

## STATE OF MINNESOTA

## SIXTY-EIGHTH SESSION - 1974

## ONE HUNDRED-FOURTH DAY

SAINT PAUL, MINNESOTA, WEDNESDAY, MARCH 13, 1974

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

Prayer was offered by the Chaplain.

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

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

A quorum was present.

Hanson, Jopp, and McFarlin were excused. Fjoslien was excused until 6:00 p.m.

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

## REPORTS OF CHIEF CLERK

Pursuant to Rules of the House, printed copies of H. F. Nos. 2477, 3436, 1405, and 2767 and S. F. Nos. 1985, 1704, 1823, 1888, 2042, 2477, 2747, 2850, 2898, 2994, 3193, 3212, 3408, and 3479 have been placed in the members' files.

S. F. No. 1253 and H. F. No. 1350, which had been referred to the Chief Clerk for comparison, were examined and found to be identical, except that S. F. No. 1253, page 1, line 20, reads as follows: "hereinafter described in subdivisions 2 through (10) 12 of"; whereas, H. F. No. 1350, page 1, line 20, reads as follows: "hereinafter described in subdivisions 2 through (10) 11 of".

S. F. No. 1253, page 2, lines 23 to 25, read as follows "*all taxing districts. Any part or all of such tax, if so directed by the city council, shall be pledged and appropriated for the payment of any general obligation bonds*"; whereas, H. F. No. 1350, page 2, lines 23 to 25, read as follows: "*all taxing districts. Any part or all of such tax increments, if so directed by the city council, shall be pledged and appropriated for the payment of such general*".

S. F. No. 1253, page 3, line 15, reads as follows: "*district shall not, when added to the total current acreage*"; whereas, H. F. No. 1350, page 3, line 15, reads as follows: "*district shall not when added to the total current acreage*".

S. F. No. 1253, page 3, line 18, reads as follows: "*unrecovered costs remain, exceed ten percent of the total*"; whereas, H. F. No. 1350, page 3, line 18, reads as follows: "*unrecovered costs remain exceed ten percent of the total*".

## SUSPENSION OF RULES

Salchert moved that the rules be so far suspended that S. F. No. 1253 be substituted for H. F. No. 1350 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 2347 and H. F. No. 3484, which had been referred to the Chief Clerk for comparison, were examined and found to be identical, except that S. F. No. 2347, page 1, lines 12 through 14, contain in part, the following language: "This levy shall be subject to the levy limits established by Minnesota Statutes, 1973 Supplement, Sections 275.50 to 275.59."; whereas, H. F. No. 3484 does not contain this language.

## SUSPENSION OF RULES

Sieben, M., moved that the rules be so far suspended that S. F. No. 2347 be substituted for H. F. No. 3484 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 3233 and H. F. No. 3314, which had been referred to the Chief Clerk for comparison, were examined and found to be identical, except H. F. No. 3314, page 1, lines 20 and 21, read:

"Sec. 2. This act shall take effect upon the day following final enactment.";

whereas, S. F. No. 3233, page 1, lines 20 and 21, read:

"Sec. 2. [EFFECTIVE DATE.] This act shall take effect the day following its final enactment."

#### SUSPENSION OF RULES

Sieben, M., moved that the rules be so far suspended that S. F. No. 3233 be substituted for H. F. No. 3314 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 3023 and H. F. No. 2938, which had been referred to the Chief Clerk for comparison, were examined and found to be identical, except that S. F. No. 3023, page 1, line 9, reads as follows: "Section 1. Minnesota Statutes 1971, Section 474.02, is"; whereas, H. F. No. 2938, page 1, lines 8 and 9, read in part: "Section 1. Minnesota Statutes, 1973 Supplement, Section 474.02, is".

In the title, S. F. No. 3023, lines 4, 5, 6, and 7 read as follows: "bonds; amending Minnesota Statutes 1971, Section 474.02, by adding a subdivision; and Minnesota Statutes, 1973 Supplement, Section 474.06."; whereas, in the title, H. F. No. 2938, lines 4, 5, and 6 read as follows: "bonds; amending Minnesota Statutes, 1973 Supplement, Sections 474.02, by adding a subdivision; and 474.06."

#### SUSPENSION OF RULES

Casserly moved that the rules be so far suspended that S. F. No. 3023 be substituted for H. F. No. 2938 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 3123 and H. F. No. 3246, which had been referred to the Chief Clerk for comparison, were examined and found to be identical, except that S. F. No. 3123, page 2, line 3, reads: "of services or merchandise."; whereas, H. F. No. 3246, page 2, line 3, reads: "of service or merchandise."

S. F. No. 3123, page 2, lines 10 to 16, read: "rendered. Money received by a club from a financial institution upon assignment of a contract shall be considered prepayment when and to the extent the member is required to make prepayments to the financial institution pursuant to the contract."

Subd. 9. "Business day" means any day other than a Saturday, Sunday, or holiday as defined in section 645.44."; whereas, H. F. No. 3246, page 2, line 10 reads: "rendered."

S. F. No. 3123, page 3, line 28, reads: "shall be valid for a term longer than one year from the date"; whereas, H. F. No. 3246, page 3, line 22, reads: "shall be valid for a term longer than two years from the".

S. F. No. 3123, page 4, line 3, reads: "period longer than one year after the member has been a"; whereas, H. F. No. 3246, page 3, line 25, reads: "period longer than two years after the member has been a".

S. F. No. 3123, page 4, lines 13 to 16, read: "membership entered into after May 31, 1974, and (b) the total of all deposits being held on merchandise ordered or purchased through the club, pursuant to contracts entered into after May 31, 1974."; whereas, H. F. No. 3246, page 4, lines 7 and 8, read: "membership in force and (b) the total of all deposits being held on merchandise ordered or purchased through the club."

S. F. No. 3123, page 4, lines 21 and 22, read: "prepayment received for all contracts of membership entered into after May 31, 1974."; whereas, H. F. No. 3246, page 4, lines 13 and 14, read: "prepayment received for all contracts of membership in force."

S. F. No. 3123, page 4, lines 27 and 28, and page 5, line 1, read: "loss of prepayment made pursuant to a contract entered into after May 31, 1974, due to a breach of contract, insolvency of the club or the cessation of business by the club. A"; whereas, H. F. No. 3246, page 4, lines 19 and 20, read in part: "loss of prepayment due to insolvency of the club or the cessation of business by the club. A".

H. F. No. 3246, page 6, lines 4 to 6, contain the following language:

"Sec. 7. [EFFECTIVE DATE.] This act shall be effective as to all contracts entered into or deposits made on merchandise ordered or purchased on or after August 1, 1974.";

whereas, S. F. No. 3123 does not contain this language.

#### SUSPENSION OF RULES

Stanton moved that the rules be so far suspended that S. F. No. 3123 be substituted for H. F. No. 3246 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 707 and H. F. No. 903, which had been referred to the Chief Clerk for comparison, were examined and found to be

identical, except that S. F. No. 707, after the enacting clause, reads as follows:

"Section 1. Minnesota Statutes 1971, Section 466.05, is amended to read:

466.05 [NOTICE OF CLAIM.] Subdivision 1. [NOTICE REQUIRED.] *Except as provided in subdivisions 2 and 3, every person who claims damages from any municipality for or on account of any loss or injury within the scope of section 466.02 shall cause to be presented to the governing body of the municipality within (30) 60 days after the alleged loss or injury is discovered a (WRITTEN) notice stating the time, place and circumstances thereof, and the amount of compensation or other relief demanded. Actual notice of sufficient facts to reasonably put the governing body of the municipality or its insurer on notice of a possible claim shall be construed to comply with the notice requirements of this section. Failure to state the amount of compensation or other relief demanded does not invalidate the notice; but in such case, the claimant shall furnish full information regarding the nature and extent of the injuries and damages within 15 days after demand by the municipality. No action therefor shall be maintained unless such notice has been given and unless the action is commenced within one year after such notice. The time for giving such notice does not include the time, not exceeding 90 days, during which the person injured is incapacitated by the injury from giving the notice.*

Subd. 2. [EXCEPTIONS TO THE NOTICE REQUIREMENT.] *Notice shall not be required to maintain an action for damages for or on account of any loss or injury within the scope of section 466.02 if such injury or loss:*

(a) *arises out of an intentional tort committed by an officer, employee or agent of the municipality; or*

(b) *involves a motor vehicle or other equipment owned by the municipality or operated by an officer, employee or agent of the municipality.*

Subd. (2) 3. [CLAIMS FOR WRONGFUL DEATH; NOTICE.] *When the claim is one for death by wrongful act or omission, the notice may be presented by the personal representative, surviving spouse, or next of kin, or the consular officer of the foreign country of which the deceased was a citizen, within one year after the alleged injury or loss resulting in such death; (BUT) if the person for whose death the claim is made has presented a notice that would have been sufficient had he lived an action for wrongful death may be brought without any additional notice."*

whereas, H. F. No. 903, after the enacting clause, reads:

"Section 1. Minnesota Statutes 1971, Section 466.05, Subdivision 1, is amended to read:

466.05 [NOTICE OF CLAIM.] Subdivision 1. [NOTICE REQUIRED.] *As to all claims arising after August 1, 1974, every person who claims damages from any municipality for or on account of any loss or injury within the scope of section 466.02 shall cause to be presented to the governing body of the municipality within (30) 90 days after the alleged loss or injury a written notice stating the time, place and circumstances thereof, and the amount of compensation or other relief demanded. Failure to state the amount of compensation or other relief demanded does not invalidate the notice; but in such case, the claimant shall furnish full information regarding the nature and extent of the injuries and damages within 15 days after demand by the municipality. No action therefor shall be maintained unless such notice has been given or the municipality had actual knowledge within said 90 days and unless the action is commenced within one year after such notice. The time for giving such notice does not include the time, not exceeding 90 days, during which the person injured is incapacitated by the injury from giving the notice.*

Sec. 2. Minnesota Statutes 1971, Section 466.05, Subdivision 2, is amended to read:

Subd. 2. [CLAIMS FOR WRONGFUL DEATH; NOTICE.] (WHEN THE CLAIM IS ONE) *As to all claims for death by wrongful act or omission (,) arising after August 1, 1974 the notice may be presented by the personal representative, surviving spouse, or next of kin, or the consular officer of the foreign country of which the deceased was a citizen, within one year after the alleged injury or loss resulting in such death (;). No notice shall be required if the municipality had actual knowledge within said one year period. Also no additional notice shall be required (BUT) if either the person for whose death the claim is made has presented a notice within 90 days after the alleged loss or injury that would have been sufficient as to claims arising after August 1, 1974 had he lived, (AN ACTION FOR WRONGFUL DEATH MAY BE BROUGHT WITHOUT ANY ADDITIONAL NOTICE) or if the municipality had actual knowledge within said 90 days."*

The title of S. F. No. 707 reads:

"A bill for an act relating to tort liability; political subdivisions; defining notice; extending time for notice of claims and eliminating notice requirements for intentional torts and vehicular accidents; amending Minnesota Statutes 1971, Section 466.05."

whereas, the title of H. F. No. 903 reads:

"A bill for an act relating to tort liability; political subdivisions; extending time for notice of claim and providing for

actual notice; amending Minnesota Statutes 1971, Section 466.05, Subdivisions 1 and 2.”.

#### SUSPENSION OF RULES

Hook moved that the rules be so far suspended that S. F. No. 707 be substituted for H. F. No. 903 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 3360 and H. F. No. 3432, which had been referred to the Chief Clerk for comparison, were examined and found to be identical except H. F. No. 3432, page 1, lines 14 and 15, reads in part “this act (.) *or the district may at any time*”; whereas S. F. No. 3360, page 1, lines 14 and 15, reads in part “this act (.) *or the board of education of the district may by resolution at any time*”.

#### SUSPENSION OF RULES

Quirin moved that the rules be so far suspended that S. F. No. 3360 be substituted for H. F. No. 3432 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 2918 and H. F. No. 3348, which had been referred to the Chief Clerk for comparison, were examined and found to be identical, except H. F. No. 3348, page 8, line 18, after “Sec. 10.” through page 9, line 4, contains the following language: “Minnesota Statutes 1971, Section 546.27, is amended to read:

546.27 [DECISION BY THE COURT.] (WHEN AN ISSUE OF FACT HAS BEEN TRIED BY THE COURT, THE DECISION SHALL BE IN WRITING, THE FACTS FOUND AND THE CONCLUSION OF LAW SHALL BE SEPARATELY STATED, AND JUDGMENT SHALL BE ENTERED ACCORDINGLY.) All questions of fact and law, and all motions and matters submitted to a judge for his decision, shall be disposed of and his decision filed with the clerk within 90 days after such submission, unless sickness or casualty shall prevent, or the time be extended by written consent of the parties. No part of the salary of any judge shall be paid unless the voucher therefor be accompanied by a certificate of the judge that he has fully complied with the requirements of this section.”;

whereas, S. F. No. 2918 does not contain this language.

In the title, H. F. No. 3348, line 10, after “546.25;” contains “546.27;”; whereas, S. F. No. 2918 does not contain this number.

#### SUSPENSION OF RULES

Sieben, H., moved that the rules be so far suspended that S. F. No. 2918 be substituted for H. F. No. 3348 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 3160 and H. F. No. 3309, which had been referred to the Chief Clerk for comparison, were examined and found to be identical except that S. F. No. 3160, page 1, lines 28, 29 and 30 read as follows: "by United States mail, to representatives of associations or other interested groups or persons who have registered their names with the secretary of state for that purpose *and in*"; whereas H. F. No. 3309, page 1, lines 28, 29 and 30 read as follows: "(, BY UNITED STATES MAIL, TO REPRESENTATIVES OF ASSOCIATIONS OR OTHER INTERESTED GROUPS OR PERSONS WHO HAVE REGISTERED THEIR NAME WITH THE SECRETARY OF STATE FOR THAT PURPOSE) *in*".

S. F. No. 3160, page 2, line 15, reads as follows: "*Any rule adopted after July 1, 1975 which is not published*"; whereas H. No. 3309, page 2, line 15, reads as follows: "*Any rule adopted after July 1, 1974 which is not published*".

S. F. No. 3160, page 5, lines 10 and 11 read as follows: "*of administration and at a price as the commissioner of administration shall determine. The commissioner of*"; whereas H. F. No. 3309, page 2, line 10, reads in part: "*of administration. The commissioner of*".

S. F. No. 3160, page 6, line 17, reads as follows: "*adopted rules or changes thereof, or executive order shall*"; whereas H. F. No. 3309, page 6, line 16, reads in part: "*adopted rules or changes thereof shall*".

S. F. No. 3160, page 7, line 3, reads as follows:

"Sec. 9. This act is effective on July 1, 1975.";

whereas H. F. No. 3309, page 7, line 2, reads as follows:

"Sec. 9. This act is effective on June 30, 1974."

#### SUSPENSION OF RULES

Sieben, H., moved that the rules be so far suspended that S. F. No. 3160 be substituted for H. F. No. 3309 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 2975 and H. F. No. 3138, which had been referred to the Chief Clerk for comparison, were examined and found to be identical except that S. F. No. 2975, page 1, line 25, reads as follows: "to one-third mill times the assessed value of taxable"; whereas H. F. No. 3138, page 1, line 25, reads as follows: "to one-third mill times the assessed value of all taxable".

In S. F. No. 2975, page 2, lines 3 to 7 read as follows: "unless the city contributes to the construction or improvement in an amount that the county board and the city by agreement deter-



mine to be fair and equitable and in no case to be more than 45 percent of the cost of the construction or improvement.”; whereas H. F. No. 3138, page 2, lines 3 to 6 read as follows: “unless the city agrees to contribute to the construction or improvement in an amount that the county board determines to be fair and equitable and in no case to be more than ten percent of the cost of the construction or improvement.”.

#### SUSPENSION OF RULES

Pavlak, R. L., moved that the rules be so far suspended that S. F. No. 2975 be substituted for H. F. No. 3138 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 2285 and H. F. No. 3462, which had been referred to the Chief Clerk for comparison, were examined and found to be identical, except that S. F. No. 2285, page 1, line 20, reads as follows: “other divisions of land (OF ONE ACRE OR LESS IN AREA), for”; whereas, H. F. No. 3462, page 1, line 16, reads: “other divisions of land, (OF ONE ACRE OR LESS IN AREA,) for”.

S. F. No. 2285, page 5, line 23, reads: “Sec. 7. [MINNESOTA STATUTES, 1969, SECTION 462.358,”; whereas, H. F. No. 3462, page 5, line 21, reads: “Sec. 7. [MINNESOTA STATUTES 1971, SECTION 462.358,”.

S. F. No. 2285, page 6, line 14, reads: “*The provisions of Minnesota Statutes, Section 462.358,*”; whereas, H. F. No. 3462, page 6, line 12, reads: “*The provisions of Minnesota Statutes 1971, Section*”.

S. F. No. 2285, page 7, lines 13 and 14, read: “*recorded under the provisions of Minnesota Statutes, Section 462.358, Subdivision 4,*”; whereas, H. F. No. 3462, page 7, lines 11 and 12, read: “*recorded under the provisions of Laws 1933, Chapter 93, Section 7, as amended.*”.

The title of S. F. No. 2285 reads as follows:

“A bill for an act relating to the city of Duluth; expanding the subdivision control and regulatory power of the planning commission; modifying the procedure for approval of plats by such commission; making Minnesota Statutes, Section 462.358, Subdivision 4, applicable to the city; adopting additional building restrictions; amending Laws 1933, Chapter 93, Sections 1, 2, 4, 5, 6, 7 and 10.”;

whereas the title of H. F. No. 3462 reads:

“A bill for an act relating to the city of Duluth; redefining a subdivision; modifying the procedure for approval of plats by

the planning commission; making certain state laws applicable to the city; amending Laws 1933, Chapter 93, Sections 1, 2, 4, 5, 6, 7 and 10."

#### SUSPENSION OF RULES

LaVoy moved that the rules be so far suspended that S. F. No. 2285 be substituted for H. F. No. 3462 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 3033 and H. F. No. 3100, which had been referred to the Chief Clerk for comparison, were examined and found to be identical, except H. F. No. 3100, page 27, line 1, reads "the district court. *In the event survivor benefits are*"; whereas S. F. No. 3033, page 27, line 1, reads "the district court. *In the event all survivor benefits are*".

H. F. No. 3100, page 39, line 20 reads:

"June 30, 1967                \$432                \$144";

whereas S. F. No. 3033, page 39, line 20 reads:

"June 30, 1967                \$432                \$216".

#### SUSPENSION OF RULES

Moe moved that the rules be so far suspended that S. F. No. 3033 be substituted for H. F. No. 3100 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 3144 and H. F. No. 3307, which had been referred to the Chief Clerk for comparison, were examined and found to be identical, except that S. F. No. 3144, page 21, lines 3 and 4 read as follows:

"Sec. 26. This act is effective the day following its final enactment.";

whereas H. F. No. 3307, page 21, line 3, reads:

"Sec. 26. This act is effective July 1, 1974."

#### SUSPENSION OF RULES

Parish moved that the rules be so far suspended that S. F. No. 3144 be substituted for H. F. No. 3307 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 2933 and H. F. No. 2847, which had been referred to the Chief Clerk for comparison, were examined and found to

be identical except that S. F. No. 2933, page 1, line 15, reads as follows: "*act shall include coverage for payment of the costs of*"; whereas H. F. No. 2847, page 1, line 15, reads as follows: "*act shall include coverage for payment of the costs of minor*".

S. F. No. 2933, page 1, lines 18 and 19 read as follows: "*out-patient basis on the same terms as it provides coverage in other facilities.*"; whereas H. F. No. 2847, page 1, line 18, reads as follows: "*out-patient basis.*".

S. F. No. 2933, page 1, lines 24 to 28 read as follows: "*renewed after the effective date of this act shall include coverage for payment of the costs of surgery performed in a free-standing ambulatory facility primarily used for performing surgery on an outpatient basis on the same terms as it provides coverage in other facilities.*"; whereas H. F. No. 2847, page 1, lines 23 to 27 read as follows: "*renewed after the effective date of this act which includes coverage for surgical expense shall not exclude coverage for payment of the costs of surgery performed in a free-standing ambulatory facility primarily used for performing surgery on an outpatient basis.*".

S. F. No. 2933, page 1, line 31 reads in part as follows:

"[144.965] [OUTPATIENT SURGERY CENTERS.]";

whereas H. F. No. 2847, page 1, line 30 reads in part as follows:

"[144.941] [OUTPATIENT SURGERY CENTERS.]".

S. F. No. 2933, page 2, line 17, reads as follows: "Minnesota Statutes 1969, Section 144.583; (OR) any boarding"; whereas H. F. No. 2847, page 2, line 16, reads as follows: "Minnesota Statutes 1969, Section 144.583; or any boarding".

#### SUSPENSION OF RULES

Pehler moved that the rules be so far suspended that S. F. No. 2933 be substituted for H. F. No. 2847 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 2759 and H. F. No. 3063, which had been referred to the Chief Clerk for comparison, were examined and found to be identical, except that after the enacting clause S. F. No. 2759 reads as follows:

"Section 1. Minnesota Statutes, 1973 Supplement, Section 16.027, Subdivision 8, is amended to read:

Subd. 8. (1) At the request of an officer or employee of the state of Minnesota *or any political subdivision thereof*, the appointing authority shall, by payroll deduction, defer the payment of such part of the compensation of the officer or employee

as provided in a written agreement between the officer or employee and the state of Minnesota *or political subdivision* in such a manner as will qualify the deferred amount for benefits afforded under federal and state tax laws, regulations, and rulings.

