

## FIFTY-THIRD DAY

St. Paul, Minnesota, Wednesday, May 13, 1981

The Senate met at 11:00 a.m. and was called to order by the President.

Prayer was offered by the Chaplain, Rev. Arnold H. Heumann.

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

Ashbach	Dieterich	Langseth	Peterson, D.L.	Stern
Bang	Engler	Lantry	Peterson, R.W.	Stokowski
Belanger	Frank	Lessard	Petty	Stumpf
Benson	Frederick	Lindgren	Pillsbury	Taylor
Berg	Frederickson	Luther	Purfeerst	Tennessee
Berglin	Hanson	Menning	Ramstad	Ulland
Bernhagen	Hughes	Merriam	Renneke	Vega
Bertram	Humphrey	Moe, D.M.	Rued	Waldorf
Brataas	Johnson	Moe, R.D.	Schmitz	Wegener
Chmielewski	Keefe	Nelson	Setzepfandt	Willet
Dahl	Knoll	Olhoft	Sieloff	
Davies	Knutson	Pehler	Sikorski	
Davis	Kroening	Penny	Solon	
Dicklich	Kronebusch	Peterson, C.C.	Spear	

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

Mrs. Brataas, Messrs. Frederick, Johnson and Purfeerst were excused from the Session of today from 12:00 noon to 12:15 p.m. Mr. Peterson, D.L. was excused from the Session of today from 11:00 a.m. to 3:00 p.m. Mr. Dieterich was excused from the Session of today from 2:00 to 4:00 p.m. Mr. Sieloff was excused from the Session of today from 3:15 to 4:15 p.m. Mr. Knoll was excused from the Session of today at 4:45 p.m.

### MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate Files, herewith returned: S. F. Nos. 502, 1174 and 903.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 12, 1981

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

S. F. No. 227: A bill for an act relating to the organization and operation of government; creating a legislative commission on metropolitan governance; requiring a study of relationships among metropolitan institutions and agencies of government; specifying other duties; mandating a report to the legislature.

Senate File No. 227 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 12, 1981

### CONCURRENCE AND REPASSAGE

Mr. Wegener moved that the Senate concur in the amendments by the House to S. F. No. 227 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 227 was read the third time, as amended by the House, and placed on its repassage.

The question was taken on the repassage of the bill, as amended.

The roll was called, and there were yeas 42 and nays 19, as follows:

Those who voted in the affirmative were:

Ashbach	Davies	Kronebusch	Pehler	Sikorski
Bang	Davis	Langseth	Penny	Stern
Belanger	Engler	Lantry	Peterson, C. C.	Stumpf
Benson	Frank	Lessard	Pillsbury	Vega
Berg	Frederickson	Lindgren	Ramstad	Wegener
Bernhagen	Hanson	Menning	Renneke	Willet
Bertram	Hughes	Moe, R. D.	Rued	
Brataas	Keefe	Nelson	Schmitz	
Chmielewski	Knutson	Olhoft	Setzpfandt	

Those who voted in the negative were:

Berglin	Frederick	Merriam	Sieloff	Tennessen
Dahl	Knoll	Moe, D. M.	Spear	Ulland
Dicklich	Kroening	Peterson, R. W.	Stokowski	Waldorf
Dieterich	Luther	Petty	Taylor	

So the bill, as amended, was repassed and its title was agreed to.

### MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

S. F. No. 338: A bill for an act relating to public employment; eliminating certain part time adult vocational education instructors from the definition of public employee; amending Minnesota Statutes 1980, Section 179.63, Subdivision 7.

Senate File No. 338 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 12, 1981

### CONCURRENCE AND REPASSAGE

Mr. Nelson moved that the Senate concur in the amendments by the House to S. F. No. 338 and that the bill be placed on its repassage as amended. The motion prevailed.

S. F. No. 338: A bill for an act relating to employment; regulating certain hours of work and rates of pay; eliminating certain part time adult vocational education instructors from the definition of public employee; amending Minnesota Statutes 1980, Sections 177.25, Subdivision 1; and 179.63, Subdivision 7.

Was read the third time, as amended by the House, and placed on its repassage.

The question was taken on the repassage of the bill, as amended.

The roll was called, and there were yeas 61 and nays 0, as follows:

Those who voted in the affirmative were:

Bang	Engler	Lessard	Petty	Stokowski
Belanger	Frank	Lindgren	Pillsbury	Stumpf
Benson	Frederick	Luther	Purfeerst	Taylor
Berg	Frederickson	Menning	Ramstad	Tennessen
Berglin	Hanson	Merriam	Renneke	Ulland
Bernhagen	Hughes	Moe, D. M.	Rued	Vega
Bertram	Humphrey	Moe, R. D.	Schmitz	Waldorf
Brataas	Keeffe	Nelson	Setzepfandt	Wegener
Chmielewski	Knoll	Olhoft	Sieloff	Willet
Dahl	Knutson	Pehler	Sikorski	
Davies	Kroening	Penny	Solon	
Davis	Kronebusch	Peterson, C. C.	Spear	
Dieterich	Lantry	Peterson, R. W.	Stern	

So the bill, as amended, was repassed and its title was agreed to.

### MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

S. F. No. 980: A bill for an act relating to state lands; providing for the lease of certain lands to the city of Hastings.

Senate File No. 980 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 12, 1981

### CONCURRENCE AND REPASSAGE

Mr. Vega moved that the Senate concur in the amendments by the House to

S. F. No. 980 and that the bill be placed on its repassage as amended. The motion prevailed.

S. F. No. 980 was read the third time, as amended by the House, and placed on its repassage.

The question was taken on the repassage of the bill, as amended.

The roll was called, and there were yeas 40 and nays 23, as follows:

Those who voted in the affirmative were:

Belanger	Frank	Lantry	Penny	Solon
Berglin	Hanson	Luther	Peterson, C. C.	Stern
Bertram	Hughes	Menning	Peterson, R. W.	Stokowski
Chmielewski	Johnson	Merriam	Petty	Stumpf
Dahl	Knoll	Moe, D. M.	Purfeerst	Vega
Dicklich	Knutson	Moe, R. D.	Schmitz	Waldorf
Dieterich	Kroening	Nelson	Setzepfandt	Wegener
Engler	Langseth	Olhoft	Sikorski	Willet

Those who voted in the negative were:

Ashbach	Brataas	Keefe	Ramstad	Taylor
Bang	Davies	Kronebusch	Renneke	Tennessee
Benson	Davis	Lindgren	Rued	Ulland
Berg	Frederick	Pehlren	Sieloff	
Bernhagen	Frederickson	Pillsbury	Spear	

So the bill, as amended, was repassed and its title was agreed to.

## MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

S. F. No. 1043: A bill for an act relating to administrative procedures; providing for changes in the recompilation, publication, and drafting of administrative rules; modifying the powers of the revisor of statutes with respect to compiling, publishing, and drafting of administrative rules; clarifying which rules are to be published; fixing a common nomenclature for certain steps in the administrative process; extending statutory standard definitions of terms and principles of construction to administrative rules; providing for the effect of transferring responsibilities between agencies; extending the jurisdiction of the LCRAR; clarifying when a rule suspended by the LCRAR becomes effective; modifying certain provisions of the administrative procedure act; removing certain obsolete terms and clarifying certain language; amending Minnesota Statutes 1980, Sections 3.965, Subdivision 2; 15.0411, Subdivisions 2 and 3; 15.0412, Subdivisions 1, 1a, 2a, 4, 4c, 4d, 4e, 4f, 4g, 4h, 5, 7, 8, 9 and 10; 15.0413; 15.0415; 16.86, Subdivision 2; 62E.10, Subdivision 8; 121.931, Subdivision 8; 121.932, Subdivision 3; 169.128; 182.655, Subdivision 1; 238.09, Subdivision 9; 271.06, Subdivision 7; 299A.03, Subdivision 6; 299F.19, Subdivision 6; 360.015, Subdivisions 4, 5 and 16; 645.071, Subdivision 1; 645.08; 645.11; 645.12, Subdivision 1; 645.13; 645.14; 645.15; 645.18; 645.19; 645.20; 645.21; 645.23; 645.24; 645.26, Subdivi-

sions 1 and 2; 645.31, Subdivision 1; 645.34; 645.35; 645.36; 645.37; 645.39; 645.40; 645.41; 645.44, Subdivision 1; 645.45; 645.451, Subdivision 1; 645.46; 645.48; 648.31, Subdivision 6; 648.50, Subdivisions 1, 2, 3, 4 and 6, and by adding subdivisions; proposing new law coded in Minnesota Statutes, Chapters 15 and 645; repealing Minnesota Statutes 1980, Sections 15.015 to 15.04; 174.06, Subdivision 6; and 245.04 to 245.07.

Senate File No. 1043 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 12, 1981

### CONCURRENCE AND REPASSAGE

Mr. Olhoft moved that the Senate concur in the amendments by the House to S. F. No. 1043 and that the bill be placed on its repassage as amended. The motion prevailed.

S. F. No. 1043: A bill for an act relating to administrative procedures; providing for changes in the recompilation, publication, and drafting of administrative rules; modifying the powers of the revisor of statutes with respect to compiling, publishing, and drafting of administrative rules; clarifying which rules are to be published; fixing a common nomenclature for certain steps in the administrative process; extending statutory standard definitions of terms and principles of construction to administrative rules; providing for the effect of transferring responsibilities between agencies; extending the jurisdiction of the Legislative Commission to Review Administrative Rules; clarifying when a rule suspended by the Legislative Commission to Review Administrative Rules becomes effective; allowing an agency to enact a rule repealed by the legislature and the Legislative Commission to Review Administrative Rules to suspend it again; modifying certain provisions of the administrative procedure act; removing certain obsolete terms and clarifying certain language; amending Minnesota Statutes 1980, Sections 3.965, Subdivision 2; 15.0411, Subdivisions 2 and 3; 15.0412, Subdivisions 1, 1a, 2a, 4, 4c, 4d, 4e, 4f, 4g, 4h, 5, 7, 8, 9 and 10; 15.0413; 15.0415; 16.86, Subdivision 2; 62E.10, Subdivision 8; 121.931, Subdivision 8; 121.932, Subdivision 3; 169.128; 182.655, Subdivision 1; 238.09, Subdivision 9; 271.06, Subdivision 7; 299A.03, Subdivision 6; 299F.19, Subdivision 6; 360.015, Subdivisions 4, 5 and 16; 648.31, Subdivision 6; 648.50, Subdivisions 1, 2, 3, 4 and 6, and by adding subdivisions; proposing new law coded in Minnesota Statutes, Chapters 15 and 645; repealing Minnesota Statutes 1980, Sections 15.015 to 15.04; 15.0412, Subdivision 4a; 174.06, Subdivision 6; and 245.04 to 245.07.

Was read the third time, as amended by the House, and placed on its repassage.

The question was taken on the repassage of the bill, as amended.

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Bertram	Dieterich	Johnson	Lessard
Bang	Brataas	Engler	Keefe	Lindgren
Belanger	Chmielewski	Frank	Knoll	Luther
Benson	Dahl	Frederick	Kroening	Menning
Berg	Davies	Hanson	Kronebusch	Merriam
Berglin	Davis	Hughes	Langseth	Moe, D. M.
Bernhagen	Dicklich	Humphrey	Lantry	Moe, R. D.

Nelson	Petty	Schmitz	Stern	Vega
Olhoft	Pillsbury	Setzepfandt	Stokowski	Waldorf
Pehler	Purfeerst	Sieloff	Stumpf	Wegener
Penny	Ramstad	Sikorski	Taylor	Willet
Peterson, C. C.	Renneke	Solon	Tennesen	
Peterson, R. W.	Rued	Spear	Ulland	

So the bill, as amended, was repassed and its title was agreed to.

### MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

S. F. No. 1154: A bill for an act relating to state land; authorizing the conveyance of certain state lands in Pine county to the Amherst H. Wilder Foundation.

Senate File No. 1154 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 12, 1981

Mr. Chmielewski moved that S. F. No. 1154 be laid on the table. The motion prevailed.

Mr. President:

I have the honor to announce the passage by the House of the following House File, herewith transmitted: H. F. No. 1098.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 12, 1981

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H. F. Nos. 553, 1139 and 942.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 12, 1981

### FIRST READING OF HOUSE BILLS

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

H. F. No. 1098: A bill for an act relating to the state auditor; providing funding to be used to prepare the report to the legislature on the general financial condition of the various volunteer firefighters' relief associations; appropriating money.

Referred to the Committee on Finance.

H. F. No. 553: A bill for an act relating to transportation; providing for the financing of certain services of the department of transportation; adjusting the

motor vehicle registration tax on certain vehicles; increasing the fee for personalized license plates; increasing fees for motorized bicycle operator permits and for driver licenses; establishing a fee for the Minnesota identification card; providing for uniform application fees; requiring reexamination before issuance of new drivers license after revocation; authorizing married applicants to use their maiden name as their middle name; increasing bicycle registration fees; providing that the proceeds of the motor vehicle excise tax be allocated between the general fund and the highway user tax distribution fund for a period of four years, and thereafter all the proceeds to be deposited in the highway user tax distribution fund; authorizing the issuance of state bonds and appropriating the proceeds for the purpose of providing money to acquire and better public land, buildings, and capital improvements comprising key bridges, segments of interstate highway, and interstate highway substitution projects needs for an integrated state transportation system; providing for financial assistance for local transit service; providing for the coordination and financing of metropolitan transit service demonstration program; establishing a metropolitan transit service demonstration program; providing for alternative uses of metropolitan transit tax levies; authorizing the city of Moorhead to increase its mill rate for public transportation services; appropriating money; amending Minnesota Statutes 1980, Sections 84.87, Subdivision 2; 168.011, Subdivisions 7 and 10; 168.013, Subdivisions 1a, 1b, 1c, 1d, 1e, 1f, 1g, 1h and by adding a subdivision; 168.12, Subdivisions 2 and 2a; 168.16; 168.27, Subdivision 16; 168C.11, Subdivision 1; 169.11; 169.79; 169.95; 171.02, Subdivision 3; 171.04; 171.06, Subdivisions 1, 2, 4 and by adding a subdivision; 171.07, Subdivisions 1 and 3; 171.17; 171.29; 174.24, Subdivision 3, and by adding a subdivision; 174.31; 174.50, Subdivision 1; 297B.035, Subdivision 2; 297B.09; 299D.03, Subdivision 5; 473.408, Subdivisions 6 and 7; 473.411, Subdivision 1; 473.446; Laws 1969, Chapter 192, Section 1; proposing new law coded in Minnesota Statutes, Chapters 168 and 174; repealing Minnesota Statutes 1980, Sections 168.013, Subdivision 17; 174.28; and 174.31, Subdivisions 6 and 7.

Mrs. Lantry moved that H. F. No. 553 be laid on the table. The motion prevailed.

H. F. No. 1139: A bill for an act relating to courts; providing for certain reorganization in the court system in the state; providing that the second and fourth judicial district courts shall also be probate courts; creating certain judicial positions to be filled by election; raising the jurisdictional limit in county and county municipal court; providing the county and county municipal court with gross misdemeanor jurisdiction; abolishing the office of referee; providing for continuance of certain referee positions for a limited time; providing for continuance of certain judicial officer positions for a limited time; authorizing the judges of the courts within each judicial district to elect to form one unified court; creating an appellate division of the district court; appropriating money; amending Minnesota Statutes 1980, Sections 2.722, Subdivision 1, and by adding a subdivision; 260.031, Subdivision 1; 484.01; 484.70, Subdivision 1, and by adding subdivisions; 487.08, Subdivisions 2 and 3; 487.15; 487.16; 487.18; 488A.01, Subdivisions 4, 6 and 8; 488A.18, Subdivisions 4, 7, 9 and 13; 488A.27, Subdivision 11; 525.10; proposing new law coded in Minnesota Statutes, Chapter 484; proposing new law coded as Minnesota Statutes, Chapter 484A; repealing Minnesota Statutes 1980, Sections 484.67; 484.70, Subdivisions 2, 3, 4 and 5; 487.08, Subdivision 4; 487.09; 525.04; and Laws 1978, Chapter 750, Section 6.

Mr. Tennesen moved that H. F. No. 1139 be referred to the Committee on Rules and Administration for comparison with S. F. No. 1094. The motion prevailed.

H. F. No. 942: A bill for an act relating to welfare; clarifying certain provisions for determination of cost of care at state hospitals; directing the commissioner of public welfare to promulgate rules; changing the responsibility of relatives under certain circumstances; altering the method of charging for outpatient care; giving claims against estates of deceased patients or responsible relatives preferred status; amending Minnesota Statutes 1980, Sections 246.50, Subdivision 5; 246.51; 246.53; and 487.39, Subdivision 1.

Referred to the Committee on Health, Welfare and Corrections.

### REPORTS OF COMMITTEES

Mr. Hanson moved that the Committee Reports at the Desk be now adopted, with the exception of the report on S. F. No. 65. The motion prevailed.

Mr. Willet from the Committee on Finance, to which was re-referred

S. F. No. 807: A bill for an act relating to penalties for crimes; creating the Minnesota law enforcement training account and the crime victim assistance account; appropriating money; amending Minnesota Statutes 1980, Sections 171.16, Subdivision 3; 299B.06; 588.01, Subdivision 3; proposing new law coded in Minnesota Statutes, Chapter 626.

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

Page 1, delete lines 11 to 27

Page 2, delete lines 1 to 7 and insert:

"Section 1. [626.86] [PEACE OFFICERS TRAINING ACCOUNT.]

*Money appropriated for peace officers training shall be expended as follows:"*

Page 2, delete section 2

Page 3, line 1, delete "626.862" and insert "626.861"

Page 3, lines 3 and 4, delete "On and after the effective date of sections 1, 2, and 3,"

Page 3, line 36, delete "Minnesota Statutes,"

Page 4, line 3, delete "section 3,"

Page 4, line 13, delete "Minnesota law enforcement" and insert "general fund for peace officers"

Page 4, line 14, delete everything after "training"

Page 4, line 15, delete everything before the comma

Page 4, line 16, after the period, insert "The state treasurer shall identify and report to the commissioner of finance all amounts deposited in the general fund under this section."

Page 4, delete lines 34 to 36



Page 5, delete lines 1 to 21 and insert:

"Sec. 4. Minnesota Statutes 1980, Section 626.845, Subdivision 1, is amended to read:

Subdivision 1. The board shall have the following powers and duties:

(a) To certify peace officers' training schools or programs administered by state, county and municipalities located within this state in whole or in part no later than 90 days after receipt of an application for certification. The reasons for noncertification of any school or program or part thereof shall be transmitted to the school within 90 days and shall contain a detailed explanation of the reasons for which the school or program was disapproved and an explanation of what supporting material or other requirements are necessary for the board to reconsider. Disapproval of a school or program shall not preclude the reapplication for certification of the school or program;

(b) To issue certificates to schools, and to revoke such certification when necessary to maintain the objectives and purposes of sections 626.841 to 626.855;

(c) To certify, as qualified, instructors at peace officer training schools, and to issue appropriate certificates to such instructors;

(d) To license peace officers who have satisfactorily completed certified basic training programs, and passed examinations as required by the board;

(e) To cause studies and surveys to be made relating to the establishment, operation, and approval of state, county, and municipal peace officer training schools;

(f) To consult and cooperate with state, county, and municipal peace officer training schools for the development of in-service training programs for peace officers;

(g) To consult and cooperate with universities and colleges for the development of specialized courses of instruction and study in the state for peace officers in police science and police administration;

(h) To consult and cooperate with other departments and agencies of the state and federal government concerned with peace officer standards and training;

(i) To perform such other acts as may be necessary and appropriate to carry out the powers and duties as set forth in the provisions of sections 626.841 to 626.855;

(j) To coordinate the provision, on a regional basis, of skills oriented basic training courses to graduates of certified law enforcement training schools or programs; and

(k) To"

Page 5, line 22, delete "(f)"

Page 5, lines 24 and 25, delete "*from the crime victims assistance account*" and insert "*for peace officers training*"

Page 5, line 26, delete "*from that account*" and insert "*for that purpose*"

Page 5, delete lines 28 to 36

Page 6, delete lines 1 to 20

Page 7, line 23, delete "3" and insert "2"

Page 7, after line 23, insert:

"Sec. 6. [APPROPRIATION.]

*The sum of \$1,000,000 is appropriated from the general fund to the peace officers training account created in section 1, to be available for the fiscal year ending June 30, 1983."*

Page 7, line 25, delete "Sections 1 to 6 are" and insert "This act is"

Page 7, delete lines 26 to 29

Page 7, line 30, delete everything before "applies"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, delete "creating the"

Page 1, delete line 3

Page 1, line 4, delete everything before the first semicolon and insert "authorizing penalty assessments for peace officers training"

Page 1, line 6, delete "299B.06;" and after the semicolon at the end of the line, insert "626.845, Subdivision 1;"

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

Mr. Willet from the Committee on Finance, to which was re-referred

S. F. No. 1094: A bill for an act relating to courts; providing for certain reorganization of the court system in the state; providing that Hennepin and Ramsey municipal courts shall also be probate courts; abolishing the office of referee; providing for continuance of certain referee positions for a limited time; providing for continuance of certain judicial officer positions for a limited time; abolishing the office of court commissioner; providing for continuance of the Ramsey county court commissioner position for a limited time; changing the jurisdiction of county courts and county municipal courts; providing for the prosecution of gross misdemeanors by municipalities; creating certain judicial positions; abolishing certain judicial positions by attrition; appropriating money; amending Minnesota Statutes 1980, Sections 2.722, Subdivision 1, and by adding a subdivision; 260.031, Subdivision 1; 484.70, Subdivision 1, and by adding subdivisions; 487.03, by adding a subdivision; 487.08, Subdivisions 2 and 3; 487.15; 487.16; 487.18; 487.25, Subdivision 10; 488A.01, Subdivisions 4, 6, and 8; 488A.18, Subdivisions 4, 7, 9, and 13; 488A.27, Subdivision 11; 489.01; 525.10; repealing Minnesota Statutes 1980, Sections 484.67; 484.70, Subdivisions 2, 3, 4 and 5; 487.08, Subdivision 4; 487.09; 489.05; and 525.04.

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

Page 12, line 14, delete "June 30, 1978" and insert "August 15, 1980"

Page 13, line 10, after the dollar sign, insert "756,000"

Page 13, line 12, before the period, insert "*, to be available for the fiscal year ending June 30 in the years indicated*"

Page 13, after line 12, insert:

" 1982	1983
\$215,000	\$541,000"

Page 13, line 16, before the period, insert "*, except that three of the new judge positions created by section 1 in the fourth judicial district and three of the new judge positions created by section 1 in the tenth judicial district shall not be filled until July 1, 1982*"

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

Mr. Willet from the Committee on Finance, to which was re-referred

H. F. No. 3: A bill for an act relating to community social services; defining groups of persons for whom counties are responsible; establishing certain funding levels; clarifying sections of the community social services act; amending Minnesota Statutes 1980, Sections 245.64; 245.66; 245.84, Subdivisions 2 and 5; 252.21; 252.24, Subdivisions 1, 3 and 4; 252.27, Subdivisions 1 and 2; 254A.03, Subdivision 1; 254A.05, Subdivision 1; 254A.07, Subdivision 2; 254A.08, Subdivision 1; 256E.03, Subdivision 2; 256E.04, Subdivision 1; 256E.05, Subdivisions 2 and 3; 256E.06, Subdivisions 1, 2, 4, and 5; 256E.07, Subdivision 2; 256E.08, Subdivisions 1, 7 and 9; 256E.09, Subdivisions 1, 3, and by adding a subdivision; 256E.10; and 256E.12, Subdivision 3; repealing Minnesota Statutes 1980, Sections 245.67; 245.68; 245.72; 252.26; 256E.06, Subdivision 11; and 261.27.

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

Page 2, line 12, delete "*chronically*" and delete "*acutely*"

Page 3, line 9, after "*and*" delete the comma

Page 4, lines 16 and 17, reinstate the stricken language

Page 4, line 17, delete "*which*" and insert "*. The commissioner shall not promulgate rules that*"

Page 7, line 4, delete everything after the period

Page 7, delete lines 5 to 12

Page 11, line 36, after "*achievement*" insert "*center*"

Page 17, after line 24, insert:

*"The commissioner shall promulgate temporary and permanent rules in accordance with section 15.0412 to implement this section. No more than 7 percent of any grant shall be used for the grantee's administration expenses."*

Delete the amendment to page 17, line 35, made by the Committee on Health, Welfare and Corrections, adopted by the Senate April 29, 1981

Page 17, line 35, reinstate the stricken "*MAY MAKE*"

Page 17, line 36, after the stricken "*CENTERS*" insert "*CENTER SER-*

VICES" and reinstate the stricken "FOR THE MENTALLY RETARDED AND CEREBRAL"

Page 18, line 1, reinstate the stricken language and delete the new language

Page 18, line 5, before "services" insert "center"

Page 18, line 8, reinstate the stricken language and delete the new language

Page 18, line 9, after the stricken "the" insert "services to"

Page 18, line 9, reinstate the stricken "mentally retarded and cerebral palsied" and delete "services" and insert "persons"

Page 18, line 13, reinstate the stricken "select" and reinstate the stricken "applicants for"

Page 18, reinstate line 14

Page 18, line 15, reinstate the stricken "3," and before "administer" insert "who" and before "services" insert "center"

Page 18, line 15, delete "and" and insert "The county board shall ensure that"

Page 18, line 16, delete "provide for" and after "transportation" insert "is provided"

Page 18, line 17, delete "if" and insert a period

Page 18, delete lines 18 and 19

Page 18, line 20, delete everything before "The"

Page 18, line 21, delete "and"

Page 18, line 22, delete "transportation"

Page 18, line 28, delete "administered by" and insert "delivered under contract with"

Page 18, line 34, strike "funds to" and insert "money for"

Page 18, line 35, reinstate the stricken "center"

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

Mr. Johnson from the Committee on Taxes and Tax Laws, to which was referred

S. F. No. 1129: A bill for an act relating to taxation; exempting certain airport property of municipalities from the property user tax on exempt property; amending Minnesota Statutes 1980, Section 272.01, Subdivision 2.

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

Page 1, line 23, delete "municipality" and insert "city, town, county or group thereof but not the metropolitan airports commission"

Page 2, line 2, delete "or (3)" and insert "; provided that" and delete "exempt from ad valorem taxes or taxes"

Page 2, line 3, delete "in lieu thereof"

Page 2, line 5, after "*purposes*" insert "*shall not be exempt*"

Page 2, after line 18, insert:

"Sec. 2. Minnesota Statutes 1980, Section 360.035, is amended to read:

360.035 [EXEMPTION FROM TAXATION.]

Any properties, real or personal, acquired, owned, leased, controlled, used, or occupied by a municipality for any of the purposes of sections 360.011 to 360.076, are declared to be acquired, owned, leased, controlled, used, or occupied for public, governmental, and municipal purposes, and shall be exempt from taxation by the state or any of its political subdivisions. Nothing contained in sections 360.011 to 360.076 shall be construed as exempting properties, real or personal, leased from the municipality to a tenant or lessee who is a private person, association, or corporation from assessments or taxes. ~~If any such~~ Leased municipal airport property is ~~taxable to the lessee, the municipality that is not located at the airport operated by the metropolitan airports commission~~ shall not be subject to payment of any portion of rentals under section 272.68, subdivision 3."

Page 2, line 20, delete "*Section 1 is*" and insert "*Sections 1 and 2 are*"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 5, delete "*Section*" and insert "*Sections*" and after "*2*" insert "*; and 360.035*"

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

Mr. Johnson from the Committee on Taxes and Tax Laws, to which was referred

S. F. No. 1156: A bill for an act relating to port authorities; clarifying the exemption of a special county levy for a port authority from certain levy limitations; amending Minnesota Statutes 1980, Section 458.14.

