

FORTIETH DAY

St. Paul, Minnesota, Tuesday, April 26, 1983

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

CALL OF THE SENATE

Mr. Moe, R.D. imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

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

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

Adkins	Diessner	Kroening	Olson	Sieloff
Anderson	Dieterich	Kronebusch	Pehler	Solon
Belanger	Frank	Laidig	Peterson, C.C.	Spear
Benson	Frederick	Langseth	Peterson, D.C.	Storm
Berg	Frederickson	Lantry	Peterson, D.L.	Stumpf
Berglin	Freeman	Lessard	Peterson, R.W.	Taylor
Bernhagen	Hughes	Luther	Petty	Ulland
Bertram	Isackson	McQuaid	Pogemiller	Vega
Brataas	Johnson, D.E.	Mehrkens	Purfeerst	Waldorf
Chmielewski	Johnson, D.J.	Merriam	Ramstad	Wegscheid
Dahl	Jude	Moe, D.M.	Reichgott	Willet
Davis	Kamrath	Moe, R.D.	Renneke	
DeCramer	Knaak	Nelson	Samuelson	
Dicklich	Knutson	Novak	Schmitz	

The President declared a quorum present.

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

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communication was received.

April 22, 1983

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

The Honorable Jerome M. Hughes
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1983 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for pres-

ervation, pursuant to the State Constitution, Article IV, Section 23:

S.F. No.	H.F. No.	Session Laws Chapter No.	Date Approved 1983	Date Filed 1983
233		51	April 22	April 22
240		52	April 22	April 22
356		53	April 22	April 22
369		54	April 22	April 22
	396	55	April 22	April 22
	576	56	April 22	April 22
	609	57	April 22	April 22
	706	58	April 22	April 22
186		Resolution No. 3	April 22	April 22
1195		Resolution No. 4	April 22	April 22

Sincerely yours,

Joan Anderson Growe
Secretary of State

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate Files, herewith returned: S.F. Nos. 322, 332, 358, 659 and 972.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 25, 1983

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. 238: A bill for an act relating to mining; including peat within the provisions of mineland reclamation laws; requiring adoption of certain reclamation rules prior to issuance of metallic mining permits; amending Minnesota Statutes 1982, sections 93.44; 93.46, subdivisions 2 and 6; and 93.481, by adding a subdivision; proposing new law coded in Minnesota Statutes, chapter 93.

Senate File No. 238 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 25, 1983

Mr. Diessner moved that the Senate do not concur in the amendments by the House to S.F. No. 238, 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 that the House has adopted the recommendation and report of the Conference Committee on House File No. 26 and repassed said bill in accordance with the report of the Committee, so adopted.

H.F. No. 26: A bill for an act relating to commerce; consumer protection; requiring the repair, refund, or replacement of new motor vehicles under certain circumstances; proposing new law coded in Minnesota Statutes, chapter 325F.

House File No. 26 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 25, 1983

Mr. Dahl moved that H.F. No. 26 and the Conference Committee Report thereon be laid on the table. The motion prevailed.

Mr. President:

I have the honor to announce the adoption by the House of the following House Concurrent Resolution, herewith transmitted:

House Concurrent Resolution No. 4: A House concurrent resolution providing for a joint convention of the Senate and the House of Representatives to elect members of the Board of Regents of the University of Minnesota.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 25, 1983

Mr. Moe, R.D. moved that House Concurrent Resolution No. 4 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 Files, herewith transmitted: H.F. Nos. 455 and 92.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 25, 1983

FIRST READING OF HOUSE BILLS

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

H.F. No. 455: A bill for an act relating to the operation of state government; creating the department of commerce; providing for appointment of a commissioner of commerce; prescribing his powers and duties; transferring certain powers and duties from the commissioners of banks, energy, planning and development, insurance, securities and real estate, and the director of the office of consumer services, to the commissioner of commerce; transferring certain powers and duties from the chairman of the commerce commission to the commissioner of commerce; transferring certain powers and duties from the director of the office of consumer services to the commissioner of commerce and the attorney general; eliminating certain positions and divisions in the department of commerce; amending Minnesota Statutes 1982, sections 15.06, subdivision 1; 15A.081, subdivision 1; 43A.08, subdivision 1a; 45.034; 45.04; 45.05; 45.06; 45.07; 45.071, subdivision 2; 45.08, subdivision 3, and by adding a subdivision; 45.17, subdivisions 1, 2, 3, 4, 5, 6, 7, and by adding a subdivision; 116J.03, subdivi-

sion 1; 116J.31; 144A.53, subdivision 4; 155A.03, by adding a subdivision; 155A.05; 155A.18; 214.04, subdivision 1; 214.14, subdivision 1; 325E.09, subdivision 4a; 325F.09; 325F.11; proposing new law coded in Minnesota Statutes, chapters 45; and 116J.57; repealing Minnesota Statutes 1982, sections 45.01; 45.02; 45.021; 45.03; 45.031; 45.032; 45.033; 45.15; 45.16; 155A.03, subdivision 10; and 155A.17.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 406.

H.F. No. 92: A bill for an act relating to education; providing for aids to education, aids to libraries, aids for teacher retirement contributions, tax levies, and the distribution of tax revenues; granting certain duties and powers to school boards, school districts, the state board of education, and the state board for vocational education; providing for revenue equity; modifying the computation of the transportation aid, summer school, and community education aids and levies; establishing an average-cost funding formula for AVTIs; authorizing intermediate school districts to offer non-post-secondary academic courses; establishing programs for improvement of schools; providing incentives for school districts to utilize technology in instruction; appropriating money; amending Minnesota Statutes 1982, sections 6.54; 6.62, subdivision 1; 16A.15, subdivision 1; 120.075, subdivision 4, and by adding a subdivision; 120.10, subdivision 2; 120.17, subdivision 3; 120.64, subdivisions 2 and 4; 121.908; 121.911, by adding a subdivision; 121.912, subdivision 3; 122.23, subdivisions 2 and 3; 122.41; 122.43; 122.44; 122.531, subdivision 2, and by adding subdivisions; 123.33, subdivisions 10 and 14; 123.34, subdivision 9; 123.351, subdivision 4; 123.36, subdivisions 9, 13, and by adding a subdivision; 123.37, subdivision 1b; 123.39, subdivision 4; 123.705; 124.11, subdivisions 2a and 2b; 124.14, subdivision 1; 124.15, subdivision 5; 124.17, subdivisions 1 and 2d; 124.19, subdivisions 1 and 3; 124.201, subdivisions 2, 3, and by adding subdivisions; 124.2122, subdivisions 1 and 2; 124.2126, subdivision 3; 124.2128, subdivision 1; 124.2132, subdivision 4; 124.225; 124.245, by adding a subdivision; 124.246, subdivision 2; 124.247, subdivision 3; 124.26, subdivision 1; 124.271, subdivisions 2a, 6, and by adding a subdivision; 124.273, subdivisions 1b, 2b, and 4; 124.32, subdivisions 1b, 1d, 2, 3a, 5, and 5a; 124.572, subdivision 2; 124.573, subdivision 2; 124.574, subdivisions 2b and 3; 124.646, subdivision 1; 125.60, subdivision 7; 125.611, subdivision 8; 129B.02; 129B.04; 129B.05; 129B.09, subdivision 12; 134.07; 134.08; 134.09; 134.10; 134.11; 134.12; 134.13; 134.14; 134.15; 134.30; 134.32, subdivisions 1 and 7; 134.351, subdivisions 3 and 7; 134.353; 134.36; 275.125, subdivisions 2d, 2e, 2i, 5, 5b, 6d, 8, 11a, 11b, and by adding subdivisions; 354.66, subdivision 9; 354A.094, subdivision 9; 375.335; 466.01, subdivision 1; 475.61, subdivision 3; and 648.39, subdivision 1; amending Laws 1967, chapter 822, section 4; Laws 1969, chapter 775, section 3, subdivision 2, as amended; Laws 1969, chapter 1060, section 4; Laws 1981, chapter 358, article 7, section 29, as amended; and Laws 1982, chapter 548, article 3, sections 27 and 28; proposing new law coded in Minnesota Statutes, chapters 3, 120, 121, 122, 123, 124, 126, 129B, and 134; repealing Minnesota Statutes 1982, sections 121.501 to 121.507; 122.542; 124.11, subdivision 1; 124.24; 124.251; 124.26, subdivision 4; 124.271, subdivision 5; 124.273, subdivisions 1 and 2; 124.32, subdivisions 1 and 9; 124.561; 124.562; 124.5621; 124.5622; 124.5623; 124.5624; 124.5625; 124.5626; 124.5627; 124.572, subdivision 8; 124.573, subdivision 5; 124.574, subdivision 2; 124.611; 125.611, subdivision 9; 129B.06 to 129B.09; 134.03; 134.06; 134.16; 134.19;

134.352; and 375.33.

Mr. Nelson moved that H.F. No. 92 be laid on the table. The motion prevailed.

REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now adopted, with the exception of the reports on S.F. Nos. 920 and 1041. The motion prevailed.

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

S.F. No. 908: A bill for an act relating to the housing finance agency; proposing an innovative housing loan program; appropriating money; amending Minnesota Statutes 1982, sections 462A.05, by adding a subdivision; and 462A.21, by adding a subdivision.

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

Page 1, line 16, after "is" insert "*designed to provide long-term affordability, and which is*"

Page 2, line 12, after "may" insert "*create a revolving fund to be used to*"

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

Mr. Vega from the Committee on Energy and Housing, to which was re-referred

S.F. No. 77: A bill for an act relating to veterans; providing funds for the Vietnam era veterans downpayment assistance program administered by the Minnesota housing finance agency; appropriating money.

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

Page 1, line 10, delete "\$4,000,000" and insert "\$3,000,000"

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

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

S.F. No. 610: A bill for an act relating to manufactured homes; granting the right to make in park sales of homes more than 15 years old; amending Minnesota Statutes 1982, sections 327C.02, subdivision 5; and 327C.07, subdivision 1.

Reports the same back with the recommendation that the bill be amended

as follows:

Page 2, line 11, before "The park" insert "The park may not charge you an entrance fee."

Page 2, line 18, after the period, insert "You must also disclose in writing certain safety information about your home to anyone who wants to buy it in the park. You must give this information to the buyer before the sale, in writing, on the form that is attached to this notice. You must completely and accurately fill out the form and you and the buyer should each keep a copy."

Page 2, after line 25, insert:

"In addition, the safety feature disclosure form required under section 3 must be attached to the notice."

Page 3, after line 5, insert:

"Sec. 3. Minnesota Statutes 1982, section 327C.07, is amended by adding a subdivision to read:

Subd. 3a. [SAFETY FEATURE DISCLOSURE FORM.] A resident or a resident's agent must disclose information about safety features of the home to the prospective buyer. The information must be given to the buyer before the sale, in writing, in the following form:

**"MANUFACTURED (MOBILE) HOME SAFETY FEATURE
DISCLOSURE FORM**

This form is required by law to be filled out and given to the prospective buyer of any used manufactured home by all private parties, dealers, and brokers.

EXITS AND EGRESS WINDOWS

This home has at least one egress window in each bedroom, or a window in each bedroom that meets the specifications of the American National Standard Institute 1972 code covering manufactured homes made in Minnesota. This code requires that the window be at least 22 inches in least dimension, and at least five square feet in area, and that the window be not more than four feet off the floor.

Yes _____ No _____

This home has _____ (number) of exits. They are located _____.

SMOKE DETECTORS AND FIRE EXTINGUISHERS

This home is equipped with fire extinguishers as required by the Minnesota State Health Department.

Yes _____ No _____

They are located _____

This home is equipped with at least one listed automatic smoke detector outside each sleeping area as required in homes built in accordance with the state building code.

Yes _____ No _____

ALUMINUM WIRING

This home has aluminum wiring.

Yes _____ No _____

Aluminum wiring can present a fire hazard in homes. The special hazards presented by aluminum wiring can be eliminated by certain repairs, as recommended by the U. S. Consumer Product Safety Commission.

- A. *The wiring connections to the outlets in this home have been crimped, and the connection point is now copper.*

Yes _____ No _____

- B. *This home has electrical outlets and switches compatible with aluminum wiring.*

Yes _____ No _____

- C. *Other action has been taken to eliminate or reduce the danger caused by aluminum wiring in this home. (Describe) _____*

(The buyer may check the effectiveness of these methods by contacting the U. S. Consumer Product Safety Commission.)

FURNACE AND HOT WATER HEATER

The furnace compartment in this home is lined with fire-resistant gypsum board, as specified in the 1976 U. S. Department of Housing and Urban Development codes governing manufactured housing construction.

Yes _____ No _____

The hot water heater cabinet in this home is lined with fire-resistant gypsum board, as specified in the 1976 U. S. Department of Housing and Urban Development codes governing manufactured housing construction.

Yes _____ No _____

It is also recommended that the buyer check the floor area around the water heater and furnace compartments. A weakened floor can create a fire hazard.

WOOD STOVE AND FIREPLACE

This home contains a wood stove. This stove was installed by the manufacturer of the home after June 15, 1976, and was inspected for compliance with the U. S. Department of Housing and Urban Development safety codes.

Yes _____ No _____

This home contains a wood stove. This wood stove unit is approved for installation in manufactured homes. It was installed by _____ in accordance with the manufacturer's guidelines. A building permit for this wood stove was issued by the city of _____, and this wood stove installation has been approved by the building inspector.

Yes _____ No _____

This home contains a fireplace. The fireplace was installed by the manu-

facturer of the home after June 15, 1976, and was inspected for compliance with the U. S. Department of Housing and Urban Development safety codes.

Yes _____ No _____

This home contains a fireplace. This fireplace unit is approved for installation in manufactured homes. It was installed by _____ in accordance with the manufacturer's guidelines. A building permit for this fireplace was issued by the city of _____, and this fireplace installation has been approved by the building inspector.

Yes _____ No _____

BLOCKING

This home is supported by blocking, as required by state code since September 1, 1974.

Yes _____ No _____

RECOMMENDATIONS TO PROSPECTIVE BUYERS:

HEAT TAPE

It is also recommended that the buyer check the home's heat tape. Old and worn heat tape, and improper installation of heat tape, can cause a fire hazard.

FURNACE AND HOT WATER HEATER

It is recommended that the buyer have a qualified utility representative check the furnace and hot water heater to see that they are both in good working order. If this home was converted from oil to natural gas heat, there could be safety problems if the conversion was not done correctly. A utility representative or building inspector can inspect the condition and installation of this equipment. They may charge a reasonable fee to do so.

ENERGY AUDIT

It is also recommended that the buyer have a utility approved energy audit of the home.

I, _____, the undersigned, hereby declare that the above information is true and correct to the best of my knowledge.

COMPLIANCE WITH SAFETY FEATURES

If you purchase the home, you will be required to install egress windows and smoke detectors and fire extinguishers within one year. You will be required to comply with all of the safety features contained in this form within three years.

Signature

Date

Sec. 4. Minnesota Statutes 1982, section 327C.07, is amended by adding a subdivision to read:

Subd. 8. [COMPLIANCE WITH HOME SAFETY FEATURES.] Within

12 months following the in park sale of a home for which a home safety feature disclosure form has been provided under subdivision 3a, the buyer shall install egress windows meeting the specifications of the American National Standard Institute 1972 code covering manufactured homes made in Minnesota and fire extinguishers and smoke detectors as required by the Minnesota state health department and state building code.

In addition to the previous requirements, within three years following the sale or upon the resale of the home the buyer shall install the following home safety features:

(a) Necessary aluminum wiring repairs conforming with the recommendations of the consumer product safety commission;

(b) Fire-resistant gypsum board lining or similar fire-resistant material for furnaces and hot water heaters conforming with the 1976 department of housing and urban development codes;

(c) If the home contains a wood stove or fireplace, installation in conformance with 1976 department of housing and urban development safety codes; and

(d) Blocking supports as required by the state building code.