(2) The amount of compensation so deferred shall be used to purchase shares in the Minnesota supplemental retirement fund established in section 11.18. The shares so purchased shall stand in the name of the state of Minnesota for the officer or employee whose deferred compensation purchased said shares until distributed to said officer or employee in a manner agreed upon by the appointing authority and the employee. Nothing in this subdivision shall be construed as to authorize an employer contribution, nor shall the state be responsible for any loss which may result from investment of the deferred compensation.

(3) The provisions of this subdivision, except clause (2), shall be administered by the Minnesota state retirement system pursuant to the provisions of clause (4).

(4) The commissioner of administration shall establish rules, regulations, and procedures to carry out the provisions of this subdivision including allocation of administrative costs against the assets accumulated under this subdivision. Funds to pay such costs are hereby appropriated from the fund or account in which the assets accumulated under this subdivision are placed.

Sec. 2. This act shall take effect on the day following its enactment.”;

whereas, after the enacting clause, H. F. No. 3063 reads as follows:

“Section 1. Minnesota Statutes 1971, Section 16.027, is amended by adding a subdivision to read:

*Subd. 9. It is the policy of the legislature that the plan authorized in subdivision 8 apply to all officers and employees of all governmental units of the state and to all members of the public employees retirement association. After approval of their inclusion by the proper official of the United States Internal Revenue Service, at the request of an officer or employee, the governing body of any city, town, county, school district, public corporation, public authority, special district or other political subdivision shall defer and forward to the Minnesota state retirement system a part of such officer's or employee's income in accord with and for the purpose set out in subdivision 8 and rules, regulations and procedures promulgated thereunder. The commissioner of administration shall certify the date on which the approval of the proper officer of the United States Internal Revenue Service was obtained, and thereafter no governmental unit listed herein shall be authorized under Minnesota Statutes, Section 471.615, statutes authorizing contracts to meet the re-*

*quirements of section 403(b) of the Federal Internal Revenue Code or any other express or implied authority to negotiate or purchase deferred compensation contracts providing for payment in a lump sum or periodic payments for life or a period certain for its officers or employees, provided if the commissioner of administration certifies that the approval of the Internal Revenue Service has been withdrawn from the plan herein this proscription shall not thereafter apply to statutes authorizing governmental units to negotiate and purchase contracts that meet the requirements of section 403(b) of the Federal Internal Revenue Code. This subdivision shall not apply to deferred compensation contracts entered into prior to the date, as certified by the commissioner, approval of the plan was obtained, provided that if a contract is renegotiated or its terms changed after such date, it shall be deemed to have been entered into after the certification and no compensation shall be deferred pursuant to the contract.*

Sec. 2. This act is effective the day following final passage.”.

In the title in S. F. No. 2759, page 1, lines 5 and 6 read as follows: “Minnesota Statutes, 1973 Supplement, Section 16.027, Subdivision 8.”; whereas, in the title in H. F. No. 3063, page 1, lines 5 and 6 read as follows: “Minnesota Statutes 1971, Section 16.027, by adding a subdivision.”.

#### SUSPENSION OF RULES

Parish moved that the rules be so far suspended that S. F. No. 2759 be substituted for H. F. No. 3063 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 3189 and H. F. No. 3179, which had been referred to the Chief Clerk for comparison, were examined and found to be identical, except that S. F. No. 3189, page 4, line 13, reads as follows: “*urban or rural area or any part thereof solely because of*”; whereas, H. F. No. 3179, page 4, line 13 reads: “*urban or rural area or any portion thereof solely because of*”.

#### SUSPENSION OF RULES

Berglin moved that the rules be so far suspended that S. F. No. 3189 be substituted for H. F. No. 3179 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 3372 and H. F. No. 3481, which had been referred to the Chief Clerk for comparison, were examined and found to be identical, except that H. F. No. 3481, page 1, lines 14 through 16, contain in part, the following new language: “*and for day care services on the recommendations of the appropriate advisory council*”. S. F. No. 3372 does not contain this language.

## SUSPENSION OF RULES

Berglin moved that the rules be so far suspended that S. F. No. 3372 be substituted for H. F. No. 3481 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 3183 and H. F. No. 3272, which had been referred to the Chief Clerk for comparison, were examined and found to be identical, except H. F. No. 3272, page 1, line 30 through page 2, line 10, reads:

"Sec. 2. Laws 1973, Chapter 327, Section 8, Subdivision 2, is amended to read:

Subd. 2. General obligation bonds under this section shall be issued in such amounts as required, but in no event shall they exceed the amount of \$1,000,000, at such times and in such series as the authority shall determine by resolution, subject to the approval and ratification of the city council, evidenced by resolution. Except as otherwise provided by this section, the maturities, any right of prior redemption, execution, paying agency, provision for interest, or other terms of the bonds, shall be subject to the provisions of Minnesota Statutes, Sections 475.54 to 475.56. *Bonds issued under this section may be issued for public or negotiated sale.*";

whereas S. F. No. 3183, page 1, line 32 through page 2, line 23, reads:

"Sec. 2. Laws 1973, Chapter 327, Section 7, Subdivision 3, is amended to read:

Subd. 3. In the authorizing resolution, the authority may provide covenants for the protection of the bondholders relating to disposition of bond proceeds and revenues; reserves and investment thereof; construction, acquisition, repair, replacement, operation and insurance of the recreation area buildings and facilities; accounting and reports; issuance of parity or subordinate lien bonds; rates and charges to be established or maintained; and such other covenants as the authority shall find to be usual and reasonable for the protection of revenue bondholders.

The authority may also define the event or events of default and other requisites for suit by bondholders or their representatives, conditions of bond registration or replacement, and conditions upon which any covenant may be amended. Any terms, covenants, or conditions of revenue bonds to be provided by resolution of the authority may be set forth in a trust indenture with a corporation having trust powers appointed by the authority, with the approval of the city council, to represent and act for bondholders, and to hold and disburse pledged revenues, and to

perform such other duties as may be provided in the trust indenture; (BUT NO) such trust indenture (SHALL) *may* confer or authorize (ANY) a mortgage lien on the real or operating properties or general funds of the authority."

In the title, H. F. No. 3272, lines 6 through 11, reads: "thereof; authorizing the issuance of an on-sale liquor license to the Spirit Mountain recreation area authority; amending Laws 1973, Chapter 327, Sections 7, Subdivision 1; 8, Subdivision 2; and by adding a section."; whereas S. F. No. 3183, lines 6 through 13, reads: "thereof; permitting mortgage liens on the property of the authority; authorizing the issuance of an on-sale liquor license to the Spirit Mountain recreation area authority; amending Laws 1973, Chapter 327, Section 7, Subdivisions 1 and 3; and by adding a section."

#### SUSPENSION OF RULES

Jaros moved that the rules be so far suspended that S. F. No. 3183 be substituted for H. F. No. 3272 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 3287 and H. F. No. 3404, which had been referred to the Chief Clerk for comparison, were examined and found to be identical, except H. F. No. 3404, page 3, lines 5 to 7, reads as follows: "*in the development of the plan of major private sector providers of services related to those services which are publicly provided;*"; whereas S. F. No. 3287, page 1, lines 27 and 28, reads: "*in the development of the plan by major private sector providers of related services;*".

H. F. No. 3404, page 4, line 3, reads: "*providers. The remaining members shall represent the*"; whereas S. F. No. 3287, page 2, lines 21 and 22, reads: "*providers if such providers exist in the county or counties party to the agreement. The remaining members shall*".

H. F. No. 3404, page 5, lines 4 to 9, reads:

*"Prior to adoption of the plan by the human services board there shall be a public hearing on the plan. Annually, the human services board shall, as far as practicable, publish or otherwise circulate notice of its intended plan and afford interested persons opportunity to submit data or views orally or in writing."*

whereas S. F. No. 3287, page 4, lines 7 to 12, reads:

*"Prior to adoption of the plan by the human services board there shall be a public hearing on the plan. As far as practicable, the human services board shall annually publish or otherwise circulate notice of its proposed plan and afford interested persons opportunity to submit data or views orally or in writing."*

H. F. No. 3404, page 2, line 5 after "county." to line 15, contains the following language: "*Such study shall also include an evaluation of existing state and federal requirements for comprehensive planning at the local level for the delivery of social services and proposals for strengthening such requirements to encourage (a) closer cooperation and coordination between public and private agencies furnishing social services, (b) greater utilization of auxiliary personnel; (c) more experimentation with purchase of service alternatives, and (d) a greater degree of sharing of capital facilities and specialized personnel among various public and private agencies.*"; whereas S. F. No. 3287 does not contain this language.

#### SUSPENSION OF RULES

Swanson moved that the rules be so far suspended that S. F. No. 3287 be substituted for H. F. No. 3404 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 3175 and H. F. No. 3445, which had been referred to the Chief Clerk for comparison, were examined and found to be identical except H. F. No. 3445, page 1, line 13 after "*Subd.*" reads in part "*4a.*"; whereas S. F. No. 3175, page 1, line 13 after "*Subd.*" reads in part "*4.*".

H. F. No. 3445, page 3, lines 12 and 13, reads: "*ORGANIZATIONS.] No person who is a member, who acts in an advisory capacity to, or employee of, or who furnishes*"; whereas S. F. No. 3175, page 3, lines 12 and 13, reads: "*ORGANIZATIONS.] No person who is a member or employee of, who acts in an advisory capacity to or who furnishes counsel*".

#### SUSPENSION OF RULES

Swanson moved that the rules be so far suspended that S. F. No. 3175 be substituted for H. F. No. 3445 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 2576 and H. F. No. 2591, which had been referred to the Chief Clerk for comparison, were examined and found to be identical except H. F. No. 2591, after the enacting clause, reads as follows:

"Section 1. Minnesota Statutes 1971, Section 394.22, Subdivision 6, is amended to read:

Subd. 6. "Official control" means legislatively defined and enacted policies, standards, precise detailed maps, and other criteria, all of which control the physical development of a municipality or a county or any part thereof or any detail thereof, and are the means of translating into (REGULATIONS AND) ordinances all or any part of the general objectives of the comprehensive



plan. Such official controls may include but are not limited to ordinances establishing zoning, subdivision (CONTROL, PLATTING) controls, site plan regulations, sanitary codes, building codes, housing codes, and (THE ADOPTION OF DETAILED) official maps.

Sec. 2. Minnesota Statutes 1971, Section 394.22, is amended by adding a subdivision to read:

*Subd. 7. "Conditional use" means a land use or development as defined by ordinance that would not be appropriate generally but may be allowed with appropriate restrictions as provided by official controls upon a finding that (1) certain conditions as detailed in the zoning ordinance exist, and (2) the use or development conforms to the comprehensive land use plan of the county and to the declaration of state environmental policy and standards set forth in Laws 1973, Chapter 412, and (3) is compatible with the existing neighborhood.*

Sec. 3. Minnesota Statutes 1971, Section 394.22, is amended by adding a subdivision to read:

*Subd. 8. "Nonconformity" means any legal use, structure or parcel of land already in existence, recorded, or authorized before the adoption of official controls or amendments thereto that would not have been permitted to become established under the terms of the official controls as now written, if the official controls had been in effect prior to the date it was established, recorded or authorized.*

Sec. 4. Minnesota Statutes 1971, Section 394.22, is amended by adding a subdivision to read:

*Subd. 9. "Comprehensive plan" means the policies, statements, goals, and interrelated plans for private and public land and water use, transportation, and community facilities including recommendations for plan execution, documented in texts, ordinances and maps which constitute the guide for the future development of the county or any portion of the county.*

Sec. 5. Minnesota Statutes 1971, Section 394.22, is amended by adding a subdivision to read:

*Subd. 10. "Variance" means any modification or variation of land development standards contained in official controls where it is determined that, by reason of exceptional circumstances, the strict enforcement of the official controls would cause unnecessary hardship.*

Sec. 6. Minnesota Statutes 1971, Section 394.22, is amended by adding a subdivision to read:

Subd. 11. *"Town" means any town, including those with the powers of villages pursuant to law.*

Sec. 7. Minnesota Statutes 1971, Section 394.22, is amended by adding a subdivision to read:

Subd. 12. *"Official map" means a map adopted in accordance with section 51 of this act which may show existing county roads and county state aid highways, proposed future county roads and highways and the area needed for widening existing county roads and highways. An official map may also show the location of existing and future public land and other public facilities owned or planned by the county. When requested in accordance with section 394.32, subdivision 3, an official map may include existing and planned public land uses within incorporated areas.*

Sec. 8. Minnesota Statutes 1971, Section 394.22, is amended by adding a subdivision to read:

Subd. 13. *"Subdivision" means any division of an existing lot, parcel, or tract of land into two or more parcels for any purpose whether by platting, metes and bounds conveyance, contract for deed, easement, leasing, or by any other plans, terms and conditions.*

Sec. 9. Minnesota Statutes 1971, Section 394.23, is amended to read:

394.23 [COMPREHENSIVE PLAN.] The board shall have the power and authority to prepare and adopt by ordinance, a comprehensive plan (FOR THE ORDERLY FUTURE PHYSICAL DEVELOPMENT OF THE AREA OF THE COUNTY OR PARTS THEREOF OUTSIDE THE INCORPORATED LIMITS OF MUNICIPALITIES. THE PLAN, WHICH MAY INCLUDE TEXT AND MAPS, SHALL BE APPROVED AND CERTIFIED BY THE BOARD AND WHEN SO CERTIFIED SHALL BE REFERRED TO AS THE COMPREHENSIVE PLAN. THE PLAN MAY THEREAFTER BE AMENDED OR ADDED TO BY THE BOARD). *A comprehensive plan or plans when adopted by ordinance shall be the basis for official controls adopted under the provisions of sections 394.21 to 394.37.*

Sec. 10. Minnesota Statutes 1971, Section 394.24, Subdivision 1, is amended to read:

394.24 [OFFICIAL CONTROLS.] Subdivision 1. Official controls which shall further the purpose and objectives of the comprehensive plan and parts thereof shall be adopted by (RESOLUTION BY THE BOARD) *ordinance.*

Sec. 11. Minnesota Statutes 1971, Section 394.24, Subdivision 2, is amended to read:

Subd. 2. Official controls adopted by a board (SHALL) *may* apply to and be binding upon (ONLY THAT AREA OR) *the county or any parts thereof (OUTSIDE) including areas within the incorporated limits of a (CITY, VILLAGE, OR BOROUGH) municipality, when requested by the municipality under section 394.32.*

Sec. 12. Minnesota Statutes 1971, Section 394.24, is amended by adding a subdivision to read:

*Subd. 3. For the area within which official controls adopted by the board are effective, such controls shall apply to the use of land for both private and public purposes, provided that the need for adequate, timely and convenient public and semi-public services and facilities must receive due consideration in the formulation, administration and enforcement of all official controls and no land owned or leased by the federal or state government shall be subject to official controls of the county.*

Sec. 13. Minnesota Statutes 1971, Section 394.24, is amended by adding a subdivision to read:

*Subd. 4. Nothing in sections 394.21 to 394.37 authorizes any county to adopt official controls that constitute a taking of real or personal property or unequal protection of the laws in violation of the constitution of this state or of the United States.*

Sec. 14. Minnesota Statutes 1971, Section 394.25, Subdivision 1, is amended to read:

394.25 [FORMS OF CONTROL.] Subdivision 1. Official controls *shall be adopted by ordinance and may include but are not limited to the features set forth in this section.*

Sec. 15. Minnesota Statutes 1971, Section 394.25, Subdivision 2, is amended to read:

Subd. 2. (THE ESTABLISHMENT OF) Zoning ordinances establishing districts within which (DISTRICTS) the use of land and the surface of water pursuant to Laws 1973, Chapter 702, for agriculture, forestry, recreation, residence, industry, trade, soil conservation, water supply conservation, surface water drainage and removal, conservation of shorelands, as defined in section 105.485, and additional uses of land and the surface of water, pursuant to Laws 1973, Chapter 702, may be by official controls encouraged, regulated, or prohibited and for such purpose the board may divide the county into districts of such number, shape, and area as may be deemed best suited to carry out the comprehensive plan. *With the assistance and consultation of the commissioner of natural resources, official controls may be applied to wetlands preservation, open space, parks, sewage disposal, protection of ground water, protection of flood plains as defined in section 104.02, protection of wild, scenic or recreational rivers*

*as defined in section 104.33, protection of slope, soils, unconsolidated materials or bedrock from potentially damaging development, preservation of forests, woodlands and essential wildlife habitat, reclamation of non-metallic mining lands; and with the assistance and consultation of the county extension service, preservation of agricultural lands.*

Sec. 16. Minnesota Statutes 1971, Section 394.25, Subdivision 3, is amended to read:

Subd. 3. (FOR EACH SUCH DISTRICT A) Zoning ordinances may provide for regulations (ORDINANCE OR MAP OR REGULATIONS OR PROVISIONS MAY ALSO BE ADOPTED) designating or limiting the location, height, bulk, number of stories, size of, and the specific uses for which dwellings, buildings, and structures may (HEREAFTER) be erected or altered; the minimum and maximum size of yards, courts, or other open spaces; setback from existing roads and highways and roads and highways designated on an official map; (SANITARY, SAFETY, AND) protective measures necessary to protect the public interest including but not limited to controls relating to appearance, signs, lighting, hours of operation and other esthetic performance characteristics including but not limited to noise, heat, glare, vibrations and smoke (THAT SHALL BE REQUIRED FOR SUCH DWELLINGS, BUILDINGS, AND STRUCTURES); the area required to provide for off street loading and parking facilities; heights of trees and structures near airports; and to avoid too great concentration or scattering of the population. All such provisions shall be uniform for each class of land or building or type of development throughout each district, but the provisions in one district may differ from those in other districts.

Sec. 17. Minnesota Statutes 1971, Section 394.25, Subdivision 4, is amended to read:

Subd. 4. (MAPS FOR) Official maps establishing the location and other pertinent features of existing and proposed highways, roadways, parkways, roads, and streets (SHOWING THE EXACT ALIGNMENT, GRADIENTS, DIMENSIONS, AND OTHER PERTINENT FEATURES, AND INCLUDING SPECIFIC CONTROLS FOR SET-BACKS FROM THE RIGHT OF WAY AGAINST ENCROACHMENT BY BUILDINGS OR OTHER PHYSICAL STRUCTURES OR FACILITIES).

Sec. 18. Minnesota Statutes 1971, Section 394.25, Subdivision 5, is amended to read:

Subd. 5. (MAPS FOR) Other land needed for future public purposes, including public facilities such as parks, playgrounds, schools, and other public buildings, civic centers, and travel service facilities (SHOWING EXACT LOCATION, SIZE, BOUNDARIES AND OTHER RELATED FEATURES) including appropriate regulations protecting such future sites against encroachment by buildings and other physical structures or facilities.

Sec. 19. Minnesota Statutes 1971, Section 394.25, Subdivision 7, is amended to read:

Subd. 7. Specific (REGULATIONS AND) controls pertaining to other subjects incorporated in the comprehensive plan or establishing standards and procedures to be employed in land development including, but not limited to, subdividing of land and the approval of land plats and the preservation and dedication of streets and land for other public purposes (REQUIRING FUTURE DEDICATION OR ACQUISITION) and the general design of physical improvement.

Sec. 20. Minnesota Statutes 1971, Section 394.25, Subdivision 8, is amended to read:

Subd. 8. Any statute of Minnesota, any administrative rule or regulation of any department of the state of Minnesota affecting the county, or any code, *adopted by ordinance as part of the official control*. The term "code" as used herein means any compilation of regulations or standards or part thereof prepared by any governmental agency or any trade or professional association for general distribution in printed form as a standard or model on the subject of building construction, plumbing, electric wiring, inflammable liquids, sanitary provisions, public health, safety, or welfare. (ALL REQUIREMENTS OF STATUTES FOR THE PUBLICATION OR POSTING OF RESOLUTIONS SHALL BE SATISFIED IN SUCH CASE IF THE RESOLUTION INCORPORATING THE STATUTE, REGULATION, ORDINANCE OR CODE IS PUBLISHED OR POSTED IN THE REQUIRED MANNER AND IF,) Prior to (SUCH POSTING OR PUBLICATION,) *adoption* at least (THREE COPIES) *one copy* of the statute, rule, regulation, ordinance or code (ARE) *shall be* marked as official copies and filed for use and examination by the public in the office of the county auditor. Provisions of the statute, rule, regulation, ordinance or code thus incorporated in such (RESOLUTION) *ordinance* by reference shall be as much a part of the (RESOLUTION) *ordinance* as if they had been set out in full therein.

Sec. 21. Minnesota Statutes 1971, Section 394.25, is amended by adding a subdivision to read:

*Subd. 9. Erosion and sediment controls with regard to 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 before any land is disturbed. Plans for disturbing land may be submitted to the appropriate soil and water conservation district for comment and review.*

Sec. 22. Minnesota Statutes 1971, Section 394.25, is amended by adding a subdivision to read:

*Subd. 10. An amendment to official controls may be initiated by the board, the planning commission, or by petition of affected*

*property owners as defined in the official controls. An amendment not initiated by the planning commission shall be referred to the planning commission, if there is one, for study and report and may not be acted upon by the board until it has received the recommendation of the planning commission. Any amendment instigated by an affected property owner which would result in a reclassification of a parcel or parcels of property under the provisions of a zoning ordinance may be made subject by the board to such additional restrictions, conditions, or limitations as may be deemed appropriate to preserve, improve, or protect the general character and design of the lands and improvements being rezoned, or of other lands and improvements in the vicinity of the subject parcel or parcels. Such restrictions, conditions, or limitations may include but are not restricted to matters relating to appearance, lighting, hours of operation, and performance characteristics. When appropriate, restrictive covenants may be entered into regarding such matters.*

Sec. 23. Minnesota Statutes 1971, Section 394.22, is amended by adding a subdivision to read:

*Subd. 11. All official controls and any variance therefrom shall be consistent with the declaration of state environmental policy and standards set forth in Laws 1973, Chapter 412.*

Sec. 24. Minnesota Statutes 1971, Section 394.26, is amended by adding a subdivision to read:

*Subd. 1a. In addition to public hearings required by section 375.51 prior to the adoption by ordinance of any comprehensive plan or amendments thereto or of any official control or amendment thereto, public hearings shall be held before any conditional use permit, any variance, and any proposal for a subdivision is approved or denied by the responsible authority, and in circumstances where a public hearing is otherwise required by sections 394.21 to 394.37. Such public hearings may be continued from time to time and additional hearings may be held.*

Sec. 25. Minnesota Statutes 1971, Section 394.26, Subdivision 2, is amended to read:

*Subd. 2. Notice of the time, place, and purpose of any public hearing shall be given by publication in a newspaper of general circulation in the town, municipality, or other area concerned, and in the official newspaper of the county, at least ten days before the hearing, except that notice of public hearings in connection with the adoption by ordinance of any comprehensive plan or amendments thereto or adoption or amendment of any official controls shall be given in the manner provided by section 375.51, subdivision 2. In addition to the requirements of section 375.51, subdivision 2, written notice of public hearings on all official controls and amendments thereto shall be sent to the governing bodies of all towns and all municipalities located within the*

county. *Written notice of public hearings regarding the application of official controls to specific properties, including conditional uses, variances and subdivisions, shall be sent to all property owners of record within 500 feet of the concerned property, in incorporated areas, and one-half mile in unincorporated areas the relevant board of town supervisors, and the municipal council of any municipality within two miles of the concerned property. The notice shall contain, in addition to a legal description, a description of the location of the specific properties which shall be designed to be understandable to residents of the county without reference to legal documents or descriptions.*

Sec. 26. Minnesota Statutes 1971, Section 394.26, is amended by adding a subdivision to read:

*Subd. 3a. The board may assign responsibility to conduct public hearings for one or more purposes to the planning commission, board of adjustment or any official or employee of the county, except as provided in Minnesota Statutes, Section 375.51.*

Sec. 27. Minnesota Statutes 1971, Section 394.27, Subdivision 1, is amended to read:

394.27 [CREATION AND DUTIES OF A BOARD OF ADJUSTMENT.] Subdivision 1. Whenever a board of county commissioners shall have adopted official controls it shall at the same time as the adoption of such controls create a board of adjustment(, PROVIDED THAT ANY COUNTY WHICH PRIOR TO THE EFFECTIVE DATE OF LAWS 1959, CHAPTER 559, HAS ADOPTED A ZONING ORDINANCE OR OFFICIAL CONTROLS SHALL CREATE A BOARD OF ADJUSTMENT WITHIN 90 DAYS OF THE EFFECTIVE DATE OF LAWS 1959, CHAPTER 559) *by ordinance.*

Sec. 28. Minnesota Statutes 1971, Section 394.27, Subdivision 2, is amended to read:

*Subd. 2. The board of adjustment shall consist of at least three but not more than seven members whose appointment, term of office, or removal from the board shall be as provided in the (RESOLUTION) ordinance creating the board of adjustment; provided that no elected officer of the county nor any employee of the board of commissioners shall serve as a member of the board of adjustment and that one member of such board of adjustment shall also be a member of any planning commission appointed under the provisions of sections 394.21 to 394.37. In an ordinance creating a three member board of adjustment, provision may be made for one alternate member. The alternate board member shall, when directed by the chairman, attend all meetings of the board and participate fully in its activities but shall not vote on any issue unless authorized to do so by the chairman. The chairman shall authorize the alternate board member to vote on an issue when a regular member is absent, physically in-*

*capacitated, abstains because of a possible conflict of interest, or is prohibited by law from voting on that issue. Any question of whether a particular issue involves a conflict of interest sufficient to disqualify a regular board member from voting thereon shall be decided by majority vote of all regular board members except the member who is being challenged. In the ordinance establishing the board of adjustment provision may be made for removal of any member for nonperformance of duty or misconduct in office and for the filling of vacancies for any unexpired term. The regular and alternate members of such board of adjustment (SHALL SERVE WITHOUT COMPENSATION BUT) may be paid compensation in an amount specified by the ordinance establishing the board of adjustment and may be paid their necessary expenses in attending meetings of the board and in the conduct of the business of the board.*

Sec. 29. Minnesota Statutes 1971, Section 394.27, Subdivision 5, is amended to read:

Subd. 5. The board of adjustment shall (ACT UPON ALL QUESTIONS AS THEY MAY ARISE IN THE ADMINISTRATION OF ANY ORDINANCE OR OFFICIAL CONTROL, INCLUDING THE INTERPRETATION OF ZONING MAPS, AND IT SHALL) *have the authority to order the issuance of variances, hear and decide appeals from and review any order, requirement, decision, or determination made by (AN) any administrative official charged with enforcing any ordinance adopted pursuant to the provision of sections 394.21 to 394.37, order the issuance of permits for buildings in areas designated for future public use on an official map and perform such other duties as required by the official controls.* Such appeal may be taken by any person aggrieved or by any officer, department, board or bureau of a town, municipality, county, or state.

Sec. 30. Minnesota Statutes 1971, Section 394.27, Subdivision 6, is amended to read:

Subd. 6. (SUCH APPEAL) *Appeals to any order, requirement, decision, or determination of any administrative official shall be taken in such time as shall be prescribed by the ordinance creating the board of adjustment (BY GENERAL RULE,) by filing with the board of adjustment a notice of appeal specifying the grounds thereof. The board of adjustment shall fix a reasonable time for the hearing of the appeal and give due notice thereof to the appellant and the officer from whom the appeal is taken and to the public and decide the same within a reasonable time which shall be defined in the ordinance establishing the board of adjustment. An appeal stays all proceedings in furtherance of the action appealed from unless the officer from whom the appeal is taken certifies to the board of adjustment after notice of appeal has been filed that by reason of the facts stated in the certificate a stay would cause imminent peril to life or property. In such cases proceedings shall not be stayed otherwise than by a restraining order which may be granted by the board of ad-*



*justment or the district court. The board of adjustment may reverse or affirm wholly or partly, or may modify the order, requirement, decision, or determination appealed from (AS IN ITS OPINION OUGHT TO BE MADE IN THE PREMISES) and to that end shall have all the powers of the officer from whom the appeal was taken and may (ISSUE OR) direct the issuance of a permit. The reasons for the board's decision shall be stated. The decision of such board shall not be final and any person having an interest affected by such (ORDINANCE) order shall have the right to appeal to the district court in the county in which the land is located on questions of law and fact.*

Sec. 31. Minnesota Statutes 1971, Section 394.27, is amended by adding a subdivision to read:

*Subd. 7. The board of adjustment shall have the exclusive power to order the issuance of variances from the terms of any official control including restrictions placed on nonconformities. Variances shall only be permitted when they are in harmony with the general purposes and intent of the official control in cases when there is particular hardship in the way of carrying out the strict letter of any official control, and when the terms of the variance are consistent with the comprehensive plan. "Hardship" as used in connection with the granting of a variance means the property in question cannot be put to a reasonable use under the conditions allowed by the official controls; the plight of the landowner is due to circumstances unique to his property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone shall not constitute a hardship if a reasonable use for the property exists under the terms of the ordinance. No variance may be granted that would allow any use that is prohibited in the zoning district in which the subject property is located. The board of adjustment may impose conditions in the granting of variances to insure compliance and to protect adjacent properties and the public interest.*

Sec. 32. Minnesota Statutes 1971, Section 394.27, is amended by adding a subdivision to read:

*Subd. 8. A certified copy of any order issued by the board of adjustment acting upon an appeal from an order, requirement, decision or determination by an administrative official, or a request for a variance, including all special restrictions and conditions, shall be filed with the register of deeds for record. The order issued by the board of adjustment shall include the legal description of the property involved, as provided by the person requesting the variance. The board by ordinance shall designate the county official or employee responsible for meeting the requirements of this subdivision. Notwithstanding any other statutory requirements, such certified copy of the order shall be eligible for recording if the property is precisely described.*

Sec. 33. Minnesota Statutes 1971, Section 394.27, is amended by adding a subdivision to read:

*Subd. 9. All decisions by the board of adjustment in granting variances or in hearing appeals from any administrative order, requirement, decision or determination shall be final except that any person or persons, or any taxpayer, or any officer, department, board or commission of the state or its political subdivisions shall have the right to appeal within 30 days to the district court in the county in which the land is located on questions of law and fact.*

Sec. 34. Minnesota Statutes 1971, Section 394.27, is amended by adding a subdivision to read:

*Subd. 10. Notwithstanding any provision herein to the contrary, any person, as defined in section 116B.02, may appeal any order, requirement, decision, or determination made by any county administrative official concerning any ordinance adopted pursuant to the provisions of sections 394.21 to 394.27 which is required to be adopted by a county pursuant to standards, criteria, model ordinances, management plans or orders promulgated by any state agency or official. The order of the board of adjustment acting upon such an appeal or a request for a variance from such an ordinance may be appealed to the state agency or official which promulgated such standard, criteria, model ordinance, management plan or order. An appeal to such state agency or official shall be taken by the filing of a notice of appeal within the time allowed for an appeal to district court of a decision of the board of adjustment. Thereafter, the state agency or official may, within 60 days of the filing of the notice of appeal, modify, affirm or reverse the decision of the board of adjustment provided that if no action is taken by the state agency or official within that period of time, the appeal shall lapse. The filing of a notice of appeal with a state agency or official under this section shall suspend the running of the time for appeal to district court until a final decision is issued by the state agency or official, or for 60 days, whichever is later. If the state agency or official issues its order within 60 days, that order may be appealed to the district court in the manner provided by law.*

Sec. 35. Minnesota Statutes 1971, Section 394.29, is amended to read:

394.29 [MAY EMPLOY DIRECTOR AND STAFF.] To carry out the purposes of sections 394.21 to 394.37 the board may employ a planning director (AND INSPECTOR OR EITHER OF THEM) and such staff as it deems necessary(;) to assist the planning director in carrying out his assigned responsibilities, including but not limited to a zoning administrator, sanitary inspector and a building official. If no planning director is appointed, the board shall designate a chief administrative officer who shall administer the official controls. (OR) The board may employ or contract with a planning (AGENCY,) author-

ity (,) or commission, *any agency of the state or federal government, a regional development commission or with planning consultants, or with other specialists for such services as it requires.*

Sec. 36. Minnesota Statutes 1971, Section 394.30, Subdivision 1, is amended to read:

394.30 [PLANNING COMMISSION.] Subdivision 1. (THE) *Any board of county commissioners (WHICH HAS ADOPTED A RESOLUTION INDICATING ITS INTENT TO AVAIL ITSELF OF THE AUTHORITY GRANTED BY SECTIONS 394.21 TO 394.37) may (AT THAT TIME OR ANY SUBSEQUENT TIME) by ordinance appoint a planning (ADVISORY) commission composed of not less than five nor more than eleven members appointed by the chairman of the board. (FOUR MEMBERS OF SUCH COMMISSION SHALL BE CHOSEN FROM THE ELECTORS OF THE COUNTY PROVIDED THAT NOT LESS THAN THREE SHALL BE RESIDENTS OF THE PORTION OF THE COUNTY LYING OUTSIDE THE INCORPORATED LIMITS OF MUNICIPALITIES. ONE MEMBER OF SUCH COMMISSION SHALL BE A MEMBER OF THE BOARD.) The manner of appointment and terms of office of the members shall be as provided in the ordinance. No regular member may be an elected officer of the county except that one member of the board may serve on the commission. No more than one regular member of the commission shall have received, during the two years prior to appointment, any substantial portion of his income, directly or indirectly, from business operations involving the development of land for urban and urban related purposes. (IN ADDITION) In the ordinance establishing the planning commission the board may designate any county officer or employee or any employee of the state or federal government as an ex officio non-voting member of such commission. The term of office and removal of any member for non-performance of duty or misconduct in office as well as filling vacancies on the board shall be as provided in the (RESOLUTION) ordinance creating the commission.*

Sec. 37. Minnesota Statutes 1971, Section 394.30, Subdivision 3, is amended to read:

Subd. 3. The members of (SUCH) *the commission (SHALL SERVE WITHOUT) may be paid a fixed annual compensation (BUT) in an amount specified in the ordinance establishing the commission and may be paid their necessary expenses in attending meetings of the commission and in the conduct of the business of the commission.*

Sec. 38. Minnesota Statutes 1971, Section 394.30, is amended by adding a subdivision to read:

Subd. 4. *The planning commission shall elect a chairman and secretary from among its members and cooperate with the plan-*

ning director and other employees of the county in preparing and recommending to the board for adoption a comprehensive plan and recommendations for plan execution in the form of official controls and other measures, and amendments thereto. In all instances in which the planning commission is not the final authority, as authorized in subdivision 5, the commission shall review all applications for conditional use permits and plans for subdivisions of land and report thereon to the board.

Sec. 39. Minnesota Statutes 1971, Section 394.30, is amended by adding a subdivision to read:

Subd. 5. The board may by ordinance assign additional duties and responsibilities to the planning commission including but not restricted to the conduct of public hearings, the authority to order the issuance of some or all categories of conditional use permits, the authority to approve some or all categories of subdivisions of land, and the authority to approve some or all categories of planned unit developments. The planning commission may be required by the board to review any comprehensive plans and official controls and any plans for public land acquisition and development sent to the county for that purpose by any local unit of government or any state or federal agency and shall report thereon in writing to the board.

Sec. 40. Minnesota Statutes 1971, Chapter 394, is amended by adding a section to read:

[394.301] [CONDITIONAL USE PERMITS.] Subdivision 1. The board may by ordinance designate certain types of developments, including planned unit developments and certain land development activities as conditional uses under zoning regulations. Conditional uses may be approved upon a showing by an applicant that standards and criteria stated in the ordinance will be satisfied. Such standards and criteria shall include both general requirements for all conditional uses and, insofar as practicable, requirements specific to each designated conditional use.

Subd. 2. Conditional use permits shall be issued by the officer administering the official controls only upon the order of the board or the planning commission as designated by ordinance as the approval authority for one or more categories of conditional uses. The planning commission shall in all instances have an opportunity to review conditional uses prior to any final decision by the designated approval authority. Public hearings shall be held in accordance with section 394.26. In connection with ordering the issuance of a conditional use permit the designated approval authority may impose such additional restrictions or conditions as it deems necessary to protect the public interest, including but not limited to matters relating to appearance, lighting, hours of operation and performance characteristics. When appropriate, restrictive covenants may be entered into regarding such matters.

*Subd. 3. A conditional use permit shall remain in effect for so long as the conditions agreed upon are observed, provided that nothing in this section shall prevent the board from enacting or amending official controls to change the status of conditional uses.*

*Subd. 4. A certified copy of any conditional use permit shall be filed with the register of deeds for record. The conditional use permit shall include the legal description of the property involved as provided by the person requesting the permit. The board by ordinance shall designate the county official or employee responsible for meeting the requirements of the subdivision. Notwithstanding any other statutory requirements, such certified copy of the permit shall be eligible for recording if the property is precisely described.*

Sec. 41. Minnesota Statutes 1971, Chapter 394, is amended by adding a section to read:

[394.312] [RELATION TO OTHER COUNTY AUTHORITY.] *All official controls in effect on the effective date of this act shall remain in full force and effect until amended or repealed whether such controls were adopted by resolution of the board or by ordinance and whether or not comprehensive plans had been adopted before the official controls were adopted. Any official controls and any procedures for the administration of official controls which are in existence on the effective date of this act shall be brought into compliance with this act within three years from the effective date of this act.*

Sec. 42. Minnesota Statutes 1971, Section 394.32, Subdivision 2, is amended to read:

*Subd. 2. The contract between the governing body of the municipality and the board may provide among other things for joint county-municipal planning activities, or it may designate (A COUNTY PLANNING AGENCY) the board as the planning agency for the municipality.*

Sec. 43. Minnesota Statutes 1971, Section 394.32, Subdivision 3, is amended to read:

*Subd. 3. The governing body of any municipality may request a county (PLANNING AGENCY) board to submit to such governing body a comprehensive plan for the municipality setting forth such provisions as the (PLANNING AGENCY) board deems applicable to the municipality and for its best interests, or to include the area within the municipality in a county-wide comprehensive plan, or to prepare official controls to apply to the area within the municipality. Notwithstanding the adoption of the comprehensive plan and recommendations for the municipality the plan and recommendations shall not be binding until official controls are adopted by the municipality in accor-*

dance with the plan or until the county adopts official controls for the areas within the incorporated limits of the municipality when requested by the governing body of the municipality.

Sec. 44. Minnesota Statutes 1971, Section 394.33, is amended to read:

**394.33 [RELATIONS WITH TOWNS.]** *Subdivision 1.* The governing body of any town including any town with the powers of villages pursuant to law may continue to exercise the authority to plan and zone as provided by law, but after the adoption of official controls for a county or portion thereof by the board of county commissioners no town shall enact or enforce official controls inconsistent with or less restrictive than the standards prescribed in the official (CONTROL) controls adopted by the board. (NOTHING IN THIS SECTION SHALL LIMIT ANY TOWN'S POWER TO ZONE MORE RESTRICTIVELY THAN PROVIDED IN THE CONTROLS ADOPTED BY THE COUNTY.) Upon the adoption or amendment of any official controls the governing body of the town shall file a certified copy thereof with the register of deeds for record. A certified copy of any official controls of any town which are in effect on the effective date of this act shall also be filed by the governing body of the town with the register of deeds for record within one year from the effective date of this act.

*Subd. 2.* The board of supervisors of any town which has adopted or desires to adopt building and zoning regulations and restrictions pursuant to law shall have the authority granted the governing body of any municipality as provided in section 394.32.

Sec. 45. Minnesota Statutes 1971, Section 394.35, is amended to read:

**394.35 [FILING WITH REGISTER OF DEEDS.]** Upon the adoption of any ordinance or other official control including any maps or charts supplemented to or as part thereof, the county auditor shall file a certified copy thereof with the register of deeds for record. *Ordinances, resolutions, maps or regulations filed with the register of deeds pursuant to sections 394.21 to 394.37 do not constitute encumbrances on real property.*

Sec. 46. Minnesota Statutes 1971, Section 394.36, Subdivision 1, is amended to read:

**394.36 [NONCONFORMITIES.]** *Subdivision 1.* Any non-conformity including the lawful use or occupation of land or premises existing at the time of the adoption of an official control hereunder may be continued, except as regulated, eliminated or taken by the board as provided in subdivisions 2 or 3, although such use or occupation does not conform to the provisions thereof, but if such (NONCONFORMING USE) nonconformity or occupancy is discontinued for a period of more than one year,

or any nonconforming building or structure is destroyed by fire or other peril to the extent of 50 percent of its market value, any subsequent use or occupancy of the land or premises shall be a conforming use or occupancy.

Sec. 47. Minnesota Statutes 1971, Section 394.36, Subdivision 2, is amended to read:

Subd. 2. The board may by (RESOLUTION AS HEREIN PROVIDED PRESCRIBE) ordinance adopt such regulations not contrary to law as it deems desirable or necessary to classify, regulate and control, (OR) reduce the number or extent of (OR) and provide for the gradual elimination of (NONCONFORMING USES) nonconformities and occupancies, including requiring nonconformities to conform with the official controls of the county or terminate within a reasonable time as specified in the official controls. The board may by ordinance impose upon nonconformities additional regulations relating to appearance, signs, lighting, hours of operation and other esthetic performance characteristics including but not limited to noise, heat, glare, vibrations and smoke.

Sec. 48. Minnesota Statutes 1971, Section 394.36, is amended by adding a subdivision to read:

Subd. 3. A nonconformity that is determined by the board to be detrimental to the achievement of the goals and objectives of the comprehensive plan may be acquired by the board by purchase.

Sec. 49. Minnesota Statutes 1971, Chapter 394, is amended by adding a section to read:

[394.361] [OFFICIAL MAP.] Subdivision 1. Land that is needed for future street and highway purposes and as sites for other necessary public facilities and services is frequently diverted to nonpublic uses which could have been located on other lands without hardship or inconvenience to the owners. When this happens, public uses of land may be denied or may be obtained later only at prohibitive cost or at the expense of dislocating the owners and occupants of the land. Identification on official maps of land needed for future public uses permits both the public and private property owners to adjust their building plans equitably and conveniently before investments are made which will make such adjustments difficult to accomplish.

Subd. 2. The planning commission may develop and recommend for adoption by the board official maps and amendments thereto covering all or any portion of the unincorporated area of the county. Public hearings on proposed official maps and amendments thereto shall be held in accordance with section 394.26. The official map may be adopted and amended by ordinance by the board.

All official maps shall be prepared in sufficient detail to permit the establishment of future acquisition lines on the ground. In unplatted areas a minimum of a centerline survey shall have been made prior to the preparation of the final draft of the official map. The accuracy of the future acquisition lines shown on the official map shall be attested to by the county surveyor. Copies of official maps and amendments shall be filed in accordance with section 394.35.