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

Mr. Moe, R. D. from the Committee on Rules and Administration, to which was referred

S. F. No. 1370: A resolution declaring Raoul Wallenberg to be an honorary citizen of the State of Minnesota and memorializing the Union of Soviet Socialist Republics to return him to his native country.

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

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

S. F. No. 65: A bill for an act relating to the attorney general; providing that the attorney general may render bond counsel services to state agencies and political subdivisions upon request; appropriating money; proposing new law coded in Minnesota Statutes, Chapter 8.

Reports the same back with the recommendation that the report from the Committee on Finance, shown in the Journal for May 11, 1981, be adopted; that committee recommendation being "the bill be amended and when so amended the bill be re-referred to the Committee on Governmental Operations".

### MINORITY REPORT

I, the undersigned, a member of the Committee on Rules and Administration, to which was referred

S. F. No. 65: A bill for an act relating to the attorney general; providing that the attorney general may render bond counsel services to state agencies and political subdivisions upon request; appropriating money; proposing new law coded in Minnesota Statutes, Chapter 8.

as a minority report, do hereby report the same back with the recommendation that the report from the Committee on Finance shown in the Journal for May 11, 1981, be amended to read:

"the bill be amended and when so amended the bill be placed on General Orders".

Jack Davies

Mr. Davies moved that the committee reports and the Minority Report on S. F. No. 65 be laid on the table. The motion prevailed.

### SECOND READING OF SENATE BILLS

S. F. Nos. 807, 1094, 1129, 1156 and 1370 were read the second time.

### SECOND READING OF HOUSE BILLS

H. F. No. 3 was read the second time.

### MOTIONS AND RESOLUTIONS

Mr. Peterson, C.C. moved that the name of Mrs. Stokowski be added as co-author to S. F. No. 974. The motion prevailed.

Mr. Moe, D. M. moved that the name of Mrs. Stokowski be added as co-author to S. F. No. 983. The motion prevailed.

Mr. Renneke moved that the name of Mrs. Stokowski be added as co-author to S. F. No. 1293. The motion prevailed.

Mr. Pehler moved that the name of Mr. Bang be added as co-author to S. F. No. 1414. The motion prevailed.

### SUSPENSION OF RULES

Remaining on the Order of Business of Motions and Resolutions, Mr. Moe, R.D. moved that the Senate take up the Calendar and waive the lie-over requirement. The motion prevailed.

### CALENDAR

H. F. No. 284: A bill for an act relating to health; prescribing procedures for

notification of parents, guardians, and conservators prior to performing abortions on certain persons; providing a penalty; amending Minnesota Statutes 1980, Section 144.343.

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 46 and nays 15, as follows:

Those who voted in the affirmative were:

Belanger	Frederickson	Lantry	Peterson, C. C.	Stumpf
Benson	Hanson	Lessard	Ramstad	Taylor
Berg	Hughes	Lindgren	Renneke	Vega
Bernhagen	Humphrey	Luther	Rued	Waldorf
Bertram	Keefe	Menning	Schmitz	Wegener
Chmielewski	Knoll	Merriam	Setzepfandt	Willet
Dahl	Knutson	Moe, R. D.	Sieloff	
Davis	Kroening	Olhoft	Sikorski	
Engler	Kronebusch	Pehler	Solon	
Frank	Langseth	Penny	Stokowski	

Those who voted in the negative were:

Ashbach	Davies	Moe, D. M.	Petty	Stern
Bang	Dicklich	Nelson	Pillsbury	Tennessen
Berglin	Dieterich	Peterson, R. W.	Spear	Ulland

So the bill passed and its title was agreed to.

S. F. No. 1084: A bill for an act relating to intoxicating liquor; hours for Sunday sale; amending Minnesota Statutes 1980, Section 340.14, Subdivision 5.

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 37 and nays 26, as follows:

Those who voted in the affirmative were:

Ashbach	Hanson	Luther	Purfeerst	Stern
Bang	Hughes	Merriam	Ramstad	Stokowski
Belanger	Johnson	Moe, D. M.	Rued	Stumpf
Berglin	Keefe	Moe, R. D.	Schmitz	Tennessen
Dahl	Knoll	Nelson	Sieloff	Wegener
Dicklich	Kronebusch	Peterson, R. W.	Sikorski	
Dieterich	Lantry	Petty	Solon	
Engler	Lessard	Pillsbury	Spear	

Those who voted in the negative were:

Benson	Davis	Langseth	Peterson, C. C.	Waldorf
Berg	Frank	Lindgren	Renneke	Willet
Bernhagen	Frederickson	Menning	Setzepfandt	
Bertram	Humphrey	Olhoft	Taylor	
Chmielewski	Knutson	Pehler	Ulland	
Davies	Kroening	Penny	Vega	

So the bill passed and its title was agreed to.

H. F. No. 678: A bill for an act relating to elections; changing certain

election procedures; requirements and time limits; amending Minnesota Statutes 1980, Sections 201.071, Subdivision 1; 202A.26, Subdivision 1; 203A.22, Subdivision 4; 203A.31, Subdivisions 1 and 3; 203A.32; 204A.04, Subdivision 1; 204A.13, Subdivision 1; 204A.17, Subdivision 1; 204A.53, Subdivision 2; 204A.54, Subdivision 1; 205.03, Subdivisions 1 and 3; 207.03, Subdivision 1; 207.04, Subdivision 1; 207.20, Subdivision 1; and 209.02, Subdivision 4; repealing Minnesota Statutes 1980, Sections 201.091, Subdivision 5; and 202A.54.

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 61 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Dieterich	Lantry	Petty	Stokowski
Bang	Engler	Lessard	Pillsbury	Stumpf
Belanger	Frank	Lindgren	Purfeerst	Taylor
Benson	Frederickson	Luther	Ramstad	Tennessen
Berg	Hanson	Merriam	Renneke	Ulland
Berglin	Hughes	Moe, D.M.	Rued	Vega
Bernhagen	Humphrey	Moe, R.D.	Schmitz	Waldorf
Bertram	Johnson	Nelson	Setzepfandt	Wegener
Chmielewski	Keefe	Olhoft	Sieloff	Willet
Dahl	Knoll	Pehler	Sikorski	
Davies	Knutson	Penny	Solon	
Davis	Kroening	Peterson, C.C.	Spear	
Dicklich	Langseth	Peterson, R.W.	Stern	

So the bill passed and its title was agreed to.

S. F. No. 388: A bill for an act relating to public employment labor relations; modifying the definition of non-essential supervisory employees; amending Minnesota Statutes 1980, Sections 179.63, Subdivision 9; and 179.71, Subdivision 3.

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 35 and nays 27, as follows:

Those who voted in the affirmative were:

Berglin	Humphrey	Luther	Peterson, R.W.	Stokowski
Chmielewski	Johnson	Merriam	Petty	Stumpf
Dahl	Knoll	Moe, D.M.	Purfeerst	Ulland
Davis	Kroening	Moe, R.D.	Sikorski	Vega
Dicklich	Langseth	Pehler	Solon	Waldorf
Frank	Lantry	Penny	Spear	Wegener
Hanson	Lessard	Peterson, C.C.	Stern	Willet

Those who voted in the negative were:

Ashbach	Bertram	Hughes	Olhoft	Sieloff
Bang	Brataas	Keefe	Pillsbury	Taylor
Belanger	Davies	Knutson	Ramstad	Tennessen
Benson	Engler	Kronebusch	Renneke	
Berg	Frederick	Lindgren	Rued	
Bernhagen	Frederickson	Menning	Schmitz	

So the bill passed and its title was agreed to.



### RECONSIDERATION

Mr. Peterson, C. C. moved that the vote whereby H. F. No. 284 was passed by the Senate on May 13, 1981, be now reconsidered. The motion prevailed.

H. F. No. 284: A bill for an act relating to health; prescribing procedures for notification of parents, guardians, and conservators prior to performing abortions on certain persons; providing a penalty; amending Minnesota Statutes 1980, Section 144.343.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 49 and nays 16, as follows:

Those who voted in the affirmative were:

Belanger	Frederick	Kronebusch	Pehler	Sikorski
Benson	Frederickson	Langseth	Penny	Solon
Berg	Hanson	Lantry	Peterson, C.C.	Stokowski
Bernhagen	Hughes	Lessard	Purfeerst	Stumpf
Bertram	Humphrey	Lindgren	Ramstad	Taylor
Chmielewski	Johnson	Luther	Renneke	Vega
Dahl	Keefe	Menning	Rued	Waldorf
Davis	Knoll	Merriam	Schmitz	Wegener
Engler	Knutson	Moe, R.D.	Setzepfandt	Willet
Frank	Kroening	Olhoft	Sieloff	

Those who voted in the negative were:

Ashbach	Davies	Moe, D.M.	Petty	Stern
Bang	Dicklich	Nelson	Pillsbury	Tennessee
Berglin	Dieterich	Peterson, R.W.	Spear	Ulland
Brataas				

So the bill passed and its title was agreed to.

H. F. No. 1065: A bill for an act relating to public utilities; extending an option as to rate regulation by the public utilities commission to certain small telephone companies; amending Minnesota Statutes 1980, Sections 237.01; 237.075, Subdivision 9; and 237.081, Subdivision 1a.

With the unanimous consent of the Senate, Mr. Peterson, C. C. moved that the amendment made to H.F. No. 1065 by the Committee on Rules and Administration in the report adopted May 5, 1981, pursuant to Rule 49, be stricken. The motion prevailed. So the amendment was stricken.

H. F. No. 1065 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 59 and nays 5, as follows:

Those who voted in the affirmative were:

Ashbach	Dieterich	Kronebusch	Peterson, C.C.	Solon
Bang	Engler	Langseth	Peterson, R.W.	Stern
Belanger	Frank	Lantry	Petty	Stokowski
Benson	Frederick	Lessard	Pillsbury	Stumpf
Berg	Frederickson	Lindgren	Purfeerst	Taylor
Bernhagen	Hanson	Luther	Ramstad	Tennessee
Bertram	Hughes	Menning	Renneke	Ulland
Brataas	Humphrey	Moe, D. M.	Rued	Vega
Chmielewski	Keefe	Moe, R. D.	Schmitz	Waldorf
Dahl	Knoll	Olhoft	Setzepfandt	Wegener
Davies	Knutson	Pehler	Sieloff	Willet
Davis	Kroening	Penny	Sikorski	

Those who voted in the negative were:

Berglin	Dicklich	Johnson	Merriam	Spear
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So the bill passed and its title was agreed to.

H. F. No. 1200: A bill for an act relating to courts; extending application of the provision of law providing for payment of travel expenses for certain district court judges; amending Laws 1980, Chapter 614, Section 162.

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 63 and nays 1, as follows:

Those who voted in the affirmative were:

Ashbach	Dicklich	Kroening	Peterson, C. C.	Spear
Bang	Dieterich	Kronebusch	Peterson, R. W.	Stern
Belanger	Engler	Langseth	Petty	Stokowski
Benson	Frank	Lantry	Pillsbury	Stumpf
Berg	Frederick	Lessard	Purfeerst	Taylor
Berglin	Frederickson	Lindgren	Ramstad	Tennessee
Bernhagen	Hanson	Luther	Renneke	Ulland
Bertram	Hughes	Menning	Rued	Vega
Brataas	Humphrey	Moe, D. M.	Schmitz	Waldorf
Chmielewski	Johnson	Nelson	Setzepfandt	Wegener
Dahl	Keefe	Olhoft	Sieloff	Willet
Davies	Knoll	Pehler	Sikorski	
Davis	Knutson	Penny	Solon	

Mr. Merriam voted in the negative.

So the bill passed and its title was agreed to.

H. F. No. 1160: A bill for an act relating to commerce; removing the auctioneer's exception to the definition of "real estate broker"; exempting certain real estate brokers and salespersons from the licensing requirements for mobile home manufacturers and dealers; amending Minnesota Statutes 1980, Sections 82.18; 82.34, Subdivision 7; and 327.55, by adding a subdivision.

Mr. Peterson, C. C. moved that H. F. No. 1160, No. 8 on the Calendar, be stricken and placed at the top of General Orders. The motion prevailed.

H. F. No. 673: A bill for an act relating to commerce; increasing the amount of the surety bond required of collection agencies; authorizing the commissioner of securities and real estate to investigate and examine certain collection agencies; broadening the classification of prohibited practices; amending Minnesota Statutes 1980, Sections 332.34; 332.37; and 332.40.

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 64 and nays 1, as follows:

Those who voted in the affirmative were:

Ashbach	Dicklich	Kroening	Penny	Solon
Bang	Dieterich	Kronebusch	Peterson, C. C.	Spear
Belanger	Engler	Langseth	Peterson, R. W.	Stern
Benson	Frank	Lantry	Petty	Stokowski
Berg	Frederick	Lessard	Pillsbury	Stumpf
Berglin	Frederickson	Lindgren	Purfeerst	Taylor
Bernhagen	Hanson	Luther	Ramstad	Tennessee
Bertram	Hughes	Menning	Renneke	Ulland
Brataas	Humphrey	Merriam	Rued	Vega
Chmielewski	Johnson	Moe, D. M.	Schmitz	Waldorf
Dahl	Keefe	Moe, R. D.	Setzepfandt	Wegener
Davies	Knoll	Nelson	Sieloff	Willet
Davis	Knutson	Olhoft	Sikorski	

Mr. Pehler voted in the negative.

So the bill passed and its title was agreed to.

H. F. No. 1048: A bill for an act relating to insurance; removing insurance solicitors from insurance licensing provisions; prescribing certain fees; providing for licensing of certain legal entities as agents; providing for the licensing of other insurance agents; providing for examinations; providing exceptions to the licensing requirements; authorizing temporary licenses; providing for appointment of agents by insurers; prohibiting certain persons from obtaining an agent's license; providing for the revocation or suspension of licenses upon specified conditions; providing for the surrender, loss, or destruction of licenses; prescribing certain powers of the commissioner; authorizing the sale of contracts on a variable basis without licensure in certain circumstances; authorizing the commissioner to promulgate rules; prescribing penalties; amending Minnesota Statutes 1980, Sections 60A.02, Subdivision 7; 60A.14, Subdivision 1; 60A.17, Subdivisions 1, 3, 5, 6, 10, 12, and 13, and by adding subdivisions; repealing Minnesota Statutes 1980, Sections 60A.02, Subdivision 8; and 60A.17, Subdivisions 2, 2a, 2b, 4, 5a, 6a, 7, and 9.

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 64 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Dicklich	Kronebusch	Penny	Solon
Bang	Dieterich	Langseth	Peterson, C. C.	Spear
Belanger	Engler	Lantry	Peterson, R. W.	Stern
Benson	Frank	Lessard	Petty	Stokowski
Berg	Frederick	Lindgren	Pillsbury	Stumpf
Berglin	Frederickson	Luther	Purfeerst	Taylor
Bernhagen	Hanson	Menning	Ramstad	Tennessen
Bertram	Hughes	Merriam	Renneke	Ulland
Brataas	Humphrey	Moe, D. M.	Rued	Vega
Chmielewski	Johnson	Moe, R. D.	Schmitz	Waldorf
Dahl	Keefe	Nelson	Setzepfandt	Wegener
Davies	Knutson	Olthoft	Sieloff	Willet
Davis	Kroening	Pehler	Sikorski	

So the bill passed and its title was agreed to.

H. F. No. 1163: A bill for an act relating to the Greenway joint recreation board; regulating its tax levies.

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 63 and nays 1, as follows:

Those who voted in the affirmative were:

Ashbach	Dahl	Hanson	Lantry	Olthoft
Bang	Davies	Hughes	Lessard	Pehler
Belanger	Davis	Humphrey	Lindgren	Penny
Benson	Dicklich	Johnson	Luther	Peterson, C. C.
Berglin	Dieterich	Keefe	Menning	Peterson, R. W.
Bernhagen	Engler	Knutson	Merriam	Petty
Bertram	Frank	Kroening	Moe, D. M.	Pillsbury
Brataas	Frederick	Kronebusch	Moe, R. D.	Purfeerst
Chmielewski	Frederickson	Langseth	Nelson	Ramstad

Renneke  
Rued  
Schmitz  
Setzepfandt

Sieloff  
Sikorski  
Solon  
Spear

Stern  
Stokowski  
Stumpf  
Taylor

Tennessee  
Ulland  
Vega  
Waldorf

Wegener  
Willet

Mr. Berg voted in the negative.

So the bill passed and its title was agreed to.

## MOTIONS AND RESOLUTIONS - CONTINUED

### RECONSIDERATION

Mr. Nelson moved that the vote whereby S. F. No. 338 was passed by the Senate on May 13, 1981, be now reconsidered. The motion prevailed.

Mr. Nelson then moved that the vote whereby the Senate concurred in the House amendments to S. F. No. 338 and placed it on its repassage be now reconsidered. The motion prevailed.

S. F. No. 338: A bill for an act relating to public employment; clarifying impasse procedures when a school employee exclusive representative changes; eliminating certain part time adult vocational education instructors from the definition of public employee; amending Minnesota Statutes 1980, Sections 179.63, Subdivision 7; 179.64, Subdivision 1a; 179.691; and 179.692.

Mr. Nelson then moved that the Senate do not concur in the amendments by the House to S. F. No. 338, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee to be appointed on the part of the House. The motion prevailed.

## MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Kroening moved that H. F. No. 1005 be taken from the table. The motion prevailed.

### SUSPENSION OF RULES

Mr. Kroening moved that an urgency be declared within the meaning of Article IV, Section 19, of the Constitution of Minnesota, with respect to H. F. No. 1005 and that the rules of the Senate be so far suspended as to give H. F. No. 1005 its second and third reading and place it on its final passage. The motion prevailed.

H. F. No. 1005 was read the second time.

Mr. Kroening then moved to amend H. F. No. 1005 as follows:

Delete everything after the enacting clause, and delete the title, of H. F. No. 1005, and insert the language after the enacting clause, and the title, of S. F. No. 887, the Second Engrossment. The motion prevailed. So the amendment was adopted.

Mr. Kroening then moved to amend H.F. No. 1005, as amended by the Senate May 13, 1981, as follows:

(The text of the amended House File is identical to S.F. No. 887.)

Page 7, line 36, after "13" insert " , except that in no case shall the

*maximum purchase price or appraised value for a dwelling unit in the multifamily housing development exceed four times the income limit established by section 462C.03, subdivision 2, unless the development is in a building officially built before 1900, designated as an historical structure under state, local, or national procedures"*

The motion prevailed. So the amendment was adopted.

Mr. Tennesen moved to amend H.F. No. 1005, as amended by the Senate May 13, 1981, as follows:

(The text of the amended House File is identical to S.F. No. 887.)

Page 7, line 14, delete everything before the second "of" and insert "none" and after "of" insert "the"

Page 7, line 15, delete "and" and insert "or"

Page 7, line 21, delete everything after the period

Page 7, delete lines 22 to 26

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 12 and nays 45, as follows:

Those who voted in the affirmative were:

Benson	Knutson	Penny	Sikorski	Stumpf
Davies	Luther	Peterson, R. W.	Spear	Tennesen
Frederickson	Merriam			

Those who voted in the negative were:

Ashbach	Davis	Kroening	Olhoft	Setzepfandt
Bang	Dicklich	Kronebusch	Pehler	Sieloff
Belanger	Engler	Langseth	Petty	Solon
Berglin	Frank	Lantry	Pillsbury	Stern
Bernhagen	Frederick	Lessard	Purfeerst	Stokowski
Bertram	Hughes	Menning	Ramstad	Taylor
Brataas	Humphrey	Moe, D. M.	Renneke	Ulland
Chmielewski	Keefe	Moe, R. D.	Rued	Vega
Dahl	Knoll	Nelson	Schmitz	Waldorf

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

Mr. Lessard moved to amend H.F. No. 1005, as amended by the Senate May 13, 1981, as follows:

(The text of the amended House File is identical to S.F. No. 887.)

Page 1, after line 26, insert:

"Section 1. [16.869] [STATE BUILDING CODE IN MUNICIPALITIES UNDER 2,500; LOCAL OPTION.]

*Notwithstanding any other provision of law to the contrary, the governing body of a municipality whose population is less than 2,500 may provide that the state building code, except the requirements for handicapped persons, will not apply within the jurisdiction of the municipality, if the municipality is located in whole or in part within a county exempted from its application pursuant to section 16.868. If more than one municipality has jurisdiction over an area, the state building code continues to apply unless all municipalities*

*having jurisdiction over the area have provided that the state building code, except the requirements for handicapped persons, will not apply within their respective jurisdictions."*

Page 6, line 29, delete "4" and insert "5"

Page 8, line 36, delete "chapter" and insert "section"

Page 9, line 2, delete "chapter" and insert "section"

Page 9, line 5, delete "13 and 14" and insert "14 and 15"

Renumber the sections in sequence and correct the internal references

Amend the title as follows:

Page 1, line 2, after the semicolon, insert "authorizing municipalities under 2,500 population to elect that the state building code not apply within their jurisdictions;"

Page 1, line 4, after "rulemaking" insert "power for the housing finance agency"

Page 1, line 22, delete "Chapter" and insert "Chapters 16 and"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 32 and nays 25, as follows:

Those who voted in the affirmative were:

Ashbach	Dicklich	Langseth	Pillsbury	Solon
Belanger	Engler	Lessard	Ramstad	Taylor
Benson	Frederick	Menning	Renneke	Ulland
Berg	Frederickson	Moe, R. D.	Rued	Wegener
Bertram	Keefe	Olhoft	Schmitz	
Dahl	Knutson	Penny	Setzepfandt	
Davis	Kronebusch	Peterson, C. C.	Sieloff	

Those who voted in the negative were:

Berglin	Humphrey	Luther	Petty	Stokowski
Brataas	Knoll	Merriam	Purfeerst	Stumpf
Davies	Kroening	Moe, D. M.	Sikorski	Tennessen
Frank	Lantry	Pehler	Spear	Vega
Hughes	Lindgren	Peterson, R. W.	Stern	Waldorf

The motion prevailed. So the amendment was adopted.

Mr. Keefe moved to amend H.F. No. 1005, as amended by the Senate May 13, 1981, as follows:

(The text of the amended House File is identical to S.F. No. 887.)

Page 4, line 2, delete everything after the period

Page 4, delete lines 3 to 6

The motion prevailed. So the amendment was adopted.

## RECONSIDERATION

Having voted on the prevailing side, Mr. Berg moved that the vote whereby the Keefe amendment to H. F. No. 1005 was adopted on May 13, 1981, be now reconsidered. The motion prevailed.

**CALL OF THE SENATE**

Mr. Humphrey imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

Mr. Berg withdrew his motion.

**RECONSIDERATION**

Having voted on the prevailing side, Mr. Bertram moved that the vote whereby the Keefe amendment to H. F. No. 1005 was adopted on May 13, 1981, be now reconsidered. The motion prevailed.

The question recurred on the Keefe amendment.

**CALL OF THE SENATE**

Mr. Knoll imposed a call of the Senate for the balance of the proceedings on H. F. No. 1005. The Sergeant at Arms was instructed to bring in the absent members.

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 18 and nays 34, as follows:

Those who voted in the affirmative were:

Ashbach	Berg	Frederickson	Lindgren	Taylor
Bang	Bernhagen	Keefe	Ramstad	Ulland
Belanger	Engler	Knutson	Rued	
Benson	Frederick	Kronebusch	Sieloff	

Those who voted in the negative were:

Berglin	Hughes	Lessard	Pehler	Stern
Bertram	Humphrey	Luther	Peterson, C. C.	Stokowski
Dahl	Johnson	Merriam	Peterson, R. W.	Stumpf
Davis	Knoll	Moe, D. M.	Petty	Vega
Dicklich	Kroening	Moe, R. D.	Schmitz	Waldorf
Frank	Langseth	Nelson	Setzepfandt	Willet
Hanson	Lantry	Olhoft	Spear	

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

**RECONSIDERATION**

Having voted on the prevailing side, Mr. Keefe moved that the vote whereby the Lessard amendment to H. F. No. 1005 was adopted on May 13, 1981, be now reconsidered. The motion did not prevail.

H. F. No. 1005 was read the third time, as amended, and placed on its final passage.

The question was taken on the passage of the bill, as amended.

The roll was called, and there were yeas 47 and nays 13, as follows:

Those who voted in the affirmative were:

Bang	Engler	Lantry	Peterson, C. C.	Stokowski
Belanger	Frank	Lessard	Peterson, R. W.	Stumpf
Benson	Hanson	Luther	Petty	Ulland
Berg	Hughes	Menning	Purfeerst	Vega
Berglin	Humphrey	Moe, D. M.	Ramstad	Waldorf
Bertram	Johnson	Moe, R. D.	Schmitz	Wegener
Chmielewski	Knoll	Nelson	Setzepfandt	Willet
Dahl	Kroening	Olhoft	Solon	
Davis	Kronebusch	Pehler	Spear	
Dicklich	Langseth	Penny	Stern	

Those who voted in the negative were:

Ashbach	Frederickson	Lindgren	Renneke	Tennessen
Bernhagen	Keefe	Merriam	Rued	
Frederick	Knutson	Pillsbury	Sieloff	

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

Mr. Kroening moved that S. F. No. 887 be stricken from General Orders and laid on the table. The motion prevailed.

### CONFERENCE COMMITTEE EXCUSED

Pursuant to Rule 21, Mr. Menning moved that the following members be excused for a Conference Committee on H. F. No. 1434:

Messrs. Menning, Purfeerst, Stumpf, Pillsbury and Renneke. The motion prevailed.

Remaining on the Order of Business of Motions and Resolutions, Mr. Moe, R.D. moved that the Senate proceed to the Order of Business of Introduction and First Reading of Senate Bills. The motion prevailed.

### INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time.

Mr. Willet, for the Committee on Finance, introduced—

S.F. No. 1426: A bill for an act relating to public improvements; authorizing the acquisition and betterment of public land and buildings and other public improvements of a capital nature with certain conditions; authorizing issuance of state bonds; appropriating money; amending Minnesota Statutes 1980, Sections 116.18, Subdivisions 1 and 4; and 174.50, Subdivision 1.

Under rules of the Senate, laid over one day.

Mr. Willet, for the Committee on Finance, introduced—

S.F. No. 1427: A bill for an act relating to public improvements; authorizing the acquisition and betterment of public land and buildings and other public improvements of a capital nature with certain conditions; authorizing issuance of state bonds; appropriating money; proposing new law coded in Minnesota Statutes, Chapter 121.

Under rules of the Senate, laid over one day.

Remaining on the Order of Business of Motions and Resolutions, Mr. Moe, R.D. moved that the Senate revert to the Order of Business of Messages From the House. The motion prevailed.

### MESSAGES FROM THE HOUSE

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, consisting of three members of the House, on the amendments adopted by the House to the following Senate File:

S. F. No. 452: A bill for an act relating to the state board of investment;



establishing standards for the selection of certain prudent investments; amending Minnesota Statutes 1980, Section 11A.09.

There has been appointed as such committee on the part of the House:

Clark, K; Sarna and Drew.

Senate File No. 452 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 13, 1981

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, consisting of three members of the House, on the amendments adopted by the House to the following Senate File:

S. F. No. 1132: A bill for an act relating to education; allowing area vocational-technical institutes to grant degrees under certain conditions; proposing new law coded in Minnesota Statutes, Chapter 121.

There has been appointed as such committee on the part of the House:

Heap; Johnson, C. and Zubay.

Senate File No. 1132 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 13, 1981

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, consisting of three members of the House, on the amendments adopted by the House to the following Senate File:

S. F. No. 1212: A bill for an act relating to municipalities; discontinuance of unprofitable municipal liquor stores; restricting expenditure of public funds for liquor store operation; publication of operating statement; amending Minnesota Statutes 1980, Section 340.353, by adding a subdivision; proposing new law coded in Minnesota Statutes, Chapters 426 and 471.

There has been appointed as such committee on the part of the House:

Clawson, Ogren and Dean.

Senate File No. 1212 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 13, 1981

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 604:

H. F. No. 604: A bill for an act relating to elections; changing eligibility requirements and compensation for election judges; authorizing time off from

work for election judges; amending Minnesota Statutes 1980, Sections 204A.18; and 204A.23.

And the House respectfully requests that a Conference Committee of three members be appointed thereon.

Peterson, D.; Osthoff and Laidig have been appointed as such committee on the part of the House.

House File No. 604 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives  
Transmitted May 13, 1981

Mrs. Stokowski moved that the Senate accede to the request of the House for a Conference Committee on H. F. No. 604, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

S. F. No. 279: A bill for an act relating to taxation; providing that certain emergency shelters are exempt from the property tax; amending Minnesota Statutes 1980, Section 272.02, Subdivision 1.

Senate File No. 279 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives  
Returned May 13, 1981

### CONCURRENCE AND REPASSAGE

Mr. Sieloff moved that the Senate concur in the amendments by the House to S. F. No. 279 and that the bill be placed on its repassage as amended. The motion prevailed.

S. F. No. 279 was read the third time, as amended by the House, and placed on its repassage.

The question was taken on the repassage of the bill, as amended.

The roll was called, and there were yeas 56 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Davis	Kronebusch	Penny	Stokowski
Bang	Dicklich	Langseth	Peterson, C. C.	Stumpf
Belanger	Engler	Lantry	Peterson, R. W.	Taylor
Benson	Frank	Lessard	Petty	Tennessen
Berg	Frederick	Lindgren	Ramstad	Vega
Berglin	Frederickson	Luther	Rued	Waldorf
Bernhagen	Hanson	Merriam	Schmitz	Wegener
Bertram	Hughes	Moe, D. M.	Setzepfandt	Willet
Brataas	Humphrey	Moe, R. D.	Sieloff	
Chmielewski	Johnson	Nelson	Solon	
Dahl	Knoll	Olhoft	Spear	
Davis	Knutson	Pehler	Stern	

So the bill, as amended, was repassed and its title was agreed to.

**MESSAGES FROM THE HOUSE - CONTINUED**

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

S. F. No. 400: A bill for an act relating to peace officers; changing the designation of part-time officers and reserve officers; removing the hours of work limitation for certain part-time peace officers; permitting reserve peace officers to carry firearms in emergencies; providing for two members to the peace officers standards and training board from among elected city officials; authorizing the board to provide for training for certain part-time peace officers; authorizing the board to obtain criminal history data; amending Minnesota Statutes 1980, Sections 214.10, Subdivision 7; 626.84; 626.841; 626.843, Subdivision 1; 626.845, Subdivision 1; 626.846, Subdivisions 1 and 2; 626.8461; 626.8462; 626.8463; 626.8464; 626.8465, Subdivisions 1 and 2; 626.851, Subdivision 1; and 626.852.

Senate File No. 400 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 13, 1981

Mr. Wegener moved that the Senate do not concur in the amendments by the House to S. F. No. 400, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee to be appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

S. F. No. 1079: A bill for an act relating to retirement; providing for an exemption from membership therein for city managers; modifying the income taxation of deferred compensation contributions by certain city managers; amending Minnesota Statutes 1980, Section 290.01, Subdivision 20; proposing new law coded in Minnesota Statutes, Chapter 353.

Senate File No. 1079 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 13, 1981

**CONCURRENCE AND REPASSAGE**

Mr. Stern moved that the Senate concur in the amendments by the House to S. F. No. 1079 and that the bill be placed on its repassage as amended. The motion prevailed.

S. F. No. 1079 was read the third time, as amended by the House, and placed on its repassage.

The question was taken on the repassage of the bill, as amended.

The roll was called, and there were yeas 49 and nays 5, as follows:

Those who voted in the affirmative were:

Ashbach	Dahl	Knoll	Olhoft	Solon
Bang	Davies	Kroening	Pehler	Spear
Belanger	Davis	Kronebusch	Penny	Stern
Benson	Engler	Langseth	Peterson, R. W.	Stokowski
Berg	Frank	Lantry	Petty	Taylor
Berglin	Frederick	Lessard	Ramstad	Tennessen
Bernhagen	Frederickson	Lindgren	Rued	Ulland
Bertram	Hanson	Luther	Schmitz	Waldorf
Brataas	Hughes	Merriam	Setzepfandt	Wegener
Chmielewski	Humphrey	Moe, R. D.	Sieloff	

Those who voted in the negative were:

Dicklich	Johnson	Moe, D. M.	Peterson, C. C.	Vega
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So the bill, as amended, was repassed and its title was agreed to.

### MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

S. F. No. 1040: A bill for an act relating to the environment; clarifying terms and duties in the waste management act; extending time limits for site selections and reports; clarifying and changing waste management powers of metropolitan counties; providing that certain appropriations shall remain available until expended; amending Minnesota Statutes 1980, Sections 115A.03, Subdivisions 15 and 29; 115A.05, Subdivision 3; 115A.06, Subdivisions 4 and 5, and by adding a subdivision; 115A.08, Subdivisions 4, 5 and 6; 115A.09; 115A.11, Subdivision 1; 115A.19; 115A.20; 115A.21, Subdivisions 1 and 2; 115A.22, Subdivisions 3 and 4; 115A.23; 115A.24; 115A.26; 115A.28, Subdivision 2; 115A.33; 115A.34; 115A.37, Subdivision 2; 115A.54, Subdivision 3; 116.07, Subdivisions 2 and 4; 116.41, Subdivision 2; 400.161; 473.149, Subdivisions 2b, 2c and 2e, and by adding a subdivision; 473.153, Subdivisions 1, 2 and 6; 473.801, by adding a subdivision; 473.803, Subdivision 1a; 473.811, Subdivisions 2, 3, 4, 5b, and 8, and by adding subdivisions; 473.831, Subdivision 1; and 473.834, Subdivision 2; repealing Minnesota Statutes 1980, Section 473.834, Subdivisions 4 and 5.

Senate File No. 1040 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 13, 1981

Mr. Merriam moved that S. F. No. 1040 be laid on the table. The motion prevailed.

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on House File No. 98 and repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 98 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 13, 1981

### CONFERENCE COMMITTEE REPORT ON H. F. NO. 98

A bill for an act relating to energy; amending certain provisions for home energy disclosure reports; amending Minnesota Statutes 1980, Section 116H.129, Subdivisions 1, 2, 5, 6, and 7.

May 11, 1981

The Honorable Harry A. Sieben, Jr.  
Speaker of the House of Representatives

The Honorable Jack Davies  
President of the Senate

We, the undersigned conferees for H. F. No. 98, report that we have agreed upon the items in dispute and recommend as follows:

That the House accede to the Senate amendment, and that H.F. No. 98 be further amended as follows:

Delete the amendment to page 4, line 19

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

House Conferees: (Signed) Lee Greenfield, Ken G. Nelson, O.J. Heinitz

Senate Conferees: (Signed) Hubert H. Humphrey III, Gene Waldorf, John Bernhagen

Mr. Humphrey moved that the foregoing recommendations and Conference Committee Report on H. F. No. 98 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

H. F. No. 98 was read the third time, as amended by the Conference Committee, and placed on its repassage.

The question was taken on the repassage of the bill, as amended by the Conference Committee.

The roll was called, and there were yeas 51 and nays 1, as follows:

Those who voted in the affirmative were:

Ashbach	Davies	Knoll	Pehler	Stokowski
Bang	Davis	Kroening	Penny	Taylor
Belanger	Dicklich	Langseth	Peterson, R. W.	Tennesen
Benson	Engler	Lantry	Petty	Ulland
Berg	Frank	Lessard	Ramstad	Vega
Berglin	Frederick	Lindgren	Rued	Waldorf
Bernhagen	Frederickson	Luther	Setzepfandt	Wegener
Bertram	Hanson	Merriam	Sieloff	
Brataas	Hughes	Moe, D. M.	Solon	
Chmielewski	Humphrey	Moe, R. D.	Spear	
Dahl	Johnson	Olhoff	Stern	

Mr. Peterson, C. C. voted in the negative.

So the bill, as amended by the Conference Committee, was repassed and its

title was agreed to.

### MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on House File No. 182 and repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 182 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 13, 1981

### CONFERENCE COMMITTEE REPORT ON H. F. NO. 182

A bill for an act relating to commerce; revising the small loan act; increasing the loan amount which determines the necessity of obtaining a license; increasing the amount of liquid assets which must be maintained by a licensee; allowing certain purchasers of accounts to obtain a license; providing for the regulation of closings of licensees on holidays and weekends; providing for examinations at the commissioner's discretion; allowing the use of certain mechanical or electronic data processing methods to be used as books of account; allowing alternative compliance on certain rates of charge statements; allowing certain loans to be secured by real estate; restating maximum rates and charges; regulating licensee provisions concerning certain insurance in connection with loans made; allowing industrial loan and thrifts to make secured or unsecured loans on the terms, rates, and conditions permitted licensees; providing remedies; defining terms; providing for miscellaneous clarifications and revisions; amending Minnesota Statutes 1980, Sections 53.04, by adding a subdivision; 56.01; 56.02; 56.04; 56.07; 56.09; 56.10; 56.11; 56.12; 56.14; 56.15, Subdivision 1; 56.16; 56.17; 56.18; 56.19; 56.26; 334.02; 334.03; and proposing new law coded in Minnesota Statutes, Chapter 56; repealing Minnesota Statutes 1980, Sections 53.04, Subdivisions 3, 4, 6, and 7; 53.051; 56.06; 56.13; 56.15, Subdivision 2; and 56.20.

May 11, 1981

The Honorable Harry A. Sieben, Jr.  
Speaker of the House of Representatives

The Honorable Jack Davies  
President of the Senate

We, the undersigned conferees for H. F. No. 182, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and that H.F. No. 182 be further amended as follows:

Page 10, line 16, delete "\$2,000" and insert "\$2,700"

Page 10, line 18, after "loan" insert "*secured by a first lien on a borrower's primary residence*"

Page 10, line 20, delete the first "a" and insert "the"

Page 10, line 21, delete everything after "home"

Page 10, line 22, delete "*primary residence*"

Page 10, line 22, after the period, insert "*If the proceeds of the loan are used to finance the purchase of the borrower's primary residence, the licensee shall consent to the subsequent transfer of the real estate if the existing borrower continues after transfer to be obligated for repayment of the entire remaining indebtedness. The licensee shall release the existing borrower from all obligations under the loan instruments, if the transferee (1) meets the standards of credit worthiness normally used by persons in the business of making loans, including but not limited to the ability of the transferee to make the loan payments and satisfactorily maintain the property used as collateral, and (2) executes an agreement in writing with the licensee whereby the transferee assumes the obligations of the existing borrower under the loan instruments. Any such agreement shall not affect the priority, validity or enforceability of any loan instrument. A licensee may charge a fee not in excess of one-tenth of one percent of the remaining unpaid principal balance in the event the loan is assumed by the transferee and the existing borrower continues after the transfer to be obligated for repayment of the entire assumed indebtedness. A licensee may charge a fee not in excess of one percent of the remaining unpaid principal balance in the event the remaining indebtedness is assumed by the transferee and the existing borrower is released from all obligations under the loan instruments, but in no event shall the fee exceed \$150.*"

Page 14, line 5, delete "*, computing*"

Page 14, delete line 6

Page 14, line 7, delete everything before the period

Page 14, line 21, delete "*reasonable*"

Page 14, delete line 22

Page 14, line 23, delete everything before "*actual*"

Page 14, line 32, before the colon, insert "*: provided the costs do not exceed one percent of the principal amount or \$250, whichever is greater*"

Page 15, line 11, delete "*and*" and insert a comma

Page 15, line 11, after "*56.01*" insert "*and section 56.12*"

Page 15, line 13, delete "*consumer price index for urban wage*" and insert "*implicit price deflator for the gross national product, 1972 = 100, compiled by the United States department of commerce*"

Page 15, delete lines 14 and 15

Page 15, line 16, delete everything before the comma

Page 15, line 36, delete "*Bureau of Labor Statistics*" and insert "*department of commerce*"

Page 16, line 2, delete "*Bureau of Labor Statistics*" and insert "*department of commerce*"

Page 16, after line 18, insert:

"*Subd. 5. [ATTORNEY'S FEES.] No term of writing may provide for the payment by the debtor of attorney's fees.*"

Page 18, line 23, after the period insert "*The sale of credit life and credit accident and health insurance shall be subject to the provisions of chapter 62B, except that the term of the insurance may exceed 60 months if the term of the loan exceeds 60 months.*"

Page 19, line 4, delete "LAST" and after "YEAR" insert "LAST REPORTED TO THE DEPARTMENT OF COMMERCE"

Page 19, after line 7, insert:

*"The licensee shall have 30 days after the insurance company submits its report of losses to the department of commerce for the previous calendar year to change its disclosure to reflect the current loss ratio."*

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

House Conferees: (Signed) Thomas R. Berkelman, James P. Metzen, Douglas R. Ewald

Senate Conferees: (Signed) Collin C. Peterson, Otto T. Bang, Jr., Robert J. Tennesen

Mr. Peterson, C.C. moved that the foregoing recommendations and Conference Committee Report on H. F. No. 182 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

H. F. No. 182 was read the third time, as amended by the Conference Committee, and placed on its repassage.

The question was taken on the repassage of the bill, as amended by the Conference Committee.

