

SEVENTY-THIRD DAY

St. Paul, Minnesota, Monday, March 3, 1980

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

CALL OF THE SENATE

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

Bang	Engler	Kleinbaum	Ogdahl	Sieloff
Barrette	Frederick	Knaak	Olson	Sikorski
Benedict	Gearty	Lessard	Omann	Sillers
Bernhagen	Gunderson	Luther	Perpich	Spear
Brataas	Humphrey	McCutcheon	Peterson	Stokowski
Chmielewski	Jensen	Menning	Purfeerst	Strand
Coleman	Johnson	Merriam	Rued	Stumpf
Dieterich	Keefe, S.	Moe	Schmitz	Ueland, A.
Dunn	Kirchner	Nelson	Setzepfandt	Willet

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

Prayer was offered by the Chaplain, Rev. Wayne Kendrick.

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

Aabbach	Frederick	Knoll	Olhoft	Sikorski
Bang	Gearty	Knutson	Olson	Sillers
Barrette	Gunderson	Laufenburger	Omann	Solon
Benedict	Hughes	Lessard	Perpich	Spear
Bernhagen	Humphrey	Luther	Peterson	Staples
Brataas	Jensen	McCutcheon	Purfeerst	Stokowski
Chmielewski	Johnson	Menning	Renneke	Strand
Coleman	Keefe, J.	Merriam	Rued	Stumpf
Davies	Keefe, S.	Moe	Schaaf	Ueland, A.
Dieterich	Kirchner	Nelson	Schmitz	Ulland, J.
Dunn	Kleinbaum	Nichols	Setzepfandt	Wegener
Engler	Knaak	Ogdahl	Sieloff	Willet

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, Hanson, Penny, Pillsbury, Stern, Tennesen and Vega 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. Schmitz, Purfeerst, Chmielewski and Laufenburger introduced—

S. F. No. 2203: A bill for an act proposing an amendment to the Minnesota Constitution, Article XIV, Section 11; removing certain restrictions on highway bonds.

Referred to the Committee on Transportation.

Messrs. Sillers, Wegener, Peterson, Renneke and Bernhagen introduced—

S. F. No. 2204: A bill for an act relating to local government; providing for compensation for use of private automobiles; amending Minnesota Statutes, 1979 Supplement, Section 471.665, Subdivision 1.

Referred to the Committee on Local Government.

Messrs. Tennesen, Spear, Knoll and Dieterich introduced—

S. F. No. 2205: A bill for an act relating to courts; providing for appointment of clerks of court by district administrators; transferring clerks of court to the state judicial system; requiring the state court administrator to establish a judicial position, classification, and compensation system for nonjudicial personnel; requiring the state court administrator to promulgate and administer uniform standards and procedures relating to personnel matters for nonjudicial personnel; amending Minnesota Statutes 1978, Sections 485.01; 485.018, Subdivisions 6 and 7; Chapters 480, by adding a section; and 485, by adding a section; Minnesota Statutes, 1979 Supplement, Section 43.43, Subdivision 2; repealing Minnesota Statutes 1978, Sections 485.018, Subdivisions 1, 2, 2a, and 4; and 485.12.

Referred to the Committee on Judiciary.

Messrs. Tennesen and Keefe, S. introduced—

S. F. No. 2206: A bill for an act relating to education; extending the applicability of an early retirement incentive for teachers employed by school districts implementing certain desegregation plans; amending Minnesota Statutes, 1979 Supplement, Section 125.61, Subdivision 3a.

Referred to the Committee on Education.

Messrs. Tennesen and Keefe, S. introduced—

S. F. No. 2207: A bill for an act relating to Special Independent

School District No. 1, Minneapolis, and Independent School District No. 709; authorizing certain agreements between Special School District No. 1 and the exclusive representative of its teachers about teacher terminations; expanding the definition of teachers in the same authorization for Independent School District No. 709; amending Laws 1974, Chapter 237, Section 1.

Referred to the Committee on Education.

Mr. Renneke introduced—

S. F. No. 2208: A bill for an act relating to retirement; allowing accrual of service credit in excess of 40 years in a public retirement plan; repealing Minnesota Statutes, 1979 Supplement, Section 356.60.

Referred to the Committee on Governmental Operations.

Mr. Sieloff introduced—

S. F. No. 2209: A bill for an act relating to education; encouraging school boards to use school-based management; amending Minnesota Statutes 1978, Section 123.741, by adding a subdivision.

Referred to the Committee on Education.

Messrs. Stumpf, McCutcheon, Olhoff, Sillers and Dieterich introduced—

S. F. No. 2210: A bill for an act relating to taxation; increasing the amount of value of a 3cc homestead that qualifies for reduced assessment; amending Minnesota Statutes, 1979 Supplement, Sections 273.122 and 273.13, Subdivision 7.

Referred to the Committee on Taxes and Tax Laws.

Mr. Johnson introduced—

S. F. No. 2211: A bill for an act relating to Cook County and Independent School District No. 166; providing for certain agreements relating to the sale of excess steam from the existing wood fueled steam generating plant of the district; giving certain parties to the agreement certain powers.

Referred to the Committee on Local Government.

Messrs. Tennessen, Bang, Davies, Ashbach and Solon introduced—

S. F. No. 2212: A bill for an act relating to commerce; regulating consumer credit and related finance charges, insurance, loans and other conditions of credit; enacting the uniform consumer credit code; providing penalties; repealing Minnesota Statutes

1978, Sections 48.153; 48.154; 48.155; 48.156; 48.157; 48.185, as amended; 52.14; 168.66; 168.67; 168.68; 168.69; 168.70; 168.705; 168.706; 168.71; 168.72; 168.73; 168.74; 168.75; 168.76; 168.77; and 334.012; and Chapter 56.

Referred to the Committee on Commerce.

Messrs. Kleinbaum, Bernhagen, Wegener and Peterson introduced—

S. F. No. 2213: A bill for an act relating to state government; providing for parking surcharges for certain state employees; providing for payment of certain surplus land sale costs; amending Minnesota Statutes 1978, Section 94.16; and Minnesota Statutes, 1979 Supplement, Section 16.723.

Referred to the Committee on Governmental Operations.

Mr. Setzepfandt introduced—

S. F. No. 2214: A bill for an act relating to local government; authorizing governing bodies of local governmental units to set mileage allowances for officers and employees; repealing Minnesota Statutes, 1979 Supplement, Section 471.665, Subdivision 1.

Referred to the Committee on Local Government.

Messrs. Johnson, McCutcheon and Schaaf introduced—

S. F. No. 2215: A bill for an act relating to the city of Duluth; providing for review of assessments by the county assessor.

Referred to the Committee on Taxes and Tax Laws.

Mrs. Brataas, Messrs. Merriam, Johnson, Frederick and Omann introduced—

S. F. No. 2216: A bill for an act relating to taxation; real property; extending class 3cc standing to qualified persons who make their homestead in mobile homes; amending Minnesota Statutes, 1979 Supplement, Section 273.13, Subdivision 7.

Referred to the Committee on Taxes and Tax Laws.

Messrs. McCutcheon and Johnson introduced—

S. F. No. 2217: A bill for an act relating to taxation; restricting the use of certain proceeds of the taconite production tax; amending Minnesota Statutes 1978, Sections 298.223 and 298.28, Subdivision 1.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Wegener; Ueland, A.; Olson; Strand and Menning introduced—

S. F. No. 2218: A bill for an act relating to peace officers; exempting municipalities with a population of less than or equal to 5,000 from part-time officer licensing by the board of peace officer standards and training; authorizing such municipalities to adopt part-time officer licensing ordinances; amending Minnesota Statutes 1978, Chapter 626, by adding a section; and Minnesota Statutes, 1979 Supplement, Section 626.8461.

Referred to the Committee on General Legislation and Administrative Rules.

Mr. Kleinbaum introduced—

S. F. No. 2219: A bill for an act relating to Independent School District No. 748, Sartell; authorizing an additional levy for special assessments.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Penny, Strand and Wegener introduced—

S. F. No. 2220: A bill for an act relating to education; adding the commissioner of agriculture to the equalization aid review committee; amending Minnesota Statutes 1978, Section 124.212, Subdivision 10.

Referred to the Committee on Education.

Messrs. Bang and Tennesen introduced—

S. F. No. 2221: A bill for an act relating to public utilities; revision of rates pending approval by the public service commission; amending Minnesota Statutes 1978, Sections 216B.16, Subdivision 1, and by adding subdivisions; and 237.075, Subdivisions 1 and 2, and by adding subdivisions.

Referred to the Committee on Commerce.

Messrs. Bang and Tennesen introduced—

S. F. No. 2222: A bill for an act relating to public utilities; regulating assigned service areas of telephone companies; city authority to purchase and operate telephone plants; amending Minnesota Statutes 1978, Chapter 237, by adding a section; and Section 237.16, Subdivisions 3, 4, and 6, and by adding subdivisions; repealing Minnesota Statutes 1978, Sections 237.16, Subdivisions 1 and 2, and 237.19.

Referred to the Committee on Commerce.

Messrs. Bang, Barrette, Solon, Mrs. Knaak and Mr. Perpich introduced—

S. F. No. 2223: A bill for an act relating to the state building

code; providing for payment of portion of state building code permit fee surcharge to commissioner of health for certain administration costs; appropriating money; amending Minnesota Statutes, 1979 Supplement, Section 16.866, Subdivision 1.

Referred to the Committee on Energy and Housing.

Mr. McCutcheon introduced—

S. F. No. 2224: A bill for an act relating to taxation; individual and corporate income tax, withholding, and property tax refunds; clarifying definitions; making social security numbers mandatory on certain drivers license applications; providing for administrative changes; amending Minnesota Statutes 1978, Sections 171.06, Subdivision 3; 171.07, Subdivision 1; 268.12, Subdivision 12; 290.-01, Subdivision 21; 290.06, Subdivision 3e; 290.067, Subdivision 2; 290.09, Subdivisions 10 and 29; 290.10; 290.13, Subdivision 5; 290.136, Subdivision 9; 290.16, Subdivisions 3, 7, 9 and 12; 290.31, Subdivisions 2 and 27; 290.39, Subdivision 1; 290.41, Subdivision 2, and by adding a subdivision; 290.49, Subdivision 1; 290.92, Subdivisions 1, 2a, 5 and 6; 290.934, Subdivisions 4 and 5; 290A.08; 290A.17; Minnesota Statutes, 1979 Supplement, Sections 290.01, Subdivision 20; 290.06, Subdivisions 3c, 3f, 3g and 14; 290.09, Subdivision 15; 290.095, Subdivision 1; 290.17, Subdivisions 1 and 2; 290.21, Subdivision 3; 290.37, Subdivision 1; 290A.03, Subdivision 3; repealing Minnesota Statutes, 1979 Supplement, Section 290.23, Subdivision 16.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Merriam and Olhoft introduced—

S. F. No. 2225: A bill for an act relating to taxation; providing for the assessment of electric transmission and distribution lines; defining "parcel" for purposes of the transmission line property tax credit; amending Minnesota Statutes 1978, Sections 273.36; 273.38; Minnesota Statutes, 1979 Supplement, Section 273.42, Subdivision 2; and Laws 1979, Chapter 303, Article II, Section 39; repealing Minnesota Statutes 1978, Section 273.37; and Minnesota Statutes, 1979 Supplement, Section 273.42, Subdivision 1.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Luther; Keefe, S.; Gearty and Mrs. Stokowski introduced—

S. F. No. 2226: A bill for an act relating to Hennepin County; providing for redistricting of county commissioner districts.

Referred to the Committee on Local Government.

Messrs. Hanson; Keefe, J.; Keefe, S. and Sieloff introduced—

S. F. No. 2227: A bill for an act relating to public indebtedness;

fixing the maximum interest rates on public obligations; amending Minnesota Statutes 1978, Section 475.55.

Referred to the Committee on Commerce.

Messrs. Nichols, Wegener, Dunn and Ogdahl introduced—

S. F. No. 2228: A bill for an act relating to transportation; providing for the financing of certain transportation services; providing for the distribution of the motor vehicle excise tax and providing that certain portions of the proceeds be used by certain political subdivisions for optional transportation purposes; creating a contingent bond retirement account; increasing the excise tax on gasoline and special fuel used in producing power to propel motor vehicles on public highways; creating a study commission on transportation financing; appropriating money; amending Minnesota Statutes 1978, Sections 168.27, Subdivision 16; 296.02, Subdivision 1; 297B.035, Subdivision 2; and 297B.09.

Referred to the Committee on Transportation.

Mr. Ogdahl introduced—

S. F. No. 2229: A bill for an act relating to the public employees retirement association; providing for an exemption from membership therein for certain public employees; amending Minnesota Statutes 1978, Chapter 353, by adding a section.

Referred to the Committee on Governmental Operations.

Mr. Hughes introduced—

S. F. No. 2230: A bill for an act relating to public employees; regulating appropriate bargaining units.

Referred to the Committee on Education. Mr. Schaaf questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Mr. Sikorski introduced—

S. F. No. 2231: A bill for an act relating to retirement; corrections officers; coverage and mandatory retirement; amending Minnesota Statutes 1978, Sections 352.90; 352.91, Subdivisions 1 and 2, and by adding a subdivision; and Minnesota Statutes, 1979 Supplement, Section 43.051, Subdivision 3.

Referred to the Committee on Governmental Operations.

Messrs. Nichols and McCutcheon introduced—

S. F. No. 2232: A bill for an act relating to taxation; real property; limiting certain preferential assessment ratios to structures owned by a nonprofit entity; amending Minnesota Statutes 1978,

Section 273.13, Subdivision 17a; and Minnesota Statutes, 1979 Supplement, Section 273.13, Subdivision 17c.

Referred to the Committee on Taxes and Tax Laws.

Mr. Chmielewski introduced—

S. F. No. 2233: A bill for an act relating to insurance; providing participation eligibility for state insurance coverages for certain employees; amending Minnesota Statutes, 1979 Supplement, Section 43.491, Subdivision 2.

Referred to the Committee on Governmental Operations.

Mr. Perpich introduced—

S. F. No. 2234: A bill for an act relating to insurance; authorizing business trusts to exchange reciprocal or interinsurance contracts; amending Minnesota Statutes 1978, Section 71A.01, Subdivision 1.