Following installation of the safety features required under this subdivision, the home must be inspected by a building inspector. The inspector may charge a reasonable fee, not to exceed \$50, for the inspection. The homeowner shall give the park owner a certificate of inspection certifying that the home safety features required under this subdivision have been installed. Failure to comply with the requirements of this subdivision is a park rule violation for purposes of section 327C.09."

Page 3, line 7, delete "and 2" and insert "to 4"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "requiring sellers to disclose manufactured home safety features; requiring compliance with certain home safety features;"

Page 1, line 5, before the period, insert ", and by adding subdivisions"

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

Mr. Moe, D. M. from the Committee on Governmental Operations, to which was re-referred

S.F. No. 406: A bill for an act relating to the operation of state government; reorganizing the department of commerce; providing for appointment of a commissioner of commerce; prescribing his powers and duties; transferring certain powers and duties from the commissioners of administration, banks, energy, planning and development, insurance, securities and real estate, and the director of the office of consumer services, to the commissioner of commerce; transferring certain powers and duties from the chairman of the commerce commission to the commissioner of commerce; transferring certain powers and duties from the director of the office of consumer services to the commissioners of commerce and health and the attorney general; eliminating certain positions and divisions in the department of commerce; amending Minnesota Statutes 1982, sections 15.06, subdivision 1; 15A.081, subdivision 1; 43A.08, subdivision 1a; 45.034; 45.04; 45.05;

45.06; 45.07; 45.071, subdivision 2; 45.08, subdivision 3, and by adding a subdivision; 45.17, subdivisions 1, 2, 3, 4, 5, 7, and by adding a subdivision; 116J.03, subdivision 1; 116J.31; 144A.53, subdivision 4; 155A.03, by adding a subdivision; 155A.05; 155A.18; 214.04, subdivision 1; 214.14, subdivision 1; 325E.09, subdivision 4a; 325F.09; 325F.11; proposing new law coded in Minnesota Statutes, chapters 45; and 116J.57; repealing Minnesota Statutes 1982, sections 45.01; 45.02; 45.021; 45.03; 45.031; 45.032; 45.033; 45.15; 45.16; 155A.03, subdivision 10; and 155A.17.

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

Delete everything after the enacting clause and insert:

“Section 1. [45.011] [DEPARTMENT ESTABLISHED; FUNCTIONS.]

A department of commerce is created as the principal agency of the state for the regulation of commerce in Minnesota.

Sec. 2. [45.012] [COMMISSIONER.]

The department of commerce is under the supervision and control of the commissioner of commerce. The commissioner is appointed by the governor in the manner provided by section 15.06.

Sec. 3. [45.013] [DEPUTY COMMISSIONERS; ASSISTANT COMMISSIONERS; ASSISTANT TO THE COMMISSIONER.]

The commissioner of commerce may appoint five deputy commissioners, four assistant commissioners, and an assistant to the commissioner. Those positions, as well as that of a confidential secretary, are unclassified. The commissioner may appoint other employees in the classified service necessary to carry out the duties and responsibilities entrusted to the commissioner.

Sec. 4. [POWERS AND DUTIES, TRANSFER; COMMERCE COMMISSION; COMMERCE DEPARTMENT; COMMISSIONERS OF BANKS, INSURANCE, SECURITIES, AND REAL ESTATE.] *The commissioner of commerce is the successor to the commerce commission, the commissioners of banks, insurance, and securities and real estate, the banking, insurance, and securities and real estate divisions, and the department of commerce as previously constituted. All powers, duties, and functions previously vested in or imposed on those individuals, divisions, or department of state government are transferred to, vested in, and imposed on the commissioner of commerce. The commerce commission, the positions of commissioner of banks, commissioner of insurance, and commissioner of securities and real estate, the banking, insurance, and securities and real estate divisions, and the department of commerce, as previously constituted, are abolished.*

Sec. 5. [45.023] [RULES.]

The commissioner of commerce may adopt, amend, suspend, or repeal rules, including temporary rules, in accordance with chapter 14, and as otherwise provided by law, whenever necessary or proper in discharging the commissioner's official responsibilities.

Sec. 6. [45.024] [HEARINGS.]

Subdivision 1. [GENERAL.] In any case in which the commissioner of commerce is required by law to conduct a hearing, the hearing must be conducted in accordance with chapter 14 and other applicable laws, if any.

Subd. 2. [DELEGATION OF INSURANCE REGULATORY AUTHORITY.] The commissioner of commerce shall delegate to one of his deputy commissioners the exercise of his statutory powers and duties relating to insurance as set forth in chapters 60A to 79, except for budget, personnel, and general administration. The delegation of authority includes the authority to decide and issue orders in contested cases, rulemaking proceedings, and other hearings held under chapter 14.

Subd. 3. [DELEGATION OF FINANCIAL INSTITUTIONS REGULATORY AUTHORITY.] The commissioner of commerce shall delegate to one of his deputy commissioners the exercise of his statutory powers and duties relating to financial institutions as set forth in chapters 46 to 59A, except for budget, personnel, and general administration. The delegation of authority includes the authority to decide and issue orders in contested cases, rulemaking proceedings, and other hearings held under chapter 14.

Subd. 4. [DELEGATION OF SECURITIES REGULATORY AUTHORITY.] The commissioner of commerce shall delegate to one of his deputy commissioners the exercise of his statutory powers and duties relating to securities as set forth in chapters 80A, 80B, and 80C, except for budget, personnel, and general administration. The delegation of authority includes the authority to decide and issue orders in contested cases, rulemaking proceedings, and other hearings held under chapter 14.

Subd. 5. [DELEGATION OF REAL ESTATE REGULATORY AUTHORITY.] The commissioner of commerce shall delegate to one of his deputy commissioners the exercise of his statutory powers and duties relating to real estate as set forth in chapters 82 and 83, except for budget, personnel, and general administration. The delegation of authority includes the authority to decide and issue orders in contested cases, rulemaking proceedings, and other hearings held under chapter 14.

Subd. 6. [REVIEW BY COMMISSIONER.] Notwithstanding any other law to the contrary, an order issued by a deputy commissioner under subdivisions 2 to 5 may be appealed to the commissioner or reviewed by the commissioner at his discretion within 15 days after receipt of the order. If no appeal is filed and no discretionary review is made, the deputy commissioner's order is the final order. Review of the appeal shall be on the record and shall be subject to the procedures prescribed by rule by the commissioner. Appeal of the commissioner's order, or the order of the deputy commissioner if no appeal is made to the commissioner, shall be as provided under the provisions of the administrative procedure act of chapter 14, unless otherwise provided by law.

Sec. 7. [TRANSFER OF POWERS FROM THE DEPARTMENT OF COMMERCE AND COMMERCE COMMISSION TO THE COMMISSIONER OF COMMERCE.]

Subdivision 1. [AUTHORIZATION.] The commissioner of commerce, as successor to the commerce commission, and the commissioners of banks,

insurance, and securities and real estate divisions, and the department of commerce as previously constituted is a continuation of the former authorities and not a new authority for the purpose of succession to all the rights, powers, duties, and obligations of those agencies as they were constituted immediately prior to the effective date of this act.

Subd. 2. [EFFECT OF RULES TRANSFERRED.] All rules previously adopted under the authority of a power, duty, or responsibility transferred by this act to the commissioner of commerce remain in full force until modified or repealed in accordance with law by the commissioner.

Subd. 3. [EFFECT OF PENDING PROCEEDINGS.] Any proceeding, court action, prosecution, or other business or matter pending on the effective date of this act and undertaken or commenced by any of the agencies referred to in subdivision 1 under the authority of any power, duty, or responsibility transferred by this act to the commissioner of commerce may be conducted and completed by the commissioner in the same manner, under the same terms and conditions, and with the same effect as though no transfer was made.

Subd. 4. [TRANSFER OF CUSTODY OF DOCUMENTS.] Every individual responsible under law for administration of any function transferred by this act to the commissioner of commerce shall, upon request by the commissioner or by any of his designated employees, transfer custody of all books, maps, plans, papers, records, contracts, and other documents relating to the transferred function and necessary or convenient for the proper discharge of the commissioner's new duties. The transfer must be made in accordance with the directions of the commissioner or his designated employee.

Subd. 5. [APPROPRIATIONS.] All unexpended and unencumbered funds appropriated to any of the agencies referred to in subdivision 1 for the purpose of performing any of the functions, powers, or duties which are transferred by this act to the commissioner of commerce are transferred to the commissioner.

Subd. 6. [TRANSFER OF POSITIONS.] All classified and unclassified positions in the commerce commission and the department of commerce are transferred to the department of commerce. Personnel changes are effective on the effective date of this act. Nothing in this subdivision shall be construed as abrogating or modifying any rights now enjoyed by affected employees under the managerial or commissioner's plan or the terms of an agreement between an exclusive representative of public employees and the state or one of its appointing authorities.

Sec. 8. Minnesota Statutes 1982, section 45.034, is amended to read:

45.034 [PREPARATION OF DEPARTMENTAL BUDGET.]

The budget estimates prescribed by section 16A.10, subdivisions 1 and 2, shall be prepared and submitted by the ~~commission~~ commissioner of commerce in respect of the department of commerce ~~and all of its constituent divisions.~~

Sec. 9. Minnesota Statutes 1982, section 45.04, is amended to read:

45.04 [BANK APPLICATIONS.]

Subdivision 1. [FILING; FEE; HEARING.] The incorporators of ~~any~~ a bank proposed to be organized under the laws of this state shall execute and acknowledge ~~an~~ a written application, ~~in writing~~, in the form prescribed by the ~~department~~ commissioner of commerce, and ~~shall file the same in its the commissioner's office, which.~~ The application shall ~~must~~ be signed by two or more of the incorporators, ~~requesting and request~~ a certificate authorizing the proposed bank to transact business at the place and in the name stated in the application. At the time of filing the application, the applicant shall pay a \$1,000 filing fee of \$1,000, ~~which shall be paid into the state treasury and credited to the general fund and shall pay to the commissioner of banks the sum of and a \$500 as a investigation fee for investigating the application,~~ which shall be turned over by ~~him the commissioner~~ to the state treasurer and credited ~~by the treasurer~~ to the general fund of the state. Thereupon the ~~commission~~ commissioner shall fix a time, within 60 days after the filing of the application, for a hearing at ~~its office at the state capitol, at which hearing it shall~~ to decide whether or not the application shall ~~will~~ be granted. A notice of the hearing shall ~~must~~ be published in the form prescribed by the ~~commission~~ commissioner in some newspaper published in the municipality in which the proposed bank is to be located, and if there be no such newspaper, then at the county seat of the county in which the bank is proposed to be located. The notice shall ~~must~~ be published once, at the expense of the applicants, not less than 30 days prior to the date of the hearing. At the hearing the ~~commission~~ commissioner shall consider the application and hear the applicants and ~~such~~ witnesses as ~~may~~ that appear in favor of or against the granting of the application of the proposed bank.

Subd. 2. [APPROVAL, DISAPPROVAL.] If, upon the hearing, it ~~shall appear~~ appears to the ~~commission~~ commissioner that the application should be granted, ~~it he~~ shall, not later than 90 days after the hearing, and after the applicants have otherwise complied with the provisions of law applicable to the organization of a bank, including the provisions herein contained, make and file in ~~the his~~ office of the commissioner of banks ~~its a written order, in writing,~~ directing ~~him to issue~~ the issuance of a certificate of authorization as provided by law. If the certificate of authorization is not activated within a period of 12 months from date of ~~directive to the commissioner of banks issuance,~~ the department of commerce commissioner may upon written notice ~~in writing~~ to the applicants request a new hearing. If the ~~commission~~ commissioner shall ~~decide~~ decides that the application should not be granted, ~~it he~~ shall deny the application and make ~~its a written order, in writing,~~ to that effect, and file ~~the same it~~ in the ~~his~~ office of the commissioner of banks, and forthwith give notice thereof by certified mail to one of the incorporators named in the application for the proposed bank, addressed to the incorporator at the address stated in the application; ~~and.~~ Thereupon the commissioner of banks shall refuse to issue the certificate of authorization, ~~which is prescribed by law,~~ to the proposed bank.

Sec. 10. Minnesota Statutes 1982, section 45.05, is amended to read:

45.05 [NOTICE AND HEARING, WHEN NOT GIVEN.]

The ~~department~~ commissioner of commerce may, at ~~its his~~ discretion, dispense with the notice and hearing provided for by section 45.04 ~~in cases where if~~ application is made for the incorporation of a new bank to take over the assets of one or more existing banks, ~~or where if~~ the application con-

templates the reorganization of a national bank into a state bank in the same locality; ~~provided, this act shall not increase the number of banks in the community affected.~~

Sec. 11. Minnesota Statutes 1982, section 45.06, is amended to read:

45.06 [EXPENSES OF ORGANIZATION AND INCORPORATION OF BANKS LIMITED.]

The expenses of organization and incorporation to be paid by ~~any such banks shall~~ a bank may not exceed the statutory fees for filing applications as provided in section 45.04 and the necessary legal expenses incurred incident to drawing articles of incorporation, publication, and recording thereof; ~~and~~. The incorporators shall, prior to the issuance of the certificate of authorization ~~provided for by law~~, file with the commissioner of banks a verified statement showing the total amount of expense incurred in the organization of the bank ~~and~~ to be paid by it after commencing operation.

Sec. 12. Minnesota Statutes 1982, section 45.07, is amended to read:

45.07 [CHARTERS ISSUED, CONDITIONS.]

If the applicants are of good moral character and financial integrity, if there is a reasonable public demand for this bank in this location, if the organization expenses being paid by the subscribing shareholders do not exceed the necessary legal expenses incurred in drawing incorporation papers and the publication and the recording thereof, as required by law, if the probable volume of business in this location is sufficient to insure and maintain the solvency of the new bank and the solvency of the then existing bank or banks in the locality without endangering the safety of any bank in the locality as a place of deposit of public and private money, and if the ~~department~~ commissioner of commerce is satisfied that the proposed bank will be properly and safely managed, the application ~~shall must~~ be granted; otherwise it ~~shall must~~ be denied. In case of the denial of the application, the ~~department~~ commissioner of commerce shall specify the grounds for the denial and the supreme court, upon petition of ~~any a~~ person aggrieved, may review by certiorari ~~any such order or the determination of the department of commerce.~~

Sec. 13. Minnesota Statutes 1982, section 45.071, subdivision 2, is amended to read:

Subd. 2. [APPLICATION FOR INSURANCE; UNINSURED BANKS.] Notwithstanding the provisions of subdivision 1, a bank which does not have insurance of its deposits or a commitment for insurance of its deposits by the federal deposit insurance corporation, an agency of this state, or a federal agency established for the purpose of insuring deposits in banks or collateral security deposited under section 48.74 ~~upon the effective date of Laws 1982, chapter 473, sections 1 to 29 on March 19, 1982~~, must apply for insurance of deposits not later than July 1, 1983. A bank subject to this subdivision which has been denied a commitment for insurance of its deposits shall either dissolve, merge, or consolidate with another bank which is insured or apply in writing within 30 days of denial to the commissioner of ~~banks commerce~~ for additional time to obtain an insurance commitment. The commissioner of ~~banks~~ shall grant additional time to obtain the insurance commitment upon satisfactory evidence that the bank has made or is making a

substantial effort to achieve the conditions precedent to issuance of the commitment. Additional time shall not extend later than July 1, 1984.

Sec. 14. Minnesota Statutes 1982, section 45.08, subdivision 3, is amended to read:

Subd. 3. [DEPARTMENT.] ~~The word~~ "Department" means the department of commerce of the state of Minnesota.

Sec. 15. Minnesota Statutes 1982, section 45.08, is amended by adding a subdivision to read:

Subd. 4. [COMMISSIONER.] "*Commissioner*" means the commissioner of commerce.

Sec. 16. Minnesota Statutes 1982, section 45.17, subdivision 1, is amended to read:

45.17 [REPRESENTATION OF CONSUMER INTEREST IN PUBLIC UTILITY MATTERS.]

Subdivision 1. [DEFINITIONS.] For the purposes of this section, the following terms ~~defined in this subdivision shall apply~~ have the meanings given them:

(1) "Public utility" means a publicly or privately owned entity engaged in supplying utility services to residential utility consumers in this state or to another public utility for ultimate distribution to residential utility consumers in this state and whose rates or charges are subject to approval by the public utilities commission or ~~any~~ an agency of the federal government ~~provided that~~. No municipal or cooperative utility shall be considered a "public utility" for the purposes of this clause.

(2) ~~"Consumer services section" means the consumer services section of the department of commerce.~~

(3) "Residential utility consumer" or "consumer" means a person who uses utility services at his residence in this state and who is billed by or pays a public utility for these services.

(4) (3) "Utility services" means electricity, natural gas, or telephone services distributed to residential utility consumers by a public utility.

Sec. 17. Minnesota Statutes 1982, section 45.17, subdivision 2, is amended to read:

Subd. 2. [DUTIES.] ~~The consumer services section attorney general shall~~ be responsible for representing and furthering the interests of residential utility consumers through participation in matters before the public utilities commission involving utility rates and adequacy of utility services to residential utility consumers. ~~The consumer services section attorney general~~ shall expend a reasonable portion of ~~its~~ his efforts among all three kinds of utility services and shall identify and promote the needs of each class of residential consumers with respect to each of the utility services.

Sec. 18. Minnesota Statutes 1982, section 45.17, subdivision 3, is amended to read:

Subd. 3. [RIGHT OF INTERVENTION.] Subject to the limitations of

subdivision 2, the ~~consumer services section~~ *attorney general* may intervene as of right or participate as an interested party in matters pending before the public utilities commission which affect the distribution by a public utility of utility services to residential utility consumers. The right of the ~~consumer services section~~ *attorney general* to participate or intervene ~~shall in no way~~ *does not* affect the obligation of the public utilities commission to protect the public interest.

Sec. 19. Minnesota Statutes 1982, section 45.17, subdivision 4, is amended to read:

Subd. 4. [NOTICE; PROCEDURES.] The public utilities commission shall give reasonable notice to the ~~consumer services section~~ *attorney general* of any matter scheduled to come before the commission affecting a public utility's rates or adequacy of services to residential utility consumers. Rules of the commission governing procedures before the commission ~~shall~~ apply to the ~~consumer services section~~ *attorney general* and ~~its~~ *his* employees or representatives. The ~~consumer services section~~ *attorney general* ~~shall have~~ *has* the same rights and privileges accorded other intervenors or participants in matters pending before the commission.

Sec. 20. Minnesota Statutes 1982, section 45.17, subdivision 5, is amended to read:

Subd. 5. [APPEALS.] The ~~consumer services section~~ *attorney general* shall be deemed to have an interest sufficient to maintain, intervene as of right in, or otherwise participate in any civil action in the trial courts or supreme court of this state for the review or enforcement of any public utilities commission action which affects a public utility's rates or adequacy of service to residential utility consumers.

Sec. 21. Minnesota Statutes 1982, section 45.17, subdivision 7, is amended to read:

Subd. 7. [INTERVENTION IN FEDERAL PROCEEDINGS.] The ~~consumer services section~~ *attorney general* shall represent and further the interests of residential utility consumers through participation as an intervenor or interested party in federal proceedings relating to the regulation of: (a) wholesale rates for energy delivered through interstate facilities; or (b) fuel used in generation of electricity or the manufacture of gas. The ~~consumer services section~~ *attorney general* may maintain, intervene in, or otherwise participate in ~~any~~ civil actions relating to the federal proceedings. In performing its duties pursuant to this subdivision, the section shall follow the guidelines established pursuant to subdivision 6, clause (1).

Sec. 22. Minnesota Statutes 1982, section 45.17, is amended by adding a subdivision to read:

Subd. 8. [ADDITIONAL POWERS.] The power granted by this section is in addition to powers otherwise provided by law to the attorney general.

Sec. 23. [TRANSFER OF POWERS FROM THE CONSUMER SERVICES SECTION TO THE ATTORNEY GENERAL.]

Subdivision 1. [AUTHORIZATION.] The attorney general, as successor to the director of the consumer services section of the department of commerce in the administration of sections 45.16 and 45.17, subdivisions 1 to 5

and 7, and the supervision of the complaint unit and utility unit of the office of consumer services, is a continuation of the former authority and not a new authority for the purpose of succession to all the rights, powers, duties, and obligations of the consumer services director as they were constituted immediately prior to the effective date of this act.

Subd. 2. [EFFECT OF RULES TRANSFERRED.] All rules previously adopted under the authority of a power, duty, or responsibility transferred by this act to the attorney general remain in full force until modified or repealed in accordance with law by the attorney general.

Subd. 3. [EFFECT OF PENDING PROCEEDINGS.] Any proceeding, court action, prosecution, or other business or matter pending on the effective date of this act and undertaken or commenced by the consumer services director under the authority of any power, duty, or responsibility transferred by this act to the attorney general may be conducted and completed by the commissioner in the same manner, under the same terms and conditions, and with the same effect as though no transfer was made.

Subd. 4. [TRANSFER OF CUSTODY OF DOCUMENTS.] Every individual responsible under law for administration of any function transferred by this act to the attorney general shall, upon request by the attorney general or by any of his designated employees, transfer custody of all books, maps, plans, papers, records, contracts, and other documents relating to the transferred function and necessary or convenient for the proper discharge of the attorney general's new duties. The transfer must be made in accordance with the directions of the attorney general or his designated employee.

Subd. 5. [APPROPRIATIONS.] All unexpended and unencumbered funds appropriated to the consumer services section for the purpose of performing any of the functions, powers, or duties which are transferred by this act to the attorney general are transferred to the attorney general.

Subd. 6. [TRANSFER OF POSITIONS.] All classified positions in the consumer services section not covered by section 30, subdivision 6, are transferred to the attorney general. Personnel changes are effective on the effective date of this act. Nothing in this subdivision shall be construed as abrogating or modifying any rights now enjoyed by affected employees under the managerial or commissioner's plan or the terms of an agreement between an exclusive representative of public employees and the state or one of its appointing authorities.

Sec. 24. Minnesota Statutes 1982, section 15.06, subdivision 1, is amended to read:

Subdivision 1. [APPLICABILITY.] This section applies to the following departments or agencies: the departments of administration, agriculture, commerce, corrections, economic development, economic security, education, finance, health, human rights, labor and industry, natural resources, personnel, public safety, public welfare, revenue, transportation, and veterans affairs; ~~the banking, insurance and securities divisions and the consumer services section of the department of commerce;~~ the energy, housing finance and pollution control agencies; the office of commissioner of iron range resources and rehabilitation; the bureau of mediation services; and their successor departments and agencies. The heads of the foregoing depart-

ments or agencies are referred to in this section as "commissioners."

Sec. 25. Minnesota Statutes 1982, section 43A.08, subdivision 1a, is amended to read:

Subd. 1a. [ADDITIONAL UNCLASSIFIED POSITIONS.] Appointing authorities for the following agencies may designate additional unclassified positions ~~pursuant~~ according to this subdivision: the departments of administration; agriculture; ~~commerce~~; corrections; economic security; education; employee relations; energy, planning and development; finance; health; human rights; labor and industry; natural resources; public safety; public service; public welfare; revenue; transportation; and veterans affairs; ~~the banking, securities and real estate, insurance and consumer services divisions of the department of commerce~~; the housing finance and pollution control agencies; the state board of investment; and the offices of the secretary of state, state auditor, and state treasurer.

A position designated by an appointing authority ~~pursuant~~ according to this subdivision must meet the following standards and criteria:

(a) the designation of the position would not be contrary to ~~the provisions~~ of other law relating specifically to that agency;

(b) the person occupying the position would report directly to the agency head or deputy agency head and would be designated as part of the agency head's management team;

(c) the duties of the position would involve significant discretion and substantial involvement in the development, interpretation, and implementation of agency policy;

(d) the duties of the position would not require primarily personnel, accounting, or other technical expertise where continuity in the position would be important;

(e) there would be a need for the person occupying the position to be accountable to, loyal to, and compatible with the governor and the agency head, or the employing constitutional officer;

(f) the position would be at the level of division or bureau director or assistant to the agency head; and

(g) the commissioner has approved the designation as being consistent with the standards and criteria in this subdivision.

Sec. 26. Minnesota Statutes 1982, section 116J.31, is amended to read:

116J.31 [ENERGY AUDITS.]

The commissioner, ~~in cooperation with the director of consumer services,~~ shall develop the state plan for the program of energy audits of residential and commercial buildings required by 42 United States Code, ~~Section title 42, section 8211, et seq.~~ The ~~consumer services division and the attorney general are authorized to~~ may release information on consumer complaints about the operation of the program to the commissioner.

Sec. 27. Minnesota Statutes 1982, section 144A.53, subdivision 4, is amended to read:

Subd. 4. [REFERRAL OF COMPLAINTS.] If a complaint received by the

director relates to a matter more properly within the jurisdiction of an occupational licensing board, ~~the office of consumer services or any other governmental agency~~, the director shall forward the complaint to that agency and shall inform the complaining party of the forwarding. The agency shall promptly act in respect to the complaint, and shall inform the complaining party and the director of its disposition. If a governmental agency receives a complaint which is more properly within the jurisdiction of the director, it shall promptly forward the complaint to the director, and shall inform the complaining party of the forwarding. If the director has reason to believe that ~~any~~ an official or employee of an administrative agency or health facility has acted in a manner warranting criminal or disciplinary proceedings, he shall refer the matter to the state commissioner of health, the commissioner of public welfare, an appropriate prosecuting authority, or ~~any other appropriate agency~~.

Sec. 28. Minnesota Statutes 1982, section 155A.03, is amended by adding a subdivision to read:

Subd. 13. [COMMISSIONER.] "Commissioner" means the commissioner of commerce.

Sec. 29. Minnesota Statutes 1982, section 155A.05, is amended to read:

155A.05 [RULES.]

The ~~director~~ commissioner shall develop and adopt rules to carry out the ~~provisions of sections 155A.01 to 155A.18 by December 31, 1982, pursuant according to chapter 14.~~ For purposes of sections 155A.01 to 155A.18, the ~~director~~ commissioner may adopt temporary rules, ~~pursuant according to sections 14.29 to 14.36.~~ These rules may be reissued as temporary rules until permanent rules are adopted or until December 31, 1982, whichever is earlier. These temporary rules may provide that for ~~any~~ a renewal license issued by the ~~director~~ commissioner within one year after July 1, 1981, the term of renewal shall be either one, two, or three years. The fee for a one-year renewal license shall be one-third of the fee for a three-year renewal license, and the fee for a two-year renewal shall be two-thirds of the three-year fee.

Sec. 30. [TRANSFER OF POWERS RELATING TO THE REGULATION OF THE PRACTICE OF COSMETOLOGY FROM THE OFFICE OF CONSUMER SERVICES TO THE COMMISSIONER OF COMMERCE.]

Subdivision 1. [AUTHORIZATION.] The commissioner of commerce, as successor to the director of the consumer services section of the department of commerce in the administration of chapter 155A, is a continuation of the former authority and not a new authority for the purpose of succession to all the rights, powers, duties, and obligations of the consumer services director as they were constituted immediately prior to the effective date of this act.

Subd. 2. [EFFECT OF RULES TRANSFERRED.] All rules previously adopted under the authority of a power, duty, or responsibility transferred by this act to the commissioner of commerce shall remain in full force until modified or repealed in accordance with law by the commissioner.

Subd. 3. [EFFECT OF PENDING PROCEEDINGS.] Any proceeding, court action, prosecution, or other business or matter pending on the effective date of this act and undertaken or commenced by the consumer services

director under the authority of any power, duty, or responsibility transferred by this act to the commissioner of commerce may be conducted and completed by the commissioner in the same manner, under the same terms and conditions, and with the same effect as though no transfer was made.

Subd. 4. [TRANSFER OF CUSTODY OF DOCUMENTS.] Every individual responsible under law for administration of any function transferred by this act to the commissioner of commerce shall, upon request by the commissioner or by any of his designated employees, transfer custody of all books, maps, plans, papers, records, contracts, and other documents relating to the transferred function and necessary or convenient for the proper discharge of the commissioner's new duties. The transfer must be made in accordance with the directions of the commissioner or his designated employee.

Subd. 5. [APPROPRIATIONS.] All unexpended and unencumbered funds appropriated to the consumer services section for the purpose of performing any of the functions, powers, or duties which are transferred by this act to the commissioner of commerce are transferred to the commissioner.

Subd. 6. [TRANSFER OF POSITIONS.] All classified and unclassified positions in the cosmetology unit of the office of consumer services are transferred to the department of commerce. Personnel changes are effective on the effective date of this act. Nothing in this subdivision shall be construed as abrogating or modifying any rights now enjoyed by affected employees under the managerial or commissioner's plan or the terms of an agreement between an exclusive representative of public employees and the state or one of its appointing authorities.

Sec. 31. Minnesota Statutes 1982, section 155A.18, is amended to read:

155A.18 [PRIOR LICENSES.]

All licenses which were issued by the ~~board of cosmetology~~ *director of the office of consumer services* under chapter ~~455~~ 155A, shall continue in effect under the ~~office of consumer services~~ *commissioner* until the licenses expire.

Sec. 32. Minnesota Statutes 1982, section 214.14, subdivision 1, is amended to read:

Subdivision 1. There is established a human services occupations advisory council to assist the commissioner of health in formulating policies and rules ~~pursuant~~ *according* to section 214.13. The commissioner shall determine the duties of the council, shall establish procedures for the proper functioning of the council including, but not limited to the following: the method of selection of membership, the selection of a committee chairman and methods of communicating recommendations and advice to the commissioner for his consideration. Each of the health related licensing boards, the state examining committee for physical therapists, ~~the consumer services section of the department of commerce~~, the state comprehensive health planning advisory council and the higher education coordinating board shall have a representative selected by the boards ~~or section, committee, or council~~. The governor shall appoint the remaining members who shall not exceed 11 and shall include six persons broadly representative of human services, particularly human services professions not presently credentialed ~~pursuant~~ *according* to existing law, and five public members. The commit-

tee shall expire and the terms of the appointed members and the compensation and removal of all members shall be as provided in section 15.059.

Sec. 33. Minnesota Statutes 1982, section 325E.09, subdivision 4a, is amended to read:

Subd. 4a. For the purposes of this section, octane rating shall be determined in the manner described in the American Society for Testing and Materials (ASTM) "Standard Specification for Gasoline", D439-71 or such other manner as prescribed by the director of ~~consumer services by regulations the department of public service in accordance with applicable rules, adopted pursuant~~ according to the Administrative ~~procedures~~ Procedure Act. ~~Such regulations shall~~ The rules must only be promulgated adopted to place Laws 1973, Chapter 687 in accordance with regulations promulgated by a federal agency.

Sec. 34. Minnesota Statutes 1982, section 325F.09, is amended to read:

325F.09 [DEFINITIONS.]