The roll was called, and there were yeas 41 and nays 13, as follows:

Those who voted in the affirmative were:

Ashbach	Engler	Lantry	Peterson, R.W.	Stumpf
Bang	Frederick	Lessard	Petty	Taylor
Belanger	Frederickson	Lindgren	Ramstad	Tennesen
Benson	Hanson	Merriam	Rued	Ulland
Berg	Hughes	Moe, R.D.	Schmitz	Wegener
Bernhagen	Humphrey	Olhoft	Setzepfandt	
Bertram	Knoll	Pehler	Sieloff	
Brataas	Kronebusch	Penny	Solon	
Dahl	Langseth	Peterson, C.C.	Stern	

Those who voted in the negative were:

Berglin	Dicklich	Kroening	Spear	Waldorf
Davies	Frank	Luther	Stokowski	
Davis	Johnson	Moe, D.M.	Vega	

So the bill, as amended by the Conference Committee, was repassed and its title was agreed to.

## MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on House File No. 1052 and



repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 1052 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 13, 1981

### CONFERENCE COMMITTEE REPORT ON H. F. NO. 1052

A bill for an act relating to state lands; providing for the conveyance of certain land to the city of Fergus Falls.

May 11, 1981

The Honorable Harry A. Sieben, Jr.  
Speaker of the House of Representatives

The Honorable Jack Davies  
President of the Senate

We, the undersigned conferees for H. F. No. 1052, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendment and that H.F. No. 1052 be further amended as follows:

Page 1, line 14, after "acres" insert "*and shall be located adjacent to the peripheral boundary of the land under the custodial control of the community college board*"

Page 1, line 15, before the period insert "*; provided, that prior to reversion the tract shall be offered for sale for a period of 120 days to the current owner of the housing units thereon for a consideration equal to the unimproved value of the tract. For the purpose of this sale, the commissioner shall designate therefor two or more of the regularly appointed and qualified state appraisers to determine the value of the tract*"

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

House Conferees: (Signed) Paul D. Aasness, Arlene I. Lehto, Fred C. Norton

Senate Conferees: (Signed) Wayne Olhoft, A.O.H. Setzepfandt, Dave Rued

Mr. Olhoft moved that the foregoing recommendations and Conference Committee Report on H. F. No. 1052 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

Mr. Olhoft moved that H. F. No. 1052 and the Conference Committee report thereon be laid on the table. The motion prevailed.

Remaining on the Order of Business of Motions and Resolutions, Mr. Moe, R.D. moved that the Senate revert to the Order of Business of Reports of Committees. The motion prevailed.

### REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now

adopted. The motion prevailed.

Mr. Willet from the Committee on Finance, to which was referred

H. F. No. 493: A bill for an act relating to energy; authorizing the Minnesota energy agency to administer 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; appropriating money; amending Minnesota Statutes 1980, Sections 412.321, Subdivision 1; 412.351; 412.361, Subdivision 3; 429.021, Subdivision 1; and 474.02, Subdivision 1; proposing new law coded in Minnesota Statutes, Chapters 16, 116H, 216B, 465, and 475.

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

Mr. Willet from the Committee on Finance, to which was referred

H. F. No. 900: A bill for an act relating to open space and recreation; authorizing the issuance of state bonds and expenditure of the proceeds for the acquisition and betterment of regional recreation open space lands by the metropolitan council and metropolitan area local governmental units and for the acquisition and betterment of state parks, trails, forest, fish and wildlife management, scientific and natural areas, water accesses, wild, scenic and recreational rivers, and canoe and boating routes by the commissioner of natural resources; changing the terms of certain grants administered by the state planning agency; appropriating money; amending Minnesota Statutes 1980, Section 4.36, Subdivision 2; repealing Laws 1979, Chapter 301, Section 6, Subdivision 1.

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

Mr. Willet from the Committee on Finance, to which was re-referred

S. F. No. 756: A bill for an act relating to the University of Minnesota hospitals; authorizing the sale of state bonds and loan of the proceeds of the sale to the board of regents of the University of Minnesota; appropriating money.

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

Page 1, line 12, delete "\$250,000,000" and insert "\$190,000,000"

Page 1, line 17, after "facilities" insert ", equipment,"

Page 2, line 10, after the comma, insert "*and after making the determinations as provided in subdivision 8,*"

Page 2, line 36, after the period, insert "*This agreement shall also provide that beginning one year after completion of the new facility the operating bed capacity of university hospitals shall be adjusted periodically, at least once each biennium, to comply with appropriate and relevant occupancy guidelines as set by the local health systems agency. The guidelines shall include, at a minimum, occupancy guidelines for general adult medical surgical beds, general pediatric beds, general obstetrical beds, and general psychiatric beds.*"

Page 3, line 12, delete "only"

Page 3, line 13, delete "revenues"

Page 3, line 14, after "revenues" insert "of the university"

Page 3, line 14, after "gifts" insert "and university debt service obligations existing on the effective date of the loan agreement"

Page 3, line 15, delete "hospitals"

Page 3, after line 27, insert:

*"If in any year university hospitals revenues are insufficient to make the required installment payment the university shall report on the amount and source of non-hospital funds used to make the payment. This report shall be submitted to the commissioner of finance and to the chairmen of the house appropriations and senate finance committees."*

Page 4, after line 18, insert:

*"Subd. 8. [COMMISSIONER OF FINANCE; DETERMINATIONS.] The commissioner of finance shall also make the following determinations before issuing any bonds:*

*(1) The proceeds of bonds provided for in this section will be sufficient together with other capital funds that may be available to the university to construct and to furnish the new facilities proposed by the university including appropriate professional fees and charges.*

*(2) The board of regents has executed agreements with appropriate labor organizations and construction contractors which provide that no labor strike or management lockout will halt, delay or impede construction.*

*(3) The board of regents has executed agreements which will provide for the construction of the new facilities for a certified construction price and completion dates and which include performance bonds in an amount at least equal to 100 percent of the certified price to cover any costs which may be incurred by the university or loss of revenues resulting from incomplete construction on the completion date.*

*(4) The anticipated revenue from the operation of the hospital facilities plus any additional available revenue of the university will be an amount sufficient to pay when due all debt service plus all administration, operating and maintenance expense."*

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

## SECOND READING OF SENATE BILLS

S. F. No. 756 was read the second time.

## SECOND READING OF HOUSE BILLS

H. F. Nos. 493 and 900 were read the second time.

Remaining on the Order of Business of Motions and Resolutions, Mr. Moe, R.D. moved that the Senate take up the General Orders Calendar. The motion prevailed.

## GENERAL ORDERS

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

Frederick in the chair.

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

S. F. No. 775, which the committee recommends be returned to the Committee on Health, Welfare and Corrections.

S. F. No. 140, which the committee recommends to pass, subject to the following motions:

Mr. Setzepfandt moved to amend S. F. No. 140 as follows:

Page 4, line 29, delete everything after "to"

Page 4, line 30, delete "*wetland as a protected*" and insert "*any waters which are preliminarily designated as a*"

Page 4, line 31, delete "If"

Page 4, delete lines 32 to 36

Page 5, lines 1 to 5, delete the new language

Page 5, line 31, after the period insert "*If requested by the county board within the 90 day review period following revision of the map and list, the commissioner shall mail a notice of the right to challenge the commissioner's designation to each owner of land adjacent to any designated wetland whose name and address, together with identification of the affected wetland, has been supplied to the commissioner by the county board. The notice shall be mailed within 30 days of the publication of the revised map and list. No designation of wetlands shall be invalid by reason of any defect or omission of notice to any landowner under this subdivision or subdivision 1.*"

The motion prevailed. So the amendment was adopted.

Mr. Setzepfandt then moved to amend S. F. No. 140 as follows:

Page 2, line 18, strike "two" and insert "five"

Page 2, lines 21 to 30, delete the new language

Amend the title as follows:

Page 1, line 3, delete "eliminating"

Page 1, line 4, delete everything before "watercourses" and insert "excluding"

Page 1, line 5, before the semicolon insert "from the definition of protected waters"

The motion prevailed. So the amendment was adopted.

Mr. Setzepfandt then moved to amend S. F. No. 140 as follows:

Page 8, after line 12, insert:

"Sec. 11. Minnesota Statutes 1980, Section 105.42, Subdivision 1, is amended to read:

Subdivision 1. It shall be unlawful for the state, any person, partnership,

association, private or public corporation, county, municipality or other political subdivision of the state, to construct, reconstruct, remove, abandon, transfer ownership, or make any change in any reservoir, dam or waterway obstruction on any public water; or in any manner, to change or diminish the course, current or cross-section of any public waters, wholly or partly within the state, by any means, including but not limited to, filling, excavating, or placing of any materials in or on the beds of public waters, without a written permit from the commissioner previously obtained. Application for such permit shall be in writing to the commissioner on forms prescribed by him. No permit shall be required for ~~work in altered natural watercourses which are part~~ repair of drainage systems established pursuant to chapters 106 and or 112 when the ~~work in the waters~~ repair is undertaken pursuant to those chapters. *The term "repair" as used in this subdivision has the meaning given it by section 106.471.*

This section does not apply to any public drainage system lawfully established under the provisions of chapter 106 which does not substantially affect any public waters.

The commissioner, subject to the approval of the county board, shall have power to grant permits under such terms and conditions as he shall prescribe, to establish, construct, maintain and control wharfs, docks, piers, levees, breakwaters, basins, canals and hangars in or adjacent to public waters of the state except within the corporate limits of cities."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 7, after the semicolon, insert "permitting repair of drainage systems without a permit;"

Page 1, line 10, delete "and"

Page 1, line 11, before the period, insert "§ 105.42, Subdivision 1"

The motion prevailed. So the amendment was adopted.

Mr. Berg moved to amend S. F. No. 140 as follows:

Page 3, line 10, after "are" insert "*confined within any waterbasin and are*"

Amend the title as follows:

Page 1, line 3, after the semicolon insert "*changing the definition of wetlands;*"

The motion prevailed. So the amendment was adopted.

Mr. Renneke moved to amend S. F. No. 140 as follows:

Page 5, line 14, delete "*Subd. 1a.*"

Page 5, line 20, after the period, insert:

*"Subd. 1a. After it has received the commissioner's response, the county board by majority vote may elect not to proceed further in the designation process. If the county board so elects, the revised list and map shall be published in the official newspaper of the county together with a notice stating that*

any person may request the designation of additional waters as protected waters or wetlands by filing a petition with the commissioner within 90 days following publication. The notice shall further state that if a landowner seeks to drain or perform any work in waters listed as protected waters or wetlands in the revised list, which would be prohibited or require a permit pursuant to chapter 105 if the waters were protected waters or wetlands, he must challenge the designation by filing a petition with the commissioner before draining or working in the waters. A hearing or appeal required pursuant to this subdivision shall proceed as set forth in subdivision 1c.

*Subd. 1b. If the county elects to proceed with the designation process"*

Page 5, line 26, delete "Subd. 1b."

Page 5, line 32, strike "The" and insert:

"Subd. 1c. A"

Page 5, line 32, after "petition" insert "disputing the designation of protected waters or wetlands or requesting designation of additional waters"

Page 5, line 33, strike "commissioner's"

Page 5, line 33, after "disputed" insert "or requested"

Page 5, line 34, after "disputing" insert "or requesting"

Page 5, line 35, after "disputed" insert "or requested"

Page 6, line 3, delete "Subd. 1c."

Page 6, line 16, delete "Subd. 1d."

Page 6, line 27, delete "1e" and insert "1d"

Amend the title as follows:

Page 1, line 7, after the semicolon, insert "changing the procedure for designating protected waters and wetlands;"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 26 and nays 25, as follows:

Those who voted in the affirmative were:

Ashbach	Bertram	Knutson	Peterson, D.L.	Taylor
Bang	Chmielewski	Kronebusch	Ramstad	Ulland
Belanger	Engler	Langseth	Renneke	
Benson	Frederick	Lindgren	Rued	
Berg	Frederickson	Olhoft	Schmitz	
Bernhagen	Keefe	Penny	Setzepfandt	

Those who voted in the negative were:

Dahl	Frank	Kroening	Moe, R. D.	Stern
Davies	Hanson	Lantry	Nelson	Stokowski
Davis	Hughes	Lessard	Pehler	Vega
Dicklich	Humphrey	Luther	Peterson, R. W.	Waldorf
Dieterich	Johnson	Merriam	Petty	Willet

The motion prevailed. So the amendment was adopted.

### RECONSIDERATION

Having voted on the prevailing side, Mr. Nelson moved that the vote whereby the Berg amendment to S. F. No. 140 was adopted on May 13, 1981, be now reconsidered.

The question was taken on the adoption of the motion.

The roll was called, and there were yeas 32 and nays 23, as follows:

Those who voted in the affirmative were:

Benson	Frank	Merriam	Schmitz	Tennessen
Berglin	Hughes	Moe, D. M.	Setzepfandt	Vega
Dahl	Humphrey	Moe, R. D.	Sikorski	Waldorf
Davies	Johnson	Nelson	Solon	Willet
Davis	Kroening	Pehler	Spear	
Dicklich	Lantry	Peterson, R. W.	Stern	
Dieterich	Luther	Petty	Stokowski	

Those who voted in the negative were:

Ashbach	Bertram	Knutson	Olhoft	Rued
Bang	Engler	Kronebusch	Penny	Taylor
Belanger	Frederick	Langseth	Peterson, D. L.	Ulland
Berg	Frederickson	Lessard	Ramstad	
Bernhagen	Keefe	Lindgren	Renneke	

The motion prevailed.

The question recurred on the Berg amendment.

The roll was called, and there were yeas 31 and nays 31, as follows:

Those who voted in the affirmative were:

Ashbach	Brataas	Kronebusch	Peterson, D. L.	Setzepfandt
Bang	Davis	Langseth	Pillsbury	Taylor
Belanger	Engler	Lessard	Purfeerst	Ulland
Benson	Frederick	Lindgren	Ramstad	
Berg	Frederickson	Menning	Renneke	
Bernhagen	Keefe	Olhoft	Rued	
Bertram	Knutson	Penny	Schmitz	

Those who voted in the negative were:

Berglin	Hanson	Merriam	Sikorski	Vega
Chmielewski	Hughes	Moe, D. M.	Solon	Waldorf
Dahl	Humphrey	Moe, R. D.	Spear	Willet
Davies	Johnson	Nelson	Stern	
Dicklich	Kroening	Pehler	Stokowski	
Dieterich	Lantry	Peterson, R. W.	Stumpf	
Frank	Luther	Petty	Tennessen	

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

Mr. Penny moved to amend S.F. No. 140 as follows:

Page 8, after line 12, insert:

"Sec. 11. Minnesota Statutes 1980, Section 106.041, is amended to read:

106.041 [PETITIONERS' BOND.]

Upon the filing of a petition and before any action is taken thereon, one or more of the petitioners shall make and file a bond payable, in case of a county drainage system, to the county, and in case of a judicial drainage system, to the counties named in the petition, in the sum of not less than ~~\$2,000~~ \$10,000,

with good and sufficient sureties, to be approved by the officer with whom the same is filed, conditioned to pay all costs and expenses which may be incurred in case the proceedings are dismissed or for any reason no contract is entered into for the construction of the improvement petitioned for.

Sec. 12. Minnesota Statutes 1980, Section 106.631, Subdivision 2, is amended to read:

Subd. 2. [PROCEDURE ON APPEAL.] (a) Any person appealing on the first or second ground named, may include and have considered and determined benefits or damages affecting property other than his own. Notice of such appeal shall be served upon the owner or occupant of such other property or upon the attorney who represents such owner in the proceedings. Such notice of appeal shall also be served upon the auditor or clerk.

(b) To render the appeal effectual, the appellant shall file with the auditor or clerk within 30 days after the filing of such final order a notice of appeal which shall state the particular benefits or damages appealed from and the ground upon which the appeal is taken. The notice of appeal shall be accompanied by an appeal bond to the county where the property is located of not less than \$250 \$10,000 with sufficient surety to be approved by the auditor or clerk, conditioned that the appellant will duly prosecute the appeal and pay all costs and disbursements which may be adjudged against him and abide the order of the court. Within 30 days after such filing, the auditor, in case of a county drainage proceeding, shall return and file with the clerk of the district court the original notice and appeal bond.

(c) The issues raised by the appeal shall stand for trial by jury and shall be tried and determined at the next term of the district court held within the county in which the proceedings were commenced, or in such other county in which the appeal shall be heard, beginning after the filing of the appeal; and shall take precedence of all other matters of a civil nature in court. If there be more than one appeal triable in one county, the court may, on its own motion or upon the motion of a party in interest, consolidate two or more appeals and try them together, but the rights of the appellants shall be separately determined. If the appellant fails to prevail, the cost of the trial shall be paid by the appellant. In case of appeal as to damages or benefits to property situated in the county other than the county where the drainage proceedings are pending, and if the appellant so requests, the trial shall be held at the next term of the district court of the county wherein the lands are situated. In such case, the clerk of the district court where the appeal is filed, shall make, certify and file in the office of the clerk of the district court of the county where the trial is to be had, a transcript of the papers and documents on file in his office in the proceedings so far as they pertain to the matters on account of which the appeal is taken. After the final determination of such appeal, the clerk of the district court where the action is tried, shall certify and return the verdict to the district court of the county where the proceedings were instituted.

(d) The clerk of the district court shall file a certified copy of the final determination of any such appeal with the auditor of the county affected.

(e) An appeal on the third ground may be to the district court of any county wherein lands are affected. Such appeal shall be made within 30 days after the order allowing or disallowing the claim and shall be governed as far as applicable by the provisions of this subdivision.



## Sec. 13. [REPEALER.]

*Minnesota Statutes 1980, Section 105.463, is repealed."*

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 7, after the semicolon, insert "raising the petitioners' bond in certain drainage project cases and the appellant's bond in the case of certain appeals; eliminating a responsibility imposed on certain water project contractors;"

Page 1, line 11, before the period, insert "; 106.041; 106.631, Subdivision 2; repealing Minnesota Statutes 1980, Section 105.463"

The motion prevailed. So the amendment was adopted.

The question was taken on the recommendation to pass S. F. No. 140.

The roll was called, and there were yeas 33 and nays 28, as follows:

Those who voted in the affirmative were:

Ashbach	Brataas	Hanson	Olhoft	Rued
Bang	Chmielewski	Knutson	Pehler	Schmitz
Belanger	Dahl	Kronebusch	Penny	Setzepfandt
Benson	Davis	Langseth	Peterson, D.L.	Solon
Berg	Engler	Lessard	Pillsbury	Taylor
Bernhagen	Frederick	Menning	Purfeerst	
Bertram	Frederickson	Moe, R. D.	Renneke	

Those who voted in the negative were:

Berglin	Humphrey	Luther	Sikorski	Ulland
Davies	Johnson	Merriam	Spear	Vega
Dicklich	Keefe	Moe, D. M.	Stern	Waldorf
Dieterich	Kroening	Peterson, R.W.	Stokowski	Willet
Frank	Lantry	Petty	Stumpf	
Hughes	Lindgren	Ramstad	Tennessee	

The motion prevailed. So S. F. No. 140 was recommended to pass.

H. F. No. 477, which the committee recommends to pass with the following amendment offered by Mr. Penny:

Amend H. F. No. 477, as amended pursuant to Rule 49, adopted by the Senate May 12, 1981, as follows:

(The text of the amended House File is identical to S.F. No. 301.)

Page 5, line 5, delete "and the"

Page 5, line 6, delete "state board for vocational education"

Amend the title as follows:

Page 1, line 13, delete "and the state board for vocational education"

The motion prevailed. So the amendment was adopted.

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

## MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Willet moved that H. F. No. 1475 be taken from the table. The motion

prevailed.

### SUSPENSION OF RULES

Mr. Willet then moved that an urgency be declared within the meaning of Article IV, Section 19, of the Constitution of Minnesota, with respect to H. F. No. 1475 and that the rules of the Senate be so far suspended as to give H. F. No. 1475 its second and third reading and place it on its final passage. The motion prevailed.

H. F. No. 1475 was read the second time.

Mr. Willet then moved to amend H. F. No. 1475 as follows:

Delete everything after the enacting clause, and delete the title, of H. F. No. 1475, and insert the language after the enacting clause, and the title, of S. F. No. 1426, as introduced. The motion prevailed. So the amendment was adopted.

### CALL OF THE SENATE

Mr. Willet imposed a call of the Senate for the balance of the proceedings on H. F. No. 1475 and the proceedings on H. F. No. 1474. The Sergeant at Arms was instructed to bring in the absent members.

H. F. No. 1475 was read the third time, as amended, and placed on its final passage.

The question was taken on the passage of the bill, as amended.

The roll was called, and there were yeas 53 and nays 11, as follows:

Those who voted in the affirmative were:

Ashbach	Davis	Langseth	Penny	Sikorski
Bang	Dicklich	Lantry	Peterson, C. C.	Solon
Belanger	Engler	Lessard	Peterson, R. W.	Spear
Benson	Frederick	Luther	Petty	Stokowski
Berg	Frederickson	Menning	Pillsbury	Taylor
Berglin	Hanson	Merriam	Purfeerst	Ulland
Bernhagen	Hughes	Moe, D. M.	Ramstad	Vega
Bertram	Humphrey	Moe, R. D.	Renneke	Wegener
Brataas	Johnson	Nelson	Rued	Willet
Chmielewski	Keefe	Olhoft	Schmitz	
Dahl	Kronebusch	Pehler	Setzepfandt	

Those who voted in the negative were:

Davies	Kroening	Peterson, D. L.	Stern	Tennessen
Dieterich	Lindgren	Sieloff	Stumpf	Waldorf
Frank				

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

Mr. Willet moved that S. F. No. 1426 be laid on the table. The motion prevailed.

Mr. Willet moved that H. F. No. 1474 be taken from the table. The motion

prevailed.

### SUSPENSION OF RULES

Mr. Willet moved that an urgency be declared within the meaning of Article IV, Section 19, of the Constitution of Minnesota, with respect to H. F. No. 1474 and that the rules of the Senate be so far suspended as to give H. F. No. 1474 its second and third reading and place it on its final passage. The motion prevailed.

H. F. No. 1474 was read the second time.

Mr. Willet then moved to amend H.F. No. 1474 as follows:

Delete everything after the enacting clause, and delete the title, of H. F. No. 1474, and insert the language after the enacting clause, and the title, of S. F. No. 1427, as introduced.

The motion prevailed. So the amendment was adopted.

H. F. No. 1474 was read the third time, as amended, and placed on its final passage.

The question was taken on the passage of the bill, as amended.

The roll was called, and there were yeas 49 and nays 14, as follows:

Those who voted in the affirmative were:

Ashbach	Engler	Lantry	Peterson, C.C.	Sikorski
Belanger	Frederick	Lessard	Peterson, D.L.	Solon
Benson	Frederickson	Luther	Peterson, R.W.	Spear
Berg	Hanson	Menning	Petty	Stokowski
Berglin	Hughes	Moe, D. M.	Pillsbury	Stumpf
Bernhagen	Humphrey	Moe, R. D.	Purfeerst	Taylor
Brataas	Johnson	Nelson	Ramstad	Ulland
Chmielewski	Keefe	Olhoft	Renneke	Vega
Dahl	Kroening	Pehler	Schmitz	Willet
Davis	Langseth	Penny	Setzepfandt	

Those who voted in the negative were:

Bang	Dicklich	Lindgren	Sieloff	Waldorf
Bertram	Frank	Merriam	Stern	Wegener
Davies	Kronebusch	Rued	Tennessen	

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

Mr. Willet moved that S. F. No. 1427 be laid on the table. The motion prevailed.

Mr. Penny moved that H. F. No. 769 be taken from the table. The motion prevailed.

### SUSPENSION OF RULES

Mr. Penny moved that an urgency be declared within the meaning of Article IV, Section 19, of the Constitution of Minnesota, with respect to H. F. No. 769 and that the rules of the Senate be so far suspended as to give H. F. No. 769 its

second and third reading and place it on its final passage. The motion prevailed.

H. F. No. 769 was read the second time.

Mr. Penny moved to amend H. F. No. 769 as follows:

Delete the language after the enacting clause, and delete the title, of H. F. No. 769, and insert the language after the enacting clause, and the title, of S. F. No. 759, the Second Engrossment. The motion prevailed. So the amendment was adopted.

Mr. Penny then moved to amend H.F. No. 769, as amended by the Senate May 13, 1981, as follows:

(The text of the amended House File is identical to S.F. No. 759.)

Page 1, after line 12, insert:

"Section 1. Minnesota Statutes 1980, Section 174.50, is amended by adding a subdivision to read:

*Subd. 1a. An additional need of the state transportation system is the acquisition and betterment of rail lines and right-of-way for preservation in the state rail bank as provided in section 222.63."*

Page 1, line 18, after "deposit" insert "in this account"

Page 1, lines 20 and 21, delete the new language

Page 1, line 21, strike "in this account" and insert "*but excluding proceeds of state bonds or other funds appropriated to the commissioner from the state transportation fund for the acquisition or betterment of property pertaining to the state rail bank established by section 222.63, and excluding income of the state rail bank and any other funds appropriated for its maintenance or improvement*"

Page 2, line 25, before "rail" insert "state"

Page 2, line 25, strike "service" and insert "bank"

Page 2, lines 25 to 27, delete the new language

Page 2, after line 27, insert:

"Sec. 4. Minnesota Statutes 1980, Section 222.63, Subdivision 1, is amended to read:

Subdivision 1. [DEFINITION.] ~~For the purpose of~~ *The terms defined in section 222.48 have the same meanings when used in this section the term . Other terms used in this section have the following meanings:*

(a) "Abandoned", when used with reference to a ~~railroad~~ rail line or right-of-way, means a line or right-of-way with respect to which the interstate commerce commission or other responsible federal regulatory agency has ~~found that the public convenience and necessity permit~~ *permitted* discontinuance of rail service;

(b) "Right-of-way" means any real property, including any interest in the real property that is or has been owned by a railroad company as the site, or is adjacent to the site, of an existing or former rail line;

(c) "State rail bank" means abandoned rail lines and right-of-way acquired by the commissioner of transportation pursuant to this section."

Page 2, line 30, strike "ESTABLISHMENT; ACQUISITION; ELIGIBLE"

Page 2, line 31, strike "PROPERTIES" and insert "PURPOSE"

Page 2, line 31, strike "is" and insert "shall be"

Page 2, line 32, strike the comma and insert "and"

Page 2, line 32, strike "and disposition"

Page 2, line 32, strike "railroad" and insert "rail lines and"

Page 2, line 33, after "future" insert "public"

Page 2, line 33, after "use" insert ", or for disposition"

Page 2, line 33, after "commercial" insert "use in serving the public, by providing"

Page 2, line 33, strike "and" and insert "of persons or freight or"

Page 2, line 34, after "transmission" insert "of energy, fuel, or other commodities"

Page 2, line 34, before "The" insert:

"Subd. 2a. [ACQUISITION.]"

Page 2, line 35, strike "railroad" and insert "rail line or"

Page 2, line 36, strike "inclusion" and insert "preservation"

Page 3, line 1, after "future" insert "public and"

Page 3, line 1, after "transportation" insert "and transmission"

Page 3, line 3, after "abandoned" insert "rail line or"

Page 3, line 7, before "An" insert:

"Subd. 2b. [ELIGIBLE PROPERTY.]"

Page 3, line 7, after "abandoned" insert "rail line or"

Page 3, line 7, strike "inclusion" and insert "preservation"

Page 3, line 8, strike "right-of-way meets" and insert "commissioner determines that it provides or may be used to provide"

Page 3, line 9, strike "criteria"

Page 3, lines 10 and 14, strike "Provides or is expected to provide"

Page 3, line 16, strike "and" and insert "or"

Page 3, line 17, strike "provides"

Page 3, line 18, strike "Is"

Page 3, line 20, strike "commercial"

Page 3, line 21, after "transportation" insert "or transmission"

Page 3, line 22, after "requiring" insert "rail or other"

Page 3, line 23, strike "and" and insert "or"

Page 3, line 23, strike "rail services" and insert "service"

Page 3, line 25, before "The" insert:

"Subd. 2c. [PRESERVATION.]"

Page 3, line 25, after "maintenance" insert a comma

Page 3, line 26, after "any" insert "rail line or"

Page 3, line 26, strike "included" and insert "acquired for"

Page 3, line 27, strike "in"

Page 3, line 27, strike everything after "bank"

Page 3, line 28, strike "maintenance" and insert a comma

Page 3, line 28, after "and" insert "for its"

Page 3, line 28, strike everything after "management"

Page 3, line 29, strike everything before "in"

Page 3, line 31, strike "railroad track"

Page 3, line 32, strike everything before "acquired" and insert "rail line on"

Page 3, line 33, after "during" insert "any part or all of"

Page 3, line 33, after "period" insert "for which"

Page 3, after line 34, insert:

"Sec. 6. Minnesota Statutes 1980, Section 222.63, Subdivision 4, is amended to read:

Subd. 4. [DISPOSITION PERMITTED.] The commissioner ~~shall~~ may, in his discretion, lease any rail line or right-of-way ~~acquired under~~ held in the state rail bank ~~program~~ or enter into an agreement with any person for the operation of any rail line or right-of-way for any of the purposes set forth in subdivision 2 in accordance with a fee schedule to be developed by the commissioner in consultation with the advisory task force established in section 222.65. The commissioner may after consultation convey any rail line or right-of-way, for consideration or for no consideration and upon other terms as the commissioner may determine to be in the public interest, to a governmental subdivision of the state having power by law to utilize it for any of the purposes set forth in subdivision 2; or may make it available for use by another department or agency of the state."

Page 4, delete lines 1 to 13 and insert:

"Subd. 8. [RAIL BANK MAINTENANCE AND IMPROVEMENT ACCOUNTS.] Special accounts shall be maintained in the state treasury, designated as the rail bank maintenance account and the rail bank improvement account, to record the receipts and expenditures of the commissioner of transportation for the maintenance and for the acquisition and betterment of rail bank property. Expenditures of proceeds of state transportation bonds and any other amounts appropriated to the commissioner from the state transportation

*fund shall be recorded in the improvement account. Funds received by the commissioner of transportation from rentals, fees, or charges for the use of rail bank property shall be credited to the maintenance account and used for the maintenance of that property and held as a reserve for maintenance expenses in an amount determined by the commissioner, and amounts received in the maintenance account in excess of the reserve requirements shall be transferred to the improvement account. All proceeds of the sale of abandoned rail lines shall be deposited in the improvement account. The improvement account shall be used only for the acquisition and betterment of abandoned rail lines and right-of-way. All money to be deposited in those accounts as provided in this subdivision is appropriated to the commissioner of transportation for the purposes of this section. The appropriations shall not lapse but shall be available until the purposes for which the funds are appropriated are accomplished."*

Page 4, line 18, strike "building" and insert "transportation"

Page 4, line 19, delete the new language and strike the old language

Page 4, line 20, after "the" insert "acquisition and betterment of public land and buildings and public improvements of a capital nature determined to be needed for preservation in the state rail bank in the manner and for the"

Page 4, line 21, delete "Section" and insert "Sections 222.50, Subdivision 7, Clause (c), and"

Page 4, after line 21, insert:

"Sec. 9. Laws 1980, Chapter 610, Section 2, is amended to read:

Sec. 2. [~~BOND SALE; DEBT SERVICE STATE TRANSPORTATION BONDS.~~] Subdivision 1. To provide the money appropriated in this act from the state ~~building~~ transportation fund the commissioner of finance upon request of the governor shall sell and issue bonds of the state in an amount up to \$13,500,000 in the manner, upon the terms, and with the effect prescribed by Minnesota Statutes, ~~Sections 16A.63 to 16A.67~~ Section 174.51, and by the Constitution, Article XI, Sections 4 to 5, and 7.

Sec. 10. [EFFECTIVE DATE.]

*Sections 1 to 9 are effective the day following final enactment."*

Renumber the sections in sequence

Amend the title as follows:

Page 1, delete lines 2 to 10 and insert:

"relating to transportation; appropriating money for acquisition, betterment, and maintenance of the state rail bank; authorizing the issuance of state transportation bonds; amending Minnesota Statutes 1980, Sections 174.50, by adding a subdivision; 222.49; 222.50, Subdivision 7; and 222.63, Subdivisions 1, 2, and 4; and Laws 1980, Chapter 610, Sections 1 and 2."

The motion prevailed. So the amendment was adopted.

H. F. No. 769 was read the third time, as amended, and placed on its final passage.

The question was taken on the passage of the bill, as amended.

The roll was called, and there were yeas 61 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Engler	Lessard	Petty	Stokowski
Bang	Frank	Lindgren	Pillsbury	Stumpf
Belanger	Frederick	Luther	Purfeerst	Taylor
Benson	Frederickson	Menning	Ramstad	Tennessee
Berg	Hanson	Merriam	Renneke	Ulland
Berglin	Hughes	Moe, R. D.	Rued	Vega
Bernhagen	Humphrey	Nelson	Schmitz	Waldorf
Bertram	Johnson	Olhoft	Setzepfandt	Wegener
Brataas	Keefe	Pehler	Sieloff	Willet
Dahl	Kroening	Penny	Sikorski	
Davies	Kronebusch	Peterson, C. C.	Solon	
Davis	Langseth	Peterson, D. L.	Spear	
Dicklich	Lantry	Peterson, R. W.	Stern	

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

### MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Olhoft moved that H. F. No. 1052 and the Conference Committee report thereon be taken from the table. The motion prevailed.

H. F. No. 1052: A bill for an act relating to state lands; providing for the conveyance of certain land to the city of Fergus Falls.

Was read the third time, as amended by the Conference Committee, and placed on its repassage.

The question was taken on the repassage of the bill, as amended by the Conference Committee.

The roll was called, and there were yeas 47 and nays 16, as follows:

Those who voted in the affirmative were:

Ashbach	Hanson	Luther	Purfeerst	Stokowski
Belanger	Hughes	Menning	Renneke	Stumpf
Berglin	Humphrey	Moe, R. D.	Rued	Taylor
Bertram	Johnson	Nelson	Schmitz	Vega
Brataas	Knoll	Olhoft	Setzepfandt	Waldorf
Chmielewski	Kroening	Pehler	Sieloff	Wegener
Dahl	Langseth	Penny	Sikorski	Willet
Davis	Lantry	Peterson, C. C.	Solon	
Dicklich	Lessard	Petty	Spear	
Frank	Lindgren	Pillsbury	Stern	

Those who voted in the negative were:

Bang	Davies	Frederickson	Merriam	Ramstad
Benson	Engler	Keefe	Peterson, D. L.	Tennessee
Berg	Frederick	Kronebusch	Peterson, R. W.	Ulland
Bernhagen				

So the bill, as amended by the Conference Committee, was repassed and its title was agreed to.

Remaining on the Order of Business of Motions and Resolutions, Mr. Moe, R. D. moved that the Senate revert to the Order of Business of Messages From the House. The motion prevailed.

### MESSAGES FROM THE HOUSE

Mr. President:



I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on House File No. 126 and repassed said bill in accordance with the report of the Committee, so adopted.

H. F. No. 126 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 13, 1981

### CONFERENCE COMMITTEE REPORT ON H. F. NO. 126

A bill for an act relating to waters; requiring posting and publication of notice of aeration operations by a permittee of the commissioner of natural resources; establishing a presumption of due care; changing and clarifying administrative provisions regarding watershed districts; permitting use of a map to show notification of an assessment area; amending Minnesota Statutes 1980, Sections 112.36; 112.53, Subdivision 1; proposing new law coded in Minnesota Statutes, Chapter 378.

May 11, 1981

The Honorable Harry A. Sieben, Jr.  
Speaker of the House of Representatives

The Honorable Jack Davies  
President of the Senate

We, the undersigned conferees for H. F. No. 126, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and that H.F. No. 126 be further amended as follows:

Page 1, line 26, delete "*Subd. 3. [ACCESS POINTS.]*"

Page 1, line 27, after "*of*" insert "*the*"

Page 1, line 27, delete "*containing an*"

Page 1, line 28, delete "*aeration system*"

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

Page 2, line 12, delete "*5*" and insert "*4*"

Page 3, delete lines 22 and 23

Page 3, line 24, delete "*(13)*" and insert "*(12)*"

Page 3, line 26, delete "*(14)*" and insert "*(13)*"

Page 3, line 35, reinstate the stricken language and delete the new language

Page 4, line 3, delete "*or a map of the area affected*" and strike "*; and*" and insert "*A map of the affected area may be included in the notice in lieu of the names of the owners or of the descriptions of the properties affected by the project or both. The notice shall*"

Page 4, after line 10, insert:

"Sec. 4. Minnesota Statutes 1980, Section 112.53, Subdivision 2, is amended to read:

Subd. 2. [MAILING.] The managers shall give notice by mail, within one week after the beginning of publication, to the director and to each person, corporation, and public body ~~affected that owns property benefited or damaged~~ by the proposed improvement as shown by the engineers and appraisers report. The notice shall contain a brief description of the proposed improvement and state: that the engineer's and appraisers' report are on file with the managers and available for public inspection; the time and place of hearing; and that the addressee's name appears as an affected party.

Sec. 5. Minnesota Statutes 1980, Section 112.53, Subdivision 4, is amended to read:

Subd. 4. Where the improvement affects the lands and properties in more than one county, separate notices shall be prepared and published in each county affected showing only the general description of the proposed improvement and the names and descriptions of the properties affected in the county *or, in lieu of the names or descriptions or both, a map of the area affected in the county.* Notice by mail as provided in subdivision 2 shall be given.

Sec. 6. [MURRAY COUNTY DITCHES.]

*Pursuant to agreement under Minnesota Statutes, Section 471.59, Murray County may delegate to the city of Slayton all or part of its powers and duties relating to all or part of any county ditch. The city may exercise any of the delegated powers within or outside the city in the same manner as the county.*

Sec. 7. [EFFECTIVE DATE.]

*Section 6 is effective the day after compliance with Minnesota Statutes, Section 645.021, Subdivision 3, by the governing bodies of Murray County and the city of Slayton."*

Amend the title as follows:

Page 1, line 7, delete "to show" and insert "in lieu of the names of owners or descriptions of affected properties in a"

Page 1, line 8, delete "an assessment area" and insert "a proposed watershed improvement in a watershed benefit"

Page 1, line 8, after the semicolon insert "permitting Murray County and the city of Slayton to enter an agreement for the administration of county ditches;"

Page 1, line 9, delete "Subdivision 1" and insert "Subdivisions 1, 2 and 4"

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

House Conferees: (Signed) Bruce Anderson, LeRoy Stumpf, Tom Rees

Senate Conferees: (Signed) Marion (Mike) Menning, A. O. H. Setzepfandt, Charles A. Berg

Mr. Menning moved that the foregoing recommendations and Conference Committee Report on H. F. No. 126 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

H. F. No. 126: A bill for an act relating to waters; requiring posting and

publication of notice of aeration operations by a permittee of the commissioner of natural resources; establishing a presumption of due care; changing and clarifying administrative provisions regarding watershed districts; permitting use of a map in lieu of the names of owners or descriptions of affected properties in a notification of a proposed watershed improvement in a watershed benefit; permitting Murray County and the city of Slayton to enter an agreement for the administration of county ditches; amending Minnesota Statutes 1980, Sections 112.36; 112.53, Subdivisions 1, 2 and 4; proposing new law coded in Minnesota Statutes, Chapter 378.

Was read the third time, as amended by the Conference Committee, and placed on its repassage.

The question was taken on the repassage of the bill, as amended by the Conference Committee.

The roll was called, and there were yeas 60 and nays 3, as follows:

Those who voted in the affirmative were:

Ashbach	Engler	Lantry	Peterson, D.L.	Solon
Belanger	Frank	Lessard	Peterson, R.W.	Spear
Benson	Frederick	Lindgren	Petty	Stern
Berg	Frederickson	Luther	Pillsbury	Stokowski
Berglin	Hanson	Menning	Purfeerst	Stumpf
Bernhagen	Hughes	Merriam	Ramstad	Taylor
Bertram	Humphrey	Moe, R.D.	Renneke	Tennessee
Brataas	Johnson	Nelson	Rued	Ulland
Chmielewski	Knoll	Olhoft	Schmitz	Vega
Dahl	Kroening	Pehler	Setzepfandt	Waldorf
Davis	Kronebusch	Penny	Sieloff	Wegener
Dicklich	Langseth	Peterson, C.C.	Sikorski	Willet

Messrs. Bang, Davies and Keefe voted in the negative.

So the bill, as amended by the Conference Committee, was repassed and its title was agreed to.

## RECESS

Mr. Moe, R. D. moved that the Senate do now recess subject to the call of the President. The motion prevailed.

After a brief recess, the President called the Senate to order.

## APPOINTMENTS

Mr. Moe, R.D. from the Subcommittee on Committees recommends that the following Senators be and they hereby are appointed as a Conference Committee on:

H. F. No. 487: Messrs. Stumpf, Willet and Penny.

H. F. No. 1190: Messrs. Johnson, Pehler and Benson.

H. F. No. 691: Mrs. Brataas, Messrs. Merriam and Lessard.

S. F. No. 338: Messrs. Nelson, Berg and Sikorski.

S. F. No. 400: Messrs. Wegener, Olhoft and Taylor.

Mr. Moe, R.D. moved that the foregoing appointments be approved. The

motion prevailed.

**MOTIONS AND RESOLUTIONS - CONTINUED**

Mr. Moe, R.D. moved that the Senate do now adjourn until 11:00 a.m., Thursday, May 14, 1981. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate