

## STATE OF MINNESOTA

## SIXTY-EIGHTH SESSION - 1973

## FORTY-NINTH DAY

SAINT PAUL, MINNESOTA, TUESDAY, MAY 1, 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.	Dahl	Johnson, C.	McMillan	Salchert
Adams, S.	DeGroat	Johnson, D.	Menke	Samuelson
Andersen, R.	Dieterich	Johnson, J.	Miller, D.	Sarna
Anderson, D.	Dirlam	Johnson, R.	Miller, M.	Savelkoul
Anderson, G.	Eckstein	Jopp	Moe	Schreiber
Anderson, I.	Eken	Jude	Munger	Schulz
Becklin	Enebo	Kahn	Nelson	Sherwood
Belisle	Erdahl	Kelly	Newcome	Sieben, H.
Bell	Erickson	Kempe	Niehaus	Sieben, M.
Bennett	Esau	Klaus	Norton	Skaar
Berg	Faricy	Knickerbocker	Ohnstad	Smith
Berglin	Ferderer	Kvam	Ojala	Spanish
Biersdorf	Fjoslien	Laidig	Parish	Stangeland
Boland	Forsythe	Larson	Patton	Stanton
Braun	Fudro	LaVoy	Pavlak, R.	Swanson
Brinkman	Fugina	Lemke	Pavlak, R. L.	Tomlinson
Carlson, A.	Graba	Lindstrom, E.	Pehler	Ulland
Carlson, B.	Graw	Lindstrom, J.	Peterson	Vanasek
Carlson, D.	Growe	Lombardi	Pieper	Vento
Carlson, L.	Hagedorn	Long	Pleasant	Voss
Casserly	Hanson	Mann	Prahl	Weaver
Cleary	Haugerud	McArthur	Quirin	Wenzel
Clifford	Heinitz	McCarron	Resner	Wigley
Connors	Hook	McCauley	Rice	Wohlwend
Culhane	Jacobs	McEachern	Ryan	Wolcott
Cummiskey	Jaros	McFarlin	St. Onge	Mr. Speaker

A quorum was present.

Mueller was excused. Flakne was excused until 3:10 p.m. Myrah was excused until 3:00 p.m. Searle was excused until 3:30 p.m.

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

## REPORTS OF CHIEF CLERK

Pursuant to Rules of the House, printed copies of H. F. Nos. 1709, 1965, 2178, 2179, 2397, 937, 2107, 2180, 876, 1292, 2186, 2223, 1541, 1729, 1898, 1907, 1340, 1430, 2004, 2050, 2098, 2132, 2270, 2351, 2352, 1755, 1647, 1760, 2016, 2018, 2215, 2360, 1811, 1871, 1872, 1288, 1558, 438, 553, 970, 1310, 1379, 1592, 1738, 1839, 1853, 1948, and 1968 and S. F. Nos. 753, 996, 1182, 662, 1560, 1593, 1594, 1666, 1670, 1721, 537, 752, 820, 1164, 1261, 1278, 1310, 1376, 1505, 1540, 56, 1061, 1296, 1726, 1728, 1766, 2189, 1441, 1526, 1592, 1724, 1731, 1925, 1940, 771, 1025, 1454, 1693, 2011, 2012, 452, 60, 393, 1361, 1584, 1667, and 1835 have been placed in the members' files.

S. F. No. 753 and H. F. No. 800, which had been referred to the Chief Clerk for comparison, were examined and found to be identical, except that in S. F. No. 753, page 2, lines 27 and 28 read as follows:

"(c) Agricultural land and land capable of being used for farming owned by a corporation as of the effective date";

whereas, in H. F. No. 800, page 2, lines 27 and 28 read as follows:

"(c) Any ownership of agricultural land existing as of the effective date of this act including the normal".

S. F. No. 753, page 3, lines 14 through 25, read as follows:

"(f) Agricultural land and land capable of being used for farming leased by a corporation in an amount, measured in acres, not to exceed the acreage under lease to such corporation of as the effective date of this act and the additional acreage required for normal expansion at a rate not to exceed 20 percent in any five year period, and the additional acreage reasonably necessary to meet the requirements of pollution control regulations;

(g) Future interests, including but not limited to remainder interests following life estates, when acquired as a gift (either by grant or a devise) by an educational, religious or charitable non-profit corporation;"

whereas, H. F. No. 800, page 3, lines 13 through 23 read as follows:

"(f) Leases of agricultural land in an amount, measured in acres, not to exceed the acreage under lease to a corporation as of the effective date of this act and the additional acreage required for normal expansion at a rate not to exceed 20 percent in any five-year period, and the additional acreage reasonably necessary to meet the requirements of pollution control regulations;

(g) Future interests, including but not limited to remainder interests following life estates, when acquired as a gift, either by grant or devise, by an educational, religious or charitable non-profit corporation."

S. F. No. 753, page 4, lines 9 through 12 read as follows: "other agreements by a corporation which has entered into an

agreement with the United States of America pursuant to the New Community Act of 1968 (Title IV of the Housing and Urban Development Act of 1968, 42 U.S.C. 3901 - 3914) as amended,"; whereas, H. F. No. 800, page 4, lines 7 through 10 read as follows: "other agreements, by a corporation which has entered into an agreement with the United States of America pursuant to the New Communities Act of 1968 (Title IV of the Housing and Urban Development Act of 1968, 42 U.S.C. 3901 - 3914), as".

S. F. No. 753, page 5, line 14 reads: "growing of corps or the keeping or feeding of poultry or"; whereas, H. F. No. 800, page 5, line 12, reads: "growing of crops or the keeping or feeding of poultry or".

S. F. No. 753, page 7, line 13 reads: "effective the day following its enactment."; whereas, H. F. No. 800, page 7, line 11, reads: "effective upon enactment."

#### SUSENSION OF RULES

Mann moved that the rules be so far suspended that S. F. No. 753 be substituted for H. F. No. 800 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1593 and H. F. No. 1569, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

McCauley moved that S. F. No. 1593 be substituted for H. F. No. 1569 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1594 and H. F. No. 1570, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

McCauley moved that S. F. No. 1594 be substituted for H. F. No. 1570 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1376 and H. F. No. 1455, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Carlson, B., moved that S. F. No. 1376 be substituted for H. F. No. 1455 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1560 and H. F. No. 1593, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Forsythe moved that S. F. No. 1560 be substituted for H. F. No. 1593 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1278 and H. F. No. 1447, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Schulz moved that S. F. No. 1278 be substituted for H. F. No. 1447 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1666 and H. F. No. 2053, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Mr. Munger moved that S. F. No. 1666 be substituted for H. F. No. 2053 and that the House File be indefinitely postponed. The motion prevailed.

### PETITIONS AND COMMUNICATIONS

The following communication was received:

STATE OF MINNESOTA  
OFFICE OF THE SECRETARY OF STATE  
ST. PAUL 55155

The Honorable Martin O. Sabo  
Speaker of the House of Representatives  
The Honorable Alec G. Olson  
President of the Senate

Sirs:

I have the honor to inform you that the following enrolled Acts of the 1973 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation pursuant to the State Constitution, Article IV, Section 11:

<i>S.F. No.</i>	<i>H.F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Date Approved 1973</i>	<i>Date Filed 1973</i>
	127	125	April 27	April 27
	420	126	April 27	April 27
	492	127	April 27	April 27
	527	128	April 27	April 27
	540	129	April 27	April 27
	946	130	April 27	April 27
	1185	131	April 27	April 27
	1187	132	April 27	April 27
	1218	133	April 27	April 27
	1258	134	April 27	April 27
994		135	April 27	April 27
908		136	April 27	April 27
839		137	April 27	April 27
831		138	April 27	April 27

S.F. No.	H.F. No.	Session Laws Chapter No.	Date Approved 1973	Date Filed 1973
566		139	April 27	April 27
285		140	April 27	April 27
188		141	April 27	April 27
150		142	April 27	April 27

Sincerely,

ARLEN ERDAHL  
Secretary of State

### REPORTS OF STANDING COMMITTEES

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

H. F. No. 786, A bill for an act relating to the city of St. Paul; prohibiting the city council from either increasing elected officers' salaries during the last 12 weeks of the council's term or providing an increase in such officers' salaries which would take effect during the term in which the increase is approved; amending Laws 1971, Chapter 473, Section 1.

Reported the same back with the following amendments:

Strike everything after the enacting clause, and insert in lieu thereof:

"Section 1. Laws 1971, Chapter 473, Section 1, is amended to read:

Section 1. [ST. PAUL, CITY OF; OFFICERS; COMPENSATION.] Notwithstanding any provision (OF THE CHARTER OF THE CITY OF ST. PAUL) of law of the Saint Paul city charter to the contrary, (AND NOT WITHSTANDING ANY CONTRARY PROVISION OF LAW, THE CITY COUNCIL SHALL HAVE THE POWER TO FIX THE COMPENSATION OF ALL DULY ELECTED OR APPOINTED OFFICERS UNDER THE CHARTER. SUCH COMPENSATION SHALL BE FIXED BY ORDINANCE, PASSED UPON IN THE MANNER PROVIDED FOR BY THE CHARTER OF THE CITY OF ST. PAUL AND WHEN SO FIXED, SHALL NOT BE INCREASED OR DECREASED DURING THE TERM FOR WHICH SUCH OFFICERS SHALL HAVE BEEN ELECTED OR APPOINTED. ALL FEES, MONEY, OR REMUNERATION OF WHATEVER CHARACTER ACCRUING TO ANY CITY OFFICER IN HIS ELECTED OR APPOINTED CAPACITY SHALL BE REPORTED TO THE CITY COUNCIL AND PAID MONTHLY INTO THE CITY TREASURY.) *the salaries of the elected officials are fixed as follows:*

*Mayor, \$27,200 per annum;*

*Each councilman, \$15,950 per annum.*

*These salaries shall be retroactive to October 30, 1972. The salaries shall be payable in such installments and at such times as the governing body of the city shall designate.*

**Sec. 2 [SALARIES FIXED BY ORDINANCE.]** *Notwithstanding the provisions of section 1, any other provision of law or the Saint Paul city charter to the contrary, the city of Saint Paul shall have the power to refix from time to time, the compensation of all duly elected officers under its charter. Such compensation shall be fixed by ordinance passed upon in the manner provided for by the charter of the city of Saint Paul, provided that no ordinance increasing compensation of elected officials may be passed during the last three months of any term of office. No increase in compensation shall be prescribed to take effect during the term of office for which the elected officials shall have been elected.*

**Sec. 3. [REFERENDUM.]** *Nothing contained in this act shall prohibit a referendum by petition of the registered voters of the city of Saint Paul upon any ordinance adopted pursuant to section 2.*

**Sec. 4. [FEES.]** *No elected official shall receive any other compensation than that provided for pursuant to this act for the performance of his official duties and such compensation shall include compensation for all services rendered in any office or employment for said city. All fees, moneys or remuneration of whatever kind that accrue to any official in his elected capacity shall be reported to the city council and paid monthly into the treasury of the city.*

**Sec. 5. [EFFECTIVE DATE.]** *This act shall become effective only after its approval by a majority of the governing body of the city of Saint Paul and upon compliance with the provisions of Minnesota Statutes, Section 645.021."*

Further, amend the title by striking it in its entirety and inserting in lieu thereof:

"A bill for an act relating to the city of Saint Paul; fixing the salaries of elected officials; providing a method of fixing future compensation of elected officials; amending Laws 1971, Chapter 473, Section 1."

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. 2308, A bill for an act relating to the city of Saint Paul; providing for the contracting out to a private party of the operation and management of the parking ramps and other parking facilities owned by the city which are located within or adjacent to the city's civic center and auditorium; amending Laws 1967, Chapter 459, Section 4, as amended.

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

The report was adopted.

Mr. Adams, J., from the Committee on Commerce and Economic Development to which was referred:

H. F. No. 1192, A bill for an act relating to the utilities; private and publicly owned companies; providing for regulations as to customer deposits.

Reported the same back with the following amendments:

Page 1, strike all of lines 12 to 14 and insert the following:

"(a) Upon termination of service with all bills paid, the deposit shall be returned to the customer within 45 days, less any deductions made in accordance with paragraph (c)."

Strike all of lines 15 to 18 and insert the following:

"(b) Interest shall be paid on deposits at the rate of 5 percent per year. The company may, at its option, pay the interest at intervals it chooses but at least annually, by direct payment, or as a credit on bills."

Strike all of lines 23 to 27.

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

The report was adopted.

Mr. Moe from the Committee on Crime Prevention and Corrections to which was referred:

H. F. No. 1717, A bill for an act relating to bicycles; providing for a statewide bicycle registration system; providing penalties for violation thereof.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert in lieu thereof:

"Section 1. [STATEMENT OF PURPOSE.] The growth in popularity of the bicycle as a mode of transportation and as a recreational vehicle has led to an increase in the number of bicycle thefts. To more effectively deal with the problems associated with theft and to aid in the recovery of stolen bicycles, a statewide bicycle registration system is hereby created.

Sec. 2. [DEFINITIONS.] Subdivision 1. For purposes of sections 1 to 19 the terms defined in this section shall have the meanings given them.

Subd. 2. "Bicycle" means every device propelled by human power upon which any person may ride, having two tandem wheels either of which is over 14 inches in diameter, and includ-

ing any device generally recognized as a bicycle though equipped with two front or rear wheels.

Subd. 3. "Bicycle dealer" means any person, firm, partnership, or corporation which is engaged, wholly or partly, in the business of selling bicycles, or buying or taking in trade bicycles for the purpose of resale, selling, or offering for sale, or otherwise dealing in bicycles, whether or not such bicycles are owned by such person or entity. The term also includes agents or employees of such person or entity.

Sec. 3. [BICYCLE REGISTRATION REQUIRED.] Subdivision 1. No person shall ride or use any bicycle upon any street, sidewalk, highway, alley, boulevard, or public place in the state unless the same shall be registered as herein provided. Every owner of a bicycle, or the parent, or guardian of any minor child 18 years of age or less, owning a bicycle, shall register or cause to be registered the bicycle with the state department of public safety by giving the name and address of the owner, the signature of the owner, the name and address of the person from whom purchased, the date of purchase, the date of registration, the make, serial number, model number, and description of the bicycle registered and such additional information as the department of public safety may require. The state department of public safety shall provide a suitable form for the purpose of registration application.

Subd. 2. No bicycle purchased from a bicycle dealer shall be released by said dealer until the applicable license has been obtained or applied for.

Sec. 4. [LICENSE FEE.] Subdivision 1. The registration fee shall be \$2 and when registered the registration shall be without limitation as to time but shall not be transferable from person to person or from bicycle to bicycle.

Subd. 2. Bicycles having a wheel diameter of 26 inches or more shall be subject to an additional fee of \$3. These fees shall be paid at the time of registration. All receipts from the registration fees shall be deposited in the general fund and are appropriated annually to the commissioner of natural resources for the acquisition, design, construction and maintenance of bicycle lanes or multi-purpose trail systems or both. If another governmental instrumentality is specifically designated and charged with the responsibility of acquisition, design, construction and maintenance of bicycle lanes or multi-purpose trail systems, or both, the receipts are hereby appropriated annually to that instrumentality for those purposes instead of to the commissioner of natural resources.

Subd. 3. Before any funds are expended for the acquisition, design or construction of bicycle lanes or multi-purpose trail systems as authorized in subdivision 2, the Commissioner of Natural Resources or other governmental instrumentality therefor shall submit a plan to the legislature for the expenditure of these funds together with a method of distribution thereof to localities



or areas of the state on a pro rata basis according to the ratio that registered bicycles in the locality or area bears to the total bicycle registration in the state. In preparing the plan and method of distribution the Commissioner or other governmental instrumentality shall consult with local law enforcement agencies, bicycle dealers, and bicyclists' organizations and any other applicable group. The plan and method of distribution shall be submitted to the legislature not later than January 15, 1974.

**Sec. 5. [REPORT AND FEE FOR TRANSFERS.]** Every person or bicycle dealer who sells or transfers ownership of any bicycle shall report such sale or transfer by returning to the department of public safety the registration card issued to him, together with the name and address of the person to whom said bicycle was sold or transferred. Such report shall be made within seven days of the date of said sale or transfer. The purchaser or transferee of such bicycle shall obtain a new registration within seven days from the department of public safety and pay the fee applicable for such registration.

**Sec. 6. [NOTIFICATION OF ADDRESS CHANGE.]** Whenever the owner of a registered bicycle moves or changes address, he shall notify the department in writing of the new address within seven days.

**Sec. 7. [LICENSE TAGS.]** The department of public safety shall provide suitable registration cards having the registration number stamped thereon and indicating the date of registration, the make, serial number, and model number of the bicycle, description of the bicycle, the owner's name and address, and such additional information as the department of public safety may require. Information concerning each registration shall be retained by the department of public safety. The registering office shall issue a suitable tag, plate, seal or other device which shall be permanently attached to the bicycle covered by such permit. Upon satisfactory evidence that the tag, plate, seal or other device has been lost or destroyed the department of public safety may issue a replacement license upon payment of a fee of \$1.

**Sec. 8. [FRAME NUMBERS.]** No person shall own, operate, control, purchase or sell any bicycle which has no frame number plainly and indelibly set forth thereon.

**Sec. 9. [MUTILATION.]** No person shall remove, destroy, mutilate or otherwise alter the frame number of any bicycle. No person shall remove, destroy, mutilate, or otherwise alter any license plate, seal, or registration card during the time in which such license plate, seal or registration card is operative. The department of public safety shall designate a number to be stamped or otherwise permanently affixed on the frames of bicycles on which no serial number can be found, or on which said number is illegible or insufficient for identification purposes.

**Sec. 10. [IMPOUNDING.]** Any bicycle found in any street, alley, highway, boulevard, or public grounds without a license

identification tag, or with a broken seal or mutilated frame number, said bicycle shall be prima facie evidence that said bicycle is being operated on the streets of the state without having been registered. Said bicycle may be impounded by the law enforcement agency of jurisdiction and shall only be surrendered to the owner thereof upon proof of ownership satisfactory to the law enforcement agency impounding such bicycle, and upon payment of the licensing fee and payment of an impoundment fee of \$1.

Sec. 11. [SALE OF IMPOUNDED BICYCLES.] At the expiration of 30 days after such impounding, each bicycle which has neither been claimed nor the owner identified and notified, may be sold at auction. Legal notice shall be given at least two weeks prior to the sale date. Bicycles sold at auction shall be registered at the time of sale and may be released only after such registration. At the discretion of the impounding agency, bicycles may be given away, free of charge to minors as part of a bicycle recreation, safety and responsibility program. Bicycles disposed of in this manner shall be licensed before their release. Moneys generated from the sale of impounded bicycles and collection of impoundment fees shall be used by the governing body employing the law enforcement agency impounding the bicycles to pay the costs of administering sections 10 and 11 of this act, and any excess may be used by said governing body for the purpose of acquisition, design, construction and maintenance of bicycle lanes or multi-purpose trail systems or both.

Sec. 12. [THEFT.] Subdivision 1. All bicycles stolen shall be reported to the local law enforcement agency immediately. The local law enforcement agency shall report such theft to the department of public safety within five days. All reports of stolen bicycles shall be entered in the national crime information center.

Subd. 2. The department of public safety shall maintain a record of all licensed bicycles in the state in an automated system. Such records shall be available to all authorized law enforcement agencies through the Minnesota crime information center.

Subd. 3. No person, other than the owner or the owner's authorized agent, except for impoundment by the law enforcement agency of jurisdiction, shall tamper with any bicycle which has been locked or placed in a rack or otherwise secured.

Sec. 13. [APPOINTMENT OF DEPUTY REGISTRARS.] The department of public safety shall appoint deputy registrars as required to fulfill provisions of this act. Such deputies shall act as agents of the department of public safety and may accept registrations as provided in this act. Agents may charge an additional 50 cents per license granted for their services.

Sec. 14. [REPAIR OF UNLICENSED BICYCLES PROHIBITED.] Any bicycle subject to registration under this act shall not be repaired by any individual, group, company or corporation engaging in the repair or sale of bicycles until such bicycle has been registered.

Sec. 15. [IMPLEMENTATION.] Except as herein provided, no person shall operate, transport or otherwise control a bicycle after September 1, 1974 without a bicycle license firmly affixed to the frame of the bicycle. Proof of purchase shall be required for registration. Any bicycle lacking proof of purchase shall be registered if there is no evidence that said bicycle is stolen. However, the registration record shall be marked to indicate that no proof of purchase was provided.

Sec. 16. [EXCEPTIONS.] Bicycles sold in Minnesota and normally subject to registration which will not be operated within the state are exempt from registration. Bicycles owned by non-residents and operated in Minnesota for a period of 30 consecutive days or less are exempt from registration. Registration provisions of this act do not apply to bicycle manufacturers or bicycle dealers transporting bicycles in the normal course of business.

Sec. 17. [BICYCLE DEALER'S REPORT.] Every bicycle dealer shall report to the department of public safety, in a manner determined by the department of public safety every bicycle purchased, sold or traded by such dealer, giving the name and address of the person from whom purchased or to whom sold, a description of such bicycle by name or make, the frame number thereof, the registration number, if any, found thereon or any additional information required by the department of public safety.

Sec. 18. [ADMINISTRATION OF ACT.] Subdivision 1. The department of public safety shall adopt rules and regulations for the implementation and administration of this act.

Subd. 2. Such rules and regulations shall be adopted after consultation with local law enforcement agencies, bicycle manufacturers, bicycle dealers, and bicyclists' organizations and any other applicable group.

Sec. 19. [PENALTIES.] Any person who rides, moves, locks or leaves standing an unlicensed bicycle, or otherwise violates the provisions of this act after September 1, 1974 is guilty of a misdemeanor.

Sec. 20. This act is in effect the day following its final enactment.

Sec. 21. [APPROPRIATION.] There is appropriated to the department of public safety from the general fund \$100,000 for carrying out the purposes of this act. Notwithstanding the provisions of Minnesota Statutes, Section 16, 17, or any other law relating to the lapse of an appropriation, the appropriation made by this section shall not lapse but shall continue until fully expended."

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

The report was adopted.

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

H. F. No. 1820, A bill for an act relating to education; advisory board on handicapped, gifted and exceptional children; amending Minnesota Statutes 1971, Section 121.34.

Reported the same back with the following amendments:

Page 1, line 29, after the second "*time*" insert "*at the discretion of the commissioners of education and welfare and the executive secretary of the state board of health*".

Page 1, line 30, strike "*who shall serve at the*".

Page 2, line 1, strike "*pleasure of the board*".

With the recommendation that when so amended the bill do pass and be re-referred to the Committee on Rules and Legislative Administration.

The report was adopted.

Mr. Munger from the Committee on Environmental Preservation and Natural Resources to which was referred:

H. F. No. 1659, A bill for an act prescribing policies and procedures for the selection, designation, planning, and regulation of areas of critical concern.

Reported the same back with the following amendments:

Strike everything after the enacting clause, and insert in lieu thereof:

"Section 1. [CITATION.] This act shall be known as the critical areas act of 1973.

Sec. 2. [POLICY.] The legislature finds that the development of certain areas of the state possessing important historic, cultural, or esthetic values, or natural systems which perform functions of greater than local significance, could result in irreversible damage to these resources, decrease their value and utility for public purposes, or unreasonably endanger life and property. The legislature therefore determines that the state should identify these areas of critical concern and assist and cooperate with local units of government in the preparation of plans and regulations for the wise use of these areas.

Sec. 3. [DEFINITIONS.] Subdivision 1. As used in sections 1 to 14, the terms defined in this section have the meanings ascribed to them.

Subd. 2. "Council" means the environmental quality council.

Subd. 3. "Local unit of government" means any political subdivision of the state, including but not limited to counties, municipalities, townships, together with all agencies and boards thereof.

Subd. 4. "Government development" means any development financed in whole or in substantial part, directly or indirectly, by the United States, the State of Minnesota, or agency or political subdivision thereof.

Subd. 5. "Regional development commission" means any regional development commission created pursuant to Minnesota Statutes 1971, Sections 462.381 to 462.396 inclusive and the metropolitan council created by Minnesota Statutes 1971, Chapter 473B.

Subd. 6. A "development permit" includes any building permit, zoning permit, water use permit, discharge permit, permit for dredging, filling or altering any portion of a watercourse, plat approval, re-zoning, certification, variance or other action having the effect of permitting any development as defined in this act.

Subd. 7. "Development" means the making of any material change in the use or appearance of any structure or land including but not limited to:

(a) a reconstruction, alteration of the size, or material change in the external appearance of a structure on the land.

(b) a change in the intensity of use of the land.

(c) alteration of a shore or bank of a river, stream, lake or pond.

(d) commencement of drilling (except to obtain soil samples), mining or excavation.

(e) demolition of a structure.

(f) clearing of land as an adjunct to construction.

(g) deposit of refuse, solid or liquid waste, or fill on a parcel of land.

(h) the dividing of land into three or more parcels.

Subd. 8. "Land" means the earth, water, and air, above, below or on the surface, and includes any improvements or structures customarily regarded as land.

Subd. 9. "Parcel" of land means any quantity of land capable of being described with such definiteness that its location and boundaries may be established, which is designated by its owner or developer as land to be used or developed as a unit, or which has been used or developed as a unit.

Subd. 10. "Developer" means any person, including a governmental agency, undertaking any development as defined in this act.

Subd. 11. "Structure" means anything constructed or installed or portable, the use of which requires a location on a parcel of land. It includes a movable structure while it is located on land which can be used for housing, business, commercial, agricultural, or office purposes either temporarily or permanently.

Structure also includes fences, billboards, swimming pools, poles, pipelines, transmission lines, tracks, and advertising signs.

Sec. 4. [RULES AND REGULATIONS.] The council shall adopt such rules and regulations pursuant to Minnesota Statutes, Chapter 15, as are necessary for the administration of this act.

Sec. 5. [CRITERIA FOR THE SELECTION OF AREAS OF CRITICAL CONCERN.] The council shall, in the manner provided in Chapter 15, prepare criteria for the selection of areas of critical concern which have the following characteristics:

(1) An area significantly affected by, or having a significant effect upon, an existing or proposed major government development which is intended to serve substantial numbers of persons beyond the vicinity in which the development is located and which tends to generate substantial development or urbanization.

(2) An area containing or having a significant impact upon historical, natural, scientific, or cultural resources of regional or statewide importance.

Sec. 6. [DESIGNATION.] Subdivision 1. (a) The council shall periodically study and assess the resources and development of the state and shall recommend to the governor those areas that should be designated as areas of critical concern in accordance with criteria established in section 5. In its recommendations, the council shall specify the boundaries of the proposed area of critical concern, state the reason why the particular area proposed is of critical concern to the state or region, the dangers that would result from uncontrolled or inappropriate development of the area and the advantages that would be achieved from the development of the area in a coordinated manner and shall recommend specific principles for guiding the development of the area.

(b) Each regional development commission may from time to time recommend to the council areas wholly or partially within its jurisdiction that meet the criteria for areas of critical concern as defined in Section 5 of this act. Each regional development commission shall solicit from the local units of government within its jurisdiction suggestions as to areas to be recommended. A local unit of government in an area where no regional development commission has been established may from time to time recommend to the council areas wholly or partially within its jurisdiction that meet the criteria for areas of critical concern as defined in Section 5 of this act. The council shall provide the regional development commission or local unit of government with a written statement of its decision and the reasons therefore.

(c) Prior to submitting any recommendations to the governor, under subd. 1 of this section, the council shall conduct a public hearing in the manner provided in Chapter 15 on the proposed designation at a location convenient to those persons affected by such designation.

Subd. 2. (a) The governor may designate by written order all or part of the recommended areas as areas of critical concern and specify the boundaries thereof and shall notify all local units of government in which any part or parts of a designated area or areas of critical concern are located.

(b) The order designating an area of critical concern shall (1) describe the boundaries of the area of critical concern, (2) indicate the reason that a particular area is of critical concern, (3) specify standards and guidelines to be followed in preparing and adopting plans and regulations required in section 7, and (4) indicate what development, if any, shall be permitted consistent with the policies of this act pending the adoption of plans and regulations.

Sec. 7. [PREPARATION, REVIEW, AND APPROVAL OF PLANS AND REGULATIONS.] Subdivision 1. (a) Within 30 days of receiving notification of the designation of an area or areas of critical concern within its jurisdiction, the local unit of government shall submit existing plans and regulations which deal with or affect the area or areas so designated to the appropriate regional development commission or to the council if no regional development commission has been established.

(b) If no plans or regulations exist, the local unit of government shall upon receiving notification of the designation of an area or areas of critical concern within its jurisdiction:

(1) Within 6 months of said notification prepare plans and regulations for the designated area or areas of critical concern and submit them to the appropriate regional development commission for review; or

(2) Within 30 days of said notification request that the appropriate regional development commission prepare plans and regulations for the area or areas of critical concern. Within six months of receipt of such request, the regional development commission shall prepare said plans and regulations and submit them to the council for review. If no regional development commission has been established, the local unit of government may request that the council prepare plans and regulations for adoption by the local unit of government.

Subd. 2. Within 45 days of receiving plans and regulations from the local unit of government under the provisions of subdivision 1 of this section, the regional development commission shall review the plans and regulations to determine their consistency with regional objectives and the provisions of the order designating the areas of critical concern and transmit its recommendations, together with the plans and regulations, to the council.

Subd. 3. (a) Within 45 days of receiving plans and regulations from the local unit of government or a regional development commission, the council shall review the plans and regulations to determine their consistency with the provisions of the order designating the area, the recommendations of the regional devel-

opment commission, and the review comments of such state agencies as the council shall deem appropriate, and shall either approve the plans and regulations by written order or return them to the local unit of government or regional development commission for modification along with a written explanation of the need for modification.

(b) Plans and regulations which are returned to the local unit of government or regional development commission for modification shall be revised consistent with the instructions of the council and resubmitted to the council within 60 days of their receipt, provided that final revision need not be made until a formal meeting has been held with the council on the plans and regulations if requested by the local unit of government or regional development commission.

(c) Plans or regulations prepared pursuant to this section shall become effective as though validly enacted by the local unit of government upon such date as the council may provide in its order approving said plans and regulations.

Sec. 8. [EXCEPTIONS.] (a) If, in the opinion of the council, the local unit of government is making a conscientious attempt to develop plans and regulations for the protection of a designated area or areas of critical concern within its jurisdiction, but the scope of the project is of a magnitude that precludes the completion, review, and adoption of the plans and regulations within the time limits established in section 7, the council may grant an appropriate extension of time.

(b) If the council determines that a designated area or areas of critical concern is of a size and complexity that precludes the development of plans and regulations by a local unit of government or a regional development commission, or that the development of plans and regulations requires the assistance of the state, the council shall direct the appropriate state agency or agencies to assist the local unit of government and the regional development commission in preparing the plans and regulations in accordance with a time schedule established by the council.

Sec. 9. [FAILURE TO PREPARE AND SUBMIT PLANS AND REGULATIONS.] Subdivision 1. Except as otherwise provided in section 8, if any local unit of government fails to prepare plans and regulations that are acceptable to the council within one year of the order designating an area or areas of critical concern within its jurisdiction, the council shall prepare and, after conducting a public hearing in the manner provided in Chapter 15 at a location convenient to those persons affected by such plans and regulations, adopt such plans and regulations applicable to that government's portion of the area of critical concern as may be necessary to effect the purposes of this act. If such plans and regulations are adopted, they shall apply and be



effective as if adopted by the local unit of government. Notice of any proposed order issued under this section shall be given to all units of government having jurisdiction over the area of critical concern.

Subd. 2. Plans and regulations adopted by the council under this section shall be administered by the local unit of government as if they were part of the local ordinance.

Subd. 3. At any time after the preparation and adoption of plans and regulations by the council, a local unit of government may submit plans and regulations pursuant to section 7 which, if approved by the council as therein provided, supersede any plans and regulations adopted under this section.

Subd. 4. If the council determines that the administration of the local plans and regulations are inadequate to protect the state or regional interest, the council may institute appropriate judicial proceedings to compel proper enforcement of the plans and regulations.

Sec. 10. [UPDATING AND RE-EVALUATION OF PLANS AND REGULATIONS.] Subdivision 1. If a local unit of government finds it necessary or desirable to amend or rescind plans and regulations that have been approved by the council, it shall re-submit its plans and regulations, together with any recommended changes thereto, for review and approval by the council.

Subd. 2. Two years from the initial date of the council's approval of the plans and regulations of a local unit of government, or from the date of a review conducted under the provisions of subdivision 1, the local unit of government shall re-submit its plans and regulations, together with any recommended changes thereto, for review and approval by the council.

Subd. 3. Approval of amendments or rescission shall become effective only upon approval thereof by the council in the same manner as for approval of the original plans and regulations as provided in section 7.

Sec. 11. [SUSPENSION OF DEVELOPMENT.] Except as provided in section 12, upon the designation of an area of critical concern, no local unit of government or state agency shall grant a development permit affecting any portion of the area except as otherwise specified in the order designating the area.

Sec. 12. [DEVELOPMENT PERMITS.] Subdivision 1. If an area of critical concern has been designated by the governor pursuant to section 6, a local unit of government shall grant a development permit only in accordance with the provisions of this section.

Subd. 2. If no plans and regulations for the area of critical concern have been adopted under the provisions of section 7, the local unit of government shall grant a development permit only if

(a) the development is specifically permitted by the order designating the area of critical concern or is essential to protect the public health, safety, or welfare because of an existing emergency; and

(b) a local ordinance has been in effect immediately prior to the designation of the area of critical concern and a development permit would have been granted thereunder.

Subd. 3. If plans and regulations for an area of critical concern have become effective under the provisions of section 7, the local unit of government shall permit development only in accordance with those plans and regulations.

Subd. 4. The local unit of government shall notify the council of

(a) any application for a development permit in any area of critical concern for which no plans or regulations have become effective under the provisions of section 7; or

(b) any application for a special development permit in any area of critical concern for which plans and regulations have become effective under the provisions of section 7.

### Sec. 13. [PROTECTION OF LANDOWNERS' RIGHTS.]

Subdivision 1. Nothing in this act authorizes any governmental agency to adopt a rule or regulation or issue any order that is unduly restrictive or constitutes a taking of real or personal property without the payment of full compensation in violation of the constitution of this state or of the United States.

Subd. 2. Neither the designation of an area of critical concern nor the adoption of any regulations for such an area shall in any way limit or modify the rights of any person to complete any development that has been authorized by registration and recordation of a subdivision pursuant to state laws, or by a building permit or other authorization to commence development on which there has been reliance and a change of position, and which registration or recordation was accomplished, or which permit or authorization was issued prior to the date of notice for public hearing as provided by Section 6 of this act. If a developer has by his actions in reliance on prior regulations obtained vested or other legal rights that in law would have prevented a local government from changing those regulations in

a way adverse to his interests, nothing in this act authorizes any governmental agency to abridge those rights.

Subd. 3. Any person having a fee interest in land, of which the full use and enjoyment thereof has been prohibited or restricted by this act, may petition a court of competent jurisdiction to determine whether the prohibition diminishes the use of the property so as to require compensation under the constitution of this state or the United States for the loss and amount of compensation to be awarded therefor.

Sec. 14. [PLANNING GRANTS.] The council shall prepare guidelines for dispersing funds to local units of government or regional development commissions for up to 100 percent of the cost of preparing plans and regulations for areas of critical concern pursuant to section 7.”

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

The report was adopted.

Mr. Munger from the Committee on Environmental Preservation and Natural Resources to which was referred:

H. F. No. 1938, A bill for an act relating to pollution control; imposing certain duties in relation thereto on the Minnesota pollution control agency, the state soil and water conservation commission, watershed districts, the state board of health, the department of agriculture and the department of natural resources; authorizing the Minnesota pollution control agency to promulgate rules and regulations and prescribe fees for certain activities relating to pollution; requiring a study and report on the financial impact on small communities of being required to provide secondary sewage treatment; prescribing penalties and appropriating money; amending Minnesota Statutes 1971, Sections 40.01, by adding subdivisions; 40.07, by adding a subdivision; 112.43, Subdivision 1; 115.03, Subdivision 1; 115.06, Subdivision 1; 144.12; 394.25, by adding a subdivision; 462.358, Subdivision 2; Chapter 40, by adding sections; and Chapter 115, by adding sections; repealing Minnesota Statutes 1971, Sections 115.07, Subdivisions 4 and 6; 115.45; 115.47; 115.81; 116.08; 116.30; 116.31; 116.32; 114.35; 144.36; and 144.37.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert in lieu thereof:

“Section 1. Minnesota Statutes 1971, Section 40.01, is amended by adding a subdivision to read:

Subd. 15. “Land-disturbing activity” means any land change which may result in soil erosion from water or wind and the movement of sediments into waters or onto lands in the state, including, but not limited to, tilling, clearing, grading, excavating, transporting, and filling of land, other than federal lands, except that the term shall not include such minor land-disturbing activities as home gardens and individual home landscaping, re-

*pairs, maintenance work, and other minor activities as specified by the soil and water conservation commission by regulation.*

Sec. 2. Minnesota Statutes 1971, Section 40.01 is amended by adding a subdivision to read:

*Subd. 16. "Person" shall have the meaning given it in section 115.01, subdivision 10.*

Sec. 3. Minnesota Statutes 1971, Section 40.01, is amended by adding a subdivision to read:

*Subd. 17. "State waters" shall have the same meaning as given "waters of the state" in section 115.01, subdivision 9.*

Sec. 4. Minnesota Statutes 1971, Section 40.02, is amended to read:

40.02 [PUBLIC POLICY; PURPOSE.] As a guide to the interpretation and application of this chapter, the public policy of the state is declared to be as follows. Improper land-use practices have caused and contributed to serious erosion of farm and grazing lands of this state by wind and water and that thereby topsoil is being washed out of fields and pastures and has speeded up the removal of the absorptive top soil causing exposure of less absorptive and less protective, but more erosive, subsoil; and that land occupiers have failed to cause the discontinuance of such practice as creates this condition, and the consequences thereof have caused the deterioration of soil and its fertility and the deterioration of crops grown thereon, and declining yields therefrom, and diminishing of the underground water reserve, all of which have caused water shortages, intensified periods of drought, and crop failure, and thus brought about suffering, disease, and impoverishment of families and the damage of property from floods and dust storms; and that all of these effects may be prevented by land-use practices contributing to the conservation of top soil by carrying on of engineering operations such as the construction of terraces, check dams, dikes, ponds, ditches, and the utilization of strip cropping, lister furrowing, contour cultivating, land irrigation, seeding and planting of waste, sloping, abandoned, or eroded lands to water-conserving and erosion-preventing plants, trees, and grasses, and that rapid shifts in land use from agricultural and rural to nonagricultural and urbanizing uses, changes in farm and ranch enterprises, operations, and ownership, construction of housing, industrial, and commercial developments, streets, highways, recreation areas, schools and universities, public utilities and facilities, and other land disturbing activities and accelerated and process of soil erosion and sediment deposition resulting in pollution of the waters of the state and damage to domestic, agricultural, industrial, recreational, fish and wildlife, and other resource uses.

*It is, therefore, further declared to be the policy of sections 1 to 13 of this act to strengthen and extend the present erosion and sediment control activities and programs of this state for both rural and urban lands, and to establish and implement,*

through the state soil and water conservation commission, hereinafter referred to as the "commission", and the soil and water conservation districts, hereinafter referred to as "districts", in cooperation with counties, municipalities and other local governments and subdivisions of this state, and other public and private entities, a statewide comprehensive and coordinated erosion and sediment control program to conserve and protect land, water, air, and other resources of the state. In recognition of the ever increasing demands on the natural resources of the state and of the need to preserve, protect, and develop such resources at such a rate and at such levels of quality as will meet the needs of the people of the state, it is hereby declared that it is for the public welfare, health, and safety of the people of Minnesota to provide for the conservation of the soil and (SOIL) water resources of this state, and for the control and prevention of soil erosion and resulting sedimentation, for land use resource planning and development, and for implementation of land protective practices that effectively reduce siltation and loss of the land base through activities associated with farming, mining, construction, forestry, and other activities of man, and for flood prevention or the conservation development, utilization, and disposal of water, including but not limited to, measures for fish and wildlife and recreational development, and thereby (PRESERVE) conserve and develop natural resources, control floods, assist in the control of pollution, prevent impairment of dams and reservoirs, assist in flood plain and shoreland management, assist in maintaining the navigability of rivers and harbors, (PRESERVE) conserve natural beauty and wildlife, assist in promoting the development of the recreational potential, protect the tax base, (AND) protect public lands by land-use practices, and protect and promote the health, safety, and general welfare of the people of this state, as herein provided for. It is further declared to be the policy of this state to authorize soil and water conservation districts established under Minnesota Statutes, Chapter 40, to serve as one of the local units of government responsible for the conservation and utilization of the natural resources of this state and competent to administer, in close cooperation with land owners and occupiers, with other local governmental units, and with agencies of the government of this state and the United States, projects, programs, and activities suitable for effectuating the policy of Minnesota Statutes, Chapter 40.

Sec. 5. Minnesota Statutes 1971, Chapter 40, is amended by adding a section to read:

[40.031] [SEDIMENT CONTROL ORDINANCE.] Subdivision 1. [RULES AND REGULATIONS.] On or before July 1, 1974, the state soil and water conservation commission after consultation with the Minnesota pollution control agency and in accordance with the administrative procedure act, shall promulgate regulations governing land disturbing activities to control soil erosion and sedimentation. To assist in the development of such program, the commission shall name an advisory board of not less than seven nor more than eleven members,

representing such interests as housing, financing, industry, agriculture, recreation, and local governments, and their planning, transportation, health, public works, and zoning commissions or agencies. The regulations shall:

(a) be based upon relevant physical and developmental information concerning the watersheds and drainage basins of the state, including, but not limited to, data relating to land use, soils, hydrology, geology, size of land area being disturbed, proximate water bodies and their characteristics, transportation, and public facilities and services;

(b) include such survey of lands and waters as may be deemed appropriate by the commission or required by any applicable law to identify areas, including multijurisdictional and watershed areas, with critical erosion and sediment problems;

(c) contain conservation standards for various types of soils and land uses, which standards shall include criteria, techniques, and methods for the control of erosion and sediment resulting from land-disturbing activities; and

(d) include a model sediment control ordinance which may be adopted by a county, or a city, village, or borough, hereinafter referred to as municipalities, as its sediment control ordinance, or which may be modified or adopted by a county or municipality to meet its particular needs; provided that every county or municipal sediment control ordinance shall meet the minimum requirements of the regulations of the state soil and water conservation commission.

The regulations shall be made available for inspection at the office of the commission.

Subd. 2. [REVIEW AND RECOMMENDATIONS.] Each district in the state shall by January 1, 1975, review the regulations for erosion and sediment control and the program for implementation of the regulations as promulgated by the commission, and shall make specific recommendations to the counties, cities, villages and boroughs within the district concerning the inclusion of sediment and erosion controls as part of the land and water use controls of the county, city, village or borough.

Subd. 3. [COUNTY AND MUNICIPAL ORDINANCES PERMITTED.] After July 1, 1975, any county that has not enacted a sediment control ordinance for unincorporated areas, and any municipality that has not enacted a sediment control ordinance for incorporated areas meeting the minimum requirements of the regulations provided for in subdivision 1 relating to practices other than agricultural and forest practices or mining practices subject to the provisions of chapter 93, may be ordered by the commission, after notice and hearing, to enact such an ordinance. Upon the request of a county or municipality, the commission shall assist in the preparation of the county's or municipality's ordinance. Upon adoption of its ordinance, the county or municipality shall submit the program to the district and to the commission for review and approval. If a county or mu-

*nicipality fails to enact a sediment control ordinance within six months after ordered to do so by the commission, or if the commission at any time thereafter, after notice and hearing as provided in section 105.44, finds that a county or municipality has adopted a sediment control ordinance that fails to meet the minimum standards specified in this subdivision, the commission shall adopt the model sediment control ordinance provisions relating to practices other than agricultural and forest practices to the county or municipality. The commission shall hold at least one public hearing on the proposed ordinance in the manner provided in section 394.26 or 462.357, as applicable, after giving notice as provided in section 394.26 or 462.357, as applicable. The ordinance is effective for the county or municipality on the date and in accordance with such regulations relating to compliance as the commission shall prescribe. Any costs incurred by the commission in adopting the model sediment control ordinance to the county or municipality shall be paid by the county or municipality and such costs may be collected in the manner prescribed in section 105.485, subdivision 5. The governing body of a county or municipality may levy a tax in such amount as may be required to pay the costs of complying with an order of the commission to adopt a sediment control ordinance, including the costs of complying with the provisions of sections 1 to 13 of this act. This tax shall be levied in excess of any limitation as to rate or amount, but shall not cause the amount of other taxes which are subject to any limitation to be reduced in any amount whatsoever.*

Sec. 6. Minnesota Statutes 1971, Chapter 40, is amended by adding a section to read:

[40.032] [PROHIBITED LAND-DISTURBING ACTIVITIES.] Subdivision 1. Where a county or municipality has enacted a sediment control ordinance meeting the minimum requirements of section 5 of this act and any regulations promulgated pursuant thereto, and subject to the exceptions provided in subdivision 6 of this section, no person may engage in any land-disturbing activity until he has submitted to the county, for activities in unincorporated areas, or to the municipality, for activities in incorporated areas, a plan for erosion and sediment control for such land-disturbing activity and such plan has been reviewed and approved by the county or municipality, except that (1) when proposed land-disturbing activities are to be performed on state lands or by or on behalf of a state agency, plans for erosion and sediment control shall be submitted to the commission instead of the county or municipality for review and approval, and (2) where land-disturbing activities involve lands in more than one county or municipality, plans for erosion and sediment control may, as an alternative to submission to each county or municipality concerned, be submitted to the commission for review and approval.

Subd. 2. Upon submission of an erosion and sediment control plan to a county or municipality or to the commission:

(a) the county or municipality shall review plans submitted to it and shall approve any such plan if it determines that the

plan meets the conservation standards of the county or municipality, and if the person responsible for carrying out the plan certifies that he will properly perform the erosion and sediment control measures included in the plan and will conform to the provisions of sections 1 to 13 of this act;

(b) the commission shall review plans submitted to it and shall approve any such plan if it determines that the plan is adequate in consideration of the commission's guidelines and the conservation standards of the counties or municipalities involved, and if the person responsible for carrying out the plan certifies that he will properly perform the conservation measures included in the plan and will conform to the provisions of sections 1 to 13 of this act.

Subd. 3. When a plan submitted for approval under this section is found, upon review by a county or municipality, or the commission, to be inadequate, the county, municipality, or the commission, as the case may be, may require such modifications, terms, and conditions as will permit approval of the plan.

Subd. 4. Plans shall be acted upon at the first reasonable opportunity. If a plan is not acted upon by the county, municipality, or commission within 35 days after it is submitted, the plan shall be deemed to be approved.

Subd. 5. An approved plan may be changed by the county or municipality which has approved the plan or by the commission when it has approved the plan, where:

(a) inspection has revealed the inadequacy of the plan to accomplish the erosion and sediment control objectives of the plan, and appropriate modifications to correct the deficiencies of the plan are agreed to by the plan-approving authority and the person responsible for carrying out the plan; or

(b) the person responsible for carrying out the approved plan finds that because of changed circumstances or for other reasons the approved plan cannot be effectively carried out, and proposed amendments to the plan, consistent with the requirements of this act, are agreed to by the plan-approving authority and the person responsible for carrying out the plan.

