

STATE OF MINNESOTA

SIXTY-NINTH SESSION - 1976

SIXTY-SECOND DAY

SAINT PAUL, MINNESOTA, TUESDAY, FEBRUARY 3, 1976

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

A quorum was present.

Philbrook and Rice were excused.

The Chief Clerk proceeded to read the Journal of the preceding day. On the motion of Vanasek 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. 1078, 1895 and 33 have been placed in the members' files.

REPORTS OF STANDING COMMITTEES

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

H. F. No. 910, A bill for an act relating to crimes; specifying the acts constituting arson and the possession of certain explosives; providing penalties; amending Minnesota Statutes 1974, Chapters 299F, by adding sections; and 609, by adding sections; repealing Minnesota Statutes 1974, Sections 299F.81; 609.555; 609.56; 609.565; 609.57; 609.575; and 609.61.

Reported the same back with the following amendments:

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

"Section 1. Minnesota Statutes 1974, Chapter 299F, is amended by adding a section to read:

[299F.811] [POSSESSION OF EXPLOSIVES OR INCENDIARY DEVICES.] *Whoever possesses, manufactures, or transports any explosive compound, timing or detonating device for use with any explosive compound or incendiary device and either intends to use the explosive or device to commit a crime or knows that another intends to use the explosive or device to commit a crime, may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$5,000 or both.*

Sec. 2. Minnesota Statutes 1974, Chapter 299F, is amended by adding a section to read:

[299F.815] [POSSESSION OF A CHEMICAL IGNITING DEVICE OR MOLOTOV COCKTAIL.] *Subdivision 1. Whoever shall possess, manufacture, transport, or store a chemical self-igniting device or a molotov cocktail with intent to use the same for any unlawful purpose may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$5,000 or both.*

Subd. 2. For purposes of this section, "molotov cocktail" means any crude hand grenade made of a bottle or container filled with a flammable liquid and fitted with an ignition device.

Sec. 3. Minnesota Statutes 1974, Chapter 609, is amended by adding a section to read:

[609.556] [DEFINITIONS.] *Subdivision 1. For the purposes of sections 3 to 9, the terms defined in this section have the meanings given them.*

Subd. 2. "Property of another" means a building or other property, whether real or personal, in which a person other than the accused has an interest which the accused has no authority to defeat or impair even though the accused may also have an interest in the building or property.

Subd. 3. "Building" in addition to its ordinary meaning includes any tent, watercraft, structure or vehicle that is customarily used for overnight lodging of a person or persons. If a building consists of two or more units separately secured or occupied, each unit shall be deemed a separate building.

Sec. 4. Minnesota Statutes 1974, Chapter 609, is amended by adding a section to read:

[609.561] [ARSON IN THE FIRST DEGREE.] *Subdivision 1. Whoever intentionally by means of fire or explosives sets fire to, or burns or causes to be burned, any building that is used as a dwelling at the time the act is committed, whether the inhabitant is present therein at the time of the act or not, or stable, barn, or other outbuilding that is parcel thereof or belonging to or adjoining a dwelling whether the property of himself or of another, commits arson in the first degree and may be sentenced to imprisonment for not more than 20 years or to a fine of not more than \$20,000, or both.*

Subd. 2. Whoever intentionally by means of fire or explosives sets fire to or burns or causes to be burned any building not included in subdivision 1, whether the property of himself or another commits arson in the first degree and may be sentenced to imprisonment for not more than 20 years or to a fine of not more than \$20,000, or both if:

(a) Another person who is not a participant in the crime is present in the building at the time and the defendant knows that; or

(b) The circumstances are such as to render the presence of such a person therein a reasonable possibility.

Sec. 5. Minnesota Statutes 1974, Chapter 609, is amended by adding a section to read:

[609.562] [ARSON IN THE SECOND DEGREE.] *Whoever intentionally by means of fire or explosives sets fire to or*

burns or causes to be burned any building not covered by section 4 of this act, whether the property of himself or another, may be sentenced to imprisonment for not more than ten years or to a fine of not more than \$10,000 or both.

Sec. 6. Minnesota Statutes 1974, Chapter 609, is amended by adding a section to read:

[609.563] [ARSON IN THE THIRD DEGREE.] *Subdivision 1. Whoever intentionally by means of fire or explosives sets fire to or burns or causes to be burned any personal property belonging to another may be sentenced to imprisonment for not more than five years or to a fine of \$5,000 or both, if:*

(a) The property intended by the accused to be damaged or destroyed had a value of \$100 or more; or

(b) Property of the value of \$100 or more was unintentionally damaged or destroyed but such damage or destruction could reasonably have been foreseen; or

(c) The property specified in clauses (a) and (b) in the aggregate had a value of \$100 or more.

Subd. 2. In all other cases whoever intentionally by means of fire or explosives sets fire to or burns or causes to be burned any personal property belonging to another may be sentenced to imprisonment for not more than 90 days or to payment of a fine of not more than \$300.

Sec. 7. Minnesota Statutes 1974, Chapter 609, is amended by adding a section to read:

[609.564] [ARSON, DEFENSES.] *It shall be a defense to prosecution under sections 4, 5 and 6, that:*

(a) The defendant's sole intent was to destroy or damage the property for a lawful and proper purpose; and

(b) The defendant had no reasonable grounds to believe that his conduct might endanger the life or safety of another person or damage another's property.

Sec. 8. Minnesota Statutes 1974, Chapter 609, is amended by adding a section to read:

[609.576] [NEGLIGENT FIRES.] *Subdivision 1. Whoever is culpably negligent in causing a fire to burn or get out of control thereby causing damage or injury to another, and as a result thereof:*

(a) A human being is injured and great bodily harm incurred, is guilty of a crime and may be sentenced to imprisonment of not more than three years or to a fine of not more than \$3,000, or both; or

(b) Property of another is injured, thereby, is guilty of a crime and may be sentenced as follows:

(1) To imprisonment for not more than 90 days or to payment of a fine of not more than \$300, or both, if the value of the property damage is under \$100;

(2) To imprisonment for not less than 90 days, nor more than one year, or to a fine of \$1,000 or both, if the value of the property damaged is at least \$100 and under \$2,500;

(3) To imprisonment for not more than one year, or to a fine of \$1,000, or both, if the value of the property damaged is \$2,500 and under \$10,000;

(4) To imprisonment for not more than three years or to a fine of \$3,000 or both, if value of property damaged is \$10,000 or greater.

Sec. 9. Minnesota Statutes 1974, Chapter 609, is amended by adding a section to read:

[609.611] [DEFRAUDING INSURER.] *Whoever with intent to injure or defraud an insurer, damages any property real or personal, whether his own or that of another, which is at the time insured by any person, firm or corporation against loss or damage:*

(a) *May be sentenced to imprisonment for not more than three years or to payment of fine of not more than \$3,000, or both if the value insured for is less than \$20,000, or*

(b) *May be sentenced to imprisonment for not more than five years or to payment of fine of not more than \$5,000, or both if the value insured for is \$20,000 or greater.*

Sec. 10. [REPEALER.] *Minnesota Statutes 1974, Sections 299F.81; 609.555; 609.56; 609.565; 609.57; 609.575; and 609.61, are repealed."*

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:

S. F. No. 1584, A bill for an act relating to public safety; providing for the reporting of malicious false fire alarms and establishing procedures for deactivations of fire alarm systems in educational facilities.

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

The report was adopted.

REPORT FROM THE COMMITTEE ON RULES AND
LEGISLATIVE ADMINISTRATION

Anderson, I., from the Committee on Rules and Legislative Administration to which was referred:

Senate Concurrent Resolution No. 9, A senate concurrent resolution relating to joint rules; providing deadlines for committee reports; amending Joint Rule 20.

Reported the same back with the recommendation that the resolution be adopted.

The report was adopted.

SENATE CONCURRENT RESOLUTION NO. 9

A senate concurrent resolution relating to joint rules; providing deadlines for committee reports; amending Joint Rule 20.

Be It Resolved, by the Senate of the State of Minnesota, the House of Representatives concurring therein:

Joint Rule 20 is amended to read:

DEADLINES

Rule 20. Except for reports from the Senate Committees on Finance and on Taxes and Tax Laws, and the House Committees on Appropriations and on Taxes, committee reports on bills favorably acted upon by the committee in the house of origin after April 19, 1975, for the first year of the biennium, and committee reports on bills originating in the other house favorably acted upon by the committee after May 7, 1975, for the first year of the biennium, shall be referred in the Senate to the Committee on Rules and Administration, and in the House of Representatives to the Committee on Rules and Legislative Administration for disposition.

Except for reports from the Senate Committees on Finance and on Taxes and Tax Laws, and the House Committees on Appropriations and on Taxes, committee reports on bills favorably acted upon by the committee in the house of origin after March 9, 1976, for the second year of the biennium, and committee reports on bills originating in the other house favorably acted upon by the committee after March 16, 1976, for the second year of the biennium, shall be referred in the Senate to the Committee on Rules and Administration, and in the House of Representatives to the Committee on Rules and Legislative Administration for disposition.

Anderson, I., moved that Senate Concurrent Resolution No. 9 be now adopted.

Senate Concurrent Resolution No. 9 was adopted and the Joint Rules of the House and Senate for the Sixty-ninth Session were amended.

SECOND READING OF HOUSE BILLS

H. F. No. 910 was read for the second time.

SECOND READING OF SENATE BILLS

S. F. No. 1584 was read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Wenzel, Niehaus, Lemke, Jensen and Mann introduced:

H. F. No. 2079, A bill for an act relating to agriculture; changing the duty of the commissioner of agriculture in establishing standards, grades, and price differentials for milk and cream from mandatory to permissive; amending Minnesota Statutes 1974, Section 32.401, Subdivision 1.

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

Sieben, H.; Knoll and McCauley introduced:

H. F. No. 2080, A bill for an act relating to revolving charge accounts; computation of average daily balance; amending Minnesota Statutes, 1974 Section 334.16, by adding a subdivision.

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

Vento, Sarna, Jacobs, Biersdorf and Tomlinson introduced:

H. F. No. 2081, A bill for an act relating to social and charitable organizations; changing requirement of a certified public accountants statement in certain cases; amending Minnesota Statutes 1974, Section 309.53, Subdivision 3.

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

Samuelson introduced:

H. F. No. 2082, A bill for an act relating to education; correcting gross earnings tax reimbursement payments to Independent School District 181; appropriating money.

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

Biersdorf, Birnstihl, Vanasek, Munger and White introduced:

H. F. No. 2083, A bill for an act relating to natural resources; authorizing the marking and designation of canoe and boating routes on the Straight river; amending Minnesota Statutes 1974, Section 85.32, Subdivision 1.

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

Hanson, Wenzel, McCauley, Abeln and Philbrook introduced:

H. F. No. 2084, A bill for an act relating to banks and banking; authorizing consumer banking facilities; providing penalties.

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

Luther; Prah!; McCollar; Carlson, L.; and Brinkman introduced:

H. F. No. 2085, A bill for an act relating to insurance; providing for investigation and review of rate changes; setting guidelines for approving increases; providing a state actuary for the department of insurance; charging a fee on insurance premiums; appropriating money; amending Minnesota Statutes 1974, Sections 70A.05; 70A.06, Subdivisions 1 and 4; 70A.10, Subdivisions 1 and 2; and Chapter 70A, by adding sections; repealing Minnesota Statutes 1974, Sections 70A.02, Subdivision 3; 70A.10, Subdivisions 3 and 4; 70A.11; 70A.12; and 70A.18.

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

Tomlinson, Osthoff, Knickerbocker, Jacobs and Fudro introduced:

H. F. No. 2086, A bill for an act relating to elections; providing certain changes in voter registration; amending Minnesota Statutes 1974, Sections 201.091, Subdivisions 2 and 3, and by adding a subdivision; and 201.121, Subdivision 2.

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

Mangan, Ulland, Neisen, Clawson and Kelly, R., introduced:

H. F. No. 2087, A bill for an act relating to animals; providing reimbursement to counties which incur expenses for animal care; requiring peace officers to provide care for animals found exposed; amending Minnesota Statutes 1974, Chapter 346, by adding a section; and Section 346.27, Subdivision 1.

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

Anderson, G.; Vento; Smogard; Wenstrom and Biersdorf introduced:

H. F. No. 2088, A bill for an act relating to ethics in government; defining "lobbyist" to exclude persons communicating with their elected public officials; amending Minnesota Statutes 1974, Section 10A.01, Subdivision 11.

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

Patton, Beauchamp, Moe, Sarna and Fudro introduced:

H. F. No. 2089, A bill for an act relating to retirement; purchase of service credit by certain state employees or former employees; amending Minnesota Statutes 1974, Section 352.021, Subdivision 3.

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

Erickson introduced:

H. F. No. 2090, A bill for an act relating to the city of Worthington; volunteer firemen's service pensions.

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

Tomlinson; Fudro; Carlson, R.; McCauley and Sieben, M., introduced:

H. F. No. 2091, A bill for an act relating to building contractors; providing for a state bond to replace local requirements; amending Minnesota Statutes 1974, Chapter 16, by adding a section.

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

Heinitz, Kaley, Forsythe and Swanson introduced:

H. F. No. 2092, A bill for an act relating to medicine and osteopathy; authorizing continuing education requirements for licensed practitioners; amending Minnesota Statutes 1974, Chapter 147, by adding a section.

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

Berglin, Arlandson, Byrne, Clark and Heinitz introduced:

H. F. No. 2093, A bill for an act relating to health; providing that persons eligible for medical assistance have free selection of a medical care vendor; amending Minnesota Statutes, 1975 Supplement, Sections 256D.03, Subdivision 3; and 261.21, Subdivision 2.

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

Voss; Fugina; Graba; Kelly, W.; and McCauley introduced:

H. F. No. 2094, A bill for an act proposing an amendment to the Minnesota Constitution, Article XIII, Section 3; allowing the status of the University of Minnesota to be provided by law.

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

Smith, Pehler, Searle, Fugina and Volk introduced:

H. F. No. 2095, A bill for an act relating to education; authorizing the higher education coordinating board and regional consortium to cooperate in the development of health education programs.

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

Sieben, H.; Knoll and McCauley introduced:

H. F. No. 2096, A bill for an act relating to courts; time limitations on actions when party is outside the state; amending Minnesota Statutes 1974, Section 541.13.

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

Sieben, H.; and Knoll introduced:

H. F. No. 2097, A bill for an act relating to unlawful termination of life; providing that it is no defense to an action for death by wrongful act and certain crimes that after the act constituting the basis for civil or criminal liability was committed medical treatment was withdrawn from the victim; amending Minnesota Statutes 1974, Section 573.02, by adding a subdivision; and Chapter 609, by adding a section.

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

Skoglund, Clark, Byrne, Clawson and Dieterich introduced:

H. F. No. 2098, A bill for an act relating to juvenile court; abolishing the status offense jurisdiction of juvenile courts; amending Minnesota Statutes 1974, Sections 260.015, Subdivision 5; and 260.185, Subdivision 1.

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

Vanasek, Kvam, Suss, Setzepfandt and Dieterich introduced:

H. F. No. 2099, A bill for an act relating to civil procedure; admission of certain evidence in negligence actions.

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

Williamson, Pleasant, Abeln and Swanson introduced:

H. F. No. 2100, A bill for an act relating to the city of Bloomington; housing and redevelopment authority; rental assistance; home improvement loans and grants; amending Laws 1971, Chapter 616, Sections 1 and 2.

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

Pleasant; Faricy; Carlson, A.; Neisen and Zubay introduced:

H. F. No. 2101, A bill for an act relating to taxation; permitting certain executors to claim senior citizens' income tax credit due decedents; amending Minnesota Statutes 1974, Section 290.0602.

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

Heinitz introduced:

H. F. No. 2102, A bill for an act relating to taxation; changing the classification of certain mobile homes for purposes of assessment; amending Minnesota Statutes 1974, Section 273.13, Subdivision 4; and Minnesota Statutes, 1975 Supplement, Section 273.13, Subdivision 3.

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

Erickson, Fudro, Kvam, Neisen and Lemke introduced:

H. F. No. 2103, A bill for an act relating to motor vehicles; authorizing the issuance of special license plates to physically handicapped persons; amending Minnesota Statutes, 1975 Supplement, Section 168.021, Subdivisions 1 and 2.

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

Kahn introduced:

H. F. No. 2104, A bill for an act relating to highways; adding a new route to the trunk highway system in substitution of an existing route.

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 Bill was introduced:

Haugerud introduced:

H. A. B. No. 58, Unemployment compensation provisions relating to "voluntary quits".

The bill was referred to the Committee on Governmental Operations.

Kelly, W., was excused at 4:00 p.m. Smith was excused at 5:15 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.

Casserly, Schreiber and Berg offered the following amendment to H. F. No. 1530, as amended:

Page 6, lines 1 to 9, delete Section 7 and insert a new section to read:

"Sec. 7. [SYSTEMS STATEMENTS; RECONCILIATION PROCEDURES.] *If after affirmative and concerted efforts, a local governmental unit or school district and the council are unable to resolve disagreements over the content of a systems statement or amendment, the unit or district may by resolution request that a hearing be conducted by the advisory committee for the purpose of correcting errors in the systems statement or amendment or examining the factual assumptions on which it is based. The request shall be made by the unit or district within 60 days after receipt of the systems statement or amendment and shall be accompanied by a description of the disagreement together with specific proposed amendments to the systems statement to correct the claimed errors or mistaken assumptions and an explanation and justification of each proposed amendment. Hearings shall be conducted by the advisory committee, or a hearing officer engaged by the committee, within 60 days after request, provided that the committee may consolidate hearings on related requests. Within 30 days after the hearing the committee, by resolution containing findings of fact and conclusions, shall make its recommendations to the council respecting the proposed amendments. Within 30 days of receipt of the advisory committee's recommendations the council, by resolution containing findings of fact and conclusions, shall make a final determination respecting the proposed amendments and shall if necessary modify the systems statement accordingly. At any point in the reconciliation procedure established by this section, the council and a local governmental unit or district may resolve their disagreement by stipulation.*"

Pursuant to Rule 1.6, a roll call was taken on the following amendment to the Casserly, Schreiber and Berg amendment offered by Sieben, M.:

Strike everything in the Casserly, Schreiber and Berg amendment and insert:

Page 2, after line 22, insert a new subdivision to read:

"Subd. 4. "Board" or "Board of Appeals" shall mean the Board of Appeals established pursuant to section 4 of this act."

Renumber the following subdivisions accordingly.

Page 4, after line 14, insert a new section to read:

"Sec. 4. [BOARD OF APPEALS.] When disputes arise between the council and local governmental units or school districts, the board of appeals shall mediate such disputes at public hearings conducted within the affected unit or district. The board of appeals shall consist of seven county commissioners, one from each county in the metropolitan area, appointed by the respective county boards each year for one year terms, one council member appointed by the metropolitan council, and one local elected official appointed by the affected unit or district. The board shall elect its own chairman from among its members and shall hold public hearings as determined by the board. Its rulings shall be final subject to appeal to the courts."

Renumber the following sections accordingly.

Page 6, line 1, delete "45" and insert "90".

Page 6, line 4, delete "request the council to conduct a hearing at".

Page 6, delete lines 5 to 9 and insert "by resolution request the council to modify any portion of the metropolitan systems statement or amendment or any portion of metropolitan system plans. A request for modification shall be accompanied by an explanation of the reasons necessitating or justifying the request. The council shall conduct a hearing to consider the request and not later than 30 days after the hearing shall by resolution, containing findings of fact and final order, affirm or modify the systems statement or systems plans. The local unit or district may appeal the council's decision to the board which shall hold a public hearing in the affected unit or district to hear the issues. The subject of the hearing shall extend to questions concerning the need for, and basis or reasonableness of the metropolitan system plans which apply to that local unit or district. Within 45 days of the council's decision, the board shall make a decision respecting the requested modifications of the systems statement or system plans which shall be binding on all parties subject to appeal to the courts."

Page 14, line 31, delete "may commence civil proceedings to enforce".

Page 14, delete line 32 and insert "may appeal to the board of appeals for final determination. Any party to the dispute may appeal the determination of the board to the district court where the local governmental unit or district is located."

Page 17, after line 19, insert a new section to read as follows:

"Sec. 19. [ADMINISTRATIVE REVIEW.] Any local governmental unit or school district aggrieved by a final council order may request the council to reconsider its order. If the unit or district and the council are unable to reach an agreement on the matter that is acceptable to the parties, then a record of the disagreement, stating the positions of both parties, shall be made and presented to the board of appeals. The board, after notice and hearings as provided by chapter 15 for contested cases, shall make a final decision which shall be binding on all parties. The board shall have the power to resolve the dispute and for this purpose may direct the council to amend any systems statement or system plan to the extent necessary to effect a resolution. The board's review authority shall include examination of questions concerning the need for, basis, and reasonableness of the metropolitan system plans which apply to that local unit or district."

Renumber the following sections accordingly.

Page 17, line 22, delete "section" and insert "sections 7 or".

The roll being called, there were yeas 56, and nays 68, as follows:

Those who voted in the affirmative were:

Abeln	Forsythe	Kaley	Neisen	Suss
Adams, S.	Friedrich	Kempe, A.	Nelsen	Swanson
Albrecht	Fugina	Kempe, R.	Niehaus	Vanasek
Anderson, G.	Haugerud	Ketola	Novak	Wenzel
Anderson, I.	Heinitz	Knickerbocker	Parish	White
Biersdorf	Jacobs	Laidig	Patton	Wieser
Birnstihl	Jaros	Langseth	St. Onge	Wigley
Clawson	Jensen	Lindstrom	Samuelson	Zubay
Corbid	Johnson, C.	Mangan	Sieben, H.	
Doty	Johnson, D.	McCarron	Sieben, M.	
Ewald	Jopp	McCauley	Smith	
Fjoslien	Jude	Metzen	Spanish	

Those who voted in the negative were:

Adams, L.	Dahl	Kahn	Nelson	Simoneau
Arlandson	Dean	Kalis	Norton	Skoglund
Beauchamp	DeGroat	Kelly, R.	Osthoff	Smogard
Begich	Dieterich	Kelly, W.	Pehler	Stanton
Berg	Eken	Knoll	Petrafeso	Tomlinson
Berglin	Erickson	Kostohryz	Pleasant	Ulland
Braun	Esau	Kroening	Prahl	Vento
Brinkman	Evans	Luther	Reding	Volk
Byrne	Faricy	Mann	Sarna	Voss
Carlson, A.	Fudro	McCollar	Schreiber	Wenstrom
Carlson, L.	George	McEachern	Schumacher	Williamson
Carlson, R.	Graba	Menning	Setzepfandt	Speaker Sabo
Casserly	Hanson	Moe	Sherwood	
Clark	Hokanson	Munger	Sieloff	

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

Pursuant to Rule 1.6, a roll call was taken on the following amendment to H. F. No. 1530, as amended, offered by Mangan:

Page 1, line 4, strike "and school districts".

Page 1, line 23, strike the second "and".

Page 1, line 24, strike "school districts".

Page 2, line 8, strike "and school district".

Page 2, line 30, strike "or".

Page 2, line 31, strike "school districts".

Page 4, line 2, strike Subdivision 11.

Page 4, line 23, strike "and to each school".

Page 4, strike all of line 24.

Page 4, line 25, strike "systems statements affecting school districts".

Page 5, line 18, strike "and school".

Page 5, strike all of line 19.

Page 5, line 20, strike "improvement programs submitted to the council,".

Page 5, line 30 strike "or school district".

Page 6, line 3, strike "or school".

Page 6, line 4, strike "district".

Page 6, line 5, strike "or district".

Page 6, line 19, strike "and affected".

Page 6, line 20, strike "school districts".

Page 7, line 21, strike "and affected school districts".

Page 10, and 11, strike all of Section 13.

Page 12, line 25, strike all of Subd. 2.

Page 13, line 7, strike "capital".

Page 13, line 8, strike "*improvement program of a school district or amendment*".

Page 13, line 9, strike "*thereto*".

Page 13, line 15, strike "*or*".

Page 13, line 16, strike "*school district*".

Page 13, line 26, strike "*or*".

Page 13, line 27, strike "*district*".

Page 13, line 30, strike "*or district*".

Page 13, line 31, strike "*or district*".

Page 14, line 1, strike "*or district*".

Page 14, line 13, strike "*or the program of*".

Page 14, line 14, strike "*the school district*".

Page 14, line 17, strike "*or the capital improvement*".

Page 14, line 18, strike "*program of a school district*".

Page 14, line 24, strike "*or if a school district fails to adopt a*".

Page 14, line 25, strike "*capital improvements program*".

Page 14, line 29, strike "*or school district*".

Page 15, line 2, strike "*or school district*".

Page 15, line 5, strike "*and each school district shall adopt its*".

Page 15, line 6, strike "*capital improvements program*".

Page 15, line 10, strike "*or the capital improvement*".

Page 15, line 11, strike "*program of a school district*".

Page 16, line 5, strike "*or*".

Page 16, line 6, strike "*school district*".

Page 17, line 8, strike "*or*".

Page 17, line 9, strike "school district".

Page 17, line 13, strike "or school district".

Page 17, line 21, strike "school district".

Page 17, line 25, strike "district".

The roll being called, there were yeas 50, and nays 74, as follows:

Those who voted in the affirmative were:

Abeln	Ewald	Jopp	McCauley	Setzepfandt
Adams, S.	Fjoslien	Jude	Metzen	Sieben, H.
Albrecht	Forsythe	Kaley	Neisen	Smith
Arlandson	Friedrich	Kalis	Nelsen	Suss
Biersdorf	Fugina	Kempe, R.	Niehaus	Swanson
Birnstihl	Heinitz	Knickerbocker	Novak	Wenzel
Eckstein	Hokanson	Kvam	Parish	White
Erickson	Jensen	Laidig	Peterson	Wieser
Esau	Johnson, C.	Lemke	Pleasant	Wigley
Evans	Johnson, D.	Mangan	Samuelson	Zubay

Those who voted in the negative were:

Adams, L.	Clawson	Kahn	Munger	Sieben, M.
Anderson, G.	Corbid	Kelly, R.	Nelson	Sieloff
Anderson, I.	Dean	Kempe, A.	Norton	Simoneau
Beauchamp	DeGroat	Ketola	Osthoff	Skoglund
Begich	Dieterich	Knoll	Patton	Smogard
Berg	Doty	Kostohryz	Pehler	Stanton
Berglin	Eken	Kroening	Petraleso	Tomlinson
Braun	Enebo	Langseth	Prahl	Ulland
Brinkman	Faricy	Lindstrom	Reding	Vento
Byrne	Fudro	Luther	St. Onge	Volk
Carlson, A.	George	Mann	Sarna	Voss
Carlson, L.	Graba	McCarron	Schreiber	Wenstrom
Carlson, R.	Hanson	McCollar	Schulz	Williamson
Casserly	Jacobs	Menning	Schumacher	Speaker Sabo
Clark	Jaros	Moe	Sherwood	

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

Pursuant to Rule 1.6, a roll call was taken on the following amendment to H. F. No. 1530, as amended, offered by Sieben, H.:

Page 6, delete the new Sec. 7 (inserted by previous amendment) and insert:

"Sec. 7. [APPEAL.] Within 90 days after receipt of its metropolitan systems statement, or parts thereof or amendments thereto, any local governmental unit or school district may by resolution of its governing body request the council to modify any portion of the metropolitan systems statement or amend-

ments. The request for modification shall be specific as to the change being requested and the reasons necessitating the change. Within 45 days after receipt of the request for modification the council shall hold a hearing on the request according to the procedures established in chapter 15 for contested cases, except that the report of the hearing examiner provided for in section 15.052, subdivision 3, shall be binding on all parties."

Page 17, delete the last two sentences of the new Sec. 19 (inserted by previous amendment) and insert:

"All parts of the hearing examiners report shall be binding on the parties to the proceeding and shall be implemented by an order from the hearing examiner. Any party to the proceeding aggrieved by the report or order of the hearing examiner may appeal in the manner provided in chapter 15 for contested cases."

The roll being called, there were yeas 68, and nays 58, as follows:

Those who voted in the affirmative were:

Adams, L.	Doty	Johnson, C.	Lindstrom	Samuelson
Adams, S.	Eckstein	Johnson, D.	Mangan	Sieben, H.
Albrecht	Erickson	Jopp	Mann	Sieben, M.
Anderson, G.	Esau	Jude	McCauley	Sieloff
Anderson, I.	Evans	Kaley	Metzen	Suss
Begich	Ewald	Kalis	Neisen	Swanson
Biersdorf	Forsythe	Kempe, A.	Niehaus	Vanasek
Birnstihl	Friedrich	Kempe, R.	Novak	Wenstrom
Braun	Fugina	Ketola	Parish	Wenzel
Brinkman	Heinitz	Knickerbocker	Patton	White
Carlson, R.	Hokanson	Kvam	Peterson	Wigley
Clawson	Jacobs	Laidig	Pleasant	Zubay
Corbid	Jaros	Langseth	Reding	
DeGroat	Jensen	Lemke	St. Onge	

Those who voted in the negative were:

Abeln	Dieterich	Knoll	Osthoff	Spanish
Arlandson	Eken	Kostohryz	Pehler	Stanton
Beauchamp	Enebo	Kroening	Petrafeso	Tomlinson
Berg	Faricy	Luther	Prahl	Ulland
Berglin	Fjoslien	McCarron	Sarna	Vento
Byrne	Fudro	McCollar	Schreiber	Volk
Carlson, A.	George	Menning	Schumacher	Voss
Carlson, L.	Graba	Moe	Setzepfandt	Wieser
Casserly	Hanson	Munger	Sherwood	Williamson
Clark	Haugerud	Nelsen	Simoneau	Speaker Sabo
Dahl	Kahn	Nelson	Skoglund	
Dean	Kelly, R.	Norton	Smogard	

The motion prevailed and the amendment was adopted.

Pursuant to Rule 1.6, a roll call was taken on the motion of Casserly to recommend passage of H. F. No. 1530, as amended.

The roll being called, there were yeas 89, and nays 38, as follows:

Those who voted in the affirmative were:

Abeln	Dahl	Kahn	Munger	Sieben, H.
Adams, L.	Dean	Kalis	Neisen	Sieben, M.
Adams, S.	DeGroat	Kelly, R.	Nelson	Sieloff
Anderson, G.	Dieterich	Kempe, A.	Norton	Simoneau
Anderson, I.	Doty	Ketola	Novak	Skoglund
Arlandson	Eckstein	Knoll	Osthoff	Smogard
Beauchamp	Eken	Kostohryz	Patton	Stanton
Begich	Enebo	Kroening	Pehler	Swanson
Berg	Faricy	Langseth	Petrafeso	Tomlinson
Berglin	Fudro	Lemke	Prahl	Ulland
Braun	Fugina	Lindstrom	Reding	Vanasek
Byrne	George	Luther	St. Onge	Vento
Carlson, A.	Graba	Mann	Sarna	Voss
Carlson, L.	Hanson	McCauley	Schreiber	Wenstrom
Carlson, R.	Haugerud	McCollar	Schulz	Wenzel
Casserly	Hokanson	McEachern	Schumacher	Williamson
Clark	Jaros	Menning	Setzepfandt	Speaker Sabo
Corbid	Johnson, D.	Moe	Sherwood	

Those who voted in the negative were:

Albrecht	Ewald	Jopp	Metzen	Suss
Biersdorf	Fjoslien	Jude	Nelsen	Volk
Birnstihl	Forsythe	Kaley	Niehaus	White
Brinkman	Friedrich	Kempe, R.	Parish	Wieser
Clawson	Heinitz	Knickerbocker	Peterson	Wigley
Erickson	Jacobs	Kvam	Pleasant	Zubay
Esau	Jensen	Laidig	Samuelson	
Evans	Johnson, C.	Mangan	Savelkoul	

The motion prevailed.

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

H. F. No. 1530 upon which it recommended to pass with the following amendments:

Offered by Casserly, Schreiber and Berg:

Page 3, line 1, delete "7" and insert "8".

Page 3, line 2, delete "11" and insert "12".

Page 4, line 8, delete "*Laws 1975, Chapter 13, Section 4*" and insert "*Minnesota Statutes, 1975 Supplement, Section 473.127*".

Page 6, line 17, delete "13" and insert "14".

Page 8, delete line 3 and insert "*Minnesota Statutes, 1975 Supplement, Section 473.204*".

Page 9, line 21, delete "8" and insert "9".

Page 9, line 24, delete "8" and insert "9".

Page 10, line 10, delete "8" and insert "9".

Page 10, line 13, delete "8" and insert "9".

Page 10, line 18, delete "8" and insert "9".

Page 10, line 23, delete "10" and insert "11".

Page 10, line 24, delete "10" and insert "11".

Page 11, line 3, delete "13" and insert "14".

Page 11, line 32, delete "*Laws 1975, Chapter 13, Section 19*" and insert "*Minnesota Statutes, 1975 Supplement, Section 473.175*".

Page 12, line 2, delete "Sec. 19. [473.175]" and insert "473.175".

Page 15, line 8, delete "13" and insert "14".

Page 17, line 22, delete "13" and insert "14".

Further amend the title as follows:

Line 7, delete "Laws 1975, Chapter 13,".

Delete line 8 and insert "*Minnesota Statutes, 1975 Supplement, Section 473.175*".

Offered by Casserly, Schreiber and Berg:

Page 4, line 22, delete "1976" and insert "1977".

Page 5, line 23, delete "1977" and insert "1978".

Page 9, line 25, delete "1976" and insert "1977".

Page 10, line 22, delete "1976" and insert "1977".

Page 10, line 32, delete "1979" and insert "1980".

Offered by Casserly, Schreiber and Berg:

Page 2, line 29, after "*the*" and before "*impact*" insert "*financial*".

Page 2, line 30, delete *"current operating expense of the"*.

Page 4, line 12, after *"county"* insert *", one from each generalized policy area identified in the development framework adopted by the council on March 27, 1975,"*.

Page 12, line 18, delete *"may"* and insert *"shall"*.

Page 13, line 11, after *"modifications"* insert *"to assure conformance with the metropolitan system plans"*.

Offered by Casserly, Schreiber and Berg:

Page 6, lines 1 to 9, delete section 7 and insert a new section to read:

"Sec. 7. [SYSTEMS STATEMENTS; RECONCILIATION PROCEDURES.] *If after affirmative and concerted efforts, a local governmental unit or school district and the council are unable to resolve disagreements over the content of a systems statement or amendment, the unit or district may by resolution request that a hearing be conducted by the advisory committee for the purpose of correcting errors in the systems statement or amendment or examining the factual assumptions on which it is based. The request shall be made by the unit or district within 60 days after receipt of the systems statement or amendment and shall be accompanied by a description of the disagreement together with specific proposed amendments to the systems statement to correct the claimed errors or mistaken assumptions and an explanation and justification of each proposed amendment. Hearings shall be conducted by the advisory committee, or a hearing officer engaged by the committee, within 60 days after request, provided that the committee may consolidate hearings on related requests. Within 30 days after the hearing the committee, by resolution containing findings of fact and conclusions, shall make its recommendations to the council respecting the proposed amendments. Within 30 days of receipt of the advisory committee's recommendations the council, by resolution containing findings of fact and conclusions, shall make a final determination respecting the proposed amendments and shall if necessary modify the systems statement accordingly. At any point in the reconciliation procedure established by this section, the council and a local governmental unit or district may resolve their disagreement by stipulation."*

Offered by Casserly, Schreiber and Berg:

Page 13, line 11, delete *"required"* and insert *"its decision, if any, to request"*.

Page 13, line 12, delete *"Any modifications"*.

Page 13, delete line 13.

Page 13, line 14, delete "*findings of fact and final order.*".

Page 13, line 21, delete "*required*".

Page 13, line 21, after "*program*" and before the period insert "*required by a final decision, order, or judgment made pursuant to section 19*".

Page 14, line 28, after "*and*" and before "*the*" insert "*that*".

Page 14, line 29, delete "*does not adopt*" and insert "*has not adopted*".

Page 14, line 30, delete "*required modifications*" and insert "*modifications required pursuant to section 19*".

Page 14, line 31, after "*time*" and before the comma insert "*following a final decision, order, or judgment made pursuant to section 19*".

Page 15, line 7, delete "*receipt of the council's*".

Page 15, delete line 8 and insert "*a final decision, order, or judgment made pursuant to section 19.*".

Page 17, lines 20 to 28, delete section 19, and insert a section to read:

"Sec. 19. [CONTESTED CASES; ADMINISTRATIVE AND JUDICIAL REVIEW.] *The council's decision to request modification under section 14 may be contested by the affected local governmental unit or school district. The unit or district shall have 60 days within which to request a hearing on the council's decision to request modification. If within 60 days the unit or district has not requested a hearing, the council shall make its final decision whether to require modification. If an affected unit or district requests a hearing, the request for hearing shall be granted, and the hearing shall be conducted by the state office of hearing examiners in the manner provided by chapter 15 for contested cases. The subject of the hearing shall not extend to questions concerning the need for, or the basis or reasonableness of, the metropolitan system plans or any part thereof. In the report of the hearing examiner the costs of the hearing shall be apportioned among the parties to the proceeding. Upon receipt of the hearing examiners report, the council shall make its final decision whether to require modification in the manner provided by chapter 15 for contested cases. Any party to the proceeding aggrieved by this final decision, or by a final order or judgment rendered on appeal to the district court, may appeal in the manner provided by chapter 15 for contested cases.*"

Offered by Sieben, H.:

Page 6, delete the new Sec. 7 (inserted by previous amendment) and insert:

"Sec. 7. [APPEAL.] *Within 90 days after receipt of its metropolitan systems statement, or parts thereof or amendments thereto, any local governmental unit or school district may by resolution of its governing body request the council to modify any portion of the metropolitan systems statement or amendments. The request for modification shall be specific as to the change being requested and the reasons necessitating the change. Within 45 days after receipt of the request for modification the council shall hold a hearing on the request according to the procedures established in chapter 15 for contested cases, except that the report of the hearing examiner provided for in section 15.052, subdivision 3, shall be binding on all parties.*"

Page 17, delete the last two sentences of the new Sec. 19 (inserted by previous amendment) and insert:

"All parts of the hearing examiners report shall be binding on the parties to the proceeding and shall be implemented by an order from the hearing examiner. Any party to the proceeding aggrieved by the report or order of the hearing examiner may appeal in the manner provided in chapter 15 for contested cases."

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

MOTIONS AND RESOLUTIONS

Osthoff moved that his name be stricken as an author on H. F. No. 1411. The motion prevailed.

Sherwood moved that the name of Sherwood be stricken and the name of Arlandson be shown as chief author on H. F. No. 154. The motion prevailed.

Wenzel moved that his name be stricken as an author on H. F. No. 1196. The motion prevailed.

Wenzel moved that his name be stricken as an author on H. F. No. 1356. The motion prevailed.

Johnson, D., moved that the names of Casserly, Ulland, and Jaros be added as authors on H. F. No. 1358. The motion prevailed.

George moved that his name be stricken as an author on H. F. No. 877. The motion prevailed.

Eckstein moved that his name be stricken as an author on H. F. No. 1807. The motion prevailed.

Wenzel moved that his name be stricken as an author on H. F. No. 1192. The motion prevailed.

Hokanson moved that her name be stricken as an author on H. F. No. 1616. The motion prevailed.

Carlson, R., moved that the name of Clawson be added as an author on H. F. No. 1384. The motion prevailed.

Langseth moved that the name of Kelly, W., be stricken as an author on H. F. No. 510. The motion prevailed.

Suss moved that the name of Stanton be stricken as an author on H. F. No. 1835. The motion prevailed.

Laidig moved that the name of Menning be added as an author on H. F. No. 1333. The motion prevailed.

Kroening moved that the name of Heinitz be added as an author on H. F. No. 1322. The motion prevailed.

Langseth moved that the name of Jopp be added as an author on H. F. No. 1831. The motion prevailed.

Johnson, D., moved that his name be stricken as an author on H. F. No. 1909. The motion prevailed.

Skoglund moved that the names of Knoll and Swanson be added as authors on H. F. No. 1885. The motion prevailed.

Haugerud moved that the name of Skoglund be shown as chief author and the name of Haugerud be shown as fourth author on H. F. No. 1684. The motion prevailed.

McCarron moved that H. F. No. 1917, now in the Committee on Commerce and Economic Development be returned to its author. The motion prevailed.

McCarron moved that House File No. 1621, now in the Committee on Local and Urban Affairs, be returned to its author. The motion prevailed.

Nelsen introduced:

House Resolution No. 16, A house resolution congratulating the Long Prairie High School Marching Band.

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

Parish, Smogard, Schumacher and Patton introduced:

House Resolution No. 17, A house resolution urging Congress, the President, the Army Corps of Engineers, and the Environmental Protection Agency to refrain from extending federal regulation beyond the navigable waters of the United States.

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

Volk, Niehaus and Brinkman introduced:

House Resolution No. 18, A house resolution providing an interim committee to investigate the constitutionality of federal and state metro regional government.

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

Faricy introduced:

House Resolution No. 19, A house resolution congratulating Mary Murphy on her success in the Miss Minnesota Teenager competition.

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

Munger, for the Committee on Environment and Natural Resources, introduced:

House Resolution No. 20, A house resolution relating to water level problems at Upper and Lower Red Lake.

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

Ewald introduced:

House Resolution No. 21, A house resolution congratulating the Happiness Emporium barbershop quartet.

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

Savelkoul introduced:

House Resolution No. 22, A house resolution providing for the dates of committee reports and adjournment.

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

Carlson, R., introduced:

House Resolution No. 23, A house resolution congratulating the Moose Lake High School Girls Volleyball team on winning the State Championship.

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

Savelkoul introduced:

House Concurrent Resolution No. 13, A house concurrent resolution providing for reports of standing committees and the day of adjournment in 1976.

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

Savelkoul introduced:

House Concurrent Resolution No. 14, A house concurrent resolution defining circumstances in which a per diem payment for expenses may be made to a member.

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

Savelkoul introduced:

House Concurrent Resolution No. 15, A house concurrent resolution amending the joint rule governing the conduct of conference committees.

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

Savelkoul introduced:

House Concurrent Resolution No. 16, A house concurrent resolution adding a joint rule to require two weeks notice of interim committee meetings.

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

Savelkoul introduced:

House Concurrent Resolution No. 17, A house concurrent resolution providing for the conduct of interim study committees.

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

ADJOURNMENT

Anderson, I., moved that the House adjourn. The motion prevailed and the Speaker declared the House adjourned until 2:00 p.m., Wednesday, February 4, 1976.

EDWARD A. BURDICK, Chief Clerk, House of Representatives