

STATE OF MINNESOTA  
SIXTY-NINTH SESSION - 1975

THIRTIETH DAY

SAINT PAUL, MINNESOTA, WEDNESDAY, APRIL 9, 1975

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:

Abeln	Eckstein	Kaley	Munger	Sieben, H.
Adams, L.	Eken	Kalis	Neisen	Sieben, M.
Adams, S.	Enebo	Kelly, R.	Nelsen	Sieloff
Albrecht	Erickson	Kelly, W.	Nelson	Simoneau
Anderson, G.	Esau	Kempe, A.	Niehaus	Skoglund
Anderson, I.	Evans	Kempe, R.	Norton	Smith
Arlandson	Ewald	Ketola	Novak	Smogard
Begich	Faricy	Knickerbocker	Osthoff	Spanish
Berg	Fjoslien	Knoll	Parish	Stanton
Berglin	Forsythe	Kostohryz	Patton	Swanson
Biersdorf	Friedrich	Kroening	Pehler	Tomlinson
Birnstihl	Fudro	Kvam	Peterson	Ulland
Braun	Fugina	Laidig	Petrafeso	Vanasek
Brinkman	George	Langseth	Philbrook	Vento
Byrne	Graba	Lemke	Pleasant	Voss
Carlson, A.	Hanson	Lindstrom	Prahl	Wenstrom
Carlson, L.	Haugerud	Luther	Reding	Wenzel
Carlson, R.	Heinitz	Mangan	Rice	White
Casserly	Hokanson	Mann	St. Onge	Wieser
Clark	Jacobs	McCarron	Samuelson	Wigley
Clawson	Jaros	McCauley	Sarna	Williamson
Corbid	Jensen	McCollar	Savelkoul	Zubay
Dahl	Johnson, C.	McEachern	Schreiber	Speaker Sabo
Dean	Johnson, D.	Meier	Schumacher	
DeGroat	Jopp	Menning	Searle	
Dieterich	Jude	Metzen	Setzepfandt	
Doty	Kahn	Moe	Sherwood	

A quorum was present.

Beauchamp was excused. Schulz was excused until 5:15 p.m.

Suss was excused until 3:45 p.m.

The Chief Clerk proceeded to read the Journal of the preceding day. On the motion of Esau 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. 646, 1099, 174, 493, 503, 594, 986, 686, 100, 66, 73, 146, 401, 513, 704 and 911 and S. F. Nos. 131, 186, 523, 524, 603, 641, 72, 326, 343, 396, 409, 499, 43, 236, 645, 701, 737 and 778 have been placed in the members' files.

S. F. No. 186 and H. F. No. 42, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Prahl moved that S. F. No. 186 be substituted for H. F. No. 42 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 737 and H. F. No. 44, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Kempe, R., moved that S. F. No. 737 be substituted for H. F. No. 44 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 603 and H. F. No. 585, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Sherwood moved that S. F. No. 603 be substituted for H. F. No. 585 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 499 and H. F. No. 459, which had been referred to the Chief Clerk for comparison, were examined and found to be identical, except that H. F. No. 459, page 2, lines 13 through 16, read as follows:

*"prerequisite to obtaining or continuing such insurance in force and the dues payment requirement was in effect prior to January 1, 1975.*

No insurer shall take any action in regard to an".

Whereas S. F. No. 499, page 2, lines 13 and 14 read as follows:

*"prerequisite to obtaining or continuing such insurance.*

No insurer shall take any action in regard to an".

## SUSPENSION OF RULES

Prahl moved that the rules be so far suspended that S. F. No. 499 be substituted for H. F. No. 459 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 343 and H. F. No. 421, which had been referred to the Chief Clerk for comparison, were examined and found to be identical, except that H. F. No. 421, page 3, line 5, after "COMMUNITY" contains "MENTAL", whereas S. F. No. 343 does not. Further, S. F. No. 343, page 4 after line 14 contains "*Membership may include a representative from any county which purchases substantial services from the community mental health board.*" Whereas H. F. No. 421 does not contain this language.

## SUSPENSION OF RULES

Mangan moved that the rules be so far suspended that S. F. No. 343 be substituted for H. F. No. 421 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 409 and H. F. No. 403, which had been referred to the Chief Clerk for comparison, were examined and found to be identical, except that S. F. No. 409, page 1, line 10 reads:

"HANDICAPPED CHILDREN.] *No policy or plan of health, medical,*".

whereas, H. F. No. 403, page 1, line 10, reads:

"DISTURBED CHILDREN.] *No policy or plan of health, medical,*".

S. F. No. 409, page 2, line 1, reads:

*"licensed by the commissioner of public welfare. For"*.

H. F. No. 403, page 2, line 1, reads:

*"licensed by the commissioner of public welfare. For the"*.

S. F. No. 409, page 2, line 4, reads:

*"public welfare in the rules and regulations relating to"*.

H. F. No. 403, page 2, line 4, reads:

*"public welfare in the rules and regulations to residential"*.

## SUSPENSION OF RULES

Swanson moved that the rules be so far suspended that S. F. No. 409 be substituted for H. F. No. 403 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 326 and H. F. No. 389, which had been referred to the Chief Clerk for comparison, were examined and found to be identical, except that H. F. No. 389, page 4, line 5, reads as follows:

*"approved by the commissioner."*

Whereas S. F. No. 326, page 4, line 5, reads as follows:

*"approved by the commissioner;"*.

S. F. No. 326 contains the following language after page 4, line 31:

*"Sec. 6. This act shall become effective the day following final enactment."*

H. F. No. 389 does not contain this language.

## SUSPENSION OF RULES

Sieben, H., moved that the rules be so far suspended that S. F. No. 326 be substituted for H. F. No. 389 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 701 and H. F. No. 709, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Stanton moved that S. F. No. 701 be substituted for H. F. No. 709 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 72 and H. F. No. 244, which had been referred to the Chief Clerk for comparison, were examined and found to be identical, except that H. F. No. 244, page 1, line 17 reads as follows: "8,000;"

Whereas S. F. No. 72, page 1, line 17 reads as follows: "2,000;"

H. F. No. 244, page 1, line 19, reads as follows: "2,000;"

Whereas S. F. No. 72, page 1, line 19 reads as follows: "1,000;"

H. F. No. 244, page 2, lines 1 through 7 read as follows: *"prescribed by law, municipal charter or ordinance, signatures of two percent of the total number of persons voting in the municipality, ward or other election district at the last preceding municipal general election. The petition authorized by this subdivision may not be used to fulfill the requirements of Laws 1975, Chapter 5, Section 19, relative to nominating petitions."*

Whereas S. F. No. 72, page 2, lines 1 through 13 read as follows: *"prescribed by law, municipal charter or ordinance, 500 signatures or 5 percent of the total number of persons voting in the municipality, ward or other election district at the last preceding municipal general election, whichever is less."*

*The petition authorized by this subdivision may also be used to fulfill the requirements of Laws 1975, Chapter 5, Section 19, relative to nominating petitions, provided that the necessary number of signatures for each petition are obtained. If so used, the petition shall clearly indicate that the signatures are to be used for the purpose of fulfilling the requirements of this subdivision and the requirements of Laws 1975, Chapter 5, Section 19."*

#### SUSPENSION OF RULES

Enebo moved that the rules be so far suspended that S. F. No. 72 be substituted for H. F. No. 244 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 396 and H. F. No. 598, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Rice moved that S. F. No. 396 be substituted for H. F. No. 598 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 645 and H. F. No. 667, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Johnson, D., moved that S. F. No. 645 be substituted for H. F. No. 667 and that the House File be indefinitely postponed. The motion prevailed.

#### PETITIONS AND COMMUNICATIONS

The following reports were received and filed in the Chief Clerk's Office: Minnesota Energy Use Trends 1957-73 and Minnesota's Energy Situation submitted by the Minnesota Energy Agency; A Progress Report 1974 from the Commission on Minnesota's Future; and Coordination of Taxi Service submitted by the Twin Cities Area Metropolitan Transit Commission.

The following communications were received:

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

April 4, 1975

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

I have the honor to inform you that the following enrolled Acts of the 1975 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

<i>S.F. No.</i>	<i>H.F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Date Approved 1975</i>	<i>Date Filed 1975</i>
	139	24	April 4	April 4
435		25	April 4	April 4

Sincerely,

JOAN ANDERSON GROWE  
Secretary of State

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

April 7, 1975

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

I have the honor to inform you that the following enrolled Acts of the 1975 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

<i>S.F. No.</i>	<i>H.F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Date Approved 1975</i>	<i>Date Filed 1975</i>
613		26	April 7	April 7

Sincerely,

JOAN ANDERSON GROWE  
Secretary of State

## REPORTS OF STANDING COMMITTEES

Mann from the Committee on Agriculture to which was referred:

H. F. No. 482, A bill for an act relating to public local grain warehouses; authorizing the public service commission to prescribe storage rates and other charges assessed by public local grain warehousemen; prescribing the form of storage receipts; amending Minnesota Statutes 1974, Sections 232.06, Subdivisions 1, 4 and 5; and 232.07.

Reported the same back with the following amendments:

Page 2, delete lines 8 and 9.

Page 2, line 10, delete "and" and after the word "storing" insert "and redelivering".

Page 2, delete lines 11 to 14.

Page 2, line 15, delete "Approved tariffs".

Page 2, line 16, before the period insert "and be filed with the public service commission".

Page 3, line 5, delete "approved by" and insert "filed with".

Page 3, line 14, strike "stated lawful".

Page 5, after line 29 insert the following sections:

"Sec. 5. [EXPIRATION DATE.] *This act shall expire June 30, 1978.*

Sec. 6. [EFFECTIVE DATE.] *This act is effective July 1, 1975.*"

Further amend the title as follows:

Page 1, delete line 3.

Page 1, line 4, delete "prescribe" and insert "providing for the filing and posting of".

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

The report was adopted.

Mann from the Committee on Agriculture to which was referred:

H. F. No. 902, A bill for an act relating to agriculture; collective bargaining; agricultural marketing and bargaining associations; amending Minnesota Statutes 1974, Chapter 17, by adding a section; and Section 17.694, Subdivision 5, and by adding a subdivision.

Reported the same back with the following amendments:

Page 1, line 17, delete "*No party other than the*".

Page 1, delete line 18.

Page 1, line 19, delete "*under this chapter.*".

Page 1, line 22, delete the comma after "15.0424" and insert "and".

Page 1, line 23, delete "*and 15.0431*".

Page 2, line 8, delete section 3 in its entirety and insert the following:

"Sec. 3. Minnesota Statutes 1974, Section 17.697, Subdivision 1, is amended to read:

17.697 [BARGAINING DEFINED; NOTICE OF COMMENCEMENT OF NEGOTIATIONS; MEDIATION PROCEDURE.] Subdivision 1. As used in sections 17.691 to 17.701, "bargaining" means the mutual obligation of a handler and an association or their designated representatives to meet at reasonable times and confer and negotiate in good faith. Negotiations may include all terms relative to trading between handlers and producers of the agricultural commodity such as:

- (a) prices and terms of sale
- (b) quality specifications
- (c) quantity to be marketed by acreage or weight
- (d) transactions involving products and services utilized by one party and provided by the other party
- (e) *check off procedures pursuant to assessments levied by the association, not to exceed one half of one percent of the gross value of the producers annual production contract are collected by handlers from proceeds to producers within the bargaining unit and paid to the association.*



Further amend the title as follows:

Page 1, delete line 5 and insert "Sections".

Page 1, line 7, after "subdivision" insert "; and 17.697, Subdivision 1".

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

The report was adopted.

Norton from the Committee on Appropriations to which was referred:

H. F. No. 679, A bill for an act relating to crimes; regulating the transfer, possession, and use of pistols; requiring licenses to sell pistols; requiring permits to acquire and carry pistols; prohibiting the sale or transfer to or carrying by certain persons of pistols; prescribing penalties; amending Minnesota Statutes 1974, Section 609.11, Subdivision 1.

Reported the same back with the following amendments:

Page 7, line 26, delete "FINGERPRINTING;" and "*The chief*".

Page 7, delete lines 27 to 29.

Page 7, line 30, delete "*fingerprints.*".

Page 7, line 32, delete "An".

Page 8, delete lines 1 to 4.

Page 8, line 5, delete "*need not be fingerprinted again.*".

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

The report was adopted.

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

H. F. No. 749, A bill for an act relating to controlled substances; providing medical and educational intervention, evaluation, and treatment of persons in possession of small amounts of marijuana; providing penalties for possession of small amounts of marijuana; and prohibiting municipalities from enacting ordinances imposing greater civil or criminal penalties

than provided by state law for the possession, sale or distribution of small amounts of marijuana; amending Minnesota Statutes 1974, Section 152.15, Subdivision 2, and by adding a subdivision.

Reported the same back with the following amendments:

Page 2, line 15, delete "*provided*" and insert in lieu thereof "*approved*".

Page 3, after line 4, insert:

*"(6) In any case in which a defendant is convicted of a first or second offense under the provisions of clause (5) and willfully and intentionally fails to comply with the sentence imposed, said defendant shall be guilty of a misdemeanor.*

*(7) Compliance with the terms of any sentence imposed for first or second violation of clause (5) before conviction under clause (6) shall be an absolute defense."*

Page 3, after line 14, insert:

*"Sec. 3. [152.151] The state alcohol and drug authority shall build into the drug education program required by section 152.15, subdivision 2, proper evaluation and report directly each legislative session to the legislative standing committees having jurisdiction over the subject matter."*

Renumber the remaining section.

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

The report was adopted.

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

H. F. No. 1175, A bill for an act relating to education; school districts; data processing services; authorizing joint boards to hold title to property.

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

The report was adopted.

Sieben, H., from the Committee on Governmental Operations to which was referred:

H. F. No. 350, A bill for an act relating to workmen's compensation; authorizing coverage for owners of family farms or family farm corporations; amending Minnesota Statutes 1974, Section 176.012.

Reported the same back with the following amendments:

Page 1, line 10, after "*farm*" insert "*, family farm, farm corporation*".

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

The report was adopted.

Sieben, H., from the Committee on Governmental Operations to which was referred:

H. F. No. 638, A bill for an act relating to boxing; amending certain boxing commission rules; amending Minnesota Statutes 1974, Sections 341.03; 341.04; 341.05, Subdivision 1; 341.10; and 341.11.

Reported the same back with the following amendments:

Page 1, delete lines 7 to 14.

Renumber the sections in sequence.

Page 1, line 23, strike "The salary of the commissioner shall be fixed".

Page 2, strike all of lines 1 and 2.

Page 2, line 3, strike "incurred by him in the performance of his duties.".

Page 3, line 15, after "\$150" insert "*for professional boxing or \$50 for amateur boxing*".

Further amend the title as follows:

Line 4, delete "341.03;".

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

The report was adopted.

Sieben, H., from the Committee on Governmental Operations to which was referred:

H. F. No. 705, A bill for an act relating to the operation of state government; providing for definitions of types of state agencies; naming and renaming certain agencies, boards, commissions, committees, and councils; transferring certain functions to the department of commerce and the department of labor and industry; amending Minnesota Statutes 1974, Sections 15.01; 115.71, Subdivision 4; and 115.74, Subdivision 1.

Reported the same back with the following amendments:

Page 2, line 7, strike "All of these departments".

Page 2, strike all of lines 8 to 10.

Page 2, line 14, delete "A "board" is".

Page 2, line 16, after "functions" insert "shall be designated a "board" ".

Page 2, line 21, delete "in accordance".

Page 2, line 22, delete "with Minnesota Statutes, Chapter 15".

Page 2, line 23, delete "in accordance with Minnesota".

Page 2, line 24, delete "Statutes, Chapter 15" and insert "and appeals".

Page 2, line 25, delete "A "committee" is".

Page 2, line 27, delete "commissions" and insert "other agencies shall be designated a "committee" ".

Page 2, line 30, delete "A "council" is".

Page 3, line 2, after "regions" insert "shall be designated a "council".".

Page 3, delete lines 3 and 4.

Page 3, line 5, delete "(e) A "legislative commission" is a commission" and insert "(d) An agency in the legislative branch".

Page 3, line 6, after "legislature" insert "shall be designated a "legislative commission".".

Page 3, after line 6, insert a new paragraph:

*"(e) An agency in the executive branch other than a department whose primary purpose is to issue bonds for the financing, ownership and development of facilities within the state shall be designated an "authority"."*

Page 3, after line 12, insert a new paragraph:

*"(2) Advisory committee on workmen's compensation to advisory council on workmen's compensation;"*.

Page 3, line 15, after "to" insert "board on".

Page 3, line 16, delete "board".

Page 3, delete lines 17 and 18.

Page 3, line 27, after "to" delete "citizens" and insert "Minnesota board on aging".

Page 3, line 28, delete "council on aging".

Page 3, delete lines 31 and 32.

Page 4, after line 3, insert 2 new paragraphs:

*"(12) Iron range resources and rehabilitation commission to iron range resources and rehabilitation board,*

*"(13) Joint committee to review administrative rules to legislative commission to review administrative rules;"*.

Page 4, after line 5, insert a new paragraph:

*(13) Joint committee to review administrative rules to legis-*

Page 4, delete all of lines 8 and 9 and insert *"(17) Ethics commission to ethical practices board"*.

Page 4, line 11, after "on" insert "pensions and".

Page 4, delete lines 12 and 13 and insert *"(19) Indian affairs commission to Indian affairs board;"*.

Page 4, after line 13, insert a new paragraph:

*"(20) Licensed practical nursing board to board of licensed practical nursing;"*.

Page 4, after line 14, insert a new paragraph:

*"(22) Minnesota abstractors board of examiners to board of abstractors;"*

Page 4, delete lines 23 and 24.

Page 4, line 25, after "to" insert "Minnesota".

Page 4, line 25, delete "boundaries".

Page 4, line 26, delete "review".

Page 4, after line 30, insert a new paragraph:

*"(30) Physical therapists examining committee to physical therapists examining council;"*

Page 5, line 15, delete "communication" and insert "communications".

Page 5, line 16, delete "communication" and insert "communications".

Page 5, after line 22, insert a new subparagraph:

*"(44) State teletypewriter communications advisory committee to state teletypewriter communications advisory council;"*

Page 5, delete line 23.

Page 5, line 25, after "standards" insert "and certification".

Page 5, after line 29, insert a paragraph:

*"The name changes adopted by this section shall not in any way affect the powers and duties of the agencies."*

Renumber the clauses in sequence.

Page 5, line 32, after "the" restore the stricken language.

Page 6, line 1, delete "supply".

Page 6, line 2, delete "council".

Page 6, line 7, after "The" restore the stricken language.

Page 6, line 8, delete "supply".

Page 6, line 9, delete "council".

Page 6, line 18, reinsert the stricken "board" and delete "council".

Page 6, line 24, reinsert the stricken "board" and delete "council".

Page 6, delete lines 30 to 32.

Page 7, delete lines 1 to 32.

Page 8, delete lines 1 to 28.

Page 8, line 31, delete *"make changes in terminology so as to record"*.

Page 8, delete all of line 32.

Page 9, delete lines 1 to 3 and insert *"substitute the new names for the state agencies, boards, commissions, committees, authorities, and councils listed in sections 3 to 5."*

Page 9, line 5, after "1975." add a sentence to read: *"Until such time as the state agencies whose names have been changed by this act are able to economically make all changes in designation required by this act, they may continue to use their present designations, but the use of those designations shall not extend beyond the first Monday in January, 1978."*

Renumber the sections in sequence.

Further amend the title:

Delete all of lines 6 and 7.

Line 8, delete "industry;"

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

The report was adopted.

Sieben, H., from the Committee on Governmental Operations to which was referred:

H. F. No. 866, A bill for an act relating to courts; setting the salaries for certain court reporters; amending Minnesota Statutes 1974, Section 486.05; and Laws 1969, Chapter 568, Section 1, as amended, by adding a subdivision.

Reported the same back with the following amendments:

Page 1, line 14, delete "\$19,500" and insert "\$19,100".

Page 2, line 15, before "After" insert "At the beginning of the first payroll period".

Page 2, line 16, after "the" insert "maximum".

Page 2, delete line 32.

Page 3, delete lines 1 to 12.

Further amend the title as follows:

Line 4, delete "; and Laws 1969,".

Delete line 5.

Line 6, delete "subdivision".

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

The report was adopted.

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

H. F. No. 713, A bill for an act relating to public welfare; providing for cost of living adjustment in supplemental aid benefits; amending Minnesota Statutes 1974, Chapter 256D, by adding a section.

Reported the same back with the following amendments:

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

Section 1. Minnesota Statutes 1974, Chapter 256D, is amended by adding a section to read:

[256D.375] [COST OF LIVING ADJUSTMENTS IN SUPPLEMENTAL AID BENEFITS.] *The standard of need for Minnesota supplemental aid shall be adjusted semi-annually by the percentage change in the cost of living. In January and July of each year, the commissioner of public welfare shall effect adjustment of each item in the standard of need by the percentage established by the consumer price index for the months of April through September and October through March. If regionally adjusted data is not available, the national average shall be applied. Items in the standard of need shall reflect the full percentage of increases. Items in the standard of need shall reflect one*



*half the percentage of decreases. In no event shall the commissioner decrease the amounts payable for any item below those dollar amounts in effect on the date of enactment of this section. If the adjusted dollar amounts are not a multiple of \$1, the amount shall be rounded to the next dollar. The standard of need computed under this section shall govern all supplemental aid benefit amounts payable under Minnesota Statutes, Sections 256D.36 and 256D.37.*

Sec. 2. Minnesota Statutes 1974, Section 256D.37, Subdivision 2, is amended to read:

Subd. 2. (THE ELIGIBILITY CRITERIA FOR SUPPLEMENTAL AID UNDER THIS SECTION SHALL BE THOSE IN EFFECT DECEMBER 31, 1973, FOR THE CATEGORICAL AID PROGRAMS OF OLD AGE ASSISTANCE, AID TO THE BLIND, AND AID TO THE DISABLED.) The local agency shall apply the relevant criteria to each application. (EFFECTIVE JULY 1, 1974, THE REAL PROPERTY EQUITY LIMITATION FOR APPLICANTS OTHER THAN THE BLIND SHALL BE \$12,000. EFFECTIVE JANUARY 1, 1975, THE REAL PROPERTY EQUITY LIMITATION FOR ALL APPLICANTS FOR SUPPLEMENTAL AID UNDER THIS SECTION SHALL BE \$15,000.) *The real and personal property eligibility criteria for supplemental aid under this section for the aged and the disabled shall be the same as that permitted under the federally aided program known as medical assistance; and that for the blind shall be:*

(1) *Real property equity limitation of \$15,000;*

(2) *Cash and liquid assets not exceeding \$2,000, if single, or \$4,000, if married, except that a maximum of \$750 of this may be in a prepaid burial contract for each person; and personal property used as a home, appropriate clothing, household furniture, and equipment and stock for the purpose of producing income shall be excluded.*

The local agency in its discretion may permit eligibility of an applicant having assets in excess of the amount prescribed in this section if liquidation of the assets would cause undue loss or hardship.

Sec. 3. [APPROPRIATION.] *There is appropriated to the commissioner of public welfare from the general fund the sum of \$550,000 for the purposes specified in section 1.*

Sec. 4. [EFFECTIVE DATE.] *This act shall take effect on the day following its enactment.*

Further amend the title as follows:

Line 3, after "benefits;" insert "appropriating money;".

Line 5, after "section" insert "; and Section 256D.37, Subdivision 2".

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

The report was adopted.

Fugina from the Committee on Higher Education to which was referred:

H. F. No. 468, A bill for an act relating to intoxicating and nonintoxicating liquor, possession in school buildings and grounds; amending Minnesota Statutes 1974, Section 624.701, Subdivision 1.

Reported the same back with the following amendments:

Page 1, line 21, after "*prohibiting*" insert "*or encouraging*".

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

The report was adopted.

Parish from the Committee on Judiciary to which was referred:

H. F. No. 216, A bill for an act relating to estates; affairs of decedents, missing persons, protected persons, minors, incapacitated persons and certain others; revising aspects of the law relating to wills, intestacy, administration and distribution of estates; taxation of inheritances; ordering the powers and proceedings of the court and certain officials concerned with the administration of estates of decedents and others; amending Minnesota Statutes 1974, Sections 291.005; 291.07, and by adding a subdivision; 291.09, Subdivision 1; 291.14, Subdivision 1, and by adding subdivisions; 502.71; 508.22; 508.68; 508.69; 524.1-102; 524.1-107; 524.1-108; 524.1-201; 524.1-301; 524.1-302; 524.1-303; 524.1-307; 524.1-401; 524.1-403; 524.3-101; 524.3-102; 524.3-104; 524.3-105; 524.3-108; 524.3-109; 524.3-203; 524.3-204; 524.3-301; 524.3-303; 524.3-305; 524.3-306; 524.3-310; 524.3-311; 524.3-401; 524.3-402; 524.3-403; 524.3-406; 524.3-409; 524.3-412; 524.3-413; 524.3-502; 524.3-601; 524.3-602; 524.3-603; 524.3-604; 524.3-605; 524.3-606; 524.3-609; 524.3-703; 524.3-706; 524.3-711; 524.3-715; 524.3-717; 524.3-720; 524.3-906; 524.3-910; 524.3-913; 524.3-914; 524.3-915; 524.3-1001; 524.3-1008; 524.3-1101; 524.3-1203; 524.03-1204; 524.4-201; 524.4-202; 524.4-203; 524.4-204; 524.4-205; 524.4-206; 524.4-301; 524.4-303; 525.02; 525.03; 525.07; 525.08; 525.091, Subdivisions 1, 2, and 4; 525.112; 525.12; 525.122; 525.15; 525.161; 525.202; 525.212; 525.215; 525.223, Subdivisions 1 and 2; 525.253, Subdivision 1; 525.393; 525.48;

525.484; 525.491; 525.51; 525.515; 525.532; Subdivisions 4 and 5; 525.591; 525.62; 525.63; 525.64; 525.641; 525.642; 525.65; 525.652; 525.66; 525.661; 525.662; 525.67; 525.68; 525.69; 525.691; 525.692; 525.70; 525.702; 525.71; 525.83; 525.84; 525.841; 541.16; 559.013, by adding a subdivision; 576.142, Subdivision 5; 576.16; amending Chapters 524 and 525, by adding sections; repealing Minnesota Statutes 1974, Sections 524.1-105; 524.1-304; 524.1-305; 524.3-304; 524.3-705; 524.3-901; 524.8-101; 525.18; 525.181; 525.182; 525.183; 525.184; 525.19; 525.191; 525.203; 525.211; 525.26; 525.261; 525.262; 525.27; 525.271; 525.272; 525.33; 525.39; 525.41; 525.411; 525.412; 525.413; 525.42; 525.421; 525.43; 525.431; 525.44; 525.441; 525.442; 525.45; 525.46; 525.475; 525.521; 525.522; 525.523; 525.524; 525.525; 525.526; 525.527; 525.53; 525.531; 525.693; 525.86; and 525.87.

Reported the same back with the following amendments:

Page 2, after the enacting clause insert a section to read:

"Section 1. Minnesota Statutes 1974, Section 287.22, is amended to read:

287.22 [EXCEPTIONS.] The tax imposed by section 287.21 shall not apply to:

A. Any executory contract for the sale of land under which the vendee is entitled to or does take possession thereof, or any assignment or cancellation thereof.

B. Any mortgage or any assignment, extension, partial release, or satisfaction thereof.

C. Any will.

D. Any plat.

E. Any lease.

F. Any deed, instrument, or writing in which the United States or any agency or instrumentality thereof or the state of Minnesota or any agency, instrumentality, or governmental or political subdivision thereof is the grantor, assignor, transferor, or conveyor; and any deed, instrument or writing in which any of such unit of government is the grantee or assignee.

G. Deeds for cemetery lots.

H. Deeds of distribution by personal representatives."

Page 2, strike lines 14 to 38.

Page 3, strike lines 1 to 16.

Page 3, line 17, after "291.07," insert "Subdivision 2,".

Page 3, strike lines 19 to 32.

Page 4, strike lines 1 to 29.

Page 6, strike lines 16 to 32.

Page 7, strike lines 1 to 32.

Page 8, strike lines 1 to 32.

Page 9, strike lines 1 to 32.

Page 10, strike lines 1 to 32.

Page 11, strike lines 1 to 13.

Page 11, after line 20, insert a section to read:

"Sec. 4. Minnesota Statutes 1974, Chapter 507, is amended by adding a section to read:

507.42 [CERTAIN DEEDS VALIDATED.] *All deeds for the conveyance of real estate made and executed by a personal representative of the estate of a deceased person, pursuant to the order of any probate court of this state authorizing and directing the making and execution of such instrument, where the execution thereof was otherwise valid, and in which instrument the description of the property conveyed does not correspond with the description set forth in the order of the probate court authorizing and directing the making and execution of such instrument; the same are hereby validated and legalized, and such conveyances are hereby made valid as to the property described in the order of the probate court authorizing and directing the making and execution of such instrument."*

Page 11, strike lines 21 to 32.

Page 12, strike lines 1 to 20.

Page 19, line 3, strike "a trust estate".

Page 19, line 4, before "the" strike "or".

Page 22, line 27, strike "nonresidents" and insert "nonresident decedents".

Page 24, line 32, after "set" insert "for the hearing.

(b) The court for good cause shown may provide for a different method or time of giving notice for any hearing.

(c) Proof of the giving of notice shall be made on or before the hearing and filed in the proceeding.

(d) *No defect in any notice nor in publication or in service thereof shall limit or affect the validity of the appointment of the personal representative, his powers or other duties. Any of the notices required by sections 524.3-306, 524.3-310, 524.3-403, 524.3-801 and 524.1-401 may be combined into one notice.*

Sec. 20, Minnesota Statutes 1974, Section 524.1-403, is amended to read:

**524.1-403 [PLEADINGS; WHEN PARTIES BOUND BY OTHERS; NOTICE.]** In formal proceedings involving (TRUSTS OR) estates of decedents (, MINORS, PROTECTED PERSONS, OR INCAPACITATED PERSONS,) and in judicially supervised settlements, the "

Page 28, line 29, delete "or any provision thereof".

Page 28, line 30, after "." insert "*A beneficial devise made in a will to a subscribing witness thereto shall be void unless there be two other competent subscribing witnesses who are not beneficiaries thereunder. If such witness would have been entitled to any share of the testator's estate in the absence of the will, then so much of such share as will not exceed the value of the devise shall be assigned to him from the part of the estate included in the void devise.*".

Page 37, line 8, strike "chapter" and insert "chapters".

Page 37, line 8, after "524" insert "and 525".

Page 39, line 15, after "property" insert ",".

Page 41, line 2, reinstate the stricken language "(A CAUSE OF ACTION WHICH, BUT)".

Page 41, line 3, reinstate the stricken language "(FOR THIS SECTION, WOULD HAVE BEEN BARRED LESS THAN)".

Page 41, line 3, after "(THAN)" insert "one year".

Page 41, line 4, reinstate the stricken language "(AFTER DEATH, IS BARRED AFTER)".

Page 41, line 4, after "(AFTER)" insert "one year".

Page 41, line 4, reinstate the stricken word “(UNLESS)”.

Page 41, line 5, reinstate the stricken language.

Page 43, line 25, strike “to which the demand”.

Page 43, line 26, strike “relates”.

Page 43, line 28, after “court” insert “for an order or filing to which the demand relates”.

Page 44, line 24, delete “intestate” and insert “in testate”.

Page 49, line 16, after “(REQUIRED.)” insert “Further, if the decedent was born in a foreign country or left heirs or devisees in any foreign country, notice shall be given to the consul or other representative of such country, if he resides in this state and has filed a copy of his appointment with the secretary of state, or to the nominee or nominees of such consul or representative. If no such consul or representative exists, then notice shall be given to the chief diplomatic representative of such country at Washington, D.C. or to the secretary of state at St. Paul, Minnesota, who shall forward the same to such representative.”.

Page 54, after line 5 insert “If the decedent was born in a foreign country or left heirs or devisees in any foreign country, notice of a formal testacy proceeding shall be given to the consul or other representative of such country, if he resides in this state and has filed a copy of his appointment with the secretary of state, or to the nominee or nominees of such consul or representative. If no such consul or representative exists, then notice shall be given to the chief diplomatic representative of such country at Washington, D.C. or to the secretary of state at St. Paul, Minnesota, who shall forward the same to such representative.”.

Page 61, line 27, after “court” insert “or give”.

Page 64, line 24, after “(a)” insert “except as otherwise provided by the terms of a will or codicil”.

Page 66, line 9, after “or” insert “registrar and”.

Page 66, line 18, delete “in a supervised administration”.

Page 66, line 19, strike “the original of the inventory”.

Page 66, line 19, strike “and”.

Page 66, line 20, after “court” insert “or registrar”.

Page 71, after line 26, insert a section to read:

"Sec. 52. Minnesota Statutes 1974, Section 524.3-717, is amended to read:

524.3-717 [CO-REPRESENTATIVES; WHEN JOINT ACTION REQUIRED.] If two or more persons are appointed co-representatives and unless the will or the court provides otherwise, the concurrence of all is required on all acts connected with the administration and distribution of the estate. This restriction does not apply when any co-representative receives any receipts for property due the estate, when the concurrence of all cannot readily be obtained in the time reasonable available for emergency action necessary to preserve the estate, or when a co-representative has been delegated to act for the others. Persons dealing with a co-representative if actually unaware that another has been appointed to serve with him or if advised by the personal representative with whom they deal that he has authority to act alone for any of the reasons mentioned herein, are as fully protected as if the person with whom they dealt had been the sole personal representative."

Page 83, after line 29, add a section to read:

"Sec. 55. Minnesota Statutes 1974, Section 524.3-901, is amended to read:

524.3-901 [SUCCESSORS' RIGHTS IF NO ADMINISTRATION.] In the absence of administration, the heirs and devisees are entitled to the estate in accordance with the terms of a probated will or the laws of intestate succession. Devisees may establish title by the probated will to devised property. Persons entitled to property (BY HOMESTEAD ALLOWANCE, EXEMPTION) pursuant to sections 525.14, 525.145, 525.15 or intestacy may establish title thereto by proof of the decedent's ownership, his death, and their relationship to the decedent. Successors take subject to all charges incident to administration, including the claims of creditors and allowances of surviving spouse and dependent children, and subject to the rights of others resulting from abatement, retainer, advancement, and ademption."

Page 86, line 23, delete "DISPOSITION OF".

Page 95, line 6, delete "the court shall have the power in its decree".

Page 95, delete lines 7 to 19, and insert:

"(a) (4) The court shall have the power in its decree or order of distribution to waive the lien of inheritance taxes, find that the taxes have been satisfied by payment or, decree the property subject to the lien; provided, however, where a decree or order for distribution is issued, the personal representative shall not be discharged until all property is paid or transferred to the persons entitled thereto, and has otherwise fully discharged his

*trust. If objections are filed with the court by the commissioner of revenue, no discharge shall be issued until the objections are determined. The court shall send a copy of the decree, upon issuance, to the commissioner of revenue."*

Page 101, line 5, after "foreign" insert "personal".

Page 103, line 31, after "conservator" insert "or guardian".

Page 104, after line 30, add a section to read:

"Sec. 76. Minnesota Statutes 1974, Section 524.8-101, is amended to read:

524.8-101. [PROVISIONS FOR TRANSITION.] ((A) THIS CHAPTER TAKES EFFECT ON AUGUST 1, 1975.)

((B)) Except as provided elsewhere in this chapter, on the effective date of this chapter:

(1) the chapter applies to any wills of decedents dying thereafter;

(2) the chapter applies to any proceedings in court then pending or thereafter commenced regardless of the time of the death of decedent except to the extent that in the opinion of the court the former procedure should be made applicable in a particular case in the interest of justice or because of infeasibility of application of the procedure of this chapter;

(3) every personal representative including a person administering an estate of a minor or incompetent holding an appointment on that date, continues to hold the appointment but has only the powers conferred by this chapter and is subject to the duties imposed with respect to any act occurring or done thereafter;

(4) an act done before the effective date in any proceeding and any accrued right is not impaired by this chapter. If a right is acquired, extinguished or barred upon the expiration of a prescribed period of time which has commenced to run by the provisions of any statute before the effective date, the provisions shall remain in force with respect to that right;

(5) any rule of construction or presumption provided in this chapter applies to instruments executed and multiple party accounts opened before the effective date unless there is a clear indication of a contrary intent;

((6) A PERSON HOLDING OFFICE AS JUDGE OF THE COURT ON THE EFFECTIVE DATE OF THIS CHAPTER MAY CONTINUE THE OFFICE OF JUDGE OF THIS COURT



AND MAY BE SELECTED FOR ADDITIONAL TERMS AFTER THE EFFECTIVE DATE OF THIS CHAPTER EVEN THOUGH HE DOES NOT MEET THE QUALIFICATIONS OF A JUDGE AS PROVIDED IN ARTICLE 1.)”.

Page 105, line 2, strike “:”.

Page 112, line 6, strike “or” and insert “,”.

Page 112, line 7, after “or” insert “conservatorship or”.

Page 113, line 17, delete “a lump sum not exceeding \$6,000 if the estate”.

Page 113, line 18, delete “is insolvent or \$9,000 if the estate is solvent, or”.

Page 114, line 8, strike “is”.

Page 118, line 8, delete “,” and insert “,”.

Page 118, line 10, after “thereof” insert “,”.

Page 119, line 1, delete “.” and insert “,”.

Page 119, line 9, delete the period and insert “; (7) *In any such proceeding wherein it appears that the property affected descends through several decedents under circumstances qualifying for a descent proceeding under this section in each case, the court in its discretion may consolidate the proceedings into one and may accept the filing of one petition for the several decedents where no interests are prejudiced thereby. The notice and other requirements of sections 525.31, 525.311, and 525.312 shall be complied with, and the matter shall be then adjudicated under one title combining the names of the several decedents and making appropriate findings for each decedent and determining heirship.*”.

Page 119, line 13, delete “525.83” and insert “524.1-401”.

Page 119, line 17, after “proved” insert “,”.

Page 119, line 21, after “copy” insert “,”.

Page 121, line 22, delete “shall” and insert “may”.

Page 122, line 14, after “provisions” insert “of”.

Page 123, after line 13, insert

*"(3) An attorney dismissed pursuant to this section and who is seeking attorney fees for services rendered to the estate has the burden of affirmatively proving that the estate has benefited from his services and that the benefits warrant the payment of the requested fee."*

Page 125, line 7, after "its" insert "decree or".

Page 129, line 3, strike "to probate".

Page 129, line 3, strike "section 525.24" and insert "sections 524.3-401 through 524.3-413".

Page 130, line 2, strike "probate".

Page 132, line 8, strike "probate".

Page 134, line 2, underscore all the language.

Page 146, after line 14, insert a section to read:

"Sec. 131. Minnesota Statutes 1974, Chapter 525 is amended by adding a section to read:

*[525.80] [REPRESENTATIVE.] As used in this chapter, the word "representative", unless the context otherwise indicates, includes personal representatives, as that term is defined in chapter 524, guardians, and conservators."*

Page 149, strike lines 16 to 25.

Page 150, line 27, delete "524.3-901;".

Page 150, line 28, delete "524.8-101;".

Page 151, line 2, delete "525.693" and insert "525.701".

Renumber the remaining sections in sequence.

Further amend the title as follows:

Page 1, line 7, delete "taxation of inheritances;".

Page 1, line 11, delete "291.005; 291.07, and by adding a" and insert "287.22; 291.07, Subdivision 2;".

Page 1, line 12, delete all the language.

Page 1, line 13, delete "Subdivision 1, and by adding subdivisions;".

Page 1, line 14, delete "508.22;".

Page 1, line 25, after "524.3-720;" insert "524.3-901;".

Page 1, line 30, after "524.4-303;" insert "524.8-101;".

Page 1, line 40, delete "559.013, by adding a subdivision;".

Page 1, line 41, after "amending" insert "Chapter 507 by adding a section and".

Page 2, line 3, delete "524.3-901;".

Page 2, line 4, delete "524.8-101;".

Page 2, line 11, delete "525.693" and insert "525.701".

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

The report was adopted.

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

H. F. No. 471, A bill for an act relating to condominiums; providing for registration and disclosure prior to sale; providing penalties; appropriating money; amending Minnesota Statutes 1974, Section 83.26, Subdivision 1; and repealing Minnesota Statutes 1974, Chapter 515.

Reported the same back with the following amendments:

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

"Section 1. [CITATION.] Sections 1 to 64 may be cited as the "Minnesota condominium act".

Sec. 2. [DEFINITIONS.] Subdivision 1. For the purposes of sections 1 to 64, the following terms shall have the meanings given to them:

Subd. 2. "Common elements" means all portions of the condominium or multiple housing project other than the units.

Subd. 3. "Common expenses" means all expenditures lawfully made or incurred by or on behalf of the unit owners' association, together with all funds lawfully assessed for the creation or maintenance of reserves pursuant to the provisions of the con-

*dominium instruments; "future common expenses" means common expenses for which assessments are not yet due and payable.*

*Subd. 4. "Common revenue" means all revenue collected or accrued by or on behalf of the unit owners' association, other than revenue derived from assessments pursuant to section 41.*

*Subd. 5. "Commissioner" means the commissioner of securities or his authorized delegate.*

*Subd. 6. "Condominium" means real property and any incidents thereto or interests therein, lawfully submitted to regulation under sections 1 to 64 by the recordation of condominium instruments pursuant to the provisions of those sections.*

*Subd. 7. "Condominium instruments" is a collective term referring to the declaration, bylaws, and plats and plans, recorded pursuant to the provisions of sections 1 to 64. Any exhibit, schedule, or certification accompanying a condominium instrument and recorded simultaneously with it shall be deemed an integral part of the condominium instrument. An amendment or certification of a condominium instrument shall, from the time of its recordation, be deemed an integral part of the affected condominium instrument, if the amendment or certification was made in accordance with the provisions of sections 1 to 64.*

*Subd. 8. "Condominium unit" means a unit together with the undivided interest in the common elements appertaining to that unit.*

*Subd. 9. "Contractable condominium" means a condominium from which one or more portions of the submitted land may be withdrawn in accordance with the provisions of the declaration and sections 1 to 64. If the withdrawal can occur only by the expiration or termination of one or more leases, the condominium project is not a contractable condominium.*

*Subd. 10. "Conversion condominium" means a condominium project containing structures which were wholly or partially occupied by persons other than those who have contracted for the purchase of condominium units and those who occupy with their consent.*

*Subd. 11. "Convertible land" means a building site which is a portion of the common elements, described by a legal description, within which additional units or limited common elements may be created in accordance with the provisions of sections 1 to 64.*

*Subd. 12. "Convertible space" means a portion of a structure consisting of a unit or common elements within the condominium,*

which may be converted into one or more units, common elements, limited common elements, or any combination thereof.

Subd. 13. "Developer" means any person who owns or constructs a condominium or multiple housing project or converts or proposes to convert a multi-unit rental project to a condominium and who offers or proposes to offer units in such project for sale.

Subd. 14. "Dispose" or "disposition" shall refer to any voluntary transfer of a legal or equitable interest in a multiple housing project unit, except a lease for a term of less than three years.

Subd. 15. "Expandable condominium" means a condominium to which additional land may be added in accordance with the provisions of the declaration and of sections 1 to 64.

Subd. 16. "Identifying number" means one or more letters or numbers that identify a particular unit in the condominium or multiple housing project.

Subd. 17. "Leasehold condominium" means a condominium in all or any portion of which each unit owner owns an estate for years in his unit, or in the land within which that unit is situated, or both, with all leasehold interests due to expire naturally at the same time. A condominium including leased land, or an interest therein, within which no units are situated or to be situated is not a leasehold condominium.

Subd. 18. "Limited common element" means a portion of the common elements reserved for the exclusive use of those entitled to the use of one or more, but less than all, of the units.

Subd. 19. "Multiple housing project" means one or more buildings containing two or more units intended for any type of residential use, where ownership of those units is held in fee simple and is coupled with either an undivided interest in or an easement authorizing the use of common elements. A multiple housing project shall not include a building where the only common element is a party wall or common wall.

Subd. 20. "Nonbinding reservation agreement" means an agreement between the developer and a purchaser which is not binding on the purchaser and may be cancelled without penalty in the sole discretion of the purchaser by written notice to the developer at any time prior to the formation of a contract for the sale or lease of a unit in a multiple housing project or an interest therein. The agreement shall not contain any provision for waiver or in derogation of the rights of the purchaser as contemplated by this subdivision, nor shall the provisions be a part of any ancillary agreement.

Subd. 21. "Offer" means any inducement, solicitation, or attempt to encourage a person to acquire a legal or equitable interest or estate in a unit in a multiple housing project, except as security for a debt.

Subd. 22. "Officer" means a member of the executive committee or official of the unit owners' association.

Subd. 23. "Par value" means the allocation of interest in the common elements stated in dollars or points assigned to each unit by the declaration. Identical units shall be assigned the same par value, but units located at different heights above the ground, or having different views, or having different amenities or other characteristics which could result in differences in market value, may be considered identical within the meaning of this subdivision. If par value is stated in terms of dollars, the statement shall not be deemed to reflect or control the sales price or fair market value of a unit, and no opinion, appraisal, or fair market transaction at a different figure shall affect the par value of any unit, or an undivided interest in the common elements, voting rights in the unit owners' association, liability for common expenses, or rights to common profits, assigned on the basis of par value.

Subd. 24. "Person" means a natural person, corporation, partnership, association, trust, or other entity capable of holding title to real property, or any combination thereof.

Subd. 25. "Property" means the land, whether leasehold or in fee simple, the buildings, improvements and structures on it, and easements, rights, and appurtenances to it.

Subd. 26. "Purchaser" means any person who acquires by means of a voluntary transfer a legal or equitable interest or estate in a unit in a multiple housing project, except as security for a debt.

Subd. 27. "Recording officer" means the register of deeds or the registrar of titles, as the case may be, of the county in which the condominium or multiple housing project is situated.

Subd. 28. "Size" means the number of cubic feet, or the number of square feet of ground or floor space, within each unit as computed by reference to the plat and plans and rounded off to a whole number. Certain spaces within the units including attic, basement, or garage space may be omitted from the calculation or partially discounted by the use of a ratio, so long as the same basis of calculation is employed for all units in the condominium, and the basis is described in the declaration.

Subd. 29. "Unit" means those portions of a condominium or multiple housing project allocated by the developer for individual ownership and use.

*Subd. 30. "Unit owner" means one or more persons who own a condominium or multiple housing project unit, or, in the case of a leasehold condominium, the whole leasehold interest or interests in the condominium extending for the balance of the unexpired term, but shall not include any person who holds legal title to a unit solely as security for the payment of a debt.*

**Sec. 3. [SEPARATE TITLES AND TAXATION.]** *Each condominium unit shall constitute for all purposes, including taxation, a separate parcel of real property, distinct from all other condominium units. If there is any unit owner other than the developer, no tax or assessment shall be levied on the condominium as a whole, but shall be on the individual condominium units.*

**Sec. 4. [COUNTY AND MUNICIPAL ORDINANCES.]** *No zoning or other land use ordinance shall prohibit condominiums by reason of the form of ownership. No condominium shall be treated differently from a physically identical project or development under a different form of ownership by any zoning or other land use ordinance. No subdivision ordinance shall apply to any condominium or subdivision of convertible land, convertible space, or unit unless the ordinance is expressly made applicable. Counties, cities, and towns may provide by ordinance that condominiums and their use shall comply with the local zoning, land use, and site plan regulations. In the event of a conversion to condominium form of ownership, counties, cities, towns, sanitary districts, or other political subdivisions may only impose charges and fees as a result of construction of new structures to the extent that the charges and fees or portions of them, imposed upon property subject to the conversions may be reasonably related to additional services provided by the political subdivision as a result of the conversion.*

**Sec. 5. [EMINENT DOMAIN.] Subdivision 1. [ALLOCATION OF AWARD.]** *If any portion of the common elements is taken by eminent domain, the award for it shall be allocated to the unit owners' association; provided, however, that the portion of the award attributable to the taking of any permanently assigned limited common element shall be allocated by the decree to the unit owner of the unit to which the limited common element was so assigned. If that limited common element was permanently assigned to more than one unit at the time of the taking, then the portion of the award attributable to the taking shall be allocated in equal shares to the unit owners of the units to which it was assigned or in other shares as the condominium instruments specify for this purpose. A permanently assigned limited common element is a limited common element which cannot be reassigned or which can be reassigned only with the consent of the unit owner or owners of the unit or units to which it is assigned.*

*Subd. 2. [UNDIVIDED INTEREST.] If one or more units is taken by eminent domain, the undivided interest in the com-*

mon elements inuring to the unit shall inure to the remaining units, allocated to them in proportion to their respective undivided interests in the common elements. The court shall enter a decree reflecting the reallocation and the award shall include, without limitation, just compensation to the unit owner of any unit taken for his undivided interest in the common elements as well as for the unit.

**Subd. 3. [COURT TO DETERMINE FAIR MARKET VALUE.]** If portions of any unit are taken by eminent domain, the court shall determine the fair market value of the portions of the unit not taken, and the undivided interest in the common elements appertaining to the units shall be reduced, in the case of each unit, in proportion to the diminution in the fair market value of the unit resulting from the taking. The portions of undivided interest in the common elements divested from the unit owners shall be reallocated among those units and the other units in the condominium in proportion to their respective undivided interests in the common elements, with any units partially taken participating in such reallocation on the basis of their remaining undivided interests. The court shall enter a decree reflecting the reallocation of undivided interests. The award shall include just compensation to the unit owner of any unit partially taken for that portion of his undivided interest in the common elements divested from him and not revested in him, as well as for that portion of his unit taken by eminent domain.

**Subd. 4. [UNUSABLE REMAINING PORTION.]** If the taking of a portion of a unit makes it impractical to use the remaining portion of that unit for any purpose permitted by the condominium instruments, the entire undivided interest in the common elements pertaining to that unit shall accrue to the remaining units, allocated to them in proportion to their undivided interests in the common elements, and the remaining portion of that unit shall be a common element. The court shall enter a decree reflecting the reallocation of undivided interests. The award shall include just compensation to the unit owner of the unit for his entire undivided interest in the common elements and for his entire unit.

**Subd. 5. [RIGHTS OF REMAINING UNITS.]** Votes in the unit owners' association, rights to future common revenue, and liabilities for future common expenses not specially assessed, accruing to any unit or units taken or partially taken by eminent domain, shall accrue to the remaining units, allocated to them in proportion to their relative voting strength in the unit owners' association, with any units partially taken participating in the reallocation as though their voting strength had been reduced in proportion to the reduction in their undivided interest in the common elements. The decree of the court shall provide accordingly.



*Subd. 6. [RECORDATION.] The court shall require recordation of the decree in the land records of the county in which the condominium is located.*

*Sec. 6. [CREATION OF A CONDOMINIUM.] No condominium shall come into existence except by the recordation of condominium instruments pursuant to sections 1 to 64.*

*No condominium instrument shall be recorded unless all units located or to be located on any portion of the submitted land other than within convertible lands are depicted on plats and plans that comply with the provisions of section 19, subdivisions 1 and 2.*

*Sec. 7. [RELEASE OF LIENS.] Subdivision 1. At the time of the conveyance to the first purchaser of each condominium unit following the recordation of the declaration, every mortgage, contract for deed, perfected lien, or any recorded mechanics' or materialmen's liens, affecting all of the condominium or a greater portion thereof than the condominium unit conveyed, shall be paid and satisfied of record, or the condominium unit being conveyed shall be released of record from the lien, or provision shall be made by the developer for assurance of satisfaction of such encumbrance by filing with the commissioner a bond, letter of credit or escrow of monies in an amount not less than one and one half times the amount of the encumbrance. The provisions of this subdivision shall not apply to any withdrawable land in a contractable condominium, and shall not be construed to prohibit the unit owners' association from mortgaging or encumbering any portion of the condominium within which no units are located, so long as any time limit specified in section 35 has expired. Subd. 2. When any lien, other than a contract for deed or mortgage, is recorded against two or more condominium units subsequent to the creation of the condominium, any unit owner may remove his condominium unit from that lien by payment of the amount attributable to his condominium unit. The amount shall be computed by reference to the liability for common expenses relating to that unit pursuant to section 41, subdivision 3. Subsequent to payment, discharge or other satisfaction, the unit owner of that condominium unit shall be entitled to have the lien released as to his condominium unit, and the units owners' association shall not assess, or have a valid lien against, that condominium unit for any portion of the common expenses incurred in connection with the lien, notwithstanding anything to the contrary in sections 41 and 42.*

*Sec. 8. [DESCRIPTIONS OF CONDOMINIUM UNITS.] After the creation of the condominium, a description of a condominium unit shall be legally sufficient if it sets forth the identifying number of that unit, the name of the condominium, the name of the city or county wherein the condominium is situated, and either the book and page number where the first page of the declaration is recorded, or the document number assigned to the declaration by the recording clerk. The description shall*

be deemed to include the undivided interest in the common elements pertaining to the unit even if the interest is not defined or referred to therein.

**Sec. 9. [EXECUTION OF CONDOMINIUM INSTRUMENTS.]** *The declaration and bylaws and any amendments to either made pursuant to section 32 shall be executed in recordable form by or on behalf of all owners, mortgagees, and lessees of the submitted land; provided however, that failure of any mortgagee or lessee of the submitted land to join with the owner shall not invalidate the condominium, and it shall not be necessary that any person other than an owner, mortgagee or lessee execute these instruments.*

**Sec. 10. [RECORDATION OF CONDOMINIUM INSTRUMENTS.]** *All condominium instruments, and amendments and certifications thereof, shall be recorded in every county wherein any portion of the condominium is located. All condominium instruments, and amendments and certifications thereof, shall set forth the name and address of the condominium, the name of the city or county in which the condominium is located, and the document number or the book and page number where the first page of the declaration is recorded.*

**Sec. 11. [CONSTRUCTION OF CONDOMINIUM INSTRUMENTS.]** *Except to the extent otherwise provided by the condominium instruments, condominium instruments shall be construed according to rules established in the following clauses:*

(a) *To the extent that walls, floors, or ceilings are designated as the boundaries of units, all doors and windows, lath, wallboard, plasterboard, plaster, paneling, tiles, wallpaper, paint, finished flooring, and other materials constituting part of the finished surfaces thereof, shall be deemed a part of the units, while all other portions of the walls, floors, or ceilings shall be deemed a part of the common elements.*

(b) *Any portion of the chutes, flues, ducts, conduits, wires, bearing walls, bearing columns, or other apparatus lying partially within and partially outside of the designated boundaries of a unit, and serving only that unit shall be deemed a part of that unit; any portions serving more than one unit or any portion of the common elements shall be deemed a part of the common elements.*

(c) *Subject to clause (b), all space, interior partitions, and other fixtures and improvements within the boundaries of a unit shall be deemed a part of that unit.*

(d) *Any shutters, awnings, window boxes, doorsteps, porches, balconies, patios, and any other apparatus serving a single unit shall be deemed a limited common element of only that unit.*

Sec. 12. [CONDOMINIUM INSTRUMENTS READ TOGETHER.] *Condominium instruments shall be construed together and shall be deemed to incorporate one another to the extent that any requirement of sections 1 to 64 as to the content of one shall be satisfied if the deficiency can be cured by reference to another. In the event of a conflict between the condominium instruments, the declaration shall control. Particular provisions shall control general provisions, except that a construction conformable with the statute shall in all cases control.*

Sec. 13. [VALIDITY OF CONDOMINIUM INSTRUMENTS.] *All provisions of condominium instruments shall be severable, and any unlawful provision void.*

Sec. 14. [COMPLIANCE WITH CONDOMINIUM INSTRUMENTS.] *Every unit owner and all those entitled to occupy a unit shall comply with all lawful provisions of the condominium instruments. Any lack of compliance shall be grounds for an action or suit to recover sums due, for damages or injunctive relief, or for any other remedy available at law or in equity, maintainable by the unit owners' association, or any managing agent on behalf of the association, or by one or more aggrieved unit owners on their own behalf.*

Sec. 15. [CONTENTS OF THE DECLARATION.] *Subdivision 1. The declaration for every condominium shall contain the following:*

(a) *The name of the condominium, which name shall include the word "condominium" or be followed by the words "a condominium".*

(b) *The name of the city and county in which the condominium is located.*

(c) *A legal description of the land where the condominium is or will be located.*

(d) *A description or delineation of the boundaries of the units; including the horizontal (upper and lower) boundaries, if any, and the vertical (lateral or perimetric) boundaries.*

(e) *A description or delineation of the limited common elements, showing the units to which each is assigned.*

(f) *A description or delineation of common elements not within the boundaries of any convertible lands which may subsequently be assigned as limited common elements, together with a statement that they may be so assigned and a description of the method by which the assignments shall be made in accordance with the provisions of section 18.*

(g) *The allocation to each unit of an undivided interest in the common elements in accordance with the provisions of section 16.*

(h) *The name and address of the developer, and the interest, if any, such developer has in the land where the condominium is or will be located.*

(i) *Other matters the developer deems appropriate.*

*Subd. 2. If the condominium contains any convertible land the declaration shall also contain the following:*

(a) *A legal description of each tract of convertible land within the condominium.*

(b) *A statement of the maximum number of units that may be created within each convertible land.*

(c) *A statement of the maximum percentage of the aggregate land and floor area of all units that may be created within each convertible land, which may be occupied by units not restricted to residential use. If no units on other portions of the submitted land are so restricted, this statement is not required.*

(d) *A statement of the compatibility of any structure erected on convertible land with structures on other portions of the submitted land in quality of construction, principal materials to be used, and architectural style, or a statement that no assurances are made in those regards.*

(e) *A statement that any units created within each convertible land will be substantially identical to the units on other portions of the submitted land, or a statement describing in detail what other types of units may be created therein, or a statement that no assurances are made in those regards.*

(f) *A description of the developer's reserved right to create limited common elements within any convertible land, or to designate common elements therein which may subsequently be assigned as limited common elements, describing the types, sizes, and maximum number of elements within each convertible land.*

*Plats and plans may be recorded with the declaration to supplement information furnished pursuant to clauses (a), (d), (e) and (f) of this subdivision.*

*Subd. 3. If the condominium is an expandable condominium the declaration shall also contain the following:*

(a) *The explicit reservation of an option to expand the condominium.*

(b) A statement of any limitations on the option, including a statement whether the consent of any unit owners shall be required and the method by which the consent shall be ascertained, or a statement that there are no limitations.

(c) A time limit, not exceeding seven years from the recording of the declaration, upon which the option to expand the condominium expires, together with a statement of the circumstances which will terminate the option prior to the expiration of the specified time limit.

(d) A legal description of all land that may be added to the condominium.

(e) A statement whether, if any of the additional land is added to the condominium, all of it or any particular portion of it must be added; if not, a statement of any limitations on what portions may be added or that there are no limitations.

(f) A statement whether portions of the additional land may be added to the condominium at different times, together with limitations fixing the boundaries of those portions by legal description or regulating the order in which they may be added to the condominium.

(g) A statement of limitations on the locations of improvements that may be made on portions of the additional land, or a statement that no assurances are made in that regard.

(h) A statement of the maximum number of units that may be created on the additional land. If portions of the additional land may be added to the condominium and the boundaries of those portions are fixed in accordance with clause (f), the declaration shall also state the maximum number of units that may be created on each portion added to the condominium.

(i) A statement of the maximum percentage of the aggregate land floor area of all units that may be created on land added to the condominium that may be occupied by units not restricted exclusively to residential use. If no units on the submitted land are so restricted, this statement is not required.

(j) A statement of the extent to which structures erected on a portion of the additional land will be compatible with structures on the submitted land in quality of construction, principal materials to be used, and architectural style, or a statement that no assurances of compatibility are made.

(k) A description of other improvements that will be made on additional land, or a statement of limitations on other improvements which may be made on it, or a statement that no assurances are made about improvements.

(l) A statement that any units created on a portion of the additional land will be substantially identical to the units on the submitted land, or a statement of limitations on types of units which may be created on it, or a statement that no assurances are made about types of units.

(m) A description of the developer's reserved right to create limited common elements within any portion of the additional land or to designate common elements which may subsequently be assigned as limited common elements, describing the types, sizes, and maximum number of elements within each portion, or a statement that no assurances are made about limited common elements.

Plats and plans may be recorded with the declaration to supplement information furnished pursuant to clauses (d), (e), (f), (g), (j), (k), (l), and (m) of this subdivision.

Subd. 4. If the condominium is a contractable condominium the declaration shall also contain the following:

(a) The explicit reservation of an option to contract the condominium.

(b) A statement of limitations on the option, including a statement whether the consent of any unit owners shall be required and the method by which the consent shall be ascertained, or a statement that there are no limitations.

(c) A time limit, not exceeding seven years from the recording of the declaration, upon which the option shall expire, together with a statement of the circumstances which will terminate the option prior to the expiration of the specified time limit.

(d) A legal description of all land that may be withdrawn from the condominium.

(e) A statement whether portions of the withdrawable land may be withdrawn from the condominium at different times, together with any limitations fixing the boundaries of those portions by legal description or regulating the order in which they may be withdrawn from the condominium.

(f) A legal description of all of the submitted land to which the option to contract the condominium does not extend. This shall not be construed to be in derogation of the developer's right to terminate the condominium in accordance with section 32.

Plats may be recorded with the declaration to supplement information furnished pursuant to clauses (d), (e), and (f).

*Subd. 5. When the condominium is a leasehold condominium the declaration shall set forth, with respect to any ground lease or other lease the expiration or termination of which will or may terminate or contract the condominium, the county in which it is recorded and the document number or book and page number where the first page of each lease is recorded; the declaration shall also contain the following:*

*(a) The date upon which each lease is due to expire.*

*(b) A statement whether any land or improvements will be owned by the unit owners in fee simple, and if so, either a description of it, including a legal description of the land, or a statement of rights the unit owners have to remove improvements within a reasonable time after the expiration or termination of the lease involved, or a statement that they shall have no such rights.*

*(c) A statement of the rights the unit owners have to redeem the reversion, or a statement that they have no such rights.*

*After the recording of the declaration, no lessor who executed it and no successor in interest to the lessor may terminate any part of the leasehold interest of a unit owner who makes timely payment of his share of the rent to the person designated in the declaration for the receipt of rent and who complies with all covenants which, if violated, would entitle the lessor to terminate the lease.*

*Subd. 6. Where this section requires a legal description of land which is submitted to the provisions of sections 1 to 64 or that may be added to or withdrawn from the condominium, the requirement includes a legal description of any easements that are submitted to this chapter or that may be added to or withdrawn from the condominium. For each easement, the declaration shall contain the following:*

*(a) A description of the permitted use.*

*(b) If fewer than all of those entitled to the use of all of the units may use the easement, a statement of the relevant restrictions and limitations on use.*

*(c) If persons other than those entitled to the use of the units may use the easement, a statement of the rights of others to use of the same.*

*Subd. 7. Where this section requires a legal description that may be added to or withdrawn from the condominium, the requirement includes a separate legal description of all lands in which the unit owners shall or may be life tenants or tenants in common or joint tenants with any other persons, describing the*

*nature of the unit owner's interests. No units may be situated on the lands. The lands shall not be shown on plats showing other portions of the condominium, but shall be shown on separate plats.*

**Sec. 16. [ALLOCATION OF INTERESTS IN COMMON ELEMENTS.]** *Subdivision 1. The declaration may allocate to each unit depicted on plats and plans that comply with section 19, subdivisions 1 and 2, an undivided interest in the common elements proportionate to either the area or par value of the unit.*

*Subd. 2. The declaration shall allocate to each unit not receiving an allocation under subdivision 1, an equal undivided interest in the common elements, except that each convertible space depicted shall be allocated an undivided interest in the common elements proportionate to the area of each such space while the remaining undivided interest in the common elements shall be allocated equally to the other units so depicted.*

*Subd. 3. The undivided interest in the common elements allocated in accordance with subdivisions 1 and 2 shall add up to one if stated as fractions or 100 percent if stated as percentages.*

*Subd. 4. If, in accordance with subdivision 1 or 2, an equal undivided interest in the common elements is allocated to each unit, the declaration may simply state that fact and need not express the fraction or percentage so allocated. Otherwise, the undivided interest allocated to each unit in accordance with subdivision 1 or 2 shall be shown on a table, exhibit, or schedule recorded with the declaration, containing three columns. The first column shall identify the units, listing them serially or grouped in units to which identical undivided interests are allocated. Corresponding figures in the second and third columns shall set forth the area or par values of those units and the fraction or percentage of undivided interest in the common elements allocated to them.*

*Subd. 5. Except as otherwise expressly provided in sections 1 to 64, the undivided interest in the common elements allocated to any unit may not be altered, and any attempted transfer, encumbrance, or other disposition of the interest without the unit to which it appertains is void.*

*Subd. 6. The common elements shall not be subject to any suit for partition unless the condominium is terminated.*

**Sec. 17. [REALLOCATION OF INTEREST IN COMMON ELEMENTS.]** *Subdivision 1. When a condominium contains any convertible lands or is an expandable condominium, the declaration shall not allocate undivided interests in the common elements on the basis of par value unless it:*



(1) prohibits the creation of any units not substantially identical to the units depicted on the plats and plans recorded pursuant to section 19, subdivisions 1 and 2, or

(2) prohibits the creation of any units not described pursuant to section 15, subdivision 2, clause (f), in the case of convertible lands, and section 15, subdivision 3, clause 12, in the case of additional land, and contains from the outset a statement of the par value that shall be assigned to every unit that may be created.

Subd. 2. Interests in the common elements shall not be allocated to any units to be created within convertible land or additional land until plats and plans depicting them are recorded pursuant to section 19, subdivision 3. Simultaneously with recording the plats and plans, the developer shall execute and record an amendment to the declaration reallocating undivided interests in the common elements so that the units depicted on the plats and plans shall be allocated undivided interests in the common elements on the same basis as the units depicted on the plats and plans recorded simultaneously with the declaration pursuant to section 19, subdivisions 1 and 2.

Subd. 3. If all of a convertible space is converted into common elements, including limited common elements, then the undivided interest in the common elements relating to the space shall relate to the remaining units, allocated among them in proportion to their undivided interests in the common elements. The principal officer of the unit owners' association or other officer the condominium instruments may specify shall prepare, execute, and record an amendment to the declaration reflecting the reallocation of undivided interests.

Subd. 4. In a leasehold condominium, if the expiration or termination of a lease causes a contraction of the condominium which reduces the number of units, the undivided interest in the common elements relating to any units withdrawn from the condominium shall relate to the remaining units, allocated among them in proportion to their undivided interests in the common elements. The principal officer of the unit owners' association or other officer the condominium instruments may specify shall prepare, execute, and record an amendment to the declaration reflecting the reallocation of undivided interests.

Sec. 18. [ASSIGNMENTS OF LIMITED COMMON ELEMENTS.] Subdivision 1. All assignments and reassignments of limited common elements shall be shown in the condominium instruments. No limited common element shall be assigned or reassigned except in accordance with the provisions of this chapter. No amendment to any condominium instrument shall alter any rights or obligations with respect to any limited common element without the consent of all unit owners adversely affected, evidenced by their execution of the amendment, except

to the extent that the condominium instruments expressly provided otherwise prior to the first assignment of the limited common element.

Subd. 2. Unless expressly prohibited by the condominium instruments, a limited common element may be reassigned upon written application of the unit owners concerned to the principal officer of the unit owners' association or to another officer the condominium instruments may specify. The officer to whom application is made shall prepare and execute an amendment to the declaration reassigning all rights and obligations with respect to the limited common element. The amendment shall be delivered to the unit owners of the units concerned upon payment by them of reasonable costs for its preparation and acknowledgment. The amendment is effective when the unit owners of the units concerned have executed and recorded it.

Subd. 3. A common element not previously assigned as a limited common element shall be so assigned only in pursuance of section 15, subdivision 1, clause (f). The amendment to the declaration making the assignment shall be prepared and executed by the principal officer of the unit owners' association, or other officer the condominium instruments may specify. The amendment shall be delivered to the unit owners of the units concerned upon payment by them of reasonable costs for its preparation and acknowledgment. The amendment is effective when the unit owners have executed and recorded it, and its recordation shall be conclusive evidence that the method prescribed pursuant to section 15, subdivision 1, clause (f), was adhered to.

Sec. 19. [CONTENTS OF PLATS AND PLANS.] Subdivision 1. [LAND AND IMPROVEMENTS.] There shall be recorded simultaneously with the declaration plats of survey showing the location and dimensions of the submitted land, of any convertible lands within the submitted land and of any existing improvement, the intended location and dimensions of any contemplated improvements which are to be located on any portion of the submitted land other than within the boundaries of any convertible lands, and, to the extent feasible, the location and dimensions of all easements appurtenant to the submitted land or otherwise submitted as a part of the common elements. If the submitted land is not contiguous the plats shall indicate the distances between the parcels constituting the submitted land. The plats shall label every convertible land as a convertible land, and if there be more than one convertible land, the plats shall label each with one or more letters or numbers different from those designating any other convertible land and different from the identifying number of any unit. The plats shall show the location and dimensions of any withdrawable lands, and shall label each as a withdrawable land. If, with respect to any portion but less than all of the submitted land, the unit owners are to own only an estate for years, the plats shall show the location and dimensions of those portions, and shall label each as a leased land. If there is more than one withdrawable land, or more than one leased land, the plats shall label each

with one or more letters or numbers different from those designating any convertible land or other withdrawable or leased land, and different from the identifying number of any unit. The plats shall show all easements to which the submitted land or any portion thereof is subject, and shall show the location and dimensions of all such easements to the extent feasible. The plats shall also show all encroachments by or on any portion of the condominium. In the case of any improvements located or to be located on any portion of the submitted land other than within the boundaries of any convertible lands, the plats shall indicate those which have not been begun by the use of the phrase "(NOT YET BEGUN)", and those which have been begun but have not been completed by the use of the phrase "(NOT YET COMPLETED)". In the case of any units having vertical boundaries lying wholly or partially outside of structures for which plans pursuant to subdivision 2 are simultaneously recorded, the plats shall show the location and dimensions of the vertical boundaries to the extent that they are not shown on the plans, and the units thus depicted shall bear their identifying numbers. Each plat shall be certified as to its accuracy and compliance with this subdivision by a registered land surveyor or architect who shall certify that all units so depicted have been substantially completed. The specification by this subdivision of items to be shown on the plats shall not be construed to mean that the plats shall not also show all other items customarily shown or hereafter required for land title surveys.

Subd. 2. [STRUCTURES.] There shall also be recorded simultaneously with the declaration plans of every structure which contains or constitutes all or part of any unit, and which is located on a portion of the submitted land other than within the boundaries of convertible lands. The plans shall show the location and dimensions of the vertical boundaries of each unit to the extent that the boundaries lie within or coincide with the boundaries of the structures, and the units depicted shall bear their identifying numbers. Each convertible space depicted shall be labeled a convertible space. Horizontal boundaries shall be identified on the plans with reference to established datum. Unless the condominium instruments expressly provide otherwise, it shall be presumed that in the case of any unit not wholly contained within or constituting one or more such structures, the horizontal boundaries thus identified extend at the same elevation as any part of the unit lying outside of the structures, except that in the case of a unit which does not lie over any other unit other than basement units, it shall be presumed that the lower horizontal boundary of that unit lies at the level of the ground with regard to any part of that unit lying outside of the structures. The plans shall be certified for accuracy and compliance with this subdivision by a registered architect or registered engineer, who shall certify that all units depicted thereon have been substantially completed.

Subd. 3. [CONVERTED AND ADDITIONAL LAND.] When converting all or any portion of any convertible land, or

adding additional land to an expandable condominium, the developer shall record new plats of survey meeting the requirements of subdivision 1. Where less than all of a convertible land is being converted, the plans shall also show the location and dimensions of the remaining portion of the land. At the same time, the developer shall record, for any structures on the land being converted or added, either plans conforming to the requirements of subdivision 2 or certifications conforming to the certification requirements of the subdivision of plans previously recorded pursuant to section 20.

Subd. 4. [UNITS FROM CONVERTED SPACE.] When converting all or any portion of any convertible space into units or limited common elements, the developer shall record, for the structure or portion constituting that convertible space, plans showing the location and dimensions of the vertical boundaries of each unit formed out of the space. The plans shall be certified for accuracy and compliance with this subdivision by a registered architect or registered engineer.

Subd. 5. [LIMITED COMMON ELEMENTS.] For the purposes of subdivisions 1, 2, and 3, provisions and requirements relating to units shall be equally applicable to limited common elements. Each limited common element shall be labeled as such, and each limited common element depicted on the plats and plans shall bear the identifying number of the unit to which it is assigned unless the provisions of section 11, subdivision 6, make the designations unnecessary.

Sec. 20. [PRELIMINARY RECORDATION OF PLANS.] Plans previously recorded pursuant to section 15, subdivisions 2 and 3, may be used in lieu of new plans to satisfy in whole or in part the requirements of section 22, subdivision 2, or section 24 if certifications are recorded by the developer in accordance with section 19, subdivision 3.

Sec. 21. [EASEMENT FOR ENCROACHMENTS.] To the extent that any unit or common element encroaches on any other unit or common element, whether because of a deviation from plats and plans in the construction, renovation, restoration, or repair of any improvement, or because of the settling or shifting of any land or improvement, a valid easement for the encroachment shall exist. The purpose of this section is to protect the unit owners, except in cases of wilful and intentional misconduct by them or their agents or employees, and not to relieve the developer or any contractor, subcontractor, or materialman of liability which they may have because of a failure to adhere to the plats and plans.

Sec. 22. [CONVERSION OF CONVERTIBLE LANDS.] Subdivision 1. The developer may convert any convertible land into units or limited common elements subject to restrictions and limitations which the condominium instruments specify. The con-

version shall be deemed to have occurred at the time of recordation of appropriate instruments pursuant to subdivision 2 and section 19, subdivision 3.

*Subd. 2. Simultaneously with the recording of plats and plans pursuant to section 19, subdivision 3, the developer shall prepare, execute, and record an amendment to the declaration describing the conversion. The amendment shall assign an identifying number to each unit formed out of a convertible land and shall reallocate undivided interests in the common elements in accordance with section 17, subdivision 2. The amendment shall describe the limited common elements formed out of the convertible land, showing the unit to which each is assigned.*

*Subd. 3. All convertible lands shall be deemed a part of the common elements except for portions thereof converted in accordance with this section. Until the expiration of the period during which the conversion may occur or until actual conversion, whichever occurs first, all real estate taxes and expenses related to land and improvements shall be assessed against the developer. No such conversion shall occur after five years from the recordation of the declaration, or a shorter time period as the declaration may specify.*

**Sec. 23. [CONVERSION OF CONVERTIBLE SPACES.]**

*Subdivision 1. The developer may convert any convertible space into units or common elements including limited common elements subject to restrictions and limitations which the condominium instruments may specify. The conversion shall be deemed to have occurred at the time of the recordation of appropriate instruments pursuant to subdivision 2 and section 19, subdivision 4.*

*Subd. 2. Simultaneously with the recording of plats and plans pursuant to section 19, subdivision 4, the developer shall prepare, execute, and record an amendment to the declaration describing the conversion. The amendment shall assign an identifying number to each unit formed out of a convertible space and shall allocate to each unit a portion of the undivided interest in the common elements relating to that space. The amendment shall describe the limited common elements formed out of the convertible space, showing the unit to which each is assigned.*

*Subd. 3. The developer shall, if necessary, reallocate the undivided interests in the common elements relating to the units formed out of that space as soon as all of that space has been converted, so that all of the undivided interest in the common elements originally allocated to that space shall be allocated among all of the units formed from it on the same basis for all the units. The reallocation shall be shown in an amendment to the declaration prepared, executed, and recorded by the developer.*

*Subd. 4. Convertible space not converted in accordance with this section, shall be treated for all purposes as a single unit until it is so converted, and the provisions of this chapter shall be deemed applicable to that space as though it were a unit.*

**Sec. 24. [EXPANSION OF THE CONDOMINIUM.]** *No condominium shall be expanded except in accordance with the provisions of the declaration and of sections 1 to 64. Any expansion shall be deemed to have occurred at the time of the recordation of plats and plans pursuant to section 19, subdivision 3, together with an amendment to the declaration, duly executed by the developer. The amendment shall contain a legal description of the land added to the condominium, and shall reallocate undivided interests in the common elements in accordance with section 17, subdivision 2. The amendment may create convertible or withdrawable lands within the land added to the condominium provided the requirements on the lands are satisfied.*

**Sec. 25. [CONTRACTION OF THE CONDOMINIUM.]** *No condominium shall be contracted except in accordance with the provisions of the declaration and of sections 1 to 64. Any contraction shall be deemed to have occurred at the time of the recordation of an amendment to the declaration, executed by the developer, containing a legal description of the land withdrawn from the condominium. If portions of the withdrawable land were described pursuant to section 15, subdivision 4, clause (e), then no such portion shall be so withdrawn after the conveyance of any unit on the portion. If no such portions were described, then none of the withdrawable land shall be withdrawn after the first conveyance of any unit thereon.*

**Sec. 26. [EASEMENT TO FACILITATE CONVERSION AND EXPANSION.]** *Subject to any restrictions and limitations the condominium instruments specify, the developer shall have a transferable easement over the common elements for the purpose of making improvements on the submitted land and additional land, and doing all things reasonably necessary and proper in connection with them.*

**Sec. 27. [EASEMENT TO FACILITATE SALES.]** *The developer and his authorized agents, representatives, and employees may maintain site signs, sales offices or model units on the submitted land if the condominium instruments provide for it and specify the rights of the developer with regard to their number, size, location, and relocation. Any sales office or model unit which is not designated a unit by the condominium instruments shall become a common element when the developer ceases to be a unit owner, and the developer shall cease to have any rights in it unless the sales office or model unit is removed from the submitted land in accordance with a right reserved in the condominium instruments to make the removal.*

**Sec. 28. [DEVELOPER'S OBLIGATION TO COMPLETE AND RESTORE.]** *Subdivision 1. No covenants, restrictions, limitations, or other representations or commitments in the condominium instruments with regard to anything that is or is not to be done on additional land or withdrawable land shall be binding as to any portion of either lawfully withdrawn from the condominium or never added to it except to the extent that the condominium instruments so provide. In the case of any covenant, restriction, limitation, or other representation or commitment in the condominium instruments or any other agreement requiring the developer to add or withdraw land, or imposing obligation with regard to anything that is or is not to be done on or to the condominium this subdivision shall not be construed to nullify, limit, or otherwise affect the obligation.*

*Subd. 2. The developer shall complete all improvements labeled "(NOT YET COMPLETED)" on plats recorded pursuant to the requirements of sections 1 to 64 unless the condominium instruments expressly exempt the developer from that obligation, and shall, in the case of every improvement labeled "(NOT YET BEGUN)" on the plats, state in the declaration either the extent of the obligation to complete it or that there is no obligation to do so.*

*Subd. 3. To the extent that damage is inflicted on a part of the condominium by a person utilizing the easements reserved by the condominium instruments or created by sections 26 and 27, the developer together with the person causing the damage shall be jointly and severally liable for its prompt repair and restoration to a condition compatible with the remainder of the condominium.*

**Sec. 29. [ALTERATIONS WITHIN UNITS.]** *Subdivision 1. Except to the extent prohibited by the condominium instruments, and subject to restrictions and limitations specified therein, and in accordance with local codes and ordinances, a unit owner may make improvements or alterations within his unit that do not impair the structural integrity of any structure or otherwise lessen the support of any portion of the condominium project. No unit owner shall do anything which would change the exterior appearance of his unit or any other portion of the condominium except to the extent and subject to the conditions the condominium instruments specify.*

*Subd. 2. If a unit owner acquires an adjoining unit, or an adjoining part of an adjoining unit, the unit owner shall have the right to remove any intervening partition or to create doorways or other apertures in them, notwithstanding the fact that the partition may in whole or in part be a common element, so long as no portion of any bearing wall or bearing column is weakened and no portion of any common element other than that partition is damaged, destroyed, or endangered. The creation of doorways or other apertures shall not be an alteration of boundaries within the meaning of section 30.*

Sec. 30. [RELOCATION OF BOUNDARIES BETWEEN UNITS.] *Subdivision 1. If the condominium instruments expressly permit the relocation of boundaries between adjoining units, the boundaries between the units may be relocated in accordance with the provisions of this section and any restrictions and limitations not otherwise unlawful which the condominium instruments specify. Boundaries shall not be relocated unless the condominium instruments expressly permit it.*

*Subd. 2. If the unit owners of adjoining units whose mutual boundaries may be relocated desire to relocate the boundaries, the principal officer of the unit owners' association, or other officer the condominium instruments specify, shall, upon written application of the units owners, prepare and execute appropriate instruments pursuant to subdivisions 3, 4, and 5.*

*Subd. 3. An amendment to the declaration shall identify the unit involved, state that the boundaries between those units are being relocated by agreement of their unit owners and contain conveyancing between those unit owners. If those unit owners have specified in their written application a reasonable reallocation between the units involved of the aggregate undivided interest in the common elements appertaining to the units, the amendment to the declaration shall reflect the reallocation.*

*Subd. 4. If the unit owners of the units involved have specified in their written application a reasonable reallocation as between their units of the aggregate number of votes in the unit owners' association allocated to those units, and amendment to the bylaws shall reflect that reallocation and a proportionate reallocation of liability for common expenses and rights to common revenue between those units.*

*Subd. 5. Plats and plans necessary to show the altered boundaries between the units involved, and their other boundaries, shall be prepared, with the units depicted bearing their identifying numbers. The plats and plans shall indicate the new dimensions of the units involved, and any change in horizontal boundaries as a result of the relocation of boundaries shall be identified with reference to established datum. The plats and plans shall be certified for accuracy and compliance with this subdivision by a registered land surveyor in the case of a plat and by a registered architect or registered engineer in the case of a plan.*

*Subd. 6. When the necessary instruments have been prepared, executed, and acknowledged, they shall be delivered to the unit owners of the units involved upon payment by them of reasonable costs for the preparation and acknowledgment of the instruments. The instruments shall be effective when the unit owners of the units involved have executed and recorded them. The recordation shall be conclusive evidence that the relocation of boundaries did not violate any restrictions or limitations spec-*



ified by the condominium instruments that reallocations made pursuant to subdivisions 3 and 4 were reasonable.

Subd. 7. Any relocation of boundaries between adjoining units, not intended to result in the creation of two or more new units in place of the subdivided unit, shall be governed by this section.

Sec. 31. [SUBDIVISION OF UNITS.] Subdivision 1. If the condominium instruments expressly permit the subdivision of any units, the units may be subdivided in accordance with the provisions of this section and restrictions and limitations not otherwise unlawful which the condominium instruments specify.

Subd. 2. If the unit owner of any unit which may be subdivided desires to subdivide the unit, the principal officer of the unit owners' association, or other officer the condominium instruments specify, shall, upon written application of the unit owner, herein referred to as the subdivider, prepare and execute appropriate instruments pursuant to subdivisions 3, 4, and 5.

Subd. 3. An amendment to the declaration shall assign new identifying numbers to the new units created by the subdivision of a unit and shall allocate to those units, on a reasonable basis acceptable to the subdivider, all of the undivided interest in the common elements appertaining to the subdivided unit. The new units shall jointly share all rights, and shall be equally liable jointly and severally for all obligations, with regard to any limited common elements assigned to the subdivided unit except to the extent that the subdivider may have specified in his written application that a limited common element assigned to the subdivided unit exclusive should be assigned to one or more of the new units, in which case the amendment to the declaration shall reflect that intention.

Subd. 4. An amendment to the bylaws shall allocate to the new units, on a reasonable basis acceptable to the subdivider, the votes in the unit owners' association allocated to the subdivided unit, and reflect a proportionate allocation to the new units of the liability for common expenses and rights to common revenue formerly relating to the subdivided unit.

Subd. 5. Plats and plans necessary to show the boundaries separating the new units together with their other boundaries shall be prepared, and the new units depicted thereon shall bear their new identifying numbers. The plats and plans shall indicate the dimensions of the new units, and their horizontal boundaries shall be identified with reference to established datum. The plats and plans shall be certified for accuracy and compliance with this subdivision by a registered land surveyor in the case of a plat and by a registered architect or registered engineer in the case of a plan.

Subd. 6. *When necessary instruments have been prepared, executed, and acknowledged, they shall be delivered to the subdivider upon his payment of reasonable costs for their preparation and acknowledgment. The instruments shall be effective when the subdivider has executed and recorded them. The recordation shall be conclusive evidence that the subdivision did not violate any restrictions or limitations specified by the condominium instruments and that any reallocations made pursuant to subdivisions 3 and 4 were reasonable.*

Subd. 7. *This section shall not apply to convertible spaces, and no convertible space shall be deemed a unit for the purposes of this section, but shall apply to units formed by the conversion of such space, and any such unit shall be deemed a unit for the purposes of this section.*

Sec. 32. [TERMINATION OR AMENDMENT BEFORE CONVEYANCE OF UNITS.] *If there is no unit owner other than the developer, he may unilaterally terminate the condominium or amend the condominium instruments. The termination or amendment shall be effective upon its recordation if it has been executed by the developer. This section shall not be construed to nullify, limit, or otherwise affect the validity or enforceability of any agreement to renounce the right hereby conferred.*

Sec. 33. [TERMINATION OR AMENDMENT AFTER CONVEYANCE OF UNITS; RIGHTS OF MORTGAGEE.] *Subdivision 1. If there is any unit owner other than the developer, the condominium shall be terminated only by the agreement of unit owners of units to which four fifths of the votes in the unit owners' association pertain, or a larger majority the condominium instruments specify.*

Subd. 2. *If there is any unit owner other than the developer, the condominium instruments may be amended only by agreement of the unit owners of units to which two thirds of the votes in the unit owners' association pertain, or a larger majority the condominium instruments specify, except in cases for which this chapter provides different methods of amendment.*

Subd. 3. *If all of the units in the condominium are restricted exclusively to nonresidential use, the condominium instruments may specify majorities smaller than the minimums specified by subdivisions 1 and 2.*

Subd. 4. *Agreement of the required majority of unit owners to termination of the condominium or to any amendment of the condominium instruments shall be evidenced by their execution or ratification of the termination agreement or amendment. They shall be effective only when the agreement is so evidenced of record. For the purposes of this section and section 32, an instrument terminating a condominium shall be deemed a condo-*

minium instrument subject to the provisions of section 10. For the purposes of this section, a ratification of an amendment shall also be deemed such an instrument.

Subd. 5. Except to the extent expressly permitted or required by other provisions of this chapter, no amendment to the condominium instruments may change the boundaries of a unit, or the undivided interest in the common elements, liability for common expenses, rights to common revenue, or number of votes in the unit owners' association relating thereto.

Subd. 6. Upon recordation of an instrument terminating a condominium, all of the property constituting it shall be owned by the unit owners as tenants in common in proportion to their respective undivided interest in the common elements immediately prior to the recordation. As long as the tenancy in common lasts, each unit owner, or the heirs, successors, or assigns thereof, shall have an exclusive right of occupancy of the portion of the property which formerly constituted his unit.

Subd. 7. Upon recordation of an instrument terminating a condominium, any rights the unit owners may have to the assets of the unit owners' association shall be in proportion to their respective undivided interests in the common elements immediately prior to the recordation.

Subd. 8. No provisions of sections 1 to 64 shall be construed in derogation of any requirement of the condominium instruments that all or a specified number of the beneficiaries of mortgages or contracts for deed encumbering the condominium units approve specified actions contemplated by the unit owners' association.

Sec. 34. [ASSOCIATION OF UNITS OWNERS; CONTENTS OF BYLAWS.] Subdivision 1. [INCORPORATION OF ASSOCIATION.] The unit owners' association shall be incorporated as provided in Minnesota Statutes, Chapter 317.

Subd. 2. [BYLAWS.] There shall be recorded simultaneously with the declaration a set of bylaws providing for the self government of the condominium by the association of all the unit owners. The bylaws shall specify which powers and responsibilities of the unit owners' association may be delegated to a managing agent.

Subd. 3. [MEETINGS.] Meetings of the unit owners' association shall be held in accordance with the provision of the condominium instruments at least once each year. The bylaws shall specify an officer who shall, at least 21 days in advance of any annual or regularly scheduled meeting and at least seven days in advance of any other meeting, send to each unit owner notice of the time, place and complete agenda of the meeting. The notice shall be sent by United States mail to all unit owners of rec-

ord at the address of their respective units and to other addresses as any of them may have designated to the officer.

Subd. 4. [QUORUMS.] Unless the condominium instruments otherwise provide, a quorum shall be deemed present throughout any meeting of the unit owners' association until adjourned if persons entitled to cast more than one third of the votes are present at the beginning of the meeting. Unless the condominium instruments specify a larger majority, a quorum shall be deemed to be present throughout any meeting of an executive committee if persons entitled to cast one half of the votes in that committee are present at the beginning of the meeting.

Subd. 5. [VOTING.] (a) The bylaws may allocate to each unit depicted on plats and plans that comply with section 19 a number of votes in the unit owners' association proportionate to the liability for common expenses established pursuant to section 41.

(b) Except as provided in clause (a), the bylaws shall allocate to each unit an equal number of votes in the unit owners' association, except that each convertible space so depicted shall be allocated a number of votes in the unit owners' association proportionate to the area of each space, while the remaining votes in the unit owners' association shall be allocated equally to the other units so depicted.

(c) A unit owner may be more than one person. If only one of those persons is present at a meeting of the unit owners' association, that person may cast all votes allocated to that unit. But if more than one of those persons is present, the vote allocated to that unit shall be cast only in accordance with their unanimous agreement unless the condominium instruments expressly provide otherwise, and consent shall be conclusively presumed if any one of them purports to cast the votes allocated to that unit without protest being made immediately by any of the others to the person presiding over the meeting.

(d) The votes allocated to any unit may be cast pursuant to a proxy or proxies duly executed by or on behalf of the unit owner, or, in cases where the unit owner is more than one person, by or on behalf of all of them. No proxy shall be revocable except by actual notice to the person presiding over the meeting, by the unit owner or by any of those persons, that it be revoked. A proxy shall be void if it is not dated, if it purports to be revocable without notice, or if the signatures of any of those executing it have not been duly acknowledged. The proxy of any person shall be void if not signed by a person having authority at the time of its execution to execute deeds on behalf of that person. A proxy shall terminate automatically upon the adjournment of the first meeting held on or after the date of that proxy.

(e) If 50 percent or more of the votes in the unit owners' association constitute 25 percent or less of the units, then in any case when a majority vote is required by the condominium instruments or by sections 1 to 64, the requirement for the majority shall be deemed to include assent by the unit owners of a like majority of the units.

(f) No vote in the unit owners' association shall be deemed to inure to any condominium unit during any time when the unit owner thereof is the unit owners' association.

**Subd. 6. [OFFICERS AND DIRECTORS.]** (a) The condominium instruments shall provide that any officer or director must be a unit owner. An officer or director who disposes of all his interest in the unit or leases his interest in the unit for a period exceeding six months shall be deemed disqualified from continuing in office unless, in the instance of disposition and fee, he acquires or contracts to acquire another unit in the condominium under terms giving him a right of occupancy to it effective on or before the termination of his right of occupancy under the disposition.

(b) The term "unit owner" shall include any director, officer, partner in, or trustee of any person which is, either alone or in conjunction with another person, a unit owner. An officer who would not be eligible to serve as such were he not a director, officer, partner in, or trustee of a person, shall be deemed disqualified from continuing in office if he ceases to have the affiliation with that person, or if that person would itself have been deemed disqualified from continuing in office under subdivision 1 were it a natural person holding the office.

**Sec. 35. [CONTROL BY THE DEVELOPER; TRANSFER OF CONTROL TO THE UNIT OWNERS' ASSOCIATION; PROHIBITIONS.]** Subdivision 1. If the unit owners' association has not been incorporated or does not have officers and directors at the time of the creation of the condominium, the developer shall, until the time the association is incorporated, act in all instances where sections 1 to 64 require action by the unit owners' association.

**Subd. 2.** The condominium instruments may authorize the developer to appoint or remove a majority of the directors of the unit owners' association and to exercise the powers and responsibilities otherwise assigned by the condominium instruments or by sections 1 to 64 to the unit owners' association to initiate management of the condominium and its common elements. No amendment to the condominium instruments shall increase the scope of this authorization if there is any unit owner other than the developer. This authorization shall not be valid after the time limit set by the condominium instruments or after units to which three fifths of the undivided interests in the common elements

have been conveyed, whichever occurs first. The time limit initially set by the condominium instruments shall not exceed five years in the case of an expandable condominium, three years in the case of a condominium other than an expandable condominium, containing any convertible land, or two years in the case of any other condominium. The time period shall commence upon sale of the first unit in any portion of the condominium.

Subd. 3. No contract, lease, management contract, employment contract, or lease of recreational areas or facilities, which is directly or indirectly made by or on behalf of the unit owners' association shall be entered into for a period exceeding two years. The contracts or agreements may contain a provision authorizing renewal for periods not exceeding two years if the authorization is accompanied by a reservation in favor of the association permitting termination of the contract or agreement upon 60 days written notice.

Sec. 36. [UPKEEP OF THE CONDOMINIUM.] Except to the extent otherwise provided by the condominium instruments, all powers and responsibilities with regard to maintenance, repair, renovation, restoration, and replacement shall appertain to the unit owners' association in the case of the common elements, and to the individual unit owner in the case of any unit. Each unit owner shall afford to the other unit owners and to the unit owners' association, and to their agents or employees, access through his unit reasonably necessary to enable them to exercise and discharge their powers and responsibilities. To the extent that damage is inflicted on the common elements or any unit through which access is taken, the unit owner causing the damage, or the unit owners' association if it caused the damage, shall be liable for its prompt repair.

Sec. 37. [CONTROL OF THE COMMON ELEMENTS.]  
Subdivision 1. Except to the extent prohibited by the condominium instruments, and subject to any restrictions and limitations specified in them, the unit owners' association shall have the power to:

(a) Employ, dismiss, and replace agents and employees to exercise and discharge the powers and responsibilities of the association arising under section 36.

(b) Make or cause to be made additional improvements on and as a part of the common elements.

(c) Grant or withhold approval of action by a unit owner or other person entitled to the occupancy of a unit which would change the exterior appearance of a unit or of another portion of the condominium, or elect or provide for the appointment of an architectural control committee, the members of which must have the same qualifications as officers, to grant or withhold that approval.

(d) *Acquire, hold, convey, and encumber title to real property, including condominium units.*

*Subd. 2. Except to the extent prohibited by the condominium instruments, and subject to restrictions and limitations specified in them, the unit owners' association shall have the irrevocable power as attorney-in-fact on behalf of all the unit owners and their successors in title to grant easements through the common elements and accept easements benefiting the condominium or any portion thereof.*

*Subd. 3. This section shall not be construed to prohibit the grant, by the condominium instruments, of other powers and responsibilities to the unit owners' association.*

**Sec. 38. [LIABILITIES OF UNIT OWNERS' ASSOCIATION.]** *Subdivision 1. An action for tort alleging a wrong done by any agent or employee of the developer or of the unit owners' association, or in connection with the condition of any portion of the condominium which the developer or the association is responsible to maintain shall be brought against the developer or the association. No unit owner shall be precluded from bringing an action because of his ownership of an undivided interest in the common elements or his membership in the association. A judgment against the developer arising from the action shall not be a lien against condominium units other than those owned by the developer.*

*Subd. 2. Unit owners other than the developer shall not be liable for torts caused by agents or employees of the developer within any convertible land or using any easement reserved in the declaration or created by sections 26 and 27.*

*Subd. 3. No contractual obligation shall be enforceable against the unit owners' association unless the obligation is evidenced by a writing signed by an officer of the unit owners' association or an authorized agent.*

*Subd. 4. A judgment for money against the unit owners' association shall be a lien against all of the condominium units. The lien shall be enforced against the condominium units on a pro rata basis in proportion to the interest in the common elements only to the extent that enforcement against real estate, if any, of or to which the unit owners' association is possessed or entitled does not satisfy the judgment. Upon enforcement of the lien of the judgment against the condominium units, the unit owners' association may designate portions of the condominium which shall be subjected to satisfaction of the judgment, but in no event shall a unit be subjected to satisfaction of the judgment until all common elements are so subjected, unless the affected unit owner consents to it. If less than all of the common elements are to be subject to satisfaction of the judgment, the common elements, including limited common elements, to be so subjected shall not be*

apportioned to result in a substantially more adverse effect upon the value, use or enjoyment of one or more condominium units relative to the remainder of the condominium units.

Sec. 39. [INSURANCE.] Subdivision 1. The condominium instrument shall require the unit owners' association or managing agent on its behalf, to obtain:

(a) A master casualty policy affording fire and extended coverage in the amount of the full replacement value of the structures within the condominium, or of the structures that comprise portions of the common elements.

(b) A master liability policy, in an amount specified by the condominium instruments, covering the unit owners' association, the managing agent, all persons acting as their agents or employees with respect to the condominium, and all unit owners and other persons entitled to occupy any unit or other portion of the condominium.

(c) Other policies required by the condominium instruments, including workmen's compensation insurance, liability insurance on motor vehicles owned by the association, and specialized policies covering lands or improvements in which the unit owners' association has ownership or other rights.

Subd. 2. When a policy of insurance has been obtained by or on behalf of the unit owners' association, written notice of that and of any subsequent changes in it or termination of it shall be promptly furnished to each unit owner by the officer required to send notices of meetings of the unit owners' association. The notices shall be sent in accordance with the notice provisions of section 34.

Sec. 40. [RIGHTS TO COMMON REVENUE.] The common revenue shall be applied to the payment of common expenses, and rights in any surplus shall pertain to the condominium units in proportion to the liability for common expenses as established pursuant to section 41. The surplus shall be refunded accordingly to the unit owners, except to the extent the condominium instruments may require it to be added to reserves maintained pursuant to the instruments.

Sec. 41. [LIABILITIES FOR COMMON EXPENSES.] Subdivision 1. Except to the extent that the condominium instruments provide otherwise, any common expenses associated with the maintenance, repair, renovation, restoration, or replacement of any limited common element shall be specially assessed against the condominium unit to which that limited common element was assigned at the time such expenses were incurred. If the limited common element involved was assigned at that time to more than one condominium unit, the expenses shall be special-



ly assessed against each of those units equally so that the total of the special assessments equals the total of the expenses.

Subd. 2. To the extent that the condominium instruments expressly so provide, any other common expenses benefiting less than all of the condominium units, or caused by the conduct of less than all of those entitled to occupy them or by their licensees or invitees, shall be specially assessed against the condominium unit involved.

Subd. 3. The amount of all common expenses not specially assessed pursuant to subdivisions 1 or 2, less the amount of all common revenue, shall be assessed against the condominium units in proportion to (a) the number of votes in the unit owners' association; (b) the undivided interest in the common elements; or (c) the percentage or fraction of the common expenses allocated by the condominium instruments based upon the methods of allocation set forth in section 16, accruing to each unit. The assessments shall be made by the unit owners' association annually, or more often if the condominium instruments so provide. No change in the number of votes in the unit owners' association accruing to any condominium unit shall enlarge, diminish or otherwise affect any liabilities arising from assessments made prior to the change.

Sec. 42. [LIEN FOR ASSESSMENTS.] Subdivision 1. The unit owners' association shall have a lien on every condominium unit for unpaid assessments levied against that condominium unit in accordance with the provisions of sections 1 to 64 and all lawful provisions of the condominium instruments. The lien shall be prior to all other liens and encumbrances except real estate tax liens on that condominium unit, liens and encumbrances recorded prior to the recordation of the declaration, and sums unpaid on any first mortgages of record and first contracts for deed entered into prior to the perfection of said lien for assessments.

Subd. 2. The lien created by subdivision 1 shall be perfected by the recordation of a memorandum, which need not be acknowledged, with the recording officer of the county in which the condominium is situated. The memorandum of lien shall be recordable only if it is signed by the principal officer of the unit owners' association, or other officer the condominium instruments specify, and contains the following:

(a) A description of the condominium unit in accordance with the provisions of section 8.

(b) The names of the record owners of that condominium unit and, in the case of a leasehold condominium, the names of the persons constituting the unit owner of that unit.

(c) *The amount of unpaid assessments currently due or past due and the date when each fell due.*

(d) *The date of issuance of the memorandum.*

*Subd. 3. A lien perfected pursuant to subdivision 2 shall expire only when all sums secured by it have been paid in full plus accumulated interest at the rate of six percent a year and with full reimbursement for the cost of the filing of the memorandum of lien, or when three years have elapsed from the date of recordation of the memorandum without the commencement of a suit in equity as contemplated by subdivision 4, whichever shall first occur. A lien not perfected pursuant to subdivision 2 shall expire, as to each unpaid assessment, three years after the assessment, or the last installment thereof, became due and payable.*

*Subd. 4. The lien created by subdivision 1, unless it has expired under the provisions of subdivision 3, may be enforced by a suit in equity brought by the unit owners' association, or on behalf of the association by its principal officer or by another officer the condominium instruments specify.*

*Subd. 5. Nothing in this section shall be construed to prohibit actions at law to recover sums for which subdivision 1 creates a lien, maintainable pursuant to section 14.*

*Subd. 6. The judgment or decree in an action brought pursuant to this section shall include reimbursement for costs and reasonable attorneys' fees together with interest at the rate of six percent a year for the sums secured by the lien from the time each sum became due and payable.*

*Subd. 7. When payment or satisfaction is made of a debt secured by the lien created by subdivision 1, the lien shall be released. For the purposes of that section the principal officer of the unit owners' association, or other officer the condominium instruments specify, shall be deemed the authorized agent of the lien creditor.*

*Subd. 8. A unit owner or purchaser of a condominium unit, having executed a contract for its sale, shall be entitled upon request to a recordable statement setting forth the amount of unpaid assessments currently levied against the unit. The request shall be in writing, directed to the principal officer of the unit owners' association or to the other officer the condominium instruments specify. Failure to furnish or make available the statement within ten business days from the receipt of the request shall extinguish the lien created by subdivision 1 as to the unit involved. The statement shall be binding on the unit owners' association, and every unit owner. Payment of a fee not exceeding \$10 may be required as a prerequisite to the issuance of the statement if the condominium instruments so provide.*

Sec. 43. [RESTRAINTS ON ALIENATION.] *If the condominium instruments create any rights of first refusal or other restraints on free alienability of the condominium units, the rights and restraints shall be void unless the condominium instruments make provision for promptly furnishing to any unit owner or purchaser requesting it a recordable statement certifying to any waiver of, or failure or refusal to exercise, the rights and restraints, in all cases where the waiver, failure, or refusal does occur. Failure or refusal to furnish promptly the statement in such circumstances in accordance with the provisions of the condominium instruments shall make the rights and restraints inapplicable to any disposition of a condominium unit in contemplation of which the statement was requested. The statement shall be binding on the association of unit owners, and every unit owner. Payment of a fee not exceeding \$10 may be required as a prerequisite to the issuance of the statement if the condominium instruments so provide.*

Sec. 44. [COMMISSIONER OF SECURITIES TO ADMINISTER.] *Sections 1 to 64 shall be administered by the commissioner of securities of the Minnesota department of commerce.*

Sec. 45. [EXEMPTIONS.] *Subdivision 1. Unless the method of disposition is adopted for the purpose of evasion of sections 45 to 64, sections 45 to 64 do not apply to:*

(a) *Offers or dispositions by a purchaser of a unit in a multiple housing project for his own account in a single or isolated transaction when the purchaser has complied with the provisions of section 54;*

(b) *Dispositions in which all units are restricted to commercial, industrial, or other nonresidential use;*

(c) *Dispositions pursuant to court order;*

(d) *Dispositions by any government or government agency;*

(e) *Dispositions by a mortgagee upon foreclosure of a security interest in a multiple housing project or unit therein;*

(f) *Offers by the developer on nonbinding reservation agreements;*

(g) *Disposition of units in a multiple housing project exempt registered pursuant to Minnesota Statutes, Chapter 80A;*

(h) *Disposition of units in a multiple housing project registered under Minnesota Statutes, Chapter 83.*

*Subd. 2. The provisions of section 47 with respect to the registration of multiple housing projects shall not apply to of-*

fers or dispositions of interests in multiple housing projects involving the offer of not more than 50 separate units or interests therein within any period of twelve consecutive months, if the developer or his agent shall furnish to the commissioner, not less than twenty days prior to the consummation of any such disposition, a filing fee of \$25 and statement of the developer on forms prescribed by the commissioner containing the following information:

(a) The legal description and common address of the multiple housing project;

(b) The name, principal address and telephone number of the developer and its offices and agents in this state;

(c) A general description of the multiple housing project stating the total number of units or interests to be offered; the total number of units that may be included in the multiple housing project by reason of future expansion or merger of the project by the developer;

(d) The material terms of any encumbrances, easements, and restrictions including zoning and other regulations affecting the multiple housing project and each unit, a statement of the developer's efforts to remove such lien or encumbrance, and a statement of all existing taxes and existing or proposed special taxes or assessments which affect the multiple housing project;

(e) Copies of the declaration and bylaws, with a statement describing each and including information on developer control; a projected budget for at least the first year of the multiple housing project's operation including projected common expenses authorized or provided for in the declaration and the manner in which those expenses are apportioned among unit owners; the basis upon which reserves set out in the project, if any, are established; additional charges for use of any recreational, parking or other facilities that are a part of the multiple housing project, the estimated monthly membership assessments for the unit owners' association, and provisions, if any, for reserves for capital expenditures and restraints on alienation.

(f) Copies of any management contract, lease of recreational areas, or any part of the multiple housing project with a statement of the effect of any such agreement upon a purchaser, and a statement of the relationship, if any, between the developer and the managing agent or firm;

(g) A general description of the status of construction, zoning, site plan approval, issuance of building permits, or compliance with any other state or local statutes, ordinances or regulations affecting the multiple housing project;

(h) *The significant terms of any financing offered by the developer for the purchase of the multiple housing project;*

(i) *The provisions of any warranties provided by the developer on the units and the common elements;*

(j) *Copies of the articles of incorporation and bylaws of the unit owners' association provided for in section 34;*

(k) *A proposed offering statement in which the information required by paragraphs (a) to (j) immediately above will be furnished to prospective purchasers.*

*Provided, however, that the commissioner may by rule or order, as to the offer or disposition of any multiple housing project, withdraw or further condition this exemption, or require additional information or increase or decrease the number of units in a multiple housing project permitted to be offered or sold pursuant to this exemption.*

*Subd. 3. Sections 1 to 64 shall not apply to any multiple housing project or unit therein located outside the boundaries of this state.*

#### **Sec. 46. [PROHIBITION ON DISPOSITION OF UNITS.]**

*Unless the multiple housing project or the transaction is exempt pursuant to section 45, a person may not offer or dispose in this state of any interest in a multiple housing project or unit unless the multiple housing project or multiple housing unit is registered in accordance with sections 45 to 64.*

#### **Sec. 47. [APPLICATION FOR REGISTRATION; FEE.]**

*Subdivision 1. The application for registration of a multiple housing project shall be filed with the commissioner as prescribed by rule. The application shall be signed and sworn to by the developer and shall include, but not be limited to, the following documents and information:*

(a) *An irrevocable appointment of the commissioner to receive service of any lawful process in any civil proceeding arising under this chapter against the applicant, or his personal representative;*

(b) *A legal description of the multiple housing project offered for registration in a form which the commissioner shall prescribe by rule;*

(c) *The states or jurisdictions in which an application for registration or similar document has been filed and any adverse order, judgment, or decree entered in connection with the multiple housing project or developer by the regulatory authorities in any jurisdiction or by any court;*

(d) *The developer's name and address, and the form, date, and jurisdiction of organization; and the name and address of each of its offices and agents in this state;*

(e) *The name, address and principal occupation for the past five years of every director, officer, and partner of the developer or person occupying a similar status or performing similar functions, and each owner of ten percent or more of the developer; the extent and nature of his interest in the developer or the multiple housing project as of a specified date within 30 days prior to the filing of the application;*

(f) *A statement in a form acceptable to the commissioner, of the condition of the title to the multiple housing project including encumbrances, deed restrictions and covenants applicable thereto with data as to recording, as of a specified date within 30 days prior to the date of application by a title opinion of a licensed attorney, not a salaried employee, partner, officer, or director of the developer or of its agent, title insurance written by an insurance company authorized to transact business in this state, or by other evidence of title acceptable to the commissioner;*

(g) *Copies of instruments which will be delivered to a purchaser to evidence his interest in the multiple housing project and of the contracts or other agreements which a purchaser will be required to agree to or sign, together with the range of selling prices, rates or rentals at which it is proposed to dispose of the units or interests in the multiple housing project, and a list of mandatory fees the purchaser may be required to pay for membership in groups including, but not limited to, unit owners' associations, and similar organizations;*

(h) *Copies of the instruments by which the interest in the multiple housing project was acquired by the developer. The commissioner may by rule or order require evidence of marketable title to units in the multiple housing project;*

(i) *Copies of any management agreements, employment contracts or other contracts or agreements affecting the use, maintenance or access of all or a part of the multiple housing project;*

(j) *If there is a lien or encumbrance affecting the multiple housing project or any portion thereof, a legal description of the lien or encumbrance, a statement by the developer of his efforts to remove such lien or encumbrance, and a statement of the consequences and the steps, if any, taken to protect the purchaser in case of failure to discharge the lien or encumbrance;*

(k) *Copies of instruments creating, altering or removing easements, restrictions or other encumbrances affecting the multiple housing project;*

(l) A statement of compliance with the zoning and other governmental laws, ordinances and regulations affecting the use of units in the multiple housing project and adjacent properties, including the site plans and building permits and their status, and any existing tax and existing or proposed special taxes or assessments which affect the multiple housing project;

(m) A narrative description of the proposed plan for the disposition of the multiple housing project together with copies of advertising material which have been prepared for public distribution. Such advertising shall be considered as approved by the commissioner if no action has been taken after 30 days from the date received by the commissioner;

(n) The proposed public offering statement;

(o) A financial statement of the developer as of the end of the developer's most recent fiscal year and, if the fiscal year end of the developer is in excess of 90 days prior to the date of filing the application, a financial statement, as of a date within 90 days of the date of application. The commissioner may by rule prescribe the form and content of financial statements required under this clause and the circumstances under which consolidated financial statements may or shall be filed, and may require that the financial statement be audited by an independent certified public accountant;

(p) A statement of the permits required to be obtained from various federal, state and local agencies, stating which have been obtained, and which have been applied for. If any permit has been refused, the reasons for the refusal and the effect such refusal will have on subsequent development of the multiple housing project;

(q) A statement that the developer can convey or cause to be conveyed the interest in the multiple housing project offered for disposition if the purchaser complies with the terms of the offer and when appropriate, that release clauses, conveyances in trust or other safeguards have been provided;

(r) Plats and plans of the multiple housing project that comply with the provisions of section 19 other than the certification requirement thereof, and which show all units and buildings containing units to be built anywhere within the submitted land other than within the boundaries of any convertible lands;

(s) The developer of a conversion condominium shall include with the application for registration a copy of the notice set forth in section 49, subdivision 2, and a statement that such notice, fully complying with the provisions of said subdivision, shall be, at the time of the registration of such multiple housing project, mailed to each of the tenants in the building or buildings for which registration is sought;

(t) Any additional information which the commissioner may by rule require for the protection of purchasers.

Subd. 2. If the developer registers additional units to be offered for disposition in the same multiple housing project, he may consolidate the subsequent registration with any earlier registration offering units in the multiple housing project for disposition under the same promotional plan. An application for consolidation shall be accompanied by a fee of \$50.

Subd. 3. The developer shall immediately report any material changes in the information contained in an application for registration.

Subd. 4. The application shall be accompanied by a filing fee of \$300.

Sec. 48. [PUBLIC OFFERING STATEMENT.] Subdivision 1. A person may not dispose of any interest in a multiple housing project or multiple housing unit unless a current public offering statement is delivered to the purchaser at the expense of the developer or his agent, and the purchaser is afforded a reasonable opportunity to examine, and is permitted to retain the public offering statement prior to the offer or disposition. The developer or his agent shall obtain a receipt, signed by the purchaser, acknowledging that he has received a copy of the public offering statement prior to the execution by the purchaser of a contract or agreement for the disposition of any unit in a multiple housing project, which receipt shall be kept in the possession of the developer or his agent subject to inspection by the commissioner for a period of three years from the date the receipt is taken.

Subd. 2. The public offering statement shall disclose fully and accurately the characteristics of the multiple housing project, and the units therein, offered and shall make known to prospective purchasers all unusual and material facts or features affecting the multiple housing project. The proposed public offering statement submitted to the commissioner shall be in a form prescribed by rule and shall include, but shall not be limited to, the following:

(a) The legal description and common address of the multiple housing project;

(b) The name, principal address and telephone number of the developer and of its offices and agents in this state;

(c) A general description of the multiple housing project stating the total number of units or interests to be offered; the total number of units that may be included in the multiple hous-



ing project by reason of future expansion or merger of the project by the developer;

(d) The material terms of any encumbrances, easements, liens, and restrictions including zoning and other regulations affecting the multiple housing project and each unit, a statement of the developer's efforts to remove such lien or encumbrance, and a statement of all existing taxes and existing or proposed special taxes or assessments which affect the multiple housing project;

(e) Copies of the declaration and bylaws, with a statement describing each and including information on developer control, a projected budget for at least the first year of the multiple housing project's operation including projected common expenses authorized or provided for in the declaration and the manner in which those expenses are apportioned among unit owners; the basis upon which reserves set out in the project, if any, are established; additional charges for use of any recreational, parking or other facilities that are a part of the multiple housing project, the estimated monthly membership assessments for the unit owners' association, and provisions, if any, for reserves for capital expenditures and restraints on alienation;

(f) Copies of any management contract, lease of recreational areas, or any part of the multiple housing project with a statement of the effect of any such agreement upon a purchaser, and a statement of the relationship, if any, between the developer and the managing agent or firm;

(g) A general description of the status of construction, zoning, site plan approval, issuance of building permits, or compliance with any other state or local statute, ordinance or regulation affecting the multiple housing project;

(h) The significant terms of any financing offered by the developer for the purchase of units in a multiple housing project;

(i) The provisions of any warranties provided by the developer on the units and the common elements;

(j) Such additional information as may be required by the commissioner to assure full and fair disclosure to prospective purchasers.

Subd. 3. The public offering statement shall not be used for any promotional purpose before registration of the multiple housing project and afterwards it shall be used only in its entirety. A person may not advertise or represent that the commissioner has approved or recommended the multiple housing project or disposition thereof. The public offering statement

*shall be printed or typed on white paper and a portion may not be underscored, italicized or printed in larger or heavier or different color type than the remainder of the statement unless required or approved by the commissioner.*

*Subd. 4. The commissioner may require the developer or his agent to alter or amend the proposed public offering statement in order to assure full and fair disclosure to prospective purchasers. No change in the substance of the plan of disposition or development of the multiple housing project may be made after registration without notifying the commissioner and without making appropriate amendment of the public offering statement. A public offering statement is not current unless all amendments are incorporated.*

**Sec. 49. [CONVERSION CONDOMINIUMS; SPECIAL PROVISIONS.]** *Subdivision 1. The developer of a conversion condominium shall include in his public offering statement, in addition to the requirements of section 48, the following:*

*(a) A specific statement of the amount of any initial or special fee due from the purchaser on or before settlement of the purchase contract and the basis of such fee;*

*(b) A specific statement disclosing the actual expenditures made on all repairs, maintenance and operation or upkeep of the subject building or buildings within the last three years, set forth tabularly with the proposed budget of the multiple housing project, and cumulatively broken down on a per unit basis in proportion to the relative voting strengths allocated to the units by the bylaws. If such building or buildings have not been occupied for a period of three years, then the information shall be set forth for the maximum period such building or buildings have been occupied;*

*(c) A description of any provisions made in the budget for reserves for capital expenditures and an explanation of the basis for such reserves, or if no such provision is made, a statement to that effect;*

*(d) A statement concerning the present condition of all structural components and major utility installations in the multiple housing project, which statement shall include the approximate dates of construction, installation, and major repairs, and the expected useful life of each such item, together with the estimated cost in current dollars, of replacing each of the same.*

*Subd. 2. (a) The developer shall within ten days of filing an application for registration with the commissioner in reference to a condominium conversion project provide each tenant of the building or buildings included within the application a notice of the intent to convert.*

(b) Upon the effectiveness of an order of registration or advice that the multiple housing project to be converted is exempt, the developer shall provide each tenant with a notice describing the status of the tenancy, including but not limited to the following:

(i) any rights inured to the benefit of the tenant pursuant to an existing lease, whether written or oral;

(ii) a statement that the notice of termination of a lease of a duration less than 120 days shall not require the tenant to vacate the premises for a period of at least 120 days from the date of the mailing of the notice;

The notice required by this section shall be sent by first class mail, return receipt requested. The notice may also constitute the notice required by any lease agreement to terminate the tenancy in accordance with the lease agreement, except that, a tenancy from month to month shall only be terminated upon 120 days notice as provided for herein.

Sec. 50. [ESCROW OF DEPOSITS.] Any deposit made in regard to a disposition of a unit, including a nonbinding reservation agreement, shall be held in trust as required by the provisions of Minnesota Statutes, Section 82.24.

Sec. 51. [SALES CONTRACT; RESCISSION.] Subdivision 1. Every contract for disposition relating to a multiple housing project shall state clearly the legal description of the unit or interest disposed of and shall contain the disclosure substantially similar to that required by the federal truth in lending act, and the rules promulgated thereunder.

Subd. 2. Any contract or agreement for the disposition of a unit in a multiple housing project not exempt under section 45, is voidable at the discretion of the purchaser, if the multiple housing project was not registered pursuant to sections 46 to 64 at the time of the offer or disposition, or if a current public offering statement was not given to the purchaser in accordance with section 48.

Subd. 3. A purchaser has an unconditional right to rescind any contract, agreement or other evidence of indebtedness, or revoke any offer, at any time prior to or within 5 days after the date the purchaser actually receives a legible copy of the binding contract, agreement or other evidence of indebtedness or offer and the public offering statement as provided in section 48. Predating of a document does not affect the time in which the right to rescind may be exercised. The burden of proving that the document was not predated is upon the developer or lender.

Subd. 4. Each contract, agreement or other evidence of indebtedness shall be prominently labeled and captioned that it is

*a document taken in connection with a sale or other disposition of a multiple housing project under sections 45 to 64.*

*Subd. 5. Each such contract, agreement or other evidence of indebtedness shall prominently contain upon its face the following notice printed in bold type, stating:*

*"Notice to Purchaser*

*You are entitled to rescind this agreement at any time if you have not received the public offering statement in advance of your signing of this agreement. In addition, you are entitled to rescind this agreement for any reason within five days from the day you actually receive a legible copy of this document signed by all parties. Such rescission must be in writing, and mailed to the developer or his agent or the lender at the address stated in this document. Upon rescission, you will receive a refund of all moneys paid."*

*The contract, agreement or other evidence of indebtedness shall contain sufficient space upon its face in immediate proximity to the above notice for the signature of each purchaser obligated under such instrument, acknowledging that such purchaser has read the notice.*

*Subd. 6. Rescission occurs when the purchaser gives written notice of rescission to the developer or his agent or the lender at the address stated in the contract, agreement or other evidence of indebtedness. Notice of rescission, if given by mail is effective when it is deposited in a mailbox properly addressed and postage prepaid. A notice of rescission given by the purchaser need not take a particular form and is sufficient if it indicates by any form of written expression that the purchaser intends not to be bound by the contract, agreement or other evidence of indebtedness.*

*Subd. 7. No act of a purchaser shall be effective to waive the right to rescind as provided in this section.*

**Sec. 52. [NOTICE OF FILING AND REGISTRATION.]**  
*Subdivision 1. Upon compliance with all the provisions of sections 45 to 64 applicable to the application for registration and with the requirements of the commissioner, and if the commissioner finds no grounds for denial of the application, the commissioner shall register the multiple housing project. The commissioner shall have power to place such conditions, limitations, and restrictions on any registration as may be necessary to carry out the purposes of sections 1 to 64. Registration shall be by entry in a book called register of multiple housing projects, which entry shall show the multiple housing projects registered and for whom registered, and shall specify the conditions, limitations, and restrictions upon such registration, if any, or shall*

make proper reference to a formal order of the commissioner on file showing such conditions, limitations, and restrictions.

Subd. 2. Upon receipt of the application for registration in proper form, the commissioner shall within sixty days from the date of such receipt enter an order registering the multiple housing project or denying its registration. If no order of denial is entered within 60 days from the date of receipt of the application, the multiple housing project shall be deemed registered and an order shall issue unless the developer has consented in writing to a delay.

Subd. 3. If the commissioner determines upon inquiry and examination:

(a) That any of the requirements of sections 1 to 64 or the rules promulgated pursuant to sections 1 to 64 have not been met;

(b) That the proposed promotional plan or advertising is or tends to be fraudulent, deceptive or misleading;

(c) That the sales of the units in a multiple housing project would work or tend to work a fraud or deception on the purchasers thereof;

(d) That the developer has violated any of the provisions of sections 1 to 64 or any order or rule of the commissioner;

He may issue an order denying the application for registration.

The commissioner may not deny an application solely on the basis of the proposed sale price of the condominium units. The order shall state the reasons for denial and shall inform the applicant of his right to a hearing if a request for the hearing is filed with the commissioner within 30 days of the receipt of the order of denial.

Sec. 53. [ANNUAL REPORT.] Subdivision 1. Within 30 days after each annual anniversary date of an order registering a multiple housing project, the developer shall file a report in the form prescribed by rule of the commissioner.

Subd. 2. The commissioner may permit the filing of annual reports within 30 days after the annual anniversary date of a consolidated registration in lieu of the annual anniversary date of the original registration.

Subd. 3. Failure to file the annual report shall constitute cause for cancellation of the registration. In the event of such

cancellation, registration may be reinstated at a subsequent date following a filing of the report.

Subd. 4. *In the event that the annual report reveals that all of the units in the multiple housing project have been disposed of, provided any periods for conversion or expansion have expired, the commissioner shall issue an order terminating the registration of the multiple housing project.*

Sec. 54. [RESALE BY PURCHASER.] *Subdivision 1. In the event of a resale of a unit in a multiple housing project by a unit owner other than the developer, the owner shall obtain from the unit owners' association and furnish to the purchaser, prior to the settlement date of the disposition, the following:*

(a) *Appropriate statements pursuant to section 42, subdivision 8, and, if applicable, section 43;*

(b) *A statement of any capital expenditures anticipated by the unit owners' association within the current or succeeding two fiscal years;*

(c) *A statement of the status and amount of any reserve for replacement fund and any portion of such fund designated for any specified project by the board of directors;*

(d) *A copy of the statement of financial condition for the unit owners' association for the last fiscal year for which such statement is available;*

(e) *A statement of the status of any pending suits or judgments in which the unit owners' association is a party;*

(f) *A statement setting forth what insurance coverage is provided for all unit owners by the unit owners' association and what insurance coverage should be secured by each individual unit owner;*

(g) *A statement that any improvements or alterations made to the unit or the limited common elements assigned thereto by the unit owner are not known to be in violation of the condominium instruments.*

Subd. 2. *The principal officer of the unit owners' association, or such other officer or officers as the condominium instruments may specify, shall furnish the statements prescribed by subdivision 1 hereon upon the written request of any unit owner within ten days of the receipt of such request.*

Sec. 55. [INVESTIGATIONS AND PROCEEDINGS.]  
Subdivision 1. *The commissioner in his discretion:*

(a) May make such public or private investigations within or without this state as he deems necessary to determine whether any person has violated or is about to violate sections 1 to 64 or any rule or order hereunder, or to aid in the enforcement of sections 1 to 64 or in the prescribing of rules and forms hereunder;

(b) May require or permit any person to file a statement in writing, under oath or otherwise as the commissioner determines, as to all the facts and circumstances concerning the matter being investigated;

(c) May publish information which is contained in any order issued by the commissioner;

(d) May hold hearings, upon reasonable notice, in respect of any matter arising out of the administration of sections 1 to 64;

(e) May conduct investigations and hold hearings for the purpose of compiling information with a view to recommending changes in the Minnesota condominium act to the legislature; and

(f) May require a developer to report to him all sales of any specified multiple housing project. Such reports shall be made within ten days after demand therefor by the commissioner and shall be open for public inspection only upon a court order. The commissioner shall not make known, in any manner not provided by law, any information contained in such reports.

Subd. 2. For the purpose of any investigation, hearing or proceeding under sections 1 to 64, the commissioner or any officer designated by him may administer oaths and affirmation, subpoena witnesses, compell their attendance, take evidence and require the production of any books, papers, correspondence, memoranda, agreements or other documents or records which the commissioner deems relevant or material to the inquiry.

Subd. 3. In case of contumacy by, or refusal to obey a subpoena issued to, any person, the district court, upon application by the commissioner, may issue to the person an order directing him to appear before the commissioner, or the officer designated by him, there to produce documentary evidence if so ordered or to give evidence touching the matter under investigation or in question. Failure to obey the order of the court may be punished by the court as a contempt of court.

Subd. 4. No person is excused from attending and testifying or from producing any document or record before the commissioner, or in obedience to the subpoena of the commissioner or any officer designated by him, or in any proceeding instituted by the commissioner on the ground that the testimony or evidence required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual may be prosecuted or

subjected to any penalty or forfeiture for or on account of a transaction, matter, or thing concerning which he is compelled, after claiming his privilege against self-incrimination to testify or produce evidence, documentary or otherwise except that the individual testifying is not exempt from prosecution and punishment for perjury or contempt committed in testifying.

Sec. 56. [ENFORCEMENT; POWERS OF THE COMMISSIONER.] Subdivision 1. Whenever it appears to the commissioner that any person has engaged or is about to engage in any act or practice constituting a violation of sections 1 to 64 or any rule or order thereunder in reference to a registration, the commissioner may suspend or revoke a registration if he finds that the developer has:

(a) Violated any of the provisions of sections 1 to 64, or any rule or order of the commissioner;

(b) Directly or through an agent or employee knowingly engaged in any false, deceptive or misleading advertising, promotional or sales methods to offer or dispose of an interest in a unit in a multiple housing project;

(c) Made any material change in the plan of disposition or development of the multiple housing project subsequent to the order of registration without obtaining prior approval from the commissioner;

(d) Offered or disposed of any unit in a multiple housing project which has not been registered with the commissioner unless the unit or disposition thereof is exempt from registration pursuant to section 45;

(e) Been convicted, or if any of the developer's officers, directors, partners, principals or agents has been convicted, of a crime involving fraud, deception, false pretenses, misrepresentation, false advertising or dishonest dealing in real estate transactions, subsequent to the time of the filing of the application for registration;

(f) Disposed of, concealed or diverted any funds or assets of any person so as to defeat the rights of unit purchasers;

(g) Failed to faithfully perform any stipulation or agreement made with the commissioner as an inducement to grant any registration, to reinstate any registration or to permit any promotional plan or public offering statement;

(h) Made misrepresentations or concealed material facts in an application for registration;



(i) Permanently or temporarily been enjoined by any court of competent jurisdiction from engaging in or continuing any conduct or practice involving any aspect of multiple housing project sales;

(j) Failed to pay any filing or other fee required by sections 1 to 64.

Subd. 2. When initiating a proceeding under subdivision 1, the commissioner shall issue an order requiring the developer to show cause why the registration should not be suspended or revoked. The order shall be calculated to give reasonable notice of the time and place for hearing thereon and shall state the reasons for the entry of the order. All hearings shall be conducted in accordance with the provisions of Minnesota Statutes, Chapter 15. After the hearing, the commissioner shall enter an order making such disposition of the order as the facts require. If the person to whom the order to show cause has been issued fails to appear at the hearing after being duly notified, such person shall be deemed in default, and the proceeding may be determined against him upon consideration of the order, the allegations of which may be deemed to be true.

Subd. 3. If at any time subsequent to the issuance of the order of registration, a change occurs affecting any material fact required to be contained in the application, the developer shall file an amendment thereto within 30 days. Upon receipt of any amendment or other information indicating such a material change, if the commissioner determines such action to be necessary or appropriate in the public interest or for the protection of purchasers, he may suspend the registration until such time as he is satisfied that the developer or his agent has made the proper changes in the public offering statement, advertising and promotional plan to provide full and fair disclosure of the material change to the public.

Subd. 4. In the event the commissioner issues an order under subdivision 2 or 3, the order shall include in its terms a provision for a hearing within 20 days of the date of the order, specifying a date, time and place for the hearing. Unless otherwise agreed, within 20 days of the close of the hearing record, the commissioner shall issue an order either vacating, modifying, or continuing the temporary order. If the temporary order is continued or modified he shall state his reasons therefor.

Sec. 57. [INJUNCTIONS; RECEIVERS.] If it appears that a person has engaged or is about to engage in an act or practice constituting a violation of sections 1 to 64 or a rule or order hereunder, the commissioner, with or without prior administrative proceedings, may bring an action in district court to enjoin the acts or practices and to enforce compliance with sections 1 to 64 or any rule or order hereunder. Upon proper showing, injunctive relief or temporary restraining orders shall be granted

and a receiver or conservator may be appointed. The commissioner shall not be required to post a bond in any court proceedings.

Sec. 58. [PENALTIES; CIVIL REMEDIES.] Subdivision 1. Any person who, in connection with the disposition of any interest in a multiple housing project, violates section 46 or makes an untrue statement of material fact, or omits to state a material fact necessary to make the statements made, in the light of the circumstances under which they are made, not misleading, is liable as provided in this section to the purchaser unless in the case of an untruth or omission it is proved that the purchaser knew of the untruth or omission or that the person offering or disposing of any interest in a multiple housing project did not know and in the exercise of reasonable care could not have known of the untruth or omission.

Subd. 2. In addition to any other remedies, the purchaser may recover the consideration paid for an interest in a multiple housing project where the offer or sale occurred absent registration in violation of section 46, together with interest at the rate of six percent per annum from the date of payment plus costs and reasonable attorneys' fees upon tender of appropriate instruments of reconveyance. If the purchaser no longer owns the unit, the purchaser may recover the amount that would be recoverable upon a tender of reconveyance, less the value of the unit when disposed of and less interest at the rate of six percent per annum on that amount from the date of disposition. A tender of reconveyance may be made at any time before the entry of judgment.

Subd. 3. An action shall not be commenced pursuant to this section later than three years from the date of disposition by the developer or the developer's agent.

Subd. 4. (a) Any person violating any provisions of section 46 or subdivision 1 of this section may be fined not more than \$5,000 or imprisoned not more than five years or both. Each of the acts specified shall constitute a separate offense and a prosecution or conviction for any one of such offenses shall not bar prosecution or conviction for any other offense.

(b) Any violation of sections 1 to 64 and any failure to comply with any provisions of sections 1 to 64 not enumerated in paragraph (a) shall be a gross misdemeanor.

Subd. 5. Any person who fails to pay the filing or inspection fees required by sections 1 to 64 and continues to dispose of or offers to dispose of units in a multiple housing project is liable civilly in an action brought by the attorney general on behalf of the commissioner for a penalty in an amount equal to treble the unpaid fees.

Sec. 59. [RULES AND REGULATIONS.] *The commissioner may adopt rules and regulations to implement the provisions of sections 1 to 64. The rules may include but shall not be limited to:*

(a) *Provisions for advertising standards to assure full and fair disclosure;*

(b) *Provisions requiring instruments to be executed in recordable form and as otherwise provided for by law;*

(c) *Provisions for the public offering statement to assure full and fair disclosure.*

Sec. 60. [ADMINISTRATIVE FILES.] *Subdivision 1. A document is filed when it is received by the commissioner.*

*Subd. 2. All information contained in or filed with any registration statement, application, or report shall be a matter of public record and shall be made available to the public, except for reports of sales made pursuant to section 55, subdivision 1, clause (f).*

*Subd. 3. Upon request and at such reasonable charges as he prescribes, the commissioner shall furnish to any person photographic or other copies (certified if requested) of any document which is a matter of public record. In any proceeding or prosecution under sections 1 to 64, any copy so certified is prima facie evidence of the contents of the document so certified.*

*Subd. 4. The commissioner may, upon request and upon payment of the sum of \$20, grant a request for a written advisory opinion concerning the availability of any exemption in section 45, or interpreting any provisions of sections 1 to 64.*

Sec. 61. [SERVICE OF PROCESS.] *Subdivision 1. In addition to the methods of service provided for in any other provisions of law, service may be made by delivering a copy of the process to the office of the commissioner if the plaintiff, which may be the commissioner in a proceeding instituted by him, does both of the following:*

(a) *Sends a copy of the process and of the pleading or order by certified mail to the defendant or respondent at his last known address;*

(b) *Files with the court an affidavit of compliance with this section at the time of the filing of the complaint or other pleading or order.*

*Subd. 2. If any person, including any nonresident of this state, engages in conduct prohibited by sections 1 to 64 or any*

rule or order hereunder and has not filed a consent to service of process and personal jurisdiction over him cannot otherwise be obtained the conduct authorizes the commissioner to receive service of process in any civil proceedings against him or his successor which grows out of the conduct and which is brought under sections 1 to 64 or any rule or order hereunder, with the same force and validity as if served on him personally. Notice shall be given as provided in subdivision 1.

**Sec. 62. [SCOPE OF SECTIONS 1 TO 64].** *Subdivision 1. The provisions of sections 1 to 64 concerning offers and disposition of units apply when an offer or disposition is made in this state.*

*Subd. 2. For the purpose of sections 1 to 64, an offer or disposition is made in this state, whether or not either party is then present in this state, when the multiple housing project is located in this state.*

*Notwithstanding any provision of sections 1 to 64 to the contrary, sections 1 to 64 do not apply to nor invalidate the lien of a mortgagee when the said lien attaches to a unit pledged as security in a loan transaction consummated directly between the mortgagee and purchaser.*

**Sec. 63. [STATUTE OF LIMITATIONS.]** *Except as provided for in section 58, subdivision 3, the statute of limitations shall not begin to run with respect to any civil or criminal cause of action arising out of the disposition of a unit in violation of sections 1 to 64 until a conveyance describing such unit is recorded with the appropriate recording authority. This section does not prohibit the maintenance of any action before the recording of such conveyance.*

**Sec. 64. [EXISTING CONDOMINIA NOT EFFECTED.]** *Subdivision 1. Prior law exclusively governs all suits, actions, or proceedings which are pending or may be initiated on the basis of or circumstances occurring before January 1, 1976.*

*Subd. 2. Sections 1 to 64 do not apply to condominiums, nor to the offers of sale of condominium units, where a building permit has been obtained from the appropriate unit of local government, city or county, prior to November 1, 1975 and construction authorized by the building permit has commenced prior to January 1, 1976.*

*Subd. 3. Sections 1 to 64 do not apply to the offer or sale of multiple housing projects or units therein prior to January 1, 1976.*

**Sec. 65.** *Minnesota Statutes 1974, Section 83.26, Subdivision 1, is amended to read:*

**83.26 [EXEMPTIONS.]** *Subdivision 1. Unless the method of disposition is adopted for the purpose of evasion of sections*

83.20 to 83.42, sections 83.20 to 83.42 do not apply to offers or dispositions of interests in land:

(a) By a purchaser of subdivided lands for his own account in a single or isolated transaction;

(b) To any person who acquires such land for the purpose of engaging in and who does use such land to engage in the business of constructing residential, commercial or industrial buildings thereon for the purpose of resale or constructing commercial or industrial buildings for his own use;

(c) Pursuant to an order of a court of competent jurisdiction of this state;

(d) As cemetery lots or interests;

(e) If they are leases of apartments, stores, offices, or similar space in a building;

(f) If they are mortgages or deeds of trust of real estate securing evidences of indebtedness(.);

(g) If the land is located within the corporate limits of a municipality as defined in section 462.352, subdivision 2, or within any subdivision located within a town or municipality located within 20 miles of the city limits of a city of the first class or within three miles of the city limits of a city of the second class, or within two miles of the city limits of a city of the third or fourth class in this state. The commissioner may, by written rule or order, suspend, wholly revoke, or further condition this exemption, or may require, prior to the first disposition of subdivided lands, such further information with respect thereto as may be necessary for the protection of purchasers consistent with the provisions hereof;

(h) *If the land is used or to be used in connection with a multiple housing project registered pursuant to this act. The commissioner may, by written rule or order, suspend, wholly revoke, or further condition this exemption, or may require, prior to the first disposition of subdivided lands, such further information with respect thereto as may be necessary for the protection of purchasers consistent with the provisions hereof.*

Sec. 66. [REPEALER.] *Minnesota Statutes 1974, Chapter 515, is repealed.*

Sec. 67. [EFFECTIVE DATE.] *All provisions of sections 1 to 65, with the exception of section 59, shall take effect on January 1, 1976. Section 59 shall take effect on the day following enactment, provided however, that no rules promulgated or filed pursuant to section 59 shall become effective until January 1, 1976."*

Further amend the title as follows:

Line 4, delete "appropriating money;"

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

The report was adopted.

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

H. F. No. 427, A bill for an act relating to workmen's compensation; permitting inspection of employee injury reports by the certified bargaining representative; amending Minnesota Statutes 1974, Section 176.231, Subdivision 8.

Reported the same back with the following amendments:

Page 1, line 14, delete "*request an employer*" and insert "*written authorization signed by the injured employee, the commissioner of the department of labor and industry*".

Page 1, line 15, after "*furnish*" insert "*, for a reasonable fee to cover copying costs,*".

Page 1, line 16, delete "*prepared by the employer or his agent*".

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

The report was adopted.

Berg from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 542, A bill for an act relating to the Rice creek watershed district; providing for the establishment of a district water maintenance and repair fund; authorizing a tax levy for water maintenance and repair purposes.

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

The report was adopted.

Berg from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 546, A bill for an act relating to the Rice creek watershed district; authorizing an ad valorem tax for certain purposes.

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

The report was adopted.

Berg from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 1093, A bill for an act relating to the Hennepin county park reserve district; authorizing the Hennepin county park reserve district to acquire, establish, operate and maintain trail systems.

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

The report was adopted.

Berg from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 1156, A bill for an act authorizing the city of Duluth to negotiate contracts for maintenance of city parks and public works under terms and conditions as will promote the employment of needy elderly citizens; limiting the amount of total annual compensation for individuals under such contracts.

Reported the same back with the following amendments:

Page 1, line 16, delete "for" and insert "in".

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

The report was adopted.

Kelly, W., from the Committee on Taxes to which was referred:

H. F. No. 474, A bill for an act relating to taxation; denying tax deductions relating to substandard rental housing; amending Minnesota Statutes 1974, Chapter 290, by adding a section.

Reported the same back with the following amendments:

Page 1, line 14, after "deductions" insert "otherwise".

Page 1, line 15, after "290.09" insert "or 290.01, Subdivision 20".

Page 2, line 21, delete "any" and insert "an".

Page 2, line 22; delete "*within ten days unless an appeal is filed*".

Page 2, line 25, after "*commissioner*" insert "*and a general description of the tax consequences if the taxpayer should prevail on appeal*".

Page 2, delete lines 28 to 29.

Page 2, line 30, delete "*notify the commissioner of noncompliance.*".

Page 3, line 3, delete "*the commissioner and*".

Page 3, after line 9 insert "*Subd. 4. On or before March 15 of each year, the agency shall notify the commissioner of revenue of all cases of noncompliance in the previous year. The notice shall be in the form and include the information as may be prescribed by the commissioner.*

*Subd. 5. If the taxpayer is sustained upon appeal, the agency shall notify the taxpayer concerning the procedures for the filing of a refund. The notice shall be in the form and include such information as may be prescribed by the commissioner. The taxpayer may then file for a refund as provided for by law.*"

Renumber the following subdivisions.

Page 3, after line 20, insert the following:

"Sec. 2. Minnesota Statutes 1974, Section 290.01, Subdivision 20, is amended to read:

Subd. 20. [GROSS INCOME.] Except as otherwise provided in this chapter, the term "gross income," as applied to corporations includes every kind of compensation for labor or personal services of every kind from any private or public employment, office, position or services; income derived from the ownership or use of property; gains or profits derived from every kind of disposition of, or every kind of dealing in, property; income derived from the transaction of any trade or business; and income derived from any source.

For each of the taxable years beginning after December 31, 1960 and prior to January 1, 1971, the term "gross income" in its application to individuals, estates, and trusts, shall mean the adjusted gross income as computed for federal income tax purposes as defined in the Internal Revenue Code of 1954, as amended through December 31, 1970 for the applicable taxable year, with the modifications specified in this section.



For each of the taxable years beginning after December 31, 1970, the term "gross income" in its application to individuals, estates, and trusts shall mean the adjusted gross income as computed for federal income tax purposes as defined in the Internal Revenue Code of 1954, as amended through the date specified herein for the applicable taxable year, with the modifications specified in this section.

(i) The Internal Revenue Code of 1954, as amended through December 31, 1970, shall be in effect for taxable years beginning after December 31, 1970 and prior to January 1, 1973.

(ii) The Internal Revenue Code of 1954, as amended through December 31, 1972, shall be in effect for taxable years beginning after December 31, 1972.

(iii) The Internal Revenue Code of 1954, as amended through December 31, 1973, shall be in effect for taxable years beginning after December 31, 1973.

References to the Internal Revenue Code of 1954 in clauses (a), (b) and (c) following shall mean the code in effect for the purpose of defining gross income for the applicable taxable year.

(a) Modifications increasing federal adjusted gross income. There shall be added to federal adjusted gross income:

(1) Interest income on obligations of any state other than Minnesota or a political subdivision of any such other state exempt from federal income taxes under the Internal Revenue Code of 1954;

(2) Interest income on obligations of any authority, commission, or instrumentality of the United States, which the laws of the United States exempt from federal income tax, but not from state income taxes;

(3) Income taxes imposed by this state or any other taxing jurisdiction, to the extent deductible in determining federal adjusted gross income and not credited against federal income tax;

(4) Interest on indebtedness incurred or continued to purchase or carry securities the income from which is exempt from tax under chapter 290, to the extent deductible in determining federal adjusted gross income;

(5) Amounts received as reimbursement for an expense of sickness or injury which was deducted in a prior taxable year to the extent that the deduction for such reimbursed expenditure resulted in a tax benefit;

(6) Losses which do not arise from events or transactions which are assignable to Minnesota under the provisions of sections 290.17 to 290.20, including any capital loss or net operating loss carryforwards or carrybacks resulting from such losses, and including any such nonassignable losses which occur prior to the time the individual becomes a resident of the state of Minnesota;

(7) The amount of any federal income tax overpayment for any previous taxable year, received as refund or credited to another taxable year's income tax liability, proportionate to the percentage of federal income tax that was claimed as a deduction in determining Minnesota income tax for such previous taxable year.

The overpayment refund or credit, determined with respect to a husband and wife on a joint federal income tax return for a previous taxable year, shall be reported on joint or separate Minnesota income tax returns. In the case of separate Minnesota returns, the overpayment shall be reported by each spouse proportionately according to the relative amounts of federal income tax claimed as a deduction on his or her separate Minnesota income tax return for such previous taxable year;

(8) In the case of a change of residence from Minnesota to another state or nation, the amount of moving expenses which exceed total reimbursements and which were therefore deducted in arriving at federal adjusted gross income;

(9) In the case of property disposed of on or after January 1, 1973, the amount of any increase in the taxpayer's federal tax liability under section 47 of the Internal Revenue Code of 1954, as amended through December 31, 1972, to the extent of the credit under section 38 of the Internal Revenue Code of 1954, as amended through December 31, 1972, that was previously allowed as a deduction either under section 290.01, subdivision 20 (b) (9) or under section 290.09, subdivision 24; (AND)

(10) Expenses and losses arising from a farm which are not allowable under section 290.09, subdivision 29(.);

(11) *Expenses and depreciation attributable to substandard buildings disallowed by section 1 of this act; and*

(b) Modifications reducing federal adjusted gross income. There shall be subtracted from federal adjusted gross income:

(1) Interest income on obligations of any authority, commission or instrumentality of the United States to the extent includible in gross income for federal income tax purposes but exempt from state income tax under the laws of the United States;

(2) The portion of any gain, from the sale or other disposition of property having a higher adjusted basis for Minnesota income tax purposes than for federal income tax purposes, that does not exceed such difference in basis; but if such gain is considered a long-term capital gain for federal income tax purposes, the modification shall be limited to fifty per centum of such portion of the gain. *This modification shall not be applicable if the difference in basis is due to disallowance of depreciation pursuant to section 1 of this act;*

(3) Interest or dividend income on securities to the extent exempt from income tax under the laws of this state authorizing the issuance of such securities but includible in gross income for federal income tax purposes;

(4) Income which does not arise from events or transactions which are assignable to Minnesota under the provisions of sections 290.17 to 290.20;

(5) Losses, not otherwise reducing federal adjusted gross income assignable to Minnesota, arising from events or transactions which are assignable to Minnesota under the provisions of sections 290.17 to 290.20, including any capital loss or net operating loss carryforwards or carrybacks resulting from such losses;

(6) If included in federal adjusted gross income, the amount of any overpayment of income tax to Minnesota, or any other state, for any previous taxable year, whether such amount is received as a refund or credited to another taxable year's income tax liability;

(7) The amount of any pension or benefit which is excluded from gross income under the provisions of section 290.08, subdivision 6; and

(8) The amount of compensation for personal services in the armed forces of the United States or the United Nations which is excluded from gross income under the provisions of section 290.65; and

(9) In the case of property acquired on or after January 1, 1973, the amount of any credit to the taxpayer's federal tax liability under section 38 of the Internal Revenue Code of 1954, as amended through December 31, 1972.

(c) Modifications affecting shareholders of electing small business corporations under section 1372 of the Internal Revenue Code of 1954, or section 290.972 of this chapter.

(1) Shareholders in a small business corporation, which has elected to be so taxed under the Internal Revenue Code of 1954,

but has not made an election under section 290.972 of this chapter, shall deduct from federal adjusted gross income the amount of any imputed income from such corporation and shall add to federal adjusted gross income the amount of any loss claimed as a result of such stock ownership. Also there shall be added to federal adjusted gross income the amount of any distributions in cash or property made by said corporation to its shareholders during the taxable year.

(2) In cases where the small business corporation has made an election under section 1372 of the Internal Revenue Code of 1954, but has not elected under section 290.972 of this chapter and said corporation is liquidated or the individual shareholder disposes of his stock and there is no capital loss reflected in federal adjusted gross income because of the fact that corporate losses have exhausted the shareholders basis for federal purposes, such shareholders shall be entitled, nevertheless, to a capital loss commensurate to their Minnesota basis for the stock.

(3) In cases where the election under section 1372 of the Internal Revenue Code of 1954 antedates the election under section 290.972 of this chapter and at the close of the taxable year immediately preceding the effective election under section 290.972 the corporation has a reserve of undistributed taxable income previously taxed to shareholders under the provisions of the Internal Revenue Code of 1954, in the event and to the extent that such reserve is distributed to shareholders such distribution shall be taxed as a dividend for purposes of this act.

Items of gross income includible within these definitions shall be deemed such regardless of the form in which received. Items of gross income shall be included in gross income of the taxable year in which received by a taxpayer unless properly to be accounted for as of a different taxable year under methods of accounting permitted by section 290.07, except that (1) amounts transferred from a reserve or other account, if in effect transfers to surplus, shall, to the extent that such amounts were accumulated through deductions from gross income or entered into the computation of taxable net income during any taxable year, be treated as gross income for the year in which the transfer occurs, but only to the extent that such amounts resulted in a reduction of the tax imposed by this act, and (2) amounts received as refunds on account of taxes deducted from gross income during any taxable year shall be treated as gross income for the year in which actually received, but only to the extent that such amounts resulted in a reduction of the tax imposed by this act.

(d) Modification in computing taxable income of the estate of a decedent. Amounts allowable under section 291.07, subdivision 1 (2) in computing Minnesota inheritance tax liability shall not be allowed as a deduction in computing the taxable income of the estate unless there is filed within the time and in the man-

ner and form prescribed by the commissioner a statement that the amounts have not been allowed as a deduction under section 291.07 and a waiver of the right to have such amounts allowed at any time as deductions under section 291.07. The provisions of this paragraph shall not apply with respect to deductions allowed under section 290.077 (relating to income in respect of decedents). In the event that the election made for federal tax purposes under section 642 (g) of the Internal Revenue Code of 1954 differs from the election made under this paragraph appropriate modification of the estate's federal taxable income shall be made to implement the election made under this paragraph in accordance with regulations prescribed by the commission.

Sec. 3. Minnesota Statutes 1974, Section 290.12, Subdivision 2, is amended to read:

Subd. 2. [ADJUSTMENTS.] In computing the amount of gain or loss under subdivision 1 proper adjustment shall be made for any expenditure, receipt, loss, or other item properly chargeable to capital account by the taxpayer during his ownership thereof, and for the gain or any part thereof realized from the sale, exchange or involuntary conversion of a residence where, by reason of the provisions of section 290.13, such gain or any part thereof is not recognized. The basis shall be diminished by the amount of the deductions for exhaustion, wear and tear, obsolescence, amortization, depletion, and the allowance for amortization of bond premium if an election to amortize was made in accordance with section 290.09, subdivision 13, which could, during the period of his ownership thereof, have been deducted by the taxpayer under this chapter in respect of such property. *The basis shall also be diminished by the amount of depreciation relating to a standard building disallowed by section 1 of this act.* In addition, if the property was acquired before January 1, 1933, the basis, if other than the fair market value as of such date, shall be diminished by the amount of exhaustion, wear and tear, obsolescence, amortization, or depletion actually sustained before such date. In respect of any period since December 31, 1932, during which property was held by a person or an organization not subject to income taxation under this act, proper adjustment shall be made for exhaustion, wear and tear, obsolescence, amortization, and depletion of such property to the extent sustained. For the purpose of determining the amount of these adjustments the taxpayer who sells or otherwise disposes of property acquired by gift shall be treated as the owner thereof from the time it was acquired by the last preceding owner who did not acquire it by gift, and the taxpayer who sells or otherwise disposes of property acquired by gift through an inter vivos transfer in trust shall be treated as the owner from the time it was acquired by the grantor. The adjustments in case of a sale or other disposition of property received in a transaction of the kind specified in section 290.13, subdivision 1, and in the case of a transaction referred to in section 290.14, clause (6), shall

include those which the taxpayer should have been required to make were he selling or otherwise disposing of the property exchanged, or sold, in any such transaction.

No adjustment shall be made:

(1) for taxes or other carrying charges described in section 290.10 (10), or

(2) for expenditures described in section 290.09, subdivision 16 (relating to circulation expenditures), for which deductions have been taken by the taxpayer in determining taxable income for the taxable year or prior years.”.

Renumber the remaining section.

Further, amend the title as follows:

Line 5, after “section” insert “; Sections 290.01, Subdivision 20; and 290.12, Subdivision 2”.

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

The report was adopted.

Fudro from the Committee on Transportation to which was referred:

H. F. No. 897, A bill for an act relating to highway traffic regulations; speed limitations; providing that speed limits on streets and highways are the maximum speed limits; authorizing the commissioner of highways to set maximum speed limits on certain streets and highways under certain conditions; amending Minnesota Statutes 1974, Section 169.14, Subdivisions 2 and 5, and by adding a subdivision; repealing Minnesota Statutes 1974, Section 169.14, Subdivision 4.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1974, Section 169.14, Subdivision 2, is amended to read:

Subd. 2. [SPEED LIMITS.] Where no special hazard exists the following speeds shall be *maximum* lawful (BUT ANY SPEEDS IN EXCESS OF SUCH LIMITS SHALL BE PRIMA FACIE EVIDENCE THAT THE SPEED IS NOT REASONABLE OR PRUDENT AND THAT IT IS UNLAWFUL; EXCEPT THAT THE SPEED LIMIT WITHIN ANY MUNICI-

PALITY SHALL BE MAXIMUM LIMIT AND ANY SPEED IN EXCESS THEREOF SHALL BE UNLAWFUL) *speeds, and no person shall drive a vehicle at a speed in excess of such maximum limits:*

(1) (30 MILES PER HOUR) in an urban district(;):

(a) *30 miles per hour on trunk highways, on roads and streets under county jurisdiction, and on municipal state aid streets;*

(b) *25 miles per hour on other highways and streets;*

(2) (65 MILES PER HOUR IN OTHER LOCATIONS DURING THE DAYTIME;)

((3)) *55 miles per hour in (SUCH) other locations (DURING THE NIGHTTIME).*

("DAYTIME" MEANS FROM A HALF HOUR BEFORE SUNRISE TO A HALF HOUR AFTER SUNSET, EXCEPT AT ANY TIME WHEN DUE TO WEATHER OR OTHER CONDITIONS THERE IS NOT SUFFICIENT LIGHT TO RENDER CLEARLY DISCERNIBLE PERSONS AND VEHICLES AT A DISTANCE OF 500 FEET. "NIGHTTIME" MEANS AT ANY OTHER HOUR OR AT ANY TIME WHEN DUE TO WEATHER OR OTHER CONDITIONS THERE IS NOT SUFFICIENT LIGHT TO RENDER CLEARLY DISCERNIBLE PERSONS AND VEHICLES AT A DISTANCE OF 500 FEET.) *The maximum speeds set forth in this subdivision may be altered as authorized in subdivisions 4 and 5.*

Sec. 2. Minnesota Statutes 1974, Section 169.14, Subdivision 4, is amended to read:

Subd. 4. (ESTABLISHMENT OF ZONES BY THE COMMISSIONER.) When the commissioner determines upon the basis of an engineering and traffic investigation that any speed set forth in this section is greater or less than is reasonable or safe under the conditions found to exist on any trunk highway or upon any part thereof, he may erect appropriate signs designating a reasonable and safe *maximum* speed limit thereat, which speed limit shall be effective when such signs are erected, *and no person shall drive a vehicle in excess of such maximum limits.* (ANY SPEEDS IN EXCESS OF SUCH LIMITS SHALL BE PRIMA FACIE EVIDENCE THAT THE SPEED IS NOT REASONABLE OR PRUDENT AND THAT IT IS UNLAWFUL; EXCEPT THAT ANY SPEED LIMIT WITHIN ANY MUNICIPALITY SHALL BE A MAXIMUM LIMIT AND ANY SPEED IN EXCESS THEREOF SHALL BE UNLAWFUL. WHENEVER THE COMMISSIONER DETERMINES UPON THAT BASIS THAT A PART OF THE TRUNK HIGH-

WAY SYSTEM OUTSIDE A MUNICIPALITY SHOULD BE A ZONE OF MAXIMUM SPEED LIMIT, HE MAY ESTABLISH THAT PART AS SUCH A ZONE BY ERECTING APPROPRIATE SIGNS SHOWING THE BEGINNING AND END OF THE ZONE, DESIGNATING A REASONABLE AND SAFE SPEED THEREFOR, WHICH MAY BE DIFFERENT THAN THE SPEED SET FORTH IN THIS SECTION, AND THAT IT IS A ZONE OF MAXIMUM SPEED LIMIT. THE SPEED SO DESIGNATED BY HIM WITHIN ANY SUCH ZONE SHALL BE A MAXIMUM SPEED LIMIT, AND SPEED IN EXCESS OF SUCH LIMIT SHALL BE UNLAWFUL. HE MAY IN THE SAME MANNER FROM TIME TO TIME ALTER THE BOUNDARY OF SUCH A ZONE AND THE SPEED LIMIT THEREIN OR ELIMINATE SUCH ZONE.)

Sec. 3. Minnesota Statutes 1974, Section 169.14, Subdivision 5, is amended to read:

Subd. 5. (ZONING WITHIN LOCAL AREAS.) When local authorities believe that the existing speed limit upon any street or highway, or part thereof, within their respective jurisdictions and not a part of the trunk highway system is greater or less than is reasonable or safe under existing conditions, they may request the commissioner to authorize, upon the basis of an engineering and traffic investigation, the erection of appropriate signs designating what speed is reasonable and safe, and the commissioner may authorize the erection of appropriate signs designating a reasonable and safe speed limit thereat, which speed limit shall be effective when such signs are erected. (ANY SPEEDS IN EXCESS OF THESE SPEED LIMITS SHALL BE PRIMA FACIE EVIDENCE THAT THE SPEED IS NOT REASONABLE OR PRUDENT AND THAT IT IS UNLAWFUL; EXCEPT THAT ANY SPEED LIMIT WITHIN ANY MUNICIPALITY SHALL BE A MAXIMUM LIMIT AND ANY SPEED IN EXCESS THEREOF SHALL BE UNLAWFUL.) *Such speed limits shall be maximum limits and any speed in excess thereof shall be unlawful.* Alteration of speed limits on streets and highways shall be made only upon authority of the commissioner.”.

Further, amend the title as follows:

Page 1, delete lines 5 and 6.

Page 1, line 7, delete “highways under certain conditions;”.

Page 1, line 9, after “2” insert “, 4”.

Page 1, line 9, delete “, and by adding a subdivision;”

Page 1, delete line 10.



Page 1, line 11, delete "Subdivision 4".

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

The report was adopted.

Fudro from the Committee on Transportation to which was referred:

H. F. No. 1106, A bill for an act relating to regulated industries; department of public service; confidentiality of accident reports submitted by common carriers; railroad crossings; subjecting accommodation transportation to regulation; fees; permitting the department to grant extension of authority ex parte; identification cards; enforcement powers; offenses; registration; warehouses; warehousemen; weights and measures; providing penalties; amending Minnesota Statutes 1974, Sections 218.031, Subdivision 2; 219.39; 221.011, Subdivisions 16 and 22; 221.061; 221.071; 221.121; 221.131; 221.141; 221.151, Subdivision 1, and by adding a subdivision; 221.221; 221.291; 221.293; 221.296, Subdivisions 4, 5 and 8; 221.64; 231.01, Subdivision 5; 231.02; 231.16; and 239.38; repealing Minnesota Statutes 1974, Sections 221.191; 239.39; 239.40; 239.41; 239.42; 239.43; and 239.45.

Reported the same back with the following amendments:

Page 2, line 12, after "*reports*" insert "*administered by the department of public safety*".

Page 2, line 13, delete "*by the department*".

Page 2, line 14, after the period insert "*All other reports shall be open to public inspection but shall not be admissible in evidence in any suit or action for damages growing out of such accident, wreck or casualty.*".

Page 3, after line 8, insert the following:

"Sec. 3. Minnesota Statutes 1974, Section 219.40, is amended to read:

219.40 [DETERMINATION; ORDER; FLAGMEN OR SAFETY DEVICE.] The department shall decide the matter set forth in the complaint and make a (REPORT) *proposal for decision* in writing (THEREOF), including findings of fact, and make such *proposed* order as it shall deem proper in the premises and, if the department shall find the crossing to be dangerous, it may require the railroad company complained of to provide flagmen at such crossing, or adopt such safety device

as the department may deem necessary for the proper protection of the crossing, or it may require the removal of any structure, embankment or other obstruction to the view, or it may require the crossing complained of or other crossing in the vicinity thereof closed, or it may require the railroad company to construct an overhead or maintain an underground crossing and divide the cost thereof between the railroad company, the town, county, municipal corporation, or state highway department interested, on such terms and conditions as to the department may seem just and equitable. Where the railroad has been constructed or the grade thereof lowered after the laying out of the highway and the railroad tracks are seven feet or more below the natural surface of the ground, the department may require the maintenance of an overhead bridge with suitable approaches and require the complaining city, (VILLAGE,) town, or county to remove any embankment, structure or other obstruction to the view as may be reasonable and necessary to properly protect the crossing; provided, that no highway shall be laid out over any railroad so as to cross at the same grade until such crossing has been approved by the department. *If the complainant or the railroad files exceptions to a proposal for a decision made without a hearing, the department shall convene a hearing and if the department of public service after notice and hearing orders the installation of a safety device, or the construction, reconstruction, modernization or replacement of major parts, as defined by the department, of said safety device, gates, or other type of special protection, or the removal of a structure, embankment or other obstruction to the view, or orders the construction, reconstruction or maintenance of an underground or overhead crossing on any public road, street, or highway, it may in the same order direct that the costs thereof be divided between the railroad company and the public authority involved on such basis as the parties may agree, or, if they fail to agree, then the costs thereof shall be as determined by the department of public service on the basis of benefit to the users of each; or the department may defer determination of the division of costs to a subsequent order to be made on the basis of evidence previously taken. Where a state trunk highway is involved, the state's share of the costs shall be paid from any funds available to the department of highways. In all other cases the public's share of the costs shall be paid from available funds or from the Minnesota highway safety account, if ordered by the department, or from any combination of the above or other available funds; provided that any highway, street or road fund shall only be expended for such costs on a highway, street or road within the political subdivision charged with the maintenance and care thereof and only upon the highways, streets or roads for which the fund was allocated, or for which the fund was created."*

Page 4, line 28, strike "unwashed".

Page 10, line 25, strike "truck-tractors" and insert "power units".

Page 10, line 28, strike "truck-tractors" and insert "power units".

Page 10, line 30, strike "truck-tractor" and insert "power unit".

Page 10, line 32, strike "displayed on" and insert "carried in".

Page 10, line 32, strike "truck-tractor" and insert "power unit".

Page 11, line 2, strike "truck-tractor" and insert "power unit".

Page 16, line 26, delete "at".

Page 16, delete lines 27 and 28.

Page 16, line 29, delete "circumstances" and insert "anywhere within the state".

Page 26, line 16, before "239.43" insert "and".

Page 26, line 16, delete "; and 239.45".

Renumber the sections in sequence.

Further amend the title as follows:

Page 1, line 12, after "219.39;" insert "219.40;".

Page 1, line 19, after "239.42;" insert "and".

Page 1, line 19, after "239.43" delete the semicolon.

Page 1, line 20, delete "and 239.45".

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

The report was adopted.

## SECOND READING OF HOUSE BILLS

H. F. Nos. 482, 902, 679, 749, 1175, 350, 638, 705, 866, 468, 216, 471, 427, 542, 546, 1093, 1156, 474, 897 and 1106 were read for the second time.

## SECOND READING OF SENATE BILLS

S. F. Nos. 186, 737, 603, 499, 343, 409, 326, 701, 72, 396 and 645 were read for the second time.

INTRODUCTION AND FIRST READING  
OF HOUSE BILLS

The following House Files were introduced:

Anderson, I., and Sabo introduced:

H. F. No. 1423, A bill for an act relating to the Minnesota Statutes; providing for publication thereof; amending Minnesota Statutes 1974, Sections 648.31, Subdivisions 1 and 3; and 648.45, Subdivision 4.

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

Biersdorf and Stanton introduced:

H. F. No. 1424, A bill for an act relating to agriculture lands; regulating the ownership of such lands by certain corporations; exempting lands acquired for growing asparagus; amending Minnesota Statutes 1974, Section 500.24, Subdivision 2.

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

Pehler, Patton and Brinkman introduced:

H. F. No. 1425, A bill for an act relating to appropriations; appropriating funds to a training center in the city of St. Cloud.

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

White; Schulz; Sieben, H.; Friedrich and Metzen introduced:

H. F. No. 1426, A bill for an act relating to appropriations; appropriating funds for modification and repair of Byllesby Dam.

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

St. Onge, Patton, Dahl, Fugina and Stanton introduced:

H. F. No. 1427, A bill for an act relating to education; state colleges; authorizing the state college board to provide certain residence hall grants; appropriating money.

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

Johnson, D.; Anderson, I.; Suss; Fugina and Schulz introduced:

H. F. No. 1428, A bill for an act relating to economic development, including Indian organizations in the definition of a redevelopment area to provide eligibility for certain economic loans; amending Minnesota Statutes 1974, Sections 472.03, Subdivision 3, and by adding subdivisions; and 472.11, by adding a subdivision.

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

Moe, Byrne, Sieloff, Nelson and Tomlinson introduced:

H. F. No. 1429, A bill for an act relating to school aids; increasing availability of transportation aids; amending Minnesota Statutes 1974, Section 124.223.

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

Johnson, C.; Graba; Menning; Adams, S.; and Lemke introduced:

H. F. No. 1430, A bill for an act relating to education; school districts; exempting certain schools from a minimum term requirement for the 1974-1975 school year.

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

Fugina; Johnson, D.; McEachern; Byrne and Smith introduced:

H. F. No. 1431, A bill for an act relating to education; teachers; permitting certain teachers to receive life certificates; amending Minnesota Statutes 1974, Section 125.071.

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

Mangan, McEachern, Kostohryz and Fugina introduced:

H. F. No. 1432, A bill for an act relating to schools; providing that the educational program at the school for the deaf and Minnesota Braille and sight-saving school be administered by Independent School District No. 656; providing for state aids and certification of teachers; amending Minnesota Statutes 1974, Section 248.02, and Chapter 248, by adding a section.

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

Hanson, Kostohryz, Nelson, Kahn and Carlson, A., introduced:

H. F. No. 1433, A bill for an act relating to watercraft safety; requiring that certain information be affixed to certain watercraft; amending Minnesota Statutes 1974, Sections 361.10, Subdivisions 1 and 2; and 361.141, Subdivision 1.

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

Niehaus, Braun, DeGroat, Fjoslien and Hanson introduced:

H. F. No. 1434, A bill for an act relating to game and fish; prohibiting the taking of endangered fish by the use of gill nets; amending Minnesota Statutes 1974, Section 97.48, Subdivision 16.

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

Laidig, Vento, Kahn and Carlson, A., introduced:

H. F. No. 1435, A bill for an act relating to game and fish; taking of animals by falconry; amending Minnesota Statutes 1974, Section 100.27, Subdivision 8.

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

Doty, Munger, Ulland and Jaros introduced:

H. F. No. 1436, A bill for an act relating to natural resources; authorizing the department of natural resources to make a grant to the city of Duluth for the construction of a dam at Hartley Pond on Tischer Creek.

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

Munger; Kelly, W.; Voss, Ulland and Haugerud introduced:

H. F. No. 1437, A bill for an act relating to energy; providing for certain restrictions on the use of energy in this state; requiring disclosure of energy consumption data in the sale of certain goods; establishing an energy research and development program; authorizing loans for improving home heating efficiency; prescribing penalties; appropriating money; amending Minnesota Statutes 1974, Sections 116H.02, by adding subdivisions; 116H.12, by adding a subdivision; 462A.02, by adding a subdivision; 462A.03, by adding a subdivision; 462A.05, by adding a subdivision; and Chapter 116H, by adding sections.

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

Schreiber, Brinkman, Heinitz, Metzen and Kelly, W., introduced:

H. F. No. 1438, A bill for an act relating to commerce; providing flexible interest rates on loans by certain financial institutions; amending Minnesota Statutes 1974, Chapter 334, by adding a section.

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

Laidig, George, Dean, Novak and Metzen introduced:

H. F. No. 1439, A bill for an act relating to public safety; requiring the commissioner of public safety to promulgate rules and regulations governing public or private shooting ranges; prescribing penalties.

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

Hanson and Faricy introduced:

H. F. No. 1440, A bill for an act relating to private cemeteries; recovery of abandoned lots; amending Minnesota Statutes 1974, Chapter 307, by adding a section.

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

Sieben, H., introduced:

H. F. No. 1441, A bill for an act relating to municipalities; industrial development; authorizing municipalities to enter into certain loan agreements and sale contracts; amending Minnesota Statutes 1974, Sections 474.01, Subdivisions 1, 5, 6, 7 and 8; 474.02, Subdivisions 1, 2, 3, 4, and by adding subdivisions; 474.03; 474.04; 474.05; 474.06; 474.08; 474.09; 474.10, Subdivisions 1 and 4; 474.11; 474.12; and 474.13; Chapter 474, by adding sections; repealing Minnesota Statutes 1974, Section 474.02, Subdivisions 1a and 1b.

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

Sieloff, Hanson, Kostohryz, Faricy and Tomlinson introduced:

H. F. No. 1442, A bill for an act relating to port authorities; changing the sale of property requirements; amending Minnesota Statutes 1974, Section 458.196.

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

Brinkman, Eckstein, Simoneau and Ewald introduced:

H. F. No. 1443, A bill for an act relating to cable communications; increasing the period of time for which certificates of confirmation may be granted; amending Minnesota Statutes 1974, Section 238.09, Subdivisions 3, 4, 5, 6 and 7.

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

Parish, Moe, Patton, Beauchamp and Biersdorf introduced:

H. F. No. 1444, A bill for an act relating to retirement; miscellaneous amendments to the judges retirement act; appropriating money; amending Minnesota Statutes 1974, Sections 490.121, Subdivisions 2 and 4; 490.124, Subdivisions 1, 2, 3, 6, 8, 9, and 10; 490.125, Subdivision 2; and 490.128, by adding subdivisions.

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



Laidig introduced:

H. F. No. 1445, A bill for an act relating to licensing; state licensing of appraisers and planners; amending Minnesota Statutes 1974, Sections 326.02, Subdivisions 1, 5 and by adding subdivisions; 326.03, Subdivision 1; 326.04; 326.05; 326.07; 326.08, Subdivision 2; 326.09; 326.10, Subdivisions 1, 2 and 7; 326.11, Subdivision 1; 326.12; 326.13; and 326.14.

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

Biersdorf, Meier, Evans, Beauchamp and Patton introduced:

H. F. No. 1446, A bill for an act relating to retirement; computation of annuities for basic members of the Minnesota state retirement system, the public employees retirement association, and the teachers retirement association; amending Minnesota Statutes 1974, Sections 352.715, by adding a subdivision; 353.29, by adding a subdivision; and 354.44, by adding a subdivision.

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

Laidig, Ulland, Jopp, Nelsen and Evans introduced:

H. F. No. 1447, A bill for an act relating to public welfare; establishing an information bureau for senior citizens under the governor's citizens council on aging; appropriating money; amending Minnesota Statutes 1974, Section 256.975, Subdivision 2.

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

Hanson, Dieterich, Byrne, Sieloff and Faricy introduced:

H. F. No. 1448, A bill for an act relating to retirement; survivor benefits payable by the firemen's relief association of the city of St. Paul; amending Laws 1955, Chapter 375, Section 25, as amended.

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

Stanton and Biersdorf introduced:

H. F. No. 1449, A bill for an act relating to retirement; collection of omitted salary deductions for members of the public employees retirement association; amending Minnesota Statutes 1974, Section 353.27, Subdivision 12.

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

Johnson, C.; McCarron; Clark and Dieterich introduced:

H. F. No. 1450, A bill for an act relating to the legislature; members compensation and expenses; prescribing the compensation of the members and providing for increases in compensation; amending Minnesota Statutes 1974, Section 3.099.

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

McCollar; Kelly, R.; Norton; Osthoff and Novak introduced:

H. F. No. 1451, A bill for an act relating to health; providing for treatment of certain indigent patients in St. Paul-Ramsey hospital; appropriating money; amending Minnesota Statutes 1974, Chapter 158, by adding a section.

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

Hanson; Byrne; Kempe, A.; Osthoff and Norton introduced:

H. F. No. 1452, A bill for an act relating to cities; providing that cities may create departments of health and appoint directors and health officers; amending Minnesota Statutes 1974, Section 145.01.

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

Petrafeso, Berglin, Ulland, Swanson and Nelson introduced:

H. F. No. 1453, A bill for an act relating to public health; establishing the office of director of health care delivery services for migrating Indians.

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

Dieterich, Osthoff, Byrne, Sieloff and Vento introduced:

H. F. No. 1454, A bill for an act relating to Ramsey county; transferring the functions and control of the court services department to the county; repealing Minnesota Statutes 1974, Sections 636.09; 636.10; 636.11; 636.12; 636.14; 636.16; 636.19; and 636.21; Laws 1923, Chapter 289, Section 1; Laws 1949, Chapter 61, Section 1; Laws 1965, Chapter 469, Section 1; Laws 1974, Chapter 322, Section 11; Laws 1923, Chapter 289, Section 2; Laws 1965, Chapter 469, Section 2; Laws 1974, Chapter 322, Section 12; Laws 1923, Chapter 289, Section 3; Laws 1965, Chapter 469, Section 3; Laws 1974, Chapter 322, Section 13; Laws 1923, Chapter 289, Section 4; Laws 1965, Chapter 469, Section 4; Laws 1974, Chapter 322, Section 14; Laws 1923, Chapter 289, Section 6; Laws 1965, Chapter 469, Section 5; Laws 1974, Chapter 322, Section 15; Laws 1923, Chapter 289, Section 11; Laws 1953, Chapter 593, Section 2; Laws 1965, Chapter 469, Section 7; Laws 1974, Chapter 322, Section 16; Laws 1923, Chapter 289, Section 13; Laws 1965, Chapter 469, Section 9; Laws 1974, Chapter 322, Section 17; Laws 1965, Chapter 469, Section 8; and Laws 1974, Chapter 322, Section 20.

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

Pehler, McCarron, Patton, Petrafeso and Vanasek introduced:

H. F. No. 1455, A bill for an act relating to highway traffic regulations; providing for alcohol related offense; requiring presentence investigation; providing penalties; amending Minnesota Statutes 1974, Chapter 169, by adding a section.

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

Dieterich, Osthoff, Byrne, Sieloff and Vento introduced:

H. F. No. 1456, A bill for an act relating to courts and particularly to courts in Ramsey county; providing for fees and charges; providing for changes in the office of the court commissioner, in the office of the public defender, and in the composition of law library trustees; amending Minnesota Statutes 1974, Sections 140.21; 140.24, Subdivision 1; 260.311, by adding a subdivision; 486.06; 489.04; and 508.74, Subdivision 2; repealing Laws 1923, Chapter 77, Section 10, as amended; and Laws 1969, Chapter 838, Sections 1 to 6, as amended.

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

Sieloff, Hanson, Byrne and Berglin introduced:

H. F. No. 1457, A bill for an act relating to animals; prohibiting cock-fighting and dog-fighting; prescribing penalties; amending Minnesota Statutes 1974, Section 346.29.

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

Kahn; Sieben, M.; Heinitz and Spanish introduced:

H. F. No. 1458, A bill for an act relating to dissolution of marriage; annulment and separate maintenance and disposition of property; amending Minnesota Statutes 1974, Sections 518.58; 518.61; 518.64; 518.65; and Chapter 518, by adding a section; repealing Minnesota Statutes 1974, Sections 518.59 and 518.63.

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

Johnson, D.; Begich; Fugina; Prahl and Spanish introduced:

H. F. No. 1459, A bill for an act relating to accident and health insurance; providing that an employer is liable for certain benefits of an insurance policy furnished for his employees if the insurer is not liable; amending Minnesota Statutes 1974, Section 62A.15, by adding a subdivision.

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

Kostohryz, Hanson, Norton, Osthoff and McCollar introduced:

H. F. No. 1460, A bill for an act relating to counties; expense allowances for members of boards and agencies; including Ramsey county within the general law; amending Minnesota Statutes 1974, Section 375.47, Subdivision 1.

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

Hanson, Faricy, Osthoff and Norton introduced:

H. F. No. 1461, A bill for an act relating to the city of Saint Paul; authorizing the city to directly negotiate and enter into contracts for solid waste collection and disposal; exempting such contracts from the Minnesota antitrust law of 1971.

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

Osthoff, Tomlinson, Kostohryz, Hanson and Sieloff introduced:

H. F. No. 1462, A bill for an act relating to Ramsey county; increasing to five the number of members of the Ramsey county civil service commission.

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

Sieloff; Kempe, A.; Tomlinson; Hanson and Philbrook introduced:

H. F. No. 1463, A bill for an act relating to Ramsey county; reestablishing the office of county surveyor and abolishing the plat commission; amending Laws 1974, Chapter 435, Section 3.18, and by adding a section; and repealing Laws 1974, Chapter 435, Section 3.15.

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

Sieloff; Kempe, A.; Tomlinson; Hanson and Dieterich introduced:

H. F. No. 1464, A bill for an act relating to Ramsey county; allowing the county board to set sheriff's fees within the county; amending Laws 1974, Chapter 435, Section 3.10.

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

Osthoff, Dieterich, Byrne, Hanson and Vento introduced:

H. F. No. 1465, A bill for an act relating to the city of St. Paul; authorizing restoration of sick leave in certain circumstances.

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

McEachern and Dahl introduced:

H. F. No. 1466, A bill for an act relating to the annexation and detachment of property from municipalities; the consolidation of municipalities; and the power and duties of the Minnesota municipal commission; validating orders of the Minnesota municipal commission adopted pursuant to joint resolution.

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

Hanson introduced:

H. F. No. 1467, A bill for an act relating to Ramsey county; amending the Ramsey county code; amending other session laws by deleting the reference to Ramsey county; providing for the terms of office of certain employees; providing for an appointed sheriff; providing benefits for certain retired employees; amending Laws 1974, Chapter 435, Sections 1.0201; 1.0204; 1.0205; 1.0206; 1.0213; 1.0214; 2.05; 3.02; 3.06; 3.10; 3.13; 3.14; 4.05; and by adding sections; Laws 1969, Chapter 589, Section 1, as amended; and Laws 1969, Chapter 1063, Section 1; repealing Laws 1974, Chapters 67; 180; 222; 304; 395; 435, Sections 1.0208, 2.01, 2.02, 2.06 and 3.17; and Chapter 576, Section 2, Subdivisions 1, 2, 3 and 5.

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

Prahl introduced:

H. F. No. 1468, A bill for an act relating to intoxicating liquor; removing the general limitation on the number of county on-sale licenses; amending Minnesota Statutes 1974, Section 340.11, Subdivision 10.

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

Kelly, R.; McCollar; Hokanson; Casserly and George introduced:

H. F. No. 1469, A bill for an act relating to metropolitan government; prohibiting membership in more than one commission.

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

Clawson and Carlson, R., introduced:

H. F. No. 1470, A bill for an act relating to the county of Chisago; authorizing the county to exercise certain legislative powers.

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

Schreiber; Voss; Jude; Carlson, L.; and McCarron introduced:

H. F. No. 1471, A bill for an act relating to public improvements; allowing certain fees to discharge cancelled special assessments.

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

Laidig, Ulland, Sieloff, Jude and Knickerbocker introduced:

H. F. No. 1472, A bill for an act relating to taxation; providing the income tax deduction for elementary and secondary school expenses of dependents; amending Minnesota Statutes 1974, Section 290.09, Subdivision 22.

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

Petrafeso, Parish, Berg, Sarna and Dieterich introduced:

H. F. No. 1473, A bill for an act relating to taxation; eliminating any labor credit for overtime worked on occupation taxes; amending Minnesota Statutes 1974, Section 298.02, Subdivision 1.

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

Evans, Suss, Vanasek, Kvam and Clawson introduced:

H. F. No. 1474, A bill for an act relating to taxation; exempting criminal court costs from inclusion in county levy limitations.

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

Laidig introduced:

H. F. No. 1475, A bill for an act relating to taxation; exempting certain square dance admissions from sales taxation; amending Minnesota Statutes 1974, Section 297A.25, Subdivision 1.

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

Lemke, Osthoff, Metzen, Patton and Johnson, C., introduced:

H. F. No. 1476, A bill for an act relating to highways; municipal state-aid street system; payment of contract price; amending Minnesota Statutes 1974, Section 162.10.

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

Carlson, R., introduced:

H. F. No. 1477, A bill for an act relating to highways; adding new routes to the trunk highway system; adding a new route to the trunk highway system in substitution of an existing route; discontinuing and removing a route from the trunk highway system; providing that such discontinued route and any eliminated portion of the route substituted for be part of the county state-aid highway system.

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

#### HOUSE ADVISORY BILLS

Pursuant to Rule 5.3, the following House Advisory Bills were introduced:

Prahl introduced:

H. A. B. No. 25, providing for a study of the workman's compensation laws.

The bill was referred to the Committee on Governmental Operations.

Tomlinson introduced:

H. A. B. No. 26, Study of 1975 Federal Tax Law 94-12 and appropriate revisions of Minnesota statutes.

The bill was referred to the Committee on Taxes.

#### MOTIONS AND RESOLUTIONS

Laidig moved that the name of Sieben, H., be added as an author on H. F. No. 1132. The motion prevailed.

Carlson, R., moved that his name be stricken as an author on H. F. No. 451. The motion prevailed.



Menning moved that his name be stricken as an author on H. F. No. 730. The motion prevailed.

Swanson moved that S. F. No. 524 be recalled from the Committee on Health and Welfare and together with H. F. No. 646, now on the Consent Calendar, be referred to the Chief Clerk for comparison. The motion prevailed.

Nelsen moved that the name of Graba be shown as chief author and the name of Nelsen be shown as third author on H. F. No. 1287. The motion prevailed.

### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 70, A bill for an act relating to insurance; regulating the student discount on automobile insurance; amending Minnesota Statutes 1974, Chapter 65B, by adding a section.

PATRICK E. FLAHAVEN, Secretary of the Senate

### CONCURRENCE AND REPASSAGE

Prahl moved that the House concur in the Senate amendments to H. F. No. 70 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 70, A bill for an act relating to insurance; regulating the student discount on automobile insurance; amending Minnesota Statutes 1974, Chapter 65B, by adding a section.

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 121, and nays 0, as follows:

Those who voted in the affirmative were:

Abeln	Anderson, I.	Berglin	Brinkman	Carlson, R.
Adams, L.	Arlandson	Biersdorf	Byrne	Cassery
Adams, S.	Begich	Birnstihl	Carlson, A.	Clark
Anderson, G.	Berg	Braun	Carlson, L.	Corbid

Dahl	Hokanson	Lemke	Patton	Smith
Dean	Jacobs	Lindstrom	Pehler	Smogard
Dieterich	Jensen	Luther	Peterson	Stanton
Doty	Johnson, D.	Mangan	Petrafeso	Swanson
Eckstein	Jopp	Mann	Philbrook	Tomlinson
Eken	Jude	McCarron	Pleasant	Ulland
Enebo	Kahn	McCauley	Prahl	Vanasek
Erickson	Kaley	McCollar	Reding	Vento
Esau	Kalis	McEachern	St. Onge	Voss
Evans	Kelly, R.	Meier	Samuelson	Wenstrom
Ewald	Kelly, W.	Menning	Sarna	Wenzel
Faricy	Kempe, A.	Metzen	Savelkoul	White
Fjoslien	Kempe, R.	Moe	Schumacher	Wieser
Friedrich	Ketola	Munger	Searle	Wigley
Fudro	Knickerbocker	Neisen	Setzepfandt	Williamson
Fugina	Knoll	Nelsen	Sherwood	Zubay
George	Kostohryz	Nelson	Sieben, H.	Speaker Sabo
Graba	Kroening	Niehaus	Sieben, M.	
Hanson	Kvam	Novak	Sieloff	
Haugerud	Laidig	Osthoff	Simoneau	
Heinitz	Langseth	Parish	Skoglund	

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. 296, A bill for an act relating to the executive council; empowering it to grant assistance in conjunction with federal disaster relief programs; amending Minnesota Statutes 1974, Section 9.061, Subdivision 1.

PATRICK E. FLAHAVER, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Birnstihl moved that the House concur in the Senate amendments to H. F. No. 296 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 296, A bill for an act relating to the executive council; empowering it to grant assistance in conformance with federal disaster relief programs; amending Minnesota Statutes 1974, Section 9.061, Subdivision 1.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question being taken on the repassage of the bill and the roll being called, there were yeas 120, and nays 0, as follows:

Those who voted in the affirmative were:

Abeln	Eken	Kahn	Menning	Setzepfandt
Adams, L.	Enebo	Kaley	Metzen	Sherwood
Adams, S.	Erickson	Kalis	Moe	Sieben, H.
Albrecht	Esau	Kelly, R.	Munger	Sieben, M.
Anderson, G.	Evans	Kelly, W.	Neisen	Sieloff
Anderson, I.	Ewald	Kempe, A.	Nelsen	Simoneau
Arlandson	Faricy	Kempe, R.	Niehaus	Skoglund
Begich	Fjoslien	Ketola	Norton	Smith
Berg	Forsythe	Knickerbocker	Novak	Smogård
Berglin	Friedrich	Knoll	Osthoff	Stanton
Biersdorf	Fudro	Kostohryz	Parish	Swanson
Birstihl	George	Kroening	Pehler	Tomlinson
Braun	Graba	Kvam	Peterson	Ulland
Brinkman	Hanson	Laidig	Petrafeso	Vanasek
Byrne	Haugerud	Lemke	Philbrook	Vento
Carlson, A.	Heinitz	Lindstrom	Pleasant	Voss
Carlson, L.	Hokanson	Luther	Prahl	Wenstrom
Carlson, R.	Jacobs	Mangan	Reding	Wenzel
Clark	Jaros	Mann	Rice	White
Dahl	Jensen	McCarron	St. Onge	Wieser
Dean	Johnson, C.	McCauley	Sarna	Wigley
Dieterich	Johnson, D.	McCollar	Savelkoul	Williamson
Doty	Jopp	McEachern	Schumacher	Zubay
Eckstein	Jude	Meier	Searle	Speaker Sabo

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. 445, A bill for an act relating to highway traffic regulations; authorizing left turns at certain intersections on red or stop signals; amending Minnesota Statutes 1974, Section 169.06, Subdivision 5.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

McCauley moved that the House concur in the Senate amendments to H. F. No. 445 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 445, A bill for an act relating to highway traffic regulations; authorizing left turns at certain intersections on red or stop signals; amending Minnesota Statutes 1974, Section 169.06, Subdivision 5.

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 87, and nays 43, as follows:

Those who voted in the affirmative were:

Abeln	Doty	Kempe, R.	Novak	Skoglund
Adams, L.	Evans	Ketola	Osthoff	Smith
Adams, S.	Ewald	Knickerbocker	Patton	Smogard
Albrecht	Fjoslien	Kostohryz	Peterson	Spanish
Anderson, G.	Forsythe	Kroening	Petraleso	Tomlinson
Begich	Friedrich	Kvam	Philbrook	Ulland
Berg	Fudro	Laidig	Pleasant	Vanasek
Biersdorf	Graba	Lemke	St. Orge	Voss
Birnstihl	Haugerud	Lindstrom	Samuelson	Wenstrom
Braun	Heinitz	Luther	Sarna	White
Brinkman	Hokanson	Mangan	Savelkoul	Wieser
Byrne	Jacobs	McCauley	Schreiber	Wigley
Carlson, L.	Jensen	McCollar	Schumacher	Williamson
Carlson, R.	Johnson, D.	McEachern	Setzepfandt	Zubay
Casserly	Jude	Metzen	Sieben, H.	Speaker Sabo
Clark	Kaley	Neisen	Sieben, M.	
Dahl	Kalis	Nelsen	Sieloff	
DeGroat	Kempe, A.	Niehaus	Simoneau	

Those who voted in the negative were:

Anderson, I.	Enebo	Jopp	Menning	Rice
Arlandson	Erickson	Kahn	Moe	Searle
Berglin	Esau	Kelly, R.	Munger	Sherwood
Carlson, A.	Faricy	Kelly, W.	Nelson	Stanton
Clawson	Fugina	Knoll	Norton	Swanson
Corbid	George	Langseth	Parish	Vento
Dieterich	Hanson	Mann	Pehler	Wenzel
Eckstein	Jaros	McCarron	Prahl	
Eken	Johnson, C.	Meier	Reding	

The bill was repassed, as amended by the Senate, and its title agreed to.

### CONSENT CALENDAR

H. F. No. 986, A bill for an act relating to crime victims reparations; authorizing the crime victims reparations board to limit the fees charged by an attorney representing a claimant before the board; amending Minnesota Statutes 1974, Section 299B.03, Subdivision 1; and Chapter 299B, by adding a section.

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

The question being taken on the passage of the bill and the roll being called, there were yeas 127, and nays 0, as follows:

Those who voted in the affirmative were:

Adams, L.	Anderson, G.	Begich	Biersdorf	Brinkman
Adams, S.	Anderson, I.	Berg	Birnstihl	Byrne
Albrecht	Arlandson	Berglin	Braun	Carlson, A.

Carlson, L.	George	Kostohryz	Novak	Simoneau
Carlson, R.	Graba	Kroening	Osthoff	Skoglund
Casserly	Hanson	Kvam	Parish	Smith
Clark	Haugerud	Laidig	Patton	Smogard
Clawson	Heinitz	Langseth	Pehler	Spanish
Corbid	Hokanson	Lemke	Peterson	Stanton
Dahl	Jacobs	Lindstrom	Petrafeso	Swanson
Dean	Jaros	Luther	Philbrook	Tomlinson
Dieterich	Jensen	Mangan	Pleasant	Ulland
Doty	Johnson, C.	Mann	Prahl	Vanasek
Eckstein	Johnson, D.	McCarron	Reding	Vento
Eken	Jopp	McCauley	Rice	Voss
Enebo	Jude	McCollar	St. Onge	Wenstrom
Erickson	Kahn	McEachern	Samuelson	Wenzel
Esau	Kaley	Meier	Sarna	White
Evans	Kalis	Menning	Savelkoul	Wieser
Ewald	Kelly, R.	Metzen	Schreiber	Wigley
Faricy	Kelly, W.	Moe	Schumacher	Williamson
Fjoslien	Kempe, A.	Munger	Setzepfandt	Zubay
Forsythe	Kempe, R.	Neisen	Sherwood	Speaker Sabo
Friedrich	Ketola	Nelsen	Sieben, H.	
Fudro	Knickerbocker	Nelson	Sieben, M.	
Fugina	Knoll	Niehaus	Sieloff	

The bill was passed and its title agreed to.

### CALENDAR

H. F. No. 127, A bill for an act relating to juries; affording witnesses at grand jury hearings the right to counsel.

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 11, as follows:

Those who voted in the affirmative were:

Abeln	Doty	Kaley	Metzen	Sieben, H.
Adams, L.	Eckstein	Kalis	Moe	Sieben, M.
Adams, S.	Enebo	Kelly, R.	Munger	Simoneau
Anderson, G.	Evans	Kelly, W.	Neisen	Skoglund
Anderson, I.	Ewald	Kempe, A.	Nelsen	Smogard
Arlandson	Faricy	Kempe, R.	Nelson	Spanish
Begich	Forsythe	Ketola	Niehaus	Stanton
Berg	Friedrich	Knickerbocker	Norton	Swanson
Berglin	Fudro	Knoll	Novak	Tomlinson
Biersdorf	Fugina	Kostohryz	Osthoff	Ulland
Birnstihl	George	Kroening	Parish	Vanasek
Braun	Graba	Kvam	Pehler	Vento
Brinkman	Hanson	Laidig	Peterson	Voss
Byrne	Heinitz	Langseth	Petrafeso	Wenstrom
Carlson, A.	Hokanson	Lemke	Philbrook	Wenzel
Carlson, L.	Jacobs	Luther	Prahl	White
Carlson, R.	Jaros	Mangan	Reding	Williamson
Casserly	Jensen	Mann	Rice	Zubay
Clark	Johnson, C.	McCauley	Sarna	Speaker Sabo
Dahl	Johnson, D.	McCollar	Schreiber	
Dean	Jopp	McEachern	Schumacher	
DeGroat	Jude	Meier	Setzepfandt	
Dieterich	Kahn	Menning	Sherwood	

Those who voted in the negative were:

Albrecht	Erickson	Lindstrom	Smith	Wigley
Corbid	Fjoslien	Samuelson		
Eken	Haugerud	Searle		

The bill was passed and its title agreed to.

H. F. No. 146, A bill for an act relating to commerce; requiring that tents and sleeping bags be flame resistant; providing a penalty.

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 128, and nays 0, as follows:

Those who voted in the affirmative were:

Abeln	Doty	Kaley	Munger	Sherwood
Adams, L.	Eckstein	Kalis	Neisen	Sieben, H.
Adams, S.	Eken	Kelly, R.	Nelsen	Sieben, M.
Albrecht	Enebo	Kelly, W.	Nelson	Sieloff
Anderson, G.	Erickson	Kempe, A.	Niehaus	Simoneau
Anderson, I.	Esau	Kempe, R.	Norton	Skoglund
Arlandson	Evans	Ketola	Novak	Smith
Begich	Ewald	Knickerbocker	Osthoff	Smogard
Berg	Faricy	Knoll	Parish	Spanish
Berglin	Fjoslien	Kostohryz	Patton	Stanton
Biersdorf	Forsythe	Kroening	Pehler	Swanson
Birnstihl	Friedrich	Kvam	Peterson	Tomlinson
Braun	Fugina	Laidig	Petrateso	Ulland
Brinkman	George	Lemke	Philbrook	Vanasek
Byrne	Graba	Lindstrom	Pleasant	Vento
Carlson, A.	Hanson	Luther	Prahl	Voss
Carlson, L.	Haugerud	Mangan	Reding	Wenstrom
Carlson, R.	Hokanson	Mann	Rice	Wenzel
Casserly	Jacobs	McCarron	St. Onge	White
Clark	Jaros	McCauley	Samuelson	Wieser
Clawson	Jensen	McCollar	Sarna	Wigley
Corbid	Johnson, C.	McEachern	Savelkoul	Williamson
Dahl	Johnson, D.	Meier	Schreiber	Zubay
Dean	Jopp	Menning	Schumacher	Speaker Sabo
DeGroat	Jude	Metzen	Searle	
Dieterich	Kahn	Moe	Setzepfandt	

The bill was passed and its title agreed to.

H. F. No. 177, A bill for an act relating to public health; prohibiting pay toilets and urinals in public places; providing a penalty; amending Minnesota Statutes 1974, Chapter 145, by adding a section.

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

The question being taken on the passage of the bill and the roll being called, there were yeas 109, and nays 16, as follows:

Those who voted in the affirmative were:

Abeln	Eckstein	Kaley	Munger	Sieben, M.
Adams, L.	Eken	Kelly, R.	Neisen	Sieloff
Albrecht	Enebo	Kelly, W.	Neisen	Simoneau
Anderson, I.	Ewald	Kempe, A.	Nelson	Skoglund
Arlandson	Faricy	Kempe, R.	Norton	Smith
Begich	Forsythe	Ketola	Novak	Smogard
Berg	Fudro	Knickerbocker	Osthoff	Spanish
Berglin	Fugina	Knoll	Parish	Stanton
Birnstihl	George	Kostohryz	Patton	Swanson
Brinkman	Graba	Kroening	Pehler	Tomlinson
Byrne	Hanson	Laidig	Petrafeso	Ulland
Carlson, A.	Haugerud	Lemke	Philbrook	Vanasek
Carlson, L.	Heinitz	Luther	Prahl	Vento
Carlson, R.	Hokanson	Mangan	Reding	Voss
Casserly	Jacobs	Mann	Rice	Wenstrom
Clark	Jaros	McCarron	St. Onge	Wenzel
Clawson	Jensen	McCauley	Samuelson	White
Corbid	Johnson, C.	McEachern	Sarna	Wigley
Dahl	Johnson, D.	Meier	Savelkoul	Williamson
Dean	Jopp	Menning	Schreiber	Zubay
Dieterich	Jude	Metzen	Setzepfandt	Speaker Sabo
Doty	Kahn	Moe	Sieben, H.	

Those who voted in the negative were:

Adams, S.	DeGroat	Friedrich	Peterson	Searle
Anderson, G.	Erickson	Kalis	Schumacher	Sherwood
Biersdorf	Esau	Kvam		
Braun	Evans	Niehaus		

The bill was passed and its title agreed to.

H. F. No. 232, A bill for an act relating to commerce; removing certain responsibilities for bedding from the department of labor and industry; providing penalties for mislabeling of bedding; amending Minnesota Statutes 1974, Sections 325.30; 325.32; repealing Minnesota Statutes 1974, Sections 325.28; and 325.29.

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

The question being taken on the passage of the bill and the roll being called, there were yeas 131, and nays 0, as follows:

Those who voted in the affirmative were:

Abeln	Begich	Byrne	Corbid	Eken
Adams, L.	Berg	Carlson, A.	Dahl	Enebo
Adams, S.	Berglin	Carlson, L.	Dean	Erickson
Albrecht	Biersdorf	Carlson, R.	DeGroat	Esau
Anderson, G.	Birnstihl	Casserly	Dieterich	Evans
Anderson, I.	Braun	Clark	Doty	Ewald
Arlandson	Brinkman	Clawson	Eckstein	Faricy

Fjoslien	Kalis	McCollar	Pleasant	Spanish
Forsythe	Kelly, R.	McEachern	Prahl	Stanton
Friedrich	Kelly, W.	Meier	Reding	Swanson
Fudro	Kempe, A.	Menning	Rice	Tomlinson
Fugina	Kempe, R.	Metzen	St. Onge	Ulland
George	Ketola	Moe	Samuelson	Vanasek
Graba	Knickerbocker	Munger	Sarna	Vento
Hanson	Knoll	Neisen	Savelkoul	Voss
Haugerud	Kostohryz	Nelsen	Schreiber	Wenstrom
Heinitz	Kroening	Nelson	Schumacher	Wenzel
Hokanson	Kvam	Niehaus	Searle	White
Jacobs	Laidig	Norton	Setzepfandt	Wieser
Jaros	Langseth	Novak	Sherwood	Wigley
Jensen	Lemke	Osthoff	Sieben, H.	Williamson
Johnson, C.	Lindstrom	Parish	Sieben, M.	Zubay
Johnson, D.	Luther	Patton	Sieloff	Speaker Sabo
Jopp	Mangan	Pehler	Simoneau	
Jude	Mann	Peterson	Skoglund	
Kahn	McCarron	Petrafaso	Smith	
Kaley	McCauley	Philbrook	Smogard	

The bill was passed and its title agreed to.

H. F. No. 66, A bill for an act authorizing the Minnesota higher education facilities authority to construct and finance health care facilities; changing its name and increasing its membership; amending Minnesota Statutes 1974, Sections 136A.25; 136A.26; 136A.27; 136A.28; 136.29, Subdivisions 1, 6, 9, 10, 14, 21, and 22; 136A.36; and 136A.41.

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 117, and nays 11, as follows:

Those who voted in the affirmative were:

Abeln	Enebo	Kalis	Moe	Sieben, H.
Adams, L.	Erickson	Kelly, R.	Munger	Sieben, M.
Anderson, G.	Esau	Kelly, W.	Neisen	Sieloff
Anderson, I.	Evans	Kempe, A.	Nelsen	Simoneau
Arlandson	Ewald	Kempe, R.	Nelson	Smith
Begich	Faricy	Ketola	Niehaus	Smogard
Berg	Forsythe	Knickerbocker	Norton	Spanish
Biersdorf	Friedrich	Knoll	Novak	Stanton
Birnstihl	Fudro	Kostohryz	Parish	Swanson
Braun	Fugina	Kroening	Patton	Tomlinson
Byrne	George	Laidig	Peterson	Ulland
Carlson, A.	Graba	Langseth	Petrafaso	Vanasek
Carlson, L.	Hanson	Lemke	Philbrook	Vento
Carlson, R.	Haugerud	Lindstrom	Prahl	Voss
Casserly	Hokanson	Luther	Reding	Wenstrom
Clark	Jacobs	Mangan	Rice	Wenzel
Corbid	Jaros	Mann	St. Onge	White
Dahl	Jensen	McCarron	Samuelson	Wieser
Dean	Johnson, C.	McCauley	Sarna	Wigley
DeGroat	Johnson, D.	McCollar	Savelkoul	Williamson
Dieterich	Jopp	McEachern	Schumacher	Zubay
Doty	Jude	Meier	Searle	
Eckstein	Kahn	Menning	Setzepfandt	
Eken	Kaley	Metzen	Sherwood	



Those who voted in the negative were:

Adams, S.	Heinitz	Pehler	Skoglund	Speaker Sabo
Albrecht	Kvam	Pleasant		
Berglin	Osthoff	Schreiber		

The bill was passed and its title agreed to.

H. F. No. 523, A bill for an act relating to public lands; authorizing the state and counties to exchange land; amending Minnesota Statutes 1974, Sections 373.01, Subdivision 1; 94.342, Subdivision 3; and 94.343, Subdivisions 1 and 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 129, and nays 0, as follows:

Those who voted in the affirmative were:

Abeln	Eckstein	Kahn	Moe	Setzepfandt
Adams, L.	Eken	Kaley	Munger	Sherwood
Adams, S.	Enebo	Kalis	Neisen	Sieben, H.
Albrecht	Erickson	Kelly, R.	Nelsen	Sieben, M.
Anderson, G.	Esau	Kelly, W.	Nelson	Sieloff
Anderson, I.	Evans	Kempe, A.	Niehaus	Simoneau
Arlandson	Ewald	Kempe, R.	Norton	Skoglund
Begich	Faricy	Ketola	Novak	Smith
Berg	Fjoslien	Knickerbocker	Osthoff	Smogard
Berglin	Forsythe	Knoll	Parish	Spanish
Biersdorf	Friedrich	Kostohryz	Patton	Stanton
Birnstihl	Fudro	Kroening	Pehler	Swanson
Braun	Fugina	Kvam	Peterson	Tomlinson
Byrne	George	Laidig	Petrafeso	Ulland
Carlson, A.	Graba	Langseth	Philbrook	Vanasek
Carlson, L.	Hanson	Lemke	Pleasant	Vento
Carlson, R.	Haugerud	Luther	Prahl	Voss
Cassery	Heinitz	Mangan	Reding	Wenstrom
Clark	Hokanson	Mann	Rice	Wenzel
Clawson	Jacobs	McCarron	St. Onge	White
Corbid	Jaros	McCauley	Samuelson	Wieser
Dahl	Jensen	McCollar	Sarna	Wigley
Dean	Johnson, C.	McEachern	Savelkoul	Williamson
DeGroat	Johnson, D.	Meier	Schreiber	Zubay
Dieterich	Jopp	Menning	Schumacher	Speaker Sabo
Doty	Jude	Metzen	Searle	

The bill was passed and its title agreed to.

H. F. No. 597, A bill for an act relating to the Minnesota society for the prevention of cruelty; eliminating jurisdiction of society over matters of cruelty to children; amending Minnesota Statutes 1974, Sections 343.01, Subdivision 1; 343.04; 343.05; 343.06; 343.07; 343.08; 343.10; 343.11; and 343.12.

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

The question being taken on the passage of the bill and the roll being called, there were yeas 130, and nays 0, as follows:

Those who voted in the affirmative were:

Abeln	Eckstein	Kahn	Metzen	Searle
Adams, L.	Eken	Kaley	Moe	Setzepfandt
Adams, S.	Enebo	Kalis	Munger	Sherwood
Albrecht	Erickson	Kelly, R.	Neisen	Sieben, H.
Anderson, G.	Esau	Kelly, W.	Nelsen	Sieben, M.
Anderson, I.	Evans	Kempe, A.	Nelson	Sieloff
Arlandson	Ewald	Kempe, R.	Niehaus	Simoneau
Begich	Faricy	Ketola	Norton	Skoglund
Berg	Fjoslien	Knickerbocker	Novak	Smith
Berglin	Forsythe	Knoll	Osthoff	Smogard
Biersdorf	Friedrich	Kostohryz	Parish	Spanish
Birnstihl	Fudro	Kroening	Patton	Stanton
Braun	Fugina	Kvam	Pehler	Swanson
Byrne	George	Laidig	Peterson	Tomlinson
Carlson, A.	Graba	Langseth	Petrafeso	Ulland
Carlson, L.	Hanson	Lemke	Philbrook	Vanasek
Carlson, R.	Haugerud	Lindstrom	Pleasant	Vento
Casserly	Heinitz	Luther	Prahl	Voss
Clark	Hokanson	Mangan	Reding	Wenstrom
Clawson	Jacobs	Mann	Rice	Wenzel
Corbid	Jaros	McCarron	St. Onge	White
Dahl	Jensen	McCauley	Samuelson	Wieser
Dean	Johnson, C.	McCollar	Sarna	Wigley
DeGroat	Johnson, D.	McEachern	Savelkoul	Williamson
Dieterich	Jopp	Meier	Schreiber	Zubay
Doty	Jude	Menning	Schumacher	Speaker Sabo

The bill was passed and its title agreed to.

H. F. No. 308, A bill for an act relating to health; defining and authorizing regulation of mass gatherings by the state board of health; amending Minnesota Statutes 1974, Section 144.12.

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 127, and nays 3, as follows:

Those who voted in the affirmative were:

Abeln	Carlson, L.	Evans	Jaros	Knoll
Adams, L.	Carlson, R.	Ewald	Jensen	Kostohryz
Adams, S.	Casserly	Faricy	Johnson, C.	Kroening
Albrecht	Clark	Fjoslien	Johnson, D.	Kvam
Anderson, G.	Clawson	Forsythe	Jopp	Laidig
Anderson, I.	Dahl	Friedrich	Jude	Langseth
Arlandson	Dean	Fudro	Kahn	Lemke
Begich	DeGroat	Fugina	Kaley	Lindstrom
Berg	Dieterich	George	Kalis	Luther
Biersdorf	Doty	Graba	Kelly, R.	Mangan
Birnstihl	Eckstein	Hanson	Kelly, W.	Mann
Braun	Eken	Haugerud	Kempe, A.	McCarron
Brinkman	Enebo	Heinitz	Kempe, R.	McCauley
Byrne	Erickson	Hokanson	Ketola	McCollar
Carlson, A.	Esau	Jacobs	Knickerbocker	McEachern

Meier	Osthoff	St. Onge	Sieloff	Voss
Menning	Parish	Samuelson	Simoneau	Wenstrom
Metzen	Patton	Sarna	Skoglund	Wenzel
Moe	Pehler	Savelkoul	Smith	White
Munger	Peterson	Schreiber	Smogard	Wieser
Neisen	Petrafeso	Schumacher	Spanish	Wigley
Nelsen	Philbrook	Searle	Stanton	Zubay
Nelson	Pleasant	Setzepfandt	Swanson	Speaker Sabo
Niehaus	Prahl	Sherwood	Tomlinson	
Norton	Reding	Sieben, H.	Ulland	
Novak	Rice	Sieben, M.	Vento	

Those who voted in the negative were:

Corbid	Vanasek	Williamson
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The bill was passed and its title agreed to.

H. F. No. 532, A bill for an act relating to public health; Minnesota board of nursing; nursing schools; providing for registering, licensing and disciplining registered and practical nurses; unauthorized practice of nursing; amending Minnesota Statutes 1974, Sections 148.181, Subdivisions 1 and 2; 148.191; 148.211, Subdivisions 1 and 3; 148.231, Subdivisions 1 and 2; 148.251; 148.261; 148.271; 148.281, Subdivision 1; 148.286, Subdivisions 1 and 3; 148.29, Subdivision 2; 148.291, Subdivisions 1 and 4; 148.292; 148.293, Subdivision 1; 148.294, Subdivisions 1 and 2; 148.296, Subdivision 1; 148.297; Chapter 148, by adding sections; repealing Minnesota Statutes 1974, Sections 148.282; and 148.291, Subdivision 5.

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

The question being taken on the passage of the bill and the roll being called, there were yeas 129, and nays 0, as follows:

Those who voted in the affirmative were:

Abeln	Dahl	Hanson	Knoll	Neisen
Adams, L.	Dean	Haugerud	Kostohryz	Nelsen
Adams, S.	DeGroat	Heinitz	Kroening	Nelson
Albrecht	Dieterich	Hokanson	Kvam	Niehaus
Anderson, G.	Doty	Jacobs	Laidig	Norton
Anderson, I.	Eckstein	Jaros	Langseth	Novak
Arlandson	Eken	Jensen	Lemke	Osthoff
Begich	Enebo	Johnson, C.	Lindstrom	Parish
Berg	Ericksen	Johnson, D.	Luther	Patton
Biersdorf	Esau	Jopp	Mangan	Pehler
Birnstihl	Evans	Jude	Mann	Peterson
Braun	Ewald	Kahn	McCarron	Petrafeso
Brinkman	Faricy	Kaley	McCauley	Philbrook
Byrne	Fjoslien	Kalis	McCellar	Pleasant
Carlson, A.	Forsythe	Kelly, R.	McEachern	Prahl
Carlson, L.	Friedrich	Kelly, W.	Meier	Reding
Carlson, R.	Fudro	Kempe, A.	Menning	Rice
Clark	Fugina	Kempe, R.	Metzen	St. Onge
Clawson	George	Ketola	Moe	Samuelson
Corbid	Graba	Knickerbocker	Munger	Sarna

Savelkoul	Sieben, H.	Smogard	Vanasek	Wieser
Schreiber	Sieben, M.	Spanish	Vento	Wigley
Schumacher	Sieloff	Stanton	Voss	Williamson
Searle	Simoneau	Swanson	Wenstrom	Zubay
Setzepfandt	Skoglund	Tomlinson	Wenzel	Speaker Sabo
Sherwood	Smith	Ulland	White	

The bill was passed and its title agreed to.

H. F. No. 80, A bill for an act relating to education; authorizing certain governing student associations of institutions of higher learning to expend money for the purpose of funding a legal counseling and services program.

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 5, as follows:

Those who voted in the affirmative were:

Abeln	Doty	Johnson, D.	Menning	Searle
Adams, L.	Eckstein	Jude	Metzen	Setzepfandt
Adams, S.	Eken	Kahn	Moe	Sherwood
Albrecht	Enebo	Kaley	Munger	Sieben, H.
Anderson, G.	Erickson	Kalis	Neisen	Sieben, M.
Anderson, I.	Esau	Kelly, R.	Nelsen	Sieloff
Arlandson	Evans	Kelly, W.	Nelson	Simoneau
Begich	Ewald	Kempe, A.	Niehaus	Skoglund
Berg	Faricy	Kempe, R.	Norton	Smogard
Biersdorf	Fjoslien	Ketola	Novak	Spanish
Birnstihl	Forsythe	Knoll	Parish	Stanton
Braun	Friedrich	Kostohryz	Patton	Swanson
Byrne	Fudro	Kroening	Pehler	Tomlinson
Carlson, A.	Fugina	Kvam	Petrafeso	Ulland
Carlson, L.	George	Laidig	Philbrook	Vanasek
Carlson, R.	Graba	Lemke	Pleasant	Vento
Casserly	Hanson	Luther	Prahl	Voss
Clark	Haugerud	Mangan	Reding	Wenstrom
Clawson	Heinitz	Mann	Rice	Wenzel
Corbid	Hokanson	McCarron	St. Onge	White
Dahl	Jacobs	McCauley	Samuelson	Wigley
Dean	Jaros	McCollar	Sarna	Williamson
DeGroat	Jensen	McEachern	Schreiber	Zubay
Dieterich	Johnson, C.	Meier	Schumacher	Speaker Sabo

Those who voted in the negative were:

Jopp	Knickerbocker	Peterson	Savelkoul	Wieser
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The bill was passed and its title agreed to.

S. F. No. 8, A bill for an act relating to all cities and towns in the counties of Marshall and Polk; authorizing a Warren hospital district formed in the counties of Marshall and Polk pursuant to Minnesota Statutes, Chapter 447, to exercise certain powers in addition to and in some cases in lieu of powers conferred by

chapter 447; providing for the levy of taxes and 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 129, and nays 0, as follows:

Those who voted in the affirmative were:

Abeln	Eckstein	Kahn	Metzen	Searle
Adams, L.	Eken	Kaley	Moe	Setzepfandt
Adams, S.	Enebo	Kalis	Munger	Sherwood
Anderson, G.	Erickson	Kelly, R.	Neisen	Sieben, H.
Anderson, I.	Esau	Kelly, W.	Nelsen	Sieben, M.
Arlandson	Evans	Kempe, A.	Nelson	Sieloff
Begich	Ewald	Kempe, R.	Niehaus	Simoneau
Berg	Faricy	Ketola	Norton	Skoglund
Berglin	Fjoslien	Knickerbocker	Novak	Smith
Biersdorf	Forsythe	Knoll	Osthoff	Smogard
Birnstihl	Friedrich	Kostohryz	Parish	Spanish
Braun	Fudro	Kroening	Patton	Stanton
Brinkman	Fugina	Kvam	Pehler	Swanson
Byrne	George	Laidig	Peterson	Ulland
Carlson, A.	Graba	Langseth	Petrafeso	Vanasek
Carlson, L.	Hanson	Lemke	Philbrook	Vento
Carlson, R.	Haugerud	Lindstrom	Pleasant	Voss
Casserly	Heinitz	Luther	Prahl	Wenstrom
Clark	Hokanson	Mangan	Reding	Wenzel
Clawson	Jacobs	Mann	Rice	White
Corbid	Jaros	McCarron	St. Onge	Wieser
Dahl	Jensen	McCauley	Samuelson	Wigley
Dean	Johnson, C.	McCollar	Sarna	Williamson
DeGroat	Johnson, D.	McEachern	Savelkoul	Zubay
Dieterich	Jopp	Meier	Schreiber	Speaker Sabo
Doty	Jude	Menning	Schumacher	

The bill was passed and its title agreed to.

S. F. No. 371, A bill for an act relating to the duties of the coroner in St. Louis county; repealing Minnesota Statutes 1974, Section 390.22.

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 128, and nays 0, as follows:

Those who voted in the affirmative were:

Abeln	Berg	Carlson, A.	Dahl	Enebo
Adams, L.	Berglin	Carlson, L.	Dean	Erickson
Adams, S.	Biersdorf	Carlson, R.	DeGroat	Esau
Albrecht	Birnstihl	Casserly	Dieterich	Evans
Anderson, I.	Braun	Clark	Doty	Ewald
Arlandson	Brinkman	Clawson	Eckstein	Faricy
Begich	Byrne	Corbid	Eken	Fjoslien

Forsythe	Kalis	McCauley	Petrafeso	Smith
Friedrich	Kelly, R.	McCollar	Philbrook	Smogard
Fudro	Kelly, W.	McEachern	Pleasant	Spanish
Fugina	Kempe, A.	Meier	Reding	Stanton
George	Kempe, R.	Menning	Rice	Swanson
Graba	Ketola	Metzen	St. Onge	Tomlinson
Hanson	Knickerbocker	Moe	Samuelson	Ulland
Haugerud	Knoll	Munger	Sarna	Vento
Heinitz	Kostohryz	Neisen	Savelkoul	Voss
Hokanson	Kroening	Nelsen	Schreiber	Wenstrom
Jacobs	Kvam	Nelson	Schumacher	Wenzel
Jaros	Laidig	Niehaus	Searle	White
Jensen	Langseth	Norton	Setzepfandt	Wieser
Johnson, C.	Lemke	Novak	Sherwood	Wigley
Johnson, D.	Lindstrom	Osthoff	Sieben, H.	Williamson
Jopp	Luther	Parish	Sieben, M.	Zubay
Jude	Mangan	Patton	Sieloff	Speaker Sabo
Kahn	Mann	Pehler	Simoneau	
Kaley	McCarron	Peterson	Skoglund	

The bill was passed and its title agreed to.

H. F. No. 346, A bill for an act relating to insurance; providing for the establishment and operation of a Minnesota life and health insurance guaranty association to protect policyowners, insureds, beneficiaries, and others against the failure of an insurer doing business in Minnesota to perform its contractual obligations; amending Minnesota Statutes 1974, Sections 60B.17, by adding a subdivision; 60B.25; 60B.30, by adding a subdivision; and 60B.46, 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 130, and nays 0, as follows:

Those who voted in the affirmative were:

Abeln	Dean	Jacobs	Luther	Petrafeso
Adams, L.	DeGroat	Jaros	Mangan	Philbrook
Adams, S.	Dieterich	Jensen	Mann	Pleasant
Albrecht	Doty	Johnson, C.	McCarron	Prahl
Anderson, G.	Eckstein	Johnson, D.	McCauley	Reding
Anderson, I.	Eken	Jopp	McCollar	Rice
Arlandson	Enebo	Jude	McEachern	St. Onge
Begich	Erickson	Kahn	Meier	Samuelson
Berg	Esau	Kaley	Menning	Sarna
Berglin	Evans	Kalis	Metzen	Savelkoul
Biersdorf	Ewald	Kelly, W.	Moe	Schreiber
Birnstihl	Farcy	Kempe, A.	Munger	Schumacher
Braun	Fjoslien	Kempe, R.	Neisen	Searle
Brinkman	Forsythe	Ketola	Nelsen	Setzepfandt
Byrne	Friedrich	Knickerbocker	Nelson	Sherwood
Carlson, A.	Fudro	Knoll	Niehaus	Sieben, H.
Carlson, L.	Fugina	Kostohryz	Norton	Sieben, M.
Carlson, R.	George	Kroening	Novak	Sieloff
Casserly	Graba	Kvam	Osthoff	Simoneau
Clark	Hanson	Laidig	Parish	Skoglund
Clawson	Haugerud	Langseth	Patton	Smith
Corbid	Heinitz	Lemke	Pehler	Smogard
Dahl	Hokanson	Lindstrom	Peterson	Spanish

Stanton	Ulland	Voss	White	Williamson
Swanson	Vanasek	Wenstrom	Wieser	Zubay
Tomlinson	Vento	Wenzel	Wigley	Speaker Sabo

The bill was passed and its title agreed to.

H. F. No. 511, A bill for an act relating to commerce; interest rates on money; continuing the exemption of certain loans from maximum interest rates; amending Minnesota Statutes 1974, Section 334.01, Subdivision 2; repealing Laws 1974, Chapter 238, Section 2.

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

The question being taken on the passage of the bill and the roll being called, there were yeas 107, and nays 18, as follows:

Those who voted in the affirmative were:

Adams, L.	Eken	Kahn	Menning	Sieben, M.
Adams, S.	Enebo	Kaley	Metzen	Sieloff
Albrecht	Erickson	Kalis	Neisen	Simoneau
Anderson, I.	Esau	Kelly, R.	Nelsen	Smith
Arlandson	Evans	Kelly, W.	Nelson	Smogard
Begich	Ewald	Kempe, R.	Niehaus	Stanton
Berg	Fjoslien	Ketola	Norton	Swanson
Biersdorf	Forsythe	Knickerbocker	Novak	Tomlinson
Birnstihl	Friedrich	Knoll	Osthoff	Ulland
Braun	Fudro	Kostohryz	Patton	Vanasek
Brinkman	Fugina	Kvam	Peterson	Voss
Byrne	George	Laidig	Petrafaso	Wenstrom
Carlson, A.	Graba	Lemke	Reding	Wenzel
Carlson, R.	Haugerud	Lindstrom	St. Onge	White
Casserly	Heinitz	Luther	Sarna	Wieser
Clark	Hokanson	Mangan	Savelkoul	Wigley
Clawson	Jacobs	Mann	Schreiber	Williamson
Corbid	Jaros	McCarron	Schumacher	Zubay
Dahl	Jensen	McCauley	Searle	Speaker Sabo
Dean	Johnson, C.	McCollar	Setzepfandt	
DeGroat	Jopp	McEachern	Sherwood	
Eckstein	Jude	Meier	Sieben, H.	

Those who voted in the negative were:

Anderson, G.	Doty	Kroening	Parish	Samuelson
Berglin	Faricy	Langseth	Pehler	Vento
Carlson, L.	Hanson	Moe	Prahl	
Dieterich	Johnson, D.	Munger	Rice	

The bill was passed and its title agreed to.

H. F. No. 73, A bill for an act relating to elections; prohibiting and regulating certain activities on the day of an election; amending Minnesota Statutes 1974, Section 204.15.

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 94, and nays 34, as follows:

Those who voted in the affirmative were:

Abeln	Dieterich	Kahn	McEachern	Setzepfandt
Adams, L.	Doty	Kaley	Meier	Sherwood
Anderson, I.	Eckstein	Kalis	Menning	Sieben, M.
Arlandson	Eken	Kelly, R.	Metzen	Simoneau
Begich	Enebo	Kelly, W.	Nelson	Smogard
Berg	Ewald	Kempe, A.	Niehaus	Spanish
Berglin	Faricy	Kempe, R.	Norton	Stanton
Biersdorf	Fudro	Ketola	Novak	Swanson
Birnstihl	George	Knoll	Osthoff	Vanasek
Braun	Graba	Kostohryz	Patton	Vento
Brinkman	Hanson	Kroening	Pehler	Voss
Byrne	Hokanson	Kvam	Peterson	Wenstrom
Carlson, L.	Jacobs	Langseth	Philbrook	Wenzel
Carlson, R.	Jaros	Lemke	Prahl	White
Casserly	Jensen	Lindstrom	Rice	Wieser
Clark	Johnson, C.	Luther	St. Onge	Wigley
Clawson	Johnson, D.	Mann	Sarna	Williamson
Corbid	Jopp	McCarron	Schumacher	Speaker Sabo
Dahl	Jude	McCollar	Searle	

Those who voted in the negative were:

Adams, S.	Evans	Knickerbocker	Nelsen	Sieben, H.
Anderson, G.	Fjoslien	Laidig	Parish	Sieloff
Carlson, A.	Forsythe	Mangan	Petrafeso	Skoglund
Dean	Friedrich	McCauley	Pleasant	Tomlinson
DeGroat	Fugina	Moe	Samuelson	Ulland
Erickson	Haugerud	Munger	Savelkoul	Zubay
Esau	Heinitz	Neisen	Schreiber	

The bill was passed and its title agreed to.

H. F. No. 319, A bill for an act relating to health; providing for location and zoning regulation of residences for mentally retarded and physically handicapped persons; amending Minnesota Statutes 1974, Sections 252.28, by adding a subdivision; and 462.357, by adding subdivisions.

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 127, and nays 0, as follows:

Those who voted in the affirmative were:

Abeln	Berg	Carlson, R.	Dieterich	Ewald
Adams, L.	Berglin	Casserly	Doty	Faricy
Adams, S.	Biersdorf	Clark	Eckstein	Fjoslien
Albrecht	Braun	Clawson	Eken	Forsythe
Anderson, G.	Brinkman	Corbid	Enebo	Friedrich
Anderson, I.	Byrne	Dahl	Erickson	Fudro
Arlandson	Carlson, A.	Dean	Esau	Fugina
Begich	Carlson, L.	DeGroat	Evans	George



Graba	Ketola	Menning	Rice	Stanton
Hanson	Knickerbocker	Metzen	St. Onge	Swanson
Heinitz	Knoll	Moe	Samuelson	Tomlinson
Hokanson	Kostohryz	Munger	Sarna	Ulland
Jacobs	Kroening	Neisen	Savelkoul	Vanasek
Jaros	Kvam	Nelsen	Schreiber	Vento
Jensen	Laidig	Nelson	Schumacher	Voss
Johnson, C.	Langseth	Niehaus	Searle	Wenstrom
Johnson, D.	Lemke	Novak	Setzepfandt	Wenzel
Jopp	Lindstrom	Osthoff	Sherwood	White
Jude	Luther	Parish	Sieben, H.	Wieser
Kahn	Mangan	Patton	Sieben, M.	Wigley
Kaley	Mann	Pehler	Sieloff	Williamson
Kalis	McCarron	Peterson	Simoneau	Zubay
Kelly, R.	McCauley	Petrafeso	Skoglund	Speaker Sabo
Kelly, W.	McCollar	Philbrook	Smith	
Kempe, A.	McEachern	Pleasant	Smogard	
Kempe, R.	Meier	Prahl	Spanish	

The bill was passed and its title agreed to.

H. F. No. 176, A bill for an act relating to intoxicating liquor; issuance of licenses by cities; amending Minnesota Statutes 1974, Sections 340.11, Subdivisions 7a and 18; and by adding a subdivision; 340.13, Subdivision 4; and 340.353, Subdivision 5; repealing Minnesota Statutes 1974, Section 340.11, Subdivisions 6 and 7.

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:

Abeln	Eckstein	Kahn	Metzen	Sieben, H.
Adams, L.	Eken	Kaley	Moe	Sieben, M.
Adams, S.	Enebo	Kalis	Munger	Sieloff
Albrecht	Erickson	Kelly, R.	Neisen	Simoneau
Anderson, G.	Esau	Kelly, W.	Nelsen	Skoglund
Anderson, I.	Evans	Kempe, A.	Nelson	Smith
Arlandson	Ewald	Kempe, R.	Niehaus	Smogard
Begich	Faricy	Ketola	Norton	Spanish
Berg	Fjoslien	Knickerbocker	Novak	Stanton
Berglin	Forsythe	Knoll	Osthoff	Swanson
Biersdorf	Friedrich	Kostohryz	Parish	Tomlinson
Birnstihl	Fudro	Kroening	Patton	Ulland
Brinkman	Fugina	Kvam	Pehler	Vento
Byrne	George	Laidig	Peterson	Voss
Carlson, A.	Graba	Langseth	Petrafeso	Wenstrom
Carlson, L.	Hanson	Lemke	Philbrook	Wenzel
Carlson, R.	Haugerud	Lindstrom	Pleasant	White
Casserly	Heinitz	Luther	Prahl	Wieser
Clark	Hokanson	Mangan	Reding	Wigley
Clawson	Jacobs	Mann	Rice	Williamson
Corbid	Jaros	McCarron	St. Onge	Zubay
Dahl	Jensen	McCauley	Sarna	Speaker Sabo
Dean	Johnson, C.	McCollar	Schreiber	
DeGroat	Johnson, D.	McEachern	Schumacher	
Dieterich	Jopp	Meier	Searle	
Doty	Jude	Menning	Setzepfandt	

The bill was passed and its title agreed to.

H. F. No. 618, A bill for an act relating to securities; providing for the inclusion of commodity contracts in the definition of a security; providing an exemption from registration requirements for commodity contracts; amending Minnesota Statutes 1974, Sections 80A.14 and 80A.15, 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 126, and nays 0, as follows:

Those who voted in the affirmative were:

Adams, L.	Eckstein	Kahn	Moe	Sieben, H.
Adams, S.	Eken	Kaley	Munger	Sieben, M.
Albrecht	Enebo	Kalis	Neisen	Sieloff
Anderson, G.	Erickson	Kelly, R.	Nelsen	Simoneau
Anderson, I.	Esau	Kelly, W.	Nelson	Skoglund
Arlandson	Evans	Kempe, A.	Niehaus	Smith
Begich	Ewald	Kempe, R.	Norton	Smogard
Berg	Faricy	Ketola	Osthoff	Spanish
Berglin	Fjoslien	Knickerbocker	Parish	Stanton
Biersdorf	Forsythe	Kostohryz	Patton	Swanson
Birnstihl	Friedrich	Kroening	Pehler	Tomlinson
Braun	Fudro	Kvam	Peterson	Ulland
Brinkman	Fugina	Laidig	Petraleso	Vanasek
Byrne	George	Langseth	Philbrook	Vento
Carlson, A.	Graba	Lemke	Pleasant	Voss
Carlson, L.	Hanson	Lindstrom	Prahl	Wenzel
Carlson, R.	Haugerud	Luther	Reding	White
Cassery	Heinitz	Mangan	St. Onge	Wieser
Clark	Hokanson	Mann	Samuelson	Wigley
Clawson	Jacobs	McCarron	Sarna	Williamson
Corbid	Jaros	McCauley	Savelkoul	Zubay
Dahl	Jensen	McCollar	Schreiber	Speaker Sabo
Dean	Johnson, C.	McEachern	Schumacher	
DeGroat	Johnson, D.	Meier	Searle	
Dieterich	Jopp	Menning	Setzepfandt	
Doty	Jude	Metzen	Sherwood	

The bill was passed and its title agreed to.

H. F. No. 69, A bill for an act relating to athletics; providing for equal opportunity for members of both sexes to participate in athletics; amending Minnesota Statutes 1974, Chapter 126, by adding a section; repealing Laws 1974, Chapter 355, Section 68, Subdivision 4.

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

The question being taken on the passage of the bill and the roll being called, there were yeas 115, and nays 12, as follows:

## Those who voted in the affirmative were:

Abeln	Eckstein	Kaley	Moe	Setzepfandt
Adams, L.	Eken	Kelly, R.	Munger	Sherwood
Adams, S.	Enebo	Kelly, W.	Neisen	Sieben, H.
Anderson, I.	Erickson	Kempe, A.	Nelsen	Sieben, M.
Arlandson	Esau	Kempe, R.	Nelson	Sieloff
Begich	Ewald	Knickerbocker	Niehaus	Simoneau
Berg	Faricy	Knoll	Norton	Skoglund
Berglin	Forsythe	Kostohryz	Novak	Smith
Biersdorf	Fudro	Kroening	Osthoff	Smogard
Birnstihl	Fugina	Kvam	Parish	Spanish
Brinkman	George	Laidig	Patton	Stanton
Byrne	Graba	Langseth	Pehler	Swanson
Carlson, A.	Hanson	Lemke	Peterson	Tomlinson
Carlson, L.	Haugerud	Lindstrom	Petraleso	Ulland
Carlson, R.	Heinitz	Luther	Philbrook	Vanasek
Casserly	Hokanson	Mangan	Pleasant	Vento
Clark	Jacobs	Mann	St. Onge	Voss
Clawson	Jaros	McCarron	Samuelson	Wenstrom
Corbid	Jensen	McCollar	Sarna	Wenzel
Dahl	Johnson, C.	McEachern	Savelkoul	White
Dean	Johnson, D.	Meier	Schreiber	Williamson
DeGroat	Jude	Menning	Schumacher	Zubay
Dieterich	Kahn	Metzen	Searle	Speaker Sabo

## Those who voted in the negative were:

Albrecht	Doty	Friedrich	Ketola	Wigley
Anderson, G.	Evans	Jopp	Wieser	
Braun	Fjoslien	Kalis		

The bill was passed and its title agreed to.

S. F. No. 194, A bill for an act relating to natural resources; authorizing the commissioner of natural resources to acquire land along canoe and boating routes; amending Minnesota Statutes 1974, Section 85.32, Subdivisions 2 and 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 128, and nays 0, as follows:

## Those who voted in the affirmative were:

Abeln	Brinkman	Eckstein	George	Kahn
Adams, L.	Byrne	Eken	Graba	Kaley
Adams, S.	Carlson, A.	Enebo	Hanson	Kalis
Albrecht	Carlson, L.	Erickson	Haugerud	Kelly, R.
Anderson, G.	Carlson, R.	Esau	Heinitz	Kelly, W.
Anderson, I.	Casserly	Evans	Hokanson	Kempe, A.
Arlandson	Clark	Ewald	Jacobs	Kempe, R.
Begich	Clawson	Faricy	Jaros	Ketola
Berg	Corbid	Fjoslien	Jensen	Knickerbocker
Berglin	Dean	Forsythe	Johnson, C.	Knoll
Biersdorf	DeGroat	Friedrich	Johnson, D.	Kostohryz
Birnstihl	Dieterich	Fudro	Jopp	Kroening
Braun	Doty	Fugina	Jude	Kvam

Laidig	Metzen	Petrafeso	Sherwood	Vanasek
Langseth	Moe	Philbrook	Sieben, H.	Vento
Lemke	Munger	Pleasant	Sieben, M.	Voss
Lindstrom	Neisen	Reding	Sieloff	Wenstrom
Luther	Nelsen	Rice	Simoneau	Wenzel
Mangan	Nelson	St. Onge	Skoglund	White
Mann	Niehaus	Samuelson	Smith	Wieser
McCarron	Norton	Sarna	Smogard	Wigley
McCauley	Novak	Savelkoul	Spanish	Williamson
McCollar	Parish	Schreiber	Stanton	Zubay
McEachern	Patton	Schumacher	Swanson	Speaker Sabo
Meier	Pehler	Searle	Tomlinson	
Menning	Peterson	Setzpfandt	Ulland	

The bill was passed and its title agreed to.

H. F. No. 209, A bill for an act relating to adoptions; annulment of decree after discovery of defect; repealing Minnesota Statutes 1974, Section 259.30.

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 128, and nays 0, as follows:

Those who voted in the affirmative were:

Abeln	Eken	Kalis	Munger	Sherwood
Adams, L.	Enebo	Kelly, R.	Neisen	Sieben, H.
Adams, S.	Erickson	Kelly, W.	Nelsen	Sieben, M.
Anderson, G.	Esau	Kempe, A.	Nelson	Sieloff
Anderson, I.	Evans	Kempe, R.	Niehaus	Simoneau
Arlandson	Ewald	Ketola	Norton	Skoglund
Begich	Faricy	Knickerbocker	Novak	Smith
Berg	Forsythe	Knoll	Osthoff	Smogard
Berglin	Friedrich	Kostohryz	Parish	Spanish
Biersdorf	Fudro	Kroening	Patton	Stanton
Birnstihl	Fugina	Kvam	Pehler	Swanson
Brinkman	George	Laidig	Peterson	Tomlinson
Byrne	Graba	Langseth	Petrafeso	Ulland
Carlson, A.	Hanson	Lemke	Philbrook	Vanasek
Carlson, L.	Haugerud	Lindstrom	Pleasant	Vento
Carlson, R.	Heinitz	Luther	Prahl	Voss
Casserly	Hokanson	Mangan	Reding	Wenstrom
Clark	Jacobs	Mann	Rice	Wenzel
Clawson	Jaros	McCarron	St. Onge	White
Corbid	Jensen	McCauley	Samuelson	Wieser
Dahl	Johnson, C.	McCollar	Sarna	Wigley
Dean	Johnson, D.	McEachern	Savelkoul	Williamson
DeGroat	Jopp	Meier	Schreiber	Zubay
Dieterich	Jude	Menning	Schumacher	Speaker Sabo
Doty	Kahn	Metzen	Searle	
Eckstein	Kaley	Moe	Setzpfandt	

The bill was passed and its title agreed to.

H. F. No. 264, A bill for an act relating to regional development commissioners; authorizing per diem compensation for

members; amending Minnesota Statutes 1974, Section 462.388, Subdivision 5.

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 79, and nays 46, as follows:

Those who voted in the affirmative were:

Adams, L.	Dean	Jensen	McCarron	St. Onge
Anderson, G.	DeGroat	Johnson, C.	McCauley	Setzepfandt
Anderson, I.	Dieterich	Johnson, D.	McCollar	Sieben, H.
Arlandson	Doty	Jude	McEachern	Sieben, M.
Berg	Eken	Kahn	Meier	Simoneau
Berglin	Enebo	Kalis	Menning	Skoglund
Biersdorf	Esau	Kelly, R.	Metzen	Smogard
Birnstihl	Faricy	Kelly, W.	Moe	Stanton
Braun	Fudro	Ketola	Neisen	Tomlinson
Carlson, L.	Fugina	Knoll	Nelson	Vento
Carlson, R.	Graba	Kostohryz	Parish	Voss
Casserly	Hanson	Kroening	Patton	Wenstrom
Clark	Haugerud	Langseth	Pehler	White
Clawson	Hokanson	Lemke	Philbrook	Wieser
Corbid	Jacobs	Luther	Reding	Speaker Sabo
Dahl	Jaros	Mangan	Rice	

Those who voted in the negative were:

Abeln	Fjoslien	Kvam	Pleasant	Swanson
Adams, S.	Forsythe	Laidig	Prahl	Ulland
Albrecht	Friedrich	Lindstrom	Samuelson	Wenzel
Begich	George	Mann	Savelkoul	Wigley
Brinkman	Heinitz	Nelsen	Schreiber	Williamson
Byrne	Jopp	Niehaus	Schumacher	Zubay
Carlson, A.	Kaley	Norton	Searle	
Erickson	Kempe, A.	Novak	Sherwood	
Evans	Kempe, R.	Peterson	Sieloff	
Ewald	Knickerbocker	Petraleso	Smith	

The bill was passed and its title agreed to.

H. F. No. 980, A bill for an act relating to taxation; providing for taxation of certain types of air commerce; amending Minnesota Statutes 1974, Sections 270.071, Subdivision 6; and 270.072, Subdivisions 2 and 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 129, and nays 0, as follows:

Those who voted in the affirmative were:

Abeln	Doty	Kahn	Metzen	Searle
Adams, L.	Eckstein	Kaley	Moe	Setzepfandt
Adams, S.	Eken	Kalis	Munger	Sherwood
Albrecht	Enebo	Kelly, R.	Neisen	Sieben, H.
Anderson, G.	Erickson	Kelly, W.	Nelsen	Sieben, M.
Anderson, I.	Esau	Kempe, A.	Nelson	Sieloff
Arlandson	Evans	Kempe, R.	Niehaus	Simoneau
Begich	Ewald	Ketola	Norton	Skoglund
Berg	Faricy	Knickerbocker	Novak	Smith
Berglin	Fjoslien	Knoll	Osthoff	Smogard
Biersdorf	Forsythe	Kostohryz	Parish	Stanton
Birnstihl	Fudro	Kroening	Patton	Swanson
Braun	Fugina	Kvam	Peehler	Tomlinson
Brinkman	George	Laidig	Peterson	Ulland
Byrne	Graba	Langseth	Petrafeso	Vanasek
Carlson, A.	Hanson	Lemke	Philbrook	Vento
Carlson, L.	Haugerud	Lindstrom	Pleasant	Voss
Carlson, R.	Heinitz	Luther	Prahl	Wenstrom
Casserly	Hokanson	Mangan	Reding	Wenzel
Clark	Jacobs	Mann	Rice	White
Clawson	Jaros	McCarron	St. Onge	Wieser
Corbid	Jensen	McCauley	Samuelson	Wigley
Dahl	Johnson, C.	McCollar	Sarna	Williamson
Dean	Johnson, D.	McEachern	Savelkoul	Zubay
DeGroat	Jopp	Meier	Schreiber	Speaker Sabo
Dieterich	Jude	Menning	Schumacher	

The bill was passed and its title agreed to.

Pleasant was excused at 4:00 p.m. Mangan was excused at 4:15 p.m. Kahn was excused at 5:00 p.m. Wenzel was excused at 5:30 p.m.

### GENERAL ORDERS

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

Pursuant to rule 1.6, a roll call was taken on the following amendment to H. F. No. 37 offered by Savelkoul:

Page 1, line 8, after "legislature," delete "until".

Page 1, line 9, delete "a new apportionment shall have been made" and insert in lieu thereof "beginning with the session in the year 1977".

There were yeas 23, and nays 101, as follows:

Those who voted in the affirmative were:

Adams, S.	Forsythe	Knoll	Osthoff	Schreiber
Carlson, A.	Friedrich	Kvam	Peterson	Ulland
Dean	Hanson	Laidig	Pleasant	Vanasek
Evans	Heinitz	Niehaus	Reding	
Ewald	Kaley	Novak	Savelkoul	

## Those who voted in the negative were:

Adams, L.	Doty	Kelly, R.	Neisen	Skoglund
Anderson, G.	Eckstein	Kelly, W.	Nelsen	Smith
Anderson, I.	Eken	Kempe, A.	Nelson	Smogard
Arlandson	Enebo	Ketola	Norton	Spanish
Begich	Erickson	Knickerbocker	Parish	Stanton
Berg	Esau	Kostohryz	Patton	Suss
Berglin	Fjoslien	Kroening	Pehler	Swanson
Biersdorf	Fudro	Langseth	Petrafeso	Tomlinson
Birnstihl	Fugina	Lemke	Philbrook	Vento
Braun	George	Lindstrom	Prahl	Wenstrom
Brinkman	Graba	Luther	Rice	Wenzel
Byrne	Haugerud	Mann	St. Onge	White
Carlson, L.	Hokanson	McCarron	Samuelson	Wieser
Carlson, R.	Jacobs	McCauley	Sarna	Wigley
Casserly	Jaros	McCollar	Schumacher	Williamson
Clark	Jensen	McEachern	Setzepfandt	Zubay
Clawson	Johnson, C.	Meier	Sherwood	Speaker Sabo
Corbid	Johnson, D.	Menning	Sieben, H.	
Dahl	Jude	Metzen	Sieben, M.	
DeGroat	Kahn	Moe	Sieloff	
Dieterich	Kalis	Munger	Simoneau	

The amendment was not adopted.

Pursuant to rule 1.6, a roll call was taken on the motion of Kelly, W., that H. F. No. 37 be re-referred to the Committee on Rules and Legislative Administration.

There were yeas 64, and nays 65, as follows:

## Those who voted in the affirmative were:

Adams, S.	Doty	Jude	Menning	Skoglund
Albrecht	Eckstein	Kaley	Nelsen	Smith
Anderson, G.	Eken	Kalis	Niehaus	Smogard
Anderson, I.	Erickson	Kelly, W.	Patton	Spanish
Begich	Esau	Ketola	Pehler	Swanson
Berglin	Evans	Kvam	Peterson	Voss
Birnstihl	Fjoslien	Langseth	Prahl	Wenstrom
Braun	Forsythe	Lemke	St. Onge	Wenzel
Brinkman	Graba	Lindstrom	Samuelson	White
Clawson	Haugerud	Mann	Schumacher	Wieser
Corbid	Jensen	McCollar	Setzepfandt	Wigley
Dahl	Johnson, C.	McEachern	Sherwood	Speaker Sabo
DeGroat	Jopp	Meier	Simoneau	

## Those who voted in the negative were:

Abeln	Enebo	Kahn	Moe	Savelkoul
Adams, L.	Ewald	Kelly, R.	Munger	Schreiber
Arlandson	Faricy	Kempe, A.	Neisen	Searle
Berg	Friedrich	Kempe, R.	Nelson	Sieben, H.
Biersdorf	Fudro	Knickerbocker	Norton	Sieben, M.
Byrne	Fugina	Knoll	Novak	Sieloff
Carlson, A.	George	Kostohryz	Osthoft	Suss
Carlson, L.	Hanson	Kroening	Parish	Tomlinson
Carlson, R.	Heinitz	Laidig	Petrafeso	Ulland
Casserly	Hokanson	Luther	Philbrook	Vanasek
Clark	Jacobs	McCarron	Reding	Vento
Dean	Jaros	McCauley	Rice	Williamson
Dieterich	Johnson, D.	Metzen	Sarna	Zubay

The motion did not prevail.

Pursuant to rule 1.6, a roll call was taken on the following amendment to H. F. No. 37 offered by Kahn:

Line 12, after "senate" insert *"shall be called the assembly and its members called assembly persons and"*.

Line 13, delete "56" and insert in lieu thereof "268".

Line 14, delete "112" and insert in lieu thereof "134".

Further amend the title as follows:

Line 3, strike "56" and insert "268"; strike "112" and insert "134"; after "representation;" insert *"changing the name of the senate to the assembly"*.

There were yeas 21, and nays 103, as follows:

Those who voted in the affirmative were:

Adams, S.	Fugina	Patton	Simoneau	Speaker Sabo
Begich	Kahn	Samuelson	Skoglund	
Birnstihl	Kelly, W.	Savelkoul	Smith	
Clark	McCauley	Schreiber	Spanish	
Clawson	Meier	Sherwood	Voss	

Those who voted in the negative were:

Adams, L.	Enebo	Jopp	Menning	Setzepfandt
Albrecht	Erickson	Jude	Metzen	Sieben, H.
Anderson, G.	Esau	Kaley	Moe	Sieben, M.
Anderson, I.	Evans	Kalis	Munger	Sieloff
Arlandson	Ewald	Kelly, R.	Neisen	Smogard
Berg	Faricy	Kempe, A.	Nelsen	Stanton
Biersdorf	Fjoslien	Kempe, R.	Niehaus	Suss
Brinkman	Forsythe	Ketola	Norton	Swanson
Byrne	Friedrich	Knickerbocker	Novak	Tomlinson
Carlson, A.	Fudro	Knoll	Osthoff	Ulland
Carlson, L.	George	Kostohryz	Parish	Vanasek
Carlson, R.	Graba	Kroening	Pehler	Vento
Casserly	Hanson	Kvam	Peterson	Wenstrom
Corbid	Haugerud	Laidig	Philbrook	Wenzel
Dahl	Heinitz	Langseth	Prahl	White
Dean	Hokanson	Lemke	Reding	Wieser
DeGroat	Jacobs	Lindstrom	Rice	Wigley
Dieterich	Jaros	Luther	St. Onge	Williamson
Doty	Jensen	Mann	Sarna	Zubay
Eckstein	Johnson, C.	McCollar	Schumacher	
Eken	Johnson, D.	McEachern	Searle	

The amendment was not adopted.

Pursuant to rule 1.6, a roll call was taken on the motion of Biersdorf that H. F. No. 37 be re-referred to the Committee on Rules and Legislative Administration.



There were yeas 67, and nays 62, as follows:

Those who voted in the affirmative were:

Adams, S.	Doty	Jude	Nelsen	Smogard
Albrecht	Eckstein	Kaley	Niehaus	Spanish
Anderson, G.	Eken	Kalis	Patton	Swanson
Anderson, I.	Erickson	Kelly, W.	Peterson	Voss
Begich	Esau	Ketola	Prahl	Wenstrom
Berglin	Evans	Kvam	St. Onge	Wenzel
Biersdorf	Fjoslien	Langseth	Samuelson	White
Birnstihl	Forsythe	Lemke	Savelkoul	Wieser
Braun	Friedrich	Lindstrom	Schumacher	Wigley
Brinkman	Graba	Mann	Setzepfandt	Williamson
Clawson	Haugerud	McCollar	Sherwood	Speaker Sabo
Corbid	Jensen	McEachern	Simoneau	
Dahl	Johnson, C.	Meier	Skoglund	
DeGroat	Jopp	Menning	Smith	

Those who voted in the negative were:

Abeln	Ewald	Kempe, R.	Nelson	Sieben, H.
Adams, L.	Faricy	Knickerbocker	Norton	Sieben, M.
Arlandson	Fudro	Knoll	Novak	Sieloff
Berg	Fugina	Kostohryz	Osthoff	Stanton
Byrne	George	Kroening	Parish	Suss
Carlson, A.	Hanson	Laidig	Pehler	Tomlinson
Carlson, L.	Heinitz	Luther	Petrateso	Ulland
Carlson, R.	Hokanson	McCarron	Philbrook	Vanasek
Casserly	Jacobs	McCauley	Reding	Vento
Clark	Jaros	Metzen	Rice	Zubay
Dean	Johnson, D.	Moe	Sarna	
Dieterich	Kelly, R.	Munger	Schreiber	
Enebo	Kempe, A.	Neisen	Searle	

The motion prevailed.

Pursuant to rule 1.6, a roll call was taken on the following amendment to H. F. No. 794 offered by Knickerbocker:

Page 3, line 5, strike "at least".

Page 3, strike the new language in lines 18, 19, 20, 21 and 22.

There were yeas 20, and nays 88, as follows:

Those who voted in the affirmative were:

Adams, S.	Esau	Heinitz	McCauley	Schreiber
Albrecht	Ewald	Kaley	Niehaus	Searle
Dean	Forsythe	Knickerbocker	Peterson	Sieloff
Erickson	Friedrich	Kvam	Savelkoul	Zubay

Those who voted in the negative were:

Abeln	Arlandson	Berglin	Byrne	Clark
Anderson, G.	Begich	Birnstihl	Carlson, L.	Clawson
Anderson, I.	Berg	Brinkman	Carlson, R.	Corbid

Dahl	Jensen	Luther	Prahl	Stanton
Dieterich	Johnson, C.	Mann	Reding	Suss
Doty	Johnson, D.	McCarron	Rice	Swanson
Eckstein	Jude	McCollar	St. Onge	Tomlinson
Eken	Kalis	McEachern	Samuelson	Vanasek
Enebo	Kelly, R.	Menning	Sarna	Vento
Evans	Kelly, W.	Moe	Schulz	Voss
Faricy	Kempe, A.	Neisen	Schumacher	Wenstrom
Fudro	Ketola	Norton	Setzepfandt	Wenzel
Fugina	Knoll	Osthoff	Sherwood	White
George	Kostohryz	Parish	Sieben, H.	Wieser
Hanson	Kroening	Patton	Sieben, M.	Williamson
Hokanson	Laidig	Pehler	Simoneau	Speaker Sabo
Jacobs	Langseth	Petraleso	Skoglund	
Jaros	Lemke	Philbrook	Smogard	

The amendment was not adopted.

Pursuant to rule 1.6, a roll call was taken on the following amendment to H. F. No. 794 offered by Searle:

Page 1, lines 20 and 21, strike "or part".

Page 2, line 3, strike "or part".

There were yeas 29, and nays 83, as follows:

Those who voted in the affirmative were:

Adams, S.	Evans	Johnson, C.	Laidig	Searle
Albrecht	Ewald	Jopp	Menning	Setzepfandt
Dean	Fjoslien	Kaley	Nelsen	Sieloff
Eckstein	Forsythe	Kalis	Niehaus	Wigley
Erickson	Friedrich	Knickerbocker	Peterson	Zubay
Esau	Heinitz	Kvam	Savelkoul	

Those who voted in the negative were:

Abeln	Enebo	Kroening	Patton	Smogard
Anderson, I.	Faricy	Langseth	Pehler	Spanish
Arlandson	Fudro	Lemke	Petraleso	Stanton
Begich	Fugina	Luther	Philbrook	Suss
Berg	George	Mann	Prahl	Swanson
Berglin	Hanson	McCarron	Reding	Tomlinson
Biersdorf	Haugerud	McCauley	Rice	Vanasek
Birnstihl	Hokanson	McCollar	St. Onge	Vento
Byrne	Jacobs	McEachern	Samuelson	Voss
Carlson, L.	Jensen	Meier	Sarna	Wenstrom
Carlson, R.	Johnson, D.	Metzen	Schulz	Wenzel
Clark	Jude	Moe	Schumacher	White
Clawson	Kelly, R.	Neisen	Sieben, H.	Wieser
Corbid	Kelly, W.	Norton	Sieben, M.	Williamson
Dahl	Ketola	Novak	Simoneau	Speaker Sabo
Dieterich	Knoll	Osthoff	Skoglund	
Doty	Kostohryz	Parish	Smith	

The amendment was not adopted.

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

H. F. No. 241 which it recommended to pass.

S. F. Nos. 409, 326 and 701 which it recommended to pass.

H. F. No. 777 upon which it recommended progress.

H. F. No. 704 upon which it recommended progress until Wednesday, April 16, 1975.

H. F. No. 37 upon which it recommended re-referral to the Committee on Rules and Legislative Administration.

S. F. No. 499 upon which it recommended to pass with the following amendments:

Offered by Anderson, G.:

Page 2, line 13, after "insurance" insert "*unless the insured had both paid dues to the association or organization and been covered by the insurer for a continuous period of five years prior to the nonpayment of dues. Insurers shall notify persons applying for automobile insurance of any existing or continuing requirement for payment of dues to an association or organization at the time the application for the insurance is written. The notification may be contained in the application or on a separate form*".

Offered by Prah:

Page 1, line 18, strike "insurer" and insert "*insured*".

S. F. No. 343 upon which it recommended to pass with the following amendment offered by Mangan:

Page 3, line 5, after "COMMUNITY" and before "HEALTH" insert "MENTAL".

H. F. No. 666 upon which it recommended to pass with the following amendment offered by Knoll:

Page 4, line 7, delete "shall" and insert "*may covenant and agree*" and after "not" and before "amend" insert "*to*".

H. F. No. 794 upon which it recommended to pass with the following amendment offered by Schreiber:

Page 4, line 10, strike "*is*".

Page 4, line 11, strike "*guilty of a misdemeanor and*".

Page 4, line 12, strike "\$300" and insert "\$40".

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

ADJOURNMENT

Anderson, I., moved that the House adjourn. The motion prevailed and the Speaker declared the House adjourned until 2:00 p.m., Thursday, April 10, 1975.

**EDWARD A. BURDICK**, Chief Clerk, House of Representatives