Referred to the Committee on Commerce.

Mr. Perpich introduced—

S. F. No. 2235: A bill for an act relating to retirement; the city of Hibbing; authorizing the establishment or maintenance of separate relief associations for salaried and volunteer firefighters.

Referred to the Committee on Governmental Operations.

Mr. Setzepfandt introduced—

S. F. No. 2236: A bill for an act relating to retirement; making members of the Redwood soil and water conservation district members of the public employees retirement association; allowing purchase of prior service credit.

Referred to the Committee on Governmental Operations.

Messrs. Olhoft and Spear introduced—

S. F. No. 2237: A bill for an act relating to employment; regulating employee inventions related to energy; amending Minnesota Statutes 1978, Section 181.78, by adding a subdivision.

Referred to the Committee on Employment.

Mr. Olhoft introduced—

S. F. No. 2238: A bill for an act relating to taxation; sales and use tax; exempting admissions to square dance club dances; amending Minnesota Statutes, 1979 Supplement, Section 297A.25, Subdivision 1.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Solon, Gearty, Spear, Perpich and Mrs. Brataas introduced—

S. F. No. 2239: A bill for an act relating to welfare; changing certain eligibility requirements for aid to families with dependent children; amending Minnesota Statutes 1978, Section 256.73, Subdivision 2.

Referred to the Committee on Health, Welfare and Corrections.

Mr. Moe introduced—

S. F. No. 2240: A bill for an act relating to taxation; levy limits; providing for a special levy for the decrease in revenue attributable to the change from inheritance tax to estate tax; amending Minnesota Statutes, 1979 Supplement, Section 275.50, Subdivision 5.

Referred to the Committee on Taxes and Tax Laws.

Mr. Bang introduced—

S. F. No. 2241: A bill for an act relating to education; establishing a procedure for transferring certain territory from one school district to another; permitting a district from which territory was transferred to enroll certain students from the transferred territory under certain conditions.

Referred to the Committee on Education.

Mr. Dunn introduced—

S. F. No. 2242: A bill for an act relating to libraries; authorizing a school board to transfer the responsibility for maintaining a library to a city under certain conditions; amending Minnesota Statutes 1978, Section 134.03.

Referred to the Committee on Education.

Mr. Hanson introduced—

S. F. No. 2243: A bill for an act relating to taxation; clarifying the limitations on city tax levies; amending Minnesota Statutes 1978, Section 275.11, Subdivision 2.

Referred to the Committee on Taxes and Tax Laws.

Mr. Luther introduced—

S. F. No. 2244: A bill for an act relating to Independent School Districts Nos. 279 (Osseo) and 286 (Brooklyn Center); providing for transfers of territory between the districts.

Referred to the Committee on Education.

Mr. Bang introduced—

S. F. No. 2245: A bill for an act relating to the city of Edina; authorizing a temporary short term on-sale liquor license for a certain civic or charitable festival.

Referred to the Committee on Commerce.

Messrs. Merriam and Dunn introduced—

S. F. No. 2246: A bill for an act relating to the environmental quality board; authorizing intervention in the proceedings of other states and provinces relating to certain energy facilities; clarifying considerations to be made in adopting site and route criteria and standards; authorizing the environmental quality board to consider upgrading of existing facilities; specifying amounts of application fees; creating limitations on judicial review of certain decisions; providing notice for entry onto land; authorizing temporary emergency suspension of construction; providing for enforcement certificates and permits; requiring the promulgation of emergency rules; amending Minnesota Statutes 1978, Sections 116C.52, by adding subdivisions; 116C.53, by adding a subdivision; 116C.55, Subdivision 2; 116C.57, Subdivisions 1, 2, 4, and by adding a subdivision; 116C.63, by adding subdivisions; 116C.645; 116C.65; 116C.68; and 116C.69, Subdivisions 2, 2a, and 3.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Olson introduced—

S. F. No. 2247: A bill for an act relating to crimes; changing the definition of "complainant" for purposes of certain provisions relating to sex crimes; amending Minnesota Statutes, 1979 Supplement, Section 609.341, Subdivision 13.

Referred to the Committee on Judiciary.

Messrs. Olson, Setzepfandt, Hanson, Moe and Nichols introduced—

S. F. No. 2248: A bill for an act relating to taxation; sales and use tax; exempting used farm machinery; amending Minnesota Statutes, 1979 Supplement, Section 297A.25, Subdivision 1.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Setzepfandt, Nelson, Hanson and Peterson introduced—

S. F. No. 2249: A bill for an act relating to taxation; providing for interest on certain generally tax exempt obligations; amending Minnesota Statutes 1978, Section 475.55, by adding a subdivision.

Referred to the Committee on Taxes and Tax Laws.

Mr. Keefe, J. introduced—

S. F. No. 2250: A bill for an act appropriating money to Independent School District No. 274, Hopkins, to reimburse the district for certain consolidation costs.

Referred to the Committee on Education.

Messrs. Nelson, Sikorski, McCutcheon and Sieloff introduced—

S. F. No. 2251: A bill for an act relating to crimes; providing that the status of marriage or an ongoing voluntary sexual relationship of cohabiting adults shall not be a defense to prosecution for criminal sexual conduct; amending Minnesota Statutes 1978, Section 609.349.

Referred to the Committee on Judiciary.

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, herewith returned: S. F. No. 1848.

Edward A. Burdick, Chief Clerk, House of Representatives
Returned February 28, 1980

Mr. President:

I have the honor to announce that the House has acceded to the request of the Senate for the appointment of a Conference Committee on the amendments adopted by the House to the following Senate File:

S. F. No. 1670: A bill for an act relating to energy; creating a state emergency residential heating grant program; broadening the scope of state weatherization programs; providing a credit for energy conservation expenditures; providing a passthrough of federal energy credits; reimbursing counties; appropriating money; amending Minnesota Statutes 1978, Section 462A.21, by adding a subdivision; and Minnesota Statutes, 1979 Supplement, Sections 268.37; 290.01, Subdivision 20; and 290.06, Subdivision 14.

Five members of the House have been appointed to such committee on the part of the House as follows:

Nelson, Pehler, Osthoff, Ainley and Anderson, R.

Senate File No. 1670 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives
Returned February 28, 1980

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H. F. Nos. 1871, 1985, 1778 and 1789.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted February 28, 1980

FIRST READING OF HOUSE BILLS

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

H. F. 1871: A bill for an act relating to the Minnesota-Wisconsin boundary area commission; providing that the terms of commissioners shall be staggered; amending Minnesota Statutes 1978, Section 1.33.

Referred to the Committee on Governmental Operations.

H. F. No. 1985: A bill for an act relating to municipal electric power; permitting municipal power agencies to contract and do business with foreign entities; amending Minnesota Statutes 1978, Section 453.52, Subdivision 9.

Referred to the Committee on Commerce.

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

Referred to the Committee on Education.

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

Referred to the Committee on Commerce.

REPORTS OF COMMITTEES

Mr. Coleman moved that the Committee Reports at the Desk be now adopted, with the exception of the report on S. F. No. 1907, and reports pertaining to appointments. The motion prevailed.

Mr. Chmielewski from the Committee on Veterans' Affairs, to which was referred

S. F. No. 1978: A bill for an act relating to veterans; authorizing a memorial to Minnesota's war dead in Arlington National Cemetery; appropriating money.

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

Mr. Chmielewski from the Committee on Veterans' Affairs, to which was referred

S. F. No. 1907: A bill for an act relating to state government; revising the civil service law; amending Minnesota Statutes 1978, Section 43.30.

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

Page 1, line 13, strike "every" and insert "a"

Page 1, line 14, strike "prior to" and insert "before"

Page 1, line 15, strike "any" and insert "a"

Page 1, line 20, strike "any" and insert "a"

Page 1, line 21, strike "on account" and insert "because"

Page 1, line 21, strike "his"

Page 1, line 22, strike "by reason of any"

Page 1, line 22, strike "provided such" and insert "if that veteran's"

Page 2, line 1, strike "him" and insert "the veteran"

Page 2, lines 8 to 10 reinstate the stricken language

Page 2, lines 10 to 12, delete the new language

Page 2, line 15, strike "such" and insert "the"

Page 2, line 22, strike "such" and insert "the"

Page 3, line 8, strike "any" and insert "a"

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

Page 3, line 18, strike "hereby"

Page 3, line 19, strike the first "the" and insert "a"

Page 3, line 19, strike "spouses" and insert "spouse"

Page 3, line 19, after "of" insert "a"

Page 3, line 19, strike "veterans" and insert "veteran"

Page 3, line 25, delete "prior to any" and insert "before an"

Page 4, line 7, strike "his"

Page 4, line 10, delete "ten" and insert "30"

Page 4, line 15, strike "forthwith"

Page 4, line 16, strike "such" and insert "the"

Page 4, line 17, strike "thereof" and insert "of the reasons for the rejection"

Page 4, delete lines 21 and 22 and insert:

"Sec. 2. The provisions of section 1 shall apply only to a veteran placed on an eligible register established after the effective date of this act."

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

Mr. Chmielewski from the Committee on Veterans' Affairs, to which was referred

S. F. No. 1977: A bill for an act relating to public holidays; regulating the observance of Memorial Day; amending Minnesota Statutes 1978, Section 465.50; and Minnesota Statutes, 1979 Supplement, Section 645.44, Subdivision 5.

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

Page 1, line 12, strike "each and every" and insert "a"

Page 1, line 12, strike "all"

Page 1, line 13, strike "now possessed by it"

Page 1, line 13, strike "hereby"

Page 1, line 15, strike "in such manner"

Page 1, line 15, strike "it may deem best" and insert "*the council deems proper*"

Page 1, line 16, strike "any"

Page 1, line 16, strike "available therefor"

Page 1, line 17, strike "for each" and insert "*per*"

Page 1, line 18, strike "such" and insert "*that*"

Page 1, line 19, strike "appropriate"

Page 1, line 20, strike "and in the annual commemoration"

Page 1, line 21, strike everything before the period

Page 2, line 8, after the second semicolon insert "*or Memorial Day, May 30,*"

Page 2, line 12, after the first semicolon insert "*or Memorial Day, May 30,*"

Page 2, line 15, strike "any" and insert "a"

Page 2, line 18, strike "thereon" and insert "*that day*"

Page 2, line 26, strike "thereon" and insert "*that day*"

Page 2, line 27, strike "Any" and insert "An"

Page 2, delete lines 31 to 33

Page 3, delete line 1

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

Mr. Laufenburger from the Committee on Employment, to which was referred

S. F. No. 1708: A bill for an act relating to workers' compensation; changing special compensation fund assessment procedures; providing for reimbursement to certain insurers; amending Minnesota Statutes, 1979 Supplement, Sections 176.131, Subdivision 10; and 176.191, Subdivision 3.

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

Page 3, lines 18 to 24, delete the new language and insert:

"In determining the percentage of the total compensation required to be paid by the employer to the commissioner of labor and industry for the benefit of the special compensation fund as provided in clause (2) beginning September 30, 1980 and each September 30 thereafter, the commissioner of labor and industry shall use the following schedule:

<i>Balance in the Fund</i>	<i>Permissible Range of Rate Adjustment</i>
<i>Less than \$2,000,000</i>	<i>+1 percent to +7 percent</i>
<i>At least \$2,000,000 but less than \$3,000,000</i>	<i>0 percent to +6 percent</i>
<i>At least \$3,000,000 but less than \$4,000,000</i>	<i>-2 percent to +4 percent</i>
<i>At least \$4,000,000 but less than \$5,000,000</i>	<i>-5 percent to +3 percent</i>
<i>At least \$5,000,000 but less than \$6,000,000</i>	<i>-6 percent to +2 percent</i>
<i>\$6,000,000 or more</i>	<i>-7 percent to +2 percent</i>

In determining the actual adjustment, the commissioner shall take into account his estimate of the likely amount of expenditures to be made from the fund in the next calendar year."

Page 4, line 28, delete "and" and insert ". The insurer"

Page 4, line 29, after "shall" insert "also"

Page 4, line 30, before the period, insert "up to the amount that would be payable under this chapter if the injury were determined to be compensable"

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

Mr. Laufenburger from the Committee on Employment, to which was referred

S. F. No. 1892: A bill for an act relating to workers' compensation; allowing flexibility in election of insurance coverage for cer-

tain businesses, partnerships and corporations; amending Minnesota Statutes, 1979 Supplement, Section 176.012.

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

Mr. Laufenburger from the Committee on Employment, to which was referred

S. F. No. 1796: A bill for an act relating to economic development; regulating development loans to Indians; amending Minnesota Statutes 1978, Section 362.40, Subdivisions 2 and 8; Minnesota Statutes, 1979 Supplement, Section 362.40, Subdivision 9; repealing Minnesota Statutes 1978, Section 362.40, Subdivision 3.

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

Mr. Laufenburger from the Committee on Employment, to which was referred

S. F. No. 1716: A bill for an act relating to workers' compensation; providing an annual date for adjusting supplementary benefit levels; amending Minnesota Statutes, 1979 Supplement, Section 176.132, Subdivision 2.

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 176.132, is amended by adding a subdivision to read:

Subd. 2a. [TIME OF ADJUSTMENT.] Supplementary benefits payable under this section shall be adjusted each October 1, beginning in 1980, based upon the statewide average weekly wage for the preceding calendar year."

Amend the title as follows:

Page 1, line 4, delete ", 1979" and insert "1978"

Page 1, line 5, delete "Supplement"

Page 1, line 5, delete "Subdivision 2" and insert "by adding a subdivision"

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. 1613: A bill for an act relating to Independent School District No. 119, Walker; authorizing it to transfer money from its general fund to its capital expenditure fund for the purpose of constructing a facility for special education.

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

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

S. F. No. 1811: A bill for an act relating to transportation; excluding minor pipeline relocations caused by highway construction from certain easement or right-of-way agreement provisions; amending Minnesota Statutes, 1979 Supplement, Section 116L01, Subdivision 2.

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

Page 1, line 16, strike the second "or"

Page 1, line 19, delete "*one-half*" and insert "*three-quarters of a*"

Page 1, line 19, delete "*caused by highway*"

Page 1, line 20, delete "*construction*"

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

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

S. F. No. 1751: A bill for an act relating to highway traffic regulations; providing that the operation of certain motorcycles does not require a two-wheeled vehicle endorsement on the operator's driver's license; amending Minnesota Statutes 1978, Section 169.974, Subdivision 2; and by adding a subdivision.

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

Page 1, line 14, strike "any" and insert "a"

Page 1, line 14, strike "he" and insert "*the person*"

Page 1, line 18, strike "therefor" and insert "*for the endorsement*"

Page 1, line 19, strike "herein" and insert "*by this section*"

Page 2, line 5, strike "any" and insert "a"

Page 2, line 15, strike "any"

Page 2, line 18, strike "any" and insert "a"

Page 2, line 27, strike "he shall deem" and insert "*the commissioner deems*"

Page 2, line 27, strike "any" and insert "a"

Page 2, line 28, strike "therefor" and insert "*for a special motorcycle permit*"

Page 3, line 5, delete "35" and insert "30"

Page 3, line 8, after "license" insert "or valid permit"

Page 3, line 8, after the period, insert "A motorcycle described in this subdivision shall be issued a "moped" license plate pursuant to presentation of the manufacturer's statement of origin which states specifically: "This vehicle designed and manufactured to attain a maximum speed not in excess of 30 miles per hour."

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

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

S. F. No. 1541: A bill for an act relating to transportation; abolishing the functions, powers and duties of the department of transportation relating to the inspection, grading, sampling and analysis of hay and straw, and establishing a board of hay and straw standards in the department of agriculture; clarifying laws relating to the regulation of railroads and removing obsolete and duplicative language; prescribing certain powers of the commissioner of transportation and the public service commission relating to rates and charges; requiring track scales, and regulating the weighing of railroad cars and freight; providing for railroad grade crossing safety devices and other safety devices; prescribing penalties; amending Minnesota Statutes 1978, Sections 218.011, Subdivision 2; 218.021; 218.031, Subdivision 1; 218.041; 219.01; 219.07; 219.08; 219.10; 219.14, Subdivision 2; 219.17; 219.19; 219.23; 219.28; 219.383, Subdivision 4; 219.39; 219.40; 219.47; 219.50; 219.52; 219.54; 219.64; 219.70; 219.741; 219.85; 219.92; 219.97, Subdivision 7; 222.48, Subdivisions 2 and 3; 222.49; 222.50, Subdivisions 2, 3, 4 and 5; 222.51; 222.52; 222.53; 222.54; Chapters 25, by adding sections; 219, by adding a section; and 239, by adding a section; repealing Minnesota Statutes 1978, Sections 219.02; 219.03; 219.04; 219.05; 219.11; 219.12; 219.22; 219.25; 219.43; 219.58; 219.59; 219.60; 219.61; 219.62; 219.63; 219.65; 219.66; 219.67; 219.84; 219.86; 219.87; 219.89; 219.90; 219.91; 219.94; 219.95; 219.96; 219.97, Subdivisions 1, 2, 3, 8, 9, 11, 14, 15 and 16; 222.38; 222.39; 222.40; 222.41; 222.42; 222.43; 222.44; 222.45; 229.01; 229.02; 229.03; 229.04; 229.05; 229.06; 229.07; 229.08; 229.10; 229.11; 229.12; 229.13; 229.14; 229.15; 229.16; 229.17; 229.18; 229.19; 229.20; and 452.14.

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

Page 2, line 8, delete "All of"

Page 2, line 14, delete "BOARD OF"

Page 2, line 15, delete everything after the period

Page 2, delete lines 16 through 18

Page 2, line 19, delete "*the commissioner.*"

Page 2, line 19, delete "*board*" and insert "*commissioner of agriculture*"

Page 2, line 20, delete "*all*"

Page 2, line 20, delete "*hereafter*"

Page 2, line 24, delete "*board*" and insert "*commissioner of agriculture*"

Page 2, line 24, delete "*meet annually*" and insert a comma

Page 2, line 25, delete "*and shall*" and insert "*of each year,*" and delete "*all*"

Page 2, line 27, delete "*all*"

Page 2, line 27, delete "*any*" and insert "*a*"

Page 2, line 29, delete everything after "*before*" and insert "*June 15 of the next succeeding year*"

Page 2, line 30, delete everything before the period

Page 2, line 31, delete "*board*" and insert "*commissioner of agriculture*"

Page 3, line 3, strike "*all*"

Page 3, line 5, strike "*all*"

Page 3, line 6, strike "*such*" and insert "*rail*"

Page 3, line 6, strike "*aforesaid*"

Page 3, lines 15 and 16, reinstate the stricken language

Page 3, line 17, reinstate "*to*"

Page 3, line 18, after the stricken "*trains,*" insert "*service*"

Page 3, line 18, reinstate "*without approval of the*"

Page 3, line 19, reinstate "*commission.*"

Page 3, line 20, reinstate the stricken "*(3)*" and delete "*(2)*"

Page 3, line 25, reinstate the stricken "*(4)*" and delete "*(3)*"

Page 4, line 3, reinstate the stricken "*(5)*" and delete "*(4)*"

Page 4, line 8, reinstate the stricken "*(6)*" and delete "*(5)*"

Page 4, line 23, reinstate the stricken "*(7)*" and delete "*(6)*"

Page 5, line 32, reinstate the stricken "*(8)*" and delete "*(7)*"

Page 7, line 22, reinstate "*interchange of*"

Page 9, line 30, strike "*commission*" and insert "*commissioner*"

Page 9, line 32, strike "*commission*" and insert "*commissioner*"

Page 11, line 28, strike "*it*" and insert "*he*"

Page 13, line 11, after the stricken period, insert: "(4)"

Page 13, line 11, reinstate "The commission may"

Page 13, lines 12 to 18, reinstate the stricken language

Renumber the clauses in sequence

Page 16, line 24, reinstate the stricken language and delete the new language

Page 18, line 4, delete "(3)"

Page 18, lines 4 to 6, strike the old language

Page 18, line 7, strike the semicolon

Renumber the clauses in sequence

Pages 20 to 22, delete section 8 and insert:

"Sec. 8. Minnesota Statutes 1978, Chapter 219, is amended by adding a section to read:

[219.071] [MAINTENANCE OF GRADE CROSSING SURFACES.] *Subdivision 1. It is the primary responsibility of the owner or lessee of railroad track in Minnesota to maintain grade crossing surfaces over public highways in a safe and passable condition for vehicular traffic in a manner consistent with appropriate federal track safety standards. The surfaces shall extend the full width of the public highway within the railroad track structure.*

Subd. 2. If a grade crossing surface, as defined in section 219.16, is in need of repair or maintenance, the cost for the repair or maintenance may be paid jointly by the owner or lessee of the track, the road authority having jurisdiction over the public highway involved and funds that may be available to the department for grade crossing surfaces from the following sources:

(1) Monies appropriated to the department in the future for the purposes of this section.

(2) Available federal funds allocated to this state for the grade crossing program established by this section.

(3) Monies acquired by the department from any gift, grant or contributions from any source for purposes of this section.

Subd. 3. If the owner or lessee of the railroad track and the road authority having jurisdiction over the public highway involved agree upon the allocation of the cost of repair or maintenance of the grade crossing surface, a copy of the agreement shall be filed with the commissioner. If the parties to the negotiations contemplate the use in whole or in part of the funds described in subdivision 2, either party shall notify the commissioner before the conclusion of negotiations and the department may participate in the negotiations and may be a party to the agreement and participate in the costs incurred subsequent to agreement.

Subd. 4. If the owner or lessee of the railroad track and the road authority having jurisdiction over the public highway at the grade

crossing cannot reach an agreement under subdivision 3 regarding repair or maintenance of a grade crossing surface, either party may invoke the jurisdiction of the department by filing with the commissioner a statement setting forth the status of negotiations and requesting the commissioner to make a final determination of the dispute. The commissioner, after written notice to the parties involved in the negotiations and after providing an opportunity for the parties to participate in a conference, may order the repair or maintenance of the grade crossing surface within a reasonable time as is needed to comply with standards set forth in subdivision 1 above. The order of the commissioner, in addition to enforcing the responsibility of the owner or lessee of the railroad track in question, may provide for participation in the costs of the project by the road authority or the funds available to the department in subdivision 2 above or other formulas as may be practical and reasonable under the circumstances. A party failing to comply with an order of the commissioner shall be subject to a penalty of \$50 for each day of noncompliance and each day shall constitute a separate offense, to be recovered for the state in a civil action instituted by the department.

Subd. 5. A party subject to an order issued pursuant to subdivision 4 may appeal the order of the commissioner to the district court of the county in which the grade crossing is located; and, in case of appeal, the same proceedings shall be conducted as are now provided by law for an appeal from orders of the commissioner. All orders of the commissioner shall be enforced by the attorney general."

Page 22, line 7, delete "[219.071]" and insert "[219.072]"

Page 23, line 17, delete "Subdivision 2,"

Page 23, after line 17, insert:

"219.14 [RAILROAD CROSSINGS PROTECTED.] Subdivision 1. [INVESTIGATION.] The commissioner on his own motion may investigate and determine whether any railroad crossing over any street or public highway now or hereafter established and traveled or to be traveled in this state is or will be when opened to public travel dangerous to life and property, or either, and may order the same protected in any manner it he may find reasonable and proper, including requiring the company to separate the grades."

Page 25, line 24, reinstate "standing"

Page 25, line 24, strike the first "or" and after "engine" insert a comma

Page 25, line 24, after "equipment" insert ", or a switching movement which continuously blocks a crossing"

Page 28, after line 10, insert:

"Sec. 20. Minnesota Statutes 1978, Section 219.403, is amended to read:

219.403 [NOT TO AFFECT EXISTING LAWS RELATING TO MUNICIPALITIES.] Nothing in sections 161.20, 219.40, 219.403 or section 8 of this act shall be construed to change any existing law relating to the rights and liabilities of any city, town, or county in connection with the construction or maintenance of any railroad crossing, grade separation, or signal system, or to impair the terms or conditions of any existing arrangement or agreement, or renewals thereof, between any railroad company and any municipality with reference to the maintenance of any railroad crossing, grade separation, or signal system."

Page 31, lines 23 and 24, reinstate the stricken language

Page 31, lines 24 to 27, delete the new language

Page 32, line 3, delete "determine" and insert "provide"

Page 32, line 3, delete "necessity" and insert "opportunity"

Page 32, line 3, after "hearing" insert "after public notice" and after "and" insert a comma

Page 32, line 4, delete "required" and insert "he so determines,"

Pages 33 to 38, delete sections 30 to 40

Page 38, line 26, delete "division"

Page 38, delete lines 27 to 33

Page 39, delete lines 1 and 2 and insert "*department shall supervise and inspect all track scales, and may direct any carrier to transport, move, and switch to any track scale free of charge any car used in the inspection and testing of scales. The department shall require the installation and maintenance of track scales at terminals, warehouses, and at other points in the state where scales are deemed necessary. The department shall prescribe reasonable regulations for the weighing of railroad cars and of freight. Rules of the department promulgated under chapter 218 and in effect on January 1, 1976, which pertain to installation or inspection of track scales or the weighing of railroad cars and freight shall continue in effect until amended or repealed by the department.*"

Page 39, line 4, after "219.05;" insert "219.07;"

Page 39, line 5, delete "219.22;"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 5, delete the last comma and insert a semicolon

Page 1, delete lines 6 and 7

Page 1, line 19, delete "219.07;"

Page 1, line 20, delete ", Subdivision 2"

Page 1, line 22, after the first semicolon insert "219.403;"

Page 1, line 24, delete everything after "7;"

Page 1, delete line 25

Page 1, line 26, delete everything before "Chapters"

Page 1, line 27, delete "a section" and insert "sections"

Page 1, line 30, after "219.05;" insert "219.07;"

Page 1, line 30, delete "219.22;"

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

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

S. F. No. 2095: A bill for an act relating to Hennepin County; providing for a county personnel system; providing various conditions of public employment; amending Laws 1965, Chapter 855, Sections 1, 2, 3, 4, as amended, 5, 6, as amended, 7, as amended, 8, 9, 10, 11, 12, 13, 14, 15, as amended, and 16; and Laws 1979, Chapter 198, Article I, Section 2; repealing Laws 1945, Chapter 607, as amended; Laws 1965, Chapter 855, Section 17; Laws 1967, Chapter 646, Sections 4, 5, 6, and 7, and Chapter 779; and Laws 1979, Chapter 198, Article III, Section 5.

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

Page 3, line 15, strike "a" and insert "an"

Page 5, delete subdivision 21

Page 6, line 27, delete "a"

Page 7, line 18, delete "\$50" and insert "\$35"

Page 8, line 24, strike "public"

Page 8, line 25, strike "records"

Page 10, line 26, delete "seven" and insert "two"

Page 10, line 29, delete "14" and insert "nine"

Page 10, line 29, delete "one" and insert "two"

Page 10, line 29, delete "name" and insert "names"

Page 11, line 3, delete "majority" and insert "four-fifths"

Page 14, line 18, after the period, reinstate the stricken language

Page 14, lines 19 to 21, reinstate the stricken language

Page 15, line 26, delete "handicap is" and insert "handicaps are"

Page 19, line 24, after "director" insert "and approved by the board and county board"

Page 20, line 20, after "of" delete "his" and insert "the employee's"

Page 20, line 20, after "exceeds" strike "his" and insert "*the employee's*"

Page 23, line 8, strike "he" and insert "*the incumbent*"

Page 23, line 21, delete "he" and insert "*the employee*"

Page 29, line 8, after "*discharged*" insert "*, demoted or suspended pursuant to rules promulgated hereunder,*"

Page 29, line 15, delete "or" and insert a comma and after "*demoted*" insert "*, or suspended pursuant to rules promulgated under section 4, subdivision 2, clause (a) (10)*"

Page 29, line 19, delete "or" and insert a comma and after "*demotion*" insert "*, or suspension*"

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

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

S. F. No. 2014: A bill for an act relating to housing; appropriating money to the Minnesota housing finance agency for the purpose of subsidizing certain loan origination fees; requiring a report.

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

Delete everything after the enacting clause and insert:

"Section 1. The sum of \$150,000 is appropriated from the general fund to the housing development fund created by Minnesota Statutes, Section 462A.20 for the purpose of subsidizing the loan origination fee on a rehabilitation loan of \$2,000 or less if the loan is made in accordance with Minnesota Statutes, Section 462A.05, Subdivision 14, to enable the recipient to accomplish energy conservation related improvements. The appropriation in this section may be used only to subsidize that part of a loan origination fee which is equal to the difference between the origination fee for the loan and two percent of the face value of the loan.

Sec. 2. Before January 15, 1982, the Minnesota Housing Finance Agency shall report to the legislature on the effectiveness of the loan origination fee subsidization program financed pursuant to section 1."

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

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

S. F. No. 1903: A bill for an act relating to energy; modifying certain planning and zoning statutes to remove barriers to biomass energy production; amending Minnesota Statutes, 1979 Supplement, Sections 394.25, Subdivision 3; and 394.27, Subdivision 7; 162.357, Subdivisions 1 and 6.

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

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

S. F. No. 1890: A bill for an act relating to energy conservation; creating the Minnesota district heating account; authorizing the Minnesota energy agency to administer and supervise a program of loans to municipalities for establishing and improving district heating systems; authorizing the issuance of state bonds pursuant to Article XI of the Minnesota Constitution; authorizing cities to operate district heating systems; appropriating money; amending Minnesota Statutes 1978, Sections 412.321, Subdivision 1; 412.351; 412.361, Subdivision 3; Chapter 116H, by adding sections; and Chapter 465, by adding a section.

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

Page 3, line 7, after "water" insert "or steam"

Page 3, line 10, after "water" insert "or steam"

Page 6, after line 15, insert:

"(b) The extent to which the facility uses renewable or non-petroleum sources of energy;"

Reletter the clauses in sequence

Page 7, line 16, after the comma, delete the remainder of the line and insert "*which obligations are payable solely*"

Page 7, line 17, delete "*money for the repayment*"

Page 7, line 17, delete "*taxes,*"

Page 7, line 19, after "to" delete the remainder of the line and insert "*impose and collect user charges or special assessments or to use any other money available to it from any other specified source, in amounts and at times so that if collected in full will produce at least five percent in excess of the amount needed to make timely payment under the loan agreement.*"

Page 7, delete lines 20 to 24

Page 7, line 25, delete "*section 275.50, subdivision 5, clause (e).*" and insert "*Nothing contained herein shall be construed to prohibit a municipality from, in addition to pledging any other sources of revenue, pledging to levy an ad valorem tax to guarantee the payments under the loan agreement.*"

Page 12, line 26, delete "*hot water*"

Page 12, line 33, after "*hot water,*" insert "*steam,*"

Page 13, line 19, delete "*hot water*"

Page 14, line 27, delete "*hot water*"

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

Mr. Perpich from the Committee on Health, Welfare and Corrections, to which was referred

S. F. No. 2086: A bill for an act relating to public welfare; establishing a grant program for brain injured young persons for participation in a program of neurological stimulation; appropriating money.

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

Page 1, lines 10 and 11, delete "a specified number of" and insert "Minnesota"

Page 1, lines 11, 15, 20, and 21, delete "young"

Page 1, line 19, delete "grants of \$12,000 per year for each of ten" and insert "a grant to the parent, parents, or legal guardian of each"

Page 1, line 20, delete "persons" and insert "person eligible"

Page 1, line 21, before the period insert "to pay expenses incurred in participating in the neurological stimulation program"

Page 1, line 21, after the period insert "Each grant made under this section shall cover the costs of enrolling in an organization's program and may cover other expenses incurred due to participation in the program."

Page 2, line 3, delete everything after the period

Page 2, delete lines 4 and 5

Page 2, lines 10, 19, 20, 26, and 29, delete "young"

Page 2, line 10, delete everything after "persons"

Page 2, line 12, after "between" insert "parents or legal guardians of"

Page 2, line 14, delete "and" and insert a comma

Page 2, line 17, before the semicolon insert ", and persons involved in residential programs of neurological stimulation"

Page 3, line 3, delete "qualified"

Page 3, line 4, delete everything before "who" and insert "neurosurgeon"

Page 3, line 19, after "that" insert "at least"

Page 3, line 19, delete "persons" and insert "families"

Page 3, line 24, delete "For fiscal year 1981,"

Page 3, line 25, delete "\$ " and insert "\$120,000"

Page 3, line 27, before the period insert "to be available until June 30, 1981"

Page 3, line 27, after the period insert "The commissioner of public welfare may use up to \$4,000 of this appropriation for administrative expenses."

Amend the title as follows:

Page 1, line 3, delete "young"

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

Mr. Perpich from the Committee on Health, Welfare and Corrections, to which was referred

S. F. No. 1732: A bill for an act relating to public welfare; allowing county boards to delegate certain powers to county welfare boards; allowing human services boards to appoint a director on a permissive basis; amending Minnesota Statutes, 1979 Supplement, Sections 256E.08, by adding a subdivision; and 402.05, Subdivision 1a.

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

Page 1, line 16, after "256E.12" insert " , *except the tax levy and certification requirements of section 256E.06, subdivisions 4 and 5,*"

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

Mr. Perpich from the Committee on Health, Welfare and Corrections, to which was referred

S. F. No. 1781: A bill for an act relating to health; assisting rural health cooperatives; appropriating money.

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

Page 1, line 7, after "the" insert "commissioner of health for transfer to the"

Page 1, line 10, delete "coops" and insert "cooperatives"

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

Mr. Perpich from the Committee on Health, Welfare and Corrections, to which was referred

S. F. No. 1941: A bill for an act relating to corrections; appropriating money for local correctional facility construction.

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

Page 1, line 6, delete "\$1,875,000" and insert "\$3,750,000"

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

Mr. Wegener from the Committee on Local Government, to which was referred the following appointment as reported in the Journal for February 11, 1980:

MINNESOTA MUNICIPAL BOARD

Robert J. Ferderer

Reports the same back with the recommendation that the appointment be confirmed.

Mr. Coleman moved that the foregoing committee report be laid on the table. The motion prevailed.

Mr. Anderson from the Committee on Energy and Housing, to which was referred the following appointment as reported in the Journal for January 28, 1980:

MINNESOTA HOUSING FINANCE AGENCY

Shirley Van Dyck

Reports the same back with the recommendation that the appointment be confirmed.

Mr. Coleman moved that the foregoing committee report be laid on the table. The motion prevailed.

Mr. Anderson from the Committee on Energy and Housing, to which was referred the following appointment as reported in the Journal for April 5, 1979:

MINNESOTA HOUSING FINANCE AGENCY

Robert A. Worthington

Reports the same back with the recommendation that the appointment be confirmed.

Mr. Coleman moved that the foregoing committee report be laid on the table. The motion prevailed.

Mr. Coleman from the Subcommittee on Bill Scheduling, to which were referred S. F. Nos. 1433, 1875, 1863, 597, 1921, 1996, 1311, 1740 and 789 and H. F. Nos. 711 and 1169 makes the following report:

That the above Senate Files and House Files, with the exception of S. F. No. 1921, be placed on the General Orders Calendar in the order indicated.

That S. F. No. 1921 is being retained in the Subcommittee.

That there were no other bills before the Subcommittee on which floor action was requested. Report adopted.

Mr. Willet from the Committee on Agriculture and Natural Resources, to which was referred

S. F. No. 1980: A bill for an act relating to waste management; establishing a waste management board and a legislative commission; providing for a state government resource recovery program; providing for solid waste planning assistance and demonstration programs; providing for the issuance of state waste management bonds; providing for the establishment of solid waste management districts; requiring hazardous waste management planning and development; establishing procedures for the review and approval of permits for waste facilities; authorizing debt; appropriating money; amending Minnesota Statutes 1978, Sections 116.06, Subdivisions 9, 10, 13, and by adding subdivisions; 116.07, Subdivisions 2, 4, 4a, and by adding a subdivision; 116.081, Subdivision 1; 116.101; 116.11; 116.41; 400.03, Subdivision 1; 400.04; 400.06; 400.07; 400.13; 400.16; 400.161; 473.121, by adding a subdivision; 473.149; 473.502; 473.516; 473.802; 473.803; 473.811; 473.812, Subdivision 3; 473.813; 473.823, by adding a subdivision; Chapter 400, by adding a section; and Chapter 473, by adding sections: repealing Minnesota Statutes 1978, Sections 116F.01 to 116F.05; 400.03, Subdivisions 2 to 7; 473.121, Subdivisions 27 to 31c; and 473.823, Subdivisions 1, 2, and 4.

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

Page 2, line 14, delete "land"

Page 2, line 15, delete "containment and"

Page 2, line 19, delete "land containment and"

Page 3, line 4, delete ", land containment,"

Page 3, after line 6, insert:

"Subd. 7. "Construction debris" means waste building materials, packaging and rubble resulting from construction, remodeling, repair and demolition of buildings and roads."

Page 3, after line 23, insert:

"Subd. 11. "Disposal facility" means a waste facility permitted by the agency, that is designed or operated for the purpose of disposing of waste on or in the land."

Page 3, line 33, after "waste" insert "disposal"

Page 3, line 33, delete "for land"

Page 4, line 1, delete "containment or disposal"

Page 4, delete lines 4 to 9

Page 4, after line 21, insert:

"Subd. 21. "Mixed municipal solid waste" means garbage, refuse, and other solid waste from residential, commercial, industrial, and community activities which is generated and collected in aggregate, but does not include auto hulks, street sweepings, ash, construction debris, mining waste, sludges, tree and agricultural wastes, tires, and other materials to the extent that such items are collected, processed, and disposed of as separate waste streams."

Renumber the subdivisions in sequence

Page 5, line 2, delete "land containment or"

Page 6, line 10, delete ", land containment,"

Page 6, line 19, delete ", land containment,"

Page 7, line 13, delete "seven" and insert "nine"

Page 7, line 20, delete "and"

Page 7, line 21, after the semicolon, insert "(7) the commissioner of natural resources;"

Page 7, line 22, delete the first "permanent"

Page 7, line 22, delete the period and insert "in the unclassified service; and (8) a public member shall be appointed by the governor with the advice and consent of the senate. The term of office and compensation of the public member shall be as provided in section 15.0575."

Page 7, line 22, delete "seventh" and insert "ninth"

Page 7, line 25, after "chairperson" insert "and a public member"

Page 7, line 25, delete "a"

Page 7, line 26, delete "representative" and insert "representatives"

Page 7, line 31, delete "section 3" and insert "and for the purpose of preparing and adopting the hazardous waste management and facility development plan under section 8 and making decisions on the elements of the certification of need for land disposal required under Article III"

Page 11, after line 24, insert:

"Sec. 5. [DUTIES OF THE BOARD; SOLID WASTE MANAGEMENT PLANNING ASSISTANCE.] The board shall be the state agency responsible for providing technical and financial assistance to political subdivisions of the state for solid waste management planning."

Page 11, line 27, before "By" insert "The board may contract with the commissioner of economic development for research and assistance in the preparation of the report required by this subdivision."

Page 11, line 32, before "HAZARDOUS" insert "REPORT ON"

Page 11, line 32, delete "LAND CONTAINMENT AND" and insert "MANAGEMENT PLAN;"

Page 11, line 33, delete "REPORT" and insert "FACILITIES"

Page 12, line 1, delete "concerning facilities" and insert "on a state management and facility development plan for hazardous waste proposed for adoption pursuant to section 8."

Page 12, delete lines 2 to 29

Page 12, line 31, before "By" insert "The board may contract with the commissioner of economic development for research and assistance in the preparation of the report required by this subdivision."

Page 12, line 31, delete "1982" and insert "1981"

Page 13, line 22, after the period, insert "The methods of mitigating and compensating to be considered shall include but not be limited to the following: payment outside of levy limitations in lieu of taxes for all property taken off the tax rolls; preference in reviews of local applications for federal funds conducted by the metropolitan council and regional development commissions; payment of all costs to service the facilities including the cost of roads, monitoring, inspection, enforcement, police and fire, and litter clean up costs; payment for buffer zone amenities and improvement; local control over buffer zone design; a guarantee against any and all liability that may occur."

Page 14, line 1, delete "6" and insert "7"

Page 14, line 3, delete "4" and insert "7"

Page 14, line 4, delete "land"

Page 14, line 5, delete "containment and"

Page 14, line 24, delete "land containment and"

Page 14, line 29, delete "In its"

Page 14, delete line 30

Page 14, line 31, delete everything before "to" and insert "The board may contract with the state planning agency for research and assistance in the preparation of the report required by this subdivision. By January 1, 1981, the board shall report and make recommendations to the legislative commission on actions"

Page 15, line 10, delete everything before the comma and insert "the seven county metropolitan area as defined in section 473.121, subdivision 4"

Page 15, line 18, after "board" insert ", and the city or town within which a proposed site is located,"

Page 16, line 7, after the period, insert "If the board has substantial reason to believe that another site within the county would be more suitable than the one proposed, the board may hold a public meeting within the county."

Page 16, line 8, after "after" delete "a" and insert "the"

Page 16, line 8, delete "within a county"

Page 16, line 10, after "than" insert "the"

Page 16, line 22, after the period, insert "However, the board may select one of the remaining inventory sites prior to the time a new site is added to the inventory."

Pages 16 and 17, delete section 7 and insert:

"Sec. 8. [MANAGEMENT AND FACILITY DEVELOPMENT PLAN.] By May 1, 1982, the board shall adopt a hazardous waste management and facility development plan. The plan shall provide for the establishment of at least one commercial hazardous waste disposal facility in the state. The plan shall indicate the types and volumes of waste for which disposal facilities are and will be needed through the year 2000 and the number, general types, sizes, operating life, and function or use of the disposal facilities needed in the state. The disposal facility development element of the plan shall be based on the board's analysis of feasible and prudent alternatives to disposal, including waste reduction, separation, pretreatment, processing, and resource recovery which would minimize adverse impact upon natural resources. Economic considerations alone shall not justify disposal nor the rejection of alternatives. The plan shall also include a plan for abating the need for and practice of hazardous waste land containment and disposal. The abatement plan shall be based on an analysis of the degree of abatement achievable through waste reduction, waste separation, waste processing, and resource recovery and an evaluation of specific and quantifiable alternative abatement objectives and degrees of abatement, along with hazardous waste management methods and technologies, private and government actions, facilities and services, development schedules, revenue-raising measures, and levels of public and private expenditure and effort necessary to the achievement of those alternative objectives and degrees of abatement. The abatement plan shall recommend priorities, objectives, and appropriate legislation for abating, immediately and over specified time periods, the land containment and disposal of hazardous waste in the state."

Page 17, line 17, delete everything after "have"

Page 17, line 18, delete "than 30" and insert "nine"

Page 17, line 30, delete everything before "members" and insert "nine"

Page 18, line 23, delete "14" and insert "ten"

Page 18, line 24, delete "Seven" and insert "Five"

Page 18, line 27, delete "Seven" and insert "Five"

Page 19, after line 27, insert:

"Subd. 5. [EXPIRATION.] The commission shall cease to exist on June 30, 1985."

Page 21, line 3, after "I" delete the comma and insert "of"

Renumber the sections in sequence

Page 22, line 4, delete "LAND CONTAINMENT AND"

Page 22, line 9, delete "land"

Page 22, line 10, delete "containment and"

Page 22, after line 19, insert:

"Sec. 2. [PROCEDURE NOT EXCLUSIVE.] The procedure established by this article for the permitting of hazardous waste disposal facilities is not exclusive and shall not preclude the issuance of other permits by the agency pursuant to section 116.07."

Page 22, after line 22, insert:

"Sec. 4. [REQUEST FOR PROPOSALS.] By October 1, 1980, the board shall publish a request for proposals from potential developers and operators of hazardous waste disposal facilities. Notice of the request shall be published in the state register and newspapers of general circulation in the state and shall be transmitted to all regional development commissions, the metropolitan council, and all counties in the state. The request shall solicit proposals and permit applications for hazardous waste land disposal facilities."

Page 22, line 24, delete "June" and insert "July"

Page 22, line 24, delete "three" and insert "six"

Page 22, line 26, delete "land containment and"

Page 22, line 27, delete "and three additional locations in the state as"

Page 22, delete line 28

Page 22, line 29, delete "hazardous waste"

Page 22, line 30, delete "the"

Page 22, line 30, delete "waste management"

Page 23, line 3, delete "land containment and"

Page 23, line 4, delete "June" and insert "July"

Page 23, line 9, delete "land containment and"

Page 23, line 13, delete "land containment or"

Page 24, line 1, delete "land containment or"

Page 24, line 5, after "county" insert ", city, and town"

Page 24, line 15, after "county" insert ", city, and town"

Page 24, after line 20, insert:

"Subd. 4. [MORATORIUM.] A moratorium is hereby imposed on all development, except of hazardous waste facilities, within each proposed hazardous waste disposal site identified pursuant to this section, and a buffer area identified by the board surround-

ing and at least equal in area to the site. The moratorium shall extend until six months following final action of the board pursuant to this article. No such development shall be allowed to occur within a proposed site or buffer area during the period of the moratorium. No county, city, or town land use control shall permit such development, nor shall any county, city or town sanction or approve any subdivision, permit, license, or other authorization which would allow such development to occur.

Sec. 6. [PRELIMINARY DESIGN SPECIFICATIONS.] *By July 1, 1981, the board shall select, for further study and consideration, design and operating specifications for a variety of comparable facilities for hazardous waste disposal in sufficient detail and extent in the judgment of the agency to allow the commencement of preparation of environmental impact statements on the facilities at each of the candidate sites pursuant to section 10. The agency shall commence preparation of statements under section 10 upon receiving the specifications from the board."*

Page 24, line 22, delete "systematically" and after "to" insert "systematically"

Page 24, line 23, delete "land"

Page 24, line 24, delete "containment and"

Page 24, line 26, delete "5 and 6" and insert "8 and 9"

Page 25, line 6, delete "July" and insert "August"

Page 25, line 17, delete "August" and insert "September"

Page 25, line 26, delete "land containment and"

Page 25, line 31, delete "legislation" and insert "legislative"

Page 26, line 13, delete "5" and insert "6"

Pages 26 and 27, delete sections 6 and 7 and insert:

"Sec. 9. [CERTIFICATION OF NEED.] *By May 1, 1982, based on its comprehensive hazardous waste management plan adopted under Article II, section 8, the board shall issue a certificate or certificates of need for disposal facilities for hazardous wastes in the state. The board shall require the establishment of at least one commercial disposal facility in the state. The certificate or certificates shall indicate the types and volumes of waste for which disposal facilities are and will be needed through the year 2000 and the number, general types, sizes, operating life, and function or use of the disposal facilities needed in the state. The board shall certify need only to the extent that the board has determined that there are no reasonably available feasible and prudent alternatives including waste reduction, separation, pretreatment, processing, and resource recovery which would minimize adverse impact upon natural resources. Provided, that the board shall require the establishment of at least one commercial disposal facility in the state. Economic considerations alone shall not justify certification nor the rejection of alternatives. The certification shall be the final determination required on the matters decided by the certificate*

or certificates of need. The board and the permitting agencies, in reviewing and selecting candidate sites, competing environmental impact statements, and issuing approvals and permits for waste disposal facilities described in the certificate or certificates of need, shall not reconsider matters determined in the certification. The board and the permitting agencies shall be required to make a final decision approving the establishment of facilities having the waste management capabilities described in the certification. The board and the permitting agencies shall be required to make a final decision approving the establishment of at least one commercial disposal facility for hazardous waste in the state."

Page 28, line 3, delete everything after "the"

Page 28, delete line 4

Page 28, line 6, delete "280" and insert "120"

Page 29, line 3, after the semicolon, insert "and"

Page 29, line 16, delete "hearings" and insert "meetings"

Page 29, line 23, delete everything after "AGENCY"

Page 29, line 24, delete "APPLICATIONS" and insert "PERMIT CONDITIONS"

Page 29, line 24, delete "90" and insert "60"

Page 29, line 29, delete "respond to the"

Page 29, delete line 30

Page 29, line 31, delete "The response shall" and insert "finally"

Page 29, line 31, after "of" insert "agency"

Page 30, line 1, delete "and preliminary permit applications"

Page 30, line 2, delete "response" and insert "decision"

Page 30, line 4, delete "and preliminary permit applications"

Page 30, line 6, delete "90" and insert "60"

Page 30, line 6, delete "response to the"

Page 30, line 7, delete "preliminary permit applications" and insert "decision on permit conditions"

Pages 31 to 33, delete sections 10 and 11 and insert:

"Sec. 12. [JUDICIAL REVIEW.] Any civil action maintained by or against the agency or board under this Article shall be brought in the county where the principal office of the board is located and shall take precedence over all other matters of a civil nature and be expedited to the maximum extent possible. Any person aggrieved by a final decision of the board authorizing facilities under this Article may appeal therefrom within 30 days in the manner provided in chapter 15. No civil action shall be maintained pursuant to section 116B.03 with respect to conduct taken by a

person pursuant to any environmental quality standard, limitation regulation, rule, order, license, stipulation agreement or permit issued by the board under this Article. Notwithstanding any provision of chapter 116B to the contrary, in any action brought under that chapter with respect to any decision or conduct undertaken by any person or the board or agency pursuant to this article, after the period for appeal under this section has lapsed, the plaintiff shall have the burden of proving that the evidence required under section 116B.10 was not reasonably available within the time provided for appeal. The trial court shall, upon motion of any prevailing non-governmental party, award costs, disbursements, reasonable attorney's fees, and reasonable expert witness fees, if the court finds the action hereunder was commenced or defended in bad faith or was frivolous."

Page 34, delete lines 13 to 16

Page 34, line 17, delete "waste facility." and insert "[ELIGIBILITY.] The following persons shall be eligible to request supplementary review by the board pursuant to this section: (a) a generator of sewage sludge within the state which has been issued permits by the agency for a facility to dispose of sewage sludge or solid waste resulting from sewage treatment; and (b) a person who has been issued permits by the agency for a solid waste facility located outside the metropolitan area."

Subd. 2. [REQUEST FOR REVIEW.] *An eligible person may request a supplementary review by the board."*

Page 34, line 20, delete "local government"

Page 34, line 21, delete "unit" and insert "political subdivision"

Page 34, line 22, delete everything after the period

Page 34, delete lines 23 to 28 and insert "For requests for review under subdivision 1, clause (b), the board may require completion of a plan conforming to the requirements of article V, section 5, before granting review."

Subd. 3. [APPOINTMENT OF TEMPORARY BOARD MEMBERS.] *Within 45 days of the submission of a request determined by the board to satisfy the requirements for review under this section, temporary board members shall be added to the board for the purpose of the supplementary review. Three members shall be selected by the governing body of the city or town in which the waste management board determines the facility would be principally located, and three members shall be selected by the governing body of the county in which the waste management board determines the proposed facility would be principally located. If the proposed facility is located in unorganized territory, all six members shall be selected by the governing board of the county. Temporary members shall be residents of the county or counties in which the proposed facility would be located and shall be selected to represent broadly the local interests that would be directly affected by the proposed facility. At least one member appointed by the city or town shall live within*

one mile of the proposed facility, and at least one member appointed by the county shall be a resident of a city or town in which the proposed facility would be located. Temporary board members shall serve for terms lasting until the board has taken final action on the project.

Subd. 4. [REVIEW PROCEDURE.] The board shall meet to commence the supplementary review within 90 days of the submission of a request determined by the board to satisfy the requirements for review under this section. At the meeting commencing the review the chairman shall recommend and the board establish a scope and procedure for its review and final decision on the proposed facility. The procedure shall require the board to make a final decision on the proposed facility within 90 days following the commencement of review. The procedure shall require the board to conduct at least one public meeting in the county within which the proposed facility would be located. Notice of the meeting shall be published in a newspaper or newspapers of general circulation in the area for two successive weeks ending at least 15 days before the date of the meeting. The notice shall describe the proposed facility, its location, the proposed permits, and the board's scope and procedure for review. The notice shall identify a location or locations within the city or town and county where the permit applications, the agency notice of intent, and the board's scope and procedure for review are available for review and where copies may be obtained."

Renumber the subdivisions in sequence

Page 36, line 17, delete "and" and after "(b)" insert "a generator of hazardous waste within the state, or an entity composed of or under contract to such generators, which has been issued permits by the agency for an interim storage facility for hazardous waste pursuant to Article XI, section 9; and (c)"

Page 36, line 21, delete "6" and insert "7"

Page 37, line 20, delete "chairman" and insert "chairperson"

Page 38, line 28, delete "land containment and"

Pages 40 to 42, delete sections 5 and 6 and insert:

"Sec. 5. [JUDICIAL REVIEW.] Judicial review of any decision under section 3 of this article shall be in the manner provided in Article III, section 12."

Page 42, line 20, after "rules" insert "pursuant to chapter 15"

Page 42, line 21, delete "pursuant to chapter 15" and insert "outside the metropolitan area"

Page 43, line 9, delete "and ordinances"

Page 43, line 22, after the period insert "Political subdivisions preparing plans under this article are encouraged to consult with persons presently providing solid waste collection, processing or disposal services in the preparation of the plan."

Page 44, line 12, after the period insert "*Plans for location, establishment, operation, maintenance, and post-closure use of facilities and facility sites, for ordinances, and for licensing, permit, and enforcement activities shall be consistent with the rules and standards adopted by the agency pursuant to chapter 116.*"

Page 46, line 11, after "serve" insert "at least"

Page 46, line 14, delete "by generators"

Page 46, line 15, delete the semicolon and insert "*by generators or collectors of solid waste; or*"

Page 46, line 20, after the semicolon, insert "and"

Page 47, line 27, after "facilities" insert "or systems"

Page 47, line 30, after "facilities" insert "and systems"

Page 48, line 1, after "facilities" insert "and systems"

Page 48, line 5, after "facilities" insert "and systems"

Page 48, line 6, after "facilities" insert "and systems"

Page 56, line 13, after the period insert "*The board shall not establish a district unless the petitioners demonstrate that they are unable to fulfill the purposes of a district through joint action under Minnesota Statutes, section 471.59.*"

Page 56, line 13, delete "may" and insert "shall"

Page 57, line 6, before "waste" insert "solid"

Page 57, line 12, after the semicolon, insert "and"

Page 57, line 24, delete "and" and insert a comma

Page 57, line 26, after "alteration" insert "*and each regional development commission affected by the proposed district or alteration*"

Page 62, line 8, after the semicolon, insert "and"

Page 67, line 32, delete "or" and insert a comma

Page 67, line 33, after "generator" insert "*or by a licensed solid waste collector*"

Page 68, line 31, after "not" insert "arbitrarily"

Page 69, line 1, before the period insert "*or without just cause*"

Page 69, line 4, delete "adeqate" and insert "adequate"

Pages 70 and 71, delete subdivision 4

Page 73, line 28, delete "and" and insert a comma

Page 73, line 29, after "facilities" insert "*, and sewage sludge disposal facilities*"

Page 74, line 13, delete "state agencies" and insert "*the waste management board*"

Page 74, line 14, after "the" insert "*planning*,"

Page 74, line 17, strike the comma

Page 74, line 18, strike "*regulations*"

Page 74, line 18, reinstate the stricken language and delete the new language

Page 74, line 19, strike everything before the period

Page 75, line 13, delete "*shall*" and reinstate the stricken word "*may*"

Page 75, lines 15 to 19, delete the new language

Page 75, line 22, delete "*mixed municipal*"

Page 75, line 24, delete "*mixed*"

Page 75, line 25, delete "*municipal*"

Page 75, line 25, delete "*facility or sewage sludge disposal*"

Page 75, line 31, after the period insert "*The county shall adopt such ordinances for mixed municipal solid waste management and for sewage sludge disposal.*"

Page 76, line 3, after the period insert "*The county ordinance shall not prevent or restrain the location, establishment, operation, expansion, continuance, or closure of any solid waste or sewage sludge disposal facility in accordance with certificates, permits and other approvals by state agencies pursuant to Article IV, except that ordinances approved by the agency as being consistent with the establishment and use of facilities in accordance with such certificates, permits, and approvals may impose conditions respecting the construction, inspection, monitoring, and maintenance of a facility.*"

Page 76, line 33, delete "*and*"

Page 77, line 1, reinstate the second comma and delete "*and*"

Page 77, line 1, after "*transportation*" insert "*, processing, disposal,*"

Page 77, line 1, reinstate "*and storage*"

Page 77, line 2, reinstate "*, (d)*"

Page 77, line 3, reinstate "*others matters as may be*"

Page 77, lines 4 and 5, reinstate the stricken language

Page 77, line 7, after the period insert "*The county ordinance shall not prevent or restrain the location, establishment, operation, expansion, continuance, or closure of any hazardous waste facility in accordance with certificates, permits, and other approvals by state agencies pursuant to Articles III and IV, except that ordinances approved by the agency as being consistent with the establishment and use of facilities in accordance with such certificates, permits, and approvals may impose conditions respecting the construction, inspection, monitoring, and maintenance of a facility.*"

Page 78, line 13, delete everything after "requirements" and insert "in"

Page 78, line 14, after "VIII" insert ", section 9, subdivisions 2 to 6"

Page 79, line 11, after "terms" insert "relating to waste"

Page 82, line 2, delete everything after "area"

Page 82, line 3, delete "metropolitan area"

Page 82, line 13, delete everything after the period

Page 82, delete lines 14 to 17 and insert "*For sites and buffer areas included in the council's inventory, the moratorium imposed under section 473.803, subdivision 2, shall extend until October 1, 1983.*"

Page 82, line 24, after the period insert "*The methods of mitigating and compensating to be considered shall include but not be limited to the following: payment outside of levy limitations in lieu of taxes for all property taken off the tax rolls; preference for the city or town containing a facility in reviews of eligibility for federal funds conducted by the council; payment of all costs to service the facilities including the costs of roads, monitoring, inspection, and enforcement police and fire, and litter clean up costs; payment for "buffer zone" amenities and improvements; city or town control over buffer zone design; elimination of the tipping charge for solid waste collected in the city or town; a guarantee against any and all liability that may occur; payment for reclamation of closed sites to local design specifications.*"

Page 83, line 14, delete "June" and insert "January"

Page 83, line 15, after "counties" insert ", cities, and towns"

Page 83, line 16, delete "select specific sites from"

Page 83, delete line 17

Page 83, line 18, delete "4 for acquisition" and insert "*determine the number of sites needed to be acquired by each metropolitan county*"

Page 83, line 21, delete "at the sites selected" and insert "*by each such county*"

Page 83, line 24, after the period insert "*The schedule may include standards, criteria, and procedures to be used by counties in selecting sites for acquisition pursuant to article X, section 72.*"

Page 83, delete line 26

Page 83, line 27, delete everything before the period and insert "*pursuant to section 473.823*"

Page 83, line 32, delete "The schedule"

Page 83, delete line 33

Page 84, delete lines 1 to 5

Page 85, line 9, after "plan" strike "and" and insert "*, the performance of the council's responsibilities under subdivisions 2 to 7,*"

Page 85, line 23, delete "*citizens or representatives*" and insert "*residents*"

Page 85, line 25, before the period insert "*, and that counties containing three sites have at least two such additional members and counties containing one or two sites have at least one such additional member*"

Page 86, line 33, after "including" insert "*development rights,*"

Page 87, line 5, delete "*, land containment,*"

Page 87, line 30, delete "*The commission may*"

Page 87, delete line 31 to 33

Page 88, delete lines 1 to 8 and insert "*Ordinances of counties and local units of government, which are approved by the council and the agency as being consistent with the establishment and use of the commission's waste facilities in accordance with the council's plan and agency rules and permits, and which are approved by the agency as being consistent with any final decision of the board in a review of a facility of the commission under Articles III or IV, may impose conditions respecting the construction, operation, inspection, monitoring, and maintenance of a waste facility of the commission. Counties and local units of government shall not prevent or restrain the sale, gift, delivery, use, and disposal of sewage sludge of the commission on private property as a soil conditioner or soil amendment, except that county and local ordinances approved by the council and the agency as being consistent with the use of sewage sludge of the commission for such purposes in accordance with the council's plans and agency rules and permits may impose conditions respecting the transportation, delivery, and storage of the sewage sludge.*"

Page 90, line 33, delete "*April*" and insert "*June*"

Page 91, line 1, delete "*five*" and insert "*three*"

Page 91, line 2, after "*county*" insert "*suitable*"

Page 91, line 2, after "*for*" insert "*mixed municipal*"

Page 91, line 2, after "*facilities*" insert "*and one proposed site in the county suitable for the disposal of construction debris,*"

Page 91, line 3, delete "*and*"

Page 91, line 4, delete everything before the period and insert "*or disapproval*"

Page 91, line 5, after "*approve*" delete "*the*" and insert "*or disapprove each*"

Page 91, line 5, delete "*sites*" and insert "*site in accordance with the standards set out in this subdivision*"

Page 91, line 6, delete "at least" and insert "no less than"

Page 91, line 6, after "acres" delete "plus" and insert "and no more than 250 acres. The inventory shall include, for each proposed site,"

Page 91, line 7, delete "surrounding"

Page 91, line 7, delete everything after "area"

Page 91, line 8, delete everything before "site" and insert "surrounding and at least equal to the area of the"

Page 91, line 11, after "county" insert "or approved by the council"

Page 91, line 21, after the period insert "The council shall notify a county of any site proposed by the county which the council disapproves and shall allow the county 60 days to propose an alternative site. If the county fails to propose an alternative acceptable to the council in the time allowed, the council shall propose a site acceptable to it for inclusion in the inventory of proposed sites in that county."

Page 91, line 24, delete "in the master plan"

Page 91, delete lines 25 to 31 and insert "A moratorium is hereby imposed on development within the area of each proposed site and buffer area pending the council's adoption of an inventory pursuant to section 473.149, subdivision 4. For sites and buffer areas included in the council's inventory, the moratorium shall extend until October 1, 1983. No development shall be allowed to occur within the area of a proposed site or buffer area during the period of the moratorium. No county, city, or town land use control shall permit such development, nor shall any county, city, or town sanction or approve any subdivision, permit, license, or other authorization which would allow such development to occur."

Page 94, line 23, delete "accomplishment of its purposes" and insert "evaluation of a waste facility for enforcement purposes or to the evaluation of a site or buffer area for inclusion in the inventory of disposal sites pursuant to section 473.149, subdivision 4, and section 473.803, subdivision 2, or for final acquisition under article X, section 12 of this act"

Page 99, line 30, after "act" insert "together with any county, city, or town within or without the metropolitan area"

Page 101, line 23, delete "473.812" and insert "473.823"

Page 104, after line 5, insert:

"Sec. 10. Minnesota Statutes 1978, Section 473.823, is amended by adding a subdivision to read:

Subd. 5. [COUNCIL; CERTIFICATION OF NEED FOR SOLID WASTE DISPOSAL FACILITIES.] No new solid waste disposal facility shall be permitted in the metropolitan area without a certificate of need issued by the council indicating the

council's determination that the additional disposal capacity planned for the facility is needed in the metropolitan area. The council shall amend its policy plan, adopted pursuant to section 473.149, to include standards and procedures for certifying need. The standards and procedures shall be based on the council's disposal abatement plan adopted pursuant to section 473.149, subdivision 6, and the abatement master plans of counties adopted pursuant to section 473.803, subdivision 3. The council shall certify need only to the extent that there are no reasonably available feasible and prudent alternatives to the disposal facility, including waste reduction, source separation and resource recovery which would minimize adverse impact upon natural resources. Economic considerations alone shall not justify the certification of need or the rejection of alternatives."

Page 104, line 8, delete "3a" and insert "6"

Page 104, line 14, delete everything after the period

Page 104, delete lines 15 to 19 and insert *"The council may designate a facility under this subdivision without the approval of the board except that the approval of the board shall be required if the solid waste required to be delivered is generated outside of the metropolitan area. In determining whether to designate and require the use of the facility the council shall consider whether:*

(a) the required use will result in the recovery of resources or energy from materials which would otherwise be wasted;

(b) the required use will lessen the demand for and use of land disposal;

(c) the required use is necessary for the financial support of the facility; and

(d) less restrictive methods for ensuring an adequate solid waste supply are available.

The council shall not designate and require use of facilities for materials which are separated from solid waste and recovered for reuse or recycling by the generator, by a private person under contract with the generator, or by a licensed solid waste collector.

The council shall proceed as follows when designating and requiring use of facilities:

(a) The council shall notify those persons whom the council has determined should use the facilities. Notification to political subdivisions, landfill operators, and licensed solid waste collectors shall be in writing. All other persons shall be notified at least by publication in a legal newspaper or newspapers having general circulation in the area. The notification shall specify types and quantities of solid wastes, plans for use of the solid wastes, the point of delivery of the solid wastes, and the fee to be charged. During a period of 90 days following the notification, the council shall negotiate with licensed solid waste collectors within the areas to be served in order to develop contractual agreements on the terms of required use of the designated facilities.

(b) If contracts have not been made at the end of the 90-day period, or if persons subject to the required use have not made arrangements sufficient to justify exemption, the council shall hold a public hearing to take testimony on the required use of the designated facilities. The hearing shall be preceded by the notice required under paragraph (a).

(c) If contracts have not been made within 30 days after the public hearing, or if persons subject to the required use have not made arrangements sufficient to justify exemption, the council may order any person identified in the notice of the council to use the designated facilities, starting at a specified date which shall be at least 30 days after the order has been issued.

The facilities designated by the council shall not arbitrarily terminate, suspend, or curtail services provided to any person required pursuant to this section to use designated facilities without the consent of the person, or without just cause.

Use required under contract or order pursuant to this section may be terminated by a person upon an adequate showing to the council that the solid waste has value and that arrangements have been made sufficient to justify exemption from the designation, unless the council determines that the requirement must be continued to assure delivery of waste necessary to the financial support of the facilities designated by the council."

Page 104, line 28, delete "designated and"

Page 104, line 29, delete "scheduled in the plan"

Page 104, line 30, after "facilities" insert "pursuant to this section and section 12 of this article"

Page 105, line 12, delete "designated for"

Page 105, line 13, delete "acquisition" and insert "required to be acquired by the county"

Page 105, line 13, before the period insert "and development schedule adopted pursuant to section 473.149, subdivision 7"

Page 105, line 17, after "1." insert "[SELECTION AND DESIGNATION OF SITES.] Each metropolitan county shall establish a site selection authority. By June 1, 1983, each site selection authority shall select specific sites within the county from the council's disposal site inventory, in accordance with the standards, criteria, and procedures established by the council under section 473.149, subdivision 7, and in a number equal to that required by the council to be acquired by the county. Each site selection authority shall be composed of the county board, plus one member appointed by the governing body of each city or town within the county containing a site in the council's disposal site inventory or the majority of the land contained within such a site. If the number of members on the site selection authority who reside in a city or town containing all or part of a site or buffer area is equal to or greater than the number of members who do not, the chairman of the county board shall appoint to

the authority an additional member or members, residing within the county but not within a city or town containing all or part of a site or buffer area, sufficient to assure a majority of one on the authority of members residing in cities and towns not containing all or any part of a site of buffer area. The chairman of the county board shall be the chairman of the site selection authority. If a site selection authority has not selected the requisite number of sites in accordance with the council's standards, criteria, and procedures by June 1, 1983, the council shall make the selection.

Subd. 2."

Renumber the subdivisions in sequence

Page 105, line 23, delete everything after "site"

Page 105, delete lines 24 and 25

Page 105, line 26, delete everything before the period and insert "selected pursuant to subdivision 1"

Page 105, line 28, delete "after the year 1990"

Page 105, line 32, delete everything after the period

Page 105, delete line 33 and insert "An increase or decrease in the value of property resulting from its designation in the inventory of disposal sites and buffer areas or its selection as a site or buffer area"

Page 106, line 7, delete "their then current market"

Page 106, line 8, delete "value" and insert "the price of purchase plus interest at the rate permitted under Minnesota Statutes, Section 334.01"

Page 106, line 13, delete "disposal sites and buffer areas" and insert "a disposal site and buffer area selected pursuant to subdivision 1"

Page 106, line 18, delete "shall" and insert "may"

Page 106, line 21, delete "shall" and insert "may"

Page 107, line 3, delete "as follows: (a) one half"

Page 107, line 7, delete "; and" and insert a period

Page 107, delete lines 8 to 10

Page 107, line 24, after "to" insert "the auditor of each county the amount to be levied within"

Page 107, line 25, delete "the payment required from it"

Page 108, delete lines 4 to 17 and renumber the remaining subdivision in sequence

Page 108, line 19, delete "to 5" and insert "and 4"

Page 109, delete lines 25 and 26

Renumber the subdivisions in sequence

Page 112, line 8, reinstate the stricken language and insert a comma before "*processing*"

Page 113, line 26, delete "*land*"

Page 113, line 27, delete "*containment,*"

Page 113, line 28, strike "no" and insert "a"

Page 113, line 29, after "*may*" insert "*not*"

Page 114, line 11, delete "REGULATIONS" and insert "RULES"

Page 114, line 14, strike "regulations" and insert "rules"

Page 114, line 17, strike "regulation" and insert "rule"

Page 114, line 21, strike "regulations" and insert "rules"

Page 114, line 29, strike "regulations" and insert "rules"

Page 114, line 32, reinstate the stricken language and insert a comma before "*processing*"

Page 115, line 4, delete "*regulations*" and insert "*rules*"

Page 115, line 5, strike "regulation" and insert "rule"

Page 115, lines 9 and 29, strike "regulations" and insert "rules"

Page 115, line 15, reinstate the stricken language and insert a comma before "*processing*"

Page 115, line 25, strike "regulation" and insert "rule"

Page 116, line 6, strike "regulations" and insert "rules"

Page 116, line 10, reinstate the stricken language and insert a comma before "*transportation*"

Page 116, line 10, delete "*, land*"

Page 116, line 11, delete "*containment*"

Page 116, line 12, strike "regulation" and insert "rule"

Page 117, line 6, delete "*land containment,*"

Page 117, after line 19, insert:

"Sec. 8. Minnesota Statutes 1978, Section 116.07, is amended by adding a subdivision to read:

Subd. 4b. [PERMITS; HAZARDOUS WASTE FACILITIES.]"

Page 117, line 26, delete "*within ten days of*" and insert "*immediately upon*"

Page 118, line 2, delete "*Except*" and insert "*Except*"

Page 118, line 3, delete "*120*" and insert "*60*"

Page 118, after line 7, insert:

"Sec. 9. Minnesota Statutes 1978, Section 116.07, is amended by adding a subdivision to read:

Subd. 4c. [PERMITS; INTERIM HAZARDOUS WASTE STORAGE FACILITIES.] A generator of hazardous waste within the state, or an entity composed of or under contract to such generators, may apply to the agency for permits for interim storage facilities for hazardous waste generated within the state. The application shall demonstrate: (a) that no feasible and prudent alternative is available to eliminate the hazardous properties of the waste or the need for a waste facility to handle the waste, and (b) that no waste facility is reasonably available to accept the waste. The agency and the environmental quality board shall give highest priority to and shall expedite consideration of such applications. The agency shall make a determination on environmental documents required on the application within 30 days of submittal of the application. The environmental quality board shall finally accept or reject any environmental impact statement required within 280 days following publication of the impact statement preparation notice. The agency shall finally issue or deny permits within 30 days following a decision not to prepare environmental documents or following acceptance of a negative declaration notice or an environmental impact statement by the environmental quality board. An interim storage permit issued pursuant to this subdivision or pursuant to or in accordance with an order of the board regarding such a permit under article IV shall not affect the responsibility of the generator for removal and final processing, containment, or disposal in a permitted hazardous waste facility. A permit shall not be issued under this subdivision for a period longer than three years, but such permits may be renewed by administrative action of the agency without a hearing or other review procedures for up to three additional one year periods."

Page 118, line 16, after "require" insert ", by rule,"

Page 118, line 30, after "investigations" delete the comma and insert "and"

Page 118, line 30, delete ", and"

Page 118, line 31, delete "hold the hearings"

Page 119, line 7, delete ", land containment"

Page 119, line 9, strike "regulation" and insert "rule"

Pages 120 and 121, delete section 11

Page 121, line 17, delete "land containment and"

Page 121, line 24, delete "land containment and"

Page 122, line 1, delete "containment and from land disposal respectively," and insert "disposal"

Page 122, line 3, delete "land containment and for land"

Page 122, line 4, delete "respectively"

Page 122, line 5, delete "*land containment and for*"

Page 122, line 6, delete "*land*"

Page 122, line 16, after "*operating*" insert "*and inspecting*"

Page 122, line 16, delete "*land containment and*"

Page 122, line 17, strike "*may*" and insert "*shall*"

Page 122, line 18, delete "*land containment and*"

Page 127, before line 5, insert:

"Section 1. Minnesota Statutes 1978, Section 272.02, Subdivision 1, is amended to read:

272.02 [EXEMPT PROPERTY.] Subdivision 1. Except as provided in other subdivisions of this section or in section 272.025, all property described in this section to the extent herein limited shall be exempt from taxation:

- (1) All public burying grounds;
- (2) All public schoolhouses;
- (3) All public hospitals;
- (4) All academies, colleges, and universities, and all seminaries of learning;
- (5) All churches, church property, and houses of worship;
- (6) Institutions of purely public charity;
- (7) All public property exclusively used for any public purpose;
- (8) All natural cheese held in storage for aging by the original Minnesota manufacturer;
- (9) (a) Class 2 property of every household of the value of \$100, maintained in the principal place of residence of the owner thereof. The county auditor shall deduct such exemption from the total valuation of such property as equalized by the revenue commissioner assessed to such household, and extend the levy of taxes upon the remainder only. The term "household" as used in this section is defined to be a domestic establishment maintained either (1) by two or more persons living together within the same house or place of abode, subsisting in common and constituting a domestic or family relationship, or (2) by one person.

(b) During the period of his active service and for six months after his discharge therefrom, no member of the armed forces of the United States shall lose status of a householder under paragraph (a) which he had immediately prior to becoming a member of the armed forces.

In case there is an assessment against more than one member of a household the \$100 exemption shall be divided among the members assessed in the proportion that the assessed value of the Class 2 property of each bears to the total assessed value of the Class 2

property of all the members assessed. The Class 2 property of each household claimed to be exempt shall be limited to property in one taxing district, except in those cases where a single domestic establishment is maintained in two or more adjoining districts.

Bonds and certificates of indebtedness hereafter issued by the state of Minnesota, or by any county or city of the state, or any town, or any common or independent school district of the state, or any governmental board of the state, or any county or city thereof, shall hereafter be exempt from taxation; provided, that nothing herein contained shall be construed as exempting such bonds from the payment of a tax thereon, as provided for by section 291.01, when any of such bonds constitute, in whole or in part, any inheritance or bequest, taken or received by any person or corporation.

(10) Farm machinery manufactured prior to 1930, which is used only for display purposes as a collectors item;

(11) The taxpayer shall be exempted with respect to, all agricultural products, inventories, stocks of merchandise of all sorts, all materials, parts and supplies, furniture and equipment, manufacturers material, manufactured articles including the inventories of manufacturers, wholesalers, retailers and contractors; and the furnishings of a room or apartment in a hotel, rooming house, tourist court, motel or trailer camp, tools and machinery which by law are considered as personal property, and the property described in section 272.03, subdivision 1 (c), except personal property which is part of an electric generating, transmission, or distribution system or a pipeline system transporting or distributing water, gas, or petroleum products or mains and pipes used in the distribution of steam or hot or chilled water for heating or cooling buildings and structures.

(12) Containers of a kind customarily in the possession of the consumer during the consumption of commodities, the sale of which are subject to tax under the provisions of the excise tax imposed by Extra Session Laws 1967, Chapter 32;

(13) All livestock, poultry, all horses, mules and other animals used exclusively for agricultural purposes;

(14) All agricultural tools, implements and machinery used by the owners in any agricultural pursuit.

(15) Real and personal property used primarily for the abatement and control of air, water, or land pollution to the extent that it is so used, *other than real property used primarily as a solid waste disposal site.*

Any taxpayer requesting exemption of all or a portion of any equipment or device, or part thereof, operated primarily for the control or abatement of air or water pollution shall file an application with the commissioner of revenue. Any such equipment or device shall meet standards, regulations or criteria prescribed by the Minnesota Pollution Control Agency, and must be installed or operated in accordance with a permit or order issued by that

agency. The Minnesota Pollution Control Agency shall upon request of the commissioner furnish information or advice to the commissioner. If the commissioner determines that property qualifies for exemption, he shall issue an order exempting such property from taxation. Any such equipment or device shall continue to be exempt from taxation as long as the permit issued by the Minnesota Pollution Control Agency remains in effect."

Page 127, line 9, after "4" insert "; and Laws 1978, Chapter 728, Section 7"

Page 127, after line 9, insert:

Sec. 3. [EFFECTIVE DATE.] *Section 1 is effective for taxes levied in 1980 and thereafter, payable in 1981 and thereafter.*"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 12, after "facilities" insert "; providing that certain solid waste disposal sites are not exempt from real property taxes"

Page 1, line 16, delete "a subdivision" and insert "subdivisions"

Page 1, line 17, delete "116.11;"

Page 1, line 17, after "116.41" insert "; 272.02, Subdivision 1"

Page 1, line 21, delete "473.812, Subdivision 3;"

Page 1, line 22, after "473.823," insert "Subdivision 3, and"

Page 1, line 25, after "116F.01" delete "to" and insert "; 116F.-02; 116F.03; 116F.04;"

Page 1, line 26, after "2" delete "to" and insert ", 3, 4, 5, 6, and"

Page 1, line 26, after "27" delete "to" and insert ", 28, 29, 31, 31a, 31b, and"

Page 1, line 26, delete "and"

Page 1, line 27, after "4" insert "; and Laws 1978, Chapter 728, Section 7"

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

SECOND READING OF SENATE BILLS

S. F. Nos. 1977, 1708, 1892, 1796, 1716, 1613, 1811, 1751, 1541, 2095, 1903 and 1732 were read the second time and referred to the Subcommittee on Bill Scheduling of the Committee on Rules and Administration.

MOTIONS AND RESOLUTIONS

Mr. McCutcheon moved that the name of Mr. Merriam be added as chief author to S. F. No. 1458. The motion prevailed.

Mr. Keefe, S. moved that the name of Mrs. Staples be added as co-author to S. F. No. 2060. The motion prevailed.

Mr. Pillsbury moved that the names of Messrs. Moe, Dunn and Kleinbaum be added as co-authors to S. F. No. 2191. The motion prevailed.

CONFIRMATION

Mr. Willet moved that the report from the Committee on Agriculture and Natural Resources, reported May 9, 1979, pertaining to appointments, be taken from the table. The motion prevailed.

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

Mr. Willet moved that in accordance with the report from the Committee on Agriculture and Natural Resources, reported May 9, 1979, the Senate, having given its advice, do now consent to and confirm the appointments of:

MINNESOTA POLLUTION CONTROL AGENCY

Virgil C. Herrick, 477 Rice Creek Terrace, Fridley, Anoka County, effective March 19, 1979, for a term expiring the first Monday in January, 1980.

Duane Rappana, 62 Pike Lake, Duluth, St. Louis County, effective February 22, 1979, for a term expiring the first Monday in January, 1983.

The motion prevailed. So the appointments were confirmed.

CONFIRMATION

Mr. Schaaf moved that the report from the Committee on Governmental Operations, reported February 28, 1980, pertaining to appointments, be taken from the table. The motion prevailed.

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

Mr. Schaaf moved that in accordance with the report from the Committee on Governmental Operations, reported February 28, 1980, the Senate, having given its advice, do now consent to and confirm the appointment of:

METROPOLITAN COUNCIL CHAIRMAN

Charles Weaver, 830 River Lane, Anoka, Anoka County, effective February 5, 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 59 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Bernhagen	Davies	Frederick	Humphrey
Bang	Brataas	Dieterich	Gearty	Jensen
Barrette	Chmielewski	Dunn	Gunderson	Johnson
Benedict	Coleman	Engler	Hughes	Keefe, J.

Keefe, S.	McCutcheon	Olson	Schmitz	Stokowski
Kirchner	Menning	Omann	Setzepfandt	Strand
Kleinbaum	Merriam	Perpich	Sieloff	Stumpf
Knaak	Moe	Peterson	Sikorski	Ueland, A.
Knoll	Nelson	Purfeerst	Sillers	Ulland, J.
Laufenburger	Nichols	Renneke	Solon	Wegener
Lessard	Ogdahl	Rued	Spear	Willet
Luther	Olhoft	Schaaf	Staples	

The motion prevailed. So the appointment was confirmed.

CONFIRMATION

Mr. Schaaf moved that the report from the Committee on Governmental Operations, reported February 28, 1980, pertaining to appointments, be taken from the table. The motion prevailed.

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

Mr. Schaaf moved that in accordance with the report from the Committee on Governmental Operations, reported February 28, 1980, the Senate, having given its advice, do now consent to and confirm the appointments of:

METROPOLITAN COUNCIL

Martin N. Kellogg, 339 Mt. Curve Blvd., St. Paul, Ramsey County, effective March 1, 1979, for a term expiring the first Monday in January, 1983.

Charles L. Rafferty, 532 Jessamine Avenue, St. Paul, Ramsey County, effective March 1, 1979, for a term expiring the first Monday in January, 1983.

George C. Dahlvang, 4535 Washburn Avenue North, Minneapolis, Hennepin County, effective March 1, 1979, for a term expiring the first Monday in January, 1983.

Gladys S. Brooks, 5056 Garfield Avenue South, Minneapolis, Hennepin County, effective March 1, 1979, for a term expiring the first Monday in January, 1983.

Ernest A. Lindstrom, 7406 Fremont Avenue South, Minneapolis, Hennepin County, effective March 1, 1979, for a term expiring the first Monday in January, 1983.

Dirk deVries, 18600 Woolman Drive, Minnetonka, Hennepin County, effective March 1, 1979, for a term expiring the first Monday in January, 1983.

Marcia L. Bennett, 654 48th Avenue NE, Columbia Heights, Anoka County, effective March 1, 1979, for a term expiring the first Monday in January, 1983.

Kathleen C. Ridder, 1744 Dodd Road, St. Paul, Dakota County, effective March 1, 1979, for a term expiring the first Monday in January, 1983.

Roger H. Scherer, 7118 North Willow Lane, Brooklyn Center,

Hennepin County, effective March 15, 1979, for a term expiring the first Monday in January, 1981.

Patricia J. Hasselmo, 516 Westwood Drive South, Golden Valley, Hennepin County, effective October 19, 1979, for a term expiring the first Monday in January, 1981.

Mr. Johnson requested that the confirmation of Martin N. Kellogg be divided out.

The question was taken on the motion of Mr. Schaaf to confirm the remaining appointments. The motion prevailed. So the appointments were confirmed.

The question was taken on the adoption of the motion to confirm the appointment of Martin N. Kellogg.

The roll was called, and there were yeas 50 and nays 8, as follows:

Those who voted in the affirmative were:

Ashbach	Frederick	Knaak	Olhoft	Sillers
Bang	Gearty	Knoll	Olson	Solon
Barrette	Gunderson	Laufenburger	Omann	Spear
Bernhagen	Hughes	Luther	Purfeerst	Staples
Brataas	Humphrey	Menning	Renneke	Stokowski
Coleman	Jensen	Merriam	Schaaf	Strand
Davies	Keefe, J.	Moe	Schmitz	Stumpf
Dieterich	Keefe, S.	Nelson	Setzepfandt	Ueland, A.
Dunn	Kirchner	Nichols	Sieloff	Ulland, J.
Engler	Kleinbaum	Ogdahl	Sikorski	Wegener

Those who voted in the negative were:

Benedict	Johnson	Perpich	Rued	Willet
Chmielewski	Lessard	Peterson		

The motion prevailed. So the appointment was confirmed.

CALENDAR

S. F. No. 1240: A bill for an act relating to natural resources; setting forth the rights of property owners whose property is purchased for conservation purposes; revising responsibilities of the commissioner of natural resources and the commissioner of administration in property acquisition; authorizing the commissioner of natural resources, with the approval of the state executive council to convey the interests of the state in lands for the purpose of correcting boundary description errors; amending Minnesota Statutes 1978, Sections 84.0272; 85.012, Subdivision 1; 85.015, Subdivision 1; 85.021, Subdivisions 1 and 2; and 104.37, Subdivision 1.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 57 and nays 0, as follows:

Those who voted in the affirmative were:

Bang	Gearty	Laufenburger	Perpich	Spear
Barrette	Gunderson	Lessard	Peterson	Staples
Benedict	Hughes	Luther	Purfeerst	Stokowski
Bernhagen	Humphrey	Menning	Renneke	Strand
Brataas	Jensen	Merriam	Rued	Stumpf
Chmielewski	Johnson	Moe	Schaaf	Ueland, A.
Coleman	Keefe, J.	Nelson	Schmitz	Ulland, J.
Davies	Keefe, S.	Nichols	Setzepfandt	Wegener
Dieterich	Kirchner	Ogdahl	Sieloff	Willet
Dunn	Kleinbaum	Olhoft	Sikorski	
Engler	Knaak	Olson	Sillers	
Frederick	Knutson	Omann	Solon	

So the bill passed and its title was agreed to.

S. F. No. 1584: A bill for an act relating to transportation; providing for specific information signing for resorts and recreational camping areas along certain highways.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 56 and nays 2, as follows:

Those who voted in the affirmative were:

Ashbach	Frederick	Knoll	Perpich	Staples
Bang	Gearty	Laufenburger	Peterson	Stokowski
Barrette	Gunderson	Lessard	Purfeerst	Strand
Benedict	Hughes	Luther	Rued	Stumpf
Bernhagen	Humphrey	Menning	Schaaf	Ueland, A.
Brataas	Jensen	Merriam	Schmitz	Ulland, J.
Chmielewski	Johnson	Moe	Setzepfandt	Wegener
Coleman	Keefe, J.	Nelson	Sieloff	Willet
Davies	Keefe, S.	Nichols	Sikorski	
Dieterich	Kirchner	Olhoft	Sillers	
Dunn	Kleinbaum	Olson	Solon	
Engler	Knaak	Omann	Spear	

Messrs. Knutson and Renneke voted in the negative.

So the bill passed and its title was agreed to.

S. F. No. 1772: A bill for an act relating to highway traffic regulations; authorizing an annual permit for certain oversize vehicles transporting implements of husbandry; prescribing limitations on the use of the vehicles; amending Minnesota Statutes 1978, Section 169.80, Subdivision 1.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 56 and nays 3, as follows:

Those who voted in the affirmative were:

Ashbach	Chmielewski	Hughes	Kirchner	Lessard
Bang	Coleman	Humphrey	Kleinbaum	Luther
Barrette	Dunn	Jensen	Knaak	McCutcheon
Benedict	Engler	Johnson	Knoll	Menning
Bernhagen	Gearty	Keefe, J.	Knutson	Merriam
Brataas	Gunderson	Keefe, S.	Laufenburger	Moe

Nelson	Perpich	Schmitz	Staples	Wegener
Nichols	Peterson	Setzepfandt	Stokowski	Willet
Ogdahl	Purfeerst	Sieloff	Strand	
Olhoft	Renneke	Sikorski	Stumpf	
Olson	Rued	Sillers	Ueland, A.	
Omamn	Schaaf	Solonn	Ulland, J.	

Messrs. Davies, Dieterich and Spear voted in the negative.

So the bill passed and its title was agreed to.

S. F. No. 1764: A bill for an act relating to taxation; property tax; providing for uncontested hearings for property valuation; information to be included on valuation notices; clarifying the computation of agricultural aid credit; clarifying acreage available for homestead credit; prohibiting increases in valuation of property after appeals of market value; changing date for county board of equalization meeting and transfer of books to treasurer; changing penalty and interest rates; clarifying the role of administrative auditor in fiscal disparities; amending Minnesota Statutes 1978, Sections 270.11, Subdivision 6; 273.121; 273.13, Subdivision 6a; 273.135, Subdivision 1; 274.01, Subdivision 1; 274.13, Subdivision 1; 274.14; 276.01; 279.01; 279.37, Subdivision 2; 282.01, Subdivisions 1 and 4; 282.222, Subdivision 4; 282.261; and 473F.08, by adding a subdivision; Minnesota Statutes, 1979 Supplement, Sections 273.13, Subdivision 6; and 282.15; repealing Minnesota Statutes 1978, Sections 275.31; 275.32; 275.33; 275.34; 275.35; and 473F.08, Subdivisions 7 and 8.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 58 and nays 2, as follows:

Those who voted in the affirmative were:

Ashbach	Gearty	Knutson	Omamn	Solonn
Bang	Gunderson	Laufenburger	Perpich	Spear
Barrette	Hughes	Lessard	Peterson	Staples
Benedict	Humphrey	Luther	Purfeerst	Stokowski
Bernhagen	Jensen	McCutcheon	Renneke	Strand
Brataas	Johnson	Menning	Rued	Stumpf
Chmielewski	Keefe, J.	Moe	Schaaf	Ueland, A.
Davies	Keefe, S.	Nelson	Schmitz	Ulland, J.
Dieterich	Kirchner	Nichols	Setzepfandt	Wegener
Dunn	Kleinbaum	Ogdahl	Sieloff	Willet
Engler	Knaak	Olhoft	Sikorski	
Frederick	Knoll	Olson	Sillers	

Messrs. Coleman and Merriam voted in the negative.

So the bill passed and its title was agreed to.

S. F. No. 1625: A bill for an act relating to the town of Greenwood; granting the town the power to specially assess for a bridge improvement.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 56 and nays 1, as follows:

Those who voted in the affirmative were:

Ashbach	Gearty	Laufenburger	Perpich	Staples
Bang	Gunderson	Lessard	Peterson	Stokowski
Barrette	Hughes	Luther	Purfeerst	Strand
Benedict	Humphrey	Menning	Renneke	Stumpf
Bernhagen	Jensen	Merriam	Schaaf	Ueland, A.
Brataas	Johnson	Moe	Schmitz	Ulland, J.
Chmielewski	Keefe, J.	Nelson	Setzepfandt	Wegener
Coleman	Keefe, S.	Nichols	Sieloff	Willet
Davies	Kleinbaum	Ogdahl	Sikorski	
Dieterich	Knaak	Olhoft	Sillers	
Dunn	Knoll	Olson	Solon	
Engler	Knutson	Omann	Spear	

Mr. McCutcheon voted in the negative.

So the bill passed and its title was agreed to.

S. F. No. 1619: A bill for an act relating to the metropolitan transit area; providing for contracts with socially or economically disadvantaged persons including handicapped persons; amending Minnesota Statutes 1978, Chapter 473, by adding a section.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 60 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Frederick	Knoll	Olhoft	Sikorski
Bang	Gearty	Knutson	Olson	Sillers
Barrette	Gunderson	Laufenburger	Omann	Solon
Benedict	Hughes	Lessard	Perpich	Spear
Bernhagen	Humphrey	Luther	Peterson	Staples
Brataas	Jensen	McCutcheon	Purfeerst	Stokowski
Chmielewski	Johnson	Menning	Renneke	Strand
Coleman	Keefe, J.	Merriam	Rued	Stumpf
Davies	Keefe, S.	Moe	Schaaf	Ueland, A.
Dieterich	Kirchner	Nelson	Schmitz	Ulland, J.
Dunn	Kleinbaum	Nichols	Setzepfandt	Wegener
Engler	Knaak	Ogdahl	Sieloff	Willet

So the bill passed and its title was agreed to.

S. F. No. 1726: A bill for an act relating to children; providing for review of foster care of certain developmentally disabled children; amending Minnesota Statutes 1978, Section 257.071, Subdivision 3, and by adding a subdivision.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 60 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Frederick	Knoll	Olhoft	Sikorski
Bang	Gearty	Knutson	Olson	Sillers
Barrette	Gunderson	Laufenburger	Omann	Solon
Benedict	Hughes	Lessard	Perpich	Spear
Bernhagen	Humphrey	Luther	Peterson	Staples
Brataas	Jensen	McCutcheon	Purfeerst	Stokowski
Chmielewski	Johnson	Menning	Renneke	Strand
Coleman	Keefe, J.	Merriam	Rued	Stumpf
Davies	Keefe, S.	Moe	Schaaf	Ueland, A.
Dieterich	Kirchner	Nelson	Schmitz	Ulland, J.
Dunn	Kleinbaum	Nichols	Setzepfandt	Wegener
Engler	Knaak	Ogdahl	Sieloff	Williet

So the bill passed and its title was agreed to.

GENERAL ORDERS

The Senate resolved itself into a Committee of the Whole, with Mr. Gearty in the chair.

After some time spent therein, the committee arose, and Mr. Gearty reported that the committee had considered the following:

S. F. Nos. 1734 and 1842, which the committee recommends to pass.

S. F. No. 523, which the committee recommends to pass with the following amendment offered by Mr. Purfeerst:

Page 3, line 20, after "*and*" insert "*if*"

The motion prevailed. So the amendment was adopted.

S. F. No. 1709, which the committee recommends to pass with the following amendment offered by Mr. Nelson:

Page 2, line 22, strike "Notwithstanding the"

Page 2, strike lines 23 to 25

Page 2, line 26, strike everything before "The"

Page 3, line 18, delete "*or*" and insert "*and*"

Page 5, line 7, delete everything after "*may*"

Page 5, line 8, delete the first "*the*" and insert "*request that*"

Page 5, line 8, before the semicolon, insert "*be invested pursuant to section 11.10*"

Page 6, line 32, before "*Pursuant*" insert "[TEMPORARY PROVISION.]"

Page 7, line 1, delete "2.402 and 2.403" and insert "2.401 to 2.440"

Amend the title as follows:

Page 1, line 4, delete "funds" and insert "money"

Page 1, line 7, after "amend" insert "11"

The motion prevailed. So the amendment was adopted.

S. F. No. 1789, which the committee recommends to pass with the following amendment offered by Mr. Sieloff:

Page 39, after line 15, insert:

"Sec. 26. Minnesota Statutes, 1979 Supplement, Section 291.48, is amended to read:

291.48 [PUBLICITY OF RETURNS; INFORMATION.] It shall be unlawful for the commissioner or any other public official, employee or former employee to divulge or otherwise make known in any manner any particulars set forth or disclosed in any report or return required by this chapter or chapter 292 or information acquired while examining or auditing any taxpayer's liability for taxes thereunder, except in connection with a proceeding involving taxes due under this chapter or chapter 292 from the taxpayer making the return. The commissioner may furnish a copy of any return or report to any official of the United States or any state having duties to perform in respect to the assessment or collection of any inheritance, estate, or gift tax, if the taxpayer is required by the laws of the United States or of the other state to make a return therein. Prior to the release of any information to any official of the United States or any other state under the provisions of this section, the person to whom the information is to be released shall sign an agreement which provides that he will protect the confidentiality of the returns and information revealed to the extent that it is protected under the laws of the state of Minnesota. The commissioner and all other public officials and employees shall keep and maintain the same secrecy with respect to any information furnished by any department, commission, or official of the United States or of any other state. Nothing herein contained shall be construed to prohibit the commissioner from publishing statistics so classified as not to disclose the identity of particular property, decedents, heirs, or personal representatives, returns or reports and the contents thereof. Any person violating the provisions of this section shall be guilty of a gross misdemeanor.

The return of a decedent or donor shall, upon written request, be open to inspection by or disclosure to (a) the administrator, executor, or trustee of his estate, and (b) any heir at law, next of kin, or beneficiary under the will of the decedent, and any other person whose basis in property is determined in whole or part by values set forth in the return, or (c) a donee of the property, but only if the commissioner finds that the heir, next of kin, beneficiary or other person or donee has a material interest which will be affected by information contained therein.

For purposes of this section the term public official shall not include judges, officials or employees of a court having jurisdiction of probate proceedings."

Page 45, line 19, after the headnote, insert "Section 26 is effective the day after final enactment. The remainder of"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 16, after the last semicolon, insert "291.48;"

The motion prevailed. So the amendment was adopted.

S. F. No. 1802, which the committee recommends to pass with the following amendments offered by Messrs. Davies and Luther:

Mr. Davies moved to amend S. F. No. 1802 as follows:

Page 1, line 21, strike "federal reserve board" and insert "*comptroller of the currency*"

Page 1, line 22, strike "Subsection K of"

Page 1, line 23, strike "Section 11 of the Federal Reserve Act" and insert "*12 United States Code 92a*"

The motion prevailed. So the amendment was adopted.

Mr. Luther moved to amend S. F. No. 1802 as follows:

Page 2, line 14, after "*chapter*" insert "*solely*"

Page 2, delete lines 27 to 31

Page 3, delete line 10

Reletter the clauses in sequence

The motion prevailed. So the amendment was adopted.

S. F. No. 1054, which the committee recommends to pass with the following amendment offered by Mr. Wegener:

Page 1, line 13, delete "If a weekly,"

Page 1, line 14, delete everything after "year"

Page 1, delete lines 15 and 16

Page 1, line 17, delete "necessary"

The motion prevailed. So the amendment was adopted.

S. F. No. 1605, which the committee recommends to pass with the following amendment offered by Mr. Dieterich:

Page 1, line 18, delete "*want*" and insert "*elect*"

The motion prevailed. So the amendment was adopted.

S. F. No. 407, which the committee recommends to pass with the following amendments offered by Messrs. Peterson and Engler:

Mr. Peterson moved to amend S. F. No. 407, as follows:

Page 2, line 31, after the period insert "*Any formal resolution adopted by the governing body of a county or municipality for the termination of a commission shall be effective for a period of one year for the purpose of determining the requisite population of the region needed to petition the state planning officer.*"

The motion prevailed. So the amendment was adopted.

Mr. Engler moved to amend S. F. No. 407 as follows:

Page 2, line 9, strike "and"

Page 2, line 12, strike the period and insert "; and"

Page 2, after line 12, insert:

"(8) A summary of any report made during the previous year by the state auditor relative to the commission."

The motion prevailed. So the amendment was adopted.

On motion of Mr. Coleman, the report of the Committee of the Whole, as kept by the Secretary, was adopted.

Without objection, the Senate reverted to the Order of Business of Introduction and First Reading of Senate Bills.

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bill was read the first time and referred to the committee indicated.

Mr. Peterson introduced—

S. F. No. 2252: A bill for an act relating to retirement; providing for an increase in employer contributions for teachers retirement funds; amending Minnesota Statutes, 1979 Supplement, Sections 354.42, Subdivision 5; and 354A.12, Subdivision 2.

Referred to the Committee on Governmental Operations.

MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Coleman moved that the Senate do now adjourn until 10:00 o'clock a.m., Thursday, March 6, 1980. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate