

## STATE OF MINNESOTA

## SIXTY-EIGHTH SESSION - 1973

## TENTH DAY

SAINT PAUL, MINNESOTA, MONDAY, JANUARY 29, 1973

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

Prayer was offered by the Chaplain.

The roll was called, and the following members were present:

Adams, J.	DeGroat	Johnson, D.	Miller, M.	Sarna
Adams, S.	Dieterich	Johnson, J.	Moe	Savelkoul
Andersen, R.	Dirlam	Johnson, R.	Mueller	Schreiber
Anderson, D.	Eckstein	Jopp	Munger	Schulz
Anderson, G.	Eken	Jude	Myrah	Searle
Anderson, I.	Enebo	Kahn	Nelson	Sherwood
Becklin	Erdahl	Kelly	Newcome	Sieben, H.
Belisle	Erickson	Kempe	Niehaus	Sieben, M.
Bell	Esau	Klaus	Norton	Skaar
Bennett	Faricy	Knickerbocker	Ohnstad	Smith
Berg	Ferderer	Kvam	Ojala	Spanish
Berglin	Fjoslien	Laidig	Parish	Stangeland
Biersdorf	Flakne	Larson	Patton	Stanton
Boland	Forsythe	LaVoy	Pavlak, R.	Swanson
Braun	Fudro	Lemke	Pavlak, R. L.	Tomlinson
Brinkman	Fugina	Lindstrom, E.	Pehler	Ulland
Carlson, A.	Graba	Lindstrom, J.	Peterson	Vanasek
Carlson, B.	Graw	Lombardi	Pieper	Vento
Carlson, D.	Growe	Long	Pleasant	Voss
Carlson, L.	Hagedorn	McArthur	Prahl	Weaver
Cassery	Hanson	McCarron	Quirin	Wenzel
Cleary	Haugerud	McCauley	Resner	Wigley
Clifford	Heinitz	McEachern	Rice	Wohlwend
Connors	Hook	McFarlin	Ryan	Wolcott
Culhane	Jacobs	McMillan	St. Onge	Mr. Speaker
Cummiskey	Jaros	Menke	Salchert	
Dahl	Johnson, C.	Miller, D.	Samuelson	

A quorum was present.

Mann was excused.

The Chief Clerk proceeded to read the Journal of the preceding day, when on the motion of Mr. DeGroat, the further reading was dispensed with and the Journal was approved as corrected.

## PETITIONS AND COMMUNICATIONS

The following reports were received, filed in the Chief Clerk's Office, and distributed to each member: Report from the State Court Administrator, Supreme Court of Minnesota, Concerning

Interceptions of Communications; Governor's Commission on Employment of Handicapped Persons; Biennial Report from the Department of Public Safety; and Report of the Legislative Building Commission.

## REPORTS OF STANDING COMMITTEES

Mr. Mann from the Committee on Agriculture to which was referred:

H. F. No. 124, A resolution demanding the Farmers Home Administration aids be released to Minnesota farmers injured by the 1972 floods.

Reported the same back with the following amendments:

Strike everything after the title and insert in lieu thereof:

*"Whereas, thousands of Minnesota farmers suffered severe crop losses in 1972 caused by flooding in fields which meant an economic loss to many areas of rural Minnesota; and*

*Whereas, over one million acres of crop lands were damaged and declared eligible for Farmers Home Administration grants and low interest loans in these disaster areas; and*

*Whereas, farmers in the stricken area were advised by the FHA to withhold their applications for loans until final determination of losses; and*

*Whereas, the Nixon administration through the Office of Management and Budget has discontinued the Emergency Loan program administered by the Farmers Home Administration effective December 27th, 1972 in 15 Minnesota counties designated as natural disaster areas by the Secretary of Agriculture and effective January 15th, 1973 in 16 Minnesota counties designated as major disaster areas by the President; and*

*Whereas, this decision will mean to many farmers and rural businessmen possible bankruptcy; now, therefore*

*Be it resolved, that the House of Representatives of the State of Minnesota hereby requests the Nixon administration and the Office of Management and Budget to review the discontinuation of the Emergency Loan program, reinstate said program, and provide adequate funds for continuation of said program through the original cut-off date of June 30, 1973; and*

*Be it further resolved, that the Chief Clerk of the House of Representatives, of the State of Minnesota transmit copies of this resolution to the President of the United States, the United States Office of Management and Budget, and the Minnesota Senators and Representatives in Congress."*

Further amend the title by striking it and insert in lieu thereof:

*"A resolution urgently requesting the Farmers Home Administration aids be released to Minnesota farmers injured by the 1972 floods."*

With the recommendation that when so amended the bill do pass.

The report was adopted.

Mr. Ryan from the Committee on City Government to which was referred:

H. F. No. 66, A bill for an act relating to the village of Roseville; procedure upon levy of certain special assessments.

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

The report was adopted.

Mr. Johnson, C., from the Committee on Education to which was referred:

H. F. No. 148, A bill for an act relating to highway traffic regulations; requiring school buses to be a uniform color; amending Minnesota Statutes 1971, Section 169.44, Subdivision 7.

Reported the same back with the following amendments:

Page 1, line 14, strike "such".

With the recommendation that when so amended the bill do pass.

The report was adopted.

Mr. Fudro from the Committee on General Legislation and Veterans Affairs to which was referred:

H. F. No. 65, A bill for an act relating to state employees; regulating their political activities including candidacy and service in elected office; amending Minnesota Statutes 1971, Section 43.28.

Reported the same back with the following amendments:

Page 1, line 10, strike "No officer or".

Page 1, lines 11 to 15, strike all the language.

Page 1, line 16, strike all of the language except the word "No".

Page 1, line 30, strike everything after the word "shall".

Page 2, strike all of lines 1 to 10.

Page 1, line 30, after the word "shall" insert ":" and add the following:

*"(1) Take leave of absence upon assuming an elected federal or state public office, including elected state legislative office;*

*(2) Take leave of absence upon assuming any elected public office other than enumerated in clause (1), if, in the opinion of the director of civil service, the holding of such office conflicts with his regular state employment;*

(3) *Upon his request, be granted leave of absence upon becoming a candidate, or during the course of such candidacy, for any elected public office;*

(4) *Take leave of absence upon becoming a candidate, or during the course of candidacy, for any elected public office if, in the opinion of the director of civil service, such candidacy conflicts with his regular state employment.*

*All requests for opinions of the director of civil service, and opinions from the director under the provisions of clauses (2) and (4) shall be in written form and shall be delivered by registered mail.*

*The director of civil service shall issue an opinion under the provisions of clauses (2) and (4) within seven calendar days of receipt of the request."*

With the recommendation that when so amended the bill do pass.

The report was adopted.

Mr. Fudro from the Committee on General Legislation and Veterans Affairs to which was referred:

H. F. No. 142, A bill for an act adopting the whitetailed deer as the official state animal; amending Minnesota Statutes 1971, Chapter 1, by adding a section.

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

The report was adopted.

Mr. Quirin from the Committee on Governmental Operations to which was referred:

H. F. No. 97, A bill for an act relating to retirement; computation of various retirement annuities; amending Minnesota Statutes 1971, Section 11.25, Subdivisions 12 and 13.

Reported the same back with the following amendments:

On Page 9, following line 15, insert the following:

*"Sec. 3. Effective January 1, 1973, each retirement fund participating in the Minnesota adjustable fixed benefit fund shall make an upward adjustment of four and one-half percent to each annuitant retiring prior to July 1, 1971. Subsequent adjustments will be in accordance with section 11.25, subdivisions 12 and 13, except that in the event the assets transferred to the annuity stabilization reserve result in a stabilization reserve of less than an amount equal to 15 percent of the immediate past fiscal year's total annuity payments, such deficiency shall be made up before the next annual adjustment is made.*

*Sec. 4. Upon taking effect of this act, the calculations required by Minnesota Statutes, Section 11.25, Subdivisions 12 and 13, as amended by this act shall be determined as of July 1, 1972.*

*Any participating pension fund that has previously announced an increase adjustment in excess of four and one-half percent, and such fund is entitled to a credit or refund due to mortality gain determined in accordance with clauses (b), (c), and (d) in section 1 of this act, and such credit or refund exceeds the reserves required to further increase the benefits of those eligible for the four and one-half percent adjustment by an additional one percent, such fund may pay to the fund's participation the reserves required for such additional one percent increase in benefit adjustment. The adjustments provided by this act shall apply to the accrual of benefits commencing with January 1, 1973. In case any actual disbursements of benefits have or do vary from the amounts herein provided, the participating pension fund or funds so involved shall adjust to the amounts herein provided."*

Renumber Sec. 3, as Sec. 5.

With the recommendation that when so amended the bill do pass.

The report was adopted.

Mr. Parish from the Committee on Judiciary to which was referred:

H. F. No. 22, A resolution to ratify a proposed amendment to the Constitution of the United States of America relating to equal rights for men and women under the law.

Reported the same back with the recommendation that the bill be returned to its author.

The report was adopted.

Mr. Parish from the Committee on Judiciary to which was referred:

H. F. No. 44, A resolution to ratify a proposed amendment to the Constitution of the United States of America relating to equal rights for men and women under the law.

Reported the same back with the recommendation that the bill be returned to its author.

The report was adopted.

Mr. Parish from the Committee on Judiciary to which was referred:

H. F. No. 113, A bill for an act legalizing foreclosure sales heretofore made and the records of mortgage foreclosure proceedings; limiting the time within which actions may be brought or defenses interposed; questioning the validity of foreclosure proceedings.

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

The report was adopted.

Mr. Parish from the Committee on Judiciary to which was referred:

H. F. No. 120, A bill for an act relating to real property; time limits upon certain actions relating to; amending Minnesota Statutes 1971, Sections 519.09 and 519.101.

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

The report was adopted.

Mr. Parish from the Committee on Judiciary to which was referred:

H. F. No. 121, A bill for an act relating to real property; prescribing requirements for the execution of instruments affecting real property; amending Minnesota Statutes 1971, Sections 505.03, Subdivision 1; 507.23; 507.24; 508.06; and 508.40; and repealing Minnesota Statutes 1971, Section 507.22.

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

The report was adopted.

Mr. Parish from the Committee on Judiciary to which was referred:

H. F. No. 158, A bill for an act relating to courts; allowing the use of video tape equipment to record depositions; making video taped depositions admissible in court.

Reported the same back with the following amendments:

Page 1, line 8, after the word "to", strike the number "5" and insert in lieu thereof the number "3".

Page 1, line 16, after the word "tape" insert a period and strike the rest of Sec. 2 on lines 16, 17 and 18.

Page 1, strike lines 25 through 30.

Page 2, strike lines 1 through 6.

With the recommendation that when so amended the bill do pass.

The report was adopted.

Mr. Enebo from the Committee on Labor-Management Relations to which was referred:

H. F. No. 9, A bill for an act relating to labor; providing for minimum wage and overtime standards; providing penalties for violations; repealing Minnesota Statutes 1971, Sections 177.01 to 177.20.

Reported the same back with the following amendments:

Page 2, line 5, delete "7" and insert in lieu thereof "8".

Page 3, after line 11, insert the following:

"Sec. 6. [DIVISION OF LABOR STANDARDS IS CREATED.] Subdivision 1. A division of labor standards is hereby created in the department of labor and industry under the supervision and control of the commissioner of labor and industry.

Subd. 2. [POWERS AND DUTIES.] The powers, duties, and functions vested in, or imposed upon, the division of women and children of the department of labor and industry by Minnesota Statutes, Chapter 177, and other applicable laws relating to wages, hours, and working conditions, are transferred, vested in, and imposed upon the division of labor standards. In addition, the division of labor standards shall administer the provisions of this act and chapter 184.

Subd. 3. [EMPLOYEES; TRANSFER FROM DIVISION OF WOMEN AND CHILDREN.] All persons employed by the department of labor and industry in the division of women and children shall be transferred to the division of labor standards without loss to the person of any rights acquired by reason of his employment at the time of transfer."

Page 4, after line 20, insert the following:

"Subd. 4. The commissioner may investigate, mediate, and settle wage claims by an employee against an employer if the failure to pay any such wage may violate Minnesota laws or any order or regulation of the department thereunder.

Subd. 5. The commissioner may commence a civil action in any court of competent jurisdiction for the benefit of any employee for a declaratory judgment with respect to any wage claim which the commissioner deems to be valid, upon a written request being filed with the commissioner by such employee, provided: (1) the failure to pay such wage would constitute a violation of Minnesota laws or any order or regulation of the department thereunder, and (2) the wage claim does not exceed \$300. The employer shall pay all costs and disbursements as may be allowed by the court, and shall further pay an assessment of ten percent of the amount of any awarded wage claim to the treasurer of the state of Minnesota. In any action herein no security for payment of costs shall be required. Nothing herein shall be construed to prevent an employee from prosecuting his own claim for wages.

Subd. 6. Upon the written request of the commissioner, the attorney general of the state of Minnesota shall commence a civil action for declaratory judgment against the employer as provided in subdivision 5."

Page 4, line 10, delete "7" and insert in lieu thereof "8".

Page 6, line 18, delete "7" and insert in lieu thereof "8".

Page 7, line 25, delete "7" and insert in lieu thereof "8".

Page 9, line 4, delete "6" and insert in lieu thereof "7".

Page 9, line 5, delete "9" and insert in lieu thereof "10".

Page 9, line 8, delete "6" and insert in lieu thereof "7".

Page 9, line 10, delete "10" and insert in lieu thereof "11".

Page 9, line 13, delete "shall, upon" and insert in lieu thereof "is guilty of a misdemeanor."

Page 9, delete lines 14 and 15.

Page 11, line 4, after "Sections" and before "177.01" insert "175.39,".

Renumber the sections in order.

Further, amend the title in line 2, after "labor;" and before "providing" insert "creating a division of labor standards;" line 5, after "Sections" and before "177.01" insert "175.39;".

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

The report was adopted.

Mr. Carlson, B., from the Committee on Transportation to which was referred:

H. F. No. 20, A bill for an act relating to drivers' licenses, classifications thereof; providing that a class C license is valid for the operation of all fire trucks by volunteer firemen; amending Minnesota Statutes 1971, Section 171.02, Subdivision 2.

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

The report was adopted.

Mr. Carlson, B., from the Committee on Transportation to which was referred:

H. F. No. 34, A resolution urging Amtrak to restore St. Paul as a regular passenger stop.

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

The report was adopted.

## SECOND READING OF HOUSE BILLS

H. F. Nos. 124, 66, 148, 65, 142, 97, 113, 120, 121, 158, 20, and 34 were read for the second time.

Anderson, I., moved that the House recess subject to the call of the Chair. The motion prevailed.



## RECONVENED

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

## INTRODUCTION OF BILLS

Peterson, Mann, Culhane, Dirlam, and Wigley introduced:

H. F. No. 248, A bill for an act relating to agriculture; soybean advisory council; promotion and financing; amending Minnesota Statutes 1971, Sections 21A.03; 21A.06; 21A.10; 21A.16, Subdivision 2; and 21A.18.

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

Adams, S., introduced:

H. F. No. 249, A bill for an act relating to the claim of V & J Excavating Company; arising from negligence by Glen Lake Sanitarium employees; appropriating money for the payment thereof.

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

Laidig introduced:

H. F. No. 250, A bill for an act relating to the claim of Enrico Merrill Tyson; arising from negligence by the department of corrections; appropriating money for the payment thereof.

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

Laidig introduced:

H. F. No. 251, A bill for an act relating to the claim of Donald W. Gustafson; arising from unlawful acts of the department of corrections; appropriating money for the payment thereof.

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

Lemke introduced:

H. F. No. 252, A bill for an act relating to the claim of Leo Kraus and Helen Kraus; arising from negligence of department of highways; appropriating money for the payment thereof.

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

Faricy; Hanson; Pavlak, R. L.; Bennett; and Berg introduced:

H. F. No. 253, A bill for an act relating to trade regulation; perishable foods; requiring conspicuous display of the date and other information concerning packaged perishable commodities; consumer services section to regulate such open dating; attorney general to enforce; providing penalties; appropriating money therefor.

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

Ojala; LaVoy; Johnson, D.; Cummiskey; and Vanasek introduced:

H. F. No. 254, A bill for an act relating to funeral directors and morticians; requiring the retail price of burial caskets to be clearly marked; requiring prices and fees charged by funeral directors and morticians to be furnished to persons engaging their services; authorizing cremation without a casket.

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

Brinkman, Dirlam, Peterson, Niehaus, and LaVoy introduced:

H. F. No. 255, A bill for an act relating to barbering by nursing aides; amending Minnesota Statutes 1971, Section 154.04.

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

Niehaus, Smith, DeGroat, Wigley, and Long introduced:

H. F. No. 256, A bill for an act relating to public safety; duties of state fire marshal; providing for dealer in explosives to issue permit to purchaser residing or intending to use explosives outside dealer's community; amending Minnesota Statutes 1971, Section 299F.75, Subdivision 1.

The bill was read for the first time and referred to the Committee on Crime Prevention and Corrections.

Sieben, M., introduced:

H. F. No. 257, A bill for an act relating to special intermediate school district No. 916 in the counties of Ramsey and Washington, providing for members of its governing board; amending Laws 1969, Chapter 775, Section 2, Subdivision 1.

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

Hanson, Faricy, Menke, Searle, and Samuelson introduced:

H. F. No. 258, A bill for an act relating to education; education of gifted or talented children.

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

Quirin, Growe, Pehler, Resner, and Adams, S., introduced:

H. F. No. 259, A bill for an act relating to school districts; providing for insurance against property losses; appropriating money.

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

Patton; Adams, J.; Pehler; Quirin; and Fjoslien introduced:

H. F. No. 260, A bill for an act relating to wild animals; lowering the age for permanent licenses for residents to take fish to 65 years; amending Minnesota Statutes 1971, Section 98.47, Subdivision 14.

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

Ferderer, Ryan, Faricy, Quirin, and Lombardi introduced:

H. F. No. 261, A bill for an act relating to insurance; continuation of group insurance coverage upon termination of employment; amending Minnesota Statutes 1971, Section 62A.10, Subdivision 2.

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

Pehler; McEachern; Miller, D.; Vento; and Berglin introduced:

H. F. No. 262, A bill for an act relating to retirement; providing for certain benefits under the highway patrolmen's retirement law; amending Minnesota Statutes 1971, Section 352B.11, Subdivision 2.

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

Samuelson introduced:

H. F. No. 263, A bill for an act relating to the fire department relief association and firemen's service pensions in the city of Brainerd.

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

Brinkman, Dirlam, Peterson, Niehaus, and LaVoy introduced:

H. F. No. 264, A bill for an act relating to the public employees retirement association; providing social security coverage for hospital employees; and authorizing optional public employee retirement association coverage for certain such employees.

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

Parish introduced:

H. F. No. 265, A bill for an act relating to the firemen's relief association in the village of Golden Valley; amending Laws 1971, Chapter 140, Sections 1, 2, 3 and 4.

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

Mann; Anderson, I.; Eken; Graba; and Long introduced:

H. F. No. 266, A bill for an act relating to education; providing for scholarship grants to medical students who agree to practice in rural communities; appropriating money.

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

Berg, Vento, Bell, Stanton, and Knickerbocker introduced:

H. F. No. 267, A bill for an act relating to actions; litigation costs and fees; authorizing proceedings in forma pauperis.

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

Lindstrom, J.; Vento; Growe; Lindstrom, E.; and Paviak, R. L., introduced:

H. F. No. 268, A bill for an act relating to courts; initiation of paternity proceedings; amending Minnesota Statutes 1971, Section 257.253.

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

Johnson, J.; Lindstrom, E.; Laidig; Lombardi; and Stanton introduced:

H. F. No. 269, A bill for an act relating to the legislature; regulating lobbying activities; providing penalties.

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

Niehaus, Peterson, Wigley, Long, and Erickson introduced:

H. F. No. 270, A bill for an act relating to towns; eliminating the association dues limitation; amending Minnesota Statutes 1971, Section 366.01, Subdivision 3.

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

Niehaus, Peterson, Wigley, Long and Erickson introduced:

H. F. No. 271, A bill for an act relating to towns; legal counsel; increasing allowable fees for legal services; amending Minnesota Statutes 1971, Section 368.121.

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

Swanson introduced:

H. F. No. 272, A bill for an act relating to the Hennepin county library system; providing for merger of the library system of the city of Minneapolis with county; amending Extra Session Laws 1967, Chapter 24, Section 1, as amended, and Sections 3, 4, and 5; repealing Extra Sessions Laws 1967, Chapter 24, Section 6, as amended.

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

Swanson; Kempe; Cleary; Lindstrom, E.; and Growe introduced:

H. F. No. 273, A bill for an act relating to aeronautics; appointment of commissioners; amending Minnesota Statutes 1971, Sections 360.102, Subdivision 9; 360.103, Subdivision 2; 360.104, Subdivisions 1, 2, 3 and 4.

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

Savelkoul, Berg, Pleasant, Lombardi, and Tomlinson introduced:

H. F. No. 274, A bill for an act relating to income taxation; deduction from gross income; authorizing a resource preservation allowance; amending Minnesota Statutes 1971, Section 290.09, Subdivision 9, and by adding a subdivision.

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

Johnson, D.; Ojala; Anderson, I.; Berglin; and Pavlak, R., introduced:

H. F. No. 275, A bill for an act relating to taxation; allowing disabled persons an income tax credit for taxes or rent on their places of residence; amending Minnesota Statutes 1971, Section 290.0601, Subdivision 6.

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

Niehaus, Brinkman, Wigley, Long and Fjoslien introduced:

H. F. No. 276, A bill for an act relating to taxation; providing for a separate classification for purposes of taxation for undeveloped littoral or riparian real estate; amending Minnesota Statutes 1971, Section 273.13, by adding a subdivision.

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

Samuelson introduced:

H. F. No. 277, A bill for an act relating to the city of Brainerd; authorizing a tax levy for recreational purposes; amending Minnesota Statutes 1971, Section 471.192.

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

Anderson, I.; Sabo; Newcome; Norton; and Weaver introduced:

H. F. No. 278, A bill for an act relating to the lieutenant governor; setting the salary thereof.

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

Sieben, M.; St. Onge; Nelson; Miller, M.; and Tomlinson introduced:

H. F. No. 279, A bill for an act relating to hearing aids; permitting sales only upon the recommendation of persons licensed to practice medicine; providing a penalty.

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

Johnson, C.; Anderson, I.; LaVoy; Berglin; and Vento introduced:

H. F. No. 280, A bill for an act relating to education; creating a state teachers commission on certification to recommend criteria for certification of public school teachers and to set policies to admit applicants into the teaching profession and advise the state board of education; providing penalties; appropriating money; amending Minnesota Statutes 1971, Section 125.09; and repealing Minnesota Statutes 1971, Sections 125.03, Subdivision 1; 125.04; 125.05; 125.06; and 125.08.

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

Lemke, Schulz, McCauley, and Carlson, B., introduced:

H. F. No. 281, A bill for an act relating to game and fish; season for taking deer; amending Minnesota Statutes 1971, Section 100.27, Subdivision 2.

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

Braun; Jaros; Sherwood; Anderson, G.; and St. Onge introduced:

H. F. No. 282, A bill for an act relating to wild animals; prohibiting the issuance to certain persons of licenses to buy fish from licensed commercial fishermen; amending Minnesota Statutes 1971, Section 98.47, Subdivision 7.

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

Knickerbocker, Growe, Ferderer, Lombardi, and Cleary introduced:

H. F. No. 283, A bill for an act proposing an amendment to the Minnesota Constitution, Article IV, Sections 1, 2, 6, and 24; providing for changes in the terms, sessions and organization of the legislature.

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

Salchert; Flakne; Carlson, L.; and Forsythe introduced:

H. F. No. 284, A bill for an act relating to the practice of medicine; physicians, surgeons, and osteopaths; licensing thereof; amending Minnesota Statutes 1971, Sections 147.021, Subdivision 1.

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

Salchert; Flakne; Carlson, L.; Forsythe; and Berg introduced:

H. F. No. 285, A bill for an act relating to health; physicians, surgeons and osteopaths; examination and licensing thereof; amending Minnesota Statutes 1971, Section 147.02, Subdivision 1.

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

Flakne, Salchert, Swanson, Newcome, and Ulland introduced:

H. F. No. 286, A bill for an act relating to nursing homes; providing for the regulation thereof; imposing certain duties on the state board of health and the commissioner of public welfare; establishing rights of patients and residents of nursing homes; establishing certain boards and prescribing their powers and duties; requiring reports of maltreatment of nursing home patients; prescribing penalties; and appropriating money; amending Minnesota Statutes 1971, Sections 144.53; and 609.23; Chapters 144, by adding sections; 154, by adding a section; 256B, by adding sections; and 626, by adding a section.

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

Swanson, Faricy, Forsythe, and Heinitz introduced:

H. F. No. 287, A bill for an act relating to welfare; establishing and empowering a Gillette hospital authority for the purpose of operating a children's hospital in conjunction with Ramsey county hospital; appropriating funds; amending Minnesota Statutes 1971, Sections 246.01; 256.01, Subdivision 2; repealing Minnesota Statutes 1971, Section 246.02, Subdivision 3; and Chapter 250.

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

Swanson, Ojala, McArthur, Laidig, and Nelson introduced:

H. F. No. 288, A bill for an act relating to public welfare; eliminating durational residency requirements for receipt of assistance; amending Minnesota Statutes 1971, Sections 256.16; 256.456; 256.51, Subdivision 1; and 256.73, Subdivision 1.

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



Swanson, Berglin, Becklin, Kvam, and Braun introduced:

H. F. No. 289, A bill for an act relating to welfare; providing for an exemption for personal property used as an abode in determining eligibility for aid to the disabled and medical assistance; amending Minnesota Statutes 1971, Sections 256.457, Subdivision 3; and 256B.07.

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

Jaros, LaVoy, Munger, Ojala, and Carlson, B., introduced:

H. F. No. 290, A bill for an act relating to public welfare; appropriating money for the Duluth United Day Activity Center.

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

Carlson, A., and Pleasant introduced:

H. F. No. 291, A bill for an act relating to the organization and operation of state government; creating a department of transportation; transferring the department of highways and the department of aeronautics to the department of transportation; creating a division of transportation and transit planning and development, a division of aeronautics, and a division of highways within the department of transportation; establishing an advisory board on transportation to the department; and prescribing duties of the department of transportation; repealing Minnesota Statutes 1971, Section 161.03, Subdivision 7.

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

Faricy; Haugerud; Sieben, H.; Lombardi; and Ferderer introduced:

H. F. No. 292, A bill for an act relating to legal charges for services rendered in connection with the issuance of obligations; amending Minnesota Statutes 1971, Chapter 475, by adding a section.

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

Eckstein, Faricy, Lemke, Eken, and Hagedorn introduced:

H. F. No. 293, A bill for an act relating to probate; affairs of decedents, missing persons, protected persons, minors, incapacitated persons and certain others and constituting the uniform probate code; consolidating and revising aspects of the law relating to the wills and intestacy and the administration and distribution of estates of decedents, missing persons, protected persons, minors, incapacitated persons and certain others; ordering the powers and procedures of the court concerned with the affairs of decedents and certain others; providing for the validity and effect of certain nontestamentary transfers, contracts and deposits which relate to death and appear to have testamentary effect; providing certain procedures to facilitate enforcement of testamentary and other trusts; making uniform the law with respect to decedents and certain others; repealing Minnesota Statutes 1971, Sections 525.13 to 525.80, 525.81, 525.82, 525.83, 525.85, 525.86, 525.87, 525.89, and 525.91; and all other inconsistent laws.

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

Fudro, Sarna, Wolcott, Prah, and Rice introduced:

H. F. No. 294, A bill for an act relating to labor; prescribing penalties for employers who fail to pay certain benefits and wage supplements required by law or agreement.

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

LaVoy, Enebo, Berglin, Quirin, and Ojala introduced:

H. F. No. 295, A bill for an act relating to public employees; giving public employees and employers certain rights and obligations; defining unfair practices; amending the public employers employment labor relations act of 1971; amending Minnesota Statutes 1971, Sections 179.63, Subdivisions 6, 8, 9, and 18; 179.64, Subdivisions 1 and 7; 179.65, Subdivisions 2, 5, and 6; 179.66, Subdivisions 4 and 5; 179.66, by adding a subdivision; 179.67, Subdivisions 7, 11, and 12; 179.68; 179.69, Subdivisions 2, 3, and 5; 179.70, Subdivisions 1, 2, and 4; 179.71, Subdivision 3; 179.72, Subdivisions 6, 7, and 9; 179.72, by adding a subdivision; 179.73, Subdivision 2; 179.74, Subdivisions 4 and 5; 179.75, Subdivision 8; repealing Minnesota Statutes 1971, Sections 179.69, Subdivision 7; 179.71, Subdivision 4; 179.72, Subdivisions 10, 11, and 13; 179.73, Subdivisions 3, 4, and 5; 179.75, Subdivisions 1, 2, 3, 4, 5, 7, and 9.

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

Wigley, Cummiskey, and Johnson, C., introduced:

H. F. No. 296, A bill for an act relating to Blue Earth county; authorizing county to enter into rental purchase agreements or conditional sales agreements for acquisition of road equipment subject to limitations.

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

Lemke; Anderson, G.; Peterson; and Carlson, B., introduced:

H. F. No. 297, A bill for an act relating to counties; appointment of county highway engineer; amending Minnesota Statutes 1971, Section 163.07, Subdivision 2a.

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

Lemke, Resner, McCauley, and Carlson, B., introduced:

H. F. No. 298, A bill for an act relating to taxation; rates and distribution of taxes upon intoxicating liquor and fermented malt beverages; amending Minnesota Statutes 1971, Sections 340.47 and 340.60, Subdivision 2.

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

Spanish; Prah; Carlson, D.; Ohnstad; and Johnson, D., introduced:

H. F. No. 299, A bill for an act relating to motor vehicles; equipment; authorizing the use of tires with metal type studs on public highways between certain dates; amending Minnesota Statutes 1971, Section 169.72, Subdivision 1; repealing Minnesota Statutes 1971, Section 169.72, Subdivision 2.

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

Berg, Wolcott, Kahn, McCauley, and Boland introduced:

H. F. No. 300, A bill for an act relating to motor vehicles; requiring inspections at time of transfer of title; prescribing the powers and duties of state and local officers and employees in connection therewith; authorizing the commissioner of public safety to suspend the registration of deficient vehicles; and providing an appropriation; amending Minnesota Statutes 1971, Chapter 169, by adding a section.

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

Myrah; Miller, D.; Biersdorf; Schulz; and Long introduced:

H. F. No. 301, A bill for an act relating to livestock; information required upon sale; amending Minnesota Statutes 1971, Chapter 35, by adding a section.

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

Salchert, Enebo, Flakne, Fudro, and Johnson, J., introduced:

H. F. No. 302, A bill for an act relating to the city of Minneapolis; authorization of certain positions in the city coordinator's office; repealing Laws 1969, Chapter 690.

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

Connors, Tomlinson, Heinitz, McCauley, and Kahn introduced:

H. F. No. 303, A bill for an act relating to commerce; consumer sales transactions; permitting buyers and lessees of personal property or services to cancel agreements under certain circumstances; and prescribing penalties.

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

Sherwood; Jaros; Braun; Miller, M.; and Erdahl introduced:

H. F. No. 304, A bill for an act relating to game and fish; senior citizens' fishing licenses; amending Minnesota Statutes 1971, Section 98.47, Subdivision 14.

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

Ojala, Nelson, Fugina, Cummiskey, and Berglin introduced:

H. F. No. 305, A bill for an act relating to game and fish; reaffirming hunting and fishing rights of Indians in certain ceded territory.

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

Spanish, Smith, McFarlin, McArthur, and Prahl introduced:

H. F. No. 306, A bill for an act relating to wild animals; lowering the age for permanent licenses for residents to take fish to 65 years; amending Minnesota Statutes 1971, Section 98.47, Subdivision 14.

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

Kahn, Stanton, Sabo, McFarlin, and Fudro introduced:

H. F. No. 307, A bill for an act relating to elections; forbidding denial of access to multiple unit dwellings for the purpose of campaigning; providing a penalty.

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

Quirin, Newcome, LaVoy, Jude, and Stanton introduced:

H. F. No. 308, A bill for an act relating to the organization and operation of the state government; creating a department of finance; appropriating moneys; amending Minnesota Statutes 1971, Section 6.21; repealing Minnesota Statutes 1971, Section 16.02, Subdivisions 11, 12, 20 and 22.

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

Sieben, H.; Bell; Johnson, D.; Sarna; and Pehler introduced:

H. F. No. 309, A bill for an act relating to manpower services; unemployment compensation; benefits; amending Minnesota Statutes 1971, Section 268.07, Subdivision 2.

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

Sieben, H.; Jacobs; Vanasek; Miller, D.; and Patton introduced:

H. F. No. 310, A bill for an act proposing an amendment to the Minnesota Constitution, Article XIV, Section 1; providing the majority necessary to pass constitutional amendments.

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

Stanton; Ojala; Johnson, J.; Parish; and Faricy introduced:

H. F. No. 311, A bill for an act relating to witnesses; newsmen; providing a privilege to protect confidential sources of news information; amending Minnesota Statutes 1971, Chapter 595, by adding a section.

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

Voss, Jacobs, McCarron, Enebo, and Pehler introduced:

H. F. No. 312, A bill for an act relating to public employment relations board; making arbitration binding on employer; amending Minnesota Statutes 1971, Section 179.72, Subdivisions 7, 9, 10, and 11.

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

Wohlwend; Andersen, R.; and Stangeland introduced:

H. F. No. 313, A bill for an act relating to labor relations; requiring apportionment and payment of costs incurred by the state in the settlement of labor disputes.

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

Johnson, D., introduced:

H. F. No. 314, A bill for an act relating to the village of Grand Marais; authorizing the issuance of on-sale liquor licenses.

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

Wigley, Cummiskey, and Johnson, C., introduced:

H. F. No. 315, A bill for an act relating to Blue Earth county; authorizing use of county funds for county extension committee.

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

Berglin; Adams, J.; Nelson; and Ryan introduced:

H. F. No. 316, A bill for an act relating to certain trunk highways; requiring accoustical barriers along certain interstate highways contingent upon the availability of federal matching funds; amending Minnesota Statutes 1971, Chapter 161, by adding a section.

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

Johnson, J.; Lombardi; Cleary; Berg; and Kelly introduced:

H. F. No. 317, A bill for an act relating to motor vehicles; registration thereof; prohibiting the registration of certain motorcycles; amending Minnesota Statutes 1971, Section 168.10, Subdivision 1.

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

Haugerud, Faricy, Kelly, Fugina, and Biersdorf introduced:

H. F. No. 318, A bill for an act relating to probate; affairs of decedents, missing persons, protected persons, minors, incapacitated persons and certain others and constituting the uniform probate code; consolidating and revising aspects of the law relating to wills and intestacy and the administration and distribution of estates of decedents, missing persons, protected persons, minors, incapacitated persons and certain others; ordering the powers and procedures of the court concerned with the affairs of decedents and certain others; providing for the validity and effect of certain nontestamentary transfers, contracts and deposits which relate to death and appear to have testamentary effect; providing certain procedures to facilitate enforcement of testamentary and other trusts; making uniform the law with respect to decedents and certain others; repealing Minnesota Statutes 1971, Sections 525.13 to 525.80, 525.81, 525.82, 525.83, 525.85, 525.86, 525.87, 525.89, and 525.91; and all other inconsistent laws.

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

Hanson; Anderson, I.; LaVoy; Cummiskey; and Anderson, G., introduced:

H. F. No. 319, A bill for an act relating to probate; affairs of decedents, missing persons, protected persons, minors, incapacitated persons and certain others and constituting the uniform probate code; consolidating and revising aspects of the law relating to wills and intestacy and the administration and distribution of estates of decedents, missing persons, protected persons, minors, incapacitated persons and certain others; ordering the powers and procedures of the court concerned with the affairs of decedents and certain others; providing for the validity and effect of certain nontestamentary transfers, contracts and deposits which relate to death and appear to have testamentary effect; providing certain procedures to facilitate enforcement of testamentary and other trusts; making uniform the law with respect to decedents and certain others; repealing Minnesota Statutes 1971, Sections 525.13 to 525.80, 525.81, 525.82, 525.83, 525.85, 525.86, 525.87, 525.89, and 525.91; and all other inconsistent laws.

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

Jacobs; Pehler; Johnson, D.; McCarron; and Voss introduced:

H. F. No. 320, A bill for an act relating to probate; affairs of decedents, missing persons, protected persons, minors, incapacitated persons and certain others and constituting the uniform probate code; consolidating and revising aspects of the law relating to wills and intestacy and the administration and distribution of estates of decedents, missing persons, protected persons,

minors, incapacitated persons and certain others; ordering the powers and procedures of the court concerned with the affairs of decedents and certain others; providing for the validity and effect of certain nontestamentary transfers, contracts and deposits which relate to death and appear to have testamentary effect; providing certain procedures to facilitate enforcement of testamentary and other trusts; making uniform the law with respect to decedents and certain others; repealing Minnesota Statutes 1971, Sections 525.13 to 525.80, 525.81, 525.82, 525.83, 525.85, 525.86, 525.87, 525.89, and 525.91; and all other inconsistent laws.

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

Pavlak, R. L.; Laidig; Pleasant; Kempe; and McCauley introduced:

H. F. No. 321, A bill for an act relating to probate; affairs of decedents, missing persons, protected persons, minors, incapacitated persons and certain others and constituting the uniform probate code; consolidating and revising aspects of the law relating to wills and intestacy and the administration and distribution of estates of decedents, missing persons, protected persons, minors, incapacitated persons and certain others; ordering the powers and procedures of the court concerned with the affairs of decedents and certain others; providing for the validity and effect of certain nontestamentary transfers, contracts and deposits which relate to death and appear to have testamentary effect; providing certain procedures to facilitate enforcement of testamentary and other trusts; making uniform the law with respect to decedents and certain others; repealing Minnesota Statutes 1971, Sections 525.13 to 525.80, 525.81, 525.82, 525.83, 525.85, 525.86, 525.87, 525.89, and 525.91; and all other inconsistent laws.

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

Hagedorn, Biersdorf, Stanton, Heinitz, and Eckstein introduced:

H. F. No. 322, A bill for an act relating to probate; affairs of decedents, missing persons, protected persons, minors, incapacitated persons and certain others and constituting the uniform probate code; consolidating and revising aspects of the law relating to wills and intestacy and the administration and distribution of estates of decedents, missing persons, protected persons, minors, incapacitated persons and certain others; ordering the powers and procedures of the court concerned with the affairs of decedents and certain others; providing for the validity and effect of certain nontestamentary transfers, contracts and deposits which relate to death and appear to have testamentary effect; providing certain procedures to facilitate enforcement



of testamentary and other trusts; making uniform the law with respect to decedents and certain others; repealing Minnesota Statutes 1971, Sections 525.13 to 525.80, 525.81, 525.82, 525.83, 525.85, 525.86, 525.87, 525.89, and 525.91; and all other inconsistent laws.

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

Stangeland; Biersdorf; Carlson, D.; Fjoslien; and Klaus introduced:

H. F. No. 323, A bill for an act relating to probate; affairs of decedents, missing persons, protected persons, minors, incapacitated persons and certain others and constituting the uniform probate code; consolidating and revising aspects of the law relating to wills and intestacy and the administration and distribution of estates of decedents, missing persons, protected persons, minors, incapacitated persons and certain others; ordering the powers and procedures of the court concerned with the affairs of decedents and certain others; providing for the validity and effect of certain nontestamentary transfers, contracts and deposits which relate to death and appear to have testamentary effect; providing certain procedures to facilitate enforcement of testamentary and other trusts; making uniform the law with respect to decedents and certain others; repealing Minnesota Statutes 1971, Sections 525.13 to 525.80, 525.81, 525.82, 525.83, 525.85, 525.86, 525.87, 525.89, and 525.91; and all other inconsistent laws.

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

## MOTIONS AND RESOLUTIONS

McCauley moved that the name of Spanish be shown as chief author, and that the name of McCauley be shown as third author on H. F. No. 153. The motion prevailed.

Pavlak, R., moved that the names of Newcome and Graw be added as authors on H. F. No. 230. The motion prevailed.

Vento moved that the name of McCauley be added as an author on H. F. No. 221. The motion prevailed.

Ojala; Johnson, D.; LaVoy; Jaros; and McEachern introduced:

House Concurrent Resolution No. 6, A house concurrent resolution to decrease fuel utilization in Minnesota state administrative buildings and the State Capitol.

The resolution was referred to the Committee on Rules and Legislative Administration.

Long, Erickson, Dirlam, Boland, and Mann introduced:

House Resolution No. 3, A house resolution commending President Nixon for his substantial accomplishments during his first term of office and for his dedication in terminating the war in Vietnam.

#### SUSPENSION OF RULES

Mr. Long moved that the Rules be so far suspended that House Resolution No. 3 be now considered and be placed upon its adoption.

A roll call was requested and properly seconded.

The question was taken on the motion to suspend the Rules and the roll being called, there were yeas 66, and nays 62, as follows:

Those who voted in the affirmative were:

Adams, S.	Culhane	Heinitz	Long	Savelkoul
Andersen, R.	DeGroat	Hook	McArthur	Schreiber
Anderson, D.	Dirlam	Johnson, J.	McCauley	Schulz
Anderson, G.	Eckstein	Johnson, R.	McFarlin	Searle
Becklin	Erdahl	Jopp	Mueller	Skaar
Belisle	Erickson	Jude	Munger	Stangeland
Bennett	Esau	Klaus	Myrah	Weaver
Biersdorf	Ferderer	Knickerbocker	Newcome	Wigley
Braun	Fjoslien	Kvam	Niehaus	Wohlwend
Carlson, A.	Flakne	Laidig	Ohnstad	Wolcott
Carlson, D.	Forsythe	Larson	Paviak, R. L.	
Carlson, L.	Graba	Lemke	Peterson	
Cleary	Graw	Lindstrom, E.	Pieper	
Clifford	Hagedorn	Lombardi	Pleasant	

Those who voted in the negative were:

Adams, J.	Faricy	McEachern	Prahl	Spanish
Anderson, I.	Fudro	McMillan	Quirin	Stanton
Berg	Fugina	Menke	Resner	Swanson
Berglin	Growe	Miller, D.	Rice	Tomlinson
Boland	Hanson	Miller, M.	Ryan	Ulland
Brinkman	Jacobs	Moe	St. Onge	Vanasek
Carlson, B.	Jaros	Nelson	Salchert	Vento
Casserly	Johnson, D.	Norton	Samuelson	Voss
Connors	Kahn	Ojala	Sarna	Wenzel
Cummiskey	Kelly	Parish	Sherwood	Mr. Speaker
Dahl	LaVoy	Patton	Sieben, H.	
Dieterich	Lindstrom, J.	Paviak, R.	Sieben, M.	
Enebo	McCarron	Pehler	Smith	

The motion did not prevail.

Mr. Long requested that House Resolution No. 3 be returned to its author. There being no objection the Resolution was returned to Mr. Long.

#### MESSAGES FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker:

I have the honor to announce the adoption by the Senate of the following Senate File, herewith transmitted:

S. F. No. 74.

PATRICK E. FLAHAVEN, Secretary of the Senate

### FIRST READING OF SENATE BILLS

S. F. No. 74, A bill for an act relating to Steele County; authorizing tax anticipation certificates for certain purposes; amending Laws 1963, Chapter 572, Section 2.

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

### GENERAL ORDERS

Pursuant to Rules of the House, the House resolved itself into the Committee of the Whole, with Mr. Sabo in the Chair, for the consideration of bills pending on General Orders of the Day.

Pursuant to Rule 12, a roll call was taken on the following amendment to H. F. No. 2 offered by Klaus:

The printed bill, strike everything after the enacting clause and insert in lieu thereof the following:

"Section 1. Minnesota Statutes 1971, Section 202.03, Subdivision 1, is amended to read:

202.03 [LEGISLATIVE AND NONPARTISAN NOMINATION.] Subdivision 1. [Offices, ballot.] The chief justice and associate justices of the supreme court, judges of the district and probate courts, all members of the state legislature, and all elective county officers shall be nominated upon a separate legislative and nonpartisan (BALLOTS) ballot, as hereinafter provided. The ballot shall be designated "ballot of candidates to be nominated for the legislature and candidates to be nominated without party designation."

Sec. 2. Minnesota Statutes, 1971, Section 202.03, Subdivision 2 is amended to read:

Subd. 2. [Legislative and Non-partisan primary ballot.] Except as stated in subdivisions 1 and 5, (NO) no party or other designation(, EXCEPT AS STATED IN SUBDIVISION 1,) shall be placed on the ballot, nor shall any candidate filing for nomination on said ballot be permitted or required to state his party affiliation on his filing affidavit. All provisions of law relating to the nomination of party candidates as to the form of ballot, including rotation of names, the endorsement thereon, voting, marking ballots, counting, returning and canvassing results, shall apply to nomination of (THESE) all officers on the legislative and nonpartisan ballot. Each voter is entitled to vote a legislative and nonpartisan primary ballot without reference to his party affiliation.

Sec. 3. Minnesota Statutes 1971, Section 202.03, Subdivision 3 is amended to read:

Subd. 3. [Candidates to be nominated, number.] When only two persons file for the nomination of any legislative or nonpartisan office, or when not more than twice the number of persons to be elected to a *legislative* or nonpartisan office file for the nomination thereof, their names may not be placed upon the *legislative* and nonpartisan ballot, but these persons shall be considered and shall be the nominees for the office, and their names shall be placed upon the general election ballot as the *legislative* or nonpartisan nominees.

Sec. 4. Minnesota Statutes 1971, Section 202.03 is amended by adding a subdivision to read:

Subd. 5. [*Party Designation for Legislative Candidates.*] *When filing for any office in the state legislature the person filing shall indicate, in no more than three words, with which political party or philosophy he identifies himself and such designation shall follow his name on the ballot in upper and lower case type. For purposes of this section such terms as "Conservative," "Liberal," and "Independent" shall be considered to describe political philosophy. An office in the legislature shall be considered a partisan office.*

Sec. 5. Minnesota Statutes 1971, Section 202.07, Subdivision 1, is amended to read:

202.07 [PRIMARY ELECTION BALLOT.] Subdivision 1. [Placing of name on ballot.] Except as provided in section 202.03, subdivision 3, upon proper filing of affidavit and payment of filing fee, the county auditor shall place the name of the candidate upon the primary election ballot in the ticket of the political party designated or on the *legislative* and nonpartisan ballot as provided in section 202.03, as the case may be.

Sec. 6. Minnesota Statutes 1971, Section 202.08, is amended to read:

202.08 [BALLOTS.] Subdivision 1. [Partisan and nonpartisan candidates.] All voting at the primary election shall be by ballot. *Except as provided in section 202.03.* There shall be one ballot for all partisan candidates, grouped by parties, and a separate ballot for all candidates to be nominated without party designation.

Subd. 2. [Candidates, *legislative* and nonpartisan offices, who nominated.] The candidates on *legislative* and nonpartisan ballots receiving the highest and the next highest *number* of votes shall be the nominees for the office for which they are candidates. When more than one person is to be elected for the same nonpartisan office, the candidates to a number equal to twice the number of persons to be elected, who receive the highest number of votes, shall be the nominees for the office.

Subd. 3. [Candidates, partisan offices, who nominated.] *Except as provided in subdivision 2.* The candidate for any political

party office receiving the highest (VOTE) *number of votes* at the primary election shall be the nominee of that political party for the office except as provided in subdivision 4.

Subd. 4. [Party primary, ten percent requirement.] If at the primary election any person seeking a party's nomination for an office receives a number of votes equal to ten percent of the average *number of votes* cast at the last general election for state officers of that political party within the district for which the office is voted then all candidates of that political party who receive the highest *number of (VOTE) votes* for an office are the nominees of that political party. If none of the candidates of a political party (RECEIVE) *receives* the required ten percent, then no candidates are nominated, and all the candidates of that political party may be nominated(,) by nominating petitions as provided in sections 202.09 to 202.12. The term "state officers," as used in this section for the purpose of computing the average vote to determine the ten percent as provided in this section, means the governor, lieutenant governor, secretary of state, state auditor, state treasurer, and attorney general. *This subdivision shall not apply relative to candidates for the legislature.*

Subd. 5. [General elections, nominees.] The persons certified by canvassing boards to be nominated shall constitute the nominees of the several political parties or the *legislative and nonpartisan* nominees, as the case may be, to be voted for at the next ensuing general election, and their names shall be printed upon the official ballots prepared for the ensuing election.

Sec. 7. Minnesota Statutes 1971, Section 202.14, Subdivision 1, is amended to read:

202.14 [VACANCY IN NOMINATION.] Subdivision 1. [Death or withdrawal.] A vacancy in a nomination exists when, after the primary election, any candidate who was nominated to a nonpartisan or partisan office dies, withdraws, or for any other reason ceases to be the nominated candidate for that office, or when, on the last day of filing or after the closing of filing for a *legislative or nonpartisan* office for which one or two candidates filed, any such candidate dies or withdraws, *or ceases to be a candidate to be listed on the ballot for any other reason.* When a vacancy in a nomination occurs a nomination to fill the vacancy may be made in the manner provided in subdivisions 2, 3, and 4.

Sec. 8. Minnesota Statutes 1971, Section 202.14, Subdivision 2, is amended to read:

Subd. 2. [Partisan Office.] If a vacancy in a nomination for a partisan office occurs after the primary election, it may be filled any time before the general election by filing with the proper officer a nomination certificate executed by the chairman and secretary of the proper committee of the political party whose voters made the original nomination, under the direction of the committee; and the chairman and secretary when so filing the certificate shall attach thereto an affidavit to the effect that

the candidate has been duly selected by said committee and that the persons signing said certificate and making the affidavit as such are the duly authorized chairman and secretary of said committee, *except that in the case of a vacancy in a nomination for election to the legislature the provisions of subdivision 3 and subdivision 4 shall apply.*

Sec. 9. Minnesota Statutes 1971, Section 203.33, Subdivision 2, is amended to read:

Subd. 2. [Ballots, candidates nominated by petition.] At the general election, and in the case of partisan offices, *exclusive of legislative offices*, only, the names of candidates nominated by petition shall follow those of candidates nominated at primaries in the order in which the petitions are filed.

Sec. 10. Minnesota Statutes 1971, Section 203.33, Subdivision 3, is amended to read:

Subd. 3. [Ballot, party position.] At the general election, and in the case of partisan, *exclusive of legislative*, offices only, the first name printed for each office, or group of names if more than one is to be voted for, for the same office, shall be that of the candidate of the political party which at the last preceding general election polled the largest number of votes, the same to be determined by the average vote cast for that party's candidates for partisan offices except representatives in congress *and legislative offices*. In like manner the second and succeeding lines shall be filled with the names of the candidates of the other political parties receiving the next highest number of votes respectively. For the purposes of this subdivision, the average vote of the party shall be computed by determining the total number of votes counted in the state for all of the party's candidates on the general election ballot except representatives in congress *and legislative offices*, and dividing that sum by the number of the party's candidates, except representatives in congress *and legislative offices*, appearing on the general election ballot.

Sec. 11. Minnesota Statutes 1971, Section 203.34, Subdivision 1, is amended to read:

203.34 [GENERAL ELECTION BALLOT, LEGISLATIVE AND NONPARTISAN OFFICES, ROTATION OF NAMES.] Subdivision 1. At the general election, and in the case of *legislative and nonpartisan* offices only, the names of all candidates for the same office shall be rotated on the ballots in the manner provided for primary election ballots by subdivision 5 of section 203.35, and all the provisions of subdivisions 5 and 6 of section 203.35 are applicable to general election ballots, so far as practicable.

Sec. 12. Minnesota Statutes 1971, Section 203.35, Subdivision 1, is amended to read:

203.35 [PRIMARY BALLOTS.] Subdivision 1. [Form.] Except as provided in this section, the primary election ballots shall be printed in the same general manner as is provided for

the general election ballots, so far as practicable. The auditor of each county shall have printed a sufficient number of separate primary election ballots, varied as may be necessary for the several precincts and wards. The consolidated primary election ballot shall be on white paper, the *legislative and nonpartisan* primary ballot shall be on canary paper, and any municipal primary ballot shall be on light green paper.

Sec. 13. Minnesota Statutes 1971, Section 203.35, Subdivision 2, is amended to read:

Subd. 2. [*Partisan, and legislative and nonpartisan, sample.*] At least two weeks before the primary election each auditor shall group all the *legislative and nonpartisan* candidates and the other candidates of each political party by themselves and prepare for public inspection a sample party ballot and a separate *legislative and nonpartisan* ballot. On the sample ballots only, the names of the candidates shall be arranged alphabetically according to the surname. Only one sample party ballot and one sample *legislative and nonpartisan* ballot shall be printed for any county, and the names of all candidates to be voted upon in the county shall be placed thereon. Each county auditor shall post the sample ballots in a conspicuous place in his office and give one week's published notice thereof in the official newspaper of his county.

Sec. 14. Minnesota Statutes 1971, Section 203.35, Subdivision 3, is amended to read:

Subd. 3. [*Legislative and nonpartisan offices, no contest.*] All *legislative and nonpartisan* offices for which no candidate is to be voted at the primary election shall be omitted from the ballot.

Sec. 15. Minnesota Statutes 1971, Section 203.35, Subdivision 5, is amended to read:

Subd. 5. [*Rotation of names.*] On the primary election ballots for partisan and for *legislative and nonpartisan* offices the name of each candidate for office shall be rotated with the names of the other candidates for the same office so that the name of each candidate appears substantially an equal number of times at the top, at the bottom, and at each intermediate place in the group of candidates for that office.

Sec. 16. Minnesota Statutes 1971, Section 203.35, Subdivision 8, is amended to read:

Subd. 8. [*Primary party ballot, place of ticket.*] The party ticket shall be arranged in columns, and each column shall be substantially the same in width, type and appearance. In the first column on the left shall be placed the names of the candidates of the political party which polled the highest average (VOTE) *number of votes* at the last general election in the county, and in the second column the names of the candidates of the political party which polled the next highest average (VOTE) *number*

*of votes* at that election in the county, and so on. For the purpose of this subdivision, the average vote of the party shall be computed by determining the total number of votes counted in the county for all of the party's candidates, *except for the legislature*, on the general election ballot, and dividing that sum by the number of the party's candidates, *excluding those for the legislature*, on the general election ballot, and dividing that sum by the number of the party's candidates, *excluding those for the legislature*, on the general election ballot.

Sec. 17. Minnesota Statutes 1971, Section 203.35, Subdivision 9, is amended to read:

Subd. 9. [Primary legislative and nonpartisan ballot, form.] The legislative and nonpartisan ballot shall be headed, "Primary Election Ballot—Candidates for the Legislature and Candidates to be Nominated Without Party Designation," and otherwise the same as the party ballot. At the top of the legislative and nonpartisan ballot the auditor shall place the names of the candidates for nomination for senator in the legislature and next, the candidates for representative in the legislature.

Sec. 18. Minnesota Statutes 1971, Section 203.47, is amended to read:

203.47 [NOMINATIONS; VACANCY.] Subdivision 1. Legislative and Nonpartisan office. In the case of legislative and nonpartisan offices, the two candidates receiving the highest number of votes at the primary election for each office to be filled shall be nominated.

Subd. 2. Partisan offices other than legislative. In the case of partisan offices *other than legislative*, one candidate for each office to be filled may be nominated at the primary for each political party, and the candidate of each political party receiving the highest number of votes at the primary shall be nominated without any reference to the number of votes cast by that party at the last general election.

Subd. 3. [No primary, when.] If not more than twice the number of persons to be elected to a legislative or nonpartisan office file for the nomination thereof, or if in the case of a partisan office *other than for the legislature* only one person from each party files as a candidate for the nomination of his party, then the persons who have filed therefor shall be nominated, and no primary may be held to make the nominations.

Sec. 19. Minnesota Statutes 1971, Section 206.07, Subdivision 1, is amended to read:

206.07 [CANDIDATES, ARRANGEMENT OF NAMES.] Subdivision 1. Placement. Where voting machines are authorized and employed the titles of offices may be arranged horizontally with the names of the candidates arranged vertically under the title of the office, or the titles of the offices may be



arranged vertically with the names of the candidates arranged horizontally opposite the respective titles. On the *legislative* and nonpartisan ballot prepared for primary elections, and on the county and district ballot prepared for the general election, the names of nominees, or names of candidates for election, as the case may be, for state senate or state house of representatives, shall be placed first on said voting machine ballots. More than one column or row may be used for the same office or party. Questions, constitutional amendments or other propositions shall be placed on the machines in the space provided for that purpose and shall be arranged in the manner which the construction of the machine requires.

Sec. 20. Minnesota Statutes 1971, Section 206.09, is amended to read:

**"206.09. [BALLOT LABELS; DIAGRAMS FOR VOTING MACHINES.]** The same authorities as are charged with providing paper ballots when such are used shall be required to provide all ballots, ballot labels and ballot cards, diagrams, sample ballots, return sheets and all other necessary supplies needed for the voting machines or electronic voting systems.

In state and county general elections the county auditor of each county in which voting machines or electronic voting systems are used shall provide all ballots, ballot labels, ballot cards, and other necessary printed forms and supplies needed for the voting machines, including all such forms needed for placing on such voting machines, all officers, candidates and constitutional amendments and other questions and propositions, the ballots for which are required by the election laws to be provided by the state when paper ballots are used. The total cost of printing and providing all such forms shall be prorated by each county auditor so that the state and county will pay each its proportionate share based on the total number of candidates and questions under the jurisdiction of each. The state shall pay to the county its proportionate share of such cost as herein provided, all provisions of the statutes of this state notwithstanding.

Except as herein provided all ballots (or ballot labels) shall be printed in black ink on clear white material of such size as will fit the ballot frame of the voting machine or as will conform to the requirements of electronic voting systems where used, and in as plain clear type as the space will reasonably permit. In primary elections where electronic voting systems are used, the ballot pages for the partisan primary ballots may be different colors or may be otherwise distinctively differentiated as between parties and all pages of the partisan primary ballot of a single party shall be consecutive without the intervention of any pages of any other party. In a prominent place on such ballots there shall be conspicuously printed a notice stating in substance the effect of attempting to vote in more than one partisan primary. Preparation of separate ballots for use on separate marking devices, each ballot containing the partisan primary ballot of only one party, shall also be permitted. Candidates' names may be set in as large type as the length of the majority of such names

of all candidates on the ballot permits and the remaining candidates' names may be set in such smaller sizes or styles of type as the length of each such name requires based upon the available space in the frame of the voting machine or upon the space available on any card, paper, booklet, or pages. Ballots (or ballot labels) for constitutional amendments or that portion of the ballot containing constitutional amendments shall be printed on material tinted pink. In a prominent place on such ballots, there shall be conspicuously printed a notice stating in substance that if a voter fails to vote on a constitutional amendment he votes, in effect, in the negative. Ballots (or ballot labels) for other questions shall be printed on material so tinted as to conform with the laws relating to paper ballots.

The authorities charged with the duty of providing ballots for any polling place where voting machines are used shall provide therefor at least two sample ballots which shall be arranged in the form of a diagram showing such part of the face of the voting machine as shall be in use at that election for voting for all candidates whose names are entitled to be placed on the ballot at such election and shall also show such part of the face of the voting machine as shall be in use for voting for all referendum questions, constitutional amendments or other propositions; the proper authorities shall provide at least two sample ballots, ballot cards, or ballot labels which shall be arranged in the form of a diagram showing the ballot label containing the names of all candidates and propositions to be voted upon at that election in each polling place. Candidates' names shall not be rotated on such sample ballots but shall be arranged in alphabetical order for all offices where rotation of names on the official ballots on the voting machines is required by law. Such sample ballots shall be either in full or reduced size and shall contain suitable illustrated directions for voting on the voting machine, or for operating a marking device, or such illustrated instructions shall be provided on a separate poster, to be posted adjacent to each sample ballot. Not less than two such sample ballots shall be posted in a prominent place in the polling place and shall remain open to inspection by the voters throughout the election day.

The county auditor may use a one inch or more space between the partisan ballot and the *legislative* and nonpartisan ballot, but in all cases a canary yellow color shall be used as background color on the *legislative* and nonpartisan ballots."

Amend the title in line 2 by striking "appropriating money;" and by striking everything after "202.03," in line 2 and inserting in lieu thereof: "Subdivisions 1, 2, and 3, and by adding a subdivision; 202.07, Subdivision 1; 202.08; 202.14, Subdivisions 1 and 2; 203.33, Subdivisions 2 and 3; 203.34, Subdivision 1; 203.35, Subdivisions 1, 2, 3, 5, 8, and 9; 203.47; 206.07, Subdivision 1; 206.09."

There were yeas 57, and nays 75.

## Those who voted in the affirmative were:

Adams, S.	Dirlam	Johnson, J.	McCauley	Searle
Andersen, R.	Eckstein	Johnson, R.	Mueller	Skaar
Anderson, D.	Erdahl	Jopp	Myrah	Smith
Anderson, G.	Erickson	Klaus	Newcome	Stangeland
Becklin	Esau	Knickerbocker	Niehaus	Ulland
Bennett	Ferderer	Kvam	Ohnstad	Weaver
Biersdorf	Fjoslien	Laidig	Pavlak, R. L.	Wigley
Carlson, A.	Flakne	Larson	Pieper	Wohlwend
Carlson, D.	Graw	Lindstrom, E.	Pleasant	Wolcott
Cleary	Hagedorn	Lombardi	Savelkoul	
Clifford	Heinitz	Long	Schreiber	
DeGroat	Hook	McArthur	Schulz	

## Those who voted in the negative were:

Adams, J.	Dahl	Johnson, D.	Moe	Salchert
Anderson, I.	Dieterich	Jude	Munger	Samuelson
Belisle	Eken	Kahn	Nelson	Sarna
Bell	Enebo	Kelly	Norton	Sherwood
Berg	Faricy	Kempe	Parish	Sieben, H.
Berglin	Forsythe	LaVoy	Patton	Sieben, M.
Boland	Fudro	Lemke	Pavlak, R.	Spanish
Braun	Fugina	Lindstrom, J.	Pehler	Stanton
Brinkman	Graba	McCarron	Peterson	Swanson
Carlson, B.	Grove	McEachern	Prahl	Tomlinson
Carlson, L.	Hanson	McFarlin	Quirin	Vanasek
Casserly	Haugerud	McMillan	Resner	Vento
Connors	Jacobs	Menke	Rice	Voss
Culhane	Jaros	Miller, D.	Ryan	Wenzel
Cummiskey	Johnson, C.	Miller, M.	St. Onge	Mr. Speaker

The amendment was not adopted.

Pursuant to Rule 12, a roll call was taken on the following amendment to H. F. No. 2 offered by Carlson, A.:

The printed bill, delete the words "nonpartisan" wherever they appear throughout the entire bill and insert the word "*partisan*".

Delete the words "without party designation" wherever they appear throughout the entire bill and insert the words "*with party designation*".

Page 1, line 4, after the word "county" insert "*and municipal and township*".

There were yeas 29, and nays 97.

## Those who voted in the affirmative were:

Andersen, R.	Erickson	Heinitz	Lindstrom, E.	Savelkoul
Becklin	Ferderer	Hook	Long	Schreiber
Bennett	Flakne	Johnson, J.	Myrah	Skaar
Carlson, A.	Forsythe	Knickerbocker	Ohnstad	Weaver
Cleary	Graw	Kvam	Pavlak, R. L.	Wohlwend
Clifford	Hagedorn	Laidig	Pieper	

## Those who voted in the negative were:

Adams, J.	Berglin	Casserly	Eken	Fugina
Anderson, D.	Biersdorf	Connors	Enebo	Graba
Anderson, G.	Boland	Culhane	Erdahl	Grove
Anderson, I.	Braun	Cummiskey	Esau	Hanson
Belisle	Brinkman	Dahl	Faricy	Haugerud
Bell	Carlson, B.	Dieterich	Fjoslien	Jacobs
Berg	Carlson, L.	Eckstein	Fudro	Jaros

Johnson, C.	McArthur	Norton	St. Onge	Swanson
Johnson, D.	McCarron	Ojala	Salchert	Tomlinson
Johnson, R.	McEachern	Parish	Samuelson	Ulland
Jude	McFarlin	Patton	Sarna	Vanasek
Kahn	McMillan	Pavlak, R.	Schulz	Vento
Kelly	Menke	Pehler	Searle	Voss
Kempe	Miller, D.	Peterson	Sherwood	Wenzel
Klaus	Miller, M.	Pleasant	Sieben, H.	Wigley
Larson	Moe	Prahl	Sieben, M.	Wolcott
LaVoy	Mueller	Quirin	Smith	Mr. Speaker
Lemke	Munger	Resner	Spanish	
Lindstrom, J.	Nelson	Rice	Stangeland	
Lombardi	Niehaus	Ryan	Stanton	

The amendment was not adopted.

Pursuant to Rule 12, a roll call was taken on the motion of Enebo to recommend passage of H. F. No. 2.

There were yeas 116, and nays 15.

Those who voted in the affirmative were:

Adams, J.	Dirlam	Johnson, J.	Miller, M.	Samuelson
Anderson, G.	Eckstein	Johnson, R.	Moe	Sarna
Anderson, I.	Eken	Jude	Mueller	Savelkoul
Belisle	Enebo	Kahn	Munger	Schreiber
Bell	Erdahl	Kelly	Nelson	Schulz
Bennett	Erickson	Kempe	Newcome	Sherwood
Berg	Esau	Klaus	Niehaus	Sieben, H.
Berglin	Faricy	Knickerbocker	Norton	Sieben, M.
Biersdorf	Fjostien	Kvam	Ohnstad	Stangeland
Boland	Flakne	Laidig	Ojala	Stanton
Braun	Forsythe	Larson	Parish	Swanson
Brinkman	Fudro	LaVoy	Patton	Tomlinson
Carlson, A.	Fugina	Lemke	Pavlak, R.	Vanasek
Carlson, B.	Graba	Lindstrom, E.	Pehler	Vento
Carlson, D.	Graw	Lindstrom, J.	Peterson	Voss
Carlson, L.	Growe	Lombardi	Pieper	Weaver
Casserly	Hagedorn	McArthur	Pleasant	Wenzel
Cleary	Hanson	McCarron	Prahl	Wohlwend
Clifford	Heinitz	McCauley	Quirin	Wolcott
Connors	Hook	McEachern	Resner	Mr. Speaker
Culhane	Jacobs	McFarlin	Rice	
Cummiskey	Jaros	McMillan	Ryan	
Dahl	Johnson, C.	Menke	St. Onge	
Dieterich	Johnson, D.	Miller, D.	Salchert	

Those who voted in the negative were:

Adams, S.	Becklin	Haugerud	Pavlak, R. L.	Smith
Andersen, R.	DeGroat	Long	Searle	Ulland
Anderson, D.	Ferderer	Myrah	Skaar	Wigley

The motion prevailed.

The Speaker resumed the Chair, whereupon the following proceedings of the Committee were reported to the House:

H. F. Nos. 56 and 2 which it recommended to pass.

On the motion of Mr. Anderson, I., the report of the Committee of the Whole was adopted.

## ANNOUNCEMENT BY THE SPEAKER

The Speaker announced the following changes in House Standing Committee assignments:

Local Government: Strike the name of Belisle.

Local Government: Add the name of Wohlwend.

City Government: Strike the name of Wohlwend.

City Government: Add the name of Belisle.

## ANNOUNCEMENT BY THE SPEAKER

The Speaker reported the appointment of the following members of the House to the following interim commissions and committees:

Tax Study Commission, pursuant to the provisions of Extra Session Laws of Minnesota 1971, Chapter 31, Article XIII, Section 1, Subdivision 3: Anderson, I.; Pavlak, R.; Sabo; Jopp; and DeGroat.

Advisory Committee on Women's Affairs to advise and assist the Commissioner of Human Rights, pursuant to the provisions of Minnesota Statutes 1971, Section 363.04, Subdivision 8: Mrs. McMillan.

## ADJOURNMENT

Mr. Anderson, I., moved that when the House adjourns today it adjourn until 3:00 p.m., Thursday, February 1, 1973. The motion prevailed.

Mr. Anderson, I., moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 3:00 p.m., Thursday, February 1, 1973.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