Subd. 3. After an official map has been adopted and filed, the issuance of building permits by the county shall be subject to the provisions of this section. Whenever any street or highway is widened or improved or any new street is opened, or interests in lands for other public purposes are acquired by the county, it is not required in such proceedings to pay for any building or structure placed without a permit or in violation of conditions of a permit within the limits of the mapped street or highway or outside of any building line that may have been established upon the existing street or within any area thus identified for public purposes. The adoption of official maps does not give the county any right, title or interest in areas identified for public purposes thereon, but the adoption of a map does authorize the county to acquire such interests without paying compensation for buildings or structures erected in such areas without a permit or in violation of the conditions of a permit.

Subd. 4. If a permit for a building in such location is denied, the board of adjustment shall have the power, upon appeal by the owner of the land to authorize the issuance of a permit for building in such location in any case in which the board finds, upon the evidence and the arguments presented to it, (a) that the entire property of the appellant of which such area identified for public purposes forms a part cannot be put to a reasonable use by the owner unless such a permit is granted, and (b) that balancing the interest of the county in preserving the integrity of the official map and the comprehensive plan and interest of the owner of the property in the use of his property and in the benefits of ownership, the issuance of such permit is required by considerations of justice and equity. Prior to reaching a decision upon the appeal, public hearings shall be held in accordance with section 394.26. If the board of adjustment authorizes the issuance of a permit the board shall have six months from the date of the decision of the board of adjustment to institute proceedings to acquire such land or interest therein, and if no such proceedings are started within that time, the officer responsible shall issue a permit in accordance with the conditions stated in the authorization specifying the exact location, ground area, height and other details as to the extent and character of the building for which the permit is granted.

Sec. 50. Minnesota Statutes 1971, Chapter 394, is amended by adding a section to read:



[394.362] *The proponent of any variance, conditional use, or non-conformity which may result in an adverse effect on the environment may be required by the board to demonstrate the nature and extent of such effect.*

Sec. 51. Minnesota Statutes 1971, Section 394.37, Subdivision 1, is amended to read:

394.37 [ENFORCEMENT.] Subdivision 1. The board shall provide for the enforcement of sections 394.21 to 394.37 and of ordinances (, RESOLUTIONS,) and regulations made thereunder, and may impose enforcement duties on any officer, department, agency, or employee of the county. (IN A COUNTY IN WHICH SUBDIVISION REGULATIONS OR CONTROLS ARE IN FORCE AND HAVE BEEN FILED OR RECORDED AS PROVIDED IN SECTION 394.35, NO CONVEYANCE OF LAND TO WHICH THE REGULATIONS ARE APPLICABLE SHALL BE FILED OR RECORDED IF THE LAND IS DESCRIBED IN THE CONVEYANCE BY METES AND BOUNDS OR BY REFERENCE TO AN UNAPPROVED REGISTERED LAND SURVEY MADE AFTER JUNE 4, 1971, OR TO AN UNAPPROVED PLAT MADE AFTER SUCH REGULATIONS HAVE BECOME EFFECTIVE. THE FOREGOING PROVISION DOES NOT APPLY TO A CONVEYANCE IF THE LAND DESCRIBED:)

((1) WAS A SEPARATE PARCEL OF RECORD ON THE DATE OF ADOPTION OF SUBDIVISION REGULATIONS UNDER SECTIONS 394.12 TO 394.37, OR)

((2) WAS THE SUBJECT OF A WRITTEN AGREEMENT TO CONVEY ENTERED INTO PRIOR TO SUCH TIME, OR)

((3) WAS A SEPARATE PARCEL OF NOT LESS THAN TWO AND ONE-HALF ACRES IN AREA ON 300 FEET.)

(IN ANY CASE IN WHICH COMPLIANCE WITH THE FOREGOING RESTRICTIONS WILL CREATE AN UNNECESSARY HARDSHIP AND FAILURE TO COMPLY DOES NOT INTERFERE WITH THE PURPOSE OF THE SUBDIVISION REGULATIONS, THE BOARD MAY WAIVE SUCH COMPLIANCE BY ADOPTION OF A RESOLUTION TO THAT EFFECT AND THE CONVEYANCE MAY THEN BE FILED OR RECORDED. ANY OWNER OR AGENT OF THE OWNER OF LAND WHO CONVEYS A LOT OR PARCEL IN VIOLATION OF THE PROVISIONS OF THIS SUBDIVISION SHALL FORFEIT AND PAY TO THE COUNTY A PENALTY OF NOT LESS THAN \$100 FOR EACH LOT OR PARCEL SO CONVEYED. A COUNTY MAY ENJOIN SUCH CONVEYANCE OR MAY RECOVER SUCH PENALTY BY A CIVIL ACTION IN ANY COURT OF COMPETENT JURISDICTION.)

Sec. 52. Minnesota Statutes 1971, Section 375.51, Subdivision 1, is amended to read:

375.51 [ORDINANCES; ENACTMENT, PUBLICATION.] Subdivision 1. [ENACTMENT.] In any instance in which a county board is authorized by law to enact ordinances, such county ordinances shall be adopted *or amended* in the manner hereinafter prescribed except as otherwise provided by law. *A public hearing on the proposed ordinance or amendment shall be held prior to enactment or amendment.* Every county ordinance shall be enacted *or amended* by a majority vote of all the members of the county board except where a larger number is required by law. It shall be signed by the chairman of the board and attested by the clerk of the board. The ordinance *or amendments* shall be published as hereinafter provided. Proof of the publication shall be attached to and filed with the ordinance *or amendments* in the office of the county auditor. Every ordinance *and amendments thereto* shall be recorded in an ordinance book in the office of the county auditor within 20 days after its publication. All ordinances *or amendments* shall be suitably entitled and shall be substantially in the style: "The county board of . . . . . County ordains:".

Sec. 53. Minnesota Statutes 1971, Section 375.51, Subdivision 2, is amended to read:

Subd. 2. [NOTICE OF INTENTION.] No ordinance of a county *or amendment* shall be enacted unless a notice of the intention to enact such ordinance *or amendment* has been published in the official newspaper of the county not less than ten days before the (MEETING) *public hearing* at which the ordinance *or amendment* is to be considered. *Such public hearings may be continued from time to time and additional hearings may be held.* The notice shall state the subject matter and the general purpose of the proposed ordinance *or amendment*. Proof of the publication of the notice shall be attached to and filed with the ordinance *or amendment*, if enacted, in the office of the county auditor.

Sec. 54. Minnesota Statutes 1971, Section 375.51, Subdivision 3, is amended to read:

Subd. 3. [PUBLICATION.] Every ordinance *or amendment* enacted by a county board shall be published at least once as part of the proceedings of the meeting at which the ordinance *or amendment* was enacted. Publication shall be made in the official newspaper of the county but additional publications, either in the official newspaper or other newspaper, may be ordered. An ordinance *or amendment* may be published in its entirety, or otherwise as hereinafter provided.

To the extent of the authority described in subdivision 1 of this section, a county may incorporate in an ordinance *or amendment* by reference any statute of Minnesota, any administrative

rule or regulation of any department of the state of Minnesota affecting the county, or any code. The term "code" as used herein means any compilation of regulations or standards or parts thereof prepared by any governmental agency or any trade or professional association for general distribution in printed form as a standard or model on the subject of building construction, plumbing, electric wiring, inflammable liquids, sanitary provisions, public health, safety, or general welfare.

In the case of lengthy ordinances or amendments, or ordinances or amendments which include charts or maps, the ordinance or amendment need not be published in its entirety if the title of the ordinance or amendment and a summary of the ordinance or amendment is included in the publication of the proceedings of the meeting at which the ordinance or amendment was enacted. In such case and in the case a statute, administrative rule or regulation or a code is adopted by reference, all requirements of statute for the publication of ordinances or amendments shall be satisfied if the summary of the ordinance or amendment or the ordinance or amendment incorporating the statute, regulation, ordinance or amendment or code is published in the required manner and if, prior to such publication, at least (THREE COPIES) one copy of the entire ordinance or of the statute, rule, regulation or code are marked as the official (COPIES) copy and filed for use and examination by the public in the office of the county auditor. Provisions of the entire ordinance or of the statute, rule, regulation or code thus incorporated in such ordinance or amendment by reference shall be as much a part of the ordinance as if they had been set out in full therein.

Sec. 55. Minnesota Statutes 1971, Section 599.13, is amended to read:

599.13 [MUNICIPAL AND COUNTY ORDINANCES.] Copies of the ordinances, bylaws, resolutions, and regulations of any city, village, (OR) borough, or county, certified by the mayor or president of the council, and the clerk thereof, under its seal or by the county auditor or chairman of the county board, and copies of the same printed in any newspaper, book, pamphlet, or other form, and which purport to be published by authority of the council of such city or village, or county board, shall be prima facie evidence thereof and, after three years from the compilation and publication of any such book or pamphlet, shall be conclusive proof of the regularity of their adoption and publication.

Sec. 56. Minnesota Statutes 1971, Sections 394.06; 394.07; 394.08; 394.09; 394.10; 394.11; 394.12; 394.13; 394.14; 394.15; 394.16, as amended by Laws 1973, Chapter 35, Section 68; 394.17; 394.21, Subdivision 2; 394.22, Subdivision 5; 394.25, Subdivision 6; 394.26, Subdivisions 1 and 3; 394.30, Subdivision 2; 394.31; 394.32, Subdivision 4; 396.01; 396.02; 396.03; 396.04; 396.05; 396.051; 396.06; 396.07; 396.08; 396.09; 396.10; 396.11;

396.12; 396.13; 396.14; 396.15; 396.16; 396.17; 396.18; 396.19; 396.20; and 396.21, are repealed.”;

whereas S. F. No. 2576, after the enacting clause reads:

“Section 1. Minnesota Statutes 1971, Section 394.22, Subdivision 6, is amended to read:

Subd. 6. “Official control” means legislatively defined and enacted policies, standards, precise detailed maps, and other criteria, all of which control the physical development of a municipality or a county or any part thereof or any detail thereof, and are the means of translating into (REGULATIONS AND) ordinances all or any part of the general objectives of the comprehensive plan. Such official controls may include but are not limited to ordinances establishing zoning, subdivision (CONTROL, PLATTING) controls, site plan regulations, sanitary codes, building codes, housing codes, and (THE ADOPTION OF DETAILED) official maps.

Sec. 2. Minnesota Statutes 1971, Section 394.22, is amended by adding a subdivision to read:

Subd. 7. “Conditional use” means a land use or development as defined by ordinance that would not be appropriate generally but may be allowed with appropriate restrictions as provided by official controls upon a finding that (1) certain conditions as detailed in the zoning ordinance exist, and (2) the use or development conforms to the comprehensive land use plan of the county and (3) is compatible with the existing neighborhood.

Sec. 3. Minnesota Statutes 1971, Section 394.22, is amended by adding a subdivision to read:

Subd. 8. “Nonconformity” means any legal use, structure or parcel of land already in existence, recorded, or authorized before the adoption of official controls or amendments thereto that would not have been permitted to become established under the terms of the official controls as now written, if the official controls had been in effect prior to the date it was established, recorded or authorized.

Sec. 4. Minnesota Statutes 1971, Section 394.22, is amended by adding a subdivision to read:

Subd. 9. “Comprehensive plan” means the policies, statements, goals, and interrelated plans for private and public land and water use, transportation, and community facilities including recommendations for plan execution, documented in texts, ordinances and maps which constitute the guide for the future development of the county or any portion of the county.

Sec. 5. Minnesota Statutes 1971, Section 394.22, is amended by adding a subdivision to read:

*Subd. 10. "Variance" means a modification or variation of the provisions of official controls where it is determined that, by reason of exceptional circumstances, the strict enforcement of any provision of the official controls would cause unnecessary hardship, or that strict conformity with official controls would be unreasonable, impractical or infeasible under the circumstances.*

Sec. 6. Minnesota Statutes 1971, Section 394.22, is amended by adding a subdivision to read:

*Subd. 11. "Town" means any town, including those with the powers of villages pursuant to law.*

Sec. 7. Minnesota Statutes 1971, Section 394.22, is amended by adding a subdivision to read:

*Subd. 12. "Official map" means a map adopted in accordance with section 46 of this act which may show existing county roads and county state aid highways, proposed future county roads and highways and the area needed for widening existing county roads and highways. An official map may also show the location of existing public land and facilities and other land needed for future public purposes, including public facilities such as parks, playgrounds, schools, and other public buildings, civic centers, and travel service facilities.*

Sec. 8. Minnesota Statutes 1971, Section 394.22, is amended by adding subdivisions to read:

*Subd. 13. "Essential services" means overhead or underground electric, gas, steam or water transmission or distribution systems or structures used by public utilities or governmental departments or commissions.*

*Subd. 14. "Transmission services" means services such as electric power lines of a voltage of 35 Kv or greater, or bulk gas or fuel being transferred by pipe-line and not intended for en route consumption.*

Sec. 9. Minnesota Statutes 1971, Section 394.23, is amended to read:

394.23 [COMPREHENSIVE PLAN.] The board shall have the power and authority to prepare and adopt by ordinance, a comprehensive plan (FOR THE ORDERLY FUTURE PHYSICAL DEVELOPMENT OF THE AREA OF THE COUNTY OR PARTS THEREOF OUTSIDE THE INCORPORATED LIMITS OF MUNICIPALITIES. THE PLAN, WHICH MAY IN-

CLUDE TEXT AND MAPS, SHALL BE APPROVED AND CERTIFIED BY THE BOARD AND WHEN SO CERTIFIED SHALL BE REFERRED TO AS THE COMPREHENSIVE PLAN. THE PLAN MAY THEREAFTER BE AMENDED OR ADDED TO BY THE BOARD). *A comprehensive plan or plans when adopted by ordinance shall be the basis for official controls adopted under the provisions of sections 394.21 to 394.37.*

Sec. 10. Minnesota Statutes 1971, Section 394.24, Subdivision 1, is amended to read:

394.24 [OFFICIAL CONTROLS.] Subdivision 1. Official controls which shall further the purpose and objectives of the comprehensive plan and parts thereof shall be adopted by (RESOLUTION BY THE BOARD) *ordinance.*

Sec. 11. Minnesota Statutes 1971, Section 394.24, Subdivision 2, is amended to read:

Subd. 2. Official controls adopted by a board shall apply to and be binding upon (ONLY THAT AREA OR) *the county or any parts thereof (OUTSIDE) including areas within the incorporated limits of a (CITY, VILLAGE, OR BOROUGH) municipality, when requested by the municipality under section 394.32.*

Sec. 12. Minnesota Statutes 1971, Section 394.24, is amended by adding a subdivision to read:

Subd. 3. *For the area within which official controls adopted by the board are effective, such controls shall apply to the use of land for both private and public purposes, provided that the need for adequate, timely and convenient public and semi-public services and facilities must receive due consideration in the formulation, administration and enforcement of all official controls and no land owned or leased by the federal or state government shall be subject to official controls of the county. The provisions of this subdivision shall not apply in the metropolitan area as described in Minnesota Statutes, Section 473B.01.*

Sec. 13. Minnesota Statutes 1971, Section 394.25, Subdivision 1, is amended to read:

394.25 [FORMS OF CONTROL.] Subdivision 1. Official controls *shall be adopted by ordinance and may include but are not limited to the features set forth in this section.*

Sec. 14. Minnesota Statutes 1971, Section 394.25, Subdivision 2, is amended to read:

Subd. 2. (THE ESTABLISHMENT OF) *Zoning ordinances establishing districts within which (DISTRICTS) the use of land or the use of water or the surface of water pursuant to Minne-*

*sota Statutes, 1973 Supplement, Section 378.32 for agriculture, forestry, recreation, residence, industry, trade, soil conservation, water supply conservation, and, with the assistance and subject to the approval of the commissioner of natural resources, surface water drainage and removal, conservation of shorelands, as defined in section 105.485, wetlands preservation, open space, parks, sewage disposal, preservation of prime agricultural lands, protection of ground water recharge areas, protection of flood plains as defined in section 104.02, protection of wild, scenic or recreational rivers, protection of slopes, soils, unconsolidated materials or bedrock from potentially damaging development, preservation of forests, woodlands, and essential wildlife habitat, reclamation of non-metallic mining lands and additional uses of land or of water or the surface of water pursuant to Minnesota Statutes, 1973 Supplement, Section 378.32 may be by official controls encouraged, regulated, or prohibited and for such purpose the board may divide the county into districts of such number, shape, and area as may be deemed best suited to carry out the comprehensive plan.*

Sec. 15. Minnesota Statutes 1971, Section 394.25, Subdivision 3, is amended to read:

Subd. 3. (FOR) *Within each such district (A) zoning (ORDINANCE) ordinances or (MAP) maps (OR REGULATIONS OR PROVISIONS) may also be adopted designating or limiting the location, height, bulk, number of stories, size of, and the specific uses for which dwellings, buildings, and structures may (HEREAFTER) be erected or altered; the minimum and maximum size of yards, courts, or other open spaces; setback from existing roads and highways and roads and highways designated on an official map; (SANITARY, SAFETY, AND) protective measures necessary to protect the public interest including but not limited to controls relating to appearance, signs, lighting, hours of operation and other esthetic performance characteristics including but not limited to noise, heat, glare, vibrations and smoke (THAT SHALL BE REQUIRED FOR SUCH DWELLINGS, BUILDINGS, AND STRUCTURES); the area required to provide for off street loading and parking facilities; heights of trees and structures near airports; and to avoid too great concentration or scattering of the population. All such provisions shall be uniform for each class of land or building throughout each district, but the provisions in one district may differ from those in other districts.*

Sec. 16. Minnesota Statutes 1971, Section 394.25, Subdivision 4, is amended to read:

Subd. 4. (MAPS FOR) *Official maps as defined in section 7, of this act (HIGHWAYS, ROADWAYS, PARKWAYS, ROADS, AND STREETS SHOWING THE EXACT ALIGNMENT, GRADIENTS, DIMENSIONS, AND OTHER PERTINENT FEATURES, AND INCLUDING SPECIFIC CON-*

TROLS FOR SET-BACKS FROM THE RIGHT OF WAY AGAINST ENCROACHMENT BY BUILDINGS OR OTHER PHYSICAL STRUCTURES OR FACILITIES).

Sec. 17. Minnesota Statutes 1971, Section 394.25, Subdivision 7, is amended to read:

Subd. 7. Specific (REGULATIONS AND) controls pertaining to other subjects incorporated in the comprehensive plan or establishing standards and procedures to be employed in land development including, but not limited to, subdividing of land and the approval of land plats and the preservation *and dedication* of streets and land for other public purposes (REQUIRING FUTURE DEDICATION OR ACQUISITION) and *the* general design of physical improvement.

Sec. 18. Minnesota Statutes 1971, Section 394.25, Subdivision 8, is amended to read:

Subd. 8. Any statute of Minnesota, any administrative rule or regulation of any department of the state of Minnesota affecting the county, or any code, *adopted by reference as part of the official control*. The term "code" as used herein means any compilation of regulations or standards or part thereof prepared by any governmental agency or any trade or professional association for general distribution in printed form as a standard or model on the subject of building construction, plumbing, electric wiring, inflammable liquids, sanitary provisions, public health, safety, or welfare. (ALL REQUIREMENTS OF STATUTES FOR THE PUBLICATION OR POSTING OF RESOLUTIONS SHALL BE SATISFIED IN SUCH CASE IF THE RESOLUTION INCORPORATING THE STATUTE, REGULATION, ORDINANCE OR CODE IS PUBLISHED OR POSTED IN THE REQUIRED MANNER AND IF,) Prior to (SUCH POSTING OR PUBLICATION,) *adoption* at least (THREE COPIES) *one copy* of the statute, rule, regulation, ordinance or code (ARE) *shall be* marked as official copies and filed for use and examination by the public in the office of the county auditor. Provisions of the statute, rule, regulation, ordinance or code thus incorporated in such (RESOLUTION) *ordinance* by reference shall be as much a part of the (RESOLUTION) *ordinance* as if they had been set out in full therein.

