

TWENTY-SEVENTH DAY

St. Paul, Minnesota, Thursday, March 22, 1979

The Senate met at 10:00 o'clock a.m. and was called to order by the President.

CALL OF THE SENATE

Mr. Tennesen imposed a call of the Senate. The following Senators answered to their names:

Ashbach	Gunderson	Lessard	Penny	Spear
Bang	Hanson	Lewis	Perpich	Staples
Benedict	Hughes	Luther	Pillsbury	Strand
Bernhagen	Jensen	McCutcheon	Purfeerst	Stumpf
Brataas	Johnson	Menning	Rued	Tennesen
Chenoweth	Keefe, J.	Merriam	Schaaf	Ueland, A.
Chmielewski	Keefe, S.	Moe	Schmitz	Ulland, J.
Coleman	Kirchner	Nelson	Schrom	Vega
Davies	Kleinbaum	Nichols	Setzepfandt	Wegener
Dunn	Knaak	Ogdahl	Sieloff	Willet
Engler	Knutson	Olhoff	Sikorski	
Gearty	Laufenburger	Olson	Sillers	

The Sergeant at Arms was instructed to bring in the absent members.

Prayer was offered by the Chaplain, Rev. Richard E. Bolling.

The roll was called, and the following Senators answered to their names:

Ashbach	Gearty	Lessard	Perpich	Spear
Bang	Gunderson	Lewis	Peterson	Staples
Benedict	Hanson	Luther	Pillsbury	Strand
Bernhagen	Hughes	McCutcheon	Purfeerst	Stumpf
Brataas	Jensen	Menning	Rued	Tennesen
Chenoweth	Johnson	Merriam	Schaaf	Ueland, A.
Chmielewski	Keefe, J.	Moe	Schmitz	Ulland, J.
Coleman	Keefe, S.	Nelson	Schrom	Vega
Davies	Kirchner	Nichols	Setzepfandt	Wegener
Dieterich	Kleinbaum	Ogdahl	Sieloff	Willet
Dunn	Knaak	Olhoff	Sikorski	
Engler	Knutson	Olson	Sillers	
Frederick	Laufenburger	Penny	Solon	

The President declared a quorum present.

The reading of the Journal was dispensed with and the Journal, as printed and corrected, was approved.

MEMBERS EXCUSED

Messrs. Anderson, Humphrey, Knoll, Renneke and Stokowski were excused from the Session of today.

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time and referred to the committees indicated.

Messrs. Ulland, J. and Solon introduced—

S. F. No. 974: A bill for an act relating to the city of Duluth; authorizing the establishment and administration of a city housing finance program and expenditures for the purpose; providing for the issuance of revenue bonds; amending Laws 1977, Chapter 142, Sections 1; 2, Subdivision 1; and 3, Subdivision 1, and by adding a subdivision.

Referred to the Committee on Energy and Housing.

Messrs. Ulland, J.; Lewis; Ashbach; Humphrey and Coleman introduced—

S. F. No. 975: A bill for an act relating to cemeteries; providing for the preservation of burial grounds; imposing penalties; appropriating money; amending Minnesota Statutes 1978, Section 307.08.

Referred to the Committee on General Legislation and Administrative Rules.

Mrs. Staples introduced—

S. F. No. 976: A bill for an act relating to municipalities; authorizing creation of storm sewer reserve funds within storm sewer improvement districts; authorizing special levies in anticipation of capital improvements and bond retirement in storm sewer improvement districts; amending Minnesota Statutes 1978, Chapter 444, by adding a section.

Referred to the Committee on Local Government.

Messrs. Hanson, Dieterich, McCutcheon, Davies and Sillers introduced—

S. F. No. 977: A bill for an act relating to taxation; providing for the use of tax increment financing of redevelopment, housing and economic development projects; establishing standards and procedures for its use; amending Minnesota Statutes 1978, Sections 458.192, Subdivision 11; 462.545, Subdivision 5; 462.585, Subdivisions 1 and 4; 472A.06; 472A.07, by adding a subdivision; 473F.02, Subdivision 3; 474.10, Subdivision 2; and Chapters 273, by adding sections; and 472A, by adding a section; repealing Minnesota Statutes 1978, Sections 458.192, Subdivision 12; and 472A.08, Subdivisions 4 and 5.

Referred to the Committee on Taxes and Tax Laws.

Mr. Keefe, S. introduced—

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 affiliated banks.

Referred to the Committee on Commerce.

Messrs. Kirchner, Nelson, McCutcheon, Knutson and Keefe, J. introduced—

S. F. No. 979: A bill for an act relating to health; altering certain accounting practices for nursing homes; providing for the recapture of depreciation costs under certain conditions; establishing efficiency, occupancy and incentive allowances; requiring an overall maximum rate for costs; permitting certain bad debts to be allowable costs; amending Minnesota Statutes 1978, Sections 256B.42, by adding subdivisions; 256B.43, Subdivision 3, and by adding a subdivision; 256B.44; 256B.45, Subdivision 1; 256B.46; 256B.47; 256B.48, Subdivision 2; and Chapter 256B, by adding sections.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Davies and Dieterich introduced—

S. F. No. 980: A bill for an act relating to courts; Hennepin and Ramsey county municipal courts; providing for removal of certain actions to district court; amending Minnesota Statutes 1978, Sections 488A.01, by adding a subdivision; and 488A.18, by adding a subdivision.

Referred to the Committee on Judiciary.

Messrs. Nelson, Merriam, Sillers, Peterson and Hanson introduced—

S. F. No. 981: A bill for an act relating to taxation; income tax; increasing the standard deduction; amending Minnesota Statutes 1978, Section 290.09, Subdivision 15.

Referred to the Committee on Taxes and Tax Laws.

Messrs. McCutcheon, Merriam, Sillers and Peterson introduced—

S. F. No. 982: 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.

Referred to the Committee on Elections.

Messrs. Keefe, S.; Ashbach; Laufenburger; Vega and Nichols introduced—

S. F. No. 983: A bill for an act relating to workers' compensation; providing employer's action for recovery of insurance premiums against certain third parties; amending Minnesota Statutes 1978, Section 176.061, Subdivisions 5 and 6.

Referred to the Committee on Employment.

Messrs. Bang, Kleinbaum, Mrs. Brataas and Mr. Laufenburger introduced—

S. F. No. 984: A bill for an act relating to savings associations; authorizing savings associations to establish negotiable order of withdrawal accounts; imposing reserve requirements; amending Minnesota Statutes 1978, Chapter 51A, by adding a section.

Referred to the Committee on Commerce.

Messrs. Nelson, McCutcheon, Setzepfandt, Johnson and Lessard introduced—

S. F. No. 985: A bill for an act relating to public employment labor relations; changing provisions for legislative approval of certain wage and benefit agreements; permitting strikes in certain instances; amending Minnesota Statutes 1978, Section 179.74, Subdivision 5.

Referred to the Committee on Governmental Operations.

Messrs. Stumpf; Schaaf; Kirchner; Keefe, S. and Ogdahl introduced—

S. F. No. 986: A bill for an act relating to data processing by public bodies; its regulation and control; establishing the Minnesota public data processing board; prescribing its powers and duties; appropriating money; amending Minnesota Statutes 1978, Sections 16.94 and 16.95; repealing Minnesota Statutes 1978, Sections 16.90, Subdivisions 1, 2 and 4; 16.91; and 16.911, Subdivision 2.

Referred to the Committee on Governmental Operations.

Messrs. Knoll, Anderson, Humphrey, Olhoft and Sillers introduced—

S. F. No. 987: A bill for an act relating to taxation; providing for an additional homestead credit to be paid on earth-sheltered structures used for homestead purposes; appropriating funds; amending Minnesota Statutes 1978, Section 273.13, Subdivision 15a; and Chapter 273, by adding a section.

Referred to the Committee on Energy and Housing.

Messrs. Willet, Chmielewski, Rued, Peterson and Lessard introduced—

S. F. No. 988: A bill for an act relating to natural resources; eliminating the requirement for a wild rice processor's license; amending Minnesota Statutes 1978, Section 98.46, Subdivision 18.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Kleinbaum, Kirchner, Laufenburger and Penny introduced—

S. F. No. 989: A bill for an act relating to commerce; permitting irrevocable trusts and permitting persons receiving public assistance to deposit funds for a prearranged funeral plan; amending Minnesota Statutes 1978, Section 149.12.

Referred to the Committee on Commerce.

Mrs. Knaak, Messrs. Frederick, Bang and Sieloff introduced—

S. F. No. 990: A bill for an act proposing an amendment to the Minnesota Constitution, Article IV, by adding a section; requiring a three-fifths majority of each house of the legislature to increase taxes or impose new taxes.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Olhoft, Peterson, Johnson and Hanson introduced—

S. F. No. 991: A bill for an act relating to electric utilities; modifying the requirements for annual payments to certain land-owners; providing that transmission and distribution systems of electric utilities be taxed on a situs basis; amending Minnesota Statutes 1978, Sections 116C.635; 273.36; and 273.38; repealing Minnesota Statutes 1978, Sections 273.37 and 273.42.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Tennessen, Davies and Luther introduced—

S. F. No. 992: A bill for an act relating to intoxicating liquor; requiring proof of financial responsibility; amending Minnesota Statutes 1978, Sections 340.11, by adding a subdivision; 340.12; and 340.353, by adding a subdivision.

Referred to the Committee on Commerce.

Messrs. Sikorski, Chenoweth and Nelson introduced—

S. F. No. 993: A bill for an act relating to health; establishing a council on physical fitness; prescribing its duties; appropriating money.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Solon, Laufenburger and Jensen introduced—

S. F. No. 994: A bill for an act relating to real estate brokers and salespersons; regulating the real estate education, research and recovery fund; setting fees; providing guidelines for the amount of the recovery portion of the fund and for paying claims; amending Minnesota Statutes 1978, Section 82.34.

Referred to the Committee on Commerce.

Mr. Willet introduced—

S. F. No. 995: A bill for an act relating to the county of Cass; providing for the acquisition of land; appropriating money.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Willet and Gearty introduced—

S. F. No. 996: A bill for an act relating to peace officers; regulating part-time and reserve officers; providing an appropriation; amending Minnesota Statutes 1978, Section 626.84; and Chapter 626, by adding sections.

Referred to the Committee on General Legislation and Administrative Rules.

Mr. Olhoft introduced—

S. F. No. 997: A bill for an act relating to agriculture; exempting foliar fertilizers from certain labeling requirements; amending Minnesota Statutes 1978, Section 17.721, Subdivision 2.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Davies, Luther, Tennesen and Mrs. Brataas introduced—

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.

Referred to the Committee on Commerce.

Messrs. Dieterich, Stumpf, Chenoweth and Sieloff introduced—

S. F. No. 999: 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.

Referred to the Committee on Employment.

Mr. Dieterich introduced—

S. F. No. 1000: A bill for an act relating to the city of St. Paul; authorizing an additional wine license within the liquor patrol limits.

Referred to the Committee on Commerce.

Messrs. Peterson, Strand, Frederick, Nichols and Mrs. Staples introduced—

S. F. No. 1001: A bill for an act relating to assumed business names; permitting conduct of business under an assumed name; permitting recording of assumed business names; amending Minnesota Statutes 1978, Section 333.01; repealing Minnesota Statutes 1978, Sections 333.02; and 333.06.

Referred to the Committee on Commerce.

Messrs. Solon and Ulland, J. introduced—

S. F. No. 1002: A bill for an act relating to the city of Duluth; defining construction powers of the Spirit Mountain Area Authority; amending Laws 1973, Chapter 327, Section 5, Subdivision 3.

Referred to the Committee on Local Government.

Messrs. Schaaf; Ueland, A.; Jensen; Pillsbury and Gearty introduced—

S. F. No. 1003: A bill for an act relating to elections; revising, reorganizing and recodifying major portions of the Minnesota election law; modernizing and improving language, organization and style; clarifying certain ambiguities; removing certain obsolete terms and provisions; restating guidelines for determining voter eligibility; providing for voter registration, absentee voting, the conduct of elections and the counting and canvassing of election returns; defining terms; providing penalties; making necessary technical amendments, corrections and other revisions; amending Minnesota Statutes 1978, Sections 10A.01, Subdivision 12; 40.05, Subdivision 3; 123.32, Subdivision 7; 200.01; 200.02; 201.01; 201.021; 201.061; 201.071; 201.081; 201.091; 201.11; 201.12; 201.121; 201.13; 201.14; 201.15; 201.161; 201.171; 201.18; 201.211; 201.221; 201.27; 201.275; 202A.11; 202A.16, Subdivision 1; 205.01; 205.03; 205.13, Subdivision 1; 205.15; 205.17, Subdivision 2; 205.20, Subdivisions 2 and 5; 206.07, Subdivision 1; 206.185, Subdivision 1; 206.20, Subdivision 2; 206.21, Subdivisions 1 and 2; 208.04; 210A.07; 210A.26, Subdivision 4; 210A.28; 210A.34, Subdivision 4; 290.21, Subdivision 3; 365.51; 365.52; 375.20; 382.28; and 487.03, Subdivision 2; and Chapters 200, 201, 205, and 210A, by adding sections; repealing Minnesota Statutes 1978, Sections 201.231; 201.26; 201.33; 202A.21; 202A.22; 202A.23; 202A.24; 202A.25; 202A.26; 202A.27; 202A.28; 202A.29; 202A.30; 202A.31; 202A.32; 202A.41; 202A.42; 202A.51; 202A.52; 202A.53; 202A.54;

202A.61; 202A.62; 202A.63; 202A.64; 202A.65; 202A.66; 202A.67; 202A.68; 202A.69; 202A.70; 202A.71; 202A.721; and 210.22; and Chapters 203A, 204A, and 207.

Referred to the Committee on Elections.

Messrs. Solon, Chmielewski and Ulland, J. introduced—

S. F. No. 1004: A bill for an act relating to transportation; appropriating money for the operation of Amtrak rail passenger service between the Twin Cities and Duluth.

Referred to the Committee on Transportation.

Mr. Lewis introduced—

S. F. No. 1005: 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, Subdivision 1; Chapters 144, by adding a section; 244, by adding a section; and 631, by adding sections; repealing Minnesota Statutes 1978, Sections 260.51; 260.52; 260.53; 260.54; 260.55; 260.56; 260.57; 325.45; 325.46; 325.47; 609.105, Subdivision 2; 609.12; 629.292; 629.294; and Chapters 241; 242; 243; and 401.

Referred to the Committee on Health, Welfare and Corrections.

Mr. Lessard introduced—

S. F. No. 1006: A bill for an act relating to the Eastern Itasca and Greenway Joint Recreation Boards; regulating their tax levies.

Referred to the Committee on Local Government.

Messrs. Dunn, Wegener, Mrs. Brataas, Messrs. Purfeerst and Peterson introduced—

S. F. No. 1007: A bill for an act relating to agriculture; allowing certain containers for dairy products; repealing Minnesota Statutes 1978, Sections 116F.21 and 116F.22.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Stumpf; Keefe, S.; Schaaf and Ogdahl introduced—

S. F. No. 1008: A bill for an act relating to education; data processing; establishing the Minnesota educational computing consortium as a state agency; prescribing powers and duties therefor; repealing Minnesota Statutes 1978, Section 16.93.

Referred to the Committee on Education.

Messrs. Olson, Schrom, Sieloff, Bernhagen and Wegener introduced—

S. F. No. 1009: A bill for an act relating to taxation; increasing the maximum income tax credit for pollution control equipment; exempting pollution control equipment and materials used to operate pollution control equipment from the sales tax; providing an occupation tax credit; amending Minnesota Statutes 1978, Sections 290.06, Subdivisions 9 and 9a; 297A.25, Subdivision 1; and Chapter 298, by adding a section.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Luther; Benedict; Keefe, S.; Keefe, J. and Spear introduced—

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 and certain adjoining municipalities and school districts; imposing duties on the ethical practices board, county election officials, city clerks and school district administrators; superseding other special laws, home rule charters and local ordinances; imposing late filing fees and criminal penalties; repealing Laws 1977, Chapter 131.

Referred to the Committee on Elections.

Mr. Chmielewski introduced—

S. F. No. 1011: A bill for an act relating to welfare; medical expenses; providing assistance for certain kidney disease patients; appropriating money.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Hanson, Moe, Strand, Setzepfandt and Dunn introduced—

S. F. No. 1012: A bill for an act relating to agriculture; increasing the state guarantee under the family farm security program; amending Minnesota Statutes 1978, Section 41.52, Subdivision 9.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Ueland, A.; Gearty; Schmitz; Pillsbury and Jensen introduced—

S. F. No. 1013: A bill for an act relating to elections; prohibiting persons from being in polling places in anticipation of vouching; amending Minnesota Statutes 1978, Section 204A.37.

Referred to the Committee on Elections.

Mr. Luther introduced—

S. F. No. 1014: A bill for an act relating to insurance; requiring certain agents and solicitors to identify themselves under certain circumstances; prescribing penalties; broadening the rule making power of the commissioner of insurance; amending Minnesota Statutes 1978, Section 72A.19; and Chapter 72A, by adding a section.

Referred to the Committee on Commerce.

Messrs. Wegener, Olhofft, Dunn, Merriam and Hanson introduced—

S. F. No. 1015: A bill for an act relating to natural resources; providing a public policy directed to preservation of these lands; establishing a temporary joint legislative committee on agricultural and forest land preservation; requiring studies and reports by the state planning agency; providing for staffing of the joint legislative committee.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Wegener, Purfeerst, Strand, Knutson and Sillers introduced—

S. F. No. 1016: A bill for an act relating to highway traffic regulations; passing a stopped school bus displaying stop arm signals; providing civil remedies; prescribing penalties; amending Minnesota Statutes 1978, Section 169.44, by adding a subdivision.

Referred to the Committee on Judiciary.

Messrs. Wegener, Purfeerst, Strand, Knutson and Sillers introduced—

S. F. No. 1017: A bill for an act relating to highway traffic regulations; specifying the acts constituting the offense of hit and run; prescribing penalties; amending Minnesota Statutes 1978, Section 169.09, Subdivision 1; and Chapter 609, by adding a section.

Referred to the Committee on Judiciary.

Messrs. Chmielewski, Knutson, Rued and Bang introduced—

S. F. No. 1018: A bill for an act relating to initiative and referendum; proposing an amendment to the Minnesota Constitution, Article IV, by adding sections; authorizing direct initiative and referendum on laws; providing a comprehensive statute implementing the amendment; providing for the manner of petitioning and voting on initiative and referendum 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 3.21; 10A.01, Subdivision 15; 10A.20, by adding a subdivision; 203A.31, Subdivision 2; and 210A.26, Subdivision 3.

Referred to the Committee on Judiciary.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communications were received and referred to the committees indicated.

January 23, 1979

The Honorable Edward J. Gearty
President of the Senate

Dear Sir:

The following appointment as Chairman of the Metropolitan Council is hereby respectfully submitted to the Senate for confirmation as required by law:

Charles Weaver, 830 River Lane, Anoka, Anoka County, has been appointed by me, effective February 5, 1979, for a term expiring the first Monday in January, 1983.

(Referred to the Committee on Governmental Operations.)

Sincerely,
Albert H. Quie, Governor

March 16, 1979

The Honorable Edward J. Gearty
President of the Senate

Dear Sir:

I have the honor of informing you that I have received, approved, signed, and deposited in the Office of the Secretary of State, S. F. Nos. 88, 92, 187, 231, and 388.

Sincerely,
Albert H. Quie, Governor

March 16, 1979

The Honorable Rod Searle
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 1979 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office

of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

S. F. No.	H. F. No.	Session Laws Chapter No.	Date Approved 1979	Date Filed 1979
231		2	March 16	March 16
88		3	March 16	March 16
92		4	March 16	March 16
187		5	March 16	March 16
388		6	March 16	March 16

Sincerely,
Joan Anderson Growe
Secretary of State

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H. F. Nos. 370, 493, 642, 99, 297 and 360.

Edward A. Burdick, Chief Clerk, House of Representatives
Transmitted March 19, 1979

FIRST READING OF HOUSE BILLS

The following bills were read the first time and referred to the committees indicated.

H. F. No. 370: A bill for an act relating to hospitals; providing for payment of election judges; providing hospital board members with travel and other expenses incurred in the performance of their duties; authorizing hospital boards to set compensation for board members; amending Minnesota Statutes 1978, Section 447.32, Subdivision 4, and by adding a subdivision.

Referred to the Committee on Local Government.

H. F. No. 493: A bill for an act relating to the city of Bemidji; authorizing the issuance of bonds authorized at a special election.

Referred to the Committee on Local Government.

H. F. No. 642: A bill for an act relating to commerce; providing attendant services at certain gasoline stations.

Referred to the Committee on Commerce.

H. F. No. 99: A bill for an act relating to criminal procedure; providing immunity from liability for peace officers who make good faith domestic assault arrests; amending Minnesota Statutes 1978, Section 629.341.

Referred to the Committee on Judiciary.

H. F. No. 297: A bill for an act relating to the city of Chisholm; exempting volunteer firefighters from civil service commission jurisdiction.

Referred to the Committee on Local Government.

H. F. No. 360: A bill for an act relating to commerce; extending an exception for certain loans from the usury laws; amending Minnesota Statutes 1978, Section 334.01, Subdivision 2.

Referred to the Committee on Commerce.

REPORTS OF COMMITTEES

Mr. Coleman moved that the Committee Reports at the Desk, with the exception of the reports on S. F. Nos. 469 and 405 be now adopted. The motion prevailed.

Mr. Hughes from the Committee on Education, to which was referred

S. F. No. 514: A bill for an act relating to education; requiring the board of education to establish and fill the position of specialist for industrial arts education and to prescribe the duties of the specialist; appropriating money; amending Minnesota Statutes 1978, Section 121.11, by adding a subdivision.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Finance. Report adopted.

Mr. Hughes from the Committee on Education, to which was referred

S. F. No. 169: A bill for an act relating to education; extending teacher mobility incentives to area vocational-technical school teachers; providing for approval of certain extended leaves of absence; amending Minnesota Statutes 1978, Sections 125.60, Subdivision 2, and by adding subdivisions; 125.61, Subdivision 1, and by adding subdivisions; 354.66, Subdivision 2, and by adding subdivisions; 354.69; and 354A.091, Subdivision 1.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1978, Section 125.60, Subdivision 2, is amended to read:

Subd. 2. The board of any district or the board of any cooperative center for vocational education may grant an extended leave of absence without salary to any full time elementary or, secondary, cooperative center for vocational education or area vocational-technical school teacher who has been employed by the district for at least five years and has at least ten years of allowable service, as defined in section 354.05, subdivision 13, or the by-laws of the appropriate retirement association. The maximum duration of an extended leave of absence pursuant to this section shall be determined by mutual agreement of the board and the teacher at the time the leave is

granted and shall be at least three but no more than five years. An extended leave of absence pursuant to this section shall be taken by mutual consent of the board and the teacher and may be granted only once.

Sec. 2. Minnesota Statutes 1978, Section 125.61, Subdivision 1, is amended to read:

125.61 [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 ~~or~~, secondary ~~or area vocational-technical schools or cooperative centers for vocational education~~ in the state, who has not less than 15 total years of full time teaching service in elementary ~~and~~, secondary, ~~area vocational-technical schools, and cooperative centers for vocational education,~~ 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.

Sec. 3. Minnesota Statutes 1978, Section 354.66, Subdivision 2, is amended to read:

Subd. 2. A teacher in the public elementary ~~or~~, secondary ~~or area vocational-technical schools of the state who has 20 years or more of allowable service may, by agreement with the board of the employing district, be assigned to teaching service within the district in a part time teaching position.~~

Sec. 4. Minnesota Statutes 1978, Section 354.091, Subdivision 1, is amended to read:

354A.091 [TEACHERS ON EXTENDED LEAVE.] Subdivision 1. Notwithstanding any provision of this chapter or the bylaws of an association relating to salary for contribution purposes or accrual of service credit to the contrary, an elementary ~~or~~, secondary ~~or area vocational-technical school teacher in the public schools of a city of the first class who is granted an extended leave of absence pursuant to section 125.60 may receive allowable service credit toward annuities and other benefits under this chapter for each year of his leave by paying into the fund employee contributions during the period of the leave which shall not exceed five years. The state shall pay employer contributions into the fund for each year for which a member who is on extended leave pays employee contributions into the fund. The employee and employer contributions shall be based upon the rates of contribution prescribed by section 354A.12, for the salary received during the year immediately preceding the leave. Payments for the years for which a member is receiving service credit while on extended leave shall be made on or before June 30 of each fiscal year for which service credit is received.~~

Sec. 5. *Notwithstanding Minnesota Statutes 1978, Section 125.60, Subdivision 7, the commissioner of education shall approve applications of districts for extended leaves of absence which were to begin between June 30, 1978 and the effective date of this section for teachers employed in area vocational-technical schools.*

Sec. 6. Notwithstanding section 354.094, subdivision 1, payments for extended leaves of absence granted pursuant to section 5 shall be made on or before June 30, 1979 or on or before two months after the effective date of this section, whichever is later.

Sec. 7. This act is effective the day following final enactment."

Strike the title in its entirety and insert:

"A bill for an act relating to education; extending teacher mobility incentives to area vocational-technical school teachers and co-operative center for vocational education teachers; providing for approval of certain extended leaves of absence; amending Minnesota Statutes 1978, Sections 125.60, Subdivision 2; 125.61, Subdivision 1; 354.66, Subdivision 2; and 354A.091, Subdivision 1."

And when so amended the bill do pass and be re-referred to the Committee on Governmental Operations. Amendments adopted. Report adopted.

Mr. Anderson from the Committee on Energy and Housing, to which was referred

S. F. No. 447: A bill for an act relating to the state building code; restricting statewide application of certain provisions; requiring builders to construct homes in compliance with the building code; permitting the use of ungraded Minnesota lumber in certain jurisdictions; providing for courses on lumber grading; providing tuition reimbursement and per diem for building officials; providing for notations in deeds; appropriating money; amending Minnesota Statutes 1978, Sections 16.851; 16.861, Subdivisions 1 and 4, and by adding a subdivision; 16.866, Subdivision 1; 327A.01, Subdivision 2; 327A.02, Subdivision 1; repealing Laws 1978, Chapter 786, Section 22.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1978, Section 16.851, is amended to read:

16.851 [STATE BUILDING CODE; APPLICATION.] Subdivision 1. The state building code shall apply state-wide and supersede the building code of any municipality, *except that:*

(a) A municipality may, by resolution, elect to not enforce the code with respect to single family dwellings constructed by the owner or under the direction of the owner for his own residence and not for resale in the ordinary course of trade, if the municipality did not adopt or enforce the code prior to January 1, 1979; and

(b) The state building code shall not apply to agricultural buildings except with respect to state inspections required or rulemaking authorized by sections 104.05, and 326.244 and 116H.12, subdivision 4. Effective July 1, 1977, or as soon thereafter as possible, but in no event later than July 1, 1978, all municipalities shall adopt and enforce the state building code

with respect to new construction within their respective jurisdictions. If a city has adopted or is enforcing the state building code on the effective date of Laws 1977, Chapter 381, or determines by ordinance thereafter to undertake enforcement, it

A municipality shall be charged with proper enforcement of the code within the city municipality. A city may by ordinance extend the enforcement of the code to contiguous unincorporated territory not more than two miles distant from its corporate limits in any direction; provided that where two or more non-contiguous cities which have elected to enforce the code have boundaries less than four miles apart, each is authorized to shall enforce the code on its side of a line equidistant between them. Once enforcement authority is extended extraterritorially by ordinance, the authority may shall continue to be exercised in the designated territory even though another city less than four miles distant later elects to enforce the code. Any city may thereafter enforce the code in the designated area to the same extent as if such property were situated within its corporate limits. A city which, on the effective date of Laws 1977, Chapter 381, has not adopted the code may not commence enforcement of enforce the code within or after the effective date of this act outside of its jurisdiction until it has provided written notice to the commissioner, the county auditor, and the town clerk of each town in which it intends to enforce the code. A public hearing on the proposed enforcement must be held not less than 30 days after the notice has been provided. Enforcement of the code by the city will commence on the first day of January in the year following the notice and hearing. Municipalities may provide for the issuance of permits, inspection and enforcement within their jurisdictions by such means as may be convenient, and lawful, including by means of contracts with other municipalities pursuant to section 471.59, and with qualified individuals. In areas outside of the enforcement authority of a city, the fee charged for the issuance of permits and inspections for single family dwellings may not exceed the greater of \$100 or .005 times the value of the structure, addition or alteration. The other municipalities or qualified individuals may be reimbursed by retention or remission of some or all of the building permit fee collected or by other means. In areas of the state where inspection and enforcement is unavailable from qualified employees of municipalities, it shall be the responsibility of the commissioner to train and designate individuals available to carry out inspection and enforcement on a fee basis.

Subd. 2. If the commissioner determines that a municipality is not properly administering and enforcing the state building code as provided in section 16.867, the commissioner may cause administration and enforcement in the involved municipality to be undertaken by the state building inspector. The commissioner shall notify the affected municipality in writing immediately upon making the determination, and the municipality may challenge the determination as a contested case before the commissioner pursuant to the administrative procedure act. In municipalities not properly administering and enforcing the state building code, and municipalities who determine not to administer and

enforce the state building code, the commissioner shall cause administration and enforcement in the involved municipality to be undertaken by the state building inspector or other inspector certified by the state. The commissioner shall determine appropriate fees to be charged for the administration and enforcement service rendered. Any cost to the state arising from the state administration and enforcement of the state building code shall be borne by the subject municipality.

Sec. 2. 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. The governing body of every municipality shall appoint a 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 these municipalities for which no building officials have been appointed by the designated date~~ *If a municipality fails to appoint a building official as required by this subdivision, the state building inspector, with the approval of the commissioner, may appoint building officials to serve said municipalities that municipality until such time as the municipalities have made the municipality makes 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.*

Sec. 3. Minnesota Statutes 1978, Section 16.861, Subdivision 4, is amended to read:

Subd. 4. [DUTIES.] Building officials shall, in the municipality for which they are appointed, attend to all aspects of code administration, including the issuance of all building permits and the inspection of all mobile home installations. The commissioner may direct a municipality having a building official to perform services for another municipality, and in such event the municipality being served shall pay the municipality rendering such services the reasonable costs thereof. Such costs may be subject to approval by the commissioner.

A municipality which has been charged with enforcing the state building code after July 1, 1977 may by majority vote of its governing body permit the use of ungraded Minnesota lumber in conventional construction of single family residential buildings and accessory buildings within its jurisdiction if the lumber has been inspected by a building official who has successfully completed an approved course in softwood lumber grading.

Sec. 4. Minnesota Statutes 1978, Section 16.861, is amended by adding a subdivision to read:

Subd. 7. [TRAINING.] The building code division of the department of administration shall prepare a list of approved courses in softwood lumber grading. In cooperation with the University of Minnesota the division shall develop and administer a course in softwood lumber grading using nationally accepted standards.

Any municipal building official who has successfully completed an approved course in softwood lumber grading is eligible for full tuition reimbursement and a per diem of \$35 from the department of administration for each day of attendance at the course, provided that no more than ten municipal building officials from any one county are to be eligible for the reimbursement during any five year period. The course must be taken after November 1, 1978, to be eligible for reimbursement.

Sec. 5. Minnesota Statutes 1978, Section 16.866, Subdivision 1, is amended to read:

16.866 [SURCHARGE.] Subdivision 1. [COMPUTATION.] For the purpose of defraying the costs of administering the provisions of sections 16.83 to 16.867, there is hereby imposed a surcharge on all permits issued by municipalities in connection with the construction of or addition or alteration to, buildings and equipment or appurtenances, on and after July 1, 1971, as follows:

Where the fee for the permit issued is fixed in amount the surcharge shall be equivalent to $\frac{1}{2}$ mill (.0005) of such fee or 50 cents, whichever amount is greater. For all other permits, the surcharge shall be equivalent to $\frac{1}{2}$ mill (.0005) of the valuation of the structure, addition or alteration. Provided however, that where the valuation of the structure, addition, or alteration is equal to or greater than \$1,000,000 but less than \$10,000,000, the surcharge shall be \$1,000, where said valuation is equal to or greater than \$10,000,000 but less than \$20,000,000 the surcharge shall be \$1,500 and where said valuation is equal to or greater than \$20,000,000 the surcharge shall be \$2,000.

By September 1 of each odd numbered year beginning in 1979, the commissioner shall rebate to municipalities any money received pursuant to this section and section 16.851 in the previous biennium in excess of the cost to the building code division in that biennium of carrying out their duties under sections 16.83 to 16.867. The rebate to each municipality shall be in proportion to the amount of the surcharges collected by that municipality and remitted to the state.

Sec. 6. Minnesota Statutes 1978, Section 327A.01, Subdivision 2, is amended to read:

Subd. 2. "Building standards" means the *state building code and any additional structural, mechanical, electrical, and quality*

standards of the home building industry for the geographic area in which the dwelling is situated.

Sec. 7. Minnesota Statutes 1978, Section 327A.02, Subdivision 1, is amended to read:

327A.02 [STATUTORY WARRANTIES.] Subdivision 1. In every sale of a completed dwelling, and in every contract for the sale of a dwelling to be completed, the vendor shall warrant to the vendee that:

(a) During the one year period from and after the warranty date the dwelling shall be free from defects caused by faulty workmanship and defective materials due to noncompliance with building standards *including the state building code*;

(b) During the two year period from and after the warranty date, the dwelling shall be free from defects caused by faulty installation of plumbing, electrical, heating, and cooling systems; and

(c) During the ten year period from and after the warranty date, the dwelling shall be free from major construction defects.

Sec. 8. *The commissioner of administration shall make to each county a one-time payment of \$20,000 per county or \$.50 per capita of the county, whichever is greater. Any municipality having or sharing a building official shall receive from the county a proportionate share of the payment based on the ratio of the 1970 United States census population in its enforcing area to that of the county.*

Sec. 9. [APPROPRIATIONS.] Subdivision 1. *The sum of \$50,000 is appropriated from the general fund to the commissioner of administration for the purposes of section 4 to be available until expended.*

Subd. 2. *The sum of \$. is appropriated from the general fund to the commissioner of administration for the purposes of section 8 to be available until June 30, 1981.*

Sec. 10. *Laws 1978, Chapter 786, Section 22, is repealed.*

Sec. 11. *This act is effective the day following its final enactment."*

Amend the title as follows:

Page 1, line 9, delete "providing for"

Page 1, line 10, delete "notations in deeds;"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Davies from the Committee on Judiciary, to which was referred

H. F. No. 330: A bill for an act relating to courts; eliminating erroneous and ambiguous references relating to municipal courts outside Hennepin and Ramsey counties; amending Minnesota

Statutes 1978, Sections 480.055, Subdivision 1; 487.01, Subdivision 8; 487.16; 487.38; 488A.113; 488A.282; 525.011, Subdivision 1; 525.013, Subdivisions 1 and 8; and 525.014.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Davies from the Committee on Judiciary, to which was referred

S. F. No. 528: A bill for an act relating to courts; conforming civil fees collected by the Hennepin county municipal court with the district court; amending Minnesota Statutes 1978, Section 488A.03, Subdivision 11.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 11, after "services" insert *"except that upon the filing of an unlawful detainer action a fee of \$10 is payable by the plaintiff, in addition to any library fee otherwise required, when the action is entered in court or when the first paper on the plaintiff's part is filed. A filing fee is not required of the defendant in an unlawful detainer action"*

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Davies from the Committee on Judiciary, to which was referred

S. F. No. 603: A bill for an act relating to courts; sixth judicial district; providing that terms of court no longer shall be held in Ely; authorizing terms of court to be held at places other than Duluth, Hibbing or Virginia; amending Minnesota Statutes 1978, Sections 484.48; 484.50; and Chapter 484, by adding a section.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 13, strike "All persons" and insert "A person"

Page 1, line 17, strike "said" and insert "the"

Page 1, line 17, strike "hereinafter" and insert "otherwise"

Page 1, line 17, after "provided" insert *"in this section"*

Page 1, line 17, strike "all" and insert "a"

Page 1, line 18, strike "offenses" and insert *"offense"*

Page 1, line 18, strike "any" and insert "a"

Page 2, line 12, strike "Any" and insert "A"

Page 2, line 12, after "have" strike "any" and insert *"an"*

Page 2, line 13, strike "any" and insert *"an"*

Page 2, line 14, strike the first "any" and insert *"a"*

Page 2, line 14, strike the second "any" and insert "a"

Page 2, line 15, strike "him in said" and insert "*a party in the*"

Page 2, line 17, strike "such matters" and insert "*a matter*"

Page 2, line 18, strike "therein"

Page 2, line 20, strike the first "any" and insert "a"

Page 2, line 20, strike "any such" and insert "a"

Page 2, line 21, strike "him in said" and insert "*a party in the*"

Page 2, lines 22 to 23, strike "such matters" and insert "*a matter*"

Page 2, line 23, strike "therein"

Page 2, line 31, strike "all cases" and insert "*a case*"

Page 2, line 32, strike "any" and insert "a"

Page 2, line 32, strike "such matters" and insert "*a matter*"

Page 2, line 33, strike "any such"

Page 3, line 1, strike "specifications" and insert "*a specification*"

Page 3, line 1, strike "said" and insert "*the*"

Page 3, line 4, strike "hereinafter set out" and insert "*specified in this section*"

Page 3, line 7, strike "such" and insert "a"

Page 3, line 8, strike "his" and insert "*an*"

Page 3, line 10, strike "such" and insert "*the*"

Page 3, line 11, strike "said" and insert "*the*"

Page 3, line 12, strike "herein" and after "provided" insert "*in this section*"

Page 3, line 12, strike "any" and insert "a"

Page 3, line 13, strike the first "such" and insert "*the*"

Page 3, line 13, strike the second "such" and insert "a"

Page 3, line 15, strike the first "such" and insert "*the*"

Page 3, line 15, strike the second "such" and insert "*the*"

Page 3, line 16, strike "be" and insert "*are*"

Page 3, line 16, strike "such" and insert "*the*"

Page 3, line 17, strike "so"

Page 3, line 18, strike "be so" and insert "*are*"

Page 3, line 18, strike "then"

Page 3, line 21, strike "said" and insert "a"

Page 3, line 21, after "place" insert "*in*"

Page 3, line 22, strike "such" and insert "*the*"

Page 3, line 24, after "majority" insert "*of the defendants*"

Page 3, line 25, strike "any such" and insert "*an*"

Page 3, line 25, after "from" strike "any"

Page 3, line 26, strike "any other" and insert "*another*"

Page 3, line 29, strike "is made to appear" and insert "*appears*"

Page 3, line 29, strike "any" and insert "*a*"

Page 3, line 32, strike "had" and insert "*held*"

Page 4, line 3, strike "such" and insert "*a*"

And when so amended the bill do pass. Amendments adopted.
Report adopted.

Mr. Chenoweth from the Committee on Governmental Operations, to which was re-referred

S. F. No. 405: A bill for an act relating to transportation; establishing a state policy of coordinating public and private programs providing transportation for elderly, handicapped and others with special transportation needs; establishing an interagency task force on coordination of special transportation programs; authorizing the commissioner of transportation to adopt and enforce operating standards for special transportation services; exempting services that meet standards from other license and permit requirements; directing the establishment of a demonstration project for coordinating special transportation service in the metropolitan area; providing for state assistance for driver training and insurance and establishing accessibility requirements for paratransit projects; authorizing medical assistance reimbursement to qualified public and private nonprofit providers of special transportation service; requiring certain provisions in the medical assistance reimbursement rules of the department of public welfare; amending Minnesota Statutes 1978, Chapter 174, by adding sections; and Sections 174.23, by adding a subdivision; 256B.02, Subdivision 8; and 256B.04, Subdivision 12.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 33, delete "*may*" and insert "*shall*"

Page 7, line 4, before "*No*" insert "*After January 1, 1981,*"

Page 8, line 2, after "*be*" insert "*operated pursuant to the rules governing and*"

Page 8, line 15, after "*council*" insert "*, a representative of the metropolitan transit commission*"

Page 9, line 32, after "*project*" insert "*after January 1, 1981,*"

Page 10, line 27, delete "*, except regular route transit*"

Page 10, delete line 28

Page 10, line 29, delete "or more"

Pages 11 to 13, delete Section 6 in its entirety

Page 14, line 12, delete "as described in section 256B.02, subdivision 8"

Page 14, line 15, after "of" insert "public and private nonprofit"

Page 14, line 15, delete "owned and operated by a"

Page 14, line 16, delete "public agency" and insert "serving the handicapped population generally"

Page 14, after line 29, insert:

"For the purpose of this subdivision and section 256B.02, subdivision 8, and effective on January 1, 1981, "recognized providers of transportation services" means any operator of special transportation service as defined in section 1 that has been issued a current certificate of compliance with operating standards of the department of transportation or, if those standards do not apply to an operator, that the agency finds is able to provide the required transportation in a safe and reliable manner. Until January 1, 1981, "recognized transportation providers" includes any operator of special transportation service that the agency finds is able to provide the required transportation in a safe and reliable manner."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 25, delete "256B.02, Subdivision 8;"

And when so amended the bill do pass. Mr. Moe questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Mr. Chenoweth from the Committee on Governmental Operations, to which was re-referred

S. F. No. 50: A bill for an act relating to the Boundary Waters Canoe Area; providing for a temporary citizen's committee thereon; appropriating money.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 7, delete "COMMITTEE" and insert "ADVISORY TASK FORCE"

Page 1, lines 9, 20, and 21, delete "committee" and insert "advisory task force"

Page 1, line 21, delete "expire" and insert "be subject to the provisions of Minnesota Statutes, Section 15.059 except that the advisory task force shall not expire until June 30, 1983."

Page 1, delete line 22

Page 2, delete line 1

Page 2, lines 2, 7, and 9, delete "committee" and insert "advisory task force"

Page 2, line 13, delete "committee may employ staff and" and insert "advisory task force"

Page 2, line 14, delete "consulting"

Amend the title as follows:

Line 3, delete "committee" and insert "advisory task force"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Chenoweth from the Committee on Governmental Operations, to which was referred

H. F. No. 157: A bill for an act relating to labor and employment; prohibiting mandatory retirement of public and private employees before the age of 70; amending Minnesota Statutes 1978, Sections 43.051, Subdivision 1; 125.12, Subdivision 5; 181.81; 181.811; 354.44, Subdivision 1a; 354.49, Subdivision 3; 354A.05; 354A.21; 356.32, Subdivision 1; 423.076; 473.419; and Chapter 181, by adding a section.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Davies from the Committee on Judiciary, to which was referred

S. F. No. 925: A bill for an act relating to Minnesota Statutes; correcting erroneous, ambiguous, omitted and obsolete references and text; eliminating duplicate, redundant, conflicting and superseded provisions; amending Minnesota Statutes 1978, Sections 5.06; 15.0411, Subdivision 2; 16.723; 16A.71; 18.023, Subdivision 3a; 43.224; 52.04, Subdivision 1; 61A.245, Subdivisions 4, 7, and 12; 112.87; 122.531, Subdivision 4; 124.17, Subdivision 1; 150A.06, Subdivision 2a; 168.041, Subdivision 2; 168A.01, Subdivisions 18 and 19; 176.611, Subdivision 6a; 179.70, Subdivision 1; 192A.25, Subdivision 2; 192A.555; 221.011, Subdivision 22; 237.295, Subdivision 3; 270.01; 270.02, Subdivision 4; 270.10, Subdivision 1; 273.02, Subdivisions 2 and 3; 273.061, Subdivision 8; 274.18; 276.07; 279.03; 281.275; 282.15; 282.341, Subdivision 2; 290.01, Subdivision 20; 294.26; 326.48, Subdivision 2; 352B.11, Subdivision 2; 352D.02, Subdivision 1; 352E.01, Subdivision 2; 353.16; 354.44, Subdivisions 4 and 6; 355.56; 356.20, Subdivision 2; 356.60, Subdivision 1; 414.033, Subdivision 1; 414.035; 420.06; 422A.09, Subdivision 3; 423.076; 458A.03, Subdivision 2; 458A.06, Subdivisions 1 and 4; 462A.05, Subdivision 16; 462A.21, Subdivision 5; 507.09; 507.10; 507.13; 507.14; 518.005, Subdivisions 3 and 4; 524.3-303; 648.31, Subdivision 1; Laws 1975, Chapter 339, Section 10; repealing Minnesota Statutes 1978, Section 144.49, Subdivisions 2, 3 and 4; Laws 1977, Chapters 11, Section 8; 412, Section 2; Laws 1978, Chapters 538, Section 6; and 720, Section 5.

Reports the same back with the recommendation that the bill be amended as follows:

Page 8, line 14, strike "basis"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Davies from the Committee on Judiciary, to which was referred

H. F. No. 303: A bill for an act validating and legalizing certain state assignment certificates.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 8, delete "1975" and insert "1972"

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

Mr. Wegener from the Committee on Local Government, to which was referred

S. F. No. 469: A bill for an act relating to towns; removing certain levy limitations; amending Minnesota Statutes 1978, Section 164.041; repealing Minnesota Statutes 1978, Section 275.10.

Reports the same back with the recommendation that the bill do pass. Mr. Wegener questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Mr. Wegener from the Committee on Local Government, to which was referred

S. F. No. 444: A bill for an act relating to fences; providing for the compensation of fence viewers; amending Minnesota Statutes 1978, Section 344.18.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Wegener from the Committee on Local Government, to which was referred

S. F. No. 622: A bill for an act relating to the county of Hennepin; creating the office of county administrator; providing financial procedures; providing for the operation of county government; providing bonding limits; creating a corrections facility; providing for central purchasing; establishing set aside contracts; providing a penalty; amending Laws 1965, Chapter 533, Section 1, as amended; Extra Session Laws 1967, Chapter 24, Section 1, Subdivision 1; Extra Session Laws 1967, Chapter 24, Section 1, Subdivision 2, as amended; Extra Session Laws 1967, Chapter 47, Section 1, as amended; Extra Session Laws 1967, Chapter 47, Section 3, as amended; Laws 1969, Chapter 476, Section 1, as amended; repealing Laws 1951, Chapter 556; Laws 1951, Chapter 598; Laws 1951, Chapter 636, Section 4; Laws 1951, Chapter 702; Laws 1953, Chapter 270; Laws 1953, Chapter 703, Section 1; Laws 1953, Chapter 753; Laws 1955, Chapter 875; Laws 1957,

Chapter 671, Section 7; Laws 1957, Chapter 950; Laws 1959, Chapter 200; Laws 1959, Chapter 297; Extra Session Laws 1959, Chapter 17; Extra Session Laws 1961, Chapter 45; Extra Session Laws 1961, Chapter 47; Laws 1963, Chapter 857; Laws 1965, Chapter 294; Laws 1965, Chapter 633; Laws 1965, Chapter 850; Laws 1967, Chapter 441; Laws 1967, Chapter 588; Laws 1967, Chapter 599, Section 4; Laws 1967, Chapter 796; Laws 1969, Chapter 473; Laws 1969, Chapter 692; Laws 1969, Chapter 918; Laws 1969, Chapter 1053; Laws 1971, Chapter 495; Laws 1971, Chapter 744, Section 2; Laws 1973, Chapter 261.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 28, delete the period and insert a semicolon

Page 2, line 28, delete "Persons"

Page 2, delete lines 29 through 33

Page 4, lines 11 and 12, delete "*may be removed only for cause shown*" and insert "*shall serve at the pleasure of the board*"

Page 4, line 26, delete "*funds*" and insert "*fund accounts which shall be in accordance with generally accepted accounting principles and such statutes and regulations issued by state or federal regulatory agencies as may be applicable*"

Page 4, line 26, delete "*administer and*"

Page 4, line 27, delete "*The*"

Page 4, delete lines 28 through 31

Page 10, line 19, delete "*Notwithstanding the provisions of any*" and insert "*Where the legislature does not by*"

Page 10, line 19, delete "*which now*"

Page 10, line 20, delete "*establishes*" and insert "*establish*"

Page 10, line 27, delete the language after "*such*" and insert "*services.*"

Page 10, delete lines 28 through 31

Pages 10 and 11, delete subdivision 2

Renumber subdivisions in sequence

Page 11, delete lines 16 through 29 and insert:

"Sec. 9. [FINANCIAL STATEMENTS AND AUDITS.] *Subdivision 1. [FINANCIAL STATEMENTS.] Annually, the board of commissioners shall cause to be prepared a financial report, including financial statements for all of the funds of the county of Hennepin prepared in accordance with generally accepted accounting principles.*

Subd. 2. [AUDIT.] Annually, the board of commissioners shall engage a firm of independent certified public accountants to audit

the books, accounts and financial statements for the county of Hennepin, in accordance with generally accepted auditing standards.

Subd. 3. [PUBLICATION AND DISTRIBUTION.] In lieu of the requirements of Minnesota Statutes, Section 375.17, the board of commissioners shall cause the annual financial statements prepared in accordance with subdivision 1 of this section, together with the independent auditors' opinion relating to such statements prepared in accordance with subdivision 2 of this section, to be published in a legal newspaper within the county. Published statements shall include, at a minimum, a combined balance sheet showing the assets and liabilities of county funds and combined statements of revenues and expenditures and changes in unappropriated fund balances and accompanying notes to financial statements. In addition, the auditors' opinion shall be published. The annual audited financial report shall be made available for public inspection upon request, and a copy shall be filed with the state auditor."

Page 16, line 2, delete "*The superintendent*"

Page 16, delete line 3

Page 20, line 22, delete the language after the period

Page 20, delete lines 23 through 26

Page 20, line 27, delete "*state of Minnesota.*"

Page 22, after line 13, insert:

"Any purchase in excess of \$3,500 shall require the signature of the county administrator."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Hughes from the Committee on Education, to which was referred

S. F. No. 210: A bill for an act relating to education; extending the teacher mobility incentives to certain teachers in the vocational center schools, area vocational-technical schools, community colleges and state universities; amending Minnesota Statutes 1978, Sections 125.60, Subdivisions 1, 2, 2a, 3, 6 and 7, and by adding subdivisions; 125.61, Subdivisions 1, 2, 4 and 6, and by adding subdivisions; 354.094, Subdivisions 2 and 5; 354.66, Subdivisions 1, 2, 7 and 10, and by adding subdivisions; 354.69; and 354A.091, Subdivision 1.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [136.88] [EXTENDED LEAVES OF ABSENCE.]
Subdivision 1. As used in this section, the terms defined in this subdivision have the meanings given them.

(a) "Board" means the state board for community colleges and the state university board.

(b) "Teacher" means a person on the instructional or administrative staff of the community college or state university system who is a member of the teachers retirement association. It shall not include a chancellor or vice-chancellor.

Subd. 2. A board may grant an extended leave of absence without salary to a full time teacher who has been employed by the board for at least five years and has at least ten years of allowable service as defined in section 354.05, subdivision 13. The maximum duration of an extended leave of absence pursuant to this section shall be determined by mutual agreement of the board and the teacher at the time the leave is granted and shall be at least three but no more than five years. An extended leave of absence pursuant to this section shall be taken by mutual consent of the board and the teacher. No teacher may receive more than one leave of absence pursuant to this section.

Subd. 3. A board which denies a request for an extended leave of absence pursuant to this section shall record the denial and the reasons therefor. Prior to February 1, 1980, and each year thereafter by the same date, a board shall file a written report with the education committees of the legislature on any denials recorded pursuant to this subdivision.

Subd. 4. A teacher on an extended leave of absence pursuant to this section shall have the right to be reinstated to the same position or a similar position within the department or program from which the leave was granted at the beginning of the school year which immediately follows a year of extended leave of absence, unless the teacher is discharged or placed on retrenchment or on lay-off or his contract is terminated while he is on the extended leave. A board shall not be obligated to reinstate a teacher who is on an extended leave of absence pursuant to this section unless the teacher advises the board of his intention to return before February 1 in the school year preceding the school year in which he wishes to return.

Subd. 5. A teacher who is reinstated to the same or similar position after an extended leave pursuant to this section shall not lose tenure or credit for previous seniority in the employing community college or state university. A teacher shall not accrue seniority credit during the time of a leave of absence pursuant to this section.

Subd. 6. The years spent by a teacher on an extended leave of absence pursuant to this section shall not be included in the determination of his salary upon his reinstatement to the same or similar position by the board which granted the leave. The credits earned by a teacher on an extended leave of absence pursuant to this section shall not be included in the determination of his salary upon his reinstatement to the same or similar position by the board which granted the leave for a period of time equal to the time of the extended leave of absence.

Subd. 7. Nothing within the provisions of this section shall be construed to limit the authority of a board to grant a teacher a leave of absence which is not subject to the provisions of this section and section 354.094.

Subd. 8. A board shall not grant extended leaves of absence pursuant to this section beyond the limits of the appropriation to that board for the purposes of section 354.094.

Sec. 2. [136.89] [TEACHER EARLY RETIREMENT INCENTIVE PROGRAM.] *Subdivision 1. As used in this section, the terms defined in this subdivision have the meanings given them.*

(a) "Board" means the state board for community colleges and the state university board.

(b) "Retirement" means termination of services with the employing board and withdrawal from active teaching service.

(c) "Teacher" means a teacher as defined in section 1, subdivision 1, who has not less than 15 total years of full time teaching service in the community college system or the state university system, and who has or will have attained the age of 55 years but less than 65 years as of June 30 in the school year during which an application for an early retirement incentive is made.

Subd. 2. A teacher meeting the requirements of subdivision 1 may be offered a contract for termination of services with the employing board, withdrawal from active teaching service and payment of an early retirement incentive by the employing board. An offer may be accepted by the teacher by submitting a written resignation to the employing board. Applications shall be submitted prior to May 1 of the school year at the end of which the teacher wishes to retire.

Subd. 3. 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 \$7,500. This amount shall be reduced by \$375 for each year that a teacher is over the age of 55 years to a maximum age of 60 years and by an additional \$1,125 for each year that a teacher is over the age of 60 years. The age of a teacher shall be determined as of June 30 following the deadline for the application.

Subd. 4. The early retirement incentive shall be paid by the employing board at the time and in the manner agreed to by the board and the teacher. An early retirement incentive shall not be paid to any teacher who is discharged by a board.

Subd. 5. A board shall approve or disapprove applications pursuant to this section within the limits of the appropriation for the purposes of this section.

Sec. 3. Minnesota Statutes 1978, Section 354.094, Subdivision 1, is amended to read:

354.094 [EXTENDED LEAVES OF ABSENCE.] Subdivision 1. If a member is granted an extended leave of absence pursuant to section 125.60 or *section 1 of this act*, he may receive allowable service credit toward annuities and other benefits under this chapter, for each year of his leave by paying into the fund employee contributions during the period of the leave which shall not exceed five years. The state shall pay employer contributions into the fund for each year for which a member who is on extended leave pays employee contributions into the fund. The employee and employer contributions shall be based upon the rates of contribution prescribed by section 354.42 for the salary received during the year immediately preceding the extended leave. Payments for the years for which a member is receiving service credit while on extended leave shall be made on or before June 30 of each fiscal year for which service credit is received.

Sec. 4. Minnesota Statutes 1978, Section 354.094, Subdivision 2, is amended to read:

Subd. 2. Notwithstanding section 354.49, subdivision 4, clause (3), a member on extended leave who pays employee contributions into the fund pursuant to subdivision 1 shall retain membership in the association for as long as he continues to pay employee contributions, under the same terms and conditions as if he had continued to teach in the district, *the community college system or the state university system*.

Sec. 5. Minnesota Statutes 1978, Section 354.094, Subdivision 3, is amended to read:

Subd. 3. A member on extended leave of absence pursuant to section 125.60 or *section 1 of this act* who does not pay employee contributions into the fund in any year shall be deemed to cease to render teaching services beginning in that year for purposes of this chapter.

Sec. 6. Minnesota Statutes 1978, Section 354.094, Subdivision 5, is amended to read:

Subd. 5. The provisions of this section shall not apply to a member who is *discharged or placed on unrequested leave of absence or retrenchment or lay-off* or whose contract is terminated pursuant to ~~section 125.12 or 125.17~~ while he is on an extended leave of absence pursuant to section 125.60 or *section 1 of this act*.

Sec. 7. Minnesota Statutes 1978, Section 354.66, Subdivision 1, is amended to read:

354.66 [QUALIFIED PART TIME TEACHERS; PARTICIPATION IN FUND.] Subdivision 1. As used in this section, the term "teachers" shall have the meaning given it in section 125.03, subdivision 1, but shall not include superintendents. *It shall also have the meaning given it in section 1, subdivision 1 of this act.*

Sec. 8. Minnesota Statutes 1978, Section 354.66, is amended by adding a subdivision to read:

Subd. 1a. For purposes of this section, "board" means a school district board, the state board for community colleges and the state university board.

Sec. 9. Minnesota Statutes 1978, Section 354.66, is amended by adding a subdivision to read:

Subd. 1b. For purposes of this section, "district" means a school district, the community college system and the state university system.

Sec. 10. Minnesota Statutes 1978, Section 354.66, Subdivision 2, is amended to read:

Subd. 2. A teacher in the public elementary or secondary schools, in the community college system or the state university system of the state who has 20 years or more of allowable service may, by agreement with the board of the employing district, be assigned to teaching service within the district in a part time teaching position.

Sec. 11. Minnesota Statutes 1978, Section 354.66, Subdivision 7, is amended to read:

Subd. 7. Only teachers who are in the bargaining unit public employees as defined in section 179.63, subdivision 17 7, during the school year preceding the period of part time employment pursuant to this section shall qualify for the continuation of contributions and accrual of service credit pursuant to subdivision 4. Notwithstanding the provisions of section 179.63, subdivision 7, clauses (e) and (f), teachers who are employed on a part time basis for purposes of this section and who would therefore be disqualified from the bargaining unit by one or both of those provisions, shall continue to be in the bargaining unit during the period of part time employment pursuant to this section for purposes of compensation, fringe benefits and the grievance procedure.

Sec. 12. Minnesota Statutes 1978, Section 354.66, Subdivision 9, is amended to read:

Subd. 9. A school district shall not assign a teacher to a part time teaching position qualifying for the continuation of contributions and accrual of service credit pursuant to this section without applying for and receiving the authorization of the commissioner of education. In cooperation with the boards of trustees of the appropriate retirement fund associations and within the limits of the amount appropriated for the purpose of this section, the commissioner of education shall approve or disapprove applications from school districts for authorization to assign teachers to part time teaching positions qualifying for the continuation of contributions and accrual for service credit pursuant to this section. The state board for community colleges and the state university board may within the limits appropriated to them for purposes of this section assign a teacher to a part time teaching position qualifying for the continuation of contributions and accrual of service credit pursuant to this section without applying for and receiving the authorization of the commissioner of education.

Sec. 13. Minnesota Statutes 1978, Section 354.66, Subdivision 10, is amended to read:

Subd. 10. Nothing within the provisions of this section shall be construed to limit the authority of a school board to assign a teacher to a part time teaching position which does not qualify for the continuation of contributions and accrual of service credit pursuant to this section.

Sec. 14. Minnesota Statutes 1978, Section 354.69, is amended to read:

354.69 [INFORMATION SUPPLIED BY DISTRICT.] Each school district *and the community college and state university systems* shall furnish to the appropriate retirement fund association all information and reports deemed necessary by the appropriate board of trustees to administer the provisions of Laws 1977, Chapter 447, Article 9."

Delete the title and insert:

"A bill for an act relating to education; providing and regulating certain mobility incentives for certain teachers in the community colleges and state universities; amending Minnesota Statutes 1978, Sections 354.094, Subdivisions 1, 2, 3 and 5; 354.66, Subdivisions 1, 2, 7, 9 and 10, and by adding subdivisions; and 354.69."

And when so amended the bill do pass and be re-referred to the Committee on Governmental Operations. Amendments adopted. Report adopted.

Mr. Coleman from the Committee on Rules and Administration, to which was referred under Rule 35, together with the committee report thereon,

S. F. No. 520: A resolution urging the President, Congress and the Secretary of Transportation to retain the Amtrak North Coast Hiawatha in the National Amtrak Transportation System.

Reports the same back with the recommendation that the report from the Committee on Transportation shown in the Journal for March 8, 1979, "And when so amended the bill do pass" be adopted and the bill be re-referred to the Committee on Rules and Administration. Amendments adopted. Report adopted.

Mr. Coleman from the Committee on Rules and Administration, to which was referred under Rule 35, together with the committee report thereon,

S. F. No. 685: A bill for an act relating to energy; Minnesota energy assistance act; providing assistance for certain homeowners and renters for costs of energy needed to sustain life; providing a penalty; appropriating money; amending Minnesota Statutes 1978, Section 256.879, Subdivision 3, and by adding subdivisions; and Chapter 290A, by adding sections.

Reports the same back with the recommendation that the report from the Committee on Commerce shown in the Journal for March

12, 1979, be amended to read: "And when so amended the bill do pass and be re-referred to the Committee on Energy and Housing." Amendments adopted. Report adopted.

Mr. Coleman from the Committee on Rules and Administration, to which was referred under Rule 35, together with the committee report thereon,

S. F. No. 286: A bill for an act relating to ethics in government; requiring lobbyists to disclose compensation paid them for lobbying purposes; amending Minnesota Statutes 1978, Section 10A.04, Subdivision 4.

Reports the same back with the recommendation that the report from the Committee on Elections shown in the Journal for March 12, 1979, "And when so amended the bill do pass" be adopted and the bill be re-referred to the Committee on Judiciary. Amendments adopted. Report adopted.

Mr. Coleman from the Committee on Rules and Administration, to which was referred under Rule 35, together with the committee report thereon,

H. F. No. 186: A bill for an act relating to metropolitan government; providing for the debt of the metropolitan transit commission; amending Minnesota Statutes 1978, Section 473.446, Subdivision 1; and Chapter 473, by adding a section; repealing Minnesota Statutes 1978, Section 473.438, Subdivisions 5 and 6.

Reports the same back with the recommendation that the report from the Committee on Transportation shown in the Journal for March 15, 1979, "the bill do pass" be adopted and the bill be referred to the Committee on Governmental Operations. Report adopted.

Mr. Coleman from the Committee on Rules and Administration, to which was referred H. F. No. 444 for comparison with companion Senate File, reports the following House File was found not identical with its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H. F. No.	S. F. No.	H. F. No.	S. F. No.	H. F. No.	S. F. No.
444	546				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H. F. No. 444 be amended as follows:

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1978, Section 340.11, Subdivision 11, is amended to read:

Subd. 11. [ON-SALE LICENSES, INCLUDING HOTELS, CLUBS, RESTAURANTS, AND ON-SALE EXCLUSIVE LIQUOR STORES.] "On-sale" licenses may be issued by municipalities for the sale of intoxicating liquors in hotels, clubs, restaurants and establishments for the sale of "on-sale" liquors

exclusively within the number authorized by this section. Except in a city of the first class and in addition to the number of licenses authorized by this section, an "on-sale" license may be issued, if approved by the commissioner of public safety, to a bona fide club which has been in existence for ~~15~~ 10 years or more or to a bona fide club which holds a charter from a state or national organization which has been in existence for 10 years or more ~~congressionally chartered veterans' organization which has been in existence for 10 years~~. Such a club ~~or veterans' organization~~ shall be incorporated in order to be eligible to apply for a license, and the license issued shall be for the sale of intoxicating liquors to members and bona fide guests only. The license fee for such an "on-sale" license is \$100 unless a municipality sets a higher amount. Except in cities of the first, second, and third class, a license may be issued jointly to congressionally chartered veterans' organizations which otherwise qualify under this subdivision.

Sec. 2. This act is effective the day following final enactment."

Further, strike the title and insert:

"A bill for an act relating to intoxicating liquor; allowing clubs in existence for 10 years and clubs affiliated with national organizations in existence for at least 10 years to obtain on-sale intoxicating liquor licenses; amending Minnesota Statutes 1978, Section 340.11, Subdivision 11."

And when so amended H. F. No. 444 will be identical to S. F. No. 546, and further recommends that H. F. No. 444 be given its second reading and substituted for S. F. No. 546, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

Mr. Coleman from the Committee on Rules and Administration, to which were referred for proper reference under Rule 35:

S. F. Nos. 765, 854, 859, 822, 921, 926 and 972 reports the same back with the recommendation that the bills be re-referred as follows:

S. F. No. 822 to the Committee on Agriculture and Natural Resources.

S. F. Nos. 859, 854 to the Committee on Energy and Housing.

S. F. No. 972 to the Committee on Governmental Operations.

S. F. No. 926 to the Committee on Local Government.

S. F. No. 921 to the Committee on Transportation.

S. F. No. 765 to the Committee on Veterans' Affairs.

Report adopted.

Mr. Purfeerst from the Committee on Transportation, to which was referred

S. F. No. 332: A bill for an act relating to pipelines; establishing a process for routing and issuing construction permits for certain pipelines; establishing standards for pipelines routing to protect the environment and minimize adverse impact to agricultural land; granting powers and imposing duties on the environmental quality board; prohibiting construction of certain pipelines, exercise of eminent domain power and acquisition of easements without a construction permit; allowing exemptions for certain pipelines; requiring public meetings and hearings; requiring state inspection of pipeline construction; requiring minimum depth of cover for certain pipelines; relieving liability for damage to certain pipelines; establishing a property tax credit for land crossed by certain pipelines; setting fees to cover routing and inspection costs; authorizing permanent and temporary rules; providing penalties; appropriating money; amending Minnesota Statutes 1978, Sections 117.49; 276.04; 299F.61; and Chapter 299F, by adding a section.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [DEFINITIONS.] Subdivision 1. As used in sections 1 to 12, the terms defined in this section have the meanings given them, unless otherwise provided or indicated by the context.

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, or for securing survey or geological data.

Subd. 3. "Pipeline" means pipe located in this state which is used to transport natural or synthetic gas, crude petroleum or petroleum fuels or oil or their derivatives, coal, anhydrous ammonia or any mineral slurry to a distribution center or storage facility which is located within or outside of this state.

Subd. 4. "Cultivated agricultural land" means land which is used to raise agricultural crops, is capable of use for that purpose or is plowed, fallow or contains harvested crop residue.

Sec. 2. [PIPELINE PROPOSAL; ACQUISITION OF EASEMENTS; PUBLIC MEETINGS.] Subdivision 1. Any person proposing to construct and operate a pipeline shall comply with the provisions of this section before negotiating or acquiring any easement or right of way agreement for that purpose. An easement or right of way agreement shall be ineffective to transfer any interest in real property for the purpose of constructing or operating a pipeline if it is acquired contrary to the provisions of this section.

Subd. 2. Any person proposing to construct and operate a pipeline shall so notify the environmental quality board and the county board of each county through which the pipeline will be constructed. The notice shall include a description of the route on which the pipeline is proposed to be located, the size and type of pipeline to be constructed, the types of commodities to be carried

and the construction and operational characteristics of the pipeline. The proposed route shall be described in sufficient detail so that the owners or lessees of property on which the route is located can be identified. Notice to the environmental quality board shall be accompanied by a fee of \$25,000 for preparation of an information book as provided in section 3 and for expenses incurred by state agencies to participate in public meetings as provided in section 4. The environmental quality board shall refund any amount that exceeds the actual cost to the board of preparing the information book, including necessary revisions, and to state agencies for participating in the public meetings.

If the pipeline route described in the notice is changed to the extent that, in any county, 20 percent or more of the owners or lessees of property on which the new route is located were not owners or lessees of property on which the other route was located, the person proposing to construct and operate the pipeline shall notify the environmental quality board and the county board of that county of the change in the proposed route. No additional fee shall be required for a notice of change of a proposed route.

Subd. 3. No person shall negotiate or acquire an easement or right of way agreement for the purpose of constructing and operating a pipeline until 30 days after:

(a) A public meeting has been held as provided in section 4 in the county in which the right of way in question is located; and

(b) That person has provided to the owner or lessee from whom the easement or agreement is acquired a copy of the information book prepared pursuant to section 3. If the original information book is revised pursuant to section 3, each owner or lessee of property which the original route did not affect shall be provided with a copy of the revised book.

Sec. 3. [INFORMATION BOOK.] Within 45 days after receiving the notification and fee required by section 2 the environmental quality board shall prepare and make available to the person proposing to construct the pipeline sufficient copies of an information book for owners and lessees of property along the pipeline route. The board may allow the person proposing the pipeline to prepare the book at his own expense subject to approval of the book by the board. The information book shall contain at least the following information:

(1) A description of the pipeline proposed for construction, including the proposed route, types of commodities to be carried, size of the line and construction and operational characteristics;

(2) Explanation of the steps which must be taken to acquire right of way for the pipeline and of the rights and alternatives of the owner;

(3) Explanation of the legal requirements that must be met in constructing the pipeline; and

(4) Explanation of the county inspection procedure and instructions for contacting the inspector in the event of noncompliance with legal requirements.

Within 45 days after receiving notification of a change in a proposed route the board shall prepare and make available or shall approve a revision of the original information book so that a description of the new route and any other required information relevant to the new route is incorporated in the book.

Sec. 4. [PUBLIC MEETINGS REQUIRED.] Within 60 days of receiving notification as provided in section 2 the county board of each county in which the pipeline route is proposed to be located shall hold a public meeting as provided in this section. If a county board receives a required notification of a change in the proposed pipeline route in that county, the board shall hold an additional public meeting as provided in this section within 30 days after receiving that notification. The purpose of a public meeting held pursuant to this section shall be to provide information to the public concerning:

(1) The pipeline proposed for construction, including the proposed route, the size of the pipeline, types of commodities to be carried and construction and operating characteristics; and

(2) The legal requirements which must be met in acquiring easements and in constructing and operating the pipeline.

Notice and agenda of the public meeting shall be given by the county board at least ten days but no earlier than 45 days before the meetings. Notice shall be by publication in a legal newspaper of general circulation in the county in which the public meeting is to be held and written notice to the clerk of each town and incorporated municipality in the county. State agencies authorized to issue permits required for construction or operation of the pipeline shall participate in the public meetings in each county. The agencies shall explain the procedures for issuing the permits and the manner in which the public may participate in those procedures.

Sec. 5. [INTERSTATE GAS PIPELINES; FEDERAL EMINENT DOMAIN; CONDITIONS NOT APPLICABLE.] Any person that proposes to construct and operate an interstate natural gas pipeline and that brings an action to acquire an easement or right of way agreement for that pipeline by eminent domain under the authority of the federal Natural Gas Act, Title 15, United States Code, Chapter 15B, shall not be required to comply with the provisions of sections 2 to 4 as a condition of acquiring the easement or right of way pursuant to that action.

Sec. 6. [PROTECTION OF PUBLIC FACILITIES AND CULTIVATED AGRICULTURAL LAND.]

Subdivision 1. [DEPTH OF COVER.] Unless waived in the manner provided in subdivisions 2 or 3, any pipeline installed after the effective date of this section shall be buried with a minimum level cover of not less than four and one-half feet in all areas where

the pipeline crosses the right of way of any public drainage facility or any county, town or municipal street or highway and where the pipeline crosses cultivated agricultural land.

Subd. 2. [WAIVER OF DEPTH REQUIREMENT.] In any easement granting right of way for a pipeline over cultivated agricultural land the grantor of the easement may waive the minimum depth of cover requirement of subdivision 1 with respect to all or part of the pipeline to be buried under that land. A waiver of the minimum depth of cover requirement of subdivision 1 shall be effective only if the waiver:

(a) Is separately and expressly stated in the easement agreement and includes an express statement by the grantor acknowledging that he has read and understood the waiver;

(b) Is printed in capital letters and in language understandable to an average person not learned in law; and

(c) Is separately signed or initialed by the grantor.

Subd. 3. [WAIVER AND RULES OF POLITICAL SUBDIVISIONS.] Any political subdivision authorized by law to approve the use of the right of way of any public drainage facility or any public street or highway for a pipeline may:

(1) Waive the minimum depth of cover requirement of subdivision 1 if the depth of cover or other means approved for the use of the right of way adequately protects the health and safety of the public; or

(2) Adopt and enforce by ordinance or resolution reasonable rules or regulations establishing a greater depth of cover than the minimum required in subdivision 1 and other measures for protection of public roads and drainage facilities under their jurisdiction.

Subd. 4. [INTERSTATE GAS PIPELINES; EXEMPTION.] Subdivisions 1 to 3 shall not apply to interstate natural gas pipelines subject to safety regulations under the federal Natural Gas Pipeline Safety Act of 1968, Public Law 90-481, as amended.

Subd. 5. [AGRICULTURAL PROTECTION STANDARDS.] A county board may establish by ordinance reasonable standards and conditions for pipeline construction which are necessary to protect and restore cultivated agricultural land crossed by a pipeline and to mitigate the adverse impact of pipeline construction on the productive use of that land. The standards may include but shall not be limited to standards and conditions concerning restoration of drainage tile and drainage patterns, soil compaction and removal of rocks and debris after construction. A county adopting standards and conditions for pipeline construction shall consult with adjacent counties and other counties in the same development region and shall endeavor to adopt standards and conditions which are reasonably uniform with standards and conditions in adjacent counties and in other counties in that region.

No ordinance shall be adopted pursuant to this subdivision for the purpose of establishing safety standards for interstate natural gas pipelines or transmission facilities which are subject to safety regulations under the federal Natural Gas Pipeline Safety Act of 1968, Public Law 90-481, as amended.

Subd. 6. [INSPECTION FEE.] Before beginning construction a person proposing to construct a pipeline shall pay an inspection fee to the treasurer of each county through which the pipeline will be constructed. The fee shall be in the amount of \$500 for each mile or fraction of a mile of pipeline that will be constructed in the county.

Subd. 7. [COUNTY INSPECTOR.] The county board of each county through which a pipeline will be constructed shall hire an inspector who shall conduct on site inspections of the construction to determine whether the pipeline is constructed in compliance with the provisions of this section and ordinances or resolutions adopted pursuant to this section. The inspector shall promptly report to the county board any failure or refusal to comply with the provisions of this section or ordinances or resolutions adopted pursuant to this section and shall issue a written notice to the person constructing the pipeline specifying the violation and the action to be taken in order to comply.

During on site inspection the inspector shall maintain a written log which shall include a record of comments and complaints concerning the pipeline construction made by owners and lessees of land crossed by the pipeline and by local officials. The log shall note in particular any complaints concerning failure to settle damage claims filed by any owner or lessee or failure to comply with the terms of an easement agreement. The log, reports and other records of the inspector shall be preserved by the county board.

Subd. 8. [EQUITABLE RELIEF.] The provisions of subdivision 1 or of ordinances or resolutions adopted pursuant to subdivisions 3 and 5 may be enforced by injunction, action to compel performance or other appropriate equitable relief in the district court of the county in which the violation occurs. The relief may be sought by petition of the county attorney or the attorney of the political subdivision that adopted the ordinance or resolution violated or in which the violation occurs.

Subd. 9. [CRIMINAL PENALTY.] Any person who violates the provisions of subdivision 1 or any ordinance or resolution adopted pursuant to subdivisions 3 and 5 is guilty of a misdemeanor for each offense. Each day of violation after written notice by the inspector pursuant to subdivision 7 shall constitute a separate offense.

Subd. 10. [CIVIL PENALTY.] When the court finds that any person has violated the provisions of subdivision 1 or any ordinance or resolution adopted pursuant to subdivisions 3 and 5 or has violated any court order issued under subdivision 8 the court may impose a civil penalty of not more than \$5,000 for each violation. These penalties shall be paid to the county in which the violation occurred.

Sec. 7. [LIMITATION OF LIABILITY.] Subdivision 1. [GENERAL RULE.] Any owner or lessee of any real property or any person acting with the authority of that owner or lessee who, in the ordinary conduct of agricultural operations upon that property, causes any damage to any underground pipeline utilized for the transportation of coal, anhydrous ammonia, mineral slurries, natural or synthetic gas, crude oil or other petroleum product or derivative shall not be liable for any of the direct or incidental costs of repairing, restoring or replacing the pipeline in the absence of a showing of gross negligence or willful or wanton misconduct.

"Ordinary conduct of agricultural operations", as that term is used in this subdivision, does not include well drilling or other excavation but includes the installation or repair of agricultural drainage tile subject to the provisions of subdivision 2.

Subd. 2. [NOTICE REQUIREMENT.] An owner or lessee of any real property or a person acting with his authority who installs or repairs agricultural drainage tile on that property shall be relieved of liability as provided in subdivision 1 only if that owner, lessee or other person acting with his authority notifies the designated agent of the owner or operator of the pipeline of the intention to install or repair drainage tile on the property at least seven days before that work commences. An owner or operator of a pipeline shall provide to the county auditor of each county in which that pipeline is located the name, address and phone number of the individual to whom notice shall be given as provided in this subdivision. Notice is effective if made in writing by certified mail to this designated agent of the owner or operator of the pipeline.

Sec. 8. [PROPERTY TAX CREDIT FOR PROPERTY CROSSED BY PIPELINES.] Every owner of land defined as class 3, 3b, 3c, 3cc, 3d, or 3f pursuant to section 273.13 listed on records of the county auditor or treasurer through which there is located any part of a pipeline constructed after the effective date of this section shall receive a credit against the tax due on the parcel of land so affected. The credit shall be in an amount determined by multiplying a fraction, the numerator of which is the length of pipeline located on that parcel and the denominator of which is the total length of that particular pipeline located on all property within the county, by ten percent of the tax revenue derived from the tax on that pipeline pursuant to section 273.33. Where a right of way width is shared by more than one property owner, the numerator shall be adjusted by multiplying the length of pipeline on the parcel by the proportion of the total width on the parcel owned by that property owner. The amount of credit for which an owner qualifies pursuant to this section shall not exceed 20 percent of the total gross tax on the affected parcel prior to deduction of the state paid agricultural credit and the state paid homestead credit.

The auditor of the county in which the affected parcel is located shall calculate the amount of the credit due for each parcel and transmit that information to the county treasurer.

Sec. 9. [REVERSION OF EASEMENTS.] Notwithstanding any law to the contrary, all easement interests acquired after the effective date of this section for the purpose of constructing and operating a pipeline shall revert to the then fee owner if the pipeline ceases operation for a period of five years.

Sec. 10. [RECORDING OF SURVEY POINTS.] The permanent location of monuments or markers found or placed in a survey of right of way for a pipeline route shall be placed on record in the office of the county recorder or registrar of titles by the owner of the pipeline. No fee shall be charged for recording this information.

Sec. 11. [SEVERABILITY.] If any provision of sections 1 to 12 is found to be unconstitutional and void with respect to pipelines transporting one or more of the substances enumerated in section 1, subdivision 3, the provision shall remain effective with respect to pipelines transporting any of the other enumerated substances. This provision shall supplement any general law on the subject of severability.

Sec. 12. [SAVINGS PROVISION.] Subdivision 1. Sections 2 to 4 shall not apply to a pipeline if, on or before the effective date of this act:

(a) An application for a certificate of need has been filed for the pipeline pursuant to section 116H.13 and easements have been acquired for at least 85 percent of the length of the proposed pipeline right of way; or

(b) An environmental impact statement has been prepared, pursuant to chapter 116D concerning the construction of the pipeline and the environmental quality board has determined that the statement is adequate under that chapter.

Subd. 2. Section 6, subdivisions 5 to 7 shall not apply to any pipeline described by subdivision 1, clause (b) if the commissioner of natural resources approves the construction plans for the pipeline pursuant to Minnesota Statutes, Section 117.49 upon the condition that construction will conform to reasonable standards for protection of cultivated agricultural land and that the commissioner will require state inspection at the expense of the owner of the pipeline to enforce those standards.

Sec. 13. [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 pipelines; limiting negotiation and acquisition of easements; requiring public meetings and information books for affected landowners; requiring minimum depth of cover on cultivated land; authorizing adoption of local ordinances to protect public roads and drainage facilities; authorizing counties to adopt ordinances to establish pipeline construction standards; requiring pipelines to pay inspection fees; providing for a county inspector; limiting liability for certain unintentional damage to

pipelines; establishing a pipeline property tax credit; providing for reversion of certain easements and recording of survey points; imposing duties on the environmental quality board and certain county boards; providing for enforcement by injunctive relief; imposing criminal and civil penalties."

And when so amended the bill do pass and be re-referred to the Committee on Agriculture and Natural Resources. Amendments adopted. Report adopted.

SECOND READING OF SENATE BILLS

S. F. Nos. 528, 603, 925, 444 and 622 were read the second time and referred to the Subcommittee on Bill Scheduling of the Committee on Rules and Administration.

SECOND READING OF HOUSE BILLS

H. F. Nos. 303 and 444 were read the second time.

H. F. Nos. 330 and 157 were read the second time and referred to the Subcommittee on Bill Scheduling of the Committee on Rules and Administration.

MOTIONS AND RESOLUTIONS

Mr. Lessard moved that the name of Mr. Penny be added as co-author to S. F. No. 761. The motion prevailed.

Mr. Willet moved that the name of Mr. Vega be added as co-author to S. F. No. 928. The motion prevailed.

Mr. Spear moved that the name of Mr. Schaaf be added as co-author to S. F. No. 937. The motion prevailed.

Mr. Peterson moved that the name of Mr. Pillsbury be added as co-author to S. F. No. 952. The motion prevailed.

Mr. Stokowski moved that the name of Mr. Vega be added as co-author to S. F. No. 956. The motion prevailed.

Mr. Solon moved that the name of Mr. Vega be added as co-author to S. F. No. 964. The motion prevailed.

Mr. Solon moved that the name of Mr. Vega be added as co-author to S. F. No. 965. The motion prevailed.

Mr. Coleman, for the Committee on Rules and Administration, offered the following resolution:

BE IT RESOLVED, by the Senate, that the following named persons be and are hereby appointed to the positions hereinafter stated and at the salaries heretofore fixed.

Margaret Lynch, transferred from Committee Clerk classification to Committee Administrative Assistant classification, effective March 12, 1979

Cathy McLaughlin, transferred from Page classification to Committee Clerk classification, effective March 12, 1979

Kathleen Buchmeier, Researcher, effective March 19, 1979

Rabbi Barry Starr, Chaplain, effective March 19, 1979

Rev. Harold J. Kost, Chaplain, effective March 26, 1979

Sr. Claudia Riehl, Chaplain, effective March 29, 1979

Mr. Coleman moved the adoption of the foregoing resolution. The motion prevailed. So the resolution was adopted.

Mr. Penny moved that the name of Mr. Coleman be added as co-author to S. F. No. 610. The motion prevailed.

Mr. Laufenburger moved that the names of Messrs. Kleinbaum and Purfeerst be added as co-authors to S. F. No. 906. The motion prevailed.

Mr. Merriam moved that S. F. No. 301, No. 7 on General Orders, be stricken and re-referred to the Committee on Judiciary. The motion prevailed.

CONFIRMATION

Mr. Tennesen moved that the report from the Committee on Commerce, reported February 26, 1979, pertaining to appointments, be taken from the table. The motion prevailed.

Mr. Tennesen moved that the foregoing report be now adopted. The motion prevailed.

Mr. Tennesen moved that in accordance with the report from the Committee on Commerce, reported February 26, 1979, the Senate, having given its advice, do now consent to and confirm the appointments of:

PUBLIC SERVICE COMMISSION

Roger Hanson, P.O. Box 128, Vergas, Ottertail County, effective January 29, 1979, for a term expiring the first Monday in January, 1985.

Lillian F. Warren-Lazenberry, 4901 Portland Avenue South, Minneapolis, Hennepin County, effective May 30, 1978, for a term expiring January 2, 1984.

The motion prevailed. So the appointments were confirmed.

CONFIRMATION

Mr. Laufenburger moved that the report from the Committee on Employment, reported March 1, 1979, pertaining to appointments, be taken from the table. The motion prevailed.

Mr. Laufenburger moved that the foregoing report be now adopted. The motion prevailed.

Mr. Laufenburger moved that in accordance with the report from the Committee on Employment, reported March 1, 1979, the Senate, having given its advice, do now consent to and confirm the appointment of:

**DEPARTMENT OF ECONOMIC DEVELOPMENT
COMMISSIONER**

David L. Printy, 389 Portland Avenue, St. Paul, Ramsey County, effective February 1, 1979, for a term expiring the first Monday in January, 1983.

The motion prevailed. So the appointment was confirmed.

CONFIRMATION

Mr. Chmielewski moved that the report from the Committee on Veterans' Affairs, reported March 1, 1979, pertaining to appointments, be taken from the table. The motion prevailed.

Mr. Chmielewski moved that the foregoing report be now adopted. The motion prevailed.

Mr. Chmielewski moved that in accordance with the report from the Committee on Veterans' Affairs, reported March 1, 1979, the Senate, having given its advice, do now consent to and confirm the appointment of:

**DEPARTMENT OF VETERANS' AFFAIRS
COMMISSIONER**

Donald M. Miller, 10910 Dakota Ct., Burnsville, Dakota County, effective January 8, 1979, for a term expiring the first Monday in January, 1983.

The motion prevailed. So the appointment was confirmed.

CONFIRMATION

Mr. Willet moved that the report from the Committee on Agriculture and Natural Resources, reported March 1, 1979, pertaining to appointments, be taken from the table. The motion prevailed.

Mr. Willet moved that in accordance with the report from the Committee on Agriculture and Natural Resources, reported March 1, 1979, the Senate, having given its advice, do now consent to and confirm the appointment of:

**DEPARTMENT OF AGRICULTURE
COMMISSIONER**

Mark Seetin, Rural Route 2, Winnebago, Faribault County, effective January 1, 1979, for a term expiring the first Monday in January, 1983.

The question was taken on the adoption of the motion.

The roll was called, and there were yeas 51 and nays 6, as follows:

Those who voted in the affirmative were:

Ashbach	Frederick	Laufenburger	Penny	Solon
Bang	Gearty	Lessard	Peterson	Staples
Benedict	Gunderson	Luther	Pillsbury	Strand
Bernhagen	Hughes	Menning	Purfeerst	Ueland, A.
Brataas	Jensen	Merriam	Rued	Ulland, J.
Chenoweth	Johnson	Moe	Schaaf	Vega
Chmielewski	Keefe, J.	Nelson	Schmitz	Willet
Davies	Kirchner	Nichols	Setzepfandt	
Dieterich	Kleinbaum	Ogdahl	Sieloff	
Dunn	Knaak	Olhoff	Sikorski	
Engler	Knutson	Olson	Sillers	

Those who voted in the negative were:

Keefe, S.	Schrom	Spear	Stumpf	Tennessen
Lewis				

The motion prevailed. So the appointment was confirmed.

CONFIRMATION

Mr. Tennessen moved that the report from the Committee on Commerce, reported March 12, 1979, pertaining to appointments, be taken from the table. The motion prevailed.

Mr. Tennessen moved that the foregoing report be now adopted. The motion prevailed.

Mr. Tennessen moved that in accordance with the report from the Committee on Commerce, reported March 12, 1979, the Senate, having given its advice, do now consent to and confirm the appointments of:

DEPARTMENT OF COMMERCE COMMISSIONER OF BANKS

Michael Pint, 10006 Washburn Avenue South, Bloomington, Hennepin County, effective February 26, 1979, for a term expiring the first Monday in January, 1983.

DEPARTMENT OF COMMERCE COMMISSIONER OF SECURITIES

Mary Alice Brophy, 323 W. 59th Street, Minneapolis, Hennepin County, effective February 15, 1979, for a term expiring the first Monday in January, 1983.

The motion prevailed. So the appointments were confirmed.

CONFIRMATION

Mr. Tennessen moved that the report from the Committee on Commerce, reported March 15, 1979, pertaining to appointments, be taken from the table. The motion prevailed.

Mr. Tennessen moved that the foregoing report be now adopted. The motion prevailed.

Mr. Tennessen moved that in accordance with the report from the Committee on Commerce, reported March 15, 1979, the Senate,

having given its advice, do now consent to and confirm the appointment of:

**DEPARTMENT OF COMMERCE
DIRECTOR, CONSUMER SERVICES SECTION**

Krista Sanda, Route 3, Box 3, Staples, Todd County, effective January 29, 1979, for a term expiring the first Monday in January, 1983.

The motion prevailed. So the appointment was confirmed.

CONFIRMATION

Mr. Perpich moved that the report from the Committee on Health, Welfare and Corrections, reported March 12, 1979, pertaining to appointments, be taken from the table. The motion prevailed.

Mr. Perpich moved that the foregoing report be now adopted. The motion prevailed.

Mr. Perpich moved that in accordance with the report from the Committee on Health, Welfare and Corrections, reported March 12, 1979, the Senate, having given its advice, do now consent to and confirm the appointment of:

**DEPARTMENT OF CORRECTIONS
COMMISSIONER**

Jack G. Young, 569 North 9th Street, Bayport, Washington County, effective February 5, 1979, for a term expiring the first Monday in January, 1983.

The motion prevailed. So the appointment was confirmed.

MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Coleman moved that the Senate do now adjourn until 10:00 o'clock a.m., Monday, March 26, 1979. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate