and the local public health, safety, and welfare, including such dangers as an accidental release of wastes during transportation to the facility or at the facility, water, air, and land pollution, and fire or explosion;

(b) the consistency of the proposed facility with, and its effect on, existing and planned local land use and development; local laws, ordinances, and permits; and local public facilities and services;

(c) opportunities to apply local regulations and requirements to the proposed facility at the proposed site;

(d) the adverse effects of the facility on the natural environment and ecology and scenic, cultural, historic, aesthetic, and recreational values, and opportunities to mitigate or eliminate such adverse effects by additional stipulations, conditions, and requirements respecting the design and operation of the proposed facility at the proposed site; and

(e) the need for the proposed facility, especially its contribution to abating disposal, and opportunities to mitigate or eliminate need by additional and alternative waste management strategies or actions of a significantly different nature.

Subd. 6. [DECISION OF BOARD.] In its final decision in the review, the board may:

(a) disapprove the facility;

(b) approve the facility and the agency permits; or

(c) approve the facility but add more stringent stipulations, conditions, and requirements respecting the design and operation of the proposed facility at the site proposed.

The board shall not stipulate or establish conditions or requirements which are less stringent than those established by the

agency permits. The board shall not stipulate or establish conditions or requirements affecting the location proposed for the facility in the agency permits. The board shall not stipulate or establish conditions or requirements for additional waste management capabilities at the facility of a different nature than those permitted in the agency permits. The board shall not stipulate or establish conditions or requirements relating to alternative waste management strategies, actions, or facilities not proposed by the applicant or addressed in the agency permits.

Sec. 4. [BOARD'S DECISION PARAMOUNT.] *To assure the paramount and controlling effect of the reviews conducted under this article, the board's decisions under sections 2 and 3, shall supersede and preempt conflicting requirements of state agencies and political subdivisions. The permitting agency or agencies shall withdraw, modify, or issue the permits for the facility in accordance with the decision of the board following a supplementary review under article IV. All permits issued by the agency or agencies shall conform to the terms of the board's decision. No charter provision, ordinance, regulation, permit, or other requirement of any state agency or political subdivision shall prevent or restrict the establishment and operation of the facility in accordance with the board's final decision.*

Sec. 5. [RECONCILIATION AND INTERVENTION PROCEDURES.] *Subdivision 1. [REPORTS TO LEGISLATIVE COMMISSION.] At least 30 days before making a final decision under section 3 the board may report to the legislative commission describing permit conditions or requirements being considered which are not within the existing authority of the agency or the board or which would require legislation or public financial assistance. In any such report the board may request the commission to intervene in the review.*

Subd. 2. [PRE-INTERVENTION ASSESSMENT.] If the legislative commission determines that intervention might be warranted under the terms of subdivision 1, the commission may suspend the review process for up to 60 days to allow a pre-intervention assessment. The pre-intervention assessment shall be conducted by an independent, impartial, and qualified public intervenor appointed by the commission with the advice and consent of the parties to the dispute. The intervenor shall report to the commission. The report shall include:

(a) *an assessment of whether the dispute is ripe for mediation and whether the parties are willing to mediate;*

(b) *an assessment of whether, within the terms of subdivision 1, substantive issues exist which cannot be resolved effectively through normal administrative and judicial procedures;*

(c) *a preliminary definition of the facts and issues in dispute and actions and decisions being considered;*

(d) a description of the diverse parties having a legitimate and direct interest in the outcome of the dispute.

Subd. 3. [SUSPENSION OF REVIEW PROCESS; INTERVENTION PROCEEDING.] Following the report of the intervenor, the legislative commission may suspend the review process of an additional period not to exceed 90 days for an intervention proceeding. The intervenor shall be in charge of the intervention proceeding and may call for such participation and establish such procedures as he deems necessary and appropriate to facilitate agreement. The intervenor shall keep the chairman of the legislative commission informed on the progress of the intervention proceeding, particularly with respect to agreements or proposed agreements which may require action or decisions not within the authority of the agency or board, legislative action, or public financial assistance. The intervenor shall make recommendations to the commission respecting any such agreements or proposed agreements. The commission may make recommendations to the intervenor respecting any such agreement or proposed agreement. If the commission approves of an agreement, or a decision based upon an agreement, which requires action or decisions not within the authority of the agency or board, legislative action, or public financial assistance, the commission shall cause the matter and recommendations to be submitted to the legislature for consideration.

Sec. 6. [JUDICIAL REVIEW.] Judicial review with respect to conduct or decisions in reviews brought pursuant to section 3 of this article shall be as provided in article III, section 14.

ARTICLE V

SOLID WASTE MANAGEMENT PLANNING ASSISTANCE PROGRAM

Section 1. [ESTABLISHMENT AND ADMINISTRATION.] Commencing July 1, 1981, there is established a planning assistance program to provide technical and financial assistance to political subdivisions of the state for the purpose of encouraging and improving regional and local solid waste management planning activities and efforts. The program shall be administered by the agency, except in the metropolitan area where the program shall be administered by the metropolitan council pursuant to chapter 473. The agency shall promulgate rules pursuant to chapter 15 for its administration of the program outside the metropolitan area. The agency and the metropolitan council shall ensure conformance with existing agency rules and federal requirements and programs established pursuant to the Resource Conservation and Recovery Act of 1976 and amendments thereto.

Sec. 2. [ELIGIBLE RECIPIENTS.] Political subdivisions shall be eligible for assistance under the program.

Sec. 3. [FINANCIAL ASSISTANCE.] *Eligible recipients may receive grants for up to 50 percent of the cost of the planning activity, except that planning by a regional development commission and joint planning by two or more contiguous counties or contiguous political subdivisions located within two or more counties may receive grants for up to 100 percent of the cost of the planning activity. Financial assistance provided under the program may be used to employ staff, contract with other units of government or qualified consultants, and pay such other planning expenses as the agency or metropolitan council may allow.*

Sec. 4. [TECHNICAL ASSISTANCE.] *The agency and metropolitan council shall provide for technical assistance for eligible recipients. The agency and metropolitan council shall provide model plans for regional and local solid waste management. The agency and metropolitan council may contract for the delivery of technical assistance by a regional development commission, any state or federal agency, or private consultants. The agency shall prepare and publish an inventory of sources of technical assistance for solid waste planning, including studies, publications, agencies, and persons available.*

Sec. 5. [CONTENTS.] *Plans prepared by local units of government in the metropolitan area shall conform to the requirements of chapter 473. Plans prepared by political subdivisions outside the metropolitan area with assistance from the program shall conform to the requirements of this section. The plans shall describe existing collection, processing, and disposal systems, including schedules of rates and charges, financing methods, environmental acceptability, and opportunities for improvements in the systems. The plans shall include an estimate of the land disposal capacity in acre-feet which will be needed through the year 2000, on the basis of current and projected waste generation practices. The plans shall contain an assessment of opportunities to reduce the need for land disposal through waste reduction and resource recovery, the alternative degrees of reduction achievable, and a comparison of the costs of all such alternatives, including capital and operating costs, and the effects of all such alternatives on the cost to generators. The plans shall establish a siting procedure and development program to assure the orderly location, development, and financing of new or expanded solid waste facilities and services sufficient for a prospective ten-year period, including estimated costs and implementation schedules, proposed procedures for operation and maintenance, estimated annual costs and gross revenues, and proposals for the use of facilities after they are no longer needed or usable. The plans shall describe existing and proposed county and municipal ordinances and license and permit requirements relating to solid waste management and shall describe existing and proposed regulation and enforcement procedures. Plans for location, establishment, operation, maintenance, and post-closure use of facilities and facility sites, for*

ordinances, and for licensing, permit, and enforcement activities shall be consistent with the rules adopted by the agency pursuant to chapter 116. The plans shall address the resolution of conflicting, duplicative, or overlapping local management efforts. The plans shall address the establishment of joint powers management programs or waste districts where appropriate. The plans shall address such other matters as the rules of the agency may require consistent with the purposes of article V.

ARTICLE VI

SOLID WASTE MANAGEMENT DEMONSTRATION PROGRAM

Section 1. [DEMONSTRATION PROGRAM; ESTABLISHMENT; ADMINISTRATION.] *Commencing July 1, 1981, there is established a solid waste management demonstration program to encourage and assist cities, counties, and solid waste management districts in the development and implementation of solid waste management projects of potential state wide application or significance and to transfer the knowledge and experience gained from such projects to other communities in the state. The program shall be administered so as to demonstrate the application of all feasible and prudent waste processing methods, including waste reduction; waste separation by generators, collectors, and other persons; and waste processing. The program shall be administered by the agency in accordance with the requirements of article VI and rules promulgated by the agency pursuant to chapter 15.*

Sec. 2. [TECHNICAL ASSISTANCE FOR DEMONSTRATION PROJECTS.] *The agency shall ensure the delivery of the technical assistance necessary to proper implementation of each demonstration project funded under the program. The agency may contract for the delivery of technical assistance by any state or federal agency, a regional development commission, the metropolitan council, or private consultants and may use program funds to reimburse the agency, commission, council, or consultants. The agency shall prepare and publish an inventory of sources of technical assistance, including studies, publications, agencies, and persons available. The agency shall ensure state wide benefit from projects assisted under the demonstration program by developing exchange and training programs for local officials and employees and by using the experience gained in demonstration projects to provide technical assistance and education for other solid waste management projects in the state. With at least one contract for financial assistance under the demonstration program, the agency shall provide a locally-based agent, approved by the recipient of the assistance, who shall be the chief project officer responsible to the recipient for technical assistance and implementation of the project.*

Sec. 3. [ELIGIBLE PROJECTS; PRIORITIES.] *The program shall be limited to projects which are determined by the agency to serve one of the following objectives: (a) the reduction of dependence on land disposal of solid waste; (b) the development of resource recovery facilities; (c) the development of systems for the separation of materials from solid waste for reuse or recycling; (d) the reduction of waste generation. In administering the program, the agency shall give priority to: (a) areas where natural geologic and soil conditions are unsuitable for land disposal of solid waste; (b) areas where the capacity of existing solid waste disposal facilities is determined by the agency to be less than five years; (c) projects demonstrating, in order of preference, waste reduction, waste separation, and waste processing. In administering the program, the agency shall allocate at least 15 percent of program funds, excluding those available under sections 6 to 8, to projects in each of the following categories: waste reduction; waste separation; and alternative methods of waste processing.*

Sec. 4. [ELIGIBLE RECIPIENTS AND ACTIVITIES.] *Eligible recipients for assistance under the program shall be limited to cities, counties, and solid waste management districts established pursuant to article VIII. Eligible recipients may apply for assistance for other persons. Activities eligible for assistance under the program include legal, financial, economic, educational, marketing, social, governmental, and administrative activities related to the implementation of a demonstration project. Preliminary planning and development, feasibility study, and conceptual design costs shall also be eligible activities, but no more than 20 percent of the money appropriated for the demonstration program shall be used to fund such activities. Acquisition and construction costs for resource recovery facilities are eligible for capital assistance under sections 6 to 8.*

Sec. 5. [APPLICATION REQUIREMENTS.] *Applications for assistance under the program shall demonstrate: (a) that the project is conceptually and technically feasible; (b) that affected political subdivisions are committed to implement the project, to provide necessary local financing, and to accept and exercise the government powers necessary to the project; (c) that operating revenues from the project, considering the availability and security of sources of solid waste and of markets for recovered resources, together with any proposed federal, state, or local financial assistance, will be sufficient to pay all costs over the projected life of the project; (d) that the applicant has considered all other feasible and prudent waste processing alternatives for accomplishing the purposes of the proposed project and has compared and evaluated the costs of all such alternatives, including capital and operating costs, and the effects of all such alternatives on the cost to generators. The agency may require completion of a comprehensive solid waste management plan conforming to the requirements of article V, section 5 before accepting an application.*

Sec. 6. [RESOURCE RECOVERY FACILITY DEMONSTRATION PROGRAM.] *As part of the demonstration program established under article VI, the agency shall provide assistance pursuant to sections 6 to 8 to eligible recipients for the acquisition and betterment of demonstration resource recovery facilities or systems.*

Sec. 7. [PURPOSES; PUBLIC INTEREST; DECLARATION OF POLICY.] *The legislature finds that the establishment of resource recovery facilities and systems is needed to manage properly the solid waste generated in the state and to conserve and protect the natural resources in the state and the health, safety, and welfare of its citizens; that opportunities to establish such facilities and systems are not being fully realized by individual political subdivisions or by agreements among subdivisions; and that therefore it is necessary to provide capital assistance for demonstration resource recovery facilities and systems to stimulate and encourage the acquisition and betterment of such facilities and systems.*

Sec. 8. [FINANCIAL ASSISTANCE.] Subdivision 1. [GRANTS AND LOANS.] *Of revenues derived from the issuance of bonds authorized by article VII, section 2, for the purposes of the demonstration program, at least 70 percent shall be distributed as loans, and the remainder shall be distributed as grants. An individual project may receive assistance totaling up to 100 percent of the capital cost of the project and grants up to 50 percent of the capital cost of the project.*

Subd. 2. [CAPITAL COSTS; ASSURANCE OF FUNDS.] *No grant or loan shall be disbursed to any recipient until the agency has determined the total estimated capital cost of the project and ascertained that financing of the cost is assured by funds provided by the state, by an agency of the federal government within the amount of funds then appropriated to that agency and allocated by it to projects within the state, by any person, or by the appropriation of proceeds of bonds or other funds of the recipient to a fund for the construction of the project.*

Subd. 3. [OBLIGATIONS OF RECIPIENT.] *No grant or loan for any project shall be disbursed until the governing body of the recipient has made an irrevocable undertaking, by resolution, to use all funds made available exclusively for the capital cost of the project and to pay any additional amount by which the cost of the project exceeds the estimate by appropriation to the construction fund of additional funds or proceeds of additional bonds of the recipient. The resolution shall also indicate that any subsequent withdrawal of allocated or additional funds of the recipient will impair the obligation of contract between the state of Minnesota, the recipient, and the bondholders. The resolution shall pledge payment to the debt service account of all revenues of the project to the extent that*

they exceed costs and shall also obligate the recipient to levy a tax sufficient to make timely payments under the loan agreement, if a deficiency occurs in the amount of user charges, taxes, special assessments, or other moneys pledged for payment under the loan agreement. Each loan made to a recipient shall be secured by resolutions adopted by the agency and the governing body of the recipient, obligating the recipient to repay the loan to the state treasurer in annual installments including both principal and interest. Installments shall be in an amount sufficient to pay the principal amount within the period required by the agency. The interest on the loan shall be calculated on the declining balance at a rate not less than the average annual interest rate on the state bonds of the issue from which proceeds of the loan were made. The resolution shall obligate the recipient to provide money for the repayment from user charges, taxes, special assessments or any other funds available to it.

ARTICLE VII

STATE WASTE MANAGEMENT BONDS

Section 1. [WASTE MANAGEMENT FUND.] Subdivision 1. [CREATION; RECEIPTS.] The commissioner of finance shall maintain a Minnesota state waste management fund. The fund shall receive the proceeds of state bonds and other money appropriated to the fund and disburse money for the acquisition of real property and interests in real property for hazardous waste facility sites and surrounding buffer and impact areas, as authorized by article II, section 3, subdivision 4 and money to be granted or loaned to political subdivisions pursuant to the capital assistance program created by article VI, sections 6 to 8. The commissioner of finance and state treasurer shall deposit in the fund as received (a) all proceeds of Minnesota state waste management bonds, except accrued interest and premiums received upon the sale of the bonds; (b) all other money appropriated by law for purposes stated in article VII, and (c) all money granted to the state for those purposes by the federal government or any agency thereof. All the receipts are annually appropriated for the purposes of the fund, and shall remain available until expended.

Subd. 2. [DISBURSEMENTS.] Disbursements from the fund shall be made at the times and in the amounts authorized by the agency or board in accordance with applicable state laws and the agency's or board's rules.

Sec. 2. [MINNESOTA STATE WASTE MANAGEMENT BONDS.] Subdivision 1. [AUTHORITY TO ISSUE BONDS.] The commissioner of finance shall sell bonds of the state of Minnesota for the prompt and full payment of which, together with interest, the full faith, credit, and taxing powers of the state are irrevocably pledged. Bonds shall be sold only

upon request of the agency and in the amount as may otherwise be authorized by this or a subsequently enacted law which authorizes the sale of additional bonds and the deposit of the proceeds in the state waste management fund. Any authorized amount of bonds in this law or any subsequently enacted law authorizing the issuance of bonds for the purposes of the state waste management fund, together with this section, constitute complete authority for the issue. The bonds shall not be subject to restrictions or limitations contained in any other law.

Subd. 2. [ISSUANCE OF BONDS.] Upon request by the agency and upon authorization as provided in subdivision 1, the commissioner of finance shall sell Minnesota state waste management bonds. The bonds shall be in the aggregate amount requested, and sold upon sealed bids upon the notice, at the price, in the form and denominations, bearing interest at the rate or rates, maturing in the amounts and on the dates (without option of prepayment or subject to prepayment upon the notice and at the times and prices), payable at the bank or banks within or outside the state (with provisions for registration, conversion, and exchange and for the issuance of notes in anticipation of the sale or delivery of definitive bonds), and in accordance with any further provisions as the commissioner of finance shall determine. The sale is subject to the approval of the attorney general, but not subject to the provisions of Minnesota Statutes, Sections 15.0411 to 15.0422. The bonds shall be executed by the commissioner of finance and attested by the state treasurer under their official seals. The signatures of the officers on the bonds and any interest coupons and their seals may be printed, lithographed, engraved, or stamped thereon, except that each bond shall be authenticated by the manual signature on its face of one of the officers or of an officer of a bank designated by them as authenticating agent. The commissioner of finance shall ascertain and certify to the purchasers of the bonds the performance and existence of all acts, conditions, and things necessary to make them valid and binding general obligations of the state of Minnesota, subject to the approval of the attorney general.

Subd. 3. [EXPENSES.] All expenses incidental to the sale, printing, execution, and delivery of bonds pursuant to this section, including but not limited to actual and necessary travel and subsistence expenses of state officers and employees for these purposes, and any expenses of litigation relating to the validity of the bonds, shall be paid from the waste management fund, and the amounts necessary are appropriated from that fund.

Subd. 4. [DEBT SERVICE ACCOUNT IN THE STATE WASTE MANAGEMENT FUND.] The commissioner of finance shall maintain in the Minnesota state waste management fund a separate account to be called the state waste management debt service account. It shall record receipts of premium and accrued interest, loan repayments, project revenue or other

money transferred to the fund and income from the investment of the money and record any disbursements to pay the principal and interest on waste management bonds. Income from investment shall be credited to the account in each fiscal year. The amount credited shall be equal to the average return that year on all funds invested by the state treasurer, as determined by the treasurer, times the average balance in the account that year.

Subd. 5. [APPROPRIATIONS TO DEBT SERVICE ACCOUNT; APPROPRIATION FROM ACCOUNT TO PAY DEBT SERVICE.] *The premium and accrued interest received on each issue of Minnesota waste management bonds, and all payments received in repayment of loans and other revenue received are appropriated to the debt service account. All income from the investment of the Minnesota state waste management fund is appropriated to the debt service account. In order to reduce the amount of taxes otherwise required to be levied, there is also appropriated to the debt service account from any funds available in the general fund on November 1 in each year, a sum of money sufficient in amount, when added to the balance then on hand, to pay all principal and interest on Minnesota waste management bonds due and to become due before July 1 in the second ensuing year. So much of the debt service account of the state waste management fund as is necessary to pay principal and interest on waste management bonds is annually appropriated from the debt service account for the payment of principal and interest of the waste management bonds. All funds appropriated by this subdivision shall be available in the debt service account prior to any levy of the tax in any year required by the Minnesota Constitution, Article XI, Section 7.*

Subd. 6. [SECURITY.] *On or before December 1 in each year the state auditor shall levy on all taxable property within the state whatever tax may be necessary to produce an amount sufficient, with all money currently credited to the debt service account, to pay the entire amount of principal and interest currently due and the principal and interest to become due before July 1 in the second year thereafter on Minnesota waste management bonds. This tax shall be levied upon all real property used for the purposes of a homestead, as well as other taxable property, notwithstanding the provisions of Minnesota Statutes, Section 273.13, Subdivisions 6 and 7, and shall be subject to no limitation of rate or amount until all the bonds and interest thereon are fully paid. The proceeds of this tax are appropriated to the debt service account. The principal of an interest on the bonds are payable from the proceeds of this tax.*

Sec. 3. [BOND AUTHORIZATION AND APPROPRIATION OF PROCEEDS.] *The commissioner of finance is authorized, upon request of the agency, to sell Minnesota state waste management bonds in the amount of up to \$100,000,000 in the manner and upon the conditions prescribed in article VII, section 2, and in the Minnesota Constitution, Article XI, Sections*

4 to 7. Of this amount, up to five percent may be issued for the purpose of acquiring real property and interests in real property for hazardous waste facility sites as authorized by article II, section 3, subdivision 4 and the remainder may be issued for the purposes of the capital assistance program established pursuant to article VI, sections 6 to 8. The proceeds of the bonds, except as provided in section 2, subdivision 5, are appropriated to the Minnesota state waste management fund. The amount of bonds issued pursuant to this authorization shall not exceed at any time the amount needed to produce a balance in the waste management fund equal to the aggregate amount of the loans and grants then approved and not previously disbursed, plus the amount of the loans and grants to be approved in the current and the following fiscal year, as estimated by the agency.

ARTICLE VIII

SOLID WASTE MANAGEMENT DISTRICTS

Section 1. [PURPOSE; PUBLIC INTEREST; DECLARATION OF POLICY.] *The legislature finds that the development of integrated and coordinated solid waste management systems is needed to manage properly the solid waste generated in the state and to conserve and protect the natural resources in the state and the health, safety, and welfare of its citizens; that this need cannot always be met solely by the activities of individual political subdivisions or by agreements among subdivisions; and that therefore it is necessary to establish a procedure for the creation of solid waste management districts having the powers and performing the functions prescribed in article VIII.*

Sec. 2. [SOLID WASTE MANAGEMENT DISTRICTS.]
Subdivision 1. [LEGAL STATUS.] *Solid waste management districts established pursuant to article VIII shall be public corporations and political subdivisions of the state.*

Subd. 2. [ESTABLISHMENT BY AGENCY.] *The agency may establish waste districts as public corporations and political subdivisions of the state, define the powers of such districts in accordance with article VIII, define and alter the boundaries of such districts as provided in section 3, and terminate districts as provided in section 5. The agency shall promulgate rules pursuant to chapter 15 governing the establishment, alteration, and termination of districts.*

Subd. 3. [RESTRICTIONS.] *No waste district shall be established within the boundaries of the western lake superior sanitary district established by Laws 1971, Chapter 478, as amended. No waste district shall be established wholly within one county. The agency shall not establish a waste district within or extending into the metropolitan area, nor define or alter the powers or boundaries of such a district, without the approval of the metropolitan council. The council shall not approve such*

a district unless the articles of incorporation of the district require that the district will have the same procedural and substantive responsibilities, duties, and relationship to the metropolitan agencies as a metropolitan county. The agency shall not establish a district unless it determines that the petitioners would be unable to fulfill the purposes of the district through joint action under Minnesota Statutes, Section 471.59. The agency may require the completion of a comprehensive solid waste management plan conforming to the requirements of article V, section 5, by petitioners seeking to establish a district.

Sec. 3. [PROCEDURE FOR ESTABLISHMENT AND ALTERATION.] *Subdivision 1. [LOCAL PETITION.]* Waste districts shall be established and their powers and boundaries defined or altered by the agency only after petition requesting such action jointly submitted by the governing bodies of petitioners comprising at least one-half of the counties partly or wholly within the district. A petition for alteration shall include a resolution by the board of directors of the district approving the alteration.

Subd. 2. [PETITION CONTENTS.] A petition requesting establishment or alteration of a waste district shall contain such information as the agency may require, including at least the following:

- (a) the name of the proposed district;
- (b) a description of the territory and political subdivisions within and the boundaries of the proposed district or alteration thereto, along with a map showing the district or alteration;
- (c) resolutions of support for the district, as proposed to the agency, from the governing body of each of the petitioning counties;
- (d) a statement of the reason, necessity, and purpose for the district, plus a general description of the solid waste management improvements and facilities contemplated for the district showing how its activities will accomplish the purpose of the district and the purposes for waste resource districts stated in article VIII;
- (e) articles of incorporation stating the powers of the district consistent with article VIII, including a statement of powers proposed pursuant to sections 9 and 10.

After the petition has been filed, no petitioner may withdraw from it except with the written consent of all other petitioners filed with the agency.

Subd. 3. [LOCAL REVIEW AND COMMENT.] At least 60 days before submitting the petition to the agency, the petitioners shall publish notice of the petition in newspapers of general circulation in the proposed district and shall cause a copy of the petition to be served upon the agency and the governing body of each political subdivision which is wholly or partly within the proposed district or is affected by the proposed alteration. Each entity receiving service shall have 60 days within which to comment to the petitioners on the petition and the proposed district or alteration. Proof of service, along with any comments received, shall be attached to the petition when it is submitted to the agency.

Subd. 4. [REVIEW PROCEDURES.] Upon receipt of the petition, the director of the agency shall determine whether the petition conforms in form and substance to the requirements of law and rule. If the petition does not conform to the requirements, the director shall return it immediately to the petitioners with a statement describing the deficiencies and the amendments necessary to rectify them. If the petition does conform to the requirements, and if comments have been received objecting to the establishment or alteration of the district as proposed, the director shall request the office of hearing examiners to conduct a hearing on the petition. The hearing shall be conducted in the proposed district in the manner provided in chapter 15 for contested cases.

Subd. 5. [CORRECTIONS ALLOWED.] No petition submitted by the requisite number of counties shall be void or dismissed on account of defects exposed in the hearing documents or report. The agency shall permit the petition to be amended in form and substance to conform to the facts by correcting any errors in the description of the territory or any other defects.

Subd. 6. [AGENCY ORDER.] After considering of the report of the hearing examiner and at least considering of whether the proposed boundaries, purposes, powers, and management plans of the district or alteration thereto serve the purposes of waste resource districts, are approximately related to the waste generation, collection, processing, and disposal patterns in the area, and are generally consistent with the purposes of the agency's regulatory program, the agency shall make a final decision on the petition. If the agency finds and determines that the establishment or alteration of a district as proposed in the petition would not be in the public interest and would not serve the purposes of article VIII, it shall, by its decision, dismiss the proceedings and mail a copy of its decision to the governing body of each affected political subdivision. If the agency finds and determines that the establishment or alteration of a district as proposed in the petition would be in the public interest and would serve the purposes of articles VIII, it shall, by order, establish the district, define its boundaries, and

give it a corporate name by which, in all proceedings, it shall thereafter be known. The order shall include articles of incorporation stating the powers of the district and the location of its registered office. Upon the filing of a certified copy of the order of the agency with the secretary of state, the district shall become a political subdivision of the state and a public corporation, with the authority, power, and duties prescribed in article VIII and the order of the agency. At the time of filing, a copy of the order shall be mailed by the agency to the governing body of each political subdivision wholly or partly within the district or affected by the alteration of the district.

Sec. 4. [PERPETUAL EXISTENCE.] A waste district created under the provisions of article VIII shall have perpetual existence to the extent necessary to perform all acts necessary and proper for carrying out and exercising the powers and duties expressly given in it. A district shall not be terminated except pursuant to section 5.

Sec. 5. [TERMINATION.] Subdivision 1. [PETITION.] Proceedings for the termination of a district shall be initiated by the filing of a petition with the agency. The petition shall be submitted by the governing bodies of not less than 50 percent of the counties which are in the district. The petition shall state that the existence of the district is no longer in the public interest. The petitioners shall publish notice of the petition in newspapers of general circulation in the district and shall cause to be served upon each political subdivision wholly or partly within the district a copy of the petition, and proof of service shall be attached to the petition filed with the agency.

Subd. 2. [BOND; PAYMENT OF COSTS.] If the petition is dismissed or denied, the petitioners shall be required to pay all costs and expenses of the proceeding for termination. At the time of filing the petition a bond shall be filed by the petitioners with the agency in such sum as the agency determines to be necessary to ensure payment of costs.

Subd. 3. [HEARING; DECISION.] If objection is made to the agency against the petition for termination, a contested case hearing on the petition shall be held in the waste district pursuant to chapter 15. If the agency determines after the hearing that the termination of the district as proposed in the petition would not be in the public interest, the agency shall dismiss the petition and all costs of the proceeding shall be assessed against the petitioner. If the agency determines that the existence of the district is no longer in the public interest, the agency shall by its findings and order terminate the district. Upon the filing of a certified copy of the findings and order with the secretary of state the district shall cease to be a public corporation and a political subdivision of the state.

Subd. 4. [LIMITATION.] The agency shall not entertain a petition for termination of a district within five years from

the date of the formation of the district nor shall the agency entertain a petition for termination of the same district more often than once in five years.

Sec. 6. [ORGANIZATION OF DISTRICT.] *The governing body of each county wholly or partly within the district shall appoint two persons to serve on the first board of directors of the district. The first chairperson of the board of directors shall be appointed by the agency and shall be a local elected official within the district. The first chairperson shall serve for a term of two years. Thereafter the chairperson shall be elected from outside the board of directors by majority vote of the board of directors. The first meeting of the board of directors shall be held at the call of the chairperson, after notice, for the purpose of proposing the by laws, electing officers and for any other business that comes before the meeting. The by laws of the district, and amendments thereto, shall be adopted by a majority vote of the board of directors unless the certificate of incorporation requires a greater vote. The by laws shall state:*

(a) the manner and time of calling regular meetings of the representatives and the board of directors, not less than once annually;

(b) the title, manner of selection, and term of office of officers of the district;

(c) the term of office of members of the board of directors, the manner of their removal, and the manner of filling vacancies on the board of directors;

(d) the powers and duties of the board of directors consistent with the order and articles of incorporation establishing the district;

(e) the definition of a quorum for meetings of the board of directors, which shall be not less than a majority of the members;

(f) the compensation and reimbursement for expenses for members of the board of directors, which shall not exceed that provided for in section 15.0575, subdivision 3;

(g) such other provisions for regulating the affairs of the district as the board of directors shall determine to be necessary.

Sec. 7. [REGISTERED OFFICE.] *Every district shall maintain an office in this state to be known as its registered office. When a district desires to change the location of its registered office, it shall file with the secretary of state and the director of the agency, a certificate stating the new location by city, town, or other community and effective date of change.*

When the certificate has been duly filed, the board of directors may make the change without any further action.

Sec. 8. [POWERS.] *Subdivision 1. [GENERAL.] A district shall have all powers necessary or convenient to perform its duties, including the powers provided in this section.*

Subd. 2. [ACTIONS.] The district may sue and be sued, and shall be a public body within the meaning of chapter 562.

Subd. 3. [ACQUISITION OF PROPERTY.] The district may acquire by purchase, lease, condemnation, gift, or grant, any right, title, and interest in and to real or personal property deemed necessary for the exercise of its powers or the accomplishment of its purposes, including positive and negative easements and water and air rights. Any local government unit and the commissioners of transportation, natural resources, and administration may convey to or permit the use of any property or facilities by the district, subject to the rights of the holders of any bonds issued with respect thereto, with or without compensation and without an election or approval by any other government agency. The district may hold the property for its purposes, and may lease or rent the property so far as not needed for its purposes, upon the terms and in the manner as it deems advisable. The right to acquire lands and property rights by condemnation shall be exercised in accordance with Minnesota Statutes, Chapter 117. The district may take possession of any property for which condemnation proceedings have been commenced at any time after the issuance of a court order appointing commissioners for its condemnation.

Subd. 4. [RIGHT OF ENTRY.] Whenever the district deems it necessary to the accomplishment of its purposes, the district or any member, employee, or agent thereof, when authorized by it, may enter upon any property, public or private, for the purpose of obtaining information or conducting surveys or investigations, provided that the entrance and activity is undertaken after reasonable notice and during normal business hours and provided that compensation is made for any damage to the property caused by the entrance and activity.

Subd. 5. [GIFTS AND GRANTS.] The district may apply for and accept gifts, loans, or other property from the United States, the state, or any person for any of its purposes, may enter into any agreement required in connection therewith, and may hold, use, and dispose of the money or property in accordance with the terms of the gift, grant, loan or agreement.

Subd. 6. [PROPERTY EXEMPT FROM TAXATION.] Any real or personal property owned, leased, controlled, used, or occupied by the district for any authorized purpose is declared to be acquired, owned, leased, controlled, used and occupied for public and governmental purposes, and shall be exempt-

ed from taxation by the state or any political subdivision of the state, provided that those properties shall be subject to special assessments levied by a political subdivision for a local improvement in amounts proportionate to and not exceeding the special benefit received by the properties from the improvement. No possible use of the properties in any manner different from their use for solid waste management at the time shall be considered in determining the special benefit received by the properties. All bonds, certificates of indebtedness or other obligations of the district shall be exempted from taxation by the state or any political subdivision of the state. Interest on the obligations of the district shall be exempted from taxation in the same manner provided for interest on obligations qualifying under section 290.08, subdivision 7.

Subd. 7. [FACILITIES AND SERVICES.] The district may construct, equip, develop, enlarge, improve, and operate solid waste facilities and services as it deems necessary and may negotiate contracts for the use of public or private facilities and services. Whenever practicable, the district shall contract with private persons for the construction, maintenance, and operation of solid waste facilities.

Subd. 8. [RATES; CHARGES.] The district may establish and collect rates and charges for the facilities and services provided and may negotiate and collect rates and charges for facilities and services contracted for by the district. The board of directors of the district may agree with the holders of district obligations which are secured by revenues of the district as to the maximum or minimum amounts which the district shall charge and collect for services provided by the district. Before establishing or raising any rates and charges the board of directors shall hold a public hearing regarding the proposed rates and charges. Notice of the hearing shall be published at least once in a legal newspaper of general circulation throughout the area affected by the rates and charges. Publication shall be no more than 45 days and no less than 15 days prior to the date of the hearing.

Subd. 9. [DISPOSITION OF PROPERTY.] The district may sell or otherwise dispose of any real or personal property acquired by it which is no longer required for accomplishment of its purposes. The property shall be sold in the manner provided by Minnesota Statutes, Section 458.196, insofar as practical. The district shall give notice of sale which it deems appropriate. When the district determines that any property which has been acquired from a government unit without compensation is no longer required, the district shall transfer it to the government unit.

Subd. 10. [DISPOSITION OF PRODUCTS AND ENERGY.] The district may use, sell, or otherwise dispose of all of the products and energy produced by its facilities. The

district may, on a competitive basis, enter into short or long term contracts, make spot sales, solicit bids, enter into direct negotiations, deal with brokers, or use such other methods of disposal as it chooses, provided that the dealings of the district shall be on a competitive basis so as not create an unfair or unreasonable advantage or restraint of trade on the part of the district. The district shall give particular consideration to the needs of purchasers in this state and shall actively promote sales to such purchasers so long as this can be done at prices and under conditions that meet constitutional requirements and that are consistent with the district's object of being financially self supporting to the greatest extent possible.

Subd. 11. [CONTRACTS.] The district may enter into any contract necessary or proper for the exercise of its powers or the accomplishment of its purposes.

Subd. 12. [JOINT POWERS.] The district may act under the provisions of Minnesota Statutes, Section 471.59, or any other law providing for joint or cooperative action between government units.

Subd. 13. [RESEARCH.] The district may conduct research studies and programs, collect and analyze data, prepare reports, maps, charts, and tables, and conduct all necessary hearings and investigations in connection with its work and may advise and assist other government units on planning matters within the scope of its powers, duties, and objectives.

Subd. 14. [EMPLOYEES; CONTRACTS FOR SERVICES.] The district may employ persons or firms and contract for services to perform engineering, legal or other services necessary to carry out its functions.

Subd. 15. [INSURANCE.] The district may require any employee to obtain and file with it an individual bond or fidelity insurance policy. It may procure insurance in amounts it deems necessary to insure against liability of the board of directors and employees or both, for personal injury or death and property damage or destruction, with the force and effect stated in Minnesota Statutes, Chapter 466, and against risks of damage to or destruction of any of its facilities, equipment, or other property as it deems necessary.

Subd. 16. [REVIEW OF PROJECTS.] The district may require that persons shall not acquire, construct, alter, reconstruct or operate a solid waste facility within the district without prior consultation with and approval of the district.

Subd. 17. [COLLECTION SERVICES; LIMITATION OF POWER.] A district shall not provide collection service unless it is unable to secure the service from private providers.

Sec. 9. [DESIGNATION OF RESOURCE RECOVERY FACILITIES; REQUIRED USE.] *Subdivision 1. [GENERAL.] A district may be authorized by the order and articles of incorporation establishing the district to require that all or any portion of the solid waste that is generated within its boundaries or any service area thereof and is deposited within the state be taken for processing to a resource recovery facility designated by the district or a transfer station serving such a facility.*

Subd. 2. [STANDARDS.] In determining whether to designate and require use of resource recovery facilities the district shall consider whether:

(a) the required use will result in the recovery of resources or energy from materials which would otherwise be wasted;

(b) the required use will lessen the demand for and use of land disposal;

(c) the required use is necessary for the financial support of the facility;

(d) less restrictive methods for ensuring an adequate solid waste supply are available;

(e) the applicant has considered all other feasible and prudent waste processing alternatives for accomplishing the purposes of the proposed project and has compared and evaluated the costs of all such alternatives, including capital and operating costs, and the affects of all such alternatives on the cost to generators.

Subd. 3. [EXEMPTION.] The district shall not designate and require use of facilities for materials which are separated from solid waste and recovered for reuse or recycling by the generator, by a private person under contract with the generator, or by a licensed solid waste collector.

Subd. 4. [PROCEDURE.] The district shall proceed as follows when designating and requiring use of facilities:

(a) The district shall notify those persons whom the district has determined should use the facilities. Notification to political subdivisions shall be in writing. All other persons shall be notified at least by publication in a legal newspaper or newspapers having general circulation in the area. The notification shall specify types and quantities of solid wastes, plans for use of the solid wastes, the point of delivery of the solid wastes, and the fee to be charged. During a period of 90 days following the notification, the district shall negotiate with the persons within

the areas to be served in order to develop contractual agreements on the terms of required use of the designated facilities.

(b) If contracts have not been made at the end of the 90 day period, or if persons subject to the required use have not made arrangements sufficient to justify exemption under subdivision 3, the district shall hold a public hearing to take testimony on the required use of the designated facilities. The hearing shall be preceded by the notice required under clause (a).

(c) If contracts have not been made within 30 days after the public hearing, or if persons subject to the required use have not made arrangements sufficient to justify exemption under subdivision 3, the district may order any person identified in the notice of the district to use the designated facilities, starting at a specified date which shall be at least 30 days after the order has been issued.

Subd. 5. [SERVICE GUARANTEE.] The district shall not arbitrarily terminate, suspend, or curtail services provided to any person required pursuant to this section to use designated facilities without the consent of the person or without just cause.

Subd. 6. [TERMINATION.] Use required under contract or order pursuant to this section may be terminated by a person upon an adequate showing to the district that the solid waste has value and that arrangements have been made by the person sufficient to justify exemption under subdivision 3, unless the district determines that the requirement must be continued to assure delivery of waste necessary to the financial support of the district facilities.

Sec. 10. [BONDING AND TAXING POWERS.] Subdivision 1. [GENERAL.] A district may exercise any or all of the bonding and taxing powers provided in this section to the extent such powers are authorized by the order of the agency establishing the district and by its articles of incorporation.

Subd. 2. [DEBT.] The district's bonds shall be sold, issued, and secured in the manner provided in chapter 475 and the district shall have the same powers and duties as a municipality and its governing body in issuing bonds under that chapter. No election shall be required. The bonds may be sold at any price and at public or private sale as determined by the district and shall not be subject to any limitation as to rate.

Subd. 3. [REVENUE BONDS.] A district may borrow money and incur indebtedness by issuing bonds and obligations which are payable solely:

(a) from revenues, income, receipts, and profits derived by the district from its operation and management of solid waste facilities;

(b) from the proceeds of warrants, notes, revenue bonds, debentures, or other evidence of indebtedness issued and sold by the district which are payable solely from such revenues, income, receipts, and profits;

(c) from federal or state grants, gifts, or other moneys received by the district which are available therefor.

Every issue of revenue bonds by the district shall be payable out of any funds or revenues from any facility of the district, subject only to agreements with the holders of particular bonds or notes pledging particular revenues or funds. If any facility of the district is funded in whole or in part by Minnesota state waste management bonds pursuant to articles VI and VII the state bonds shall take priority. The district may provide for priorities of liens in the revenues between the holders of district obligations issued at different times or under different resolutions. The district may provide for the refunding of any district obligation through the issuance of other district obligations entitled to rights and priorities similar in all respects to those held by the obligations that are refunded.

Subd. 4. [GENERAL OBLIGATION BONDS.] The district may borrow money and incur indebtedness by issuing its bonds and obligations for the payment of which the full faith and credit of the district are pledged. By October 1 of each year the treasurer of the board of directors shall examine the debt service fund of the district and determine whether or not there are sufficient funds to pay all principal and interest of bonds coming due the following year. If the available funds are insufficient, the treasurer shall notify and direct each county or city auditor within the district to levy a tax. If the tax is to be levied solely in proportion to the value of the property in the district, the commissioner of revenue is authorized to adjust the rate of taxation pursuant to section 270.12, subdivision 3. The tax shall be subject to no limitation of rate or amount until the money in the debt service fund becomes sufficient to pay all principal and interest payments coming due. Taxes levied by the district for the payment of its bonds in accordance with section 475.61 shall be included in computing the levy limitations under section 275.11. If the tax required by section 475.61 to be levied for any year of the term of a bond issue upon would, when added to the taxes levied by a political subdivision for all purposes in the year preceding such issue, exceed the limitations prescribed in section 275.11, the bonds shall not be issued without the consent by resolution of the governing body of the political subdivision.

Sec. 11. [AUDIT.] *The board of directors, at the close of each year's business, shall cause an audit of the books, records and financial affairs of the district to be made by a certified public accountant or the state auditor. Copies of a written report of the audit, certified to by the auditors, shall be placed and kept on file at the principal place of business of the district and shall be filed with the secretary of state and the agency.*

ARTICLE IX

NONMETROPOLITAN COUNTIES

Section 1. Minnesota Statutes 1978, Section 400.03, Subdivision 1, is amended to read:

400.03 [DEFINITIONS.] Subdivision 1. For the purposes of sections 400.01 to 400.17 the terms defined in this section have the meaning given them. The terms defined in (MINNESOTA STATUTES 1969,) chapter 116 and article I, section 3, also apply to the terms used in sections 400.01 to 400.17.

Sec. 2. Minnesota Statutes 1978, Section 400.04, is amended to read:

400.04 [SOLID WASTE MANAGEMENT PROGRAM.] Subdivision 1. [GENERAL.] Any county may conduct a solid waste management program which may include activities authorized by sections 400.01 to 400.17 and such other activities as are necessary and convenient to effectively carry out the purposes of sections 400.01 to 400.17.

Subd. 2. [ACQUISITION OF REAL PROPERTY.] A county may acquire by gift, lease, purchase or eminent domain as provided by law any land or interest in land upon such terms and conditions as it shall determine, including the use of contracts for deed, within or outside of the county, which the board deems suitable for these purposes; provided that no such land or interest in land situated in any other county shall be acquired without the approval by resolution of the county board thereof.

Subd. 3. [ACQUISITION, CONSTRUCTION AND OPERATION OF PROPERTY AND FACILITIES.] A county may acquire, construct, enlarge, improve, repair, supervise, control, maintain, and operate any and all *solid waste facilities and other property and facilities* needed, used, or useful for a solid waste management (PROGRAM) purposes, and may purchase and lease materials, equipment, machinery and such other personal property as is necessary for such purposes upon terms and conditions determined by the board including the use of conditional sales contracts and lease-purchase agreements. A county may employ such personnel as are reasonably necessary for the care, maintenance and operation of such *property and facilities*.

Whenever practicable, a county shall contract with private persons for the construction, maintenance, and operation of solid waste facilities.

Subd. 4. [MANAGEMENT AND SERVICE CONTRACTS.] A county may enter into contracts for the construction, installation, maintenance and operation of *property and facilities* on private or public lands and may contract for the furnishing of solid waste management services.

Subd. 5. [PLANS.] The county may provide for surveys and plans to determine locations available, appropriate, and suitable for *property and facilities* needed for the program, and plans for the improvement of (SITES) *property and facilities*.

Subd. 6. [EXPENDITURE OF FUNDS.] A county is authorized to expend funds for the purposes enumerated in this section and for any other activities necessary to an efficient solid waste *management* program.

Sec. 3. Minnesota Statutes 1978, Section 400.06, is amended to read:

400.06 [INSPECTION; COOPERATION WITH AGENCY.] All counties shall provide for the periodic inspection of *mixed municipal* solid waste (COLLECTION, STORAGE, TRANSPORTATION AND DISPOSAL) facilities and *mixed municipal solid waste management property and facilities* located and being operated within their respective boundaries to determine whether (SUCH) *the property and facilities* are being maintained and operated in compliance with applicable county ordinances and rules, regulations, standards, orders, permits, and requirements of the agency. In the event that (SUCH) *the property and facilities* are not so in compliance, the county board shall take (SUCH) actions (AS ARE) necessary to assure future compliance with all applicable ordinances, rules, regulations, standards and requirements, according to law, and shall cooperate with the agency in obtaining and maintaining (SUCH) compliance. *All inspectors provided or used by the county under this section shall be certified by the agency in accordance with section 116.41:*

Sec. 4. Minnesota Statutes 1978, Section 400.07, is amended to read:

400.07 [DEVELOPMENT OF RESOURCE RECOVERY SYSTEMS.] All counties shall cooperate with the agency in the *planning*, development and implementation of *resource recovery* systems (FOR THE RECOVERY AND USE OF MATERIALS AND ENERGY FROM SOLID WASTE), and toward that end, shall modify applicable county ordinances consistent with rules (, REGULATIONS) and standards of the agency (CONCERNING THIS SUBJECT).

Sec. 5. Minnesota Statutes 1978, Section 400.13, is amended to read:

400.13 [SOLID WASTE MANAGEMENT FUND.] Any county *owning or operating solid waste management property or facilities pursuant to section 400.04, subdivision 3, and establishing fees for the provision of services by the county pursuant to section 400.08, shall continuously maintain a special account on its official books and records designated as the solid waste management fund, to which it shall credit all receipts from the rates and charges authorized in section 400.08 and from the sale of real or personal property pertaining to (THE) solid waste (DISPOSAL SYSTEM) management purposes, and the proceeds of all gifts, grants, loans, and issues of bonds for (THE) such purposes (OF THE SYSTEM), and to which it shall charge all costs of the acquisition, construction, enlargement, improvement, repair, supervision, control, maintenance, and operation of (THE SYSTEM AND OF ALL FACILITIES INCLUDED THEREIN) property, facilities, and services. Separate accounts may be established within this fund for the segregation of revenues pledged for the payment of bonds or loans, or money granted or borrowed for use for a specific purpose.*

Sec. 6. Minnesota Statutes 1978, Section 400.16, is amended to read:

400.16 [SOLID WASTE AND SEWAGE SLUDGE DISPOSAL REGULATIONS.] The county may by ordinance establish and (FROM TIME TO TIME) revise rules, regulations, and standards for solid waste *and sewage sludge* management and land pollution, relating to (a) the location, sanitary operation, and maintenance of solid waste (MANAGEMENT) facilities *and sewage sludge disposal facilities* by the county and any municipality or other public agency and by private operators; (b) the collection, (TRANSPORTATION, STORAGE) *processing, and disposal of solid waste and sewage sludge*; (c) the amount and type of equipment required in relation to the amount and type of material received at any *solid waste facility or sewage sludge disposal facility*; (d) the control of salvage operations, water or air or land pollution, and rodents *at such facilities*; (e) the termination or abandonment of *such facilities or activities*; and (f) (SUCH) other matters *relating to such facilities* as may be determined necessary for the public health, welfare, and safety. *The county shall adopt such ordinances for mixed municipal solid waste management.* The county (MAY ISSUE) *shall make provision for issuing permits or licenses for mixed municipal solid waste (MANAGEMENT) facilities and (MAY) shall require that such facilities be registered with an appropriate county office. The county ordinance shall not prevent or restrain the location, establishment, operation, expansion, continuance, or closure of any solid waste or sewage sludge disposal facility in accordance with certificates, permits and other approvals by state agencies pursuant to Article IV,*

except that ordinances approved by the agency as being consistent with the establishment and use of facilities in accordance with such certificates, permits, and approvals may impose conditions respecting the construction, inspection, monitoring, and maintenance of a facility. No permit or license shall be issued for a mixed municipal solid waste facility unless the applicant has demonstrated the availability of sufficient solid waste to provide operating revenues necessary to operate the facility in accordance with applicable state and local laws, ordinances, and rules. The county ordinance (MAY) shall require appropriate procedures for termination or abandonment of any mixed municipal solid waste facilities or services, which shall include provision for long term monitoring for possible land pollution, and for the payment by the owners or operators thereof, or both, of any costs incurred by the county in completing such procedures. In the event the operators or owners fail to complete such procedures in accordance with the ordinance, the county may recover the costs of completion in a civil action in any court of competent jurisdiction or, in the discretion of the board, the costs may be certified to the county auditor as a special tax against the land to be collected as other taxes are collected. The ordinance may be enforced by injunction, action to compel performance, or other appropriate action in the district court. Any ordinance enacted under this section shall embody minimum standards and requirements established by rule of the agency.

Sec. 7. Minnesota Statutes 1978, Section 400.161, is amended to read:

400.161 [HAZARDOUS WASTE REGULATIONS.] The county may by ordinance establish and (FROM TIME TO TIME) revise rules, regulations, and standards (FOR HAZARDOUS WASTE MANAGEMENT) relating to (a) identification of hazardous waste, (b) the labeling and classification of hazardous waste, (c) the (HANDLING,) collection, transportation *processing, disposal,* and storage of hazardous waste, (d) (THE ULTIMATE DISPOSAL SITE OF THE HAZARDOUS WASTE, AND (E) SUCH) other matters as may be determined necessary for the public health, welfare and safety. The county may issue permits or licenses for hazardous waste generation and may require the generators be registered with a county office. *The county ordinance shall not prevent or restrain the location, establishment, operation, expansion, continuance, or closure of any hazardous waste facility in accordance with certificates, permits, and other approvals by state agencies pursuant to articles III and IV, except that ordinances approved by the agency as being consistent with the establishment and use of facilities in accordance with such certificates, permits, and approvals may impose conditions respecting the construction, inspection, monitoring, and maintenance of a facility.* The ordinance may require appropriate procedures for the payment by the generator of any costs incurred by the county in completing such procedures. If the generator fails to complete such

procedures, the county may recover the costs of completion in a civil action in any court of competent jurisdiction or, in the discretion of the board, the costs may be certified to the county auditor as a special tax against the land as other taxes are collected. The ordinance may be enforced by injunction, action to compel performance, or other action in district court. Any ordinance under this section shall embody standards and requirements established by rule of the agency. Issuing, denying, modifying, imposing conditions upon, or revoking permits pursuant to the provisions of this section or regulations promulgated hereunder shall be (,) subject to review, denial, suspension, *modification*, and reversal by the (POLLUTION CONTROL) agency. The (POLLUTION CONTROL) agency shall after written notification have 15 days to review, *deny*, suspend, modify, or reverse the action of the county. After 15 days, the action of the county board shall be final subject to appeal to the district court as provided in section 115.05.

Sec. 8. Minnesota Statutes 1978, Chapter 400, is amended by adding a section to read:

[400.162] [COUNTY DESIGNATION OF RESOURCE RECOVERY FACILITY.] *Except within the metropolitan area, the western lake superior sanitary district established by Laws 1971, Chapter 478, as amended, and any solid waste management district established under article VIII, any county may require that all or any portion of the solid waste that is generated within the boundaries of the county or any service area thereof and is disposed of in the state be delivered to a resource recovery facility designated by the county board or transfer station serving such a facility, provided that the designation is approved by the agency. The agency may require the county to complete a comprehensive solid waste management plan conforming to the requirements of article V, section 5. In establishing, continuing, and terminating the designation, the county shall be governed by all standards, exceptions, procedures, and other requirements provided in article VIII, section 9, subdivisions 2 to 6.*

ARTICLE X

SOLID WASTE AND SEWAGE SLUDGE MANAGEMENT: METROPOLITAN AREA

Section 1. Minnesota Statutes 1978, Section 473.121, is amended by adding a subdivision to read:

Subd. 36. The definitions of terms relating to waste in chapter 116 and article I, section 3, also apply to the same terms relating to waste used in chapter 473.

Sec. 2. Minnesota Statutes 1978, Section 473.149, is amended to read:

473.149 [SOLID WASTE COMPREHENSIVE PLANNING.] Subdivision 1. [POLICY PLAN; GENERAL REQUIREMENTS.] (BY JULY 1, 1978,) The metropolitan council shall prepare and by resolution adopt as part of its development guide a long range policy plan for (THE COLLECTION AND PROCESSING OF) solid (AND HAZARDOUS) waste *management* in the metropolitan area. When adopted, the plan shall be followed in the metropolitan area. The plan shall substantially conform to all policy statements, purposes, goals, standards, maps and plans in development guide sections and plans adopted by the council, *provided that no land shall be thereby excluded from consideration as a solid waste facility site except land determined by the agency to be intrinsically unsuitable for such use.* The plan shall include goals and policies for (THE COLLECTION AND PROCESSING OF) solid (AND HAZARDOUS) waste *management* in the metropolitan area and, to the extent appropriate, statements and information similar to that required under section 473.146, subdivision 1. The plan shall include criteria and standards for *solid waste facilities and solid waste facility sites* respecting the following matters: general location; capacity; operation; processing techniques; environmental impact; effect on existing, planned, or proposed collection services and waste facilities; and economic viability. For *solid waste facilities* owned or operated by public agencies or supported primarily by public funds or obligations, the plan shall include additional criteria and standards (RESPECTING FINANCIAL SELF SUFFICIENCY BASED UPON COMPETITIVE RATES AND CHARGES) *to ensure that the facilities are operated on a competitive basis so as not to create an unfair or unreasonable advantage or restraint of trade in relation to comparable private facilities existing in the area.* In developing the plan the council shall consider the orderly and economic development, public and private, of the metropolitan area; the preservation and best and most economical use of land and water resources in the metropolitan area; the protection and enhancement of environmental quality; the conservation and reuse of resources and energy; the preservation and promotion of conditions conducive to efficient, (LOW COST,) competitive, and adaptable systems of waste (COLLECTION AND PROCESSING) *management*; and the orderly resolution of questions concerning changes in systems of waste (COLLECTION AND PROCESSING) *management*. Criteria and standards for solid (AND HAZARDOUS) waste facilities shall be consistent with regulations adopted by the pollution control agency pursuant to chapter 116 and (SECTION 473.823. THE HAZARDOUS WASTE PORTION OF THE POLICY PLAN SHALL BE APPROVED BY THE POLLUTION CONTROL AGENCY IN ACCORDANCE WITH ITS STANDARDS AND REGULATIONS PRIOR TO ADOPTION BY THE COUNCIL) *shall be at least as stringent as the guidelines, regulations, and standards of the federal environmental protection agency.*

Subd. 2. [DISPOSAL CAPACITY ESTIMATE.] By July 1, 1980, the council shall adopt by resolution an estimate of the added solid waste disposal capacity needed in appropriate sectors of the metropolitan area in annual increments through the year 1990 and thereafter in five year increments through the year 2000. The council's estimate shall be based upon existing and projected solid waste generation rates without regard to potential waste reduction, separation, and recovery activity except that provided by services and facilities in operation or under construction.

Subd. 3. [DISPOSAL ABATEMENT REPORT.] By January 1, 1981, the council shall prepare and submit a report to metropolitan counties on potentials for abating the need for and practice of land disposal of mixed municipal solid waste in the metropolitan area, for use by the counties in developing land disposal abatement plans pursuant to section 473.803, subdivision 3. The report shall contain an analysis of abatement achievable through waste reduction, waste separation, waste processing, and resource recovery. The report shall contain specific and quantifiable alternative abatement objectives and degrees of abatement, along with solid waste management methods and technologies, private and government actions, facilities and services, development schedules, revenue-raising measures, and levels of public and private expenditure and effort necessary to the achievement of those alternative objectives and degrees of abatement. The report shall recommend priorities and objectives for abating, immediately and over specified time periods, the disposal of mixed municipal solid waste in the metropolitan area. During the preparation of the report, the council shall encourage public debate and discussion of the issues relating to land disposal abatement and shall hold a public meeting on the issues in each metropolitan county.

Subd. 4. [INVENTORY OF SOLID WASTE DISPOSAL SITES.] By October 1, 1981, the council shall adopt by resolution an inventory of eligible solid waste disposal sites and buffer areas within the metropolitan area. The council's inventory shall be composed of the sites and buffer areas proposed by the counties and reviewed and approved by the council pursuant to section 473.803, subdivision 2. If a county does not have an approved inventory, the council shall adopt the required inventory for the county, following such investigations by the council and such public hearings as the council deems appropriate. The council's inventory shall satisfy all requirements and standards described in section 473.803, subdivision 2, for sites and buffer areas proposed by counties. For sites and buffer areas included in the council's inventory, the moratorium imposed under section 473.803, subdivision 2, shall extend until October 1, 1983.

Subd. 5. [REPORT ON LOCAL EFFECTS OF SOLID WASTE DISPOSAL FACILITIES.] By January 1, 1982, the council shall report to the legislative commission on methods of mitigating and compensating for the local risks, costs, and other adverse effects of solid waste disposal facilities and on methods

of financing mitigation and compensation measures. The methods of mitigating and compensating to be considered shall include but not be limited to the following: payment outside of levy limitations in lieu of taxes for all property taken off the tax rolls; preference for the city or town containing a facility in federal A-95 reviews conducted by the council; payment of all costs to service the facilities including the costs of roads, monitoring, inspection, enforcement, police and fire, and litter clean up costs; payment for buffer zone amenities and improvements; city or town control over buffer zone design; elimination of the tipping charge for solid waste collected in the city or town; a guarantee against any and all liability that may occur; payment for reclamation of closed sites to local design specifications.

Subd. 6. [LAND DISPOSAL ABATEMENT PLAN; REPORT TO LEGISLATURE.] By January 1, 1983, after considering county land disposal abatement proposals submitted pursuant to section 473.803, subdivision 3, the council shall amend its policy plan to include specific and quantifiable objectives for abating the land disposal of mixed municipal solid waste. The plan shall include a reduced estimate, based on the council's abatement objectives, of the added solid waste disposal capacity needed in appropriate sectors of the metropolitan area, stated in annual increments through the year 1990 and thereafter in five year increments through the year 2000. The objectives in the plan shall be based upon standards for county resource recovery and waste reduction and separation programs and activities. The plan shall include standards and procedures to be used by the council in determining that metropolitan counties have not implemented the council's land disposal abatement plan and have not met the standards for county abatement programs and activities. The council shall report to the legislative commission on its abatement plan and on legislation that may be required to implement the plan.

Subd. 7. [SOLID WASTE DISPOSAL FACILITIES DEVELOPMENT SCHEDULE.] By January 1, 1983, after requesting and considering recommendations from the counties, cities, and towns, the council as part of its policy plan shall determine the number of sites to be acquired within each metropolitan county for solid waste disposal facilities in accordance with section 15. The council shall adopt a schedule for development of disposal facilities by each such county through the year 2000. The schedule shall be based upon the council's reduced estimate of the disposal capacity needed because of the council's land disposal abatement plan. The schedule may include standards, criteria, and procedures to be used by counties in selecting sites for acquisition pursuant to section 15. The schedule shall include standards and procedures for council certification of need pursuant to section 473.823. The schedule shall include a facility closure schedule and plans for post-closure management and disposition, for the use of property after acquisition and before facility development, and for the disposition of property and development rights no longer needed for disposal facilities.

Subd. (3) 8. [PREPARATION AND ADOPTION.] The *solid waste* policy plan shall be prepared, adopted, and amended in accordance with section 473.146, subdivision 2, provided that the procedural duties and responsibilities established therein for the affected metropolitan commission shall extend to the metropolitan counties and the pollution control agency. In addition to the requirements of section 473.146, subdivision 2, the council shall send notice of any hearing to the pollution control agency and the governing body of each metropolitan county and each local governmental unit, as defined in section 473.801, wherein a *solid waste* facility is or may be located in accordance with the plan. Any comprehensive (SOLID AND HAZARDOUS WASTE) plan adopted by the council (PRIOR TO THE EFFECTIVE DATE OF THIS ACT) shall remain in force and effect (UNTIL A POLICY PLAN IS) *while new or amended plans are being prepared* (IN ACCORDANCE WITH SUBDIVISION 1) and adopted by the council. By October 1, 1976, the council shall adopt either interim policies or amendments to the existing comprehensive plan establishing standards and criteria for the review under section 473.823 of permit applications for *solid waste* facilities used primarily for resource recovery. For permit applications received by the council prior to October 1, 1976, the council may extend the time period provided for review under section 473.823 until 60 days after the adoption of the interim policies or amendments. No metropolitan county, local government unit, commission, or person shall acquire, construct, improve or operate any *solid waste* facility in the metropolitan area except in accordance with the council's plan and section 473.823, provided that no *solid waste* facility in use when a plan is adopted shall be discontinued solely because it is not located in an area designated in the plan as acceptable for the location of such facilities.

Subd. (4) 9. [ADVISORY COMMITTEE.] The council shall establish an advisory committee to aid in the preparation of the policy plan (AND,) *the performance of the council's responsibilities under subdivisions 2 to 7, the review of county master plans and reports and applications for permits for waste facilities, under sections 473.151 and 473.801 to 473.823 and sections 13 to 15, and other duties determined by the council.* The committee shall consist of one-third citizen representatives, one-third representatives from metropolitan counties and municipalities, and one-third representatives from private waste management firms. *From October 1, 1981 to January 1, 1983, for the purpose only of participating in the preparation of the legislative report required by subdivision 5 and the land disposal abatement plan required by subdivision 6, additional members shall be included on the advisory committee sufficient to assure that at least one-third of the members of the committee are residents of cities or towns containing eligible solid waste disposal sites included in the councils' disposal site inventory.* A representative from the pollution control agency, *one from the waste management board established under article II, section 1,* and one from

the Minnesota health department shall serve as ex officio members of the committee.

Sec. 3. Minnesota Statutes 1978, Chapter 473, is amended by adding a section to read:

[473.153] [COMPREHENSIVE DISPOSAL FACILITIES PLAN FOR SEWAGE SLUDGE AND SOLID WASTE FROM SEWAGE TREATMENT.] *Subdivision 1. [FACILITIES REQUIRED.] Except as provided in subdivision 7 and article IV, section 2, all sewage sludge disposal facilities and facilities for the disposal of solid waste generated by the metropolitan waste control commission shall be established and operated in accordance with this section and section 473.516. The council and the commission shall establish at least one facility for sewage sludge disposal and at least one facility for solid waste disposal.*

Subd. 2. [CANDIDATE SITE SELECTION.] By July 1, 1981, the council shall select three candidate sites for the disposal of the commission's sewage sludge and three candidate sites for the disposal of the commission's solid waste, together with appropriate surrounding buffer areas. The council shall evaluate sites for candidacy on the basis of at least the following factors: local land use and land use controls, existing and future development patterns, transportation facilities, distance from the points of generation, and the intrinsic suitability of sites compared with other potential sites. Notwithstanding any plan, charter provision, law, ordinance, regulation, or other requirement of the council, counties, or local units of government, no land shall be excluded from consideration for candidacy except land determined by the agency to be intrinsically unsuitable. No site shall be selected for candidacy unless the agency certifies its apparent intrinsic suitability for the use intended, based on preliminary environmental analysis and on-site surveys and investigations conducted by the agency. In selecting candidate sites, the council shall prefer land which is suited and likely to be put to beneficial use after closure of a disposal facility.

Subd. 3. [MORATORIUM.] A moratorium is hereby imposed on development within the area of each proposed site and buffer area selected by the council. The moratorium shall extend until six months following the council's decision under subdivision 6. No development shall be allowed to occur within the area of a proposed site or buffer area during the period of the moratorium. No county, city, or town land use control shall permit such development, nor shall any county, city, or town sanction or approve any subdivision, permit, license, or other authorization which would allow such development to occur.

Subd. 4. [ADVISORY COMMITTEE.] For the purposes only of advising the council on decisions under this section, additional members shall be added to the advisory committee estab-

lished by section 473.149, subdivision 9, sufficient to assure that each city and town containing a candidate site has at least one representative on the committee.

Subd. 5. [ENVIRONMENTAL AND PERMIT REVIEW.] *An environmental impact statement meeting the requirements of chapter 116D shall be completed on each candidate site, provided that the statement shall be finally accepted or rejected within 280 days of the selection of candidate sites. Within 90 days following the acceptance of the statement, the agency shall indicate the conditions and terms of approval of all permits needed at each candidate site.*

Subd. 6. [COUNCIL SITE SELECTION.] *Within 90 days following the agency's decision on permit conditions and terms, the council shall select at least one of the candidate sites for acquisition and development by the commission as a sewage sludge disposal facility and at least one of the candidate sites for acquisition and development by the commission as a solid waste disposal facility. Before its selection the council shall consult with the advisory committee and affected counties, cities, and towns.*

Subd. 7. [EXISTING FACILITIES EXEMPTED.] *Nothing in this section shall be construed to preclude the commission from continuing to use existing sewage sludge disposal facilities.*

Sec. 4. Minnesota Statutes 1978, Section 473.502, is amended to read:

473.502 [LEGISLATIVE PURPOSE AND POLICY.] *The legislature determines that in the metropolitan area there are serious problems of water pollution and processing and disposal of sewage and waste resulting from sewage treatment, which cannot be effectively or economically dealt with by existing local government units in the area under existing laws. The legislature therefore declares that for the protection of the public health, safety, and welfare of the area, for the preservation and best use of waters and other natural resources of the state in the area, for the prevention, control and abatement of water pollution in the area, and for the efficient and economic collection, treatment and disposal of sewage and waste resulting from sewage treatment it is necessary to assign to the metropolitan council the responsibility of carrying on a continuous, long-range program of planning with respect thereto and to establish a waste control commission, which, together with the council, can take over, acquire, construct, operate, and maintain all interceptors and treatment works and waste facilities necessary for the collection, treatment and disposal of sewage and waste resulting from sewage treatment in the metropolitan area, and can take over, acquire, construct, operate, and maintain waste facilities in the metropolitan area.*

Sec. 5. Minnesota Statutes 1978, Section 473.516, is amended to read:

473.516 [WASTE FACILITIES; SEWAGE SLUDGE DISPOSAL.] *Subdivision 1.* [ACQUISITION AND OPERATION.] Without limiting the grant or enumeration of any of the powers conferred on the council or commission under sections 473.501 to 473.549, the commission shall have the specific power to acquire by purchase, lease, condemnation, gift or grant any real or personal property including *development rights*, positive and negative easements and water and air rights, and it may construct, enlarge, improve, replace, repair, maintain and operate (HAZARDOUS) waste facilities in the metropolitan area deemed to be necessary or convenient in connection with the processing or disposal of (HAZARDOUS) waste *resulting from sewage treatment*, and the commission may contract for the maintenance and operation of such waste facilities, subject to the bidding requirements of section 473.523. The commission may accept for processing (HAZARDOUS) waste derived from outside the metropolitan area in the state, as well as (HAZARDOUS) waste derived from within the metropolitan area, and may fix and collect fees and charges for the acceptance of (HAZARDOUS) waste as the commission determines to be reasonable.

Subd. 2. [GENERAL REQUIREMENTS.] With respect to its activities under this section, the commission shall be subject to and comply with the applicable provisions of this chapter. Property acquired by the commission under this section shall be subject to the provisions of section 473.545. Any site or facility owned or operated for or by the commission shall conform to the policy plan adopted by the council under section 473.149 and shall be authorized in accordance with the commission's development program and capital budget approved by the council. *Whenever possible, the commission shall contract with private persons for the construction, maintenance, and operation of waste facilities, subject to the bidding requirements of section 473.523.*

Subd. 3. [LOCAL RESTRICTIONS.] *Counties and local units of government may impose conditions respecting the construction, operation, inspection, monitoring, and maintenance of a waste facility of the commission and conditions respecting the sale, gift, delivery, storage, use, and disposal of sewage sludge of the commission on private property as a soil conditioner or amendment, but only in the manner and only to the extent authorized and approved by the council and the agency as being consistent with the establishment and use of the commission's waste facilities and the disposal of the commission's sewage sludge on private property in accordance with the council's plan, adopted under section 3, and agency permits and rules. Counties may exercise the enforcement powers granted under section 473.811, subdivision 10, in the manner and to the extent authorized and approved in accordance with this subdivision.*

Subd. 4. [TECHNICAL MONITORING; SEWAGE SLUDGE DISPOSAL.] Each sewage sludge disposal facility of the waste control commission, or site used for the disposal of sewage sludge of the commission, shall be required to have an agency permit issued pursuant to agency rules for permitting sewage sludge disposal facilities sites. Each such permit shall require a regular monitoring, inspection, and testing program to be carried out by the agency, or the state department of health or county under contract to the agency, to prevent impairment or threat of impairment of ground and surface water. The commission shall reimburse the agency quarterly for the cost of the program.

Sec. 6. Minnesota Statutes 1978, Section 473.801, Subdivision 1, is amended to read:

473.801 [DEFINITIONS.] Subdivision 1. For the purposes of sections 473.801 to 473.823 and sections 13 to 16 the terms defined in this section have the meanings given them.

Sec. 7. Minnesota Statutes 1978, Section 473.802, is amended to read:

473.802 [LEGISLATIVE PURPOSE AND POLICY.] The legislature determines that for the protection of the public health, safety, and welfare of the people of the metropolitan area, for the prevention, control and abatement of pollution of air and waters of the state in the metropolitan area, and for the efficient and economic (COLLECTION AND PROCESSING) management of solid (AND HAZARDOUS) waste in the metropolitan area, it is necessary to (AUTHORIZE THE AGENCY TO REGULATE THE HANDLING OF HAZARDOUS WASTE AND THE LOCATION AND OPERATION OF WASTE FACILITIES IN THE AREA; TO) authorize the metropolitan council to carry on a continuous, long range program of planning with respect to solid (AND HAZARDOUS) waste (COLLECTION AND PROCESSING) management, (AND) to establish criteria and standards and approve permits for solid waste facilities in the area, and to provide funds for the acquisition of property for solid waste disposal purposes; and to authorize the metropolitan counties if necessary to acquire, construct, operate and maintain solid waste facilities, to plan for and regulate solid waste collection services and facilities, to collect data on solid and hazardous waste (COLLECTION AND PROCESSING) management systems and procedures, and to assist state agencies to regulate the (HANDLING) management of hazardous waste. The legislature declares that a public purpose is served by the recovery and utilization of resources from solid (WASTE AND HAZARDOUS) waste where economically viable and compatible with source reduction. The plans, criteria, standards and regulations of the agency, council and metropolitan counties shall, to the extent practicable, en-

courage ownership and operation of solid waste facilities by private industry.

Sec. 8. Minnesota Statutes 1978, Section 473.803, is amended to read:

473.803 [METROPOLITAN COUNTY PLANNING.] Subdivision 1. [COUNTY MASTER PLANS; GENERAL REQUIREMENTS.] Each metropolitan county, following adoption or revision of the council's solid (AND HAZARDOUS) waste policy plan and in accordance with the dates specified therein, and after consultation with all affected (MUNICIPALITIES) *local government units*, shall prepare and submit to the council for its approval, a county solid (AND HAZARDOUS) waste master plan to implement the policy plan. *The master plan shall be revised and resubmitted at such times as the council's policy plan may require.* The master plan shall describe county solid (AND HAZARDOUS) waste activities, functions, and facilities; the existing system of solid (AND HAZARDOUS) waste generation, collection, and processing, *and disposal* within the county; existing and proposed county and municipal ordinances and license and permit requirements relating to *solid* waste facilities and (HAZARDOUS AND) solid waste generation, collection, and processing, *and disposal*; existing or proposed municipal, county, or private *solid* waste facilities and collection services within the county together with schedules of existing rates and charges to users and statements as to the extent to which such facilities and services will or may be used to implement the policy plan; and any solid waste facility which the county owns or plans to acquire, construct, or improve together with statements as to the planned method, estimated cost and time of acquisition, proposed procedures for operation and maintenance of each facility; an estimate of the annual cost of operation and maintenance of each facility; an estimate of the annual gross revenues which will be received from the operation of each facility; and a proposal for the use of each facility after it is no longer needed or usable as a waste facility. The master plan shall, to the extent practicable, encourage ownership and operation of solid waste facilities by private industry. For *solid* waste facilities owned or operated by public agencies or supported primarily by public funds or obligations, the master plan shall contain policies to ensure (FINANCIAL SELF-SUFFICIENCY BASED UPON COMPETITIVE RATES AND CHARGES) *that the facilities are operated on a competitive basis so as not to create an unfair or unreasonable advantage or restraint of trade in relation to comparable private facilities existing in the area.*

Subd. 2. [PROPOSED INVENTORY OF DISPOSAL SITES.] *By June 1, 1981, each county shall adopt, by resolution of its governing body, an inventory of three proposed sites in the county suitable for mixed municipal solid waste disposal facilities and one proposed site in the county suitable for the dis-*

posal of demolition debris 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 suited and likely to be put to beneficial 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 proposed by the county or approved by the council 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 or agency. Notwithstanding any plan, charter provision, law, ordinance, regulation, or other requirement of any state agency or political subdivision, no land shall be excluded from consideration for inclusion in the inventory except land determined by the agency to be intrinsically unsuitable. The council shall evaluate each site with respect to local land use and land use controls, 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. A moratorium is hereby imposed on development within the area of each site and buffer area proposed by a county, pending the council's adoption of an inventory pursuant to section 473.149, subdivision 4. For sites and buffer areas included in the council's inventory, the moratorium shall extend until October 1, 1983. No development shall be allowed to occur within the area of a site or buffer area during the period of the moratorium. No county, city, or town land use control shall permit such development, nor shall any county, city, or town sanction or approve any subdivision, permit, license, or other authorization which would allow such development to occur.

Subd. 3. [LAND DISPOSAL ABATEMENT.] By April 1, 1982, after considering the council's disposal abatement report submitted to the counties pursuant to section 473.149, subdivision 3, each county shall submit to the council a proposal to reduce to the greatest feasible and prudent extent the need for and practice of land disposal of mixed municipal solid waste. The proposal shall include programs for waste reduction and separation

and resource recovery. The proposal shall include objectives, immediately and over specified time periods, for reducing the land disposal of mixed municipal solid waste generated within the county. The proposal shall describe specific functions to be performed and activities to be undertaken by the county and cities and towns within the county to achieve the objectives and shall describe the estimated cost, proposed manner of financing, and timing of the functions and activities. The proposal shall include alternatives which could be used to achieve the objectives if the proposed functions and activities are not established. By June 1, 1983, each county shall revise its master plan to include a land disposal abatement element to implement the council's land disposal abatement plan adopted under section 473.149, subdivision 6, and shall submit the revised plan to the council for review under subdivision 4. The proposal and master plan revision required by this subdivision shall be prepared in consultation with cities and towns within the county, particularly the cities and towns in which a solid waste disposal facility is or may be located pursuant to the county master plan.

Subd. (2) 4. [COUNCIL REVIEW.] The council shall review each master plan or revision thereof to determine whether it is consistent with the council's policy plan. If it is not consistent, the council shall *disapprove and* return the plan with its comments to the county for revision and resubmittal. *The county shall have 90 days to revise and resubmit the plan for council approval.* Any county solid (OR HAZARDOUS) waste plan or report approved by the council prior to April 9, 1976, shall remain in effect until a new master plan is submitted to and approved by the council in accordance with this section.

Subd. (3) 5. [ANNUAL REPORT.] Each metropolitan county shall prepare and submit annually to the council for its approval a report containing information, as the council may prescribe in its policy plan, concerning solid (AND HAZARDOUS) waste generation (, COLLECTION, AND PROCESSING) and management within the county. *The report shall include a statement of progress in achieving the land disposal abatement objectives of the council's policy plan and county master plan.* The report shall include a schedule of rates and charges in effect or proposed for the use of any solid waste facility owned or operated by or on its behalf, together with a statement of the basis for such charges.

Sec. 9. Minnesota Statutes 1978, Section 473.811, is amended to read:

473.811 [COUNTIES AND LOCAL UNITS OF GOVERNMENT; WASTE MANAGEMENT.] Subdivision 1. [COUNTY ACQUISITION OF FACILITIES.] To accomplish the purpose specified in section 473.803, each metropolitan county may acquire by purchase, lease, gift or condemnation as provided by law, upon such terms and conditions as it shall determine, in-

cluding contracts for deed and conditional sales contracts, solid waste facilities or properties or easements or development rights for solid waste facilities which are in accordance with regulations adopted by the agency, the policy plan adopted by the council and the county master plan as approved by the council, and may improve or construct improvements on any property or facility so acquired. No metropolitan city, county or town shall own or operate a hazardous waste facility. Each metropolitan county is authorized to levy a tax in anticipation of need for expenditure for the acquisition and betterment of solid waste facilities. If (SUCH) a tax is levied in anticipation of need, the purpose must be specified in a resolution of the county directing that the levy and the proceeds of the tax may be used only for that purpose. Until so used, the proceeds shall be retained in a separate fund or invested in the same manner as surplus in a sinking fund may be invested under section 475.66. The right of condemnation shall be exercised in accordance with chapter 117. (A) *Except as provided in subdivision 9, a metropolitan county may acquire property for and operate a solid waste disposal facility within the boundaries of any (CITY) other county or (TOWN IN THE METROPOLITAN AREA,) local unit of government without complying with the provisions of any (ZONING) ordinance (ADOPTED AFTER APRIL 15, 1969) of the other county or local unit, if the action is approved by the council as being in conformance with its policy plan. For facilities outside the metropolitan area, approval of the agency shall also be required, following review pursuant to article IV.*

Subd. 2 [RIGHT OF ACCESS.] Whenever the county deems it necessary to the evaluation of a waste facility for enforcement purposes or to the evaluation of a site or buffer area for inclusion in the inventory of disposal sites pursuant to section 473.149, subdivision 4, and section 473.803, subdivision 2, or for final acquisition under section 15, the county or any member, employee, or agent thereof, when authorized by it, may enter upon any property, public or private, for the purpose of obtaining information or conducting surveys or investigations, provided that the entrance and activity is undertaken after reasonable notice and during normal business hours and provided that compensation is made for any damage to the property caused by the entrance and activity.

Subd. (2) 3. [COUNTY FINANCING OF FACILITIES.] Each metropolitan county may by resolution authorize the issuance of bonds to provide funds for the acquisition or betterment of solid waste facilities or property or property rights for a solid waste facility, or for refunding any outstanding bonds issued for any such purpose, and may pledge to the payment of the bonds and the interest thereon, its full faith, credit and taxing powers, or the proceeds of any designated tax levies, or the gross or net revenues or charges to be derived from any facility operated by or for the county, or any combination thereof. Taxes levied for the payment of the bonds and interest shall not reduce

the amounts of other taxes which the county is authorized by law to levy. No election shall be required to authorize the issuance of the bonds. Except as otherwise provided, the bonds shall be issued and sold in accordance with the provisions of chapter 475.

Subd. (3) 4. [COUNTY OPERATION OF FACILITIES.] Each metropolitan county may operate and maintain solid waste facilities, and for this purpose may employ all necessary personnel, may adopt regulations governing operation, and may establish and collect reasonable, non-discriminatory rates and charges for the use of the facilities by any local government unit or person, estimated to be sufficient, with any other moneys appropriated for the purpose, to pay all costs of acquisition, operation and maintenance. Each metropolitan county may use itself or sell all or any part of materials or energy recovered from solid waste to private interests or public agencies for consumption or reuse by them. Section 471.345 and Laws 1951, Chapter 556, as amended shall not apply to the sale of the materials or energy provided that the dealings of each county shall be on a competitive basis so as not to create an unfair or unreasonable advantage or restraint of trade on the part of the county.

Subd. (4) 5. [COUNTY CONTRACTS.] Each metropolitan county *may contract* for the use of existing public or private *solid waste facilities and* may contract with any person for the operation and maintenance of any solid waste facility owned by the county. The contract shall provide for the operation and maintenance of the facility in accordance with any regulations, criteria, and standards of the agency, the metropolitan council and the county relating thereto.

Subd. 6. [ORDINANCES; GENERAL CONDITIONS; RESTRICTIONS; APPLICATION.] *Ordinances of counties and local government units related to or affecting waste management shall embody plans, policies, rules, standards and requirements adopted by any state agency authorized to manage or plan for or regulate the management of waste and the waste management plans adopted by the council and shall be consistent with county master plans approved by the council.*

Subd. (5) 7. [ORDINANCES; SOLID WASTE COLLECTION AND TRANSPORTATION.] Each metropolitan county may adopt ordinances governing the collection of solid waste. (THE ORDINANCES SHALL NOT PREVENT THE HAULING OF SOLID WASTE FROM ONE COUNTY TO ANOTHER.) Each (MUNICIPALITY AND TOWN) *local unit of government* within the metropolitan area shall adopt an ordinance governing the collection of solid waste within its boundaries. If the county within which it is located has adopted an ordinance, the (MUNICIPALITY OR TOWN) *local unit* shall adopt either the county ordinance by reference or a more strict ordinance. (A HAULER WHO QUALIFIED UNDER THE ORDINANCE

OF THE MUNICIPALITY WHERE HE IS MAKING PICK-UPS MAY TRANSPORT SOLID WASTE ON STREETS AND HIGHWAYS IN OTHER MUNICIPALITIES WITHIN THE COUNTY WITHOUT CONFORMING TO THEIR ORDINANCES.) *Ordinances of counties and local government units may establish reasonable conditions respecting but shall not prevent the transportation of solid waste by a licensed collector through and between counties and local units, except as required for the enforcement of any designation of a facility by the council pursuant to section 13. A licensed collector or a metropolitan county or local government unit may request review by the council of an ordinance adopted under this subdivision. Upon such a request the ordinance shall be invalid unless it is approved by the council as reasonable. Ordinances of counties and local units of government shall provide for the enforcement of any designation of facilities by the council under section 13. Nothing in this subdivision shall be construed to limit the authority of the local government unit to regulate and license collectors of solid waste or to require review or approval by the council for ordinances regulating collection.*

Subd. 8. [ORDINANCES; SOLID WASTE FACILITIES.] Each metropolitan county shall by ordinance establish and from time to time revise rules, regulations, and standards for *solid waste facilities* within the county, relating to location, sanitary operation, periodic inspection and monitoring, maintenance, termination and abandonment, and other pertinent matters. The *county ordinance* shall require permits or licenses for *solid waste facilities* and shall require that such facilities be registered with a county office. *Ordinances of counties and local government units shall not prevent or restrain the acquisition, establishment, operation, expansion, continuance, or closure of solid waste disposal facilities and solid waste disposal facility sites pursuant to the council's policy plan and development schedule for such facilities, adopted pursuant to section 473.149, subdivision 7, except that ordinances approved by the council and the agency as being consistent with the establishment and use of facilities in accordance with the council's plan and agency rules and permits may impose conditions respecting the construction, operation, inspection, monitoring, and maintenance of a facility.*

Subd. 9. [ORDINANCES; HAZARDOUS WASTE MANAGEMENT.] Each metropolitan county shall by ordinance establish and revise rules, regulations, and standards (FOR HAZARDOUS WASTE MANAGEMENT) relating to (a) the identification of hazardous waste, (b) the labeling and classification of hazardous waste, (c) the (HANDLING,) collection, storage, transportation (AND STORAGE), processing, disposal, and land containment of hazardous waste, and (d) (THE ULTIMATE DISPOSAL SITE OF HAZARDOUS WASTE, AND (C)) other matters necessary for the public health, welfare and safety. The county shall require permits or licenses for the generation, collection, (AND) processing, disposal, and land containment of hazardous waste and shall require registration with a county

office. *Ordinances of counties and local government units shall not prevent or restrain the location, establishment, operation, expansion, continuance, or closure of any hazardous waste facility in accordance with certificates, permits, and other approvals by state agencies pursuant to articles III and IV, except that ordinances approved by the agency as being consistent with the establishment and use of facilities in accordance with such certificates, permits, and approvals may impose conditions respecting the construction, inspection, monitoring, and maintenance of a facility.* (ANY ORDINANCE ENACTED UNDER THIS SUBDIVISION SHALL EMBODY REGULATIONS, STANDARDS, AND REQUIREMENTS ADOPTED BY THE AGENCY AND GOALS, POLICIES, CRITERIA, AND STANDARDS ADOPTED BY THE COUNCIL AND SHALL BE CONSISTENT WITH THE COUNTY MASTER PLAN APPROVED BY THE COUNCIL. COUNTY ORDINANCES ADOPTED PURSUANT TO THIS SUBDIVISION SHALL NOT APPLY TO THE LOCATION OR OPERATION OF ANY HAZARDOUS WASTE FACILITY OWNED OR OPERATED BY THE WASTE CONTROL COMMISSION UNDER SECTION 473.516.) Issuing, denying, *suspending*, modifying, imposing conditions upon, or revoking hazardous waste permits or licenses, and county hazardous waste regulations and ordinances, shall be subject to review, denial, suspension, *modification*, and reversal by the agency. The agency shall after written notification have 15 days to review, suspend, modify, or reverse the action of the county. After this period, the action of the county board shall be final subject to appeal to the district court in the manner provided in (SECTION 115.05. ANY ORDINANCE ENACTED SHALL BE PUBLISHED IN ACCORDANCE WITH THE PROVISIONS OF SECTION 375.51) *chapter 15.*

Subd. (5A) 10. [COUNTY ENFORCEMENT.] Each metropolitan county shall be responsible for insuring that waste facilities, solid waste collection operations licensed or regulated by the county and hazardous waste generation (,) and collection (, AND PROCESSING) operations are brought into conformance with, or terminated and abandoned in accordance with, applicable county ordinances; rules, regulations and requirements of the (AGENCY) *state*; and (GOALS, POLICIES, CRITERIA, AND STANDARDS) *the policy plan* of the council. Counties may provide by ordinance that operators or owners or both of such facilities or operations shall be responsible to the county for satisfactorily performing the procedures required. If operators or owners or both fail to perform, the county may recover the costs incurred by the county in completing the procedures in a civil action in any court of competent jurisdiction or, in the discretion of the board, the costs may be certified to the county auditor as a special tax against the land. The ordinances may be enforced by action in district court. The county may prescribe a criminal penalty for the violation of any ordinance enacted under this section not exceeding the maximum which may be specified for a misdemeanor.

Subd. (6) 11. [GRANTS AND LOANS TO COUNTIES.] Each metropolitan county may accept gifts, may apply for and accept grants or loans of money or other property from the United States, the state, the metropolitan council, any local government unit, or any person, to accomplish the purposes specified in sections 473.149, 473.151, and 473.801 to 473.823 and sections 13 to 16, may enter into any agreement required in connection therewith, and may hold, use, and dispose of the money or property in accordance with the terms of the gift, grant, loan or agreement relating thereto.

Subd. (7) 12. [JOINT ACTION.] Each metropolitan county and local government unit may act *together with any county, city, or town within or without the metropolitan area* under the provisions of section 471.59 or any other appropriate law providing for joint or cooperative action between government units, to accomplish any purpose specified in sections 473.149, 473.151, and 473.801 to 473.823 and sections 13 to 16.

Subd. (8) 13. [COUNTY SALE OR LEASE.] Each metropolitan county may sell or lease any facilities or property or property rights previously used or acquired to accomplish the purposes specified by sections 473.149, 473.151, and 473.801 to 473.823 and sections 13 to 16. Such property may be sold in the manner provided by section 458.196. Each metropolitan county may convey to or permit the use of any such property by a local government unit, with or without compensation, without submitting the matter to the voters of the county. No real property or property rights acquired pursuant to this section, may be disposed of in any manner unless and until the county shall have submitted to the agency and the metropolitan council for review and comment the terms on and the use for which the property will be disposed of. The agency and the council shall review and comment on the proposed disposition within 60 days after each has received the data relating thereto from the county.

Subd. (9) 14. [SOLID AND HAZARDOUS WASTE FUND.] All moneys received by any metropolitan county from any source specified in sections 473.149, 473.151, and 473.801 to 473.823 and sections 13 to 16 shall be paid into the county treasury, placed in a special fund designated as the county solid and hazardous waste fund, and used only for the purposes authorized in those sections, as appropriated by the county board, subject to any lawful restrictions, conditions, or pledges applicable thereto.

Sec. 10. Minnesota Statutes 1978, Section 473.813, is amended to read:

473.813 [CITIES, COUNTIES, TOWNS; SOLID WASTE CONTRACTS.] Subdivision 1. Notwithstanding any contrary provision of law or charter, and in addition to the powers or

authority granted by any other law or charter, a city, county, or town in the metropolitan area may directly negotiate and enter into contracts, for a term not to exceed 30 years, for the delivery of solid waste to a waste facility and the processing of solid waste. Contracts made by direct negotiations shall be approved by resolution adopted by the governing body of the city, county, or town.

Subd. 2. Before a city, county, or town (MAY ENTER) enters into any contract pursuant to subdivision 1 (, WHICH CONTRACT IS) for a period of more than five years, the city, county, or town shall submit the proposed contract and a description of the proposed activities under the contract to the council for review and approval. The council shall approve the proposed contract if it determines that the contract (WILL NOT ADVERSELY AFFECT COLLECTION RATES AND CHARGES DURING THE TERM OF THE CONTRACT AND THAT THE CONTRACT) is consistent with the council's plan, permits issued under section 473.823, and county reports or master plans approved by the council. The council may consolidate its review of contracts submitted under this section with its review of related permit applications submitted under section 473.823, and for this purpose may delay the review required by this section.

Sec. 11. Minnesota Statutes 1978, Section 473.823, Subdivision 3, is amended to read:

Subd. 3. [SOLID WASTE FACILITIES; REVIEW PROCEDURES.] (THE AGENCY MAY PRESCRIBE PERMIT AND PERMIT APPLICATION FORMS, AND MAY REQUEST APPLICANTS TO SUBMIT IN WRITING ALL INFORMATION DEEMED RELEVANT BY THE AGENCY.) The agency shall request applicants for *solid waste facility permits* to submit all information deemed relevant by the council to its review, including without limitation information relating to the geographic areas and population served, the need, the effect on existing facilities and services, the anticipated public cost and benefit, the anticipated rates and charges, the manner of financing, the effect on metropolitan plans and development programs, the supply of waste, anticipated markets for any product, and alternative means of disposal or energy production. (THE AGENCY, OR ANY EMPLOYEE OR AGENT THEREOF, WHEN AUTHORIZED BY IT, MAY EXAMINE ANY BOOKS, PAPERS, RECORDS OR MEMORANDA OF THE APPLICANT PERTAINING TO ITS WASTE FACILITY, AND MAY ENTER ON ANY PROPERTY, PUBLIC OR PRIVATE, FOR THE PURPOSE OF OBTAINING INFORMATION, CONDUCTING SURVEYS OR MAKING INVESTIGATIONS RELATIVE TO THE LOCATION OR OPERATION OF A WASTE FACILITY. THE AGENCY MAY ISSUE PERMITS FOR THE OPERATION OF WASTE FACILITIES BY ANY METROPOLITAN COUNTY OR COMMISSION, LOCAL GOV-

ERNMENT UNIT OR PERSON WHERE THE OPERATION THEREOF IS CONSISTENT WITH APPLICABLE REGULATIONS ADOPTED BY THE AGENCY PURSUANT TO SUBDIVISION 1, PROVIDED THAT) No permit may be issued for the operation of a *solid* waste facility in the metropolitan area which is not in accordance with the metropolitan council's solid (AND HAZARDOUS) waste policy plan. The metropolitan council shall determine whether a permit is in accordance with the (GOALS, POLICIES, STANDARDS, AND CRITERIA IN ITS) policy plan. In making its determination, the council shall consider the area-wide need and benefit of the applicant facility and may consider, without limitation, the effect of the applicant facility on existing and planned *solid* waste facilities described in a waste control commission development program or county report or master plan. If the council determines that a permit is in accordance with its policy plan, the council shall approve the permit. If the council determines that a permit is not in accordance with its policy plan, it shall disapprove the permit. The council's approval of permits may be subject to conditions necessary to satisfy criteria and standards in its policy plan, including conditions respecting the type, character, and quantities of waste to be processed at a *solid* waste facility used primarily for resource recovery and (RESTRICTIONS ON) the geographic territory from which a (WASTE FACILITY USED PRIMARILY FOR) resource recovery *facility or transfer station serving such a facility* may draw its waste. For the purpose of this review and approval by the council, the agency shall send a copy of each permit application and any supporting information furnished by the applicant to the metropolitan council within 15 days after receipt of the application and all other information requested from the applicant. Within 60 days after the application and supporting information are received by the council, unless a time extension is authorized by the agency, the council shall issue to the agency in writing its determination whether the permit is disapproved, approved, or approved with conditions. If the council does not issue its determination to the agency within the 60 day period, unless a time extension is authorized by the agency, the permit shall be deemed to be in accordance with the council's policy plan. No permit may be issued in the metropolitan area for a *solid* waste facility used primarily for resource recovery, if the facility or site is owned and operated by a public agency or if the acquisition or betterment of the facility or site is secured by *public funds or obligations (PLEDGING THE FULL FAITH AND CREDIT OR TAXING POWERS OF A CITY, COUNTY, OR TOWN,)* unless the council finds that adequate markets exist for the products recovered without substantially reducing the supply of solid waste available for existing resource recovery operations and that (ALL COSTS OF OPERATION, ADMINISTRATION, MAINTENANCE AND DEBT SERVICE WILL BE COVERED BY REASONABLE RATES AND CHARGES FOR THE USE OF THE FACILITY) *the facility is operated on a competitive basis so as not to create an unfair or unreasonable advantage or restraint of trade in relation to comparable private facilities existing in the area.*

Sec. 12. Minnesota Statutes 1978, Section 473.823, is amended by adding a subdivision to read:

Subd. 5. [COUNCIL; CERTIFICATION OF NEED.] No new mixed municipal solid waste disposal facility shall be permitted in the metropolitan area without a certificate of need issued by the council indicating the council's determination that the additional disposal capacity planned for the facility is needed in the metropolitan area. The council shall amend its policy plan, adopted pursuant to section 473.149, to include standards and procedures for certifying need. The standards and procedures shall be based on the council's disposal abatement plan adopted pursuant to section 473.149, subdivision 6, and the abatement master plans of counties adopted pursuant to section 473.803, subdivision 3. The council shall certify need only if and only to the extent that the county or permit applicant demonstrates that there are no feasible and prudent alternatives to the disposal facility, including waste reduction, source separation and resource recovery which would minimize adverse impact upon natural resources. Economic considerations alone shall not justify the certification of need or the rejection of alternatives.

Sec. 13. Minnesota Statutes 1978, Chapter 473, is amended by adding a section to read:

[473.827] [COUNCIL DESIGNATION OF SOLID WASTE FACILITY; REQUIRED USE.] *Subdivision 1. [AUTHORITY.] The council may require that all or any portion of the solid waste that is generated within the metropolitan area or any service area thereof and is disposed of in the state be delivered to a resource recovery facility designated by the council or a transfer station serving such a facility. The council may designate a facility under this section without the approval of the agency except that the approval of the agency shall be required if the solid waste required to be delivered is generated outside of the metropolitan area.*

Subd. 2. [STANDARDS.] In determining whether to designate and require the use of the facility the council shall consider whether:

- (a) the required use will result in the recovery of resources or energy from materials which would otherwise be wasted;*
- (b) the required use will lessen the demand for and use of land disposal;*
- (c) the required use is necessary for the financial support of the facility;*
- (d) less restrictive methods for ensuring an adequate solid waste supply are available;*

(e) *the applicant has considered all other feasible and prudent waste processing alternatives for accomplishing the purposes of the proposed project and has compared and evaluated the costs of all such alternatives, including capital and operating costs, and the effects of all such alternatives on the cost to generators.*

Subd. 3. [EXEMPTION.] *The council shall not designate and require use of facilities for materials which are separated from solid waste and recovered for reuse or recycling by the generator, by a private person under contract with the generator, or by a licensed solid waste collector.*

Subd. 4. [PROCEDURE.] *The council shall proceed as follows when designating and requiring use of facilities:*

(a) *The council shall notify those persons whom the council has determined should use the facilities. Notification to political subdivisions shall be in writing. All other persons shall be notified at least by publication in a legal newspaper or newspapers having general circulation in the area. The notification shall specify types and quantities of solid wastes, plans for use of the solid wastes, the point of delivery of the solid wastes, and the fee to be charged. During a period of 90 days following the notification, the council shall negotiate with the persons within the areas to be served in order to develop contractual agreements on the terms of required use of the designated facilities.*

(b) *If contracts have not been made at the end of the 90-day period, or if persons subject to the required use have not made arrangements sufficient to justify exemption, the council shall hold a public hearing to take testimony on the required use of the designated facilities. The hearing shall be preceded by the notice required under clause (a).*

(c) *If contracts have not been made within 30 days after the public hearing, or if persons subject to the required use have not made arrangements sufficient to justify exemption, the council may order any person identified in the notice of the council to use the designated facilities, starting at a specified date which shall be at least 30 days after the order has been issued.*

Subd. 5. [SERVICE GUARANTEE.] *The facility designated by the council shall not arbitrarily terminate, suspend, or curtail services provided to any person required pursuant to this section to use designated facilities without the consent of the person, or without just cause.*

Subd. 6. [TERMINATION.] *Use required under contract or order pursuant to this section may be terminated by a person upon an adequate showing to the council that the solid waste*

has value and that arrangements have been made sufficient to justify exemption under subdivision 3, unless the council determines that the requirement must be continued to assure delivery of waste necessary to the financial support of the facilities designated by the council.

Sec. 14. Minnesota Statutes 1978, Chapter 473, is amended by adding a section to read:

[473.831] [DEBT OBLIGATIONS; SOLID WASTE DISPOSAL.] *Subdivision 1. [GENERAL OBLIGATION BONDS.] Following the adoption of the revisions to its policy plan required by section 473.149, subdivision 7, the council may by resolution authorize the issuance of general obligation bonds of the council to provide funds for the acquisition of sites and surrounding buffer areas for development as solid waste disposal facilities pursuant to this section and section 15 and to provide funds for refunding obligations issued under this section. The bonds shall be sold, issued, and secured in the manner provided in chapter 475 for general obligation bonds, and the council shall have the same power and duties as a municipality and its governing body in issuing bonds under chapter 475, except as otherwise provided in this chapter. No election shall be required, and the net debt limitations in chapter 475 shall not apply.*

Subd. 2. [USE OF PROCEEDS.] The proceeds of bonds issued under subdivision 1 shall be used pursuant to section 15, by the council to make grants to metropolitan counties to pay the cost of the acquisition of all property or interests in property for solid waste disposal sites and surrounding buffer areas required to be acquired by the county in the council's policy plan and development schedule adopted pursuant to section 473.149.

Sec. 15. Minnesota Statutes 1978, Chapter 473, is amended by adding a section to read:

[473.833] [SOLID WASTE DISPOSAL SITES AND BUFFER AREAS.] *Subdivision 1. [COUNTY SITE SELECTION AUTHORITIES.] Each metropolitan county shall establish a site selection authority. By June 1, 1983, each site selection authority shall select specific sites within the county from the council's disposal site inventory, in accordance with the standards, criteria, and procedures established by the council under section 473.149, subdivision 7, and in a number 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 chairman 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 of buffer area. The chairman of the county board shall be the chairman of the site selection authority. If a site selection authority has not selected the requisite number of sites in accordance with the council's standards, criteria, and procedures by June 1, 1983, the council shall make the selection.

Subd. 2. [ACQUISITION AND DISPOSITION.] *In order to prevent the development of conflicting land uses at and around future solid waste disposal facility sites, the council shall provide for the acquisition by a metropolitan county of property and rights in property at and around each solid waste disposal site selected pursuant to subdivision 1. Each site scheduled for development as a facility through the year 1990 shall be acquired in fee. Development rights shall be acquired for each site scheduled for development as a facility after the year 1990 through the year 2000. Development rights shall be acquired in a buffer area surrounding and at least equal to the area of each site scheduled for development as a facility through the year 2000. An increase or decrease in the value of property resulting from its designation in the inventory of disposal sites and buffer areas or its selection as a site or buffer area shall not be considered in establishing the value of the property in a condemnation proceeding. The county may sell property and development rights, with the permission of the council, when they are no longer needed for a site or surrounding buffer area. The owner of the fee shall have the right of first refusal of any development rights at the price of purchase plus interest at the rate permitted under section 344.01. The proceeds from any sale of property or development rights shall be returned to the council and used to pay debt service on the council's solid waste bonds.*

Subd. 3. [ACQUISITION PROCEDURE.] *The council shall offer a grant covering the full cost of acquisition to the county or counties in which the property is located. If the acquisition is not made or condemnation proceedings initiated within 60 days following June 1, 1983, the council shall offer the grant to any other county in the metropolitan area.*

Subd. 4. [FAILURE OF COUNTIES TO ACQUIRE; REPORT TO LEGISLATURE.] *If any county fails to identify property for acquisition or if counties refuse to proceed with acquisition, as required by this section and the council's disposal facility development schedule adopted pursuant to section 473.149, subdivision 7, the council shall prepare and recommend to the legislature, no later than January 1, 1984, legislation to transfer solid waste management authority and responsibility in the metropolitan area from the counties to the waste control commission or a new metropolitan commission established for that purpose.*

Sec. 16. Minnesota Statutes 1978, Chapter 473, is amended by adding a section to read:

[473.834] [DEBT SERVICE; SOLID WASTE BONDS.]
Subdivision 1. [CERTAIN CITIES AND TOWNS; EXEMPTION.] Each city or town in which a solid waste disposal facility is operating after January 1, 1980, shall be permanently exempt from the payments required by this section, if the facility is a commercial facility disposing of garbage and mixed municipal refuse under an agency permit.

Subd. 2. [ALLOCATION OF DEBT SERVICE.] The annual debt service on the council's solid waste bonds, issued under section 15, shall be annually apportioned by the council to each city and town in the metropolitan area, as follows: (a) one-half in the proportion that the assessed value of all taxable property within such city or town bears the assessed value of the taxable property in all such cities and towns, as last finally equalized before October 1 in the year in which the allocation is made; and (b) one-half in the proportion that the population of each such city or town bears to the total population in all such cities and towns, as estimated by the council.

Subd. 3. [CERTAIN CITIES AND TOWNS; REDUCED PAYMENTS.] When a solid waste reduction, separation, or resource recovery program is implemented or solid waste processing facilities are established in a city or town pursuant to a county land disposal abatement plan approved by the council, the annual payment otherwise required of the city or town pursuant to subdivision 2, shall be reduced by an amount determined by the council to be proportionate to the abatement in the waste going from the city or town into a solid waste disposal facility as a result of the local abatement program or processing facility.

Subd. 4. [PROCEDURES FOR PAYMENT.] By January 1 of each year, the council shall certify to each city and town in the metropolitan area the payment required from it to pay debt service on the council's bonds in the next succeeding calendar year. The amounts so certified shall be due and payable to the council, for deposit in the council's debt service fund, at such time or times during the year as the council determines. The council shall set the dates for payment with reference to the dates on which tax, assessment, and revenue collections become available to the government units required to pay such charges, provided that all payments shall be due in time to allow the council to certify deficiency tax levies pursuant to subdivision 5.

Subd. 5. [DEFICIENCY TAX LEVIES.] If the governing body of any local government unit fails to make payment to the council when due, the council shall certify to the auditor of the county in which the government unit is located the amount required for payment with interest at six percent per annum. The auditor shall levy and extend such amount as a tax upon all tax-

able property in the government unit for the next calendar year, free from any existing limitations imposed by law or charter. Such tax shall be collected in the same manner as the general taxes of the government unit, and the proceeds thereof, when collected, shall be paid by the county treasurer to the council for deposit in the debt service fund and credited to the government unit for which the tax was levied.

Subd. 6. [SECURITY.] In addition to the power to require payments and tax levies under subdivisions 3 to 5 for the payment of debt service on bonds issued under section 15, the council may levy taxes for the payment of the debt service upon all taxable property within the metropolitan area without limitation of rate or amount and without affecting the amount or rate of taxes which may be levied by the council for other purposes or by any local government unit in the area.

Sec. 17. Article X applies in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.

ARTICLE XI

POLLUTION CONTROL AGENCY

Section 1. Minnesota Statutes 1978, Section 116.06, Subdivision 9, is amended to read:

Subd. 9. "Land pollution" means the presence in or on the land of any (SOLID) waste in such quantity, of such nature and duration, and under such condition as would affect injuriously any waters of the state, create air contaminants or cause air pollution.

Sec. 2. Minnesota Statutes 1978, Section 116.06, is amended by adding subdivisions to read:

Subd. 9a. "Waste" has the meaning given it in article I, section 3.

Subd. 9b. "Waste management" has the meaning given it in article I, section 3.

Subd. 9c. "Collection" of waste has the meaning given it in article I, section 3.

Subd. 9d. "Processing" of waste has the meaning given it in article I, section 3.

Subd. 9e. "Disposal" of waste has the meaning given it in article I, section 3.

Subd. 9f. "Degree of intrinsic hazard" of a waste has the meaning given it in article I, section 3.

Subd. 9g. "Degree of intrinsic suitability" of a land area or site has the meaning given it in article I, section 3.

Subd. 9h. "Sewage sludge" has the meaning given it in article I, section 3.

Sec. 3. Minnesota Statutes 1978, Section 116.06, Subdivision 10, is amended to read:

Subd. 10. "Solid waste" means garbage, refuse, *sludge from a water supply treatment plant or air contaminant treatment facility*, and other discarded (SOLID) waste materials and *sludges*, (INCLUDING SOLID WASTE MATERIALS AND WASTE SLUDGES) *in solid, semi-solid, liquid, or contained gaseous form*, resulting from industrial, commercial, *mining*, and agricultural operations, and from community activities, but does not include *hazardous waste*; animal waste used as fertilizer (,); earthen fill, boulders, rock (, SOLIDS); *sewage sludge*; solid or dissolved material in domestic sewage or other (SIGNIFICANT) common pollutants in water resources, such as silt, dissolved or suspended solids in industrial waste water effluents or discharges which are point sources subject to permits under section 402 of the federal water pollution control act, as amended, dissolved materials in irrigation return flows (, OR OTHER COMMON WATER POLLUTANTS); or source, special nuclear, or by-product material as defined by The Atomic Energy Act of 1954, as amended.

Sec. 4. Minnesota Statutes 1978, Section 116.06, Subdivision 13, is amended to read:

Subd. 13. "Hazardous waste" means any refuse or discarded material or combinations of refuse or discarded materials in solid, semi-solid, liquid, or gaseous form which cannot be handled by routine waste management techniques because they pose a substantial present or potential hazard to human health or other living organisms because of their chemical, biological, or physical properties. Categories of hazardous waste materials include, but are not limited to: explosives, flammables, oxidizers, poisons, irritants, and corrosives. *Hazardous waste does not include sewage sludge and source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954, as amended.*

Sec. 5. Minnesota Statutes 1978, Section 116.07, Subdivision 2, is amended to read:

Subd. 2. [ADOPTION OF STANDARDS.] The pollution control agency shall improve air quality by promoting, in the

most practicable way possible, the use of energy sources and waste disposal methods which produce or emit the least air contaminants consistent with the agency's overall goal of reducing all forms of pollution. The agency shall also adopt standards of air quality, including maximum allowable standards of emission of air contaminants from motor vehicles, recognizing that due to variable factors, no single standard of purity of air is applicable to all areas of the state. In adopting standards the pollution control agency shall give due recognition to the fact that the quantity or characteristics of air contaminants or the duration of their presence in the atmosphere, which may cause air pollution in one area of the state, may cause less or not cause any air pollution in another area of the state, and it shall take into consideration in this connection such factors, including others which it may deem proper, as existing physical conditions, zoning classifications, topography, prevailing wind directions and velocities, and the fact that a standard of air quality which may be proper as to an essentially residential area of the state, may not be proper as to a highly developed industrial area of the state. Such standards of air quality shall be premised upon scientific knowledge of causes as well as effects based on technically substantiated criteria and commonly accepted practices. No local government unit shall set standards of air quality which are more stringent than those set by the pollution control agency.

The pollution control agency shall promote solid waste disposal control by encouraging the updating of collection systems, elimination of open dumps, and improvements in incinerator practices. The agency shall also adopt standards for the control of the collection, transportation, storage, *processing*, and disposal of solid waste *and the disposal of sewage sludge* for the prevention and abatement of water, air and land pollution, recognizing that due to variable factors, no single standard of (SOLID WASTE) control is applicable to all areas of the state. In adopting standards, the pollution control agency shall give due recognition to the fact that elements of control which may be reasonable and proper in densely populated areas of the state may be unreasonable and improper in sparsely populated or remote areas of the state, and it shall take into consideration in this connection such factors, including others which it may deem proper, as existing physical conditions, topography, soils and geology, climate, transportation, and land use. Such standards of (SOLID WASTE) control shall be premised on technical criteria and commonly accepted practices.

The pollution control agency shall also adopt standards describing the maximum levels of noise in terms of sound pressure level which may occur in the outdoor atmosphere, recognizing that due to variable factors no single standard of sound pressure is applicable to all areas of the state. Such standards shall give due consideration to such factors as the intensity of noises, the types of noises, the frequency with which noises recur, the time period for which noises continue, the times of day during which

noises occur, and such other factors as could affect the extent to which noises may be injurious to human health or welfare, animal or plant life, or property, or could interfere unreasonably with the enjoyment of life or property. In adopting standards, the pollution control agency shall give due recognition to the fact that the quantity or characteristics of noise or the duration of its presence in the outdoor atmosphere, which may cause noise pollution in one area of the state, may cause less or not cause any noise pollution in another area of the state, and it shall take into consideration in this connection such factors, including others which it may deem proper, as existing physical conditions, zoning classifications, topography, meteorological conditions and the fact that a standard which may be proper in an essentially residential area of the state, may not be proper as to a highly developed industrial area of the state. Such noise standards shall be premised upon scientific knowledge as well as effects based on technically substantiated criteria and commonly accepted practices. No local governing unit shall set standards describing the maximum levels of sound pressure which are more stringent than those set by the pollution control agency.

The pollution control agency shall adopt standards for the identification of hazardous waste and for the *management, identification*, labeling, classification, storage, collection, transportation, *processing*, and disposal of hazardous waste, recognizing that due to variable factors, (NO) a single standard of hazardous waste control (IS) *may not be* applicable to all areas of the state. In adopting standards, the pollution control agency shall recognize that elements of control which may be reasonable and proper in densely populated areas of the state may be unreasonable and improper in sparsely populated or remote areas of the state. The agency shall consider existing physical conditions, topography, soils, and geology, climate, transportation and land use. Standards of hazardous waste control shall be premised on technical knowledge, and commonly accepted practices. No local government unit shall set standards of hazardous waste control which are in conflict or inconsistent with those set by the pollution control agency.

Sec. 6. Minnesota Statutes 1978, Section 116.07, Subdivision 4, is amended to read:

Subd. 4. [RULES AND STANDARDS.] Pursuant and subject to the provisions of chapter 15, and the provisions hereof, the pollution control agency may adopt, amend and rescind (REGULATIONS) *rules* and standards having the force of law relating to any purpose within the provisions of Laws 1969, Chapter 1046, for the prevention, abatement, or control of air pollution. Any such (REGULATION) *rule* or standard may be of general application throughout the state, or may be limited as to times, places, circumstances, or conditions in order to make due allowance for variations therein. Without limitation, (REGULATIONS) *rules* or standards may relate to sources or

emissions of air contamination or air pollution, to the quality or composition of such emissions, or to the quality of or composition of the ambient air or outdoor atmosphere or to any other matter relevant to the prevention, abatement, or control of air pollution.

Pursuant and subject to the provisions of chapter 15, and the provisions hereof, the pollution control agency may adopt, amend, and rescind (REGULATIONS) *rules* and standards having the force of law relating to any purpose within the provisions of Laws 1969, Chapter 1046, for the collection, transportation, storage, *processing*, and disposal of solid waste and the prevention, abatement, or control of water, air, and land pollution which may be related thereto, and the deposit in or on land of any other material that may tend to cause pollution. *The agency shall adopt such rules and standards for the disposal of sewage sludge, addressing the intrinsic suitability of land, the volume and rate of application of sewage sludge of various degrees of intrinsic hazard, design of disposal facilities, and operation of disposal facilities and disposal sites. The agency shall promulgate temporary rules for sewage sludge disposal pursuant to section 15.0412, subdivision 5.* Any such (REGULATION) *rule* or standard may be of general application throughout the state or may be limited as to times, places, circumstances, or conditions in order to make due allowance for variations therein. Without limitation, (REGULATIONS) *rules* or standards may relate to collection, transportation, *processing*, disposal, equipment, location, procedures, methods, systems or techniques or to any other matter relevant to the prevention, abatement or control of water, air, and land pollution which may be advised through the control of collection, transportation, *processing*, and disposal of solid waste and the disposal of sewage sludge, and the deposit in or on land of any other material that may tend to cause pollution.

Pursuant and subject to the provisions of chapter 15, and the provisions hereof, the pollution control agency may adopt, amend and rescind (REGULATIONS) *rules* and standards having the force of law relating to any purpose within the provisions of Laws 1971, Chapter 727, for the prevention, abatement, or control of noise pollution. Any such (REGULATION) *rule* or standard may be of general application throughout the state, or may be limited as to times, places, circumstances or conditions in order to make due allowances for variations therein. Without limitation, (REGULATIONS) *rules* or standards may relate to sources or emissions of noise or noise pollution, to the quality or composition of noises in the natural environment, or to any other matter relevant to the prevention, abatement, or control of noise pollution.

As to any matters subject to this chapter, local units of government may set emission regulations with respect to stationary sources which are more stringent than those set by the pollution control agency.

Pursuant to chapter 15, the pollution control agency may adopt, amend and rescind (REGULATIONS) *rules* and standards having the force of law relating to any purpose within the provisions of this chapter for the *management*, identification, labeling, classification, storage, collection, treatment, *transportation*, *processing*, and disposal of hazardous waste and location of hazardous waste (DISPOSAL) facilities. A (REGULATION) *rule* or standard may be of general application throughout the state or may be limited as to time, places, circumstances, or conditions. The public service commission, in cooperation with the pollution control agency, shall set standards for the transportation of hazardous waste in accordance with chapter 221.

The pollution control agency shall give highest priority in the consideration of permits to authorize disposal of diseased shade trees by open burning at designated sites to evidence concerning economic costs of transportation and disposal of diseased shade trees by alternative methods.

Sec. 7. Minnesota Statutes 1978, Section 116.07, Subdivision 4a, is amended to read:

Subd. 4a. [PERMITS.] The pollution control agency may issue, continue in effect or deny permits, under such conditions as it may prescribe for the prevention of pollution, for the emission of air contaminants, or for the installation or operation of any emission facility, air contaminant treatment facility, treatment facility, potential air contaminant storage facility, or storage facility, or any part thereof, or for the sources or emissions or noise pollution.

The pollution control agency may also issue, continue in effect or deny permits, under such conditions as it may prescribe for the prevention of pollution, for the *storage*, collection, transportation, *processing*, or disposal of (SOLID) waste, or for the installation or operation of any system or facility, or any part thereof, related to the *storage*, collection, transportation, *processing*, or disposal of (SOLID) waste.

The pollution control agency may revoke or modify any permit issued under this subdivision and section 116.081 whenever it is necessary, in the opinion of the agency, to prevent or abate pollution.

(THE POLLUTION CONTROL AGENCY MAY ISSUE, CONTINUE IN EFFECT OR DENY PERMITS, UNDER SUCH CONDITIONS AS IT MAY PRESCRIBE FOR THE TREATMENT OR DISPOSAL OR BOTH OF HAZARDOUS WASTE, OR FOR THE INSTALLATION OR OPERATION OF ANY SYSTEM OR FACILITY OR ANY PART THEREOF.)

Sec. 8. Minnesota Statutes 1978, Section 116.07, is amended by adding a subdivision to read:

Subd. 4b. [PERMITS; HAZARDOUS WASTE FACILITIES.] In reviewing applications for hazardous waste facility permits, in addition to the requirements imposed on it under this chapter and chapter 116D, the agency shall act in accordance with articles III and IV. The agency shall provide to the waste management board copies of each preliminary and final permit application for a hazardous waste facility immediately upon its submittal to the agency. The agency shall request recommendations on each permit application from the board and shall consult with the board on the agency's intended disposition of the recommendations. The agency shall respond to a preliminary permit application for a hazardous waste facility within 120 days following a decision not to prepare environmental documents or following the acceptance of a negative declaration notice or an environmental impact statement by the environmental quality board. Except as otherwise provided in article III, within 60 days following the submission of a final permit application for a hazardous waste facility, unless a time extension is agreed to by the applicant, the agency shall issue or deny all permits needed for the construction of the proposed facility.

Sec. 9. Minnesota Statutes 1978, Section 116.07, is amended by adding a subdivision to read:

Subd. 4c. [PERMITS; INTERIM HAZARDOUS WASTE STORAGE FACILITIES.] A generator of hazardous waste within the state, or an entity composed of or under contract to such generators, may apply to the agency for permits for interim storage facilities for hazardous waste generated within the state. The application shall demonstrate: (a) that no feasible and prudent alternative is available to eliminate the hazardous properties of the waste or the need for a waste facility to handle the waste, and (b) that no waste facility is reasonably available to accept the waste. The agency and the environmental quality board shall give highest priority to and shall expedite consideration of such applications. The agency shall make a determination on environmental documents required on the application within 30 days of submittal of the application. The environmental quality board shall finally accept or reject any environmental impact statement required within 280 days following publication of the impact statement preparation notice. The agency shall finally issue or deny permits within 30 days following a decision not to prepare environmental documents or following acceptance of a negative declaration notice or an environmental impact statement by the environmental quality board. An interim storage permit issued pursuant to this subdivision or pursuant to or in accordance with an order or decision of the board regarding such a permit under article IV shall not affect the responsibility of the generator for removal and final processing or disposal in a permitted hazardous waste facility. A permit shall not be issued under this subdivision for a period longer than three years, but such permits may be renewed by administrative action of the agency without a hearing or other review procedures for up to three additional one year periods.

Sec. 10. Minnesota Statutes 1978, Section 116.07, is amended by adding a subdivision to read:

Subd. 9. [ORDERS; INVESTIGATIONS.] The agency shall have the following powers and duties for the enforcement of any provision of chapter 116, relating to waste:

(a) to adopt, issue, reissue, modify, deny, revoke, enter into or enforce reasonable orders, schedules of compliance and stipulation agreements;

(b) to require by rule the owner or operator of any system or facility related to the storage, collection, transportation, processing, land containment, or disposal of waste to establish and maintain records; to make reports; to install, use, and maintain monitoring equipment or methods; and to make tests, in accordance with methods, at locations, at intervals, and in a manner as the agency shall prescribe; and to provide other information as the agency may reasonably require;

(c) to conduct investigations, issue notices, public and otherwise, and hold hearings as it may deem necessary or advisable for the discharge of its duties under chapter 116, including but not limited to the issuance of permits; and to authorize any member, employee, or agent appointed by it to conduct the investigations and issue the notices.

Sec. 11. Minnesota Statutes 1978, Section 116.081, Subdivision 1, is amended to read:

116.081 [PROHIBITIONS.] Subdivision 1. [OBTAIN PERMIT.] It shall be unlawful for any person to construct, install or operate an emission facility, air contaminant treatment facility, treatment facility, potential air contaminant storage facility, storage facility, or system or facility related to the collection, transportation, storage, *processing*, or disposal of (SOLID) waste, or any part thereof unless otherwise exempted by any agency (REGULATION) *rule* now in force or hereinafter adopted, until plans therefor shall have been submitted to the agency, and a written permit therefor shall have been granted by the agency. The requirements of this section shall not be applied to motor vehicles, abatement and control of air and land pollution during each biennium to the legislature with recommendations for action in furtherance of the air and land pollution and (SOLID) waste programs.

Sec. 12. Minnesota Statutes 1978, Section 116.101, is amended to read:

116.101 [HAZARDOUS WASTE CONTROL AND SPILL CONTINGENCY PLAN.] The pollution control agency shall study and investigate the problems of hazardous waste control

and shall develop a statewide hazardous waste (MANAGEMENT) *spill contingency* plan detailing the location of hazardous waste (DISPOSAL) facilities and storage sites throughout the state and the needs relative to the interstate transportation of hazardous waste.

(ELEMENTS OF) The statewide hazardous *waste* spill contingency plan (WHICH RELATE TO HAZARDOUS WASTES,) shall be incorporated into the statewide hazardous waste management (PLAN) *plans of the waste management board established by article II*. The pollution control agency shall develop an informational reporting system of hazardous waste quantities generated, *processed*, and disposed of in the state.

Sec. 13. Minnesota Statutes 1978, Section 116.41, is amended to read:

116.41 [WASTE AND WASTE FACILITIES CLASSIFICATION; TRAINING AND CERTIFICATION.] Subdivision 1. [LAND CONTAINMENT AND DISPOSAL FACILITY CLASSIFICATION.] *By January 1, 1982, the (POLLUTION CONTROL) agency (MAY) shall classify, respectively, facilities for the disposal of solid waste, facilities for the disposal of sewage sludge, and facilities for the disposal of hazardous waste according to the degree of hazard to public health or the environment involved in their operation (, AND ACCORDING TO THE VOLUME OR HAZARDOUS CHARACTER OF SOLID WASTE DISPOSED OF AT THE FACILITY. THE AGENCY MAY DEVELOP STANDARDS OF COMPETENCE FOR PERSONS OPERATING VARIOUS CLASSES OF FACILITIES FOR THE DISPOSAL OF SOLID WASTE). The classification of disposal facilities for waste shall be based upon the degree of intrinsic hazard and the volume and rate of application of the waste accepted by a facility, the intrinsic suitability of the location of the facility, the design and operating character of the facility, and other factors deemed relevant by the agency.*

Subd. 1a. [HAZARDOUS WASTE CLASSIFICATION.] By January 1, 1982, the agency shall prescribe criteria for excluding types and categories of hazardous wastes from disposal, criteria for accepting types and categories of wastes as suitable for disposal, and minimum pre-treatment standards required as a condition of acceptance for disposal. The criteria and standards shall be based upon the degree of intrinsic hazard of the waste; the availability of conventional processing technologies for reducing, separating, reusing, recycling, and treating the waste; the feasibility and cost of applying the processing technologies in relation to the benefits to be achieved by such application; the class of facility; and other factors deemed relevant by the agency.

Subd. 2. [TRAINING AND CERTIFICATION PROGRAMS.] The agency shall develop standards of competence

for persons operating and inspecting various classes of disposal facilities. The agency (MAY) shall conduct training programs for persons operating facilities for the disposal of (SOLID) waste and for inspectors of such facilities, and may charge such fees as are necessary to cover the actual costs of the training programs.

(SUBD. 3. AFTER JULY 1, 1976, WHEN A FACILITY FOR THE DISPOSAL OF SOLID WASTE, OTHER THAN AN ANIMAL FEEDLOT, IS OPERATING UNDER A PERMIT FROM THE AGENCY,) The agency (MAY) shall require (THE OPERATOR) operators and inspectors of (THE FACILITY) such facilities to obtain from the agency a certificate of (HIS) competence (TO OPERATE THE FACILITY). The agency (MAY) shall conduct examinations to test the competence of applicants for certification, and (MAY) shall require that certificates be renewed at reasonable intervals. The agency may charge such fees as are necessary to cover the actual costs of receiving and processing applications, conducting examinations, and issuing and renewing certificates.

Subd. 3. [REGULATION AND ENFORCEMENT ASSISTANCE.] The agency shall establish a program to provide technical and financial assistance for regulation and enforcement to counties which have certified operators and inspectors conforming to the requirements of the agency, chapters 400 and 473, and articles I to VIII.

Subd. 4. [RULES.] The agency (MAY) shall adopt, amend, and rescind (SUCH) rules (AND REGULATIONS) as may be necessary to carry out the provisions of this section in accordance with chapter 15.

ARTICLE XII

APPROPRIATIONS

Section 1. [BOARD.] For the fiscal year ending June 30, 1981, the sum of \$ is appropriated from the general fund to the waste management board for the purposes of general administration, management, and staff. Of this amount, \$ shall be for the salary of the chairperson of the board who shall be a full-time employee in the unclassified service.

Sec. 2. [HAZARDOUS WASTE.] Subdivision 1. [BOARD; HAZARDOUS WASTE REPORTS.] For the fiscal year ending June 30, 1981, the sum of \$ is appropriated from the general fund to the waste management board for the purpose of preparing the hazardous waste reports required by article II, section 6. Of this amount, the sum of \$ is available for the purpose of making grants for assistance in the prepara-

tion of hazardous waste reports, in accordance with article II, section 6, subdivision 6.

Subd. 2. [GRANTS AND TECHNICAL ASSISTANCE TO COUNTIES AND PROJECT REVIEW COMMITTEES.] For the fiscal year ending June 30, 1981, the sum of \$ is appropriated from the general fund to the waste management board for the purpose of grants and technical assistance to counties participating in the preparation of the inventory of preferred sites for hazardous waste processing facilities under article II, section 7, and to project review committees participating in the certification of need and review of candidate sites for land containment and disposal facilities under Article III.

Sec. 3. [STATE GOVERNMENT RESOURCE RECOVERY.] For the fiscal year ending June 30, 1981, the sum of \$ is appropriated from the general fund to the general services revolving fund, resource recovery account, to be used by the commissioner of administration for the implementation and operation of the state government resource recovery program under article II, section 12. The complement of the department of administration is increased by three positions. The positions shall be in the unclassified service. Except for the administrator of the program the positions shall be in the classified service.

Sec. 4. [SOLID WASTE MANAGEMENT PLANNING ASSISTANCE.] For the fiscal year ending June 30, 1981, the sum of \$ is appropriated from the general fund to the agency for the purposes of the planning assistance program established by article V. One-half of this sum shall be reappropriated to the metropolitan council for solid waste management planning in the metropolitan area. Of the amount reappropriated to the metropolitan council, \$ shall be available to the council for administration and the preparation of plans and reports required of the council in article X, and the remainder shall be for assistance to counties required to prepare solid waste management plans under chapter 473 and article X. The appropriation is available until expended.

Sec. 5. [SOLID WASTE MANAGEMENT DEMONSTRATION PROGRAM.] For the fiscal year ending June 30, 1981, the sum of \$ is appropriated from the general fund to the agency for the demonstration program established by Article VI. The appropriation is available until expended.

Sec. 6. [POLLUTION CONTROL AGENCY.] For the fiscal year ending June 30, 1981, the sum of \$ is appropriated from the general fund to the pollution control agency for the purpose of certifying and training operators and inspectors of solid waste facilities and providing technical and financial assistance to improve regulation, compliance, and enforcement.

ARTICLE XIII

Section 1. [REPEALER.] Minnesota Statutes 1978, Sections 400.03, Subdivisions 2, 3, 4, 5, 6, and 7; 473.121, Subdivisions 27, 28, 29, 31, 31a, 31b, and 31c; 473.823, Subdivisions 1, 2, and 4, and Laws 1978, Chapter 728, Section 7, are repealed."

Further, amend the title as follows:

Page 1, line 25, delete "116F.01 to 116F.05;"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Governmental Operations.

The report was adopted.

Moe from the Committee on Governmental Operations to which was referred:

H. F. No. 2033, A bill for an act relating to retirement; local police and salaried firefighters' relief associations; authorizing certain municipalities to modify retirement coverage and benefits for certain police officers and firefighters by local action; establishing a local police and salaried firefighters' relief association amortization state aid program; appropriating money; amending Minnesota Statutes 1978, Section 69.77, Subdivision 2.

Reported the same back with the following amendments:

Pages 1 to 6, delete section 1 and insert:

"Section 1. Minnesota Statutes 1978, Section 69.77, Subdivision 2, as amended by Laws 1980, Chapter 341, Section 1, is amended to read:

Subd. 2. Subdivision 1 does not apply to an association enumerated in subdivision 1a under the following circumstances:

(1) Each member of the association pays into the retirement funds of the association during his term of covered employment from and after January 1, 1981, a contribution for retirement and survivorship benefits of not less than eight percent of the maximum rate of salary from which retirement and survivorship credits and amounts of benefits are determined, and that such contributions of a member are deducted from his salary by his governmental employer, transmitted to the association, and deposited to the credit of the proper fund thereof, provided that to avoid undue increase in the amount of employee contributions in any one year, any increase in the amount of contributions required by this section may be spread

over several years, but the increase in rate of contribution in each year commencing in 1981 shall not be less than one percent until the appropriate levels of required employee contributions have been reached. This paragraph shall not apply to members who are volunteer firefighters, provided that the local governing body shall have given their approval to the exemption following consideration of the most recent actuarial survey.

(2) The officers of the association determine on or before the date established by the municipality, which shall not be later than September 1 and shall not be earlier than August 1, of each year the financial requirements and minimum obligation of the association for the following calendar year in accordance with the following requirements:

The financial requirements shall be based on the most recent actuarial survey prepared in accordance with sections 356.215, subdivision 4 and 356.216.

For a relief association which is located in a municipality which has adopted and filed a resolution as provided in section 2, subdivision 1, or section 4, the total of the amounts calculated pursuant to clauses (a) and (c) shall constitute the financial requirements of the relief association for the following year. For a relief association which is located in a municipality which has not adopted and filed a resolution as provided in section 2, subdivision 1, or section 4, the total of the amounts calculated pursuant to clauses (a) and (b) shall constitute the financial requirements of the relief association for the following year.

(a) The normal level cost expressed as a percent of covered payroll determined from the actuarial survey shall be applied to the estimated covered payroll of the membership for the following year to determine the dollar amount of normal cost for said following year.

(b) To the dollar amount of normal cost thus determined shall be added the amount of one year's interest at five percent on the amount of the (deficit) unfunded liability found by the actuarial survey of the fund.

(THE TOTAL OF THESE TWO AMOUNTS REPRESENTS THE FINANCIAL REQUIREMENTS OF THE ASSOCIATION FOR THE FOLLOWING YEAR.)

(c) *To the dollar amount of normal cost thus determined shall be added an amount equal to the level annual dollar amount sufficient to amortize the unfunded accrued liability by December 31, 2010, as determined from the actuarial survey of the fund.*

Except as otherwise provided in this paragraph, the minimum obligation of the governmental subdivision shall be the financial requirements of the association less *the estimated amount of member contributions herein provided from covered salary anticipated for the following calendar year* and less one year's estimated receipts expected from the *applicable state (OF MINN-SOTA THROUGH STATE COLLECTED INSURANCE PREMIUM TAXES OR OTHER STATE AIDS) aid program established pursuant to sections 69.011 to 69.051, and from the local police and salaried firefighters' relief association amortization aid program established pursuant to section 3.* The minimum obligation may, by vote of the governing body of the governmental subdivision, be reduced to the amount levied in the preceding year for purposes of the association, plus the following percentage of the difference between that levy and the amount of the minimum obligation determined without benefit of this sentence: for the levy made in 1971, 10 percent; in 1972, 20 percent; in 1973, 30 percent; in 1974, 40 percent; in 1975, 50 percent; in 1976, 60 percent; in 1977, 70 percent; in 1978, 80 percent; and in 1979, 90 percent. Commencing with the levy made in 1980, there shall be no reduction in the minimum obligation pursuant to this paragraph.

(3) The foregoing determination of the obligation of a governmental subdivision shall be submitted to its governing body *on or before the date established by the municipality which shall not be earlier than August 1 and shall not be later than September 1* of each year so that it may ascertain if it has been prepared in accordance with law.

(4) The governmental subdivision shall provide and pay as promptly as funds are available to the association at least the amount of the minimum obligation each year. Any portion of this amount not paid to the association at the end of any calendar year shall be increased at the rate of six percent per annum until so paid. On September 1 of any year the unpaid amount subject to interest shall be added to the obligation of the governmental subdivision.

(5) The governmental subdivision shall provide in its annual budget at least its minimum obligation and may levy taxes for the payment thereof without limitation as to rate or amount and irrespective of limitations imposed by other provisions of law upon the rate or amount of taxation when the balance of any fund of the association has attained a specified level; the levy of such taxes shall not cause the amount of other taxes levied or to be levied by the governmental subdivision, which are subject to any such limitation, to be reduced in any amount whatsoever. If the governmental subdivision does not include the full amount of the minimum obligation in its levy for any year, the officers of the association shall certify that amount to the county auditor, who shall spread a levy in the amount of such obligation.

(6) Moneys paid by the governmental subdivision to the association in excess of the minimum amount so required shall be applied to the reduction in the unfunded liabilities of the association.

(7) The funds of the association shall be invested in securities which are proper investments for funds of the Minnesota state retirement system, except that up to \$10,000 may be invested in the stock of any one corporation in any account of such small size that the three percent stock limitation applicable to the Minnesota state retirement system would necessitate a lesser investment. Securities held by the association before July 1, 1971, which do not meet the requirements of this paragraph may be retained after that date if they were proper investments for the association on April 28, 1969. The governing board of the association may select and appoint investment agencies to act for and in its behalf or may certify funds for investment by the state board of investment under the provisions of section 11.21, provided that there be no limit to the amount which may be invested in the income share account described in section 11.18, subdivision 2, or in the fixed-return account described in section 11.18, subdivision 3a, and that up to 20 percent of that portion of the assets of the association invested in the Minnesota supplemental retirement fund may be invested in the growth share account described in section 11.18, subdivision 3.

(8) The association shall procure an actuarial survey showing the condition of its fund pursuant to section 356.216 as of December 31, 1978, and shall procure an actuarial survey every two years thereafter. The association shall also procure a quadrennial experience study pursuant to section 356.216 as of December 31, 1978, and shall procure a quadrennial experience study every four years thereafter. A copy of the actuarial survey and the quadrennial experience study shall be filed with the director of the legislative reference library, the governing body of the municipality in which the association is organized, the executive secretary of the legislative commission on pensions and retirement, and the commissioner of insurance, not later than June 1 of the following year."

Page 6, line 27, after "with" insert ", and approval of the retirement coverage and retirement modifications provided for in this act by a majority of,"

Page 11, after line 19, insert:

"Subd. 5. [AUTOMATIC POST RETIREMENT ADJUSTMENTS FOR CERTAIN NEWLY EMPLOYED, ACTIVE AND RETIRED MEMBERS.] (1) Notwithstanding any provision of law, municipal charter, municipal ordinance or resolution, or relief association articles of incorporation or bylaws to the contrary, any person who meets one of the following requirements for entitlement shall be entitled to an annual automatic post

retirement adjustment in the amount of the service pension calculated pursuant to clause (2). A person meets the requirements for entitlement if:

(a) the person is a member of a covered local police or salaried firefighters relief association enumerated in clause (3) concerning which the municipality has adopted a municipal resolution pursuant to subdivision 1, if applicable, commences receiving a service pension at an age no earlier than attaining the age of 55 years, and has met all applicable requirements for entitlement to a service pension specified in the applicable laws and relief association articles of incorporation or bylaws governing the local relief association;

(b) the person is a retired member of a covered local police or salaried firefighters relief association enumerated in clause (3) concerning which the municipality has adopted a municipal resolution pursuant to subdivision 1, if applicable, retired on a service pension after the effective date of this section and after attaining the age of at least 50 years but prior to attaining the age of 55 years and attains the age of 55 years subsequent to retirement; or

(c) the person was a retired member of a covered local police or salaried firefighters relief association or retirement trust fund enumerated in clause 3, concerning which the municipality has adopted a municipal resolution pursuant to subdivision 1, if applicable, retired on the effective date of this section, is receiving a service pension, and has attained the age of at least 55 years.

(2) Any person who meets the requirements specified in clause (1)(a) or (1)(b) shall be entitled to receive the annual automatic post retirement adjustment on the January 1 next following the date upon which the requirements for entitlement are met but in no event prior to the date upon which the person attains the age of 55 years. Any person who meets the requirements specified in clause (1)(c) shall be entitled to receive the annual automatic post retirement adjustment on the January 1 next following the effective date of the approval of the benefit modification by the municipality as provided for in clause (3) or the date upon which the person attains the age of 55 years; whichever occurs later. The amount of the annual automatic post retirement adjustment shall be determined by the board of trustees of the local relief association on or before December 1 annually and the annual automatic post retirement adjustment shall accrue each year as of January 1 next following the determination date. The annual automatic post retirement adjustment shall be first payable with the service pension payment made for January. Each annual automatic post retirement adjustment in the amount of the service pension shall be equal to the dollar amount determined by applying the percentage by which

the salary payable by the municipality to a top grade patrol officer or a top grade firefighter, whichever is applicable, has increased during the year subject to the limitation provided for in this clause to the amount of service pension payable to the person for the month immediately prior to the month in which the determination is made. The maximum percentage increase shall not exceed three and one-half percent in any year and any increase in the salary level of the applicable position used to govern the determination of annual automatic post retirement adjustments in excess of three and one-half percent in any year shall not carry over to or be used to calculate the rate of salary increase for any succeeding year in which the increase in the applicable position does not exceed three and one-half percent.

(3) The provisions of this subdivision shall apply to the active members and retired members of a local police or salaried firefighters relief association or to the retired members of a retirement trust fund contained in the following enumeration of covered relief associations if the governing body of the applicable municipality approves the modification in the benefit plan of the relief association specified in this subdivision following consideration of an actuarial valuation which is, or actuarial estimate based on the most recent actuarial valuation which was, prepared in accordance with Minnesota Statutes, Sections 356.215 and 356.216, based on the benefit plan of the applicable local relief association or retirement trust fund including the modification provided for in this subdivision, approves the modification in retirement coverage for newly hired personnel specified in subdivision 2, and files a resolution indicating that approval with the secretary of state, the commissioner of insurance and the executive secretary of the legislative commission on pensions and retirement on or before the first day of the tenth month following the effective date of this act:

- (a) Buhl police relief association;*
- (b) Crookston firefighters relief association;*
- (c) Crookston police relief association;*
- (d) Eveleth joint retired police and firefighters retirement trust fund;*
- (e) Moorhead firefighters relief association;*
- (f) Moorhead police relief association;*
- (g) Thief River Falls police retirement trust fund;*
- (h) Virginia firefighters relief association;*
- (i) West St. Paul police relief association."*

Page 13, after line 27, insert:

"Sec. 5. [HIBBING; AUTHORIZATION FOR SEPARATE RELIEF ASSOCIATIONS FOR SALARIED AND VOLUNTEER FIREFIGHTERS.] *Subdivision 1. [AUTHORIZATION.] Notwithstanding any provisions of any law to the contrary, the city of Hibbing may establish and maintain or continue to maintain two separate relief associations for firefighters employed by or serving with the Hibbing municipal fire department. One relief association shall provide retirement benefit coverage for regular salaried firefighters employed by the Hibbing municipal fire department and the other relief association shall provide retirement benefit coverage for volunteer firefighters serving with the Hibbing municipal fire department. Any fire state aid amounts received by the city of Hibbing pursuant to Minnesota Statutes, Sections 69.011 to 60.051, shall be allocated proportionately between the two relief associations on the basis of the assessed property value, excluding mineral values, and the population pursuant to the most recent federal census, of the areas which are predominately served by the members of each relief association, as determined by the governing body of the city of Hibbing.*

Subd. 2. [RESTRICTION ON VOLUNTEER FIREFIGHTERS RELIEF ASSOCIATION MEMBERSHIP FOR CERTAIN PERSONS.] *No person who is employed by the city of Hibbing as a regular salaried firefighter, and who is a member of the Hibbing salaried firefighters relief association to which Minnesota Statutes, Section 69.77 applies, shall be entitled while so employed after the effective date of this act to be a member of or to accrue any service credit in the relief association which provides retirement benefit coverage for volunteer firefighters serving with the Hibbing municipal fire department and to which Minnesota Statutes, Sections 69.771 to 69.776 apply.*

Subd. 3. [PROPORTIONATE SERVICE PENSION IN CERTAIN CASES.] *Any person who is prohibited from further membership in or from accruing further service credit in the volunteer firefighters' relief association which is established or maintained by the city of Hibbing and to which Minnesota Statutes, Sections 69.771 to 69.776 apply and who has not as of the effective date of this act received credit for sufficient years of service with the Hibbing municipal fire department or membership with the Hibbing volunteer firefighters' relief association to be entitled to a service pension without the benefit of this section shall be entitled when otherwise qualified to receive a proportionate service pension based on the number of completed years of service rounded to the nearest full years of service.*

Sec. 6. *Notwithstanding any general or special law to the contrary, retirement benefits payable to retired police officers and firefighters by the Eveleth police and fire trust fund may*

be increased by \$50 per month. Survivor benefits payable to a surviving spouse or surviving dependent child may be increased by \$25 per month. Increases shall be retroactive to January 1, 1980.

Sec. 7. [ROCHESTER POLICE AND FIREFIGHTERS RELIEF ASSOCIATIONS.] *Notwithstanding any contrary provision of Laws 1969, Chapter 641 or 694, and in lieu of the benefit increase provided for in section 2, subdivision 4, the common council of the city of Rochester is authorized by resolution approved by a majority of the members of the common council, following consideration of an actuarial analysis of the effect of any change, to increase the service pension or retirement benefits provided by or modify any provision of the benefit plan of either the Rochester police relief association or the Rochester firefighters relief association. The total cost of any increase or modification, including amortization by the applicable date to amortize specified in any prior applicable special legislation, shall not exceed . . . percent of covered payroll.*

Sec. 8. [MINNEAPOLIS POLICE AND FIREFIGHTERS RELIEF ASSOCIATIONS: MINIMUM MEMBER CONTRIBUTION.] *Notwithstanding any provision of Minnesota Statutes, Section 69.77, or any other law to the contrary, the minimum employee contribution to the special fund of the relief association for retirement and survivorship benefits by each member of the Minneapolis police relief association or the Minneapolis firefighters relief association, during the remaining term of covered employment by the member shall be seven percent of the maximum salary from which retirement and survivorship credits and amounts of benefits are determined, effective July 1, 1980, and eight percent effective January 1, 1981.*

Sec. 9. [HEALTH AND WELFARE BENEFIT.] *Notwithstanding any law to the contrary if the city council of the city of Minneapolis approves the modification of retirement coverage for newly hired police officers and firefighters by municipal resolution adopted pursuant to section 2, and in lieu of the benefit plan modification provided for in section 2, subdivision 4, any person who, after July 1, 1980, retires on a service pension or a disability benefit from the Minneapolis police relief association or the Minneapolis firefighters relief association shall be entitled on January 1, 1981, or upon the date of retirement, whichever occurs later, to receive a monthly health and welfare benefit. The monthly health and welfare benefit shall be an amount equal to one unit as defined pursuant to Laws 1963, Chapter 315, Section I, Subdivision 3, for the Minneapolis police relief association, or Minnesota Statutes, Section 69.45, for the Minneapolis firefighters relief association, whichever is applicable. The monthly health and welfare benefit shall be paid to the retired member unless the retired member designates in writing that the amount be paid to an insurance carrier to defray the cost of any health or welfare related insurance coverage.*

Sec. 10. [DETERMINATION OF FINANCIAL REQUIREMENTS OF RELIEF ASSOCIATION AND MINIMUM MUNICIPAL OBLIGATION.] *The officers of the Minneapolis police relief association and the Minneapolis firefighters relief association shall include in their determinations of the financial requirements of the relief association and the minimum obligation of the governmental subdivision submitted to the city of Minneapolis on or before September 1, 1980, pursuant to Minnesota Statutes, Section 69.77, Subdivision 2, Clauses (2) and (3), the cost of the health and welfare benefit as estimated by the actuary of the respective relief association based on the most recent actuarial valuation of the relief association prepared pursuant to Minnesota Statutes, Sections 69.77, 356.215 and 356.216. The city of Minneapolis shall provide sufficient financial support to each relief association to meet the minimum obligation of the governmental subdivision including the cost of the health and welfare benefit, effective January 1, 1981.*

Page 13, line 30, after the period, insert "*Sections 5, 6, 8, 9 and 10 are effective on the date of compliance with Minnesota Statutes, Section 645.021, Subdivision 3. Section 7 shall be effective upon approval by the common council of the city of Rochester and upon compliance with Minnesota Statutes, Section 645.021.*"

Renumber the sections in sequence.

Further, amend the title:

Page 1, line 2, delete "salaried"

Page 1, line 6, after "and" insert "salaried"

Page 1, line 8, after "program;" insert "establishing benefits and contribution levels for the Minneapolis police and firefighters relief associations; authorizing the Rochester common council to make certain modifications in the benefits of the Rochester police and firefighters relief associations; providing limited annual automatic post retirement adjustments for certain newly employed, active and retired local police and salaried firefighters relief association members with municipal approval; authorizing the city of Hibbing to establish or maintain separate relief associations for salaried and volunteer firefighters;"

Page 1, line 10, after "2" insert ", as amended"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Taxes.

The report was adopted.

Farcy from the Committee on Judiciary to which was referred:

H. F. No. 2040, A bill for an act relating to privacy; providing for classification of certain welfare data; amending Minnesota Statutes, 1979 Supplement, Section 15.1691, Subdivision 3.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes, 1979 Supplement, Section 15.162, Subdivision 2a, is amended to read:

Subd. 2a. "Confidential data on individuals" means data which is: (a) made not public by statute or federal law applicable to the data and is inaccessible to the individual subject of that data; or (b) collected by a civil or criminal investigative agency as part of an active investigation undertaken for the purpose of the commencement of a legal action, provided that the burden of proof as to whether such investigation is active or in anticipation of a legal action is upon the agency. Confidential data on individuals does not include arrest information that is reasonably contemporaneous with an arrest or incarceration. The provision of clause (b) shall terminate and cease to have force and effect with regard to the state agencies, political subdivisions, statewide systems, covered by the ruling, upon the granting or refusal to grant a temporary classification pursuant to section 15.1642 of both criminal and civil investigative data, or on July 31, (1980) 1981, whichever occurs first.

Sec. 2. Minnesota Statutes 1978, Section 15.162 is amended by adding a subdivision to read:

Subd. 3a. "Data not on individuals" includes all government data in which an individual is not or cannot be clearly identified as the subject of that data, and which are retained or intended to be retained on a permanent or temporary basis. Data not on individuals includes data on subjects of a non-personal nature, in which the appearance of the name of any individual can be clearly demonstrated to be only incidental to the data, and which are not accessed by the name of any individual. Data not on individuals includes data collected, stored, or disseminated by manual or electronic means. Data not on individuals is classified as public, non-public, or protected non-public.

Sec. 3. Minnesota Statutes 1978, Section 15.162, is amended by adding a subdivision to read:

Subd. 5c. "Non-public data" means data not on individuals which is made by statute or federal law applicable to the data: (a) not public; and (b) accessible to the subject of the data.

Sec. 4. Minnesota Statutes 1978, Section 15.162, is amended by adding a subdivision to read:

Subd. 5d. "Protected non-public data" means data not on individuals which is made by statute or federal law applicable to the data (a) not public and (b) not accessible to the subject of the data.

Sec. 5. Minnesota Statutes 1978, Section 15.162, is amended by adding a subdivision to read:

Subd. 5e. "Public data not on individuals" means data which is accessible to the public pursuant to section 15.1621.

Sec. 6. Minnesota Statutes, 1979 Supplement, Section 15.163, Subdivision 3, is amended to read:

Subd. 3. [STANDARDS FOR COLLECTION AND STORAGE.] Collection and storage of (PUBLIC, PRIVATE OR CONFIDENTIAL) *government* data on individuals and use and dissemination of private (AND), confidential, *non-public and protected non-public* data on individuals shall be limited to that necessary for the administration and management of programs specifically authorized by the legislature, local governing body or mandated by the federal government.

Sec. 7. Minnesota Statutes, 1979 Supplement, Section 15.163, Subdivision 5, is amended to read:

Subd. 5. [DATA PROTECTION.] The responsible authority shall (1) establish procedures to assure that all *government* data (ON INDIVIDUALS) is accurate, complete, and current for the purposes for which it was collected; and (2) establish appropriate security safeguards for all (RECORDS CONTAINING) *government* data (ON INDIVIDUALS).

Sec. 8. Minnesota Statutes, 1979 Supplement, Section 15.163, Subdivision 9, is amended to read:

Subd. 9. [INTERGOVERNMENTAL ACCESS OF DATA.] A responsible authority shall allow another responsible authority access to data classified as not public only when the access is authorized or required by statute or federal law. An agency that supplies government data under this subdivision may require the requesting agency to pay the actual cost of supplying the data.

Data shall have the same classification in the hands of the agency receiving it as it had in the agency providing it. *The agency receiving the data shall change its classification if it is required to do so to comply with either judicial or administrative rules pertaining to the conduct of legal actions or with a*

specific statute applicable to the data in the hands of the receiving agency.

Sec. 9. Minnesota Statutes, 1979 Supplement, Section 15.1642, Subdivision 1, is amended to read:

15.1642 [TEMPORARY CLASSIFICATION.] Subdivision 1. [APPLICATION.] *Notwithstanding the provisions of section 15.1621, the responsible authority of a state agency, political subdivision or statewide system may apply to the commissioner for permission to classify data or types of data on individuals as private or confidential, or data not on individuals as non-public or protected non-public, for its own use and for the use of other similar agencies, political subdivisions or statewide systems on a temporary basis until a proposed statute can be acted upon by the legislature. The application for temporary classification is public.*

Upon the filing of an application for temporary classification, the data which is the subject of the application shall be deemed to be classified as set forth in the application for a period of 45 days, or until the application is disapproved or granted by the commissioner, whichever is earlier.

Sec. 10. Minnesota Statutes, 1979 Supplement, Section 15.1642, Subdivision 5, is amended to read:

Subd. 5. [EXPIRATION OF TEMPORARY CLASSIFICATION.] *Emergency classifications granted before July 1, 1979 are redesignated as temporary classifications. All temporary classifications granted under this section prior to July 1, 1979 and still in effect shall expire on July 31, (1980) 1981. For purposes of this section, all temporary classifications granted prior to December 1, 1979, shall be treated as if they were granted in 1979.*

Sec. 11. Minnesota Statutes 1978, Section 15.165, Subdivision 3, is amended to read:

Subd. 3. *Upon request to a responsible authority, an individual shall be informed whether he is the subject of stored data on individuals, and whether it is classified as public, private or confidential. Upon his further request, an individual who is the subject of stored private or public data on individuals shall be shown the data without any charge to him and, if he desires, shall be informed of the content and meaning of that data. After an individual has been shown the private or public data and informed of its meaning, the data need not be disclosed to him for six months thereafter unless a dispute or action pursuant to this section is pending or additional data on the individual has been collected or created. The responsible authority shall provide copies of the private or public data upon request by the individual subject of the data. (THE COST OF PROVIDING*

COPIES SHALL BE BORNE BY THE INDIVIDUAL.) *The responsible authority may require the requesting person to pay the actual costs of making, certifying, and compiling the copies.*

The responsible authority shall comply immediately, if possible, with any request made pursuant to this subdivision, or within five days of the date of the request, excluding Saturdays, Sundays and legal holidays, if immediate compliance is not possible. If he cannot comply with the request within that time, he shall so inform the individual, and may have an additional five days within which to comply with the request, excluding Saturdays, Sundays and legal holidays.

Sec. 12. Minnesota Statutes, 1979 Supplement, Section 15.166, Subdivision 4, is amended to read:

Subd. 4. In addition to the remedies provided in subdivisions 1 to 3 or any other law, any aggrieved person may bring an action in district court to compel compliance with sections 15.1611 to 15.1698 and may recover costs and disbursements, including reasonable attorney's fees, as determined by the court. If the court determines that (A REQUEST FOR GOVERNMENT DATA) *an action brought under this subdivision is frivolous and without merit and a basis in fact, it may award reasonable costs and attorney fees to the responsible authority. The matter shall be heard as soon as possible. In an action involving a request for government data under section 15.1621 or 15.165, the court may inspect in camera the government data in dispute, but shall conduct its hearing in public and in a manner that protects the security of data classified as not public.*

Sec. 13. Minnesota Statutes 1978, Chapter 15, is amended by adding a section to read:

[15.1672] [EXAMINATION DATA.] *Data consisting solely of written testing or examination materials, or scoring keys used solely to determine individual qualifications for appointment or promotion in public service, or used to administer a licensing examination, or academic examination, the disclosure of which would compromise the objectivity or fairness of the testing or examination process are classified as protected non-public, except pursuant to court order.*

Sec. 14. Minnesota Statutes 1978, Chapter 15, is amended by adding a section to read:

[15.1673] [GENERAL NON-PUBLIC DATA.] *When created, collected, used or maintained by a state agency, state-wide system or political subdivision the following data not on individuals are classified as non-public, pursuant to section 3: combinations to safes; locations of and procedures for handling*

cash; locker combinations; key codes; key numbers; master keys and the locations thereof; diagrams, locations and related information pertaining to alarm or security systems; code words used to designate emergency situations; patrol schedules of security personnel; security investigations; data access codes which allow access to computerized data; location and inventories of firearms, ammunition, non-lethal gas supplies, surveillance and bomb disposal equipment maintained by law enforcement agencies; location and floor plans of jails, lockups, and other correctional and detention facilities; floor plans and security information pertaining to banks and other commercial or industrial facilities, when such floor plans and security information are held by a public safety agency or building officials; blue prints, equipment specifications, building plans, and recipes owned by commercial restaurants and places of lodging or entertainment when such data are collected by a community health program, law enforcement agency, or investigative agency authorized to collect the data in conducting licensing and other inspections having to do with the public health, safety or welfare; inventories and locations of medications and controlled substances in a medical center, hospital, clinic, drug or alcohol abuse treatment center, court, or law enforcement agency or in the possession of an individual, agency, institution, organization or other entity under contract to any of the above agencies; data collected by a state agency, statewide system or political subdivision as part of an active investigation undertaken for the purpose of the commencement or defense of a legal action, or which is retained in anticipation of a legal action, including but not limited to judicial, administrative or arbitration proceedings; proprietary information contracted for or entrusted to political subdivisions; sealed absentee ballots prior to opening by an election judge; and sealed bids received prior to the opening of the bid.

Sec. 15. Minnesota Statutes 1978, Chapter 15, is amended by adding a section to read:

[15.1675] [REVENUE DATA.] *The following data created, collected and maintained by the state department of revenue are classified as protected non-public, pursuant to section 4: criteria used in the computer processing of income tax returns to determine which returns are selected for audit; department criteria used to determine which income tax returns are selected for an in-depth audit; and department criteria and procedures for determining which accounts receivable balances below a specified amount are cancelled or written-off.*

Sec. 16. Minnesota Statutes 1978, Chapter 15, is amended by adding a section to read:

[15.1677] [SMALL BUSINESS DATA.] *To the extent that it is required by contracts with the federal small business administration, all government data collected and maintained*

by any component of the state university system because that component contracts with the federal small business administration to carry on a program of counseling small businesses, are classified as either private or non-public depending on whether the data in question are data on individuals or data not on individuals.

Sec. 17. Minnesota Statutes 1978, Chapter 15 is amended by adding a section to read:

[15.1678] [PROPERTY COMPLAINT DATA.] *The names of individuals who register complaints with state agencies or political subdivisions concerning violations of state laws or local ordinances concerning the use of property are classified as confidential, pursuant to section 15.162, subdivision 2a.*

Sec. 18. Minnesota Statutes 1978, Chapter 15, is amended by adding a section to read:

[15.1679] [LIBRARY DATA.] *Subdivision 1. As used in this section:*

(a) *"Library data" means data on individuals collected because the individual uses or has used the services of a public library as defined in section 134.30.*

(b) *"Patron" means any individual who uses or has used the services of a public library.*

Subd. 2. All records collected, maintained, used or disseminated by a public library shall be administered in accordance with the provisions of sections 15.1611 through 15.17.

Subd. 3. That portion of records maintained by a public library which links a patron's name with materials requested or borrowed by the patron or which links a patron's name with a specific subject about which the patron has requested information or materials is classified as private, pursuant to section 15.162, subdivision 5a, and shall not be disclosed except pursuant to a valid court order.

Sec. 19. Minnesota Statutes, 1979 Supplement, Section 15.1692, is amended by adding a subdivision to read:

Subd. 1a. For the purpose of sections 15.1621 to 15.1692, data on individuals who perform services on a voluntary basis, who act on advisory boards or commissions, or who act as independent contractors with state agencies, statewide systems or political subdivisions shall be administered as if the subject data were personnel data.

Sec. 20. Minnesota Statutes, 1979 Supplement, Section 15-1692, Subdivision 2, is amended to read:

Subd. 2. Except for employees described in subdivision 6, the following personnel data on current and former employees of a state agency, statewide system or political subdivision is public: name; actual gross salary; salary range; actual gross pension; the value and nature of employer paid fringe benefits; the basis for and the amount of any added remuneration, including expense reimbursement, in addition to salary; job title; job description; education and training background; previous work experience; date of first and last employment; the status of any complaints or charges against the employee, whether or not the complaint or charge resulted in a disciplinary action; and the final disposition of any disciplinary action and supporting documentation; *work location; a work telephone number; badge number; and city and county of residence.*

Sec. 21. Minnesota Statutes, 1979 Supplement, Section 15-1693, is amended by adding a subdivision to read:

Subd. 1a. For purposes of this section, health data concerning students, including but not limited to records of immunizations, notations of special physical or mental problems and records of school nurses; and public census data, including but not limited to emergency information, family information and data concerning parents, shall be considered educational data. Access by parents to student health data shall be pursuant to section 15.162, subdivision 4. The commissioner of health and any local health agency organized under the provisions of chapter 145 and in whose jurisdiction the school district is located, shall have access to the records of immunization.

Sec. 22. Minnesota Statutes, 1979 Supplement, Section 15-1698, Subdivision 1, is amended to read:

Subdivision 1. [DEFINITIONS.] As used in this section (.) : (a) "Directory information" means name of the patient, date admitted, general condition, and date released.

(b) "Medical data" means data collected because an individual was or is a patient or client of a hospital, medical center, clinic, health or nursing service operated by a state agency or political subdivision.

Sec. 23. Minnesota Statutes, 1979 Supplement, Section 15-1698, is amended by adding a subdivision to read:

Subd. 4. [CLASSIFICATION OF MEDICAL DATA.] *Unless the data is summary data or a statute specifically provides a different classification, medical data are classified as private,*

pursuant to section 15.162, subdivision 5a, and shall not be disclosed except:

- (a) *Pursuant to section 15.163;*
- (b) *Pursuant to a valid court order;*
- (c) *To administer federal funds or programs; or*
- (d) *To the surviving spouse or next of kin of a deceased patient or client.*

Sec. 24. Minnesota Statutes, 1979 Supplement, Section 15.1698, is amended by adding a subdivision to read:

Subd. 5. [FAMILY REGISTRATION INFORMATION.] *In any hospital, medical center, clinic or health or nursing service operated by a state agency or political subdivision, family registration information, business records about patients or clients and any records of any transaction leading to a patient's or client's business record with the hospital, medical center or clinic are classified as private pursuant to section 15.162, subdivision 5a, and shall not be disclosed except:*

- (a) *Pursuant to section 15.163;*
- (b) *Pursuant to a valid court order;*
- (c) *To receive or administer local, state or federal funds or programs; or*
- (d) *To the surviving spouse or next of kin of a deceased patient or client.*

Sec. 25. Minnesota Statutes 1978, Section 600.23, Subdivision 3, is amended to read:

Subd. 3. [WITHDRAWAL.] *Papers and instruments so deposited shall not be made public or withdrawn from such office except upon the written order of the person depositing the same, or his executors or administrators, or on the order of some court for the purpose of being read in such court, and then to be returned to such office. (WHEN SO DEPOSITED, THEY SHALL BE OPEN TO THE EXAMINATION OF ANY PERSON DESIRING THE SAME UPON PAYMENT OF THE FEES, IF ANY, ALLOWED BY LAW.)*

Sec. 26. Minnesota Statutes, 1979 Supplement, Section 15.1692, Subdivision 4, is repealed.

Sec. 27. [EFFECTIVE DATE.] *This act is effective the day following enactment."*

Further, delete the title and insert:

“A bill for an act relating to government data; providing definitions; classifying data as public, private, confidential, non-public, or protected non-public; amending Minnesota Statutes 1978, Sections 15.162, by adding subdivisions; 15.165, Subdivision 3; Chapter 15, by adding sections; Minnesota Statutes, 1979 Supplement, Sections 15.162, Subdivision 2a; 15.163, Subdivisions 3, 5, and 9; 15.1642, Subdivisions 1 and 5; 15.166, Subdivision 4; 15.1692, Subdivision 2, and by adding a subdivision; 15.1693, by adding a subdivision; 15.1698, Subdivision 1, and by adding subdivisions; repealing Minnesota Statutes, 1979 Supplement, Section 15.1692, Subdivision 4.”

With the recommendation that when so amended the bill pass.

The report was adopted.

Anderson, I., from the Committee on General Legislation and Veterans Affairs to which was referred:

H. F. No. 2043, A bill for an act relating to elections; authorizing time off from work for election judges; amending Minnesota Statutes 1978, Section 204A.18, by adding a subdivision.

Reported the same back with the following amendments:

Page 1, line 8, delete “204A.18” and insert “204A.17”

Page 1, line 10, delete “5” and insert “6”

Page 1, line 12, after “to” insert “this”

Page 1, line 12, delete “204A.17, subdivision 1”

Page 1, line 18, after the period, insert “*This subdivision applies only to employers with four or more employees.*”

Page 1, after line 18, insert new sections to read:

“Sec. 2. [HENNEPIN COUNTY REAPPORTIONMENT COMMISSION.] *In each year ending in the number one, or when required by court order, a reapportionment commission shall be established to draw the boundaries of Hennepin County commissioner districts.*

The commission shall consist of nine members who are eligible voters of the county. One member shall be appointed by each member of the county board.

The remaining two members shall be appointed by unanimous agreement of the board appointees and shall be impartial in the matter of apportionment.

Members of the commission shall be appointed not later than March 15 when the commission is established in a year ending in the number one. The district court shall fill any vacancy caused by failure to appoint a member within the time required by law.

Sec. 3. [APPORTIONMENT STANDARDS.] *The commission shall draw the boundaries of commissioner districts in accordance with the requirements of sections 2 to 16.*

All districts shall be as equal in population as practicable. Population shall be the controlling factor in drawing the district boundaries.

The districts shall be composed of compact and contiguous territory. To the extent consistent with other standards, the boundaries of the districts shall follow the boundaries of local governmental units. No apportionment plan shall be drawn for the purpose of favoring any political party or person.

Sec. 4. [APPORTIONMENT PLAN.] *The commission by a majority vote shall adopt an apportionment plan setting forth all of the districts.*

An apportionment plan shall be effective 30 days after it is adopted. The districts set forth in the plan shall govern elections beginning with the first general election after the plan is adopted.

Sec. 5. [MEMBERS; QUALIFICATIONS.] *Subdivision 1. No individual shall be appointed or serve on the commission who:*

(a) holds or has held within two years prior to appointment an elected or appointed office in federal, state or local government;

(b) is or has been within two years prior to appointment an officer of a political party;

(c) is an employee of federal, state or local government;

(d) is a member of the immediate family of a county commissioner. "Member of the immediate family" means father, mother, son, daughter, brother, sister, spouse, ex-spouse or member of the same household. No individual appointed as a member of the commission shall, while a member of the commission, be a candidate for any elective office.

Subd. 2. If the county board or its appointees fail to appoint required members before March 15, the district court shall do so upon the petition of any citizen. Other vacancies shall be filled by the appointing authority or, if necessary, the district court.

Sec. 6. [COMMENCEMENT OF DUTIES; MEETINGS.]
Subdivision 1. The commission shall meet not later than April 1. The commission shall elect a presiding officer and other officers as it shall find necessary.

Subd. 2. The commission shall meet upon the call of either the presiding officer or a majority of the members of the commission. The proceedings of the commission are open to the public. The commission shall give public notice of its proceedings and shall keep minutes and audio recordings of those proceedings. All materials submitted to or developed by the commission, together with the minutes and audio record of its proceedings shall be preserved and made available for public inspection and copying. The commission may administer oaths to individuals appearing before it.

Subd. 3. A majority of the members of the commission is a quorum to conduct business.

Sec. 7. [REMOVAL OF COMMISSION MEMBER.] *Any member of the commission may be removed from the commission by the district court upon petition filed by any eligible voter. The member may be removed, after a hearing, upon a finding by the court, by a preponderance of the evidence, that a member of the commission during his membership has been convicted of a gross misdemeanor or felony, or that a member is unqualified to serve under the provisions of section 4, or that a member is physically or mentally incapable of serving, or is unwilling to serve. It is prima facie evidence that a member is unwilling to serve if he fails to attend three successive meetings of the commission or fails to attend a total of six meetings of the commission. Upon removal, the position shall be filled in the manner provided for filling vacancies. An individual who is removed from the commission pursuant to this section may not be reappointed to the commission.*

Sec. 8. [ADMINISTRATIVE SUPPORT.] *The presiding officer of the commission shall supervise the staff of the commission. The county board shall make available the personnel, facilities, technical services and other assistance requested by the commission. The commission shall consult with county staff in the development of a plan to the extent practical. The commission may employ or contract for the services of other staff personnel.*

Sec. 9. [APPORTIONMENT PLAN.] *Subdivision 1. An apportionment plan adopted by the commission shall include:*

(a) A written description of each district drawn by the commission;

(b) A map of each district showing the name and location of each public road and each local governmental unit boundary in the district in a scale that allows precise location of the district boundaries;

(c) A statement of the deviation in population of each district from the average population of all districts of that kind;

(d) A justification of any population deviation which exceeds one-half of one percent;

(e) An explanation of the standards used by the commission to draw the districts; and

(f) Any other information which the commission deems relevant to the plan.

Subd. 2. An apportionment plan shall be adopted not later than September 1 of the year in which the commission is established. The district court, upon petition by the commission, may extend the time for adoption of the plan to a date not later than December 1 of that year if the court finds that the population information needed by the commission to adopt the plan has not been made available in a timely manner. When an apportionment plan adopted by the commission is remanded by a court, the commission shall adopt an amended plan consistent with the finding of the court not later than 30 days after the original plan is remanded.

Subd. 3. An apportionment plan is adopted when approved by a vote of at least five members of the commission and filed with the secretary of state. An apportionment plan is effective 30 days after it is adopted.

Subd. 4. Any commission members in the minority may prepare a minority report which shall be published with the plan adopted by the commission.

Sec. 10. [COURT ORDER.] Subdivision 1. When a commission is not otherwise constituted and a federal court order requires amendment of a plan, a commission shall be established consistent with sections 2 to 16 and shall draw the district boundaries or amend the plan.

Subd. 2. The district court shall set a timetable for establishing a reapportionment commission and drawing the boundaries or amending the plan. The timetable shall be consistent with the time otherwise provided for adoption of an apportionment plan, as far as practicable.

Sec. 11. [COMPENSATION.] Members shall be compensated for their actual and necessary expenses incurred in carry-

ing out their duties on the commission in the same manner and amount as other county employees.

Sec. 12. [DISSOLUTION.] *The commission shall conclude its business and dissolve when:*

(a) *60 days have passed from the adoption of an original, unamended apportionment plan without the filing of any petition for review by the supreme court and all legal actions concerning the plan which are known at that time have been decided; or*

(b) *the commission has adopted an amended apportionment plan after remand by a court; or*

(c) *the commission has failed to adopt a plan or amended plan within the time required by law. The conclusion of business shall include preparation of the official record of the commission and a financial statement disclosing all expenditures made by the commission. The official record shall contain all information developed by the commission pursuant to carrying out its duties including records of public hearings, data collected, minutes and audio recordings of hearings and meetings, and other information of a similar nature. The official record shall be submitted to the county board who shall provide for its preservation.*

Sec. 13. [PUBLICATION OF REPORT.] *Subdivision 1. Promptly after the filing of an apportionment plan the secretary of state shall:*

(a) *Prepare and transmit a copy of the plan to the county auditor;*

(b) *Prepare and transmit a summary of the plan to each newspaper of general circulation and each radio and television station in the county; and*

(c) *Prepare sufficient copies of the plan and the summary for inspection, copying and purchase by the public.*

Subd. 2. *The summary shall contain:*

(a) *A map showing all the new districts;*

(b) *A statement of the population of each district;*

(c) *A statement of the percentage variation of each district from the average population of other districts of the same kind; and*

(d) *An indication of where a copy of the final report of the commission may be examined or purchased and its purchase price.*

Sec. 14. [JUDICIAL REVIEW.] *Subdivision 1. An action to review an apportionment plan adopted by the reapportionment commission shall be commenced by petition to the district court within 30 days of the effective date of the plan. The petition shall set forth the facts and the law on the basis of which petitioner believes the plan does not comply with the provisions of the United States Constitution, the Minnesota Constitution or other provisions of law. A copy of the petition shall be served upon the commission and the county attorney. The court shall hold hearings upon the petition and render its opinion within 60 days of the date that the petition is filed.*

Subd. 2. If the court determines that an original, unamended plan of the reapportionment commission does not comply with constitutional or legal requirements, the court shall specify the reasons for its finding and immediately remand the plan to the commission for amendment. If the court retains jurisdiction of an action to review an apportionment plan when the plan is remanded to the commission, the court shall render its opinion on any amended plan within 90 days after the effective date of the amended plan.

Subd. 3. If a federal court determines that an original unamended plan of the reapportionment commission does not comply with constitutional or legal requirements, and the court permits the commission to redraw the boundaries with consideration to the court's findings and conclusions, the plan shall be remanded to the commission for amendment.

Subd. 4. If the commission fails to adopt an apportionment plan or an amended plan within the time provided by law, or an amended plan adopted by the commission is found invalid upon review by the district court, the district court shall adopt its own reapportionment plan. The court shall hold at least one public hearing before adopting or amending a plan. An apportionment plan adopted or amended by the court shall be in the form prescribed for a plan adopted by the commission. The court shall adopt the plan or amended plan and file it with the secretary of state not later than 60 days from the date on which the commission was required to adopt its plan or the date on which the plan was declared invalid. The plan is effective 30 days after it is adopted.

Sec. 15. [DUTIES OF COUNTY ATTORNEY.] *The county attorney shall represent the commission and defend the apportionment plan adopted by the commission in any action to review the plan in state or federal court.*

Sec. 16. *This act supersedes for Hennepin County the provisions of Minnesota Statutes, Section 375.025.*

Sec. 17. *Section 1 of this act is effective the day following final enactment and, pursuant to Minnesota Statutes, 1979 Supplement, Section 645.023, Subdivision 1, Clause (a) and (c), sections 2 through 16 of this act are effective the day after final enactment."*

Further, amend the title as follows:

Page 1, line 3, after the semi-colon insert "providing for re-districting of Hennepin county commissioner districts;"

Page 1, line 4, delete "204A.18" and insert "204A.17"

With the recommendation that when so amended the bill pass.

The report was adopted.

Anderson, I., from the Committee on General Legislation and Veterans Affairs to which was referred:

H. F. No. 2051, A bill for an act relating to elections; requiring certain employers to attempt to let employees make up time taken off for certain public meetings; amending Minnesota Statutes 1978, Section 210A.09, Subdivision 2.

Reported the same back with the following amendments:

Page 1, line 16, delete "time is" and insert "an employee takes time"

Page 1, line 17, delete "taken"

Page 1, line 17, delete "every" and insert "an"

Page 1, line 19, delete "conveniently"

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Prahl from the Committee on Commerce, Economic Development and Housing to which was referred:

H. F. No. 2060, A bill for an act relating to housing; appropriating money for American Indian housing.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes, 1979 Supplement, Section 462A.21, Subdivision 4c, is amended to read:

Subd. 4c. It may establish a revolving loan fund and may make eligible loans, pursuant to subdivision 4b, to low and moderate income American Indians as provided in section 462A.07, subdivision 14 and may pay the costs and expenses necessary and incidental to the development and operation of such programs. *Any funds appropriated by the legislature for the purposes of this subdivision shall be allocated as follows: 64 percent of the appropriations shall be used in the development and operation of housing programs by the Minnesota Chippewa tribe; 30 percent of the appropriations shall be used in the development and operation of housing programs by the Red Lake band; six percent of the appropriations shall be used in the development and operation of housing programs by the Sioux communities.*

Sec. 2. Subdivision 1. *The sum of \$4,000,000 is appropriated from the general fund to the housing development fund created in Minnesota Statutes, Section 462A.20, for the purposes set forth in this section and for the payment of related costs and expenses.*

Subd. 2. *For the American Indians revolving fund provided in section 462A.21, subdivision 4c . . . \$2,665,000.*

Subd. 3. *For the urban American Indians revolving fund provided in section 462A.21, subdivision 4d . . . \$1,335,000.*

Sec. 3. *Notwithstanding Section 47.20, any local housing finance agency authorized by law may make or purchase conventional loans which limit or prohibit assumption of the loans or which include any other terms inconsistent with Section 47.20 when necessary to maintain the tax exempt status of agency notes or bonds pursuant to state or federal laws or regulations."*

Further, amend the title as follows:

Page 1, line 3, delete the period and insert "; amending Minnesota Statutes, 1979 Supplement, Section 462A.21, Subdivision 4c."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Brinkman from the Committee on Financial Institutions and Insurance to which was referred:

H. F. No. 2067, A bill for an act relating to financial institutions; modifying director's residence requirements for industrial loan and thrift companies; providing for a report to the commissioner in the event of a change of control; requiring insurance or guarantee of certificates of indebtedness sold or issued for investment; exempting certificates of indebtedness from the regulation of securities; amending Minnesota Statutes 1978, Sections 53.06; 53.09, Subdivision 2; Chapter 53, by adding a section; and Minnesota Statutes, 1979 Supplement, Section 80A.15, Subdivision 1.

Reported the same back with the following amendments:

Page 2, line 24, delete "April 1, 1981" and insert "July 1, 1983"

Page 3, line 6, after "the" insert "lesser of the"

Page 3, delete lines 7 and 8 and insert "*company's liability under a certificate or \$40,000. For purposes of this section an insurance company or guarantee fund includes an insurance company authorized to do business in this state, an insurance or guarantee fund organized under the laws of the United States, this state or any other state with the expressed purpose or authority to guarantee the accounts of industrial loan and thrift companies or any other person who contracts with industrial loan and thrift companies to guarantee accounts.*"

Page 3, line 15, delete "April 1, 1982" and insert "July 1, 1985"

With the recommendation that when so amended the bill pass.

The report was adopted.

Casserly from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 2081, A bill for an act relating to the city of Campbell; authorizing issuance of general obligation bonds to finance construction of a community hall.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Prahl from the Committee on Commerce, Economic Development and Housing to which was referred:

H. F. No. 2088, A bill for an act relating to trade regulations; providing limits on formaldehyde concentrations emitted from

building materials and insulation; prohibiting certain transactions; providing remedies; prescribing penalties; amending Minnesota Statutes 1978, Section 325.907, Subdivision 1.

Reported the same back with the following amendments:

Page 1, line 17, delete "*products*" and insert "*building materials which are*"

Page 1, line 17, after "*releasing*" insert "*significant amounts of*"

Page 1, line 21, after "*discharge.*" insert "*This subdivision does not apply to persons offering for sale products manufactured with phenolic resins.*"

Page 2, line 5, delete "*75-121, 1974*" and insert "*P&CAM 125, 1977*"

With the recommendation that when so amended the bill pass.

The report was adopted.

Fudro from the Committee on Transportation to which was referred:

H. F. No. 2111, A bill for an act relating to transportation; excluding minor pipeline relocations caused by highway construction from certain easement or right-of-way agreement provisions; amending Minnesota Statutes, 1979 Supplement, Section 116I.01, Subdivision 2.

Reported the same back with the following amendments:

Page 1, line 19, delete "*one-half*" and insert "*three-fourths*"

Page 1, line 19, delete "*caused by highway*"

Page 1, line 20, delete "*construction*"

Page 1, after line 20, add a new section as follows:

"Sec. 2. (EFFECTIVE DATE.) *This act is effective the day following its final enactment.*"

Further amend the title as follows:

Line 3, delete "*caused by highway*"

Line 4, delete "*construction*"

With the recommendation that when so amended the bill pass.

The report was adopted.

Anderson, I., from the Committee on General Legislation and Veterans Affairs to which was referred:

H. F. No. 2119, A bill for an act relating to the military; extending indefinitely the duration of the authority of the adjutant general to acquire lands for military training from funds available in the military land fund; repealing certain obsolete provisions relating to the military land fund; amending Minnesota Statutes 1978, Sections 190.25; 190.26, Subdivision 1; 190.29; 190.30, Subdivisions 1, 5 and 6; and repealing Minnesota Statutes 1978, Sections 190.26, Subdivisions 2 and 3; and 190.27.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Brinkman from the Committee on Financial Institutions and Insurance to which was referred:

H. F. No. 2121, A bill for an act relating to motor vehicles; increasing the maximum interest rate on certain loans under the Motor Vehicle Retail Installment Sales Act; amending Minnesota Statutes 1978, Section 168.72.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Brinkman from the Committee on Financial Institutions and Insurance to which was referred:

H. F. No. 2122, A bill for an act relating to insurance; increasing the maximum limits on the insuring or reinsuring of a single risk of certain companies; defining a term; amending Minnesota Statutes 1978, Section 60A.09, Subdivision 1, and by adding a subdivision.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Swanson from the Committee on Health and Welfare to which was referred:

H. F. No. 2137, A bill for an act relating to energy; promoting energy conservation by prohibiting smoking in public places; providing a penalty.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [SMOKING IN PUBLIC PLACES PROHIBITED.] Subdivision 1. The legislature finds that in addition to the basic functions of heating and cooling, the removal of smoke and resultant impurities from the air in public places results in a severe strain upon climate control and ventilation equipment and in a substantial additional energy consumption. It is the policy of the legislature to conserve energy by reducing the amount of energy consumed in ventilation and air purification in public places.

Subd. 2. In order to further determine the impact of increased ventilation requirements on energy systems in public buildings due to smoke and resultant impurities, the commissioner of administration shall conduct an energy audit on a minimum of three public buildings. The commissioner shall report to the legislature by January 1, 1981.

Sec. 2. [EFFECTIVE DATE.] This act is effective the day following its final enactment."

Further, amend the title as follows:

Page 1, line 2, after "conservation" insert a semi-colon

Page 1, delete lines 3 and 4 and insert, "providing for an energy audit."

With the recommendation that when so amended the bill pass.

The report was adopted.

Casserly from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 2187, A bill for an act relating to state lands; authorizing conveyance of certain parcels of land in the city of Brooklyn Center.

Reported the same back with the following amendments:

Page 1, line 12, delete "county of Hennepin" and insert "city of Brooklyn Center"

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Vanasek from the Committee on Criminal Justice to which was referred:

H. F. No. 2205, A bill for an act relating to juveniles; revising the purpose of the juvenile court act; amending Minnesota Statutes 1978, Section 260.011, Subdivision 2.

Reported the same back with the following amendments:

Page 2, after line 13, insert:

"Sec. 2. Minnesota Statutes 1978, Section 260.185, Subdivision 1, is amended to read:

260.185 [DISPOSITIONS; DELINQUENT CHILD.] Subdivision 1. If the court finds that the child is delinquent, it shall enter an order making any of the following dispositions of the case which are deemed necessary to the rehabilitation of the child:

(a) Counsel the child or his parents, guardian, or custodian;

(b) Place the child under the supervision of a probation officer or other suitable person in his own home under conditions prescribed by the court including reasonable rules for his conduct and the conduct of his parents, guardian, or custodian, designed for the physical, mental, and moral well-being and behavior of the child, or with the consent of the commissioner of corrections, in a group foster care facility which is under the management and supervision of said commissioner;

(c) Subject to the supervision of the court, transfer legal custody of the child to one of the following:

(1) A child placing agency; or

(2) The county welfare board; or

(3) A reputable individual of good moral character. No person may receive custody of two or more unrelated children unless he is licensed as a residential facility pursuant to sections 245.781 to 245.813; or

(4) Except for children found to be delinquent as defined in section 260.015, subdivision 5, clauses (c) and (d), a county home school, if the county maintains a home school or enters into an agreement with a county home school; or

(5) A county probation officer for placement in a group foster home established under the direction of the juvenile court and licensed pursuant to section 241.021;

(d) Except for children found to be delinquent as defined in section 260.015, subdivision 5, clauses (c) and (d), transfer legal custody by commitment to the commissioner of corrections;

(e) If the child is found to have violated a state or local law or ordinance which has resulted in damage to the property of another, the court may order the child to make reasonable restitution for such damage;

(f) If the child is in need of special treatment and care for his physical or mental health, the court may order the child's parent, guardian, or custodian to provide it. If the parent, guardian, or custodian fails to provide this treatment or care, the court may order it provided.

(g) If the court believes that it is in the best interests of the child and of public safety that the driver's license of the child be cancelled until his eighteenth birthday, the court may recommend to the commissioner of transportation the cancellation of the child's license for any period up to the child's eighteenth birthday, and the commissioner is hereby authorized to cancel such license without a hearing. At any time before the termination of the period of cancellation, the court may, for good cause, recommend to the commissioner of transportation that the child be authorized to apply for a new license, and the commissioner may so authorize;

(h) Except for children found to be delinquent as defined in section 260.015, subdivision 5, clauses (c) and (d), order the child to pay a fine of up to \$500. The court shall order payment of the fine in accordance with a time payment schedule which shall not impose an undue financial hardship on the child.

Any order for a disposition authorized under this section shall contain written findings of fact to support the disposition ordered, and shall also set forth in writing the following information:

(a) Why the best interests of the child are served by the disposition ordered; and

(b) What alternative dispositions were considered by the court and why such dispositions were not appropriate in the instant case.

(THIS SUBDIVISION APPLIES TO DISPOSITIONS OF JUVENILES FOUND TO BE DELINQUENT AS DEFINED IN SECTION 260.015, SUBDIVISION 5, CLAUSE (C) OR (D) MADE PRIOR TO, ON, OR AFTER JANUARY 1, 1978.)

Sec. 3. Minnesota Statutes 1978, Section 540.18, Subdivision 1, is amended to read:

540.18 [DAMAGE BY MINOR; RESPONSIBILITY OF PARENT, GUARDIAN, AND MINOR.] Subdivision 1. The parent or guardian of the person of a minor who is under the age of 18 and who is living with the parent or guardian and who willfully or maliciously causes injury to any person or damage to any property is jointly and severally liable with such minor for such injury or damage to an amount not exceeding (\$100) \$500, if such minor would have been liable for such injury or damage if he had been an adult. Nothing in this subdivision shall be construed to relieve such minor from personal liability for such injury or damage. The liability provided in this subdivision is an addition to and not in lieu of any other liability which may exist at law. Recovery under this section shall be limited to special damages."

Amend the title as follows:

Page 1, line 3, after the semi-colon insert "permitting fines to be imposed on delinquent children; increasing limit of parental liability for willful and malicious acts of minor;"

Page 1, line 4, delete "Section" and insert "Sections"

Page 1, line 4, before the period insert "; 260.185, Subdivision 1; and 540.18, Subdivision 1"

With the recommendation that when so amended the bill pass.

The report was adopted.

Farcy from the Committee on Judiciary to which was referred:

H. F. No. 2212, A bill for an act relating to insurance; providing direct liability of certain insurers to persons entitled to recovery; permitting a direct action against the insurer; amending Minnesota Statutes 1978, Section 60A.08, by adding a subdivision; and Chapter 540, by adding a section.

Reported the same back with the following amendments:

Page 2, line 1, after "state" insert "or (c) the insurance carrier does business in the state"

Page 2, line 24, after "state" insert "or (c) the insurance carrier does business in the state"

With the recommendation that when so amended the bill pass.

The report was adopted.

Brinkman from the Committee on Financial Institutions and Insurance to which was referred:

H. F. No. 2222, A bill for an act relating to insurance; authorizing business trusts to exchange reciprocal or interinsurance contracts; amending Minnesota Statutes 1978, Section 71A.01, Subdivision 1.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Casserly from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 2284, A bill for an act relating to taxation; clarifying provisions of the Minnesota tax increment financing act; amending Minnesota Statutes 1978, Section 472A.02, by adding a subdivision; and Minnesota Statutes, 1979 Supplement, Sections 273.73, Subdivisions 7, 8, 10, 11 and 12; 273.74, Subdivision 3; 273.75, Subdivisions 1, 2, 5 and 6; 273.76, Subdivisions 1, 2 and 3, and by adding a subdivision; 273.77; 273.78; 273.86, Subdivision 4; and 473F.08, Subdivision 6.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Casserly from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 2287, A bill for an act relating to the city of Edina; authorizing a temporary short term on-sale liquor license for a certain civic or charitable festival.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Brinkman from the Committee on Financial Institutions and Insurance to which was referred:

H. F. No. 2302, A bill for an act relating to financial institutions; requiring all checks and drafts drawn on certain accounts to clearly display the month and year the account was opened.

Reported the same back with the following amendments:

Page 2, after line 7, insert a new section as follows:

"Sec. 3. No liability shall be imposed on a bank or credit union for an unintentional failure to comply with this law."

Page 2, line 8, delete "3" and insert "4" and after "1" insert
",

Page 2, line 8, delete "and" and after "2" insert "and 3"

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Vanasek from the Committee on Criminal Justice to which was referred:

S. F. No. 364, A bill for an act relating to peace officers; requiring uniform colors and identification for law enforcement motor vehicles and uniforms of peace officers and security guards; amending Minnesota Statutes 1978, Section 169.98.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [626.88] [UNIFORMS; PEACE OFFICERS, SECURITY GUARDS; COLOR.] *Subdivision 1. [DEFINITIONS.] (a) For the purposes of this section, the following terms have the meanings given them.*

(b) "Peace officer" means an employee of a political subdivision or state law enforcement agency who is charged with the prevention and detection of crime and the enforcement of the general criminal laws of the state and who has full power of arrest, and shall also include Minnesota highway patrolmen, state conservation officers, park police, constables, and University of Minnesota police officers.

(c) "Security guard" means any person who is paid a fee, wage or salary to perform one or more of the following functions:

(1) Prevention or detection of intrusion, unauthorized entry or activity, vandalism or trespass on private property;

(2) Prevention or detection of theft, loss, embezzlement, misappropriation, or concealment of merchandise, money, bonds, stocks, notes, or other valuable documents or papers;

(3) Control, regulation, or direction of the flow or movements of the public, whether by vehicle or otherwise, to assure protection of private property;

(4) Protection of individuals from bodily harm; or

(5) Enforcement of policies and rules of his employer related to crime reduction insofar as such enforcement falls within the scope of his duties.

The term "security guard" does not include: (i) auditors, accountants, and accounting personnel performing audits or accounting functions; (ii) employees of a firm licensed pursuant to section 326.331 whose duties are primarily administrative or clerical in nature; (iii) unarmed watchmen whose primary duty is the prevention or detection of fire; (iv) personnel temporarily employed pursuant to statute or ordinance by political subdivisions to provide protective services at social functions; (v) employees of air or rail interstate carriers.

Subd. 2. [UNIFORMS.] Uniforms for peace officers shall be of uniform colors throughout the state as provided herein. Uniforms for:

(a) Municipal peace officers, including University of Minnesota peace officers, constables, and peace officers assigned to patrol duties in parks, shall be blue, brown or green;

(b) Peace officers who are members of the county sheriffs' office shall be blue, brown or green;

(c) Highway patrolmen shall be maroon;

(d) Conservation officers shall be green.

The uniforms of security guards may be any color other than those specified for peace officers.

This subdivision shall apply to uniforms purchased subsequent to January 1, 1981.

Sec. 2. Minnesota Statutes 1978, Section 169.98, is amended to read:

169.98 [POLICE OR PATROL VEHICLES; SECURITY GUARD VEHICLES; MARKINGS AND COLORS.] Subdivision 1. Except as provided in (THIS) subdivision 2, all motor vehicles which are primarily used in the enforcement of highway traffic regulations by the highway patrol or for general uniform patrol assignment by any municipal police department (, HIGHWAY PATROL,) or (PEACE OFFICER) other law

enforcement agency, except conservation officers, shall have uniform colors and markings as provided herein. Motor vehicles of:

(a) Municipal police departments, including the University of Minnesota police department and park police units, and constables shall be predominantly blue, brown, green or white;

(b) The highway patrol shall be predominantly maroon; and

(c) The county sheriffs' office shall be predominantly brown or white.

(THE COMMISSIONER OF PUBLIC SAFETY BY RULE OR REGULATION SHALL ESTABLISH UNIFORM COLORINGS AND MARKINGS FOR SUCH MOTOR VEHICLES WHICH COLORS AND MARKINGS SHALL BE BOTH DISTINCTIVE AND CONTRASTING IN APPEARANCE SO AS TO DISTINGUISH SUCH MOTOR VEHICLES FROM OTHER MOTOR VEHICLES AND MAKE THEM EASILY IDENTIFIABLE.)

The identity of the governmental unit operating the vehicle shall be displayed on both front door panels and on the rear of the vehicle. The identity may be in the form of a shield or emblem, or may be the word "police", "sheriff", or the words "state patrol" or "conservation officer", as appropriate, with letters not less than two and one-half inches high, one inch wide and of a three-eighths inch brush stroke. The identity shall be of a color contrasting with the background color so that the motor vehicle is easily identifiable as belonging to a specific type of law enforcement agency. Each vehicle shall be marked with its own identifying number on the rear of the vehicle. The number shall be printed in the same size and color required pursuant to this subdivision for identifying words which may be displayed on the vehicle.

Subd. 2. The commissioner of public safety may authorize the use of specially marked highway patrol vehicles, that have only a marking composed of a shield on the right door with the words inscribed thereon "Minnesota (HIGHWAY) State Patrol" for primary use in the enforcement of highway traffic regulations when in his judgment the use of specially marked highway patrol vehicles will contribute to the safety of the traveling public. The number of such specially marked highway patrol vehicles used in the enforcement of highway traffic regulations shall not exceed 10 percent of the total number of highway patrol vehicles used in traffic law enforcement. All specially marked highway patrol vehicles shall be operated by uniformed members of the highway patrol and so equipped and operated as to clearly indicate to the driver of a car which is signaled to stop that the specially marked highway patrol vehicle is being operated by the highway patrol.

Subd. 3. All motor vehicles which are used by security guards in the course of their employment may have any color other than those specified in subdivision 1 for law enforcement vehicles. The identity of the security service shall be displayed on the motor vehicle as required for law enforcement vehicles.

Subd. (2.) 4. (SUBDIVISION 1) *Subdivisions 1 to 3 shall apply to those motor vehicles (USED PRIMARILY IN TRAFFIC LAW ENFORCEMENT) purchased subsequent to (THE EFFECTIVE DATE OF LAWS 1959, CHAPTER 554 AND ALSO SUBSEQUENT TO THE EFFECTIVE DATE OF ANY RULES AND REGULATIONS THAT THE COMMISSIONER OF PUBLIC SAFETY SHALL ESTABLISH PURSUANT TO THE PURPOSES SET FORTH IN SUBDIVISION 1) January 1, 1981.*

Sec. 3. Minnesota Statutes 1978, Section 326.337, Subdivision 1, is amended to read:

326.337 [VIOLATIONS; PENALTY.] Subdivision 1. It is unlawful for the holder of a license knowingly to commit any of the following acts within or without the state of Minnesota: To incite, encourage, or aid in the incitement or encouragement of any person who has become a party to any strike to do unlawful acts or to incite, stir up, create, or aid in the inciting of discontent or dissatisfaction among the employees of any person, firm, or corporation with the intention of having them strike; to interfere with or prevent lawful and peaceful picketing during strikes; to interfere with, restrain or coerce employees in the exercise of their right to form, join, or assist any labor organization of their own choosing; to interfere with or hinder the lawful or peaceful collective bargaining between employees and employers; to pay, offer or give any money, gratuity, favor, consideration, or other thing of value, directly or indirectly, to any person for any verbal or written report of the lawful activities of employees in the exercise of their right of self-organization and their right to form, join, or assist labor organizations and to bargain collectively through representatives of their own choosing; to advertise for, recruit, furnish or replace, or offer to furnish or replace, for hire or reward, within or without Minnesota, any help or labor, skilled or unskilled, or to furnish or offer to furnish armed guards, other than armed guards regularly employed for the protection of payrolls, property, or premises, for service upon property which is being operated in anticipation of or during the course or existence of a strike, or furnish armed guards upon the highways, for persons involved in labor disputes, or to furnish or offer to furnish to employers or their agents any arms, munitions, tear gas implements, or any other weapons; to use in any manner the (WORD) *words* "police", "patrol", "law enforcement", or the name of the local city, county or state on any vehicle, badge, emblem, stationery, advertising of any private detective or protective agent as defined in section 326.338 and no vehicle, emblem, or badge shall be designed or worn as imitative of any such vehicle, emblem, or badge used by

a police department, highway patrol, *constable*, or peace officer, or to send letters or literature to employers offering to eliminate labor unions, or distribute or circulate any list of members of a labor organization, or to advise any person of the membership of an individual in a labor organization for the express purpose of preventing those so listed or named from obtaining or retaining employment. Any person who violates the provisions of this subdivision is guilty of a gross misdemeanor."

Further, amend the title as follows:

Page 1, line 6, before the period insert "; and 326.337, Subdivision 1"

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Casserly from the Committee on Local and Urban Affairs to which was referred:

S. F. No. 920, A bill for an act relating to health; changing provisions related to compensation of members of local boards of health; amending Minnesota Statutes 1978, Section 145.52, Subdivision 1.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Swanson from the Committee on Health and Welfare to which was referred:

S. F. No. 1296, A bill for an act relating to public welfare; authorizing grants for community residential facilities; amending Minnesota Statutes 1978, Section 252.30.

Reported the same back with the following amendments:

Page 1, line 19, delete "*six*" and insert "*three*"

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Fudro from the Committee on Transportation to which was referred:

S. F. No. 1772, A bill for an act relating to highway traffic regulations; authorizing an annual permit for certain oversize vehicles transporting implements of husbandry; prescribing limitations on the use of the vehicles; amending Minnesota Statutes 1978, Section 169.80, Subdivision 1.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 2314, 2369, 2374, 542, 942, 960, 1095, 1142, 1143, 1190, 1349, 1373, 1400, 1577, 1591, 1661, 1706, 1727, 1730, 1735, 1743, 1765, 1774, 1777, 1794, 1795, 1798, 1823, 1825, 1835, 1844, 1846, 1856, 1872, 1890, 1892, 1895, 1930, 1931, 1949, 1962, 1995, 2040, 2043, 2051, 2067, 2081, 2088, 2111, 2119, 2121, 2122, 2137, 2187, 2205, 2212, 2222, 2284, 2287 and 2302 were read for the second time.

SECOND READING OF SENATE BILLS

S. F. Nos. 1734, 523, 1842, 364, 920, 1296 and 1772 were read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Rothenberg and Olsen introduced:

H. F. No. 2393, A bill for an act relating to the state transportation system; permitting transportation bond proceeds to be used for certain railroad improvements; amending Minnesota Statutes 1978, Section 174.51, Subdivision 1.

The bill was read for the first time and referred to the Committee on Transportation.

Rose, Valento, Sieben, H., and Osthoff introduced:

H. F. No. 2394, A bill for an act relating to military affairs; permitting the purchase of property from Independent School District No. 623 by the adjutant general; appropriating money.

The bill was read for the first time and referred to the Committee on Education.

Patton, Berglin, Casserly, Dean and Knickerbocker introduced:

H. F. No. 2395, A bill for an act relating to retirement; fiduciary duties and liabilities for the administration of all public employee pension funds; providing penalties; repealing Minnesota Statutes 1978, Section 352.03, Subdivision 7.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Weaver, Valento, Kroening and Voss introduced:

H. F. No. 2396, A bill for an act relating to taxation; real property; extending class 3cc standing to qualified persons who make their homestead in mobile homes; amending Minnesota Statutes, 1979 Supplement, Section 273.13, Subdivision 7.

The bill was read for the first time and referred to the Committee on Taxes.

Sieben, H., and Metzen introduced:

H. F. No. 2397, A bill for an act relating to natural resources; establishing a new state wildlife management area; appropriating money.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Nelsen, B., introduced:

H. F. No. 2398, A bill for an act relating to waters; prescribing certain procedures related to water appropriation permits; setting a penalty; amending Minnesota Statutes 1978, Sections 105.41, Subdivisions 1a and 5; and 105.416, Subdivision 3.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Greenfield and Clark introduced:

H. F. No. 2399, A bill for an act relating to crimes; modifying procedures for granting parole; amending Minnesota Statutes 1978, Section 243.05.

The bill was read for the first time and referred to the Committee on Criminal Justice.

Ewald introduced:

H. F. No. 2400, A bill for an act relating to the town of Castle Rock; authorizing the establishment of a detached banking facility.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Forsythe introduced:

H. F. No. 2401, A bill for an act relating to Independent School Districts No. 273, Edina, and 274, Hopkins; establishing a procedure for transferring certain territory from one school district to the other; permitting a district from which territory was transferred to enroll certain students from the transferred territory under certain conditions.

The bill was read for the first time and referred to the Committee on Education.

Peterson, B.; Drew; Munger; Faricy and Stowell introduced:

H. F. No. 2402, A bill for an act relating to the environment; providing that the legislature be the sole approval authority for critical areas; designating the state planning agency as the approval authority for plans and regulations related to critical areas; permanently designating the Mississippi River Corridor Critical Area; amending Minnesota Statutes 1978, Sections 116G.06, Subdivision 2; 116G.07; 116G.08; 116G.09; 116G.10; 116G.12, Subdivision 4; and 116G.14; and Chapter 116G, by adding a section.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Hoberg and Valan introduced:

H. F. No. 2403, A bill for an act relating to historical interpretive centers; appropriating money.

The bill was read for the first time and referred to the Committee on Appropriations.

Jacobs introduced:

H. F. No. 2404, A bill for an act relating to taxation; removing limitations on the admissibility of sales ratio studies; providing that the commissioner may abate taxes without the favorable recommendation of certain county and city officers; providing that property tax court judges shall be learned in the law; providing that certain documents be made available to the petitioner and providing for their admittance as evidence; providing that tax court judgments will not include penalties; amending Minnesota Statutes 1978, Sections 270.07, Subdivision 1; 271.01, Subdivision 1; 278.01, Subdivision 1; 278.05; and 278.08; Minnesota Statutes, 1979 Supplement, Section 124.212, Subdivision 11.

The bill was read for the first time and referred to the Committee on Taxes.

Hoberg, Levi, Biersdorf, Fritz and Evans introduced:

H. F. No. 2405, A bill for an act relating to crimes; prohibiting assaulting a peace officer; prescribing penalties; amending Minnesota Statutes 1978, Chapter 609, by adding a section; and Minnesota Statutes, 1979 Supplement, Section 609.224.

The bill was read for the first time and referred to the Committee on Criminal Justice.

Hoberg, Halberg and Faricy introduced:

H. F. No. 2406, A bill for an act relating to crimes; creating a new category of offense for criminal negligence; reclassifying criminal negligence in degrees; providing for revocation of drivers' licenses; prescribing penalties; amending Minnesota Statutes 1978, Sections 169.11; 171.17; 609.21; and Chapter 609, by adding sections.

The bill was read for the first time and referred to the Committee on Criminal Justice.

Aasness introduced:

H. F. No. 2407, A bill for an act relating to appropriations; providing a reimbursement to the city of Fergus Falls for local improvements that benefit state property.

The bill was read for the first time and referred to the Committee on Appropriations.

Friedrich; Carlson, D.; Anderson, G., and Adams introduced:

H. F. No. 2408, A bill for an act relating to public utilities; regulating assigned service areas of telephone companies; city authority to purchase and operate telephone plants; amending Minnesota Statutes 1978, Chapter 237, by adding a section; and Section 237.16, Subdivisions 3, 4, and 6, and by adding subdivisions; repealing Minnesota Statutes 1978, Sections 237.16, Subdivisions 1 and 2, and 237.19.

The bill was read for the first time and referred to the Committee on Energy and Utilities.

Jaros, Corbid, Begich, Battaglia and Greenfield introduced:

H. F. No. 2409, A bill for an act relating to public utilities; prohibiting advance billing for gas or electric service.

The bill was read for the first time and referred to the Committee on Energy and Utilities.

Adams; Carlson, L.; Anderson, I., and Casserly introduced:

H. F. No. 2410, A bill for an act relating to traffic regulations; authorizing licensed tow truck operators to deliver vehicles picked up within the boundaries of the licensing unit of government to a destination anywhere within the state without penalty; superseding inconsistent local ordinances.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Clawson; Anderson, B.; Nelson and Fjoslien introduced:

H. F. No. 2411, A bill for an act relating to energy; prohibiting the sale of certain motor vehicles after a certain date unless a certain prescribed condition is met.

The bill was read for the first time and referred to the Committee on Commerce, Economic Development and Housing.

Sieben, H.; Wynia; Hokanson; Laidig and Rodriguez introduced:

H. F. No. 2412, A bill for an act relating to open meetings; providing for the award of costs and disbursements; amending Minnesota Statutes 1978, Section 471.705, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Judiciary.

Adams and Carlson, L., introduced:

H. F. No. 2413, A bill for an act relating to retirement; including employees of the Suburban Public Health Nursing Services in the membership of the public employees retirement association; amending Minnesota Statutes, 1979 Supplement, Section 353.01, Subdivision 2a.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Kvam, Brinkman, Dempsey and Piepho introduced:

H. F. No. 2414, A bill for an act relating to interest; removing statutory interest rate ceilings for a certain time; allowing for the periodic adjustment of interest rates on instruments and agreements; creating a usury study commission.

The bill was read for the first time and referred to the Committee on Taxes.

Clawson introduced:

H. F. No. 2415, A bill for an act relating to public welfare; exempting certain payments from consideration when determining levels of general assistance; amending Minnesota Statutes 1978, Section 256D.06, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Health and Welfare.

Simoneau introduced:

H. F. No. 2416, A bill for an act relating to intoxicating liquor; authorizing holders of off-sale licenses to dispense samples of wine; amending Minnesota Statutes 1978, Section 340.11, Subdivision 15.

The bill was read for the first time and referred to the Committee on Commerce, Economic Development and Housing.

Evans and Sherwood introduced:

H. F. No. 2417, A bill for an act relating to natural resources; authorizing the commissioner of natural resources to enter into agreements with the Minnesota Chippewa Tribe and Bands thereof in regard to licenses and fees for hunting, fishing, trapping, and taking of minnows and other bait on Indian reservations by non-Indians; amending Minnesota Statutes 1978, Sections 97.431, Subdivision 4; and 97.432; and Chapter 97, by adding a section.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Nysether, Stadum, Eken, Valan and Corbid introduced:

H. F. No. 2418, A resolution memorializing the President and Congress to enact legislation or take other appropriate action to open the St. Lawrence Seaway for shipping as early as possible.

The bill was read for the first time and referred to the Committee on Agriculture.

Schreiber, Halberg and Novak introduced:

H. F. No. 2419, A bill for an act relating to taxation; changing the homestead credit percentage; increasing the maximum amount of homestead credit, amending Minnesota Statutes, 1979 Supplement, Section 273.13, Subdivisions 6, 7 and 14a.

The bill was read for the first time and referred to the Committee on Taxes.

MESSAGES FROM THE SENATE

The following messages were received from 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. 455, A bill for an act relating to education; providing equal opportunity for members of both sexes to participate in certain athletics; modifying the coverage and terms of the current law providing for equal opportunity in certain athletics; requiring the state board of education after consultation with the commissioner of human rights to promulgate certain rules; providing for the rights of certain parties in the case of certain sex discrimination charges; requiring the Minnesota state high

school league to transact business in an open meeting; amending Minnesota Statutes 1978, Sections 126.21; 129.121, by adding a subdivision; and 363.02, Subdivision 3.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted.

S. F. Nos. 1054, 1653, 1725 and 1759.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 1054, A bill for an act relating to Morrison County; allowing free, nonsubscription publications to qualify as legal newspapers in Morrison County.

The bill was read for the first time.

Wenzel moved that S. F. No. 1054 and H. F. No. 1031, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1653, A bill for an act relating to education; providing individualized instructional materials to nonpublic school pupils; increasing the amount which may be spent for certain materials provided to nonpublic school pupils; amending Minnesota Statutes 1978, Sections 123.932, by adding a subdivision; 123.933; and Chapter 123, by adding a section.

The bill was read for the first time and referred to the Committee on Education.

S. F. No. 1725, A bill for an act relating to education; defining "nonsectarian nonpublic school" and modifying the definition of "neutral site" to include a nonsectarian nonpublic school for purposes of certain sections providing aid to nonpublic school children; amending Minnesota Statutes 1978, Section 123.932, Subdivision 9, and by adding a subdivision.

The bill was read for the first time and referred to the Committee on Education.

S. F. No. 1759, A bill for an act relating to counties; providing for sheriffs and deputies compensation and expenses; permitting compensation for use of automobiles; amending Minnesota Statutes 1978, Section 387.20, Subdivisions 1 and 6.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

PROGRESS REPORTS ON CONFERENCE COMMITTEES

Progress by Conference Committees was reported to the House on the following bills: S. F. Nos. 572 and 801.

REPORT FROM THE COMMITTEE ON RULES AND LEGISLATIVE ADMINISTRATION

Eken, for the Committee on Rules and Legislative Administration offered a report on the proposed permanent rules of the House for the 71st legislature.

Eken moved that the permanent rules of the house of representatives for the 71st legislature be the same as for the 70th legislature and be amended to read:

PERMANENT RULES OF THE HOUSE

ARTICLE I — DAILY BUSINESS

1.1 CONVENING OF THE HOUSE. Unless otherwise ordered, regular sessions of the House shall convene at two o'clock p.m. The Speaker shall take the chair at the hour at which the House convenes and the House shall then be called to order. After prayer by the Chaplain or a brief meditation, a roll of members shall be called and the names of members present and members excused shall be entered in the Journal of the House.

1.2 READING OF THE JOURNAL. A quorum being present, the Journal of the preceding day shall be read by the Chief Clerk unless otherwise ordered. The House may correct any errors in the Journal of the preceding day.

1.3 ORDER OF BUSINESS. After the reading of the Journal, the order of business of the day shall be:

- (1) Presentation of petitions or other communications.
- (2) Reports of standing committees.
- (3) Second reading of House bills.
- (4) Second reading of Senate bills.
- (5) Reports of select committees.

- (6) Introduction and first reading of House bills.
- (7) Consideration of messages from the Senate.
- (8) First reading of Senate bills.
- (9) Consent Calendar.
- (10) Calendar for the day.
- (11) General Orders.
- (12) Motions and resolutions.

Conference committees and the Committee on Rules and Legislative Administration may report at any time.

1.4 SECOND READING OF BILLS. Every bill shall require a second reading.

Except as otherwise ordered, every bill requiring the approval of the Governor shall, after a second reading, be considered in a Committee of the Whole before it shall be finally acted upon by the House.

1.5 COMMITTEE OF THE WHOLE. The Committee of the Whole is a committee of the entire membership of the House. The Speaker may appoint another member as chairman to preside over the Committee of the Whole.

When the House arrives at the General Orders of the Day, it shall resolve itself into a Committee of the Whole to consider bills on General Orders.

A bill considered in the Committee of the Whole shall be reported and then debated by sections, with the title considered last. All amendments shall be typewritten and five copies shall be submitted to the Chairman who shall report them to the House.

1.6 RULES TO APPLY TO COMMITTEE OF THE WHOLE. The Rules of the House shall be observed in the Committee of the Whole so far as may be applicable except that the previous question shall not be forced or speaking limited.

Upon demand of 15 members, the ayes and nays shall be called, the question voted on, and the ayes and nays recorded in the Journal of the House.

In the Committee of the Whole no amendment increasing the amount of any appropriation shall be passed without the ayes and naves recorded in the Journal of the House.

A motion that the committee arise shall always be in order and shall be decided without debate.

Upon the request of any member, a bill shall be excepted from the report of the Committee of the Whole. Only a motion to strike an amendment to the bill adopted in the Committee of the Whole or to amend the recommendation of the Committee of the Whole concerning the disposition of the bill shall be in order.

1.7 GENERAL ORDERS OF THE DAY. The Chief Clerk at the direction of the Speaker shall prepare the General Orders of the Day, which is a list of all bills which have not been made Special Orders or placed on the Consent Calendar, numbered according to their order at second reading. Unless otherwise ordered by a majority of the Committee, items on General Orders shall be taken up in numerical order.

The Chief Clerk shall see that a copy of each bill printed under the Rules or Orders of the House is placed in each member's file, which is to be kept at his desk in the chamber, at least 24 hours before the bill shall be considered in the Committee of the Whole. Under the first order of business each day, the Chief Clerk shall report to the House which bills he has placed in the files.

If a bill is progressed three times it shall be placed at the end of General Orders unless otherwise ordered by majority vote.

Except during the last five days in any year on which a bill may be passed, a bill amended in the Committee of the Whole shall not be given its third reading until is engrossed and reproduced as amended.

1.8 THIRD READING OF BILLS. No amendment shall be received on the third reading without the unanimous consent of the House, except to fill blanks or to amend titles.

At any time prior to its passage any bill or resolution may be committed or recommitted by a majority vote of the whole House. If the committee, other than the Committee of the Whole, to which it was committed or recommitted reports an amendment on it, it shall again be given its second reading, considered in Committee of the Whole, given its third reading and placed upon its final passage.

1.9 SPECIAL ORDERS. A bill may be made the Order of the Day for a special time and be placed upon a separate list known as "Special Orders".

The Committee on Rules and Legislative Administration may by committee report designate as a Special Order any bill which has had its second reading.

Any member may move to make a bill a Special Order by giving notice at least two legislative days in advance of and specifying the day on which he will so move. The notice shall include the number and title of the bill and the day and time certain for the Special Order. Only the member giving such notice, or another member designated by him in writing to the Speaker, may make the motion for the Special Order. A two-thirds vote of the whole House on such motion is required to make a bill a Special Order.

The time set for the motion may not be extended, and failure to make the motion on the specified day forfeits the right to make the motion.

A motion to make a bill a Special Order, when made according to the procedures herein prescribed, shall be a privileged motion, shall take precedence over all other motions except a motion to adjourn or to set the time to adjourn and questions of personal privilege, and may be made at any time on the day designated in the notice. A three-fourths vote of the whole House is required to suspend the motion.

Any Special Order, or any part of it, may be continued or postponed by two-thirds vote of the whole House at the time of such Special Order.

When the time arrives for the consideration of any Special Order, the House shall consider each bill upon the Special Order in the order in which it is listed. After consideration it shall immediately be read the third time and placed upon final passage.

1.10 TAX AND APPROPRIATION BILLS GIVEN PRECEDENCE. At any time after (APRIL 25, 1977) *February 18, 1980*, any bill relating to taxes or raising revenue shall be acted upon whenever requested by the Chairman of the Committee on Taxes, and any appropriation bill shall be acted upon whenever requested by the Chairman of the Committee on Appropriations.

1.11 CONSENT CALENDAR. Any bill of a non-controversial nature for which the committee report recommends placement upon the Consent Calendar shall be given its second reading after the report is adopted and placed upon the Consent Calendar. The bill shall be printed and placed in the members' files at least one day before it can be considered. The bill shall be placed upon the Consent Calendar in the order in which it is given its second reading.

The Consent Calendar shall immediately precede the order of business known as "Calendar for the Day". Every bill on the Consent Calendar shall be debated, given its third reading and voted upon, provided, however, that at any time prior to third reading, ten members may object to any bill as being contro-

versial. Any bill so objected to shall be stricken from the Consent Calendar and be immediately returned to General Orders, taking its place in the usual order.

1.12 SUSPENSION OF RULES TO ADVANCE A BILL. Every bill shall be reported on three different days, except that in case of urgency, a two-thirds majority of the whole House may suspend this Rule. A motion for suspension of the Rules to advance a bill for consideration out of its regular order is in order under the order of business "Motions and Resolutions" or at any time the bill is before the House. The motion must be presented to the Speaker in writing and must state the present position of the bill.

1.13 MINORITY REPORTS. Any minority report shall be made separately from the majority report and shall be considered before the majority report. If the minority report is adopted the majority report shall not be considered. If the minority report is not adopted the majority report shall then be considered.

1.14 COMMITTEE REPORT LAID OVER. The report of any committee may be laid over one day and printed in the Journal, if so ordered by the House.

1.15 RECALLING BILL FROM COMMITTEE. Except after the deadline for committee reports on bills originating in the House, any bill or resolution may be recalled from any committee at any time by majority vote of the whole House, be given a second reading and be advanced to General Orders. *A motion to recall a bill or resolution shall be in order only under the order of business, "Motions and Resolutions".*

1.16 TIME LIMIT FOR CONSIDERATION OF BILLS. If 20 legislative days after a bill has been referred to committee (other than a bill (FOR APPROPRIATIONS) *in Appropriations*) no report has been made upon it by the committee, its chief author may request that it be returned to the House and the request shall be entered in the Journal for the day. The committee shall have ten calendar days thereafter in which to vote upon the bill requested. If the committee fails to vote upon it within the ten days, the chief author may, at any time within five calendar days thereafter, present a written demand to the Speaker for its immediate return to the House. The demand shall be entered in the Journal for that day and shall constitute the demand of the House. The bill shall then be considered to be in the possession of the House, given its second reading and placed at the foot of General Orders.

Such bill is subject to re-reference by (THE) *a majority vote of the whole House*. If the motion to re-refer is made on the day of the demand or within one legislative day thereafter, the motion shall take precedence over all other motions except privileged motions and shall be in order at any time.

After (MAY 20, 1977) *March 27, 1980*, the House shall not act on bills other than those recommended by conference committee reports or the Committee on Rules and Legislative Administration, and those bills contained in messages from the Senate or from the Governor.

1.17 DISPOSITION OF SENATE BILLS. Any Senate File received by the House, accompanied by a message announcing its passage by the Senate, shall be referred to the appropriate standing committee *in accordance with Rule 5.4*. However, if a Senate File is received which is stated by a member to be identical to a House File already reported by a standing committee of the House and placed on General Orders, Calendar, Consent Calendar, or Special Orders, the Senate File shall be referred to the Chief Clerk for comparison. If the Chief Clerk reports that the Senate File is identical with the House File, the Senate File may by majority vote be substituted for the House File and take its place. The fact that the bills are identical shall be entered in the Journal and the House File is then considered withdrawn.

Any Senate File which has been amended on the floor of the House, except at time of final passage, and any Senate File which has been reported to the House with amendments by a House standing committee, shall be unofficially engrossed and reprinted by the Chief Clerk. Amendments to unofficial engrossments of a Senate File may be offered by members on the floor of the House but shall not be offered in standing committees.

1.18 RECORDED FLOOR PROCEEDINGS. All proceedings on the floor of the House shall be recorded on magnetic tape or similar recording device under the direction of the Chief Clerk. Two copies of each tape shall be delivered to the Director of the Legislative Reference Library and there maintained on file for use by any member of the public in accordance with the rules of the Legislative Reference Library. At the end of each biennium, the Director of the Legislative Reference Library shall deliver one copy of each tape to the Director of the Minnesota Historical Society.

Any person may obtain a copy of any such tape during the biennium in which it is recorded upon payment of a fee determined by the Chief Clerk to be adequate to cover the cost of preparing the copy.

Discussion preserved under this rule is not intended to be admissible in any court or administrative proceeding on an issue of legislative intent.

ARTICLE II — VOTING

2.1 AUTHORIZING ELECTRIC VOTING SYSTEM. Except for a vote upon elections or the overriding of a Governor's veto, any

vote may be taken by means of the electric voting system which shall be under the control of the Speaker of the House.

2.2 CALL OF THE HOUSE. Ten members may demand a call of the House at any time except after voting has commenced. When such call is demanded, the doors shall be closed, the roll shall be called, the absent members shall be sent for, and no member may be permitted to leave until the roll call is suspended or completed. During the roll call, no motion shall be in order except a motion pertaining to matters incidental to the call. Proceedings under the roll call may be suspended by a majority vote of the whole House. After the roll call is suspended or completed the Sergeant at Arms shall not permit any member to leave the Chamber unless excused by the Speaker. A call of the House may be lifted by a majority vote of the whole House.

2.3 DEMANDING YEAS AND NAYS. Yeas and Nays shall be ordered without demand upon final passage of bills and upon adoption of resolutions or motions directing the payment of money. In all other cases the yeas and nays shall be ordered only upon demand of 15 members.

2.4 EXPLAINING OR CHANGING VOTE. No member shall be allowed to explain his vote or discuss the question while the yeas and nays are being taken, nor be allowed to change his vote after the yeas and nays have been announced from the chair by the Speaker.

2.5 EVERY UNEXCUSED MEMBER TO VOTE. Any member who is immediately interested in the question being voted on shall not vote.

Every other member present before a vote is declared from the chair shall vote for or against the matter before the House, unless the House excuses him from voting.

When a member declines to vote on a call of his name, he shall be required to state his reasons for so declining. After the vote has been taken but before the chair has announced the vote, he shall submit to the House the question, "Shall the member, for the reasons stated, be excused from voting?" which shall be decided without debate. Any other proceedings in reference thereto shall take place after announcement of the vote.

ARTICLE III — MOTIONS AND AMENDMENTS

3.1 MOTIONS. No motion shall be debated until after it is stated by the Speaker. (THE SPEAKER MAY REQUIRE ANY MOTION TO BE WRITTEN.)

After a motion has been stated by the Speaker it is in possession of the House, but the mover may withdraw it at any time

before amendment or decision. Unless a motion, resolution or amendment is withdrawn on the day it is made, it shall be entered in the Journal, together with the name of the member offering it.

The Speaker may require any motion to be written.

3.2 PRECEDENCE OF MOTIONS. When a question is under (DEBATE) *consideration*, no motion shall be received except the following, the first four of which shall be decided without debate:

- (1) To fix the time of adjournment.
- (2) To adjourn.
- (3) To lay on the table.
- (4) For the previous question.
- (5) To (COMMIT) *refer*.
- (6) To postpone to a day certain.
- (7) To amend.
- (8) To postpone indefinitely.
- (9) *To pass*.

The motions shall have precedence in the order listed. However, if the motion for the previous question has been seconded and the main question ordered, the motion to lay on the table shall not be in order.

3.3 MOTION TO ADJOURN. A motion to adjourn shall always be in order except during roll call.

When a motion to adjourn is made it shall be in order for the Speaker, before putting the question, to permit any member to state reasons which would seem to render adjournment improper at that time. Such a statement shall not be debatable and shall be limited to not over two minutes.

3.4 MOTION FOR RECONSIDERATION. When a question has been decided either in the affirmative or negative, it shall be in order for any member who voted with the prevailing side to move its reconsideration, provided that such motion is made either on the same day the vote was taken or within the following two days of actual session of the House. A motion for reconsideration *can be made at any time in the Order of Business* and shall take precedence over all other questions except the motion to adjourn

and the notice of intention to move reconsideration. Such motion or notice shall not be in order if the document, bill, resolution, message, report or other official action on which the vote was taken shall have left the possession of the House.

When a member gives notice of intention to move reconsideration of the final action of the House on any bill, resolution, message, report or other official action, the Chief Clerk shall retain the same until after the matter is disposed of or the time has expired during which the motion for reconsideration can be made.

On the last day allowed for the motion to reconsider, it shall be in order for any member who voted on the prevailing side to make the motion, unless the matter has been already disposed of.

A motion for reconsideration having been voted upon and lost shall not be renewed.

The notice of intention to move reconsideration shall not be in order after (MAY 2, 1977 THROUGH MAY 23, 1977) *March 8, 1980*.

3.5 ORDER OF PUTTING QUESTION. Except in the case of privileged questions, all questions, whether in committee or in the House, shall be put in the order in which they are moved. When filling blanks, a motion for the largest sum or the longest time shall be put first.

3.6 DIVISION OF A QUESTION. Any member may request the division of a question which contains several points. A motion to strike out and insert shall not be divisible. If a motion to strike out is lost it shall not preclude another motion to amend or to strike out and insert.

3.7 THE PREVIOUS QUESTION. The motion calling for the previous question must be seconded by 15 members. If the motion for the previous question is ordered by a majority of members present, it shall have the effect of cutting off all debate and bringing the House to direct vote upon the question or questions.

The previous question may be moved and ordered upon a single motion, a series of motions allowable under the rules, or an amendment or amendments; or it may include all authorized motions or amendments, including a vote on final passage of a bill.

On a motion for the previous question, but prior to its being ordered, a call of the House shall be in order. After a majority has ordered the previous question, no call shall be in order prior to the decision on the main question.

When the previous question is decided in the negative, the main question remains under debate until disposed of by taking a vote either on the question or in some other manner.

All incidental questions of order arising after a motion is made for the previous question and prior to the vote on the main question shall be decided without debate.

3.8 UNANIMOUS CONSENT TO MAKE A MOTION. Whenever unanimous consent to make a motion is requested by a member, the member as a part of such request shall state briefly the purpose of such motion and the subject matter involved.

3.9 MOTIONS AND PROPOSITIONS TO BE GERMANE. No motion or proposition on a subject different from that under consideration shall be admitted under guise of its being an amendment.

3.10 AMENDMENT NOT TO ANNEX ANOTHER BILL. Except in a standing committee no bill or resolution shall at any time be amended by annexing or incorporating any other bill or resolution pending before the House.

3.11 RESOLUTIONS AND MOTIONS INVOLVING EXPENDITURE OF MONEY. Any resolution or motion involving the expenditure of money out of the legislative expense fund shall be referred to the Committee on Rules and Legislative Administration before being acted upon by the House. A majority vote of the whole House, determined by a roll call, is required to pass any such resolution or motion.

3.12 AMENDMENTS TO APPROPRIATION BILLS. No amendment increasing the amount or amounts carried by any appropriation bill shall be declared passed until voted for by a majority of the whole House *determined by a roll call vote.*

3.13 MOTION TO RESCIND. The motion to rescind shall not be in order at any time in any proceeding in the House or in any committee of the House.

3.14 SUSPENSION OR AMENDMENT OF THE RULES. The concurrence of two-thirds of the whole House is required to suspend, alter, or amend any Rule of the House, except that any amendment to the Rules reported by the Committee on Rules and Legislative Administration may be adopted by a majority of the whole House.

Except as provided in Rule 1.12, a motion to suspend, alter, or amend any Rule of the House must be made under the order of business "Motions and Resolutions". If the motion is made at any other time, unanimous consent is required before the Speaker can entertain the motion.

A motion to suspend the Rules, together with the subject matter to which it pertains, is debatable, but the previous question may be applied to the motion.

ARTICLE IV — DEBATE AND DECORUM

4.1 ABSENCE OF MEMBERS AND OFFICERS. Unless illness or other sufficient cause prevents attendance, no member or officer of the House shall absent himself from any session of the House without first having obtained from the Speaker permission to be absent.

4.2 DUTIES OF MEMBERS. Members shall keep their seats until the Speaker announces adjournment.

Every member, before speaking, shall rise from his seat and respectfully address the Speaker and shall not speak further until recognized by the Speaker. When two or more members rise at the same time, the Speaker shall designate the member to speak first.

4.3 QUESTIONS OF ORDER. If any member of the House transgresses the Rules, either in speaking or in any other way, the Speaker shall, or any member may, call him to order. A member so called to order shall immediately sit down unless another member moves to permit him to explain. In either case, the House, if appealed to, shall decide without debate. Only if the decision is in favor of the member called to order shall he be at liberty to proceed. A member called to order shall be liable to censure or such other punishment as the House may deem proper.

4.4 ORDER IN DEBATE. No member shall speak more than twice on the same subject without leave of the House, nor more than once until every other member wishing to speak on the pending question has had an opportunity to do so.

4.5 NOTICE OF INTENTION TO DEBATE A RESOLUTION. Any member may give notice of his intention to debate a resolution. Such notice may be given at any time before the vote is taken on the resolution. If such notice is given, the resolution shall be laid over one day without debate or any other action.

4.6 OFFENSIVE WORDS IN DEBATE. If any member is called to order for offensive words in debate, the member calling him to order shall report the words to which exception is taken and the Clerk shall record them. No member shall be held to answer or be subject to censure of the House for any language used in debate if exception is not taken before any other member has spoken or any other business has taken place.

4.7 ORDER DURING SESSION. No member shall walk out of or across the Chamber when the Speaker is putting the ques-

tion. No member shall engage in private conversation while another member is speaking or pass between the speaking member and the chair.

4.8 NO ONE TO REMAIN BY THE CLERK'S DESK. No member or other person shall remain by the clerk's desk while the yeas and nays are being called.

4.9 WHO MAY BE ADMITTED TO THE FLOOR. No person shall be admitted within the House Chamber (OR RETIRING ROOM), except members themselves, properly authorized employees, the Chief Executive and ex-governors of the State of Minnesota, members of the Senate, heads of departments of the state government, judges of the Supreme and District Courts, members of Congress, properly accredited representatives of radio and television stations, newspapers and press associations, as herein provided for, and none other. When a former member of Congress or the Minnesota Legislature or any other person is issued a permit by the Speaker good for the day he shall be provided with a seat near the Speaker's rostrum, and at no time shall a conversation be carried on so as to disturb the business of the House. Before issuing the permit, the Speaker shall satisfy himself that the person does not seek the floor of the House for the purpose of influencing decisions of the House.

The alcoves shall be kept for the use of members only, and the Sergeant at Arms shall keep them cleared.

It shall not be in order for the Speaker to entertain a request for the suspension of this Rule, or to present from the Chair the request of any member for unanimous consent unless an extraordinary condition exists, in which event he may consent to entertain a motion for its suspension.

During the period extending from one hour prior to the time the House is scheduled to convene until one hour after the House adjourns for the day, the retiring room shall be reserved for the exclusive use of the members and employees of the House or Senators specifically authorized to be present by a House member. No committee meetings shall be held therein except for emergency meetings authorized by the Speaker of the House. The Sergeant at Arms is charged with the duty of strict enforcement of this provision.

4.10 PRESENTATION OF PETITIONS. Any petition, memorial or other paper presented to the House shall include the name of the member introducing it and a brief description of its contents and shall be presented by the Speaker, who shall state briefly its contents.

4.11 NO SMOKING IN HOUSE CHAMBER. No member of the House of Representatives or officer of the House, or other person, shall be permitted to smoke in the House Chamber except

in designated smoking areas, confined only to the front desk and the legislative retiring room. There shall be no smoking in the visitors' section of the galleries.

ARTICLE V — BILLS

5.1 BILL FORM. No bill shall be introduced until it has been examined and approved by the Revisor of Statutes as to form and compliance with the Joint Rules of the House and Senate and the Rules of the House. Approval as to form shall be endorsed on the bill by the Revisor of Statutes.

5.2 INTRODUCTION OF BILLS AND RESOLUTIONS. A bill, *advisory bill* or resolution offered for introduction shall be placed in the hands of the Speaker at least 24 hours prior to the convening of the daily session. Every bill, *advisory bill and resolution* shall be introduced in quadruplicate and each copy shall contain the signature of the member or name of the committee introducing it. No bill, *advisory bill*, memorial or resolution shall have more than five authors. Any memorial (*a statement of facts being forwarded to a governmental official, agency or body*) shall be introduced in the same (MANNER) *form as a bill* and take the same course as a bill. No resolution shall authorize the expenditure of monies from any source other than the legislative expense fund.

5.3 ADVISORY BILLS. An advisory bill may be introduced by any member in the same manner as a bill except that the requirements of Rule 5.1 shall not apply.

Each advisory bill shall be typewritten on a form provided by the Chief Clerk. It shall have a title not exceeding 12 words in length and shall contain a specific proposal for the initiation, termination or alteration of a law or program of the state or any of its subdivisions. It need not be drafted in a form appropriate for enactment into law.

An advisory bill (SHALL BE REFERRED BY THE SPEAKER TO AN APPROPRIATE STANDING COMMITTEE. IT) may be considered only in committee and shall not be given a second reading or be otherwise considered by the House, except that the committee may report its recommendation for re-referral to another committee.

5.4 FIRST READING AND REFERENCE OF BILLS. Each bill, *advisory bill* and resolution shall be reported and given its first reading upon its introduction. No bill, *advisory bill* or resolution shall be objected to upon its introduction.

Except as provided in Rule 1.17 and Rule 5.5 each bill, *advisory bill* or resolution shall, after first reading, be referred by the Speaker to the appropriate standing committee.

Except as otherwise provided in these Rules, after a bill, *advisory bill or resolution* has been referred by the Speaker, a majority vote of the whole House shall be required for a re-referral or recommittal of the bill, *advisory bill or resolution* by the House.

5.5 COMMITTEE BILLS. A committee bill shall be read for the first time and may be referred by the Speaker to any standing committee. If it is not so referred, it shall be laid over one day. It shall then be read for the second time and placed upon General Orders, or, if recommended by the Committee, upon the Consent Calendar.

5.6 PRINTING OF BILLS. Every bill shall be printed after it has been given its second reading. A bill may be printed at any other time a majority of the House so orders.

5.7 BILLS CARRYING AN APPROPRIATION. Any bill, whether originating in the House or Senate, carrying an appropriation, or which may involve any present or future financial obligation on the part of the State, after being reported to the House, shall be referred, or re-referred, as the case may be, to the Committee on Appropriations for action by that committee. Any committee, other than the Committee on Appropriations, to which such bill has been referred shall note in its report that the bill carries an appropriation.

5.8 BILLS AFFECTING STATE GOVERNMENT POWERS AND STRUCTURE. Any bill, whether originating in the House or the Senate, which creates any new department, agency, commission, board or bureau, or which substantially changes or alters the organization of any department or agency thereof of state government, or substantially changes, alters, vests or divests official rights, powers, or duties of any official department or agency of the state government of any institution under its control, after being reported to the House, shall be referred, or re-referred as the case may be, to the Committee on Governmental Operations for action by that committee. Any committee other than the Committee on Governmental Operations to which such bill is referred shall, in its report, recommend re-referral to the Committee on Governmental Operations.

5.9 BILLS AFFECTING TAXES. Any bill whether originating in the House or Senate, which substantially affects state tax policy or the administration of state tax policy, after being reported to the House, shall be referred, or re-referred, as the case may be, to the Committee on Taxes for action by that committee. Any standing committee other than the Committee on Taxes to which such a bill is referred shall, in its report, recommend re-referral to the Committee on Taxes.

ARTICLE VI — COMMITTEES — POWERS AND DUTIES

6.1 COMMITTEES. Standing committees of the House shall be appointed by the Speaker as follows:

Agriculture

Appropriations

Divisions: Education

Health, Welfare, Corrections

State Departments

Semi-State

Claims

Commerce (AND), Economic Development *and Housing*

Criminal Justice

Education

(DIVISION) *Divisions*: School Aids

Higher Education

Energy and Utilities

Environment and Natural Resources

Financial Institutions and Insurance

General Legislation and Veterans Affairs

Governmental Operations

Health and Welfare

(HIGHER EDUCATION).

Judiciary

Labor-Management Relations

Local and Urban Affairs

Rules and Legislative Administration

Taxes

Divisions I and II

Transportation

6.2 COMMITTEE MEMBERSHIP. No less than 30 days prior to the opening of a regular session of the Legislature, the Speaker-designate shall provide the minority group with a list of the standing committees proposed for the session. He shall also designate the number of minority members to be appointed to each committee and may require general membership guidelines to be followed in the selection of committee members.

If the minority leader submits to the Speaker-designate, at least 15 days prior to the opening of the session, a list of proposed committee assignments for the minority group, which complies with the numbers and guidelines provided, the Speaker shall make such proposed assignments with the purpose of attaining proportionate representation on the committees for the minority group.

No committee of the House shall have exclusive membership from any one profession, occupation or vocation.

6.3 COMMITTEE MEETING SCHEDULE. The Speaker shall prepare a schedule of committee meetings, fixing as far as practicable the day of the week and the hour for the regular meeting time of each committee. The schedule of committee meetings shall officially be made available to the news media. The chairman of any committee holding a special meeting or making a change in the regular schedule of meetings shall give written notice which may be announced from the desk and shall be posted on the bulletin board at least one day in advance of the change.

The chairman of each committee or subcommittee shall as far as practicable give three days notice of any meeting. The notice shall include the date, time, place and agenda for the meeting.

6.4 COMMITTEE PROCEDURES. Meetings of all committees of the House shall be open to the public.

A majority of members of any (STANDING OR SPECIAL) committee shall constitute a quorum.

The Rules of the House shall be observed in (THE) *all* committees wherever they are applicable.

Any member of any committee may demand a roll call on any bill, resolution, *report*, *motion* or amendment before the committee. Only upon such demand being made shall the roll be called and the vote of each member on the bill, resolution, *report*, *mo-*

tion or amendment be recorded *in the committee minutes*, together with the name of the member demanding the roll call.

A committee may reconsider any action so long as the matter remains in the possession of the committee. A committee member need not have voted with the prevailing side in order to move reconsideration.

At any time during the period in which a standing committee has possession of a bill the members of the committee may, by majority vote, order the preparation of a Revisor's Analysis of the bill. The Revisor's Analysis shall consist of a concise description of the terms of the bill and shall be provided by the Revisor of Statutes. If the Revisor's Analysis is ordered at the time the bill is given committee approval, the analysis shall accompany the committee report to the House and shall thereafter be attached to the printed bill by the Chief Clerk.

At any time during the period in which a standing committee has possession of a bill, the members of the committee may, by majority vote, order the preparation of a Fiscal Note. If a Fiscal Note is ordered at the time the bill is given committee approval, the Fiscal Note shall accompany the committee report to the House and shall thereafter be attached to the printed bill by the Chief Clerk. No Fiscal Note shall be ordered for any bill given committee approval within ten days of the end of a regular session in any year.

Neither a Revisor's Analysis nor a Fiscal Note shall be considered a part of a bill or any indication of legislative intent.

6.5 SUBCOMMITTEES. The chairman of a committee shall appoint the chairman and members of each subcommittee. The chairman or the committee may refer bills to subcommittee. Any subcommittee may make such investigation or exercise such authority as is delegated to it by the chairman or the committee.

6.6 COMMITTEE RECORDS. The chairman or acting chairman of each standing committee shall cause a record to be kept, in the form prescribed by the Committee on Rules and Legislative Administration, which shall include the record of each bill referred to the committee and the minutes of the committee. The minutes shall include:

- a. The time and place of each hearing or meeting of the committee;
- b. Committee members present;
- c. The name and address of each person appearing before the committee, together with the name and address of the person, association, firm or corporation in whose behalf the appearance is made;

d. The language of each motion, the name of the committee member making the motion, and the result of any vote taken upon the motion, including the ayes and nays whenever a roll call is demanded;

e. The date on which any subcommittee is created, the names of its members and the bills referred to it;

f. The record of each subcommittee meeting, including the time and place of the meeting; members present; the name of each person appearing before the subcommittee, together with the name of the person, association, firm or corporation in whose behalf the appearance is made; and the language of each motion, together with the name of the member making the motion, and the result of any vote taken upon the motion, including the ayes and nays whenever a roll call is demanded;

g. Other important matters related to the work of the committee.

The minutes shall be approved at the next regular meeting of the committee.

Copies of the minutes, after approval by the committee, shall be filed with the Chief Clerk and shall be open to public inspection in the Chief Clerk's office. At the end of the biennium they shall be delivered, together with the other committee records, to the Director of the Legislative Reference Library, where they shall remain open for public inspection during regular office hours. A copy of any page of any committee minutes may be obtained upon payment of a fee determined by the Chief Clerk to be adequate to cover the cost of preparing the copy.

The magnetic tape recording of any committee meetings shall be retained by the chairman until the minutes of that meeting have been approved by the committee. The recording or a copy of the recording shall then be filed with the Director of the Legislative Reference Library, where it shall be maintained for a period of two years from the date of filing for use by any person in accordance with the rules of the Legislative Reference Library. After expiration of the two-year period the recording may be erased and the tape may be reused.

Any person may obtain a copy of such tape during the period in which it is maintained in the Legislative Reference Library upon payment of a fee determined by the Chief Clerk to be sufficient to cover the cost of the copy. Testimony and discussion preserved under this rule is not intended to be admissible in any court or administrative proceeding on an issue of legislative intent.

6.7 COMMITTEE REPORTS. The chairman of a standing committee reporting to the House the action taken by his committee

upon any bill *or resolution* referred to it shall do so upon the form provided for such reports. Each bill *or resolution* shall be reported separately and the report shall be adopted or rejected without amendment.

The report shall contain the action taken by the committee and the date of such action and shall be authenticated by the signature of the chairman.

Before a committee reports favorably upon a bill *or resolution*, the chairman shall see that the form of the bill *or resolution* conforms to the Joint Rules of the House and Senate and these Rules.

Except during the last seven legislative days in any year, the committee report and any minority report shall be placed in the hands of the Chief Clerk at least four hours prior to the convening of the daily session.

The Committee on Rules and Legislative Administration may report at any time.

If a majority of the members of a standing committee finds a bill referred to the committee to be of a non-controversial nature, the report to the House may recommend that the bill be placed upon a separate calendar to be known as the Consent Calendar.

6.8 COMMITTEE BILLS. Any standing or special committee of the House may introduce a bill as a committee bill on any subject within its purview.

6.9 SUBSTITUTION OF BILLS. No standing or special committee nor any of its members shall report a substitute for any bill referred to the committee if the substitute relates to a different subject, is intended to accomplish a different purpose, or would require a title essentially different from that of the original bill. Whenever the house is advised that a substitute bill reported to the House is in violation of this rule, the report shall not be adopted.

6.10 SPECIAL COMMITTEES. Any special committee to which a matter has been referred shall in all cases report to the House a statement of facts and its opinions and conclusions thereon.

6.11 CONFERENCE COMMITTEES. A conference committee may report at any time. No committee except a conference committee or the Committee on Rules and Legislative Administration shall sit during any daily session of the House without leave.

In 1980 except after March 27, a written copy of a report of a conference committee shall be placed on the desk of each

member of the House twelve hours before action on the report by the House. If the report has been reprinted in the Journal of the House for a preceding day and is available to the members, the Journal copy shall serve as the written report.

6.12 COMMITTEE BUDGETS AND EXPENSES. The committee on Rules and Legislative Administration shall establish a budget for each standing committee of the House for expenses incurred by the committee, its members, or its staff in conducting its legislative business. Per diem expense allowances paid to members during sessions or at times set by the Speaker shall not be charged against the budget. No committee shall incur expenses in excess of its authorized budget.

Employees shall be reimbursed for actual expenses in the same manner as state employees.

During sessions, for travel away from the Capitol members shall be reimbursed for actual expenses in the same manner as state employees in addition to per diem expense allowances.

All charges against the committee budget must be approved by the chairman before payment is made.

ARTICLE VII — OFFICERS OF THE HOUSE

7.1 DUTIES AND PRIVILEGES OF THE SPEAKER. The Speaker shall preside over the House and shall have all the powers and be charged with all the duties of the presiding officer.

He shall preserve order and decorum and he or the chairman of the Committee of the Whole may order the lobby or galleries cleared in the case of disorderly conduct or other disturbance.

Except as provided by rule or law, he shall have general control of the chamber of the House and of the corridors, passages and rooms assigned to the use of the House.

He shall sign all acts, addresses, joint resolutions, writs, warrants and subpoenas of the House or issued by order of the House. He shall sign all abstracts for the payment of money out of the legislative expense fund of the House; but no money shall be paid out of said fund unless the abstract is also signed by the Chief Clerk of the House.

He shall appoint the Chief Sergeant at Arms or shall designate him from among the Sergeants at Arms elected by the House or appointed by the Committee on Rules and Legislative Administration.

7.2 SPEAKER PRO TEM. The Speaker may call a member to preside as Speaker pro tempore, but such temporary appoint-

ment shall not extend beyond adjournment for the day. In the absence of the Speaker, the Committee on Rules and Legislative Administration shall select a member to preside until the return of the Speaker.

7.3 DUTIES OF CHIEF CLERK. The Chief Clerk shall have general supervision of all clerical duties pertaining to the business of the House. He shall perform under the direction of the Speaker all the duties pertaining to his office and shall keep records showing the situation and progress of all bills, memorials and resolutions.

Neither the Chief Clerk nor any of his assistants or employees shall permit any records or papers belonging to the House to be removed from their custody other than in the regular course of business. The Chief Clerk shall report any missing records or papers to the Speaker.

During a temporary absence of the Chief Clerk, the First Assistant Chief Clerk shall be delegated all the usual responsibilities of the Chief Clerk and is authorized to sign the daily journal, enrollments, abstracts and other legislative documents. A temporary absence shall be defined by agreement of the Speaker and the Chairman of the Committee on Rules and Legislative Administration.

7.4 ENGROSSMENT AND ENROLLMENT. The Chief Clerk of the House shall have supervision over the engrossment and enrollment of bills. He shall cause to be kept a record by file number of the bills introduced in the House which have passed both houses and been enrolled.

7.5 BUDGET AND PURCHASING. The Chief Clerk shall prepare a biennial budget for the House which must be approved by the Committee on Rules and Legislative Administration before it is submitted to the Committee on Appropriations.

The Chief Clerk shall be the agent of the House of Representatives for the purchase of supplies. He shall seek the lowest possible prices and shall file timely reports of expenditures made with the Committee on Rules and Legislative Administration.

7.6 CLERICAL CORRECTIONS TO BILLS. Minor clerical errors in any bill, memorial, or resolution, such as errors in spelling or grammar, or the incorrect use of one word for another or the incorrect numbering of references, whether occurring in the original document or any amendment to it, shall be corrected as a matter of course by the Chief Clerk, upon the approval of the chairman of any committee to which it was referred.

If the enacting clause of a bill has been omitted, the Chief Clerk shall insert the clause before passage of the bill.

Webster's New International Dictionary shall be the standard authority in matters pertaining to this rule.

7.7 BULLETIN BOARD. The Chief Clerk shall prepare a bulletin board upon which shall be posted a list of committee and subcommittee meetings and any other announcements or notices the House may require.

7.8 INDEX. The Index Clerk, under the supervision of the Chief Clerk, shall prepare an index in which bills may be indexed by topic, number, author, subject, section of the code amended, committees, and any other subject that will make it a complete and comprehensive index. The Index shall be open for public inspection at all times during the session and shall be printed in the permanent Journal of the House.

7.9 DUTIES OF THE SERGEANT AT ARMS. It shall be the duty of the Sergeant at Arms to carry out all orders of the House or the Speaker and to perform all other services pertaining to the office of Sergeant at Arms, including maintaining order in the chamber and supervising entering and exiting from the Chamber and the prompt delivery of messages.

ARTICLE VIII — EMPLOYEES OF THE HOUSE

8.1 APPOINTMENT OF EMPLOYEES. The committee on Rules and Legislative Administration shall designate the position of and appoint each employee of the House and set the compensation of each officer and employee. A record of all such appointments, including positions and compensation, shall be kept in the office of the Chief Clerk and shall be open for inspection by the public.

The Committee on Rules and Legislative Administration, by resolution, shall establish the procedure for filling vacancies when the legislature is not in session.

Any employee of the House may be assigned to other duties, suspended or discharged at any time by the Committee on Rules and Legislative Administration.

No employee of the House shall receive any pay, compensation, gratuity or reward over and above the salary named for the position except upon approval of a three-fourths vote of the whole House.

8.2 DUTIES OF EMPLOYEES. No employee shall make or permit to be made any copy or copies of any journal, bill, paper, file, record, or document in his possession or custody or to which he has access except on request of a member of the House. No person other than a member of the House shall furnish or deliver any journal, bill, paper, file, record, document, or copy thereof to any person other than a member of the House except by or

through the Chief Clerk with the approval or under the direction of the Committee on Rules and Legislative Administration, in accordance with these Rules, and upon such terms as such committee shall prescribe.

Any violation of this rule shall be cause for removal or discharge of the offender.

ARTICLE IX — GENERAL PROVISIONS

9.1 RULE AS TO CONSTRUCTION. As used in these Rules the terms "majority vote" and "vote of the House" shall mean a majority of members present at the particular time. The term "vote of the whole House" shall mean a majority vote of all the members elected to the House for that particular session of the Legislature.

Singular words used in these Rules shall include the plural, unless the context indicates a contrary intention.

The words "he", "his" and "him" shall be construed to include "she", "hers", and "her" whenever the latter are appropriate.

9.2 MEDIA NEWS REPORTERS. Accredited representatives of the press, press associations, and radio and television stations shall be accorded equal press privileges by the House. Any person wishing to report proceedings of the House may apply to the Committee on Rules and Legislative Administration for a press pass and assignment to suitable available space.

Television stations shall be permitted to televise sessions of the House.

9.3 DEADLINES. *In 1980, committee reports on bills favorably acted upon by a committee in the house of origin after Monday, March 10 and committee reports on bills originating in the other house favorably acted upon by a committee after Monday, March 17 shall be referred in the House of Representatives to the Committee on Rules and Legislative Administration for disposition. Referral is not required when a committee after March 10 and by March 17 acts on a bill that is a companion to a bill that has then been acted upon by March 10 in the Senate. This rule does not apply in the House Committees on Appropriations and on Taxes.*

(9.3) 9.4 DISPOSITION OF BILLS. Adjournment of the regular session in any odd-numbered year to a day certain in the following year shall be equivalent to daily adjournment except that any bill on the Consent Calendar, Calendar (OR), Special Orders or General Orders shall be returned to (GENERAL ORDERS) the standing committee last acting on the bill.

(9.4) 9.5 RECESS BILL INTRODUCTIONS. During the period between the last day of the session in any odd-numbered year and the first day of the session in the following year, any bill filed with the Speaker for introduction shall be given a file number and may be unofficially referred to an appropriate standing committee of the House of Representatives.

(9.5) 9.6 AUTHORIZED MANUAL OF PARLIAMENTARY PROCEDURE. The rules of parliamentary procedure contained in Mason's Manual of Legislative Procedure shall govern the House in all applicable cases in which they are not inconsistent with these Rules or the Joint Rules of the Senate and House of Representatives.

Carlson, D., moved to amend the permanent rules of the house of representatives for the 70th legislature, as amended for the 71st legislature, as follows:

Page 26, following line 24, insert:

"No member of the House assigned to any conference committee shall sign nor shall the whole House consider any conference committee report containing any matter not contained in either the House or Senate bill which he or she may be assigned to conferee."

A roll call was requested and properly seconded.

Faricy moved that the Carlson, D., amendment to the proposed permanent rules of the House be referred to the Committee on Rules and Legislative Administration.

A roll call was requested and properly seconded.

The question was taken on the Faricy motion to refer the Carlson, D., amendment to the Committee on Rules and Legislative Administration and the roll was called. There were 54 yeas and 76 nays as follows:

Those who voted in the affirmative were:

Anderson, D.	Corbid	Kalis	Nelson	Sieben, H.
Anderson, G.	Eken	Knickerbocker	Novak	Sieben, M.
Battaglia	Elhoff	Kroening	Otis	Simoneau
Begich	Ellingson	Lehto	Patton	Stoa
Berglin	Faricy	Long	Pehler	Swanson
Brinkman	Greenfield	Mann	Peterson, D.	Vanasek
Byrne	Hokanson	McCarron	Prahl	Voss
Carlson, L.	Jacobs	Minne	Reding	Welch
Casserly	Jaros	Moe	Rice	Wynia
Clark	Johnson, C.	Munger	Rodriguez	Spkr. Norton
Clawson	Kahn	Murphy	Searle	

Those who voted in the negative were:

Aasness	Evans	Kelly	Onnen	Sviggum
Adams	Ewald	Kempe	Osthoff	Thiede
Ainley	Fjoslien	Kvam	Peterson, B.	Tomlinson
Albrecht	Forsythe	Laidig	Piepho	Valan
Anderson, R.	Friedrich	Levi	Pleasant	Valento
Berkelman	Fritz	Ludeman	Redalen	Waldorf
Biersdorf	Fudro	Luknic	Rees	Weaver
Blatz	Halberg	McDonald	Reif	Welker
Carlson, D.	Haukoos	Mehrkens	Rose	Wenzel
Crandall	Heap	Metzen	Rothenberg	Wieser
Dean	Heinitz	Nelsen, B.	Sarna	Wigley
Dempsey	Hoberg	Nelsen, M.	Schreiber	Zubay
Den Ouden	Jennings	Niehaus	Searles	
Drew	Johnson, D.	Norman	Sherwood	
Erickson	Jude	Nysether	Stadum	
Esau	Kaley	Olsen	Stowell	

The motion did not prevail.

CALL OF THE HOUSE

On the motion of Eken and on the demand of 10 members, a call of the House was ordered. The following members answered to their names:

Aasness	Eken	Kaley	Niehaus	Sherwood
Adams	Elioff	Kalis	Norman	Sieben, H.
Ainley	Ellingson	Kelly	Novak	Sieben, M.
Albrecht	Erickson	Kempe	Nysether	Simoneau
Anderson, B.	Esau	Knickerbocker	Olsen	Stadum
Anderson, D.	Evans	Kostohryz	Onnen	Stoa
Anderson, G.	Ewald	Kroening	Osthoff	Stowell
Anderson, R.	Faricy	Kvam	Otis	Sviggum
Battaglia	Fjoslien	Laidig	Patton	Swanson
Begich	Forsythe	Lehto	Pehler	Thiede
Berglin	Friedrich	Levi	Peterson, B.	Tomlinson
Berkelman	Fritz	Long	Peterson, D.	Valan
Biersdorf	Fudro	Ludeman	Piepho	Valento
Blatz	Greenfield	Luknic	Pleasant	Vanasek
Brinkman	Halberg	Mann	Prahl	Voss
Byrne	Haukoos	McCarron	Redalen	Waldorf
Carlson, D.	Heap	McDonald	Reding	Weaver
Carlson, L.	Heinitz	McEachern	Rees	Weich
Casserly	Hoberg	Mehrkens	Reif	Welker
Clark	Hokanson	Metzen	Rice	Wenzel
Clawson	Jacobs	Minne	Rodriguez	Wieser
Corbid	Jaros	Moe	Rose	Wigley
Crandall	Jennings	Munger	Rothenberg	Wynia
Dean	Johnson, C.	Murphy	Sarna	Zubay
Dempsey	Johnson, D.	Nelsen, B.	Schreiber	Sprk. Norton
Den Ouden	Jude	Nelsen, M.	Searle	
Drew	Kahn	Nelson	Searles	

Eken 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.

Carlson, D., withdrew his first amendment to the proposed permanent rules of the House.

Carlson, D., moved to amend the permanent rules of the house of representatives for the 70th legislature, as amended for the 71st legislature, as follows:

Page 26, following line 24, insert:

"No member of the House assigned to any conference committee shall sign nor shall the whole House consider any conference committee report which contains any subject matter which is not related to the subject of the House or Senate bill considered by that conference committee."

A roll call was requested and properly seconded.

Eken moved that the report from the Committee on Rules and Legislative Administration relating to the proposed permanent rules of the House be laid on the table. The motion did not prevail.

Schreiber offered an amendment to the Carlson, D., amendment.

POINT OF ORDER

Carlson, D., raised a point of order that the Schreiber amendment was not in order because it struck the Carlson, D., amendment and, therefore, was a substitute amendment. The Speaker ruled the point of order well taken.

Sieben, H., moved that the report from the Committee on Rules and Legislative Administration relating to the proposed permanent rules of the House together with the Carlson, D., amendment be continued until Monday, March 17, 1980.

A roll call was requested and properly seconded.

The question was taken on the Sieben, H., motion and the roll was called. There were 73 yeas and 61 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Byrne	Erickson	Kahn	Mann
Anderson, D.	Carlson, L.	Faricy	Kalis	McCarron
Anderson, G.	Casserly	Greenfield	Kelly	McEachern
Anderson, I.	Clark	Halberg	Knickerbocker	Metzen
Battaglia	Clawson	Hokanson	Kostohryz	Minne
Begich	Corbid	Jacobs	Kroening	Moe
Berglin	Eken	Jaros	Kvam	Munger
Berkelman	Elioff	Johnson, C.	Lehto	Murphy
Brinkman	Ellingson	Jude	Long	Nelsen, B.

Nelsen, M.	Pehler	Rodriguez	Stoa	Welch
Nelson	Peterson, D.	Schreiber	Stowell	Wenzel
Norman	Prahl	Searle	Swanson	Wynia
Novak	Reding	Sieben, H.	Tomlinson	Spkr. Norton
Otis	Rees	Sieben, M.	Vanasek	
Patton	Rice	Simoneau	Voss	

Those who voted in the negative were:

Aasness	Esau	Johnson, D.	Osthoff	Thiede
Adams	Evans	Kaley	Peterson, B.	Valan
Ainley	Ewald	Kempe	Piepho	Valento
Albrecht	Fjoslien	Laidig	Pleasant	Waldorf
Anderson, R.	Forsythe	Levi	Redalen	Weaver
Biersdorf	Friedrich	Ludeman	Reif	Welker
Blatz	Fritz	Luknic	Rose	Wieser
Carlson, D.	Fudro	McDonald	Rothenberg	Wigley
Crandall	Haukoos	Mehrkens	Sarna	Zubay
Dean	Heap	Niehaus	Searles	
Dempsey	Heinitz	Nysether	Sherwood	
Den Ouden	Hoberg	Olsen	Stadum	
Drew	Jennings	Onnen	Sviggum	

The motion prevailed and the report from the Committee on Rules and Legislative Administration relating to the proposed permanent rules of the House together with the Carlson, D., amendment were continued until Monday, March 17, 1980.

CONSENT CALENDAR

H. F. No. 1488, A bill for an act relating to St. Louis County; providing authority to negotiate public employees wages; amending Laws 1941, Chapter 423, Section 5, as amended.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 132 yeas and 1 nays as follows:

Those who voted in the affirmative were:

Aasness	Carlson, D.	Ewald	Johnson, D.	Mann
Adams	Carlson, L.	Faricy	Jude	McCarron
Ainley	Casserly	Fjoslien	Kahn	McDonald
Albrecht	Clark	Friedrich	Kaley	McEachern
Anderson, B.	Clawson	Fritz	Kalis	Mehrkens
Anderson, D.	Corbid	Fudro	Kelly	Metzen
Anderson, G.	Crandall	Greenfield	Kempe	Minne
Anderson, I.	Dean	Halberg	Knickerbocker	Moe
Anderson, R.	Dempsey	Haukoos	Kostohryz	Munger
Battaglia	Den Ouden	Heap	Kroening	Murphy
Begich	Drew	Heinitz	Kvam	Nelsen, B.
Berglin	Eken	Hoberg	Laidig	Nelsen, M.
Berkelman	Elioff	Hokanson	Lehto	Nelson
Biersdorf	Ellingson	Jacobs	Levi	Niehaus
Blatz	Erickson	Jaros	Long	Norman
Brinkman	Esau	Jennings	Ludeman	Novak
Byrne	Evans	Johnson, C.	Luknic	Nysether

Olsen	Prahl	Searle	Swanson	Welker
Onnen	Redalen	Searles	Thiede	Wenzel
Osthoff	Reding	Sherwood	Tomlinson	Wieser
Otis	Rees	Sieben, H.	Valan	Wigley
Patton	Reif	Sieben, M.	Valento	Wynia
Pehler	Rodriguez	Simoneau	Vanasek	Zubay
Peterson, B.	Rose	Stadum	Voss	Spkr. Norton
Peterson, D.	Rothenberg	Stoa	Waldorf	
Piepho	Sarna	Stowell	Weaver	
Pleasant	Schreiber	Sviggum	Weich	

Those who voted in the negative were:

Rice

The bill was passed and its title agreed to.

CALL OF THE HOUSE LIFTED

Piepho moved that the call of the House be dispensed with. The motion prevailed and it was so ordered.

H. F. No. 1623, A bill for an act relating to insurance; providing for the operation of the Minnesota life and health insurance guaranty association; correcting certain oversights and ambiguities; making certain improvements; amending Minnesota Statutes 1978, Section 61B.02, Subdivision 1; 61B.05, by adding a subdivision; 61B.07, Subdivisions 1, 2, 3 and 7; and 61B.15.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Clawson	Heap	Levi	Onnen
Adams	Corbid	Heinitz	Long	Osthoff
Ainley	Crandall	Hoberg	Ludeman	Otis
Albrecht	Dean	Hokanson	Luknic	Patton
Anderson, B.	Dempsey	Jacobs	Mann	Pehler
Anderson, D.	Drew	Jaros	McCarron	Peterson, B.
Anderson, G.	Eken	Jennings	McDonald	Peterson, D.
Anderson, I.	Elioff	Johnson, C.	McEachern	Piepho
Anderson, R.	Ellingson	Johnson, D.	Mehrkens	Pleasant
Battaglia	Erickson	Jude	Metzen	Prahl
Begich	Esau	Kahn	Minne	Redalen
Berglin	Evans	Kaley	Munger	Reding
Berkelman	Ewald	Kalis	Murphy	Rees
Biersdorf	Faricy	Kelly	Nelsen, B.	Reif
Blatz	Fjoslien	Kempe	Nelsen, M.	Rice
Brinkman	Friedrich	Knickerbocker	Nelson	Rodriguez
Byrne	Fritz	Kostohryz	Niehaus	Rose
Carlson, D.	Fudro	Kroening	Norman	Rothenberg
Carlson, L.	Greenfield	Kvam	Novak	Sarna
Casserly	Halberg	Laidig	Nysether	Searle
Clark	Haukoos	Lehto	Olsen	Searles

Sherwood	Stowell	Valan	Weaver	Wigley
Sieben, H.	Sviggum	Valento	Welch	Wynia
Sieben, M.	Swanson	Vanasek	Welker	Zubay
Simoneau	Thiede	Voss	Wenzel	Spkr. Norton
Stoa	Tomlinson	Waldorf	Wieser	

The bill was passed and its title agreed to.

H. F. No. 1707, A bill for an act relating to children; requiring reports of neglect and sexual abuse of children; amending Minnesota Statutes, 1979 Supplement, Section 626.556, Subdivision 2.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Eken	Kahn	Niehaus	Sieben, H.
Adams	Elioff	Kaley	Norman	Sieben, M.
Ainley	Ellingson	Kalis	Novak	Simoneau
Anderson, B.	Erickson	Kelly	Nysether	Stoa
Anderson, D.	Esau	Kempe	Olsen	Stowell
Anderson, G.	Evans	Knickerbocker	Onnen	Sviggum
Anderson, I.	Ewald	Kostohryz	Osthoff	Swanson
Battaglia	Farley	Kroening	Otis	Thiede
Begich	Fjoslien	Kvam	Patton	Tomlinson
Berglin	Forsythe	Laidig	Pehler	Valan
Berkelman	Friedrich	Lehto	Peterson, B.	Valento
Biersdorf	Fritz	Long	Peterson, D.	Vanasek
Blatz	Fudro	Ludeman	Piepho	Voss
Brinkman	Greenfield	Luknic	Pleasant	Waldorf
Byrne	Halberg	Mann	Prahl	Weaver
Carlson, D.	Haukoos	McCarron	Redalen	Welch
Carlson, L.	Heap	McDonald	Reding	Welker
Casserly	Heinitz	McEachern	Rees	Wenzel
Clark	Hoberg	Mehrkens	Reif	Wieser
Clawson	Hokanson	Metzen	Rice	Wigley
Corbid	Jacobs	Minne	Rodriguez	Wynia
Crandall	Jaros	Moe	Rothenberg	Zubay
Dean	Jennings	Munger	Sarna	Spkr. Norton
Dempsey	Johnson, C.	Murphy	Searle	
Den Ouden	Johnson, D.	Nelsen, B.	Searles	
Drew	Jude	Nelson	Sherwood	

The bill was passed and its title agreed to.

H. F. No. 1834, A bill for an act relating to education; adding the commissioner of agriculture to the equalization aid review committee; amending Minnesota Statutes 1978, Section 124.212, Subdivision 10.

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:

Aasness	Eken	Kaley	Niehaus	Sieben, M.
Adams	Elioff	Kalis	Norman	Simoneau
Ainley	Ellingson	Kelly	Novak	Stoa
Albrecht	Erickson	Kempe	Nysether	Stowell
Anderson, B.	Esau	Knickerbocker	Olsen	Sviggum
Anderson, D.	Evans	Kostohryz	Onnen	Swanson
Anderson, G.	Ewald	Kroening	Osthoff	Thiede
Anderson, I.	Faricy	Kvam	Otis	Tomlinson
Anderson, R.	Fjoslien	Laidig	Patton	Valan
Battaglia	Forsythe	Lehto	Pehler	Valento
Begich	Friedrich	Long	Peterson, B.	Vanasek
Berglin	Fritz	Ludeman	Peterson, D.	Voss
Berkelman	Fudro	Luknic	Piepho	Waldorf
Blatz	Greenfield	Mann	Pleasant	Weaver
Brinkman	Haukoos	McCarron	Prahl	Welch
Byrne	Heap	McDonald	Redalen	Welker
Carlson, D.	Heinitz	McEachern	Reding	Wenzel
Carlson, L.	Hoberg	Mehrkens	Rees	Wieser
Casserly	Hokanson	Metzen	Reif	Wigley
Clark	Jacobs	Minne	Rice	Wynia
Clawson	Jaros	Moe	Rodriguez	Zubay
Corbid	Jennings	Munger	Rothenberg	Spkr. Norton
Crandall	Johnson, C.	Murphy	Searle	
Dean	Johnson, D.	Nelsen, B.	Searles	
Den Ouden	Jude	Nelsen, M.	Sherwood	
Drew	Kahn	Nelson	Sieben, H.	

The bill was passed and its title agreed to.

H. F. No. 1837, A bill for an act relating to insurance; extending the temporary joint underwriting association act for an additional two year period; extending the termination date of certain insurance policies; amending Minnesota Statutes 1978, Sections 62F.01, Subdivision 2; and 62F.06, Subdivision 1.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 128 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Berkelman	Dean	Fjoslien	Jaros
Adams	Biersdorf	Dempsey	Forsythe	Jennings
Ainley	Blatz	Den Ouden	Fritz	Johnson, C.
Albrecht	Brinkman	Drew	Fudro	Johnson, D.
Anderson, B.	Byrne	Eken	Greenfield	Jude
Anderson, D.	Carlson, D.	Elioff	Halberg	Kahn
Anderson, G.	Carlson, L.	Ellingson	Haukoos	Kaley
Anderson, I.	Casserly	Erickson	Heap	Kalis
Anderson, R.	Clark	Esau	Heinitz	Kelly
Battaglia	Clawson	Evans	Hoberg	Kempe
Begich	Corbid	Ewald	Hokanson	Knickerbocker
Berglin	Crandall	Faricy	Jacobs	Kostohryz

Kroening	Moe	Patton	Schreiber	Vanasek
Kvam	Munger	Pehler	Searle	Voss
Laidig	Murphy	Peterson, B.	Searles	Waldorf
Lehto	Nelsen, B.	Peterson, D.	Sherwood	Weaver
Long	Nelsen, M.	Piepho	Sieben, H.	Welch
Ludeman	Nelson	Pleasant	Sieben, M.	Welker
Luknic	Niehaus	Prahl	Simoneau	Wenzel
Mann	Norman	Redalen	Stoa	Wieser
McCarron	Novak	Reding	Stowell	Wigley
McDonald	Nysether	Rees	Sviggum	Wynia
McEachern	Olsen	Rice	Swanson	Zubay
Mehrkens	Onnen	Rodriguez	Thiede	Spkr. Norton
Metzen	Osthoff	Rothenberg	Tomlinson	
Minne	Otis	Sarna	Valento	

The bill was passed and its title agreed to.

H. F. No. 1873, A bill for an act relating to local government in Ramsey county; providing for the membership and dues of the Ramsey county league of local governments; amending Laws 1963, Chapter 72B, Section 1, as amended.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Drew	Kaley	Nelson	Sherwood
Adams	Eken	Kalis	Niehaus	Sieben, H.
Ainley	Elioff	Kelly	Norman	Sieben, M.
Albrecht	Ellingson	Kempe	Novak	Simoneau
Anderson, B.	Erickson	Knickerbocker	Nysether	Stoa
Anderson, D.	Esau	Kostohryz	Olsen	Stowell
Anderson, G.	Evans	Kroening	Onnen	Sviggum
Anderson, I.	Ewald	Kvam	Osthoff	Swanson
Battaglia	Faricy	Laidig	Otis	Thiede
Begich	Fjoslien	Lehto	Patton	Tomlinson
Berglin	Forsythe	Levi	Pehler	Valento
Berkelman	Fritz	Long	Peterson, B.	Vanasek
Biersdorf	Fudro	Ludeman	Peterson, D.	Voss
Blatz	Greenfield	Luknic	Piepho	Waldorf
Brinkman	Halberg	Mann	Pleasant	Weaver
Byrne	Haukoos	McCarron	Prahl	Welch
Carlson, D.	Heap	McDonald	Redalen	Welker
Carlson, L.	Heinitz	McEachern	Reding	Wenzel
Casserly	Hoberg	Mehrkens	Rees	Wieser
Clark	Hokanson	Metzen	Rice	Wigley
Clawson	Jacobs	Minne	Rodriguez	Wynia
Corbid	Jaros	Moe	Rose	Zubay
Crandall	Johnson, C.	Munger	Rothenberg	Spkr. Norton
Dean	Johnson, D.	Murphy	Sarna	
Dempsey	Jude	Nelsen, B.	Searle	
Den Ouden	Kahn	Nelsen, M.	Searles	

The bill was passed and its title agreed to.

H. F. No. 1904, A bill for an act relating to the Nine Mile Creek and Riley-Purgatory Creek Watershed Districts; provid-

ing for the establishment of district water maintenance and repair funds; authorizing tax levies for water maintenance and repair purposes.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 121 yeas and 2 nays as follows:

Those who voted in the affirmative were:

Aasness	Drew	Kahn	Niehaus	Sieben, M.
Adams	Eken	Kaley	Norman	Simoneau
Ainley	Elioff	Kalis	Novak	Stoa
Anderson, B.	Ellingson	Kelly	Nysether	Stowell
Anderson, D.	Erickson	Kempe	Olsen'	Sviggum
Anderson, G.	Esau	Knickerbocker	Onnen	Swanson
Anderson, I.	Evans	Kostohryz	Osthoff	Thiede
Anderson, R.	Ewald	Kroening	Otis	Tomlinson
Battaglia	Faricy	Kvam	Pehler	Valento
Begich	Fjoslien	Laidig	Peterson, B.	Vanasek
Berglin	Forsythe	Levi	Peterson, D.	Voss
Berkelman	Fritz	Long	Piepho	Waldorf
Biersdorf	Fudro	Ludeman	Pleasant	Weaver
Blatz	Greenfield	Luknic	Prahl	Welch
Brinkman	Halberg	Mann	Redalen	Welker
Byrne	Haukoos	McCarron	Rees	Wenzel
Carlson, D.	Heap	McDonald	Rice	Wieser
Carlson, L.	Heinitz	McEachern	Rodriguez	Wigley
Clark	Hoberg	Mehrkens	Rose	Wynia
Clawson	Hokanson	Metzen	Rothenberg	Zubay
Corbid	Jacobs	Minne	Sarna	Spkr. Norton
Crandall	Jaros	Moe	Searle	
Dean	Johnson, C.	Munger	Searles	
Dempsey	Johnson, D.	Murphy	Sherwood	
Den Ouden	Jude	Nelsen, B.	Sieben, H.	

Those who voted in the negative were:

Lehto Reding

The bill was passed and its title agreed to.

H. F. No. 1932, A bill for an act relating to Independent School District No. 535, Rochester; providing that its school board may organize at a time other than the time required for the organization of the board of an independent district; amending Laws 1969, Chapter 193, Section 3, as amended.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Eken	Kalis	Niehaus	Sieben, H.
Adams	Elioff	Kelly	Norman	Sieben, M.
Ainley	Ellingson	Kempe	Novak	Simoneau
Albrecht	Erickson	Knickerbocker	Nysether	Stoa
Anderson, B.	Esau	Kostohryz	Olsen	Stowell
Anderson, D.	Evans	Kroening	Onnen	Sviggum
Anderson, G.	Ewald	Kvam	Osthoff	Swanson
Anderson, I.	Faricy	Laidig	Otis	Thiede
Anderson, R.	Fjoslien	Lehto	Patton	Tomlinson
Battaglia	Forsythe	Levi	Pehler	Valan
Begich	Friedrich	Long	Peterson, B.	Valento
Berglin	Fritz	Ludeman	Peterson, D.	Vanasek
Berkelman	Fudro	Luknic	Piepho	Voss
Blatz	Greenfield	Mann	Pleasant	Waldorf
Brinkman	Halberg	McCarron	Prahl	Weaver
Byrne	Heap	McDonald	Redalen	Welch
Carlson, D.	Heinitz	McEachern	Reding	Welker
Carlson, L.	Hoberg	Mehrkens	Rees	Wenzel
Clark	Hokanson	Metzen	Rice	Wieser
Clawson	Jacobs	Minne	Rodriguez	Wigley
Corbid	Jaros	Moe	Rose	Wynia
Crandall	Johnson, C.	Munger	Rothenberg	Zubay
Dean	Johnson, D.	Murphy	Sarna	Spkr. Norton
Dempsey	Jude	Nelsen, B.	Searle	
Den Ouden	Kahn	Nelsen, M.	Searles	
Drew	Kaley	Nelson	Sherwood	

The bill was passed and its title agreed to.

H. F. No. 2024, A bill for an act relating to the city of Hibbing; authorizing development and administration of a housing program within the city, including that part of the city which formerly comprised the town of Stuntz.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 127 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Aasness	Carlson, D.	Faricy	Kalis	Mehrkens
Adams	Carlson, L.	Fjoslien	Kelly	Metzen
Ainley	Clark	Friedrich	Kempe	Minne
Albrecht	Clawson	Fritz	Knickerbocker	Moe
Anderson, B.	Corbid	Fudro	Kostohryz	Munger
Anderson, D.	Crandall	Greenfield	Kroening	Murphy
Anderson, G.	Dean	Halberg	Kvam	Nelsen, B.
Anderson, I.	Dempsey	Heap	Laidig	Nelsen, M.
Anderson, R.	Den Ouden	Heinitz	Lehto	Nelson
Battaglia	Drew	Hoberg	Levi	Niehaus
Begich	Eken	Jacobs	Long	Norman
Berglin	Elioff	Jaros	Ludeman	Novak
Berkelman	Ellingson	Johnson, C.	Luknic	Nysether
Biersdorf	Erickson	Johnson, D.	Mann	Olsen
Blatz	Esau	Jude	McCarron	Onnen
Brinkman	Evans	Kahn	McDonald	Osthoff
Byrne	Ewald	Kaley	McEachern	Otis

Patton	Rees	Searles	Thiede	Wenzel
Pehler	Reif	Sherwood	Tomlinson	Wieser
Peterson, B.	Rice	Sieben, H.	Valan	Wigley
Peterson, D.	Rodriguez	Sieben, M.	Valento	Wynia
Piepho	Rose	Simoneau	Vanasek	Zubay
Pleasant	Rothenberg	Stoa	Voss	Spkr. Norton
Prahl	Sarna	Stowell	Waldorf	
Redalen	Schreiber	Sviggum	Weaver	
Reding	Searle	Swanson	Welch	

Those who voted in the negative were:

Hokanson

The bill was passed and its title agreed to.

H. F. No. 2028, A bill for an act relating to state government; clarifying benefits of employees of former Hastings state hospital.

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:

Aasness	Den Ouden	Kahn	Nelson	Sherwood
Adams	Drew	Kaley	Niehaus	Sieben, H.
Ainley	Eken	Kalis	Norman	Sieben, M.
Albrecht	Elioff	Kelly	Novak	Simoneau
Anderson, B.	Ellingson	Kempe	Nysether	Stoa
Anderson, D.	Erickson	Knickerbocker	Olsen	Stowell
Anderson, G.	Esau	Kostohryz	Onnen	Sviggum
Anderson, I.	Evans	Kroening	Osthoff	Swanson
Anderson, R.	Ewald	Kvam	Otis	Thiede
Battaglia	Faricy	Laidig	Patton	Tomlinson
Begich	Fjoslien	Lehto	Pehler	Valan
Berglin	Friedrich	Levi	Peterson, B.	Valento
Berkelman	Fritz	Long	Peterson, D.	Vanasek
Biersdorf	Fudro	Ludeman	Piepho	Voss
Blatz	Greenfield	Luknic	Pleasant	Waldorf
Brinkman	Halberg	Mann	Prahl	Weaver
Byrne	Heap	McCarron	Redalen	Welch
Carlson, D.	Heinitz	McDonald	Reding	Welker
Carlson, L.	Hoberg	McEachern	Rees	Wenzel
Casserly	Hokanson	Mehrkens	Reif	Wieser
Clark	Jacobs	Metzen	Rice	Wigley
Clawson	Jaros	Minne	Rodriguez	Wynia
Corbid	Jennings	Moe	Rothenberg	Zubay
Crاندall	Johnson, C.	Murphy	Sarna	Spkr. Norton
Dean	Johnson, D.	Nelsen, B.	Schreiber	
Dempsey	Jude	Nelsen, M.	Searle	

The bill was passed and its title agreed to.

H. F. No. 2069 was reported to the House.

Upon objection of ten members, H. F. No. 2069 was stricken from the Consent Calendar and returned to General Orders.

H. F. No. 2110, A bill for an act relating to motor vehicles; authorizing the identification of certain tax exempt vehicles by use of removable plates or placards; amending Minnesota Statutes 1978, Section 168.012, Subdivision 1.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 125 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Drew	Kahn	Niehaus	Sherwood
Adams	Eken	Kaley	Norman	Sieben, H.
Ainley	Elioff	Kalis	Novak	Sieben, M.
Albrecht	Ellingson	Kelly	Nysether	Simoneau
Anderson, B.	Erickson	Kempe	Olsen	Stadum
Anderson, D.	Esau	Knickerbocker	Osthoff	Stoa
Anderson, G.	Evans	Kostohryz	Otis	Stowell
Anderson, I.	Ewald	Kroening	Patton	Swiggum
Anderson, R.	Faricy	Kvam	Pehler	Swanson
Battaglia	Fjoslien	Laidig	Peterson, B.	Thiede
Begich	Forsythe	Lehto	Peterson, D.	Tomlinson
Berglin	Friedrich	Long	Piepho	Valan
Berkelman	Fritz	Ludeman	Pleasant	Valento
Blatz	Fudro	Luknic	Prahl	Vanasek
Brinkman	Greenfield	McCarron	Redalen	Voss
Byrne	Halberg	McDonald	Reding	Waldorf
Carlson, D.	Heap	Mehrkens	Rees	Weaver
Carlson, L.	Heinitz	Metzen	Reif	Welch
Casserly	Hoberg	Minne	Rice	Welker
Clark	Hokanson	Moe	Rodriguez	Wenzel
Clawson	Jacobs	Munger	Rothenberg	Wieser
Crandall	Jaros	Murphy	Sarna	Wigley
Dean	Jennings	Nelsen, B.	Schreiber	Wynia
Dempsey	Johnson, C.	Nelsen, M.	Searle	Zubay
Den Ouden	Johnson, D.	Nelson	Searles	Spkr. Norton

The bill was passed and its title agreed to.

S. F. No. 824, A bill for an act relating to local government; limiting spending for certain cemeteries; amending Minnesota Statutes 1978, Section 471.24; repealing Minnesota Statutes 1978, Section 471.25.

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 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Den Ouden	Jude	Nelsen, M.	Searles
Adams	Drew	Kahn	Nelson	Sherwood
Ainley	Eken	Kaley	Niehaus	Sieben, H.
Albrecht	Elioff	Kalis	Norman	Sieben, M.
Anderson, B.	Ellingson	Kelly	Novak	Simoneau
Anderson, D.	Erickson	Kempe	Nysether	Stadum
Anderson, G.	Esau	Knickerbocker	Olsen	Stoa
Anderson, I.	Evans	Kostohryz	Osthoff	Stowell
Anderson, R.	Ewald	Kroening	Otis	Swiggum
Battaglia	Faricy	Kvam	Patton	Swanson
Begich	Fjoslien	Laidig	Pehler	Thiede
Berglin	Forsythe	Lehto	Peterson, B.	Tomlinson
Berkelman	Friedrich	Long	Peterson, D.	Valan
Biersdorf	Fritz	Ludeman	Piepho	Valento
Blatz	Fudro	Luknic	Pleasant	Vanasek
Brinkman	Greenfield	Mann	Prahl	Voss
Byrne	Halberg	McCarron	Redalen	Waldorf
Carlson, D.	Heap	McDonald	Reding	Weaver
Carlson, L.	Heinitz	McEachern	Rees	Welch
Casserly	Hoberg	Mehrkens	Reif	Welker
Clark	Hokanson	Metzen	Rice	Wenzel
Clawson	Jacobs	Minne	Rodriguez	Wieser
Corbid	Jaros	Moe	Rothenberg	Wigley
Crandall	Jennings	Munger	Sarna	Wynia
Dean	Johnson, C.	Murphy	Schreiber	Zubay
Dempsey	Johnson, D.	Nelsen, B.	Searle	Spkr. Norton

The bill was passed and its title agreed to.

S. F. No. 1114, A bill for an act relating to the town of White Bear in Ramsey County; permitting exercise of powers relating to sewers, drains and waterworks.

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 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Carlson, L.	Fjoslien	Kahn	Mehrkens
Adams	Casserly	Forsythe	Kaley	Metzen
Ainley	Clark	Friedrich	Kalis	Minne
Albrecht	Clawson	Fritz	Kelly	Moe
Anderson, B.	Corbid	Fudro	Kempe	Munger
Anderson, D.	Crandall	Greenfield	Knickerbocker	Murphy
Anderson, G.	Dean	Halberg	Kostohryz	Nelsen, B.
Anderson, I.	Dempsey	Haukoos	Kroening	Nelsen, M.
Anderson, R.	Den Ouden	Heap	Kvam	Nelson
Battaglia	Drew	Heinitz	Laidig	Niehaus
Begich	Eken	Hoberg	Lehto	Norman
Berglin	Elioff	Hokanson	Long	Novak
Berkelman	Ellingson	Jacobs	Ludeman	Nysether
Biersdorf	Erickson	Jaros	Luknic	Olsen
Blatz	Esau	Jennings	Mann	Osthoff
Brinkman	Evans	Johnson, C.	McCarron	Otis
Byrne	Ewald	Johnson, D.	McDonald	Patton
Carlson, D.	Faricy	Jude	McEachern	Pehler

Peterson, B.	Reif	Sieben, H.	Tomlinson	Welker
Peterson, D.	Rodriguez	Sieben, M.	Valan	Wenzel
Piepho	Rothenberg	Simoneau	Valento	Wieser
Pleasant	Sarna	Stadum	Vanasek	Wigley
Prahl	Schreiber	Stoa	Voss	Wynia
Redalen	Searle	Stowell	Waldorf	Zubay
Reding	Searles	Swanson	Weaver	Spkr. Norton
Rees	Sherwood	Thiede	Welch	

The bill was passed and its title agreed to.

S. F. No. 1438, A bill for an act relating to towns; providing for the date and notice of town meetings; amending Minnesota Statutes 1978, Section 365.51.

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 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Adams	Eken	Kahn	Nelson	Searles
Ainley	Elioff	Kaley	Niehaus	Sherwood
Albrecht	Ellingson	Kalis	Norman	Sieben, H.
Anderson, B.	Erickson	Kelly	Novak	Sieben, M.
Anderson, D.	Esau	Kempe	Nysether	Simoneau
Anderson, G.	Evans	Knickerbocker	Olsen	Stadum
Anderson, I.	Ewald	Kostohryz	Onnen	Stoa
Anderson, R.	Faricy	Kroening	Osthoff	Stowell
Battaglia	Fjoslien	Kvam	Otis	Svigum
Begich	Forsythe	Laidig	Patton	Swanson
Berglin	Friedrich	Lehto	Pehler	Thiede
Berkelman	Fritz	Long	Peterson, B.	Tomlinson
Biersdorf	Fudro	Ludeman	Peterson, D.	Valan
Blatz	Greenfield	Luknic	Piepho	Valento
Brinkman	Halberg	Mann	Pleasant	Vanasek
Byrne	Haukoos	McCarron	Prahl	Voss
Carlson, L.	Heap	McDonald	Redalen	Waldorf
Casserly	Heinitz	McEachern	Reding	Weaver
Clark	Hoberg	Mehrkens	Rees	Welch
Clawson	Hokanson	Metzen	Reif	Welker
Corbid	Jacobs	Minne	Rice	Wenzel
Crandall	Jaros	Moe	Rodriguez	Wieser
Dean	Jennings	Munger	Rothenberg	Wigley
Dempsey	Johnson, C.	Murphy	Sarna	Wynia
Den Ouden	Johnson, D.	Nelsen, B.	Schreiber	Zubay
Drew	Jude	Nelsen, M.	Searle	Spkr. Norton

The bill was passed and its title agreed to.

S. F. No. 1625, A bill for an act relating to the town of Greenwood; granting the town the power to specially assess for a bridge improvement.

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 132 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Adams	Elioff	Kalis	Norman	Sieben, H.
Ainley	Ellingson	Kelly	Novak	Sieben, M.
Albrecht	Erickson	Kempe	Nysether	Simoneau
Anderson, B.	Esau	Knickerbocker	Olsen	Stadum
Anderson, D.	Evans	Kostohryz	Onnen	Stoa
Anderson, G.	Ewald	Kroening	Osthoff	Stowell
Anderson, I.	Faricy	Kvam	Otis	Sviggum
Anderson, R.	Fjoslien	Laidig	Patton	Swanson
Battaglia	Forsythe	Lehto	Pehler	Thiede
Begich	Friedrich	Levi	Peterson, B.	Tomlinson
Berglin	Fritz	Long	Peterson, D.	Valan
Berkelman	Fudro	Ludeman	Piepho	Valento
Biersdorf	Greenfield	Luknic	Pleasant	Vanasek
Blatz	Halberg	Mann	Prahl	Voss
Brinkman	Haukoos	McCarron	Redalen	Waldorf
Byrne	Heap	McDonald	Reding	Weaver
Carlson, D.	Heinitz	McEachern	Rees	Welch
Carlson, L.	Hoberg	Mehrkens	Reif	Welker
Casserly	Hokanson	Metzen	Rice	Wenzel
Clark	Jacobs	Minne	Rodriguez	Wieser
Clawson	Jaros	Moe	Rose	Wigley
Corbid	Jennings	Munger	Rothenberg	Wynia
Crandall	Johnson, C.	Murphy	Sarna	Zubay
Dempsey	Johnson, D.	Nelsen, B.	Schreiber	Spkr. Norton
Den Ouden	Jude	Nelsen, M.	Searle	
Drew	Kahn	Nelson	Searles	
Eken	Kaley	Niehaus	Sherwood	

The bill was passed and its title agreed to.

CALENDAR

S. F. No. 1584 was reported to the House and given its third reading.

UNANIMOUS CONSENT

Ainley requested unanimous consent to offer an amendment. The request was granted.

Ainley moved to amend S. F. No. 1584 as follows:

Strike everything after the enacting clause and insert:

"Section 1. [DEFINITIONS.] Subdivision 1. For the purposes of sections 1 to 5 the terms defined in this section have the meanings given them.

Subd. 2. "Specific service sign" means a rectangular sign panel not greater than one and one-half feet by six feet displaying a motel, resort or recreational camping area business name and, where appropriate, the direction to and distance.

Subd. 3. "Specific service sign assembly" means a combination of specific service sign panels not to exceed four panels to be placed within the right of way on appropriate approaches to an intersection.

Subd. 4. "Specific service sign cluster" means a grouping of specific service sign assemblies not exceeding two on appropriate approaches to an intersection.

Subd. 5. "Nonfreeway type highway" means all roadways with crossing traffic at grade intersections except the roadway may have an isolated interchange.

Subd. 6. "Resort" has the meaning given it in Minnesota Statutes 1978, Section 157.01.

Subd. 7. "Motel" shall have the meaning given to the word "hotel" in Minnesota Statutes 1978, Section 157.01.

Subd. 8. "Recreational camping area" has the meaning given it in Minnesota Statutes 1978, Section 327.14, Subdivision 8.

Subd. 9. "Local road" means any nontrunk highway.

Subd. 10. "Specific service" means resorts, motels or recreational camping areas that provide sleeping accommodations for the tourist type traveling public.

Sec. 2. [INTENDED USE.] Subdivision 1. [PURPOSE.] Specific service signs are to be used to create and implement a system of signing for the purpose of displaying resort, motel and recreational camping area information to the traveling public on nonfreeway type trunk highways in rural areas. They may be used on by-passes of outstate municipalities consistent with other provisions herein.

Subd. 2. [SPECIFIC SERVICE SIGNS ON NONFREEWAY HIGHWAYS.] A specific service sign may not be included in the signing of trunk highway intersections if the subject business is readily visible or effective directional advertising is visible or the sign may be legally and effectively located near the intersection. Specific service signs may be placed on the approaches of a trunk highway intersection with a local road.

Subd. 3. [NUMBER OF TRUNK HIGHWAY INTERSECTIONS.] A specific service sign for any resort, motel or recreational camping area is limited to one intersection on the trunk highway system.

Subd. 4. [TRAILBLAZING.] Appropriate signing on local roads between a trunk highway intersection and a specific service shall be the responsibility of the specific service and the local road authority.

Subd. 5. [SIGNING STANDARDS.] Placement of specific service sign assemblies shall be in accordance with sections 1 to 5 and existing traffic control device standards.

Subd. 6. [RURAL ROAD MARKINGS.] Rural roads, named and marked in accordance with resolutions from their road authority, shall continue to be identified.

Sec. 3. [SIGN DETAILS.] Subdivision 1. [CONSTRUCTION OF SIGN.] Specific service sign panels shall be made of reflective sheeting and shall be on blue background with white letters, arrows and border. The directional arrow and mileage shall be displayed on the same side of the panel as the direction of turn. Signing for straight ahead movement shall not be permitted.

Subd. 2. [SPECIFIC SERVICE SIGN ASSEMBLIES.] Left directional panels shall be placed on top of the right directional panels. A gap shall separate a left panel from the right panel. An assembly shall be spaced preferably 300 feet, but a minimum of 200 feet from other required signing. If no other signing is located at an intersection, the assembly shall be placed 300 feet in advance of the intersection. Assemblies within a cluster shall not be placed closer than 300 feet. No specific service sign or assembly shall be placed at a location that will interfere with other necessary signing.

Sec. 4. [CRITERIA FOR SPECIFIC SERVICE SIGNS.] Subdivision 1. [CONFORMITY WITH LAW.] Each specific service identified on a specific service sign shall be in conformity with all applicable laws and regulations concerning the provisions for public accommodation without regard to race, religion, color, sex or national origin.

Subd. 2. [DISTANCE TO SPECIFIC SERVICE.] A specific service sign may be placed on a nonfreeway type road if the specific service is located within ten miles of the qualifying site.

Subd. 3. [RESORT WARRANT.] Resorts and motels served by the specific service signing shall be licensed by the state department of health as required by Minnesota Statutes, Section 157.03.

Subd. 4. [RECREATIONAL CAMPING AREA.] Recreational camping areas shall possess a state department of health license as required by Minnesota Statutes, Section 327.15 and the following:

- (1) A minimum of 15 camping spaces;
- (2) Modern sanitary facilities (flush, chemical, or incinerator toilets) and drinking water; and

(3) Services available 24 hours a day.

Sec. 5. [SIGNS; ADMINISTRATION; RULES.] Subdivision 1. [PROCEDURE.] A person desiring to have a specific service sign panel shall request the department of transportation to install the sign. The department of transportation may grant the request if the applicant qualifies for the sign panel and if space is available. All signs shall be fabricated, installed, maintained, replaced and removed by the department of transportation. The applicant shall pay a fee to the commissioner of transportation to cover all costs for fabricating, installing, maintaining, replacing and removing. The requests for specific service sign panels shall be renewed every three years.

Subd. 2. [SEASONAL SERVICES.] All sign panels for seasonal services shall be covered or removed when the service is not available.

Subd. 3. [COMMUNICATIONS.] Any new or participating specific service business shall respond to any communication from the commissioner of transportation within 30 days or an in place sign panel will be removed.

Subd. 4. [SIGN REMOVAL.] The specific service sign panels shall be removed by the department of transportation if any of the requirements in sections 1 to 5 are not continually met.

Sec. 6. [OTHER LAWS.] Sections 1 to 5 provide additional authority to erect signs on nonfreeway type highways and does not limit the authority to erect highway signs provided by other law or rule.

Sec. 7. [EFFECTIVE DATE.] This act is effective the day following final enactment."

Further amend by striking the title and inserting:

"A bill for an act relating to transportation; providing for specific information signing for resorts, motels and recreational camping areas along certain highways."

The motion prevailed and the amendment was adopted.

S. F. No. 1584, A bill for an act relating to transportation; providing for specific information signing for resorts and recreational camping areas along certain highways.

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 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Ellingson	Kelly	Novak	Sieben, M.
Adams	Erickson	Kempe	Nysether	Simoneau
Ainley	Esau	Knickerbocker	Olsen	Stadum
Albrecht	Evans	Kostohryz	Onnen	Stoa
Anderson, B.	Ewald	Kroening	Osthoff	Stowell
Anderson, D.	Farcy	Kvam	Otis	Sviggum
Anderson, G.	Fjoslien	Laidig	Patton	Swanson
Anderson, I.	Forsythe	Lehto	Pehler	Thiede
Anderson, R.	Friedrich	Levi	Peterson, B.	Tomlinson
Battaglia	Fritz	Long	Peterson, D.	Valan
Begich	Fudro	Ludeman	Piepho	Valento
Berglin	Greenfield	Luknic	Pleasant	Vanasek
Berkelman	Halberg	Mann	Prahl	Voss
Blatz	Haukoos	McCarron	Redalen	Waldorf
Brinkman	Heap	McDonald	Reding	Weaver
Byrne	Heinitz	McEachern	Rees	Welch
Carlson, D.	Hoberg	Mehrkens	Reif	Welker
Carlson, L.	Hokanson	Metzen	Rice	Wenzel
Casserly	Jacobs	Minne	Rodriguez	Wieser
Clark	Jaros	Moe	Rose	Wigley
Clawson	Jennings	Munger	Rothenberg	Wynia
Crandall	Johnson, C.	Murphy	Sarna	Zubay
Dempsey	Johnson, D.	Nelsen, B.	Schreiber	Spkr. Norton
Den Ouden	Jude	Nelsen, M.	Searle	
Drew	Kahn	Nelson	Searles	
Eken	Kaley	Niehaus	Sherwood	
Elioff	Kalis	Norman	Sieben, H.	

The bill was passed, as amended, and its title agreed to.

H. F. No. 1216, A bill for an act relating to liquor and nonintoxicating malt beverage; registration of labels; amending Minnesota Statutes 1978, Section 340.62.

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 114 yeas and 11 nays as follows:

Those who voted in the affirmative were:

Aasness	Carlson, L.	Fudro	Lehto	Norman
Adams	Casserly	Greenfield	Levi	Novak
Ainley	Clark	Halberg	Long	Osthoff
Albrecht	Clawson	Haukoos	Luknic	Otis
Anderson, B.	Corbid	Heap	Mann	Patton
Anderson, D.	Crandall	Heinitz	McCarron	Pehler
Anderson, G.	Dempsey	Hokanson	McDonald	Peterson, B.
Anderson, I.	Den Ouden	Jacobs	McEachern	Peterson, D.
Anderson, R.	Drew	Johnson, C.	Mehrkens	Piepho
Battaglia	Eken	Johnson, D.	Metzen	Prahl
Begich	Elioff	Jude	Minne	Redalen
Berglin	Ellingson	Kahn	Moe	Reding
Berkelman	Erickson	Kaley	Munger	Rees
Biersdorf	Esau	Kalis	Murphy	Reif
Blatz	Evans	Kempe	Nelsen, B.	Rice
Brinkman	Ewald	Knickerbocker	Nelsen, M.	Rodriguez
Byrne	Forsythe	Kostohryz	Nelson	Rose
Carlson, D.	Friedrich	Kvam	Niehaus	Rothenberg

Sarna	Simoneau	Swanson	Voss	Wenzel
Schreiber	Stadum	Tomlinson	Waldorf	Wigley
Searles	Stoa	Valan	Weaver	Wynia
Sieben, H.	Stowell	Valento	Welch	Spkr. Norton
Sieben, M.	Sviggum	Vanasek	Welker	

Those who voted in the negative were:

Faricy	Hoberg	Kroening	Onnen	Wieser
Fjoslien	Jennings	Laidig		
Fritz	Kelly	Ludeman		

The bill was passed and its title agreed to.

Evans was excused for the remainder of today's session.

CALL OF THE HOUSE

On the motion of Clark and on the demand of 10 members, a call of the House was ordered. The following members answered to their names:

Aasness	Eken	Kalis	Norman	Sieben, H.
Adams	Elioff	Kelly	Novak	Sieben, M.
Ainley	Ellingson	Kempe	Nysether	Simoneau
Albrecht	Erickson	Knickerbocker	Olsen	Stadum
Anderson, B.	Esau	Kostohryz	Onnen	Stoa
Anderson, D.	Ewald	Kroening	Osthoff	Stowell
Anderson, G.	Faricy	Kvam	Otis	Sviggum
Anderson, I.	Fjoslien	Laidig	Patton	Swanson
Anderson, R.	Forsythe	Lehto	Pehler	Thiede
Battaglia	Friedrich	Levi	Peterson, B.	Tomlinson
Begich	Fritz	Long	Peterson, D.	Valan
Berglin	Fudro	Ludeman	Piepho	Valento
Berkelman	Greenfield	Luknic	Pleasant	Vanasek
Biersdorf	Halberg	Mann	Prahl	Voss
Blatz	Haukoos	McCarron	Redalen	Waldorf
Brinkman	Heap	McDonald	Reding	Weaver
Byrne	Heinitz	McEachern	Rees	Welch
Carlson, D.	Hoberg	Mehrkens	Reif	Welker
Carlson, L.	Hokanson	Metzen	Rice	Wenzel
Casserly	Jacobs	Minne	Rodriguez	Wieser
Clark	Jaros	Moe	Rose	Wigley
Clawson	Jennings	Munger	Rothenberg	Wynia
Corbid	Johnson, C.	Murphy	Sarna	Zubay
Crandall	Johnson, D.	Nelsen, B.	Schreiber	Spkr. Norton
Dempsey	Jude	Nelsen, M.	Searle	
Den Ouden	Kahn	Nelson	Searles	
Drew	Kaley	Niehaus	Sherwood	

Sieben, H., 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.

H. F. No. 1012, A bill for an act relating to housing; prohibiting unfair treatment in housing and real property on the basis

of familial status; amending Minnesota Statutes 1978, Sections 363.01, Subdivision 24, and by adding subdivisions; 363.02, Subdivision 2; 363.03, Subdivision 2; 363.05, Subdivision 1; 363.11; 363.115; and 363.12, Subdivision 1.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 75 yeas and 58 nays as follows:

Those who voted in the affirmative were:

Adams	Corbid	Kahn	Munger	Rothenberg
Anderson, B.	Crandall	Kalis	Murphy	Sarna
Anderson, G.	Dean	Kelly	Nelsen, M.	Sieben, H.
Anderson, I.	Eken	Kempe	Novak	Sieben, M.
Battaglia	Elioff	Kostohryz	Novak	Simoneau
Begich	Ellingson	Kroening	Otis	Stoa
Berglin	Faricy	Lehto	Patton	Tomlinson
Berkelman	Greenfield	Long	Pehler	Valan
Blatz	Heinitz	Luknic	Peterson, D.	Vanasek
Brinkman	Hoberg	Mann	Pleasant	Voss
Byrne	Hokanson	McCarron	Prahl	Waldorf
Carlson, L.	Jacobs	McEachern	Reding	Welch
Casserly	Jaros	Metzen	Reif	Wenzel
Clark	Johnson, C.	Minne	Rice	Wynia
Clawson	Jude	Moe	Rodriguez	Spkr. Norton

Those who voted in the negative were:

Aasness	Ewald	Knickerbocker	Onnen	Stowell
Ainley	Fjoslien	Kvam	Osthoff	Sviggum
Albrecht	Forsythe	Laidig	Peterson, B.	Swanson
Anderson, D.	Friedrich	Levi	Piepho	Thiede
Anderson, R.	Fritz	Ludeman	Redalen	Valento
Biersdorf	Fudro	McDonald	Rees	Weaver
Carlson, D.	Halberg	Mehrkens	Rose	Welker
Dempsey	Haukoos	Nelsen, B.	Schreiber	Wieser
Den Ouden	Heap	Niehaus	Searle	Wigley
Drew	Jennings	Norman	Searles	Zubay
Erickson	Johnson, D.	Nysether	Sherwood	
Esau	Kaley	Olsen	Stadum	

The bill was passed and its title agreed to.

GENERAL ORDERS

Sieben, H., moved that the bills on General Orders for today be continued for one day. The motion prevailed.

ANNOUNCEMENT BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 74: Osthoff, McCarron, and Wigley.

ADJOURNMENT

Sieben, H., moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:00 p.m., Tuesday, March 11, 1980.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

STATE OF MINNESOTA

SEVENTY-FIRST SESSION - 1980

SEVENTY-SIXTH DAY

SAINT PAUL, MINNESOTA, TUESDAY, MARCH 11, 1980

The House of Representatives convened at 2:00 p.m. and was called to order by the Speaker.

Prayer was offered by the Chaplain.

The roll was called and the following members were present:

Aasness	Drew	Kahn	Nelson	Sherwood
Adams	Eken	Kaley	Niehaus	Sieben, H.
Ainley	Elioff	Kalis	Norman	Sieben, M.
Albrecht	Ellingson	Kelly	Novak	Simoneau
Anderson, B.	Erickson	Kempe	Nysether	Stadum
Anderson, D.	Esau	Knickerbocker	Olsen	Stoa
Anderson, G.	Evans	Kostohryz	Onnen	Stowell
Anderson, I.	Ewald	Kroening	Otis	Swiggum
Anderson, R.	Faricy	Kvam	Patton	Swanson
Battaglia	Fjoslien	Laidig	Pehler	Thiede
Begich	Forsythe	Lehto	Peterson, B.	Tomlinson
Berglin	Friedrich	Levi	Peterson, D.	Valan
Berkelman	Fritz	Long	Piepho	Valento
Biersdorf	Fudro	Ludeman	Pleasant	Vanasek
Blatz	Greenfield	Luknic	Prahl	Voss
Brinkman	Halberg	Mann	Redalen	Waldorf
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Carlson, D.	Heap	McDonald	Rees	Welch
Carlson, L.	Heinitz	McEachern	Reif	Welker
Casserly	Hoberg	Mehrkens	Rice	Wenzel
Clark	Hokanson	Metzen	Rodriguez	Wieser
Clawson	Jacobs	Minne	Rose	Wigley
Corbid	Jaros	Moe	Rothenberg	Wynia
Crandall	Jennings	Munger	Sarna	Zubay
Dean	Johnson, C.	Murphy	Schreiber	Spkr. Norton
Dempsey	Johnson, D.	Nelsen, B.	Searle	
Den Ouden	Jude	Nelsen, M.	Searles	

A quorum was present.

Osthoff was excused until 4:45 p.m.

The Chief Clerk proceeded to read the Journal of the preceding day. Peterson, B., moved that further reading of the Journal be dispensed with and that the Journal be approved as corrected by the Chief Clerk. The motion prevailed.

REPORTS OF CHIEF CLERK

Pursuant to Rules of the House, printed copies of H. F. Nos. 2314, 2374 and 2369 and S. F. Nos. 1054, 1653, 1725, 1759, 364 and 1296 have been placed in the members' files.

S. F. No. 1054 and H. F. No. 1031, which had been referred to the Chief Clerk for comparison, were examined and found to be identical, with certain exceptions.

SUSPENSION OF RULES

Wenzel moved that the rules be so far suspended that S. F. No. 1054 be substituted for H. F. No. 1031 and that the House File be indefinitely postponed. The motion prevailed.

REPORTS OF STANDING COMMITTEES

Swanson from the Committee on Health and Welfare to which was referred:

H. F. No. 808, A bill for an act relating to mental health services; providing county responsibility for mental health services; requiring county mental health plans; providing for funding for mental health services; prescribing duties of the commissioner of public welfare; appropriating money; amending Minnesota Statutes 1978, Section 253A.03, Subdivision 1.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [CITATION.] Sections 1 to 9 may be cited as the "mental health services act".

Sec. 2. [DEFINITIONS.] Subdivision 1. For the purposes of sections 1 to 9 the terms defined in this section shall have the meanings given them.

Subd. 2. "Mental health services" means services which are provided to assist a person experiencing mental or emotional disturbance including a "mentally ill person" as defined in Minnesota Statutes, Section 253A.02. Mental health services shall also include services to persons with a primary diagnosis of "mentally retarded person" as defined in section 252A.02 or "drug dependent person" as defined in section 254A.02.

Subd. 3. "Community mental health center" means community mental health programs and clinics established pursuant to Minnesota Statutes, Section 245.62.

Subd. 4. "Mental health plan" means the community social services plan as defined in Minnesota Statutes, Section 256E.09.

Subd. 5. "Residential care" means care provided in a residential setting, including a state institution, that incorporates therapeutic environments with a living arrangement for the purpose of enhancing, enabling, and encouraging an individual diagnosed as mentally ill, mentally retarded or drug dependent toward emotional and social self reliance.

Subd. 6. "State institution" means any of nine institutions operated by the state pursuant to section 246.01 for the purpose of providing care for the mentally ill, mentally retarded, and chemically dependent.

Subd. 7. "County board" means the county board of commissioners.

Subd. 8. "Commissioner" means the commissioner of public welfare.

Sec. 3. [DUTIES OF COUNTY BOARDS.] Subdivision 1. Each county board shall have the responsibility of planning and budgeting for all mental health services for children and adults.

Subd. 2. The county board of each county shall determine the method for administering mental health services in accordance with standards promulgated by the commissioner of public welfare assuring a minimum level of services, including services for those who are chronically mentally ill.

Subd. 3. The county board shall provide services directly or through contractual arrangements with new or existing private or public agencies, including human service boards and community mental health centers, established pursuant to Minnesota Statutes, Section 402.02; Laws 1974, Chapter 293; Laws 1976, Chapter 340; or Minnesota Statutes, Section 245.66.

Sec. 4. [INTERCOUNTY COOPERATION.] Intercounty cooperation shall be in accord with Minnesota Statutes, Section 256E.08, Subdivision 10.

Sec. 5. [MENTAL HEALTH SERVICES PLAN.] The minimum components of the county mental health plan for children and adults shall include the following:

- (a) Inpatient programs;
- (b) Outpatient and diagnostic services;
- (c) Individual service planning and case management;

(d) *Pre-petition screening and diagnostic services for persons considered for commitment to a state facility for inpatient treatment, except persons committed to a state facility as mentally ill and dangerous pursuant to Minnesota Statutes, Section 253A.07, Subdivision 17, Clause (c);*

(e) *Pre-admission screening for persons considered for voluntary or informal admission to a state facility for inpatient treatment;*

(f) *Consultative services as requested by public and private agencies;*

(g) *Services for the prevention of mental illness, chemical dependency, and mental retardation;*

(h) *Mental health education;*

(i) *Crisis intervention services;*

(j) *Detoxification services; and*

(k) *Rehabilitative services and aftercare for patients who have received prior treatment in an inpatient facility, including an individualized plan for treatment, vocational assistance, employment, shelter and supportive services directed at prevention of the need for further hospitalization.*

Sec. 6. [LOCAL PLAN.] *A proposed plan for the provision of mental health services shall be prepared biennially by the county board in accord with provisions of Minnesota Statutes, Section 256E.09.*

Sec. 7. *In addition, the county shall provide for public discussion of the proposed plan by providers and users of services planned. The health systems agency, designated pursuant to 42 U.S.C., Section 300m, shall be invited to comment regarding the consistency of the mental health plan with planning objectives. The proposed plan shall be made available for review at least 60 days prior to the final approval by the county board.*

Sec. 8. [PLAN SUBMISSION.] *The county board shall submit the mental health plan, either separately or as part of the community social services plan, to the commissioner, as provided in Minnesota Statutes, Section 256E.09.*

Sec. 9. [DUTIES OF THE COMMISSIONER.] *Subdivision 1. [GENERAL SUPERVISION.] The commissioner of public welfare shall supervise the provision of mental health services mandated by section 5 in the manner provided for by Minnesota Statutes, Section 256E.05, through standard-setting,*

technical assistance to the counties, and approval of county plans. The commissioner is therefore authorized to promulgate rules as necessary to effectuate sections 1 to 9.

Subd. 2. [PLAN APPROVAL.] The commissioner shall review each county mental health plan and approve the plan pursuant to Minnesota Statutes, Section 256E.05, Subdivision 2.

Subd. 3. [PROGRAM EVALUATION.] Evaluation shall be according to procedures outlined in Minnesota Statutes, Section 256E.10.

Subd. 4. [STATE MENTAL HEALTH PLAN.] The commissioner of public welfare shall biennially publish as part of the state social services plan a statewide plan of mental health services which describes the levels and types of mental health services that must be available to each resident of Minnesota. The plan shall include details of ongoing training programs to be provided by the commissioner of public welfare for employees of state hospitals. Particular emphasis shall be placed on the training of personnel who serve (a) the chronically mentally ill and (b) mentally ill persons committed pursuant to the Minnesota rules of criminal procedure.

Subd. 5. [REPORT.] The commissioner of public welfare shall biennially report to the governor and the legislature on the content of county plans, identifying areas of deficiency, if any, and making recommendations to rectify any deficiencies that exist.

Sec. 10. Minnesota Statutes, 1979 Supplement, Section 252.-21, is amended to read:

252.21 [COUNTY BOARDS MAY MAKE GRANTS FOR DEVELOPMENTAL ACHIEVEMENT CENTERS FOR THE MENTALLY RETARDED AND CEREBRAL PALSIED.] In order to (ASSIST IN THE ESTABLISHMENT OF) *provide necessary funds to establish and operate developmental achievement centers for (THE MENTALLY RETARDED AND CEREBRAL PALSIED) persons who are or may be mentally retarded or cerebral palsied, the county board or boards are hereby authorized and directed to make grants, within the limits of the money appropriated, to developmental achievement centers for the mentally retarded and cerebral palsied.*

Sec. 11. Minnesota Statutes, 1979 Supplement, Section 252.-22, is amended to read:

252.22 [APPLICANTS FOR ASSISTANCE; TAX LEVY.] Any city, town, or non-profit corporation or any combination thereof, may apply to the county board for assistance in establishing and operating a developmental achievement center

and program (FOR MENTALLY RETARDED AND CEREBRAL PALSIED PERSONS) *in accordance with section 252.21.* Application for such assistance shall be on forms supplied by the board. Each applicant shall annually submit to the board its plan and budget for the next fiscal year. No applicant shall be eligible for a grant hereunder unless its plan and budget have been approved by the board.

Any city, town, or county is authorized, at the discretion of its governing body, to make grants from special tax revenues or from its general revenue fund to any nonprofit organization, governmental or corporate, within or outside its jurisdiction, that has established a developmental achievement center (FOR THE MENTALLY RETARDED AND CEREBRAL PALSIED) *under section 252.21.* Nothing contained herein shall in any way preclude the use of funds available for this purpose under any existing statute or charter provision relating to cities, towns and counties.

Sec. 12. Minnesota Statutes 1978, Section 252.23, is amended to read:

252.23 [ELIGIBILITY REQUIREMENTS.] A developmental achievement center shall satisfy all of the following requirements to be eligible for assistance under sections 252.21 to 252.26:

(1) Provide (DAYTIME ACTIVITIES) *individualized developmental training for any or all of the following classes of persons who have been referred to the developmental achievement center by the social service agency of the county of financial responsibility:*

(MENTALLY RETARDED AND CEREBRAL PALSIED CHILDREN WHO CAN BENEFIT FROM THE PROGRAM OF SERVICES, INCLUDING THOSE SCHOOL AGE CHILDREN WHO HAVE BEEN EXCUSED OR EXCLUDED FROM SCHOOL;)

(MENTALLY RETARDED AND CEREBRAL PALSIED CHILDREN AND ADULTS WHO ARE UNABLE TO ATTEND SCHOOL BECAUSE OF THEIR CHRONOLOGICAL AGE AND ARE UNABLE TO INDEPENDENTLY ENGAGE IN ORDINARY COMMUNITY ACTIVITIES) *Infants or children who are or may become mentally retarded or cerebral palsied who are not the responsibility of the local school district;*

Adults who are or may be mentally retarded or cerebral palsied who are unable to engage independently in community activities;

(2) Provide *referral, assessment, evaluation and counseling services (TO PARENTS OR GUARDIANS OF MENTALLY RETARDED AND CEREBRAL PALSIED PERSONS WHO MAY REGISTER) as an incidental but integral part of the overall service plan for participants enrolled at the center;*

(3) *Provide or arrange for transportation to and from the center of all persons admitted to the center who fulfill the eligibility requirements of section 252.23, clause (1).*

((3)) (4) Comply with all rules duly promulgated by the commissioner of public welfare.

Sec. 13. Minnesota Statutes, 1979 Supplement, Section 252.-24, Subdivision 1, is amended to read:

252.24 [DUTIES OF COUNTY BOARDS.] Subdivision 1. [SELECTION OF DEVELOPMENTAL ACHIEVEMENT CENTERS.] The county board shall select those applicants for assistance and grant them assistance, as provided in subdivision 3, whose developmental achievement center location and program is licensed under the provisions of sections 252.28 and 245.781 to 245.813 (AND 257.175,) and in the board's opinion, best provides (DAYTIME ACTIVITIES FOR MENTALLY RETARDED AND CEREBRAL PALSIED PERSONS) *developmental instruction for persons eligible for service under section 252.23, clause 1*, within the appropriation made available for this purpose.

Sec. 14. Minnesota Statutes, 1979 Supplement, Section 252.-24, Subdivision 4, is amended to read:

Subd. 4. [FEES.] The board of directors of a developmental achievement center may, with the approval of the county board and the commissioner, charge a reasonable attendance fee, based on the ability of the (MENTALLY RETARDED OR CEREBRAL PALSIED) person, his guardian or family to pay such a fee. No (MENTALLY RETARDED OR CEREBRAL PALSIED) *otherwise eligible* person shall be denied participation in the activities of such a center because of an inability to pay such a fee.

Sec. 15. Minnesota Statutes, 1979 Supplement, Section 252.-25, is amended to read:

252.25 [BOARD OF DIRECTORS.] Every city, town, or non-profit corporation, or combination thereof, establishing a developmental achievement center for the mentally retarded and cerebral palsied shall, before it comes under the terms of sections 252.21 to 252.26, appoint a board of directors for the *developmental achievement* center program. When any city or town singly establishes such a center, such board shall be

appointed by the chief executive officer of the city or the chairman of the governing board of the town. When any combination of cities, towns, or non-profit corporations, establishes such a center, the (CHIEF EXECUTIVE OFFICERS OF THE CITIES OR NON-PROFIT CORPORATIONS AND THE) chairman of the governing bodies of the towns shall appoint the board of directors. If a non-profit corporation singly establishes such a center, its chief executive officer shall appoint the board of directors of the *developmental achievement center*. (MEMBERSHIP ON A BOARD OF DIRECTORS WHILE NOT MANDATORY, SHOULD BE REPRESENTATIVE OF LOCAL HEALTH, EDUCATION AND WELFARE DEPARTMENTS, MEDICAL SOCIETIES, MENTAL HEALTH CENTERS, ASSOCIATIONS CONCERNED WITH MENTAL RETARDATION AND CEREBRAL PALSY, CIVIC GROUPS AND THE GENERAL PUBLIC) *The board shall be composed of representatives of parents and guardians, community and professional persons working in, or with an interest in, mental retardation or cerebral palsy.* Nothing in sections 252.21 to 252.26 shall be construed to preclude the appointment of elected or appointed public officials or members of the board of directors of the sponsoring non-profit corporation to such board of directors.

Sec. 16. Minnesota Statutes, 1979 Supplement, Section 252.26, is amended to read:

252.26 [DUTIES OF BOARD OF DIRECTORS.] Subject to the provisions of sections 252.21 to 252.26 and the rules of the commissioner of public welfare, each board of directors of a developmental achievement center shall:

(1) *Identify on an on-going basis problem areas and unmet agency and community needs, within the jurisdiction assigned to the agency;*

(2) *Establish agency philosophy, mission, and priorities as related to identified needs;*

(3) *Establish, review, and revise operating policies which assure implementation of identified priorities;*

(1) (4) *Recruit and promote financial support for the center from sources such as business, labor, (INDUSTRIAL AND PRIVATE) industry, charitable foundations, (VOLUNTARY) volunteer agencies, and the general public;*

(2) **PROMOTE AND ENTER INTO WORKING AGREEMENTS WITH OTHER SOCIAL SERVICE AND EDUCATIONAL AGENCIES, BOTH PUBLIC AND PRIVATE, WHICH PROVIDE SERVICE TO THE MENTALLY RETARDED AND CEREBRAL PALSIED;**)

((3) ADVISE THE COUNTY BOARD ON THE ADOPTION AND IMPLEMENTATION OF POLICIES TO STIMULATE EFFECTIVE COMMUNITY RELATIONS;)

((4) (5) Review and approve the annual center budget (AND PLAN OF THE CENTER AND MAKE RECOMMENDATIONS THEREON);

((5) REVIEW AND EVALUATE PERIODICALLY THE SERVICES PROVIDED BY THE CENTER AND REPORT THEREON TO THE COUNTY BOARD, AND WHEN INDICATED TO THE PUBLIC;)

(6) *Enter into working agreements with appropriate local social service and other agencies, which provide service to those persons eligible under section 252.23, clause 1; and*

(PROVIDE FOR TRANSPORTATION TO AND FROM THE CENTER OF ALL PERSONS WHO FULFILL THE ELIGIBILITY REQUIREMENTS OF SECTION 252.23, CLAUSE (1) AND WHO ATTEND THE CENTER, IF PROVISION FOR THIS TRANSPORTATION IS NOT UNREASONABLY BURDENSOME TO THE CENTER AND IF A MORE EFFICIENT, REASONABLE, ALTERNATIVE MEANS OF TRANSPORTATION DOES NOT EXIST);

(7) *Monitor and evaluate priorities, goals, and methods utilized in achieving its missions.*

Sec. 17. Minnesota Statutes 1978, Section 253A.03, Subdivision 1, is amended to read:

253A.03 [INFORMAL HOSPITALIZATION BY CONSENT; VOLUNTARY HOSPITALIZATION FOR DRUG DEPENDENT PERSONS.] Subdivision 1. Any person may (, IF HE SO REQUESTS AND THE HEAD OF THE HOSPITAL CONSENTS,) be admitted to a hospital as an informal patient for observation, evaluation, diagnosis, care, and treatment, without making formal written application *if he so requests and the head of the hospital consents and if the petitioner submits to pre-admission screening as provided for in section 5, clause (d).* (SUCH) The person shall not be admitted to the hospital if he objects thereto and shall be free to leave the hospital within 12 hours of his request unless held under another provision of sections 253A.01 to 253A.21.

Sec. 18. [APPROPRIATION.] Subdivision 1. *There is appropriated from the general fund to the department of public welfare the sum of \$..... for the purposes of sections 1 to 9. This sum shall be available until June 30, 1981.*

Subd. 2. There is appropriated from the general fund to the department of public welfare the sum of \$..... for the purpose of adding 353 additional staff members to bring the state hospitals into compliance with court mandated minimum staffing requirements. In hiring this staff, the department of public welfare shall de-emphasize use of personnel available under the comprehensive employment and training act (CETA). The sum appropriated under this subdivision is available until June 30, 1981.

Sec. 19. [EFFECTIVE DATE.] *This act is effective the day following its final enactment."*

Further, delete the title and insert:

"A bill for an act relating to public welfare; providing county responsibility for mental health services; requiring county mental health plans; providing for funding for mental health services; prescribing duties of the commissioner of public welfare with respect to mental health services; providing for the establishment of developmental achievement centers; increasing the number of positions authorized for state hospitals in order to comply with certain requirements; appropriating money; amending Minnesota Statutes 1978, Sections 252.23; 253A.03, Subdivision 1; and Minnesota Statutes, 1979 Supplement, Sections 252.21; 252.22; 252.24, Subdivisions 1 and 4; 252.25; and 252.26."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Swanson from the Committee on Health and Welfare to which was referred:

H. F. No. 887, A bill for an act relating to commerce; registering and regulating continuing care facilities; providing a lien; providing for disclosure; providing a penalty; amending Minnesota Statutes 1978, Section 82.18.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [SHORT TITLE.] *Sections 1 to 16 may be cited as the Continuing Care Facility Registration Act.*

Sec. 2. [DEFINITION.] *Subdivision 1. As used in sections 1 to 16, the terms defined in this section have the meanings given them.*

Subd. 2. "Continuing care" means the furnishing to an individual, other than an individual related by consanguinity or affinity to the person furnishing the care, of board and lodging together with nursing service, medical service or other health related service, regardless of whether or not the lodging and service are provided at the same location, pursuant to a written agreement effective for the life of the individual or for a period in excess of one year but does not include care furnished in a nursing home licensed pursuant to chapter 144A.

Subd. 3. "Commissioner" means the commissioner of securities.

Subd. 4. "Entrance fee" means an initial or deferred transfer to a provider of a sum of money or other property made or promised to be made as full or partial consideration for acceptance of a specified individual as a resident in a facility.

Subd. 5. "Facility" means the place in which a person undertakes to provide continuing care to an individual.

Subd. 6. "Living unit" means a room, apartment, cottage or other area within a facility set aside for the exclusive use or control of one or more identified individuals.

Subd. 7. "Provider" means a person undertaking to provide continuing care in a facility.

Subd. 8. "Resident" means an individual entitled to receive continuing care in a facility.

Subd. 9. "Minimum deposit" means a deposit equal to or greater than five percent of the entrance fee.

Subd. 10. "Subscription agreement" means a document prepared by the provider that is given to a prospective resident for signing and which (a) discloses the financial obligation of the prospective resident, and (b) requires the payment of a deposit, and (c) imposes an obligation on the signer to sign a residency agreement.

Sec. 3. [REGISTRATION.] Unless a facility is registered under this section, no provider shall enter into a contract to provide continuing care in the facility, if the contract requires or permits the payment of an entrance fee to any person, and either the facility is or will be located in this state, or the provider or a person acting on the provider's behalf solicits the contract within this state and the person to be provided with continuing care under the contract resides within this state at the time of the solicitation.

(a) A contract to provide continuing care is solicited in this state if, during the 12 month period preceding the date the contract is signed or accepted by either party, information concerning the facility or availability of the contract is given:

(1) By personal, telephone or mail contact or other communication directed to and received by a person at a location in this state; or

(2) In a paid advertisement published or broadcast from within this state other than in a periodical more than two-thirds of the circulation of which is outside this state.

(b) An application for registration shall be filed with the commissioner by the provider on forms containing information prescribed by the commissioner, including:

(1) The names and business addresses of the officers, directors, trustees, managing or general partners, and any person having a ten percent or greater equity or beneficial interest in the provider, and a description of the person's interest in or occupation with the provider;

(2) With respect to the provider, any person named pursuant to clause (b), (1), and the proposed manager if the facility will be managed on a day to day basis by a person other than an individual directly employed by the provider:

(i) A description of the business experience of the person, if any, in the operation or management of similar facilities.

(ii) The name and address of any professional service, firm, association, trust, partnership or corporation in which the person has, or which has in the person, a ten percent or greater interest and which will or may provide goods, leases or services to the facility of a value of \$500 within any year, including a description of the goods, leases or services and the probable or anticipated cost thereof to the facility or provider or a statement that the cost cannot presently be estimated.

(iii) A description of any matter in which the person has been convicted of a felony or pleaded nolo contendere to a felony charge, or been held liable or enjoined in a civil action by final judgment if the felony or civil action involved fraud, embezzlement, fraudulent conversion or misappropriation of property; or is subject to a currently effective injunctive or restrictive order of a court of record, or within the past five years has had any state or federal license or permit suspended or revoked as a result of an action brought by a governmental agency or department, arising out of or relating to business activity or health care, including without limitation actions affecting a license to operate a foster care facility, nursing home, retire-

ment home, home for the aged or facility registered under this section or a similar act in another state.

(3) A proposed disclosure statement meeting the requirements of section 4.

Upon receipt of an application for registration in proper form, the commissioner shall issue an acknowledgment of application to the applicant. Within 30 days after the date of the acknowledgment, unless the applicant has consented in writing to a delay, the commissioner shall register the facility or shall notify the applicant of specific deficiencies in the application or conditions which will be imposed on registration of the facility and that the facility will be registered upon correction of the deficiencies and compliance with the conditions.

Sec. 4. [DISCLOSURE STATEMENT.] At the time of or prior to the execution of a contract to provide continuing care, or at the time of or prior to the transfer of any money or other property to a provider by or on behalf of a prospective resident, whichever occurs first, the provider shall deliver a disclosure statement to the person with whom the contract is to be entered into the text of which shall contain, to the extent not clearly and completely set forth in the contract for continuing care attached as an exhibit thereto, at least the following information:

(a) The name and business address of the provider and a statement of whether the provider is a partnership, corporation, or other type of legal entity;

(b) The names of the officers, directors, trustees, or managing or general partners of the provider;

(c) A description of the business experience of the provider, and of the manager of the facility if the facility will be managed on a day to day basis by an organization other than the provider, in the operation or management of similar facilities;

(d) A statement as to whether or not the provider is, or is affiliated with, a religious, charitable or other nonprofit organization; the extent of the affiliation, if any; the extent to which the affiliate organization is responsible for the financial and contract obligations of the provider; and the provision of the federal internal revenue code under which the provider or affiliate is exempt from the payment of income tax;

(e) The location and description of the physical property of the facility, existing or proposed; and to the extent proposed, the estimated completion date or dates, whether or not construction has begun and the contingencies subject to which construction may be deferred;

(f) *The services provided or proposed to be provided under contracts for continuing care at the facility, including the extent to which medical care is furnished. The disclosure statement shall clearly state which services are included in basic contracts for continuing care and which services are made available at or by the facility at extra charge;*

(g) *A description of all fees required of residents, including the entrance fee and periodic charges, if any. The description shall include:*

(1) *A statement of the fees that will be charged if the resident marries while at the facility, and a statement of the terms concerning the entry of a spouse to the facility and the consequences if the spouse does not meet the requirement for entry;*

(2) *The circumstances under which the resident will be permitted to remain in the facility in the event of possible financial difficulties of the resident;*

(3) *The terms and conditions under which a contract for continuing care at the facility may be canceled by the provider or by the resident; and the conditions, if any, under which all or any portion of the entrance fee will be refunded in the event of cancellation of the contract by the provider or by the resident or in the event of the death of the resident prior to or following occupancy of a living unit;*

(4) *The conditions under which a living unit occupied by a resident may be made available by the facility to a different or new resident other than on the death of the original resident; and*

(5) *The manner by which the provider may adjust periodic charges or other recurring fees and the limitations on these adjustments, if any. If the facility is already in operation, or if the provider or manager operates one or more similar facilities within this state, there shall be included tables showing the frequency and average dollar amount of each increase in periodic rates at each facility for the previous five years or for whatever period that the provider or manager has operated the facility if this period is less than five years;*

(h) *The health and financial conditions required for an individual to be accepted as a resident and to continue as a resident once accepted, including the effect of any change in the health or financial condition of a person between the date of entering a contract for continuing care and the date of initial occupancy of a living unit by that person;*

(i) *The provisions that have been made or will be made, if any, to provide reserve funding or security to enable the provider to fully perform its obligations under contracts to provide continuing care at the facility, including the establishment of escrow accounts, trusts or reserve funds, together with the manner in which the funds will be invested and the names and experience of persons who will make the investment decisions;*

(j) *Certified financial statements of the provider, including a balance sheet as of the end of the most recent fiscal year and income statements for the three most recent fiscal years of the provider or for whatever period the provider has operated the facility if this period is less than three years. If the provider's fiscal year ended more than 90 days prior to the date the application is filed, interim financial statements as of a date not more than 90 days prior to the filing shall be included, but need not be certified;*

(k) *If operation of the facility has not yet commenced, a statement of the anticipated source and application of the funds used or to be used in the purchase or construction of the facility, including:*

(1) *An estimate of the cost of purchasing or constructing and equipping the facility including such related costs as financing expense, legal expense, land costs, occupancy development costs, and all other similar costs which the provider expects to incur or become obligated for prior to the commencement of operations;*

(2) *A description of any mortgage loan or other long term financing intended to be used for the financing of the facility, including the anticipated terms and costs of the financing;*

(3) *An estimate of the total entrance fees to be received from residents at or prior to commencement of operation of the facility; and*

(4) *An estimate of the funds, if any, which are anticipated to be necessary to fund start-up losses and provide reserve funds to assure full performance of the obligations of the provider under contracts for the provision of continuing care.*

(l) *Pro forma annual income statements for the facility for a period of not less than five fiscal years, including:*

(1) *A beginning cash balance consistent with the certified income statement required by clause (j) or, if operation of the facility has not commenced, consistent with the statement of anticipated source and application of funds required by clause (k);*

- (2) *Anticipated earnings on cash reserves, if any;*
- (3) *Estimates of net receipts from entrance fees, other than entrance fees included in the statement of source and application of funds required by clause (k), less estimated entrance fee refunds, if any. A description of the actuarial basis and method of calculation for the projection of entrance fee receipts shall be included;*
- (4) *An estimate of gifts or bequests to be relied on to meet operating expenses;*
- (5) *A projection of estimated income from fees and charges other than entrance fees, showing individual rates presently anticipated to be charged and including a description of the assumptions used for calculating the estimated occupancy rate of the facility and the effect on the income of the facility of government subsidies for health care services to be provided pursuant to the contracts for continuing care;*
- (6) *A projection of estimated operating expenses of the facility, including a description of the assumptions used in calculating the expenses, and separate allowances, if any, for the replacement of equipment and furnishings and anticipated major structural repairs or additions; and*
- (7) *An estimate of annual payments of principal and interest required by any mortgage loan or other long term financing.*
- (m) *Other material information concerning the facility or the provider that is required by the commissioner or that the provider wishes to include;*
- (n) *The cover page of the disclosure statement shall state, in a prominent location and type face, the date of the disclosure statement and that registration of the facility does not constitute approval, recommendation or endorsement of the facility by the commissioner, nor does the registration evidence the accuracy or completeness of the information set out in the disclosure statement;*
- (o) *A copy of the standard form or forms of contract for continuing care used by the provider shall be attached as an exhibit to each disclosure statement. Each contract shall provide that:*
- (1) *The party contracting with the provider may rescind the contract within seven days following the later of the execution of the contract or the receipt of the disclosure statement, in which event any money or property transferred to the provider shall be returned in full. The resident to whom the contract*

pertains is not required to move into the facility before the expiration of the ten day period; and

(2) If a resident dies before occupying a living unit in the facility, or if on account of illness, injury or incapacity would be precluded from occupying a living unit in the facility under the terms of the contract for continuing care, the contract is automatically canceled and the resident or legal representative of the resident shall receive a refund of all money or property transferred to the provider, less (a) those costs specifically incurred by the provider or facility at the request of the resident and described in the contract or an addendum thereto signed by the resident; and (b) a reasonable service charge, if set out in the contract, not to exceed the greater of \$350 or two percent of the entrance fee;

(p) With the prior approval of the commissioner, in lieu of the disclosure statement required by this section a provider may deliver a disclosure statement or similar document containing substantially the information required by this section and prepared in compliance with laws of another state or of the United States;

(q) (1) The disclosure statement required by this section shall be in a form approved by the commissioner.

(2) The statement shall be written in language easily readable and understandable by a person of average intelligence and education.

(3) In determining whether a statement is readable, the commissioner shall consider at least the following factors:

(i) the simplicity of the sentence structure and the shortness of the sentences used;

(ii) the extent to which commonly used and understood words are employed;

(iii) the extent to which legal terms are avoided;

(iv) the extent to which references to other sections or provisions of the statement are minimized;

(v) the extent to which definitional provisions are incorporated in the text of the statement; and

(vi) any additional factors relevant to the readability or understandability of the statement which the commissioner prescribes by rule.

Sec. 5. [ENTRANCE FEE ESCROW.] As a condition of registration under section 3, the commissioner shall require that the provider establish an escrow account with a bank, trust company or other escrow agent approved by the commissioner, and that any entrance fees received by the provider prior to the date the resident is permitted to occupy a living unit in the facility be placed in the escrow account, subject to release as follows:

(a) If the entrance fee applies to a living unit which has been previously occupied in the facility, the entrance fee shall be released to the provider at the time the living unit becomes available for occupancy by the new resident, or shall be returned to the resident or the resident's personal representative under the conditions described in section 4, clause (o);

(b) If the entrance fee applies to a living unit which has not previously been occupied by any resident, the entrance fee shall be returned to the resident or the resident's personal representative under the conditions described in section 4, clause (o) or shall be released to the provider at the time the commissioner is satisfied that:

(1) The facility has 65 percent of its units reserved as determined by signed subscription agreements and minimum deposits received; or if the subscription agreement requires a minimum deposit of more than one-third of the entrance fee, then the facility may have 50 percent of the units reserved and 50 percent of the facility must be completely constructed; and

(2) Aggregate entrance fees received or receivable by the provider pursuant to binding contracts for continuing care, plus the anticipated proceeds of any first mortgage loan or other long-term financing commitment, plus funds from other sources in the actual possession of the provider, are equal to not less than 90 percent of the aggregate cost of constructing or purchasing, equipping and furnishing the facility plus not less than 90 percent of the funds estimated in the statement of anticipated source and application of funds submitted by the provider as part of its permit application, to be necessary to fund start-up losses of the facility plus not less than 90 percent of the amount of the reserve fund escrow, if any, required to be maintained by the provider pursuant to section 6; and

(3) A commitment has been received by the provider for any permanent mortgage loan or other long term financing described in the statement of anticipated source and application of funds submitted by the provider as part of its registration application, and any conditions of the commitment prior to disbursement of funds thereunder, other than completion of the construction or closing of the purchase of the facility, have been substantially satisfied; and either

(4)(i) If construction of the facility has not been substantially completed, all governmental permits or approvals necessary prior to the commencement of construction have been obtained; and a maximum price contract has been entered into between the provider and a general contractor responsible for construction of the facility, and a bond covering the faithful performance of the construction contract by the general contractor and the payment of all obligations arising thereunder has been issued by an insurer authorized to do business in this state with the provider as obligee; and a loan agreement has been entered into by the provider for an interim construction loan in an amount which, when combined with the amount of entrance fees then held in escrow under the provisions of this section plus the amount of funds from other sources then in the actual possession of the provider, will equal or exceed the estimated cost of constructing, equipping and furnishing the facility, and not less than ten percent of the amount of the construction loan has been disbursed by the lender for physical construction or site preparation work completed; and orders at firm prices have been placed by the provider for not less than 50 percent in value, including installation charges if applicable, of items necessary for equipping and furnishing the facility in accordance with the description set forth in the disclosure statement required by section 4; or

(ii) If construction or purchase of the facility has been substantially completed, an occupancy permit covering the living unit has been issued by the local government having authority to issue these permits; or

(iii) The aggregate amount of entrance fees which may be released to the provider pursuant to clause (b) prior to the date on which any reserve fund escrow under section 6 is established shall not exceed an amount equal to the aggregate amount of entrance fees then received or receivable by the provider pursuant to binding contracts for continuing care less the amount of the entrance fees received or receivable which will be required to be initially maintained in the reserve fund escrow;

(iv) If the funds in an escrow account to which clause (b) applies are not released pursuant thereto within a period of 36 months or a greater time that has been specified by the provider with the consent of the commissioner, or any extensions thereof approved by the commissioner in writing, then the funds shall be returned by the escrow agent to the persons who had made payment thereof to the provider;

(v) Nothing in this section shall be interpreted as requiring the escrow of any nonrefundable application fee, not to exceed two percent of the entrance fee, clearly designated as such in the contract for continuing care;

(vi) *In lieu of any escrow which may be required by the commissioner under this section, a provider may post a bond issued by an insurer authorized to do business in this state. The bond shall be filed with the commissioner with the state as obligee, conditioned for the prompt payment to persons who are entitled to a refund of entrance fees from the provider.*

Any interest accrued on entrance fees or deposits held in escrow is the property of the provider.

Sec. 6. [RESERVE FUND ESCROW.] *As a condition of initial or continuing registration under section 3, the commissioner shall require the provider to establish at the time the facility is first occupied by any resident and thereafter, to maintain on a current basis, in escrow with a bank, trust company or other escrow agent approved by the commissioner, a portion of all entrance fees received by the provider in an aggregate amount of up to the total of all principal and interest payments due during the next 12 months on account of any first mortgage loan or other long term financing of the facility. The funds in the escrow account may be invested with the earnings thereon payable to the provider. If the provider requests in writing, the escrow agent shall release up to one-twelfth of the original principal balance of the escrow account. A release of funds shall not be made more than once during any calendar month, and then only after the escrow agent has given written notice to the commissioner at least ten days prior to the release.*

The provider shall notify the commissioner ten days prior to the withdrawal. Any corporation, partnership, trust, association, firm or professional service which controls any reserve fund comprised in part or totally of funds removed from the providers resources, is liable for the debts of the provider up to the amount of the providers contribution to the fund plus any prorated interest the fund may earn.

Sec. 7. [ENTRANCE FEE REIMBURSEMENT AFTER OCCUPANCY.] *Any resident may terminate his residency agreement at any time after he has assumed residency. A residency agreement may not require more than 120 days written notice; nor any additional fees for termination of residency.*

The termination terms and provisions for reimbursement shall be stated in the residency agreement.

Sec. 8. [LIEN ON BEHALF OF RESIDENTS.] *The provider shall notify the commissioner at the time the facility is ready for occupancy. Upon receiving this notification the commissioner shall file a lien on the real and personal property of the provider or facility to secure the obligations of the provider pursuant to existing and future contracts for continuing care. A lien filed under this section is effective for a period of ten years following the filing and may be extended by the commis-*

sioner upon a finding that the extension is advisable for the protection of residents of the facility. The lien may be foreclosed upon the liquidation of the facility or the insolvency or bankruptcy of the provider, and in that event the proceeds thereof shall be used in full or partial satisfaction of obligations of the provider pursuant to contracts for continuing care then in effect. The lien provided for in this section shall be subordinate to the lien of any first mortgage on the real property of the facility and may be subordinated with the written consent of the commissioner to the claims of other persons if the commissioner determines the subordination to be advisable for the efficient operation of the facility.

Sec. 9. [ANNUAL REPORT.] *The registration of a facility under section 3 shall remain effective until withdrawn by the provider or revoked or suspended by the commissioner under section 12. Annually within 120 days following the end of the provider's fiscal year, unless the time is extended with the written consent of the commissioner, the provider shall file with the commissioner an annual report which includes a revised disclosure statement setting forth, as of the end of the fiscal year, information meeting the requirements of section 4. The annual report shall be accompanied by a narrative describing any material differences between (a) the pro forma income statements filed in response to section 4, clause (l) as a part of the most immediately preceding registration application or annual report and (b) the actual results of operations during the fiscal year together with the revised pro forma income statements being filed as a part of the current annual report. A provider may amend its disclosure statement on file with the commissioner at any other time if, in the opinion of the provider, an amendment is necessary to prevent the disclosure statement from containing a material misstatement of fact or omitting to state a material fact required to be stated therein.*

Sec. 10. [FEES.] *The fee for filing an application for registration of a facility under section 3 is \$250. The fee for filing an annual report or amendment to a disclosure statement for a facility which has been registered is \$50.*

Sec. 11. [REHABILITATION OR LIQUIDATION.] *Subdivision 1. If the commissioner determines, after notice and an opportunity for the provider to be heard, that (a) a portion of a reserve fund escrow required under section 6 has been or is proposed to be released, or (b) a provider has been or will be unable, in a manner as may endanger the ability of the provider to fully perform its obligations pursuant to contracts for continuing care or to meet the pro forma income or cash flow projections previously filed by the provider, or (c) a provider is bankrupt or insolvent or in imminent danger of becoming bankrupt or insolvent, then the commissioner may apply to a district court of this state, or to the federal bankruptcy court which may have previously taken jurisdiction over the provider or facility for an order directing the commissioner, or authorizing the commissioner to appoint a trustee, to rehabilitate or liquidate a facility.*

Subd. 2. An order to rehabilitate a facility shall direct the commissioner or trustee to take possession of the property of the provider and to conduct the business thereof, including the employment of such managers or agents as the commissioner or trustee may deem necessary, and to take steps as the court may direct toward removal of the causes and conditions which have made rehabilitation necessary.

Subd. 3. If the court finds, upon petition of the commissioner, trustee or the provider, or on its own motion, that the objectives of an order to rehabilitate a provider have been accomplished and that the facility can be returned to the provider's management without further jeopardy to the residents of the facility, creditors, owners of the facility, and to the public, the court may, upon a full report and accounting of the conduct of the facility's affairs during the rehabilitation and of the facility's current financial condition, terminate the rehabilitation and by order return the facility and its assets and affairs to the provider's management.

Subd. 4. If, at any time, the commissioner determines that further efforts to rehabilitate the provider would be useless, it may apply to the court for an order of liquidation.

Subd. 5. An order to liquidate a facility may be issued upon application of the commissioner whether or not there has been issued a prior order to rehabilitate the facility. The order shall act as a revocation of the registration of the facility under section 3, and shall order the commissioner or a trustee to marshall and liquidate all of the provider's assets located within this state.

Subd. 6. In applying for an order to rehabilitate or liquidate a facility, the commissioner shall give due consideration in the application to the manner in which the welfare of persons who have previously contracted with the provider for continuing care may be best served. In furtherance of this objective, the proceeds of any lien obtained by the commissioner pursuant to section 8 may be used in full or partial payment of entrance fees, on behalf of residents of a facility being liquidated, to other facilities registered under section 3.

Subd. 7. An order for rehabilitation under this section shall be refused or vacated if the provider posts a bond issued by an insurer authorized to do business in this state. The bond shall be filed with the commissioner, with the state as obligee, conditioned for the prompt payment to persons who are entitled to a refund of entrance fees from the provider or for the prompt payment of other damages, in the event the provider is unable to fulfill its contracts to provide continuing care at the facility. The bond shall be in an amount determined by the court to be equal to the reserve funding which would otherwise be needed to fulfill the obligations.

Sec. 12. [REVOCAION OF REGISTRATION.] *A registration of a facility under section 3 shall be revoked or suspended by the commissioner if the provider fails to file an annual report as required by section 9 or if, after notice to the provider and an opportunity for all interested parties to be heard, the commissioner determines that (a) the provider has established a pattern of failure to deliver the disclosure statement as required by section 4, or (b) has delivered a disclosure statement which contains a material misstatement of fact or which omits to state a material fact required to be stated therein or necessary in order to make the statements made therein, in light of the circumstances under which they are made, not misleading, if the provider, at the time of delivery, had actual knowledge of the misstatement or omission.*

Sec. 13. [CIVIL LIABILITY.] *Subdivision 1. Any person who, as or on behalf of a provider, enters into a contract for continuing care at a facility which is not registered under section 3, or enters into a contract for continuing care at a facility without having first delivered a disclosure statement meeting the requirements of section 4 to the person contracting for the continuing care, or enters into a contract for continuing care at a facility with a person who has relied on a disclosure statement which omits to state a material fact required to be stated therein or necessary in order to make the statements made therein, in light of the circumstances under which they are made, not misleading, is liable to the person contracting for the continuing care for damages and repayment of all fees paid to the provider, facility or person violating sections 1 to 12, less the reasonable value of care and lodging provided to the resident by or on whose behalf the contract for continuing care was entered into prior to discovery of the violation, misstatement or omission or the time the violation, misstatement or omission should reasonably have been discovered, together with interest thereon at the legal rate for judgements, and court costs and reasonable attorney fees.*

Subd. 2. Liability under this section exists regardless of whether or not the provider or person liable had actual knowledge of the misstatement or omission.

Subd. 3. Nothing contained in sections 1 to 16 shall be construed to limit the remedies a person has under any other law.

Sec. 14. [INVESTIGATIONS AND SUBPOENAS.] *The commissioner may make public or private investigations within or outside of this state as necessary to determine whether any person has violated or is about to violate any provision of sections 3 to 16 or any rule hereunder, or to aid in the enforcement of sections 3 to 16 or in the prescribing of rules and forms hereunder, and may publish information concerning any violation of sections 3 to 16 or any rule hereunder.*

For the purpose of any investigation or proceeding under sections 3 to 16, the commissioner may require or permit any person to file a statement in writing, under oath or otherwise as the commissioner determines, as to any of the facts and circumstances concerning the matter to be investigated.

For the purpose of any investigation or proceeding under sections 3 to 16, the commissioner or any officer designated by it may administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, agreements or other documents or records which the commissioner deems relevant or material to the inquiry, all of which may be enforced in any court of this state which has appropriate jurisdiction.

Sec. 15. [CEASE AND DESIST ORDERS, INJUNCTIONS.] *Whenever it appears to the commissioner that any person has engaged or is about to engage in any act or practice constituting a violation of any provision of sections 3 to 16 or any rule hereunder, the commissioner may:*

(a) Issue an order directed at any person requiring the person to cease and desist from engaging in the act or practice; or

(b) Bring an action in any court which has appropriate jurisdiction to enjoin the acts or practices and to enforce compliance with sections 3 to 16 or any rule hereunder. Upon a proper showing a permanent or temporary injunction, restraining order, or writ of mandamus shall be granted and a receiver or conservator may be appointed for the defendant or the defendant's assets. The commissioner is not required to post a bond.

Sec. 16. [CRIMINAL PENALTIES.] *Any person who willfully and knowingly violates any provision of sections 3 to 16, or any rule under this act, shall upon conviction be fined not more than \$10,000 or imprisoned not more than one year, or both.*

The commissioner may refer such evidence concerning violations of this act or of any rule hereunder to the attorney general or the proper county attorney who may, with or without such a reference, institute the appropriate criminal proceedings under this act.

Nothing in this act limits the power of the state to punish any person for any conduct which constitutes a crime under any other statute.

Sec. 17. Minnesota Statutes 1978, Section 82.18, is amended to read:

82.18 [EXCEPTIONS.] Unless a person is licensed or otherwise required to be licensed under this chapter, the term real estate broker does not include:

(a) A licensed practicing attorney acting solely as an incident to the practice of law, provided, however, that the attorney complies in all respects with the trust account provisions of this chapter;

(b) A receiver, trustee, administrator, guardian, executor, or other person appointed by or acting under the judgment or order of any court;

(c) Any person owning and operating a cemetery and selling lots therein solely for use as burial plots;

(d) Any custodian, janitor, or employee of the owner or manager of a residential building who leases residential units in such building;

(e) Any bank, trust company, savings and loan association, public utility, or any land mortgage or farm loan association organized under the laws of this state or the United States, when engaged in the transaction of business within the scope of its corporate powers as provided by law;

(f) Public officers while performing their official duties;

(g) Employees of persons enumerated in clauses (b), (e) and (f), when engaged in the specific performance of their duties;

(h) Any person who acts as an auctioneer bonded in conformity with section 330.02, when he is engaged in the specific performance of his duties as an auctioneer;

(i) Any person who acquires such real estate for the purpose of engaging in and does engage in, or who is engaged in the business of constructing residential, commercial or industrial buildings for the purpose of resale, provided that no more than 25 such transactions occur in any 12 month period and that the person complies with section 82.24;

(j) Any person who offers to sell or sells an interest or estate in real estate which is a security registered pursuant to chapter 80A, when acting solely as an incident to the sale of such securities;

(k) Any person who offers to sell or sells a business opportunity which is a franchise registered pursuant to chapter 80C, when acting solely to sell the franchise(.);

(l) *Any person who contracts with or solicits on behalf of a provider a contract with a resident or prospective resident to provide continuing care in a facility which is registered pursuant to the continuing care facility registration act, when acting solely as incident to the contract.*

Sec. 18. [RULES.] *The commissioner shall promulgate rules as are necessary to implement sections 3 to 16.*

Sec. 19. [EFFECTIVE DATE.] *This act is effective November 1, 1980."*

With the recommendation that when so amended the bill pass.

The report was adopted.

Johnson, C., from the Committee on Education to which was referred:

H. F. No. 908, A bill for an act relating to education; establishing a procedure for transferring certain territory from one school district to another; permitting a district from which territory was transferred to enroll certain students from the transferred territory under certain conditions.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [TRANSFER OF TERRITORY.] Subdivision 1. The provisions of this section shall apply to that territory within the city limits of Edina south of Maloney Avenue and an eastward extension of Maloney Avenue which is part of Independent School District No. 274, Hopkins, on the effective date of this section.

Subd. 2. Upon a resolution of the school board of a district which would gain or lose territory in a proposed transfer, or upon receipt of a petition for transfer of territory executed by 25 percent of the voters resident in the territory proposed for transfer, the county auditor of the county which contains the

land area of the territory proposed for transfer shall prepare a plat. The plat shall be prepared within 30 days of receipt of the resolution or petition, unless the county auditor finds that proceedings are pending for the dissolution of a district which would gain or lose territory through the proposed transfer or for a consolidation which would include either of the districts or any part of either of the districts. If such proceedings are pending, the county auditor shall prepare the plat within 30 days of the conclusion of the proceedings, and the plat shall reflect boundary changes resulting from those proceedings. The plat shall show:

- (a) Boundaries of the territory proposed for transfer;
- (b) Boundaries of the school districts which would gain or lose territory through the transfer;
- (c) The location of school buildings in the school districts which would gain or lose territory through the proposed transfer;
- (d) The location of residences in the territory proposed for transfer;
- (e) The location of roads and rivers, lakes and other natural barriers in the territory proposed for transfer and in the school districts which would gain or lose territory through the proposed transfer; and
- (f) Any other information deemed pertinent by the county auditor.

Subd. 3. The county auditor shall also prepare a supporting statement to accompany the plat. The statement shall contain:

- (a) The assessed and adjusted assessed valuation of property in the territory proposed for transfer and in the school districts which would gain or lose territory through the proposed transfer;
- (b) The number of pupils residing in the territory proposed for transfer and in the school districts which would gain or lose territory through the proposed transfer;
- (c) The reasons for the proposed transfer;
- (d) Any other information deemed pertinent by the county auditor; and

(e) The signature of the county auditor.

Subd. 4. The county auditor shall submit the plat and supporting statement to the state board and a copy of each to the boards of the districts which would gain or lose territory through the proposed transfer. The auditor shall immediately notify the county board of the county of which he is auditor about the plat and supporting statement. While the transfer proceedings are pending or for a period of six months after notification of transfer proceedings, whichever is shorter, the county board may not take action to dissolve a district which would gain or lose territory through the proposed transfer or to detach and annex any land which is within the territory proposed for transfer or which is within the district to which the transfer is proposed to be made.

Subd. 5. The board of the district which would gain territory through the proposed transfer shall within 60 days of receipt of the plat either accept or reject the proposed transfer. If it rejects the proposed transfer, the transfer proceedings are terminated. If it accepts the proposed transfer, it shall notify the state board and the board of the district which would lose territory through the transfer of its acceptance within five days of the decision.

Subd. 6. The state board shall approve, disapprove or modify a proposed transfer of territory within 60 days of being notified of the acceptance of the transfer by the board of the district which would gain territory through the transfer; provided, if while the transfer proceedings are pending, the state board receives a consolidation plat which would include either of the districts which would gain or lose territory through the proposed transfer or any part of either district, it may delay action on the transfer plat until 30 days after it has taken action on the consolidation plat. If within 20 days of the state board's notification of the acceptance of the transfer by the board of the district which would gain territory through the transfer, a hearing is requested by the board of a district which would gain or lose territory through the proposed transfer or by 20 voters resident in either district, the state board or its designee shall hold a hearing on the transfer upon reasonable notice to the boards and residents of both districts at a location in a district which would gain or lose territory through the transfer. The hearing shall be held before the state board acts on the proposed transfer. The state board shall base its decision on the transfer on the following considerations:

(a) The compatibility of the transfer with any consolidation plat which it has approved;

(b) The effect of the transfer on the participating districts' transportation patterns and distances which pupils travel to school;

- (c) The effect of the transfer on the use of the participating districts' building and staff;
- (d) The effect of the transfer on the educational programs available to pupils in the participating districts;
- (e) The effect of the transfer on the financial condition of the participating districts; and
- (f) Any other issues deemed relevant by the state board.

The state board shall send the plat or a copy of the plat and a statement of its reasons for its actions to the county auditor who submitted the plat and to the board of each district which would gain or lose territory through the transfer.

Subd. 7. The proposed transfer of territory as approved by the state board shall be submitted to the voters who reside or own land in the territory proposed for transfer for their approval at an election. The county auditor who prepared the plat shall call the election within 30 days of the state board's approval of the plat, according to the procedures specified in Minnesota Statutes, Section 122.23, Subdivisions 11 and 12, except that the ballot shall be in the following form:

For transfer

Against transfer

Subd. 8. If 60 percent of the votes cast on the question at the election approve the transfer, the transfer shall become effective on the next July 1 after the election; otherwise, the transfer proceedings are terminated.

Subd. 9. The property in the transferred territory shall remain subject to taxation for any outstanding bonded indebtedness of the district from which it was transferred which existed on the effective date of the transfer. It shall not become subject to taxation for any outstanding bonded indebtedness of the district to which it was transferred which existed on the effective date of the transfer.

Subd. 10. Upon the request of a parent or guardian who resides in the transferred territory and who has a child who has completed tenth grade by the effective date of the transfer, the board of the district from which the territory was transferred may enroll a child of that parent or guardian, and while the child is enrolled in a school of that district, the child shall be considered a resident of that district for all school purposes until the child completes secondary school or reaches age 21, whichever occurs first.

Sec. 2. [APPLICABILITY.] On its effective date, section 1 applies to Independent School Districts No. 273, Edina, and 274, Hopkins.

Sec. 3. [EFFECTIVE DATE.] Pursuant to Minnesota Statutes, Section 645.023, Subdivision 1, Clause (a), section 1 is effective without local approval the day following final enactment."

Further, delete the title and insert:

"A bill for an act relating to Independent School Districts No. 273, Edina, and 274, Hopkins; establishing a procedure for transferring certain territory from one school district to the other; permitting a district from which territory was transferred to enroll certain students from the transferred territory under certain conditions."

With the recommendation that when so amended the bill pass.

The report was adopted.

Prahl from the Committee on Commerce, Economic Development and Housing to which was referred:

H. F. No. 1035, A bill for an act relating to trade regulation; prohibiting certain unfair and deceptive practices and unreasonable restraints of trade in the business of motion picture distribution; prescribing penalties.

Reported the same back with the following amendments:

Page 1, line 9, delete "7" and insert "6"

Page 3, after line 16 insert a new subdivision to read:

"Subd. 4. No exhibitor may bid on a motion picture for exhibition within the state unless the exhibitor or his representative have attended a trade screening."

Renumber the remaining subdivisions accordingly.

Page 4, after line 17 insert:

"Sec. 4. [REFUNDS.] Any person who has paid admission to an exhibition of a motion picture shall be entitled to have refunded to him or her by the exhibitor the full admission charge, provided that the following conditions are met: (a) the motion picture has been trade screened; and (b) at any time during the first 30 minutes of the motion picture the person requesting a refund advises the exhibitor that he is not satisfied with the quality or subject matter of the motion picture."

Renumber the remaining sections accordingly.

Pages 4 and 5, delete sections 5 and 6.

With the recommendation that when so amended the bill pass.

The report was adopted.

Johnson, C., from the Committee on Education to which was referred:

H. F. No. 1090, A bill for an act relating to education; authorizing the state board for community colleges to contract for certain insurance coverage for students; amending Minnesota Statutes 1978, Section 136.62, by adding a subdivision.

Reported the same back with the following amendments:

Page 1, after line 14, insert:

"Sec. 2. Minnesota Statutes 1978, Section 121.21, is amended by adding a subdivision to read:

Subd. 11. The state board for vocational education may contract for hospital benefits and medical benefits coverage for students in the same manner as authorized by section 43.45 for state employees."

Renumber remaining section

Amend the title as follows:

Line 2, delete "board" and insert "boards"

Line 3, after "colleges" insert "and for vocational education"

Line 5, delete "Section" and insert "Sections"

Line 6, after "subdivision" insert "; and 121.21, by adding a subdivision"

With the recommendation that when so amended the bill pass. and be placed on the Consent Calendar.

The report was adopted.

Johnson, C., from the Committee on Education to which was referred:

H. F. No. 1305, A bill for an act relating to education; authorizing the state board for community colleges to purchase cer-

tain insurance and to reimburse members of local advisory committees for expenses; making a substitution for a masculine pronoun; amending Minnesota Statutes 1978, Sections 136.62, by adding a subdivision; 136.63, Subdivision 1; and 136.70, Subdivision 1.

Reported the same back with the following amendments:

After the enacting clause insert:

"Section 1. Minnesota Statutes 1978, Section 121.21, is amended by adding a subdivision to read:

Subd. 11. Notwithstanding section 15.38 the state board for vocational education may purchase the following insurance coverage:

(a) Personal professional liability and accident and health insurance for a student when required by a clinical training institution as a condition for the student's use of the clinical facilities for training purposes;

(b) Accident and health insurance for a student participating in an intercollegiate, intramural or extramural program;

(c) Blanket personal property insurance for fine arts displays, including but not limited to displays of paintings, photographs and sculptures, loaned to and exhibited on a community college campus; and

(d) Property insurance for auxiliary enterprise assets including inventory, to be paid for from auxiliary enterprise proceeds."

Renumber the succeeding sections.

Page 3, line 13, delete "and 3" and insert ", 2 and 4"

Page 3, line 14, delete "2" and insert "3"

Page 3, line 15, delete "1979" and insert "1980"

Amend the title as follows:

Line 2, delete "board" and insert "boards"

Line 3, after "colleges" insert "and for vocational education"

Line 7, after "Sections" insert "121.21, by adding a subdivision;"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Vanasek from the Committee on Criminal Justice to which was referred:

H. F. No. 1362, A bill for an act relating to crimes; providing that the status of marriage or an ongoing voluntary sexual relationship of cohabiting adults shall not be a defense to prosecution for criminal sexual conduct; amending Minnesota Statutes 1978, Section 609.349.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [REPEALER.] Minnesota Statutes 1978, Section 609.349, is repealed.

Sec. 2. This act is effective the day after final enactment and applies to all crimes committed on or after that date."

Further, amend the title as follows:

Page 1, line 6, delete "amending" and insert "repealing"

With the recommendation that when so amended the bill pass.

The report was adopted.

Fudro from the Committee on Transportation to which was referred:

H. F. No. 1408, A bill for an act relating to motor vehicles; providing for the proration of taxes on certain vehicles on the basis of the registration period; providing for the issuance and use of certain motor vehicle dealer plates; adjusting the bond provisions for certain dealers; authorizing dealers' licenses for the sale of motorized bicycles; specifying grounds for suspension and revocation of dealers' licenses; amending Minnesota Statutes 1978, Sections 168.013, Subdivision 2; and 168.27, Subdivisions 2, 12, 20, 22 and 24.

Reported the same back with the following amendments:

Page 5, line 30, strike the second "in the"

Page 5, line 31, strike the old language and delete the new language

Page 5, line 32, strike "the amount of \$2,500;"

With the recommendation that when so amended the bill pass.

The report was adopted.

Johnson, C., from the Committee on Education to which was referred:

H. F. No. 1410, A bill for an act relating to education; establishing a study commission on area vocational-technical institutes; appropriating money.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [AREA VOCATIONAL-TECHNICAL INSTITUTE STUDY COMMISSION.] Subdivision 1. There is hereby created an area vocational-technical institute study commission. The commission shall have the following duties:

(a) to develop a statement of the mission of area vocational-technical institutes;

(b) to determine the basic facilities and services to be offered by a typical area vocational-technical institute;

(c) to recommend a governing structure for area vocational-technical institutes;

(d) to study the financing structure of the area vocational-technical institute system; and

(e) to make a report of its findings to the legislature by February 1, 1981.

Subd. 2. [MEMBERS.] The commission shall consist of the following voting members: the governor or the governor's designee; three senators, who shall be appointed by the presiding officer of the senate; three representatives, who shall be appointed by the speaker of the house; three superintendents from school districts that have an area vocational-technical institute or that participate in a cooperating agreement which provides for an area vocational-technical institute, who shall be selected by the Minnesota Association of School Administrators; and three area vocational-technical institute directors, who shall be selected by the area vocational-technical institute director's association. It shall also consist of the following nonvoting members: the executive director of the higher education coordinating board; a member of the state board for vocational education, who

shall be selected by the state board; one staff person from senate research, who shall be appointed by the director of senate research; and one staff person from house research, who shall be appointed by the director of house research. In each case in which there are three members from a group, at least one of the members shall be from the seven county metropolitan area and at least one of the members shall be from outside that area. The members of the commission shall be appointed no later than July 1, 1980. The commission shall select its own chairperson from among the legislative members of the commission.

Subd. 3. [MEETINGS.] The commission shall hold meetings at the times and places it may designate. It may meet in the capital group of buildings.

Subd. 4. [COMMISSION EXPENSES; COMPENSATION OF MEMBERS.] The commission may incur expenses to accomplish the purposes of this section. Members of the commission shall be compensated at the rate of \$35 a day spent on commission activities, when authorized by the commission, plus expenses in the same manner and amount as state employees. Members who are state employees or employees of political subdivisions shall not receive the \$35 a day if the major part of their activities occur during normal working hours for which they are also compensated by the state or political subdivision. A member who is an employee of the state or a political subdivision shall not suffer a loss in compensation or benefits from the state or political subdivision as a result of service on the commission. Members who are full time state employees or full time employees of the political subdivisions of the state may receive the expenses provided for in this section unless the expenses are reimbursed by another source.

Subd. 5. [HIGHER EDUCATION COORDINATING BOARD; EXECUTIVE DIRECTOR'S DUTIES.] The executive director of the higher education coordinating board, under the direction of the full commission, shall conduct research, compile data, and prepare the final commission draft which, when approved by the commission, shall be presented to the legislature.

Subd. 6. [SCHOOL DISTRICT COOPERATION.] All state departments and school districts shall comply with a request for information from the area vocational-technical institute study commission.

Subd. 7. [EXPIRATION OF THE COMMISSION.] The commission shall expire February 2, 1981.

Sec. 2. [APPROPRIATION.] The sum of \$28,000 is appropriated from the general fund to the area vocational-technical institute study commission for the purposes of section 1 and shall be available until February 2, 1981. Any funds not expended or encumbered on that date shall revert to the general fund.

Sec. 3. [EFFECTIVE DATE.] This act is effective the day following final enactment."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Swanson from the Committee on Health and Welfare to which was referred:

H. F. No. 1441, A bill for an act relating to hospitalization and commitment; requiring committing courts to establish result oriented evaluation programs for committed persons; appointment of counsel guardians for committed persons; establishing a central agency within the department of public welfare which shall develop a program of statistical analysis relating to treatment of committed persons.

Reported the same back with the following amendments:

Page 1, line 15, delete "establish a result" and insert "participate in a statewide results—"

Page 3, line 5, after the period, insert "The panel shall include consultation with a recognized state medical psychiatric organization prior to dissemination of the data amongst the two professions, law and medicine.

Sec. 2. There is appropriated from the general fund to the commissioner of public welfare, for the purposes of section 1, the sum of \$ for the remainder of the biennium."

Further, amend the title as follows:

Page 1, line 9, after "persons" insert "; appropriating money"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Prahl from the Committee on Commerce, Economic Development and Housing to which was referred:

H. F. No. 1459, A bill for an act relating to cooperatives; providing for open cooperative meetings; amending Minnesota Statutes 1978, Section 308.09, by adding a subdivision.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1978, Section 308.09, is amended by adding a subdivision to read:

Subd. 3. [MEETINGS OPEN.] All meetings of an electrical distribution cooperative association where general rate charges, member services and projects affecting future costs are to be considered by the cooperative shall be open to stockholders and their spouses. Meetings related to labor disputes, litigation, and non-payment of bills shall be excluded from the provisions of this subdivision. Notice of all open board meetings must be made to stockholders no less than 30 days prior to the meeting.

Sec. 2. *This act is effective the day following its final enactment.*"

Delete the title in its entirety and insert:

"A bill for an act relating to cooperatives; providing for certain open meetings of electrical distribution cooperatives; amending Minnesota Statutes 1978, Section 308.09, by adding a subdivision."

With the recommendation that when so amended the bill pass.

The report was adopted.

Fudro from the Committee on Transportation to which was referred:

H. F. No. 1668, A bill for an act relating to drivers licenses; requiring the suspension of licenses of certain uninsured persons; providing a penalty; amending Minnesota Statutes 1978, Chapter 171, by adding sections.

Reported the same back with the following amendments:

Page 4, after line 12, insert a new section as follows:

"Sec. 4. The sum of \$16,600 is appropriated from the general fund to the commissioner of public safety for purposes of administering the provisions of this act, to be available until June 30, 1981."

Further amend the title as follows:

Line 4, after "penalty;" insert "appropriating money;"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Nelson from the Committee on Energy and Utilities to which was referred:

H. F. No. 1753, A bill for an act relating to energy; creating the Minnesota state energy fund; authorizing the Minnesota energy agency to administer and supervise programs of loans and grants for public improvements of a capital nature relating to the construction of energy systems utilizing from renewable resources and for efficient energy delivery and use; creating a program of aid to small businesses and low and moderate incomes to assist in the large scale conversion to energy systems using renewable resources and otherwise making the use of existing systems more efficient; authorizing the issuance of state bonds pursuant to Article XI of the Minnesota Constitution; appropriating money.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [116H.50] [MINNESOTA STATE ENERGY FUND; FINDINGS AND PURPOSES.] The economy of Minnesota developed using fossil fuels as principal energy sources. Some of those sources will, in the foreseeable future, be in critically short supply or may no longer be available in all parts of the state. Unless significant changes are made in the energy sources available and the distribution of available energy sources, future development will be impossible and existing development will stagnate. The problem is further complicated by the fact that Minnesota's climate and geography make a large and reliable supply of fuel essential for residential and commercial space heating, transportation, agriculture, and industry. Yet, existing supplies of fuel are increasingly costly and unreliable. In view of these problems, it is essential to establish the economic viability of supplementing traditional energy supplies with alternative and renewable energy sources. It is also necessary to change from scarce traditional fuels to more plentiful fuels and to ensure that all fuels are efficiently used. The change to non-traditional energy sources or more plentiful traditional energy sources or making existing energy systems more efficient must be broadly based. However, persons of low and moderate income and small business enterprises are financially unable to finance improvements for more efficient use of energy and for conversion to non-traditional energy sources or conversion to energy sources that are more plentiful. Only the state government possesses the power to supervise, coordinate, motivate and finance the energy programs sufficient in scope to meet these needs.

It is intended by sections 1 to 15 to provide funds through appropriations and the incurring of public debt for a variety of energy programs. Public debt will be incurred to provide energy

programs which are public improvements of a capital nature. Appropriated funds are provided for assistance to allow persons of low or moderate income to convert to the use of renewable energy sources or traditional sources that are more plentiful and for energy conservation.

Sec. 2. [116H.51] [DEFINITIONS.] Subdivision 1. As used in sections 1 to 14, the following terms shall have the meanings given.

Subd. 2. "Agency" means the Minnesota energy agency except that in section 14 "agency" means the Minnesota housing finance agency.

Subd. 3. "Energy bond account" means the account created in the state bond fund by section 12, subdivision 4.

Subd. 4. "Energy fund" means the Minnesota state energy fund created by section 3.

Subd. 5. "Energy system" means all equipment and related accessories necessary to convert conventional or renewable energy sources or peat to useful heat and to distribute that heat to its point of end use.

Subd. 6. "Low and moderate income persons" means those persons whose income and other financial resources are insufficient to finance the improvements and changes sought by sections 1 to 14. The term shall be more fully defined by rule, but during calendar year 1980 only persons having an annual household income between 125 percent of the United States office of management and budget poverty guideline level and \$30,000 as determined pursuant to Minnesota Statutes Section 290A.03, Subdivision 5, shall be considered low and moderate income persons. The income limits may be adjusted for inflation, by not more than 5 percent each year, for years subsequent to 1980.

Subd. 7. "Municipality" means any county, city, town, school district, public or private institution of higher education, the Metropolitan Council, the Region 7 Development Commission, a municipal power agency, or any group or combination of those units operating under an agreement to jointly undertake projects authorized by sections 1 to 13. If operating by joint agreement, any action taken to legally obligate the municipality shall be approved by the governing body of each member of the joint agreement.

Subd. 8. "Renewable energy source" includes energy from the following sources:

- (a) solar radiation;

- (b) wind;
- (c) water power;
- (d) geothermal;
- (e) wood and timber, including wastes;
- (f) biomass of all types; and,
- (g) agricultural or urban wastes.

Specifically excluded from this definition are fossil fuels such as petroleum, coal and natural gas and their derivatives.

Subd. 9. "Small business" means "small business concern," as defined by 15 U.S.C. section 632 and 15 C.F.R. section 121.3-10 and other regulations defining small business concern for purposes of federal small business administration loans.

Subd. 10. "Total estimated cost of a qualifying municipal project" includes:

- (a) Preliminary planning to determine the economic, engineering, and environmental feasibility of the project;
- (b) Engineering, architectural, legal, fiscal, economic, and project administrative costs of the agency and the municipality, and other necessary investigations and studies;
- (c) Surveys, designs, plans, working drawings, specifications, procedures, and other actions necessary to the planning, design, and construction of the project;
- (d) Erection, building, acquisition, alteration, remodeling, improvement, and extension of qualifying energy systems;
- (e) Inspection and supervision of construction; and,
- (f) All other expenses of the types enumerated in Minnesota Statutes, Section 475.65.

Feasibility studies performed pursuant to clauses (a) and (b) shall in no case exceed five percent of total estimated cost of a project.

Subd. 11. "Traditional fuel" includes energy from the following sources:

- (a) fuel oil;

- (b) gasoline;
- (c) natural gas;
- (d) coal;
- (e) liquified petroleum gas (LPG or propane); and
- (f) any other fossil fuels or their derivatives.

Within this definition, the agency shall designate those traditional fuels which are scarce. Until a rule shall provide to the contrary, fuel oil, natural gas, and gasoline are designated scarce fuels.

Sec. 3. [116H.52] [ESTABLISHMENT OF MINNESOTA STATE ENERGY FUND.] The commissioner of finance shall maintain a Minnesota state energy fund debt account. The account shall receive the proceeds of state bonds and disburse money from the fund to municipalities for the purposes of and in the manner provided by sections 1 to 14.

The commissioner of finance shall also maintain a Minnesota state energy fund appropriation account. The account shall receive any money appropriated and money from any source, other than from the proceeds of state bonds, and disburse money to low and middle income persons in the manner provided in section 14.

Sec. 4. [116H.53] [RULES FOR ADMINISTRATION OF FUND.] The agency shall promulgate rules for the administration of loans authorized to be made from the state energy fund debt account. The rules shall not apply to the issuance of bonds. The rules shall contain as a minimum:

- (1) Application procedures for municipalities;
- (2) Conditions governing the administration of loans;
- (3) Criteria for eligibility for loans, including:
 - (a) the financial capability of the municipality,
 - (b) the feasibility of the project, and
 - (c) the adequacy of provisions to assure proper and efficient operation and maintenance of the project after the construction is completed; and,
- (4) Priorities for the evaluation of loan applications, including:

- (a) the quantities and costs of scarce fuels estimated to be saved by the project;
 - (b) the environmental benefits of the project;
 - (c) the type and extent of employment created by the project;
 - (d) the extent to which the project has obtained additional financial support from federal, private, or other sources; and
 - (e) other matters the director finds necessary for the proper ranking of proposals submitted by qualified municipal applicants.
- (5) A limit of five percent of total project cost for feasibility studies.

Sec. 5. [116H.54] [RECEIPTS.] Subdivision 1. The commissioner of finance and the state treasurer shall deposit in the energy fund debt account all proceeds of Minnesota energy bonds, except accrued interest and premiums received upon the sale of the bonds.

Subd. 2. The commissioner of finance and the state treasurer shall deposit in the energy fund appropriation account all money appropriated by law for loans to low and moderate income persons and all money granted to the state for this purpose by the federal government, any federal agency or by any other entity.

Subd. 3. Receipts of the energy funds are annually appropriated from each account of the funds to the Minnesota energy agency and the Minnesota housing finance agency for the purposes of the funds and shall remain available until expended.

Sec. 6. [116H.55] [DISBURSEMENTS.] Disbursements from the energy fund debt account shall be made at the times and in the amounts authorized by the director of the agency in accordance with applicable state laws and agency rules.

Sec. 7. [116H.56] [TOTAL FUNDING OF MUNICIPAL PROJECTS REQUIRED.] Subdivision 1. No loan of state funds for any project shall be disbursed to any municipality until the agency has determined the total estimated cost of a qualified municipal project and ascertained that financing of the project is assured by:

- (1) A loan or grant of funds authorized by state law;
- (2) A grant of funds to the municipality by an agency of the federal government which is within the amount of funds appropriated to that agency and allocated by it to the project;

- (3) A grant of funds from any other public or private entity;
- (4) The appropriation of the proceeds of bonds or other funds of the municipality; or,
- (5) Any combination of the sources referred to in clauses (1) to (4).

Subd. 2. In addition to the requirements of subdivision 1, no loan of state funds shall be disbursed until the governing body of the municipality has adopted a resolution agreeing to utilize not only all funds it allocates specifically for the qualifying project, but also to pay any additional amount by which the cost of the project exceeds those allocated funds. The resolution shall agree to obtain the additional amounts which are necessary to fully fund the project from either the appropriation of additional municipal funds or the appropriation of the proceeds of additional bonds to be issued by the municipality.

Sec. 8. [116H.57] [PROJECTS FUNDED BY MUNICIPALITIES.] Subdivision 1. The agency may make loans from the state energy fund debt account to municipalities for public improvements which are energy system projects of a capital nature. The projects include:

- (1) Neighborhood solar heating or heating and cooling;
- (2) Hydroelectric generation and distribution;
- (3) Wind electric generation and distribution;
- (4) Extraction of gaseous or liquid fuels from biomass sources by biological or physical-chemical processes;
- (5) Alcohol fuel production;
- (6) District heating projects using waste materials, peat, or renewable energy resources for not less than 80 percent of the thermal input;
- (7) Electric generation using peat or renewable energy resources for not less than 80 percent of the thermal input; or
- (8) District heating using cogeneration techniques.

Subd. 2. No loans shall be made to municipalities, pursuant to subdivision 1, unless the agency determines that the project is feasible; energy efficient and cost effective in comparison with scarce traditional fuels; and that it has a reasonable prospect of generating revenue in excess of its costs within an acceptable period of time. The acceptable time may be in excess of the time required to repay a loan from the agency.

Subd. 3. [MUNICIPAL LOANS TO SMALL BUSINESSES.] (a) The agency, in consultation with the department of economic development, may make loans from the state energy fund debt account to municipalities for the purpose of funding programs of loans and grants to small businesses. To the extent possible, loans and grants made for these purposes shall constitute at least 25 percent of loan monies disbursed pursuant to sections 1 to 13 in each year. Loans and grants pursuant to these programs shall be made only for purposes of assisting small businesses with the expenses incurred in connection with (a) installing or converting to energy systems utilizing renewable energy resources, (b) converting energy systems using relatively scarce fossil fuels to systems using more plentiful fossil fuels or peat, and (c) installing energy conserving components, materials, or equipment as defined by the agency.

(b) Each loan made pursuant to this subdivision shall be secured by a resolution adopted by the governing body of the municipality. The resolution shall obligate the municipality to make annual payments to the energy bond account. The payments of principal shall be in amounts sufficient to pay the principal amount of the loan within the period required by the agency. The payments of principal are not required to be equal or at a regular increasing rate. The rate on the loan shall be calculated on the declining balance at a rate not less than the average annual interest rate on the state bonds of the issue from which proceeds the loan was made.

(c) Prior to issuing any bonds for the purposes of this subdivision, the commissioner of finance shall obtain either a revenue ruling from the Internal Revenue Service or other adequate assurance that the bonds' interest payments will be exempt from taxation under section 103(a) of the internal revenue code.

(d) Section 10 shall not apply to loans made pursuant to this subdivision.

Sec. 9. [116H.59] [APPLICATION FOR, ACCEPTANCE AND PAYMENT OF LOAN BY MUNICIPALITY.] Applications by municipalities for loans from the fund shall be made to the agency on forms provided by the agency. The agency shall review all applications for completeness and shall award loans on the basis of the criteria and priorities established by rule and in this act.

Each loan made to a municipality shall be secured by a resolution adopted by the governing body of the municipality. The resolution shall obligate the municipality to pay the energy bond account in annual installments including both principal and interest. The payments of principal shall be in an amount sufficient to pay the principal amount within the period required by the agency. However, it is not required that payments of the principal be equal or at a regular increasing rate. The interest on

the loan shall be calculated on the declining balance at a rate not less than the average annual interest rate on the state bonds of the issue from which proceeds of the loan were made. The resolution shall obligate the municipality to provide money for the repayment from user charges, special assessments or any other funds pledged for the support of the project.

Sec. 10. [116H.60] [LOCAL FUNDING OF PROJECTS.]
Subdivision 1. [FIXING RATES ON ENERGY SERVICE.]
The municipality, by resolution of its governing body, may fix reasonable rates and reasonable charges for the service and products of the energy system projects funded by a loan.

The municipality may also enter into contracts with other municipalities, or with corporations or persons who are located outside the jurisdictional area of the municipality, to furnish them with service or products of the energy system in exchange for the payment of reasonable rates and reasonable charges.

Rates and charges may be imposed with respect to energy system facilities made available by agreement with other municipalities, as well as those owned and operated by the municipality itself.

Rates and charges shall be as nearly as possible proportionate to the cost of furnishing the services or products or by reference to a reasonable classification of the types of premises to which services or products are furnished, or on any other equitable basis. Minimum charges for the availability of the energy system services or products may be imposed on all premises located in the municipality. Rates and charges for connections to the energy system may, in the discretion of the municipality, be fixed by reference to the portion of the cost which has been paid by assessment of the premises to be connected, in comparison with other premises, as well as the cost of making or supervising the connection. The municipality may make any charges a charge against the owner, lessee, occupant or all of them and may provide for certifying unpaid charges to the county auditor with taxes against the property served for collection as other taxes are collected. The municipality may fix and levy taxes for the payment of reasonable charges for the use and availability of the energy system and for maintaining it in public buildings and other public places.

In determining the reasonableness of the charges to be imposed, the municipality may give consideration to all costs of the establishment, operation, maintenance, depreciation and necessary replacements of the system, and of improvements, enlargements and extensions necessary to serve adequately the territory of the municipality including the principal and interest to become due on obligations issued or to be issued by the municipality. When net revenues have been appropriated to the payment of the cost of the establishment, or of any specified re-

placement, improvement, enlargement or extension, or to pay the principal and interest due on obligations issued or to be issued, no charges imposed are unreasonable because the project to be financed has not been commenced or completed, if proceedings are taken with reasonable dispatch and the project, when completed, may be expected to make service available to the premises charged which will have a value reasonably commensurate with such charges. All charges, when collected, and all funds received from the sale of any energy system facilities or equipment or any services or products, shall be placed in a separate fund, and shall be used first to pay the normal, reasonable and current costs of operating and maintaining the energy system. The net revenues received in excess of costs may be pledged by resolutions of the municipality, or may be used though not pledged, for the payment of principal and interest on obligations issued by the municipality. Net revenues derived from any energy system facilities, whether or not financed by the issuance of obligations of the municipality, may be pledged or used to pay principal and interest on obligations issued for energy system facilities.

In resolutions authorizing the issuance of either general or special obligations and pledging net revenues, the municipality may make covenants for the protection of holders of the obligations and taxpayers of the municipality as are necessary. The covenants permitted include a covenant that the municipality will impose and collect charges of the nature authorized at the times and in the amounts required to produce, together with any taxes or special assessments designated as a primary source of payment of the obligations, net revenues adequate to pay all principal and interest when due on the bonds and to create and maintain reserves securing the payments. When a covenant is made it shall be enforceable by appropriate action on the part of any holder of the obligations of the municipality or any taxpayer of the municipality in a court of competent jurisdiction. The obligations are payable wholly from the income of the energy system whose revenues are pledged, within the meaning of sections 475.51 and 475.58.

Subd. 2. [LEVY ASSESSMENTS.] The municipality may (a) levy assessments against property within the limits benefited by the energy system under the procedure authorized by law or charter with reference to other assessments for benefits of local improvements; (b) transfer and use for the purposes of the project any surplus funds of the municipality not specifically dedicated to any other purpose; and (c) levy taxes of up to one mill but not in excess of \$30 per capita on property within the municipal limits, except that the one mill and \$30 per capita limits shall not apply if higher limits are approved by a referendum. Any taxes levied on property within the limits of the municipality, pursuant to this subdivision, are not subject to the limitations of section 275.11 and shall be treated as a special levy pursuant to section 275.50, subdivision 5, clause (f).

Subd. 3. [PAYMENTS FOR CONSTRUCTION OF THE FACILITIES.] Any municipality may contract with a person, including a company or corporation, for the payment by the person, in whole or part, of the cost of construction, maintenance, or use of the energy system facilities. The payment may be made to the municipality in a lump sum or installments of the portion of the cost of the construction, maintenance, or use as may be agreed upon or contracted for with the municipality. The municipality shall devote the money so received for the purpose of construction, maintenance, or use. The proportionate cost of construction, maintenance, or use of the energy system facilities to be paid by the person may be made payable in installments due at not greater than annual intervals for a period not to exceed 30 years. Any person who pays any part of the cost of construction, maintenance or use of the energy system facilities shall have the right to use the facilities upon the payment of reasonable charges for the use of the facilities or the charges contracted for in case there is a contract.

Subd. 4. [LOANS CONDITIONAL ON RATES AND CHARGES.] The agency may condition any loans upon the establishment of rates and charges sufficient to produce the revenue to meet or exceed the cost of the project including the repayment of any loans from the state bond fund.

Sec. 11. [116H.63] [DISBURSEMENTS TO OTHER STATE AGENCIES.] Funds appropriated to the energy fund for expenditure by other state agencies or departments may only be disbursed for renewable energy source projects approved by the energy agency. Funds appropriated may be combined with proceeds of bonds of other agencies and with funds appropriated to the other agencies for similar purposes.

Sec. 12. [116H.64] [MINNESOTA STATE ENERGY BONDS.] Subdivision 1. [AUTHORITY TO ISSUE BONDS.] The commissioner of finance shall sell bonds of the state of Minnesota and deposit the proceeds in the Minnesota state energy fund. The full faith, credit, and taxing powers of the state are irrevocably pledged for the prompt and full payment of the bonds together with interest. Bonds shall be sold only upon request of the agency and in the amount authorized by section 13 or as may subsequently be authorized by a subsequently enacted law which authorizes the sale of additional bonds and the deposit of the proceeds in the state energy fund. Any authorized amount of bonds in this law or any subsequently enacted law authorizing the issuance of bonds for the purposes of the state energy fund, together with this section, constitute complete authority for the issue. The bonds shall not be subject to restrictions or limitations contained in any other law.

Subd. 2. [ISSUANCE OF BONDS.] Upon request by the agency and upon authorization as provided in subdivision 1, the

commissioner of finance shall sell Minnesota state energy bonds. The bonds shall be in the aggregate amount requested, and sold upon sealed bids upon the notice, at the price, in the form and denominations, bearing interest at the rate or rates, maturing in the amounts and on the dates (without option of prepayment or subject to prepayment upon the notice and at the times and prices), payable at the bank or banks within or outside the state (with provisions for registration, conversion, and exchange and for the issuance of notes in anticipation of the sale or delivery of definitive bonds), and in accordance with any further provisions as the commissioner of finance shall determine. The sale is subject to the approval of the attorney general, but not subject to the provisions of Minnesota Statutes, Sections 15.0411 to 15.0422. The bonds shall be executed by the commissioner of finance and attested by the state treasurer under their official seals. The signatures of the officers on the bonds and any interest coupons and their seals may be printed, lithographed, engraved, or stamped, except that each bond shall be authenticated by the manual signature on its face of one of the officers or of an officer of a bank designated by them as authenticating agent. The commissioner of finance shall ascertain and certify to the purchasers of the bonds the performance and existence of all acts, conditions, and things necessary to make them valid and binding general obligations of the state of Minnesota, subject to the approval of the attorney general.

Subd. 3. [EXPENSES.] All expenses incidental to the sale, printing, execution, and delivery of bonds pursuant to this section, including actual and necessary travel and subsistence expenses of state officers and employees for these purposes, and any expenses of litigation relating to the validity of the bonds, shall be paid from the energy fund, and the amounts necessary are appropriated from that fund.

Subd. 4. [ENERGY BOND ACCOUNT IN THE STATE BOND FUND.] The commissioner of finance shall maintain in the state bond fund established by the Minnesota Constitution, Article XI, Section 7, a separate account to be called the state energy bond account. The account shall record receipts of premium and accrued interest, loan repayments, or other money transferred to the fund and income from the investment of the money. It shall also record any disbursements to pay Minnesota the principal and interest on energy bonds. Income from investment shall be credited to the account in each fiscal year. The amount credited shall be equal to the average return that year on all funds invested by the state treasurer, as determined by the treasurer, times the average balance in the account that year.

Subd. 5. [APPROPRIATIONS TO STATE BOND FUND; APPROPRIATION FROM FUND TO PAY DEBT SERVICE.] The premium and accrued interest received on each issue of Minnesota energy bonds, and all payments received in repayment of loans are appropriated to the energy bond account of the state

bond fund. All income from the investment of the Minnesota state energy fund is also appropriated to the account. In order to reduce the amount of taxes otherwise required to be levied, there is annually appropriated to the account from the general fund on November 1 in each year, a sum of money sufficient in amount, when added to the balance then on hand, to pay all principal and interest on Minnesota energy bonds due and to become due before July 1 in the second ensuing year. So much of the account as is necessary to pay principal and interest on energy bonds is annually appropriated from the account for the payment of principal and interest of the energy bonds. All funds appropriated by this subdivision shall be available in the account prior to any levy of the tax in any year required by the Minnesota Constitution, Article XI, Section 7.

Subd. 6. [TAX LEVY.] On or before December 1 in each year the state auditor shall levy on all taxable property within the state whatever tax may be necessary to produce an amount sufficient, with all money currently credited to the energy bond account of the state bond fund, to pay the entire amount of principal and interest currently due and the principal and interest to become due before July 1 in the second year thereafter on Minnesota energy bonds. This tax shall be levied upon all real property used for the purposes of a homestead, as well as other taxable property, notwithstanding the provisions of Minnesota Statutes, Section 273.13, Subdivisions 6 and 7, and shall be subject to no limitation of rate or amount until all the bonds and interest thereon are fully paid. The proceeds of this tax are appropriated to the energy bond account of the state bond fund. The principal of and interest on the bonds are payable from the proceeds of this tax.

If the proceeds of the tax is insufficient to pay the principal and interest due on the energy bonds, there is annually appropriated to the account from the general fund a sum of money sufficient in amount, when added to the balance then on hand, to pay all principal and interest on Minnesota energy bonds when due.

Sec. 13. [BOND AUTHORIZATION AND APPROPRIATION OF PROCEEDS.] The commissioner of finance is authorized, upon request of the energy agency, to sell Minnesota state energy bonds in the amount of up to \$ in the manner and upon the conditions prescribed in section 12 and in the Minnesota Constitution, Article XI, Sections 4 to 7. The proceeds of the bonds, except as provided in section 12, subdivision 5, are appropriated to the Minnesota state energy fund. The amount of bonds issued pursuant to this authorization shall not exceed at any time the amount needed to produce a balance in the energy fund equal to the aggregate amount of the municipal loans and grants then approved and not previously disbursed, plus the amount of the loans and grants to be approved in the current and the following fiscal year, as estimated by the energy agency.

Sec. 14. [462A.27] [LOANS PROGRAM FOR LOW AND MODERATE INCOME PERSONS.] Subdivision 1. For purposes of this section only, the term "agency" shall mean the Minnesota housing finance agency.

Subd. 2. The agency shall establish a program of loans for persons of low and moderate income to improve the energy efficiency of their principal residences or to equip their principal residences for the use of renewable energy sources or traditional fuels that are less costly and more plentiful. Both renters and homeowners are eligible for loans offered under this program.

Subd. 3. Expenses that qualify for loans under this section shall be established by rule but shall include:

(a) weatherization retrofit materials or materials and labor on residences constructed prior to January 1, 1980,

(b) structural or building envelope repairs essential for proper weatherization,

(c) improvements in the efficiency of existing energy systems, and

(d) the installation of or conversion to energy systems using peat, renewable energy sources, or more plentiful fossil fuels. Any solar energy system financed wholly or in part by this program shall comply with solar energy system standards of performance promulgated pursuant to Minnesota Statutes 1978, Section 116H.127.

Subd. 4. Notwithstanding other provisions of section 2 and this section, households having an annual income at or below 125 percent of the U.S. office of management and budget poverty guideline levels shall be eligible for loans from this program for purposes of:

(a) improvements in the efficiency of existing energy systems; and

(b) the installation of or conversion to energy systems using peat, renewable energy sources, or more plentiful fossil fuels. Any solar energy system financed wholly or in part by this program shall comply with solar energy system standards of performance promulgated pursuant to Minnesota Statutes 1978, Section 116H.127.

Subd. 5. Loans may be issued under this section directly by the agency or by housing and redevelopment authorities or local lenders that meet qualifications established by rule. Qualified local lenders participating in the program shall be provided with application forms prepared by the agency. Loans originated by

a housing and redevelopment authority or a local lender shall be assumed by the agency at full loan value plus an origination fee.

Subd. 6. Loans made pursuant to this section need not be secured by a lien on personal or real property. Loans may be in amounts no larger than \$5,000. The interest rate on loans, within the range of 8 percent to 11 percent, shall be established by rule and based on household income.

Subd. 7. No loan shall be issued to an applicant until the applicant has certified at least the following:

- (a) that principal and interest on the loan will be paid in full as provided by the terms of the loan agreement,
- (b) the household income of the applicant,
- (c) the intended use of loaned money, and
- (d) that no outstanding balance remains on any previous loan authorized by this section.

Subd. 8. The obligation to repay a loan issued to a homeowner or renter under this program may be assumed by a subsequent owner or renter of the residential property improved, regardless of the household income of the subsequent owner or renter. The agency shall make no charge for the assumption of a loan.

Sec. 15. [APPROPRIATION FOR ENERGY LOANS TO PERSONS OF LOW AND MODERATE INCOME.] The sum of \$1,500,000 is appropriated from the general fund to the housing development fund established pursuant to Minnesota Statutes, Section 462A.21, Subdivision 10 for the purpose of loans to persons of low and moderate income as provided by section 14.

Sec. 16. [APPROPRIATION TO MINNESOTA ENERGY AGENCY.] The sum of \$ is appropriated from the general fund to the Minnesota energy agency for the purpose of administration of the programs provided by sections 1 to 13. These funds are available until July 1, 1981."

Further, amend the title as follows:

Page 1, line 5, delete "and grants"

Page 1, line 7, delete "from"

Page 1, line 9, delete "creating" and insert "allowing municipalities to create"

Page 1, line 9, delete "and"

Page 1, line 10, delete "low and moderate incomes to assist"

Page 1, line 13, after the semicolon, insert "establishing a loan program for persons of low and moderate income;"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Johnson, C., from the Committee on Education to which was referred:

H. F. No. 1757, A bill for an act relating to education; providing free tuition at post-secondary vocational-technical schools for certain veterans; amending Minnesota Statutes 1978, Section 124.565, by adding a subdivision; and Minnesota Statutes, 1979 Supplement, Section 124.565, Subdivision 3.

Reported the same back with the following amendments:

Page 2, line 14, after "States" insert "*after July 1, 1961; and*"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Swanson from the Committee on Health and Welfare to which was referred:

H. F. No. 1769, A bill for an act relating to public welfare; providing access to criminal conviction data of certain applicants for licenses; amending Minnesota Statutes 1978, Section 245.783, Subdivision 3.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Fudro from the Committee on Transportation to which was referred:

H. F. No. 1824, A bill for an act relating to driver's licenses; providing for the disposition of the county fee in Dakota County.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Fudro from the Committee on Transportation to which was referred:

H. F. No. 1906, A bill for an act relating to highways; providing a penalty for certain unlawful uses of or actions on public highways; prohibiting the erection of a fence on the right of way of a town road; amending Minnesota Statutes 1978, Section 160.27, Subdivision 5.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Fudro from the Committee on Transportation to which was referred:

H. F. No. 1925, A bill for an act relating to motor vehicles; clarifying penalty provisions for certain traffic violations; clarifying provisions which prohibit the operation of a motor vehicle while a driver's license is revoked or suspended; amending Minnesota Statutes 1978, Sections 169.141, Subdivision 2; 169.89, Subdivision 1; 171.20, Subdivision 2; and 171.24.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Vanasek from the Committee on Criminal Justice to which was referred:

H. F. No. 1929, A bill for an act relating to corrections; providing for licensing of correctional facilities; regulating inmate earnings; providing for the investment of funds in the correctional industries revolving account; prohibiting the introduction of contraband into other state institutions; prescribing penalties; amending Minnesota Statutes 1978, Sections 241.021, Subdivision 1; 243.24, Subdivision 1; Minnesota Statutes, 1979 Supplement, Sections 241.27, Subdivision 2; and 243.55, Subdivision 1.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1978, Section 241.021, Subdivision 1, is amended to read:

241.021 [LICENSING AND SUPERVISION OF INSTITUTIONS AND FACILITIES.] Subdivision 1. [SUPERVISION OVER CORRECTIONAL INSTITUTIONS; ADVISORY TASK FORCES.] (1) The commissioner of corrections shall inspect and license all correctional facilities throughout the state, whether public or private, established and operated for the detention and confinement of persons detained or confined therein according to law except to the extent that they are inspected or licensed by other state regulating agencies. He shall promulgate pursuant to chapter 15, rules establishing minimum standards for these facilities with respect to their management, operation, physical condition, and the security, safety, health, treatment and discipline of persons detained or confined therein. Commencing September 1, 1980, no individual, corporation, partnership, voluntary association or other private organization legally responsible for the operation of a correctional facility may operate the facility unless licensed by the commissioner of corrections. (THE COMMISSIONER MAY PROVIDE BY RULE FOR PROVISIONAL LICENSES WHICH AUTHORIZE THE OPERATION OF A CORRECTIONAL FACILITY ON A TEMPORARY BASIS WHERE THE OPERATOR IS TEMPORARILY UNABLE TO COMPLY WITH ALL OF THE REQUIREMENTS FOR A LICENSE. NOTWITHSTANDING THE PROVISIONS OF SECTIONS 15.0412 AND 15.0413, RULES SETTING STANDARDS FOR GROUP HOMES ESTABLISHED UNDER THE DIRECTION OF THE JUVENILE COURT SHALL NOT TAKE EFFECT UNTIL SEPTEMBER 1, 1979) *The commissioner shall annually review the correctional facilities described in this subdivision, except as otherwise provided herein, to determine compliance with the minimum standards established pursuant to this subdivision. The commissioner shall grant a license to any facility found to conform to minimum standards or to any facility which, in his judgment, is making satisfactory progress toward substantial conformity and the interests and well-being of the persons detained or confined therein are protected.* The commissioner shall have access to the buildings, grounds, books, records, staff and to persons detained or confined in these facilities. He may require the officers in charge of these facilities to furnish all information and statistics he deems necessary, upon forms furnished by him.

(2) Any state agency which regulates, inspects, or licenses certain aspects of correctional facilities shall, insofar as is possible, ensure that the minimum standards it requires are substantially the same as those required by other state agencies which regulate, inspect, or license the same aspects of similar types of correctional facilities, although at different correctional facilities.

(3) Nothing in this section shall be construed to limit the commissioner of corrections' authority to promulgate rules establishing standards of eligibility for counties to receive funds under sections 401.01 to 401.16, or to require counties to comply with operating standards the commissioner establishes as a condition precedent for counties to receive that funding.

(4) When the commissioner finds that any facility described in clause (1) of this subdivision, except foster care facilities for delinquent children and youth as provided in subdivision 2, does not *substantially* conform to the minimum standards established by (LAW OR BY) the commissioner *and is not making satisfactory progress toward substantial conformance*, he shall promptly notify the chief executive officer and the governing board of the facility of the deficiencies and order that they be remedied within a reasonable period of time. The commissioner may by written order restrict the use of any facility which does not substantially conform to minimum standards to prohibit the detention of any person therein for more than 72 hours at one time. When, after due notice and hearing, the commissioner finds that any facility described in this subdivision, except county jails and lockups as provided in sections 641.26, 642.10, and 642.11, does not conform to minimum standards, or is not making satisfactory progress toward substantial compliance therewith, he may issue his order revoking the license of that facility. After revocation of its license, that facility shall not be used until its license is renewed. When the commissioner is satisfied that satisfactory progress towards substantial compliance with minimum standard is being made, he may, at the request of the appropriate officials of the affected facility supported by a written schedule for compliance, grant an extension of time for a period not to exceed one year.

(5) As used in this subdivision, "correctional facility" means any facility, including a group home, having a residential component, the primary purpose of which is to serve persons placed therein by a court, court services department, parole authority, or other correctional agency having dispositional power over persons charged with, convicted or adjudicated to be guilty or delinquent.

Sec. 2. Minnesota Statutes, 1979 Supplement, Section 241.27, Subdivision 2, is amended to read:

Subd. 2. [REVOLVING FUND; USE OF FUND.] There is established in the department of corrections under the control of the commissioner of corrections the Minnesota correctional industries revolving fund to which shall be transferred the revolving funds established by sections 243.41, (243.85, CLAUSE (F),) and any other industrial revolving funds heretofore established at any state correctional facility under the control of the commissioner of corrections. The revolving fund established shall be used for the conduct of the industrial and commercial activities now or hereafter established at any state correctional facility, including but not limited to the purchase of equipment, raw materials, the payment of salaries, wages and other expenses necessary and incident thereto. Additionally, the expenses of inmate vocational training and the inmate release fund may be financed from the correctional industries revolving fund in an amount to be determined by the commissioner. The proceeds and

income from all industrial and commercial activities conducted at state correctional facilities shall be deposited in the correctional industries revolving fund subject to disbursement as hereinabove provided. *The commissioner of corrections may request that money in the fund be invested pursuant to section 11.10; the proceeds from the investment not currently needed shall be accounted for separately and credited to the fund.*

Sec. 3. Minnesota Statutes 1978, Section 243.24, Subdivision 1, is amended to read:

243.24 [MONEYS, HOW USED; FORFEITURE.] Subdivision 1. [SOLE BENEFIT OF INMATE.] Any money arising under section 243.23 shall be and remain under the control of the commissioner of corrections and shall be for the sole benefit of the (PRISONER) inmate, unless by special order of the commissioner of corrections it shall be used for rendering assistance to his family or dependent relatives, under such regulations as to time, manner and amount of disbursements as the commissioner of corrections may prescribe. Unless ordered disbursed as hereinbefore prescribed or for an urgency determined (,) in each case (,) by the (WARDEN OR SUPERINTENDENT, AT LEAST ONE-HALF) chief executive officer of the facility, a portion of such earnings (, BUT NOT TO EXCEED A MAXIMUM) in an amount to be determined by the commissioner, shall be set aside and kept by the (INSTITUTION) facility in the public welfare fund of the state for the benefit of the (PRISONER) inmate and for the purpose of assisting him when he leaves the (INSTITUTION) facility and if released on parole said sum to be disbursed to the (PRISONER) inmate in such amounts and at such times as the commissioner of corrections may authorize and on final discharge, if any portion remains undisbursed, it shall be transmitted to the (PRISONER) inmate.

Sec. 4. Minnesota Statutes 1978, Section 243.88, Subdivision 2, is amended to read:

Subd. 2. Any corporation operating a factory or other business or commercial enterprise under this section may employ selected inmates of the correctional institution upon whose grounds it operates and persons conditionally released subject to the provisions of section 241.26. Persons conditionally released as provided in this subdivision shall be deemed to be parolees within the purview of 49 United States Code, Section 60.

Except as prohibited by applicable provisions of the United States Code, inmates of state correctional institutions may be employed in the manufacture and processing of goods, wares and merchandise for introduction into interstate commerce, provided that they are paid no less than the prevailing minimum wages for work of a similar nature performed by employees with similar skills in the locality in which the work is being performed.

Under rules prescribed by the commissioner of corrections a portion of the wages of each inmate employed as authorized by this subdivision, in an amount to be determined by the commissioner, shall be set aside and kept by the chief executive officer of the facility in the public welfare fund of the state for the benefit of the inmate and for the purpose of assisting him when he leaves the facility on conditional release or by final discharge. At the time of the inmate's final discharge any portion remaining undisbursed shall be given to the inmate.

Sec. 5. [TEMPORARY PROVISION.] Pursuant to section 15.0412, subdivision 5, the commissioner of corrections may amend existing rules 11 MCAR, sections 2.401 to 2.440 to comply with the amendments to section 241.021, subdivision 1, clauses (1) and (4) contained in sections 1 to 4.

Sec. 6. Sections 1 to 5 are effective the day following final enactment."

Further, amend the title as follows:

Page 1, delete lines 2 to 11 and insert:

"relating to corrections; providing for licensing of correctional facilities; regulating inmate earnings; providing for the investment of money in the correctional industries revolving account; authorizing the commissioner of corrections to amend 11 MCAR, sections 2.401 to 2.440; amending Minnesota Statutes 1978, Sections 241.021, Subdivision 1; 243.24, Subdivision 1; 243.88, Subdivision 2; and Minnesota Statutes, 1979 Supplement, Section 241.27, Subdivision 2."

With the recommendation that when so amended the bill pass.

The report was adopted.

Prahl from the Committee on Commerce, Economic Development and Housing to which was referred:

H. F. No. 1941, A bill for an act relating to mobile homes; permitting the sale of mobile homes from a residence; amending Minnesota Statutes 1978, Section 327.55, Subdivision 1.

Reported the same back with the following amendments:

Page 2, line 13, reinstate "residence,"

Page 2, line 15, after the semicolon insert "provided that the owner of a licensed mobile home park who resides in or adjacent to the park may use his residence as the established place of

business required by this section, unless prohibited by local zoning ordinance;”

With the recommendation that when so amended the bill pass.

The report was adopted.

Fudro from the Committee on Transportation to which was referred:

H. F. No. 1957, A bill for an act relating to drivers licenses; authorizing instruction permit holders to operate a motor vehicle while receiving behind the wheel training when accompanied by licensed adults; amending Minnesota Statutes 1978, Section 171.05, Subdivision 2.

Reported the same back with the following amendments:

Page 1, line 23, delete “*adult driver*” and reinsert the stricken language and insert “*or licensed adult driver authorized by the parent or guardian*”

With the recommendation that when so amended the bill pass.

The report was adopted.

Swanson from the Committee on Health and Welfare to which was referred:

H. F. No. 1981, A bill for an act relating to public welfare; authorizing certain payments to shelter facilities for battered women; requiring direct payments to shelter facilities from general assistance; amending Minnesota Statutes 1978, Section 256D.05, Subdivision 3.

Reported the same back with the following amendments:

Page 1, after line 8, insert:

“Section 1. Minnesota Statutes 1978, Chapter 256, is amended by adding a section to read:

[256.012] [MINNESOTA MERIT SYSTEM.] *Subdivision 1. The commissioner of public welfare shall promulgate by rule personnel standards on a merit basis in accordance with federal standards for a merit system of personnel administration for all employees of county boards engaged in the administration of community social services or income maintenance programs, all employees of human service boards which have*

adopted the rules of the Minnesota merit system, and all employees of county welfare boards. Excluded from these rules are:

- (a) All employees of institutions, sanitariums and hospitals under the jurisdiction of the aforementioned boards;*
- (b) All employees of Hennepin and Ramsey Counties;*
- (c) All nonprofessional employees of St. Louis County;*
- (d) All employees covered by a federally approved county personnel administration system under Minnesota Statutes, Sections 375.56 to 375.71;*
- (e) Those positions which, upon the request of the appointing authority, the commissioner in his discretion exempts, provided the exemption accords with the federal standards;*
- (f) Duly appointed or elected members of the aforementioned boards; and*
- (g) The director of community social services.*

Subd. 2. Rules of the Minnesota merit system shall provide for:

- (a) Recruitment, examination and advancement of employees on the basis of skill, knowledge and ability;*
- (b) Job related selection procedures which shall include methods for the certification and appointment of qualified applicants;*
- (c) A compensation plan, to be adjusted annually, which includes equitable and adequate ranges of permissible salaries for those employees not represented by an exclusive representative, as provided in Minnesota Statutes, Chapter 179;*
- (d) A current position classification plan;*
- (e) Employee performance training as needed;*
- (f) Retention of employees on the basis of adequacy of performance;*
- (g) Appeal procedures for applicants, employees and employers;*
- (h) Equal employment opportunity; and*

(i) *Other rules necessary to meet federal standards and insure proper and efficient personnel administration.*

Subd. 3. The commissioner of public welfare shall exercise no authority with respect to the selection, tenure of office, and compensation of any individual employed in accordance with Minnesota merit system personnel standards. The board having the responsibility of employing individuals under the rules of the Minnesota merit system shall set individual salaries and select ranges of permissible salaries, within the commissioner's compensation plan, for those employees not covered by an exclusive representative."

Renumber subsequent sections

Page 1, line 15, after "maintenance" insert "costs"

Page 1, line 16, after "costs" insert "which are related to providing 24-hour staff coverage at the facility"

Page 2, line 18, delete "and" and insert ","

Page 2, line 18, after "2" insert "and 3"

Further, amend the title as follows:

Page 1, delete lines 2 to 6 and insert:

"relating to public welfare; directing the commissioner of public welfare to establish and maintain personnel standards on a merit basis for certain employees of county boards, county welfare boards and human services boards; authorizing certain payments to shelter facilities for battered women; requiring direct payments to shelter facilities from general assistance; amending Minnesota Statutes 1978, Chapter 256, by adding a section; and Section 256D.05, Subdivision 3."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Prahl from the Committee on Commerce, Economic Development and Housing to which was referred:

H. F. No. 2046, A bill for an act establishing the Minnesota small business conference; providing for its organization, meetings and procedures; appropriating money.

Reported the same back with the recommendation that the bill be re-referred to the Committee on Appropriations.

The report was adopted.

Swanson from the Committee on Health and Welfare to which was referred:

H. F. No. 2075, A bill for an act relating to health; requiring certain immunizations for children; requiring certain schools to maintain immunization records and make certain reports; amending Minnesota Statutes 1978, Section 123.70.

Reported the same back with the following amendments:

Page 3, after line 15 insert:

"Subd. 4. A child who is enrolling or enrolled in a public, private or parochial elementary school may substitute a statement signed by a parent or guardian in lieu of the statement signed by a physician or public clinic which provides immunizations. If the statement is signed by a parent or guardian, the statement shall indicate the month and year of each immunization given. In order for the statement to be acceptable it must indicate that the following was given: no less than one dose of vaccine each for measles, mumps, and rubella given separately or in combination, and no less than three doses of vaccine for poliomyelitis, and no less than four doses of vaccine for diphtheria, tetanus, and pertussis. If the commissioner of health finds that any of the above requirements are not necessary to protect the public's health, he may suspend for one year that requirement."

Page 3, line 16, strike "4" and insert "5"

Page 3, line 22, strike "5" and insert "6"

Page 3, line 27, delete "6" and insert "7"

Page 4, line 3, delete "15" and insert "30"

Page 4, line 4, delete "7" and insert "8"

Page 4, line 18, delete "8" and insert "9"

Page 4, line 8, delete *"distributed"* and insert *"developed jointly by the commissioner of health and the commissioner of education and be distributed to the local school districts"*

Page 4, line 17, after the period insert, *"The report pursuant to this subdivision shall not be required of any day care facility."*

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Brinkman from the Committee on Financial Institutions and Insurance to which was referred:

H. F. No. 2101, A bill for an act relating to financial institutions; establishing a maximum lawful rate of interest chargeable on loans made by credit unions; amending Minnesota Statutes 1978, Section 52.14.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1978, Section 48.153, is amended to read:

48.153 [INSTALLMENT LOANS; FINANCE CHARGES; MINIMUM CHARGES.] *Subdivision 1.* Any bank organized under the laws of this state, or any national banking association doing business in this state, making any loan of money not exceeding \$25,000 repayable in installments, may make a finance charge for such loan to be computed at a rate which does not exceed 12 percent per annum upon the unpaid principal balance of the amount financed. Installment payments shall not extend beyond a period of 12 years and 32 days from the date of the loan. The loan may be secured by a mortgage, pledge, or other collateral. Any savings bank organized pursuant to chapter 50, and having its principal place of business in this state, may make a loan for consumer purposes to any natural person in an amount not exceeding \$7,500 repayable in installments, and may make a finance charge for the loan to be computed at a rate not exceeding 12 percent per annum on the unpaid principal balance of the amount financed. Installment payments shall not extend beyond a period of five years and 32 days from the date of the loan. The loan may be secured by a mortgage, pledge or other collateral. Charges in reference to installment loans under this section shall be computed and collected only on the unpaid principal balance of the amount financed actually outstanding. One day's finance charge shall mean an amount equal to $1/365$ of the per annum rate provided for in an installment loan. If the total finance charge determined on an installment loan, single payment or demand loan shall be less than \$10 the amount charged may nevertheless be \$10. No loan shall be made pursuant to this section if over 50 percent of the proceeds of the loan are used to finance the purchase of a borrower's primary residence other than a mobile home.

Subd. 2. Notwithstanding the provisions of subdivision 1 to the contrary, any bank organized under the laws of this state or any national banking association doing business in this state, making any loan of money not exceeding \$25,000 repayable in installments, may, at the time the loan is made, charge the rate of interest authorized by section 334.011 upon the unpaid balance of the amount financed. If the rate of interest charged is per-

mitted by section 334.011 at the time the loan was made, such rate does not later become usurious because of a fluctuation in the federal discount rate.

Installment loans made under this subdivision shall in all other respects comply with the provisions of subdivision 1.

Sec. 2. Minnesota Statutes 1978, Section 51A.21, is amended by adding a subdivision to read:

Subd. 19. [OPEN END LOAN ACCOUNT ARRANGEMENTS.] Any savings association or savings and loan association subject to the provisions of sections 51A.01 to 51A.57, and any savings and loan association chartered under the laws of the United States, and any wholly owned subsidiary of any such financial institution, may extend credit through an open end loan account arrangement with a debtor, pursuant to which the debtor may obtain loans from time to time by cash advances, purchases or satisfaction of the obligations of the debtor incurred pursuant to a credit card or other open end loan account plan, or otherwise under a credit card or overdraft plan, pursuant and subject to the provisions of section 48.185, subdivisions 3, 4, 4a, 5, 6 and 7 that are applicable to banks, national banking associations, and savings banks. The extension of credit pursuant to this subdivision may be unsecured or may be secured in whole or in part by an assignment or pledge of a savings account or savings certificate.

Sec. 3. Minnesota Statutes 1978, Section 52.14, is amended to read:

52.14 [INTEREST ON LOANS.] *Subdivision 1. Interest rates on loans made by a credit union shall not exceed one per cent a month on unpaid balances.*

Subd. 2. Notwithstanding the provisions of subdivision 1 to the contrary, interest rates on unpaid balances of loans made by a credit union shall not exceed the rate of interest authorized in section 334.011. If the rate of interest charged is permitted by section 334.011 at the time the loan was made, the rate does not later become usurious because of a fluctuation in the federal discount rate.

Sec. 4. *Sections 1, subdivision 2; 2; and 3, subdivision 2; are repealed June 30, 1982.*

Sec. 5. *Sections 1, 2, and 3 are effective the day following final enactment."*

Delete the title and insert:

"A bill for an act relating to financial institutions; providing for interest rates on certain installment loans and open end loan

account arrangements; granting certain lending powers to savings associations and savings and loan associations; amending Minnesota Statutes 1978, Sections 48.153; 51A.21, by adding a subdivision; and 52.14."

With the recommendation that when so amended the bill pass.

The report was adopted.

Prahl from the Committee on Commerce, Economic Development and Housing to which was referred:

H. F. No. 2132, A bill for an act relating to securities; providing for improved regulation of the sale of securities and the licensing of broker-dealers, agents and investment advisers; making miscellaneous clarifications and revisions; prescribing certain fees; amending Minnesota Statutes 1978, Sections 80A.05, Subdivision 1; 80A.07, Subdivision 1; 80A.12, Subdivision 3; 80A.14; 80A.15, Subdivision 2; 80A.16; 80A.21, Subdivision 1; 80A.28, Subdivisions 2, 7, and by adding a subdivision; and 80A.30, Subdivision 2; and Minnesota Statutes, 1979 Supplement, Section 80A.15, Subdivision 1.

Reported the same back with the following amendments:

Page 19, line 9, before "a" insert "(1)"

Page 19, lines 9 to 10, strike "has been filed under both sections 80A.01 to 80A.31 and the" and insert "*under the*"

Page 19, line 10, before the comma insert: "*or a notification pursuant to Section 3(b) of that Act has been filed with the Securities and Exchange Commission and (2) a registration statement has been filed under Sections 80A.01 to 80A.31*"

Page 23, line 32, delete Section 13 and insert:

"Sec. 13. Minnesota Statutes 1978, Section 83.23, Subdivision 4, is amended to read:

Subd. 4. If additional subdivided lands of the same subdivider are subsequently to be offered for disposition, the registration thereof may be consolidated with any earlier registration offering subdivided lands for disposition under the same promotional plan, if the additional subdivided lands are adjacent to those previously registered. (AN APPLICATION FOR CONSOLIDATION SHALL BE ACCOMPANIED BY AN AMENDMENT FEE OF \$50.) The filing fee requirements of subdivision 2 shall apply unless the maximum filing fee has been previously paid.

Sec. 14. Minnesota Statutes 1978, Section 83.26, is amended to read:

83.26 [EXEMPTIONS.] Subdivision 1. Unless the method of disposition is adopted for the purpose of evasion of sections 83.20 to 83.42, sections 83.20 to 83.42 do not apply to offers or dispositions of interests in land:

(a) By a purchaser of subdivided lands for his own account in a single or isolated transaction;

(b) To any person who acquires such land for the purpose of engaging in and who does use such land to engage in the business of constructing residential, commercial or industrial buildings thereon for the purpose of resale or constructing commercial or industrial buildings for his own use;

(c) Pursuant to an order of a court of competent jurisdiction of this state;

(d) As cemetery lots or interests;

(e) If they are leases of apartments, stores, offices, or similar space in a building;

(f) If they are mortgages or deeds of trust of real estate securing evidences of indebtedness (.);

(g) If the land is located within the corporate limits of a municipality as defined in section 462.352, subdivision 2, or within any subdivision located within a town or municipality located within 20 miles of the city limits of a city of the first class or within three miles of the city limits of a city of the second class, or within two miles of the city limits of a city of the third or fourth class in this state. The commissioner may, by written rule or order, suspend, wholly revoke, or further condition this exemption, or may require, prior to the first disposition of subdivided lands, such further information with respect thereto as may be necessary for the protection of purchasers consistent with the provisions hereof; or

(h) *By the United States, any state, any political subdivision of a state or any corporate or other instrumentality of one or more of the foregoing.*

Subd. 2. The provisions of sections 83.23 and 83.24 with respect to the registration of subdivided lands and the public offering statement, shall not apply to offers or dispositions of interests in land (:)

((A) IF FEWER THAN TEN SEPARATE LOTS, PARCELS, UNITS OR INTERESTS IN SUBDIVIDED LANDS ARE OFFERED OR TO BE OFFERED IN ANY PERIOD OF 12 CONSECUTIVE MONTHS;)

((B)) involving the offering of not more than 50 separate lots, parcels, units or interests within any period of 12 consecutive months, if the subdivider or his agent shall have furnished to the commissioner, not less than 20 days prior to the consummation of any such disposition, a filing fee of (\$10) \$100 and a statement of the subdivider on forms prescribed by the commissioner containing the following information:

(1) The subdivider's name and address, and the form, date of organization and jurisdiction of its organization; and the name and address of each of its offices and agents in this state;

(2) A general description of the subdivided lands stating the total number of lots, parcels, units or interests to be offered;

(3) A statement in a form acceptable to the commissioner of the condition of the title to the subdivided lands including all encumbrances, deed restrictions and covenants applicable thereto;

(4) Copies of instruments which will be delivered to a purchaser to evidence his interest in the subdivided lands and of the contracts or other agreements which a purchaser will be required to agree to or sign, together with the range of selling prices, rates or rentals at which it is proposed to dispose of the lots, units, parcels or interests in the subdivisions, and a list of mandatory fees the purchaser may be required to pay for membership in groups including but not limited to home owners' associations, country clubs, golf courses and other community organizations;

(5) A statement of and evidence showing compliance with zoning and other governmental laws, ordinances and regulations affecting the use of the subdivided lands and adjacent properties;

(6) A statement asserting that the subdivision is in compliance with federal, state and local environmental quality standards. If the subdivision is not in compliance, a listing of the steps to be taken (, IF ANY,) to insure compliance;

(7) A statement of the permits required to be obtained from various federal, state and local agencies stating which have been obtained and which have been applied for. If any permit has been refused, the reasons for the refusal and the effect such refusal will have on subsequent development of the subdivision;

(8) A statement of the existing provisions of access to the subdivision, the availability of sewage disposal facilities and other public utilities including but not limited to water, electricity, gas and telephone facilities in the subdivision, the proximity in miles of the subdivision to nearby municipalities, the

availability and scope of community fire and police protection, and the location of primary and secondary schools; a statement of the improvements to be installed, including off-site and on-site community and recreational facilities, by whom they are to be installed, maintained and paid and an estimated schedule for completion (:).

(PROVIDED, HOWEVER, THAT THE COMMISSIONER MAY BY RULE OR ORDER, AS TO THE OFFER OR DISPOSITION OF ANY SUBDIVIDED LANDS, WITHDRAW OR FURTHER CONDITION THIS EXEMPTION, OR REQUIRE ADDITIONAL INFORMATION, OR INCREASE OR DECREASE THE NUMBER OF LOTS, PARCELS, UNITS OR INTERESTS IN SUBDIVIDED LANDS PERMITTED.)

Subd. 3. The commissioner may by order exempt from the provisions of sections 83.20 to 83.42 interests in subdivided lands which are registered as securities pursuant to the provisions of chapter 80.

Subd. 4. The provisions of sections 83.23, 83.24, and 83.28 to 83.32 shall not apply to offers or dispositions of interests in land if fewer than ten separate lots, parcels, units or interests in subdivided lands are offered in the aggregate during any period of 12 consecutive months.

Subd. 5. The commissioner may by rule or order, as to the offer or disposition of any subdivided lands, withdraw or further condition the exemptions enumerated in subdivision 2 or 4 or require additional information, or increase or decrease the number of lots, parcels, units or interests in subdivided lands permitted.

Sec. 15. Minnesota Statutes 1978, Section 83.27, is amended to read:

83.27. [INQUIRY AND EXAMINATION.] The commissioner may investigate any subdivision (REQUIRED TO BE REGISTERED UNDER) *subject to the provisions of sections 83.20 to 83.42 for the purpose of verifying statements contained in the application for registration or exemption and in the public offering statement. For the purpose of such investigation, the commissioner may:*

(a) Use and rely upon any relevant information or data concerning a subdivision obtained by him from the federal housing administration, the United States veterans administration, or any state or federal agency having supervisory duties over real estate subdivisions which are comparable to those of the commissioner;

(b) Require the subdivider to submit reports prepared by an independent licensed or registered engineer concerning any

hazard to which, in the opinion of the commissioner, any subdivision offered for disposition is subject, or concerning any other factor which affects the utility of lots, units, parcels or interests within the subdivision and may require evidence of compliance to remove or minimize all hazards stated by competent engineering reports;

(c) Conduct an on site inspection of each subdivision. The subdivider shall defray all actual and necessary expenses incurred by the inspector in the course of the inspection;

(d) Conduct an annual on site reinspection of each subdivision for each of the three years after registration and thereafter make periodic on site inspections. The developer shall defray all actual and necessary expenses incurred by the inspector in the course of such inspection;

(e) Require the subdivider to deposit the expenses to be incurred in any inspection or reinspection, in advance, based upon an estimate by the commissioner of the expenses likely to be incurred. All such deposits shall be paid into the state treasury and credited to the commissioner's investigation fund, from which fund the commissioner shall have power to make disbursements to pay such expenses. Any unexpended portion shall be refunded. On field examinations made by the commissioner or his employee away from the office of the commissioner a per diem of \$10 for each such person may be charged in addition to the actual expenses. Where additional technical, expert, or special services are used, the actual cost of such services may be charged in addition to actual expenses;

(f) Where an on site inspection of any subdivision has been made under sections 83.20 to 83.42, an inspection of adjacent subdivided lands for which a subsequent application for registration is filed may be waived and an inspection thereof may be made at the time of the next succeeding on site inspection.

Sec. 16. Minnesota Statutes 1978, Section 83.29, Subdivision 1, is amended to read:

83.29 [NOTICE OF FILING AND REGISTRATION.]
Subdivision 1. Upon compliance with all the provisions of sections 83.20 to 83.42 applicable to the application for registration or exemption and with the requirements of the commissioner, and if the commissioner finds no grounds for denial of the application, the commissioner shall register or exempt the subdivided lands. The commissioner shall have power to place such conditions, limitations, and restrictions on any registration as may be necessary to carry out the purposes of sections 83.20 to 83.42. Registration or exemption shall be by entry in a book called Register of Subdivided Lands, which entry shall show the subdivided lands registered or exempted and (FOR WHOM REGISTERED) on whose behalf, and shall specify the condi-

tions, limitations, and restrictions upon such registration, if any, or shall make proper reference to a formal order of the commissioner on file showing such conditions, limitations, and restrictions.

Sec. 17. Minnesota Statutes 1978, Section 83.30, Subdivision 2, is amended to read:

Subd. 2. (THE COMMISSIONER MAY PERMIT THE FILING OF ANNUAL REPORTS WITHIN 30 DAYS AFTER THE ANNUAL ANNIVERSARY DATE OF A CONSOLIDATED REGISTRATION IN LIEU OF THE ANNUAL ANNIVERSARY DATE OF THE ORIGINAL REGISTRATION.) *The commissioner may order the continuation of any exemption pursuant to section 83.26, subdivision 2, upon the filing of a report in the form prescribed by rule of the commissioner at least 30 days prior to the anniversary date of the original order and payment of a fee of \$25.*

Sec. 18. Minnesota Statutes 1978, Section 83.31, is amended to read:

83.31 [CHANGES SUBSEQUENT TO REGISTRATION.]
Subdivision 1. All advertising not accompanying the original application *for registration or exemption* shall be submitted to and approved by the commissioner prior to its use in this state.

Subd. 2. The subdivider or his agent shall immediately report any material changes in the information contained in an application (FOR REGISTRATION) or the exhibits appended thereto *on file with the commissioner, by submitting an application to amend accompanied by a fee in the amount of \$25 for registrations and \$10 for exemptions. The commissioner by rule may define what shall be considered a material change for such purposes and prescribe the form by which application to amend is to be made. The amendment shall become effective when so ordered by the commissioner.*

Sec. 19. Minnesota Statutes 1978, Section 83.35, Subdivision 1, is amended to read:

83.35 [ENFORCEMENT; POWERS OF COMMISSIONER.]
Subdivision 1. After notice and hearing, the commissioner may suspend or revoke a registration *or exemption*, and may issue a cease and desist order to any subdivider or other person if he finds that the subdivider or person has:

(1) Violated any provision of sections 83.20 to 83.42 or any lawful order or rule of the commissioner;

(2) Directly or through an agent or employee knowingly engaged in any false, deceptive or misleading advertising, pro-

motional or sales methods to offer to dispose of an interest in subdivided lands;

(3) Made any material change in the advertising, plan of disposition or development of the subdivided lands subsequent to the order of registration without obtaining prior approval from the commissioner;

(4) Offered or disposed of any subdivided lands which have not been registered with the commissioner unless the subdivided lands or dispositions thereof are exempt from registration pursuant to section 83.26;

(5) Been convicted, or if any of the subdivider's officers, directors, partners, principals or agents has been convicted, of a crime involving fraud, deception, false pretenses, misrepresentation, false advertising or dishonest dealing in real estate transactions, subsequent to the time of the filing of the application for registration;

(6) Disposed of, concealed or diverted any funds or assets of any person so as to defeat the rights of subdivision purchasers;

(7) Failed faithfully to perform any stipulation or agreement made with the commissioner as an inducement to grant any registration, to reinstate any registration or to permit any promotional plan or public offering statement;

(8) Made misrepresentations or concealed material facts in an application for registration;

(9) Permanently or temporarily been enjoined by any court of competent jurisdiction from engaging in or continuing any conduct or practice involving any aspect of land sales; or

(10) Failed to pay any filing or inspection fee required by sections 83.20 to 83.42.

Sec. 20. Minnesota Statutes 1978, Section 83.35, Subdivision 2, is amended to read:

Subd. 2. (WHEN INITIATING A PROCEEDING UNDER SUBDIVISION 1, THE COMMISSIONER SHALL SERVE UPON THE SUBDIVIDER OR OTHER PERSON BY PERSONAL SERVICE OR BY CERTIFIED MAIL, A WRITTEN NOTICE OF HEARING SETTING THE DATE, TIME AND PLACE OF THE HEARING AND A STATEMENT OF THE ALLEGATIONS UPON WHICH THE CEASE AND DESIST ORDER, SUSPENSION OR REVOCATION WILL BE BASED.) *Upon entry of an order under subdivision 1, the commissioner shall serve a copy of the order upon the subdivider*

or other person by personal service or by certified mail. The order shall state the reasons for its issuance and shall either order a hearing, which shall be set for no later than 20 days from the date of the order, or specify that upon the written request of the subdivider or other person, the matter will be set for hearing within seven days after receipt of the request; provided that with the consent of the subdivider or other person a hearing may be held subsequent to the expiration of either period specified herein. If no hearing is requested within 30 days of service of the order and none is ordered by the commissioner, the order will remain in effect until it is modified or vacated by the commissioner. If a hearing is requested or ordered, the commissioner, after notice and hearing in accordance with the provisions of chapter 15, shall affirm, modify or vacate the order.

Sec. 21. Minnesota Statutes 1978, Section 83.35, Subdivision 3, is amended to read:

Subd. 3. (IF THE COMMISSIONER DETERMINES THAT THE PUBLIC INTEREST MAY BE HARMED BY DELAY IN ISSUING AN ORDER UNDER THIS SECTION, HE MAY ISSUE A TEMPORARY CEASE AND DESIST ORDER OR A TEMPORARY ORDER SUSPENDING THE REGISTRATION. PRIOR TO ISSUING SUCH AN ORDER, THE COMMISSIONER SHALL WHENEVER POSSIBLE BY TELEPHONE OR OTHERWISE GIVE NOTICE TO THE SUBDIVIDER OR OTHER PERSON OF HIS INTENTION TO ISSUE THE ORDER.) *As an alternative to the procedure prescribed in subdivision 2, the commissioner may issue an order to show cause setting a hearing and requiring a subdivider or other person to appear and show cause why a cease and desist order should not be issued, or why an order suspending or revoking a registration, amendment or exemption should not be issued. The order to show cause shall give reasonable notice of the time and place for hearing thereon and shall state the reasons for the entry of the order. The hearing shall be conducted in accordance with the provisions of chapter 15. After the hearing, the commissioner shall enter an order making such disposition of the matter as the facts require.*

Sec. 22. Minnesota Statutes 1978, Section 83.37, Subdivision 1, is amended to read:

83.37 [PENALTIES; CIVIL REMEDIES.] Subdivision 1. Any person who knowingly authorizes, directs, or aids in the publication, advertisement, distribution, or circularization of any false statement or representation concerning any subdivided lands required to be registered under sections 83.20 to 83.42 and every such person who, with knowledge that any advertisement, pamphlet, prospectus, or letter concerning any such lands contains any written statement that is false or fraudulent, issues, circulates, publishes, or distributes the same, or shall cause the same to be issued, circulated, published or distributed, shall be

(GUILTY OF A GROSS MISDEMEANOR) *fined not more than \$5,000 or imprisoned not more than five years, or both.*

Sec. 23. [REPEALER.] *Minnesota Statutes 1978, Section 83.35, Subdivision 5, is repealed.*

Sec. 24. [EFFECTIVE DATE.] *Sections 1 to 23 are effective the day following final enactment."*

Amend the title as follows:

Page 1, line 6, after "revisions;" insert:

"regulating the sale of subdivided lands; prescribing certain registration and exemption procedures and requirements; modifying the enforcement powers and procedures of the commissioner of securities; providing certain penalties;"

Page 1, line 12, after the semicolon insert:

"83.23, Subdivision 4; 83.26; 83.27; 83.29, Subdivision 1; 83.30, Subdivision 2; 83.31; 83.35, Subdivisions 1, 2 and 3; and 83.37, Subdivision 1;"

Page 1, line 3, before the period insert "; repealing Minnesota Statutes 1980, Section 83.35, Subdivision 5"

With the recommendation that when so amended the bill pass.

The report was adopted.

Casserly from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 2134, A bill for an act relating to the city of Bloomington; permitting the establishment of a port authority.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Swanson from the Committee on Health and Welfare to which was referred:

H. F. No. 2135, A bill for an act relating to public welfare; providing that certain relatives of children receiving aid to families with dependent children are not responsible for contributions; amending Minnesota Statutes 1978, Section 256.87, Subdivision 1.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Vanasek from the Committee on Criminal Justice to which was referred:

H. F. No. 2141, A bill for an act relating to crimes; requiring inclusion of information on presentence investigation reports deemed necessary by the sentencing guidelines commission; amending Minnesota Statutes, 1979 Supplement, Section 609.115, Subdivision 1.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Vanasek from the Committee on Criminal Justice to which was referred:

H. F. No. 2142, A bill for an act relating to crimes; requiring sentencing courts to submit information as the sentencing guidelines commission requires which is reasonably related to monitoring application of sentence guidelines; amending Minnesota Statutes 1978, Section 244.09, Subdivision 6.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Fudro from the Committee on Transportation to which was referred:

H. F. No. 2148, A bill for an act relating to transportation; providing for statewide park and ride facilities; amending Minnesota Statutes 1978, Chapter 174, by adding sections; appropriating money.

Reported the same back with the following amendments:

Page 1, line 10, delete "GRANT"

Page 2, delete lines 25 to 29

Page 3, line 3, delete "state"

Page 3, line 4, after the first "program" insert "throughout the state"

Page 3, delete lines 9 to 11

Page 3, line 12, delete "(c)" and insert "(b)"

Page 3, line 13, delete "clauses" and insert "clause" and delete "and (b)"

Page 3, line 20, delete "(d)" and insert "(c)"

Page 3, line 23, delete "(e)" and insert "(d)"

Page 3, line 25, delete "(f)" and insert "(e)"

Page 4, delete lines 5 to 21

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Swanson from the Committee on Health and Welfare to which was referred:

H. F. No. 2149, A bill for an act relating to public welfare; clarifying duties of the commissioner of public welfare regarding approval of public and private mental health centers and clinics for certain purposes; mandating additional rulemaking; amending Minnesota Statutes, 1979 Supplement, Section 245.69.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes, 1979 Supplement, Section 245.69, is amended to read:

245.69 [ADDITIONAL DUTIES OF COMMISSIONER.]
Subdivision 1. In addition to the powers and duties already conferred upon him by law the commissioner of public welfare shall:

(a) Promulgate rules prescribing standards for qualification of personnel and quality of professional service and for in-service training and educational leave programs for personnel, governing eligibility for service so that no person will be denied service on the basis of race, color or creed, or inability to pay, providing for establishment, subject to the approval of the commissioner, of fee schedules which shall be based upon ability to pay (AND THE GUIDING PRINCIPLE OF WHICH SHALL BE THAT NO ONE WHO CAN AFFORD TO PAY FOR HIS OWN TREATMENT AT THE RATE CUSTOMARILY CHARGED IN PRIVATE PRACTICE SHALL BE TREATED IN THE COMMUNITY MENTAL HEALTH SERVICES CLINIC EXCEPT AS HEREINAFTER PROVIDED, REGULATING FEES FOR CONSULTATION AND DIAGNOSTIC SERVICES WHICH SERVICES MAY BE PROVIDED TO ANYONE

WITHOUT REGARD TO HIS FINANCIAL STATUS WHEN REFERRED BY THE COURTS, SCHOOLS, OR HEALTH OR WELFARE AGENCIES WHETHER PUBLIC OR PRIVATE), and such other rules and regulations as he deems necessary to carry out the purposes of sections 245.61 to 245.69.

(b) Review and evaluate local programs and the performance of administrative and psychiatric personnel and make recommendations thereon to county boards and program administrators;

(c) Provide consultative staff service to communities to assist in ascertaining local needs and in planning and establishing community mental health programs; and

(d) Employ qualified personnel to implement sections 245.61 to 245.69.

Subd. 2. The commissioner of public welfare has the authority to approve or disapprove public and private mental health centers and public and private mental health clinics for the purposes of Minnesota Statutes 1978, Section 62A.152, Subdivision 2. For the purposes of this subdivision the commissioner has the authority to promulgate both temporary and permanent rules, and may amend, suspend or repeal the rules, in accordance with sections 15.0411 to 15.052. The rules shall require each applicant to pay a fee to cover costs of processing applications and determining compliance with the rules. The commissioner shall direct that any of the payments collected under this subdivision be transferred to the state agency, individual, corporation or association to which he shall delegate all but final approval and disapproval authority to determine compliance or noncompliance.

Sec. 2. [EFFECTIVE DATE.] *Section 1 is effective the day following its final enactment."*

Further, amend the title as follows:

Page 1, line 6, delete "mandating" and insert "providing for"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Swanson from the Committee on Health and Welfare to which was referred:

H. F. No. 2153, A bill for an act relating to health; authorizing the commissioner of health to issue orders concerning well water quality; amending Minnesota Statutes 1978, Section 156A.05, by adding a subdivision.

Reported the same back with the following amendments:

Page 1, line 16, delete "*when consumed by humans*"

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Johnson, C., from the Committee on Education to which was referred:

H. F. No. 2188, A bill for an act relating to education; providing for training teachers and producers in the method of producing agriculturally derived alcohol fuels; appropriating money.

Reported the same back with the following amendments:

Page 1, line 12, delete "and producers"

Amend the title as follows:

Line 3, delete "and producers"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Vanasek from the Committee on Criminal Justice to which was referred:

H. F. No. 2198, A bill for an act relating to juveniles; requiring notice to noncustodial parents of filing of petitions for dependency, delinquency, neglect, or neglected and in foster care; amending Minnesota Statutes 1978, Sections 260.135, Subdivision 2; and 260.251, Subdivision 1.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Vanasek from the Committee on Criminal Justice to which was referred:

H. F. No. 2203, A bill for an act relating to juveniles; providing for maintenance and use of juvenile court records; amending Minnesota Statutes 1978, Sections 260.161, Subdivision 1; and 260.211, Subdivision 1.

Reported the same back with the following amendments:

Page 1, line 16, after the period insert *"The court shall release records on a juvenile pertaining to delinquency adjudications to a requesting juvenile court in another county which has jurisdiction in proceedings concerning the juvenile."*

With the recommendation that when so amended the bill pass.

The report was adopted.

Fudro from the Committee on Transportation to which was referred:

H. F. No. 2208, A bill for an act relating to transportation; allowing the use of certain documents as relevant evidence of exceeding vehicle weight limits; requiring record keeping for shipments unloaded; imposing civil penalties; amending Minnesota Statutes 1978, Chapter 169, by adding sections.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1978, Chapter 169, is amended by adding a section to read:

[169.851] [WEIGHT RECORD.] *Subdivision 1. [DEFINITION.] "Document" includes a bill of lading, freight bill, weight certification, or other similar document.*

Subd. 2 [RELEVANT EVIDENCE.] A document evidencing the receipt of goods issued by the person consigning the goods for shipment or the person engaged in the business of transporting or forwarding goods, which states the gross weight of the vehicle and load or the weight of the load when combined with the empty weight of the vehicle which is in excess of the prescribed maximum weight limitation permitted by chapter 169 shall be relevant evidence that the weight of a vehicle and load is unlawful. For the purposes of sections 1 to 3, a document required to be kept under section 3 indicating a unit of measure which when converted to weight and combined with the weight of the empty vehicle indicates a gross weight in excess of the prescribed maximum weight limitation permitted by chapter 169 shall be relevant evidence that the weight of a vehicle and load is unlawful. The foregoing provisions do not limit the introduction of other competent evidence bearing upon the question of whether or not there is a violation of the prescribed maximum weight limitations permitted by chapter 169.

Sec. 2. Minnesota Statutes 1978, Chapter 169, is amended by adding a section to read:

[169.871] [CIVIL PENALTY.] *Subdivision 1. The owner or leasee of a vehicle which is operated with a gross weight in excess of a weight limit imposed under sections 169.83 to 169.87 or a shipper who ships or tenders goods for shipment in a single truck or combination vehicle which exceeds a weight limit imposed under sections 169.83 to 169.87 is liable for a civil penalty as follows:*

(a) *If the total gross excess weight is less than 2,000 pounds, one cent per pound for each pound in excess of the legal limit.*

(b) *If the total gross excess weight is less than 3,000 pounds and more than 2,000 pounds, five cents per pound for each pound in excess of the legal limit.*

(c) *If the total gross excess weight is less than 5,000 pounds and more than 3,000 pounds, 15 cents per pound for each pound in excess of the legal limit.*

(d) *If the total gross excess weight is 5,000 pounds or more, 30 cents per pound for each pound in excess of the legal limit.*

Any penalty imposed and fines collected pursuant to this subdivision shall be disposed of as provided in section 299D.03, subdivision 5, with the following exceptions:

(a) *If the violation occurs in the county, the remaining five-eighths shall be credited to the highway user tax distribution fund.*

(b) *If the violation occurs within the municipality, and the city attorney prosecutes the offense, and a plea of not guilty is entered, the remaining one-third shall be paid to the highway user tax distribution fund.*

Sec. 3. Minnesota Statutes 1978, Chapter 169, is amended by adding a section to read:

[169.872] [RECEIPT OF CERTAIN OVERWEIGHT LOADS.] *Subdivision 1. [RECORD KEEPING.] A person who weighs goods before or after unloading or a person who loads or unloads goods on the basis of liquid volume measure shall keep a written record of the origin, weight and composition of each shipment, the date of loading or receipt, the name and address of the shipper, and the registration number of the power unit or some other means of identification by which the shipment was transported. The record shall be retained for 30 days and shall be open to inspection and copying by a state law enforcement officer or motor transport representative upon 24 hours notice. No search warrant shall be required to inspect or copy the record. This subdivision does not apply to a person weighing goods who is not involved in the shipping, receiving*

and transporting of those goods. This subdivision also does not apply, at any time during the year, to a person who weighs a commodity for which a weight variance is permitted under section 169.83, subdivision 1, clause 3.

Subd. 2. [EVIDENCE.] A record kept and maintained as provided in subdivision 1 which shows that a vehicle has exceeded a gross weight limit imposed by chapter 169 shall constitute relevant evidence of a violation of chapter 169. The foregoing provisions do not limit the introduction of other competent evidence bearing upon the question of whether or not there is a violation of the prescribed maximum weight limitation permitted by chapter 169.

Subd. 3. [PENALTY.] A person who fails to keep and maintain documents as required in subdivision 1 is subject to a civil penalty of not to exceed \$500 for each violation. A civil penalty imposed and collected pursuant to this subdivision shall be credited to the highway user tax distribution fund of the state."

With the recommendation that when so amended the bill pass.

The report was adopted.

Swanson from the Committee on Health and Welfare to which was referred:

H. F. No. 2228, A bill for an act relating to children; establishing a photographic state adoption exchange; requiring certain children to be listed on the exchange; appropriating money.

Reported the same back with the following amendments:

Page 1, line 22, delete "all"

Page 2, line 1, delete "or otherwise"

Page 2, line 4, delete "required" and insert "prescribed"

Page 2, line 4, after "subdivision" insert "and subdivision 8"

Page 2, line 8, delete "five" and insert "ten working"

Page 2, line 9, delete "business"

Page 2, line 12, after "updated" insert "by the authorized child placing agency"

Page 2, line 12, delete "15" and insert "ten"

Page 2, line 15, after "writing" insert "by the authorized child placing agency"

Page 2, line 27, delete "a child" and insert "any child legally freed for adoption"

Page 3, line 16, delete "may" and insert "shall"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Casserly from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 2259, A bill for an act relating to local government; permitting units to contract with each other for police service; amending Minnesota Statutes 1978, Section 436.05.

Reported the same back with the following amendments:

Page 1, line 10, delete "county,"

Page 1, line 10, before "city" insert "*home rule charter or statutory*"

Page 1, line 10, after "city" insert a comma

Page 1, line 10, strike "or"

Page 1, line 10, after "town" insert "or"

Page 1, line 10, reinstate "(THE SHERIFF OF)"

Page 1, line 11, after "(THE)" insert "*any*"

Page 1, line 11, reinstate "(COUNTY)"

Page 1, line 13, after "*other*" insert "*home rule charter or statutory*"

Page 1, line 14, delete "*its*" and insert "*the*"

Page 1, line 14, after "authority" insert "*of the contracting unit*"

Page 1, line 16, delete "*each*" and insert "*any*"

Page 1, line 16, after "contracting" insert "*home rule charter or statutory*"

Page 1, line 16, reinstate "(CITY,)"

Page 1, line 17, reinstate "(THE BOARD OF SUPERVISORS OF ANY CONTRACTING TOWN AND)"

Page 1, line 18, reinstate "(THE BOARD OF COMMISSIONERS OF)"

Page 1, line 19, after "(THE)" insert "*any contracting*"

Page 1, line 19, reinstate "(COUNTY)"

Page 1, line 19, delete "*unit*"

2, line 3, delete "*a county, city or town*" and insert "*by rule charter or statutory city, town or sheriff of a coun-*

he recommendation that when so amended the bill pass.

ort was adopted.

ak from the Committee on Criminal Justice to which
ferred:

No. 2262, A bill for an act relating to highway traffic
ons; including a constable within the meaning of the
on of peace officer in the implied consent law; amending
ota Statutes 1978, Section 169.123, Subdivision 1.

orted the same back with the recommendation that the bill

report was adopted.

erly from the Committee on Local and Urban Affairs to
was referred:

No. 2285, A bill for an act relating to taxation; changing
provisions of the Minnesota Tax Increment Financing
nending Minnesota Statutes, 1979 Supplement, Section
Subdivision 1, and by adding subdivisions.

ported the same back with the following amendments:

Page 2, line 25, delete "*evenly*"

Page 2, line 26, after "*value*" insert "*of the district when the
property upon which the abatement is made has not been im-
proved since the date of certification of the district*"

Page 2, line 27, after "*thereafter*" insert "*when the abatement
relates to improvements made after the date of certification*"

Page 3, line 5, delete "*evenly*" and insert "*equally*"

With the recommendation that when so amended the bill pass.

The report was adopted.

Fudro from the Committee on Transportation to which was referred:

H. F. No. 2289, A bill for an act proposing an amendment to the Minnesota Constitution, Article XIV, Section 11; removing certain restrictions on highway bonds.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Swanson from the Committee on Health and Welfare to which was referred:

H. F. No. 2295, A resolution memorializing the President and Congress to take all actions necessary to effect changes in regulations of the Department of Health, Education, and Welfare so that physician visits to medically stable residents of certain health care facilities are required only quarterly or semi-annually.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Fudro from the Committee on Transportation to which was referred:

H. F. No. 2331, A bill for an act relating to transportation; permitting certain exemptions from motor carrier reporting requirements; permitting establishment of driver qualifications and safety requirements for certain carriers; creating a single annual renewal date for holders of multiple permits; permitting issuance of "floater" identification cards to motor carriers; clarifying enforcement powers; amending Minnesota Statutes 1978, Sections 221.031; 221.131; and 221.221.

Reported the same back with the following amendments:

Page 1, after line 13 insert:

"Section 1. Minnesota Statutes, 1979 Supplement, Section 221.011, Subdivision 22, is amended to read:

Subd. 22. "Exempt carrier" means any carrier exempt from this chapter, or exempted from any other law or rule by the commissioner or commission. The following are so exempt *except as otherwise specifically provided in clause (c)*:

(a) Any person engaged in farming or in transporting agricultural, horticultural, dairy, livestock, or other farm products within an area having a 25 mile radius from his home post office. Such carrier may transport other commodities within such area if the destination of each haul is a farm within the above described area. The owner of any truck operating under this provision shall imprint his name and address in prominent visible letters on the outside of the cab of his truck.

(b) Any occasional accommodation service beyond the 25 mile radius from his home post office by any person engaged in farming as his primary means of livelihood and actually residing on a farm and whose truck or trucks are licensed under provisions of section 168.013, Subdivision 1c. Occasional accommodation service shall mean not in excess of six trips in any calendar year.

(c) Any person engaged in agricultural pursuits, who owns and uses a truck for transporting the products of his farm, or any person while engaged exclusively in the transportation of fresh vegetables from farms to canneries or viner stations, or from viner stations to canneries, or from canneries to canneries during the harvesting, canning or packing season, or potatoes, sugar beets, wild rice and rutabagas from the field of production to the first place of delivery or unloading, including but not limited to a processing plant, warehouse or railroad siding. This term shall also apply to a manufacturer, producer, dealer or distributor who, in the pursuit of his own business, owns and uses trucks for the purpose of transporting his own products, and shall apply to any person while engaged exclusively in the transportation of pulpwood, cord wood, mining timber, poles, posts, decorative evergreens, wood chips, sawdust, shavings and bark from the place where the products are produced to the point where they are to be used or shipped; *except that these manufacturers, producers, dealers or distributors transporting their own products and these persons engaged exclusively in the transportation of wood or wood products, together with any transporting vehicles licensed and registered for a gross vehicle weight of more than 10,000 pounds, shall be subject to the requirements of section 221.031 insofar as the provisions of that section apply to driver qualifications, maximum hours of service of drivers, and safety of operations and equipment.*

(d) Any person while exclusively engaged in the transportation of dirt and sod within an area having a 50 mile radius from his home post office.

(e) Any person while exclusively engaged in the transportation of sand, gravel, bituminous asphalt mix or crushed rock

to or from the point of loading or a place of gathering within an area having a 50 mile radius from his home post office or a 50 mile radius from the site of construction or maintenance of public roads and streets.

(f) Any person engaged in the transportation of household goods for the federal government or any agency thereof or the transportation of household goods for the state government or any agency thereof, where competitive bids are required by law shall be exempt from the provisions of section 221.161.

(g) Any person engaged in transporting property or freight, excepting household goods and petroleum products in bulk, when the movement is entirely within the corporate limits of a city or between contiguous cities.

(h) Emergency vehicles such as ambulances, tow trucks, and hearses when carrying proper and legal warning devices.

(i) Any person engaged in delivery or spreading of agricultural lime.

(j) Any person engaged in transporting rubbish as defined in section 443.27.

(k) Any person engaged in the transportation of grain samples under such terms and conditions as the commissioner or commission may prescribe.

(l) A motor vehicle, in this chapter referred to as a "commuter van," having a capacity of seven to 16 persons which is used principally to provide prearranged transportation of persons for a fee to or from their place of employment or to or from a transit stop authorized by a local transit authority which vehicle is to be operated by a person who does not drive the vehicle for his principal occupation but is driving it only to or from his principal place of employment, to or from a transit stop authorized by a local transit authority, or for personal use at other times by an authorized driver; provided, that commuter vans shall not be exempt from any provision of this chapter which by its terms explicitly applies to these vehicles."

Page 1, line 14, after "221.031," insert "Subdivision 1,"

Page 3, delete lines 3 to 17

Renumber the sections in sequence

Further, amend the title as follows:

Page 1, line 4, delete "permitting establishment of" and insert "requiring"

Page 1, line 11, after "221.031" insert "; Subdivision 1"; delete "and"; and before the period insert "; and Minnesota Statutes, 1979 Supplement, Section 221.011, Subdivision 22"

With the recommendation that when so amended the bill pass.

The report was adopted.

Vanasek from the Committee on Criminal Justice to which was referred:

S. F. No. 1652, A bill for an act relating to crimes; prescribing penalties for the possession of controlled substances on school premises; amending Minnesota Statutes 1978, Section 152.15, by adding a subdivision.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Casserly from the Committee on Local and Urban Affairs to which was referred:

S. F. No. 1755, A bill for an act relating to towns; permitting compensation and providing for mileage of deputy clerks; amending Minnesota Statutes 1978, Section 367.05, Subdivision 2.

Reported the same back with the following amendments:

Page 2, after line 6, add a new section to read:

"Sec. 2. [EFFECTIVE DATE.] *This act is effective on the day following its final enactment.*"

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 887, 908, 1035, 1090, 1362, 1408, 1459, 1769, 1824, 1906, 1925, 1929, 1941, 1957, 2075, 2101, 2132, 2134, 2135, 2141, 2142, 2153, 2198, 2203, 2208, 2259, 2262, 2285, 2289, 2295 and 2331 were read for the second time.

SECOND READING OF SENATE BILLS

S. F. Nos. 1054, 1652 and 1755 were read for the second time.

INTRODUCTION AND FIRST READING
OF HOUSE BILLS

The following House Files were introduced:

Rothenberg introduced:

H. F. No. 2420, A bill for an act relating to crimes; providing for admissibility of evidence of alcohol or controlled substance in blood, breath or urine in certain cases; amending Minnesota Statutes 1978, Section 169.121, Subdivision 2.

The bill was read for the first time and referred to the Committee on Criminal Justice.

Rothenberg introduced:

H. F. No. 2421, A bill for an act relating to crimes; authorizing the court to reduce certain public offenses to petty misdemeanors; prescribing penalties.

The bill was read for the first time and referred to the Committee on Criminal Justice.

Pehler and Casserly introduced:

H. F. No. 2422, A bill for an act relating to community reinvestment; establishing a program for reinvestment in fully developed areas in all parts of the state; fixing duties of the commissioner of economic development; appropriating money; amending Minnesota Statutes 1978, Chapter 362, by adding sections.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Osthoff introduced:

H. F. No. 2423, A bill for an act relating to taxation; allowing a carryforward of the political contribution income tax credit; amending Minnesota Statutes, 1979 Supplement, Section 290.06, Subdivision 11.

The bill was read for the first time and referred to the Committee on Taxes.

Pehler introduced:

H. F. No. 2424, A bill for an act relating to crimes; offense of dangerous weapons; increasing penalties; amending Minnesota Statutes 1978, Section 609.66, Subdivision 1.

The bill was read for the first time and referred to the Committee on Criminal Justice.

Jacobs introduced:

H. F. No. 2425, A bill for an act relating to taxation; sales tax; exempting certain admissions in connection with county fairs from the sales tax; amending Minnesota Statutes, 1979 Supplement, Section 297A.25, Subdivision 1.

The bill was read for the first time and referred to the Committee on Taxes.

Novak; Sieben, H.; Casserly; Anderson, I., and Kvam introduced:

H. F. No. 2426, A bill for an act relating to taxation; income; increasing the amount of exclusion for pension income; providing that the maximum exclusion shall be indexed to the cost of living; amending Minnesota Statutes, 1979 Supplement, Section 290.01, Subdivision 20.

The bill was read for the first time and referred to the Committee on Taxes.

Stadum, Metzen, Valan, Nysether and Brinkman introduced:

H. F. No. 2427, A bill for an act relating to taxation; authorizing the establishment of education savings accounts; providing that contributions to an account which are used exclusively in connection with the educational expenses of a child are deductible; providing tax penalties; amending Minnesota Statutes 1978, Sections 48.159; 50.157; 51A.21, by adding a subdivision; 290.09, by adding a subdivision; Chapter 52, by adding a section; and Minnesota Statutes, 1979 Supplement, Section 290.17, Subdivision 2.

The bill was read for the first time and referred to the Committee on Taxes.

Pleasant, Fudro, Haukoos and Levi introduced:

H. F. No. 2428, A bill for an act relating to drivers licenses; increasing fees for renewal of motorized bicycle operator permits and fees for drivers licenses; establishing a fee for the Minnesota identification card; providing for uniform application fees; amending Minnesota Statutes 1978, Sections 171.06, Subdivisions 1, 2, and 4; 171.07, Subdivision 3; and Minnesota Statutes, 1979 Supplement, Section 171.02, Subdivision 3.

The bill was read for the first time and referred to the Committee on Transportation.

Corbid, Brinkman, Adams, Ewald and Heinitz introduced:

H. F. No. 2429, A bill for an act relating to usury; changing the penalty for usurious loans made by state banks and savings banks; amending Minnesota Statutes 1978, Sections 334.02; 334.03; and Chapter 48, by adding a section.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Brinkman introduced:

H. F. No. 2430, A bill for an act relating to pollution; providing for a pilot pollution control project in the pollution control agency; appropriating money.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Sarna, Patton, Kaley, Kroening and Biersdorf introduced:

H. F. No. 2431, A bill for an act relating to retirement; Minneapolis teachers retirement fund association; providing for an ad hoc post retirement adjustment to certain benefit recipients; increasing percentage automatic annual post retirement adjustments for active members; increasing member contribution rate; authorizing amendment of articles of incorporation.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Long, Nelsen, M., and Otis introduced:

H. F. No. 2432, A bill for an act relating to taxation; income; providing that persons with limited employment income qualify for the homemaker credit; amending Minnesota Statutes 1978, Section 290.06, Subdivision 3e.

The bill was read for the first time and referred to the Committee on Taxes.

Johnson, C.; Valan; Sieben, H.; Kvam and Brinkman introduced:

H. F. No. 2433, A bill for an act relating to taxation; allowing an investment credit deduction; amending Minnesota Statutes 1978, Section 290.09, Subdivision 24.

The bill was read for the first time and referred to the Committee on Taxes.

Rothenberg, Heinitz, Heap, Blatz and Peterson, B., introduced:

H. F. No. 2434, A bill for an act relating to taxation; exempting certain income of elderly persons from taxation; amending Minnesota Statutes, 1979 Supplement, Section 290.01, Subdivision 20.

The bill was read for the first time and referred to the Committee on Taxes.

Greenfield, Jaros and Evans introduced:

H. F. No. 2435, A bill for an act relating to intoxicating liquor; permitting holders of on-sale wine licenses to sell intoxicating malt beverages; amending Minnesota Statutes 1978, Section 340.11, Subdivision 20.

The bill was read for the first time and referred to the Committee on Commerce, Economic Development and Housing.

Jaros, Berkelman, Munger and Lehto introduced:

H. F. No. 2436, A bill for an act relating to the city of Duluth; providing for certain city tax revenues; repealing Laws 1973, Chapter 461, as amended; and Laws 1977, Chapter 438, as amended.

The bill was read for the first time and referred to the Committee on Taxes.

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 Senate Files, herewith transmitted:

S. F. Nos. 1775 and 2123.

PATRICK E. FLAHAVER, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 1674, 1736 and 1745.

PATRICK E. FLAHAVER, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 1775, A bill for an act relating to workers' compensation; permitting the workers' compensation reinsurance association to incorporate; exempting the reinsurance association from taxation; providing for amendment to the reinsurance association plan of operation; making changes in rules, requirements and procedures affecting members of the reinsurance association; amending Minnesota Statutes, 1979 Supplement, Sections 79.34; 79.35; 79.36; 79.37; and 79.38; repealing Minnesota Statutes, 1979 Supplement, Sections 79.41 and 79.42.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

S. F. No. 2123, A bill for an act relating to Dakota County; providing for the expenses of the county commissioners; amending Laws 1961, Chapter 249, Section 2, as amended.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

S. F. No. 1674, A bill for an act relating to labor; exempting seamen from the fair labor standards act; amending Minnesota Statutes, 1979 Supplement, Section 177.23, Subdivision 7.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

S. F. No. 1736, A bill for an act relating to highways; providing a penalty for certain unlawful uses of or actions on public highways; prohibiting the erection of a fence on the right of way of a town road; amending Minnesota Statutes 1978, Section 160.27, Subdivision 5.

The bill was read for the first time and referred to the Committee on Transportation.

S. F. No. 1745, A bill for an act relating to counties; providing for publication and examination of accounts; amending Minnesota Statutes, 1979 Supplement, Section 375.17.

The bill was read for the first time.

Stoa moved that S. F. No. 1745 and H. F. No. 1735, now on the Technical Consent Calendar, be referred to the Chief Clerk for comparison. The motion prevailed.

REPORT FROM THE COMMITTEE ON RULES AND LEGISLATIVE ADMINISTRATION

Eken, from the Committee on Rules and Legislative Administration, pursuant to rule 1.9, designated the following bills as a Special Order to be acted upon immediately preceding General Orders for today, Tuesday, March 11, 1980:

H. F. Nos. 649, 1513, 1996, 184, 1286, 1656, 1666, 1692, 1695, 1732, 1779 and 1956.

SPECIAL ORDERS

H. F. No. 649 was reported to the House.

Kahn moved to amend H. F. No. 649, as follows:

Page 1, line 13, delete "new"

Page 1, line 16, after "first" insert "obtaining a license from the Minnesota environmental quality board pursuant to this act, and then"

Page 1, line 16, delete the second comma and insert a period

Page 1, delete line 17

Page 1, line 18, delete "environmental quality board."

Page 1, line 19, delete "present" and after "facility" insert "previously licensed under this act"

Page 1, line 20, delete "new"

Page 2, line 5, after the period insert "Information from the certificate of need application and hearings held pursuant to Minnesota Statutes, Section 116H.13 shall be made available and may be incorporated into the license application."

Page 4, line 12, delete "in perpetuity"

Page 4, line 14, delete "at all times"

The motion prevailed and the amendment was adopted.

CALL OF THE HOUSE

On the motion of Sieben, H., and on the demand of 10 members, a call of the House was ordered. The following members answered to their names:

Aasness	Ellingson	Kalis	Norman	Sieben, M.
Adams	Erickson	Kelly	Nysether	Simoneau
Ainley	Esau	Kempe	Olsen	Stoa
Albrecht	Evans	Kostohryz	Onnen	Stowell
Anderson, B.	Ewald	Kroening	Otis	Sviggum
Anderson, D.	Faricy	Kvam	Patton	Swanson
Anderson, G.	Fjoslien	Laidig	Pehler	Thiede
Anderson, I.	Forsythe	Lehto	Peterson, B.	Tomlinson
Anderson, R.	Friedrich	Levi	Peterson, D.	Valan
Battaglia	Fritz	Long	Piepho	Valento
Begich	Fudro	Ludeman	Pleasant	Voss
Berglin	Greenfield	Luknic	Prahl	Waldorf
Blatz	Halberg	Mann	Redalen	Weaver
Brinkman	Haukoos	McCarron	Reding	Welch
Byrne	Heap	McDonald	Rees	Welker
Carlson, D.	Hoberg	McEachern	Reif	Wenzel
Cassery	Hokanson	Mehrkens	Rodriguez	Wieser
Clark	Jacobs	Minne	Rose	Wigley
Clawson	Jaros	Moe	Rothenberg	Wynia
Crandall	Jennings	Munger	Sarna	Zubay
Dean	Johnson, C.	Murphy	Schreiber	Spkr. Norton
Den Ouden	Johnson, D.	Nelsen, B.	Searle	
Drew	Jude	Nelsen, M.	Searles	
Eken	Kahn	Nelson	Sherwood	
Elioff	Kaley	Niehaus	Sieben, H.	

Sieben, H., 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.

H. F. No. 649, A bill for an act relating to nuclear energy; providing for the storage and disposal of certain radioactive wastes; requiring licensure of radioactive waste management facilities in Minnesota.

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 66 yeas and 67 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Corbid	Kelly	Nelson	Stoa
Anderson, D.	Dean	Kempe	Novak	Swanson
Anderson, G.	Eken	Kostohryz	Otis	Tomlinson
Battaglia	Elioff	Kroening	Pehler	Vanasek
Begich	Ellingson	Laidig	Peterson, B.	Voss
Berglin	Farcy	Lehto	Peterson, D.	Waldorf
Berkelman	Fjoslien	Long	Prahl	Welch
Blatz	Greenfield	Luknic	Reding	Wenzel
Byrne	Hokanson	McCarron	Reif	Wynia
Carlson, D.	Jacobs	Metzen	Rice	Spkr. Norton
Carlson, L.	Jaros	Moe	Sherwood	
Casserly	Johnson, C.	Munger	Sieben, H.	
Clark	Jude	Murphy	Sieben, M.	
Clawson	Kahn	Nelsen, M.	Simoneau	

Those who voted in the negative were:

Aasness	Evans	Kalis	Olsen	Stadum
Adams	Ewald	Knickerbocker	Onnen	Stowell
Ainley	Forsythe	Kvam	Patton	Sviggum
Albrecht	Friedrich	Levi	Piepho	Thiede
Anderson, I.	Fritz	Ludeman	Pleasant	Valan
Anderson, R.	Fudro	Mann	Redalen	Valento
Biersdorf	Halberg	McDonald	Rees	Weaver
Brinkman	Haukoos	McEachern	Rodriguez	Welker
Crandall	Heap	Mehrkens	Rose	Wieser
Dempsey	Heinitz	Minne	Rothenberg	Wigley
Den Ouden	Hoberg	Nelsen, B.	Sarna	Zubay
Drew	Jennings	Niehaus	Schreiber	
Erickson	Johnson, D.	Norman	Searle	
Esau	Kaley	Nysether	Searles	

The bill was not passed as amended.

Johnson, C., was called to the chair by the Speaker.

CALL OF THE HOUSE LIFTED

Fritz moved that the call of the House be dispensed with. The motion prevailed and it was so ordered.

Ewald was excused for the remainder of today's session.

H. F. No. 1513 was reported to the House.

Munger; Carlson, D.; Murphy and Dean moved to amend H. F. No. 1513, as follows:

Page 3, line 9, after "palladium," insert "radium,"

Page 7, delete lines 12 through 19, and insert:

“(a) Upon application for a state permit required for activities relating to mineral deposit evaluation, the explorer shall submit to the commissioner of natural resources data relevant to the proposal under consideration. The explorer may designate portions of the data the release of which would impair the competitive position of the explorer submitting the data. Data so identified shall be considered confidential. Upon a request made of the commissioner to disclose the data, he shall mail notice of the disclosure request to the explorer, and shall make a determination whether release of such data would impair the competitive position of the explorer submitting the data. Upon a determination by the commissioner that release of such data would impair the competitive position of the explorer submitting the data, the commissioner of natural resources shall issue an order protecting such data from release to any person other than parties to the proceedings relating to the permit under consideration, provided however such parties shall maintain the confidentiality of such data and provided further that no protected data shall be released by the commissioner until 30 days after mailing notice to the explorer of his intention to do so and provided further, however, that no data shall be released by the commissioner of natural resources to any person, company, or organization engaged in exploration, mining, milling or related industry pertaining to any mineral. The explorer, may demand a hearing on the commissioner’s determination or may withdraw the permit application. Any person aggrieved by the decision of the commissioner may appeal therefrom to the district court pursuant to the administrative procedure act;

(b) Upon application for a state permit required for mine development, the explorer shall submit to the commissioner of natural resources data relevant to the proposal under consideration. This data shall not be considered confidential and persons submitting the data shall not be subject to civil or criminal liability for its use by others;”

Page 7, line 20, delete “(b)” and insert “(c)”

Page 8, after line 6, insert :

“(d) As used in this subdivision, “mineral deposit evaluation” means engaging in the examination of an area to determine the quality and quantity of minerals, other than by exploratory boring but including the obtaining of a bulk sample, by such means as excavating, trenching, construction of shafts, ramps, tunnels, pits and the production of refuse and other associated activities. “Mineral deposit evaluation” shall not include such activities when the activities are, by themselves, intended for commercial exploitation of the ore body. “Mine development” means those activities undertaken after mineral deposit evaluation for commercial exploitation of the ore body.”

Page 8, line 30, after "senate." insert "No state uranium lease shall be issued on state land for the purpose of uranium exploration or mining until the commission has completed its review or June 1, 1981, whichever is later."

The motion prevailed and the amendment was adopted.

H. F. No. 1513, A bill for an act relating to the environment; regulating activities of drillers of exploratory borings; specifying the powers and duties of public officers and agencies; providing penalties; amending Minnesota Statutes 1978, Sections 156A.01; 156A.02, Subdivision 1 and by adding subdivisions; 156A.03, Subdivision 1; 156A.04; 156A.08; and Chapter 156A, by adding a section.

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 6 nays as follows:

Those who voted in the affirmative were:

Aasness	Eken	Kalis	Niehaus	Sherwood
Adams	Elioff	Kelly	Norman	Sieben, H.
Albrecht	Ellingson	Kempe	Novak	Sieben, M.
Anderson, G.	Erickson	Knickerbocker	Nysether	Simoneau
Anderson, I.	Esau	Kostohryz	Olsen	Stadum
Battaglia	Evans	Kroening	Onnen	Stoa
Begich	Faricy	Kvam	Otis	Stowell
Berglin	Fjoslien	Laidig	Patton	Sviggum
Berkelman	Forsythe	Lehto	Pehler	Swanson
Biersdorf	Friedrich	Levi	Peterson, B.	Thiede
Blatz	Fudro	Long	Peterson, D.	Tomlinson
Brinkman	Greenfield	Luknic	Piepho	Valan
Byrne	Haukoos	McCarron	Pleasant	Valento
Carlson, D.	Heap	McDonald	Redalen	Vanasek
Carlson, L.	Heinitz	McEachern	Reding	Voss
Casserly	Hoberg	Mehrkens	Rees	Waldorf
Clark	Hokanson	Metzen	Reif	Weaver
Clawson	Jacobs	Minne	Rice	Welch
Corbid	Jaros	Moe	Rodriguez	Wenzel
Crandall	Johnson, C.	Munger	Rose	Wieser
Dean	Johnson, D.	Murphy	Rothenberg	Wigley
Dempsey	Jude	Nelsen, B.	Sarna	Wynia
Den Ouden	Kahn	Nelsen, M.	Searle	Zubay
Drew	Kaley	Nelson	Searles	Sprk. Norton

Those who voted in the negative were:

Anderson, D.	Jennings	Ludeman	Prahl	Welker
Fritz				

The bill was passed, as amended, and its title agreed to.

Speaker Norton resumed the chair.

H. F. No. 1996 was reported to the House.

Casserly moved to amend H. F. No. 1996 as follows:

Page 2, line 10, after "in" insert "gathering, processing,"

Page 2, line 11, after "geothermal" insert " , biomass, agricultural or forestry energy crops,"

Page 2, line 12, delete "source" and insert "sources"

The motion prevailed and the amendment was adopted.

H. F. No. 1996, A bill for an act relating to industrial development; providing for various energy related projects; amending Minnesota Statutes 1978, Sections 474.01, Subdivision 4; and 474.02, by adding subdivisions; and Minnesota Statutes, 1979 Supplement, Section 474.03.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 121 yeas and 2 nays as follows:

Those who voted in the affirmative were:

Aasness	Elioff	Kempe	Novak	Stadum
Adams	Ellingson	Knickerbocker	Nysether	Stoa
Ainley	Erickson	Kostohryz	Olsen	Stowell
Anderson, B.	Esau	Kroening	Onnen	Sviggum
Anderson, D.	Evans	Kvam	Otis	Swanson
Anderson, G.	Fjoslien	Lehto	Patton	Thiede
Anderson, I.	Forsythe	Levi	Pehler	Tomlinson
Battaglia	Friedrich	Long	Peterson, B.	Valan
Begich	Fudro	Ludeman	Peterson, D.	Valento
Berkelman	Greenfield	Luknic	Piepho	Vanasek
Biersdorf	Halberg	Mann	Pleasant	Voss
Blatz	Heap	McCarron	Prahl	Waldorf
Brinkman	Heinitz	McDonald	Redalen	Weaver
Byrne	Hoberg	McEachern	Reding	Welch
Carlson, D.	Hokanson	Mehrkens	Rees	Welker
Carlson, L.	Jacobs	Metzen	Reif	Wenzel
Casserly	Jaros	Minne	Rice	Wieser
Clark	Jennings	Moe	Rodriguez	Wigly
Corbid	Johnson, C.	Munger	Rothenberg	Wynia
Crandall	Johnson, D.	Murphy	Sarna	Zubay
Dean	Jude	Nelsen, B.	Schreiber	Spkr. Norton
Dempsey	Kahn	Nelsen, M.	Searle	
Den Ouden	Kaley	Nelson	Searles	
Drew	Kalis	Niehaus	Sherwood	
Eken	Kelly	Norman	Sieben, M.	

Those who voted in the negative were:

Faricy Fritz

The bill was passed, as amended, and its title agreed to.

Carlson, D., was excused for the remainder of today's session.

H. F. No. 184 was reported to the House.

Kahn and Laidig moved to amend H. F. No. 184 as follows:

Page 1, line 6, delete "the"

Page 1, line 7, delete "in St. Louis County and Lake County"

Page 1, line 12, delete "county boards of health" and insert "governing body of the respective city"

Page 1, line 15, delete "county" and insert "city"

Page 1, line 16, delete "county board of" and insert "governing body of that city"

Page 1, line 17, delete "commissioners"

Further, amend the title:

Page 1, line 2, delete "St. Louis and Lake Counties" and insert "Cities of the first class"

A roll call was requested and properly seconded.

The question was taken on the amendment and the roll was called. There were 41 yeas and 76 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Faricy	Murphy	Reding	Swanson
Berglin	Greenfield	Nelsen, M.	Rees	Thiede
Byrne	Jaros	Nelson	Reif	Waldorf
Carlson, L.	Kahn	Novak	Rothenberg	Wieser
Cassery	Knickerbocker	Olsen	Sherwood	Wynia
Clark	Laidig	Otis	Sieben, H.	
Clawson	Lehto	Peterson, B.	Sieben, M.	
Corbid	Long	Peterson, D.	Stoa	
Dean	McCarron	Prahl	Stowell	

Those who voted in the negative were:

Aasness	Blatz	Erickson	Halberg	Johnson, D.
Ainley	Brinkman	Esau	Haukoos	Jude
Albrecht	Crandall	Evans	Heap	Kaley
Anderson, I.	Dempsey	Fjoslien	Heinitz	Kalis
Anderson, R.	Den Ouden	Forsythe	Hoberg	Kelly
Battaglia	Drew	Friedrich	Hokanson	Kempe
Begich	Eken	Fritz	Jacobs	Kostohryz
Biersdorf	Elioff	Fudro	Jennings	Kroening

Levi	Minne	Redalen	Simoneau	Welker
Ludeman	Nelsen, B.	Rice	Stadum	Wenzel
Luknic	Niehaus	Rodriguez	Sviggum	Wigley
Mann	Norman	Rose	Tomlinson	Zubay
McDonald	Nysether	Sarna	Valan	
McEachern	Onnen	Schreiber	Valento	
Mehrkens	Patton	Searle	Vanasek	
Metzen	Piepho	Searles	Weaver	

The motion did not prevail and the amendment was not adopted.

Jude was excused for the remainder of today's session.

Battaglia moved to amend H. F. No. 184, as follows:

Page 1, line 6, delete "the cities" and insert "a city"

Page 1, line 7, delete "and Lake County"

Page 1, line 12, delete "boards" insert "board"

Page 1, line 15, delete "each" insert "the"

Further amend the title:

Line 2, delete "and Lake Counties" insert "County"

The motion prevailed and the amendment was adopted.

H. F. No. 184, A bill for an act relating to St. Louis County; requiring that restaurants comply with certain health laws.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 106 yeas and 12 nays as follows:

Those who voted in the affirmative were:

Aasness	Clark	Haukoos	Kvam	Nelsen, B.
Adams	Clawson	Heap	Laidig	Nelsen, M.
Ainley	Corbid	Hoberg	Lehto	Nelson
Albrecht	Dempsey	Hokanson	Levi	Niehaus
Anderson, B.	Drew	Jacobs	Long	Norman
Anderson, D.	Elioff	Jaros	Ludeman	Novak
Anderson, R.	Ellingson	Johnson, C.	Luknic	Nysether
Battaglia	Erickson	Johnson, D.	Mann	Olsen
Begich	Esau	Kahn	McCarron	Otis
Berglin	Evans	Kalis	McDonald	Patton
Berkelman	Faricy	Kelly	McEachern	Pehler
Blatz	Fjoslien	Kempe	Mehrkens	Peterson, B.
Byrne	Forsythe	Knickerbocker	Metzen	Peterson, D.
Carlson, L.	Friedrich	Kostohryz	Minne	Piepho
Casserly	Greenfield	Kroening	Murphy	Prahl

Redalen	Rothenberg	Sieben, M.	Tomlinson	Wieser
Reding	Sarna	Simoneau	Valento	Wynia
Rees	Schreiber	Stadum	Waldorf	Spkr. Norton
Reif	Searle	Stoa	Weaver	
Rice	Searles	Stowell	Welch	
Rodriguez	Sherwood	Swanson	Welker	
Rose	Sieben, H.	Thiede	Wenzel	

Those who voted in the negative were:

Anderson, I.	Dean	Heinitz	Valan	Wigley
Biersdorf	Den Ouden	Onnen	Vanasek	
Brinkman	Fritz	Pleasant		

The bill was passed, as amended, and its title agreed to.

H. F. No. 1286 was reported to the House.

Ainley moved to amend H. F. No. 1286, as follows:

Page 2, line 20, after "*space*" delete "*, taken as an aggregate,*"

Page 2, line 23, after "*weekly*" insert "*or 50 percent, if weekly*"

The motion prevailed and the amendment was adopted.

H. F. No. 1286, A bill for an act relating to commerce; providing for the qualification of free distribution newspapers as legal newspapers; amending Minnesota Statutes 1978, Section 331.02, Subdivisions 1 and 6; repealing Minnesota Statutes 1978, Sections 16.61 and 331.09.

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 87 yeas and 36 nays as follows:

Those who voted in the affirmative were:

Adams	Ellingson	Kalis	Minne	Pleasant
Ainley	Forsythe	Kelly	Munger	Prahl
Berglin	Fudro	Kempe	Murphy	Reding
Berkelman	Greenfield	Knickerbocker	Nelsen, B.	Rees
Blatz	Halberg	Kroening	Nelsen, M.	Reif
Brinkman	Haukoos	Laidig	Nelson	Rice
Byrne	Heap	Lehto	Norman	Rodriguez
Carlson, L.	Heinitz	Levi	Novak	Rose
Casserly	Hoberg	Long	Nysether	Schreiber
Clark	Hokanson	Ludeman	Olsen	Searle
Clawson	Jacobs	Luknic	Otis	Searles
Corbid	Jaros	McDonald	Patton	Sherwood
Crandall	Johnson, D.	McEachern	Pehler	Sieben, H.
Dean	Kahn	Mehrkens	Peterson, D.	Simoneau
Eken	Kaley	Metzen	Piepho	Stadum

Stoa	Thiede	Vanasek	Wenzel	Spkr. Norton
Stowell	Tomlinson	Voss	Wynia	
Swanson	Valento	Waldorf		

Those who voted in the negative were:

Albrecht	Biersdorf	Fjoslien	Onnen	Welker
Anderson, B.	Dempsey	Fritz	Peterson, B.	Wieser
Anderson, D.	Den Ouden	Jennings	Redalen	Wigley
Anderson, G.	Drew	Johnson, C.	Sieben, M.	Zubay
Anderson, I.	Erickson	Kostohryz	Sviggum	
Anderson, R.	Esau	Kvam	Valan	
Battaglia	Evans	Mann	Weaver	
Begich	Faricy	Niehaus	Welch	

The bill was passed, as amended, and its title agreed to.

Faricy was called to the chair by the Speaker.

H. F. No. 1656, A bill for an act relating to motor vehicles; providing for delivery of motor vehicle certificates of title to owners upon satisfaction of a security interest; amending Minnesota Statutes 1978, Section 168A.20, Subdivision 1.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 123 yeas and 3 nays as follows:

Those who voted in the affirmative were:

Adams	Eken	Kelly	Niehaus	Sieben, H.
Ainley	Elioff	Kempe	Norman	Simoneau
Albrecht	Ellingson	Knickerbocker	Nysether	Stadum
Anderson, B.	Erickson	Kostohryz	Onnen	Stoa
Anderson, D.	Evans	Kroening	Otis	Stowell
Anderson, G.	Faricy	Kvam	Patton	Sviggum
Anderson, I.	Fjoslien	Laidig	Pehler	Swanson
Anderson, R.	Friedrich	Lehto	Peterson, B.	Thiede
Battaglia	Fritz	Levi	Peterson, D.	Tomlinson
Begich	Fudro	Long	Piepho	Valan
Berglin	Greenfield	Ludeman	Pleasant	Valento
Berkelman	Halberg	Luknic	Prahl	Vanasek
Biersdorf	Haukoos	Mann	Redalen	Voss
Blatz	Heap	McCarron	Reding	Waldorf
Brinkman	Heinitz	McDonald	Rees	Weaver
Byrne	Hoberg	McEachern	Reif	Weich
Carlson, L.	Hokanson	Mehrkens	Rice	Welker
Casserly	Jacobs	Metzen	Rodriguez	Wenzel
Clark	Jaros	Minne	Rose	Wieser
Clawson	Jennings	Moe	Rothenberg	Wigley
Crandall	Johnson, C.	Munger	Sarna	Wynia
Dean	Johnson, D.	Murphy	Schreiber	Zubay
Dempsey	Kahn	Nelsen, B.	Searle	Spkr. Norton
Den Ouden	Kaley	Nelsen, M.	Searles	
Drew	Kalis	Nelson	Sherwood	

Those who voted in the negative were:

Corbid Novak Sieben, M.

The bill was passed and its title agreed to.

H. F. No. 1666, A bill for an act relating to transportation; repealing a certain administrative rule of the department of transportation enforcing parallel parking on certain streets and highways.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 125 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Drew	Kaley	Nelson	Searles
Adams	Eken	Kalis	Niehaus	Sherwood
Ainley	Elioff	Kelly	Norman	Sieben, H.
Albrecht	Ellingson	Kempe	Novak	Sieben, M.
Anderson, B.	Erickson	Knickerbocker	Nysether	Simoneau
Anderson, D.	Evans	Kostohryz	Onnen	Stadum
Anderson, G.	Faricy	Kroening	Otis	Stoa
Anderson, I.	Fjoslien	Kvam	Patton	Stowell
Anderson, R.	Forsythe	Laidig	Pehler	Swanson
Battaglia	Friedrich	Lehto	Peterson, B.	Thiede
Begich	Fritz	Long	Peterson, D.	Tomlinson
Berglin	Fudro	Ludeman	Piepho	Valan
Berkelman	Greenfield	Luknic	Pleasant	Valento
Biersdorf	Halberg	Mann	Prahl	Vanasek
Blatz	Haukoos	McCarron	Redalen	Voss
Brinkman	Heap	McDonald	Reding	Waldorf
Byrne	Heinitz	McEachern	Rees	Weaver
Carlson, L.	Hoberg	Mehrkens	Reif	Welch
Clark	Hokanson	Metzen	Rice	Welker
Clawson	Jacobs	Minne	Rodriguez	Wenzel
Corbid	Jaros	Moe	Rose	Wieser
Crandall	Jennings	Munger	Rothenberg	Wigley
Dean	Johnson, C.	Murphy	Sarna	Wynia
Dempsey	Johnson, D.	Nelsen, B.	Schreiber	Zubay
Den Ouden	Kahn	Nelsen, M.	Searle	Sprk. Norton

The bill was passed and its title agreed to.

H. F. No. 1692, A bill for an act relating to insurance; requiring the issuance of temporary licenses to certain qualified persons; amending Minnesota Statutes 1978, Section 60A.17, by adding a subdivision.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 124 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Elioff	Kelly	Norman	Sieben, H.
Adams	Ellingson	Kempe	Novak	Sieben, M.
Albrecht	Erickson	Knickerbocker	Nysether	Simoneau
Anderson, B.	Evans	Kostohryz	Onnen	Stadium
Anderson, D.	Faricy	Kroening	Otis	Stoa
Anderson, G.	Fjoslien	Kvam	Patton	Stowell
Anderson, I.	Forsythe	Laidig	Pehler	Sviggum
Anderson, R.	Friedrich	Lehto	Peterson, B.	Swanson
Battaglia	Fritz	Levi	Peterson, D.	Thiede
Begich	Fudro	Long	Piepho	Tomlinson
Berglin	Greenfield	Ludeman	Pleasant	Valan
Berkelman	Halberg	Mann	Prahl	Valento
Blatz	Haukoos	McCarron	Redalen	Vanasek
Brinkman	Heap	McDonald	Reding	Voss
Byrne	Heinitz	McEachern	Rees	Waldorf
Carlson, L.	Hoberg	Mehrkens	Reif	Weaver
Casserly	Hokanson	Metzen	Rice	Welch
Clark	Jacobs	Minne	Rodriguez	Welker
Corbid	Jaros	Moe	Rose	Wenzel
Crandall	Jennings	Munger	Rothenberg	Wieser
Dean	Johnson, C.	Murphy	Sarna	Wigley
Dempsey	Johnson, D.	Nelsen, B.	Schreiber	Wynia
Den Ouden	Kahn	Nelsen, M.	Searle	Zubay
Drew	Kaley	Nelson	Searles	Sprk. Norton
Eken	Kalis	Niehaus	Sherwood	

The bill was passed and its title agreed to.

H. F. No. 1695, A bill for an act relating to highways; providing that a resolution of a county board revoking a county highway that would revert to a town is not effective until the highway meets town road specification standards; amending Minnesota Statutes 1978, Section 163.11, Subdivision 5a.

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 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Byrne	Evans	Jennings	Ludeman
Adams	Carlson, L.	Faricy	Johnson, C.	Luknic
Ainley	Casserly	Fjoslien	Johnson, D.	Mann
Albrecht	Clark	Forsythe	Kahn	McCarron
Anderson, B.	Clawson	Friedrich	Kaley	McDonald
Anderson, D.	Corbid	Fritz	Kalis	McEachern
Anderson, G.	Crandall	Fudro	Kelly	Mehrkens
Anderson, I.	Dean	Greenfield	Kempe	Metzen
Anderson, R.	Dempsey	Halberg	Knickerbocker	Minne
Battaglia	Den Ouden	Haukoos	Kostohryz	Moe
Begich	Drew	Heap	Kroening	Munger
Berglin	Eken	Heinitz	Kvam	Murphy
Berkelman	Elioff	Hoberg	Laidig	Nelsen, B.
Biersdorf	Ellingson	Hokanson	Lehto	Nelsen, M.
Blatz	Erickson	Jacobs	Levi	Nelson
Brinkman	Esau	Jaros	Long	Niehaus

Norman	Pleasant	Sarna	Stowell	Weaver
Novak	Prahl	Schreiber	Sviggum	Welch
Nysether	Redalen	Searle	Swanson	Welker
Onnen	Reding	Searles	Thiede	Wenzel
Otis	Rees	Sherwood	Tomlinson	Wieser
Patton	Reif	Sieben, H.	Valan	Wigley
Pehler	Rice	Sieben, M.	Valento	Wynia
Peterson, B.	Rodriguez	Simoneau	Vanasek	Zubay
Peterson, D.	Rose	Stadum	Voss	Spkr. Norton
Piepho	Rothenberg	Stoa	Waldorf	

The bill was passed and its title agreed to.

H. F. No. 1732, A bill for an act relating to motor vehicle carriers; defining courier services carrier; providing the procedures for granting permits to courier services carriers; excluding courier service carriers from the term regular route common carrier; amending Minnesota Statutes 1978, Sections 221.011, Subdivision 9, and by adding a subdivision; and 221.121, by adding a subdivision.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 128 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Eken	Kalis	Norman	Sieben, H.
Adams	Elioff	Kelly	Novak	Sieben, M.
Ainley	Ellingson	Kempe	Nysether	Simoneau
Albrecht	Erickson	Knickerbocker	Olsen	Stadum
Anderson, B.	Esau	Kostohryz	Onnen	Stoa
Anderson, D.	Evans	Kroening	Otis	Stowell
Anderson, G.	Faricy	Kvam	Patton	Sviggum
Anderson, I.	Fjoslien	Laidig	Pehler	Swanson
Anderson, R.	Forsythe	Lehto	Peterson, B.	Thiede
Battaglia	Friedrich	Levi	Peterson, D.	Tomlinson
Begich	Fritz	Long	Piepho	Valan
Berglin	Fudro	Ludeman	Pleasant	Valento
Berkelman	Greenfield	Luknic	Prahl	Vanasek
Biersdorf	Halberg	Mann	Redalen	Voss
Blatz	Haukoos	McCarron	Reding	Waldorf
Brinkman	Heap	McDonald	Rees	Weaver
Byrne	Heinitz	McEachern	Reif	Welch
Carlson, L.	Hoberg	Metzen	Rice	Welker
Casserly	Hokanson	Minne	Rodriguez	Wenzel
Clark	Jacobs	Moe	Rose	Wieser
Corbid	Jaros	Munger	Rothenberg	Wigley
Crandall	Jennings	Murphy	Sarna	Wynia
Dean	Johnson, C.	Nelsen, B.	Schreiber	Zubay
Dempsey	Johnson, D.	Nelsen, M.	Searle	Spkr. Norton
Den Ouden	Kahn	Nelson	Searles	
Drew	Kaley	Niehaus	Sherwood	

The bill was passed and its title agreed to.

H. F. No. 1779 was reported to the House.

Sieben, H., moved that H. F. No. 1779 be continued on Special Orders. The motion prevailed.

H. F. No. 1956 was reported to the House.

Casserly moved to amend H. F. No. 1956, as follows:

Page 4, line 7, delete "and,"

Page 4, line 8, delete "if necessary, from the general fund"

The motion prevailed and the amendment was adopted.

Casserly moved to amend H. F. No. 1956, as follows:

Page 7, after line 18, insert a new section to read:

"Sec. 9. Minnesota Statutes 1978, Section 541.024, Subdivision 1, is amended to read:

541.024 [LIMITATION OF ACTIONS AFFECTING TITLE TO OR POSSESSION OF TAX FORFEITED LANDS.] Subdivision 1. As against a real estate title based upon or derived from a county auditor's certificate of forfeiture, or auditor's certificate of sale or state assignment certificate which has been of record for at least (TEN) *four* years in the office of the county recorder or in the office of the registrar of titles, no action affecting the possession or title of the real estate shall be commenced on or after June 15, 1978, to enforce any adverse right, claim, interest, incumbrance or lien, based upon the alleged invalidity of the county auditor's certificate of forfeiture, or auditor's certificate of sale or state assignment certificate."

Renumber sections accordingly.

Further amend the title, as follows:

Page 1, line 9, delete "and"

Page 1, line 9, after "508.82;" insert "and 541.024, Subdivision 1;"

The motion prevailed and the amendment was adopted.

H. F. No. 1956, A bill for an act relating to real estate; providing for a state land registration assurance fund; combining the tax forfeited land assurance account with the land registration assurance fund; eliminating separate county assurance funds; appropriating money; amending Minnesota Statutes

1978, Sections 284.28, Subdivisions 8, 9 and 10; 508.75; 508.77; 508.79; 508.82; and 541.024, Subdivision 1; repealing Minnesota Statutes 1978, Section 508.83.

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 3 nays as follows:

Those who voted in the affirmative were:

Aasness	Drew	Kempe	Nysether	Sieben, M.
Adams	Eken	Knickerbocker	Olsen	Simoneau
Ainley	Elioff	Kostohryz	Onnen	Stadum
Albrecht	Erickson	Kroening	Osthoff	Stoa
Anderson, B.	Esau	Kvam	Otis	Stowell
Anderson, D.	Evans	Laidig	Patton	Sviggum
Anderson, G.	Faricy	Lehto	Pehler	Swanson
Anderson, I.	Fjoslien	Levi	Peterson, B.	Thiede
Anderson, R.	Forsythe	Long	Peterson, D.	Tomlinson
Battaglia	Friedrich	Luknic	Piepho	Valan
Begich	Fudro	Mann	Pleasant	Valento
Berglin	Greenfield	McCarron	Prahl	Vanasek
Berkelman	Halberg	McDonald	Redalen	Voss
Biersdorf	Haukoos	McEachern	Reding	Waldorf
Blatz	Heap	Mehrkens	Rees	Weaver
Brinkman	Heinitz	Metzen	Reif	Welch
Byrne	Hoberg	Minne	Rice	Welker
Carlson, L.	Hokanson	Moe	Rodriguez	Wenzel
Casserly	Jacobs	Munger	Rose	Wieser
Clark	Jaros	Murphy	Rothenberg	Wigley
Clawson	Johnson, C.	Nelsen, B.	Sarna	Wynia
Corbid	Johnson, D.	Nelsen, M.	Schreiber	Zubay
Crandall	Kahn	Nelson	Searle	Spkr. Norton
Dean	Kaley	Niehaus	Searles	
Dempsey	Kalis	Norman	Sherwood	
Den Ouden	Kelly	Novak	Sieben, H.	

Those who voted in the negative were:

Fritz Jennings Ludeman

The bill was passed, as amended, and its title agreed to.

Speaker Norton resumed the chair.

GENERAL ORDERS

Sieben, H., moved that the bills on General Orders for today be continued. The motion prevailed.

MOTIONS AND RESOLUTIONS

Wynia moved that the name of Novak be added as an author on H. F. No. 1090. The motion prevailed.

Waldorf moved that the name of Valento be stricken and the name of Searle be added as an author on H. F. No. 1257. The motion prevailed.

Reding moved that his name be stricken as an author on H. F. No. 1730. The motion prevailed.

Pleasant moved that his name be stricken as an author on H. F. No. 2212. The motion prevailed.

Johnson, C., moved that the name of Searle be added as an author on H. F. No. 2353. The motion prevailed.

Kvam moved that the name of Drew be added as an author on H. F. No. 2382. The motion prevailed.

Sieben, H., moved that the name of Sviggum be added as an author on H. F. No. 2028. The motion prevailed.

Nelsen, M., moved that S. F. No. 407 be recalled from the Committee on Governmental Operations and be re-referred to the Committee on Local and Urban Affairs. The motion prevailed.

Nelsen, M., moved that the name of Brinkman be stricken, the name of Casserly be added as chief author, and the name of Nelsen, M., be shown as second author on H. F. No. 2350. The motion prevailed.

Peterson, B., moved that the name of Blatz be shown as chief author, the name of Peterson, B., be shown as second author and the name of Swanson be added as an author on House Resolution No. 33. The motion prevailed.

Kalis moved that the name of Jude be added as an author on H. F. No. 1834. The motion prevailed.

Albrecht moved that the name of Anderson, G., be added as an author on H. F. No. 2273. The motion prevailed.

Casserly moved that H. F. No. 2283 be recalled from the Committee on Commerce, Economic Development and Housing and be re-referred to the Committee on Local and Urban Affairs. The motion prevailed.

McEachern moved that the name of Kalis be added as an author on H. F. No. 2127. The motion prevailed.

Heinitz moved that the name of Simoneau be stricken as an author on H. F. No. 1645. The motion prevailed.

Berglin moved that the name of Long be added as an author on H. F. No. 2299. The motion prevailed.

Sviggum moved that H. F. No. 1939 be returned to its author. The motion prevailed.

Wigley moved that H. F. No. 417 be returned to its author. The motion prevailed.

Luknic moved that H. F. No. 172 be returned to its author. The motion prevailed.

Long moved that H. F. No. 2345 be returned to its author. The motion prevailed.

CALL OF THE HOUSE

On the motion of Halberg and on the demand of 10 members, a call of the House was ordered. The following members answered to their names:

Aasness	Drew	Kempe	Nysether	Sieben, M.
Adams	Eken	Knickerbocker	Olsen	Simoneau
Ainley	Elioff	Kostohryz	Onnen	Stadum
Albrecht	Ellingson	Kroening	Osthoff	Stoa
Anderson, B.	Erickson	Kvam	Otis	Stowell
Anderson, D.	Esau	Laidig	Patton	Sviggum
Anderson, G.	Evans	Lehto	Pehler	Swanson
Anderson, I.	Faricy	Levi	Peterson, B.	Thiede
Anderson, R.	Fjoslien	Long	Peterson, D.	Tomlinson
Battaglia	Forsythe	Ludeman	Piepho	Valan
Begich	Friedrich	Luknic	Pleasant	Valento
Berglin	Fudro	Mann	Prahl	Vanasek
Berkelman	Greenfield	McCarron	Redalen	Voss
Biersdorf	Haukoos	McDonald	Reding	Weaver
Blatz	Heap	McEachern	Rees	Welch
Brinkman	Heinitz	Mehrkens	Reif	Welker
Byrne	Hoberg	Metzen	Rice	Wenzel
Carlson, L.	Hokanson	Minne	Rodriguez	Wieser
Casserly	Jacobs	Munger	Rose	Wigley
Clark	Jaros	Murphy	Rothenberg	Wynia
Clawson	Jennings	Nelsen, B.	Sarna	Zubay
Corbid	Johnson, C.	Nelsen, M.	Schreiber	Spkr. Norton
Crandall	Johnson, D.	Nelson	Searle	
Dean	Kahn	Niehaus	Searles	
Dempsey	Kaley	Norman	Sherwood	
Den Ouden	Kalis	Novak	Sieben, H.	

Anderson, I., 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.

Halberg moved that, pursuant to House Rule 1.15, H. F. No. 1871 be recalled from the Committee on Appropriations, be given its second reading and be advanced to General Orders.

POINT OF ORDER

Voss raised a point of order that the Halberg motion was out of order pursuant to House Rule 1.15.

Pursuant to Section 244, "Mason's Manual of Legislative Procedure", the Speaker deferred his decision on the Voss point of order.

Piepho moved that H. F. No. 2064 be returned to its author. The motion prevailed.

Pehler introduced:

House Resolution No. 34, A house resolution relating to Handicapped Awareness Week.

The resolution was referred to the Committee on Health and Welfare.

ADJOURNMENT

Sieben, H., moved that when the House adjourns today it adjourn until 2:00 p.m., Thursday, March 13, 1980. The motion prevailed.

Sieben, H., moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:00 p.m., Thursday, March 13, 1980.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

STATE OF MINNESOTA

SEVENTY-FIRST SESSION - 1980

SEVENTY-SEVENTH DAY

SAINT PAUL, MINNESOTA, WEDNESDAY, MARCH 12, 1980

The Senate met on Wednesday, March 12, 1980, which was the Seventy-seventh Legislative Day of the Seventy-first Session of the Minnesota State Legislature. The House of Representatives did not meet on this date.

STATE OF MINNESOTA

SEVENTY-FIRST SESSION - 1980

SEVENTY-EIGHTH DAY

SAINT PAUL, MINNESOTA, THURSDAY, MARCH 13, 1980

The House of Representatives convened at 2:00 p.m. and was called to order by the Speaker.

Prayer was offered by the Chaplain.

The roll was called and the following members were present:

Aasness	Eken	Kaley	Niehaus	Sieben, M.
Adams	Elioff	Kalis	Norman	Simoneau
Ainley	Ellingson	Kelly	Novak	Stadum
Albrecht	Erickson	Kempe	Nysether	Stoa
Anderson, B.	Esau	Knickerbocker	Olsen	Stowell
Anderson, D.	Evans	Kostohryz	Onnen	Sviggum
Anderson, G.	Ewald	Kroening	Osthoff	Swanson
Anderson, I.	Faricy	Kvam	Otis	Thiede
Anderson, R.	Fjoslien	Laidig	Patton	Tomlinson
Battaglia	Forsythe	Lehto	Pehler	Valan
Begich	Friedrich	Levi	Peterson, B.	Valento
Berglin	Fritz	Long	Peterson, D.	Vanasek
Berkelman	Fudro	Ludeman	Piepho	Voss
Blatz	Greenfield	Luknic	Pleasant	Waldorf
Brinkman	Halberg	Mann	Prahl	Weaver
Byrne	Haukoos	McCarron	Redalen	Welch
Carlson, D.	Heap	McDonald	Reding	Welker
Carlson, L.	Heinitz	McEachern	Rees	Wenzel
Casserly	Hoberg	Mehrkens	Reif	Wieser
Clark	Hokanson	Metzen	Rodriguez	Wigley
Clawson	Jacobs	Minne	Rose	Wynia
Corbid	Jaros	Moe	Rothenberg	Zubay
Crandall	Jennings	Munger	Sarna	Spkr. Norton
Dean	Johnson, C.	Murphy	Schreiber	
Dempsey	Johnson, D.	Nelsen, B.	Searles	
Den Ouden	Jude	Nelsen, M.	Sherwood	
Drew	Kahn	Nelson	Sieben, H.	

A quorum was present.

Biersdorf, Rice and Searle were excused.

The Chief Clerk proceeded to read the Journal of the preceding day. Stowell moved that further reading of the Journal be dispensed with and that the Journal be approved as corrected by the Chief Clerk. The motion prevailed.

REPORTS OF CHIEF CLERK

Pursuant to Rules of the House, printed copies of H. F. Nos. 942, 1349, 1400, 1730, 1795, 1798, 1823, 1825, 1846, 1856, 1895, 2081, 2119, 2121, 2122, 2222, 2287, 2284, 1931, 960, 1765, 1844, 2137, 2302, 542, 1143, 1373, 1727, 1735, 1794, 1872, 1892, 1949, 1995, 2187, 2205, 1591, 1706, 1890, 1962, 2043, 2088, 2111, 2212, 1661, 1774, 1777, 2067, 1095, 1142, 1190, 1577, 1930, 2040, 2051, 1743, 1835, 1769, 1824, 1906, 1925, 2134, 2135, 2141, 2142, 2198, 2262, 2289, 2295, 2153, 2208, 2259, 1362, 2075, 1090, 1286, 1408, 1957, 2285, 908, 2101, 184, 1035, 1459, 1513, 1929, 1941, 1956, 1996, 2132, 2203, 2331 and 887 and S. F. Nos. 1775, 2123, 1674, 1736, 1745 and 1755 have been placed in the members' files.

S. F. No. 1745 and H. F. No. 1735, which had been referred to the Chief Clerk for comparison, were examined and found to be identical, with certain exceptions.

SUSPENSION OF RULES

Stoa moved that the rules be so far suspended that S. F. No. 1745 be substituted for H. F. No. 1735 and that the House File be indefinitely postponed. The motion prevailed.

PETITIONS AND COMMUNICATIONS

The following communications were received:

STATE OF MINNESOTA
OFFICE OF THE SECRETARY OF STATE
ST. PAUL 55155

March 10, 1980

The Honorable Fred C. Norton
Speaker of the House of Representatives

The Honorable Edward J. Gearty
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1980 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

<i>S.F.</i> <i>No.</i>	<i>H.F.</i> <i>No.</i>	<i>Session Laws</i> <i>Chapter No.</i>	<i>Date Approved</i> <i>1980</i>	<i>Date Filed</i> <i>1980</i>
1848		350	March 10	March 10

Sincerely,

JOAN ANDERSON GROWE
Secretary of State

STATE OF MINNESOTA
OFFICE OF THE GOVERNOR
ST. PAUL 55155

March 7, 1980

The Honorable Fred Norton
Speaker of the House
3rd Floor State Office Bldg.

Dear Sir:

The following appointment to the State Ethical Practices Board is hereby respectfully submitted to the House for confirmation as required by law:

Henry J. Savelkoul, RR 1, Albert Lea, Freeborn County, has been appointed by me, effective March 7, 1980, for a term expiring on the first Monday in January, 1984.

Sincerely yours,

ALBERT H. QUIB
Governor

The communication relating to the Ethical Practices Board was referred to the Committee on General Legislation and Veterans Affairs.

REPORTS OF STANDING COMMITTEES

Mann from the Committee on Agriculture to which was referred:

H. F. No. 1027, A bill for an act relating to agriculture; prohibiting certain garbage feeding of animals; providing a penalty; amending Minnesota Statutes 1978, Chapter 35, by adding a section.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1978, Chapter 35, is amended by adding a section to read:

[35.761] [GARBAGE FEEDING PROHIBITED.] *Subdivision 1. No person shall feed or permit the feeding of foreign produced garbage to any livestock or poultry. For the purposes of this section, “foreign produced garbage” means garbage*

deposited in the state by any common carrier, ship or aircraft originating from a point outside of the state or all other garbage containing meat or meat by-products except that produced from waste food generated solely within the state.

Subd. 2. The board may make reasonable inspections necessary for the enforcement of subdivision 1.

Subd. 3. The board may seek an injunction to enjoin violation of subdivision 1.

Subd. 4. Any person violating subdivision 1, is guilty of a misdemeanor. Each day upon which a violation occurs constitutes a separate violation."

Further, amend the title as follows:

Page 1, line 2, delete "certain" and insert "foreign produced"

With the recommendation that when so amended the bill pass.

The report was adopted.

Casserly from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 1355, A bill for an act relating to metropolitan government; removing the city of Northfield from definition of metropolitan areas; adding the city of Northfield to region ten; amending Minnesota Statutes 1978, Sections 473.121, Subdivision 2; 473.123, Subdivision 3; 473.403; 473F.02, Subdivisions 2 and 8.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Moe from the Committee on Governmental Operations to which was referred:

H. F. No. 1443, A bill for an act relating to transportation; providing for transfer of certain duties, powers and functions of the public service commission and the commissioner of transportation to the transportation regulation board; regulating railroads and other common carriers of persons or property for hire; providing penalties; appropriating funds; amending Minnesota Statutes 1978, Sections 15A.081, Subdivision 1; 174.02, Subdivision 4; 174.03, Subdivision 2; 174.10, Subdivisions 1, 3, 4; 218.011, Subdivision 7; 218.021; 218.025; 218.031, Subdivisions 1, 6, 8, 10; 218.041; 218.071; 219.03; 219.14; 219.23; 219.24; 219.25; 219.27; 219.28; 219.383; 219.39; 219.40; 219.41; 219.42;

219.43; 219.46, Subdivision 7; 219.47; 219.51; 219.52; 219.54; 219.55; 219.562, Subdivision 3; 219.65; 219.681; 219.70; 219.71; 219.741; 219.85; 219.86; 219.87; 221.011, Subdivisions 2b, 15, 22; 221.021; 221.031, Subdivision 1; 221.041; 221.051; 221.061; 221.071; 221.081; 221.101; 221.121; 221.131; 221.141, Subdivision 2; 221.151; 221.161; 221.171; 221.181; 221.221; 221.261; 221.271; 221.281; 221.291, Subdivision 1; 221.293; 221.295; 221.296, Subdivisions 2, 3, 4, 8; 221.55; 221.68; repealing Minnesota Statutes 1978, Section 219.742.

Reported the same back with the following amendments:

Page 4, delete lines 30 to 33.

Page 5, delete lines 1 to 21, and insert a new section to read:

"Sec. 4. [HEARINGS.] All hearings required to be conducted by the transportation regulation board shall be conducted pursuant to sections 15.041 to 15.052."

Pages 7 to 9, delete Sec. 12 and insert:

"Sec. 12. Minnesota Statutes, 1979 Supplement, Section 15A.081, Subdivision 1, is amended to read:

15A.081 [SALARIES AND SALARY RANGES FOR CERTAIN EMPLOYEES.] Subdivision 1. The following salaries or salary ranges are provided for the below listed employees in the executive branch of government:

	Salary or Range	
	Effective July 1, 1979	Effective July 1, 1980
Administration, department of commissioner	\$44,000	\$47,000
Agriculture, department of commissioner	38,000	40,000
Commerce, department of commissioner of banks	34,000	36,500
commissioner of insurance	34,000	36,500
commissioner of securities	34,000	36,500
director of consumer services	28,000	30,000
Community college system chancellor	44,000	46,000

Corrections, department of commissioner	42,000	45,000
ombudsman	33,000	35,000
Crime control planning board, executive director	33,000	35,000
Economic development, department of commissioner	34,000	36,000
Economic security, department of commissioner	43,000	45,000
Education, department of commissioner	43,000	45,000
Energy agency director	38,000	40,000
Finance, department of commissioner	48,000	50,000
Health, department of commissioner	47,000	49,000
Hearing examiners office chief hearing examiner	38,000	40,000
Higher education coordinating board executive director	40,000	42,000
Housing finance agency executive director	39,000	41,000
Human rights, department of commissioner	31,000	33,000
Indian affairs board executive director	27,000	29,000
Investment, board of executive secretary	42,000	44,000
Iron range resources and rehabilitation board commissioner	30,000	31,000
Labor and industry, department of commissioner	38,000	40,000

judge of the workers' compensation court of appeals	38,000	40,000
Mediation services, bureau of director	36,000	38,000
Natural resources, department of commissioner	44,000	47,000
Personnel, department of commissioner	44,000	47,000
Planning agency director	43,000	45,000
Pollution control agency director	38,000	40,000
Public safety, department of commissioner	38,000	41,000
Public service, department of commissioner, public service commission ..	34,000	36,000
director	34,000	36,000
Public welfare, department of commissioner	44,000	48,000
Revenue, department of commissioner	44,000	47,000
State university system chancellor	44,000	46,000
Transportation, department of commissioner	44,000	48,000
<i>Transportation, regulation board, board member</i>		<i>32,000</i>
Veterans affairs, department of commissioner	31,000	33,000"

Page 37, line 27, after "protection" insert "by any political subdivision of the state"

Pages 45 to 47 delete Sec. 57. and insert:

"Sec. 57. Minnesota Statutes, 1979 Supplement, Section 221.011, Subdivision 22, is amended to read:

Subd. 22. "Exempt carrier" means any carrier exempt from this chapter, or exempted from any other law or rule by the commissioner or (COMMISSION) board. The following are so exempt:

(a) Any person engaged in farming or in transporting agricultural, horticultural, dairy, livestock, or other farm products within an area having a 25 mile radius from his home post office. Such carrier may transport other commodities within such area if the destination of each haul is a farm within the above described area. The owner of any truck operating under this provision shall imprint his name and address in prominent visible letters on the outside of the cab of his truck.

(b) Any occasional accommodation service beyond the 25 mile radius from his home post office by any person engaged in farming as his primary means of livelihood and actually residing on a farm and whose truck or trucks are licensed under provisions of section 168.013, subdivision 1c. Occasional accommodation service shall mean not in excess of six trips in any calendar year.

(c) Any person engaged in agricultural pursuits, who owns and uses a truck for transporting the products of his farm, or any person while engaged exclusively in the transportation of fresh vegetables from farms to canneries or viner stations, or from viner stations to canneries, or from canneries to canneries during the harvesting, canning or packing season, or potatoes, sugar beets, wild rice and rutabagas from the field of production to the first place of delivery or unloading, including but not limited to a processing plant, warehouse or railroad siding. This term shall also apply to a manufacturer, producer, dealer or distributor who, in the pursuit of his own business, owns and uses trucks for the purpose of transporting his own products, and shall apply to any person while engaged exclusively in the transportation of pulpwood, cord wood, mining timber, poles, posts, decorative evergreens, wood chips, sawdust, shavings and bark from the place where the products are produced to the point where they are to be used or shipped.

(d) Any person while exclusively engaged in the transportation of dirt and sod within an area having a 50 mile radius from his home post office.

(e) Any person while exclusively engaged in the transportation of sand, gravel, bituminous asphalt mix or crushed rock to or from the point of loading or a place of gathering within an area having a 50 mile radius from his home post office or a 50 mile radius from the site of construction or maintenance of public roads and streets.

(f) Any person engaged in the transportation of household goods for the federal government or any agency thereof or the transportation of household goods for the state government or any agency thereof, where competitive bids are required by law shall be exempt from the provisions of section 221.161.

(g) Any person engaged in transporting property or freight, excepting household goods and petroleum products in bulk, when the movement is entirely within the corporate limits of a city or between contiguous cities.

(h) Emergency vehicles such as ambulances, tow trucks, and hearses when carrying proper and legal warning devices.

(i) Any person engaged in delivery or spreading of agricultural lime.

(j) Any person engaged in transporting rubbish as defined in section 443.27.

(k) Any person engaged in the transportation of grain samples under such terms and conditions as the commissioner or (COMMISSION) *board* may prescribe.

(l) A motor vehicle, in this chapter referred to as a "commuter van," having a capacity of seven to 16 persons which is used principally to provide prearranged transportation of persons for a fee to or from their place of employment or to or from a transit stop authorized by a local transit authority which vehicle is to be operated by a person who does not drive the vehicle for his principal occupation but is driving it only to or from his principal place of employment, to or from a transit stop authorized by a local transit authority, or for personal use at other times by an authorized driver; provided, that commuter vans shall not be exempt from any provision of this chapter which by its terms explicitly applies to these vehicles."

Page 75, lines 5 and 6, reinstate the stricken language.

Page 75, line 5, after "rule" insert "*of the board,*"

Further amend the title as follows:

Page 1, line 10, delete "15A.081,"

Page 1, line 11, delete "Subdivision 1;"

Page 1, line 20, delete ", 22"

Page 1, after line 26, insert "and Minnesota Statutes, 1979 Supplement, Sections 15A.081, Subdivision 1; and 221.011, Subdivision 22;"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Swanson from the Committee on Health and Welfare to which was referred:

H. F. No. 1603, A bill for an act relating to welfare; defining general assistance medical care; authorizing higher medical care payments for certain handicapped persons; establishing medical care assistance eligibility for persons with seasonal income; making various other changes in the general assistance program; amending Minnesota Statutes 1978, Sections 256D.01; 256D.02, Subdivisions 4, 10, 11, 12 and by adding a subdivision; 256D.03; 256D.04; 256D.05, Subdivision 1; 256D.06, Subdivision 1; 256D.07; 256D.08; 256D.09, Subdivision 1; 256D.11, Subdivisions 2, 3, 4, 5, 6, 7, 8 and 9; 256D.13, Subdivision 1; 256D.16; 256D.18, Subdivisions 2 and 4; repealing Minnesota Statutes 1978, Sections 256D.19; 256D.20; and 256D.21.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1978, Section 256D.01, is amended to read:

256D.01 [DECLARATION OF POLICY; CITATION.] Subdivision 1. The objectives of (LAWS 1973, CHAPTER 650, ARTICLE 21, SECTIONS 1 to 30) *sections 256D.01 to 256D.18* are to provide a sound administrative structure for public assistance programs; to maximize the use of federal funds for public assistance purposes; (TO PROVIDE PROPERTY TAX RELIEF;) and to provide an integrated public assistance program for all persons in the state without adequate income or resources to maintain a subsistence reasonably compatible with decency and health. *A principal objective in providing general assistance and services shall be to aid those persons who can be helped to become self-supporting or to attain self-care. The strengthening and preservation of the family unit shall also be a principal consideration in the administration of all general assistance policies.*

It is hereby declared to be the policy of this state that persons unable to provide for themselves and not otherwise provided for by law (,) and who meet the eligibility requirements of (LAWS 1973, CHAPTER 650, ARTICLE 21 AND DO NOT REFUSE SUITABLE EMPLOYMENT) *sections 256D.01 to 256D.18*, shall be entitled to receive such grants of general assistance and such services as may be necessary to maintain a subsistence reasonably compatible with decency and health. The furnishing of such assistance and services is a matter of public concern and a necessity in promoting the public health and welfare.

(A PRINCIPAL OBJECTIVE IN PROVIDING GENERAL ASSISTANCE AND SERVICES SHALL BE TO AID THOSE PERSONS WHO CAN BE HELPED TO BECOME SELF-SUPPORTING OR TO ATTAIN SELF-CARE. TO ACHIEVE THIS AIM, THE COMMISSIONER SHALL ESTABLISH MINIMUM STANDARDS OF ASSISTANCE FOR GENERAL ASSISTANCE. THE MINIMUM STANDARD FOR CASH PAYMENTS TO RECIPIENTS SHALL BE: AS TO SHELTER AND UTILITIES, 100 PERCENT OF THE ACTUAL NEED OR STATE STANDARDS THEREFOR, SUBJECT TO THE MAXIMUM ESTABLISHED FOR SHELTER IN THE AID TO THE BLIND, AID TO THE DISABLED, AND OLD AGE ASSISTANCE PROGRAMS IN DECEMBER, 1973; AND AS TO OTHER BUDGETARY ITEMS, 50 PERCENT, OF THOSE ESTABLISHED FOR SAID ITEMS IN THE AID TO THE BLIND, AID TO THE DISABLED, AND OLD AGE ASSISTANCE PROGRAMS IN DECEMBER, 1973. IN ORDER TO MAXIMIZE THE USE OF FEDERAL FUNDS, THE COMMISSIONER SHALL PROMULGATE REGULATIONS, TO THE EXTENT PERMITTED BY FEDERAL LAW FOR ELIGIBILITY FOR THE EMERGENCY ASSISTANCE PROGRAM, UNDER THE TERMS OF LAWS 1973, CHAPTER 650, ARTICLE 21 FOR GENERAL ASSISTANCE. THE COMMISSIONER SHALL PROVIDE BY REGULATION FOR THE ELIGIBILITY FOR GENERAL ASSISTANCE OF PERSONS WITH SEASONAL INCOME, AND MAY ATTRIBUTE SEASONAL INCOME TO OTHER PERIODS NOT IN EXCESS OF ONE YEAR FROM RECEIPT BY AN APPLICANT OR RECIPIENT. THE STRENGTHENING AND PRESERVATION OF THE FAMILY UNIT SHALL BE A PRINCIPAL CONSIDERATION IN THE ADMINISTRATION OF LAWS 1973, CHAPTER 650, ARTICLE 21 AND ALL GENERAL ASSISTANCE POLICIES SHALL BE FORMULATED AND ADMINISTERED SO AS TO FURTHER THIS OBJECTIVE.)

Subd. 2. (LAWS 1973, CHAPTER 650, ARTICLE 21,) Sections (1 TO 30) 256D.01 to 256D.18 may be cited as the general assistance (ARTICLE) act.

Sec. 2. Minnesota Statutes 1978, Section 256D.02, Subdivision 4, is amended to read:

Subd. 4. "General assistance" means cash payments to persons unable to provide themselves with a reasonable subsistence compatible with decency and health and who are not otherwise provided for under the laws of this state or the United States. (IT SHALL INCLUDE CASH PAYMENTS FOR GOODS, SHELTER, FUEL, FOOD, CLOTHING, LIGHT, NECESSARY HOUSEHOLD SUPPLIES, AND PERSONAL NEED ITEMS.) General assistance shall not include payments for foster care, child welfare services, (MEDICAL, DENTAL, HOSPITALIZATION, NURSING CARE, DRUGS, OR MEDICAL SUPPLIES. IT IS THE INTENT OF LAWS 1973, CHAPTER 650, ARTI-

CLE 21 THAT THESE ITEMS BE PROVIDED BY LOCAL AGENCIES IN ACCORDANCE WITH PROGRAMS IN EFFECT AT THE TIME OF THE PASSAGE OF LAWS 1973, CHAPTER 650, ARTICLE 21) or other social services. Vendor payments may be made only as provided for in sections 256D.09 and 256D.11.

Sec. 3. Minnesota Statutes 1978, Section 256D.02, is amended by adding a subdivision to read:

Subd. 4a. "General assistance medical care" means payment of all or part of the cost of medical care and services approved by the commissioner pursuant to section 256D.03, subdivision 3, for individuals whose income and resources are insufficient to meet the cost of care.

Sec. 4. Minnesota Statutes 1978, Section 256D.02, Subdivision 9, is amended to read:

Subd. 9. "Earned income" means remuneration for services performed as an employee (,) and net earnings from self-employment reduced by the amount attributable to employment expenses.

Sec. 5. Minnesota Statutes 1978, Section 256D.02, Subdivision 10, is amended to read:

Subd. 10. "Unearned income" means all other income including any payments received as an annuity, retirement or disability benefit, including veteran's or workers' compensation; old age, survivors and disability insurance; railroad retirement benefits; unemployment benefits; and benefits under any federally aided categorical assistance program, supplementary security income, or (FAMILY) other assistance program; rents, dividends, interest and royalties; and support and maintenance payments except that such payments may not be considered as available to meet the needs of any person other than the person for whose benefit they are received, unless that person is under a legal duty to support another family member.

Sec. 6. Minnesota Statutes 1978, Section 256D.02, Subdivision 11, is amended to read:

Subd. 11. "State aid" means state aid to local agencies for general assistance and general assistance medical care expenditures as provided for in (LAWS 1973, CHAPTER 650, ARTICLE 21) section 256D.03, subdivisions 2 and 3.

Sec. 7. Minnesota Statutes 1978, Section 256D.02, Subdivision 12, is amended to read:

Subd. 12. "Local agency" means the *agency designated by the county board of commissioners, human services boards, county welfare boards* in the several counties of the state (EXCEPT THAT IT MAY ALSO INCLUDE ANY) *or multicounty welfare boards or departments where those have been established in accordance with law.*

Sec. 8. Minnesota Statutes 1978, Section 256D.03, Subdivision 1, is amended to read:

256D.03 [RESPONSIBILITY TO PROVIDE GENERAL ASSISTANCE.] Subdivision 1. Every local agency shall provide general assistance to persons residing within its jurisdiction who meet the need requirements of (LAWS 1973, CHAPTER 650, ARTICLE 21) *sections 256D.01 to 256D.18.* General assistance shall be administered *by the local agencies* according to law and rules (AND REGULATIONS) promulgated by the commissioner pursuant to (THE PROVISIONS OF LAWS 1973, CHAPTER 650, ARTICLE 21) *sections 15.041 to 15.052.*

Sec. 9. Minnesota Statutes, 1979 Supplement, Section 256D.03, Subdivision 2, is amended to read:

Subd. 2. After December 31, 1979, and before January 1, 1981, state aid shall be paid to local agencies for 60 percent and, after December 31, 1980, for 70 percent of all general assistance grants up to the standards of section (256D.01) *256D.05*, subdivision 1, *and* according to procedures established by the commissioner. Any local agency may, from its own resources, make payments of general assistance at a standard higher than that established by the commissioner (*, WITHOUT REFERENCE TO THE STANDARDS OF SECTION 256D.01, SUBDIVISION 1.*)

Sec. 10. Minnesota Statutes 1978, Section 256D.03, Subdivision 3, is amended to read:

Subd. 3. State aid shall be paid to local agencies or counties for 90 percent of the cost of general (RELIEF) *assistance* medical care paid by the local agency or county pursuant to section (256D.02, SUBDIVISION 4) *3* on behalf of persons eligible according to standards established by the commissioner of *public* welfare in accordance with the rates established by rule of the commissioner. Persons eligible for benefits under sections 256D.01 to 256D.19 shall *be eligible for general assistance medical care and* have free choice in the selection of a vendor of the medical care. Any local agency or county may, from its own resources, make payments for medical care for persons not otherwise eligible for the care pursuant to standards established by the commissioner.

The commissioner of public welfare shall promulgate rules to established administrative and fiscal procedures for payment

of the state share of the medical costs incurred by the counties under section (256D.02, SUBDIVISION 4) 3. The rules may include:

(a) procedures by which state liability for the costs of medical care incurred pursuant to section (256D.02, SUBDIVISION 4) 3 may be deducted from county liability to the state under any other public assistance program authorized by law;

(b) procedures for processing claims of counties for reimbursement by the state for expenditures for medical care made by the counties pursuant to section (256D.02, SUBDIVISION 4) 3;

(c) procedures by which the local agencies may contract with the commissioner of public welfare for state administration of general (RELIEF) *assistance* medical care payments; and

(d) standards of eligibility (AND), utilization of services and payment levels which shall conform to those of medical assistance pursuant to chapter 256B.

Sec. 11. Minnesota Statutes 1978, Section 256D.04, is amended to read:

256D.04 [DUTIES OF THE COMMISSIONER.] In addition to any other duties imposed by law, the commissioner shall:

(1) Supervise the administration of general assistance and general assistance medical care by local agencies as provided in (LAWS 1973, CHAPTER 650, ARTICLE 21) sections 256D.01 to 256D.18;

(2) Promulgate uniform rules (AND REGULATIONS) consistent with law for carrying out and enforcing the provisions of (LAWS 1973, CHAPTER 650, ARTICLE 21) sections 256D.01 to 256D.18 to the end that general assistance may be administered as uniformly as possible throughout the state; rules (AND REGULATIONS) shall be furnished immediately to all local agencies and other interested persons; in promulgating rules (AND REGULATIONS), the provisions of (CHAPTER 15) sections 15.041 to 15.052, shall apply;

(3) Allocate moneys appropriated for general assistance and general assistance medical care to local agencies as provided in (LAWS 1973, CHAPTER 650, ARTICLE 21) section 256D.03, subdivisions 2 and 3;

(4) Accept and supervise the disbursement of any funds that may be provided by the federal government or from other sources for use in this state for general assistance and general assistance medical care;

(5) Cooperate with other agencies including any agency of the United States or of another state in all matters concerning the powers and duties of the commissioner under (LAWS 1973, CHAPTER 650, ARTICLE 21) *sections 256D.01 to 256D.18*;

(6) Cooperate to the fullest extent with other public agencies empowered by law to provide vocational training, rehabilitation, or similar services;

(7) Gather and study current information and report at least annually to the governor and legislature on the nature and need for general assistance *and general assistance medical care*, the amounts expended under the supervision of each local agency, and the activities of each local agency and publish such reports for the information of the public;

(8) Report at least annually to the governor and legislature the cost of living in the various counties and metropolitan areas as related to the standards of assistance and the amounts expended for assistance, and make this information available to the public; and

(9) Issue emergency rules necessary to implement the work equity program and promulgate all rules pursuant to chapter 15 necessary to carry out the program so that its demonstrational project may be administered uniformly throughout participating counties. Rules shall be furnished immediately to all local agencies and other interested persons.

Sec. 12. Minnesota Statutes 1978, Section 256D.05, Subdivision 1, is amended to read:

256D.05 [ELIGIBILITY FOR GENERAL ASSISTANCE.]
Subdivision 1. [STANDARDS.] *The commissioner shall establish minimum standards of assistance for general assistance, and those minimum standards of assistance shall not be lower for an individual sharing a place of residence with another person unless that person is a responsible relative who is also eligible for general assistance. The minimum standards of assistance shall determine the total amount of the general assistance grant without separate standards for shelter, utilities or basic needs and shall not be less than the combined total of the minimum standards of assistance for shelter and basic needs in effect on July 1, 1980. The minimum standards may require higher payments for persons who are not able to accept suitable employment due to advanced age, a physical or mental impairment expected to continue for one or more months, or other determinable cause defined in rules promulgated by the commissioner. The minimum standards of assistance shall authorize the payment of rates negotiated by local agencies for recipients living in a room and board arrangement. In order to maximize the use of federal funds, the commissioner shall promulgate rules, to the extent permitted by federal law for eligibility for the emergency assis-*

tance program, under the terms of sections 256D.01 to 256D.18 for general assistance. The commissioner shall provide by rule for the eligibility for general assistance of persons with seasonal income, and may attribute seasonal income to other periods not in excess of one year from receipt by an applicant or recipient. Each person or family whose income and resources are less than the standard of assistance established by the commissioner shall be eligible for and entitled to general assistance; provided that no individual shall be eligible for general assistance if he is eligible for any of the following federally aided assistance programs: emergency assistance, aid to families with dependent children, or any successor to the above.

Sec. 13. Minnesota Statutes 1978, Section 256D.06, Subdivision 1, is amended to read:

256D.06 [AMOUNT OF ASSISTANCE.] Subdivision 1. General assistance shall be granted in such an amount that when added to the nonexempt income actually available to the individual or family, the total amount equals the applicable standard of assistance established by the commissioner for general assistance. *In determining eligibility for and the amount of assistance the local agency shall disregard the first \$50 of earned income per month.*

Sec. 14. Minnesota Statutes 1978, Section 256D.06, Subdivision 2, is amended to read:

Subd. 2. Notwithstanding the provisions of subdivision 1, a grant of general assistance (MAY) *shall be made to an eligible individual or family (FOR ONE OR MORE ITEMS ENCOMPASSED WITHIN THE DEFINITION OF GENERAL ASSISTANCE) for an emergency need, as defined in rules promulgated by the commissioner, where the applicant or recipient requests temporary assistance not exceeding 30 days (AND) if an emergency situation appears to exist (IF) and the individual is ineligible for the federally aided program of emergency assistance. If an applicant or recipient relates facts to the local agency which may be sufficient to constitute an emergency situation, the local agency shall advise the applicant or recipient of the procedure for applying for assistance pursuant to this subdivision.*

Sec. 15. Minnesota Statutes 1978, Section 256D.06, is amended by adding a subdivision to read:

Subd. 3. When a general assistance grant is used to pay a negotiated rate for a recipient living in a room and board or congregate care arrangement, the allowance for clothing and personal needs shall not be less than that authorized for a medical assistance recipient pursuant to section 256B.35.

Sec. 16. Minnesota Statutes, 1979 Supplement, Section 256D.07, is amended to read:

256D.07 [TIME OF PAYMENT OF ASSISTANCE.] *Subdivision 1.* An applicant for general assistance or *general assistance* medical care authorized by section 256D.03, subdivision 3 shall be deemed presumptively eligible if his application on its face demonstrates that he is within the eligibility criteria established by (LAWS 1973, CHAPTER 650, ARTICLE 21) *sections 256D.05 and 256D.06* and any applicable rules (AND REGULATIONS) of the commissioner. The application shall be in writing in the manner and upon the form prescribed by the commissioner and verified by the oath of the applicant or in lieu thereof shall contain the following declaration which shall be signed by the applicant: "I declare that this application has been examined by me and to the best of my knowledge and belief is a true and correct statement of every material point." General assistance shall be immediately granted to such presumptively eligible applicant without the necessity of first securing action by the board of the local agency.

If upon verification and due investigation it appears that the applicant provided false information and the false information materially affected his eligibility for general assistance or *general assistance* medical care provided pursuant to section 256D.03, subdivision 3 or the amount of his general assistance grant, the local agency may refer the matter to the county attorney. The county attorney may commence a criminal prosecution or a civil action for the recovery of any general assistance wrongfully received, or both.

Subd. 2. General assistance payments shall not be reduced on the basis of the availability of nonexempt earned income during the first month in which nonexempt earned income is available to a recipient.

Sec. 17. Minnesota Statutes, 1979 Supplement, Section 256D.08, subdivision 1, is amended to read:

256D.08 [EXCLUSION FROM RESOURCES.] *Subdivision 1.* In determining eligibility of a family or individual there shall be excluded the following resources:

(1) *Real or personal property (WHICH DOES NOT EXCEED THAT PERMITTED) or liquid assets which do not exceed those permitted* under the federally aided assistance program known as aid to families with dependent children; (PROVIDED, HOWEVER, THAT THE COMMISSIONER MAY PROVIDE BY RULE AND REGULATION MORE RESTRICTIVE ELIGIBILITY STANDARDS AND LEVELS OF PAYMENT FOR GENERAL ASSISTANCE IF IT IS DETERMINED THAT FUNDS AVAILABLE ARE NOT ADEQUATE TO MEET PROJECTED NEED;) and

(2) Other property (, INCLUDING REAL OR PERSONAL PROPERTY USED AS A HOME,) which has been determined,

in accordance with and subject to limitations contained in rules (AND REGULATIONS) promulgated by the commissioner, to be essential to the family or individual as a means of self-support or self-care or which is producing income that is being used for the support of the individual or family. The commissioner shall further provide by rule (AND REGULATION) for those situations in which property *not excluded under this subdivision* may be retained by the family or individual where there is a reasonable probability that in the foreseeable future the property will be used for the self-support of the individual or family; and

(3) Payments, made pursuant to litigation and subsequent appropriation by the United States Congress, of funds to compensate members of Indian tribes for the taking of tribal land by the federal government.

Sec. 18. Minnesota Statutes 1978, Section 256D.08, Subdivision 2, is amended to read:

Subd. 2. Notwithstanding any other provision of (LAWS 1973, CHAPTER 650, ARTICLE 21) *sections 256D.01 to 256D.-18*, the commissioner shall provide by rule (AND REGULATION) for the exclusion of property from the determination of eligibility for general assistance when it appears likely that the need for general assistance will not exceed 30 days (AND) *or an undue hardship would be imposed on an individual or family by the forced disposal of (SUCH) the property.*

Sec. 19. Minnesota Statutes 1978, Section 256D.09, Subdivision 1, is amended to read:

256D.09 [FORM OF PAYMENT; VENDOR PAYMENTS.] Subdivision 1. All grants of general assistance shall be paid in cash and (WITH SUCH FREQUENCY AS THE COMMISSIONER SHALL DETERMINE. THE COMMISSIONER MAY PROVIDE BY RULE AND REGULATION FOR THE MAKING OF GENERAL ASSISTANCE PAYMENTS IN DIFFERENT TIME PERIODS FOR VARIOUS REASONABLE CLASSIFICATIONS OF RECIPIENTS), *subsequent to the initial grant, shall be paid once per month on the first day of the month.*

Sec. 20. Minnesota Statutes 1978, Section 256D.10, is amended to read:

256D.10 [HEARINGS PRIOR TO REDUCTION; TERMINATION; SUSPENSION OF GENERAL ASSISTANCE GRANTS.] No grant of general assistance except one made pursuant to sections 256D.06, subdivision 2 or 256D.08, subdivision 2, shall be reduced, terminated or suspended unless the recipient receives notice and is afforded an opportunity to be heard prior to any action by the local agency.

Nothing herein shall deprive a recipient of his right to full administrative and judicial review of an order or determination of a local agency as provided for in section (256D.12) 256.045 subsequent to any action taken by a local agency after a prior hearing.

Sec. 21. Minnesota Statutes 1978, Section 256D.11, Subdivision 2, is amended to read:

Subd. 2. The local agency shall provide (A GENERAL ASSISTANCE) *opportunities for work (PROGRAM), training and vocational counseling services* for persons who qualify for assistance but who are unable to gain *suitable* employment through the state employment service (OF THE COMMISSIONER) *or through their own initiative*. Local agencies shall adopt a list of work priorities to be met through the employment of eligible recipients when such recipients are *determined, in accordance with rules promulgated by the commissioner, to be unable to gain suitable* employment through the state employment service or through their own initiative. *Upon a determination that a recipient is unable to gain suitable employment through the state employment service or through his own initiative, the local agency may assign the recipient such work or training program as he is able to perform but which is not that ordinarily performed and which would supplement but not replace projects which are ordinarily performed by regular employees of the county.*

Sec. 22. Minnesota Statutes 1978, Section 256D.11, Subdivision 3, is amended to read:

Subd. 3. General assistance (WORK PROGRAM) recipients *assigned to a local agency work or training program* shall be paid at the same wage rates as county employees doing similar work, and the number of hours of work assigned to a recipient shall be determined by the needs of himself and his family including expenses incidental to his employment.

Sec. 23. Minnesota Statutes 1978, Section 256D.11, Subdivision 4, is amended to read:

Subd. 4. The commissioner or a local agency may contract with the federal government, or with any department, agency, subdivision or instrumentality of the state, or with any nonprofit organization approved by the commissioner of public welfare for (THE SERVICES OF GENERAL ASSISTANCE) work (PROGRAM RECIPIENTS), *training and vocational counseling services for participants* on such terms and conditions as may be agreed upon, with or without consideration paid to the local agency. In a county where the work equity program is in operation, the commissioner shall have the sole authority to contract with the federal government and with any other state department, and no consideration shall be paid to the local agency, except for consideration attributable to additional administration

expenses. The contract agreed upon by the commissioner shall provide for the necessary methods of funding work equity program jobs, which methods may include a transfer of state and local agency general assistance grant moneys directly to the governor's manpower office. The contract may provide that an intended recipient may receive a pay check equal to or greater than his designated amount of assistance instead of receiving his grant.

Sec. 24. Minnesota Statutes 1978, Section 256D.11, subdivision 5, is amended to read:

Subd. 5. General assistance *local agency work and training* program (RECIPIENTS) *participants* are employees of the local agencies within the meaning of workers' compensation laws, but not retirement or civil service laws.

Sec. 25. Minnesota Statutes 1978, Section 256D.11, Subdivision 6, is amended to read:

Subd. 6. No person shall be required to register with the commissioner of economic security if he is:

- (1) A person with illness, incapacity, or advanced age;
- (2) A child attending a school or college full time;
- (3) A person whose presence in the home on a substantially continuous basis is required because of the illness or incapacity of another member of the household;
- (4) A person who has been referred to or applied for a work training, work experience, vocational rehabilitation or other (SUCH SIMILAR) *employment related educational* program; provided that the period of time such person is exempted from the registration requirements of subdivision 1, while awaiting acceptance into such program, does not exceed (30) 60 days; (OR)
- (5) An adult member of a household with children in which another adult is employed full time or has registered with the state employment service or been accepted in a work training program; or
- (6) A person exempted by the local agency.

Sec. 26. Minnesota Statutes 1978, Section 256D.11, Subdivision 7, is amended to read:

Subd. 7. Any person who objects to being required to register with the commissioner of economic security shall be entitled to

a prior hearing in accord with the provisions of section 256D.10 on the issue of whether such person comes within the exemptions contained in subdivision 6 (, CLAUSE (1), (2), (3), OR (4)).

Sec. 27. Minnesota Statutes 1978, Section 256D.11, Subdivision 8, is amended to read:

Subd. 8. (1) Any *nonexempt* person who refuses to accept suitable employment, *vocational counseling or training* when offered him shall lose his eligibility for general assistance *for the period in which his refusal continues* and, if a member of a family receiving general assistance, that portion of the grant attributable to said person shall not be paid.

The commissioner may further provide by rule (AND REGULATION) that vendor payments may be made with respect to any family in which a person who is obligated to accept suitable employment *and training* has refused to do so.

(2) The provisions of section 256D.10 providing for notice and opportunity to be heard prior to a decision to reduce, suspend or terminate benefits shall be applicable to determinations made under clause (1).

Sec. 28. Minnesota Statutes 1978, Section 256D.11, Subdivision 9, is amended to read:

Subd. 9. The commissioner *and the local agencies* shall establish procedures to insure that any recipient of general assistance desiring to improve his ability to support himself and his family shall be promptly referred to the department of economic security or any other agency, public or private, operating a work training, work experience, vocational rehabilitation or other similar program. *The commissioner of economic security shall assure that at least the same level of services and agency efforts are available to general assistance recipients as are available to unemployment compensation recipients who register for work pursuant to section 268.08, subdivision 1, clause (1).*

Sec. 29. Minnesota Statutes 1978, Section 256D.13, Subdivision 1, is amended to read:

256D.13 [MANDAMUS TO COMPEL PAYMENT OF GENERAL ASSISTANCE.] Subdivision 1. Notwithstanding the provisions of section (256D.12) *256.045* providing for administrative and judicial review of local agency determinations, a person denied general assistance by the local agency may apply to the district court of the county in which his application was filed and the district court shall order the payment of general assistance if the person establishes:

(1) The substantial likelihood that he is eligible for and entitled to general assistance, and

(2) The person or family will suffer irreparable injury if general assistance is not granted without delay.

Sec. 30. Minnesota Statutes 1978, Section 256D.16, is amended to read:

256D.16 [GENERAL ASSISTANCE TO BE ALLOWED AS CLAIM IN PROBATE COURT.] On the death of any person who received any general assistance under (LAWS 1973, CHAPTER 650, ARTICLE 21) *sections 256D.01 to 256D.18*, or on the death of the survivor of a married couple, either or both of whom received general assistance, the total amount paid as general assistance to either or both, without interest, shall be allowed as a claim against the estate of such person or persons by the court having jurisdiction to probate the estate.

Sec. 31. Minnesota Statutes 1978, Section 256D.18, Subdivision 2, is amended to read:

Subd. 2. "County of financial responsibility" means (a) the county in which an individual resides; or (b) (IF) *when an individual is a patient in a hospital or nursing home, as defined in sections 144.50, or 144A.01 or is placed in a county as a result of a correctional program or a treatment plan for health, rehabilitation, foster care, child care or training, at the time of making application, (AND IMMEDIATELY PRIOR THERETO RESIDED IN ANOTHER COUNTY, THEN THAT OTHER COUNTY; OR (C) THE ABOVE PROVISIONS NOTWITHSTANDING, IF AN INDIVIDUAL IS A RECIPIENT OF MEDICAL ASSISTANCE, THE COUNTY FROM WHICH HE IS RECEIVING MEDICAL ASSISTANCE)* *then the county in which the individual resided immediately prior thereto.*

Sec. 32. Minnesota Statutes 1978, Section 256D.18, Subdivision 4, is amended to read:

Subd. 4. If upon investigation the local agency decides that the application was not filed in the county of financial responsibility as defined by this section, but that the applicant is otherwise eligible for assistance, it shall, while providing assistance to the applicant, transmit a copy of the application, together with the record of any investigation made by it and a copy of its decision, to the state agency, and to the agency of the county which it has decided is the county of financial responsibility. The state agency shall thereupon promptly decide any question of financial responsibility and make an order referring the application to the local agency of the proper county for further action, including reimbursement by such county of

any assistance which another county has provided to the applicant in accordance with this subdivision. The state agency may make such investigation as it deems proper before making its decision. It shall prescribe rules (AND REGULATIONS) for carrying into effect this subdivision. The order of the state agency shall be binding upon the local agency involved and the applicant or recipient, shall be complied with by that agency unless reversed on appeal as provided in (LAWS 1973, CHAPTER 650, ARTICLE 21) *section 256.045*, and shall be so complied with pending any such appeal."

Further, delete the title and insert:

"A bill for an act relating to welfare; clarifying certain provisions of the general assistance medical care program; authorizing higher general assistance payments for persons determined to be unemployable; making various other changes in the general assistance program; amending Minnesota Statutes 1978, Sections 256D.01; 256D.02, Subdivisions 4, 9, 10, 11, 12, and by adding a subdivision; 256D.03, Subdivisions 1 and 3; 256D.04; 256D.05, Subdivision 1; 256D.06, Subdivisions 1 and 2, and by adding a subdivision; 256D.08, Subdivision 2; 256D.09, Subdivision 1; 256D.10; 256D.11, Subdivisions 2, 3, 4, 5, 6, 7, 8 and 9; 256D.13, Subdivision 1; 256D.16; and 256D.18, Subdivisions 2 and 4; and Minnesota Statutes, 1979 Supplement, Sections 256D.03, Subdivision 2; 256D.07, and by adding a subdivision; and 256D.08, Subdivision 1."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Mann from the Committee on Agriculture to which was referred:

H. F. No. 1612, A bill for an act relating to agriculture; providing for agricultural preserves; providing property tax relief; appropriating money.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [CITATION; POLICY; PURPOSE.] Subdivision 1. Sections 2 to 19 may be cited as the "metropolitan agricultural preserves act".

Subd. 2. It is the policy of the state to encourage the use and improvement of its agricultural lands for the production of food and other agricultural products. It is the purpose of sections 2 to 19 to provide an orderly means by which lands in the metro-

politan area designated for long term agricultural use through the local and regional planning processes will be taxed in an equitable manner reflecting the long term singular use of the property, will be protected from unreasonably restrictive local and state regulation of normal farm practices, will be protected from indiscriminate and disruptive taking of farmlands through eminent domain actions, will be protected from the imposition of unnecessary special assessments, and will be given such additional protection and benefits as are needed to maintain viable productive farm operations in the metropolitan area.

Sec. 2. [DEFINITIONS.] Subdivision 1. For purposes of sections 2 to 19 the terms defined in this section shall have the meanings given them.

Subd. 2. "Agricultural preserve" or "preserve" means a land area covenanted according to section 5 to remain in agricultural use.

Subd. 3. "Agricultural use" means the production for sale of livestock, dairy animals, dairy products, poultry and poultry products, fur bearing animals, horticultural and nursery stock which is under Minnesota Statutes, Sections 18.44 to 18.61, fruit of all kinds, vegetables, forage, grains, bees and apiary products, and wetlands, pasture and woodlands.

Subd. 4. "Authority" means the unit of government exercising planning and zoning authority for the land specified in an application as provided under section 5 and pursuant to Minnesota Statutes, Sections 394.21 to 394.37, 462.351 to 462.364, or 366.10 to 366.19. Where both a county and a township have adopted zoning regulations, the authority shall be the unit of government designated to prepare a comprehensive plan pursuant to Minnesota Statutes, Section 473.861, Subdivision 2.

Subd. 5. "Certified long term agricultural land" means land certified pursuant to section 4 as eligible for designation as agricultural preserves.

Subd. 6. "Covenant agreement" means a restrictive covenant initiated by the owner and evidenced by an agreement provided for in section 5 whereby the owner places the limitations on specified land and receives the protections and benefits contained in sections 2 to 19.

Subd. 7. "Long term agricultural land" means land in the metropolitan area designated for agricultural use in local or county comprehensive plans adopted and reviewed pursuant to Minnesota Statutes, Sections 473.175, and 473.851 to 473.871, and which has been zoned specifically for agricultural use permitting a maximum residential density of not more than one unit per quarter/quarter.

Subd. 8. "Metropolitan area" has the meaning given it in Minnesota Statutes, Section 473.121, Subdivision 2.

Subd. 9. "Owner" means a resident of the United States owning land specified in an application pursuant to section 5, and includes an individual, legal guardian or family farm corporation as defined in Minnesota Statutes, Section 500.24, having a joint or common interest in the land. Where land is subject to a land contract, owner means the vendor in agreement with the vendee.

Subd. 10. "Quarter/quarter" means one quarter of one quarter of any section in the rectangular land survey system.

Sec. 3. [ELIGIBILITY.] Subdivision 1. Long term agricultural land comprising 40 or more acres shall be eligible for designation as an agricultural preserve.

Subd. 2. Noncontiguous parcels may be included to achieve the minimum acreage requirement in subdivision 1, provided that each parcel is at least ten acres in size and provided that all separate parcels are farmed together as a unit.

Subd. 3. The minimum acreage requirement in subdivision 1 may be reduced to 35 acres provided the land is a single quarter/quarter parcel and the amount less than 40 acres is due to a public road right-of-way or a perturbation in the rectangular survey system resulting in a quarter/quarter of less than 40 acres.

Subd. 4. Contiguous long term agricultural land comprising not less than 20 acres and surrounded by eligible land on not less than two sides shall be eligible for designation as an agricultural preserve provided the authority by resolution determines that: (i) the land area predominantly comprises Class I, II, III, or is irrigated Class IV land according to the Land Capability Classification Systems of the Soil Conservation Service and the county soil survey; (ii) the land area is considered by the authority to be an essential part of the agricultural region; and (iii) the parcel was a parcel of record prior to January 1, 1980, or the land was an agricultural preserve prior to becoming a separate parcel of at least 20 acres.

Subd. 5. Contiguous long term agricultural land meeting the total acreage requirements of this section but located in two or more minor civil divisions so that the minimum acreage requirement is not met in one or more of the minor civil divisions shall be eligible by joint resolution of the affected authorities.

Sec. 4. [CERTIFICATION.] Subdivision 1. On or before January 1, 1981 each authority in the metropolitan area having land classified agricultural pursuant to Minnesota Statutes, Section 273.13 shall certify by resolution and appropriate maps

which lands, if any, are eligible for designation as agricultural preserves. Maps shall be in sufficient detail to identify eligible lands by property boundaries. Notification of the certification shall be published in a newspaper having a general circulation within the area of jurisdiction of the authority. No additional lands shall qualify for designation as agricultural preserves until the authority certifies qualification.

Subd. 2. Land shall cease to be eligible for designation as an agricultural preserve when the comprehensive plan and zoning for the land have been officially amended so that the land is no longer planned for long term agricultural use and is no longer zoned for long term agricultural use, evidenced by a maximum residential density permitting more than one unit per 40 acres. When such changes have been made, the authority shall certify by resolution and appropriate maps which lands are no longer eligible. Notification of the decertification shall be published in a newspaper having a general circulation within the area of jurisdiction of the authority.

Subd. 3. The authority shall provide the metropolitan council with suitable maps showing any lands certified eligible pursuant to subdivision 1 or decertified pursuant to subdivision 2. The metropolitan council shall maintain maps of the metropolitan area showing all certified long term agricultural lands.

Sec. 5. [APPLICATION; COVENANT AGREEMENT.]
Subdivision 1. An owner or owners of certified long term agricultural land may apply for the creation of an agricultural preserve at any time. Land for which application is received prior to March 1 of any year shall be assessed pursuant to section 10 for taxes payable in the following year. Land for which application is received on or after March 1 of any year shall be assessed pursuant to section 10 in the following year. Application shall be made to the authority for the specified land area. Application shall be made on forms provided by the commissioner of agriculture and shall require at least the following information and such other information as the commissioner deems necessary for the lawful fulfillment of the provisions of sections 2 to 19.

(a) Legal description of the area proposed to be designated or parcel identification numbers as designated by the county auditor;

(b) Name and address of owner;

(c) An affidavit by the authority evidencing that the land is certified long term agricultural land at the date of application;

(d) A witnessed signature of the owner covenanting that the land shall be kept in agricultural use, and shall be used in accor-

dance with the provisions of sections 2 to 19 which exist on the date of application ;

(e) A statement that the restrictive covenant shall be binding on the owner or his successor, assignee, and shall be an easement running with the land ;

(f) Date of application and date that designation is effectuated.

Subd. 2. The authority may require an application fee, not to exceed \$50, to defray administrative costs.

Sec. 6. [NOTIFICATION.] Subdivision 1. Within five days of the date of application, the authority shall forward copies of the completed and signed application to the county recorder, the county auditor, the county assessor, the metropolitan council, and the county soil and water conservation district.

Subd. 2. The county recorder shall file and record the restrictive covenant.

Subd. 3. The county auditor, for taxes payable in the following year and thereafter for the duration of the preserve shall determine mill rates, assessments and taxes involving the preserve according to the provisions of section 10.

Subd. 4. The county assessor for taxes payable in the following calendar year and thereafter for the duration of the preserve shall value and assess the agricultural preserve according to section 10.

Subd. 5. The metropolitan council shall maintain agricultural preserve maps of suitable form, illustrating (a) certified long term agricultural lands; and (b) lands covenanted as agricultural preserves. The council shall make yearly reports of such data to the state planning agency and such other agencies as the council deems appropriate.

Subd. 6. County auditors shall maintain records of the taxes assessed and paid on agricultural preserves in a manner prescribed by the commissioner of revenue for the orderly monitoring of the program.

Subd. 7. The county soil and water conservation district may prepare an advisory statement of existing and potential conservation problems for the agricultural preserve land. The statement shall be forwarded to the owner of record and a copy of the statement shall be forwarded to the authority.

Sec. 7. [COMMENCEMENT OF PRESERVE.] A land area shall be deemed an agricultural preserve and subject to all

the benefits and restrictions of sections 2 to 19 commencing 30 days from the date of application.

Sec. 8. [DURATION.] Subdivision 1. Agricultural preserves shall continue until either the landowner or the authority initiates expiration as provided in this section.

Subd. 2. A landowner may initiate expiration by notifying the authority on a form provided by the commissioner of agriculture. The notice shall describe the property for which expiration is desired and shall state the date of expiration which shall be at least eight years from the date of notice. The notice and expiration may be rescinded by the owner at any time during the first two years following notice.

Subd. 3. The authority may initiate expiration by notifying the landowner by registered letter on a form provided by the commissioner of agriculture, provided that before notification (i) the comprehensive plan and the zoning for the land have been officially amended so that the land is no longer planned for long term agriculture and is no longer zoned for long term agriculture, evidenced by a maximum residential density permitting more than one unit per quarter/quarter, and (ii) the authority has certified such changes pursuant to section 4, subdivision 2. The notice shall describe the property for which expiration is desired and shall state the date of expiration which shall be at least eight years from the date of notice.

Subd. 4. Upon receipt of the notice provided in subdivision 2, or upon notice served by the authority as provided in subdivision 3, the authority shall notify the county recorder, county auditor, county assessor, the metropolitan council, and the county soil and water conservation district and shall state the date of expiration. Designation as an agricultural preserve and all benefits and limitations accruing through sections 2 to 19 for the preserve shall cease on the date of expiration.

Sec. 9. [EARLY TERMINATION.] Termination of an agricultural preserve earlier than a date derived through application of section 8 may be permitted only in the event of a public emergency upon petition from the owner or authority to the governor. The determination of a public emergency shall be by the governor through executive order pursuant to Minnesota Statutes, Sections 4.035 and 12.01 to 12.46. The executive order shall identify the preserve, the reasons requiring the action and the date of termination.

Sec. 10. [AD VALOREM PROPERTY TAXES.] Subdivision 1. Real property within an agricultural preserve shall be valued and assessed pursuant to Minnesota Statutes, Chapter 273, except as provided in this section.

Subd. 2. All land classified agricultural and in agricultural use, exclusive of buildings, shall be valued solely with reference

to its agricultural capability value, notwithstanding Minnesota Statutes, Sections 272.03, Subdivision 8, and 273.11. Agricultural capability value shall be determined in a manner prescribed by the commissioner of revenue for this purpose. Factors that shall be considered when applicable are rent capitalization, crop equivalency rating, climate, soils, distance from market, normal farm practices, crops, commodity prices, transportation costs, and interest rates. Added value from nonagricultural factors shall not be considered.

Subd. 3. (a) After the assessor has determined the market value of all land valued according to subdivision 2, he shall compute the assessed value of those properties by applying the appropriate classification percentages. When the county auditor computes the rate of tax pursuant to Minnesota Statutes, Section 275.09, he shall include the assessed value of land as provided in this clause.

(b) The county auditor shall compute the original ad valorem property taxes on lands valued according to subdivision 2 and nonresidential buildings by multiplying the assessed value times the total rate of tax for all purposes as provided in clause (a).

(c) The county auditor shall then compute the maximum ad valorem property tax on lands valued according to subdivision 2 and nonresidential buildings by multiplying the assessed value times 105 percent of the previous year's statewide average township mill rate for all purposes.

(d) The tax due and payable by the owner of preserve land valued according to subdivision 2 and nonresidential buildings is the amount determined in clause (b) or (c), whichever is less. If the gross tax in clause (c) is less than the gross tax in clause (b), the state shall reimburse the taxing jurisdictions for the amount of difference.

The county auditor shall certify to the commissioner of revenue on or before June 1, 1982, and each year thereafter, the total amount of tax lost to the taxing jurisdictions located within his county as a result of this subdivision. Payments shall be made by the state annually on July 15, 1982 and each year thereafter to each of the affected taxing jurisdictions. There is annually appropriated from the general fund in the state treasury to the commissioner of revenue an amount sufficient to make the reimbursement provided in this subdivision.

Sec. 11. [LIMITATION ON CERTAIN PUBLIC PROJECTS.] Notwithstanding Minnesota Statutes, Chapter 429, construction projects for public sanitary sewer systems and public water systems benefiting land or buildings in agricultural preserves shall be prohibited. New connections between land or buildings in agricultural preserves and sanitary sewers or wa-

ter systems shall be prohibited. Public sanitary sewer or water systems built in the vicinity of agricultural preserves are deemed of no benefit to the land and buildings in agricultural preserves.

Sec. 12. [PROTECTION FOR NORMAL FARM PRACTICES.] Local governments and counties shall be prohibited from enacting ordinances or regulations within an agricultural preserve which would unreasonably restrict or regulate normal farm structures or farm practices in contravention of the purpose of sections 2 to 19 unless the restriction or regulation bears a direct relationship to the public health and safety. This section shall apply to the operation of farm vehicles and machinery in the planting, maintenance and harvesting of crops and in the care and feeding of farm animals, the type of farming, and the design of farm structures, exclusive of residences.

Sec. 13. [STATE AGENCIES TO BE SUPPORTIVE.] Subdivision 1. It shall be the policy of all state agencies to encourage the maintenance of viable farming in agricultural preserves.

Subd. 2. The joint legislative committee on agricultural and forest land shall undertake a study of state agency regulations which negatively affect long term agricultural lands. The committee shall identify any state regulations which have the effect of favoring nonagricultural development and adversely affecting the long term nature of farming in an agricultural preserve. For any regulations so identified, the committee shall propose modifications for application to agricultural preserves that would be supportive of agriculture as the primary and long term use of land within an agricultural preserve while maintaining the statutory objective to protect the health, safety, and welfare of the public. The committee shall make a report on this study to the legislature by January 1, 1982.

Subd. 3. The joint committee shall study at least the following state agency rules and regulations:

APC6, preventing particulate matter from becoming airborne;

APC8, open burning;

APC9, control of odors in ambient air;

APC29, standards of performance for grain handling facilities;

SW54, location requirements for livestock feedlots, poultry lots, and other animal lots;

SW55, nonconforming feedlots;

WPC40, regulation for the administration of municipal facilities assistance program and the Minnesota state water pollution control fund and federal grant funds allotted to Minnesota;

6MCAR 3, routing high voltage transmission lines and siting large electric power generating plants.

Sec. 14. [ANNEXATION PROCEEDINGS.] Agricultural preserve land within a township shall not be annexed to a municipality pursuant to Minnesota Statutes, Chapter 414, without a specific finding by the Minnesota municipal board that either (a) the expiration period as provided for in section 8 has begun; (b) the surviving unit of government due to size, tax base, population or other relevant factors would not be able to provide normal governmental functions and services; or (c) the agricultural preserve would be completely surrounded by lands within a municipality.

This section shall not apply to annexation agreements approved by the Minnesota municipal board prior to creation of the preserve.

Sec. 15. [EMINENT DOMAIN ACTIONS.] Subdivision 1. Any agency of the state, any public benefit corporation, any local, county or regional unit of government, or any other entity possessing powers of eminent domain under Minnesota Statutes, Chapter 117, shall follow the procedures contained in this section before (1) moving to acquire any land or easement having a gross area over ten acres in size within agricultural preserves and on certified long term agricultural land; or (2) moving to advance a grant, loan, interest subsidy or other funds for the construction of dwellings, commercial or industrial facilities, or water or sewer facilities that could be used to serve nonfarm structures within agricultural preserves and on certified long term agricultural land.

Subd. 2. Notice of intent shall be filed with the environmental quality board 60 days prior to such action containing information and in the manner and form required by the environmental quality board. The notice of intent shall contain a report justifying the proposed action, including an evaluation of alternatives which would not require acquisition within agricultural preserves and on certified long term agricultural land.

Subd. 3. The environmental quality board, in consultation with affected units of government, shall review the proposed action to determine the effect on the preservation and enhancement of agriculture and agricultural resources within the preserves and on certified long term agricultural land, and the relationship to local and regional comprehensive plans.

Subd. 4. The environmental quality board shall issue an order within the 60 day period for the party to desist from such action for an additional 60 day period.

Subd. 5. During the additional 60 day period, the environmental quality board shall hold a public hearing pursuant to the contested case provisions of Chapter 15 concerning the proposed action at a place within the preserve or otherwise easily accessible to the preserves and on certified long term agricultural land upon notice in a newspaper having a general circulation within the area of the preserves and on certified long term agricultural land, and individual notice, in writing, to the municipalities whose territory encompasses the preserves and on certified long term agricultural land, and the agency, corporation or government proposing to take the action, to any public agency having the power of review of or approval of the action, and in a manner conducive to the wide dissemination of the findings to the public.

Subd. 6. The review process required in this section may be conducted jointly with any other environmental impact review conducted by the environmental quality board.

Subd. 7. The environmental quality board may request the attorney general to bring an action to enjoin any agency, corporation or government from violating the provisions of this section.

Subd. 8. This section shall not apply to an emergency project which is immediately necessary for the protection of life and property.

Subd. 9. The environmental quality board shall suspend any eminent domain action indefinitely when, it determines it is contrary to the purposes of sections 2 to 19 and for which it determines there are reasonable and cost effective alternatives which have less negative impact on the agricultural preserves and on certified long term agricultural land.

Sec. 16. [CONSERVATION.] Subdivision 1. Land within an agricultural preserve shall be farmed and otherwise managed according to sound soil and water conservation management practices. Management practices which are not sound shall be any use of the land resulting in wind or water erosion in excess of the soil loss tolerance for each soil type as found in the United States soil conservation service, Minnesota technical guide.

Subd. 2. The authority shall be responsible for enforcing this section. Upon receipt of a written complaint stating the conditions or land management practices which are believed to be in violation of this section, the authority shall consult with

the county soil and water conservation district. The district shall determine the average soil loss in tons per acre per year for each field cited in the complaint according to the universal soil loss equation and the wind erosion equation, and shall return to the authority a report showing the average soil loss in tons per acre per year for each field and a list of alternative practices that the landowner can use to reduce the soil loss to the limit allowed in subdivision 1. After consultation, and if in the judgment of the authority there is ample evidence that the land is not being managed properly as required by this section, the authority shall adopt a resolution to this effect and shall seek corrective measures from the owner. At the request of the landowner, the district shall assist in the planning, design and application of the practices selected to reduce the soil loss to an acceptable level and shall give such landowners a high priority for providing technical and cost share assistance.

Subd. 3. Any owner who fails to implement corrective measures to the satisfaction of the authority within one year of notice from the authority shall be subject to a fine of not more than \$1,000. The authority may recover the penalty by a civil action in a court of competent jurisdiction.

Subd. 4. Costs incurred by the authority in the enforcement of this section may be charged to the property owner. Charges not timely paid may be placed on the tax rolls and collected as a special assessment against the property.

Sec. 17. [LAND USE.] Subdivision 1. Land within an agricultural preserve shall be maintained for agricultural production. The average maximum density of residential structures within an agricultural preserve shall not exceed one unit per 40 acres. The location of any new structure shall conform to locally applicable zoning regulations. Commercial and industrial uses shall not be permitted except that small on-farm commercial or industrial operations normally associated with and important to farming in the area may be permitted by the authority. The authority shall be responsible for enforcing this section.

Subd. 2. When a separate parcel is created for a residential structure permitted under subdivision 1, the parcel shall cease to be an agricultural preserve unless the eligibility requirements of section 3 are met. However, the residential unit shall continue to be included in the maximum residential density for the original preserve.

Sec. 18. [TRANSFER FROM AGRICULTURAL PROPERTY TAX LAW TREATMENT.] When land which has been receiving the special agricultural valuation and tax deferment provided in Minnesota Statutes, Section 273.111, becomes an agricultural preserve pursuant to sections 2 to 19, the recapture of deferred tax and special assessments, as provided in Minne-

sota Statutes, Section 273.111, Subdivisions 9 and 11, shall not be made. Special assessments deferred under Minnesota Statutes, Section 273.111, at the date of commencement of the preserve shall continue to be deferred for the duration of the preserve. All special assessments so deferred shall be payable within 90 days of the date of expiration unless other terms are mutually agreed upon by the authority and the owner. In the event of early termination under section 9, all special assessments plus interest shall be payable within 90 days of the date of termination unless otherwise deferred or abated by executive order of the governor.

Sec. 19. [EFFECTIVE DATE.] This act shall become effective on June 1, 1980."

Further, amend the title as follows:

Page 1, line 2, delete "agriculture" and insert "metropolitan government"

Page 1, line 3, before "agricultural" insert "metropolitan area"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Taxes.

The report was adopted.

Mann from the Committee on Agriculture to which was referred:

H. F. No. 1649, A bill for an act relating to agriculture; providing for testing to measure milk protein; providing for payments for milk protein and nonfat solids; amending Minnesota Statutes 1978, Section 32.25, Subdivision 1.

Reported the same back with the following amendments:

Page 2, line 14, delete "and" and insert "or"

Page 2, line 14, after "protein" insert "respectively"

Page 2, line 18, after "When" insert "*the payment is calculated on the basis of milk fat and protein, and*"

Page 2, line 21, after "When" insert "*the payment is calculated on the basis of milk fat and nonfat solids, and*"

Page 2, line 26, after the period insert: "*A dairy plant may buy milk on the basis of only one of the three formulas authorized by this section. When a dairy plant elects to buy milk on the basis of one of these formulas, no producers selling to such dairy plant*"

may be excluded nor may the producer choose to be excluded from this method of purchase."

Page 3, delete lines 19 and 20

With the recommendation that when so amended the bill pass.

The report was adopted.

Munger from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 1655, A bill for an act relating to pollution; recognizing the extent and severity of the problem of acid precipitation; appropriating funds and designating state agencies and departments to conduct activities designed to identify, control and abate acid precipitation.

Reported the same back with the following amendments:

Page 1, line 16, after the comma insert "agriculture,"

Page 1, line 19, delete "and" and insert a comma

Page 1, line 19, after "technological" insert "and educational"

Page 2, line 1, delete the first "and"

Page 2, line 3, after "systems" insert ", and educate the public by promoting energy conservation and raising public awareness of the acid precipitation problem"

Page 2, line 5, after "agency" insert ", board,"

Page 2, line 7, after "projects," insert "and public education programs,"

Page 2, line 11, after "precipitation" insert ", as well as educating the general public about the acid precipitation problem"

Page 2, line 17, delete the period and insert a semicolon

Page 2, after line 17 insert:

"4. To the Minnesota department of education for teacher training — \$;

5. To the Minnesota environmental education board for community education — \$"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Sieben, H., from the Committee on Taxes to which was referred:

H. F. No. 1722, A bill for an act relating to taxation; income; property tax refund; deleting obsolete and unnecessary provisions and references; amending Minnesota Statutes 1978, Sections 290.03; 290.07, Subdivision 4; 290.071, Subdivision 1; 290.073; 290.077, Subdivision 4; 290.08, Subdivisions 3, 8 and 13; 290.09, Subdivisions 5, 13 and 25; 290.095, Subdivisions 3 and 8; 290.131, Subdivision 1; 290.18, Subdivision 1; 290.28, Subdivision 3; 290.311, Subdivisions 1 and 2; 290.32; 290.361, Subdivision 2; 290.38; 290.40; 290.49, Subdivision 1; 290.62; 290.65, Subdivisions 2, 7, 9, 13 and 16; 290.92, Subdivisions 2a, 5, 13 and 15; 290.93, Subdivisions 5 and 9; 290.931, Subdivision 1; 290.932, Subdivision 1; 290.936; 290.97; 290.972, Subdivisions 2 and 3; 290A.07, Subdivision 1; Minnesota Statutes, 1979 Supplement, Sections 290.01, Subdivision 20; and 290A.03, Subdivisions 3 and 13; repealing Minnesota Statutes 1978, Sections 290.06, Subdivisions 2b, 3a and 3b; 290.08, Subdivisions 4 and 5; 290.086; 290.087; 290.09, Subdivisions 11 and 20; 290.095, Subdivision 6; 290.31, Subdivision 28; 290.34, Subdivision 4; 290.361, Subdivision 4; 290.363; 290.45, Subdivision 2a; 290.49, Subdivision 9; 290.53, Subdivision 6; 290.65, Subdivisions 8, 14 and 15; 290.66; 290.68; 290.69; 290.93, Subdivision 12; 290.932, Subdivision 5; 290.95; 290.96; and 290.972, Subdivision 7.

Reported the same back with the following amendments:

Page 2, strike lines 13 to 21

Page 2, line 22, strike "31, 1970,"

Page 2, strike lines 29 to 33

Page 3, strike lines 1 to 5

Page 3, line 6, strike "(iv)" and insert "(i)"

Page 3, line 9, strike "(v)" and insert "(ii)"

Page 17, line 26, strike "(a) Proceeds of"

Page 17, strike lines 27 to 33

Strike pages 18, 19 and 20

Page 21, strike lines 1 to 28

Page 21, lines 27 and 28, delete the new language

Page 21, line 31, delete "101(e)" and insert "*The exclusion of certain death benefits shall be determined in accordance with the provision of section 101*"

Page 34, line 23, after the stricken language insert "*of alimony*"

Page 34, line 24, after "applies" insert a comma

Page 44, line 8, delete "ON OR AFTER DECEMBER 31, 1949" and insert "WHILE IN MILITARY SERVICE"

Page 44, line 9, strike "on or after December"

Page 44, line 10, strike "31, 1949,"

Page 63, line 8, after "*sections*" insert "*and the amendments made in section 1 of this act*"

With the recommendation that when so amended the bill pass.

The report was adopted.

Munger from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 1723, A bill for an act relating to snowmobiles; authorizing use in trapping related activities in certain counties; amending Minnesota Statutes, 1979 Supplement, Section 100.29, Subdivision 30.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Rice from the Committee on Labor-Management Relations to which was referred:

H. F. No. 1724, A bill for an act relating to labor; exempting seamen from the fair labor standards act; amending Minnesota Statutes, 1979 Supplement, Section 177.23, Subdivision 7.

Reported the same back with the following amendments:

Page 3, line 8, after "*seamen*" insert "*; the term 'seamen' means a master of a vessel or any person subject to the authority, direction and control of the master including but not limited*

to pilots, sailors, engineers, radio operators, firemen, watchmen, pursers, surgeons, cooks and stewards, who is exempt from federal overtime standards under 29 U.S.C. Section 213 (b) (6)"

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Rice from the Committee on Labor-Management Relations to which was referred:

H. F. No. 1731, A bill for an act relating to labor; regulating certain steam engines and boilers and steam engine and boiler operators; amending Minnesota Statutes 1978, Chapter 183, by adding a section.

Reported the same back with the following amendments:

Page 1, line 16, after "boilers" insert "*when used only for demonstration purposes*"

Page 1, line 17, after "*years*" insert "*according to law*" and delete "*The inspection of stationary boilers and standards*"

Page 1, delete line 18

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Prahl from the Committee on Commerce, Economic Development and Housing to which was referred:

H. F. No. 1755, A bill for an act relating to commerce; requiring invoices on certain repairs; amending Minnesota Statutes 1978, Sections 325.972; and 325.976.

Reported the same back with the following amendments:

Page 1, line 10, delete everything after "*repair*"

Page 1, delete lines 11 and 12.

Page 1, line 13, delete new language and insert:

"means warranty work or work performed for a total price of more than \$50, including the price of parts and materials, to restore a malfunctioning, defective or worn motor vehicle, appliance or dwelling place used primarily for personal, family,

or household purposes and not primarily for business or agricultural purposes. "Repairs" do not include service calls or estimates."

Page 2, delete lines 12 and 13 and insert:

"(h) A statement of the symptoms, as described by the customer, for which the repairs were sought."

With the recommendation that when so amended the bill pass.

The report was adopted.

Voss from the Committee on Appropriations to which was referred:

H. F. No. 1781, A bill for an act relating to education; providing for aids to education, tax levies and the distribution of tax revenues; granting certain powers and duties to school districts, the commissioner of education, the department of education and others; aid for education of pupils of limited English proficiency; requiring the establishment of local policies to minimize chemical use problems; appropriating money; amending Minnesota Statutes 1978, Sections 120.095, Subdivision 6; 120.10, Subdivision 2; 121.88, by adding a subdivision; 122.22, Subdivisions 2 and 4; 122.23, Subdivisions 9 and 10; 122.25, Subdivision 1; 122.531, by adding subdivisions; 123.11, Subdivision 7; 123.36, by adding a subdivision; 123.39, Subdivision 3; 123.932, Subdivision 9, and by adding a subdivision; 124.20; 124.214, Subdivision 2; 124.572, Subdivision 7; 126.07; 126.36, Subdivision 3; 126.52, Subdivision 5, and by adding a subdivision; 126.54, Subdivisions 5 and 6; 127.09; 127.11; 127.21; 134.03; 134.08; 275.125, Subdivisions 5 and 5a; 354.05, Subdivision 2; Chapter 124, by adding a section; Chapter 125, by adding a section; Minnesota Statutes, 1979 Supplement, Sections 120.075, Subdivision 4, and by adding a subdivision; 121.912, Subdivision 1; 122.541, Subdivision 5; 123.35, Subdivision 15; 124.01; 124.11, Subdivisions 2a and 2b, and by adding a subdivision; 124.19, Subdivision 4; 124.212, Subdivision 7d; 124.223; 124.225; 124.245, Subdivisions 1 and 2; 124.247, Subdivisions 3 and 4; 126.54, Subdivision 1; 124.561, Subdivision 3a; 124.562, Subdivisions 2, 3 and 4; 124.5621, Subdivision 11; 124.5624, Subdivision 6; 124.5625; 124.565, Subdivision 6; 124.566; 124.572, Subdivision 2; 275.125, Subdivisions 2a, 2b, 7a, 7b, 11a and 20; 353.01, Subdivision 2b; 354A.011, Subdivision 27; 465.72; Laws 1979, Chapter 69, Sections 2 and 5; Chapter 334, Article VI, Section 35, Subdivision 9; Article VIII, Section 29; repealing Minnesota Statutes 1978, Sections 122.531, Subdivision 3; 125.61, as amended; 126.31 to 126.35; 126.36, Subdivisions 5 and 6; 126.37; 126.38; 126.39, Subdivisions 1, 2, 3, 4, 5, 6, 7, 8 and 9; 126.40, Subdivisions 1 and 2; 126.41, Subdivisions 2, 3, 4, 5, 6 and 7; 126.42; 126.52, Subdivisions 1, 2, 3, 4, 6 and 7; 127.22; Minnesota Statutes, 1979 Supplement, Sections 124.222, Subdivision 3; 126.39, Subdivision 10; 126.41,

Subdivision 1; 126.52, Subdivision 10; Laws 1979, Chapter 334, Article V, Section 29.

Reported the same back with the following amendment:

Page 37, delete lines 11 to 22

With the recommendation that when so amended the bill pass.

The report was adopted.

Rice from the Committee on Labor-Management Relations to which was referred:

H. F. No. 1806, A bill for an act relating to unemployment compensation; removing the authorization for reducing benefits by the amount of holiday pay; amending Minnesota Statutes 1978, Section 268.07, Subdivision 2.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Moe from the Committee on Governmental Operations to which was referred:

H. F. No. 1822, A bill for an act relating to the Minnesota zoological garden; supplementing and clarifying the authority of the zoological garden board in regard to penalties for rule violations; regulating the use of the name or mark of the garden; providing penalties; amending Minnesota Statutes 1978, Section 85A.02, Subdivision 7; and Chapter 333, by adding sections.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Rice from the Committee on Labor-Management Relations to which was referred:

H. F. No. 1826, A bill for an act relating to labor; providing certain powers and procedures in minimum wage enforcement; amending Minnesota Statutes 1978, Section 177.27, Subdivisions 2, 3 and 5.

Reported the same back with the following amendments:

Page 1, line 10, before "authorized" insert "an"

Page 1, line 15, delete the first "and"

Page 1, line 20, before "authorized" insert "an"

Page 2, line 3, before "authorized" insert "an"

Page 2, line 11, before "authorized" insert "an"

Page 2, line 12, strike "in person or"

Page 2, line 13, after "business" insert "*unless the commissioner deems it appropriate for service to be made in person*"

Page 2, line 22, delete "underpaid" and insert "unpaid"

Page 2, line 25, delete "liable" and insert "*forfeit and payable to the employees by the commissioner*"

Page 2, line 25, delete "underpaid" and insert "unpaid"

With the recommendation that when so amended the bill pass.

The report was adopted.

Prahl from the Committee on Commerce, Economic Development and Housing to which was referred:

H. F. No. 1887, A bill for an act relating to commerce; regulating water conditioning installers and contractors; providing a state bonding and insurance procedure; amending Minnesota Statutes 1978, Chapter 326, by adding a section.

Reported the same back with the following amendments:

Page 2, after "[INSURANCE.]" insert "(a)"

Page 2, line 16, delete "The" and insert "*Except as provided in clause (b),*"

Page 2, line 23, after "commissioner." insert:

"(b) An applicant who is self-insured in the amounts specified in clause (a) shall be deemed to meet the insurance requirements mandated by this subdivision. Each self-insured licensed water conditioning contractor or installer shall maintain on file with the state commissioner of health a certificate evidencing the self-insurance. The self-insurance shall not be cancelled without the licensee first giving 15 days written notice to the commissioner."

With the recommendation that when so amended the bill pass.

The report was adopted.

Nelson from the Committee on Energy and Utilities to which was referred:

H. F. No. 1927, A bill for an act relating to energy; modifying certain planning and zoning statutes to remove barriers to biomass energy production; amending Minnesota Statutes, 1979 Supplement, Sections 394.25, Subdivision 3; and 394.27, Subdivision 7; 462.357, Subdivisions 1 and 6.

Reported the same back with the following amendments:

Page 2, line 11, after "provision" insert "*adopted pursuant to this subdivision*"

Page 4, line 4, after "regulation" insert "*adopted pursuant to this subdivision*"

Page 5, after line 31, insert "Sec. 5. (CONSERVATION OF BIOMASS FUEL, FIREWOOD.) *In any instance where trees or portions of trees usable as firewood are removed from property under the control of a public utility, pipeline company, railroad, state agency or department, or a political subdivision, that portion of the tree material that is six inches or larger in diameter shall not be destroyed by open burning or deposited in a landfill without first having been offered for use to the public. This section shall not apply to tree material removed in a program of sanitation or disease control as defined in Minnesota Statutes, 1979 Supplement, Section 18.023.*"

Page 5, line 32, delete "5" and insert "6"

Further amend the title as follows:

Page 1, line 4, after "production;" insert "prohibiting the destruction of certain biomass usable as fuel;"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Rules and Legislative Administration.

The report was adopted.

Casserly from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 1987, A bill for an act relating to local government; regulating financial reports of certain municipal hospitals and

nursing homes; amending Minnesota Statutes, 1979 Supplement, Sections 471.697, Subdivision 1; and 471.698, Subdivision 1.

Reported the same back with the following amendments:

Page 2, line 21, after "1979" delete the balance of the line and insert: *"whose fiscal year is other than a calendar year at the effective date of this act, is not subject to this subdivision but shall submit to the State Auditor a detailed statement of its financial affairs audited by a Certified Public Accountant, a Public Accountant or the State Auditor no later than 120 days after the close of its fiscal year. It may also submit a summary financial report for the calendar year."*

Page 2, delete lines 22 to 25

Page 3, line 33, delete *"is not subject to this subdivision but"*

Page 4, delete lines 1 to 4

Page 8, line 33, after "1979" insert *"whose fiscal year is other than a calendar year at the effective date of this act, is not subject to this subdivision but shall submit to the State Auditor a detailed statement of its financial affairs audited by a Certified Public Accountant, a Public Accountant or the State Auditor no later than 120 days after the close of its fiscal year. It may also submit a summary financial report for the calendar year."*

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Swanson from the Committee on Health and Welfare to which was referred:

H. F. No. 1989, A bill for an act relating to public health; providing for the establishment of programs for oral and dental health for nursing home residents; appropriating money.

Reported the same back with the following amendments:

Page 2, line 7, delete "update and revise" and insert "review"

Page 2, line 8, delete "monitor their implementation," and insert "to insure their consistency with current oral health standards;"

Page 2, delete line 9

Page 2, line 10, delete "of,"

Page 2, line 10, delete "coordinate a" and insert "coordination of a"

Page 2, line 11, after "between" delete the comma

Page 2, line 11, after "profession" insert a comma and "the nursing home industry"

Page 2, line 21, delete "local" and insert "resident"

Page 2, line 22, delete "health" and insert "care"

Page 2, line 22, after "to" insert "access and"

Page 2, line 23, delete ";" and insert "care and maintenance; and"

Page 2, line 25, delete "; and" and insert a period

Page 2, delete lines 26 to 30

Page 2, line 33, after "2" delete ", except for its enforcement" and insert a period

Page 3, delete lines 1 and 2 and insert "The development and administration of the program shall be under a licensed dentist."

Page 3, line 5, after "3" insert a period and delete the balance of the line

Page 3, delete lines 6 to 10

Page 3, line 13, delete "No"

Page 3, delete lines 14 to 16

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Voss from the Committee on Appropriations to which was referred:

H. F. No. 2019, A bill for an act relating to education; the maximum effort school aid law; changing the definition of "maximum effort debt service levy"; authorizing the sale of bonds for the maximum effort school loan fund; appropriating

money; amending Minnesota Statutes 1978, Sections 124.38, Subdivision 7; 124.43, Subdivisions 1 and 2.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Munger from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 2035, A bill for an act relating to historic sites and monuments; adding property to Split Rock Lighthouse historic site; reestablishing Traverse des Sioux historic site as a state monument; appropriating funds; amending Minnesota Statutes 1978, Sections 138.025, Subdivision 10; and 138.585, by adding a subdivision; repealing Minnesota Statutes 1978, Section 138.55, Subdivision 5.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Appropriation.

The report was adopted.

Moe from the Committee on Governmental Operations to which was referred:

H. F. No. 2045, A bill for an act relating to economic development; creating a small business finance agency with authority to sell tax exempt revenue bonds to provide loans for small business projects; appropriating money.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Sieben, H., from the Committee on Taxes to which was referred:

H. F. No. 2063, A bill for an act relating to taxation; changing settlement dates for property taxes; amending Minnesota Statutes 1978, Sections 276.09; 276.10; and 276.11.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Swanson from the Committee on Health and Welfare to which was referred:

H. F. No. 2077, A bill for an act relating to public welfare; clarifying zoning requirements for licensed residential facilities; amending Minnesota Statutes 1978, Section 245.812, Subdivision 2.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1978, Section 245.812, Subdivision 2, is amended to read:

Subd. 2. In determining whether a license shall be issued, the commissioner shall specifically consider the population, size, land use plan, availability of community services and the number and size of existing public and private community residential facilities in the town, municipality or county in which an applicant seeks to operate a residence. (EXCEPT AS SPECIFIED IN SECTION 252.28,) Under no circumstances may the commissioner newly license any group residential facility pursuant to Laws 1976, Chapter 243 if such residential facility will be within 1,320 feet of any existing (COMMUNITY) *group* residential facility unless the appropriate town, municipality or county zoning authority grants the facility a conditional use or special use permit. *With the exception of foster family homes the requirements of this subdivision apply to all licensed residential facilities, and for cities of the first class apply even if a facility is considered a permitted single family residential use of property according to subdivision 3.*

Sec. 2. Minnesota Statutes 1978, Section 252.28, Subdivision 3, is amended to read:

Subd. 3. (1) No new license shall be granted pursuant to this section when the issuance of the license would substantially contribute to an excessive concentration of community residential facilities within any town, municipality or county of the state.

(2) In determining whether a license shall be issued pursuant to this subdivision, the commissioner of public welfare shall specifically consider the population, size, land use plan, availability of community services and the number and size of existing public and private community residential facilities in the town, municipality or county in which a licensee seeks to operate a residence. Under no circumstances may the commissioner newly license any facility pursuant to this section (IF THE FACILITY WILL BE WITHIN 300 FEET OF ANY EXISTING COMMUNITY RESIDENTIAL FACILITY, UNLESS THE APPROPRIATE TOWN, MUNICIPALITY OR COUNTY ZONING AUTHORITY GRANTS THE FACILITY A CONDITIONAL USE OR SPECIAL USE PERMIT) *except as provided in Minnesota Statutes, Section 245.812.* The com-

missioner of public welfare shall establish uniform rules and regulations to implement the provisions of this subdivision.

(3) Licenses for community facilities and services shall be issued pursuant to section 245.821."

Further, delete the title and insert the following:

"A bill for an act relating to public welfare; clarifying zoning requirements for licensed residential facilities; increasing the required distances between certain facilities; amending Minnesota Statutes 1978, Sections 245.812, Subdivision 2; and 252.28, Subdivision 3."

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Moe from the Committee on Governmental Operations to which was referred:

H. F. No. 2086, A bill for an act relating to state departments; providing for the creation of a state employee assistance program in the department of administration; amending Minnesota Statutes 1978, Section 16.02, by adding a subdivision.

Reported the same back with the following amendments:

Page 1, line 13, delete "*spouses*" and insert "*dependents*"

Page 1, after line 19, insert a new section to read:

"Sec. 2. Minnesota Statutes 1978, Section 299B.06, Subdivision 1, is amended to read:

299B.06 [POWERS AND DUTIES OF THE BOARD.]
Subdivision 1. [DUTIES.] In addition to carrying out any duties specified elsewhere in sections 299B.01 to 299B.16 or in other law, the board shall:

(a) provide all claimants with an opportunity for hearing pursuant to chapter 15;

(b) establish and maintain a principal office and other necessary offices and appoint employees and agents as necessary and fix their duties;

(c) promulgate within 90 days following the effective date of Laws 1974, Chapter 463 rules to implement sections 299B.01 to 299B.16, including rules governing the method of practice and procedure before the board, prescribing the manner in which

applications for reparations shall be made, and providing for discovery proceedings;

(d) publicize widely the availability of reparations and the method of making claims; (AND)

(e) prepare and transmit annually to the governor and the legislature a report of its activities including the name of each claimant, a brief description of the facts in each case, the amount of reparation awarded, and a statistical summary of claims and awards made and denied (.); and

(f) *appoint an executive secretary who shall serve at the pleasure of the board in the unclassified service.*"

Renumber remaining section

Page 1, line 20, delete "*This act*" and insert "*Section 1*"

Delete the title in its entirety and insert:

"A bill for an act relating to state departments; providing for the creation of a state employee assistance program in the department of administration; authorizing the appointment of an unclassified executive secretary for the crime victims reparations board in the department of public safety; amending Minnesota Statutes 1978, Sections 16.02, by adding a subdivision; and 299B.06, Subdivision 1."

With the recommendation that when so amended the bill pass.

The report was adopted.

Prahl from the Committee on Commerce, Economic Development and Housing to which was referred:

H. F. No. 2100, A bill for an act relating to housing; providing the housing finance agency with authority to make grants and loans to certain sponsors of housing used for temporary shelter; appropriating money; amending Minnesota Statutes 1978, Sections 462A.05, by adding a subdivision; and 462A.21, 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.

Moe from the Committee on Governmental Operations to which was referred:

H. F. No. 2151, A bill for an act relating to state government; separating the department of public service from the public service commission; changing the name of the commission to the public utilities commission; removing obsolete language; clarifying powers and duties; transferring certain funds previously appropriated; amending Minnesota Statutes 1978, Sections 216.16; 216A.01; 216A.04; 216A.05, Subdivisions 2, 4 and 5; 216A.07; 216B.08; 216B.12, Subdivision 1; 216B.15; 216B.62, Subdivisions 2 and 3; repealing Minnesota Statutes 1978, Section 216B.62, Subdivision 1.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [NAME CHANGE; TRANSFER OF FUNCTIONS.] *The name of the public service commission is changed to the public utilities commission. Subject to the provisions of this act and other applicable laws, the public utilities commission and the department of public service shall continue to exercise all the powers and duties vested in, or imposed upon them, as existing and constituted immediately prior to the effective date of this act.*

Sec. 2. Minnesota Statutes 1978, Section 216.16, is amended to read:

216.16 [HEARINGS BEFORE PUBLIC UTILITIES COMMISSION.] If the matter be not adjusted to the satisfaction of the (DEPARTMENT) *commission*, it shall set a time and place of hearing, and give at least ten days notice thereof to each party. The parties may appear either in person or by attorney. The (DEPARTMENT) *commission* shall hear evidence and otherwise investigate the matter, make findings of fact upon all matters involved, and such order or recommendation in the premises as may be just. A copy of such findings and order or recommendation shall forthwith be served upon each party. No proceedings shall be dismissed on account of want of pecuniary interest in the complaint. (THE DEPARTMENT IS AUTHORIZED TO DESIGNATE BY RESOLUTION ANY OF ITS EMPLOYEES TO RECEIVE AND REPORT EVIDENCE. EMPLOYEES SO DESIGNATED SHALL HAVE POWER TO ADMINISTER OATHS TO WITNESSES, EXAMINE WITNESSES, AND RECEIVE EVIDENCE. IN ANY PROCEEDINGS IN WHICH THE EVIDENCE IS RECEIVED BY ONE COMMISSIONER OR BY AN EMPLOYEE SO DESIGNATED, SUCH COMMISSIONER OR EMPLOYEE SHALL MAKE A FULL AND COMPLETE REPORT THEREOF TO THE DEPARTMENT AND THE DEPARTMENT SHALL PROCEED TO A DETERMINATION OF THE FACTS AND ISSUE ITS

ORDER OR RECOMMENDATION AS HEREINABOVE PROVIDED.)

Sec. 3. Minnesota Statutes 1978, Section 216A.01, is amended to read:

216A.01 [ESTABLISHMENT OF DEPARTMENT AND COMMISSION.] There (IS) *are* hereby created and established the department of public service (TO CONSIST OF TWO BRANCHES), and the public (SERVICE) *utilities* commission (AND THE ADMINISTRATIVE DIVISION). The department of public service shall have and possess all of the rights and powers and perform all of the duties vested in it by this chapter (, AND, IMMEDIATELY PRIOR TO ENACTMENT OF SAID CHAPTER,). *The public utilities commission shall have and possess all of the rights and powers and perform all of the duties vested in it by this chapter, and those formerly vested by law in the railroad and warehouse commission.*

Sec. 4. Minnesota Statutes 1978, Section 216A.03, Subdivision 3, is amended to read:

Subd. 3. [CHAIRMAN.] The commission shall elect one of their number chairman *at the meeting of the commission in the second week in January of each year for a term of one year.*

If a vacancy shall occur in the position of chairman, the commission shall elect a new chairman to complete the unexpired term.

Sec. 5. Minnesota Statutes 1978, Section 216A.03, is amended by adding a subdivision to read:

Subd. 3a. [POWERS AND DUTIES OF THE CHAIRMAN.] *The chairman shall be the principal executive officer of the commission. He shall preside at meetings of the commission. The chairman shall organize the work of the commission and may make assignments to commission members, appoint committees and give direction to the commission staff through the executive secretary subject to the approval of the commission.*

Sec. 6. Minnesota Statutes 1978, Section 216A.04, Subdivision 1, is amended to read:

216A.04 [EXECUTIVE SECRETARY; EMPLOYEES.] Subdivision 1. [SELECTION OF EXECUTIVE SECRETARY.] The commission shall appoint (A) *an executive secretary, not a member, who shall be in the unclassified service of the state and shall serve at the pleasure of the commission (, EXCEPT THAT THE SECRETARY NOW SERVING THE RAILROAD AND WAREHOUSE COMMISSION SHALL CONTINUE AS SECRETARY IN THE CLASSIFIED SERVICE).*

(HE) *The executive secretary shall take, subscribe and file an oath similar to that required of the commissioners (. HE SHALL BE CHARGED WITH KEEPING FULL AND CORRECT RECORDS OF ALL TRANSACTIONS AND PROCEEDINGS OF THE COMMISSION, HAVE THE POWER TO ADMINISTER OATHS, AND PERFORM SUCH OTHER DUTIES AS MAY BE PRESCRIBED BY THE COMMISSION. HE SHALL BE THE OFFICIAL CUSTODIAN OF THE RECORDS AND SEAL OF THE COMMISSION), and shall be subject to the same disqualifications as commissioners.*

Sec. 7. Minnesota Statutes 1978, Section 216A.04, is amended by adding a subdivision to read:

Subd. 1a. [POWERS AND DUTIES OF THE EXECUTIVE SECRETARY.] The executive secretary shall:

(1) Cause to be kept full and correct records of all transactions and proceedings of the commission;

(2) Appoint, subject to the approval of the commission all other classified employees of the commission, and supervise and direct their activities;

(3) Have custody of the seal of the commission;

(4) Serve as the administrative officer of the commission with responsibility for personnel, budget and other administrative details related to the work of the commission or as required by state law;

(5) Prepare orders, reports, and other materials as assigned by the commission and recommend to the commission such measures as may be appropriate to achieve the objectives of the commission;

(6) Advise the commission of its financial position and recommend a budget for its approval; and

(7) Perform such other duties as the commission directs.

Sec. 8. Minnesota Statutes 1978, Section 216A.04, Subdivision 3, is amended to read:

Subd. 3. [OFFICERS AND EMPLOYEES.] The commission may employ one unclassified employee in addition to the executive secretary to serve at the pleasure of the commission. The commission may employ such other (ASSISTANTS) persons as may be necessary to carry out its functions, (INCLUDING HEARING OFFICERS AND REPORTERS,) within the funds provided therefor from time to time. (THE COMMISSIONERS INDIVIDUALLY MAY ACT AS HEARING OFFICERS.)

Hearing reporters may provide transcripts of proceedings before the commission to persons requesting transcripts who pay a reasonable charge therefor to the reporter. The amount of the charge shall be fixed by the commission and retained by the reporter, any other law to the contrary notwithstanding.

Sec. 9. Minnesota Statutes 1978, Section 216A.05, Subdivision 4, is amended to read:

Subd. 4. [PERFORMANCE OF FUNCTIONS OF PUBLIC UTILITIES COMMISSION.] The commission shall exercise each and every legislative function imposed by law on (THE DEPARTMENT OF PUBLIC SERVICE) *it*.

Sec. 10. Minnesota Statutes 1978, Section 216A.05, Subdivision 5, is amended to read:

Subd. 5. [HEARINGS UPON PETITIONS.] With respect to those matters within its jurisdiction the commission shall receive, hear and determine (WITHIN SIX MONTHS) all petitions filed with it in accordance with the (PROCEDURES ESTABLISHED BY LAW) *rules of practice and procedure promulgated by the commission*, and may investigate, hold hearings and make determinations upon its own motion to the same extent, and in every instance, in which it may do so upon petition. Upon receiving petitions filed pursuant to sections 221.061, 221.081, 221.121, subdivision 1, 221.151, 221.296, and 221.55, the commission shall give notice of the filing of the petition to representatives of associations or other interested groups or persons who have registered their names with the (DIRECTOR OF THE DEPARTMENT) *executive secretary* for that purpose and to whomever he deems to be interested in the petition. The commission may grant or deny the request of the petition 30 days after notice of the filing has been fully given. If the commission receives a written objection and a notice of intent to appear at a hearing to object to the petition from any person within 20 days of the notice having been fully given, the request of the petition shall be granted or denied only after a contested case hearing has been conducted on the petition, unless the objection is withdrawn prior to the hearing. The commission may elect to hold a contested case hearing if no objections to the petition are received. If a timely objection is not received, or if received and withdrawn, and the request of the petition is denied without hearing, the petitioner may request within 30 days of receiving the notice of denial, and shall be granted, a contested case hearing on the petition.

Sec. 11. Minnesota Statutes 1978, Section 216A.07, is amended to read:

216A.07 [DIRECTOR; POWERS AND DUTIES.] *Subdivision 1.* The director shall be the executive and administrative head of the public service department. He shall have and possess

all the rights and powers and perform all the duties relating to the administrative function of the department as set forth in this chapter. The director may:

(1) Prepare all forms or blanks for the purpose of obtaining information which he may deem necessary or useful in the proper exercise of his authority and duties in connection with regulated businesses;

(2) Prescribe the time and manner within which forms or blanks shall be filed with the department;

(3) Inspect at all reasonable times, and copy the books, records, memoranda and correspondence or other documents and records of any person relating to any regulated business; and

(4) Cause the deposition to be taken of any person concerning the business and affairs of any business regulated by the department. Information sought through said deposition shall be for a lawfully authorized purpose and shall be relevant and material to the investigation or hearing before the commission. Information obtained from said deposition shall be used by the department only for a lawfully authorized purpose and pursuant to powers and responsibilities conferred upon the department. Said deposition is to be taken in the manner prescribed by law for taking depositions in civil actions in the district court.

Subd. 2. [ENFORCEMENT.] The director shall be responsible for the enforcement of chapters 216A, 216B and 237 and the orders of the commission issued pursuant to such chapters.

Subd. 3. [INTERVENTION IN PROCEEDINGS.] The director shall have the right to intervene as a party in all proceedings before the commission. The attorney general shall act as counsel in all such proceedings.

Subd. 4. [INVESTIGATIONS.] The director may, on his own initiative, investigate any matter subject to the jurisdiction of the department or commission;

Subd. 5. [RULEMAKING.] The director shall make substantive and procedural rules to implement the provisions of chapter 216A, 216B and 237. Rules adopted under this authority shall be promulgated pursuant to the Administrative Procedure Act and shall have the force and effect the law.

Sec. 12. Minnesota Statutes 1978, Chapter 216A, is amended by adding a section to read:

[216A.095] [COOPERATION BETWEEN DEPARTMENT AND COMMISSION.] *Nothing in this chapter shall prevent*

the department or the commission from entering into agreements with the other or other agencies to coordinate and share services, to conduct joint projects or investigations on matters within the authority and jurisdiction of the parties thereto, or to temporarily assign staff to projects requested by the other or other agencies. Such cooperative agreements may provide for the sharing of costs between the parties thereto or the reimbursement of the department or commission operating budget for expenditures made on behalf of the department or commission or agency. No such cooperative effort shall, however, interfere with the independence and integrity of either the commission or department or any other agency which may be a party.

Sec. 13. Minnesota Statutes 1978, Section 216B.17, Subdivision 1, is amended to read:

216B.17 [COMPLAINTS.] Subdivision 1. On its own motion or upon a complaint made against any public utility, by the governing body of any political subdivision, by another public utility, *by the department*, or by any 50 consumers of the particular utility that any of the rates, tolls, tariffs, charges, or schedules or any joint rate or any regulation, measurement, practice, act or omission affecting or relating to the production, transmission, delivery or furnishing of natural gas or electricity or any service in connection therewith is in any respect unreasonable, insufficient or unjustly discriminatory, or that any service is inadequate or cannot be obtained, the commission shall proceed, with notice, to make such investigation as it may deem necessary. The commission may dismiss any complaint without a hearing if in its opinion a hearing is not in the public interest.

Sec. 14. Minnesota Statutes 1978, Section 216B.19, is amended to read:

216B.19 [JOINT HEARINGS AND INVESTIGATIONS.] In the discharge of its duties under Laws 1974, Chapter 429, the commission *or the department* may cooperate with similar commissions of other states and any federal agency and may hold joint hearings and make joint investigations with other commissions.

Sec. 15. Minnesota Statutes 1978, Section 216B.54, is amended to read:

216B.54 [ACTIONS BY COMMISSION OR DEPARTMENT; ATTORNEY GENERAL TO INSTITUTE.] Whenever the commission *or department* shall be of the opinion that any person or public utility is failing or omitting or is about to fail or omit to do anything required of it by Laws 1974, Chapter 429 or by any order of the commission, or is doing anything or about to do anything, or permitting anything or about to permit anything to be done, contrary to or in violation of Laws 1974, Chapter 429 or of any order of the commission, it shall refer the

matter to the attorney general who shall take appropriate legal action.

Sec. 16. Minnesota Statutes 1978, Section 216B.62, is amended to read:

216B.62 [COST OF EXAMINATION; ASSESSMENT OF EXPENSES; LIMITATIONS; OBJECTIONS.] Subdivision 1. Immediately after the passage and adoption of Laws 1974, Chapter 429, the commission shall assess to all public utilities subject to the provisions of Laws 1974, Chapter 429 in proportion to their respective gross operating revenues, as hereinafter defined, during the preceding calendar year, the sum of \$300,000. The assessment shall be paid into the state treasury within 30 days after the bill has been mailed, by certified mail, to the several public utilities, which shall constitute notice of said assessment and demand of payment thereof.

Subd. 2. Whenever the commission or department, in a proceeding upon its own motion, on complaint, or upon an application to it, shall deem it necessary, in order to carry out the duties imposed by Laws 1974, Chapter 429, to investigate the books, accounts, practices, and activities of, or make appraisals of the property of any public utility, or to render any engineering or accounting services to any public utility, the public utility shall pay the expenses reasonably attributable to the investigation, appraisal, or service. The commission and department shall ascertain the expenses, and the department shall render a bill therefor to the public utility, either at the conclusion of the investigation, appraisal, or services, or from time to time during its progress, which bill shall constitute notice of the assessment and a demand for payment. The amount of the bills so rendered by the department shall be paid by the public utility into the state treasury within 30 days from the date of rendition. The total amount, in any one calendar year, for which any public utility shall become liable, by reason of costs incurred by the commission within that calendar year, shall not exceed two-fifths of one percent of the gross operating revenue from retail sales of gas, or electric service by the public utility within the state in the last preceding calendar year. Where, pursuant to this subdivision, costs are incurred within any calendar year which are in excess of two-fifths of one percent of the gross operating revenues, the excess costs shall not be chargeable as part of the remainder under subdivision 3, but shall be paid out of the general appropriation to the department and commission. In the case of public utilities offering more than one public utility service only the gross operating revenues from the public utility service in connection with which the investigation is being conducted shall be considered when determining this limitation.

Subd. 3. The department and commission shall annually, within 90 days after the close of each fiscal year, ascertain the

total of (ITS) *their* expenditures to the performance of (ITS) *their* duties relating to public utilities under Laws 1974, Chapter 429, and shall deduct therefrom all amounts chargeable to public utilities under subdivision 2. The remainder shall be assessed by the commission *and department* to the several public utilities in proportion to their respective gross operating revenues from retail sales of gas or electric service within the state during the last calendar year. The assessment shall be paid into the state treasury within 30 days after the bill has been mailed to the several public utilities, which shall constitute notice of the assessment and demand of payment thereof. The total amount which may be assessed to the public utilities, under authority of this subdivision, shall not exceed one-eighth of one percent of the total gross operating revenues of the public utilities during such calendar year from retail sales of gas or electric service within the state.

Subd. 4. Within 30 days after the date of the mailing of any bill as provided by subdivisions 2 and 3, the public utility against which the bill has been rendered may file with the commission objections setting out the grounds upon which it is claimed the bill is excessive, erroneous, unlawful or invalid. The commission shall within 60 days hold a hearing and issue an order in accordance with its findings. The order shall be appealable in the same manner as other final orders of the commission.

Subd. 5. The commission *and department* shall be authorized to charge cooperative electric associations their proportionate share of the expenses incurred in the adjudication of service area disputes and all of the costs incurred in the adjudication of complaints over service standards and practices. Cooperative electric associations electing to become subject to rate regulation by the commission pursuant to section 216B.02, subdivision 4, shall be subject to this section.

Sec. 17. Minnesota Statutes 1978, Section 216B.64, is amended to read:

216B.64 [ATTORNEY GENERAL TO REPRESENT COMMISSION AND DEPARTMENT.] The attorney general of the state shall, upon request of the commission *or department*, represent and appear for the commission *or department* in all actions and proceedings involving any question under Laws 1974, Chapter 429, and shall aid in any investigation or hearing had under the provisions of Laws 1974, Chapter 429. The attorney general shall perform all duties and services in connection with Laws 1974, Chapter 429 and the enforcement thereof as the commission *or department* may require. He shall also bring all actions to collect penalties herein provided.

Sec. 18. Minnesota Statutes 1978, Section 237.02, is amended to read:

237.02 [UNDER DEPARTMENT OF PUBLIC SERVICE AND PUBLIC UTILITIES COMMISSION.] The department of public service and the public utilities commission, now existing under the laws of this state, (IS) are hereby vested with the same jurisdiction and supervisory power over telephone companies doing business in this state as it now has over railroad and express companies (;). (AND, WHEREVER THE TERM "DEPARTMENT" IS USED IN THIS CHAPTER, IT SHALL MEAN THE DEPARTMENT OF PUBLIC SERVICE) *The definitions set forth in section 216A.02 shall apply also to this chapter.*

Sec. 19. Minnesota Statutes 1978, Section 237.12, is amended to read:

237.12 [CONNECTIONS BETWEEN TELEPHONE COMPANIES DISCONTINUED ONLY ON ORDER.] When public convenience requires the same, every telephone company shall, for a reasonable compensation, permit a physical connection or connections to be made, and telephone service to be furnished between any telephone exchange system operated by it, and the telephone toll line or lines operated by another company, or between its telephone toll line or lines and the telephone exchange system of another telephone company, or between its toll line and the toll line of another company, whenever such physical connection or connections are practicable and will not result in irreparable injury to the telephone system so compelled to be connected. The term "physical connection," as used in this section, means such number of trunk lines or complete wire circuits and connections as may be required to furnish reasonable and adequate service between such telephone lines and exchanges and shall not be deemed to provide for any connection whereby one line or circuit is to be bridged upon another line or circuit. In case of failure of the telephone companies concerned to allow or agree upon such physical connection or connections, or the terms and conditions upon which the same shall be made, application may be made to the department for an order requiring such connection and fixing the compensation, terms and conditions thereof, and if after investigation and hearing the department shall find that such physical connections will not result in irreparable injury to such telephone properties, it shall by order direct that such connections be made, and prescribe reasonable conditions and compensation therefor and for the joint use thereof, and by whom the expense of making and maintaining such connection or connections shall be paid. When application is made to the department requesting physical connection it shall be presumed that such connection is necessary, and that the public convenience will be promoted thereby, and the burden of overcoming such presumption shall be upon the party resisting such application. The telephone companies so connecting shall give service over the connecting line or lines without preference to or discrimination against any service or telephone company whatever.

Wherever a physical connection or connections exist between any telephone exchange system operated by a telephone company and the toll line or lines operated by another telephone company or between its toll line or lines and the telephone exchange system of another telephone company, or between its toll line and the toll line of another telephone company, neither of the companies shall cause such connection to be severed or the service between the companies to be discontinued without first obtaining an order from the department upon an application for permission to discontinue such physical connection. Upon the filing of an application for discontinuance of such a connection, the department shall investigate and ascertain whether public convenience requires the continuance of such physical connection, and if the department so finds, *the commission* shall fix the compensation, terms and conditions of the continuance of the physical connection and service between the telephone companies.

Sec. 20. Minnesota Statutes 1978, Section 237.295, Subdivision 1, is amended to read:

237.295 [COST OF EXAMINATION; ASSESSMENT OF EXPENSES; LIMITATION; OBJECTIONS.] Subdivision 1. Whenever the department or *commission*, in a proceeding upon its own motion, on complaint, or upon an application to it, shall deem it necessary in order to carry out the duties imposed on it to investigate the books, accounts, practices, and activities of, or make appraisals of the property of any telephone company, or to render any engineering or accounting services to any telephone company, the telephone company shall pay the expenses reasonably attributable to the investigation, appraisal, or service. The department and *commission* shall ascertain the expenses, and *the department* shall render a bill therefor to the telephone company, either at the conclusion of the investigation, appraisal, or services, or from time to time during its progress, which bill shall constitute notice of the assessment and a demand for payment. The amount of the bills so assessed by the department shall be paid by the telephone company into the state treasury within 30 days from the date of assessment. The total amount, in any one calendar year, for which any telephone company shall become liable, by reason of costs incurred by the department and *commission* within that calendar year, shall not exceed two-fifths of one percent of the gross jurisdictional operating revenue of the telephone company in the last preceding calendar year. Where, pursuant to this subdivision, costs are incurred within any calendar year which are in excess of two-fifths of one percent of the gross jurisdictional operating revenues, the excess costs shall not be chargeable as part of the remainder under subdivision 2, but shall be paid out of the general appropriation of the department.

Sec. 21 Minnesota Statutes 1978, Section 237.295, Subdivision 2, is amended to read:

Subd. 2. The department and *commission* shall annually, within 90 days after the close of each fiscal year, ascertain the

total of its expenditures to the performance of its duties relating to telephone companies, and shall deduct therefrom all amounts chargeable to telephone companies under subdivision 1. The remainder shall be assessed by the department to the several telephone companies in proportion to their respective gross jurisdictional operating revenues during the last calendar year. The assessment shall be paid into the state treasury within 30 days after the bill has been mailed to the several telephone companies, which shall constitute notice of the assessment and demand of payment thereof. The total amount which may be assessed to the telephone companies, under authority of this subdivision, shall not exceed one-eighth of one percent of the total gross jurisdictional operating revenues during such calendar year.

Sec. 22. [TRANSFER OF COMPLEMENT, FUNDS, EQUIPMENT.] *All unexpended funds appropriated to the department of public service for the commission support division by the Laws 1979, Chapter 333, Section 37, are hereby transferred to the public utilities commission. The department of finance shall determine what funds are to be transferred.*

Twenty-four positions in the public service department used to staff the commission support division are transferred to the public utilities commission and the complement of the department of public service is hereby reduced by a like amount.

The commissioner of finance and commissioner of personnel shall transfer the budget, position, and employees referenced above any accrued benefits pertaining thereto to the public utilities commission.

All equipment, furnishings, supplies presently used by the commission support division and any contractual arrangements for telephone service, office space or other matters related to the operation of the division are hereby transferred to the public utilities commission.

Sec. 23. [INSTRUCTION TO REVISOR.] *Insofar as possible, the revisor of statutes shall substitute the term "public utilities commission" for the term "public service commission" in the next and subsequent editions of Minnesota Statutes consistently with the provisions of this act. The revisor may make related changes in grammar and punctuation, but shall not change the meaning of any provision except consistently with this act.*

Insofar as possible, the revisor of statutes shall substitute the term "commission" for the term "department" wherever it appears in sections 216.10, 216.13, 216.14, 216.16, 216.161, 216.17, 216.18, 216.24, 216.25, 216.26, 216.27, 216.271, 237.10, 237.16, 237.18, 237.20, 237.21, 237.22, 237.23, 237.24, 237.25, 237.26, 237.27 and 237.28 of the next and subsequent editions of Minnesota Statutes consistently with the provisions of this act. The revisor may make related changes in grammar and punctuation,

but shall not change the meaning of any provision except consistently with this act.

Sec. 24. [EFFECTIVE DATE.] *This act and the transfer of powers, duties, funds and personnel shall be effective July 1, 1980.*"

Delete the title in its entirety and insert:

"A bill for an act relating to public utilities; separating the department of public service and the public service commission into two agencies, and changing the name of the public service commission to the public utilities commission; amending Minnesota Statutes 1978, Sections 216.16; 216A.01; 216A.03, Subdivision 3, and by adding a subdivision; 216A.04, Subdivisions 1, 3, and by adding a subdivision; 216A.05, Subdivisions 4, and 5; 216A.07; 216B.17, Subdivision 1; 216B.19; 216B.54; 216B.62; 216B.64; 237.02; 237.12; 237.295, Subdivisions 1 and 2; and Chapter 216A, by adding a section."

With the recommendation that when so amended the bill pass.

The report was adopted.

Casserly from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 2152, A bill for an act relating to Carver county; applying the provisions of the municipal housing and redevelopment act to Carver county; providing for local approval of projects.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Rice from the Committee on Labor-Management Relations to which was referred:

H. F. No. 2154, A bill for an act relating to public employees; creating a state department of employee relations; establishing appropriate units for state and university employees; providing for a right to strike; providing for interim contract approval by the legislative commission on employee relations; clarifying civil service laws; providing for health benefits; providing for a study of promotional systems; appropriating money; amending Minnesota Statutes 1978, Sections 43.001; 43.01, Subdivision 8; 43.111; 43.245; 43.321; 43.45; 43.46; 179.63, Subdivision 7; 179.6, Subdivisions 2, 3, 4, and 5, and by adding a subdivision; 179.67, Subdivision 4; 179.69, Subdivisions 1 and 3; 179.71, Subdivisions 3 and 5; 179.72, Subdivision 6; 179.74, Subdivisions

1, 2, and 3, and by adding a subdivision; and Chapters 43 and 179, by adding sections; and Minnesota Statutes, 1979 Supplement, Sections 3.855; 43.067, Subdivision 1; 43.19, Subdivision 1; 43.50, Subdivision 1; 43.51; 62D.22, Subdivision 7; 179.63, Subdivision 11; 179.65, Subdivision 6; and 179.74, Subdivisions 4 and 5; and Laws 1979, Chapter 332, Article I, Section 114; repealing Minnesota Statutes 1978, Sections 43.003; 43.50, Subdivision 3; 179.64, Subdivision 1; and 179.69, Subdivisions 4, 5, and 6; and Minnesota Statutes, 1979 Supplement, Sections 15A.081, Subdivision 5; and 179.64, Subdivision 7.

Reported the same back with the following amendments:

Page 3, line 30, strike "affected portions of"

Page 4, line 13, delete "8" and insert "11"

Page 6, line 28, delete "section" and insert "sections"

Page 6, line 28, after "3.855" insert ", 43.05, subdivision 3"

Page 7, line 1, after the comma, insert "subdivision 2,"

Page 7, after line 7, insert:

"Sec. 5. Minnesota Statutes, 1979 Supplement, Section 43.05, Subdivision 2, is amended to read:

Subd. 2. [SPECIFIED DUTIES.] The commissioner shall:

(1) Attend all meetings of the board;

(2) Promulgate personnel rules for the purpose of carrying out the provisions of this chapter; these rules shall provide, among other things, for current records of efficiency, and standards of performance, for all employees subject to the provisions of this chapter; the manner of completing appointments and promotions; rejection of eligible candidates; examinations; retention of examination records under the provisions of section 138.163; creation of eligible lists, with successful candidates ranked according to their ratings in the examinations; (LEAVES OF ABSENCE WITH AND WITHOUT PAY;) transfers (,) and reinstatements (, LAYOFFS, VACATIONS, AND HOURS OF WORK); public notice of examinations; (PROCEDURE FOR CHANGES IN RATES OF PAY;) compulsory retirement at fixed ages; and other conditions of employment. If a rule is made concerning sick leave for illness in the immediate family of an employee, the term "immediate family" shall be limited to the spouse, minor or dependent children, or parent where the parent has no other person to provide the necessary nursing care, living in the household of the employee;

(3) Operate an information system from which data can be retrieved concerning employees in agencies under his jurisdiction showing their employment histories including the date of appointment, demotion, reinstatement, increases or decreases in pay, the compensation and title of the position, changes in title, transfers, and separations from the service; and the commissioner shall have access to all public and private personnel data kept by an appointing authority, the examination of which will aid in the discharge of his duties;

(4) Prepare, in accordance with the provisions of this chapter and the rules adopted hereunder, examinations, eligible lists, and ratings of candidates for appointment;

(5) Make certifications for appointment within the classified service, in accordance with the provisions of this chapter;

(6) Make investigations concerning all matters touching the enforcement and effect of the provisions of this chapter and the personnel rules prescribed hereunder;

(7) Discharge such duties as are imposed upon him by this chapter;

(8) Establish, publish and continually review logical career paths in the classified civil service;

(9) Consider all requests for other than state appropriated funds from any state department or agency for personnel purposes all of which shall be submitted to him for comment before any such request is made of a federal, local, or private agency; and

(10) Prepare rules regulating the temporary designation of positions in the unclassified civil service;

(11) Review, establish or change titles for the positions in the unclassified civil service in the executive branch of state government except those established by law or by the constitution, to make titles descriptive of positions and consistent throughout the state service; and

(12) In conformance with the rule making provisions of chapter 15, promulgate a code of ethics establishing standards of conduct to be observed by state employees in the performance of their official duties.

Sec. 6. Minnesota Statutes 1978, Section 43.05, is amended by adding a subdivision to read:

Subd. 3. The commissioner, through the division of labor relations, shall:

(a) *Represent the state at hearings conducted by the director of the bureau of mediation services relating to state employees;*

(b) *Represent the state in all collective bargaining between the state and exclusive representatives, and represent the state in mediation and arbitration of collective bargaining disputes;*

(c) *Report to the legislative commission on employee relations pursuant to section 3.855;*

(d) *Be responsible for state management interpretation of all contracts between the state and exclusive representatives and provide state management personnel with training in the interpretation and application of these contracts;*

(e) *Oversee the administration of all written grievances arising under contracts between the state and an exclusive representative. The commissioner shall establish procedures which appointing authorities shall follow to enable the commissioner to monitor the grievance procedure at all steps;*

(f) *Have final authority to decide if a grievance shall be submitted to arbitration or if it shall be settled without arbitration;*

(g) *Represent the state at all grievance arbitrations;*

(h) *Collect and analyze all information necessary to carry out the responsibilities of this subdivision."*

Page 7, after line 22, insert:

"Sec. 8. Minnesota Statutes, 1979 Supplement, Section 43.067, Subdivision 4, is amended to read:

Subd. 4. [LIMIT ON POLITICAL SUBDIVISION SALARIES.] Notwithstanding any other law to the contrary, no salary of a person employed by a city, county, town, school district, metropolitan or regional agency, or other political subdivision of the state, *except for political subdivisions as defined in sections 453.53 and 453A.03*, may exceed 105 percent of the salary of the commissioner of finance."

Page 9, line 2, delete "8" and insert "11"

Page 9, line 7, after "43.18," insert "subdivisions 1 to 3, 43.19, subdivisions 2 and 3,"

Page 9, line 7, delete "43.21"

Page 9, line 20, delete "otherwise"

Page 9, line 20, after "by" insert "*section 43.064 or other*"

Page 12, line 9, delete "8" and insert "11"

Page 13, line 19, delete "60.15" and insert "60A.15"

Page 14, line 2, delete "*twelve*" and insert "*thirteen*"

Page 14, line 6, after the period insert "*One member shall be selected from names submitted by the regents of the university of Minnesota.*"

Page 14, line 15, delete ", *the*"

Page 14, line 16, delete "*determination of benefits*"

Page 14, line 27, delete "8" and insert "11"

Page 15, delete lines 2 to 29

Page 15, line 30 delete "4" and insert "2"

Page 16, line 2, delete "8" and insert "11"

Page 16, line 2, delete "*Payments shall be made in the*"

Page 16, delete line 3

Page 16, line 9, strike "health" and insert "*medical*"

Page 17, delete lines 27 to 33

Page 18, delete lines 1 to 8

Page 18, lines 13 to 16, reinstate the stricken language

Page 18, line 16, after the period insert "*The commissioner of employee relations may refuse to allow a health maintenance organization to continue as a carrier if it was selected by less than 500 employees in the preceding benefit year.*"

Page 19, line 2, after "*students*" insert "*employed by the school which they attend under a work study program or in connection with the receipt of any financial aid*"

Page 19, after line 3, insert:

"Sec. 20. Minnesota Statutes 1978, Section 179.63, Subdivision 8, is amended to read:

Subd. 8. "Confidential employee" means any employee who works in the personnel offices of a public employer or who has access to information subject to use by the public employer in meeting and negotiating or who actively participates in the meeting and negotiating on behalf of the public employer. *Provided that when the reference is to executive branch employees of the state of Minnesota or employees of the regents of the university of Minnesota, "confidential employee" means any employee who has access to information subject to use by the public employer in collective bargaining or who actively participates in collective bargaining on behalf of the public employer.*"

Page 19, line 7, delete "full-time"

Page 19, line 13, delete "(1)"

Page 19, line 16, delete "and"

Page 19, line 16, after "guards" insert ", and supervisory"

Page 19, line 17, after "units" insert ", irrespective of severance" and delete the balance of the line

Page 19, delete lines 18 and 19 and insert "The term "firefighters" means all full time fire department personnel who are members of either the public employees police and fire fund or a local firefighters' relief association subject to the provisions of Minnesota Statutes, Section 69.77."

Page 19, line 22, delete "Nonessential" and insert "Nonstate"

Page 19, line 23, delete "state" and insert "confidential, essential, and supervisory"

Page 19, line 23, after the second "employees," insert "principals and assistant principals,"

Page 19, line 32, delete "15" and insert "30"

Page 20, line 5, delete "by nonessential public employees"

Page 20, line 6, after "prior" insert "written"

Page 20, line 10, after "prior" insert "written"

Page 21, line 12, after "wages" insert ", reimbursement of expenses,"

Page 22, line 9, after "administrative" insert "or grievance"

Page 22, line 24, after the period, insert "An employer may obtain review of a decision to reinstate an employee in the same

manner as provided for appeals by employees in this subdivision."

Page 23, line 14, delete "not" and delete ", except in the"

Page 23, delete lines 15 to 22, but retain the period on line 22

Page 24, line 10, delete "employees" and insert "employees"

Page 24, line 32, after "employment" insert "or receiving a valid arbitration award"

Page 25, line 13, delete "discuss" and insert "negotiate"

Page 27, line 17, delete "requested" and insert "requested"

Page 28, strike lines 4 through 6

Page 28, line 7, strike "(g)" and insert "(f)"

Page 28, line 17, strike "(h)" and insert "(g)"

Page 28, line 24, strike "(i)" and insert "(h)"

Page 28, line 26, strike "procedures" and insert "procedure"

Page 28, line 33, strike "(j)" and insert "(i)"

Page 29, line 1, delete "(k)" and insert "(j)" and delete "and"

Page 29, line 2, delete "university of Minnesota classifications"

Page 29, lines 3, 4, 6, 8 and 9 delete "37" and insert "38"

Page 29, line 7, delete "and confidential"

Page 29, line 10, delete "significantly" and insert "significantly"

Page 30, delete lines 17 to 22

Page 30, line 27, delete "a" and reinstate "his"

Page 30, delete lines 28 to 33

Page 31, delete lines 1 to 23

Page 32, line 6, strike "appropriate" and insert "the"

Page 32, line 6, after "units" insert "*specified in section 38, subdivision 1,*"

Page 32, line 14, delete "37" and insert "38"

Page 32, line 15, after "for" insert "*executive branch*"

Page 32, line 15, delete "*and for university of*"

Page 32, line 16, delete "*Minnesota employees*"

Page 32, line 23, before "all" insert "*the positions of*"

Page 32, line 24, after "of" insert "*the*"

Page 32, line 28, before "all" insert "*and the positions of*"

Page 32, line 28, after "all" insert "*confidential*"

Page 32, strike lines 29 to 32

Page 32, line 33, strike "meeting and negotiating on behalf of the state," and delete "*and all*"

Page 33, delete line 1

Page 33, line 2, delete "*of employee relations*"

Page 33, line 14, before the period, insert "*with exclusive representatives of the units specified in section 38, subdivision 1*"

Page 34, line 10, after "*legislature*" insert "*for ratification*"

Page 34, line 12, delete "*for ratification*"

Page 34, line 15, after "but" insert "*such wages and benefit increases*"

Page 34, line 28, delete "AND UNIVERSITY"

Page 34, line 32, after "of" insert "*executive branch*"

Page 35, line 2, delete "unit" and insert "*units 12 and*"

Page 35, line 3, after "of" insert "*executive branch*"

Page 36, line 6, after "college" insert "*and state residential*"

Page 36, line 14, after "*engineering*" insert "*supervisory*"

Page 37, line 1, after "*attorneys*" insert "*, physicians,*"

Page 37, line 1, delete "*and*"

Page 37, line 1, after "*supervisors*" insert "*, and criminal apprehension investigative-supervisors*"

Page 37, line 6, delete "*either*" and insert "*one of these groups*"

Page 37, line 7, delete "*group*"

Page 37, line 7, delete "*exercise*" and insert "*exercises*"

Page 37, line 16, delete "*of the bureau of mediation*"

Page 37, line 17, delete "*services*"

Page 37, line 21, delete "*(1)*"

Page 37, line 23, delete "*confidential unit*" and insert "*professional units*"

Page 37, line 23, delete "*and (2) the*"

Page 37, delete lines 24 and 25

Page 37, line 26, delete "*majority*"

Page 37, line 28, after "*of*" insert "*separate*"

Page 37, line 30, delete "*and shall also*"

Page 37, delete lines 31 to 33

Page 38, delete line 1

Page 38, line 2, delete "*number of votes*"

Page 38, line 2, delete "*shall be conducted within 15*"

Page 38, delete line 3

Page 38, line 6, delete "*elect*" and insert "*elects*"

Pages 38, 39, and 40, delete all of Subdivision 3

Page 40, line 11, delete "*AND UNIVERSITY OF MINNESOTA*"

Page 40, line 15, after "*certification*" insert "*and decertification*"

Page 40, line 16, delete "*and of university of*"

Page 40, line 17, delete "*Minnesota employees*"

Page 40, line 17, delete "37" and insert "38"

Page 40, line 18, after "*certification*" insert "*and decertification*"

Page 40, lines 23 and 28, delete "37" and insert "38"

Page 40, line 25, delete "(1)"

Page 40, line 28, delete "*or (2) that the petitioner has*"

Page 40, delete lines 29 to 33

Page 41, delete lines 1 and 2

Page 41, line 3, delete everything before the period

Page 41, lines 5, 16, 21, 25, 29, delete "37" and insert "38"

Page 41, line 12, delete "15" and insert "45"

Page 42, line 3, delete "15" and insert "45"

Page 42, line 9, delete "37" and insert "38"

Page 42, line 20, before "*The*" insert "*Prior to January 1, 1981*"

Page 42, line 30, delete "*and university*"

Page 42, line 31, delete "*of Minnesota employees*"

Page 43, line 4, delete "*and university of Minnesota employees*"

Page 43, line 7, after "*unit*" insert "*and shall have the responsibility of administering grievances arising under previous contracts covering employees included within the unit which remain unresolved on June 30, 1981*"

Page 43, lines 19 and 21, delete "*through 40*" and insert "*to 42*"

Page 43, line 23, delete "37" and insert "38"

Page 43, delete lines 28 to 33

Page 44, delete lines 1 to 3

Page 44, line 4, delete "*Subd. 2.*" and insert "[179.743]"

Page 44, line 6, delete "*or confidential*"

Page 44, line 10, delete "*of the bureau of mediation services*"

Page 44, line 12, delete "*or confidential*"

Page 44, line 13, delete "*and nonconfidential*"

Page 44, line 16, delete "*37, the*" and insert "*32. The*"

Page 44, line 25, delete "*37*" and insert "*38*"

Page 45, line 8, strike "43.064;"

Page 45, line 9, after "43.12" insert ", *subdivisions 2 to 27*"

Page 45, after line 14, insert:

"Sec. 42. Laws 1979, Chapter 332, Article I, Section 116, is amended to read:

Sec. 116. [EFFECTIVE DATE.] The effective dates for Article I are as follows: sections 2, 4, 8, 40, 45, 46, 47, 58, 61, 65, 82-91, and 113 are effective upon final enactment. Section 64, is effective June 30, 1980. Sections 3, 5, 6 and 7 are effective July 1, 1981. The remaining provisions of Article I are effective July 1, 1979. The provisions of section 47 shall apply to all disciplinary actions taken on or after the effective date of section 47. *The provisions of section 63 shall expire on July 1, 1981, but shall apply to all arbitration proceedings which are to determine contractual provisions for the 1982-1983 biennium.* The provisions of sections (63) 64, 93 to 111 and 113 shall expire on July 1, 1981. The provisions of section 137.02, subdivision 4, shall not apply to sections 93 to 111."

Page 45, line 17, before "179.69" delete "*and*" and after "6;" insert "*and 482.18;*"

Page 45, line 24, delete "*12*" and insert "*15*"

Page 45, line 33, delete "*37 to 39*" and insert "*19 to 42*"

Page 46, line 9, delete "*13*" and insert "*16*"

Renumber the sections in sequence

Correct the internal cross references

Further, amend the title as follows:

Page 1, line 4, delete "and university"

Page 1, line 10, after "systems;" insert "repealing duty of the revisor of statutes regarding certain collective bargaining agreements;"

Page 1, line 12, after the first semi-colon, insert "43.05, by adding a subdivision;"

Page 1, line 13, delete "Subdivision 7" and insert "Subdivisions 7 and 8"

Page 1, line 13, delete "179.6" and insert "179.64"

Page 1, line 17, delete "1,"

Page 1, line 17, after "2" delete the comma, and after "3" delete the comma

Page 1, line 18, delete "and by adding a subdivision"

Page 1, line 20, after the semi-colon, insert "43.05, Subdivision 2;"

Page 1, line 21, delete "Subdivision" and insert "Subdivisions"

Page 1, line 21, after the first "1" insert "and 4"

Page 1, line 22, delete "43.51;"

Page 1, line 25, delete "Section 114" and insert "Sections 114 and 116"

Page 1, line 27, delete "and"

Page 1, line 28, after "6;" insert "and 482.18;"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Governmental Operations.

The report was adopted.

Casserly from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 2156, A bill for an act relating to metropolitan government; providing for the maximum amount of the borrowing authorization of the metropolitan airports commission; amending Minnesota Statutes 1978, Section 473.667, Subdivision 2.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Munger from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 2197, A bill for an act relating to historic sites; designating an additional historic site; amending Minnesota Statutes 1978, Section 138.56, by adding a subdivision.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Rice from the Committee on Labor-Management Relations to which was referred:

H. F. No. 2237, A bill for an act relating to public employees; clarifying the definition of public employees; amending Minnesota Statutes 1978, Section 179.63, Subdivision 7.

Reported the same back with the following amendments:

Page 2, delete lines 2 to 9 and insert:

"The exclusions of clauses (e) and (f) of this subdivision shall not apply to:

(1) an employee hired to replace an absent teacher who at the time of his absence is a "public employee" not within the other exclusions of this subdivision where the replacement employee is employed more than 30 working days as a replacement for that teacher; and

(2) an employee hired for a teaching position created by increased enrollment, curriculum expansion, courses which are a part of the curriculum whether offered annually or not, or other appropriate reasons."

With the recommendation that when so amended the bill pass

The report was adopted.

Munger from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 2253, A bill for an act relating to natural resources; providing for analysis of hydroelectric generating capacity of publicly owned dams; clarifying provisions relating to the administration of an authorization for dam repair and reconstruction grants; authorizing the employment of a person to administer grants; amending Minnesota Statutes 1978, Section 105.482, Subdivisions 1 and 4; Minnesota Statutes, 1979 Supplement, Section 105.482, Subdivisions 3 and 5a; and Laws 1979, Chapter 300, Section 4, Subdivisions 1 and 5.

Reported the same back with the following amendments:

Page 2, line 14, after the period insert "*Except as provided below,*"

Page 2, line 16, after the period insert "*A grant to study the feasibility, practicality and environmental effects of utilizing a dam for hydroelectric power generation may be for an amount not to exceed 90 percent of the costs of the study.*"

Page 5, line 11, after "in" insert "*the unclassified service for*"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Munger from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 2321, A bill for an act relating to the environment; providing for studies of potential soil and ground water contamination in cases where there is actual or potential danger to drinking water supplies resulting from the disposal of hazardous wastes; authorizing the attorney general to recover the costs of the studies under certain circumstances; appropriating money.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Munger from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 2353, A bill for an act relating to water resources; continuing the water planning board; changing its membership and duties; appropriating money; amending Minnesota Statutes 1978, Section 105.401; and Laws 1979, Chapter 333, Section 31, Subdivision 5.

Reported the same back with the following amendments:

Page 2, line 16, after "commission" insert "*and evaluate and update its contents*"

Page 2, delete line 17

Page 2, line 18, delete everything before "*comprehensive*" and insert "*(2) Coordinate and develop*"

Page 2, line 19, delete "*in furtherance of the*"

Page 2, line 20, delete "*framework plan*"

Page 2, line 26, strike "participation of" and insert "*opportunity for*"

Page 2, line 26, strike the second "of"

Page 2, line 27, after "government" insert "*to participate*"

Page 2, line 29, after "activities" insert "*of the board*"

Page 2, line 32, after "89-80" insert "*, as amended*"

Page 2, line 33, after "funding" insert "*and such other federal water and related land resources planning programs affecting more than a single agency as the board finds appropriate*"

Page 3, line 7, strike "many"

Page 3, line 8, after "state" insert "*, local,*"

Page 3, line 9, strike "public"

Page 3, line 14, delete everything after "*(9)*"

Page 3, line 16, after the semicolon insert "*and*"

Page 3, line 17, after "*and*" insert "*, where directed,*"

Page 3, line 19, delete everything after "*management*" and insert a period

Page 3, delete lines 20 to 31

Page 4, line 12, after "446" insert "*until 90 days after the legislature designates a permanent successor to the water planning board, but not longer than*"

Page 4, line 12, reinstate "through June 30," and after the stricken "1980" insert "1982"

Page 4, line 14, after "plan" insert "*for evaluation and further development of water planning*"

Page 4, line 19, delete "*legislation*" and insert "*a report to the governor, the successor to the water planning board and the legislature from which appropriate legislation may be developed*"

Page 4, after line 30 insert:

"The water planning board is extended until 90 days after the legislature designates a permanent successor to the water planning board or until June 30, 1982, whichever comes sooner. In accordance with the preceding provision, Minnesota Statutes 1978, Section 105.401, expires on or before June 30, 1982."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Brinkman from the Committee on Financial Institutions and Insurance to which was referred:

S. F. No. 704, A bill for an act relating to savings banks; authorizing service corporations and also authorizing certain detached facilities; amending Minnesota Statutes 1978, Chapter 50, by adding sections.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1978, Chapter 50, is amended by adding a section to read:

[50.245] [DETACHED FACILITIES; MUTUAL SAVINGS BANKS; AUTHORIZATION.] *Subdivision 1. A mutual*

savings bank may establish five detached facilities pursuant to sections 47.51 to 47.57 in the territories of Hennepin and Anoka counties.

Subd. 2. The authorization contained in subdivision 1 is in addition to the authority granted mutual savings banks in section 47.52.

Subd. 3. This section shall not apply to any bank with a stock form of ownership."

Amend the title, as follows:

Page 1, lines 2 and 3, delete "authorizing service corporations and also"

Page 1, line 5, delete "sections" and insert "a section"

With the recommendation that when so amended the bill pass.

The report was adopted.

Moe from the Committee on Governmental Operations to which was referred:

S. F. No. 759, A bill for an act relating to Indian affairs; expanding the term of office for at large intertribal board members from two years to four years; providing for future at large elections; defining the term of office for at large members; amending Minnesota Statutes 1978, Section 3.922, Subdivision 2.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Brinkman from the Committee on Financial Institutions and Insurance to which was referred:

S. F. No. 1115, A bill for an act relating to real estate; changing interest provisions payable in redemption of mortgages; amending Minnesota Statutes 1978, Section 580.23, Subdivision 1.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Munger from the Committee on Environment and Natural Resources to which was referred:

S. F. No. 1240, A bill for an act relating to natural resources; setting forth the rights of property owners whose property is purchased for conservation purposes; revising responsibilities of the commissioner of natural resources and the commissioner of administration in property acquisition; authorizing the commissioner of natural resources, with the approval of the state executive council to convey the interests of the state in lands for the purpose of correcting boundary description errors; amending Minnesota Statutes 1978, Sections 84.0272; 85.012, Subdivision 1; 85.015, Subdivision 1; 85.021, Subdivisions 1 and 2; and 104.37, Subdivision 1.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Johnson, C., from the Committee on Education to which was referred:

S. F. No. 1609, A bill for an act relating to education; extending the coverage of a grandfather provision allowing certain pupils to attend school in a school district other than the district in which the pupil resides; amending Minnesota Statutes, 1979 Supplement, Section 120.075.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Cassery from the Committee on Local and Urban Affairs to which was referred:

S. F. No. 1619, A bill for an act relating to the metropolitan transit area; providing for contracts with socially or economically disadvantaged persons including handicapped persons; amending Minnesota Statutes 1978, Chapter 473, by adding a section.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes, 1979 Supplement, Section 174.25, Subdivision 1, is amended to read:

174.25 [PARATRANSIT GRANT PROGRAM.] Subdivision 1. [PURPOSE.] A paratransit program is established

to provide grants for paratransit projects designed to accomplish the following objectives:

(a) to provide transportation services in those areas inefficiently or inadequately served by regular route transit;

(b) to provide transportation services which improve the accessibility and productivity of regular route transit;

(c) to provide transportation services for persons who because of age or incapacity are unable to drive a private automobile or use existing modes of public transit.

Subd. 1a. [FINANCIAL ASSISTANCE.] Grants may be made for demonstration projects or for projects of a type that the commissioner has determined to be successful on the basis of demonstration projects already implemented and evaluated. Except as otherwise provided in this subdivision, grants for a paratransit project shall not exceed two-thirds of the operating deficit and 50 percent of any non-federal share of the capital costs. Grants for a demonstration project, other than grants to the metropolitan transit commission, shall not exceed 90 percent of the capital costs and operating deficit of the project. Notwithstanding any other provision of this subdivision, the commissioner may fund up to 100 percent of a project that he determines to be unique and beneficial but lacks the necessary local financial support. Grants to the metropolitan transit commission for any paratransit project may be up to 100 percent of the operating deficit but may not include any portion of the capital costs. The commissioner may use funds appropriated to the paratransit grant program for program administration.

Sec. 2. Minnesota Statutes, 1979 Supplement, Section 473.436, Subdivision 5, is amended to read:

Subd. 5. [BUS PURCHASES AND OTHER IMPROVEMENTS.] In addition to obligations outstanding on (JULY 1, 1977) January 1, 1980, the commission may issue certificates of indebtedness, bonds or other obligations in an amount not exceeding \$9,000,000 for the purposes of purchasing buses and related equipment, and constructing maintenance and other buildings, bus shelters and road related improvements.

Sec. 3. Minnesota Statutes 1978, Chapter 473, is amended by adding a section to read:

[473.406] [CERTAIN PROCUREMENT CONTRACTS.]
Subdivision 1. [DEFINITIONS.] For purposes of this section the following terms have the meanings given to them, except where the context clearly indicates a different meaning is intended:

(a) "Socially or economically disadvantaged person" means a person who has been deprived of the opportunity to develop and maintain a competitive position in the economy because of social or economic disadvantage. This disadvantage may arise from cultural, social or economic circumstances or background, physical location if the person resides or is employed in an area declared as a labor surplus area by the United States department of commerce, physical handicap, or other similar cause.

(b) "Award" means the granting of a contract in accordance with all applicable laws, regulations and rules governing competitive bidding except as hereinafter specially modified.

(c) "Contract" means an agreement entered into between a business entity and the metropolitan transit area, by its governing body, the metropolitan transit commission, including construction contracts.

(d) "Subcontractor" means a business entity which enters into a legally binding agreement with another business entity which is a party to a contract as defined in clause (c).

(e) "Business entity" means an entity organized for profit, including an individual, partnership, corporation, joint venture, association or cooperative.

Subd. 2. [SET-ASIDES.] The metropolitan transit commission may, on a fiscal year basis, designate and set aside for awarding to business entities controlled by socially or economically disadvantaged persons or handicapped persons, or for awarding to business entities which guarantee the use of subcontractors controlled by socially or economically disadvantaged persons or handicapped persons, approximately five percent of the value of its anticipated total procurement of goods and services, including construction. The failure of the commission to set aside particular procurements shall not be deemed to prohibit or discourage business entities controlled by socially or economically disadvantaged persons or handicapped persons from seeking the procurement award through the normal solicitation and bidding processes.

Subd. 3. [NEGOTIATED PRICE OR BID CONTRACT.] The commission may elect to use either a negotiated price or bid contract procedure in the awarding of a procurement contract under the set-aside program established in this section. The amount of an award based on a negotiated price shall not exceed by more than five percent the commission's estimated price for the goods or services if they were purchased on the open market and not under the set-aside program.

Subd. 4. [DETERMINATION OF ABILITY TO PERFORM.] Before announcing a set-aside award, the commission

shall evaluate whether the business entity controlled by socially or economically disadvantaged persons or handicapped persons scheduled to receive the award is able to perform the set-aside contract. This determination may include consideration of production and financial capacity and technical competence.

Subd. 5. [RECOURSE TO OTHER BUSINESSES.] *If this section does not operate to extend a contract award to a business entity controlled by socially or economically disadvantaged persons or handicapped persons, the award shall be placed pursuant to the normal solicitation and award procedures set forth in section 471.345.*

Subd. 6. [RULES.] *The commission shall promulgate by rule standards and procedures for certifying that business entities eligible to participate in the set aside program authorized in this section are controlled by socially or economically disadvantaged persons or handicapped persons. The commission shall promulgate other rules as may be necessary or advisable to carry out the provisions of this section.*

Subd. 7. [OTHER LAWS SUPERSEDED.] *In the event of conflict with other laws, regulations or rules, the provisions of this section and rules promulgated pursuant to it shall govern.*

Sec. 4. *Sections 2 and 3 are effective in Anoka, Carver, Dakota, Hennepin, Ramsey, Scott and Washington counties.*

Sec. 5. [EFFECTIVE DATE.] *This act is effective the day after final enactment."*

Delete the title in its entirety and insert:

"A bill for an act relating to the transit; providing for para-transit grants; providing for contracts between the metropolitan transit commission and socially or economically disadvantaged persons including handicapped persons; regulating transit commission debt; amending Minnesota Statutes, 1979 Supplement, Sections 174.25, Subdivision 1; 473.436, Subdivision 5; Minnesota Statutes 1978, Chapter 473, by adding a section."

With the recommendation that when so amended the bill pass.

The report was adopted.

Johnson, C., from the Committee on Education to which was referred:

S. F. No. 1653, A bill for an act relating to education; providing individualized instructional materials to nonpublic school pupils; increasing the amount which may be spent for certain

materials provided to nonpublic school pupils; amending Minnesota Statutes 1978, Sections 123.932, by adding a subdivision; 123.933; and Chapter 123, by adding a section.

Reported the same back with the following amendments:

Page 3, line 16, after "tests" insert a comma

Page 3, line 19, after "available" insert "*and as adjusted for inflation pursuant to clause (b)*"

Page 3, line 22, after "aid" insert "*formula allowance*"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Moe from the Committee on Governmental Operations to which was referred:

S. F. No. 1665, A bill for an act relating to public contracts; providing for progress payments; authorizing alternative means of securing full performance; amending Minnesota Statutes 1978, Sections 161.322; 162.04; 162.10; and 429.041, Subdivision 6.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Vanasek from the Committee on Criminal Justice to which was referred:

S. F. No. 1729, A bill for an act relating to crimes; eliminating the power of a sentencing court to stay the revocation of the driver's license of a person convicted of driving, operating or being in physical control of a motor vehicle while under the influence of alcohol or controlled substances or a combination thereof, or of driving after cancellation, suspension, or revocation of his driver's license; amending Minnesota Statutes 1978, Sections 169.121, Subdivision 5; and 609.135, Subdivision 1.

Reported the same back with the following amendments:

Page 2, line 21, delete "*or 169.129*"

Page 2, line 24, after "*convictions*" insert "*for offenses committed on or*"

Further, amend the title as follows:

Page 1, line 7, delete “, or”

Page 1, delete line 8

Page 1, line 9, delete “revocation of his driver’s license”

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Sieben, H. from the Committee on Taxes to which was referred:

S. F. No. 1764, A bill for an act relating to taxation; property tax; providing for uncontested hearings for property valuation; information to be included on valuation notices; clarifying the computation of agricultural aid credit; clarifying acreage available for homestead credit; prohibiting increases in valuation of property after appeals of market value; changing date for county board of equalization meeting and transfer of books to treasurer; changing penalty and interest rates; clarifying the role of administrative auditor in fiscal disparities; amending Minnesota Statutes 1978, Sections 270.11, Subdivision 6; 273.121; 273.13, Subdivision 6a; 273.135, Subdivision 1; 274.01, Subdivision 1; 274.13, Subdivision 1; 274.14; 276.01; 279.01; 279.37, Subdivision 2; 282.01, Subdivisions 1 and 4; 282.222, Subdivision 4; 282.261; and 473F.08, by adding a subdivision; Minnesota Statutes, 1979 Supplement, Sections 273.13, Subdivision 6; and 282.15; repealing Minnesota Statutes 1978, Sections 275.31; 275.32; 275.33; 275.34; 275.35; and 473F.08, Subdivisions 7 and 8.

Reported the same back with the following amendments:

Page 2, after line 18, insert:

“Sec. 2. Minnesota Statutes 1978, Section 273.111, Subdivision 3, is amended to read:

Subd. 3. Real estate consisting of ten acres or more shall be entitled to valuation and tax deferral under this section only if it is actively and exclusively devoted to agricultural use as defined in subdivision 6 and either (1) is the homestead or thereafter becomes the homestead of a surviving spouse, child, or sibling of the said owner or is real estate which is farmed with the real estate which contains the homestead property, or (2) has been in possession of the applicant, his spouse, parent, or sibling, or any combination thereof, for a period of at least seven years prior to application for benefits under the provisions of Laws 1969, Chapter 1039, or (3) is the homestead of a shareholder in a family farm corporation as defined in section 500.24, notwithstanding the fact that legal title to the real estate may be held

in the name of the family farm corporation. ("FAMILY FARM CORPORATION" FOR THE PURPOSE OF THIS SUBDIVISION MEANS A CORPORATION FOUNDED FOR THE PURPOSE OF FARMING AND OWNING AGRICULTURAL LAND, IN WHICH ALL OF THE STOCKHOLDERS ARE MEMBERS OF A FAMILY RELATED TO EACH OTHER WITHIN THE THIRD DEGREE OF KINDRED ACCORDING TO THE RULES OF CIVIL LAW.)"

Pages 6 to 8, delete section 6

Page 10, delete lines 20 to 25

Page 14, after line 12, insert:

"Sec. 11. Minnesota Statutes, 1979 Supplement, Section 279.03, is amended to read:

279.03 [INTEREST ON DELINQUENT REAL ESTATE TAXES.] The rate of interest on delinquent real estate taxes levied in 1979 and prior years is fixed at six percent per annum. *The rate of interest on delinquent real estate taxes levied in 1980 and subsequent years is fixed at eight percent per annum.* All provisions of law providing for the calculation of interest at any different rate on delinquent taxes in any notice or proceeding in connection with the payment, collection, sale, or assignment of delinquent taxes, or redemption from such sale or assignment are hereby amended to correspond herewith. In calculating such interest for any fractional part of a year, it shall be calculated on the basis of one-half of one percent for any month or major fraction thereof.

Such interest shall be calculated from the second Monday of May following the year in which the taxes became due, on the full amount of the taxes, penalties and costs accrued.

The provisions of this section shall not apply to any taxes which have heretofore been bid in by an actual purchaser at a May tax sale or which have heretofore been assigned."

Renumber the sections accordingly

Page 24, line 32, after "1," delete "8, 9, 10, 17," and insert "7, 8, 9, 10, 18"

Page 24, line 33, delete "19" and insert "20"

Page 25, line 1, delete "2" and insert "3"

Page 25, line 1, delete "16" and insert "17"

Further, amend the title as follows:

Page 1, line 3, after the semicolon insert "clarifying the definition of family farm corporation;"

Page 1, line 7, delete everything after the semicolon

Page 1, line 8, delete "property after appeals of market value;"

Page 1, line 14, after "Subdivision 6;" insert "273.111, Subdivision 3;"

Page 1, line 15, delete "274.01, Subdivision 1;"

Page 1, line 20, after "Subdivision 6;" insert "279.03"

With the recommendation that when so amended the bill pass.

The report was adopted.

Eken moved that if a House File reported to the House floor, other than from the Tax, Appropriations or Rules committees, does not have a Senate companion that has a Senate committee passage date to the Senate floor of March 10 or sooner, other than from the Senate committees on Tax, Finance or Rules, it must then be re-referred to the Committee on Rules and Legislative Administration for further action. The motion prevailed.

POINT OF ORDER

Voss raised a point of order pursuant to rule 5.7, that H. F. No. 2045 should be re-referred to the Committee on Appropriations. The Speaker ruled the point of order well taken and H. F. No. 2045 was re-referred to the Committee on Appropriations.

SECOND READING OF HOUSE BILLS

H. F. Nos. 1027, 1355, 1649, 1722, 1723, 1724, 1731, 1755, 1781, 1806, 1822, 1826, 1887, 1987, 2019, 2063, 2077, 2086, 2151, 2152, 2156, 2197 and 2237 were read for the second time.

SECOND READING OF SENATE BILLS

S. F. Nos. 1745, 704, 759, 1115, 1240, 1609, 1619, 1665, 1729 and 1764 were read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Osthoff introduced:

H. F. No. 2437, A bill for an act relating to the city of St. Paul; providing additional remedies in cases of improper construction.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Piepho, Jennings, Dempsey, Wigley and Johnson, C., introduced:

H. F. No. 2438, A bill for an act relating to education; appropriating money for a program for continuing education for registered nurses.

The bill was read for the first time and referred to the Committee on Education.

Weaver, Simoneau, McCarron and Jacobs introduced:

H. F. No. 2439, A bill for an act relating to state lands; providing for the conveyance to the county of Anoka of a leasehold interest.

The bill was read for the first time and referred to the Committee on Health and Welfare.

Byrne introduced:

H. F. No. 2440, A bill for an act relating to metropolitan government; providing for election of the members of the metropolitan council; amending Minnesota Statutes 1978, Sections 10A.20, Subdivisions 3 and 5; 10A.22, Subdivision 5; and 473.123, Subdivisions 3 and 5, and by adding subdivisions; and Minnesota Statutes, 1979 Supplement, Section 10A.01, Subdivision 5; repealing Minnesota Statutes 1978, Section 473.123, Subdivision 2.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Anderson, I., introduced:

H. F. No. 2441, A bill for an act relating to veterans; modifying the duties, authority and scope of operations of the department of veterans affairs; authorizing the commissioner of veterans affairs to accept uncompensated voluntary services; entitling uncompensated voluntary workers to the benefits of workers' compensation; providing for the appointment of the commissioner of veterans affairs as the guardian of an estate; revising the veterans home eligibility requirements; amending Minnesota Statutes 1978, Sections 196.05; 196.051; 197.06; 198.01; and Minnesota Statutes, 1979 Supplement, Section 176.011, Subdivision 9.

The bill was read for the first time and referred to the Committee on General Legislation and Veterans Affairs.

Kostohryz introduced:

H. F. No. 2442, A bill for an act relating to state government; permitting payroll deductions for the Minnesota Benefit Association; amending Minnesota Statutes 1978, Section 10.39, Subdivision 1.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Cassery, Kahn, Greenfield, Jaros and Long introduced:

H. F. No. 2443, A bill for an act relating to crimes; repealing the laws relating to fornication and consensual sodomy; repealing Minnesota Statutes 1978, Sections 609.293 and 609.34.

The bill was read for the first time and referred to the Committee on Criminal Justice.

Kroening, Moe, Ludeman and Johnson, D., introduced:

H. F. No. 2444, A bill for an act relating to the operation of state government; establishing a system of periodic review of the operation of occupational licensing agencies; creating guidelines; establishing legislative review procedures; setting termination dates.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Berglin introduced:

H. F. No. 2445, A bill for an act relating to taxation; providing that local taxes on admissions and amusements shall not apply to admissions to premises of and events sponsored by arts organizations.

The bill was read for the first time and referred to the Committee on Taxes.

Sarna was excused for the remainder of today's session.

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. 1488, A bill for an act relating to St. Louis County; providing authority to negotiate public employees wages; amending Laws 1941, Chapter 423, Section 5, as amended.

H. F. No. 2110, A bill for an act relating to motor vehicles; authorizing the identification of certain tax exempt vehicles by use of removable plates or placards; amending Minnesota Statutes 1978, Section 168.012, Subdivision 1.

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:

S. F. No. 273, A bill for an act relating to commerce; providing a floating usury rate for contracts for deed on residential property; amending Minnesota Statutes 1978, Section 47.20, Subdivisions 2 and 4, and by adding a subdivision.

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. 273

A bill for an act relating to commerce; providing a floating usury rate for contracts for deed on residential property; amending Minnesota Statutes 1978, Section 47.20, Subdivisions 2 and 4, and by adding a subdivision.

March 10, 1980

The Honorable Edward J. Gearty
President of the Senate

The Honorable Fred C. Norton
Speaker of the House of Representatives

We, the undersigned conferees for S. F. No. 273, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendments and that S. F. No. 273 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes, 1979 Supplement, Section 47.20, Subdivision 2, is amended to read:

Subd. 2. For the purposes of this section the terms defined in this subdivision have the meanings given them:

(1) "Actual closing costs" mean reasonable charges for or sums paid for the following, whether or not retained by the mortgagee or lender:

(a) Any insurance premiums including but not limited to premiums for title insurance, fire and extended coverage insurance, flood insurance, and private mortgage insurance, but excluding any charges or sums retained by the mortgagee or lender as self-insured retention.

(b) Abstracting, title examination and search, and examination of public records.

(c) The preparation and recording of any or all documents required by law or custom for closing a conventional loan.

(d) Appraisal and survey of real property securing a conventional loan.

(e) A single service charge, which (SHALL INCLUDE) includes any consideration, not otherwise specified herein as an "actual closing cost" paid by the borrower and received and re-

tained by the lender for or related to the acquisition, making, refinancing or modification of a conventional loan, and (SHALL) also (INCLUDE) *includes* any consideration received by the lender for making a borrower's interest rate commitment or for making a borrower's loan commitment, whether or not an actual loan follows (SUCH) *the* commitment. The term service charge (SHALL) *does* not include forward commitment fees. The service charge shall not exceed one percent of the original bona fide principal amount of the conventional loan, except that in the case of a construction loan, the service charge shall not exceed two percent of the original bona fide principal amount of the loan. That portion of the service charge imposed because the loan is a construction loan shall be itemized and a copy of the itemization furnished the borrower. A lender shall not collect from a borrower the additional one percent service charge permitted for a construction loan if it does not perform the service for which the charge is imposed or if third parties perform and charge the borrower for the service for which the lender has imposed the charge.

(f) Charges and fees necessary for or related to the transfer of real property securing a conventional loan or the closing of a conventional loan paid by the borrower and received by any party other than the lender.

(2) *"Contract for deed" means an executory contract for the conveyance of real estate, the original principal amount of which is less than \$100,000. A commitment for a contract for deed shall include an executed purchase agreement or earnest money contract wherein the seller agrees to finance any part or all of the purchase price by a contract for deed.*

(2) (3) "Conventional loan" means a loan or advance of credit, other than a loan or advance of credit made by a credit union or made pursuant to section 334.011, to a noncorporate borrower in an original principal amount of less than \$100,000, secured by a mortgage upon real property containing one or more residential units or upon which at the time the loan is made it is intended that one or more residential units are to be constructed, and which is not insured or guaranteed by the secretary of housing and urban development, by the administrator of veterans affairs, or by the administrator of the farmers home administration. The term mortgage (SHALL) *does* not include contracts for deed or installment land contracts.

(3) (4) "Forward commitment fee" means a fee or other consideration paid to a lender for the purpose of securing a binding forward commitment by or through the lender to make conventional loans to two or more credit worthy purchasers, including future purchasers, of residential units, or a fee or other consideration paid to a lender for the purpose of securing a binding forward commitment by or through the lender to make conventional loans to two or more credit worthy purchasers, including future purchasers, of apartments as defined in section 515.02

to be created out of existing structures pursuant to the Minnesota condominium act, provided that the forward commitment rate of interest does not exceed the maximum lawful rate of interest effective as of the date the forward commitment is issued by the lender.

((4)) (5) "Borrower's interest rate commitment" means a binding commitment made by a lender to a borrower wherein the lender agrees that, if a conventional loan is made following issuance of and pursuant to the commitment, the conventional loan shall be made at a rate of interest not in excess of the rate of interest agreed to in the commitment, provided that the rate of interest agreed to in the commitment is not in excess of the maximum lawful rate of interest effective as of the date the commitment is issued by the lender to the borrower.

((5)) (6) "Borrower's loan commitment" means a binding commitment made by a lender to a borrower wherein the lender agrees to make a conventional loan pursuant to the provisions, including the interest rate, of the commitment, provided that the commitment rate of interest does not exceed the maximum lawful rate of interest effective as of the date the commitment is issued and the commitment when issued and agreed to shall constitute a legally binding obligation on the part of the mortgagee or lender to make a conventional loan within a specified time period in the future at a rate of interest not exceeding the maximum lawful rate of interest effective as of the date the commitment is issued by the lender to the borrower; provided that a lender who issues a borrower's loan commitment pursuant to the provisions of a forward commitment is authorized to issue (SUCH) *the* borrower's loan commitment at a rate of interest not to exceed the maximum lawful rate of interest effective as of the date the forward commitment is issued by the lender.

((6)) (7) "Finance charge" means the total cost of a conventional loan including extensions or grant of credit regardless of the characterization of the same and includes interest, finders fees, and other charges levied by a lender directly or indirectly against the person obtaining the conventional loan or against a seller of real property securing a conventional loan, or any other party to the transaction except any actual closing costs and any forward commitment fee. The finance charges plus the actual closing costs and any forward commitment fee, charged by a lender shall include all charges made by a lender other than the principal of the conventional loan.

((7)) (8) "Lender" means any person making a conventional loan, or any person arranging financing for a conventional loan. The term (SHALL) also (INCLUDE) *includes* the holder or assignee at any time of a conventional loan.

((8)) (9) "Loan yield" means the annual rate of return obtained by a lender over the term of a conventional loan and shall

be computed as the annual percentage rate as computed in accordance with sections 226.5 (b), (c) and (d) of Regulation Z, 12 C.F.R. section 226, but using the definition of finance charge provided for in this subdivision.

((9)) (10) "Monthly index of long term United States government bond yields" means the monthly unweighted average of the daily unweighted average of the closing bid yield quotations in the over the counter market for all outstanding United States treasury bond issues, based on available statistics, which are either maturing or callable in ten years or more. This index is expressed in terms of percentage interest per annum.

((10)) (11) "Monthly index of the federal national mortgage association auction yields" means the gross weighted average yield of accepted offers in the second free market system conventional home mortgage auction held by the federal national mortgage association in a month.

((11)) (12) "Person" means an individual, corporation, business trust, partnership or association or any other legal entity.

((12)) (13) "Residential unit" means any structure used principally for residential purposes or any portion thereof, and (SHALL INCLUDE) *includes* a unit in a townhouse or planned unit development, a condominium apartment, a non-owner occupied residence, and any other type of residence regardless of whether such unit is used as a principal residence, secondary residence, vacation residence or residence of some other denomination.

(14) "*Vendor*" means any person or persons who agree to sell real estate and finance any part or all of the purchase price by a contract for deed. The term also includes the holder or assignee at any time of the vendor's interest in a contract for deed.

Sec. 2. Minnesota Statutes, 1979 Supplement, Section 47.20, Subdivision 3, is amended to read:

Subd. 3. Notwithstanding the provisions of section 334.01, lenders are authorized to make conventional loans and purchases of obligations representing conventional loans pursuant to (SUCH) rules (AS) the commissioner of banks finds to be necessary and proper, if any, at an interest rate not in excess of the maximum lawful interest rate prescribed in subdivision 4 or 4a. *Contract for deed vendors are authorized to charge interest on contracts for deed at an interest rate not in excess of the maximum lawful interest rate prescribed in subdivision 4 or 4a.*

Sec. 3. Minnesota Statutes, 1979 Supplement, Section 47.20, Subdivision 4, is amended to read:

Subd. 4. No conventional loan *or contract for deed* shall be made at a rate of interest or loan yield in excess of a maximum lawful interest rate which (SHALL BE) *is* based upon the monthly index of long term United States government bond yields as compiled by the United States treasury department and published by the department in the monthly treasury bulletin. The maximum lawful interest rate shall be computed as follows:

(1) The maximum lawful rate of interest for a conventional loan *or contract for deed* made or contracted for during any calendar month (SHALL BE) *is* equal to the monthly index of long term United States government bond yields for the second preceding calendar month plus an additional two percent per annum rounded off to the nearest quarter of one percent per annum or rounded off to the highest quarter of one percent per annum if equidistant.

(2) On or before the 20th day of each month the commissioner of banking shall determine, based on available statistics, the monthly index of long term United States government bond yields for the preceding calendar month and shall determine the maximum lawful rate of interest for conventional loans *or contracts for deed* for the next succeeding month, as defined in clause (1) and shall cause the maximum lawful rate of interest to be published in a legal newspaper in Ramsey County on or before the 20th day of each month and in the state register on or before the last day of each month; the maximum lawful rate of interest to be effective on the first day of the next succeeding month.

(3) A contract rate within the maximum lawful interest rate applicable to a conventional loan *or contract for deed* at the time the loan is made shall be the maximum lawful interest rate for the term of the conventional loan *or contract for deed*.

(4) *Contracts for deed executed pursuant to a commitment for a contract for deed, or conventional loans made pursuant to a borrower's interest rate commitment, or made pursuant to a borrower's loan commitment, or made pursuant to a commitment for conventional loans made upon payment of a forward commitment fee including a borrower's loan commitment issued pursuant to a forward commitment, which commitment provides for consummation within some future time following the issuance of the commitment may be consummated pursuant to the provisions, including the interest rate, of the commitment notwithstanding the fact that the maximum lawful rate of interest at the time the contract for deed or conventional loan is actually executed or made is less than the commitment rate of interest, provided the commitment rate of interest does not exceed the maximum lawful interest rate in effect on the date the commitment was issued. The refinancing of (a) an existing conventional loan, (b) a loan insured or guaranteed by the secretary of housing and urban development, the administrator*

of veterans affairs, or the administrator of the farmers home administration, or (c) a contract for deed by making a conventional loan (SHALL BE) is deemed to be a new conventional loan for purposes of determining the maximum lawful rate of interest under this subdivision. A borrower's interest rate commitment or a borrower's loan commitment (SHALL BE) is deemed to be issued on the date the commitment is hand delivered by the lender to, or mailed to the borrower. A forward commitment (SHALL BE) is deemed to be issued on the date the forward commitment is hand delivered by the lender to, or mailed to the person paying the forward commitment fee to the lender, or to any one of them if there should be more than one. *A commitment for a contract for deed is deemed to be issued on the date the commitment is initially executed by the contract for deed vendor or his authorized agent.*

(5) *A contract for deed executed pursuant to a commitment for a contract for deed, or a loan made pursuant to a borrower's interest rate commitment, or made pursuant to a borrower's loan commitment, or made pursuant to a forward commitment for conventional loans made upon payment of a forward commitment fee including a borrower's loan commitment issued pursuant to a forward commitment, issued on or before July 31, 1983 at a rate of interest not in excess of the rate of interest authorized by this subdivision at the time the commitment was made (SHALL CONTINUE) continues to be enforceable in accordance with its terms until the indebtedness is fully satisfied.*

(6) This subdivision expires July 31, 1983.

Sec. 4. Minnesota Statutes, 1979 Supplement, Section 47.20, Subdivision 4a, is amended to read:

Subd. 4a. No conventional loan or contract for deed shall be made at a rate of interest or loan yield in excess of a maximum lawful interest rate which shall be based upon the monthly index of the federal national mortgage association auction yields as compiled by the federal national mortgage association. The maximum lawful interest rate shall be computed as follows:

(1) The maximum lawful rate of interest for a conventional loan or contract for deed made or contracted for during any calendar month (SHALL BE) is equal to the monthly index of the federal national mortgage association auction yields for the first preceding calendar month rounded off to the next highest quarter of one percent per annum.

(2) On or before the last day of each month the commissioner of banking shall determine, based on available statistics, the monthly index of the federal national mortgage association auction yields for that calendar month and shall determine the

maximum lawful rate of interest for conventional loans *or contracts for deed* for the next succeeding month, as defined in clause (1) and shall cause the maximum lawful rate of interest to be published in a legal newspaper in Ramsey County on or before the first day of each month or as soon thereafter as practicable and in the state register on or before the last day of each month; the maximum lawful rate of interest to be effective on the first day of that month. If a federal national mortgage association free market system conventional home mortgage auction is not held in any month, the maximum lawful rate of interest determined by the commissioner of banks pursuant to the last auction (SHALL BE) *is* the maximum lawful rate of interest through the last day of the month in which the next auction is held.

(3) A contract rate within the maximum lawful interest rate applicable to a conventional loan *or contract for deed* at the time the loan is made (SHALL BE) *is* the maximum lawful interest rate for the term of the conventional loan *or contract for deed*.

(4) *Contracts for deed executed pursuant to a commitment for a contract for deed, or conventional loans made pursuant to a borrower's interest rate commitment or made pursuant to a borrower's loan commitment, or made pursuant to a commitment for conventional loans made upon payment of a forward commitment fee including a borrower's loan commitment issued pursuant to a forward commitment, which commitment provides for consummation within some future time following the issuance of the commitment may be consummated pursuant to the provisions, including the interest rate, of the commitment notwithstanding the fact that the maximum lawful rate of interest at the time the contract for deed or conventional loan is actually executed or made is less than the commitment rate of interest, provided the commitment rate of interest does not exceed the maximum lawful interest rate in effect on the date the commitment was issued. The refinancing of (a) an existing conventional loan, (b) a loan insured or guaranteed by the secretary of housing and urban development, the administrator of veterans affairs, or the administrator of the farmers home administration, or (c) a contract for deed by making a conventional loan (SHALL BE) is deemed to be a new conventional loan for purposes of determining the maximum lawful rate of interest under this subdivision. A borrower's interest rate commitment or a borrower's loan commitment (SHALL BE) is deemed to be issued on the date the commitment is hand delivered by the lender to, or mailed to the borrower. A forward commitment (SHALL BE) is deemed to be issued on the date the forward commitment is hand delivered by the lender to, or mailed to the person paying the forward commitment fee to the lender, or to any one of them if there should be more than one. A commitment for a contract for deed is deemed to be issued on the date the*

commitment is initially executed by the contract for deed vendor or his authorized agent.

(5) A contract for deed executed pursuant to a commitment for a contract for deed, or a loan made pursuant to a borrower's interest rate commitment, or made pursuant to a borrower's loan commitment, or made pursuant to a forward commitment for conventional loans made upon payment of a forward commitment fee including a borrower's loan commitment issued pursuant to a forward commitment, issued on or before November 30, 1982, at a rate of interest not in excess of the rate of interest authorized by this subdivision at the time the commitment was made (SHALL CONTINUE) *continues* to be enforceable in accordance with its terms until the indebtedness is fully satisfied.

(6) This subdivision supersedes subdivision 4 from May 31, 1979 until November 30, 1982.

(7) This subdivision expires November 30, 1982.

Sec. 5. Minnesota Statutes 1978, Section 47.20, is amended by adding a subdivision to read:

Subd. 13a. Any contract for deed having an interest rate in excess of the maximum lawful interest rate provided for in subdivision 4 or 4a as applicable is usurious. No contract for deed is unenforceable solely because the interest rate thereon is usurious. Persons who have paid usurious interest may recover an amount not to exceed five times the usurious portion of the interest paid under the contract for deed plus attorneys' fees from the person to whom the interest has been paid. The penalty provisions of chapter 334, do not apply to usurious contracts for deed.

Sec. 6. Minnesota Statutes 1978, Section 559.21, is amended to read:

559.21 [TERMINATION OF CONTRACT OF SALE; NOTICE, SERVICE AND RETURN, COSTS, REINSTATEMENT.] *Subdivision 1.* When default is made in the conditions of any contract for the conveyance of real estate or any interest therein *executed prior to May 1, 1980*, whereby the vendor has a right to terminate the same, he may do so by serving upon the purchaser, his personal representatives or assigns, either within or without the state, a notice specifying the conditions in which default has been made, and stating that (SUCH) *the* contract will terminate (1) 30 days after the service of (SUCH) *the* notice if the purchaser has paid less than 30 percent of the purchase price, exclusive of interest thereon, and any mortgages or prior contracts for deed which are assumed by the purchaser, (2) 45 days after service of (SUCH) *the* notice if the purchaser has paid 30 percent, or more, but less than 50 percent of the purchase price, exclusive of interest there-

on, and any mortgages or prior contracts for deed which are assumed by the purchaser, (3) 60 days after service of (SUCH) *the* notice if the (VENDEE) *purchaser* has paid 50 percent, or more, of the purchase price, exclusive of interest thereon, and any mortgages or prior contracts for deed which are assumed by the purchaser, unless prior thereto the purchaser (SHALL COMPLY) *complies* with (SUCH) *the* conditions and (PAY) *pays* the costs of service, the mortgage registration tax, if actually paid by the vendor, together with an amount to apply on attorneys' fees actually expended or incurred, of \$75 when the amount in default is less than \$750, and of \$200 when the amount in default is \$750 or more; provided, however, that no amount (SHALL BE) *is* required to be paid for attorneys' fees as provided hereunder, unless some part of the conditions of default (SHALL HAVE) *has* existed at least 45 days prior to the date of service of (SAID) *the* notice.

Subd. 2. When default is made in the conditions of any contract for the conveyance of real estate or any interest therein executed on or after May 1, 1980, whereby the vendor has a right to terminate the same; he may do so by serving upon the purchaser, his personal representatives or assigns, either within or without the state, a notice specifying the conditions in which default has been made, and stating that the contract will terminate (1) 30 days after the service of the notice if the purchaser has paid less than 10 percent of the purchase price, exclusive of interest thereon, and any mortgages or prior contracts for deed which are assumed by the purchaser, (2) 60 days after service of the notice if the purchaser has paid 10 percent, or more, but less than 25 percent of the purchase price, exclusive of interest thereon, and any mortgages or prior contracts for deed which are assumed by the purchaser, (3) 90 days after service of the notice if the purchaser has paid 25 percent, or more, of the purchase price, exclusive of interest thereon, and any mortgages or prior contracts for deed which are assumed by the purchaser, unless prior thereto the purchaser complies with the conditions and makes all payments due and owing to the vendor under the contract through the date payment is made and pays the costs of service, the mortgage registration tax, if actually paid by the vendor, together with an amount to apply on attorneys' fees actually expended or incurred, of \$125 when the amount in default is less than \$750, and of \$250 when the amount in default is \$750 or more; provided, however, that no amount is required to be paid for attorneys' fees as provided hereunder, unless some part of the conditions of default has existed at least 45 days prior to the date of service of the notice.

Subd. 3. [DEFINITION OF NOTICE.] For purposes of this section, the term "notice" means a writing stating the information required in this section, stating the name, address and telephone number of the vendor or of an attorney autho-

ized by the vendor to accept payments pursuant to the notice, and the fact that the person named is authorized to receive the payments, and including the following information in 12 point or larger bold type or in large legible handwritten letters:

(a) For contracts executed prior to May 1, 1980:

This notice is to inform you that by this notice the seller has begun proceedings under Minnesota Statutes, Section 559.21, to terminate your contract for deed for the reasons specified in this notice. The contract will terminate days after (service of this notice upon you) (the first date of publication of this notice) unless before then the person authorized in this notice to receive payments receives from you the amount this notice says you owe plus the costs of service of this notice together with the mortgage registration tax of \$ and \$ to apply to attorneys' fees actually expended or incurred; or unless before then you secure from a county or district court an order that the termination of the contract be suspended until your claims or defenses are finally disposed of by trial, hearing or settlement. Your action must specifically state those facts and grounds that demonstrate your claims or defenses. If you do not do one or the other of the above things within the time period specified in this notice, your contract will terminate at the end of the period and you will lose all the money you have paid on the contract; you will lose your right to possession of the property; you may lose your right to assert any claims or defenses that you might have; and you will be evicted. If you have any questions about this notice, contact an attorney immediately.

(b) For contracts executed on or after May 1, 1980:

This notice is to inform you that by this notice the seller has begun proceedings under Minnesota Statutes, Section 559.21, to terminate your contract for deed for the reasons specified in this notice. The contract will terminate days after (service of this notice upon you) (the first date of publication of this notice) unless before then the person authorized in this notice to receive payments receives from you the amount this notice says you owe plus any additional payments due under the contract to the seller since the notice was served plus the costs of service of this notice together with the mortgage registration tax of \$ and \$ to apply to attorneys' fees actually expended or incurred; or unless before then you secure from a county or district court an order that the termination of the contract be suspended until your claims or defenses are finally disposed of by trial, hearing or settlement. Your action must specifically state those facts and grounds that demonstrate your claims or defenses. If you do not do one or the other of the above things within the time period specified in this notice, your contract will terminate at the end of the period and you will lose all the money you have paid on the contract; you will lose your right to possession of the property; you may lose your right to assert any claims or defenses that you might have; and you will be

evicted. If you have any questions about this notice, contact an attorney immediately.

Subd. 4. (SUCH) The notice required by this section must be given notwithstanding any provisions in the contract to the contrary, and shall be served within the state in the same manner as a summons in the district court, without the state, in the same manner, and without securing any sheriff's return of not found, making any preliminary affidavit, mailing a copy of (SAID) the notice or doing any other preliminary act or thing whatsoever. Service of the notice without the state may be proved by the affidavit of the person making the same, made before an authorized officer having a seal, and within the state by such an affidavit or by the return of the sheriff of any county therein.

Three weeks published notice, and if the premises described in the contract are actually occupied, then in addition thereto, the personal service of a copy of the notice within ten days after the first date of publication of the notice, and in like manner as the service of a summons in a civil action in the district court upon the person in possession of the premises, (SHALL HAVE) has the same effect as the personal service of the notice upon the purchaser, his personal representatives or assigns, either within or without the state as herein provided for. In case of (SUCH) service by publication, as herein provided, the notice shall specify the conditions in which default has been made and state that (SUCH) the contract will terminate 90 days after the first date of publication of the notice, unless prior thereto the purchaser (COMPLY) complies with (SUCH) the conditions and, if required pursuant to subdivision 2, makes all payments due and owing to the vendor under the contract through the date payment is made and (PAY) pays the costs of service, the mortgage registration tax, if actually paid by the vendor, and attorneys' fees as provided herein, and the purchaser, his personal representatives or assigns, shall be allowed 90 days from and after the first date of publication of the notice to comply with the conditions of (SUCH) the contract.

If, within the time mentioned, the person served complies with (SUCH) the conditions and, if required pursuant to subdivision 2, makes all payments due and owing to the vendor under the contract through the date payment is made and pays the costs of service, the mortgage registration tax, if actually paid by the vendor, and attorneys' fees as provided herein, the contract shall be thereby reinstated; but otherwise shall terminate. In the event that (SUCH) the notice was not signed by an attorney for the vendor and the vendor is not present in the state, or cannot be found therein, then compliance with the conditions specified in the notice may be made by paying to the clerk of the district court in the county wherein the real estate or any part thereof is situated any money due and filing proof of compliance with other defaults specified, and the clerk of the district court shall be deemed the agent of the vendor for such purposes. A copy of the notice with proof of service thereof, and the affidavit of the

vendor, his agent or attorney, showing that the purchaser has not complied with the terms of the notice, may be recorded with the county recorder, and (SHALL BE) is prima facie evidence of the facts therein stated; but this section (SHALL) in no case (BE HELD TO APPLY) applies to contracts for the sale or conveyance of lands situated in another state or in a foreign country.

Sec. 7. Minnesota Statutes 1978, Chapter 559, is amended by adding a section to read:

[559.211] [RESTRAINING OR ENJOINING FURTHER PROCEEDINGS PURSUANT TO NOTICE OF TERMINATION OF CONTRACT OF SALE.] *Subdivision 1.* [ORDER RESTRAINING OR ENJOINING FURTHER PROCEEDINGS; SECURITY.] *In an action arising under or in relation to a contract for the conveyance of real estate or any interest therein, the county or district court, notwithstanding the service or publication pursuant to the provisions of section 559.21 of a notice of termination of the contract, has the authority at any time prior to the effective date of termination of the contract and subject to the requirements of Rule 65 of the Rules of Civil Procedure for the District Courts or comparable county court rule to enter an order temporarily restraining or enjoining further proceedings to effectuate the termination of the contract, including recording of the notice of termination with proof of service, recording of an affidavit showing noncompliance with the terms of the notice, taking any action to recover possession of the real estate, or otherwise interfering with the purchaser's lawful use of the real estate. In the action, the purchaser may plead affirmatively any matter that would constitute a defense to an action to terminate the contract. Upon a motion for a temporary restraining order the court has the discretion, notwithstanding any rule of court to the contrary, to grant the order without requiring the giving of any security or undertaking, and in exercising that discretion, the court shall consider, as one factor, the moving party's ability to afford monetary security. Upon a motion for a temporary injunction, the court shall condition the granting of the order either upon the tender to the court or vendor of installments as they become due under the contract or upon the giving of other security in a sum as the court deems proper. Upon written application, the court may disburse from payments tendered to the court an amount the court determines necessary to insure the timely payment of property taxes, property insurance, installments of special assessments, mortgage installments, prior contract for deed installments or other similar expenses directly affecting the real estate, or for any other purpose the court deems just. If a temporary restraining order or injunction is granted pursuant to this subdivision, the contract shall not terminate until the expiration of 15 days after the entry of the order or decision dissolving or modifying the temporary restraining order or injunction.*

Subd. 2. [REMEDIES ADDITIONAL.] *The remedies provided in this section are in addition to and do not limit other*

rights of remedies available to purchasers or vendors of real estate.

Subd. 3. [APPLICABILITY.] This section is applicable to contracts for the conveyance of real estate or any interest therein executed before, on and after the effective date of this section.

Sec. 8. *This act is effective May 1, 1980."*

Delete the title and insert:

"A bill for an act relating to commerce; providing a floating usury rate and penalty for contracts for deed; changing the termination periods for contracts for deed; clarifying the procedure regarding enjoining contract for deed terminations subsequent to service of the termination notice; amending Minnesota Statutes 1978, Sections 47.20, by adding a subdivision; 559.21; Chapter 559, by adding a section; and Minnesota Statutes, 1979 Supplement, Section 47.20, Subdivisions 2, 3, 4, and 4a."

We request adoption of this report and repassage of the bill.

Senate Conferees: COLLIN C. PETERSON, RON SIELOFF and GERRY SIKORSKI.

House Conferees: JIM EVANS, RAY W. FARICY and LEE GREENFIELD.

Evans moved that the report of the Conference Committee on S. F. No. 273 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 273, A bill for an act relating to commerce; providing a floating usury rate for contracts for deed on residential property; amending Minnesota Statutes 1978, Section 47.20, Subdivisions 2 and 4, and 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 103 yeas and 18 nays as follows:

Those who voted in the affirmative were:

Aasness	Carlson, D.	Drew	Forsythe	Jennings
Adams	Carlson, L.	Eken	Friedrich	Johnson, C.
Ainley	Casserly	Ellingson	Greenfield	Johnson, D.
Albrecht	Clark	Erickson	Halberg	Jude
Anderson, B.	Clawson	Esau	Haukoos	Kaley
Anderson, D.	Crandall	Evans	Heinitz	Kalis
Anderson, R.	Dean	Ewald	Hoberg	Kelly
Blatz	Dempsey	Faricy	Hokanson	Kempe
Brinkman	Den Ouden	Fjoslien	Jacobs	Knickerbocker

Kvam	Nelsen, B.	Peterson, B.	Sherwood	Valento
Laidig	Nelsen, M.	Piepho	Sieben, H.	Vanasek
Lehto	Nelson	Pleasant	Sieben, M.	Voss
Levi	Niehaus	Redalen	Simoneau	Weaver
Long	Norman	Reding	Stadum	Welker
Ludeman	Novak	Rees	Stoa	Wieser
Luknic	Nysether	Reif	Stowell	Wigley
Mann	Olsen	Rodriguez	Sviggum	Wynia
McDonald	Onnen	Rose	Swanson	Zubay
Mehrkens	Osthoff	Rothenberg	Thiede	Spkr. Norton
Metzen	Otis	Schreiber	Tomlinson	
Murphy	Patton	Searles	Valan	

Those who voted in the negative were:

Anderson, G.	Berglin	Fudro	McEachern	Welch
Anderson, I.	Corbid	Kahn	Minne	Wenzel
Battaglia	Elioff	Kostohryz	Peterson, D.	
Begich	Fritz	Kroening	Waldorf	

The bill was repassed, as amended by Conference, and its title agreed to.

Mr. Speaker:

I hereby announce that the Senate refuses to concur in the House amendment to:

S. F. No. 1584, A bill for an act relating to transportation; providing for specific information signing for resorts and recreational camping areas along certain highways.

And the Senate respectfully requests that a Conference Committee be appointed thereon. Messrs. Willet, Johnson and Rued have been appointed as such committee on the part of the Senate.

Said Senate File is herewith transmitted to the House with the request that the House appoint a committee.

PATRICK E. FLAHAVEN, Secretary of the Senate

Ainley 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. 1584. The motion prevailed.

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 1741 and 1807.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate File, herewith transmitted:

S. F. No. 1541.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 1613, 1751 and 2095.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 1679, 1731, 1900, 2104 and 2110.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 1630, 1716, 1796, 1892 and 1996.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 1187, 1810, 1889, 1937 and 1979.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 2040, 2102 and 2131.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 1659, 1675 and 1719.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 1188, 1358, 1662, 1825 and 1922.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 978, 1811, 1813, 1921 and 2077.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 1843, 1863, 1875 and 1887.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 597, 789, 1311, 1707 and 1740.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 2067 and 2090.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 1493 and 2045.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 1741, A bill for an act relating to motor vehicles; exempting certain retail installment contracts from the Motor Vehicle Installment Sales Act; amending Minnesota Statutes 1978, Section 168.66, Subdivision 4.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

S. F. No. 1807, A bill for an act relating to taxation; income; property tax refund; deleting obsolete and unnecessary provisions and references; amending Minnesota Statutes 1978, Sections 290.03; 290.07, Subdivision 4; 290.071, Subdivision 1; 290.073; 290.077, Subdivision 4; 290.08, Subdivisions 3, 8 and 13; 290.09, Subdivisions 5, 13 and 25; 290.095, Subdivisions 3 and 8; 290.131, Subdivision 1; 290.18, Subdivision 1; 290.28, Subdivision 3; 290.311, Subdivisions 1 and 2; 290.32; 290.361, Subdivision 2; 290.38; 290.40; 290.49, Subdivision 1; 290.62; 290.65, Subdivisions 2, 7, 9, 13 and 16; 290.92, Subdivisions 2a, 5, 13 and 15; 290.93, Subdivisions 5 and 9; 290.931, Subdivision 1; 290.932, Subdivision 1; 290.936; 290.97; 290.972, Subdivisions 2 and 3; 290A.07, Subdivision 1; Minnesota Statutes, 1979 Supplement, Sections 290.01, Subdivision 20; and 290A.03, Subdivisions 3 and 13; repealing Minnesota Statutes 1978, Sections 290.06, Subdivisions 2b, 3a and 3b; 290.08, Subdivisions 4 and 5; 290.086; 290.087; 290.09, Subdivisions 11 and 20; 290.095, Subdivision 6; 290.31, Subdivision 28; 290.34, Subdivision 4; 290.361, Subdivision 4; 290.363; 290.45, Subdivision 2a; 290.49, Subdivision 9; 290.53, Subdivision 6; 290.65, Subdivisions 8, 14 and 15; 290.66; 290.68; 290.69; 290.93, Subdivision 12; 290.932, Subdivision 5; 290.95; 290.96; and 290.972, Subdivision 7.

The bill was read for the first time.

Onnen moved that S. F. No. 1807 and H. F. No. 1722, now on Technical General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1541, A bill for an act relating to transportation; abolishing the functions, powers and duties of the department of transportation relating to the inspection, grading, sampling and analysis of hay and straw; clarifying laws relating to the regulation of railroads and removing obsolete and duplicative language; prescribing certain powers of the commissioner of transportation and the public service commission relating to rates and charges; requiring track scales, and regulating the weighing of railroad cars and freight; providing for railroad grade crossing safety devices and other safety devices; prescribing penalties; amending Minnesota Statutes 1978, Sections 218.011, Subdivision 2; 218.021; 218.031, Subdivision 1; 218.041; 219.01; 219.08; 219.10; 219.14; 219.17; 219.19; 219.23; 219.28; 219.383, Subdivision 4; 219.39; 219.40; 219.403; 219.47; 219.50; 219.52; 219.54; 219.64; 219.70; 219.741; 219.85; 219.92; 219.97, Subdivision 7; Chapters 25, by adding sections; 219, by adding sections; and 239, by adding a section; repealing Minnesota Statutes 1978, Sections 219.02; 219.03; 219.04; 219.05; 219.07; 219.11; 219.12; 219.25; 219.43; 219.58; 219.59; 219.60; 219.61; 219.62; 219.63; 219.65; 219.66; 219.67; 219.84; 219.86; 219.87; 219.89; 219.90; 219.91; 219.94; 219.95; 219.96; 219.97, Subdivisions 1, 2, 3, 8, 9, 11, 14, 15 and 16; 222.38; 222.39; 222.40; 222.41; 222.42; 222.43; 222.44; 222.45; 229.01; 229.02; 229.03; 229.04; 229.05; 229.06; 229.07; 229.08; 229.10; 229.11; 229.12; 229.13; 229.14; 229.15; 229.16; 229.17; 229.18; 229.19; 229.20; and 452.14.

The bill was read for the first time.

Sviggum moved that S. F. No. 1541 and H. F. No. 1591, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1613, A bill for an act relating to Independent School District No. 119, Walker; authorizing it to transfer money from its general fund to its capital expenditure fund for the purpose of constructing a facility for special education.

The bill was read for the first time and referred to the Committee on Education.

S. F. No. 1751, A bill for an act relating to highway traffic regulations; providing that the operation of certain motorcycles does not require a two-wheeled vehicle endorsement on the operator's driver's license; amending Minnesota Statutes 1978, Section 169.974, Subdivision 2; and by adding a subdivision.

The bill was read for the first time and referred to the Committee on Transportation.

S. F. No. 2095, A bill for an act relating to Hennepin County; providing for a county personnel system; providing various conditions of public employment; amending Laws 1965, Chapter 855, Sections 1, 2, 3, 4, as amended, 5, 6, as amended, 7, as amended, 8, 9, 10, 11, 12, 13, 14, 15, as amended, and 16; and Laws 1979, Chapter 198, Article I, Section 2; repealing Laws 1945, Chapter 607, as amended; Laws 1965, Chapter 855, Section 17; Laws 1967, Chapter 646, Sections 4, 5, 6, and 7, and Chapter 779; and Laws 1979, Chapter 198, Article III, Section 5.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

S. F. No. 1679, A bill for an act relating to transportation; permitting certain exemptions from motor carrier reporting requirements; requiring driver qualifications and safety requirements for certain carriers; creating a single annual renewal date for holders of multiple permits; permitting issuance of "float-er" identification cards to motor carriers; clarifying enforcement powers; amending Minnesota Statutes 1978, Sections 221.031, Subdivision 1; 221.131; 221.221; and Minnesota Statutes, 1979 Supplement, Section 221.011, Subdivision 22.

The bill was read for the first time.

Novak moved that S. F. No. 1679 and H. F. No. 2331, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1731, A bill for an act relating to trade secrets; enacting the uniform trade secrets act.

The bill was read for the first time and referred to the Committee on Judiciary.

S. F. No. 1900, A bill for an act relating to financial institutions; authorizing certain additional facilities for banks; amending Minnesota Statutes 1978, Section 47.52.

The bill was read for the first time.

Blatz moved that S. F. No. 1900 and H. F. No. 1675, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 2104, A bill for an act relating to state lands; changing the interest rate on unpaid sale balances; amending Minnesota Statutes 1978, Section 92.06, Subdivision 1.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

S. F. No. 2110, A bill for an act relating to metropolitan government; providing for the maximum amount of the borrowing authorization of the metropolitan airports commission; amending Minnesota Statutes 1978, Section 473.667, Subdivision 2.

The bill was read for the first time.

Sieben, H., moved that S. F. No. 2110 and H. F. No. 2156, now on Technical General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1630, A bill for an act relating to the City of Minneapolis; authorizing the establishment of a detached banking facility.

The bill was read for the first time.

Crandall moved that S. F. No. 1630 and H. F. No. 1680, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1716, A bill for an act relating to workers' compensation; providing an annual date for adjusting supplementary benefit levels; amending Minnesota Statutes 1978, Section 176.132, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

S. F. No. 1796, A bill for an act relating to economic development; regulating development loans to Indians; amending Minnesota Statutes 1978, Section 362.40, Subdivisions 2 and 8; Minnesota Statutes, 1979 Supplement, Section 362.40, Subdivision 9; repealing Minnesota Statutes 1978, Section 362.40, Subdivision 3.

The bill was read for the first time and referred to the Committee on Commerce, Economic Development and Housing.

S. F. No. 1892, A bill for an act relating to workers' compensation; allowing flexibility in election of insurance coverage for certain businesses, partnerships and corporations; amending Minnesota Statutes, 1979 Supplement, Section 176.012.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

S. F. No. 1996, A bill for an act relating to the city of Minneapolis; providing for a position in the unclassified service; amending Laws 1969, Chapter 937, Section 1, Subdivision 1, as amended, and by adding a subdivision.

The bill was read for the first time.

Clark moved that S. F. 1996 and H. F. No. 2034, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1187, A bill for an act relating to insurance; providing for continuation of waiver of premium benefits for the disabled, regardless of continuation of the master policy; amending Minnesota Statutes 1978, Section 61A.091.

The bill was read for the first time.

Johnson, D., moved that S. F. No. 1187 and H. F. No. 1142, now on the Consent Calendar, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1810, A bill for an act relating to motor vehicles; registration and taxation; exempting certain tax exempt vehicles from special markings; amending Minnesota Statutes 1978, Section 168.012, Subdivision 1.

The bill was read for the first time and referred to the Committee on Taxes.

S. F. No. 1889, A bill for an act relating to intoxicating liquor; authorizing the use of wine catalogs by off-sale dealers; amending Minnesota Statutes 1978, Section 340.15, Subdivision 1.

The bill was read for the first time and referred to the Committee on Commerce, Economic Development and Housing.

S. F. No. 1987, A bill for an act relating to drivers licenses; authorizing instruction permit holders to operate a motor vehicle while receiving behind the wheel training when accompanied by licensed adults; amending Minnesota Statutes 1978, Section 171.05, Subdivision 2.

The bill was read for the first time.

Peterson, D., moved that S. F. No. 1987 and H. F. No. 1957, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1979, A bill for an act relating to state forests; altering the boundaries of Badoura State Forest; amending Minnesota Statutes 1978, Section 89.021, Subdivision 2.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

S. F. No. 2040, A bill for an act relating to the city of Campbell; authorizing issuance of general obligation bonds to finance construction of a community hall.

The bill was read for the first time.

Valan moved that S. F. No. 2040 and H. F. No. 2081, now on the Consent Calendar, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 2102, A bill for an act relating to the city of Melrose; authorizing the issuance of general obligation bonds for a fire hall and community center.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

S. F. No. 2131, A bill for an act relating to local government; permitting local governmental bodies to set mileage allowances for officers and employees; amending Minnesota Statutes 1978, Section 471.665, Subdivision 3; and Minnesota Statutes, 1979 Supplement, Section 471.665, Subdivision 1.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

S. F. No. 1659, A bill for an act relating to intoxicating liquor; permitting municipalities to authorize the sale of intoxicating liquor at arenas and sports complexes in certain cases; amending Minnesota Statutes 1978, Section 340.11, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

S. F. No. 1675, A bill for an act relating to taxation; clarifying the provisions of the wetland credit for property tax purposes; providing a property tax exemption and credit for native prairie; providing for payment to the county for revenue lost by the exemption and credit; appropriating money; amending Minnesota Statutes 1978, Chapter 273, by adding a section; and Minnesota Statutes, 1979 Supplement, Sections 272.02, Subdivision 1; 273.115, Subdivisions 1, 2, 5, 6, and by adding a subdivision.

The bill was read for the first time and referred to the Committee on Taxes.

S. F. No. 1719, A bill for an act relating to taxation; changing settlement dates for property taxes; amending Minnesota Statutes 1978, Sections 276.09; 276.10; and 276.11.

The bill was read for the first time and referred to the Committee on Taxes.

S. F. No. 1188, A bill for an act relating to insurance; providing that an employer group disability income policy provide coverage for pre-termination claims.

The bill was read for the first time.

Johnson, D., moved that S. F. No. 1188 and H. F. No. 1143, now on the Consent Calendar, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1358, A bill for an act relating to insurance; clarifying provisions regarding acquisition of control of domestic insurers; changing the time period after which a hearing must be held under the insurance holding company systems act; changing the time period under which discovery must be completed for these hearings; eliminating an exemption from the insurance holding company systems act; amending Minnesota Statutes 1978, Section 60D.02, Subdivisions 4 and 6.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

S. F. No. 1662, A bill for an act relating to intoxicating liquor; authorizing holders of off-sale licenses to dispense samples of wine; amending Minnesota Statutes 1978, Section 340.11, Subdivision 15.

The bill was read for the first time and referred to the Committee on Commerce, Economic Development and Housing.

S. F. No. 1825, A bill for an act relating to state government; permitting payroll deductions for the Minnesota Benefit Association; amending Minnesota Statutes 1978, Section 10.39, Subdivision 1.

The bill was read for the first time and referred to the Committee on Governmental Operations.

S. F. No. 1922, A bill for an act relating to financial institutions; permitting banks or trust companies to invest up to 20 percent of their capital and surplus in certain agricultural credit corporations; amending Minnesota Statutes 1978, Section 48.61, Subdivision 1.

The bill was read for the first time.

Brinkman moved that S. F. No. 1922 and H. F. No. 1856, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 978, A bill for an act relating to banks and trust companies; allowing substitution of certain banks and trust com-

panies in fiduciary capacities maintained by certain banks and trust companies.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

S. F. No. 1811, A bill for an act relating to transportation; excluding minor pipeline relocations from certain easement or right-of-way agreement provisions; amending Minnesota Statutes, 1979 Supplement, Section 1161.01, Subdivision 2.

The bill was read for the first time.

Kalis moved that S. F. No. 1811 and H. F. No. 2111, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1813, A bill for an act relating to mobile homes; permitting the sale of mobile homes from a residence; amending Minnesota Statutes 1978, Section 327.55, Subdivision 1.

The bill was read for the first time.

Den Ouden moved that S. F. No. 1813 and H. F. No. 1941, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1921, A bill for an act relating to the city of Moorhead; increasing the amount which the city may expend for public transportation services; amending Laws 1969, Chapter 192, Section 1.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

S. F. No. 2077, A bill for an act relating to interest; regulating rates of interest on loans for business and agricultural transactions; removing certain deficiencies and ambiguities; amending Minnesota Statutes, 1979 Supplement, Section 334.011, Subdivision 1.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

S. F. No. 1843, A bill for an act relating to transportation; establishing a state rail bank for abandoned rail lines; amending Minnesota Statutes 1978, Chapter 222, by adding a section; Minnesota Statutes, 1979 Supplement, Sections 174.03, Subdivision 4; 222.50, Subdivision 7; and 222.65.

The bill was read for the first time.

Lehto moved that S. F. No. 1843 and H. F. No. 1898, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1863, A bill for an act relating to courts; raising the jurisdictional limit for conciliation court; providing for additional clerk and administrator duties in conciliation court; providing for a procedure to assist in collection of conciliation court judgments; changing certain deadlines; providing penalties; amending Minnesota Statutes 1978, Sections 487.30, Subdivision 1, and by adding a subdivision; 488A.12, Subdivision 3; 488A.13, Subdivision 2; 488A.14, Subdivisions 4 and 5; 488A.16, Subdivisions 2, 5, 6 and 8; 488A.17, Subdivisions 2 and 3; 488A.29, Subdivision 3; 488A.30, Subdivision 2; 488A.31, Subdivisions 4 and 5; 488A.33, Subdivisions 2, 5, 7 and 8; and 488A.34, Subdivisions 2 and 12.

The bill was read for the first time and referred to the Committee on Judiciary.

S. F. No. 1875, A bill for an act relating to commerce; providing for ownership rights in dies and molds under certain conditions.

The bill was read for the first time.

Jacobs moved that S. F. No. 1875 and H. F. No. 2069, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1887, A bill for an act relating to taxation; redefining "family farm corporation" for purposes of the agricultural property tax law; amending Minnesota Statutes 1978, Section 273.111, Subdivision 3.

The bill was read for the first time and referred to the Committee on Taxes.

S. F. No. 597, A bill for an act relating to motor vehicles; requiring an identification number on vehicles used in enforcing highway traffic safety regulations; amending Minnesota Statutes 1978, Section 169.98, Subdivision 1.

The bill was read for the first time and referred to the Committee on Transportation.

S. F. No. 789, A bill for an act relating to commerce; registering and regulating continuing care facilities; providing a lien; providing for disclosure; providing a penalty; amending Minnesota Statutes 1978, Section 82.18.

The bill was read for the first time.

Pleasant moved that S. F. No. 789 and H. F. No. 887, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1311, A bill for an act relating to metropolitan government; removing the city of Northfield from definition of metropolitan areas; adding the city of Northfield to region ten; amending Minnesota Statutes 1978, Sections 473.121, Subdivision 2; 473.123, Subdivision 3; 473.403; 473F.02, Subdivisions 2 and 8.

The bill was read for the first time.

Vanasek moved that S. F. No. 1311 and H. F. No. 1355, now on the Technical Consent Calendar, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1707, A bill for an act relating to towns; requiring a majority of voters to permit town zoning; clarifying the ballot question; requiring hearing and notice before certain actions; requiring notice of changes; amending Minnesota Statutes 1978, Sections 366.11; 366.12; 366.13; and 366.15.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

S. F. No. 1740, A bill for an act relating to local public employees; increasing the amount of severance pay which may be given to certain employees; improving some of the language in a severance pay law; amending Minnesota Statutes, 1979 Supplement, Section 465.72.

The bill was read for the first time and referred to the Committee on Education.

S. F. No. 2067, A bill for an act relating to motor vehicles; increasing the maximum interest rate on certain loans under the Motor Vehicle Retail Installment Sales Act; amending Minnesota Statutes 1978, Section 168.72.

The bill was read for the first time.

Osthoff moved that S. F. No. 2067 and H. F. No. 2121, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 2090, A bill for an act relating to transportation; allowing the use of certain documents as relevant evidence of exceeding vehicle weight limits; requiring record keeping for shipments unloaded; imposing civil penalties; amending Minnesota Statutes 1978, Chapter 169, by adding sections.

The bill was read for the first time.

Patton moved that S. F. No. 2090 and H. F. No. 2208, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1493, A bill for an act relating to elections; providing an exception to the party balance requirement for appointment of town officers as election judges when insufficient names are supplied by political parties for appointment as election judges; fixing compensation for county canvassing boards and county and township election judges; amending Minnesota Statutes 1978, Section 204A.17, Subdivision 5; and Minnesota Statutes, 1979 Supplement, Section 204A.23.

The bill was read for the first time and referred to the Committee on General Legislation and Veterans Affairs.

S. F. No. 2045, A bill for an act relating to state lands; providing for the conveyance of certain lands to the city of Owatonna.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

PROGRESS REPORTS ON CONFERENCE COMMITTEES

Progress by Conference Committees was reported to the House on the following bills: S. F. Nos. 410, 768, 129 and 1670.

REPORT FROM THE COMMITTEE ON RULES AND LEGISLATIVE ADMINISTRATION

Eken, from the Committee on Rules and Legislative Administration, pursuant to rule 1.9, designated the following bills as a Special Order to be acted upon immediately following Special Orders pending for Thursday, March 13, 1980:

H. F. Nos. 593, 1451, 1700, 1814, 1699, 1742, 1796, 1812, 1816, 1884, 1896, 1899, 1916 and 753.

Schreiber was excused from 3:00 p.m. to 5:45 p.m.

Johnson, C., was called to the chair by the Speaker.

CONSENT CALENDAR

H. F. No. 2374 was reported to the House.

Dean moved to amend H. F. No. 2374, as follows:

Page 3, after line 6, add a new section to read:

"Sec. 2. *This act is effective the day following final enactment.*"

The motion prevailed and the amendment was adopted.

H. F. No. 2374, A bill for an act relating to the state ceremonial building; creating the state ceremonial building board; amending Minnesota Statutes 1978, Section 16.872.

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 115 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Den Ouden	Jude	Nelsen, B.	Sherwood
Adams	Drew	Kahn	Nelsen, M.	Sieben, H.
Ainley	Eken	Kaley	Nelson	Sieben, M.
Albrecht	Elioff	Kalis	Niehaus	Simoneau
Anderson, B.	Erickson	Kelly	Norman	Stadum
Anderson, D.	Esau	Kempe	Novak	Stoa
Anderson, G.	Evans	Kostohryz	Nysether	Stowell
Anderson, I.	Ewald	Kroening	Olsen	Sviggum
Anderson, R.	Faricy	Kvam	Onnen	Swanson
Battaglia	Fjoslien	Laidig	Osthoff	Thiede
Begich	Forsythe	Lehto	Otis	Tomlinson
Berglin	Friedrich	Long	Patton	Valan
Blatz	Fritz	Ludeman	Pehler	Valento
Brinkman	Fudro	Luknic	Peterson, B.	Vanasek
Byrne	Greenfield	Mann	Peterson, D.	Voss
Carlson, D.	Heap	McCarron	Piepho	Waldorf
Carlson, L.	Heinitz	McDonald	Pleasant	Welch
Casserly	Hoberg	Mehrkens	Prahl	Welker
Clark	Hokanson	Metzen	Redalen	Wenzel
Clawson	Jacobs	Minne	Reding	Wieser
Corbid	Jaros	Moe	Rees	Wigley
Dean	Jennings	Munger	Rodriguez	Wynia
Dempsey	Johnson, D.	Murphy	Rothenberg	Zubay

The bill was passed, as amended, and its title agreed to.

H. F. No. 942, A bill for an act relating to pollution control; authorizing state use of up to two percent of federal construction grant funds to administer the federal water pollution control act; amending Minnesota Statutes 1978, Section 116.16, Subdivision 10.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 117 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Den Ouden	Kahn	Nelsen, B.	Sieben, H.
Adams	Drew	Kaley	Nelsen, M.	Sieben, M.
Ainley	Eken	Kalis	Nelson	Simoneau
Albrecht	Elioff	Kelly	Niehaus	Stadum
Anderson, B.	Erickson	Kempe	Norman	Stoa
Anderson, D.	Esau	Knickerbocker	Novak	Stowell
Anderson, G.	Evans	Kostohryz	Nysether	Sviggum
Anderson, I.	Ewald	Kroening	Olsen	Swanson
Anderson, R.	Faricy	Kvam	Onnen	Thiede
Battaglia	Fjoslien	Laidig	Osthoff	Tomlinson
Begich	Friedrich	Lehto	Otis	Valan
Berglin	Fritz	Long	Patton	Valento
Blatz	Fudro	Ludeman	Pehler	Vanasek
Brinkman	Greenfield	Luknic	Peterson, B.	Voss
Byrne	Halberg	Mann	Peterson, D.	Waldorf
Carlson, D.	Heap	McCarron	Piepho	Welch
Carlson, L.	Heinitz	McDonald	Pleasant	Welker
Casserly	Hoberg	McEachern	Prahl	Wenzel
Clark	Hokanson	Mehrkens	Redalen	Wieser
Clawson	Jacobs	Metzen	Reding	Wynia
Corbid	Jaros	Minne	Rees	Zubay
Crandall	Jennings	Moe	Rodriguez	
Dean	Johnson, D.	Munger	Rothenberg	
Dempsey	Jude	Murphy	Sherwood	

The bill was passed and its title agreed to.

H. F. No. 1349, A bill for an act relating to natural resources; authorizing the commissioner of natural resources to convey the interests of the state in certain lands in Kandiyohi county for the purpose of correcting conveyancing errors.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 117 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Adams	Crandall	Heap	Lehto	Novak
Albrecht	Dean	Heinitz	Long	Nysether
Anderson, B.	Dempsey	Hoberg	Ludeman	Olsen
Anderson, D.	Den Ouden	Hokanson	Luknic	Onnen
Anderson, G.	Drew	Jacobs	Mann	Osthoff
Anderson, I.	Eken	Jaros	McCarron	Otis
Anderson, R.	Elioff	Jennings	McDonald	Patton
Battaglia	Erickson	Johnson, D.	McEachern	Pehler
Begich	Esau	Jude	Mehrkens	Peterson, B.
Berglin	Evans	Kahn	Metzen	Peterson, D.
Blatz	Ewald	Kaley	Minne	Piepho
Brinkman	Faricy	Kalis	Moe	Pleasant
Byrne	Fjoslien	Kelly	Munger	Prahl
Carlson, D.	Forsythe	Kempe	Murphy	Redalen
Carlson, L.	Friedrich	Knickerbocker	Nelsen, B.	Reding
Casserly	Fritz	Kostohryz	Nelsen, M.	Rees
Clark	Fudro	Kroening	Nelson	Rodriguez
Clawson	Greenfield	Kvam	Niehaus	Rose
Corbid	Halberg	Laidig	Norman	Rothenberg

Sherwood	Stoa	Valan	Weaver	Wynia
Sieben, H.	Stowell	Valento	Welch	Zubay
Sieben, M.	Sviggum	Vanasek	Welker	
Simoneau	Swanson	Voss	Wenzel	
Stadum	Tomlinson	Waldorf	Wieser	

The bill was passed and its title agreed to.

H. F. No. 1577, A bill for an act relating to real property; empowering the commissioner of banks to clear certain title defects involving a defunct state agency.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 120 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Den Ouden	Johnson, D.	Munger	Rose
Adams	Drew	Jude	Murphy	Rothenberg
Ainley	Eken	Kahn	Nelsen, B.	Sherwood
Albrecht	Elioff	Kaley	Nelsen, M.	Sieben, H.
Anderson, B.	Ellingson	Kalis	Nelson	Sieben, M.
Anderson, D.	Erickson	Kelly	Niehaus	Simoneau
Anderson, G.	Esau	Kempe	Norman	Stadum
Anderson, I.	Evans	Knickerbocker	Novak	Stoa
Anderson, R.	Ewald	Kostohryz	Nysether	Stowell
Battaglia	Faricy	Kroening	Olsen	Sviggum
Begich	Fjoslien	Kvam	Onnen	Swanson
Berglin	Forsythe	Laidig	Osthoff	Valan
Berkelman	Friedrich	Lehto	Otis	Valento
Blatz	Fritz	Long	Patton	Vanasek
Brinkman	Fudro	Ludeman	Pehler	Voss
Carlson, D.	Greenfield	Luknic	Peterson, B.	Waldorf
Carlson, L.	Heap	Mann	Peterson, D.	Weaver
Casserly	Heinitz	McCarron	Piepho	Welch
Clark	Hoberg	McDonald	Pleasant	Welker
Clawson	Hokanson	McEachern	Prahl	Wenzel
Corbid	Jacobs	Mehrkens	Redalen	Wieser
Crandall	Jaros	Metzen	Reding	Wigley
Dean	Jennings	Minne	Rees	Wynia
Dempsey	Johnson, C.	Moe	Rodriguez	Zubay

The bill was passed and its title agreed to.

H. F. No. 1765, A bill for an act relating to financial institutions; excluding certain loans made by credit unions in calculating outstanding loans and risk assets for reserve fund purposes; amending Minnesota Statutes 1978, Section 52.17.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 118 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Den Ouden	Johnson, C.	Munger	Sherwood
Adams	Drew	Johnson, D.	Nelsen, B.	Sieben, H.
Ainley	Eken	Jude	Nelsen, M.	Sieben, M.
Albrecht	Elioff	Kahn	Nelson	Simoneau
Anderson, B.	Ellingson	Kaley	Niehaus	Stoa
Anderson, D.	Erickson	Kalis	Novak	Stowell
Anderson, G.	Esau	Kelly	Nysether	Sviggum
Anderson, I.	Evans	Kempe	Olsen	Swanson
Anderson, R.	Ewald	Knickerbocker	Onnen	Tomlinson
Battaglia	Faricy	Kostohryz	Osthoff	Valan
Begich	Fjoslien	Kroening	Otis	Valento
Berglin	Forsythe	Kvam	Patton	Vanasek
Berkelman	Friedrich	Laidig	Pehler	Voss
Blatz	Fritz	Lehto	Peterson, B.	Waldorf
Brinkman	Fudro	Long	Peterson, D.	Weaver
Carlson, D.	Halberg	Ludeman	Piepho	Welch
Carlson, L.	Haukoos	Mann	Pleasant	Welker
Casserly	Heap	McCarron	Prahl	Wenzel
Clark	Heinitz	McDonald	Redalen	Wieser
Clawson	Hoberg	McEachern	Reding	Wigley
Corbid	Hokanson	Mehrkens	Rees	Wynia
Crandall	Jacobs	Metzen	Rodriguez	Zubay
Dean	Jaros	Minne	Rose	
Dempsey	Jennings	Moe	Rothenberg	

The bill was passed and its title agreed to.

H. F. No. 1774, A bill for an act relating to juries; authorizing the trial court in civil actions to seat a jury of 12 persons; amending Minnesota Statutes 1978, Section 593.01, by adding a subdivision.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 123 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Clark	Fudro	Kostohryz	Nelsen, M.
Adams	Clawson	Greenfield	Kroening	Nelson
Ainley	Crandall	Halberg	Kvam	Niehaus
Albrecht	Dean	Haukoos	Laidig	Norman
Anderson, B.	Dempsey	Heap	Lehto	Novak
Anderson, D.	Den Ouden	Hoberg	Long	Nysether
Anderson, G.	Drew	Hokanson	Ludeman	Olsen
Anderson, I.	Eken	Jacobs	Luknic	Onnen
Anderson, R.	Elioff	Jaros	Mann	Osthoff
Battaglia	Ellingson	Jennings	McCarron	Otis
Begich	Erickson	Johnson, C.	McDonald	Patton
Berglin	Esau	Johnson, D.	McEachern	Pehler
Berkelman	Evans	Jude	Mehrkens	Peterson, B.
Blatz	Ewald	Kahn	Metzen	Peterson, D.
Brinkman	Faricy	Kaley	Minne	Piepho
Byrne	Fjoslien	Kalis	Moe	Pleasant
Carlson, D.	Forsythe	Kelly	Munger	Prahl
Carlson, L.	Friedrich	Kempe	Murphy	Redalen
Casserly	Fritz	Knickerbocker	Nelsen, B.	

Reding	Sherwood	Stowell	Vanasek	Wenzel
Rees	Sieben, H.	Sviggum	Voss	Wieser
Rodriguez	Sieben, M.	Swanson	Waldorf	Wigley
Rose	Simoneau	Tomlinson	Weaver	Wynia
Rothenberg	Stadum	Valan	Welch	Zubay
Searles	Stoa	Valento	Welker	

The bill was passed and its title agreed to.

H. F. No. 1795, A bill for an act relating to historic sites; designating the Canadian National Depot in Warroad as an historic site; requiring notice to the Minnesota historical society when the state or a political subdivision of the state acquires certain property; amending Minnesota Statutes 1978, Section 138.59.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 125 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Den Ouden	Johnson, C.	Munger	Rothenberg
Adams	Drew	Johnson, D.	Murphy	Searles
Ainley	Eken	Jude	Nelsen, B.	Sherwood
Albrecht	Elioff	Kahn	Nelsen, M.	Sieben, H.
Anderson, B.	Ellingson	Kaley	Nelson	Sieben, M.
Anderson, D.	Erickson	Kalis	Niehaus	Simoneau
Anderson, G.	Esau	Kelly	Norman	Stadum
Anderson, I.	Evans	Kempe	Novak	Stoa
Anderson, R.	Ewald	Knickerbocker	Nysether	Stowell
Battaglia	Faricy	Kostohryz	Olsen	Swanson
Begich	Fjoslien	Kroening	Onnen	Thiede
Berglin	Forsythe	Kvam	Osthoff	Tomlinson
Berkelman	Friedrich	Laidig	Otis	Valan
Blatz	Fritz	Lehto	Patton	Valento
Brinkman	Fudro	Long	Pehler	Vanasek
Byrne	Greenfield	Ludeman	Peterson, B.	Voss
Carlson, D.	Halberg	Luknic	Peterson, D.	Waldorf
Carlson, L.	Haukoos	Mann	Piepho	Weaver
Casserly	Heap	McCarron	Pleasant	Welch
Clark	Heimitz	McDonald	Prahl	Welker
Clawson	Hoberg	McEachern	Redalen	Wenzel
Corbid	Hokanson	Mehrkens	Reding	Wieser
Crandall	Jacobs	Metzen	Rees	Wigley
Dean	Jaros	Minne	Rodriguez	Wynia
Dempsey	Jennings	Moe	Rose	Zubay

The bill was passed and its title agreed to.

H. F. No. 1798, A bill for an act relating to courts; second judicial district; providing for the appointment of the juvenile court clerk; amending Laws 1951, Chapter 653, Section 1, as amended.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 125 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Den Ouden	Johnson, C.	Munger	Rothenberg
Adams	Drew	Johnson, D.	Murphy	Searles
Ainley	Eken	Jude	Nelsen, B.	Sherwood
Albrecht	Elioff	Kahn	Nelsen, M.	Sieben, H.
Anderson, B.	Ellingson	Kaley	Nelson	Sieben, M.
Anderson, D.	Erickson	Kalis	Niehaus	Simoneau
Anderson, G.	Esau	Kelly	Norman	Stadum
Anderson, I.	Evans	Kempe	Novak	Stoa
Anderson, R.	Ewald	Knickerbocker	Nysether	Stowell
Battaglia	Faricy	Kostohryz	Olson	Swanson
Begich	Fjoslien	Kroening	Onnen	Thiede
Berglin	Forsythe	Kvam	Osthoff	Tomlinson
Berkelman	Friedrich	Laidig	Otis	Valan
Blatz	Fritz	Lehto	Patton	Valento
Brinkman	Fudro	Long	Pehler	Vanasek
Byrne	Greenfield	Ludeman	Peterson, B.	Voss
Carlson, D.	Halberg	Luknic	Peterson, D.	Waldorf
Carlson, L.	Haukoos	Mann	Piepho	Weaver
Casserly	Heap	McCarron	Pleasant	Welch
Clark	Heinitz	McDonald	Prahl	Welker
Clawson	Hoberg	McEachern	Redalen	Wenzel
Corbid	Hokanson	Mehrkens	Reding	Wieser
Crandall	Jacobs	Metzen	Rees	Wigley
Dean	Jaros	Minne	Rodriguez	Wynia
Dempsey	Jennings	Moe	Rose	Zubay

The bill was passed and its title agreed to.

H. F. No. 1823, A bill for an act relating to transportation; permitting informational notations on recorded maps and plats; simplifying correction of errors on them; amending Minnesota Statutes 1978, Section 160.085, Subdivision 1, and by adding a subdivision.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 123 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Blatz	Drew	Fudro	Jude
Adams	Brinkman	Eken	Greenfield	Kahn
Ainley	Byrne	Elioff	Halberg	Kaley
Albrecht	Carlson, D.	Ellingson	Haukoos	Kalis
Anderson, B.	Carlson, L.	Erickson	Heap	Kelly
Anderson, D.	Casserly	Esau	Heinitz	Kempe
Anderson, G.	Clark	Evans	Hoberg	Knickerbocker
Anderson, I.	Clawson	Ewald	Hokanson	Kostohryz
Anderson, R.	Corbid	Faricy	Jacobs	Kroening
Battaglia	Crandall	Fjoslien	Jaros	Kvam
Begich	Dean	Forsythe	Jennings	Laidig
Berglin	Dempsey	Friedrich	Johnson, C.	Lehto
Berkelman	Den Ouden	Fritz	Johnson, D.	Long

Ludeman	Nelsen, B.	Peterson, B.	Sieben, H.	Voss
Luknic	Nelsen, M.	Peterson, D.	Sieben, M.	Waldorf
Mann	Nelson	Piepho	Simoneau	Weaver
McCarron	Niehaus	Pleasant	Stadum	Welch
McDonald	Norman	Prahl	Stoa	Welker
McEachern	Novak	Redalen	Stowell	Wenzel
Mehrkens	Nysether	Reding	Swanson	Wieser
Metzen	Onnen	Rees	Thiede	Wigley
Minne	Osthoff	Rodriguez	Tomlinson	Wynia
Moe	Otis	Rothenberg	Valan	Zubay
Munger	Patton	Searles	Valento	
Murphy	Pehler	Sherwood	Vanasek	

The bill was passed and its title agreed to.

H. F. No. 1844, A bill for an act relating to health; authorizing the commissioner of health to investigate complaints under certain circumstances; amending Minnesota Statutes 1978, Section 214.13, 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 123 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Drew	Johnson, D.	Nelsen, B.	Sieben, H.
Adams	Eken	Jude	Nelson	Sieben, M.
Ainley	Elioff	Kahn	Niehaus	Simoneau
Albrecht	Ellingson	Kaley	Norman	Stadum
Anderson, B.	Erickson	Kelly	Novak	Stoa
Anderson, D.	Esau	Kempe	Nysether	Stowell
Anderson, G.	Evans	Knickerbocker	Olsen	Sviggum
Anderson, I.	Ewald	Kostohryz	Onnen	Swanson
Anderson, R.	Faricy	Kroening	Osthoff	Thiede
Battaglia	Fjoslien	Kvam	Otis	Tomlinson
Begich	Forsythe	Laidig	Patton	Valan
Berglin	Friedrich	Lehto	Pehler	Valento
Berkelman	Fritz	Long	Peterson, B.	Vanasek
Blatz	Fudro	Ludeman	Peterson, D.	Voss
Brinkman	Greenfield	Luknic	Piepho	Waldorf
Carlson, D.	Halberg	Mann	Pleasant	Weaver
Carlson, L.	Haukoos	McCarron	Prahl	Welch
Casserly	Heap	McDonald	Redalen	Welker
Clark	Heinitz	McEachern	Reding	Wenzel
Clawson	Hoberg	Mehrkens	Rees	Wieser
Corbid	Hokanson	Metzen	Rodriguez	Wigley
Crandall	Jacobs	Minne	Rose	Wynia
Dean	Jaros	Moe	Rothenberg	Zubay
Dempsey	Jennings	Munger	Searles	
Den Ouden	Johnson, C.	Murphy	Sherwood	

The bill was passed and its title agreed to.

H. F. No. 1846, A bill for an act relating to highway traffic regulations; authorizing certain identification rights on motor vehicles operated by certificated volunteer ambulance drivers;

amending Minnesota Statutes 1978, Section 169.58, by adding a subdivision.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 122 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Drew	Johnson, D.	Murphy	Sherwood
Adams	Eken	Jude	Nelsen, B.	Sieben, H.
Ainley	Elioff	Kahn	Nelsen, M.	Sieben, M.
Albrecht	Ellingson	Kaley	Nelson	Simoneau
Anderson, B.	Erickson	Kalis	Niehhaus	Stadum
Anderson, D.	Esau	Kelly	Norman	Stoa
Anderson, G.	Evans	Kempe	Novak	Stowell
Anderson, I.	Ewald	Knickerbocker	Nysether	Sviggum
Anderson, R.	Faricy	Kostohryz	Olsen	Swanson
Battaglia	Fjoslien	Kroening	Onnen	Tomlinson
Begich	Forsythe	Kvam	Osthoff	Valan
Berglin	Friedrich	Laidig	Otis	Vanasek
Berkelman	Fritz	Lehto	Patton	Voss
Blatz	Fudro	Long	Pehler	Waldorf
Brinkman	Greenfield	Ludeman	Peterson, B.	Weaver
Carlson, D.	Halberg	Luknic	Peterson, D.	Welch
Carlson, L.	Haukoos	Mann	Piepho	Welker
Casserly	Heap	McCarron	Pleasant	Wenzel
Clark	Heinitz	McDonald	Prahl	Wieser
Clawson	Hoberg	McEachern	Redalen	Wigley
Corbid	Hokanson	Mehrrens	Reding	Wynia
Crandall	Jacobs	Metzen	Rees	Zubay
Dean	Jaros	Minne	Rodriguez	
Dempsey	Jennings	Moe	Rothenberg	
Den Ouden	Johnson, C.	Munger	Searles	

The bill was passed and its title agreed to.

H. F. No. 1892, A bill for an act relating to courts; providing that courts may acquire electronic data processing services through supreme court contracts; amending Minnesota Statutes 1978, Chapter 480, by adding a section.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Anderson, G.	Berkelman	Casserly	Dempsey
Adams	Anderson, I.	Blatz	Clark	Den Ouden
Ainley	Anderson, R.	Brinkman	Clawson	Drew
Albrecht	Battaglia	Byrne	Corbid	Eken
Anderson, B.	Begich	Carlson, D.	Crandall	Elioff
Anderson, D.	Berglin	Carlson, L.	Dean	Ellingson

Erickson	Johnson, C.	McEachern	Peterson, B.	Sviggum
Esau	Johnson, D.	Mehrrens	Peterson, D.	Swanson
Evans	Jude	Metzen	Piepho	Thiede
Ewald	Kahn	Minne	Pleasant	Tomlinson
Faricy	Kaley	Moe	Prahl	Valan
Fjoslien	Kalis	Munger	Redalen	Valento
Forsythe	Kelly	Murphy	Reding	Vanasek
Friedrich	Kempe	Nelsen, B.	Rees	Voss
Fritz	Knickerbocker	Nelsen, M.	Reif	Waldorf
Fudro	Kostohryz	Nelson	Rodriguez	Weaver
Greenfield	Kroening	Niehaus	Rose	Welch
Halberg	Kvam	Norman	Rothenberg	Welker
Haukoos	Laidig	Novak	Searles	Wenzel
Heap	Lehto	Nysether	Sherwood	Wieser
Heinitz	Long	Olsen	Sieben, H.	Wigley
Hoberg	Ludeman	Onnen	Sieben, M.	Wynia
Hokanson	Luknic	Osthoff	Simoneau	Zubay
Jacobs	Mann	Otis	Stadum	
Jaros	McCarron	Patton	Stoa	
Jennings	McDonald	Pehler	Stowell	

The bill was passed and its title agreed to.

H. F. No. 1895, A bill for an act relating to human rights; further defining certain unfair discriminatory practices related to reprisals; defining the scope of a class for class action suits; increasing a penalty by increasing allowable punitive damages; amending Minnesota Statutes 1978, Sections 363.03, Subdivision 7; 363.071, Subdivision 2; and Minnesota Statutes, 1979 Supplement, Section 363.06, 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 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Crandall	Hoberg	Luknic	Patton
Adams	Dean	Hokanson	Mann	Pehler
Ainley	Dempsey	Jacobs	McCarron	Peterson, B.
Albrecht	Drew	Jaros	McDonald	Peterson, D.
Anderson, B.	Eken	Jennings	McEachern	Piepho
Anderson, D.	Elioff	Johnson, C.	Mehrrens	Pleasant
Anderson, G.	Ellingson	Johnson, D.	Metzen	Prahl
Anderson, I.	Erickson	Jude	Minne	Redalen
Anderson, R.	Esau	Kahn	Moe	Reding
Battaglia	Evans	Kaley	Munger	Rees
Begich	Ewald	Kalis	Murphy	Reif
Berglin	Faricy	Kelly	Nelsen, B.	Rodriguez
Berkelman	Fjoslien	Kempe	Nelsen, M.	Rose
Blatz	Forsythe	Knickerbocker	Nelson	Rothenberg
Brinkman	Friedrich	Kostohryz	Niehaus	Searles
Byrne	Fritz	Kroening	Norman	Sherwood
Carlson, D.	Fudro	Kvam	Novak	Sieben, H.
Carlson, L.	Greenfield	Laidig	Nysether	Sieben, M.
Cassery	Halberg	Lehto	Olsen	Simoneau
Clark	Haukoos	Levi	Onnen	Stadum
Clawson	Heap	Long	Osthoff	Stoa
Corbid	Heinitz	Ludeman	Otis	Stowell

Swiggum	Valan	Waldorf	Wenzel	Zubay
Swanson	Valento	Weaver	Wieser	
Thiede	Vanasek	Welch	Wigley	
Tomlinson	Voss	Welker	Wynia	

The bill was passed and its title agreed to.

H. F. No. 1931, A bill for an act relating to Ramsey County; simplifying the numbering of the county code; amending Laws 1974, Chapter 435, Articles I to IV, as amended.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 128 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Drew	Jude	Nelsen, B.	Sherwood
Adams	Eken	Kahn	Nelsen, M.	Sieben, H.
Ainley	Elioff	Kaley	Nelson	Sieben, M.
Albrecht	Ellingson	Kalis	Nichaus	Simoneau
Anderson, B.	Erickson	Kelly	Norman	Stadum
Anderson, D.	Esau	Kempe	Novak	Stoa
Anderson, G.	Evans	Knickerbocker	Nysether	Stowell
Anderson, I.	Ewald	Kostohryz	Olsen	Swiggum
Anderson, R.	Faricy	Kroening	Onnen	Swanson
Battaglia	Fjoslien	Kvam	Osthoff	Thiede
Begich	Forsythe	Laidig	Otis	Tomlinson
Berglin	Friedrich	Lehto	Patton	Valan
Berkelman	Fritz	Levi	Pehler	Valento
Blatz	Fudro	Long	Peterson, B.	Vanasek
Brinkman	Greenfield	Ludeman	Peterson, D.	Voss
Byrne	Halberg	Luknic	Piepho	Waldorf
Carlson, D.	Haukoos	Mann	Pleasant	Weaver
Carlson, L.	Heap	McCarron	Prahl	Welch
Casserly	Heinitz	McDonald	Redalen	Welker
Clark	Hoberg	McEachern	Reding	Wenzel
Clawson	Hokanson	Mehrkens	Rees	Wieser
Corbid	Jacobs	Metzen	Reif	Wigley
Crandall	Jaros	Minne	Rodriguez	Wynia
Dean	Jennings	Moe	Rose	Zubay
Dempsey	Johnson, C.	Munger	Rothenberg	
Den Ouden	Johnson, D.	Murphy	Searies	

The bill was passed and its title agreed to.

H. F. No. 1995, A bill for an act relating to health care; excluding coverage of certain services in the Comprehensive Health Insurance Plan; extending the pre-existing condition period; qualifying certain services covered by the Catastrophic Health Expense Protection program; repealing certain provisions; amending Minnesota Statutes 1978, Section 62E.12; 62E.14, Subdivision 3; 62E.53, by adding a subdivision; and Laws 1979, Chapter 272, Section 12.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Drew	Jude	Nelsen, B.	Sieben, H.
Adams	Eken	Kahn	Nelsen, M.	Sieben, M.
Ainley	Elioff	Kaley	Nelson	Simoneau
Albrecht	Ellingson	Kalis	Niehau	Stadum
Anderson, B.	Erickson	Kelly	Norman	Stoa
Anderson, D.	Esau	Kempe	Novak	Stowell
Anderson, G.	Evans	Knickerbocker	Nysether	Sviggum
Anderson, I.	Ewald	Kostohryz	Olsen	Swanson
Anderson, R.	Faricy	Kroening	Onnen	Thiede
Battaglia	Fjoslien	Kvam	Osthoff	Tomlinson
Begich	Forsythe	Laidig	Otis	Valan
Berglin	Friedrich	Lehto	Patton	Valento
Berkelman	Fritz	Levi	Pehler	Vanasek
Blatz	Fudro	Long	Peterson, B.	Voss
Brinkman	Greenfield	Ludeman	Peterson, D.	Waldorf
Byrne	Halberg	Luknic	Piepho	Weaver
Carlson, D.	Haukoos	Mann	Pleasant	Welch
Carlson, L.	Heap	McCarron	Redalen	Welker
Casserly	Heinitz	McDonald	Reding	Wenzel
Clark	Hoberg	McEachern	Rees	Wieser
Clawson	Hokanson	Mehrkens	Reif	Wigley
Corbid	Jacobs	Metzen	Rodriguez	Wynia
Crandall	Jaros	Minne	Rose	Zubay
Dean	Jennings	Moe	Rothenberg	
Dempsey	Johnson, C.	Munger	Searles	
Den Ouden	Johnson, D.	Murphy	Sherwood	

The bill was passed and its title agreed to.

H. F. No. 2051, A bill for an act relating to elections; requiring certain employers to attempt to let employees make up time taken off for certain public meetings; amending Minnesota Statutes 1978, Section 210A.09, Subdivision 2.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 128 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Berglin	Crandall	Ewald	Heinitz
Adams	Berkelman	Dean	Faricy	Hoberg
Ainley	Blatz	Dempsey	Fjoslien	Hokanson
Albrecht	Brinkman	Den Ouden	Forsythe	Jacobs
Anderson, B.	Byrne	Drew	Friedrich	Jaros
Anderson, D.	Carlson, D.	Eken	Fritz	Jennings
Anderson, G.	Carlson, L.	Elioff	Fudro	Johnson, C.
Anderson, I.	Casserly	Ellingson	Greenfield	Johnson, D.
Anderson, R.	Clark	Erickson	Halberg	Jude
Battaglia	Clawson	Esau	Haukoos	Kahn
Begich	Corbid	Evans	Heap	Kaley

Kalis	McDonald	Olsen	Rose	Valento
Kelly	McEachern	Onnen	Rothenberg	Vanasek
Kempe	Mehrkens	Osthoff	Searles	Voss
Knickerbocker	Metzen	Otis	Sherwood	Waldorf
Kostohryz	Minne	Patton	Sieben, H.	Weaver
Kroening	Moe	Pehler	Sieben, M.	Welch
Kvam	Munger	Peterson, B.	Simoneau	Welker
Laidig	Murphy	Peterson, D.	Stadum	Wenzel
Lehto	Nelsen, B.	Piepho	Stoa	Wieser
Levi	Nelsen, M.	Prahl	Stowell	Wigley
Long	Nelson	Redalen	Sviggum	Wynia
Ludeman	Niehaus	Reding	Swanson	Zubay
Luknic	Norman	Rees	Thiede	Spkr. Norton
Mann	Novak	Reif	Tomlinson	
McCarron	Nysether	Rodriguez	Valan	

The bill was passed and its title agreed to.

H. F. No. 2119, A bill for an act relating to the military; extending indefinitely the duration of the authority of the adjutant general to acquire lands for military training from funds available in the military land fund; repealing certain obsolete provisions relating to the military land fund; amending Minnesota Statutes 1978, Sections 190.25; 190.26, Subdivision 1; 190.29; 190.30, Subdivisions 1, 5 and 6; and repealing Minnesota Statutes 1978, Sections 190.26, Subdivisions 2 and 3; and 190.27.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Drew	Jude	Nelsen, B.	Sieben, H.
Adams	Eken	Kahn	Nelsen, M.	Sieben, M.
Ainley	Eloff	Kaley	Nelson	Simoneau
Albrecht	Ellingson	Kalis	Niehaus	Stadum
Anderson, B.	Erickson	Kelly	Norman	Stoa
Anderson, D.	Esau	Kempe	Novak	Stowell
Anderson, G.	Evans	Knickerbocker	Nysether	Sviggum
Anderson, I.	Ewald	Kostohryz	Olsen	Swanson
Anderson, R.	Faricy	Kroening	Onnen	Thiede
Battaglia	Fjoslien	Kvam	Osthoff	Tomlinson
Begich	Forsythe	Laidig	Otis	Valan
Berglin	Friedrich	Lehto	Patton	Valento
Berkelman	Fritz	Levi	Pehler	Vanasek
Blatz	Fudro	Long	Peterson, B.	Voss
Brinkman	Greenfield	Ludeman	Peterson, D.	Waldorf
Byrne	Halberg	Luknic	Piepho	Weaver
Carlson, D.	Haukoos	Mann	Prahl	Welch
Carlson, L.	Heap	McCarron	Redalen	Welker
Casserly	Heintz	McDonald	Reding	Wenzel
Clark	Hoberg	McEachern	Rees	Wieser
Clawson	Hokanson	Mehrkens	Reif	Wigley
Corbid	Jacobs	Metzen	Rodriguez	Wynia
Crandall	Jaros	Minne	Rose	Zubay
Dean	Jennings	Moe	Rothenberg	
Dempsey	Johnson, C.	Munger	Searles	
Den Ouden	Johnson, D.	Murphy	Sherwood	

The bill was passed and its title agreed to.

H. F. No. 2122, A bill for an act relating to insurance; increasing the maximum limits on the insuring or reinsuring of a single risk of certain companies; defining a term; amending Minnesota Statutes 1978, Section 60A.09, Subdivision 1, and by adding a subdivision.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 126 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Aasness	Drew	Kahn	Nelson	Simoneau
Adams	Eken	Kaley	Niehaus	Stadum
Ainley	Elioff	Kalis	Norman	Stoa
Albrecht	Ellingson	Kelly	Novak	Stowell
Anderson, B.	Erickson	Kempe	Nysether	Svigum
Anderson, D.	Esau	Knickerbocker	Olsen	Swanson
Anderson, G.	Evans	Kostohryz	Onnen	Thiede
Anderson, I.	Ewald	Kroening	Osthoff	Tomlinson
Anderson, R.	Faricy	Kvam	Otis	Valan
Battaglia	Fjoslien	Laidig	Patton	Valento
Begich	Forsythe	Lehto	Pehler	Vanasek
Berglin	Friedrich	Levi	Peterson, B.	Voss
Berkelman	Fudro	Long	Peterson, D.	Waldorf
Blatz	Greenfield	Ludeman	Piepho	Weaver
Brinkman	Halberg	Luknic	Pleasant	Welch
Byrne	Haukoos	Mann	Prahl	Welker
Carlson, D.	Heap	McCarron	Redalen	Wenzel
Carlson, L.	Heinitz	McDonald	Reding	Wieser
Casserly	Hoberg	McEachern	Rees	Wigley
Clark	Hokanson	Mehrkens	Reif	Wynia
Clawson	Jacobs	Metzen	Rodriguez	Zubay
Corbid	Jaros	Minne	Rose	Spkr. Norton
Crandall	Jennings	Moe	Rothenberg	
Dean	Johnson, C.	Munger	Searles	
Dempsey	Johnson, D.	Murphy	Sherwood	
Den Ouden	Jude	Nelsen, M.	Sieben, M.	

Those who voted in the negative were:

Nelsen, B.

The bill was passed and its title agreed to.

H. F. No. 2187, A bill for an act relating to state lands; authorizing conveyance of certain parcels of land in the city of Brooklyn Center.

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 1 nay as follows:

Those who voted in the affirmative were:

Aasness	Drew	Jude	Nelson, B.	Sieben, H.
Adams	Eken	Kahn	Nelson	Sieben, M.
Ainley	Elioff	Kaley	Niehaus	Simoneau
Albrecht	Ellingson	Kalis	Norman	Stadum
Anderson, B.	Erickson	Kelly	Novak	Stowell
Anderson, D.	Esau	Kempe	Nysether	Sviggum
Anderson, G.	Evans	Knickerbocker	Olsen	Swanson
Anderson, I.	Ewald	Kostohryz	Onnen	Thiede
Anderson, R.	Faricy	Kroening	Osthoff	Tomlinson
Battaglia	Fjoslien	Kvam	Otis	Valan
Begich	Forsythe	Laidig	Patton	Valento
Berglin	Friedrich	Lehto	Pehler	Vanasek
Berkelman	Fritz	Levi	Peterson, B.	Voss
Blatz	Fudro	Long	Peterson, D.	Waldorf
Brinkman	Greenfield	Ludeman	Piepho	Weaver
Byrne	Halberg	Luknic	Pleasant	Welch
Carlson, D.	Haukoos	Mann	Prahl	Welker
Carlson, L.	Heap	McCarron	Redalen	Wenzel
Casserly	Heinitz	McDonald	Reding	Wieser
Clark	Hoberg	McEachern	Rees	Wigley
Clawson	Hokanson	Mehrkens	Reif	Wynia
Corbid	Jacobs	Metzen	Rodriguez	Zubay
Crandall	Jaros	Minne	Rose	
Dean	Jennings	Moe	Rothenberg	
Dempsey	Johnson, C.	Munger	Searles	
Den Ouden	Johnson, D.	Murphy	Sherwood	

Those who voted in the negative were:

Stoa

The bill was passed and its title agreed to.

H. F. No. 2222, A bill for an act relating to insurance; authorizing business trusts to exchange reciprocal or interinsurance contracts; amending Minnesota Statutes 1978, Section 71A.01, Subdivision 1.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Berkelman	Dempsey	Forsythe	Jaros
Adams	Blatz	Den Ouden	Friedrich	Jennings
Ainley	Brinkman	Drew	Fritz	Johnson, C.
Albrecht	Byrne	Eken	Fudro	Johnson, D.
Anderson, B.	Carlson, D.	Elioff	Greenfield	Jude
Anderson, D.	Carlson, L.	Ellingson	Halberg	Kahn
Anderson, G.	Casserly	Erickson	Haukoos	Kaley
Anderson, I.	Clark	Esau	Heap	Kalis
Anderson, R.	Clawson	Evans	Heinitz	Kelly
Battaglia	Corbid	Ewald	Hoberg	Kempe
Begich	Crandall	Faricy	Hokanson	Knickerbocker
Berglin	Dean	Fjoslien	Jacobs	Kostohryz

Kroening	Moe	Patton	Searles	Vanasek
Kvam	Munger	Pehler	Sherwood	Voss
Lehto	Murphy	Peterson, B.	Sieben, H.	Waldorf
Levi	Nelsen, B.	Peterson, D.	Sieben, M.	Weaver
Long	Nelsen, M.	Piepho	Simoneau	Welch
Ludeman	Nelson	Pleasant	Stadum	Welker
Luknic	Niehaus	Prahl	Stoa	Wenzel
Mann	Norman	Redalen	Stowell	Wieser
McCarron	Novak	Reding	Sviggum	Wigley
McDonald	Nysether	Rees	Swanson	Wynia
McEachern	Olsen	Reif	Thiede	Zubay
Mehrkens	Onnen	Rodriguez	Tomlinson	
Metzen	Osthoff	Rose	Valan	
Minne	Otis	Rothenberg	Valento	

The bill was passed and its title agreed to.

H. F. No. 2287, A bill for an act relating to the city of Edina; authorizing a temporary short term on-sale liquor license for a certain civic or charitable festival.

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 116 yeas and 7 nays as follows:

Those who voted in the affirmative were:

Adams	Eken	Kahn	Niehaus	Stadum
Ainley	Elioff	Kaley	Norman	Stoa
Albrecht	Ellingson	Kalis	Novak	Stowell
Anderson, B.	Evans	Kelly	Nysether	Sviggum
Anderson, G.	Ewald	Knickerbocker	Onnen	Swanson
Anderson, I.	Faricy	Kostohryz	Osthoff	Thiede
Anderson, R.	Fjoslien	Kroening	Otis	Tomlinson
Battaglia	Forsythe	Kvam	Patton	Valan
Begich	Friedrich	Lehto	Pehler	Valento
Berglin	Fritz	Levi	Peterson, B.	Vanasek
Berkelman	Fudro	Long	Peterson, D.	Voss
Blatz	Greenfield	Ludeman	Piepho	Waldorf
Brinkman	Halberg	Luknic	Pleasant	Weaver
Byrne	Haukoos	Mann	Prahl	Welch
Carlson, D.	Heap	McCarron	Redalen	Welker
Carlson, L.	Heinitz	McEachern	Reding	Wenzel
Casserly	Hoberg	Mehrkens	Rees	Wieser
Clark	Hokanson	Metzen	Rodriguez	Wigley
Clawson	Jacobs	Minne	Rose	Wynia
Corbid	Jaros	Moe	Rothenberg	Zubay
Crandall	Jennings	Munger	Searles	
Dean	Johnson, C.	Murphy	Sieben, H.	
Dempsey	Johnson, D.	Nelsen, M.	Sieben, M.	
Drew	Jude	Nelson	Simoneau	

Those who voted in the negative were:

Aasness	Erickson	Kempe	McDonald	Sherwood
Anderson, D.	Esau			

The bill was passed and its title agreed to.

H. F. No. 2302, A bill for an act relating to financial institutions; requiring all checks and drafts drawn on certain accounts to clearly display the month and year the account was opened.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 122 yeas and 3 nays as follows:

Those who voted in the affirmative were:

Aasness	Eken	Jude	Nelsen, B.	Simoneau
Adams	Elioff	Kahn	Nelsen, M.	Stadum
Ainley	Ellingson	Kaley	Nelson	Stoa
Albrecht	Erickson	Kalis	Niehau	Stowell
Anderson, B.	Esau	Kelly	Norman	Sviggum
Anderson, D.	Evans	Kempe	Novak	Swanson
Anderson, G.	Ewald	Knickerbocker	Nysether	Thiede
Anderson, I.	Faricy	Kostohryz	Olsen	Tomlinson
Anderson, R.	Fjoslien	Kroening	Onnen	Valan
Battaglia	Forsythe	Kvam	Osthoff	Valento
Begich	Friedrich	Lehto	Otis	Vanasek
Berkelman	Fritz	Levi	Patton	Voss
Blatz	Fudro	Long	Pehler	Waldorf
Brinkman	Greenfield	Ludeman	Peterson, B.	Weaver
Byrne	Halberg	Luknic	Peterson, D.	Welch
Carlson, D.	Haukoos	Mann	Piepho	Welker
Carlson, L.	Heap	McCarron	Redalen	Wenzel
Cassery	Heinitz	McDonald	Reding	Wieser
Clark	Hoberg	McEachern	Rees	Wigley
Clawson	Hokanson	Mehrkens	Reif	Wynia
Corbid	Jacobs	Metzen	Rodriguez	Zubay
Crandall	Jaros	Minne	Rothenberg	Spkr. Norton
Dean	Jennings	Moe	Searles	
Dempsey	Johnson, C.	Munger	Sherwood	
Drew	Johnson, D.	Murphy	Sieben, M.	

Those who voted in the negative were:

Berglin Den Ouden Prahl

The bill was passed and its title agreed to.

S. F. No. 364, A bill for an act relating to peace officers; requiring uniform colors and identification for law enforcement motor vehicles and uniforms of peace officers and security guards; amending Minnesota Statutes 1978, Section 169.98.

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 93 yeas and 23 nays as follows:

Those who voted in the affirmative were:

Adams	Elioff	Johnson, D.	Murphy	Rose
Anderson, B.	Ellingson	Jude	Nelsen, B.	Rothenberg
Anderson, D.	Erickson	Kahn	Nelsen, M.	Searles
Anderson, G.	Evans	Kaley	Nelson	Sherwood
Anderson, I.	Ewald	Kelly	Niehaus	Sieben, H.
Anderson, R.	Faricy	Knickerbocker	Norman	Sieben, M.
Battaglia	Forsythe	Kostohryz	Novak	Simoneau
Begich	Fritz	Kroening	Nysether	Stoa
Berglin	Fudro	Laidig	Olsen	Stowell
Berkelman	Greenfield	Lehto	Onnen	Swanson
Blatz	Halberg	Levi	Otis	Tomlinson
Brinkman	Haukoos	Long	Patton	Vanasek
Carlson, L.	Heap	Mann	Peterson, B.	Voss
Casserly	Heinitz	McCarron	Peterson, D.	Waldorf
Clawson	Hoberg	McDonald	Prahl	Welch
Crandall	Hokanson	McEachern	Reding	Wenzel
Dean	Jacobs	Minne	Rees	Wynia
Drew	Jaros	Moe	Reif	
Eken	Johnson, C.	Munger	Rodriguez	

Those who voted in the negative were:

Aasness	Jennings	Luknic	Sviggum	Welker
Albrecht	Kalis	Mehrkens	Thiede	Wieser
Byrne	Kempe	Pehler	Valan	Wigley
Dempsey	Kvam	Redalen	Valento	
Fjoslien	Ludeman	Stadum	Weaver	

The bill was passed and its title agreed to.

Speaker Norton resumed the chair.

S. F. No. 920, A bill for an act relating to health; changing provisions related to compensation of members of local boards of health; amending Minnesota Statutes 1978, Section 145.52, Subdivision 1.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 126 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Berkelman	Den Ouden	Friedrich	Jennings
Adams	Drew	Drew	Fritz	Johnson, C.
Ainley	Brinkman	Eken	Fudro	Johnson, D.
Albrecht	Byrne	Elioff	Greenfield	Jude
Anderson, B.	Carlson, D.	Ellingson	Halberg	Kahn
Anderson, D.	Carlson, L.	Erickson	Haukoos	Kaley
Anderson, G.	Casserly	Esau	Heap	Kalis
Anderson, I.	Clark	Evans	Heinitz	Kelly
Anderson, R.	Clawson	Ewald	Hoberg	Kempe
Battaglia	Crandall	Faricy	Hokanson	Knickerbocker
Begich	Dean	Fjoslien	Jacobs	Kostohryz
Berglin	Dempsey	Forsythe	Jaros	Kroening

Kvam	Munger	Pehler	Sieben, H.	Waldorf
Laidig	Murphy	Peterson, B.	Sieben, M.	Weaver
Lehto	Nelsen, B.	Peterson, D.	Simoneau	Welch
Levi	Nelsen, M.	Piepho	Stadum	Welker
Long	Nelson	Pleasant	Stoa	Wenzel
Ludeman	Niehaus	Prahl	Stowell	Wieser
Luknic	Norman	Redalen	Sviggum	Wigley
Mann	Novak	Reding	Swanson	Wynia
McCarron	Nysether	Rees	Thiede	Zubay
McDonald	Olsen	Reif	Tomlinson	Spkr. Norton
McEachern	Onnen	Rodriguez	Valan	
Mehrkens	Osthoff	Rothenbeg	Valento	
Minne	Otis	Searles	Vanasek	
Moe	Patton	Sherwood	Voss	

The bill was passed and its title agreed to.

S. F. No. 1296, A bill for an act relating to public welfare; authorizing grants for community residential facilities; amending Minnesota Statutes 1978, Section 252.30.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Drew	Jude	Nelsen, B.	Sieben, M.
Adams	Eken	Kahn	Nelson	Simoneau
Ainley	Elioff	Kaley	Niehaus	Stadum
Albrecht	Ellingson	Kalis	Norman	Stoa
Anderson, B.	Erickson	Kelly	Novak	Stowell
Anderson, D.	Esau	Kempe	Nysether	Sviggum
Anderson, G.	Evans	Knickerbocker	Olsen	Swanson
Anderson, I.	Ewald	Kostohryz	Onnen	Thiede
Anderson, R.	Faricy	Kroening	Osthoff	Tomlinson
Battaglia	Fjoslien	Kvam	Otis	Valan
Begich	Forsythe	Laidig	Patton	Valento
Berglin	Friedrich	Lehto	Pehler	Vanasek
Berkelman	Fritz	Levi	Peterson, B.	Voss
Blatz	Fudro	Long	Peterson, D.	Waldorf
Brinkman	Greenfield	Ludeman	Piepho	Weaver
Byrne	Halberg	Luknic	Pleasant	Welch
Carlson, D.	Haukoos	Mann	Prahl	Welker
Carlson, L.	Heap	McCarron	Redalen	Wenzel
Casserly	Heinitz	McDonald	Reding	Wieser
Clark	Hoberg	McEachern	Rees	Wigley
Clawson	Hokanson	Mehrkens	Reif	Wynia
Corbid	Jacobs	Metzen	Rodriguez	Zubay
Crandall	Jaros	Minne	Rothenbeg	Spkr. Norton
Dean	Jennings	Moe	Searles	
Dempsey	Johnson, C.	Munger	Sherwood	
Den Ouden	Johnson, D.	Murphy	Sieben, H.	

The bill was passed and its title agreed to.

H. F. No. 1090, A bill for an act relating to education; authorizing the state boards for community colleges and for voca-

tional education to contract for certain insurance coverage for students; amending Minnesota Statutes 1978, Sections 136.62, by adding a subdivision; and 121.21, by adding a subdivision.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 124 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Den Ouden	Jude	Nelsen, B.	Sherwood
Adams	Drew	Kahn	Nelsen, M.	Sieben, H.
Ainley	Eken	Kaley	Nelson	Sieben, M.
Albrecht	Elioff	Kalis	Niehaus	Simoneau
Anderson, B.	Ellingson	Kelly	Norman	Stadum
Anderson, D.	Erickson	Kempe	Novak	Stoa
Anderson, G.	Esau	Knickerbocker	Nysether	Stowell
Anderson, I.	Evans	Kostohryz	Olsen	Sviggum
Anderson, R.	Ewald	Kroening	Onnen	Swanson
Battaglia	Faricy	Kvam	Osthoff	Thiede
Begich	Fjoslien	Laidig	Otis	Tomlinson
Berglin	Friedrich	Lehto	Patton	Valento
Berkelman	Fritz	Levi	Pehler	Vanasek
Blatz	Fudro	Long	Peterson, B.	Voss
Brinkman	Greenfield	Ludeman	Peterson, D.	Waldorf
Byrne	Halberg	Luknic	Piepho	Weaver
Carlson, D.	Heap	Mann	Pleasant	Welch
Carlson, L.	Heinitz	McCarron	Prahl	Welker
Casserly	Hoberg	McDonald	Redalen	Wenzel
Clark	Hokanson	McEachern	Reding	Wieser
Clawson	Jacobs	Metzen	Rees	Wigley
Corbid	Jaros	Minne	Rodriguez	Wynia
Crandall	Jennings	Moe	Rose	Zubay
Dean	Johnson, C.	Munger	Rothenberg	Spkr. Norton
Dempsey	Johnson, D.	Murphy	Searles	

The bill was passed and its title agreed to.

Ainley and Pehler were excused while in conference committee.

H. F. No. 1769, A bill for an act relating to public welfare; providing access to criminal conviction data of certain applicants for licenses; amending Minnesota Statutes 1978, Section 245.783, Subdivision 3.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 123 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Drew	Johnson, D.	Nelson	Sieben, M.
Adams	Eken	Jude	Niehaus	Simoneau
Albrecht	Elioff	Kahn	Norman	Stadum
Anderson, B.	Ellingson	Kaley	Novak	Stoa
Anderson, D.	Erickson	Kalis	Nysether	Stowell
Anderson, G.	Esau	Kelly	Olsen	Swiggum
Anderson, I.	Evans	Kempe	Onnen	Swanson
Anderson, R.	Ewald	Knickerbocker	Osthoff	Thiede
Battaglia	Faricy	Kostohryz	Otis	Tomlinson
Begich	Fjoslien	Kroening	Patton	Valan
Berglin	Forsythe	Kvam	Pehler	Valento
Berkelman	Friedrich	Levi	Peterson, B.	Vanasek
Blatz	Fritz	Long	Peterson, D.	Voss
Brinkman	Fudro	Ludeman	Piepho	Waldorf
Byrne	Greenfield	Luknic	Pleasant	Weaver
Carlson, D.	Halberg	Mann	Prahl	Welch
Carlson, L.	Haukoos	McCarron	Redalen	Welker
Casserly	Heap	McDonald	Reding	Wenzel
Clark	Heinitz	McEachern	Rees	Wieser
Clawson	Hoberg	Mehrkens	Reif	Wigley
Corbid	Hokanson	Metzen	Rodriguez	Wynia
Crandall	Jacobs	Minne	Rothenberg	Zubay
Dean	Jaros	Munger	Searles	Spkr. Norton
Dempsey	Jennings	Murphy	Sherwood	
Den Ouden	Johnson, C.	Nelsen, B.	Sieben, H.	

The bill was passed and its title agreed to.

H. F. No. 1824, A bill for an act relating to driver's licenses; providing for the disposition of the county fee in Dakota County.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Crandall	Heap	Long	Onnen
Adams	Dean	Heinitz	Ludeman	Osthoff
Albrecht	Dempsey	Hoberg	Luknic	Otis
Anderson, B.	Den Ouden	Hokanson	Mann	Patton
Anderson, D.	Drew	Jacobs	McCarron	Pehler
Anderson, G.	Eken	Jaros	McDonald	Peterson, B.
Anderson, I.	Elioff	Jennings	McEachern	Peterson, D.
Anderson, R.	Ellingson	Johnson, C.	Mehrkens	Piepho
Battaglia	Erickson	Johnson, D.	Metzen	Pleasant
Begich	Esau	Jude	Minne	Prahl
Berglin	Evans	Kahn	Moe	Redalen
Berkelman	Ewald	Kaley	Munger	Reding
Blatz	Faricy	Kalis	Murphy	Rees
Brinkman	Fjoslien	Kelly	Nelsen, B.	Reif
Byrne	Forsythe	Kempe	Nelsen, M.	Rodriguez
Carlson, D.	Friedrich	Knickerbocker	Nelson	Rose
Carlson, L.	Fritz	Kostohryz	Niehaus	Rothenberg
Casserly	Fudro	Kroening	Norman	Searles
Clark	Greenfield	Kvam	Novak	Sherwood
Clawson	Halberg	Lehto	Nysether	Sieben, H.
Corbid	Haukoos	Levi	Olsen	Sieben, M.

Simoneau	Swanson	Vanasek	Welker	Zubay
Stadum	Thiede	Voss	Wenzel	Spkr. Norton
Stoa	Tomlinson	Waldorf	Wieser	
Stowell	Valan	Weaver	Wigley	
Sviggum	Valento	Welch	Wynia	

The bill was passed and its title agreed to.

Johnson, C., was excused for the remainder of today's session.

H. F. No. 2075, A bill for an act relating to health; requiring certain immunizations for children; requiring certain schools to maintain immunization records and make certain reports; amending Minnesota Statutes 1978, Section 123.70.

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:

Aasness	Eken	Kahn	Nelson	Sieben, M.
Adams	Elioff	Kaley	Niehaus	Simoneau
Albrecht	Ellingson	Kalis	Norman	Stadum
Anderson, B.	Erickson	Kelly	Novak	Stoa
Anderson, D.	Esau	Kempe	Nysether	Stowell
Anderson, G.	Evans	Knickerbocker	Olsen	Sviggum
Anderson, I.	Ewald	Kostohryz	Onnen	Swanson
Anderson, R.	Faricy	Kroening	Osthoff	Tomlinson
Battaglia	Fjoslien	Kvam	Otis	Valento
Begich	Forsythe	Lehto	Patton	Vanasek
Berglin	Friedrich	Levi	Pehler	Voss
Berkelman	Fritz	Long	Peterson, B.	Waldorf
Blatz	Fudro	Ludeman	Peterson, D.	Weaver
Brinkman	Greenfield	Luknic	Pleasant	Welch
Byrne	Halberg	Mann	Prahl	Welker
Carlson, D.	Haukoos	McCarron	Redalen	Wenzel
Carlson, L.	Heap	McDonald	Reding	Wieser
Casserly	Heinitz	McEachern	Rees	Wigley
Clark	Hoberg	Mehrkens	Reif	Wynia
Clawson	Hokanson	Metzen	Rodriguez	Zubay
Corbid	Jacobs	Minne	Rose	Spkr. Norton
Crandall	Jaros	Munger	Rothenberg	
Dean	Jennings	Murphy	Searles	
Den Ouden	Johnson, D.	Nelsen, B.	Sherwood	
Drew	Jude	Nelsen, M.	Sieben, H.	

The bill was passed and its title agreed to.

H. F. No. 2135, A bill for an act relating to public welfare; providing that certain relatives of children receiving aid to families with dependent children are not responsible for contributions; amending Minnesota Statutes 1978, Section 256.87, Subdivision 1.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 121 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Drew	Jude	Nelsen, B.	Sherwood
Adams	Eken	Kahn	Nelsen, M.	Sieben, H.
Albrecht	Elioff	Kaley	Nelson	Sieben, M.
Anderson, B.	Ellingson	Kalis	Niehau	Simoneau
Anderson, D.	Erickson	Kelly	Norman	Stadum
Anderson, G.	Esau	Kempe	Novak	Stoa
Anderson, I.	Evans	Knickerbocker	Nysether	Stowell
Anderson, R.	Ewald	Kostohryz	Olsen	Swanson
Battaglia	Faricy	Kroening	Onnen	Tomlinson
Begich	Fjoslien	Kvam	Osthoff	Valento
Berglin	Forsythe	Laidig	Otis	Vanasek
Berkelman	Friedrich	Lehto	Patton	Voss
Blatz	Fritz	Levi	Peterson, B.	Waldorf
Brinkman	Fudro	Long	Peterson, D.	Weaver
Byrne	Greenfield	Ludeman	Piepho	Welch
Carlson, D.	Halberg	Luknic	Pleasant	Welker
Carlson, L.	Haukoos	Mann	Prahl	Wenzel
Casserly	Heap	McCarron	Redalen	Wieser
Clark	Heimitz	McDonald	Reding	Wynia
Clawson	Hoberg	McEachern	Rees	Zubay
Corbid	Hokanson	Mehrkens	Reif	Spkr. Norton
Crandall	Jacobs	Metzen	Rodriguez	
Dean	Jaros	Minne	Rose	
Dempsey	Jennings	Munger	Rothenberg	
Den Ouden	Johnson, D.	Murphy	Searles	

The bill was passed and its title agreed to.

H. F. No. 2141, A bill for an act relating to crimes; requiring inclusion of information on presentence investigation reports deemed necessary by the sentencing guidelines commission; amending Minnesota Statutes, 1979 Supplement, Section 609.115, Subdivision 1.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 125 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Begich	Clark	Elioff	Friedrich
Adams	Berglin	Clawson	Ellingson	Fritz
Albrecht	Berkelman	Corbid	Erickson	Fudro
Anderson, B.	Blatz	Crandall	Esau	Greenfield
Anderson, D.	Brinkman	Dean	Evans	Halberg
Anderson, G.	Byrne	Dempsey	Ewald	Haukoos
Anderson, I.	Carlson, D.	Den Ouden	Faricy	Heap
Anderson, R.	Carlson, L.	Drew	Fjoslien	Heinitz
Battaglia	Casserly	Eken	Forsythe	Hoberg

Hokanson	Lehto	Nelsen, M.	Redalen	Swanson
Jacobs	Levi	Nelson	Reding	Thiede
Jaros	Long	Niehaus	Rees	Tomlinson
Jennings	Ludeman	Norman	Reif	Valento
Johnson, D.	Luknic	Novak	Rodriguez	Vanasek
Jude	Mann	Nysether	Rose	Voss
Kahn	McCarron	Olsen	Rothenberg	Waldorf
Kaley	McDonald	Onnen	Searles	Weaver
Kalis	McEachern	Osthoff	Sherwood	Welch
Kelly	Mehrkens	Otis	Sieben, H.	Welker
Kempe	Metzen	Patton	Sieben, M.	Wenzel
Knickerbocker	Minne	Peterson, B.	Simoneau	Wieser
Kostohryz	Moe	Peterson, D.	Stadum	Wigley
Kroening	Munger	Piepho	Stoa	Wynia
Kvam	Murphy	Pleasant	Stowell	Zubay
Laidig	Nelsen, B.	Prahl	Sviggum	Sprk. Norton

The bill was passed and its title agreed to.

H. F. No. 2142, A bill for an act relating to crimes; requiring sentencing courts to submit information as the sentencing guidelines commission requires which is reasonably related to monitoring application of sentence guidelines; amending Minnesota Statutes 1978, Section 244.09, Subdivision 6.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 123 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Eken	Kahn	Nelsen, B.	Sherwood
Adams	Elioff	Kaley	Nelsen, M.	Sieben, H.
Albrecht	Ellingson	Kalis	Nelson	Sieben, M.
Anderson, B.	Erickson	Kelly	Niehaus	Simoneau
Anderson, D.	Esau	Kempe	Norman	Stadum
Anderson, G.	Evans	Knickerbocker	Novak	Stoa
Anderson, I.	Ewald	Kostohryz	Nysether	Sviggum
Anderson, R.	Faricy	Kroening	Olsen	Swanson
Battaglia	Fjoslien	Kvam	Onnen	Thiede
Begich	Forsythe	Laidig	Osthoff	Tomlinson
Berkelman	Friedrich	Lehto	Otis	Valento
Blatz	Fritz	Levi	Patton	Vanasek
Brinkman	Fudro	Long	Peterson, B.	Voss
Byrne	Greenfield	Ludeman	Peterson, D.	Waldorf
Carlson, D.	Halberg	Luknic	Piepho	Weaver
Carlson, L.	Haukoos	Mann	Pleasant	Welch
Casserly	Heap	McCarron	Prahl	Welker
Clark	Heinitz	McDonald	Redalen	Wenzel
Clawson	Hoberg	McEachern	Reding	Wieser
Corbid	Hokanson	Mehrkens	Rees	Wigley
Crandall	Jacobs	Metzen	Reif	Wynia
Dean	Jaros	Minne	Rodriguez	Zubay
Dempsey	Jennings	Moe	Rose	Sprk. Norton
Den Ouden	Johnson, D.	Munger	Rothenberg	
Drew	Jude	Murphy	Searles	

The bill was passed and its title agreed to.

H. F. No. 2153, A bill for an act relating to health; authorizing the commissioner of health to issue orders concerning well water quality; amending Minnesota Statutes 1978, Section 156A.05, by adding a subdivision.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 121 yeas and 2 nays as follows:

Those who voted in the affirmative were:

Aasness	Drew	Kahn	Nelsen, B.	Sieben, M.
Adams	Eken	Kaley	Nelson	Simoneau
Albrecht	Elioff	Kalis	Niehaus	Stadum
Anderson, B.	Ellingson	Kelly	Norman	Stoa
Anderson, D.	Erickson	Kempe	Novak	Stowell
Anderson, G.	Esau	Knickerbocker	Nysether	Swanson
Anderson, I.	Evans	Kostohryz	Olsen	Thiede
Anderson, R.	Ewald	Kroening	Onnen	Tomlinson
Battaglia	Fariocy	Kvam	Osthoff	Valento
Begich	Fjoslien	Laidig	Patton	Vanasek
Berglin	Forsythe	Lehto	Peterson, B.	Voss
Berkelman	Fritz	Levi	Peterson, D.	Waldorf
Blatz	Fudro	Long	Piepho	Weaver
Brinkman	Greenfield	Ludeman	Pleasant	Welch
Byrne	Halberg	Luknic	Prahl	Welker
Carlson, D.	Haukoos	Mann	Redalen	Wenzel
Carlson, L.	Heap	McCarron	Reding	Wieser
Casserly	Heinitz	McDonald	Rees	Wigley
Clark	Hoberg	McEachern	Reif	Wynia
Clawson	Hokanson	Mehrkens	Rodriguez	Zubay
Corbid	Jacobs	Metzen	Rose	Spkr. Norton
Crandall	Jaros	Minne	Rothenberg	
Dean	Jennings	Moe	Searles	
Dempsey	Johnson, D.	Munger	Sherwood	
Den Ouden	Jude	Murphy	Sieben, H.	

Those who voted in the negative were:

Nelsen, M. Sviggum

The bill was passed and its title agreed to.

H. F. No. 2198, A bill for an act relating to juveniles; requiring notice to noncustodial parents of filing of petitions for dependency, delinquency, neglect, or neglected and in foster care; amending Minnesota Statutes 1978, Sections 260.135, Subdivision 2; and 260.251, Subdivision 1.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 123 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Drew	Kahn	Nelsen, B.	Sieben, H.
Adams	Eken	Kaley	Nelsen, M.	Sieben, M.
Ainley	Elioff	Kalis	Nelson	Simoneau
Anderson, B.	Erickson	Kelly	Niehaus	Stadum
Anderson, D.	Esau	Kempe	Norman	Stoa
Anderson, G.	Evans	Knickerbocker	Novak	Stowell
Anderson, I.	Ewald	Kostohryz	Nysether	Sviggum
Anderson, R.	Faricy	Kroening	Olsen	Swanson
Battaglia	Fjoslien	Kvam	Onnen	Thiede
Begich	Forsythe	Laidig	Osthoff	Tomlinson
Berglin	Friedrich	Lehto	Otis	Valento
Berkelman	Fritz	Levi	Patton	Vanasek
Blatz	Fudro	Long	Peterson, B.	Voss
Brinkman	Greenfield	Ludeman	Peterson, D.	Waldorf
Byrne	Halberg	Luknic	Piepho	Weaver
Carlson, D.	Haukoos	Mann	Prahl	Welch
Carlson, L.	Heap	McCarron	Redalen	Welker
Casserly	Heinitz	McDonald	Reding	Wenzel
Clark	Hoberg	McEachern	Rees	Wieser
Clawson	Hokanson	Mehrkens	Reif	Wigley
Corbid	Jacobs	Metzen	Rodriguez	Wynia
Crandall	Jaros	Minne	Rose	Zubay
Dean	Jennings	Moe	Rothenberg	Spkr. Norton
Dempsey	Johnson, D.	Munger	Searles	
Den Ouden	Jude	Murphy	Sherwood	

The bill was passed and its title agreed to.

H. F. No. 2295, A resolution memorializing the President and Congress to take all actions necessary to effect changes in regulations of the Department of Health, Education, and Welfare so that physician visits to medically stable residents of certain health care facilities are required only quarterly or semi-annually.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 124 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Carlson, D.	Evans	Jennings	Ludeman
Adams	Carlson, L.	Ewald	Johnson, D.	Luknic
Ainley	Casserly	Faricy	Jude	Mann
Albrecht	Clark	Fjoslien	Kahn	McCarron
Anderson, B.	Clawson	Forsythe	Kaley	McDonald
Anderson, D.	Corbid	Friedrich	Kalis	McEachern
Anderson, G.	Crandall	Fritz	Kelly	Mehrkens
Anderson, I.	Dean	Fudro	Kempe	Metzen
Anderson, R.	Dempsey	Greenfield	Knickerbocker	Minne
Battaglia	Den Ouden	Halberg	Kostohryz	Moe
Begich	Drew	Heap	Kroening	Munger
Berglin	Eken	Heinitz	Kvam	Murphy
Berkelman	Elioff	Hoberg	Laidig	Nelsen, B.
Blatz	Ellingson	Hokanson	Lehto	Nelsen, M.
Brinkman	Erickson	Jacobs	Levi	Nelson
Byrne	Esau	Jaros	Long	Niehaus

Norman	Peterson, D.	Rose	Stowell	Weaver
Novak	Piepho	Rothenberg	Sviggum	Welch
Nysether	Pleasant	Searles	Swanson	Wenzel
Olsen	Prahl	Sherwood	Thiede	Wieser
Onnen	Redalen	Sieben, H.	Tomlinson	Wigley
Osthoff	Reding	Sieben, M.	Valento	Wynia
Otis	Rees	Simoneau	Vanasek	Zubay
Patton	Reif	Stadum	Voss	Spkr. Norton
Peterson, B.	Rodriguez	Stoa	Waldorf	

The bill was passed and its title agreed to.

S. F. No. 1755, A bill for an act relating to towns; permitting compensation and providing for mileage of deputy clerks; amending Minnesota Statutes 1978, Section 367.05, Subdivision 2.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 124 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Den Ouden	Jude	Nelsen, B.	Sherwood
Adams	Drew	Kahn	Nelsen, M.	Sieben, H.
Ainley	Eken	Kaley	Nelson	Sieben, M.
Albrecht	Elioff	Kalis	Niehaus	Simoneau
Anderson, B.	Ellingson	Kelly	Norman	Stadum
Anderson, D.	Erickson	Kempe	Novak	Stoa
Anderson, G.	Esau	Knickerbocker	Nysether	Stowell
Anderson, I.	Evans	Kostohryz	Olsen	Sviggum
Anderson, R.	Ewald	Kroening	Onnen	Swanson
Battaglia	Faricy	Kvam	Osthoff	Thiede
Begich	Fjoslien	Lehto	Otis	Tomlinson
Berglin	Forsythe	Levi	Patton	Valan
Berkelman	Friedrich	Long	Peterson, B.	Valento
Blatz	Fritz	Ludeman	Peterson, D.	Vanasek
Brinkman	Fudro	Luknic	Piepho	Voss
Byrne	Greenfield	Mann	Pleasant	Waldorf
Carlson, D.	Halberg	McCarron	Prahl	Weaver
Carlson, L.	Heap	McDonald	Redalen	Welch
Casserly	Heinitz	McEachern	Reding	Wenzel
Clark	Hoberg	Mehrkens	Rees	Wieser
Clawson	Hokanson	Metzen	Reif	Wigley
Corbid	Jacobs	Minne	Rodriguez	Wynia
Crandall	Jaros	Moe	Rose	Zubay
Dean	Jennings	Munger	Rothenberg	Spkr. Norton
Dempsey	Johnson, D.	Murphy	Searles	

The bill was passed and its title agreed to.

SPECIAL ORDERS

H. F. No. 1779 was reported to the House.

Jude moved to amend H. F. No. 1779 as follows:

Page 2, line 6, delete subdivision 4 from the bill

Renumber the remaining subdivision

Page 3, line 32, after "*guardianship*" insert "*or conservatorship*"

Page 4, line 22, delete "*a determination*" and insert "*evidence*"

Page 4, line 23, delete "*word*" and insert "*ward*"

Page 8, line 8, after "*siblings,*" insert "*next of kin*"

Page 18, line 6, after "*court*" insert "*within 30 days of the anniversary date of the guardian's or conservator's appointment*"

Page 18, line 7, after "*account*" delete "*and*" and insert "*. The guardian or conservator shall*"

Page 18, line 9, after "*annually*" delete the rest of the line

Page 18, lines 10, 11, 12 and 13, delete the new language and insert "*review the court file to insure that the account has been filed and that the account contains the information required by this section. If an account has not been filed or if the account does not contain the information required by this section, the court shall order the guardian or conservator to file an appropriate account. The examination and acceptance shall not constitute an adjudication or determination of the merits of the account filed nor shall it constitute the court's approval of the account*"

Page 28, line 4, delete "*26*" and insert "*27*"

Page 28, line 20, delete "*26*" and insert "*27*"

Page 29, line 5, delete "*25*" and insert "*26*"

Page 29, line 6, delete "*26*" and insert "*27*"

Page 30, line 9, delete "*27*" and insert "*28*"

Page 31, line 6, delete everything after "*ward*" and insert a period

Page 31, delete line 7

Page 31, line 18, delete "*36*" and insert "*37*"

Page 34, line 32, delete "*30*" and insert "*31*"

Amend title as follows:

Page 1, line 4, delete "changing" and insert "clarifying"

The motion prevailed and the amendment was adopted.

H. F. No. 1779, A bill for an act relating to judicial procedures; changing the procedures and circumstances under which guardians and conservators may be appointed; clarifying the powers and duties of guardians and conservators; providing for the appointment, powers, and duties of guardians and conservators of minors; amending Minnesota Statutes 1978, Sections 525.54; 525.541; 525.542; 525.543; 525.544; 525.55; 525.56; 525.57; 525.58; 525.581; 525.583; 525.59; 525.591; 525.60, Subdivision 1; 525.62; 525.63; 525.67; 525.69; 525.83; and Chapter 525, by adding sections; and Minnesota Statutes, 1979 Supplement, Sections 525.551; and 525.61; repealing Minnesota Statutes 1978, Sections 525.60, Subdivision 2; 525.611; 525.612; 525.613; 525.614; and 525.621.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 121 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Eken	Kelly	Niehaus	Stadum
Adams	Elhoff	Kempe	Norman	Stoa
Ainley	Ellingson	Knickerbocker	Novak	Stowell
Anderson, B.	Erickson	Kostohryz	Nysether	Sviggum
Anderson, D.	Esau	Kroening	Olsen	Swanson
Anderson, G.	Evans	Kvam	Onnen	Thiede
Anderson, I.	Ewald	Laidig	Osthoff	Tomlinson
Anderson, R.	Faricy	Lehto	Otis	Valan
Battaglia	Fjoslien	Levi	Peterson, B.	Valento
Begich	Friedrich	Long	Peterson, D.	Vanasek
Berglin	Fritz	Ludeman	Piepho	Voss
Berkelman	Fudro	Luknic	Pleasant	Waldorf
Blatz	Greenfield	Mann	Prahl	Weaver
Brinkman	Haukoos	McCarron	Redalen	Welch
Byrne	Heap	McDonald	Reding	Welker
Carlson, D.	Heinitz	McEachern	Rees	Wenzel
Carlson, L.	Hoberg	Mehrkens	Reif	Wieser
Casserly	Hokanson	Metzen	Rodriguez	Wigley
Clark	Jacobs	Minne	Rose	Wynia
Clawson	Jennings	Moe	Rothenberg	Zubay
Crandall	Johnson, D.	Munger	Searles	Spkr. Norton
Dean	Jude	Murphy	Sherwood	
Dempsey	Kahn	Nelsen, B.	Sieben, H.	
Den Ouden	Kaley	Nelsen, M.	Sieben, M.	
Drew	Kalis	Nelson	Simoneau	

The bill was passed, as amended, and its title agreed to.

H. F. No. 593, A bill for an act relating to wild animals; clarifying conditions under which raccoons may be taken at night; amending Minnesota Statutes 1978, Section 100.29, Subdivision 10.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 117 yeas and 4 nays as follows:

Those who voted in the affirmative were:

Aasness	Elioff	Kalis	Norman	Simoneau
Adams	Ellingson	Kelly	Novak	Stadum
Albrecht	Erickson	Kempe	Nysether	Stoa
Anderson, B.	Esau	Knickerbocker	Olsen	Stowell
Anderson, G.	Evans	Kostohryz	Onnen	Sviggum
Anderson, I.	Ewald	Kroening	Osthoff	Swanson
Anderson, R.	Faricy	Kvam	Otis	Thiede
Battaglia	Fjoslien	Laidig	Patton	Tomlinson
Begich	Forsythe	Levi	Peterson, B.	Valan
Berkelman	Friedrich	Ludeman	Peterson, D.	Valento
Blatz	Fritz	Luknic	Piepho	Vanasek
Brinkman	Fudro	Mann	Pleasant	Voss
Byrne	Greenfield	McDonald	Prahl	Waldorf
Carlson, D.	Haukoos	McEachern	Redalen	Weaver
Carlson, L.	Heap	Mehrkens	Reding	Welch
Casserly	Heinitz	Metzen	Rees	Welker
Clark	Hoberg	Minne	Reif	Wenzel
Clawson	Hokanson	Moe	Rodriguez	Wieser
Crandall	Jacobs	Munger	Rose	Wigley
Dean	Jaros	Murphy	Rothenberg	Wynia
Dempsey	Jennings	Nelsen, B.	Searles	Zubay
Den Ouden	Johnson, D.	Nelsen, M.	Sherwood	
Drew	Jude	Nelson	Sieben, H.	
Eken	Kaley	Niehaus	Sieben, M.	

Those who voted in the negative were:

Anderson, D. Berglin Kahn McCarron

The bill was passed and its title agreed to.

Knickerbocker was excused for the remainder of today's session.

H. F. No. 1451 was reported to the House.

Stowell moved to amend H. F. No. 1451 as follows:

Page 13, line 25, after the period insert a new section as follows:

"[85.012] [Subd. 59.] Sec. 3. Subdivision 1. [WHITE-WATER STATE PARK; EXCLUSION OF LANDS.] All pri-

vately owned lands within the boundaries of Whitewater State Park in Winona County are excluded from Whitewater State Park, with the exception of the following described lands:

(1) The Southwest quarter of the Southwest quarter of the Southwest quarter (SW1/4 SW1/4 SW1/4) of Section 16;

(2) The South half of the North half of the Northeast quarter (S1/2 N1/2 NE1/4) of Section 19;

(3) The South half of the Northwest quarter of the Northwest quarter (S1/2 NW1/4 NW1/4) of Section 20;

(4) The West half of the Northwest quarter of the Northwest quarter (W1/2 NW1/4 NW1/4) of Section 21; and

(5) The West half of the Southwest quarter of the Southeast quarter (W1/2 SW1/4 SE1/4) of Section 29; All in Township 107 North of Range 10 West of the 5th P.M. in the county of Winona.

Subd. 2. [SCENIC EASEMENTS.] As a condition for the exclusion of any land from the statutory boundaries of the Whitewater State Park as defined in subdivision 1, the owner of such land must first consent to a scenic easement as defined by Minnesota Statutes, Section 104.37, Subdivision 1, in a form prescribed by the commissioner. The commissioner's office shall prepare no later than 90 days following the written request of the landowner such an easement agreement without charge to the landowner. No easement shall interfere with a landowner's right to maintain and modify existing structures or construct appurtenant structures; nor shall it prevent the landowner from continuing current agricultural use of the land, including the harvesting of timber for lumber or firewood as directed in a timber management plan prepared by a professional forester; nor shall it pertain to any tract or tracts which are more than 30 feet back from the top of the bluffs and which cannot be seen from any point on the current route of trunk highway numbered 74, where the highway currently passes through the park. The commissioner shall have the authority to grant variances from easement agreements.

Subd. 3. [PURCHASE AUTHORIZED.] If any owner or owners of land excluded by subdivision 1 shall subsequently offer the land or any portion thereof for sale, the commissioner of natural resources may make an offer to purchase the land. If accepted by the owner the commissioner may purchase the land and when acquired the park boundary shall be extended to include the land thus purchased.

Subd. 4. [TRAIL EASEMENTS.] The commissioner of natural resources may acquire by negotiation for a purchase price to be agreed upon with the affected landowner, trail easements

over the land excluded from Whitewater State Park by subdivision 1."

Renumber subsequent sections accordingly

The motion prevailed and the amendment was adopted.

H. F. No. 1451, A bill for an act relating to natural resources; authorizing additions to and deletions from certain state parks and authorizing land acquisition in relation thereto.

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 115 yeas and 5 nays as follows:

Those who voted in the affirmative were:

Aasness	Eken	Kaley	Nelsen, M.	Stoa
Adams	Elioff	Kalis	Nelson	Stowell
Anderson, B.	Ellingson	Kelly	Norman	Sviggum
Anderson, D.	Erickson	Kempe	Novak	Swanson
Anderson, G.	Esau	Kostohryz	Nysether	Thiede
Anderson, I.	Evans	Kroening	Olsen	Tomlinson
Anderson, R.	Ewald	Kvam	Onnen	Valan
Battaglia	Faricy	Laidig	Osthoff	Valento
Begich	Fjoslien	Lehto	Otis	Vanasek
Berglin	Forsythe	Levi	Patton	Voss
Berkelman	Friedrich	Long	Peterson, B.	Weaver
Blatz	Fritz	Ludeman	Peterson, D.	Welch
Brinkman	Fudro	Luknic	Piepho	Welker
Byrne	Greenfield	Mann	Redalen	Wenzel
Carlson, D.	Halberg	McCarron	Reding	Wieser
Carlson, L.	Heap	McDonald	Rees	Wigley
Casserly	Heinitz	McEachern	Reif	Wynia
Clark	Hoberg	Mehrkens	Rodriguez	Zubay
Clawson	Hokanson	Metzen	Rothenberg	Spkr. Norton
Crandall	Jacobs	Minne	Searles	
Dean	Jaros	Moe	Sherwood	
Dempsey	Johnson, D.	Munger	Sieben, H.	
Den Ouden	Jude	Murphy	Sieben, M.	
Drew	Kahn	Nelsen, B.	Simoneau	

Those who voted in the negative were:

Albrecht	Haukoos	Jennings	Niehaus	Pleasant
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The bill was passed, as amended, and its title agreed to.

H. F. No. 1700 was reported to the House.

Brinkman moved that H. F. No. 1700 be continued on Special Orders for one day. The motion prevailed.

H. F. No. 1814 was reported to the House.

Erickson moved to amend H. F. No. 1814, as follows:

Page 2, line 16, strike "five" and insert "six"

A roll call was requested and properly seconded.

The question was taken on the amendment and the roll was called. There were 58 yeas and 63 nays as follows:

Those who voted in the affirmative were:

Aasness	Evans	Johnson, D.	Olsen	Stowell
Albrecht	Ewald	Kaley	Onnen	Sviggum
Anderson, D.	Fjoslien	Kvam	Peterson, B.	Thiede
Blatz	Forsythe	Laidig	Piepho	Valan
Carlson, D.	Friedrich	Levi	Pleasant	Valento
Crandall	Fritz	Ludeman	Redalen	Weaver
Dean	Halberg	Luknic	Rees	Welker
Dempsey	Haukoos	McDonald	Reif	Wieser
Den Ouden	Heap	Mehrkens	Rose	Wigley
Drew	Heinitz	Nelsen, B.	Rothenberg	Zubay
Erickson	Hoberg	Niehaus	Searles	
Esau	Jennings	Norman	Sherwood	

Those who voted in the negative were:

Adams	Corbid	Kelly	Nelsen, M.	Stadum
Anderson, B.	Eken	Kempe	Novak	Stoa
Anderson, G.	Elioff	Kostohryz	Nysether	Swanson
Anderson, I.	Ellingson	Kroening	Osthoff	Tomlinson
Battaglia	Faricy	Lehto	Otis	Vanasek
Begich	Fudro	Long	Patton	Voss
Berglin	Greenfield	Mann	Peterson, D.	Waldorf
Berkelman	Hokanson	McCarron	Prahl	Welch
Brinkman	Jacobs	McEachern	Reding	Wenzel
Byrne	Jaros	Metzen	Rodriguez	Wynia
Carlson, L.	Jude	Minne	Sieben, H.	Spkr. Norton
Clark	Kahn	Munger	Sieben, M.	
Clawson	Kalis	Murphy	Simoneau	

The motion did not prevail and the amendment was not adopted.

H. F. No. 1814, A bill for an act relating to agriculture; clarifying certain requirements for authorized farm corporations; amending Minnesota Statutes 1978, Section 500.24, Subdivision 2.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 102 yeas and 17 nays as follows:

Those who voted in the affirmative were:

Adams	Elioff	Kalis	Norman	Stadum
Anderson, B.	Ellingson	Kelly	Novak	Stoa
Anderson, D.	Erickson	Kempe	Nysether	Stowell
Anderson, G.	Evans	Kostohryz	Olsen	Sviggum
Anderson, I.	Ewald	Kroening	Onnen	Swanson
Battaglia	Faricy	Lehto	Osthoff	Tomlinson
Begich	Fjoslien	Levi	Otis	Valan
Berglin	Forsythe	Long	Patton	Vanasek
Berkelman	Fudro	Luknic	Peterson, D.	Voss
Blatz	Greenfield	Mann	Prahl	Waldorf
Brinkman	Haukoos	McCarron	Redalen	Weaver
Byrne	Heap	McEachern	Reding	Welch
Carlson, D.	Heinitz	Mehrkens	Reif	Wenzel
Carlson, L.	Hoberg	Metzen	Rodriguez	Wieser
Casserly	Hokanson	Minne	Rose	Wigley
Clark	Jacobs	Munger	Rothenberg	Wynia
Clawson	Jaros	Murphy	Searles	Zubay
Corbid	Johnson, D.	Nelsen, B.	Sherwood	Spkr. Norton
Crandall	Jude	Nelsen, M.	Sieben, H.	
Dean	Kahn	Nelson	Sieben, M.	
Eken	Kaley	Niehaus	Simoneau	

Those who voted in the negative were:

Aasness	Drew	Ludeman	Pleasant	Welker
Albrecht	Fritz	McDonald	Rees	
Dempsey	Jennings	Peterson, B.	Thiede	
Den Ouden	Kvam	Piepho	Valento	

The bill was passed and its title agreed to.

H. F. No. 1699 was reported to the House.

Wynia moved to amend H. F. No. 1699 as follows:

Page 1, line 13, delete "but which"

Page 1, delete line 14 and insert "and are not suspect of having been rendered unsafe or unsuitable for food use and are adequately labeled."

The motion prevailed and the amendment was adopted.

H. F. No. 1699, A bill for an act relating to food; exempting certain donors of food from civil and criminal liability in certain circumstances.

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 117 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Adams	Elioff	Kalis	Niehaus	Sieben, M.
Albrecht	Ellingson	Kelly	Norman	Simoneau
Anderson, B.	Erickson	Kempe	Novak	Stoa
Anderson, D.	Esau	Kostohryz	Nysether	Swiggum
Anderson, G.	Evans	Kroening	Olsen	Swanson
Battaglia	Ewald	Kvam	Onnen	Thiede
Begich	Faricy	Laidig	Osthoff	Tomlinson
Berglin	Fjoslien	Lehto	Otis	Valan
Berkelman	Forsythe	Levi	Patton	Valento
Blatz	Friedrich	Long	Peterson, B.	Vanasek
Brinkman	Fritz	Ludeman	Peterson, D.	Voss
Byrne	Fudro	Mann	Piepho	Waldorf
Carlson, D.	Greenfield	McCarron	Pleasant	Weaver
Carlson, L.	Haukoos	McDonald	Prahl	Welch
Casserly	Heap	McEachern	Redalen	Welker
Clark	Heinitz	Mehrken	Reding	Wenzel
Clawson	Hoberg	Metzen	Rees	Wieser
Corbid	Hokanson	Minne	Reif	Wigley
Crandall	Jacobs	Moe	Rodriguez	Wynia
Dean	Jennings	Munger	Rose	Zubay
Dempsey	Johnson, D.	Murphy	Rothenberg	Spkr. Norton
Den Ouden	Jude	Nelsen, B.	Searles	
Drew	Kahn	Nelsen, M.	Sherwood	
Eken	Kaley	Nelson	Sieben, H.	

The bill was passed, as amended, and its title agreed to.

Laidig was excused for the remainder of today's session.

H. F. No. 1742 was reported to the House.

Wigley moved to amend H. F. No. 1742, as follows:

Page 1, line 17, after "two" insert "empty"

The motion prevailed and the amendment was adopted.

H. F. No. 1742, A bill for an act relating to highway traffic regulations; authorizing pickup trucks used for certain purposes to draw two trailers under certain circumstances and within limited areas; amending Minnesota Statutes 1978, Section 169.81, 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 93 yeas and 25 nays as follows:

Those who voted in the affirmative were:

Aasness	Anderson, R.	Brinkman	Dean	Ellingson
Albrecht	Battaglia	Byrne	Dempsey	Erickson
Anderson, B.	Begich	Carlson, D.	Den Ouden	Esau
Anderson, D.	Berkelman	Corbid	Eken	Evans
Anderson, G.	Blatz	Crandall	Elioff	Ewald

Fjoslien	Kalis	Nelsen, M.	Reif	Vanasek
Friedrich	Kelly	Niehaus	Rodriguez	Voss
Fritz	Kvam	Norman	Rose	Waldorf
Halberg	Levi	Novak	Rothenberg	Weaver
Haukoos	Ludeman	Nysether	Searles	Welch
Heap	Luknic	Olsen	Sherwood	Welker
Heinitz	Mann	Onnen	Stadum	Wenzel
Hoberg	McDonald	Patton	Stoa	Wieser
Hokanson	McEachern	Peterson, B.	Stowell	Wignya
Jacobs	Mehrrens	Peterson, D.	Sviggum	Wynia
Jennings	Metzen	Piepho	Thiede	Zubay
Johnson, D.	Minne	Prahl	Tomlinson	Spkr. Norton
Jude	Murphy	Redalen	Valan	
Kaley	Nelsen, B.	Rees	Valento	

Those who voted in the negative were:

Adams	Clawson	Greenfield	Lehto	Osthoff
Anderson, I.	Drew	Kahn	Long	Otis
Berglin	Faricy	Kempe	McCarron	Sieben, M.
Carlson, L.	Forsythe	Kostohryz	Moe	Simoneau
Clark	Fudro	Kroening	Nelson	Swanson

The bill was passed, as amended, and its title agreed to.

H. F. No. 1796, A bill for an act relating to occupations and professions; allowing the board of cosmetology to waive certain license requirements for manager-operators with licenses from other states; amending Minnesota Statutes 1978, Section 155.14.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 119 yeas and 3 nays as follows:

Those who voted in the affirmative were:

Aasness	Dempsey	Hokanson	McEachern	Reding
Adams	Den Ouden	Jacobs	Metzen	Rees
Albrecht	Drew	Jaros	Minne	Reif
Anderson, B.	Eken	Jennings	Moe	Rodriguez
Anderson, D.	Elioff	Johnson, D.	Munger	Rose
Anderson, G.	Ellingson	Jude	Murphy	Rothenberg
Anderson, I.	Erickson	Kahn	Nelsen, B.	Searles
Battaglia	Esau	Kaley	Nelsen, M.	Sherwood
Begich	Evans	Kalis	Nelson	Sieben, H.
Berglin	Ewald	Kelly	Niehaus	Sieben, M.
Berkelman	Faricy	Kempe	Norman	Simoneau
Blatz	Fjoslien	Kostohryz	Novak	Stadum
Brinkman	Forsythe	Kroening	Nysether	Stoa
Byrne	Friedrich	Kvam	Olsen	Stowell
Carlson, D.	Fritz	Lehto	Onnen	Sviggum
Carlson, L.	Fudro	Levi	Otis	Thiede
Casserly	Greenfield	Long	Patton	Tomlinson
Clark	Halberg	Ludeman	Peterson, B.	Valan
Clawson	Haukoos	Luknic	Peterson, D.	Valento
Corbid	Heap	Mann	Piepho	Vanasek
Crandall	Heinitz	McCarron	Pleasant	Voss
Dean	Hoberg	McDonald	Redalen	Waldorf

Weaver
WelchWelker
WenzelWieser
WigleyWynia
Zubay

Spkr. Norton

Those who voted in the negative were:

Osthoff

Prah

Swanson

The bill was passed and its title agreed to.

H. F. No. 1812 was reported to the House.

Anderson, B., moved that H. F. No. 1812 be continued on Special Orders for one day. The motion prevailed.

H. F. No. 1816 was reported to the House.

Clawson moved to amend H.F. No. 1816 as follows:

Page 4, line 28, after "Bible" insert "*or the sacred book of another religion*"

Page 4, line 28, reinstate ", and any"

Page 4, line 28, after "any" insert "*clergy*"

Page 4, line 29, reinstate "desirous of giving moral and"

Page 4, reinstate line 30

Page 4, line 30, before "prisoners" insert "*requesting*"

Page 4, line 31, reinstate "them at proper times."

Page 4, line 33, strike the period

Page 4, after line 33, insert:

"Sec. 8. Minnesota Statutes 1978, Section 641.165, Subdivision 2, is amended to read:

Subd. 2. [ACTS PROHIBITED.] (a) Whoever introduces or in any manner causes the introduction of contraband, as defined in subdivision 1, into any jail, lockup, or correctional facility, as defined in section 241.021, subdivision 1, without the consent of the person in charge, *or is found in possession of contraband while within the facility or upon the grounds thereof*, is guilty of a gross misdemeanor.

(b) Whoever introduces or in any manner causes the introduction of a dangerous weapon, as defined in section 609.02, subdivision 6, into any jail, lockup, or correctional facility, as defined in section 241.021, subdivision 1, without the consent of the person in charge, *or is found in possession of a dangerous*

weapon while within the facility or upon the grounds thereof, is guilty of a felony and, upon conviction, may be sentenced to imprisonment for not more than five years."

Renumber the sections as appropriate

Amend the title as follows:

Page 1, line 4, after the semicolon insert "clarifying provisions penalizing the possession of contraband in local correctional facilities;"

Page 1, line 12, after "641.16;" insert "641.165, Subdivision 2;"

The motion prevailed and the amendment was adopted.

Welker moved to amend H. F. No. 1816, as follows:

Page 2, line 17, after "REPORTS.]" insert "*Subdivision 1.*"

Page 2, after line 28, insert:

"Subd. 2. The commissioner of corrections shall neither initiate nor continue to participate in condemnation proceedings against any county jail until such time as the standards for construction and operations have been reviewed and approved by the legislature."

A roll call was requested and properly seconded.

POINT OF ORDER

Clawson raised a point of order pursuant to rule 3.9 that the Welker amendment was out of order. The Speaker ruled the point of order not well taken.

Osthoff, Faricy and Carlson, D. were excused for the remainder of today's session.

The question recurred on the Welker amendment and the roll was called. There were 51 yeas and 56 nays as follows:

Those who voted in the affirmative were:

Aasness	Drew	Haukoos	Ludeman	Peterson, B.
Albrecht	Elioff	Hoberg	McDonald	Piepho
Anderson, D.	Esau	Jennings	Mehrkens	Pleasant
Begich	Evans	Johnson, D.	Nelsen, B.	Redalen
Blatz	Fjoslien	Kaley	Niehaus	Reif
Crandall	Friedrich	Kalis	Nysether	Rose
Dempsey	Fritz	Kempe	Olsen	Rothenberg
Den Ouden	Halberg	Kvam	Onnen	Searles

Sherwood	Thiede	Welker	Wigley	Zubay
Stadum	Valan	Wenzel		
Sviggum	Valento	Wieser		

Those who voted in the negative were:

Anderson, B.	Ellingson	Long	Novak	Tomlinson
Anderson, I.	Fudro	Luknic	Otis	Vanasek
Battaglia	Greenfield	Mann	Patton	Voss
Berglin	Hokanson	McCarron	Peterson, D.	Waldorf
Berkelman	Jacobs	McEachern	Reding	Weaver
Brinkman	Jaros	Metzen	Rees	Welch
Byrne	Jude	Minne	Rodriguez	Wynia
Carlson, L.	Kahn	Moe	Sieben, H.	Spkr. Norton
Casserly	Kelly	Munger	Sieben, M.	
Clark	Kostohryz	Murphy	Simoneau	
Clawson	Kroening	Nelsen, M.	Stoa	
Corbid	Lehto	Norman	Swanson	

The motion did not prevail and the amendment was not adopted.

H. F. No. 1816, A bill for an act relating to local correctional facilities; updating provisions concerning county jails, city lock-ups and workhouses; clarifying provisions penalizing the possession of contraband in local correctional facilities; repealing provisions concerning correctional or work farms; providing for establishing and organizing court administrative structure; budgeting and operation of court services, probation, juvenile detention and correctional facilities by counties; amending Minnesota Statutes 1978, Sections 401.02, Subdivision 3; 641.01; 641.04; 641.06; 641.14; 641.15; 641.16; 641.165, Subdivision 2; 641.18; 641.21; 641.22; 642.02, Subdivision 2; 642.03; 642.07; 642.12; 643.01; 643.02; and 643.29; repealing Laws 1925, Chapter 12; Laws 1927, Chapter 142; Minnesota Statutes 1945, Sections 643.21; 643.22; 643.23; 643.24; 643.25; 643.26; 643.27; 643.28; and Minnesota Statutes 1978, Sections 641.17; 641.27; 641.28; 641.29; 641.30; 641.31; 641.32; 641.33; 641.34; 641.35; 641.36; 641.37; 641.38; 642.14; 643.03; 643.04; 643.05; 643.06; 643.07; 643.08; 643.09; 643.10; 643.11; 643.12; 643.13; 643.14; 643.15; 643.16; 643.17; 643.19; and 643.20.

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 108 yeas and 6 nays as follows:

Those who voted in the affirmative were:

Aasness	Begich	Carlson, L.	Dempsey	Erickson
Anderson, B.	Berglin	Casserly	Den Ouden	Evans
Anderson, D.	Berkelman	Clark	Drew	Fjoslien
Anderson, G.	Blatz	Clawson	Eken	Forsythe
Anderson, I.	Brinkman	Corbid	Elihoff	Friedrich
Battaglia	Byrne	Crandall	Ellingson	Fritz

Fudro	Kostohryz	Munger	Rees	Tomlinson
Greenfield	Kroening	Murphy	Reif	Valan
Halberg	Kvam	Nelsen, B.	Rodriguez	Valento
Heap	Lehto	Nelsen, M.	Rose	Vanasek
Heinitz	Levi	Norman	Rothenberg	Voss
Hoberg	Long	Novak	Schreiber	Waldorf
Hokanson	Ludeman	Nysether	Sherwood	Weaver
Jacobs	Luknic	Olsen	Sieben, H.	Welch
Jaros	Mann	Otis	Sieben, M.	Welker
Jennings	McCarron	Patton	Simoneau	Wenzel
Johnson, D.	McDonald	Peterson, B.	Stadum	Wigley
Jude	McEachern	Peterson, D.	Stoa	Wynia
Kahn	Mehrkens	Piepho	Stowell	Zubay
Kaley	Metzen	Pleasant	Sviggum	Spkr. Norton
Kelly	Minne	Prahl	Swanson	
Kempe	Moe	Reding	Thiede	

Those who voted in the negative were:

Albrecht	Niehaus	Onnen	Redalen	Wieser
Kalis				

The bill was passed, as amended, and its title agreed to.

Sieben, H., moved that the remaining bills on Special Orders for today be continued on Special Orders for one day. The motion prevailed.

ANNOUNCEMENT BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 1584:

Ainley, Kroening, and Battaglia.

ADJOURNMENT

Sieben, H., moved that when the House adjourns today it adjourn until 2:00 p.m., Monday, March 17, 1980. The motion prevailed.

Sieben, H., moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:00 p.m., Monday, March 17, 1980.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

STATE OF MINNESOTA

SEVENTY-FIRST SESSION - 1980

SEVENTY-NINTH DAY

SAINT PAUL, MINNESOTA, FRIDAY, MARCH 14, 1980

The Senate met on Friday, March 14, 1980, which was the Seventy-ninth Legislative Day of the Seventy-first Session of the Minnesota State Legislature. The House of Representatives did not meet on this date.

STATE OF MINNESOTA

SEVENTY-FIRST SESSION - 1980

EIGHTIETH DAY

SAINT PAUL, MINNESOTA, MONDAY, MARCH 17, 1980

The House of Representatives convened at 2:00 p.m. and was called to order by the Speaker.

Prayer was offered by the Chaplain.

The roll was called and the following members were present:

Aasness	Drew	Kahn	Nelson	Sherwood
Adams	Eken	Kaley	Niehaus	Sieben, H.
Ainley	Elioff	Kalis	Norman	Sieben, M.
Albrecht	Ellingson	Kelly	Novak	Simoneau
Anderson, B.	Erickson	Kempe	Nysether	Stadum
Anderson, D.	Esau	Knickerbocker	Olsen	Stoa
Anderson, G.	Evans	Kostohryz	Onnen	Stowell
Anderson, I.	Ewald	Kroening	Osthoff	Sviggum
Anderson, R.	Faricy	Kvam	Otis	Swanson
Battaglia	Fjoslien	Laidig	Patton	Thiede
Begich	Forsythe	Lehto	Pehler	Tomlinson
Berglin	Friedrich	Levi	Peterson, B.	Valan
Berkelman	Fritz	Long	Peterson, D.	Valento
Biersdorf	Fudro	Ludeman	Piepho	Vanasek
Blatz	Greenfield	Luknic	Pleasant	Voss
Brinkman	Halberg	Mann	Prahl	Waldorf
Byrne	Haukoos	McCarron	Redalen	Weaver
Carlson, D.	Heap	McDonald	Reding	Welch
Carlson, L.	Heinitz	McEachern	Rees	Welker
Cassery	Hoberg	Mehrkens	Reif	Wenzel
Clark	Hokanson	Metzen	Rice	Wieser
Clawson	Jacobs	Minne	Rodriguez	Wigley
Corbid	Jaros	Moe	Rose	Wynia
Crandall	Jennings	Munger	Rothenberg	Zubay
Dean	Johnson, C.	Murphy	Sarna	Spkr. Norton
Dempsey	Johnson, D.	Nelsen, B.	Schreiber	
Den Ouden	Jude	Nelsen, M.	Searles	

A quorum was present.

Searle was excused.

The Chief Clerk proceeded to read the Journal of the preceding day. Peterson, B., moved that further reading of the Journal be dispensed with and that the Journal be approved as corrected by the Chief Clerk. The motion prevailed.

REPORTS OF CHIEF CLERK

Pursuant to Rules of the House, printed copies of H. F. Nos. 1355, 1723, 1806, 1822, 2019, 2045, 2063, 2152, 2156, 2197, 1649, 1724, 1731, 1755, 2077, 2237, 2374, 1987, 1027, 1826, 1887, 2151, 1722, 2086, 1781, 1451, 1699, 1742, 1816, and 1779 and S. F. Nos. 1807, 1659, 1843, 1887, 1719, 1675, 1741, 1630, 1875, 1863, 597, 1996, 1311, 1740, 789, 1707, 1892, 1796, 1716, 1613, 1811, 1751, 1541, 2095, 1921, 1731, 1679, 2110, 2104, 1900, 2077, 1810, 1937, 2131, 2102, 2040, 1979, 1187, 1889, 1188, 1662, 1358, 978, 1813, 1922, 1825, 2067, 2090, 1493, 2045, 704, 1729, 1619 and 1764 have been placed in the members' files.

S. F. No. 1630 and H. F. No. 1680, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Crandall moved that S. F. No. 1630 be substituted for H. F. No. 1680 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1922 and H. F. No. 1856, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Brinkman moved that S. F. No. 1922 be substituted for H. F. No. 1856 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 2040 and H. F. No. 2081, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Valan moved that S. F. No. 2040 be substituted for H. F. No. 2081 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1937 and H. F. No. 1957, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Peterson, D., moved that S. F. No. 1937 be substituted for H. F. No. 1957 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1875 and H. F. No. 2069, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Jacobs moved that S. F. No. 1875 be substituted for H. F. No. 2069 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1996 and H. F. No. 2034, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Clark moved that S. F. No. 1996 be substituted for H. F. No. 2034 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1187 and H. F. No. 1142, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Johnson, D., moved that S. F. No. 1187 be substituted for H. F. No. 1142 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1900 and H. F. No. 1675, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Blatz moved that S. F. No. 1900 be substituted for H. F. No. 1675 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 2110 and H. F. No. 2156, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Sieben, H., moved that S. F. No. 2110 be substituted for H. F. No. 2156 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1541 and H. F. No. 1591, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Sviggum moved that S. F. No. 1541 be substituted for H. F. No. 1591 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1807 and H. F. No. 1722, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Onnen moved that S. F. No. 1807 be substituted for H. F. No. 1722 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1188 and H. F. No. 1143, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Johnson, D., moved that the rules be so far suspended that S. F. No. 1188 be substituted for H. F. No. 1143 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 789 and H. F. No. 887, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Pleasant moved that the rules be so far suspended that S. F. No. 789 be substituted for H. F. No. 887 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 2090 and H. F. No. 2208, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Patton moved that the rules be so far suspended that S. F. No. 2090 be substituted for H. F. No. 2208 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1311 and H. F. No. 1355, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Vanasek moved that the rules be so far suspended that S. F. No. 1311 be substituted for H. F. No. 1355 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1679 and H. F. No. 2331, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Novak moved that the rules be so far suspended that S. F. No. 1679 be substituted for H. F. No. 2331 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1811 and H. F. No. 2111, 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. 1811 be substituted for H. F. No. 2111 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1813 and H. F. No. 1941, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Den Ouden moved that the rules be so far suspended that S. F. No. 1813 be substituted for H. F. No. 1941 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1843 and H. F. No. 1898, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Lehto moved that the rules be so far suspended that S. F. No. 1843 be substituted for H. F. No. 1898 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 2067 and H. F. No. 2121, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Osthoff moved that the rules be so far suspended that S. F. No. 2067 be substituted for H. F. No. 2121 and that the House File be indefinitely postponed. The motion prevailed.

REPORTS OF STANDING COMMITTEES

Sieben, H., from the Committee on Taxes to which was referred:

H. F. No. 1255, A bill for an act relating to taxation; clarifying the taxable status of Title II property owned by a non-profit entity; amending Minnesota Statutes 1978, Section 272.02, Subdivision 1.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Rice from the Committee on Labor-Management Relations to which was referred:

H. F. No. 1574, A bill for an act relating to labor; providing special benefits for employees of certain businesses closed by order of federal or state courts or federal agencies; appropriating money.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Rice from the Committee on Labor-Management Relations to which was referred:

H. F. No. 1780, A bill for an act relating to workers' compensation; permitting the workers' compensation reinsurance association to incorporate; exempting the reinsurance association from taxation; providing for amendment to the reinsurance association plan of operation; making changes in rules, requirements and procedures affecting members of the reinsurance association; increasing temporary partial benefits; amending Minnesota Statutes 1978, Section 176.101, Subdivision 2; Minnesota Statutes, 1979 Supplement, Sections 79.34; 79.35; 79.36; 79.37; and 79.38; repealing Minnesota Statutes, 1979 Supplement, Sections 79.41 and 79.42.

Reported the same back with the following amendments:

Page 1, after line 16, insert:

"Section 1. Minnesota Statutes, 1979 Supplement, Section 79.071, is amended by adding a subdivision to read:

Subd. 6a. At the time of filing a petition for a change in the schedule of rates, the association shall estimate the total increase in manual premiums which would be collected as a result of the proposed change on all new and renewal policies with an effective date of 12 months or less following the date at which the association is requesting its petition to be implemented.

Sec. 2. Minnesota Statutes, 1979 Supplement, Section 79.071, is amended by adding a subdivision to read:

Subd. 6b. The association shall deposit into a special account in the office of the commissioner of insurance a sum of not less than one percent of the amount calculated pursuant to subdivision 6a. The money in the account shall be allocated as follows:

(a) 50 percent shall be for the use of the commissioner of insurance for payments authorized in subdivision 6.

(b) 25 percent shall be for the use of a representative of business selected pursuant to subdivision 6c.

(c) 25 percent shall be for use of a representative of labor selected pursuant to subdivision 6c.

Sec. 3. Minnesota Statutes, 1979 Supplement, Section 79.071, is amended by adding a subdivision to read:

Subd. 6c. Within five days following the receipt of a petition for a change in the schedule of rates, the commissioner shall convene a meeting of the commissioner and the chairpersons of the senate employment committee and the house of representatives labor management relations committee. They shall, by majority vote, select one representative of business and one representative of labor to formally intervene in the hearing held pursuant to the petition if the commissioner orders the hearing. The representative of business shall be selected on the basis of extent of membership, its representation of both large and small employers, statewide representation of membership, representation of members in the aggregate with payrolls containing at least 50 percent of the job classifications contained in the workers' compensation and employers liability insurance manual, its demonstrated interest in Minnesota workers' compensation insurance legislation and rates and its willingness and ability to participate actively and effectively in the hearing process.

The representative of labor shall be selected on the basis of extent of membership, statewide representation of membership, demonstrated interest in workers' compensation legislation and insurance rates, the variety of trades represented by its membership, and its willingness and ability to participate actively and effectively in the hearing process. The intervenors shall have their costs of intervention in the hearing paid from the fund established pursuant to subdivision 6b.

Costs of intervenors shall include attorneys' fees, costs of the office of hearing examiner, expert witness fees, consultant fees, and reasonable costs and disbursements. The commissioner of insurance shall authorize payments from the fund when presented with statements of cost submitted to him by other intervenors in the form he may prescribe. All money not dispursed to intervenors, together with investment income earned thereon, shall be refunded to the association after the hearing, and all subsequent judicial actions, if any, have been completed.

Sec. 4. Minnesota Statutes, 1979 Supplement, Section 79.071, is amended by adding a subdivision to read:

Subd. 6d. If a petition for a change in the schedule of rates does not result in an increase in the manual premiums or if the increase is so small as to not cover the costs of the office of hearing examiner, the association shall deposit into the special fund

established in subdivision 6b, an amount adequate to pay the costs of the hearing.

Sec. 5. Minnesota Statutes, 1979 Supplement, Section 79.071, is amended by adding a subdivision to read:

Subd. 6e. There is appropriated to the commissioner of insurance from the special account established in subdivision 6b, a sum sufficient to make the payments authorized in subdivision 6c.

Sec. 6. Minnesota Statutes, 1979 Supplement, Section 79.211, Subdivision 2, is amended to read:

Subd. 2. [DIVISION OF PAYROLL.] (THE RATING ASSOCIATION OR) An insurer shall permit an employer to divide his payroll among (RELEVANT) *the rating classifications most closely fitting the work actually performed* for purposes of premium calculation when the employer's records provide adequate support for a division."

Page 13, lines 8 to 26, delete all of section 6

Page 13, line 29, delete "5" and insert "12"

Page 13, line 30, delete "Section 6 is"

Page 13, delete line 31

Renumber the remaining sections accordingly

Amend the title as follows:

Page 1, line 2, after "compensation;" insert "creating a fund to meet the expenses of certain intervenors in workers' compensation rate hearings; revising the procedure for division of payroll;"

Page 1, line 9, after "benefits;" insert "appropriating money;"

Page 1, delete line 10

Page 1, line 11, delete "Subdivision 2;"

Page 1, line 12, after "Sections" insert "79.071, by adding subdivisions; 79.211, Subdivision 2;"

With the recommendation that when so amended the bill pass.

The report was adopted.

Anderson, I., from the Committee on General Legislation and Veterans Affairs to which was referred:

H. F. No. 1859, A bill for an act relating to elections; providing for preparation of consolidated primary election ballots by counties at state expense; amending Minnesota Statutes 1978, Section 203A.23, Subdivision 1.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Sieben, H., from the Committee on Taxes to which was referred:

H. F. No. 1866, A bill for an act relating to taxation; authorizing the revenue department to set off tax refunds due a debtor against debts owed to the state or to the public agency responsible for child support enforcement; providing for notice and hearing procedures; establishing priorities for claims; providing for an exemption to data privacy requirements and imposing a penalty for misuse of data; authorizing the promulgation of rules; appropriating money.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Casserly from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 1908, A bill for an act relating to towns; requiring a majority of voters to permit town zoning; requiring notice of changes; amending Minnesota Statutes 1978, Sections 366.12 and 366.15.

Reported the same back with the following amendments:

Page 1, after line 7, insert:

"Section 1. Minnesota Statutes 1978, Section 366.11, is amended to read:

366.11 [BALLOTS.] There shall be printed on the ballots for the election the following:

"Shall the board of supervisors adopt (BUILDING AND) zoning *and related* regulations and restrictions?"

Yes

No

The voters shall place a cross-mark in one of the above squares to express their choice. The ballot shall be cast and counted during the same hours and in the same manner as ballots for the election of town officers of the town and, except as herein expressly provided, such meeting and election shall be subject to all the laws of this state regulating town meetings and elections of town officers in the town."

Page 2, after line 4, insert:

"Before adopting any regulation under this section the board shall hold a public hearing on the matter with notice in the manner provided in section 366.15."

Page 2, after line 6, insert:

"Sec. 3. Minnesota Statutes 1978, Section 366.13, is amended to read:

366.13 [ZONING DISTRICTS.] For any or all of these purposes the board of supervisors of any such town where a majority of the legal voters voting thereon have voted "Yes" at such an election, may divide the portions of the town into districts or zones of such number, shape, and area as may be deemed best suited to carry out the purposes of sections 366.10 to 366.18, and within such districts or zones it may regulate and restrict the location, height, bulk, number of stories, size of buildings and other structures, the location of roads and schools, the percentage of lot which may be occupied, the sizes of yards and other open spaces, the density and distribution of population, the uses of buildings and structures for trade, industry, residence, recreation, public activities, or other purposes, and the uses of land for trade, industry, residence, recreation, agriculture, forestry, soil conservation, water supply conservation, or other purposes. All such regulations shall be uniform for each class and kind of buildings and for the use of land throughout each district, but the regulations in one district may differ from those in other districts.

No such board of supervisors may make any regulation prohibiting the erection, establishment, alteration, enlargement, use, occupancy or maintenance of any landing area or airport as defined by the act of Congress known as the Civil Aeronautics Act of 1938, owned by any municipality, political subdivision, or public corporation created in and for any two or more municipalities, the operation and use of which has been approved by the department of transportation or by the Civil Aeronautics Board of the United States, nor shall any permit under the provisions of sections 366.10 to 366.18 be required for any such erection,

establishment, alteration, enlargement, use, occupancy or maintenance. Any regulations heretofore made by any board of supervisors prohibiting such erection, establishment, alteration, enlargement, use, occupancy or maintenance of airports are hereby abrogated and annulled.

Before adopting any division or regulation under this section the board shall hold a public hearing on the matter with notice in the manner provided in section 366.15."

Renumber the sections in order

Delete the title in its entirety and insert:

"A bill for an act relating to towns; requiring a majority of voters to permit town zoning; clarifying the ballot question; requiring hearing and notice before certain actions; requiring notice of changes; amending Minnesota Statutes 1978, Sections 366.11; 366.12; 366.13; and 366.15."

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Swanson from the Committee on Health and Welfare to which was referred:

H. F. No. 1942, A bill for an act relating to public welfare; requiring reporting of abuse or neglect of vulnerable adults; requiring certain facilities to establish abuse prevention plans; establishing a penalty; appropriating money; amending Minnesota Statutes 1978, Section 245.813, by adding a subdivision; and Chapter 626, by adding a section; repealing Minnesota Statutes 1978, Sections 245.813, Subdivisions 2, 3, 4, 5, 6, 7, 8, and 9; and 626.555.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1978, Section 245.813, is amended by adding a subdivision to read:

Subd. 1a. [REPORTING REQUIREMENTS.] Physical or sexual abuse or willful neglect of a person in the care of a licensed or certified facility or agency by an individual in that facility or agency shall be reported in accordance with the requirements of section 626.556 or section 2.

Sec. 2. Minnesota Statutes 1978, Chapter 626, is amended by adding a section to to read:

[626.557] [REPORTING OF MALTREATMENT OF VULNERABLE ADULTS.] *Subdivision 1.* [PUBLIC POLICY.] *The legislature declares that the public policy of this state is to protect adults who, because of physical or mental disability or dependency on institutional services, are particularly vulnerable to abuse or neglect; to provide safe institutional or residential services or living environments for vulnerable adults who have been abused or neglected; and to assist persons charged with the care of vulnerable adults to provide safe environments.*

In addition, it is the policy of this state to require the reporting of suspected abuse or neglect of vulnerable adults, to provide for the voluntary reporting of abuse or neglect of vulnerable adults, to require the investigation of the reports, and to provide protective and counseling services in appropriate cases.

Subd. 2. [DEFINITIONS.] As used in this section, the following terms have the meanings given them unless the specific context clearly indicates otherwise.

(a) "Facility" means a hospital or other entity required to be licensed pursuant to sections 144.50 to 144.58; a nursing home required to be licensed pursuant to section 144A.02; an agency, day care facility, or residential facility required to be licensed pursuant to sections 245.781 to 245.813; a mental health program receiving funds pursuant to section 245.61; or any entity required to be certified for participation in Titles XVIII or XIX of the Social Security Act, 42 U.S.C. 1395 et seq.

(b) "Vulnerable adult" means any person 18 years of age or older:

(1) Who is a resident or patient of a facility;

(2) Who receives services at or from a facility required to be licensed pursuant to Minnesota Statutes, Sections 245.781 to 245.813; or

(3) Who, regardless of residence, is unable or unlikely to report abuse or neglect without assistance because of impairment of mental or physical function or emotional status.

(c) "Caretaker" means an individual or facility who has responsibility for the care of a vulnerable adult as a result of family relationship, or who has assumed responsibility for all or a portion of the care of a vulnerable adult voluntarily, or by contract, or agreement.

(d) "Abuse" means:

(1) Any act which constitutes a violation of sections 609.322, 609.342, 609.343, 690.344, or 609.345; or

(2) *The infliction of physical injury, the intentional infliction of physical pain, or any persistent course of conduct intended to produce mental or emotional distress.*

Nothing in this subdivision shall be construed to create a cause of action in malpractice.

(e) *"Neglect" means failure by a caretaker to supply the vulnerable adult with necessary food, clothing, shelter, health care or supervision.*

(f) *"Report" means any report received by the local welfare agency, police department, county sheriff, or licensing agency pursuant to this section.*

(g) *"Licensing agency" means:*

(1) *The commissioner of health, for facilities as defined in subdivision 2(a) which are required to be licensed or certified by the department of health;*

(2) *The commissioner of public welfare, for facilities required by sections 245.781 to 245.813 to be licensed;*

(3) *Any licensing board which regulates persons pursuant to Minnesota Statutes, Section 214.01; and*

(4) *Any agency responsible for credentialing human services occupations.*

Subd. 3. [PERSONS MANDATED TO REPORT.] *A professional or his delegate who is engaged in the care of vulnerable adults, education, law enforcement, or any of the regulated occupations referenced in subdivision 2, clause (g)(3) and (4), or an employee of or person providing services in a facility who has knowledge of the abuse or neglect of a vulnerable adult, has reasonable cause to believe that a vulnerable adult is being or has been abused or neglected, or who has knowledge that a vulnerable adult has sustained a physical injury which is not reasonably explained by the history of injuries provided by the caretaker or caretakers of the vulnerable adult shall immediately report the information to the local police department, county sheriff, local welfare agency, or appropriate licensing or certifying agency. The police department or the county sheriff, upon receiving a report, shall immediately notify the local welfare agency. The local welfare agency, upon receiving a report, shall immediately notify the local police department or the county sheriff and the appropriate licensing agency or agencies.*

A person not required to report under the provisions of this subdivision may voluntarily report as described above. Medical examiners or coroners shall notify the police department or county sheriff and the local welfare department in instances in

which they believe that a vulnerable adult has died as a result of abuse or neglect.

Nothing in this subdivision shall be construed to require more than one report per incident.

Subd. 4. [REPORT.] A person required to report under subdivision 3 shall make an oral report immediately by telephone or otherwise. A person required to report under subdivision 3 shall also make a report as soon as possible in writing to the appropriate police department, the county sheriff, local welfare agency, or appropriate licensing agency. The written report shall be of sufficient content to identify the vulnerable adult, the caretaker, the nature and extent of the suspected abuse or neglect, any evidence of previous abuse or neglect, name and address of the reporter, and any other information that the reporter believes might be helpful in investigating the suspected abuse or neglect. Written reports received by a police department or a county sheriff shall be forwarded immediately to the local welfare agency. The police department or the county sheriff may keep copies of reports received by them. Copies of written reports received by a local welfare department shall be forwarded immediately to the local police department or the county sheriff and the appropriate licensing agency or agencies.

Unless the local welfare agency has notified a licensing agency, records maintained by local welfare agencies, local police departments, or county sheriffs under this section shall be destroyed as follows:

(a) All records relating to reports which, upon investigation, are found to be false shall be destroyed, but only after notice of intent to destroy has been mailed to the alleged abuser. At that party's request the records shall be maintained as confidential. The request must be mailed within 30 days of the mailing date of the original notice or the records will be destroyed;

(b) All records relating to reports which, upon investigation, are found to be substantiated shall be destroyed seven years after the date of the final entry in the case record; and

(c) All records of reports which, upon initial investigation, cannot be substantiated or disproved to the satisfaction of the local welfare agency, local police department or county sheriff shall be kept for a period of two years. If the local welfare agency, local police department or county sheriff is unable to substantiate the report within that period, each agency unable to substantiate the report shall destroy its records relating to the report.

If a licensing agency has been notified, records maintained by local welfare agencies, local police departments, or county sheriffs shall be destroyed upon receiving notice of record destruction from all licensing agencies notified about the report.

Subd. 5. [IMMUNITY FROM LIABILITY.] A person, including a person voluntarily making reports and a person required to make reports under subdivision 3, participating in good faith in making a report pursuant to this section shall have immunity from any liability, civil or criminal, that otherwise might result from making the report.

Subd. 6. [FALSIFIED REPORTS.] A person who willfully makes a false report under the provisions of this section shall be liable in a civil suit for any actual damages suffered by the person or persons so reported and for any punitive damages set by the court or jury.

Subd. 7. [FAILURE TO REPORT.] (a) A person required to report by this section who willfully fails to report is guilty of a misdemeanor.

(b) A person required by this section to report who negligently or willfully fails to report is liable for damages caused by the failure.

Subd. 8. [EVIDENCE NOT PRIVILEGED.] No evidence regarding the abuse or neglect of the vulnerable adult shall be excluded in any proceeding arising out of the alleged abuse or neglect on the grounds of lack of competency under Minnesota Statutes, Section 595.02.

Subd. 9. [MANDATORY REPORTING TO A MEDICAL EXAMINER OR CORONER.] When a person required to report under the provisions of subdivision 3 has reasonable cause to believe that a vulnerable adult has died as a direct or indirect result of abuse or neglect, he shall report that information to the appropriate medical examiner or coroner in addition to the local welfare agency, police department, or county sheriff or appropriate licensing agency or agencies. The medical examiner or coroner shall complete an investigation as soon as feasible and report the findings to the police department or county sheriff and the local welfare agency.

Subd. 10. [DUTIES OF LOCAL WELFARE AGENCY UPON A RECEIPT OF A REPORT.] (a) The local welfare agency shall immediately investigate and offer emergency and continuing protective social services for purposes of preventing

further abuse or neglect and for safeguarding and enhancing the welfare of the abused or neglected vulnerable adult. Local welfare agencies shall have the right to enter facilities and inspect and copy records as part of investigations. In cases of suspected sexual abuse, the local welfare agency shall immediately arrange for and make available to the victim appropriate medical examination and treatment. The investigation shall not be limited to the written records of the facility but shall include every other available source of information. When necessary in order to protect the vulnerable adult from further harm, the local welfare agency shall seek authority to remove the vulnerable adult from the caretaker in whose care the neglect or abuse occurred. The local welfare agency shall also investigate to determine whether the conditions which resulted in the reported abuse or neglect place other vulnerable adults in jeopardy of being abused or neglected and offer protective social services that are called for by its determination. In performing any of these duties, the local welfare agency shall maintain appropriate records.

(b) If the report indicates, or if the local welfare agency finds that the suspected abuse or neglect occurred at a facility, or while the vulnerable adult was or should have been under the care of or receiving services from a facility, or that the suspected abuse or neglect involved a person licensed by a licensing agency to provide care or services, the local welfare agency shall immediately notify the appropriate licensing agency or agencies, and provide the licensing agency with a copy of the report and of its investigative findings.

Subd. 11. [DUTIES OF LICENSING AGENCIES UPON RECEIPT OF REPORT.] Whenever a licensing agency receives a report, or otherwise has information indicating that a vulnerable adult may have been abused or neglected at a facility it has licensed, or that a person it has licensed or credentialed to provide care or services may be involved in the abuse or neglect of a vulnerable adult, or that such a facility or person has failed to comply with the requirements of this section, it shall immediately investigate. Subject to the provisions of Minnesota Statutes, Sections 15.162 to 15.1671, the licensing agency shall have the right to enter facilities and inspect and copy records as part of investigations. The investigation shall not be limited to the written records of the facility, but shall include every other available source of information. The licensing agency shall issue orders and take actions with respect to the license of the facility or person that are designed to prevent further abuse or neglect of vulnerable adults.

Subd. 12. [RECORDS.] Each licensing agency shall maintain summary records of reports of suspected abuse or neglect and suspected violations of the requirements of this section with respect to facilities or persons licensed or credentialed by that agency. These records shall state the nature of the suspected abuse or neglect or violation of the requirements of this section

and the results of the agency's investigation. These records, which shall not contain the name of the person making the report or the vulnerable adult, shall be public. All other records maintained pursuant to this section shall be private data on individuals, except that the records shall be made available to a prosecuting authority and law enforcement officials, local welfare agencies, and other licensing agencies in investigating the alleged abuse or neglect. The records shall be collected and maintained in accordance with the provisions of sections 15.162 to 15.1671, and an individual subject of a record shall have access to the record in accordance with those sections, except that the name of the reporter shall be disclosed only upon a finding by the court that the report was false and made in bad faith.

Records maintained by licensing agencies under this section shall be destroyed as follows:

(a) All records relating to reports which, upon investigation, the licensing agency finds to be false shall be destroyed in accordance with provisions of subdivision 7 clause (a);

(b) All records relating to reports which, upon investigation, the licensing agency finds are substantiated shall be destroyed seven years after the date of the final entry in the case record; and

(c) All records of reports which, upon initial investigation, cannot be substantiated or disproved to the satisfaction of the licensing agency shall be kept for two years. If the licensing agency is unable to substantiate the report within that period, the agency shall destroy the records. The licensing agency shall notify the appropriate local welfare agency, local police department, or county sheriff of the agency's destruction of records relating to reports made pursuant to this section and the reasons for the destruction.

Subd. 13. [COORDINATION.] (a) Any police department or county sheriff, upon receiving a report shall notify the local welfare agency pursuant to subdivision 3. A local welfare agency or licensing agency which receives a report pursuant to that subdivision shall immediately notify the appropriate law enforcement, local welfare, and licensing agencies.

(b) Investigating agencies, including the police department, county sheriff, local welfare agency, or appropriate licensing agency shall cooperate in coordinating their investigatory activities. Each licensing agency which regulates facilities shall develop and disseminate procedures to coordinate its activities with (i) investigations by police and county sheriffs, and (ii) provision of protective services by local welfare agencies.

Subd. 14. [ABUSE PREVENTION PLANS.] (a) Each facility shall establish and enforce an ongoing written abuse

prevention plan. The plan shall contain an assessment of the physical plant, its environment, and its population identifying factors which may encourage or permit abuse, and a statement of specific measures to be taken to minimize the risk of abuse. The plan shall comply with any rules governing the plan as are promulgated by the licensing agency.

(b) Each facility shall develop an individual abuse prevention plan for each vulnerable adult residing there. Facilities designated in subdivision 2, clause (b)(2) shall develop plans for any vulnerable adults receiving services from them. The plan shall contain an individualized assessment of the person's susceptibility to abuse, and a statement of the specific measures to be taken to minimize the risk of abuse to that person. For the purposes of this clause, the term "abuse" includes self-abuse.

Subd. 15. [INTERNAL REPORTING OF ABUSE AND NEGLECT.] Each facility shall establish and enforce an ongoing written procedure in compliance with the licensing agencies' rules for insuring that all cases of suspected abuse or neglect are reported promptly to a person required by this section to report abuse and neglect and are promptly investigated.

Subd. 16. [ENFORCEMENT.] (a) A facility that has not complied with this section within 60 days of the effective date of passage of temporary rules is ineligible for renewal of its license. A person required by subdivision 3 to report and who is licensed or credentialed to practice an occupation by a licensing agency who willfully fails to comply with this section shall be disciplined after a hearing by the appropriate licensing agency.

(b) Licensing agencies shall as soon as possible promulgate rules necessary to implement the requirements of subdivisions 11, 12, 13, 14, 15, and 16, clause (a). Agencies may promulgate temporary rules pursuant to section 15.0412, subdivision 5.

(c) The commissioner of public welfare shall promulgate rules as necessary to implement the requirements of subdivision 10.

Subd. 17. [RETALIATION PROHIBITED.] (a) A facility or person shall not retaliate against any person who reports in good faith suspected abuse or neglect pursuant to this section, or against a vulnerable adult with respect to whom a report is made, because of the report.

(b) Any facility or person which retaliates against any person because of a report of suspected abuse or neglect is liable to that person for actual damages and, in addition, a penalty up to \$1,000.

(c) *There shall be a rebuttable presumption that any adverse action, as defined below, within 90 days of a report, is retaliatory. For purposes of this clause, the term "adverse action" refers to action taken by a facility or person involved in a report against the person making the report or the person with respect to whom the report was made because of the report, and includes, but is not limited to:*

- (1) *Discharge or transfer from the facility;*
- (2) *Discharge from or termination of employment;*
- (3) *Demotion or reduction in remuneration for services;*
- (4) *Restriction or prohibition of access to the facility or its residents; or*
- (5) *Any restriction of rights set forth in section 144.651.*

Subd. 18. [OUTREACH.] The commissioner of public welfare shall establish an aggressive program to educate those required to report, as well as the general public, about the requirements of this section using a variety of media.

Sec. 3. [REPEALER.] Minnesota Statutes 1978, Sections 245.813, Subdivisions 2, 3, 4, 5, 6, 7, 8, and 9, and 626.555 are repealed.

Sec. 4. [APPROPRIATION.] \$..... is appropriated from the general fund to the commissioner of public welfare for the purposes of section 2, subdivisions 10, 16 and 18, and is available until June 30, 1981.

Sec. 5. [EFFECTIVE DATE.] Sections 1 to 4 are effective the day following final enactment."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Swanson from the Committee on Health and Welfare to which was referred:

H. F. No. 1953, A bill for an act relating to health; authorizing the registration of nursing pools; imposing requirements for registration; requiring the promulgation of rules; providing penalties for violations; requiring the establishment of maximum reimbursement rates for nursing pools; amending Minnesota Statutes 1978, Section 256B.47, by adding a subdivision.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [DEFINITIONS.] *Subdivision 1. As used in sections 1 to 3, the terms defined in this section have the meanings given them.*

Subd. 2. "Nursing services agency" means any person, firm, corporation, partnership, or association engaged for hire in the business of providing or procuring temporary employment for nurses, nursing assistants, nurses aides and orderlies. "Nursing services agency" does not include an individual who only engages in providing his or her own services on a temporary basis. "Supplemental nursing services agency" also does not include home health agencies as defined in Section 1861 (o) of the Social Security Act and nothing in sections 1 to 3 is intended to provide licensure for home health agencies for purposes of participation in the health insurance program for the aged under Title XVIII of the Social Security Act.

Subd. 3. "Commissioner" means the commissioner of health.

Subd. 4. "Person" includes an individual, firm, corporation, partnership or association.

Sec. 2. [REGISTRATION.] *Subdivision 1. A person who operates a nursing services agency shall register the agency with the commissioner. Each separate location of the business of a nursing services agency shall have a separate registration.*

Subd. 2. The commissioner, by rule, shall establish forms and procedures for the processing of each nursing services agency registration application, including the payment of a reasonable registration fee which covers the cost of registration. An application for a nursing services agency registration shall include at least the following information:

(a) The names and addresses of the owner or owners of the nursing services agency;

(b) If the owner is a corporation, copies of its articles of incorporation and current bylaws, together with the names and addresses of its officers and directors; and

(c) Any other relevant information which the commissioner determines is necessary to properly evaluate an application for registration.

Subd. 3. A registration issued by the commissioner in accordance with this section shall remain effective for a period of one year from the date of its issuance unless the registration is revoked or suspended pursuant to section 3, subdivision 3, or unless the nursing services agency is sold or ownership or management is transferred. When a nursing services agency is sold or ownership or management is transferred, the registration of the

agency shall be voided and the new owner or operator may apply for a new registration.

Subd. 4. The commissioner, by rule, shall establish a system for reporting complaints against a nursing agency or its employees. Complaints may be made by any member of the public, however, only written complaints shall be forwarded to the employer of each person against whom a complaint is made. The employer shall promptly report to the commissioner any corrective action that was taken.

Sec. 3. [RULES; VIOLATIONS.] *Subdivision 1. The commissioner, by rule, shall establish minimum standards for the registration and operation of a nursing services agency. These rules shall be designed to protect the public's right to high quality health care by assuring that the agencies employ competent and qualified nursing personnel. These rules shall be adopted on or before June 1, 1981, and shall include at least the following provisions as a condition of registration:*

(a) The nursing services agency shall document that each employee currently meets the minimum state licensing, training, and continuing education standards for the position in which he or she will be working;

(b) The nursing services agency shall comply with all pertinent regulations of the department relating to the health and other qualifications of personnel employed in health care facilities licensed pursuant to sections 144.50 to 144.56 or 144A.01 to 144A.17; and

(c) The nursing services agency shall not restrict in any manner the employment opportunities of its employees.

Subd. 2. The commissioner shall monitor usage of nursing services to determine whether there is an effect on quality of care where the nursing services agencies are used.

Subd. 3. The commissioner, by rule, shall establish appropriate penalties for the violation of sections 1 to 3, including fines and registration suspension or revocation.

Sec. 4. [REVIEW.] *Nursing services agencies, registered pursuant to sections 1 to 3, shall file a rate schedule with the Commissioner of Public Welfare for his review 30 days prior to implementation of the schedule.*

Sec. 5. [EFFECTIVE DATE.] *This act is effective the day following final enactment."*

Further amend the title as follows:

Page 1, line 5, after "violations" insert a period and delete the balance of the line

Page 1, delete lines 6 to 8

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Voss from the Committee on Appropriations to which was referred:

H. F. No. 1963, A bill for an act relating to interim claims against the state; appropriating money for the payment thereof.

Reported the same back with the following amendments:

Page 1, lines 8 and 9, delete "subdivisions 2 to 10" and insert "this section"

Page 1, line 12, after "from" delete "a" and insert "an inadequate"

Page 2, line 7, after the last period insert "\$1,000.00."

Page 2, after line 30, insert:

"Subd. 11. Jean M. Hei, 1008 Prosperity Avenue, St. Paul, Minnesota 55106, for tuition and related expenses at a state university paid by her pending a final determination that her father's death was service connected, thus making her eligible to receive war orphan's educational benefits. . . . \$2,049.00.

Subd. 12. Judy A. Hei, 1008 Prosperity Avenue, St. Paul, Minnesota 55106, for tuition and related expenses at a state university paid by her pending a final determination that her father's death was service connected, thus making her eligible to receive war orphan's educational benefits. . . . \$1,377.00.

Subd. 13. Mary Jo Hei, 1008 Prosperity Avenue, St. Paul, Minnesota 55106, for tuition and related expenses at a state university paid by her pending a final determination that her father's death was service connected, thus making her eligible to receive war orphan's educational benefits. . . . \$1,349.00.

Subd. 14. Magnuson, Huisinga and Sons, Inc., Rural Route 1, Pennock, Minnesota 56279, for salvage value of cattle that were condemned for tuberculosis testing but that no slaughtering establishment would accept. . . . \$4,894.00.

Subd. 15. Edward A. Lien, 900 North Fourth Street, Minneapolis, Minnesota 55401, for injuries suffered in an accident while working in the prison industries \$725.00.

Subd. 16. Allen J. Miller, 2014 Seventh Avenue, Mankato, Minnesota 56001, for injuries suffered while performing assigned duties while an inmate of the Minnesota correctional facility-Lino Lakes \$5,625.00.

Subd. 17. Karey Parker, No. 100556, Minnesota correctional facility-St. Cloud, St. Cloud, Minnesota 56301, for injuries received to his finger when cut on the jagged edge of the sink in his cell \$120.00.

Subd. 18. Donald G. Wicklund, 10642 Utica Road, Bloomington, Minnesota 55437. Notwithstanding any law or rule to the contrary, Donald G. Wicklund shall be credited by the department of transportation with an additional 360 hours of sick leave, representing the amount promised to him as an inducement to relocate from Iowa and accept employment with the department of transportation, but later taken away because in excess of the amount permitted under rules of the department of personnel.

Sec. 2. [TRUNK HIGHWAY FUND CLAIMS.] Subdivision 1. The sums set forth in this section are appropriated from the trunk highway fund to the persons named in this section in full and final payment of claims against the state.

Subd. 2. David A. Huper, Rural Route 1, Box 141, Alden, Minnesota 56009 and Ellsworth H. Huper, Rural Route 1, Box 117, Wells, Minnesota 56097, for drain tile damaged during the construction of interstate highway 90 \$2,962.00.

Subd. 3. Town of Worthington, Route 1, Box 46, Worthington, Minnesota 56187, for damage to a township road caused by detouring traffic created when state trunk highway 266 was closed while on and off ramps were added to interstate highway 90 northwest of Worthington. . . . \$6,982.00."

Page 3, after line 12 insert:

"Jay Lowell Jacobson, 1910 Oakdale Ave., West St. Paul, Minnesota 55118 \$97.50."

Page 3, line 13, delete "William Howard" and insert "Howard William"

Pages 3 to 8, delete, subdivision 4 and insert:

"Subd. 4. [VIETNAM.] James Russell Allen, Rt. 1 Box 99 1/2, Cass Lake, Minnesota 56633 \$135.00

Dennis P. Amonson, 2901 Nevada Avenue South, St. Louis Park, Minnesota 55416 \$600.00

Dennis Michael Balmer, 4328 Otsego St., Duluth, Minnesota 55804 \$600.00

Stephen Delmar Bauers, 1601 Kepner, Anchorage, Alaska 99504 \$240.00

Valentin Bilyk, 1134 - 40th Avenue N.E., Columbia Heights, Minnesota 55421 \$600.00

Ronald Gene Blue, 324 - 97th Avenue N.W., Coon Rapids, Minnesota 55433 \$255.00

Juvenal Humberto Bryson, Mears Park Place, 401 Sibley Street, No. 250, St. Paul, Minnesota 55101 \$600.00

Martin W. Burns, Wabasha, Minnesota 55981 \$600.00

Arthur J. Busse, 855 Cedar Avenue, Chula Vista, California 92011 \$600.00

James E. Cadwell, 3213 Harriet Avenue South, Minneapolis, Minnesota 55408 \$300.00

William J. Cawelti, Box 55, Stillwater, Minnesota 55082 \$100.00

Wayne F. Chapman, 111 - 7th Street N.W., Austin, Minnesota 55912 \$600.00

David Leo Coffelt, 1238 E. 7th St., St. Paul, Minnesota 55106 \$600.00

Christopher L. Cowan, 3111-4th Street S.E., Minneapolis, Minnesota 55414 \$195.00

Wesley E. Cox, 3837 - 10th Avenue South, Minneapolis, Minnesota 55407 \$555.00

Bernard J. Decker, HHC 1st BN, 70th Armor, APO New York, New York 09358 \$600.00

Leonard Charles De Foe, Jr., 14 E. 12th St., Duluth Minnesota 55805 \$195.00

Maximilian V. Doll, 421 Curry Avenue, Detroit Lakes, Minnesota 56501 \$300.00

David Lee Eidsvoog, 2634 14th Ave. So., Minneapolis, Minnesota 55407 \$100.00

Wallace E. Evenson, 3429 Major Avenue North, Crystal, Minnesota 55422 \$100.00

Jonathan F. Fermstad, 957 Myrtle St. NE, Atlanta, Georgia 30309 \$300.00

Norman C. Fletcher, Route 8, Box 47A, Brainerd, Minnesota 56401 \$100.00

Gary E. Getschmann, 10501 Bloomington Freeway, Bloomington, Minnesota 55420 \$600.00

Dominic C. Greco, 1400 Englewood, St. Paul, Minnesota 55104 \$300.00

Rex Erhart Greicar, 46 Valley Green Pk., Jordan, Minnesota 55352 \$600.00

Roland G. Groth, 19 Walden, Burnsville, Minnesota 55337 \$210.00

Ralph J. Hall, 6455 Upper 55th Street North, Oakdale, Minnesota 55109 \$300.00

Dale A. Hanson, 9727-103rd Place, Maple Grove, Minnesota 55369 \$100.00

Gary Lee Harju, Route 1, Box 97, Aurora, Minnesota 55705 \$480.00

Gary Joe Hart, 102-2nd Street S.E., Austin, Minnesota 55912 \$100.00

Robert M. Herron, 5240 West 102nd Street, No. 116, Bloomington, Minnesota 55437 \$150.00

Gary G. Hill, Box 82, Hanover, Minnesota 55341 \$300.00

Patrick J. Hill, 40 High Street, Bath, Maine 04530 \$300.00

Dennis Edward Hosek, 2273 Boardwalk Ave., Greenbay, Wisconsin 54301 \$100.00

Dale Rollen Hughes, 860 Corbett Ave. Apt. 303, San Francisco, California 94131 \$300.00

Thomas W. Jackson, 2901 Colfax Avenue North, Minneapolis, Minnesota 55411 \$300.00

Willis Ricky Jackson, 865 Allen Ave., West St. Paul, Minnesota
55107 \$600.00

Stephen P. Jensen, 14765 Damask Court, Rosemount, Minnesota
55068 \$600.00

Clarence D. Johnson, Route 1, Box 69B, Brainerd, Minnesota
56401 \$300.00

Gary A. Justin, 1448-10th Avenue North, St. Cloud, Minnesota
56301 \$255.00

John A. Kelly, 4735 Hamilton Road, Minnetonka, Minnesota
55343 \$100.00

Timothy J. Kelly, 15376-92nd Street N.E., Elk River, Minnesota
55330 \$100.00

Timothy L. King, 1628 Gettysburg Avenue, Golden Valley,
Minnesota 55427 \$300.00

Mark S. Kowalski, 1779 Hyacinth Avenue East, St. Paul, Minnesota
55119 \$510.00

Paul E. Krawetz, 358 First Avenue South, South St. Paul,
Minnesota 55075 \$180.00

Lyle H. Kuehn, 4422 Minnehaha Avenue South, Minneapolis,
Minnesota 55406 \$300.00

Lawrence J. LaBarre, 9712 Humboldt Avenue South, Bloomington,
Minnesota 55431 \$105.00

John F. Larson, 802 Barry Street, No. 1105, Corpus Christi,
Texas 78411 \$100.00

John R. Larson, 410 Pleasant Street, No. 2, Mankato, Minnesota
56001 \$210.00

Bradford K. Leitch, 510 South Peck, No. 203, Fergus Falls,
Minnesota 56537 \$360.00

Gregory J. Longerbone, 1494 Gardenia, Fridley, Minnesota
55432 \$600.00

Jerome K. Lund, 4009 Louisiana Avenue North, New Hope,
Minnesota 55427 \$105.00

Michael John Madden, 3501 37th Ave. NE, Minneapolis,
Minnesota 55421 \$600.00

Dale P. McCullough, 16363 Norell Avenue North, Marine on the St. Croix, Minnesota 55047..... \$100.00

Michael D. McElderry, 10256 Fillmore Place N.E., Blaine, Minnesota 55434..... \$100.00

Donald F. McLellan, 4709 Caribou Drive, Minnetonka, Minnesota 55343..... \$300.00

Donald Francis Meier, Route 2, Sibley Island Est., Bismarck, North Dakota 58501..... \$600.00

Michael J. Melich, 5550 Quail Avenue North, Crystal, Minnesota 55429..... \$240.00

Irvin Palmer Moen, 2682 17A St. NW, New Brighton, Minnesota 55112..... \$300.00

James R. Morris, 10013 Colfax Avenue South, Bloomington, Minnesota 55431..... \$120.00

Michael Z. Morris, Route 1, Zimmerman, Minnesota 55398..... \$600.00

Dale R. Mudick, 712 Fourth Street S.W., Waseca, Minnesota 56093..... \$600.00

Robert Walter Muir, 3130 Vickie Ct., Merced, California 95340..... \$600.00

Maryjane Cochran Mundis, 3740 Stevens Ave., Minneapolis, Minnesota 55409..... \$240.00

Lawrence G. Nafstad, 7108 Perry Place, Brooklyn Center, Minnesota 55429..... \$135.00

Richard Wayne Newport, Box 193, Tucumcari, New Mexico 88401..... \$570.00

Lyle J. Noorlun, 227 East Dale, South St. Paul, Minnesota 55075..... \$135.00

Dean R. Oberg, 6925 West Palmer Lake Drive, Brooklyn Center, Minnesota 55429..... \$300.00

Richard Paul Olson, 11 Western Hills Drive, Algona, Iowa 50511..... \$600.00

James Mathew O'Shea, 5424 3rd Ave. So., Minneapolis, Minnesota 55419..... \$300.00

- Vance Arlo Ostby, 5706 Kerry St., Corpus Christi, Texas 78413
..... \$600.00
- Michael A. Oven, 10760 Sixth Street N.E., Blaine, Minnesota
55434 \$240.00
- Ronald Lee Paehlke, 455 High St. Apt. 5, Hutchinson, Minne-
sota 55336 \$100.00
- Kenneth LeRoy Palmer, 124-113th Lane N.E., Blaine,
Minnesota 55434 \$165.00
- Gary A. Passe, Box 144, Kellogg, Minnesota 55945
\$100.00
- Robert M. Patnode, Box 604, Red Lake, Minnesota 56760
..... \$540.00
- Edwin J. Pfeffer, 107 East Liberty Street, No. 4, Mankato,
Minnesota 56001 \$300.00
- Todd H. Phillips, 681 North Quixote, Lakeland, Minnesota
55043 \$100.00
- Mary T. Polzin, 619-12th Street North, New Ulm, Minne-
sota 56073 \$100.00
- Darrell M. Price, 5204-37th Avenue South, Minneapolis,
Minnesota 55417 \$300.00
- Robert Leroy Ray, Jr., 958 Fuller, St. Paul, Minnesota 55104
..... \$135.00
- Anthony L. Rayer, 13 Cottonwood Court, Babbitt, Minnesota
55706 \$300.00
- Sandra K. Reasner, Box 285, Eyota, Minnesota 55934
\$150.00
- Catherine Irene Rooney, Rt 1, Box 20, Revere, Minnesota
56166 \$165.00
- Craig S. Rozycki, 412 Robert Avenue, P. O. Box 463, Lehigh
Acres, Florida 33936 \$585.00
- William Nicholas Ruth, 2731 Hillsboro Ave. No. Apt. 107,
New Hope, Minnesota 55427 \$100.00
- Gladys May Rutkowski, 254 Eighth Avenue South, South St.
Paul, Minnesota 55075 \$100.00

Henry Harvey Sadler, Rt. 2 Box 201, Nicollet, Minnesota
56074\$100.00

Loye Bernard St. Julien, 3015-1/2 Third Avenue East, Hib-
bing, Minnesota 55746\$300.00

Kent Russell Samson, 120 Main Street, Springfield, Vermont
05156\$100.00

Daniel A. Schaller, 4339 Oaklane Drive, Red Wing, Minnesota
55066\$600.00

David Harry Schapery, 7415 162nd Ave., Forest Lake, Min-
nesota 55025\$105.00

John K. Schermerhorn, 5324 Bloomington Avenue South,
Minneapolis, Minnesota 55417\$300.00

Glen Arnold Schlieff, 4800 Idaho Ave. No., Crystal, Minnesota
55428\$100.00

James L. Schramsky, 409 West Second, P. O. Box B, Janesville,
Minnesota 56048\$600.00

Mark B. Schulte, 2375 North Seventh Street, North St. Paul,
Minnesota 55109\$120.00

Mark Andrew Schuster, 1900 Wachtler Ave., St. Paul, Minne-
sota 55118\$100.00

Richard K. Schwartz, 1505 East Burnsville Parkway, Burns-
ville, Minnesota 55337\$100.00

Robert Willard Seguin, 918-1 Gardenway, Manhattan, Kansas
66502\$600.00

Richard A. Slayton, 17139 Verdin Street N.W., Andover, Min-
nesota 55303\$100.00

James H. Snow, 6619 Channel Road, Minneapolis, Minnesota
55432\$120.00

Raymond E. Sondag, Jr., 201 N.E. Second Avenue, Fairfax,
Minnesota 55332\$240.00

Thomas Byrd Sparkman, 1713 Gull Lane, Mound, Minnesota
55364\$600.00

Neil O. Stenzel, 101 Glenwood Avenue, Mankato, Minnesota
56001\$300.00

Donald R. Stoutenberg, 314 Oaklane, Knollwood Drive, Mankato, Minnesota 56001 \$240.00

Albert C. Stucke, 1914 Sherwood Avenue, St. Paul, Minnesota 55119 \$300.00

Everett G. Svendsen, 5423 LaMoya Avenue, Jacksonville, Florida 32210 \$600.00

James L. Taute, 915 Northdale Boulevard, Coon Rapids, Minnesota 55433 \$100.00

George H. Thompson, Box 174, Amelia Court House, Amelia, Virginia 23002 \$300.00

Kenneth Thompson, 8050 Old Central NE, Fridley, Minnesota 55432 \$105.00

William Magnus Thorkildson, 5920 Newton Avenue South, Minneapolis, Minnesota 55419 \$300.00

Efraim Tsarfati, 4546 Johnny Cake Ridge Road, Eagan, Minnesota 55122 \$100.00

Timothy J. Walsh, 585 Sherburne Avenue, St. Paul, Minnesota 55103 \$100.00

James W. Webinger, 704 Ruth Street, Prescott, Arizona 86301 \$300.00

Richard L. Welker, 130 Yucca Street, Vandenburg AFB, California. 93437 \$300.00

Wayne Henry Willhite, Route 2, Buffalo Lake, Minnesota 55314 \$600.00

Glenn W. Willmsen, 1054 Merrifield Street, Shakopee, Minnesota 55379 \$195.00.

David Eugene Winter, 623 So. Second St. Staples, Minnesota 56479 \$300.00"

Renumber the remaining sections

Amend the title as follows:

Page 1, line 2, delete "interim"

With the recommendation that when so amended the bill pass.

The report was adopted.

Moe from the Committee on Governmental Operations to which was referred:

H. F. No. 2020, A bill for an act relating to state government; requiring certain state-leased space and state agency meetings to be accessible to physically handicapped persons; requiring certain auxiliary aids for physically handicapped participants at state agency meetings; amending Minnesota Statutes 1978, Section 16.85, Subdivisions 1b and 1c; and Chapter 15, by adding a section.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1978, Chapter 15, is amended by adding a section to read:

[15.44] [AIDS FOR HANDICAPPED AT STATE MEETINGS.] *After July 1, 1980, a state agency which sponsors, in whole or in part, a meeting or conference for the public or for state employees shall ensure that a physically handicapped participant who gives reasonable advance notice to the agency will receive the auxiliary aids necessary for effective participation. Auxiliary aids may include taped or brailled materials, interpreters or other effective means of making orally delivered material available to participants with hearing impairments, and equipment adaptable for use by participants with manual impairments and other similar services and action; however, nothing in this section shall require a state agency to provide attendants, individually prescribed devices, or other devices or services of a personal nature. When sign language interpreters are provided, they shall be provided in a manner so that hearing impaired participants will be able to see their signing clearly. For the purposes of this section, "physically handicapped" has the meaning given in section 16.84, subdivision 8.*

Sec. 2. Minnesota Statutes 1978, Section 16.85, Subdivision 1b, is amended to read:

Subd. 1b. No agency of the state may lease space for agency operations in a non-state owned building, unless the building satisfies the requirements of the state building code for accessibility by (THE) physically handicapped (, OR IS ELIGIBLE TO DISPLAY THE STATE SYMBOL OF ACCESSIBILITY) persons. This limitation shall apply (IN RESPECT) to leases of thirty days or more for space of at least 1,000 square feet commencing or being renewed on or after July 1, 1980.

Sec. 3. Minnesota Statutes 1978, Section 16.85, Subdivision 1c, is amended to read:

Subd. 1c. After July 1, (1979) 1980, meetings or conferences (ATTENDED BY) for the public (AND) or for state employees sponsored in whole or in part by a state agency (IN NON-PUBLICLY OWNED BUILDINGS) shall be held in buildings that (EITHER) meet the state building code requirements relating to accessibility for (THE) physically handicapped (OR ARE ELIGIBLE TO DISPLAY THE STATE SYMBOL FOR ACCESSIBILITY) persons; provided that, meetings or conferences intended for specific individuals none of whom need the accessibility features for handicapped persons specified in the state building code need not comply with this subdivision unless a handicapped person gives reasonable advance notice of his or her intent to attend the meeting or conference. When sign language interpreters will be provided, meetings or conference sites shall be chosen which allow hearing impaired participants to see their signing clearly.

Sec. 4. Minnesota Statutes 1978, Section 16.85, Subdivision 1d, is amended to read:

Subd. 1d. The commissioner of administration may grant an exemption from the requirements of subdivisions 1b and 1c in advance if a state agency has demonstrated that reasonable efforts were made to secure facilities which complied with the requirements of subdivision 1b and 1c and if the selected facilities are the best available for access for handicapped persons. Exemptions shall be granted using criteria developed by the commissioner in consultation with the council for the handicapped.

Sec. 5. Minnesota Statutes 1978, Section 16.85, is amended by adding a subdivision to read:

Subd. 1e. Any state agency which violates the provisions of subdivisions 1b, 1c or 1d shall be fined in the amount of \$250 for each occurrence by the commissioner of administration. If a state agency contests the assessment of a fine, it shall have the right to appeal in a contested case proceeding pursuant to the requirements of chapter 15. All fines collected shall be paid to and are hereby appropriated to the commissioner of administration to be used for improvements in state owned or state leased buildings to bring them into compliance with the state building code for accessibility by physically handicapped persons."

Amend the title as follows:

Page 1, line 6, after the semicolon, insert "appropriating money; providing penalties;"

Page 1, line 8, delete "and 1c" and insert ", 1c, 1d, and by adding a subdivision"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Casserly from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 2022, A bill for an act relating to the city of Austin; authorizing the establishment and financing of the capital cost of a solid waste disposal system and program.

Reported the same back with the following amendments:

Page 2, line 29, before the comma insert "except as provided in section 4"

Page 3, after line 7, insert:

"Sec. 4. The city council of the city of Austin prior to the issuance of any bonds authorized by section 3 shall adopt an initial resolution stating the amount, purpose and, in general, the security to be provided for the bonds; and shall publish the resolution once each week for two consecutive weeks in the official newspaper of the city. The bonds may be issued without the submission of the question of their issuance to the voters of the city unless within 21 days after the second publication of the resolution a petition requesting an election signed by at least eight percent of the registered voters of the city voting in the last general election is filed with the city recorder. If a petition is filed, no bonds shall be issued unless approved by a majority of the voters of the city voting on the question of their issuance at a regular or special election."

Renumber the sections in sequence

With the recommendation that when so amended the bill pass.

The report was adopted.

Moe from the Committee on Governmental Operations to which was referred:

H. F. No. 2023, A bill for an act relating to waste management; establishing a waste management board and a legislative commission; establishing a state government resource recovery program; establishing solid waste planning assistance and demonstration programs; providing for the issuance of state waste management bonds; providing for the establishment of solid waste management districts; requiring hazardous waste management planning and development; establishing procedures for

the review and approval of permits for waste facilities; authorizing debt; appropriating money; amending Minnesota Statutes 1978, Sections 116.06, Subdivisions 9, 10, 13, and by adding subdivisions; 116.07, Subdivisions 2, 4, 4a, and by adding subdivisions; 116.081, Subdivision 1; 116.101; 116.41; 400.03, Subdivision 1; 400.04; 400.06; 400.07; 400.13; 400.16 400.161; 473.121, by adding a subdivision; 473.149; 473.502; 473.516; 473.801, Subdivision 1; 473.802; 473.803; 473.811; 473.813; 473.823, Subdivision 3, and by adding a subdivision; Chapter 400, by adding a section; and Chapter 473, by adding sections; repealing Minnesota Statutes 1978, Sections 400.03, Subdivisions 2 to 7; 473.121, Subdivisions 27 to 31c; 473.823, Subdivisions 1, 2, and 4; and Laws 1978, Chapter 723, Section 7.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"ARTICLE I

CITATION, PURPOSE, AND DEFINITIONS

Section 1. [CITATION.] *Articles I to VIII shall be known as the waste management act of 1980.*

Sec. 2. [LEGISLATIVE DECLARATION OF POLICY; PURPOSES.] *It is the goal of articles I to VIII to improve waste management in the state to serve the following purposes:*

- (a) *Reduction in waste generated;*
- (b) *Separation and recovery of materials and energy from waste;*
- (c) *Reduction in indiscriminate dependence on disposal of waste;*
- (d) *Coordination of solid waste management among political subdivisions;*
- (e) *Orderly and deliberate development and financial security of waste facilities including disposal facilities.*

Sec. 3. [DEFINITIONS.] *Subdivision 1. For the purposes of articles I to VIII, the terms defined in this section have the meanings given them, unless the context requires otherwise.*

Subd. 2. "Agency" means the pollution control agency.

Subd. 3. "Board" means the waste management board established in article II, section 1.

Subd. 4. "Cities" means statutory and home rule charter cities and towns authorized to plan under sections 462.351 to 462.364.

Subd. 5 "Collection" means the aggregation of waste from the place at which it is generated and includes all activities up to the time the waste is delivered to a waste facility.

Subd. 6. "Commercial waste facility" means a waste facility established and permitted to sell waste processing or disposal services to generators other than the owner and operator of the facility.

Subd. 7. "Degree of intrinsic hazard" of a waste means the relative propensity of the waste to migrate in the environment, and thereby to become exposed to the public, and the relative significance of the harm or damage likely to result from exposure of natural resources or the public to the waste, as a result of such inherent or induced attributes of the waste as its chemical and physical stability, solubility, bioconcentratability, toxicity, flammability, and corrosivity.

Subd. 8. "Development region" means a region designated pursuant to sections 462.381 to 462.397.

Subd. 9. "Disposal" means the discharge, deposit, injection, dumping, spilling, leaking, or placing of any waste into or on any land or water so that the waste or any constituent thereof may enter the environment or be emitted into the air, or discharged into any waters, including ground waters.

Subd. 10. "Disposal facility" means a waste facility permitted by the agency that is designed or operated for the purpose of disposing of waste on or in the land.

Subd. 11. "Generation" means the act or process of producing waste.

Subd. 12. "Generator" means any person who generates waste.

Subd. 13. "Hazardous waste" has the meaning given it in section 116.06, subdivision 13.

Subd. 14. "Intrinsic suitability" of a land area or site means that, because of the inherent and natural attributes, physical features, and location of the land area or site, the waste facility proposed to be located in the area or site would not be likely to result in material harm to the public health and safety and natural resources and that therefore the proposed facility can reasonably be expected to be permissible in accordance with agency rules.

Subd. 15. "Legislative commission on waste management" or "legislative commission" means the commission established in article II, section 11.

Subd. 16. "Local government unit" means cities, towns, and counties.

Subd. 17. "Metropolitan area" has the meaning given it in section 473.121.

Subd. 18. "Metropolitan council" means the council established in Chapter 473.

Subd. 19. "Metropolitan waste control commission" or "waste control commission" means the waste control commission established in Chapter 473.

Subd. 20. "Mixed municipal solid waste" means garbage, refuse, and other solid waste from residential, commercial, industrial, and community activities which is generated and collected in aggregate, but does not include auto hulks, street sweepings, ash, demolition and construction debris, mining waste, sludges, tree and agricultural wastes, tires, and other materials collected, processed, and disposed of as separate waste streams.

Subd. 21. "Natural resources" has the meaning given it in Chapter 116B.

Subd. 22. "Person" has the meaning given it in section 116.06, but does not include the board.

Subd. 23. "Political subdivision" means any municipal corporation, governmental subdivision of the state, local government unit, special district, or local or regional board, commission, or authority authorized by law to plan or provide for waste management.

Subd. 24. "Processing" means the treatment of waste after collection and before disposal. Processing includes but is not limited to reduction, storage, separation, exchange, resource recovery, physical, chemical, or biological modification, and transfer from one waste facility to another.

Subd. 25. "Regional development commission" means a commission established pursuant to sections 462.381 to 462.397.

Subd. 26. "Resource recovery" means the reclamation for sale or reuse of materials, substances, energy, or other products contained within or derived from waste.

Subd. 27. "Resource recovery facility" means a waste facility established and used primarily for resource recovery.

Subd. 28. "Sewage sludge" means the solids and associated liquids in municipal wastewater which are encountered and concentrated by a municipal wastewater treatment plant for disposal at a sewage sludge disposal facility. Sewage sludge does not include incinerator residues and grit, scum, or screenings removed from other solids during treatment.

Subd. 29. "Sewage sludge disposal facility" means property owned by a political subdivision and used for interim or final disposal or land spreading of sewage sludge.

Subd. 30. "Solid waste" has the meaning given it in section 116.06, subdivision 10.

Subd. 31. "Solid waste management district" or "waste district" means a geographic area extending into two or more counties in which the management of solid waste is vested in a special district established pursuant to article VIII, section 2.

Subd. 32. "Transfer station" means an intermediate waste facility in which waste collected from any source is temporarily deposited to await transportation to another waste facility.

Subd. 33. "Waste" means solid waste, sewage sludge, and hazardous waste.

Subd. 34. "Waste facility" means all property, real or personal, including negative and positive easements and water and air rights, which is or may be needed or useful for the processing or disposal of waste, except property for the collection of the waste and property used primarily for the manufacture of scrap metal or paper. Waste facility includes but is not limited to transfer stations, processing facilities, and disposal sites and facilities.

Subd. 35. "Waste management" means activities which are intended to affect or control the generation of waste and activities which provide for or control the collection, processing and disposal of waste.

ARTICLE II

WASTE MANAGEMENT BOARD; LEGISLATIVE COMMISSION ON WASTE MANAGEMENT; STATE GOVERNMENT RESOURCE RECOVERY PROGRAM

Section 1. [WASTE MANAGEMENT BOARD; CREATION.] There is created in the executive branch a waste management board.

Sec. 2. [BOARD MEMBERSHIP.] Subdivision 1. [GENERAL.] The board shall be composed of eight permanent

members. Temporary members shall be added pursuant to subdivision 3.

Subd. 2. [PERMANENT MEMBERS.] *The permanent voting members of the board are: (1) the commissioner of health; (2) the commissioner of natural resources, (3) the commissioner of agriculture, (4) the director of the energy agency; (5) the director of the pollution control agency; and (6) the commissioner of economic development; or their designees in the unclassified service. The chairperson and seventh permanent voting member of the board shall be appointed by the governor with the advice and consent of the senate to serve at the pleasure of the governor. The chairperson shall not be a representative of a state agency. The chairperson shall not hold other elected or appointed public office or employment. The director of the planning agency, or the director's designee in the unclassified service, shall serve, ex officio, as the eighth permanent member of the board.*

Subd. 3. [TEMPORARY MEMBERS.] *For the purposes of each project review conducted by the board under article III and article IV, and for the purpose of preparing and adopting the hazardous waste facilities development and disposal abatement plan under section 8 and making decisions on the elements of the certification of need for disposal required under article III, six local representatives shall be added to the board as temporary voting members, as provided in article III, section 6, subdivision 4, and article IV, section 2, subdivision 3, and section 3, subdivision 3.*

Sec. 3. [POWERS OF THE BOARD.] **Subdivision 1. [GENERAL.]** *The board shall have such powers and duties as are prescribed by articles I to VIII and all powers necessary or convenient to discharge its duties.*

Subd. 2. [RULES.] *The board may promulgate rules necessary or required to govern its activities and implement articles I to VIII. The rules shall be promulgated in accordance with chapter 15.*

Subd. 3. [ACTIONS.] *The board may sue and be sued.*

Subd. 4. [ACQUISITION OF SITES FOR HAZARDOUS WASTE FACILITIES.] *The board may direct the commissioner of administration to acquire by purchase, lease, condemnation, gift, or grant, any right, title, and interest in and to real property, including positive and negative easements and water, air, and development rights, for sites and buffer and impact areas surrounding sites for hazardous waste facilities approved by the board pursuant to articles III and IV. Money for the acquisition of any real property and interest in real property pursuant to this subdivision shall come from the issuance of state waste management bonds in accordance with article VII. The property*

shall be leased to the owner and operator of the hazardous waste facility located thereon at a rate sufficient to pay debt service on the bonds and the public costs of evaluating the eligibility of the property for inclusion in the inventory under section 7 or candidacy under article III. Any local government unit and the commissioners of transportation, natural resources, and administration may convey or allow the use of any property for such sites and areas, subject to the rights of the holders of any bonds issued with respect thereto, with or without compensation and without an election or approval by any other government agency. Land owned by the state may be exchanged for land not owned by the state for the purpose of providing a site and buffer area for a commercial hazardous waste facility, in accordance with the provisions of section 94.341 and other law. The commissioner of administration may hold the property for the purposes for which it was acquired, and may lease, rent, or dispose of the property so far as not needed for such purposes, upon the terms and in the manner the commissioner deems advisable. The right to acquire lands and property rights by condemnation shall be exercised in accordance with chapter 117. The commissioner of administration may take possession of any property for which condemnation proceedings have been commenced at any time after the issuance of a court order appointing commissioners for its condemnation. The value of any property for uses other than the highest and best use permitted by law prior to the identification of the property as a preferred or candidate site for a facility shall not be considered in establishing the value of the property in the condemnation proceeding.

Subd. 5. [RIGHT OF ACCESS.] Whenever the board deems it necessary to the accomplishment of its purposes, the board or any member, employee, or agent thereof, when authorized by it, may enter upon any property, public or private, for the purpose of obtaining information or conducting surveys or investigations, provided that the entrance and activity is undertaken after reasonable notice and during normal business hours and provided that compensation is made for any damages to the property caused by the entrance and activity.

Subd. 6. [GIFTS AND GRANTS.] The board or the commissioner of administration may apply for and accept gifts, loans, or other property from the United States, the state, or any person for any of the purposes of the board, may enter into any agreement required in connection therewith, and may hold, use, and dispose of the money or property in accordance with the terms of the gift, grant, loan or agreement.

Subd. 7. [PROPERTY EXEMPT FROM TAXATION.] Any real or personal property owned, leased, controlled, used, or occupied by the board or the commissioner of administration for any purpose referred to in articles I to VIII is declared to be acquired; owned, leased, controlled, used, and occupied for public and governmental purposes, and shall be exempt from taxa-

tion by the state or any political subdivision of or other governmental unit of or within the state, provided that those properties shall be subject to special assessments levied for a local improvement in amounts proportionate to and not exceeding the special benefit received by the properties from the improvement. No possible use of the properties in any manner different from their use for hazardous waste management at the time shall be considered in determining the special benefit received by the properties.

Subd. 8. [CONTRACTS.] The board may enter into any contract necessary or proper for the exercise of its powers or the accomplishment of its purposes.

Subd. 9. [JOINT POWERS.] The board may act under the provisions of Minnesota Statutes, Section 471.59, or any other law providing for joint or cooperative action.

Subd. 10. [RESEARCH.] The board may conduct research studies and programs, collect and analyze data, prepare reports, maps, charts, and tables, and conduct all necessary hearings and investigations in connection with its work and may advise and assist other government units on planning matters within the scope of its powers, duties, and objectives.

Subd. 11. [EMPLOYEES; CONTRACTS FOR SERVICES.] The board may employ persons and contract for services to perform research, engineering, legal, or other services necessary to carry out its functions.

Subd. 12. [INSURANCE.] The board may require any employee to obtain and file with it an individual bond or fidelity insurance policy. It may procure insurance in amounts it deems necessary to insure against liability of the board and employees or both, for personal injury or death and property damage or destruction, with the force and effect stated in Minnesota Statutes, Chapter 466, and against risks of damage to or destruction of any of its property as it deems necessary.

Sec. 4. [DUTIES OF THE BOARD; GENERAL.] Subdivision 1. [INTERAGENCY COORDINATION.] The board shall inform the state planning agency of its activities in accordance with section 4.191. The board shall keep the pollution control agency informed of its activities, solicit the advice and recommendations of the agency, and coordinate its work with the regulatory and enforcement activities of the agency. The rules of the board shall provide for such communication and coordination.

Subd. 2. [BIENNIAL REPORT.] Before November 15 of each even-numbered year the board shall prepare and submit to the legislative commission a report of its operations and activities pursuant to Articles I to VIII and any recommenda-

tions which it wishes to make for legislative action. The report shall include a proposed work plan for the following biennium.

Sec. 5. [DUTIES OF THE AGENCY; SOLID WASTE MANAGEMENT PLANNING ASSISTANCE.] Commencing July 1, 1981, the agency shall be the state agency responsible for providing technical and financial assistance to political subdivisions of the state for solid waste management planning and demonstration projects pursuant to articles V and VI. The board may contract for the delivery of technical assistance by the agency in accordance with rules of the board.

Sec. 6. [DUTIES OF THE BOARD; HAZARDOUS WASTE MANAGEMENT REPORTS.] Subdivision 1. [REPORT ON LIABILITY AND LONG-TERM CARE.] By January 1, 1981, the board shall report and make recommendations to the legislative commission on the management and financing of liability and post-closure monitoring and care for hazardous waste facilities in the state. The commissioner of economic development shall conduct background research and shall report to the board by July 1, 1980, on the subject of the report required by this subdivision and on additional research needed to complete the report and recommendations.

Subd. 2. [REPORT ON PRIVATE INVESTMENT IN HAZARDOUS WASTE MANAGEMENT.] By January 1, 1981, the board shall report and make recommendations to the legislative commission on alternative state strategies to promote and secure private investment in hazardous waste management services, technologies, and facilities. The report at least shall evaluate: (a) strategies to promote and secure investments by generators in waste reduction, separation, pretreatment, and recovery; (b) strategies to secure generator assistance in the establishment and financing of hazardous waste facilities either directly through joint investment or indirectly through taxation; (c) strategies to protect the public against business failure by owners and operators of hazardous waste facilities; (d) strategies to promote and secure investment by the private waste management industry in hazardous waste facilities in the state. The report shall recommend priorities, objectives, and appropriate legislation for promoting and securing private investment in hazardous waste management. The commissioner of economic development shall conduct background research and shall report to the board by July 1, 1980, on the subject of the report required by this subdivision and on additional research needed to complete the report and recommendations.

Subd. 3. [REPORT ON INTERSTATE COOPERATION.] By January 1, 1981, the board shall report and make recommendations to the legislative commission on actions to develop interstate cooperation in hazardous waste planning and management. The board shall make recommendations on uniformity of state laws, regulations, and enforcement and on coordination of decisions on facility development and use. The director of the

state planning agency shall conduct background research and shall report to the board by July 1, 1980, on the report required by this subdivision and on additional research needed to complete the report and recommendations.

Subd. 4. [REPORT ON HAZARDOUS WASTE MANAGEMENT STRATEGIES.] By January 1, 1982, the board shall report to the legislative commission on hazardous waste management strategies. The report shall include at least the following elements:

(a) an estimate of the types and volumes of waste for which disposal facilities are and will be needed through the year 2000, based on existing and projected hazardous waste generation rates without regard to potential waste reduction, separation, pretreatment, processing, and resource recovery activity except that provided by services and facilities in operation or under construction;

(b) an evaluation of alternative disposal facilities, disposal facility technologies, and disposal facility design and operating specifications;

(c) an analysis of prospects, strategies, and methods for developing commercial hazardous waste disposal facilities of various types, sizes, and functions;

(d) an analysis and evaluation of all feasible and prudent alternatives to disposal, including waste reductions, separation, pretreatment, processing, and resource recovery, and the potential of such alternatives to reduce the need for and practice of disposal;

(e) a description of specific and quantifiable alternative disposal abatement objectives and degrees of abatement, along with hazardous waste management methods and technologies, private and government actions, facilities and services, development schedules, revenue-raising measures, and levels of public and private expenditure and effort necessary to the achievement of those alternative objectives and degrees of abatement.

Subd. 5. [REPORT ON MITIGATION OF LOCAL EFFECTS OF HAZARDOUS WASTE FACILITIES.] By January 1, 1982, the board shall report and make recommendations to the legislative commission on methods of mitigating and compensating for the local risks, costs, and other adverse effects of various types of hazardous waste facilities and on methods of financing mitigation and compensation measures. The methods of mitigating and compensating to be considered shall include but not be limited to the following: payment outside of levy limitations in lieu of taxes for all property taken off the tax rolls; preference in reviews of applications for federal funds conducted by the metropolitan council and regional develop-

ment commissions; payment of all costs to service the facilities including the cost of roads, monitoring, inspection, enforcement, police and fire, and litter clean up costs; payment for buffer zone amenities and improvement; local control over buffer zone design; a guarantee against any and all liability that may occur.

Subd. 6. [PREPARATION OF HAZARDOUS WASTE REPORTS; PROCEDURES; PUBLIC INVOLVEMENT.] *By January 1, 1981, the board shall submit a proposed scope of work and work program for the hazardous waste reports required by subdivisions 4 and 5 to the legislative commission for review. During the preparation of the proposed scope of work and work plan and the reports, the board shall encourage public debate and discussion of the issues relating to the reports. The board shall meet with local officials and sponsor at least one public meeting in areas of the state affected by the inventory of preferred processing facility sites prepared pursuant to section 7. The board shall follow the procedures set out in article III, section 6, for consulting with citizens in areas affected by the selection of candidate sites for disposal facilities. The board shall request recommendations from the private waste management industry, the advisory committee, affected regional development commissions, and the metropolitan council and shall consult with them on the board's intended disposition of the recommendations. The board shall summarize in its reports the comments received and the board's response to the comments.*

Subd. 7. [GRANTS.] *To assist it in preparing the report required by subdivision 4, the board may make grants to institutions of higher learning for research, feasibility studies, and public education and participation programs relating to the subjects required to be considered in the reports. To assist it in preparing the reports required by subdivisions 4 and 5, the board shall make grants to each local project review committee established for a candidate site for disposal identified under article III, section 5. The grants may be used by the committee to employ staff, pay administrative expenses, or contract with affected units of government or qualified consultants.*

Sec. 7. [DUTIES OF THE BOARD; INVENTORY OF PREFERRED SITES FOR HAZARDOUS WASTE PROCESSING FACILITIES.] **Subdivision 1. [BOARD RESPONSIBILITY.]** *By October 1, 1981, the board shall prepare and adopt an inventory of preferred sites for commercial hazardous waste processing facilities. The inventory shall include at least three sites for each of the following categories of processing facilities: (a) a commercial chemical processing facility for hazardous waste, (b) a commercial incineration facility for hazardous waste, and (c) a commercial transfer and storage facility for hazardous waste.*

Subd. 2. [INVENTORY PREPARATION PROCEDURES.] *By June 1, 1981, the board shall propose the inventory of sites. Any county in which a site is proposed for inclusion in the inven-*

tory may propose an alternative site or sites to the board. The board shall evaluate the sites in consultation with the advisory committee, the affected counties and regions, generators of hazardous waste, and prospective facility developers. In its evaluation the board shall consider at least the consistency of sites with state and federal regulations, local land use and land use controls, existing and future development patterns, transportation and other services appropriate to the hazardous waste facilities, the quality of other potential sites, and the location of hazardous waste generators. No site shall be included in the inventory unless the agency certifies its intrinsic suitability for the use intended, based on preliminary environmental analysis. No land shall be excluded from consideration for inclusion in the inventory except land determined by the agency to be intrinsically unsuitable for the use intended.

Subd. 3. [ADOPTION; EFFECT.] *The inventory of sites shall be adopted by October 1, 1981. The inventory shall not exclude other locations in the state from consideration as sites, but appearance in the inventory shall signify that a site is available for facility development and shall qualify it for supplementary review under article IV. When any site in the inventory becomes unavailable as a hazardous waste facility site, the inventory shall be amended, in the manner of its original adoption, provided, however, that during the period when the inventory is being amended any other site in the inventory may be reviewed and approved under article IV.*

Subd. 4. [GRANTS; TECHNICAL ASSISTANCE.] *To assist counties participating in the inventory required by this section, the board shall make grants to the counties to be used to employ staff, pay administrative expenses, or contract with qualified consultants. The board shall ensure the delivery to the counties of technical information and assistance by appropriate state agencies.*

Sec. 8. [DUTIES OF THE BOARD; HAZARDOUS WASTE FACILITIES DEVELOPMENT AND DISPOSAL ABATEMENT PLAN.] **Subdivision 1. [PREFERENCE FOR PRIVATE ENTERPRISE.]** *The board shall encourage the development and operation of hazardous waste facilities by private enterprise to the extent practicable and consistent with the purposes of articles I to VIII and the board's facilities development and disposal abatement plan. In preparing the reports under section 6 and the inventory of processing facility sites under section 7, in adopting the facilities development and disposal abatement plan under subdivision 2 of this section, and in its actions and decisions under articles III and IV, the board shall solicit the active participation of private waste management firms and shall so conduct its activities as to encourage private permit applications for facilities needed in the state.*

Subd. 2. [FACILITIES DEVELOPMENT AND DISPOSAL ABATEMENT PLAN.] *By May 1, 1982, the board*

shall adopt a facilities development and disposal abatement plan. The plan shall include at least the following elements:

(a) a certificate or certificates of need for disposal facilities issued pursuant to and in accordance with article III, section 9;

(b) a strategy, including specific and quantifiable objectives, for developing the alternatives to disposal determined by the board to be feasible and prudent, along with a description of the methods, private and government actions, facilities and services, development schedules, revenue-raising measures, and levels of public and private expenditure and effort necessary to the implementation of the disposal abatement strategy and the achievement of the disposal abatement objectives.

Subd. 3. [SELECTING PERMITTEES; STANDARDS AND PROCEDURES.] The board shall promulgate rules for accepting, evaluating, and selecting applications for permits for the construction and operation of facilities at sites preferred or selected by the board pursuant to section 7 or article III. The rules shall include standards and procedures for making determinations on the minimum qualifications, including technical competence and financial capability, of permit applicants. The rules shall include standards and procedures for soliciting and accepting bids or permit applications and for selecting developers and operators of hazardous waste disposal facilities at sites chosen by the board pursuant to article III, which shall include a preference for qualified permit applicants who control a site chosen by the board.

Sec. 9. [BOARD; FEDERAL FUNDS.] Federal funds received by the state under PL 94-580, the Resource Conservation and Recovery Act of 1976, shall be allocated to the board for its responsibilities in accordance with the applicable provisions and amendments of PL 94-580 and guidelines and regulations promulgated pursuant thereto.

Sec. 10. [ADVISORY COMMITTEES.] Subdivision 1. **[SOLID WASTE MANAGEMENT.]** The agency shall establish a solid waste management advisory committee broadly representative of the geographic areas and interests of the state. The committee shall have not less than 15 nor more than 30 members. The membership shall consist of one-third citizen representatives, one-third representatives from local government units, and one-third representatives from private solid waste management firms. The committee shall contain at least one member experienced in each of the following areas: state and municipal finance; solid waste collection, processing, and disposal; and solid waste reduction and resource recovery. The chairperson of the advisory committee shall be appointed by the agency. The agency shall provide administrative and staff services for the advisory committee.

Subd. 2. [HAZARDOUS WASTE MANAGEMENT PLANNING.] The board shall establish a hazardous waste management planning advisory committee broadly representative of the geographic areas and interests of the state. The committee shall have not less than 15 nor more than 30 members. The membership shall consist of one-third citizen representatives, one-third representatives from local government units, and one-third representatives of hazardous waste generators and private hazardous waste management firms.

The chairperson of the advisory committee shall be appointed by the board. The board and its constituent agencies shall provide administrative and staff services for the advisory committee.

Subd. 3. [DUTIES AND AUTHORITY.] The advisory committees shall have such duties as are assigned by law or the board or agency. The solid waste management advisory committee shall make recommendations to the agency on its solid waste management activities. The hazardous waste management planning advisory committee shall make recommendations to the board on its activities under article II, sections 6, 7, and 8 and article III, sections 3 and 5.

Subd. 4. [COMPENSATION.] Members of the advisory committees shall serve without compensation but shall be reimbursed for their reasonable expenses as determined by the board or agency.

Sec. 11. [BOARD; EXPIRATION.] The board shall cease to exist on June 30, 1987.

Sec. 12. [LEGISLATIVE COMMISSION ON WASTE MANAGEMENT.] Subdivision 1. [CREATION, MEMBERSHIP, VACANCIES.] There is created in the legislative branch a legislative commission on waste management. The commission shall consist of ten members appointed as follows:

(1) Five members of the senate to be appointed by the subcommittee on committees and to serve until their successors are appointed;

(2) Five members of the house to be appointed by the speaker and to serve until their successors are appointed;

(3) Vacancies occurring on the commission shall not affect the authority of the remaining members of the commission to carry out the functions thereof, and such vacancies shall be filled in the same manner as the original positions.

Subd. 2. [STAFF.] The commission is authorized, without regard to the civil service laws and regulations, to appoint and

fix the compensation of such additional legal and other personnel and consultants as may be necessary to enable it to carry out its functions, or to contract for services to supply necessary data, except that any state employees subject to the civil service laws and regulations who may be assigned to the commission shall retain civil service status without interruption or loss of status or privilege.

Subd. 3. [DATA FROM STATE AGENCIES; AVAILABILITY.] The commission may request information from any state officer or agency in order to assist it in carrying out its duties and such officer or agency is authorized and directed to promptly furnish any data required.

Subd. 4. [POWERS AND DUTIES.] The commission shall review and approve the biennial report of the board. The commission shall oversee the activities of the board and direct such changes or additions in the work plan of the board as it deems fit. The commission may conduct public hearings and otherwise secure data and expressions of opinion. The commission shall make such recommendations as it deems proper to assist the legislature in formulating legislation. Any data or information compiled by the commission shall be made available to any standing or interim committee of the legislature upon request of the chairperson of the respective committee.

Subd. 5. [EXPIRATION.] The commission shall cease to exist on June 30, 1985.

Sec. 13. [STATE GOVERNMENT RESOURCE RECOVERY.] *Subdivision 1. [ESTABLISHMENT OF PROGRAM.] There is established within state government a resource recovery program to promote the reduction of waste generated by state agencies, the separation and recovery of recyclable and reusable commodities, the procurement of recyclable commodities and commodities containing recycled materials, and the uniform disposition of recovered materials and surplus property. The program shall be administered by the commissioner of administration.*

Subd. 2. [DUTIES OF COMMISSIONER.] The commissioner of administration shall develop policies to reduce the volume of waste generated by state agencies. The commissioner shall develop and institute procedures for the separation, collection, and storage of used commodities wherever feasible in state agencies and shall establish policies for the reuse, sale, or disposition of recovered materials and surplus property. The commissioner shall promote and publicize the waste reduction and waste separation and recovery procedures on an on going basis to all state employees. The commissioner shall issue guidelines for the procurement of recyclable commodities and commodities containing recycled materials that include definitions of recycled materials, the percentage of recycled materials to be contained in each commodity and performance specifications.

To the extent practicable, the guidelines shall be written so as to give preference to recyclable commodities and commodities containing recycled materials. The commissioner shall inform state agencies whenever recycled commodities are available for purchase. The commissioner shall investigate opportunities for the inclusion of local governments and regional agencies in administrative programs to reduce, separate, and recover waste materials. The commissioner shall investigate opportunities for the inclusion of local governments and regional agencies in the resource recovery program.

Subd. 3. [POWERS OF COMMISSIONER.] The commissioner of administration shall have such powers as are necessary to implement and operate the program. All state agencies shall comply with the policies, guidelines, and procedures established by the commissioner pursuant to this section. The commissioner shall have the power to issue orders to compel such compliance.

Subd. 4. [STAFF.] The commissioner of administration shall employ an administrator to manage the resource recovery program and such other staff and consultants as are necessary to carry out the program.

Subd. 5. [REPORTS.] By January 1, 1981, and each odd-numbered year thereafter, the commissioner of administration shall submit a report to the governor and to the legislative commission summarizing past activities and proposed goals of the program for the following biennium. By July 1, 1980, and thereafter within three months following the commissioner's report to the legislative commission, the directors of the energy agency and the pollution control agency shall submit recommendations to the commissioner regarding the operation of the program.

Subd. 6. [RESOURCE RECOVERY REVOLVING ACCOUNT.] Upon the certification of the commissioner of administration, the commissioner of finance shall establish an account in the general services revolving fund, effective June 30, 1980, for the operation of the state government resource recovery program. The revolving account shall consist of all funds appropriated by the state for the program and all revenues resulting from the sale of used commodities made available for sale as a result of the resource recovery program. The account may be used for all activities associated with the program including payment of administrative and operating costs.

ARTICLE III

COMMERCIAL HAZARDOUS WASTE DISPOSAL FACILITIES

Section 1. [LEGISLATIVE FINDINGS; PURPOSE.] The legislature finds that proper management of hazardous waste generated in the state is needed to conserve and protect the nat-

ural resources in the state and the health, safety, and welfare of its citizens, that the establishment of safe disposal facilities is necessary to properly manage the waste, that this cannot be accomplished solely by the activities of private persons and political subdivisions acting alone or jointly, and that therefore it is necessary to provide a procedure for making final determinations on the locations, sizes, types, and functions of such facilities.

Sec. 2. [PROCEDURE NOT EXCLUSIVE.] *The procedure established by this article for the permitting of hazardous waste disposal facilities is not exclusive and shall not preclude the issuance of other permits by the agency pursuant to section 116.07.*

Sec. 3. [SITE EVALUATION FACTORS.] *In evaluating and selecting sites for disposal facilities, the board shall consider at least the following factors:*

(a) *economic feasibility and viability and proximity to concentrations of generators of the types of hazardous waste likely to be proposed and permitted for disposal;*

(b) *willingness of qualified private waste management firms to establish a facility at the site, as indicated by facility proposals and permit applications;*

(c) *intrinsic suitability of the sites;*

(d) *federal and state pollution control and environmental protection rules;*

(e) *the risk and effect for local residents, units of government, and the local public health, safety, and welfare, including such dangers as an accidental release of wastes during transportation to a facility or at a facility, water, air, and land pollution, and fire or explosion;*

(f) *the consistency of a facility with, and its effect on, existing and planned local land use and development; local laws, ordinances, and permits; and local public facilities and services;*

(g) *the adverse effects of a facility at the site on the natural environment, resources, and ecology and scenic, cultural, historic, aesthetic, and recreational values, and opportunities to mitigate or eliminate such adverse effects by stipulations, conditions, and requirements respecting the design and operation of a disposal facility at the proposed site.*

No land shall be excluded from consideration except land determined by the agency to be intrinsically unsuitable for the use intended.

Sec. 4. [RULES NOT REQUIRED.] *The board shall not be required to promulgate rules pursuant to chapter 15 governing its activities under this article.*

Sec. 5. [CANDIDATE SITES.] *Subdivision 1. [SELECTION.] By July 1, 1981, the board shall select six locations in the state as candidate sites for commercial disposal facilities for hazardous waste. No location shall be selected as a candidate site 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 board or agency. The board shall consult with the agency and the private waste management industry in selecting candidate sites. Any sites proposed in applications for permits for disposal facilities being reviewed by the agency on July 1, 1981, may be included by the board as candidate sites, provided the agency certifies the intrinsic suitability of the sites.*

Subd. 2. [PROCEDURE.] As soon as practicable, the board shall publish a request soliciting proposals and permit applications for hazardous waste disposal facilities from potential developers and operators of such facilities. Notice of the request shall be published in the state register and newspapers of general circulation in the state and shall be transmitted to all regional development commissions, the metropolitan council, and all counties in the state. By January 1, 1981, for the purpose only of informing the selection of candidate sites under this section, the board shall select conceptual design and operating specifications for a variety of hazardous waste disposal facilities in sufficient detail and extent in the judgment of the board to allow the evaluation of sites and the selection of candidate sites. By January 1, 1981, the board shall notify each regional development commission, or the metropolitan council, and each county, city, and town within whose jurisdiction the board intends to search for candidate sites. The notification shall explain the selection of the jurisdiction as a search area; shall summarize the conceptual specifications and the evaluation factors, criteria, standards, and procedures the board intends to use in selecting candidate sites; and shall describe the relationship of the candidate site selection process to the other review procedures under this article and the hazardous waste reports and plans required under article II. The notification shall request recommendations and suggestions from each such commission, the metropolitan council, and county, city, and town on the criteria, standards, and procedures the board should use in selecting candidate sites within the time allowed. The board shall make a written response to any recommendations, explaining its disposition of the recommendations.

Subd. 3. [MORATORIUM.] A moratorium is hereby imposed on all development, except hazardous waste facilities, within each candidate site identified pursuant to this section and in a buffer area identified by the board surrounding and

at least equal in area to the site. The moratorium shall extend until six months following final action of the board pursuant to this article. No such development shall be allowed to occur within a proposed site or buffer area during the period of the moratorium. No county, city, or town land use control shall permit such development, nor shall any county, city, or town sanction or approve any subdivision, permit, license, or other authorization which would allow such development to occur.

Sec. 6. [PARTICIPATION BY AFFECTED LOCALITIES.]
Subdivision 1. [GENERAL.] In order systematically to involve those who would be affected most directly by disposal facilities in all decisions leading to their establishment, the board's decisions on the preliminary specifications under section 7, the reports referred to in section 8 and the certification of need required under section 9 shall not be made until after the establishment of local project review committees for each candidate site, with representation on the board, pursuant to this section.

Subd. 2. [ESTABLISHMENT OF LOCAL PROJECT REVIEW COMMITTEES.] A local project review committee shall be established for each location selected as a candidate site. The local committee shall exist, and its members shall serve, so long as the location for which the committee was formed is a candidate site or, for the site or sites finally chosen, until the commencement of the operation of the facility at that site.

Subd. 3. [MEMBERSHIP ON LOCAL COMMITTEES.] By August 1, 1981, the governor shall appoint the chairperson and members of each local project review committee, ensuring a balanced representation of all parties with a legitimate and direct interest in the outcome of the project review. The governor shall consult particularly with affected local units of government before selecting members. Members may be added to the local committee from time to time by the governor or by the governor upon motion of the committee or the board.

Subd. 4. [APPOINTMENT OF TEMPORARY BOARD MEMBERS.] By September 1, 1981, each local committee shall select a temporary board member to be added to the board for the purposes of the reports, certifications, and review conducted under this article. Temporary board members may be members of the local project review committee, and they shall be residents of the county where the candidate site is located.

Subd. 5. [DUTIES OF LOCAL COMMITTEES.] During the review, the local project review committee shall: inform affected local communities, government units, and residents of the proposed land containment and disposal facilities and of the planning and environmental review process relating to the proposed facilities; solicit and record local attitudes and concerns respecting the proposed facilities and represent and communicate such attitudes and concerns to the board, the legislative

commission, the environmental quality board, the agency, and other units and agencies of government; and act as a forum for the exchange of local attitudes and concerns and the development, where possible, of local consensus.

Subd. 6. [TECHNICAL ASSISTANCE; GRANTS.] To assist local project review committees to participate in the certification of need and the review process, the board shall make grants to the committees to be used to employ staff, pay administrative expenses, or contract with qualified consultants. The board shall ensure the delivery to the committees of technical information and assistance by appropriate state agencies.

Sec. 7. [DISPOSAL FACILITIES; PRELIMINARY DESIGN AND OPERATING SPECIFICATIONS.] By January 1, 1982, the board shall select, for further study and consideration, design and operating specifications for a variety of disposal facilities for hazardous waste, in sufficient detail and extent in the judgement of the agency to allow the agency to begin preparing an environmental impact statement on the alternative facilities at each of the candidate sites pursuant to section 10. The preliminary design and operating specifications shall describe the facility alternatives which will be considered at each site but shall not foreclose the subsequent addition by the board or agency of other disposal facility alternatives to be considered.

Sec. 8. [HAZARDOUS WASTE MANAGEMENT REPORTS.] The board shall prepare and submit the hazardous waste management reports required by Article II, section 6, subdivisions 4 and 5, in consultation with the local project review committees. The board shall request recommendations from the local committees and shall consult with the committees on the board's intended disposition of the recommendations. In its reports, the board shall summarize the recommendations of the committees and the board's response to the recommendations. Before submitting the reports, the board shall hold at least one public meeting in each county in which a candidate site is located. Notice of the public meeting shall be published in a newspaper or newspapers of general circulation in the area for two successive weeks ending at least 15 days before the date of the meeting. The notice shall describe the proposed facilities, the proposed location, the purpose of the board's report to the legislature, and the subsequent and related activities of the board.

Sec. 9. [CERTIFICATION OF NEED.] By May 1, 1982, as part of its facilities development and disposal abatement plan adopted under article II, section 8, the board shall issue a certificate or certificates of need for disposal facilities for hazardous wastes in the state. The certificate or certificates shall indicate the types and volumes of waste for which disposal facilities are and will be needed through the year 2000 and the number, types, sizes, and general design, operating character, and function or use of the disposal facilities needed in the state. The board shall

certify need only to the extent that the board has determined that there are no feasible and prudent alternatives including waste reduction, separation, pretreatment, processing, and resource recovery which would minimize adverse impact upon natural resources, provided that the board shall require the establishment of at least one commercial disposal facility in the state. Economic considerations alone shall not justify certification nor the rejection of alternatives. The certification shall be the final determination required on the matters decided by the certificate or certificates of need. The board and the permitting agencies, in reviewing and selecting sites, completing environmental impact statements, and issuing approvals and permits for waste disposal facilities described in the certificate or certificates of need, shall not reconsider matters determined in the certification. The board and the permitting agencies shall be required to make a final decision approving the establishment of facilities having the waste management capabilities described in the certification. The board and the permitting agencies shall be required to make a final decision approving the establishment of at least one commercial disposal facility for hazardous waste in the state.

Sec. 10. [AGENCY; ENVIRONMENTAL REVIEW PROCEDURES.] *Subdivision 1. [ENVIRONMENTAL IMPACT STATEMENT.] An environmental impact statement meeting the requirements of chapter 116D shall be completed by the agency. The parts of the statement required by the board to prepare the reports required by article II, section 6, subdivisions 4 and 5, the plan required by article II, section 8, and the certification of need required by section 9 of this article shall be finally accepted or rejected at least 90 days before the report, plan, or certification is required. The parts of the statement required to make decisions pursuant to sections 11 and 12 on disposal facilities at each candidate site shall be finally accepted or rejected within 120 days following the issuance of a certificate or certificates of need under section 9.*

Subd. 2. [PUBLIC DISCLOSURE.] Before commencing preparation of the environmental impact statement, the agency shall issue a document summarizing and making full disclosure of the intended objectives and contents of the environmental impact statement and the environmental review. Announcement of the disclosure shall be published in the state register. The disclosure shall:

- (a) identify the candidate sites;*
- (b) summarize preliminary design and operating specifications and indicate where and when the specifications are available for inspection;*
- (c) describe as fully as possible the object of the review, including the significant actions, issues, alternatives, types of impacts, and compensation and mitigation measures expected to be*

addressed in the statement; the depth of the analysis expected; and subjects which the statement will not address in depth because they have been disposed of previously or because they are believed to be insignificant or remote and speculative;

(d) identify, by reference and brief summary, any related planning activities and environmental reviews which have been, are being, or will be conducted, and the substantive, chronological, and procedural relationship between the proposed review and the other activities and reviews;

(e) identify the membership and address of the local project review committees and the names of the local representatives on the board;

(f) summarize the comments and suggestions received from the public pursuant to subdivision 3 and the agency's response.

Subd. 3. [PUBLIC PARTICIPATION PROCEDURES.] *The public disclosure document shall be issued following diligent effort to involve the public in determining the objective and contents of the environmental impact statement. At least one public meeting shall be held in each county with a candidate site. The advice of the board, facility developers, state agencies, the local project review committees, and local units of government shall be actively solicited. The agency may engage the state hearing examiner to conduct meetings and make recommendations concerning the review. Each local project review committee shall present to the agency a written report summarizing local concerns and attitudes about the proposed action and the specific issues which the local communities and residents wish to see addressed in the environmental review.*

Sec. 11. [AGENCIES; PERMIT CONDITIONS.] *Within 60 days following the acceptance of the final environmental impact statement, and after consulting with the board, facility developers, affected local government units, and the local project review committees, the permitting state agency or agencies shall finally indicate the conditions and terms of agency approval for all permits needed at each candidate site for construction of the facilities described in the board's certification of need. The agency decisions shall be consistent with the establishment of facilities in accordance with the certification of need.*

Sec. 12. [FINAL ACTION.] *Subdivision 1. [DECISION OF BOARD.] Within 60 days following the agency decisions on permit conditions, and after consulting with private facility developers, the agency, affected local government units, and the local project review committees, the board shall finally select the site or sites for the facilities and shall submit or cause to be submitted final permit applications. The final permit applications shall contain the provisions required by the permitting agencies, plus other stipulations, conditions, and requirements*

of the board relating to the facility as may be consistent with the certification of need and the agency rules and permit conditions. The board's decision shall finally resolve any conflicts among state agency permit terms and conditions. The board's decision and the permit applications shall provide for the establishment of facilities having the waste management capabilities described in the board's certification of need.

Subd. 2. [BOARD'S DECISION PARAMOUNT.] To assure the paramount and controlling effect of the review process conducted under this article, the board's decision pursuant to subdivision 1 shall be final and shall supersede and preempt conflicting requirements of state agencies and political subdivisions. The permitting agencies shall issue permits within 30 days in accordance with the board's final decision and the final permit applications. All construction and operating permits shall conform to the terms of the decision and applications. No charter provision, ordinance, regulation, permit, or other requirement of any state agency or political subdivision shall prevent or restrict the establishment and operation of a facility in accordance with the final decision of the board.

Sec. 13. [RECONCILIATION AND INTERVENTION PROCEDURES.] Subdivision 1. [REPORTS TO LEGISLATIVE COMMISSION.] At least 30 days before making final decisions on final site selection and permit application under section 12, the board may report to the legislative commission describing permit conditions or requirements being considered which are not within the existing authority of the agency or the board or which would require legislation or public financial assistance. The report shall not raise issues previously decided by the board's certification of need. In any such report the board may request the commission to intervene in the review.

Subd. 2. [PRE-INTERVENTION ASSESSMENT.] If the legislative commission determines that intervention might be warranted under the terms of subdivision 1, the commission may suspend the review process for up to 60 days to allow a pre-intervention assessment. The pre-intervention assessment shall be conducted by an independent, impartial, and qualified public intervenor appointed by the commission with the advice and consent of the parties to the dispute. The intervenor shall report to the commission. The report shall include:

(a) an assessment of whether the dispute is ripe for mediation and whether the parties are willing to mediate;

(b) an assessment of whether, within the terms of subdivision 1, substantive issues exist which were not decided by the certification of need and which cannot be resolved effectively through normal administrative and judicial procedures;

(c) a preliminary definition of the facts and issues in dispute and actions and decisions being considered;

(d) a description of the diverse parties having a legitimate and direct interest in the outcome of the dispute.

Subd. 3. [SUSPENSION OF REVIEW PROCESS; INTERVENTION PROCEEDING.] *Following the report of the intervenor, the legislative commission may suspend the review process for an additional period not to exceed 90 days for an intervention proceeding. The intervention proceeding shall not consider issues previously decided by the board's certification of need. The intervenor shall be in charge of the intervention proceeding and may call for such participation and establish such procedures as he deems necessary and appropriate to facilitate agreement. The intervenor shall keep the chairperson of the legislative commission informed on the progress of the intervention proceeding, particularly with respect to agreements or proposed agreements which may require action or decisions not within the authority of the agency or board, legislative action, or public financial assistance. The intervenor shall make recommendations to the commission respecting any such agreements or proposed agreements. The commission may make recommendations to the intervenor respecting any such agreement or proposed agreement. If the commission approves of an agreement, or a decision based upon an agreement, which requires action or decisions not within the authority of the agency or board, legislative action, or public financial assistance, the commission shall cause the matter and recommendations to be submitted to the legislature for consideration.*

Sec. 14. [JUDICIAL REVIEW.] *Any civil action maintained by or against the agency or board under this article shall be brought in the county where the site is located and shall take precedence over all other matters of a civil nature and be expedited to the maximum extent possible. Any person aggrieved by a final decision of the board authorizing facilities under this Article may appeal therefrom within 30 days as provided in chapter 15. No civil action shall be maintained pursuant to section 116B.03 with respect to conduct taken by a person pursuant to any environmental quality standard, limitation, regulation, rule, order, license, stipulation agreement or permit issued by the board under this article. Notwithstanding any provision of chapter 116B to the contrary, in any action brought under that chapter with respect to any decision or conduct undertaken by any person or the board or agency pursuant to this article after the period for appeal under this section has lapsed, the plaintiff shall have the burden of proving that the evidence required under section 116B.10 was not reasonably available within the time provided for appeal. The trial court shall, upon motion of any prevailing non-governmental party, award costs, disbursements, reasonable attorney's fees, and reasonable expert witness fees, if the court finds the action hereunder was commenced or defended in bad faith or was frivolous.*

ARTICLE IV

WASTE FACILITIES:
SUPPLEMENTARY REVIEW BY BOARD

Section 1. [RULES.] *The board shall promulgate rules pursuant to chapter 15 governing its activities under article IV.*

Sec. 2. [SOLID WASTE AND SEWAGE SLUDGE FACILITIES.] *Subdivision 1. [ELIGIBILITY.] The following persons shall be eligible to request supplementary review by the board pursuant to this section: (a) a generator of sewage sludge within the state which has been issued permits by the agency for a facility to dispose of sewage sludge or solid waste resulting from sewage treatment; and (b) a political subdivision which has been issued permits by the agency for a solid waste facility which is no larger than 250 acres and located outside the metropolitan area.*

Subd. 2. [REQUEST FOR REVIEW.] An eligible person may request a supplementary review by the board. The request shall show that the required permits for the facility have been issued by the agency, and that a political subdivision has refused to approve the establishment or operation of the facility. The board shall not accept a request for review under subdivision 1, clause (a), from the metropolitan waste control commission for a sewage sludge disposal facility. The board shall not accept a request for review under subdivision 1, clause (a), from the metropolitan waste control commission for a solid waste facility with a proposed permitted life of longer than four years. For requests for review under subdivision 1, clause (b), the board may require completion of a plan conforming to the requirements of article V, section 5, before granting review.

Subd. 3. [APPOINTMENT OF TEMPORARY BOARD MEMBERS.] Within 45 days of the submission of a request determined by the board to satisfy the requirements for review under this section, temporary board members shall be added to the board for the purpose of the supplementary review. Three members shall be selected by the governing body of the city or town in which the waste management board determines the facility would be principally located, and three members shall be selected by the governing body of the county in which the waste management board determines the proposed facility would be principally located. Temporary members shall be residents of the county or counties in which the proposed facility would be located and shall be selected to represent broadly the local interests that would be directly affected by the proposed facility. At least one member appointed by the city or town shall live within one mile of the proposed facility, and at least one member appointed by the county shall be a resident of a city or town in which the proposed facility would be located. Temporary board members shall serve for terms lasting until the board has taken final action on the project.

Subd. 4. [REVIEW PROCEDURE.] The board shall meet to commence the supplementary review within 90 days of the submission of a request determined by the board to satisfy the requirements for review under this section. At the meeting commencing the review the chairman shall recommend and the board establish a scope and procedure for its review and final decision on the proposed facility. The procedure shall require the board to make a final decision on the proposed facility within 90 days following the commencement of review. The procedure shall require the board to conduct at least one public meeting in the county within which the proposed facility would be located. Notice of the meeting shall be published in a newspaper or newspapers of general circulation in the area for two successive weeks ending at least 15 days before the date of the meeting. The notice shall describe the proposed facility, its location, the proposed permits, and the board's scope and procedure for review. The notice shall identify a location or locations within the city or town and county where the permit applications, the agency notice of intent, and the board's scope and procedure for review are available for review and where copies may be obtained.

Subd. 5. [SCOPE AND CONTENT OF REVIEW.] In its review and final decision on the proposed facility, the board shall consider at least the following matters:

(a) the risk and effect of the proposed facility on local residents, units of government, and the local public health, safety, and welfare, and the degree to which the risk or effect may be alleviated;

(b) the consistency of the proposed facility with, and its effect on, existing and planned local land use and development; local laws, ordinances, and permits; and local public facilities and services;

(c) opportunities to apply local regulations and requirements to the proposed facility at the proposed site;

(d) the adverse effects of the facility on the natural environment and ecology and scenic, cultural, historic, aesthetic, and recreational values, and opportunities to mitigate or eliminate such adverse effects by additional stipulations, conditions, and requirements respecting the design and operation of the proposed facility at the proposed site; and

(e) the need for the proposed facility, the availability of alternative sites, and opportunities to mitigate or eliminate need by additional and alternative solid waste management strategies or actions of a significantly different nature;

(f) whether, in the case of resource recovery facilities, the applicant has considered all other feasible and prudent waste processing alternatives for accomplishing the purposes of the proposed project and has compared and evaluated the costs of

all such alternatives, including capital and operating costs, and the effects of all such alternatives on the cost to generators.

Subd. 6. [DECISION OF BOARD.] In its final decision in the review, the board may:

(a) disapprove the facility;

(b) approve the facility and the agency permits; or

(c) approve the facility but add more stringent stipulations, conditions, and requirements respecting the design and operation of the proposed facility at the site proposed.

The board shall not stipulate or establish conditions or requirements which are less stringent than those established by the agency permits. The board shall not stipulate or establish conditions or requirements affecting the location proposed for the facility in the agency permits. The board shall not stipulate or establish conditions or requirements for additional solid waste management capabilities at the facility of a different nature than those permitted in the agency permits. The board shall not stipulate or establish conditions or requirements relating to alternative solid waste management strategies, actions, or facilities not proposed by the applicant or addressed in the agency permits.

Sec. 3. [HAZARDOUS WASTE FACILITIES.] *Subdivision 1. [ELIGIBILITY.] The following persons shall be eligible to request supplementary review by the board pursuant to this section: (a) a generator of hazardous waste within the state who has been issued permits by the agency for a hazardous waste facility to be owned and operated by the generator, on property owned by the generator, and to be used by the generator exclusively for managing the hazardous wastes produced by the generator; (b) a generator of hazardous waste within the state, or an entity composed of or under contract to such generators, which has been issued permits by the agency for an interim storage facility for hazardous waste pursuant to article XI, section 9; and (c) a person who has been issued permits by the agency for a commercial hazardous waste processing facility at a site included in the board's inventory of preferred sites for such facilities adopted pursuant to article II, section 7.*

Subd. 2. [REQUEST FOR REVIEW.] An eligible person may request a supplementary review by the board. The request shall show that the required permits for the facility have been issued by the agency and that another state agency or political subdivision has refused to approve the establishment or operation of the facility.

Subd. 3. [APPOINTMENT OF TEMPORARY BOARD MEMBERS.] Within 45 days of the submission of a request determined by the board to satisfy the requirements for review

under this section, temporary board members shall be added to the board for the purpose of the supplementary review. Three members shall be selected by the governing body of the city or town in which the waste management board determines the facility would be principally located, and three members shall be selected by the governing body of the county in which the waste management board determines the proposed facility would be principally located. Temporary members shall be residents of the county or counties in which the proposed facility would be located and shall be selected to represent broadly the local interests that would be directly affected by the proposed facility. At least one member appointed by the city or town shall live within one mile of the proposed facility, and at least one member appointed by the county shall be a resident of a city or town in which the proposed facility would be located. Temporary board members shall serve for terms lasting until the board has taken final action on the project.

Subd. 4. [REVIEW PROCEDURE.] *The board shall meet to commence the supplementary review within 90 days of the submission of a request determined by the board to satisfy the requirements for review under this section. At the meeting commencing the review the chairperson shall recommend and the board establish a scope and procedure for its review and final decision on the proposed facility. The procedure shall require the board to make a final decision on the proposed facility within 90 days following the commencement of review. The procedure shall require the board to conduct at least one public meeting in the county within which the proposed facility would be located. Notice of the meeting shall be published in a newspaper or newspapers of general circulation in the area for two successive weeks ending at least 15 days before the date of the meeting. The notice shall describe the proposed facility, its location, the proposed permits, and the board's scope and procedure for review. The notice shall identify a location or locations within the city or town and county where the permit applications, the agency notice of intent, and the board's scope and procedure for review are available for review and where copies may be obtained.*

Subd. 5. [SCOPE AND CONTENT OF REVIEW.] *In its review and final decision on the proposed facility, the board shall consider at least the following matters:*

(a) the risk and effect of the proposed facility on local residents, units of government, and the local public health, safety, and welfare, including such dangers as an accidental release of wastes during transportation to the facility or at the facility, water, air, and land pollution, and fire or explosion;

(b) the consistency of the proposed facility with, and its effect on, existing and planned local land use and development; local laws, ordinances, and permits; and local public facilities and services;

(c) opportunities to apply local regulations and requirements to the proposed facility at the proposed site;

(d) the adverse effects of the facility on the natural environment and ecology and scenic, cultural, historic, aesthetic, and recreational values, and opportunities to mitigate or eliminate such adverse effects by additional stipulations, conditions, and requirements respecting the design and operation of the proposed facility at the proposed site; and

(e) the need for the proposed facility, especially its contribution to abating disposal, and opportunities to mitigate or eliminate need by additional and alternative waste management strategies or actions of a significantly different nature.

Subd. 6. [DECISION OF BOARD.] In its final decision in the review, the board may:

(a) disapprove the facility;

(b) approve the facility and the agency permits; or

(c) approve the facility but add more stringent stipulations, conditions, and requirements respecting the design and operation of the proposed facility at the site proposed.

The board shall not stipulate or establish conditions or requirements which are less stringent than those established by the agency permits. The board shall not stipulate or establish conditions or requirements affecting the location proposed for the facility in the agency permits. The board shall not stipulate or establish conditions or requirements for additional waste management capabilities at the facility of a different nature than those permitted in the agency permits. The board shall not stipulate or establish conditions or requirements relating to alternative waste management strategies, actions, or facilities not proposed by the applicant or addressed in the agency permits.

Sec. 4. [BOARD'S DECISION PARAMOUNT.] To assure the paramount and controlling effect of the reviews conducted under this article, the board's decisions under sections 2 and 3, shall supersede and preempt conflicting requirements of state agencies and political subdivisions. The permitting agency or agencies shall withdraw, modify, or issue the permits for the facility in accordance with the decision of the board following a supplementary review under article IV. All permits issued by the agency or agencies shall conform to the terms of the board's decision. No charter provision, ordinance, regulation, permit, or other requirement of any state agency or political subdivision shall prevent or restrict the establishment and operation of the facility in accordance with the board's final decision.

Sec. 5. [RECONCILIATION AND INTERVENTION PROCEDURES.] *Subdivision 1. [REPORTS TO LEGISLATIVE COMMISSION.] At least 30 days before making a final decision under section 3 the board may report to the legislative commission describing permit conditions or requirements being considered which are not within the existing authority of the agency or the board or which would require legislation or public financial assistance. In any such report the board may request the commission to intervene in the review.*

Subd. 2. [PRE-INTERVENTION ASSESSMENT.] If the legislative commission determines that intervention might be warranted under the terms of subdivision 1, the commission may suspend the review process for up to 60 days to allow a pre-intervention assessment. The pre-intervention assessment shall be conducted by an independent, impartial, and qualified public intervenor appointed by the commission with the advice and consent of the parties to the dispute. The intervenor shall report to the commission. The report shall include:

(a) an assessment of whether the dispute is ripe for mediation and whether the parties are willing to mediate;

(b) an assessment of whether, within the terms of subdivision 1, substantive issues exist which cannot be resolved effectively through normal administrative and judicial procedures;

(c) a preliminary definition of the facts and issues in dispute and actions and decisions being considered;

(d) a description of the diverse parties having a legitimate and direct interest in the outcome of the dispute.

Subd. 3. [SUSPENSION OF REVIEW PROCESS; INTERVENTION PROCEEDING.] Following the report of the intervenor, the legislative commission may suspend the review process of an additional period not to exceed 90 days for an intervention proceeding. The intervenor shall be in charge of the intervention proceeding and may call for such participation and establish such procedures as he deems necessary and appropriate to facilitate agreement. The intervenor shall keep the chairman of the legislative commission informed on the progress of the intervention proceeding, particularly with respect to agreements or proposed agreements which may require action or decisions not within the authority of the agency or board, legislative action, or public financial assistance. The intervenor shall make recommendations to the commission respecting any such agreements or proposed agreements. The commission may make recommendations to the intervenor respecting any such agreement or proposed agreement. If the commission approves of an agreement, or a decision based upon an agreement, which requires action or decisions not within the authority of the agency or board, legislative action, or public financial assistance, the com-

mission shall cause the matter and recommendations to be submitted to the legislature for consideration.

Sec. 6. [JUDICIAL REVIEW.] *Judicial review with respect to conduct or decisions in reviews brought pursuant to section 3 of this article shall be as provided in article III, section 14.*

ARTICLE V

SOLID WASTE MANAGEMENT PLANNING ASSISTANCE PROGRAM

Section 1. [ESTABLISHMENT AND ADMINISTRATION.] *Commencing July 1, 1981, there is established a planning assistance program to provide technical and financial assistance to political subdivisions of the state for the purpose of encouraging and improving regional and local solid waste management planning activities and efforts. The program shall be administered by the agency, except in the metropolitan area where the program shall be administered by the metropolitan council pursuant to chapter 473. The agency shall promulgate rules pursuant to chapter 15 for its administration of the program outside the metropolitan area. The agency and the metropolitan council shall ensure conformance with existing agency rules and federal requirements and programs established pursuant to the Resource Conservation and Recovery Act of 1976 and amendments thereto.*

Sec. 2. [ELIGIBLE RECIPIENTS.] *Political subdivisions shall be eligible for assistance under the program.*

Sec. 3. [FINANCIAL ASSISTANCE.] *Eligible recipients may receive grants for up to 50 percent of the cost of the planning activity, except that planning by a regional development commission and joint planning by two or more contiguous counties or contiguous political subdivisions located within two or more counties may receive grants for up to 100 percent of the cost of the planning activity. Financial assistance provided under the program may be used to employ staff, contract with other units of government or qualified consultants, and pay such other planning expenses as the agency or metropolitan council may allow.*

Sec. 4. [TECHNICAL ASSISTANCE.] *The agency and metropolitan council shall provide for technical assistance for eligible recipients. The agency and metropolitan council shall provide model plans for regional and local solid waste management. The agency and metropolitan council may contract for the delivery of technical assistance by a regional development commission, any state or federal agency, or private consultants. The agency shall prepare and publish an inventory of sources of technical assistance for solid waste planning, including studies, publications, agencies, and persons available.*

Sec. 5. [CONTENTS.] Plans prepared by local units of government in the metropolitan area shall conform to the requirements of chapter 473. Plans prepared by political subdivisions outside the metropolitan area with assistance from the program shall conform to the requirements of this section. The plans shall describe existing collection, processing, and disposal systems, including schedules of rates and charges, financing methods, environmental acceptability, and opportunities for improvements in the systems. The plans shall include an estimate of the land disposal capacity in acre-feet which will be needed through the year 2000, on the basis of current and projected waste generation practices. The plans shall contain an assessment of opportunities to reduce the need for land disposal through waste reduction and resource recovery, the alternative degrees of reduction achievable, and a comparison of the costs of all such alternatives, including capital and operating costs, and the effects of all such alternatives on the cost to generators. The plans shall establish a siting procedure and development program to assure the orderly location, development, and financing of new or expanded solid waste facilities and services sufficient for a prospective ten-year period, including estimated costs and implementation schedules, proposed procedures for operation and maintenance, estimated annual costs and gross revenues, and proposals for the use of facilities after they are no longer needed or usable. The plans shall describe existing and proposed county and municipal ordinances and license and permit requirements relating to solid waste management and shall describe existing and proposed regulation and enforcement procedures. Plans for location, establishment, operation, maintenance, and post-closure use of facilities and facility sites, for ordinances, and for licensing, permit, and enforcement activities shall be consistent with the rules adopted by the agency pursuant to chapter 116. The plans shall address the resolution of conflicting, duplicative, or overlapping local management efforts. The plans shall address the establishment of joint powers management programs or waste districts where appropriate. The plans shall address such other matters as the rules of the agency may require consistent with the purposes of article V.

ARTICLE VI

SOLID WASTE MANAGEMENT DEMONSTRATION PROGRAM

Section 1. [DEMONSTRATION PROGRAM; ESTABLISHMENT; ADMINISTRATION.] Commencing July 1, 1981, there is established a solid waste management demonstration program to encourage and assist cities, counties, and solid waste management districts in the development and implementation of solid waste management projects of potential state wide application or significance and to transfer the knowledge and experience gained from such projects to other communities in the state. The program shall be administered so as to demonstrate the application of all feasible and prudent waste process-

ing methods, including waste reduction; waste separation by generators, collectors, and other persons; and waste processing. The program shall be administered by the agency in accordance with the requirements of article VI and rules promulgated by the agency pursuant to chapter 15.

Sec. 2. [TECHNICAL ASSISTANCE FOR DEMONSTRATION PROJECTS.] The agency shall ensure the delivery of the technical assistance necessary to proper implementation of each demonstration project funded under the program. The agency may contract for the delivery of technical assistance by any state or federal agency, a regional development commission, the metropolitan council, or private consultants and may use program funds to reimburse the agency, commission, council, or consultants. The agency shall prepare and publish an inventory of sources of technical assistance, including studies, publications, agencies, and persons available. The agency shall ensure state wide benefit from projects assisted under the demonstration program by developing exchange and training programs for local officials and employees and by using the experienced gained in demonstration projects to provide technical assistance and education for other solid waste management projects in the state. With at least one contract for financial assistance under the demonstration program, the agency shall provide a locally-based agent, approved by the recipient of the assistance, who shall be the chief project officer responsible to the recipient for technical assistance and implementation of the project.

Sec. 3. [ELIGIBLE PROJECTS; PRIORITIES.] The program shall be limited to projects which are determined by the agency to serve one of the following objectives: (a) the reduction of dependence on land disposal of solid waste; (b) the development of resource recovery facilities; (c) the development of systems for the separation of materials from solid waste for reuse or recycling; (d) the reduction of waste generation. In administering the program, the agency shall give priority to: (a) areas where natural geologic and soil conditions are unsuitable for land disposal of solid waste; (b) areas where the capacity of existing solid waste disposal facilities is determined by the agency to be less than five years; (c) projects demonstrating, in order of preference, waste reduction, waste separation, and waste processing. In administering the program, the agency shall allocate at least 15 percent of program funds, excluding those available under sections 6 to 8, to projects in each of the following categories: waste reduction; waste separation; and alternative methods of waste processing.

Sec. 4. [ELIGIBLE RECIPIENTS AND ACTIVITIES.] Eligible recipients for assistance under the program shall be limited to cities, counties, and solid waste management districts established pursuant to article VIII. Eligible recipients may apply for assistance for other persons. Activities eligible for assistance under the program include legal, financial, economic, educational, marketing, social, governmental, and administrative

activities related to the implementation of a demonstration project. Preliminary planning and development, feasibility study, and conceptual design costs shall also be eligible activities, but no more than 20 percent of the money appropriated for the demonstration program shall be used to fund such activities. Acquisition and construction costs for resource recovery facilities are eligible for capital assistance under sections 6 to 8.

Sec. 5. [APPLICATION REQUIREMENTS.] Applications for assistance under the program shall demonstrate: (a) that the project is conceptually and technically feasible; (b) that affected political subdivisions are committed to implement the project, to provide necessary local financing, and to accept and exercise the government powers necessary to the project; (c) that operating revenues from the project, considering the availability and security of sources of solid waste and of markets for recovered resources, together with any proposed federal, state, or local financial assistance, will be sufficient to pay all costs over the projected life of the project; (d) that the applicant has considered all other feasible and prudent waste processing alternatives for accomplishing the purposes of the proposed project and has compared and evaluated the costs of all such alternatives, including capital and operating costs, and the effects of all such alternatives on the cost to generators. The agency may require completion of a comprehensive solid waste management plan conforming to the requirements of article V, section 5 before accepting an application.

Sec. 6. [RESOURCE RECOVERY FACILITY DEMONSTRATION PROGRAM.] As part of the demonstration program established under article VI, the agency shall provide assistance pursuant to sections 6 to 8 to eligible recipients for the acquisition and betterment of demonstration resource recovery facilities or systems.

Sec. 7. [PURPOSES; PUBLIC INTEREST; DECLARATION OF POLICY.] The legislature finds that the establishment of resource recovery facilities and systems is needed to manage properly the solid waste generated in the state and to conserve and protect the natural resources in the state and the health, safety, and welfare of its citizens; that opportunities to establish such facilities and systems are not being fully realized by individual political subdivisions or by agreements among subdivisions; and that therefore it is necessary to provide capital assistance for demonstration resource recovery facilities and systems to stimulate and encourage the acquisition and betterment of such facilities and systems.

Sec. 8. [FINANCIAL ASSISTANCE.] Subdivision 1. **[GRANTS AND LOANS.]** Of revenues derived from the issuance of bonds authorized by article VII, section 2, for the purposes of the demonstration program, at least 70 percent shall be distributed as loans, and the remainder shall be distributed as

grants. An individual project may receive assistance totaling up to 100 percent of the capital cost of the project and grants up to 50 percent of the capital cost of the project.

Subd. 2. [CAPITAL COSTS; ASSURANCE OF FUNDS.] No grant or loan shall be disbursed to any recipient until the agency has determined the total estimated capital cost of the project and ascertained that financing of the cost is assured by funds provided by the state, by an agency of the federal government within the amount of funds then appropriated to that agency and allocated by it to projects within the state, by any person, or by the appropriation of proceeds of bonds or other funds of the recipient to a fund for the construction of the project.

Subd. 3 [OBLIGATIONS OF RECIPIENT.] No grant or loan for any project shall be disbursed until the governing body of the recipient has made an irrevocable undertaking, by resolution, to use all funds made available exclusively for the capital cost of the project and to pay any additional amount by which the cost of the project exceeds the estimate by appropriation to the construction fund of additional funds or proceeds of additional bonds of the recipient. The resolution shall also indicate that any subsequent withdrawal of allocated or additional funds of the recipient will impair the obligation of contract between the state of Minnesota, the recipient, and the bondholders. The resolution shall pledge payment to the debt service account of all revenues of the project to the extent that they exceed costs and shall also obligate the recipient to levy a tax sufficient to make timely payments under the loan agreement, if a deficiency occurs in the amount of user charges, taxes, special assessments, or other moneys pledged for payment under the loan agreement. Each loan made to a recipient shall be secured by resolutions adopted by the agency and the governing body of the recipient, obligating the recipient to repay the loan to the state treasurer in annual installments including both principal and interest. Installments shall be in an amount sufficient to pay the principal amount within the period required by the agency. The interest on the loan shall be calculated on the declining balance at a rate not less than the average annual interest rate on the state bonds of the issue from which proceeds of the loan were made. The resolution shall obligate the recipient to provide money for the repayment from user charges, taxes, special assessments or any other funds available to it.

ARTICLE VII

STATE WASTE MANAGEMENT BONDS

Section 1. [WASTE MANAGEMENT FUND.] Subdivision 1. [CREATION; RECEIPTS.] The commissioner of finance shall maintain a Minnesota state waste management fund. The fund shall receive the proceeds of state bonds and

other money appropriated to the fund and disburse money for the acquisition of real property and interests in real property for hazardous waste facility sites and surrounding buffer and impact areas, as authorized by article II, section 3, subdivision 4 and money to be granted or loaned to political subdivisions pursuant to the capital assistance program created by article VI, sections 6 to 8. The commissioner of finance and state treasurer shall deposit in the fund as received (a) all proceeds of Minnesota state waste management bonds, except accrued interest and premiums received upon the sale of the bonds; (b) all other money appropriated by law for purposes stated in article VII, and (c) all money granted to the state for those purposes by the federal government or any agency thereof. All the receipts are annually appropriated for the purposes of the fund, and shall remain available until expended.

Subd. 2. [DISBURSEMENTS.] Disbursements from the fund shall be made at the times and in the amounts authorized by the agency or board in accordance with applicable state laws and the agency's or board's rules.

Sec. 2. [MINNESOTA STATE WASTE MANAGEMENT BONDS.] Subdivision 1. [AUTHORITY TO ISSUE BONDS.] The commissioner of finance shall sell bonds of the state of Minnesota for the prompt and full payment of which, together with interest, the full faith, credit, and taxing powers of the state are irrevocably pledged. Bonds shall be sold only upon request of the agency and in the amount as may otherwise be authorized by this or a subsequently enacted law which authorizes the sale of additional bonds and the deposit of the proceeds in the state waste management fund. Any authorized amount of bonds in this law or any subsequently enacted law authorizing the issuance of bonds for the purposes of the state waste management fund, together with this section, constitute complete authority for the issue. The bonds shall not be subject to restrictions or limitations contained in any other law.

Subd. 2. [ISSUANCE OF BONDS.] Upon request by the agency and upon authorization as provided in subdivision 1, the commissioner of finance shall sell Minnesota state waste management bonds. The bonds shall be in the aggregate amount requested, and sold upon sealed bids upon the notice, at the price, in the form and denominations, bearing interest at the rate or rates, maturing in the amounts and on the dates (without option of prepayment or subject to prepayment upon the notice and at the times and prices), payable at the bank or banks within or outside the state (with provisions for registration, conversion, and exchange and for the issuance of notes in anticipation of the sale or delivery of definitive bonds), and in accordance with any further provisions as the commissioner of finance shall determine. The sale is subject to the approval of the attorney general, but not subject to the provisions of Minnesota Statutes, Sections 15.0411 to 15.0422. The bonds shall be executed by the commissioner of finance and attested

by the state treasurer under their official seals. The signatures of the officers on the bonds and any interest coupons and their seals may be printed, lithographed, engraved, or stamped thereon, except that each bond shall be authenticated by the manual signature on its face of one of the officers or of an officer of a bank designated by them as authenticating agent. The commissioner of finance shall ascertain and certify to the purchasers of the bonds the performance and existence of all acts, conditions, and things necessary to make them valid and binding general obligations of the state of Minnesota, subject to the approval of the attorney general.

Subd. 3. [EXPENSES.] All expenses incidental to the sale, printing, execution, and delivery of bonds pursuant to this section, including but not limited to actual and necessary travel and subsistence expenses of state officers and employees for these purposes, and any expenses of litigation relating to the validity of the bonds, shall be paid from the waste management fund, and the amounts necessary are appropriated from that fund.

Subd. 4. [DEBT SERVICE ACCOUNT IN THE STATE WASTE MANAGEMENT FUND.] The commissioner of finance shall maintain in the Minnesota state waste management fund a separate account to be called the state waste management debt service account. It shall record receipts of premium and accrued interest, loan repayments, project revenue or other money transferred to the fund and income from the investment of the money and record any disbursements to pay the principal and interest on waste management bonds. Income from investment shall be credited to the account in each fiscal year. The amount credited shall be equal to the average return that year on all funds invested by the state treasurer, as determined by the treasurer, times the average balance in the account that year.

Subd. 5. [APPROPRIATIONS TO DEBT SERVICE ACCOUNT: APPROPRIATION FROM ACCOUNT TO PAY DEBT SERVICE.] The premium and accrued interest received on each issue of Minnesota waste management bonds, and all payments received in repayment of loans and other revenue received are appropriated to the debt service account. All income from the investment of the Minnesota state waste management fund is appropriated to the debt service account. In order to reduce the amount of taxes otherwise required to be levied, there is also appropriated to the debt service account from any funds available in the general fund on November 1 in each year, a sum of money sufficient in amount, when added to the balance then on hand, to pay all principal and interest on Minnesota waste management bonds due and to become due before July 1 in the second ensuing year. So much of the debt service account of the state waste management fund as is necessary to pay principal and interest on waste management bonds is annually appropriated from the debt service account for the payment of principal and interest of the waste management bonds. All funds appropriated by this subdivision shall be available in the debt service account

prior to any levy of the tax in any year required by the Minnesota Constitution, Article XI, Section 7.

Subd. 6. [SECURITY.] On or before December 1 in each year the state auditor shall levy on all taxable property within the state whatever tax may be necessary to produce an amount sufficient, with all money currently credited to the debt service account, to pay the entire amount of principal and interest currently due and the principal and interest to become due before July 1 in the second year thereafter on Minnesota waste management bonds. This tax shall be levied upon all real property used for the purposes of a homestead, as well as other taxable property, notwithstanding the provisions of Minnesota Statutes, Section 273.13, Subdivisions 6 and 7, and shall be subject to no limitation of rate or amount until all the bonds and interest thereon are fully paid. The proceeds of this tax are appropriated to the debt service account. The principal of an interest on the bonds are payable from the proceeds of this tax.

Sec. 3. [BOND AUTHORIZATION AND APPROPRIATION OF PROCEEDS.] The commissioner of finance is authorized, upon request of the agency, to sell Minnesota state waste management bonds in the amount of up to \$100,000,000 in the manner and upon the conditions prescribed in article VII, section 2, and in the Minnesota Constitution, Article XI, Sections 4 to 7. Of this amount, up to five percent may be issued for the purpose of acquiring real property and interests in real property for hazardous waste facility sites as authorized by article II, section 3, subdivision 4 and the remainder may be issued for the purposes of the capital assistance program established pursuant to article VI, sections 6 to 8. The proceeds of the bonds, except as provided in section 2, subdivision 5, are appropriated to the Minnesota state waste management fund. The amount of bonds issued pursuant to this authorization shall not exceed at any time the amount needed to produce a balance in the waste management fund equal to the aggregate amount of the loans and grants then approved and not previously disbursed, plus the amount of the loans and grants to be approved in the current and the following fiscal year, as estimated by the agency.

ARTICLE VIII

SOLID WASTE MANAGEMENT DISTRICTS

Section 1. [PURPOSE; PUBLIC INTEREST; DECLARATION OF POLICY.] The legislature finds that the development of integrated and coordinated solid waste management systems is needed to manage properly the solid waste generated in the state and to conserve and protect the natural resources in the state and the health, safety, and welfare of its citizens; that this need cannot always be met solely by the activities of individual political subdivisions or by agreements among subdivisions; and that therefore it is necessary to establish a procedure

for the creation of solid waste management districts having the powers and performing the functions prescribed in article VIII.

Sec. 2. [SOLID WASTE MANAGEMENT DISTRICTS.]
Subdivision 1. [LEGAL STATUS.] *Solid waste management districts established pursuant to article VIII shall be public corporations and political subdivisions of the state.*

Subd. 2. [ESTABLISHMENT BY AGENCY.] *The agency may establish waste districts as public corporations and political subdivisions of the state, define the powers of such districts in accordance with article VIII, define and alter the boundaries of such districts as provided in section 3, and terminate districts as provided in section 5. The agency shall promulgate rules pursuant to chapter 15 governing the establishment, alteration, and termination of districts.*

Subd. 3. [RESTRICTIONS.] *No waste district shall be established within the boundaries of the western lake superior sanitary district established by Laws 1971, Chapter 478, as amended. No waste district shall be established wholly within one county. The agency shall not establish a waste district within or extending into the metropolitan area, nor define or alter the powers or boundaries of such a district, without the approval of the metropolitan council. The council shall not approve such a district unless the articles of incorporation of the district require that the district will have the same procedural and substantive responsibilities, duties, and relationship to the metropolitan agencies as a metropolitan county. The agency shall not establish a district unless it determines that the petitioners would be unable to fulfill the purposes of the district through joint action under Minnesota Statutes, section 471.59. The agency may require the completion of a comprehensive solid waste management plan conforming to the requirements of article V, section 5, by petitioners seeking to establish a district.*

Sec. 3. [PROCEDURE FOR ESTABLISHMENT AND ALTERATION.]
Subdivision 1. [LOCAL PETITION.] *Waste districts shall be established and their powers and boundaries defined or altered by the agency only after petition requesting such action jointly submitted by the governing bodies of petitioners comprising at least one-half of the counties partly or wholly within the district. A petition for alteration shall include a resolution by the board of directors of the district approving the alteration.*

Subd. 2. [PETITION CONTENTS.] *A petition requesting establishment or alteration of a waste district shall contain such information as the agency may require, including at least the following:*

- (a) *the name of the proposed district;*

(b) a description of the territory and political subdivisions within and the boundaries of the proposed district or alteration thereto, along with a map showing the district or alteration;

(c) resolutions of support for the district, as proposed to the agency, from the governing body of each of the petitioning counties;

(d) a statement of the reason, necessity, and purpose for the district, plus a general description of the solid waste management improvements and facilities contemplated for the district showing how its activities will accomplish the purpose of the district and the purposes for waste resource districts stated in article VIII;

(e) articles of incorporation stating the powers of the district consistent with article VIII, including a statement of powers proposed pursuant to sections 9 and 10.

After the petition has been filed, no petitioner may withdraw from it except with the written consent of all other petitioners filed with the agency.

Subd. 3. [LOCAL REVIEW AND COMMENT.] At least 60 days before submitting the petition to the agency, the petitioners shall publish notice of the petition in newspapers of general circulation in the proposed district and shall cause a copy of the petition to be served upon the agency and the governing body of each political subdivision which is wholly or partly within the proposed district or is affected by the proposed alteration. Each entity receiving service shall have 60 days within which to comment to the petitioners on the petition and the proposed district or alteration. Proof of service, along with any comments received, shall be attached to the petition when it is submitted to the agency.

Subd. 4. [REVIEW PROCEDURES.] Upon receipt of the petition, the director of the agency shall determine whether the petition conforms in form and substance to the requirements of law and rule. If the petition does not conform to the requirements, the director shall return it immediately to the petitioners with a statement describing the deficiencies and the amendments necessary to rectify them. If the petition does conform to the requirements, and if comments have been received objecting to the establishment or alteration of the district as proposed, the director shall request the office of hearing examiners to conduct a hearing on the petition. The hearing shall be conducted in the proposed district in the manner provided in chapter 15 for contested cases.

Subd. 5. [CORRECTIONS ALLOWED.] No petition submitted by the requisite number of counties shall be void or dismissed on account of defects exposed in the hearing documents

or report. The agency shall permit the petition to be amended in form and substance to conform to the facts by correcting any errors in the description of the territory or any other defects.

Subd. 6. [AGENCY ORDER.] After consideration of the report of the hearing examiner and whether the proposed boundaries, purposes, powers, and management plans of the district or alteration thereto serve the purposes of waste resource districts, are approximately related to the waste generation, collection, processing, and disposal patterns in the area, and are generally consistent with the purposes of the agency's regulatory program, the agency shall make a final decision on the petition. If the agency finds and determines that the establishment or alteration of a district as proposed in the petition would not be in the public interest and would not serve the purposes of article VIII, it shall, by its decision, dismiss the proceedings and mail a copy of its decision to the governing body of each affected political subdivision. If the agency finds and determines that the establishment or alteration of a district as proposed in the petition would be in the public interest and would serve the purposes of article VIII, it shall, by order, establish the district, define its boundaries, and give it a corporate name by which, in all proceedings, it shall thereafter be known. The order shall include articles of incorporation stating the powers of the district and the location of its registered office. Upon the filing of a certified copy of the order of the agency with the secretary of state, the district shall become a political subdivision of the state and a public corporation, with the authority, power, and duties prescribed in article VIII and the order of the agency. At the time of filing, a copy of the order shall be mailed by the agency to the governing body of each political subdivision wholly or partly within the district or affected by the alteration of the district.

Sec. 4. [PERPETUAL EXISTENCE.] A waste district created under the provisions of article VII shall have perpetual existence to the extent necessary to perform all acts necessary and proper for carrying out and exercising the powers and duties expressly given in it. A district shall not be terminated except pursuant to section 5.

Sec. 5. [TERMINATION.] Subdivision 1. [PETITION.] Proceedings for the termination of a district shall be initiated by the filing of a petition with the agency. The petition shall be submitted by the governing bodies of not less than 50 percent of the counties which are in the district. The petition shall state that the existence of the district is no longer in the public interest. The petitioners shall publish notice of the petition in newspapers of general circulation in the district and shall cause to be served upon each political subdivision wholly or partly within the district a copy of the petition, and proof of service shall be attached to the petition filed with the agency.

Subd. 2. [BOND; PAYMENT OF COSTS.] If the petition is dismissed or denied, the petitioners shall be required to pay all costs and expenses of the proceeding for termination. At the time of filing the petition a bond shall be filed by the petitioners with the agency in such sum as the agency determines to be necessary to ensure payment of costs.

Subd. 3. [HEARING; DECISION.] If objection is made to the agency against the petition for termination, a contested case hearing on the petition shall be held in the waste district pursuant to chapter 15. If the agency determines after the hearing that the termination of the district as proposed in the petition would not be in the public interest, the agency shall dismiss the petition and all costs of the proceeding shall be assessed against the petitioner. If the agency determines that the existence of the district is no longer in the public interest, the agency shall by its findings and order terminate the district. Upon the filing of a certified copy of the findings and order with the secretary of state the district shall cease to be a public corporation and a political subdivision of the state.

Subd. 4. [LIMITATION.] The agency shall not entertain a petition for termination of a district within five years from the date of the formation of the district nor shall the agency entertain a petition for termination of the same district more often than once in five years.

Sec. 6. [ORGANIZATION OF DISTRICT.] The governing body of each county wholly or partly within the district shall appoint two persons to serve on the first board of directors of the district. The first chairperson of the board of directors shall be appointed by the agency and shall be a local elected official within the district. The first chairperson shall serve for a term of two years. Thereafter the chairperson shall be elected from outside the board of directors by majority vote of the board of directors. The first meeting of the board of directors shall be held at the call of the chairperson, after notice, for the purpose of proposing the by laws, electing officers and for any other business that comes before the meeting. The by laws of the district, and amendments thereto, shall be adopted by a majority vote of the board of directors unless the certificate of incorporation requires a greater vote. The by laws shall state:

(a) the manner and time of calling regular meetings of the representatives and the board of directors, not less than once annually;

(b) the title, manner of selection, and term of office of officers of the district;

(c) the term of office of members of the board of directors, the manner of their removal, and the manner of filling vacancies on the board of directors;

(d) *the powers and duties of the board of directors consistent with the order and articles of incorporation establishing the district;*

(e) *the definition of a quorum for meetings of the board of directors, which shall be not less than a majority of the members;*

(f) *the compensation and reimbursement for expenses for members of the board of directors, which shall not exceed that provided for in section 15.0575, subdivision 3;*

(g) *such other provisions for regulating the affairs of the district as the board of directors shall determine to be necessary.*

Sec. 7. [REGISTERED OFFICE.] *Every district shall maintain an office in this state to be known as its registered office. When a district desires to change the location of its registered office, it shall file with the secretary of state and the director of the agency, a certificate stating the new location by city, town, or other community and effective date of change. When the certificate has been duly filed, the board of directors may make the change without any further action.*

Sec. 8. [POWERS.] Subdivision 1. [GENERAL.] *A district shall have all powers necessary or convenient to perform its duties, including the powers provided in this section.*

Subd. 2. [ACTIONS.] *The district may sue and be sued, and shall be a public body within the meaning of chapter 562.*

Subd. 3. [ACQUISITION OF PROPERTY.] *The district may acquire by purchase, lease, condemnation, gift, or grant, any right, title, and interest in and to real or personal property deemed necessary for the exercise of its powers or the accomplishment of its purposes, including positive and negative easements and water and air rights. Any local government unit and the commissioners of transportation, natural resources, and administration may convey to or permit the use of any property or facilities by the district, subject to the rights of the holders of any bonds issued with respect thereto, with or without compensation and without an election or approval by any other government agency. The district may hold the property for its purposes, and may lease or rent the property so far as not needed for its purposes, upon the terms and in the manner as it deems advisable. The right to acquire lands and property rights by condemnation shall be exercised in accordance with Minnesota Statutes, Chapter 117. The district may take possession of any property for which condemnation proceedings have been commenced at any time after the issuance of a court order appointing commissioners for its condemnation.*

Subd. 4. [RIGHT OF ENTRY.] Whenever the district deems it necessary to the accomplishment of its purposes, the district or any member, employee, or agent thereof, when authorized by it, may enter upon any property, public or private, for the purpose of obtaining information or conducting surveys or investigations, provided that the entrance and activity is undertaken after reasonable notice and during normal business hours and provided that compensation is made for any damage to the property caused by the entrance and activity.

Subd. 5. [GIFTS AND GRANTS.] The district may apply for and accept gifts, loans, or other property from the United States, the state, or any person for any of its purposes, may enter into any agreement required in connection therewith, and may hold, use, and dispose of the money or property in accordance with the terms of the gift, grant, loan or agreement.

Subd. 6. [PROPERTY EXEMPT FROM TAXATION.] Any real or personal property owned, leased, controlled, used, or occupied by the district for any authorized purpose is declared to be acquired, owned, leased, controlled, used and occupied for public and governmental purposes, and shall be exempted from taxation by the state or any political subdivision of the state, provided that those properties shall be subject to special assessments levied by a political subdivision for a local improvement in amounts proportionate to and not exceeding the special benefit received by the properties from the improvement. No possible use of the properties in any manner different from their use for solid waste management at the time shall be considered in determining the special benefit received by the properties. All bonds, certificates of indebtedness or other obligations of the district shall be exempted from taxation by the state or any political subdivision of the state. Interest on the obligations of the district shall be exempted from taxation in the same manner provided for interest on obligations qualifying under section 290.08, subdivision 7.

Subd. 7. [FACILITIES AND SERVICES.] The district may construct, equip, develop, enlarge, improve, and operate solid waste facilities and services as it deems necessary and may negotiate contracts for the use of public or private facilities and services. Whenever practicable, the district shall contract with private persons for the construction, maintenance, and operation of solid waste facilities.

Subd. 8. [RATES; CHARGES.] The district may establish and collect rates and charges for the facilities and services provided and may negotiate and collect rates and charges for facilities and services contracted for by the district. The board of directors of the district may agree with the holders of district obligations which are secured by revenues of the district as to the maximum or minimum amounts which the district shall charge and collect for services provided by the district. Before

establishing or raising any rates and charges the board of directors shall hold a public hearing regarding the proposed rates and charges. Notice of the hearing shall be published at least once in a legal newspaper of general circulation throughout the area affected by the rates and charges. Publication shall be no more than 45 days and no less than 15 days prior to the date of the hearing.

Subd. 9. [DISPOSITION OF PROPERTY.] The district may sell or otherwise dispose of any real or personal property acquired by it which is no longer required for accomplishment of its purposes. The property shall be sold in the manner provided by Minnesota Statutes, Section 458.196, insofar as practical. The district shall give notice of sale which it deems appropriate. When the district determines that any property which has been acquired from a government unit without compensation is no longer required, the district shall transfer it to the government unit.

Subd. 10. [DISPOSITION OF PRODUCTS AND ENERGY.] The district may use, sell, or otherwise dispose of all of the products and energy produced by its facilities. The district may, on a competitive basis, enter into short or long term contracts, make spot sales, solicit bids, enter into direct negotiations, deal with brokers, or use such other methods of disposal as it chooses, provided that the dealings of the district shall be on a competitive basis so as not to create an unfair or unreasonable advantage or restraint of trade on the part of the district. The district shall give particular consideration to the needs of purchasers in this state and shall actively promote sales to such purchasers so long as this can be done at prices and under conditions that meet constitutional requirements and that are consistent with the district's object of being financially self supporting to the greatest extent possible.

Subd. 11. [CONTRACTS.] The district may enter into any contract necessary or proper for the exercise of its powers or the accomplishment of its purposes.

Subd. 12. [JOINT POWERS.] The district may act under the provisions of Minnesota Statutes, Section 471.59, or any other law providing for joint or cooperative action between government units.

Subd. 13. [RESEARCH.] The district may conduct research studies and programs, collect and analyze data, prepare reports, maps, charts, and tables, and conduct all necessary hearings and investigations in connection with its work and may advise and assist other government units on planning matters within the scope of its powers, duties, and objectives.

Subd. 14. [EMPLOYEES; CONTRACTS FOR SERVICES.] The district may employ persons or firms and contract for ser-

VICES TO PERFORM ENGINEERING, LEGAL OR OTHER SERVICES NECESSARY TO CARRY OUT ITS FUNCTIONS.

Subd. 15. [INSURANCE.] The district may require any employee to obtain and file with it an individual bond or fidelity insurance policy. It may procure insurance in amounts it deems necessary to insure against liability of the board of directors and employees or both, for personal injury or death and property damage or destruction, with the force and effect stated in Minnesota Statutes, Chapter 466, and against risks of damage to or destruction of any of its facilities, equipment, or other property as it deems necessary.

Subd. 16. [REVIEW OF PROJECTS.] The district may require that persons shall not acquire, construct, alter, reconstruct or operate a solid waste facility within the district without prior consultation with and approval of the district.

Subd. 17. [COLLECTION SERVICES; LIMITATION OF POWER.] A district shall not provide collection service unless it is unable to secure the service from private providers.

Sec. 9. [DESIGNATION OF RESOURCE RECOVERY FACILITIES; REQUIRED USE.] Subdivision 1. [GENERAL.] A district may be authorized by the order and articles of incorporation establishing the district to require that all or any portion of the solid waste that is generated within its boundaries or any service area thereof and is deposited within the state be taken for processing to a resource recovery facility designated by the district or a transfer station serving such a facility.

Subd. 2. [STANDARDS.] In determining whether to designate and require use of resource recovery facilities the district shall consider whether:

(a) the required use will result in the recovery of resources or energy from materials which would otherwise be wasted;

(b) the required use will lessen the demand for and use of land disposal;

(c) the required use is necessary for the financial support of the facility;

(d) less restrictive methods for ensuring an adequate solid waste supply are available;

(e) the applicant has considered all other feasible and prudent waste processing alternatives for accomplishing the purposes of the proposed project and has compared and evaluated the costs of all such alternatives, including capital and operating

costs, and the effects of all such alternatives on the cost to generators.

Subd. 3. [EXEMPTION.] The district shall not designate and require use of facilities for materials which are separated from solid waste and recovered for reuse or recycling by the generator, by a private person under contract with the generator, or by a licensed solid waste collector.

Subd. 4. [PROCEDURE.] The district shall proceed as follows when designating and requiring use of facilities:

(a) The district shall notify those persons whom the district has determined should use the facilities. Notification to political subdivisions shall be in writing. All other persons shall be notified at least by publication in a legal newspaper or newspapers having general circulation in the area. The notification shall specify types and quantities of solid wastes, plans for use of the solid wastes, the point of delivery of the solid wastes, and the fee to be charged. During a period of 90 days following the notification, the district shall negotiate with the persons within the areas to be served in order to develop contractual agreements on the terms of required use of the designated facilities.

(b) If contracts have not been made at the end of the 90 day period, or if persons subject to the required use have not made arrangements sufficient to justify exemption under subdivision 3, the district shall hold a public hearing to take testimony on the required use of the designated facilities. The hearing shall be preceded by the notice required under clause (a).

(c) If contracts have not been made within 30 days after the public hearing, or if persons subject to the required use have not made arrangements sufficient to justify exemption under subdivision 3, the district may order any person identified in the notice of the district to use the designated facilities, starting at a specified date which shall be at least 30 days after the order has been issued.

Subd. 5. [SERVICE GUARANTEE.] The district shall not arbitrarily terminate, suspend, or curtail services provided to any person required pursuant to this section to use designated facilities without the consent of the person or without just cause.

Subd. 6. [TERMINATION.] Use required under contract or order pursuant to this section may be terminated by a person upon an adequate showing to the district that the solid waste has value and that arrangements have been made by the person sufficient to justify exemption under subdivision 3, unless the district determines that the requirement must be continued to assure delivery of waste necessary to the financial support of the district facilities.

Sec. 10. [BONDING AND TAXING POWERS.] *Subdivision 1. [GENERAL.] A district may exercise any or all of the bonding and taxing powers provided in this section to the extent such powers are authorized by the order of the agency establishing the district and by its articles of incorporation.*

Subd. 2. [DEBT.] The district's bonds shall be sold, issued, and secured in the manner provided in chapter 475 and the district shall have the same powers and duties as a municipality and its governing body in issuing bonds under that chapter. No election shall be required. The bonds may be sold at any price and at public or private sale as determined by the district and shall not be subject to any limitation as to rate.

Subd. 3. [REVENUE BONDS.] A district may borrow money and incur indebtedness by issuing bonds and obligations which are payable solely:

(a) from revenues, income, receipts, and profits derived by the district from its operation and management of solid waste facilities;

(b) from the proceeds of warrants, notes, revenue bonds, debentures, or other evidences of indebtedness issued and sold by the district which are payable solely from such revenues, income, receipts, and profits;

(c) from federal or state grants, gifts, or other moneys received by the district which are available therefor.

Every issue of revenue bonds by the district shall be payable out of any funds or revenues from any facility of the district, subject only to agreements with the holders of particular bonds or notes pledging particular revenues or funds. If any facility of the district is funded in whole or in part by Minnesota state waste management bonds pursuant to articles VI and VII the state bonds shall take priority. The district may provide for priorities of liens in the revenues between the holders of district obligations issued at different times or under different resolutions. The district may provide for the refunding of any district obligation through the issuance of other district obligations entitled to rights and priorities similar in all respects to those held by the obligations that are refunded.

Subd. 4. [GENERAL OBLIGATION BONDS.] The district may borrow money and incur indebtedness by issuing its bonds and obligations for the payment of which the full faith and credit of the district are pledged. By October 1 of each year the treasurer of the board of directors shall examine the debt service fund of the district and determine whether or not there are sufficient funds to pay all principal and interest of bonds coming due the following year. If the available funds are insufficient, the treasurer shall notify and direct each county or city

auditor within the district to levy a tax. If the tax is to be levied solely in proportion to the value of the property in the district, the commissioner of revenue is authorized to adjust the rate of taxation pursuant to section 270.12, subdivision 3. The tax shall be subject to no limitation of rate or amount until the money in the debt service fund becomes sufficient to pay all principal and interest payments coming due. Taxes levied by the district for the payment of its bonds in accordance with section 475.61 shall be included in computing the levy limitations under section 275.11. If the tax required by section 475.61 to be levied for any year of the term of a bond issue upon would, when added to the taxes levied by a political subdivision for all purposes in the year preceding such issue, exceed the limitations prescribed in section 275.11, the bonds shall not be issued without the consent by resolution of the governing body of the political subdivision.

Sec. 11. [AUDIT.] *The board of directors, at the close of each year's business, shall cause an audit of the books, records and financial affairs of the district to be made by a certified public accountant or the state auditor. Copies of a written report of the audit, certified to by the auditors, shall be placed and kept on file at the principal place of business of the district and shall be filed with the secretary of state and the agency.*

ARTICLE IX

NONMETROPOLITAN COUNTIES

Section 1. Minnesota Statutes 1978, Section 400.03, Subdivision 1, is amended to read:

400.03 [DEFINITIONS.] Subdivision 1. For the purposes of sections 400.01 to 400.17 the terms defined in this section have the meaning given them. The terms defined in (MINNESOTA STATUTES 1969,) chapter 116 and article I, section 3, also apply to the terms used in sections 400.01 to 400.17.

Sec. 2. Minnesota Statutes 1978, Section 400.04, is amended to read:

400.04 [SOLID WASTE MANAGEMENT PROGRAM.] Subdivision 1. [GENERAL.] Any county may conduct a solid waste management program which may include activities authorized by sections 400.01 to 400.17 and such other activities as are necessary and convenient to effectively carry out the purposes of sections 400.01 to 400.17.

Subd. 2. [ACQUISITION OF REAL PROPERTY.] A county may acquire by gift, lease, purchase or eminent domain as provided by law any land or interest in land upon such terms and conditions as it shall determine, including the use of contracts for deed, within or outside of the county, which the board deems suitable for these purposes; provided that no such land or

interest in land situated in any other county shall be acquired without the approval by resolution of the county board thereof.

Subd. 3. [ACQUISITION, CONSTRUCTION AND OPERATION OF PROPERTY AND FACILITIES.] A county may *acquire*, construct, enlarge, improve, repair, supervise, control, maintain, and operate any and all *solid waste facilities and other property and facilities* needed, *used, or useful* for (A) solid waste management (PROGRAM) *purposes*, and may purchase and lease materials, equipment, machinery and such other personal property as is necessary for such purposes upon terms and conditions determined by the board including the use of conditional sales contracts and lease-purchase agreements. A county may employ such personnel as are reasonably necessary for the care, maintenance and operation of such *property and facilities*. *Whenever practicable, a county shall contract with private persons for the construction, maintenance, and operation of solid waste facilities.*

Subd. 4. [MANAGEMENT AND SERVICE CONTRACTS.] A county may enter into contracts for the construction, installation, maintenance and operation of *property and facilities* on private or public lands and may contract for the furnishing of solid waste management services.

Subd. 5. [PLANS.] The county may provide for surveys and plans to determine locations available, appropriate, and suitable for *property and facilities* needed for the program, and plans for the improvement of (SITES) *property and facilities*.

Subd. 6. [EXPENDITURE OF FUNDS.] A county is authorized to expend funds for the purposes enumerated in this section and for any other activities necessary to an efficient solid waste *management* program.

Sec. 3. Minnesota Statutes 1978, Section 400.06, is amended to read:

400.06 [INSPECTION; COOPERATION WITH AGENCY.] All counties shall provide for the periodic inspection of *mixed municipal* solid waste (COLLECTION, STORAGE, TRANSPORTATION AND DISPOSAL) facilities and *mixed municipal solid waste management property and facilities* located and being operated within their respective boundaries to determine whether (SUCH) *the property and facilities* are being maintained and operated in compliance with applicable county ordinances and rules, regulations, standards, orders, permits, and requirements of the agency. In the event that (SUCH) *the property and facilities* are not so in compliance, the county board shall take (SUCH) actions (AS ARE) necessary to assure future compliance with all applicable ordinances, rules, regulations, standards and requirements, according to law, and shall cooperate with the agency in obtaining and maintaining (SUCH)

compliance. *All inspectors provided or used by the county under this section shall be certified by the agency in accordance with section 116.41.*

Sec. 4. Minnesota Statutes 1978, Section 400.07, is amended to read:

400.07 [DEVELOPMENT OF RESOURCE RECOVERY SYSTEMS.] All counties shall cooperate with the agency in the *planning*, development and implementation of *resource recovery* systems (FOR THE RECOVERY AND USE OF MATERIALS AND ENERGY FROM SOLID WASTE), and toward that end, shall modify applicable county ordinances consistent with rules (, REGULATIONS) and standards of the agency (CONCERNING THIS SUBJECT).

Sec. 5. Minnesota Statutes 1978, Section 400.13, is amended to read:

400.13 [SOLID WASTE MANAGEMENT FUND.] Any county *owning or operating* solid waste management *property or facilities* pursuant to section 400.04, subdivision 3, and establishing fees for the provision of services by the county pursuant to section 400.08, shall continuously maintain a special account on its official books and records designated as the solid waste management fund, to which it shall credit all receipts from the rates and charges authorized in section 400.08 and from the sale of real or personal property pertaining to (THE) solid waste (DISPOSAL SYSTEM) *management purposes*, and the proceeds of all gifts, grants, loans, and issues of bonds for (THE) *such purposes (OF THE SYSTEM)*, and to which it shall charge all costs of the acquisition, construction, enlargement, improvement, repair, supervision, control, maintenance, and operation of (THE SYSTEM AND OF ALL FACILITIES INCLUDED THEREIN) *property, facilities, and services*. Separate accounts may be established within this fund for the segregation of revenues pledged for the payment of bonds or loans, or money granted or borrowed for use for a specific purpose.

Sec. 6. Minnesota Statutes 1978, Section 400.16, is amended to read:

400.16 [SOLID WASTE AND SEWAGE SLUDGE DISPOSAL REGULATIONS.] The county may by ordinance establish and (FROM TIME TO TIME) revise rules, regulations, and standards for solid waste *and sewage sludge* management and land pollution, relating to (a) the location, sanitary operation, and maintenance of solid waste (MANAGEMENT) *facilities and sewage sludge disposal facilities* by the county and any municipality or other public agency and by private operators; (b) the collection, (TRANSPORTATION, STORAGE) *processing*, and disposal of solid waste *and sewage sludge*; (c) the amount and type of equipment required in relation to the amount and type of material received at any *solid waste facility or sew-*

age sludge disposal facility; (d) the control of salvage operations, water or air or land pollution, and rodents *at such facilities*; (e) the termination or abandonment of *such facilities* or activities; and (f) (SUCH) other matters *relating to such facilities* as may be determined necessary for the public health, welfare, and safety. *The county shall adopt such ordinances for mixed municipal solid waste management.* The county (MAY ISSUE) *shall make provision for issuing permits or licenses for mixed municipal solid waste (MANAGEMENT) facilities and (MAY) shall require that such facilities be registered with an appropriate county office. The county ordinance shall not prevent or restrain the location, establishment, operation, expansion, continuance, or closure of any solid waste or sewage sludge disposal facility in accordance with certificates, permits and other approvals by state agencies pursuant to Article IV, except that ordinances approved by the agency as being consistent with the establishment and use of facilities in accordance with such certificates, permits, and approvals may impose conditions respecting the construction, inspection, monitoring, and maintenance of a facility. No permit or license shall be issued for a mixed municipal solid waste facility unless the applicant has demonstrated the availability of sufficient solid waste to provide operating revenues necessary to operate the facility in accordance with applicable state and local laws, ordinances, and rules.* The county ordinance (MAY) *shall require appropriate procedures for termination or abandonment of any mixed municipal solid waste facilities or services, which shall include provision for long term monitoring for possible land pollution, and for the payment by the owners or operators thereof, or both, of any costs incurred by the county in completing such procedures. In the event the operators or owners fail to complete such procedures in accordance with the ordinance, the county may recover the costs of completion in a civil action in any court of competent jurisdiction or, in the discretion of the board, the costs may be certified to the county auditor as a special tax against the land to be collected as other taxes are collected. The ordinance may be enforced by injunction, action to compel performance, or other appropriate action in the district court. Any ordinance enacted under this section shall embody minimum standards and requirements established by rule of the agency.*

Sec. 7. Minnesota Statutes 1978, Section 400.161, is amended to read:

400.161 [HAZARDOUS WASTE REGULATIONS.] The county may by ordinance establish and (FROM TIME TO TIME) revise rules, regulations, and standards (FOR HAZARDOUS WASTE MANAGEMENT) relating to (a) identification of hazardous waste, (b) the labeling and classification of hazardous waste, (c) the (HANDLING,) collection, transportation *processing, disposal,* and storage of hazardous waste, (d) (THE ULTIMATE DISPOSAL SITE OF THE HAZARDOUS WASTE, AND (E) SUCH) other matters as may be determined

necessary for the public health, welfare and safety. The county may issue permits or licenses for hazardous waste generation and may require the generators be registered with a county office. *The county ordinance shall not prevent or restrain the location, establishment, operation, expansion, continuance, or closure of any hazardous waste facility in accordance with certificates, permits, and other approvals by state agencies pursuant to articles III and IV, except that ordinances approved by the agency as being consistent with the establishment and use of facilities in accordance with such certificates, permits, and approvals may impose conditions respecting the construction, inspection, monitoring, and maintenance of a facility.* The ordinance may require appropriate procedures for the payment by the generator of any costs incurred by the county in completing such procedures. If the generator fails to complete such procedures, the county may recover the costs of completion in a civil action in any court of competent jurisdiction or, in the discretion of the board, the costs may be certified to the county auditor as a special tax against the land as other taxes are collected. The ordinance may be enforced by injunction, action to compel performance, or other action in district court. Any ordinance under this section shall embody standards and requirements established by rule of the agency. Issuing, denying, modifying, imposing conditions upon, or revoking permits pursuant to the provisions of this section or regulations promulgated hereunder shall be (,) subject to review, denial, suspension, *modification*, and reversal by the pollution control agency. The pollution control agency shall after written notification have 15 days to review, *deny*, suspend, modify, or reverse the action of the county. After 15 days, the action of the county board shall be final subject to appeal to the district court as provided in section 115.05.

Sec. 8. Minnesota Statutes 1978, Chapter 400, is amended by adding a section to read:

[400.162] [COUNTY DESIGNATION OF RESOURCE RECOVERY FACILITY.] *Except within the metropolitan area, the Western Lake Superior Sanitary District established by Laws 1971, Chapter 478, as amended, and any solid waste management district established under article VIII, any county may require that all or any portion of the solid waste that is generated within the boundaries of the county or any service area thereof and is disposed of in the state be delivered to a resource recovery facility designated by the county board or transfer station serving such a facility, provided that the designation is approved by the agency. The agency may require the county to complete a comprehensive solid waste management plan conforming to the requirements of article V, section 5. In establishing, continuing, and terminating the designation, the county shall be governed by all standards, exemptions, procedures, and other requirements provided in article VIII, section 9, subdivisions 2 to 6.*

ARTICLE X

SOLID WASTE AND SEWAGE SLUDGE MANAGEMENT:
METROPOLITAN AREA

Section 1. Minnesota Statutes 1978, Section 473.121, is amended by adding a subdivision to read:

Subd. 36. The definitions of terms relating to waste in chapter 116 and article I, section 3, also apply to the same terms relating to waste used in chapter 473.

Sec. 2. Minnesota Statutes 1978, Section 473.149, is amended to read:

473.149 [SOLID WASTE COMPREHENSIVE PLANNING.] Subdivision 1. [POLICY PLAN; GENERAL REQUIREMENTS.] (BY JULY 1, 1978,) The metropolitan council shall prepare and by resolution adopt as part of its development guide a long range policy plan for (THE COLLECTION AND PROCESSING OF) solid (AND HAZARDOUS) waste *management* in the metropolitan area. When adopted, the plan shall be followed in the metropolitan area. The plan shall substantially conform to all policy statements, purposes, goals, standards, maps and plans in development guide sections and plans adopted by the council, *provided that no land shall be thereby excluded from consideration as a solid waste facility site except land determined by the agency to be intrinsically unsuitable for such use.* The plan shall include goals and policies for (THE COLLECTION AND PROCESSING OF) solid (AND HAZARDOUS) waste *management* in the metropolitan area and, to the extent appropriate, statements and information similar to that required under section 473.146, subdivision 1. The plan shall include criteria and standards for *solid* waste facilities and *solid* waste facility sites respecting the following matters: general location; capacity; operation; processing techniques; environmental impact; effect on existing, planned, or proposed collection services and waste facilities; and economic viability. For *solid* waste facilities owned or operated by public agencies or supported primarily by public funds or obligations, the plan shall include additional criteria and standards (RESPECTING FINANCIAL SELF SUFFICIENCY BASED UPON COMPETITIVE RATES AND CHARGES) *to ensure that the facilities are operated on a competitive basis so as not to create an unfair or unreasonable advantage or restraint of trade in relation to comparable private facilities existing in the area.* In developing the plan the council shall consider the orderly and economic development, public and private, of the metropolitan area; the preservation and best and most economical use of land and water resources in the metropolitan area; the protection and enhancement of environmental quality; the conservation and reuse of resources and energy; the preservation and promotion of conditions conducive to efficient, (LOW COST,) competitive, and adaptable systems of waste (COLLEC-

TION AND PROCESSING) *management*; and the orderly resolution of questions concerning changes in systems of waste (COLLECTION AND PROCESSING) *management*. Criteria and standards for solid (AND HAZARDOUS) waste facilities shall be consistent with regulations adopted by the pollution control agency pursuant to chapter 116 and (SECTIONS 473.823. THE HAZARDOUS WASTE PORTION OF THE POLICY PLAN SHALL BE APPROVED BY THE POLLUTION CONTROL AGENCY IN ACCORDANCE WITH ITS STANDARDS AND REGULATIONS PRIOR TO ADOPTION BY THE COUNCIL) *shall be at least as stringent as the guidelines, regulations, and standards of the federal environmental protection agency.*

Subd. 2. [DISPOSAL CAPACITY ESTIMATE.] By July 1, 1980, the council shall adopt by resolution an estimate of the added solid waste disposal capacity needed in appropriate sectors of the metropolitan area in annual increments through the year 1990 and thereafter in five year increments through the year 2000. The council's estimate shall be based upon existing and projected solid waste generation rates without regard to potential waste reduction, separation, and recovery activity except that provided by services and facilities in operation or under construction.

Subd. 2a. [DISPOSAL ABATEMENT REPORT.] By January 1, 1981, the council shall prepare and submit a report to metropolitan counties on potentials for abating the need for and practice of land disposal of mixed municipal solid waste in the metropolitan area, for use by the counties in developing land disposal abatement plans pursuant to section 473.803, subdivision 3. The report shall contain an analysis of abatement achievable through waste reduction, waste separation, waste processing, and resource recovery. The report shall contain specific and quantifiable alternative abatement objectives and degrees of abatement, along with solid waste management methods and technologies, private and government actions, facilities and services, development schedules, revenue-raising measures, and levels of public and private expenditure and effort necessary to the achievement of those alternative objectives and degrees of abatement. The report shall recommend priorities and objectives for abating, immediately and over specified time periods, the disposal of mixed municipal solid waste in the metropolitan area. During the preparation of the report, the council shall encourage public debate and discussion of the issues relating to land disposal abatement and shall hold a public meeting on the issues in each metropolitan county.

Subd. 2b. [INVENTORY OF SOLID WASTE DISPOSAL SITES.] By October 1, 1981, the council shall adopt by resolution an inventory of eligible solid waste disposal sites and buffer areas within the metropolitan area. The council's inventory shall be composed of the sites and buffer areas proposed by the counties and reviewed and approved by the council pursuant to sec-

tion 473.803, subdivision 2. If a county does not have an approved inventory, the council shall adopt the required inventory for the county, following such investigations by the council and such public hearings as the council deems appropriate. The council's inventory shall satisfy all requirements and standards described in section 473.803, subdivision 2, for sites and buffer areas proposed by counties. For sites and buffer areas included in the council's inventory, the moratorium imposed under section 473.-803, subdivision 2, shall extend until October 1, 1983.

Subd. 2c. [REPORT ON LOCAL EFFECTS OF SOLID WASTE DISPOSAL FACILITIES.] By January 1, 1982, the council shall report to the legislative commission on methods of mitigating and compensating for the local risks, costs, and other adverse effects of solid waste disposal facilities and on methods of financing mitigation and compensation measures. The methods of mitigating and compensating to be considered shall include but not be limited to the following: payment outside of levy limitations in lieu of taxes for all property taken off the tax rolls; preference for the city or town containing a facility in federal A-95 reviews conducted by the council; payment of all costs to service the facilities including the costs of roads, monitoring, inspection, enforcement, police and fire, and litter clean up costs; payment for buffer zone amenities and improvements; city or town control over buffer zone design; elimination of the tipping charge for solid waste collected in the city or town; a guarantee against any and all liability that may occur; payment for reclamation of closed sites to local design specifications.

Subd. 2d. [LAND DISPOSAL ABATEMENT PLAN; REPORT TO LEGISLATURE.] By January 1, 1983, after considering county land disposal abatement proposals submitted pursuant to section 473.803, subdivision 3, the council shall amend its policy plan to include specific and quantifiable objectives for abating the land disposal of mixed municipal solid waste. The plan shall include a reduced estimate, based on the council's abatement objectives, of the added solid waste disposal capacity needed in appropriate sectors of the metropolitan area, stated in annual increments through the year 1990 and thereafter in five year increments through the year 2000. The objectives in the plan shall be based upon standards for county resource recovery and waste reduction and separation programs and activities. The plan shall include standards and procedures to be used by the council in determining that metropolitan counties have not implemented the council's land disposal abatement plan and have not met the standards for county abatement programs and activities. The council shall report to the legislative commission on its abatement plan and on legislation that may be required to implement the plan.

Subd. 2e. [SOLID WASTE DISPOSAL FACILITIES DEVELOPMENT SCHEDULE.] By January 1, 1983, after requesting and considering recommendations from the counties,

cities, and towns, the council as part of its policy plan shall determine the number of sites to be acquired within each metropolitan county for solid waste disposal facilities in accordance with section 15. The council shall adopt a schedule for development of disposal facilities by each such county through the year 2000. The schedule shall be based upon the council's reduced estimate of the disposal capacity needed because of the council's land disposal abatement plan. The schedule may include procedures to be used by counties in selecting sites for acquisition pursuant to section 15. The schedule shall include standards and procedures for council certification of need pursuant to section 473.823. The schedule shall include a facility closure schedule and plans for post-closure management and disposition, for the use of property after acquisition and before facility development, and for the disposition of property and development rights no longer needed for disposal facilities.

Subd. 3. [PREPARATION AND ADOPTION.] *The solid waste policy plan shall be prepared, adopted, and amended in accordance with section 473.146, subdivision 2, provided that the procedural duties and responsibilities established therein for the affected metropolitan commission shall extend to the metropolitan counties and the pollution control agency. In addition to the requirements of section 473.146, subdivision 2, the council shall send notice of any hearing to the pollution control agency and the governing body of each metropolitan county and each local governmental unit, as defined in section 473.801, wherein a solid waste facility is or may be located in accordance with the plan. Any comprehensive (SOLID AND HAZARDOUS WASTE) plan adopted by the council (PRIOR TO THE EFFECTIVE DATE OF THIS ACT) shall remain in force and effect (UNTIL A POLICY PLAN IS) while new or amended plans are being prepared (IN ACCORDANCE WITH SUBDIVISION 1) and adopted by the council. By October 1, 1976, the council shall adopt either interim policies or amendments to the existing comprehensive plan establishing standards and criteria for the review under section 473.823 of permit applications for solid waste facilities used primarily for resource recovery. For permit applications received by the council prior to October 1, 1976, the council may extend the time period provided for review under section 473.823 until 60 days after the adoption of the interim policies or amendments. No metropolitan county, local government unit, commission, or person shall acquire, construct, improve or operate any solid waste facility in the metropolitan area except in accordance with the council's plan and section 473.823, provided that no solid waste facility in use when a plan is adopted shall be discontinued solely because it is not located in an area designated in the plan as acceptable for the location of such facilities.*

Subd. 4. [ADVISORY COMMITTEE.] *The council shall establish an advisory committee to aid in the preparation of the policy plan (AND,) the performance of the council's responsibilities under subdivisions 2 to 7, the review of county master plans and reports and applications for permits for waste*

facilities, under sections 473.151 and 473.801 to 473.823 and sections 13 to 15, and other duties determined by the council. The committee shall consist of one-third citizen representatives, one-third representatives from metropolitan counties and municipalities, and one-third representatives from private waste management firms. From October 1, 1981 to January 1, 1983, for the purpose only of participating in the preparation of the legislative report required by subdivision 5 and the land disposal abatement plan required by subdivision 6, additional members shall be included on the advisory committee sufficient to assure that at least one-third of the members of the committee are residents of cities or towns containing eligible solid waste disposal sites included in the councils' disposal site inventory. A representative from the pollution control agency, one from the waste management board established under article II, section 1, and one from the Minnesota health department shall serve as ex officio members of the committee.

Sec. 3. Minnesota Statutes 1978, Chapter 473, is amended by adding a section to read:

[473.153] [COMPREHENSIVE DISPOSAL FACILITIES PLAN FOR SEWAGE SLUDGE AND SOLID WASTE FROM SEWAGE TREATMENT.] *Subdivision 1. [FACILITIES REQUIRED.] Except as provided in subdivision 7 and article IV, section 2, all sewage sludge disposal facilities and facilities for the disposal of solid waste generated by the metropolitan waste control commission shall be established and operated in accordance with this section and section 473.516. The council and the commission shall establish at least one facility for sewage sludge disposal and at least one facility for solid waste disposal.*

Subd. 2. [CANDIDATE SITE SELECTION.] By July 1, 1981, the council shall select three candidate sites for the disposal of the commission's sewage sludge and three candidate sites for the disposal of the commission's solid waste, together with appropriate surrounding buffer areas. The council shall evaluate sites for candidacy on the basis of at least the following factors: local land use and land use controls, existing and future development patterns, transportation facilities, distance from the points of generation, and the intrinsic suitability of sites compared with other potential sites. Notwithstanding any plan, charter provision, law, ordinance, regulation, or other requirement of the council, counties, or local units of government, no land shall be excluded from consideration for candidacy except land determined by the agency to be intrinsically unsuitable. No site shall be selected for candidacy unless the agency certifies its apparent intrinsic suitability for the use intended, based on preliminary environmental analysis and on-site surveys and investigations conducted by the agency. In selecting candidate sites, the council shall prefer land which is capable of being returned to its existing use or the use antici-

pated in a plan of a metropolitan agency, county, or local unit of government use after closure of a disposal facility.

Subd. 3. [MORATORIUM.] *A moratorium is hereby imposed on development within the area of each proposed site and buffer area selected by the council. The moratorium shall extend until six months following the council's decision under subdivision 6. No development shall be allowed to occur within the area of a proposed site or buffer area during the period of the moratorium. No county, city, or town land use control shall permit such development, nor shall any county, city, or town sanction or approve any subdivision, permit, license, or other authorization which would allow such development to occur.*

Subd. 4. [ADVISORY COMMITTEE.] *For the purposes only of advising the council on decisions under this section, additional members shall be added to the advisory committee established by section 473.149, subdivision 9, sufficient to assure that each city and town containing a candidate site has at least one representative on the committee.*

Subd. 5. [ENVIRONMENTAL AND PERMIT REVIEW.] *An environmental impact statement meeting the requirements of chapter 116D shall be completed on each candidate site, provided that the statement shall be finally accepted or rejected within 280 days of the selection of candidate sites. Within 90 days following the acceptance of the statement, the agency shall indicate the conditions and terms of approval of all permits needed at each candidate site.*

Subd. 6. [COUNCIL SITE SELECTION.] *Within 90 days following the agency's decision on permit conditions and terms, the council shall select at least one of the candidate sites for acquisition and development by the commission as a sewage sludge disposal facility and at least one of the candidates sites for acquisition and development by the commission as a solid waste disposal facility. Before its selection the council shall consult with the advisory committee and affected counties, cities, and towns.*

Subd. 7. [EXISTING FACILITIES EXEMPTED.] *Nothing in this section shall be construed to preclude the commission from continuing to use existing sewage sludge disposal facilities. In addition, to the same extent and upon the same conditions as sewage sludge may be applied on private property pursuant to section 473.516, subdivisions 3 and 4, the commission may use any site owned by the commission for the purpose of land-spreading sewage sludge for a period no longer than four years.*

Sec. 4. *Minnesota Statutes 1978, Section 473.502, is amended to read:*

473.502 [LEGISLATIVE PURPOSE AND POLICY.] *The legislature determines that in the metropolitan area there are*

serious problems of water pollution and *processing and disposal of sewage and waste resulting from sewage treatment*, which cannot be effectively or economically dealt with by existing local government units in the area under existing laws. The legislature therefore declares that for the protection of the public health, safety, and welfare of the area, for the preservation and best use of waters and other natural resources of the state in the area, for the prevention, control and abatement of water pollution in the area, and for the efficient and economic collection, treatment and disposal of sewage *and waste resulting from sewage treatment* it is necessary to assign to the metropolitan council the responsibility of carrying on a continuous, long-range program of planning with respect thereto and to establish a waste control commission, which, together with the council, can take over, acquire, construct, operate, and maintain all interceptors and treatment works *and waste facilities* necessary for the collection, treatment and disposal of sewage *and waste resulting from sewage treatment* in the metropolitan area, and can take over, acquire, construct, operate, and maintain waste facilities in the metropolitan area.

Sec. 5. Minnesota Statutes 1978, Section 473.516, is amended to read:

473.516 [WASTE FACILITIES; SEWAGE SLUDGE DISPOSAL.] *Subdivision 1.* [ACQUISITION AND OPERATION.] Without limiting the grant or enumeration of any of the powers conferred on the council or commission under sections 473.501 to 473.549, the commission shall have the specific power to acquire by purchase, lease, condemnation, gift or grant any real or personal property including *development rights*, positive and negative easements and water and air rights, and it may construct, enlarge, improve, replace, repair, maintain and operate (HAZARDOUS) waste facilities in the metropolitan area deemed to be necessary or convenient in connection with the *processing or disposal* of (HAZARDOUS) waste *resulting from sewage treatment*, and the commission may contract for the maintenance and operation of such waste facilities, subject to the bidding requirements of section 473.523. The commission may accept for processing (HAZARDOUS) waste derived from outside the metropolitan area in the state, as well as (HAZARDOUS) waste derived from within the metropolitan area, and may fix and collect fees and charges for the acceptance of (HAZARDOUS) waste as the commission determines to be reasonable.

Subd. 2. [GENERAL REQUIREMENTS.] With respect to its activities under this section, the commission shall be subject to and comply with the applicable provisions of this chapter. Property acquired by the commission under this section shall be subject to the provisions of section 473.545. Any site or facility owned or operated for or by the commission shall conform to the policy plan adopted by the council under section 473.149 and shall be authorized in accordance with the commission's development program and capital budget approved by the council.

Whenever possible, the commission shall contract with private persons for the construction, maintenance, and operation of waste facilities, subject to the bidding requirements of section 473.523.

Subd. 3. [LOCAL RESTRICTIONS.] Counties and local units of government may impose conditions respecting the construction, operation, inspection, monitoring, and maintenance of a waste facility of the commission and conditions respecting the sale, gift, delivery, storage, use, and disposal of sewage sludge of the commission on private property as a soil conditioner or amendment, but only in the manner and only to the extent authorized and approved by the council and the agency as being consistent with the establishment and use of the commission's waste facilities and the disposal of the commission's sewage sludge on private property in accordance with the council's plan, adopted under section 3, and agency permits and rules. Counties may exercise the enforcement powers granted under section 473.-811, subdivision 10, in the manner and to the extent authorized and approved in accordance with this subdivision.

Subd. 4. [TECHNICAL MONITORING; SEWAGE SLUDGE DISPOSAL.] Each sewage sludge disposal facility of the waste control commission, or site used for the disposal of sewage sludge of the commission, shall be required to have an agency permit issued pursuant to agency rules for permitting sewage sludge disposal facilities sites. Each such permit shall require a regular monitoring, inspection, and testing program to be carried out by the agency, or the state department of health or county under contract to the agency, to prevent impairment or threat of impairment of ground and surface water. The commission shall reimburse the agency quarterly for the cost of the program.

Sec. 6. Minnesota Statutes 1978, Section 473.801, Subdivision 1, is amended to read:

473.801 [DEFINITIONS.] Subdivision 1. For the purposes of sections 473.801 to 473.823 and sections 13 to 16 the terms defined in this section have the meanings given them.

Sec. 7. Minnesota Statutes 1978, section 473.802, is amended to read:

473.802 [LEGISLATIVE PURPOSE AND POLICY.] The legislature determines that for the protection of the public health, safety, and welfare of the people of the metropolitan area, for the prevention, control and abatement of pollution of air and waters of the state in the metropolitan area, and for the efficient and economic (COLLECTION AND PROCESSING) management of solid (AND HAZARDOUS) waste in the metropolitan area, it is necessary to (AUTHORIZE THE AGENCY TO REGULATE THE HANDLING OF HAZARDOUS WASTE AND THE LOCATION AND OPERATION OF WASTE FACILI-

TIES IN THE AREA; TO) authorize the metropolitan council to carry on a continuous, long range program of planning with respect to solid (AND HAZARDOUS) waste (COLLECTION AND PROCESSING) *management*, (AND) to establish criteria and standards and approve permits for *solid waste facilities* in the area, *and to provide funds for the acquisition of property for solid waste disposal purposes*; and to authorize the metropolitan counties if necessary to acquire, construct, operate and maintain solid waste facilities, to plan for and regulate *solid waste collection services and facilities*, to collect data on solid and hazardous waste (COLLECTION AND PROCESSING) *management* systems and procedures, and to *assist state agencies* to regulate the (HANDLING) *management* of hazardous waste. The legislature declares that a public purpose is served by the recovery and utilization of resources from solid (WASTE AND HAZARDOUS) waste where economically viable and compatible with source reduction. The plans, criteria, standards and regulations of the agency, council and metropolitan counties shall, to the extent practicable, encourage ownership and operation of solid waste facilities by private industry.

Sec. 8. Minnesota Statutes 1978, Section 473.803, is amended to read:

473.803 [METROPOLITAN COUNTY PLANNING.] Subdivision 1. [COUNTY MASTER PLANS; GENERAL REQUIREMENTS.] Each metropolitan county, following adoption or revision of the council's solid (AND HAZARDOUS) waste policy plan and in accordance with the dates specified therein, and after consultation with all affected (MUNICIPALITIES) *local government units*, shall prepare and submit to the council for its approval, a county solid (AND HAZARDOUS) waste master plan to implement the policy plan. *The master plan shall be revised and resubmitted at such times as the council's policy plan may require.* The master plan shall describe county solid (AND HAZARDOUS) waste activities, functions, and facilities; the existing system of solid (AND HAZARDOUS) waste generation, collection, and processing, *and disposal* within the county; existing and proposed county and municipal ordinances and license and permit requirements relating to *solid waste facilities* and (HAZARDOUS AND) solid waste generation, collection, and processing, *and disposal*; existing or proposed municipal, county, or private *solid waste facilities* and collection services within the county together with schedules of existing rates and charges to users and statements as to the extent to which such facilities and services will or may be used to implement the policy plan; and any solid waste facility which the county owns or plans to acquire, construct, or improve together with statements as to the planned method, estimated cost and time of acquisition, proposed procedures for operation and maintenance of each facility; an estimate of the annual cost of operation and maintenance of each facility; an estimate of the annual gross revenues which will be received from the operation

of each facility; and a proposal for the use of each facility after it is no longer needed or usable as a waste facility. The master plan shall, to the extent practicable, encourage ownership and operation of solid waste facilities by private industry. For solid waste facilities owned or operated by public agencies or supported primarily by public funds or obligations, the master plan shall contain policies to ensure (FINANCIAL SELF SUFFICIENCY BASED UPON COMPETITIVE RATES AND CHARGES) that the facilities are operated on a competitive basis so as not to create an unfair or unreasonable advantage or restraint of trade in relation to comparable private facilities existing in the area.

Subd. 1a. [PROPOSED INVENTORY OF DISPOSAL SITES.] By June 1, 1981, each county shall adopt, by resolution of its governing body, an inventory of three proposed sites in the county suitable for mixed municipal solid waste disposal facilities and one proposed site in the county suitable for the disposal of demolition debris 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 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 proposed by the county or approved by the council 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 or agency. Notwithstanding any plan, charter provision, law, ordinance, regulation, or other requirement of any state agency or political subdivision, no land shall be excluded from consideration for inclusion in the inventory except land determined by the agency to be intrinsically unsuitable. The council shall evaluate each site with respect to local land use and land use controls, 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. A moratorium is hereby imposed on development within the area of each site and buffer area proposed by a county, pending the council's adoption of an inventory pursuant to section 473.149, subdivision 2b. For sites and buffer areas included in the council's inventory, the moratorium shall extend until October 1, 1983. No development shall be allowed to occur within the area of a site or buffer area during the period of the moratorium. No county, city, or town land use control shall permit such development, nor shall any county, city, or town sanction or approve any subdivision, permit, license, or other authorization which would allow such development to occur.

Subd. 1b. [LAND DISPOSAL ABATEMENT.] By April 1, 1982, after considering the council's disposal abatement report submitted to the counties pursuant to section 473.149, subdivision 2a, each county shall submit to the council a proposal to reduce to the greatest feasible and prudent extent the need for and practice of land disposal of mixed municipal solid waste. The proposal shall include programs for waste reduction and separation and resource recovery. The proposal shall include objectives, immediately and over specified time periods, for reducing the land disposal of mixed municipal solid waste generated within the county. The proposal shall describe specific functions to be performed and activities to be undertaken by the county and cities and towns within the county to achieve the objectives and shall describe the estimated cost, proposed manner of financing, and timing of the functions and activities. The proposal shall include alternatives which could be used to achieve the objectives if the proposed functions and activities are not established. By June 1, 1983, each county shall revise its master plan to include a land disposal abatement element to implement the council's land disposal abatement plan adopted under section 473.149, subdivision 2d, and shall submit the revised plan to the council for review under subdivision 2. The proposal and master plan revision required by this subdivision shall be prepared in consultation with cities and towns within the county, particularly the cities and towns in which a solid waste disposal facility is or may be located pursuant to the county master plan.

Subd. 2. [COUNCIL REVIEW.] The council shall review each master plan or revision thereof to determine whether it is consistent with the council's policy plan. If it is not consistent, the council shall disapprove and return the plan with its comments to the county for revision and resubmittal. The county shall have 90 days to revise and resubmit the plan for council approval. Any county solid (OR HAZARDOUS) waste plan or report approved by the council prior to April 9, 1976, shall remain in effect until a new master plan is submitted to and approved by the council in accordance with this section.

Subd. 3. [ANNUAL REPORT.] Each metropolitan county shall prepare and submit annually to the council for its approval a report containing information, as the council may prescribe

in its policy plan, concerning solid (AND HAZARDOUS) waste generation (, COLLECTION, AND PROCESSING) and management within the county. *The report shall include a statement of progress in achieving the land disposal abatement objectives of the council's policy plan and county master plan.* The report shall include a schedule of rates and charges in effect or proposed for the use of any solid waste facility owned or operated by or on its behalf, together with a statement of the basis for such charges.

Sec. 9. Minnesota Statutes 1978, Section 473.811, is amended to read:

473.811 [COUNTIES AND LOCAL UNITS OF GOVERNMENT; WASTE MANAGEMENT.] Subdivision 1. [COUNTY ACQUISITION OF FACILITIES.] To accomplish the purpose specified in section 473.803, each metropolitan county may acquire by purchase, lease, gift or condemnation as provided by law, upon such terms and conditions as it shall determine, including contracts for deed and conditional sales contracts, solid waste facilities or properties or easements or development rights for solid waste facilities which are in accordance with regulations adopted by the agency, the policy plan adopted by the council and the county master plan as approved by the council, and may improve or construct improvements on any property or facility so acquired. No metropolitan city, county or town shall own or operate a hazardous waste facility. Each metropolitan county is authorized to levy a tax in anticipation of need for expenditure for the acquisition and betterment of solid waste facilities. If (SUCH) a tax is levied in anticipation of need, the purpose must be specified in a resolution of the county directing that the levy and the proceeds of the tax may be used only for that purpose. Until so used, the proceeds shall be retained in a separate fund or invested in the same manner as surplus in a sinking fund may be invested under section 475.66. The right of condemnation shall be exercised in accordance with chapter 117. (A METROPOLITAN COUNTY MAY ACQUIRE PROPERTY FOR AND OPERATE A SOLID WASTE FACILITY WITHIN THE BOUNDARIES OF ANY CITY OR TOWN IN THE METROPOLITAN AREA, WITHOUT COMPLYING WITH THE PROVISIONS OF ANY ZONING ORDINANCE ADOPTED AFTER APRIL 15, 1969.)

Subd. 1a. [RIGHT OF ACCESS.] Whenever the county deems it necessary to the evaluation of a waste facility for enforcement purposes or to the evaluation of a site or buffer area for inclusion in the inventory of disposal sites pursuant to section 473.149, subdivision 2b, and section 473.803, subdivision 1a, or for final acquisition under section 15, the county or any member, employee, or agent thereof, when authorized by it, may enter upon any property, public or private, for the purpose of obtaining information or conducting surveys or investigations, provided that the entrance and activity is undertaken after reasonable notice and during normal business hours and

provided that compensation is made for any damage to the property caused by the entrance and activity.

Subd. 2. [COUNTY FINANCING OF FACILITIES.] Each metropolitan county may by resolution authorize the issuance of bonds to provide funds for the acquisition or betterment of solid waste facilities or property or property rights for a solid waste facility, or for refunding any outstanding bonds issued for any such purpose, and may pledge to the payment of the bonds and the interest thereon, its full faith, credit and taxing powers, or the proceeds of any designated tax levies, or the gross or net revenues or charges to be derived from any facility operated by or for the county, or any combination thereof. Taxes levied for the payment of the bonds and interest shall not reduce the amounts of other taxes which the county is authorized by law to levy. No election shall be required to authorize the issuance of the bonds. Except as otherwise provided, the bonds shall be issued and sold in accordance with the provisions of chapter 475.

Subd. 3. [COUNTY OPERATION OF FACILITIES.] Each metropolitan county may operate and maintain solid waste facilities, and for this purpose may employ all necessary personnel, may adopt regulations governing operation, and may establish and collect reasonable, non-discriminatory rates and charges for the use of the facilities by any local government unit or person, estimated to be sufficient, with any other moneys appropriated for the purpose, to pay all costs of acquisition, operation and maintenance. Each metropolitan county may use itself or sell all or any part of materials or energy recovered from solid waste to private interests or public agencies for consumption or reuse by them. Section 471.345 and Laws 1951, Chapter 556, as amended shall not apply to the sale of the materials or energy provided that the dealings of each county shall be on a competitive basis so as not to create an unfair or unreasonable advantage or restraint of trade on the part of the county.

Subd. 4. [COUNTY CONTRACTS.] Each metropolitan county *may contract* for the use of existing public or private *solid waste facilities and* may contract with any person for the operation and maintenance of any solid waste facility owned by the county. The contract shall provide for the operation and maintenance of the facility in accordance with any regulations, criteria, and standards of the agency, the metropolitan council and the county relating thereto.

Subd. 4a. [ORDINANCES: GENERAL CONDITIONS; RESTRICTIONS; APPLICATION.] *Ordinances of counties and local government units related to or affecting waste management shall embody plans, policies, rules, standards and requirements adopted by any state agency authorized to manage or plan for or regulate the management of waste and the waste management plans adopted by the council and shall be consistent with county master plans approved by the council.*

Subd. 5. [ORDINANCES; SOLID WASTE COLLECTION AND TRANSPORTATION.] Each metropolitan county may adopt ordinances governing the collection of solid waste. (THE ORDINANCES SHALL NOT PREVENT THE HAULING OF SOLID WASTE FROM ONE COUNTY TO ANOTHER.) Each (MUNICIPALITY AND TOWN) *local unit of government* within the metropolitan area shall adopt an ordinance governing the collection of solid waste within its boundaries. If the county within which it is located has adopted an ordinance, the (MUNICIPALITY OR TOWN) *local unit* shall adopt either the county ordinance by reference or a more strict ordinance. (A HAULER WHO QUALIFIED UNDER THE ORDINANCE OF THE MUNICIPALITY WHERE HE IS MAKING PICKUPS MAY TRANSPORT SOLID WASTE ON STREETS AND HIGHWAYS IN OTHER MUNICIPALITIES WITHIN THE COUNTY WITHOUT CONFORMING TO THEIR ORDINANCES.) *Ordinances of counties and local government units may establish reasonable conditions respecting but shall not prevent the transportation of solid waste by a licensed collector through and between counties and local units, except as required for the enforcement of any designation of a facility by the council pursuant to section 13. A licensed collector or a metropolitan county or local government unit may request review by the council of an ordinance adopted under this subdivision. Upon such a request the ordinance shall be invalid unless it is approved by the council as reasonable. Ordinances of counties and local units of government shall provide for the enforcement of any designation of facilities by the council under section 13. Nothing in this subdivision shall be construed to limit the authority of the local government unit to regulate and license collectors of solid waste or to require review or approval by the council for ordinances regulating collection.*

Subd. 5a. [ORDINANCES; SOLID WASTE FACILITIES.] Each metropolitan county shall by ordinance establish and from time to time revise rules, regulations, and standards for *solid waste facilities* within the county, relating to location, sanitary operation, periodic inspection and monitoring, maintenance, termination and abandonment, and other pertinent matters. The *county ordinance* shall require permits or licenses for *solid waste facilities* and shall require that such facilities be registered with a county office.

Subd. 5b. [ORDINANCES; HAZARDOUS WASTE MANAGEMENT.] Each metropolitan county shall by ordinance establish and revise rules, regulations, and standards (FOR HAZARDOUS WASTE MANAGEMENT) relating to (a) the identification of hazardous waste, (b) the labeling and classification of hazardous waste, (c) the (HANDLING,) collection, storage, transportation (AND STORAGE), processing, disposal, and land containment of hazardous waste, and (d) (THE ULTIMATE DISPOSAL SITE OF HAZARDOUS WASTE, AND (E)) other matters necessary for the public health, welfare and safety. The county shall require permits or licenses for the gen-

eration, collection, (AND) processing, *disposal, and land containment* of hazardous waste and shall require registration with a county office. *Ordinances of counties and local government units shall not prevent the location, establishment, operation, expansion, continuance, or closure of any hazardous waste facility in accordance with certificates, permits, and other approvals by state agencies pursuant to articles III and IV, except that ordinances approved by the agency as being consistent with the establishment and use of facilities in accordance with such certificates, permits, and approvals may impose conditions respecting the construction, inspection, monitoring, and maintenance of a facility.* (ANY ORDINANCE ENACTED UNDER THIS SUBDIVISION SHALL EMBODY REGULATIONS, STANDARDS, AND REQUIREMENTS ADOPTED BY THE AGENCY AND GOALS, POLICIES, CRITERIA, AND STANDARDS ADOPTED BY THE COUNCIL AND SHALL BE CONSISTENT WITH THE COUNTY MASTER PLAN APPROVED BY THE COUNCIL. COUNTY ORDINANCES ADOPTED PURSUANT TO THIS SUBDIVISION SHALL NOT APPLY TO THE LOCATION OR OPERATION OF ANY HAZARDOUS WASTE FACILITY OWNED OR OPERATED BY THE WASTE CONTROL COMMISSION UNDER SECTION 473.-516.) Issuing, denying, *suspending*, modifying, imposing conditions upon, or revoking hazardous waste permits or licenses, and county hazardous waste regulations and *ordinances*, shall be subject to review, denial, suspension, *modification*, and reversal by the agency. The agency shall after written notification have 15 days to review, suspend, modify, or reverse the action of the county. After this period, the action of the county board shall be final subject to appeal to the district court in the manner provided in (SECTION 115.05. ANY ORDINANCE ENACTED SHALL BE PUBLISHED IN ACCORDANCE WITH THE PROVISIONS OF SECTION 375.51) *chapter 15.*

Subd. (5A) 5c. [COUNTY ENFORCEMENT.] Each metropolitan county shall be responsible for insuring that waste facilities, solid waste collection operations licensed or regulated by the county and hazardous waste generation (,) and collection (, AND PROCESSING) operations are brought into conformance with, or terminated and abandoned in accordance with, applicable county ordinances; rules, regulations and requirements of the (AGENCY) *state*; and (GOALS, POLICIES, CRITERIA, AND STANDARDS) *the policy plan* of the council. Counties may provide by ordinance that operators or owners or both of such facilities or operations shall be responsible to the county for satisfactorily performing the procedures required. If operators or owners or both fail to perform, the county may recover the costs incurred by the county in completing the procedures in a civil action in any court of competent jurisdiction or, in the discretion of the board, the costs may be certified to the county auditor as a special tax against the land. The ordinances may be enforced by action in district court. The county may prescribe a criminal penalty for the violation of any ordinance enacted under

this section not exceeding the maximum which may be specified for a misdemeanor.

Subd. 6. [GRANTS AND LOANS TO COUNTIES.] Each metropolitan county may accept gifts, may apply for and accept grants or loans of money or other property from the United States, the state, the metropolitan council, any local government unit, or any person, to accomplish the purposes specified in sections 473.149, 473.151, and 473.801 to 473.823 and sections 13 to 16, may enter into any agreement required in connection therewith, and may hold, use, and dispose of the money or property in accordance with the terms of the gift, grant, loan or agreement relating thereto.

Subd. 7. [JOINT ACTION.] Each metropolitan county and local government unit may act *together with any county, city, or town within or without the metropolitan area* under the provisions of section 471.59 or any other appropriate law providing for joint or cooperative action between government units, to accomplish any purpose specified in sections 473.149, 473.151, and 473.801 to 473.823 and sections 13 to 16.

Subd. 8. [COUNTY SALE OR LEASE.] Each metropolitan county may sell or lease any facilities or property or property rights previously used or acquired to accomplish the purposes specified by sections 473.149, 473.151, and 473.801 to 473.823 and sections 13 to 16. Such property may be sold in the manner provided by section 458.196. Each metropolitan county may convey to or permit the use of any such property by a local government unit, with or without compensation, without submitting the matter to the voters of the county. No real property or property rights acquired pursuant to this section, may be disposed of in any manner unless and until the county shall have submitted to the agency and the metropolitan council for review and comment the terms on and the use for which the property will be disposed of. The agency and the council shall review and comment on the proposed disposition within 60 days after each has received the data relating thereto from the county.

Subd. 9. [SOLID AND HAZARDOUS WASTE FUND.] All moneys received by any metropolitan county from any source specified in sections 473.149, 473.151, and 473.801 to 473.823 and sections 13 to 16 shall be paid into the county treasury, placed in a special fund designated as the county solid and hazardous waste fund, and used only for the purposes authorized in those sections, as appropriated by the county board, subject to any lawful restrictions, conditions, or pledges applicable thereto.

Sec. 10. Minnesota Statutes 1978, Chapter 473, is amended by adding a section to read:

[473.812] [SOLID WASTE ORDINANCES; RESTRICTIONS.] *Subdivision 1. [DISPOSAL FACILITIES.] Except as provided in this subdivision, a metropolitan county may*

acquire a site for a solid waste disposal facility anywhere within the county without complying with local ordinances, if the action is approved by the council as being taken pursuant to the policy plan and the development schedule adopted under section 473.-149, subdivision 7, and the provisions of section 15, and the county may establish and operate or contract for the establishment or operation of a disposal facility at such a site without complying with local ordinances, if the council certifies need under section 12. With the approval of the council, local government units may impose and enforce reasonable conditions respecting the construction, operation, inspection, monitoring, and maintenance of such disposal facilities.

Subd. 2. [OTHER FACILITIES.] *A metropolitan county may establish a solid waste facility, other than a disposal facility, within the county without complying with local ordinances, if the action is approved by the council in accordance with the review process established by this subdivision. A county requesting review by the council shall show that the required permits for the proposed facility have been or will be issued by the agency, that the facility is consistent with the council's policy plan and the approved county master plan and that a local government unit has refused to approve the establishment or operation of the facility. The council shall meet to commence the review within 90 days of the submission of a request determined by the council to satisfy the requirements for review under this subdivision. At the meeting commencing the review the chairman shall recommend and the council establish a scope and procedure for its review and final decision on the proposed facility. The procedure shall require the council to make a final decision on the proposed facility within 120 days following the commencement of review. The council shall conduct at least one public hearing in the city or town within which the proposed facility would be located. Notice of the hearing shall be published in a newspaper or newspapers of general circulation in the area for two successive weeks ending at least 15 days before the date of the hearing. The notice shall describe the proposed facility, its location, the proposed permits, and the council's scope and procedure for review. The notice shall identify a location or locations within the local government unit and county where the permit applications and the council's scope and procedure for review are available for review and where copies may be obtained. In its review and final decision on the proposed facility, the council shall consider at least the following matters:*

(a) the risk and effect of the proposed facility on local residents, units of government, and the local public health, safety, and welfare, and the degree to which the risk or effect may be alleviated;

(b) the consistency of the proposed facility with, and its effect on, existing and planned local land use and development; local laws, ordinances, and permits; and local public facilities and services;

(c) *the adverse effects of the facility on natural resources, as defined in chapter 116B, and opportunities to mitigate or eliminate such adverse effects by additional stipulations, conditions, and requirements respecting the design and operation of the proposed facility at the proposed site;*

(d) *the need for the proposed facility and the availability of alternative sites;*

(e) *the consistency of the proposed facility with the county master plan and the council's policy plan adopted pursuant to section 473.149;*

(f) *transportation facilities and distance to points of waste generation.*

In its final decision in the review, the council may:

(a) *disapprove the facility;*

(b) *approve the facility and the agency permits; or*

(c) *approve the facility but add more stringent stipulations, conditions, and requirements respecting the design and operation of the proposed facility at the site proposed.*

The council shall not stipulate or establish conditions or requirements which are less stringent than those established by the agency permits. The council shall not stipulate or establish conditions or requirements affecting the location proposed for the facility in the agency permits. The council shall not stipulate or establish conditions or requirements for additional solid waste management capabilities at the facility of a different nature than those permitted in the agency permits.

No local government unit shall prevent the establishment or operation of any solid waste facility in accordance with the council's decision under this subdivision, except that, with the approval of the council, the local government unit may impose reasonable conditions respecting the construction, inspection, monitoring, and maintenance of a facility.

Sec. 11. Minnesota Statutes 1978, Section 473.813, is amended to read:

473.813 [CITIES, COUNTIES, TOWNS; SOLID WASTE CONTRACTS.] Subdivision 1. Notwithstanding any contrary provision of law or charter, and in addition to the powers or authority granted by any other law or charter, a city, county, or town in the metropolitan area may directly negotiate and enter into contracts, for a term not to exceed 30 years, for the delivery of solid waste to a waste facility and the processing of

solid waste. Contracts made by direct negotiations shall be approved by resolution adopted by the governing body of the city, county, or town.

Subd. 2. Before a city, county, or town (MAY ENTER) enters into any contract pursuant to subdivision 1 (, WHICH CONTRACT IS) for a period of more than five years, the city, county, or town shall submit the proposed contract and a description of the proposed activities under the contract to the council for review and approval. The council shall approve the proposed contract if it determines that the contract (WILL NOT ADVERSELY AFFECT COLLECTION RATES AND CHARGES DURING THE TERM OF THE CONTRACT AND THAT THE CONTRACT) is consistent with the council's plan, permits issued under section 473.823, and county reports or master plans approved by the council. The council may consolidate its review of contracts submitted under this section with its review of related permit applications submitted under section 473.823 and for this purpose may delay the review required by this section.

Sec. 12. Minnesota Statutes 1978, Section 473.823, Subdivision 3, is amended to read:

Subd. 3. [SOLID WASTE FACILITIES; REVIEW PROCEDURES.] (THE AGENCY MAY PRESCRIBE PERMIT AND PERMIT APPLICATION FORMS, AND MAY REQUEST APPLICANTS TO SUBMIT IN WRITING ALL INFORMATION DEEMED RELEVANT BY THE AGENCY.) The agency shall request applicants for *solid waste facility permits* to submit all information deemed relevant by the council to its review, including without limitation information relating to the geographic areas and population served, the need, the effect on existing facilities and services, the anticipated public cost and benefit, the anticipated rates and charges, the manner of financing, the effect on metropolitan plans and development programs, the supply of waste, anticipated markets for any product, and alternative means of disposal or energy production. (THE AGENCY, OR ANY EMPLOYEE OR AGENT THEREOF, WHEN AUTHORIZED BY IT, MAY EXAMINE ANY BOOKS, PAPERS, RECORDS OR MEMORANDA OF THE APPLICANT PERTAINING TO ITS WASTE FACILITY, AND MAY ENTER ON ANY PROPERTY, PUBLIC OR PRIVATE, FOR THE PURPOSE OF OBTAINING INFORMATION, CONDUCTING SURVEYS OR MAKING INVESTIGATIONS RELATIVE TO THE LOCATION OR OPERATION OF A WASTE FACILITY. THE AGENCY MAY ISSUE PERMITS FOR THE OPERATION OF WASTE FACILITIES BY ANY METROPOLITAN COUNTY OR COMMISSION, LOCAL GOVERNMENT UNIT OR PERSON WHERE THE OPERATION THEREOF IS CONSISTENT WITH APPLICABLE REGULATIONS ADOPTED BY THE AGENCY PURSUANT TO SUBDIVISION 1, PROVIDED THAT) No permit may be

issued for the operation of a *solid* waste facility in the metropolitan area which is not in accordance with the metropolitan council's solid (AND HAZARDOUS) waste policy plan. The metropolitan council shall determine whether a permit is in accordance with the (GOALS, POLICIES, STANDARDS, AND CRITERIA IN ITS) policy plan. In making its determination, the council shall consider the area-wide need and benefit of the applicant facility and may consider, without limitation, the effect of the applicant facility on existing and planned *solid* waste facilities described in a waste control commission development program or county report or master plan. If the council determines that a permit is in accordance with its policy plan, the council shall approve the permit. If the council determines that a permit is not in accordance with its policy plan, it shall disapprove the permit. The council's approval of permits may be subject to conditions necessary to satisfy criteria and standards in its policy plan, including conditions respecting the type, character, and quantities of waste to be processed at a *solid* waste facility used primarily for resource recovery and (RESTRICTIONS ON) the geographic territory from which a (WASTE FACILITY USED PRIMARILY FOR) resource recovery facility or transfer station serving such a facility may draw its waste. For the purpose of this review and approval by the council, the agency shall send a copy of each permit application and any supporting information furnished by the applicant to the metropolitan council within 15 days after receipt of the application and all other information requested from the applicant. Within 60 days after the application and supporting information are received by the council, unless a time extension is authorized by the agency, the council shall issue to the agency in writing its determination whether the permit is disapproved, approved, or approved with conditions. If the council does not issue its determination to the agency within the 60 day period, unless a time extension is authorized by the agency, the permit shall be deemed to be in accordance with the council's policy plan. No permit may be issued in the metropolitan area for a *solid* waste facility used primarily for resource recovery, if the facility or site is owned and operated by a public agency or if the acquisition or betterment of the facility or site is secured by *public funds or obligations* (PLEDGING THE FULL FAITH AND CREDIT OR TAXING POWERS OF A CITY, COUNTY, OR TOWN,) unless the council finds that adequate markets exist for the products recovered without substantially reducing the supply of solid waste available for existing resource recovery operations and that (ALL COSTS OF OPERATION, ADMINISTRATION, MAINTENANCE AND DEBT SERVICE WILL BE COVERED BY REASONABLE RATES AND CHARGES FOR THE USE OF THE FACILITY) *the facility is operated on a competitive basis so as not to create an unfair or unreasonable advantage or restraint of trade in relation to comparable private facilities existing in the area.*

Sec. 13. Minnesota Statutes 1978, Section 473.823, is amended by adding a subdivision to read:

Subd. 5. [COUNCIL; CERTIFICATION OF NEED.] No new mixed municipal solid waste disposal facility shall be permitted in the metropolitan area without a certificate of need issued by the council indicating the council's determination that the additional disposal capacity planned for the facility is needed in the metropolitan area. The council shall amend its policy plan, adopted pursuant to section 473.149, to include standards and procedures for certifying need. The standards and procedures shall be based on the council's disposal abatement plan adopted pursuant to section 473.149, subdivision 2d, and the abatement master plans of counties adopted pursuant to section 473.803, subdivision 1b. The council shall certify need only if and only to the extent that the county or permit applicant demonstrates that there are no feasible and prudent alternatives to the disposal facility, including waste reduction, source separation and resource recovery which would minimize adverse impact upon natural resources. Economic considerations alone shall not justify the certification of need or the rejection of alternatives.

Sec. 14. Minnesota Statutes 1978, Chapter 473, is amended by adding a section to read:

[473.827] [COUNCIL DESIGNATION OF SOLID WASTE FACILITY; REQUIRED USE.] *Subdivision 1. [AUTHORITY.] The council may require that all or any portion of the solid waste that is generated within the metropolitan area or any service area thereof and is disposed of in the state be delivered to a resource recovery facility designated by the council or a transfer station serving such a facility. The council may designate a facility under this section without the approval of the agency except that the approval of the agency shall be required if the solid waste required to be delivered is generated outside of the metropolitan area.*

Subd. 2. [STANDARDS.] In determining whether to designate and require the use of the facility the council shall consider whether:

(a) the required use will result in the recovery of resources or energy from materials which would otherwise be wasted;

(b) the required use will lessen the demand for and use of land disposal;

(c) the required use is necessary for the financial support of the facility;

(d) less restrictive methods for ensuring an adequate solid waste supply are available;

(e) the applicant has considered all other feasible and prudent waste processing alternatives for accomplishing the purposes of the proposed project and has compared and evaluated

the costs of all such alternatives, including capital and operating costs, and the effects of all such alternatives on the cost to generators.

Subd. 3. [EXEMPTION.] The council shall not designate and require use of facilities for materials which are separated from solid waste and recovered for reuse or recycling by the generator, by a private person under contract with the generator, or by a licensed solid waste collector.

Subd. 4. [PROCEDURE.] The council shall proceed as follows when designing and requiring use of facilities:

(a) The council shall notify those persons whom the council has determined should use the facilities. Notification to political subdivisions shall be in writing. All other persons shall be notified at least by publication in a legal newspaper or newspapers having general circulation in the area. The notification shall specify types and quantities of solid wastes, plans for use of the solid wastes, the point of delivery of the solid wastes, and the fee to be charged. During a period of 90 days following the notification, the council shall negotiate with the persons within the areas to be served in order to develop contractual agreements on the terms of required use of the designated facilities.

(b) If contracts have not been made at the end of the 90-day period, or if persons subject to the required use have not made arrangements sufficient to justify exemption, the council shall hold a public hearing to take testimony on the required use of the designated facilities. The hearing shall be preceded by the notice required under clause (a).

(c) If contracts have not been made within 30 days after the public hearing, or if persons subject to the required use have not made arrangements sufficient to justify exemption, the council may order any person identified in the notice of the council to use the designated facilities, starting at a specified date which shall be at least 30 days after the order has been issued.

Subd. 5. [SERVICE GUARANTEE.] The facility designated by the council shall not arbitrarily terminate, suspend, or curtail services provided to any person required pursuant to this section to use designated facilities without the consent of the person, or without just cause.

Subd. 6. [TERMINATION.] Use required under contract or order pursuant to this section may be terminated by a person upon an adequate showing to the council that the solid waste has value and that arrangements have been made sufficient to justify exemption under subdivision 3, unless the council determines that the requirement must be continued to assure delivery of waste necessary to the financial support of the facilities designated by the council.

Sec. 15. Minnesota Statutes 1978, Chapter 473, is amended by adding a section to read:

[473.831] [DEBT OBLIGATIONS; SOLID WASTE DISPOSAL.] *Subdivision 1. [GENERAL OBLIGATION BONDS] Following the adoption of the revisions to its policy plan required by section 473.149, subdivision 2e, the council may by resolution authorize the issuance of general obligation bonds of the council to provide funds for the acquisition of sites and surrounding buffer areas for development as solid waste disposal facilities pursuant to this section and section 15 and to provide funds for refunding obligations issued under this section. The bonds shall be sold, issued, and secured in the manner provided in chapter 475 for general obligation bonds, and the council shall have the same power and duties as a municipality and its governing body in issuing bonds under chapter 475, except as otherwise provided in this chapter. No election shall be required, and the net debt limitations in chapter 475 shall not apply.*

Subd. 2. [USE OF PROCEEDS.] The proceeds of bonds issued under subdivision 1 shall be used pursuant to section 15, by the council to make grants to metropolitan counties to pay the cost of the acquisition of all property or interests in property for solid waste disposal sites and surrounding buffer areas required to be acquired by the county, pursuant to section 15, by the council's policy plan and development schedule adopted pursuant to section 473.149, subdivision 7.

Sec. 16. Minnesota Statutes 1978, Chapter 473, is amended by adding a section to read:

[473.833] [SOLID WASTE DISPOSAL SITES AND BUFFER AREAS.] *Subdivision 1. [REQUIREMENT.] Each metropolitan county shall select and acquire sites for solid waste disposal facilities in accordance with this section and the council's policy plan and development schedule adopted pursuant to section 473.149, subdivision 7.*

Subd. 2. [COUNTY SITE SELECTION AUTHORITIES.] Each metropolitan county shall establish a site selection authority. By June 1, 1983, each site selection authority shall select specific sites within the county from the council's disposal site inventory, in accordance with the standards, criteria, and procedures established by the council under section 473.149, subdivision 2e, and in a number 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 chairman

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 of any part of a site of buffer area. The chairman of the county board shall be the chairman of the site selection authority. If a site selection authority has not selected the requisite number of sites in accordance with the council's standards, criteria, and procedures by June 1, 1983, the council shall make the selection.

Subd. 3. [ACQUISITION AND DISPOSITION.] In order to prevent the development of conflicting land uses at and around future solid waste disposal facility sites, the council shall provide for the acquisition by a metropolitan county of property and rights in property at and around each solid waste disposal site selected pursuant to subdivision 1. Each site scheduled for development as a facility through the year 1990 shall be acquired in fee. Development rights shall be acquired for each site scheduled for development as a facility after the year 1990 through the year 2000. Development rights shall be acquired in a buffer area surrounding and at least equal to the area of each site scheduled for development as a facility through the year 2000. An increase or decrease in the value of property resulting from its designation in the inventory of disposal sites and buffer areas or its selection as a site or buffer area shall not be considered in establishing the value of the property in a condemnation proceeding. The county may sell property and development rights, with the permission of the council, when they are no longer needed for a site or surrounding buffer area. The owner of the fee shall have the right of first refusal of any development rights at the price of purchase plus interest at the rate permitted under section 344.01. The proceeds from any sale of property or development rights shall be returned to the council and used to pay debt service on the council's solid waste bonds.

Subd. 4. [FAILURE OF COUNTIES TO ACQUIRE; REPORT TO LEGISLATURE.] If any county fails to identify property for acquisition or if any county refuses to proceed with acquisition, as required by this section and the council's disposal facility development schedule adopted pursuant to section 473.149, subdivision 2e, the council shall prepare and recommend to the legislature, no later than January 1, 1984, legislation to transfer solid waste management authority and responsibility in the metropolitan area from the counties to the waste control commission or a new metropolitan commission established for that purpose.

Sec. 17. Minnesota Statutes 1978, Chapter 473, is amended by adding a section to read:

[473.834] [DEBT SERVICE; SOLID WASTE BONDS.]
Subdivision 1. [CERTAIN CITIES AND TOWNS; EXEMPTION.] Each city or town in which a solid waste disposal fa-

ility is operating after January 1, 1980, shall be permanently exempt from the payments required by this section, if the facility is a commercial facility disposing of garbage and mixed municipal refuse under an agency permit.

Subd. 2. [ALLOCATION OF DEBT SERVICE.] *The annual debt service on the council's solid waste bonds, issued under section 15, shall be annually apportioned by the council to each city and town in the metropolitan area, as follows: (a) One-half in the proportion that the assessed value of all taxable property within such city or town bears the assessed value of the taxable property in all such cities and towns, as last finally equalized before October 1 in the year in which the allocation is made; and (b) one-half in the proportion that the population of each such city or town bears to the total population in all such cities and towns, as estimated by the council.*

Subd. 3. [CERTAIN CITIES AND TOWNS; REDUCED PAYMENTS.] *When a solid waste reduction, separation, or resource recovery program is implemented or solid waste processing facilities are established in a city or town pursuant to a county land disposal abatement plan approved by the council, the annual payment otherwise required of the city or town pursuant to subdivision 2, shall be reduced by an amount determined by the council to be proportionate to the abatement in the waste going from the city or town into a solid waste disposal facility as a result of the local abatement program or processing facility.*

Subd. 4. [PROCEDURES FOR PAYMENT.] *By January 1 of each year, the council shall certify to each city and town in the metropolitan area the payment required from it to pay debt service on the council's bonds in the next succeeding calendar year. The amounts so certified shall be due and payable to the council, for deposit in the council's debt service fund, at such time or times during the year as the council determines. The council shall set the dates for payment with reference to the dates on which tax, assessment, and revenue collections become available to the government units required to pay such charges, provided that all payments shall be due in time to allow the council to certify deficiency tax levies pursuant to subdivision 5.*

Subd. 5. [DEFICIENCY TAX LEVIES.] *If the governing body of any local government unit fails to make payment to the council when due, the council shall certify to the auditor of the county in which the government unit is located the amount required for payment with interest at six percent per annum. The auditor shall levy and extend such amount as a tax upon all taxable property in the government unit for the next calendar year, free from any existing limitations imposed by law or charter. Such tax shall be collected in the same manner as the general taxes of the government unit, and the proceeds thereof, when collected, shall be paid by the county treasurer to the council for deposit in the debt service fund and credited to the government unit for which the tax was levied.*

Subd. 6. [SECURITY.] In addition to the power to require payments and tax levies under subdivisions 3 to 5 for the payment of debt service on bonds issued under section 15, the council may levy taxes for the payment of the debt service upon all taxable property within the metropolitan area without limitation of rate or amount and without affecting the amount or rate of taxes which may be levied by the council for other purposes or by any local government unit in the area.

Sec. 18. Article X applies in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott and Washington.

ARTICLE XI

POLLUTION CONTROL AGENCY

Section 1. Minnesota Statutes 1978, Section 116.06, Subdivision 9, is amended to to read:

Subd. 9. "Land pollution" means the presence in or on the land of any (SOLID) waste in such quantity, of such nature and duration, and under such condition as would affect injuriously any waters of the state, create air contaminants or cause air pollution.

Sec. 2. Minnesota Statutes 1978, Section 116.06, is amended by adding subdivisions to read:

Subd. 9a. "Waste" has the meaning given it in article I, section 3.

Subd. 9b. "Waste management" has the meaning given it is article I, section 3.

Subd. 9c. "Collection" of waste has the meaning given it in article I, section 3.

Subd. 9d. "Processing" of waste has the meaning given it in article I, section 3.

Subd. 9e. "Disposal" of waste has the meaning given it in article I, section 3.

Subd. 9f. "Degree of intrinsic hazard" of a waste has the meaning given it in article I, section 3.

Subd. 9g. "Degree of intrinsic suitability" of a land area or site has the meaning given it in article I, section 3.

Subd. 9h. "Sewage sludge" has the meaning given it in article I, section 3.

Sec. 3. Minnesota Statutes 1978, Section 116.06, Subdivision 10, is amended to read:

Subd. 10. "Solid waste" means garbage, refuse, *sludge from a water supply treatment plant or air contaminant treatment facility*, and other discarded (SOLID) waste materials and *sludges*, (INCLUDING SOLID WASTE MATERIALS AND WASTE SLUDGES) in solid, semi-solid, liquid, or contained gaseous form, resulting from industrial, commercial, mining, and agricultural operations, and from community activities, but does not include *hazardous waste*; animal waste used as fertilizer (,); earthen fill, boulders, rock (, SOLIDS); *sewage sludge*; solid or dissolved material in domestic sewage or other (SIGNIFICANT) common pollutants in water resources, such as silt, dissolved or suspended solids in industrial waste water effluents or discharges which are point sources subject to permits under section 402 of the federal water pollution control act, as amended, dissolved materials in irrigation return flows (, OR OTHER COMMON WATER POLLUTANTS); or source, special nuclear, or by-product material as defined by The Atomic Energy Act of 1954, as amended.

Sec. 4. Minnesota Statutes 1978, Section 116.06, Subdivision 13, is amended to read:

Subd. 13. "Hazardous waste" means any refuse or discarded material or combinations of refuse or discarded materials in solid, semi-solid, liquid, or gaseous form which cannot be handled by routine waste management techniques because they pose a substantial present or potential hazard to human health or other living organisms because of their chemical, biological, or physical properties. Categories of hazardous waste materials include, but are not limited to: explosives, flammables, oxidizers, poisons, irritants, and corrosives. *Hazardous waste does not include sewage sludge and source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954, as amended.*

Sec. 5. Minnesota Statutes 1978, Section 116.07, Subdivision 2, is amended to read:

Subd. 2. [ADOPTION OF STANDARDS.] The pollution control agency shall improve air quality by promoting, in the most practicable way possible, the use of energy sources and waste disposal methods which produce or emit the least air contaminants consistent with the agency's overall goal of reducing all forms of pollution. The agency shall also adopt standards of air quality, including maximum allowable standards of emission of air contaminants from motor vehicles, recognizing that due to variable factors, no single standard of purity of air is applicable to all areas of the state. In adopting standards the pollution control agency shall give due recognition to the fact that the quantity or characteristics of air contaminants or the duration of their presence in the atmosphere, which may cause air pollution in one area of the state, may cause less or not cause any air pollution in another area of the state, and it shall take into consideration in this connection such factors, including others which it

may deem proper, as existing physical conditions, zoning classifications, topography, prevailing wind directions and velocities, and the fact that a standard of air quality which may be proper as to an essentially residential area of the state, may not be proper as to a highly developed industrial area of the state. Such standards of air quality shall be premised upon scientific knowledge of causes as well as effects based on technically substantiated criteria and commonly accepted practices. No local government unit shall set standards of air quality which are more stringent than those set by the pollution control agency.

The pollution control agency shall promote solid waste disposal control by encouraging the updating of collection systems, elimination of open dumps, and improvements in incinerator practices. The agency shall also adopt standards for the control of the collection, transportation, storage, *processing*, and disposal of solid waste *and the disposal of sewage sludge* for the prevention and abatement of water, air and land pollution, recognizing that due to variable factors, no single standard of (SOLID WASTE) control is applicable to all areas of the state. In adopting standards, the pollution control agency shall give due recognition to the fact that elements of control which may be reasonable and proper in densely populated areas of the state may be unreasonable and improper in sparsely populated or remote areas of the state, and it shall take into consideration in this connection such factors, including others which it may deem proper, as existing physical conditions, topography, soils and geology, climate, transportation, and land use. Such standards of (SOLID WASTE) control shall be premised on technical criteria and commonly accepted practices.

The pollution control agency shall also adopt standards describing the maximum levels of noise in terms of sound pressure level which may occur in the outdoor atmosphere, recognizing that due to variable factors no single standard of sound pressure is applicable to all areas of the state. Such standards shall give due consideration to such factors as the intensity of noises, the types of noises, the frequency with which noises recur, the time period for which noises continue, the times of day during which noises occur, and such other factors as could affect the extent to which noises may be injurious to human health or welfare, animal or plant life, or property, or could interfere unreasonably with the enjoyment of life or property. In adopting standards, the pollution control agency shall give due recognition to the fact that the quantity or characteristics of noise or the duration of its presence in the outdoor atmosphere, which may cause noise pollution in one area of the state, may cause less or not cause any noise pollution in another area of the state, and it shall take into consideration in this connection such factors, including others which it may deem proper, as existing physical conditions, zoning classifications, topography, meteorological conditions and the fact that a standard which may be proper in an essentially residential area of the state, may not be proper as to a highly developed industrial area of the state. Such noise standards shall

be premised upon scientific knowledge as well as effects based on technically substantiated criteria and commonly accepted practices. No local governing unit shall set standards describing the maximum levels of sound pressure which are more stringent than those set by the pollution control agency.

The pollution control agency shall adopt standards for the identification of hazardous waste and for the *management, identification*, labeling, classification, storage, collection, transportation, *processing*, and disposal of hazardous waste, recognizing that due to variable factors, (NO) a single standard of hazardous waste control (IS) *may not be* applicable to all areas of the state. In adopting standards, the pollution control agency shall recognize that elements of control which may be reasonable and proper in densely populated areas of the state may be unreasonable and improper in sparsely populated or remote areas of the state. The agency shall consider existing physical conditions, topography, soils, and geology, climate, transportation and land use. Standards of hazardous waste control shall be premised on technical knowledge, and commonly accepted practices. No local government unit shall set standards of hazardous waste control which are in conflict or inconsistent with those set by the pollution control agency.

Sec. 6. Minnesota Statutes 1978, Section 116.07, Subdivision 4, is amended to read:

Subd. 4. [RULES AND STANDARDS.] Pursuant and subject to the provisions of chapter 15, and the provisions hereof, the pollution control agency may adopt, amend and rescind (REGULATIONS) *rules* and standards having the force of law relating to any purpose within the provisions of Laws 1969, Chapter 1046, for the prevention, abatement, or control of air pollution. Any such (REGULATION) *rule* or standard may be of general application throughout the state, or may be limited as to times, places, circumstances, or conditions in order to make due allowance for variations therein. Without limitation, (REGULATIONS) *rules* or standards may relate to sources or emissions of air contamination or air pollution, to the quality or composition of such emissions, or to the quality of or composition of the ambient air or outdoor atmosphere or to any other matter relevant to the prevention, abatement, or control of air pollution.

Pursuant and subject to the provisions of chapter 15, and the provisions hereof, the pollution control agency may adopt, amend, and rescind (REGULATIONS) *rules* and standards having the force of law relating to any purpose within the provisions of Laws 1969, Chapter 1046, for the collection, transportation, storage, *processing*, and disposal of solid waste and the prevention, abatement, or control of water, air, and land pollution which may be related thereto, and the deposit in or on land of any other material that may tend to cause pollution. *The agency shall adopt such rules and standards for the disposal of sewage*

sludge, addressing the intrinsic suitability of land, the volume and rate of application of sewage sludge of various degrees of intrinsic hazard, design of disposal facilities, and operation of disposal facilities and disposal sites. The agency shall promulgate temporary rules for sewage sludge disposal pursuant to section 15.0412, subdivision 5. Any such (REGULATION) rule or standard may be of general application throughout the state or may be limited as to times, places, circumstances, or conditions in order to make due allowance for variations therein. Without limitation, (REGULATIONS) rules or standards may relate to collection, transportation, processing, disposal, equipment, location, procedures, methods, systems or techniques or to any other matter relevant to the prevention, abatement or control of water, air, and land pollution which may be advised through the control of collection, transportation, processing, and disposal of solid waste and the disposal of sewage sludge, and the deposit in or on land of any other material that may tend to cause pollution.

Pursuant and subject to the provisions of chapter 15, and the provisions hereof, the pollution control agency may adopt, amend and rescind (REGULATIONS) rules and standards having the force of law relating to any purpose within the provisions of Laws 1971, Chapter 727, for the prevention, abatement, or control of noise pollution. Any such (REGULATION) rule or standard may be of general application throughout the state, or may be limited as to times, places, circumstances or conditions in order to make due allowances for variations therein. Without limitation, (REGULATIONS) rules or standards may relate to sources or emissions of noise or noise pollution, to the quality or composition of noises in the natural environment, or to any other matter relevant to the prevention, abatement, or control of noise pollution.

As to any matters subject to this chapter, local units of government may set emission regulations with respect to stationary sources which are more stringent than those set by the pollution control agency.

Pursuant to chapter 15, the pollution control agency may adopt, amend, and rescind (REGULATIONS) rules and standards having the force of law relating to any purpose within the provisions of this chapter for the *management*, identification, labeling, classification, storage, collection, treatment, *transportation, processing*, and disposal of hazardous waste and location of hazardous waste (DISPOSAL) facilities. A (REGULATION) rule or standard may be of general application throughout the state or may be limited as to time, places, circumstances, or conditions. The public service commission, in cooperation with the pollution control agency, shall set standards for the transportation of hazardous waste in accordance with chapter 221.

The pollution control agency shall give highest priority in the consideration of permits to authorize disposal of diseased shade trees by open burning at designated sites to evidence concern-

ing economic costs of transportation and disposal of diseased shade trees by alternative methods.

Sec. 7. Minnesota Statutes 1978, Section 116.07, Subdivision 4a, is amended to read:

Subd. 4a. [PERMITS.] The pollution control agency may issue, continue in effect or deny permits, under such conditions as it may prescribe for the prevention of pollution, for the emission of air contaminants, or for the installation or operation of any emission facility, air contaminant treatment facility, treatment facility, potential air contaminant storage facility, or storage facility, or any part thereof, or for the sources or emissions of noise pollution.

The pollution control agency may also issue, continue in effect or deny permits, under such conditions as it may prescribe for the prevention of pollution, for the *storage*, collection, transportation, *processing*, or disposal of (SOLID) waste, or for the installation or operation of any system or facility, or any part thereof, related to the *storage*, collection, transportation, *processing*, or disposal of (SOLID) waste.

The pollution control agency may revoke or modify any permit issued under this subdivision and section 116.081 whenever it is necessary, in the opinion of the agency, to prevent or abate pollution.

(THE POLLUTION CONTROL AGENCY MAY ISSUE, CONTINUE IN EFFECT OR DENY PERMITS, UNDER SUCH CONDITIONS AS IT MAY PRESCRIBE FOR THE TREATMENT OR DISPOSAL OR BOTH OF HAZARDOUS WASTE, OR FOR THE INSTALLATION OR OPERATION OF ANY SYSTEM OR FACILITY OR ANY PART THEREOF.)

Sec. 8. Minnesota Statutes 1978, Section 116.07, is amended by adding a subdivision to read:

Subd. 4b. [PERMITS; HAZARDOUS WASTE FACILITIES.] *In reviewing applications for hazardous waste facility permits, in addition to the requirements imposed on it under this chapter and chapter 116D, the agency shall act in accordance with articles III and IV. The agency shall provide to the waste management board copies of each preliminary and final permit application for a hazardous waste facility immediately upon its submittal to the agency. The agency shall request recommendations on each permit application from the board and shall consult with the board on the agency's intended disposition of the recommendations. The agency shall respond to a preliminary permit application for a hazardous waste facility within 120 days following a decision not to prepare environmental documents or following the acceptance of a negative declaration notice or an environmental impact statement by the environmental*

quality board. Except as otherwise provided in article III, within 60 days following the submission of a final permit application for a hazardous waste facility, unless a time extension is agreed to by the applicant, the agency shall issue or deny all permits needed for the construction of the proposed facility.

Sec. 9. Minnesota Statutes 1978, Section 116.07, is amended by adding a subdivision to read:

Subd. 4c. [PERMITS; INTERIM HAZARDOUS WASTE STORAGE FACILITIES.] A generator of hazardous waste within the state, or an entity composed of or under contract to such generators, may apply to the agency for permits for interim storage facilities for hazardous waste generated within the state. The application shall demonstrate: (a) that no feasible and prudent alternative is available to eliminate the hazardous properties of the waste or the need for a waste facility to handle the waste, and (b) that no waste facility is reasonably available to accept the waste. The agency and the environmental quality board shall give highest priority to and shall expedite consideration of such applications. The agency shall make a determination on environmental documents required on the application within 30 days of submittal of the application. The environmental quality board shall finally accept or reject any environmental impact statement required within 280 days following publication of the impact statement preparation notice. The agency shall finally issue or deny permits within 30 days following a decision not to prepare environmental documents or following acceptance of a negative declaration notice or an environmental impact statement by the environmental quality board. An interim storage permit issued pursuant to this subdivision or pursuant to or in accordance with an order or decision of the board regarding such a permit under article IV shall not affect the responsibility of the generator for removal and final processing or disposal in a permitted hazardous waste facility. A permit shall not be issued under this subdivision for a period longer than three years, but such permits may be renewed by administrative action of the agency without a hearing or other review procedures for up to three additional one year periods.

Sec. 10. Minnesota Statutes 1978, Section 116.07, is amended by adding a subdivision to read:

Subd. 9. [ORDERS; INVESTIGATIONS.] The agency shall have the following powers and duties for the enforcement of any provision of chapter 116, relating to waste:

(a) to adopt, issue, reissue, modify, deny, revoke, enter into or enforce reasonable orders, schedules of compliance and stipulation agreements;

(b) to require by rule the owner or operator of any system or facility related to the storage, collection, transportation, pro-

cessing, land containment, or disposal of waste to establish and maintain records; to make reports; to install, use, and maintain monitoring equipment or methods; and to make tests, in accordance with methods, at locations, at intervals, and in a manner as the agency shall prescribe; and to provide other information as the agency may reasonably require;

(c) to conduct investigations, issue notices, public and otherwise, and hold hearings as it may deem necessary or advisable for the discharge of its duties under chapter 116, including but not limited to the issuance of permits; and to authorize any member, employee, or agent appointed by it to conduct the investigations and issue the notices.

Sec. 11. Minnesota Statutes 1978, Section 116.081, Subdivision 1, is amended to read:

116.081 [PROHIBITIONS.] Subdivision 1. [OBTAIN PERMIT.] It shall be unlawful for any person to construct, install or operate an emission facility, air contaminant treatment facility, treatment facility, potential air contaminant storage facility, storage facility, or system or facility related to the collection, transportation, storage, *processing*, or disposal of (SOLID) waste, or any part thereof unless otherwise exempted by any agency (REGULATION) *rule* now in force or hereinafter adopted, until plans therefor shall have been submitted to the agency, and a written permit therefor shall have been granted by the agency. The requirements of this section shall not be applied to motor vehicles. Abatement and control of air and land pollution during each biennium to the legislature with recommendations for action in furtherance of the air and land pollution and (SOLID) waste programs.

Sec. 12. Minnesota Statutes 1978, Section 116.101, is amended to read:

116.101 [HAZARDOUS WASTE CONTROL AND SPILL CONTINGENCY PLAN.] The pollution control agency shall study and investigate the problems of hazardous waste control and shall develop a statewide hazardous waste (MANAGEMENT) *spill contingency* plan detailing the location of hazardous waste (DISPOSAL) facilities and storage sites throughout the state and the needs relative to the interstate transportation of hazardous waste.

(ELEMENTS OF) The statewide hazardous *waste* spill contingency plan (WHICH RELATE TO HAZARDOUS WASTES,) shall be incorporated into the statewide hazardous waste management (PLAN) *plans of the waste management board established by article II*. The pollution control agency shall develop an informational reporting system of hazardous waste quantities generated, *processed*, and disposed of in the state.

Sec. 13. Minnesota Statutes 1978, Section 116.41, is amended to read:

116.41 [WASTE AND WASTE FACILITIES CLASSIFICATION; TRAINING AND CERTIFICATION.] Subdivision 1. [LAND CONTAINMENT AND DISPOSAL FACILITY CLASSIFICATION.] *By January 1, 1982, the pollution control agency (MAY) shall classify, respectively, facilities for the disposal of solid waste, facilities for the disposal of sewage sludge, and facilities for the disposal of hazardous waste according to the degree of hazard to public health or the environment involved in their operation (, AND ACCORDING TO THE VOLUME OR HAZARDOUS CHARACTER OF SOLID WASTE DISPOSED OF AT THE FACILITY. THE AGENCY MAY DEVELOP STANDARDS OF COMPETENCE FOR PERSONS OPERATING VARIOUS CLASSES OF FACILITIES FOR THE DISPOSAL OF SOLID WASTE). The classification of disposal facilities for waste shall be based upon the degree of intrinsic hazard and the volume and rate of application of the waste accepted by a facility, the intrinsic suitability of the location of the facility, the design and operating character of the facility, and other factors deemed relevant by the agency.*

Subd. 1a. [HAZARDOUS WASTE CLASSIFICATION.] *By January 1, 1982, the agency shall prescribe criteria for excluding types and categories of hazardous wastes from disposal, criteria for accepting types and categories of wastes as suitable for disposal, and minimum pre-treatment standards required as a condition of acceptance for disposal. The criteria and standards shall be based upon the degree of intrinsic hazard of the waste; the availability of conventional processing technologies for reducing, separating, reusing, recycling, and treating the waste; the feasibility and cost of applying the processing technologies in relation to the benefits to be achieved by such application; the class of facility; and other factors deemed relevant by the agency.*

Subd. 2. [TRAINING AND CERTIFICATION PROGRAMS.] *The agency shall develop standards of competence for persons operating and inspecting various classes of disposal facilities. The agency (MAY) shall conduct training programs for persons operating facilities for the disposal of (SOLID) waste and for, inspectors of such facilities, and may charge such fees as are necessary to cover the actual costs of the training programs.*

(SUBD. 3. AFTER JULY 1, 1976, WHEN A FACILITY FOR THE DISPOSAL OF SOLID WASTE, OTHER THAN AN ANIMAL FEEDLOT, IS OPERATING UNDER A PERMIT FROM THE AGENCY,) *The agency (MAY) shall require (THE OPERATOR) operators and inspectors of (THE FACILITY) such facilities to obtain from the agency a certificate of (HIS) competence (TO OPERATE THE FACILITY). The agency*

(MAY) shall conduct examinations to test the competence of applicants for certification, and (MAY) shall require that certificates be renewed at reasonable intervals. The agency may charge such fees as are necessary to cover the actual costs of receiving and processing applications, conducting examinations, and issuing and renewing certificates.

Subd. 3. [REGULATION AND ENFORCEMENT ASSISTANCE.] The agency shall establish a program to provide technical and financial assistance for regulation and enforcement to counties which have certified operators and inspectors conforming to the requirements of the agency, chapters 400 and 473, and articles I to VIII.

Subd. 4. [RULES.] The agency (MAY) shall adopt, amend, and rescind (SUCH) rules (AND REGULATIONS) as may be necessary to carry out the provisions of this section in accordance with chapter 15.

Sec. 14. [REPORT ON SEWAGE SLUDGE.] By January 1, 1981, the agency shall prepare and submit a report on sewage sludge disposal to the legislative commission. The report shall recommend appropriate strategies, procedures, and programs to abate potential health hazards resulting from sewage sludge disposal facilities. In preparing the report, the agency shall: (a) analyze the potential public health hazards resulting from sewage sludge disposal facilities and methods of abatement; (b) monitor and evaluate representative disposal facilities to determine characteristics of the sewage sludge, soil, groundwater, and vegetation; (c) examine existing regional, state, and federal regulations regarding the pre-treatment of industrial wastewater and efforts which are being or could be made by industry to pre-treat their industrial wastewaters; (d) analyze the need and potential effects of state regulations on concentrations of toxic and hazardous substances in industrial wastewater effluent; (e) summarize the duties and relationships among government entities responsible for sewage and sewage sludge treatment and regulation.

ARTICLE XII

APPROPRIATIONS

Section 1. [BOARD.] For the fiscal year ending June 30, 1981, the sum of \$ is appropriated from the general fund to the waste management board for the purposes of general administration, management, and staff. Of this amount \$ shall be for the salary of the chairperson of the board who shall be a full-time employee in the unclassified service.

Sec. 2. [HAZARDOUS WASTE.] Subdivision 1. [BOARD; HAZARDOUS WASTE REPORTS.] For the fiscal year ending June 30, 1981, the sum of \$ is appropriated from the

general fund to the waste management board for the purpose of preparing the hazardous waste reports required by article II, section 6. Of this amount, the sum of \$ is available for the purpose of making grants for assistance in the preparation of hazardous waste reports, in accordance with article II, section 6, subdivision 6.

Subd. 2. [GRANTS AND TECHNICAL ASSISTANCE TO COUNTIES AND PROJECT REVIEW COMMITTEES.] For the fiscal year ending June 30, 1981, the sum of \$ is appropriated from the general fund to the waste management board for the purpose of grants and technical assistance to counties participating in the preparation of the inventory of preferred sites for hazardous waste processing facilities under article II, section 7, and to project review committees participating in the certification of need and review of candidate sites for land containment and disposal facilities under Article III.

Sec. 3. [STATE GOVERNMENT RESOURCE RECOVERY.] For the fiscal year ending June 30, 1981, the sum of \$ is appropriated from the general fund to the general services revolving fund, resource recovery account, to be used by the commissioner of administration for the implementation and operation of the state government resource recovery program under article II, section 12. The complement of the department of administration is increased by three positions. Except for the administrator of the program the positions shall be in the classified service.

Sec. 4. [SOLID WASTE MANAGEMENT PLANNING ASSISTANCE.] For the fiscal year ending June 30, 1981, the sum of \$ is appropriated from the general fund to the agency for the purposes of the planning assistance program established by article V. One-half of this sum shall be reappropriated to the metropolitan council for solid waste management planning in the metropolitan area. Of the amount reappropriated to the metropolitan council, \$ shall be available to the council for administration and the preparation of plans and reports required of the council in article X, and the remainder shall be for assistance to counties required to prepare solid waste management plans under chapter 473 and article X. The appropriation is available until expended.

Sec. 5. [SOLID WASTE MANAGEMENT DEMONSTRATION PROGRAM.] For the fiscal year ending June 30, 1981, the sum of \$ is appropriated from the general fund to the agency for the demonstration program established by Article VI. The appropriation is available until expended.

Sec. 6. [POLLUTION CONTROL AGENCY.] For the fiscal year ending June 30, 1981, the sum of \$ is appropriated from the general fund to the pollution control agency for the purpose of certifying and training operators and inspectors of

solid waste facilities and providing technical and financial assistance to improve regulation, compliance, and enforcement.

ARTICLE XIII

Section 1. [REPEALER.] *Minnesota Statutes 1978, Sections 116F.02, Subdivisions 3, 4 and 5; 116F.03; 116F.04; 116F.05, Subdivision 2; 400.03, Subdivisions 2, 3, 4, 5, 6, and 7; 473.121, Subdivisions 27, 28, 29, 31, 31a, 31b, and 31c; 473.823, Subdivisions 1, 2, and 4, and Laws 1978, Chapter 723, Section 7, are repealed."*

Further, amend the title:

Page 1, line 25, after "Sections" insert "116F.02, Subdivisions 3, 4, and 5; 116F.03; 116F.04; 116F.05, Subdivision 2;"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Rice from the Committee on Labor-Management Relations to which was referred:

H. F. No. 2037, A bill for an act relating to workers' compensation; changing special compensation fund assessment procedures; providing for reimbursement to certain insurers; amending Minnesota Statutes, 1979 Supplement, Sections 176.131, Subdivision 10; and 176.191, Subdivision 3.

Reported the same back with the following amendments:

Page 1, after line 9, insert a section to read:

"Section 1. Minnesota Statutes, 1979 Supplement, Section 79.171, is amended to read:

79.171 [INFORMATION.] In addition to other information that the commissioner requests pursuant to section 79.071, the rating association shall: (a) separate the incurred but not reported losses of its members; (b) separate paid and outstanding losses of its members; (c) provide information indicating cases in which its members have established a reserve in excess of \$50,000; and (d) provide information on the income on invested reserves of its members. *Data supplied by the rating association pursuant to this section shall reflect its members' Minnesota workers' compensation experience only. Data reflecting its members' workers' compensation experience in other states or data derived from national workers' compensation experience or estimates shall not satisfy the requirements of this section.*

The commissioner shall consider this information in an appropriate manner in adopting a schedule of rates and shall decline to grant a hearing pursuant to section 79.071 if the association fails to provide the information."

Page 3, delete lines 18 to 24 and insert:

"In determining the percentage of the total compensation required to be paid by the employer to the commissioner of labor and industry for the benefit of the special compensation fund as provided in clause (2) beginning September 30, 1980 and each September 30 thereafter, the commissioner of labor and industry shall use the following schedule:

<i>Balance in the Fund</i>	<i>Permissible Range of Rate Adjustment</i>
<i>Less than \$2,000,000</i>	<i>+1 percent to + 7 percent</i>
<i>At least \$2,000,000 but less than \$3,000,000</i>	<i>0 percent to +6 percent</i>
<i>At least \$3,000,000 but less than \$4,000,000</i>	<i>-2 percent to +4 percent</i>
<i>At least \$4,000,000 but less than \$5,000,000</i>	<i>-5 percent to +3 percent</i>
<i>At least \$5,000,000 but less than \$6,000,000</i>	<i>-6 percent to +2 percent</i>
<i>\$6,000,000 or more</i>	<i>-7 percent to +2 percent</i>

In determining the actual adjustment the commissioner shall take into account his estimate of the likely amount of expenditures to be made from the fund in the next calendar year."

Page 4, line 28, delete "and" and insert ". The insurer"

Page 4, line 29, after "shall" insert "also"

Page 4, line 30, before the period, insert "up to the amount that would be payable under this chapter if the injury were determined to be compensable"

Renumber sections accordingly

Amend the title as follows:

Page 1, line 4, after the semi-colon insert "providing that rating association supply Minnesota information;"

Page 1, line 6, after "Sections" insert "79.171;"

With the recommendation that when so amended the bill pass.

The report was adopted.

Anderson, I., from the Committee on General Legislation and Veterans Affairs to which was referred:

H. F. No. 2082, A bill for an act relating to elections; providing for special elections to fill vacancies in statutory city offices; amending Minnesota Statutes 1978, Sections 205.10; 205.17, Subdivision 1; and 412.02, Subdivision 2, and by adding a subdivision.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Cassery from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 2185, A bill for an act relating to the Knife Lake Improvement District in Kanabec County; authorizing Kanabec County to finance the cost of a certain improvement within the district.

Reported the same back with the following amendments:

Page 1, line 10, delete "378.56" and insert "378.57"

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Munger from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 2211, A bill for an act relating to the environment; setting a date by which the environmental quality board is to amend certain procedures; changing the recipient of petitions for environmental impact statements; providing for contested case hearings; altering the liability for environmental impact statement costs under certain conditions; amending Minnesota Statutes 1978, Sections 116D.04, Subdivisions 2, 3 and 7; and 116D.045.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1978, Section 116D.04, is amended by adding a subdivision to read:

Subd. 1a. [DEFINITIONS.] For the purposes of sections 116D.01 to 116D.07, the following terms have the meanings given to them in this subdivision.

(a) “Natural resources” has the meaning given it in section 116B.02, subdivision 4.

(b) “Pollution, impairment or destruction” has the meaning given it in section 116B.02, subdivision 5.

(c) “Environmental assessment worksheet” means a brief document which is designed to set out the basic facts necessary to determine whether an environmental impact statement is required for a proposed action.

(d) “Governmental action” means activities, including projects wholly or partially conducted, permitted, assisted, financed, regulated or approved by units of government including the federal government.

(e) “Governmental unit” means any state agency and any general or special purpose unit of government in the state including, but not limited to, watershed districts organized under chapter 112, counties, towns, cities, port authorities and housing authorities, but not including courts, school districts and regional development commissions other than the metropolitan council.

Sec. 2. Minnesota Statutes 1978, Section 116D.04, is amended by adding a subdivision to read:

Subd. 2a. Where there is potential for significant environmental effects resulting from any major governmental action, the action shall be preceded by a detailed environmental impact statement prepared by the responsible governmental unit. The environmental impact statement shall be an analytical rather than an encyclopedic document which describes the proposed action in detail, analyzes its significant environmental impacts, discusses appropriate alternatives to the proposed action and their impacts, and explores methods by which adverse environmental impacts of an action could be mitigated. The environmental impact statement shall also analyze those economic, employment and sociological effects that cannot be avoided should the action be implemented. To ensure its use in the decision making process, the environmental impact statement shall be prepared as early as practical in the formulation of an action.

(a) *The board shall by rule establish categories of actions for which environmental impact statements and for which environmental assessment worksheets shall be prepared as well as categories of actions for which no environmental review is required under this section.*

(b) *The responsible governmental unit shall promptly publish notice of the completion of an environmental assessment worksheet in a manner to be determined by the board and shall provide copies of the environmental assessment worksheet to the board and its member agencies. Comments on the need for an environmental impact statement may be submitted to the responsible governmental unit during a 30 day period following publication of the notice that an environmental assessment worksheet has been completed. The responsible governmental unit's decision on the need for an environmental impact statement shall be based on the environmental assessment worksheet and the comments received during the comment period, and shall be made within 15 days after the close of the comment period. The board's chairman may extend the 15 day period by not more than 15 additional days upon the request of the responsible governmental unit.*

(c) *An environmental assessment worksheet shall also be prepared for a proposed action whenever material evidence accompanying a petition by not less than 25 individuals, submitted before the proposed project has received final approval by the appropriate governmental units, demonstrates that, because of the nature or location of a proposed action, there may be potential for significant environmental effects. Petitions requesting the preparation of an environmental assessment worksheet shall be submitted to the board. The chairman of the board shall determine the appropriate responsible governmental unit and forward the petition to it. A decision on the need for an environmental assessment worksheet shall be made by the responsible governmental unit within 15 days after the petition is received by the responsible governmental unit. The board's chairman may extend the 15 day period by not more than 15 additional days upon request of the responsible governmental unit.*

(d) *The board may, prior to final approval of a proposed project, require preparation of an environmental assessment worksheet by a responsible governmental unit selected by the board for any action where environmental review under this section has not been specifically provided for by rule or otherwise initiated.*

(e) *An early and open process shall be utilized to limit the scope of the environmental impact statement to a discussion of those impacts, which, because of the nature or location of the project, have the potential for significant environmental effects. The same process shall be utilized to determine the form, content and level of detail of the statement as well as the alterna-*

tives which are appropriate for consideration in the statement. In addition, the permits which will be required for the proposed action shall be identified during the scoping process. Further, the process shall identify those permits for which information will be developed concurrently with the environmental impact statement. The board shall provide in its rules for the expeditious completion of the scoping process. The determinations reached in the process shall be incorporated into the order requiring the preparation of an environmental impact statement.

(f) Whenever practical, information needed by a governmental unit for making final decisions on permits or other actions required for a proposed project shall be developed in conjunction with the preparation of an environmental impact statement.

(g) An environmental impact statement shall be prepared and its adequacy determined within 280 days after notice of its preparation unless the time is extended by consent of the parties or by the governor for good cause. The responsible governmental unit shall determine the adequacy of an environmental impact statement, unless within 60 days after notice is published that an environmental impact statement will be prepared, the board chooses to determine the adequacy of an environmental impact statement. If an environmental impact statement is found to be inadequate, the responsible governmental unit shall have 60 days to prepare an adequate environmental impact statement.

Sec. 3. Minnesota Statutes 1978, Section 116D.04, is amended by adding a subdivision to read:

Subd. 3a. Within 90 days after final approval of an environmental impact statement, final decisions shall be made by the appropriate governmental units on those permits which were identified as required and for which information was developed concurrently with the preparation of the environmental impact statement. Provided, however, that the 90 day period may be extended where a longer period is required by federal law or state statute or is consented to by the permit applicant. The permit decision shall include the reasons for the decision, including any conditions under which the permit is issued, together with a final order granting or denying the permit.

Sec. 4. Minnesota Statutes 1978, Section 116D.04, is amended by adding a subdivision to read:

Subd. 4a. The board shall by rule identify alternative forms of environmental review which will address the same issues and utilize similar procedures as an environmental impact statement in a more timely or more efficient manner to be utilized in lieu of an environmental impact statement.

Sec. 5. Minnesota Statutes 1978, Section 116D.04, is amended by adding a subdivision to read:

Subd. 5a. The board shall, by January 1, 1981, promulgate rules in conformity with this chapter and the provisions of chapter 15, establishing:

(a) The governmental unit which shall be responsible for environmental review of a proposed action;

(b) The form and content of environmental assessment worksheets;

(c) A scoping process in conformance with subdivision 2a, clause (e);

(d) A procedure for identifying during the scoping process the permits necessary for a proposed action and a process for coordinating review of appropriate permits with the preparation of the environmental impact statement;

(e) A standard format for environmental impact statements;

(f) Standards for determining the alternatives to be discussed in an environmental impact statement;

(g) Alternative forms of environmental review which are acceptable pursuant to subdivision 4a;

(h) A model ordinance in lieu of the environmental impact statement process required by this section which may be adopted by local governmental units where the local governmental unit is the responsible governmental unit for reviewing a proposed action. The model ordinance shall provide for adequate consideration of appropriate alternatives, and shall ensure that decisions are made in accordance with the policies and purposes of this act;

(i) Procedures to reduce paperwork and delay through inter-governmental cooperation and the elimination of unnecessary duplication of environmental reviews;

(j) Procedures for expediting the selection of consultants by the governmental unit responsible for the preparation of an environmental impact statement; and

(k) Any additional rules which are reasonably necessary to carry out the requirements of this section.

Sec. 6. Minnesota Statutes 1978, Section 116D.04, is amended by adding a subdivision to read:

Subd. 6a. Prior to the preparation of a final environmental impact statement, the governmental unit responsible for the statement shall consult with and request the comments of every governmental office which has jurisdiction by law or special expertise with respect to any environmental effect involved. Copies of the drafts of such statements and the comments and views of the appropriate offices shall be made available to the public. The final detailed environmental impact statement and the comments received thereon shall precede final decisions on the proposed action and shall accompany the proposal through an administrative review process.

Sec. 7. Minnesota Statutes 1978, Section 116D.04, is amended by adding a subdivision to read:

Subd. 10. Decisions on the need for an environmental assessment worksheet, the need for an environmental impact statement and the adequacy of an environmental impact statement may be reviewed by certiorari by the district court of the county wherein the proposed action, or any part thereof, would be undertaken. No bond shall be required under Minnesota Statutes, Section 562.02, as a prerequisite to review under this subdivision. The board may initiate judicial review of decisions referred to herein and may intervene as of right in any proceeding brought under this subdivision.

Sec. 8. Minnesota Statutes 1978, Section 116D.04, is amended by adding a subdivision to read:

Subd. 11. If the board or governmental unit which is required to act within a time period specified in this section fails to so act, any person may seek an order of the district court requiring the board or governmental unit to immediately take the action mandated by subdivisions 2a and 3a.

Sec. 9. [APPROPRIATIONS.] *There is appropriated from the general fund to the environmental quality board the sum of \$5,000 for the implementation of this act.*

Sec. 10. *Rules adopted under the authority of section 116D.04 which are in effect on the effective date of this act shall remain in effect until the rules required by this act become effective.*

Sec. 11. [REPEALER.] *Minnesota Statutes 1978, Section 116D.04, Subdivision 1, 2, 3, 4 and 5 are repealed.*

Sec. 12. [EFFECTIVE DATE.] *Sections 1 to 11 are effective the day following final enactment."*

Delete the title in its entirety and insert:

"A bill for an act relating to the environment; altering the procedure for environmental review; providing for alternative forms of environmental review; appropriating money; amending Minnesota Statutes 1978, Section 116D.04, by adding subdivisions; repealing Minnesota Statutes 1978, Section 116D.04, Subdivisions 1, 2, 3, 4, and 5."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Anderson, I., from the Committee on General Legislation and Veterans Affairs to which was referred:

H. F. No. 2377, A bill for an act relating to veterans; prohibiting discrimination against Vietnam veterans; appropriating money; amending Minnesota Statutes 1978, Sections 43.15, Subdivision 6; 363.01, by adding a subdivision; 363.03, Subdivisions 1, 2, 3, 4 and 5; Minnesota Statutes, 1979 Supplement, Section 43.15, Subdivision 1.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Munger from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 2417, A bill for an act relating to natural resources; authorizing the commissioner of natural resources to enter into agreements with the Minnesota Chippewa Tribe and Bands thereof in regard to licenses and fees for hunting, fishing, trapping, and taking of minnows and other bait on Indian reservations by non-Indians; amending Minnesota Statutes 1978, Sections 97.431, Subdivision 4; and 97.432; and Chapter 97, by adding a section.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1978, Chapter 97, is amended by adding a section to read:

[97.433] [AGREEMENTS WITH THE LEECH LAKE AND WHITE EARTH BANDS OF CHIPPEWA INDIANS RELATING TO HUNTING AND FISHING LICENSES AND FEES.] *Subdivision 1.* [AGREEMENT WITH THE WHITE EARTH BAND OF CHIPPEWA INDIANS.] *The commissioner may enter into an agreement with authorized representatives*

of the White Earth Band of Chippewa Indians on substantially the same terms as the agreement adopted by section 97.431 and amended by section 97.432; except that in lieu of the system of special licenses and related license fees for persons who are not members of the Minnesota Chippewa tribe for the privilege of hunting, fishing, trapping, or taking minnows and other bait within the reservation described in section 97.431, subdivision 4, clause (b), said agreement shall provide that an amount not to exceed \$320,000 annually shall be credited to the special license account established by section 97.431 and shall be remitted to the band in the manner and subject to the terms and conditions which may be mutually agreed upon.

There is annually appropriated \$320,000 from the game and fish fund to the commissioner of natural resources for this payment.

Subd. 2. [AMENDMENT TO THE LEECH LAKE SETTLEMENT AGREEMENT.] *The commissioner may enter into an agreement with authorized representatives of the Leech Lake Band of Chippewa Indians to amend the settlement agreement adopted in section 97.431 and previously amended pursuant to section 97.432 by providing that in lieu of the system of special licenses and license fees for persons who are not members of the Minnesota Chippewa tribe for the privilege of hunting, fishing, trapping, or taking minnows and other bait within the reservation, an amount not to exceed \$730,000 annually shall be credited to the special license account established by section 97.431 and shall be remitted to the band in the manner and subject to the terms and conditions which may be mutually agreed upon.*

Sec. 2. *The Leech Lake Band special license account created by section 97.431, is hereby renamed the Leech Lake Band and White Earth Band special license account. The revisor of statutes is directed to change all references to the "Leech Lake Band special license account" to the "Leech Lake Band and White Earth Band special license account" in the next and subsequent editions of Minnesota Statutes.*

There is annually appropriated effective April 1, 1981 \$730,000 from the game and fish fund to the commissioner of natural resources for this payment.

Sec. 3. *This section is effective the day following final enactment."*

Further, amend the title as follows:

Page 1, line 8, after the semicolon insert "appropriating money;"

Page 1, delete line 9

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Faricy from the Committee on Judiciary to which was referred:

S. F. No. 133, A bill for an act relating to partnerships; enacting the 1976 uniform limited partnership act.

Reported the same back with the following amendments:

Page 28, after line 10 insert:

“UNIFORM CONDOMINIUM ACT

ARTICLE I

GENERAL PROVISIONS

Section 515.1-101. [SHORT TITLE.] Sections 515.1-101 to 515.4-116 shall be known and may be cited as the uniform condominium act.

Sec. 515.1-102. [APPLICABILITY.] (a) Sections 515.1-105 (Separate Titles and Taxation; Homestead), 515.1-106 (Applicability of Local Ordinances, Regulations, and Building Codes), 515.1-107 (Eminent Domain), 515.2-103 (Construction and Validity of Declaration and Bylaws), 515.2-104 (Description of Units), 515.3-102 (1) to (5) and (9) to (12) (Powers of Unit Owners Association), 515.3-108 (Tort and Contract Liability), 515.3-112 (Lien for Assessments), 515.3-113 (Association Records), 515.4-106 (Resales of Units), and 515.1-103 (Definitions) to the extent necessary in construing any of those sections, apply to all condominiums created in this state prior to the effective date of sections 515.1-101 to 515.4-116; provided, however, that these sections apply only with respect to events and circumstances occurring after the effective date of sections 515.1-101 to 515.4-116, and do not invalidate existing provisions of the declaration, bylaws or floor plans of those condominiums.

(b) Sections 515.1-101 to 515.4-116 apply to all condominiums created within this state after August 1, 1980. The provisions of Minnesota Statutes, Sections 515.01 to 515.29 do not apply to condominiums created after August 1, 1980 and do not invalidate any amendment to the declaration, bylaws, or floor plans of any condominium created before August 1, 1980 if the amendment would be permitted by sections 515.1-101 to 515.4-116. The amendment must be adopted in conformity with the procedures and requirements specified by those instruments and by Minnesota Statutes, Sections 515.01 to 515.29. If the amendment grants to any person any rights, powers or privileges permitted by sections 515.1-101 to 515.4-116, all correlative obligations, liabilities, and restrictions in sections 515.1-101 to 515.4-116 also apply to that person.

Sec. 515.1-103. [DEFINITIONS.] In the declaration and bylaws, unless specifically provided otherwise or the context otherwise requires, and in sections 515.1-101 to 515.4-116:

(1) "Additional real estate" means real estate that may be added to a flexible condominium.

(2) "Affiliate of a declarant" means any person who controls, is controlled by, or is under common control with a declarant. A person "controls" a declarant if the person (i) is a general partner, officer, director, or employee of the declarant or (ii) directly or indirectly or acting in concert with one or more other persons, or through one or more subsidiaries, owns, controls, holds with power to vote, or holds proxies representing, more than 20 percent of the voting interests of the declarant, or (iii) controls in any manner the election of a majority of the directors of the declarant, or (iv) has contributed more than 20 percent of the capital of the declarant. A person "is controlled by" a declarant if the declarant (i) is a general partner, officer, director, or employee of the person or (ii) directly or indirectly or acting in concert with one or more other persons, or through one or more subsidiaries, owns, controls, holds with the power to vote, or holds proxies representing, more than 20 percent of the voting interests of the person, or (iii) controls in any manner the election of a majority of the directors of the person, or (iv) has contributed more than 20 percent of the capital of the person.

(3) "Association" or "unit owners association" means the unit owners association organized under section 515.3-101.

(4) "Common elements" means all portions of a condominium other than the units.

(5) "Common expenses" means expenditures made or liabilities incurred by or on behalf of the association, together with any allocations to reserves.

(6) "Common expense liability" means the liability for common expenses allocated to each unit pursuant to section 515.2-108.

(7) "Condominium" means real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. Real estate is not a condominium unless the undivided interests in the common elements are vested in the unit owners.

(8) "Conversion condominium" means a condominium in which a building was at any time before the recording of the declaration wholly or partially occupied by persons other than

purchasers and persons who occupied with the consent of the purchasers.

(9) "Declarant" means:

(a) if the condominium has been created, (1) any person who has executed a declaration or an amendment to a declaration to add additional real estate, other than persons holding interests in the real estate solely as security for an obligation, persons whose interests in the real estate will not be conveyed to unit owners, or, in the case of a leasehold condominium, a lessor who possesses no special declarant rights and who is not an affiliate of a declarant who possesses special declarant rights, or (2) any person who succeeds under section 515.3-104 to any special declarant rights; or

(b) any person who has offered prior to creation of a condominium to dispose of his interest in a unit to be created and not previously disposed of.

(10) "Dispose" or "disposition" means a voluntary transfer of any legal or equitable interest in a unit, other than as security for an obligation.

(11) "Flexible condominium" means a condominium to which additional real estate may be added.

(12) "Leasehold condominium" means a condominium in which all of the real estate is subject to a lease, the expiration or termination of which will terminate the condominium.

(13) "Limited common element" means a portion of the common elements allocated by the declaration or by operation of section 515.2-102(2) or (4) for the exclusive use of one or more but fewer than all of the units.

(14) "Person" means a natural person, corporation, partnership, trust, or other entity, or any combination thereof.

(15) "Purchaser" means any person, other than a declarant, who prior to creation of the condominium enters into a purchase agreement with a declarant or who by means of a voluntary transfer after creation of the condominium holds a legal or equitable interest in a unit, other than (i) a leasehold interest (including renewal options) of less than three years, or (ii) as security for an obligation.

(16) "Real estate" means any leasehold for three years or more or other estate or interest in, over, or under land, including structures, fixtures, and other improvements and interests which by custom, usage, or law pass with a conveyance of land though not described in the contract of sale or instrument of

conveyance. "Real estate" includes parcels with or without upper or lower boundaries.

(17) "Security for an obligation" means the vendor's interest in a contract for deed, mortgagee's interest in a mortgage, purchaser's interest under a sheriff's certificate of sale during the period of redemption, or the holder's interest in a lien.

(18) "Special declarant rights" means rights reserved for the benefit of a declarant to complete improvements indicated on floor plans (section 515.2-110); to add additional real estate to a flexible condominium (section 515.2-111); to subdivide or convert a unit (section 515.2-114); to maintain sales offices, management offices, signs advertising the condominium, and models (section 515.2-116); to use easements through the common elements for the purpose of making improvements within the condominium or additional real estate (section 515.2-117); or to appoint or remove any board member during any period of declarant control (section 515.3-103(a)).

(19) "Unit" means a portion of the condominium, whether or not contained solely or partially within a building, designated for separate ownership, the boundaries of which are described pursuant to section 515.2-110.

(20) "Unit owner" means a declarant who owns a unit, a person to whom ownership of a unit has been conveyed, or in a leasehold condominium a lessee of a unit whose lease expires simultaneously with any lease the expiration or termination of which will remove the unit from the condominium, but does not include a holder of an interest as security for an obligation.

Sec. 515.1-104. [VARIATION BY AGREEMENT.] Except as expressly otherwise provided in sections 515.1-101 to 515.4-116, provisions of sections 515.1-101 to 515.4-116 may not be varied by agreement, and rights conferred by sections 515.1-101 to 515.4-116 may not be waived. A declarant may not act under a power of attorney, or use any other device, to evade the limitations or prohibitions of sections 515.1-101 to 515.4-116 or the declaration.

Sec. 515.1-105. [SEPARATE TITLES AND TAXATION; HOMESTEAD.] (a) Each unit together with its common element interest constitutes for all purposes a separate parcel of real estate.

(b) If a declaration is filed prior to ten days before any installment of real estate taxes becomes payable, the local taxing authority shall split the taxes so payable on the condominium among the units. Interest and penalties which would otherwise accrue shall not begin to accrue until at least 30 days after the split is accomplished.

(c) A unit used for residential purposes together with not more than two units used for vehicular parking and their common element interests shall be treated the same as any other real estate in determining whether homestead exemptions or classifications shall apply.

Sec. 515.1-106 [APPLICABILITY OF LOCAL ORDINANCES, REGULATIONS, AND BUILDING CODES.] (a) Except as provided in subsections (b) and (c), a zoning, subdivision, building code, or other real estate use law, ordinance, or regulations may not prohibit the condominium form of ownership or impose any requirement upon a condominium which it would not impose upon a physically identical development under a different form of ownership. Otherwise, no provision of sections 515.1-101 to 515.4-116 invalidates or modifies any provision of any zoning, subdivision, building code, or other real estate use law, ordinance, or regulation. (b) The limitation in subsection (a) shall not apply to any ordinance, rule or regulation relating to the financing of housing construction, rehabilitation, or purchases provided by or through a housing finance program established and operated pursuant to state law by a state agency or local unit of government.

(c) A statutory or home rule charter city, pursuant to an ordinance or charter provision establishing standards to be applied uniformly within its jurisdiction, may prohibit, restrict, or impose conditions upon the conversion of buildings to the condominium form of ownership (1) as a condition to the provision of public financial assistance to preserve or improve buildings containing residential dwellings or to reduce the rents charged to tenants occupying residential dwellings, (2) to prevent a significant reduction in the supply of rental housing, (3) to minimize the adverse effects of displacement caused by the conversion of occupied residential dwellings to the condominium form of ownership, or (4) to establish or maintain the city's eligibility for any federal or state program providing direct or indirect financial assistance to the city.

Sec. 515.1-107. [EMINENT DOMAIN.] (a) If a unit is acquired by eminent domain, or if part of a unit is acquired by eminent domain leaving the unit owner with a remnant which may not practically or lawfully be used for any purpose permitted by the declaration, the award shall compensate the unit owner and holders of an interest as security for an obligation in the unit and its common element interest as their interests may appear, whether or not any common element interest is acquired. Upon acquisition, unless the decree otherwise provides, that unit's entire common element interest, votes in the association, and common expense liability are automatically reallocated to the remaining units in proportion to the respective interests, votes, and liabilities of those units prior to the taking, and the association shall promptly prepare, execute, and record an amendment to the declaration reflecting the reallocations. Any

remnant of a unit remaining after part of a unit is taken under this subsection is thereafter a common element.

(b) Except as provided in subsection (a), if part of a unit is acquired by eminent domain, the award shall compensate the unit owner and the holders of an interest as security for an obligation as their interests may appear for the reduction in value of the unit and its common element interest. Upon acquisition, unless the apportionment thereof pursuant to the declaration is based upon equality, (1) that unit's common element interest, votes in the association, and common expense liability are reduced in proportion to the reduction in the size of the unit, and (2) the portion of common element interest, votes, and common expense liability divested from the partially acquired unit are automatically reallocated to that unit and the remaining units in proportion to the respective interests, votes, and liabilities of those units prior to the taking, with the partially acquired unit participating in the reallocation on the basis of its reduced interests, votes, and liabilities.

(c) If part of the common elements is acquired by eminent domain, the award shall be paid to the association. The association shall divide any portion of the award not used for any restoration or repair of the remaining common elements among the unit owners and holders of an interest as security for an obligation as their interests may appear in proportion to their respective interests in the common elements before the taking, but the portion of the award attributable to the acquisition of a limited common element shall be equally divided among the owners of the units and the respective holders of an interest as security for an obligation of the units as their interests may appear of the units to which that limited common element was allocated at the time of acquisition, or in such other manner as the declaration may provide.

(d) The court decree shall be recorded in every county in which any portion of the condominium is located.

Sec. 515.1-108. [SUPPLEMENTAL GENERAL PRINCIPLES OF LAW APPLICABLE.] The principles of law and equity, including the law of corporations, the law of real property and the law relative to capacity to contract, principal and agent, eminent domain, estoppel, fraud, misrepresentation, duress, coercion, mistake, receivership, substantial performance, or other validating or invalidating cause supplement the provisions of sections 515.1-101 to 515.4-116, except to the extent inconsistent with sections 515.1-101 to 515.4-116. Documents required by sections 515.1-101 to 515.4-116 to be recorded shall in the case of registered land be filed.

Sec. 515.1-109. [CONSTRUCTION AGAINST IMPLICIT REPEAL.] Sections 515.1-101 to 515.4-116 being a general act intended as a unified coverage of its subject matter, no part of

it shall be construed to be impliedly repealed by subsequent legislation if that construction can reasonably be avoided.

Sec. 515.1-110. [UNIFORMITY OF APPLICATION AND CONSTRUCTION.] Sections 515.1-101 to 515.4-116 shall be applied and construed so as to effectuate its general purpose to make uniform the law with respect to the subject of sections 515.1-101 to 515.4-116 among states enacting it.

Sec. 515.1-111. [SEVERABILITY.] If any provision of sections 515.1-101 to 515.4-116 or the application thereof to any person or circumstances is held invalid, the invalidity does not affect other provisions or applications of sections 515.1-101 to 515.4-116 which can be given effect without the invalid provisions or application, and to this end the provisions of sections 515.1-101 to 515.4-116 are severable.

Sec. 515.1-112. [UNCONSCIONABLE AGREEMENT OR TERM OF CONTRACT.] (a) The court, upon finding as a matter of law that a contract or contract clause to which the declarant or the affiliate of a declarant is a party was unconscionable at the time the contract was made, may refuse to enforce the contract, enforce the remainder of the contract without the unconscionable clause, or limit the application of any unconscionable clause in order to avoid an unconscionable result.

(b) Whenever it is claimed, or appears to the court that such a contract or contract clause is or may be unconscionable, the parties, in order to aid the court in making the determination, shall be afforded a reasonable opportunity to present evidence as to:

(1) the commercial setting of the negotiations;

(2) whether a party has knowingly taken advantage of the inability of the other party reasonably to protect his interests by reason of physical or mental infirmity, illiteracy, or inability to understand the language of the agreement or similar factors;

(3) the effect and purpose of the contract or clause; and

(4) if a sale, any gross disparity, at the time of contracting, between the amount charged for the real estate and the value of the real estate measured by the price at which similar real estate was readily obtainable in similar transactions, but a disparity between the contract price and the value of the real estate measured by the price at which similar real estate was readily obtainable in similar transactions does not, of itself, render the contract unconscionable.

Sec. 515.1-113. [OBLIGATION OF GOOD FAITH.] Every contract or duty governed by sections 515.1-101 to 515.4-116

imposes an obligation of good faith in its performance or enforcement.

Sec. 515.1-114. [REMEDIES TO BE LIBERALLY ADMINISTERED.] (a) The remedies provided by sections 515.1-101 to 515.4-116 shall be liberally administered to the end that the aggrieved party is put in as good a position as though the other party had fully performed, provided that rights of bona fide purchasers shall be protected. However, consequential, special, or punitive damages may not be awarded except as specifically provided in sections 515.1-101 to 515.4-116 or by other rule of law.

(b) Any right or obligation declared by sections 515.1-101 to 515.4-116 is enforceable by judicial proceeding unless the provision declaring it provides otherwise.

Sec. 515.1-115. [NOTICE.] Except as otherwise stated in sections 515.1-101 to 515.4-116 all notices required by sections 515.1-101 to 515.4-116 shall be in writing and shall be effective upon hand delivery or upon mailing if properly addressed with postage prepaid and deposited in the United States mail.

ARTICLE II

CREATION, ALTERATION, AND TERMINATION OF CONDOMINIUMS

Sec. 515.2-101. [CREATION OF CONDOMINIUM.] (a) A condominium may be created pursuant to sections 515.1-101 to 515.4-116 only by recording a declaration executed, in the same manner as a deed, by all persons whose interests in the real estate will be conveyed to unit owners, except vendors under contracts for deed, and by every lessor of a lease the expiration or termination of which will terminate the condominium. The declaration and bylaws shall be recorded in every county in which any portion of the condominium is located. Failure of any party to join in a declaration shall have no effect on the validity of a condominium if after the recording of the declaration the party acknowledges the condominium in a recorded instrument.

(b) A declaration, or an amendment to a declaration adding units to a condominium, shall not be recorded unless all structural components and mechanical systems of all buildings containing or comprising any units thereby created are substantially completed consistent with the floor plans, as evidenced by a certificate executed by an independent registered engineer, surveyor or architect, whichever may be appropriate, and recorded or attached to the floor plans.

(c) No interest in a unit shall be conveyed until the unit is substantially completed as evidenced by a recorded certificate of completion executed by an independent registered architect,

surveyor or engineer. For the purpose of this section "substantially completed" means entirely completed consistent with the floor plans. This subsection does not prevent the conveyance prior to substantial completion of all units owned by the declarant to a person who is a transferee of special declarant rights.

(d) The declaration, any amendment or amendments thereof, and every instrument affecting a condominium or any unit shall be entitled to be recorded.

(e) In addition to the records and indexes required to be maintained by the recording officer, the recording officer shall maintain an index or indexes whereby the record of each declaration contains a reference to the record of each conveyance of a unit affected by the declaration.

(f) The recording officer shall upon request assign a number to a condominium to be formed.

(g) The recording officer shall separate the floor plans from the declaration and the floor plans shall be kept by the recording officer in a separate file for each condominium indexed in the same manner as a conveyance entitled to record indicating the number of the condominium.

Sec. 515.2-102. [UNIT BOUNDARIES.] Except as otherwise provided by the declaration:

(1) If walls, floors, or ceilings are designated as boundaries of a unit, all lath, furring, wallboard, plasterboard, plaster, paneling, tiles, wallpaper, paint, finished flooring, and any other materials constituting any part of the finished surfaces thereof are a part of the unit, and all other portions of the walls, floors, or ceilings are a part of the common elements.

(2) If any chute, flue, duct, pipe, wire, conduit, bearing wall, bearing column, or any other fixture lies partially within and partially outside of the designated boundaries of a unit, any portion thereof serving only that unit is a limited common element allocated solely to that unit, and any portion thereof serving more than one unit or any portion of the common elements is a part of the common elements.

(3) Subject to the provisions of paragraph (2), all spaces, interior partitions, and other fixtures and improvements within the boundaries of a unit are a part of the unit.

(4) All exterior doors and windows and any shutters, awnings, window boxes, doorsteps, stoops, porches, balconies, patios, or other fixtures designed to serve a single unit, but located outside the unit's boundaries, are limited common elements allocated exclusively to that unit.

Sec. 515.2-103. [CONSTRUCTION AND VALIDITY OF DECLARATION AND BYLAWS.] (a) All provisions of the declaration and bylaws are severable.

(b) The rule against perpetuities may not be applied to defeat any provision of the declaration or sections 515.1-101 to 515.4-116, or any instrument executed pursuant to the declaration or sections 515.1-101 to 515.4-116.

(c) In the event of a conflict between the provisions of the declaration and the bylaws, the declaration prevails except to the extent that the declaration is inconsistent with sections 515.1-101 to 515.4-116.

Sec. 515.2-104. [DESCRIPTION OF UNITS.] After the declaration is recorded, a description of a unit which sets forth the number of the condominium, the county in which the condominium is located, and the identifying number of the unit, is a sufficient legal description of that unit and its common element interest whether or not the common element interest is described or referred to therein.

Sec. 515.2-105. [CONTENTS OF DECLARATION; ALL CONDOMINIUMS.] The declaration for a condominium shall contain:

(1) the name and number of the condominiums, which shall include the word "condominium" or be followed by the words "a condominium";

(2) the name of every county in which any part of the condominium is situated;

(3) a legally sufficient description of the real estate included in the condominium;

(4) a description or delineation of the boundaries of a unit;

(5) the floor plans as required by section 515.2-110;

(6) an allocation to each unit of an undivided interest in the common elements, a portion of the votes in the association, and a percentage or fraction of the common expenses of the association (section 515.2-108);

(7) a statement of the maximum number of any units which may be created by the subdivision or conversion of units owned by the declarant pursuant to section 515.2-114(c);

(8) an allocation of any limited common elements, as provided in section 515.2-109;

- (9) any restrictions on use, occupancy, and alienation of the units;
- (10) any other matters the declarant deems appropriate.

Sec. 515.2-106. [CONTENTS OF DECLARATION; FLEXIBLE CONDOMINIUMS.] The declaration for a flexible condominium shall include, in addition to the matters specified in section 515.2-105:

- (1) an explicit reservation of any options to add additional real estate;

- (2) a statement of any time limit, not exceeding seven years after the recording of the declaration upon which any option reserved under paragraph (i) will lapse, together with a statement of any circumstances that will terminate the option before the expiration of the time limit. If no time limit is set forth in the declaration, the time limit shall be seven years after the recording of the declaration;

- (3) a statement of any limitations on any option reserved under paragraph (i), other than limitations created by or imposed pursuant to law;

- (4) legally sufficient descriptions of each portion of additional real estate;

- (5) if portions of any additional real estate may be added at different times, a statement to that effect together with a statement fixing the boundaries of those portions and regulating the order in which they may be added or a statement that no assurances are made in those regards;

- (6) a statement of (i) the maximum number of units that may be created within any additional real estate and within any portion, the boundaries of which are fixed pursuant to paragraph (5), and (ii) how many of those units will be restricted exclusively to residential use;

- (7) a statement that any buildings and units that may be erected upon the additional real estate or a portion thereof will be compatible with the other buildings and units in the condominium in terms of architectural style, quality of construction, principal materials employed in construction, and size, or a statement of any differences with respect to the buildings or units, or a statement that no assurances are made respecting those matters;

- (8) a statement that all restrictions in the declaration affecting use, occupancy, and alienation of units will apply to units created in the additional real estate, or a statement of any differentiations that may be made as to those units;

(9) general descriptions of all other improvements and common elements that may be made or created upon or within the additional real estate or each portion thereof;

(10) a statement of the extent to which any assurances made in the declaration regarding additional real estate pursuant to paragraphs (5) to (9) apply in the event any additional real estate is not added to the condominium, or a statement that those assurances do not apply if the real estate is not added to the condominium.

Sec. 515.2-107. [LEASEHOLD CONDOMINIUMS.] (a) Any lease the expiration or termination of which may terminate the condominium shall be recorded and the declaration shall include, in addition to the matters specified in section 515.2-105:

(1) the county of recording and recorder's document number for the lease;

(2) the date on which the lease is scheduled to expire;

(3) any right of the unit owners to purchase the lessor's interest in the real estate and the manner whereby those rights may be exercised, or a statement that they do not have those rights;

(4) any right of the unit owners to remove any improvements within a reasonable time after the expiration or termination of the lease, or a statement that they do not have those rights; and

(5) any rights of the unit owners to renew the lease and the conditions of any renewal, or a statement that they do not have those rights.

(b) After the declaration for a leasehold condominium is recorded, neither the lessor nor his successor in interest may terminate the leasehold interest of a unit owner who makes timely payment of his share of the rent which shall be the same portion thereof as that of his common area expense and who otherwise complies so far as practicable with his share of all other covenants which, if violated, would entitle the lessor to terminate the lease. No unit owner's leasehold interest is affected by failure of any other person to pay rent or fulfill any other covenant.

(c) Acquisition of the leasehold interest of any unit owner by the lessor does not merge the leasehold and fee simple interests and the lessor shall hold the title to the unit subject to the declaration unless the leasehold interests of all unit owners subject to the lease are so acquired.

Sec. 515.2-108. [ALLOCATION OF COMMON ELEMENT INTERESTS, VOTES, AND COMMON EXPENSE LIABILITY]

TIES.] (a) The declaration shall allocate a fraction or percentage of the undivided interests in the common elements, common expenses and votes in the association to each unit in such manner that each of the items is equally allocated or is allocated according to the proportion of the area or volume of each unit to the area or volume of all units, and the items need not be allocated the same for all purposes. The declaration may provide that a portion of each common expense assessment may be allocated on the basis of equality and the remainder on the basis of area or volume of each unit. The sum of the fractions or percentages shall equal 1 or 100 percent.

(b) Except in the case of eminent domain (section 515.1-107), expansion of a flexible condominium (section 515.2-111), relocation of boundaries between adjoining units (section 515.2-113), or subdivision of units (section 515.2-114), the common element interest, votes and common expense liability allocated to any unit may not be altered, except as an amendment to the declaration which is signed by all unit owners and first mortgagees, and which complies with section 515.2-118. The common elements are not subject to partition, and any purported conveyance, encumbrance, judicial sale or other voluntary or involuntary transfer of an undivided interest or involuntary transfer of an undivided interest in the common elements without the unit to which the interest is allocated is void.

(c) The association may assess certain common expenses against fewer than all units pursuant to section 515.3-111.

Sec. 515.2-109. [COMMON ELEMENTS AND LIMITED COMMON ELEMENTS.] Common elements other than limited common elements may be used in common with all unit owners. Except for the limited common elements described in section 515.2-102(2) and (4), the declaration shall specify to which unit each limited common element is allocated.

Sec. 515.2-110. [FLOOR PLANS.] (a) Floor plans are a part of the declaration. The floor plans shall contain a certification by a registered professional engineer, surveyor or architect that the floor plans accurately depict all information required by this section.

(b) Each floor plan shall show:

(1) the number of the condominium, and the boundaries and dimensions of the land included in the condominium;

(2) the dimensions and location of all existing structural improvements and roadways;

(3) the intended location and dimensions of any contemplated common element improvements to be constructed within

the condominium labeled either "MUST BE BUILT" or "NEED NOT BE BUILT";

(4) the location and dimensions of any additional real estate, labeled as such;

(5) the extent of any encroachments by or upon any portion of the condominium;

(6) the location and dimensions of all recorded easements within the condominium serving or burdening any portion of the condominium;

(7) the distance between noncontiguous parcels of real estate;

(8) the location and dimensions of limited common elements, including porches, balconies and patios, other than limited common elements described in section 515.2-102(2) and (4);

(9) the location and dimensions of the vertical boundaries of each unit, and that unit's identifying number;

(10) the location and dimensions of the horizontal unit boundaries with reference to established or assumed datum, and that unit's identifying number;

(11) any units which may be converted by the declarant to create additional units or common elements (section 515.2-114) identified separately.

(c) When adding additional real estate (section 515.2-111), the declarant shall record supplemental floor plans for that real estate conforming to the requirements of subsection (b). If less than all additional real estate is being added, the supplemental floor plans shall also show the location and dimensions of the remaining portion.

(d) If a declarant subdivides or converts any unit into two or more units, common elements or limited common elements (section 515.2-114), he shall record an amendment to the floor plans showing the location and dimensions of any new units, common elements and limited common elements thus created.

Sec. 515.2-111. [EXPANSION OF FLEXIBLE CONDOMINIUMS.] (a) To add additional real estate pursuant to an option reserved under section 515.2-106(1), all persons having an interest in the additional real estate, excepting any holder of an easement or any holder of an interest to secure an obligation which interest was recorded or created subsequent to the recording of the declaration, shall prepare and execute and, after notice as provided in subsection (b), record an amendment to

the declaration. The amendment to the declaration shall assign an identifying number to each unit formed in the additional real estate, and reallocate common element interests, votes in the association, and common expense liabilities according to section 515.2-108. The amendment shall describe or delineate any limited common elements formed out of the additional real estate, showing or designating the unit to which each is allocated to the extent required by section 515.2-109 (Limited Common Elements).

(b) The declarant shall serve notice of his intention to add additional real estate as follows:

(1) To the association in the same manner as service of summons in a civil action in district court at least 30 days prior to the recordation of the amendment. The amendment shall be attached to the notice and shall not thereafter be changed so as to materially affect the rights of unit owners.

(2) To the occupants of each unit by notice given in the manner provided in section 515.1-115 not less than 20 days prior to the recordation of the amendment addressed to "Occupant" at each unit. Attached to the notice shall be a statement that the amendment has been served on the association.

(3) Proof of service upon the association and the occupants shall be attached to the recorded amendment.

Sec. 515.2-112. [ALTERATIONS OF UNITS.] Subject to the provisions of the declaration and other provisions of law, a unit owner:

(1) may make any improvements or alterations to his unit that do not impair the structural integrity or mechanical systems or lessen the support of any portion of the condominium;

(2) after acquiring an adjoining unit or an adjoining part of an adjoining unit, may with consent of the association and first mortgagees of the units, remove or alter any intervening partition or create apertures therein, even if the partition in whole or in part is a common element, if those acts do not impair the structural integrity or mechanical systems or lessen the support of any portion of the condominium. The adjoining unit owners shall have the exclusive license to use the space occupied by the common elements, but the use shall not create an easement or vested right. Removal of partitions or creation of apertures under this paragraph is not an alteration of boundaries. The association may require that the owner or owners of units affected replace or restore any such partition.

Sec. 515.2-113. [RELOCATION OF BOUNDARIES BETWEEN ADJOINING UNITS.] (a) Subject to the provisions of the declaration and other provisions of law, the boundar-

ies between adjoining units may be relocated by an amendment to the declaration upon application to the association by the owners of those units. The owners of the adjoining units shall specify the proposed reallocation between their units of their common element interests, votes in the association, and common expense liabilities in the application and in accord with section 515.2-108. Unless the board of directors determines within 60 days after receipt of the application by the association that the proposed amendment is not in the best interests of the condominium, the unit owners shall prepare an amendment which shall identify the units involved, state the reallocation, be executed by those unit owners and by any holder of an interest as security for an obligation, contain words of conveyance between them, contain written consent of the association, and upon recordation be indexed in the name of the grantor and the grantee. The amendment shall include an amended floor plan to show the altered boundaries between the adjoining units and their dimensions and identifying numbers. If a holder of an interest as security for an obligation joins in the amendment pursuant to this section, the extent of the interest and the remedies shall be deemed to be modified as provided in the amendment. The association shall incur no liability to any party by reason of performing those acts enumerated in this section.

(b) The association may require the owners of the affected units to build a boundary wall and other common elements between the units.

(c) The applicant shall deliver a certified copy of the amendment to the association.

Sec. 515.2-114. [SUBDIVISION OR CONVERSION OF UNITS.] (a) If the declaration expressly so permits, (i) a unit may be subdivided into two or more units, or, (ii) if owned by a declarant, a unit may be subdivided or converted into two or more units, limited common elements, common elements, or a combination of units, limited common elements and common elements. Subject to the provisions of the declaration and other provisions of law, the unit owner shall prepare and execute an amendment to the declaration, including the floor plans, subdividing or converting that unit. The amendment to the declaration shall be executed by the unit owner and any holder of an interest as security for an obligation of the unit to be subdivided or converted, assign an identifying number to each unit created, and reallocate the common element interest, votes in the association, and common expense liability formerly allocated to the subdivided unit to the units in accord with section 515.2-108.

(b) The unit owner shall deliver a certified copy of the recorded amendment to the association.

(c) In the case of a unit owned by a declarant, if a declarant converts part or all of a unit to common elements, the amend-

ment to the declaration shall reallocate among the other units the common element interest, votes in the association, and common expense liability formerly allocated to the converted unit or portion thereof on the same basis used for the initial allocation thereof.

(d) If a holder of an interest as security for an obligation joins in the amendment pursuant to this section, the interest and remedies shall be deemed to apply to the units and the common element interests that result from the subdivision or conversion under this section. In the event of enforcement of any remedy, including foreclosure by advertisement, all instruments and notices shall describe the subject property in terms of the amended description.

Sec. 515.2-115. [INTERPRETATION OF DEEDS.] The existing physical boundaries of a unit or of a unit reconstructed in substantial accordance with the floor plans are conclusively presumed to be its boundaries regardless of settling or lateral movement of the building.

Sec. 515.2-116. [USE FOR SALES PURPOSES.] If the declaration so provides and specifies the rights of a declarant with regard to the number, size, location and relocation thereof, a declarant may maintain sales offices, management offices, and models in the condominium. Any sales office, management office, or model not designated a unit by the declaration is a common element, and if a declarant ceases to be a unit owner, he ceases to have any rights with regard thereto unless it is removed promptly from the condominium in accordance with a right to remove reserved in the declaration. Subject to any limitations in the declaration, a declarant may maintain signs on the common elements advertising the condominium.

Sec. 515.2-117. [EASEMENT TO FACILITATE COMPLETION, CONVERSION, AND EXPANSION.] Subject to the provisions of the declaration, a declarant has an easement through the common elements as may be reasonably necessary for the purpose of discharging a declarant's obligations or exercising special declarant rights, whether arising under sections 515.1-101 to 515.4-116 or reserved in the declaration.

Sec. 515.2-118. [AMENDMENT OF DECLARATION.] (a) Except in cases of amendments which may be executed by a declarant under sections 515.2-110(c) and (d), 515.2-111(a); the association under section 515.1-107(a); or certain unit owners under sections 515.2-113, 515.2-114, or 515.2-119(b), and except as limited by subsection (d), the declaration may be amended by the association only by a vote or written agreement of unit owners to which at least 67 percent of the votes in the association are allocated, and 67 percent of the first mortgagees of the units (each mortgagee having one vote) or any larger or smaller majority the declaration specifies. The declaration may specify

any percentage if all of the units are restricted exclusively to nonresidential use.

(b) Every amendment to the declaration shall be recorded in every county in which any portion of the condominium is located, and is effective only when recorded.

(c) Except to the extent expressly permitted or required by other provisions of sections 515.1-101 to 515.4-116, no amendment may create or increase special declarant rights, increase the number of units, convert common elements to limited common elements, or change the boundaries of any unit, the common element interest, common expense liability, or voting strength in the association allocated to a unit, or the uses to which any unit is restricted, in the absence of unanimous written agreement of the unit owners and holders of an interest as security for an obligation.

(d) Limited common elements shall not be altered without the written agreement of the unit owners and holders of an interest to secure an obligation of the units to which the limited common elements are allocated.

(e) An affidavit of the secretary of the association stating that the votes or agreements required by this section have occurred, shall be attached to the amendment and shall constitute prima facie evidence of the representations contained therein.

Sec. 515.2-119. [TERMINATION OF CONDOMINIUM.]

(a) Except in the case of a taking of all the units by eminent domain (section 515.1-107), a condominium may be terminated only by agreement of unit owners of units to which at least 80 percent of the votes in the association are allocated, and 80 percent of the first mortgagees of the units (each mortgagee having one vote), or any larger percentage the declaration specifies. The declaration may specify a smaller percentage only if all of the units in the condominium are restricted exclusively to nonresidential uses.

(b) An agreement of unit owners and mortgagees to terminate a condominium must be evidenced by their execution of a termination agreement or ratification thereof. If, pursuant to a termination agreement, the real estate constituting the condominium is to be sold following termination, the termination agreement shall set forth the terms of the sale. A termination agreement and all ratifications thereof shall be effective upon recording in every county in which a portion of the condominium is situated.

(c) If the termination agreement provides that the real estate constituting the condominium is to be sold following termination, title to that real estate, upon termination, vests in the

association as trustee for the holders of all interests in the units. The association as trustee thereafter has all powers necessary and appropriate to effect the sale. Until the sale has been concluded and the proceeds thereof distributed, the association continues in existence with all powers and responsibilities it had before termination whether under the declaration or otherwise. Unless the termination agreement otherwise provides, proceeds of the sale shall be paid to the association as trustee and shall be distributed to the unit owners and holders of an interest as security for an obligation as their interests may appear and according to the priority enjoyed prior to termination in proportion to the respective interests of unit owners as provided in subsection (f). Any interest as security for an obligation formerly affecting a unit shall constitute a claim against the proceeds in the amount existing at the time of termination plus interest and other amounts accrued until distributions. Except as otherwise specified in the termination agreement, as long as the association as trustee holds title to the real estate, each unit owner and his successors in interest have the right to use the real estate that formerly constituted the common elements and have an exclusive right to occupancy of the portion of the real estate that formerly constituted his unit and limited common elements. During the period of such occupancy, each unit owner and his successors in interest remain liable for all assessments and other obligations imposed on unit owners by sections 515.1-101 to 515.4-116, the declaration, or the termination agreement.

(d) If the real estate constituting the condominium is not to be sold following termination, title to the real estate, upon termination, vests in the unit owners as tenants in common in proportion to their respective interests as provided in subsection (f). Any interests held as security for an obligation and the respective instruments formerly affecting a unit shall be deemed to be an interest affecting the resulting undivided interest in the same manner as they formerly affected the unit. As long as the tenancy in common exists, each unit owner and his successors in interest have an exclusive right to occupancy of the portion of the real estate that formerly constituted his unit and limited common elements. Unless the termination agreement otherwise provides during the period of tenancy in common, the cotenants and the association shall have the rights and obligations under sections 515.1-101 to 515.4-116, the declaration and bylaws and the termination agreement.

(e) Following termination of the condominium, and after payment of or provision for the claims of the association's creditors, the assets of the association shall be distributed to unit owners and holders of an interest as security for an obligation in proportion to their respective interests as provided in subsection (f). The proceeds of sale described in subsection (c) and held by the association as trustee are not assets of the association.

(f) The respective interests of unit owners referred to in subsections (c), (d), and (e) are as follows:

(1) except as provided in paragraph (2), the respective interests of unit owners are the fair market values of their units, limited common elements, and common element interests immediately before the termination, as determined by one or more independent appraisers selected by the association. The decision of the independent appraisers shall be delivered in the manner provided in section 515.1-115 addressed to the occupant at each unit and the first mortgagee of each unit at its last known address and becomes final unless disapproved within 30 days after delivery by unit owners of units to which 25 percent of the votes in the association are allocated or by 25 percent of the first mortgagees, each mortgagee having one vote. The proportion of any unit owner's interest to that of all unit owners is determined by dividing the fair market value of his interest by the total fair market values of all of such interests.

(2) if any unit is destroyed to the extent that an appraisal of the fair market value thereof prior to destruction cannot be made and there is not satisfactory evidence to afford such an appraisal, the interests of all unit owners are their respective common element interests immediately before the termination.

Sec. 515.2-120. [RIGHTS OF HOLDERS OF AN INTEREST AS SECURITY FOR AN OBLIGATION.] (a) Nothing in sections 515.1-101 to 515.4-116 unless expressly stated diminishes the rights of holders of an interest as security for an obligation or prevents the declaration from requiring that all or a specified number or percentage of holders of an interest as security for an obligation affecting the units approve specified actions of the unit owners or the association as a condition to the effectiveness of those actions, but no requirement for approval may operate to (1) deny or delegate control over the general administrative affairs of the association by the unit owners, or (2) prevent the association from commencing, intervening in or settling any litigation or proceeding, or receiving and distributing any insurance proceeds pursuant to section 515.3-109.

(b) Foreclosure or enforcement of a lien or encumbrance against the entire condominium does not of itself terminate the condominium. Foreclosure or enforcement of an interest as security for an obligation against a portion of the condominium withdraws that portion from the condominium unless (i) the interest is recorded subsequent to the recording of the declaration or is otherwise subordinate to the declaration, or (ii) the holder or his predecessor has issued a release or deed for a unit.

ARTICLE III

MANAGEMENT OF THE CONDOMINIUM

Section 515.3-101. [ORGANIZATION OF UNIT OWNERS ASSOCIATION.] A unit owners association shall be organized no later than the date the condominium is created. The member-

ship of the association at all times shall consist exclusively of all the unit owners or, following termination of the condominium, of all former unit owners entitled to distributions of proceeds under section 515.2-119, or their heirs, successors, or assigns. The association shall be organized as a profit or nonprofit corporation.

Sec. 515.3-102. [POWERS OF UNIT OWNERS ASSOCIATION.] (a) Unless limited by the provisions of the declaration, the association may:

- (1) adopt and amend rules and regulations;
- (2) adopt and amend budgets for revenues, expenditures, and reserves and collect assessments for common expenses from unit owners;
- (3) hire and terminate managing agents and other employees, agents, and independent contractors;
- (4) institute, defend, or intervene in litigation or administrative proceedings in its own name on behalf of itself or two or more unit owners on matters affecting the condominium;
- (5) regulate the use, maintenance, repair, replacement and modification of common elements;
- (6) cause improvements to be made as a part of the common elements;
- (7) grant leases, licenses, and concessions not to exceed one year and utility easements through or over the common elements; provided, however, that after conveyance to owners other than the declarant or affiliate of a declarant of units to which more than 50 percent of the voting power is allocated, the association may by resolution of a meeting of the members duly called grant leases, licenses, and concessions in excess of one year and easements through or over the common elements;
- (8) impose and receive any payments, fees, or charges for the use, rental, or operation of the common elements other than limited common elements described in section 515.2-102(2) and (4);
- (9) impose reasonable charges including reasonable costs and attorneys' fees, for the evaluation, preparation and recordation of amendments to the declaration, resale certificates required by section 515.4-105, or statements of unpaid assessments;
- (10) provide for the indemnification of its officers and board and maintain directors' and officers' liability insurance;

(11) impose charges for late payment of assessments and, after notice and an opportunity to be heard, levy reasonable fines for violations of the declaration, bylaws, and rules and regulations of the association;

(12) exercise any other powers conferred by state law, the declaration, or bylaws.

(b) Notwithstanding subsection (a), the declaration may not impose limitations on the power of the association to deal with the declarant that are more restrictive than the limitations imposed on the power of the association to deal with other persons.

Sec. 515.3-103. [BOARD OF DIRECTORS, MEMBERS AND OFFICERS.] (a) The declaration may provide for a period of declarant control of the association, during which period a declarant, or persons designated by him, may elect the members of the board of directors. Any period of declarant control extends from the date of the first conveyance of a unit to a unit owner other than a declarant for a period not exceeding five years in the case of a flexible condominium or three years in the case of any other condominium. Regardless of the period provided in the declaration, a period of declarant control terminates upon surrender of control by the declarant or no later than 60 days after conveyance of 75 percent of the units to unit owners other than a declarant.

(b) Not later than 60 days after conveyance of 50 percent of the units to unit owners other than a declarant not less than 33 1/3 percent of all of the members of the board of directors shall be elected by unit owners other than the declarant.

(c) Not later than the termination of the period of declarant control and thereafter the unit owners shall elect a board of directors of at least three members, at least a majority of whom shall be unit owners or the individual nominees of unit owners other than individuals. The board of directors shall elect the officers. The persons elected shall take office upon election.

(d) In determining whether the period of declarant control has terminated under subsection (a), or whether unit owners other than a declarant are entitled to elect members of the board of directors under subsection (b), the percentage of the units which has been conveyed is presumed to be that percentage which would have been conveyed if all the units which the declarant has built or reserved the right to build in the declaration were included in the condominium.

Sec. 515.3-104. [TRANSFER OF SPECIAL DECLARANT RIGHTS.] (a) No special declarant rights (section 515.1-103 (18)) created or reserved under sections 515.1-101 to 515.4-116

may be transferred except by an instrument evidencing the transfer recorded in every county where any portion of the condominium is located. The instrument is recordable and is not effective unless executed by the transferor and transferee. In the event that additional real estate is transferred by the declarant, the transferee shall be deemed to receive all special declarant rights with respect thereto and shall be subject to any obligations imposed by the declaration respecting the additional real estate so transferred.

(b) Upon transfer of any special declarant right, the liability of a transferor declarant is as follows:

(1) a transferor is not relieved of any obligation or liability which arose before the transfer, and remains liable for warranty obligations imposed on him by sections 515.1-101 to 515.4-116. Lack of privacy does not deprive any unit owner of standing to bring an action to enforce any obligation of the transferor;

(2) If a transferor retains any special declarant right, or if a successor to any special declarant right is an affiliate of a declarant (section 515.1-103(2)), the transferor is subject to liability for all obligations and liabilities imposed on a declarant by sections 515.1-101 to 515.4-116 or by the declaration arising after the transfer and is jointly and severally liable with the successor for the liabilities and obligations of the successor which relate to the condominium; and

(3) a transferor who retains no special declarant right has no liability for any act or omission or any breach of a contractual or warranty obligation arising from the exercise of a special declarant right by a successor declarant who is not an affiliate of the transferor.

(c) In case of foreclosure of a mortgage or cancellation of a contract for deed or sale under the bankruptcy act or receivership proceeding or the foreclosure of any other lien against any unit owned by a declarant in the condominium, a person first acquiring title to all the units being cancelled, foreclosed or sold, succeeds to all then existing special declarant rights except the special declarant rights with respect to additional real estate, unless the mortgage or other instrument or proceeding also covers additional real estate.

(d) The liabilities and obligations of persons who succeed to special declarant rights are as follows:

(1) A successor to any special declarant right who is an affiliate of a declarant is subject to all the obligations and liabilities imposed on any declarant by sections 515.1-101 to 515.4-116 or by the declaration.

(2) A successor to any special declarant right, other than a successor described in paragraphs (3) or (4) of this subsection, who is not an affiliate of a declarant, is subject to all obligations and liabilities imposed on a declarant by sections 515.1-101 to 515.4-116 or the declaration, except that he is not subject to liability for misrepresentations or warranty obligations on improvements made by any previous declarant, or made before the condominium was created, or for a breach of fiduciary obligation by any previous declarant.

° (3) A successor to only a right reserved in the declaration to maintain models, sales offices, and signs (section 515.2-116), if he is not an affiliate of a declarant, may not exercise any other special declarant right, and is not subject to any liability or obligation as a declarant, except the obligation to provide a disclosure statement and any liability arising as a result thereof.

(4) A successor to all special declarant rights, who is not an affiliate of a declarant and who succeeded to those rights pursuant to a deed in lieu of foreclosure or by reason of subsection (c), may declare his intention in a recorded instrument to hold those rights solely for transfer to another person. Thereafter, until transferring all special declarant rights to any person acquiring title to any unit owned by the successor, or until recording an instrument permitting exercise of all those rights, that successor may not exercise any of those rights other than the right to control the board of directors in accordance with the provisions of section 515.3-103 for the duration of any period of declarant control, and any attempted exercise of those rights is void. So long as any successor declarant may not exercise special declarant rights under this subsection, he is not subject to any liability or obligation as a declarant other than liability for his acts and omissions under section 515.3-103.

(e) Nothing in this section subjects any successor to a special declarant right to any claims against or other obligations of a transferor declarant, other than claims and obligations arising under sections 515.1-101 to 515.4-116 or the declaration.

Sec. 515.3-105. [TERMINATION OF CONTRACTS AND LEASES OF DECLARANT.] If entered into prior to expiration of the period of declarant control pursuant to section 515.3-103, (1) any management contract, employment contract, or lease of recreational or parking areas or facilities, (2) any other contract or lease binding the association or any unit owner other than the declarant or an affiliate of the declarant to which a declarant or an affiliate of a declarant is a party, or (3) any contract or lease binding the association or any unit owner other than the declarant or an affiliate of the declarant which is not bona fide or which was unconscionable to the unit owners at the time entered into under the circumstances then prevailing, may be terminated without penalty by the association at any time after the expiration of declarant control upon not less than 90 days' notice to the other party. This section does not apply to

any lease the termination of which would terminate the condominium.

Sec. 515.3-106. [BYLAWS.] The bylaws and any amendments thereto must be recorded to be effective and shall provide:

(a) The meeting of the members shall be held at least once each year and shall specify an officer who shall, at least 21 days in advance of any annual or regularly scheduled meeting and at least seven days in advance of any other meeting, send to each unit owner notice of the time, place and complete agenda of the meeting. The notice shall be hand delivered or sent by United States mail to all unit owners of record at the address of the respective units and to other addresses as any of them may have designated to the officer.

(b) No vote in the association of apartment owners shall be deemed to inure to any unit during the time when the unit owner is the association.

(c) For a mechanism to resolve disputes regarding voting among more than one unit owner of a unit in such a way that the vote allocated to the unit is not split or otherwise cast separately by the several unit owners.

(d) An annual report be prepared by the association and a copy of the report be provided to each unit owner and the report contain a minimum of the following:

(1) A statement of any capital expenditures in excess of two percent of the current budget or \$5,000 whichever is the greater anticipated by the association during the current year or succeeding two fiscal years.

(2) A statement of the status and amount of any reserve or replacement fund and portion of the fund designated for any specified project by the board of directors.

(3) A copy of the statement of financial condition for the association for the last fiscal year.

(4) A statement of the status of any pending suits or judgments in which the association is a party.

(5) A statement of the insurance coverage provided by the association.

(6) A statement of any unpaid assessments by the association on individual units identifying the unit number and the amount of the unpaid assessment.

Sec. 515.3-107. [UPKEEP OF THE CONDOMINIUM.] Except to the extent otherwise provided by the declaration or

section 515.3-109(d), the association is responsible for maintenance, repair, and replacement of the common elements and each unit owner is responsible for maintenance, repair, and replacement of his unit. Each unit owner shall afford to the association and the other unit owners, and to their agents or employees, access through his unit reasonably necessary for those purposes.

If damage is inflicted on the common elements or any unit through which access is taken, the unit owner responsible for the damage, or the association if it is responsible, is liable for the prompt repair thereof.

Sec. 515.3-108. [TORT AND CONTRACT LIABILITY.]

(a) If a tort or breach of contract occurred during any period of declarant control (Section 515.3-103), the declarant shall indemnify the association for all losses suffered by the association as a result of that tort or breach of contract, including legal fees. Any statute of limitation affecting the association's right of action under this section is tolled until the period of declarant control terminates.

(b) No unit owner shall have tort liability arising out of his ownership of the common elements if the association has liability insurance coverage on the occurrence in an amount not less than \$1,000,000.

Sec. 515.3-109. [INSURANCE.] (a) Commencing not later than the time of the first conveyance of a unit to a unit owner other than a declarant, the association shall maintain, to the extent reasonably available:

(1) Property insurance on the common elements and units, exclusive of land, excavations, foundations, and other items normally excluded from property policies, insuring against all risks of direct physical loss. The total amount of insurance after application of any deductibles shall be not less than 80 percent of the full insurable replacement cost of the insured property.

(2) Comprehensive general liability insurance, in an amount determined by the board of directors but not less than any amount specified in the declaration, covering all occurrences commonly insured against for death, bodily injury, and property damage arising out of or in connection with the use, ownership, or maintenance of the common elements.

(b) If the insurance described in subsection (a) is not maintained, the association shall immediately cause notice of that fact to be sent postage prepaid by United States mail to all unit owners at their respective units and other addresses provided to the association. The declaration may require the association to carry any other insurance, and the association in any event may carry any other insurance it deems appropriate to protect the association or the unit owners.

(c) Insurance policies carried pursuant to subsection (a) shall provide that:

(1) Each unit owner and holder of a vendor's interest in a contract for deed is an insured person under the policy with respect to liability arising out of his ownership of an undivided interest in the common elements;

(2) The insurer waives its right to subrogation under the policy against any unit owner of the condominium or members of his household and against the association and members of the board of directors;

(3) No act or omission by any unit owner or holder of an interest as security for an obligation, unless acting within the scope of his authority on behalf of the association, shall void the policy or be a condition to recovery under the policy; and

(4) If, at the time of a loss under the policy, there is other insurance in the name of a unit owner covering the same property covered by the policy, the policy is primary insurance not contributing with the other insurance.

(d) Any loss covered by the property policy under subsection (a) (1) shall be adjusted with the association, but the insurance proceeds for that loss shall be payable to any insurance trustee designated for that purpose, or otherwise to the association. The insurance trustee or the association shall hold any insurance proceeds in trust for unit owners and holders of an interest as security for an obligation as their interests may appear. The proceeds shall be disbursed first for the repair or restoration of the damaged common elements and units, and unit owners and holders of an interest as security for an obligation are not entitled to receive payment of any portion of the proceeds unless there is a surplus of proceeds after the common elements and units have been completely repaired or restored, or the condominium is terminated.

(e) An insurance policy issued to the association does not prevent a unit owner from obtaining insurance for his own benefit.

(f) An insurer that has issued an insurance policy under this section shall issue certificates or memoranda of insurance, upon request, to any unit owner, or holder of an interest as security for an obligation. The insurance may not be cancelled until 30 days after notice of the proposed cancellation has been mailed to the association and to each unit owner and holder of an interest as security for an obligation to whom certificates of insurance have been issued.

(g) Any portion of the condominium damaged or destroyed shall be promptly repaired or replaced by the association unless (1) the condominium is terminated and the association votes not

to repair or replace all or part thereof, (2) repair or replacement would be illegal under any state or local health or safety statute or ordinance, or (3) 80 percent of the unit owners, including every owner and first mortgagee of a unit or assigned limited common element which will not be rebuilt, vote not to rebuild. The cost of repair or replacement of a unit or the common area in excess of insurance proceeds and reserves shall be a common expense. If less than the entire condominium is repaired or replaced, (1) the insurance proceeds attributable to the damaged common elements shall be used to restore the damaged area to a condition compatible with the remainder of the condominium, (2) the insurance proceeds attributable to units and limited common elements which are not rebuilt shall be distributed to the owners of those units and the holders of an interest as security for an obligation of those units and the owners and holders of an interest as security for an obligation of the units to which those limited common elements were assigned, and (3) the remainder of the proceeds shall be distributed to all the unit owners and holders of an interest as security for an obligation as their interests may appear in proportion to their common element interest. In the event the unit owners vote not to rebuild a unit, that unit's entire common element interest, votes in the association, and common expense liability are automatically reallocated upon the vote as if the unit had been condemned under section 515.1-107(a), and the association shall promptly prepare, execute and record an amendment to the declaration reflecting the reallocations. Notwithstanding the provisions of this subsection, if the condominium is terminated, insurance proceeds not used for repair or replacement shall be distributed in the same manner as sales proceeds pursuant to section 515.2-119.

(h) The provisions of this section may be varied or waived in the case of a condominium all of the units of which are restricted to nonresidential use.

Sec. 515.3-110. [SURPLUS FUNDS.] Unless otherwise provided in the declaration, any surplus funds of the association remaining after payment of or provision for common expenses and any prepayment of reserves shall be credited to the unit owners to reduce their future common expense assessments.

Sec. 515.3-111. [ASSESSMENTS FOR COMMON EXPENSES.] (a) Until the association levies a common expense assessment, the declarant shall pay all accrued expenses of the condominium.

After any assessment has been levied by the association, assessments shall be levied at least annually and shall be based on a budget adopted at least annually by the association.

(b) Except for assessments under subsections (c) and (d), common expenses shall be assessed against all the units in accordance with the common expense liability allocated to each unit (section 515.2-108). Any past due assessment or installment

thereof shall bear interest at the rate established by the association not exceeding the maximum lawful rate of interest.

(c) Except as provided by the declaration any common expense associated with the maintenance, repair, or replacement of a limited common element shall be assessed against the unit or in equal shares against the units to which that limited common element was assigned at the time the expense was incurred.

(d) If the declaration so provides, the association may assess any common expense benefiting less than all of the units against the units benefited. In such case the common expense shall be allocated among units benefited in proportion to their common expense liability.

Sec. 515.3-112. [LIEN FOR ASSESSMENTS.] (a) The association has a lien on a unit for any assessment levied against that unit from the time the assessment becomes payable. The association's lien may be foreclosed as provided by the laws of this state as if it were a lien under a mortgage containing a power of sale. The rights of the parties shall be the same as those provided by law except that the period of redemption for unit owners shall be six months from the date of sale. Unless the declaration otherwise provides, fees, charges, late charges, and interest charges pursuant to section 515.3-102(8), (9) and (12) are enforceable as assessments under this section.

(b) A lien under this section is prior to all other liens and encumbrances on a unit except (1) liens and encumbrances recorded before the recordation of the declaration, (2) any recorded mortgage on the unit securing a first mortgage holder, and (3) liens for real estate taxes and other governmental assessments or charges against the unit. This subsection does not affect the priority of mechanics' or materialmen's liens.

(c) Recording of the declaration constitutes record notice and perfection of the lien, and no further recordation of any claim of lien for assessment under this section is required.

(d) Proceedings to enforce an assessment must be instituted within three years after the last installment of the assessment becomes payable.

(e) Unit owners at the time an assessment is payable are personally liable to the association for payment of the assessments.

(f) A foreclosure sale, judgment or decree in any action, proceeding or suit brought under this section shall include costs and reasonable attorney's fees for the prevailing party.

(g) The association shall furnish to a unit owner upon written request a recordable statement setting forth the amount of

unpaid assessments currently levied against his unit. The statement shall be furnished within ten business days after receipt of the request and is binding on the association and every unit owner.

Sec. 515.3-113. [ASSOCIATION RECORDS.] The association shall keep financial records sufficiently detailed to enable the association to comply with section 515.4-105. All financial records shall be made reasonably available for examination by any unit owner and his authorized agents.

Sec. 515.3-114. [ASSOCIATION AS TRUSTEE.] With respect to a third person dealing with the association in the association's capacity as a trustee, the existence of trust powers and their proper exercise by the association may be assumed without inquiry. A third person is not bound to inquire whether the association has power to act as trustee or is properly exercising trust powers and a third person, without actual knowledge that the association is exceeding its powers or improperly exercising them, is fully protected in dealing with the association as if it possessed and properly exercised the powers it purports to exercise. A third person is not bound to assure the proper application of trust assets paid or delivered to the association in its capacity as trustee.

ARTICLE IV

PROTECTION OF PURCHASERS

Section 515.4-101. [APPLICABILITY; WAIVER.] (a) This article applies to all units subject to sections 515.1-101 to 515.4-116 except as provided in subsection (b) and section 515.4-112 or as modified or waived by agreement of purchasers of units in a condominium in which all units are restricted to nonresidential use.

- (b) A disclosure statement need not be prepared in case of:
- (1) a gratuitous transfer of a unit;
 - (2) a disposition pursuant to court order;
 - (3) a disposition by a government or governmental agency;
 - (4) a disposition by foreclosure or deed in lieu of foreclosure and subsequent disposition by the purchaser at mortgage foreclosure sale, or grantee in the deed in lieu of foreclosure;
 - (5) a transfer to which section 515.4-105 (Resales of Units) applies.

Sec. 515.4-102. [DISCLOSURE STATEMENT; GENERAL PROVISIONS.] A disclosure statement shall fully disclose:

(a) The name and principal address of the declarant and the address and the name, if any, and number, if available, of the condominium;

(b) A general description of the condominium; including without limitation the types and number of all buildings, units and amenities, and declarant's schedule of commencement and completion of construction thereof;

(c) The total number of additional units that may be included in the condominium and the proportion of units the declarant intends to rent or market in blocks of units to investors;

(d) Copies and a brief narrative description of the significant features of the declaration other than the floor plans, the floor plans for the particular unit, the bylaws, and rules and regulations, copies of any contracts and leases to be signed by purchasers at closing, and a brief narrative description of any contracts or leases that will or may be subject to cancellation by the association under section 515.3-105;

(e) Any current balance sheet and a projected budget for the association for the year during which a purchase agreement is executed and any budget for future years which the association has adopted, and a statement of who prepared the balance sheet, projected budget or budget. The budget or projected budget shall include, without limitation:

(1) a statement of the amount, or a statement that there is no amount, included in the budget as a reserve for repairs and replacement;

(2) a statement of any other reserves;

(3) the projected common expense assessment by category of expenditures for the association;

(4) the projected monthly common expense assessment for each type of unit;

(f) Any supplies and services not reflected in the budget or projected budget which the declarant provides, or expenses which he pays, and which he expects may become at any subsequent time a common expense of the association and the projected common expense assessment attributable to each of those services or expenses for the association and for each type of unit;

(g) Any initial or special fee due from the purchaser to the declarant or the association at closing, together with a description of the purpose and method of calculating the fee;

(h) A description of any liens, defects, or encumbrances on or affecting the title to the condominium after the contemplated conveyance;

(i) A description of any financing offered by the declarant;

(j) the terms of any warranties provided by the declarant, including the warranties set forth in sections 515.4-110 and 515.4-111, and limitations imposed by the declarant on the enforcement thereof;

(k) A statement that:

(1) within 15 days after receipt of a disclosure statement, a purchaser may, prior to conveyance, cancel any purchase agreement of a unit from a declarant;

(2) if a declarant fails to provide a disclosure statement to a purchaser before conveying a unit, that purchaser may recover from the declarant ten percent of the sales price of the unit, and

(3) if a purchaser received the disclosure statement more than 15 days before he signs a purchase agreement, he cannot cancel the agreement;

(l) A statement of any judgments against the association, the status of any pending suits to which the association is a party, and the status of any pending suits material to the condominium of which a declarant has actual knowledge;

(m) A statement that any earnest money paid in connection with the purchase of a unit will be held in an escrow account until closing and will be returned to the purchaser if the purchaser cancels the purchase agreement pursuant to section 515.4-104;

(n) A description of the insurance coverage to be provided for the benefit of unit owners;

(o) Any current or expected fees or charges to be paid by unit owners for the use of the common elements and other facilities related to the condominium;

(p) Whether financial arrangements have been provided for completion of all improvements labeled "MUST BE BUILT" pursuant to section 515.4-116 (Declarant's Obligation to Complete and Restore); and

(q) All unusual and material circumstances, features, and characteristics of the condominium and the units.

Sec. 515.4-103. [SAME; CONVERSION CONDOMINIUMS.] The disclosure statement of a conversion condominium the units of which may be used for residential purposes shall contain, in addition to the information required by section 515.4-102:

(a) A professional opinion prepared by an independent architect or engineer licensed in this state, describing the present condition of all structural components and mechanical and electrical installations material to the use and enjoyment of the condominium;

(b) A statement by the declarant of the expected useful life of each item reported on in subsection (a) or a statement that no representations are made in this regard;

(c) A list of any outstanding notices of uncured violations of building code or other municipal regulations, together with the estimated cost of curing those violations.

Sec. 515.4-104. [PURCHASER'S RIGHT TO CANCEL.]

(a) Unless delivery of a disclosure statement is not required under section 515.4-101(b), a declarant shall provide at least one of the purchasers of a unit with a copy of a disclosure statement not later than the date of any purchase agreement. Unless a purchaser is given the disclosure statement more than 15 days prior to execution of a purchase agreement for the unit, the purchaser may, prior to the conveyance, cancel the agreement within 15 days after receiving the disclosure statement.

(b) If a purchaser elects to cancel a purchase agreement pursuant to subsection (a), he may do so by hand delivering notice thereof to the declarant or by mailing notice thereof by postage prepaid United States mail to the declarant or to his agent for service of process. Cancellation is without penalty, and all payments made by the purchaser pursuant to the purchase agreement shall be refunded promptly.

(c) If a declarant fails to provide a purchaser to whom a unit is conveyed with a disclosure statement and all amendments thereto as required by subsections (a) and (d), that purchaser, in addition to any rights to damages or other relief, is entitled to receive from the declarant an amount equal to ten percent of the sales price of the unit.

(d) The disclosure statement and any information furnished in connection therewith may be amended prior to conveyance if the amendment is delivered to the purchaser to whom the disclosure statement was delivered. If the amendment materially adversely affects a purchaser, then the purchaser shall have 15

days after delivery of the amendment to cancel the purchase agreement in accordance with this section.

Sec. 515.4-105. [RESALES OF UNITS.] (a) In the event of a resale of a unit by a unit owner other than a declarant, the unit owner shall furnish to a purchaser before execution of any purchase agreement for a unit, or otherwise before conveyance, a copy of the declaration, other than the floor plans, the bylaws, the rules and regulations of the association, and any amendments thereto, and a certificate dated not more than 90 days prior to the date of the purchase agreement or otherwise before conveyance, containing:

(1) a statement disclosing any right of first refusal or other restraint on the free alienability of the unit contained in the declaration, bylaws, rules and regulations, or any amendment thereof;

(2) a statement setting forth the amount of periodic installments of common expense assessments and special assessments and any unpaid common expense or special assessment currently payable;

(3) a statement of any other fees payable by unit owners;

(4) a statement of any capital expenditures proposed by the association for the current and next succeeding two fiscal years;

(5) a statement that a copy of the floor plans and any amendments thereof are available in the office of the association for inspection;

(6) a statement of the amount of any reserves for capital expenditures and of any portions of those reserves designated by the association for any specified projects;

(7) the most recent regularly prepared balance sheet and income and expense statement, if any, of the association;

(8) the current budget of the association;

(9) a statement of any judgments against the association and the status of any pending suits to which the association is a party;

(10) a statement describing any insurance coverage provided for the benefit of unit owners.

(b) The association shall, within seven days after a request by a unit owner, furnish a certificate containing the information necessary to enable the unit owner to comply with this section. A unit owner without actual knowledge providing a certifi-

cate pursuant to subsection (a) shall have no liability to the purchaser for any erroneous information provided by the association and included in the certificate.

(c) A purchaser is not liable for any unpaid assessment or fee existing as of the date of the certificate greater than the amount set forth in the certificate prepared by the association. A unit owner is not responsible to a purchaser for the failure or delay of the association to provide the certificate in a timely manner.

Sec. 515.4-106. [PURCHASER'S RIGHT TO CANCEL.]

(a) The information required to be delivered by section 515.4-105 shall be delivered to a purchaser not later than the date of any purchase agreement. Unless a purchaser is given the information more than 15 days prior to the execution of the purchase agreement for the unit the purchaser may, prior to the conveyance, cancel the agreement within 15 days after receiving the information.

(b) If a purchaser elects to cancel a purchase agreement pursuant to subsection (a), he may do so by hand delivering notice thereof to the seller or his real estate agent or by mailing notice thereof by postage prepaid United States mail to the seller or his real estate agent. Cancellation is without penalty and all payments made by the purchaser shall be refunded promptly.

Sec. 515.4-107. [ESCROW OF DEPOSITS.] Any earnest money paid in connection with the purchase or reservation of a unit from a declarant shall be escrowed and held in this state in an account, savings deposit or certificate of deposit designated solely for that purpose in an institution whose accounts are insured by a governmental agency or instrumentality until (1) delivered to the declarant at closing; (2) delivered to the declarant because of purchaser's default under the purchase agreement or reservation; or (3) delivered to the purchaser.

Sec. 515.4-108. [RELEASE OF LIENS.] (a) Before conveying a unit to a purchaser other than a declarant, the seller shall furnish to the purchaser releases for that unit and its common element interest of all liens affecting more real estate than that unit and its common element interest, if the purchaser expressly agrees, a policy of title insurance free from exception regarding such liens. Failure to furnish the releases does not of itself invalidate the lien or the conveyance. This subsection does not apply to conveyance of all of the units in the condominium or to deeds in lieu of foreclosure.

(b) Whether perfected before or after creation of the condominium, if a lien other than a mortgage, including a lien attributable to work performed or materials supplied before creation of a the condominium, becomes effective against two or more units, the unit owner of such a unit may pay to the lienhold-

er the amount of the lien attributable to his unit, and the lienholder, upon receipt of payment, shall promptly deliver a release of the lien covering that unit and its common element interest. The amount of the payment shall be proportionate to the ratio which that unit owner's common expense liability bears to the common expense liabilities of all unit owners whose units are subject to the lien. After payment, the association may not assess or have a lien against that unit owner's unit for any portion of the common expenses incurred in connection with that lien.

(c) Labor performed or materials furnished for the common elements, if duly authorized by the association, shall be deemed to be performed or furnished with the express consent of each unit owner and shall be the basis for the filing of a lien pursuant to the lien law against each of the units and shall be subject to the provisions of subsection (b) of this section.

Sec. 515.4-109. [CONVERSION CONDOMINIUMS.] (a) A declarant of a conversion condominium shall give each of the tenants and any subtenant in possession of buildings subject to this act notice of the conversion or the intent to convert no later than 180 days before the declarant will require them to vacate. The notice shall set forth generally the rights conferred by this section and shall have attached thereto a form of purchase agreement setting forth the terms of sale contemplated by subsection (b) and a statement of any significant restrictions on the use and occupancy of the unit to be imposed by the declarant and shall be hand delivered or mailed by postage prepaid United States mail to the tenant and subtenant at the address of the unit. The notice shall be contained in an envelope upon which the following words shall be boldly printed: "Notice of Condominium Conversion". No party in possession may be required by the declarant to vacate upon less than 180 days notice, except by reason of nonpayment of rent, waste, or conduct which disturbs other tenants' peaceful enjoyment of the premises, and the terms of the tenancy may not be altered during that period. No repair work or remodeling may be commenced or undertaken in the occupied units or common areas of the building during the notice period, unless adequate precautions are taken to ensure the safety and security of the tenants or subtenants in possession of the premises. Failure of a declarant to give notice as required by this section shall constitute a defense to an action for possession.

(b) For 60 days after delivery or mailing of the notice described in subsection (a), the holder of the lessee's interest for each unit on the date the notice is delivered or mailed shall have an option to purchase that unit on the terms set forth in the purchase agreement attached to the notice. The purchase agreement shall contain no terms or conditions preventing the purchase of the unit by the holder because of the age of the holder or of persons residing with the holder. If the holder fails to exercise the option during that 60 day period, the declarant may not offer to dispose of an interest in that unit during the follow-

ing 180 days at a price or on terms more favorable to the offeree than the price or terms offered to the holder. This subsection does not apply to any unit in a conversion condominium if that unit will be restricted exclusively to nonresidential use or if the boundaries of the converted unit do not substantially conform to the dimensions of the residential unit before conversion.

(c) If a declarant, in violation of subsection (b), conveys a unit to a purchaser for value who has no knowledge of the violation, delivery of the deed conveying the unit extinguishes any right which a holder of a lessee's interest not in possession may have under subsection (b) to purchase that unit, but does not affect the right of the holder to recover damages from the declarant for a violation of subsection (b).

(d) Nothing in this section permits termination of a lease by a declarant in violation of its terms.

Sec. 515.4-110. [EXPRESS WARRANTIES.] (a) Express warranties made by any seller to a purchaser of a unit if relied upon by the purchaser, are created as follows:

(1) any affirmation of fact or promise which relates to the unit, its use, or rights appurtenant thereto, area improvements to the condominium that would directly benefit the unit, or the right to use or have the benefit of facilities not located in the condominium, creates an express warranty that the unit and related rights and uses will conform to the affirmation or promise;

(2) any model or description of the physical characteristics of the condominium, including plans and specifications of or for improvements, creates an express warranty that the condominium will conform to the model, or description;

(3) any description of the quantity or extent of the real estate comprising the condominium, including plats or surveys, creates an express warranty that the condominium will conform to the description, subject to customary tolerance; and

(4) a provision that a buyer may put a unit only to a specified use is an express warranty that the specified use is lawful.

(b) Neither formal words, such as "warranty" or "guarantee", nor a specific intention to make a warranty, are necessary to create an express warranty. A statement purporting to be merely an opinion or commendation of the real estate or its value does not create a warranty.

(c) Any conveyance of a unit transfers to the purchaser all express warranties made by prior sellers.

Sec. 515.4-111. [IMPLIED WARRANTIES.] (a) A declarant warrants that a unit will be in at least as good condition at the earlier of the time of the conveyance or delivery of possession as it was at the time of contracting, reasonable wear and tear excepted.

(b) A declarant warrants that a unit and the common elements in the condominium are structurally suitable for the ordinary uses of real estate of its type and that any improvements or repairs made or contracted for by him or made by any person before the creation of the condominium, will be:

(1) free from defective materials; and

(2) constructed in accordance with applicable law, according to sound engineering and construction standards, and in a workmanlike manner.

(c) A declarant warrants to a purchaser of a unit which may be used for residential use that the residential use does not violate applicable law.

(d) Warranties imposed by this section may be excluded or modified as specified in section 515.4-112.

(e) For purposes of this section, improvements made or contracted for by an affiliate of a declarant (section 515.1-103(2)) are made or contracted for by the declarant.

(f) Any conveyance of a unit transfers to the purchaser all of any declarant's implied warranties.

Sec. 515.4-112. [EXCLUSION OR MODIFICATION OF IMPLIED WARRANTIES.] (a) Except as limited by subsection (b) implied warranties:

(1) may be excluded or modified by agreement of the parties; and

(2) are excluded by expression of disclaimer, such as "as is", "with all faults", or other language which in common understanding calls the buyer's attention to the exclusion of warranties.

(b) With respect to a purchaser of a unit which may be occupied for residential use, no general disclaimer of implied warranties is effective, but a declarant may disclaim liability in an instrument signed by the purchaser for a specified defect or specified failure to comply with applicable law, if the defect or failure entered into and became a part of the basis of the bargain.

Sec. 515.4-113. [STATUTE OF LIMITATIONS FOR WARRANTIES.] (a) A judicial proceeding for breach of any obligation arising under section 515.4-110 or 515.4-111 must be commenced within six years after the cause of action accrues; but the parties may reduce the period of limitation to not less than two years. With respect to a unit which may be occupied for residential use, an agreement to reduce the period of limitation shall be evidenced by a separate instrument executed by the purchaser.

(b) Subject to subsection (c), a cause of action under section 515.4-110 or 515.4-111, regardless of the purchaser's lack of knowledge of the breach, accrues:

(1) as to a unit, when the purchaser to whom the warranty is first made enters into possession after a conveyance of a possessory interest if a possessory interest is conveyed or otherwise at the time of acceptance of the instrument of conveyance if a nonpossessory interest was conveyed; and

(2) as to each common element, the later of (i) the time the common element is completed, (ii) the time the first unit in the condominium is conveyed to a bona fide purchaser, and (iii) as to a common element within any additional real estate or portion thereof the time the first unit therein is conveyed to a bona fide purchaser.

(c) If a warranty under section 515.4-110 or 515.4-111 explicitly extends to future performance or duration of any improvement or component of the condominium, the cause of action accrues at the time the breach is discovered or at the end of the period for which the warranty explicitly extends, whichever is earlier.

Sec. 515.4-114. [EFFECT OF VIOLATIONS ON RIGHTS OF ACTIONS; ATTORNEYS' FEES.] If a declarant or any other person subject to sections 515.1-101 to 515.4-116 violates any provision thereof or any provision of the declaration or by-laws, any person or class of persons adversely affected by the violation has a claim for appropriate relief. Punitive damages may be awarded in the case of a willful violation of sections 515.1-101 to 515.4-116. The court, in an appropriate case, may award reasonable attorneys' fees.

Sec. 515.4-115. [LABELING OF PROMOTIONAL MATERIAL.] If any improvement contemplated in a condominium is required by section 515.2-110(b)(3) to be labeled "NEED NOT BE BUILT" on the floor plan, no promotional material may be displayed or delivered to prospective purchasers which describes or depicts that improvement unless the description or depiction of the improvement is conspicuously labeled or identified as "NEED NOT BE BUILT".

Sec. 515.4-116. [DECLARANT'S OBLIGATION TO COMPLETE AND RESTORE.] (a) The declarant shall complete all improvements labeled "MUST BE BUILT" on the floor plans prepared pursuant to section 515.2-110.

(b) The declarant is subject to liability for the prompt repair and restoration to a condition compatible with the remainder of the condominium of any portion of the condominium affected by the exercise of rights reserved pursuant to or created by sections 515.2-111, 515.2-116, and 515.2-117."

Delete the title in its entirety and insert:

"A bill for an act relating to uniform laws; enacting the 1976 uniform limited partnership act; enacting the uniform condominium act."

With the recommendation that when so amended the bill pass.

The report was adopted.

Cassery from the Committee on Local and Urban Affairs to which was referred:

S. F. No. 407, A bill for an act relating to regional development commissions; requiring a report on the commission's effectiveness; providing procedures for terminating commissions; amending Minnesota Statutes 1978, Section 462.393; and Chapter 462, by adding a section.

Reported the same back with the following amendments:

Page 3, line 19, delete "30" and insert "60"

Page 3, after line 28 insert a new section to read:

"Sec. 3. [EFFECTIVE DATE.] *This act is effective January 1, 1981.*"

With the recommendation that when so amended the bill pass.

The report was adopted.

Munger from the Committee on Environment and Natural Resources to which was referred:

S. F. No. 682, A bill for an act relating to game and fish; authorizing the use of handguns in taking small game; amending Minnesota Statutes 1978, Section 100.29, Subdivision 2.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1978, Section 100.29, Subdivision 2, is amended to read:

Subd. 2. It shall be unlawful to take protected wild animals with a gun larger in bore than a 10 gauge (OR NOT FIRED FROM THE SHOULDER, EXCEPT THAT A PERSON SUFFERING FROM A PHYSICAL DISABILITY RENDERING HIM INCAPABLE OF USING A SHOULDER FIRED GUN BUT CAPABLE OF USING A HANDGUN AND POSSESSING A DOCTOR'S STATEMENT TO THIS EFFECT MAY TAKE PROTECTED WILD ANIMALS WITH A HANDGUN). *Handguns of any caliber may be used for taking small game in a manner prescribed by the commissioner.*

Sec. 2. Minnesota Statutes 1978, Section 100.29, Subdivision 9, is amended to read:

Subd. 9. Except as provided in subdivision 3, and in this subdivision, it shall be unlawful to take deer, moose, or any other wild animal during deer or moose season in open deer or moose hunting territory with a rifle or firearm which discharges a projectile, the diameter of which is less than twenty-three hundredths of an inch, or to use any cartridge less than one and three-fourths inches in length, and not containing a soft point or expanding bullet, the measurement to include the cartridge or shell and the bullet seated in the usual manner, provided cartridges of 35 caliber or larger may be used, regardless of length, or to use shells containing buckshot, or fine shot except for game birds, and except that smooth-bore muzzle loading muskets of not less than 45 caliber and rifled muzzle loading muskets of not less than 40 caliber that are incapable of being loaded at the breech may be used, and provided further that handguns of the .357, .41, and .44 magnum caliber, using ammunition with a case length of not less than 1.285 inches, (SHALL BE USED BY A DISABLED PERSON AUTHORIZED TO TAKE WILD ANIMALS BY USE OF A HANDGUN PURSUANT TO SUBDIVISION 2) *and other calibers of similar performance as determined by the commissioner, may be used to take deer, moose, bear, or any wild animal.”*

Further, amend the title as follows:

Page 1, line 4, delete “Subdivision” and insert “Subdivisions”

Page 1, line 4, after “2” insert “and 9”

With the recommendation that when so amended the bill pass.

The report was adopted.

Munger from the Committee on Environment and Natural Resources to which was referred:

S. F. No. 797, A bill for an act relating to game and fish; authorizing, licensing and regulating nonresidents' fish houses; amending Minnesota Statutes 1978, Section 98.46, Subdivision 15.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Farcy from the Committee on Judiciary to which was referred:

S. F. No. 971, A bill for an act relating to creditor's remedies; defining property exempt from legal process; amending Minnesota Statutes 1978, Section 550.37, Subdivisions 4 and 19, and by adding a subdivision.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1978, Section 550.37, Subdivision 4, is amended to read:

Subd. 4. All wearing apparel, one watch, household furniture, utensils, household appliances, phonographs, radio and television receivers, and foodstuffs of the debtor and his family, not exceeding \$3,000 in value. The exemption provided by this subdivision may not be waived except with regard to purchase money security interests. *Except for a pawnbroker's possessory lien, a nonpurchase money security interest in the property exempt under this subdivision is void.*

Provided however, if a debtor has property of the type which would qualify for the exemption under this subdivision, of a value in excess of \$3,000, an itemized list of the exempt property, together with the value of each item listed, shall be attached to the security agreement at the time a security interest is taken, and a creditor may take a nonpurchase money security interest in the excess over \$3,000 by requiring the debtor to select his exemption in writing at the time the loan is made.

Sec. 2. Minnesota Statutes 1978, Section 550.37, is amended by adding a subdivision to read:

Subd. 12a. One motor vehicle to the extent of a value not exceeding \$2,000.

Sec. 3. Minnesota Statutes 1978, Section 550.37, Subdivision 19, is amended to read:

Subd. 19. The exemption of the property listed in subdivision 2, 3, (AND) 5 to 11, and 12a may not be waived except by a statement in substantially the following form, in bold face type of a minimum size of 12 points, signed and dated by the debtor at the time of the execution of the contract surrendering the exemption, immediately adjacent to the listing of the property: "I understand that some or all of the above property is normally protected by law from the claims of creditors, and I voluntarily give up my right to that protection for the above listed property with respect to claims arising out of this contract."

Sec. 4. Minnesota Statutes 1978, Section 550.37 is amended by adding a subdivision to read:

Subd. 21. For the purpose of section 550.37 "value" means current fair market value.

Further, delete the title and insert:

"A bill for an act relating to creditor's remedies; defining property exempt from legal process; amending Minnesota Statutes 1978, Section 550.37, Subdivisions 4 and 19, and by adding subdivisions."

With the recommendation that when so amended the bill pass.

The report was adopted.

Munger from the Committee on Environment and Natural Resources to which was referred:

S. F. No. 1273, A bill for an act relating to natural resources; authorizing the commissioner to utilize volunteer services; amending Minnesota Statutes 1978, Chapter 84, by adding a section; and Section 176.011, Subdivision 9; repealing Minnesota Statutes 1978, Section 85.041.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Faricy from the Committee on Judiciary to which was referred:

S. F. No. 1295, A bill for an act relating to contracts; making certain contracts unenforceable unless in writing.

Reported the same back with the following amendments:

Page 2, after line 2 insert a section to read:

“Sec. 3. [ADMISSION INTO EVIDENCE OF CERTAIN CERTIFICATES OF ANALYSIS.] Subdivision 1. In any hearing or trial of a criminal offense or petty misdemeanor or proceeding pursuant to Minnesota Statutes, Section 169.123, Subdivision 4, a report of the facts and results of a laboratory analysis or examination shall be admissible in evidence if it is prepared and attested by the person performing the laboratory analysis or examination in any laboratory operated by the bureau of criminal apprehension or authorized by the bureau to conduct an analysis or examination, or in any laboratory of the federal bureau of investigation, the federal postal inspection service, the federal bureau of alcohol, tobacco and firearms, or the federal drug enforcement administration. A report purported to be signed by the person performing the analysis or examination in a laboratory named above shall be admissible as evidence without proof of the seal, signature or official character of the person whose name is signed to it.

Subd. 2. An accused person or his attorney may request, by notifying the prosecuting attorney at least ten days before the trial, that the person who performed the laboratory analysis or examination testify in person at the trial on behalf of the state.”

Page 2, line 3, delete “3” and insert “4”

Page 2, line 3, delete “This act” and insert “Sections 1 and 2”

Page 2, line 3, delete “1979” and insert “1980”

Page 2, after line 3, insert “Section 3 is effective for hearing or trials commenced on or after August 1, 1980.”

Amend the title as follows:

Page 1, line 2, delete the second “contracts” and insert “legal proceedings”

Page 1, line 3, after “writing” insert “; providing for the admission of certain evidence”

With the recommendation that when so amended the bill pass.

The report was adopted.

Anderson, I., from the Committee on General Legislation and Veterans Affairs to which was referred:

S. F. No. 1471, A bill for an act relating to local government; regulating elections in the city of Duluth and Independent School

District 709; setting the filing dates in local primary elections back four weeks to allow the city additional time to prepare.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Farcy from the Committee on Judiciary to which was referred:

S. F. No. 1645, A bill for an act relating to courts; providing for hearings on rules proposed by the supreme court; amending Minnesota Statutes 1978, Section 480.054.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Farcy from the Committee on Judiciary to which was referred:

S. F. No. 1646, A bill for an act relating to executions; providing that issuance of an execution may be made without docketing of the judgment in the county where the money or personal property is owed to the judgment debtor by a third party; amending Minnesota Statutes 1978, Section 550.07.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Swanson from the Committee on Health and Welfare to which was referred:

S. F. No. 1722, A bill for an act relating to corrections; prescribing penalties for persons who introduce contraband into state hospitals; amending Minnesota Statutes, 1979 Supplement, Section 243.55.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Farcy from the Committee on Judiciary to which was referred:

S. F. No. 1726, A bill for an act relating to children; providing for review of foster care of certain developmentally disabled

children; amending Minnesota Statutes 1978, Section 257.071, Subdivision 3, and by adding a subdivision.

Reported the same back with the following amendments:

Page 2, line 7, delete "may" and insert "shall"

Page 2, after line 31, insert:

"Sec. 3. Minnesota Statutes 1978, Section 484.70, is amended by adding a subdivision to read:

Subd. 5. No referee sitting in juvenile court in the second or fourth judicial district may hear a trial of a contested case if either party or his attorney objects in writing to the assignment of a referee to hear the matter. The court shall, by rule, specify the time within which the objections must be filed. If written objections are not filed consistent with the court's rules, the parties and their attorneys are deemed to have accepted the exercise of full judicial powers by the referee.

Sec. 4. [EFFECTIVE DATE.] *This act is effective the day following its final enactment. Section 3 expires July 31, 1981.*"

Further, amend the title as follows:

Page 1, line 4, after the semicolon insert: "permitting Ramsey and Hennepin County juvenile court referees to hear contested cases with parties' consent;"

Page 1, line 5, delete "Section" and insert "Sections"

Page 1, line 6, after "subdivision" insert "; and 484.70, by adding a subdivision"

With the recommendation that when so amended the bill pass.

The report was adopted.

Swanson from the Committee on Health and Welfare to which was referred:

House Resolution No. 34, A house resolution relating to Handicapped Awareness Week.

Reported the same back with the recommendation that the resolution be adopted and be re-referred to the Committee on Rules and Legislative Administration.

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 1255, 1780, 1908, 1963, 2022, 2037, 2082 and 2185 were read for the second time.

SECOND READING OF SENATE BILLS

S. F. Nos. 1630, 1922, 2040, 1937, 1875, 1996, 1187, 1900, 2110, 1541, 1807, 1188, 789, 2090, 1311, 1679, 1811, 1813, 1843, 2067, 133, 407, 682, 797, 971, 1273, 1295, 1471, 1645, 1646, 1722 and 1726 were read for the second time.

INTRODUCTION AND FIRST READING
OF HOUSE BILLS

The following House Files were introduced:

Simoneau introduced:

H. F. No. 2446, A bill for an act relating to public welfare; authorizing the commissioner of public welfare to use money in the revolving fund for vocational rehabilitation of the blind for certain purposes; amending Minnesota Statutes 1978, Section 248.07, Subdivision 8.

The bill was read for the first time and referred to the Committee on Health and Welfare.

McEachern, Jennings, Wenzel, Levi and Anderson, B., introduced:

H. F. No. 2447, A bill for an act relating to education; establishing procedures for the regulation of school bus drivers who might be under the influence of alcohol or a controlled substance.

The bill was read for the first time and referred to the Committee on Education.

Novak; Jude; Sieben, H.; Wenzel and McEachern introduced:

H. F. No. 2448, A resolution memorializing the President and Congress of the United States and the Federal Reserve Commission to take appropriate action to reduce the soaring interest rate on borrowing funds.

The bill was read for the first time and referred to the Committee on Rules and Legislative Administration.

Casserly; Peterson, D.; Nelson; Wynia and Novak introduced:

H. F. No. 2449, A bill for an act relating to energy; providing for solar energy system loans; providing insurance for loans; providing a tax incentive; appropriating money; amending Minnesota Statutes 1978, Sections 48.19, Subdivision 4; 273.11, Subdivision 1; 462A.06, Subdivision 4; Chapters 273, by adding a section; and 462A, by adding sections.

The bill was read for the first time and referred to the Committee on Energy and Utilities.

Tomlinson, Faricy, Jaros, Ainley and Evans introduced:

H. F. No. 2450, A bill for an act relating to human rights; prohibiting discrimination on the basis of chemical dependency treatment; amending Minnesota Statutes 1978, Section 363.03.

The bill was read for the first time and referred to the Committee on Judiciary.

Anderson, G.; Erickson; Anderson, D., and Johnson, D., introduced:

H. F. No. 2451, A bill for an act relating to communications; providing funds for the building or purchase of office, studio and transmission facilities and the purchase of studio, production and transmission equipment by West Central Minnesota Educational Television; appropriating money.

The bill was read for the first time and referred to the Committee on Appropriations.

Nelson and Otis introduced:

H. F. No. 2452, A bill for an act relating to education; designating the birthday of Martin Luther King as a special observance day in public schools; eliminating a reference to the amount of time that may be spent for certain instruction and programs on a special observance day; amending Minnesota Statutes 1978, Section 126.10.

The bill was read for the first time and referred to the Committee on Education.

McEachern introduced:

H. F. No. 2453, A bill for an act relating to education; changing the term "community schools" to "community education"; amending Minnesota Statutes 1978, Sections 120.76; 121.85; 121.86; 121.87; 121.88, Subdivisions 1, 2 and 3; and 124.271, Subdivision 4; Minnesota Statutes, 1979 Supplement, Sections 3.9279, Subdivision 7; 124.271, Subdivisions 1a, 2 and 5; and 275.125, Subdivision 8.

The bill was read for the first time and referred to the Committee on Education.

Prahl introduced:

H. F. No. 2454, A bill for an act relating to health; exempting nursing homes from fines for noncompliance with rules of the commissioner of health under certain circumstances; amending Minnesota Statutes 1978, Section 144A.10, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Health and Welfare.

HOUSE ADVISORIES

The following House Advisory was introduced:

Rees; Peterson, B.; Dempsey and Kroening introduced:

H. A. No. 54, A proposal to study Minnesota's philosophy, statutes and actual practices concerning bonding.

The advisory was referred to the Committee on Appropriations.

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. 1656, A bill for an act relating to motor vehicles; providing for delivery of motor vehicle certificates of title to owners upon satisfaction of a security interest; amending Minnesota Statutes 1978, Section 168A.20, Subdivision 1.

H. F. No. 1666, A bill for an act relating to transportation; repealing a certain administrative rule of the department of transportation enforcing parallel parking on certain streets and highways.

PATRICK E. FLAHAVER, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following House Files, herewith returned:

H. F. No. 1932, A bill for an act relating to Independent School District No. 535, Rochester; providing that its school board may organize at a time other than the time required for the organization of the board of an independent district; amending Laws 1969, Chapter 193, Section 3, as amended.

H. F. No. 2012, A bill for an act relating to motor vehicles; authorizing personalized license plates bearing radio or television station call signals or letters; amending Minnesota Statutes 1978, Section 168.12, Subdivision 2a.

PATRICK E. FLAHAVER, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate File, herewith transmitted:

S. F. No. 802.

PATRICK E. FLAHAVER, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 1433 and 1815.

PATRICK E. FLAHAVER, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate File, herewith transmitted:

S. F. No. 1325.

PATRICK E. FLAHAVER, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 769, 1398 and 1837.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 1132, 1641 and 1854.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 1847 and 1963.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 1322, 1633 and 1658.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 802, A bill for an act relating to health; regulating the occupation of physical therapist; amending Minnesota Statutes 1978, Sections 148.65; 148.67; 148.70; 148.71; 148.72; 148.73; 148.74; 148.75; 148.76; 148.77; 148.78; and Chapter 148, by adding sections.

The bill was read for the first time and referred to the Committee on Health and Welfare.

S. F. No. 1433, A bill for an act relating to Washington County; providing for the appointment and compensation of probation officers; amending Laws 1978, Chapter 693, Section 2.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

S. F. No. 1815, A bill for an act relating to commerce; providing for service of legal process on nonresident brokers and salespersons licensed to do business in Minnesota; amending Minnesota Statutes 1978, Section 82.31, Subdivision 3.

The bill was read for the first time and referred to the Committee on Commerce, Economic Development and Housing.

S. F. No. 1325, A bill for an act relating to health; promoting health maintenance organizations by eliminating certain regulations; allowing development and operation of supplemental health services plans; promoting competition in health care delivery; requiring certain optional and mandatory benefits under certain health care plans; providing increased flexibility in benefit levels; modifying certain benefit requirements under the Minnesota Comprehensive Health Insurance Act of 1976; prescribing certain duties for the commissioners of health, public welfare, and insurance; amending Minnesota Statutes 1978, Sections 62A.043, by adding a subdivision; 62A.149, Subdivision 1, and by adding a subdivision; 62A.15, by adding a subdivision; 62A.151; 62A.152, by adding a subdivision; 62A.153; 62A.16; 62A.17, Subdivision 4; 62D.01, Subdivision 2; 62D.02, Subdivisions 4, 5, 6, and 7, and by adding subdivisions; 62D.03; 62D.04, Subdivisions 1 and 3; 62D.05; 62D.06, Subdivision 1; 62D.07; 62D.08; 62D.10, Subdivisions 1 and 3; 62D.101; 62D.11; 62D.12; 62D.13; 62D.14; 62D.15; 62D.16; 62D.17, Subdivisions 1, 3, and 4; 62D.18; 62D.19; 62D.20; 62D.21; 62D.22, Subdivisions 2, 3, 5, 6, and 8, and by adding a subdivision; 62D.25; 62D.28, Subdivisions 2 and 3; 62E.02, Subdivision 9; 62E.03, Subdivision 1; 62E.16; 72C.03; 144.691, Subdivision 4; 144.692; 144.693, Subdivisions 1 and 2; 144.703, by adding subdivisions; 145.61, Subdivision 5; 256B.59, Subdivision 1; 256B.60, Subdivision 2; Chapters 145, by adding a section; and 256B, by adding a section; Minnesota Statutes, 1979 Supplement, Sections 62D.22, Subdivision 7; 62E.06, Subdivision 1; and 145.837, Subdivision 1; repealing Minnesota Statutes 1978, Sections 62D.09 and 62D.10, Subdivision 2.

The bill was read for the first time and referred to the Committee on Health and Welfare.

S. F. No. 769, A bill for an act relating to security guards; providing for the certification and training of security guards; setting forth criteria for the use of deadly force by security guards; prescribing penalties; amending Minnesota Statutes 1978, Sections 326.32, by adding a subdivision; 326.33, Subdivision 1; 326.331; 326.332, Subdivision 1; 326.333; 326.336, Subdivisions 1 and 2, and by adding subdivisions; 326.337, Subdivision 1; and 326.338, Subdivision 2.

The bill was read for the first time and referred to the Committee on Criminal Justice.

S. F. No. 1398, A bill for an act relating to accountancy; providing for the licensing of public accountants; clarifying the law; amending Minnesota Statutes 1978, Sections 326.19, Subdivisions 3 and 4, and by adding a subdivision; Minnesota Statutes, 1979 Supplement, Sections 326.165, Subdivisions 1 and 2; 326.17; 326.18; 326.19, Subdivision 2; 326.211, Subdivisions 3 and 9; 326.212, Subdivision 2; and Laws 1979, Chapter 326, Section 16.

The bill was read for the first time and referred to the Committee on Commerce, Economic Development and Housing.

S. F. No. 1837, A bill for an act relating to elections; providing for towns to set their own hours for town elections; requiring polls to be open at least three hours; amending Minnesota Statutes 1978, Section 205.03, Subdivision 3.

The bill was read for the first time and referred to the Committee on General Legislation and Veterans Affairs.

S. F. No. 1132, A bill for an act relating to financial institutions; authorizing securities for investment of deposits of savings banks and other financial institutions and for deposit to secure deposits of public funds; amending Minnesota Statutes 1978, Sections 50.14, Subdivision 4; and 118.01.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

S. F. No. 1641, A bill for an act relating to drivers licenses; increasing fees for renewal of motorized bicycle operator permits and fees for drivers licenses; authorizing the issuance of a driver's license without examination to certain persons under certain circumstances; establishing a fee for the Minnesota identification card; providing for uniform application fees; amending Minnesota Statutes 1978, Sections 171.03; 171.06, Subdivisions 1, 2, and 4; 171.07, Subdivision 3; and Minnesota Statutes, 1979 Supplement, Section 171.02, Subdivision 3.

The bill was read for the first time and referred to the Committee on Transportation.

S. F. No. 1854, A bill for an act relating to commerce; clarifying the definition of a "sale of goods" as it applies to consumer credit sales to make it clear that it includes certain terminable bailments or leases; clarifying the interests of the respective parties; providing for a certain contract provision; amending Minnesota Statutes 1978, Sections 325.94, Subdivision 5; and 325.941, by adding subdivisions.

The bill was read for the first time and referred to the Committee on Commerce, Economic Development and Housing.

S. F. No. 1847, A bill for an act relating to Blue Earth County; authorizing the county to contract for the completion of the improvement of county ditch No. 27; setting limits on the expenditure of money for the improvement; providing for financing; amending Laws 1975, Chapter 249, Section 1, Subdivision 1, as amended; and Section 2, as amended.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

S. F. No. 1963, A bill for an act relating to taxation; property tax administration; eliminating mandatory assessors meetings; amending Minnesota Statutes 1978, Sections 273.03, Subdivision 1; 273.04; and Minnesota Statutes, 1979 Supplement, Sections 270.06; and 273.061, Subdivision 8.

The bill was read for the first time and referred to the Committee on Taxes.

S. F. No. 1922, A bill for an act relating to local government; providing for municipal planning; authorizing regulation of subdivisions; providing a penalty; amending Minnesota Statutes 1978, Sections 462.351; 462.352, by adding subdivisions; 462.355, Subdivision 4; 462.358, by adding subdivisions; 462.36, Subdivision 1; 505.14; repealing Minnesota Statutes 1978, Sections 462.352, Subdivision 4; and 462.358, Subdivisions 1, 2, 3 and 4.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

S. F. No. 1633, A bill for an act relating to veterans; modifying the duties, authority and scope of operations of the department of veterans affairs; authorizing the commissioner of veterans affairs to accept uncompensated voluntary services; entitling uncompensated voluntary workers to the benefits of workers' compensation; providing for the appointment of the commissioner of veterans affairs as the guardian of an estate; revising the veterans home eligibility requirements; amending Minnesota Statutes 1978, Sections 196.05; 196.051; 197.06; 198.01; and Minnesota Statutes, 1979 Supplement, Section 176.011, Subdivision 9.

The bill was read for the first time and referred to the Committee on General Legislation and Veterans Affairs.

S. F. No. 1658, A bill for an act relating to intoxicating liquor; permitting holders of both on-sale wine and on-sale non-intoxicating malt beverages licenses to sell intoxicating malt beverages; amending Minnesota Statutes 1978, Section 340.11, Subdivision 20.

The bill was read for the first time and referred to the Committee on Commerce, Economic Development and Housing.

PROGRESS REPORTS ON CONFERENCE COMMITTEES

Progress by the Conference Committee was reported to the House on the following bills: S. F. Nos. 572, 74 and 801.

REPORT FROM THE COMMITTEE ON RULES AND LEGISLATIVE ADMINISTRATION

Eken, from the Committee on Rules and Legislative Administration, pursuant to Rule 1.9, designated the following bills as a Special Order to be acted upon immediately following Special Orders pending for Monday, March 17, 1980:

H. F. Nos. 1534, 2191, 2314, 2369, 1190, 1661, 1706, 1727, 1730, 1743, 1794, 1825, 1835, 1890, 1930, 1949, 2040 and 2067.

POINT OF ORDER

The pending point of order raised by Voss on Tuesday, March 11, 1980, relating to rule 1.15 and printed in the journal of the House on page 4784 for the 76th Day was reported to the House. The Speaker ruled the point of order well taken and the Halberg motion out of order.

Halberg appealed the decision of the chair.

A roll call was requested and properly seconded.

CALL OF THE HOUSE

On the motion of Halberg and on the demand of 10 members, a call of the House was ordered. The following members answered to their names:

Aasness	Dempsey	Jennings	McEachern	Redalen
Adams	Den Ouden	Johnson, C.	Mehrkens	Reding
Ainley	Eken	Johnson, D.	Metzen	Rees
Albrecht	Elioff	Jude	Minne	Rodriguez
Anderson, B.	Ellingson	Kahn	Moe	Rose
Anderson, D.	Erickson	Kaley	Munger	Rothenberg
Anderson, G.	Esau	Kalis	Murphy	Sarna
Anderson, I.	Evans	Kelly	Nelsen, B.	Schreiber
Anderson, R.	Ewald	Kempe	Nelsen, M.	Searles
Battaglia	Farcy	Knickerbocker	Nelson	Sherwood
Begich	Fjoslien	Kostohryz	Niehaus	Sieben, H.
Berglin	Forsythe	Kroening	Novak	Sieben, M.
Biersdorf	Friedrich	Kvam	Nysether	Simoneau
Blatz	Fritz	Laidig	Olsen	Stadum
Brinkman	Fudro	Lehto	Onnen	Stoa
Byrne	Greenfield	Levi	Osthoff	Stowell
Carlson, D.	Halberg	Long	Otis	Swiggum
Carlson, L.	Haukoos	Ludeman	Pehler	Swanson
Clark	Heap	Luknic	Peterson, B.	Thiede
Clarkson	Heinitz	Mann	Piepho	Tomlinson
Crandall	Hoberg	McCarron	Pleasant	Valan
Dean	Hokanson	McDonald	Prahl	Vanasek

Voss	Welch	Wieser	Zubay	Spkr. Norton
Waldorf	Welker	Wigley		
Weaver	Wenzel	Wynia		

Halberg 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.

The vote was taken on the question "Shall the decision of the Speaker stand as the judgment of the House?" The roll was called and there were 65 yeas and 68 nays as follows:

Those who voted in the affirmative were:

Adams	Corbid	Kelly	Nelsen, M.	Sieben, H.
Anderson, B.	Eken	Kostohryz	Nelson	Sieben, M.
Anderson, G.	Elihoff	Kroening	Novak	Simoneau
Anderson, I.	Ellingson	Lehto	Osthoff	Stoa
Battaglia	Faricy	Long	Otis	Swanson
Begich	Greenfield	Mann	Patton	Tomlinson
Berglin	Hokanson	McCarron	Pehler	Vanasek
Brinkman	Jacobs	McEachern	Peterson, D.	Voss
Byrne	Jaros	Metzen	Prahl	Waldorf
Carlson, L.	Johnson, C.	Minne	Reding	Welch
Casserly	Jude	Moe	Rice	Wenzel
Clark	Kahn	Munger	Rodriguez	Wynia
Clawson	Kalis	Murphy	Sarna	Spkr. Norton

Those who voted in the negative were:

Aasness	Erickson	Jennings	Norman	Sherwood
Ainley	Esau	Johnson, D.	Nysether	Stadum
Albrecht	Evans	Kaley	Olsen	Stowell
Anderson, D.	Ewald	Kempe	Onnen	Sviggum
Anderson, R.	Fjoslien	Knickerbocker	Peterson, B.	Thiede
Berkelman	Forsythe	Kvam	Piepho	Valan
Biersdorf	Friedrich	Laidig	Pleasant	Valento
Blatz	Fritz	Levi	Redalen	Weaver
Carlson, D.	Fudro	Ludeman	Rees	Welker
Crandall	Halberg	Luknic	Reif	Wieser
Dean	Haukoos	McDonald	Rose	Wigley
Dempsey	Heap	Mehrkens	Rothenberg	Zubay
Den Ouden	Heinitz	Nelsen, B.	Schreiber	
Drew	Hoberg	Niehaus	Searles	

So it was the judgment of the House that the decision of the Speaker should not stand and the Halberg motion was in order.

The Halberg motion was reported to the House as follows:

Halberg moved that, pursuant to House Rule 1.15, H. F. No. 1371 be recalled from the Committee on Appropriations, be given its second reading, be advanced to General Orders and be re-referred to the Committee on Rules and Legislative Administration.

A roll call was requested and properly seconded.

The question was taken on the Halberg motion and the roll was called.

Halberg moved that those not voting be excused from voting. The motion did not prevail.

There were 94 yeas and 39 nays as follows:

Those who voted in the affirmative were:

Aasness	Esau	Kaley	Novak	Sherwood
Adams	Evans	Kalis	Nysether	Stadum
Ainley	Ewald	Kelly	Olsen	Stowell
Albrecht	Fjoslien	Kempe	Onnen	Sviggum
Anderson, D.	Forsythe	Knickerbocker	Osthoff	Thiede
Anderson, I.	Friedrich	Kostohryz	Patton	Tomlinson
Anderson, R.	Fritz	Kroening	Peterson, B.	Valan
Berkelman	Fudro	Kvam	Piepho	Valento
Biersdorf	Halberg	Laidig	Pleasant	Vanasek
Blatz	Haukoos	Levi	Redalen	Waldorf
Carlson, D.	Heap	Ludeman	Reding	Weaver
Carlson, L.	Heinitz	Luknic	Rees	Welch
Clawson	Hoberg	McDonald	Reif	Welker
Crandall	Hokanson	McEachern	Rice	Wenzel
Dean	Jacobs	Mehrkens	Rose	Wieser
Dempsey	Jennings	Minne	Rothenberg	Wigley
Den Ouden	Johnson, C.	Nelsen, B.	Sarna	Wynia
Drew	Johnson, D.	Niehaus	Schreiber	Zubay
Erickson	Jude	Norman	Searles	

Those who voted in the negative were:

Anderson, B.	Clark	Kahn	Murphy	Sieben, H.
Anderson, G.	Corbid	Lehto	Nelsen, M.	Sieben, M.
Battaglia	Eken	Long	Nelson	Simoneau
Begich	Elioff	Mann	Otis	Stoa
Berglin	Ellingson	McCarron	Pehler	Swanson
Brinkman	Faricy	Metzen	Peterson, D.	Voss
Byrne	Greenfield	Moe	Prahl	Spkr. Norton
Casserly	Jaros	Munger	Rodriguez	

The motion prevailed.

H. F. No. 1371 was read for the second time and re-referred to the Committee on Rules and Legislative Administration.

CALL OF THE HOUSE LIFTED

Nelsen, B., moved that the call of the House be dispensed with. The motion prevailed and it was so ordered.

CONSENT CALENDAR

S. F. No. 1745 was reported to the House.

Stowell moved to amend S. F. No. 1745, as follows:

Page 2, after line 30 insert:

"Sec. 2. Minnesota Statutes 1978, Section 375.26, is amended to read:

375.26 [GIFTS, ACCEPTANCE.] Any county in this state may receive by grant, gift, devise, or bequest, and take charge of, own, hold, control, invest, and administer free from taxation, in accordance with the terms of the trust or the conditions of the gift, any personal property, and any real property not to exceed 40 acres in any one county, for the use and benefit of the inhabitants of the county or as a park or recreation grounds, and in the encouragement, aid, and maintenance of the county cooperative work and education in agriculture and home economics (, AND IN AID AND FURTHERANCE OF THE OBJECT AND PURPOSE OF THE FARM BUREAU ASSOCIATION IN THE COUNTY). Such county may, from time to time, by resolution of the county board, appropriate from the county revenue fund such sum or sums as may by the board be deemed necessary to suitably maintain, improve, and care for the property for such use and purpose (, NOT EXCEEDING THE SUM OF \$3,500 IN ANY ONE YEAR)."

Amend the title as follows:

Page 1, line 3, after "amending" insert "Minnesota Statutes 1978, Section 375.26; and"

The motion prevailed and the amendment was adopted.

S. F. No. 1745, A bill for an act relating to counties; providing for publication and examination of accounts; amending Minnesota Statutes, 1979 Supplement, Section 375.17.

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 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Biersdorf	Eken	Greenfield	Kahn
Adams	Blatz	Elihoff	Halberg	Kaley
Ainley	Byrne	Ellingson	Haukoos	Kalis
Albrecht	Carlson, D.	Erickson	Heap	Kelly
Anderson, B.	Carlson, L.	Esau	Heinitz	Kempe
Anderson, D.	Casserly	Evans	Hoberg	Knickerbocker
Anderson, G.	Clark	Ewald	Hokanson	Kostohryz
Anderson, I.	Clawson	Faricy	Jacobs	Kroening
Anderson, R.	Crandall	Fjoslien	Jaros	Kvam
Battaglia	Dean	Forsythe	Jennings	Laidig
Begich	Dempsey	Friedrich	Johnson, C.	Lehto
Berglin	Den Ouden	Fritz	Johnson, D.	Levi
Berkelman	Drew	Fudro	Jude	Long

Ludeman	Niehaus	Pleasant	Sherwood	Vanasek
Luknic	Norman	Prahl	Sieben, H.	Voss
McCarron	Novak	Redalen	Sieben, M.	Waldorf
McDonald	Nysether	Reding	Simoneau	Weaver
McEachern	Olsen	Rees	Stadum	Welch
Mehrkens	Onnen	Reif	Stoa	Welker
Metzen	Osthoff	Rice	Stowell	Wenzel
Minne	Otis	Rodriguez	Sviggum	Wieser
Moe	Patton	Rose	Swanson	Wigley
Murphy	Pehler	Rothenberg	Thiede	Wynia
Nelsen, B.	Peterson, B.	Sarna	Tomlinson	Zubay
Nelsen, M.	Peterson, D.	Schreiber	Valan	Spkr. Norton
Nelson	Piepho	Searles	Valento	

The bill was passed, as amended, and its title agreed to.

H. F. No. 1723, A bill for an act relating to snowmobiles; authorizing use in trapping related activities in certain counties; amending Minnesota Statutes, 1979 Supplement, Section 100.29, Subdivision 30.

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 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Drew	Jude	Nelsen, M.	Searles
Adams	Eken	Kahn	Nelson	Sherwood
Ainley	Eloff	Kaley	Niehaus	Sieben, H.
Albrecht	Ellingson	Kalis	Norman	Sieben, M.
Anderson, B.	Erickson	Kelly	Novak	Simoneau
Anderson, D.	Esau	Kempe	Nysether	Stadum
Anderson, G.	Evans	Knickerbocker	Olsen	Stoa
Anderson, I.	Ewald	Kostohryz	Onnen	Stowell
Anderson, R.	Faricy	Kroening	Osthoff	Sviggum
Battaglia	Fjoslien	Kvam	Otis	Swanson
Begich	Forsythe	Laidig	Patton	Thiede
Berglin	Friedrich	Levi	Pehler	Tomlinson
Berkelman	Fritz	Long	Peterson, B.	Valan
Biersdorf	Fudro	Ludeman	Peterson, D.	Valento
Blatz	Greenfield	Luknic	Piepho	Vanasek
Brinkman	Halberg	Mann	Prahl	Voss
Byrne	Haukoos	McCarron	Redalen	Waldorf
Carlson, D.	Heap	McDonald	Reding	Weaver
Carlson, L.	Heinitz	McEachern	Rees	Welch
Casserly	Hoborg	Mehrkens	Reif	Welker
Clark	Hokanson	Metzen	Rice	Wenzel
Clawson	Jacobs	Minne	Rodriguez	Wieser
Crandall	Jaros	Moe	Rose	Wigley
Dean	Jennings	Munger	Rothenberg	Wynia
Dempsey	Johnson, C.	Murphy	Sarna	Zubay
Den Ouden	Johnson, D.	Nelsen, B.	Schreiber	Spkr. Norton

The bill was passed and its title agreed to.

H. F. No. 1724 was reported to the House.

Heinitz moved that S. F. No. 1674 be recalled from the Committee on Labor-Management Relations and together with H. F. No. 1724, now on the Consent Calendar, be referred to the Chief Clerk for comparison. The motion prevailed.

H. F. No. 1731, A bill for an act relating to labor; regulating certain steam engines and boilers and steam engine and boiler operators; amending Minnesota Statutes 1978, Chapter 183, by adding a section.

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 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Drew	Jude	Nelsen, B.	Searles
Adams	Eken	Kahn	Nelsen, M.	Sherwood
Ainley	Elioff	Kaley	Nelson	Sieben, H.
Albrecht	Ellingson	Kalis	Niehaus	Sieben, M.
Anderson, B.	Erickson	Kelly	Norman	Simoneau
Anderson, D.	Esau	Kempe	Novak	Stadum
Anderson, G.	Evans	Knickerbocker	Nysether	Stoa
Anderson, I.	Ewald	Kostohryz	Olsen	Stowell
Anderson, R.	Faricy	Kroening	Onnen	Swiggum
Battaglia	Fjoslien	Kvam	Osthoff	Swanson
Begich	Forsythe	Laidig	Otis	Thiede
Berglin	Friedrich	Lehto	Patton	Valan
Berkelman	Fritz	Levi	Pehler	Valento
Biersdorf	Fudro	Long	Peterson, B.	Vanasek
Blatz	Greenfield	Ludeman	Peterson, D.	Voss
Brinkman	Halberg	Luknic	Piepho	Waldorf
Byrne	Haukoos	Mann	Pleasant	Weaver
Carlson, D.	Heap	McCarron	Prahl	Welch
Carlson, L.	Heinitz	McDonald	Redalen	Welker
Casserly	Hoberg	McEachern	Reding	Wenzel
Clark	Hokanson	Mehrkens	Rees	Wieser
Clawson	Jacobs	Metzen	Reif	Wigley
Crandall	Jaros	Minne	Rodriguez	Wynia
Dean	Jennings	Moe	Rose	Zubay
Dempsey	Johnson, C.	Munger	Rothenberg	Spkr. Norton
Den Ouden	Johnson, D.	Murphy	Sarna	

The bill was passed and its title agreed to.

H. F. No. 1987, A bill for an act relating to local government; regulating financial reports of certain municipal hospitals and nursing homes; amending Minnesota Statutes, 1979 Supplement, Sections 471.697, Subdivision 1; and 471.698, Subdivision 1.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 126 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Eken	Kalis	Niehaus	Simoneau
Adams	Elioff	Kelly	Norman	Stadium
Ainley	Ellingson	Kempe	Novak	Stoa
Albrecht	Erickson	Knickerbocker	Nysether	Stowell
Anderson, B.	Esau	Kostohryz	Olsen	Sviggum
Anderson, D.	Evans	Kroening	Onnen	Swanson
Anderson, G.	Ewald	Kvam	Osthoff	Thiede
Anderson, I.	Faricy	Laidig	Otis	Tomlinson
Anderson, R.	Fjoslien	Lehto	Patton	Valan
Battaglia	Forsythe	Levi	Pehler	Valento
Begich	Friedrich	Long	Peterson, B.	Vanasek
Berglin	Fritz	Ludeman	Peterson, D.	Voss
Berkelman	Fudro	Luknic	Piepho	Waldorf
Biersdorf	Greenfield	Mann	Prahl	Weaver
Blatz	Halberg	McCarron	Redalen	Welch
Brinkman	Haukoos	McDonald	Reding	Welker
Byrne	Heap	McEachern	Rees	Wenzel
Carlson, D.	Heinitz	Mehrkens	Reif	Wieser
Carlson, L.	Hoberg	Metzen	Rodriguez	Wigley
Clark	Hokanson	Minne	Rose	Wynia
Clawson	Jacobs	Moe	Rothenberg	Zubay
Crandall	Jennings	Munger	Sarna	Spkr. Norton
Dean	Johnson, C.	Murphy	Searles	
Dempsey	Johnson, D.	Nelsen, B.	Sherwood	
Den Ouden	Jude	Nelsen, M.	Sieben, H.	
Drew	Kaley	Nelson	Sieben, M.	

The bill was passed and its title agreed to.

H. F. No. 2077, A bill for an act relating to public welfare; clarifying zoning requirements for licensed residential facilities; increasing the required distances between certain facilities; amending Minnesota Statutes 1978, Sections 245.812, Subdivision 2; and 252.28, Subdivision 3.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 123 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Aasness	Byrne	Evans	Jaros	Ludeman
Adams	Carlson, D.	Ewald	Jennings	Luknic
Ainley	Carlson, L.	Faricy	Johnson, C.	Mann
Albrecht	Cassery	Fjoslien	Johnson, D.	McDonald
Anderson, B.	Clark	Forsythe	Jude	McEachern
Anderson, D.	Clawson	Friedrich	Kahn	Mehrkens
Anderson, G.	Crandall	Fritz	Kaley	Metzen
Anderson, I.	Dean	Fudro	Kalis	Minne
Anderson, R.	Dempsey	Greenfield	Kelly	Moe
Battaglia	Den Ouden	Halberg	Kempe	Munger
Begich	Drew	Haukoos	Knickerbocker	Murphy
Berglin	Eken	Heap	Kostohryz	Nelsen, B.
Berkelman	Elioff	Heinitz	Laidig	Nelsen, M.
Biersdorf	Ellingson	Hoberg	Lehto	Nelson
Blatz	Erickson	Hokanson	Levi	Niehaus
Brinkman	Esau	Jacobs	Long	Norman

Novak	Prahl	Searles	Swanson	Welker
Nysether	Redalen	Sherwood	Tomlinson	Wenzel
Olsen	Reding	Sieben, H.	Valan	Wieser
Onnen	Rees	Sieben, M.	Valento	Wigley
Otis	Reif	Simoneau	Vanasek	Wynia
Patton	Rice	Stadum	Voss	Zubay
Pehler	Rodriguez	Stoa	Waldorf	Spkr. Norton
Peterson, D.	Rose	Stowell	Weaver	
Piepho	Rothenberg	Sviggum	Welch	

Those who voted in the negative were:

Kroening

The bill was passed and its title agreed to.

H. F. No. 2152, A bill for an act relating to Carver county; applying the provisions of the municipal housing and redevelopment act to Carver county; providing for local approval of projects.

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:

Aasness	Elioff	Kalis	Niehaus	Sieben, H.
Adams	Ellingson	Kelly	Norman	Sieben, M.
Ainley	Erickson	Kempe	Novak	Simoneau
Albrecht	Esau	Knickerbocker	Nysether	Stadum
Anderson, B.	Evans	Kostohryz	Olsen	Stoa
Anderson, D.	Ewald	Kroening	Onnen	Stowell
Anderson, G.	Faricy	Kvam	Osthoff	Sviggum
Anderson, I.	Fjoslien	Laidig	Otis	Swanson
Anderson, R.	Forsythe	Lehto	Patton	Thiede
Battaglia	Friedrich	Levi	Pehler	Tomlinson
Begich	Fritz	Long	Peterson, B.	Valan
Berglin	Fudro	Ludeman	Peterson, D.	Valento
Berkelman	Greenfield	Luknic	Piepho	Vanasek
Biersdorf	Halberg	Mann	Pleasant	Voss
Blatz	Haukoos	McCarron	Prahl	Waldorf
Brinkman	Heap	McDonald	Redalen	Weaver
Byrne	Heinitz	McEachern	Reding	Welch
Carlson, D.	Hoberg	Mehrrens	Rees	Welker
Carlson, L.	Hokanson	Metzen	Reif	Wenzel
Clark	Jacobs	Minne	Rice	Wieser
Clawson	Jennings	Moe	Rodriguez	Wigley
Crandall	Johnson, C.	Munger	Rose	Wynia
Dean	Johnson, D.	Murphy	Rothenberg	Zubay
Dempsey	Jude	Nelsen, B.	Sarna	Spkr. Norton
Den Ouden	Kahn	Nelsen, M.	Searles	
Eken	Kaley	Nelson	Sherwood	

The bill was passed and its title agreed to.

H. F. No. 2197 was reported to the House.

Carlson, D., moved that H. F. No. 2197 be continued on the Consent Calendar for one day. The motion prevailed.

S. F. No. 759, A bill for an act relating to Indian affairs; expanding the term of office for at large intertribal board members from two years to four years; providing for future at large elections; defining the term of office for at large members; amending Minnesota Statutes 1978, Section 3.922, Sub-division 2.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 125 yeas and 3 nays as follows:

Those who voted in the affirmative were:

Aasness	Drew	Kahn	Nelsen, M.	Searles
Adams	Eken	Kaley	Nelson	Sherwood
Ainley	Elihoff	Kalis	Niehaus	Sieben, M.
Albrecht	Ellingson	Kelly	Norman	Simoneau
Anderson, B.	Erickson	Kempe	Novak	Stadum
Anderson, D.	Esau	Knickerbocker	Nysether	Stoa
Anderson, G.	Evans	Kostohryz	Olsen	Stowell
Anderson, I.	Ewald	Kroening	Onnen	Sviggum
Anderson, R.	Fjoslien	Kvam	Osthoff	Swanson
Battaglia	Forsythe	Laidig	Otis	Thiede
Begich	Friedrich	Lehto	Patton	Tomlinson
Berkelman	Fritz	Levi	Pehler	Valan
Biersdorf	Fudro	Long	Peterson, B.	Valento
Blatz	Halberg	Ludeman	Peterson, D.	Vanasek
Brinkman	Haukoos	Luknic	Piepho	Voss
Byrne	Heap	Mann	Prahl	Waldorf
Carlson, D.	Heinitz	McDonald	Redalen	Weaver
Carlson, L.	Hoberg	McEachern	Reding	Welch
Casserly	Hokanson	Mehrkens	Rees	Welker
Clark	Jacobs	Metzen	Reif	Wenzel
Clawson	Jaros	Minne	Rice	Wieser
Crandall	Jennings	Moe	Rodriguez	Wigley
Dean	Johnson, C.	Munger	Rose	Wynia
Dempsey	Johnson, D.	Murphy	Rothenberg	Zubay
Den Ouden	Jude	Nelsen, B.	Sarna	Spkr. Norton

Those who voted in the negative were:

Berglin Faricy Greenfield

The bill was passed and its title agreed to.

S. F. No. 1609, A bill for an act relating to education; extending the coverage of a grandfather provision allowing certain pupils to attend school in a school district other than the district in which the pupil resides; amending Minnesota Statutes, 1979 Supplement, Section 120.075.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 125 yeas and 3 nays as follows:

Those who voted in the affirmative were:

Adams	Eken	Kaley	Nelsen, M.	Searles
Albrecht	Elioff	Kalis	Nelson	Sherwood
Anderson, B.	Ellingson	Kelly	Niehaus	Sieben, H.
Anderson, D.	Erickson	Kempe	Norman	Sieben, M.
Anderson, G.	Esau	Knickerbocker	Novak	Simoneau
Anderson, I.	Evans	Kostohryz	Nysether	Stadum
Anderson, R.	Ewald	Kroening	Olsen	Stoa
Battaglia	Fjoslien	Kvam	Onnen	Stowell
Begich	Forsythe	Laidig	Osthoff	Sviggum
Berglin	Friedrich	Lehto	Otis	Swanson
Berkelman	Fritz	Levi	Patton	Thiede
Biersdorf	Fudro	Long	Pehler	Valan
Blatz	Greenfield	Ludeman	Peterson, B.	Valento
Brinkman	Halberg	Luknic	Peterson, D.	Vanasek
Byrne	Haukoos	Mann	Piepho	Voss
Carlson, D.	Heap	McCarron	Prahl	Waldorf
Carlson, L.	Heinitz	McDonald	Redalen	Weaver
Casserly	Hoberg	McEachern	Reding	Welch
Clark	Hokanson	Mehrkens	Rees	Welker
Clawson	Jacobs	Metzen	Reif	Wenzel
Crandall	Jennings	Minne	Rice	Wieser
Dean	Johnson, C.	Moe	Rodriguez	Wigley
Dempsey	Johnson, D.	Munger	Rose	Wynia
Den Ouden	Jude	Murphy	Rothenberg	Zubay
Drew	Kahn	Nelsen, B.	Sarna	Sprk. Norton

Those who voted in the negative were:

Ainley	Faricy	Tomlinson
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The bill was passed and its title agreed to.

S. F. No. 1729 was reported to the House.

Upon objection of ten members S. F. No. 1729 was stricken from the Consent Calendar and returned to General Orders.

CONSIDERATION UNDER RULE 1.10

Pursuant to rule 1.10, Voss requested immediate consideration of H. F. No. 1781.

H. F. No. 1781 was reported to the House.

Erickson offered an amendment to H. F. No. 1781.

POINT OF ORDER

Sieben, H., raised a point of order pursuant to rule 3.10 that the Erickson amendment was not in order. The Speaker ruled the point of order well taken and the amendment out of order.

Welker moved to amend H. F. No. 1781 as follows:

Page 35, delete lines 29 through 33

Delete page 36

Page 37, delete lines 1 through 10; delete lines 13 through 19

Renumber the subsequent sections.

A roll call was requested and properly seconded.

The question was taken on the amendment and the roll was called. There were 21 yeas and 99 nays as follows:

Those who voted in the affirmative were:

Ainley	Forsythe	Ludeman	Schreiber	Wynia
Albrecht	Fritz	Niehaus	Searles	
Dempsey	Halberg	Piepho	Stowell	
Den Ouden	Heinitz	Pleasant	Waldorf	
Erickson	Kempe	Rothenberg	Welker	

Those who voted in the negative were:

Aasness	Crandall	Kahn	Murphy	Sarna
Adams	Dean	Kaley	Nelsen, B.	Sherwood
Anderson, B.	Drew	Kalis	Nelsen, M.	Sieben, H.
Anderson, D.	Eken	Kelly	Nelson	Sieben, M.
Anderson, G.	Elioff	Kostohryz	Norman	Simoneau
Anderson, I.	Ellingson	Kroening	Novak	Stoa
Anderson, R.	Faricy	Kvam	Nysether	Sviggum
Battaglia	Fjoslien	Laidig	Olsen	Swanson
Begich	Fudro	Lehto	Onnen	Tomlinson
Berglin	Greenfield	Levi	Osthoff	Valan
Berkelman	Haukoos	Long	Otis	Vanasek
Biersdorf	Heap	Luknic	Patton	Voss
Blatz	Hoberg	Mann	Pehler	Weaver
Brinkman	Hokanson	McCarron	Peterson, B.	Welch
Byrne	Jacobs	McEachern	Peterson, D.	Wenzel
Carlson, L.	Jaros	Merhkens	Reding	Wieser
Casserly	Jennings	Metzen	Rees	Wigley
Clark	Johnson, C.	Minne	Rice	Zubay
Clawson	Johnson, D.	Moe	Rodriguez	Spkr. Norton
Corbid	Jude	Munger	Rose	

The motion did not prevail and the amendment was not adopted.

McDonald offered an amendment to H. F. No. 1781.

POINT OF ORDER

Sieben, H., raised a point of order pursuant to rule 3.9 that the McDonald amendment was not in order. Speaker pro tem Faricy ruled the point of order well taken and the amendment out of order.

McDonald offered a second amendment to H. F. No. 1781.

POINT OF ORDER

Olsen raised a point of order pursuant to rule 3.9 that the McDonald amendment was not in order. Speaker pro tem Faricy ruled the point of order well taken and the amendment out of order.

McDonald appealed the decision of the chair.

The vote was taken on the question "Shall the decision of the Speaker pro tem stand as the judgment of the House?"

It was the judgment of the House that the decision of the Speaker pro tem should stand.

H. F. No. 1781, A bill for an act relating to education; providing for aids to education, tax levies and the distribution of tax revenues; granting certain powers and duties to school districts, the commissioner of education, the department of education and others; aid for education of pupils of limited English proficiency; requiring the establishment of local policies to minimize chemical use problems; appropriating money; amending Minnesota Statutes 1978, Sections 120.095, Subdivision 6; 120.10, Subdivision 2; 121.88, by adding a subdivision; 122.22, Subdivisions 2 and 4; 122.23, Subdivisions 9 and 10; 122.25, Subdivision 1; 122.531, by adding subdivisions; 123.11, Subdivision 7; 123.36, by adding a subdivision; 123.39, Subdivision 3; 123.932, Subdivision 9, and by adding a subdivision; 124.20; 124.214, Subdivision 2; 124.572, Subdivision 7; 126.07; 126.36, Subdivision 3; 126.52, Subdivision 5, and by adding a subdivision; 126.54, Subdivisions 5 and 6; 127.09; 127.11; 127.21; 134.03; 134.08; 275.125, Subdivisions 5 and 5a; 354.05, Subdivision 2; Chapter 124, by adding a section; Chapter 125, by adding a section; Minnesota Statutes, 1979 Supplement, Sections 120.075, Subdivision 4, and by adding a subdivision; 121.912, Subdivision 1; 122.541, Subdivision 5; 123.35, Subdivision 15; 124.01; 124.11, Subdivisions 2a and 2b, and by adding a subdivision; 124.19, Subdivision 4; 124.212, Subdivision 7d; 124.223; 124.225; 124.245, Subdivisions 1 and 2; 124.247, Subdivisions 3 and 4; 126.54, Subdivision 1; 124.561, Subdivision 3a; 124.562, Subdivisions 2, 3 and 4; 124.5621, Subdivision 11; 124.5624, Subdivision 6; 124.5625; 124.565, Subdivision 6; 124.566; 124.572, Subdivision 2; 275.125, Subdivisions 2a, 2b, 7a, 7b, 11a, and 20; 353.01, Subdivision 2b; 354A.011, Subdivision 27; 465.72; Laws 1979, Chapter 69, Sections 2 and 5; Chapter 334, Article VI, Section 35, Subdivision 9; Article VIII, Section 29; repealing Minnesota Statutes 1978, Sections 122.531, Subdivision 3; 125.61, as amended; 126.31 to 126.35; 126.36, Subdivisions 5 and 6; 126.37; 126.38; 126.39, Subdivisions 1, 2, 3, 4, 5, 6, 7, 8 and 9; 126.40, Subdivisions 1 and 2; 126.41, Subdivisions 2, 3, 4, 5, 6 and 7; 126.42; 126.52, Subdivisions 1, 2, 3, 4,

6 and 7; 127.22; Minnesota Statutes, 1979 Supplement, Sections 124.222, Subdivision 3; 126.39, Subdivision 10; 126.41, Subdivision 1; 126.52, Subdivision 10; Laws 1979, Chapter 334, Article V, Section 29.

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 133 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Drew	Kahn	Nelson	Sherwood
Adams	Eken	Kaley	Niehhaus	Sieben, H.
Ainley	Elioff	Kalis	Norman	Sieben, M.
Albrecht	Ellingson	Kelly	Novak	Simoneau
Anderson, B.	Erickson	Kempe	Nysether	Stadum
Anderson, D.	Esau	Knickerbocker	Olsen	Stoa
Anderson, G.	Evans	Kostohryz	Onnen	Stowell
Anderson, I.	Ewald	Kroening	Osthoff	Sviggum
Anderson, R.	Faricy	Kvam	Otis	Swanson
Battaglia	Fjoslien	Laidig	Patton	Thiede
Begich	Forsythe	Lehto	Pehler	Tomlinson
Berglin	Friedrich	Levi	Peterson, B.	Valan
Berkelman	Fritz	Long	Peterson, D.	Valento
Biersdorf	Fudro	Ludeman	Piepho	Vanasek
Blatz	Greenfield	Luknic	Pleasant	Voss
Brinkman	Halberg	Mann	Prahl	Waldorf
Byrne	Haukoos	McCarron	Redalen	Weaver
Carlson, D.	Heap	McDonald	Reding	Welch
Carlson, L.	Heinitz	McEachern	Rees	Welker
Casserly	Hoberg	Mehrkens	Reif	Wenzel
Clark	Hokanson	Metzen	Rice	Wieser
Clawson	Jacobs	Minne	Rodriguez	Wigley
Corbid	Jaros	Moe	Rose	Wynia
Crandall	Jennings	Munger	Rothenberg	Zubay
Dean	Johnson, C.	Murphy	Sarna	Spkr. Norton
Dempsey	Johnson, D.	Nelsen, B.	Schreiber	
Den Ouden	Jude	Nelsen, M.	Searles	

The bill was passed and its title agreed to.

Sieben, H., moved that the remaining business at the desk for today be continued. The motion prevailed.

ADJOURNMENT

Vanasek moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:00 p.m., Tuesday, March 18, 1980.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

STATE OF MINNESOTA

SEVENTY-FIRST SESSION - 1980

EIGHTY-FIRST DAY

SAINT PAUL, MINNESOTA, TUESDAY, MARCH 18, 1980

The House of Representatives convened at 2:00 p.m. and was called to order by the Speaker.

Prayer was offered by the Chaplain.

The roll was called and the following members were present:

Aasness	Eken	Kaley	Niehaus	Sherwood
Adams	Elioff	Kalis	Norman	Sieben, H.
Ainley	Ellingson	Kelly	Novak	Sieben, M.
Albrecht	Erickson	Kempe	Nysether	Simoneau
Anderson, B.	Esau	Knickerbocker	Olsen	Stadum
Anderson, D.	Evans	Kostohryz	Onnen	Stoa
Anderson, G.	Ewald	Kroening	Osthoff	Stowell
Anderson, R.	Faricy	Kvam	Otis	Sviggum
Battaglia	Fjoslien	Laidig	Patton	Swanson
Begich	Forsythe	Lehto	Pehler	Thiede
Berglin	Friedrich	Levi	Peterson, B.	Tomlinson
Berkelman	Fritz	Long	Peterson, D.	Valan
Biersdorf	Fudro	Ludeman	Piepho	Valento
Blatz	Greenfield	Luknic	Pleasant	Vanasek
Brinkman	Halberg	Mann	Prahl	Voss
Byrne	Haukoos	McCarron	Redalen	Waldorf
Carlson, D.	Heap	McDonald	Reding	Weaver
Carlson, L.	Heinitz	McEachern	Rees	Welch
Casserly	Hoberg	Mehrrens	Reif	Welker
Clark	Hokanson	Metzen	Rice	Wenzel
Clawson	Jacobs	Minne	Rodriguez	Wieser
Corbid	Jaros	Moe	Rose	Wigley
Crandall	Jennings	Munger	Rothenberg	Wynia
Dean	Johnson, C.	Murphy	Sarna	Zubay
Dempsey	Johnson, D.	Nelsen, B.	Schreiber	Spkr. Norton
Den Ouden	Jude	Nelsen, M.	Searle	
Drew	Kahn	Nelson	Searles	

A quorum was present.

Anderson, I., was excused until 3:30 p.m.

The Chief Clerk proceeded to read the Journal of the preceding day. Kelly moved that further reading of the Journal be dispensed with and that the Journal be approved as corrected by the Chief Clerk. The motion prevailed.

REPORTS OF CHIEF CLERK

Pursuant to Rules of the House, printed copies of H. F. Nos. 1255, 2082, 1963, 2185, 1780, 1908, 2022 and 2037 and S. F. Nos. 802, 1433, 1815, 1325, 769, 1398, 1837, 1132, 1641, 1854, 1847, 1963, 1322, 1633 and 1658 have been placed in the members' files.

S. F. No. 1674 and H. F. No. 1724, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Heinitz moved that S. F. No. 1674 be substituted for H. F. No. 1724 and that the House File be indefinitely postponed. The motion prevailed.

PETITIONS AND COMMUNICATIONS

The following communications were received:

STATE OF MINNESOTA
OFFICE OF THE SECRETARY OF STATE
ST. PAUL 55155

March 13, 1980

The Honorable Fred C. Norton
Speaker of the House of Representatives

The Honorable Edward J. Gearty
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1980 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

<i>S.F. No.</i>	<i>H.F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Date Approved 1980</i>	<i>Date Filed 1980</i>
54		351	March 13	March 13

Sincerely,

JOAN ANDERSON GROWE
Secretary of State

STATE OF MINNESOTA
OFFICE OF THE SECRETARY OF STATE
ST. PAUL 55155

March 17, 1980

The Honorable Fred C. Norton
Speaker of the House of Representatives

The Honorable Edward J. Gearty
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1980 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

<i>S.F. No.</i>	<i>H.F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Date Approved 1980</i>	<i>Date Filed 1980</i>
482		352	March 17	March 17
693		353	March 17	March 17
998		354	March 17	March 17

Sincerely,

JOAN ANDERSON GROWE
Secretary of State

REPORTS OF STANDING COMMITTEES

Brinkman from the Committee on Financial Institutions and Insurance to which was referred:

H. F. No. 1130, A bill for an act relating to financial institutions; authorizing securities for investment of deposits of savings banks and other financial institutions and for deposit to secure deposits of public funds; amending Minnesota Statutes 1978, Sections 50.14, Subdivision 4; and 118.01.

Reported the same back with the following amendments:

Page 3, delete line 19

Page 3, line 20, delete "any other revenues" and insert "payable from revenues other than ad valorem taxes as contemplated in clause (a)"

Page 3, line 20, delete "*the state of*"

Page 3, line 21, delete "*Minnesota*" and insert "*any state or insular possession of the United States*"

Page 3, line 25, delete "*Minnesota*" and insert "*any state*"

Page 3, line 25, before "*obligations*" insert "*bonds or other interest bearing*"

Page 3, line 26, delete "*one-third*" and insert "*three*"

Page 3, line 27, delete "*of the*"

Page 3, line 27, after "*bonds*" insert "*or other interest bearing obligations*"

Page 3, line 29, delete "*securities*" and insert "*bonds or other interest bearing obligations*"

Page 4, line 8, after the comma insert "*and obligations issued pursuant to chapter 474,*"

Page 6, line 32, strike ", except that no"

Page 6, strike line 33

Page 7, strike lines 1 to 3 and delete the new language in line 1

Page 7, line 4, strike "sections 48.22 or 51A.20"

With the recommendation that when so amended the bill pass.

The report was adopted.

Sieben, H., from the Committee on Taxes to which was referred:

H. F. No. 1262, A bill for an act relating to the city of Breezy Point; relating to its tax levy for general purposes; repealing Laws 1971, Chapter 110.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Sieben, H., from the Committee on Taxes to which was referred:

H. F. No. 1660, A bill for an act relating to taxation; property tax administration; eliminating mandatory assessors meetings; amending Minnesota Statutes 1978, Sections 273.03, Subdivision 1; 273.04; and Minnesota Statutes, 1979 Supplement, Sections 270.06; and 273.061, Subdivision 8.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Vanasek from the Committee on Criminal Justice to which was referred:

H. F. No. 1709, A bill for an act relating to crimes; prohibiting the sale of drug related devices to minors; prohibiting the possession of drug related devices by minors; prescribing penalties.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. [152.095] [PROHIBITING POSSESSION OR SALE OF DRUG RELATED DEVICES.] Subdivision 1. For purposes of this section, the following terms shall have the meanings given them.

(a) “Drug related device” means any pipe or other object suitable to be used for smoking which:

- (1) contains a visible fine wire mesh screen; or
- (2) contains a bowl with the interior surface made of metal, glass, acrylic, plexiglass or plastic; or
- (3) contains a bowl with an inside diameter of one-half inch or less at the halfway point between the top and the bottom of the bowl; or

(4) contains a chamber; or

(5) contains a flexible tube or tubes.

(b) “Chamber” means an enclosed area suitable for the collection or movement of smoke, other than a bowl, pipe stem, flexible tube, or a tube suitable for holding cigarettes or cigars.

(c) “Bowl” means a concave shaped object suitable for holding a smoking material to be lighted.

(d) “Pipe stem” means a nonflexible tube with one end entering directly into a bowl.

Subd. 2. It shall be unlawful to possess a drug related device with intent to violate any provisions of the controlled substance law, Minnesota Statutes, Chapter 152.

Subd. 3. It shall be unlawful for any person, firm or corporation to knowingly or intentionally sell, offer to sell, transfer, or display for sale or transfer, any drug related device.

Subd. 4. Any violation of this section is a misdemeanor."

Further, amend the title as follows :

Page 1, delete lines 2 to 5 and insert :

"relating to crimes; prescribing penalties for the possession or sale of drug related devices."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Rules and Legislative Administration.

The report was adopted.

Brinkman from the Committee on Financial Institutions and Insurance to which was referred:

H. F. No. 1810, A bill for an act relating to insurance; providing the commissioner with rule-making power on the subject of unfair methods and unfair or deceptive acts and practices; amending Minnesota Statutes 1978, Section 72A.19.

Reported the same back with the following amendments:

Page 1, after line 8, insert:

"Section 1. Minnesota Statutes 1978, Section 72A.13, is amended to read:

72A.13 [ACCIDENT AND HEALTH INSURANCE, VIOLATIONS OF CERTAIN SECTIONS; PENALTIES.] *Subdivision 1.* Any company, corporation, association, society, or other insurer, or any officer or agent thereof, which or who *solicits*, issues or delivers to any person in this state any policy in (WILFUL) violation of the provisions of sections 62A.01 to 62A.10, (SHALL) *may* be punished by a fine of not more than \$100 for each offense, and the commissioner may revoke the license of any company, corporation, association, society, or other insurer of another state or country, or of the agent thereof, which or who wilfully violates any provision of sections 62A.01 to 62A.10.

Subd. 2. No insurer, company, corporation, association, society, trust or other person may solicit, deliver or issue to any

person in this state mass marketed life or health insurance if the total charges for the insurance to the persons insured are unreasonable in relation to the benefits provided. As to health insurance, the applicable standards are those established pursuant to section 62A.02, subdivision 3. A finding that total charges are unreasonable in relation to the benefits provided shall be made pursuant to the contested case provisions of chapter 15. After the finding is made, the commissioner may institute the penalties provided in subdivision 1 and may issue an order directing the insurer to cease and desist the solicitation, delivery or issuance of the insurance. The order shall be in effect until the total charges for the insurance are found to be reasonable in relation to the benefits. For the purposes of this section:

(a) "Mass marketed life or health insurance" means the insurance under any individual, franchise, group or blanket policy of life or health insurance which is offered by means of direct response solicitation through a sponsoring organization or through the mails or other mass communications media under which the person insured pays all or substantially all of the cost of the insurance.

(b) "Direct response solicitation" means any offer by an insurer to persons in this state, either directly or through a third party, to effect life or health insurance coverage which enables the individual to apply or enroll for the insurance on the basis of the offer. It does not include solicitations for insurance through an employee benefit plan which is defined in P.L. 93-406, 88 Stat. 829, nor does it include such a solicitation through the individual's creditor with respect to credit life or credit health insurance.

Subd. 3. Any insurer extending mass marketed life or health insurance under a group or blanket policy issued outside this state to residents of this state shall:

(a) Comply with respect to such insurance with the requirements of this state relating to advertising and to claims settlement practices; and

(b) Upon request of the commissioner make available, for the purpose of determining compliance with the provisions of this section, copies of any such policy or certificates issued thereunder, and advertising material used within this state in connection with the insurance."

Page 1, after line 21, insert:

"Sec. 3. Minnesota Statutes 72A.41, Subdivision 1, is amended to read:

72A.41 [TRANSACTIONING BUSINESS WITHOUT CERTIFICATE OF AUTHORITY PROHIBITED.] Subdivision 1.

It (SHALL BE) *is* unlawful for any company to enter into a contract of insurance as an insurer or to transact insurance business in this state, as set forth in subdivision 2, without a certificate of authority from the commissioner; provided that this subdivision (SHALL) *does* not apply to: (a) contracts of insurance procured by agents under the authority of section 60A.20; (b) contracts of reinsurance and contracts of ocean or wet marine and transportation insurance; (c) transactions in this state involving a policy lawfully solicited, written and delivered outside of this state covering only subjects of insurance not resident, located or expressly to be performed in this state at the time of issuance and which transactions are subsequent to the issuance of (SUCH) *the* policy; (d) transactions in this state involving group or blanket insurance and group annuities where the master policy of such groups was lawfully issued and delivered in a state in which the company was authorized to do an insurance business *where, except for group annuities, the insurer complies with section 72A.13. The commissioner may require the insurer which has issued such master policy to submit any information as the commissioner reasonably requires in order to determine if probable cause exists to convene a hearing to determine whether the total charges for the insurance to the persons insured are unreasonable in relation to the benefits provided under the policy;* (e) transactions in this state involving a policy of insurance or annuity issued prior to July 1, 1967; or (f) contract of insurance procured under the authority of section 60A.19, subdivision 8; or (g) transactions in this state involving contracts of insurance covering property or risks not located in this state."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, after "insurance;" insert "providing for the regulation of mass marketed life or health insurance;"

Page 1, line 6, delete "Section" and insert "Sections 72A.13;"

Page 1, line 6, after "72A.19" insert "; and 72A.41, subdivision 1"

With the recommendation that when so amended the bill pass.

The report was adopted.

Munger from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 1818, A bill for an act relating to game and fish; authorizing moose seasons in the discretion of the commissioner; amending Minnesota Statutes 1978, Section 100.27, Subdivision 2.

Reported the same back with the following amendments:

Page 2, after line 7, after the period insert a new section to read:

"Sec. 2. Minnesota Statutes, 1979 Supplement, Section 100.271, Subdivision 1, is amended to read:

100.271 [MOOSE OR TURKEY; LICENSES.] Subdivision 1. At the time of issuing the order setting the dates of a moose or turkey season, the commissioner shall include in the same order the number of licenses to be issued for that season. Those eligible to receive a license shall be determined by the commissioner according to the provisions of this section and such rules as the commissioner may provide. The commissioner may, if he deems it advisable, conduct a separate selection for not to exceed 20 percent of the licenses to be issued for any one area, for which selection the only eligible applicants *for turkey licenses* will be persons who live as owners or tenants on 40 acres or more of *agricultural or grazing land within the prescribed area, and the only eligible applicants for moose licenses shall be persons who are owners of or live as tenants on not less than 160 acres of agricultural or grazing land within the prescribed area.* Landowners or tenants who are unsuccessful in (THIS) *these separate (SELECTION) selections* shall be included in the (SELECTION) *selections* for the remaining licenses.

Any landowner or tenant who is successful in the commissioner's separate selection shall permit turkey hunting on his land during the turkey season."

Further, amend the title as follows:

Page 1, line 3, after the semicolon insert "granting preference to landowners in obtaining moose licenses;"

Page 1, line 5, before the period insert "; and Minnesota Statutes, 1979 Supplement, Section 100.271, Subdivision 1"

With the recommendation that when so amended the bill pass.

The report was adopted.

Sieben, H., from the Committee on Taxes to which was referred:

H. F. No. 1838, A bill for an act relating to taxation; real property; clarifying the treatment of cooperatives and charitable corporations; amending Minnesota Statutes 1978, Section 273.133, Subdivision 1.

Reported the same back with the following amendments:

Page 2, line 4, after "*dwelling*" insert "*that qualifies for assessment under this subdivision*"

Page 2, line 6, delete "*, and*" and insert a period

With the recommendation that when so amended the bill pass.

The report was adopted.

Swanson from the Committee on Health and Welfare to which was referred:

H. F. No. 1845, A bill for an act relating to public welfare; closing Anoka state hospital; providing for continued employment of its personnel; directing disposition of related buildings and land; instructing the revisor of statutes to eliminate certain obsolete references from statutes; amending Minnesota Statutes 1978, Sections 246.02, Subdivision 2; 253.015; and 254.05.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1978, Section 246.012, is amended to read:

246.012 [MEASURE OF SERVICE.] *Subdivision 1.* The measure of services hereinafter set forth are established and prescribed as the goal of the state of Minnesota, in its care and treatment of the mentally ill people of the state.

Subd. 2. To attain the goals of treatment prescribed in subdivision 1, the legislature determines that the needs of the citizens in the service area of the Anoka state hospital for the kind of acute and long term mental health care provided by a state hospital can best be provided by Anoka state hospital. Anoka state hospital shall be a facility for the provision of basic and specialized mental health care services to meet the needs of residents in its service area as determined by the commissioner in accordance with law and rule and that, within the limitations of statute and appropriations, treatment programs be developed there to deal with the unique needs of its patients and that staff be provided with the necessary training to help them address those needs.

Sec. 2. Minnesota Statutes 1978, Chapter 246, is amended by adding a section to read:

[246.022] [STATE HOSPITAL PLANNING COMMITTEES.] *Subdivision 1.* [APPOINTMENT.] The commissioner may appoint a hospital planning committee for each state hospital which includes, but is not limited to, the chief executive

officer of each state institution, appointed pursuant to section 246.02, representatives of the professional staff, human services technicians and of other staff as the chief executive officer deems appropriate, representatives of the patients served in the institution and representatives of the counties served by the institution.

Subd. 2. [DUTIES OF COMMITTEE.] *The hospital planning committee of each state institution may present recommendations on such matters as:*

(a) *setting measurable goals and objectives for the management and service programs of the institution;*

(b) *identification of the capital, staff and financial resources needed to attain the goals and objectives established; and*

(c) *a method, approved by the commissioner, whereby the degree of attainment of the established goals and objectives may be evaluated.*

Subd. 3. [COMMISSIONER'S RESPONSIBILITY.] *Within the appropriations available, the commissioner of public welfare shall provide technical assistance to each hospital planning committee in the performance of its duties.*

Subd. 4. [BIENNIAL PLAN.] *Each hospital planning committee shall submit to the commissioner a biennial report to be included in the report to the governor and legislature prepared pursuant to section 246.06. The commissioner shall establish schedules for submission of hospital planning committee plans so that each plan is substantially reflected in the biennial estimates prepared pursuant to section 246.12.*

Sec. 3. [MENTAL EVALUATIONS OF DEFENDANTS; DESIGNATION OF HOSPITAL BY COMMISSIONER OF PUBLIC WELFARE.] *Subdivision 1. In any of the following specified stages of the criminal process involving a court ordered mental evaluation, the court shall order confinement or continuing confinement to the state mental hospital or other suitable hospital or facility which the commissioner of public welfare designates as appropriate:*

(a) *Under Rule 20.01 of the Minnesota rules of criminal procedure relating to a defendant's competency to understand the proceedings and participate in his own defense:*

(i) *During the initial mental evaluation confinement period ordered by the criminal court to determine competency to proceed;*

(ii) *If the defendant is found not competent to proceed by the criminal court, during the interim confinement period prior*

to commencement of civil commitment proceedings in the civil commitment court; and

(iii) *If the defendant is found to be mentally ill or mentally ill and dangerous and in need of further hospitalization by the civil commitment court, during the confinement period in which the defendant is under civil commitment subject to supervision by the court.*

(b) *Under Rule 20.02 of the Minnesota rules of criminal procedure relating to an assertion of the defense of mental illness:*

(i) *During the initial mental evaluation confinement period ordered by the court to determine the defendant's mental condition;*

(ii) *If the defendant is found not guilty by reason of mental illness, during the interim confinement period prior to commencement of civil commitment proceedings in the civil commitment court; and*

(iii) *If the defendant is found to be mentally ill or mentally ill and dangerous by the civil commitment court, during the confinement period during which the defendant is under civil commitment subject to supervision by the court.*

(c) *Under Rule 27 of the Minnesota rules of criminal procedure relating to presentence investigations of defendants convicted of crimes when the court orders the defendant to submit to a mental evaluation, during any confinement period necessary for the evaluation.*

Subd. 2. When in accordance with Minnesota Statutes, Section 246.48 or other law, a court orders a defendant to submit to a mental evaluation, the court may order confinement or continuing confinement to the state mental hospital or other suitable hospital or facility which the commissioner designates as appropriate."

Further, delete the title and insert the following:

"relating to public welfare; providing that Anoka state hospital be the facility for certain services; establishing state hospital planning committees; prescribing their duties; providing for mental evaluations of defendants in certain stages of the criminal process in certain designated facilities; appropriating money; amending Minnesota Statutes 1978, Section 246.012; and Chapter 246, by adding a section."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Anderson, I., from the Committee on General Legislation and Veterans Affairs to which was referred:

H. F. No. 1849, A bill for an act proposing an amendment to the Minnesota Constitution, Article IV, Section 12; adding a section to allow the legislature or presiding officers to call a special session.

Reported the same back with the following amendments:

Page 1, line 21, delete "*both houses or upon the*" and insert "*each house filed with the Secretary of State*"

Page 1, line 22, delete "*order of the presiding officers of both houses*"

Page 2, line 1, after "*session*" insert "*at the date and time specified in the written agreement*"

Page 2, line 1, delete "*Any bill may*" and insert "*The written agreement shall specify the subjects to be considered and the special session shall be limited to the subjects designated.*"

Page 2, delete line 2

Page 2, line 3, delete the underscored language

Page 2, line 15, before "*agreement*" insert "*written*"

Page 2, line 15, delete "*or upon the order of*"

Page 2, line 16, delete "*its presiding officers*"

Further, amend the title as follows:

Page 1, line 4, delete "*section*" and insert "*provision*"

Page 1, line 4, delete "*or presiding*"

Page 1, line 5, delete "*officers*"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Rules and Legislative Administration.

The report was adopted.

Brinkman from the Committee on Financial Institutions and Insurance to which was referred:

H. F. No. 1878, A bill for an act relating to no-fault automobile insurance; prohibiting certain short-term insurance policies; coordinating reparation benefits; coordinating benefits with medicare and medical assistance; extending eligibility for the assigned claims plan; amending Minnesota Statutes 1978, Sections 65B.49, by adding subdivisions; 65B.61, Subdivisions 1 and 2; 65B.64, Subdivision 1; and Minnesota Statutes, 1979 Supplement, Section 65B.61, Subdivision 3.

Reported the same back with the following amendments:

Pages 1 and 2, delete all of sections 1 and 2 and insert:

"Section 1. Minnesota Statutes 1978, Section 65B.46, Subdivision 2, is amended to read:

Subd. 2. If the accident causing injury occurs outside this state *in the United States, United States possessions, or Canada*, the following persons and their surviving dependents suffering loss from injury arising out of maintenance or use of a motor vehicle have a right to basic economic loss benefits:

(1) Insureds, and

(2) the driver and other occupants of a secured vehicle, other than (a) a vehicle which is regularly used in the course of the business of transporting persons or property and which is one of five or more vehicles under common ownership, or (b) a vehicle owned by government other than this state, its political subdivisions, municipal corporations, or public agencies. *The reparation obligor may, if the policy expressly states, extend the basic economic loss benefits to any stated area beyond the limits of the United States, United States possessions and Canada.*

Sec. 2. Minnesota Statutes 1978, Section 65B.49, is amended by adding a subdivision to read:

Subd. 4a. [UNDERINSURED MOTORIST COVERAGE.] No plan of reparation security may be renewed, delivered or issued for delivery, or executed in this state with respect to any motor vehicle registered or principally garaged in this state unless coverage is provided therein or supplemental thereto, in an amount at least equal to the insured's residual liability limits, whereby the reparation obligor agrees to pay damages the insured is legally entitled to recover on account of a motor vehicle accident but which are uncompensated because the total damages exceed the residual bodily injury liability limit of the owner of the other vehicle. The reparation obligor is subrogated to any amounts it pays and upon payment has an assignment of the

judgment if any against the other person to the extent of the money it pays."

Page 2, line 33, after "law" insert "or medicare"

Page 2, line 33, delete "medicare or"

Page 3, line 1, delete the new language

Page 3, line 7, after "2." insert "If" and after "Benefits" insert "are"

Page 3, line 8, delete the new language

Page 3, line 9, strike everything after "injury" and strike lines 10 and 11

Page 3, line 12, strike "loss benefits" and insert "*no disability income loss benefits are payable unless the weekly workers' compensation disability benefits are less than the weekly disability benefit as set out in section 65B.44, subdivision 3, in which case the reparation obligor shall pay to the injured person the amount that the weekly disability and income loss benefits payable under section 65B.44, subdivision 3, exceeds the weekly workers' compensation disability benefits*"

Page 3, delete all of section 5 and insert:

"Sec. 5. Minnesota Statutes 1978, Section 65B.61, is amended by adding a subdivision to read:

Subd. 2a. If benefits are paid or payable under a workers' compensation law because of death, no survivors' economic loss benefits are payable unless the weekly workers' compensation dependency allowance is less than the weekly survivors' economic loss benefit rate as set out in section 65B.44, subdivision 6, in which case the reparation obligor shall pay to the surviving dependents the amount that the weekly survivors' economic loss benefits payable under section 65B.44, subdivision 6, exceed the weekly workers' compensation dependency allowances.

Sec. 6. Minnesota Statutes 1978, Section 65B.61, is amended by adding a subdivision to read:

Subd. 2b. If medicare benefits are paid or payable because of the injury, any benefits payable under section 65B.44, subdivision 2, are limited to the amount by which the medical expenses exceed the medicare payments."

Page 4, delete Section 7 and insert:

"Sec. 8. [REPEALER.] Minnesota Statutes 1978, Section 65B.49, Subdivisions 5 and 6, are repealed.

Sec. 9. [EFFECTIVE DATE.] *Sections 2 and 8 are effective the day following final enactment.*"

Renumber the sections in sequence

Delete the title and insert:

"A bill for an act relating to no-fault automobile insurance; coordinating benefits with medicare and workers' compensation; extending eligibility for the assigned claims plan; providing for mandatory uninsured motorist coverage; eliminating certain mandatory offers; amending Minnesota Statutes 1978, Sections 65B.46, Subdivision 2; 65B.49, by adding a subdivision; 65B.61, Subdivisions 1 and 2, and by adding subdivisions; 65B.64, Subdivision 1; repealing Minnesota Statutes 1978, Section 65B.49, Subdivisions 5 and 6."

With the recommendation that when so amended the bill pass.

The report was adopted.

Sieben, H., from the Committee on Taxes to which was referred:

H. F. No. 1945, A bill for an act relating to regional railroad authorities; providing for their organization and governmental purpose, powers and duties; providing for audits.

Reported the same back with the following amendments:

Page 7, line 25, before "chapter" insert "Minnesota Statutes,"

Page 14, after line 9, insert a new section to read:

"Sec. 8. [EMPLOYMENT PREFERENCE.] Individuals who have been previously employed by railroads, any part of whose property or assets are acquired pursuant to this act, shall have priority, based upon their length of service with that railroad, in employment with a purchasing carrier or other operator of a railroad incorporating that property or those assets."

Page 14, line 10, delete "8" and insert "9"

With the recommendation that when so amended the bill pass.

The report was adopted.

Sieben, H., from the Committee on Taxes to which was referred:

H. F. No. 1970, A bill for an act relating to transportation; exempting certain substituted aircraft from payment of the air-

craft registration tax; limiting refunds under certain circumstances; clarifying the penalty assessed for late payment of registration tax; amending Minnesota Statutes 1978, Sections 360.55, by adding a subdivision; and 360.61.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Sieben, H., from the Committee on Taxes to which was referred:

H. F. No. 2003, A bill for an act relating to taxation; clarifying the provisions of the wetland credit for property tax purposes; amending Minnesota Statutes, 1979 Supplement, Section 273.115, Subdivisions 2 and 6.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes, 1979 Supplement, Section 272.02, Subdivision 1, is amended to read:

272.02 [EXEMPT PROPERTY.] Subdivision 1. Except as provided in other subdivisions of this section or in section 272.025, all property described in this section to the extent herein limited shall be exempt from taxation:

- (1) All public burying grounds;
- (2) All public schoolhouses;
- (3) All public hospitals;
- (4) All academies, colleges, and universities, and all seminaries of learning;
- (5) All churches, church property, and houses of worship;
- (6) Institutions of purely public charity;
- (7) All public property exclusively used for any public purpose;
- (8) All natural cheese held in storage for aging by the original Minnesota manufacturer;
- (9) (a) Class 2 property of every household of the value of \$100, maintained in the principal place of residence of the own-

er thereof. The county auditor shall deduct such exemption from the total valuation of such property as equalized by the revenue commissioner assessed to such household, and extend the levy of taxes upon the remainder only. The term "household" as used in this section is defined to be a domestic establishment maintained either (1) by two or more persons living together within the same house or place of abode, subsisting in common and constituting a domestic or family relationship, or (2) by one person.

(b) During the period of his active service and for six months after his discharge therefrom, no member of the armed forces of the United States shall lose status of a householder under paragraph (a) which he had immediately prior to becoming a member of the armed forces.

In case there is an assessment against more than one member of a household the \$100 exemption shall be divided among the members assessed in the proportion that the assessed value of the Class 2 property of each bears to the total assessed value of the Class 2 property of all the members assessed. The Class 2 property of each household claimed to be exempt shall be limited to property in one taxing district, except in those cases where a single domestic establishment is maintained in two or more adjoining districts.

Bonds and certificates of indebtedness hereafter issued by the state of Minnesota, or by any county or city of the state, or any town, or any common or independent school district of the state, or any governmental board of the state or any county or city thereof, shall hereafter be exempt from taxation; provided, that nothing herein contained shall be construed as exempting such bonds from the payment of a tax thereon, as provided for by section 291.01, when any of such bonds constitute, in whole or in part, any inheritance or bequest, taken or received by any person or corporation.

(10) Farm machinery manufactured prior to 1930, which is used only for display purposes as a collectors item;

(11) The taxpayer shall be exempted with respect to, all agricultural products, inventories, stocks of merchandise of all sorts, all materials, parts and supplies, furniture and equipment, manufacturers material, manufactured articles including the inventories of manufacturers, wholesalers, retailers and contractors; and the furnishings of a room or apartment in a hotel, rooming house, tourist court, motel or trailer camp, tools and machinery which by law are considered as personal property, and the property described in section 272.03, subdivision 1 (c), except personal property which is part of an electric generating, transmission, or distribution system or a pipeline system transporting or distributing water, gas, or petroleum products or mains and pipes used in the distribution of steam or hot or

chilled water for heating or cooling buildings and structures. Railroad docks and wharves which are part of the operating property of a railroad company as defined in section 270.80 are not exempt.

(12) Containers of a kind customarily in the possession of the consumer during the consumption of commodities, the sale of which are subject to tax under the provisions of the excise tax imposed by Extra Session Laws 1967, Chapter 32;

(13) All livestock, poultry, all horses, mules and other animals used exclusively for agricultural purposes;

(14) All agricultural tools, implements and machinery used by the owners in any agricultural pursuit.

(15) Real and personal property used primarily for the abatement and control of air, water, or land pollution to the extent that it is so used.

Any taxpayer requesting exemption of all or a portion of any equipment or device, or part thereof, operated primarily for the control or abatement of air or water pollution shall file an application with the commissioner of revenue. Any such equipment or device shall meet standards, regulations or criteria prescribed by the Minnesota Pollution Control Agency, and must be installed or operated in accordance with a permit or order issued by that agency. The Minnesota Pollution Control Agency shall upon request of the commissioner furnish information or advice to the commissioner. If the commissioner determines that property qualifies for exemption, he shall issue an order exempting such property from taxation. Any such equipment or device shall continue to be exempt from taxation as long as the permit issued by the Minnesota Pollution Control Agency remains in effect.

(16) Wetlands. For purposes of this subdivision, "wetlands" means land which is mostly under water, produces little if any income, and has no use except for wildlife or water conservation purposes. "Wetlands" shall be land preserved in its natural condition, drainage of which would be (LAWFUL,) feasible and practical and would provide land suitable for the production of livestock, dairy animals, poultry, fruit, vegetables, forage and grains, except wild rice. "Wetlands" shall include adjacent land which is not suitable for agricultural purposes due to the presence of the wetlands. Exemption of wetlands from taxation pursuant to this section shall not grant the public any additional or greater right of access to the wetlands or diminish any right of ownership to the wetlands.

(17) *Native prairie. The commissioner of the department of natural resources shall determine lands in the state which are native prairie and shall notify the county assessor of each county in which the lands are located. Upon receipt of an application*

for the exemption and credit provided in this clause and section 7 for lands for which the assessor has no determination from the commissioner of natural resources, the assessor shall refer the application to the commissioner of natural resources who shall determine within 30 days whether the land is native prairie and notify the county assessor of his decision. Exemption of native prairie pursuant to this clause shall not grant the public any additional or greater right of access to the native prairie or diminish any right of ownership to it.

Sec. 2. Minnesota Statutes, 1979 Supplement, Section 273.-115, Subdivision 1, is amended to read:

273.115 [STATE PAID WETLANDS CREDIT.] Subdivision 1. The county auditor shall annually reduce the tax liability of each owner of wetlands exempt from property taxation pursuant to section 272.02, subdivision 1, clause (16), by an amount equal to three-fourths of one percent of the average level of estimated market value of an acre of tillable land in the township (OR), city or *unorganized territory* in which the qualifying wetland is located, multiplied by the number of acres of wetlands he owns. Any excess of credit over tax liability shall not be paid to the property owner *but shall be applied to the tax liability of the owner of the wetlands for any parcel he owns which is contiguous to the parcel containing the wetlands.*

Sec. 3. Minnesota Statutes, 1979 Supplement, Section 273.-115, Subdivision 2, is amended to read:

Subd. 2. The total amounts of credits allowed pursuant to subdivision 1 and the total amounts of revenue lost as a result of the exemption provided in section 272.02, subdivision 1, clause (16), shall be submitted by the county auditor to the commissioner of revenue as part of the abstracts of tax lists required to be filed with the commissioner under the provisions of section 275.29. The amount of revenue lost as a result of the exemption shall be computed each year by applying the current mill rates of the taxing jurisdictions in which the wetlands are located to the assessed valuation of the wetlands for purposes of taxes levied in 1979, payable in 1980. Provided that payment to the county for lost revenue shall not be less than the revenue which would have been received in taxes if the wetlands had an assessed value of (\$20) \$5 per acre. The commissioner of revenue shall review such certifications to determine their accuracy. He may make such changes in the certification as he may deem necessary or return a certification to the county auditor for corrections.

Sec. 4. Minnesota Statutes, 1979 Supplement, Section 273.-115, Subdivision 5, is amended to read:

Subd. 5. In order to receive the wetlands credit provided in this section, an owner of wetlands shall agree not to drain the wetlands during the year for which he receives the credit. *To*

initially qualify for the credit for taxes levied in 1980, payable in 1981, the agreement shall be made by June 30, 1980; to initially qualify for the credit for taxes levied subsequent to 1980, the agreement shall be made by a date to be set by the county board. After initial qualification, an owner of wetlands shall not be required to reapply to receive the credit for subsequent years. The agreement shall remain in effect until the wetlands are drained. The credit shall not be available (a) for any year prior to which a timely agreement has been made or (b) for any year in which the owner drains the wetlands. The local assessor shall certify that each land owner receiving the credit has so agreed.

Sec. 5. Minnesota Statutes, 1979 Supplement, Section 273.115, Subdivision 6, is amended to read:

Subd. 6. The (AMOUNTS) *amount* of the wetlands credit (AND THE TAX THAT WOULD HAVE BEEN DUE BUT FOR THE EXEMPTION IN SECTION 272.02, SUBDIVISION 1, CLAUSE (16)) shall be reflected on the property tax statement of each eligible taxpayer.

Sec. 6. Minnesota Statutes, 1979 Supplement, Section 273.115, is amended by adding a subdivision to read:

Subd. 7. *The total credits allowed by subdivision 1 shall be deducted from the gross property tax before determination of the homestead credit provided by section 273.13, subdivisions 6 and 7 and the taconite homestead credit provided by section 273.135.*

Sec. 7. Minnesota Statutes 1978, Chapter 273, is amended by adding a section to read:

[273.116] [STATE PAID NATIVE PRAIRIE CREDIT.]
Subdivision 1. *The county auditor shall annually reduce the tax liability of each owner of native prairie exempt from property taxation pursuant to section 272.02, subdivision 1, clause (17), by an amount equal to one and one-half percent of the average level of estimated market value of an acre of tillable land in the township, city or unorganized territory in which the qualifying native prairie is located, multiplied by the number of acres of native prairie he owns. Any excess of credit over tax liability shall not be paid to the property owner but shall be applied to the tax liability of the owner of the native prairie for any parcel he owns which is contiguous to the parcel containing the native prairie.*

Subd. 2. *The total amounts of credits allowed pursuant to subdivision 1 and the total amounts of revenue lost as a result of the exemption provided in section 272.02, subdivision 1, clause (17), shall be submitted by the county auditor to the commissioner of revenue as part of the abstracts of tax lists required to be filed with the commissioner under the provisions of section*

275.29. *The amount of revenue lost as a result of the exemption shall be computed each year by applying the current mill rates of the taxing jurisdictions in which the native prairie is located to the assessed valuation of the native prairie for purposes of taxes levied in 1979, payable in 1980. Provided that payment to the county for lost revenue shall not be less than the revenue which would have been received in taxes if the native prairie had an assessed value of \$5 per acre. The commissioner of revenue shall review such certifications to determine their accuracy. He may make any changes in the certification he may deem necessary or return a certification to the county auditor for corrections.*

Subd. 3. Payment shall be made according to the procedure provided in section 273.13, subdivision 15a, for the purpose of replacing revenue lost as a result of the exemption provided in section 1, and the credit provided in this section.

Subd. 4. There is appropriated from the general fund in the state treasury to the commissioner of revenue the amount necessary to make the payments provided in subdivision 3.

Subd. 5. In order to receive the native prairie credit provided in this section, an owner of native prairie shall agree to preserve the prairie in its natural state during the year for which he receives the credit. To initially qualify for the credit for taxes levied in 1980, payable in 1981, the agreement shall be made by June 30, 1980; to initially qualify for the credit for taxes levied subsequent to 1980, the agreement shall be made by a date to be set by the county board. After initial qualification, an owner of native prairie shall not be required to reapply to receive the credit for subsequent years. The agreement shall remain in effect until the native prairie is no longer maintained in its natural state. The credit shall not be available (a) for any year prior to which a timely agreement has been made or (b) for any year in which the owner ceases to maintain the native prairie in its natural state. The local assessor shall certify that each land owner receiving the credit has so agreed.

Subd. 6. The amount of the native prairie credit shall be reflected on the property tax statement of each eligible taxpayer.

Subd. 7. The total credits allowed by subdivision 1 shall be deducted from the gross property tax before determination of the homestead credit provided by section 273.13, subdivisions 6 and 7 and the taconite homestead credit provided by section 273.135.

Sec. 8. [EFFECTIVE DATE.] *This act is effective for taxes levied in 1980 and subsequent years and payable in 1981 and subsequent years."*

Further, delete the title and insert the following:

"A bill for an act relating to taxation; clarifying the provisions of the wetland credit for property tax purposes; providing a property tax exemption and credit for native prairie; providing for payment to the county for revenue lost by the exemption and credit; appropriating money; amending Minnesota Statutes 1978, Chapter 273, by adding a section; and Minnesota Statutes, 1979 Supplement, Sections 272.02, Subdivision 1; 273.115, Subdivisions 1, 2, 5, 6, and by adding a subdivision."

With the recommendation that when so amended the bill pass.

The report was adopted.

Prahl from the Committee on Commerce, Economic Development and Housing to which was referred:

H. F. No. 2096, A bill for an act relating to commerce; providing for service of legal process on nonresident brokers and salespersons licensed to do business in Minnesota; amending Minnesota Statutes 1978, Section 82.31, Subdivision 3.

Reported the same back with the following amendments:

Page 1, line 19, after "*commissioner*" insert "*or his agent*"

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Johnson, C., from the Committee on Education to which was referred:

H. F. No. 2118, A bill for an act relating to education; modifying the employment status of certain substitute teachers; amending Minnesota Statutes 1978, Section 123.35, Subdivision 5.

Reported the same back with the following amendments:

Page 1, line 17, delete "*because of*"

Page 1, line 18, delete "*illness or emergency*"

Page 2, line 1, after "*each*" insert "*full*"

Page 2, line 7, after "*or*" insert "*tenure status, pursuant to*"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Rules and Legislative Administration.

The report was adopted.

Munger from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 2189, A bill for an act relating to game and fish; requiring licenses of persons providing guide services for bear hunters; specifying fees; amending Minnesota Statutes 1978, Section 98.46, Subdivisions 4 and 16.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1978, Section 97.40, Subdivision 7, is amended to read:

Subd. 7. “Fur bearing animals” includes all protected mammals, except *bear*, deer, moose, elk and caribou.

Sec. 2. [98.455] [BEAR HUNTING GUIDE LICENSE.] *No person shall for compensation engage in the business or occupation of placing bait for bear or guiding hunters in seeking to take bear without an annual license from the commissioner. The commissioner shall promulgate rules governing qualifications for, issuance and administration of licenses required by this section. No license shall be issued under this section after the day prior to the opening of the season for taking bear by firearms, and all license agents shall return all stubs and unsold license blanks to the county auditor on the first business day following the first day of the season.*

Sec. 3. Minnesota Statutes 1978, Section 97.48, Subdivision 23, is amended to read:

Subd. 23. If the date of the opening of the season for the taking of any protected wild animals, except those under federal regulations as prescribed by law, falls on any day other than a Saturday, the commissioner of natural resources may designate the nearest Saturday to said date as the opening day of the season. If the statutory closing date falls on a *Thursday, Friday or Saturday*, the commissioner of natural resources may extend it through the following Sunday.

Sec. 4. Minnesota Statutes 1978, Section 98.46, Subdivision 4, is amended to read:

Subd. 4. Fees for the following licenses, to be issued to residents only, shall be:

(1) To trap fur bearing animals, (EXCEPT BEAVER,) \$5;

(2) To buy or sell raw furs anywhere within the state including the privilege of selling to resident manufacturers or to

unlicensed non-residents, representing unlicensed non-residents as a broker or agent, or conducting a fur auction wherein sales are made to unlicensed non-residents or resident manufacturers, \$50, provided that any employee, partner or officer buying or selling at the established place of business only for such licensee may secure a supplemental license for \$20;

((3) TO TRAP BEAVER DURING AN OPEN SEASON OR BY PERMIT WHEN DOING DAMAGE, \$2.50);

(3) To guide bear hunters, \$50.

Sec. 5. Minnesota Statutes 1978, Section 98.46, Subdivision 16, is amended to read:

Subd. 16. Fee for the following license, to be issued to non-residents, shall be:

To buy or sell raw furs, \$400, except that a license shall not be required to buy from those licensed under subdivision 4, clause (2).

To guide bear hunters, \$400.

Sec. 6. Minnesota Statutes 1978, Section 98.46, Subdivision 22, is amended to read:

Subd. 22. No deer (OR), moose, or bear taken in this state shall be transported or possessed unless a tag of a type prescribed by the commissioner bearing the license number of the owner, the year of its issue, and such other information as the commissioner may require has been affixed to its carcass in a manner prescribed by the commissioner. The tag must be so affixed at the time the deer (OR), moose, or bear is brought into any hunting camp, dwelling, farm yard, or other place of abode of any kind occupied overnight, or before being placed wholly or partially on a motor vehicle of any kind, or upon a conveyance towed by a motor vehicle of any kind. Provided, that deer taken by bow and arrow and moose shall be tagged by a conservation officer or other authorized agent as may be prescribed by the commissioner, in addition to the tag herein provided for.

Sec. 7. Minnesota Statutes 1978, Section 98.47, Subdivision 7, is amended to read:

Subd. 7. No (LICENSE TO TRAP BEAVER SHALL BE ISSUED TO ANY PERSON TO WHOM A FUR BUYER'S LICENSE SHALL HAVE BEEN ISSUED AND IN FORCE, AND NO) license to take fish commercially in international waters extending from Pigeon Point West to the North Dakota boundary line shall be issued to any person or member of his household, or employee, engaged in the business of conducting a summer resort.

Sec. 8. Minnesota Statutes 1978, Section 98.47, Subdivision 15, is amended to read:

Subd. 15. A permanent license to take fish shall be issued (AT THE PREVAILING FEE FOR AN INDIVIDUAL RESIDENT LICENSE) *without charge* to any citizen of Minnesota, 16 years of age or older, who is mentally retarded and whose parent or guardian furnishes satisfactory evidence of the disability to the county auditor or a subagent of the county auditor, acting under the provisions of section 98.50.

Sec. 9. Minnesota Statutes 1978, Section 98.47, Subdivision 16, is amended to read:

Subd. 16. A permanent license to take fish shall be issued (AT THE PREVAILING FEE FOR AN INDIVIDUAL RESIDENT LICENSE) *without charge* to any Minnesota veteran as defined in section 197.447, who has a 100 percent service connected disability as defined by the United States veterans administration, and furnishes satisfactory evidence of his disability to the county auditor or a subagent of the county auditor, acting under the provisions of section 98.50.

Sec. 10. Minnesota Statutes, 1979 Supplement, Section 100.27, Subdivision 4, is amended to read:

Subd. 4. Muskrats may be taken for a period not exceeding (60) 90 days in the aggregate for the area, otter for a period not exceeding 15 days, only by trapping, and mink for a period not exceeding 90 days, in the areas of the state, during the times between October 25th and April 30th of the following year and subject to any other restrictions which the commissioner shall prescribe. Beaver may be taken, by trapping only, in the areas of the state, during the times between October 25th and April 30th of the following year and subject to any other restrictions which the commissioner shall prescribe.

Sec. 11. Minnesota Statutes 1978, Section 100.29, Subdivision 1, is amended to read:

100.29 [RESTRICTIONS AND PROHIBITIONS.] Subdivision 1. It shall be unlawful to take protected wild animals, except raccoon *and fox*, with the use of a gun or bow and arrows between (SUNSET AND ONE-HALF HOUR BEFORE SUNRISE) *the evening and morning times established by the commissioner by order*. It shall be unlawful to take pheasants between (SUNSET) *the evening time established by the commissioner by order* and 9 a.m.

Sec. 12. Minnesota Statutes 1978, Section 100.29, Subdivision 31, is amended to read:

Subd. 31. *Any person placing bait for bear shall display a tag as prescribed by the commissioner at each site where bait is placed and register the location of the bait in a manner prescribed by the commissioner. It shall be unlawful to take bear by using solid waste containing bottles, cans, plastic, paper, metal or any other materials that are not readily biodegradable, as a bait or a lure for the purpose of attracting the bear.*

Sec. 13. Minnesota Statutes 1978, Section 100.30, is amended to read:

100.30 [POSSESSION, SALE, TRANSPORTATION.] The skins of all fur bearing animals, the hides of *bear*, deer or moose, *the claws of bear*, and the flesh of beaver, muskrat, raccoon, rabbits and hares, legally taken and bearing such seals or tags as may be required by chapters 97 to 102, may be bought, sold, and transported at any time, provided the flesh of animals enumerated herein, except muskrats, shall not be transported outside of the state of Minnesota.

Sec. 14. Minnesota Statutes, 1979 Supplement, Section 101.-42, Subdivision 18, is amended to read:

Subd. 18. Except as otherwise specifically permitted, it shall be unlawful *for any person* to have in *his* possession in an automobile or any vehicle or on (THEIR) *his* person, or at or near any waters, a spear, trap, net, (DIP NET,) seine, or any other device capable of taking fish, *except dip nets* which may be possessed between the hours of sunrise and sunset during the period of February 16 to April 30, inclusive, *and* except when acting under permit or contract to trap or seine from the division of fisheries, during the period of February 16 to April 30, inclusive and except that spears, dip nets, bows and arrows, and devices permitted in section 101.51 used for the taking of rough fish may be possessed between the hours of sunrise and sunset after April 30. This subdivision does not apply to nets used in the taking of trout and smelt in season or to seines or traps used for the taking of minnows for bait.

Sec. 15. [EFFECTIVE DATE.] *Sections 6, 7, 8, 9, and 14 are effective for the license seasons beginning March 1, 1981."*

Further amend the title by deleting lines 2 to 5 and inserting:

"relating to game and fish; excluding bears from the definition of fur bearing animals; requiring licenses of persons providing guide services for bear hunters; specifying fees; requiring tagging of bears taken in the state; eliminating the prohibition of a beaver trapping license to be issued to a fur buyer; providing for free fishing licenses for certain mentally retarded and disabled residents; extending the muskrat trapping season; changing the times of day during which certain wild animals may be taken; regulating bear baiting; allowing sale of bear hides

and claws; allowing possession of dip nets under certain circumstances; amending Minnesota Statutes 1978, Sections 97.40, Subdivision 7; 97.48, Subdivision 23; 98.46, Subdivisions 4, 16 and 22; 98.47, Subdivisions 7, 15 and 16; 100.29, Subdivisions 1 and 31; 100.30; Minnesota Statutes, 1979 Supplement, Sections 100.27, Subdivision 4; and 101.42, Subdivision 18."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Prahl from the Committee on Commerce, Economic Development and Housing to which was referred:

H. F. No. 2206, A bill for an act relating to employment agencies; exempting certain medical doctor placement services from licensing provisions; amending Minnesota Statutes 1978, Section 184.21, Subdivision 2.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Johnson, C., from the Committee on Education to which was referred:

H. F. No. 2265, A bill for an act relating to Independent School Districts Nos. 279 (Osseo) and 286 (Brooklyn Center); providing for transfers of territory between the districts.

Reported the same back with the following amendments:

Page 2, line 3, delete "No. 297" and insert "No. 279"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Rules and Legislative Administration.

The report was adopted.

Brinkman from the Committee on Financial Institutions and Insurance to which was referred:

H. F. No. 2268, A bill for an act relating to financial institutions; authorizing examinations of certain bank holding companies; providing for the institution of cease and desist proceedings and the issuance of temporary orders; amending Minnesota Statutes 1978, Section 46.24; and Minnesota Statutes, 1979 Supplement, Section 46.04.

Reported the same back with the following amendments:

Page 2, line 27, strike "shall limit" and insert "limits"

Page 3, line 24, strike "such"

Page 3, line 26, strike "such" and insert "any"

Page 3, delete lines 30 to 33

Page 4, delete lines 1 to 3

Page 4, line 4, delete "charters." and insert:

"Subd. 2. With respect to specific transactions between a bank holding company and a state bank affiliate, the commissioner of banks shall have the authority to examine the records of such holding company that directly pertain to such transactions to the same extent such holding company were a state bank or trust company."

Page 5, line 11, strike "shall be" and insert "are"

Page 5, lines 29 and 32, strike "shall become" and insert "is"

Page 5, line 33, strike "shall remain" and insert "remains"

Page 6, line 23, delete "shall become" and insert "becomes"

Page 6, line 28, delete "shall remain" and insert "remains"

Page 7, line 14, delete "shall have" and insert "has"

With the recommendation that when so amended the bill pass.

The report was adopted.

Johnson, C., from the Committee on Education to which was referred:

H. F. No. 2272, A bill for an act relating to education; modifying and providing certain procedures for the termination, discharge and demotion of certain teachers; amending Minnesota Statutes 1978, Section 125.12, Subdivisions 3, 4, 8, 9, 10, 11, and by adding a subdivision; and 125.17, Subdivisions 2, 5, and 10; repealing Minnesota Statutes 1978, Section 125.17, Subdivisions 6, 7, 8 and 9.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1978, Section 125.12, Subdivision 2, is amended to read:

Subd. 2. [HIRING, DISMISSING.] School boards shall hire or dismiss teachers at duly called meetings. Where a husband and wife, brother and sister, or two brothers or sisters, constitute a quorum, no contract employing a teacher shall be made or authorized except upon the unanimous vote of the full board. No teacher related by blood or marriage, within the fourth degree, computed by the civil law, to a board member shall be employed except by a unanimous vote of the full board. *The initial employment of the teacher in the district shall be by written contract, signed by the teacher and by the chairman and clerk. All subsequent employment of the teacher in the district shall be by written contract, signed by the teacher and by the chairman and clerk, except where there is a master agreement covering the employment of the teacher.* Contracts for teaching or supervision of teaching can be made only with qualified teachers. (SUCH CONTRACT SHALL SPECIFY THE WAGES PER YEAR AND THE GENERAL ASSIGNMENT OF THE TEACHER. A TEACHER SHALL HAVE 10 DAYS AFTER RECEIPT TO CONSIDER, DEMAND CORRECTIONS, EXECUTE AND RETURN SUCH CONTRACT, BUT THIS PERIOD SHALL NOT BE CONSTRUED TO BE AN EXTENSION OF THE FINAL RESIGNATION DATE IN SUBDIVISION 4.) No teacher shall be required to reside within the employing school district as a condition to teaching employment or continued teaching employment.

Sec. 2. Minnesota Statutes 1978, Section 125.12, Subdivision 3, is amended to read:

Subd. 3. [PROBATIONARY PERIOD.] The first and second consecutive years of a teacher's first teaching experience in Minnesota in a single school district shall be deemed to be a probationary period of employment, and after completion thereof, the probationary period in each school district in which (HE) *the teacher* is thereafter employed shall be one year. A teacher who has complied with the then applicable probationary requirements in a school district prior to July 1, 1967, shall not be required to serve a new probationary period in the (SAID) district subsequent thereto. During the probationary period any annual contract with any teacher may or may not be renewed as the school board (SHALL SEE) *sees fit*; provided, however, that the school board shall give any (SUCH) teacher whose contract it declines to renew for the following school year written notice to that effect before June 1. If the teacher requests reasons for any nonrenewal of a teaching contract *within 20 days of receipt by the teacher of the notice of nonrenewal*, the school board shall give the teacher its reason in writing (, INCLUDING) *within ten days after receiving the request. The rea-*

sons for nonrenewal shall include a statement that appropriate supervision was furnished (DESCRIBING), and it shall describe the nature and the extent of (SUCH) the supervision furnished the teacher during (HIS) the teacher's employment by the board (, WITHIN TEN DAYS AFTER RECEIVING SUCH REQUEST). The school board may (, AFTER A HEARING HELD UPON DUE NOTICE,) discharge or suspend a probationary teacher during the (PROBATIONARY PERIOD) school year for cause, effective immediately, (UNDER SECTION 123.14, SUBDIVISION 4, OR SECTION 123.35, SUBDIVISION 5) only in accordance with subdivision 8 and section 5.

Sec. 3. Minnesota Statutes 1978, Section 125.12, Subdivision 4, is amended to read:

Subd. 4. [TERMINATION OF CONTRACT AFTER PROBATIONARY PERIOD.] A teacher who has completed (HIS) the probationary period in any school district, and who has not been discharged or advised of a refusal to renew (HIS) the teacher's contract pursuant to subdivision 3, shall have a continuing contract with (SUCH) the district. Thereafter, the teacher's contract shall remain in full force and effect, except as modified by mutual consent of the board and the teacher, until terminated by a majority roll call vote of the full membership of the board prior to April (1) 15 upon one of the grounds specified in subdivision 6 or placed on unrequested leave of absence prior to June 1 upon one of the grounds specified in (SUBDIVISIONS) subdivision 6a or 6b, or until the teacher is discharged pursuant to subdivision 8, or by the written resignation of the teacher submitted prior to April (1) 15; provided, however, that if an agreement as to the terms and conditions of employment for the succeeding school year has not been adopted pursuant to the provisions of sections 179.61 to (179.77) 179.76 prior to March 1, the teacher's right of resignation shall be extended to the 30th calendar day following the adoption of (SAID) the contract in compliance with section 179.70, Subdivision 2. (SUCH) A written resignation by the teacher shall be effective as of June 30 if submitted prior to that date, and the (TEACHERS') teacher's right of resignation for the school year then beginning shall cease on July 15. Before a teacher's contract is terminated by the board or the teacher is placed on unrequested leave of absence, the board shall notify the teacher in writing and state its ground for the proposed termination or placement on unrequested leave in reasonable detail together with a statement that the teacher may make a written request for a hearing (BEFORE THE BOARD) within (14) ten days after receipt of (SUCH) the notification. Within (14) ten days after receipt of this notification the teacher may make a written request for a hearing (BEFORE THE BOARD), and it shall be granted before final action is taken. If no hearing is requested within (SUCH) that period, it shall be deemed acquiescence by the teacher to the board's action. (SUCH) A hearing requested pursuant to this subdivision shall take place in accordance with the provisions of section 5 if the board proposes to terminate the

teacher's contract on any of the grounds specified in subdivision 6 or to discharge or suspend the teacher on any of the grounds specified in subdivision 8. The hearing shall take place in accordance with subdivision 9 if the board proposes to place the teacher on unrequested leave of absence on a ground specified in subdivision 6a or 6b. Termination or placement on unrequested leave of absence shall take effect at the close of the school year in which the contract is terminated (IN THE MANNER AFORESAID) or the teacher is placed on unrequested leave. (SUCH) A contract may be terminated at any time by mutual consent of the board and the teacher (AND THIS SECTION SHALL NOT AFFECT THE POWERS OF A BOARD TO SUSPEND, DISCHARGE, OR DEMOTE A TEACHER UNDER AND PURSUANT TO OTHER PROVISIONS OF LAW).

Sec. 4. Minnesota Statutes 1978, Section 125.12, Subdivision 8, is amended to read:

Subd. 8. [IMMEDIATE DISCHARGE.] A school board may discharge or suspend without pay for a limited period of time a probationary or continuing-contract teacher, effective immediately, upon any of the following grounds:

(a) Immoral conduct, insubordination, or conviction of a felony;

(b) Conduct unbecoming a teacher which requires the immediate removal of the teacher from his classroom or other duties;

(c) Failure without justifiable cause to teach without first securing the written release of the school board;

(d) Gross inefficiency which the teacher has failed to correct after reasonable written notice;

(e) Willful neglect of duty; or

(f) Continuing physical or mental disability subsequent to a twelve months leave of absence and inability to qualify for reinstatement in accordance with subdivision 7.

Prior to discharging or suspending a teacher the board shall notify the teacher in writing and state its ground for the proposed discharge or suspension in reasonable detail. Within ten days after receipt of this notification the teacher may make a written request for a hearing (BEFORE THE BOARD), and it shall be granted before final action is taken. In an action for discharge the board may (, HOWEVER,) suspend a teacher with or without pay (PENDING THE CONCLUSION OF SUCH HEARING AND DETERMINATION OF THE ISSUES RAISED THEREIN) after charges have been filed (WHICH CONSTITUTE GROUND FOR DISCHARGE). A suspension without pay may continue pending the conclusion of the hearing

for discharge and the final decision of the board pursuant to section 5, clause (5). If the final decision is favorable to the teacher, there shall be no abatement of pay and interest shall be paid to the teacher on the amount of pay withheld at a rate of interest equal to two percent in excess of the discount rate on 90 day commercial paper in effect of the federal reserve bank in the federal reserve district encompassing Minnesota, calculated from the date of suspension to the date of payment.

Sec. 5. Minnesota Statutes 1978, Section 125.12, is amended by adding a subdivision to read:

Subd. 8a. [HEARING PROCEDURES; TERMINATIONS AND DISCHARGES FOR CAUSES OTHER THAN THOSE IN SUBDIVISIONS 6A AND 6B.] (1) This subdivision shall govern hearings which are requested pursuant to subdivision 4 because a board proposes to terminate a continuing contract teacher's contract on any of the grounds specified in subdivision 6 or to discharge a continuing contract or probationary teacher on any of the grounds specified in subdivision 8.

(2) A request for a hearing pursuant to this subdivision shall be in writing, and it shall be served personally on a member of the school board within ten days after the teacher received the notification of termination of the teacher's contract or the notification of discharge.

(3) Upon receipt of a request for a hearing, the school board shall assign a neutral hearing examiner who shall schedule and commence conduct of the hearing within 14 days after receipt of service of the teacher's request by the school board. The hearing officer shall not be a school board member or an employee of the school district, or any person with a personal or professional interest which would conflict with his objectivity at the hearing. A person who serves as a hearing officer is not an employee of the district solely because he is paid by the district to serve as a hearing officer. The hearing officer shall inform the teacher and the school board of the date, time and place of the hearing. The hearing shall be private or public at the discretion of the teacher. Unless the parties agree otherwise, the hearing shall be conducted in the county in which the principal office of the school board is located.

(4) The hearing officer shall preside over the hearing and shall have authority to administer oaths to witnesses. The board and the teacher may each be represented by counsel at its or the teacher's own expense. Counsel may examine and cross-examine witnesses and present arguments. The board shall first present evidence. Each party may present rebuttal evidence. All witnesses shall be sworn upon oath by the hearing officer. Upon the written request of either the board or the teacher, the clerk of the board shall issue subpoenas for witnesses or the production of records pertinent to the grounds for the proposed action. The

board shall employ a court reporter to record the proceedings at the hearing, and either party may obtain a transcript thereof at its own expense.

(5) Within ten days of the conclusion of all proceedings, the hearing officer shall make a report stating findings of fact, conclusions of law and a recommended decision upon the proposed action. The hearing officer's report shall be served upon the board and the teacher. Any discharge or suspension of the teacher or termination of the teacher's contract recommended in the hearing officer's report or contained in the final decision of the board shall be based upon substantial and competent evidence. The board shall make a final decision within 30 days of receipt of the officer's report; provided that the board shall not make a final decision until the officer's report has been made available to the parties for at least seven days within which time each party adversely affected by the report shall file exceptions to the school board in order to preserve the right to present arguments to the school board based on these exceptions. The final decision of the school board shall be served on the teacher, accompanied by an order of termination or discharge or suspension if applicable. If the decision of the school board or subsequent judicial review is favorable to the teacher, the decision shall be entered in the board minutes and all references to the proceedings shall be excluded from the teacher's record file.

(6) Each party shall pay an equal share of the total fees and expenses for the hearing officer, except that if the decision of the school board or subsequent judicial review is favorable to the teacher, the fees and expenses shall be paid by the school board.

Sec. 6. Minnesota Statutes 1978, Section 125.12, Subdivision 9, is amended to read:

Subd. 9. [HEARING PROCEDURES; TERMINATIONS FOR CAUSES SPECIFIED IN SUBDIVISIONS 6A AND 6B.] This subdivision shall govern hearings which are requested pursuant to subdivision 4 because a board proposes to place a teacher on unrequested leave of absence on any of the grounds specified in subdivision 6a or 6b. Any hearing held pursuant to this (SECTION) subdivision shall be held upon appropriate and timely notice to the teacher, and shall be (PRIVATE OR) public (AT THE DISCRETION OF THE TEACHER). All hearings pursuant to this subdivision requested by individual teachers pursuant to subdivision 4 may be consolidated by the school board. The school board shall issue a written decision and order as provided in subdivision 10 for each teacher involved. At the hearing, the board and the teacher may each be represented by counsel at its or (HIS) the teacher's own expense (, AND SUCH). Counsel may examine and cross-examine witnesses and present arguments. The board shall first present evidence to sustain the grounds for (TERMINATION OR DISCHARGE) placement on unrequested leave and then receive evidence presented

by the teacher. Each party may then present rebuttal evidence. (DISMISSAL) *Placement of the teacher on unrequested leave of absence* shall be based upon substantial and competent evidence in the record. All witnesses shall be sworn upon oath administered by the presiding officer of the board. The clerk of the board shall issue subpoenas for witnesses or the production of records pertinent to the grounds upon the request of either the board or the teacher. The board shall employ a court reporter to record the proceedings at the hearing, and either party may obtain a transcript thereof at its own expense.

Sec. 7. Minnesota Statutes 1978, Section 125.12, Subdivision 10, is amended to read:

Subd. 10. [DECISION.] After the hearing *pursuant to subdivision 9*, the board shall issue a written decision and order. If the board orders (TERMINATION OF A CONTINUING CONTRACT OR DISCHARGE OF A TEACHER) *placement of a teacher on unrequested leave of absence*, its decision shall include findings of fact based upon competent evidence in the record and shall be served on the teacher, accompanied by an order (OF TERMINATION OR DISCHARGE) *placing the teacher on unrequested leave of absence and terminating the employment or contract of the teacher*, prior to (APRIL 1 IN THE CASE OF A CONTRACT TERMINATION FOR GROUNDS SPECIFIED IN SUBDIVISION 6, PRIOR TO) June 1 (FOR GROUNDS SPECIFIED IN SUBDIVISION 6A OR 6B, OR WITHIN TEN DAYS AFTER CONCLUSION OF THE HEARING IN THE CASE OF A DISCHARGE). If the decision of the board or of a reviewing court is favorable to the teacher, the proceedings shall be dismissed and the decision entered in the board minutes, and all references to (SUCH) *the proceedings shall be excluded from the teacher's record file.*

Sec. 8. Minnesota Statutes 1978, Section 125.12, Subdivision 11, is amended to read:

Subd. 11. [JUDICIAL REVIEW.] The pendency of judicial proceedings shall not be ground for postponement of the effective date of the school board's (ORDER) *decision pursuant to section 5 or subdivision 10*, but if judicial review eventuates in reinstatement of the teacher, the board shall pay the teacher all compensation withheld as a result of the termination or dismissal (ORDER) *decision plus interest equal to two percent in excess of the discount rate on 90-day commercial paper in effect at the federal reserve bank in the federal reserve district encompassing Minnesota calculated from the date of suspension to the date of payment."*

Amend the title as follows:

Page 1, line 6, after "Subdivisions" insert "2,"

Page 1, line 7, delete everything after "subdivision" and insert a period

Page 1, delete lines 8 and 9

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Rules and Legislative Administration.

The report was adopted.

Brinkman from the Committee on Financial Institutions and Insurance to which was referred:

H. F. No. 2286, A bill for an act relating to financial institutions; providing that certain agreements taken by a bank and subject to a certain percentage limitation will not constitute a liability against it; providing for a different percentage limitation in certain cases; amending Minnesota Statutes 1978, Section 48.24, Subdivision 3.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Anderson, I., from the Committee on General Legislation and Veterans Affairs to which was referred:

H. F. No. 2304, A bill for an act proposing an amendment to the Minnesota Constitution, adding a section to Article VII; providing for a popular initiative.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. An amendment to the Minnesota Constitution, adding a section to Article VII, is proposed to the people. If the amendment is adopted, the section will read:

Sec. 9. Legislative power is vested in the legislature, but the people reserve to themselves the power to propose laws and to approve or reject laws, which is called the initiative. The power to propose laws includes the power to propose repeals of laws. The power of initiative extends only to laws which the legislature may enact under this constitution. An initiative may not propose a law which proposes an amendment to this constitution. To invoke the initiative, petitions signed by a number of eligible electors greater than five percent of the total vote cast in each congressional district for all candidates for governor at the last

preceding general election at which a governor was elected, are required.

A law proposed by initiative petition shall be acted upon by the legislature before adjournment sine die.

If the law proposed is not acted upon by the legislature the state officer authorized by law shall submit the proposed law to the people for approval or rejection at the next general election.

The legislature may reject any measure proposed by initiative petition and propose a different measure upon the same subject by votes upon separate roll calls, and in that event the measures shall not be submitted to the electors for approval or rejection at the next general election.

Any law submitted to the people and approved by a majority of all the electors voting at the election shall take effect ten days after the date of the official declaration of the vote. No law initiated by the people shall be subject to the veto power of the governor, and no law adopted by the people at the polls under the initiative provisions of this section shall be amended or repealed, until another general election has intervened. If two or more measures approved by the electors at the same election conflict, that receiving the highest affirmative vote shall prevail.

The legislature shall implement the provisions of this section. The manner in which measures are prepared and qualified and petitions are circulated, presented, and certified, and the manner in which measures are submitted to the electors may be regulated by law but not to impair the effect of this article.

This section expires December 31, 1984.

Sec. 2. The amendment shall be submitted at the 1980 general election. The question proposed shall be:

“Shall the Minnesota Constitution be amended to provide for an initiative process?”

Yes

No”

Sec. 3. [3B.01] [CITATION.] Sections 3 to 29 may be cited as “The Initiative Implementation Act”.

Sec. 4. [3B.02] [DEFINITIONS.] Subdivision 1. The words defined by this section shall, when used in sections 3 to 29, have the meanings given them.

Subd. 2. "General election" is as defined in section 200.02, subdivision 2.

Subd. 3. "Measure" means the proposed law in an initiative petition.

Subd. 4. "Petition drive" means the organized process by which the sponsors and their authorized agents solicit the general public to sign initiative petitions.

Subd. 5. "Eligible elector" means those persons who may register to vote under the provisions of chapter 201.

Subd. 6. "Sponsors" means the persons specified by section 5, subdivision 2, clause (a).

Sec. 5. [3B.03] [PREPARATION FOR PETITIONING ON AN INITIATIVE MEASURE.] *Subdivision 1. Before circulation of any petitions to propose an initiative measure to the legislature, the sponsors shall file a declaration with the secretary of state not later than October 31 of an odd numbered year or not later than August 1 in calendar year 1980.*

Subd. 2. The declaration shall:

(a) State the names, mailing addresses and any business or residential phone numbers of not less than 25 eligible electors with an indication of who is the chairman and who is the treasurer; and,

(b) State the name and mailing address of all committees, groups or organizations known to the sponsors who intend to support the petition drive on the measure or otherwise aid the sponsors; and,

(c) Give a description of the intent or purpose of the measure, or, if the proposed measure is already drafted, include a copy of the draft; and,

(d) State the name, address and phone number of a sponsor who will assist in drafting the measure and is authorized to approve its final form and wording.

Subd. 3. The secretary of state shall, by rule, provide a sample declaration form.

Subd. 4. The sponsors shall pay to the secretary of state a filing fee of \$200 which shall be deposited in the general fund.

Sec. 6. [3B.04] [ADVICE BY REVISOR OF STATUTES.] *Subdivision 1. The secretary of state shall forward one copy of each declaration provided for in section 5 to the revisor of stat-*

utes. The secretary of state shall also advise the sponsors to consult with the revisor.

Subd. 2. The revisor of statutes shall, within 30 calendar days of receipt of the declaration, prepare a final draft of the initiative measure in accordance with the intent and purpose expressed in the declaration. The intent and purpose may be amplified or refined by the sponsor authorized in the declaration to approve the form and wording of the measure. The revisor shall advise that sponsor as to the measure's constitutionality, and the best form of the measure to accomplish the sponsors' intent and purpose. However, if the revisor and the sponsors disagree as to the best form and content of the measure to accomplish the sponsors' intent and purpose, or disagree as to constitutionality, the directions of the sponsors shall prevail. All discussions by the revisor with the sponsors shall be treated by the revisor as confidential. If, after consulting with the revisor, the sponsors do not desire the revisor's assistance, they shall sign a written waiver of assistance. The waiver shall then be filed with the secretary of state and the revisor, together with a final draft of the initiative measure prepared by the sponsors. With the final draft prepared by the revisor, or within seven calendar days after receiving the waiver and final draft prepared by the sponsors, the revisor shall furnish the sponsors and the secretary of state with a summary of the measure to be proposed to the legislature.

Subd. 3. The form of initiative measures shall conform to the form of bills considered by the legislature. The enacting clause shall be "BE IT ENACTED BY THE PEOPLE OF THE STATE OF MINNESOTA". No initiative shall embrace more than one subject. The measure may not provide for the form of the ballot question by which it would be submitted to the electors in the event the legislature does not act on the measure.

Subd. 4. If the sponsors have not, within 21 calendar days of receiving the revisor's final draft, either filed it with the secretary of state or filed a waiver and draft prepared by the sponsors, the petition drive shall be deemed abandoned.

Sec. 7. [3B.05] [PETITIONS FOR INITIATIVE.] Subdivision 1. Each initiative petition shall consist of as many copies as the sponsors print, each of which shall be not more than one sheet of paper and contain the following on the front:

(a) In not less than 25 point bold type on a 30 point body at the top of the front page, the printed words "OFFICIAL INITIATIVE PETITION";

(b) A summary of the purpose and effect of the measure prepared by the revisor of statutes;

(c) A statement that a verbatim copy of the initiative measure is available for public examination at the office of the secretary of state; and,

(d) Space for the signature, printed name, telephone number, mailing address, congressional district of residence, indication of status as eligible elector and the date of signing of each petition signer.

Subd. 2. On the front or back of each petition shall be an affidavit for the person circulating the petition which shall include his name, mailing address, and phone number; indicate that he circulated the petition; indicate that to the best of his knowledge each of the signers is an eligible elector and resident in the congressional district indicated; and identify the sponsors on whose behalf the petition was circulated.

Subd. 3. At the time the final draft of the initiative measure is filed with the secretary of state, as provided by section 6, subdivision 4, the sponsors shall also file a copy of the petition with the secretary of state. Within seven calendar days the secretary shall examine the petition and determine whether it complies with this section. If the petition complies, the secretary shall approve it and notify the sponsors. If the secretary finds that the form of the petition is not in compliance, he shall disapprove it and order it redrafted. The secretary shall notify the sponsors that the petition is not in compliance with the law and specify what changes are necessary to bring it into compliance. Failure to refile a new petition drafted in accordance with the secretary's instructions not later than seven calendar days after the secretary's notice constitutes abandonment of the drive. Upon refile, the secretary shall again examine the petition for its compliance with this section and approve it or again reject it. The petition may subsequently be refiled until it is found to comply with the law and rules.

Sec. 8. [3B.06] [TIME OF CIRCULATION OF INITIATIVE PETITIONS; VOLUNTARY ABANDONMENT.]
Subdivision 1. Initiative petitions may only be circulated on those days of odd numbered years or calendar year 1980 which are more than eight calendar days after the date of the secretary of state's approval of the petition. This limitation shall not prevent the sponsors from undertaking organizational activity or completing the procedures of section 5 or 6 prior to the time petitions are circulated.

Subd. 2. The sponsors may voluntarily abandon the drive any time before the certification by the secretary of state provided for in section 14. To abandon the drive, a declaration to that effect shall be filed with the secretary of state. The filing of the declaration shall not prevent other sponsors from beginning a similar or identical petition drive. All petitions signed

prior to the declaration are invalid upon the filing of the declaration and may not subsequently be utilized by the new sponsors.

Subd. 3. Petitions which are signed but never filed, or which are filed but the number of signatures are later determined to be insufficient, are invalid on January 8 of the year after they are signed. The petitions may not be used for similar or identical petition circulation efforts in subsequent years.

Sec. 9. [3B.07] [NUMBER OF SIGNATURES FOR INITIATIVE.] *An initiative measure shall be proposed to the legislature if petitions for the measure are signed by eligible electors in a number not less than five percent of the number of votes cast for all candidates for governor at the last gubernatorial election. Signatures shall be from eligible electors in every congressional district of the state. For no congressional district shall the number of signatures be less than five percent of the votes cast for all candidates for governor in that congressional district at the last gubernatorial election.*

Sec. 10. [3B.08] [FILING OF PETITIONS.] *Subdivision 1. Not later than January 7 of the year succeeding the one in which the petitions were circulated, the sponsors may file the signed petitions with the secretary of state. When filed, the signed petitions shall be securely bound together by the sponsors.*

Subd. 2. Only the sponsors, or those authorized in writing by the sponsors, may file petitions.

Sec. 11. [3B.09] [PETITIONS RECEIVED BY SECRETARY OF STATE AND SIGNATURES COUNTED.] *Not later than January 28, the secretary of state shall determine the total number of signatures on the petitions filed and shall, not later than February 16, give written notification to the sponsors of the number of signatures. If the number of signatures filed is less than the minimum number of signatures required the secretary of state shall notify the sponsors. No further action shall then be taken on the petitions.*

Sec. 12. [3B.10] [VERIFICATION OF PETITIONS.] *Subdivision 1. The secretary of state shall determine whether a sufficient number of valid signatures has been obtained. The secretary may verify signatures by the random sampling method provided in Section 13. County auditors shall assist the secretary in verifying signatures, at the secretary's request. Any eligible elector may challenge the number or validity of signatures on the petition. The secretary of state shall determine the contest of number or validity of signatures by an eligible elector.*

Subd. 2. A signature is valid when:

(a) It is signed by the person named;

(b) *It is voluntarily signed;*

(c) *The signatory was an eligible elector on the date he signed the petition;*

(d) *The signatory is a resident of the congressional district indicated on the petition; and,*

(e) *The signature is identifiable.*

Subd. 3. An eligible elector contesting the sufficiency or validity of signatures shall file the protest on or before March 31 and shall include a brief statement of the evidence of insufficiency or invalidity. If an eligible elector contests the sufficiency or validity of signatures on a petition in bad faith, he may be assessed costs of the contest up to a maximum of \$200. The secretary of state shall hear evidence and determine contests not later than April 30.

Subd. 4. If the secretary of state determines that the number of valid signatures is less than the number required, petitions for additional signatures may be circulated for an additional period of 10 days, in the case of a determination of an actual number deficiency, or 20 days, in the case of an estimated number deficiency, commencing from the date of determination.

Sec. 13. [3B.11] [RANDOM SAMPLING METHOD OF SIGNATURE VERIFICATION.] *Subdivision 1. A sample of signatures to be verified shall be drawn in such a manner that every signature filed with the secretary of state shall be given an equal opportunity to be included in the sample. The sample shall include five percent of the signatures.*

Subd. 2. If the verification from the statistical sample shows that the total number of valid signatures on the petitions is within 90 to 110 percent of the minimum number of signatures needed to declare the number of petition signatures to be sufficient for the congressional district, the secretary of state may verify any remaining unverified signatures.

Subd. 3. If the verification from the statistical sample shows that the total number of valid signatures on all the petitions is 110 percent or more of the minimum number of signatures needed to declare the number of petition signatures to be sufficient for the congressional district, the secretary of state may determine the number of valid signatures to be sufficient. The number of valid signatures shall be determined by taking the total number of signatures filed and multiplying it by the percentage of signatures in the statistical sample which were found to be valid. In calculating the number of valid signatures, any fractions shall be rounded up to one.

Subd. 4. If the verification from the statistical sample shows that the number of valid signatures is less than 90 percent of the minimum number of signatures needed to declare the number of petition signatures to be sufficient for the congressional district the secretary of state may determine that the number of petition signatures is insufficient.

Sec. 14. [3B.12] [CERTIFICATION BY SECRETARY OF STATE; LEGISLATIVE ACTION.] *If the number of valid signatures meets or exceeds the minimum, the secretary of state shall certify the sufficiency of the initiative petitions to the sponsors and to the legislature. The secretary shall also forward to the legislature the final draft of the initiative measure prepared as provided by Section 6, subdivision 2. The measure shall be introduced in each house of the legislature and shall be acted upon in the same manner as legislative bill introductions. At any time before adjournment sine die the legislature may enact the proposed initiative measure into law and provide for its effective date. If the legislature rejects the initiative measure shall do so by roll call vote. It then, by separate roll call vote, may enact instead a different law on the same subject, which shall become effective on the date provided by the enactment. In either of these cases, no measure shall appear on the general election ballot. If the legislature rejects the initiative measure without enacting a different law on the same subject before adjournment sine die, it shall return to the secretary of state the final draft of the initiative measure prepared pursuant to section 6, subdivision 2.*

Sec. 15. [3B.13] [PREPARATION OF BALLOT MEASURE.] *If the legislature returns an initiative measure to the secretary of state, the question of adoption of the initiative measure shall be placed on the ballot for the general election. The secretary of state's certificate shall state the wording of the question to be placed on the ballot. The revisor of statutes shall recommend to the secretary of state a wording for the question. The ballot question shall be a true and impartial statement of the intent and purpose of the initiative measure. It shall be in similar form as a ballot issue which may be on the ballot as a result of a legislative proposal for a constitutional amendment.*

Sec. 16. [3B.14] [NUMBERING OF BALLOT MEASURES.] *The secretary of state shall number in consecutive order each initiative and referendum ballot measure with the wording "BALLOT QUESTION . . .". Ballot questions shall be numbered sequentially starting from the number 1 for the first ballot question certified to be on the ballot after the effective date provided in section 34. Ballot questions which are certified to appear on the ballot in general elections in subsequent years shall be numbered sequentially beginning with the first number after the number of the last ballot question at the last general election. The order shall be assigned by the secretary of state in the order that it is finally determined that each question will be placed on the statewide ballot at the next general election.*

Sec. 17. [3B.15] [BALLOTS, VOTING AND CANVASSING OF INITIATIVE QUESTIONS.] *On all initiative measures, the ballots shall be prepared, voting conducted, results canvassed, contests conducted and results certified as provided by chapters 200 to 210A.*

Sec. 18. [3B.16] [TIME OF ELECTION ON INITIATIVE QUESTIONS.] *Voting upon initiative questions shall be held only at a general election.*

Sec. 19. [3B.17] [SIMULTANEOUS PETITIONS FOR INITIATIVE MEASURES.] *Nothing shall prevent multiple simultaneous petition drives involving identical initiative petitions, whether by the same or different sponsors. However, the first determination by the secretary of state of the sufficiency of the signatures for one measure shall automatically constitute abandonment of the other petition drives as of the date of the secretary's determination.*

Sec. 20. [3B.18] [COSTS OF COUNTY AUDITORS TO VERIFY SIGNATURES.] *Subdivision 1. The state shall reimburse county auditors for all reasonable costs of assisting the secretary of state in the verification of signatures on initiative petitions.*

Subd. 2. Each year prior to May 1, each auditor shall submit to the secretary of state a verified statement of expenditures incurred in the calendar year prior to the previous April 1. The statement shall specify how all costs were incurred.

Subd. 3. The secretary of state shall, within 30 days after receipt of each auditor's statement, pay to each county auditor the costs which the secretary determines are reasonable.

Subd. 4. The secretary of state shall, by rule, provide for the standards of what costs will be reimbursed by the state.

Sec. 21. [3B.19] [RESOLUTION OF CONFLICTS BETWEEN INITIATIVE MEASURES.] *Subdivision 1. Nothing shall prevent petitioning for measures which are apparently in substantial conflict.*

Subd. 2. If two or more measures which substantially conflict are adopted by a vote of the people, the one receiving the highest percentage affirmative vote shall be effective. In the event that it is finally determined that the measures received an equal number of votes, neither measure shall become effective, but they shall again be placed on the ballot at the next general election.

Subd. 3. A petition may be filed with the district court in Ramsey County by any eligible elector alleging that two or more adopted measures substantially conflict. A copy of the petition

shall be served upon the sponsors and upon the attorney general. The district court shall issue its findings and conclusions on the matter within 60 days of the filing of the petition. The district court shall find that two or more measures substantially conflict when any material provision in one measure is irreconcilable with a material provision in another measure. Upon a finding that any provisions of measures substantially conflict, the district court shall find that the entire measures conflict and state which measure prevails under the provisions of subdivision 2.

Sec. 22. [3B.20] [LIMITATION ON SUCCESSIVE INITIATIVE OR REFERENDUM MEASURES.] *Subdivision 1. An initiative petition for a measure which is substantially the same as a measure previously rejected by the people, is not valid until after another general election has intervened. Upon a finding by the secretary of state that a declaration is for a petition for a matter substantially the same as the previously rejected measure, the secretary shall, after the filing and analysis by the secretary of the final draft, strike the declaration from his files.*

Subd. 2. A petition is substantially the same as a measure previously rejected by the people when all material provisions of the measure are identical in substance with material provisions in the other. Differences solely in the manner in which those provisions are expressed are not material.

Sec. 23. [3B.21] [PUBLICATION OF ADOPTED INITIATIVE MATTERS.] *Initiative measures which are adopted by the people shall be published by the revisor of statutes in the laws of Minnesota for the legislative session for the year subsequent to the year of the election at which the law is adopted. Initiative measures shall be placed in a separate section of the Laws of Minnesota and given chapter numbers by the revisor of statutes distinctive from the chapter numbers given legislative enactments by the secretary of state. If an initiative measure is adopted by the people, the revisor of statutes may incorporate it into the next edition of the Minnesota Statutes or the supplement to the Minnesota Statutes in the same manner as for legislative enactments. Initiative measures enacted by the legislature shall be published with other legislative enactments.*

Sec. 24. [3B.22] [LITERATURE MUST INCLUDE NAMES.] *Any person or committee who shall publish, issue, post, circulate, or cause to be published, issued, posted, circulated, other than in a newspaper as provided in section 25, any literature, campaign material, or any publication, including cards, pamphlets, flyers, signs, banners, leaflets, announcements, or other material tending to influence the desire to sign or refusal to sign an initiative petition or the voting at an election on a ballot issue, which fails to prominently display the name and mailing address of the author, the name of the person or committee in whose behalf the same is published, issued, posted, or circulated, and the name and mailing address of any other*

son or committee causing the same to be published, issued, posted, circulated, or broadcasted shall be guilty of a misdemeanor.

Sec. 25. [3B.23] [PAID ADVERTISEMENTS IN NEWS.]

Subdivision 1. No publisher of a newspaper, periodical, or magazine shall print, and no radio or television station shall broadcast any matter paid or to be paid for which tends or is intended to influence directly or indirectly the desire to sign or refusal to sign an initiative petition or any voting at an election on a ballot issue unless it is prominently indicated that it is a paid advertisement. There shall also be a statement of the amount paid or to be paid, or a statement that the same is to be paid at regular advertising rates, the name of the person or committee in whose behalf the matter is printed or broadcast; and the names of any other person or of the officer and the committee authorizing the publication.

Subd. 2. To the extent that any person sells either advertising space or broadcast time used on behalf of any measure, the charges made shall not exceed the charges made for any other comparable purpose or use according to the seller's rate schedule.

Sec. 26. [3B.24] [PROHIBITIONS.] *Subdivision 1. No person shall:*

- (a) Be paid compensation for signing an initiative petition;*
- (b) Willfully refuse to file a statement of expenses regarding an initiative matter when required by law;*
- (c) Publish any literature, campaign material or any publication including cards, pamphlets, flyers, signs, banners, leaflets, or other material or any radio or television broadcast regarding an initiative measure which does not bear the identification required by law;*
- (d) Publish in any newspaper, periodical or magazine any matter relating to an initiative matter which does not contain the identification required by law;*
- (e) Induce a person to sign a petition by fraud, force or the threat of force;*
- (f) Pay compensation for signing an initiative petition;*
- (g) With knowledge that it is false, publish any information regarding an initiative which tends to substantially affect adoption or rejection of the measure;*
- (h) Pay compensation or expenses to employ or contract for the circulation of an initiative petition;*

(i) *Be paid compensation or expenses as an employee or contractor for the circulation of an initiative petition; or,*

(j) *Sign a petition with a name other than his or her own name.*

Subd. 2. Any person violating any provision of subdivision 1, clauses (a), (b), (c) or (d) is guilty of a misdemeanor. Any person violating any provision of subdivision 1, clauses (e), (f) or (g) is guilty of a gross misdemeanor.

Sec. 27. [3B.25] [ACTION BY AND NOTIFICATIONS TO SPONSORS.] *Subdivision 1. Only sponsors, or those authorized by them in writing, may file any required filing or statement regarding initiative petitions, measures or campaigns including election contests or petition signature count or validity contests.*

Subd. 2. The signature of the chairman, any other sponsor, or a person authorized in writing by a chairman, is sufficient to authorize the filing of any statement required by law.

Subd. 3. If notice is required to be given to the sponsors, it shall be given to those persons provided in subdivision 2 who may authorize any filing.

Sec. 28. [3B.26] [DATES OF ACTIONS.] *Subdivision 1. In sections 3 to 29, whenever an action is required to be taken on a specified date or by the end of an elapsed number of days, and that day is a Saturday, Sunday or a legal holiday, the action shall be accomplished on the next day which is not a Saturday, Sunday or a legal holiday.*

Subd. 2. In sections 3 to 29, whenever a document is required to be filed or received, only physical deposit of the document with the indicated person constitutes filing or receipt. It is not sufficient for the document to be postmarked by the required date.

Sec. 29. [3B.27] [JUDICIAL REVIEW OF INITIATIVE MATTERS.] *Subdivision 1. The district court shall have jurisdiction of any suit involving:*

(a) *the sufficiency of the number or validity of signatures on petitions after the administrative determinations by the secretary of state have been exhausted;*

(b) *resolution of conflicts between initiative measures as provided by section 21; or,*

(c) *any suit alleging the unconstitutionality of an adopted initiative which rejects a law but only to the extent of determining that issue.*

Subd. 2. Venue for all suits and criminal prosecutions involving initiative matters shall be in the district court in Ramsey County.

Subd. 3. Suits contesting a final administrative determination of the number or validity of signatures on petitions shall be filed not later than 15 calendar days after the final determination.

Suits involving conflicts between initiative measures shall be filed prior to the effective date of the initiated measures.

Subd. 4. A court may defer the effective date of an initiative measure enactment or a referendum measure repeal when a deferral, in the discretion of the court, is found to be in the interest of justice.

Sec. 30. Minnesota Statutes 1978, Section 10A.01, Subdivision 15, is amended to read:

Subd. 15. "Political committee" means any association as defined in subdivision 3 whose major purpose is to influence the nomination or election of a candidate.

"Political committee" includes a major political party as defined in subdivision 12, a minor political party as defined in subdivision 13, and any principal campaign committee formed pursuant to section 10A.19.

"Political committee" also includes any association which is organized to influence a petition drive, as defined by section 4, subdivision 4, or a ballot issue campaign. An association is organized to influence a petition drive or ballot issue if:

(1) They are the sponsors as defined by section 4, subdivision 6; or,

(2) They receive contributions or make expenditures in excess of \$100 to favor or oppose a petition drive or ballot issue campaign; or,

(3) They give implicit or explicit consent for any other person to receive contributions or make expenditures to favor or oppose a petition drive or ballot issue campaign.

Sec. 31. Minnesota Statutes 1978, Section 10A.20, is amended by adding a subdivision to read:

Subd. 2a. In addition to the reports required by subdivision 2, a political committee which favors or opposes a petition drive or ballot issue campaign shall also file reports within five days

after the secretary of state issues the certification provided for in section 14.

Sec. 32. Minnesota Statutes 1978, Section 203A.31, Subdivision 2, is amended to read:

Subd. 2. [STATE PINK BALLOT.] There shall be one ballot on pink paper, hereinafter called the "pink ballot," upon which all (PROPOSITIONS AND QUESTIONS) *constitutional amendments* to be voted upon throughout the state shall be printed so that the voters may indicate by a mark (X) either a negative or affirmative vote. *All initiative ballot questions shall be on one blue ballot. The order of the questions shall be in the order of their sequential numbers assigned pursuant to section 16.* In preparing the pink (BALLOT) and blue ballots the secretary of state shall apply an appropriate title to each proposition and question, which title shall be approved by the attorney general, and shall consist of not more than one printed line above the proposition or question to which it refers. (AT THE HEAD OF THE BALLOT OR IN SOME OTHER PROMINENT PLACE ON THE BALLOT THERE SHALL BE PRINTED CONSPICUOUSLY) *After each question on a constitutional amendment shall be printed a notice stating in substance that a voter's failure to vote on a constitutional amendment has the effect of a negative vote. The pink ballots shall be deposited in a separate pink ballot box. The blue ballots shall be deposited in a separate blue ballot box.* They shall be counted, canvassed and returned as in the case of white ballots, and the tally books and return blanks shall provide suitable columns and spaces therefor. The total of the "yes" votes, the total of the "no" votes, and the total number of votes cast shall be reported in the returns.

Sec. 33. Minnesota Statutes 1978, Section 645.02, is amended to read:

645.02 [EFFECTIVE DATE AND TIME OF LAWS.] *Subdivision 1.* Each act, except one making appropriations, enacted finally at any session of the legislature takes effect on August 1 next following its final enactment, unless a different date is specified in the act.

Subd. 2. A special law required to be approved by the local government unit affected before it goes into effect becomes effective as to the approving unit the day following the day on which the certificate of approval prescribed by section 645.021, subdivision 1, is filed with the secretary of state, unless a later date is specified in the act. When approval of such a special law is required by two or more local government units before it may become effective, the day after the day when the last of the required certificates is filed is the effective date, unless a later date is specified in the act.

Subd. 3. An appropriation act or an act having appropriation items enacted finally at any session of the legislature takes effect at the beginning of the first day of July next following its final enactment, unless a different date is specified in the act.

Subd. 4. Any measure initiated by the electors shall be effective ten days after the date of the official declaration of the vote on the measure at the general election.

Sec. 34. Sections 3 to 33 shall be effective the day following final enactment but shall expire on the earlier of the following dates: (1) December 31, 1980 if the constitutional amendment provided in sections 1 and 2 is not ratified as provided by the constitution; or (2) December 31, 1984."

Delete the title and insert:

"A bill for an act relating to initiative and referendum; proposing an amendment to the Minnesota Constitution, Article VII by adding a section; authorizing initiative on laws; providing a statute implementing the amendment; providing for the manner of petitioning and voting on initiative measures; providing for disclosure of campaign costs on ballot issues; providing for judicial review; providing certain restrictions on the consideration of measures; providing penalties; amending Minnesota Statutes 1978, Sections 10A.01, Subdivision 15; 10A.20, by adding a subdivision; 203A.31, Subdivision 2; and 645.02."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Rules and Legislative Administration.

The report was adopted.

Vanasek from the Committee on Criminal Justice to which was referred:

H. F. No. 2319, A bill for an act relating to crimes; appropriating money for the investigation of narcotics offenses; amending Minnesota Statutes, 1979 Supplement, Section 299C.065, Subdivision 1.

Reported the same back with the following amendments:

Page 2, line 3, delete "\$1,000,000" and insert "\$500,000"

Page 2, line 9, delete "\$2,000,000" and insert "\$1,000,000"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Casserly from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 2320, A bill for an act relating to the city of Minneapolis; authorizing the creation of an economic development and redevelopment agency or department.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [MINNEAPOLIS, CITY OF; DEVELOPMENT AND REDEVELOPMENT, PURPOSE.] *The legislature of the state of Minnesota finds that the preservation of the quality of life in a major metropolitan city is dependent upon creation of an expanding tax base including commercial and industrial valuation, maintaining economically viable commercial and industrial areas within the city, encouraging private reinvestment within the city, encouraging redevelopment, maintaining and increasing employment opportunities, and providing improved housing opportunities, and that assistance which is provided by local government to accomplish these objectives should be provided as efficiently and effectively as possible, and that a coherent organized structure is necessary to maximize the impact of local government's activities while maintaining local government's involvement at the minimum level necessary, and that the economic development, housing and redevelopment activity of the city of Minneapolis is in need of increased efficiency and improved organization.*

Sec. 2. [MINNEAPOLIS REDEVELOPMENT STRUCTURE.] *Subdivision 1. Notwithstanding any contrary provision of law or charter, the city council of the city of Minneapolis may, by ordinance:*

(a) *Establish an independent development and redevelopment agency, corporate and politic, which shall be a governmental subdivision of the state of Minnesota. The agency shall be governed by a board of commissioners. The city council by ordinance shall provide for the establishment of the board of commissioners, and shall state the number of commissioners, terms of office, the appointing authority of the commissioners, and other matters relating to the composition of the board and shall designate the name for the agency. Notwithstanding any contrary provisions of the Minneapolis city charter, state statute, veterans preference act, or civil service rule, law, or regulation, all employees of the agency shall be selected and employed by the board of commissioners and shall not by virtue of employment by the agency be employees of the city of Minneapolis, and the terms and conditions of employment, including salary, shall be determined by the board of commissioners, subject only to limitations contained in this act. Throughout this act the term "agency" means the agency established pursuant to this clause.*

The passage of the first ordinance establishing an agency, the passage of any ordinance changing the number of commissioners, the term of office of the commissioners, or the appointing authority of the commissioners, shall require affirmative votes of nine members of the City Council. The vote of the City Council adopting the ordinance shall be subject to Mayoral veto and City Council override of that veto.

(b) Establish a development and redevelopment department of the city. Notwithstanding any contrary provision of the Minneapolis city charter, statute, veterans preference act, or civil service rule, law or regulation, the ordinance creating the department may provide for a director and three assistant directors, who shall be in the unclassified service of the city of Minneapolis, and may provide for the director to appoint not more than ten employees to perform managerial duties as defined by the director who shall be in the unclassified service of the city. The ordinance shall establish the appointing authority of the director and assistant directors, and the manner of appointment and term of office, if any, and shall provide for the terms and conditions of employment, including salary, subject only to the limitations contained within this act for all employees of the department, and shall designate the name for the department. The director shall select and appoint all employees of the department. Throughout this act the term "department" means the department established pursuant to this clause.

(c) Any time up to six months after the passage of the first ordinance implementing the provisions of this section, transfer any employee of the city of Minneapolis or the Minneapolis housing and redevelopment authority or the Minneapolis industrial development commission to the employment of the agency or the department or the Minneapolis housing and redevelopment authority or the Minneapolis industrial development commission. An employee who is in the classified service of the city of Minneapolis whose position is being transferred pursuant to this clause, may elect to remain in the classified service and exercise the rights provided by the Minneapolis civil service commission to an employee as if the position held by the employee had been eliminated. Any employee who is transferred from employment with one employer pursuant to this clause to another employer shall retain rights and benefits accumulated including seniority, accumulated vacation and sick leave, and length of service for the purposes of calculating benefits, layoffs, seniority rating for promotions and merit increases, emoluments or rewards.

Notwithstanding any contrary provisions of law or city charter, any employee of the Minneapolis Industrial Development Commission who is not in the classified service of the city of Minneapolis, and any person employed as a director or deputy director of the Minneapolis Housing and Redevelopment Agency shall either be transferred to employment of the agency or department, or the city of Minneapolis, or shall remain an employee

of the commission or authority, as determined by the City Council, and the City Council may transfer the person into the classified service of the city of Minneapolis and into a position for which the person is qualified as determined by the City Council.

Following implementation of this act, all existing employees of the Minneapolis housing and redevelopment authority except the director and deputy directors shall either be transferred to employment of the agency or department or shall continue to be employed by the Minneapolis housing and redevelopment or shall be transferred to employment of the city, as determined by the City Council. In the event of transfer of employment to the city of Minneapolis, the City Council may transfer the person into the classified service into a position for which the employee is qualified. In any event:

(a) the employee's salary shall not be diminished as a result of implementation of this act;

(b) the employee's job responsibilities shall not be substantially diminished as a result of implementation of this act;

(c) the employee shall not be required to change residence as a result of this legislation; and

(d) the employee shall have the right to apply and be considered for positions with the agency or department on an equal basis with the other employees of the agency or department. Length of service with Minneapolis housing and redevelopment authority shall count on the same basis as length of service is counted for existing employees of the city of Minneapolis.

The director and deputy directors shall be considered employees for the purposes of clauses (c) and (d).

If a person employed as an employee of the agency or as a director or assistant director or as a managerial employee of the department or as an employee of the Minneapolis Housing and Redevelopment Authority is, at the time of agency employment or department employment or Minneapolis Housing and Redevelopment Authority Employment, a member of the classified service of the city of Minneapolis, the employee shall be deemed to be on leave of absence during his tenure in the employment, and upon termination of service, shall be returned to his permanent civil service classification. If no vacancy is available in his permanent civil service classification position, seniority shall prevail, and the person most recently certified to the position shall be returned to the permanent civil service classification held by him prior to certification.

Subd. 2. The ordinance which creates the agency or department shall establish procedures for including citizen input when

the agency or department establishes policies and programs. The City Council shall provide for an advisory role for citizens in the establishment of citizen participation procedures to be included in the ordinance which creates the agency or department.

The citizen participation procedures established by the ordinance must meet the following standards:

(a) All citizen participation must be done openly;

(b) An advisory role for citizens, including project area residents and other affected persons, if any, must be provided in all stages of the activities of the agency or department, including policy establishment and implementation, assessment of performance and policy amendment;

(c) Reasonable efforts must be included to ensure the continuity of involvement of citizens throughout the activities of the agency or department;

(d) Public hearings with adequate notice must be provided prior to the establishment of policies and as the policies are implemented;

(e) A method for providing proposed policies and proposals for implementing the policies to interested citizens must be provided;

(f) Citizens must be encouraged to submit their views and proposals for policies and the implementation of policies to the department or agency; and

(g) A technical assistance policy for citizen organizations and affected groups must be developed.

Subd. 3. Notwithstanding any contrary provision of the public employees labor relations act, the several employee groups in the department as identified by the city council who are not supervisory or confidential employees shall be designated as appropriate bargaining units. The designation conferred by this subdivision shall expire October 1, 1981.

Subd. 4. All employees of the agency shall be considered employees of the city of Minneapolis for the purposes of membership in the public employee retirement association. An employee of the Minneapolis housing and redevelopment authority who is transferred to employment of the department or agency or the Minneapolis industrial development commission shall elect one of the following options with respect to retirement programs within six months after the date of transfer:

(a) *The employee may continue as a member of the retirement program established by the Minneapolis housing and redevelopment authority and in effect on the date of transfer, and the agency or department shall make the necessary employer contributions to the program instead of becoming a member of the public employees retirement association.*

(b) *The employee may become a member of the public employees retirement association.*

An employee of the city of Minneapolis who is transferred to employment of the Minneapolis Housing and Redevelopment Authority shall remain a member of the retirement fund to which the employee belonged prior to the transfer, during the employment. An employee of the city of Minneapolis who is a member of the Minneapolis Municipal Employees Retirement Fund who is transferred to employment of the agency shall remain a member of the fund during the employment.

Subd. 5. The terms of a collective bargaining agreement which are not in conflict with any applicable rules or regulations of the Minneapolis Civil Service Commission, which is in effect between a governmental subdivision and its employees, whose employees, some or all of whom are transferred to the department or agency shall be binding upon the department or agency for the length of the term of the contract with respect to the employees transferred from the contracting subdivision.

Sec. 3. [AUTHORITY.] *Subdivision 1. Notwithstanding any contrary law or provision of the Minneapolis city charter, the city council may exercise the powers presently, or hereafter granted to a governmental agency or subdivision by Minnesota Statutes, Chapters 458 and 462 except the power to operate and maintain public housing as provided in Minnesota Statutes Chapter 462. The City Council shall not exercise the powers contained in Minnesota Statutes, Chapter 462 prior to the initial adoption of an ordinance provided for in section 2, subdivision 1, or this subdivision. Notwithstanding any contrary law or provision of the Minneapolis city charter, the agency or the Minneapolis housing and redevelopment authority or the Minneapolis industrial development commission may after approval by the city council by ordinance exercise any of the powers presently or hereafter granted to a governmental subdivision by Minnesota Statutes, Chapters 458, 462, 472, 472A, and 474. The city council or the agency or the Minneapolis housing and redevelopment authority or the Minneapolis industrial development commission may exercise the powers granted by this subdivision and any other development or redevelopment powers authorized by other laws, independently or in conjunction with each other as though all of the powers had been granted to a single entity.*

Subd. 2. In addition to any other powers granted to the city of Minneapolis and not in limitation thereof, the city council

may by ordinance divide economic development, housing, and redevelopment powers granted to the city between the agency or department created pursuant to this act, and any authority or commission established pursuant to statute or the Minneapolis city charter for the purposes of economic development, or housing, or redevelopment.

Subd. 3. The city council may, upon the request of the department, levy a general ad valorem tax for any purpose for which a housing and redevelopment authority pursuant to Minnesota Statutes, Chapter 462 may levy an ad valorem tax. The agency may levy a general ad valorem tax upon all taxable property in the city of Minneapolis for any economic development, housing, or redevelopment purpose for which the city council may levy a tax, or for which a housing and redevelopment authority pursuant to Minnesota Statutes, Chapter 462 may levy a tax. The levy of this tax shall be in the same manner as for a tax levied by the city council. The tax levied by the agency pursuant to this subdivision shall not exceed three mills levied upon all taxable property in the city of Minneapolis, provided that this limitation shall not apply to any levy for the repayment of bonds or obligations of the agency.

Subd. 4. The agency may pledge the full faith and credit of the agency for the repayment of any bonds which the agency is authorized to issue pursuant to any statute or charter provision. The city council may pledge any anticipated revenues of or reserves accumulated by the department for the repayment of any bonds issued by the city for economic development, housing or redevelopment purposes.

Subd. 5. The city council may by ordinance upon request of the agency, pledge the full faith and credit of the city of Minneapolis for the repayment of bonds to be issued by the agency. The pledge of the full faith and credit of the city of Minneapolis shall not be subject to the provisions of Minnesota Statutes, Section 475.58 or to any limitations of the Minneapolis city charter. The amount of bonds issued by the agency and outstanding at any one time for which the full faith and credit of the city of Minneapolis is pledged shall not exceed six percent times the market value of all taxable real and personal property within the city of Minneapolis and shall not be included in any debt limitations imposed upon the city of Minneapolis.

Subd. 6. Notwithstanding any contrary law or provision of the Minneapolis city charter, the city council may, by resolution, transfer the control, authority, and operation of any project as defined in Minnesota Statutes, Section 273.73, Subdivision 8, or any other program or project authorized by Minnesota Statutes, Chapter 462 for the purpose of rehabilitation of housing units or for the purpose of providing public housing as provided in Minnesota Statutes, Chapter 462, located within the city of Minneapolis, from the governmental agency or subdivision which established the project to any other governmental agency or

subdivision established in whole or in part for the purpose of economic development housing or redevelopment within the city of Minneapolis, including the city council. The city council may also require acceptance of control, authority, and operation of the project by the governmental entity to which the transfer is intended. The governmental agency or subdivision to which the control, authority, and operation of the project is transferred, may exercise all of the powers and only the powers which the governmental unit which established the project could exercise with respect to the project.

Upon the transfer of a project or program, the receiving agency or body shall covenant and pledge to perform the terms, conditions, and covenants of bond indenture or other agreement executed for the security of any bonds issued by the governmental subdivision which initiated the project or program. The receiving governmental subdivision is granted by this act all powers necessary to perform the terms, conditions, and covenants of any indenture or other agreement executed for the security of bonds on which it shall become obligated by operation of this subdivision.

The powers authorized by this subdivision may be exercised only after either (a) the City Council adopts the first ordinance exercising the powers granted pursuant to section 2, subdivision 1 or (b) the City Council adopts the first ordinance granting to the Minneapolis Housing and Redevelopment Authority or the Minneapolis Industrial Development Commission powers authorized pursuant to section 3, subdivision 1.

Subd. 7. Notwithstanding any contrary law or provision of the Minneapolis city charter, the city council may, by resolution, require any governmental subdivision which is conducting a project as defined in Minnesota Statutes, Section 273.73, Subdivision 8, or any other program or project authorized by Minnesota Statutes, Chapter 462, for the purpose of rehabilitation of housing units or for the purpose of providing public housing as provided in Minnesota Statutes, Chapter 462, within the city of Minneapolis, to contract for services for administration of the project or any portion of the project with any other governmental subdivision established in whole or in part for the purpose of economic development or redevelopment or housing within the city of Minneapolis, including the city council. The city council may also require the acceptance of the contract for services by the governmental subdivision intended to provide the service for administration.

The powers authorized by this subdivision may be exercised only after either (a) the City Council adopts the first ordinance exercising the powers granted pursuant to section 2, subdivision 1 or (b) the City Council adopts the first ordinance granting to the Minneapolis Housing and Redevelopment Authority or the Minneapolis Industrial Development Commission powers authorized pursuant to section 3, subdivision 1.

Subd. 8. Except when otherwise prohibited by law or when the reserves are pledged for the repayment of bonds issued by the agency, the city council may, by resolution, require the agency to transfer any portion of the reserves generated by activities of the agency which the city council determines is not necessary for the successful operation of the agency, to the city of Minneapolis general fund. The city council may transfer funds so received to any account and may expend the funds for any purpose.

Subd. 9. Notwithstanding any contrary provisions of law, if the City Council grants any additional powers to the Minneapolis Housing and Redevelopment Authority by the ordinance exercising any of the powers authorized by section 3, subdivision 1, at that time or any subsequent time the City Council may by ordinance approved by nine members of the City Council change or modify the terms, number, and the appointing authority of the commissioners of the Minneapolis Housing and Redevelopment Authority and the City Council by ordinance approved by seven members of the City Council may also impose any of the limitations authorized in section 4 upon the Minneapolis Housing and Redevelopment Authority. The vote of the City Council adopting the ordinance shall be subject to Mayoral veto and City Council override.

When ever the authority granted by this subdivision to modify the terms, numbers or appointing authority of the commissioners is first implemented, it shall be implemented only upon approval of a majority of the commissioners. No subsequent ordinance exercising the powers to modify the terms, number or appointing authority of the commissioners shall be adopted by the City Council until twelve months after the approval of the first implementation of the powers granted by this subdivision to modify the terms, numbers or appointing authority of the commissioners by the commissioners.

Subd. 10. Notwithstanding any contrary provision of law or city charter, if the City Council by ordinance grants any additional powers to the Minneapolis Industrial Development Commission pursuant to section 3, subdivision 1, at that time or any subsequent time the City Council may by ordinance approved by nine members of the City Council change or modify the number, the terms and the appointing authority of the commissioners of the Minneapolis Industrial Development Commission and the City Council may by ordinance approved by seven members of the City Council impose any of the limitations authorized in section 4 upon the Minneapolis Industrial Development Commission. The vote of the City Council adopting the ordinance shall be subject to Mayoral veto and City Council override.

Subd. 11. The City Council may also by ordinance grant to the Minneapolis Housing and Redevelopment Authority or the Minneapolis Industrial Development Commission all of the powers granted to the agency pursuant to subdivision 3 and 4,

and may apply the powers granted pursuant to subdivisions 5 and 8 to the Minneapolis Housing and Redevelopment Authority or the Minneapolis Industrial Development Commission.

Sec. 4. [LIMITATIONS.] *The city council may, by ordinance, impose the following limitations upon the actions of the agency:*

(a) *That the sale of any or all bonds or obligations issued by the agency be approved before issuance by the city council by resolution.*

(b) *That the agency must follow the budget process for city departments as provided in the Minneapolis city charter and as implemented by the city council and mayor.*

(c) *That all official actions of the agency be consistent with the adopted comprehensive plan of the city of Minneapolis, and any official controls implementing the comprehensive plan.*

(d) *That the agency submit to the city council for approval by resolution any proposed project as defined in Minnesota Statutes, Section 273.73, Subdivision 8.*

(e) *That the agency submit all planned activities for influencing the action of any other governmental agency, subdivision, or body to the city council for approval by resolution.*

(f) *That the agency submit its administrative structure and management practices to the city council for approval by resolution.*

(g) *That the levy of any tax by the agency be approved by the city council by ordinance prior to the levy of the tax.*

(h) *Any other limitation or control established by the city council by ordinance.*

Limitations imposed pursuant to this section shall not be applied in a manner which impairs the security of any bonds issued prior to the imposition of the limitation. City council shall not amend any limitations in effect at the time any bonds or obligations are issued pursuant to this act to the detriment of the holder of the bonds or obligations. A determination by the city council that the limitations imposed pursuant to this section have been complied with by the agency shall be conclusive.

Sec. 5. [CITY OF BLOOMINGTON.] *The city of Bloomington is hereby granted all those powers of a port authority contained in Minnesota Statutes, Chapter 458.*

Sec. 6. Minnesota Statutes, 1979 Supplement, Section 462C.-07, Subdivision 3, is amended to read:

Subd. 3. Upon approval of the housing plan as provided in section 462C.01, clause (c), any port authority referred to in chapter 458 may, until July 1, (1980) 1982, issue revenue bonds of the port authority to finance multifamily housing developments undertaken in accordance with the provisions of section 462C.05, and for such purpose the port authority may exercise any and all powers set forth in chapters 458 and 474, provided that nothing herein shall be construed as authorizing a port authority to finance any housing program other than that authorized by section 462C.05. After July 1, (1980) 1982, the port authority may issue revenue bonds solely in accordance with the provisions of Laws 1979, Chapter 306, Sections 1 to 16.

Sec. 7. [EFFECTIVE DATE.] *Sections 1 to 4 shall be effective upon the day following filing a certificate of approval of the city of Minneapolis pursuant to Minnesota Statutes, 1979 Supplement, Section 645.021, Subdivision 3. Section 5 of this act shall be effective upon the day following filing a certificate of approval of the city of Bloomington pursuant to Minnesota Statutes, 1979 Supplement, Section 648.021, Subdivision 3.*

Section 6 of this act shall be effective the day following final enactment."

Renumber the remaining section

Further, amend the title as follows:

Page 1, line 4, after "department" insert "; amending Minnesota Statutes, 1979 Supplement, Section 462C.07, Subdivision 3"

With the recommendation that when so amended the bill pass.

The report was adopted.

Brinkman from the Committee on Financial Institutions and Insurance to which was referred:

H. F. No. 2356, A bill for an act relating to commerce; exempting savings associations from licensing and bonding requirements of safe deposit companies; deleting the dollar limitation on examination fees; amending Minnesota Statutes 1978, Sections 55.06, Subdivision 1; and 55.095.

Reported the same back with the following amendments:

Page 1, after line 9, insert:

"Section 1. Minnesota Statutes 1978, Section 50.14, Subdivision 5, is amended to read:

Subd. 5. (1) Class four shall be:

(a) Notes or bonds secured by mortgages or trust deeds on unencumbered real estate, whether in fee or in a leasehold of a duration not less than ten years beyond the maturity of the loan, in any state of the United States, worth at least twice the amount loaned thereon;

(b) Notes or bonds secured by mortgages or trust deeds on unencumbered real estate in clause (1) (a) where (SUCH) *the* notes or bonds do not exceed 80 percent of the appraised value of the security for the same, provided that (SUCH) *the* notes or bonds are payable in (INSTALMENTS AGGREGATING NOT LESS THAN FIVE PERCENT OF THE ORIGINAL PRINCIPAL PER ANNUM IN ADDITION TO THE INTEREST, OR, ARE PAYABLE ON A REGULAR AMORTIZATION BASIS IN EQUAL INSTALMENTS, INCLUDING PRINCIPAL AND INTEREST, SUCH INSTALMENTS TO BE PAYABLE MONTHLY) *a manner as the trustees of the bank prescribe and in (SUCH) amounts that the debt will be fully paid in not to exceed 30 years if the security is non-agricultural real estate, and (SUCH) the instalments to be payable annually or semi-annually in (SUCH) amounts that the debt will be fully paid in not to exceed 25 years if the security is agricultural real estate. A construction loan (SHALL BE) is deemed amortized (AS REQUIRED BY THIS CLAUSE) if the first instalment thereon (SHALL BE) is payable not later than 18 months after the date of the first advance in the case of residential construction or not later than 36 months after the date of the first advance in the case of nonresidential construction. A direct reduction loan shall not come due and payable under the original term of the loan other than by renegotiation where the final installment shall not be greater than twice any preceding regularly scheduled installment; and*

(c) Notes or bonds secured by mortgages or trust deeds on unencumbered real estate in clause (1) (a) which are in an original principal amount of \$100,000 or more and which do not exceed 95 percent of the appraised value of the security for the same which may be payable in (SUCH) *a manner as the trustees of the bank (SHALL) prescribe, provided that construction loans made by a savings bank pursuant to this clause (1) (c) shall not exceed in the aggregate five percent of the assets of the savings bank.*

(2) Class four investments shall be made only on report of a committee directed to investigate the same and report its value, according to the judgment of its members, and its report shall be preserved among the bank's records.

(3) Notwithstanding anything to the contrary in clause (1) (b), a mutual savings bank organized under the laws of this state may invest in notes or bonds secured by mortgages or trust deed where (SUCH) *the* notes or bonds do not exceed 95 percent of the appraised value of the security for the same. Ex-

cept as modified herein, the other provisions of clause (1) (b) (SHALL) apply.

(4) For purposes of this subdivision, real estate (SHALL BE) is deemed unencumbered if the only existing mortgage or lien against the real estate is a first mortgage lien in favor of the savings bank making a second mortgage loan.

Sec. 2. Minnesota Statutes 1978, Section 51A.02, subdivision 4, is amended to read:

Subd. 4. "Direct reduction loan" means a loan or other obligation repayable in consecutive monthly installments (, EQUAL OR UNEQUAL,) beginning not later than 90 days after the date of the advance, sufficient to retire the debt, interest, and principal within (35 YEARS, THE INITIAL CONTRACT OF WHICH SHALL NOT PROVIDE FOR ANY SUBSEQUENT MONTHLY INSTALLMENT OF INTEREST AND PRINCIPAL OF AN AMOUNT LARGER THAN ANY PREVIOUS MONTHLY INSTALLMENT, EXCEPT THAT) *the initial contractual payment schedule, and any subsequent payment schedule established in accordance with the contract only if the loan or obligation qualifies pursuant to the provisions of section 47.20. A direct reduction loan shall not come due and payable under the original term of the loan other than by renegotiation where the final installment shall not be greater than twice any preceding regularly scheduled installment. Notwithstanding the foregoing,* provisions may be contained in (SUCH) the contract which specify that one or more consecutive monthly installments may be lapsed to the extent that monthly installments have been made ahead of schedule or, in the event of an emergency to the borrower affecting his ability to pay, to the extent of no more than six monthly installments but that nevertheless the full amount of principal and interest shall be paid within the scheduled term of the loan; provided that in the case of construction loans the first installment under (SAID) *the contract (SHALL BE) is payable not later than 18 months after the date of the first advance. Any such loan or obligation is an amortized loan.*

Sec. 3. Minnesota Statutes 1978, Section 51A.02, Subdivision 8, is amended to read:

Subd. 8. "Home property" means real estate on which there is located, or will be located pursuant to a real estate loan, either a structure designed for residential use by one family or a single condominium unit, *or unit in a residential cooperative, including (COMMON) all elements pertinent thereto, designed for residential use by one family in a multiple dwelling unit structure or complex, and (SHALL INCLUDE) includes fixtures, furnishings and equipment (INSTALLED AND INTENDED FOR USE AS PART OF THE STRUCTURE).*

Sec. 4. Minnesota Statutes 1978, Section 51A.02, Subdivision 17, is amended to read:

Subd. 17. "Primary lending area" means the (COUNTY IN WHICH THE PRINCIPAL PLACE OF BUSINESS IS LOCATED AND THESE COUNTIES IMMEDIATELY CONTIGUOUS THERETO AND ANY ADDITIONAL AREAS WITHIN 100 MILES FROM THE HOME OFFICE OF AN ASSOCIATION, PROVIDED THAT ANY ASSOCIATION NOW OR HEREAFTER INCORPORATED MAY ENLARGE ITS TERRITORY BY MAKING APPLICATION TO THE COMMISSIONER) *state of Minnesota.*

Sec. 5. Minnesota Statutes 1978, Section 51A.37, Subdivision 3, is amended to read:

Subd. 3. [REAL ESTATE LOANS.] Real estate loans in any amount not exceeding the value of the security, subject to the following conditions:

(a) No association shall make a real estate loan to one borrower if the sum of (1) the amount of (SUCH) *the* loan and (2) the total balances of all outstanding real estate loans owed to (SUCH) *the* association by (SUCH) *the* borrower exceeds an amount equal to ten percent of (SUCH) *the* association's savings liability or an amount equal to the sum of (SUCH) *the* association's reserves for losses and undivided profits, whichever amount is less, except that any such loan may be made if the sum of (1) and (2) does not exceed \$100,000.

(b) An association may (1) participate with one or more financial institutions, or entities having a tax exemption under section 501(a) of the internal revenue code, in any real estate loan of the type in which (SUCH) *the* association is authorized to invest on its own account, provided that the participating interest of (SUCH) *the* association is not subordinated or inferior to any other participating interest; and (2) participate in (SUCH) real estate loans with other than financial institutions or those entities described, provided that the participating interest of (SUCH) *the* association is superior to the participating interests of (SUCH) *the* other participants.

(c) The aggregate balances outstanding of real estate loans on real estate located outside the primary lending area of an association shall at no time exceed ten percent of the assets of the association, except that (1) loans insured or guaranteed in whole or in part by the United States, or a federal agency and (2) loans in which an association owns or has purchased no more than a 75 percent participation interest (SHALL) *are* not (BE) subject to this restriction; and

(d) Direct reduction real estate loans on home property and not in excess of 90 percent of the value of the security except as may be provided by the Federal Home Loan Bank Board for federally insured associations, and direct reduction real estate loans on primarily residential property not in excess of 80 per-

cent of the value of the security, including participating interests in (SUCH) *the* loans, shall average annually, based on monthly computations, at least 70 percent of assets, other than liquid assets, held by the association.

(e) Real estate loans on home property by mortgage or contract for deed, as provided in clauses (a) through (d) above with no limit on purchase or sale thereof; and may participate with other lenders in *the* making, purchasing, or selling (SUCH) *of the* loans, provided (1) the property securing same is within 100 miles of the (PRINCIPAL) *servicing* office of (SUCH) *the* other lender or lenders and (2) that (SUCH) *the* other lender or lenders participate to the extent of at least (25) *ten* percent in (SUCH) *the* loan and further provided not more than 25 percent of the assets of the association licensed hereunder shall be in (SUCH) *the* loan.

(f) An association may purchase, at any sheriff's judicial, or other sale, public or private, any real estate upon which it has a mortgage, judgment, or other lien, or in which it has any interest. It may acquire title to any real estate on which it holds any lien, in full or part satisfaction thereof, and may sell, convey, hold, lease, or mortgage the same. In transactions involving the purchase by a vendee of improved real estate for home purposes, or for the construction of a home, a savings and loan association organized under the laws of this state, or of the United States of America, may, when authorized by its bylaws, acquire the title thereof, and it may give to the vendee a contract to convey the same as upon a sale thereof. Provided, that no association shall hereafter invest more than 50 percent of its assets in such contracts to convey. Upon default in the conditions of the contract, the association may terminate the interest of the vendee, his representatives or assigns by serving the notice provided by section 559.21, upon (SUCH) *the* vendee, his representative or assigns."

Page 1, line 23, strike "shall be" and insert "is"

Page 2, lines 4, 15, 18 and 19, strike "such" and insert "the"

Page 2, lines 15 and 17, strike "said" and insert "the"

Page 2, line 19, strike "as he shall permit" and insert "*the commissioner permits*"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, after the semicolon insert "providing for investments in certain loans by savings banks and savings associations; defining terms;"

Page 1, line 6, after "Sections" insert "50.14, Subdivision 5; 51A.02, Subdivisions 4, 8, and 17; 51A.37, Subdivision 3;"

With the recommendation that when so amended the bill pass.

The report was adopted.

Sieben, H., from the Committee on Taxes to which was referred:

H. F. No. 2404, A bill for an act relating to taxation; removing limitations on the admissibility of sales ratio studies; providing that the commissioner may abate taxes without the favorable recommendation of certain county and city officers; providing that property tax court judges shall be learned in the law; providing that certain documents be made available to the petitioner and providing for their admittance as evidence; providing that tax court judgments will not include penalties; amending Minnesota Statutes 1978, Sections 270.07, Subdivision 1; 271.01, Subdivision 1; 278.01, Subdivision 1; 278.05; and 276.08; Minnesota Statutes, 1979 Supplement, Section 124.212, Subdivision 11.

Reported the same back with the following amendments:

Pages 2 to 4, delete section 2

Page 5, line 7, delete "same"

Page 5, line 7, after "city" delete the comma and insert "or"

Page 5, line 7, after "county" delete ", school district or any"

Page 5, line 8, delete the new language

Page 5, line 28, delete "within 60 days"

Page 5, delete lines 29 to 31 and insert "at any time following receipt of the valuation notice required by section 273.121 but prior to June 1 of the year in which the taxes are payable."

Page 7, after line 14 insert:

"Subd. 4. The sales ratio studies published by the department of revenue, or any part of the studies, or any copy of the studies or records accumulated to prepare the studies which is prepared by the commissioner of revenue for the equalization aid review committee for use in determining school aids shall be admissible in evidence as a public record without the laying of a foundation."

Renumber the remaining subdivision

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, delete "providing"

Page 1, delete lines 4 and 5

Page 1, line 6, delete "city officers;"

Page 1, line 12, delete "270.07, Subdivision 1;"

With the recommendation that when so amended the bill pass.

The report was adopted.

Brinkman from the Committee on Financial Institutions and Insurance to which was referred:

H. F. No. 2429, A bill for an act relating to usury; changing the penalty for usurious loans made by state banks and savings banks; amending Minnesota Statutes 1978, Sections 334.02; 334.03; and Chapter 48, by adding a section.

Reported the same back with the following amendments:

Page 1, line 14, after "state" insert "*or by a federally chartered savings and loan association, a savings association organized under chapter 51A, a federally chartered credit union, or a credit union organized under chapter 52*"

Page 1, line 20, delete "back"

Page 2, line 14, after "state" insert "*or by a federally chartered savings and loan association, a savings association organized under chapter 51A, a federally chartered credit union, or a credit union organized under chapter 52*"

Page 2, line 15, delete "or" and insert a comma

Page 2, line 15, before "is" insert "*, federal savings association, a state savings association, a federal or state credit union*"

Page 3, line 15, after "state" insert "*or by a federally chartered savings and loan association, a savings association organized under chapter 51A, a federally chartered credit union, or a credit union organized under chapter 52*"

Page 3, line 15, delete "or" and insert a comma

Page 3, line 16, before "is" insert "*, federal savings association, a state savings association, a federal or state credit union*"

With the recommendation that when so amended the bill pass.

The report was adopted.

Anderson, I., from the Committee on General Legislation and Veterans Affairs to which was referred:

H. F. No. 2441, A bill for an act relating to veterans; modifying the duties, authority and scope of operations of the department of veterans affairs; authorizing the commissioner of veterans affairs to accept uncompensated voluntary services; entitling uncompensated voluntary workers to the benefits of workers' compensation; providing for the appointment of the commissioner of veterans affairs as the guardian of an estate; revising the veterans home eligibility requirements; amending Minnesota Statutes 1978, Sections 196.05; 196.051; 197.06; 198.01; and Minnesota Statutes, 1979 Supplement, Section 176.011, Subdivision 9.

Reported the same back with the following amendments:

Page 9, line 31, after the period reinstate the stricken language

Page 9, line 32, reinstate all the stricken language

Page 9, line 33, reinstate all the stricken language

Page 10, line 1, reinstate all the stricken language

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Brinkman from the Committee on Financial Institutions and Insurance to which was referred:

S. F. No. 978, A bill for an act relating to banks and trust companies; allowing substitution of certain banks and trust companies in fiduciary capacities maintained by certain banks and trust companies.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Munger from the Committee on Environment and Natural Resources to which was referred:

S. F. No. 1144, A bill for an act relating to public drainage systems; increasing repair authority; providing for abandonment of systems; increasing repair funds; amending Minnesota Statutes 1978, Sections 106.011, by adding a subdivision; 106.471, Subdivisions 2 and 6; 106.651; and Chapter 106, by adding a section.

Reported the same back with the following amendments:

Page 3, after line 1, insert a new section to read:

"Sec. 3. Minnesota Statutes 1978, Section 106.471, Subdivision 5, is amended to read:

Subd. 5. [ASSESSMENT; BONDS.] (a) If there are not sufficient funds to the credit of the drainage system so to be repaired, the county board shall apportion and assess the costs of the repairs pro rata upon all lands, corporations, and municipalities which have participated in the total benefits theretofore determined. Such assessments may be made payable in annual instalments to be specified in the order for assessment. If the assessments do not exceed 50 percent of the original cost of the ditch, such instalments shall not exceed ten. But, if such assessments exceed 50 percent of the original cost of the ditch, the county board may order such assessments to be paid in instalments not to exceed 15. If such order shall provide for payment in instalments, interest from the date of the order for assessments shall be fixed by the county board in the order, at a rate not to exceed (SIX) *seven* percent per annum, on the unpaid assessments, and shall be collected with each instalment.

(b) If the assessment be not payable in instalments, no lien need be filed, and the assessment, plus interest from the date of the order to August 15 of the succeeding calendar year, shall be entered on the tax lists for the year and be due and payable with and as a part of the real estate taxes for such year. When any such assessment is levied and made payable in instalments, the county auditor shall file for record in the office of the county recorder an additional tabular statement in substance as provided in section 106.341, and all the provisions of sections 106.351, 106.371, and 106.381 relating to collection and payment shall apply thereto. Upon the filing of the tabular statement, the instalment and interest shall be due and payable and shall be entered on the tax lists and collected the same as the original lien.

(c) Whenever a contract for ditch repair has been entered into under this chapter, or such repair has been ordered to be constructed by hired labor and equipment, and when the county board has ordered the assessments to be paid in instalments, the county board may issue and sell bonds, as provided by section 106.411.

(d) In the case of the repair of a state drainage system established wherein no assessment of benefits to lands was made when such system was established, the board or court shall observe the requirements of this chapter, and appoint viewers to determine the benefits resulting from such repair and otherwise observe all requirements of this chapter in the procedure for the collection of such assessments as shall thereafter be made."

Renumber the sections accordingly

Page 5, line 14, delete the first "any" and insert "a substantial"

Page 5, line 15, delete "any" and insert "a substantial"

Page 5, line 19, delete "any" and insert "a substantial"

Amend the title as follows:

Page 1, line 6, after "2" insert ", 5"

With the recommendation that when so amended the bill pass.

The report was adopted.

Brinkman from the Committee on Financial Institutions and Insurance to which was referred:

S. F. No. 1358, A bill for an act relating to insurance; clarifying provisions regarding acquisition of control of domestic insurers; changing the time period after which a hearing must be held under the insurance holding company systems act; changing the time period under which discovery must be completed for these hearings; eliminating an exemption from the insurance holding company systems act; amending Minnesota Statutes 1978, Section 60D.02, Subdivisions 4 and 6.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Rice from the Committee on Labor-Management Relations to which was referred:

S. F. No. 1403, A bill for an act relating to workers' compensation; providing that certain farmers shall not be considered employees; amending Minnesota Statutes 1978, Section 176.011, Subdivision 11a, and by adding a subdivision.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Prahl from the Committee on Commerce, Economic Development and Housing to which was referred:

S. F. No. 1662, A bill for an act relating to intoxicating liquor; authorizing holders of off-sale licenses to dispense samples of wine; amending Minnesota Statutes 1978, Section 340.11, Subdivision 15.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Rice from the Committee on Labor-Management Relations to which was referred:

S. F. No. 1716, A bill for an act relating to workers' compensation; providing an annual date for adjusting supplementary benefit levels; amending Minnesota Statutes 1978, Section 176.132, by adding a subdivision.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Brinkman from the Committee on Financial Institutions and Insurance to which was referred:

S. F. No. 1741, A bill for an act relating to motor vehicles; exempting certain retail installment contracts from the Motor Vehicle Installment Sales Act; amending Minnesota Statutes 1978, Section 168.66, Subdivision 4.

Reported the same back with the following amendments:

Page 2, line 8, after "*profit.*" insert "*The authorization to charge any interest rate other than that authorized by section 168.72 for motor vehicles purchased primarily for use in business of for any purpose other than personal, family or household use shall expire on June 30, 1982.*"

With the recommendation that when so amended the bill pass.

The report was adopted.

Prahl from the Committee on Commerce, Economic Development and Housing to which was referred:

S. F. No. 1796, A bill for an act relating to economic development; regulating development loans to Indians; amending Minnesota Statutes 1978, Section 362.40, Subdivisions 2 and 8; Minnesota Statutes, 1979 Supplement, Section 362.40, Subdivision 9; repealing Minnesota Statutes 1978, Section 362.40, Subdivision 3.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Brinkman from the Committee on Financial Institutions and Insurance to which was referred:

S. F. No. 1802, A bill for an act relating to foreign corporations; removing certain deficiencies and ambiguities; defining certain activities that do not constitute transacting business in the state; and removing limitations on engaging in the business of making real estate loans; amending Minnesota Statutes 1978, Sections 303.02, Subdivision 3; 303.03; 303.04; and 303.25.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Rice from the Committee on Labor-Management Relations to which was referred:

S. F. No. 1892, A bill for an act relating to workers' compensation; allowing flexibility in election of insurance coverage for certain businesses, partnerships and corporations; amending Minnesota Statutes, 1979 Supplement, Section 176.012.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Brinkman from the Committee on Financial Institutions and Insurance to which was referred:

S. F. No. 2077, A bill for an act relating to interest; regulating rates of interest on loans for business and agricultural transactions; removing certain deficiencies and ambiguities; amending Minnesota Statutes, 1979 Supplement, Section 334.011, Subdivision 1.

Reported the same back with the following amendments:

Page 2, after line 16, insert:

"Sec. 2. Minnesota Statutes 1978, Section 334.061, is amended to read:

334.061 [AGRICULTURAL CREDIT CORPORATIONS; INTEREST RATE LIMITATIONS.] A state chartered agricultural credit corporation operating under 12 USC 1401, 1402, 1403, and 1404 may make a charge on its loans at a rate of not *more than four and one-half percent* in excess of (\$10 ON \$100 FOR ONE YEAR) *the discount rate on 90 day commercial paper in effect at the federal reserve bank in the federal reserve district encompassing Minnesota.*"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, after "transactions" insert "and loans made by agricultural credit corporations"

Page 1, line 5, before the comma insert "1978, Section 334.061; and Minnesota Statutes"

With the recommendation that when so amended the bill pass.

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. No. 1130 was read for the second time.

Brinkman moved that S. F. No. 1132 be recalled from the Committee on Financial Institutions and Insurance and together with H. F. No. 1130, now on Technical General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

H. F. Nos. 1262 and 1660 were read for the second time.

Nelsen, B., moved that S. F. No. 1963 be recalled from the Committee on Taxes and together with H. F. No. 1660, now on the Technical Consent Calendar, be referred to the Chief Clerk for comparison. The motion prevailed.

H. F. Nos. 1810, 1818, 1838, 1878, 1945, 1970 and 2003 were read for the second time.

Eken moved that S. F. No. 1675 be recalled from the Committee on Taxes and together with H. F. No. 2003, now on Technical General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

H. F. No. 2096 was read for the second time.

Murphy moved that S. F. No. 1815 be recalled from the Committee on Commerce, Economic Development and Housing and together with H. F. No. 2096, now on the Technical Consent Calendar, be referred to the Chief Clerk for comparison. The motion prevailed.

H. F. Nos. 2206, 2268, 2286, 2320, 2356, 2404, 2429 and 2441 were read for the second time.

Anderson, I., moved that S. F. No. 1633 be recalled from the Committee on General Legislation and Veterans Affairs and together with H. F. No. 2441, now on the Technical Consent Calendar, be referred to the Chief Clerk for comparison. The motion prevailed.

SECOND READING OF SENATE BILLS

S. F. Nos. 1674, 978, 1144, 1358, 1403, 1662, 1716, 1741, 1796, 1802, 1892 and 2077 were read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Johnson, C.; Novak; Searles; Eken and Kvam introduced:

H. F. No. 2455, A bill for an act relating to taxation; providing for the assessment of electric transmission and distribution lines; defining "parcel" for purposes of the transmission line property tax credit; amending Minnesota Statutes 1978, Sections 273.36; 273.38; Minnesota Statutes, 1979 Supplement, Section 273.42, Subdivision 2; and Laws 1979, Chapter 303, Article II, Section 39; repealing Minnesota Statutes 1978, Section 273.37; and Minnesota Statutes, 1979 Supplement, Section 273.42, Subdivision 1.

The bill was read for the first time and referred to the Committee on Taxes.

Kostohryz introduced:

H. F. No. 2456, A bill for an act relating to education; authorizing an aid and a levy for the purpose of reducing class sizes in certain grades; amending Minnesota Statutes 1978, Section 275.125, by adding a subdivision; and Minnesota Statutes, 1979 Supplement, Section 124.212, Subdivision 7d.

The bill was read for the first time and referred to the Committee on Education.

Schreiber, Dempsey, Crandall, Kvam and Valento introduced:

H. F. No. 2457, A bill for an act relating to taxation; increasing the homestead base value; changing percentages for certain property tax classifications; providing an additional property tax refund for certain homeowners; appropriating money; amending Minnesota Statutes 1978, Section 290A.04, by adding a subdivision; Minnesota Statutes, 1979 Supplement, Sections 273.122 and 273.13, Subdivisions 4, 6, 7, and 19.

The bill was read for the first time and referred to the Committee on Taxes.

Wenzel; Anderson, I.; Jude; Anderson, R., and Evans introduced:

H. F. No. 2458, A resolution memorializing the President and Congress of the United States to block a plan of the Department of Energy to adopt rules prohibiting the weekend use of motorboats during the present energy crisis.

The bill was read for the first time and referred to the Committee on Rules and Legislative Administration.

Byrne introduced:

H. F. No. 2459, A bill for an act relating to the city of Saint Paul; permitting employment of certain persons pursuant to a training program.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

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 File, herewith transmitted:

S. F. No. 1957.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 1957, A bill for an act relating to transportation; exempting certain substituted aircraft from payment of the aircraft registration tax; limiting refunds under certain cir-

cumstances; clarifying the penalty assessed for late payment of registration tax; amending Minnesota Statutes 1978, Sections 360.55, by adding a subdivision; and 360.61.

The bill was read for the first time.

Mehrkens moved that S. F. No. 1957 and H. F. No. 1970, now on Technical General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

CONSENT CALENDAR

S. F. No. 1187, A bill for an act relating to insurance; providing for continuation of waiver of premium benefits for the disabled, regardless of continuation of the master policy; amending Minnesota Statutes 1978, Section 61A.091.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 123 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Den Ouden	Jude	Nelsen, B.	Sherwood
Adams	Drew	Kaley	Nelsen, M.	Sieben, H.
Ainley	Eken	Kalis	Niehaus	Sieben, M.
Albrecht	Elioff	Kelly	Norman	Simoneau
Anderson, B.	Erickson	Kempe	Novak	Stoa
Anderson, D.	Esau	Knickerbocker	Nysether	Stowell
Anderson, G.	Evans	Kostohryz	Olsen	Sviggum
Anderson, R.	Faricy	Kroening	Onnen	Swanson
Battaglia	Fjoslien	Kvam	Otis	Thiede
Begich	Forsythe	Laidig	Peterson, B.	Tomlinson
Berglin	Friedrich	Lehto	Peterson, D.	Valan
Berkelman	Fritz	Levi	Piepho	Valento
Biersdorf	Fudro	Long	Prahl	Vanasek
Blatz	Greenfield	Ludeman	Redalen	Voss
Brinkman	Halberg	Luknic	Reding	Waldorf
Byrne	Haukooa	Mann	Rees	Weaver
Carlson, D.	Heap	McCarron	Reif	Welch
Carlson, L.	Heinitz	McDonald	Rice	Welker
Cassery	Hoberg	McEachern	Rodriguez	Wenzel
Clark	Hokanson	Mehrkens	Rose	Wieser
Clawson	Jacobs	Metzen	Rothenberg	Wynia
Corbid	Jaros	Minne	Sarna	Zubay
Crandall	Jennings	Moe	Schreiber	Spkr. Norton
Dean	Johnson, C.	Munger	Searle	
Dempsey	Johnson, D.	Murphy	Searles	

The bill was passed and its title agreed to.

S. F. No. 1188, A bill for an act relating to insurance; providing that an employer group disability income policy provide coverage for pre-termination claims.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Drew	Kaley	Niehaus	Sieben, H.
Adams	Eken	Kalis	Norman	Sieben, M.
Ainley	Elioff	Kelly	Novak	Simoneau
Albrecht	Erickson	Kempe	Nysether	Stoa
Anderson, B.	Esau	Knickerbocker	Olsen	Stowell
Anderson, D.	Evans	Kostohryz	Onnen	Sviggum
Anderson, G.	Ewald	Kroening	Otis	Swanson
Anderson, R.	Faricy	Kvam	Patton	Thiede
Battaglia	Fjoslien	Laidig	Pehler	Tomlinson
Begich	Forsythe	Lehto	Peterson, B.	Valan
Berglin	Friedrich	Levi	Peterson, D.	Valento
Berkelman	Fritz	Long	Piepho	Vanasek
Biersdorf	Fudro	Ludeman	Prahl	Voss
Blatz	Greenfield	Luknic	Redalen	Waldorf
Brinkman	Halberg	Mann	Reding	Weaver
Byrne	Haukoos	McCarron	Rees	Welch
Carlson, D.	Heap	McDonald	Reif	Welker
Carlson, L.	Heinitz	McEachern	Rice	Wenzel
Casserly	Hoberg	Mehrkens	Rodriguez	Wieser
Clark	Hokanson	Metzen	Rose	Wigley
Clawson	Jacobs	Minne	Rothenberg	Wynia
Corbid	Jaros	Moe	Sarna	Zubay
Crandall	Jennings	Munger	Schreiber	Spkr. Norton
Dean	Johnson, C.	Murphy	Searle	
Dempsey	Johnson, D.	Nelsen, B.	Searles	
Den Ouden	Jude	Nelsen, M.	Sherwood	

The bill was passed and its title agreed to.

S. F. No. 2040 was reported to the House.

Eken moved to amend S. F. No. 2040 as follows:

Page 1, after line 14, insert a section to read:

"Sec. 2. The city of Fertile, in Polk County, may sell and issue its general obligation bonds in the principal amount of \$350,000 for a community center, as authorized by the electors of the city at the election held on March 6, 1980, notwithstanding the limitation upon net debt of a municipality contained in Minnesota Statutes 1978, Section 475.53, Subdivision 1, or any other law to the contrary."

Renumber remaining section accordingly.

Further, amend the title as follows:

Page 1, line 2, delete "the city of Campbell" and insert "local government"

The motion prevailed and the amendment was adopted.

S. F. No. 2040, A bill for an act relating to local government; authorizing issuance of general obligation bonds to finance construction of a community hall.

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 129 yeas and 2 nays as follows:

Those who voted in the affirmative were:

Aasness	Ellingson	Kalis	Niehaus	Sherwood
Adams	Erickson	Kelly	Norman	Sieben, H.
Ainley	Esau	Kempe	Novak	Sieben, M.
Albrecht	Evans	Knickerbocker	Nysether	Simoneau
Anderson, B.	Ewald	Kostohryz	Olsen	Stadum
Anderson, D.	Faricy	Kroening	Onnen	Stoa
Anderson, G.	Fjoslien	Kvam	Osthoff	Stowell
Battaglia	Forsythe	Laidig	Otis	Swiggum
Begich	Friedrich	Lehto	Patton	Swanson
Berglin	Fritz	Levi	Pehler	Thiede
Berkelman	Fudro	Long	Peterson, B.	Tomlinson
Biersdorf	Greenfield	Ludeman	Peterson, D.	Valan
Blatz	Halberg	Luknic	Piepho	Valento
Brinkman	Haukoos	Mann	Prahl	Vanasek
Byrne	Heap	McCarron	Redalen	Voss
Carlson, D.	Heinitz	McDonald	Reding	Waldorf
Carlson, L.	Hoberg	McEachern	Rees	Weaver
Cassery	Hokanson	Mehrkens	Reif	Welch
Clark	Jacobs	Metzen	Rice	Welker
Clawson	Jaros	Minne	Rodriguez	Wenzel
Crandall	Jennings	Moe	Rose	Wieser
Dean	Johnson, C.	Munger	Rothenberg	Wigley
Dempsey	Johnson, D.	Murphy	Sarna	Wynia
Drew	Jude	Nelsen, B.	Schreiber	Zubay
Eken	Kahn	Nelsen, M.	Searle	Spkr. Norton
Elioff	Kaley	Nelson	Searles	

Those who voted in the negative were:

Corbid Den Ouden

The bill was passed, as amended, and its title agreed to.

S. F. No. 1311, A bill for an act relating to metropolitan government; removing the city of Northfield from definition of metropolitan areas; adding the city of Northfield to region ten; amending Minnesota Statutes 1978, Sections 473.121, Subdivision 2; 473.123, Subdivision 3; 473.403; 473F.02, Subdivisions 2 and 8.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 123 yeas and 8 nays as follows:

Those who voted in the affirmative were:

Aasness	Eken	Kahn	Nelson	Searles
Adams	Elioff	Kaley	Niehaus	Sherwood
Ainley	Ellingson	Kalis	Norman	Sieben, M.
Albrecht	Erickson	Kelly	Novak	Simoneau
Anderson, B.	Esau	Kempe	Nysether	Stadum
Anderson, D.	Evans	Knickerbocker	Olsen	Stoa
Anderson, G.	Ewald	Kostohryz	Onnen	Stowell
Battaglia	Fjoslien	Laidig	Osthoff	Sviggunn
Begich	Forsythe	Lehto	Otis	Thiede
Berglin	Friedrich	Levi	Patton	Tomlinson
Berkelman	Fritz	Long	Pehler	Valan
Biersdorf	Fudro	Ludeman	Peterson, D.	Valento
Blatz	Greenfield	Luknic	Piepho	Vanasek
Brinkman	Halberg	Mann	Prahl	Voss
Byrne	Haukoos	McCarron	Redalen	Waldorf
Carlson, D.	Heap	McDonald	Reding	Welch
Carlson, L.	Heinitz	McEachern	Rees	Welker
Casserly	Hoberg	Mehrrens	Reif	Wenzel
Clark	Hokanson	Metzen	Rice	Wieser
Clawson	Jacobs	Minne	Rodriguez	Wigley
Corbid	Jaros	Moe	Rose	Wynia
Crandall	Jennings	Munger	Rothenberg	Zubay
Dempsey	Johnson, C.	Murphy	Sarna	Spkr. Norton
Den Ouden	Johnson, D.	Nelsen, B.	Schreiber	
Drew	Jude	Nelsen, M.	Searle	

Those who voted in the negative were:

Dean	Kroening	Peterson, B.	Swanson	Weaver
Faricy	Kvam	Sieben, H.		

The bill was passed and its title agreed to.

H. F. No. 2197 was reported to the House.

Carlson, D., moved that H. F. No. 2197 be continued on the Consent Calendar for one day. The motion prevailed.

CONSIDERATION UNDER RULE 1.10

Pursuant to rule 1.10, Voss requested immediate consideration of H. F. Nos. 2019 and 1963.

H. F. No. 2019, A bill for an act relating to education; the maximum effort school aid law; changing the definition of "maximum effort debt service levy"; authorizing the sale of bonds for the maximum effort school loan fund; appropriating money; amending Minnesota Statutes 1978, Sections 124.38, Subdivision 7; 124.43, Subdivisions 1 and 2.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 132 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Eken	Kaley	Niehaus	Sieben, H.
Adams	Elioff	Kalis	Norman	Sieben, M.
Ainley	Ellingson	Kelly	Novak	Simoneau
Albrecht	Erickson	Kempe	Nysether	Stadum
Anderson, B.	Esau	Knickerbocker	Olsen	Stoa
Anderson, D.	Evans	Kostohryz	Osthoff	Stowell
Anderson, G.	Ewald	Kroening	Otis	Sviggum
Anderson, R.	Faricy	Kvam	Patton	Swanson
Battaglia	Fjoslien	Laidig	Pehler	Thiede
Begich	Forsythe	Lehto	Peterson, B.	Tomlinson
Berglin	Friedrich	Levi	Peterson, D.	Valan
Berkelman	Fritz	Long	Piepho	Valento
Biersdorf	Fudro	Ludeman	Pleasant	Vanasek
Blatz	Greenfield	Luknic	Prahl	Voss
Brinkman	Halberg	Mann	Redalen	Waldorf
Byrne	Haukoos	McCarron	Reding	Weaver
Carlson, D.	Heap	McDonald	Rees	Welch
Carlson, L.	Heinitz	McEachern	Reif	Welker
Casserly	Hoberg	Mehrkens	Rice	Wenzel
Clark	Hokanson	Metzen	Rodriguez	Wieser
Clawson	Jacobs	Minne	Rose	Wigley
Corbid	Jaros	Moe	Rothenberg	Wynia
Crandall	Jennings	Munger	Sarna	Zubay
Dean	Johnson, C.	Murphy	Schreiber	Spkr. Norton
Dempsey	Johnson, D.	Nelsen, B.	Searle	
Den Ouden	Jude	Nelsen, M.	Searles	
Drew	Kahn	Nelson	Sherwood	

The bill was passed and its title agreed to.

H. F. No. 1963, A bill for an act relating to claims against the state; appropriating money for the payment thereof.

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 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Brinkman	Elioff	Haukoos	Kelly
Adams	Byrne	Ellingson	Heap	Kempe
Ainley	Carlson, D.	Erickson	Heinitz	Knickerbocker
Albrecht	Carlson, L.	Esau	Hoberg	Kostohryz
Anderson, B.	Casserly	Evans	Hokanson	Kroening
Anderson, D.	Clark	Ewald	Jacobs	Kvam
Anderson, G.	Clawson	Faricy	Jaros	Laidig
Anderson, R.	Corbid	Fjoslien	Jennings	Lehto
Battaglia	Crandall	Forsythe	Johnson, C.	Levi
Begich	Dean	Friedrich	Johnson, D.	Long
Berglin	Dempsey	Fritz	Jude	Ludeman
Berkelman	Den Ouden	Fudro	Kahn	Luknic
Biersdorf	Drew	Greenfield	Kaley	Mann
Blatz	Eken	Halberg	Kalis	McCarron

McDonald	Novak	Redalen	Simoneau	Weaver
McEachern	Nysether	Reding	Stadum	Welch
Mehrkens	Olsen	Rees	Stoa	Welker
Metzen	Onnen	Reif	Stowell	Wenzel
Minne	Osthoff	Rice	Sviggum	Wieser
Moe	Otis	Rodriguez	Swanson	Wigley
Munger	Patton	Rose	Thiede	Wynia
Murphy	Pehler	Rothenberg	Tomlinson	Zubay
Nelsen, B.	Peterson, B.	Sarna	Valan	Spkr. Norton
Nelsen, M.	Peterson, D.	Schreiber	Valento	
Nelson	Piepho	Sherwood	Vanasek	
Niehaus	Pleasant	Sieben, H.	Voss	
Norman	Prahl	Sieben, M.	Waldorf	

The bill was passed and its title agreed to.

SPECIAL ORDERS

H. F. No. 1700 was reported to the House.

Brinkman moved that H. F. No. 1700 be returned to its author. The motion prevailed.

H. F. No. 1812 was reported to the House.

Anderson, B., moved that H. F. No. 1812 be continued on Special Orders for one day. The motion prevailed.

H. F. No. 1884, A bill for an act relating to education; modifying rule making procedures and the tuition exemption authority of the state university board; allowing a change in the placement service registration fee at state universities; modifying a visitation and reporting duty of the state university board; eliminating a reporting duty of state university presidents; eliminating a provision governing state university rules which conflict with the provisions of certain collective bargaining contracts; amending Minnesota Statutes 1978, Sections 136.11, Subdivisions 1 and 8; and 136.14; repealing Minnesota Statutes 1978, Sections 136.148 and 136.15.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 125 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Begich	Carlson, L.	Den Ouden	Ewald
Adams	Berglin	Casserly	Drew	Farcy
Albrecht	Berkelman	Clark	Eken	Fjoslien
Anderson, B.	Biersdorf	Clawson	Eloff	Friedrich
Anderson, D.	Blatz	Corbid	Ellingson	Fritz
Anderson, G.	Brinkman	Crandall	Erickson	Fudro
Anderson, R.	Byrne	Dean	Esau	Greenfield
Battaglia	Carlson, D.	Dempsey	Evans	Halberg

Haukoos	Kroening	Nelsen, M.	Reding	Swanson
Heap	Kvam	Nelson	Rees	Thiede
Heinitz	Lehto	Niehaus	Reif	Tomlinson
Hoberg	Levi	Norman	Rice	Valan
Hokanson	Long	Novak	Rodriguez	Valento
Jacobs	Ludeman	Nysether	Rose	Vanasek
Jaros	Luknic	Olsen	Rothenberg	Voss
Jennings	Mann	Onnen	Sarna	Waldorf
Johnson, C.	McCarron	Osthoff	Schreiber	Weaver
Johnson, D.	McEachern	Otis	Sherwood	Welch
Jude	Mehrkens	Pehler	Sieben, H.	Welker
Kahn	Metzen	Peterson, B.	Sieben, M.	Wenzel
Kaley	Minne	Peterson, D.	Simoneau	Wieser
Kalis	Moe	Piepho	Stadum	Wigley
Kelly	Munger	Pleasant	Stoa	Wynia
Kempe	Murphy	Prahl	Stowell	Zubay
Knickerbocker	Nelsen, B.	Redalen	Svigum	Spkr. Norton

The bill was passed and its title agreed to.

H. F. No. 1896, A bill for an act relating to juveniles; establishing criteria for reference of certain juveniles for prosecution; requiring written findings and conclusions after reference hearings; providing monitoring by the crime control planning board; amending Minnesota Statutes 1978, Section 260.125, 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 124 yeas and 2 nays as follows:

Those who voted in the affirmative were:

Aasness	Elioff	Kalis	Norman	Sieben, H.
Adams	Ellingson	Kelly	Novak	Sieben, M.
Ainley	Erickson	Kempe	Nysether	Simoneau
Albrecht	Esau	Knickerbocker	Olsen	Stadum
Anderson, B.	Evans	Kostohryz	Onnen	Stoa
Anderson, D.	Ewald	Kroening	Osthoff	Stowell
Anderson, G.	Faricy	Kvam	Otis	Svigum
Anderson, R.	Fjoslien	Laidig	Patton	Swanson
Battaglia	Forsythe	Lehto	Pehler	Thiede
Begich	Friedrich	Levi	Peterson, B.	Tomlinson
Berglin	Fritz	Long	Piepho	Valan
Biersdorf	Fudro	Luknic	Pleasant	Valento
Blatz	Greenfield	Mann	Prahl	Vanasek
Brinkman	Haukoos	McCarron	Redalen	Voss
Byrne	Heap	McDonald	Reding	Waldorf
Carlson, D.	Heinitz	McEachern	Rees	Weaver
Carlson, L.	Hoberg	Mehrkens	Reif	Welch
Clark	Hokanson	Metzen	Rice	Welker
Clawson	Jacobs	Minne	Rodriguez	Wenzel
Crandall	Jaros	Munger	Rothenberg	Wieser
Dean	Jennings	Murphy	Sarna	Wigley
Dempsey	Johnson, C.	Nelsen, B.	Schreiber	Wynia
Den Ouden	Johnson, D.	Nelsen, M.	Searle	Zubay
Drew	Jude	Nelson	Searles	Spkr. Norton
Eken	Kaley	Niehaus	Sherwood	

Those who voted in the negative were:

Kahn Moe

The bill was passed and its title agreed to.

H. F. No. 1899, A bill for an act relating to the office of secretary of state; adjusting certain fees collected by that office; making them more uniform; amending Minnesota Statutes 1978, Sections 47.16; 53.01; 221.67; 303.13, Subdivision 1; 308.060, Subdivision 4; 317.04, Subdivision 3; 317.67; 540.152; and 543.08.

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 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Elioff	Kaley	Nelson	Searles
Adams	Ellingson	Kalis	Niehaus	Sherwood
Ainley	Erickson	Kelly	Norman	Sieben, H.
Albrecht	Esau	Kempe	Novak	Sieben, M.
Anderson, B.	Evans	Knickerbocker	Nysether	Simoneau
Anderson, D.	Ewald	Kostohryz	Olsen	Stadum
Anderson, G.	Farcy	Kroening	Onnen	Stoa
Anderson, R.	Fjoslien	Kvam	Osthoff	Stowell
Battaglia	Forsythe	Laidig	Otis	Sviggum
Begich	Friedrich	Lehto	Patton	Swanson
Berglin	Fritz	Levi	Pehler	Thiede
Biersdorf	Fudro	Long	Peterson, B.	Tomlinson
Blatz	Greenfield	Ludeman	Peterson, D.	Valan
Brinkman	Halberg	Luknic	Piepho	Valento
Byrne	Haukoos	Mann	Pleasant	Vanasek
Carlson, D.	Heap	McCarron	Prahl	Voss
Carlson, L.	Heinitz	McDonald	Redalen	Waldorf
Casserly	Hoberg	McEachern	Reding	Welch
Clark	Hokanson	Mehrkens	Rees	Welker
Clawson	Jacobs	Metzen	Reif	Wenzel
Crandall	Jaros	Minne	Rice	Wieser
Dean	Jennings	Moe	Rodriguez	Wigley
Dempsey	Johnson, C.	Munger	Rothenberg	Wynia
Den Ouden	Johnson, D.	Murphy	Sarna	Zubay
Drew	Jude	Nelsen, B.	Schreiber	Spkr. Norton
Eken	Kahn	Nelsen, M.	Searle	

The bill was passed and its title agreed to.

H. F. No. 1916 was reported to the House.

Eken moved to amend H. F. No. 1916 as follows:

Page 2, delete lines 31 and 32

Amend the title as follows:

Page 1, line 7, delete “; repealing Minnesota Statutes 1978,”

Page 1, line 8, delete “Section 168.012, Subdivision 7”

The motion prevailed and the amendment was adopted.

H. F. No. 1916, A bill for an act relating to motor vehicles; providing for the registration and taxation of certain vehicles for a period of less than 12 months under certain circumstances; amending Minnesota Statutes 1978, Sections 168.013, Subdivision 6; and 168.017, Subdivision 3.

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 132 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Eloff	Kalis	Norman	Sieben, H.
Adams	Ellingson	Kelly	Novak	Sieben, M.
Ainley	Erickson	Kempe	Nysether	Simoneau
Albrecht	Esau	Knickerbocker	Olsen	Stadum
Anderson, B.	Evans	Kostohryz	Onnen	Stoa
Anderson, D.	Ewald	Kroening	Osthoff	Stowell
Anderson, G.	Farcy	Kvam	Otis	Sviggum
Anderson, R.	Fjoslien	Laidig	Patton	Swanson
Battaglia	Forsythe	Lehto	Pehler	Thiede
Begich	Friedrich	Levi	Peterson, B.	Tomlinson
Berglin	Fritz	Long	Peterson, D.	Valan
Berkelman	Fudro	Ludeman	Piepho	Valento
Biersdorf	Greenfield	Luknic	Pleasant	Vanasek
Blatz	Halberg	Mann	Prahl	Voss
Brinkman	Haukoos	McCarron	Redalen	Waldorf
Byrne	Heap	McDonald	Reding	Weaver
Carlson, D.	Heinitz	McEachern	Rees	Welch
Carlson, L.	Hoberg	Mehrrens	Reif	Welker
Casserly	Hokanson	Metzen	Rice	Wenzel
Clark	Jacobs	Minne	Rodriguez	Wieser
Clawson	Jaros	Moe	Rose	Wigley
Crandall	Jennings	Munger	Rothenberg	Wynia
Dean	Johnson, C.	Murphy	Sarna	Zubay
Dempsey	Johnson, D.	Nelsen, B.	Schreiber	Spkr. Norton
Den Ouden	Jude	Nelsen, M.	Searle	
Drew	Kahn	Nelson	Searles	
Eken	Kaley	Niehaus	Sherwood	

The bill was passed, as amended, and its title agreed to.

H. F. No. 753 was reported to the House.

Rice moved to amend H. F. No. 753, as follows:

Page 1, after line 17, insert:

“Sec. 2. Minnesota Statutes 1978, Section 47.54, Subdivision 2, is amended to read:

Subd. 2. If no objection is received by the commissioner within 30 days after the publication and mailing of the notices, the commissioner shall issue his order approving the application without a hearing if he finds that (a) the applicant bank meets current industry standards of capital adequacy, management quality, and asset condition, (b) the establishment of the proposed detached facility will improve the quality or increase the availability of banking services in the community to be served, (AND) (c) the establishment of the proposed detached facility will not have an undue adverse effect upon the solvency of existing financial institutions in the community to be served, and (d) *the applicant bank holds less than ten percent of the total bank deposits, both time and demand, held in all banks located in this state, as determined by the commissioner on the basis of the most recent reports available at the time of the application of the state and national banks in the state to their supervisory authorities. If the applicant bank is a subsidiary of a bank holding company, its percentage of deposits held shall include the combined percentage held by all banking subsidiaries of that bank holding company located in the state. For purposes of this section, "bank holding company" and "subsidiary" shall have the meaning provided in the Bank Holding Company Act, Title 12, U.S.C. Section 1841. Otherwise, the commissioner shall deny the application.*

Page 1, line 18, delete "*This act is*" and insert "*Sections 1 and 2 are*"

Renumber the remaining section

Amend the title as follows:

Page 1, line 2, delete "banks and banking" and insert "financial institutions"

Page 1, line 4, before the semicolon insert "; providing for approval by the commissioner if certain criteria are met by the applicant"

Page 1, line 5, delete "Section" and insert "Sections" and before the period, insert "and 47.54, Subdivision 2"

A roll call was requested and properly seconded.

CALL OF THE HOUSE

On the motion of Rice and on the demand of 10 members, a call of the House was ordered. The following members answered to their names:

Aasness
Adams

Ainley
Albrecht

Anderson, D.
Anderson, G.

Anderson, R.
Battaglia

Begich
Berglin

Berkelman	Friedrich	Lehto	Osthoff	Sieben, M.
Biersdorf	Fritz	Levi	Otis	Simoneau
Brinkman	Fudro	Long	Patton	Stadum
Byrne	Greenfield	Ludeman	Pehler	Stoa
Carlson, D.	Halberg	Luknic	Peterson, B.	Sviggum
Carlson, L.	Haukoos	Mann	Peterson, D.	Swanson
Casserly	Heap	McCarron	Piepho	Thiede
Clark	Heinitz	McDonald	Pleasant	Tomlinson
Clawson	Hoberg	McEachern	Prahl	Valan
Corbid	Hokanson	Mehrkens	Redalen	Valento
Crandall	Jacobs	Metzen	Reding	Vanasek
Dean	Jennings	Minne	Rees	Voss
Den Ouden	Johnson, C.	Moe	Reif	Waldorf
Drew	Johnson, D.	Munger	Rice	Weaver
Eken	Jude	Murphy	Rodriguez	Welch
Elioff	Kahn	Nelsen, B.	Rose	Welker
Ellingson	Kaley	Nelsen, M.	Rothenberg	Wenzel
Erickson	Kalis	Niehaus	Sarna	Wieser
Esau	Kelly	Norman	Schreiber	Wigley
Evans	Kempe	Novak	Searle	Wynia
Ewald	Knickerbocker	Nysether	Searles	Spr. Norton
Fjoslien	Kostohryz	Olsen	Sherwood	
Forsythe	Laidig	Onnen	Sieben, H.	

Rice 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.

POINT OF ORDER

Voss raised a point of order pursuant to rule 3.9 that the Rice amendment was not in order. The Speaker ruled the point of order not well taken and the amendment in order.

Aasness, Valento, Wigley and Zubay were excused from voting pursuant to rule 2.5

The question recurred on the Rice amendment and the roll was called. There were 49 yeas and 80 nays as follows:

Those who voted in the affirmative were:

Albrecht	Crandall	Jennings	Murphy	Searle
Anderson, D.	Dempsey	Johnson, C.	Niehaus	Simoneau
Anderson, I.	Drew	Kaley	Novak	Stoa
Anderson, R.	Eken	Kalis	Osthoff	Sviggum
Battaglia	Elioff	Kempe	Peterson, D.	Thiede
Begich	Esau	Kostohryz	Rees	Weaver
Berglin	Fjoslien	Kroening	Rice	Welch
Brinkman	Fritz	Mann	Rodriguez	Wenzel
Byrne	Fudro	Metzen	Rothenberg	Wieser
Clawson	Heinitz	Munger	Sarna	

Those who voted in the negative were:

Adams	Berkelman	Carlson, L.	Dean	Evans
Ainley	Biersdorf	Casserly	Den Ouden	Ewald
Anderson, B.	Blatz	Clark	Ellingson	Faricy
Anderson, G.	Carlson, D.	Corbid	Erickson	Forsythe

Friedrich	Kelly	Minne	Peterson, B.	Sieben, M.
Greenfield	Knickerbocker	Moe	Piepho	Stadum
Halberg	Kvam	Nelsen, B.	Pleasant	Stowell
Haukoos	Laidig	Nelsen, M.	Prahl	Swanson
Heap	Lehto	Nelson	Redalen	Tomlinson
Hoberg	Levi	Norman	Reding	Valan
Hokanson	Long	Nysether	Reif	Vanasek
Jacobs	Ludeman	Olsen	Rose	Voss
Jaros	Luknic	Onnen	Schreiber	Waldorf
Johnson, D.	McCarron	Otis	Searles	Welker
Jude	McDonald	Patton	Sherwood	Wynia
Kahn	Mehrkens	Pehler	Sieben, H.	Spkr. Norton

The motion did not prevail and the amendment was not adopted.

Valento, Wigley and Zubay were excused from voting pursuant to rule 2.5.

H. F. No. 753, A bill for an act relating to banks and banking; removing certain restrictions on services that may be offered at detached facilities; amending Minnesota Statutes 1978, Section 47.53.

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 74 yeas and 57 nays as follows:

Those who voted in the affirmative were:

Adams	Ewald	Kaley	Murphy	Searles
Anderson, B.	Farcy	Kelly	Nelsen, M.	Sieben, M.
Berkelman	Forsythe	Kempe	Nelson	Simoneau
Biersdorf	Friedrich	Knickerbocker	Norman	Stadum
Blatz	Fudro	Kvam	Olsen	Stoa
Carlson, D.	Greenfield	Laidig	Otis	Swanson
Carlson, L.	Halberg	Levi	Patton	Thiede
Casserly	Haukoos	Long	Pehler	Tomlinson
Clark	Heap	Ludeman	Peterson, B.	Valan
Corbid	Hoberg	Luknic	Piepho	Voss
Crandall	Hokanson	McCarron	Reding	Welch
Dean	Jacobs	McEachern	Reif	Welker
Dempsey	Jaros	Mehrkens	Rose	Wynia
Ellingson	Johnson, D.	Metzen	Rothenberg	Spkr. Norton
Evans	Kahn	Moe	Schreiber	

Those who voted in the negative were:

Aasness	Brinkman	Fritz	McDonald	Pleasant
Ainley	Byrne	Heinitz	Minne	Prahl
Albrecht	Clawson	Jennings	Munger	Redalen
Anderson, D.	Den Ouden	Johnson, C.	Nelsen, B.	Rees
Anderson, G.	Drew	Jude	Niehau	Rice
Anderson, I.	Eken	Kalis	Novak	Rodriguez
Anderson, R.	Elioff	Kostohryz	Nysether	Sarna
Battaglia	Erickson	Kroening	Onnen	Searle
Begich	Esau	Lehto	Osthoff	Sherwood
Berglin	Fjoslien	Mann	Peterson, D.	Sieben, H.

Stowell
SviggumVanasek
Waldorf

Weaver

Wenzel

Wieser

The bill was passed and its title agreed to.

CALL OF THE HOUSE LIFTED

Carlson, D., moved that the call of the House be dispensed with. The motion prevailed and it was so ordered.

H. F. No. 1534 was reported to the House.

Weaver moved to amend H. F. No. 1534 as follows:

Page 4, line 9, before "description" insert "legal"

Page 5, line 26, before "description" insert "legal"

The motion prevailed and the amendment was adopted.

Clawson moved to amend H. F. No. 1534 as follows:

Page 6, after line 31, add a new section to read as follows:

"Sec. 5. Minnesota Statutes 1978, Section 462.358, is amended by adding a subdivision to read:

Subd. 9. [UNPLATTED PARCELS.] Subdivision regulations adopted by municipalities may apply to parcels which are taken from existing parcels of record by metes and bounds descriptions, and the governing body or building authority may deny the issuance of building permits to any parcels so divided, pending compliance with subdivision regulations."

Renumber subsequent sections

Further, amend the title as follows:

Page 1, line 8, after "2," insert "462.358, by adding a subdivision;"

The motion prevailed and the amendment was adopted.

Biersdorf moved to amend H. F. No. 1534, as follows:

Page 2, after line 14, add a section to read as follows:

"Sec. 2. Minnesota Statutes 1978, Section 375.14, is amended to read:

375.14 [OFFICES AND SUPPLIES FURNISHED FOR COUNTY OFFICERS.] The county board shall provide offices

at the county-seat for the auditor, treasurer, county recorder, sheriff, judge of probate, clerk of district court, *and shall provide an office for the county engineer at a site determined by the county board,* (AND COUNTY HIGHWAY ENGINEER,) with suitable furniture therefor, also safes and vaults for the security and preservation of the books and papers belonging thereto, and provide for the heating, lighting, and maintenance of such offices. The board shall furnish all county officers with all books, stationery, letter-heads, envelopes, postage, telephone service, office equipment, and supplies necessary to the discharge of their respective duties and make like provision for the judges of the district court so far as may be necessary to the discharge of their duties within the county or concerning matters arising therein; provided, that the board shall not be required to furnish any county officer with professional or technical books or instruments except in so far as the board may deem the same to be directly necessary to the discharge of his official duties as part of the permanent equipment of his office."

Renumber the subsequent sections

Amend the title as follows:

Page 1, line 7, after "Subdivision 1;" insert "375.14;"

The motion prevailed and the amendment was adopted.

H. F. No. 1534, A bill for an act relating to real estate; increasing certain fees charged by the county recorder and registrar of titles; providing that the county recorder be notified of deferred assessments; amending Minnesota Statutes 1978, Sections 273.111, Subdivision 11; 357.18, Subdivision 1; 375.14; 429.061, Subdivision 2; 462.358, by adding a subdivision; and 508.82.

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 4 nays as follows:

Those who voted in the affirmative were:

Aasness	Carlson, D.	Evans	Jaros	Laidig
Adams	Carlson, L.	Ewald	Jennings	Lehto
Albrecht	Cassery	Farcy	Johnson, C.	Levi
Anderson, B.	Clark	Fjoslien	Johnson, D.	Long
Anderson, G.	Clawson	Forsythe	Jude	Ludeman
Anderson, R.	Corbid	Friedrich	Kahn	Luknic
Battaglia	Dean	Fritz	Kaley	Mann
Begich	Dempsey	Fudro	Kalis	McCarron
Berglin	Drew	Greenfield	Kelly	McDonald
Berkelman	Eken	Haukoos	Kempe	McEachern
Biersdorf	Elioff	Heap	Knickerbocker	Mehrkens
Blatz	Ellingson	Heinitz	Kostohryz	Metzen
Brinkman	Erickson	Hoberg	Kroening	Minne
Byrne	Esau	Hokanson	Kvam	Moe

Munger	Osthoff	Reif	Simoneau	Vanasek
Murphy	Otis	Rice	Stadum	Waldorf
Nelsen, B.	Patton	Rodriguez	Stoa	Weaver
Nelson	Pehler	Rothenberg	Stowell	Welker
Niehaus	Peterson, B.	Sarna	Swiggum	Wenzel
Norman	Peterson, D.	Schreiber	Swanson	Wieser
Novak	Piepho	Searle	Thiede	Wigley
Nysether	Prahl	Sherwood	Tomlinson	Wynia
Olsen	Reding	Sieben, H.	Valan	Zubay
Onnen	Rees	Sieben, M.	Valento	Spkr. Norton

Those who voted in the negative were:

Ainley Anderson, D. Den Ouden Nelsen, M.

The bill was passed, as amended, and its title agreed to.

H. F. No. 2191, A bill for an act relating to unemployment compensation; including certain services as within definition of employment; providing for the noncharging of certain benefits; regulating accounts of successor employers; regulating reimbursements; providing for deductions from benefits; clarifying a certain disqualification from benefits; regulating employer protests; regulating certain interest charges and penalties; providing for adjustments; amending Minnesota Statutes 1978, Sections 268.06, Subdivisions 25, 26 and 28; 268.10, Subdivision 1; 268.16, Subdivisions 1, 2 and 6; and Minnesota Statutes, 1979 Supplement, Sections 268.04, Subdivision 12; 268.06, Subdivisions 5, 22 and 33; 268.08, Subdivision 3; and 268.09, Subdivision 1.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 126 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Clark	Haukoos	Laidig	Norman
Adams	Clawson	Heap	Lehto	Novak
Ainley	Corbid	Hejnitz	Levi	Nysether
Albrecht	Dempsey	Hoberg	Long	Olsen
Anderson, B.	Den Ouden	Hokanson	Ludeman	Onnen
Anderson, D.	Drew	Jacobs	Luknic	Osthoff
Anderson, G.	Eken	Jaros	Mann	Otis
Anderson, I.	Elioff	Jennings	McCarron	Patton
Anderson, R.	Ellingson	Johnson, C.	McDonald	Pehler
Battaglia	Erickson	Johnson, D.	McEachern	Peterson, B.
Begich	Esau	Jude	Mehrkens	Peterson, D.
Berglin	Evans	Kahn	Metzen	Piepho
Berkelman	Faricy	Kaley	Minne	Prahl
Biersdorf	Fjoslien	Kalis	Moe	Redalen
Blatz	Forsythe	Kelly	Munger	Reding
Brinkman	Friedrich	Kempe	Murphy	Rees
Byrne	Fritz	Knickerbocker	Nelsen, B.	Reif
Carlson, D.	Fudro	Kostohryz	Nelsen, M.	Rice
Carlson, L.	Greenfield	Kroening	Nelson	Rodriguez
Casserly	Halberg	Kvam	Niehaus	Rose

Rothenberg	Sieben, M.	Thiede	Weaver	Zubay
Sarna	Simoneau	Tomlinson	Welker	Spkr. Norton
Schreiber	Stadum	Valan	Wenzel	
Searles	Stoa	Valento	Wieser	
Sherwood	Stowell	Vanasek	Wigley	
Sieben, H.	Swanson	Waldorf	Wynia	

The bill was passed and its title agreed to.

H. F. No. 2314, A bill for an act relating to the legislative auditor; clarifying access to data; amending Minnesota Statutes 1978, Section 3.97, 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 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Den Ouden	Johnson, D.	Murphy	Searle
Adams	Drew	Jude	Nelsen, B.	Searles
Ainley	Eken	Kahn	Nelsen, M.	Sherwood
Albrecht	Elioff	Kaley	Nelson	Sieben, H.
Anderson, B.	Ellingson	Kalis	Niehaus	Sieben, M.
Anderson, D.	Erickson	Kelly	Norman	Simoneau
Anderson, G.	Esau	Kempe	Novak	Stoa
Anderson, I.	Evans	Knickerbocker	Nysether	Stowell
Anderson, R.	Ewald	Kostohryz	Olsen	Swanson
Battaglia	Faricy	Kroening	Onnen	Thiede
Begich	Fjoslien	Kvam	Osthoff	Tomlinson
Berglin	Forsythe	Laidig	Otis	Valento
Berkelman	Friedrich	Lehto	Patton	Vanasek
Biersdorf	Fritz	Levi	Pehler	Voss
Blatz	Fudro	Long	Peterson, B.	Waldorf
Brinkman	Greenfield	Ludeman	Peterson, D.	Weaver
Byrne	Halberg	Luknic	Piepho	Welker
Carlson, D.	Haukoos	Mann	Pleasant	Wenzel
Carlson, L.	Heap	McCarron	Prahl	Wieser
Casserly	Heinitz	McDonald	Redalen	Wigley
Clark	Hoberg	McEachern	Reding	Wynia
Clawson	Hokanson	Mehrkens	Rees	Zubay
Corbid	Jacobs	Metzen	Reif	Spkr. Norton
Crandall	Jaros	Minne	Rice	
Dean	Jennings	Moe	Rodriguez	
Dempsey	Johnson, C.	Munger	Sarna	

The bill was passed and its title agreed to.

H. F. No. 2369 was reported to the House.

Greenfield moved to amend H. F. No. 2369 as follows:

Page 123, after line 7, insert the following:

“Sec. 181. Minnesota Statutes, 1979 Supplement, Section 626.556, Subdivision 2, is amended to read:

Subd. 2. [DEFINITIONS.] As used in this section, the following terms have the meanings given them unless the specific content indicates otherwise:

(a) "Sexual abuse" means the subjection by the child's parents, guardian, or person responsible for the child's care, to any act which constitutes a violation of sections 609.342, 609.343, 609.344, or 609.345. Sexual abuse also includes any act which involves a minor which constitutes a violation of sections 609.321 to 609.324 or 617.246.

(b) "Neglect" means failure by a parent, guardian or other person responsible for a child's care to supply a child with necessary food, clothing, shelter or medical care when reasonably able to do so or failure to protect a child from conditions or actions which imminently and seriously endanger the child's physical (AND) or mental health when reasonably able to do so. Nothing in this section shall be construed to mean that a child is neglected solely because the child's parent, guardian or other person responsible for his care in good faith selects and depends upon spiritual means or prayer for treatment or care of disease or remedial care of the child.

(c) "Physical abuse" means:

(i) Any physical injury inflicted by a parent, guardian or other person responsible for the child's care on a child other than by accidental means; or

(ii) Any physical injury that cannot reasonably be explained by the history of injuries provided by a parent, guardian or other person responsible for the child's care.

(d) "Report" means any report received by the local welfare agency, police department or county sheriff pursuant to this section."

Page 124, line 8, delete "187" and insert "188"

Page 128, line 4, delete "192" and insert "193"

Page 134, line 8, delete "194" and insert "195"

Page 134, line 31, delete "196" and insert "197"

Renumber the sections in sequence.

Further, amend the Memorandum of Explanation as follows:

Page 149, after line 11, insert: "Sec. 181. *Explanation.* The proposed amendment defines neglect in relation to a parent's, guardian's or other person's responsibility for a child's care to

mean those actions which endanger either the child's physical or mental health."

Page 152, line 4, after "section" delete the blank and insert "197"

Renumber subsequent sections in sequence.

Further, amend the title as follows:

Page 2, line 31, before "Laws" insert "626.556, Subdivision 2;"

The motion prevailed and the amendment was adopted.

Tomlinson moved to amend H. F. No. 2369 as follows:

Page 89, line 7, strike "unit"

The motion prevailed and the amendment was adopted.

H. F. No. 2369, A bill for an act relating to Minnesota Statutes; correcting erroneous, ambiguous, omitted and obsolete references and text; eliminating certain redundant, conflicting and superseded provisions; reenacting a law; amending Minnesota Statutes 1978, Sections 15.052, Subdivision 9; 16.851, Subdivision 1; 16A.26; 25.31; 25.32; 25.33, Subdivisions 1 and 5; 25.34, Subdivision 3; 25.36; 25.40; 25.41, Subdivisions 1 and 5; 25.42; 25.43; 25.44; 28A.15, Subdivision 4; 89.35; 89.36, Subdivision 1; 89.39; 93.45, Subdivision 2; 111.21, Subdivision 1; 112.46; 116.02, Subdivision 2; 116.16, Subdivision 2; 116C.65; 116H.06; 120.17, Subdivision 9; 122.531, Subdivision 2; 123.42; 124.212, Subdivision 8a, 124.46, Subdivision 3; 125.12, Subdivision 4; 126.41, Subdivision 2; 128A.04; 136.148; 136.501; 136.503, Subdivision 1; 136.506; 144.225, Subdivision 1; 144A.01, Subdivision 5; 144A.10, Subdivision 1; 144A.24; 145.22; 147.073, Subdivision 1; 161.171, Subdivision 5; 161.173; 162.02, Subdivision 11; 168B.02, Subdivisions 1 and 2; 168B.05; 168B.07, Subdivision 2; 168B.08, Subdivision 3; 169.751; 169.99, Subdivision 3; 179.61; 179.62; 179.63, Subdivisions 1 and 4; 179.65, Subdivision 1; 179.66, Subdivisions 5, 6 and 9; 179.67, Subdivision 1; 179.68; 179.71, Subdivisions 2, 4 and 5; 179.74, Subdivision 2; 181.12; 197.17, 202A.61; 238.01; 238.02, Subdivisions 1 and 4; 238.03; 238.04, Subdivision 9; 238.06, Subdivision 2; 238.08, Subdivision 4; 238.10; 238.16, Subdivision 2; 241.08, Subdivision 2; 241.44, Subdivision 1a; 242.37; 243.07; 243.12; 245.813, Subdivision 9; 256.09; 256.736, Subdivision 3; 256.76, Subdivision 2; 256.78; 256D.10; 256D.13; 260.251, Subdivision 3; 268.013, Subdivision 6; 296.01, Subdivision 1; 296.11; 296.15, Subdivision 2; 296.17, Subdivisions 1 and 5; 296.19; 296.20; 296.24; 301.511, Subdivision 2; 325.01, Subdivision 1; 325.907, Subdivision 1; 326.33, Subdivision 1; 333.055, Subdivision 2; 340.07, Subdivision 11; 340.11, Subdivision 9; 340.12; 340.14, Subdivi-

sion 5; 352.116; 352.1191; 352E.01, Subdivision 1; 352E.04; 352E.045; 354.44, Subdivision 5; 359.07, Subdivision 2; 360.018, Subdivisions 7 and 9; 363.02, Subdivision 3; 365.22; 367.33, Subdivision 3; 387.45; 390.23; 394.24, Subdivision 3; 394.25, Subdivision 5a; 401.02, Subdivision 1; 412.251; 419.07; 419.075, Subdivision 2; 422A.06, Subdivision 2; 422A.11, Subdivision 1; 429.061, Subdivision 1; 435.191; 440.40; 459.14, Subdivision 7; 462.352, Subdivision 10; 462.36, Subdivision 1; 465.56, Subdivision 2; 471.591, Subdivision 1; 473.163, Subdivision 3; 473.223; 473F.02, Subdivision 21; 474.02, Subdivision 1b; 485.018, Subdivision 4; 485.021; 505.178, Subdivision 2; 525.72; 546.10; 626.556, Subdivision 11; 628.41, Subdivision 6; Chapter 390, by adding a section; Minnesota Statutes, 1979 Supplement, Sections 10A.01, Subdivision 11; 62A.02, Subdivision 3; 69.771, Subdivision 1; 179.74, Subdivision 4; 256.06, Subdivision 1; 273.73, Subdivision 6; 273.76, Subdivision 2; 273.77; 273.86, Subdivision 4; 275.125, Subdivision 9; 290.06, Subdivisions 3g and 14; 326.211, Subdivision 9; 354A.094, Subdivisions 2, 3, 8, and by adding a subdivision; 354A.38, Subdivision 3; 402.01, Subdivision 1; 424A.06, Subdivision 2; 462A.22, Subdivision 1a; 519.11, Subdivision 1; 549.09, Subdivision 1; 626.556, Subdivision 2; Laws 1979, Chapters 134, Section 2; 333, Sections 26, and 31, Subdivision 3; 335, Section 3, Subdivision 20; and reenacting Laws 1979, Chapter 303, Article I, Section 14; repealing Minnesota Statutes 1978, Sections 239.27; 325.01, Subdivisions 8, 9, 10, 11 and 12; 354A.22, as amended by Laws 1979, Chapter 334, Article VII, Sections 23 to 26; 390.33, Subdivision 7; Laws 1976, Chapters 155, Section 1; 222, Sections 30 and 31; 348, Section 15; Laws 1977, Chapter 323, Section 1; Laws 1979, Chapters 31, Section 2; 217, Section 11; and 316, Section 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 128 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Casserly	Friedrich	Knickerbocker	Murphy
Adams	Clark	Fritz	Kostohryz	Nelsen, B.
Ainley	Clawson	Fudro	Kroening	Nelsen, M.
Albrecht	Corbid	Greenfield	Kvam	Nelson
Anderson, B.	Crandall	Halberg	Laidig	Niehaus
Anderson, D.	Dean	Haukoos	Lehto	Norman
Anderson, G.	Dempsey	Heap	Levi	Novak
Anderson, I.	Den Ouden	Hoberg	Long	Nysether
Anderson, R.	Drew	Hokanson	Ludeman	Olsen
Battaglia	Eken	Jacobs	Luknic	Onnen
Begich	Elioff	Jaros	Mann	Osthoff
Berglin	Ellingson	Jennings	McCarron	Otis
Berkelman	Erickson	Johnson, C.	McDonald	Patton
Biersdorf	Esau	Jude	McEachern	Pehler
Blatz	Evans	Kahn	Mehrkens	Peterson, B.
Brinkman	Ewald	Kaley	Metzen	Peterson, D.
Byrne	Faricy	Kalis	Minne	Piepho
Carlson, D.	Fjoslien	Kelly	Moe	Prahl
Carlson, L.	Forsythe	Kempe	Munger	Redalen

Reding	Schreiber	Stoa	Valento	Wieser
Rees	Searle	Stowell	Vanasek	Wigley
Reif	Sherwood	Sviggum	Voss	Wynia
Rice	Sieben, H.	Swanson	Waldorf	Zubay
Rodriguez	Sieben, M.	Thiede	Weaver	Spkr. Norton
Rose	Simoneau	Tomlinson	Welker	
Rothenberg	Stadum	Valan	Wenzel	

The bill was passed, as amended, and its title agreed to.

H. F. No. 1190 was reported to the House.

Osthoff moved to amend H. F. No. 1190, as follows:

Page 7, line 17, reinstate the stricken language

A roll call was requested and properly seconded.

The question was taken on the amendment and the roll was called. There were 56 yeas and 70 nays as follows:

Those who voted in the affirmative were:

Adams	Clark	Johnson, C.	Munger	Sieben, H.
Anderson, B.	Clawson	Jude	Murphy	Simoneau
Anderson, G.	Corbid	Kahn	Nelsen, M.	Swanson
Anderson, I.	Eken	Kalis	Nelson	Vanasek
Battaglia	Elioff	Kostohryz	Novak	Voss
Begich	Ellingson	Kroening	Osthoff	Wenzel
Berglin	Fariy	Lehto	Peterson, D.	Wynia
Berkelman	Fudro	Long	Prahl	Spkr. Norton
Brinkman	Greenfield	Mann	Reding	
Byrne	Hokanson	McEachern	Rice	
Carlson, L.	Jacobs	Metzen	Sarna	
Casserly	Jaros	Moe	Schreiber	

Those who voted in the negative were:

Aasness	Esau	Kempe	Onnen	Sieben, M.
Ainley	Evans	Knickerbocker	Patton	Stadum
Albrecht	Ewald	Kvam	Peterson, B.	Stoa
Anderson, D.	Fjoslien	Laidig	Piepho	Stowell
Anderson, R.	Forsythe	Levi	Pleasant	Sviggum
Biersdorf	Friedrich	Ludeman	Redalen	Thiede
Blatz	Fritz	Luknic	Rees	Tomlinson
Carlson, D.	Haukoos	McDonald	Reif	Valan
Crandall	Heap	Mehrkens	Rodriguez	Valento
Dean	Heinitz	Nelsen, B.	Rose	Weaver
Dempsey	Hoberg	Niehaus	Rothenberg	Welker
Den Ouden	Jennings	Norman	Searle	Wieser
Drew	Johnson, D.	Nysether	Searles	Wigley
Erickson	Kaley	Olsen	Sherwood	Zubay

The motion did not prevail and the amendment was not adopted.

H. F. No. 1190, A bill for an act relating to transportation; requiring the consent of municipalities for certain trunk high-

way improvements; authorizing the commissioner of transportation to convey or otherwise dispose of certain lands no longer needed for trunk highway purposes; authorizing the commissioner to lease airspace above and subsurface areas below trunk highway right-of-way; adding new routes to the trunk highway system, and adding new routes in substitution of existing routes; discontinuing and removing Route No. 327 from the trunk highway system; permitting certain equipment to use crossovers between the main line roadways of controlled access highways when operating within a marked construction zone; modifying the availability of federal reimbursements deposited in the state treasury and appropriated to the federal-state safety account; prohibiting depositing snow or ice on a highway; excluding minor relocations of pipelines caused by highway construction from the definition of construction; modifying the procedures for approval of plats which include lands abutting trunk highways; amending Minnesota Statutes 1978, Sections 160.27, Subdivision 5; 161.172; 161.23, Subdivision 2; 161.43; 161.433, Subdivision 1; 161.44, Subdivision 1; 161.51; 169.305, Subdivision 1; 169.42, Subdivision 1; 505.03, Subdivision 2; and Minnesota Statutes, 1979 Supplement, Section 116L.01, Subdivision 2.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Den Ouden	Johnson, D.	Nelsen, B.	Searle
Adams	Drew	Jude	Nelsen, M.	Searles
Ainley	Eken	Kahn	Nelson	Sherwood
Albrecht	Elioff	Kaley	Niehaus	Sieben, H.
Anderson, B.	Ellingson	Kelly	Norman	Sieben, M.
Anderson, D.	Erickson	Kempe	Novak	Simoneau
Anderson, G.	Esau	Knickerbocker	Nysether	Stadum
Anderson, I.	Evans	Kostohryz	Olsen	Stoa
Anderson, R.	Ewald	Kroening	Osthoff	Stowell
Battaglia	Fariy	Kvam	Otis	Sviggum
Begich	Fjoslien	Laidig	Patton	Swanson
Berglin	Forsythe	Lehto	Pehler	Thiede
Berkelman	Friedrich	Levi	Peterson, B.	Tomlinson
Biersdorf	Fritz	Long	Peterson, D.	Valan
Blatz	Fudro	Ludeman	Piepho	Valento
Brinkman	Greenfield	Luknic	Pleasant	Vanasek
Byrne	Halberg	Mann	Prahl	Voss
Carlson, D.	Haukoos	McCarron	Redalen	Waldorf
Carlson, L.	Heap	McDonald	Reding	Weaver
Cassery	Heinitz	McEachern	Rees	Welker
Clark	Hoberg	Mehrkens	Reif	Wenzel
Clawson	Hokanson	Metzen	Rice	Wieser
Corbid	Jacobs	Minne	Rodriguez	Wigley
Crandall	Jaros	Moe	Rose	Wynia
Dean	Jennings	Munger	Rothenberg	Zubay
Dempsey	Johnson, C.	Murphy	Sarna	Sprk. Norton

The bill was passed and its title agreed to.

H. F. No. 1661 was reported to the House.

Sherwood moved that H. F. No. 1661 be continued on Special Orders for one day. The motion prevailed.

H. F. No. 1706, A bill for an act relating to transportation; providing for a travel information franchise program, and prescribing the powers and duties of the commissioner of transportation in relation thereto; amending Minnesota Statutes 1978, Sections 160.08, Subdivision 7; 161.23, Subdivision 3; 161.433, Subdivision 2; and 161.434.

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 1 nay as follows:

Those who voted in the affirmative were:

Aasness	Eken	Kaley	Norman	Sherwood
Adams	Elioff	Kelly	Novak	Sieben, H.
Ainley	Ellingson	Kempe	Nysether	Sieben, M.
Albrecht	Erickson	Knickerbocker	Olsen	Simoneau
Anderson, B.	Evans	Kostohryz	Onnen	Stadum
Anderson, D.	Ewald	Kroening	Osthoff	Stoa
Anderson, I.	Faricy	Kvam	Otis	Stowell
Anderson, R.	Fjoslien	Laidig	Patton	Sviggunn
Battaglia	Forsythe	Lehto	Pehler	Swanson
Begich	Friedrich	Levi	Peterson, B.	Thiede
Berglin	Fritz	Long	Peterson, D.	Tomlinson
Berkelman	Fudro	Luknic	Piepho	Valan
Biersdorf	Greenfield	Mann	Pleasant	Valento
Blatz	Halberg	McCarron	Prahl	Vanasek
Brinkman	Haukoos	McDonald	Redalen	Voss
Byrne	Heap	McEachern	Reding	Waldorf
Carlson, D.	Heinitz	Mehrkens	Rees	Weaver
Carlson, L.	Hoberg	Metzen	Reif	Welker
Casserly	Hokanson	Minne	Rice	Wenzel
Clark	Jacobs	Moe	Rodriguez	Wieser
Clawson	Jaros	Munger	Rose	Wigley
Crandall	Jennings	Murphy	Rothenberg	Wynia
Dean	Johnson, C.	Nelsen, B.	Sarna	Zubay
Dempsey	Johnson, D.	Nelsen, M.	Schreiber	Spkr. Norton
Den Ouden	Jude	Nelson	Searle	
Drew	Kahn	Niehaus	Searles	

Those who voted in the negative were:

Anderson, G.

The bill was passed and its title agreed to.

H. F. No. 1727, A bill for an act relating to family; providing that natural parents may obtain a copy of an adopted child's original birth certificate; allowing parents ten days to revoke consent to adoption; providing a pre-adoption residency of three months; amending Minnesota Statutes 1978, Sections 144.218,

Subdivision 1; 144.225, Subdivision 2; 259.24, Subdivision 5, and by adding a subdivision; 259.25, Subdivision 1, and by adding a subdivision; 259.27, Subdivision 4; and Chapter 259, by adding a section; repealing Minnesota Statutes, 1979 Supplement, Sections 259.24, Subdivision 6; and 259.25, Subdivision 2.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Eken	Kalis	Norman	Sieben, H.
Adams	Elioff	Kelly	Novak	Sieben, M.
Ainley	Ellingson	Kempe	Nysether	Simoneau
Albrecht	Erickson	Knickerbocker	Olsen	Stadum
Anderson, B.	Esau	Kostohryz	Onnen	Stoa
Anderson, D.	Evans	Kroening	Osthoff	Stowell
Anderson, G.	Ewald	Kvam	Otis	Sviggum
Anderson, I.	Faricy	Laidig	Patton	Swanson
Anderson, R.	Fjoslien	Lehto	Pehler	Thiede
Battaglia	Forsythe	Levi	Peterson, B.	Tomlinson
Begich	Friedrich	Long	Peterson, D.	Valan
Berglin	Fudro	Ludeman	Piepho	Valento
Berkelman	Greenfield	Luknic	Pleasant	Vanasek
Biersdorf	Halberg	Mann	Prahl	Voss
Blatz	Haukoos	McCarron	Redalen	Waldorf
Brinkman	Heap	McDonald	Reding	Weaver
Byrne	Heinitz	McEachern	Rees	Welker
Carlson, L.	Hoberg	Mehrken	Reif	Wenzel
Casserly	Hokanson	Metzen	Rice	Wieser
Clark	Jacobs	Minne	Rodriguez	Wigley
Clawson	Jaros	Moe	Rose	Wynia
Corbid	Jennings	Munger	Rothenberg	Zubay
Crandall	Johnson, C.	Murphy	Sarna	Spkr. Norton
Dean	Johnson, D.	Nelsen, B.	Schreiber	
Dempsey	Jude	Nelsen, M.	Searle	
Den Ouden	Kahn	Nelson	Searles	
Drew	Kaley	Niehaus	Sherwood	

The bill was passed and its title agreed to.

Sieben, H., moved that the remaining bills on Special Orders for today be continued one day. The motion prevailed.

GENERAL ORDERS

Sieben, H., moved that the bills on General Orders for today be continued one day. The motion prevailed.

MOTIONS AND RESOLUTIONS

Tomlinson moved that S. F. No. 1719 be recalled from the Committee on Taxes and together with H. F. No. 2063, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

Laidig moved that S. F. No. 1709 be recalled from the Committee on Criminal Justice and together with H. F. No. 1929, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

McEachern moved that S. F. No. 1707 be recalled from the Committee on Local and Urban Affairs and together with H. F. No. 1908, now on the Technical Consent Calendar, be referred to the Chief Clerk for comparison. The motion prevailed.

Simoneau moved that S. F. No. 1775 be recalled from the Committee on Labor-Management Relations and together with H. F. No. 1780, now on Technical General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

Redalen moved that S. F. No. 1736 be recalled from the Committee on Transportation and together with H. F. No. 1906, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

Crandall moved that his name be stricken as an author on H. F. No. 2212. The motion prevailed.

Anderson, G., moved that H. F. No. 2151, now on General Orders, be re-referred to the Committee on Appropriations. The motion prevailed.

Rees moved that the name of Rees be added as chief author, that the name of Pavlak be stricken and the name of Clark be added as an author on H. F. No. 1562. The motion prevailed.

Nelsen, B., moved that the name of McEachern be added as an author on H. F. No. 1660. The motion prevailed.

Carlson, D., moved that the names of Nysether and Peterson, B., be added as authors on H. F. No. 2197. The motion prevailed.

Reding moved that H. F. No. 2371 be recalled from the Committee on Energy and Utilities and be re-referred to the Committee on Agriculture. The motion prevailed.

Greenfield moved that the name of Kahn be stricken and the name of Byrne be added as an author on H. F. No. 2088. The motion prevailed.

Sieben, H., moved that the names of Schreiber, Pehler, Casserly and Halberg be stricken and the names of Anderson, I.; Tomlinson; Pehler and Berglin be added as authors on H. F. No. 1121. The motion prevailed.

Munger moved that the name of Prah! be stricken and the name of Murphy be added as an author on H. F. No. 1513. The motion prevailed.

Laidig moved that the name of Pavlak be stricken and the name of Laidig be added as chief author on H. F. No. 1564 and that the bill be returned to its author. The motion prevailed.

Rees moved that the following House Files be returned to their author: H. F. Nos. 1149, 1171, 1260, 1310, 1317, 1363 and 2061. The motion prevailed.

Weaver moved that H. F. No. 653 be returned to its author. The motion prevailed.

Friedrich moved that H. F. No. 1972 be returned to its author. The motion prevailed.

Albrecht moved that H. F. No. 1704 be returned to its author. The motion prevailed.

Heinitz moved that H. F. No. 1645 be returned to its author. The motion prevailed.

Pehler, Patton and Brinkman introduced:

House Resolution No. 35, A house resolution congratulating St. Cloud Technical High School on being the runner-up champion in the Class AA state high school boys' basketball tournament.

The resolution was referred to the Committee on Rules and Legislative Administration.

Den Ouden introduced:

House Resolution No. 36, A house resolution congratulating the Bird Island-Lake Lillian High School Panther's on winning the State Class A basketball championship.

The resolution was referred to the Committee on Rules and Legislative Administration.

Minne introduced:

House Resolution No. 37, A house resolution commending John Slattery for his efforts in promoting educational excellence in the State of Minnesota.

The resolution was referred to the Committee on Rules and Legislative Administration.

Eken moved that the report from the Committee on Rules and Legislative Administration relating to the proposed permanent rules of the House for the 71st legislature as printed in the Journal of the House for Monday, March 10, 1980 be now adopted.

Faricy and Carlson, D., moved to amend the permanent rules of the House for the 70th legislature, as amended for the 71st legislature, as follows:

Page 26, following line 24, insert:

"A conference committee report shall include only subject matter contained in the House or Senate versions of the bill for which that conference committee was appointed, or subject matter contained in a bill passed by the House or Senate."

A roll call was requested and properly seconded.

Welker moved to amend the Faricy and Carlson, D., amendment to the permanent rules, as follows:

Line 7, strike the comma and insert a period

Strike lines 8 and 9

A roll call was requested and properly seconded.

Kaley and Knickerbocker were excused for the remainder of today's session.

The question was taken on the Welker amendment to the Faricy and Carlson, D., amendment and the roll was called. There were 32 yeas and 96 nays as follows:

Those who voted in the affirmative were:

Aasness	Fudro	Jennings	Reif	Valento
Adams	Halberg	Kempe	Rothenberg	Weaver
Blatz	Haukoos	McDonald	Sarna	Welker
Corbid	Heap	Mehrkens	Searles	Wieser
Crandall	Heinitz	Nysether	Stadum	
Den Ouden	Hoberg	Onnen	Sviggum	
Fritz	Hokanson	Osthoff	Thiede	

Those who voted in the negative were:

Ainley	Biersdorf	Eken	Greenfield	Kvam
Albrecht	Brinkman	Elioff	Jacobs	Laidig
Anderson, B.	Byrne	Ellingson	Jaros	Lehto
Anderson, D.	Carlson, D.	Erickson	Johnson, C.	Levi
Anderson, G.	Carlson, L.	Esau	Johnson, D.	Long
Anderson, I.	Casserly	Evans	Jude	Ludeman
Anderson, R.	Clark	Ewald	Kahn	Luknic
Battaglia	Clawson	Faricy	Kalis	Mann
Begich	Dean	Fjoslien	Kelly	McCarron
Berglin	Dempsey	Forsythe	Kostohryz	McEachern
Berkelman	Drew	Friedrich	Kroening	Metzen

Minne	Novak	Reding	Simoneau	Wenzel
Moe	Olsen	Rees	Stoa	Wigley
Munger	Otis	Rice	Stowell	Wynia
Murphy	Patton	Rodriguez	Swanson	Zubay
Nelsen, B.	Pehler	Rose	Tomlinson	Spkr. Norton
Nelsen, M.	Peterson, B.	Schreiber	Vanasek	
Nelson	Peterson, D.	Searle	Voss	
Niehaus	Piepho	Sieben, H.	Waldorf	
Norman	Prahl	Sieben, M.	Welch	

The motion did not prevail and the Welker amendment to the Faricy and Carlson, D., amendment was adopted.

Searles moved to amend the Faricy and Carlson, D. amendment to the permanent rules, as follows:

Line 8, after "or" insert "like"

The motion prevailed and the Searles amendment to the Faricy and Carlson, D., amendment was adopted.

The question recurred on the Faricy and Carlson, D., amendment, as amended, and the roll was called. There were 128 yeas and 4 nays as follows:

Those who voted in the affirmative were:

Aasness	Drew	Jude	Norman	Sherwood
Adams	Eken	Kalis	Novak	Sieben, H.
Ainley	Elioff	Kelly	Nysether	Sieben, M.
Albrecht	Ellingson	Kempe	Olsen	Simoneau
Anderson, B.	Erickson	Kostohryz	Onnen	Stadum
Anderson, G.	Esau	Kroening	Osthoff	Stoa
Anderson, I.	Evans	Kvam	Otis	Stowell
Anderson, R.	Ewald	Laidig	Patton	Sviggum
Battaglia	Faricy	Lehto	Pehler	Swanson
Begich	Fjoslien	Levi	Peterson, B.	Thiede
Berglin	Forsythe	Long	Peterson, D.	Tomlinson
Berkelman	Friedrich	Ludeman	Piepho	Valan
Biersdorf	Fritz	Luknic	Pleasant	Valento
Blatz	Fudro	Mann	Prahl	Vanasek
Brinkman	Greenfield	McCarron	Redalen	Waldorf
Byrne	Halberg	McDonald	Reding	Weaver
Carlson, D.	Haukoos	McEachern	Rees	Welch
Carlson, L.	Heap	Mehrkens	Reif	Welker
Casserly	Heinitz	Metzen	Rice	Wenzel
Clark	Hoberg	Minne	Rodriguez	Wieser
Clawson	Hokanson	Munger	Rose	Wigley
Corbid	Jacobs	Murphy	Rothenberg	Wynia
Crandall	Jaros	Nelsen, B.	Sarna	Zubay
Dean	Jennings	Nelsen, M.	Schreiber	Spkr. Norton
Dempsey	Johnson, C.	Nelson	Searle	
Den Ouden	Johnson, D.	Niehaus	Searles	

Those who voted in the negative were:

Anderson, D.	Kahn	Moe	Voss
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The motion prevailed and the proposed amendment, as amended, was adopted.

Kempe moved to amend the permanent rules of the House for the 70th legislature, as amended for the 71st legislature, as follows:

Page 22, after line 19, insert a new paragraph to read as follows: "A majority of a committee's members may bring a matter before the full committee for consideration."

A roll call was requested and properly seconded.

Sieben, H., moved that the Kempe amendment to the proposed permanent rules of the House be referred to the Committee on Rules and Legislative Administration.

A roll call was requested and properly seconded.

The question was taken on the Sieben, H., motion and the roll was called. There were 97 yeas and 34 nays as follows:

Those who voted in the affirmative were:

Ainley	Dempsey	Kahn	Norman	Stoa
Anderson, B.	Drew	Kalis	Novak	Stowell
Anderson, D.	Eken	Kostohryz	Nysether	Swanson
Anderson, G.	Elioff	Lehto	Olsen	Thiede
Anderson, R.	Ellingson	Levi	Otis	Tomlinson
Battaglia	Evans	Long	Patton	Valan
Begich	Ewald	Ludeman	Pehler	Valento
Berglin	Faricy	Luknic	Peterson, D.	Vanasek
Berkelman	Forsythe	Mann	Piepho	Voss
Biersdorf	Friedrich	McCarron	Pleasant	Waldorf
Blatz	Fritz	McEachern	Prahl	Weaver
Brinkman	Greenfield	Mehrken	Reding	Welch
Byrne	Haukoos	Metzen	Rees	Wenzel
Carlson, L.	Heinitz	Minne	Reif	Wigley
Casserly	Hokanson	Moe	Rice	Wynia
Clark	Jaros	Munger	Rodriguez	Zubay
Clawson	Jennings	Murphy	Sieben, H.	Spkr. Norton
Corbid	Johnson, C.	Nelsen, B.	Sieben, M.	
Crandall	Johnson, D.	Nelsen, M.	Simoneau	
Dean	Jude	Nelson	Stadum	

Those who voted in the negative were:

Aasness	Fjoslien	Kempe	Osthoff	Searle
Adams	Fudro	Kroening	Peterson, B.	Searles
Albrecht	Halberg	Kyam	Redalen	Sherwood
Anderson, I.	Heap	Laidig	Rose	Sviggum
Den Ouden	Hoberg	McDonald	Rothenberg	Welker
Erickson	Jacobs	Niehaus	Sarna	Wieser
Esau	Kelly	Onnen	Schreiber	

The motion prevailed and the proposed amendment was referred to the Committee on Rules and Legislative Administration.

The question recurred on the Eken motion to adopt the proposed permanent rules of the House as printed in the Journal of the House for Monday, March 10, 1980, as amended and the roll was called.

There were 129 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Aasness	Drew	Jude	Niehaus	Searles
Adams	Eken	Kalis	Norman	Sherwood
Ainley	Elioff	Kelly	Novak	Sieben, H.
Albrecht	Ellingson	Kempe	Nysether	Sieben, M.
Anderson, B.	Erickson	Kostohryz	Olsen	Simoneau
Anderson, D.	Esau	Kroening	Onnen	Stadum
Anderson, G.	Evans	Kvam	Osthoff	Stoa
Anderson, I.	Ewald	Laidig	Otis	Stowell
Anderson, R.	Faricy	Lehto	Patton	Sviggum
Battaglia	Fjoslien	Levi	Pehler	Swanson
Begich	Forsythe	Long	Peterson, B.	Thiede
Berglin	Friedrich	Ludeman	Peterson, D.	Tomlinson
Berkelman	Fritz	Luknic	Piepho	Valan
Biersdorf	Fudro	Mann	Pleasant	Valento
Blatz	Greenfield	McCarron	Prahl	Vanasek
Brinkman	Halberg	McDonald	Redalen	Waldorf
Byrne	Haukoos	McEachern	Reding	Weaver
Carlson, D.	Heap	Mehrkens	Rees	Welch
Carlson, L.	Heinitz	Metzen	Reif	Welker
Cassery	Hoberg	Minne	Rice	Wenzel
Clark	Hokanson	Moe	Rodriguez	Wieser
Clawson	Jacobs	Munger	Rose	Wigley
Crandall	Jaros	Murphy	Rothenberg	Wynia
Dean	Jennings	Nelsen, B.	Sarna	Zubay
Dempsey	Johnson, C.	Nelsen, M.	Schreiber	Spkr. Norton
Den Ouden	Johnson, D.	Nelson	Searle	

Those who voted in the negative were:

Voss

The motion prevailed and the permanent rules of the House for the 71st legislature, as amended, were adopted.

MOTIONS AND RESOLUTIONS, Continued

Clawson moved that H. F. No. 512 be returned to its author. The motion prevailed.

Clawson moved that H. F. No. 2072 be returned to its author. The motion prevailed.

Clawson moved that H. F. No. 754 be returned to its author. The motion prevailed.

ADJOURNMENT

Sieben, H., moved that when the House adjourns today it adjourn until 1:00 p.m., Wednesday, March 19, 1980. The motion prevailed.

Sieben, H., moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 1:00 p.m., Wednesday, March 19, 1980.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

STATE OF MINNESOTA

SEVENTY-FIRST SESSION - 1980

EIGHTY-SECOND DAY

SAINT PAUL, MINNESOTA, WEDNESDAY, MARCH 19, 1980

The House of Representatives convened at 1:00 p.m. and was called to order by the Speaker.

Prayer was offered by the Chaplain.

The roll was called and the following members were present:

Aasness	Drew	Kaley	Niehaus	Sherwood
Adams	Eken	Kalis	Norman	Sieben, H.
Ainley	Elioff	Kelly	Novak	Sieben, M.
Albrecht	Erickson	Kempe	Nysether	Simoneau
Anderson, B.	Esau	Knickerbocker	Olsen	Stadum
Anderson, D.	Evans	Kostohryz	Onnen	Stoa
Anderson, G.	Ewald	Kroening	Osthoff	Stowell
Anderson, I.	Faricy	Kvam	Otis	Sviggum
Anderson, R.	Fjoslien	Laidig	Patton	Swanson
Battaglia	Forsythe	Lehto	Pehler	Thiede
Begich	Friedrich	Levi	Peterson, B.	Tomlinson
Berglin	Fritz	Long	Peterson, D.	Valan
Berkelman	Fudro	Ludeman	Piepho	Valento
Biersdorf	Greenfield	Luknic	Pleasant	Vanasek
Blatz	Halberg	Mann	Prahl	Voss
Brinkman	Haukoos	McCarron	Redalen	Waldorf
Byrne	Heap	McDonald	Reding	Weaver
Carlson, D.	Heinitz	McEachern	Rees	Welker
Carlson, L.	Hoberg	Mehrrens	Reif	Wenzel
Casserly	Hokanson	Metzen	Rice	Wieser
Clark	Jacobs	Minne	Rodriguez	Wigley
Clawson	Jaros	Moe	Rose	Wynia
Corbid	Jennings	Munger	Rothenberg	Zubay
Crandall	Johnson, C.	Murphy	Sarna	Spkr. Norton
Dean	Johnson, D.	Nelsen, B.	Schreiber	
Dempsey	Jude	Nelsen, M.	Searle	
Den Ouden	Kahn	Nelson	Searles	

A quorum was present.

Ellingson was excused until 2:05 p.m. Welch was excused until 2:30 p.m.

The Chief Clerk proceeded to read the Journal of the preceding day. Niehaus moved that further reading of the Journal be dispensed with and that the Journal be approved as corrected by the Chief Clerk. The motion prevailed.

REPORTS OF CHIEF CLERK

Pursuant to Rules of the House, printed copies of H. F. Nos. 1262, 1660, 1970, 2206, 2286, 2441, 1130, 1916, 1945, 2003, 2096, 2268, 2404, 2429, 1818, 1810, 1838, 2320, 2356, 1878 and 1534 and S. F. Nos. 133, 407, 682, 971, 1726, 1295, 1957, 1144, 2077 and 1741 have been placed in the members' files.

S. F. No. 1707 and H. F. No. 1908, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

McEachern moved that S. F. No. 1707 be substituted for H. F. No. 1908 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1963 and H. F. No. 1660, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Nelsen, B., moved that S. F. No. 1963 be substituted for H. F. No. 1660 and that the House File be indefinitely postponed. The motion prevailed.

REPORTS OF STANDING COMMITTEES

Munger from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 1201, A bill for an act relating to waters; providing for watercraft licensing and safe operation; altering certain definitions; changing license fees; authorizing a temporary certificate; stating the evidentiary effect of certain blood tests; altering certain safety requirements and motor noise limits; providing an outline for distributing water safety enforcement funds; amending Minnesota Statutes 1978, Sections 361.02, Subdivision 7, and by adding a subdivision; 361.03, Subdivisions 3 and 12, and by adding a subdivision; 361.10; 361.12; 361.13, Subdivision 1; 361.141, Subdivision 1; 361.15, Subdivision 1; 361.16, Subdivision 1; 361.17; 361.18; 361.21, Subdivision 2, and by adding a subdivision; 361.215; 361.24; 361.27, Subdivision 1; and 361.29, Subdivision 4; repealing Minnesota Statutes 1978, Section 361.15, Subdivision 2.

Reported the same back with the following amendments:

Page 1, delete lines 22 to 27

Page 1, line 29, delete "a subdivision" and insert "subdivisions"

Page 2, after line 6, insert:

Subd. 15. "Rent" when used in conjunction with watercraft means to make available to others in connection with a business.

Subd. 16. "Sailboard" means a single passenger, nonmotorized watercraft using a surfboard type hull and a free sail system which, without capsizing, allows the sail to lie flat in the water when not being supported by the operator."

Page 2, line 10, delete "1978" and insert "1980"

Page 2, after line 32, insert:

"(a) Any watercraft 19 feet in length or less which is rented or leased or offered for rent or lease, \$6 each;"

Reletter subsequent clauses

Page 3, line 1, delete "\$7.50" and insert "\$6"

Page 3, line 3, delete "\$10" and insert "\$8"

Page 3, line 11, after "watercraft" insert "more than"

Page 3, line 11, delete "or more"

Page 4, delete lines 8 and 9

Page 4, line 21, delete "1979" and insert "1980"

Page 5, line 23, delete "an alcoholic beverage" and insert "alcohol, as provided in section 169.121, subdivision 1"

Page 5, line 24, strike "narcotic or habit-forming drugs" and insert "a controlled substance, as defined in section 152.01, subdivision 4"

Page 5, line 27, delete "an alcoholic beverage" and insert "alcohol"

Page 5, line 28, strike "narcotic or habit-forming drugs" and insert "or a controlled substance"

Page 5, delete lines 29 to 33

Page 6, delete lines 1 to 33

Page 7, delete lines 1 to 22

Renumber the subdivision

Page 8, line 19, after "FLOTATION" insert "OR LIFESA-
VING"

Page 8, line 29, after "flotation" insert "or lifesaving"

Page 8, after line 29, insert "No rule of the commissioner shall require that sailboards be equipped with personal flotation devices."

Page 9, line 2, strike "in this section or"

Page 9, delete lines 21 to 23

Page 10, delete lines 1 to 26

Page 11, after line 2, add a new section to read as follows :

"Sec. 14. Minnesota Statutes 1978, Section 361.20, is amended to read:

361.20 [RACE OR OTHER COMPETITION OR EXHIBITION.] No person shall hold or sponsor any scheduled or public race, regatta, tournament or other competition or exhibition, or any trial therefor, on water or ice thereon, whether or not involving watercraft, without first having obtained a written permit therefor from the sheriff of the county in which such event is to originate. The sheriff, in such permit, may exempt watercraft from any of the provisions of this chapter relating to the *licensing*, operation and equipment of watercraft while participating in the event authorized. If the sheriff refuse such permit, the person applying therefor may appeal such refusal to the commissioner."

Re-number sections accordingly

Page 12, line 5, before the period insert ". As used in this section "inspect" shall not mean the authority to board a watercraft"

Page 14, line 3, delete "waters of a"

Page 14, after line 20, insert:

"Subd. 5. A city or lake conservation district located within the seven county metropolitan area which incurs additional expenditures for law enforcement as a result of the acquisition, expansion or improvement after January 1, 1980 of a site or sites providing access to waters within the city or lake conservation district, may submit a statement of additional expenditures to the acting agency.

The statement shall be in a form prescribed by the commissioner and shall detail additional expenditures incurred in

connection with enforcement of laws and ordinances governing use of the site or sites, water traffic control and such other items of expenditure as the commissioner shall prescribe. When the commissioner is satisfied as to the propriety of the expenditures and amount expended, expenditures shall be apportioned among the acting agencies.

Within 30 days following receipt of notice the acting agencies shall reimburse the appropriate city or lake conservation district in the amount thus apportioned out of any funds appropriated or otherwise available. The commissioner shall give due consideration to the impact of the acquisition, expansion or improvement of a public water access site in authorizing a site pursuant to section 97.48, subdivision 15, or in the granting, denial, or amendment of permits pursuant to Minnesota Statutes, Chapter 105, upon these expenditures. Such impact shall provide adequate grounds for the granting, denial, amendment or rescision of such authorization, permit, or rule by the commissioner. Expenditures for law enforcement under this subdivision may be used in making grants by the metropolitan council pursuant to section 473.315. For purposes of this subdivision, "acting agency" means that state agency, metropolitan council, or political subdivision which seeks to acquire, expand or improve a public water access site."

Page 15, line 24, delete "1980" and insert "1981"

Amend the title as follows:

Page 1, line 10, delete "Subdivision 7, and"

Page 1, line 11, delete "a subdivision" and insert "subdivisions"

Page 1, line 15, delete "361.17;"

Page 1, line 15, after "361.18;" insert "361.20;"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Sieben, H., from the Committee on Taxes to which was referred:

H. F. No. 1678, A bill for an act relating to taxation; authorizing certain taxing districts to provide property tax exemption or abatement for certain new business facilities.

Reported the same back with the following amendments:

Page 3, line 23, delete "\$50,000" and insert "\$250,000"

Page 3, line 30, delete "\$25,000" and insert "\$150,000"

Page 3, line 32, delete "feed lot" and insert "agricultural production"

Page 4, line 10, delete "at a feed lot" and insert "or poultry"

Page 5, line 1, after "act" insert "or to new business facilities financed in whole or in part by bonds issued under Minnesota Statutes, Chapter 474"

Page 5, after line 4, insert:

"Sec. 3. This act shall apply to counties contiguous to the states of North Dakota and South Dakota.

Sec. 4. This act shall expire January 1, 1985."

With the recommendation that when so amended the bill pass.

The report was adopted.

Munger from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 2168, A bill for an act relating to Blue Earth County; authorizing the county to contract for the completion of the improvement of county ditch No. 27; setting limits on the expenditure of money for the improvement; providing for financing; amending Laws 1975, Chapter 249, Section 1, Subdivision 1, as amended; and Section 2, as amended.

Reported the same back with the following amendments:

Page 1, line 20, delete "\$350,000" and insert "\$300,000"

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Prahl from the Committee on Commerce, Economic Development and Housing to which was referred:

H. F. No. 2223, A bill for an act relating to accounting; providing for the licensing of public accountants and certified public accountants; specifying additional means of satisfying experience requirements; amending Minnesota Statutes 1978, Section 326.19, Subdivision 4.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes, 1979 Supplement, Section 326.165, Subdivision 1, is amended to read:

326.165 [BOARD OF ACCOUNTANCY.] Subdivision 1. [PURPOSE.] It is the policy of this state to promote the dependability of information which is used for guidance in financial transactions or for accounting for or assessing the status or performance of commercial and noncommercial enterprises, whether public, private or governmental. The public interest requires that persons engaged in the practice of public accounting be qualified; that a public authority competent to prescribe and assess the qualifications of public accountants be established; that the expression of *any form of assurance or of opinions* on financial statements be reserved to persons who demonstrate their ability and fitness to observe and apply the standards of the accounting profession; and that the use of accounting titles likely to confuse the public be prohibited.

Sec. 2. Minnesota Statutes, 1979 Supplement, Section 326.165, Subdivision 2, is amended to read:

Subd. 2. [PRACTICE OF PUBLIC ACCOUNTING.] The "practice of public accounting" is: (a) holding one's self out to the public as skilled in the knowledge (, SCIENCE,) and practice of accounting; or (,) (b) *expressing any form of assurance on financial statements*; or (c) *expressing opinions on financial statements (, SCHEDULES, REPORTS, OR EXHIBITS TO BE USED FOR PUBLICATION,)* for credit purposes, for use in courts (OR) *and* for other purposes involving (USE BY) third parties.

Sec. 3. Minnesota Statutes, 1979 Supplement, Section 326.17, is amended to read:

326.17 [BOARD OF ACCOUNTANCY.] A board of accountancy is (HEREBY) created to carry out the purposes and enforce the provisions of (SECTION) *sections* 326.165 (AND SECTIONS 326.17) to 326.23. It (SHALL CONSIST) *consists* of between seven and nine citizens of this state (TO BE) appointed by the governor as provided in this section. Two shall be public members as defined by section 214.02, five shall be *currently* licensed certified public accountants, and two shall be licensed public accountants under the provisions of sections (326.17) 326.165 to 326.23. When the number of licensed public accountants in this state drops below 100, their representation on the board of accountancy shall drop to one and the board shall consist of two public members, five *currently licensed* certified

public accountants, and one licensed public accountant. At the time when the number of licensed public accountants in this state drops below 25, the licensed public accountants shall lose their representation on the board, except that the licensed public accountant then serving on the board shall be allowed to complete his term of office and the board shall consist of two public members and five *currently licensed* certified public accountants. Membership terms, compensation of members, removal of members, the filling of membership vacancies, and fiscal year and reporting requirements shall be as provided in sections 214.07 to 214.09. The provision of staff, administrative services and office space; the review and processing of complaints; the setting of board fees; and other provisions relating to board operations shall be as provided in chapter 214 and sections (326.17) 326.165 to 326.23.

Sec. 4. Minnesota Statutes, 1979 Supplement, Section 326.18, is amended to read:

326.18 [BOARD, DUTIES, OFFICERS, EXAMINATIONS.] A majority of the board (SHALL CONSTITUTE) *constitutes* a quorum. The board shall elect one of its number as chairman, another as vice-chairman, and another as secretary and treasurer, who shall hold their respective offices for a term of one year and until their successors are elected. The affirmative vote of (FOUR) *a majority* of members of the board (SHALL BE) *is* considered (AS) the action of the board. The board shall enforce the standard of general education; the standard of special education in the science and art of accounting; the standard of (MORAL) *good* character and general public experience, as prescribed in sections (326.17) 326.165 to 326.23, in all examinations conducted thereunder. The board shall make rules for the conduct of applicants' examinations and the character and scope of (SUCH) *the* examinations, the method and time of filing applications for examinations and their form and contents, and all other rules and regulations proper to carry into effect the purposes of sections (326.17) 326.165 to 326.23. *The board may make use of all or any part of the uniform certified public accountant examination and advisory grading service provided by the American institute of certified public accountants if it deems it appropriate to assist it in performing its duties.* (ALL SUCH) *These* examinations shall be conducted by the board of accountancy. The time and place of holding examinations shall be advertised for not less than three consecutive days in one daily newspaper published in each of the counties where the examinations are to be held, and not less than 60 days prior to the date of each examination. The examinations shall take place as often as may be convenient in the opinion of the board. The board may make rules necessary to implement and enforce sections (326.17) 326.165 to 326.23, and 214.12, including but not limited to rules of professional conduct, pertaining to individuals, partnerships and corporations practicing public accounting which it deems consistent with or required by the public welfare and rules of continuing education to be met by persons licensed under sections (326.17) 326.165 to 326.23.

The board shall keep records of its proceedings, an accurate list of all applications made, licenses and (PERMITS) *certificates* issued, and licenses and (PERMITS) *certificates* revoked, and shall keep proper financial records in which there shall be entered a complete statement of the cash receipts and disbursements. The board shall issue to each person who (MEETS) *satisfies* the examination (AND EXPERIENCE) requirements of *section 326.19, subdivision 1* a certified public accountant (A) certificate (TO THAT EFFECT,) and shall maintain a record of that issuance. *The board shall issue a license as a certified public accountant to each holder of a certified accountant certificate who satisfies the experience requirements for a license as a certified public accountant or to a person who has been issued a certified public accountant certificate under section 326.19, subdivision 3. The board shall maintain a record of the issuance.* It shall adopt and provide itself with a seal with a band inscribed "Certified Public Accountant, State of Minnesota," with the coat of arms of Minnesota in the center, which seal shall be affixed to each certificate of certified public accountant issued under sections 326.17 to 326.23. The board shall issue to each person who qualifies for a license under sections 326.17 to 326.23 as a licensed public accountant a certificate as a licensed public accountant and shall maintain a record of that issuance. It shall adopt and provide itself with a seal with a band inscribed "Licensed Public Accountant, State of Minnesota," with the coat of arms of Minnesota in the center, which seal shall be affixed to each certificate of the licensed public accountant, issued under sections 326.17 to 326.23. All records of the board shall be open to the inspection of the public at the office of its secretary.

Sec. 5. Minnesota Statutes, 1979 Supplement, Section 326.19, Subdivision 2, is amended to read:

(SUBD. 2.) *Subdivision 1. [CERTIFICATES AND LICENSES AS CERTIFIED PUBLIC ACCOUNTANTS.] (THE LICENSE,)* A certified public accountant (,) *certificate* shall be granted to any person:

- (a) Who has attained the age of 18 years; and
- (b) Who (HOLDS:) *is of good character; and*
- (c) *Who has successfully completed an examination in the subjects and at the times the board may prescribe in its rules. The examination shall be administered by the board only to a candidate who holds:*
 - (i) a master's degree with a major in accounting from a college or university that is fully accredited by the North Central Association of Colleges and Secondary Schools, or an equivalent accrediting association, or who has in the opinion of the board at least an equivalent education (, PROVIDING AT LEAST

ONE YEAR OF EXPERIENCE OF THE TYPE SPECIFIED IN SUBDIVISION 4, HAS BEEN COMPLETED); or

(ii) a baccalaureate degree, with a major in accounting, from a college or university that is fully accredited by the North Central Association of Colleges and Secondary Schools, or an equivalent accrediting association, or whose credits are acceptable to the University of Minnesota for admission to graduate study, or who has in the opinion of the board at least an equivalent education (, PROVIDING AT LEAST TWO YEARS EXPERIENCE OF THE TYPE SPECIFIED IN SUBDIVISION 4, HAS BEEN COMPLETED); or

(iii) a baccalaureate degree from a college or university that is fully accredited by the North Central Association of Colleges and Secondary Schools, or an equivalent accrediting association, or whose credits are acceptable to the University of Minnesota for admission to graduate study, or who has in the opinion of the board at least an equivalent education, providing at least (THREE YEARS) *one year* experience of the type specified in subdivision 4, has been completed; or

(iv) evidence of having completed two or more years of study with passing grade average or above from a college or university that is fully accredited by the North Central Association of Colleges and Secondary Schools, or an equivalent accrediting association, or whose credits are acceptable to the University of Minnesota for admission to graduate study, or an area vocational-technical school, a Minnesota licensed private vocational school which fulfills the requirements of sections 141.21 to 141.36, or who has in the opinion of the board at least an equivalent education, providing at least (FIVE) *three* years experience of the type specified in subdivision 4, has been completed; or

(v) a diploma as a graduate of an accredited high school or who has in the opinion of the board at least an equivalent education, providing at least (SIX) *five* years experience of the type specified in subdivision 4 (, HAS BEEN COMPLETED; AND)

((C) WHO HAS COMPLETED SUCCESSFULLY AN EXAMINATION IN SUCH SUBJECTS AND AT SUCH TIMES, AS THE BOARD MAY PRESCRIBE IN ITS RULES. THE EXAMINATION SHALL BE ADMINISTERED BY THE BOARD ONLY TO A CANDIDATE WHO HOLDS:)

((I) A BACCALAUREATE DEGREE WITH A MAJOR IN ACCOUNTING OR HIGHER DEGREE, AS DESCRIBED IN CLAUSE (C) (I) OR CLAUSE (C) (II) OR TO PERSONS HAVING AT LEAST AN EQUIVALENT EDUCATION, OR TO CANDIDATES FOR SUCH DEGREE PROVIDING SUCH CANDIDATE IS CURRENTLY REGISTERED IN HIS FINAL SEMESTER OR QUARTER PRECEDING GRADUATION, OR)

(II) A BACCALAUREATE DEGREE, AS DESCRIBED IN CLAUSE (C) (III), PROVIDED AT LEAST ONE YEAR EXPERIENCE OF THE TYPE SPECIFIED IN SUBDIVISION 4, HAS BEEN COMPLETED, OR)

(III) EVIDENCE OF HAVING COMPLETED TWO OR MORE YEARS OF STUDY WITH PASSING GRADE AVERAGE OR ABOVE FROM A COLLEGE, UNIVERSITY, AREA VOCATIONAL-TECHNICAL SCHOOL OR A MINNESOTA LICENSED PRIVATE VOCATIONAL SCHOOL WHICH FULFILLS THE REQUIREMENTS OF SECTIONS 141.21 TO 141.36, AS DESCRIBED IN CLAUSE (C) (IV), PROVIDED AT LEAST THREE YEARS EXPERIENCE OF THE TYPE SPECIFIED IN SUBDIVISION 4, HAS BEEN COMPLETED, OR)

(IV) A DIPLOMA AS A GRADUATE OF AN ACCREDITED HIGH SCHOOL, AS DESCRIBED IN CLAUSE (C) (V), PROVIDED AT LEAST FIVE YEARS EXPERIENCE OF THE TYPE SPECIFIED IN SUBDIVISION 4, HAS BEEN COMPLETED).

Sec. 6. Minnesota Statutes 1978, Section 326.19, is amended by adding a subdivision to read:

Subd. 2. A certified public accountant license shall be granted to any person who has been issued a certified public accountant certificate under subdivision 3 of this section. Those persons holding certified public accountant certificates issued under subdivision 1 of this section shall be granted licenses as certified public accountants providing that they have completed the following required experience of the type specified in subdivision 4 of this section in addition to any experience required in subdivision 1, paragraph (i) through (v) of this section:

(i) for those whose educational qualifications meet the requirements of paragraph (i) of subdivision 1 of this section the experience requirement is one year;

(ii) for those whose educational qualifications meet the requirements of paragraph (ii) of subdivision 1 of this section the experience requirement is two years;

(iii) for those whose educational and experience qualifications meet the requirements of paragraph (iii) of subdivision 1 of this section, the additional required experience is two years;

(iv) for those whose educational and experience qualifications meet the requirements of paragraph (iv) of subdivision 1 of this section, the additional required experience is two years; and

(v) for those whose educational and experience qualifications meet the requirements of paragraph (v) of subdivision 1 of this section, the additional required experience is one year.

Sec. 7. Minnesota Statutes 1978, Section 326.19, Subdivision 3, is amended to read:

Subd. 3. [CERTIFICATE AND LICENSE WITHOUT EXAMINATION.] The state board of accountancy may, in its discretion, waive the examination of and may issue a *certificate and license (FOR) as a certified public accountant* to any person possessing the qualifications mentioned in this section, who:

(a) Is the holder of a C.P.A. license or certificate, issued under the laws of another state, provided the requirements for the (DEGREE) *license or certificate* in the state which has granted it to the applicant are, in the opinion of the state board of accountancy, equivalent to those herein provided; or

(b) Shall be the holder of a degree or certificate of certified public accountant or chartered accountant, or the equivalent thereof, issued in any foreign country, provided that the requirements for (SUCH) *the degree or certificate* are equivalent to those herein provided for the license of certified public accountant in this state.

(c) Shall in another jurisdiction have completed successfully an examination which, in the opinion of the board, is comparable to that prescribed by the board in its rules and provided that such person has satisfied the other requirements of (SUBDIVISION) *subdivisions 1 and 2*.

Sec. 8. Minnesota Statutes 1978, Section 326.19, Subdivision 4, is amended to read:

Subd. 4. [QUALIFYING EXPERIENCE FOR EXAMINATION AND GRANTING OF LICENSE.] Qualifying experience for subdivisions 1, 2 and 3 (SHALL) include public accounting experience (1) as a staff employee of a certified public accountant or public accountant, a firm of certified public accountants or public accountants, or a corporation formed for the practice of public accounting; or (2) as an auditor in the office of the legislative auditor or state auditor, or as an auditor or examiner with any other agency of government, which experience, in the opinion of the board is equally comprehensive and diversified; or (3) as a self-employed public accountant or as a partner in a firm of public accountants; or (4) in any combination of the foregoing capacities.

Sec. 9. Minnesota Statutes, 1979 Supplement, Section 326.211, Subdivision 3, is amended to read:

Subd. 3. No person shall assume or use the title or designation "licensed public accountant" or any other title, designation, words, letters, abbreviation, sign, card, or device tending to indicate that the person is a licensed public accountant, unless the person is licensed as a licensed public accountant under section 326.191, and all of the person's offices in this state for the practice of public accounting are maintained and licensed as required under section 326.20, or unless the person has received a certificate as a certified public accountant under section (326.-18) *326.19*, holds a license issued under section 326.20, and all of the person's offices in this state for the practice of public accounting are maintained and licensed as required under section 326.20.

Sec. 10. Minnesota Statutes, 1979 Supplement, Section 326.-211, Subdivision 9, is amended to read:

Subd. 9. No person shall assume or use the title or designation "certified public accountant" or "licensed public accountant" in conjunction with names indicating or implying that there is a partnership, or in conjunction with the designation "and Company" or "and Co." or a similar designation if, in any such case, there is in fact no bona fide partnership licensed under section 326.20. A sole proprietor or partnership lawfully using (SUCH) *the* title or designation in conjunction with (SUCH) *the* names or designation on (THE EFFECTIVE DATE OF LAWS 1979, CHAPTER 326) *July 1, 1980* may continue to do so if he or it otherwise complies with the provisions of (LAWS 1979, CHAPTER 326, SECTIONS 1 TO 13 AND) Minnesota Statutes, Sections (327.17) *326.165* to (327.23) *326.23*.

Sec. 11. Minnesota Statutes, 1979 Supplement, Section 326.-212, Subdivision 2, is amended to read:

Subd. 2. The board, by rule, may permit persons holding a certificate issued pursuant to section (326.18) *326.19*, but who do not hold a current license, to assume or use the title or designation "certified public accountant" or "licensed public accountant," or the abbreviation "C.P.A.," "L.P.A.," or other title, designation, words, letters, abbreviation, sign, card, or device tending to indicate that the person is a certified public accountant or licensed public accountant, provided (a) that the board has not revoked, suspended, or refused to renew a license previously issued to the person; (b) that the assumption or use is not incident to the practice of public accountancy; and (c) that the assumption or use is not in conjunction with or incident to any opinion or certificate within the purview of section (326.20) *326.211*, subdivision (1) 6.

Sec. 12. Laws 1979, Chapter 326, Section 16, is amended to read:

Sec. 16. [EFFECTIVE DATE.] Section (7) 8 is effective July 1, 1980. The remaining sections are effective (THE DAY FOLLOWING FINAL ENACTMENT) *June 6, 1980.*

Sec. 13. *This act is effective the day following final enactment.*"

Delete the title and insert:

"A bill for an act relating to accountancy; providing for the licensing of public accountants; clarifying the law; amending Minnesota Statutes 1978, Sections 326.19, Subdivisions 3 and 4; Minnesota Statutes, 1979 Supplement, Sections 326.165, Subdivisions 1, 2, and 3; 326.17; 326.18; 326.19, Subdivisions 2, 3, 4 and by adding a subdivision; 326.211, Subdivisions 3 and 9; 326.212, Subdivision 2; and Laws 1979, Chapter 326, Section 16."

With the recommendation that when so amended the bill pass.

The report was adopted.

Anderson, I., from the Committee on General Legislation and Veterans Affairs to which was referred:

H. F. No. 2230, A bill for an act relating to gambling devices; changing definition of gambling devices; authorizing certain payments for operation of gambling devices; amending Minnesota Statutes 1978, Section 349.26, Subdivision 2; and Minnesota Statutes, 1979 Supplement, Section 349.26, Subdivision 12.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1978, Section 349.26, Subdivision 4, is amended to read:

Subd. 4. "Tipboard" means a board, placard or other device measuring at least 12 inches square, marked off in a grid or (SIMILAR PATTERN) *columns*, in which each section contains a hidden number or numbers, or other symbol, which determines the winning chances.

Sec. 2. Minnesota Statutes 1978, Section 349.26, Subdivision 5, is amended to read:

Subd. 5. "Raffle" means a game in which a participant buys a ticket for a chance at a prize with the winner determined by a random drawing *to take place at a location and date printed upon the ticket.*

Sec. 3. Minnesota Statutes 1978, Section 349.26, Subdivision 15, is amended to read:

Subd. 15. Total prizes from the operation of paddlewheels and tipboards awarded in any single day in which they are operated shall not exceed \$500. Total prizes resulting from any single spin of a paddlewheel, or from any single (TIPBOARD) *seal of a tipboard*, shall not exceed \$100. Total prizes awarded in any calendar year by any organization from the operation of paddlewheels and tipboards and the conduct of raffles shall not exceed \$15,000. Merchandise prizes shall be valued at fair market retail value."

Further, delete the title in its entirety and insert:

"A bill for an act relating to gambling devices; clarifying definitions of gambling devices; amending Minnesota Statutes 1978, Section 349.26, Subdivisions 4, 5, and 15."

With the recommendation than when so amended the bill pass.

The report was adopted.

Brinkman from the Committee on Financial Institutions and Insurance to which was referred:

H. F. No. 2297, A bill for an act relating to commerce; establishing certain time price differentials on retail installment sales of mobile homes; amending Minnesota Statutes 1978, Section 168.72.

Reported the same back with the following amendments:

Page 2, line 1, strike "such"

Page 2, line 2, strike "Such" and insert "The"

Page 2, lines 13 and 16, strike "shall be" and insert "is"

Page 2, line 23, before "The" insert "(a) Notwithstanding any other law to the contrary,"

Page 2, line 26, delete "the following"

Page 2, delete lines 27 to 29

Page 2, line 30, delete everything before "12"

Page 3, delete lines 3 to 13 and insert:

"(b) This subdivision supersedes the provisions of subdivision 3 for purposes of determining the lawful time price differ-

ential in a retail installment sale of a mobile home if the sale is made between the effective date of this subdivision and July 31, 1983.

Subd. 3. A sale of a mobile home made after July 31, 1983, is governed by the provisions of subdivision 1 for purposes of determining the lawful time price differential rate. A retail installment sale of a mobile home that imposes a time price differential rate that is greater than the rate permitted by this subdivision is lawful if the rate was lawful when the sale was made."

Page 3, line 15, after the period insert "Section 1, subdivision 2, is repealed July 31, 1983."

With the recommendation that when so amended the bill pass.

The report was adopted.

Johnson, C., from the Committee on Education to which was referred:

H. F. No. 2303, A bill for an act relating to education; providing aid for free and reduced price lunches rather than full paid lunches in certain school districts; providing certain bonding authority for Special School District No. 1; appropriating money; amending Minnesota Statutes 1978, Section 124.646, Subdivision 2, and by adding a subdivision; Minnesota Statutes, 1979 Supplement, Section 124.646, Subdivision 1; and Laws 1959, Chapter 462, Section 3, Subdivision 7, as amended.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Laws 1963, Chapter 645, Section 3, Subdivision 5, is amended to read:

Subd. 5. The school district shall develop a comprehensive long-range building plan to project forward school needs at any given time for at least the next (FIFTEEN) five years, such plan to include the needs of the district in connection with school sites, new schools and additions to existing buildings, retiring of obsolete facilities, and rehabilitating, remodeling, and equipping existing school buildings. (SUCH) *The* plan shall be reviewed and updated by the school staff and the board yearly (COMMENCING IN 1964). (SUCH) *The* plan shall be submitted (YEARLY COMMENCING IN 1963) by the board to the City Planning Commission for its review and recommendations.

Sec. 2. Laws 1959, Chapter 462, Section 3, Subdivision 7, as amended and renumbered as Subdivision 10 by Laws 1963, Chapter 645, Section 3, as amended by Laws 1967, Chapter 661, Sec-

tion 3, Laws 1969, Chapter 994, Section 1, and Laws 1975, Chapter 320, Section 1, is amended to read:

Subd. 10. [SPECIAL SCHOOL DISTRICT NO. 1; MINNEAPOLIS, CITY OF; EXTENDING BONDING AUTHORITY.] As used in this act the word "project" shall mean any proposed new or enlarged school building site, any proposed new school building or any proposed new addition to a school building, and "undertaking" shall mean any other purpose for which bonds may be issued as authorized in this subdivision. Subject to the limitations of subdivision 11, the special independent school district of Minneapolis may issue and sell bonds with the approval of 53 percent of the electors voting on the question at a general school district election (,) or at a school district election held at the same time and place within the district as a state general or primary election, as determined by the board of education. Subject to the provisions of subdivision 11, the school district may also by a (TWO-THIRD) *two-thirds* majority vote of all the members of its board of education and without any election by the voters of the district, issue and sell in each calendar year bonds of (SUCH) *the* district in an amount not to exceed one-half of one percent of the assessed value of the taxable property in (SUCH) *the* district (plus, for each of the calendar years (1975) 1980 through (1979) 1984, an amount not to exceed (75) 50 percent of the amount of indebtedness to be retired during the (SAID) calendar year; with an additional provision that any amount of bonds so authorized for sale in a specific year and not sold can be carried forward and sold in the year immediately following); provided, however, that the board shall submit the list of projects and undertakings to be financed by (SUCH) *a* proposed issue to the city planning commission as provided in subdivision 11 (c) (PRIOR TO THE ISSUANCE OF SUCH BONDS). All bonds of the school district shall be payable in not more than 20 years. The proceeds of the sale of (SUCH) *the* bonds shall be used only for the rehabilitating, remodeling, expanding and equipping of existing school buildings and for the acquisition of sites, construction and equipping of new school buildings, and for acquisition and betterment purposes, and no part of (SUCH) *the* proceeds shall be used for maintenance. The provisions of this act shall apply to the issuance and sale of (SUCH) *the* bonds and to the purposes for which the (SAME) *bonds* may be issued notwithstanding any provisions to the contrary in any other existing law relating thereto.

Sec. 3. [EFFECTIVE DATE.] *Pursuant to section 645.-023, subdivision 1, clause (a), sections 1 and 2 are effective without local approval the day after final enactment."*

Delete the title and insert:

"A bill for an act relating to Special School District No. 1; modifying the district's responsibility to develop a long range

building plan; extending certain district bonding authority; amending Laws 1959, Chapter 462, Section 3, Subdivision 7, as amended; and Laws 1963, Chapter 645, Section 3, Subdivision 5."

With the recommendation that when so amended the bill pass.

The report was adopted.

Prahl from the Committee on Commerce, Economic Development and Housing to which was referred:

H. F. No. 2435, A bill for an act relating to intoxicating liquor; permitting holders of on-sale wine licenses to sell intoxicating malt beverages; amending Minnesota Statutes 1978, Section 340.11, Subdivision 20.

Reported the same back with the following amendments:

Page 1, lines 12 and 13, delete the new language

Page 2, line 14, delete the new language

Page 2, line 17, after "Sunday." insert:

"The holder of an on-sale license issued pursuant to this clause shall be authorized to sell intoxicating malt beverages if the requirement of obtaining a license to sell non-intoxicating malt beverages pursuant to clause (d) of this section is met.

(d) The holder of an on-sale wine license issued pursuant to this chapter who is also licensed to sell non-intoxicating malt liquor at on-sale pursuant to section 340.01 may make on-sales of intoxicating malt beverages without obtaining an additional license if the governing body of the municipality authorizes such sale by resolution or ordinance."

Amend the title as follows:

Page 1, line 3, after "of" insert "both"

Page 1, line 3, before "licenses" insert "and on-sale non-intoxicating malt beverages"

With the recommendation that when so amended the bill pass.

The report was adopted.

Vanasek from the Committee on Criminal Justice to which was referred:

S. F. No. 119, A bill for an act relating to crimes; providing increased penalties for the receipt of stolen goods from a minor; amending Minnesota Statutes 1978, Section 609.53, by adding a subdivision.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes, 1979 Supplement, Section 609.53, is amended by adding a subdivision to read:

Subd. 1a. Any person who is 18 years of age or older who commits an act constituting a violation of subdivision 1, clause (1) or (2), knowing a minor committed the theft or robbery by which the property was obtained or knowing that a minor intentionally aided, advised, hired, counseled or conspired with or otherwise procured another to commit the theft or robbery may be sentenced to not more than twice the term of imprisonment or fine, or both, authorized by subdivision 1, clause (1) or (2).

Sec. 2. Minnesota Statutes, 1979 Supplement, Section 609.53, is amended by adding a subdivision to read:

Subd. 2a. Any person who is 18 years of age or older who commits an act constituting a violation of subdivision 2 having reason to believe a minor committed the theft or robbery by which the property was obtained or having reason to believe that a minor intentionally aided, advised, hired, counseled or conspired with or otherwise procured another to commit the theft or robbery may be sentenced to not more than twice the term of imprisonment or fine, or both, authorized by subdivision 2.

Sec. 3. [REPEALER.] *Minnesota Statutes 1978, Section 609.349, is repealed.*

Sec. 4. [EFFECTIVE DATES.] *Sections 1 and 2 are effective August 1, 1980 and apply to all crimes committed on or after that date, and section 3 is effective the day after final enactment and applies to all crimes committed on or after that date.”*

Delete the title in its entirety and insert:

“A bill for an act relating to crimes; providing that the status of marriage or an ongoing voluntary sexual relationship of cohabiting adults shall not be a defense to prosecution for criminal sexual conduct; providing increased penalties for the receipt of stolen goods from a minor; amending Minnesota Statutes, 1979 Supplement, Section 609.53, by adding subdivisions; repealing Minnesota Statutes 1978, Section 609.349.”

With the recommendation that when so amended the bill pass.

The report was adopted.

Faricy from the Committee on Judiciary, to which was referred:

S. F. No. 134, A bill for an act relating to public welfare; providing pre-trial proceedings and hearings to determine paternity of illegitimate children; revising Minnesota Statutes to conform with the uniform parentage act; amending Minnesota Statutes 1978, Sections 62A.041; 62C.14, Subdivision 5a; 64A.22, Subdivision 1; 144.215, Subdivision 3; 257.025; 257.175; 257.28; 257.33; 259.24, Subdivisions 1 and 2; 259.25, Subdivision 1; 259.26, Subdivision 1; 259.29, Subdivision 1; and 260.231, Subdivision 3; repealing Minnesota Statutes 1978, Sections 257.251; 257.252; 257.253; 257.254; 257.255; 257.256; 257.257; 257.258; 257.259; 257.261; 257.262; 257.263; 257.264; 257.27; 257.29; 257.30; 257.31; and 517.19.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [CITATION.] *Sections 1 to 24 may be cited as the parentage act.*

Sec. 2. [PARENT AND CHILD RELATIONSHIP DEFINED.] *As used in sections 1 to 24, "parent and child relationship" means the legal relationship existing between a child and his natural or adoptive parents incident to which the law confers or imposes rights, privileges, duties, and obligations. It includes the mother and child relationship and the father and child relationship.*

Sec. 3. [RELATIONSHIP NOT DEPENDENT ON MARRIAGE.] *The parent and child relationship may exist regardless of the marital status of the parents.*

Sec. 4. [HOW PARENT AND CHILD RELATIONSHIP ESTABLISHED.] *The parent and child relationship between a child and*

(a) *the natural mother may be established by proof of her having given birth to the child, or under sections 1 to 24;*

(b) *the natural father may be established under sections 1 to 24; or*

(c) *an adoptive parent may be established by proof of adoption.*

Sec. 5. [PRESUMPTION OF PATERNITY.] *Subdivision 1. A man is presumed to be the natural father of a child if:*

(a) *He and the child's natural mother are or have been married to each other and the child is born during the marriage, or within 280 days after the marriage is terminated by death, annulment, declaration of invalidity, dissolution, or divorce, or after a decree of legal separation is entered by a court;*

(b) *Before the child's birth, he and the child's natural mother have attempted to marry each other by a marriage solemnized in apparent compliance with law, although the attempted marriage is or could be declared void, voidable, or otherwise invalid, and,*

(1) *if the attempted marriage could be declared invalid only by a court, the child is born during the attempted marriage, or within 280 days after its termination by death, annulment, declaration of invalidity, dissolution or divorce; or*

(2) *if the attempted marriage is invalid without a court order, the child is born within 280 days after the termination of cohabitation;*

(c) *After the child's birth, he and the child's natural mother have married, or attempted to marry, each other by a marriage solemnized in apparent compliance with law, although the attempted marriage is or could be declared void, voidable, or otherwise invalid, and*

(1) *he has acknowledged his paternity of the child in writing filed with the district court or the state registrar of vital statistics;*

(2) *with his consent, he is named as the child's father on the child's birth certificate; or*

(3) *he is obligated to support the child under a written voluntary promise or by court order;*

(d) *While the child is under the age of majority, he receives the child into his home and openly holds out the child as his natural child; or*

(e) *He acknowledges his paternity of the child in a writing filed with the district court or the state registrar of vital statistics, which shall promptly inform the mother of the filing of the acknowledgment, and she does not within a reasonable time after being informed thereof dispute the acknowledgment in a writing filed with the district court or the state registrar of vital statistics. If another man is presumed under this clause to be the child's father, acknowledgment may be effected only*

with the written consent of the presumed father or after the presumption has been rebutted.

Subd. 2. A presumption under this section may be rebutted in an appropriate action only by clear and convincing evidence. If two or more presumptions arise which conflict with each other, the presumption which on the facts is founded on the weightier considerations of policy and logic controls. The presumption is rebutted by a court decree establishing paternity of the child by another man.

Sec. 6. [ARTIFICIAL INSEMINATION.] *Subdivision 1. If, under the supervision of a licensed physician and with the consent of her husband, a wife is inseminated artificially with semen donated by a man not her husband, the husband is treated in law as if he were the natural father of a child thereby conceived. The husband's consent must be in writing and signed by him and his wife. The physician shall certify their signatures and the date of the insemination, and file the husband's consent with the commissioner of health, who shall keep it confidential and in a sealed file. However, the physician's failure to file the consent does not affect the father and child relationship.*

All papers and records pertaining to the insemination, whether part of the permanent record of a court or of a file held by the supervising physician or elsewhere, are subject to inspection only upon an order of the court for good cause shown.

Subd. 2. The donor of semen provided to a licensed physician for use in artificial insemination of a married woman other than the donor's wife is treated in law as if he were not the natural father of a child thereby conceived.

Sec. 7. [DETERMINATION OF FATHER AND CHILD RELATIONSHIP; WHO MAY BRING ACTION; WHEN ACTION MAY BE BROUGHT.] *Subdivision 1. A child, his natural mother, or a man presumed to be his father under section 5, subdivision 1, clauses (a), (b), or (c) may bring an action:*

(a) At any time for the purpose of declaring the existence of the father and child relationship presumed under section 5, subdivision 1, clauses (a), (b), or (c); or

(b) For the purpose of declaring the nonexistence of the father and child relationship presumed under section 5, subdivision 1, clauses (a), (b), or (c) only if the action is brought within a reasonable time after the person bringing the action has obtained knowledge of relevant facts, but in no event later than three years after the child's birth. After the presumption has been rebutted, paternity of the child by another man may be determined in the same action, if he has been made a party.

Subd. 2. An action to determine the existence or nonexistence of the father and child relationship presumed under section 5, subdivision 1, clauses (d) or (e) may be brought at any time by the child, the mother or personal representative of the child, the public authority chargeable by law with the support of the child, the personal representative or a parent of the mother if the mother has died or is a minor, a man alleged or alleging himself to be the father, or the personal representative or a parent of the alleged father if the alleged father has died or is a minor.

Subd. 3. An action to determine the existence of the father and child relationship with respect to a child who has no presumed father under section 5 may be brought by the child, the mother or personal representative of the child, the public authority chargeable by law with the support of the child, the personal representative or a parent of the mother if the mother has died or is a minor, a man alleged or alleging himself to be the father, or the personal representative or a parent of the alleged father if the alleged father has died or is a minor.

Subd. 4. Regardless of its terms, an agreement, other than an agreement approved by the court in accordance with section 14, between an alleged or presumed father and the mother, does not bar an action under this section by the child or the public authority chargeable by law with the support of the child.

Subd. 5. If an action under this section is brought before the birth of the child, all proceedings shall be stayed until after the birth, except service of process and the taking of depositions to perpetuate testimony.

Subd. 6. If the child has been adopted, an action may not be brought.

Sec. 8. [LIMITATION OF ACTIONS; EXCEPTIONS.]
Except for an action brought by or on behalf of a child whose paternity has not been determined, an action to determine the existence of the father and child relationship as to a child who has no presumed father under section 5 may not be brought later than three years after the birth of the child, or later than three years after the effective date of sections 1 to 24, whichever is later. An action brought by or on behalf of a child whose paternity has not been determined is not barred until one year after the child reaches the age of majority.

Sections 7 and 8 do not extend the time within which a right of inheritance or a right to a succession may be asserted beyond the time provided by law relating to distribution and closing of decedents' estates or to the determination of heirship, or otherwise.

Sec. 9. [JURISDICTION; VENUE.] *Subdivision 1. Except in Hennepin and Ramsey counties, the county court has jurisdiction of an action brought under sections 1 to 24. In Hennepin and Ramsey counties, the district court has jurisdiction of an action brought under sections 1 to 24.*

Subd. 2. In addition to any other method provided by rule or statute, personal jurisdiction may be acquired by service in accordance with Minnesota Statutes, Section 543.19.

Subd. 3. The action may be brought in the county in which the child or the alleged father resides or is found or, if the father is deceased, in which proceedings for probate of his estate have been or could be commenced.

Sec. 10. [PARTIES.] *The child may be made a party to the action. If the child is a minor and is made a party, a general guardian or a guardian ad litem shall be appointed by the court to represent the child. The child's mother or father may not represent the child as guardian or otherwise. The court may appoint the commissioner of public welfare as guardian ad litem for the child. If the child is a minor and the case involves a compromise under section 14, subdivision 1 or a lump sum payment under section 16, subdivision 4, the child shall be made a party and the commissioner of public welfare shall be appointed as guardian ad litem before the court approves a compromise or orders a lump sum payment. The natural mother, each man presumed to be the father under section 5, and each man alleged to be the natural father, shall be made parties or, if not subject to the jurisdiction of the court, shall be given notice of the action in a manner prescribed by the court and shall be given an opportunity to be heard. The court may align the parties.*

Sec. 11. [PRE-TRIAL PROCEEDINGS.] *Subdivision 1. As soon as practicable, after an action to declare the existence or nonexistence of the father and child relationship has been brought, a pre-trial hearing shall be held in accordance with rules of civil procedure. The public shall be barred from the hearing. A record of the proceeding or any portion thereof shall be kept if any party requests, or the court so orders.*

Subd. 2. Upon refusal of a witness, including a party, to testify under oath or produce evidence, the court may order him to testify under oath and produce evidence concerning all relevant facts. If the refusal is upon the grounds that his testimony or evidence might tend to incriminate him, the court may grant him immunity from all criminal liability on account of the testimony or evidence he is required to produce. An order granting immunity bars prosecution of the witness for any offense shown, in whole or in part, by testimony or evidence which he is required to produce, except for perjury committed in his testimony. The refusal of a witness, who has been granted im-

munity, to obey an order to testify or produce evidence is subject to the sanctions within the jurisdiction of the court.

Subd. 3. Testimony of a physician concerning the medical circumstances of the pregnancy itself and the condition and characteristics of the child upon birth is not privileged.

Sec. 12. [BLOOD AND GENETIC TESTS.] *Subdivision 1. The court may, and upon request of a party shall, require the child, mother, or alleged father to submit to blood tests or genetic tests, or both. The tests shall be performed by a qualified expert appointed by the court.*

Subd. 2. The court, upon reasonable request by a party, shall order that independent tests be performed by other qualified experts.

Subd. 3. In all cases, the court shall determine the number and qualifications of the experts.

Subd. 4. The refusal to submit to blood tests or genetic tests, or both, may be admitted into evidence and is subject to the sanctions within the jurisdiction of the court.

Sec. 13. [EVIDENCE RELATING TO PATERNITY.] *Evidence relating to paternity may include:*

(a) Evidence of sexual intercourse between the mother and alleged father at any possible time of conception;

(b) An expert's opinion concerning the statistical probability of the alleged father's paternity based upon the duration of the mother's pregnancy;

(c) Genetic and blood test results, weighed in accordance with evidence, if available, of the statistical probability of the alleged father's paternity;

(d) Medical or anthropological evidence relating to the alleged father's paternity of the child based on tests performed by experts. If a man has been identified as a possible father of the child, the court may, and upon request of a party shall, require the child, the mother, and the man to submit to appropriate tests; and

(e) All other evidence relevant to the issue of paternity of the child.

Sec. 14. [PRETRIAL RECOMMENDATIONS.] *Subdivision 1. On the basis of the information produced at the pretrial hearing, the court shall evaluate the probability of determining the existence or nonexistence of the father and child relationship*

in a trial and whether a judicial declaration would be in the best interest of the child. On the basis of the evaluation, an appropriate recommendation for settlement shall be made to the parties, which may include any of the following:

(a) That the action dismissed with or without prejudice;

(b) That the alleged father voluntarily acknowledge his paternity of the child;

(c) That the matter be compromised by an agreement among the alleged father, the mother, and the child, in which the father and child relationship is not determined but in which a defined economic obligation is undertaken by the alleged father in favor of the child and, if appropriate, in favor of the mother, subject to approval by the court. In reviewing the obligation undertaken by the alleged father in a compromise agreement, the court shall consider the best interest of the child, in the light of the applicable factors enumerated in section 518.17, subdivision 3, discounted by the improbability, as it appears to the court, of establishing the alleged father's paternity or nonpaternity of the child in a trial of the action. In the best interest of the child, the court may order that the alleged father's identity be kept confidential. In that case, the court may designate a person or agency to receive from the alleged father and disburse on behalf of the child all amounts paid by the alleged father in fulfillment of obligations imposed on him. When the child reaches 21 years of age or older he may petition the court to disclose the alleged father's identity. The court shall grant the petition if after considering the interests of all known persons involved, the court determines that disclosure of the information would be of greater benefit than nondisclosure.

Subd. 2. If the parties accept a recommendation made in accordance with subdivision 1, judgment shall be entered accordingly.

Subd. 3. If a party refuses to accept a recommendation made under subdivision 1 and blood tests have not been taken, the court shall require the parties to submit to blood tests, if practicable. Thereafter the court shall make an appropriate final recommendation. If a party refuses to accept the final recommendation the action shall be set for trial.

Subd. 4. The guardian ad litem may accept or refuse to accept a recommendation under this section.

Subd. 5. The informal hearing may be terminated and the action set for trial if the court finds it unlikely that all parties would accept a recommendation made under subdivisions 1 or 3.

Sec. 15. [CIVIL ACTION.] *An action under sections 1 to 24 is a civil action governed by the rules of civil procedure. The*

mother of the child and the alleged father are competent to testify and may be compelled to testify. Section 11, subdivisions 2 and 3, and sections 12 and 13 apply to proceedings under this section.

Sec. 16. [JUDGMENT OR ORDER.] *Subdivision 1. The judgment or order of the court determining the existence or non-existence of the parent and child relationship is determinative for all purposes.*

Subd. 2. If the judgment or order of the court is at variance with the child's birth certificate, the court shall order that a new birth certificate be issued under section 23.

Subd. 3. The judgment or order may contain provisions concerning the duty of support, the custody and guardianship of the child, the name of the child, visitation privileges with the child, the furnishing of bond or other security for the payment of the judgment, or any other matter in the best interest of the child. When issuing an order providing for custody or support the court shall consider the factors set forth in section 518.17. An order providing for visitation shall be issued in accordance with section 518.175. The judgment or order may direct the appropriate party to pay all or a proportion of the reasonable expenses of the mother's pregnancy and confinement, after consideration of the relevant facts, including the relative financial means of the parents; the earning ability of each parent; and any health insurance policies held by either parent, or by a spouse or parent of the parent, which would provide benefits for the expenses incurred by the mother during her pregnancy and confinement.

Subd. 4. Support judgments or orders ordinarily shall be for periodic payments which may vary in amount. In the best interest of the child, a lump sum payment may be ordered in lieu of periodic payments of support. The court shall limit the father's liability for past support of the child to the proportion of the expenses that the court deems just, which were incurred in the immediate preceding two years.

Sec. 17. [ENFORCEMENT OF JUDGMENT OR ORDER.] *Subdivision 1. If existence of the father and child relationship is declared, or paternity or a duty of support has been acknowledged or adjudicated under sections 1 to 24 or under prior law, the obligation of the father may be enforced in the same or other proceedings by the mother, the child, the public authority that has furnished or may furnish the reasonable expenses of pregnancy, confinement, education, support, or funeral, or by any other person, including a private agency, to the extent he has furnished or is furnishing these expenses.*

Subd. 2. The court may order support payments to be made to the mother, the clerk of the court, or a person, corporation, or

agency designated to administer them for the benefit of the child under the supervision of the court.

Subd. 3. Willful failure to obey the judgment or order of the court is a civil contempt of the court. All remedies for the enforcement of judgments apply including those available under sections 518.41 to 518.53 and 256.872 to 256.878.

Sec. 18. [MODIFICATION OF JUDGMENT OR ORDER.] *The court has continuing jurisdiction to modify or revoke a judgment or order*

(a) *for future education and support, and*

(b) *with respect to matters listed in section 16, subdivisions 3 and 4, and section 17, subdivision 2, except that a court entering a judgment or order for the payment of a lump sum under section 16, subdivision 4, may specify that the judgment or order may not be modified or revoked.*

Sec. 19. [RIGHT TO COUNSEL; COSTS; FREE TRANSCRIPT ON APPEAL.] *Subdivision 1. At the pre-trial hearing and in further proceedings, any party may be represented by counsel. If the public authority charged by law with support of a child is a party, the county attorney shall represent the public authority. If the child receives public assistance and no conflict of interests exists, the county attorney shall also represent the mother. If a conflict of interest exists, the court shall appoint counsel for the mother at no cost to her. If the child does not receive public assistance, the county attorney may represent the mother at her request. The court shall appoint counsel for an indigent party who is unable to obtain counsel.*

Subd. 2. The court may order reasonable counsel, expert witnesses, and guardian ad litem fees, and other costs of the trial and pre-trial proceedings, including appropriate tests, to be paid by the parties in proportions and at times determined by the court. The court shall require an indigent party to pay part of the fees of court-appointed counsel according to the party's ability to pay, but if counsel has been appointed the appropriate agency shall pay the indigent party's proportion of all other fees and costs. When a party bringing an action is represented by the county attorney, no filing fee shall be paid to the clerk of court.

Subd. 3. If a party is financially unable to pay the cost of a transcript, the court shall furnish on request a transcript for purposes of appeal.

Sec. 20. [HEARINGS AND RECORDS; CONFIDENTIALITY.] *Notwithstanding any other law concerning public hearings and records, any hearing or trial held under sections 1 to 24 shall be held in closed court without admittance of any person other than those necessary to the action or proceeding.*

All papers and records, other than the final judgment, pertaining to the action or proceeding, whether part of the permanent record of the court or of a file in the state department of public welfare or elsewhere, are subject to inspection only upon consent of the court and all interested persons, or in exceptional cases only upon an order of the court for good cause shown.

Sec. 21. [ACTION TO DECLARE MOTHER AND CHILD RELATIONSHIP.] *A child, the father or personal representative of the child, the public authority chargeable by law with the support of the child, the personal representative or a parent of the father if the father has died, a woman alleged or alleging herself to be the mother, or the personal representative or a parent of the alleged mother if the alleged mother has died or is a minor may bring an action to determine the existence or nonexistence of a mother and child relationship. Insofar as practicable, the provisions of section 1 to 24 applicable to the father and child relationship apply.*

Sec. 22. [PROMISE TO RENDER SUPPORT.] *Subdivision 1. A person's signed promise to furnish support for a child, growing out of a supposed or alleged father and child relationship, does not require consideration and is enforceable according to its terms, subject to section 7, subdivision 4.*

Subd. 2. In the best interest of the child or the mother, the court may, and if a provision of the writing so requires shall, order the promise to be kept in confidence and designate a person or agency to receive and disburse on behalf of the child all amounts paid in performance of the promise.

Sec. 23. [BIRTH RECORDS.] *Subdivision 1. Upon compliance with the provisions of section 5, subdivision 1, clause (e) or upon order of a court of this state or upon request of a court of another state, the local registrar of vital statistics shall prepare a new certificate of birth consistent with the acknowledgment or the findings of the court and shall substitute the new certificate for the original certificate of birth.*

Subd. 2. The fact that the father and child relationship was declared after the child's birth shall not be ascertainable from the new certificate but the actual place and date of birth shall be shown.

Subd. 3. The evidence upon which the new certificate was made and the original birth certificate shall be kept in a sealed and confidential file and be subject to inspection only upon consent of the court and all interested persons, or in exceptional cases only upon an order of the court for good cause shown.

Sec. 24. [ADOPTION; TERMINATION PROCEEDINGS.] *Subdivision 1. If a mother relinquishes or proposes to relinquish for adoption a child who has*

(a) *a presumed father under section 5, subdivision 1,*

(b) *a father whose relationship to the child has been determined by a court, or*

(c) *a father as to whom the child is a legitimate child under prior law of this state or under the law of another jurisdiction, the father shall be given notice of the adoption proceeding as provided in section 259.26.*

Subd. 2. If a mother relinquishes or proposes to relinquish for adoption a child who does not have

(a) *a presumed father under section 5, subdivision 1,*

(b) *a father whose relationship to the child has been determined by a court, or*

(c) *a father as to whom the child is a legitimate child under prior law of this state or under the law of another jurisdiction, notice of the adoption proceeding shall be given as required by sections 259.26 and 259.261.*

Sec. 25. Minnesota Statutes 1978, Section 62A.041, is amended to read:

62A.041 [MATERNITY BENEFITS; UNMARRIED WOMEN.] Each group policy of accident and health insurance issued or renewed after June 4, 1971, shall provide the same coverage for maternity benefits to unmarried women and minor female dependents that it provides to married women including the wives of employees choosing dependent family coverage. If an *unmarried* insured is a parent (OR AN ACKNOWLEDGED OR ADJUDICATED PARENT) of a dependent (ILLEGITIMATE) child, each group policy issued or renewed after July 1, 1976, shall provide the same coverage for that child as that provided for the child of (AN) a *married* employee choosing dependent family coverage if the insured elects dependent family coverage.

Each individual policy of accident and health insurance shall provide the same coverage for maternity benefits to unmarried women and minor female dependents as that provided for married women. If (THE) an *unmarried* insured is a parent (OR AN ACKNOWLEDGED OR ADJUDICATED PARENT) of a dependent (ILLEGITIMATE) child, each individual policy issued or renewed after July 1, 1976, shall also provide the same coverage for that child as that provided for the child of (AN) a *married* insured choosing dependent family coverage if the insured elects dependent family coverage.

For the purposes of this section, the term "maternity benefits" shall not include elective, induced abortion whether performed in a hospital, other abortion facility, or the office of a physician.

Sec. 26. Minnesota Statutes 1978, Section 62C.14, Subdivision 5a, is amended to read:

Subd. 5a. Any group subscriber's contract delivered or issued for delivery or renewed in this state after August 1, 1973, shall provide the same coverage for maternity benefits to unmarried women and minor female dependents as that provided for married women. If (A) *an unmarried* subscriber is a parent (OR AN ACKNOWLEDGED OR ADJUDICATED PARENT) of a dependent (ILLEGITIMATE) child, each group subscriber's contract delivered or issued for delivery or renewed after July 1, 1976, shall, if the subscriber chooses family coverage, provide the same coverage for that child as that provided for the child of any other subscriber choosing dependent family coverage. Any group contracting for a group subscriber's contract may request that the coverage required by this section be omitted.

An individual subscriber's contract delivered or issued for delivery in this state shall provide the same coverage for maternity benefits to unmarried women and minor female dependents as that provided for married women. If (THE) *an unmarried* subscriber is a parent (OR THE ACKNOWLEDGED OR ADJUDICATED PARENT) of a dependent (ILLEGITIMATE) child, each subscriber's individual contract delivered or issued for delivery or renewed after July 1, 1975, shall, if the subscriber chooses dependent family coverage, provide the same coverage for that child as that provided for the child of any other subscriber choosing dependent family coverage.

Sec. 27. Minnesota Statutes 1978, Section 64A.22, Subdivision 1, is amended to read:

64A.22 [BENEFICIARIES.] Subdivision 1. [CHANGE; ELIGIBILITY; RIGHTS.] The member shall have the right at all times to change the beneficiary or beneficiaries in accordance with the constitution, laws or rules of the association. Every association by its constitution, laws or rules may limit the scope of beneficiaries and shall provide that no beneficiary shall have or obtain any vested interest in the proceeds of any certificate until the certificate has become due and payable in conformity with the provisions of the insurance contract; except that associations which fail to meet the requirements of section 64A.20, clause (3) shall confine the payment of death benefits to the wife, husband, family, relatives by blood or marriage, including (ILLEGITIMATE) children *as to whom he is a parent, as defined in sections 1 to 24*, parent or child by adoption, affianced husband or wife, a person dependent on the member or on whom the member is dependent, the member's estate, a benevolent, educational, religious, or charitable corporation, or to an incor-

porated institution for the support of the member. Any association may limit the beneficiaries within the above classes.

Sec. 28. Minnesota Statutes 1978, Section 144.215, Subdivision 3, is amended to read:

Subd. 3. In any case in which paternity of a child is determined by a court of competent jurisdiction, *or upon compliance with the provisions of section 5, subdivision 1, clause (e)*, the name of the father shall be entered on the birth certificate. If the order of the court declares the name of the child, it shall also be entered on the birth certificate (;). If the order of the court does not declare the name of the child, *or there is no court order*, then upon the request of both parents in writing, the surname of the child shall be that of the father.

Sec. 29. Minnesota Statutes 1978, Section 257.025, is amended to read:

257.025 [CUSTODY DISPUTES.] In any proceeding where two or more parties seek custody of a child the court shall determine the best interests of the child by considering and evaluating the following factors:

(a) The love, affection and other emotional ties existing between the competing parties and the child;

(b) The capacity and disposition of competing parties to give the child love, affection and guidance and continuation of the educating and raising of the child in its religion, creed, if any, or culture;

(c) The capacity and disposition of competing parties to provide the child with food, clothing, medical care or other remedial care recognized and permitted under the laws of this state in lieu of medical care, and other material needs;

(d) The length of time the child has lived in a stable, satisfactory environment and the desirability of maintaining continuity;

(e) The permanence, as a family unit, of the existing or proposed custodial home;

(f) The mental and physical health of the competing parties;

(g) The home, school and community record of the child;

(h) The cultural background of the child;

(i) The reasonable preference of the child, if the court deems the child to be of sufficient age to express preference;

(j) Any other factor considered by the court to be relevant to a particular child custody dispute.

The fact that the parents of the child are not or were never married to each other shall not be determinative of the custody of the child.

Sec. 30. Minnesota Statutes 1978, Section 257.175, is amended to read:

257.175 [DUTIES OF COMMISSIONER OF PUBLIC WELFARE.] It shall be the duty of the commissioner of public welfare to promote the enforcement of all laws for the protection of defective, (ILLEGITIMATE,) dependent, neglected, and delinquent children, to cooperate to this end with juvenile courts and all reputable child-helping and child-placing agencies of a public or private character, and to take the initiative in all matters involving the interests of such children where adequate provision therefore has not already been made. The commissioner may appoint a chief executive officer and such assistants as shall be necessary to carry out the purposes of (SECTIONS 257.175, 257.32, AND 257.33) *this section.*

Sec. 31. Minnesota Statutes 1978, Section 259.24, Subdivision 1, is amended to read:

259.24 [CONSENTS.] Subdivision 1. [EXCEPTIONS.] No child shall be adopted without the consent of (HIS) *the child's* parents and (HIS) *the child's* guardian, if there be one, except in the following instances:

(a) Consent shall not be required of (THE) *a* parent (OF AN ILLEGITIMATE CHILD) not entitled to notice of the proceedings (UNDER EITHER SECTIONS 259.26 OR 259.261).

(b) Consent shall not be required of a parent who has abandoned the child, or of a parent who has lost custody of the child through a divorce decree *or a decree of dissolution*, and upon whom notice has been served as required by section 259.26.

(c) Consent shall not be required of a parent whose parental rights to the child have been terminated by a juvenile court or who has lost custody of a child through a final commitment of the juvenile court or through a decree in a prior adoption proceeding.

(d) If there be no parent or guardian qualified to consent to the adoption, the consent may be given by the commissioner.

(e) The commissioner or agency having authority to place a child for adoption pursuant to section 259.25, subdivision 1, shall have the exclusive right to consent to the adoption of such child.

Sec. 32. Minnesota Statutes 1978, Section 259.24, Subdivision 2, is amended to read:

Subd. 2. [PARENTS, GUARDIAN.] If (A) *an unmarried* parent who consents to the adoption of (AN ILLEGITIMATE) *a* child is under 18 years of age, the consent of his parents or guardian, if any, also shall be required; if either or both the parents are disqualified for any of the reasons enumerated in subdivision 1, the consent of such parent shall be waived, and the consent of the guardian only shall be sufficient; and, if there be neither parent nor guardian qualified to give such consent, the consent may be given by the commissioner.

Sec. 33. Minnesota Statutes 1978, Section 259.25, Subdivision 1, is amended to read:

259.25 [AGREEMENT CONFERRING AUTHORITY TO PLACE FOR ADOPTION.] Subdivision 1. [CONSENTS REQUIRED.] The parents and guardian, if there be one, of a (LEGITIMATE) child may enter into a written agreement with the commissioner of public welfare or an agency, giving the commissioner or such agency authority to place the child for adoption. (THE PARENTS OF AN ILLEGITIMATE CHILD ALSO MAY ENTER INTO SUCH WRITTEN AGREEMENT, BUT,) If (HE) *an unmarried parent* is under the age of 18 years the written consent of his parents and guardian, if any, also shall be required; if either or both of the parents are disqualified from giving such consent for any of the reasons enumerated in section 259.24, subdivision 1, then the written consent of the guardian shall be required. (SUCH) *The* agreement and consent shall be in the form prescribed by the commissioner. The agreement shall be executed by the commissioner or agency, or one of their authorized agents, and all other necessary parties, and shall be filed, together with the consent, in the proceedings for the adoption of the child.

Sec. 34. Minnesota Statutes 1978, Section 259.26, Subdivision 1, is amended to read:

259.26 [NOTICE, HEARING ON PETITION.] Subdivision 1. [TO WHOM GIVEN.] Except as provided in subdivision 3, and subject to section 259.261, notice of the hearing upon a petition to adopt a child shall be given to:

(1) (THE PARENTS AND GUARDIAN, IF ANY, OF ANY LEGITIMATE CHILD;)

((2)) The guardian, if any, of (AN ILLEGITIMATE) *a* child;

((3)) (2) The parent of (AN ILLEGITIMATE) *a* child if

- (a) The person's name appears on the child's birth certificate, as a parent, or
- (b) The person has substantially supported the child, or
- (c) The person either was married to the person designated on the birth certificate as the natural mother within the 325 days before the child's birth or married that person within the ten days after the child's birth, or
- (d) The person is openly living with the child or the person designated on the birth certificate as the natural mother of the child, or both, or
- (e) The person has been adjudicated the child's parent, or
- (f) The person has filed an affidavit pursuant to section 259.261.

This notice need not be given to any above named person whose parental rights have been terminated, whose notice of intention to retain parental rights filed pursuant to section 259.261 has been successfully challenged, who (HAVE) *has* consented to the adoption or who (HAVE) *has* waived notice of the hearing. The notice of the hearing may be waived by a parent, guardian or other interested party by a writing executed before two competent witnesses and duly acknowledged. (SUCH) *The* waiver shall be filed in the adoption proceedings at any time before the matter is heard.

Sec. 35. Minnesota Statutes, 1979 Supplement, Section 259.29, Subdivision 1, is amended to read:

259.29 [EFFECT OF ADOPTION.] Subdivision 1. Upon adoption, the child shall become the legal child of the *adopting* persons (ADOPTING HIM,) and they shall become (HIS) *the* legal parents of *the child* with all the rights and duties between them of natural parents and legitimate child. By virtue of the adoption (HE) *the child* shall inherit from (HIS) *the* adoptive parents or their relatives the same as though (HE) *the child* were the (LEGITIMATE) *natural* child of the parents, and in case of (HIS) *the child's* death intestate the adoptive parents and their relatives shall inherit (HIS) *the child's* estate as if they had been (HIS) *the child's* natural parents and relatives. After a decree of adoption is entered the natural parents of an adopted child shall be relieved of all parental responsibilities for the child, and they shall not exercise or have any rights over the adopted child or (HIS) *the child's* property. The child shall not owe (HIS) *the* natural parents or their relatives any legal duty nor shall (HE) *the child* inherit from (HIS) *the* natural parents or kindred, except as provided in subdivision 1a.

Subd. 1a. Notwithstanding any other provisions to the contrary in this section, the adoption of a child by (HIS) a step-parent shall not in any way change the status of the relationship between the child and (HIS) *the child's* natural parent who is the spouse of the petitioning step-parent.

If a parent dies and a child is subsequently adopted by a step-parent who is the spouse of a surviving parent, any rights of inheritance of the child or the child's issue from or through the deceased parent of the child which exist at the time of the death of that parent shall not be affected by the adoption.

Subd. 2. Notwithstanding the provisions of subdivision 1, the adoption of a child whose natural parent or parents are enrolled in an American Indian tribe shall not change the child's enrollment in that tribe.

Sec. 36. Minnesota Statutes 1978, Section 260.231, Subdivision 3, is amended to read:

Subd. 3. The court shall have notice of the time, place, and purpose of the hearing served on the parents, *as defined in sections 1 to 24 or in Section 34, subdivision 1, clause (2)*, in the manner provided in sections 260.135 and 260.141, except that personal service shall be made at least ten days before the day of the hearing (PROVIDED THAT IN THE CASE OF AN ILLEGITIMATE CHILD, NOTICE SHALL BE GIVEN TO THE PARENT OF AN ILLEGITIMATE CHILD MEETING THE REQUIREMENTS OF SECTION 259.26,) SUBDIVISION 1, CLAUSE (3)). Published notice shall be made for three weeks, the last publication to be at least ten days before the day of the hearing; and notice sent by certified mail shall be mailed at least 20 days before the day of the hearing. A parent who consents to the termination of parental rights under the provisions of section 260.221, clause (a), may waive in writing the notice required by this subdivision; however, if the parent is a minor or incompetent (HIS) *the* waiver shall be effective only if (HIS) *the parent's* guardian ad litem concurs in writing.

Sec. 37. *Minnesota Statutes 1978, Sections 257.251; 257.252; 257.253; 257.254; 257.255; 257.256; 257.257; 257.258; 257.259; 257.261; 257.262; 257.263; 257.264; 257.27; 257.28; 257.29; 257.30; 257.31; 257.32; 257.33; and 517.19; are repealed."*

Further delete the title and insert:

"A bill for an act relating to public welfare; providing pre-trial proceedings and hearings to determine paternity of children; revising Minnesota Statutes to conform with the uniform parentage act; amending Minnesota Statutes 1978, Sections 62A.041; 62C.14, Subdivision 5a; 64A.22, Subdivision 1; 144.215, Subdivision 3; 257.025; 257.175; 257.33; 259.24, Subdivisions 1 and 2; 259.25, Subdivision 1; 259.26, Subdivision 1; 260.231,

Subdivision 3; and Minnesota Statutes, 1979 Supplement, Section 259.29, Subdivision 1; repealing Minnesota Statutes 1978, Sections 257.251; 257.252; 257.253; 257.254; 257.255; 257.256; 257.257; 257.258; 257.259; 257.261; 257.262; 257.263; 257.264; 257.27; 257.28; 257.29; 257.30; 257.31; 257.32; 257.33; and 517.19."

With the recommendation that when so amended the bill pass.

The report was adopted.

Moe from the Committee on Governmental Operations to which was referred:

S. F. No. 1825, A bill for an act relating to state government; permitting payroll deductions for the Minnesota Benefit Association; amending Minnesota Statutes 1978, Section 10.39, Subdivision 1.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Pursuant to rule 9.3, S. F. No. 1825 was referred to the Committee on Rules and Legislative Administration.

Munger from the Committee on Environment and Natural Resources to which was referred:

S. F. No. 1979, A bill for an act relating to state forests; altering the boundaries of Badoura State Forest; amending Minnesota Statutes 1978, Section 89.021, Subdivision 2.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Cassery from the Committee on Local and Urban Affairs to which was referred:

S. F. No. 2102, A bill for an act relating to the city of Melrose; authorizing the issuance of general obligation bonds for a fire hall and community center.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 1678 and 2168 were read for the second time.

Wigley moved that S. F. No. 1847 be recalled from the Committee on Environment and Natural Resources and together with H. F. No. 2168, now on the Technical Consent Calendar, be referred to the Chief Clerk for comparison. The motion prevailed.

H. F. No. 2223 was read for the second time.

Kroening moved that S. F. No. 1398 be recalled from the Committee on Commerce, Economic Development and Housing and together with H. F. No. 2223, now on Technical General Orders be referred to the Chief Clerk for comparison. The motion prevailed.

H. F. Nos. 2230, 2297, 2303 and 2435 were read for the second time.

Greenfield moved that S. F. No. 1658 be recalled from the Committee on Commerce, Economic Development and Housing and together with H. F. No. 2435, now on Technical General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

SECOND READING OF SENATE BILLS

S. F. Nos. 1707, 1963, 119, 134, 1979 and 2102 were read for the second time.

**INTRODUCTION AND FIRST READING
OF HOUSE BILLS**

The following House Files were introduced:

Kroening, Moe, Casserly, Begich and Greenfield introduced:

H. F. No. 2460, A bill for an act relating to banking; creating the bank of Minnesota.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Piepho, Wigley and Fjoslien introduced:

H. F. No. 2461, A bill for an act relating to taxation; income; providing a credit for certain sales of recycled materials; amending Minnesota Statutes 1978, Section 290.06, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Taxes.

Simoneau and McCarron introduced:

H. F. No. 2462, A bill for an act relating to retirement; Fridley volunteer firefighters' relief association; authorizing increases in service pensions for retired members; authorizing membership of a retired member on the board of trustees of the relief association.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Simoneau and McCarron introduced:

H. F. No. 2463, A bill for an act relating to retirement; Fridley volunteer firefighters' relief association; authorizing increases in service pensions for retired members; authorizing membership of a retired member on the board of trustees of the relief association.

The bill was read for the first time and referred to the Committee on Governmental Operations.

HOUSE ADVISORIES

The following House Advisory was introduced:

Carlson, L.; Swanson; Heinitz; Kaley and Wynia introduced:

H. A. No. 55, A proposal to study regulation and alternatives to regulation of the health care delivery system.

The advisory was referred to the Committee on Health and Welfare.

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. 1789, A bill for an act relating to occupations and professions; providing for licensing of public accountants; amending Minnesota Statutes, 1979 Supplement, Section 326.191.

H. F. No. 1798, A bill for an act relating to courts; second judicial district; providing for the appointment of the juvenile court clerk; amending Laws 1951, Chapter 653, Section 1, as amended.

H. F. No. 1892, A bill for an act relating to courts; providing that courts may acquire electronic data processing services through supreme court contracts; amending Minnesota Statutes 1978, Chapter 480, by adding a section.

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:

S. F. No. 1670, A bill for an act relating to energy; creating a state emergency residential heating grant program; broadening the scope of state weatherization programs; providing a credit for energy conservation expenditures; providing a pass-through of federal energy credits; reimbursing counties; appropriating money; amending Minnesota Statutes 1978, Section 462A.21, by adding a subdivision; and Minnesota Statutes, 1979 Supplement, Sections 268.37; 290.01, Subdivision 20; and 290.06, Subdivision 14.

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. 1670

A bill for an act relating to energy; creating a state emergency residential heating grant program; broadening the scope of state weatherization programs; providing a credit for energy conservation expenditures; providing a passthrough of federal energy credits; reimbursing counties; appropriating money; amending Minnesota Statutes 1978, Section 462A.21, by adding a subdivision; and Minnesota Statutes, 1979 Supplement, Sections 268.37; 290.01, Subdivision 20; and 290.06, Subdivision 14.

March 17, 1980

The Honorable Edward J. Gearty
President of the Senate

The Honorable Fred C. Norton
Speaker of the House of Representatives

We, the undersigned conferees for S. F. No. 1670, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendments and that S. F. No. 1670 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [EMERGENCY RESIDENTIAL HEATING GRANTS.] *Subdivision 1. The commissioner of economic security shall make grants to community action agencies, county boards, or other public or private nonprofit agencies for the purpose of providing emergency residential heating grants to low income households. These grants shall be made to the same agencies and in the same manner as provided for federal grants under the energy crisis assistance program of 42 U.S.C.A., Section 2809, Paragraph (a), Clause (5), except as otherwise provided in sections 1 to 5.*

Subd. 2. The commissioner of economic security shall promulgate rules that provide: (a) procedures for the administration of grants; (b) data to be reported by grant recipients and heating fuel suppliers; and (c) other matters the commissioner finds necessary for the proper administration of the state and federal grant programs. The rules may take effect as temporary rules upon approval by the attorney general and without the normal publication in the state register and, 20 day wait for comments from the public, and may be amended in the same manner at a later date if comments from the public demonstrate that amendments are justified.

Subd. 3. Data on individuals collected, maintained, used, or disseminated pursuant to this act are private data on individuals and shall not be disclosed except as provided for data in the welfare system under Minnesota Statutes, 1979 Supplement, Section 15.1691.

Sec. 2. [ALLOCATIONS.] *Money appropriated under section 12, subdivision 1, clauses (a) to (e) shall be allocated among local administrative agencies on the basis of the number of households in the area served by the agency whose income falls within the limits specified in section 3, subdivision 1, in relation to the total of these households in the state.*

Sec. 3. [ELIGIBILITY; AMOUNT OF GRANT.] *Subdivision 1. [INCOME LIMITS.] Emergency residential heating grants under this section shall be paid only to households not eligible for the federal energy crisis assistance program and whose total household income does not exceed the following limits:*

<i>Size of Household</i>	<i>Not More Than</i>
1	\$ 5,100
2	6,750
3	8,400
4	10,050
5	11,700
6	13,350 (For each additional household member add \$1,650.)

In determining total household income, a household with earned income may deduct from earned income state and federal income taxes and social security contributions. In addition, a household may deduct medical expenses which are not reimbursed by insurance or other sources and which exceed three percent of the household income.

Subd. 2. [AMOUNT OF GRANT.] The amount of a grant under this section, in combination with the special grant paid by the federal government directly to recipients of supplemental security income and money available to the state under the HEW block grant program shall be the least of:

(a) Fifty percent of the cost of residential heating energy paid or reasonably anticipated to be paid by the household during the winter heating season beginning in September and ending in May; or

(b) The appropriate table of maximum grant amounts as follows:

(1) If the maximum grant for fuel oil under the current state plan for the federal energy assistance program, at the highest eligible income level is \$400, the following amounts graduated by size of household, income of household, and source of energy:

Household Size	Household Income		Fuel Oil, Canadian Natural Gas and Propane	Wood and Other Energy Sources
	More Than but	Not More Than		
1		\$ 4,250	\$400	\$267
	\$ 4,250	\$ 4,675	\$283	\$189
	\$ 4,675	\$ 5,100	\$167	\$111
2		\$ 5,625	\$400	\$267
	\$ 5,625	\$ 6,188	\$283	\$189
	\$ 6,188	\$ 6,750	\$167	\$111
3		\$ 7,000	\$400	\$267
	\$ 7,000	\$ 7,700	\$283	\$189
	\$ 7,700	\$ 8,400	\$167	\$111
4		\$ 8,375	\$400	\$267
	\$ 8,375	\$ 9,212	\$283	\$189
	\$ 9,212	\$10,050	\$167	\$111
5		\$ 9,750	\$400	\$267
	\$ 9,750	\$10,725	\$283	\$189
	\$10,725	\$11,700	\$167	\$111
6		\$11,125	\$400	\$267
	\$11,125	\$12,238	\$283	\$189
	\$12,238	\$13,350	\$167	\$111

or

(2) If the maximum grant for fuel oil under the current state plan for the federal energy assistance program, at the highest eligible income level is \$600 or more, the following amounts graduated by size of household, income of household, and source of energy:

Household Size	Household Income More Than but	Household Income Not More than	Fuel Oil, Canadian Natural Gas and Propane	Wood and Other Energy Sources
1		\$ 4,250	\$600	\$400
	\$ 4,250	\$ 4,675	\$425	\$283
	\$ 4,675	\$ 5,100	\$250	\$167
2		\$ 5,625	\$600	\$400
	\$ 5,625	\$ 6,188	\$425	\$283
	\$ 6,188	\$ 6,750	\$250	\$167
3		\$ 7,000	\$600	\$400
	\$ 7,000	\$ 7,700	\$425	\$283
	\$ 7,700	\$ 8,400	\$250	\$167
4		\$ 8,375	\$600	\$400
	\$ 8,375	\$ 9,212	\$425	\$283
	\$ 9,212	\$10,050	\$250	\$167
5		\$ 9,750	\$600	\$400
	\$ 9,750	\$10,725	\$425	\$283
	\$10,725	\$11,700	\$250	\$167
6		\$11,125	\$600	\$400
	\$11,125	\$12,238	\$425	\$283
	\$12,238	\$13,350	\$250	\$167

For households of more than six members, the amount of the grant is scaled downward as income goes upward in the same manner as provided in tables 1 and 2 above.

Grants for recipients who use two or more types of fuel shall be based on the household's primary energy source.

Users of wood as the primary heating source, whether the wood is purchased or not, shall be eligible for assistance under this section.

Grants shall not be considered as income or resources under any other public or publicly assisted income tested program.

Sec. 4. [DISCRETIONARY GRANTS.] *A local administrative agency may use money allocated to it for discretionary grants to assist households in extraordinary need whose income, assets, or heating costs fall outside the limits set in section 3 and who are not eligible for additional assistance under any federal program.*

Sec. 5. [LEGISLATIVE AUDITOR REPORT.] *The legislative auditor shall submit to the legislature by January 1 of each year an audit report of the department of economic security concerning their administration of the emergency residential heating grant program. This report shall also contain a summary of the audit results of the local agencies involved in the administration of this program.*

These financial and compliance audits of the local agencies shall be initiated, monitored, and approved by the department of economic security. The legislative auditor must approve the selection of the auditors and scope of the audit.

Sec. 6. Minnesota Statutes, 1979 Supplement, Section 268.37, is amended to read:

268.37 [COORDINATION OF FEDERAL AND STATE RESIDENTIAL WEATHERIZATION PROGRAMS.] Subdivision 1. The department of economic security is the state agency to apply for, receive, and disburse (FEDERAL) money made available to the state by federal law (OR RULES PROMULGATED THEREUNDER) for the purpose of weatherizing the residences of low-income persons. The commissioner of economic security shall coordinate available federal money with (ANY) state money appropriated for this purpose.

Subd. 2. The commissioner shall make grants of federal and state money to community action agencies and other public or private nonprofit agencies for the purpose of weatherizing the residences of low-income persons. Grant applications shall be submitted in accordance with rules developed pursuant to 42 U.S.C., Sections 6861 to 6872, any other relevant federal weatherization program, and rules promulgated by the commissioner.

Subd. 3. The commissioner shall promulgate temporary rules as necessary to administer the grants program (BY JULY 1, 1979) and shall promulgate permanent rules by July 1, 1980. The rules shall describe: (a) procedures for the administration

of grants, (b) data to be reported by grant recipients, and (c) other matters the commissioner finds necessary for the proper administration of the grant program including compliance with relevant federal regulations. Weatherization assistance shall be given to households where the total income does not exceed 125 percent of the poverty level as updated by the federal office of management and budget poverty guidelines.

Subd. 4. [SUPPLEMENTARY STATE GRANTS.] The commissioner shall distribute supplementary state grants in a manner consistent with the goal of producing the maximum number of weatherized units feasible. Supplementary state grants are provided primarily for the payment of additional labor costs for the federal weatherization program, and as an incentive for the increased production of weatherized units.

Criteria for the allocation of state grants to local agencies include: (a) existing local agency production levels, (b) availability of CETA resources in the area, (c) emergency needs, and (d) the potential for maintaining or increasing acceptable levels of production in the area.

An eligible local agency may receive advance funding for 90 days' production, but thereafter shall receive grants solely on the basis of program criteria.

Subd. 5. The commissioner shall submit reports to the legislature by March 1 of each year, (1980, AND MARCH 1, 1981,) evaluating the weatherization program. The reports shall describe: (a) the number of households weatherized, (b) the average cost per household, (c) any change in energy consumption after weatherization, (d) outreach efforts, and (e) any other information the commissioner feels is relevant, including information routinely submitted to the federal government.

Sec. 7. Minnesota Statutes, 1979 Supplement, Section 290.01, Subdivision 20, is amended to read:

Subd. 20. [GROSS INCOME.] Except as otherwise provided in this chapter, the term "gross income," as applied to corporations includes every kind of compensation for labor or personal services of every kind from any private or public employment, office, position or services; income derived from the ownership or use of property; gains or profits derived from every kind of disposition of, or every kind of dealing in, property; income derived from the transaction of any trade or business; and income derived from any source; except that gross income shall not include "exempt function income" of a "homeowners association" as those terms are defined in Section 528 of the Internal Revenue Code of 1954, as amended.

For each of the taxable years beginning after December 31, 1960 and prior to January 1, 1971, the term "gross income" in

its application to individuals, estates, and trusts, shall mean the adjusted gross income as computed for federal income tax purposes as defined in the Internal Revenue Code of 1954, as amended through December 31, 1970 for the applicable taxable year, with the modifications specified in this section.

For each of the taxable years beginning after December 31, 1970, the term "gross income" in its application to individuals, estates, and trusts shall mean the adjusted gross income as computed for federal income tax purposes as defined in the Internal Revenue Code of 1954, as amended through the date specified herein for the applicable taxable year, with the modifications specified in this section.

(i) The Internal Revenue Code of 1954, as amended through December 31, 1970, shall be in effect for taxable years beginning after December 31, 1970 and prior to January 1, 1973.

(ii) The Internal Revenue Code of 1954, as amended through December 31, 1972, shall be in effect for taxable years beginning after December 31, 1972.

(iii) The Internal Revenue Code of 1954, as amended through December 31, 1973, shall be in effect for taxable years beginning after December 31, 1973.

(iv) The Internal Revenue Code of 1954, as amended through December 31, 1974, shall be in effect for the taxable years beginning after December 31, 1974.

(v) The Internal Revenue Code of 1954, as amended through December 31, 1976, including the amendments made to section 280A (relating to licensed day care centers) in H.R. 3477 as it passed the Congress on May 16, 1977, shall be in effect for the taxable years beginning after December 31, 1976. The provisions of the Tax Reform Act of 1976, P.L. 94-455, which affect adjusted gross income shall become effective for purposes of this chapter at the same time they become effective for federal income tax purposes. Section 207 (relating to extension of period for nonrecognition of gain on sale or exchange of residence) and section 402 (relating to time for making contributions to pension plans of self employed people) of P.L. 94-12 shall be effective for taxable years beginning after December 31, 1974.

The amendments made to sections 219(c) (3) and 220(c) (4) (extending the time for which a taxpayer is deemed to have made a contribution to an individual retirement account for the taxable year) by section 157(a) of P.L. 95-600 shall be effective for taxable years beginning after December 31, 1977.

References to the Internal Revenue Code of 1954 in clauses (a), (b) and (c) following shall mean the code in effect for

the purpose of defining gross income for the applicable taxable year.

(a) Modifications increasing federal adjusted gross income. There shall be added to federal adjusted gross income:

(1) Interest income on obligations of any state other than Minnesota or a political subdivision of any such other state exempt from federal income taxes under the Internal Revenue Code of 1954;

(2) Interest income on obligations of any authority, commission, or instrumentality of the United States, which the laws of the United States exempt from federal income tax, but not from state income taxes;

(3) Income taxes imposed by this state or any other taxing jurisdiction, to the extent deductible in determining federal adjusted gross income and not credited against federal income tax;

(4) Interest on indebtedness incurred or continued to purchase or carry securities the income from which is exempt from tax under this chapter, to the extent deductible in determining federal adjusted gross income;

(5) Amounts received as reimbursement for an expense of sickness or injury which was deducted in a prior taxable year to the extent that the deduction for such reimbursed expenditure resulted in a tax benefit;

(6) The amount of any federal income tax overpayment for any previous taxable year, received as refund or credited to another taxable year's income tax liability, proportionate to the percentage of federal income tax that was claimed as a deduction in determining Minnesota income tax for such previous taxable year.

The overpayment refund or credit, determined with respect to a husband and wife on a joint federal income tax return for a previous taxable year, shall be reported on joint or separate Minnesota income tax returns. In the case of separate Minnesota returns, the overpayment shall be reported by each spouse proportionately according to the relative amounts of federal income tax claimed as a deduction on his or her separate Minnesota income tax return for such previous taxable year;

(7) In the case of a change of residence from Minnesota to another state or nation, the amount of moving expenses which exceed total reimbursements and which were therefore deducted in arriving at federal adjusted gross income;

(8) In the case of property disposed of on or after January 1, 1978, the amount of any increase in the taxpayer's federal tax liability under section 47 of the Internal Revenue Code of 1954, as amended through December 31, 1976, to the extent of the credit under section 38 of the Internal Revenue Code of 1954, as amended through December 31, 1976, that was previously allowed as a deduction either under section 290.01, subdivision 20 (b) (7) or under section 290.09, subdivision 24;

(9) Expenses and losses arising from a farm which are not allowable under section 290.09, subdivision 29;

(10) Expenses and depreciation attributable to substandard buildings disallowed by section 290.101;

(11) The amount by which the gain determined pursuant to section 41.59, subdivision 2 exceeds the amount of such gain included in federal adjusted gross income;

(12) To the extent deducted in computing the taxpayer's federal adjusted gross income for the taxable year, losses realized upon a transfer of property to the spouse or former spouse of the taxpayer in exchange for the release of the spouse's marital rights;

(13) Interest income from qualified scholarship funding bonds as defined in section 103(e) of the Internal Revenue Code of 1954, as amended through December 31, 1976, if the non-profit corporation is domiciled outside of Minnesota; and

(14) Exempt-interest dividends, as defined in section 852 (b) (5) (A) of the Internal Revenue Code of 1954, as amended through December 31, 1976, not included in federal adjusted gross income pursuant to section 852(b) (5) (B) of the Internal Revenue Code of 1954, as amended through December 31, 1976, except for that portion of such exempt-interest dividends derived from interest income on obligations of the state of Minnesota, any of its political or governmental subdivisions, any of its municipalities, or any of its governmental agencies or instrumentalities;

(15) The amount of any excluded gain realized by a trust on the sale or exchange of property as defined in section 641 (c) (1).

(b) Modifications reducing federal adjusted gross income. There shall be subtracted from federal adjusted gross income:

(1) Interest income on obligations of any authority, commission or instrumentality of the United States to the extent includible in gross income for federal income tax purposes but exempt from state income tax under the laws of the United States;

(2) The portion of any gain, from the sale or other disposition of property having a higher adjusted basis for Minnesota income tax purposes than for federal income tax purposes, that does not exceed such difference in basis; but if such gain is considered a long-term capital gain for federal income tax purposes, the modification shall be limited to 50 per centum of such portion of the gain. This modification shall not be applicable if the difference in basis is due to disallowance of depreciation pursuant to section 290.101.

(3) Interest or dividend income on securities to the extent exempt from income tax under the laws of this state authorizing the issuance of such securities but includible in gross income for federal income tax purposes;

(4) Losses, not otherwise reducing federal adjusted gross income assignable to Minnesota, arising from events or transactions which are assignable to Minnesota under the provisions of sections 290.17 to 290.20, including any capital loss or net operating loss carryforwards or carrybacks resulting from such losses;

(5) If included in federal adjusted gross income, the amount of any credit received, whether received as a refund or credit to another taxable year's income tax liability, pursuant to chapter 290A, and the amount of any overpayment of income tax to Minnesota, or any other state, for any previous taxable year, whether such amount is received as a refund or credited to another taxable year's income tax liability;

(6) To the extent included in federal adjusted gross income, notwithstanding any other law to the contrary, the amount received by any person (i) from the United States, its agencies or instrumentalities, the Federal Reserve Bank or from the state of Minnesota or any of its political or governmental subdivisions or from any other state or its political or governmental subdivisions, or a Minnesota volunteer firefighter's relief association, by way of payment as a pension, public employee retirement benefit, or any combination thereof, or (ii) as a retirement or survivor's benefit made from a plan qualifying under section 401, 403, 404, 405, 408, 409 or 409A of the Internal Revenue Code of 1954, as amended through December 31, 1977. The maximum amount of this subtraction shall be \$10,000 less the amount by which the individual's federal adjusted gross income exceeds \$17,000. In the case of a volunteer firefighter who receives an involuntary lump sum distribution of his pension or retirement benefits, the maximum amount of this subtraction shall be \$10,000; this subtraction shall not be reduced by the amount of the individual's federal adjusted gross income in excess of \$17,000;

(7) In the case of property acquired on or after January 1, 1973, the amount of any credit to the taxpayer's federal tax liability under section 38 of the Internal Revenue Code of 1954, as amended through December 31, 1976, but only to the extent that the credit is connected with or allocable against the pro-

duction or receipt of income included in the measure of the tax imposed by this chapter;

(8) To the extent included in the taxpayer's federal adjusted gross income for the taxable year, gain realized upon a transfer of property to the spouse or former spouse of the taxpayer in exchange for the release of the spouse's marital rights;

(9) The amount of any distribution from a qualified pension or profit sharing plan included in federal adjusted gross income in the year of receipt to the extent of any contribution not previously allowed as a deduction by reason of a change in federal law which was not adopted by Minnesota law for a taxable year beginning in 1974 or later;

(10) Interest, including payment adjustment to the extent that it is applied to interest, earned by the seller of the property on a family farm security loan executed after December 31, 1977 and before January 1, 1982 that is guaranteed by the commissioner of agriculture as provided in sections 41.51 to 41.60;

(11) The amount of gain on the sale of the taxpayer's residence excluded from the federal gross income of the taxpayer pursuant to section 121 of the Internal Revenue Code of 1954, as amended through December 31, 1978 provided that a taxpayer who elects under that section shall not, for the purpose of this subdivision, also take an exclusion according to the provisions of section 121 of the Internal Revenue Code, as amended through December 31, 1976;

(12) The first \$3,000 of compensation for personal services in the armed forces of the United States or the United Nations, and the next \$2,000 of compensation for personal services in the armed forces of the United States or the United Nations wholly performed outside the state of Minnesota; (AND)

(13) The amount of any income earned for personal services rendered prior to the date when the taxpayer became a resident of Minnesota; and

(14) The amount of any credit to the taxpayer's federal tax liability for qualified expenditures for energy conservation or renewable energy sources under section 44C of the Internal Revenue Code of 1954, as amended through December 31, 1979 and as amended in H. R. 3919 (Crude Oil Windfall Profit Tax Act of 1980) as passed by the United States House of Representatives on March 13, 1980.

(c) Modifications affecting shareholders of electing small business corporations under section 1372 of the Internal Revenue Code of 1954, or section 290.972 of this chapter.

(1) Shareholders in a small business corporation, which has elected to be so taxed under the Internal Revenue Code of 1954, but has not made an election under section 290.972 of this chapter, shall deduct from federal adjusted gross income the amount of any imputed income from such corporation and shall add to federal adjusted gross income the amount of any loss claimed as a result of such stock ownership. Also there shall be added to federal adjusted gross income the amount of any distributions in cash or property made by said corporation to its shareholders during the taxable year.

(2) In cases where the small business corporation has made an election under section 1372 of the Internal Revenue Code of 1954, but has not elected under section 290.972 of this chapter and said corporation is liquidated or the individual shareholder disposes of his stock and there is no capital loss reflected in federal adjusted gross income because of the fact that corporate losses have exhausted the shareholders basis for federal purposes, such shareholders shall be entitled, nevertheless, to a capital loss commensurate to their Minnesota basis for the stock.

(3) In cases where the election under section 1372 of the Internal Revenue Code of 1954 antedates the election under section 290.972 of this chapter and at the close of the taxable year immediately preceding the effective election under section 290.972 the corporation has a reserve of undistributed taxable income previously taxed to shareholders under the provisions of the Internal Revenue Code of 1954, in the event and to the extent that such reserve is distributed to shareholders such distribution shall be taxed as a dividend for purposes of this act.

Items of gross income includible within these definitions shall be deemed such regardless of the form in which received. Items of gross income shall be included in gross income of the taxable year in which received by a taxpayer unless properly to be accounted for as of a different taxable year under methods of accounting permitted by section 290.07, except that (1) amounts transferred from a reserve or other account, if in effect transfers to surplus, shall, to the extent that such amounts were accumulated through deductions from gross income or entered into the computation of taxable net income during any taxable year, be treated as gross income for the year in which the transfer occurs, but only to the extent that such amounts resulted in a reduction of the tax imposed by this act, and (2) amounts received as refunds on account of taxes deducted from gross income during any taxable year shall be treated as gross income for the year in which actually received, but only to the extent that such amounts resulted in a reduction of the tax imposed by this act.

(d) Modification in computing taxable income of the estate of a decedent. Amounts allowable under section 291.07, subdivision 1(2) in computing Minnesota inheritance tax liability shall not be allowed as a deduction in computing the taxable income

of the estate unless there is filed within the time and in the manner and form prescribed by the commissioner a statement that the amounts have not been allowed as a deduction under section 291.07 and a waiver of the right to have such amounts allowed at any time as deductions under section 291.07. The provisions of this paragraph shall not apply with respect to deductions allowed under section 290.077 (relating to income in respect of decedents). In the event that the election made for federal tax purposes under section 642(g) of the Internal Revenue Code of 1954 differs from the election made under this paragraph appropriate modification of the estate's federal taxable income shall be made to implement the election made under this paragraph in accordance with regulations prescribed by the commissioner.

Sec. 8. Minnesota Statutes, 1979 Supplement, Section 290.06, Subdivision 14, is amended to read:

Subd. 14. [RESIDENTIAL ENERGY CREDIT.] A credit of 20 percent of the first \$10,000 of renewable energy source expenditures, including the expenditures described in clauses (a), (b) and (d) if made by an individual taxpayer on a Minnesota building of six dwelling units or less and expenditures for biomass conversion equipment described in clause (c), and a credit of 15 percent of the first \$2,000 of energy conservation expenditures made by a taxpayer and installed in or on a dwelling unit located in Minnesota, may be deducted from the tax due under this chapter for the taxable year in which the expenditures were made. For purposes of this subdivision, the term "building" shall include a condominium or townhouse used by the taxpayer as a residence. In the case of qualifying expenditures incurred in connection with a building under construction by a contractor, the credit shall be deducted from the tax liability of the first individual to purchase the building for use as a principal residence or for residential rental purposes; the contractor shall not be eligible for the credit given pursuant to this subdivision for that expenditure.

A "renewable energy source expenditure" which qualifies shall include:

(a) Expenditures which qualify for the federal renewable energy credit, pursuant to Section 44C of the Internal Revenue Code of 1954, as amended through December 31, 1978, and any regulations promulgated pursuant thereto;

(b) Expenditures for earth sheltered dwelling units. For purposes of this credit, an "earth sheltered dwelling unit" shall mean a structure which complies with applicable building standards and which is constructed so that:

(1) 80 percent or more of the (WALL) roof area is covered with a minimum depth of 12 inches of earth; and

(2) 50 percent or more of the wall area is covered with a minimum depth of 12 inches of earth; and

(3) Those portions of the structure not insulated with a minimum of seven feet of earth shall have additional insulation;

(c) Expenditures for biomass conversion equipment which produces ethanol, methane or methanol for use as a liquid fuel which is not offered for sale; and

(d) Expenditures for passive solar energy systems. For purposes of this credit, a "passive solar energy system" is defined to include systems which utilize elements of the building and its operable components to heat or cool a building (UNIT) *with* the sun's energy by means of conduction, convection, radiation, or evaporation. A passive system shall include:

(1) Collection aperture, including glazing installed in south facing walls and roofs; and

(2) Storage element, including thermal mass in the form of water, masonry, rock, concrete, or other mediums which is designed to store heat collected from solar radiation.

A passive system may include:

(1) Control and distribution element, including fans, louvers, and air ducts; and/or

(2) Retention element, including movable insulation used to minimize heat loss caused by nocturnal radiation through areas used for direct solar heat gain during daylight hours.

Eligible passive expenditures shall be for equipment, materials or devices that are an integral part of the components listed above and essential to the functioning of a passive design which qualifies pursuant to rules promulgated by the commissioner of revenue in cooperation with the director of the energy agency. Expenditures for equipment, materials, or devices which are a part of the normal heating, cooling, or insulation system of a building are not eligible for the credit.

An "energy conservation expenditure" is an expenditure which qualifies for the federal energy conservation credit pursuant to section 44C of the Internal Revenue Code of 1954, as amended through December 31, 1979, and any regulations promulgated pursuant thereto.

If a credit for a renewable energy expenditure was allowed to a taxpayer under this subdivision for any prior taxable year, the dollar amount of the maximum renewable energy expenditure

for which a taxpayer may qualify for a credit under this subdivision in subsequent years shall be \$10,000 reduced by the amount of *renewable energy* expenditures which a credit was claimed pursuant to this subdivision in prior years. *If a credit for an energy conservation expenditure was allowed to a taxpayer under this subdivision for any prior taxable year, the dollar amount of the maximum energy conservation expenditure for which a taxpayer may qualify for a credit under this subdivision in subsequent years shall be \$2,000 reduced by the amount of energy conservation expenditures for which a credit was claimed pursuant to this subdivision in prior years.*

(THE) A credit provided in this subdivision shall not be allowed in a taxable year if the (AMOUNT) *sum of the (CREDIT) credits provided in this subdivision would be less than \$10.*

If (THE) a credit allowable under this subdivision exceeds the amount of tax due in a taxable year, the excess credit shall not be refunded but may be carried forward to the succeeding taxable year and added to the credit allowable for that year. No amount *attributable to renewable energy source expenditures* may be carried forward to a taxable year beginning after December 31, 1984. *No amount attributable to energy conservation expenditures may be carried forward to a taxable year beginning after December 31, 1982. In the case of energy conservation expenditures, excess credits may be carried back two years, in chronological order. No credit may be carried back to a taxable year beginning before January 1, 1978. For the purposes of sections 290.46 and 290.50, if the claim for refund relates to an overpayment attributable to an energy conservation credit carryback under this subdivision, in lieu of the period of limitation prescribed in sections 290.46 and 290.50, the period of limitation shall be that period which ends with the expiration of the 15th day of the 46th month following the end of the taxable year of the energy conservation credit which results in the carryback. In the case in which a taxpayer is entitled to a refund in a carryback year due to the carryback of the energy conservation credit, interest shall be computed only from the end of the taxable year in which the energy conservation credit occurs.*

A shareholder in a family farm corporation and each partner in a partnership operating a family farm shall be eligible for the (CREDIT) *credits provided by this subdivision in the same manner and to the same extent allowed a joint owner of property under (CLAUSE (A)) section 44C (d) of the Internal Revenue Code of 1954, as amended through December 31, 1979. "Family farm corporation" and "family farm" have the meanings given in section 500.24.*

The (CREDIT) *credits provided in this subdivision (IS) are subject to the provisions of Section 44C, (c) (7), (d) (1) to (3), and (e), of the Internal Revenue Code of 1954, as amended*

through December 31, 1978, and any regulations promulgated pursuant thereto.

The commissioner of revenue in cooperation with the director of the energy agency shall promulgate rules establishing additional qualifications and definitions for the credits provided in (CLAUSES (A) TO (D)) *this subdivision.*

Notwithstanding section 290.61, the commissioner of revenue may request the energy agency to assist in the review and auditing of the information furnished by the taxpayer for purposes of claiming this credit. The provisions of section 290.61 shall apply to employees of the energy agency who receive information furnished by the taxpayer for purposes of claiming this credit.

(THIS SUBDIVISION) *The credit for renewable energy source expenditures is effective for expenditures made during taxable years beginning after December 31, 1978 and before January 1, 1983. The credit for energy conservation expenditures is effective for expenditures made during taxable years beginning after December 31, 1979, and before January 1, 1983.*

Sec. 9. Minnesota Statutes 1978, Section 462A.05, is amended by adding a subdivision to read:

Subd. 15b. It may make grants to assist in energy conservation rehabilitation measures for existing owner occupied housing including, but not limited to: insulation, storm windows and doors, furnace or space heater repair or replacement, chimney construction or improvement, weatherstripping and caulking, and structural or other directly related repairs essential for energy conservation. The grant to any household shall not exceed \$2,000.

To be eligible for an emergency conservation grant, a household must be certified as eligible to receive emergency residential heating assistance under either the federal or the state program, and either (1) have had a heating cost for the preceding heating season that exceeded 120 percent of the regional average for the preceding heating season for that energy source as determined by the energy agency, or (2) be eligible to receive a federal energy conservation grant, but be precluded from receiving the grant because of a need for directly related repairs that cannot be paid for under the federal program. The housing finance agency shall make a reasonable effort to determine whether other state or federal loan and grant programs are available and adequate to finance the intended improvements. An emergency energy conservation grant may be made in conjunction with grants or loans from other state or federal programs that finance other needed rehabilitation work. The receipt of a grant pursuant to this section shall not affect the applicant's eligibility for other housing finance agency loan or grant programs.

Temporary rules to implement this subdivision may be promulgated and amended pursuant to chapter 15. The temporary rules may remain in effect until July 1, 1981.

Sec. 10. Minnesota Statutes 1978, Section 462A.21, is amended by adding a subdivision to read:

Subd. 4g. It may make emergency energy conservation grants as provided in section 9 and may pay the costs and expenses necessary and incidental to the development of the emergency energy conservation grant program.

Sec. 11. [STATE PLAN FOR SPENDING FEDERAL MONEY.] *Subdivision 1. The governor shall submit to the appropriate federal agency a state delivery plan for money the state receives under the Federal Home Energy Assistance Act of 1980, that includes the following elements:*

(a) Those households in which one or more individuals are eligible for (a) aid to families with dependent children, (b) supplemental security income payments, (c) food stamps, or (d) certain veteran's benefits as limited by the Home Energy Assistance Act of 1980 shall be categorically eligible for assistance under the state plan, and procedures for simplified application shall be developed.

(b) Users of wood as a primary heating source, whether the wood is purchased or not, shall be eligible for assistance if otherwise eligible under federal law.

(c) Grants under the state plan may be in the form of a direct payment to an eligible household or as a line of credit to an energy supplier. The plan shall describe the conditions under which direct payment is permitted.

(d) Eligible households that have medically necessary cooling costs, as limited by federal law, shall be eligible for assistance.

(e) The state plan shall provide that three percent of the federal money shall be set aside for the emergency uses specified in federal law.

Subd. 2. Before the state plan is submitted to the appropriate federal agency, the governor shall deliver the plan to the appropriate committees of the legislature for review and comment. Thereafter, the governor shall notify the committees of any changes made in the plan.

Sec. 12. [APPROPRIATIONS.] *Subdivision 1. The sum of \$27,000,000 is appropriated from the general fund to the commissioner of economic security for the purposes specified in this*

subdivision, to be available for the fiscal year ending June 30 in the year indicated.

	1980	1981
(a) For the purposes specified in Section 1.	\$ 7,000,000	
<p>Any unencumbered balance remaining in the first year does not cancel, but is available for the second year of the biennium for the purposes specified in clause (c).</p>		
(b) For the purposes specified in section 4	\$ 500,000	\$ 500,000
(c) For emergency residential heating assistance		\$ 7,000,000

(1) If for any reason, federal money is not available, this appropriation may be used for grants to be made pursuant to the current state plan.

(2) If federal money is available to pay energy grants to persons eligible under section 1, up to \$5,000,000 of the money appropriated in clause (c) is available for any state matching requirement required by a federal energy assistance program.

(3) If a household's income does not exceed 168 percent of office of management and budget nonfarm poverty guidelines and the household is not eligible for assistance under the federal program for fiscal year 1981, the money appropriated in clauses (b) and (c) is available for grants in the same manner, and form as is specified in the state plan for the federal energy assistance program for fiscal year 1981.

(d) If grants are paid from the appropriation of state money in clauses (b) and (c) to persons eligible to receive grants for the same purpose from federal money, the appropriations shall be reimbursed for those grants from federal money when the federal money

becomes available if reimbursement is permitted under federal law.

(e) Local administrative agencies may retain up to five percent of the appropriations in clauses (a), (b), and (c) for administrative costs. The state administrative agency may retain up to two percent of the appropriation for administrative costs.

(f) Weatherization of residences pursuant to section 6 to be available until June 30, 1981. Local administrative agencies may retain up to 7-1/2 percent of the appropriation in clause (f) for administrative costs. The state administrative agency may retain up to two percent of the appropriation in clause (f) for administrative costs \$12,000,000

Subd. 2. The sum of \$5,000,000 is appropriated from the general fund to the housing development fund created by Section 462A.20, for the purpose of the emergency energy conservation grant program specified in sections 9 and 10, and for the payment of related costs and expenses. The complement of the housing finance agency is increased by two positions.

Subd. 3. The sum of \$1,000,000 is appropriated from the general fund to the commissioner of public welfare to reimburse counties for the county portion of expenses incurred by them in providing residential heating assistance under the emergency assistance and special needs allowance programs during fiscal years 1980 and 1981. No county match is required for this money.

Sec. 13. [EFFECTIVE DATE.] *This act is effective the day after final enactment. Sections 1 to 5 expire January 2, 1982. Section 7 is effective for federal credits received for taxable years beginning after December 31, 1978."*

Delete the title and insert:

"A bill for an act relating to energy; creating a state emergency residential heating grant program; broadening the scope of state weatherization programs; providing a credit for energy conservation expenditures; providing a passthrough of federal energy credits; reimbursing counties; appropriating money; amending Minnesota Statutes 1978, Sections 462A.05, by adding a subdivision; and 462A.21, by adding a subdivision; and Minnesota Statutes, 1979 Supplement, Sections 268.37; 290.01, Subdivision 20; and 290.06, Subdivision 14."

We request adoption of this report and repassage of the bill.

Senate Conferees: HUBERT H. HUMPHREY, NEIL DIETERICH, HARMON T. OGDahl, JERALD C. ANDERSON and BILL MCCUTCHEON.

House Conferees: KEN G. NELSON, JAMES C. PEHLER, C. THOMAS OSTHOFF and BOB ANDERSON.

Nelson moved that the report of the Conference Committee on S. F. No. 1670 be adopted and that the bill be repassed as amended by the Conference Committee.

CALL OF THE HOUSE

On the motion of Nelson and on the demand of 10 members, a call of the House was ordered. The following members answered to their names:

Aasness	Elioff	Kaley	Norman	Sherwood
Adams	Erickson	Kalis	Novak	Sieben, H.
Ainley	Esau	Kelly	Nysether	Sieben, M.
Albrecht	Evans	Kempe	Olsen	Simoneau
Anderson, B.	Ewald	Knickerbocker	Onnen	Stadum
Anderson, D.	Faricy	Kroening	Osthoff	Stoa
Anderson, G.	Fjoslien	Kvam	Otis	Stowell
Anderson, R.	Forsythe	Laidig	Pehler	Sviggum
Battaglia	Friedrich	Lehto	Peterson, B.	Swanson
Begich	Fritz	Levi	Peterson, D.	Thiede
Berkelman	Greenfield	Long	Piepho	Tomlinson
Biersdorf	Halberg	Ludeman	Pleasant	Valan
Blatz	Haukoos	Luknic	Prahl	Valento
Byrne	Heap	McCarron	Redalen	Vanasek
Carlson, L.	Heinitz	McDonald	Reding	Waldorf
Cassery	Hoberg	McEachern	Rees	Weaver
Clark	Hokanson	Mehrkens	Reif	Welker
Clawson	Jacobs	Minne	Rodriguez	Wenzel
Corbid	Jaros	Moe	Rose	Wieser
Crandall	Jennings	Murphy	Rothenberg	Wigley
Dean	Johnson, C.	Nelsen, B.	Sarna	Wynia
Dempsey	Johnson, D.	Nelsen, M.	Schreiber	Zubay
Den Ouden	Jude	Nelson	Searle	Spkr. Norton
Drew	Kahn	Niehaus	Searles	

Sieben, H., 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.

The question recurred on the motion to adopt the Conference Committee report on S. F. No. 1670. The motion prevailed.

S. F. No. 1670, A bill for an act relating to energy; creating a state emergency residential heating grant program; broadening the scope of state weatherization programs; providing a credit for energy conservation expenditures; providing a pass-through of federal energy credits; reimbursing counties; appro-

prising money; amending Minnesota Statutes 1978, Section 462A.21, by adding a subdivision; and Minnesota Statutes, 1979 Supplement, Sections 268.37; 290.01, Subdivision 20; and 290.06, Subdivision 14.

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 77 yeas and 56 nays as follows:

Those who voted in the affirmative were:

Adams	Eken	Kalis	Nelsen, M.	Sieben, M.
Anderson, B.	Elioff	Kelly	Nelson	Simoneau
Anderson, I.	Ellingson	Kempe	Norman	Stoa
Anderson, R.	Faricy	Kostohryz	Novak	Swanson
Battaglia	Fjoslien	Kroening	Nysether	Tomlinson
Begich	Fritz	Lehto	Osthoff	Vanasek
Berglin	Fudro	Long	Otis	Voss
Berkelman	Greenfield	Luknic	Patton	Waldorf
Blatz	Halberg	Mann	Pehler	Weaver
Brinkman	Heap	McCarron	Peterson, D.	Welch
Byrne	Hokanson	McEachern	Prahl	Wenzel
Carlson, L.	Jacobs	Metzen	Reding	Wynia
Casserly	Jaros	Minne	Rice	Spkr. Norton
Clark	Johnson, C.	Moe	Rodriguez	
Clawson	Jude	Munger	Sarna	
Corbid	Kahn	Murphy	Sieben, H.	

Those who voted in the negative were:

Aasness	Erickson	Knickerbocker	Piepho	Sviggum
Ainley	Esau	Kvam	Pleasant	Thiede
Albrecht	Evans	Laidig	Redalen	Valan
Anderson, D.	Ewald	Levi	Rees	Valento
Anderson, G.	Forsythe	Ludeman	Reif	Welker
Biersdorf	Friedrich	McDonald	Rose	Wieser
Carlson, D.	Haukoos	Mehrkens	Rothenberg	Wigley
Crandall	Heinitz	Nelsen, B.	Schreiber	Zubay
Dean	Hoberg	Niehaus	Searle	
Dempsey	Jennings	Olsen	Searles	
Den Ouden	Johnson, D.	Onnen	Sherwood	
Drew	Kaley	Peterson, B.	Stowell	

The bill was repassed, as amended by Conference, and its title agreed to.

REPORT FROM THE COMMITTEE ON RULES AND LEGISLATIVE ADMINISTRATION

Eken, from the Committee on Rules and Legislative Administration, pursuant to rule 1.9, designated the following bills as a Special Order to be acted upon immediately following Special Orders pending for Wednesday, March 19, 1980:

H. F. Nos. 378, 1768, 2047, 2090, 1095, 1962, 2043, 1035, 1408, 1906, 1929, 2134, 2262, 1822 and 2086.

CONSENT CALENDAR

S. F. No. 1674 was reported to the House.

Lehto moved to amend S. F. No. 1674 as follows:

Page 3, line 8, delete "*seaman*" and insert "*seafarer*"

Page 3, line 9, delete "*seaman*" and insert "*seafarer*"

Page 3, line 12, delete "*firemen*" and insert "*firefighters*"

The motion prevailed and the amendment was adopted.

S. F. No. 1674, A bill for an act relating to labor; exempting seamen from the fair labor standards act; amending Minnesota Statutes, 1979 Supplement, Section 177.23, Subdivision 7.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called.

Heinitz moved that those not voting be excused from voting. The motion prevailed.

There were 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Den Ouden	Johnson, C.	Munger	Rodriguez
Adams	Drew	Johnson, D.	Murphy	Rose
Ainley	Eken	Jude	Nelsen, B.	Rothenberg
Albrecht	Elioff	Kahn	Nelsen, M.	Sarna
Anderson, B.	Ellingson	Kaley	Nelson	Schreiber
Anderson, D.	Erickson	Kalis	Niehaus	Searle
Anderson, G.	Esau	Kelly	Norman	Searles
Anderson, I.	Evans	Kempe	Novak	Sherwood
Anderson, R.	Ewald	Knickerbocker	Nysether	Sieben, H.
Battaglia	Faricy	Kostohryz	Olsen	Sieben, M.
Begich	Fjoslien	Kroening	Onnen	Simoneau
Berglin	Forsythe	Kvam	Osthoff	Stoa
Berkelman	Friedrich	Laidig	Otis	Stowell
Biersdorf	Fritz	Lehto	Patton	Sviggum
Blatz	Fudro	Levi	Pehler	Swanson
Brinkman	Greenfield	Long	Peterson, B.	Thiede
Carlson, D.	Halberg	Ludeman	Peterson, D.	Tomlinson
Carlson, L.	Haukoos	Luknic	Piepho	Valan
Casserly	Heap	Mann	Pleasant	Valento
Clark	Heinitz	McCarron	Prahl	Vanasek
Clawson	Hoberg	McDonald	Redalen	Voss
Corbid	Hokanson	McEachern	Reding	Waldorf
Crandall	Jacobs	Mehrkens	Rees	Weaver
Dean	Jaros	Minne	Reif	Welch
Dempsey	Jennings	Moe	Rice	Welker

Wenzel
Wieser

Wigley

Wynia

Zubay

Spkr. Norton

The bill was passed, as amended, and its title agreed to.

H. F. No. 2197 was reported to the House.

Carlson, D., moved that H. F. No. 2197 be continued on the Consent Calendar for one day. The motion prevailed.

CALL OF THE HOUSE LIFTED

Pehler moved that the call of the House be dispensed with. The motion prevailed and it was so ordered.

H. F. No. 2082, A bill for an act relating to elections; providing for special elections to fill vacancies in statutory city offices; amending Minnesota Statutes 1978, Sections 205.10; 205.17, Subdivision 1; and 412.02, Subdivision 2, and by adding a subdivision.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Eken	Kahn	Nelson	Searles
Adams	Elioff	Kaley	Niehaus	Sherwood
Ainley	Ellingson	Kalis	Norman	Sieben, H.
Albrecht	Erickson	Kelly	Novak	Sieben, M.
Anderson, B.	Esau	Kempe	Nysether	Simoneau
Anderson, D.	Evans	Knickerbocker	Olsen	Stadum
Anderson, G.	Ewald	Kostohryz	Onnen	Stoa
Anderson, I.	Faricy	Kroening	Osthoff	Stowell
Anderson, R.	Fjoslien	Kvam	Otis	Sviggum
Battaglia	Forsythe	Laidig	Patton	Swanson
Begich	Friedrich	Lehto	Pehler	Thiede
Berglin	Fritz	Levi	Peterson, B.	Tomlinson
Berkelman	Fudro	Long	Peterson, D.	Valan
Blatz	Greenfield	Ludeman	Piepho	Valento
Brinkman	Halberg	Luknic	Pleasant	Vanasek
Carlson, D.	Haukoos	Mann	Prahl	Voss
Carlson, L.	Heap	McCarron	Redalen	Waldorf
Casserly	Heinitz	McDonald	Reding	Weaver
Clark	Hoberg	McEachern	Rees	Welch
Clawson	Hokanson	Mehrkens	Reif	Welker
Corbid	Jacobs	Minne	Rice	Wenzel
Crandall	Jaros	Moe	Rodriguez	Wieser
Dean	Jennings	Munger	Rose	Wynia
Dempsey	Johnson, C.	Murphy	Rothenberg	Zubay
Den Ouden	Johnson, D.	Nelsen, B.	Sarna	Spkr. Norton
Drew	Jude	Nelsen, M.	Searle	

The bill was passed and its title agreed to.

H. F. No. 2185, A bill for an act relating to the Knife Lake Improvement District in Kanabec County; authorizing Kanabec County to finance the cost of a certain improvement within the district.

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 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Drew	Kahn	Niehaus	Sieben, M.
Adams	Eken	Kaley	Norman	Simoneau
Ainley	Elioff	Kelly	Novak	Stadum
Albrecht	Ellingson	Kempe	Nysether	Stoa
Anderson, B.	Erickson	Knickerbocker	Olsen	Stowell
Anderson, D.	Esau	Kostohryz	Onnen	Sviggum
Anderson, G.	Evans	Kroening	Osthoff	Swanson
Anderson, I.	Ewald	Kvam	Otis	Thiede
Anderson, R.	Faricy	Laidig	Patton	Tomlinson
Battaglia	Fjoslien	Lehto	Pehler	Valan
Begich	Forsythe	Levi	Peterson, B.	Valento
Berglin	Friedrich	Long	Peterson, D.	Vanasek
Berkelman	Fritz	Ludeman	Piepho	Voss
Biersdorf	Fudro	Luknic	Pleasant	Waldorf
Blatz	Greenfield	Mann	Prahl	Weaver
Brinkman	Halberg	McCarron	Reding	Welch
Byrne	Haukoos	McDonald	Rees	Welker
Carlson, D.	Heap	McEachern	Reif	Wenzel
Carlson, L.	Heinitz	Mehrkens	Rice	Wieser
Cassery	Hoberg	Metzen	Rodriguez	Wigley
Clark	Hokanson	Minne	Rothenberg	Wynia
Clawson	Jacobs	Moe	Sarna	Zubay
Corbid	Jaros	Munger	Schreiber	Spkr. Norton
Crandall	Jennings	Murphy	Searle	
Dean	Johnson, C.	Nelsen, B.	Searles	
Dempsey	Johnson, D.	Nelsen, M.	Sherwood	
Den Ouden	Jude	Nelson	Sieben, H.	

The bill was passed and its title agreed to.

S. F. No. 1273, A bill for an act relating to natural resources; authorizing the commissioner to utilize volunteer services; amending Minnesota Statutes 1978, Chapter 84, by adding a section; and Section 176.011, Subdivision 9; repealing Minnesota Statutes 1978, Section 85.041.

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 133 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Drew	Kahn	Nelson	Sherwood
Adams	Eken	Kaley	Niehaus	Sieben, H.
Ainley	Elioff	Kalis	Norman	Sieben, M.
Albrecht	Ellingson	Kelly	Novak	Simoneau
Anderson, B.	Erickson	Kempe	Nysether	Stadum
Anderson, D.	Esau	Knickerbocker	Olsen	Stoa
Anderson, G.	Evans	Kostohryz	Onnen	Stowell
Anderson, I.	Ewald	Kroening	Osthoff	Sviggum
Anderson, R.	Faricy	Kvam	Otis	Swanson
Battaglia	Fjoslien	Laidig	Patton	Thiede
Begich	Forsythe	Lehto	Pehler	Tomlinson
Berglin	Friedrich	Levi	Peterson, B.	Valan
Berkelman	Fritz	Long	Peterson, D.	Valento
Biersdorf	Fudro	Ludeman	Piepho	Vanasek
Blatz	Greenfield	Luknic	Pleasant	Voss
Brinkman	Halberg	Mann	Prahl	Waldorf
Byrne	Haukoos	McCarron	Redalen	Weaver
Carlson, D.	Heap	McDonald	Reding	Welch
Carlson, L.	Heinitz	McEachern	Rees	Welker
Casserly	Hoberg	Mehrkens	Reif	Wenzel
Clark	Hokanson	Metzen	Rice	Wieser
Clawson	Jacobs	Minne	Rodriguez	Wigley
Corbid	Jaros	Moe	Rothenberg	Wynia
Crandall	Jennings	Munger	Sarna	Zubay
Dean	Johnson, C.	Murphy	Schreiber	Sprk. Norton
Dempsey	Johnson, D.	Nelsen, B.	Searle	
Den Ouden	Jude	Nelsen, M.	Searles	

The bill was passed and its title agreed to.

S. F. No. 1471, A bill for an act relating to local government; regulating elections in the city of Duluth and Independent School District 709; setting the filing dates in local primary elections back four weeks to allow the city additional time to prepare.

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 132 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Byrne	Esau	Jaros	Long
Adams	Carlson, D.	Evans	Jennings	Ludeman
Ainley	Carlson, L.	Ewald	Johnson, D.	Luknic
Albrecht	Casserly	Faricy	Jude	Mann
Anderson, B.	Clark	Fjoslien	Kahn	McCarron
Anderson, D.	Clawson	Forsythe	Kaley	McDonald
Anderson, G.	Corbid	Friedrich	Kalis	McEachern
Anderson, I.	Crandall	Fritz	Kelly	Mehrkens
Anderson, R.	Dean	Fudro	Kempe	Metzen
Battaglia	Dempsey	Greenfield	Knickerbocker	Minne
Begich	Den Ouden	Haukoos	Kostohryz	Moe
Berglin	Drew	Heap	Kroening	Munger
Berkelman	Eken	Heinitz	Kvam	Murphy
Biersdorf	Elioff	Hoberg	Laidig	Nelsen, B.
Blatz	Ellingson	Hokanson	Lehto	Nelsen, M.
Brinkman	Erickson	Jacobs	Levi	Nelson

Niehaus	Peterson, D.	Rothenberg	Stowell	Welch
Norman	Piepho	Sarna	Sviggum	Welker
Novak	Pleasant	Schreiber	Swanson	Wenzel
Nysether	Prahl	Searle	Thiede	Wieser
Olsen	Redalen	Searles	Tomlinson	Wigley
Onnen	Reding	Sherwood	Valan	Wynia
Osthoff	Rees	Sieben, H.	Valento	Zubay
Otis	Reif	Sieben, M.	Vanasek	Spkr. Norton
Patton	Rice	Simoneau	Voss	
Pehler	Rodriguez	Stadum	Waldorf	
Peterson, B.	Rose	Stoa	Weaver	

The bill was passed and its title agreed to.

S. F. No. 1645, A bill for an act relating to courts; providing for hearings on rules proposed by the supreme court; amending Minnesota Statutes 1978, Section 480.054.

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 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Drew	Kelly	Novak	Sieben, M.
Adams	Eken	Kempe	Nysether	Simoneau
Ainley	Elioff	Knickerbocker	Olsen	Stadum
Albrecht	Ellingson	Kostohryz	Onnen	Stoa
Anderson, B.	Erickson	Kroening	Osthoff	Stowell
Anderson, D.	Esau	Kvam	Otis	Sviggum
Anderson, G.	Evans	Laidig	Patton	Swanson
Anderson, I.	Ewald	Lehto	Pehler	Thiede
Anderson, R.	Faricy	Levi	Peterson, B.	Tomlinson
Battaglia	Fjoslien	Long	Peterson, D.	Valan
Begich	Forsythe	Ludeman	Piepho	Valento
Berglin	Friedrich	Luknic	Pleasant	Vanasek
Berkelman	Fritz	Mann	Prahl	Voss
Biersdorf	Fudro	McCarron	Redalen	Waldorf
Blatz	Greenfield	McDonald	Reding	Weaver
Brinkman	Haukoos	McEachern	Rees	Welch
Byrne	Heap	Mehrkens	Reif	Welker
Carlson, D.	Heinitz	Metzen	Rice	Wenzel
Carlson, L.	Hoberg	Minne	Rodriguez	Wieser
Casserly	Hokanson	Moe	Rose	Wigley
Clark	Jacobs	Munger	Rothenberg	Wynia
Clawson	Jennings	Murphy	Sarna	Zubay
Corbid	Johnson, D.	Nelsen, B.	Schreiber	Spkr. Norton
Crandall	Jude	Nelsen, M.	Searle	
Dean	Kahn	Nelson	Searles	
Dempsey	Kaley	Niehaus	Sherwood	
Den Ouden	Kalis	Norman	Sieben, H.	

The bill was passed and its title agreed to.

S. F. No. 1646, A bill for an act relating to executions; providing that issuance of an execution may be made without dock-

eting of the judgment in the county where the money or personal property is owed to the judgment debtor by a third party; amending Minnesota Statutes 1978, Section 550.07.

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 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Elioff	Kelly	Novak	Sieben, M.
Adams	Ellingson	Kempe	Nysether	Simoneau
Ainley	Erickson	Knickerbocker	Olsen	Stadum
Albrecht	Esau	Kostohryz	Onnen	Stoa
Anderson, B.	Evans	Kroening	Osthoff	Stowell
Anderson, G.	Ewald	Kvam	Otis	Sviggum
Anderson, I.	Faricy	Laidig	Patton	Swanson
Anderson, R.	Fjoslien	Lehto	Pehler	Thiede
Battaglia	Forsythe	Levi	Peterson, B.	Tomlinson
Begich	Friedrich	Long	Peterson, D.	Valan
Berglin	Fritz	Ludeman	Piepho	Valento
Berkelman	Fudro	Luknic	Pleasant	Vanasek
Biersdorf	Greenfield	Mann	Prahl	Voss
Blatz	Halberg	McCarron	Redalen	Waldorf
Brinkman	Haukoos	McDonald	Reding	Weaver
Byrne	Heap	McEachern	Rees	Welch
Carlson, L.	Heinitz	Mehrkens	Reif	Welker
Cassery	Hoberg	Metzen	Rice	Wenzel
Clark	Hokanson	Minne	Rodriguez	Wieser
Clawson	Jacobs	Moe	Rose	Wigley
Corbid	Jaros	Munger	Rothenberg	Wynia
Crandall	Jennings	Murphy	Sarna	Zubay
Dean	Johnson, D.	Nelsen, B.	Schreiber	Spkr. Norton
Dempsey	Jude	Nelsen, M.	Searle	
Den Ouden	Kahn	Nelson	Searles	
Drew	Kaley	Niehaus	Sherwood	
Eken	Kalis	Norman	Sieben, H.	

The bill was passed and its title agreed to.

S. F. No. 1722, A bill for an act relating to corrections; prescribing penalties for persons who introduce contraband into state hospitals; amending Minnesota Statutes, 1979 Supplement, Section 243.55.

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 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Albrecht	Anderson, G.	Battaglia	Berkelman
Adams	Anderson, B.	Anderson, I.	Begich	Biersdorf
Ainley	Anderson, D.	Anderson, R.	Berglin	Blatz

Brinkman	Fudro	Lehto	Onnen	Sieben, M.
Byrne	Greenfield	Levi	Osthoff	Simoneau
Carlson, D.	Halberg	Long	Otis	Stadum
Carlson, L.	Haukoos	Ludeman	Patton	Stoa
Clark	Heap	Luknic	Pehler	Stowell
Clawson	Heinitz	Mann	Peterson, B.	Sviggum
Crandall	Hoberg	McCarron	Peterson, D.	Swanson
Dean	Hokanson	McDonald	Piepho	Thiede
Dempsey	Jacobs	McEachern	Pleasant	Tomlinson
Den Ouden	Jaros	Mehrkens	Prahl	Valan
Drew	Jennings	Metzen	Redalen	Valento
Eken	Johnson, D.	Minne	Reding	Voss
Elioff	Jude	Moe	Rees	Waldorf
Ellingson	Kahn	Munger	Reif	Weaver
Erickson	Kaley	Murphy	Rice	Welch
Esau	Kalis	Nelsen, B.	Rodriguez	Welker
Evans	Kelly	Nelsen, M.	Rothenberg	Wenzel
Ewald	Kempe	Nelson	Sarna	Wieser
Faricy	Knickerbocker	Niehaus	Schreiber	Wigley
Fjoslien	Kostohryz	Norman	Searle	Wynia
Forsythe	Kroening	Novak	Searles	Zubay
Friedrich	Kvam	Nysether	Sherwood	Spkr. Norton
Fritz	Laidig	Olsen	Sieben, H.	

The bill was passed and its title agreed to.

SPECIAL ORDERS

H. F. No. 1812 was reported to the House.

Anderson, B., moved to amend H. F. No. 1812, as follows:

Page 2, line 14, after "persons" insert "*outside the metropolitan area as defined in section 473.122 who are*"

Page 3, after line 13, insert:

"Sec. 4. Minnesota Statutes 1978, Section 171.07, Subdivision 5, is amended to read:

Subd. 5. The department may provide a donor document to each person making application for a driver's license or a Minnesota identification card whereby any such person, 18 years of age or more, may execute an anatomical gift, pursuant to the provisions of the uniform anatomical gift act, sections 525.921 to 525.93. The commissioner of public safety shall prescribe the form of the donor document. The donor document must be signed by the donor in the presence of (TWO WITNESSES) *one witness* who must sign the donor document in the donor's presence. If the donor cannot sign, the donor document may be signed for the donor at the donor's direction, in the donor's presence, and in the presence of (TWO WITNESSES) *one witness* who must sign the donor document in the donor's presence. The department shall identify donors of anatomical gifts by the designation "donor" on the front side of the donor's driver's license or Minnesota identification card. The designation "donor" shall constitute sufficient legal authority for the removal of all body

organs or parts upon death of the donor for the purpose of transplantation and the designation shall be removed only upon written notice to the department. No designation may be noted upon the driver's license or Minnesota identification card of any person under 18. Delivery of the license or Minnesota identification card during the donor's lifetime is not necessary to make the gift valid.

Sec. 5. [STUDY.] *The commissioner of public safety shall make a study to determine the potential delay in processing driver license applications, renewal applications and applications for Minnesota identification cards in the metropolitan area as defined in section 473.122 if the persons authorized to accept those applications were required to inquire of each applicant whether he or she desired to make an anatomical gift. The commissioner shall submit a report of the results of the study to the legislature by January 30, 1981. The report shall include recommendations to eliminate or reduce any potential delays substantiated by the study."*

Amend the title as follows:

Page 1, line 5, after "persons" insert "outside the metropolitan area who are"

Page 1, line 9, after the semi-colon insert "requiring only one witness to a donor's signature; providing for a study;"

Page 1, line 11, delete "Subdivision 3" and insert "subdivisions 3 and 5"

The motion prevailed and the amendment was adopted.

Crandall moved to amend H. F. No. 1812 as follows:

Page 2, line 3, after the period insert "*Every applicant applying for a driver's license or instruction permit for the first time shall submit with the application a certified copy of the applicant's birth certificate or other certified proof of date of birth.*"

Page 3, line 2, after the period insert "*Every applicant applying for a Minnesota identification card for the first time shall submit with the application a certified copy of the applicant's birth certificate or other certified proof of date of birth.*"

Further, amend the title as follows:

Page 1, line 2, after the semicolon insert "requiring certain applicants for drivers' licenses, instruction permits and Minnesota identification cards to submit certified copies of their birth certificates;"

A roll call was requested and properly seconded.

Aasness was excused for the remainder of today's session.

The question was taken on the amendment and the roll was called. There were 61 yeas and 58 nays as follows:

Those who voted in the affirmative were:

Adams	Fjoslien	Knickerbocker	Osthoff	Swanson
Albrecht	Forsythe	Kvam	Otis	Thiede
Anderson, B.	Fritz	Laidig	Peterson, B.	Valan
Anderson, R.	Fudro	Lehto	Reding	Valento
Biersdorf	Halberg	Levi	Rees	Waldorf
Clawson	Haukoos	McCarron	Reif	Weaver
Crandall	Heap	McDonald	Rose	Wieser
Dean	Heinitz	Minne	Rothenberg	Wigley
Den Ouden	Hoberg	Murphy	Searle	Zubay
Erickson	Hokanson	Norman	Searles	
Esau	Jennings	Nysether	Sherwood	
Evans	Kaley	Olsen	Stoa	
Ewald	Kempe	Onnen	Stowell	

Those who voted in the negative were:

Ainley	Carlson, L.	Johnson, D.	Nelsen, B.	Sieben, M.
Anderson, D.	Clark	Jude	Niehaus	Stadum
Anderson, G.	Drew	Kahn	Novak	Sviggum
Anderson, I.	Eken	Kalis	Patton	Tomlinson
Battaglia	Elioff	Kelly	Pehler	Vanasek
Begich	Ellingson	Kroening	Peterson, D.	Voss
Berglin	Faricy	Luknic	Pleasant	Welker
Berkelman	Friedrich	Mann	Prahl	Wenzel
Blatz	Greenfield	McEachern	Rice	Wynta
Brinkman	Jacobs	Mehrkens	Rodriguez	Spkr. Norton
Byrne	Jaros	Metzen	Sarna	
Carlson, D.	Johnson, C.	Moe	Sieben, H.	

The motion prevailed and the amendment was adopted

H. F. No. 1812, A bill for an act relating to drivers licenses; requiring certain applicants for drivers' licenses, instruction permits and Minnesota identification cards to submit certified copies of their birth certificates; providing that certain application forms include a place for applicants to indicate their desire to make an anatomical gift; requiring persons outside the metropolitan area who are authorized to accept drivers license and renewal applications and applications for Minnesota identification cards to inquire of applicants whether they desire to make an anatomical gift; requiring only one witness to a donor's signature; providing for a study; amending Minnesota Statutes 1978, Sections 171.06, Subdivision 3, and by adding a subdivision; and 171.07, Subdivisions 3 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 107 yeas and 23 nays as follows:

Those who voted in the affirmative were:

Adams	Ellingson	Kelly	Norman	Sieben, M.
Ainley	Erickson	Kempe	Novak	Simoneau
Albrecht	Esau	Knickerbocker	Nysether	Stadum
Anderson, B.	Evans	Kostohryz	Olsen	Stoa
Anderson, R.	Ewald	Kroening	Onnen	Stowell
Battaglia	Fjoslien	Kvam	Otis	Sviggum
Begich	Forsythe	Laidig	Peterson, B.	Swanson
Berglin	Friedrich	Lehto	Peterson, D.	Thiede
Berkelman	Fritz	Levi	Piepho	Valan
Biersdorf	Fudro	Long	Pleasant	Valento
Blatz	Greenfield	Ludeman	Redalen	Voss
Carlson, L.	Haukoos	Luknic	Reding	Waldorf
Casserly	Heap	Mann	Rees	Weaver
Clark	Heinitz	McDonald	Reif	Welch
Clawson	Hoberg	Mehrkens	Rice	Wenzel
Corbid	Hokanson	Metzen	Rose	Wigley
Crandall	Jennings	Minne	Rothenberg	Wynia
Dean	Johnson, D.	Moe	Sarna	Zubay
Dempsey	Jude	Munger	Schreiber	Spkr. Norton
Den Ouden	Kahn	Murphy	Searle	
Drew	Kaley	Nelsen, M.	Searles	
Elioff	Kalis	Nelson	Sherwood	

Those who voted in the negative were:

Anderson, D.	Carlson, D.	Johnson, C.	Patton	Tomlinson
Anderson, G.	Eken	McEachern	Pehler	Vanasek
Anderson, I.	Faricy	Nelsen, B.	Prahl	Welker
Brinkman	Halberg	Niehaus	Rodriguez	
Byrne	Jacobs	Osthoff	Sieben, H.	

The bill was passed, as amended, and its title agreed to.

Sieben, H., moved that the remaining bills on Special Orders for today be continued one day. The motion prevailed.

There being no objection the order of business reverted to Reports of Chief Clerk.

REPORTS OF CHIEF CLERK

S. F. No. 1675 and H. F. No. 2003, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Eken moved that S. F. No. 1675 be substituted for H. F. No. 2003 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1132 and H. F. No. 1130, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Brinkman moved that S. F. No. 1132 be substituted for H. F. No. 1130 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1736 and H. F. No. 1906, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Redalen moved that S. F. No. 1736 be substituted for H. F. No. 1906 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1709 and H. F. No. 1929, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Laidig moved that the rules be so far suspended that S. F. No. 1709 be substituted for H. F. No. 1929 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1957 and H. F. No. 1970, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Mehrkens moved that the rules be so far suspended that S. F. No. 1957 be substituted for H. F. No. 1970 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1815 and H. F. No. 2096, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Murphy moved that the rules be so far suspended that S. F. No. 1815 be substituted for H. F. No. 2096 and that the House File be indefinitely postponed. The motion prevailed.

REPORTS OF STANDING COMMITTEES

Cassery from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 1790, A bill for an act relating to advertising devices; authorizing advertising devices within 500 feet of local parks under certain circumstances; amending Minnesota Statutes 1978, Section 173.08, Subdivision 2.

Reported the same back with the following amendments:

Page 1, line 16, after "property" insert ", or in the case of a municipality which has no zoning ordinance,"

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Swanson from the Committee on Health and Welfare to which was referred:

S. F. No. 802, A bill for an act relating to health; regulating the occupation of physical therapist; amending Minnesota Statutes 1978, Sections 148.65; 148.67; 148.70; 148.71; 148.72; 148.73; 148.74; 148.75; 148.76; 148.77; 148.78; and Chapter 148, by adding sections.

Reported the same back with the following amendments:

Page 12, after line 3, insert:

"Sec. 14. Minnesota Statutes 1978, Section 214.13, is amended by adding a subdivision to read:

Subd. 6. The provisions of section 214.10 shall apply to any complaint or other communication, whether oral or written, received by the commissioner of health which alleges or implies a violation of a statute or rule which the commissioner is empowered to enforce relating to a specific occupational group for which a registration requirement has been created pursuant to this section.

Sec. 15. Minnesota Statutes 1978, Section 214.13, is amended by adding a subdivision to read:

Subd. 7. The duties of the executive secretary or board members specified in section 214.10, subdivisions 1 and 2, shall be performed with respect to occupations regulated pursuant to this section by the advisory council established under subdivision 4, or if no council has been created, by the health related licensing board which has been delegated the administration of regulation activities, or if no such delegation has been made, by a staff member appointed by the commissioner. For the purposes of subdivisions 6 and 7, the commissioner may exercise the powers granted to boards by section 214.10, subdivision 3, when carrying out the duties of this subdivision."

Further, amend the title to read as follows:

Page 1, line 6, after the semi-colon insert "214.13, by adding subdivisions;"

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Casserly from the Committee on Local and Urban Affairs to which was referred:

S. F. No. 2045, A bill for an act relating to state lands; providing for the conveyance of certain lands to the city of Owatonna.

Reported the same back with the following amendments:

Page 2, delete lines 7 through 10

Page 2, after line 6 insert new sections to read:

"Sec. 2. Subdivision 1. The governor, upon the recommendation of the commissioner of administration, may transfer by quitclaim deed in a form the attorney general approves, in the name of the state of Minnesota, to the First Lutheran Church of St. Peter, Minnesota, a tract of land for cemetery purposes.

Subd. 2. The First Lutheran Church of St. Peter, Minnesota, shall, at its expense, have the land surveyed. The legal description shall be submitted to the commissioner of administration for approval. Upon such approval, the commissioner of administration shall have the land appraised by not less than two appraisers, at least one of whom shall be a resident of Nicollet County. Each appraiser shall, before entering upon the duties of his office, take and subscribe an oath that he will faithfully and impartially discharge his duties as appraiser according to the best of his ability and that he is not interested directly or indirectly in any of the lands to be appraised or the timber or improvements thereon or in the purchase thereof and has entered into no agreement or combination to purchase the same or any part thereof, which oath shall be attached to the appraisal report.

The commissioner of administration shall, on the basis of the two appraisals, certify the consideration to be paid for the land. The cost of the appraisals shall be added to and made a part of the certified value of the land to be conveyed.

Sec. 3. Subdivision 1. The provisions of section 1 of this act shall become effective only after its approval by a majority of the governing body of the city of Owatonna and upon compliance with the provisions of Minnesota Statutes, Sections 645.-021.

Subd. 2. The provisions of section 2 of this act shall become effective the day following final enactment."

With the recommendation that when so amended the bill pass.

The report was adopted.

Munger from the Committee on Environment and Natural Resources to which was referred:

S. F. No. 2104, A bill for an act relating to state lands; changing the interest rate on unpaid sale balances; amending Minnesota Statutes 1978, Section 92.06, Subdivision 1.

Reported the same back with the following amendments:

Page 1, line 18, after the second "at" insert "the" and delete "of"

Page 1, line 19, delete the first "the" and insert "advertised for"

With the recommendation that when so amended the bill pass.

The report was adopted.

Casserly from the Committee on Local and Urban Affairs to which was referred:

S. F. No. 2131, A bill for an act relating to local government; permitting local governmental bodies to set mileage allowances for officers and employees; amending Minnesota Statutes 1978, Section 471.665, Subdivision 3; and Minnesota Statutes, 1979 Supplement, Section 471.665, Subdivision 1.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. No. 1790 was read for the second time.

SECOND READING OF SENATE BILLS

S. F. Nos. 1675, 1132, 1736, 1709, 1957, 1815, 802, 2045, 2104 and 2131 were read for the second time.

GENERAL ORDERS

Sieben, H., moved that the bills on General Orders for today be continued one day. The motion prevailed.

MOTIONS AND RESOLUTIONS

McCarron moved that the names of Weaver and Clawson be added as authors on H. F. No. 1845. The motion prevailed.

Vanasek moved that his name be stricken as an author on H. F. No. 2173. The motion prevailed.

Redalen moved that H. F. No. 1801 be returned to its author. The motion prevailed.

Crandall moved that H. F. No. 1057 be returned to its author. The motion prevailed.

Begich moved that H. F. No. 371 be returned to its author. The motion prevailed.

Simoneau moved that H. F. No. 2013 be returned to its author. The motion prevailed.

Stowell moved that H. F. Nos. 1281 and 1803 be returned to their author. The motion prevailed.

Nelsen, B., moved that H. F. No. 1936 be returned to its author. The motion prevailed.

Forsythe introduced:

House Resolution No. 38, A house resolution congratulating Edina-East High School on winning the State High School Girl's Gymnastics Championship.

The resolution was referred to the Committee on Rules and Legislative Administration.

Forsythe introduced:

House Resolution No. 39, A house resolution congratulating the Edina East High School Team on winning the State Girls Tennis Team Championship.

The resolution was referred to the Committee on Rules and Legislative Administration.

Peterson, B., and Pleasant introduced:

House Resolution No. 40, A house resolution congratulating the Jaguar ice hockey team of Bloomington Jefferson High School on its third place finish in the State High School Hockey Tournament.

The resolution was referred to the Committee on Rules and Legislative Administration.

Levi introduced:

House Resolution No. 41, A house resolution relating to extending congratulations to Mahtomedi High School for participation in the St. Patrick's Day Parade in New York City.

The resolution was referred to the Committee on Rules and Legislative Administration.

Peterson, B., and Pleasant introduced:

House Resolution No. 42, A house resolution congratulating Bloomington Jefferson High School on its state boys swimming championship.

The resolution was referred to the Committee on Rules and Legislative Administration.

ANNOUNCEMENT BY THE SPEAKER

The Speaker announced the appointment of Wenzel to the Joint Legislative Committee on Agricultural Land Preservation pursuant to Laws of Minnesota 1979, Chapter 315, Section 2.

ADJOURNMENT

Sieben, H., moved that when the House adjourns today it adjourn until 11:30 a.m., Thursday, March 20, 1980. The motion prevailed.

Sieben H., moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 11:30 a.m., Thursday, March 20, 1980.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

STATE OF MINNESOTA

SEVENTY-FIRST SESSION - 1980

EIGHTY-THIRD DAY

SAINT PAUL, MINNESOTA, THURSDAY, MARCH 20, 1980

The House of Representatives convened at 11:30 a.m. and was called to order by the Speaker.

Prayer was offered by the Chaplain.

The roll was called and the following members were present:

Aasness	Drew	Kahn	Nelson	Searles
Adams	Eken	Kaley	Niehaus	Sherwood
Ainley	Elioff	Kalis	Norman	Sieben, H.
Albrecht	Ellingson	Kelly	Novak	Sieben, M.
Anderson, B.	Erickson	Kempe	Nysether	Simoneau
Anderson, D.	Esau	Knickerbocker	Olsen	Stadum
Anderson, G.	Evans	Kostohryz	Onnen	Stoa
Anderson, I.	Ewald	Kroening	Osthoff	Stowell
Anderson, R.	Faricy	Kvam	Otis	Sviggum
Battaglia	Fjoslien	Laidig	Patton	Swanson
Begich	Forsythe	Lehto	Pehler	Thiede
Berglin	Friedrich	Levi	Peterson, B.	Tomlinson
Berkelman	Fritz	Long	Peterson, D.	Valan
Biersdorf	Fudro	Ludeman	Piepho	Valento
Blatz	Greenfield	Luknic	Pleasant	Vanasek
Brinkman	Halberg	Mann	Prahl	Voss
Byrne	Haukoos	McCarron	Redalen	Waldorf
Carlson, D.	Heap	McDonald	Reding	Weaver
Carlson, L.	Heinitz	McEachern	Rees	Welch
Casserly	Hoberg	Mehrkens	Reif	Welker
Clark	Hokanson	Metzen	Rice	Wenzel
Clawson	Jacobs	Minne	Rodriguez	Wieser
Corbid	Jaros	Moe	Rose	Wigley
Crandall	Jennings	Munger	Rothenberg	Wynia
Dean	Johnson, C.	Murphy	Sarna	Zubay
Dempsey	Johnson, D.	Nelsen, B.	Schreiber	Spkr. Norton
Den Ouden	Jude	Nelsen, M.	Searle	

A quorum was present.

The Chief Clerk proceeded to read the Journal of the preceding day. Stoa moved that further reading of the Journal be dispensed with and that the Journal be approved as corrected by the Chief Clerk. The motion prevailed.

REPORTS OF CHIEF CLERK

Pursuant to Rules of the House, printed copies of H. F. No. 2369 have been placed in the members' files.

S. F. No. 1633 and H. F. No. 2441, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Anderson, I., moved that the rules be so far suspended that S. F. No. 1633 be substituted for H. F. No. 2441 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1658 and H. F. No. 2435, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Greenfield moved that S. F. No. 1658 be substituted for H. F. No. 2435 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1847 and H. F. No. 2168, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Wigley moved that S. F. No. 1847 be substituted for H. F. No. 2168 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1398 and H. F. No. 2223, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Kroening moved that the rules be so far suspended that S. F. No. 1398 be substituted for H. F. No. 2223 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1719 and H. F. No. 2063, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Tomlinson moved that the rules be so far suspended that S. F. No. 1719 be substituted for H. F. No. 2063 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1775 and H. F. No. 1780, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Simoneau moved that the rules be so far suspended that S. F. No. 1775 be substituted for H. F. No. 1780 and that the House File be indefinitely postponed. The motion prevailed.

PETITIONS AND COMMUNICATIONS

The following communications were received:

STATE OF MINNESOTA
OFFICE OF THE SECRETARY OF STATE
ST. PAUL 55155

March 18, 1980

The Honorable Fred C. Norton
Speaker of the House of Representatives

The Honorable Edward J. Gearty
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1980 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

<i>S.F. No.</i>	<i>H.F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Date Approved 1980</i>	<i>Date Filed 1980</i>
	455	355	March 18	March 18
824		356	March 18	March 18
888		357	March 18	March 18
1114		358	March 18	March 18
1438		359	March 18	March 18
1625		360	March 18	March 18

Sincerely,

JOAN ANDERSON GROWE
Secretary of State

STATE OF MINNESOTA
OFFICE OF THE SECRETARY OF STATE
ST. PAUL 55155

March 19, 1980

The Honorable Fred C. Norton
Speaker of the House of Representatives

The Honorable Edward J. Gearty
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1980 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

<i>S.F.</i> No.	<i>H.F.</i> No.	<i>Session Laws</i> <i>Chapter No.</i>	<i>Date Approved</i> <i>1980</i>	<i>Date Filed</i> <i>1980</i>
951		361	March 18	March 19
1010		362	March 18	March 19
1215		363	March 18	March 19

Sincerely,

JOAN ANDERSON GROWE
Secretary of State

REPORTS OF STANDING COMMITTEES

Prahl from the Committee on Commerce, Economic Development and Housing to which was referred:

H. F. No. 2273, A bill for an act relating to cooperative associations; requiring the articles of incorporation or the bylaws of a newly formed association to specifically authorize the election of directors by mail votes; amending Minnesota Statutes 1978, Section 308.071.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1978, Section 308.071, is amended to read:

308.071 [COOPERATIVE ASSOCIATIONS, ELECTION OF DIRECTORS.] Subdivision 1. No action heretofore or hereafter taken by the board of directors nor the election of any director of any cooperative association organized under sections 308.05 to 308.18 shall be held to be invalid by reason of any (SUCH) director (HERETOFORE) having been elected at an election at which any stockholder voted by mail (IN ACCORDANCE WITH PROVISIONS FOR MAIL VOTES EXISTING IN THE ARTICLES OF INCORPORATION OR BYLAWS OF SUCH COOPERATIVE ASSOCIATION) prior to (JANUARY 1, 1956) *the effective date of this act.*

Subd. 2. (IF VOTING BY MAIL IS AUTHORIZED BY THE ARTICLES OF INCORPORATION OR THE BYLAWS OF ANY SUCH COOPERATIVE ASSOCIATION, THEN ANY STOCKHOLDER OF SUCH ASSOCIATION MAY, AT ANY ELECTION OF ANY DIRECTOR OF SUCH ASSOCIATION WHICH SHALL BE HELD HEREAFTER AND PRIOR TO JANUARY 1, 1958, VOTE BY MAIL IN THE SAME MANNER AS IS PRESCRIBED BY SECTION 308.07. THIS SHALL NOT BE CONSTRUED AS A DECLARATION OF LEGISLATIVE INTENT AS TO WHETHER OR NOT THE STATUTES, PRIOR TO THIS AMENDMENT, PERMIT THE MAILING OF BALLOTS FOR DIRECTOR'S ELECTIONS.) *No stockholders shall vote by mail for a director unless mail voting is authorized by the articles of incorporation or the bylaws of the association. The ballot shall be in such form as the board of directors of the association shall prescribe for use in electing directors. The stockholder shall mark his ballot for the candidate or candidates of his choice and mail it to the association in a sealed plain envelope inside another envelope bearing his name. If the ballot of the stockholder is received by the association on or before the date of the meeting, the ballot shall be accepted and counted as the vote of the absent stockholder.*

Subd. 3. *If voting by mail is authorized by the articles of incorporation or the bylaws of a cooperative telephone association, a stockholder or member of the association may, at the election of any director of the association held hereafter, vote by mail in the manner prescribed in the articles of incorporation or bylaws of the association and the mail voting shall be by secret ballot.*

Sec. 2. Minnesota Statutes 1978, Chapter 308, is amended by adding a section to read:

[308.105] [VOTING BY MEMBERS.] *Whenever a vote of members or stockholders of a cooperative association is required or provided for on any matter, including a petition pursuant to section 216B.02, subdivision 4, the spouse of the member or stockholder may vote on behalf of the member or stockholder unless the member or stockholder has indicated otherwise.*

Sec. 3. [EFFECTIVE DATE.] *This act is effective the day following final enactment.*"

Delete the title and insert:

"A bill for an act relating to cooperative associations; validating elections of directors by mail voting; authorizing mail voting for directors of cooperative associations; providing for voting by members' spouses; amending Minnesota Statutes 1978, Section 308.071; and Chapter 308, by adding a section."

With the recommendation that when so amended the bill pass.

The report was adopted.

Anderson, I., from the Committee on General Legislation and Veterans Affairs to which was referred:

S. F. No. 756, A bill for an act relating to taxation; providing income tax credit for contributions to candidates for federal and local public offices; clarifying application of the tax credit in certain special elections; amending Minnesota Statutes 1978, Section 290.06, Subdivision 11.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes, 1979 Supplement, Section 290.06, Subdivision 11, is amended to read:

Subd. 11. [CONTRIBUTIONS TO POLITICAL PARTIES AND CANDIDATES.] In lieu of the credit against taxable net income provided by section 290.21, subdivision 3, clause (e), a taxpayer may take a credit against the tax due under this chapter of 50 percent (BUT NOT MORE THAN \$50) of his contributions to (A POLITICAL PARTY AND) any candidate for elective state or federal office and to any political party. The maximum credit for an individual shall not exceed \$50 and, for a married couple (,) filing jointly, (MAY TAKE A SIMILAR CREDIT OF) shall not (MORE THAN) exceed \$100. No credit shall be allowed under this subdivision for a contribution to any candidate as defined in section 10A.01, subdivision 5, other than a candidate for elective judicial office or a candidate in a special election, who has not signed an agreement to limit his campaign expenditures as provided in section 10A.32, subdivision 3b. (THE COMMISSIONER OF REVENUE SHALL PROVIDE IN THE TAX INSTRUCTION BOOKLET LANGUAGE UNDERSTANDABLE TO A PERSON OF AVERAGE INTELLIGENCE WHICH STATES THAT THE TAXPAYER MAY ONLY CLAIM A CREDIT AGAINST HIS TAX DUE FOR CONTRIBUTIONS TO CANDIDATES FOR (A) JUDICIAL OFFICE OR (B) STATEWIDE OR LEGISLATIVE OFFICE

WHO HAVE AGREED TO LIMIT THEIR EXPENDITURES. FOR PURPOSES OF THIS SUBDIVISION, "CANDIDATE" MEANS A CANDIDATE AS DEFINED IN SECTION 10A.01, SUBDIVISION 5 OTHER THAN A COUNTY COURT, PROBATE COURT OR COUNTY MUNICIPAL COURT JUDGESHIP. THE DEPARTMENT OF REVENUE SHALL PROVIDE ON THE FIRST PAGE OF THE MINNESOTA TAX FORM AN APPROPRIATE PROVISION FOR THE CREDIT PROVIDED BY THIS SUBDIVISION.)

This credit shall be allowed only if the contribution is verified in the manner the commissioner of revenue shall prescribe.

Sec. 2. [EFFECTIVE DATE.] *This act is effective for contributions made during taxable years beginning after December 31, 1979.*

Further, amend the title as follows:

Page 1, line 3, after the second "for" insert "elective state or"

Page 1, line 3, delete "and"

Page 1, line 4, delete "local public"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Taxes.

The report was adopted.

Casserly from the Committee on Local and Urban Affairs to which was referred:

S. F. No. 1759, A bill for an act relating to counties; providing for sheriffs and deputies compensation and expenses; permitting compensation for use of automobiles; amending Minnesota Statutes 1978, Section 387.20, Subdivisions 1 and 6.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1978, Section 385.02, Subdivision 1, is amended to read:

385.02 [DEPUTIES; BONDS.] Subdivision 1. [APPOINTMENT OF DEPUTIES.] County treasurers may by certificate in writing appoint one or more deputies, who, before entering upon their duties, shall file with the county recorder such certificates, with their oaths of office endorsed thereon. Such deputies may sign all papers and do all other things which county treasurers may themselves do. *County treasurers are re-*

sponsible for the acts of their deputies and may revoke their appointments at pleasure.

Sec. 2. Minnesota Statutes 1978, Section 387.20, Subdivision 1, is amended to read:

387.20 [SALARIES; APPEALS.] Subdivision 1. The sheriffs of all counties of the state with less than 75,000 inhabitants according to the 1960 federal census shall receive yearly salaries for all services rendered by them for their respective counties, not less than the following amounts according to the then last preceding federal census:

- (a) In counties with less than 10,000 inhabitants, \$6,000;
- (b) In counties with 10,000 but less than 20,000 inhabitants, \$6,500;
- (c) In counties with 20,000 but less than 30,000 inhabitants, \$7,000;
- (d) In counties with 30,000 but less than 40,000 inhabitants, \$7,500;
- (e) In counties with 40,000 or more inhabitants, \$8,000.

In addition to such salary each sheriff shall be reimbursed for all expenses incurred by him in the performance of his official duties for his county and his claim for such expenses shall be prepared, allowed, and paid in the same manner as other claims against counties are prepared, allowed, and paid except that the expenses incurred by such sheriffs in the performance of service required of them in connection with insane persons either by a probate court or by law and a per diem for deputies and assistants necessarily required under such performance of such services shall be allowed and paid as provided by the law regulating the apprehension, examination, and commitment of insane persons; provided that any sheriff or deputy receiving an annual salary shall pay over any per diem received by him to the county in the manner and at the time prescribed by the county board, but not less often than once each month.

All claims for livery hire shall state the purpose for which such livery was used and have attached thereto a receipt for the amount paid for such livery signed by the person of whom it was hired (AND IF THE SHERIFF USES HIS OWN TEAM OR AUTOMOBILE HE SHALL BE ALLOWED THEREFOR THE SAME AMOUNT WHICH WOULD BE CHARGED REASONABLY BY ANY OTHER PERSON FOR THE USE OF SUCH TEAM OR AUTOMOBILE UNDER THE SAME CIRCUMSTANCES).

A county may pay a sheriff or deputy as compensation for the use of his own automobile in the performance of official duties a mileage allowance prescribed by the county board or a monthly or other periodic allowance in lieu of mileage. The allowance for automobile use is not subject to limits set by other law.

Sec. 3. Minnesota Statutes 1978, Section 387.20, Subdivision 6, is amended to read:

Subd. 6. The county board by resolution shall provide the budget for (1) the salaries of deputies, jailers, matrons, bailiffs, clerks and other employees in the office of the sheriff; (2) other expenses necessary in the performance of the duties of said office, including the reimbursement of the sheriff or his designee for necessary and reasonable expenses incurred in furnishing board, laundry and other services to prisoners in the county jail, provided that the county board may at its option provide for the furnishing of these services to the prisoners, (AND) (3) the payment of premiums of any bonds or license fees required of the sheriff or any deputy or other employee in said office and (4) *mileage allowances prescribed by the board* and the board is authorized to appropriate funds therefor and for the salary of the sheriff.

Sec. 4. Minnesota Statutes 1978, Chapter 387, is amended by adding a section to read:

[387.145] [CHIEF DEPUTY; APPOINTMENT IN CERTAIN COUNTIES.] *Notwithstanding the provision of any law to the contrary the sheriff of any county which has 100,000 or more inhabitants according to the 1980 federal census or the latest federal census thereafter may appoint a chief deputy or first assistant with the approval of the county board.*

Sec. 5. Laws 1961, Chapter 249, Section 2, as amended by Laws 1965, Chapter 629, Section 2, is amended to read:

Sec. 2. [DAKOTA COUNTY, COMMISSIONERS' EXPENSE.] Each member of the board of county commissioners shall be allowed (A SUM NOT TO EXCEED \$1,000 PER YEAR, WHICH SAID SUM SHALL BE PAYABLE IN EQUAL MONTHLY INSTALLMENTS) *an annual sum as determined by the county board as and for expense account.*

Sec. 6. *Sections 1, 2, 3, and 4 of this act shall be effective on the day following final enactment. Section 5 of this act shall be effective upon compliance with Minnesota Statutes, 1979 Supplement, Section 645.021, Subdivision 3."*

Delete the title in its entirety and insert:

"A bill for an act relating to counties; providing for the responsibilities and appointments of deputy county treasurers; providing for sheriffs and deputies compensation and expenses; permitting compensation for use of automobiles; authorizing the county board of Dakota County to set amount for expense account; Minnesota Statutes 1978, Sections 385.02, Subdivision 1; 387.20, Subdivisions 1 and 6; and Chapter 387, by adding a section; and Laws 1961, Chapter 249, Section 2, as amended."

With the recommendation that when so amended the bill pass.

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. No. 2273 was read for the second time.

SECOND READING OF SENATE BILLS

S. F. Nos. 1633, 1658, 1847, 1398, 1719, 1775 and 1759 were read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Blatz introduced:

H. F. No. 2464, A bill for an act relating to insurance; regulating anticipated loss ratios on certain policies; amending Minnesota Statutes 1978, Section 62A.02, Subdivision 3.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Wenzel; Piepho; Sieben, M.; Pehler and Hoberg introduced:

H. F. No. 2465, A bill for an act relating to taxation; income tax; providing a credit for contributions to institutions of higher education; amending Minnesota Statutes 1978, Chapter 290, by adding a section.

The bill was read for the first time and referred to the Committee on Taxes.

Evans, Sieben, H., and Searles introduced:

H. F. No. 2466, A bill for an act relating to unemployment compensation; regulating contribution rates of employers; amending Minnesota Statutes 1978, Sections 268.04, Subdivision 25; Minnesota Statutes, 1979 Supplement, Sections 268.06, Subdivision 8; and 268.09, Subdivision 1.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Eken, Evans and Jacobs introduced:

H. F. No. 2467, A bill for an act relating to public welfare; appropriating money for construction of a detoxification center on the White Earth Indian reservation.

The bill was read for the first time and referred to the Committee on Appropriations.

Simoneau introduced:

H. F. No. 2468, A bill for an act relating to taxation; sales and use tax; clarifying the exemption of wrapping paper purchased for custom meat processing; amending Minnesota Statutes, 1979 Supplement, Section 297A.25, Subdivision 1.

The bill was read for the first time and referred to the Committee on Taxes.

HOUSE ADVISORIES

The following House Advisory was introduced:

Osthoff, Clark, Biersdorf, Nelson and Evans introduced:

H. A. No. 56, A proposal to study purchasing practices of all governmental units and agencies with regard to small business and minority setaside programs.

The advisory was referred to the Committee on Commerce, Economic Development and Housing.

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. 1778, A bill for an act relating to Independent School District No. 466; permitting the sale of certain land.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following House Files, herewith returned:

H. F. No. 711, A bill for an act relating to highway traffic regulations; authorizing physician's trained mobile intensive care paramedics to withdraw blood for the purpose of determining the presence of alcohol or controlled substances under the implied consent law; amending Minnesota Statutes 1978, Section 169.123, Subdivision 3.

H. F. No. 1427, A bill for an act relating to banks; raising the amount of an employee loan possible without prior board approval; amending Minnesota Statutes 1978, Section 48.08.

H. F. No. 1623, A bill for an act relating to insurance; providing for the operation of the Minnesota life and health insurance guaranty association; correcting certain oversights and ambiguities; making certain improvements; amending Minnesota Statutes 1978, Sections 61B.02, Subdivision 1; 61B.05, by adding a subdivision; 61B.07, Subdivisions 1, 2, 3 and 7; and 61B.15.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate refuses to concur in the House amendment to:

S. F. No. 364, A bill for an act relating to peace officers; requiring uniform colors and identification for law enforcement motor vehicles and uniforms of peace officers and security guards; amending Minnesota Statutes 1978, Section 169.98.

And the Senate respectfully requests that a Conference Committee be appointed thereon. Messrs. McCutcheon, Willet and Sillers have been appointed as such committee on the part of the Senate.

Said Senate File is herewith transmitted to the House with the request that the House appoint a committee.

PATRICK E. FLAHAVEN, Secretary of the Senate

Lehto 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. 364. The motion prevailed.

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 1700, 1797, 1903 and 1995.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 1985, 2094 and 2109.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 1700, A bill for an act relating to insurance; regulating suicide provisions in life insurance contracts; amending Minnesota Statutes 1978, Chapter 61A, by adding a section.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

S. F. No. 1797, A bill for an act relating to the Minnesota zoological garden; supplementing and clarifying the authority of the zoological garden board in regard to penalties for rule violations; regulating the use of the name or mark of the garden; providing penalties; amending Minnesota Statutes 1978, Section 85A.02, Subdivision 7; and Chapter 333, by adding sections.

The bill was read for the first time.

Kempe moved that S. F. No. 1797 and H. F. No. 1822, now on Special Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1903, A bill for an act relating to energy; modifying certain planning and zoning statutes to remove barriers to biomass energy production; prohibiting the destruction of certain biomass usable as fuel; amending Minnesota Statutes, 1979 Sup-

plement, Sections 394.25, Subdivision 3; and 394.27, Subdivision 7; 462.357, Subdivisions 1 and 6.

The bill was read for the first time and referred to the Committee on Rules and Legislative Administration.

S. F. No. 1995, A bill for an act relating to municipal industrial revenue bonds; providing for reports; amending Minnesota Statutes 1978, Chapter 474, by adding a section.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

S. F. No. 1985, A bill for an act relating to municipal industrial development; requiring consideration of certain policy matters; defining projects; amending Minnesota Statutes 1978, Section 474.02, Subdivision 1b; and Minnesota Statutes, 1979 Supplement, Section 474.01, Subdivision 7a.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

S. F. No. 2094, A bill for an act relating to game and fish; excluding bears from the definition of fur bearing animals; requiring licenses of persons providing guide services for bear hunters; specifying fees; requiring tagging of bears taken in the state; providing for free fishing licenses for certain mentally retarded and disabled residents; extending the muskrat trapping season; changing the times of day during which certain wild animals may be taken; authorizing a season for taking sandhill cranes; regulating bear baiting; allowing sale of bear hides and claws; altering the end date of certain fishing seasons; allowing possession of dip nets under certain circumstances; amending Minnesota Statutes 1978, Sections 97.40, Subdivision 7; 98.46, Subdivisions 4, 16 and 22; 98.47, Subdivisions 15 and 16; 100.27, Subdivision 5; 100.29, Subdivisions 1 and 31; 100.30; 101.41, Subdivision 2; Minnesota Statutes, 1979 Supplement, Sections 100.27, Subdivision 4; and 101.42, Subdivision 18.

The bill was read for the first time and referred to the Committee on Appropriations.

S. F. No. 2109, A bill for an act relating to transportation; permitting establishment of toll bridges on county highways and county state aid highways; authorizing the issuance of revenue bonds to finance their cost; amending Minnesota Statutes 1978, Chapter 165, by adding a section.

The bill was read for the first time and referred to the Committee on Transportation.

PROGRESS REPORTS ON CONFERENCE COMMITTEES

Progress by the Conference Committee was reported to the House on the following bills: S. F. Nos. 129, 410, 768 and 1584.

CONSENT CALENDAR

H. F. No. 2197 was reported to the House.

There being no objection, H. F. No. 2197 was continued on the Consent Calendar for one day.

S. F. No. 1707 was reported to the House.

Friedrich moved to amend S. F. No. 1707, as follows:

After the enacting clause insert:

"Section 1. Minnesota Statutes 1978, Section 205.03, Subdivision 3, is amended to read:

Subd. 3. [OTHER TOWNS.] In any election of town officers in a town other than a town described in subdivision 2, the town board, by resolution adopted prior to the giving of notice of the election, may designate the time, *in no event less than three hours*, during which the polls shall remain open for the next succeeding and all subsequent town elections (, PROVIDED THAT THE POLLS SHALL OPEN NO LATER THAN 10:00 A.M. AND SHALL CLOSE NO EARLIER THAN 5:00 P.M., EXCEPT A TOWN BOARD MAY DESIGNATE A TIME FOR CLOSING LATER THAN 5:00 P.M. BUT NOT LATER THAN 8:00 P.M.) The resolution shall remain in force until revoked by the town board."

Page 4, after line 20, insert:

"Sec. 6. [EFFECTIVE DATE.] *This act is effective the day after final enactment.*"

Renumber the sections accordingly

Further, amend the title as follows:

Page 1, line 2, after the semicolon insert "providing for towns to set their own hours for town elections; requiring polls to be open at least three hours;"

Page 1, line 6, after "Sections" insert "205.03, Subdivision 3;"

The motion prevailed and the amendment was adopted.

S. F. No. 1707, A bill for an act relating to towns; requiring a majority of voters to permit town zoning; clarifying the ballot question; requiring hearing and notice before certain actions; requiring notice of changes; amending Minnesota Statutes 1978, Sections 366.11; 366.12; 366.13; and 366.15.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 124 yeas and 4 nays as follows:

Those who voted in the affirmative were:

Aasness	Drew	Jude	Nelson	Sherwood
Adams	Eken	Kahn	Niehaus	Sieben, H.
Ainley	Elioff	Kaley	Norman	Sieben, M.
Albrecht	Ellingson	Kalis	Novak	Simoneau
Anderson, B.	Erickson	Kelly	Nysether	Stadum
Anderson, D.	Esau	Kempe	Olsen	Stoa
Anderson, G.	Evans	Knickerbocker	Onnen	Stowell
Anderson, I.	Ewald	Kroening	Otis	Sviggum
Anderson, R.	Faricy	Kvam	Pehler	Swanson
Battaglia	Fjoslien	Lehto	Peterson, B.	Thiede
Begich	Forsythe	Levi	Peterson, D.	Tomlinson
Berglin	Friedrich	Long	Piepho	Valan
Berkelman	Fudro	Ludeman	Pleasant	Valento
Biersdorf	Greenfield	Luknic	Prahl	Voss
Blatz	Halberg	Mann	Redalen	Waldorf
Brinkman	Haukoos	McCarron	Reding	Weaver
Byrne	Heap	McDonald	Rees	Welch
Carlson, D.	Heinitz	McEachern	Reif	Welker
Carlson, L.	Hoberg	Mehrkens	Rodriguez	Wenzel
Clark	Hokanson	Metzen	Rose	Wieser
Clawson	Jacobs	Minne	Rothenberg	Wigley
Crandall	Jaros	Munger	Sarna	Wynia
Dean	Jennings	Murphy	Schreiber	Zubay
Dempsey	Johnson, C.	Nelsen, B.	Searle	Spkr. Norton
Den Ouden	Johnson, D.	Nelsen, M.	Searles	

Those who voted in the negative were:

Corbid	Fritz	Osthoff	Patton
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The bill was passed, as amended, and its title agreed to.

H. F. No. 1262, A bill for an act relating to the city of Breezy Point; relating to its tax levy for general purposes; repealing Laws 1971, Chapter 110.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Den Ouden	Johnson, D.	Nelson	Searles
Adams	Drew	Kahn	Niehaus	Sherwood
Ainley	Eken	Kaley	Norman	Sieben, H.
Albrecht	Elioff	Kalis	Novak	Sieben, M.
Anderson, B.	Ellingson	Kelly	Nysether	Simoneau
Anderson, D.	Erickson	Kempe	Olsen	Stadum
Anderson, G.	Esau	Knickerbocker	Onnen	Sviggum
Anderson, I.	Evans	Kostohryz	Osthoff	Swanson
Anderson, R.	Ewald	Kroening	Otis	Thiede
Battaglia	Faricy	Kvam	Patton	Tomlinson
Begich	Fjoslien	Lehto	Pehler	Valan
Berglin	Forsythe	Levi	Peterson, B.	Valento
Berkelman	Friedrich	Long	Peterson, D.	Voss
Biersdorf	Fritz	Ludeman	Piepho	Waldorf
Blatz	Fudro	Luknic	Pleasant	Weaver
Brinkman	Greenfield	Mann	Prahl	Welch
Byrne	Halberg	McCarron	Redalen	Welker
Carlson, D.	Haukoos	McDonald	Reding	Wenzel
Carlson, L.	Heap	McEachern	Rees	Wieser
Casserly	Heinitz	Mehrkens	Reif	Wigley
Clark	Hoberg	Metzen	Rodriguez	Wynia
Clawson	Hokanson	Minne	Rose	Zubay
Corbid	Jacobs	Munger	Rothenberg	Spkr. Norton
Crandall	Jaros	Murphy	Sarna	
Dean	Jennings	Nelsen, B.	Schreiber	
Dempsey	Johnson, C.	Nelsen, M.	Searle	

The bill was passed and its title agreed to.

S. F. No. 1963 was reported to the House.

McEachern moved to amend S. F. No. 1963, as follows:

Page 1, after the enacting clause, insert:

“Section 1. Minnesota Statutes, 1979 Supplement, Section 204A.23, is amended to read:

204A.23 [COMPENSATION.] The compensation for services performed under the Minnesota election law shall be as follows:

(a) To presidential electors from funds appropriated to the secretary of state for this purpose, \$35 for each day's attendance at the capitol, and an amount for each mile necessarily traveled in going to and returning from St. Paul, equal to the amount allowed for state employees in accordance with regulation under section 471.665, subdivision 1;

(b) To persons, other than county, city or township employees during their normal work day, appointed or designated by the county auditor to carry ballots to or from the county auditor's office, a sum not less than the prevailing Minnesota minimum wage for each hour necessarily spent and an amount for each mile of necessary travel, equal to the amount allowed for

state employees in accordance with regulation under section 471.665, subdivision 1;

(c) To members of county canvassing boards, (\$5 FOR EACH EIGHT HOURS OF SERVICE AS MEMBERS OF THE CANVASSING BOARD AND SEVEN AND ONE-HALF CENTS FOR EACH MILE OF NECESSARY TRAVEL EACH DAY; PROVIDED THAT IN COUNTIES NOW OR HEREAFTER HAVING A POPULATION OF 600,000 OR MORE THE MEMBERS OF THE COUNTY CANVASSING BOARDS IN THOSE COUNTIES SHALL BE PAID \$12 FOR EACH EIGHT HOURS OF SERVICE AS MEMBERS OF THE CANVASSING BOARD, AND MILEAGE) *a sum not less than the prevailing Minnesota minimum wage for each hour necessarily spent and an amount for each mile of necessary travel, equal to the amount allowed for state employees pursuant to section 471.665, subdivision 1;*

(d) The compensation for election judges in home rule charter and statutory cities shall be fixed by the governing body of the city. The compensation of election judges in unorganized territory shall be fixed by the county board. The compensation for election judges in towns shall be fixed by the town board. *A county or a town election judge shall receive, and an election judge who travels to pick up election supplies or to deliver election returns to the county auditor shall receive, in addition to other compensation authorized by this section, a sum not less than the prevailing Minnesota minimum wage for each hour spent performing these duties, plus mileage in the same amount as allowed for state employees pursuant to section 471.665, subdivision 1; and*

(e) To special peace officers, an amount for each hour of service rendered by direction of the judges, to be fixed as in the case of judges of election."

Renumber the sections accordingly

Further, amend the title, as follows:

Page 1, line 2, delete "taxation" and insert "local government"

Page 1, line 2, delete everything after the first semicolon and insert "fixing compensation for county canvassing boards and county and township election judges;"

Page 1, line 6, after "Sections" insert "204A.23;"

The motion prevailed and the amendment was adopted.

S. F. No. 1963, A bill for an act relating to taxation; property tax administration; eliminating mandatory assessors meetings; amending Minnesota Statutes 1978, Sections 273.03, Subdivision

1; 273.04; and Minnesota Statutes, 1979 Supplement, Sections 270.06; and 273.061, Subdivision 8.

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 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Drew	Jude	Nelson	Searles
Adams	Eken	Kahn	Niehaus	Sherwood
Ainley	Elioff	Kaley	Norman	Sieben, H.
Albrecht	Ellingson	Kalis	Novak	Sieben, M.
Anderson, B.	Erickson	Kelly	Nysether	Simoneau
Anderson, D.	Esau	Kempe	Olsen	Stadum
Anderson, G.	Evans	Knickerbocker	Onnen	Stowell
Anderson, I.	Ewald	Kostohryz	Osthoff	Sviggum
Anderson, R.	Farley	Kroening	Otis	Swanson
Battaglia	Fjoslien	Kvam	Patton	Thiede
Begich	Forsythe	Lehto	Pehler	Tomlinson
Berglin	Friedrich	Levi	Peterson, B.	Valan
Berkelman	Fritz	Long	Peterson, D.	Valento
Biersdorf	Fudro	Ludeman	Piepho	Vanasek
Blatz	Greenfield	Luknic	Pleasant	Voss
Brinkman	Halberg	Mann	Prahl	Waldorf
Byrne	Haukoos	McCarron	Redalen	Weaver
Carlson, D.	Heap	McDonald	Reding	Welch
Carlson, L.	Heinitz	McEachern	Rees	Welker
Clark	Hoberg	Mehrkens	Reif	Wenzel
Clawson	Hokanson	Metzen	Rodriguez	Wieser
Corbid	Jacobs	Minne	Rose	Wigley
Crandall	Jaros	Munger	Rothenberg	Wynia
Dean	Jennings	Murphy	Sarna	Zubay
Dempsey	Johnson, C.	Nelsen, B.	Schreiber	Spkr. Norton
Den Ouden	Johnson, D.	Nelsen, M.	Searle	

The bill was passed, as amended, and its title agreed to.

S. F. No. 1815 was reported to the House.

Murphy moved to amend S. F. No. 1815, as follows:

Page 1, line 18, delete "*leaving*" and insert "*filing*"

Page 1, line 18, delete "*in the office of*" and insert "*with*"

Page 1, line 19, after "*commissioner*" insert "*or his representative*"

The motion prevailed and the amendment was adopted.

S. F. No. 1815, A bill for an act relating to commerce; providing for service of legal process on nonresident brokers and salespersons licensed to do business in Minnesota; amending Minnesota Statutes 1978, Section 82.31, Subdivision 3.

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:

Aasness	Eken	Kahn	Nelson	Sherwood
Adams	Elioff	Kaley	Niehaus	Sieben, H.
Ainley	Ellingson	Kalis	Norman	Sieben, M.
Albrecht	Erickson	Kelly	Novak	Simoneau
Anderson, B.	Esau	Kempe	Nysether	Stadum
Anderson, D.	Evans	Knickerbocker	Olsen	Stowell
Anderson, G.	Ewald	Kostohryz	Onnen	Sviggum
Anderson, I.	Faricy	Kroening	Osthoff	Swanson
Anderson, R.	Fjoslien	Kvam	Otis	Thiede
Battaglia	Forsythe	Lehto	Pehler	Tomlinson
Begich	Friedrich	Levi	Peterson, B.	Valan
Berglin	Fritz	Long	Peterson, D.	Valento
Berkelman	Fudro	Ludeman	Piepho	Voss
Blatz	Greenfield	Luknic	Pleasant	Waldorf
Brinkman	Halberg	Mann	Prahl	Weaver
Byrne	Haukoos	McCarron	Redalen	Welch
Carlson, D.	Heap	McDonald	Reding	Welker
Carlson, L.	Heinitz	McEachern	Rees	Wenzel
Clark	Hoberg	Mehrkens	Reif	Wieser
Clawson	Hokanson	Metzen	Rodriguez	Wigley
Corbid	Jacobs	Minne	Rose	Wynia
Crandall	Jaros	Moe	Rothenberg	Zubay
Dean	Jennings	Munger	Sarna	Spkr. Norton
Dempsey	Johnson, C.	Murphy	Schreiber	
Den Ouden	Johnson, D.	Nelsen, B.	Searle	
Drew	Jude	Nelsen, M.	Searles	

The bill was passed, as amended, and its title agreed to.

S. F. No. 978, A bill for an act relating to banks and trust companies; allowing substitution of certain banks and trust companies in fiduciary capacities maintained by certain banks and trust companies.

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:

Aasness	Battaglia	Carlson, L.	Drew	Fjoslien
Adams	Begich	Casserly	Eken	Forsythe
Ainley	Berglin	Clark	Elioff	Fritz
Albrecht	Berkelman	Clawson	Ellingson	Fudro
Anderson, B.	Biersdorf	Corbid	Erickson	Greenfield
Anderson, D.	Blatz	Crandall	Esau	Halberg
Anderson, G.	Brinkman	Dean	Evans	Haukoos
Anderson, I.	Byrne	Dempsey	Ewald	Heap
Anderson, R.	Carlson, D.	Den Ouden	Faricy	Heinitz

Hoberg	Levi	Niehaus	Rees	Thiede
Hokanson	Long	Norman	Reif	Tomlinson
Jacobs	Ludeman	Novak	Rodriguez	Valan
Jaros	Luknic	Nysether	Rose	Valento
Jennings	Mann	Olsen	Rothenberg	Voss
Johnson, D.	McCarron	Onnen	Sarna	Waldorf
Jude	McDonald	Osthoff	Schreiber	Weaver
Kahn	McEachern	Otis	Searle	Welch
Kaley	Mehrkens	Patton	Searles	Welker
Kalis	Metzen	Pehler	Sherwood	Wenzel
Kelly	Minne	Peterson, B.	Sieben, H.	Wieser
Kempe	Moe	Peterson, D.	Sieben, M.	Wigley
Knickerbocker	Munger	Piepho	Simoneau	Wynia
Kostohryz	Murphy	Pleasant	Stadum	Zubay
Kroening	Nelsen, B.	Prahl	Stowell	Spkr. Norton
Kvam	Nelsen, M.	Redalen	Sviggum	
Lehto	Nelson	Reding	Swanson	

The bill was passed and its title agreed to.

S. F. No. 1403, A bill for an act relating to workers' compensation; providing that certain farmers shall not be considered employees; amending Minnesota Statutes 1978, Section 176.011, Subdivision 11a, and by adding a subdivision.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Den Ouden	Jude	Nelsen, M.	Searles
Adams	Drew	Kahn	Nelson	Sherwood
Ainley	Eken	Kaley	Niehaus	Sieben, H.
Albrecht	Elioff	Kalis	Norman	Sieben, M.
Anderson, B.	Ellingson	Kelly	Novak	Simoneau
Anderson, D.	Erickson	Kempe	Nysether	Stadum
Anderson, G.	Esau	Knickerbocker	Olsen	Stoa
Anderson, I.	Evans	Kostohryz	Onnen	Stowell
Anderson, R.	Ewald	Kroening	Osthoff	Sviggum
Battaglia	Faricy	Kvam	Otis	Swanson
Begich	Fjoslien	Lehto	Patton	Thiede
Berglin	Forsythe	Levi	Pehler	Tomlinson
Berkelman	Fritz	Long	Peterson, B.	Valan
Biersdorf	Fudro	Ludeman	Peterson, D.	Valento
Blatz	Greenfield	Luknic	Piepho	Vanasek
Brinkman	Halberg	Mann	Pleasant	Voss
Byrne	Haukoos	McCarron	Prahl	Waldorf
Carlson, D.	Heap	McDonald	Redalen	Weaver
Carlson, L.	Heinitz	McEachern	Reding	Welch
Cassery	Hoberg	Mehrkens	Rees	Welker
Clark	Hokanson	Metzen	Reif	Wenzel
Clawson	Jacobs	Minne	Rodriguez	Wieser
Corbid	Jaros	Moe	Rose	Wigley
Crandall	Jennings	Munger	Rothenberg	Wynia
Dean	Johnson, C.	Murphy	Sarna	Zubay
Dempsey	Johnson, D.	Nelsen, B.	Searle	Spkr. Norton

The bill was passed and its title agreed to.

S. F. No. 1716, A bill for an act relating to workers' compensation; providing an annual date for adjusting supplementary benefit levels; amending Minnesota Statutes 1978, Section 176.132, by adding a subdivision.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Drew	Kahn	Niehaus	Sherwood
Adams	Eken	Kaley	Norman	Sieben, H.
Ainley	Elioff	Kalis	Novak	Sieben, M.
Albrecht	Ellingson	Kelly	Nysether	Simoneau
Anderson, B.	Erickson	Kempe	Olsen	Stadum
Anderson, D.	Esau	Knickerbocker	Onnen	Stoa
Anderson, G.	Evans	Kostohryz	Osthoff	Stowell
Anderson, I.	Ewald	Kroening	Otis	Sviggum
Anderson, R.	Faricy	Kvam	Patton	Swanson
Battaglia	Fjoslien	Lehto	Pehler	Thiede
Begich	Forsythe	Levi	Peterson, B.	Tomlinson
Berglin	Fritz	Long	Peterson, D.	Valan
Berkelman	Fudro	Ludeman	Piepho	Valento
Biersdorf	Greenfield	Luknic	Pleasant	Vanasek
Blatz	Halberg	Mann	Prahl	Voss
Brinkman	Haukoos	McCarron	Redalen	Waldorf
Byrne	Heap	McDonald	Reding	Weaver
Carlson, D.	Heinitz	McEachern	Rees	Welch
Carlson, L.	Hoberg	Mehrkens	Reif	Welker
Casserly	Hokanson	Metzen	Rodriguez	Wenzel
Clark	Jacobs	Minne	Rose	Wieser
Clawson	Jaros	Munger	Rothenberg	Wigley
Crandall	Jennings	Murphy	Sarna	Wynia
Dean	Johnson, C.	Nelsen, B.	Schreiber	Zubay
Dempsey	Johnson, D.	Nelsen, M.	Searle	Spkr. Norton
Den Ouden	Jude	Nelson	Searles	

The bill was passed and its title agreed to.

S. F. No. 1796, A bill for an act relating to economic development; regulating development loans to Indians; amending Minnesota Statutes 1978, Section 362.40, Subdivisions 2 and 8; Minnesota Statutes, 1979 Supplement, Section 362.40, Subdivision 9; repealing Minnesota Statutes 1978, Section 362.40, Subdivision 3.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Adams	Ainley	Albrecht	Anderson, B.
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Anderson, D.	Esau	Kempe	Norman	Sieben, H.
Anderson, G.	Evans	Knickerbocker	Novak	Sieben, M.
Anderson, I.	Ewald	Kostohryz	Nysether	Simoneau
Anderson, R.	Faricy	Kroening	Olsen	Stadum
Battaglia	Fjoslien	Kvam	Onnen	Stoa
Begich	Forsythe	Laidig	Osthoff	Stowell
Berglin	Fritz	Lehto	Otis	Sviggum
Berkelman	Fudro	Levi	Patton	Swanson
Biersdorf	Greenfield	Long	Pehler	Thiede
Blatz	Halberg	Ludeman	Peterson, B.	Tomlinson
Brinkman	Haukoos	Luknic	Peterson, D.	Valan
Byrne	Heap	Mann	Piepho	Valento
Carlson, D.	Heinitz	McCarron	Pleasant	Vanasek
Carlson, L.	Hoberg	McDonald	Prahl	Voss
Clark	Hokanson	McEachern	Redalen	Waldorf
Clawson	Jacobs	Mehrkens	Reding	Weaver
Crandall	Jaros	Metzen	Rees	Welch
Dean	Jennings	Minne	Reif	Welker
Dempsey	Johnson, C.	Moe	Rice	Wenzel
Den Ouden	Johnson, D.	Munger	Rodriguez	Wieser
Drew	Jude	Murphy	Rose	Wigley
Eken	Kahn	Nelsen, B.	Rothenberg	Wynia
Elioff	Kaley	Nelsen, M.	Sarna	Zubay
Ellingson	Kalis	Nelson	Schreiber	Spkr. Norton
Erickson	Kelly	Niehaus	Sherwood	

The bill was passed and its title agreed to.

S. F. No. 1892, A bill for an act relating to workers' compensation; allowing flexibility in election of insurance coverage for certain businesses, partnerships and corporations; amending Minnesota Statutes, 1979 Supplement, Section 176.012.

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 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Crandall	Hoberg	Ludeman	Osthoff
Adams	Dean	Hokanson	Luknic	Otis
Ainley	Dempsey	Jacobs	Mann	Patton
Albrecht	Den Ouden	Jaros	McCarron	Pehler
Anderson, B.	Drew	Jennings	McDonald	Peterson, B.
Anderson, D.	Eken	Johnson, C.	McEachern	Peterson, D.
Anderson, G.	Elioff	Johnson, D.	Mehrkens	Piepho
Anderson, I.	Ellingson	Jude	Metzen	Pleasant
Anderson, R.	Erickson	Kahn	Minne	Prahl
Battaglia	Esau	Kaley	Moe	Redalen
Begich	Evans	Kalis	Munger	Reding
Berglin	Ewald	Kelly	Murphy	Rees
Berkelman	Faricy	Kempe	Nelsen, B.	Reif
Biersdorf	Fjoslien	Knickerbocker	Nelsen, M.	Rice
Blatz	Fritz	Kostohryz	Nelson	Rodriguez
Brinkman	Fudro	Kroening	Niehaus	Rose
Byrne	Greenfield	Kvam	Norman	Rothenberg
Carlson, D.	Halberg	Laidig	Novak	Sarna
Carlson, L.	Haukoos	Lehto	Nysether	Schreiber
Clark	Heap	Levi	Olsen	Searle
Clawson	Heinitz	Long	Onnen	Searles

Sherwood	Stoa	Tomlinson	Waldorf	Wieser
Sieben, H.	Stowell	Valan	Weaver	Wigley
Sieben, M.	Sviggum	Valento	Welch	Wynia
Simoneau	Swanson	Vanasek	Welker	Zubay
Stadum	Thiede	Voss	Wenzel	Spkr. Norton

The bill was passed and its title agreed to.

SPECIAL ORDERS

CALL OF THE HOUSE

On the motion of Sherwood and on the demand of 10 members, a call of the House was ordered. The following members answered to their names:

Aasness	Eken	Kahn	Nelsen, M.	Schreiber
Adams	Elioff	Kaley	Nelson	Searles
Ainley	Ellingson	Kalis	Niehaus	Sherwood
Albrecht	Esau	Kelly	Norman	Sieben, H.
Anderson, B.	Evans	Kempe	Novak	Sieben, M.
Anderson, D.	Faricy	Knickerbocker	Nysether	Simoneau
Anderson, G.	Fjoslien	Kvam	Olsen	Stadum
Anderson, R.	Forsythe	Laidig	Onnen	Stoa
Battaglia	Friedrich	Lehto	Otis	Stowell
Begich	Fritz	Levi	Patton	Sviggum
Berglin	Fudro	Long	Pehler	Thiede
Berkelman	Greenfield	Ludeman	Peterson, B.	Tomlinson
Biersdorf	Halberg	Luknic	Peterson, D.	Valan
Blatz	Haukoos	Mann	Piepho	Valento
Brinkman	Heap	McCarron	Pleasant	Vanasek
Byrne	Heinitz	McDonald	Prahl	Voss
Carlson, D.	Hoberg	McEachern	Redalen	Waldorf
Carlson, L.	Hokanson	Mehrkens	Reding	Weaver
Clark	Jacobs	Metzen	Rees	Welker
Clawson	Jaros	Minne	Reif	Wenzel
Crandall	Jennings	Moe	Rodriguez	Wieser
Dempsey	Johnson, C.	Munger	Rose	Wigley
Den Ouden	Johnson, D.	Murphy	Rothenberg	Wynia
Drew	Jude	Nelsen, B.	Sarna	Zubay

Sherwood 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.

H. F. No. 1661 was reported to the House.

Sherwood moved to amend H. F. No. 1661 as follows:

Page 1, after line 11, insert:

"Section 1. Minnesota Statutes 1978, Section 340.02, Subdivision 8, is amended to read:

Subd. 8. [PERSONS ELIGIBLE.] Licenses hereunder shall be issued only to persons who are citizens of the United States and who are of good moral character and repute, who have

attained the age of (19) 21 years and who are proprietors of the establishments for which the licenses are issued.

Sec. 2. Minnesota Statutes 1978, Section 340.035, Subdivision 1, is amended to read:

340.035 [PERSONS UNDER 19 YEARS; PENALTY.] Subdivision 1. It shall be unlawful for any:

(1) Licensee or his employee to sell or serve non-intoxicating malt liquor to any person under the age of (19) 21 years or to permit any person under the age of (19) 21 years to consume non-intoxicating malt liquor on the licensed premises;

(2) Person other than the parent or legal guardian to procure non-intoxicating malt liquor for any person under the age of (19) 21 years;

(3) Person to induce a person under the age of (19) 21 years to purchase or procure non-intoxicating malt liquor;

(4) Person under the age of (19) 21 years to misrepresent his age for the purpose of obtaining non-intoxicating malt liquor;

(5) Person under the age of (19) 21 years to consume any non-intoxicating malt liquor unless in the company of his parent or guardian;

(6) Person under the age of (19) 21 years to have in his possession any non-intoxicating malt liquor, with intent to consume same at a place other than the household of his parent or guardian. Possession of such non-intoxicating malt liquor at a place other than the household of his parent or guardian shall be prima facie evidence of intent to consume the same at a place other than the household of his parent or guardian."

Page 1, after line 21, insert:

"Sec. 4. Minnesota Statutes 1978, Section 340.119, Subdivision 2, is amended to read:

Subd. 2. A bottle club may allow members to bring and keep a personal supply of intoxicating liquors in lockers assigned to such members. A bottle club or any unincorporated society which shall have more than 50 members and which shall have, for more than a year, owned, hired, or leased space in a building of such extent and character as may be suitable and adequate for reasonable and comfortable accommodations for its members, may allow members to bring and keep a personal supply of intoxicating liquors in lockers assigned to such members. Every bottle, container, or other receptacle containing intoxicating

liquor stored by members shall have attached to it a label signed by the member of the club. All liquor on the premises of the club shall be labeled as herein required, and any not being actually used or consumed by the owner thereof shall be kept in a locker designated to the use of such member. It shall be unlawful for any club member under (19) 21 years of age to be assigned a locker for the storage of intoxicating liquor, or to consume or display or be permitted to consume or display intoxicating liquor on any premises owned or controlled by such private club.

Sec. 5. Minnesota Statutes 1978, Section 340.13, Subdivision 12, is amended to read:

Subd. 12. [LICENSES; PERSONS ELIGIBLE.] No license shall be issued to other than a citizen of the United States (19) 21 years of age or over who shall be of good moral character and repute, nor to any person who within five years prior to the application of such license has been convicted of any wilful violation of any law of the United States or the state of Minnesota or of any local ordinance with regard to the manufacture, sale, distribution, or possession for sale or distribution of intoxicating liquor, nor to any person whose license under the intoxicating liquor act shall be revoked for any wilful violation of any such laws or ordinances.

Sec. 6. Minnesota Statutes 1978, Section 340.14, Subdivision 1a, is amended to read:

Subd. 1a. [PERSONS DENIED ACCESS.] No intoxicating liquor shall be sold, furnished, or delivered for any purpose to any (MINOR) *person under 21 years of age* or to any person obviously intoxicated or to any of the persons to whom sale is prohibited by statute. *Any person violating the provisions of this subdivision is guilty of a gross misdemeanor and in addition to any criminal penalty imposed, if the violator is a licensee or employee thereof, the license of the licensee shall be suspended for a period of one year.*

Sec. 7. Minnesota Statutes 1978, Section 340.403, Subdivision 3, is amended to read:

Subd. 3. [LICENSE GRANTED.] Upon the filing of an application, the approval of the bond, and the payment of the license fee, the commissioner shall grant the license unless it shall appear that the applicant: (1) is not a citizen of the United States; or (2) is not (19) 21 years of age or over; or (3) has been convicted of a felony under the laws of this state; or (4) has had his license revoked within a period of one year prior to the filing of his application; or (5) has not been a resident of Minnesota or has not been qualified as a corporation to do business in Minnesota for more than 90 days prior to application. In the event the applicant is a corporation its

managing officers must possess the qualifications herein stated in respect to (1), (2), (3), and (4).

No wholesale malt beverage license shall be granted to any person unless he shall have within the state of Minnesota warehouse space either owned or leased by him and shall have adequate delivery facilities to perform the function of wholesaling malt beverages. Provided that the requirements of this subdivision as to residence and warehouse space shall not apply to any wholesaler in an adjoining state which permits Minnesota resident licensees to deliver malt beverages to retailers without warehousing in that state or to any wholesaler in an adjoining state delivering malt beverages manufactured in Minnesota.

Sec. 8. Minnesota Statutes 1978, Section 340.73, Subdivision 1, is amended to read:

340.73 [PERSONS TO WHOM SALES ARE ILLEGAL.] Subdivision 1. It shall be unlawful for any person, except a licensed pharmacist to sell, give, barter, furnish, deliver, or dispose of, in any manner, either directly or indirectly, any spirituous, vinous, malt, or fermented liquors in any quantity, for any purpose, whatever, to any person under the age of (19) 21 years, or to any intoxicated person, or to any public prostitute."

Page 2, after line 7, insert:

"Sec. 10. Minnesota Statutes 1978, Section 340.731, is amended to read:

340.731 [PERSONS UNDER 19 YEARS, FORBIDDEN ACTS OR STATEMENTS.] It shall be unlawful for (1) a person under the age of (19) 21 years to enter any premises licensed for the retail sale of alcoholic beverages or any municipal liquor store for the purpose of purchasing, or having served or delivered to him or her, any alcoholic beverage containing more than one-half of one percent of alcohol by volume or

(2) a person under the age of (19) 21 years to consume any intoxicating liquor or to purchase, attempt to purchase or have another purchase for him or her any intoxicating liquor; or

(3) any person to misrepresent or misstate his or her age, or the age of any other person for the purpose of inducing any licensee or any employee of any licensee, or any employee of any municipal liquor store, to sell, serve or deliver any alcoholic beverage to a person under the age of (19) 21 years; or

(4) a person under the age of (19) 21 years to have in his possession any intoxicating liquor, with intent to consume same at a place other than the household of his parent or guardian. Possession of such intoxicating liquor at a place other than the

household of his parent or guardian shall be prima facie evidence of intent to consume the same at a place other than the household of his parent or guardian.

Sec. 11. Minnesota Statutes 1978, Section 340.78, is amended to read:

340.78 [SALES TO CERTAIN PERSONS, AFTER NOTICE.] Every person selling liquor to a person under the age of (19) 21 years, habitual drunkard, or person under guardianship, after written notice by a parent, husband, wife, child, guardian, master, or employer of such age, habitual drunkenness, or guardianship, or in the case of an habitual drunkard after written notice by the mayor, chief of police, or any member of the council of the municipality in which such habitual drunkard resides, or member of the county board of the county in which such habitual drunkard resides, and within one year after such notice in case of an habitual drunkard, and in other cases during the time the person is under the age of 19 years, or guardianship, shall be guilty of a *gross* misdemeanor."

Page 2, line 13, strike "19" and insert "21"

Page 2, after line 19, insert:

"Sec. 13. Minnesota Statutes 1978, Section 340.80, is amended to read:

340.80 [INDUCING CERTAIN PERSONS TO ENTER LIQUOR ESTABLISHMENTS; PENALTY.] Any person who shall assist, procure or induce any person under the age of (19) 21 years or other person to whom the sale of liquor is by law forbidden, to enter or visit any saloon, bar, buffet or public drinking place for the purpose of obtaining intoxicating liquors, is guilty of a gross misdemeanor; and, upon conviction, punished therefor according to the laws of the state.

Sec. 14. Minnesota Statutes 1978, Section 340.81, is amended to read:

340.81 [EXCLUSION OF CERTAIN PERSONS FROM LIQUOR ESTABLISHMENTS AFTER NOTICE; PENALTY.] No person under the age of (19) 21 years, intemperate drinker, habitual drunkard, inmate of a poor or alms house, or person under guardianship, shall be allowed in any room where intoxicating liquor is sold in less quantities than five gallons as a beverage, after written notice upon the licensee or his agent, by parent, husband, wife, child, guardian, master or employer of such age, intemperate drinking, habitual drunkenness or guardianship, or in the case of an intemperate drinker, inmate of a poor or alms house, or habitual drunkard, after written notice by the mayor, chief of police, judge of the municipal court, or any member of the council of the municipality in which such

intemperate drinker, or habitual drunkard, resides, or member of the county board of the county in which such inmate of a poor or alms house, intemperate drinker or habitual drunkard resides, and within one year after such notice, in case of an inmate of a poor or alms house, intemperate drinker or habitual drunkard, and in other cases during the time the person is under the age of (19) 21 years or guardianship. Any violation of this section shall be guilty of a misdemeanor."

Page 3, line 2, delete "19" and insert "21"

Page 3, line 3, after "*convicted*" insert "*of,*"

Page 3, line 5, delete the comma

Page 3, line 5, insert a comma after "*for*"

Page 3, after line 10, insert:

"Sec. 16. Minnesota Statutes 1978, Section 169.13, Subdivision 2, is amended to read:

Subd. 2. [IMPLIED CONSENT; CONDITIONS; ELECTION AS TO TYPE OF TEST.] (a) Any person who drives, operates, or is in physical control of a motor vehicle within this state consents, subject to the provisions of this section and section 169.121, to a chemical test of his blood, breath, or urine for the purpose of determining the presence of alcohol or a controlled substance. The test shall be administered at the direction of a peace officer. The test may be required of a person when an officer has reasonable and probable grounds to believe the person was driving, operating, or in physical control of a motor vehicle in violation of section 169.121 and one of the following conditions exist: (1) the person has been lawfully placed under arrest for violation of section 169.121, or an ordinance in conformity therewith; or (2) the person has been involved in a motor vehicle accident or collision resulting in property damage, personal injury, or death; or (3) the person has refused to take the screening test provided for by section 169.121, subdivision 6; or (4) the screening test was administered and recorded an alcohol concentration of 0.10 or more. Any person may decline to take a direct blood test and elect to take either a breath or urine test, whichever is available and offered. No action may be taken against the person for declining to take a direct blood test unless either a breath or urine test was available and offered.

(b) At the time a chemical test specimen is requested, the person shall be informed:

(1) that if testing is refused, the person's right to drive will be revoked for a period of six months *or if the person is under 21 years of age, for a period of one year; and*

(2) that if a test is taken and the results indicate that the person is under the influence of alcohol or a controlled substance, the person will be subject to criminal penalties and the person's right to drive may be revoked for a period of 90 days *or if the person is under 21 years of age, the person's right to drive will be revoked for a period of one year*; and

(3) that the person has a right to consult with an attorney but that this right is limited to the extent that it cannot unreasonably delay administration of the test or the person will be deemed to have refused the test; and

(4) that after submitting to testing, the person has the right to have additional tests made by a person of his own choosing.

Sec. 17. Minnesota Statutes 1978, Section 169.123, Subdivision 4, is amended to read:

Subd. 4. [REFUSAL, CONSENT TO PERMIT TEST; REVOCATION OF LICENSE.] If a person refuses to permit chemical testing, none shall be given, but the peace officer shall report the refusal to the commissioner of public safety and the authority having responsibility for prosecution of misdemeanor offenses for the jurisdiction in which the acts occurred. If a person submits to chemical testing and the test results indicate an alcohol concentration of 0.10 or more, the results of the test shall be reported to the commissioner of public safety and to the authority having responsibility for prosecution of misdemeanor offenses for the jurisdiction in which the acts occurred.

Upon certification by the peace officer that there existed reasonable and probable grounds to believe the person had been driving, operating, or in physical control of a motor vehicle while under the influence of alcohol or a controlled substance and that the person refused to submit to chemical testing, the commissioner of public safety shall revoke the person's license or permit to drive, or his nonresident operating privilege, for a period of six months, *or if the person was under 21 years of age at the time of the refusal, for a period of one year*. Upon certification by the peace officer that there existed reasonable and probable grounds to believe the person had been driving, operating or in physical control of a motor vehicle while under the influence of alcohol or a controlled substance and that the person submitted to chemical testing and the test results indicate an alcohol concentration of 0.10 or more, the commissioner of public safety shall revoke the person's license or permit to drive, or his nonresident operating privilege, for a period of 90 days *or, if the person was under the age of 21 years at the time of the test, for a period of one year*.

If the person is a resident without a license or permit to operate a motor vehicle in this state, the commissioner of public

safety shall deny to the person the issuance of a license or permit for the same period after the date of the alleged violation as provided herein for revocation, subject to review as hereinafter provided.

Sec. 18. [EFFECTIVE DATE.] *Sections 1 to 17 are effective September 1, 1980. For purposes of sections 1 to 17, a person who has attained the age of 19 years prior to September 1, 1980 shall be deemed to have attained the age of 21 years. Sections 3, 6, 9, 12, 15, 16, and 17 apply to offenses committed on or after September 1, 1980.*"

Renumber the sections as appropriate

Delete the title in its entirety and insert:

"A bill for an act relating to alcoholic beverages; increasing the age for licensing, sale, consumption, possession and furnishing; establishing minimum period of license revocation for certain persons convicted of driving while intoxicated, refusing or failing chemical test; increasing and changing penalties for furnishing alcoholic beverages to certain persons; amending Minnesota Statutes 1978, Sections 169.121, Subdivision 3; 169.123, Subdivisions 2 and 4; 340.02, Subdivision 8; 340.035, Subdivisions 1 and 2; 340.119, Subdivision 2; 340.13, Subdivision 12; 340.14, Subdivision 1a; 340.403, Subdivision 3; 340.73, Subdivisions 1 and 3; 340.731; 340.78; 340.79; 340.80; and 340.81."

A roll call was requested and properly seconded.

Nelson and Simoneau moved to amend the Sherwood amendment to H. F. No. 1661, as follows:

Page 1, delete lines 14 through 21 and insert:

"340.035 [PERSONS UNDERAGE; PENALTY.] Subdivision 1. It shall be unlawful for any:

(1) Licensee or his employee to sell or serve non-intoxicating malt liquor to any person under the age of 19 years *in the case of on-sale licensees or 21 in the case of off-sale licensees* or to permit any person under the age of 19 years to consume non-intoxicating malt liquor on the licensed premises;

(2) Person other than the parent or legal guardian to procure non-intoxicating malt liquor for any person under the age of 19 years;

(3) Person to induce a person under the age of 19 years *in the case of on-sale and 21 years in the case of off-sale* to purchase or procure non-intoxicating malt liquor;

(4) Person under the age of 19 years *in the case of on-sale and 21 years in the case of off-sale* to misrepresent his age for the purpose of obtaining non-intoxicating malt liquor;

(5) Person under the age of 19 years to consume any non-intoxicating malt liquor unless in the company of his parent or guardian;

(6) Person under the age of 19 years to have in his possession any non-intoxicating malt liquor, with intent to consume same at a place other than the household of his parent or guardian. Possession of such non-intoxicating malt liquor at a place other than the household of his parent or guardian shall be prima facie evidence of intent to consume the same at a place other than the household of his parent or guardian."

Page 2, delete lines 1 through 18

Page 3, line 28, after "age" insert "*at off-sale or under 19 years of age at on-sale*"

Page 4, delete lines 32 and 33 and insert:

"340.73 [PERSONS TO WHOM SALES ARE ILLEGAL.] Subdivision 1. It shall be unlawful for any person, except a licensed pharmacist to sell, give, barter, furnish, deliver, or dispose of, in any manner, either directly or indirectly, any spirituous, vinous, malt, or fermented liquors in any quantity, for any purpose, whatever, to any person under the age of 19 years or 21 years *in the case of a sale by an off-sale licensee*, or to any intoxicated person, or to any public prostitute."

Page 5, delete lines 1 through 6

Page 5, delete lines 10 through 33 and insert:

"340.731 [PERSONS UNDERAGE, FORBIDDEN ACTS OR STATEMENTS.] It shall be unlawful for (1) a person under the age of 19 years *in the case of on-sale licensed premises and 21 years in the case of off-sale licensed premises* to enter any premises licensed for the retail sale of alcoholic beverages or any municipal liquor store for the purpose of purchasing, or having served or delivered to him or her, any alcoholic beverage containing more than one-half of one percent of alcohol by volume or

(2) a person under the age of 19 years to consume any intoxicating liquor or to purchase, attempt to purchase or have another purchase for him or her any intoxicating liquor *at or from other than an off-sale licensee or under the age of 21 years to purchase, attempt to purchase or have another purchase for him or her any intoxicating liquor at or from an off-sale licensee*; or

(3) any person to misrepresent or misstate his or her age, or the age of any other person for the purpose of inducing any licensee or any employee of any licensee, or any employee of any municipal liquor store, to sell, serve or deliver any alcoholic beverage to a person under the age of 19 years *in the case of an on-sale licensee or 21 years in the case of an off-sale licensee*; or

(4) a person under the age of 19 years *if purchased from other than an off-sale licensee or 21 years if purchased from an off-sale licensee* to have in his possession any intoxicating liquor, with intent to consume same at a place other than the household of his parent or guardian. Possession of such intoxicating liquor at a place other than the household of his parent or guardian shall be prima facie evidence of intent to consume the same at a place other than the household of his parent or guardian."

Page 6, delete lines 1 and 2

Page 6, delete lines 5 through 18 and insert:

"340.78 [SALES TO CERTAIN PERSONS, AFTER NOTICE.] Every person selling liquor to a person under the age of 19 years *if other than an off-sale licensee or 21 years if an off-sale licensee*, habitual drunkard, or person under guardianship, after written notice by a parent, husband, wife, child, guardian, master, or employer of such age, habitual drunkenness, or guardianship, or in the case of an habitual drunkard after written notice by the mayor, chief of police, or any member of the council of the municipality in which such habitual drunkard resides, or member of the county board of the county in which such habitual drunkard resides, and within one year after such notice in case of an habitual drunkard, and in other cases during the time the person is under the age of 19 years *or 21 years in the case of sales by an off-sale licensee*, or guardianship, shall be guilty of a misdemeanor."

Page 6, delete lines 23 through 31 and insert:

"340.80 [INDUCING CERTAIN PERSONS TO ENTER LIQUOR ESTABLISHMENTS; PENALTY.] Any person who shall assist, procure or induce any person under the age of 19 years *or 21 years in the case of sales by an off-sale licensee* or other person to whom the sale of liquor is by law forbidden, to enter or visit any saloon, bar, buffet or public drinking place for the purpose of obtaining intoxicating liquors, is guilty of a gross misdemeanor; and, upon conviction, punished therefor according to the laws of the state."

Page 7, delete lines 1 through 23 and insert:

"340.81 [EXCLUSION OF CERTAIN PERSONS FROM LIQUOR ESTABLISHMENTS AFTER NOTICE; PENALTY.]

No person under the age of 19 years or 21 years in the case of off-sale licensed premises, intemperate drinker, habitual drunkard, inmate of a poor or alms house, or person under guardianship, shall be allowed in any room where intoxicating liquor is sold in less quantities than five gallons as a beverage, after written notice upon the licensee or his agent, by parent, husband, wife, child, guardian, master or employer of such age, intemperate drinking, habitual drunkenness or guardianship, or in the case of an intemperate drinker, inmate of a poor or alms house, or habitual drunkard, after written notice by the mayor, chief of police, judge of the municipal court, or any member of the council of the municipality in which such intemperate drinker, or habitual drunkard, resides, or member of the county board of the county in which such inmate of a poor or alms house, intemperate drinker or habitual drunkard resides, and within one year after such notice, in case of an inmate of a poor or alms house, intemperate drinker or habitual drunkard, and in other cases during the time the person is under the age of 19 years or guardianship. Any violation of this section shall be guilty of a misdemeanor."

A roll call was requested and properly seconded.

The question was taken on the Nelson and Simoneau amendment to the Sherwood amendment and the roll was called. There were 63 yeas and 71 nays as follows:

Those who voted in the affirmative were:

Adams	Elioff	Levi	Norman	Sieben, M.
Ainley	Ellingson	Long	Novak	Simoneau
Anderson, G.	Evans	Ludeman	Osthoff	Stoa
Berglin	Fudro	McCarron	Otis	Sviggum
Biersdorf	Greenfield	McEachern	Pehler	Vanasek
Byrne	Hoberg	Mehrkens	Peterson, D.	Voss
Carlson, L.	Jaros	Metzen	Prahl	Welch
Casserly	Johnson, C.	Minne	Rees	Welker
Clark	Jude	Moe	Rice	Wenzel
Clawson	Kahn	Munger	Sarna	Wynia
Corbid	Kelly	Murphy	Schreiber	Spkr. Norton
Crandall	Kostohryz	Nelsen, M.	Searles	
Eken	Lehto	Nelson	Sieben, H.	

Those who voted in the negative were:

Aasness	Drew	Jennings	Olsen	Stowell
Albrecht	Erickson	Johnson, D.	Onnen	Swanson
Anderson, B.	Esau	Kaley	Patton	Thiede
Anderson, D.	Ewald	Kalis	Peterson, B.	Tomlinson
Anderson, I.	Faricy	Kempe	Piepho	Valan
Anderson, R.	Fjoslien	Knickerbocker	Pleasant	Valento
Battaglia	Forsythe	Kroening	Redalen	Waldorf
Begich	Friedrich	Kvam	Reding	Weaver
Berkelman	Fritz	Laidig	Reif	Wieser
Blatz	Halberg	Luknic	Rodriguez	Wigley
Brinkman	Haukoos	Mann	Rose	Zubay
Carlson, D.	Heap	McDonald	Rothenberg	
Dean	Heinitz	Nelsen, B.	Searle	
Dempsey	Hokanson	Niehaus	Sherwood	
Den Ouden	Jacobs	Nysether	Stadum	

The motion did not prevail and the amendment to the amendment was not adopted.

Stoa moved to amend the Sherwood amendment to H. F. No. 1661 as follows:

Page 8, line 27, strike "six months" and insert "*one year*"

Page 8, line 27, delete "*or if the*"

Page 8, delete line 28 to the semi-colon

Page 8, line 33, strike "may" and insert "*shall*"

Page 9, line 1, strike "90 days" and insert "*one year*"

Page 9, line 1, delete "*or if the person is under*"

Page 9, delete line 2

Page 9, line 3, delete the new language

Page 9, line 33, strike "six months" and insert "*one year*"

Page 9, line 33, delete "*, or if the person was under 21 years of age*"

Page 10, line 1, delete the new language

Page 10, line 11, strike "90 days" and insert "*one year*"

Page 10, line 11, delete "*or, if the person was under the age of 21 years*"

Page 10, line 12, delete the new language

A roll call was requested and properly seconded.

The question was taken on the Stoa amendment to the Sherwood amendment and the roll was called. There were 130 yeas and 4 nays as follows:

Those who voted in the affirmative were:

Aasness	Anderson, R.	Carlson, D.	Dempsey	Evans
Adams	Battaglia	Carlson, L.	Den Ouden	Ewald
Ainley	Begich	Casserly	Drew	Faricy
Albrecht	Berglin	Clark	Eken	Fjoslien
Anderson, B.	Berkelman	Clawson	Elioff	Forsythe
Anderson, D.	Biersdorf	Corbid	Ellingson	Friedrich
Anderson, G.	Blatz	Crandall	Erickson	Fritz
Anderson, I.	Byrne	Dean	Esau	Fudro

Greenfield	Knickerbocker	Munger	Redalen	Sviggum
Halberg	Kostohryz	Murphy	Reding	Swanson
Haukoos	Kroening	Nelsen, B.	Rees	Thiede
Heap	Kvam	Nelsen, M.	Reif	Tomlinson
Heinitz	Laidig	Nelson	Rice	Valan
Hoberg	Lehto	Niehaus	Rodriguez	Valento
Hokanson	Levi	Norman	Rose	Vanasek
Jacobs	Long	Novak	Rothenberg	Voss
Jaros	Ludeman	Nysether	Sarna	Waldorf
Jennings	Luknic	Olsen	Schreiber	Weaver
Johnson, C.	Mann	Onnen	Searles	Welch
Johnson, D.	McCarron	Osthoff	Sherwood	Welker
Jude	McDonald	Otis	Sieben, H.	Wenzel
Kahn	McEachern	Pehler	Sieben, M.	Wieser
Kaley	Mehrakens	Peterson, B.	Simoneau	Wigley
Kalis	Metzen	Peterson, D.	Stadum	Wynia
Kelly	Minne	Piepho	Stoa	Zubay
Kempe	Moe	Prahl	Stowell	Spkr. Norton

Those who voted in the negative were:

Brinkman Patton Pleasant Searle

The motion prevailed and the amendment to the amendment was adopted.

The question recurred on the Sherwood amendment, as amended, and the roll was called. There were 71 yeas and 63 nays as follows:

Those who voted in the affirmative were:

Aasness	Fjoslien	Kempe	Nysether	Sviggum
Ainley	Forsythe	Knickerbocker	Onnen	Swanson
Albrecht	Friedrich	Kostohryz	Peterson, B.	Thiede
Anderson, D.	Fritz	Kroening	Redalen	Valan
Anderson, R.	Halberg	Kvam	Reding	Valento
Battaglia	Haukoos	Laidig	Rees	Waldorf
Biersdorf	Heap	Levi	Reif	Weaver
Blatz	Heinitz	Luknic	Rodriguez	Welker
Carlson, D.	Hoberg	Mann	Rose	Wenzel
Carlson, L.	Hokanson	McDonald	Rothenberg	Wieser
Den Ouden	Jennings	Mehrakens	Searle	Zubay
Drew	Johnson, D.	Murphy	Searles	
Eken	Kaley	Nelsen, B.	Sherwood	
Erickson	Kalis	Nelsen, M.	Simoneau	
Esau	Kelly	Norman	Stadum	

Those who voted in the negative:

Adams	Crandall	Jude	Novak	Sieben, H.
Anderson, B.	Dean	Kahn	Olsen	Sieben, M.
Anderson, G.	Dempsey	Lehto	Osthoff	Stoa
Anderson, I.	Elioff	Long	Otis	Stowell
Begich	Ellingson	Ludeman	Patton	Tomlinson
Berglin	Evans	McCarron	Pehler	Vanasek
Berkelman	Ewald	McEachern	Peterson, D.	Voss
Brinkman	Faricy	Metzen	Piepho	Welch
Byrne	Fudro	Minne	Pleasant	Wigley
Casserly	Greenfield	Moe	Prahl	Wynia
Clark	Jacobs	Munger	Rice	Spkr. Norton
Clawson	Jaros	Nelson	Sarna	
Corbid	Johnson, C.	Niehaus	Schreiber	

The motion prevailed and the amendment, as amended, was adopted.

Searle was excused from 2:35 p.m. to 3:30 p.m.

Drew moved to amend H. F. No. 1661, as amended, as follows:

Page 1, line 21, delete "one year" insert "10 days"

Page 2, line 7, delete "one year" insert "10 days"

Page 2, line 19, delete "one year" insert "10 days"

Page 4, line 2 of the Sherwood amendment delete "one year" insert "10 days"

A roll call was requested and properly seconded.

The question was taken on the Drew amendment and the roll was called. There were 12 yeas and 121 nays as follows:

Those who voted in the affirmative were:

Brinkman	Drew	Hoberg	Rice	Valan
Dean	Forsythe	Peterson, B.	Searles	
Dempsey	Fritz	Piepho		

Those who voted in the negative were:

Aasness	Elioff	Kelly	Niehaus	Simoneau
Adams	Ellingson	Kempe	Norman	Stadum
Ainley	Erickson	Knickerbocker	Novak	Stoa
Albrecht	Esau	Kostohryz	Nysether	Stowell
Anderson, B.	Evans	Kroening	Olsen	Sviggum
Anderson, D.	Ewald	Kvam	Onnen	Swanson
Anderson, G.	Faricy	Laidig	Osthoff	Thiede
Anderson, I.	Fjoslien	Lehto	Otis	Tomlinson
Anderson, R.	Friedrich	Levi	Patton	Valento
Battaglia	Fudro	Long	Pehler	Vanasek
Begich	Greenfield	Ludeman	Peterson, D.	Voss
Berglin	Halberg	Luknic	Pleasant	Waldorf
Berkelman	Haukoos	Mann	Prahl	Weaver
Biersdorf	Heap	McCarron	Redalen	Welch
Blatz	Heimitz	McDonald	Reding	Welker
Byrne	Hokanson	McEachern	Rees	Wenzel
Carlson, D.	Jacobs	Mehrkens	Reif	Wieser
Carlson, L.	Jaros	Metzen	Rodriguez	Wigley
Casserly	Jennings	Minne	Rose	Wynia
Clark	Johnson, C.	Moe	Rothenberg	Zubay
Clawson	Johnson, D.	Munger	Sarna	Spkr. Norton
Corbid	Jude	Murphy	Schreiber	
Crandall	Kahn	Nelsen, B.	Sherwood	
Den Ouden	Kaley	Nelsen, M.	Sieben, H.	
Eken	Kalis	Nelson	Sieben, M.	

The motion did not prevail and the amendment was not adopted.

Stoa moved to amend H. F. No. 1661, as amended, as follows:

Page 2, line 26, strike "30 days" and insert "one year"

Page 3, line 1, strike "90 days" and insert "one year"

Page 3, lines 1 to 7, delete the new language

A roll call was requested and properly seconded.

The question was taken on the Stoa amendment and the roll was called. There were 130 yeas and 3 nays as follows:

Those who voted in the affirmative were:

Aasness	Drew	Jude	Nelsen, B.	Searles
Adams	Eken	Kahn	Nelsen, M.	Sherwood
Ainley	Elioff	Kaley	Nelson	Sieben, H.
Albrecht	Ellingson	Kalis	Norman	Sieben, M.
Anderson, B.	Erickson	Kelly	Novak	Simoneau
Anderson, D.	Esau	Kempe	Nysether	Stadum
Anderson, G.	Evans	Knickerbocker	Olsen	Stoa
Anderson, I.	Ewald	Kostohryz	Onnen	Stowell
Battaglia	Farcy	Kroening	Osthoff	Sviggum
Begich	Fjoslien	Kvam	Otis	Swanson
Berglin	Forsythe	Laidig	Patton	Thiede
Berkelman	Friedrich	Lehto	Pehler	Tomlinson
Biersdorf	Fritz	Levi	Peterson, B.	Valan
Blatz	Fudro	Long	Peterson, D.	Valento
Brinkman	Greenfield	Ludeman	Piepho	Vanasek
Byrne	Halberg	Luknic	Pleasant	Voss
Carlson, D.	Haukoos	Mann	Prahl	Waldorf
Carlson, L.	Heap	McCarron	Redalen	Weaver
Casserly	Heinitz	McDonald	Reding	Welch
Clark	Hoberg	McEachern	Reif	Welker
Clawson	Hokanson	Mehrkens	Rice	Wenzel
Corbid	Jacobs	Metzen	Rodriguez	Wieser
Crandall	Jaros	Minne	Rose	Wigley
Dean	Jennings	Moe	Rothenberg	Wynia
Dempsey	Johnson, C.	Munger	Sarna	Zubay
Den Ouden	Johnson, D.	Murphy	Schreiber	Spkr. Norton

Those who voted in the negative were:

Anderson, R. Niehaus Rees

The motion prevailed and the amendment was adopted.

Piepho was excused from 3:00 p.m. to 3:30 p.m.

Kostohryz moved to amend H. F. No. 1661, as amended, as follows:

Page 1, line 20, delete "shall" insert "may"

Page 1, line 21, delete "of" insert "up to"

Page 2, line 6, delete "shall" insert "may"

Page 2, line 6, delete "of" insert "up to"

Page 2, line 18, delete "shall" insert "may"

Page 2, line 19, delete "of" insert "up to"

In the Sherwood amendment page 4, line 1, delete "shall" insert "may"

Page 4, line 2, delete "of" insert "up to"

A roll call was requested and properly seconded.

Brinkman moved that H. F. No. 1661, as amended, be referred to the Committee on Criminal Justice.

A roll call was requested and properly seconded.

The question was taken on the motion to re-refer H. F. No. 1661, as amended, to the Committee on Criminal Justice and the roll was called.

Brinkman moved that those not voting be excused from voting. The motion did not prevail.

There were 48 yeas and 84 nays as follows:

Those who voted in the affirmative were:

Adams	Clark	Johnson, C.	Murphy	Sarna
Anderson, G.	Clawson	Jude	Nelson	Sieben, H.
Anderson, I.	Dempsey	Kahn	Osthoff	Sieben, M.
Anderson, R.	Elioff	Long	Otis	Stoa
Begich	Ellingson	Ludeman	Patton	Tomlinson
Berglin	Evans	McCarron	Pehler	Voss
Biersdorf	Faricy	McEachern	Peterson, D.	Wenzel
Brinkman	Fudro	Metzen	Prahl	Wigley
Byrne	Greenfield	Minne	Rees	
Casserly	Jacobs	Moe	Rice	

Those who voted in the negative were:

Aasness	Dean	Haukoos	Knickerbocker	Nelsen, B.
Ainley	Den Ouden	Heap	Kostohryz	Nelsen, M.
Albrecht	Drew	Heinitz	Kroening	Neihaus
Anderson, B.	Eken	Hoberg	Kvam	Norman
Anderson, D.	Erickson	Hokanson	Laidig	Novak
Battaglia	Esau	Jaros	Lehto	Nysether
Berkelman	Ewald	Jennings	Levi	Olsen
Blatz	Fjoslien	Johnson, D.	Luknic	Onnen
Carlson, D.	Forsythe	Kaley	Mann	Peterson, B.
Carlson, L.	Friedrich	Kalis	McDonald	Pleasant
Corbid	Fritz	Kelly	Mehrkens	Redalen
Crandall	Halberg	Kempe	Munger	Reding

Reif	Searles	Sviggum	Vanasek	Wieser
Rodriguez	Sherwood	Swanson	Waldorf	Wynia
Rose	Simoneau	Thiede	Weaver	Zubay
Rothenberg	Stadum	Valan	Welch	Spkr. Norton
Schreiber	Stowell	Valento	Welker	

The motion did not prevail.

The question recurred on the Kostohryz amendment and the roll was called. There were 26 yeas and 106 nays as follows:

Those who voted in the affirmative were:

Brinkman	Ewald	Kroening	Reding	Welch
Carlson, D.	Forsythe	Nelsen, B.	Rice	Wieser
Dean	Jaros	Niehaus	Rose	
Dempsey	Kempe	Olsen	Searles	
Drew	Knickerbocker	Patton	Simoneau	
Evans	Kostohryz	Redalen	Tomlinson	

Those who voted in the negative were:

Aasness	Den Ouden	Jude	Nelson, M.	Stadum
Adams	Eken	Kahn	Nelson	Stoa
Ainley	Elioff	Kaley	Norman	Stowell
Albrecht	Ellingson	Kalis	Novak	Sviggum
Anderson, B.	Erickson	Kelly	Nysether	Swanson
Anderson, D.	Esau	Kvam	Onnen	Thiede
Anderson, G.	Faricy	Laidig	Osthoff	Valan
Anderson, I.	Fjoslien	Lehto	Otis	Valento
Anderson, R.	Friedrich	Levi	Pehler	Vanasek
Battaglia	Fritz	Long	Peterson, B.	Voss
Begich	Fudro	Ludeman	Peterson, D.	Waldorf
Berglin	Greenfield	Luknic	Pleasant	Weaver
Berkelman	Halberg	Mann	Prahl	Welker
Biersdorf	Haukoos	McCarron	Rees	Wenzel
Blatz	Heap	McDonald	Reif	Wigley
Byrne	Heinitz	McEachern	Rodriguez	Wynia
Carlson, L.	Hoberg	Mehrkens	Rothenberg	Zubay
Casserly	Hokanson	Metzen	Sarna	Spkr. Norton
Clark	Jacobs	Minne	Schreiber	
Clawson	Jennings	Moe	Sherwood	
Corbid	Johnson, C.	Munger	Sieben, H.	
Crandall	Johnson, D.	Murphy	Sieben, M.	

The motion did not prevail and the amendment was not adopted.

MOTION FOR RECONSIDERATION

Anderson, I., moved that the vote whereby the Nelson and Simoneau amendment was not adopted earlier be now reconsidered.

A roll call was requested and properly seconded.

The question was taken on the motion to reconsider and the roll was called. There were 76 yeas and 58 nays as follows:

Those who voted in the affirmative were:

Adams	Crandall	Kostohryz	Novak	Simoneau
Ainley	Dempsey	Lehto	Osthoff	Stoa
Anderson, G.	Eken	Levi	Otis	Tomlinson
Anderson, I.	Elioff	Long	Patton	Valan
Anderson, R.	Ellingson	Mann	Pehler	Vanasek
Begich	Evans	McCarron	Peterson, D.	Voss
Berglin	Faricy	McEachern	Piepho	Welch
Berkelman	Fudro	Mehrkens	Prahl	Welker
Biersdorf	Greenfield	Metzen	Reding	Wenzel
Brinkman	Hoberg	Minne	Rees	Wieser
Byrne	Jacobs	Moe	Rice	Wynia
Carlson, L.	Jaros	Munger	Sarna	Spkr. Norton
Casserly	Johnson, C.	Murphy	Schreiber	
Clark	Jude	Nelsen, M.	Searles	
Clawson	Kahn	Nelson	Sieben, H.	
Corbid	Kelly	Norman	Sieben, M.	

Those who voted in the negative were:

Aasness	Ewald	Kaley	Nysether	Stadum
Albrecht	Fjoslien	Kalis	Olsen	Stowell
Anderson, B.	Forsythe	Kempe	Onnen	Svigum
Anderson, D.	Friedrich	Knickerbocker	Peterson, B.	Swanson
Battaglia	Fritz	Kroening	Pleasant	Thiede
Blatz	Halberg	Kvam	Redalen	Valento
Carlson, D.	Haukoos	Laidig	Reif	Waldorf
Dean	Heap	Ludeman	Rodriguez	Weaver
Den Ouden	Heinitz	Luknic	Rose	Wigley
Drew	Hokanson	McDonald	Rothenberg	Zubay
Erickson	Jennings	Nelsen, B.	Searle	
Esau	Johnson, D.	Niehaus	Sherwood	

The motion prevailed and the Nelson and Simoneau amendment was reported to the House.

Nelson and Simoneau moved to amend H. F. No. 1661, as amended, as follows:

In the Sherwood amendment:

Page 1, delete lines 14 through 21 and insert:

"340.035 [PERSONS UNDERAGE; PENALTY.] Subdivision 1. It shall be unlawful for any:

(1) Licensee or his employee to sell or serve non-intoxicating malt liquor to any person under the age of 19 years in the case of on-sale licensees or 21 in the case of off-sale licensees or to permit any person under the age of 19 years to consume non-intoxicating malt liquor on the licensed premises;

(2) Person other than the parent or legal guardian to procure non-intoxicating malt liquor for any person under the age of 19 years;

(3) Person to induce a person under the age of 19 years *in the case of on-sale and 21 years in the case of off-sale* to purchase or procure non-intoxicating malt liquor;

(4) Person under the age of 19 years *in the case of on-sale and 21 years in the case of off-sale* to misrepresent his age for the purpose of obtaining non-intoxicating malt liquor;

(5) Person under the age of 19 years to consume any non-intoxicating malt liquor unless in the company of his parent or guardian;

(6) Person under the age of 19 years to have in his possession any non-intoxicating malt liquor, with intent to consume same at a place other than the household of his parent or guardian. Possession of such non-intoxicating malt liquor at a place other than the household of his parent or guardian shall be prima facie evidence of intent to consume the same at a place other than the household of his parent or guardian."

Page 2, delete lines 1 through 18

Page 3, line 28, after "age" insert "*at off-sale or under 19 years of age at on-sale*"

Page 4, delete lines 32 and 33 and insert:

"340.73 [PERSONS TO WHOM SALES ARE ILLEGAL.] Subdivision 1. It shall be unlawful for any person, except a licensed pharmacist to sell, give, barter, furnish, deliver, or dispose of, in any manner, either directly or indirectly, any spirituous, vinous, malt, or fermented liquors in any quantity, for any purpose, whatever, to any person under the age of 19 years *or 21 years in the case of a sale by an off-sale licensee*, or to any intoxicated person, or to any public prostitute."

Page 5, delete lines 1 through 6

Page 5, delete lines 10 through 33 and insert:

"340.731 [PERSONS UNDERAGE, FORBIDDEN ACTS OR STATEMENTS.] It shall be unlawful for (1) a person under the age of 19 years *in the case of on-sale licensed premises and 21 years in the case of off-sale licensed premises* to enter any premises licensed for the retail sale of alcoholic beverages or any municipal liquor store for the purpose of purchasing, or having served or delivered to him or her, any alcoholic beverage containing more than one-half of one percent of alcohol by volume or

(2) a person under the age of 19 years to consume any intoxicating liquor or to purchase, attempt to purchase or have an-

other purchase for him or her any intoxicating liquor at or from other than an off-sale licensee or under the age of 21 years to purchase, attempt to purchase or have another purchase for him or her any intoxicating liquor at or from an off-sale licensee; or

(3) any person to misrepresent or misstate his or her age, or the age of any other person for the purpose of inducing any licensee or any employee of any licensee, or any employee of any municipal liquor store, to sell, serve or deliver any alcoholic beverage to a person under the age of 19 years in the case of an on-sale licensee or 21 years in the case of an off-sale licensee; or

(4) a person under the age of 19 years if purchased from other than an off-sale licensee or 21 years if purchased from an off-sale licensee to have in his possession any intoxicating liquor, with intent to consume same at a place other than the household of his parent or guardian. Possession of such intoxicating liquor at a place other than the household of his parent or guardian shall be prima facie evidence of intent to consume the same at a place other than the household of his parent or guardian."

Page 6, delete lines 1 and 2

Page 6, delete lines 5 through 18 and insert:

"340.78 [SALES TO CERTAIN PERSONS, AFTER NOTICE.] Every person selling liquor to a person under the age of 19 years if other than an off-sale licensee or 21 years if an off-sale licensee, habitual drunkard, or person under guardianship, after written notice by a parent, husband, wife, child, guardian, master, or employer of such age, habitual drunkenness, or guardianship, or in the case of an habitual drunkard after written notice by the mayor, chief of police, or any member of the council of the municipality in which such habitual drunkard resides, or member of the county board of the county in which such habitual drunkard resides, and within one year after such notice in case of an habitual drunkard, and in other cases during the time the person is under the age of 19 years or 21 years in the case of sales by an off-sale licensee, or guardianship, shall be guilty of a misdemeanor."

Page 6, delete lines 23 through 31 and insert:

"340.80 [INDUCING CERTAIN PERSONS TO ENTER LIQUOR ESTABLISHMENTS; PENALTY.] Any person who shall assist, procure or induce any person under the age of 19 years or 21 years in the case of sales by an off-sale licensee or other person to whom the sale of liquor is by law forbidden, to enter or visit any saloon, bar, buffet or public drinking place for the purpose of obtaining intoxicating liquors, is guilty of a gross misdemeanor; and, upon conviction, punished therefor according to the laws of the state."

Page 7, delete lines 1 through 23 and insert:

“340.81 [EXCLUSION OF CERTAIN PERSONS FROM LIQUOR ESTABLISHMENTS AFTER NOTICE; PENALTY.] No person under the age of 19 years or 21 years in the case of off-sale licensed premises, intemperate drinker, habitual drunkard, inmate of a poor or alms house, or person under guardianship, shall be allowed in any room where intoxicating liquor is sold in less quantities than five gallons as a beverage, after written notice upon the licensee or his agent, by parent, husband, wife, child, guardian, master or employer of such age, intemperate drinking, habitual drunkenness or guardianship, or in the case of an intemperate drinker, inmate of a poor or alms house, or habitual drunkard, after written notice by the mayor, chief of police, judge of the municipal court, or any member of the council of the municipality in which such intemperate drinker, or habitual drunkard, resides, or member of the county board of the county in which such inmate of a poor or alms house, intemperate drinker or habitual drunkard resides, and within one year after such notice, in case of an inmate of a poor or alms house, intemperate drinker or habitual drunkard, and in other cases during the time the person is under the age of 19 years or guardianship. Any violation of this section shall be guilty of a misdemeanor.”

A roll call was requested and properly seconded.

The question was taken on the Nelson and Simoneau amendment and the roll was called. There were 73 yeas and 61 nays as follows:

Those who voted in the affirmative were:

Adams	Eken	Ludeman	Osthoff	Simoneau
Ainley	Elioff	Mann	Otis	Stoa
Anderson, G.	Ellingson	McCarron	Patton	Sviggum
Anderson, I.	Evans	McEachern	Pehler	Tomlinson
Begich	Fudro	Mehrkens	Peterson, D.	Valan
Berglin	Greenfield	Metzen	Piepho	Vanasek
Biersdorf	Hoberg	Minne	Prahl	Voss
Brinkman	Jaros	Moe	Reding	Welch
Byrne	Johnson, C.	Munger	Rees	Welker
Carlson, L.	Jude	Murphy	Rice	Wenzel
Casserly	Kahn	Nelsen, M.	Sarna	Wieser
Clark	Kelly	Nelson	Schreiber	Wynia
Clawson	Lehto	Niehaus	Searles	Spkr. Norton
Corbid	Levi	Norman	Sieben, H.	
Crandall	Long	Novak	Sieben, M.	

Those who voted in the negative were:

Aasness	Berkelman	Drew	Forsythe	Heinitz
Albrecht	Blatz	Erickson	Friedrich	Hokanson
Anderson, B.	Carlson, D.	Esau	Fritz	Jacobs
Anderson, D.	Dean	Ewald	Halberg	Jennings
Anderson, R.	Dempsey	Faricy	Haukoos	Johnson, D.
Battaglia	Den Ouden	Fjoslien	Heap	Kaley

Kalis	Luknic	Pleasant	Sherwood	Weaver
Kempe	McDonald	Redalen	Stadum	Wigley
Knickerbocker	Nelsen, B.	Reif	Stowell	Zubay
Kostohryz	Nysether	Rodriguez	Swanson	
Kroening	Olsen	Rose	Thiede	
Kvam	Onnen	Rothenberg	Valento	
Laidig	Peterson, B.	Searle	Waldorf	

The motion prevailed and the amendment was adopted.

H. F. No. 1661, A bill for an act relating to alcoholic beverages; increasing the age for licensing, sale, consumption, possession and furnishing; establishing minimum period of license revocation for certain persons convicted of driving while intoxicated, refusing or failing chemical test; increasing and changing penalties for furnishing alcoholic beverages to certain persons; amending Minnesota Statutes 1978, Sections 169.121, Subdivision 3; 169.123, Subdivisions 2 and 4; 340.02, Subdivision 8; 340.035, Subdivisions 1 and 2; 340.119, Subdivision 2; 340.13, Subdivision 12; 340.14, Subdivision 1a; 340.403, Subdivision 3; 340.73, Subdivisions 1 and 3; 340.731; 340.78; 340.79; 340.80; and 340.81.

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 86 yeas and 48 nays as follows:

Those who voted in the affirmative were:

Aasness	Erickson	Kelly	Nelsen, M.	Sherwood
Ainley	Esau	Kempe	Nelson	Simoneau
Albrecht	Eyans	Knickerbocker	Niehaus	Stadum
Anderson, D.	Fjoslien	Kostohryz	Norman	Sviggum
Anderson, G.	Forsythe	Kroening	Novak	Swanson
Anderson, R.	Friedrich	Kvam	Nysether	Thiede
Battaglia	Fritz	Laidig	Onnen	Valan
Biersdorf	Halberg	Lehto	Peterson, B.	Valento
Blatz	Haukoos	Levi	Pleasant	Vanasek
Byrne	Heap	Ludeman	Redalen	Waldorf
Carlson, D.	Heinitz	Luknic	Reding	Weaver
Carlson, L.	Hoberg	Mann	Reif	Welker
Crandall	Hokanson	McDonald	Rodriguez	Wieser
Dempsey	Jennings	Mehrkens	Rose	Zubay
Den Ouden	Johnson, C.	Minne	Rothenberg	
Drew	Johnson, D.	Munger	Schreiber	
Eken	Kaley	Murphy	Searle	
Ellingson	Kalis	Nelsen, B.	Searles	

Those who voted in the negative were:

Adams	Casserly	Faricy	Long	Otis
Anderson, B.	Clark	Fudro	McCarron	Patton
Anderson, I.	Clawson	Greenfield	McEachern	Pehler
Begich	Corbid	Jacobs	Metzen	Peterson, D.
Berglin	Dean	Jaros	Moe	Piepho
Berkelman	Elioff	Jude	Olsen	Prahl
Brinkman	Ewald	Kahn	Osthoff	Rees

Rice	Sieben, M.	Tomlinson	Wenzel	Spkr. Norton
Sarna	Stoa	Voss	Wigley	
Sieben, H.	Stowell	Welch	Wynia	

The bill was passed, as amended, and its title agreed to.

CALL OF THE HOUSE LIFTED

Schreiber moved that the call of the House be dispensed with. The motion prevailed and it was so ordered.

There being no objection the order of business reverted to Reports of Standing Committees.

REPORTS OF STANDING COMMITTEES

Prahl from the Committee on Commerce, Economic Development and Housing to which was referred:

H. F. No. 615, A bill for an act relating to commerce; providing for the licensing and regulation of mobile home dealers, brokers and salespersons; transferring certain responsibilities from the commissioner of administration to the commissioner of securities; prescribing certain additional duties for the commissioner of securities; providing penalties; amending Minnesota Statutes 1978, Sections 82.17, Subdivision 8; 168.27, Subdivision 20; 327.51, Subdivision 3; and 327.55, Subdivisions 1, 3 and 4; repealing Minnesota Statutes 1978, Section 327.55, Subdivisions 2, 5 and 6.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1978, Section 327.43, Subdivision 1, is amended to read:

327.43 [ENTRANCE AND TRANSFER FEES PROHIBITED; SECURITY DEPOSITS LIMITED.] Subdivision 1. No fee other than the periodic rental payment specified in the lease or rental agreement may be charged to a mobile home park tenant or prospective tenant or any agent of a tenant or prospective tenant for the right to obtain or retain a space or lot, provided that a lessor may impose a reasonable charge for goods and services actually furnished by or at his expense in setting up a mobile home on a space or lot.

Sec. 2. Minnesota Statutes, 1979 Supplement, Section 327.43, Subdivision 2, is amended to read:

Subd. 2. No lessor shall deny any mobile home park tenant the right to sell said tenant's mobile home within the park or

require the tenant to remove the mobile home from the park solely on the basis of the sale thereof unless the home is more than 15 years old. The lessor may reserve the right to approve the purchaser of said mobile home as a tenant, but such permission may not be unreasonably withheld, and the lessor shall not exact a commission or fee with respect to the price realized by the seller unless the lessor has acted as agent for the seller in the sale pursuant to a written contract. *The rights of a tenant as provided in this subdivision shall also extend to any party holding a security interest in the tenant's mobile home who chooses to exercise its rights under a security agreement to repossess and sell the mobile home and who so notifies the lessor in writing. Temporary vacancy of a mobile home during a period not to exceed 90 days when the mobile home is being sold shall not be cause for removal so long as the mobile home is maintained in a manner consistent with the reasonable regulations of the mobile home park.*

Sec. 3. Minnesota Statutes, 1979 Supplement, Section 327.44, is amended to read:

327.44 [TERMINATION FOR CAUSE.] A lessor may recover possession of land upon which an occupied mobile home is situated only if:

(a) The tenant fails to comply with a local ordinance or state law or regulation relating to mobile homes within the time the ordinance, law or regulation provides or, if no time is provided, within a reasonable time after the tenant has received written notice of noncompliance;

(b) The tenant fails to comply with the terms and conditions of the lease or rental agreement within 30 days after the tenant has received written notice of the alleged noncompliance except the 30 day notice shall not apply to nonpayment of rent;

(c) The owner voluntarily ceases to operate as a park all or the part of the mobile home park occupied by the tenant, and the tenant has received six months written notice of the planned cessation of operation;

(d) The tenant conducts himself upon the mobile home park premises in a manner which substantially annoys or endangers the health or safety of other tenants or causes substantial damage to the mobile home park premises and has received 30 days written notice to vacate, except the park owner may require the tenant to vacate immediately if the tenant violates this clause a second or subsequent time after receipt of the notice;

(e) The mobile home park owner intends to make improvements to the mobile home park premises which necessitate removal of the tenant's mobile home from the park and the tenant has received 90 days' written notice; or

(f) (A LEASE OF A TERM OF AT LEAST ONE YEAR EXPIRES AND THE LESSOR SEEKS TO RECOVER POSSESSION WITHIN 15 DAYS AFTER EXPIRATION.) *The lessor seeking to recover possession on grounds of nonpayment of rent or utilities gives ten days written notice to the tenant, and to any party holding a security interest in the mobile home known to the lessor, to pay the amounts then owing and cure the default. If neither the tenant nor the secured party cures within ten days from receipt of notice, the lessor may commence legal proceedings to recover possession.*

Sec. 4. Minnesota Statutes 1978, Section 327.51, Subdivision 1, is amended to read:

327.51 [DEFINITIONS.] Subdivision 1. As used in sections 327.51 to (327.55) 14 of this act, the terms defined in this section have the meanings given them.

Sec. 5. Minnesota Statutes 1978, Section 327.51, is amended by adding a subdivision to read:

Subd. 12. "Trust account" means a demand deposit or checking account maintained for the purpose of segregating trust funds from other funds.

Sec. 6. Minnesota Statutes 1978, Section 327.51, is amended by adding a subdivision to read:

Subd. 13. "Trust funds" means funds received by a dealer in a fiduciary capacity as a part of a mobile home sale transaction, pending the consummation or termination of a transaction, and includes all down payments, earnest money deposits, rents for clients, tax and insurance escrow payments, damage deposits, and any funds received on behalf of any person.

Sec. 7. Minnesota Statutes 1978, Section 327.51, is amended by adding a subdivision to read:

Subd. 14. "Net listing agreement" means any agreement by any dealer to sell, offer for sale, solicit or advertise the sale of a mobile home on behalf of any person which provides for the dealer to receive any consideration from any person other than a commission based on a percentage of the price at which the home is actually sold.

Sec. 8. Minnesota Statutes 1978, Section 327.55, Subdivision 1, is amended to read:

327.55 [MANUFACTURERS AND DEALERS; LICENSES.] Subdivision 1. [LICENSE.] No person, copartnership or corporation shall engage in the business, either exclusively or in addition to any other occupation, of selling or manufacturing mobile homes, new or used, or shall offer to sell, solicit

or advertise the sale of mobile homes, new or used, without first having acquired a license therefor as hereinafter provided. Application for such license and renewal thereof, shall be made to the commissioner, shall be in writing, and duly verified by oath. The applicant shall submit such information as the commissioner may require, upon blanks provided by the commissioner for such purpose. No application shall be granted nor a license issued to anyone, until and unless the applicant shall furnish proof satisfactory to the commissioner of the following:

(1) That the applicant has an established place of business; an established place of business when used in this section, means a permanent enclosed building or structure either owned in fee or leased at which a permanent business of bartering, trading and selling of mobile homes will be carried on as such in good faith and not for the purpose of evading this section, and at which place of business shall be kept and maintained the books, records, and files necessary to conduct the business at such place and shall not mean residence, tents, temporary stands, or other temporary quarters, nor permanent quarters occupied pursuant to any temporary arrangement;

(2) That if the applicant desires to sell, solicit or advertise the sale of (BOTH) new (AND USED) mobile homes, he must have a bona fide contract or franchise in effect with a manufacturer or distributor of the new mobile home he proposes to deal in.

(3) That the applicant has secured a surety bond executed by the applicant as principal and issued by a surety company admitted to do business in this state, which shall be in the amount of (\$10,000) \$50,000, and be conditioned upon the faithful compliance by the applicant with all of the laws and rules and regulations of this state pertaining to such business, *including sections 325.772 and 325.79*. Any third party sustaining injuries within the terms of the bond may proceed against the principal and surety without making the state a party to such proceedings. Provided, however, that the aggregate liability of the surety to all such persons for all such losses or damages shall in no event, exceed the amount of such bond.

(4) That the applicant has established a trust account as required by section 12, subdivision 2, unless the applicant intends to limit his business to selling, offering for sale, soliciting or advertising the sale of new mobile homes.

Sec. 9. Minnesota Statutes 1978, Section 327.55, Subdivision 4, is amended to read:

Subd. 4. [LICENSES; REVOCATION.] Such license may be revoked by the commissioner upon proof satisfactory to him of either of the following:

(1) Violations of any of the provisions of this chapter or of sections 325.772 or 325.79;

(2) Violation of or refusal to comply with the requests and order of the commissioner;

(3) Failure to make or provide to the commissioner all listings, notices, and reports required by him;

(4) Failure to pay to the commissioner all taxes, fees, and arrears due from and by such dealer;

(5) Failure to duly apply for renewal of license provided for herein;

(6) Revocation of previous license, of which the records of the commissioner relating thereto shall be prima facie evidence of such previous revocation;

(7) Failure of continued occupancy of an established place of business;

(8) Sale of a new and unused current model mobile home other than the make of mobile home described in the franchise or contract filed with the original application or renewal thereof without permission from the commissioner;

(9) Sale of a new and unused current model mobile home to anyone except for consumer use, or to a dealer duly licensed to sell the same make of mobile home; or

(10) Material misstatement or misrepresentation in application for license or renewal thereof.

Sec. 10. Minnesota Statutes 1978, Chapter 327, is amended by adding a section to read:

[327.551] [DEALER'S RECORDS.] *Subdivision 1. [RETENTION.] A licensed dealer shall retain for three years copies of all listings, deposit receipts, purchase money contracts, cancelled checks, trust account records and such other documents as may reasonably be related to carrying on the business of a dealer. The retention period shall run from the date of the closing of the transaction or from the date of the listing if the transaction is not consummated.*

Subd. 2. [EXAMINATION OF RECORDS.] The commissioner may make examinations within or without this state of each dealer's records at such reasonable time and in such scope as is necessary to enforce the provisions of this chapter.

Sec. 11. Minnesota Statutes 1978, Chapter 327, is amended by adding a section to read:

[327.552] [RESPONSIBILITY OF DEALERS.] *Each dealer shall be held responsible for the activities of any person employed by or acting on behalf of that dealer when such activities occur in connection with the sale or attempted sale of a mobile home. Each officer of a corporation licensed as a dealer shall be held responsible for the activities of any person employed by or acting on behalf of the corporation when such activities occur in connection with the sale or attempted sale of a mobile home.*

Sec. 12. Minnesota Statutes 1978, Chapter 327, is amended by adding a section to read:

[327.553] [DUTIES.] *Subdivision 1. [DISCLOSURE REQUIRED.] Prior to the consummation of the sale of any mobile home other than a new mobile home, each dealer shall disclose to all parties to the transaction all charges, payments, commissions and other fees paid or payable in connection with the transaction. This subdivision shall not require any dealer to disclose any consideration received for having acted as an insurance agent, as defined in section 60A.02, subdivision 7, in connection with the transaction, nor shall this subdivision require any dealer to disclose any consideration received in return for the dealer having agreed to any contingent liability in connection with the financing of the sale.*

Subd. 2. [TRUST ACCOUNT REQUIRED.] Each dealer shall maintain a trust account; provided that a dealer who limits his business to dealing in new mobile homes shall not be required to maintain a trust account. A trust account shall not be an interest bearing account except by agreement of the parties and subject to regulations of the commissioner.

Subd. 3. [SEGREGATION OF FUNDS.] A dealer shall deposit all trust funds received in a trust account. A dealer shall deposit only trust funds in a trust account and shall not commingle personal funds or other funds in that account, except that a dealer may deposit and maintain a sum from his personal funds not to exceed one hundred dollars in a trust account, which sum shall be specifically identified and used to pay service charges relating to the trust account.

Subd. 4. [TRUST INFORMATION REQUIRED.] Each dealer shall provide the financial institutions and the trust account identification numbers used by the dealer to comply with the provisions of this section at the time of application for a license or renewal of license by the dealer. The dealer shall immediately report to the commissioner any change of trust account status including changes in financial institutions, account identification numbers, or additional accounts in the same or an-

other financial institution. No dealer may close an existing trust account without giving ten days written notice to the commissioner.

Sec. 13. Minnesota Statutes 1978, Chapter 327, is amended by adding a section to read:

[327.554] [PROHIBITIONS.] *Subdivision 1. [LICENSE REQUIRED.] No person, partnership, association or corporation shall, either exclusively or in addition to any other occupation, sell, offer to sell, solicit or advertise the sale of mobile homes, new or used, without being licensed as a dealer as provided in section 327.55.*

Subd. 2. [ADVERTISING LICENSED.] No person, partnership, association or corporation shall advertise as a mobile home dealer, or as a lister, broker or agent for the sale of mobile homes, without being licensed as a dealer as provided in section 327.55.

Subd. 3. [NET LISTING PROHIBITED.] No dealer shall use or offer to use a net listing agreement unless the agreement includes a binding promise by the dealer to purchase the mobile home on his own account at a price specified in the agreement in the event the mobile home is not otherwise sold within a specified period of time.

Sec. 14. Minnesota Statutes 1978, Chapter 327, is amended by adding a section to read:

[327.56] [REMEDIES AND ENFORCEMENT.] *In addition to the procedures provided in section 327.55, subdivisions 1 and 5, any person or dealer who is found in violation of section 12 or 13 shall be deemed in violation of section 325.79, subdivision 1, and the provisions of section 325.907 shall apply.*

Sec. 15. [EFFECTIVE DATE.] *Sections 1 to 7, 9 to 12 and 14 are effective the day following final enactment. Section 8 is effective July 1, 1980. Section 13 is effective the day following final enactment, provided that section 13 shall not rescind or void any otherwise valid net listing agreement executed and in effect prior to the effective date. No previously existing net listing agreement shall be renewed or extended except in accordance with section 13."*

Amend the title as follows:

Page 1, line 3, delete " , brokers and"

Page 1, delete lines 4 to 13 and insert:

“; imposing certain duties and prohibiting certain practices; providing penalties; amending Minnesota Statutes 1978, Sections 327.43, Subdivision 1; 327.51, Subdivision 1, and by adding subdivisions; 327.55, Subdivisions 1 and 4; and Chapter 327, by adding sections; and Minnesota Statutes, 1979 Supplement, Sections 327.43, Subdivision 2; and 327.44.”

With the recommendation that when so amended the bill pass.

The report was adopted.

Sieben, H., from the Committee on Taxes to which was referred:

H. F. No. 1121, A bill for an act relating to taxation; property; eliminating the requirement for providing certificates of rent paid for purposes of the property tax refund; amending Minnesota Statutes 1978, Section 290A.19.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“ARTICLE I

INCOME TAX

Section 1. Minnesota Statutes, 1979 Supplement, Section 290.01, Subdivision 20, is amended to read:

Subd. 20. [GROSS INCOME.] Except as otherwise provided in this chapter, the term “gross income,” as applied to corporations includes every kind of compensation for labor or personal services of every kind from any private or public employment, office, position or services; income derived from the ownership or use of property; gains or profits derived from every kind of disposition of, or every kind of dealing in, property; income derived from the transaction of any trade or business; and income derived from any source; except that gross income shall not include “exempt function income” of a “homeowners association” as those terms are defined in Section 528 of the Internal Revenue Code of 1954, as amended *through December 31, 1979*.

For each of the taxable years beginning after December 31, 1960 and prior to January 1, 1971, the term “gross income” in its application to individuals, estates, and trusts, shall mean the adjusted gross income as computed for federal income tax purposes as defined in the Internal Revenue Code of 1954, as amended through December 31, 1970 for the applicable taxable year, with the modifications specified in this section.

For each of the taxable years beginning after December 31, 1970, the term "gross income" in its application to individuals, estates, and trusts shall mean the adjusted gross income as computed for federal income tax purposes as defined in the Internal Revenue Code of 1954, as amended through the date specified herein for the applicable taxable year, with the modifications specified in this section.

(i) The Internal Revenue Code of 1954, as amended through December 31, 1970, shall be in effect for taxable years beginning after December 31, 1970 and prior to January 1, 1973.

(ii) The Internal Revenue Code of 1954, as amended through December 31, 1972, shall be in effect for taxable years beginning after December 31, 1972.

(iii) The Internal Revenue Code of 1954, as amended through December 31, 1973, shall be in effect for taxable years beginning after December 31, 1973.

(iv) The Internal Revenue Code of 1954, as amended through December 31, 1974, shall be in effect for the taxable years beginning after December 31, 1974.

(v) The Internal Revenue Code of 1954, as amended through December 31, 1976, including the amendments made to section 280A (relating to licensed day care centers) in H.R. 3477 as it passed the Congress on May 16, 1977, shall be in effect for the taxable years beginning after December 31, 1976. The provisions of the Tax Reform Act of 1976, P.L. 94-455, which affect adjusted gross income shall become effective for purposes of this chapter at the same time they become effective for federal income tax purposes. Section 207 (relating to extension of period for nonrecognition of gain on sale or exchange of residence) and section 402 (relating to time for making contributions to pension plans of self employed people) of P.L. 94-12 shall be effective for taxable years beginning after December 31, 1974.

(THE AMENDMENTS MADE TO SECTIONS 219(C) (3) AND 220(C) (4) (EXTENDING THE TIME FOR WHICH A TAXPAYER IS DEEMED TO HAVE MADE A CONTRIBUTION TO AN INDIVIDUAL RETIREMENT ACCOUNT FOR THE TAXABLE YEAR) BY SECTION 157(A) OF P.L. 95-600 SHALL BE EFFECTIVE FOR TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1977.)

The provisions of section 4 of P.L. 95-458, and sections 131, 133, 134, 141, 152, 156, 157, and 405 of P.L. 95-600 (relating to pensions, individual retirement accounts, deferred compensation plans, and to the sale of a residence) shall be effective at the same time that these provisions became effective for federal income tax purposes.

(vi) *The Internal Revenue Code of 1954, as amended through December 31, 1979, shall be in effect for taxable years beginning after December 31, 1979.*

References to the Internal Revenue Code of 1954 in clauses (a), (b) and (c) following shall mean the code in effect for the purpose of defining gross income for the applicable taxable year.

(a) Modifications increasing federal adjusted gross income. There shall be added to federal adjusted gross income:

(1) Interest income on obligations of any state other than Minnesota or a political subdivision of any (SUCH) other state exempt from federal income taxes under the Internal Revenue Code of 1954;

(2) Interest income on obligations of any authority, commission, or instrumentality of the United States, which the laws of the United States exempt from federal income tax, but not from state income taxes;

(3) Income taxes imposed by this state or any other taxing jurisdiction, to the extent deductible in determining federal adjusted gross income and not credited against federal income tax;

(4) Interest on indebtedness incurred or continued to purchase or carry securities the income from which is exempt from tax under this chapter, to the extent deductible in determining federal adjusted gross income;

(5) Amounts received as reimbursement for an expense of sickness or injury which was deducted in a prior taxable year to the extent that the deduction for (SUCH) *the* reimbursed expenditure resulted in a tax benefit;

(6) The amount of any federal income tax overpayment for any previous taxable year, received as refund or credited to another taxable year's income tax liability, proportionate to the percentage of federal income tax that was claimed as a deduction in determining Minnesota income tax for (SUCH) *the* previous taxable year.

The overpayment refund or credit, determined with respect to a husband and wife on a joint federal income tax return for a previous taxable year, shall be reported on joint or separate Minnesota income tax returns. In the case of separate Minnesota returns, the overpayment shall be reported by each spouse proportionately according to the relative amounts of federal income tax claimed as a deduction on his or her separate Minnesota income tax return for such previous taxable year;

(7) In the case of a change of residence from Minnesota to another state or nation, the amount of moving expenses which

exceed total reimbursements and which were therefore deducted in arriving at federal adjusted gross income;

(8) In the case of property disposed of on or after January 1, 1973, the amount of any increase in the taxpayer's federal tax liability under section 47 of the Internal Revenue Code of 1954, as amended through December 31, (1976) 1979, to the extent of the credit under section 38 of the Internal Revenue Code of 1954, as amended through December 31, (1976) 1979, that was previously allowed as a deduction either under section 290.01, subdivision 20 (b) (7) or under section 290.09, subdivision 24;

(9) Expenses and losses arising from a farm which are not allowable under section 290.09, subdivision 29;

(10) Expenses and depreciation attributable to substandard buildings disallowed by section 290.101;

(11) The amount by which the gain determined pursuant to section 41.59, subdivision 2 exceeds the amount of such gain included in federal adjusted gross income;

(12) To the extent deducted in computing the taxpayer's federal adjusted gross income for the taxable year, losses (REALIZED) *recognized* upon a transfer of property to the spouse or former spouse of the taxpayer in exchange for the release of the spouse's marital rights;

(13) Interest income from qualified scholarship funding bonds as defined in section 103(e) of the Internal Revenue Code of 1954, (AS AMENDED THROUGH DECEMBER 31, 1976,) if the nonprofit corporation is domiciled outside of Minnesota; and

(14) Exempt-interest dividends, as defined in section 852 (b)(5)(A) of the Internal Revenue Code of 1954, (AS AMENDED THROUGH DECEMBER 31, 1976,) not included in federal adjusted gross income pursuant to section 852(b)(5) (B) of the Internal Revenue Code of 1954, (AS AMENDED THROUGH DECEMBER 31, 1976,) except for that portion of (SUCH) exempt-interest dividends derived from interest income on obligations of the state of Minnesota, any of its political or governmental subdivisions, any of its municipalities, or any of its governmental agencies or instrumentalities;

(15) The amount of any excluded gain (REALIZED) *recognized* by a trust on the sale or exchange of property as defined in section 641(c) (1) of the Internal Revenue Code of 1954;

(16) *An amount equal to one-sixth of any gain from the sale or other disposition of property deducted under sections 1202(a) and 1202(c)(1) of the Internal Revenue Code of 1954;*

(17) *To the extent not included in the taxpayer's federal adjusted gross income, the amount of any gain, from the sale or other disposition of property having a lower adjusted basis for Minnesota income tax purposes than for federal income tax purposes. This modification shall not exceed the difference in basis. If the gain is considered a long term capital gain for federal income tax purposes, the modification shall be limited to 50 percent of the portion of the gain. This modification is limited to property that qualified for the energy credit contained in section 290.06, subdivision 14, and to property acquired in exchange for the release of the taxpayer's marital rights contained in section 290.14, clause (9); and*

(18) *The amount of any loss from a source outside of Minnesota which is not allowed under section 290.17 including any capital loss or net operating loss carryforwards or carrybacks resulting from the loss.*

(b) Modifications reducing federal adjusted gross income. There shall be subtracted from federal adjusted gross income:

(1) Interest income on obligations of any authority, commission or instrumentality of the United States to the extent includible in gross income for federal income tax purposes but exempt from state income tax under the laws of the United States;

(2) The portion of any gain, from the sale or other disposition of property having a higher adjusted basis for Minnesota income tax purposes than for federal income tax purposes, that does not exceed such difference in basis; but if such gain is considered a long-term capital gain for federal income tax purposes, the modification shall be limited to 50 per centum of (SUCH) the portion of the gain. This modification shall not be applicable if the difference in basis is due to disallowance of depreciation pursuant to section 290.101.

(3) Interest or dividend income on securities to the extent exempt from income tax under the laws of this state authorizing the issuance of (SUCH) the securities but includible in gross income for federal income tax purposes;

(4) Losses, not otherwise reducing federal adjusted gross income assignable to Minnesota, arising from events or transactions which are assignable to Minnesota under the provisions of sections 290.17 to 290.20, including any capital loss or net operating loss carryforwards or carrybacks resulting from (SUCH) the losses;

(5) If included in federal adjusted gross income, the amount of any credit received, whether received as a refund or credit to another taxable year's income tax liability, pursuant to chapter 290A, and the amount of any overpayment of income tax to

Minnesota, or any other state, for any previous taxable year, whether (SUCH) *the* amount is received as a refund or credited to another taxable year's income tax liability;

(6) To the extent included in federal adjusted gross income, *or the amount reflected as the ordinary income portion of a lump sum distribution under section 402(e) of the Internal Revenue Code of 1954*, notwithstanding any other law to the contrary, the amount received by any person (i) from the United States, its agencies or instrumentalities, the Federal Reserve Bank or from the state of Minnesota or any of its political or governmental subdivisions or from any other state or its political or governmental subdivisions, or a Minnesota volunteer firefighter's relief association, by way of payment as a pension, public employee retirement benefit, or any combination thereof, or (ii) as a retirement or survivor's benefit made from a plan qualifying under section 401, 403, 404, 405, 408, 409 or 409A of the Internal Revenue Code of 1954 (, AS AMENDED THROUGH DECEMBER 31, 1977). The maximum amount of this subtraction shall be \$10,000 less the amount by which the individual's federal adjusted gross income, *plus the ordinary income portion of a lump sum distributed as defined in section 402(e) of the Internal Revenue Code of 1954*, exceeds \$17,000. In the case of a volunteer firefighter who receives an involuntary lump sum distribution of his pension or retirement benefits, the maximum amount of this subtraction shall be \$10,000; this subtraction shall not be reduced by the amount of the individual's federal adjusted gross income in excess of \$17,000;

(7) In the case of property acquired on or after January 1, 1973, the amount of any credit to the taxpayer's federal tax liability under section 38 of the Internal Revenue Code of 1954, as amended through December 31, (1976) 1979, but only to the extent that the credit is connected with or allocable against the production or receipt of income included in the measure of the tax imposed by this chapter;

(8) To the extent included in the taxpayer's federal adjusted gross income for the taxable year, gain (REALIZED) *recognized* upon a transfer of property to the spouse or former spouse of the taxpayer in exchange for the release of the spouse's marital rights;

(9) The amount of any distribution from a qualified pension or profit sharing plan included in federal adjusted gross income in the year of receipt to the extent of any contribution not previously allowed as a deduction by reason of a change in federal law which was not adopted by Minnesota law for a taxable year beginning in 1974 or later;

(10) Interest, including payment adjustment to the extent that it is applied to interest, earned by the seller of the property on a family farm security loan executed after December 31, 1977

and before January 1, 1982 that is guaranteed by the commissioner of agriculture as provided in sections 41.51 to 41.60;

((11) THE AMOUNT OF GAIN ON THE SALE OF THE TAXPAYER'S RESIDENCE EXCLUDED FROM THE FEDERAL GROSS INCOME OF THE TAXPAYER PURSUANT TO SECTION 121 OF THE INTERNAL REVENUE CODE OF 1954, AS AMENDED THROUGH DECEMBER 31, 1978 PROVIDED THAT A TAXPAYER WHO ELECTS UNDER THAT SECTION SHALL NOT, FOR THE PURPOSE OF THIS SUBDIVISION, ALSO TAKE AN EXCLUSION ACCORDING TO THE PROVISIONS OF SECTION 121 OF THE INTERNAL REVENUE CODE, AS AMENDED THROUGH DECEMBER 31, 1976;)

((12)) (11) The first \$3,000 of compensation for personal services in the armed forces of the United States or the United Nations, and the next \$2,000 of compensation for personal services in the armed forces of the United States or the United Nations wholly performed outside the state of Minnesota. This modification does not apply to compensation defined in clause (b)(6); (AND)

((13)) (12) The amount of any income earned for personal services rendered outside of Minnesota prior to the date when the taxpayer became a resident of Minnesota. This modification does not apply to compensation defined in clause (b)(6);

(13) In the case of wages or salaries paid or incurred on or after January 1, 1977, the amount of any credit for employment of certain new employees under sections 44B and 51 to 53 of the Internal Revenue Code of 1954 which is claimed as a credit against the taxpayer's federal tax liability, but only to the extent that the credit is connected with or allocable against the production or receipt of income included in the measure of the tax imposed by this chapter;

(14) In the case of work incentive program expenses paid or incurred on or after January 1, 1979, the amount of any credit for expenses of work incentive programs under sections 40, 50A and 50B of the Internal Revenue Code of 1954 which is claimed as a credit against the taxpayer's federal tax liability, but only to the extent that the credit is connected with or allocable against the production or receipt of income included in the measure of the tax imposed by this chapter;

(15) Unemployment compensation to the extent includible in gross income for federal income tax purposes under section 85 of the Internal Revenue Code of 1954;

(16) To the extent included in federal adjusted gross income, severance pay that may be treated as a lump sum distribution under the provisions of section 290.032, subdivision 5;

(17) *The amount of any income or gain which is not assignable to Minnesota under the provisions of section 290.17; and*

(18) *Minnesota exempt-interest dividends as provided by section 2.*

(c) Modifications affecting shareholders of electing small business corporations under section 1372 of the Internal Revenue Code of 1954, or section 290.972 of this chapter.

(1) Shareholders in a small business corporation, which has elected to be so taxed under the Internal Revenue Code of 1954, but has not made an election under section 290.972 of this chapter, shall deduct from federal adjusted gross income the amount of any imputed income from (SUCH) *the* corporation and shall add to federal adjusted gross income the amount of any loss claimed as a result of (SUCH) stock ownership. Also there shall be added to federal adjusted gross income the amount of any distributions in cash or property made by said corporation to its shareholders during the taxable year.

(2) In cases where the small business corporation has made an election under section 1372 of the Internal Revenue Code of 1954, but has not elected under section 290.972 of this chapter and (SAID) *the* corporation is liquidated or the individual shareholder disposes of (HIS) *the* stock and there is no capital loss reflected in federal adjusted gross income because of the fact that corporate losses have exhausted the shareholders basis for federal purposes, (SUCH) *the* shareholders shall be entitled, nevertheless, to a capital loss commensurate to their Minnesota basis for the stock.

(3) In cases where the election under section 1372 of the Internal Revenue Code of 1954 antedates the election under section 290.972 of this chapter and at the close of the taxable year immediately preceding the effective election under section 290.972 the corporation has a reserve of undistributed taxable income previously taxed to shareholders under the provisions of the Internal Revenue Code of 1954, in the event and to the extent that (SUCH) *the* reserve is distributed to shareholders (SUCH) *the* distribution shall be taxed as a dividend for purposes of this act.

Items of gross income includible within these definitions shall be deemed such regardless of the form in which received. Items of gross income shall be included in gross income of the taxable year in which received by a taxpayer unless properly to be accounted for as of a different taxable year under methods of accounting permitted by section 290.07, except that (1) amounts transferred from a reserve or other account, if in effect transfers to surplus, shall, to the extent that (SUCH) *the* amounts were accumulated through deductions from gross income or entered into the computation of taxable net income during any taxable year, be treated as gross income for the year in which the transfer

occurs, but only to the extent that (SUCH) *the* amounts resulted in a reduction of the tax imposed by this act, and (2) amounts received as refunds on account of taxes deducted from gross income during any taxable year shall be treated as gross income for the year in which actually received, but only to the extent that such amounts resulted in a reduction of the tax imposed by this act.

(d) Modification in computing taxable income of the estate of a decedent. Amounts allowable under section 291.07, subdivision 1(2) in computing Minnesota inheritance tax liability shall not be allowed as a deduction in computing the taxable income of the estate unless there is filed within the time and in the manner and form prescribed by the commissioner a statement that the amounts have not been allowed as a deduction under section 291.07 and a waiver of the right to have (SUCH) *the* amounts allowed at any time as deductions under section 291.07. The provisions of this paragraph shall not apply with respect to deductions allowed under section 290.077 (relating to income in respect of decedents). In the event that the election made for federal tax purposes under section 642(g) of the Internal Revenue Code of 1954 differs from the election made under this paragraph appropriate modification of the estate's federal taxable income shall be made to implement the election made under this paragraph in accordance with regulations prescribed by the commissioner.

Sec. 2. Minnesota Statutes 1978, Section 290.01, is amended by adding a subdivision to read:

Subd. 27. [MINNESOTA EXEMPT-INTEREST DIVIDENDS.] If, at the close of each quarter of its taxable year, at least 50 percent of the value (as defined in section 851(c)(4) of the Internal Revenue Code of 1954 as amended through December 31, 1979) of the total assets of a regulated investment company (as defined and limited by section 851 of the Internal Revenue Code of 1954 as amended through December 31, 1979 and to which sections 851 to 855 of the Code apply for the taxable year) consists of obligations described in subdivision 20, clause (b)(1), or section 290.08, subdivision 8 (determined without regard to subdivision 13), such company shall be qualified to pay Minnesota exempt-interest dividends, as defined herein, to its shareholders.

(A) A Minnesota exempt-interest dividend means any dividend or part thereof (other than a capital gain dividend as defined in subdivision 21, paragraph (5) or an exempt-interest dividend as defined in section 852(b)(5)(A) of the Internal Revenue Code of 1954, as amended through December 31, 1979) paid by a regulated investment company and designated by it as a Minnesota exempt-interest dividend in a written notice mailed to its shareholders not later than 45 days after the close of its taxable year. If the aggregate amount so designated with respect to a taxable year of the company (including Minnesota ex-

empt-interest dividends paid after the close of the taxable year as described in section 290.21, subdivision 6) is greater than the excess of—

(i) The amount of interest that would be excludable from gross income under section 290.08, subdivision 8 (determined without regard to subdivision 13), if the company were subject to chapter 290 (whether or not the company is subject to chapter 290), over

(ii) The amounts that would be disallowed as deductions under section 290.09, subdivisions 3(b) and 13, if the company were subject to chapter 290 (whether or not the company is subject to chapter 290), as a result of the company's ownership of obligations described in section 290.03, subdivision 8 (determined without regard to subdivision 13), the portion of such distribution which shall constitute a Minnesota exempt-interest dividend shall be only that proportion of the amount so designated as the amount of such excess for such taxable year bears to the amount so designated.

(B) A Minnesota exempt-interest dividend shall be treated by the shareholders for all purposes of chapter 290 as an item of interest excludable from gross income under subdivision 20, clause (b)(1), and section 290.08, subdivision 8 (subject to subdivision 13). Such purposes include but are not limited to—

(i) The determination of gross income and taxable income,

(ii) The determination of distributable net income under section 290.23,

(iii) The allowance of, or calculation of the amount of, any credit or deduction, and

(iv) The determination of the basis in the hands of any shareholder of any share of stock of the company.

Sec. 3. Minnesota Statutes, 1979 Supplement, Section 290.06, Subdivision 11, is amended to read:

Subd. 11. [CONTRIBUTIONS TO POLITICAL PARTIES AND CANDIDATES.] In lieu of the credit against taxable net income provided by section 290.21, subdivision 3, clause (e), a taxpayer may take a credit against the tax due under this chapter of 50 percent (BUT NOT MORE THAN \$50) of his contributions to (A POLITICAL PARTY AND CANDIDATE.) candidates for elective state, federal or local public office and to any political party. The maximum credit for an individual shall not exceed \$50 and, for a married couple (.) filing jointly, (MAY TAKE A SIMILAR CREDIT OF) shall not (MORE THAN) exceed \$100. No credit shall be allowed under this sub-

division for a contribution to any candidate *as defined in section 10A.01, subdivision 5*, other than a candidate for elective judicial office or a candidate in a special election, who has not signed an agreement to limit his campaign expenditures as provided in section 10A.32, subdivision 3b. (THE COMMISSIONER OF REVENUE SHALL PROVIDE IN THE TAX INSTRUCTION BOOKLET LANGUAGE UNDERSTANDABLE TO A PERSON OF AVERAGE INTELLIGENCE WHICH STATES THAT THE TAXPAYER MAY ONLY CLAIM A CREDIT AGAINST HIS TAX DUE FOR CONTRIBUTIONS TO CANDIDATES FOR (A) JUDICIAL OFFICE OR (B) STATE-WIDE OR LEGISLATIVE OFFICE WHO HAVE AGREED TO LIMIT THEIR EXPENDITURES. FOR PURPOSES OF THIS SUBDIVISION, "CANDIDATE" MEANS A CANDIDATE AS DEFINED IN SECTION 10A.01, SUBDIVISION 5 OTHER THAN A COUNTY COURT, PROBATE COURT OR COUNTY MUNICIPAL COURT JUDGESHIP. THE DEPARTMENT OF REVENUE SHALL PROVIDE ON THE FIRST PAGE OF THE MINNESOTA TAX FORM AN APPROPRIATE PROVISION FOR THE CREDIT PROVIDED BY THIS SUBDIVISION.)

This credit shall be allowed only if the contribution is verified in the manner the commissioner of revenue shall prescribe.

Sec. 4. Minnesota Statutes, 1979 Supplement, Section 290.06, Subdivision 14, is amended to read:

Subd. 14. [RESIDENTIAL ENERGY CREDIT.] A credit of 20 percent of the first \$10,000 of renewable energy source expenditures, including the expenditures described in clauses (a), (b) and (d) if made by an individual taxpayer on a Minnesota building of six dwelling units or less and expenditures for biomass conversion equipment described in clause (c), and a credit of 15 percent of the first \$2,000 of energy conservation expenditures made by a taxpayer and installed in or on a dwelling unit located in Minnesota, may be deducted from the tax due under this chapter for the taxable year in which the expenditures were made. For purposes of this subdivision, the term "building" shall include a condominium or townhouse used by the taxpayer as a residence. In the case of qualifying expenditures incurred in connection with a building under construction by a contractor, the credit shall be deducted from the tax liability of the first individual to purchase the building for use as a principal residence or for residential rental purposes; the contractor shall not be eligible for the credit given pursuant to this subdivision for that expenditure.

A "renewable energy source expenditure" which qualifies shall include:

(a) Expenditures which qualify for the federal renewable energy source credit, pursuant to Section 44C of the Internal

Revenue Code of 1954, as amended through December 31, 1978, and any regulations promulgated pursuant thereto, *provided that, after December 31, 1980, any solar collector included in the claimed expenditure is certified by the energy agency. A solar collector is a device designed to absorb incident solar radiation, convert it to thermal energy, and transfer the thermal energy to a fluid passing through or in contact with the device. "Solar collector" shall not include passive solar energy systems as defined in clause (d);*

(b) Expenditures for earth sheltered dwelling units. For purposes of this credit, an "earth sheltered dwelling unit" shall mean a structure which complies with applicable building standards and which is constructed so that:

(1) 80 percent or more of the (WALL) roof area is covered with a minimum depth of 12 inches of earth; and

(2) 50 percent or more of the wall area is covered with a minimum depth of 12 inches of earth; and

(3) Those portions of the structure not insulated with a minimum of seven feet of earth shall have additional insulation;

(c) Expenditures for biomass conversion equipment *located in Minnesota* which produces ethanol, methane or methanol for use as a *gaseous or as a liquid fuel* which is not offered for sale; and

(d) Expenditures for passive solar energy systems. For purposes of this credit, a "passive solar energy system" is defined to include systems which utilize elements of the building and its operable components to heat or cool a building unit *with the sun's energy* by means of conduction, convection, radiation, or evaporation. A passive system shall include:

(1) Collection aperture, including glazing installed in south facing walls and roofs; and

(2) Storage element, including thermal mass in the form of water, masonry, rock, concrete, or other mediums which is designed to store heat collected from solar radiation.

A passive system may include:

(1) Control and distribution element, including fans, louvers, and air ducts; and/or

(2) Retention element, including movable insulation used to minimize heat loss caused by nocturnal radiation through areas used for direct solar heat gain during daylight hours.

Eligible passive expenditures shall be for equipment, materials or devices that are an integral part of the components listed above and essential to the functioning of a passive design which qualifies pursuant to rules promulgated by the commissioner of revenue in cooperation with the director of the energy agency. Expenditures for equipment, materials, or devices which are a part of the normal heating, cooling, or insulation system of a building are not eligible for the credit.

An "energy conservation expenditure" is an expenditure which qualifies for the federal energy conservation credit pursuant to section 44C of the Internal Revenue Code of 1954, as amended through December 31, 1979, and any regulations promulgated pursuant thereto.

If a credit for a renewable energy expenditure was allowed to a taxpayer under this subdivision for any prior taxable year, the dollar amount of the maximum renewable energy expenditure for which a taxpayer may qualify for a credit under this subdivision in subsequent years shall be \$10,000 reduced by the amount of renewable energy expenditures which a credit was claimed pursuant to this subdivision in prior years. A taxpayer shall never be allowed to claim more than \$10,000 of expenditures during the duration of the renewable energy credit.

If a credit for an energy conservation expenditure was allowed to a taxpayer under this subdivision for any prior taxable year, the dollar amount of the maximum energy conservation expenditure for which a taxpayer may qualify for a credit under this subdivision in subsequent years shall be \$2,000 reduced by the amount of energy conservation expenditures for which a credit was claimed pursuant to this subdivision in prior years.

(THE) A credit provided in this subdivision shall not be allowed in a taxable year if the (AMOUNT) sum of the (CREDIT) credits provided in this subdivision would be less than \$10.

If (THE) a credit allowable under this subdivision exceeds the amount of tax due in a taxable year, the excess credit shall not be refunded but may be carried forward to the succeeding taxable year and added to the credit allowable for that year. No amount attributable to renewable energy source expenditures may be carried forward to a taxable year beginning after December 31, 1984. No amount attributable to energy conservation expenditures may be carried forward to a taxable year beginning after December 31, 1982. In the case of energy conservation expenditures, excess credits may be carried back two years, in chronological order. No credit may be carried back to a taxable year beginning before January 1, 1978. For the purposes of sections 290.46 and 290.50, if the claim for refund relates to an overpayment attributable to an energy conservation credit carry-back under this subdivision, in lieu of the period of limitation prescribed in sections 290.46 and 290.50, the period of limitation

shall be that period which ends with the expiration of the 15th day of the 46th month following the end of the taxable year of the energy conservation credit which results in the carryback. In the case in which a taxpayer is entitled to a refund in a carryback year due to the carryback of the energy conservation credit, interest shall be computed only from the end of the taxable year in which the energy conservation credit occurs.

A shareholder in a family farm corporation and each partner in a partnership operating a family farm shall be eligible for the (CREDIT) credits provided by this subdivision in the same manner and to the same extent allowed a joint owner of property under (CLAUSE (A)) section 44C (d) of the Internal Revenue Code of 1954, as amended through December 31, 1979. "Family farm corporation" and "family farm" have the meanings given in section 500.24.

The (CREDIT) credits provided in this subdivision (IS) are subject to the provisions of Section 44C, (c) (7), (d) (1) to (3), and (e), of the Internal Revenue Code of 1954, as amended through December 31, 1978, and any regulations promulgated pursuant thereto.

The commissioner of revenue in cooperation with the director of the energy agency shall promulgate rules establishing additional qualifications and definitions for the credits provided in (CLAUSES (A) TO (D)) *this subdivision.*

Notwithstanding section 290.61, the commissioner of revenue may request the energy agency to assist in the review and auditing of the information furnished by the taxpayer for purposes of claiming this credit. The provisions of section 290.61 shall apply to employees of the energy agency who receive information furnished by a taxpayer for purposes of claiming this credit.

The director of the energy agency shall promulgate rules establishing the criteria for certification of solar collectors as required by clause (a). The criteria shall:

(1) *Specify the testing procedures to be used in the evaluation of solar collectors;*

(2) *Establish minimum levels of collector quality for safety;*

(3) *Provide a means to determine the maintainability and structural integrity of solar collectors;*

(4) *Establish a system for evaluating and rating the thermal performance of solar collectors;*

(5) *Specify the procedures to follow to obtain certification of a solar collector;*

(6) *Conform to the maximum extent practicable to the solar collector certification requirements of other states which have adopted certification procedures; and*

(7) *Allow for individual variation so as not to hamper the development of innovative solar collectors.*

The director of the energy agency may promulgate temporary rules pursuant to section 15.0412, subdivision 5 to establish this certification procedure.

(THIS SUBDIVISION IS) *The provisions relating to the credit for renewable energy source expenditures are effective for expenditures made during taxable years beginning after December 31, 1978 and before January 1, 1983. The credit for energy conservation expenditures is effective for expenditures made during taxable years beginning after December 31, 1979, and before January 1, 1983.*

Sec. 5. Minnesota Statutes 1978, Section 290.09, Subdivision 2, is amended to read:

Subd. 2. [TRADE OR BUSINESS EXPENSES; EXPENSES FOR PRODUCTION OF INCOME.] (a) In General. There shall be allowed as a deduction all the ordinary and necessary expenses paid or incurred during the taxable year in carrying on any trade or business, including

(1) A reasonable allowance for salaries or other compensation for personal services actually rendered;

(2) Traveling expenses (including the entire amount expended for meals and lodging) while away from home in the pursuit of a trade or business; and

(3) Rentals or other payments required to be made as a condition to the continued use or possession, for purposes of the trade or business, of property to which the taxpayer has not taken or is not taking title or in which he has no equity. For purposes of the preceding sentence, the place of residence of a member of congress within the state shall be considered his home, but amounts expended by such members within each taxable year for living expenses shall not be deductible for income tax purposes in excess of \$3,000.

(4) *Entertainment, amusement, or recreation expenses shall be allowed under this subdivision only to the extent that they qualify as a deduction under section 274 of the Internal Revenue Code of 1954, as amended through December 31, 1979.*

(b) Expenses for Production of Income. In the case of an individual, there shall be allowed as a deduction all the ordinary and necessary expenses paid or incurred during the taxable year.

(1) For the production or collection of income;

(2) For the management, conservation, or maintenance of property held for the production of income; or

(3) In connection with the determination, collection, or refund of any tax.

(c) Campaign expenditures in an amount not to exceed the limits set out in section 210A.22, not subsequently reimbursed, which have been personally paid by a candidate for public office if the candidate has complied with the expenditure limitations set out in section 210A.22:

(No deduction shall be allowed under this clause for any contribution or gift which would be allowable as a credit under section 290.21 were it not for the percentage limitations set forth in such section);

(d) All expense money paid by the legislature to legislators;

(e) The provisions of section 280A (disallowing certain expenses in connection with the business use of the home and rental of vacation homes) of the Internal Revenue Code of 1954, as amended through December 31, (1976) 1979, shall be applicable in determining the availability of any deduction under this subdivision.

Sec. 6. Minnesota Statutes, 1979 Supplement, Section 290.067, Subdivision 1, is amended to read:

290.067 [DEPENDENT CARE CREDIT.] Subdivision 1. [AMOUNT OF CREDIT.] A taxpayer may take as a credit against the tax due from him and his spouse, if any, under this chapter an amount equal to (50 PERCENT OF) the dependent care credit for which he is eligible pursuant to the provisions of section 44A of the Internal Revenue Code of 1954, as amended through December 31, (1978) 1979, subject to the limitations provided in subdivision 2.

Sec. 7. Minnesota Statutes 1978, Section 290.067, Subdivision 2, is amended to read:

Subd. 2. [LIMITATIONS.] The credit for expenses incurred for the care of each dependent shall not exceed (\$150) \$400 in any taxable year, and the total credit for all dependents of a claimant shall not exceed (\$300) \$800 in a taxable year. The total credit shall be reduced by (FIVE) *eight* percent of the amount by which the combined federal adjusted gross income of the claimant and his spouse, if any, exceeds (\$12,000) \$15,000. A married claimant shall file his income tax return for the year for which he claims the credit either jointly or separately on one form with his spouse. In the case of a married claimant only

one spouse may claim the credit. No expense for which a medical expense deduction is claimed pursuant to section 290.09, subdivision 10, shall be claimed as a dependent care expense.

Sec. 8. Minnesota Statutes, 1979 Supplement, Section 290.09, Subdivision 3, is amended to read:

Subd. 3. [INTEREST.] (a) All interest paid or accrued within the taxable year on indebtedness, except as hereinafter provided.

(b) Interest paid or accrued within the taxable year on indebtedness incurred or continued to purchase or carry obligations or securities the income from which is excludable from gross income under section 290.08, or shares of a regulated investment company which during the taxable year of the holder thereof distributes Minnesota exempt-interest dividends as defined in section 2, or on indebtedness incurred or continued in connection with the purchasing or carrying of a single premium life insurance, annuity, or endowment contract, shall not be allowed as a deduction. (For purposes of this paragraph, a contract shall be treated as a single premium contract if substantially all the premiums on the contract are paid within a period of four years from the date on which the contract is purchased, or if an amount is deposited after January 1, 1955 with the insurer for payment of a substantial number of future premiums on the contract.)

(c) If personal property or educational services are purchased under a contract which provides that payment of part or all of the purchase price is to be made in installments, and in which carrying charges are separately stated but the interest charge cannot be ascertained, then the payments made during the taxable year under the contract shall be treated for purposes of this paragraph as if they included interest equal to six percent of the average unpaid balance under the contract during the taxable year, and such interest shall be allowed as a deduction. For purposes of the preceding sentence, the average unpaid balance is the sum of the unpaid balance outstanding on the first day of each month beginning during the taxable year, divided by 12. In the case of any contract to which this paragraph applies, the amount treated as interest for any taxable year shall not exceed the aggregate carrying charges which are properly attributable to such taxable year.

For purposes of this subdivision the term "educational services" means any service including lodging which is purchased from an educational institution (as defined in section 151(e) (4) of the Internal Revenue Code of 1954, as amended through December 31, 1976) and which is provided for a student of such institution.

(d) A cash basis taxpayer may elect to deduct interest as it accrues on a reverse mortgage loan as defined in section 47.58,

subdivision 1, rather than when it is actually paid. This election must be made, if at all, in the first taxable year in which it is available to the cash basis taxpayer and, if made, shall be binding on the taxpayer for each subsequent taxable year until maturity of the loan.

Sec. 9. Minnesota Statutes 1978, Section 290.09, Subdivision 24, is amended to read:

Subd. 24. [ADDITIONAL INVESTMENT CREDIT DEDUCTIONS.] (a) The basis of any property placed in service before January 1, 1964, which base was reduced in accordance with the provisions of Laws 1963, Chapter 236, shall as of the first day of the taxpayer's first taxable year which begins after December 31, 1963, be increased by an amount equal to the reduction permitted under the aforesaid chapter 236.

(b) In the case of property disposed of on or before January 1, 1973, there shall be added to the taxpayer's income, in the year in which the property is disposed of, the amount of any increase in the taxpayer's federal tax liability under section 47 of the Internal Revenue Code of 1954, as amended through December 31, 1976, to the extent of the credit under section 38 of the Internal Revenue Code of 1954, as amended through December 31, 1976 that was previously allowed as a deduction under this section.

(c) *In the case of property acquired on or after January 1, 1980, a deduction shall be allowed to a family farm corporation as defined in section 500.24, subdivision 2 for the amount of any credit to the corporation's federal tax liability under section 38 of the Internal Revenue Code of 1954, as amended through December 31, 1979, but only to the extent that the credit is connected with or allocable against the production or receipt of income included in the measure of the tax imposed by this chapter.*

Sec. 10. Minnesota Statutes 1978, Section 290.09, Subdivision 28, is amended to read:

Subd. 28. [REAL ESTATE INVESTMENT TRUSTS; DEDUCTIBLE DIVIDENDS.] A "real estate investment trust," as defined in section 856 of the Internal Revenue Code of 1954, as amended through December 31, (1976) 1979, and to which sections 856 to (858) 860 of the Code apply for the taxable year, may deduct its dividends paid to the extent permitted by section (857(B) (2) (C)) 857(b) (2) (B) of the Code (, AND ITS CAPITAL GAINS DIVIDENDS PAID AS DEFINED AND LIMITED BY SECTION 857(B) (3) (C) OF THE CODE). Such a trust and its shareholders and beneficiaries shall be subject to all of the provisions of sections 857 and 858 of the Code which are applicable under this chapter, in determining their respective taxable net incomes, provided that the (EXCESS) amount determined and (SUBJECTED TO) *available for the al-*

ternative tax under section 857(b) (3) (A) (ii) of the Code shall be included in gross income subject to the deduction provided by section 290.16, subdivision 4.

Sec. 11. Minnesota Statutes, 1979 Supplement, Section 290.-091, is amended to read:

290.091 [MINIMUM TAX ON PREFERENCE ITEMS.]

(a) In addition to all other taxes imposed by this chapter there is hereby imposed, a tax which, in the case of a resident individual, estate or trust, shall be equal to 40 percent of the amount of the taxpayer's minimum tax liability for tax preference items pursuant to the provisions of sections (56) 55 to 58 and 443(d) of the Internal Revenue Code of 1954 as amended through December 31, (1976) 1979 except that for purposes of the tax imposed by this section, excess itemized deductions as defined in section 57(b) shall not include any deduction taken for Minnesota income tax paid and capital gain as defined in section 57(a) of the Internal Revenue Code shall not include that portion of any gain occasioned by sale, transfer or the granting of a perpetual easement pursuant to any eminent domain proceeding or threat thereof as described in section 290.13, subdivision 5. This modification shall apply to the years in which the gain or reduction in loss is actually included in federal adjusted gross income even though amounts received pursuant to the eminent domain proceedings were received in prior years. *In the case of a taxpayer other than a corporation, an amount equal to one-half of the net capital gain for the taxable year shall be used as the definition of capital gain in place of the deduction determined under section 1202 of the Internal Revenue Code.* In the case of a resident individual, estate or trust having preference items which could not be taken to reduce income from sources outside the state pursuant to section 290.17, subdivision 1, or any other taxpayer the tax shall equal 40 percent of that federal liability, multiplied by a fraction the numerator of which is the amount of the taxpayer's preference item income allocated to this state pursuant to the provisions of sections 290.17, subdivision 1, to 290.20, and the denominator of which is the taxpayer's total preference item income for federal purposes.

(b) In the case of a resident individual, estate or trust having preference items in taxable years beginning after December 31, 1976, and before January 1, 1978, which are not allocable to Minnesota under the provisions of sections 290.17 to 290.20 in effect for such years, the tax shall equal 40 percent of the taxpayer's federal minimum tax liability, multiplied by a fraction the numerator of which is the amount of the taxpayer's preference items allocable to Minnesota under the provisions of sections 290.17 to 290.20 in effect for (SUCH) *those* years and the denominator of which is the taxpayer's total preference items for federal purposes.

((C) THE PREFERENCE ITEMS FOR TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1978 SHALL

NOT INCLUDE THE PORTION OF THE SALE OF RESIDENCE EXCLUDED UNDER SECTION 121 OF THE INTERNAL REVENUE CODE OF 1954 AS AMENDED THROUGH DECEMBER 31, 1978.)

Sec. 12. Minnesota Statutes, 1979 Supplement, Section 290.095, Subdivision 1, is amended to read:

290.095 [OPERATING LOSS DEDUCTION.] Subdivision 1. [ALLOWANCE OF DEDUCTION.] (a) There shall be allowed as a deduction for the taxable year the amount of any net operating loss deduction as defined in subdivision 2, clause (b); provided, however, that the modifications specified in subdivision 4 shall be made in computing the taxable net income for the taxable year before the net operating loss deduction shall be allowed.

(b) A net operating loss deduction shall be available under this section only to corporate taxpayers except as provided in subdivisions 6, 7 and 9 hereof, and, with respect to individuals, (ESTATES AND TRUSTS,) no deduction shall be allowed for or with respect to losses which constitute tax preference items as set forth in section 290.17, subdivision 1.

Sec. 13. Minnesota Statutes 1978, Section 290.095, is amended by adding a subdivision to read:

Subd. 10. [PRODUCT LIABILITY LOSS CARRYBACK.] In the case of a taxpayer which has a product liability loss, as defined in section 172(i) of the Internal Revenue Code of 1954 as amended through December 31, 1979, for a taxable year beginning after September 30, 1979 (referred to as "loss year"), the product liability loss shall be a net operating loss carryback to each of the 10 taxable years preceding the loss year.

Sec. 14. Minnesota Statutes 1978, Section 290.13, is amended by adding a subdivision to read:

Subd. 5a. [GAIN OR LOSS FROM SALE OR EXCHANGE TO EFFECTUATE POLICIES OF F.C.C.] If the sale or exchange of property, including stock in a corporation, is certified by the Federal Communications Commission to be necessary or appropriate to effectuate a change in a policy of, or the adoption of a new policy by the commission with respect to the ownership and control of radio broadcasting stations, the sale or exchange shall, if the taxpayer so elects, be treated as an involuntary conversion of the property within the meaning of subdivision 5. For purposes of this subdivision, "radio broadcasting" includes telecasting.

For purposes of subdivision 5 as made applicable by the provisions of this subdivision, stock of a corporation operating a radio broadcasting station, whether or not representing control of the

corporation, shall be treated as property similar or related in service or use to the property so converted. The part of the gain, if any, on the sale or exchange to which subdivision 5 is not applied shall nevertheless not be recognized, if the taxpayer so elects, to the extent that it is applied to reduce the basis for determining gain or loss on sale or exchange of property of a character subject to the allowance for depreciation under section 290.09, subdivision 7, remaining in the hands of the taxpayer immediately after the sale or exchange, or acquired in the same taxable year. The manner and amount of the reduction shall be determined under regulations prescribed by the commissioner. Any election made by the taxpayer under this subdivision shall be made by a statement to that effect in his return for the taxable year in which the sale or exchange takes place, and the election shall be binding for that taxable year and all subsequent taxable years.

The basis of property acquired on a sale or exchange treated as an involuntary conversion under this subdivision shall be determined pursuant to the provisions of subdivision 5.

Sec. 15. Minnesota Statutes, 1979 Supplement, Section 290.-14, is amended to read:

290.14 [GAIN OR LOSS ON DISPOSITION OF PROPERTY, BASIS.] The basis for determining the gain or loss from the sale or other disposition of property acquired on or after January 1, 1933, shall be the cost to the taxpayer of such property, with the following exceptions:

(1) If the property should have been included in the last inventory, it shall be the last inventory value thereof;

(2) If the property was acquired by gift, it shall be the same as it would be if it were being sold or otherwise disposed of by the last preceding owner not acquiring it by gift, if the facts required for this determination cannot be ascertained, it shall be the fair market value as of the date, or approximate date, of acquisition by (SUCH) *the* last preceding owner, as nearly as the requisite facts can be ascertained by the commissioner;

(3) If the property was acquired by gift through an *inter vivos* transfer in trust, it shall be the same as it would be if it were being sold or otherwise disposed of by the grantor;

(4) Except as otherwise provided in this clause, the basis of property in the hands of a person acquiring the property from a decedent or to whom the property passed from a decedent shall, if not sold, exchanged or otherwise disposed of before the decedent's death by (SUCH) *the* person, be the fair market value of the property at the date of decedent's death.

For the purposes of the preceding paragraph, the following property shall be considered to have been acquired from or to have passed from the decedent:

(a) Property acquired by bequest, devise, or inheritance, or by the decedent's estate from the decedent;

(b) Property transferred by the decedent during his lifetime in trust to pay the income for life to or on the order or direction of the decedent, with the right reserved to the decedent at all times before his death to revoke the trust;

(c) Property transferred by the decedent during his lifetime in trust to pay the income for life to or on the order or direction of the decedent with the right reserved to the decedent at all times before his death to make any change in the enjoyment thereof through the exercise of a power to alter, amend, or terminate the trust;

(d) Property passing without full and adequate consideration under a general power of appointment exercised by the decedent by will;

(e) In the case of a decedent's dying after December 31, 1956, property acquired from the decedent by reason of death, form of ownership, or other conditions (including property acquired through the exercise or non-exercise of a power of appointment), if by reason thereof the property is required to be included in determining the value of the decedent's gross estate for Minnesota inheritance tax purposes. In (SUCH) *this* case, if the property is acquired before the death of the decedent, the basis shall be the amount determined under the first paragraph of this clause reduced by the amount allowed to the taxpayer as deductions in computing taxable net income under this chapter or prior Minnesota income tax laws for exhaustion, wear and tear, obsolescence, amortization, and depletion on (SUCH) *the* property before the death of the decedent. (SUCH) *The* basis shall be applicable to the property commencing on the death of the decedent. This paragraph shall not apply to annuities described in section 290.08; and property described in paragraphs (a), (b), (c) and (d) of this clause.

This clause shall not apply to property which constitutes a right to receive an item of income in respect of a decedent under section 290.077. Nor shall it apply to restricted stock options described in section 290.078 which the employee has not exercised at death.

(5) If the property was acquired after December 31, 1932, upon an exchange described in section 290.13, subdivision 1, the basis shall be the same as in the case of the property exchanged, decreased in the amount of any money received by the taxpayer and increased in the amount of gain or decreased in the amount

of loss to the taxpayer that was recognized upon (SUCH) *the* exchange under the law applicable to the year in which the exchange was made. If the property so acquired consisted in part of the type of property permitted by section 290.13, subdivision 1, to be received without the recognition of gain or loss, and in part of other property, the basis provided in this clause shall be allocated between the properties, other than money, received, and for the purpose of the allocation there shall be assigned to (SUCH) *the* other property an amount equivalent to its fair market value at the date of the exchange. This clause shall not apply to property acquired by a corporation by the issuance of its stock or securities as the consideration, in whole or in part, for the transfer of the property to it;

(6) If substantially identical property was acquired in the place of stocks or securities which were sold or disposed of and in respect of which loss was not allowed as a deduction under section 290.09, subdivision 5, the basis in the case of property so acquired shall be the same as in the case of the stock or securities so sold or disposed of, increased by the excess of the repurchase price of (SUCH) *the* property over the sale price of (SUCH) *the* stock or securities, or decreased by the excess of the sale price of (SUCH) *the* stock or securities over the repurchase price of (SUCH) *the* property;

(7) If the property was acquired after December 31, 1932, as the result of a compulsory or involuntary conversion described in section 290.13, subdivision 5, the basis shall be the same as in the case of the property so converted, decreased in the amount of any money received by the taxpayer which was not expended in accordance with the provisions of law applicable to the year in which (SUCH) conversion was made, determining the taxable status of the gain or loss upon (SUCH) conversion, and increased in the amount of gain or decreased in the amount of loss to the taxpayer recognized upon (SUCH) conversion under the law applicable to the year in which (SUCH) conversion was made.

(8) Neither the basis nor the adjusted basis of any portion of real property shall, in the case of a lessor of (SUCH) *the* property, be increased or diminished on account of income derived by the lessor in respect of (SUCH) *the* property and excludable from gross income under section 290.08, subdivision 14.

If an amount representing any part of the value of real property attributable to buildings erected or other improvements made by a lessee in respect of (SUCH) *the* property was included in gross income of the lessor for any taxable year beginning before January 1, 1943, the basis of each portion of (SUCH) *the* property shall be properly adjusted for the amount (SO) included in gross income.

(9) If the property was acquired by the taxpayer as a transfer of property in exchange for the release of the taxpayer's

marital rights, the basis of the property shall be the same as it would be if it were being sold or otherwise disposed of by the person who transferred the property to the taxpayer.

(10) The basis of property subject to the provisions of section 1034 of the Internal Revenue Code of 1954, as amended through December 31, 1979 (relating to the rollover of gain on sale of principal residence) shall be the same as the basis for federal income tax purposes. The basis shall be increased by the amount of gain realized on the sale of a principal residence outside of Minnesota, while a nonresident of this state, which gain was not recognized because of the provisions of section 1034.

Sec. 16. Minnesota Statutes, 1979 Supplement, Section 290.-17, Subdivision 1, is amended to read:

290.17 [GROSS INCOME, ALLOCATION TO STATE.] Subdivision 1. [INCOME OF RESIDENT INDIVIDUALS, ESTATES AND TRUSTS.] The gross income of individuals during the period of time when they are residents of Minnesota (AND THE GROSS INCOME OF RESIDENT ESTATES AND TRUSTS) shall be their gross income as defined in section 290.-01, subdivision 20, except that the amount of otherwise deductible losses incurred in connection with income derived from sources outside the state shall be reduced by the sum of the taxpayer's items of tax preference as defined in section 57 of the Internal Revenue Code of 1954, as amended through December 31, 1978, which are attributable to losses incurred in connection with sources of income outside the state.

Sec. 17. Minnesota Statutes 1978, Section 290.26, Subdivision 2, is amended to read:

Subd. 2. [EMPLOYER CONTRIBUTIONS.] Contributions of an employer to an employee's trust or annuity plan and compensation under a deferred-payment plan *or to a simplified employee pension* shall be allowed as a deduction in accordance with the provisions of (SECTION) Sections 404 or 408(k) of the Internal Revenue Code of 1954, as amended through December 31, (1976) 1979 as adapted to the provisions of this (ACT) chapter under (REGULATIONS) rules issued by the commissioner of revenue.

Sec. 18. Minnesota Statutes, 1979 Supplement, Section 290.-37, Subdivision 1, is amended to read:

290.37 [FILING REQUIREMENTS FOR INDIVIDUALS.] Subdivision 1. [PERSONS MAKING RETURNS.] The commissioner of revenue shall annually determine the gross income levels at which individuals *and estates* shall be required to file a return for each taxable year.

The trustee or other fiduciary of property held in trust shall file a return with respect to the taxable net income of such trust if that exceeds an amount on which a tax at the rates herein provided would exceed the specific credits allowed, or if the gross income of such trust exceeds \$750, if in either case such trust belongs to the class of taxable persons.

Every corporation shall file a return with respect to its taxable net income if in excess of \$500, or if its gross income exceeds \$5,000. The return in this case shall be signed by an officer of the corporation.

The receivers, trustees in bankruptcy, or assignees operating the business or property of a taxpayer shall file a return with respect to the taxable net income of such taxpayer if that exceeds an amount on which a tax at the rates herein provided would exceed the specific credits allowed (or, if the taxpayer is a corporation, if the taxable net income exceeds \$500), or if such taxpayer's gross income exceeds \$5,000.

Such return shall (a) be verified or contain a written declaration that it is made under the penalties of criminal liability for wilfully making a false return, and (b) shall contain a confession of judgment for the amount of the tax shown due thereon to the extent not timely paid.

For purposes of this subdivision the term "gross income" shall mean gross income as defined in section 61 of the Internal Revenue Code of 1954, as amended through December 31, 1976, modified and adjusted in accordance with the provisions of sections 290.01, subdivision 20, clauses (b) (6) and (b) (11), 290.08, and 290.17 (AND 290.65).

Sec. 19. Minnesota Statutes 1978, Section 290.49, Subdivision 10, is amended to read:

Subd. 10. [INCORRECT DETERMINATION OF FEDERAL ADJUSTED GROSS INCOME.] Notwithstanding any other provision of this chapter, if a taxpayer whose gross income is determined under section 290.01, subdivision 20, omits from income such an amount as will under the Internal Revenue Code of 1954, as amended through December 31, 1976 extend the statute of limitations for the assessment of federal income taxes; or otherwise incorrectly determines his federal adjusted gross income resulting in adjustments by the Internal Revenue Service then the period of assessment and determination of tax shall be the same as that under the Internal Revenue Code of 1954, as amended through December 31, 1976. *When a change is made to federal income during the extended time provided under this subdivision, the provisions under section 290.56 regarding additional extensions apply.*

Sec. 20. Minnesota Statutes 1978, Section 290.971, Subdivision 1, is amended to read:

290.971 [ELECTION OF CERTAIN SMALL BUSINESS CORPORATIONS AS TO TAXABLE STATUS; DEFINITIONS.] Subdivision 1. [SMALL BUSINESS CORPORATION.] For purposes of this chapter, the term "small business corporation" means a domestic corporation of the United States which is not a member of an affiliated group (as defined in section 1504 of the Internal Revenue Code of 1954, as amended through December 31, (1976) 1979) and which does not

(1) have ((EXCEPT AS PROVIDED IN SUBDIVISION 5)) more than (TEN) 15 shareholders;

(2) have as a shareholder a person (other than an estate and other than a trust described in subdivision 6) who is not an individual;

(3) have a nonresident alien as a shareholder; and

(4) have more than one class of stock, and has elected under the provisions of section 1372(a) of the Internal Revenue Code of 1954, as amended through December 31, (1976) 1979 to be taxed as a small business corporation under the provisions of said Internal Revenue Code of 1954, as amended through December 31, (1976) 1979.

Sec. 21. Minnesota Statutes 1978, Section 290.971, Subdivision 3, is amended to read:

Subd. 3. [STOCK OWNED BY HUSBAND AND WIFE.] For purposes of subdivision 1(1) (STOCK WHICH)

(1) IS COMMUNITY PROPERTY OF A HUSBAND AND WIFE (OR THE INCOME FROM WHICH IS COMMUNITY INCOME) UNDER THE APPLICABLE COMMUNITY PROPERTY LAW OF A STATE, OR)

(2) IS HELD BY A HUSBAND AND WIFE AS JOINT TENANTS, TENANTS BY THE ENTIRETY, OR TENANTS IN COMMON, OR)

(3) WAS, ON THE DATE OF DEATH OF A SPOUSE, STOCK DESCRIBED IN PARAGRAPH (1) OR (2), AND IS, BY REASON OF SUCH DEATH, HELD BY THE ESTATE OF THE DECEASED SPOUSE AND THE SURVIVING SPOUSE, OR BY THE ESTATES OF BOTH SPOUSES (BY REASON OF THEIR DEATHS ON THE SAME DATE), IN THE SAME PROPORTION AS HELD BY THE SPOUSES BEFORE SUCH DEATH, OR)

((4) WAS, ON THE DATE OF THE DEATH OF A SURVIVING SPOUSE, STOCK DESCRIBED IN PARAGRAPH (3), AND IS, BY REASON OF SUCH DEATH, HELD BY THE ESTATES OF BOTH SPOUSES IN THE SAME PROPORTION AS HELD BY THE SPOUSES BEFORE THEIR DEATHS, SHALL BE TREATED AS OWNED BY ONE SHAREHOLDER) *a husband and wife (and their estates) shall be treated as one shareholder.*

Sec. 22. Minnesota Statutes 1978, Section 290.971, Subdivision 6, is amended to read:

Subd. 6. [CERTAIN TRUSTS PERMITTED AS SHAREHOLDERS.] For purposes of subdivision 1, the following trusts may be shareholders:

(1) (a) A trust all of which is treated as owned by the grantor (*who is an individual who is a citizen or resident of the United States*) under section 671 to 679 of the Internal Revenue Code of 1954, as amended through December 31, (1976) 1979.

(b) *A trust which was described in subparagraph (a) immediately before the death of the grantor and which continues in existence after such death, but only for the 60-day period beginning on the day of the grantor's death. If a trust is described in the preceding sentence and if the entire corpus of the trust is includable in the gross estate of the grantor, the preceding sentence shall be applied by substituting "2-year period" for "60-day period."*

(2) A trust created primarily to exercise the voting power of stock transferred to it.

(3) Any trust with respect to stock transferred to it pursuant to the terms of a will, but only for the 60 day period beginning on the day on which (SUCH) *the* stock is transferred to it.

In the case of a trust described in paragraph (1), the grantor shall be treated as the shareholder.

In the case of a trust described in paragraph (2), each beneficiary of the trust shall, for the purposes of subdivision 1, paragraph (1), be treated as a shareholder.

Sec. 23. Minnesota Statutes 1978, Section 290.972, Subdivision 1, is amended to read:

290.972 [ELECTION BY SMALL BUSINESS CORPORATION.] Subdivision 1. [ELIGIBILITY.] Except as provided in subdivision 6 any small business corporation (SUBJECT TO THE LAWS IMPOSED BY THIS CHAPTER,) and its shareholders may, in accordance with the provisions of this section, elect to have (SAID) *the* corporation and its shareholders

taxed as though (SAID) *the* corporation were a partnership. (SUCH) *The* election shall be valid only if all persons who are shareholders in (SUCH) *the* corporation on the day on which the election is made

((1) ON THE FIRST DAY OF THE FIRST TAXABLE YEAR FOR WHICH SUCH ELECTION IS EFFECTIVE, IF SUCH ELECTION IS MADE ON OR BEFORE SUCH FIRST DAY, OR)

((2) ON THE DAY ON WHICH THE ELECTION IS MADE, IF THE ELECTION IS MADE AFTER SUCH FIRST DAY,)

consent to (SUCH) *the* election.

Sec. 24. Minnesota Statutes 1978, Section 290.972, Subdivision 3, is amended to read:

Subd. 3. [WHERE AND HOW MADE.] (1) [IN GENERAL.] An election under subdivision 1 may be made by a small business corporation for any taxable year at any time during the (FIRST MONTH OF SUCH) *preceding* taxable year, or at any time during the (MONTH PRECEDING SUCH FIRST MONTH) *first 75 days of the taxable year*. (SUCH) *The* election shall be made in (SUCH) *a* manner as the commissioner shall prescribe by (REGULATION) *rule*.

(2) [TREATMENT OF CERTAIN LATE ELECTIONS.]
If

(a) *a small business corporation makes an election under subdivision 1 for any taxable year, and*

(b) *such election is made after the first 75 days of the taxable year and on or before the last day of such taxable year,*

then such election shall be treated as made for the following taxable year.

(3) In case of sickness, absence, or other disability, or when in the judgment of the commissioner good cause exists, he may upon application extend the time for making the election under subdivision 1 for not more than twelve months following the close of the taxable year for which the election is sought (; PROVIDED, HOWEVER, THAT AN APPLICATION FOR AN EXTENSION OF TIME WITH RESPECT TO TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1960 AND PRIOR TO DECEMBER 31, 1963 MAY BE FILED NOT LATER THAN DECEMBER 31, 1965).

Sec. 25. Minnesota Statutes 1978, Section 290.972, Subdivision 5, is amended to read:

Subd. 5. [TERMINATION.] (1) [NEW SHAREHOLDERS.] (A) An election under subdivision 1 made by a small business corporation shall terminate if any person who was not a shareholder in (SUCH) *the* corporation

((I) ON THE FIRST DAY OF THE FIRST TAXABLE YEAR OF THE CORPORATION FOR WHICH THE ELECTION IS EFFECTIVE, IF SUCH ELECTION IS MADE ON OR BEFORE SUCH FIRST DAY, OR)

((II)) on the day on which the election is made (, IF SUCH ELECTION IS MADE AFTER SUCH FIRST DAY),

becomes a shareholder in (SUCH) *the* corporation and affirmatively refuses to consent to (SUCH) *the* election on or before the 60th day after the day on which he acquires the stock.

(B) If the person acquiring the stock is the estate of a decedent, the period under subparagraph (A) for affirmatively refusing to consent to the election shall expire on the 60th day after whichever of the following is the earlier:

(i) The day on which the executor or administrator of the estate qualifies; or

(ii) The last day of the taxable year of the corporation in which the decedent died.

(C) Any termination of an election under subparagraph (A) by reason of the affirmative refusal of any person to consent to (SUCH) *the* election shall be effective for the taxable year of the corporation in which (SUCH) *the* person becomes a shareholder in the corporation (AND FOR ALL SUCCEEDING TAXABLE YEARS OF THE CORPORATION) *or, if later, the first taxable year for which the election would otherwise have been effective, and for all succeeding taxable years of the corporation.*

(2) [REVOCAION.] An election under subdivision 1 made by a small business corporation may be revoked by it for any taxable year of the corporation after the first taxable year for which the election is effective. An election may be revoked only if all persons who are shareholders in the corporation on the day on which the revocation is made consent to the revocation. A revocation under this paragraph shall be effective

(A) for the taxable year in which made, if made before the close of the first month of (SUCH) *the* taxable year,

(B) for the taxable year following the taxable year in which made, if made after the close of (SUCH) *the* first month,

and for all succeeding taxable years of the corporation. (SUCH) *The* revocation shall be made in (SUCH) *a* manner as the commissioner shall prescribe by (REGULATION) *rule*.

(3) [CEASES TO BE SMALL BUSINESS CORPORATION.] An election under subdivision 1 made by a small business corporation shall terminate if at any time

(A) after the first day of the first taxable year of the corporation for which the election is effective, if such election is made on or before such first day, or

(B) after the day on which the election is made, if such election is made after such first day,

the corporation ceases to be a small business corporation (as defined in section 290.971, subdivision 1). Such termination shall be effective for the taxable year of the corporation in which the corporation ceases to be a small business corporation and for all succeeding taxable years of the corporation.

(4) [FOREIGN INCOME.] An election under subdivision 1 made by a small business corporation shall terminate if for any taxable year of the corporation for which the election is in effect, such corporation derives more than 80 percent of its gross receipts from sources outside the United States. Such termination shall be effective for the taxable year of the corporation in which it derives more than 80 percent of its gross receipts from sources outside the United States, and for all succeeding taxable years of the corporation.

(5) [PASSIVE INVESTMENT INCOME.] (A) Except as provided in subparagraph (B), an election under subdivision 1 made by a small business corporation shall terminate if, for any taxable year of the corporation for which the election is in effect, such corporation has gross receipts more than 20 percent of which is passive investment income. Such termination shall be effective for the taxable year of the corporation in which it has gross receipts of such amount, and for all succeeding taxable years of the corporation.

(B) Subparagraph (A) shall not apply with respect to a taxable year in which a small business corporation has gross receipts more than 20 percent of which is passive investment income, if

(i) such taxable year is the first taxable year in which the corporation commenced the active conduct of any trade or business or the next succeeding taxable year; and

(ii) the amount of passive investment income for such taxable year is less than \$3,000.

(C) For purposes of this paragraph, the term "passive investment income" means gross receipts derived from royalties, rents, dividends, interest, annuities, and sales or exchanges of stock or securities (gross receipts from such sales or exchanges being taken into account for purposes of this paragraph only to the extent of gains therefrom). Gross receipts derived from sales or exchanges of stock or securities for purposes of this paragraph shall not include amounts received by an electing small business corporation which are treated under section 331 of the Internal Revenue Code of 1954, as amended through December 31, (1976) 1979 (relating to corporate liquidations), as payments in exchange for stock where the electing small business corporation owned more than 50 percent of each class of the stock of the liquidating corporation.

Sec. 26. [DIRECTION TO REVISOR.] *In the next and subsequent editions of Minnesota Statutes the revisor of statutes shall substitute the words "Internal Revenue Code of 1954, as amended through December 31, 1979" for the words "Internal Revenue Code of 1954, as amended through December 31, 1976" or "Internal Revenue Code of 1954, as amended through December 31, 1977" or "Internal Revenue Code of 1954, as amended through December 31, 1978" wherever such words occur in chapter 290, except section 290.01, subdivision 20.*

Sec. 27. [REPEALER.] *Minnesota Statutes 1978, Section 290.971, Subdivision 5 and Minnesota Statutes, 1979 Supplement, Section 290.23, Subdivision 16 are repealed.*

Sec. 28. [EFFECTIVE DATE.] *Except as otherwise provided, section 1, clause (b)(13) is effective for taxable years beginning after December 31, 1976, and section 1, clauses (a)(12), (a)(17), (a)(18), (b)(6) (but only in regard to the changes relating to lump sum distributions), (b)(8), (b)(11), (b)(12), (b)(14), (b)(16), and (b)(17) are effective for taxable years beginning after December 31, 1978. For purposes of allowable carrybacks, section 1, clauses (b)(13) and (b)(14) are effective at the same time the carrybacks were allowable for federal income tax purposes. Section 3 is effective for political contributions made during taxable years beginning after December 31, 1979. Sections 6 and 7 are effective for taxable years beginning after December 31, 1980. Section 14 is effective for sales and exchanges occurring after December 31, 1975. Sections 12, 16 through 18, 20 through 25, and 27 are effective for taxable years beginning after December 31, 1978. Section 19 is effective July 1, 1980.*

The rest of this article is effective for taxable years beginning after December 31, 1979, except as otherwise provided.

ARTICLE II

PROPERTY TAX

Section 1. Minnesota Statutes 1978, Section 168.012, Subdivision 9, is amended to read:

Subd. 9. Mobile homes shall not be taxed as motor vehicles using the public streets and highways and shall be exempt from the motor vehicle tax provisions of this chapter. *Except as provided in section 273.13*, mobile homes shall be taxed as personal property. The provisions of Minnesota Statutes 1957, Section 272.02 or any other act providing for tax exemption shall be inapplicable to mobile homes, except such mobile homes as are held by a licensed dealer and exempted as inventory. House trailers not used on the highway during any calendar year shall be taxed as mobile homes if occupied as human dwelling places.

Sec. 2. Minnesota Statutes 1978, Chapter 273, is amended by adding a section to read:

[273.1106] [DELAYED ASSESSMENT OF HOMESTEAD IMPROVEMENTS.] *Subdivision 1. In determining the value of lands for the purpose of taxation, the first \$45,000 in market value of improvements per homestead dwelling unit to any single or multiple dwelling structures or to buildings accessory to homestead dwelling unit shall not be regarded as increasing the value of the property for a period of six years from the date of commencement of the improvements except as follows: Thirty-three and one-third percent of the value of the improvement shall be considered at the end of two years from the date of the improvement. At the expiration of a two year period thereafter an additional 33-1/3 percent of the value of the improvement shall be considered. At the end of six years the total value of the improvement shall be considered. This section shall apply only to improvements made to a dwelling unit which was originally constructed ten or more years prior to the time of making the improvement.*

Subd. 2. Application for delayed assessments shall be on forms prescribed by the county assessor of the county in which the homestead is located. When delayed assessment is granted, the assessor shall record a notice thereof with the register of deeds of the county which shall set forth the amount of market value to be added at the expiration of each period by reason of the delayed assessment. Filing fees shall be collected by the assessor from the person making application and forwarded to the register of deeds together with the notice described above within 30 days after granting the delayed assessment. Subsequent applications for delayed assessment of additional improvements shall be granted only to the extent of \$15,000 less that portion of the fair market value of prior improvements which remain unassessed under a prior delayed assessment.

Sec. 3. Minnesota Statutes, 1979 Supplement, Section 273.122, is amended to read:

273.122 [FLEXIBLE HOMESTEAD BASE VALUE.] Subdivision 1. [HOMESTEAD BASE VALUE.] For (1979) 1980, the homestead base value shall mean (\$21,000) \$30,000 of market value of any property which qualifies as homestead property for assessment purposes, *except that the class 3cc homestead base value shall mean \$33,000 of market value.* The homestead base value *and class 3cc homestead base value* shall be increased in any subsequent assessment year as provided in subdivision 2.

Subd. 2. [HOMESTEAD BASE VALUE INDEX.] In assessment years subsequent to (1979) 1980, the homestead base value *and the class 3cc homestead base value* shall be adjusted pursuant to the homestead base value index. The homestead base value index shall be computed by the equalization aid review committee for each year immediately preceding an assessment year. This index is computed in the following manner. The annual statewide average market value of homestead property as indicated by bona fide real estate sales during the year shall be divided by the statewide average market value of all homestead property sold in (1978) 1979. This quotient is multiplied by 100. For each increase of a full 3-1/2 points in the index the homestead base value *and the class 3cc homestead base value* shall be increased \$1,000 in the following assessment year. On or before December 1 of any year preceding an assessment year the commissioner of revenue shall certify the homestead base value *and the class 3cc homestead base value* for that year.

Sec. 4. Minnesota Statutes 1978, Section 273.13, Subdivision 3, is amended to read:

Subd. 3. [CLASS 2a; MOBILE HOMES; SECTIONAL STRUCTURES.] (a) *Except as provided in this subdivision* all mobile homes (, AS DEFINED IN SECTION 168.011, SUBDIVISION 8,) shall constitute class 2a and shall be valued and assessed at (40) 28 percent of the market value thereof. The valuation of class 2a property shall be subject to review and the taxes payable thereon in the manner provided in (LAWS 1975, CHAPTER 376) section 274.19. *For purposes of this section, a "mobile home" means a structure transportable in one or more sections, which is built on a permanent chassis, and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and contains the plumbing, heating, air conditioning, and electrical systems therein, including any accessory structure which is an addition or supplement to the mobile home and, when installed, becomes a part of the mobile home.*

(b) *A mobile home which meets each of the following criteria shall be valued and assessed as an improvement to real property, the appropriate real property classification shall ap-*

ply, and the valuation shall be subject to review and the taxes payable in the manner provided for real property:

(i) The owner of the unit holds title to the land upon which it is situated;

(ii) The unit is affixed to the land by a permanent foundation or is installed at its location in accordance with the mobile homes building code contained in sections 327.31 to 327.34, and the rules adopted thereto, or is affixed to the land in a manner comparable to other real property in the taxing district; and

(iii) The unit is connected to public utilities, has a well and septic tank system, or is serviced by water and sewer facilities comparable to other real property in the taxing district.

(c) A mobile home which meets each of the following criteria shall be assessed at the rate provided by the appropriate real property classification but shall be classified as 2a property, and the valuation shall be subject to review and the taxes payable thereon in the manner provided in section 274.19:

(i) The owner of the unit is a lessee of the land pursuant to the terms of a lease;

(ii) The unit is affixed to the land by a permanent foundation or is installed at its location in accordance with the mobile homes building code contained in sections 327.31 to 327.34, and the rules adopted thereto, or is affixed to the land in a manner comparable to other real property in the taxing district; and

(iii) The unit is connected to public utilities, has a well and septic tank system, or is serviced by water and sewer facilities comparable to other real property in the taxing district.

(d) Sectional structures shall be valued and assessed as an improvement to real property provided the owner of the structure holds title to the land upon which it is located or is a qualifying lessee of the land under the provisions of section 273.19. For purposes of this clause "sectional structure" means a building or structural unit which has been in whole or substantial part manufactured or constructed at an off site location to be wholly or partially assembled on site alone or with other units and attached to a permanent foundation.

(e) The commissioner of revenue may promulgate rules pursuant to the administrative procedure act for the purpose of establishing additional criteria for the classification of mobile homes and sectional structures pursuant to the provisions of this subdivision.

Sec. 5. Minnesota Statutes, 1979 Supplement, Section 273.13, Subdivision 4, is amended to read:

Subd. 4. [CLASS 3.] (a) Tools, implements and machinery of an electric generating, transmission or distribution system or a pipeline system transporting or distributing water, gas, or petroleum products or mains and pipes used in the distribution of steam or hot or chilled water for heating or cooling buildings, which are fixtures, all agricultural land, except as provided by classes 1, 3b, 3e, all buildings and structures assessed as personal property and situated upon land of the state of Minnesota or the United States government which is rural in character and devoted or adaptable to rural but not necessarily agricultural use shall constitute class 3 and shall be valued and assessed at 33-1/3 percent of the market value thereof, except as provided in clause (b). Except as provided in subdivision 5a, all real property devoted to temporary and seasonal residential occupancy for recreational purposes, and which is not devoted to commercial purposes for more than 200 days in the year preceding the year of assessment, shall be class 3 property and assessed accordingly. For this purpose, property is devoted to commercial use on a specific day if it is used, or offered for use, and a fee is charged for such use.

(b) For taxes assessed in 1979, payable in 1980, agricultural land and real property devoted to temporary and seasonal residential occupancy for recreation purposes which is classified as class 3 shall be assessed at 25 percent of its market value, and for taxes assessed in 1980, payable in 1981 and thereafter, it shall be assessed at (22) 19 percent of its market value.

Sec. 6. Minnesota Statutes, 1979 Supplement, Section 273.13, Subdivision 5a, is amended to read:

Subd. 5a. [CLASS 3A.] Class 3a shall constitute commercial use real property which abuts a lakeshore line and is devoted to temporary and seasonal residential occupancy for recreational purposes but not devoted to commercial purposes for more than 200 days in the year preceding the year of assessment, which includes a portion used as a homestead by the owner, with the following limitations: the area of the property which shall be included in class 3a shall not exceed 100 feet of lakeshore footage for each cabin or *campsite* located on the property, up to a total of 800 feet, and 500 feet in depth measured away from the lakeshore. Class 3a shall be assessed at 12 percent of the market value thereof in 1979, for taxes payable in 1980, and *at 11 percent for taxes payable in 1981 and thereafter*. The remainder of the parcel shall be classified and assessed according to the provisions of subdivision 4.

Sec. 7. Minnesota Statutes, 1979 Supplement, Section 273.13, Subdivision 6, is amended to read:

Subd. 6. [CLASS 3B.] Agricultural land, except as provided by class 1 hereof, and which is used for the purposes of a homestead shall constitute class 3b and shall be valued and assessed at 12 percent of its market value in 1979, for taxes pay-

able in 1980 and at 11 percent for taxes payable in 1981 and thereafter. The property tax to be paid on class 3b property as otherwise determined by law less any reduction received pursuant to section 273.135, regardless of whether or not the market value is in excess of the homestead base value, shall be reduced by 50 percent of the tax for taxes payable in 1980, and (55) 60 percent thereafter; provided that the amount of said reduction shall not exceed \$550 for taxes payable in 1980, and (\$600) \$700 thereafter. Valuation subject to relief shall be limited to 240 acres of land, most contiguous surrounding, bordering, or closest to the house occupied by the owner as his dwelling place, and such other structures as may be included thereon utilized by the owner in an agricultural pursuit, provided that noncontiguous land shall constitute class 3b only if the homestead is classified as class 3b and the detached land is located in the same township or city or not farther than two townships or cities or combination thereof from the homestead. If the market value is in excess of the homestead base value, the amount in excess of that sum shall be valued and assessed at 25 percent of its market value in 1979, for taxes payable in 1980, and at (22) 17 percent thereafter. The first \$12,000 market value of each tract of real estate which is rural in character and devoted or adaptable to rural but not necessarily agricultural use, used for the purpose of a homestead shall be exempt from taxation for state purposes; except as specifically provided otherwise by law.

Agricultural land as used herein, and in section 273.132, shall mean contiguous acreage of ten acres or more, primarily used during the preceding year for agricultural purposes. Agricultural use may include pasture, timber, waste, unusable wild land and land included in federal farm programs.

Real estate of less than ten acres used principally for raising poultry, livestock, fruit, vegetables or other agricultural products, shall be considered as agricultural land, if it is not used primarily for residential purposes.

Effective for the 1981 assessment and in subsequent years, the assessor shall determine and list separately on his records the market value of the homestead dwelling and the one acre of land on which that dwelling is located. If any farm buildings or structures are located on this homesteaded acre of land, their market value shall not be included in this separate determination.

Sec. 8. Minnesota Statutes, 1979 Supplement, Section 273.13, Subdivision 7, is amended to read:

Subd. 7. [CLASS 3C, 3CC.] All other real estate and class 2a property, except as provided by classes 1 and 3cc, which is used for the purposes of a homestead, shall constitute class 3c, and shall be valued and assessed at 18 percent of the market value thereof in 1979, for taxes payable in 1980 and at (17) 15

percent thereafter. The property tax to be paid on class 3c property as otherwise determined by law, less any reduction received pursuant to section 273.135, regardless of whether or not the market value is in excess of the homestead base value, shall be reduced by 50 percent of the amount of such tax for taxes payable in 1980, and (55) 60 percent thereafter; provided that the amount of said reduction shall not exceed \$550 for taxes payable in 1980, and (\$600) \$700 thereafter. If the market value is in excess of the sum of the homestead base value, the amount in excess of that sum shall be valued and assessed at 30 percent of market value in 1979, for taxes payable in 1980 and at (28) 25 percent thereafter. The first \$12,000 market value of each tract of such real estate used for the purposes of a homestead shall be exempt from taxation for state purposes; except as specifically provided otherwise by law. Class 3cc property shall include only real estate which is used for the purposes of a homestead by (a) any blind person, if such blind person is the owner thereof or if such blind person and his or her spouse are the sole owners thereof; or (b) any person (hereinafter referred to as veteran) who: (1) served in the active military or naval service of the United States and (2) is entitled to compensation under the laws and regulations of the United States for permanent and total service-connected disability due to the loss, or loss of use, by reason of amputation, ankylosis, progressive muscular dystrophies, or paralysis, of both lower extremities, such as to preclude motion without the aid of braces, crutches, canes, or a wheelchair, and (3) with assistance by the administration of veterans affairs has acquired a special housing unit with special fixtures or movable facilities made necessary by the nature of the veteran's disability; or (c) any person who: (1) is permanently and totally disabled and (2) is receiving (i) aid from any state as a result of that disability, or (ii) supplemental security income for the disabled, or (iii) workers' compensation based on a finding of total and permanent disability, or (iv) social security disability, or (v) aid under the Federal Railroad Retirement Act of 1937, 45 United States Code Annotated, Section 228b(a)5; which aid is at least 90 percent of the total income of such disabled person from all sources. Class 3cc property shall be valued and assessed at five percent of the market value thereof. Permanently and totally disabled for the purpose of this subdivision means a condition which is permanent in nature and totally incapacitates the person from working at an occupation which brings him an income. The property tax to be paid on class 3cc property as otherwise determined by law, less any reduction received pursuant to section 273.135, regardless of whether or not the market value is in excess of the homestead base value, for all purposes shall be reduced by 50 percent of the amount of such tax for taxes payable in 1980, and (55) 60 percent thereafter; provided that the amount of said reduction shall not exceed \$550 for taxes payable in 1980, and (\$600) \$700 thereafter. If the market value is in excess of the sum of \$28,000 for taxes payable in 1980, \$33,000 for taxes payable in 1981, and indexed pursuant to section 273.-122 in subsequent years, the amount in excess of that sum shall

be valued and assessed at 25 percent in 1979 for taxes payable in 1980 and (22) 17 percent thereafter, in the case of agricultural land used for a homestead, and 30 percent in the case of all other real estate used for a homestead for taxes payable in 1980 and (28) 25 percent for taxes payable in subsequent years.

Sec. 9. Minnesota Statutes, 1979 Supplement, Section 273.13, Subdivision 14a, is amended to read:

Subd. 14a. [BUILDINGS AND APPURTENANCES ON LAND NOT OWNED BY OCCUPANT.] The property tax to be paid in respect of the value of all buildings and appurtenances thereto owned and used by the occupant as a permanent residence, which are located upon land subject to property taxes and the title to which is vested in a person or entity other than the occupant, for all purposes shall be reduced by 50 percent of the amount of the tax in respect of said value as otherwise determined by law for taxes payable in 1980, and (55) 60 percent thereafter, but not by more than \$550 for taxes payable in 1980, and (\$600) \$700 thereafter.

Sec. 10. Minnesota Statutes, 1979 Supplement, Section 273.13, Subdivision 19, is amended to read:

Subd. 19. [CLASS 3D, 3DD.] Residential real estate containing four or more units, other than seasonal residential, recreational and homesteads shall be classified as class 3d property and shall have a taxable value equal to 40 percent of market value *for taxes payable in 1980 and 38 percent for taxes payable in 1981 and thereafter*. Residential real estate containing three or less units, other than seasonal residential, recreational and homesteads, shall be classified as class 3dd property and shall have a taxable value equal to 32 percent of market value *for taxes payable in 1980 and 28 percent for taxes payable in 1981 and thereafter*.

Residential real estate as used in this subdivision means real property used or held for use by the owner thereof, or by his tenants or lessees as a residence for rental periods of 30 days or more, but shall not include homesteads, or real estate devoted to temporary or seasonal residential occupancy for recreational purposes. Where a portion of a parcel of property qualified for class 3d or 3dd and a portion does not qualify for class 3d or 3dd the valuation shall be apportioned according to the respective uses.

Residential real estate containing less than three units when entitled to homestead classification for one or more units shall be classed as 3b, 3c or 3cc according to the provisions of subdivisions 6 and 7.

Sec. 11. Minnesota Statutes 1978, Section 273.13, is amended by adding a subdivision to read:

Subd. 17d. [NEIGHBORHOOD REAL ESTATE TRUSTS.]
When a structure, consisting of one or more dwelling units, is owned by a neighborhood real estate trust and at least 60 percent of the dwelling units are leased to or occupied by a lower income family as defined by section 8 of the United States Housing Act of 1937, as amended, the structure shall be assessed at 20 percent of the market value. This subdivision shall not apply to any portion of the structure used for nonresidential purposes.

For purposes of this subdivision, neighborhood real estate trust means an entity which (a) is a nonprofit corporation organized under chapter 317; (b) has as its principal purpose providing housing for lower income families in a specific geographic community designated in its articles or bylaws; (c) limits membership with voting rights to residents of the designated community; and (d) has a board of directors consisting of at least seven directors, 60 percent of whom are voting members and 25 percent of whom are elected by resident members of buildings owned by the trust.

Sec. 12. The 1979 adjusted assessed values determined under the provisions of section 124.212 shall be computed using the classification ratios which were in effect for taxes payable in 1980.

Sec. 13. Minnesota Statutes, 1979 Supplement, Section 275.50, Subdivision 5, is amended to read:

Subd. 5. Notwithstanding any other law to the contrary for taxes levied in 1979 payable in 1980 and thereafter, "special levies" means those portions of ad valorem taxes levied by governmental subdivisions to:

(a) satisfy judgments rendered against the governmental subdivision by a court of competent jurisdiction in any tort action, or to pay the costs of settlements out of court against the governmental subdivision in a tort action when substantiated by a stipulation for the dismissal of the action filed with the court of competent jurisdiction and signed by both the plaintiff and the legal representative of the governmental subdivision, but only to the extent of the increase in levy for such judgments and out of court settlements over levy year 1970, taxes payable in 1971;

(b) pay the costs of complying with any written lawful order (INITIALLY) issued (PRIOR TO JANUARY 1, 1977) by the state of Minnesota, or the United States, or any agency or subdivision thereof, which is authorized by law, statute, special act or ordinance and is enforceable in a court of competent jurisdiction, or any stipulation agreement or permit for treatment works or disposal system for pollution abatement in lieu of a lawful order signed by the governmental subdivision and the state of Minnesota, or the United States, or any agency or subdivi-

vision thereof which is enforceable in a court of competent jurisdiction. The commissioner of revenue shall in consultation with other state departments and agencies, develop a suggested form for use by the state of Minnesota, its agencies and subdivisions in issuing orders pursuant to this subdivision;

(c) pay the costs to a governmental subdivision for their minimum required share of any program otherwise authorized by law, including the administrative costs of social services but not administrative costs of public assistance programs or of county welfare systems, for which matching funds have been appropriated by the state of Minnesota or the United States, but only to the extent that the costs to the governmental subdivision for the program exceed those expended in calendar year 1970, subject to rules promulgated by the commissioner of revenue pursuant to the administrative procedures act. Amounts levied pursuant to this clause which are in excess of the amount necessary to meet the minimum required share of a program shall be deducted from the general levy made in the following year;

(d) pay the costs not reimbursed by the state or federal government, of payments made to or on behalf of recipients of aid under any public assistance program authorized by law;

(e) pay the costs of principal and interest on bonded indebtedness, or, effective for taxes levied in 1973 and years thereafter, to reimburse for the amount of liquor store revenues used to pay the principal and interest due in the year preceding the year for which the levy limit is calculated on municipal liquor store bonds;

(f) pay the costs of principal and interest on certificates of indebtedness, except tax anticipation or aid anticipation certificates of indebtedness, issued for any corporate purpose except current expenses or funding an insufficiency in receipts from taxes or other sources or funding extraordinary expenditures resulting from a public emergency;

(g) fund the payments made to the Minnesota state armory building commission pursuant to section 193.145, subdivision 2, to retire the principal and interest on armory construction bonds;

(h) provide for the bonded indebtedness portion of payments made to another political subdivision of the state of Minnesota;

(i) pay the amounts required to compensate for a decrease in revenues from public service enterprises, municipal liquor stores, licenses, permits, fines and forfeits and no other, to the extent that the aggregate of revenues from these sources in the calendar year preceding the year of levy are less than the aggregate of revenues from these sources in calendar year 1971. "Rev-

enues" from a public service enterprise or a municipal liquor store shall mean the net income or loss of such public service enterprise or municipal liquor store, determined by subtracting total expenses from total revenues, and before any contribution to or from the governmental subdivision. "Fines" for a municipal court means the net amount remaining after subtracting total municipal court expenses from total collections of municipal court fines. A governmental subdivision shall qualify for this special levy only if the decrease in aggregate revenues as computed herein and divided by the population of the governmental subdivision in the preceding levy year is equal to or greater than two percent of the per capita levy limitation for the preceding levy year;

(j) pay the amounts required to compensate for a decrease in mobile homes property tax receipts to the extent that the governmental subdivision's portion of the total levy in the current levy year, pursuant to section 273.13, subdivision 3, as amended, is less than the distribution of the mobile homes tax to the governmental subdivision pursuant to section 273.13, subdivision 3, in calendar year 1971;

(k) pay the amounts required, in accordance with section 275.075, to correct for a county auditor's error of omission in levy year 1971 or a subsequent levy year, but only to the extent that when added to the preceding year's levy it is not in excess of an applicable statutory, special law or charter limitation, or the limitation imposed on the governmental subdivision by sections 275.50 to 275.56 in the preceding levy year;

(l) pay amounts required to correct for an error of omission in the levy certified to the appropriate county auditor or auditors by the governing body of a city or town with statutory city powers in a levy year, but only to the extent that when added to the preceding year's levy it is not in excess of an applicable statutory, special law or charter limitation, or the limitation imposed on the governmental subdivision by sections 275.50 to 275.56 in the preceding levy year;

(m) pay the increased cost of municipal services as the result of an annexation or consolidation ordered by the Minnesota municipal board in levy year 1971 or a subsequent levy year, but only to the extent and for the levy years as provided by the board in its order pursuant to section 414.01, subdivision 15. Special levies authorized by the board shall not exceed 50 percent of the levy limit base of the governmental subdivision and may not be in effect for more than three years after the board's order;

(n) pay the increased costs of municipal services provided to new private industrial and nonresidential commercial development, to the extent that the extension of such services are not paid for through bonded indebtedness or special assessments,

and not to exceed the amount determined as follows. The governmental subdivision may calculate the aggregate of:

(1) The increased expenditures necessary in preparation for the delivering of municipal services to new private industrial and nonresidential commercial development, but limited to one year's expenditures one time for each such development;

(2) The amount determined by dividing the overall levy limitation established pursuant to sections 275.50 to 275.56, and exclusive of special levies and special assessments, by the total taxable value of the governmental subdivision, and then multiplying this quotient times the total increase in assessed value of private industrial and nonresidential commercial development within the governmental subdivision. For the purpose of this clause, the increase in the assessed value of private industrial and nonresidential commercial development is calculated as the increase in assessed value over the assessed value of the real estate parcels subject to such private development as most recently determined before the building permit was issued. In the fourth levy year subsequent to the levy year in which the building permit was issued, the increase in assessed value of the real estate parcels subject to such private development shall no longer be included in determining the special levy.

The aggregate of the foregoing amounts, less any costs of extending municipal services to new private industrial and nonresidential commercial development which are paid by bonded indebtedness or special assessments, equals the maximum amount that may be levied as a "special levy" for the increased costs of municipal services provided to new private industrial and nonresidential commercial development. In the levy year following the levy year in which the special levy made pursuant to this clause is discontinued, one-half of the amount of that special levy made in the preceding year shall be added to the permanent levy base of the governmental subdivision;

(o) recover a loss or refunds in tax receipts incurred in non-special levy funds resulting from abatements or court action in the previous year pursuant to section 275.48;

(p) pay amounts required by law to be paid to reduce unfunded accrued liability of public pension funds, including interest thereon, in accordance with the actuarial standards and guidelines specified in sections 69.71 to 69.776 and 356.215 reduced for levy year 1977 and subsequent years by 106 percent of the amount levied for that purpose in 1976, payable in 1977. For the purpose of this special levy, the estimated receipts expected from the state of Minnesota pursuant to sections 69.011 to 69.031 or any other state aid expressly intended for the support of public pension funds shall be considered as a deduction in determining the required levy for the normal costs of the public pension funds. No amount of these aids shall be

considered as a deduction in determining the governmental subdivision's required levy for the reduction of the unfunded accrued liability of public pension funds;

(q) the amounts allowed under section 174.27 to establish and administer a commuter van program;

(r) pay the costs of financial assistance to local governmental units and certain administrative, engineering, and legal expenses pursuant to Laws 1979, Chapter 253, Section 3;

(s) *pay reasonable and necessary expenses incurred in preventing, preparing for or repairing the effects of a natural disaster. For purposes of this clause, "natural disaster" means the occurrence of or the threat of an occurrence of widespread or severe property damage, injury or loss of life resulting from natural causes, limited to fire, flood, earthquake, windstorm, wave action, oil spill, or other water contamination requiring action to avert danger or damage, volcanic activity, drought or air contamination. The emergency services division of the state department of public safety shall formulate standards by which an occurrence of any of the aforementioned natural phenomena would be deemed a natural disaster by reason of the level of damage, injury or loss of life or property that has occurred or would occur if preventive action was not taken;*

(t) *pay the cost of complying with a law enacted by the 1971 or a subsequent legislature that directly requires a new or altered activity of the government after levy year 1979, taxes payable in 1980, but only to the extent of the increased cost of the activity resulting from legislatively mandated changes initially effective after levy year 1979, taxes payable in 1980; and*

(u) *pay the cost of complying with the social security amendments of 1977, Pub. L. 95-216, 91 Stat. 1509, but only to the extent of the resulting increased social security costs after levy year 1979, taxes payable in 1980.*

Sec. 14. Minnesota Statutes 1978, Section 275.52, Subdivision 2, is amended to read:

Subd. 2. The levy limit base, as adjusted for previous increases pursuant to this section, may be increased each year by the governing body of the governmental subdivision affected thereby in the amount not to exceed (SIX) *eight* percent of the previous year's levy limit base.

Sec. 15. Minnesota Statutes 1978, Section 275.52, Subdivision 5, is amended to read:

Subd. 5. For taxes levied in (1977) 1980 payable in (1978 OR FOR TAXES LEVIED IN 1978 PAYABLE IN 1979) 1981 and subsequent years a city other than a city of the first class,

town, or county not containing a city of the first class which, in the preceding levy year, levied at least 98 percent of its total limited levy amount, may determine to levy in excess of the limitation provided in sections 275.50 to 275.56 by not to exceed 10 percent of its levy limit base by passing a resolution setting forth the amount by which the levy limit is proposed to be exceeded. The resolution shall be published for four successive weeks in the official newspaper of the governmental subdivision or if there is no official newspaper, in a newspaper of general circulation therein, together with a notice fixing a date for a public hearing on the proposed increase which hearing shall be held not less than four weeks nor more than six weeks after the first publication of the resolution. Following the public hearing, the governing body may determine to take no further action, or in the alternative, adopt a resolution authorizing the levy as originally proposed, or adopt a resolution approving a levy in such lesser amount as it so determines. The resolution shall be published in the official newspaper of the governmental subdivision or if there is no official newspaper, in a newspaper of general circulation therein. If within 30 days thereafter, a petition signed by voters equal in number to five percent of the votes cast in the governmental subdivision in the last general election or 2,000 voters, whichever is less, requesting a referendum on the proposed resolution is filed with the clerk or recorder of the governmental subdivision if the governmental subdivision is a city or town, or with the county auditor if the governmental subdivision is a county, the resolution shall not be effective until it has been submitted to the voters at a general or special election and a majority of votes cast on the question of approving the resolution are in the affirmative. The commissioner of revenue shall prepare a suggested form of question to be presented at any such referendum. A levy increased pursuant to this subdivision, whether not challenged or approved at a referendum held at a special or general election held prior to October 1 in any levy year, increases the allowable levy in that same levy year and provides a permanent adjustment to the levy limit base of the governmental subdivision for future levy years. There shall be no reduction in distributions of formula aids to the governmental subdivision as a result of the additional levy.

The excess levy authorized by this subdivision is a one-time levy adjustment to the levy limit base. If an adjustment was made after June 3, 1977, pursuant to this subdivision, in an amount less than ten percent of the base, calculated at the time of the adjustment, an additional adjustment to the current levy limit base is authorized in an amount equal to ten percent less the percent by which it was previously adjusted.

Sec. 16. Minnesota Statutes 1978, Section 276.09, is amended to read:

276.09 [SETTLEMENT BETWEEN AUDITOR AND TREASURER.] On the (LAST) fifth day of (FEBRUARY) March, (MAY) June, and (OCTOBER) November, of each year,

the county treasurer shall make full settlement with the county auditor of (HIS) *all* receipts (AND COLLECTIONS) *collected by him* for all purposes, from the date of the last settlement up to and including each day mentioned (, AND). The *county* auditor shall, within 30 days after each settlement, send an abstract of same to the state auditor in (SUCH) *the* form (AS) *prescribed by* the state auditor (MAY PRESCRIBE). At each settlement the treasurer shall make complete returns of (HIS COLLECTIONS) *the receipts* on the current tax list, showing the amount collected on account of the several funds included in the list.

For purposes of this section, "receipts" shall include all tax payments received by the county treasurer on or before the settlement date.

Sec. 17. Minnesota Statutes 1978, Section 276.10, is amended to read:

276.10 [APPORTIONMENT AND DISTRIBUTION OF FUNDS.] On the (LAST) *settlement* day (OF FEBRUARY) *in March*, (MAY) *June*, and (OCTOBER) *November*, of each year, the county auditor and county treasurer shall (MAKE DISTRIBUTION OF) *distribute* all undistributed funds (REMAINING) in the treasury, apportioning (THE SAME) *them*, as provided by law, and placing (THE SAME) *them* to the credit of the state, town, city, (OR) school district, *special district* and each county fund. Within 20 days after (SUCH) *the* distribution is completed, the county auditor shall make a report (THEREOF) *of it* to the state auditor, in (SUCH) *the* form (AS) *prescribed by* the state auditor (MAY PRESCRIBE). The county auditor shall issue his warrant for the payment of (ANY) moneys (REMAINING) in the county treasury to the credit of the state, town, city, (OR) school district, *or special districts* on application of the persons entitled to receive (THE SAME) *them*.

Sec. 18. Minnesota Statutes 1978, Section 276.11, is amended to read:

276.11 [WHEN TREASURER SHALL PAY FUNDS.] As soon as practical after each settlement in (FEBRUARY) *March*, (MAY) *June*, and (OCTOBER) *November* the county treasurer shall pay over to the state treasurer or the treasurer of any town, city, (OR) school district, *or special district*, on the warrant of the county auditor, all (MONEYS RECEIVED BY HIM) *receipts* arising from taxes levied (AND COLLECTED) *by and* belonging to the state, or to such municipal corporation, or other body, and deliver up all orders and other evidences of indebtedness of such municipal corporation or other body, taking triplicate receipts therefor. He shall file one of the receipts with the county auditor, and shall return one by mail on the day of its reception to the clerk of the town, city, or school district, *or special*

district to which (SUCH) payment was made (, WHO). The clerk shall preserve the (SAME) receipt in his office. Upon written request of the state, a municipal corporation or other public body, the county treasurer (IS AUTHORIZED AND DIRECTED TO) shall, to the extent practicable, make (SUCH) partial payments of amounts collected periodically in advance of (FINAL SETTLEMENTS AS MAY BE PRACTICABLE) the next settlement and distribution. Accompanying each payment (TO THE STATE TREASURER OR TREASURER OF ANY TOWN, CITY, OR SCHOOL DISTRICT) shall be a statement prepared by the county treasurer designating the years for which taxes included in the payment were collected and, for each year, the amount of (SUCH) the taxes and any penalties thereon. The county treasurer shall upon written request of the state, a municipal corporation or other public body pay at least 70 percent of the estimated collection (WITHIN) 30 days after the settlement date. He shall pay the balance of the amounts collected to the state or to a municipal corporation or other body within 60 days after the settlement date, provided, however, that after 45 days interest shall accrue at a rate of eight percent per annum to the credit of and shall be paid to the state, municipal corporation or other body. Interest shall be payable upon appropriation from the general revenue fund of the county and, if not paid, may be recovered by the state, municipal corporation, or other body, in a civil action.

Sec. 19. [DULUTH, CITY OF; REVIEW OF ASSESSMENTS BY ST. LOUIS COUNTY ASSESSOR.] *Assessments for property tax purposes made by the city assessor of the city of Duluth shall be reviewed by the county assessor of St. Louis county. If the St. Louis county assessor finds that assessments made by the Duluth city assessor are incorrect, he may adjust the assessments either upward or downward.*

Sec. 20. Minnesota Statutes 1978, Section 429.061, Subdivision 1, is amended to read:

429.061 [ASSESSMENT PROCEDURE.] Subdivision 1. [CALCULATION, NOTICE.] At any time after (A CONTRACT IS LET OR THE WORK ORDERED BY DAY LABOR,) the expense incurred or to be incurred in (ITS) making an improvement shall be calculated under the direction of the council (.), the council shall (THEN) determine by resolution the amount of the total expense the municipality will pay, other than the amount, if any, which it will pay as a property owner, and the amount to be assessed. Thereupon the clerk, with the assistance of the engineer or other qualified person selected by the council, shall calculate the proper amount to be specially assessed for the improvement against every assessable lot, piece or parcel of land, without regard to cash valuation, in accordance with the provisions of section 429.051. The proposed assessment roll shall be filed with the clerk and be open to public inspection.

tion. The clerk shall thereupon, under the council's direction, publish notice that the council will meet to consider the proposed assessment. Such notice shall be published in the newspaper at least once and shall be mailed to the owner of each parcel described in the assessment roll. For the purpose of giving mailed notice under this subdivision, owners shall be those shown to be such on the records of the county auditor or, in any county where tax statements are mailed by the county treasurer, on the records of the county treasurer; but other appropriate records may be used for this purpose. Such publication and mailing shall be no less than two weeks prior to such meeting of the council. Except as to the owners of tax exempt property or property taxes on a gross earnings basis, every property owner whose name does not appear on the records of the county auditor or the county treasurer shall be deemed to have waived such mailed notice unless he has requested in writing that the county auditor or county treasurer, as the case may be, include his name on the records for such purpose. Such notice shall state the date, time, and place of such meeting, the general nature of the improvement, the area proposed to be assessed, that the proposed assessment roll is on the file with the clerk, and that written or oral objections thereto by any property owner will be considered. *No appeal may be taken as to the amount of any assessment adopted pursuant to subdivision 2, unless a written objection signed by the affected property owner is filed with the municipal clerk prior to the assessment hearing or presented to the presiding officer at the hearing, and unless the objection is supported by the written or oral testimony of a person other than the owner who is familiar with real property values in the area of the proposed assessment.* The notice shall also state that an owner may appeal an assessment to district court pursuant to section 429.081 by serving notice of the appeal upon the mayor or clerk of the municipality within 20 days after the adoption of the assessment and filing such notice with the district court within ten days after service upon the mayor or clerk. The notice shall also inform property owners of the provisions of sections 435.193 to 435.195 and the existence of any deferment procedure established pursuant thereto in the municipality.

Sec. 21. Minnesota Statutes 1978, Section 429.061, Subdivision 2, is amended to read:

Subd. 2. [ADOPTION; INTEREST.] At such meeting or at any adjournment thereof the council shall hear and pass upon all objections to the proposed assessment, whether presented orally or in writing. The council may amend the proposed assessment as to any parcel and by resolution adopt the same as the special assessment against the lands named in the assessment roll. Notice of any adjournment of the hearing shall be adequate if the minutes of the meeting so adjourned show the time and place when and where the hearing is to be continued, or if three days notice thereof be published in the newspaper.

The council may consider any objection to the amount of a proposed assessment as to a specific parcel of land at an adjourned hearing upon further notice to the affected property owner as it deems advisable. At the adjourned hearing the council or a committee of it may hear further written or oral testimony on behalf of the objecting property owner and may consider further written or oral testimony from appropriate city officials and other witnesses as to the amount of the assessment. The council or committee shall prepare a record of the proceedings at the adjourned hearing and written findings as to the amount of the assessment. The amount of the assessment as finally determined by the council shall become a part of the adopted assessment roll. All objections to the assessments not received at the assessment hearing in the manner prescribed by the section are waived.

The assessment, with accruing interest, shall be a lien upon all private and public property included therein, from the date of the resolution adopting the assessment, concurrent with general taxes; but the lien shall not be enforceable against public property as long as it is publicly owned, and during such period the assessment shall be recoverable from the owner of such property only in the manner and to the extent provided in section 435.19. Except as provided below, all assessments shall be payable in equal annual installments extending over such period, not exceeding 30 years, as the resolution determines, payable on the first Monday in January in each year, but the number of installments need not be uniform for all assessments included in a single assessment roll if a uniform criterion for determining the number of installments is provided by the resolution. The first installment of each assessment shall be included in the first tax rolls completed after its adoption and shall be payable in the same year as the taxes contained therein; except that the payment of the first installment of any assessment levied upon unimproved property may be deferred until a designated future year, or until the platting of the property or the construction of improvements thereon, upon such terms and conditions and based upon such standards and criteria as may be provided by resolution of the council. In any event, every assessment the payment of which is so deferred, when it becomes payable, shall be divided into a number of installments such that the last installment thereof will be payable not more than 30 years after the levy of the assessment. All assessments shall bear interest at such rate as the resolution determines, not exceeding eight percent per annum, except that the rate may in any event equal the average annual interest rate on bonds issued to finance the improvement for which the assessments are levied. To the first installment of each assessment shall be added interest on the entire assessment from a date specified in the resolution levying the assessment, not earlier than the date of the resolution, until December 31 of the year in which the first installment is payable, and to each subsequent installment shall be added interest for one year on all unpaid installments; or alternatively, any assessment may be made payable in equal annual installments including principal and interest, each in the amount annually required to pay the

principal over such period with interest at such rate as the resolution determines, not exceeding the maximum period and rate specified above. In the latter event no prepayment shall be accepted under subdivision 3 without payment of all installments due to and including December 31 of the year of prepayment, together with the original principal amount reduced only by the amounts of principal included in such installments, computed on an annual amortization basis. When payment of an assessment is deferred, as authorized in this subdivision, interest thereon for the period of deferment may be made payable annually at the same times as the principal installments of the assessment would have been payable if not deferred; or interest for this period may be added to the principal amount of the assessment when it becomes payable; or, if so provided in the resolution levying the assessment, interest thereon to December 31 of the year before the first installment is payable may be forgiven.

Sec. 22. Minnesota Statutes 1978, Section 429.081, is amended to read:

429.081 [APPEAL TO DISTRICT COURT.] Within 30 days after the adoption of the assessment, any person aggrieved and not precluded by failure to object prior to or at the assessment hearing may appeal to the district court by serving a notice upon the mayor or clerk of the municipality. The notice shall be filed with the clerk of the district court within ten days after its service. The municipal clerk shall furnish appellant a certified copy of objections filed in the assessment proceedings, the assessment roll or part complained of, and all papers necessary to present the appeal. The appeal shall be placed upon the calendar of the next general term commencing more than five days after the date of serving the notice and shall be tried as other appeals in such cases. The court shall either affirm the assessment or set it aside and order a reassessment as provided in section 429.071, subdivision 2. If appellant does not prevail upon the appeal, the costs incurred shall be taxed by the court and judgment entered therefor. All objections to the assessment shall be deemed waived unless presented on such appeal. This section provides the exclusive method of appeal from a special assessment levied pursuant to this chapter.

Sec. 23. [EFFECTIVE DATE.] Sections 1 and 3 through 11 and 13 through 15 and 19 are effective for taxes levied in 1980 payable in 1981 and subsequent years. Section 2 is effective for taxes levied in 1981 payable in 1982 and subsequent years. Section 16 through 18 are effective the day following final enactment.

ARTICLE III

PROPERTY TAX REFUND

Section 1. Minnesota Statutes, 1979 Supplement, Section 290A.03, Subdivision 3, is amended to read:

Subd. 3. [INCOME.] "Income" means the sum of the following:

(a) federal adjusted gross income as defined in the Internal Revenue Code of 1954 as amended through December 31, (1976) 1979; and

(b) the sum of the following amounts to the extent not included in clause (a):

(i) additions to federal adjusted gross income as provided in Minnesota Statutes, Section 290.01, Subdivision 20, Clause (a)(1), (a)(2), (a)(3), (a)(9), (a)(14), and (a)(15);

(ii) all nontaxable income;

(iii) recognized net long term capital gains;

(iv) dividends excluded from federal adjusted gross income under section 116 of the Internal Revenue Code of 1954;

(v) cash public assistance and relief;

(vi) any pension or annuity (including railroad retirement benefits, all payments received under the federal social security act, supplemental security income, and veterans disability pensions), which was not exclusively funded by the claimant or spouse, or which was funded exclusively by the claimant or spouse and which funding payments were excluded from federal adjusted gross income in the years when the payments were made;

(vii) nontaxable interest received from the state or federal government or any instrumentality or political subdivision thereof;

(viii) workers' compensation;

(ix) unemployment benefits;

(x) nontaxable strike benefits; and

(xi) the gross amounts of payments received in the nature of disability income or sick pay as a result of accident, sickness, or other disability, whether funded through insurance or otherwise. In the case of an individual who files an income tax return on a fiscal year basis, the term "federal adjusted gross income" shall mean federal adjusted gross income reflected in the fiscal year ending in the calendar year. "Income" does not include

(a) amounts excluded pursuant to the Internal Revenue Code, Sections 101(a), 102, 117, and 121 (AS AMENDED THROUGH DECEMBER 31, 1978);

(b) amounts of any pension or annuity which was exclusively funded by the claimant or spouse and which funding payments were not excluded from federal adjusted gross income in the years when the payments were made;

(c) gifts from nongovernmental sources;

(d) surplus food or other relief in kind supplied by a governmental agency;

(e) relief granted under sections (273.012, SUBDIVISION 2 OR) 290A.01 to 290A.21; (OR)

(f) child support payments received under a temporary or final decree of dissolution or legal separation; or

(g) *federal adjusted gross income shall be reduced by wage or salary expense, or expense of work incentive programs which are not allowed as a deduction under provisions of section 280C of the Internal Revenue Code of 1954.*

Sec. 2. Minnesota Statutes 1978, Section 290A.06, is amended to read:

290A.06 [FILING TIME LIMIT, LATE FILING.] Any claim for property taxes payable shall be filed with the department of revenue on or before August 31 of the year in which the property taxes are due and payable. *Any claim for rent constituting property taxes shall be filed with the department of revenue on or before August 31 of the year following the year in which the rent was paid.* The commissioner may extend the time for filing these claims for a period not to exceed six months in the case of sickness, absence, or other disability, or when in his judgment other good cause exists.

A claim filed after the original or extended due date shall be allowed, but the amount of credit shall be reduced by five percent of the amount otherwise allowable, plus an additional five percent for each month of delinquency, not exceeding a total reduction of 25 percent which may be cancelled or reduced by the commissioner in the case of sickness, absence, or other disability, or when in his judgment other good cause exists. In any event no claim shall be allowed if the *initial* claim is filed two years after the original due date for filing the claim.

The time limit on redetermination of claims for refund and examination of records shall be governed by sections 290.49, 290.50, and 290.56.

Sec. 3. Minnesota Statutes 1978, Section 290A.11, is amended by adding a subdivision to read:

Subd. 1a. If the commissioner is notified pursuant to section 375.192, subdivision 1, that a reduction in assessed value was granted and the claimant's property taxes were decreased, the department shall redetermine the claim and notify the claimant of the redetermination and the reasons therefor. The redetermination shall be final unless appealed to the Minnesota tax court within 60 days of notice thereof.

Sec. 4. Minnesota Statutes 1978, Section 290A.17, is amended to read:

290A.17 [PUBLISHING OR RELEASING INFORMATION ON CLAIMS.] The provisions of section 290.61 relating to the confidential nature of income tax returns shall be applicable to claims filed pursuant to the provisions of chapter 290A. *When it is necessary to adjust or audit a claim that is required to include or recognize the income of another person, or information furnished by that person, the commissioner is authorized to disclose the income and other information of all people involved, to each person involved, so that a proper claim may be allowed.*

Nothing herein shall be construed to prohibit the commissioner from publishing or releasing the information concerning amounts of property tax accrued and the relief granted to taxpayers without including information which would identify individual taxpayers. The commissioner may examine income tax returns as he deems necessary and may utilize the information in legal and administrative proceedings to insure proper administration of sections 290A.01 to 290A.21, notwithstanding section 290.61.

Sec. 5. Minnesota Statutes 1978, Section 290A.18, is amended to read:

290A.18 [RIGHT TO FILE CLAIM.] If a person entitled to relief under sections 290A.01 to (290A.21) *290A.23* dies prior to (FILING A CLAIM OR) receiving relief, the surviving spouse (OR), dependent or *personal representative* of the person shall be entitled to file the claim and receive relief. (IF THERE IS NO SURVIVING SPOUSE OR DEPENDENT, THE RIGHT TO THE CREDIT SHALL LAPSE.)

Sec. 6. Minnesota Statutes 1978, Section 290A.19, is amended to read:

290A.19 [OWNER OR MANAGING AGENT TO FURNISH RENT CERTIFICATE; PENALTY.] The owner or managing agent of any property for which rent is paid for occupancy as a homestead shall furnish a certificate of rent paid to each per-

son who is a renter on December 31, in the form prescribed by the commissioner. If the renter moves prior to December 31, the (OBLIGATION OF THE) owner or managing agent shall (BE TO) *at his option* either provide the certificate to the renter at the time he moves, (UPON THE RENTER'S REQUEST,) or mail the certificate to the forwarding address *if an address has been provided* by the renter. The certificate shall be made available to the renter not later than February 15 of the year following the year in which the rent was paid. Any owner or managing agent who willfully fails to furnish a certificate as provided herein shall be liable to the commissioner for a penalty of \$20 for each act or failure to act. The penalty shall be assessed and collected in the manner provided in chapter 290 for the assessment and collection of income tax.

Sec. 7. Minnesota Statutes 1978, Section 375.192, Subdivision 1, is amended to read:

375.192 [REDUCTIONS IN ASSESSED VALUATION OF REAL PROPERTY.] Subdivision 1. Notwithstanding section 270.07, upon written application by the owner of the property, the county board of each county shall have power to grant such reduction, for the current year, of the assessed valuation of any real property in that county which erroneously has been classified, for tax purposes, as non-homestead property, as is necessary to give it the assessed valuation which it would have received if it had been classified correctly. The application shall be made on a form prescribed by the commissioner of revenue. It shall include *the social security number of the applicant and a statement of facts of ownership and occupancy, and shall be sworn to by the owner of the property before an officer authorized to take acknowledgements. Before it is acted upon by the county board, the application shall be referred to the county assessor, or if the property is located in a city of the first class having a city assessor, to such assessor, who shall investigate the facts and attach his report of such investigation to the application.*

With respect to abatements relating to the current year's tax processed through June 30, the county auditor shall notify the commissioner of revenue on or before July 31 of that same year of all applications granted pursuant to this subdivision. Subsequently, with respect to abatements relating to the current year's tax processed after June 30 through the balance of the year, the county auditor shall notify the commissioner of revenue on or before the following January 31 of all such applications granted pursuant to this subdivision. The form submitted by the county auditor shall be prescribed by the commissioner of revenue and shall contain the information which the commissioner deems necessary.

Sec. 8. [EFFECTIVE DATE.] *Sections 1, 5 and 6 are effective for claims based on rent paid in 1979 and subsequent years and property taxes payable in 1980 and subsequent years. Sec-*

tion 2 is effective for claims based on rent paid in 1975 and subsequent years and property taxes payable in 1976 and subsequent years. Section 4 is effective the day after final enactment.

ARTICLE IV

STATE REIMBURSEMENTS

Section 1. Minnesota Statutes 1978, Section 124.212, Subdivision 2, is amended to read:

Subd. 2. Except as may otherwise be provided in this section, the following words and phrases when used in this section shall have the meanings herein ascribed to them.

(1) "Adjusted maintenance cost" means the state and local current expense for pupils in elementary and secondary schools, exclusive of transportation, veterans training program, community services, and after reduction for receipts from the sale of authorized items sold to the individual pupil by the school such as lunches, items of personal use, or other items specifically authorized by law or under the procedures set forth in sections 120.71 to 120.76, and after reduction for receipts from quasi-school activities when the school board has assumed direction and control of same. For purposes of determining the adjusted maintenance costs, the state department of education shall use only figures from the annual financial reports of the districts for the prior year and any supplementary documents received by it on or before August 1 of the current year. For any district which has not transmitted to the department of education before August 1, its annual financial report for the prior year, the figures from the most recent financial report of that district received on or before August 1, shall be used for purposes of calculating its certified levy and foundation aid.

(2) "Adjusted assessed valuation" shall mean the assessed valuation of the taxable property notwithstanding the provisions of section 275.49 of the school district as adjusted by the equalization aid review committee. *In determining adjusted assessed valuation, property which qualifies for the reimbursement specified in section 3, subdivision 1, shall be treated as if it were classified as 3b or 3c in the case of homestead property, or as 3d in the case of nonhomestead property.*

Sec. 2. *The 1979 adjusted assessed values for taxes payable in 1981 determined under the provisions of section 124.212 shall be adjusted so that property which qualifies for the reimbursement specified in section 3, subdivision 1, shall be treated as if it were classified as 3b or 3c in the case of homestead property, or as 3d in the case of nonhomestead property.*

Sec. 3. Minnesota Statutes 1978, Chapter 273, is amended by adding a section to read:

[273.139] [SUBSIDIZED HOUSING REIMBURSEMENT.] *Subdivision 1.* [REDUCED ASSESSMENT REIMBURSEMENT.] (a) *Each taxing jurisdiction shall receive reimbursement in 1981 and subsequent years for the difference between the tax determined pursuant to clause (b) and the tax actually payable by the owner of property which qualifies for the assessment categories described by section 273.13, subdivisions 17 and 17b, and on property that qualifies as class 3cc pursuant to section 273.13, subdivision 7.*

(b) *The county auditor shall calculate the tax on the property described in clause (a) in the same manner as the property would be assessed, if it were classified as 3b or 3c in the case of homestead property, or as 3d in the case of nonhomestead property.*

(c) *The difference between the amount calculated pursuant to clause (b) and the amount of tax actually payable by the owner on property described in clause (a) shall be certified by the county auditor and reported to the commissioner of revenue as part of the 1981 and subsequent years abstracts of tax lists required to be filed with the commissioner by section 275.29. The commissioner shall make payments on July 15 of 1981 and subsequent years to the taxing jurisdictions containing the property in the same proportion that the ad valorem tax was distributed.*

Subd. 2. When computing mill rates pursuant to sections 275.08 and 275.09, the county auditor shall regard property described in subdivision 1, clause (a) as if it were valued as class 3b or 3c in the case of homestead property, or class 3d in the case of nonhomestead property.

Subd. 3. [PUBLIC HOUSING REIMBURSEMENT.] For 1981 and subsequent years, cities, towns, and counties shall receive a reimbursement for providing services to public housing based upon the number of public housing units. A public housing unit shall qualify for this reimbursement if it is owned by a housing and redevelopment authority, was built under or currently receives financial assistance through title II of the United States Housing Act of 1937, and was occupied for at least six months of the preceding year by a person or family of low or moderate income as defined in section 462A.03, subdivision 10. All housing and redevelopment authorities that own public housing units shall, by November 1 of each year certify to the county auditor the number of qualifying public housing units and the cities and towns in which they are located. The county auditor shall report to the commissioner of revenue, as part of the 1981 and subsequent years abstracts of tax lists required to be filed with the commissioner by section 275.29, the number of qualifying units for each city and township in the county.

On July 15 of 1981 and each subsequent year the commissioner shall make a payment of \$100 for each qualifying public housing unit. The \$100 shall be divided by the commissioner between the county and the city or town in proportion to the ratio of their respective mill rates.

Sec. 4. Minnesota Statutes 1978, Section 273.13, Subdivision 17b, is amended to read:

Subd. 17b. [VALUATION OF FARMERS HOME ADMINISTRATION PROPERTY IN MUNICIPALITIES OF UNDER 10,000.] Notwithstanding any other provision of law, any structure

(a) situated on real property that is used for housing for the elderly or for low and moderate income families as defined by the farmers home administration,

(b) located in a municipality of less than 10,000 population,

(c) financed by a direct loan or insured loan from the farmers home administration, and

(d) which qualifies under subdivision 17a, shall, for 15 years from the date of the completion of the original construction or for the original term of the loan, be assessed at five percent of the (ADJUSTED) market value thereof, provided that the fair market value as determined by the assessor is based on the normal approach to value using normal unrestricted rents. *The five percent assessment rate shall apply only to structures which qualify for that rate and paid taxes accordingly in 1981. Structures which initially qualify for assessment under this subdivision in 1981 and subsequent years shall be assessed at 20 percent of their market value.*

Sec. 5. Minnesota Statutes 1978, Section 275.51, is amended by adding a subdivision to read:

Subd. 5. [TREATMENT OF SUBSIDIZED HOUSING REIMBURSEMENT.] *For taxes payable in 1982 and subsequent years, the levy limit determined pursuant to other provisions of sections 275.50 through 275.59 shall be reduced by the amount of the public housing reimbursement received in the previous year pursuant to section 3, subdivision 3. For taxes payable in 1982 and subsequent years, the reduced assessment reimbursement pursuant to section 3, subdivision 1, shall be considered as part of the property tax levy subject to the limitation provided by sections 275.50 through 275.59.*

Sec. 6. Minnesota Statutes 1978, Section 276.04, is amended to read:

276.04 [NOTICE OF RATES; PROPERTY TAX STATEMENTS.] On receiving the tax lists from the county auditor, the county treasurer shall, if directed by the county board, give three weeks' published notice in a newspaper specifying the rates of taxation for all general purposes and the amounts raised for each specific purpose. He shall, whether or not directed by the county board, cause to be printed on all tax statements, or on an attachment, a tabulated statement of the dollar amount due to each taxing authority and the amount to be paid to the state of Minnesota from the parcel of real property for which a particular tax statement is prepared. The dollar amounts due the state, county, township or municipality and school district shall be separately stated but the amounts due other taxing districts, if any, may be aggregated. The property tax statements for class 2a property shall contain the same information that is required on the tax statements for real property. The county treasurer shall mail to taxpayers statements of their personal property taxes due, such statements to be mailed not later than February 15 (except in the case of Class 2a property), statements of the real property taxes due shall be mailed not later than January 31; provided, that the validity of the tax shall not be affected by failure of the treasurer to mail such statement. Such real and personal property tax statements shall contain the market value, as defined in section 272.03, subdivision 8, used in determining the tax. (THE STATEMENT SHALL ALSO INCLUDE THE BASE TAX AS DEFINED IN SECTION 273.011, SUBDIVISION 4, FOR QUALIFIED PROPERTY AS DEFINED IN SECTION 273.011 FOR WHICH THE CREDIT PROVIDED FOR IN SECTION 273.012 IS CLAIMED.) The statement shall show the amount attributable to section 273.132 as "state paid agricultural credit" and the amount attributable to section 273.13, subdivisions 6 and 7 as "state paid homestead credit". (THE COMMISSIONER OF REVENUE SHALL PROVIDE EACH COUNTY AUDITOR WITH THE NAMES OF THOSE PERSONS IN THE ASSESSOR'S DISTRICT WHO HAVE FILED AND QUALIFIED FOR THE PROPERTY TAX CREDIT PURSUANT TO SECTIONS 273.011 AND 273.012 AND SHALL INFORM THE ASSESSOR OF THE BASE TAX OF THOSE PERSONS.) *The statement shall show the reduction attributable to the aid given pursuant to section 3 and shall indicate that the reduction is paid by the state of Minnesota.* If so directed by the county board, the treasurer shall visit places in the county as he deems expedient for the purpose of receiving taxes and the county board is authorized to pay the expenses of such visits and of preparing duplicate tax lists.

Sec. 7. [APPROPRIATION.] *There is annually appropriated from the general fund to the commissioner of revenue an amount necessary to make the payments required by section 3.*

Sec. 8. *This article is effective the day following final enactments.*

ARTICLE V

MISCELLANEOUS

Section 1. Minnesota Statutes 1978, Section 297.03, Subdivision 6, is amended to read:

Subd. 6. [TAX METER MACHINES.] (1) The commissioner may authorize any person licensed as a distributor to stamp packages with a tax meter machine, approved by him, which shall be provided by the distributor. He may provide for the use of such a machine by the distributor, supervise and check its operation, provide for the payment of the tax on any package so stamped, subject to the discount provided in subdivision 5, and in that connection require the furnishing of a corporate surety bond in a suitable amount to guarantee the payment of the tax.

(2) *The commissioner may authorize any person licensed as a distributor to stamp packages with a heat-applied tax stamping machine, approved by him, which shall be provided by the distributor. The commissioner shall supervise and check the operation of the machines and shall provide for the payment of the tax on any package so stamped, subject to the discount provided in subdivision 5. The commissioner may sell heat-applied stamps on a credit basis under conditions prescribed by him, and in that connection require the furnishing of a corporate surety bond in an amount suitable to guarantee payment of the tax stamps so purchased by a distributor. The stamps shall be sold by the commissioner at a price which includes the tax after giving effect to the discount provided in subdivision 5.*

Sec. 2. Minnesota Statutes 1978, Section 297A.02, is amended to read:

297A.02 [IMPOSITION OF TAX.] Except as otherwise provided in Extra Session Laws 1971, Chapter 31, Article 1, there is hereby imposed an excise tax of four percent of the gross receipts from sales at retail, as hereinbefore defined, made by any person in this state (AFTER OCTOBER 31, 1971).

(NOTWITHSTANDING THE FOREGOING, THE TAX IMPOSED HEREBY UPON SALES AT RETAIL THROUGH COIN-OPERATED VENDING MACHINES SHALL BE THREE PERCENT OF THE GROSS RECEIPTS OF SUCH STATES.)

Sec. 3. Minnesota Statutes 1978, Section 297A.25, Subdivision 1, is amended to read:

297A.25 [EXEMPTIONS.] Subdivision 1. The following are specifically exempted from the taxes imposed by sections 297A.01 to 297A.44:

(a) The gross receipts from the sale of food products including but not limited to cereal and cereal products, butter, cheese, milk and milk products, oleomargarine, meat and meat products, fish and fish products, eggs and egg products, vegetables and vegetable products, fruit and fruit products, spices and salt, sugar and sugar products, coffee and coffee substitutes, tea, cocoa and cocoa products;

(b) The gross receipts from the sale of prescribed drugs and medicine intended for use, internal or external, in the cure, mitigation, treatment or prevention of illness or disease in human beings and products consumed by humans for the preservation of health, including prescription glasses, therapeutic and prosthetic devices, but not including cosmetics or toilet articles notwithstanding the presence of medicinal ingredients therein;

(c) The gross receipts from the sale of and the storage, use or other consumption in Minnesota of tangible personal property, tickets, or admissions, electricity, gas, or local exchange telephone service, which under the Constitution or laws of the United States or under the Constitution of Minnesota, the state of Minnesota is prohibited from taxing;

(d) The gross receipts from the sale of tangible personal property (i) which, without intermediate use, is shipped or transported outside Minnesota and thereafter used in a trade or business or is stored, processed, fabricated or manufactured into, attached to or incorporated into other tangible personal property transported or shipped outside Minnesota and thereafter used in a trade or business outside Minnesota, and which is not thereafter returned to a point within Minnesota, except in the course of interstate commerce (storage shall not constitute intermediate use); or (ii) which the seller delivers to a common carrier for delivery outside Minnesota, places in the United States mail or parcel post directed to the purchaser outside Minnesota, or delivers to the purchaser outside Minnesota by means of the seller's own delivery vehicles, and which is not thereafter returned to a point within Minnesota, except in the course of interstate commerce;

(e) The gross receipts from the sale of packing materials used to pack and ship household goods, the ultimate destination of which is outside the state of Minnesota and which are not thereafter returned to a point within Minnesota, except in the course of interstate commerce;

(f) The gross receipts from the sale of and storage, use or consumption of petroleum products upon which a tax has been imposed under the provisions of chapter 296, whether or not any part of said tax may be subsequently refunded;

(g) The gross receipts from the sale of clothing and wearing apparel except the following:

(i) all articles commonly or commercially known as jewelry, whether real or imitation; pearls, precious and semi-precious stones, and imitations thereof; articles made of, or ornamented, mounted or fitted with precious metals or imitations thereof; watches; clocks; cases and movements for watches and clocks; gold, gold-plated, silver, or sterling flatware or hollow ware and silver-plated hollow ware; opera glasses; lorgnettes; marine glasses; field glasses and binoculars.

(ii) articles made of fur on the hide or pelt, and articles of which such fur is the component material or chief value, but only if such value is more than three times the value of the next most valuable component material.

(iii) perfume, essences, extracts, toilet waters, cosmetics, petroleum jellies, hair oils, pomades, hair dressings, hair restoratives, hair dyes, aromatic cachous and toilet powders. The tax imposed by this act shall not apply to lotion, oil, powder, or other article intended to be used or applied only in the case of babies.

(iv) trunks, valises, traveling bags, suitcases, satchels, overnight bags, hat boxes for use by travelers, beach bags, bathing suit bags, brief cases made of leather or imitation leather, salesmen's sample and display cases, purses, handbags, pocketbooks, wallets, billfolds, card, pass, and key cases and toilet cases.

(h) The gross receipts from the sale of and the storage, use, or consumption of all materials, including chemicals, fuels, petroleum products, lubricants, packaging materials, including returnable containers used in packaging food and beverage products, feeds, seeds, fertilizers, electricity, gas and steam, used or consumed in agricultural or industrial production of personal property intended to be sold ultimately at retail, whether or not the item so used becomes an ingredient or constituent part of the property produced. Such production shall include, but is not limited to, research, development, design or production of any tangible personal property, manufacturing, processing (other than by restaurants and consumers) of agricultural products whether vegetable or animal, commercial fishing, refining, smelting, reducing, brewing, distilling, printing, mining, quarrying, lumbering, generating electricity and the production of road building materials. Such production shall not include painting, cleaning, repairing or similar processing of property except as part of the original manufacturing process. Machinery, equipment, implements, tools, accessories, appliances, contrivances, furniture and fixtures, used in such production and fuel, electricity, gas or steam used for space heating or lighting, are not included within this exemption; however, accessory tools, equipment and other short lived items, which are separate detachable units used in producing a direct effect upon the product, where such items have an ordinary useful life of less than 12 months, are included within the exemption provided herein;

(i) The gross receipts from the sale of and storage, use or other consumption in Minnesota of tangible personal property (except as provided in section 297A.14) which is used or consumed in producing any publication regularly issued at average intervals not exceeding three months, and any such publication. For purposes of this subsection, "publication" as used herein shall include, without limiting the foregoing, a legal newspaper as defined by Minnesota Statutes 1965, Section 331.02, and any supplements or enclosures with or part of said newspaper; and the gross receipts of any advertising contained therein or there-with shall be exempt. For this purpose, advertising in any such publication shall be deemed to be a service and not tangible personal property, and persons or their agents who publish or sell such newspapers shall be deemed to be engaging in a service with respect to gross receipts realized from such newsgathering or publishing activities by them, including the sale of advertising. Machinery, equipment, implements, tools, accessories, appliances, contrivances, furniture and fixtures used in such publication and fuel, electricity, gas or steam used for space heating or lighting, are not exempt;

(j) The gross receipts from all sales of tangible personal property to, and all storage, use or consumption of such property by, the United States and its agencies and instrumentalities or a state and its agencies, instrumentalities and political subdivisions;

(k) The gross receipts from the isolated or occasional sale of tangible personal property in Minnesota not made in the normal course of business of selling that kind of property, and the storage, use, or consumption of property acquired as a result of such a sale;

(l) The gross receipts from sales of rolling stock and the storage, use or other consumption of such property by railroads, freight line companies, sleeping car companies and express companies taxed on the gross earnings basis in lieu of ad valorem taxes. For purposes of this clause "rolling stock" is defined as the portable or moving apparatus and machinery of any such company which moves on the road, and includes, but is not limited to, engines, cars, tenders, coaches, sleeping cars and parts necessary for the repair and maintenance of such rolling stock.

(m) The gross receipts from sales of airflight equipment and the storage, use or other consumption of such property by airline companies taxed under the provisions of sections 270.071 to 270.079. For purposes of this clause, "airflight equipment" includes airplanes and parts necessary for the repair and maintenance of such airflight equipment, and flight simulators.

(n) The gross receipts from the sale of telephone central office telephone equipment used in furnishing intrastate and interstate telephone service to the public.

(o) The gross receipts from the sale of and the storage, use or other consumption by persons taxed under the in lieu provisions of chapter 298, of mill liners, grinding rods and grinding balls which are substantially consumed in the production of taconite, the material of which primarily is added to and becomes a part of the material being processed.

(p) The gross receipts from the sale of tangible personal property to, and the storage, use or other consumption of such property by, any corporation, society, association, foundation, or institution organized and operated exclusively for charitable, religious or educational purposes if the property purchased is to be used in the performance of charitable, religious or educational functions, or any senior citizen group or association of groups that in general limits membership to persons age 55 or older and is organized and operated exclusively for pleasure, recreation and other nonprofit purposes, no part of the net earnings of which inures to the benefit of any private shareholders;

(q) The gross receipts from the sale of caskets and burial vaults;

(r) The gross receipts from the sale of cigarettes.

(s) The gross receipts from the sale of an automobile or other conveyance if the purchaser is assisted by a grant from the United States in accordance with 38 United States Code, Section 1901, as amended.

(t) The gross receipts from the sale to the licensed aircraft dealer of an aircraft for which a commercial use permit has been issued pursuant to section 360.654, if the aircraft is resold while the permit is in effect.

(u) The gross receipts from the sale of building materials to be used in the construction or remodeling of a residence when the construction or remodeling is financed in whole or in part by the United States in accordance with 38 United States Code, Sections 801 to 805, as amended. This exemption shall not be effective at time of sale of the materials to contractors, subcontractors, builders or owners, but shall be applicable only upon a claim for refund to the commissioner of revenue filed by recipients of the benefits provided in Title 38 United States Code, Chapter 21, as amended. The commissioner shall provide by regulation for the refund of taxes paid on sales exempt in accordance with this paragraph.

(v) The gross receipts from the sale of textbooks which are prescribed for use in conjunction with a course of study in a public or private school, college, university and business or trade school to students who are regularly enrolled at such institutions. For purposes of this clause a "public school" is defined as one that furnishes course of study, enrollment and staff that meets

standards of the state board of education and a private school is one which under the standards of the state board of education, provides an education substantially equivalent to that furnished at a public school. Business and trade schools shall mean such schools licensed pursuant to section 141.25.

(w) The gross receipts from the sale of and the storage of material designed to advertise and promote the sale of merchandise or services, which material is purchased and stored for the purpose of subsequently shipping or otherwise transferring outside the state by the purchaser for use thereafter solely outside the state of Minnesota.

(x) The gross receipt from the sale of residential heating fuels in the following manner:

(i) all fuel oil, coal, wood, steam, propane gas, and L.P. gas sold to residential customers for residential use;

(ii) natural gas sold for residential use to customers who are metered and billed as residential users and who use natural gas for their primary source of residential heat, for the billing months of November, December, January, February, March and April;

(iii) electricity sold for residential use to customers who are metered and billed as residential users and who use electricity for their primary source of residential heat, for the billing months of November, December, January, February, March and April.

(y) *The gross receipts from the sale or use of tickets or admissions to the premises of or events sponsored by an association, corporation or other group of persons which provides an opportunity for citizens of the state to participate in the creation, performance or appreciation of the arts and which qualifies as a tax-exempt organization within the meaning of section 290.05, subdivision 1, clause (i).*

Sec. 4. Minnesota Statutes 1978, Chapter 298, is amended by adding a section to read:

[298.75] [GRAVEL REMOVAL; PRODUCTION TAX.]

Subdivision 1. A county may impose upon every person, firm, corporation or association, hereafter referred to as "operator," engaged in the business of removing gravel from gravel pits or deposits, a production tax in an amount not to exceed ten cents per cubic yard of gravel removed.

Subd. 2. On October 1, 1980, and thereafter on the first day of each calendar quarter in each county in which a tax is imposed pursuant to this act, every operator shall make and file with the county auditor of the county in which the gravel is removed, a correct report under oath, in such form and containing such

information as the auditor shall require relative to the quantity of gravel removed during the preceding calendar quarter. The report shall be accompanied by a remittance of the amount of tax due.

Subd. 3. If any operator fails to make the report required by subdivision 2 or files an erroneous report, the county auditor shall determine the amount of tax due and notify the operator by registered mail of the amount of tax so determined. An operator may, within 30 days from the date of mailing the notice, file in the office of the county auditor a written statement of objections to the amount of taxes determined to be due. The statement of objections shall be deemed to be a petition within the meaning of Minnesota Statutes, Chapter 278, and shall be governed by sections 278.02 to 278.13.

Subd. 4. It is a misdemeanor for any operator to remove gravel from a pit or deposit unless all taxes due under this section have been paid or objections thereto have been filed pursuant to subdivision 3.

Subd. 5. All moneys collected as taxes under this section shall be deposited in the county treasury and credited as follows, for expenditure by the county board:

(a) Sixty percent to the county road and bridge fund for expenditure for the maintenance, construction and reconstruction of roads traveled by vehicles hauling gravel;

(b) Thirty percent to the town road and bridge fund, for expenditure for maintenance, construction and reconstruction of roads traveled by vehicles hauling gravel, in a manner determined by the county; and

(c) Ten percent to a special reserve fund which is hereby established, for expenditure for the restoration of abandoned gravel pits or deposits upon lands to which the county holds title or upon tax forfeited lands within the county.

Sec. 5. Minnesota Statutes 1978, Chapter 298, is amended by adding a section to read:

[298.76] *Section 4 shall not supersede any local law.*

Sec. 6. [APPROPRIATION.] *The sum of \$30,000 is appropriated annually from the general fund in the state treasury to the commissioner of revenue for the purchase of heat-applied stamps.*

Sec. 7. [EFFECTIVE DATE.] *Section 2 is effective for sales made after July 31, 1980. Section 3 is effective for tickets sold or admissions charged after July 31, 1980.*

ARTICLE VI

MUNICIPAL BONDS INTEREST RATES

Section 1. Minnesota Statutes 1978, Section 474.06, is amended to read:

474.06 [MANNER OF ISSUANCE OF BONDS; INTEREST RATE.] Bonds authorized under this chapter shall be issued in accordance with the provisions of chapter 475 relating to bonds payable from income of revenue producing conveniences, except that public sale shall not be required, and the bonds may mature at any time or times in such amount or amounts within 30 years from date of issue and may be sold at a price equal to such percentage of the par value thereof, plus accrued interest, and bearing interest at such rate or rates, *not exceeding nine percent per year*, as may be agreed by the contracting party, the purchaser, and the municipality or redevelopment agency, notwithstanding any limitation of interest rate or cost or of the amounts of annual maturities contained in any other law. When bonds authorized under this chapter are issued, they shall state whether they are issued for a project defined in section 474.02, subdivisions 1, 1a, 1b, or 1c.

Sec. 2. Minnesota Statutes 1978, Section 475.55, is amended to read:

475.55 [EXECUTION; NEGOTIABILITY; INTEREST RATES.] Subdivision 1. All obligations shall be signed by officers authorized by resolution of the governing body or by persons authorized to sign on behalf of a bank designated by the resolution as authenticating agent, and shall express the amount and the terms of payment. *Interest on obligations authorized by resolution before July 1, 1982 shall not exceed the rate of twelve percent per annum, payable half yearly.* Interest (THEREON) on obligations authorized thereafter shall not exceed the rate of seven percent per annum, payable half yearly. All obligations shall be negotiable investment securities as provided in the uniform commercial code, chapter 336, article 8. The validity of an obligation shall not be impaired by the fact that one or more officers authorized to execute it shall have ceased to be in office before delivery to the purchaser or shall not have been in office on the formal issue date of the obligation. Every obligation shall be signed manually by one officer or authenticating agent. Other signatures and the seal of the issuer may be printed, lithographed, stamped or engraved thereon and on any interest coupons to be attached thereto. The seal need not be used.

Subd. 2. The provisions of subdivision 1 shall supersede (ALL PROVISIONS OF) any (LAW OR CHARTER FIXING A) lower maximum interest rate *fixed by any other law or a city charter* with respect to obligations of the state or any municipality or governmental or public subdivision, district, corpora-

tion, commission, board, council, or authority of whatsoever kind, including warrants or orders issued in evidence of allowed claims for property or services furnished to the issuer, but shall not (RESTRICT THE POWER OF THE ISSUER TO FIX) *limit* the interest on any obligation (IN ACCORDANCE WITH THE) *issued pursuant to a law or charter authorizing (ITS ISSUANCE) the issuer to determine the rate or rates of interest.*

Subd. 3. Notwithstanding any contrary provisions of law or charter, special assessments pledged to the payment of obligations may bear interest at the rate the governing body by resolution determines, not exceeding the greater of (a) the maximum interest rate per annum which the obligations may bear under the provisions of subdivisions 1 and 2 plus one percent or (b) the maximum interest rate permitted to be charged against the assessments under the law or city charter pursuant to which the assessments were levied.

Sec. 3. Minnesota Statutes 1978, Section 475.60, Subdivision 2, is amended to read:

Subd. 2. [REQUIREMENTS WAIVED.] The requirements as to public sale shall not apply to:

(1) Obligations issued under the provisions of a home rule charter or of a law specifically authorizing a different method of sale, or authorizing them to be issued in such manner or on such terms and conditions as the governing body may determine;

(2) Obligations sold by an issuer in an amount not exceeding the total sum of (\$100,000) \$200,000 in any three month period;

(3) Obligations issued by a governing body other than a school board in anticipation of the collection of taxes or other revenues appropriated for expenditure in a single year, if sold in accordance with the most favorable of two or more proposals solicited privately; and

(4) Obligations sold to any board, department, or agency of the United States of America or of the state of Minnesota, in accordance with rules of regulations promulgated by such board, department, or agency.

Sec. 4. *Section 1 of this article is effective July 1, 1982. The other sections are effective the day after final enactment.*

Further, delete the title and insert:

"A bill for an act relating to taxation; updating the definition of gross income for income tax purposes for individuals, trusts and estates with certain modifications; providing for exempt-interest dividends for certain mutual funds; extending

the political contribution credit to congressional and local candidates; clarifying certain definitions; providing a tax credit for energy conservation expenditures; clarifying the renewable energy source credit; increasing the dependent care credit; extending investment tax credits to family corporations; making certain changes in the minimum tax and in the treatment of small business corporations; allowing a ten year carryback of product liability losses; providing for deferral of certain gains recognized in the disposition of broadcasting property; reducing certain property tax classification ratios; increasing homestead credits; changing the property tax status of certain mobile homes; providing for delayed assessments for certain improvements; increasing homestead base value; providing a classification for neighborhood real estate trusts; adjusting levy limits and providing for certain special levies; providing for certain hearings and appeals on special assessments; clarifying property tax settlements; clarifying certain property tax refund filing due dates; extending eligibility for property tax refunds to certain claimants; providing for adjustment of property tax refunds due to abatements; providing state reimbursement for certain property; authorizing heat applied tax stamping machines; increasing the sales tax on retail sales from vending machines; providing a sales tax exemption for certain arts admissions; fixing maximum interest rates on public obligations; excepting certain debt obligations from public sale requirement; appropriating money; amending Minnesota Statutes 1978, Sections 124.212, Subdivision 2; 168.012, Subdivision 9; 273.13, Subdivisions 3 and 17b, and by adding a subdivision; 275.51, by adding a subdivision; 275.52, Subdivisions 2 and 5; 276.04; 276.09; 276.10; 276.11; 290.01, by adding a subdivision; 290.09, Subdivisions 2, 24 and 28; 290.095, by adding a subdivision; 290.13, by adding a subdivision; 290.26, Subdivision 2; 290.49, Subdivision 10; 290.971, Subdivisions 1, 3 and 6; 290.972, Subdivisions 1, 3 and 5; 290A.11, by adding a subdivision; 290A.17; 290A.18; 290A.19; 297.03, Subdivision 6; 297A.02; 297A.25, Subdivision 1; 375.192, Subdivision 1; 429.061, Subdivisions 1 and 2; 429.081; 474.06; 475.55; 475.60, Subdivision 2; Chapters 273, by adding sections; and 298, by adding sections; Minnesota Statutes, 1979 Supplement, Sections 273.122; 273.13, Subdivisions 4, 5a, 6, 7, 14a and 19; 275.50, Subdivision 5; 290.01, Subdivision 20; 290.06, Subdivisions 11 and 14; 290.067, Subdivisions 1 and 2; 290.09, Subdivision 3; 290.091; 290.095, Subdivision 1; 290.14; 290.17, Subdivision 1; 290.37, Subdivision 1; 290A.03, Subdivision 3; repealing Minnesota Statutes 1978, Section 290.971, Subdivision 5; and Minnesota Statutes, 1979 Supplement, Section 290.23, Subdivision 16."

With the recommendation that when so amended the bill pass.

The report was adopted.

Casserly from the Committee on Local and Urban Affairs to which was referred:

S. F. No. 2095, A bill for an act relating to Hennepin County; providing for a county personnel system; providing various conditions of public employment; amending Laws 1965, Chapter 855, Sections 1, 2, 3, 4, as amended, 5, 6, as amended, 7, as amended, 8, 9, 10, 11, 12, 13, 14, 15, as amended, and 16; and Laws 1979, Chapter 198, Article I, Section 2; repealing Laws 1945, Chapter 607, as amended; Laws 1965, Chapter 855, Section 17; Laws 1967, Chapter 646, Sections 4, 5, 6, and 7, and Chapter 779; and Laws 1979, Chapter 198, Article III, Section 5.

Reported the same back with the following amendments:

Page 5, line 28, delete "*five*" and insert "*seven*"

Page 7, line 14, delete "\$35" and insert "\$50"

Page 8, line 17, delete "*three*" and insert "*four*"

Page 10, line 20, delete "*four-fifths*" and insert "*six-sevenths*"

Page 10, delete lines 21 to 27

Page 10, line 28, delete (6) and reinstate ((5))

Page 10, line 32, delete "*four-fifths*" and insert "*six-sevenths*"

Page 11, line 1, delete (7) and reinstate ((6))

Page 11, line 9, delete (8) and reinstate ((7))

Page 11, line 15, delete (9) and reinstate ((8))

Page 11, line 19, delete (10) and reinstate ((9))

Page 11, line 25, delete (11) and reinstate ((10))

Page 11, line 32, delete (12) and insert (11)

Page 31, delete lines 7 to 16

ReNUMBER sections accordingly

Further amend the title as follows:

Page 1, line 7, after "13," delete "14,"

With the recommendation that when so amended the bill pass.

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 615 and 1121 were read for the second time.

SECOND READING OF SENATE BILLS

S. F. No. 2095 was read for the second time.

SPECIAL ORDERS, Continued

H. F. No. 1730 was reported to the House.

Kroening moved to amend H. F. No. 1730 as follows:

Delete everything after the enacting clause and insert:

"Section 1. In any product liability action based on strict liability in tort commenced or maintained against a defendant other than the manufacturer, the non-manufacturing defendant shall be entitled to tender the defense of said action to the manufacturer, by filing with the trial court a notice of the tender of the defense and by filing an affidavit stating as follows:

(a) That the non-manufacturing defendant has exercised no control over the design or manufacture of the product or the instructions or warnings accompanying the product, relative to the alleged defect in the product which caused the injury, death or damage.

(b) That the non-manufacturing defendant had, at the time of sale, no actual knowledge of the defect in the product which caused the injury, death or damage;

(c) That the product left the control of the manufacturer with the alleged defect in the product which caused the injury, death or damage and the non-manufacturing defendant did no act or omission which may have caused or contributed to the defect which caused the injury, death or damage;

(d) That the non-manufacturing defendant did not order or request that the alleged specific defect which caused the injury, death or damage be included in the product.

Sec. 2. In the event that the tender is accepted by the manufacturer, the manufacturer shall assume responsibility for the defense of the action and shall be primarily responsible for the payment of any judgment rendered, without indemnity and/or contribution from the non-manufacturing defendant except where the manufacturer is unable to pay the full amount of the judgment.

Sec. 3. In the event that the manufacturer shall refuse to accept the tender of the defense, the manufacturer shall indemnify the non-manufacturing defendant for any judgment rendered against it, and shall also reimburse the non-manufacturing defendant for all attorney's fees expended in the defense of the action, together with all costs and economic losses incurred by the non-manufacturing defendant in connection therewith, unless it is shown by a preponderance of the evidence at trial that the facts required to be in the affidavit of the non-manufacturing defendant pursuant to Section 1 are incorrect."

Further, delete the title in its entirety and insert:

"A bill for an act relating to commerce; allowing for the tender of the defense by non-manufacturers."

A roll call was requested and properly seconded.

The question was taken on the amendment and the roll was called. There were 50 yeas and 64 nays as follows:

Those who voted in the affirmative were:

Anderson, I.	Elioff	Kempe	Nelsen, M.	Rodriguez
Battaglia	Faricy	Kroening	Nelson	Sarna
Begich	Fudro	Lehto	Novak	Sieben, H.
Berglin	Halberg	Long	Osthoff	Sieben, M.
Byrne	Hoberg	McEachern	Pehler	Swanson
Casserly	Hokanson	Metzen	Peterson, D.	Tomlinson
Clark	Jacobs	Minne	Prahl	Welch
Corbid	Jaros	Moe	Reding	Wenzel
Crandall	Jude	Munger	Rees	Wynia
Dempsey	Kahn	Murphy	Rice	Zubay

Those who voted in the negative were:

Aasness	Eken	Kaley	Niehaus	Searles
Adams	Erickson	Kalis	Norman	Sherwood
Ainley	Esau	Kelly	Nysether	Stadum
Albrecht	Evans	Knickerbocker	Olsen	Sviggum
Anderson, G.	Ewald	Kvam	Onnen	Thiede
Anderson, R.	Fjoslien	Laidig	Otis	Valan
Berkelman	Forsythe	Levi	Patton	Valento
Biersdorf	Friedrich	Ludeman	Peterson, B.	Voss
Brinkman	Haukoos	Luknic	Pleasant	Weaver
Carlson, L.	Heap	Mann	Redalen	Welker
Dean	Heinitz	McDonald	Reif	Wieser
Den Ouden	Jennings	Mehrkens	Rose	Wigley
Drew	Johnson, D.	Nelsen, B.	Searle	

The motion did not prevail and the amendment was not adopted.

H. F. No. 1730, A bill for an act relating to commerce; limiting product liability actions against non-manufacturers.

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 96 yeas and 31 nays as follows:

Those who voted in the affirmative were:

Aasness	Elioff	Kalis	Novak	Simoneau
Adams	Erickson	Kelly	Nysether	Stadum
Ainley	Esau	Knickerbocker	Olsen	Stoa
Albrecht	Evans	Kostohryz	Onnen	Stowell
Anderson, B.	Ewald	Kvam	Osthoff	Sviggum
Anderson, D.	Fjoslien	Laidig	Otis	Swanson
Anderson, G.	Forsythe	Lehto	Patton	Thiede
Anderson, R.	Friedrich	Levi	Peehler	Valan
Berkelman	Fritz	Ludeman	Piepho	Valento
Biersdorf	Fudro	Luknic	Pleasant	Vanasek
Blatz	Haukoos	Mann	Frahl	Voss
Brinkman	Heap	McDonald	Redalen	Weaver
Byrne	Heinitz	McEachern	Rees	Welch
Carlson, D.	Hoberg	Mehrkens	Reif	Welker
Carlson, L.	Hokanson	Metzen	Rodriguez	Wieser
Dean	Jennings	Munger	Rose	Zubay
Dempsey	Johnson, C.	Nelsen, B.	Schreiber	
Den Ouden	Johnson, D.	Nelsen, M.	Searle	
Drew	Jude	Niehaus	Searles	
Eken	Kaley	Norman	Sherwood	

Those who voted in the negative were:

Anderson, I.	Crandall	Kempe	Peterson, D.	Wenzel
Battaglia	Faricy	Kroening	Reding	Wigley
Begich	Greenfield	Long	Rice	Wynia
Berglin	Halberg	Minne	Sarna	
Casserly	Jacobs	Moe	Sieben, H.	
Clark	Jaros	Murphy	Sieben, M.	
Corbid	Kahn	Peterson, B.	Tomlinson	

The bill was passed and its title agreed to.

H. F. No. 1743 was reported to the House.

Schreiber moved that H. F. No. 1743 be returned to its author. The motion prevailed.

H. F. No. 1794, A bill for an act relating to courts; providing for elections in a county court district.

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:

Aasness	Den Ouden	Kaley	Niehaus	Sieben, M.
Adams	Drew	Kalis	Norman	Simoneau
Ainley	Eken	Kelly	Novak	Stadum
Albrecht	Elioff	Kempe	Nysether	Stoa
Anderson, B.	Erickson	Knickerbocker	Olsen	Stowell
Anderson, D.	Esau	Kostohryz	Onnen	Sviggum
Anderson, G.	Evans	Kroening	Osthoff	Swanson
Anderson, I.	Ewald	Lehto	Otis	Tomlinson
Anderson, R.	Faricy	Levi	Patton	Valan
Battaglia	Fjoslien	Long	Pehler	Valento
Begich	Forsythe	Ludeman	Peterson, B.	Vanasek
Berglin	Friedrich	Luknic	Peterson, D.	Waldorf
Berkelman	Fritz	Mann	Piepho	Weaver
Biersdorf	Fudro	McCarron	Pleasant	Welch
Blatz	Greenfield	McDonald	Prahl	Welker
Brinkman	Haukoos	McEachern	Redalen	Wenzel
Byrne	Heap	Mehrkens	Reding	Wieser
Carlson, D.	Heinitz	Metzen	Rees	Wigley
Carlson, L.	Hoberg	Minne	Reif	Wynia
Casserly	Hokanson	Moe	Rodriguez	Zubay
Clark	Jacobs	Munger	Rothenberg	Sprk. Norton
Clawson	Jennings	Murphy	Sarna	
Corbid	Johnson, C.	Nelsen, B.	Searles	
Dean	Johnson, D.	Nelsen, M.	Sherwood	
Dempsey	Jude	Nelson	Sieben, H.	

The bill was passed and its title agreed to.

H. F. No. 1825, A bill for an act relating to children; specifying rights of stepparents to visit certain children.

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 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Clawson	Halberg	Lehto	Olsen
Adams	Corbid	Haukoos	Levi	Onnen
Ainley	Crandall	Heap	Long	Osthoff
Albrecht	Dean	Heinitz	Ludeman	Otis
Anderson, B.	Dempsey	Hoberg	Luknic	Patton
Anderson, D.	Den Ouden	Hokanson	Mann	Pehler
Anderson, G.	Drew	Jacobs	McCarron	Peterson, B.
Anderson, I.	Eken	Jennings	McEachern	Peterson, D.
Anderson, R.	Elioff	Johnson, C.	Mehrkens	Piepho
Battaglia	Ellingson	Johnson, D.	Metzen	Pleasant
Begich	Erickson	Jude	Minne	Prahl
Berglin	Esau	Kahn	Moe	Redalen
Berkelman	Evans	Kaley	Munger	Reding
Biersdorf	Ewald	Kalis	Murphy	Rees
Blatz	Faricy	Kelly	Nelsen, B.	Reif
Brinkman	Fjoslien	Kempe	Nelsen, M.	Rice
Byrne	Forsythe	Knickerbocker	Nelson	Rodriguez
Carlson, D.	Friedrich	Kostohryz	Niehaus	Rose
Carlson, L.	Fritz	Kroening	Norman	Rothenberg
Casserly	Fudro	Kvam	Novak	Sarna
Clark	Greenfield	Laidig	Nysether	Schreiber

Searles	Stadum	Thiede	Waldorf	Wieser
Sherwood	Stoa	Tomlinson	Weaver	Wigley
Sieben, H.	Stowell	Valento	Welch	Wynia
Sieben, M.	Sviggum	Vanasek	Welker	Zubay
Simoneau	Swanson	Voss	Wenzel	Spkr. Norton

The bill was passed and its title agreed to.

H. F. No. 1835 was reported to the House.

Schreiber moved to amend H. F. No. 1835 as follows:

Page 5, after line 19, insert:

“Sec. 4. Minnesota Statutes 1978, Section 169.73, Subdivision 1, is amended to read:

169.73 [BUMPERS, SAFEGUARDS.] Subdivision 1. As used in this section “private passenger (AUTOMOBILE) *vehicle*” means a four wheeled (MOTOR VEHICLE DESIGNED PRINCIPALLY FOR CARRYING PASSENGERS NOT FOR HIRE ON PUBLIC STREETS AND HIGHWAYS, AND NOT DESIGNED PRINCIPALLY AS A DWELLING OR FOR CAMPING) *passenger automobile, station wagon, or truck of a gross vehicle weight of 9,000 pounds or less, as those terms are defined in section 168.011, or a jeep type automobile, but does not include any collector vehicle as defined in section 168.10.*

Sec. 5. Minnesota Statutes 1978, Section 169.73, Subdivision 2, is amended to read:

Subd. 2. All (MOTOR) *private passenger* vehicles shall be equipped with front and rear bumpers (OR WITH FRONT BUMPERS AND WITH REAR REFLECTORS, AS HEREIN PROVIDED, AND ALL TRAILERS AND SEMI-TRAILERS WEIGHING MORE THAN 1,500 POUNDS SHALL BE EQUIPPED WITH REAR BUMPERS OR WITH REAR REFLECTORS, AS HEREIN PROVIDED). (SUCH) *The bumpers shall be securely attached to the frame (THEREOF), and shall extend beyond the extreme front and rear points, respectively, of (SUCH) the vehicles. The center point of (SUCH) the bumpers shall be not more than 20, nor less than (14) 16, inches from the ground when the vehicle is unloaded, provided that two rigid cross-bars may be attached to any bumper to extend it so that it will reach into a point within the required height from the ground (; PROVIDED FURTHER, HOWEVER, THAT BUMPERS ON ALL PRIVATE PASSENGER AUTOMOBILES MANUFACTURED AND SOLD AFTER AUGUST 1, 1973, SHALL BE OF SUBSTANTIAL CONSTRUCTION, AND THAT THE CENTER POINT OF SUCH BUMPERS SHALL BE 14 TO 20 INCHES FROM THE GROUND WHEN THE VEHICLE IS UNLOADED AND THE VERTICAL MEASUREMENT OF SUCH BUMPERS SHALL NOT BE LESS THAN SIX INCHES. All*

TRUCKS AND TRAILERS MANUFACTURED AND SOLD AFTER JULY 1, 1955, HAVING A REAR PLATFORM OR TAILBOARD MORE THAN 20 INCHES ABOVE THE GROUND, EXCEPT PUBLIC UTILITY TRAILERS USED FOR HAULING REELS OF CABLE OR WIRE, POLE TRUCKS, DUMP TRUCKS, AND FARM TRUCKS AS DEFINED IN SECTION 168.011, SUBDIVISION 17, AND TRUCKS AND SEMI-TRAILERS TRANSPORTING LOGS, PULPWOOD AND OTHER RAW AND UNFINISHED FOREST PRODUCTS FROM THE PLACE OF PRODUCTION TO AN ASSEMBLY YARD OR RAIL HEAD WHEN SUCH TRANSPORTATION CONSTITUTES THE FIRST HAUL THEREOF, ARE REQUIRED WHEN OPERATING UPON THE HIGHWAYS OF THIS STATE, TO HAVE RIGID REAR SAFEGUARDS, SO CONSTRUCTED AS TO PREVENT ANY PART OF ANOTHER MOTOR VEHICLE FROM PENETRATING THE AREA IMMEDIATELY BELOW SUCH REAR PLATFORM OR TAILBOARD, WHEN SUCH TAILBOARD IS IN A VERTICAL POSITION).

Sec. 6. [REPEALER.] *Minnesota Statutes 1978, Section 169.73, Subdivisions 3, 4 and 5 are repealed.*"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 7, after the semicolon insert "requiring bumpers on certain motor vehicles;"

Page 1, line 9, after "4;" delete "and" and before the period insert "; and 169.73, Subdivisions 1 and 2; repealing Minnesota Statutes 1978, Section 169.73, Subdivisions 3, 4 and 5"

The motion prevailed and the amendment was adopted.

Schreiber moved to amend H. F. No. 1835, as amended, as follows:

Page 5, after line 19, insert a section to read:

"Sec. 4. Minnesota Statutes 1978, Section 169.14, is amended by adding a subdivision to read:

Subd. 5b. When any segment of at least a quarter-mile in distance of any city street, municipal state aid street or town road on which a speed limit in excess of 30 miles per hour has been established pursuant to an engineering and traffic investigation by the commissioner meets the definition of "urban district" as defined in section 169.01, subdivision 59, the governing body of the city or town may by resolution declare the segment to be an urban district and may establish on the segment the speed limit for urban districts prescribed in subdivision 2. The speed limit so established shall be effective upon the erection

of appropriate signs designating the speed and indicating the beginning and end of the segment on which the speed limit is established, and any speed in excess of such posted limits shall be unlawful. A copy of the resolution shall be transmitted to the commissioner at least 10 days prior to the erection of the signs."

Renumber the sections in sequence

Further, amend the title as follows:

Page 1, line 7, after the semi-colon insert "allowing cities and towns to declare segments of city streets and town roads to be urban districts and to post urban district speed limits on them;"

Page 1, delete line 9, and insert "Subdivision 4; 169.09, Subdivisions 11 and 13; and 169.14, by adding a subdivision."

The motion prevailed and the amendment was adopted.

H. F. No. 1835, A bill for an act relating to motor vehicles; setting due dates for installment payments of motor vehicle registration taxes; extending the coroner's reporting time of deaths resulting from motor vehicle accidents; authorizing the use of accident reports by certain agencies for accident prevention pur-
 stration taxes; extending the coroner's reporting time of deaths poses; allowing cities and towns to declare segments of city streets and town roads to be urban districts and to post urban district speed limits on them; amending Minnesota Statutes 1978, Sections 168.31, Subdivision 4; 169.09, Subdivisions 11 and 13; and 169.14, by adding a subdivision; 169.73, Subdivisions 1 and 2; repealing Minnesota Statutes 1978, Section 169.73, Subdivisions 3, 4 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 123 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Casserly	Fudro	Kostohryz	Norman
Adams	Clark	Greenfield	Kroening	Novak
Ainley	Clawson	Halberg	Kvam	Nysether
Albrecht	Crandall	Haukoos	Laidig	Olsen
Anderson, B.	Dean	Heap	Levi	Onnen
Anderson, D.	Dempsey	Heinitz	Long	Osthoff
Anderson, G.	Den Ouden	Hoberg	Ludeman	Otis
Anderson, I.	Drew	Hokanson	Luknic	Pehler
Anderson, R.	Eken	Jacobs	Mann	Peterson, B.
Battaglia	Elioff	Jaros	McCarron	Peterson, D.
Begich	Ellingson	Jennings	McEachern	Piepho
Berglin	Erickson	Johnson, C.	Mehrken	Pleasant
Berkelman	Esau	Johnson, D.	Metzen	Prahl
Biersdorf	Evans	Jude	Minne	Redalen
Blatz	Faricy	Kahn	Munger	Reding
Brinkman	Fjoslien	Kaley	Murphy	Rees
Byrne	Forsythe	Kalis	Nelsen, B.	Reif
Carlson, D.	Friedrich	Kelly	Nelson	Rodriguez
Carlson, L.	Fritz	Knickerbocker	Niehaus	Rose

Sarna	Sieben, M.	Thiede	Waldorf	Wigley
Schreiber	Simoneau	Tomlinson	Weaver	Wynia
Searle	Stadum	Valan	Welch	Zubay
Searles	Stowell	Valento	Welker	Spkr. Norton
Sherwood	Sviggum	Vanasek	Wenzel	
Sieben, H.	Swanson	Voss	Wieser	

The bill was passed, as amended, and its title agreed to.

H. F. No. 1890, A bill for an act relating to courts; Hennepin and Ramsey county district courts, juvenile divisions; authorizing appointment of district court judges to hear cases arising under the juvenile court act for terms up to six years; amending Minnesota Statutes 1978, Section 260.019, Subdivision 3.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 113 yeas and 12 nays as follows:

Those who voted in the affirmative were:

Aasness	Eken	Kalis	Nelsen, M.	Sherwood
Adams	Elioff	Kelly	Nelson	Sieben, H.
Ainley	Ellingson	Kempe	Niehaus	Sieben, M.
Albrecht	Erickson	Knickerbocker	Norman	Simoneau
Anderson, B.	Esau	Kostohryz	Novak	Stadum
Anderson, D.	Evans	Kroening	Nysether	Stowell
Anderson, G.	Ewald	Kvam	Olsen	Sviggum
Anderson, I.	Faricy	Laidig	Onnen	Swanson
Anderson, R.	Fjoslien	Lehto	Otis	Thiede
Battaglia	Friedrich	Levi	Patton	Tomlinson
Begich	Fritz	Long	Pehler	Valento
Berkelman	Fudro	Ludeman	Peterson, B.	Vanasek
Biersdorf	Halberg	Luknic	Piepho	Waldorf
Blatz	Haukoos	Mann	Pleasant	Weaver
Brinkman	Heap	McDonald	Prahl	Welch
Carlson, D.	Heinitz	McEachern	Redalen	Welker
Carlson, L.	Hoberg	Mehrkens	Reding	Wenzel
Clawson	Jacobs	Metzen	Rees	Wieser
Crandall	Jennings	Minne	Reif	Wigley
Dean	Johnson, C.	Moe	Rodriguez	Wynia
Dempsey	Johnson, D.	Munger	Rothenberg	Zubay
Den Ouden	Jude	Murphy	Schreiber	
Drew	Kaley	Nelsen, B.	Searles	

Those who voted in the negative were:

Berglin	Corbid	Kahn	Peterson, D.	Voss
Byrne	Greenfield	McCarron	Stoa	
Clark	Hokanson	Osthoff		

The bill was passed and its title agreed to.

H. F. No. 1930 was reported to the House.

Laidig moved that H. F. No. 1930 be continued on Special Orders for one day. The motion prevailed.

H. F. No. 1949, A bill for an act relating to zoning; providing for notice of hearings; changing notice provisions for variance hearings; amending Minnesota Statutes 1978, Section 394.26, Subdivision 2.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 92 yeas and 23 nays as follows:

Those who voted in the affirmative were:

Aasness	Drew	Kaley	Olsen	Simoneau
Ainley	Eken	Kelly	Onnen	Stadum
Albrecht	Ellingson	Kempe	Otis	Stowell
Anderson, B.	Erickson	Knickerbocker	Patton	Sviggum
Anderson, D.	Esau	Kostohryz	Pehler	Swanson
Anderson, G.	Evans	Kvam	Peterson, B.	Tomlinson
Anderson, R.	Ewald	Laidig	Piepho	Valento
Battaglia	Fjoslien	Levi	Pleasant	Voss
Begich	Forsythe	Ludeman	Redalen	Waldorf
Berkelman	Friedrich	Mann	Reding	Weaver
Biersdorf	Fritz	McDonald	Rees	Welch
Blatz	Greenfield	Mehrkens	Reif	Welker
Brinkman	Heap	Munger	Rodriguez	Wenzel
Carlson, D.	Heinitz	Murphy	Rothenberg	Wieser
Carlson, L.	Hoberg	Nelsen, B.	Sarna	Wigley
Clawson	Hokanson	Nelsen, M.	Schreiber	Zubay
Crandall	Jennings	Niehaus	Searles	
Dempsey	Johnson, C.	Novak	Sieben, H.	
Den Ouden	Jude	Nysether	Sieben, M.	

Those who voted in the negative were:

Adams	Haukoos	Long	Minne	Stoa
Berglin	Jaros	Luknic	Osthoff	Thiede
Elioff	Kalis	McCarron	Peterson, D.	Wynia
Farcy	Kroening	McEachern	Prahl	
Fudro	Lehto	Metzen	Rice	

The bill was passed and its title agreed to.

H. F. No. 2040, A bill for an act relating to government data; providing definitions; classifying data as public, private, confidential, non-public, or protected non-public; amending Minnesota Statutes 1978, Sections 15.162, by adding subdivisions; 15.165, Subdivision 3; 600.23, Subdivision 3; and Chapter 15, by adding sections; Minnesota Statutes, 1979 Supplement, Sections 15.162, Subdivision 2a; 15.163, Subdivisions 3, 5, and 9; 15.1642, Subdivisions 1 and 5; 15.166, Subdivision 4; 15.1692, Subdivision 2, and by adding a subdivision; 15.1693, by adding a subdivision; 15.1698, Subdivision 1, and by adding subdivisions; repealing Minnesota Statutes, 1979 Supplement, Section 15.1692, 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 122 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Ellingson	Kalis	Niehaus	Sieben, M.
Adams	Erickson	Kelly	Norman	Simoneau
Ainley	Esau	Kempe	Novak	Stadum
Albrecht	Evans	Knickerbocker	Nysether	Stoa
Anderson, B.	Ewald	Kostohryz	Olsen	Stowell
Anderson, D.	Fariely	Kroening	Onnen	Sviggum
Anderson, I.	Fjoslien	Kvam	Osthoff	Swanson
Anderson, R.	Forsythe	Laidig	Otis	Thiede
Battaglia	Friedrich	Lehto	Patton	Tomlinson
Begich	Fritz	Levi	Pehler	Valan
Berglin	Fudro	Long	Peterson, B.	Valento
Berkelman	Greenfield	Ludeman	Peterson, D.	Vanasek
Blatz	Haukoos	Luknic	Piepho	Voss
Brinkman	Heap	Mann	Prahl	Waldorf
Byrne	Heinitz	McCarron	Redalen	Weaver
Carlson, D.	Hoberg	McDonald	Reding	Welch
Carlson, L.	Hokanson	McEachern	Rees	Wenzel
Clark	Jacobs	Mehrkens	Reif	Wieser
Clawson	Jaros	Metzen	Rice	Wigley
Crandall	Jennings	Minne	Rodriguez	Wynia
Dean	Johnson, C.	Munger	Sarna	Zubay
Dempsey	Johnson, D.	Murphy	Searle	Spkr. Norton
Den Ouden	Jude	Nelsen, B.	Searles	
Drew	Kahn	Nelsen, M.	Sherwood	
Elioff	Kaley	Nelson	Sieben, H.	

The bill was passed and its title agreed to.

Moe was excused for the remainder of today's session.

H. F. No. 2067, A bill for an act relating to financial institutions; modifying director's residence requirements for industrial loan and thrift companies; providing for a report to the commissioner in the event of a change of control; requiring insurance or guarantee of certificates of indebtedness sold or issued for investment; exempting certificates of indebtedness from the regulation of securities; amending Minnesota Statutes 1978, Sections 53.06; 53.09, Subdivision 2; Chapter 53, by adding a section; and Minnesota Statutes, 1979 Supplement, Section 80A.15, Subdivision 1.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 128 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Aasness	Anderson, B.	Anderson, R.	Berkelman	Byrne
Adams	Anderson, D.	Battaglia	Biersdorf	Carlson, D.
Ainley	Anderson, G.	Begich	Blatz	Carlson, L.
Albrecht	Anderson, I.	Berglin	Brinkman	Cassery

Clark	Heap	Long	Otis	Simoneau
Clawson	Heinitz	Ludeman	Patton	Stadum
Crandall	Hoberg	Luknic	Pehler	Stoa
Dean	Hokanson	Mann	Peterson, B.	Stowell
Dempsey	Jacobs	McCarron	Peterson, D.	Sviggum
Den Ouden	Jaros	McDonald	Piepho	Swanson
Drew	Jennings	McEachern	Pleasant	Thiede
Eken	Johnson, C.	Mehrkens	Prahl	Tomlinson
Elioff	Johnson, D.	Metzen	Redalen	Valan
Ellingson	Jude	Minne	Reding	Valento
Erickson	Kahn	Munger	Rees	Vanasek
Esau	Kaley	Murphy	Reif	Voss
Evans	Kalis	Nelsen, B.	Rice	Waldorf
Ewald	Kelly	Nelsen, M.	Rodriguez	Weaver
Farcy	Kempe	Nelson	Rose	Welker
Fjoslien	Knickerbocker	Niehaus	Rothenberg	Wenzel
Forsythe	Kostohryz	Norman	Sarna	Wigley
Friedrich	Kroening	Novak	Searle	Wynia
Fritz	Kvam	Nysether	Searles	Zubay
Fudro	Laidig	Olsen	Sherwood	Spkr. Norton
Greenfield	Lehto	Onnen	Sieben, H.	
Haukoos	Levi	Osthoff	Sieben, M.	

Those who voted in the negative were:

Wieser

The bill was passed and its title agreed to.

H. F. No. 378 was reported to the House.

Otis moved that H. F. No. 378 be continued on Special Orders for one day. The motion prevailed.

H. F. No. 1768 was reported to the House.

There being no objection, H. F. No. 1768 was continued on Special Orders for one day.

H. F. No. 2047, A bill for an act relating to state government; raising the limit on the balance allowed to remain in the state auditor's revolving fund; empowering the state auditor to establish a personnel recruitment, hiring, promotional, and salary plan with the approval of the commissioner of the department of personnel; amending Minnesota Statutes 1978, Section 6.58; and Chapter 6, by adding a section.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 125 yeas and 2 nays as follows:

Those who voted in the affirmative were:

Aasness	Eken	Kahn	Nelson	Searle
Adams	Elioff	Kaley	Niehaus	Searles
Ainley	Ellingson	Kalis	Norman	Sherwood
Albrecht	Erickson	Kelly	Novak	Sieben, H.
Anderson, B.	Esau	Kempe	Nysether	Sieben, M.
Anderson, D.	Evans	Knickerbocker	Olsen	Simoneau
Anderson, G.	Ewald	Kostohryz	Onnen	Stadum
Anderson, I.	Faricy	Kroening	Osthoff	Stowell
Anderson, R.	Fjoslien	Kvam	Otis	Swiggum
Battaglia	Forsythe	Laidig	Patton	Swanson
Berglin	Friedrich	Lehto	Pehler	Thiede
Berkelman	Fritz	Levi	Peterson, B.	Tomlinson
Blatz	Fudro	Long	Peterson, D.	Valan
Brinkman	Greenfield	Ludeman	Piepho	Valento
Byrne	Halberg	Luknic	Pleasant	Voss
Carlson, D.	Haukoos	Mann	Prahl	Waldorf
Carlson, L.	Heap	McCarron	Redalen	Weaver
Casserly	Heinitz	McDonald	Reding	Welch
Clark	Hoberg	McEachern	Rees	Welker
Clawson	Hokanson	Mehrrens	Reif	Wenzel
Corbid	Jacobs	Minne	Rodriguez	Wieser
Crandall	Jaros	Munger	Rose	Wigley
Dean	Johnson, C.	Murphy	Rothenberg	Wynia
Dempsey	Johnson, D.	Nelsen, B.	Sarna	Zubay
Den Ouden	Jude	Nelsen, M.	Schreiber	Spkr. Norton

Those who voted in the negative were:

Drew Jennings

The bill was passed and its title agreed to.

H. F. No. 2090 was reported to the House.

Battaglia moved that H. F. No. 2090 be continued on Special Orders until Tuesday, March 25, 1980. The motion prevailed.

Ewald was excused while in Conference Committee.

H. F. No. 1095, A bill for an act relating to courts; authorizing certain actions against state officers to be tried in a county other than where the cause of action arose; providing for procedure for removal; amending Minnesota Statutes 1978, Sections 542.03; and 542.18.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 128 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Anderson, B.	Anderson, R.	Biersdorf	Carlson, D.
Adams	Anderson, D.	Battaglia	Blatz	Carlson, L.
Ainley	Anderson, G.	Begich	Brinkman	Casserly
Albrecht	Anderson, I.	Berglin	Byrne	Clark

Clawson	Heap	Long	Pehler	Stadum
Corbid	Heinitz	Ludeman	Peterson, B.	Stoa
Crandall	Hoberg	Mann	Peterson, D.	Stowell
Dean	Hokanson	McCarron	Piepho	Sviggum
Dempsey	Jacobs	McDonald	Pleasant	Swanson
Den Ouden	Jaros	McEachern	Prahl	Thiede
Drew	Jennings	Mehrkens	Redalen	Tomlinson
Eken	Johnson, C.	Metzen	Reding	Valan
Elihoff	Johnson, D.	Minne	Rees	Valento
Ellingson	Jude	Munger	Reif	Vanasek
Erickson	Kahn	Murphy	Rice	Waldorf
Esau	Kaley	Nelsen, B.	Rodriguez	Weaver
Evans	Kalis	Nelsen, M.	Rose	Welch
Fariy	Kelly	Nelson	Rothenberg	Welker
Fjoslien	Kempe	Niehaus	Sarna	Wenzel
Forsythe	Knickerbocker	Novak	Schreiber	Wieser
Friedrich	Kostohryz	Nysether	Searle	Wigley
Fritz	Kroening	Olsen	Searles	Wynia
Fudro	Kvam	Onnen	Sherwood	Zubay
Greenfield	Laidig	Osthoff	Sieben, H.	Spkr. Norton
Halberg	Lehto	Otis	Sieben, M.	
Haukoos	Levi	Patton	Simoneau	

The bill was passed and its title agreed to.

H. F. No. 1962, A bill for an act relating to motor vehicles; permitting the use of foreign state dealer plates in certain circumstances; restricting sales of new motor vehicles by wholesalers; authorizing the use of in-transit plates on used vehicles; imposing certain duties on the registrar of motor vehicles; amending Minnesota Statutes 1978, Sections 168.181, Subdivision 2; 168.27, Subdivisions 6 and 17.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 122 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Aasness	Corbid	Heap	Lehto	Onnen
Adams	Crandall	Heinitz	Levi	Osthoff
Ainley	Dean	Hoberg	Long	Otis
Anderson, B.	Dempsey	Hokanson	Luknic	Patton
Anderson, D.	Den Ouden	Jacobs	Mann	Pehler
Anderson, G.	Drew	Jaros	McCarron	Peterson, B.
Anderson, I.	Eken	Jennings	McDonald	Peterson, D.
Anderson, R.	Elihoff	Johnson, C.	McEachern	Piepho
Battaglia	Ellingson	Johnson, D.	Mehrkens	Pleasant
Begich	Erickson	Jude	Metzen	Prahl
Berglin	Esau	Kahn	Minne	Redalen
Berkelman	Evans	Kaley	Munger	Reding
Blatz	Fariy	Kalis	Murphy	Rees
Brinkman	Fjoslien	Kelly	Nelsen, B.	Reif
Byrne	Forsythe	Kempe	Nelson	Rice
Carlson, D.	Fritz	Knickerbocker	Niehaus	Rodriguez
Carlson, L.	Fudro	Kostohryz	Norman	Rothenberg
Casserly	Greenfield	Kroening	Novak	Sarna
Clark	Halberg	Kvam	Nysether	Schreiber
Clawson	Haukoos	Laidig	Olsen	Searles

Sherwood	Stoa	Vanasek	Welker	Zubay
Sieben, H.	Stowell	Voss	Wenzel	Spkr. Norton
Sieben, M.	Sviggum	Waldorf	Wieser	
Simoneau	Swanson	Weaver	Wigley	
Stadum	Tomlinson	Welch	Wynia	

Those who voted in the negative were:

Nelsen, M.

The bill was passed and its title agreed to.

H. F. No. 2043 was reported to the House.

Peterson, D., moved that H. F. No. 2043 be continued on Special Orders for one day. The motion prevailed.

Stoa was excused for the remainder of today's session.

H. F. No. 1035 was reported to the House.

Jude moved to amend H. F. No. 1035 as follows:

Pages 4 to 5, delete section 5 and insert:

"Sec. 5. [CIVIL ENFORCEMENT; INJUNCTION.] Any person who suffers pecuniary loss resulting from a violation of the provisions of sections 1 to 4 shall be entitled to bring an individual action to recover damages, costs and reasonable attorney's fees. The provisions of sections 1 to 4 may be enforced by injunction or any other available equitable or legal remedy."

Page 5, line 4, delete "5" and insert "4"

The motion prevailed and the amendment was adopted.

McDonald moved to amend H. F. No. 1035, as amended, as follows:

Page 4, line 30, add a new section to read:

"Sec. 5. [ACKNOWLEDGMENT.] Prior to each showing to an audience of a motion picture that has been trade screened as required by section 1 through 4, the exhibitor shall display on the screen for at least 30 seconds a statement that the exhibitor viewed such film prior to its being rented for public showing at this theater and that the exhibitor has determined that the content of the film is appropriate for the community. Such statement shall identify the theater and shall be signed by the owner or an officer of the owner."

Renumber the following sections accordingly

The motion did not prevail and the amendment was not adopted.

Anderson, G., moved to amend H. F. No. 1035, as amended, as follows:

Page 2, line 33, after "bidding" insert "by a distributor of more than three motion pictures per year"

Page 2, line 33, after "state." insert "With respect to any motion picture for which blind bidding is prohibited,"

The motion prevailed and the amendment was adopted.

Dean moved to amend H. F. No. 1035, as follows:

Page 3, delete lines 17 to 19

Renumber the following subdivisions

The motion prevailed and the amendment was adopted.

H. F. No. 1035, A bill for an act relating to trade regulation; prohibiting certain unfair and deceptive practices and unreasonable restraints of trade in the business of motion picture distribution; prescribing penalties.

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 51 yeas and 69 nays as follows:

Those who voted in the affirmative were:

Ainley	Crandall	Jude	Olsen	Swanson
Anderson, B.	Dean	Kelly	Pehler	Voss
Anderson, D.	Dempsey	Kempe	Prahl	Waldorf
Anderson, I.	Ellingson	Kostohryz	Redalen	Weaver
Anderson, R.	Evans	Kroening	Rice	Welch
Battaglia	Ewald	Long	Rodriguez	Wenzel
Carlson, D.	Forsythe	McCarron	Sarna	Wynia
Carlson, L.	Fudro	McEachern	Schreiber	
Casserly	Heinitz	Murphy	Sieben, M.	
Clawson	Hokanson	Niehaus	Simoneau	
Corbid	Jacobs	Novak	Stowell	

Those who voted in the negative were:

Aasness	Blatz	Elioff	Halberg	Johnson, D.
Albrecht	Brinkman	Erickson	Haukoos	Kahn
Anderson, G.	Byrne	Esau	Heap	Kaley
Begich	Clark	Fjoslien	Hoberg	Knickerbocker
Berglin	Den Ouden	Friedrich	Jaros	Kvam
Berkelman	Drew	Fritz	Jennings	Laidig
Biersdorf	Eken	Greenfield	Johnson, C.	Lehto

Levi	Munger	Peterson, D.	Searles	Valan
Ludeman	Nelsen, B.	Piepho	Sherwood	Valento
Luknic	Norman	Rees	Sieben, H.	Vanasek
McDonald	Nysether	Reif	Stadum	Welker
Mehrkens	Onnen	Rose	Sviggum	Wieser
Metzen	Osthoff	Rothenberg	Thiede	Zubay
Minne	Patton	Searle	Tomlinson	

The bill was not passed, as amended.

H. F. No. 1408, A bill for an act relating to motor vehicles; providing for the proration of taxes on certain vehicles on the basis of the registration period; providing for the issuance and use of certain motor vehicle dealer plates; adjusting the bond provisions for certain dealers; authorizing dealers' licenses for the sale of motorized bicycles; specifying grounds for suspension and revocation of dealers' licenses; amending Minnesota Statutes 1978, Sections 168.013, Subdivision 2; and 168.27, Subdivisions 2, 12, 20, 22 and 24.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 125 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Drew	Johnson, D.	Murphy	Schreiber
Adams	Eken	Jude	Nelsen, B.	Searles
Albrecht	Elioff	Kahn	Nelson	Sherwood
Anderson, B.	Ellingson	Kaley	Niehaus	Sieben, H.
Anderson, D.	Erickson	Kalis	Norman	Sieben, M.
Anderson, G.	Esau	Kelly	Novak	Simoneau
Anderson, I.	Evans	Kempe	Nysether	Stadum
Anderson, R.	Ewald	Knickerbocker	Olsen	Stowell
Battaglia	Faricy	Kostohryz	Onnen	Sviggum
Begich	Fjoslien	Kroening	Osthoff	Swanson
Berglin	Forsythe	Kvam	Otis	Tomlinson
Berkelman	Friedrich	Laidig	Patton	Valan
Blatz	Fritz	Lehto	Pehler	Valento
Brinkman	Fudro	Levi	Peterson, D.	Vanasek
Byrne	Greenfield	Long	Piepho	Voss
Carlson, D.	Halberg	Ludeman	Pleasant	Waldorf
Carlson, L.	Haukoos	Luknic	Prahl	Weaver
Casserly	Heap	Mann	Redalen	Welch
Clark	Heinitz	McCarron	Reding	Welker
Clawson	Hoberg	McDonald	Rees	Wenzel
Corbid	Hokanson	McEachern	Reif	Wieser
Crandall	Jacobs	Mehrkens	Rodriguez	Wigley
Dean	Jaros	Metzen	Rose	Wynia
Dempsey	Jennings	Minne	Rothenberg	Zubay
Den Ouden	Johnson, C.	Munger	Sarna	Spkr. Norton

The bill was passed and its title agreed to.

There being no objection the order of business reverted to Introduction and First Reading of House Bills.

INTRODUCTION AND FIRST READING
OF HOUSE BILLS

The following House Files were introduced:

Voss, for the Committee on Appropriations, introduced:

H. F. No. 2469, A bill for an act relating to public improvements; authorizing the acquisition and betterment of public land and buildings and other public improvements of a capital nature with certain conditions; creating the Minnesota district heating account; authorizing a program of loans to municipalities for district heating systems; establishing a loan program for wood fuel conversion projects; establishing grants-in-aid for construction or renovation of lockups, jails and other correctional facilities; requiring the establishment of rates by the public service commission which encourage cogeneration plants; authorizing issuance of state building bonds; appropriating money; amending Minnesota Statutes 1978, Sections 253.015; 412.321, Subdivision 1; 412.351; 412.361, Subdivision 3; Chapters 116H, by adding sections; 121, by adding a section; 138, by adding a section; 198, by adding a section; 216B, by adding a section; and Chapter 465, by adding a section.

The bill was read for the first time and laid over one day.

Voss, for the Committee on Appropriations, introduced:

H. F. No. 2470, A bill for an act relating to public improvements; authorizing alteration, repair, rehabilitation, equipping, and replacement of equipment of public buildings with certain conditions; authorizing purchase and sale of public lands and buildings; appropriating money.

The bill was read for the first time and laid over one day.

SPECIAL ORDERS, Continued

Osthoff was excused while in Conference Committee.

S. F. No. 1736 was reported to the House.

Johnson, D., moved to amend S. F. No. 1736 as follows:

Page 2, line 3, after the semi-colon insert *"except to locate markers placed to identify sectional corner positions and private boundary corners."*

The motion prevailed and the amendment was adopted.

Begich and Fjoslien moved to amend S. F. No. 1736, as follows:

Page 2, after line 30, insert:

"Sec. 2. Minnesota Statutes, 1979 Supplement, Section 164.08, Subdivision 2, is amended to read:

Subd. 2. [SHALL BE ESTABLISHED IN CERTAIN INSTANCES.] Upon petition presented to the town board by the owner of a tract of land containing at least five acres, who has no access thereto except over the lands of others, the town board by resolution shall establish a cartway at least two rods wide connecting the petitioner's land with a public road. In an unorganized territory, the board of county commissioners of the county in which the tract is located shall act as the town board. The proceedings of the town board shall be in accordance with section 164.07. The amount of damages (, IF ANY,) shall be paid by the petitioner to the town before such cartway is opened. *For the purposes of this subdivision damages shall mean the compensation, if any, awarded to the owner of the land upon which the cartway is established together with the cost of professional and other services which the town may incur in connection with the proceedings for the establishment of the cartway.*

Town road and bridge funds shall not be expended on the cartway unless the town board, or the county board acting as the town board in the case of a cartway established in an unorganized territory, by resolution determines that an expenditure is in the public interest. If no resolution is adopted to that effect, the grading or other construction work and the maintenance of the cartway is the responsibility of the petitioner, subject to the provisions of section 164.10. After the cartway has been constructed the town board, or the county board in the case of unorganized territory, may by resolution designate the cartway as a private driveway with the written consent of the affected landowner in which case from the effective date of the resolution no town road and bridge funds shall be expended for maintenance of the driveway; provided that the cartway shall not be vacated without following the vacation proceedings established under section 164.07.

Sec. 3. [EFFECTIVE DATE.] *Section 2 is effective on the day following final enactment."*

And further, amend the title as follows:

Page 1, line 5, after the semicolon insert "providing for payment of damages by petitioners for cartways;"

Page 1, line 7, before the period insert "; and Minnesota Statutes, 1979 Supplement, Section 164.08, Subdivision 2"

The motion prevailed and the amendment was adopted.

S. F. No. 1736, A bill for an act relating to highways; providing a penalty for certain unlawful uses of or actions on public highways; prohibiting the erection of a fence on the right of way of a town road; amending Minnesota Statutes 1978, Section 160.27, Subdivision 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 125 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Drew	Johnson, D.	Nelsen, B.	Schreiber
Adams	Eken	Jude	Nelsen, M.	Searle
Ainley	Elioff	Kahn	Nelson	Searles
Albrecht	Ellingson	Kaley	Niehaus	Sherwood
Anderson, B.	Erickson	Kalis	Norman	Sieben, H.
Anderson, D.	Esau	Kelly	Novak	Sieben, M.
Anderson, G.	Evans	Kempe	Nysether	Simoneau
Anderson, I.	Ewald	Knickerbocker	Olsen	Stadum
Anderson, R.	Faricy	Kostohryz	Onnen	Stowell
Battaglia	Fjoslien	Kroening	Osthoff	Sviggum
Begich	Forsythe	Kvam	Otis	Swanson
Berglin	Friedrich	Laidig	Patton	Tiede
Biersdorf	Fritz	Lehto	Pehler	Tomlinson
Blatz	Fudro	Levi	Peterson, B.	Valan
Brinkman	Greenfield	Long	Peterson, D.	Valento
Byrne	Halberg	Ludeman	Piepho	Voss
Carlson, D.	Haukoos	Luknic	Pleasant	Waldorf
Carlson, L.	Heap	Mann	Prahl	Weaver
Cassery	Heinitz	McCarron	Redalen	Welch
Clark	Hoberg	McEachern	Reding	Wenzel
Clawson	Hokanson	Mehrkens	Rees	Wieser
Crandall	Jacobs	Metzen	Reif	Wigley
Dean	Jaros	Minne	Rodriguez	Wynia
Dempsey	Jennings	Munger	Rothenberg	Zubay
Den Ouden	Johnson, C.	Murphy	Sarna	Sprk. Norton

The bill was passed, as amended, and its title agreed to.

S. F. No. 1709 was reported to the House.

Laidig moved to amend S. F. No. 1709, as follows:

Page 7, after line 2, insert:

"Sec. 6. Minnesota Statutes 1978, Section 241.26, Subdivision 1, is amended to read:

241.26 [PRIVATE EMPLOYMENT OF INMATES OF STATE CORRECTIONAL INSTITUTIONS IN COMMUNITY.] Subdivision 1. [BOARD.] When consistent with the public interest and the public safety, the board may, with the recommendation of the commissioner, conditionally release an inmate *who is eligible and being considered for parole under sec-*

tion 243.05, to work at paid employment, seek employment, or participate in a vocational training or educational program (, IF THE INMATE HAS SERVED AT LEAST ONE-HALF OF HIS TERM OF IMPRISONMENT AS REDUCED BY GOOD TIME EARNED BY THE INMATE). Release under this subdivision constitutes an extension of the limits of confinement and each inmate so released shall be confined in the institution from which released or in some other suitable place of confinement designated by the commissioner of corrections during the hours he is not employed, seeking employment, or engaged in a vocational training or educational program, or, if employed, seeking employment, or engaged in a vocational training or educational program, between the hours of such activity. A reasonable allowance for travel time and meals shall be permitted.

Sec. 7. Minnesota Statutes 1978, Section 241.26, Subdivision 2, is amended to read:

Subd. 2. [USE OF LOCAL DETENTION FACILITIES.] The commissioner of corrections shall designate state correctional institutions for participation in the program authorized in subdivision 1 and shall adapt facilities of such institutions to provide housing and supervision of inmates participating in such program. He may also enter into contractual agreements with appropriate city and county authorities for the confinement of and provision of other correctional services to such inmates whose employment, *educational* or vocational training programs so require, and such city and county authorities are hereby authorized to make and enter such contracts and agreements. When determined by the commissioner that the circumstances of a participant in the program authorized by subdivision 1 do not require the security of a public detention facility, he may contract with public and private agencies for the custody and separate care of such participant or house him in a community correction center.

Sec. 8. Minnesota Statutes 1978, Section 241.26, Subdivision 4, is amended to read:

Subd. 4. [REVOCATION.] The willful failure of an inmate to report to or return from planned employment, the seeking of employment, *educational* or vocational training, or furlough as provided in subdivision 3 shall be considered an escape under section 609.485. If an inmate violates any of the rules as provided for in subdivision 3, his work placement, *educational* or vocational training privileges may be withdrawn by the board granting such conditional release.

Sec. 9. Minnesota Statutes 1978, Section 243.05, is amended to read:

243.05 [BOARD; POWERS, LIMITATIONS.] The corrections board may parole any person sentenced to confinement in

the state prison, the state reformatory, or the Minnesota correctional institution for women, provided that no convict serving a life sentence for murder other than murder committed in violation of clause (1) of section 609.185 who has not been previously convicted of a felony shall be paroled until he has served 20 years, less the diminution which he would have been allowed for good conduct had his sentence been for 20 years; and provided further that no convict serving a life sentence for murder who has been previously convicted of a felony or though not previously convicted of a felony is serving a life sentence for murder in the first degree committed in violation of clause (1) of section 609.185 shall be paroled until he has served 25 years, less the diminution which would have been allowed for good conduct had his sentence been for 25 years; provided further that any convict sentenced prior to September 1, 1963 who would be eligible for parole had he been sentenced after September 1, 1963, shall be eligible for parole; provided further, in all cases where a convict is serving a life sentence for murder, unanimous consent of the corrections board shall be required for parole of such convict. *Any new rule or policy or change thereof adopted by the board which has the effect of postponing eligibility for parole shall have prospective effect only and shall apply only with respect to persons committing offenses after the effective date of the new rule or policy or change thereof.* Upon being paroled and released, such convicts shall be and remain in the legal custody and under the control of the corrections board, subject at any time to be returned to the state prison, the state reformatory, the Minnesota correctional institution for women, or other facility of the department of corrections established by law for the confinement or treatment of convicted persons and the parole rescinded by such board, when the legal custody of such convict shall revert to the commissioner of corrections. The written order of the corrections board, certified by the chairman of the board, shall be sufficient to any peace officer or state parole and probation agent to retake and place in actual custody any person on parole to the corrections board, but any state parole and probation agent may, without order of warrant, when it appears to him necessary in order to prevent escape or enforce discipline, take and detain a parolee to the corrections board for its action. The written order of the commissioner of corrections shall be sufficient to any peace officer or state parole and probation agent to retake and place in actual custody any person on probation under the supervision of the commissioner pursuant to section 609.135, but any state parole and probation agent may, without such order, when it appears to him necessary in order to prevent escape or enforce discipline, retake and detain such probationer and bring him before the court for further proceedings under section 609.14. Paroled persons, and those on probation under the supervision of the commissioner of corrections pursuant to section 609.135 may be placed within or without the boundaries of the state at the discretion of the board or of the commissioner of corrections, and the limits fixed for such persons may be enlarged or reduced according to their conduct.

In considering applications for parole or final release, the board shall not be required to hear oral argument from any attorney or other person not connected with the prison or the reformatory in favor of or against the parole or release of any prisoners, but it may institute inquiries by correspondence, taking testimony or otherwise, as to the previous history, physical or mental condition, and character of such prisoner, and to that end shall have authority to require the attendance of the warden of the state prison or the superintendent of the state reformatory or the Minnesota correctional institution for women and the production of the records of these institutions, and to compel the attendance of witnesses, and each member of the board is hereby authorized to administer oaths to witnesses for every such purpose.

Sec. 10. Minnesota Statutes 1978, Section 243.18, is amended to read:

243.18 [DIMINUTION OF SENTENCE.] Every (CONVICT) *inmate* sentenced for any term other than life, (WHETHER) confined in (THE STATE PRISON, THE STATE REFORMATORY, OR THE MINNESOTA CORRECTIONAL INSTITUTION FOR WOMEN,) *a state adult correctional facility* or on parole therefrom, may diminish the term of his sentence (AS FOLLOWS:)

((1) FOR EACH MONTH, COMMENCING ON THE DAY OF HIS ARRIVAL,) *one day for each two days* during which he has not violated any prison rule or discipline (, AND HAS LABORED WITH DILIGENCE AND FIDELITY, FIVE DAYS;)

((2) AFTER ONE YEAR OF SUCH CONDUCT, SEVEN DAYS FOR EACH MONTH;)

((3) AFTER TWO YEARS OF SUCH CONDUCT, NINE DAYS FOR EACH MONTH;)

((4) AFTER THREE YEARS, TEN DAYS FOR EACH MONTH FOR THE ENTIRE TIME THEREAFTER).

The commissioner of corrections, in view of the aggravated nature and frequency of offenses, may take away any or all of the good time previously gained, and, in consideration of mitigating circumstances or ignorance on the part of the (CONVICT) *inmate*, may afterwards restore him, in whole or in part, to the standing he possessed before such good time was taken away.

Sec. 11. Minnesota Statutes 1978, Chapter 244, is amended by adding a section to read:

[244.065] [PRIVATE EMPLOYMENT OF INMATES OF STATE CORRECTIONAL INSTITUTIONS IN COMMUN-

ITY.] *When consistent with the public interest and the public safety, the Minnesota corrections board may, with the recommendation of the commissioner, conditionally release an inmate to work at paid employment, seek employment, or participate in a vocational training or educational program, as provided in section 241.26, if the inmate has served at least one half of his term of imprisonment as reduced by good time earned by the inmate.*

Sec. 12. Minnesota Statutes 1978, Section 244.01, Subdivision 1, is amended to read:

244.01 [DEFINITIONS.] Subdivision 1. For purposes of sections 244.01 to 244.11, *and section 11*, the following terms shall have the meanings given them.

Sec. 13. Minnesota Statutes 1978, Section 244.01, Subdivision 2, is amended as follows:

Subd. 2. "Inmate" means any person who is convicted of a felony, is committed to the custody of the commissioner of corrections and is confined in a state correctional institution or released from a state correctional institution pursuant to sections (241.26, SUBDIVISION 1) 11, 244.05, and 244.07.

Sec. 14. Minnesota Statutes 1978, Section 244.04, Subdivision 2, is amended to read:

Subd. 2. By May 1, 1980, the commissioner shall promulgate rules specifying disciplinary offenses which may result in the loss of good time and the amount of good time which may be lost as a result of each disciplinary offense, *including provision for restoration of good time*. In no case shall an individual disciplinary offense result in the loss of more than 90 days of good time; *except that no inmate confined in segregation for violation of a disciplinary rule shall be placed on supervised release until discharged or released therefrom, nor shall an inmate in segregation for violation of a disciplinary rule for which he could also be prosecuted under the criminal laws earn good time while in segregation*. The loss of good time shall be considered to be a disciplinary sanction imposed upon an inmate, and the procedure for the loss of good time and the rights of the inmate in the procedure shall be those in effect for the imposition of other disciplinary sanctions at each state correctional institution.

Sec. 15. Minnesota Statutes 1978, Section 244.08, is amended to read:

244.08 [MINNESOTA CORRECTIONS BOARD; COMMISSIONER.] Subdivision 1. Effective May 1, 1980, the Minne-

sota corrections board shall have only those powers and duties vested in and imposed upon it in sections (241.26, SUBDIVISION 1) 11, 244.01 to 244.11, 609.10, 609.145, subdivision 1, 609.165, subdivision 2, and 609.346, subdivision 1, with relation to persons sentenced for crimes committed on or after May 1, 1980.

The Minnesota corrections board shall retain all powers and duties presently vested in and imposed upon it with relation to persons sentenced for crimes committed on or before April 30, 1980.

The Minnesota corrections board shall take into consideration, but not be bound by, the sentence terms embodied in the sentencing guidelines promulgated by the Minnesota sentencing guidelines commission and the penal philosophy embodied in sections (241.26, SUBDIVISION 1) 11, 244.01 to 244.11, 609.10, 609.145, subdivision 1, 609.165, subdivision 2, and 609.346, subdivision 1, in its deliberations relative to parole, probation, release, or other disposition of inmates who commit the crimes giving rise to their sentences on or before April 30, 1980.

Subd. 2. Nothing in sections (241.26, SUBDIVISION 1) 11, 244.01 to 244.11, 609.10, 609.145, subdivision 1, 609.165, subdivision 2, and 609.346, subdivision 1, shall be deemed to limit the powers and duties otherwise provided by law to the commissioner of corrections with regard to the management of correctional institutions or the disposition of inmates unless those powers and duties are inconsistent with the provisions of sections (241.26, SUBDIVISION 1) 11, 244.01 to 244.11, 609.10, 609.145, subdivision 1, 609.165, subdivision 2, and 609.346, subdivision 1, in which case those powers and duties shall be superseded by sections (241.26, SUBDIVISION 1) 11, 244.01 to 244.11, 609.10, 609.145, subdivision 1, 609.165, subdivision 2, and 609.346, subdivision 1.

Sec. 16. Laws 1978, Chapter 723, Article I, Section 19, is amended to read:

Sec. 19. [REPEALER.] Minnesota Statutes 1976, Sections (243.14; 243.18;) 246.43, as amended by Laws 1977; Chapter 130, Section 1; and 609.16 are repealed."

Re number the remaining section

Page 7, line 4, after the period insert "*Sections 6 to 8 and 10 to 15 are effective May 1, 1980. Sections 9 and 16 are effective the day following final enactment.*"

Amend the title as follows:

Page 1, line 7, after the semicolon insert "clarifying provisions relating to work release and temporary parole; amending provision concerning good time; limiting the powers of the Minnesota corrections board;"

Page 1, line 9, after the first "Subdivision 1;" insert "241.26, Subdivisions 1, 2 and 4; 243.05; 243.18;"

Page 1, line 10, after the semicolon insert "244.01, Subdivisions 1 and 2; 244.04, Subdivision 2; 244.08; Chapter 244, by adding a section;"

Page 1, line 11, before the period insert "; and Laws 1978, Chapter 723, Article I, Section 19"

The motion prevailed and the amendment was adopted.

S. F. No. 1709, A bill for an act relating to corrections; providing for licensing of correctional facilities; regulating inmate earnings; providing for the investment of money in the correctional industries revolving account; authorizing the commissioner of corrections to amend 11 MCAR, sections 2.402 to 2.403; amending Minnesota Statutes 1978, Sections 241.021, Subdivision 1; 243.24, Subdivision 1; 243.88, Subdivision 2; and Minnesota Statutes, 1979 Supplement, Section 241.27, Subdivision 2.

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 2 nays as follows:

Those who voted in the affirmative were:

Aasness	Dean	Jacobs	McEachern	Rees
Adams	Dempsey	Jaros	Mehrkens	Reif
Ainley	Den Ouden	Jennings	Metzen	Rodriguez
Albrecht	Drew	Johnson, C.	Minne	Rose
Anderson, B.	Eken	Johnson, D.	Munger	Rothenberg
Anderson, D.	Elioff	Jude	Murphy	Sarna
Anderson, G.	Ellingson	Kahn	Nelsen, B.	Schreiber
Anderson, I.	Erickson	Kaley	Nelson	Searle
Anderson, R.	Esau	Kalis	Niehaus	Searles
Battaglia	Evans	Kelly	Norman	Sherwood
Begich	Ewald	Kempe	Novak	Sieben, H.
Berglin	Faricy	Knickerbocker	Nysether	Sieben, M.
Berkelman	Fjoslien	Kostohryz	Olsen	Simoneau
Biersdorf	Forsythe	Kroening	Osthoff	Stadum
Blatz	Friedrich	Kvam	Patton	Stowell
Brinkman	Fritz	Laidig	Pehler	Sviggum
Byrne	Fudro	Lehto	Peterson, B.	Swanson
Carlson, D.	Greenfield	Levi	Peterson, D.	Thiede
Carlson, L.	Haukoos	Long	Piepho	Tomlinson
Casserly	Heap	Ludeman	Pleasant	Valan
Clark	Heinitz	Luknie	Prahl	Valento
Clawson	Hoberg	Mann	Redalen	Vanasek
Crandall	Hokanson	McCarron	Reding	Voss

Waldorf Weaver	Welch Welker	Wenzel Wieser	Wigley Wynia	Zubay Spkr. Norton
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Those who voted in the negative were:

Corbid	Onnen
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The bill was passed, as amended, and its title agreed to.

Berglin was excused for the remainder of today's session.

H. F. No. 2134 was reported to the House.

Peterson, B., moved that H. F. No. 2134 be continued on Special Orders for one day. The motion prevailed.

McDonald was excused for the remainder of today's session.

H. F. No. 2262, A bill for an act relating to highway traffic regulations; including a constable within the meaning of the definition of peace officer in the implied consent law; amending Minnesota Statutes 1978, Section 169.123, Subdivision 1.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 88 yeas and 32 nays as follows:

Those who voted in the affirmative were:

Aasness	Faricy	Kostohryz	Nysether	Sherwood
Adams	Fjoslien	Kroening	Olsen	Sieben, H.
Anderson, B.	Forsythe	Laidig	Osthoff	Sieben, M.
Anderson, D.	Fritz	Lehto	Patton	Simoneau
Anderson, G.	Fudro	Levi	Pehler	Stadum
Anderson, I.	Greenfield	Long	Peterson, D.	Swanson
Battaglia	Haukoos	Luknic	Pleasant	Tomlinson
Berkelman	Heap	Mann	Reding	Vanasek
Blatz	Heinitz	McCarron	Rees	Voss
Byrne	Hokanson	Metzen	Reif	Waldorf
Carlson, L.	Jacobs	Minne	Rice	Weaver
Cassery	Jaros	Munger	Rodriguez	Welch
Clark	Johnson, D.	Murphy	Rose	Wenzel
Drew	Jude	Nelsen, M.	Rothenberg	Wigley
Eken	Kahn	Nelson	Sarna	Wynia
Elioff	Kaley	Niehaus	Schreiber	Spkr. Norton
Ellingson	Kelly	Norman	Searle	
Erickson	Knickerbocker	Novak	Searles	

Those who voted in the negative were:

Albrecht	Crandall	Esau	Hoberg	Kvam
Anderson, R.	Dean	Evans	Jennings	Ludeman
Brinkman	Dempsey	Friedrich	Kalis	McEachern
Carlson, D.	Den Ouden	Halberg	Kempe	Mehrkens

Nelsen, B.	Prahl	Sviggum	Welker	Zubay
Onnen	Redalen	Thiede	Wieser	
Piepho	Stowell	Valan		

The bill was passed and its title agreed to.

H. F. No. 2086 was reported to the House.

Elioff moved that H. F. No. 2086 be continued on Special Orders for one day. The motion prevailed.

Ewald was excused for the remainder of today's session.

CONSIDERATION UNDER RULE 1.10

Pursuant to rule 1.10, Sieben, H., requested immediate consideration of S. F. Nos. 1807 and 1957.

S. F. No. 1807, A bill for an act relating to taxation; income; property tax refund; deleting obsolete and unnecessary provisions and references; amending Minnesota Statutes 1978, Sections 290.03; 290.07, Subdivision 4; 290.071, Subdivision 1; 290.073; 290.077, Subdivision 4; 290.08, Subdivisions 3, 8 and 13; 290.09, Subdivisions 5, 13 and 25; 290.095, Subdivisions 3 and 8; 290.131, Subdivision 1; 290.18, Subdivision 1; 290.28, Subdivision 3; 290.311, Subdivisions 1 and 2; 290.32; 290.361, Subdivision 2; 290.38; 290.40; 290.49, Subdivision 1; 290.62; 290.65, Subdivisions 2, 7, 9, 13 and 16; 290.92, Subdivisions 2a, 5, 13 and 15; 290.93, Subdivisions 5 and 9; 290.931, Subdivision 1; 290.932, Subdivision 1; 290.936; 290.97; 290.972, Subdivisions 2 and 3; 290A.07, Subdivision 1; Minnesota Statutes, 1979 Supplement, Sections 290.01, Subdivision 20; and 290A.03, Subdivisions 3 and 13; repealing Minnesota Statutes 1978, Sections 290.06, Subdivisions 2b, 3a and 3b; 290.08, Subdivisions 4 and 5; 290.086; 290.087; 290.09, Subdivisions 11 and 20; 290.095, Subdivision 6; 290.31, Subdivision 28; 290.34, Subdivision 4; 290.-361, Subdivision 4; 290.363; 290.45, Subdivision 2a; 290.49, Subdivision 9; 290.53, Subdivision 6; 290.65, Subdivisions 8, 14 and 15; 290.66; 290.68; 290.69; 290.93, Subdivision 12; 290.-932, Subdivision 5; 290.95; 290.96; and 290.972, Subdivision 7.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Anderson, G.	Berkelman	Carlson, D.	Corbid
Adams	Anderson, I.	Biersdorf	Carlson, L.	Crandall
Ainley	Anderson, R.	Blatz	Casserly	Dean
Anderson, B.	Battaglia	Brinkman	Clark	Dempsey
Anderson, D.	Begich	Byrne	Clawson	Den Ouden

Drew	Jennings	McEachern	Piepho	Sviggum
Eken	Johnson, C.	Mehrkens	Pleasant	Swanson
Elioff	Johnson, D.	Metzen	Prahl	Thiede
Erickson	Jude	Minne	Redalen	Tomlinson
Esau	Kahn	Munger	Reding	Valan
Evans	Kaley	Murphy	Rees	Valento
Faricy	Kalis	Nelsen, B.	Reif	Vanasek
Fjoslien	Kelly	Nelsen, M.	Rice	Voss
Forsythe	Kempe	Nelson	Rodriguez	Waldorf
Friedrich	Knickerbocker	Niehaus	Rose	Weaver
Fritz	Kostohryz	Norman	Rothenberg	Welch
Fudro	Kroening	Novak	Sarna	Welker
Greenfield	Kvam	Nysether	Schreiber	Wenzel
Halberg	Laidig	Olsen	Searle	Wieser
Haukoos	Lehto	Onnen	Searles	Wigley
Heap	Levi	Osthoff	Sherwood	Wynia
Heinitz	Long	Otis	Sieben, H.	Zubay
Hoberg	Ludeman	Patton	Sieben, M.	Spkr. Norton
Hokanson	Luknic	Pehler	Simoneau	
Jacobs	Mann	Peterson, B.	Stadum	
Jaros	McCarron	Peterson, D.	Stowell	

The bill was passed and its title agreed to.

S. F. No. 1957, A bill for an act relating to transportation; exempting certain substituted aircraft from payment of the aircraft registration tax; limiting refunds under certain circumstances; clarifying the penalty assessed for late payment of registration tax; amending Minnesota Statutes 1978, Sections 360.55, by adding a subdivision; and 360.61.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 127 yeas and 2 nays as follows:

Those who voted in the affirmative were:

Aasness	Crandall	Hoberg	McCarron	Piepho
Adams	Dean	Hokanson	McEachern	Pleasant
Ainley	Dempsey	Jacobs	Mehrkens	Prahl
Albrecht	Den Ouden	Jaros	Metzen	Redalen
Anderson, B.	Drew	Jennings	Minne	Reding
Anderson, D.	Eken	Johnson, C.	Munger	Rees
Anderson, G.	Elioff	Johnson, D.	Murphy	Reif
Anderson, I.	Ellingson	Jude	Nelsen, B.	Rice
Anderson, R.	Erickson	Kahn	Nelsen, M.	Rodriguez
Battaglia	Esau	Kaley	Nelson	Rose
Begich	Evans	Kalis	Niehaus	Rothenberg
Berkelman	Faricy	Kelly	Norman	Sarna
Biersdorf	Fjoslien	Knickerbocker	Novak	Schreiber
Blatz	Forsythe	Kostohryz	Nysether	Searle
Brinkman	Friedrich	Kvam	Olsen	Searles
Byrne	Fritz	Laidig	Onnen	Sherwood
Carlson, D.	Fudro	Lehto	Osthoff	Sieben, H.
Carlson, L.	Greenfield	Levi	Otis	Sieben, M.
Casserly	Halberg	Long	Patton	Simoneau
Clark	Haukoos	Ludeman	Pehler	Stadum
Clawson	Heap	Luknic	Peterson, B.	Stowell
Corbid	Heinitz	Mann	Peterson, D.	Sviggum

Swanson	Valento	Weaver	Wieser	Spkr. Norton
Thiede	Vanasek	Welch	Wigley	
Tomlinson	Voss	Welker	Wynia	
Valan	Waldorf	Wenzel	Zubay	

Those who voted in the negative were:

Kempe Kroening

The bill was passed and its title agreed to.

GENERAL ORDERS

Sieben, H., moved that the bills on General Orders for today be continued one day. The motion prevailed.

MOTIONS AND RESOLUTIONS

Rees moved that H. F. No. 2271 be returned to its author. The motion prevailed.

Prahl moved that H. F. No. 1160 be returned to its author. The motion prevailed.

Peterson, B., moved that H. F. No. 2337 be returned to its author. The motion prevailed.

Laidig moved that H. F. No. 1930 be returned to its author. The motion prevailed.

Sviggum moved that H. F. No. 1705 be returned to its author. The motion prevailed.

Crandall and Peterson, B., introduced:

House Resolution No. 43, A house resolution relating to extending congratulations to Tim Harrer for being selected to the coaches' All-American ice hockey team.

The resolution was referred to the Committee on Rules and Legislative Administration.

ADJOURNMENT

Sieben, H., moved that when the House adjourns today it adjourn until 12:30 p.m., Friday, March 21, 1980. The motion prevailed.

Sieben, H., moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 12:30 p.m., Friday, March 21, 1980.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

STATE OF MINNESOTA

SEVENTY-FIRST SESSION - 1980

EIGHTY-FOURTH DAY

SAINT PAUL, MINNESOTA, FRIDAY, MARCH 21, 1980

The House of Representatives convened at 12:30 p.m. and was called to order by the Speaker.

Prayer was offered by the Chaplain.

The roll was called and the following members were present:

Aasness	Drew	Kahn	Nelson	Searles
Adams	Eken	Kaley	Niehaus	Sherwood
Ainley	Elioff	Kalis	Norman	Sieben, H.
Albrecht	Ellingson	Kelly	Novak	Sieben, M.
Anderson, B.	Erickson	Kempe	Nysether	Simoneau
Anderson, D.	Esau	Knickerbocker	Olsen	Stadum
Anderson, G.	Evans	Kostohryz	Onnen	Stoa
Anderson, I.	Ewald	Kroening	Osthoff	Stowell
Anderson, R.	Faricy	Kvam	Otis	Sviggum
Battaglia	Fjoslien	Laidig	Patton	Swanson
Begich	Forsythe	Lehto	Pehler	Thiede
Berglin	Friedrich	Levi	Peterson, B.	Tomlinson
Berkelman	Fritz	Long	Peterson, D.	Valan
Biersdorf	Fudro	Ludeman	Piepho	Valento
Blatz	Greenfield	Luknic	Pleasant	Vanasek
Brinkman	Halberg	Mann	Prahl	Voss
Byrne	Haukoos	McCarron	Redalen	Waldorf
Carlson, D.	Heap	McDonald	Reding	Weaver
Carlson, L.	Heinitz	McEachern	Rees	Welch
Cassery	Hoberg	Mehrkens	Reif	Welker
Clark	Hokanson	Metzen	Rice	Wenzel
Clawson	Jacobs	Minne	Rodriguez	Wieser
Corbid	Jaros	Moe	Rose	Wigley
Crandall	Jennings	Munger	Rothenberg	Wynia
Dean	Johnson, C.	Murphy	Sarna	Zubay
Dempsey	Johnson, D.	Nelsen, B.	Schreiber	Spkr. Norton
Den Ouden	Jude	Nelsen, M.	Searle	

A quorum was present.

The Chief Clerk proceeded to read the Journal of the preceding day. Kelly moved that further reading of the Journal be dispensed with and that the Journal be approved as corrected by the Chief Clerk. The motion prevailed.

REPORTS OF CHIEF CLERK

Pursuant to Rules of the House, printed copies of H. F. Nos. 2168, 2223, 2297, 2435, 2230, 1790, 1678, 2303, 1812, 1121, 2469, 2470, 615, 2273 and 1661 and S. F. Nos. 119, 134, 2045, 2104, 802, 2094, 2109, 1700, 1797, 1903, 1995 and 1985 have been placed in the members' files.

S. F. No. 1797 and H. F. No. 1822, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Kempe moved that the rules be so far suspended that S. F. No. 1797 be substituted for H. F. No. 1822 and that the House File be indefinitely postponed. The motion prevailed.

REPORTS OF STANDING COMMITTEES

Casserly from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 1974, A bill for an act relating to certain towns in St. Louis County; providing a method for determining whether to open or maintain certain town roads.

Reported the same back with the following amendments:

Page 1, line 7, delete "of Alden,"

Page 1, delete line 8

Page 1, line 9, delete "and Rice Lake"

Page 1, line 13, delete "of" and insert "at"

Page 1, line 18, delete "a" and insert "each"

Page 1, line 18, delete "named"

Page 1, line 19, delete "section 1" and insert "St. Louis County"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Rules and Legislative Administration.

The report was adopted.

Casserly from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 2004, A bill for an act relating to industrial development; permitting hearings by a committee of the governing body; providing for published notice; amending Minnesota Statutes, 1979 Supplement, Section 474.01, Subdivision 7b.

Reported the same back with the following amendments:

Page 1, line 21, reinstate the stricken language and delete the new language

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Rules and Legislative Administration.

The report was adopted.

Casserly from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 2184, A bill for an act relating to the Moose Lake-Windemere Sewer District; definitions; board membership and compensation; powers; amending Laws 1974, Chapter 400, Sections 3, Subdivisions 5 and 12; 4, Subdivisions 2 and 9; and 8, by adding a subdivision.

Reported the same back with the following amendments:

Page 2, line 26, delete "*shall*" and insert "*may*"

Page 2, line 27, delete "*the*" and insert "*a*"

Page 2, line 27, after "*of*" insert "*up to*"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Rules and Legislative Administration.

The report was adopted.

Sieben, H., from the Committee on Taxes to which was referred:

S. F. No. 49, A bill for an act relating to taxation; authorizing the establishment of individual housing accounts; providing that contributions to an account which are used exclusively in connection with the purchase of a first principal residence are deductible; providing tax penalties; amending Minnesota Statutes 1978, Sections 48.159; 50.157; 51A.21, by adding a subdivi-

sion; 290.09, by adding a subdivision; 290.17, Subdivision 2; and Chapter 52, by adding a section.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Casserly from the Committee on Local and Urban Affairs to which was referred:

S. F. No. 1006, A bill for an act relating to the Eastern Itasca and Greenway Joint Recreation Boards; regulating their tax levies.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Rules and Legislative Administration.

The report was adopted.

Sieben, H., from the Committee on Taxes to which was referred:

S. F. No. 1789, A bill for an act relating to taxation; estate tax; making technical adjustments and clarifying certain provisions; amending Minnesota Statutes 1978, Sections 290.077, Subdivision 4; 291.07, Subdivision 3; 291.111, Subdivision 2; 291.15; 291.18; 291.32, Subdivision 1; 291.33, by adding a subdivision; 501.211, Subdivision 3, and by adding a subdivision; 524.3-505; 524.3-1003; 525.532, Subdivision 3; and Minnesota Statutes, 1979 Supplement, Sections 290.01, Subdivision 20; 290.-14; 291.005, Subdivision 1; 291.01; 291.015; 291.03; 291.05; 291.051; 291.06; 291.07, Subdivision 1; 291.075; 291.09, Subdivisions 1a and 4a; 291.11, Subdivision 1; 291.132; 291.14; 291.215, Subdivision 1; 291.33, Subdivision 1; 291.48; 524.3-105; and 524.3-1001; repealing Minnesota Statutes 1978, Sections 291.17; 291.19, Subdivisions 1, 2 and 4; 291.20, Subdivision 4; and Minnesota Statutes, 1979 Supplement, Sections 291.111, Subdivision 1; and 291.19, Subdivision 3.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Casserly from the Committee on Local and Urban Affairs to which was referred:

S. F. No. 1921, A bill for an act relating to the city of Moorhead; increasing the amount which the city may expend for public transportation services; amending Laws 1969, Chapter 192, Section 1.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Rules and Legislative Administration.

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 2469 and 2470 were read for the second time.

SECOND READING OF SENATE BILLS

S. F. Nos. 1797, 49 and 1789 were read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced :

Dempsey; Sieben, M.; Simoneau; Kvam and Osthoff introduced:

H. F. No. 2471, A bill for an act relating to commerce; providing for the regulation of motor vehicle franchises; prohibiting certain practices by motor vehicle manufacturers; providing for injunctive relief and civil actions; repealing Minnesota Statutes 1978, Section 168.27, Subdivision 21.

The bill was read for the first time and referred to the Committee on Commerce, Economic Development and Housing.

Faricy and Searles introduced :

H. F. No. 2472, A bill for an act relating to state government; creating the Minnesota institute for public foresight; requiring the identification and analysis of trends affecting the state; appropriating money.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Long and Ellingson introduced :

H. F. No. 2473, A bill for an act relating to game and fish; authorizing a season on mourning doves; setting maximum daily and possession limits; amending Minnesota Statutes 1978, Section 100.28, Subdivision 2; and Minnesota Statutes, 1979 Supplement, Section 100.27, Subdivision 6.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Erickson; Anderson, B.; Sviggum; Niehaus and Mann introduced:

H. F. No. 2474, A bill for an act relating to animals; changing the procedures for dealing with estrays; amending Minnesota Statutes 1978, Sections 346.02; 346.03; 346.04; 346.05; 346.06; and 346.07; repealing Minnesota Statutes 1978, Section 346.01.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Jacobs, Anderson, I., and Peterson, D., introduced:

H. F. No. 2475, A bill for an act proposing an amendment to the Minnesota Constitution, Article IV, Section 12; removing references to legislative days.

The bill was read for the first time and referred to the Committee on General Legislation and Veterans Affairs.

HOUSE ADVISORIES

The following House Advisories were introduced:

Erickson, Esau, Niehaus, Wenzel and Aasness introduced:

H. A. No. 57, A proposal for calculation on agricultural land EARC's for school aid purposes using 100 percent rental values.

The advisory was referred to the Committee on Education.

Jaros, Tomlinson, Pehler, Fritz and Dempsey introduced:

H. A. No. 58, A proposal to study taxation of integrated oil companies operating in the state of Minnesota.

The advisory was referred to the Committee on Taxes.

Aasness, Stadum, Valan, Ludeman and Sviggum introduced:

H. A. No. 59, A proposal to assess the effects of the Duluth grain miller strike.

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. 1846, A bill for an act relating to highway traffic regulations; authorizing certain identification rights on motor vehicles operated by certificated volunteer ambulance drivers; amending Minnesota Statutes 1978, Section 169.58, by adding a subdivision.

H. F. No. 2051, A bill for an act relating to elections; requiring certain employers to attempt to let employees make up time taken off for certain public meetings; amending Minnesota Statutes 1978, Section 210A.09, Subdivision 2.

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. 2119, A bill for an act relating to the military; extending indefinitely the duration of the authority of the adjutant general to acquire lands for military training from funds available in the military land fund; repealing certain obsolete provisions relating to the military land fund; amending Minnesota Statutes 1978, Sections 190.25; 190.26, Subdivision 1; 190.29; 190.30, Subdivisions 1, 5 and 6; and repealing Minnesota Statutes 1978, Sections 190.26, Subdivisions 2 and 3; and 190.27.

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. 593, A bill for an act relating to wild animals; clarifying conditions under which raccoons may be taken at night; amending Minnesota Statutes 1978, Section 100.29, Subdivision 10.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Redalen moved that the House concur in the Senate amendments to H. F. No. 593 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 593, A bill for an act relating to wild animals; clarifying conditions under which raccoons can be taken at night; amending Minnesota Statutes 1978, Section 100.29, Subdivision 10.

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 2 nays as follows:

Those who voted in the affirmative were:

Aasness	Drew	Kahn	Norman	Sieben, M.
Adams	Eken	Kaley	Novak	Simoneau
Ainley	Elioff	Kalis	Nysether	Stadum
Albrecht	Ellingson	Kelly	Olsen	Stoa
Anderson, B.	Erickson	Kempe	Onnen	Stowell
Anderson, D.	Esau	Knickerbocker	Osthoff	Sviggum
Anderson, G.	Evans	Kostohryz	Otis	Swanson
Anderson, I.	Faricy	Kroening	Pehler	Thiede
Anderson, R.	Fjoslien	Kvam	Peterson, B.	Tomlinson
Battaglia	Forsythe	Laidig	Peterson, D.	Valan
Begich	Friedrich	Lehto	Piepho	Valento
Berglin	Fritz	Levi	Pleasant	Vanasek
Berkelman	Fudro	Long	Prahl	Voss
Biersdorf	Greenfield	Ludeman	Redalen	Waldorf
Blatz	Halberg	Luknic	Reding	Weaver
Brinkman	Haukoos	Mann	Rees	Welch
Byrne	Heap	McEachern	Reif	Welker
Carlson, L.	Heinitz	Mehrkens	Rodriguez	Wenzel
Casserly	Hoberg	Metzen	Rose	Wieser
Clark	Hokanson	Minne	Rothenberg	Wigley
Clawson	Jacobs	Munger	Sarna	Wynia
Corbid	Jaros	Murphy	Schreiber	Zubay
Crandall	Jennings	Nelsen, B.	Searle	Spkr. Norton
Dean	Johnson, C.	Nelsen, M.	Searles	
Dempsey	Johnson, D.	Nelson	Sherwood	
Den Ouden	Jude	Niehaus	Sieben, H.	

Those who voted in the negative were:

McCarron Patton

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. 1601, A bill for an act relating to political parties; allowing party officers and delegates and alternate delegates to party conventions to take certain leave time from employment;

providing penalties; amending Minnesota Statutes 1978, Chapter 202A, by adding a section.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Begich moved that the House concur in the Senate amendments to H. F. No. 1601 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1601, A bill for an act relating to political parties; allowing members of political party committees and delegates to party conventions to take certain leave time from employment; providing penalties; amending Minnesota Statutes 1978, Chapter 202A, by adding a section.

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 117 yeas and 9 nays as follows:

Those who voted in the affirmative were:

Aasness	Drew	Kahn	Nelson	Sieben, H.
Adams	Eken	Kaley	Norman	Sieben, M.
Ainley	Elioff	Kalis	Novak	Simoneau
Albrecht	Ellingson	Kelly	Nysether	Stadum
Anderson, B.	Evans	Kempe	Olsen	Stoa
Anderson, D.	Fariy	Knickerbocker	Onnen	Stowell
Anderson, G.	Fjoslien	Kostohryz	Osthoff	Sviggum
Anderson, I.	Forsythe	Kroening	Otis	Swanson
Anderson, R.	Friedrich	Laidig	Patton	Thiede
Battaglia	Fritz	Lehto	Pehler	Tomlinson
Begich	Fudro	Levi	Peterson, D.	Valento
Berglin	Greenfield	Long	Piepho	Vanasek
Berkelman	Halberg	Ludeman	Pleasant	Voss
Biersdorf	Haukoos	Luknic	Redalen	Waldorf
Blatz	Heap	Mann	Reding	Weaver
Brinkman	Heinitz	McCarron	Rees	Welch
Byrne	Hoberg	McEachern	Reif	Wenzel
Carlson, D.	Hokanson	Mehrkens	Rodriguez	Wigley
Carlson, L.	Jacobs	Metzen	Rothenberg	Wynia
Casserly	Jaros	Minne	Sarna	Zubay
Clark	Jennings	Munger	Schreiber	Spkr. Norton
Clawson	Johnson, C.	Murphy	Searle	
Dean	Johnson, D.	Nelsen, B.	Searles	
Dempsey	Jude	Nelsen, M.	Sherwood	

Those who voted in the negative were:

Crandall	Erickson	Kvam	Peterson, B.	Wieser
Den Ouden	Esau	Niehaus	Welker	

The bill was repassed, as amended by the Senate, 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. 801.

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. 801

A bill for an act relating to non-alcoholic beverages; requiring laboratory examination of certain beverages; deleting registration exemption for identified beverages; amending Minnesota Statutes 1978, Section 34.05, Subdivision 1; repealing Minnesota Statutes 1978, Section 34.05, Subdivision 2.

March 11, 1980

The Honorable Edward J. Gearty
President of the Senate

The Honorable Fred C. Norton
Speaker of the House of Representatives

We, the undersigned conferees for S. F. No. 801, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendment.

We request adoption of this report and repassage of the bill.

Senate Conferees: HOWARD A. KNUTSON, WILLIAM P. LUTHER and GERALD L. WILLET.

House Conferees: DOUGLAS W. CARLSON, ELTON R. REDALEN, GEORGE L. MANN and HENRY J. KALIS.

Carlson, D., moved that the report of the Conference Committee on S. F. No. 801 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 801, A bill for an act relating to non-alcoholic beverages; requiring laboratory examination of certain beverages; deleting registration exemption for identified beverages; amending Minnesota Statutes 1978, Section 34.05, Subdivision

1; repealing Minnesota Statutes 1978, Section 34.05, Subdivision 2.

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 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Drew	Kahn	Norman	Sieben, M.
Adams	Eken	Kaley	Novak	Simoneau
Ainley	Elioff	Kalis	Nysether	Stadum
Albrecht	Ellingson	Kelly	Olsen	Stoa
Anderson, B.	Erickson	Kempe	Onnen	Stowell
Anderson, D.	Esau	Knickerbocker	Osthoff	Sviggum
Anderson, G.	Evans	Kostohryz	Otis	Swanson
Anderson, I.	Ewald	Kroening	Patton	Thiede
Anderson, R.	Fariocy	Kvam	Pehler	Tomlinson
Battaglia	Fjoslien	Laidig	Peterson, B.	Valan
Begich	Forsythe	Lehto	Peterson, D.	Valento
Berglin	Friedrich	Levi	Piepho	Vanasek
Berkelman	Fritz	Long	Pleasant	Voss
Biersdorf	Fudro	Ludeman	Prahl	Waldorf
Blatz	Greenfield	Luknic	Redalen	Weaver
Brinkman	Halberg	Mann	Reding	Welch
Byrne	Haukoos	McCarron	Rees	Welker
Carlson, D.	Heap	McEachern	Reif	Wenzel
Carlson, L.	Heinitz	Mehrkens	Rodriguez	Wieser
Casserly	Hoberg	Metzen	Rose	Wigley
Clark	Hokanson	Minne	Rothenberg	Wynia
Clawson	Jacobs	Munger	Sarna	Zubay
Corbid	Jaros	Murphy	Schreiber	Spkr. Norton
Crandall	Jennings	Nelsen, B.	Searle	
Dean	Johnson, C.	Nelsen, M.	Searles	
Dempsey	Johnson, D.	Nelson	Sherwood	
Den Ouden	Jude	Niehaus	Sieben, H.	

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. 1584.

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. 1584

A bill for an act relating to transportation; providing for specific information signing for resorts and recreational camping areas along certain highways.

March 19, 1980

The Honorable Edward J. Gearty
President of the Senate

The Honorable Fred C. Norton
Speaker of the House of Representatives

We, the undersigned conferees for S. F. No. 1584, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendments.

We request adoption of this report and repassage of the bill.

Senate Conferees: GERALD L. WILLET, DOUGLAS J. JOHNSON and DAVE RUED.

House Conferees: JOHN A. AINLEY, CARL W. KROENING and DAVID P. BATTAGLIA.

Ainley moved that the report of the Conference Committee on S. F. No. 1584 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 1584, A bill for an act relating to transportation; providing for specific information signing for resorts and recreational camping areas along certain highways.

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 3 nays as follows:

Those who voted in the affirmative were:

Aasness	Begich	Casserly	Eken	Friedrich
Adams	Berglin	Clark	Elioff	Fritz
Ainley	Berkelman	Clawson	Ellingson	Fudro
Anderson, B.	Biersdorf	Corbid	Esau	Greenfield
Anderson, D.	Blatz	Crandall	Evans	Halberg
Anderson, G.	Brinkman	Dean	Ewald	Haukoos
Anderson, I.	Byrne	Dempsey	Faricy	Heap
Anderson, R.	Carlson, D.	Den Ouden	Fjoslien	Heinitz
Battaglia	Carlson, L.	Drew	Forsythe	Hoberg

Hokanson	Lehto	Nysether	Rothenberg	Valento
Jacobs	Levi	Olsen	Sarna	Vanasek
Jaros	Long	Onnen	Schreiber	Voss
Jennings	Ludeman	Osthoff	Searle	Waldorf
Johnson, C.	Luknic	Otis	Searles	Weaver
Johnson, D.	Mann	Pehler	Sherwood	Welch
Jude	McEachern	Peterson, B.	Sieben, H.	Welker
Kahn	Mehrkens	Peterson, D.	Sieben, M.	Wenzel
Kaley	Metzen	Piepho	Simoneau	Wieser
Kalis	Minne	Pleasant	Stadum	Wigley
Kelly	Murphy	Prahl	Stoa	Wynia
Kempe	Nelsen, B.	Redalen	Stowell	Zubay
Knickerbocker	Nelsen, M.	Reding	Sviggum	Spkr. Norton
Kostohryz	Nelson	Rees	Swanson	
Kroening	Niehaus	Reif	Thiede	
Kvam	Norman	Rodriguez	Tomlinson	
Laidig	Novak	Rose	Valan	

Those who voted in the negative were:

Albrecht Erickson McCarron

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 Files, herewith transmitted:

S. F. Nos. 1783, 1838, 1877, 1950 and 1993.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 2017, 2111 and 2168.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 1573, 1708 and 2122.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 1783, A bill for an act relating to elections; providing for hearings of contested legislative elections; amending

Minnesota Statutes 1978, Sections 209.02, Subdivision 4a; 209.09; and 209.10, Subdivision 1.

The bill was read for the first time and referred to the Committee on General Legislation and Veterans Affairs.

S. F. No. 1838, A bill for an act relating to industrial development; extending the industrial development law to all towns; requiring authorization for certain agricultural projects; amending Minnesota Statutes 1978, Sections 474.02, Subdivision 2; and 474.04.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

S. F. No. 1877, A bill for an act relating to labor; regulating migrant labor; requiring employers and recruiters to provide statements of hire to migrant workers; setting requirements for statements of hire and for payments of wages to migrant workers; providing for private causes of action.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

S. F. No. 1950, A bill for an act relating to towns in St. Louis County; providing a method for determining whether to open or maintain certain town roads.

The bill was read for the first time and referred to the Committee on Rules and Legislative Administration.

S. F. No. 1993, A bill for an act relating to economic development; requiring that a majority of the members of the iron range resources and rehabilitation board represent legislative districts containing taconite tax relief areas; amending Minnesota Statutes 1978, Section 298.22, Subdivision 2.

The bill was read for the first time and referred to the Committee on Governmental Operations.

S. F. No. 2017, A bill for an act relating to municipal industrial development; defining projects appropriate for development; amending Minnesota Statutes 1978, Section 474.02, Subdivision 1c.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

S. F. No. 2111, A bill for an act relating to counties; providing for the responsibilities and appointments of deputy county treasurers; amending Minnesota Statutes 1978, Section 385.02, Subdivision 1.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

S. F. No. 2168, A bill for an act relating to historic sites; designating additional historic sites; requiring notice to the Minnesota Historical Society when the state or a political subdivision acquires certain property; amending Minnesota Statutes 1978, Sections 138.56, by adding a subdivision; and 138.59.

The bill was read for the first time.

Carlson, D., moved that S. F. No. 2168 and H. F. No. 2197, now on the Consent Calendar, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1573, A bill for an act relating to employment; prohibiting certain cities from establishing residency requirements as a condition of employment.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

S. F. No. 1708, A bill for an act relating to workers' compensation; changing special compensation fund assessment procedures; providing for reimbursement to certain insurers; amending Minnesota Statutes, 1979 Supplement, Sections 176.131, Subdivision 10; and 176.191, Subdivision 3.

The bill was read for the first time.

Kaley moved that S. F. No. 1708 and H. F. No. 2037, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 2122, A bill for an act relating to elections; authorizing time off from work for election judges; amending Minnesota Statutes 1978, Section 204A.17, by adding a subdivision.

The bill was read for the first time.

Peterson, D., moved that S. F. No. 2122 and H. F. No. 2043, now on Special Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

REPORT FROM THE COMMITTEE ON RULES AND
LEGISLATIVE ADMINISTRATION

Eken, from the Committee on Rules and Legislative Administration, pursuant to rule 1.9, designated the following bills as

a Special Order to be acted upon immediately following Special Orders pending for Friday, March 21, 1980:

H. F. Nos. 2237, 2022, 2037, 1810, 1818, 1362, 1878, 2206, 2268, 2286, 2320, 2356 and 2429.

CONSENT CALENDAR

S. F. No. 1633, A bill for an act relating to veterans; modifying the duties, authority and scope of operations of the department of veterans affairs; authorizing the commissioner of veterans affairs to accept uncompensated voluntary services; entitling uncompensated voluntary workers to the benefits of workers' compensation; providing for the appointment of the commissioner of veterans affairs as the guardian of an estate; revising the veterans home eligibility requirements; amending Minnesota Statutes 1978, Sections 196.05; 196.051; 197.06; 198.01; and Minnesota Statutes, 1979 Supplement, Section 176.011, 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 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Den Ouden	Johnson, D.	Niehaus	Sieben, M.
Adams	Drew	Jude	Norman	Simoneau
Ainley	Eken	Kaley	Novak	Stadum
Albrecht	Elioff	Kalis	Nysether	Stoa
Anderson, B.	Ellingson	Kelly	Olsen	Stowell
Anderson, D.	Erickson	Kempe	Onnen	Sviggum
Anderson, G.	Esau	Knickerbocker	Osthoff	Swanson
Anderson, I.	Evans	Kostohryz	Otis	Thiede
Anderson, R.	Ewald	Kroening	Patton	Tomlinson
Battaglia	Faricy	Kvam	Pehler	Valan
Begich	Fjoslien	Laidig	Peterson, B.	Valento
Berglin	Forsythe	Levi	Peterson, D.	Vanasek
Berkelman	Friedrich	Long	Piepho	Voss
Biersdorf	Fritz	Ludeman	Prahl	Waldorf
Blatz	Fudro	Luknic	Redalen	Weaver
Brinkman	Greenfield	Mann	Reding	Welch
Byrne	Halberg	McCarron	Rees	Welker
Carlson, D.	Haukoos	McEachern	Reif	Wenzel
Carlson, L.	Heap	Mehrkens	Rodriguez	Wieser
Casserly	Heinitz	Metzen	Rose	Wigley
Clark	Hoberg	Minne	Rothenberg	Wynia
Clawson	Hokanson	Munger	Sarna	Zubay
Corbid	Jacobs	Murphy	Searle	Spkr. Norton
Crandall	Jaros	Nelsen, B.	Searles	
Dean	Jennings	Nelsen, M.	Sherwood	
Dempsey	Johnson, C.	Nelson	Sieben, H.	

The bill was passed and its title agreed to.

S. F. No. 1847, A bill for an act relating to Blue Earth County; authorizing the county to contract for the completion of the improvement of county ditch No. 27; setting limits on the expenditure of money for the improvement; providing for financing; amending Laws 1975, Chapter 249, Section 1, Subdivision 1, as amended; and Section 2, as amended.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 126 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Den Ouden	Johnson, D.	Norman	Simoneau
Adams	Drew	Jude	Novak	Stadum
Ainley	Eken	Kahn	Nysether	Stoa
Albrecht	Elioff	Kaley	Olsen	Stowell
Anderson, B.	Ellingson	Kalis	Onnen	Swiggum
Anderson, D.	Erickson	Kelly	Otis	Swanson
Anderson, G.	Esau	Kempe	Patton	Thiede
Anderson, I.	Evans	Knickerbocker	Pehler	Tomlinson
Anderson, R.	Ewald	Kostohryz	Peterson, B.	Valan
Battaglia	Faricy	Kvam	Peterson, D.	Valento
Begich	Fjoslien	Lehto	Piepho	Vanasek
Berglin	Forsythe	Levi	Pleasant	Voss
Berkelman	Friedrich	Long	Prahl	Waldorf
Biersdorf	Fritz	Luknic	Redalen	Weaver
Blatz	Fudro	Mann	Reding	Welch
Brinkman	Greenfield	McCarron	Rees	Welker
Byrne	Halberg	McEachern	Reif	Wenzel
Carlson, D.	Haukoos	Mehrkens	Rice	Wieser
Carlson, L.	Heap	Metzen	Rodriguez	Wigley
Casserly	Heinitz	Minne	Rose	Wynia
Clark	Hoberg	Munger	Rothenberg	Zubay
Clawson	Hokanson	Murphy	Searle	Spkr. Norton
Corbid	Jacobs	Nelsen, B.	Searles	
Crandall	Jaros	Nelsen, M.	Sherwood	
Dean	Jennings	Nelson	Sieben, H.	
Dempsey	Johnson, C.	Niehaus	Sieben, M.	

The bill was passed and its title agreed to.

S. F. No. 1979, A bill for an act relating to state forests; altering the boundaries of Badoura State Forest; amending Minnesota Statutes 1978, Section 89.021, Subdivision 2.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 128 yeas and 3 nays as follows:

Those who voted in the affirmative were:

Aasness	Ainley	Anderson, B.	Anderson, G.	Anderson, R.
Adams	Albrecht	Anderson, D.	Anderson, I.	Battaglia

Begich	Ewald	Knickerbocker	Nysether	Sieben, H.
Berglin	Faricy	Kostohryz	Olsen	Sieben, M.
Berkelman	Fjoslien	Kroening	Onnen	Simoneau
Biersdorf	Forsythe	Kvam	Osthoff	Stadum
Blatz	Friedrich	Laidig	Otis	Stoa
Brinkman	Fritz	Lehto	Patton	Stowell
Byrne	Fudro	Levi	Pehler	Sviggum
Carlson, D.	Greenfield	Long	Peterson, B.	Swanson
Carlson, L.	Halberg	Ludeman	Peterson, D.	Thiede
Casserly	Haukoos	Luknic	Piepho	Tomlinson
Clark	Heap	Mann	Pleasant	Valan
Clawson	Heinitz	McEachern	Prahl	Valento
Corbid	Hoberg	Mehrkens	Redalen	Vanasek
Crandall	Hokanson	Metzen	Reding	Voss
Dean	Jacobs	Minne	Rees	Waldorf
Dempsey	Jaros	Moe	Reif	Weaver
Den Ouden	Johnson, C.	Munger	Rice	Welch
Drew	Johnson, D.	Murphy	Rodriguez	Wenzel
Eken	Jude	Nelsen, B.	Rose	Wieser
Elioff	Kahn	Nelsen, M.	Rothenberg	Wigley
Ellingson	Kaley	Nelson	Sarna	Wynia
Erickson	Kalis	Niehaus	Searle	Zubay
Esau	Kelly	Norman	Searles	
Evans	Kempe	Novak	Sherwood	

Those who voted in the negative were:

Jennings McCarron Welker

The bill was passed and its title agreed to.

S. F. No. 2102, A bill for an act relating to the city of Melrose; authorizing the issuance of general obligation bonds for a fire hall and community center.

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:

Aasness	Clawson	Greenfield	Kroening	Norman
Adams	Corbid	Halberg	Kvam	Novak
Ainley	Crandall	Haukoos	Laidig	Nysether
Albrecht	Dean	Heap	Lehto	Olsen
Anderson, B.	Dempsey	Heinitz	Levi	Onnen
Anderson, D.	Den Ouden	Hoberg	Long	Otis
Anderson, G.	Drew	Hokanson	Ludeman	Patton
Anderson, I.	Eken	Jacobs	Luknic	Pehler
Anderson, R.	Elioff	Jaros	Mann	Peterson, B.
Battaglia	Ellingson	Jennings	McCarron	Peterson, D.
Begich	Erickson	Johnson, C.	McEachern	Piepho
Berglin	Esau	Johnson, D.	Mehrkens	Pleasant
Berkelman	Evans	Jude	Metzen	Prahl
Blatz	Ewald	Kahn	Minne	Redalen
Brinkman	Faricy	Kaley	Moe	Reding
Byrne	Fjoslien	Kalis	Munger	Rees
Carlson, D.	Forsythe	Kelly	Murphy	Reif
Carlson, L.	Friedrich	Kempe	Nelsen, M.	Rice
Casserly	Fritz	Knickerbocker	Nelson	Rodriguez
Clark	Fudro	Kostohryz	Niehaus	Rose

Rothenberg	Sieben, M.	Swanson	Voss	Wieser
Sarna	Simoneau	Thiede	Waldorf	Wigley
Searle	Stadum	Tomlinson	Weaver	Wynia
Searles	Stoa	Valan	Welch	Zubay
Sherwood	Stowell	Valento	Welker	
Sieben, H.	Sviggum	Vanasek	Wenzel	

The bill was passed and its title agreed to.

H. F. No. 1790, A bill for an act relating to advertising devices; authorizing advertising devices within 500 feet of local parks under certain circumstances; amending Minnesota Statutes 1978, Section 173.08, Subdivision 2.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Drew	Kahn	Niehaus	Sieben, H.
Adams	Eken	Kaley	Norman	Sieben, M.
Ainley	Elioff	Kalis	Novak	Simoneau
Albrecht	Ellingson	Kelly	Nysether	Stadum
Anderson, B.	Erickson	Kempe	Olsen	Stowell
Anderson, D.	Esau	Knickerbocker	Onnen	Sviggum
Anderson, G.	Evans	Kostohryz	Osthoff	Swanson
Anderson, I.	Ewald	Kroening	Otis	Thiede
Anderson, R.	Faricy	Kvam	Patton	Tomlinson
Battaglia	Fjoslien	Laidig	Pehler	Valan
Begich	Forsythe	Lehto	Peterson, B.	Valento
Berglin	Friedrich	Levi	Peterson, D.	Vanasek
Berkelman	Fritz	Long	Piepho	Voss
Biersdorf	Fudro	Ludeman	Pleasant	Waldorf
Blatz	Greenfield	Luknic	Prahl	Weaver
Brinkman	Halberg	Mann	Redalen	Welch
Byrne	Haukoos	McCarron	Reding	Welker
Carlson, D.	Heap	McEachern	Rees	Wenzel
Carlson, L.	Heinitz	Mehrkens	Reif	Wieser
Casserly	Hoberg	Metzen	Rice	Wigley
Clark	Hokanson	Minne	Rodriguez	Wynia
Clawson	Jacobs	Moe	Rose	Zubay
Corbid	Jaros	Munger	Rothenberg	Spkr. Norton
Crandall	Jennings	Murphy	Sarna	
Dean	Johnson, C.	Nelsen, B.	Searle	
Dempsey	Johnson, D.	Nelsen, M.	Searles	
Den Ouden	Jude	Nelson	Sherwood	

The bill was passed and its title agreed to.

S. F. No. 802 was reported to the House.

Clark moved to amend S. F. No. 802, the unofficial engrossment as follows:

Page 1, line 3, after the semicolon insert: "authorizing the commissioner of health to investigate complaints related to licensed occupations under certain circumstances;"

The motion prevailed and the amendment was adopted.

S. F. No. 802, A bill for an act relating to health; regulating the occupation of physical therapist; amending Minnesota Statutes 1978, Sections 148.65; 148.67; 148.70; 148.71; 148.72; 148.73; 148.74; 148.75; 148.76; 148.77; 148.78; and Chapter 148, by adding sections.

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 128 yeas and 3 nays as follows:

Those who voted in the affirmative were:

Aasness	Drew	Kahn	Nelson	Searles
Adams	Eken	Kaley	Niehaus	Sherwood
Ainley	Elioff	Kalis	Norman	Sieben, H.
Anderson, B.	Ellingson	Kelly	Novak	Sieben, M.
Anderson, D.	Erickson	Kempe	Nysether	Simoneau
Anderson, G.	Esau	Knickerbocker	Olsen	Stadum
Anderson, I.	Evans	Kostohryz	Onnen	Stoa
Anderson, R.	Ewald	Kroening	Osthoff	Stowell
Battaglia	Fariy	Kvam	Otis	Sviggum
Begich	Fjoslien	Laidig	Patton	Swanson
Berglin	Forsythe	Lehto	Pehler	Thiede
Berkelman	Friedrich	Levi	Peterson, B.	Tomlinson
Biersdorf	Fritz	Long	Peterson, D.	Valan
Blatz	Fudro	Luknic	Piepho	Valento
Brinkman	Greenfield	Mann	Pleasant	Vanasek
Byrne	Halberg	McCarron	Prahl	Voss
Carlson, D.	Haukoos	McDonald	Redalen	Waldorf
Carlson, L.	Heap	McEachern	Reding	Weaver
Cassery	Heinitz	Mehrkens	Rees	Welch
Clark	Hoberg	Metzen	Reif	Wenzel
Clawson	Hokanson	Minne	Rice	Wieser
Corbid	Jacobs	Moe	Rodriguez	Wigley
Crandall	Jaros	Munger	Rose	Wynia
Dean	Johnson, C.	Murphy	Rothenberg	Zubay
Dempsey	Johnson, D.	Nelsen, B.	Sarna	
Den Ouden	Jude	Nelsen, M.	Searle	

Those who voted in the negative were:

Jennings Ludeman Welker

The bill was passed, as amended, and its title agreed to.

CONSIDERATION UNDER RULE 1.10

Pursuant to rule 1.10, Voss requested immediate consideration of H. F. No. 2469.

H. F. No. 2469 was reported to the House.

SUSPENSION OF RULES

Pursuant to Article IV, Section 19, of the Constitution of the state of Minnesota, Voss moved that the rule therein be suspended and an urgency be declared so that H. F. No. 2469 be given its third reading and be placed upon its final passage. The motion prevailed.

Voss moved that the rules of the House be so far suspended that H. F. No. 2469 be given its third reading and be placed upon its final passage. The motion prevailed.

CALL OF THE HOUSE

On the motion of Voss and on the demand of 10 members, a call of the House was ordered. The following members answered to their names:

Aasness	Den Ouden	Kahn	Niehaus	Searles
Adams	Elioff	Kaley	Norman	Sherwood
Ainley	Ellingson	Kalis	Novak	Sieben, H.
Albrecht	Erickson	Kelly	Nysether	Sieben, M.
Anderson, B.	Esau	Kempe	Olsen	Simoneau
Anderson, D.	Evans	Knickerbocker	Onnen	Stadum
Anderson, G.	Ewald	Kostohryz	Osthoff	Stoa
Anderson, I.	Faricy	Kroening	Otis	Stowell
Anderson, R.	Fjoslien	Kvam	Patton	Sviggum
Battaglia	Forsythe	Laidig	Pehler	Thiede
Begich	Friedrich	Lehto	Peterson, B.	Tomlinson
Berglin	Fritz	Long	Peterson, D.	Valan
Berkelman	Fudro	Ludeman	Piepho	Valento
Biersdorf	Greenfield	Luknic	Pleasant	Vanasek
Blatz	Halberg	Mann	Prahl	Voss
Brinkman	Haukoos	McCarron	Redalen	Waldorf
Byrne	Heap	McDonald	Reding	Weaver
Carlson, L.	Hoberg	McEachern	Rees	Welch
Casserly	Hokanson	Metzen	Reif	Welker
Clark	Jacobs	Minne	Rodriguez	Wenzel
Clawson	Jaros	Munger	Rose	Wieser
Corbid	Jennings	Murphy	Rothenberg	Wigley
Crandall	Johnson, C.	Nelsen, B.	Sarna	Wynia
Dean	Johnson, D.	Nelsen, M.	Schreiber	Zubay
Dempsey	Jude	Nelson	Searle	Spkr. Norton

Voss 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.

Rothenberg moved to amend H. F. No. 2469, as follows:

Page 2, delete line 16

Page 2, line 22, delete "\$225,703,000" and insert "\$172,203,000"

Page 22, delete lines 7 to 35

Page 25, line 5, delete "\$225,703,000" and insert "\$172,203,000"

Renumber the sections accordingly

A roll call was requested and properly seconded.

The question was taken on the amendment and the roll was called. There were 10 yeas and 124 nays as follows:

Those who voted in the affirmative were:

Albrecht	Heinitz	Olsen	Rothenberg	Stoa
Fjoslien	McDonald	Rees	Sherwood	Wieser

Those who voted in the negative were:

Aasness	Den Ouden	Jude	Nelsen, B.	Searle
Adams	Drew	Kahn	Nelsen, M.	Searles
Ainley	Eken	Kaley	Nelson	Sieben, H.
Anderson, B.	Elioff	Kalis	Niehaus	Sieben, M.
Anderson, D.	Ellingson	Kelly	Norman	Simoneau
Anderson, G.	Erickson	Kempe	Novak	Stadum
Anderson, I.	Esau	Knickerbocker	Nysether	Stowell
Anderson, R.	Evans	Kostohryz	Onnen	Sviggum
Battaglia	Ewald	Kroening	Osthoff	Swanson
Begich	Faricy	Kyam	Otis	Thiede
Berglin	Forsythe	Laidig	Patton	Tomlinson
Berkelman	Friedrich	Lehto	Pehler	Valan
Biersdorf	Fritz	Levi	Peterson, B.	Valento
Blatz	Fudro	Long	Peterson, D.	Vanasek
Brinkman	Greenfield	Ludeman	Piepho	Voss
Byrne	Halberg	Luknic	Pleasant	Waldorf
Carlson, D.	Haukoos	Mann	Prahl	Weaver
Carlson, L.	Heap	McCarron	Redalen	Welch
Casserly	Hoberg	McEachern	Reding	Welker
Clark	Hokanson	Mehrkens	Reif	Wenzel
Clawson	Jacobs	Metzen	Rice	Wigley
Corbid	Jaros	Minne	Rodriguez	Wynia
Crandall	Jennings	Moe	Rose	Zubay
Dean	Johnson, C.	Munger	Sarna	Spkr. Norton
Dempsey	Johnson, D.	Murphy	Schreiber	

The motion did not prevail and the amendment was not adopted.

McDonald; Crandall; Halberg; Prahl; Johnson, D.; Den Ouden; Jude; Sherwood; Knickerbocker; Levi; Redalen; Waldorf; Battaglia; Thiede; Drew and Blatz offered an amendment to H. F. No. 2469.

POINT OF ORDER

Sieben, M., raised a point of order pursuant to rule 3.9, that the amendment was not in order. The Speaker ruled the point of order well taken and the amendment out of order.

McDonald appealed the decision of the chair.

A roll call was requested and properly seconded.

The vote was taken on the question "Shall the decision of the Speaker stand as the judgment of the House?"

The roll was called and there were 100 yeas and 34 nays as follows:

Those who voted in the affirmative were:

Adams	Dean	Johnson, D.	Munger	Searles
Ainley	Dempsey	Jude	Murphy	Sieben, H.
Anderson, B.	Eken	Kahn	Nelsen, M.	Sieben, M.
Anderson, D.	Elioff	Kaley	Nelson	Simoneau
Anderson, G.	Ellingson	Kalis	Norman	Stadum
Anderson, I.	Erickson	Kelly	Novak	Stoa
Anderson, R.	Evans	Kostohryz	Osthoff	Stowell
Battaglia	Ewald	Kroening	Otis	Sviggum
Begich	Faricy	Kvam	Patton	Swanson
Berglin	Forsythe	Laidig	Pehler	Tomlinson
Berkelman	Friedrich	Lehto	Peterson, B.	Vanasek
Biersdorf	Fudro	Long	Peterson, D.	Voss
Brinkman	Greenfield	Luknic	Pleasant	Waldorf
Byrne	Heinitz	Mann	Prahl	Welch
Carlson, D.	Hoberg	McCarron	Reding	Wenzel
Carlson, L.	Hokanson	McEachern	Rees	Wieser
Casserly	Jacobs	Mehrkens	Reif	Wigley
Clark	Jaros	Metzen	Rice	Wynia
Clawson	Jennings	Minne	Rodriguez	Zubay
Corbid	Johnson, C.	Moe	Searle	Spkr. Norton

Those who voted in the negative were:

Aasness	Fjoslien	Levi	Onnen	Sherwood
Albrecht	Fritz	Ludeman	Piepho	Thiede
Blatz	Halberg	McDonald	Redalen	Valan
Crandall	Haukoos	Nelsen, B.	Rose	Valento
Den Ouden	Heap	Niehaus	Rothenberg	Weaver
Drew	Kempe	Nysether	Sarna	Welker
Esau	Knickerbocker	Olsen	Schreiber	

So it was the judgment of the House that the decision of the Speaker should stand.

H. F. No. 2469 was given its third reading.

Sieben, H., 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, Continued

H. F. No. 2469, A bill for an act relating to public improvements; authorizing the acquisition and betterment of public land and buildings and other public improvements of a capital nature with certain conditions; creating the Minnesota district heating account; authorizing a program of loans to municipalities for district heating systems; establishing a loan program for wood fuel conversion projects; establishing grants-in-aid for construction or renovation of lockups, jails and other correctional facilities; requiring the establishment of rates by the public service commission which encourage cogeneration plants; authorizing issuance of state building bonds; appropriating money; amending Minnesota Statutes 1978, Sections 253.015; 412.321, Subdivision 1; 412.351; 412.361, Subdivision 3; Chapters 116H, by adding sections; 121, by adding a section; 138, by adding a section; 198, by adding a section; 216B, by adding a section; and Chapter 465, by adding a section.

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.

Sieben, H., moved that those not voting be excused from voting. The motion prevailed.

There were 43 yeas and 90 nays as follows:

Those who voted in the affirmative were:

Aasness	Elioff	Hokanson	Munger	Rodriguez
Anderson, D.	Ellingson	Jacobs	Murphy	Sieben, H.
Anderson, G.	Erickson	Jaros	Nelsen, B.	Sieben, M.
Anderson, I.	Esau	Kahn	Nelsen, M.	Stoa
Anderson, R.	Evans	Laidig	Norman	Voss
Battaglia	Ewald	Lehto	Osthoff	Wynia
Berglin	Faricy	Luknic	Pehler	Spkr. Norton
Berkelman	Fjoslien	Minne	Prahl	
Eken	Fudro	Moe	Rice	

Those who voted in the negative were:

Adams	Dean	Jude	Metzen	Reif
Ainley	Dempsey	Kaley	Nelson	Rose
Albrecht	Den Ouden	Kalis	Niehous	Rothenberg
Anderson, B.	Drew	Kelly	Novak	Sarna
Begich	Forsythe	Kempe	Nysether	Schreiber
Biersdorf	Friedrich	Knickerbocker	Olsen	Searle
Blatz	Fritz	Kostohryz	Onnen	Searles
Brinkman	Greenfield	Kroening	Otis	Sherwood
Byrne	Halberg	Kvam	Patton	Simoneau
Carlson, D.	Haukoos	Levi	Peterson, B.	Stadum
Carlson, L.	Heap	Long	Peterson, D.	Stowell
Cassery	Heinitz	Ludeman	Piepho	Swiggum
Clark	Hoberg	Mann	Pleasant	Swanson
Clawson	Jennings	McDonald	Redalen	Thiede
Corbid	Johnson, C.	McEachern	Reding	Tomlinson
Crandall	Johnson, D.	Mehrkens	Rees	Valan

Valento
Vanasek

Waldorf
Weaver

Welch
Welker

Wenzel
Wieser

Wigley
Zubay

The bill was not passed.

Pursuant to rule 1.10, Sieben, H., requested immediate consideration of H. F. Nos. 1945 and 1121, S. F. No. 1719, H. F. No. 1838 and S. F. No. 1675.

H. F. No. 1945 was reported to the House.

Anderson, B., moved to amend H. F. No. 1945 as follows:

Page 14, after line 9, insert:

“Subd. 7. [ADDITIONAL SECURITY: POWERS OF THE COMMISSIONER OF TRANSPORTATION.] (a) Upon application of the authority, the commissioner of transportation may, through the rail user loan guarantee program, insure the repayment of the principal and interest obligations of bonds issued by the authority. Bond issues shall be eligible for insurance, without regard to the eligibility provisions of section 222.58, subdivision 2, if the commissioner is satisfied (i) that the projects funded by the bond issue will further the purposes of the Minnesota rail service improvement act and (ii) the bonds are adequately secured by the revenues, taxes, and other sources of funds pledged as security under subdivision 2.

(b) The provisions of section 222.58, subdivisions 4 and 5 shall not apply to defaults under bond issues insured pursuant to this subdivision. The commissioner of transportation shall contract with the authority to provide for adequate procedures to guarantee timely payment of the bonds' principal and interest obligations in the event the revenues, taxes, and other funds securing the bonds are inadequate to meet the bonds' obligations.

(c) The commissioner of transportation may promulgate administrative rules establishing additional criteria governing the eligibility of bond issues for insurance or establishing procedures governing payments in the event of a default.”

The motion prevailed and the amendment was adopted.

Anderson, B., moved to amend H. F. No. 1945, as follows:

Page 3, line 6, after “the” insert “state of Minnesota, the”

Page 7, line 4, delete “the property is the subject of” and insert “the Interstate Commerce Commission, or another author-

ty with power to make the finding, has found that the public convenience and necessity permit discontinuance of rail service on the property."

Page 7, delete line 5

Page 7, line 6, delete "commission."

Page 9, line 14, delete the colon

Page 9, line 15, delete "(a)" and after "272.01" insert ", Sub-division 2,"

Page 9, line 17, delete "; and" and insert a period

Page 9, delete lines 18 to 21

The motion prevailed and the amendment was adopted.

Anderson, B., moved to amend H. F. No. 1945, as follows:

Page 14, after line 25, insert

"Sec. 10. This act is effective the day after final enactment."

The motion prevailed and the amendment was adopted.

CALL OF THE HOUSE LIFTED

Nelsen, B., moved that the call of the House be dispensed with. The motion prevailed and it was so ordered.

Moe was excused for the remainder of today's session.

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:

Aasness	Brinkman	Drew	Fritz	Johnson, C.
Adams	Byrne	Eken	Fudro	Johnson, D.
Ainley	Carlson, D.	Elioff	Greenfield	Jude
Albrecht	Carlson, L.	Ellingson	Halberg	Kahn
Anderson, B.	Casserly	Erickson	Haukoos	Kaley
Anderson, D.	Clark	Esau	Heap	Kalis
Anderson, G.	Clawson	Evans	Heinitz	Kelly
Battaglia	Corbid	Ewald	Hoberg	Kempe
Berglin	Crandall	Faricy	Hokanson	Kostohryz
Berkelman	Dean	Fjoslien	Jacobs	Kroening
Biersdorf	Dempsey	Forsythe	Jaros	Kvam
Blatz	Den Ouden	Friedrich	Jennings	Lehto

Levi	Nelsen, M.	Peterson, B.	Sarna	Valan
Ludeman	Nelson	Peterson, D.	Schreiber	Valento
Luknic	Niehaus	Piepho	Searle	Vanasek
Mann	Norman	Pleasant	Searles	Waldorf
McCarron	Novak	Prahl	Sherwood	Weaver
McDonald	Nysether	Redalen	Sieben, H.	Weich
McEachern	Olsen	Reding	Simoneau	Welker
Mehrkens	Onnen	Rees	Stadum	Wenzel
Metzen	Osthoff	Reif	Stowell	Wieser
Minne	Otis	Rodriguez	Sviggum	Wigley
Munger	Patton	Rose	Thiede	Wynia
Nelsen, B.	Pehler	Rothenberg	Tomlinson	Zubay

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.

H. F. No. 1945, A bill for an act relating to regional railroad authorities; providing for their organization and governmental purpose, powers and duties; providing for audits.

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.

Faricy moved that those not voting be excused from voting. The motion did not prevail.

Sieben, H., moved that those not voting be excused from voting. The motion prevailed.

There were 127 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Aasness	Corbid	Heap	Ludeman	Otis
Adams	Crandall	Heinitz	Luknic	Patton
Ainley	Dean	Hoberg	Mann	Pehler
Albrecht	Dempsey	Hokanson	McCarron	Peterson, B.
Anderson, B.	Den Ouden	Jacobs	McDonald	Peterson, D.
Anderson, D.	Drew	Jaros	McEachern	Piepho
Anderson, G.	Eken	Jennings	Mehrkens	Pleasant
Anderson, I.	Elioff	Johnson, C.	Metzen	Prahl
Battaglia	Ellingson	Johnson, D.	Minne	Redalen
Begich	Erickson	Jude	Munger	Reding
Berglin	Esau	Kahn	Murphy	Rees
Berkelman	Evans	Kaley	Nelsen, B.	Reif
Biersdorf	Ewald	Kalis	Nelsen, M.	Rice
Blatz	Faricy	Kelly	Nelson	Rodriguez
Brinkman	Fjoslien	Kempe	Niehaus	Rose
Byrne	Forsythe	Kostohryz	Norman	Rothenberg
Carlson, D.	Friedrich	Kroening	Novak	Sarna
Carlson, L.	Fudro	Kvam	Nysether	Schreiber
Casserly	Greenfield	Lehto	Olsen	Searle
Clark	Halberg	Levi	Onnen	Searles
Clawson	Haukoos	Long	Osthoff	Sherwood

Sieben, H.	Stowell	Valan	Welch	Wynia
Sieben, M.	Sviggum	Valento	Welker	Zubay
Simoneau	Swanson	Vanasek	Wenzel	
Stadum	Thiede	Waldorf	Wieser	
Stoa	Tomlinson	Weaver	Wigley	

Those who voted in the negative were:

Fritz

The bill was passed, as amended, and its title agreed to.

H. F. No. 1121 was reported to the House.

Erickson and Albrecht moved to amend H. F. No. 1121, as follows:

Page 46, after line 32, insert:

"Sec. 1. Minnesota Statutes 1978, Section 124.212, Subdivision 10, is amended to read:

Subd. 10. (a) The equalization aid review committee, consisting of the commissioner of education, the commissioner of administration, and the commissioner of revenue, is hereby continued and permanently established. The duty of this committee shall be to review the assessed valuation of the districts of the state. When such reviews disclose reasonable evidence that the assessed valuation of any district furnished by any county auditor is not based upon the market value of taxable property in such district, then said committee shall call upon the department of revenue to ascertain the market value of such property, and adjust such values as required by law to determine the adjusted assessed valuation. The department of revenue shall take such steps as are necessary in the performance of that duty and may incur such expense as is necessary therefor. The commissioner of revenue is authorized to reimburse any county or governmental official for services performed at his request in ascertaining such adjusted valuation. On or before March 15, annually, the department of revenue shall submit its report on the assessed values established by the previous year's assessment to said committee for approval or rejection and, if approved, such report shall be filed not later than the following July 1 with the commissioner of education and each county auditor for those school districts for which he has the responsibility for determination of mill rates. A copy of the adjusted assessed value so filed shall be forthwith mailed to the clerk of each district involved and to the county assessor or supervisor of assessments of the county or counties in which such district is located.

(b) For purposes of determining the adjusted assessed value of agricultural lands for the calculation of (1977) 1980 adjusted assessed values and thereafter, the market value of agricultural lands shall be (THE ARITHMETIC AVERAGE OF (1) THE

PRICE FOR WHICH THE PROPERTY WOULD SELL IN AN ARMS LENGTH TRANSACTION, AND (2)) *an amount equal to the income which could be derived from (ITS) the free market gross rental rate of the property, capitalized at a rate (OF NINE PERCENT) equal to the greater of (1) the average annual effective interest rate for all new Federal Land Bank loans made in Minnesota in the most recent calendar year for which data are available, or (2) ten percent.*"

Renumber succeeding sections

Further, amend the title as follows:

Page 1, line 18, after "property;" insert "altering the computation of adjusted assessed value of agricultural lands;"

Page 2, line 1, delete "Subdivision 2" and insert "Subdivisions 2 and 10;"

A roll call was requested and properly seconded.

The question was taken on the amendment and the roll was called.

Sieben, H., moved that those not voting be excused from voting. The motion prevailed.

There were 23 yeas and 106 nays as follows:

Those who voted in the affirmative were:

Aasness	Den Ouden	Jude	Nelsen, B.	Sviggum
Albrecht	Erickson	Kalis	Niehaus	Wieser
Anderson, B.	Esau	Ludeman	Redalen	Wigley
Anderson, D.	Fjoslien	McDonald	Sherwood	
Biersdorf	Friedrich	Mehrkens	Stowell	

Those who voted in the negative were:

Adams	Crandall	Hoberg	Luknic	Peterson, B.
Ainley	Dean	Hokanson	Mann	Peterson, D.
Anderson, G.	Dempsey	Jacobs	McEachern	Piepho
Anderson, I.	Drew	Jaros	Metzen	Pleasant
Anderson, R.	Eken	Jennings	Minne	Prahl
Battaglia	Elioff	Johnson, C.	Munger	Reding
Begich	Ellingson	Johnson, D.	Murphy	Rees
Berglin	Evans	Kahn	Nelsen, M.	Reif
Berkelman	Ewald	Kaley	Nelson	Rice
Blatz	Faricy	Kelly	Norman	Rodriguez
Brinkman	Forsythe	Kempe	Novak	Rose
Byrne	Fritz	Knickerbocker	Nysether	Rothenberg
Carlson, D.	Fudro	Kostohryz	Olsen	Sarna
Carlson, L.	Greenfield	Kroening	Onnen	Schreiber
Casserly	Halberg	Laidig	Osthoff	Searles
Clark	Haukoos	Lehto	Otis	Sieben, H.
Clawson	Heap	Levi	Patton	Sieben, M.
Corbid	Heinitz	Long	Pehler	Simoneau

Stadum	Tomlinson	Waldorf	Wenzel	Zubay
Stoa	Valan	Weaver	Wynia	Spkr. Norton
Swanson	Valento	Welch		
Thiede	Vanasek	Weiker		

The motion did not prevail and the amendment was not adopted.

Peterson, B.; Searles and Rothenberg moved to amend H. F. No. 1121 as follows:

Page 46, after line 9, insert:

"Section 28. Minnesota Statutes, 1979 Supplement, Section 290.06, Subdivision 2d, is amended to read:

Subd. 2d. [INFLATION ADJUSTMENT OF BRACKETS.] For taxable years beginning after December 31, 1978, the taxable net income brackets in subdivision 2c shall be adjusted for inflation. The commissioner of revenue shall determine the percentage increase for each year in the revised consumer price index for all urban consumers for the Minneapolis-St. Paul metropolitan area prepared by the United States department of labor with 1967 as a base year. The commissioner shall determine the percentage increase from August, 1978 to, in 1979, August, 1979 and in each subsequent year, from August of the preceding year to August of the current year, and shall announce the percentage figure by October 1 each year. The dollar amounts in each taxable net income bracket for the prior year in subdivision 2c shall be multiplied by a figure equal to (85 PERCENT OF) that percentage. The product of the calculation shall be added to each inflation adjusted taxable net income bracket for the prior year to produce the inflation adjusted taxable net income brackets for each succeeding year. If the product exceeds a whole dollar amount, it shall be raised to the next highest whole dollar."

Page 46, line 27, after "1980." insert:

"Section 28 is effective for taxable years beginning after December 31, 1981."

Renumber the sections, subdivisions or clauses as may be required by this amendment.

Amend the title accordingly.

Pehler moved to amend the Peterson, B., Searles and Rothenberg amendment to H. F. No. 1121 as follows:

Page 2, line 8, delete "1981" and insert "1979"

A roll call was requested and properly seconded.

Otis was excused for the remainder of today's session.

The question was taken on the Pehler amendment to the Peterson, B., amendment and the roll was called.

Sieben, H., moved that those not voting be excused from voting. The motion prevailed.

There were 90 yeas and 37 nays as follows:

Those who voted in the affirmative were:

Adams	Dean	Kelly	Nelson	Sieben, M.
Ainley	Drew	Kempe	Norman	Simoneau
Anderson, B.	Eken	Kostohryz	Novak	Stadum
Anderson, D.	Elioff	Kroening	Nysether	Stoa
Anderson, G.	Ellingson	Lehto	Olsen	Stowell
Anderson, I.	Faricy	Long	Osthoff	Sviggum
Anderson, R.	Fjoslien	Ludeman	Pehler	Swanson
Battaglia	Forsythe	Luknic	Peterson, D.	Tomlinson
Begich	Fritz	Mann	Pleasant	Valan
Berkelman	Fudro	McCarron	Prahl	Vanasek
Biersdorf	Greenfield	McEachern	Reding	Voss
Byrne	Hokanson	Mehrkens	Rees	Waldorf
Carlson, L.	Jacobs	Metzen	Reif	Welch
Casserly	Jennings	Minne	Rice	Welker
Clark	Johnson, C.	Munger	Rodriguez	Wenzel
Clawson	Jude	Murphy	Rothenberg	Wieser
Corbid	Kahn	Nelsen, B.	Sarna	Wynia
Crandall	Kalis	Nelsen, M.	Sieben, H.	Spkr. Norton

Those who voted in the negative were:

Aasness	Esau	Johnson, D.	Patton	Sherwood
Albrecht	Evans	Kaley	Peterson, B.	Thiede
Blatz	Ewald	Knickerbocker	Piepho	Valento
Brinkman	Friedrich	Laidig	Redalen	Weaver
Carlson, D.	Halberg	Levi	Rose	Zubay
Dempsey	Haukoos	McDonald	Schreiber	
Den Ouden	Hoberg	Niehaus	Searle	
Erickson	Jaros	Onnen	Searles	

The motion prevailed and the amendment to the amendment was adopted.

The question recurred on the Peterson, B., amendment, as amended. The motion did not prevail and the amendment, as amended, was not adopted.

Searles moved to amend H. F. No. 1121 as follows:

Page 7, line 15, after "(16)" insert "*For taxable years beginning after December 31, 1979 and before January 1, 1981,*"

Page 29, line 7, after the period insert "*For taxable years beginning after December 31, 1979 and before January 1, 1981,*"

Page 29, line 12, after the period insert *"For taxable years beginning after December 31, 1980, in the case of a taxpayer other than a corporation, an amount equal to the net capital gain for the taxable year as determined under section 1202 of the Internal Revenue Code of 1954, as amended through December 31, 1979."*

Renumber the sections, subdivisions or clauses as may be required by this amendment.

Amend the title accordingly.

A roll call was requested and properly seconded.

The question was taken on the amendment and the roll was called.

Sieben, H., moved that those not voting be excused from voting. The motion prevailed.

There were 55 yeas and 67 nays as follows:

Those who voted in the affirmative were:

Aasness	Den Ouden	Heap	McDonald	Rothenberg
Adams	Erickson	Heinitz	Mehrkens	Searle
Ainley	Esau	Hoberg	Nelsen, B.	Searles
Albrecht	Evans	Jennings	Nysether	Sherwood
Anderson, R.	Ewald	Johnson, D.	Olsen	Stadum
Berkelman	Faricy	Kaley	Peterson, B.	Sviggum
Biersdorf	Fjoslien	Kempe	Piepho	Thiede
Blatz	Forsythe	Knickerbocker	Pleasant	Valan
Carlson, D.	Friedrich	Laidig	Redalen	Weaver
Crandall	Fritz	Ludeman	Rees	Welker
Dean	Halberg	Luknic	Reif	Wieser

Those who voted in the negative were:

Anderson, D.	Drew	Kostohryz	Novak	Swanson
Anderson, G.	Eken	Kroening	Onnen	Tomlinson
Anderson, I.	Elioff	Lehto	Patton	Vanasek
Battaglia	Ellingson	Long	Pehler	Voss
Begich	Fudro	Mann	Peterson, D.	Waldorf
Berglin	Greenfield	McCarron	Prahl	Welch
Brinkman	Hokanson	McEachern	Reding	Wenzel
Byrne	Jacobs	Metzen	Rice	Wigley
Carlson, L.	Jaros	Minne	Rodriguez	Wynia
Casserly	Johnson, C.	Munger	Schreiber	Zubay
Clark	Jude	Murphy	Sieben, H.	Spkr. Norton
Clawson	Kahn	Nelsen, M.	Sieben, M.	
Corbid	Kalis	Nelson	Simoneau	
Dempsey	Kelly	Norman	Stoa	

The motion did not prevail and the amendment was not adopted.

Prahl moved to amend H. F. No. 1121, as follows:

Page 88, after line 4, insert:

"Sec. 2. Minnesota Statutes, 1979 Supplement, Section 297A.01, Subdivision 3, is amended to read:

Subd. 3. A "sale" and a "purchase" includes, but is not limited to, each of the following transactions:

(a) Any transfer of title or possession, or both, of tangible personal property, whether absolutely or conditionally, and the leasing of or the granting of a license to use or consume tangible personal property, for a consideration in money or by exchange or barter;

(b) The production, fabrication, printing or processing of tangible personal property for a consideration for consumers who furnish either directly or indirectly the materials used in the production, fabrication, printing or processing;

(c) The furnishing, preparing or serving for a consideration of food, meals or drinks, not including hospitals, sanatoriums, nursing homes or senior citizens homes, meals or drinks purchased for and served exclusively to individuals who are 60 years of age or over and their spouses or to the handicapped and their spouses by governmental agencies, nonprofit organizations, agencies, or churches or pursuant to any program funded in whole or part through 42 USCA sections 3001 through 3045, wherever delivered, prepared or served, meals and lunches served at public and private schools, universities or colleges, or the occasional meal thereof by a charitable or church organization;

(d) The granting of the privilege of admission to places of amusement or athletic events and the privilege of use of amusement devices;

(e) The furnishing for a consideration of lodging and related services by a hotel, rooming house, tourist court, motel or trailer camp and of the granting of any similar license to use real property other than the renting or leasing thereof for a continuous period of 30 days or more;

(f) The furnishing for a consideration of electricity, gas, water, or steam for use or consumption within this state *except the furnishing of electricity, gas, steam and water and sewer services for residential use*, or local exchange telephone service and intrastate toll service except such service provided by means of coin operated telephones; the tax imposed on amounts paid for telephone services is the liability of and shall be paid by the person paying for the services. Sales by municipal corporations in a proprietary capacity are included in the provisions of this clause. **(THE FURNISHING OF WATER AND SEWER SER-**

VICES FOR RESIDENTIAL USE SHALL NOT BE CONSIDERED A SALE.)”

Page 95, line 16, after “fuels” insert “*and utilities*”

Page 95, line 20, strike “and who use”

Page 95, strike lines 21 and 22

Page 95, line 23, strike everything before the semicolon

Page 95, strike lines 26 and 27

Page 95, line 28, strike everything before the period

Page 97, line 25, delete “*Section*” and insert “*Sections*”; after “2” insert “*and 3*”; delete “*is*” and insert “*are*”

Page 97, line 26, delete “3” and insert “4”

Renumber the sections accordingly

Further, amend the title as follows:

Page 1, line 35, after the semicolon insert “exempting residential utilities from the sales tax;”

Page 2, line 24, after the semicolon insert “297A.01, Subdivision 3;”

A roll call was requested and properly seconded.

The question was taken on the amendment and the roll was called. There were 63 yeas and 69 nays as follows:

Those who voted in the affirmative were:

Aasness	Elioff	Johnson, D.	Minne	Rothenberg
Anderson, R.	Erickson	Kaley	Munger	Sarna
Battaglia	Esau	Kalis	Murphy	Sherwood
Begich	Ewald	Kelly	Nelsen, M.	Stadum
Berglin	Fjoslien	Kempe	Niehaus	Stowell
Berkelman	Friedrich	Knickerbocker	Norman	Sviggum
Biersdorf	Fritz	Kostohryz	Nysether	Thiede
Blatz	Fudro	Kroening	Olsen	Valan
Byrne	Haukoos	Lehto	Prahl	Welker
Carlson, L.	Heap	Ludeman	Reding	Wenzel
Crandall	Hoberg	Luknic	Rees	Wieser
Den Ouden	Jaros	McDonald	Reif	
Drew	Jennings	Mehrrens	Rice	

Those who voted in the negative were:

Adams	Ainley	Albrecht	Anderson, B.	Anderson, D.
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Anderson, G.	Faricy	Long	Peterson, D.	Swanson
Anderson, I.	Forsythe	Mann	Piepho	Tomlinson
Brinkman	Greenfield	McCarron	Pleasant	Valento
Carlson, D.	Halberg	McEachern	Redalen	Vanasek
Casserly	Heinitz	Metzen	Rodriguez	Voss
Clark	Hokanson	Nelsen, B.	Rose	Waldorf
Clawson	Jacobs	Nelson	Schreiber	Weaver
Corbid	Johnson, C.	Novak	Searle	Welch
Dean	Jude	Onnen	Searles	Wigley
Dempsey	Kahn	Osthoff	Sieben, H.	Wynia
Eken	Kvam	Patton	Sieben, M.	Zubay
Ellingson	Laidig	Pehler	Simoneau	Spkr. Norton
Evans	Levi	Peterson, B.	Stoa	

The motion did not prevail and the amendment was not adopted.

Kvam moved to amend H. F. No. 1121 as follows:

Page 51, delete Section 5.

Page 52, line 30, delete "at 11 percent for taxes payable in 1981 and"

Delete page 53.

Page 54, delete lines 1 to 11.

Page 54, delete Sections 8 to 10.

Re-number the sections, subdivisions or clauses as may be required by this amendment.

Amend the title accordingly.

A roll call was requested and properly seconded.

Stowell and Anderson, R., were excused from 7:30 p.m. to 8:30 p.m.

The question was taken on the amendment and the roll was called.

Sieben, H., moved that those not voting be excused from voting. The motion prevailed.

There were 10 yeas and 114 nays as follows:

Those who voted in the affirmative were:

Aasness	Evans	Hoberg	Niehaus	Searle
Erickson	Fritz	Kvam	Onnen	Valan

Those who voted in the negative were:

Adams	Den Ouden	Jude	Nelsen, B.	Schreiber
Ainley	Drew	Kahn	Nelsen, M.	Sieben, H.
Anderson, B.	Eken	Kaley	Nelson	Sieben, M.
Anderson, D.	Elioff	Kalis	Norman	Simoneau
Anderson, G.	Ellingson	Kelly	Novak	Stadum
Anderson, I.	Esau	Kempe	Nysether	Stoa
Battaglia	Ewald	Knickerbocker	Olsen	Sviggum
Begich	Fariy	Kostohryz	Osthoff	Swanson
Berglin	Fjoslien	Kroening	Patton	Thiede
Berkelman	Forsythe	Laidig	Pehler	Tomlinson
Biersdorf	Friedrich	Lehto	Peterson, B.	Vanasek
Blatz	Fudro	Levi	Peterson, D.	Voss
Brinkman	Greenfield	Long	Piepho	Waldorf
Byrne	Halberg	Ludeman	Pleasant	Weaver
Carlson, D.	Haukoos	Luknic	Prahl	Welch
Carlson, L.	Heap	Mann	Reding	Welker
Casserly	Heinitz	McCarron	Rees	Wenzel
Clark	Hokanson	McEachern	Reif	Wieser
Clawson	Jacobs	Mehrkens	Rice	Wigley
Corbid	Jaros	Metzen	Rodriguez	Wynia
Crandall	Jennings	Minne	Rose	Zubay
Dean	Johnson, C.	Munger	Rothenberg	Spkr. Norton
Dempsey	Johnson, D.	Murphy	Sarna	

The motion did not prevail and the amendment was not adopted.

Dempsey moved to amend H. F. 1121 as follows:

Page 97, after line 24, insert:

"Section 6. [OPTIONAL SALES TAX.] Subdivision 1. Notwithstanding section 69.77, subdivision 1, section 477A.01, subdivision 18 or any other provision of law to the contrary, any municipality with a local police or salaried firefighters relief association established pursuant to any general or special law may levy a sales or use tax not to exceed one percent upon any or all sales or uses which are taxed by the state of Minnesota pursuant to chapter 297A. The proceeds of the tax shall be used solely to fund the unfunded accrued liability of the police or salaried firefighters special fund.

Subd. 2. The authorization in subdivision 1 shall expire for each municipality in regard to each special fund on the date when the unfunded accrued liability of the special fund of the appropriate relief association as reported in the most recent actuarial valuation of the relief association prepared pursuant to sections 356.215 and 356.216, and filed with the commissioner of insurance on the date of final enactment of this section is amortized."

A roll call was requested and properly seconded.

Casserly moved to amend the Dempsey amendment to H. F. No. 1121, as follows:

Line 8, delete "may" and insert "shall"

A roll call was requested and properly seconded.

The question was taken on the Casserly amendment to the Dempsey amendment and the roll was called.

Sieben, H., moved that those not voting be excused from voting. The motion prevailed.

There were 25 yeas and 99 nays as follows:

Those who voted in the affirmative were:

Aasness	Eken	McDonald	Redalen	Thiede
Anderson, G.	Evans	Novak	Rose	Valento
Berkelman	Haukoos	Nysether	Stadum	Voss
Carlson, D.	Kahn	Pehler	Stoa	Waldorf
Casserly	Long	Pleasant	Svigum	Wynia

Those who voted in the negative were:

Ainley	Elioff	Johnson, D.	Minne	Rothenberg
Albrecht	Ellingson	Jude	Munger	Sarna
Anderson, B.	Erickson	Kaley	Murphy	Schreiber
Anderson, D.	Esau	Kalis	Nelson, B.	Searle
Anderson, I.	Ewald	Kelly	Nelson	Searles
Battaglia	Faricy	Kempe	Niehaus	Sherwood
Begich	Fjoslien	Knickerbocker	Norman	Sieben, H.
Berglin	Forsythe	Kostohryz	Olsen	Sieben, M.
Biersdorf	Friedrich	Kroening	Onnen	Simoneau
Blatz	Fritz	Kvam	Osthoff	Tomlinson
Brinkman	Fudro	Laidig	Patton	Valan
Byrne	Greenfield	Lehto	Peterson, B.	Weaver
Carlson, L.	Halberg	Levi	Peterson, D.	Welch
Clawson	Heap	Ludeman	Piepho	Welker
Corbid	Heinitz	Luknic	Prahl	Wenzel
Crandall	Hoberg	Mann	Reding	Wieser
Dean	Hokanson	McCarron	Rees	Wigley
Dempsey	Jacobs	McEachern	Reif	Zubay
Den Ouden	Jennings	Mehrkens	Rice	Spkr. Norton
Drew	Johnson, C.	Metzen	Rodriguez	

The motion did not prevail and the amendment to the amendment was not adopted.

Osthoff moved to amend the Dempsey amendment to H. F. No. 1121, as follows:

Line 11 after "chapter 297A" insert "on nonresidents"

The motion did not prevail and the amendment was not adopted.

Faricy moved to amend the Dempsey amendment to H. F. No. 1121, as follows:

Line 6, after "a" insert "*domed football facility and a*"

The motion did not prevail and the amendment was not adopted.

The question recurred on the Dempsey amendment and the roll was called.

Sieben, H., moved that those not voting be excused from voting. The motion prevailed.

There were 31 yeas and 93 nays as follows:

Those who voted in the affirmative were:

Aasness	Evans	McDonald	Redalen	Valento
Anderson, G.	Friedrich	Mehrkens	Schreiber	Welker
Begich	Haukoos	Nysether	Searles	Wieser
Blatz	Jaros	Onnen	Sherwood	
Carlson, D.	Jennings	Peterson, B.	Stadum	
Dempsey	Johnson, D.	Piepho	Sviggum	
Den Ouden	Ludeman	Pleasant	Thiede	

Those who voted in the negative were:

Adams	Drew	Kahn	Nelsen, M.	Sieben, H.
Ainley	Eken	Kelly	Nelson	Sieben, M.
Anderson, B.	Elioff	Kempe	Niehaus	Simoneau
Anderson, D.	Ellingson	Knickerbocker	Norman	Stoa
Anderson, I.	Erickson	Kostohryz	Novak	Swanson
Anderson, R.	Ewald	Kroening	Olsen	Tomlinson
Battaglia	Faricy	Laidig	Osthoff	Valan
Berglin	Fjoslien	Lehto	Patton	Vanasek
Berkelman	Forsythe	Levi	Pehler	Voss
Biersdorf	Fritz	Long	Peterson, D.	Waldorf
Brinkman	Fudro	Luknic	Reding	Weaver
Byrne	Greenfield	Mann	Rees	Weich
Carlson, L.	Heap	McCarron	Reif	Wenzel
Casserly	Heinitz	McEachern	Rice	Wigley
Clark	Hoberg	Metzen	Rodriguez	Wynia
Clawson	Hokanson	Minne	Rose	Zubay
Corbid	Jacobs	Munger	Rothenberg	Spkr. Norton
Crandall	Johnson, C.	Murphy	Sarna	
Dean	Jude	Nelsen, B.	Searle	

The motion did not prevail and the amendment was not adopted.

Sieben, H., moved to amend H. F. No. 1121 as follows:

Page 85, line 1, delete "*The five percent*"

Page 85, delete lines 2 to 6

The motion prevailed and the amendment was adopted.

Evans moved to amend H. F. No. 1121, as follows:

Page 96, line 9, after "gravel" insert "for sale"

Page 97, line 27, after the period insert "Sections 4 and 5 are effective for gravel removed from pits or deposits after June 30, 1980."

The motion prevailed and the amendment was adopted.

Schreiber moved to amend H. F. No. 1121, as follows:

Page 57, line 18, delete "28" and insert "25"

A roll call was requested and properly seconded.

The question was taken on the amendment and the roll was called.

Sieben, H., moved that those not voting be excused from voting. The motion prevailed.

There were 29 yeas and 96 nays as follows:

Those who voted in the affirmative were:

Blatz	Forsythe	Levi	Peterson, B.	Schreiber
Erickson	Fudro	McDonald	Pleasant	Searle
Esau	Halberg	Mehrrens	Redalen	Searles
Evans	Heinitz	Nelsen, B.	Rees	Sherwood
Ewald	Knickerbocker	Niehaus	Reif	Stoa
Fjoslien	Laidig	Olsen	Rose	

Those who voted in the negative were:

Aasness	Corbid	Jude	Norman	Thiede
Adams	Crandall	Kahn	Novak	Tomlinson
Albrecht	Dean	Kaley	Nysether	Valan
Anderson, B.	Den Ouden	Kalis	Onnen	Valento
Anderson, D.	Drew	Kempe	Osthoff	Vanasek
Anderson, G.	Eken	Kostohryz	Patton	Voss
Anderson, I.	Elioff	Kroening	Pehler	Waldorf
Anderson, R.	Ellingson	Lehto	Peterson, D.	Weaver
Battaglia	Faricy	Long	Prahl	Welch
Begich	Friedrich	Ludeman	Reding	Welker
Berglin	Fritz	Luknic	Rice	Wenzel
Berkelman	Greenfield	Mann	Rodriguez	Wieser
Biersdorf	Haukoos	McCarron	Rothenberg	Wigley
Brinkman	Hoberg	McEachern	Sarna	Wynia
Byrne	Hokanson	Metzen	Sieben, H.	Zubay
Carlson, D.	Jacobs	Minne	Sieben, M.	Spkr. Norton
Carlson, L.	Jaros	Munger	Simoneau	
Casserly	Jennings	Murphy	Stadum	
Clark	Johnson, C.	Nelsen, M.	Sviggum	
Clawson	Johnson, D.	Nelson	Swanson	

The motion did not prevail and the amendment was not adopted.

Fjoslien, Mann, Kalis and Nelsen, M., offered an amendment to H. F. No. 1121.

POINT OF ORDER

Sieben, H., raised a point of order pursuant to rule 3.10 that the amendment was not in order. The Speaker ruled the point of order well taken and the amendment out of order.

Peterson, B., Searles and Rothenberg moved to amend H. F. No. 1121 as follows:

Page 46, after line 9, insert:

“Section 28. Minnesota Statutes, 1979 Supplement, Section 290.06, Subdivision 2d, is amended to read:

Subd. 2d. [INFLATION ADJUSTMENT OF BRACKETS.] For taxable years beginning after December 31, 1978, the taxable net income brackets in subdivision 2c shall be adjusted for inflation. The commissioner of revenue shall determine the percentage increase for each year in the revised consumer price index for all urban consumers for the Minneapolis-St. Paul metropolitan area prepared by the United States department of labor with 1967 as a base year. The commissioner shall determine the percentage increase from August, 1978 to, in 1979, August, 1979 and in each subsequent year, from August of the preceding year to August of the current year, and shall announce the percentage figure by October 1 each year. The dollar amounts in each taxable net income bracket for the prior year in subdivision 2c shall be multiplied by a figure equal to (85 PERCENT OF) that percentage. The product of the calculation shall be added to each inflation adjusted taxable net income bracket for the prior year to produce the inflation adjusted taxable net income brackets for each succeeding year. If the product exceeds a whole dollar amount, it shall be raised to the next highest whole dollar.”

Page 46, line 27, after “1980.” insert:

“Section 28 is effective for taxable years beginning after December 31, 1980.”

Renumber the sections, subdivisions or clauses as may be required by this amendment.

Amend the title accordingly.

Faricy moved to amend the Peterson, B.; Searles and Rothenberg amendment to H. F. No. 1121 as follows:

Page 2, line 8, delete “after December 31, 1980” and insert “January 1, 1980”

A roll call was requested and properly seconded.

Sieben, H., moved that the Peterson, B., Searles, and Rothenberg amendment, and the Faricy amendment to the amendment, be laid on the table. The motion prevailed.

Osthoff moved to amend H. F. No. 1121, as follows:

Page 16, line 22, delete the comma, insert "or"; delete "or local public"

A roll call was requested and properly seconded.

The question was taken on the amendment and the roll was called.

Sieben, H., moved that those not voting be excused from voting. The motion prevailed.

There were 59 yeas and 72 nays as follows:

Those who voted in the affirmative were:

Adams	Drew	Kroening	Norman	Stoa
Battaglia	Elioff	Lehto	Novak	Swanson
Begich	Ellingson	Long	Osthoff	Tomlinson
Berglin	Faricy	Mann	Patton	Valento
Berkelman	Greenfield	McCarron	Pehler	Voss
Biersdorf	Hokanson	Minne	Peterson, D.	Waldorf
Byrne	Jude	Munger	Prahl	Weaver
Carlson, L.	Kahn	Murphy	Redalen	Welch
Casserly	Kelly	Nelsen, B.	Rees	Wenzel
Clark	Kempe	Nelsen, M.	Rice	Wynia
Clawson	Knickerbocker	Nelson	Rodriguez	Spkr. Norton
Corbid	Kostohryz	Niehaus	Simoneau	

Those who voted in the negative were:

Aasness	Eken	Jacobs	Metzen	Sieben, H.
Ainley	Erickson	Jaros	Nysether	Sieben, M.
Albrecht	Esau	Jennings	Olsen	Stadum
Anderson, B.	Evans	Johnson, C.	Onnen	Stowell
Anderson, D.	Ewald	Johnson, D.	Peterson, B.	Sviggum
Anderson, G.	Fjoslien	Kaley	Piepho	Thiede
Anderson, I.	Forsythe	Kalis	Pleasant	Valan
Anderson, R.	Friedrich	Kvam	Reif	Vanasek
Blatz	Fritz	Laidig	Rose	Welker
Brinkman	Fudro	Levi	Rothenberg	Wieser
Carlson, D.	Halberg	Ludeman	Sarna	Wigley
Crandall	Haukoos	Luknic	Schreiber	Zubay
Dean	Heap	McDonald	Searle	
Dempsey	Heinitz	McEachern	Searles	
Den Ouden	Hoberg	Mehrkens	Sherwood	

The motion did not prevail and the amendment was not adopted.

Rothenberg, Peterson, B., and Searles moved to amend H. F. No. 1121, as amended, as follows:

Page 46, after line 9, insert:

"Section 28. Minnesota Statutes, 1979 Supplement, Section 290.06, Subdivision 2d, is amended to read:

Subd. 2d. [INFLATION ADJUSTMENT OF BRACKETS.] For taxable years beginning after December 31, 1978, the taxable net income brackets in subdivision 2c shall be adjusted for inflation. The commissioner of revenue shall determine the

percentage increase for each year in the revised consumer price index for all urban consumers for the Minneapolis-St. Paul metropolitan area prepared by the United States department of labor with 1967 as a base year. The commissioner shall determine the percentage increase from August, 1978 to, in 1979, August, 1979 and in each subsequent year, from August of the preceding year to August of the current year, and shall announce the percentage figure by October 1 each year. The dollar amounts in each taxable net income bracket for the prior year in subdivision 2c shall be multiplied by a figure equal to (85 PERCENT OF) that percentage. The product of the calculation shall be added to each inflation adjusted taxable net income bracket for the prior year to produce the inflation adjusted taxable net income brackets for each succeeding year. If the product exceeds a whole dollar amount, it shall be raised to the next highest whole dollar."

Page 46, line 27, after "1980." insert:

"Section 28 is effective for taxable years beginning after December 31, 1982."

Renumber the sections, subdivisions or clauses as may be required by this amendment.

Amend the title accordingly.

POINT OF ORDER

Pehler raised a point of order pursuant to section 398 of "Mason's Manual of Legislative Procedure" that the amendment was not in order. The Speaker ruled the point of order not well taken and the amendment in order.

POINT OF ORDER

Pehler raised a point of order pursuant to section 401 of "Mason's Manual of Legislative Procedure" that the amendment was not in order. The Speaker ruled the point of order not well taken and the amendment in order.

Sieben, H., moved that the Rothenberg, Peterson, B., and Searles amendment be laid on the table.

POINT OF ORDER

Crandall raised a point of order pursuant to section 399 of "Mason's Manual of Legislative Procedure" that the Sieben, H., motion was not in order. The Speaker ruled the point of order not well taken and the motion in order.

Crandall appealed the decision of the chair.

A roll call was requested and properly seconded.

The vote was taken on the question "Shall the decision of the Speaker stand as the judgment of the House?" and the roll was called. There were 67 yeas and 65 nays as follows:

Those who voted in the affirmative were:

Adams	Clawson	Kalis	Nelsen, M.	Simoneau
Anderson, B.	Corbid	Kelly	Nelson	Stoa
Anderson, D.	Eken	Kempe	Novak	Swanson
Anderson, G.	Elioff	Kostohryz	Osthoff	Tomlinson
Anderson, I.	Ellingson	Kroening	Patton	Vanasek
Battaglia	Faricy	Lehto	Pehler	Voss
Begich	Fudro	Long	Peterson, D.	Waldorf
Berglin	Greenfield	Mann	Prahl	Welch
Berkelman	Hokanson	McCarron	Reding	Wenzel
Brinkman	Jacobs	McEachern	Rice	Wynia
Byrne	Jaros	Metzen	Rodriguez	Spkr. Norton
Carlson, L.	Johnson, C.	Minne	Sarna	
Casserly	Jude	Munger	Sieben, H.	
Clark	Kahn	Murphy	Sieben, M.	

Those who voted in the negative were:

Aasness	Esau	Johnson, D.	Nysether	Searles
Ainley	Evans	Kaley	Olsen	Sherwood
Albrecht	Ewald	Knickerbocker	Onnen	Stadum
Anderson, R.	Fjoslien	Kvam	Peterson, B.	Stowell
Biersdorf	Forsythe	Laidig	Piepho	Sviggum
Blatz	Friedrich	Levi	Pleasant	Thiede
Carlson, D.	Fritz	Ludeman	Redalen	Valan
Crandall	Halberg	Luknic	Rees	Valento
Dean	Haukoos	McDonald	Reif	Weaver
Dempsey	Heap	Mehrkens	Rose	Welker
Den Ouden	Heinitz	Nelsen, B.	Rothenberg	Wieser
Drew	Hoberg	Niehaus	Schreiber	Wigley
Erickson	Jennings	Norman	Searle	Zubay

So it was the judgment of the House that the decision of the Speaker should stand.

A roll call on the Sieben, H., motion to lay on the table was requested and properly seconded.

The question recurred on the motion to lay the Rothenberg, Peterson, B., and Searles amendment on the table and the roll was called. There were 66 yeas and 65 nays as follows:

Those who voted in the affirmative were:

Adams	Begich	Clark	Faricy	Johnson, C.
Anderson, B.	Berglin	Clawson	Fudro	Jude
Anderson, D.	Berkelman	Corbid	Greenfield	Kahn
Anderson, G.	Brinkman	Eken	Hokanson	Kalis
Anderson, I.	Byrne	Elioff	Jacobs	Kelly
Battaglia	Carlson, L.	Ellingson	Jaros	Kempe

Kostohryz	Minne	Pehler	Sieben, M.	Welch
Kroening	Munger	Peterson, D.	Simoneau	Wenzel
Lehto	Murphy	Prahl	Stoa	Wynia
Long	Nelsen, M.	Reding	Swanson	Spkr. Norton
Mann	Nelson	Rice	Tomlinson	
McCarron	Novak	Rodriguez	Tanasek	
McEachern	Osthoff	Sarna	Voss	
Metzen	Patton	Sieben, H.	Waldorf	

Those who voted in the negative were :

Aasness	Esau	Johnson, D.	Nysether	Searles
Ainley	Evans	Kaley	Olsen	Sherwood
Albrecht	Ewald	Knickerbocker	Onnen	Stadum
Anderson, R.	Fjoslien	Kvam	Peterson, B.	Stowell
Biersdorf	Forsythe	Laidig	Piepho	Sviggum
Blatz	Friedrich	Levi	Pleasant	Thiede
Carlson, D.	Fritz	Ludeman	Redalen	Valan
Crandall	Halberg	Luknic	Rees	Valento
Dean	Haukoos	McDonald	Reif	Weaver
Dempsey	Heap	Mehrkens	Rose	Welker
Den Ouden	Heinitz	Nelsen, B.	Rothenberg	Wieser
Drew	Hoberg	Niehaus	Schreiber	Wigley
Erickson	Jennings	Norman	Searle	Zubay

The motion prevailed.

H. F. No. 1121, A bill for an act relating to taxation; updating the definition of gross income for income tax purposes for individuals, trusts and estates with certain modifications; providing for exempt-interest dividends for certain mutual funds; extending the political contribution credit to congressional and local candidates; clarifying certain definitions; providing a tax credit for energy conservation expenditures; clarifying the renewable energy source credit; increasing the dependent care credit; extending investment tax credits to family corporations; making certain changes in the minimum tax and in the treatment of small business corporations; allowing a ten year carryback of product liability losses; providing for deferral of certain gains recognized in the disposition of broadcasting property; reducing certain property tax classification ratios; increasing homestead credits; changing the property tax status of certain mobile homes; providing for delayed assessments for certain improvements; increasing homestead base value; providing a classification for neighborhood real estate trusts; adjusting levy limits and providing for certain special levies; providing for certain hearings and appeals on special assessments; clarifying property tax settlements; clarifying certain property tax refund filing due dates; extending eligibility for property tax refunds to certain claimants; providing for adjustment of property tax refunds due to abatements; providing state reimbursement for certain property; authorizing heat applied tax stamping machines; increasing the sales tax on retail sales from vending machines; providing a sales tax exemption for certain arts admissions; fixing maximum interest rates on public obligations; excepting certain debt obligations from public sale requirement; appropriating money; amending Minnesota Statutes 1978, Sections 124.212, Subdivision 2; 168.012, Subdivision 9;

273.13, Subdivisions 3 and 17b, and by adding a subdivision; 275.51, by adding a subdivision; 275.52, Subdivisions 2 and 5; 276.04; 276.09; 276.10; 276.11; 290.01, by adding a subdivision; 290.09, Subdivisions 2, 24 and 28; 290.095, by adding a subdivision; 290.13, by adding a subdivision; 290.26, Subdivision 2; 290.49, Subdivision 10; 290.971, Subdivisions 1, 3 and 6; 290.972, Subdivisions 1, 3 and 5; 290A.06; 290A.11, by adding a subdivision; 290A.17; 290A.18; 290A.19; 297.03, Subdivision 6; 297A.-02; 297A.25, Subdivision 1; 375.192, Subdivision 1; 429.061, Subdivisions 1 and 2; 429.081; 474.06; 475.55; 475.60, Subdivision 2; Chapters 273, by adding sections; and 298, by adding sections; Minnesota Statutes, 1979 Supplement, Sections 273.122; 273.13, Subdivisions 4, 5a, 6, 7, 14a and 19; 275.50, Subdivision 5; 290.01, Subdivision 20; 290.06, Subdivisions 11 and 14; 290.067, Subdivisions 1 and 2; 290.09, Subdivision 3; 290.091; 290.095, Subdivision 1; 290.14; 290.17, Subdivision 1; 290.37, Subdivision 1; 290A.03, Subdivision 3; repealing Minnesota Statutes 1978, Section 290.971, Subdivision 5; and Minnesota Statutes, 1979 Supplement, Section 290.23, Subdivision 16.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 129 yeas and 3 nays as follows:

Those who voted in the affirmative were:

Aasness	Den Ouden	Johnson, D.	Nelsen, M.	Searles
Adams	Drew	Jude	Nelson	Sherwood
Ainley	Eken	Kahn	Niehaus	Sieben, H.
Albrecht	Elioff	Kaley	Norman	Sieben, M.
Anderson, B.	Ellingson	Kalis	Novak	Simoneau
Anderson, D.	Erickson	Kelly	Nysether	Stadum
Anderson, G.	Esau	Kempe	Olsen	Stoa
Anderson, I.	Evans	Knickerbocker	Osthoff	Stowell
Anderson, R.	Ewald	Kostohryz	Patton	Sviggum
Battaglia	Faricy	Kroening	Pehler	Swanson
Begich	Fjoslien	Kvam	Peterson, B.	Thiede
Berglin	Forsythe	Laidig	Peterson, D.	Tomlinson
Berkelman	Friedrich	Lehto	Piepho	Valan
Biersdorf	Fritz	Levi	Pleasant	Valento
Blatz	Fudro	Long	Prahl	Vanasek
Brinkman	Greenfield	Luknic	Redalen	Voss
Byrne	Halberg	Mann	Reding	Waldorf
Carlson, D.	Haukoos	McCarron	Rees	Weaver
Carlson, L.	Heap	McDonald	Reif	Welch
Casserly	Heinitz	McEachern	Rice	Wenzel
Clark	Hoberg	Mehrkens	Rodriguez	Wieser
Clawson	Hokanson	Metzen	Rose	Wigley
Corbid	Jacobs	Minne	Rothenberg	Wynia
Crandall	Jaros	Munger	Sarna	Zubay
Dean	Jennings	Murphy	Schreiber	Spkr. Norton
Dempsey	Johnson, C.	Nelsen, B.	Searle	

Those who voted in the negative were:

Ludeman	Onnen	Welker
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The bill was passed, as amended, and its title agreed to.

Cassery and McDonald were excused for the remainder of today's session.

S. F. No. 1719, A bill for an act relating to taxation; changing settlement dates for property taxes; amending Minnesota Statutes 1978, Sections 276.09; 276.10; and 276.11.

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.

Nelsen, B., moved that those not voting be excused from voting. The motion prevailed.

There were 128 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Drew	Jude	Nelson	Sieben, H.
Adams	Eken	Kahn	Niehaus	Sieben, M.
Ainley	Elioff	Kaley	Norman	Simoneau
Albrecht	Ellingson	Kalis	Novak	Stadum
Anderson, B.	Erickson	Kelly	Nysether	Stoa
Anderson, D.	Esau	Kempe	Olsen	Stowell
Anderson, G.	Evans	Knickerbocker	Onnen	Sviggum
Anderson, I.	Ewald	Kostohryz	Patton	Swanson
Anderson, R.	Faricy	Kroening	Pehler	Thiede
Battaglia	Fjoslien	Kvam	Peterson, B.	Tomlinson
Begich	Forsythe	Laidig	Peterson, D.	Valan
Berglin	Friedrich	Lehto	Piepho	Valento
Berkelman	Fritz	Levi	Pleasant	Vanasek
Biersdorf	Fudro	Long	Prahl	Voss
Blatz	Greenfield	Ludeman	Redalen	Waldorf
Brinkman	Halberg	Luknic	Reding	Weaver
Byrne	Haukoos	Mann	Rees	Weich
Carlson, D.	Heap	McCarron	Reif	Welker
Carlson, L.	Heinitz	McEachern	Rice	Wenzel
Clark	Hoberg	Mehrkens	Rodriguez	Wieser
Clawson	Hokanson	Metzen	Rose	Wigley
Corbid	Jacobs	Minne	Rothenberg	Wynia
Crandall	Jaros	Munger	Sarna	Zubay
Dean	Jennings	Murphy	Schreiber	Spkr. Norton
Dempsey	Johnson, C.	Nelsen, B.	Searles	
Den Ouden	Johnson, D.	Nelsen, M.	Sherwood	

The bill was passed and its title agreed to.

H. F. No. 1838, A bill for an act relating to taxation; real property; clarifying the treatment of cooperatives and charitable corporations; amending Minnesota Statutes 1978, Section 273-133, Subdivision 1.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called.

Sieben, H., moved that those not voting be excused from voting. The motion prevailed.

There were 125 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Den Ouden	Kahn	Nelson	Searles
Adams	Drew	Kaley	Niehaus	Sherwood
Ainley	Eken	Kalis	Norman	Sieben, H.
Albrecht	Elioff	Kelly	Novak	Sieben, M.
Anderson, B.	Ellingson	Kempe	Nysether	Simoneau
Anderson, D.	Erickson	Knickerbocker	Olsen	Stadum
Anderson, G.	Esau	Kostohryz	Onnen	Stoa
Anderson, I.	Ewald	Kroening	Osthoff	Stowell
Anderson, R.	Faricy	Kvam	Patton	Sviggum
Battaglia	Fjoslien	Laidig	Pehler	Swanson
Begich	Forsythe	Lehto	Peterson, B.	Thiede
Berglin	Fritz	Levi	Peterson, D.	Tomlinson
Berkelman	Fudro	Long	Piepho	Valan
Biersdorf	Greenfield	Ludeman	Pleasant	Valento
Blatz	Haukoos	Luknic	Prahl	Vanasek
Brinkman	Heap	Mann	Redalen	Voss
Byrne	Heinitz	McCarron	Reding	Waldorf
Carlson, D.	Hoberg	McEachern	Rees	Weaver
Carlson, L.	Hokanson	Mehrrens	Reif	Welch
Clark	Jacobs	Metzen	Rice	Welker
Clawson	Jaros	Minne	Rodriguez	Wenzel
Corbid	Jennings	Munger	Rose	Wieser
Crandall	Johnson, C.	Murphy	Rothenberg	Wynia
Dean	Johnson, D.	Nelsen, B.	Sarna	Zubay
Dempsey	Jude	Nelsen, M.	Schreiber	Spkr. Norton

The bill was passed and its title agreed to.

S. F. No. 1675 was reported to the House.

Eken moved to amend S. F. No. 1675 as follows:

Page 8, line 10, before the period insert "*or if the owner of the native prairie does not own any contiguous parcel to which the credit can be applied, the credit shall be applied to his tax liability for any parcel he owns which is located in the same township or city or not farther than two townships or cities or combination thereof from the native prairie*"

The motion prevailed and the amendment was adopted.

S. F. No. 1675, A bill for an act relating to taxation; clarifying the provisions of the wetland credit for property tax purposes; providing a property tax exemption and credit for native prairie; providing for payment to the county for revenue lost by the exemption and credit; appropriating money; amending Minnesota Statutes 1978, Chapter 273, by adding a section; and

Minnesota Statutes, 1979 Supplement, Sections 272.02, Subdivision 1; 273.115, Subdivisions 1, 2, 5, 6, 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.

Sieben, H., moved that those not voting be excused from voting. The motion prevailed.

There were 127 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Aasness	Eken	Kahn	Niehaus	Sieben, H.
Adams	Elioff	Kaley	Norman	Sieben, M.
Ainley	Ellingson	Kalis	Novak	Simoneau
Anderson, B.	Erickson	Kelly	Nysether	Stadum
Anderson, D.	Esau	Kempe	Olsen	Stoa
Anderson, G.	Evans	Knickerbocker	Onnen	Stowell
Anderson, I.	Ewald	Kostohryz	Osthoff	Sviggum
Anderson, R.	Faricy	Kroening	Patton	Swanson
Battaglia	Fjoslien	Kvam	Pehler	Tomlinson
Begich	Forsythe	Laidig	Peterson, B.	Valan
Berglin	Friedrich	Lehto	Peterson, D.	Valento
Berkelman	Fritz	Levi	Piepho	Vanasek
Biersdorf	Fudro	Long	Prahl	Voss
Blatz	Greenfield	Ludeman	Redalen	Waldorf
Brinkman	Halberg	Luknic	Reding	Weaver
Byrne	Haukoos	Mann	Rees	Welch
Carlson, D.	Heap	McCarron	Reif	Welker
Carlson, L.	Heinitz	McEachern	Rice	Wenzel
Clark	Hoberg	Mehrkens	Rodriguez	Wieser
Clawson	Hokanson	Metzen	Rose	Wigley
Corbid	Jacobs	Minne	Rothenberg	Wynia
Crandall	Jaros	Munger	Sarna	Zubay
Dean	Jennings	Murphy	Schreiber	Spkr. Norton
Dempsey	Johnson, C.	Nelsen, B.	Searle	
Den Ouden	Johnson, D.	Nelsen, M.	Searles	
Drew	Jude	Nelson	Sherwood	

Those who voted in the negative were:

Pleasant

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

Moe from the Committee on Governmental Operations to which was referred:

H. F. No. 2154, A bill for an act relating to public employees; creating a state department of employee relations; establishing appropriate units for state employees; providing for a right to strike; providing for interim contract approval by the legislative commission on employee relations; clarifying civil service laws; providing for health benefits; providing for a study of promotional systems; repealing duty of the revisor of statutes regarding certain collective bargaining agreements; appropriating money; amending Minnesota Statutes 1978, Sections 43.001; 43.01, Subdivision 8; 43.05, by adding a subdivision; 43.111; 43.245; 43.321; 43.45; 43.46; 179.63, Subdivisions 7 and 8; 179.64, Subdivisions 2, 3, 4, and 5, and by adding a subdivision; 179.67, Subdivision 4; 179.69, Subdivisions 1 and 3; 179.71, Subdivisions 3 and 5; 179.72, Subdivision 6; 179.74, Subdivisions 2 and 3; and Chapters 43 and 179, by adding sections; and Minnesota Statutes, 1979 Supplement, Sections 3.855; 43.05, Subdivision 2; 43.067, Subdivisions 1 and 4; 43.19, Subdivision 1; 43.50, Subdivision 1; 62D.22, Subdivision 7; 179.63, Subdivision 11; 179.65, Subdivision 6; and 179.74, Subdivisions 4 and 5; and Laws 1979, Chapter 332, Article I, Sections 114 and 116; repealing Minnesota Statutes 1978, Sections 43.003; 43.50, Subdivision 3; 179.64, Subdivision 1; 179.69, Subdivisions 4, 5, and 6; and 482.18; and Minnesota Statutes, 1979 Supplement, Sections 15A.081, Subdivision 5; and 179.64, Subdivision 7.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes, 1979 Supplement, Section 3.855, is amended to read:

3.855 [LEGISLATIVE COMMISSION ON EMPLOYEE RELATIONS.] Subdivision 1. [ESTABLISHMENT.] There is created the legislative commission on employee relations. The commission shall consist of six members of the senate and six members of the house of representatives. The senate members shall include the (MAJORITY) leader of the majority caucus of the senate, the (MINORITY) leader of the minority caucus of the senate, the chairman of the governmental operations committee, the chairman of the finance committee, the chairman of the (TAX) committee on taxes and tax laws, and an additional member designated by the (MINORITY) leader (, OR THEIR DESIGNEES) of the minority caucus. The house members shall include the speaker, the (MINORITY) leader of the minority caucus of the house, the chairman of the governmental operations committee, the chairman of the appropriations committee, the chairman of the (TAX) taxes committee, and an additional member designated by the (MINORITY) leader (, OR THEIR DESIGNEES) of the minority caucus. In the event that the membership of the house is evenly divided, the house members shall be selected pursuant to the rules of the house. Any member of the commission may resign by providing notice to the chairman. In the event of a resignation by a member of

the: (1) senate, a replacement shall be selected from among the members of the senate by the committee on rules; (2) house, a replacement shall be selected from among the members of the house pursuant to house rules. The commission shall elect its own officers who shall serve for terms of two years. The chairmanship of the commission shall alternate between a member of the senate and a member of the house.

Subd. 2. [STATE EMPLOYEE NEGOTIATIONS.] Prior to the commencement of *formal* collective bargaining activities with state employees, the commission shall conduct hearings at which (PUBLIC EMPLOYEES,) *exclusive* representatives of public employees and the commissioner of (PERSONNEL) *employee relations* shall be allowed to testify as to their (BEGINNING) *initial* negotiating positions. The commissioner of (PERSONNEL) *employee relations* shall regularly advise the commission on the progress of collective bargaining activities with state employees pursuant to the state public employment labor relations act. *During the course of the negotiations, the commission may make recommendations to the commissioner as it deems appropriate but no recommendation shall impose any obligation or grant any right or privilege to the parties.* The commissioner shall submit to the chairman of the commission any negotiated agreements or arbitration awards (WHICH THE COMMISSIONER HAS APPROVED WITHIN FIVE DAYS OF THE MAKING THEREOF). *Approved negotiated agreements shall be submitted within five days of the date of approval by the commissioner or the date of approval by the affected state employees whichever occurs later. Arbitration awards shall be submitted within five days of their receipt by the commissioner.* If the commission disapproves of any agreement or award, the commission shall specify in writing to the parties those portions with which it disagrees and the reasons therefor. (UPON RECEIPT OF THE NOTICE OF DISAPPROVAL FROM THE COMMISSION, THE COMMISSIONER OF PERSONNEL WILL REOPEN THE NEGOTIATIONS.) If the commission approves of an agreement or award, it shall cause the matter to be submitted to the legislature to be accepted or rejected pursuant to section 179.74. Failure of the commission to disapprove of (AFFECTED PORTIONS OF) an agreement or award within 30 days of its receipt shall be deemed approval. Approval or disapproval by the commission shall not be binding on the entire legislature.

After adjournment of the legislature in an odd numbered year, the commission may give interim approval to a negotiated agreement or arbitration award. It shall submit the negotiated agreement or arbitration award to the entire legislature for ratification as provided in section 179.74, subdivision 5.

Subd. 3. [OTHER DUTIES.] In addition to the duties specified in subdivision 2, the commission shall perform the following:

(a) *Review and approve, reject, or modify a plan for compensation, terms and conditions of employment prepared and submitted by the commissioner of employee relations pursuant to section 11 covering all state employees not represented by an exclusive bargaining representative and whose compensation is not otherwise established by law;*

(b) *Continually monitor the state's civil service system (,) as provided for in chapter 43, rules of the commissioner of employee relations and the collective bargaining process (,) as provided for in sections 179.61 to 179.76, as applied to state employees;*

((B)) (c) *Research and analyze the need for improvements in those statutory sections; (AND)*

((C)) (d) *Adopt rules not inconsistent with this section relating to the scheduling and conduct of commission business and other organizational and procedural matters; and*

(e) *Perform such other related functions as are delegated to it by the legislature.*

Sec. 2. Minnesota Statutes 1978, Chapter 43, is amended by adding a section to read:

[43.0001] *The name of the department of personnel is changed to the department of employee relations. The name of the commissioner of personnel is changed to the commissioner of employee relations. Subject to applicable laws, the department of employee relations, with its commissioner and officers, shall continue to exercise all the powers and duties vested in or imposed upon the department and commissioner of personnel immediately prior to the effective date of this section.*

Sec. 3. Minnesota Statutes 1978, Section 43.001, is amended to read:

43.001 [DEPARTMENT OF EMPLOYEE RELATIONS; CREATION.] Subdivision 1. The department of (PERSONNEL) *employee relations* is hereby created under the control and supervision of a commissioner of (PERSONNEL) *employee relations*, which office is hereby established.

Subd. 2. The commissioner of (PERSONNEL) *employee relations* is appointed by the governor under the provisions of section 15.06. (HE SHALL HAVE BROAD EXPERIENCE IN A MANAGERIAL POSITION INCLUDING ABOUT FIVE YEARS AS AN EXECUTIVE PERSONNEL MANAGER IN ONE OR MORE ORGANIZATIONS ESSENTIALLY SIMILAR IN COMPLEXITY TO STATE GOVERNMENT.) *The commissioner shall be knowledgeable in executive personnel management and shall have background in labor relations.*

Subd. 3. The commissioner may appoint (ONE DEPUTY COMMISSIONER AND) a confidential secretary, (EACH OF WHOM) *who* shall serve at the pleasure of the commissioner in the unclassified service.

Subd. 4. Subject to (THE PROVISIONS OF LAWS 1973, CHAPTER 507 AND TO OTHER) applicable laws (GOVERNING A STATE DEPARTMENT OR AGENCY), the commissioner shall organize the department and employ (SUCH) other officers, employees, and agents (AS HE MAY DEEM) necessary to discharge the functions of (HIS) *the* department, define the duties of (SUCH) *these* officers, employees, and agents and (TO) delegate to them any (OF HIS) powers, duties, and responsibilities subject to (HIS) *the commissioner's* control and under (SUCH) conditions as (HE) *the commissioner* may prescribe. Personnel employed pursuant to this subdivision are in the classified service of the state civil service.

Subd. 5. *The department of employee relations shall be organized into two divisions: the division of personnel and the division of labor relations. Each division shall be under the immediate charge of a deputy commissioner.*

Subd. 6. *The deputy commissioners for the divisions of personnel and labor relations shall be appointed by and serve at the pleasure of the commissioner, and shall be in the unclassified service of the state. The deputy commissioner for the division of labor relations shall have extensive background in labor relations and shall have experience in dealing with contracts similar in complexity to those negotiated between the state and exclusive representatives of state employees.*

Subd. 7. *Each division of the department of employee relations shall be responsible for administering the duties and functions that are assigned to it by law and by the commissioner of employee relations. Insofar as the duties of the divisions are not mandated by law, the commissioner may establish and revise the assignments of either division.*

Subd. 8. *The division of labor relations shall perform the duties assigned to the commissioner of employee relations by sections 3.855, 43.05, subdivision 3 and chapter 179.*

The deputy commissioner for the division of labor relations shall be the chief state labor negotiator for purposes of negotiating and administering agreements with exclusive representatives of state employees.

Subd. 9. *The division of personnel shall perform the duties assigned to the commissioner by section 43.05, subdivision 2, and shall perform other duties which the commissioner assigns to the division.*

Sec. 4. Minnesota Statutes 1978, Section 43.01, Subdivision 8, is amended to read:

Subd. 8. [COMMISSIONER.] "Commissioner" means the commissioner of (PERSONNEL) *employee relations*.

Sec. 5. Minnesota Statutes, 1979 Supplement, Section 43.05, Subdivision 2, is amended to read:

Subd. 2. [SPECIFIED DUTIES.] The commissioner shall:

(1) Attend all meetings of the board:

(2) Promulgate personnel rules for the purpose of carrying out the provisions of this chapter; these rules shall provide, among other things, for current records of efficiency, and standards of performance, for all employees subject to the provisions of this chapter; the manner of completing appointments and promotions; rejection of eligible candidates; examinations; retention of examination records under the provisions of section 138.163; creation of eligible lists, with successful candidates ranked according to their ratings in the examinations; (LEAVES OF ABSENCE WITH AND WITHOUT PAY;) transfers (,) and reinstatements (, LAYOFFS, VACATIONS, AND HOURS OF WORK); public notice of examinations; (PROCEDURE FOR CHANGES IN RATES OF PAY;) compulsory retirement at fixed ages; and other conditions of employment. If a rule is made concerning sick leave for illness in the immediate family of an employee, the term "immediate family" shall be limited to the spouse, minor or dependent children, or parent where the parent has no other person to provide the necessary nursing care, living in the household of the employee;

(3) Operate an information system from which data can be retrieved concerning employees in agencies under his jurisdiction showing their employment histories including the date of appointment, demotion, reinstatement, increases or decreases in pay, the compensation and title of the position, changes in title, transfers, and separations from the service; and the commissioner shall have access to all public and private personnel data kept by an appointing authority, the examination of which will aid in the discharge of his duties;

(4) Prepare, in accordance with the provisions of this chapter and the rules adopted hereunder, examinations, eligible lists, and ratings of candidates for appointment;

(5) Make certifications for appointment within the classified service, in accordance with the provisions of this chapter;

(6) Make investigations concerning all matters touching the enforcement and effect of the provisions of this chapter and the personnel rules prescribed hereunder;

(7) Discharge such duties as are imposed upon him by this chapter;

(8) Establish, publish and continually review logical career paths in the classified civil service;

(9) Consider all requests for other than state appropriated funds from any state department or agency for personnel purposes all of which shall be submitted to him for comment before any such request is made of a federal, local, or private agency; and

(10) Prepare rules regulating the temporary designation of positions in the unclassified civil service;

(11) Review, establish or change titles for the positions in the unclassified civil service in the executive branch of state government except those established by law or by the constitution, to make titles descriptive of positions and consistent throughout the state service; and

(12) In conformance with the rule making provisions of chapter 15, promulgate a code of ethics establishing standards of conduct to be observed by state employees in the performance of their official duties.

Sec. 6. Minnesota Statutes 1978, Section 43.05, is amended by adding a subdivision to read:

Subd. 3. The commissioner, through the division of labor relations, shall:

(a) Represent the state at hearings conducted by the director of the bureau of mediation services relating to state employees;

(b) Represent the state in all collective bargaining between the state and exclusive representatives, and represent the state in mediation and arbitration of collective bargaining disputes;

(c) Report to the legislative commission on employee relations pursuant to section 3.855;

(d) Be responsible for state management interpretation of all contracts between the state and exclusive representatives and provide state management personnel with training in the interpretation and application of these contracts;

(e) Oversee the administration of all written grievances arising under contracts between the state and an exclusive representative. The commissioner shall establish procedures which appointing authorities shall follow to enable the commissioner to monitor the grievance procedure at all steps;

(f) *Have final authority to decide if a grievance shall be submitted to arbitration or if it shall be settled without arbitration;*

(g) *Represent the state at all grievance arbitrations;*

(h) *Collect and analyze all information necessary to carry out the responsibilities of this subdivision.*

Sec. 7. Minnesota Statutes, 1979 Supplement, Section 43.067, Subdivision 1, is amended to read:

43.067 [SALARY LIMITS.] Subdivision 1. [AGENCY HEADS AND DEPUTIES.] The base salary of the head of any state department or other agency in the executive branch shall serve as the upper limit of compensation in the agency. (THE BASE SALARY OF THE CHANCELLOR OF THE STATE UNIVERSITY SYSTEM IS THE UPPER LIMIT OF COMPENSATION OF STATE UNIVERSITY PRESIDENTS.) The base salary of the commissioner of labor and industry is the upper limit of compensation of employees in the bureau of mediation services. (WITHIN THE AGENCY, NO PERSON OTHER THAN THE AGENCY HEAD SHALL BE PAID MORE THAN THE BASE SALARY THAT IS OR WOULD BE PAID A DEPUTY AGENCY HEAD PURSUANT TO SECTION 15A.081 WHETHER OR NOT THERE IS A DEPUTY AGENCY HEAD POSITION FOR THAT AGENCY.)

Sec. 8. Minnesota Statutes, 1979 Supplement, Section 43.067, Subdivision 4, is amended to read:

Subd. 4. [LIMIT ON POLITICAL SUBDIVISION SALARIES.] Notwithstanding any other law to the contrary, no salary of a person employed by a city, county, town, school district, metropolitan or regional agency, or other political subdivision of the state, *except for political subdivisions as defined in sections 453.53 and 453A.03*, may exceed 105 percent of the salary of the commissioner of finance.

Sec. 9. Minnesota Statutes 1978, Section 43.111, is amended to read:

43.111 [POLICY.] It is the public policy of the state of Minnesota that an efficient and well trained work force be maintained to carry out the work ordained by the legislature. It is further directed that modern methods of selection, training and salary administration be established and maintained. The standards of selection shall be (OF SUCH A NATURE AS TO) *based on merit and provide for the proper level of preparation and experience*. Recognizing the cost of excessive employee turnover, it is directed that priority be given to the maintenance of a steady work force. To this end, training, by way of in-service programs and stipend allowances shall be encouraged. It is also established as the policy of the state of Minnesota that employees

be paid a total compensation which is competitive with that paid for like positions in other private and public employment. Proper attention (WILL ALSO) shall be given to equitable internal (PAY) compensation relationships between related job classes and among the various levels within the same job family or department, with the understanding that the collective bargaining relationship between the state and its employees established through the provisions of chapter 179 must take precedence. Continuing analysis of pay rates (AND), supplementary pay practices (SHALL BE CARRIED ON, AS WELL AS) and analyses of jobs to determine comparability of job content shall be carried on.

Sec. 10. Minnesota Statutes 1978, Chapter 43, is amended by adding a section to read:

[43.112] [COMPENSATION, TERMS, AND CONDITIONS OF EMPLOYMENT.] *Subdivision 1. [REPRESENTED EMPLOYEES.] To the extent they are lawfully covered by a written agreement or arbitration award, the compensation, terms and conditions of employment for all state employees represented by an exclusive representative certified pursuant to chapter 179 shall be governed by the written agreement or award executed by the parties and approved by the legislature.*

Subd. 2. [NON-REPRESENTED EMPLOYEES.] The compensation, terms and conditions of employment of all state employees not represented by an exclusive representative certified pursuant to chapter 179 shall be solely governed by statute, rule and the plan developed by the commissioner and approved by the legislature pursuant to sections 3.855 and 179.74, subdivision 5, and section 11.

Subd. 3. [MERIT SYSTEM TO CONTROL.] The provisions of chapter 43 governing the recruitment, classification and selection of state employees on the basis of their relative ability, knowledge and skills, including sections 43.111, 43.12, subdivision 1, 43.13 to 43.15; 43.17, 43.18, subdivisions 1 to 3, 43.19, subdivisions 2 and 3, 43.20, and 43.30, shall not be modified, waived or abridged by any contract executed by the state pursuant to chapter 179.

Sec. 11. Minnesota Statutes 1978, Chapter 43, is amended by adding a section to read:

[43.113] [PLAN FOR COMPENSATION, TERMS AND CONDITIONS OF EMPLOYMENT FOR NON-REPRESENTED EMPLOYEES.] *Subdivision 1. The commissioner of employee relations shall periodically submit to the legislative commission on employee relations a plan to govern the compensation, terms and conditions of employment for all state employees not represented by an exclusive representative certified pursuant to chapter 179 or whose compensation is not provided*

for by section 43.064 or other law. The commission shall review the plan and submit it to the legislature along with any recommendations it deems appropriate. The plan need not be adopted in accordance with the rulemaking provisions of chapter 15. The plan shall not take effect until approved by the legislature, provided that the legislative commission may give interim approval to a plan and subsequently submit it to the entire legislature for ratification in the same manner as provided for negotiated agreements and arbitration awards under section 179.74, subdivision 5.

Subd. 2. In establishing and recommending compensation for any position within the plan, the commissioner of employee relations shall assure that:

(1) *Compensation in the classified and unclassified service bear equitable relationships to one another;*

(2) *Compensation for state positions bears equitable relationships to compensation for similar positions outside state service; and*

(3) *Compensation for management positions bears equitable relationships to compensation of represented employees managed.*

Compensations bear equitable relationships to one another within the meaning of this subdivision if compensation for positions which require comparable knowledge, abilities, duties, responsibilities and accountabilities are comparable and if compensation for positions which require differing knowledge, abilities, duties, responsibilities and accountabilities are proportional to the knowledge, abilities, duties and responsibilities required.

Sec. 12. Minnesota Statutes, 1979 Supplement, Section 43.19, Subdivision 1, is amended to read:

43.19 [VACANCIES; PROMOTIONS; DISMISSALS.]
Subdivision 1. [VACANCIES FILLED BY PROMOTION.]
(1) Vacancies in positions shall be filled, so far as practicable, by promotion from among persons holding positions in the executive branch of the state civil service, or the legislative branch of state civil service, and classified positions on the staff of the legislative auditor, Minnesota state retirement system and teachers retirement association and, subject to (SUCH) *those* exceptions as the commissioner may provide, from the lower class and in accordance with section 43.18 and personnel rules. Except as provided in clause (2), promotions shall be based upon merit and fitness, to be ascertained by competitive examinations in which the employee's efficiency and job-related conduct shall constitute a factor. For positions defined by personnel rule as "non-managerial" seniority (SHALL) *may* also constitute a factor.

(2) The commissioner may authorize the appointing authority of any state agency to promote any employee in that agency to a higher class provided his position has been reallocated as the result of gradual changes in the job which have occurred over a period of time and he has performed satisfactorily in the position.

(3) *On or before January 1, 1981, the commissioner shall submit a report to the legislative commission on employee relations recommending methods of improving the state's efforts to insure equal employment opportunity pursuant to section 43.15. The report shall include recommendations with respect to both hiring and promotions along with an analysis of the effects of seniority requirements on promotional practices.*

Sec. 13. Minnesota Statutes 1978, Section 43.245, is amended to read:

43.245 [PERFORMANCE APPRAISAL SYSTEM.] The commissioner shall design and implement an employee performance appraisal system for the classified and unclassified service. This system shall be based on uniform position description and results oriented performance standards formats. The commissioner, in consultation with the departments, shall develop criteria and content as necessary so long as the system is uniform for all departments. The commissioner shall establish and enforce rules with respect to the utilization of the results of this performance appraisal system in all decisions relating to the status of employees. (THE COMMISSIONER MAY FURTHER BY RULE PRESCRIBE THE EXTENT TO WHICH THESE REPORTS SHALL BE OPEN TO INSPECTION BY THE PUBLIC AND BY THE AFFECTED EMPLOYEE.) Each employee in the classified and unclassified service in the executive branch shall be evaluated and counseled at least once a year on his work performance. Individual pay increases for all state employees not represented by an exclusive representative certified pursuant to chapter 179 shall be based on (SUCH) the evaluation and other factors the commissioner includes, and the legislature approves, in the plan developed pursuant to section 11. Written agreements negotiated pursuant to chapter 179 may, and are encouraged to, provide for pay increases based on employee performance.

Sec. 14. Minnesota Statutes 1978, Section 43.321, is amended to read:

43.321 [GRIEVANCE PROCEDURE.] The commissioner shall promulgate by (PERSONNEL) rule procedures relating to grievances of any state officer or employee in the executive branch and provide the circumstances under which the grievance procedure is available, except that no state employee may avail himself of more than one grievance procedure on any one complaint or use the procedure set forth in the rule if he is a member of a bargaining unit that has by agreement negotiated pursuant

to chapter 179 provided for methods and procedures to resolve that type of grievance.

Sec. 15. Minnesota Statutes 1978, Section 43.45, is amended to read:

43.45 [CONTRACTING AUTHORITY.] Subdivision 1. The commissioner is authorized to request bids from carriers or to negotiate with carriers and to enter into contracts with carriers which in the sole judgment of the commissioner are best qualified to underwrite and service the benefit plans. The commissioner shall consider (SUCH) factors *such* as the cost and conversion options relating to the contracts as well as the service capabilities, character, financial position, and reputation (WITH RESPECT TO SUCH) of the carriers and any other factors which the commissioner (MAY DEEM) *deems* appropriate. Each (SUCH) *benefit* contract shall be for a uniform term of at least one year, but may be made automatically renewable from term to term in the absence of notice of termination by either party.

Effective October 1, 1980, the commissioner shall make basic hospital, basic medical surgical and major medical benefits available to all eligible state employees from a carrier licensed under chapter 62A or 62C. The commissioner is authorized to provide comprehensive health maintenance services for eligible state employees who reside in the service area of one or more health maintenance organizations which are licensed under Chapter 62D and qualified to underwrite and service the benefit plans. Any carrier licensed pursuant to chapter 62A shall be exempt from the tax imposed by section 60A.15 on premiums paid to it by the state.

Subd. 2. Each contract under sections 43.42 to 43.49 shall contain a detailed statement of benefits offered and shall include (SUCH) *any* maximums, limitations, exclusions, and other definitions of benefits as the commissioner may deem necessary or desirable. *Each contract shall provide benefits at least equal to those required by section 62E.06, subdivision 2.*

Subd. 3. The commissioner shall make available, through (SUCH) *any* carriers as (IT) *the commissioner* may authorize, as many optional coverages as (IT DEEMS) *deemed* feasible and advantageous to eligible state employees and their dependents which (SAID) *the* employees may pay for at their own expense (TO BE PAID FOR) through payroll deductions.

Subd. 4. *The commissioner shall appoint and serve as chairman of an insurance advisory council consisting of eleven members. Two members shall be selected from names submitted by exclusive representatives of state employees. One member shall be selected from names submitted by exclusive representatives of employees of the University of Minnesota. One member shall*

be selected from names submitted by the regents of the University of Minnesota. One member shall be selected from names submitted by organizations representing retired state employees. The commissioners of administration, insurance, health and finance, and the deputy commissioner for labor relations or their designees, shall serve as the other members. Except as provided in this section, the provisions of section 15.059 shall apply to the members of the council. The council shall advise the commissioner in the selection of carriers and the implementation of collective bargaining agreements. Evidence of discussions, recommendations or decisions by the council shall not be submitted to any court or arbitrator in any matter involving state or University of Minnesota employees.

Sec. 16. Minnesota Statutes 1978, Section 43.46, is amended to read:

43.46 [CONTRIBUTIONS BY STATE.] *Subdivision 1. The total contribution by the state for each state employee (UNDER SECTIONS 43.42 TO 43.49) and for dependents of state employees shall be (OTHERWISE) prescribed by law (AND WHICH), rule, a plan prepared pursuant to section 11, or a collective bargaining agreement or arbitration award. The contribution shall be applied to provide basic hospital benefits, basic medical benefits, basic dental benefits (, AN ANNUAL HEALTH EVALUATION AND SCREENING PROGRAM) and basic life insurance (OF SUCH) in amounts as may be determined from time to time by the commissioner or in a collective bargaining agreement or arbitration award.*

Subd. 2. [UNREPRESENTED EMPLOYEES.] The commissioner shall establish the level of state payment of premiums paid by the state for all state employees who do not have an exclusive representative and for their dependents. The levels of payment shall be included in the plan prepared pursuant to section 11.

Sec. 17. Minnesota Statutes, 1979 Supplement, Section 43.50, Subdivision 1, is amended to read:

43.50 [PAYMENT OF PREMIUMS.] *Subdivision 1. Each department of the state government shall pay the amounts due for basic life insurance, basic dental insurance, (AND) basic (HEALTH) hospital benefits and basic medical benefits coverage authorized for eligible state employees as provided by this chapter and in contracts with exclusive representatives of state employees. (EFFECTIVE JULY 1, 1979, EACH DEPARTMENT OF THE STATE GOVERNMENT SHALL CONTRIBUTE UP TO \$64 PER YEAR TOWARD THE COST OF THE APPROVED ANNUAL HEALTH EVALUATION AND SCREENING PROGRAM FOR EACH ELIGIBLE EMPLOYEE WHO ELECTS TO PARTICIPATE AND WHO ELECTS HEALTH INSURANCE COVERAGE UNDER BLUE*

CROSS AND BLUE SHIELD OF MINNESOTA. ELIGIBLE EMPLOYEES WHO ELECT COVERAGE UNDER A HEALTH MAINTENANCE ORGANIZATION SHALL ONLY BE ELIGIBLE TO RECEIVE THIS BENEFIT IF THE HEALTH MAINTENANCE ORGANIZATION IN WHICH THE EMPLOYEE IS ENROLLED DOES NOT MAKE AVAILABLE WITHOUT ADDITIONAL COST, ON AN ANNUAL BASIS, THE TESTS PERFORMED FOR STATE EMPLOYEES BY THE APPROVED PROGRAM.)

(ADDITIONALLY, AND NOTWITHSTANDING ANY LAW TO THE CONTRARY, EFFECTIVE THE FIRST DAY OF THE FIRST PAYROLL PERIOD COMMENCING ON OR AFTER JULY 1, 1979, EACH DEPARTMENT OF THE STATE GOVERNMENT SHALL CONTRIBUTE UP TO \$60 PER MONTH OR 90 PERCENT OF THE COST, WHICHEVER IS GREATER, TOWARD THE COST OF DEPENDENT HOSPITAL MEDICAL INSURANCE COVERAGE PREMIUMS FOR THEIR ELIGIBLE EMPLOYEES WHO HAVE ELIGIBLE DEPENDENTS. EACH DEPARTMENT SHALL ALSO CONTRIBUTE ONE-HALF THE DIFFERENCE BETWEEN SINGLE AND FAMILY DENTAL COVERAGE PER MONTH FOR ALL ELIGIBLE EMPLOYEES CARRYING DEPENDENT DENTAL INSURANCE COVERAGE. TO ENABLE EMPLOYEES TO RECEIVE BENEFIT FROM THIS PROVISION, OPEN ENROLLMENT PERIODS FROM AUGUST 15 THROUGH SEPTEMBER 30, 1979 AND FROM AUGUST 15 THROUGH SEPTEMBER 30, 1980, ARE ESTABLISHED. DURING OPEN ENROLLMENT PERIODS EMPLOYEES MAY ENROLL THEIR DEPENDENTS IN DENTAL COVERAGE AND HOSPITAL MEDICAL COVERAGE WITHOUT PROOF OF INSURABILITY. EFFECTIVE JANUARY 1, 1981,) The (CHANGED) benefits provided in this section shall apply to eligible members of the legislature and their eligible dependents *when they become eligible for the benefits*. Each of the departments shall pay (SUCH) the amounts from accounts and funds from which the department receives its revenues, including appropriations from the general fund and from any other fund, now or hereafter existing for the payment of salaries and in the same proportion as it pays therefrom the amounts of salaries. In order to enable the commissioner of finance to maintain proper records covering the appropriations pursuant to this section, he may require certifications in connection therewith as he may deem necessary from any state agency, the Minnesota historical society, or the University of Minnesota whose employees receive benefits pursuant to this chapter. The accounts and funds referred to from which departments receive appropriations under the terms of this section are hereby declared to be a source of revenue for the purposes of any other law or statutory enactment.

Sec. 18. Minnesota Statutes, 1979 Supplement, Section 62D.-22, Subdivision 7, is amended to read:

Subd. 7. A licensed health maintenance organization shall be deemed to be a prepaid group practice plan for the purposes of chapter 43 and shall be allowed to participate as a carrier for state employees subject to any negotiated labor agreement and reasonable restrictions applied to all carriers. *The commissioner of employee relations may refuse to allow a health maintenance organization to continue as a carrier if it was selected by less than 500 employees in the preceding benefit year.*

Sec. 19. Minnesota Statutes 1978, Section 179.63, Subdivision 7, is amended to read:

Subd. 7. "Public employee" or "employee" means any person appointed or employed by a public employer except:

- (a) elected public officials;
- (b) election officers;
- (c) commissioned or enlisted personnel of the Minnesota national guard;
- (d) emergency employees who are employed for emergency work caused by natural disaster;
- (e) part time employees whose service does not exceed the lesser of 14 hours per week or 35 percent of the normal work week in the employee's bargaining unit;
- (f) employees who hold positions of a basically temporary or seasonal character for a period not in excess of 100 working days in any calendar year;
- (g) employees of charitable hospitals as defined by section 179.35, subdivision 3;
- (h) *full time undergraduate students employed by the school which they attend under a work study program or in connection with the receipt of any financial aid irrespective of number of hours of service per week.*

Sec. 20. Minnesota Statutes 1978, Section 179.63, Subdivision 8, is amended to read:

Subd. 8. "Confidential employee" means any employee who works in the personnel offices of a public employer or who has access to information subject to use by the public employer in meeting and negotiating or who actively participates in the meeting and negotiating on behalf of the public employer. *Provided that when the reference is to executive branch employees of the state of Minnesota or employees of the regents of the University of Minnesota, "confidential employee" means any*

employee who has access to information subject to use by the public employer in collective bargaining or who actively participates in collective bargaining on behalf of the public employer.

Sec. 21. Minnesota Statutes, 1979 Supplement, Section 179.63, Subdivision 11, is amended to read:

Subd. 11. "Essential employee" means firefighters, (POLICE) peace officers subject to licensure pursuant to sections 626.84 to 626.855, (HIGHWAY PATROLMEN,) guards at correctional (INSTITUTIONS) facilities, and employees of hospitals other than state hospitals (AND REGISTERED NURSES, AS DEFINED IN SECTION 148.171, ENGAGED IN THE PRACTICE OF PROFESSIONAL NURSING AND EMPLOYED IN A STATE HOSPITAL OR STATE NURSING HOME); provided that (1) with respect to state employees, "essential employee" means all employees in the law enforcement, health care professional, correctional guards, and supervisory collective bargaining units, irrespective of severance, and (2) with respect to university of Minnesota employees, "essential employee" means all employees in the law enforcement, nursing professional and supervisory units, irrespective of severance, and no other employees. The term "firefighters" means salaried employees of a fire prevention or suppression unit organized by a political subdivision and whose duties are directly or indirectly controlling, extinguishing, preventing, detecting, investigating, or dispatching manpower and equipment for the control or extinguishment of fires.

Sec. 22. Minnesota Statutes 1978, Section 179.64, is amended by adding a subdivision to read:

Subd. 1a. [STRIKES AUTHORIZED.] (a) Nonstate public employees, other than confidential, essential, and supervisory employees, principals and assistant principals, may strike at any time after the scheduled expiration date of a written contract if no new agreement or arbitration award is in effect and either party has rejected a petition for binding arbitration pursuant to section 179.69, subdivision 3. (b) Nonessential state employees may strike at any time after the scheduled expiration date of a written contract if (1) there is no new agreement or arbitration award in effect and either party has rejected a petition for binding arbitration pursuant to section 179.69, Subdivision 3, (2) the legislative commission on employee relations has not given interim approval to a negotiated agreement or arbitration award pursuant to section 179.74, subdivision 5 within 30 days after its receipt, or (3) the entire legislature rejects or fails to ratify a negotiated agreement or arbitration award, which has been approved by the legislative commission on employee relations, at a special legislative session called to consider it or at its next regular legislative session, whichever occurs first. (c) No strike may commence until the expiration of a ten day prior written notification by the exclusive representative to the public em-

ployer and the bureau of mediation services of the intent to strike. If more than 30 days have expired after a notice of intent to strike, a new ten day prior written notification of intent to strike shall be required. Except as authorized in this subdivision, all strikes by public employees shall be illegal.

Sec. 23. Minnesota Statutes 1978, Section 179.64, Subdivision 2, is amended to read:

Subd. 2. Notwithstanding any other provision of law, any public employee who (VIOLATES) *strikes in violation of* the provisions of this section may have his appointment or employment terminated by the employer effective the date the violation first occurs. (SUCH) *The* termination shall be (EFFECTIVE UPON) *made by serving* written notice (SERVED) upon the employee. Service may be made by certified mail.

Sec. 24. Minnesota Statutes 1978, Section 179.64, Subdivision 3, is amended to read:

Subd. 3. For purposes of this subdivision an employee who is absent from any portion of his work assignment without permission, or who abstains wholly or in part from the full performance of his duties without permission from his employer on the date or dates when a strike *not authorized by this section* occurs is prima facie presumed to have engaged in (A) *an illegal* strike on (SUCH) *the* date or dates *involved*.

Sec. 25. Minnesota Statutes 1978, Section 179.64, Subdivision 4, is amended to read:

Subd. 4. A public employee who knowingly (VIOLATES) *participates in a strike in violation of* the provisions of this section and whose employment has been terminated pursuant to this section (,) may (, SUBSEQUENT TO SUCH VIOLATION,) *subsequently* be appointed or reappointed, employed or reemployed, but the employee shall be on probation for two years with respect to (SUCH) *the* civil service status, tenure of employment, or contract of employment (, AS) *to which he* (MAY HAVE THERETOFORE BEEN) *was previously* entitled.

No employee shall be entitled to any daily pay, wages, *reimbursement of expenses*, or per diem for the days on which he engaged in a strike.

Sec. 26. Minnesota Statutes 1978, Section 179.64, Subdivision 5, is amended to read:

Subd. 5. Any public employee (, UPON REQUEST,) shall be entitled (, AS HEREINAFTER PROVIDED,) *to request the opportunity* to establish that he did not violate the provisions of this section. (SUCH) *The* request (MUST) *shall* be filed in

writing with the officer or body having the power to remove (SUCH) *the* employee, within ten days after notice of termination is served upon him (; WHEREUPON SUCH). *The employing officer (,) or body (,) shall within ten days commence a proceeding at which (SUCH PERSON) the employee shall be entitled to be heard for the purpose of determining whether the provisions of this section have been violated by (SUCH) the public employee (, AND). If there (BE) are contractual grievance procedures, laws (AND REGULATIONS) or rules establishing proceedings to remove (SUCH) the public employee, the hearing shall be conducted in accordance (THEREWITH) with whichever procedure the employee elects provided that such election shall be binding and shall terminate any right to the alternative procedures. The (PROCEEDINGS MAY UPON APPLICATION TO THE COURT BY AN) employer, an employee, or the employee organization (AND) may apply to district court for the issuance of an appropriate order by the court to include more than one employee's employment status in the same proceeding if the employees' defenses are identical, analogous or reasonably similar. (SUCH) The proceedings shall be undertaken without unnecessary delay. Any person whose termination is sustained in the administrative or grievance proceeding may secure a review of his removal by serving a notice (SO REQUESTING) of appeal upon the employer removing him within 20 days after the results of the hearing (REFERRED TO HEREIN) have been announced. This notice, with proof of service thereof, shall be filed within ten days after service, with the clerk of the district court in the county where the employer has its principal office or in the county where the employee last was employed by the employer. The district court shall (THEREUPON) have jurisdiction to review the matter in the same manner as on appeal from administrative orders and decisions. This hearing shall take precedence over all matters before the court and may be held upon ten days written notice by either party. The court shall make such order (IN THE PREMISES) as (IS) it deems proper (; AND). An employer may obtain review of a decision to reinstate an employee in the same manner as provided for appeals by employees in this subdivision. An appeal may be taken (THEREFROM) from the district court order to the supreme court.*

Sec. 27. Minnesota Statutes, 1979 Supplement, Section 179.65, Subdivision 6, is amended to read:

Subd. 6. Supervisory and confidential employees, principals and assistant principals may form their own organizations. An employer shall extend exclusive recognition to a representative of or an organization of supervisory or confidential employees, or principals and assistant principals, for the purpose of negotiating terms or conditions of employment in accordance with all other provisions of sections 179.61 to 179.76, as though they were essential employees. (UNITS OF) Supervisory or confidential (EMPLOYEES) *employee organizations* shall not participate in any capacity in any (JOINT) negotiations which

involve (THE PARTICIPATION OF) units of employees other than supervisory or confidential employees. Affiliation of a supervisory or confidential employee organization, whether direct or indirect, with another employee organization which has (AS) among its members non-supervisory employees or non-confidential employees, or with a federation or other joint body of employee organizations any one of whose affiliates has among its members nonsupervisory employees or confidential employees, is permitted. For state employees a supervisory employee organization which is affiliated, either directly or indirectly, with another employee organization which has among its members non-supervisory employees, or with a federation or other joint body of employee organizations any one of whose affiliates has among its members non-supervisory employees shall not be certified as or act as an exclusive representative pursuant to sections 179.61 to 179.76 or section 39.

Sec. 28. Minnesota Statutes 1978, Section 179.67, Subdivision 4, is amended to read:

Subd. 4. Any employee organization may obtain a certification election upon petition to the director wherein it is stated that at least 30 percent of the employees of a proposed employee unit wish to be represented by the petitioner (OR THAT THE CERTIFIED REPRESENTATIVE NO LONGER REPRESENTS THE MAJORITY OF EMPLOYEES IN THE UNIT). Any employee organization may obtain a representation election upon petition to the director wherein it is stated that the currently certified representative no longer represents the majority of employees in an established unit and that at least 30 percent of the employees in the established unit wish to be represented by the petitioner rather than by the currently certified representative. An individual employee or group of employees in a unit may obtain a decertification election upon petition to the director wherein it is stated that the certified representative no longer represents the majority of the employees in an established unit and that at least 30 percent of the employees wish to be unrepresented.

Sec. 29. Minnesota Statutes 1978, Section 179.69, Subdivision 1, is amended to read:

179.69 [PROCEDURES.] Subdivision 1. [MEDIATION PETITION.] When any employees or representative of employees shall desire to meet and negotiate an agreement establishing terms and conditions of employment, they shall give written notice to the employer and the director, and it shall thereupon be the duty of the employer to recognize the employee representative for purposes of reaching agreement on terms and conditions of employment of the employees or the employer shall within ten days of receipt of the written notice object or refuse to recognize the employees' representative or the employees as an appropriate unit. The employer or employees' representative

may thereupon petition the director to take jurisdiction of the matter whereupon the director shall then be authorized and shall perform those duties as provided in section 179.71, subdivision 2(a) and (b).

Upon the certified exclusive representative and the employer reaching agreement on terms and conditions of employment or receiving a valid arbitration award, they shall execute a written contract or memorandum of contract containing the terms of (SUCH) *the negotiated agreement or arbitration award*. The contracts or memoranda shall in every instance be subject to the provisions of section 179.70.

A petition by an employer shall be signed by him or his duly authorized officer or agent; and a petition by an exclusive representative shall be signed by its authorized officer. In either case the petition shall be served by delivering it to the director his office. The petition shall state briefly the nature of the disagreement of the parties. Upon receipt of a petition, the director (, OR BY SEPTEMBER 1, WHICHEVER DATE IS EARLIER) shall fix a time and place for a conference with the parties to *negotiate* the (MATTER UPON THE) issues (INVOLVED) *not agreed upon* in the matter, and he shall then take whatever steps he deems most expedient to bring about a settlement of the matter, including assisting in negotiating and drafting an agreement. It shall be the duty of all parties to respond to the summons of the director for joint or several conferences with him and to continue in such conference until excused by the director.

Sec. 30. Minnesota Statutes 1978, Section 179.69, Subdivision 3, is amended to read:

Subd. 3. [BINDING ARBITRATION PETITION.] The director shall only certify a matter to the board for *binding arbitration pursuant to section 179.72* when either (OR BOTH PARTIES) party, except (FOR) *in the case of essential employees, (PETITION) petitions* for binding arbitration stating that an impasse has been reached and the director has determined that further mediation efforts under subdivision 1 would serve no purpose. *The director shall conclusively presume the parties to be at impasse 60 days after the expiration date of the contract.* Upon (SUCH) *the filing of the petition and determination by the mediator, the parties shall each submit their respective final positions on matters not agreed upon. (IF THE EMPLOYER HAS PETITIONED FOR BINDING ARBITRATION AND THE DIRECTOR HAS DETERMINED THAT AN IMPASSE HAS BEEN REACHED SAID PROCEEDINGS SHALL BEGIN WITHIN 15 DAYS THEREOF AND BE BINDING ON BOTH PARTIES.)* The director shall determine the matters not agreed upon based upon *the positions submitted and his efforts to mediate the dispute. (IF THE EMPLOYEE REPRESENTATIVE HAS PETITIONED FOR BINDING ARBITRA-*

TION THE EMPLOYER SHALL HAVE 15 DAYS AFTER THE DIRECTOR OF MEDIATION HAS DETERMINED THAT AN IMPASSE HAS BEEN REACHED TO REJECT THE REQUEST OR AGREE TO SUBMIT MATTERS NOT AGREED UPON TO BINDING ARBITRATION. IF THE EMPLOYER DOES NOT RESPOND WITHIN 15 DAYS IT SHALL BE REGARDED AS A REJECTION AND SAID REJECTION SHALL BE A REFUSAL BY THE EMPLOYER WITHIN THE MEANING OF SECTION 179.64, SUBDIVISION 7.) *Either party shall have 15 days after the director has determined that an impasse has been reached to reject the petition or agree to submit matters not agreed upon to binding arbitration. If the nonpetitioning party does not respond within 15 days it shall be regarded as a rejection. Upon rejection by either party, a public employee shall have the right to strike pursuant to the provisions of section 179.64.* Under a petition (BY EITHER PARTY) the parties may stipulate those agreed upon items to be excluded from arbitration.

Sec. 31. Minnesota Statutes 1978, Section 179.71, Subdivision 3, is amended to read:

Subd. 3. The director shall determine appropriate units, *except where appropriate units are defined by section 38.* In determining the appropriate unit he shall take into consideration, along with other relevant factors, the principles and the coverage of uniform comprehensive position classification and compensation plans of the employees, involvement of professions and skilled crafts and other occupational classifications, relevant administrative and supervisory levels of authority, geographical location, and the recommendation of the parties, and shall place particular importance upon the history and extent of organization and the desires of the petitioning employee representatives.

In addition, with regard to the inclusion or exclusion of supervisory employees, the director must find that an employee may perform or effectively recommend a majority of those functions referred to in section 179.63, subdivisions 9 or 9a, before an employee may be excluded as supervisory. However, in every case the administrative head, and his assistant, of a municipality, municipal utility, police or fire department shall be considered a supervisory employee.

He shall not designate an appropriate unit which includes employees subject to section 179.63, subdivision 11, with employees not included in section 179.63, subdivision 11.

Sec. 32. Minnesota Statutes 1978, Section 179.71, Subdivision 5, is amended to read:

Subd. 5. In addition to all other duties imposed by this section, the director shall:

(a) retain mediation jurisdiction over the parties for purposes of this subdivision until (SUCH TIME AS) the parties reach agreement; provided, however, he may continue to assist parties after the parties have submitted their final positions as provided or required under section 179.72, subdivision 6; or section 179.69 (, SUBDIVISION 6);

(b) issue notices, subpoenas and orders as may be required by law to carry out his duties under sections 179.61 to 179.77. Issuance of orders shall include those orders of the Minnesota public employment relations board;

(c) certify to the Minnesota public employment relations board those items of dispute between parties to be subject to the action of the Minnesota public employment relations board under section 179.69, subdivision 3;

(d) assist the parties in formulating petitions, notices, and other papers required to be filed with the director or the board;

(e) certify the final results of any election or other voting procedure conducted pursuant to sections 179.61 to 179.77;

((F) FURNISH CLERICAL AND ADMINISTRATIVE SERVICES TO THE MINNESOTA PUBLIC EMPLOYMENT RELATIONS BOARD AS MAY BE REQUIRED;)

((G)) (f) adopt reasonable and proper rules (AND REGULATIONS) relative to and regulating the forms of petitions, notices, orders and the conduct of hearings and elections subject to final approval of the Minnesota public employment relations board. (SUCH) *The* rules (AND REGULATIONS) shall be printed and made available to the public and a copy delivered with each notice of hearing; provided, that (EVERY SUCH) *any* rule (OR REGULATION) shall be filed with the secretary of state, and any change therein or additions thereto shall not take effect until 20 days after (SUCH) *the* filing;

((H)) (g) receive, catalogue and file in a logical manner all orders and decisions of the Minnesota public employment relations board and all arbitration panels authorized by sections 179.61 to 179.77 as well as all grievance arbitration decisions and the director's own orders and decisions. All orders and decisions catalogued and filed shall be made readily available to the public;

((I)) (h) promulgate a grievance procedure to effectuate the purposes of section 179.70, subdivision 1. (SUCH) *The* grievance (PROCEDURES) *procedure* shall not provide for the services of the bureau of mediation services. The exercise of authority granted by this clause shall be subject to the provisions of chapter 15 (; SAID). *The* grievance procedure (TO) *shall* be available to any public employee employed in a unit not covered

by a negotiated grievance procedure as contained in section 179.70, subdivision 1;

(j) (i) conduct elections;

(j) *assign state employee classifications and university of Minnesota classifications to the appropriate units provided in section 38, when the classifications have not been assigned pursuant to section 38, or have been significantly modified in occupational content subsequent to assignment pursuant to section 38, and assign supervisory employees to the appropriate units provided in section 38 when the positions have not been assigned pursuant to section 38 or have been significantly modified in occupational content. The assignment of the classes shall be made on the basis of the community of interest of the majority of employees in these classes with the employees within the statutory units and all the employees in the class, excluding supervisory and confidential employees, shall be assigned to a single appropriate unit.*

Sec. 33. Minnesota Statutes 1978, Section 179.72, Subdivision 6, is amended to read:

Subd. 6. When final positions are certified to the board as provided in section 179.69, subdivision 3, (OR SUBMITTED TO THE BOARD AS PROVIDED IN SECTION 179.69, SUBDIVISION 5,) the board shall constitute an arbitration panel as follows:

The parties shall, under the direction of the chairman of the board, alternately strike names from a list of seven arbitrators until only three names remain, which three members shall be members of the panel; provided, however, that if either party requests the parties shall select a single arbitrator to hear the dispute. If the parties are unable to agree on who shall strike the first name, the question shall be decided by the flip of a coin. In submitting names of arbitrators to the parties the board shall endeavor whenever possible to include names of persons from the general geographical area in which the public employer is located. The panel shall assume and have jurisdiction over the items of dispute certified to the board for which the panel was constituted. The panel's orders shall be issued upon a majority vote of members considering a given dispute. The members of the panel shall be paid their actual and necessary traveling and other expenses incurred in the performance of their duties plus a per diem allowance of \$180 for each day or part thereof while engaged in the consideration of a dispute. All fees, expenses and costs of the panel shall be shared and assessed equally to the parties to the dispute. In those cases where a single arbitrator is hearing a dispute, the fees, expenses and costs of the arbitrator shall also be shared and assessed equally by the parties to the dispute.

Sec. 34. Minnesota Statutes 1978, Section 179.74, Subdivision 2, is amended to read:

Subd. 2. The employer of state employees shall be, for purposes of sections 179.61 to 179.77, the commissioner of (PERSONNEL) *employee relations* or his representative.

Sec. 35. Minnesota Statutes 1978, Section 179.74, Subdivision 3, is amended to read:

Subd. 3. In all negotiations between the state and exclusive representatives the state shall be represented by the commissioner of (PERSONNEL) *employee relations* or his representative. The attorney general, and each appointing authority shall cooperate with the commissioner of (PERSONNEL) *employee relations* in conducting negotiations and shall make available (SUCH) *any* personnel and other resources as are necessary to enable the commissioner to conduct effective negotiations.

Sec. 36. Minnesota Statutes, 1979 Supplement, Section 179.74, Subdivision 4, is amended to read:

Subd. 4. The commissioner of (PERSONNEL) *employee relations* shall meet and negotiate with the exclusive representative of (APPROPRIATE) *the units specified in section 38, subdivision 1*, in the manner prescribed by sections 179.61 to 179.77 (; PROVIDED, HOWEVER, THAT THE DIRECTOR OF MEDIATION SERVICES SHALL DEFINE APPROPRIATE UNITS OF STATE EMPLOYEES AS ALL THE EMPLOYEES UNDER THE SAME APPOINTING AUTHORITY EXCEPT WHERE PROFESSIONAL, GEOGRAPHICAL OR OTHER CONSIDERATIONS AFFECTING EMPLOYMENT RELATIONS CLEARLY REQUIRE APPROPRIATE UNITS OF SOME OTHER COMPOSITION). *However, the appropriate units provided for in section 38 shall be the only appropriate units for executive branch state employees.* The positions and classes of positions in the classified and unclassified services defined as managerial by the commissioner of (PERSONNEL) *employee relations* in accordance with the provisions of section 43.326 and so designated in the official state compensation schedules, all unclassified positions in the state university system and the community college system defined as managerial by their respective boards, *the positions of all unclassified employees in the offices of the governor, lieutenant governor, secretary of state, attorney general, treasurer and auditor*, all positions in the bureau of mediation services, all hearing (EXAMINERS) *examiner positions* in the office of hearing examiners, *and the positions of all confidential employees (WHO WORK IN THE PERSONNEL OFFICES OF AN APPOINTING AUTHORITY IN THE EXECUTIVE BRANCH AND WHO HAVE ACCESS TO INFORMATION SUBJECT TO USE BY THE APPOINTING AUTHORITY IN MEETING AND NEGOTIATING OR WHO ACTIVELY PAR-*

TICIPATE IN THE MEETING AND NEGOTIATING ON BEHALF OF THE STATE,) shall be excluded from any appropriate unit. (REGARDLESS OF UNIT DETERMINATION,) The governor may upon the unanimous written request of exclusive representatives of units and (APPOINTING AUTHORITIES) *the commissioner* direct that negotiations be conducted for one or more (APPOINTING AUTHORITIES) *units* in a common proceeding or that supplemental negotiations be conducted for portions of a unit or units defined on the basis of appointing authority or geography.

Sec. 37. Minnesota Statutes, 1979 Supplement, Section 179.74, Subdivision 5, is amended to read:

Subd. 5. The commissioner of (PERSONNEL) *employee relations* is authorized to and may enter into agreements with *exclusive representatives of the units specified in section 38, subdivision 1.* The provisions of the negotiated agreements and arbitration awards shall be submitted to the legislature to be accepted or rejected *in accordance with this section and section 3.855.* (A STATE EMPLOYEE WHOSE EXCLUSIVE REPRESENTATIVE, AS DEFINED BY SECTION 179.63, SUBDIVISION 6, HAS NOT REACHED A PROPOSED AGREEMENT WITH THE STATE WHICH HAS BEEN SUBMITTED BY THE COMMISSIONER TO THE LEGISLATIVE COMMISSION ON EMPLOYEE RELATIONS ON OR BEFORE APRIL 15 OF AN ODD NUMBERED YEAR, SHALL NOT RECEIVE THE WAGE AND ECONOMIC FRINGE BENEFIT INCREASES PROVIDED PURSUANT TO AN AGREEMENT EXECUTED AND APPROVED UNDER THIS SUBDIVISION. DISAPPROVAL BY THE LEGISLATIVE COMMISSION ON EMPLOYEE RELATIONS PURSUANT TO SECTION 3.855 OR FAILURE OF THE LEGISLATURE TO APPROVE A NEGOTIATED AGREEMENT OR ARBITRATION AWARD WITH RESPECT TO WAGES AND ECONOMIC FRINGE BENEFITS BY THE TIME OF ADJOURNMENT OF THE REGULAR LEGISLATIVE SESSION IN AN ODD NUMBERED YEAR SHALL BE A DEFENSE TO A VIOLATION OF SECTION 179.64.) *In the event that a proposed agreement or arbitration award is rejected or is not approved by the legislature prior to its adjournment in an odd numbered year, the legislative commission on employee relations is authorized to give interim approval to a proposed agreement or arbitration award. The proposed agreement or arbitration award shall be implemented upon its approval by the commission and state employees covered by the proposed agreement or arbitration award shall not have the right to strike while the interim approval is in effect. The commission shall submit the agreement or arbitration award to the legislature for ratification at a special legislative session called to consider it or at its next regular legislative session. Wages and economic fringe benefit increases provided for in the agreement or arbitration award which were paid pursuant to the interim approval by the commission shall not be affected but such wages and benefit increases shall cease to be paid or provided effective upon the rejection of the agreement or arbi-*

tration award or upon adjournment by the legislature without acting upon the agreement or arbitration award. Rejection or failure to approve the agreement or arbitration award by the legislature prior to its adjournment in that session shall be grounds for a legal strike by affected nonessential state employees prior to the scheduled expiration date of the agreement or arbitration award which was given interim approval by the commission pursuant to section 179.64.

Sec. 38. Minnesota Statutes 1978, Chapter 179, is amended by adding a section to read:

[179.741] [STATE AND UNIVERSITY OF MINNESOTA EMPLOYEES; APPROPRIATE UNITS.] *Subdivision 1. [STATE EMPLOYEES.] All appropriate units of state employees certified as of the effective date of this subdivision are abolished. The following shall be the appropriate units of executive branch state employees for the purposes of sections 179.61 to 179.76. All units shall exclude employees excluded by section 179.74, subdivision 4, and supervisory employees shall only be assigned to units 12 and 16. No additional units of executive branch state employees shall be recognized for the purpose of meeting and negotiating.*

(1) *Law enforcement unit. This unit shall consist of all sworn highway patrol personnel, all uniformed conservation officers, and all criminal apprehension agents.*

(2) *Craft, maintenance, and labor unit. This unit shall consist of those classifications assigned to this unit in the unit composition schedule adopted by the legislative commission on employee relations on*

(3) *Service unit. This unit shall consist of those classifications assigned to this unit in the unit composition schedule adopted by the legislative commission on employee relations on*

(4) *Health care non-professional unit. This unit shall consist of those classifications assigned to this unit in the unit composition schedule adopted by the legislative commission on employee relations on*

(5) *Health care professional unit. This unit shall consist of all positions which are required to be filled by registered nurses.*

(6) *Clerical and office unit. This unit shall consist of those classifications assigned to this unit in the unit composition schedule adopted by the legislative commission on employee relations on*

(7) *Technical unit. This unit shall consist of those classifications assigned to this unit in the unit composition schedule adopted by the legislative commission on employee relations on*

(8) *Correctional Guards unit. This unit shall consist of those classifications assigned to this unit in the unit composition schedule adopted by the legislative commission on employee relations on*

(9) *State university instructional unit. This unit shall consist of those positions assigned to this unit in the unit composition schedule adopted by the legislative commission on employee relations on*

(10) *Community college instructional unit. This unit shall consist of those positions assigned to this unit in the unit composition schedule adopted by the legislative commission on employee relations on*

(11) *State university administrative unit. This unit shall consist of those positions assigned to this unit in the unit composition schedule adopted by the legislative commission on employee relations on*

(12) *Professional engineering supervisory unit. This unit shall consist of those classifications assigned to this unit in the unit composition schedule adopted by the legislative commission on employee relations on*

(13) *Health treatment unit. This unit shall consist of those classifications assigned to this unit in the unit composition schedule adopted by the legislative commission on employee relations on*

(14) *General professional unit. This unit shall consist of those classifications assigned to this unit in the unit composition schedule adopted by the legislative commission on employee relations on*

(15) *Professional state residential instructional unit. This unit shall consist of those classifications assigned to this unit in the unit composition schedule adopted by the legislative commission on employee relations on*

(16) *Supervisory employees unit. This unit shall consist of those classifications assigned to this unit in the unit composition schedule adopted by the legislative commission on employee relations on*

Subd. 2. [STATE EMPLOYEE SEVERANCE.] Each of the following groups of employees shall have the right, as specified in this subdivision, to separate from the general professional or general supervisory units provided for in subdivision 1: attorneys, physicians, highway patrol-supervisors, and criminal apprehension investigative-supervisors. This right shall be exercised by petition during the period commencing on the effec-

tive date of this section and concluding thirty days after that date or, after January 1, 1981, during the sixty day period commencing 270 days prior to the termination of a contract covering the units. If one of these groups of employees exercises the right to separate from the units they shall have no right to meet and negotiate; but shall retain the right to meet and confer with the commissioner of employee relations and with the appropriate appointing authority on any matter of concern to them. The manner of exercise of the right to separate shall be as follows: An employee organization or group of employees claiming that a majority of any one of these groups of employees on a state-wide basis wish to separate from the units may petition the director for an election during the petitioning period. If the petition is supported by a showing of at least 30 percent support for the petitioner from the employees, the director shall hold a single election to ascertain the wishes of the majority with respect to the issue of remaining within or severing from the supervisory or professional units provided in subdivision 1. This election shall be conducted within 30 days of the close of the petition period. If a majority of votes cast endorse severance from the unit in favor of separate meet and confer status for any one of these groups of employees, the director shall certify that result. This election shall, where not inconsistent with other provisions of this section, be governed by section 179.67. If a group of employees elects to sever they may rejoin that unit by following the same procedures specified above for severance, but may only do so during the periods provided for severance.

Subd. 3. [UNIVERSITY OF MINNESOTA.] All appropriate units of university of Minnesota employees certified as of the effective date of this section are abolished. The following shall be the appropriate units of university of Minnesota employees for the purposes of sections 179.61 to 179.76. All units shall exclude managerial and confidential employees and supervisory employees shall only be assigned to unit 11. No additional units of university of Minnesota employees shall be recognized for the purpose of meeting and negotiating.

(1) **Law enforcement unit.** This unit shall consist of the positions of all employees with the power of arrest.

(2) **Craft and trades unit.** This unit shall consist of the positions of all employees whose work requires specialized manual skills and knowledge acquired through formal training or apprenticeship or equivalent on-the-job training or experience.

(3) **Service, maintenance and labor unit.** This unit shall consist of the positions of all employees whose work is typically that of maintenance, service or labor and which does not require extensive previous training or experience.

(4) *Nursing professional unit. This unit shall consist of all positions which are required to be filled by registered nurses.*

(5) *Clerical and office unit. This unit shall consist of the positions of all employees whose work is typically clerical or secretarial, including non-technical data recording and retrieval and general office work.*

(6) *Technical unit. This unit shall consist of the positions of all employees whose work is not typically manual and which requires specialized knowledge or skills acquired through two year academic programs or equivalent experience or on-the-job training.*

(7) *Twin Cities instructional unit. This unit shall consist of the positions of all instructional employees with the rank of professor, associate professor, assistant professor, including research associate, or instructor, including research fellow located on the Twin Cities campuses.*

(8) *Duluth instructional unit. This unit shall consist of the positions of all instructional employees with the rank of professor, associate professor, assistant professor, including research associate, or instructor, including research fellow, located at the Duluth campus, provided that the positions of instructional employees of the same ranks at the Morris, Crookston or Waseca campuses shall be included within this unit if a majority of the eligible employees voting at one or more of those campuses so vote during an election conducted by the director. Such an election shall be held when an employee organization or group of employees petitions the director stating that a majority of the eligible employees at one of these campuses wishes to join the unit when this petition is supported by a showing of at least 30 percent support from eligible employees at that campus and is filed within 60 days of the effective date of this section or during the 60 day period commencing 270 days prior to the termination of a contract covering the unit.*

(9) *Graduate assistant unit. This unit shall consist of the positions of all graduate assistants who are enrolled in the graduate school and who hold the rank of research assistant, teaching assistant, teaching associate I or II, project assistant, or administrative fellow I or II.*

(10) *Non-instructional professional unit. This unit shall consist of the positions of all employees meeting the requirements of either clause (a) or (b) of section 179.68, subdivision 10, which are not defined as included within the instructional unit.*

(11) *Supervisory employees unit. This unit shall consist of the positions of all supervisory employees.*

The employer shall petition the director within 90 days of the effective date of this subdivision indicating his position with respect to the allocation of all positions to the units provided in this subdivision. When the employer's position with respect to the positions to be included within a unit established by this subdivision is challenged by an employee organization petitioning under section 179.67, the director shall make a determination as to the allocation of the challenged positions under the language of subdivision 3. His determination shall be made within 60 days of receipt of the petitioning organization's challenge and may be appealed only to the supreme court.

Subd. 4. [UNIVERSITY OF MINNESOTA EMPLOYEE SEVERANCE.] *Each of the following groups of university of Minnesota employees shall have the right, as specified in this subdivision, to separate from the instructional unit provided for in subdivision 3: (1) health sciences instructional employees at all campuses with the rank of professor, associate professor, assistant professor, including research associate, or instructor, including research fellow, (2) instructional employees of the law school with the rank of professor, associate professor, assistant professor, including research associate, or instructor, including research fellow, (3) instructional supervisors, and (4) non-instructional professional supervisors. This right shall be exercised by petition during the period commencing on the effective date of this section and concluding 30 days after that date or, after January 1, 1981, during the 60 day period commencing 270 days prior to the termination of a contract covering the units. If either group of employees exercises the right to separate from the instructional unit they shall have no right to meet and negotiate, but shall retain the right to meet and confer with the appropriate officials on any matter of concern to them. The manner of exercise of the right to separate shall be as follows: An employee organization or group of employees claiming that a majority of any one of these groups of employees on a state-wide basis wish to separate from the unit may petition the director for an election during the petitioning period. If the petition is supported by a showing of at least 30 percent support for the petitioner from the employees, the director shall hold an election to ascertain the wishes of the majority with respect to the issue of remaining within or severing from the instructional unit provided in subdivision 3. This election shall be conducted within 30 days of the close of the petition period. If a majority of votes cast endorse severance from the unit in favor of meet and confer status for any one of these groups of employees, the director shall certify that result. This election shall, where not inconsistent with other provisions of this section, be governed by section 179.67. If a group of employees elects to sever they may rejoin that unit by following the same procedures specified above for severance, but may only do so during the periods provided for severance.*

Sec. 39. *Minnesota Statutes 1978, Chapter 179, is amended by adding a section to read:*

[179.742] [TRANSITION TO NEW BARGAINING UNIT STRUCTURE FOR STATE AND UNIVERSITY OF MINNESOTA EMPLOYEES.] *Subdivision 1. [APPLICATION OF SECTION.] Notwithstanding section 179.65, subdivision 2, or any other law, this section shall govern, where contrary to other law, the initial certification and decertification of exclusive representatives for the appropriate units of state employees and university of Minnesota employees established by section 38. Subsequent to the initial certification and decertification pursuant to this section, the provisions of this section shall not apply.*

Subd. 2. [EXISTING MAJORITY.] The director shall certify an employee organization as exclusive representative for an appropriate unit established by section 38 upon a petition filed with the director by the organization within 30 days of the effective date of this section stating that the petitioner is certified pursuant to section 179.67 as the exclusive representative of a majority of the employees included within the unit established by section 38. Two or more employee organizations which represent the employees in a unit established by section 38, may petition jointly pursuant to this subdivision, provided that any organization may withdraw from a joint certification in favor of the remaining organization or organizations on 30 days notice without effect upon the rights and obligations of the remaining organization or organizations or the employer. The director shall make a determination on a timely petition within 45 days of its receipt.

Subd. 3. [NO EXISTING MAJORITY.] (1) The director shall certify an employee organization as exclusive representative for an appropriate unit established by section 38 upon a petition filed by the organization within 30 days of the effective date of this section stating that the petitioner is certified pursuant to section 179.67 as the exclusive representative of fewer than a majority of the employees included within the unit established by section 38, where no other employee organization so certified has filed a petition within 30 days of the effective date of this section under subdivisions 2 or 3, so long as a majority of the employees in the unit established by section 38 are represented by employee organizations pursuant to section 179.67 on the effective date of this section. Two or more employee organizations, each of which represents employees included in the unit established by section 38 may petition jointly pursuant to this clause, provided that any organization may withdraw from a joint certification in favor of the remaining organization or organizations on 30 days notice without effect upon the rights and obligations of the remaining organization or organizations or the employer. The director shall make a determination on a timely petition within 45 days of its receipt.

(2) If no exclusive representative is certified under subdivision 2 or subdivision 3, clause (1), and an employee organization petitions the director within 45 days of the effective date of this

section stating that at least 30 percent of the employees included within a unit established by section 38 wish to be represented by the petitioner, where this 30 percent is evidenced by current dues deduction rights, signed statements plainly indicating that the signatories wish to be represented for collective bargaining purposes by the petitioner rather than by any other organization, or a combination thereof, the director shall conduct a secret ballot election to determine the wishes of the majority. The election shall be conducted within 75 days of the effective date of this section and shall, where not inconsistent with other provisions of this section, be governed by section 179.67.

Subd. 4. [DECERTIFICATION.] Prior to January 1, 1981 the director shall consider a petition for decertification of an exclusive representative certified under this section only when the petition is filed within 60 days of the initial certification and only when the certification was made pursuant to subdivisions 2 or 3(1). The petition shall be considered under the provisions of section 179.67 except where they are inconsistent with this subdivision.

Subd. 5. [CONTRACT AND REPRESENTATION RESPONSIBILITIES.] Until June 30, 1981 exclusive representatives of units of state employees and university of Minnesota employees certified prior to the effective date of this section shall remain responsible for administration of their contracts and for all other contractual duties and shall enjoy the right to dues and fair share fee deduction and all other contractual privileges and rights. Exclusive representatives of state employees and university of Minnesota employees certified after the effective date of this section shall immediately upon certification have the responsibility of bargaining on behalf of employees within the unit and shall have the responsibility of administering grievances arising under previous contracts covering employees included within the unit which remain unresolved on June 30, 1981. Where the employer does not object, these responsibilities may be varied by agreement between the outgoing and incoming exclusive representatives. All other rights and duties of representation shall commence on July 1, 1981, except that exclusive representatives certified after the effective date of this section shall immediately upon certification have the right to all employer information and all forms of access to employees within the bargaining unit which would be permitted to the current contract-holder. This section shall in no way affect any existing collective bargaining contract. Should an exclusive bargaining agent not be certified for the unit provided for in section 38, subdivision 3, clause (2), the employees assigned to that unit shall continue to be compensated pursuant to the appropriate university of Minnesota civil service rules, or by the terms of any master or uniform contract of their particular trade which exists between associations of employers in their local area representing all or substantially all of the employees of that trade, if such method of compensation has been elected by the employee previous to the effective date of this section.

Nothing in sections 1 to 42 shall prevent an exclusive representative certified after the effective date of sections 1 to 42 from assessing fair share or dues deductions immediately upon certification for employees in a unit established under section 38 if the employees were unrepresented for collective bargaining purposes prior to that certification.

Sec. 40. Minnesota Statutes 1978, Chapter 179, is amended by adding a section to read:

[179.743] [STATE EMPLOYEES.] *When no prior determination has been made with respect to the supervisory status of a state employee or his predecessor and no agreement can be reached between the employer and petitioning employee organizations, the commissioner of employee relations may petition the director for a determination. The director shall not exclude any supervisory employee from an appropriate unit of nonsupervisory state employees on the basis of a petition filed later than 30 days after the effective date of this section, except as provided in section 32. The director shall make all determinations under this subdivision within 60 days of receipt of a timely petition. The director shall have full discretion in his determination of the application of sections 179.63, subdivisions 8, 9, and 9a, and 179.71, subdivision 3, paragraph 2 in all cases arising under this subdivision. Notwithstanding any other law, his decision shall be final and no appeal whatsoever shall be heard. For the purposes of the certification of a bargaining agent for units provided in subdivision 1 of section 38 employees sought to be excluded by a timely and valid petition as supervisory or confidential shall be counted and shall vote separately in a fashion which shall permit them to be individually excluded or included after a determination as to their status. When a certification is dependent upon challenged employees, the director shall determine the status of the challenged employees prior to deciding the cases of challenged employees whose status need not be determined for a certification. In the latter situation the certification of a bargaining agent shall proceed irrespective of pending challenges.*

Sec. 41. Laws 1979, Chapter 332, Article I, Section 114, is amended to read:

Sec. 114. [REPEALER.] *Effective July 1, 1981, Minnesota Statutes 1978, Sections 43.03; 43.06; 43.062; 43.063; (43.064;) 43.065; 43.067; 43.068; 43.069; 43.07; 43.09; (43.111;) 43.12, subdivisions 2 to 27; 43.121; 43.122; 43.126; 43.127; 43.128; (43.13; 43.14;) 43.162; (43.17; 43.18; 43.19; 43.20; 43.21;) 43.22; 43.222; 43.223; 43.224; 43.23; 43.24; (43.245; 43.321;) 43.322; 43.323; 43.324; 43.326; 43.327; 43.33; 43.44; (43.45; 43.46;) 43.48; and 43.49 (; 43.50; AND 43.51) are repealed.*

Sec. 42. Laws 1979, Chapter 332, Article I, Section 116, is amended to read:

Sec. 116. [EFFECTIVE DATE.] The effective dates for Article I are as follows: sections 2, 4, 8, 40, 45, 46, 47, 58, 61, 65, 82-91, and 113 are effective upon final enactment. Section 64, is effective June 30, 1980. Sections 3, 5, 6 and 7 are effective July 1, 1981. The remaining provisions of Article I are effective July 1, 1979. The provisions of section 47 shall apply to all disciplinary actions taken on or after the effective date of section 47. *The provisions of section 63 shall expire on July 1, 1981, but shall apply to all arbitration proceedings which are to determine contractual provisions for the 1982-1983 biennium.* The provisions of sections (63) 64, 93 to 111 and 113 shall expire on July 1, 1981. The provisions of section 137.02, subdivision 4, shall not apply to sections 93 to 111.

Sec. 3. [REPEALER.] *Minnesota Statutes 1978, Sections 43.003; 43.50, Subdivision 3; 179.64, Subdivision 1; 179.69, Subdivisions 4, 5, and 6; and 482.18; and Minnesota Statutes, 1979 Supplement, Sections 15A.081, Subdivision 5; and 179.64, Subdivision 7, are repealed.*

Sec. 44. [APPROPRIATION.] Subdivision 1. *The sum of \$. . . is appropriated for the period ending June 30, 1981, to the commissioner of employee relations for the expenses of the insurance advisory board established in section 15.*

Subd. 2. *The amount of \$. . . is appropriated for the period ending June 30, 1981 to the department of employee relations created pursuant to section 3. The personnel complement of the department of employee relations is increased by . . . persons.*

Subd. 3. *The amount of \$. . . is appropriated for the period ending June 30, 1981 to the bureau of mediation services for the purpose of implementing sections 19 to 42.*

Sec. 45. [INSTRUCTIONS TO REVISOR.] *In the next and all subsequent editions of Minnesota Statutes, the revisor of statutes shall substitute the term "department of employee relations" for "department of personnel" in every place where the latter is used. The revisor of statutes shall substitute the term "commissioner of employee relations" for "commissioner of personnel" in every place where the latter term is used.*

Sec. 46. [EFFECTIVE DATE.] *Section 16 shall be effective on July 1, 1981. The remaining provisions of this act are effective, the day following final enactment but shall not alter the terms of any existing collective bargaining agreement before it expires."*

Further, amend the title as follows:

Page 1, line 4, after "state" insert "and university of Minnesota"

With the recommendation that when so amended 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:

Voss, for the Committee on Appropriations, introduced:

H. F. No. 2476, A bill for an act relating to the organization and operation of state government; clarifying, providing for deficiencies in, and supplementing appropriations for the expenses of state government with certain conditions; appropriating money; amending Minnesota Statutes 1978, Sections 3A.03, Subdivision 2; 3A.04, Subdivisions 3 and 4; 15.0597, Subdivisions 3, 4, 5, 6 and 7; 15.50, Subdivision 1; 16.854, Subdivision 1; 16A.131, by adding a subdivision; 16A.67, Subdivision 1; 16A.721; 43.005, by adding a subdivision; 43.05, Subdivision 2; 43.062, Subdivisions 1, 2 and 3; 43.065; 43.067, Subdivision 2; 43.068; 43.323, Subdivisions 1 and 2; 43.35; 62D, by adding a subdivision; 82.34; 90.195; 94.10, Subdivision 1; 94.16; 121.90; 121.902, Subdivision 1; 121.906, Subdivision 2; 121.908; 121.912, Subdivision 2; 121.914, Subdivision 1; 136.81, Subdivision 1; 145.913, Subdivision 3; 214.06, Subdivision 1; 216.16; 216A.-01; 216A.03, Subdivision 3, and by adding a subdivision; 216A.-04, Subdivisions 1 and 3, and by adding a subdivision; 216A.05, Subdivisions 4 and 5; 216A.07; 216B.17, Subdivision 1; 216B.19; 216B.54; 216B.62, Subdivisions 2 and 3; 216B.64; 237.02; 237.-12; 237.295, Subdivisions 1 and 2; 246.014; 352.01, Subdivision 2B; 352.04, Subdivision 5; 352.73, Subdivision 3; 352B.25; 352C.-04, Subdivision 3; 352C.09, Subdivision 2; 353.83; 354.55, Subdivision 5; 355.46, Subdivision 3; 355.50; 403.11, Subdivision 3; 473.408, Subdivision 3; 490.123, Subdivision 1; and Chapters 16, by adding sections; 16A, by adding sections; 97, by adding a section; 121, by adding sections; 216A, by adding a section; 246, by adding a section; 253A, by adding a section; 256, by adding a section; 259, by adding a section; Minnesota Statutes, 1979 Supplement, Sections 3.3005, Subdivision 4; 15A.083, Subdivision 4; 16A.126; 174.28, Subdivision 2; 43.09, Subdivision 2a; 43.24; 82.81, Subdivision 1; 121.917, Subdivision 4; 354A.12, Subdivision 2; 422A.101, Subdivision 3; and Laws 1979, Chapter 300, Section 4, Subdivisions 1 and 5; 301, Section 3 by adding a subdivision; repealing Minnesota Statutes 1978, Sections 3A.-11, Subdivision 3; 43.03; 43.06; 121.92, Subdivision 1; 216B.62, Subdivision 1; 352.73, Subdivision 4; 354.43, Subdivision 2; 490.025, Subdivision 8; Minnesota Statutes, 1979 Supplement, Sections 16.93; 16.965; 121.92, Subdivision 2; and Laws 1979, Chapter 217, Section 11.

The bill was read for the first time and laid over one day.

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. 1781, A bill for an act relating to education; providing for aids to education, tax levies and the distribution of tax revenues; granting certain powers and duties to school districts, the commissioner of education, the department of education and others; aid for education of pupils of limited English proficiency; requiring the establishment of local policies to minimize chemical use problems; appropriating money; amending Minnesota Statutes 1978, Sections 120.095, Subdivision 6; 120.10, Subdivision 2; 121.88, by adding a subdivision; 122.22, Subdivisions 2 and 4; 122.23, Subdivisions 9 and 10; 122.25, Subdivision 1; 122.531, by adding subdivisions; 123.11, Subdivision 7; 123.36, by adding a subdivision; 123.39, Subdivision 3; 123.932, Subdivision 9, and by adding a subdivision; 124.20; 124.214, Subdivision 2; 124.572, Subdivision 7; 126.07; 126.36, Subdivision 3; 126.52, Subdivision 5, and by adding a subdivision; 126.54, Subdivisions 5 and 6; 127.09; 127.11; 127.21; 134.03; 134.08; 275.125, Subdivisions 5 and 5a; 354.05, Subdivision 2; Chapter 124, by adding a section; Chapter 125, by adding a section; Minnesota Statutes, 1979 Supplement, Sections 120.075, Subdivision 4, and by adding a subdivision; 121.912, Subdivision 1; 122.541, Subdivision 5; 123.35, Subdivision 15; 124.01; 124.11, Subdivisions 2a and 2b, and by adding a subdivision; 124.19, Subdivision 4; 124.212, Subdivision 7d; 124.223; 124.225; 124.245, Subdivisions 1 and 2; 124.247, Subdivisions 3 and 4; 126.54, Subdivision 1; 124.561, Subdivision 3a; 124.562, Subdivisions 2, 3 and 4; 124.5621, Subdivision 11; 124.5624, Subdivision 6; 124.5625; 124.565, Subdivision 6; 124.566; 124.572, Subdivision 2; 275.125, Subdivisions 2a, 2b, 7a, 7b, 11a and 20; 353.01, Subdivision 2b; 354A.011, Subdivision 27; 465.72; Laws 1979, Chapter 69, Sections 2 and 5; Chapter 334, Article VI, Section 35, Subdivision 9; Article VIII, Section 29; repealing Minnesota Statutes 1978, Sections 122.531, Subdivision 3; 125.61, as amended; 126.31 to 126.35; 126.36, Subdivisions 5 and 6; 126.37; 126.38; 126.39, Subdivisions 1, 2, 3, 4, 5, 6, 7, 8 and 9; 126.40, Subdivisions 1 and 2; 126.41, Subdivisions 2, 3, 4, 5, 6, and 7; 126.42; 126.52, Subdivisions 1, 2, 3, 4, 6 and 7; 127.22; Minnesota Statutes, 1979 Supplement, Sections 124.222, Subdivision 3; 126.39, Subdivision 10; 126.41, Subdivision 1; 126.52, Subdivision 10; Laws 1979, Chapter 334, Article V, Section 29.

PATRICK E. FLAHAVER, Secretary of the Senate

McEachern moved that the House refuse to concur in the Senate amendments to H. F. No. 1781, 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.

MOTION FOR RECONSIDERATION

Sieben, H., moved that the vote whereby H. F. No. 1035, as amended, was not passed on Special Orders for Thursday, March 20, 1980 be now reconsidered.

A roll call was requested and properly seconded.

The question was taken on the motion to reconsider H. F. No. 1035, as amended, and the roll was called.

Sieben, H., moved that those not voting be excused from voting. The motion prevailed.

There were 83 yeas and 45 nays as follows :

Those who voted in the affirmative were :

Ainley	Eken	Kaley	Niehaus	Sieben, H.
Anderson, B.	Ellingson	Kalis	Norman	Sieben, M.
Anderson, D.	Erickson	Kelly	Novak	Simoneau
Anderson, I.	Evans	Kempe	Olsen	Stoa
Anderson, R.	Ewald	Kostohryz	Onnen	Stowell
Battaglia	Faricy	Kroening	Patton	Tomlinson
Begich	Forsythe	Laidig	Pehler	Vanasek
Berglin	Friedrich	Lehto	Peterson, B.	Voss
Brinkman	Fudro	Levi	Peterson, D.	Waldorf
Byrne	Greenfield	Long	Prahl	Welch
Carlson, D.	Halberg	Luknic	Redalen	Wenzel
Clark	Heinitz	Mann	Reding	Wieser
Clawson	Hokanson	McEachern	Reif	Wynia
Corbid	Jacobs	Minne	Rodriguez	Zubay
Crandall	Johnson, C.	Murphy	Rothenberg	Spkr. Norton
Dean	Jude	Nelsen, M.	Sarna	
Dempsey	Kahn	Nelson	Schreiber	

Those who voted in the negative were :

Aasness	Drew	Jennings	Nysether	Stadum
Adams	Elioff	Johnson, D.	Osthoff	Sviggum
Albrecht	Esau	Knickerbocker	Piepho	Swanson
Anderson, G.	Fjoslien	Kvam	Pleasant	Thiede
Berkelman	Fritz	Ludeman	Rees	Valan
Biersdorf	Haukoos	McCarron	Rose	Valento
Blatz	Heap	Mehrkens	Searle	Weaver
Carlson, L.	Hoberg	Metzen	Searles	Welker
Den Ouden	Jaros	Nelsen, B.	Sherwood	Wigley

The motion prevailed.

H. F. No. 1035, as amended, was reported to the House.

Sieben, H., moved that H. F. No. 1035, as amended, be returned to the bottom of General Orders. The motion prevailed.

SPECIAL ORDERS

Sieben, H., moved that the remaining bills on Special Orders for today be continued one day. The motion prevailed.

GENERAL ORDERS

Sieben, H., moved that the bills on General Orders for today be continued one day. The motion prevailed.

MOTIONS AND RESOLUTIONS

Pehler moved that the name of Jude be added as an author on House Advisory No. 45. The motion prevailed.

Fudro moved that S. F. No. 2109 be recalled from the Committee on Transportation and be re-referred to the Committee on Rules and Legislative Administration. The motion prevailed.

Dean moved that H. F. No. 1597 be returned to its author. The motion prevailed.

ANNOUNCEMENTS BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 364:

Lehto, Laidig, and Vanasek.

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 1781:

McEachern; Johnson, C.; Tomlinson; Levi; and Jennings.

ADJOURNMENT

Sieben, H., moved that when the House adjourns today it adjourn until 11:00 a.m., Monday, March 24, 1980. The motion prevailed.

Sieben, H., moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 11:00 a.m., Monday, March 24, 1980.

EDWARD A. BURDICK, Chief Clerk, House of Representatives