Sec. 19. Minnesota Statutes 1971, Section 394.25, is amended by adding a subdivision to read:

Subd. 9. *Erosion and sediment controls with regard to 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 before any land is disturbed. Plans for disturbing land may be submitted to the appropriate soil and water conservation district for comment and review.*



Sec. 20. Minnesota Statutes 1971, Section 394.25, is amended by adding a subdivision to read:

*Subd. 10. An amendment to official controls may be initiated by the board, the planning commission, or by petition of affected property owners as defined in the official controls. An amendment not initiated by the planning commission shall be referred to the planning commission, if there is one, for study and report and may not be acted upon by the board until it has received the recommendation of the planning commission.*

Sec. 21. Minnesota Statutes 1971, Section 394.26, is amended by adding a subdivision to read:

*Subd. 1a. In addition to public hearings required by section 375.51 prior to the adoption by ordinance of any comprehensive plan or amendments thereto or of any official control or amendment thereto, public hearings shall be held before any conditional use permit, any variance, and any proposal for a subdivision is approved or denied by the responsible authority, and in circumstances where a public hearing is otherwise required by sections 394.21 to 394.37. Such public hearings may be continued from time to time and additional hearings may be held.*

Sec. 22. Minnesota Statutes 1971, Section 394.26, Subdivision 2, is amended to read:

*Subd. 2. Notice of the time, place, and purpose of any public hearing shall be given by publication in a newspaper of general circulation in the town, municipality, or other area concerned, and in the official newspaper of the county, at least ten days before the hearing, except that notice of public hearings in connection with the adoption by ordinance of any comprehensive plan or amendments thereto or adoption or amendment of any official controls shall be given in the manner provided by section 375.51, subdivision 2. In addition to the requirements of section 375.51, subdivision 2, written notice of public hearings on all official controls and amendments thereto shall be sent to the governing bodies of all towns and all municipalities located within the county. Written notice of public hearings regarding the application of official controls to specific properties, including conditional uses, variances and subdivisions, shall be sent to all property owners of record within 500 feet of the concerned property, the relevant board of town supervisors, and the municipal council of any municipality within two miles of the concerned property.*

Sec. 23. Minnesota Statutes 1971, Section 394.26, is amended by adding a subdivision to read:

*Subd. 3a. The board may assign responsibility to conduct public hearings for one or more purposes to the planning commission, board of adjustment or any official or employee of the county, except as provided in Minnesota Statutes, Section 375.51.*

Sec. 24. Minnesota Statutes 1971, Section 394.27, Subdivision 1, is amended to read:

394.27 [CREATION AND DUTIES OF A BOARD OF ADJUSTMENT.] Subdivision 1. Whenever a board of county commissioners shall have adopted official controls it shall at the same time as the adoption of such controls create a board of adjustment (, PROVIDED THAT ANY COUNTY WHICH PRIOR TO THE EFFECTIVE DATE OF LAWS 1959, CHAPTER 559, HAS ADOPTED A ZONING ORDINANCE OR OFFICIAL CONTROLS SHALL CREATE A BOARD OF ADJUSTMENT WITHIN 90 DAYS OF THE EFFECTIVE DATE OF LAWS 1959, CHAPTER 559) *by ordinance.*

Sec. 25. Minnesota Statutes 1971, Section 394.27, Subdivision 2, is amended to read:

Subd. 2. The board of adjustment shall consist of *at least three but not more than seven* members whose appointment, term of office, or removal from the board shall be as provided in the (RESOLUTION) *ordinance* creating the board of adjustment; provided that no elected officer of the county nor any employee of the board of commissioners shall serve as a member of the board of adjustment and that one member of such board of adjustment shall also be a member of any planning commission appointed under the provisions of sections 394.21 to 394.37. *In an ordinance creating a three member board of adjustment, provision may be made for one alternate member. The alternate board member shall, when directed by the chairman, attend all meetings of the board and participate fully in its activities but shall not vote on any issue unless authorized to do so by the chairman. The chairman shall authorize the alternate board member to vote on an issue when a regular member is absent, physically incapacitated, abstains because of a possible conflict of interest, or is prohibited by law from voting on that issue. Any question of whether a particular issue involves a conflict of interest sufficient to disqualify a regular board member from voting thereon shall be decided by majority vote of all regular board members except the member who is being challenged. In the ordinance establishing the board of adjustment provision may be made for removal of any member for nonperformance of duty or misconduct in office and for the filling of vacancies for any unexpired term. The regular and alternate members of such board of adjustment (SHALL SERVE WITHOUT COMPENSATION BUT) may be paid compensation in an amount specified by the ordinance establishing the board of adjustment and may be paid their necessary expenses in attending meetings of the board and in the conduct of the business of the board.*

Sec. 26. Minnesota Statutes 1971, Section 394.27, Subdivision 5, is amended to read:

Subd. 5. The board of adjustment shall (ACT UPON ALL QUESTIONS AS THEY MAY ARISE IN THE ADMINISTRA-

TION OF ANY ORDINANCE OR OFFICIAL CONTROL, INCLUDING THE INTERPRETATION OF ZONING MAPS, AND IT SHALL) *have the authority to order the issuance of variances, hear and decide appeals from and review any order, requirement, decision, or determination made by (AN) any administrative official charged with enforcing any ordinance adopted pursuant to the provision of sections 394.21 to 394.37, order the issuance of permits for buildings in areas designated for future public use on an official map and perform such other duties as required by the official controls. Such appeal may be taken by any person aggrieved or by any officer, department, board or bureau of a town, municipality, county, or state.*

Sec. 27. Minnesota Statutes 1971, Section 394.27, Subdivision 6, is amended to read:

Subd. 6. Such appeal shall be taken in such time as shall be prescribed by the ordinance creating the board of adjustment (BY GENERAL RULE,) by filing with the board of adjustment a notice of appeal specifying the grounds thereof. The board of adjustment shall fix a reasonable time for the hearing of the appeal and give due notice thereof to the appellant and the officer from whom the appeal is taken and to the public and decide the same within a reasonable time which shall be defined in the ordinance establishing the board of adjustment. An appeal stays all proceedings in furtherance of the action appealed from unless the officer from whom the appeal is taken certifies to the board of adjustment after notice of appeal has been filed that by reason of the facts stated in the certificate a stay would cause imminent peril to life or property. In such cases proceedings shall not be stayed otherwise than by a restraining order which may be granted by the board of adjustment or the district court. The board of adjustment may reverse or affirm wholly or partly, or may modify the order, requirement, decision, or determination appealed from (AS IN ITS OPINION OUGHT TO BE MADE IN THE PREMISES) and to that end shall have all the powers of the officer from whom the appeal was taken and may (ISSUE OR) direct the issuance of a permit. The reasons for the board's decision shall be stated. The decision of such board shall not be final and any person having an interest affected by such (ORDINANCE) order shall have the right to appeal to the district court in the county in which the land is located on questions of law and fact.

Sec. 28. Minnesota Statutes 1971, Section 394.27, is amended by adding a subdivision to read:

Subd. 7. The board of adjustment shall have the exclusive power to order the issuance of variances from the terms of any official control including restrictions placed on nonconformities. Variances shall only be permitted when they are in harmony with the general purposes and intent of the official control in cases when there are practical difficulties or particular hardship in the way of carrying out the strict letter of any official control,

and when the terms of the variance are consistent with the comprehensive plan. "Hardship" as used in connection with the granting of a variance means the property in question cannot be put to a reasonable use if used under the conditions allowed by the official controls; the plight of the landowner is due to circumstances unique to his property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone shall not constitute a hardship if a reasonable use for the property exists under the terms of the ordinance. No variance may be granted that would allow any use that is prohibited in the zoning district in which the subject property is located. The board of adjustment may impose conditions in the granting of variances to insure compliance and to protect adjacent properties and the public interest.

Sec. 29. Minnesota Statutes 1971, Section 394.27, is amended by adding a subdivision to read:

Subd. 8. A certified copy of any order issued by the board of adjustment acting upon an appeal from an order, requirement, decision or determination by an administrative official, or a request for a variance, shall be filed with the register of deeds for record. The order issued by the board of adjustment shall include the legal description of the property involved, as provided by the person requesting the variance. The board by ordinance shall designate the county official or employee responsible for meeting the requirements of this subdivision. Notwithstanding any other statutory requirements, such certified copy of the order shall be eligible for recording if the property is precisely described.

Sec. 30. Minnesota Statutes 1971, Section 394.27, is amended by adding a subdivision to read:

Subd. 9. All decisions by the board of adjustment in granting variances or in hearing appeals from any administrative order, requirement, decision or determination shall be final except that any person or persons, or any taxpayer, or any officer, department, board or commission of the jurisdiction or of the state shall have the right to appeal within 30 days to the district court in the county in which the land is located on questions of law and fact.

Sec. 31. Minnesota Statutes 1971, Section 394.29, is amended to read:

394.29 [MAY EMPLOY DIRECTOR AND STAFF.] To carry out the purposes of sections 394.21 to 394.37 the board may employ a planning director (AND INSPECTOR OR EITHER OF THEM) and such staff as it deems necessary (;) to assist the planning director in carrying out his assigned responsibilities, including but not limited to a zoning administrator, sanitary

*inspector and a building official. If no planning director is appointed, the board shall designate a chief administrative officer who shall administer the official controls. (OR) The board may employ or contract with a planning (AGENCY,) authority (,) or commission, any agency of the state or federal government, a regional development commission or with planning consultants, or with other specialists for such services as it requires.*

Sec. 32. Minnesota Statutes 1971, Section 394.30, Subdivision 1, is amended to read:

394.30 [PLANNING COMMISSION.] Subdivision 1. (THE) Any board of county commissioners (WHICH HAS ADOPTED A RESOLUTION INDICATING ITS INTENT TO AVAIL ITSELF OF THE AUTHORITY GRANTED BY SECTIONS 394.21 TO 394.37) may (AT THAT TIME OR ANY SUBSEQUENT TIME) *by ordinance* appoint a planning (ADVISORY) commission composed of not less than five nor more than eleven members appointed by the chairman of the board. (FOUR MEMBERS OF SUCH COMMISSION SHALL BE CHOSEN FROM THE ELECTORS OF THE COUNTY PROVIDED THAT NOT LESS THAN THREE SHALL BE RESIDENTS OF THE PORTION OF THE COUNTY LYING OUTSIDE THE INCORPORATED LIMITS OF MUNICIPALITIES. ONE MEMBER OF SUCH COMMISSION SHALL BE A MEMBER OF THE BOARD.) *The manner of appointment and terms of office of the members shall be as provided in the ordinance. No more than one member of the commission shall be an officer or employee of the county. (IN ADDITION) In the ordinance establishing the planning commission the board may designate any county officer or employee as an ex officio member of such commission. The term of office and removal of any member for nonperformance of duty or misconduct in office as well as filling vacancies on the board shall be as provided in the (RESOLUTION) ordinance creating the commission.*

Sec. 33. Minnesota Statutes 1971, Section 394.30, Subdivision 3, is amended to read:

Subd. 3. The members of (SUCH) *the* commission (SHALL SERVE WITHOUT COMPENSATION BUT) *may be compensated in an amount specified in the ordinance establishing the commission and may be paid their necessary expenses in attending meetings of the commission and in the conduct of the business of the commission.*

Sec. 34. Minnesota Statutes 1971, Section 394.30, is amended by adding a subdivision to read:

Subd. 4. *The planning commission shall elect a chairman and secretary from among its members and cooperate with the planning director and other employees of the county in preparing and recommending to the board for adoption a comprehensive*

*plan and recommendations for plan execution in the form of official controls and other measures, and amendments thereto. In all instances in which the planning commission is not the final authority, as authorized in subdivision 5, the commission shall review all applications for conditional use permits and plans for subdivisions of land and report thereon to the board.*

Sec. 35. Minnesota Statutes 1971, Section 394.30, is amended by adding a subdivision to read:

*Subd. 5. The board may by ordinance assign additional duties and responsibilities to the planning commission including but not restricted to the conduct of public hearings, the authority to order the issuance of some or all categories of conditional use permits, the authority to approve some or all categories of subdivisions of land, and the authority to approve some or all categories of planned unit developments. The planning commission may be required by the board to review any comprehensive plans and official controls and any plans for public land acquisition and development sent to the county for that purpose by any local unit of government or any state or federal agency and shall report thereon in writing to the board.*

Sec. 36. Minnesota Statutes 1971, Chapter 394, is amended by adding a section to read:

[394.301] [CONDITIONAL USE PERMITS.] *Subdivision 1. The board may by ordinance designate certain types of developments, including planned unit developments and certain land development activities as conditional uses under zoning regulations. Conditional uses may be approved upon a showing by an applicant that standards and criteria stated in the ordinance will be satisfied. Such standards and criteria shall include both general requirements for all conditional uses and, insofar as practicable, requirements specific to each designated conditional use.*

*Subd. 2. Conditional use permits shall be issued by the officer administering the official controls only upon the order of the board or the planning commission as designated by ordinance as the approval authority for one or more categories of conditional uses. The planning commission shall in all instances have an opportunity to review conditional uses prior to any final decision by the designated approval authority. Public hearings shall be held in accordance with section 394.26. In connection with ordering the issuance of a conditional use permit the designated approval authority may impose such additional restrictions or conditions as it deems necessary to protect the public interest, including but not limited to matters relating to appearance, lighting, hours of operation and performance characteristics. When appropriate, restrictive covenants may be entered into regarding such matters.*

*Subd. 3. A conditional use permit shall remain in effect for so long as the conditions agreed upon are observed, provided that nothing in this section shall prevent the board from enacting or amending official controls to change the status of conditional uses.*

*Subd. 4. A certified copy of any conditional use permit shall be filed with the register of deeds for record. The conditional use permit shall include the legal description of the property involved as provided by the person requesting the permit. The board by ordinance shall designate the county official or employee responsible for meeting the requirements of the subdivision. Notwithstanding any other statutory requirements, such certified copy of the permit shall be eligible for recording if the property is precisely described.*

Sec. 37. Minnesota Statutes 1971, Chapter 394, is amended by adding a section to read:

[394.312] [RELATION TO OTHER COUNTY AUTHORITY.] *All official controls in effect on the effective date of this act shall remain in full force and effect until amended or repealed whether such controls were adopted by resolution to the board or by ordinance and whether or not comprehensive plans had been adopted before the official controls were adopted. Any official controls and any procedures for the administration of official controls which are in existence on the effective date of this act shall be brought into compliance with this act within three years from the effective date of this act.*

Sec. 38. Minnesota Statutes 1971, Section 394.32, Subdivision 2, is amended to read:

*Subd. 2. The contract between the governing body of the municipality and the board may provide among other things for joint county-municipal planning activities, or it may designate (A COUNTY PLANNING AGENCY) the board as the planning agency for the municipality.*

Sec. 39. Minnesota Statutes 1971, Section 394.32, Subdivision 3, is amended to read:

*Subd. 3. The governing body of any municipality may request a county (PLANNING AGENCY) board to submit to such governing body a comprehensive plan for the municipality setting forth such provisions as the (PLANNING AGENCY) board deems applicable to the municipality and for its best interests, or to include the area within the municipality in a county-wide comprehensive plan, or to prepare official controls to apply to the area within the municipality. Notwithstanding the adoption of the comprehensive plan and recommendations for the municipality the plan and recommendations shall not be binding until official controls are adopted by the municipality in accor-*

dance with the plan or until the county adopts official controls for the areas within the incorporated limits of the municipality when requested by the governing body of the municipality. After the county adopts official controls for areas within a municipality, the county shall enforce the controls unless the county and municipality provide otherwise by agreement. A municipality may at any time, by resolution of its governing body, take over planning functions, including adoption and enforcement of official controls, with respect to areas within its corporate limits for which a county has adopted official controls.

Sec. 40. Minnesota Statutes 1971, Section 394.33, is amended to read:

394.33 [RELATIONS WITH TOWNS.] Subdivision 1. The governing body of any town including any town with the powers of villages pursuant to law may continue to exercise the authority to plan and zone as provided by law, but after the adoption of official controls for a county or portion thereof by the board of county commissioners no town shall enact or enforce official controls inconsistent with or less restrictive than the standards prescribed in the official (CONTROL) controls adopted by the board. Nothing in this section shall limit any town's power to zone more restrictively than provided in the controls adopted by the county. Upon the adoption or amendment of any official controls the governing body of the town shall file a certified copy thereof with the register of deeds for record. A certified copy of any official controls of any town which are in effect on the effective date of this act shall also be filed by the governing body of the town with the register of deeds for record within one year from the effective date of this act.

Subd. 2. The board of supervisors of any town which has adopted or desires to adopt building and zoning regulations and restrictions pursuant to law shall have the authority granted the governing body of any municipality as provided in section 394.32.

Sec. 41. Minnesota Statutes 1971, Section 394.35, is amended to read:

394.35 [FILING WITH REGISTER OF DEEDS.] Upon the adoption of any ordinance or other official control including any maps or charts supplemented to or as part thereof, the county auditor shall file a certified copy thereof with the register of deeds for record. Ordinances, resolutions, maps or regulations filed with the register of deeds pursuant to sections 394.21 to 394.37 do not constitute encumbrances on real property.

Sec. 42. Minnesota Statutes 1971, Section 394.36, Subdivision 1, is amended to read:

394.36 [NONCONFORMITIES.] Subdivision 1. Any non-conformity including the lawful use or occupation of land or



premises existing at the time of the adoption of an official control hereunder may be continued, *except as regulated, eliminated or taken by the board as provided in subdivisions 2 or 3*, although such use or occupation does not conform to the provisions thereof, but if such (NONCONFORMING USE) *nonconformity* or occupancy is discontinued for a period of more than one year, or any *nonconforming building or structure is destroyed by fire or other peril to the extent of 50 percent of its market value*, any subsequent use or occupancy of the land or premises shall be a conforming use or occupancy.

Sec. 43. Minnesota Statutes 1971, Section 394.36, is amended by adding a subdivision to read:

*Subd. 3. A nonconformity that is determined by the board to be detrimental to the achievement of the goals and objectives of the comprehensive plan may be taken by the board by purchase or eminent domain.*

Sec. 44. Minnesota Statutes 1971, Chapter 394, is amended by adding a section to read:

[394.251] [ESSENTIAL SERVICES.] *Essential services and transmission services are permitted uses in all zoning districts subject only to those restrictions or conditions specifically imposed upon such services by official controls.*

Sec. 45. Minnesota Statutes 1971, Chapter 394, is amended by adding a section to read:

[394.361] [OFFICIAL MAP.] *Subdivision 1. Land that is needed for future street and highway purposes and as sites for other necessary public facilities and services is frequently diverted to nonpublic uses which could have been located on other lands without hardship or inconvenience to the owners. When this happens, public uses of land may be denied or may be obtained later only at prohibitive cost or at the expense of dislocating the owners and occupants of the land. Identification on official maps of land needed for future public uses permits both the public and private property owners to adjust their building plans equitably and conveniently before investments are made which will make such adjustments difficult to accomplish.*

*Subd. 2. The planning commission may develop and recommend for adoption by the board official maps and amendments thereto covering all or any portion of the unincorporated area of the county. Public hearings on proposed official maps and amendments thereto shall be held in accordance with section 394.26. The official map may be adopted and amended by ordinance by the board.*

*All official maps shall be prepared in sufficient detail to permit the establishment of future acquisition lines on the ground.*

*In unplatted areas a minimum of a centerline survey shall have been made prior to the preparation of the final draft of the official map. The accuracy of the future acquisition lines shown on the official map shall be attested to by the county surveyor. Copies of official maps and amendments shall be filed in accordance with section 394.35.*

*Subd. 3. After an official map has been adopted and filed, the issuance of building permits by the county shall be subject to the provisions of this section. Whenever any street or highway is widened or improved or any new street is opened, or interests in lands for other public purposes are acquired by the county, it is not required in such proceedings to pay for any building or structure placed without a permit or in violation of conditions of a permit within the limits of the mapped street or highway or outside of any building line that may have been established upon the existing street or within any area thus identified for public purposes. The adoption of official maps does not give the county any right, title or interest in areas identified for public purposes thereon, but the adoption of a map does authorize the county to acquire such interests without paying compensation for buildings or structures erected in such areas without a permit or in violation of the conditions of a permit.*

*Subd. 4. If a permit for a building in such location is denied, the board of adjustment shall have the power, upon appeal by the owner of the land to authorize the issuance of a permit for building in such location in any case in which the board finds, upon the evidence and the arguments presented to it, (a) that the entire property of the appellant of which such area identified for public purposes forms a part cannot be put to a reasonable use by the owner unless such a permit is granted, and (b) that balancing the interest of the county in preserving the integrity of the official map and the comprehensive plan and interest of the owner of the property in the use of his property and in the benefits of ownership, the issuance of such permit is required by considerations of justice and equity. Prior to reaching a decision upon the appeal, public hearings shall be held in accordance with section 394.26. If the board of adjustment authorizes the issuance of a permit the board shall have six months from the date of the decision of the board of adjustment to institute proceedings to acquire such land or interest therein, and if no such proceedings are started within that time, the officer responsible shall issue a permit in accordance with the conditions stated in the authorization specifying the exact location, ground area, height and other details as to the extent and character of the building for which the permit is granted.*

Sec. 46. Minnesota Statutes 1971, Section 394.37, Subdivision 1, is amended to read:

394.37 [ENFORCEMENT.] Subdivision 1. The board shall provide for the enforcement of sections 394.21 to 394.37

and of ordinances (, RESOLUTIONS,) and regulations made thereunder, and may impose enforcement duties on any officer, department, agency, or employee of the county. (IN A COUNTY IN WHICH SUBDIVISION REGULATIONS OR CONTROLS ARE IN FORCE AND HAVE BEEN FILED OR RECORDED AS PROVIDED IN SECTION 394.35, NO CONVEYANCE OF LAND TO WHICH THE REGULATIONS ARE APPLICABLE SHALL BE FILED OR RECORDED IF THE LAND IS DESCRIBED IN THE CONVEYANCE BY METES AND BOUNDS OR BY REFERENCE TO AN UNAPPROVED REGISTERED LAND SURVEY MADE AFTER JUNE 4, 1971, OR TO AN UNAPPROVED PLAT MADE AFTER SUCH REGULATIONS HAVE BECOME EFFECTIVE. THE FOREGOING PROVISION DOES NOT APPLY TO A CONVEYANCE IF THE LAND DESCRIBED:)

((1) WAS A SEPARATE PARCEL OF RECORD ON THE DATE OF ADOPTION OF SUBDIVISION REGULATIONS UNDER SECTIONS 394.12 TO 394.37, OR)

((2) WAS THE SUBJECT OF A WRITTEN AGREEMENT TO CONVEY ENTERED INTO PRIOR TO SUCH TIME, OR)

((3) WAS A SEPARATE PARCEL OF NOT LESS THAN TWO AND ONE-HALF ACRES IN AREA AN 300 FEET.)

(IN ANY CASE IN WHICH COMPLIANCE WITH THE FOREGOING RESTRICTIONS WILL CREATE AN UNNECESSARY HARDSHIP AND FAILURE TO COMPLY DOES NOT INTERFERE WITH THE PURPOSE OF THE SUBDIVISION REGULATIONS, THE BOARD MAY WAIVE SUCH COMPLIANCE BY ADOPTION OF A RESOLUTION TO THAT EFFECT AND THE CONVEYANCE MAY THEN BE FILED OR RECORDED. ANY OWNER OR AGENT OF THE OWNER OF LAND WHO CONVEYS A LOT OR PARCEL IN VIOLATION OF THE PROVISIONS OF THIS SUBDIVISION SHALL FORFEIT AND PAY TO THE COUNTY A PENALTY OF NOT LESS THAN \$100 FOR EACH LOT OR PARCEL SO CONVEYED. A COUNTY MAY ENJOIN SUCH CONVEYANCE OR MAY RECOVER SUCH PENALTY BY A CIVIL ACTION IN ANY COURT OF COMPETENT JURISDICTION.)

Sec. 47. Minnesota Statutes 1971, Section 375.51, Subdivision 1, is amended to read:

375.51 [ORDINANCES: ENACTMENT, PUBLICATION.] Subdivision 1. [ENACTMENT.] In any instance in which a county board is authorized by law to enact ordinances, such county ordinances shall be adopted in the manner hereinafter prescribed except as otherwise provided by law. *A public hearing on the proposed ordinance shall be held prior to enactment.*

Every county ordinance shall be enacted by a majority vote of all the members of the county board except where a larger number is required by law. It shall be signed by the chairman of the board and attested by the clerk of the board. The ordinance shall be published as hereinafter provided. Proof of the publication shall be attached to and filed with the ordinance in the office of the county auditor. Every ordinance shall be recorded in an ordinance book in the office of the county auditor within 20 days after its publication. All ordinances shall be suitably entitled and shall be substantially in the style: "The county board of . . . . . County ordains:".

Sec. 48. Minnesota Statutes 1971, Section 375.51, Subdivision 2, is amended to read:

Subd. 2. [NOTICE OF INTENTION.] No ordinance of a county shall be enacted unless a notice of the intention to enact such ordinance has been published in the official newspaper of the county not less than ten days before the (MEETING) *public hearing* at which the ordinance is to be considered. *Such public hearings may be continued from time to time and additional hearings may be held.* The notice shall state the subject matter and the general purpose of the proposed ordinance. Proof of the publication of the notice shall be attached to and filed with the ordinance, if enacted, in the office of the county auditor.

Sec. 49. Minnesota Statutes 1971, Section 375.51, Subdivision 3, is amended to read:

Subd. 3. [PUBLICATION.] Every ordinance enacted by a county board shall be published at least once as part of the proceedings of the meeting at which the ordinance was enacted. Publication shall be made in the official newspaper of the county but additional publications, either in the official newspaper or other newspaper, may be ordered. An ordinance may be published in its entirety, or otherwise as hereinafter provided.

To the extent of the authority described in subdivision 1 of this section, a county may incorporate in an ordinance by reference any statute of Minnesota, any administrative rule or regulation of any department of the state of Minnesota affecting the county, or any code. The term "code" as used herein means any compilation of regulations or standards or parts thereof prepared by any governmental agency or any trade or professional association for general distribution in printed form as a standard or model on the subject of building construction, plumbing, electric wiring, inflammable liquids, sanitary provisions, public health, safety, or general welfare.

In the case of lengthy ordinances, or ordinances which include charts or maps, the ordinance need not be published in its entirety if the title of the ordinance and a summary of the ordinance is included in the publication of the proceedings of the

meeting at which the ordinance was enacted. In such case and in the case a statute, administrative rule or regulation or a code is adopted by reference, all requirements of statute for the publication of ordinances shall be satisfied if the summary of the ordinance or the ordinance incorporating the statute, regulation, ordinance or code is published in the required manner and if, prior to such publication, at least (THREE COPIES) *one copy* of the entire ordinance or of the statute, rule, regulation or code are marked as *the official (COPIES) copy* and filed for use and examination by the public in the office of the county auditor. Provisions of the entire ordinance or of the statute, rule, regulation or code thus incorporated in such ordinance by reference shall be as much a part of the ordinance as if they had been set out in full therein.

Sec. 50. Minnesota Statutes 1971, Section 599.13, is amended to read:

599.13 [MUNICIPAL AND COUNTY ORDINANCES.] Copies of the ordinances, bylaws, resolutions, and regulations of any city, village, (OR) borough, *or county*, certified by the mayor or president of the council, and the clerk thereof, under its seal *or by the county auditor or chairman of the county board*, and copies of the same printed in any newspaper, book, pamphlet, or other form, and which purport to be published by authority of the council of such city or village, *or county board*, shall be prima facie evidence thereof and, after three years from the compilation and publication of any such book or pamphlet, shall be conclusive proof of the regularity of their adoption and publication.

Sec. 51. *Minnesota Statutes 1971, Sections 394.06; 394.07; 394.08; 394.09; 394.10; 394.11; 394.12; 394.13; 394.14; 394.15; 394.16, as amended by Laws 1973, Chapter 35, Section 68; 394.17; 394.21, Subdivision 2; 394.22, Subdivision 5; 394.25, Subdivisions 5 and 6; 394.26, Subdivisions 1 and 3; 394.30, Subdivision 2; 394.31; 394.32, Subdivision 4; 396.01; 396.02; 396.03; 396.04; 396.05; 396.051; 396.06; 396.07; 396.08; 396.09; 396.10; 396.11; 396.12; 396.13; 396.14; 396.15; 396.16; 396.17; 396.18; 396.19; 396.20; and 396.21, are repealed."*

In the title H. F. No. 2591 reads:

"A bill for an act relating to planning, development, zoning; authorizing all counties to carry on planning, development and zoning activities; setting forth authorities in land and water use controls; amending Minnesota Statutes 1971, Sections 394.22, Subdivision 6 and by adding subdivisions; 394.23; 394.24, Subdivisions 1 and 2 and by adding subdivisions; 394.25, Subdivisions 1, 2, 3, 4, 5, 7 and 8 and by adding subdivisions; 394.26, Subdivision 2 and by adding subdivisions; 394.27, Subdivisions 1, 2, 5 and 6 and by adding subdivisions; 394.29; 394.30, Subdivisions 1 and 3 and by adding subdivisions; 394.32, Subdivi-

sions 2 and 3; 394.33; 394.35; 394.36, Subdivisions 1 and 2 and by adding a subdivision; 394.37, Subdivision 1; 375.51, Subdivisions 1, 2 and 3; 599.13; Chapter 394 by adding sections; repealing Minnesota Statutes 1971, Sections 394.06 to 394.17; 394.21, Subdivision 2; 394.22, Subdivision 5; 394.25, Subdivision 6; 394.26, Subdivisions 1 and 3; 394.30, Subdivision 2; 394.31; 394.32, Subdivision 4; and 396.01 to 396.21.”; whereas S. F. No. 2576 reads:

“A bill for an act relating to planning, development, zoning; authorizing all counties to carry on planning, development and zoning activities; setting forth authorities in land and water use controls; amending Minnesota Statutes 1971, Sections 394.22, Subdivision 6 and by adding subdivisions; 394.23; 394.24, Subdivisions 1 and 2 and by adding a subdivision; 394.25, Subdivisions 1, 2, 3, 4, 7 and 8 and by adding subdivisions; 394.26, Subdivision 2 and by adding subdivisions; 394.27, Subdivisions 1, 2, 5 and 6 and by adding subdivisions; 394.29; 394.30, Subdivisions 1 and 3 and by adding subdivisions; 394.32, Subdivisions 2 and 3; 394.33; 394.35; 394.36, Subdivision 1 and by adding a subdivision; 394.37, Subdivision 1; 375.51, Subdivisions 1, 2 and 3; 599.13; Chapter 394 by adding sections; repealing Minnesota Statutes 1971, Sections 394.06 to 394.17; 394.21, Subdivision 2; 394.22, Subdivision 5; 394.25, Subdivisions 5 and 6; 394.26, Subdivisions 1 and 3; 394.30, Subdivision 2; 394.31; 394.32, Subdivision 4; and 396.01 to 396.21.”.

#### SUSPENSION OF RULES

Sherwood moved that the rules be so far suspended that S. F. No. 2576 be substituted for H. F. No. 2591 and that the House File be indefinitely postponed. The motion prevailed.

#### REPORTS OF STANDING COMMITTEES

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

S. F. No. 3064, A bill for an act relating to game and fish; prohibiting the taking of smelt outside of a certain area.

Reported the same back with the following amendments:

Page 1, line 6, strike “Except in” and all of line 7.

Page 1, line 8, strike “department of natural resources.”.

Page 1, line 13, after “border” and before the period insert “where specifically prohibited and posted by the department of natural resources”.

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

The report was adopted.

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

S. F. No. 498, A bill for an act providing for the regulation of abortions; providing penalties; providing for records to be kept; repealing Minnesota Statutes, Sections 617.18 and 617.19.

Reported the same back with the following amendments:

Page 1, line 11, after "means" insert "potentially".

Page 1, line 12, after "the" insert "mother's".

Page 1, line 12, strike "During" and in lieu thereof insert "After".

Page 1, line 13, strike "the second half" and insert in lieu thereof "the 22nd week".

Page 1, line 14, strike "potentially".

Page 2, line 5, after "woman" insert "with the intent to cause a termination of the pregnancy and".

Page 2, line 25, strike "potentially".

Page 3, line 3, strike "the abortion is performed under circumstances which".

Page 3, lines 4 and 5, strike the language and insert in lieu thereof "and the health and future childbearing capabilities of the pregnant woman, reasonable efforts to deliver a live born child shall be required of the physician."

Page 3, line 15, strike "potentially".

Page 3, line 15, after "viable" insert ", except when included as part of a public or statistical study or report in which the names of all persons are kept anonymous".

Page 3, line 18, after "confidential." add "The regulations and reporting system shall specifically designate and describe the individual person or persons responsible for making and filing such records and reports."

Page 3, line 20, strike "within 30 days of the abortion or from any".

Page 3, line 21, strike "cause potentially".

Page 3, line 23, after "health" add the following ", by the administrator of the institution wherein she died or by the person responsible for signing the death certificate if death occurs outside of any such institution".

Page 3, line 25, before "fails" insert "wilfully".

Page 4, line 4, after "reason." insert "For the purposes of this section, a hospital or institution means any hospital or institution not owned or operated by the state or any political subdivision or agency thereof, or any combination of the same acting jointly."

Page 4, line 6, strike "potentially".

Page 4, line 9, strike "potentially".

Page 4, line 15, after "life" insert "or preserve the health".

Page 4, line 15, strike "one or both" and insert ", after the birth and within 30 days of a written notification by the proper agency to one or both parents of their parental rights, one or both of the parents of the child agrees".

Page 4, line 16, strike the line.

Page 4, line 17, strike "the birth".

Page 4, line 19, strike "potentially".

Page 5, after line 3, insert a new section as follows:

"Sec. 8. [SEVERABILITY.] If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable."

Renumber the following section accordingly.

With the recommendation that when so amended 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. Quirin from the Committee on Governmental Operations to which was referred:

H. F. No. 3680, A bill for an act relating to the legislature; regulating leaving private employment by members for the purpose of serving in the legislature; providing for the restoration of their positions, and all other rights incident to employment, and providing for enforcement; amending Minnesota Statutes 1971, Chapter 3, by adding sections; repealing Minnesota Statutes 1971, Sections 3.085, 3.086 and 3.087.

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

H. F. No. 2344, A bill for an act relating to adoption; providing for appointment of guardian ad litem and attorney for child.

Reported the same back with the following amendments:

Page 1, line 12, strike "provided that such" and insert "if the".

Page 1, line 13, strike "shall be" and insert "were".

Page 1, line 13, after "heard" insert "on the matter of the costs of services".

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.

## SECOND READING OF SENATE BILLS

S. F. Nos. 1253, 2347, 3233, 3023, 3123, 707, 3360, 2918, 3160, 2975, 2285, 3033, 3144, 2933, 2759, 3189, 3372, 3183, 3287, 3175, 2576, 3064, and 498 were read for the second time.

## INTRODUCTION OF BILLS.

Pieper introduced:

H. F. No. 3701, A bill for an act relating to state employees; prohibiting appointment of certain persons to positions in the unclassified service; amending Minnesota Statutes 1971, Section 43.09, by adding a subdivision.

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

Carlson, L.; Growe; Hook; Knickerbocker; and Swanson introduced:

H. F. No. 3702, A bill for an act relating to the governor; creating a governor's commission on physical fitness; prescribing powers and duties.

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

Norton, Hanson, and Casserly introduced:

H. F. No. 3703, A bill for an act relating to residential treatment facilities; establishment; requiring notice to municipalities.

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

Adams, J.; Berglin; and Swanson introduced:

H. F. No. 3704, A bill for an act relating to Hennepin county; boards of review; creating an appointed board of equalization.

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

Pieper and McCauley introduced:

H. F. No. 3705, A bill for an act relating to the legislature; limiting occupational representation on legislative committees and commissions; amending Minnesota Statutes 1971, Chapter 3, by adding a section.

The bill was read for the first time and referred to the Committee on Rules and Legislative Administration.

Pieper, Wenzel, Klaus, Hagedorn, and Smith introduced:

H. F. No. 3706, A bill for an act relating to the legislature; termination of terms of members upon removal from district from which elected.

The bill was read for the first time and referred to the Committee on Rules and Legislative Administration.

Johnson, D.; Berglin; Jacobs; Lindstrom, E.; and Pavlak, R., introduced:

H. F. No. 3707, A bill for an act relating to taxation; providing for the taxation of oleomargarine and liquor; amending Minnesota Statutes 1971, Section 33.10, Subdivision 1 and by adding a subdivision; and Minnesota Statutes, 1973 Supplement, Section 340.47, Subdivision 1.

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

Sieben, H.; Pavlak, R.; and Sieben, M., introduced:

H. F. No. 3708, A bill for an act relating to taxation; assessment and valuation of property; property used for refining of crude petroleum; repealing Minnesota Statutes 1971, Section 273.13, Subdivision 13.

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

## 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:

H. F. No. 3331, A bill for an act relating to taxes on and measured by net income; amending Minnesota Statutes 1971, Section 290.01, Subdivision 20, as amended.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following House Files, herewith returned:

H. F. No. 1795, A bill for an act relating to the Hennepin County conciliation court; amending Minnesota Statutes 1971, Sections 488A.14, Subdivision 5, and by adding a subdivision; 488A.16, Subdivisions 6 and 8; and 488A.17, Subdivisions 2, 4 and 5.

H. F. No. 2936, A bill for an act relating to the city of Minneapolis; abolishing the board of public welfare of said city.

H. F. No. 3086, A bill for an act relating to aeronautics; aircraft registration and taxation; definitions; amending Minnesota Statutes 1971, Section 360.511, Subdivision 8.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

H. F. No. 892, A bill for an act relating to labor, veterans; encouraging the employment of Vietnam-era veterans by requiring the listing of job openings with the department of manpower services.

The Senate has repassed said bill, in accordance with the recommendation and report of the Conference Committee. Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of 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. 3202, A bill for an act relating to the city of Coon Rapids; authorizing the issuance of on-sale licenses for the sale of intoxicating liquor.

PATRICK E. FLAHAVEN, Secretary of the Senate

Jacobs moved that the House refuse to concur in the Senate amendments to H. F. No. 3202, that the Speaker appoint a Con-

ference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two Houses. The motion prevailed.

#### ANNOUNCEMENT BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to the Conference Committee on H. F. No. 3202:

Jacobs, Haugerud, and Newcome.

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. 978, A bill for an act relating to tort liability of political subdivisions; extending governmental immunity from tort liability for certain towns; amending Minnesota Statutes 1971, Section 466.12, Subdivision 4.

PATRICK E. FLAHAVEN, Secretary of the Senate

Peterson moved that the House refuse to concur in the Senate amendments to H. F. No. 978, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two Houses. The motion prevailed.

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. 3121, A bill for an act relating to intoxicating liquor; redefining the term "restaurant"; amending Minnesota Statutes 1971, Section 340.07, Subdivision 14.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Vento moved that the House concur in the Senate amendments to H. F. No. 3121 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 3121, A bill for an act relating to intoxicating liquor; redefining the term "restaurant"; amending Minnesota Statutes 1971, Section 340.07, Subdivision 14.

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 115, and nays 4, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Erickson	Esau	Kvam	Ohnstad
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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 House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 3142, A bill for an act relating to the city of Eden Prairie; authorizing the planning, construction and financing of a major center area ring road project.

PATRICK E. FLAHAVEN, Secretary of the Senate

## CONCURRENCE AND REPASSAGE

Grove moved that the House concur in the Senate amendments to H. F. No. 3142 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 3142, A bill for an act relating to the city of Eden Prairie; authorizing the planning, construction and financing of a major center area ring road project.

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 127, and nays 0, as follows:

Those who voted in the affirmative were:

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

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 House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 3009, A bill for an act relating to the city of Lake St. Croix Beach; authorizing the city to conduct a public or pri-

vate sale of certain real property, whether or not dedicated to the public for park and recreational purposes, to use the net proceeds of such sale to pay existing debt service, and to acquire other real property for park and recreational purposes in substitution thereof.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Laidig moved that the House concur in the Senate amendments to H. F. No. 3009 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 3009, A bill for an act relating to the city of Lake St. Croix Beach; authorizing the city to conduct a public or private sale of certain real property, whether or not dedicated to the public for park and recreational purposes, to use the net proceeds of such sale to pay existing debt service, and to acquire other real property for park and recreational purposes in substitution thereof.

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 124, and nays 0, as follows:

Those who voted in the affirmative were:

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

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 House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 3233, A bill for an act relating to taxation; increasing the levy limit bases of governmental subdivisions to include gross earnings aids; amending Minnesota Statutes, 1973 Supplement, Sections 275.50, Subdivision 5; and 275.51, Subdivision 3.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Johnson, D., moved that the House concur in the Senate amendments to H. F. No. 3233 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 3233, A bill for an act relating to taxation; increasing the levy limit bases of governmental subdivisions to include gross earnings aids and inheritance tax distributions; amending Minnesota Statutes, 1973 Supplement, Sections 275.50, Subdivision 5; and 275.51, Subdivision 3.

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 124, and nays 0, as follows:

Those who voted in the affirmative were:

Adams, J.	Culhane	Hook	Long	Pavlak, R. L.
Adams, S.	Cummiskey	Jacobs	Mann	Pehler
Andersen, R.	Dahl	Jaros	McArthur	Peterson
Anderson, D.	DeGroat	Johnson, C.	McCarron	Pieper
Anderson, G.	Dieterich	Johnson, D.	McCauley	Pleasant
Anderson, I.	Dirlam	Johnson, J.	McEachern	Prahl
Becklin	Eckstein	Johnson, R.	McMillan	Quirin
Belisle	Eken	Jude	Menke	Resner
Bell	Enebo	Kahn	Miller, D.	Rice
Bennett	Erdahl	Kelly	Miller, M.	Ryan
Berg	Erickson	Kempe	Moe	St. Onge
Berglin	Esau	Klaus	Munger	Salchert
Biersdorf	Faricy	Knickerbocker	Myrah	Samuelson
Braun	Forsythe	Knoll	Nelson	Sarna
Brinkman	Fudro	Kostohryz	Newcome	Savelkoul
Carlson, A.	Fugina	Kvam	Niehaus	Schreiber
Carlson, B.	Graba	Laidig	Norton	Schulz
Carlson, D.	Graw	Larson	Ohnstad	Searle
Carlson, L.	Growe	LaVoy	Ojala	Sherwood
Cleary	Hagedorn	Lemke	Parish	Sieben, H.
Clifford	Haugerud	Lindstrom, E.	Patton	Sieben, M.
Connors	Heinitz	Lombardi	Pavlak, R.	Skaar

Smith  
Stangeland  
Swanson

Tomlinson  
Ulland  
Vanasek

Vento  
Voss  
Weaver

Wenzel  
Wigley  
Wohlwend

Wolcott  
Mr. Speaker

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. 428 and 2635.

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. 2832, 3008, 3059, and 3428.

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. 1888.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### FIRST READING OF SENATE BILLS

S. F. No. 428, A bill for an act relating to income taxation; providing a deduction for certain expenses incurred for transportation of physically or mentally handicapped school children; amending Minnesota Statutes 1971, Section 290.09, Subdivision 22.

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

S. F. No. 2635, A bill for an act relating to courts; allowing clerks of the district and county courts to accept advance deposits to discharge fees; amending Minnesota Statutes 1971, Sections 357.021, by adding a subdivision; and 487.31 by adding a subdivision.

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

S. F. No. 2832, A bill for an act relating to courts; judges retirement, definitions and effective date; amending Laws 1973, Chapter 744, Section 1, Subdivision 17.

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

S. F. No. 3008, A bill for an act relating to the public employees retirement association; authorizing the acquisition of real estate and the construction of necessary building and structures thereon; and appropriating moneys therefor.

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

S. F. No. 3059, A bill for an act relating to the counties of Hennepin and Ramsey; providing for boards of seven members; providing for redistricting commissions; amending Minnesota Statutes 1971, Section 375.01; repealing Special Laws 1871, Chapter 73, Sections 1, 2, 3, 4, and 5; Special Laws 1891, Chapter 438, as amended; and Laws 1963, Chapter 789.

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

S. F. No. 3428, A bill for an act relating to the city of St. Paul; authorizing housing and rehabilitation loan and grant programs; providing for the issuance of general obligation bonds for such programs and for park improvement; amending Laws 1971, Chapter 773, Section 1.

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

S. F. No. 1888, A bill for an act relating to adoption; providing for appointment of guardian ad litem and attorney for child.

The bill was read for the first time and referred to the Committee on Rules and Legislative Administration.

#### ANNOUNCEMENT BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to the Conference Committee on S. F. No. 1530:

Johnson, C.; Jaros; and Knickerbocker.

## PROGRESS REPORTS ON CONFERENCE COMMITTEES

Pursuant to Joint Rule 13, Munger reported on the progress of H. F. No. 2675, now in Conference Committee.

Pursuant to Joint Rule 13, Carlson, A., reported on the progress of H. F. No. 2200, now in Conference Committee.

Pursuant to Joint Rule 13, Brinkman reported on the progress of S. F. No. 96, now in Conference Committee.

Pursuant to Joint Rule 13, Prah! reported on the progress of S. F. No. 1858, now in Conference Committee.

## CONSENT CALENDAR

Anderson, I., moved that H. F. No. 3272; S. F. Nos. 3218, 3271, and 3017; H. F. No. 3462; S. F. Nos. 2995, 2840, 2973, 3176, 3239, 3162, 3417, and 2971; and H. F. No. 3307 be continued on the Consent Calendar for one day. The motion prevailed.

H. F. No. 2156, A bill for an act relating to occupations and professions; regulating the definition of the practice of professional engineering; amending Minnesota Statutes 1971, Section 326.02, 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 126, and nays 0, as follows:

Those who voted in the affirmative were:

Adams, J.	Connors	Haugerud	Lindstrom, J.	Pavlak, R.
Adams, S.	Culhane	Heinitz	Lombardi	Pavlak, R. L.
Andersen, R.	Cummiskey	Hook	Long	Pehler
Anderson, D.	Dahl	Jaros	Mann	Peterson
Anderson, G.	DeGroat	Johnson, C.	McArthur	Pieper
Anderson, I.	Dieterich	Johnson, D.	McCauley	Pleasant
Becklin	Dirlam	Johnson, J.	McEachern	Prah!
Belisle	Eckstein	Johnson, R.	McMillan	Quirin
Bell	Eken	Jude	Menke	Resner
Bennett	Enebo	Kahn	Miller, D.	Rice
Berg	Erdahl	Kelly	Miller, M.	Ryan
Berglin	Erickson	Kempe	Mueller	St. Onge
Biersdorf	Esau	Klaus	Munger	Salchert
Braun	Faricy	Knickerbocker	Myrah	Samuelson
Brinkman	Ferderer	Knoll	Nelson	Sarna
Carlson, A.	Fjoslien	Kostohryz	Newcome	Savelkoul
Carlson, B.	Forsythe	Kvam	Niehaus	Schreiber
Carlson, D.	Fugina	Laidig	Norton	Schulz
Carlson, L.	Graba	Larson	Ohnstad	Searle
Casserly	Graw	LaVoy	Ojala	Sherwood
Cleary	Growe	Lemke	Parish	Sieben, H.
Clifford	Hagedorn	Lindstrom, E.	Patton	Sieben, M.

Skaar  
Smith  
Stangeland  
Stanton

Swanson  
Tomlinson  
Ulland  
Vanasek

Vento  
Voss  
Weaver  
Wenzel

Wigley  
Wohlwend

Wolcott  
Mr. Speaker

The bill was passed and its title agreed to.

## CONSIDERATION UNDER RULE 72

Pursuant to Rule 72, Norton requested immediate consideration of H. F. Nos. 1835, 2974, and 3045.

H. F. No. 1835 was reported to the House.

Vento moved to amend H. F. No. 1835, the printed bill, as follows:

Page 1, line 1, after "that" insert "in the absence of regulation by a municipal body".

Page 1, line 2, after "regulated" and before "as" insert "by the public service commission".

Page 2, after line 30, insert:

"Sec. 3. [CITY REGULATORY AUTHORITY.] By resolution of its governing body any city of the first class may elect to exercise its powers under Minnesota Statutes, Section 454.041, and thereby exclude the public service commission from rate regulation with respect to service to customers within the city.

Sec. 4. Minnesota Statutes 1971, Section 454.041, is amended to read:

454.041 [RATES FOR GAS OR ELECTRIC CURRENT IN CITIES OF THE FIRST CLASS.] In addition to all other powers now conferred upon any city of the (THIRD OR FOURTH) first class (IN THE STATE, WHETHER EXISTING UNDER A GENERAL OR SPECIAL LAW OR UNDER A HOME RULE CHARTER), it is hereby authorized and empowered, through its council or like governing body, by ordinance, to prescribe, from time to time, the rates which any public service corporation supplying gas or electric current for lighting or power purposes within the city may charge for the service. Nothing in sections 454.041 to 454.043 shall be construed to impair the obligation of any contract or franchise provision now existing between the city and a public service corporation. It shall be the right and duty of the council or governing body to prescribe a rate which shall permit the corporation to make a reasonable return on the capital investment in the business, under an economical and efficient management of the same; and for the purpose of making the determination it shall be the duty of the corporation, upon request by the council or other governing body, to give to the

council or other governing body, or any authorized agent of the council or other governing body, access to the books of the corporation for the obtaining of information necessary and proper in the making of the determination. In any case where the corporation supplies gas or current for lighting or power purposes to customers outside the limits of the city, the council, fixing the rates to be charged, shall take into consideration the effect of the rates, if any, upon the rates to be charged to customers living outside the limits of the city, but the council shall not have power to fix the rates to be charged to customers supplied outside of the city limits.

Sec. 5. Minnesota Statutes 1971, Section 454.043, is amended to read:

454.043 [APPEAL; RIGHT OF APPEAL.] Any city of the (THIRD OR FOURTH) *first* class, any public service corporation, or any person aggrieved by a determination of these rates shall have the right of appeal from the determination to the district court of the county in which the city, or any part thereof, is situate, at any time within 20 days after the filing of determination with the clerk of the city. The appeal shall be made by filing with the clerk of the city a written notice of appeal specifying the determination of the council or other governing body from which the appeal is taken. Thereupon the city clerk shall make out and file with the clerk of the district court a copy of the determination of the council or other governing body from which the appeal is taken and of the notice of appeal, certified by the clerk to be true copies thereof, and shall transmit and file with the clerk of the court all papers in the case upon which the determination was made. There shall be no pleadings upon the appeal and the only question that shall be passed upon or considered shall be whether the rates prescribed by the determination of the council or other governing body of the city were fair and just to the public service corporation and the consumers and would permit the public service corporation a fair and reasonable return on the capital investment in the business under an economical and efficient management of the same. These appeals shall have precedence over all other civil cases, except tax cases, and during the pendency of the appeal and until final determination of the appeal by the courts, the rates fixed and prescribed by the council or other governing body shall be and remain in force.”.

Page 12, line 31, delete the comma at the end of the line and insert a period.

Page 12, delete lines 32 to 36.

Page 13, delete lines 1 to 3.

Page 13, line 4, delete “limitations including, but not limited to those of section 477A.01, subdivision 18.”.

Renumber the sections in order.

Further, amend the title in line 4 by deleting "Section" and inserting in lieu thereof "Sections" and after "Subdivision 1" and before the period by inserting "; 454.041; and 454.043".

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

Vento moved to amend H. F. No. 1835, the printed bill, as follows:

Page 7, line 23, delete "to construction work in progress,".

Page 7, line 25, delete everything after the period.

Page 7, delete line 26.

Page 7, line 27, delete "for funds used during construction.".

Page 7, line 28, after the word "its" delete "rate base during the period" and insert: "net investment as such investment is calculated and ascertained by reference to date assimilated from the most recent, actual, calendar historical test year.".

Page 7, delete line 29.

A roll call was requested and properly seconded.

The question was taken on the amendment and the roll being called, there were yeas 13, and nays 100, as follows:

Those who voted in the affirmative were:

Bennett	Dieterich	Heinitz	Moe	Vento
Berglin	Faricy	Johnson, J.	Norton	
Cassery	Ferderer	Jude	Pavlak, R. L.	

Those who voted in the negative were:

Adams, J.	Culhane	Graw	Laidig	Mueller
Anderson, I.	Cummiskey	Growe	Larson	Myrah
Becklin	Dahl	Hagedorn	Lemke	Newcome
Belisle	DeGroat	Haugerud	Lindstrom, J.	Niehaus
Bell	Dirlam	Jacobs	Lombardi	Ohnstad
Berg	Eckstein	Johnson, D.	Long	Parish
Biersdorf	Eken	Johnson, R.	Mann	Patton
Braun	Enebo	Kahn	McArthur	Pavlak, R.
Brinkman	Erdahl	Kelly	McCarron	Peterson
Carlson, A.	Erickson	Kempe	McCauley	Pieper
Carlson, B.	Esau	Klaus	McEachern	Pleasant
Carlson, D.	Fjoslien	Knickerbocker	McMillan	Prahl
Carlson, L.	Forsythe	Knoll	Menke	Quirin
Cleary	Fudro	Kostohryz	Miller, D.	Resner
Clifford	Fugina	Kvam	Miller, M.	Rice

Ryan	Schreiber	Sieben, M.	Stanton	Weaver
St. Onge	Schulz	Skaar	Swanson	Wenzel
Salchert	Searle	Smith	Ulland	Wigley
Sarna	Sherwood	Spanish	Vanasek	Wohlwend
Savelkoul	Sieben, H.	Stangeland	Voss	Wolcott

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

McCauley was excused for the remainder of today's session.

Tomlinson moved to amend H. F. No. 1835, the printed bill, as follows:

Page 6, line 21, strike "final".

Page 6, line 23, after "commission." insert the following: "The determination referred to in the preceding sentence of this subdivision shall be the one made by the commission immediately following the filing by a public utility for a change in rates, and the period of nine months mentioned herein shall not include the time during which appeals are perfected, rehearings conducted, modifications, reversals or affirmances rendered through subsequent determinations, and reviews in district courts, the supreme court, or other state or federal appellate courts obtained and consummated."

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

Norton moved to amend H. F. No. 1835, the printed bill, as follows:

Page 6, line 3, after "commission." insert: "Municipalities shall have the right to intervene at commission hearings as an adversary representing the public interest and shall have access to information held by the commission at cost, and shall have access to consultation with commission staff."

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

Searle moved to amend H. F. No. 1835, the printed bill, as follows:

Page 16, line 20, after the word "revenue" insert the following: "not to exceed the total for the preceding two years".

Page 17, line 6, after the word "revenue" insert the following: "not to exceed the total for the preceding two years".

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



Vento moved to amend H. F. No. 1835, the printed bill, as follows:

Page 3, line 30, after the period insert: "The public service commission may permit reduced rates for the low income elderly heads of households after conducting public hearings and determining that the proposed rate reduction is in the public interest."

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

H. F. No. 1835, A bill for an act regulating public utilities furnishing at retail natural, manufactured or mixed gas, or electric service; prescribing the duties of the public service commission in relation thereto; prescribing penalties; increasing the membership of the public service commission; appropriating money; amending Minnesota Statutes 1971, Section 216A.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 116, and nays 10, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Bennett	Faricy	Johnson, J.	Norton	Tomlinson
Dieterich	Ferderer	Moe	Ryan	Vento

The bill was passed and its title agreed to.

H. F. No. 2974, A bill for an act relating to the city of Coon Rapids; appropriating funds for special assessments levied by the city against property of Anoka-Ramsey community college.

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 120, and nays 0, as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

Connors and Hook were excused for the remainder of today's session.

H. F. No. 3045, A bill for an act relating to agriculture; agricultural commodities promotion; limiting per diem expenses allowed to members of advisory boards; appropriating money for use by the paddy wild rice industry advisory board; amending Minnesota Statutes, 1973 Supplement, Section 17.601.

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 102, and nays 15, as follows:

Those who voted in the affirmative were:

Adams, J.	Dieterich	Johnson, D.	Miller, D.	Schulz
Andersen, R.	Dirlam	Johnson, J.	Miller, M.	Searle
Anderson, D.	Eckstein	Johnson, R.	Moe	Sieben, H.
Anderson, G.	Eken	Jude	Mueller	Sieben, M.
Anderson, I.	Enebo	Kelly	Newcome	Skaar
Becklin	Erdahl	Kempe	Niehaus	Smith
Bell	Erickson	Klaus	Norton	Spanish
Bennett	Esau	Knoll	Ohnstad	Stangeland
Berg	Faricy	Kvam	Parish	Swanson
Biersdorf	Ferderer	Laidig	Pavlak, R.	Tomlinson
Braun	Forsythe	Lemke	Pavlak, R. L.	Vento
Brinkman	Fudro	Lindstrom, E.	Pieper	Voss
Carlson, B.	Graba	Lindstrom, J.	Pleasant	Weaver
Carlson, D.	Graw	Lombardi	Quirin	Wenzel
Carlson, L.	Growe	Long	Ryan	Wigley
Cleary	Hagedorn	Mann	St. Onge	Wohlwend
Clifford	Haugerud	McArthur	Salchert	Wolcott
Culhane	Heinitz	McCarron	Samuelson	Mr. Speaker
Cummiskey	Jacobs	McEachern	Sarna	
Dahl	Jaros	McMillan	Savelkoul	
DeGroat	Johnson, C.	Menke	Schreiber	

Those who voted in the negative were:

Belisle	Fugina	LaVoy	Ojala	Sherwood
Berglin	Kahn	Munger	Patton	Stanton
Carlson, A.	Knickerbocker	Myrah	Pehler	Ulland

The bill was passed and its title agreed to.

#### MOTION FOR RECONSIDERATION

Pleasant moved that the vote whereby H. F. No. 2243 was not passed on Special Orders on Tuesday, March 12, 1974, be now reconsidered. The motion prevailed.

H. F. No. 2243 was reported to the House.

H. F. No. 2243, A bill for an act providing for the creation, organization, administration, and functions of a Hennepin-Scott Minnesota river bridge authority as a local government unit; authorizing the authority to acquire, construct, finance, operate, and maintain a bridge and the approaches thereto across the Minnesota river connecting state highway 101 and Hennepin county state aid highway 18; repealing Laws 1971, Chapter 739.

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 75, and nays 45, as follows:

Those who voted in the affirmative were:

Adams, S.	DeGroat	Johnson, R.	Miller, D.	Samuelson
Andersen, R.	Dirlam	Kempe	Mueller	Savelkoul
Anderson, D.	Eckstein	Klaus	Myrah	Schreiber
Anderson, G.	Eken	Knickerbocker	Newcome	Schulz
Becklin	Erdahl	Kvam	Niehaus	Searle
Belisle	Erickson	Laidig	Ohnstad	Skaar
Bennett	Esau	Larson	Patton	Smith
Biersdorf	Ferderer	Lemke	Pavlak, R. L.	Stangeland
Braun	Forsythe	Lindstrom, E.	Peterson	Swanson
Brinkman	Graw	Lombardi	Pieper	Ulland
Carlson, A.	Hagedorn	Long	Pleasant	Weaver
Carlson, B.	Haugerud	Mann	Prahl	Wenzel
Cleary	Heinitz	McArthur	Quirin	Wigley
Clifford	Jacobs	McMillan	Ryan	Wohlwend
Culhane	Johnson, J.	Menke	St. Onge	Wolcott

Those who voted in the negative were:

Adams, J.	Enebo	Knoll	Nelson	Sarna
Anderson, I.	Faricy	Kostohryz	Norton	Sherwood
Berg	Fudro	LaVoy	Ojala	Sieben, H.
Berglin	Fugina	Lindstrom, J.	Parish	Sieben, M.
Carlson, D.	Grove	McCarron	Pavlak, R.	Stanton
Carlson, L.	Jaros	McEachern	Pehler	Tomlinson
Casserly	Johnson, D.	Miller, M.	Resner	Vento
Cummiskey	Jude	Moe	Rice	Voss
Dieterich	Kahn	Munger	Salchert	Mr. Speaker

The bill was passed and its title agreed to.

#### ANNOUNCEMENT BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to the Conference Committee on H. F. No. 978:

Peterson, Culhane and Wigley.

Casserly, Long, and Mueller were excused for the remainder of today's session. St. Onge was excused between the hours of 5:30 p.m. and 7:00 p.m.

#### SPECIAL ORDERS

H. F. No. 3105 was reported to the House.

Weaver moved to amend H. F. No. 3105, the printed bill, as follows:

Page 5, beginning on line 8, strike all of Section 10.

Page 5, beginning on line 14, strike all of Section 11.

Page 5, beginning on line 32, strike all of Section 12.

Renumber sections accordingly on pages 6 and 7.

Page 2, line 10, strike "15" and insert in lieu thereof "12".

Page 3, line 9, strike "sections 11 and 15" and insert in lieu thereof "section 12".

Page 3, line 26, strike "19" and insert in lieu thereof "16".

Page 3, line 32, strike "11 or 15" and insert in lieu thereof "12".

Page 4, after line 28, add a new sentence which reads as follows: *"The receiver, upon petition filed by him, may also be authorized and directed to exercise any rights under a life insurance policy or an annuity contract which the absentee could have exercised, including, but not limited to, the right to borrow against it, surrender it for its cash surrender value, or continue it in force by payment of premiums."*

Page 6, line 21, following the semicolon, add the word "or".

Page 6, line 23, following the semicolon, add the word "or".

Page 7, line 2, strike "19" and insert in lieu thereof "16".

Page 7, line 14, strike "15" and insert in lieu thereof "12".

Page 7, line 22, strike "15" and insert in lieu thereof "12".

Page 7, line 27, strike "15" and insert in lieu thereof "12".

Page 7, line 33, strike "15" and insert in lieu thereof "12".

The motion prevailed and the amendment was adopted.

H. F. No. 3105, A bill for an act relating to status of disappeared persons; providing for receivers and the possession, management, and disposition of property; providing for proceedings to establish the date of death of a person who has disappeared and the eligibility for life insurance payments prior to determination of death; amending Minnesota Statutes 1971, Sections 487.14; 487.27, Subdivision 3, as amended; 518.01; 525.71; 576.01; 576.04; 576.10; 576.12, by adding a subdivision; 576.14; 576.15; 576.16; and Chapter 576, by adding sections.

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 114, and nays 3, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Culhane      Fugina      Ojala

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

H. F. No. 3313 was reported to the House.

Sieben, M., moved to amend H. F. No. 3313, the printed bill, as follows:

Page 1, line 5, after "food" insert ", beverages,".

Page 1, line 5, strike "terms and provisions of" and insert "*competitive bidding procedures of Minnesota Statutes, Section 16.06, 16.07, and 16.28 but shall remain subject to all other provisions of Minnesota Statutes,*".

Page 1, line 6, after "16" insert ". *In the granting of such concessions, a contract for such concessions shall be made either upon sealed bids or by direct negotiation, by obtaining two or more quotations for the service when possible. At least 30 days before awarding a directly negotiated contract, the zoological board shall, by written published notice request quotations for the service to be provided. All quotations obtained shall be kept on file for a period of at least one year after receipt thereof. If a contract is made upon sealed bids, the procedure for advertising and awarding bids shall conform to the provisions of chapter 16. In other areas of concessions the commissioner of administration may determine that it is not feasible and not in the public*

*interest to award a contract for the operation of such concession to the highest responsible bidder."*

The motion prevailed and the amendment was adopted.

H. F. No. 3313, A bill for an act regarding concession facilities at the Minnesota zoological garden; amending Minnesota Statutes 1971, Section 85A.03, Subdivision 4.

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 115, and nays 0, as follows:

Those who voted in the affirmative were:

Adams, J.	Dirlam	Jude	Miller, M.	Sarna
Andersen, R.	Eckstein	Kahn	Moe	Savelkoul
Anderson, D.	Eken	Kelly	Munger	Schreiber
Anderson, G.	Enebo	Kempe	Myrah	Schulz
Anderson, I.	Erdahl	Klaus	Nelson	Searle
Becklin	Erickson	Knickerbocker	Newcome	Sherwood
Belisle	Esau	Knoll	Niehaus	Sieben, H.
Bell	Faricy	Kostohryz	Norton	Sieben, M.
Bennett	Ferderer	Kvam	Ohnstad	Skaar
Berg	Forsythe	Laidig	Ojala	Smith
Berglin	Fudro	Larson	Parish	Spanish
Biersdorf	Fugina	LaVoy	Patton	Stangeland
Braun	Graba	Lemke	Pavliak, R.	Swanson
Brinkman	Grove	Lindstrom, E.	Pavliak, R. L.	Tomlinson
Carlson, A.	Hagedorn	Lindstrom, J.	Pehler	Ulland
Carlson B.	Haugerud	Lombardi	Peterson	Vento
Carlson, L.	Heinitz	Mann	Pieper	Voss
Casserly	Jacobs	McArthur	Pleasant	Weaver
Clifford	Jaros	McCarron	Quirin	Wenzel
Culhane	Johnson, C.	McEachern	Rice	Wigley
Dahl	Johnson, D.	McMillan	Ryan	Wohlwend
DeGroat	Johnson, J.	Menke	Salchert	Wolcott
Dieterich	Johnson, R.	Miller, D.	Samuelson	Mr. Speaker

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

S. F. No. 3163 was reported to the House.

There being no objection, S. F. No. 3163 was continued for one day.

H. F. No. 3035 was reported to the House.

Tomlinson moved to amend H. F. No. 3035, the printed bill, as follows:

Page 1, line 3, at the end of the line, strike "uni-".

Page 1, line 4, at the beginning of the line, strike "form". Further in the line, after the word "ride" strike all the language

remaining in the line and insert in lieu thereof: "*or not more than \$.55 for express bus service.*".

Page 1, line 5, at the beginning of the line, strike "*fer.*".

Page 2, line 1, strike "*2.89*" and insert in lieu thereof "*2.72*".

Voss requested a division of the amendment.

The first portion of the amendment reads as follows:

Page 1, line 3, strike "*uni-*".

Page 1, line 4, strike "*form*". Continuing in line 4, after "*ride*" strike all the language remaining in the line.

Page 1, line 5, strike "*fer*".

Page 2, line 1, strike "*2.89*" and insert in lieu thereof "*2.72*".

The question was taken on the first portion of the amendment. The motion prevailed and the first portion of the amendment was adopted.

The second portion of the amendment reads as follows:

Further in the line, after the word "*ride*" insert "*or not more than \$.55 for express bus service.*".

A roll call was requested and properly seconded.

The question was taken on the second portion of the amendment and the roll being called, there were yeas 44, and nays 61, as follows:

Those who voted in the affirmative were:

Adams, J.	Ferderer	Lemke	Resner	Smith
Bennett	Fudro	Lombardi	Rice	Stanton
Berg	Fugina	McMillan	Ryan	Tomlinson
Carlson, A.	Jaros	Miller, D.	Salchert	Ulland
Carlson, B.	Johnson, D.	Moe	Sarna	Vanasek
Carlson, D.	Kahn	Nelson	Savelkoul	Vento
Cumminskey	Kelly	Norton	Schulz	Wolcott
Enebo	Knoll	Ojala	Sherwood	Mr. Speaker
Faricy	LaVoy	Parish	Skaar	

Those who voted in the negative were:

Andersen, R.	Brinkman	Dieterich	Hagedorn	Knickerbocker
Anderson, D.	Carlson, L.	Dirlam	Heinitz	Kostohryz
Anderson, G.	Cleary	Eckstein	Jacobs	Laidig
Anderson, I.	Clifford	Eken	Johnson, J.	Larson
Becklin	Culhane	Forsythe	Jude	Lindstrom, E.
Belisle	Dahl	Graw	Kempe	Lindstrom, J.
Biersdorf	DeGroat	Growe	Klaus	McArthur



McCarron	Niehaus	Pieper	Sieben, M.	Wigley
McEachern	Ohnstad	Pleasant	Stangeland	Wohlwend
Miller, M.	Patton	Quirin	Swanson	
Munger	Pavlak, R.	Schreiber	Voss	
Myrah	Pehler	Searle	Weaver	
Newcome	Peterson	Sieben, H.	Wenzel	

The motion did not prevail and the second portion of the amendment was not adopted.

Weaver was excused for the remainder of today's session.

H. F. No. 3035, A bill for an act relating to mass transit; approving the bus service expansion report and providing funds therefor; amending Minnesota Statutes, 1973 Supplement, Section 473A.111, 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 74, and nays 45, as follows:

Those who voted in the affirmative were:

Adams, J.	Eken	Kelly	Munger	Schreiber
Andersen, R.	Enebo	Kempe	Nelson	Schulz
Anderson, I.	Faricy	Knickerbocker	Newcome	Sherwood
Belisle	Ferderer	Knoll	Norton	Sieben, H.
Bell	Forsythe	Kostohryz	Ojala	Sieben, M.
Bennett	Fudro	Laidig	Parish	Stangeland
Berg	Fugina	LaVoy	Pavlak, R.	Swanson
Berglin	Graba	Lombardi	Pavlak, R. L.	Tomlinson
Carlson, A.	Grove	McArthur	Pleasant	Ulland
Carlson, L.	Haugerud	McCarron	Quirin	Vanasek
Cleary	Jacobs	McEachern	Resner	Vento
Clifford	Jaros	McMillan	Rice	Voss
Cummiskey	Johnson, D.	Menke	Ryan	Wolcott
Dahl	Johnson, R.	Miller, D.	Salchert	Mr. Speaker
Dieterich	Kahn	Moe	Sarna	

Those who voted in the negative were:

Anderson, D.	DeGroat	Johnson, J.	Miller, M.	Samuelson
Anderson, G.	Dirlam	Jude	Myrah	Savelkoul
Becklin	Eckstein	Klaus	Niehaus	Searle
Biersdorf	Erdahl	Kvam	Ohnstad	Skaar
Braun	Erickson	Larson	Patton	Smith
Brinkman	Fjoslien	Lemke	Pehler	Spanish
Carlson, B.	Graw	Lindstrom, E.	Peterson	Wenzel
Carlson, D.	Hagedorn	Lindstrom, J.	Pieper	Wigley
Culhane	Heinitz	Mann	Prahl	Wohlwend

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

Ferderer and Lombardi were excused between the hours of 6:00 p.m. and 7:30 p.m.

H. F. No. 1834 was reported to the House.

Sieben, H., moved to amend H. F. No. 1834, the printed bill, as follows:

Page 15, delete lines 35 and 36.

Page 16, delete lines 1 through 7.

The motion prevailed and the amendment was adopted.

Sieben, H., moved to amend H. F. No. 1834, the printed bill, as follows:

Page 20, delete lines 22 through 36.

Page 21, delete lines 1 through 5.

Renumber the remaining sections.

The motion prevailed and the amendment was adopted.

H. F. No. 1834, A bill for an act relating to civil defense; revising the provisions of the state civil defense law; enacting the Interstate Civil Defense and Disaster Compact; providing penalties; repealing Minnesota Statutes 1971, Chapter 12, as amended; and Laws 1951, Chapter 669.

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 98, and nays 13, as follows:

Those who voted in the affirmative were:

Adams, J.	Dahl	Kahn	Munger	Schreiber
Andersen, R.	Dieterich	Kelly	Myrah	Schulz
Anderson, D.	Dirlam	Kempe	Nelson	Searle
Anderson, G.	Eckstein	Knickerbocker	Newcome	Sherwood
Anderson, I.	Eken	Knoll	Niehaus	Sieben, H.
Becklin	Enebo	Kostohryz	Norton	Sieben, M.
Belisle	Erdahl	Kvam	Parish	Smith
Bell	Erickson	Laidig	Patton	Spanish
Bennett	Faricy	LaVoy	Pavlak, R.	Stangeland
Berg	Forsythe	Lemke	Pavlak, R. L.	Stanton
Berglin	Fudro	Lindstrom, E.	Pehler	Swanson
Biersdorf	Growe	Mann	Peterson	Tomlinson
Braun	Haugerud	McArthur	Pleasant	Vento
Brinkman	Heinitz	McCarron	Quirin	Wenzel
Carlson, A.	Jacobs	McEachern	Rice	Wigley
Carlson, B.	Jaros	McMillan	Ryan	Wohlwend
Carlson, L.	Johnson, D.	Menke	Salchert	Wolcott
Casserly	Johnson, J.	Miller, D.	Samuelson	Mr. Speaker
Clifford	Johnson, R.	Miller, M.	Sarna	
Culhane	Jude	Moe	Savelkoul	

Those who voted in the negative were:

Carlson, D.	Fugina	Larson	Pieper	Ulland
DeGroat	Graw	Ohnstad	Prahl	
Fjoslien	Klaus	Ojala	Skaar	

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

Adams, S.; Newcome; and Salchert were excused for the remainder of today's session.

H. F. No. 2644 was reported to the House.

Kahn, Klaus, Kelly, Knickerbocker and Knoll moved to amend H. F. No. 2644, the printed bill, as follows:

Page 1, strike lines 13 through 15.

Page 2, line 1, strike "If it shall appear to the court to be proper, it" and insert "The court".

Page 2, line 2, after "application" strike "and" and insert "unless it finds that there is intent to defraud. The court shall".

Page 2, strike lines 12 through 36.

Page 2, after line 11, add a new section to read as follows:

"Section 3. Minnesota Statutes 1971, Chapter 517, is amended by adding a section to read:

[517.071] [NO PRESUMPTION OF CHANGE OF NAME.]  
*The names of the parties after the marriage shall be indicated on the application for a license. There shall be no presumption based upon sex that one party shall take the name of the other party".*

Page 3, strike lines 21 through 29.

Renumber the remaining section accordingly.

The motion prevailed and the amendment was adopted.

Kahn moved to amend H. F. No. 2644, the printed bill, as follows:

Page 3, strike lines 1, 2, and 3.

The motion prevailed and the amendment was adopted.

Lindstrom, J., moved to amend H. F. No. 2644, the printed bill, as amended, as follows:

Page 2, line 1, reinsert the old language "If it shall appear to the court to be proper, it" and strike "The court".

The motion prevailed and the amendment was adopted.

Niehaus moved that H. F. No. 2644 be re-referred to the Committee on Agriculture.

A roll call was requested and properly seconded.

The question was taken on the motion and the roll being called, there were yeas 5, and nays 79, as follows:

Those who voted in the affirmative were:

Belisle	Esau	Fudro	Niehaus	Wigley
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Those who voted in the negative were:

Adams, J.	Dahl	Kempe	Munger	Searle
Andersen, R.	Dieterich	Knickerbocker	Nelson	Sherwood
Anderson, G.	Eken	Knoll	Ojala	Sieben, H.
Anderson, I.	Enebo	Kostohryz	Patton	Sieben, M.
Becklin	Faricy	Laidig	Pavlak, R.	Stangeland
Bell	Forsythe	Larson	Paviak, R. L.	Stanton
Bennett	Fugina	LaVoy	Pehler	Swanson
Berg	Grove	Lemke	Peterson	Tomlinson
Berglin	Heinitz	Lindstrom, E.	Pieper	Ulland
Biersdorf	Jacobs	Mann	Pleasant	Vanasek
Brinkman	Jaros	McCarron	Quirin	Vento
Carlson, A.	Johnson, D.	McEachern	Resner	Voss
Carlson, L.	Johnson, J.	McMillan	Rice	Wenzel
Cleary	Jude	Menke	Ryan	Wohlwend
Clifford	Kahn	Miller, M.	Sarna	Mr. Speaker
Cummiskey	Kelly	Moe	Savelkoul	

The motion did not prevail.

H. F. No. 2644, A bill for an act relating to distinctions on the basis of sex; abolishing these distinctions in the law concerning changing of names; amending Minnesota Statutes 1971, Sections 259.10; 259.11; 517.08, Subdivision 3; and 518.27; and Chapter 259, by adding sections.

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 48, and nays 65, as follows:

Those who voted in the affirmative were:

Adams, J.	Carlson, A.	Cummiskey	Fugina	Johnson, D.
Bell	Carlson, L.	Dieterich	Grove	Jude
Berg	Cleary	Enebo	Haugerud	Kahn
Berglin	Culhane	Faricy	Jaros	Kelly

Klaus	McMillan	Ojala	Sarna	Tomlinson
Knickerbocker	Menke	Pavlak, R.	Savelkoul	Ulland
Knoll	Moe	Quirin	Sieben, H.	Voss
Kostohryz	Munger	Resner	Sieben, M.	Mr. Speaker
LaVoy	Nelson	Rice	Stanton	
McCarron	Norton	Ryan	Swanson	

Those who voted in the negative were:

Andersen, R.	Dirlam	Johnson, J.	Miller, M.	Schulz
Anderson, D.	Eckstein	Johnson, R.	Myrah	Searle
Anderson, G.	Eken	Kempe	Niehaus	Sherwood
Anderson, I.	Erdahl	Kvam	Ohnstad	Skaar
Becklin	Erickson	Laidig	Patton	Smith
Belisle	Esau	Larson	Pavlak, R. L.	Spanish
Bennett	Fjoslien	Lemke	Pehler	Stangeland
Biersdorf	Forsythe	Lindstrom, E.	Peterson	Vanasek
Braun	Graba	Lindstrom, J.	Pieper	Vento
Brinkman	Graw	Mann	Pleasant	Wenzel
Carlson, D.	Hagedorn	McArthur	Prahl	Wigley
Clifford	Heinitz	McEachern	Samuelson	Wohlwend
DeGroat	Johnson, C.	Miller, D.	Schreiber	Wolcott

The bill was not passed, as amended.

McArthur was excused for the remainder of today's session.

H. F. No. 3383, A bill for an act relating to veterans' preference rights for employment by the city of Duluth; repealing Laws 1957, Chapter 741.

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 49, and nays 57, as follows:

Those who voted in the affirmative were:

Anderson, I.	Faricy	Jude	McMillan	Sherwood
Berg	Forsythe	Kahn	Moe	Sieben, M.
Berglin	Graba	Kelly	Myrah	Stanton
Carlson, A.	Graw	Knickerbocker	Nelson	Tomlinson
Carlson, L.	Haugerud	Knoll	Norton	Ulland
Cleary	Heinitz	Kostohryz	Ojala	Vanasek
Clifford	Jaros	Laidig	Pleasant	Vento
Cummiskey	Johnson, D.	LaVoy	Quirin	Voss
Dieterich	Johnson, J.	Lindstrom, E.	Resner	Mr. Speaker
Dirlam	Johnson, R.	McCarron	Rice	

Those who voted in the negative were:

Adams, J.	Carlson, D.	Fjoslien	Larson	Patton
Andersen, R.	Culhane	Fudro	Lemke	Pavlak, R.
Anderson, D.	DeGroat	Fugina	Mann	Pavlak, R. L.
Anderson, G.	Eckstein	Grove	McEachern	Pehler
Becklin	Eken	Hagedorn	Miller, D.	Peterson
Belisle	Enebo	Johnson, C.	Miller, M.	Pieper
Bennett	Erdahl	Kempe	Munger	Prahl
Biersdorf	Erickson	Klaus	Niehaus	Ryan
Brinkman	Esau	Kvam	Ohnstad	Samuelson

Savelkoul  
Schreiber  
Sieben, H.

Skaar  
Smith  
Spanish

Stangeland  
Swanson  
Wenzel

Wigley  
Wohlwend

Wolcott

The bill was not passed.

H. F. No. 3347 was reported to the House.

Fugina moved to amend H. F. No. 3347, the printed bill, as follows:

Page 2, line 7, after "to the" strike "commission" and insert in lieu thereof "committees".

The motion prevailed and the amendment was adopted.

Pleasant moved to amend H. F. No. 3347, the printed bill, as follows:

Page 2, after line 7, add a new subdivision 3 to read as follows:

"Subd. 3. Each respective licensing, examining or certifying board or commission for the professions listed in section 1 shall submit to the higher education coordinating commission for inclusion in the biennium report the following information:

(a) The total number of applicants seeking licenses, registration or certification each year;

(b) The number of women, men, and racial minorities as a percentage of those seeking licenses, registration or certification each year;

(c) The total number of applicants successful in receiving licenses, registration or certification each year; and

(d) The number of women, men and racial minorities as a percentage of those successful in receiving licenses, registration or certification each year."

The motion prevailed and the amendment was adopted.

Swanson moved to amend H. F. No. 3347, the printed bill, as amended, as follows:

Page 2, line 6, strike "executive director of the".

Page 2, line 7, after "commission" strike the comma and insert a period and strike "and presented to the committees by him."

The motion prevailed and the amendment was adopted.

Sieben, M., moved to amend H. F. No. 3347, the printed bill, as amended, as follows:

Page 2, line 12, after "inequities" and before the period insert "or an explanation as to why such inequities exist".

The motion prevailed and the amendment was adopted.

Fugina moved that H. F. No. 3347 be continued one day, as amended. The motion prevailed.

Voss was excused between the hours of 7:45 p.m. and 8:30 p.m.

H. F. No. 3276 was reported to the House.

Laidig moved to amend H. F. No. 3276, the printed bill, as follows:

Page 1, line 4, after "which" and before "is", strike "he" and insert in lieu thereof "*the applicant*".

The motion prevailed and the amendment was adopted.

H. F. No. 3276, A bill for an act relating to absent and disabled voters; providing for designation by county auditors of municipalities where application for ballots may be made; providing the duties of clerks for municipal elections; absentee voting for members of the armed forces; amending Minnesota Statutes, 1973 Supplement, Sections 207.03; 207.19; 207.20; and Minnesota Statutes 1971, Chapter 207, by adding a section.

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 112, and nays 0, as follows:

Those who voted in the affirmative were:

Adams, J.	Carlson, L.	Ferderer	Johnson, R.	Lindstrom, J.
Andersen, R.	Cleary	Fjoslien	Jude	Lombardi
Anderson, D.	Clifford	Forsythe	Kahn	Mann
Anderson, G.	Culhane	Fudro	Kelly	McCarron
Anderson, I.	Dahl	Fugina	Kempe	McEachern
Becklin	DeGroat	Graba	Klaus	McMillan
Belisle	Dieterich	Graw	Knickerbocker	Menke
Bennett	Dirlam	Growe	Knoll	Miller, D.
Berg	Eckstein	Hagedorn	Kostohryz	Miller, M.
Berglin	Eken	Haugerud	Kvam	Moe
Braun	Enebo	Jacobs	Laidig	Munger
Brinkman	Erdahl	Jaros	Larson	Myrah
Carlson, A.	Erickson	Johnson, C.	LaVoy	Nelson
Carlson, B.	Esau	Johnson, D.	Lemke	Niehaus
Carlson, D.	Faricy	Johnson, J.	Lindstrom, E.	Norton

Ohnstad	Pieper	Samuelson	Smith	Vento
Ojala	Pleasant	Sarna	Spanish	Wenzel
Parish	Prahl	Savelkoul	Stangeland	Wigley
Patton	Quirin	Schreiber	Stanton	Wohwend
Pavlak, R.	Resner	Sherwood	Swanson	Mr. Speaker
Pavlak, R. L.	Rice	Sieben, H.	Tomlinson	
Pehler	Ryan	Sieben, M.	Ulland	
Peterson	St. Onge	Skaar	Vanasek	

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

H. F. No. 3279, A bill for an act relating to state government; empowering the commissioner of administration to assume management functions of dissolved agencies; allowing certain advance deposits to federal agencies; authorizing the use of state vehicles for the car pooling of state employees; updating the provisions of surplus property sales; empowering political subdivisions to purchase real and personal property from the state; amending Minnesota Statutes 1971, Sections 16.02, by adding a subdivision; 16.096; 94.09, Subdivision 3; 94.12; 94.13; 94.14; 471.64; and Chapter 16, by adding a section; repealing Minnesota Statutes 1971, Section 94.15.

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 116, and nays 0, as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.



H. F. No. 3321, A bill for an act relating to county attorneys; authorizing county boards to provide that the office of county attorney be a full time position; amending Minnesota Statutes 1971, Chapter 388, by adding sections.

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 111, and nays 3, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Culhane      Schulz      Vanasek

The bill was passed and its title agreed to.

H. F. No. 3557 was reported to the House.

There being no objection, H. F. No. 3557 was continued for one day.

H. F. No. 3571 was reported to the House.

Anderson, I., moved to amend H. F. No. 3571, the printed bill, as follows:

Line 8, strike "rule" and insert "act".

The motion prevailed and the amendment was adopted.

H. F. No. 3571, A bill for an act relating to the legislature; providing for the filing of reports with the legislature; amending Minnesota Statutes 1971, Chapter 3, by adding a section.

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 113, and nays 1, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Dieterich

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

H. F. No. 1951 was reported to the House.

There being no objection, H. F. No. 1951 was continued for one day.

H. F. No. 3433, A bill for an act relating to the city of Hanska and independent school districts Numbers 88, 837, and 840; authorizing the acquisition and leasing of properties for educational purposes; prescribing powers and duties in relation thereto; and authorizing the issuance of bonds.

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 115, and nays 0, as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

H. F. No. 1827 was reported to the House.

There being no objection, H. F. No. 1827 was continued until Friday, March 15, 1974.

H. F. No. 1710 was reported to the House.

Nelson moved that S. F. No. 3247 be recalled from the Committee on Crime Prevention and Corrections and together with H. F. No. 1710, now on Special Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

H. F. No. 3455 was reported to the House.

Anderson, G., moved that H. F. No. 3455 be continued until Monday, March 18, 1974. The motion prevailed.

H. F. No. 3151, A bill for an act relating to the state; creating a designer selection board to select architects and engineers for state building projects and prescribing its powers and duties.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll being called, there were yeas 108, and nays 4, as follows:

Those who voted in the affirmative were:

Adams, J.	Dirlam	Johnson, R.	Miller, D.	Schulz
Andersen, R.	Eckstein	Jude	Miller, M.	Searle
Anderson, D.	Eken	Kahn	Moe	Sherwood
Anderson, G.	Enebo	Kelly	Munger	Sieben, H.
Anderson, I.	Erdahl	Kempe	Myrah	Sieben, M.
Becklin	Erickson	Klaus	Nelson	Skaar
Belisle	Esau	Knickerbocker	Niehaus	Smith
Bennett	Faricy	Knoll	Norton	Spanish
Berg	Ferderer	Kostohryz	Parish	Stangeland
Berglin	Fjoslien	Kvam	Patton	Stanton
Biersdorf	Forsythe	Laidig	Pavlak, R.	Swanson
Braun	Fudro	Larson	Pehler	Ulland
Brinkman	Fugina	LaVoy	Peterson	Vanasek
Carlson, A.	Graba	Lemke	Pieper	Vento
Carlson, B.	Graw	Lindstrom, E.	Pleasant	Voss
Carlson, D.	Growe	Lindstrom, J.	Quirin	Wenzel
Cleary	Hagedorn	Lombardi	Rice	Wigley
Clifford	Hagerud	Mann	Ryan	Wohlwend
Culhane	Jacobs	McCarron	St. Onge	Wolcott
Dahl	Jaros	McEachern	Samuelson	Mr. Speaker
DeGroat	Johnson, D.	McMillan	Sarna	
Dieterich	Johnson, J.	Menke	Schreiber	

Those who voted in the negative were:

Ohnstad      Ojala      Pavlak, R. L.      Prah

The bill was passed and its title agreed to.

Anderson, I., moved that the remaining bills on Special Orders for today be continued on Special Orders for Thursday, March 14, 1974, immediately following the Consent 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., Thursday, March 14, 1974.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