Subd. 6. (a) Any person owning, occupying, or operating private agricultural and forest lands who has a soil and water conservation plan approved by the district and is implementing and maintaining such plan with respect to normal agricultural and forestry activities, shall not be deemed to be engaged in prohibited land-disturbing activity. If there is not available to any such owner, operator, or occupier at least 50 percent cost-sharing assistance or adequate technical assistance for the installation of erosion and sediment control measures required in an approved farm or ranch plan, or for measures to conform agricultural and forestry practices to conservation standards established pursuant to sections 1 to 13 of this act, any such owner, occupier, or operator who shall fail to install erosion and sediment control measures required in an approved soil and water



*conservation plan, or to conform his agricultural and forestry practices to such conservation standards, shall not be deemed to be engaged in prohibited land-disturbing activity subject to penalties under section 12 of this act,*

*(b) A state agency or political subdivision owning public lands that are being managed in accordance with a soil and water conservation plan approved by the district or that are being managed in accordance with a resource management plan that is in conformance with the conservation standards established pursuant to sections 1 to 13 of this act, shall not be deemed to be engaged in prohibited land-disturbing activity.*

Sec. 7. Minnesota Statutes 1971, Chapter 40, is amended by adding a section to read:

[40.033] [APPROVED PLAN REQUIRED FOR ISSUANCE OF GRADING, BUILDING, OR OTHER PERMITS.] *Where a county or municipality has enacted a sediment control ordinance meeting the minimum requirements of section 5 of this act and any regulations promulgated pursuant thereto, no agency or officer authorized under any other law to issue grading, building, or other permits for activities involving land-disturbing activities may issue any such permits unless the projects comply with an erosion and sediment control plan approved by the district, or by the commission where appropriate, and his certification that such plan will be followed. These requirements are in addition to all other provisions of law relating to the issuance of such permits and are not intended to otherwise affect the requirements for such permits.*

Sec. 8. Minnesota Statutes 1971, Chapter 40, is amended by adding a section to read:

[40.034] [MONITORING, REPORTS, AND INSPECTIONS.] *Subdivision 1. [LAND-DISTURBING ACTIVITIES WHERE PERMIT IS ISSUED.] With respect to approved plans for erosion and sediment control in connection with land-disturbing activities which involve the issuance of a grading, building, or other permit, the district shall provide for periodic inspections of the land-disturbing activity to insure compliance with the approved plan, and to determine whether the measures required in the plan are effective in controlling erosion and sediment resulting from the land-disturbing activities. Notice of such right of inspection shall be included in the permit. If the permit-issuing authority determines that the permittee has failed to comply with the plan, the authority shall immediately serve upon the permittee by registered mail to the address specified by the permittee in his permit application a notice to comply. Such notice shall set forth the measures needed to come into compliance with such plan and shall specify the time within which such measures shall be completed. If the permittee fails to comply within the time specified, he shall be deemed to be in violation of sections 1 to 13 of this act and upon conviction shall be subject to the penalties provided by section 12 of this act.*

**Subd. 2. [OTHER LAND-DISTURBING ACTIVITIES EXCEPT AGRICULTURAL AND FORESTRY OPERATIONS.]** *With respect to approved plans for erosion and sediment control in connection with all other land-disturbing activities except agricultural and forestry operations, the county, municipality, or the commission in connection with plans approved by it, may require of the person responsible for carrying out the plan such monitoring and reports, and may make such on-site inspections after notice to the resident owner, occupier, or operator, as are deemed necessary to determine whether the soil erosion and sediment control measures required by the approved plan are being properly performed, and whether such measures are effective in controlling soil erosion and sediment resulting from the land-disturbing activity. Such resident owner, occupier, or operator shall be given an opportunity to accompany the inspectors. If it is determined that there is failure to comply with the approved plan, the county, municipality, or the commission where appropriate, shall serve upon the person who is responsible for carrying out the approved plan a notice to comply, setting forth the measures needed to be taken and specifying the time in which such measures shall be completed. Such notice shall be by registered mail to the person responsible for carrying out the plan at the address specified by him in his certification at the time of obtaining his approved plan. Upon failure of such person to comply within the specified period, he will be deemed to be in violation of sections 1 to 13 of this act and subject to the penalties provided by section 12 of this act.*

**Subd. 3. [AGRICULTURAL AND FORESTRY OPERATIONS.]** *With respect to agricultural and forestry operations, the county or municipality shall have authority to make on-site inspections to determine if the approved soil and water conservation plan is being followed, or where there is no such plan, to determine if the agricultural and forestry practices are being carried out in conformance with conservation standards established pursuant to sections 1 to 13 of this act. On-site inspections may be made after notice to the resident owner, operator, or occupier of the land involved, and such person shall be given an opportunity to accompany the inspector. If such inspections reveal that an owner, operator, or occupier of agricultural or forestry lands is not complying with the approved soil and water conservation plan or is not carrying out his agricultural and forestry practices in conformance with conservation standards established pursuant to sections 1 to 13 of this act, such owner, operator, or occupier shall be notified by registered mail addressed to him at his usual abode or customary place of business of the measures needed for compliance. Such notice shall require that such resident owner, occupier, or operator shall commence such measures within six months from the date of the notice and shall complete the same within 12 months of such date. Upon failure to comply with such notice, the owner, occupier, or operator will be deemed in violation of sections 1 to 13 of this act and subject to the penalties provided by section 12 of this act.*

Sec. 9. Minnesota Statutes 1971, Chapter 40, is amended by adding a section to read:

[40.035] [COOPERATION WITH FEDERAL AGENCIES.] *The county, municipality and the commission are authorized to cooperate and enter into agreements with any federal agency in connection with plans for erosion and sediment control with respect to land-disturbing activities on lands which are under the jurisdiction of such federal agency.*

Sec. 10. Minnesota Statutes 1971, Chapter 40, is amended by adding a section to read:

[40.036] [FINANCIAL AND OTHER ASSISTANCE.] *The commission, counties, and municipalities are authorized to receive from federal, state, or other public or private sources financial, technical, or other assistance for use in accomplishing the purposes of sections 1 to 13 of this act.*

Sec. 11. Minnesota Statutes 1971, Chapter 40, is amended by adding a section to read:

[40.037] [APPEALS.] *Decisions of the counties, municipalities, the commission, and the permit-issuing authorities under the provisions of sections 1 to 13 of this act shall be subject to review by the district court; provided, an appeal is filed within 30 days from the date of any such decision.*

Sec. 12. Minnesota Statutes 1971, Chapter 40, is amended by adding a section to read:

[40.038] [PENALTIES, INJUNCTIONS AND OTHER LEGAL ACTIONS.] *Subdivision 1. A violation under section 6 or 8 of this act shall be a misdemeanor. Plans and ordinances shall be enforced as provided in section 394.37 or 462.362, as applicable, except as otherwise provided in this section.*

*Subd. 2. The appropriate permit-issuing authority, the county, the municipality, the commission, or any aggrieved person who suffers damage or is likely to suffer damage because of a violation may apply to the district court for injunctive relief to enjoin a violation or threatened violation under section 6 or 8.*

*Subd. 3. The appropriate county or municipal attorney shall, upon request of a county, municipality, or the permit-issuing authority, take legal action to enforce the provisions of sections 1 to 13 of this act. The attorney general shall, upon request of the commission, take appropriate legal action on behalf of the commission to enforce the provisions of sections 1 to 13 of this act.*

Sec. 13. Minnesota Statutes 1971, Section 40.07, is amended by adding a subdivision to read:

*Subd. 16. If a county or municipality adopts erosion and sediment controls, the district shall review any application for a land-disturbing permit required by ordinance and report its recommendations to the planning agency or official authorized to*

*issue a land-disturbing permit. Each appropriate district shall assist the county or municipality in the development of such ordinances or portions thereof as are necessary to control sediment and erosion, and shall assist in the on-site inspection and make recommendations for enforcement of the ordinance according to the provisions of the ordinance.*

Sec. 14. Minnesota Statutes 1971, Section 112.43, Subdivision 1, is amended to read:

112.43 [MANAGERS; POWERS, DUTIES.] Subdivision 1. The managers, in order to give effect to the purposes of this chapter may:

(1) Make necessary surveys or utilize other reliable surveys and data and develop projects to accomplish the purposes for which the district is organized and may initiate, undertake, and construct projects not required to be instituted by a petition under section 112.47.

(2) Cooperate or contract with any state or subdivision thereof or federal agency or private or public corporation or co-operative association.

(3) Construct, clean, repair, alter, abandon, consolidate, reclaim or change the course or terminus of any public ditch, drain, sewer, river, watercourse, natural or artificial, within the district.

(4) Acquire, operate, construct, and maintain dams, dikes, reservoirs, water supply systems, and appurtenant works.

(5) Regulate, conserve, and control the use of water within the district.

(6) Acquire by gift, purchase, or the right of eminent domain necessary real and personal property. The district may acquire such property without the district where necessary for a water supply system.

(7) Contract for or purchase such insurance as the managers deem necessary for the protection of the district.

(8) Establish and maintain devices for acquiring and recording hydrological data.

(9) Enter into all contracts of construction authorized by this chapter.

(10) Enter upon lands within or without the district to make surveys and investigations to accomplish the purposes of the district. The district shall be liable for actual damages resulting therefrom.

(11) To take over when directed by the district court or county board all judicial and county drainage systems within the district, together with the right to repair, maintain, and improve the same. Whenever such judicial or county drainage system is taken over in whole or in part, the same, to the extent so taken over, shall become a part of the works of the district.

(12) Provide for sanitation and public health and regulate the use of streams, ditches, or watercourses for the purpose of disposing of waste and preventing pollution.

(13) Borrow funds from the following: (a) any agency of the federal government; (b) any county in which the district is located in whole or in part, provided assessments are pledged to repay the amount of the loan. A county board may lend the amount requested by a district. No district may have more than \$20,000 in loans from counties under this clause outstanding at any time.

(14) Prepare a flood plain map of the lands of the district which are in the flood plain of lakes and watercourses, which map shall be made available to the counties and local municipalities for inclusion in flood plain ordinances and shall be in conformity with state regulations setting standards and criteria for designation of flood plain areas.

(15) Prepare an open space and greenbelt map of the lands of the district which should be preserved and included in the open space and greenbelt land areas of the district, which map shall be made available to the counties and local municipalities for inclusion in flood plain and shoreland ordinances.

(16) Appropriate necessary funds to provide for membership in a state association of watershed districts which has as its purpose the betterment and improvement of watershed governmental operations.

(17) Adopt rules and regulations to effectuate the purposes of the act and the powers of the managers. In the protection and the control of the use and development of land in the flood plain and the greenbelt and open space areas of the district, the managers shall have a limited authority to adopt ordinances to control encroachments, the changing of land contours, the placement of fill and structures of every type, to prevent the placement of encumbrances or obstructions and to require the landowner to remove such fill, structures, encumbrances, or other obstructions and to restore the previously existing land contours and vegetation. The managers may by ordinance provide a procedure whereby the district can do the work required and assess the cost thereof against the affected property as a special assessment. Such ordinances shall be applicable only in the absence of county or municipal ordinances for the regulation of those items set forth in this paragraph. Every ordinance shall be enacted by a majority vote of the managers of the district. The ordinance shall be signed by the secretary of the district and published once in a legal newspaper of the district. Proof of the publication shall be attached to and filed with the ordinance. Every ordinance shall be recorded in the official minute book and shall be substantially in the style, "The managers of the ..... Watershed District ordain:".

(18) Advise and assist soil and water conservation districts, municipalities and counties, within the overall plan of the watershed district, in developing and implementing an erosion and sedimentation control program.

Sec. 15. Minnesota Statutes 1971, Section 115.03, Subdivision 1, is amended to read:

115.03 [POWERS AND DUTIES.] Subdivision 1. The agency is hereby given and charged with the following powers and duties:

To administer and enforce all laws relating to the pollution of any of the waters of the state;

To investigate the extent, character, and effect of the pollution of the waters of this state and to gather data and information necessary or desirable in the administration or enforcement of pollution laws, and to make such classification of the waters of the state as it may deem advisable;

To establish and alter such reasonable pollution standards for any waters of the state in relation to the public use to which they are or may be put as it shall deem necessary for the purposes of sections 115.01 to 115.09;

*To encourage waste treatment, including advanced waste treatment, instead of stream low-flow augmentation for dilution purposes to control and prevent pollution;*

To make and alter reasonable orders requiring the discontinuance of the discharge of sewage, industrial waste or other wastes into any waters of the state resulting in pollution in excess of the applicable pollution standard established under this subdivision;

To require to be submitted and to approve plans for disposal systems or any part thereof and to inspect the construction thereof for compliance with the approved plans thereof;

To issue, continue in effect or deny permits, under such conditions as it may prescribe for the prevention of pollution, for the discharge of sewage, industrial waste or other wastes, or for the installation or operation of disposal systems or parts thereof;

To revoke or modify any permit issued under sections 115.01 to 115.09 whenever it is necessary, in the opinion of the agency, to prevent or abate pollution of any waters of the state;

To prescribe and alter rules and regulations, not inconsistent with law, for the conduct of the agency and other matters within the scope of the powers granted to and imposed upon it by sections 115.01 to 115.09, provided that every rule or regulation affecting any other department or agency of the state or any person other than a member or employee of the agency shall be filed with the secretary of state; and

To conduct such investigations and hold such hearings as it may deem advisable and necessary for the discharge of its duties under sections 115.01 to 115.09, and to authorize any member, employee, or agent appointed by it to conduct such investigations or hold such hearings.

Sec. 16. Minnesota Statutes 1971, Section 115.06, Subdivision 1, is amended to read:

**115.06 [COOPERATION.] Subdivision 1. [WITH OTHER SOVEREIGN STATES.]** The agency, so far as it is not inconsistent with its duties under the laws of this state, may assist and cooperate with any agency of another state, of the United States of America or of the Dominion of Canada or any province thereof in any matter relating to water pollution control. *The agency shall continue to encourage the adoption by the federal government of nationwide and international water pollution standards and enforcement that are at least as stringent as the standards in force in this state. It shall urge the adoption of equally stringent water pollution control and enforcement standards in neighboring states.*

Sec. 17. Minnesota Statutes 1971, Chapter 115, is amended by adding a section to read:

**[115.11] [WATER POLLUTION STUDIES.] Subdivision 1. [COMMISSIONER OF NATURAL RESOURCES TO COMPILE DATA.]** *As part of the department of natural resources water resource program, the commissioner of natural resources shall compile and evaluate on a statewide basis general water quality data which show the chemical and biological characteristics of surface and ground waters. The more specific data to be compiled and evaluated, and the completion date thereof, shall be determined jointly by the agency and the commissioner. The compilation and evaluation thereof shall be furnished to the agency.*

**Subd. 2. [STUDIES AND RECOMMENDATIONS BY DEPARTMENT OF AGRICULTURE.]** *The commissioner of agriculture, with the assistance of the department of natural resources, the department of health, the university of Minnesota institute of agriculture and such other state and federal agencies and public and private institutions as may be helpful, shall make a study to determine the extent, if any, that agricultural uses, including but not limited to chemical fertilizers and pesticides, contribute to water pollution. The results of the study, together with recommendations for abatement of any pollution caused by agricultural uses, shall be furnished to the agency.*

**Subd. 3. [AGENCY COMPILATION; INCORPORATION IN PLAN.]** *The agency shall study and evaluate the information, data and recommendations furnished by the commissioners and the secretary and executive officer of the state department of health. On or before November 15, 1974, the agency shall determine and identify, for the state as a whole, and in report form, the amount of waters that are polluted; the amount of pollution due to natural causes; the amount due to man's activities; the amount due to man's activities caused by each source, including municipal sewage, industrial wastes, agricultural runoff, boat toilets, and any other large source of pollution; and the location of the pollution. The agency shall compile and evaluate the data, information and recommendations furnished by the commissioner of natural resources and the commissioner of agriculture and the secretary and executive officer of the state department of health, and such other relevant data on water pollution, in-*

cluding data on the status and trends in water quality throughout the state, and incorporate it into the agency's long range plan for water pollution control.

*Subd. 4. [SAVINGS CLAUSE.] Nothing in this section shall be construed to limit or alter any existing authority of the agency to investigate and identify sources of pollution and polluted waters.*

*Subd. 5. [FINANCIAL IMPACT STUDY.] The agency shall conduct an in-depth study to determine the financial impact on small communities of being required to provide secondary or advanced treatment of sewage. The results of the study, together with the recommendations of the agency based on the study, shall be presented to the legislature by November 15, 1974.*

*Sec. 18. Minnesota Statutes 1971, Section 115.01, is amended by adding a subdivision to read:*

*Subd. 18. "Scavenging" means the business of servicing disposal systems by removal therefrom for disposal of any of the sewage, industrial wastes, or other wastes therein.*

*Sec. 19. Minnesota Statutes 1971, Section 115.01, is amended by adding a subdivision to read:*

*Subd. 19. "Scavenger" means a person engaged in scavenging.*

*Sec. 20. Minnesota Statutes 1971, Chapter 115, is amended by adding a section to read:*

**[115.851] [SCAVENGERS; REGULATION, LICENSING.]**  
*Subdivision 1. [LICENSE REQUIRED.] After March 1, 1974, a person shall not engage in scavenging without first having obtained a license therefor from the agency. Nothing in this section shall be construed to require a license for: (a) a property owner to clean his own septic tank, cesspool, or boat holding tank, or (b) a municipality operating and maintaining a public sewage disposal system; provided that such property owners and municipalities shall otherwise comply with rules and regulations regulating scavenging.*

*Subd. 2. [RULES AND REGULATIONS.] On or before January 1, 1974, the agency, in accordance with chapter 15 shall promulgate rules and regulations governing scavengers and scavenging. The rules and regulations shall prescribe (1) the manner of disposal of scavenged wastes in order to prevent pollution; (2) regular reports concerning the operation of each licensee; (3) the form of the license application and the information to be contained therein; (4) a schedule of fees for licensure which reflects the costs of processing applications, and the cost of monitoring the scavenging operation and disposal of the scavenged wastes; (5) the equipment and vehicles to be used by scavengers; (6) the requirements which a person may properly impose as a precondition to the receipt for disposal of scavenged wastes; (7) the conditions, if any, under which scavenged wastes may be disposed of on private property, or in municipal treat-*



ment works, or by incineration or by on-land or other methods of disposal; (8) the procedures to be employed in collection, storing, pumping, transporting, securing, and disposing of scavenged wastes; and (9) other provisions necessary to implement and administer the requirements of this section.

**Subd. 3. [ESTABLISHMENT OF FEE SCHEDULE.]** Each application shall be accompanied by a fee which shall not exceed \$50, payable to the state treasurer to be deposited in the general fund. License application renewal fees may be less than the initial license fee. The application for such license shall be made to the agency prior to March 1 of each even numbered year. In addition, each application shall be accompanied by a vehicle license fee, which shall not exceed \$20, for each vehicle to be used by the applicant. This license is not transferable from one vehicle to another, and all licenses shall expire on the last day of February of each even numbered year. The fees schedules so established by the agency shall be related to the actual cost of the scavenging regulatory program.

**Subd. 4. [SURETY BOND.]** The application shall be accompanied by a surety bond covering the period for which the license shall be issued by a surety company registered in the state of Minnesota, to indemnify persons for whom service and maintenance work is performed. Such bonds shall be \$1,000 for residents of the state of Minnesota and \$5,000 for nonresidents. The agency shall be the obligee, and the bond shall be for the benefit and purpose to protect all persons damaged by faulty workmanship by a scavenger. Such bonds shall be conditioned upon the performance of the services in a workmanlike and hygienic manner, and in accordance with the rules and regulations of the agency.

**Subd. 5. [ENFORCEMENT.]** In addition to other penalties provided by chapter 115, the agency, following a hearing, may revoke, deny, suspend, or refuse to renew the license of a scavenger who violates any rule or regulation promulgated pursuant to this section.

**Subd. 6. [DELEGATION OF EXCLUSIVE AUTHORITY.]** After January 1, 1974, the agency has the exclusive authority to license scavengers and no political subdivision of the state nor other state agency shall issue a scavenger license unless such subdivision or other state agency has been duly authorized to do so by agreement with the agency. Upon authorization by the agency, a political subdivision of the state may regulate the business of scavenging. Such regulation shall be in accordance with the rules promulgated by the agency and the political subdivision may: (1) charge fees and levy taxes as may be necessary to support the program; and (2) adopt rules and ordinances not less stringent than state laws and regulations for the conduct of the program.

**Sec. 21.** Minnesota Statutes 1971, Section 144.12, is amended to read:

144.12 [REGULATIONS, ENFORCEMENT.] The board may adopt, alter, and enforce reasonable regulations of permanent application throughout the whole or any portion of the state, or for specified periods in parts thereof, for the preservation of the public health. Upon the approval of the attorney general and the due publication thereof, such regulations shall have the force of law, except insofar as they may conflict with a statute or with the charter or ordinance of a city of the first class upon the same subject. In and by the same the board may control, by requiring the taking out of licenses or permits, or by other appropriate means, any of the following matters:

(1) The manufacture into articles of commerce, other than food, of diseased, tainted, or decayed animal or vegetable matter;

((2) THE BUSINESS OF SCAVENGERING AND THE DISPOSAL OF SEWAGE;)

((3)) (2) The location of mortuaries and cemeteries and the removal and burial of the dead;

((4)) (3) The management of lying-in houses and boarding places for infants and the treatment of infants therein;

((5)) (4) (THE POLLUTION OF STREAMS AND OTHER WATERS AND) The distribution of water (BY PRIVATE PERSONS) for drinking or domestic use;

((6)) (5) The construction and equipment, in respect to sanitary conditions, of schools, hospitals, almshouses, prisons, and other public institutions, and of lodging houses and other public sleeping places kept for gain;

((7)) (6) The treatment, in hospitals and elsewhere, of persons suffering from communicable diseases, including all manner of venereal disease and infection, the disinfection and quarantine of persons and places in case of such disease, and the reporting of sicknesses and deaths therefrom;

Provided, that neither the board nor any local board of health nor director of public health shall have authority to make or adopt any rule or regulation for the treatment in any penal or correctional institution of any person suffering from any such communicable disease or venereal disease or infection, which rule or regulation requires the involuntary detention therein of any person after the expiration of his period of sentence to such penal or correctional institution, or after the expiration of the period to which the sentence may be reduced by good time allowance or by the lawful order of any judge or magistrate, or of any parole board;

((8)) (7) The prevention of infant blindness and infection of the eyes of the newly born by the designation, from time to time, of one or more prophylactics to be used in such cases and in such manner as the board may direct, unless specifically objected to by the parents or a parent of such infant;

((9)) (8) The furnishing of vaccine matter; the assembling, during epidemics of smallpox, with other persons not vac-

cinated, but no rule of the board or of any public board or officer shall at any time compel the vaccination of a child, or exclude, except during epidemics of smallpox and when approved by the local board of education, a child from the public schools for the reason that such child has not been vaccinated; any person thus required to be vaccinated may select for that purpose any licensed physician and no rule shall require the vaccination of any child whose physician shall certify that by reason of his physical condition vaccination would be dangerous;

((10)) (9) The accumulation of filthy and unwholesome matter to the injury of the public health and the removal thereof;

((11)) (10) The collection, recording, and reporting of vital statistics by public officers and the furnishing of information to such officers by physicians, undertakers, and others of births, deaths, causes of death, and other pertinent facts;

((12)) (11) The construction, equipment, and maintenance in respect to sanitary conditions of lumber camps, migratory or migrant labor camps, and other industrial camps;

((13)) (12) The general sanitation of tourist camps, summer hotels, and resorts in respect to water supplies, disposal of sewage, garbage, and other wastes and the prevention and control of communicable diseases; and, to that end, may prescribe the respective duties of county and local health officers; and all county and local boards of health shall make such investigations and reports and obey such directions as the board may require or give and, under the supervision of the board, enforce such regulations;

((14)) (13) Atmospheric pollution of the indoor atmosphere which may be injurious or detrimental to public health; and

((15)) (14) Sources of ionizing radiation, and the handling, storage, transportation, use and disposal of radioactive isotopes and fissionable materials.

Sec. 22. Minnesota Statutes 1971, Section 361.29, Subdivision 1, is amended to read:

361.29 [MARINE TOILETS.] Subdivision 1. (a) For the purposes of this section the term "watercraft" has the meaning given to it by section 361.02, subdivision 7, and acts amendatory thereof. (b) No person owning or operating a watercraft or other marine conveyance upon the waters of the state of Minnesota shall use, operate or permit the use or operation of any marine toilet or similar device for the disposition of sewage or other wastes, unless the toilet wastes are retained for disposition on land by means of facilities constructed and operated in accordance with rules and regulations adopted by (THE STATE BOARD OF HEALTH AND APPROVED BY) the pollution control agency of the state of Minnesota. No person shall discharge into the waters of this state, directly or indirectly from a watercraft or other marine conveyance, any sewage or other wastes, nor shall any container of sewage or other wastes be

placed, left, discharged, or caused to be placed, left or discharged into any waters of this state by any person or persons at any time whether or not the owner, operator, guest or occupant of a watercraft or other marine conveyance. All toilets must be sealed or otherwise rendered inoperative so that no human or other waste can be discharged from such toilet into state waters.

Sec. 23. Minnesota Statutes 1971, Section 394.25, is amended by adding a subdivision to read:

*Subd. 9. Erosion and sediment controls, adopted pursuant to regulations for erosion and sediment control promulgated by the state soil and water commission. Erosion and sediment controls may control any land-disturbing activity including, but not limited to tilling, clearing, grading, excavation, transporting and filling of lands. Erosion and sediment controls may include, but need not be limited to requiring the development of plans, the adoption of any ordinances, or portions thereof, necessary to carry out a program of erosion and sediment control.*

Sec. 24. [APPROPRIATION.] *Subdivision 1. The following sums are appropriated to the following departments and agencies from the general fund in the state treasury to carry out the duties imposed on them by this act:*

*Subd. 2. To the pollution control agency, \$ . . . . .*

*Subd. 3. To the department of natural resources, \$ . . . . .*

*Subd. 4. To the department of agriculture, \$ . . . . .*

*Subd. 5. To the department of health, \$ . . . . .”.*

Strike the title and insert in lieu thereof:

“A bill for an act relating to pollution control; imposing certain duties in relation thereto on the Minnesota pollution control agency, the state soil and water conservation commission, watershed districts, the state board of health, the department of agriculture and the department of natural resources; authorizing the Minnesota pollution control agency to promulgate rules and regulations and prescribe fees for certain activities relating to pollution; requiring a study and report on the financial impact on small communities of being required to provide secondary sewage treatment; appropriating money; amending Minnesota Statutes 1971, Sections 40.01, by adding subdivisions; 40.02; 40.07, by adding a subdivision; 112.43, Subdivision 1; 115.01, by adding subdivisions; 115.03, Subdivision 1; 115.06, Subdivision 1; 144.12; 361.29, Subdivision 1; 394.25, by adding a subdivision; Chapter 40, by adding sections; and Chapter 115, by adding sections.”.

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

The report was adopted.

Mr. Brinkman from the Committee on Financial Institutions and Insurance to which was referred:

H. F. No. 1575, A bill for an act relating to insurance; variable contracts; amending Minnesota Statutes 1971, Sections 61A.13, Subdivision 1, and by adding a subdivision; 61A.14, Subdivision 5; 61A.15; 61A.19; 61A.21; and 61A.22.

Reported the same back with the following amendments:

Page 1, strike lines 23 through 28.

Page 2, lines 3 and 4, strike the words "*Except as may be otherwise*" and insert in lieu thereof "*If and to the extent so*".

Page 2, line 4, after the word "*contracts*" add the words "*or as required pursuant to the Federal Investment Company Act of 1940*".

Page 2, line 26, strike the words "*expense and mortality results*" and insert "*expenses*".

Page 3, lines 14 and 15, after the word "*Any*" strike the words "*individual variable*".

Page 3, line 15, after the word "*insurance*" strike the word "*policy*" and insert in lieu thereof "*contract on a variable basis*".

Page 4, lines 21 and 22, strike the words "*Section 61A.03, clauses (2), (6), (7), (8) and (10),*" and capitalize the "*S*" on "*section 61A.07*".

Page 4, line 23, after the number "*(4)*" strike the words "*and section 61A.24*".

Page 4, line 28, strike the words "*individual variable life insurance*" and after the word "*contract*" insert the words "*on a variable basis*".

Page 5, line 1, after "*contain*" and before "*grace*" insert the words "*in substance provisions for*".

Page 5, line 2, strike the word "*reinstatement*" and insert in lieu thereof the words "*settlement option, loan or withdrawal*" and after the word "*nonforfeiture*" strike the word "*provisions*".

Page 5, line 3, after the word "*contract*" and before the period insert the words "*and a life insurance contract on a variable basis should also contain in substance a provision for reinstatement appropriate to such a contract*".

Page 5, following line 17, insert a new Section 8 to read as follows:

"Sec. 8. Minnesota Statutes 1971, Section 61A.17, is amended to read:

61A.17 [FILING OF CONTRACTS.] No contract on a variable basis shall be issued in this state until a copy of the form thereof (and, in the case of a group contract, the form of any certificate evidencing variable benefits issued pursuant thereto)

and any form of application for such contract shall have been filed with the commissioner. *No life insurance contract on a variable basis shall be filed or issued before March 1, 1974, or before the commissioner has promulgated rules and regulations under section 61A.20 regarding life insurance contracts on a variable basis, whichever event comes first.*"

Renumber the sections in sequence.

Further amend the title on page 1, lines 4 and 5, by striking "and by adding a subdivision" and on line 6 after "61A.15;" insert "61A.17;"

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:

S. F. No. 736, A bill for an act relating to elections; providing that certain officers in cities of the first class be elected with party designation; amending Minnesota Statutes 1971, Sections 202.09, Subdivision 1; and 205.17.

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

The report was adopted.

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

S. F. No. 1436, A bill for an act relating to elections; providing for the payment of the expenses of special county elections; amending Minnesota Statutes 1971, Section 203.43.

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. 469, A bill for an act relating to intoxicating liquor; prohibiting discrimination by importers; granting the liquor control commissioner subpoena powers; removing the residency requirement for obtaining a wholesaler's or manufacturer's license; changing the method of determining the number of "off-sale" licenses which can be issued in cities of the first class; regulating the advertising of intoxicating liquor; annually appropriating liquor excise taxes for detoxification centers; providing a penalty; amending Minnesota Statutes 1971, Chapter 340, by adding a section; Sections 340.09; 340.11, Subdivisions 2 and 13; 340.15; 340.19; and 340.60, by adding a subdivision; and repealing Minnesota Statutes 1971, Sections 340.97; 340.971;

340.972; 340.973; 340.974; 340.975; 340.976; 340.977; 340.978; 340.98; 340.981; 340.9815; 340.982; 340.983; 340.984; and 340.985.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert in lieu thereof:

"Section 1. Minnesota Statutes 1971, Chapter 340, is amended by adding a section to read:

[340.114] [EXCLUSIVE WHOLESALE DISTRIBUTORSHIPS FOR DISTILLED SPIRITUOUS LIQUORS PROHIBITED.] *Subdivision 1. To ensure the existence of vigorous statewide intrabrand competition for the wholesale distribution of imported distilled spirituous liquors, it is in the public interest that exclusive wholesale distributorships for such commodities be prohibited.*

*Subd. 2. All licensed importers who shall ship or cause to be shipped into this state branded distilled spirituous liquors intended for general retail distribution shall file with the liquor control commissioner the name and the authorized wholesale distributors for each such brand.*

*Subd. 3. Licensed importers shall designate and establish a sufficient number of wholesale distributors for each brand of imported distilled spirituous liquor to ensure the availability of each such brand at competitive prices from no less than two wholesalers in all counties of this state.*

*Subd. 4. Upon his determination following a hearing that any licensed importer has failed to comply with the policy or any requirement of this section for any brand of imported distilled spirituous liquor, the liquor control commissioner shall temporarily or permanently prohibit all wholesale distribution of such brand within this state.*

*Subd. 5. Nothing in this section applies to malt beverages, wines, liqueurs, cordials, or liquors designated as specialties, regardless of alcoholic content.*

Sec. 2. Minnesota Statutes 1971, Section 340.09, is amended to read:

340.09 [LIQUOR CONTROL COMMISSIONER; POWERS.] *Subdivision 1. The principal office of the liquor control commissioner shall be in the city of Saint Paul. He may appoint a secretary and such inspectors, clerks, and other assistants as he may require. All employees of the commissioner shall be in the classified service. He shall set up an adequate system for the administration of the provisions of chapter 340, and have supervision over and power to regulate all forms of advertising and display of liquors as provided in section 340.15.*

*Subd. 2. The commissioner shall have power to require periodic factual reports from all licensed importers, manufacturers,*

*wholesalers and retailers of intoxicating liquor and to make all reasonable regulations to effect the object of such chapter 340 (AND TO FIX MAXIMUM PRICES FROM TIME TO TIME ON ALL LIQUORS SOLD AT WHOLESALE). Such regulations shall include provisions for assuring the purity of intoxicating liquors and the true statement of its contents and proper labeling thereof with regard to all forms of sale.*

*Subd. 3. In all matters relating to his official duties, the commissioner shall have the powers possessed by courts of law to issue subpoenas and cause them to be served and enforced. All public officials, and their respective deputies and employees, and all individuals, partnerships, firms, corporations, incorporated and unincorporated associations, and others who manufacture, transport, or sell intoxicating liquor, or are connected therewith in any manner, shall at all times attend and answer under oath the commissioner's lawful inquiries, produce and exhibit such books, accounts, documents and property as he may desire to inspect, and in all things aid him in the performance of his duties.*

Sec. 3. Minnesota Statutes 1971, Section 340.11, Subdivision 2, is amended to read:

Subd. 2. [WHOLESALE'S AND MANUFACTURERS' LICENSES.] Manufacturers' and wholesalers' licenses shall be issued by the liquor control commissioner.

The business of manufacturer and wholesaler may be combined and carried on under one license issued therefor.

*No person, partnership or corporation shall directly or indirectly own, control or have any financial interest in more than one wholesaler or manufacturer licensed under this section. (LICENSE, AND THAT SUCH PERSON SHALL HAVE VOTED AT LEAST TWICE DURING SAID PERIOD OF FIVE YEARS AT A GENERAL STATE ELECTION IF TWO GENERAL STATE ELECTIONS HAVE BEEN HAD SINCE SUCH PERSON REACHED HIS MAJORITY. NO WHOLESALER'S LICENSE SHALL BE GRANTED TO ANY CORPORATION UNLESS ALL OF THE OFFICERS, DIRECTORS, AND STOCKHOLDERS, WHO OWN OR CONTROL MORE THAN 75 PERCENT OF THE STOCK BY VALUE AND 75 PERCENT OF THE VOTING RIGHTS OF THE STOCK, OF SUCH CORPORATION APPLYING FOR A LICENSE SHALL HAVE BEEN RESIDENTS OF THE STATE FOR A PERIOD OF FIVE YEARS CONTINUOUSLY IMMEDIATELY PRIOR TO SUCH APPLICATION FOR A LICENSE AND ANY AND ALL SUCH PERSONS SHALL HAVE VOTED AT LEAST TWICE DURING SAID PERIOD OF FIVE YEARS AT A GENERAL STATE ELECTION IF TWO GENERAL STATE ELECTIONS HAVE BEEN HAD SINCE SUCH PERSON REACHED HIS MAJORITY. A PERSON, PARTNERSHIP, OR CORPORATION LAWFULLY LICENSED AS A WHOLESALE IN THE STATE OF MINNESOTA MARCH 27, 1945, SHALL NOT BE SUBJECT TO ANY RESIDENCE OR VOTING REQUIREMENTS TO RENEW HIS WHOLESALER'S*



LICENSE, NOR SHALL HIS SUCCESSOR OR ASSIGNS WHO ACQUIRE SUBSTANTIALLY ALL OF THE PROPERTY OF SUCH LICENSEE. A PERSON WHO SERVED IN THE ARMED FORCES OF THE UNITED STATES OF AMERICA DURING ANY TIME SINCE JULY 1, 1942, SHALL BE GIVEN CREDIT AS HAVING VOTED AT ANY GENERAL ELECTION HELD DURING THE TIME HE SERVED IN THE ARMED FORCES OF THE UNITED STATE OF AMERICA.)

Sec. 4. Minnesota Statutes 1971, Section 340.11, Subdivision 13, is amended to read:

Subd. 13. [OFF-SALE LICENSES; NUMBER.] "Off-sale" licenses may be granted in accordance with the following:

(1) In cities of the first class (NOT MORE THAN ONE "OFF-SALE" LICENSE FOR EACH 5,000 INHABITANTS THEREOF) *the number of "off-sale" licenses to be issued shall be determined by the governing body thereof*; such a license may be issued only to the proprietor of a drug store, or a general food store, or an exclusive liquor store.

(2) In all cities other than cities of the first class and in villages and boroughs, the number of "off-sale" licenses to be issued shall be determined by the governing body thereof. In such cities, villages, and boroughs, an "off-sale" license shall be issued only to a proprietor of a drug store or an exclusive liquor store except as otherwise provided in this section.

(3) *Notwithstanding clauses (1) and (2), no new license shall be issued to a drug store or a general food store after the effective date of this act.*

Sec. 5. Minnesota Statutes 1971, Section 340.15, is amended to read:

340.15 [REGULATION OF ADVERTISING.] *Subdivision 1. The unrestricted advertising of intoxicating liquor is hereby declared to be contrary to public policy. The liquor control commissioner shall have supervision over and the power to regulate all forms of advertising and display of intoxicating liquors and shall adopt reasonable rules and regulations restricting advertising to prevent it from counteracting temperance education (SHALL BE MADE BY THE LIQUOR CONTROL COMMISSIONER) except that no rule or regulation shall prohibit a Minnesota resident retailer at off-sale from advertising the price at which such products are offered for sale, providing such price advertisements are confined to the licensed premises, including windows therein. Advertising of prices within the state by non-resident retailers is prohibited.*

*Subd. 2. No wholesaler or other person shall communicate to a retailer at off-sale in any manner a suggested retail price for the sale of intoxicating liquor.*

Sec. 6. Minnesota Statutes 1971, Section 340.19, is amended to read:

**340.19 [REMOVAL OF OFFICERS; LICENSES REVOKED; BONDS FORFEITED; VIOLATIONS.]** (1) The failure on the part of any duly constituted public officer, charged by law with the enforcement of the intoxicating liquor act shall constitute non-feasance in office and shall be valid ground for the removal of such officer.

(2) When any licensee shall wilfully violate the provisions of the intoxicating liquor act his license shall be immediately revoked and his bond forfeited, and no license of any class shall for a term of five years thereafter be issued to the same person or to any person who at the time of the violation owns any interest, whether as holder of more than five percent of the capital stock of a corporation licensee, as partner, or otherwise, in the premises or in the business conducted thereon, or to any corporation, partnership, association, enterprise, business, or firm in which any such person is in any manner interested.

(3) Whoever, in violation of the provisions of the intoxicating liquor act, shall manufacture intoxicating liquor for the purposes of sale shall be guilty of a gross misdemeanor.

(4) Whoever, in violation of the provisions of the intoxicating liquor act, shall transport or import into the state liquor for the purposes of sale shall be guilty of a gross misdemeanor.

(5) Whoever shall sell directly or indirectly any intoxicating liquor without having a license for such sale shall be guilty of a gross misdemeanor.

(6) Whoever shall violate any of the provisions of the intoxicating liquor act as to sale, licensing, or any of the regulatory provisions pertaining thereto, as herein provided, shall be guilty of a misdemeanor.

(7) *Whoever refuses or neglects to obey any lawful direction of the liquor control commissioner, or his deputy or any of his assistants; withholds any information, book, record, paper, or other thing called for by him for the purpose of examination; obstructs or misleads him in the execution of his duties; or swears falsely concerning any matter stated under oath shall be guilty of a gross misdemeanor.*

((7)) (8) The liquor control commissioner shall have the power to institute proceedings to cancel or revoke the licensing of any pharmacist or druggist as such pharmacist or druggist who shall violate the provisions of the intoxicating liquor act.

*Sec. 7. Minnesota Statutes 1971, Sections 340.97; 340.971; 340.972; 340.973; 340.974; 340.975; 340.976; 340.977; 340.978; 340.98; 340.981; 340.9815; 340.982; 340.983; and 340.985, are repealed."*

Further, amend the title as follows: line 17, after "340.15;" insert "and"; line 18, strike "and 340.60, by adding a subdivision;" and line 23, strike "340.984;"

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

The report was adopted.

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

H. F. No. 961, A bill for an act relating to professions and occupations regulated by the state; providing lay membership on professional and occupational boards; amending Minnesota Statutes 1971, Sections 146.02; 146.03; 146.04; 147.01; 148.03; 148.52; 148.67; 148.68; 148.79; 150A.02, Subdivision 1; 151.02; 151.03; 151.04; 153.02; 154.22; 155.05; 156.01, Subdivisions 1 and 2; 326.04; 326.05; 326.17; 326.241; 326.541; 386.63, Subdivision 1; and 481.01.

Reported the same back with the following amendments:

Page 2, line 4, strike "layman" and insert "lay person".

Page 2, line 26, strike "eight" and insert "eleven".

Page 2, line 28, strike "five" and insert "seven".

Page 3, line 6, strike "two" and insert "three".

Page 3, line 7, strike "laymen" and insert "lay persons".

Page 3, line 8, strike the period and insert "; one such member's term continuing until May 1, 1980, one such member's term continuing until May 1, 1981, and one such member's term continuing until May 1, 1982.".

Page 6, line 17, strike "layman" and insert "lay person".

Page 6, line 23, strike the semicolon and insert ", and not more than three chiropractors shall be represented by the same chiropractic association;".

Page 6, line 27, strike "layman" and insert "lay person".

Page 7, line 13, strike "layman" and insert "lay person".

Page 7, line 18, strike "layman" and insert "lay person".

Page 8, line 4, strike "layman" and insert "lay person".

Page 9, line 28, strike "layman" and insert "lay person".

Page 10, line 12, strike "layman" and insert "lay person".

Page 10, line 24, strike "layman" and insert "lay person".

Page 11, line 20, strike "four" and insert "five".

Page 11, line 20, strike "one" and insert "two".

Page 11, line 27, strike "layman" and insert "lay person".

Page 12, line 10, strike "except the year when the term of the layman expires".

Page 12, line 12, after "the" and before "term" insert "*dental member's*".

Page 12, line 18, after "any" and before "vacancy" insert "*dental member's*".

Page 12, line 27, strike "*The first member appointed after August 1,*".

Page 12, line 28, strike "*1973 shall be a layman.*" and insert in lieu thereof: "*The lay members shall be appointed after August 1, 1973; one for a three year term and one for a five year term and thereafter for successive five year terms.*".

Page 13, line 7, strike "*four*" and insert "*five*".

Page 13, line 11, strike "*one layman*" and insert "*two lay persons*".

Page 13, line 16, after "governor," insert "*at least*".

Page 13, line 20, strike "*first member*" and insert "*two members*".

Page 13, line 21, strike "*a layman*" and insert "*lay persons*".

Page 14, line 5, strike "*layman*" and insert "*lay persons*".

Page 14, line 13, strike "*layman*" and insert "*lay person*".

Page 14, line 16, strike "*layman*" and insert "*lay person*".

Page 14, line 21, strike "*three*" and insert "*four*".

Page 14, line 22, strike "*Two*" and insert "*Three*".

Page 14, line 26, strike "*eighth*" and insert "*tenth*".

Page 15, line 6, strike the period and insert "*and one appointed by the governor with or without recommendation from either group.*".

Page 15, line 16, strike "*layman*" and insert "*lay person*".

Page 16, line 2, strike "*layman*" and insert "*lay person*".

Page 16, line 5, strike "*layman*" and insert "*lay person*".

Page 16, line 19, strike "*layman*" and insert "*lay person*".

Page 17, line 27, strike "*laymen*" and insert "*lay persons*".

Page 19, line 21, strike "*layman*" and insert "*lay person*".

Page 20, line 11, strike "*nine*" and insert "*seven*".

Page 20, line 17, strike "*one a registered consulting*".

Page 20, line 18, strike "*electrical engineer*".

Page 20, line 18, strike "*two laymen*" and insert "*one lay person*".

Page 20, line 20, strike "*two laymen*" and insert "*member*".

Page 20, line 20, strike "*shall serve for terms of*".

Page 20, line 21, strike "*two and four years.*" and insert "*after January 1, 1974 shall be a lay person.*".

Page 21, line 14, strike "*layman*" and insert "*lay person*".

Page 23, line 4, strike "*layman*" and insert "*lay person*".

Page 23, line 19, strike "*layman*" and insert "*lay person*".

Page 24, line 3, strike "*laymen*" and insert "*lay persons*".

Page 25, line 7, strike "*laymen*" and insert "*lay persons*".

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

The report was adopted.

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

H. F. No. 1316, A bill for an act relating to the collection, security and dissemination of records and information by the state and its governmental units; providing penalties; amending Minnesota Statutes 1971, Chapter 16, by adding a section.

Reported the same back with the following amendments:

Page 1, line 15, delete "*or a political subdivision of*".

Page 1, line 16, delete "*the state, of data and information on persons.*".

Page 1, line 15, after the word "*state*" add the following: "*and the board of regents of the University of Minnesota of data on persons.*".

Page 2, line 4, delete "*16.911*" and insert in lieu thereof "*16.91*".

Page 2, line 9, after the word "*governmental*" add "*agency or*".

Page 2, line 12, delete the comma; delete line 13; line 14, delete "*political subdivision of the state*".

Page 2, line 17, delete "*or local ordinance*".

Page 3, line 1, delete "*their*".

Page 3, delete line 2 and insert in lieu thereof "*neither their identities nor any single characteristic of a person is ascertainable.*".

Page 3, line 11, delete "*or any other laws to the contrary,*".

Line 14, after "*Minnesota*" add a period; delete "*and all governmental units within the*".

Delete line 15.

Line 21, delete "To".

Line 22, delete "*implement such rules and regulations*".

Page 4, line 11, after the period, add "*The responsible authority shall document and file with the commissioner the nature of all data on persons collected and stored and the need for and intended uses of such data*".

Page 4, line 12, after "authority" insert "*or for other than the intended uses*".

Page 5, lines 9, 10 and 11, delete "*Appropriate safeguards regarding the collection, storage, dissemination, and use of data on persons must be established*" and insert in lieu thereof "*Regarding the collection, storage, dissemination and use of data on persons, the responsible authority shall establish reasonable and appropriate safeguards*".

Page 5, line 11, after "complete" add "*and current*".

Line 17, strike the period, add a comma and "*including security during transmission*".

Page 5, line 27, after "*Participation*" add "*in the exchange of data*".

Page 6, line 8, delete the comma and after "*verified*" add "*according to the accepted rules of evidence*"; delete the word "*should*" and insert in lieu thereof "*shall*".

Page 6, line 27, after the parenthesis and before "Any" add "*After exhausting the administrative remedies contained wherein*"; delete "Any" and insert in lieu thereof "*any*".

Page 7, line 7, delete "30" and insert in lieu thereof "60".

Page 7, line 9, delete "*or the*".

Delete line 10.

Line 11, delete "*instrumentality of state, whichever is appropriate*".

Page 8, line 7, delete "*fined not less than*" and insert in lieu thereof "*guilty of a gross misdemeanor*".

Delete lines 8 and 9.

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

The report was adopted.

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

H. F. No. 1318, A bill for an act relating to cable communications; providing penalties; appropriating money; amending Min-

nesota Statutes 1971, Sections 161.45, Subdivision 1; and 222.37, Subdivision 1.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert in lieu thereof:

"Section 1. [DECLARATION OF LEGISLATIVE FINDINGS AND INTENT.] *Upon investigation of the public interest associated with cable communications, the legislature of the state of Minnesota has determined that while cable communications serve in part as an extension of interstate broadcasting, that their operations also involve public rights-of-way, municipal franchising, and vital business and community service, which are of state concern; that while said operations must be subject to state oversight, they also must be protected from undue restraint and regulation so as to assure development of cable systems with optimum technology and maximum penetration in this state as rapidly as economically and technically feasible; that the municipalities and the state would benefit from valuable educational and public services through cable communications systems; that the cable communications industry must provide the opportunity for minority participation and benefit which its diversity promises; that the public and the business community would benefit if served by cable channels sufficient to meet the needs of producers and distributors of program and other communication content services; that the cable communications industry is in a period of rapid growth and corporate consolidation and should proceed in accord with regional and statewide service objectives; and, that many municipalities lack the necessary resources and expertise to plan for and secure these benefits and to protect subscribers and other parties to the public interest in franchise negotiations.*

*There is, therefore, a need for a state agency to develop a state cable communications policy; to promote the rapid development of the cable communications industry responsive to community and public interest and consonant with policies, regulations and statutes of the federal government; to assure that cable communications companies provide adequate, economical and efficient service to their subscribers, the municipalities within which they are franchised and other parties to the public interest; to encourage the endeavors of public and private institutions, municipalities, associations and organizations in developing programming for the public interest; and to provide minorities with the fullest opportunity to make effective use of the medium.*

*It is the intent of the legislature in the provisions of this act to vest authority in a commission to oversee development of the cable communications industry in Minnesota in accordance with the statewide service plan; to review the suitability of practices for franchising cable communications companies to protect the public interest; to set standards for cable communications systems and franchise practices; to assure channel availability for municipal services, educational television, program diversity, local expression and other program and communications content*

services; to assure that municipal franchising results in communication across metropolitan areas and in neighborhood communities in larger municipalities; to provide consultant services to community organizations and municipalities in franchise negotiations; and, to stimulate the development of diverse instructional, educational, community interest and public affairs programming with full access thereto by cable communications companies, educational broadcasters and public and private institutions operating closed circuit television systems and instructional television fixed services.

Sec. 2. [DEFINITIONS.] Subdivision 1. The words and phrases used in the provisions of this act shall have the following meanings unless a different meaning clearly appears in the context.

Subd. 2. "Cable communications company" shall mean any person owning, controlling, operating, managing or leasing a cable communications system within the state.

Subd. 3. "Cable communications system" shall mean any system which operates for hire the service of receiving and amplifying programs broadcast by one or more television or radio stations and any other programs originated by a cable communications company or by another party, and distributing such programs by wire, cable, microwave, or other means whether such means are owned or leased, to persons who subscribe to such service. Such definition does not include:

- (a) any system which services fewer than 50 subscribers
- (b) any master antenna television system; or
- (c) any specialized closed-circuit system which does not use the public rights-of-way for the construction of its physical plant.

Subd. 4. "Commission" shall mean the commission on cable communications created by the provisions of this act.

Subd. 5. "Franchise" shall mean any authorization granted by a municipality in the form of a franchise, privilege, permit, license or other municipal authorization to construct, operate, maintain, or manage a cable communications system in any municipality.

Subd. 6. "Gross annual receipts" shall mean all compensation received directly or indirectly by a cable communications company from its operations within the state, limited to sums received from subscribers in payment for programs received. Gross annual receipts shall not include any taxes on services furnished by a cable communications company imposed directly on any subscriber or user by any municipality, state, or other governmental unit and collected by the company for such governmental unit.

Subd. 7. "Master antenna television system" shall mean any system which serves only the residents of one or more apartment



dwellings under common ownership, control or management and any commercial establishment located on the premises of such apartment house and which transmits only signals broadcast over the air by stations which may be normally viewed or heard locally without objectionable interference, and which does not provide any additional service over its facilities other than closed-circuit security viewing services.

Subd. 8. "Municipality" shall mean any village, town, city, borough, county, or any combination of these which undertakes to issue a franchise.

Subd. 9. "State" shall mean the state of Minnesota.

Subd. 10. "State agency" shall mean any office, department, board, commission, bureau, division, public corporation, agency or instrumentality of the state.

Subd. 11. "Person" shall mean any individual, trustee, partnership, association, corporation or other legal entity.

Subd. 12. "Program" shall mean any broadcast-type program, signal, message, graphics, data, or communication content service.

Sec. 3. [APPLICATION OF THIS ACT.] The provisions of this act shall apply to every cable communications system and every cable communications company as defined in section 2, operating within the state, including a cable communications company which constructs, operates and maintains a cable communications system in whole or in part through the facilities of a person franchised to offer common or contract carrier services. Persons possessing franchises for any of the purposes contemplated by the provisions of this act shall be deemed to be subject to the provisions of this act although no property may have been acquired, business transacted or franchises exercised.

Sec. 4. [COMMISSION CREATED.] Subdivision 1. A state commission on cable communication is hereby created within the department of administration and shall consist of seven members. The commission shall reside within the department of administration for a period not to exceed two years from the effective date of this act.

The members of the commission shall be representative of the broad range of interests related to telecommunication needs and concerns.

Subd. 2. Each member shall be appointed by the governor, by and with the advice and consent of the senate, for seven years provided, however, that of the seven members first appointed, one shall be appointed for one year, one for two years, one for three years, one for four years, one for five years, one for six years and one for seven years from January 1 next succeeding their appointment. Their successors shall be appointed for terms of seven years each. Members shall continue in office until their successors have been appointed and qualified. No more than four members shall be from the same political party.

*Subd. 3. The governor shall designate one of the members to be chairman who shall be the chief executive officer of the commission. The members shall elect one of their number as vice-chairman of the commission.*

*Subd. 4. Vacancies in the commission occurring otherwise than by expiration of term shall be filled for the unexpired term in the same manner as original appointments.*

*Subd. 5. The chairman and the other members of the commission shall receive per diem compensation fixed by the governor within the amounts made available by appropriation therefor.*

*Subd. 6. A majority of the members of the commission then in office shall constitute a quorum for the transaction of any business or the exercise of any power or function of the commission. The commission may delegate to one or more of its members, or its officers, agents, or employees, such powers and duties as it may deem appropriate.*

*Subd. 7. The department of administration may appoint an executive director and such other officers, employees, agents, and consultants as it may deem necessary, and prescribe their duties.*

*The attorney general shall appoint a counsel for the commission.*

*Subd. 8. The executive director shall serve in the unclassified service of the state. All other employees shall serve in the state civil service.*

*Subd. 9. The commission shall be established within three months of the effective date of this act. The commission shall adopt the regulations required by this act necessary for franchising and certification within one year after it is established.*

**Sec. 5. [DUTIES OF THE COMMISSION.]** *The commission shall:*

*(1) Develop and maintain a statewide plan for development of cable communications services, setting forth the objectives which the commission deems to be of regional and state concern;*

*(2) To the extent permitted by, and not contrary to, applicable federal and state law, and rules and regulations,*

*(a) prescribe procedures and practices which municipalities shall follow in granting franchises, individually or jointly;*

*(b) prescribe minimum standards for inclusion in franchises, including maximum initial, renegotiation and renewal terms, a requirement that no such franchise may be exclusive, length of residential subscriber contracts, and municipal purchase; taking into account the size of the cable communications system, the commission shall also prescribe minimum standards for channel capacity, access to, and facilities to make use of, channels for education, government and public access, two-way*

capability, performance bonds, and construction and operation of the cable communications system;

(c) prescribe a list of items for inclusion in franchises;

(d) prescribe standards for: franchises awarded in the twin cities metropolitan area which designate a uniform regional channel reserved for public use; the interconnection of all cable systems within this area; and the designation of a single entity to schedule programs and facilitate use of this channel;

(3) Provide advice and technical assistance to the cable communications industry, federal, state and local governments, members of the citizenry without commercial cable interests, community organizations, and other private and public agencies interested in matters relating to cable communications, franchises and services;

(4) Issue certificates of confirmation in accordance with the standards prescribed by the commission;

(5) Represent the interests of the people of the state before the federal communication commission;

(6) Adopt, after consulting with the metropolitan council and regional development commissions of the state, a set of minimum standards for the size of cable territories within which a franchise may be awarded, and procedures to be followed for alteration of cable service territory boundaries, by municipalities in the twin cities metropolitan area as designated in Minnesota Statutes, 1971, section 473B.01 and other designated standard metropolitan statistical areas;

(7) Prohibit invasion of privacy;

(8) Insure that minorities and all other groups have the fullest access to cable communications at all levels, including the establishment of an affirmative action regulation and compliance mechanism consistent with Federal Executive Order 11246, of the President, as amended by Executive Order No. 11375 and Executive Order No. 11478;

(9) Establish standards pertaining to transfer, renewal, termination or amendment of franchises;

(10) Establish standards pertaining to ownership and control of cable communications companies.

(11) Prescribe standards for interconnection of cable communications systems;

(12) Establish provisions pertaining to liability for obscenity and defamation;

Sec. 6. [POWERS OF COMMISSION.] Subdivision 1. The commission may promulgate, issue, amend, rescind, and provide for the enforcement of such orders, rules and regulations as it may find necessary or appropriate to carry out the provisions of this act in accordance with Minnesota Statutes 1971, Chapter 15. Such orders, rules and regulations may classify persons and

matters within the jurisdiction of the commission and prescribe different requirements for different classes of persons or matters. A copy of any order, rule or regulation promulgated hereunder shall be subject to public inspection during reasonable business hours.

Subd. 2. The commission or other aggrieved party shall have the right to institute or to intervene as a party in any action in any court of competent jurisdiction seeking mandamus, injunctive or other relief to compel compliance with any provision of this act or any rules, regulations or orders issued hereunder.

Sec. 7. [COSTS AND EXPENSES OF THE COMMISSION.] On or before December 1 of each year, the commission shall estimate the total costs and expenses, including compensation for personal services necessary to operate and administer the commission for the next ensuing state fiscal year. The commission shall, at such time or times and pursuant to such procedure as it shall determine by regulation, bill and collect from each cable communication company funds to carry on the work of the commission, according to an equitable formula established by the commission; provided that the amount billed to or collected from any operating cable communications company pursuant to this section shall never exceed 1 percent of the gross annual receipts of such company during the 12 month period designated by the commission. The proceeds collected pursuant to this section shall be annually appropriated to the general fund of the state treasury.

Sec. 8. [FRANCHISE REQUIREMENT.] Subdivision 1. A municipality shall have the power to require a franchise of any cable communications system providing service within the municipality.

Subd. 2. Nothing in the provisions of this act shall be construed to prevent franchise requirements in excess of those prescribed by the commission, unless such requirement is inconsistent with the provisions of this act or any regulation, policy or procedure of the commission.

Subd. 3. Nothing in this act shall be construed to limit any municipality from the right to construct, purchase, and operate a cable communications system.

Sec. 9. [CERTIFICATE OF CONFIRMATION.] Subdivision 1. Except as provided in subdivision 3 of this section, after the effective date of this act, no person shall exercise a franchise, and no such franchise shall be effective, until the commission has confirmed such franchise.

Subd. 2. The commission may issue a certificate of confirmation contingent upon compliance with standards, terms or conditions set by the commission.

Subd. 3. Any cable communications company which, pursuant to an existing franchise (a) was lawfully engaged in actual operations, or (b) notwithstanding any other provisions of this act, had commenced substantial construction, indicated by erec-

tion of the antenna tower, "head end," and stringing of no less than five miles of feeder or distribution cable by January 1, 1974, may continue to exercise said franchise pursuant to the terms thereof, provided such company files with the commission by such date as the commission shall set, an application in such form and containing such information and supporting documentation as the commission may require. The commission shall issue a certificate of confirmation to such a cable communications company valid for five years without further proceedings, which certificate may be renewed by the commission on application. Any initial certificate of confirmation, other than stated heretofore, shall be for a period of ten years.

Subd. 4. Notwithstanding the provisions of section 9, subdivision 6, of this act, any cable communications company granted a franchise by September 15, 1973, pursuant to a municipal enabling ordinance on cable communications enacted by April 1, 1973, containing detailed specifications for the construction and operation of a cable communications system, shall be subject only to section 9, subdivision 3, of this act in the process of securing a certificate of confirmation.

Subd. 5. Any cable communications company granted a franchise after April 1, 1973 but before the effective date of this act shall be required to secure a certificate of confirmation from the commission pursuant to section 9, subdivision 2, of this act before becoming operational.

Subd. 6. For a period of one year from the effective date of this act, no municipality may give, grant or award to any individual, partnership, association or corporation, upon any terms or conditions whatever, any franchise for the purpose of constructing, erecting, operating or maintaining any cable communications system in the state.

For a period of one year from the effective date of this act, no individual, partnership, association or corporation shall construct, erect, operate or maintain a nonfranchised cable communications system which is not in actual and lawful operation on the effective date of this act, or enter into a contract for the construction, erection, operation or maintenance of such a nonfranchised cable communications system; nor shall any cable communications company engaged in actual and lawful nonfranchised cable communications operations on the effective date of this section expand the area of its operations during such period of time.

Subd. 7. Nothing in this section shall be deemed to validate a franchise not granted in accordance with law or affect any claims in litigation on the effective date of this act. No confirmation under this section shall preclude invalidation of any franchise illegally obtained.

Sec. 10. [REGIONAL DEVELOPMENT COMMISSIONS.] For the purposes of assisting in the implementation of this act, the metropolitan council and regional development commissions of the state may engage in a program of research and study concerning interconnection, cable territories, regional use of cable

*communications and all other aspects which may be of regional concern.*

**Sec. 11. [CENSORSHIP PROHIBITED.]** *Subdivision 1. The commission may not promulgate any regulation or condition which would interfere with the right of free speech by means of cable communications.*

*Subd. 2. No cable communications company may prohibit or limit any program or class or type of program presented over a leased channel or any channel made available for public access, governmental or educational purposes.*

**Sec. 12. [RATES.]** *Subdivision 1. Except as otherwise provided in this section, the rates charged by a cable communications company shall be those specified in the franchise, which may establish, or provide for the establishment of reasonable classifications of service and categories of subscribers, or specify different rates for differing services or for subscribers in different categories.*

*Subd. 2. Such rates may not be changed except by amendment of the franchise.*

*Subd. 3. The commission shall provide assistance regarding rates and related economic matters to interested municipalities and their citizens. The commission shall study, or cause to be studied, the desirability of regulation of all rates and charges of cable communications systems.*

**Sec. 13. [POLES, DUCTS AND CONDUITS.]** *The commission shall within two years from the effective date of this act adopt complete and detailed rules specifying necessary regulations for contractual agreements between cable communications operators and any public utilities with respect to the use of poles, ducts, conduits, and other appurtenances related to the cable communications transmission lines.*

**Sec. 14. [APPEALS TO THE COMMISSION.]** *Any franchised cable communications company, who is aggrieved by action of any franchise authority in modifying, suspending, cancelling, revoking, or declaring forfeited the franchise, may appeal to the commission within 30 days following notice of such action by a petition in writing, setting forth all the material facts in the case. Any municipality which is aggrieved by the failure of its franchisee to perform according to the municipal ordinance may appeal to the commission for assistance in gaining franchisee compliance with the municipal ordinance by a petition in writing, setting forth all the material facts in the case.*

*The commission at its discretion shall hold a hearing upon such appeals, requiring due notice to be given to all interested parties.*

*If the commission approves the action of the municipality it shall issue notice to it to that effect, but if the commission disapproves of its action it shall issue a decision in writing advising*

*the municipality of the reasons for its decision and ordering the municipality to conform with such decision. If the commission approves the action of the cable communications company it shall issue notice to it to that effect, but if the commission disapproves of its action it shall issue a decision in writing advising the cable communications company of the reasons for its decision and ordering the cable communications company to conform with the decision.*

*Upon request, or upon its own initiative, the commission may investigate the renewal or assignment of such franchise or the conduct of the business being done thereunder, and may, after hearing, modify, suspend, revoke or cancel such license for cause.*

*If the municipality fails to suspend, revoke, cancel or declare forfeited a license or to perform any other disciplinary act when lawfully ordered so to do by the commission upon appeal or otherwise, within such reasonable time as it may prescribe, the commission may itself revoke such license or perform such act with the same force and effect as if performed by the municipality.*

**Sec. 15. [FINANCIAL INTEREST OF MEMBERS AND EMPLOYEES.]** *No member of the commission and no employee of the commission shall be employed by, or shall have any significant financial interest in any cable communications company holding a franchise in the state, their subsidiaries, major equipment or programming suppliers, or in any broadcasting company holding an operating license issued by the Federal Communications Commission, their subsidiaries, major equipment or programming suppliers. Members of any elected body granting franchises and employees of any franchising body who would be directly involved in the granting or administration of franchises for cable communications and who are employed or have any significant financial interest in any cable communications company holding a franchise in the state, their subsidiaries, major equipment or program suppliers shall abstain from participation in the franchising of cable communications companies.*

**Sec. 16. [FINES AND PENALTIES.]** *Subdivision 1. The commission may seek such injunctive relief as is necessary to prevent violations of the orders, rules or regulations of the commission.*

*Subd. 2. Any person violating the provisions of this act or any rules or regulations made pursuant thereto, is guilty of a gross misdemeanor. Any term of imprisonment imposed for any violation by a corporation shall be served by the senior resident officer of the corporation.*

**Sec. 17. [APPROPRIATION.]** *The sum of \$ . . . . . is hereby appropriated from the general fund to the department of administration as an appropriation for the commission.*

**Sec. 18. [ENACTMENT.]** *The act shall take effect the day following enactment.*

Sec. 19. [SEPARABILITY.] *If any portion of this act is declared unconstitutional, the remainder shall prevail.*

Sec. 20. Minnesota Statutes 1971, Section 161.45, Subdivision 1, is amended to read:

161.45 [PUBLIC UTILITIES AND WORKS ON TRUNK HIGHWAYS: RELOCATION OF UTILITIES.] Subdivision 1. Electric transmission, telephone or telegraph lines, pole lines, *community antenna television lines*, railways, ditches, sewers, water, heat or gas mains, gas or other pipe lines, flumes, or other structures which, under the laws of this state or the ordinance of any village, *borough* or city, may be constructed, placed, or maintained across or along any trunk highway, or the roadway thereof, by any person, persons, corporation, or any subdivision of the state, may be so maintained or hereafter constructed only in accordance with such regulations as may be prescribed by the commissioner who shall have power to prescribe and enforce reasonable rules and regulations with reference to the placing and maintaining along, across, or in any such trunk highway of any of the utilities hereinbefore set forth. Nothing herein shall restrict the actions of public authorities in extraordinary emergencies nor restrict the power and authority of the department of public service as provided for in other provisions of law. *Provided, however, that in the event any local subdivision of government has enacted ordinances relating to the method of installation or requiring underground installation of such community antenna television lines, the permit granted by the commissioner of highways shall require compliance with such local ordinance.*

Sec. 31. Minnesota Statutes 1971, Section 222.37, Subdivision 1, is amended to read:

222.37 [PUBLIC ROADS: USE, RESTRICTION.] Subdivision 1. Any water power, telegraph, telephone, pneumatic tube, *community antenna television*, or electric light, heat, or power company may use public roads for the purpose of constructing, using, operating, and maintaining lines, subways, canals, or conduits, for their business, but such lines shall be so located as in no way to interfere with the safety and convenience of ordinary travel along or over the same; and, in the construction and maintenance of such line, subway, canal, or conduit, the company shall be subject to all reasonable regulations imposed by the governing body of any county, town, village, *borough* or city in which such public road may be. Nothing herein shall be construed to grant to any person any rights for the maintenance of a telegraph, telephone, pneumatic tube, *community antenna television system*, light, heat, or power system within the corporate limits of any city (OR), village or *borough* until such person shall have obtained the right to maintain such system within such city (OR), village or *borough*, or for a period beyond that for which the right to operate such system is granted by such city (OR), village or *borough*."

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



The report was adopted.

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

H. F. No. 1577, A bill for an act relating to the state board of electricity; compensation; amending Minnesota Statutes 1971, Section 326.241, Subdivision 3.

Reported the same back with the following amendments:

Page 1, line 12, after "expenses" and before the period insert: *"in the same manner and amount as state employees"*.

With the recommendation that when so amended the bill do pass and be placed on the Consent Calendar.

The report was adopted.

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

H. F. No. 1837, A bill for an act relating to water well contractors; requiring compliance with Minnesota Statutes, Chapter 156A, by certain nonlicensees; providing for limited licenses; establishing procedures for examination and licensing of water well contractors; authorizing the department of health to coordinate a state water information system; prohibiting imposition of fees by political subdivisions; amending Minnesota Statutes 1971, Sections 156A.02, Subdivisions 2 and 3; 156A.03, Subdivision 2; 156A.06, Subdivision 1; 156A.07, Subdivisions 1 and 4; and by adding subdivisions; repealing Minnesota Statutes 1971, Sections 156A.06, Subdivision 2; and 156A.07, Subdivision 3.

Reported the same back with the following amendments:

Page 3, line 13, before the period insert *"who shall be representative of different geographical regions"*.

Page 3, line 28, strike "Members" and insert *"The contractor members"*.

Page 5, line 16, after *"welfare"* strike the comma and insert *"and to assist in the development of"*.

Page 7, after line 13 add a new section as follows:

*"Sec. 13. This act shall be effective on the day following its enactment."*

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

The report was adopted.

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

H. F. No. 2152, A bill for an act relating to state employees; deferred compensation plan; amending Minnesota Statutes 1971, Section 16.027, Subdivision 8.

Reported the same back with the recommendation that the bill do pass and be re-referred to the Committee on Rules and Legislative Administration.

The report was adopted.

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

H. F. No. 2191, A bill for an act relating to state government; advisory councils; and information services facilities; amending Minnesota Statutes 1971, Sections 16.91; 16.911; and 16.93; repealing Minnesota Statutes 1971, Section 16.92.

Reported the same back with the recommendation that the bill do pass and be re-referred to the Committee on Rules and Legislative Administration.

The report was adopted.

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

S. F. No. 578, A bill for an act relating to group insurance for certain retired public officers and employees and their dependents; amending Minnesota Statutes 1971, Section 471.61, Subdivision 2a.

Reported the same back with the recommendation that the bill do pass and be re-referred to the Committee on Rules and Legislative Administration.

The report was adopted.

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

S. F. No. 650, A bill for an act relating to the village of Bayport; authorizing the sale of certain state owned lands in Washington county which are no longer needed for state purposes.

Reported the same back with the recommendation that the bill do pass and be re-referred to the Committee on Rules and Legislative Administration.

The report was adopted.

Mr. Swanson from the Committee on Health and Welfare to which was referred:

H. F. No. 972, A bill for an act relating to public welfare; selection of county board members; amending Minnesota Statutes 1971, Section 393.01, Subdivision 2.

Reported the same back with the following amendments:

Page 1, lines 16, 17, 18, restore the stricken language.

Page 1, line 17, after the second "of" insert "*one or more*".

Page 1, line 20, strike "*nominated by the board of county commissioners and*".

Page 1, line 21, after "*welfare*" strike "*from among residents*".

Page 1, line 22, strike "*of the county*".

Page 1, line 23, after "*term*" restore the stricken language.

Page 1, line 23, insert after "*of*" and before "*three*", "*one or more, not to exceed*".

Page 1, line 24, restore the stricken language.

Page 2, line 10, after the stricken "*(RESIDENTS)*", strike "*a nominee*" and insert "*one or more nominees*".

Page 2, line 20, after "*nominee*" strike "*of*" and insert "*from the list of nominees submitted by*".

Page 2, line 21, after "*shall*" strike "*forthwith*".

Page 2, line 23, after "*nominate*" strike "*another resident*" and insert "*additional nominees*" and strike the remainder of the line.

Page 2, line 24, strike all of the line.

Page 2, line 25, strike "*the commissioner*" and insert "*to the board of county commissioners*".

With the recommendation that when so amended the bill do pass and be placed on the Consent Calendar.

The report was adopted.

Mr. Swanson from the Committee on Health and Welfare to which was referred:

H. F. No. 1231, A bill for an act relating to public health; venereal disease; requiring instruction and training in venereal disease in junior and senior high schools and for teachers; providing for the establishment of venereal disease treatment centers; providing for certain medical tests and examinations prior to marriage; relating to the sale of articles for the prevention of conception or disease; removing a restriction on certain medical advertisements; appropriating funds; amending Minnesota Statutes 1971, Sections 126.02, Subdivision 2, and by adding a subdivision; Chapter 144, by adding a section; Sections 518.08, by adding subdivisions; 617.251; and 617.28, subdivision 1.

Reported the same back with the following amendments:

Page 1, line 35, after "*all*" and before "*junior*" insert "*public and nonpublic*".

Page 2, line 2, strike "*January*" and insert "*September*".

Page 2, line 6, strike "*January*" and insert "*September*".

Page 2, line 17, strike "*a program*" and insert "*instruction*".

Page 2, line 23, strike "a program" and insert "instruction".

Page 3, line 6, after "appropriate" and before "information" insert "educational".

Page 3, strike lines 14-28.

Page 4, strike lines 1-27, and insert in lieu thereof:

"Sec. 4. Minnesota Statutes 1971, Section 151.01, is amended by adding a subdivision to read:

*Subd. 24. [PRESCRIPTION DEVICE.] "Prescription device" means any device which is required by federal law or regulation to bear the statement "Caution, federal law restricts this device to sale by or on the order of a physician", or words of similar effect.*

Sec. 5. Minnesota Statutes 1971, Section 151.37, is amended by adding a subdivision to read:

*Subd. 9. [PRESCRIPTION DEVICE.] Prescription devices shall be sold or dispensed only by those persons permitted to sell or dispense legend drugs pursuant to subdivisions 1 through 8 of this section, or by a nonprofit organization permitted to do so by rule, pursuant to the administrative procedures act; by the state board of health."*

Page 5, after line 28, insert:

"Sec. 8. Minnesota Statutes 1971, Section 617.251, is repealed."

Amend the title as follows:

Page 1, line 8, strike "providing for certain".

Page 1, strike line 9.

Page 1, line 10, strike "marriage;"

Page 1, line 14, after "advertisements;" insert "providing a penalty;"

Page 1, line 17, after "subdivision;" insert "151.01, by adding a subdivision; 151.37, by adding a subdivision; 617.28, Subdivision 1; and".

Page 1, line 18, after "section;" insert "repealing Minnesota Statutes 1971, Section 617.251." and strike the balance of the line.

Page 1, strike lines 19 and 20.

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

The report was adopted.

Mr. Swanson from the Committee on Health and Welfare to which was referred:

H. F. No. 1420, A bill for an act relating to health; regulating alcohol and drug abuse; providing for care and treatment of persons dependent on drugs or alcohol; appropriating money; amending Minnesota Statutes 1971, Sections 62A.10, by adding a subdivision; 126.05; 152.18, Subdivision 1; 197.603; 197.64, Subdivision 3; 198.01; 253A.03; 253A.04, Subdivisions 2 and 3; and 253A.07, Subdivision 2; repealing Minnesota Statutes 1971, Sections 126.04; 144.831; 144.832; 144.833; 144.834; 145.696; 145.697; 145.699; 245.692; 245.693; 245.694; and 245.695.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert in lieu thereof the following:

*"Section 1. [PUBLIC POLICY.] It is hereby declared to be the public policy of this state that the interests of society are best served by providing persons who are dependent upon alcohol or other drugs with a comprehensive range of rehabilitative and social services. Further, it is declared that treatment under these services shall be voluntary when possible; treatment shall not be denied on the basis of prior treatment; treatment shall be based on an individual treatment plan for each person undergoing treatment; treatment shall include a continuum of services available for a person leaving a program of treatment; treatment shall include all family members at the earliest possible phase of the treatment process.*

*Sec. 2. [DEFINITIONS.] Subdivision 1. For the purposes of Sections 1 to 22, unless the context clearly indicates otherwise, the terms defined in this section have the meanings given them.*

*Subd. 2. "Approved treatment program" means care and treatment services provided by any individual, organization or association to drug dependent persons.*

*Subd. 3. "Comprehensive program" means the range of services which are to be made available for the purpose of prevention, care and treatment of alcohol and drug abuse.*

*Subd. 4. "Drug abuse or abuse of drugs" is the use of any psychoactive or mood altering chemical substance, without compelling medical reason, in such a manner as to induce mental, emotional or physical impairment and cause socially dysfunctional or socially disordering behavior and which results in psychological or physiological dependency as a function of continued use.*

*Subd. 5. "Drug dependent person" means any inebriate person or any person incapable of managing himself or his affairs or unable to function physically or mentally in an effective manner because of the abuse of a drug, including alcohol.*

*Subd. 6. "Facility" means any treatment facility administered under an approved treatment program established under this act.*

Subd. 7. "Intoxicated person" means a person whose mental or physical functioning is substantially impaired as a result of the use of alcohol, or other drugs.

Subd. 8. "Other drugs" means any psychoactive chemical other than alcohol.

Subd. 9. "Program director" means the director of any approved treatment program responsible under this act for the examination, treatment or making of recommendations with respect to care and treatment of any person subject to the provisions of this act.

Subd. 10. "State authority" is a division established within the department of public welfare for the purpose of relating the authority of state government in the area of alcohol and drug abuse to the alcohol and drug abuse within the state.

Sec. 3. There is hereby created an alcohol and other drug abuse section in the department of welfare. This section shall be headed by a director who shall be in the unclassified service. The section shall:

(a) conduct and foster basic research relating to the cause, prevention and methods of diagnosis, treatment and rehabilitation of alcoholic and other drug dependent persons;

(b) coordinate all activities and programs of all the various state departments as they relate to alcohol and other drug dependency and abuse problems;

(c) develop and demonstrate new methods and techniques for the prevention, treatment and rehabilitation of alcohol and other drug abuse and dependency problems;

(d) gather and disseminate facts and information about alcoholism and other drug dependency and abuse to public and private agencies and the courts so requesting such information for guidance to and assistance in prevention, treatment and rehabilitation;

(e) inform and educate the general public on alcohol and other drug dependency and abuse problems;

(f) serve as the state authority concerning alcohol and other drug dependency and abuse;

(g) establish a state plan which shall set forth goals and priorities within a comprehensive alcohol and other drug dependency and abuse program for Minnesota. All governmental units operating alcohol and other drug abuse or dependency programs or administering state or federal funds for such programs shall annually set their program goals and priorities and allocate funds in accordance with the comprehensive state plan;

(h) make contracts with and grants to public and private agencies and organizations, both profit and non-profit, and individuals for the provision of comprehensive program services;

(i) solicit and accept any gift of money or property for purposes of this act, and any grant of money, services, or property from the federal government, the state, any political subdivision thereof, or any private source.

Sec. 4. There is hereby created an alcohol and other drug abuse advisory council to advise the department of public welfare concerning the problems of alcohol and other drug dependency and abuse, composed of 11 members appointed by the Governor for a term of two years, as of January 1, 1974: Six members shall be appointed for a 2 year term and five members shall be appointed for a 1 year term; thereafter all appointments shall be for 2 year terms.

At least five members shall be individuals whose interests or training are in the field of alcohol dependency and abuse; and at least five members whose interests or training are in the field of dependency and abuse of drugs other than alcohol.

Sec. 5. Subdivision 1. (a) The council shall assist in the formulation of policies and guidelines for the implementation of the commissioner's responsibilities in the area of alcohol and drug abuse.

(b) The council shall advise the commissioner and director on policies, goals, and the operation of the comprehensive state plan for alcohol and drug abuse program services in the state and other matters as directed by the commissioner and director, and shall encourage public understanding and support of the alcohol and drug abuse programs.

(c) The council shall make recommendations to the commissioner regarding grants to community mental health boards under section 7 of this act.

Subd. 2. Members shall receive no compensation but shall be reimbursed for their necessary travel and other expenses as provided for state employees.

Sec. 6. All individuals employed by the commission on alcohol problems and the drug abuse section of the state planning agency are transferred to the department of public welfare.

Sec. 7. Subdivision 1. The commissioner of public welfare shall designate the community mental health boards to (a) coordinate all alcohol and other drug abuse services conducted by local agencies, and to (b) review all proposed agreements, contracts, plans, and programs in relation to alcohol and other drug abuse prepared by any such local agencies for funding from any local, state or federal governmental sources.

Subd. 2. The department of public care and treatment of alcohol and other drug abuse as developed and defined by the state authority. Grants may be made for the cost of these comprehensive programs and services whether provided directly by community mental health boards or by other public and private agencies and organizations, both profit and nonprofit, and individuals, pursuant to contract. Nothing herein shall prevent the state au-

thority from entering into contracts with and making grants to other state agencies for the purpose of providing specific services and programs.

Subd. 3. *The expense of administration, operation and maintenance of comprehensive programs shall be financed by equal shares of state and local matching funds except as provided by this act and Minnesota Statutes 1971, Section 245.65, Subdivision 1, Clause (g).*

Sec. 8. [DETOXIFICATION CENTERS.] *Subdivision 1. Every community mental health board shall provide a detoxification program for drug dependent persons within its area; the board may utilize existing treatment programs and other agencies to meet this responsibility.*

Subd. 2. *For the purpose of this section, a detoxification program means a social rehabilitation program established for the purpose of facilitating access into care and treatment by detoxifying and evaluating the person and providing entrance into a comprehensive program. Such a program shall have available the services of a licensed physician for medical emergencies and routine medical surveillance.*

Subd. 3. *The expense of administration, operation and maintenance of detoxification programs throughout this state shall be financed as follows: Services provided and clients served qualifying for federal reimbursement shall be financed totally out of state and federal matching funds; services provided and clients served not qualifying for federal reimbursement shall be financed one-half from state revenues and one-half from local revenues appropriated from the county funds. All clients shall purchase services in accordance with the regulations promulgated by the department of public welfare.*

Sec. 9. Minnesota Statutes 1971, Section 197.603, is amended to read:

197.603 [DUTIES.] *It shall be the duty of the veterans service officer to aid all residents of the governmental subdivision by which he is employed in securing benefits provided by law on account of the service of any person in the (ARMY, NAVY, OR MARINE CORPS) armed forces of the United States, from which he has a discharge other than dishonorable. The veterans service officer shall aid all veterans who are residents of the governmental subdivision by which he is employed, regardless of the nature of discharge, in securing counseling or treatment concerning alcohol and drug dependency and abuse.*

Sec. 10. Minnesota Statutes 1971, Section 197.64, Subdivision 3, is amended to read:

Subd. 3. *In the event the county board of any such county appoints a veterans service officer such veterans referral center and all officers and employees thereof and all other persons serving in or acting on behalf of such veterans referral center who shall aid, or undertake to aid, any resident of such county in*



securing benefits provided by law on account of the service of any person in the (ARMY, NAVY, OR MARINE CORPS) *armed forces of the United States* from which he has a discharge other than dishonorable or *any person associated with the veterans referral center acting to aid veterans regardless of the nature of discharge in securing counseling or treatment concerning alcohol or other drug dependency or abuse shall be subject to the direction and control of the veterans service officer.*

Sec. 11. Minnesota Statutes 1971, Section 198.01, is amended to read:

198.01 [VETERANS HOMES: ELIGIBILITY OF VETERANS.] The Minnesota Veterans home shall be maintained at Minneapolis, and shall provide a home for veterans of all wars, and their wives, widows, mothers and fathers, who meet eligibility and admission requirements, and who comply with the rules and regulations of the home. Persons who served in the armed forces of the United States during a period of war, and who were discharged or released therefrom under conditions other than dishonorable, and who did not receive a bad conduct discharge, shall be eligible for admission to the Minnesota Veterans home. *Persons who received bad conduct or dishonorable discharges from the armed forces of the United States as a result of drug dependency or abuse shall be eligible for admission to the Minnesota Veterans home.* "Period of war," as it refers to eligibility, is defined as follows:

(1) Active service in any campaign against the Indians in Minnesota in 1862 whether as soldiers of the United States or not.

(2) Civil War, or war between the states.

(3) Mexican War.

(4) Spanish-American War, April 21, 1898 through July 4, 1902.

(a) Includes service in Russia, April 16, 1917 through April 1, 1920.

(b) Service through July 2, 1921 if active duty performed during basic war period.

(5) World War I, April 6, 1917 through April 1, 1920.

(a) Includes service in Russia, April 16, 1917 through April 1, 1920.

(b) Service through July 2, 1921 if active duty performed during basic war period.

(6) World War II, December 7, 1941 through December 31, 1946.

(a) Through July 25, 1947 if continuous duty began on or before December 31, 1946.

(7) Korean Conflict, June 27, 1950 through January 31, 1955.

(8) Vietnam era, August 5, 1964 to a date as shall hereafter be determined by presidential proclamation or concurrent resolution of the Congress.

Sec. 12. Minnesota Statutes 1971, Section 253A.03, is amended to read:

253A.03 [INFORMAL HOSPITALIZATION BY CONSENT; VOLUNTARY HOSPITALIZATION FOR INEBRIATE PERSONS.] Subdivision 1. Any person (18 YEARS OF AGE OR OVER, AND ANY PERSON UNDER 18 YEARS OF AGE IF HIS PARENT, GUARDIAN, OR CUSTODIAN CONSENTS THERETO,) may, if he so requests and the head of the hospital consents, be admitted to a hospital as an informal patient for observation, evaluation, diagnosis, care and treatment, without making formal written application. Such person shall not be admitted to the hospital if he objects thereto and shall be free to leave the hospital within 12 hours of his request unless held under another provision of sections 253A.01 to 253.21.

Subd. 2. Any person (18 YEARS OF AGE OR OVER, AND ANY PERSON UNDER 18 YEARS OF AGE IF HIS PARENT, GUARDIAN, OR CUSTODIAN CONSENTS) desiring to receive care and treatment at a public hospital as (AN INEBRIATE) *a drug dependent person* may be admitted to such hospital upon his application, in such manner and upon such conditions as the commissioner of public welfare may determine. If such person requests to leave the hospital, such request shall be submitted in writing to the head of the hospital. If such person in writing demands his release, the head of the hospital may detain such person for three days, exclusive of Sundays and legal holidays, after the date of such demand for release. If the head of the hospital deems such release not to be for the best interest of such person, his family, or the public, he shall petition for the commitment of such person as provided in Section 253A.04, Subdivision 3.

Sec. 13. Minnesota Statutes 1971, Section 253A.04, Subdivision 2, is amended to read:

Subd. 2. A peace or health officer may take a person into custody and transport him to a licensed physician or hospital if such officer has reason to believe that such person is mentally ill and in imminent danger of injuring himself or others if not immediately restrained. Application for admission of such person to a hospital shall be made by the peace or health officer and the application shall contain a statement given by the peace or health officer stating the circumstances under which such person was taken into custody and the reasons therefor. Such person may be admitted to a hospital for emergency care and treatment pursuant to this subdivision with the consent of the head of the hospital if a written statement is made by the medical officer on duty at the hospital that after preliminary examination the per-

son has symptoms of a mental illness and appears to be in imminent danger of harming himself or others.

*A peace or health officer or a person working under such officer's supervision, may take a person who is intoxicated in public into custody and transport him to a licensed hospital, mental health center facility or (OTHER FACILITY) a person on the staff of a state licensed or approved program equipped to treat (ALCOHOLISM IF THE PERSON IS INTOXICATED IN PUBLIC) drug dependent persons. Provided, if such person is not endangering himself or any other person or property the peace or health officer may transport the person to his home.*

Application for admission of an intoxicated person to a hospital, mental health center or other (FACILITY) *state licensed or approved program equipped to treat (ALCOHOLISM) drug dependent persons shall be made by the peace or health officer, or a person working under such officer's supervision taking such person into custody and the application shall contain a statement given by the peace or health officer stating the circumstances under which such person was taken into custody and the reasons therefor. Such person may be admitted to a program or facility specified in this provision for emergency care and treatment with the consent of the institution program director or head of the facility.*

Sec. 14. Minnesota Statutes 1971, Section 253A.04, Subdivision 3, is amended to read:

Subd. 3. Any person hospitalized pursuant to this section (SHALL BE DISCHARGED) *may be held up to 72 hours after admission, exclusive of Saturdays, Sundays, and holidays, unless a petition for the commitment of such person has been filed in the probate court of the county of residence or of the county wherein such hospital is located. If the head of the hospital deems such discharge not to be for the best interest of the person, his family, or the public and no other petition has been filed, he shall prior to the expiration of 72 hours after admission, file a petition for the commitment of such person. Upon the filing of a petition, the court may order the detention of the person until determination of the matter. Upon motion of such hospitalized person the venue of the petition shall be changed to the probate court of the county of the person's residence, if he be a resident of the state of Minnesota.*

Sec. 15. Minnesota Statutes 1971, Section 253A.07, Subdivision 2, is amended to read:

Subd. 2. After the filing of the petition the probate court shall appoint two examiners, at least one of whom shall be a licensed physician. If the proposed patient is alleged to be mentally deficient one of the two examiners shall be skilled in the ascertainment of mental deficiency. *If the proposed patient is alleged to be drug dependent and if at least one examiner qualified in the field of alcohol and drug abuse cannot be obtained, the court shall appoint a single examiner plus one additional person qual-*

*ified in the field of alcohol and drug abuse. The final report submitted to the court shall contain all pertinent information and comments preferred by such qualified person.*

The court shall issue such orders as may be necessary to provide for the examination of the proposed patient which will be conducted prior to the hearing. The examination shall be held at a hospital, a public health facility, the home of the proposed patient, or such other suitable place as the court shall determine is not likely to have a harmful effect on the health of the proposed patient. No person shall be present during the examination unless authorized by the examiner. The court may require the examiners to file with the court, prior to the hearing two copies of their report as to the condition of the proposed patient and his need for hospitalization, which report, if filed, shall be available to counsel.

Sec. 16. [CONFIDENTIALITY OF RECORDS.] *The department of public welfare shall assure confidentiality to individuals who are the subject of research by the state authority or treatment by an approved treatment program. The board shall withhold from all persons not connected with the conduct of such research or treatment the names or other identifying characteristics of such individuals unless the individual gives written permission that information relative to his treatment and recovery may be discussed with a prospective employer by either an approved treatment program staff member or a qualified employment counselor. Persons so authorized to protect the privacy of such individuals may not be compelled in any federal, state or local, civil, criminal, administrative or other proceeding to identify or disclose other confidential information about such individuals.*

Sec. 17. *The commissioner of public welfare, pursuant to the administrative procedures act, shall promulgate rules to implement this act.*

Sec. 18. [APPROPRIATION.] *The sum of \$ . . . . . is appropriated to the state board of health for purposes of this act.*

Sec. 19. [REPEALER.] *Minnesota Statutes 1971, Sections 126.04; 144.81; 144.82; 144.831; 144.832; 144.833; 144.834; 145.696; 145.697; 145.699; 245.692; 245.693; 245.694; and 245.695 are repealed.*

Sec. 20. [EFFECTIVE DATE.] *This act takes effect on January 1, 1974."*

Further amend the title by striking lines 1 through 16 and insert in lieu thereof the following:

"A bill for an act relating to health; regulating alcohol and other drug abuse; establishing a state authority providing for treatment of persons dependent on alcohol or other drugs; appropriating money; amending Minnesota Statutes 1971, Sections 245.694, Subdivision 1; 197.603; 197.64, Subdivision 3; 198.01;

253A.03; 253A.04, Subdivisions 2 and 3; 253A.07, Subdivision 2; repealing Minnesota Statutes 1971, Sections 126.04; 144.81; 144.82; 144.831; 144.832; 144.833; 144.834; 145.696; 145.697; 145.699; 245.692; 245.693; 245.694; and 245.695.”.

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

The report was adopted.

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

H. F. No. 1331, A bill for an act proposing an amendment to the Minnesota Constitution by adding an article providing for the initiative and referendum.

Reported the same back with the recommendation that the bill do pass and be re-referred to the Committee on Rules and Legislative Administration.

The report was adopted.

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

S. F. No. 1042, A bill for an act relating to courts; setting times for general terms in ninth judicial district, western area; amending Minnesota Statutes 1971, Section 484.17, Subdivisions 11, 12, 13, 14, 15, 16, 17 and 18.

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

The report was adopted.

Mr. Salchert from the Committee on Metropolitan and Urban Affairs to which was referred:

H. F. No. 1436, A bill for an act relating to the cities of Brooklyn Center and Robbinsdale; creating a housing and redevelopment authority.

Reported the same back with the following amendments:

Page 1, line 9, delete all of line 9 after “contrary,” and insert the following: “the city councils of Brooklyn Center, Robbinsdale, and Brooklyn Park, by ordinance, may provide that the city councils shall constitute the housing and redevelopment authority of Brooklyn Center, Robbinsdale, and Brooklyn Park or may permit members of the city councils to serve on said authority.”.

Page 1, delete lines 10 to 20.

Page 1, line 28, after “Center” insert comma; strike the first “and” and further on line 28 after “Robbinsdale” insert a comma and after the second “and” insert “the city of Brooklyn Park”.

Further amend the title as follows: page 1, line 3, strike "and" and insert a comma and further on line 3 after the word "Robbinsdale" insert "and Brooklyn Park".

With the recommendation that when so amended the bill do pass and be placed on the Consent Calendar.

The report was adopted.

Mr. Salchert from the Committee on Metropolitan and Urban Affairs to which was referred:

H. F. No. 1524, A bill for an act relating to the metropolitan council; requirements to be met by the council in reviewing applications of governmental units, independent commissions, boards or agencies for federal programs; amending Minnesota Statutes 1971, Section 473B.06, Subdivision 8.

Reported the same back with the following amendments:

Page 1, line 29, after "reviewed" insert "primarily".

Page 1, line 30, after "merits" insert period; and further on line 30 strike "without regard to unrelated aspects of".

Page 1, line 31, strike "development".

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

The report was adopted.

Mr. Salchert from the Committee on Metropolitan and Urban Affairs to which was referred:

H. F. No. 2008, A bill for an act relating to the metropolitan sewer board and the federal water pollution contract act amendments of 1972; amending Minnesota Statutes 1971, Chapter 473C, by adding a section; and Section 473C.15, Subdivision 5.

Reported the same back with the following amendments:

Page 1, line 22, strike "July 1, 1973" and insert in lieu thereof "January 1, 1974".

Page 1, line 29, after the period insert the following sentence: "Each local government unit may appeal the determination of the board to the council for review and determination."

Page 2, line 11, after the word "board" and before the word "shall" insert the following: "with the consent of the council".

Page 2, line 18, after the period add "Insofar as possible these costs shall be recovered by local government units on behalf of the board."

Further amend the title as follows:

Page 1, line 3, strike "contract" and insert in lieu thereof "control".

With the recommendation that when so amended the bill do pass and be placed on the Consent Calendar.

The report was adopted.

Mr. Salchert from the Committee on Metropolitan and Urban Affairs to which was referred:

H. F. No. 2166, A bill for an act relating to Anoka county; authorizing issuance of bonds for county park acquisition and development.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert the following:

"Section 1. In addition to any other authority granted by law the Anoka county board of commissioners is authorized to issue and sell its general obligation bonds in an amount not exceeding \$3,000,000 for the purpose of acquiring and developing county parks. The amount of bonds so issued and outstanding at any one time shall be limited to an amount upon which the principal and interest due and payable in any one calendar year shall not exceed one-sixth of the amount authorized to be levied by the county for park purposes pursuant to Laws 1969, Chapter 813. The computation of this limitation shall be based on the amount which would be raised on the valuation applicable for taxes to be levied in the year such bonds are issued. A tax levied in any year to pay principal and interest on bonds issued pursuant to this act is deemed a reduction in the total levy authorized for that year by Laws 1969, Chapter 813.

Sec. 2. Bonds issued pursuant to this act shall be issued and sold in the manner provided by Chapter 475, except that approval by a majority of the electors voting at an election on the question is not required. The county shall levy a tax, without limit as to rate or amount, sufficient to pay the principal and interest on the bonds as they become due.

Sec. 3. This act shall take effect upon its approval by the Anoka county board and upon compliance with Minnesota Statutes, Section 645.021."

With the recommendation that when so amended the bill do pass and be placed on the Consent Calendar.

The report was adopted.

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

H. F. No. 2303, A bill for an act relating to certain industries regulated by the department of public service; fees for certain motor carriers and livestock buyers and agents; amending Minnesota Statutes 1971, Sections 221.131; 221.296, Subdivision 5; 221.64; and 239.18, Subdivision 3.

Reported the same back with the recommendation that the bill do pass and be re-referred to the Committee on Rules and Legislative Administration.

The report was adopted.

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

H. F. No. 2362, A bill for an act relating to aeronautics; financial assistance to commuter airlines; appropriating money; amending Minnesota Statutes 1971, Sections 360.013, by adding a subdivision; 360.015, Subdivision 13; 360.038, by adding a subdivision; and 360.305, by adding a subdivision.

Reported the same back with the recommendation that the bill do pass and be re-referred to the Committee on Appropriations.

The report was adopted.

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

S. F. No. 103, A bill for an act relating to the trunk highway system; discontinuing and removing a route from the trunk highway system.

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

The report was adopted.

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

S. F. No. 224, A bill for an act relating to highway traffic regulations; providing for covering of loads to prevent dropping or leaking; amending Minnesota Statutes 1971, Section 169.81, Subdivision 5.

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

The report was adopted.

PURSUANT TO JOINT RULE 20, THE FOLLOWING COMMITTEE REPORTS  
WERE RE-REFERRED TO THE COMMITTEE ON RULES AND  
LEGISLATIVE ADMINISTRATION

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

H. F. No. 731, bill for an act relating to appointments by the Mayor of the city of Minneapolis.

Reported the same back with the following amendments:

Amend the title as follows:

Line 2, after "mayor", insert "and the city council".



With the recommendation that when so amended the bill do pass and be placed on the Consent Calendar.

The report was adopted and re-referred to the Committee on Rules and Legislative Administration.

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

H. F. No. 1606, A bill for an act relating to the term of office of the comptroller and of the treasurer of the city of Minneapolis.

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

The report was adopted and re-referred to the Committee on Rules and Legislative Administration.

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

H. F. No. 956, A bill for an act relating to public utilities; imposing certain minimum height restrictions for electrically charged wires over or near bodies of water; providing a penalty.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert in lieu thereof:

"Section 1. Minnesota Statutes 1971, Section 84.415, Subdivision 1, is amended to read:

84.415 [LICENSES, PERMITS.] Subdivision 1. [UTILITY COMPANIES, PERMIT TO CROSS STATE-OWNED LANDS.] *The commissioner of natural resources shall, on or before January 1, 1974, promulgate in the manner provided by Minnesota Statutes, Chapter 15, regulations containing standards and criteria covering the issuance of licenses permitting the passage of utilities over or under public lands and waters. The regulations shall include provisions to insure that all projects for which licenses are issued will have a minimum adverse impact on the environment, and which will provide adequate protection for public health and safety.* The commissioner of natural resources may, at public or private sale and for such price and upon such terms as (HE MAY PRESCRIBE) *are specified in the regulations* (except where prohibited by law) grant licenses permitting passage over, under, or across any part of any school, university, internal improvement, swamp, tax forfeited or other land or public water under the control of the commissioner of natural resources, of telephone, telegraph, and electric power lines, cables or conduits, underground or otherwise, or mains or pipe lines for gas, liquids, or solids in suspension. Any such license shall be cancelable upon reasonable notice by the commissioner for substantial violation of its terms, or if at any time its continuance will conflict with a public use of the land or water over or upon which it is granted, or for any other cause. All such

land or public water shall remain subject to sale or lease or other legal use, but in case of sale, lease or other use there may be excepted from the grant or other disposition of land or public water all rights included in any license over, under, or across it, and the license may contain an agreement that there will be such exception. The commissioner may charge a fee in lieu of but not less than that authorized by subdivision 5 if he issues a license containing an agreement that there will be such an exception. All rights so excepted shall be reserved to the state and be cancelable by the commissioner for the same reasons or cause as they might have been canceled before such sale, lease or other use of the land or water. Upon such cancellation, which shall be only after reasonable notice to the licensee, all rights granted by the license shall be vested in the state and may be granted again by the commissioner on the terms and conditions he may prescribe, but subject to cancellation for the same reasons or causes as they might have been originally canceled unless ownership of the fee and of the license are merged. Any license granted before April 13, 1951, may be governed by it if the licensee and commissioner so agree. Reasonable notice as used in this subdivision means a 90 day written notice addressed to the record owner of the license at the last known address, and upon cancellation the commissioner may grant extensions of time to vacate the premises affected.

Sec. 2. Minnesota Statutes 1971, Section 84.415, is amended by adding a subdivision to read:

*Subd. 2a. [PENALTY.] Any person, including a corporation, partnership, firm, association or any body public and corporate which installs or maintains, or permits to be installed or maintained, any charge line or wire in violation of this section shall be guilty of a gross misdemeanor."*

Further amend the title by striking it in its entirety and inserting:

"A bill for an act relating to public utilities; imposing certain criteria for crossing state owned lands and waters; providing a penalty; amending Minnesota Statutes 1971, Section 84.415, Subdivision 1, and by adding a subdivision."

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

The report was adopted and re-referred to the Committee on Rules and Legislative Administration.

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

H. F. No. 1210, A bill for an act relating to the state fair grounds; removing prohibition on lease of fairgrounds for auto racing; amending Minnesota Statutes 1971, Section 37.01.

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

The report was adopted and re-referred to the Committee on Rules and Legislative Administration.

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

H. F. No. 1622, A bill for an act relating to elections; defining "county auditor" for the purpose of the election laws; amending Minnesota Statutes 1971, Section 200.02, by adding a subdivision.

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

The report was adopted and re-referred to the Committee on Rules and Legislative Administration.

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

H. F. No. 2043, A bill for an act relating to the operation of state government; updating statutory references to printing; providing for more complete advance payments to state employees for travel expenses; clarifying the commissioner of administration's responsibility to supervise and control all state telecommunication facilities; enabling the commissioner of administration to dispose of lost or abandoned property in alternate ways; eliminating the requirement for contractor's bonds or security for negotiated state public work contracts; specifying certain services to be performed by the commissioner for other state departments or agencies; clarifying the state record disposition and record management functions; clarifying procedures for extending social security benefits to certain governmental entities; amending Minnesota Statutes 1971, Sections 3.21; 15.181; 16.02, by adding a subdivision; 16.022; 16.0231; 16.027, Subdivision 5; 16.07, Subdivision 11; 94.10, Subdivision 1; 138.17, Subdivisions 1, 4 and 7; 138.19; 138.20; 138.21; 331.09; and 355.17.

Reported the same back with the following amendments:

Page 2, line 10, strike "13" and insert in lieu thereof "16".

Page 3, line 10, after "systems." add "*Nothing in this subdivision shall be construed as modifying, amending, or abridging any powers and duties presently vested in or imposed upon the commissioner of highways or the commissioner of public safety relating to telecommunications facilities.*"

Page 8, strike lines 5 through 10.

Page 12, strike lines 2 through 28.

Page 13, strike lines 1 through 9.

Re-number the sections in sequence.

Further, amend the title as follows:

Line 26, strike "16.027, Subdivision 5;"

Line 28, strike ", 4".

With the recommendation that when so amended the bill do pass and be placed on the Consent Calendar.

The report was adopted and re-referred to the Committee on Rules and Legislative Administration.

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

H. F. No. 2319, A bill for an act relating to the operation of the state government; providing for the purchase of electronic data processing equipment where bids are unsatisfactory; amending Minnesota Statutes 1971, Section 16.07, Subdivision 14.

Reported the same back with the following amendments:

Page 1, line 15, after "unsatisfactory" insert "*by reason of failure to fully comply with the specifications, terms and conditions of the call for bids. The contract shall be awarded to the vendor offering the lowest price to the state taking into consideration the specifications, terms and conditions agreed upon pursuant to such negotiation*".

With the recommendation that when so amended the bill do pass and be placed on the Consent Calendar.

The report was adopted and re-referred to the Committee on Rules and Legislative Administration.

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

H. F. No. 2325, A bill for an act relating to the application of the state mobile homes building code; amending Minnesota Statutes 1971, Section 327.31, Subdivision 6.

Reported the same back with the following amendments:

Page 1, line 12, after "be" insert "*a relocatable structure or structures*".

Page 1, line 13, strike "*purpose*" and insert in lieu thereof "*occupancy*".

Page 1, line 14, after "*include*" strike "*travel trailers*" and insert in lieu thereof "*motor vehicles as defined in Minnesota Statutes 1971, Section 169.01, Subdivision 3, or recreational camping vehicles*".

With the recommendation that when so amended the bill do pass and be placed on the Consent Calendar.

The report was adopted and re-referred to the Committee on Rules and Legislative Administration.

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

H. F. No. 2328, A bill for an act relating to the state building code act; clarifying application of the act; providing for municipal vacancies regarding certified building officials; allowing the commissioner of administration to establish the surcharge amount and for municipal retention of a portion thereof; clarifying parties responsible for permit fees and surcharges; amending Minnesota Statutes 1971, Sections 16.851; 16.861, by adding a subdivision; and 16.866; and Chapter 16, by adding a section.

Reported the same back with the following amendments:

Page 1, line 28, after "by" strike "statute" and insert in lieu thereof "*Minnesota Statutes, Section 104.05*".

Page 1, line 35, after "soon as" strike "is".

Page 2, line 11, strike "*for which a fee is charged*".

With the recommendation that when so amended the bill do pass and be placed on the Consent Calendar.

The report was adopted and re-referred to the Committee on Rules and Legislative Administration.

## SECOND READING OF HOUSE BILLS

H. F. Nos. 786, 2308, 1192, 1659, 1575, 469, 961, 1316, 1318, 1577, 1837, 972, 1436, 1524, 2008, and 2166 were read for the second time.

## SECOND READING OF SENATE BILLS

S. F. Nos. 753, 1593, 1594, 1376, 1560, 1278, 1666, and 736 were read for the second time.

Rice moved that S. F. No. 736 and H. F. No. 1394, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

## SECOND READING OF SENATE BILLS, Continued

S. F. Nos. 1436, 1042, 103, and 224 were read for the second time.

## INTRODUCTION OF BILLS

Knickerbocker introduced:

H. F. No. 2425, A bill for an act relating to the city of Hopkins; investment of city funds.

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

Stanton introduced :

H. F. No. 2426, A bill for an act relating to the claim of Arland Bebenze; arising from loss of two cows following test for Bang disease administered by state veterinarian; appropriating money for the payment thereof.

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

Johnson, R.; and Pavlak, R. L., introduced :

H. F. No. 2427, A bill for an act relating to condominiums; allowing operation of mobile home parks and property used to accommodate mobile homes as condominiums; amending Minnesota Statutes 1971, Section 515.02, Subdivisions 2 and 6.

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

Berglin introduced :

H. F. No. 2428, A bill for an act relating to fair campaign practices; prohibiting false statements of residence by delegates to a party endorsement convention; prohibiting the advance of money to delegates; prohibiting landlord from unduly influencing tenants; prescribing penalties; amending Minnesota Statutes 1971, Chapter 211, by adding sections.

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

Vento; Sarna; Wohlwend; Sieben, H.; and Jaros introduced :

H. F. No. 2429, A bill for an act relating to workmen's compensation; providing for cost of living increases in permanent total disability payments; amending Minnesota Statutes 1971, Section 176.101, Subdivision 4.

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

Rice, Berg, and Swanson introduced :

H. F. No. 2430, A bill for an act relating to Hennepin county; providing for payment by state of hospital costs incurred by indigent persons residing outside Hennepin county.

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

Dieterich; Adams, J.; Carlson, A.; Boland; and Enebo introduced:

H. F. No. 2431, A bill for an act relating to conservation, energy; creating an energy conservation fund and energy conservation program development body; authorizing interstate research agreements; providing for certain penalties and appropriations.

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

Boland and Casserly introduced:

H. F. No. 2432, A bill for an act relating to the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, Washington and Wright; authorizing each county board of commissioners to provide for the appointment rather than the election of the county auditor, county treasurer, register of deeds and sheriff, to assume and perform the duties and functions of those offices, and provide for the abolishment, consolidation or restructuring of such offices and of any agencies, boards, commissions or departments of the county.

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

Berglin; Johnson, D.; Anderson, I; Dieterich; and Parish introduced:

H. F. No. 2433, A bill for an act relating to taxation; deductions from gross income; limiting the deductibility of federal income taxes to a maximum of \$5,000 of tax per return; amending Minnesota Statutes 1971, Section 290.09, Subdivision 4.

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

Adams, J.; Johnson, R.; Sabo; Norton; and Salchert introduced:

H. F. No. 2434, A bill for an act relating to taxation; providing for a reduction in assessed value of apartment housing of type I or II construction; 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.

Fugina; Carlson, B.; and Johnson, D., introduced:

H. F. No. 2435, A bill for an act relating to motor vehicles; certain equipment on motor vehicles; use of tires with metal type studs; repealing Minnesota Statutes 1971, Section 169.72, Subdivision 2.

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

Norton, for the Committee on Appropriations, introduced:

H. F. No. 2436, A bill for an act relating to the organization and operation of state government; appropriating money therefor and limiting the use thereof; providing for the transfer of certain moneys in the state treasury; authorizing land acquisition in certain cases including conservation, parks, wildlife and spawning areas, and historic sites; fixing and limiting the amount of fees to be collected in certain cases; making funds available for seaway trade promotion; amending Minnesota Statutes 1971, Sections 3.102; 15.50; 326.52; repealing Minnesota Statutes 1971, Sections 16.141, Subdivision 3; 16.165, 97.486, and Laws 1965, Chapter 810, Section 23, Subdivision 3, as amended.

The bill was read for the first time and laid over one day.

Norton, for the Committee on Appropriations, introduced:

H. F. No. 2437, A bill for an act relating to the organization and operations of state government; imposing regulations for junior college operations; appropriating moneys with certain conditions for education and related purposes, including the university of Minnesota and its hospitals, state colleges, aids to libraries, junior colleges, higher education coordinating commission, and moneys for medical education; providing aid to school districts including those affected by gross earnings taxation and authorizing the power of eminent domain with certain of the funds provided hereby; transferring moneys between accounts and funds in the state treasury; controlling certain treasury receipts; and imposing conditions relative to the expenditure of public moneys.

The bill was read for the first time and laid over one day.

### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 723, A bill for an act relating to motor vehicles; registration and taxation; vehicles exempt from license fees; amending Minnesota Statutes 1971, Section 168.012, Subdivision 1.

PATRICK E. FLAHAVEN, Secretary of the Senate

### CONCURRENCE AND REPASSAGE

Larson moved that the House concur in the Senate amendments to H. F. No. 723 and that the bill be repassed as amended by the Senate. The motion prevailed.



H. F. No. 723, A bill for an act relating to motor vehicles; registration and taxation; vehicles exempt from license fees; amending Minnesota Statutes 1971, Section 168.012, Subdivision 1.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question being taken on the repassage of the bill and the roll being called, there were yeas 118, and nays 1, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Pavlak, R. L.

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 162, 1881, and 1955.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 56, 1061, 1296, 1726, 1728, 1766, and 2189.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 771, 1025, 1454, 1693, 1835, 2011, and 2012.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate File, herewith transmitted:

S. F. No. 452.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 261, 384, 1295, 1575, 1602, 1622, 1741, 1809, 1950, and 2015.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 1441, 1526, 1592, 1724, 1731, 1925, and 1940.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 523 and 965.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 60, 393, 1361, 1584, and 1667.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### FIRST READING OF SENATE BILLS

S. F. No. 162, A bill for an act relating to private detectives and protective agents; providing regulations therefor; prescribing penalties; appropriating money; amending Minnesota Statutes 1971, Sections 326.331; 326.332, Subdivision 1; 326.333; 326.334; 326.336; 326.337; 326.338, by adding a subdivision;

326.339; and Chapter 326, by adding sections; repealing Minnesota Statutes 1971, Section 326.335.

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

S. F. No. 1881, A bill for an act relating to the city of Hutchinson; authorizing the city to acquire and develop an off-street parking area to serve the central business district, and to issue bonds therefor.

The bill was read for the first time.

Kvam moved that S. F. No. 1881 and H. F. No. 1872, now on the Consent Calendar, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1955, A bill for an act directing conveyance of certain property by the state to the village of Crosby, Crow Wing county.

The bill was read for the first time.

Smith moved that S. F. No. 1955 and H. F. No. 1909, now on the Consent Calendar, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 56, 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 Appropriations.

S. F. No. 1061, A bill for an act relating to natural resources; indemnifying landowners who permit public use of private land for recreational purposes against loss; regulating recreational trails and landowner's liability; amending Minnesota Statutes 1971, Sections 85.015, Subdivision 1; 85.015, by adding a subdivision; and 87.023; repealing Minnesota Statutes 1971, Sections 84.029, Subdivision 2; and 85.015, Subdivision 9.

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

S. F. No. 1296, A bill for an act relating to taxes on and measured by net income; exempting public pensions, benefits and allowances from gross income; amending Minnesota Statutes 1971, Section 290.08, Subdivision 6.

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

S. F. No. 1726, A bill for an act authorizing the commissioner of natural resources to convey the interests of the state in certain lands in Goodhue county.

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

S. F. No. 1728, A bill for an act relating to garnishment, state employees; amending Minnesota Statutes 1971, Section 571.46.

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

S. F. No. 1766, A bill for an act relating to taxes on and measured by net income; filing time for claims for credits; amending Minnesota Statutes 1971, Sections 290.0604; 290.086, Subdivision 7; and 290.985.

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

S. F. No. 2189, A bill for an act authorizing the conveyance of certain state lands in Cass county to the village of Walker, Minnesota.

The bill was read for the first time.

Sherwood moved that S. F. No. 2189 and H. F. No. 2228, now on the Consent Calendar, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 771, A bill for an act regulating mobile home lot rentals; prescribing penalties.

The bill was read for the first time.

McCarron moved that S. F. No. 771 and H. F. No. 523, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1025, A bill for an act relating to taxation; real property; providing for taxation of townhouse property; 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.

S. F. No. 1454, A bill for an act relating to motor vehicle carriers reinstating the rights of certain permit carriers upon filing proof of insurance or other security; amending Minnesota Statutes 1971, Section 221.141.

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

S. F. No. 1693, A bill for an act relating to taxes on and measured by net income; providing for information returns; amending Minnesota Statutes 1971, Section 290.41, by adding a subdivision.

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

S. F. No. 1835, A bill for an act relating to trust companies; permitting the purchase and investment by such companies in certain farm loan bonds; amending Minnesota Statutes 1971, Section 48.67.

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

S. F. No. 2011, A bill for an act relating to taxation and the termination of county assessors; amending Minnesota Statutes 1971, Section 273.061, Subdivision 2.

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

S. F. No. 2012, A bill for an act relating to taxes on and measured by net income; prescribing penalties; amending Minnesota Statutes 1971, Section 290.92, Subdivision 15.

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

S. F. No. 452, A bill for an act relating to city of St. Paul; providing for a change in the election of members of the council.

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

S. F. No. 261, A bill for an act relating to taxation; income tax deductions for adoption expenses; amending Minnesota Statutes 1971, Section 290.09, Subdivision 27.

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

S. F. No. 384, A bill for an act relating to hospital, boarding care homes, and 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; requiring reports of maltreatment of nursing home patients; prescribing penalties; amending Minnesota Statutes 1971, Chapters 144, by adding sections; 154, by adding a section; 256B, by adding a section; 609, by adding a section; and 626, by adding a section; repealing Minnesota Statutes 1971, Section 144.583.

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

S. F. No. 1295, A bill for an act relating to insurance; regulating the terms of certain insurance contracts; amending Minnesota Statutes 1971, Sections 62A.041; and 62C.14, by adding subdivisions; repealing Minnesota Statutes 1971, Section 309.176; and Laws 1971, Chapter 680, Section 2.

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

S. F. No. 1575, A bill for an act relating to insurance; rate regulation; filing requirements; providing a penalty; amending Minnesota Statutes 1971, Section 70A.06, by adding a subdivision.

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

S. F. No. 1602, A bill for an act relating to compensation insurance; providing for a change in administration from the department of commerce to the commissioner of insurance; amending Minnesota Statutes 1971, Chapter 79.

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

S. F. No. 1622, A bill for an act relating to bonds; increasing the fee for filing and mailing of notice; amending Minnesota Statutes 1971, Section 574.32.

The bill was read for the first time.

Brinkman moved that S. F. No. 1622 and H. F. No. 1384, now on the Calendar, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1741, A bill for an act relating to taxation; levy limitations; amending Minnesota Statutes 1971, Sections 275.11, by adding a subdivision; and 412.251.

The bill was read for the first time.

Cleary moved that S. F. No. 1741 and H. F. No. 1524, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1809, A bill for an act relating to commerce; requiring the provision of certain information to consumers; providing remedies; amending Minnesota Statutes 1971, Chapter 325, by adding a section.

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

S. F. No. 1950, A bill for an act relating to St. Louis county; tax levy for the county road and bridge fund; repealing Minnesota Statutes 1971, Section 163.05, Subdivision 3.

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

S. F. No. 2015, A bill for an act relating to snowmobiles; operation and regulation; contests; amending Minnesota Statutes 1971, Section 84.87, Subdivision 1a.

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

S. F. No. 1441, A bill for an act conferring certain powers relating to improvements of roads and streets and assessments therefor on the town of Woodside, Polk county.

The bill was read for the first time.

Eken moved that S. F. No. 1441 and H. F. No. 1430, now on the Consent Calendar, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1526, A bill for an act relating to welfare; assistance, claim against a blind person's estate; repealing Minnesota Statutes 1971, Section 256.65.

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

S. F. No. 1592, A bill for an act relating to elections; defining "county auditor" for the purpose of the election laws; amending Minnesota Statutes 1971, Section 200.02, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Rules and Legislative Administration.

S. F. No. 1724, A bill for an act relating to election matters; authorizing political party organization in legislative districts; amending Minnesota Statutes 1971, Sections 202.21; 202.22, Subdivisions 2 and 3; 202.25; and 202.26, Subdivision 4.

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

S. F. No. 1731, A bill for an act relating to courts; establishing salary for court reporters in fourth judicial district; amending Laws 1969, Chapter 568, Section 1, Subdivision 1, as amended.

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

S. F. No. 1925, A bill for an act relating to Pipestone county; fees of registered abstractors who are county employees; repealing Laws 1971, Chapter 439.

The bill was read for the first time.

Long moved that S. F. No. 1925 and H. F. No. 1918, now on the Consent Calendar, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1940, A bill for an act relating to Independent School District No. 709, St. Louis county; providing that such school district shall be subject to the same net debt limitations and have the same power to authorize obligations as are provided for other school districts in the state under certain provisions of law.

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

S. F. No. 523, 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.

Sieben, M., moved that S. F. No. 523 and H. F. No. 279, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 965, A bill for an act relating to real estate; landlord and tenant; deposit of money; amending Minnesota Statutes 1971, Chapter 504, by adding a section; and repealing Minnesota Statutes 1971, Section 504.19.

The bill was read for the first time.

Berg moved that S. F. No. 965 and H. F. No. 1034, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.



S. F. No. 60, A bill for an act relating to motor vehicles; regulating the type and use of tires on vehicles using the highways; providing for a study of the effect of the use of wire embedded tires on highways; empowering the commissioner of highways to authorize the use of such tires under certain conditions; amending Minnesota Statutes 1971, Section 169.72, Subdivision 1, and by adding a subdivision; repealing Minnesota Statutes 1971, Section 169.72, Subdivision 2.

The bill was read for the first time.

Eken moved that S. F. No. 60 and H. F. No. 85, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 393, A bill for an act relating to public health; hospitals and related institutions; authorizing the state board of health to issue correction orders under certain circumstances to hospitals and related institutions and providing assessments for failure to comply with such correction orders; amending Minnesota Statutes 1971, Section 144.54.

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

S. F. No. 1361, A bill for an act relating to Hennepin county; removing \$10,000 limitation on revolving fund; amending Laws 1951, Chapter 556, Section 4.

The bill was read for the first time.

Hook moved that S. F. No. 1361 and H. F. No. 1342, now on the Consent Calendar, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1667, A bill for an an act relating to trade regulations; recorded material; unauthorized reproductions; providing a penalty.

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

S. F. No. 1584, A bill for an act relating to boilers; regulating the standards of inspection; amending Minnesota Statutes 1971, Section 183.465.

The bill was read for the first time.

#### SUSPENSION OF RULES

Pursuant to Article IV, Section 20, of the Constitution of the state of Minnesota, Niehaus moved that the rule therein be suspended and an urgency be declared so that S. F. No. 1584 be

given its second and third readings and be placed upon its final passage. The motion prevailed.

Niehaus moved that the rules of the House be so far suspended that S. F. No. 1584 be given its second and third readings and be placed upon its final passage. The motion prevailed.

S. F. No. 1584 was read for the second time.

S. F. No. 1584, A bill for an act relating to boilers; regulating the standards of inspection; amending Minnesota Statutes 1971, Section 183.465.

The bill was read for the third time and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 124, and nays 2, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Anderson, D. Carlson, D.

The bill was passed and its title agreed to.

## CONSENT CALENDAR

S. F. No. 1080 was reported to the House.

Swanson moved to amend S. F. No. 1080, the printed bill, as follows:

Page 1, after line 10, add a subdivision to read:

"Subd. 2. *In accordance with the terms and provisions of this section, the Minnesota historical society shall administer and*

*control this historic site in Hennepin county which is described as follows:".*

Renumber the remaining subdivisions accordingly.

The motion prevailed and the amendment was adopted.

S. F. No. 1080, A bill for an act relating to historic sites; providing for acquisition, administration, and control of additional sites by the Minnesota historical society; amending Minnesota Statutes 1971, Section 138.025, by adding subdivisions.

The bill was read for the third time, as amended, and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 129, and nays 0, as follows:

Those who voted in the affirmative were:

Adams, J.	Dahl	Johnson, C.	Menke	Samuelson
Adams, S.	DeGroat	Johnson, D.	Miller, D.	Sarna
Andersen, R.	Dieterich	Johnson, J.	Miller, M.	Savelkoul
Anderson, D.	Dirlam	Johnson, R.	Moe	Schreiber
Anderson, G.	Eckstein	Jopp	Munger	Schulz
Anderson, I.	Eken	Jude	Nelson	Sherwood
Becklin	Enebo	Kahn	Newcome	Sieben, H.
Belisle	Erdahl	Kelly	Niehaus	Sieben, M.
Bell	Erickson	Kempe	Norton	Skaar
Bennett	Esau	Klaus	Ohnstad	Smith
Berg	Faricy	Knickerbocker	Ojala	Spanish
Berglin	Ferderer	Laidig	Parish	Stangeland
Biersdorf	Fjoslien	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	Mann	Prahl	Weaver
Casserly	Hanson	McArthur	Quirin	Wenzel
Cleary	Haugerud	McCarron	Resner	Wigley
Clifford	Heinitz	McCauley	Rice	Wohlwend
Connors	Hook	McEachern	Ryan	Wolcott
Culhane	Jacobs	McFarlin	St. Onge	Mr. Speaker
Cummiskey	Jaros	McMillan	Salchert	

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

S. F. No. 910 was reported to the House.

Hanson moved to amend S. F. No. 910, the printed bill, as follows:

Line 14, after the word "law" and before the period, insert the following: "*unless permitted by resolution of the local governing authority*".

The motion prevailed and the amendment was adopted.

S. F. No. 910, A bill for an act relating to snowmobiles; prohibiting the operation thereof on public airports; prescribing penalties; amending Minnesota Statutes 1971, Section 84.87, by adding a subdivision; and 84.88, Subdivision 1.

The bill was read for the third time, as amended, and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 128, and nays 0, as follows:

Those who voted in the affirmative were:

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

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

S. F. No. 1627, A bill for an act relating to agriculture; promotion of commodities; amending Minnesota Statutes 1971, Sections 17.54, Subdivision 5; and 17.56, Subdivision 3.

The bill was read for the third time and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 130, and nays 0, as follows:

Those who voted in the affirmative were:

Adams, J.	Carlson, A.	Enebo	Heinitz	Laidig
Adams, S.	Carlson, B.	Erdahl	Hook	Larson
Andersen, R.	Carlson, D.	Erickson	Jacobs	LaVoy
Anderson, D.	Carlson, L.	Esau	Jaros	Lemke
Anderson, G.	Casserly	Faricy	Johnson, C.	Lindstrom, E.
Anderson, I.	Cleary	Ferderer	Johnson, D.	Lindstrom, J.
Becklin	Clifford	Fjoslien	Johnson, J.	Lombardi
Belisle	Connors	Forsythe	Johnson, R.	Long
Bell	Culhane	Fudro	Jopp	Mann
Bennett	Cummiskey	Fugina	Jude	McArthur
Berg	Dahl	Graba	Kahn	McCarron
Berglin	DeGroat	Graw	Kelly	McCauley
Biersdorf	Dieterich	Grove	Kempe	McEachern
Boland	Dirlam	Hagedorn	Klaus	McFarlin
Braun	Eckstein	Hanson	Knickerbocker	McMillan
Brinkman	Eken	Haugerud	Kvam	Menke

Miller, D.	Parish	Resner	Sherwood	Ulland
Miller, M.	Patton	Rice	Sieben, H.	Vanasek
Moe	Pavlak, R.	Ryan	Sieben, M.	Vento
Munger	Pavlak, R. L.	St. Onge	Skaar	Voss
Nelson	Pehler	Salchert	Smith	Weaver
Newcome	Peterson	Samuelson	Spanish	Wenzel
Niehaus	Pieper	Sarna	Stangeland	Wigley
Norton	Pleasant	Savelkoul	Stanton	Wohlwend
Ohnstad	Prahl	Schreiber	Swanson	Wolcott
Ojala	Quirin	Schulz	Tomlinson	Mr. Speaker

The bill was passed and its title agreed to.

H. F. No. 1940, A bill for an act relating to insurance; automobile insurance plan governing committee; revising the membership of said committee; amending Minnesota Statutes 1971, Section 65B.03.

The bill was read for the third time and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 129, and nays 0, as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

H. F. No. 1681, A bill for an act relating to the municipal housing and redevelopment act, providing for the construction of market rate housing in cities of the first class; amending Minnesota Statutes 1971, Sections 462.415, by adding a subdivision; 462.591, by adding a subdivision; 462.611; 462.621, by adding a subdivision; 462.631; 462.645, Subdivision 6; 462.691; and 462.695, Subdivisions 1 and 2.

The bill was read for the third time and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 106, and nays 17, as follows:

Those who voted in the affirmative were:

Adams, J.	Eken	Jude	Myrah	Sieben, H.
Anderson, R.	Enebo	Kahn	Nelson	Sieben, M.
Anderson, G.	Erdahl	Kelly	Newcome	Skaar
Anderson, I.	Erickson	Kempe	Norton	Smith
Belisle	Faricy	Knickerbocker	Parish	Stangeland
Bennett	Ferderer	Kvam	Patton	Stanton
Berg	Fjoslien	Laidig	Pavlak, R.	Swanson
Biersdorf	Forsythe	Larson	Pehler	Tomlinson
Boland	Fudro	LaVoy	Peterson	Ulland
Braun	Graba	Lemke	Pieper	Vanasek
Brinkman	Grove	Lindstrom, E.	Pleasant	Vento
Carlson, A.	Hagedorn	Lindstrom, J.	Prahl	Voss
Carlson, B.	Hanson	Lombardi	Quirin	Weaver
Carlson, L.	Haugerud	Mann	Resner	Wenzel
Casserly	Heinitz	McArthur	Rice	Wigley
Cleary	Hook	McCarron	Ryan	Wohlwend
Clifford	Jacobs	McMillan	St. Onge	Wolcott
Connors	Jaros	Menke	Salchert	Mr. Speaker
Cummiskey	Johnson, C.	Miller, D.	Samuelson	
Dahl	Johnson, D.	Miller, M.	Sarna	
Dirlam	Johnson, J.	Moe	Schreiber	
Eckstein	Jopp	Munger	Sherwood	

Those who voted in the negative were:

Anderson, D.	DeGroat	Klaus	Niehaus	Spanish
Becklin	Dieterich	Long	Ohnstad	
Carlson, D.	Esau	McEachern	Ojala	
Culhane	Fugina	McFarlin	Savelkoul	

The bill was passed and its title agreed to.

H. F. No. 2162 was reported to the House.

Culhane moved to amend H. F. No. 2162, the printed bill, as follows:

Page 1, line 3, strike "\$850" and insert "\$750".

The motion prevailed and the amendment was adopted.

H. F. No. 2162, A bill for an act authorizing the county board of Rice county to annually appropriate money as a contingent fund for use by the chairman of the board for incidental costs and expenses.

The bill was read for the third time, as amended, and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 125, and nays 2, as follows:

Those who voted in the affirmative were:

Adams, J.	Becklin	Boland	Carlson, L.	Cummiskey
Adams, S.	Belisle	Braun	Casserly	Dahl
Anderson, R.	Bennett	Brinkman	Cleary	DeGroat
Anderson, D.	Berg	Carlson, A.	Clifford	Dieterich
Anderson, G.	Berglin	Carlson, B.	Connors	Dirlam
Anderson, I.	Biersdorf	Carlson, D.	Culhane	Eckstein

Eken	Johnson, C.	Long	Pavlak, R.	Sieben, H.
Enebo	Johnson, D.	Mann	Pavlak, R. L.	Sieben, M.
Erdahl	Johnson, J.	McArthur	Pehler	Skaar
Erickson	Johnson, R.	McCarron	Peterson	Smith
Esau	Jopp	McCauley	Pieper	Spanish
Ferderer	Jude	McEachern	Pleasant	Stangeland
Fjoslien	Kahn	McFarlin	Prahl	Stanton
Forsythe	Kelly	McMillan	Quirin	Swanson
Fudro	Kempe	Menke	Resner	Tomlinson
Fugina	Klaus	Miller, D.	Rice	Ulland
Graba	Knickerbocker	Miller, M.	Ryan	Vanasek
Graw	Kvam	Moe	St. Onge	Vento
Grove	Laidig	Munger	Salchert	Voss
Hanson	Larson	Myrah	Samuelson	Weaver
Haugerud	LaVoy	Newcome	Sarna	Wenzel
Heinitz	Lemke	Niehaus	Savelkoul	Wigley
Hook	Lindstrom, E.	Norton	Schreiber	Wohlwend
Jacobs	Lindstrom, J.	Parish	Schulz	Wolcott
Jaros	Lombardi	Patton	Sherwood	Mr. Speaker

Those who voted in the negative were:

Faricy            Ohnstad

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

H. F. No. 1825, A bill for an act relating to insurance; the merger and consolidation of insurance companies; permitting the issuance of securities of a corporation which is not a merging or consolidating corporation or the payment of cash; amending Minnesota Statutes 1971, Section 60A.16, Subdivision 2.

The bill was read for the third time and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 130, and nays 0, as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

H. F. No. 1939, A bill for an act relating to the uniform commercial code; the holding and transferring of investment securities; amending Minnesota Statutes 1971, Sections 336.8-102; 336.8-320; and Chapter 520, by adding a section.

The bill was read for the third time and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 131, and nays 0, as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

H. F. No. 2127, A bill for an act relating to courts; setting the salary of the judge of municipal court in North St. Paul; amending Minnesota Statutes 1971, Section 488.21, Subdivision 2.

The bill was read for the third time and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 124, and nays 4, as follows:

Those who voted in the affirmative were:

Adams, J.	Becklin	Berglin	Carlson, A.	Cleary
Adams, S.	Belisle	Biersdorf	Carlson, B.	Clifford
Andersen, R.	Bell	Boland	Carlson, D.	Connors
Anderson, G.	Bennett	Braun	Carlson, L.	Culhane
Anderson, I.	Berg	Brinkman	Casserly	Cummiskey



Dahl	Hook	Lindstrom, J.	Parish	Sherwood
Dieterich	Jacobs	Lombardi	Patton	Sieben, H.
Dirlam	Jaros	Long	Pavlak, R.	Sieben, M.
Eckstein	Johnson, C.	Mann	Pavlak, R. L.	Skaar
Eken	Johnson, D.	McArthur	Pehler	Smith
Enebo	Johnson, J.	McCauley	Peterson	Stangeland
Erdahl	Johnson, R.	McEachern	Pieper	Stanton
Erickson	Jopp	McFarlin	Pleasant	Swanson
Faricy	Jude	McMillan	Prahl	Tomlinson
Ferderer	Kahn	Menke	Quirin	Ulland
Fjoslien	Kelly	Miller, D.	Resner	Vanasek
Forsythe	Kempe	Miller, M.	Rice	Vento
Fudro	Klaus	Moe	Ryan	Voss
Fugina	Knickerbocker	Munger	St. Onge	Weaver
Graba	Kvam	Myrah	Salchert	Wenzel
Graw	Laidig	Nelson	Samuelson	Wigley
Grove	Larson	Newcome	Sarna	Wohlwend
Hanson	LaVoy	Norton	Savelkoul	Wolcott
Haugerud	Lemke	Ohnstad	Schreiber	Mr. Speaker
Heinitz	Lindstrom, E.	Ojala	Schulz	

Those who voted in the negative were:

Anderson, D. DeGroat Hagedorn Niehaus

The bill was passed and its title agreed to.

H. F. No. 2164 was reported to the House.

Ojala moved that H. F. No. 2164 be laid over for one day. The motion prevailed.

H. F. No. 2208 was reported to the House.

Anderson, I., moved that H. F. No. 2208 be laid over for one day. The motion prevailed.

## CALENDAR

H. F. No. 1295, A bill for an act relating to public education; providing a minute of classroom silence.

The bill was read for the third time and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 73, and nays 18, as follows:

Those who voted in the affirmative were:

Adams, J.	Eckstein	Jacobs	Mann	Samuelson
Adams, S.	Erdahl	Johnson, C.	McArthur	Sarna
Anderson, D.	Erickson	Johnson, J.	McCauley	Savelkoul
Becklin	Esau	Johnson, R.	McEachern	Schreiber
Belisle	Faricy	Jopp	McFarlin	Sherwood
Bennett	Ferderer	Kempe	Myrah	Skaar
Biersdorf	Forsythe	Klaus	Newcome	Stangeland
Carlson, A.	Fudro	Knickerbocker	Niehaus	Swanson
Cleary	Graba	Kvam	Patton	Weaver
Clifford	Graw	Laidig	Pavlak, R. L.	Wenzel
Connors	Hagedorn	Larson	Pehler	Wigley
Culhane	Hanson	Lemke	Peterson	Wohlwend
Dahl	Haugerud	Lindstrom, E.	Pieper	Wolcott
DeGroat	Heinitz	Lombardi	Pleasant	
Dirlam	Hook	Long	Ryan	

Those who voted in the negative were:

Andersen, R.	Boland	Miller, M.	Ojala	Ulland
Bell	Dieterich	Moe	Rice	Mr. Speaker
Berg	Enebo	Munger	St. Onge	
Berglin	Kahn	Norton	Tomlinson	

The bill was passed and its title agreed to.

H. F. No. 140, A bill for an act relating to accident and health insurance; policies to provide for reimbursement for services of osteopath, optometrist or chiropractor; amending Minnesota Statutes 1971, Section 62A.03, Subdivision 1.

The bill was read for the third time and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 104, and nays 19, as follows:

Those who voted in the affirmative were:

Adams, J.	Dieterich	Johnson, D.	Moe	Samuelson
Anderson, G.	Dirlam	Johnson, R.	Munger	Sarna
Anderson, I.	Eckstein	Jopp	Myrah	Schreiber
Becklin	Eken	Jude	Nelson	Schulz
Bennett	Enebo	Kelly	Newcome	Sherwood
Berg	Erdahl	Knickerbocker	Norton	Sieben, H.
Berglin	Erickson	Laidig	Ohnstad	Sieben, M.
Biersdorf	Esau	Larson	Ojala	Skaar
Boland	Faricy	LaVoy	Parish	Smith
Brinkman	Ferderer	Lemke	Patton	Spanish
Carlson, B.	Fudro	Lindstrom, J.	Pavlak, R.	Stanton
Carlson, D.	Fugina	Long	Pavlak, R. L.	Swanson
Carlson, L.	Graba	Mann	Pehler	Tomlinson
Casserly	Grove	McArthur	Peterson	Vanasek
Cleary	Hanson	McCarron	Pieper	Vento
Clifford	Haugerud	McCauley	Pleasant	Voss
Connors	Heinitz	McEachern	Prahl	Wenzel
Culhane	Hook	McMillan	Quirin	Wigley
Cummiskey	Jacobs	Menke	Resner	Wohlwend
Dahl	Jaros	Miller, D.	Ryan	Mr. Speaker
DeGroat	Johnson, C.	Miller, M.	St. Onge	

Those who voted in the negative were:

Andersen, R.	Forsythe	Kempe	Niehaus	Ulland
Anderson, D.	Hagedorn	Lindstrom, E.	Salchert	Weaver
Belisle	Johnson, J.	Lombardi	Savelkoul	Wolcott
Fjoslien	Kahn	McFarlin	Stangeland	

The bill was passed and its title agreed to.

H. F. No. 176 was reported to the House.

Clifford moved that H. F. No. 176 be re-referred to the Committee on Health and Welfare.

A roll call was requested and properly seconded.

The question was taken on the motion by Clifford, and the roll being called, there were yeas 29, and nays 84, as follows:

Those who voted in the affirmative were:

Andersen, R.	Carlson, D.	Kahn	McCarron	Stangeland
Becklin	Clifford	Knickerbocker	McFarlin	Ulland
Belisle	Erickson	Lindstrom, E.	Myrah	Weaver
Bell	Forsythe	Lindstrom, J.	Pleasant	Wigley
Braun	Hook	Lombardi	Salchert	Wolcott
Carlson, A.	Johnson, J.	McArthur	Savelkoul	

Those who voted in the negative were:

Adams, J.	Eckstein	Johnson, R.	Munger	Sarna
Adams, S.	Eken	Jude	Niehaus	Schulz
Anderson, D.	Enebo	Kelly	Norton	Sherwood
Anderson, G.	Esau	Kempe	Ohnstad	Sieben, H.
Anderson, I.	Faricy	Klaus	Ojala	Sieben, M.
Bennett	Fudro	Kvam	Parish	Skaar
Berg	Fugina	Laidig	Patton	Smith
Boland	Graba	LaVoy	Pavlak, R. L.	Spanish
Brinkman	Graw	Lemke	Pehler	Stanton
Carlson, B.	Grove	Long	Peterson	Swanson
Carlson, L.	Hagedorn	Mann	Prahl	Tomlinson
Casserly	Hanson	McEachern	Quirin	Vanasek
Connors	Haugerud	McMillan	Resner	Vento
Culhane	Jacobs	Menke	Rice	Voss
Cummiskey	Jaros	Miller, D.	Ryan	Wenzel
Dahl	Johnson, C.	Miller, M.	St. Onge	Mr. Speaker
Dieterich	Johnson, D.	Moe	Samuelson	

The motion did not prevail.

H. F. No. 176, A bill for an act relating to insurance; requiring inclusion of chiropractic services under group accident and health insurance policies; amending Minnesota Statutes 1971, Section 62A.10, Subdivision 2.

The bill was read for the third time and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 99, and nays 25, as follows:

Those who voted in the affirmative were:

Adams, J.	Eckstein	Johnson, D.	Newcome	Schulz
Adams, S.	Eken	Johnson, R.	Niehaus	Sherwood
Anderson, G.	Enebo	Jopp	Norton	Sieben, H.
Anderson, I.	Erickson	Jude	Ohnstad	Sieben, M.
Bennett	Esau	Kelly	Ojala	Skaar
Berg	Faricy	Klaus	Parish	Smith
Berglin	Ferderer	Kvam	Patton	Spanish
Biersdorf	Fjoslien	Laidig	Pavlak, R.	Stangeland
Boland	Fudro	Larson	Pavlak, R. L.	Stanton
Brinkman	Fugina	LaVoy	Pehler	Swanson
Carlson, B.	Graba	Lemke	Peterson	Tomlinson
Carlson, L.	Graw	Long	Pieper	Vanasek
Casserly	Grove	Mann	Prahl	Vento
Cleary	Hagedorn	McCarron	Resner	Voss
Connors	Hanson	McCauley	Rice	Wenzel
Culhane	Haugerud	McEachern	Ryan	Wigley
Cummiskey	Heinitz	McMillan	Samuelson	Wohlwend
Dahl	Jacobs	Menke	Sarna	Wolcott
DeGroat	Jaros	Miller, D.	Savelkoul	Mr. Speaker
Dieterich	Johnson, C.	Munger	Schreiber	

Those who voted in the negative were:

Andersen, R.	Carlson, D.	Hook	Lindstrom, J.	Myrah
Anderson, D.	Clifford	Johnson, J.	Lombardi	St. Onge
Becklin	Dirlam	Kahn	McArthur	Salchert
Belisle	Flakne	Knickerbocker	McFarlin	Ulland
Carlson, A.	Forsythe	Lindstrom, E.	Miller, M.	Weaver

The bill was passed and its title agreed to.

H. F. No. 889, A bill for an act relating to health; payment of medical and hospital benefits to governmental institutions in certain instances.

The bill was read for the third time and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 131, and nays 0, as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

H. F. No. 1382, A bill for an act relating to insurance; deposits by domestic insurance companies; defining the kind of securities which domestic insurance companies must keep on deposit for the protection of policyholders; requiring all securities to be deposited in a state or national bank in Minnesota; amending Minnesota Statutes 1971, Sections 60A.10, Subdivisions 1 and 4, and by adding a subdivision; 60A.19, Subdivision 5; 61A.41; 63.02; 65A.22; 66A.08, Subdivision 1; and 68A.01, Subdivision 3.

The bill was read for the third time and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 131, and nays 0, as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

H. F. No. 1383, A bill for an act relating to insurance; regulating fees for certain licenses; amending Minnesota Statutes 1971, Sections 60A.14, Subdivision 1; 70A.14, Subdivision 4.

The bill was read for the third time and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 125, and nays 5, as follows:

Those who voted in the affirmative were:

Adams, J.	Cleary	Fudro	Kempe	Menke
Adams, S.	Clifford	Fugina	Klaus	Miller, D.
Andersen, R.	Connors	Graba	Knickerbocker	Miller, M.
Anderson, D.	Cummiskey	Graw	Kvam	Moe
Anderson, G.	Dahl	Growe	Laidig	Munger
Anderson, I.	DeGroat	Hagedorn	Larson	Myrah
Belisle	Dieterich	Hanson	LaVoy	Nelson
Bell	Dirlam	Haugerud	Lemke	Newcome
Bennett	Eckstein	Heinitz	Lindstrom, E.	Niehaus
Berg	Eken	Hook	Lindstrom, J.	Norton
Berglin	Enebo	Jacobs	Lombardi	Ojala
Biersdorf	Erdahl	Jaros	Long	Parish
Boland	Erickson	Johnson, C.	Mann	Patton
Braun	Esau	Johnson, D.	McArthur	Pavlak, R.
Brinkman	Faricy	Johnson, R.	McCarron	Pavlak, R. L.
Carlson, A.	Ferderer	Jopp	McCauley	Pehler
Carlson, B.	Fjoslien	Jude	McEachern	Peterson
Carlson, L.	Flakne	Kahn	McFarlin	Pieper
Casserly	Forsythe	Kelly	McMillan	Pleasant

Prahl	Salchert	Sieben, H.	Swanson	Weaver
Quirin	Samuelson	Sieben, M.	Tomlinson	Wenzel
Resner	Sarna	Skaar	Ulland	Wigley
Rice	Savelkoul	Smith	Vanasek	Wohlwend
Ryan	Schulz	Spanish	Vento	Wolcott
St. Onge	Sherwood	Stanton	Voss	Mr. Speaker

Those who voted in the negative were:

Becklin	Culhane	Johnson, J.	Ohnstad	Stangeland
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The bill was passed and its title agreed to.

Johnson, R., was excused for the remainder of today's session.

### 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 motion of Parish to recommend passage of H. F. No. 1451.

There were yeas 62, and nays 41.

Those who voted in the affirmative were:

Adams, J.	DeGroat	Jude	Menke	Salchert
Andersen, R.	Dirlam	Kahn	Moe	Samuelson
Anderson, G.	Eckstein	Kempe	Munger	Sarna
Anderson, I.	Eken	Klaus	Newcome	Schreiber
Bennett	Enebo	LaVoy	Norton	Schulz
Berglin	Faricy	Lemke	Parish	Searle
Braun	Fudro	Lindstrom, J.	Patton	Sieben, H.
Carlson, B.	Fugina	Lombardi	Peterson	Tomlinson
Carlson, L.	Graba	Mann	Quirin	Vanasek
Casserly	Graw	McCarron	Resner	Mr. Speaker
Connors	Hanson	McEachern	Rice	
Cummiskey	Jacobs	McFarlin	Ryan	
Dahl	Jaros	McMillan	St. Onge	

Those who voted in the negative were:

Adams, S.	Erickson	Jopp	Myrah	Voss
Becklin	Esau	Knickerbocker	Ohnstad	Weaver
Belisle	Ferderer	Laidig	Pehler	Wenzel
Biersdorf	Fjoslien	Larson	Pieper	Wigley
Boland	Forsythe	Lindstrom, E.	Savelkoul	Wohlwend
Cleary	Hagedorn	Long	Skaar	
Clifford	Haugerud	McArthur	Smith	
Culhane	Hook	McCauley	Stangeland	
Erdahl	Johnson, J.	Mueller	Ulland	

The motion prevailed.

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

H. F. Nos. 1191 and 484 which it recommended to pass.

S. F. Nos. 667 and 1386 which it recommended to pass.

H. F. No. 1404 upon which it recommended progress.

S. F. No. 551 upon which it recommended progress.

H. F. No. 1451 upon which it recommended to pass with the following amendment offered by Parish:

The printed bill, as follows:

Page 2, line 32, after "For" and before "purpose" delete "this" and insert in lieu thereof "the".

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

#### MOTION FOR RECONSIDERATION

Sieben, H., moved that the vote whereby H. F. No. 176 was passed on the Calendar today be now reconsidered. The motion prevailed.

H. F. No. 176 was reported to the House.

Sieben, H., moved that H. F. No. 176 be laid over for one day on the Calendar. The motion prevailed.

#### ADJOURNMENT

Mr. Anderson, I., moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:00 p.m., Wednesday, May 2, 1973.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