(a) "Child" means any person less than 14 years of age;

(b) A toy presents an electrical hazard if, in normal use or when subjected to reasonably foreseeable damage or abuse, its design or manufacture may cause personal injury or illness by electrical shock or electrocution;

(c) A toy presents a mechanical hazard if, in normal use or when subjected to reasonably foreseeable damage or abuse, its design or manufacture presents an unreasonable risk of personal injury or illness:

- (1) from fracture, fragmentation, or disassembly of the article;
- (2) from propulsion of the article or any part or accessory thereof;
- (3) from points or other protrusions, surfaces, edges, openings, or closures;
- (4) from moving parts;
- (5) from lack or insufficiency of controls to reduce or stop motion;
- (6) as a result of self-adhering characteristics of the article;
- (7) because the article or any part or accessory thereof may be aspirated or ingested;
- (8) because of instability;
- (9) from stuffing material which is not free of dangerous or harmful substances; or
- (10) because of any other aspect of the article's design or manufacture.

(d) A toy presents a thermal hazard if, in normal use or when subjected to reasonably foreseeable damage or abuse, its design or manufacture presents an unreasonable risk of personal injury or illness because of heat as from heated parts, substances, or surfaces.

(e) "Toxic" means able to produce personal injury or illness to a person through ingestion, inhalation, or absorption through any body surface and can apply to any substance other than a radioactive substance.

(f) "Flammable" means having a flash point up to 80 degrees Fahrenheit as determined by the Tagliabue Open Cup Tester. The flammability of solids and of the contents of self-pressurized containers shall be determined by methods generally recognized as applicable to the materials or containers and established by ~~regulations~~ *rules* issued by the ~~director~~ *commissioner*.

(g) A toy presents a hazard of asphyxiation or suffocation if, in normal use or when subject to reasonable foreseeable damage or abuse, its design, manufacture or storage presents a risk of personal injury or illness from interference with normal breathing.

(h) ~~"Director"~~ *"Commissioner"* means the ~~director~~ *commissioner* of the ~~consumer services section of the~~ department of ~~commerce~~ *health*.

(i) "Inspector" means an inspector of the ~~consumer services section of the~~ department of ~~commerce~~ *health*.

Sec. 35. Minnesota Statutes 1982, section 325F.11, is amended to read:

325F.11 [TESTING OF ARTICLES TO DETERMINE AND INSURE COMPLIANCE.]

The ~~director~~ *commissioner* or an authorized and qualified employee or inspector, may undertake or provide for testing of toys and other articles as he deems necessary to determine their safety and fitness for commerce in this state in compliance with the ~~provisions~~ of sections 325F.08 to 325F.18. The ~~director~~ *commissioner* may contract or otherwise arrange with any testing facility, public or private, for testing and reporting the results. The ~~director~~ *commissioner* may, by ~~regulation~~ *rule*, require that any toy or other article within the provisions of sections 325F.08 to 325F.18 be adequately tested by the ~~consumer services section~~, a reputable testing facility, or the manufacturer or distributor of the article, and that the certified results of the test be filed with the ~~director~~ *commissioner* before the sale, distribution, or other movement in commerce within this state of the toys or articles. The ~~director~~ *commissioner* may by ~~regulation~~ *rule* provide for penalties for the failure to provide test results.

Sec. 36. [INSTRUCTIONS TO REVISOR.]

Subdivision 1. The revisor of statutes shall substitute the term "commissioner of commerce" or "commissioner" or "department" or similar terms as appropriate for the following terms and similar terms, as necessary to reflect the transfers of powers, duties, and responsibilities prescribed by sections 1 to 39:

(a) *"commerce commission" meaning the state commerce commission, "department of commerce," or "commerce department" where those terms appear in Minnesota Statutes;*

(b) *"commissioner of banks," "commissioner of banking," or "banking commissioner" where those terms appear in Minnesota Statutes;*

(c) *"commissioner of insurance" or "insurance commissioner" where those terms appear in Minnesota Statutes;*

(d) *"commissioner of securities and real estate" where that term appears in Minnesota Statutes;*

(e) *"division" where that term appears in chapters 46 to 59A, and "bank-*

ing division" or "division of banking" where those terms appear in Minnesota Statutes;

(f) "division of insurance," "insurance division," "department of insurance," or "insurance department" where those terms appear in Minnesota Statutes;

(g) "department of securities and real estate," "securities and real estate department," "securities and real estate division," or "division of securities and real estate" where those terms appear in Minnesota Statutes;

(h) "department of administration" or "commissioner of administration" where those terms appear in chapter 238; and

(i) "director of office of consumer services," "office of consumer services," "consumer services section," where those terms appear in chapter 155A.

Subd. 2. The revisor of statutes shall renumber each section specified in column A with the numbers set forth in column B. The revisor shall also make necessary cross-reference changes consistent with the renumbering.

Column A	Column B
45.04	46.041
45.05	46.042
45.06	46.043
45.07	46.044
45.071	46.045
45.08	46.046
45.17	8.32

Sec. 37. [REPEALER.]

Minnesota Statutes 1982, sections 45.01; 45.02; 45.021; 45.03; 45.031; 45.032; 45.033; 45.15; 45.16; 45.17, subdivision 6; 155A.03, subdivision 10; and 155A.17 are repealed.

Sec. 38. [EFFECTIVE DATE.]

Sections 1 to 37 are effective July 1, 1983."

Amend the title as follows:

Page 1, line 7, delete "energy, planning and development,"

Page 1, line 18, delete "15A.081, subdivision 1;"

Page 1, lines 22 and 23, delete "116J.03, subdivision 1;"

Page 1, line 25, delete "214.04, subdivision 1;"

Page 1, line 27, delete "chapters" and insert "chapter" and delete "and 116J.57;"

Page 1, line 30, after "45.16;" insert "45.17, subdivision 6;"

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

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

ferred

S.F. No. 1165: A bill for an act relating to motor vehicles; providing for registration, taxation, and special license plates for classic motorcycles; proposing new law coded in Minnesota Statutes, chapter 168.

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

Page 1, line 23, after "*more*" insert "*motor*"

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

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

S.F. No. 1119: A bill for an act relating to motor vehicles; allowing the holder of personalized license plates to retain the same number after the personalized plates have been damaged, lost, or stolen; amending Minnesota Statutes 1982, section 168.12, subdivision 2a.

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

Page 2, lines 20 and 34, delete "*temporary*" and insert "*duplicate*"

Page 2, line 22, delete "*The*"

Page 2, delete lines 23 to 28

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

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

H.F. No. 90: A bill for an act relating to highway traffic regulations; prescribing penalties for failure to place children under the age of four years in child passenger restraint systems when being transported on streets and highways; amending Minnesota Statutes 1982, section 169.685, subdivision 5.

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

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

H.F. No. 769: A bill for an act relating to metropolitan government; extending the time for design selection for noise suppression equipment at the international airport; amending Minnesota Statutes 1982, section 473.608, subdivision 20.

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

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

ferred

S.F. No. 717: A bill for an act relating to motor vehicles; providing for special, free license plates for recipients of the congressional medal of honor; proposing new law coded in Minnesota Statutes, chapter 168.

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

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

S.F. No. 860: A bill for an act relating to motor vehicles; providing for special license plates for certain motor vehicles owned by certain members of the Minnesota national guard; imposing fees; appropriating money; amending Minnesota Statutes 1982, section 168.12, by adding a subdivision.

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

Page 1, line 16, delete "*motorcycle, recreational vehicle,*"

Page 2, line 25, after the dollar sign, insert "\$50,000"

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

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

H.F. No. 259: A bill for an act relating to watercraft safety; requirement for rear view mirrors while towing skiers; amending Minnesota Statutes 1982, section 361.09, subdivision 1.

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

Page 1, line 9, strike "shall" and insert "may"

Page 1, line 11, strike "such" and insert "the"

Page 1, line 14, strike "instead of such observer," and strike "either"

Page 1, line 15, after "*providing*" insert "*the operator*"

Page 1, line 16, strike everything after "*rear*"

Page 1, strike line 17

Page 1, line 18, strike "commissioner"

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

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

H.F. No. 946: A bill for an act relating to state government; implementing an executive order transferring the state soil and water conservation board

from the department of natural resources to the department of agriculture; amending Minnesota Statutes 1982, section 40.03.

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

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

H.F. No. 758: A bill for an act relating to mining; extending the time period within which certain idle open pit mines must be fenced; amending Minnesota Statutes 1982, section 180.03, subdivision 2.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

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

H.F. No. 1108: A bill for an act relating to drainage; permitting certain towns to appeal from certain orders of county boards assessing damages or benefits in ditch proceedings.

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

Delete everything after the enacting clause and insert:

“Section 1. [106.383] [ASSESSMENT FOR VACATED TOWN ROADS.]

When a town is assessed for benefits to a town road in any ditch proceeding under this chapter and the town road is subsequently vacated by the town board under section 164.07, the town board may petition the county board or joint county ditch authority to cancel the assessment. The county board or joint county ditch authority may cancel the assessment if it finds that the town road for which benefits are assessed has been vacated under section 164.07.”

Amend the title as follows:

Page 1, line 2, delete “certain towns to”

Page 1, delete lines 3 and 4 and insert “a county board to cancel ditch assessments related to vacated town roads; proposing new law coded in Minnesota Statutes, chapter 106.”

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

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

S.F. No. 1171: A resolution memorializing the President and Secretary of Agriculture of the United States to allow 10 percent of wheat and feed grain base acreage to qualify for federal land diversion programs when they are sown down as permanent cover for wildlife habitat or as a soil conservation practice.

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

Page 1, line 16, delete "sowed-down" and insert "sown"

Page 1, line 23, delete "should"

Amend the title as follows:

Page 1, line 6, delete "down as" and insert "to"

And when so amended the resolution do pass and be re-referred to the Committee on Rules and Administration. Amendments adopted. Report adopted.

Mr. Schmitz from the Committee on Local and Urban Government, to which was referred

S.F. No. 1041: A bill for an act relating to the city of Plymouth; giving the city the powers of a port authority.

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

Mr. Schmitz from the Committee on Local and Urban Government, to which was referred

H.F. No. 463: A bill for an act relating to municipal planning and zoning; authorizing the establishment of a joint planning board; requiring the filing of copies of certain documents; amending Minnesota Statutes 1982, sections 462.3585; and 462.36, subdivision 1.

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

Pages 1 and 2, delete section 1

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, delete "authorizing"

Page 1, line 3, delete everything before "requiring"

Page 1, line 5, delete "sections 462.3585; and" and insert "section"

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

Mr. Schmitz from the Committee on Local and Urban Government, to which was re-referred

S.F. No. 920: A bill for an act relating to metropolitan government; regulating airport development; amending Minnesota Statutes 1982, section 473.611, subdivision 5.

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

Delete everything after the enacting clause and insert:

“Section 1. [RESTRICTIONS ON CERTAIN AIRPORTS.]

Notwithstanding any other provision of law, the metropolitan airports commission shall not take any action with respect to an airport owned by it which would result in a permanent net reduction in useable runway length at the airport.

Sec. 2. [EFFECTIVE DATE.]

This act is effective the day following final enactment.”

Amend the title as follows:

Page 1, delete lines 2 to 4 and insert “relating to airports; prohibiting certain acts by the metropolitan airports commission.”

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

Ms. Berglin from the Committee on Health and Human Services, to which was referred

H.F. No. 598: A bill for an act relating to public welfare; clarifying responsibility for payment for temporary confinement in state hospitals; amending Minnesota Statutes 1982, section 253B.11, subdivision 2.

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

Ms. Berglin from the Committee on Health and Human Services, to which was referred

S.F. No. 1156: A bill for an act relating to state hospitals; authorizing limited shared services agreements; providing for retention of receipts by the state hospital; appropriating money; amending Minnesota Statutes 1982, section 246.57, by adding a subdivision.

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

Mr. Vega from the Committee on Energy and Housing, to which was re-referred

S.F. No. 1096: A bill for an act relating to local government; permitting the cities of Richfield and Bloomington to implement an energy conservation program; authorizing the financing of a residential energy conservation program; authorizing the issuance of qualified mortgage bonds; requiring a report to the legislature.

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

Page 1, delete section 1

Page 1, line 23, delete “5 and 7” and insert “4”

Page 2, line 23, delete “5” and insert “4”

Page 3, lines 8 and 11, delete "5" and insert "4"

Page 3, line 11, after the period, insert "*The cities may expend any municipal funds properly available to them or to the housing and redevelopment authorities of those cities acting pursuant to section 4 to finance any program authorized by this act.*"

Page 3, line 15, delete "*of Richfield*"

Page 3, line 18, delete "5" and insert "4"

Page 3, line 19, after "462A" delete the comma

Page 3, delete line 20

Page 3, line 21, delete everything before the period

Pages 3 and 4, delete section 6

Page 5, line 2, delete "*and section 7*"

Page 5, line 5, delete everything after the period

Page 5, delete line 6

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 5, delete "authorizing"

Page 1, line 6, delete everything before "requiring"

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

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

H.F. No. 91 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
91	60				

and that the above Senate File be indefinitely postponed.

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

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

H.F. No. 859 for comparison with companion Senate File, reports the following House File was found not identical with its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F.No.	S.F.No.
859	512				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 859 be amended as follows:

Page 1, line 18, after "1." insert "[DEFINITIONS.]

Page 2, line 16, strike "; and includes" and insert "including"

Page 2, line 21, strike "a" in both instances

Page 2, line 22, strike "and"

Page 2, line 23, strike "about"

Page 2, line 35, strike "therein but" and insert "in it."

Page 2, line 36, insert a comma after "office"

Page 3, line 1, strike "any such" and insert "a"

Page 3, line 5, insert a comma after "corporation"

Page 3, line 7, strike "nor shall it include" and insert "or"

Page 3, line 17, strike "within the meaning of this subdivision"

Page 3, line 26, strike "thereof" and before the comma insert "of it"

Page 3, line 34, strike "within the meaning of this subdivision"

Page 4, line 32, strike "within"

Page 4, line 33, strike "the meaning of this subdivision"

Page 5, line 7, strike "within the meaning of this"

Page 5, line 8, strike "subdivision"

Page 5, line 24, after "5." insert "[ACTIVE SERVICE.]"

Page 5, line 34, delete the comma

Page 5, line 35, delete "federally funded state active service,"

Page 6, line 2, after "5a." insert "[STATE ACTIVE SERVICE.]"

Page 6, line 3, delete "federally funded state active service and"

Page 6, delete lines 16 to 27, and insert:

"Subd. 5b. [FEDERAL ACTIVE SERVICE.] "Federal active service" means service or duty under United States Code, title 10 or 32, as amended through December 31, 1983, other service or duty as may be required by the law, regulation, or order of the United States government, and travel to or from that service or duty."

Page 6, line 28, delete "7. [190.095]" and insert "6. [190.096]"

Page 6, line 28, delete "; DECLARATION"

Page 6, line 29, after "1." insert "[AUTHORITY TO REPAIR.] and delete "*The state of Minnesota has in its capital a*"

Delete page 6, line 30 to page 7, line 8

Page 7, line 9, delete "*Subd. 2.*"

Page 7, line 10, delete "*to the contrary,*"

Page 7, line 11, delete "*of the state of Minneosta is authorized to*" and insert "*may*"

Page 7, line 12, delete "*such*"

Page 7, line 15, delete "*such*" and "*as*"

Page 7, line 15, delete "*may deem*" and insert "*deems*"

Page 7, line 17, delete "*of the state of Minnesota*"

Page 7, lines 18 and 19, delete "*Minnesota Statutes,*"

Page 7, line 21, delete "*such*"

Page 7, line 22, delete "*such*" and "*as*"

Page 7, line 22, delete "*may deem*" and insert "*deems*"

Renumber the subdivisions in sequence

Page 8, line 3, strike "*widow*" and insert "*spouse*"

Page 8, line 3, strike "*such*"

Page 8, line 4, strike "*may be*"

Page 8, line 6, strike "*such*"

Page 8, line 11, strike "*thereof*" and insert "*of it*"

Page 10, line 12, after "1." insert "[APPLICABILITY.]"

Renumber the sections in sequence

And when so amended H.F. No. 859 will be identical to S.F. No. 512, and further recommends that H.F. No. 859 be given its second reading and substituted for S.F. No. 512, and that the Senate File be indefinitely postponed.

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

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

H.F. No. 1006 for comparison with companion Senate File, reports the following House File was found not identical with its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F.No.	S.F.No.
1006	1043				

Pursuant to Rule 49, the Committee on Rules and Administration recom-

mends that H.F. No. 1006 be amended as follows:

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

Page 1, line 21, before the period insert "*or owned by the metropolitan sports facilities commission and located within the municipality*"

Page 2, line 17, delete "*Section 1 is effective*" and insert "*This act is effective on*"

And when so amended H.F. No. 1006 will be identical to S.F. No. 1043, and further recommends that H.F. No. 1006 be given its second reading and substituted for S.F. No. 1043, and that the Senate File be indefinitely postponed.

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

SECOND READING OF SENATE BILLS

S.F. Nos. 610, 406, 1165, 1119 and 1096 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. Nos. 90, 769, 259, 946, 758, 1108, 463, 598, 91, 859 and 1006 were read the second time.

MOTIONS AND RESOLUTIONS

Mr. Kroening moved that the name of Mrs. Adkins be added as a co-author to S.F. No. 1199. 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 that the rules of the Senate be so far suspended as to waive the lie-over requirement. The motion prevailed.

CALENDAR

H.F. No. 697: A bill for an act relating to the city of St. Paul; providing for facilities, bonding, powers, and duties of the St. Paul port authority; amending Laws 1976, chapter 234, section 3, subdivision 1.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 45 and nays 17, as follows:

Those who voted in the affirmative were:

Adkins	DeCramer	Laidig	Olson	Schmitz
Anderson	Dicklich	Langseth	Peterson, C.C.	Sieloff
Belanger	Diessner	Lantry	Peterson, D.C.	Solon
Benson	Freeman	Lessard	Pogemiller	Stumpf
Bernhagen	Hughes	McQuaid	Purfeerst	Taylor
Brataas	Isackson	Mehrkens	Ramstad	Vega
Chmielewski	Johnson, D.E.	Moe, R. D.	Reichgott	Waldorf
Dahl	Kroening	Nelson	Renneke	Wegscheid
Davis	Kronebusch	Novak	Samuelson	Willet

Those who voted in the negative were:

Berg	Frank	Luther	Peterson, D.L.	Ulland
Berglin	Frederickson	Merriam	Peterson, R.W.	
Bertram	Kamrath	Moe, D. M.	Petty	
Dieterich	Knaak	Pehler	Spear	

So the bill passed and its title was agreed to.

S.F. No. 601: A bill for an act relating to housing; modifying requirements that housing programs for urban Indians in the city of Duluth combine appropriated money with funds from other sources whenever possible; amending Minnesota Statutes 1982, section 462A.07, subdivision 15; and Laws 1978, chapter 670, section 3, 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 62 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Langseth	Peterson, C.C.	Solon
Anderson	Dieterich	Lantry	Peterson, D.C.	Spear
Belanger	Frank	Lessard	Peterson, D.L.	Storm
Benson	Frederickson	Luther	Peterson, R.W.	Stumpf
Berg	Freeman	McQuaid	Petty	Taylor
Berglin	Hughes	Mehrkins	Pogemiller	Ulland
Bernhagen	Isackson	Merriam	Purfeerst	Vega
Bertram	Johnson, D.E.	Moe, D. M.	Ramstad	Waldorf
Brataas	Kamrath	Moe, R. D.	Reichgott	Wegscheid
Chmielewski	Knaak	Nelson	Renneke	Willet
Dahl	Kroening	Novak	Samuelson	
Davis	Kronebusch	Olson	Schmitz	
Dicklich	Laidig	Pehler	Sieloff	

So the bill passed and its title was agreed to.

S.F. No. 799: A bill for an act relating to financial institutions; electronic financial terminals; regulating the use of terminals by financial institutions located outside the state; amending Minnesota Statutes 1982, section 47.64, subdivision 6.

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 62 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Laidig	Pehler	Solon
Anderson	Dieterich	Langseth	Peterson, C.C.	Spear
Belanger	Frank	Lantry	Peterson, D.C.	Storm
Benson	Frederickson	Lessard	Peterson, D.L.	Stumpf
Berg	Freeman	Luther	Peterson, R.W.	Taylor
Berglin	Hughes	McQuaid	Petty	Ulland
Bernhagen	Isackson	Mehrkins	Purfeerst	Vega
Bertram	Johnson, D.E.	Merriam	Ramstad	Waldorf
Brataas	Johnson, D.J.	Moe, D. M.	Reichgott	Wegscheid
Chmielewski	Kamrath	Moe, R. D.	Renneke	Willet
Dahl	Knaak	Nelson	Samuelson	
Davis	Kroening	Novak	Schmitz	
DeCramer	Kronebusch	Olson	Sieloff	

So the bill passed and its title was agreed to.

S.F. No. 1012: A bill for an act relating to waste management; amending the Waste Management Act of 1980; providing for the evaluation of bedrock disposal of hazardous waste; providing for participation by private developers and operators of waste facilities in the evaluation of hazardous waste disposal sites; creating phases of environmental impact statements; expanding the definition of hazardous waste; extending the deadlines for the adoption of certain hazardous waste rules; extending certain deadlines of the metropolitan council; clarifying the contents of environmental impact statements; providing reports to counties on permit conditions and permit application requirements for county sites; amending Minnesota Statutes 1982, sections 115.071, subdivision 3; 115A.03, subdivision 10; 115A.05, subdivisions 2 and 3; 115A.06, subdivision 4; 115A.08, subdivisions 4, 5, and 6; 115A.10; 115A.11, subdivisions 1 and 2; 115A.21; 115A.22, subdivisions 1, 3, 4, 6, and 7; 115A.24, subdivision 1; 115A.25, subdivisions 1, 2, 3, and by adding subdivisions; 115A.26; 115A.27, subdivision 2; 115A.28, subdivisions 1, 2, and 3; 115A.30; 115A.54, subdivision 2; 115A.67; 115A.70, subdivision 3; 116.06, subdivision 13, and by adding a subdivision; 116.07, subdivision 4; 116.41, subdivision 1a; 473.149, subdivisions 2b, 2c, 2d, 2e, and 4; 473.153, subdivisions 2, 5, 6, 6b, and by adding a subdivision; 473.803, subdivisions 1a and 1b; 473.823, subdivision 6; 473.831, subdivision 2; 473.833, subdivisions 2a, 3, 7, and by adding a subdivision; proposing new law coded in Minnesota Statutes, chapter 115A; repealing Minnesota Statutes 1982, sections 115A.23; 115A.27, subdivision 1; 116.07, subdivision 4c; and 116.41, subdivision 1.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 61 and nays 3, as follows:

Those who voted in the affirmative were:

Adkins	Dieterich	Lantry	Peterson, D.C.	Spear
Anderson	Frank	Lessard	Peterson, D.L.	Storm
Belanger	Freeman	Luther	Peterson, R.W.	Stumpf
Berg	Hughes	McQuaid	Petty	Taylor
Berglin	Isackson	Mehrkins	Pogemiller	Ulland
Bernhagen	Johnson, D.E.	Merriam	Purfeerst	Vega
Brataas	Johnson, D.J.	Moe, D. M.	Ramstad	Waldorf
Chmielewski	Kamrath	Moe, R. D.	Reichgott	Wegscheid
Dahl	Knaak	Nelson	Renneke	Willet
Davis	Kroening	Novak	Samuelson	
DeCramer	Kronebusch	Olson	Schmitz	
Dicklich	Laidig	Pehler	Sieloff	
Diessner	Langseth	Peterson, C.C.	Solon	

Messrs. Benson, Bertram and Frederickson voted in the negative.

So the bill passed and its title was agreed to.

S.F. No. 462: A bill for an act relating to liquor; authorizing employment of persons under 18 in establishments licensed to sell wine only; amending Minnesota Statutes 1982, section 340.14, subdivision 2.

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 51 and nays 13, as follows:

Those who voted in the affirmative were:

Adkins	Frank	Lessard	Peterson, D.L.	Storm
Anderson	Frederickson	Luther	Peterson, R.W.	Stumpf
Belanger	Freeman	McQuaid	Petty	Ulland
Berglin	Hughes	Mehrkens	Pogemiller	Vega
Bertram	Isackson	Merriam	Purfeerst	Waldorf
Dahl	Johnson, D.J.	Moe, D.M.	Reichgott	Wegscheid
Davis	Kamrath	Moe, R.D.	Samuelson	Willett
DeCramer	Knaak	Nelson	Schmitz	
Dicklich	Kroening	Novak	Sieloff	
Diessner	Langseth	Olson	Solon	
Dieterich	Lantry	Peterson, D.C.	Spear	

Those who voted in the negative were:

Benson	Brataas	Kronebusch	Peterson, C.C.	Taylor
Berg	Chmielewski	Laidig	Ramstad	
Bernhagen	Johnson, D.E.	Pehler	Renneke	

So the bill passed and its title was agreed to.

S.F. No. 525: A bill for an act relating to marriage dissolution; providing a summary dissolution procedure; amending Minnesota Statutes 1982, section 518.145; proposing new law coded in Minnesota Statutes, chapter 518.

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 34 and nays 28 as follows:

Those who voted in the affirmative were:

Anderson	Freeman	Lantry	Peterson, C.C.	Samuelson
Belanger	Isackson	Lessard	Peterson, D.L.	Solon
Benson	Kamrath	Luther	Peterson, R.W.	Spear
Berglin	Knaak	McQuaid	Petty	Storm
Dieterich	Kronebusch	Mehrkens	Pogemiller	Ulland
Frederick	Laidig	Merriam	Ramstad	Vega
Frederickson	Langseth	Moe, R.D.	Renneke	

Those who voted in the negative were:

Adkins	Davis	Johnson, D.J.	Pehler	Taylor
Bernhagen	DeCramer	Kroening	Purfeerst	Waldorf
Bertram	Dicklich	Moe, D.M.	Reichgott	Wegscheid
Brataas	Diessner	Nelson	Schmitz	Willett
Chmielewski	Frank	Novak	Sieloff	
Dahl	Johnson, D.E.	Olson	Stumpf	

So the bill passed and its title was agreed to.

S.F. No. 856: A bill for an act relating to real property; requiring certification by the municipality prior to transfer by the county auditor of certain unplatted properties; amending Minnesota Statutes 1982, section 272.162, subdivisions 2 and 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 64 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Kronebusch	Olson	Schmitz
Anderson	Diessner	Laidig	Pehler	Sieloff
Belanger	Dieterich	Langseth	Peterson, C.C.	Solon
Benson	Frank	Lantry	Peterson, D.C.	Spear
Berg	Frederick	Lessard	Peterson, D.L.	Storm
Berglin	Frederickson	Luther	Peterson, R.W.	Stumpf
Bernhagen	Freeman	McQuaid	Petty	Taylor
Bertram	Isackson	Mehrkens	Pogemiller	Ulland
Brataas	Johnson, D.E.	Merriam	Purfeerst	Vega
Chmielewski	Johnson, D.J.	Moe, D.M.	Ramstad	Waldorf
Dahl	Kamrath	Moe, R.D.	Reichgott	Wegscheid
Davis	Knaak	Nelson	Renneke	Willet
DeCramer	Kroening	Novak	Samuelson	

So the bill passed and its title was agreed to.

H.F. No. 656: A bill for an act relating to intoxicating liquor; allowing the city of Marble to permit on-sales of intoxicating liquor on a certain date.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 57 and nays 7, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Lantry	Peterson, D.C.	Spear
Anderson	Diessner	Lessard	Peterson, D.L.	Storm
Belanger	Dieterich	Luther	Peterson, R.W.	Stumpf
Benson	Frank	McQuaid	Petty	Taylor
Berg	Frederick	Mehrkens	Pogemiller	Ulland
Berglin	Freeman	Merriam	Purfeerst	Vega
Bernhagen	Isackson	Moe, D.M.	Ramstad	Waldorf
Bertram	Johnson, D.J.	Moe, R.D.	Reichgott	Wegscheid
Brataas	Kamrath	Nelson	Samuelson	Willet
Dahl	Kroening	Novak	Schmitz	
Davis	Kronebusch	Olson	Sieloff	
DeCramer	Langseth	Pehler	Solon	

Those who voted in the negative were:

Chmielewski	Johnson, D.E.	Laidig	Peterson, C.C.	Renneke
Frederickson	Knaak			

So the bill passed and its title was agreed to.

S.F. No. 661: A bill for an act relating to taxation; providing for apportionment of property tax refund claims for unrelated persons occupying a homestead; amending Minnesota Statutes 1982, sections 290A.03, subdivisions 8 and 13; and 290A.05.

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:

Adkins	Dicklich	Kronebusch	Olson	Schmitz
Anderson	Diessner	Laidig	Pehler	Sieloff
Belanger	Dieterich	Langseth	Peterson, C.C.	Solon
Benson	Frank	Lantry	Peterson, D.C.	Spear
Berg	Frederick	Lessard	Peterson, D.L.	Storm
Berglin	Frederickson	Luther	Peterson, R.W.	Stumpf
Bernhagen	Freeman	McQuaid	Petty	Taylor
Bertram	Isackson	Mehrkens	Pogemiller	Ulland
Brataas	Johnson, D.E.	Merriam	Purfeerst	Vega
Chmielewski	Johnson, D.J.	Moe, D.M.	Ramstad	Waldorf
Dahl	Kamrath	Moe, R.D.	Reichgott	Wegscheid
Davis	Knaak	Nelson	Renneke	Willet
DeCramer	Kroening	Novak	Samuelson	

So the bill passed and its title was agreed to.

S.F. No. 378: A bill for an act relating to taxation; extending availability of confession of judgment procedure to certain non-homestead property; amending Minnesota Statutes 1982, section 279.37, subdivisions 1 and 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 62 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Langseth	Peterson, C.C.	Solon
Anderson	Dieterich	Lantry	Peterson, D.C.	Spear
Belanger	Frank	Lessard	Peterson, D.L.	Storm
Benson	Frederick	Luther	Peterson, R.W.	Stumpf
Berg	Frederickson	McQuaid	Petty	Taylor
Bernhagen	Freeman	Mehrkens	Pogemiller	Ulland
Bertram	Isackson	Merriam	Purfeerst	Vega
Brataas	Johnson, D.E.	Moe, D.M.	Ramstad	Waldorf
Chmielewski	Johnson, D.J.	Moe, R.D.	Reichgott	Wegscheid
Dahl	Kamrath	Nelson	Renneke	Willet
Davis	Knaak	Novak	Samuelson	
DeCramer	Kroening	Olson	Schmitz	
Dicklich	Laidig	Pehler	Sieloff	

So the bill passed and its title was agreed to.

S.F. No. 1105: A bill for an act relating to state lands; providing for the conveyance of certain state land to the city of St. Peter for use as a roadway.

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:

Adkins	Dicklich	Kronebusch	Olson	Schmitz
Anderson	Diessner	Laidig	Pehler	Sieloff
Belanger	Dieterich	Langseth	Peterson, C.C.	Solon
Benson	Frank	Lantry	Peterson, D.C.	Spear
Berg	Frederick	Lessard	Peterson, D.L.	Storm
Berglin	Frederickson	Luther	Peterson, R.W.	Stumpf
Bernhagen	Freeman	McQuaid	Petty	Taylor
Bertram	Isackson	Mehrkens	Pogemiller	Ulland
Brataas	Johnson, D.E.	Merriam	Purfeerst	Vega
Chmielewski	Johnson, D.J.	Moe, D.M.	Ramstad	Waldorf
Dahl	Kamrath	Moe, R.D.	Reichgott	Wegscheid
Davis	Knaak	Nelson	Renneke	Willet
DeCramer	Kroening	Novak	Samuelson	

So the bill passed and its title was agreed to.

S.F. No. 987: A bill for an act relating to natural resources; eliminating obsolete material and updating certain provisions relating to decorative trees; amending Minnesota Statutes 1982, sections 88.641, subdivision 1; 88.642; 88.644; and 88.648; repealing Minnesota Statutes 1982, sections 88.641, subdivision 3; 88.643; 88.646; and 88.649.

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:

Adkins	Dicklich	Kronebusch	Olson	Schmitz
Anderson	Diessner	Laidig	Pehler	Sieloff
Belanger	Dieterich	Langseth	Peterson, C.C.	Solon
Benson	Frank	Lantry	Peterson, D.C.	Spear
Berg	Frederick	Lessard	Peterson, D.L.	Storm
Berglin	Frederickson	Luther	Peterson, R.W.	Stumpf
Bernhagen	Freeman	McQuaid	Petty	Taylor
Bertram	Isackson	Mehrkens	Pogemiller	Ulland
Brataas	Johnson, D.E.	Merriam	Purfeerst	Vega
Chmielewski	Johnson, D.J.	Moe, D.M.	Ramstad	Waldorf
Dahl	Kamrath	Moe, R.D.	Reichgott	Wegscheid
Davis	Knaak	Nelson	Renneke	Willet
DeCramer	Kroening	Novak	Samuelson	

So the bill passed and its title was agreed to.

S.F. No. 954: A bill for an act relating to commerce; mechanics' liens; providing notice requirements for certain contractors; increasing the time periods relating to an owner's obligation to pay a contractor and the duration of the lien; providing penalties for falsely filing liens; amending Minnesota Statutes 1982, sections 514.011, subdivisions 1 and 2; 514.07; 514.08, subdivision 1, and by adding a subdivision; and 514.10.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 57 and nays 5, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Laidig	Olson	Solon
Anderson	Dieterich	Langseth	Pehler	Spear
Belanger	Frederick	Lantry	Peterson, C.C.	Storm
Benson	Frederickson	Lessard	Peterson, D.C.	Stumpf
Berg	Freeman	Luther	Peterson, D.L.	Taylor
Bernhagen	Isackson	McQuaid	Peterson, R.W.	Ulland
Bertram	Johnson, D.E.	Mehrkens	Petty	Vega
Brataas	Johnson, D.J.	Merriam	Pogemiller	Waldorf
Chmielewski	Kamrath	Moe, D.M.	Ramstad	Wegscheid
Dahl	Knaak	Moe, R.D.	Reichgott	
DeCramer	Kroening	Nelson	Renneke	
Dicklich	Kronebusch	Novak	Schmitz	

Those who voted in the negative were:

Davis	Frank	Purfeerst	Samuelson	Willet
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So the bill passed and its title was agreed to.

S.F. No. 756: A bill for an act relating to negligence; removing bars to

actions in certain cases; amending Minnesota Statutes 1982, section 604.06.

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:

Adkins	Dicklich	Kronebusch	Olson	Schmitz
Anderson	Diessner	Laidig	Pehler	Sieloff
Belanger	Dieterich	Langseth	Peterson, C.C.	Solon
Benson	Frank	Lantry	Peterson, D.C.	Spear
Berg	Frederick	Lessard	Peterson, D.L.	Storm
Berglin	Frederickson	Luther	Peterson, R.W.	Stumpf
Bernhagen	Freeman	McQuaid	Petty	Taylor
Bertram	Isackson	Mehrkens	Pogemiller	Ulland
Brataas	Johnson, D.E.	Merriam	Purfeerst	Vega
Chmielewski	Johnson, D.J.	Moe, D.M.	Ramstad	Waldorf
Dahl	Kamrath	Moe, R.D.	Reichgott	Wegscheid
Davis	Knaak	Nelson	Renneke	Willet
DeCramer	Kroening	Novak	Samuelson	

So the bill passed and its title was agreed to.

S.F. No. 301: A bill for an act relating to the environment; imposing stricter criminal penalties for persons convicted of violating laws or rules relating to hazardous waste; providing that unlawful disposal of hazardous wastes is a felony; amending Minnesota Statutes, section 115.071, subdivision 2, and by adding subdivisions.

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 0, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Laidig	Pehler	Sieloff
Anderson	Diessner	Langseth	Peterson, C.C.	Solon
Belanger	Dieterich	Lantry	Peterson, D.C.	Spear
Benson	Frank	Lessard	Peterson, D.L.	Storm
Berg	Frederick	Luther	Peterson, R.W.	Stumpf
Berglin	Frederickson	McQuaid	Petty	Taylor
Bernhagen	Freeman	Mehrkens	Pogemiller	Ulland
Bertram	Isackson	Merriam	Purfeerst	Vega
Brataas	Johnson, D.E.	Moe, D.M.	Ramstad	Waldorf
Chmielewski	Johnson, D.J.	Moe, R.D.	Reichgott	Wegscheid
Dahl	Kamrath	Nelson	Renneke	Willet
Davis	Knaak	Novak	Samuelson	
DeCramer	Kroening	Olson	Schmitz	

So the bill passed and its title was agreed to.

SUSPENSION OF RULES

Remaining on the Order of Business of Motions and Resolutions, Mr. Moe, R.D. moved that the Senate take up the Consent Calendar and that the rules of the Senate be so far suspended as to waive the lie-over requirement. The motion prevailed.

CONSENT CALENDAR

H.F. No. 721: A bill for an act relating to the city of Babbitt; authorizing the establishment of detached banking facilities.

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 0, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Kronebusch	Olson	Sieloff
Anderson	Dieterich	Laidig	Pehler	Solon
Belanger	Frank	Langseth	Peterson, C.C.	Spear
Benson	Frederick	Lantry	Peterson, D.C.	Storm
Berg	Frederickson	Lessard	Peterson, D.L.	Stumpf
Bernhagen	Freeman	Luther	Peterson, R.W.	Taylor
Bertram	Isackson	McQuaid	Petty	Ulland
Brataas	Johnson, D.E.	Mehrkens	Purfeerst	Vega
Chmielewski	Johnson, D.J.	Merriam	Ramstad	Waldorf
Dahl	Kamrath	Moe, D.M.	Reichgott	Wegscheid
Davis	Knaak	Nelson	Renneke	Willet
Dicklich	Kroening	Novak	Schmitz	

So the bill passed and its title was agreed to.

H.F. No. 959: A bill for an act relating to commerce; authorizing certain retailers of motor vehicle fuel to compute sales by the half-gallon; proposing new law coded in Minnesota Statutes 1982, section 325E.095.

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 1, as follows:

Those who voted in the affirmative were:

Adkins	DeCramer	Kroening	Olson	Samuelson
Anderson	Dicklich	Kronebusch	Pehler	Schmitz
Belanger	Diessner	Laidig	Peterson, C.C.	Solon
Benson	Dieterich	Lantry	Peterson, D.C.	Spear
Berg	Frederick	Lessard	Peterson, D.L.	Storm
Berglin	Frederickson	Luther	Peterson, R.W.	Taylor
Bernhagen	Freeman	McQuaid	Petty	Ulland
Bertram	Isackson	Mehrkens	Pogemiller	Vega
Brataas	Johnson, D.E.	Merriam	Purfeerst	Waldorf
Chmielewski	Johnson, D.J.	Moe, D.M.	Ramstad	Wegscheid
Dahl	Kamrath	Nelson	Reichgott	Willet
Davis	Knaak	Novak	Renneke	

Mr. Stumpf voted in the negative.

So the bill passed and its title was agreed to.

H.F. No. 953: A bill for an act relating to the city of Silver Bay; authorizing the establishment of detached banking facilities.

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 1, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Kronebusch	Pehler	Spear
Anderson	Diessner	Laidig	Peterson, C.C.	Storm
Belanger	Dieterich	Langseth	Peterson, D.C.	Stumpf
Benson	Frank	Lantry	Peterson, D.L.	Taylor
Berg	Frederick	Lessard	Peterson, R.W.	Ulland
Berglin	Frederickson	Luther	Petty	Vega
Bernhagen	Freeman	McQuaid	Ramstad	Waldorf
Bertram	Isackson	Mehrkens	Reichgott	Wegscheid
Brataas	Johnson, D.E.	Merriam	Renneke	Willet
Chmielewski	Johnson, D.J.	Moe, R.D.	Samuelson	
Dahl	Kamrath	Nelson	Schmitz	
Davis	Knaak	Novak	Sieloff	
DeCramer	Kroening	Olson	Solon	

Mr. Purfeerst voted in the negative.

So the bill passed and its title was agreed to.

H.F. No. 1122: A bill for an act relating to the town of Flowing; permitting the town to conduct elections and town business in a nearby city.

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:

Adkins	Dicklich	Kronebusch	Olson	Schmitz
Anderson	Diessner	Laidig	Pehler	Sieloff
Belanger	Dieterich	Langseth	Peterson, C.C.	Solon
Benson	Frank	Lantry	Peterson, D.C.	Spear
Berg	Frederick	Lessard	Peterson, D.L.	Storm
Berglin	Frederickson	Luther	Peterson, R.W.	Stumpf
Bernhagen	Freeman	McQuaid	Petty	Taylor
Bertram	Isackson	Mehrkens	Pogemiller	Ulland
Brataas	Johnson, D.E.	Merriam	Purfeerst	Vega
Chmielewski	Johnson, D.J.	Moe, D.M.	Ramstad	Waldorf
Dahl	Kamrath	Moe, R.D.	Reichgott	Wegscheid
Davis	Knaak	Nelson	Renneke	Willet
DeCramer	Kroening	Novak	Samuelson	

So the bill passed and its title was agreed to.

H.F. No. 741: A bill for an act relating to real estate; regulating the duties of a county recorder; amending Minnesota Statutes 1982, sections 386.31; 386.36; 580.24; 580.25; 582.03; 582.04; repealing Minnesota Statutes 1982, section 357.181.

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 62 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Laidig	Peterson, C.C.	Solon
Anderson	Diessner	Langseth	Peterson, D.C.	Spear
Belanger	Dieterich	Lantry	Peterson, D.L.	Storm
Benson	Frank	Lessard	Peterson, R.W.	Stumpf
Berg	Frederick	Luther	Petty	Taylor
Berglin	Frederickson	McQuaid	Pogemiller	Ulland
Bernhagen	Freeman	Merriam	Purfeerst	Vega
Bertram	Isackson	Moe, D.M.	Ramstad	Waldorf
Brataas	Johnson, D.E.	Moe, R.D.	Reichgott	Wegscheid
Chmielewski	Johnson, D.J.	Nelson	Renneke	Willet
Dahl	Kamrath	Novak	Samuelson	
Davis	Knaak	Olson	Schmitz	
DeCramer	Kronebusch	Pehler	Sieloff	

So the bill passed and its title was agreed to.

H.F. No. 764: A bill for an act relating to retirement; qualifying park district police for certain pension aids; amending Minnesota Statutes 1982, section 69.011, subdivision 1.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Langseth	Peterson, C.C.	Solon
Anderson	Dieterich	Lantry	Peterson, D.C.	Spear
Belanger	Frank	Lessard	Peterson, D.L.	Storm
Benson	Frederick	Luther	Peterson, R.W.	Stumpf
Berg	Frederickson	McQuaid	Petty	Taylor
Bernhagen	Freeman	Mehrkens	Pogemiller	Ulland
Bertram	Isackson	Merriam	Purfeerst	Vega
Brataas	Johnson, D.E.	Moe, D.M.	Ramstad	Waldorf
Chmielewski	Kamrath	Moe, R.D.	Reichgott	Wegscheid
Dahl	Knaak	Nelson	Renneke	Willet
Davis	Kroening	Novak	Samuelson	
DeCramer	Kronebusch	Olson	Schmitz	
Dicklich	Laidig	Pehler	Sieloff	

So the bill passed 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.

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Lessard moved that H.F. No. 744 be withdrawn from the Committee on Rules and Administration and re-referred to the Committee on Finance. The motion prevailed.

Mr. Merriam, for Mr. Stumpf, moved that H.F. No. 946, on General Orders, be stricken and re-referred to the Committee on Agriculture and Natural Resources. The motion prevailed.

Pursuant to Rule 10, Mr. Moe, R.D., Chairman of the Subcommittee on

Bill Scheduling, designated the General Orders Calendar a Special Orders Calendar to be heard immediately.

Pursuant to Rule 22, Mr. Freeman moved to be excused from voting on questions relating to H.F. No. 76. The motion prevailed.

SPECIAL ORDER

H.F. No. 76: A bill for an act relating to the environment; establishing an environmental response, compensation and compliance fund to pay for removal and remedial action associated with certain hazardous substances released into the environment and for other purposes; providing for liability for cleanup costs, personal injury, economic loss, and damage to natural resources resulting from releases of hazardous substances; imposing taxes, fees, and penalties; providing for injunctive relief; appropriating money; amending Minnesota Statutes 1982, sections 115A.24, subdivision 1; 466.01, by adding a subdivision; and 466.04, subdivision 1; proposing new law coded in Minnesota Statutes, chapter 116; proposing new law coded as Minnesota Statutes, chapter 115B; repealing Minnesota Statutes 1982, section 115A.24, subdivision 2.

Mr. Merriam moved to amend H.F. No. 76, the unofficial engrossment, as follows:

Page 17, line 33, delete "*subrogaton*" and insert "*subrogation*"

The motion prevailed. So the amendment was adopted.

Mr. Merriam then moved to amend H. F. No. 76, the unofficial engrossment, as follows:

Page 32, line 29, before the comma, insert "*including waste accumulated, stored, or physically, chemically, or biologically treated before recycling or reuse*"

The motion prevailed. So the amendment was adopted.

Mr. Merriam then moved to amend H.F. No. 76, the unofficial engrossment, as follows:

Page 33, after line 5, insert:

"Subd. 4. [LAND TREATMENT.] Hazardous waste destined for treatment in or on the land shall be taxed at the rate of \$32 per cubic yard."

Page 33, line 7, delete "5" and insert "6"

Renumber the subdivisions in sequence

Page 36, line 26, delete "4" and insert "5"

The motion prevailed. So the amendment was adopted.

CALL OF THE SENATE

Mr. Merriam imposed a call of the Senate for the balance of the proceedings on H.F. No. 76. The Sergeant at Arms was instructed to bring in the absent members.

Mr. DeCramer moved to amend H.F. No. 76, the unofficial engrossment,

as follows:

Page 12, line 12, delete "8" and insert "9"

Page 13, after line 6, insert:

"Subd. 4. [LIABILITY LIMITATIONS.] The liability of a political subdivision under this section is subject to the limits imposed under section 466.04, subdivision 1.

Page 15, line 2, delete "7" and insert "8"

Renumber the subdivisions in sequence

Page 19, delete section 14

Page 40, after line 10, insert:

"Sec. 27. Minnesota Statutes 1982, section 466.01, is amended by adding a subdivision to read:

Subd. 3. For the purposes of sections 466.01 to 466.15, "release" and "hazardous substance" have the meanings given in section 2.

Sec. 28. Minnesota Statutes 1982, section 466.04, subdivision 1, is amended to read:

Subdivision 1. [LIMITS; PUNITIVE DAMAGES.] Liability of any municipality on any claim within the scope of sections 466.01 to 466.15 shall not exceed

(a) \$100,000 when the claim is one for death by wrongful act or omission and \$100,000 to any claimant in any other case;

(b) \$300,000 for any number of claims arising out of a single occurrence-;

(c) Twice the limits provided in clauses (a) and (b) when the claim arises out of the release or threatened release of a hazardous substance, whether the claim is brought under sections 1 to 14 or under any other law.

No award for damages on any such claim shall include punitive damages."

Renumber the sections in sequence

Correct cross references

Amend the title as follows:

Page 1, line 13, delete "section" and insert "sections" and after the semicolon insert "466.01, by adding a subdivision; and 466.04, subdivision 1;"

Mr. Bertram moved to amend the DeCramer amendment to H.F. No. 76, the unofficial engrossment, as follows:

Page 2 of the DeCramer amendment, after line 1, insert:

"The liability under this section for any other business or individual shall not exceed (a) \$1,500,000 for a claim of death, personal injury, or economic loss by any one claimant, and (b) \$7,000,000 for any number of such claims arising out of a single occurrence."

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

The question recurred on the DeCramer amendment. The motion prevailed. So the DeCramer amendment was adopted.

Mr. Wegscheid moved to amend H.F. No. 76, the unofficial engrossment, as follows:

Page 15, line 8, delete "1963" and insert "1982"

Mr. Pogemiller moved to amend the Wegscheid amendment to H.F. No. 76, the unofficial engrossment, as follows:

Page 1, line 3 of the amendment, delete "1982" and insert "1933"

The question was taken on the adoption of the amendment to the amendment.

The roll was called, and there were yeas 22 and nays 43, as follows:

Those who voted in the affirmative were:

Berglin	Frank	Moe, D. M.	Peterson, D.C.	Vega
Dahl	Johnson, D.J.	Moe, R. D.	Peterson, R.W.	Willet
Dicklich	Laidig	Nelson	Petty	
Diessner	Luther	Novak	Pogemiller	
Dieterich	Merriam	Peterson, C.C.	Spear	

Those who voted in the negative were:

Adkins	Davis	Knutson	Pehler	Solon
Anderson	DeCramer	Kroening	Peterson, D.L.	Storm
Belanger	Frederick	Kronebusch	Purfeerst	Stumpf
Benson	Frederickson	Langseth	Ramstad	Taylor
Berg	Isackson	Lantry	Reichgott	Ulland
Bernhagen	Johnson, D.E.	Lessard	Renneke	Waldorf
Bertram	Jude	McQuaid	Samuelson	Wegscheid
Brataas	Kamrath	Mehrkins	Schmitz	
Chmielewski	Knaak	Olson	Sieloff	

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

The question recurred on the Wegscheid amendment.

The roll was called, and there were yeas 31 and nays 33, as follows:

Those who voted in the affirmative were:

Anderson	Frederick	Kronebusch	Renneke	Ulland
Belanger	Frederickson	Laidig	Samuelson	Waldorf
Benson	Isackson	Langseth	Schmitz	Wegscheid
Berg	Johnson, D.E.	Mehrkins	Sieloff	
Bernhagen	Kamrath	Olson	Storm	
Bertram	Knaak	Peterson, D.L.	Stumpf	
Brataas	Knutson	Ramstad	Taylor	

Those who voted in the negative were:

Adkins	Diessner	Lessard	Novak	Purfeerst
Berglin	Dieterich	Luther	Pehler	Reichgott
Chmielewski	Frank	McQuaid	Peterson, C.C.	Spear
Dahl	Johnson, D.J.	Merriam	Peterson, D.C.	Vega
Davis	Jude	Moe, D. M.	Peterson, R.W.	Willet
DeCramer	Kroening	Moe, R. D.	Petty	
Dicklich	Lantry	Nelson	Pogemiller	

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

Mr. Pehler moved to amend H.F. No. 76, the unofficial engrossment, as follows:

Page 15, delete lines 6 to 11 and insert *"A defendant is not liable under section 5 for damages caused or significantly contributed to by the release of a hazardous substance from a facility if the defendant shows that the substance was placed or came to be located in or on the facility before April 1, 1963. Notwithstanding any other provision of this section, section 5 applies to damages arising out of any release or threatened release which has been listed on the national priority list under section 105(8)(B) of the Federal Superfund Act."*

The motion prevailed. So the amendment was adopted.

Mr. Luther moved to amend H.F. No. 76, the unofficial engrossment, as follows:

Page 3, line 17, delete the period

Page 3, delete lines 18 to 23 and insert *"; provided that:*

(1) A lessor of real property under a lease which in substance is a financing device and is treated as such under the United States Internal Revenue Code, common law, or statute, is not an owner of the real property;

(2) A public utility holding a public utility easement is an owner of the real property described in the easement only for the purpose of carrying out the specific use for which the easement was granted; and

(3) Any person holding a remainder or other nonpossessory interest or estate in real property is an owner of the real property beginning when that person's interest or estate in the real property vests in possession or that person obtains the unconditioned right to possession, or to control the use of, the real property."

Page 4, after line 6, insert:

"Subd. 14. [PUBLIC UTILITY EASEMENT.] "Public utility easement" means an easement used for the purposes of transmission, distribution, or furnishing, at wholesale or retail, natural or manufactured gas, or electric or telephone service, by a public utility as defined in section 216B.02, subdivision 4, a cooperative electric association organized under the provisions of chapter 308, a telephone company as defined in section 237.01, subdivisions 2 and 3, or a municipality producing or furnishing gas, electric, or telephone service."

Renumber the subdivisions in sequence

Page 6, line 34, delete everything after *"(a)"*

Page 6, line 35, delete *"of,"* and insert *"Owned"*

Page 8, line 12, delete *"property"* and insert *"facility"*

Page 8, delete lines 13 to 34 and insert:

For the purpose of clause (d), a written warranty, representation, or undertaking, which is set forth in an instrument conveying any right, title or interest in the real property and which is executed by the person conveying the right, title or interest, or which is set forth in any memorandum of any

such instrument executed for the purpose of recording, is admissible as evidence of whether the person acquiring any right, title, or interest in the real property knew or reasonably should have known that a hazardous substance was located in or on the facility, and is prima facie evidence of the facts set forth in it.

Any liability which accrues to an owner of real property under sections 1 to 15 does not accrue to any other person who is not an owner of the real property merely because the other person holds some right, title, or interest in the real property.

An owner of real property on which a public utility easement is located is not a responsible person with respect to any release caused by any act or omission of the public utility which holds the easement in carrying out the specific use for which the easement was granted."

Page 17, delete lines 19 to 22

Page 17, line 23, delete everything before "Nothing" and insert:

"An owner or operator of a facility or any other person who may be liable under sections 1 to 15 may not avoid that liability by means of any conveyance of any right, title, or interest in real property, or by any indemnification, hold harmless agreement, or similar agreement."

The motion prevailed. So the amendment was adopted.

Mr. Lessard moved to amend H.F. No. 76, the unofficial engrossment, as follows:

Page 19, after line 8, insert:

"No claim for legal services or disbursements pertaining to any demand made or suit or proceeding which includes a cause of action brought pursuant to section 5 is an enforceable lien against any award, settlement, or judgment in favor of the claimant, or is valid or binding in any other respect, unless approved in writing by a court. No claim made against or paid by the claimant for legal services, costs, and disbursements pertaining to any demand made or suit or proceeding brought pursuant to section 5 shall be more than 15 percent of the total award, settlement, or judgment in favor of the claimant. Application to exceed this limitation upon a showing of extraordinary circumstances may be made by the claimant's attorney to the judge who presided over the suit or proceeding."

The motion prevailed. So the amendment was adopted.

Mrs. Kronebusch moved to amend H.F. No. 76, the unofficial engrossment, as follows:

Page 30, line 25, after the semicolon, delete "and"

Page 30, line 27, delete the period and insert " ; and"

Page 30, after line 27, insert:

"(j) Grants by the agency to study the extent of contamination and feasibility of cleanup of hazardous substances and other pollutants in major waterways of the state."

The motion prevailed. So the amendment was adopted.

Mr. Frederickson moved to amend H.F. No. 76, the unofficial engrossment, as follows:

Page 7, after line 27, insert:

"Subd. 3. [FAMILY FARM OPERATION.] If a person who is responsible for a release or threatened release, as provided in subdivision 1, is an owner, operator, family member, or is employed by a family farm or family farm corporation as defined in section 500.24, he is subject to liability under sections 4 or 5 only if he failed to exercise due care with respect to the hazardous substance."

Page 7, line 28, delete "3" and insert "4"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 28 and nays 35, as follows:

Those who voted in the affirmative were:

Anderson	Diessner	Knaak	Peterson, D.L.	Storm
Belanger	Frederick	Kronebusch	Ramstad	Stumpf
Benson	Frederickson	Laidig	Renneke	Taylor
Bernhagen	Isackson	McQuaid	Samuelson	Ulland
Bertram	Johnson, D.E.	Mehrkins	Schmitz	
Brataas	Kamrath	Olson	Sieloff	

Those who voted in the negative were:

Adkins	Dieterich	Lantry	Novak	Purfeerst
Berglin	Frank	Lessard	Pehler	Reichgott
Chmielewski	Hughes	Luther	Peterson, C.C.	Solon
Dahl	Johnson, D.J.	Merriam	Peterson, D.C.	Spear
Davis	Jude	Moe, D. M.	Peterson, R.W.	Vega
DeCramer	Kroening	Moe, R. D.	Petty	Waldorf
Dicklich	Langseth	Nelson	Pogemiller	Willet

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

Mr. Sieloff moved to amend H.F. No. 76, the unofficial engrossment, as follows:

Page 9, line 2, delete "10" and insert "11"

Page 10, after line 27, insert:

"Subd. 7. [INTERVENING ACTS OF PUBLIC AGENCIES.] When the agency or the federal environmental protection agency assumes control over any release or threatened release of a hazardous substance by taking response actions at the site of the release, the persons responsible for the release are not liable under sections 1 to 15 or any other law for any aggravation of the release which occurs after the agency or federal agency assumes control or for any subsequent release of the hazardous substance from another facility to which it has been removed."

Page 12, line 6, delete "9" and insert "10"

Renumber the subdivisions in sequence

Page 12, line 12, delete "8" and insert "9"

Page 13, after line 34, insert:

"Subd. 6. [INTERVENING ACTS OF PUBLIC AGENCIES.] When the

agency or the federal environmental protection agency assumes control over any release or threatened release of a hazardous substance by taking response actions at the site of the release, the persons responsible for the release are not liable under sections 1 to 15 or any other law for any aggravation of the release which occurs after the agency or federal agency assumes control or for any subsequent release of the hazardous substance from another facility to which it has been removed."

Page 15, line 2, delete "7" and insert "8"

Renumber the subdivisions in sequence

The motion prevailed. So the amendment was adopted.

Mr. Wegscheid moved to amend H.F. No. 76, the unofficial engrossment, as follows:

Page 15, line 8, delete "April 1, 1963" and insert "June 30, 1978"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 34 and nays 32, as follows:

Those who voted in the affirmative were:

Anderson	DeCramer	Knutson	Peterson, D.L.	Storm
Belanger	Frederick	Kronebusch	Ramstad	Stumpf
Benson	Frederickson	Laidig	Renneke	Taylor
Berg	Isackson	Langseth	Samuelson	Ulland
Bernhagen	Johnson, D.E.	Lessard	Schmitz	Waldorf
Bertram	Kamrath	Mehrkens	Sieloff	Wegscheid
Brataas	Knaak	Olson	Solon	

Those who voted in the negative were:

Adkins	Dieterich	Luther	Pehler	Reichgott
Berglin	Frank	McQuaid	Peterson, C.C.	Spear
Chmielewski	Hughes	Merriam	Peterson, D.C.	Vega
Dahl	Johnson, D.J.	Moe, D. M.	Peterson, R.W.	Willet
Davis	Jude	Moe, R. D.	Petty	
Dicklich	Kroening	Nelson	Pogemiller	
Diessner	Lantry	Novak	Purfeerst	

The motion prevailed. So the amendment was adopted.

Mr. Sieloff moved to amend H.F. No. 76, the unofficial engrossment, as follows:

Page 39, after line 5, insert:

"Sec. 26. [116.50] [OFFICE OF OMBUDSMAN.]

Subdivision 1. [CREATION; QUALIFICATIONS; FUNCTION.] The office of environmental ombudsman for the pollution control agency is hereby created. The ombudsman shall serve at the pleasure of the governor in the unclassified service, shall be selected without regard to political affiliation, and shall be a person highly competent and qualified to analyze questions of law, administration and public policy. No person may serve as ombudsman while holding any other public office. The ombudsman for the agency shall report to the governor and shall have the authority to investigate decisions, acts and other matters of the agency so as to promote the highest attainable standards of competence, efficiency, and justice in the administration of en-

vironmental policy. All costs and expenses incurred by the ombudsman shall be paid from the environmental response, compensation and compliance fund.

Subd. 2. [MATTERS APPROPRIATE FOR INVESTIGATION.] (a) The ombudsman shall address himself particularly to actions of the agency which might be (1) contrary to law or regulation; (2) unreasonable, unfair, oppressive, or inconsistent with any policy or judgment of the agency; (3) mistakes in law or arbitrary in the ascertainment of facts; (4) unclear or inadequately explained when reasons should have been revealed; or (5) inefficiently performed.

(b) The ombudsman may also concern himself with strengthening procedures and practices which lessen the risk that objectionable actions of the agency will occur.

Subd. 3. [COMPLAINTS; RECOMMENDATIONS.] The ombudsman may receive a complaint from any source concerning an action of the agency and may investigate any action of the agency. The ombudsman, after duly considering a complaint, may recommend that the agency (1) consider the matter further; (2) modify or cancel its action; (3) alter a regulation or ruling; (4) explain more fully the action in question; or (5) take any other step which the ombudsman states as a recommendation to the agency. If the ombudsman so requests, the agency shall within a time specified inform the ombudsman about the action taken on his recommendation or the reasons for not complying with it.

Subd. 4. [REPORTING.] The ombudsman shall report to the governor concerning the exercise of his functions.

Subd. 5. [POWERS.] The ombudsman shall have the following powers: (1) to prescribe the methods by which complaints are to be made; (2) to determine the scope and manner of investigation; (3) to request access to information in possession of the agency; (4) to examine records and documents of the agency; (5) to subpoena any person to appear, give testimony or produce records and may petition the appropriate state court to seek enforcement of a subpoena; provided, however, that any witness at a hearing shall have the same privileges reserved to such witness in the courts or under the laws of this state; and (6) may bring an action in an appropriate state court to provide the operation of the powers provided in this subdivision.

Subd. 6. [TENURE OF OFFICE; SALARY.] The office of environmental ombudsman shall expire on June 30, 1987. The salary of the environmental ombudsman shall be established in accordance with the provisions of Minnesota Statutes 1982, section 43A.08, subdivision 3."

Renumber the sections in sequence

Correct the internal cross-references

Amend the title accordingly

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

Mr. Storm moved to amend H.F. No. 76, the unofficial engrossment, as follows:

Page 7, after line 27, insert:

"Subd. 3. [SMALL BUSINESSES.] If the hazardous substance released or threatening to be released from a facility was placed or came to be located in the facility before the effective date of this section and the person who is responsible for the release or threatened release, as provided in subdivision 1, is an owner of a small business as defined in section 645.445, he is subject to liability under sections 4 or 5 only if he failed to exercise due care with respect to the hazardous substance."

Renumber the subdivisions in sequence

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 27 and nays 37, as follows:

Those who voted in the affirmative were:

Anderson	Brataas	Kamrath	Olson	Taylor
Belanger	Chmielewski	Knaak	Peterson, D.L.	Ulland
Benson	Frederick	Knutson	Ramstad	Wegscheid
Berg	Frederickson	Kronebusch	Renneke	
Bernhagen	Isackson	Laidig	Sieloff	
Bertram	Johnson, D.E.	Mehrkens	Storm	

Those who voted in the negative were:

Adkins	Frank	McQuaid	Peterson, D.C.	Spear
Berglin	Johnson, D.J.	Merriam	Peterson, R.W.	Stumpf
Dahl	Jude	Moe, D. M.	Petty	Vega
Davis	Kroening	Moe, R. D.	Purfeerst	Waldorf
DeCramer	Langseth	Nelson	Reichgott	Willett
Dicklich	Lantry	Novak	Samuelson	
Diessner	Lessard	Pehler	Schmitz	
Dietrich	Luther	Peterson, C.C.	Solon	

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

Mr. Berg moved to amend H.F. No. 76, the unofficial engrossment, as follows:

Page 37, line 28, after "3" insert a comma and delete *"the manner provided"*

Page 37, delete line 29

Page 37, line 30, delete *"general fund"* and insert *"accordance with the provisions of chapter 14, to cover the costs"*

Page 37, line 36, after *"waste"* insert *"generator permitting"*

Page 38, line 4, after the period, insert *"The fees established by the agency shall be consistent with and shall not exceed the fees established by the metropolitan counties under the provisions of section 473.811, subdivision 5b."*

Page 38, line 14, delete *"may"* and insert *"shall"*

Page 38, line 16, delete everything after *"the"*

Page 38, line 17, delete everything before the period and insert *"annual generation is less than 10 gallons"*

Page 38, delete lines 21 to 35

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

RECONSIDERATION

Having voted on the prevailing side, Mr. Wegscheid moved that the vote

whereby the Wegscheid amendment to H.F. No. 76 was adopted on April 26, 1983, be now reconsidered. The motion prevailed.

Mr. Wegscheid withdrew his amendment.

Mr. Wegscheid then moved to amend the Pehler amendment to H.F. No. 76, the unofficial engrossment, as follows:

Page 1 of the Pehler amendment, line 7, delete "*April 1, 1963*" and insert "*June 30, 1978*"

The question was taken on the adoption of the amendment to the amendment.

The roll was called, and there were yeas 32 and nays 33, as follows:

Those who voted in the affirmative were:

Anderson	Frederick	Kronebusch	Peterson, D.L.	Taylor
Belanger	Frederickson	Laidig	Ramstad	Ulland
Benson	Isackson	Langseth	Renneke	Waldorf
Berg	Johnson, D.E.	Lessard	Schmitz	Wegscheid
Bernhagen	Kamrath	McQuaid	Sieloff	
Bertram	Knaak	Mehrkens	Storm	
Brataas	Knutson	Olson	Stumpf	

Those who voted in the negative were:

Adkins	Diessner	Luther	Peterson, C.C.	Samuelson
Berglin	Dieterich	Merriam	Peterson, D.C.	Solon
Chmielewski	Frank	Moe, D. M.	Peterson, R.W.	Spear
Dahl	Johnson, D.J.	Moe, R. D.	Petty	Vega
Davis	Jude	Nelson	Pogemiller	Willett
DeCramer	Kroening	Novak	Purfeerst	
Dicklich	Lantry	Pehler	Reichgott	

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

Mr. Sieloff moved to amend the Pehler amendment to H.F. No. 76, the unofficial engrossment, as follows:

Page 1, delete lines 8 to 11

The question was taken on the adoption of the amendment to the amendment.

The roll was called, and there were yeas 27 and nays 37, as follows:

Those who voted in the affirmative were:

Anderson	Brataas	Knutson	Ramstad	Ulland
Belanger	Frederick	Kronebusch	Renneke	Waldorf
Benson	Frederickson	Mehrkens	Schmitz	Wegscheid
Berg	Isackson	Olson	Sieloff	
Bernhagen	Johnson, D.E.	Peterson, D.L.	Storm	
Bertram	Kamrath	Peterson, R.W.	Taylor	

Those who voted in the negative were:

Adkins	Frank	Lantry	Pehler	Solon
Berglin	Hughes	Lessard	Peterson, C.C.	Spear
Dahl	Johnson, D.J.	Luther	Peterson, D.C.	Stumpf
Davis	Jude	McQuaid	Petty	Vega
DeCramer	Knaak	Merriam	Pogemiller	Willett
Dicklich	Kroening	Moe, R. D.	Purfeerst	
Diessner	Laidig	Nelson	Reichgott	
Dieterich	Langseth	Novak	Samuelson	

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

adopted.

Mr. Wegscheid moved to amend the Pehler amendment to H.F. No. 76, the unofficial engrossment, as follows:

Page 1 of the Pehler amendment, line 7, delete "*April 1, 1963*" and insert "*June 30, 1976*"

The question was taken on the adoption of the amendment to the amendment.

The roll was called, and there were yeas 36 and nays 30, as follows:

Those who voted in the affirmative were:

Anderson	DeCramer	Kronebusch	Ramstad	Taylor
Belanger	Frederick	Laidig	Renneke	Ulland
Benson	Frederickson	Langseth	Samuelson	Waldorf
Berg	Isackson	Lessard	Schmitz	Wegscheid
Bernhagen	Johnson, D.E.	McQuaid	Sieloff	
Bertram	Kamrath	Mehrkens	Solon	
Brataas	Knaak	Olson	Storm	
Chmielewski	Knutson	Peterson, D.L.	Stumpf	

Those who voted in the negative were:

Adkins	Dieterich	Lantry	Novak	Pogemiller
Berglin	Frank	Luther	Pehler	Purfeerst
Dahl	Hughes	Merriam	Peterson, C.C.	Reichgott
Davis	Johnson, D.J.	Moe, D. M.	Peterson, D.C.	Spear
Dicklich	Jude	Moe, R. D.	Peterson, R.W.	Vega
Diessner	Kroening	Nelson	Petty	Willett

The motion prevailed. So the amendment to the amendment was adopted.

H.F. No. 76 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 65 and nays 1, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Knutson	Nelson	Renneke
Anderson	Diessner	Kroening	Novak	Samuelson
Belanger	Dieterich	Kronebusch	Olson	Schmitz
Benson	Frank	Laidig	Pehler	Solon
Berg	Frederick	Langseth	Peterson, C.C.	Spear
Berglin	Frederickson	Lantry	Peterson, D.C.	Storm
Bernhagen	Hughes	Lessard	Peterson, D.L.	Stumpf
Bertram	Isackson	Luther	Peterson, R.W.	Taylor
Brataas	Johnson, D.E.	McQuaid	Petty	Ulland
Chmielewski	Johnson, D.J.	Mehrkens	Pogemiller	Vega
Dahl	Jude	Merriam	Purfeerst	Waldorf
Davis	Kamrath	Moe, D. M.	Ramstad	Wegscheid
DeCramer	Knaak	Moe, R. D.	Reichgott	Willett

Mr. Sieloff voted in the negative.

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

SPECIAL ORDER

S.F. No. 545: A bill for an act relating to welfare; changing laws relating to

child support enforcement; providing for determination of paternity; providing for determination and modification of child support; amending Minnesota Statutes 1982, sections 256.74, by adding a subdivision; 256.87; 257.55, subdivision 1; 257.58; 257.59, subdivision 1; 257.60; 257.62, subdivision 1, and by adding subdivisions; 257.64, subdivision 1; 257.66, subdivisions 3 and 4; 257.69, subdivision 2; 518.10; 518.17, by adding a subdivision; 518.551, subdivisions 1, 5, and 6, and by adding subdivisions; 518.611; 518.64, subdivisions 2 and 5, and by adding a subdivision; 518.645; 518B.01, subdivisions 2 and 6; 518C.17, subdivision 1; 518C.33, subdivision 1; and 548.09; proposing new law coded in Minnesota Statutes, chapters 257, 518, and 543; repealing Minnesota Statutes 1982, sections 256.87, subdivision 2; 256.872; 256.873; 256.876; and 518.551, subdivisions 2, 3, and 4.

Ms. Berglin moved to amend S.F. No. 545 as follows:

Page 26, after line 1, insert:

"No service shall be allowed under this section unless it is made personally on the individual."

The motion prevailed. So the amendment was adopted.

Ms. Berglin then moved to amend S.F. No. 545 as follows:

Page 19, line 10, delete "*shall*" and insert "*may*"

Page 19, line 13, delete "*may*" and insert "*shall*"

The motion prevailed. So the amendment was adopted.

S.F. No. 545 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 0, as follows:

Those who voted in the affirmative were:

Adkins	Dahl	Johnson, D.J.	Mehrkens	Reichgott
Anderson	Davis	Jude	Nelson	Renneke
Belanger	DeCramer	Kamrath	Novak	Spear
Benson	Dicklich	Knaak	Olson	Storm
Berg	Diessner	Kroening	Pehler	Stumpf
Berglin	Frank	Kronebusch	Peterson, C. C.	Taylor
Bernhagen	Frederick	Laidig	Peterson, R. W.	Vega
Bertram	Hughes	Lantry	Petty	Waldorf
Brataas	Isackson	Luther	Pogemiller	Willet
Chmielewski	Johnson, D.E.	McQuaid	Ramstad	

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

SPECIAL ORDER

S.F. No. 752: A bill for an act relating to crimes; prohibiting assaulting a peace officer; prescribing penalties; amending Minnesota Statutes 1982, section 609.224; proposing new law coded in Minnesota Statutes, chapter 609.

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 52 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	DeCramer	Kroening	Novak	Sieloff
Anderson	Dicklich	Kronebusch	Olson	Spear
Belanger	Diessner	Laidig	Peterson, C. C.	Storm
Benson	Frank	Lantry	Peterson, D. L.	Stumpf
Berg	Frederick	Lessard	Peterson, R. W.	Taylor
Berglin	Hughes	Luther	Petty	Vega
Bernhagen	Isackson	McQuaid	Pogemiller	Waldorf
Bertram	Johnson, D. E.	Mehrkins	Ramstad	Willet
Chmielewski	Jude	Merriam	Reichgott	
Dahl	Kamrath	Moe, R. D.	Renneke	
Davis	Knaak	Nelson	Samuelson	

So the bill passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 190: A bill for an act relating to courts; providing for the appointment of a court commissioner to solemnize marriages in Brown, Dodge, Fillmore and Olmsted counties; proposing new law coded in Minnesota Statutes, chapter 517.

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 53 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	DeCramer	Knaak	Nelson	Samuelson
Anderson	Dicklich	Kroening	Novak	Sieloff
Belanger	Diessner	Kronebusch	Olson	Spear
Benson	Frank	Laidig	Pehler	Storm
Berg	Frederick	Lantry	Peterson, D. L.	Stumpf
Berglin	Hughes	Lessard	Peterson, R. W.	Taylor
Bernhagen	Isackson	Luther	Petty	Vega
Bertram	Johnson, D. E.	McQuaid	Pogemiller	Waldorf
Chmielewski	Johnson, D. J.	Mehrkins	Ramstad	Willet
Dahl	Jude	Merriam	Reichgott	
Davis	Kamrath	Moe, R. D.	Renneke	

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 823: A bill for an act relating to cities; authorizing the issuance of capital notes for certain equipment acquisitions; proposing new law coded in Minnesota Statutes, chapter 410.

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 53 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Kroening	Novak	Sieloff
Anderson	Frank	Kronebusch	Olson	Spear
Belanger	Frederick	Laidig	Pehler	Storm
Berglin	Frederickson	Lantry	Peterson, D. L.	Stumpf
Bernhagen	Hughes	Lessard	Peterson, R. W.	Taylor
Bertram	Isackson	Luther	Petty	Vega
Chmielewski	Johnson, D. E.	McQuaid	Pogemiller	Waldorf
Dahl	Johnson, D. J.	Mehrkins	Ramstad	Wegscheid
Davis	Jude	Merriam	Reichgott	Willett
DeCramer	Kamrath	Moe, R. D.	Renneke	
Dicklich	Knaak	Nelson	Samuelson	

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 721: A bill for an act relating to local government; authorizing Carver and Washington counties to finance sewage disposal systems on behalf of cities and towns in the counties by the issuance of county general obligation bonds.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

Adkins	Dicklich	Kroening	Novak	Spear
Anderson	Diessner	Kronebusch	Olson	Storm
Belanger	Frank	Laidig	Pehler	Stumpf
Benson	Frederick	Langseth	Peterson, D. L.	Taylor
Berglin	Frederickson	Lantry	Peterson, R. W.	Vega
Bernhagen	Hughes	Lessard	Petty	Waldorf
Bertram	Isackson	Luther	Pogemiller	Wegscheid
Brataas	Johnson, D. E.	McQuaid	Ramstad	Willett
Chmielewski	Johnson, D. J.	Mehrkins	Reichgott	
Dahl	Jude	Merriam	Renneke	
Davis	Kamrath	Moe, R. D.	Samuelson	
DeCramer	Knaak	Nelson	Sieloff	

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 964: A bill for an act relating to corporations; providing for the determination of eligibility for the indemnification of certain persons; prohibiting the use of corporate information obtained improperly; authorizing the use of protective orders and other relief to prevent the premature disclosure of certain confidential information or the use of corporate information obtained improperly; permitting the use of corporate names of corporations not filing the active status report; restricting the right of a corporation to deny cumulative voting; protecting preemptive rights of shareholders; clarifying when equitable relief is available to minority stockholders; providing for the retention of cumulative voting and preemptive rights after incorporation; amending Minnesota Statutes 1982, sections 300.083, subdivision 6; 302A.115, by adding a subdivision; 302A.215; 302A.413, by adding a subdivision; 302A.461, subdivisions 4, 6, and by adding a subdivision; 302A.521, subdivision 6; and 302A.751, subdivision 1, and

by adding a subdivision.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 59 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	DeCramer	Knutson	Moe, R. D.	Renneke
Anderson	Dicklich	Kroening	Nelson	Samuelson
Belanger	Diessner	Kronebusch	Novak	Sieloff
Benson	Frank	Laidig	Olson	Spear
Berg	Frederick	Langseth	Pehler	Storm
Berglin	Frederickson	Lantry	Peterson, D.L.	Stumpf
Bernhagen	Hughes	Lessard	Peterson, R.W.	Taylor
Bertram	Isackson	Luther	Petty	Ulland
Brataas	Johnson, D.E.	McQuaid	Pogemiller	Vega
Chmielewski	Jude	Mehrkens	Purfeerst	Waldorf
Dahl	Kamrath	Merriam	Ramstad	Willet
Davis	Knaak	Moe, D. M.	Reichgott	

So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

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 and referred to the committees indicated.

Mr. Davis introduced—

S.F. No. 1205: A bill for an act relating to taxation; abolishing the aggregate removal tax; allowing Sherburne County to impose an aggregate removal tax; prescribing penalties; repealing Minnesota Statutes 1982, section 298.75; Laws 1961, chapter 605; Laws 1963, chapter 475; Laws 1965, chapter 163; Laws 1977, chapters 112 and 117; and Laws 1979, chapter 273.

Referred to the Committee on Taxes and Tax Laws.

Mr. Spear, Ms. Berglin, Messrs. Moe, D.M.; Nelson and Pogemiller introduced—

S.F. No. 1206: A bill for an act relating to state investment policy; prohibiting certain investments in countries not following human rights standards; proposing new law coded in Minnesota Statutes, chapter 11A.

Referred to the Committee on Governmental Operations.

Mr. Johnson, D.J. introduced—

S.F. No. 1207: A bill for an act relating to transportation; state-aid system; providing for a contested case proceeding for differing determinations of money needs for a county; amending Minnesota Statutes 1982, section 162.07, subdivision 5.

Referred to the Committee on Transportation.

MEMBERS EXCUSED

Mr. Jude was excused from the Session of today from 11:00 a.m. to 12:00 noon. Mr. Hughes was excused from the Session of today from 11:35 a.m. to 2:00 p.m. Mr. Knutson was excused from the Session of today from 11:15 a.m. to 1:15 p.m. Mr. Frederick was excused from the Session of today until 11:30 a.m. Messrs. Dieterich and Solon were excused from the Session of today at 4:30 p.m.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 10:00 a.m., Wednesday, April 27, 1983. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate