

STATE OF MINNESOTA

SIXTY-NINTH SESSION - 1976

SIXTY-EIGHTH DAY

SAINT PAUL, MINNESOTA, THURSDAY, FEBRUARY 12, 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	Dieterich	Kahn	Moe	Setzepfandt
Adams, L.	Doty	Kaley	Munger	Sherwood
Adams, S.	Eckstein	Kalis	Neisen	Sieben, H.
Albrecht	Eken	Kelly, R.	Nelsen	Sieben, M.
Anderson, G.	Enebo	Kelly, W.	Niehaus	Sieloff
Anderson, I.	Erickson	Kempe, A.	Norton	Simoneau
Arlandson	Esau	Kempe, R.	Novak	Skoglund
Beauchamp	Evans	Ketola	Osthoff	Smith
Begich	Ewald	Knickerbocker	Parish	Spanish
Berg	Faricy	Knoll	Patton	Stanton
Berglin	Fjoslien	Kostohryz	Pehler	Suss
Biersdorf	Forsythe	Kroening	Peterson	Swanson
Birnstihl	Friedrich	Kvam	Petrafeso	Tomlinson
Braun	Fugina	Laidig	Philbrook	Ulland
Brinkman	George	Langseth	Pleasant	Vanasek
Byrne	Graba	Lemke	Prahl	Vento
Carlson, A.	Hanson	Lindstrom	Reding	Volk
Carlson, L.	Haugerud	Luther	Rice	Voss
Carlson, R.	Hokanson	Mangan	St. Onge	Wenstrom
Casserly	Jacobs	Mann	Samuelson	Wenzel
Clark	Jaros	McCarron	Sarna	White
Clawson	Jensen	McCauley	Savelkoul	Wieser
Corbid	Johnson, C.	McCollar	Schreiber	Wigley
Dahl	Johnson, D.	McEachern	Schulz	Williamson
Dean	Jopp	Menning	Schumacher	Zubay
DeGroat	Jude	Metzen	Searle	Speaker Sabo

A quorum was present.

Fudro, Heinitz and Smogard were excused. Nelson was excused until 2:40 p.m.

The Chief Clerk proceeded to read the Journal of the preceding day. On the motion of Kalis 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. 1435, 764, 59, 437, 1337, 1558, 1735, 2103, 1897, 2077 and 1326 and S. F. Nos. 749 and 1647 have been placed in the members' files.

PETITIONS AND COMMUNICATIONS

The following communication was received:

STATE OF MINNESOTA
OFFICE OF THE GOVERNOR
ST. PAUL 55155

February 11, 1976

The Honorable Martin Sabo
Speaker of the House

Sir:

I have the honor to inform you that I received, approved, signed and deposited in the office of the Secretary of State the following House File:

H. F. No. 645, An Act relating to health; authorizing a state subsidy to local units of government for providing community health services; prescribing the powers of the state board of health; appropriating money.

Sincerely,

WENDELL R. ANDERSON
Governor

REPORTS OF STANDING COMMITTEES

Mann from the Committee on Agriculture to which was referred:

H. F. No. 903, A bill for an act relating to agriculture; requiring the regulation of the spraying and dusting of crops; requiring the regulation of agricultural pest control; weed seed; regulating economic poisons and devices; amending Minnesota Statutes 1974, Sections 18.033, by adding a subdivision; 18A.07; 21.47, Subdivisions 8 and 9; 21.49, Subdivision 1; and 24.074.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert:

"Section 1. [DEFINITIONS.] Subdivision 1. For the purpose of administering sections 1 to 25, the words and terms defined in this section have the meanings given them.

Subd. 2. "Active ingredient" means any ingredient which will prevent, destroy, repel, control, or mitigate any pests, or which acts as a plant regulator, defoliant, or desiccant.

Subd. 3. "Administrator" means the administrator of the United States environmental protection agency.

Subd. 4. "Adulterated" means any pesticide the strength or purity of which falls below the standard of quality as expressed on the labeling under which it is sold, any pesticide for which any substance has been substituted wholly or in part, or any pesticide from which any valuable constituent has been wholly or in part abstracted.

Subd. 5. "Approved agency" means an agency of a county, municipality or other political subdivision which has inspection personnel capable of carrying out the provisions of sections 1 to 25 and which has signed an agreement pursuant to Minnesota Statutes, Section 471.59.

Subd. 6. "Beneficial insects" means those insects which during their life cycle, are effective pollinators of plants, are parasites or predators of pests, or are otherwise beneficial.

Subd. 7. "Certified applicator" means an individual, including persons defined as commercial applicator, noncommercial applicator, private applicator, and structural pest control applicator, certified under sections 1 to 25 to use or supervise the use of any restricted use pesticide.

Subd. 8. "Commercial applicator" means a certified applicator other than a private applicator or noncommercial applicator who uses or supervises the use of any pesticide for any purpose or on any land.

Subd. 9. "Commissioner" means the commissioner of agriculture or his agent.

Subd. 10. "Device" includes any instrument, contrivance, or equipment other than a firearm, used for the application of pesticides when sold separately therefrom, intended for trapping, destroying or repelling pests.

Subd. 11. "Distribute" means to offer for sale, sell, barter, ship, deliver for shipment, receive and deliver, and offer to deliver pesticides in this state.

Subd. 12. "Environment" includes water, air, land, plants, persons, and animals and their inter-relationships.

Subd. 13. "EPA" means the United States environmental protection agency.

Subd. 14. "FIFRA" means the federal insecticide, fungicide, rodenticide act, as amended.

Subd. 15. "Imminent hazard" means the continued use of a pesticide, during the time required for cancellation proceedings, which will likely result in unreasonable adverse effects on the environment or will involve unreasonable hazard to the survival of a species declared endangered by the United States secretary of the interior under P.L. 91-135.

Subd. 16. "Ingredient statement" means a statement which contains the name and percentage of each active ingredient, the total percentage of all inert ingredients in the pesticide and, if the pesticide contains arsenic in any form, the percentages of total and water soluble arsenic each calculated as elemental arsenic.

Subd. 17. "Label" means the written, printed or graphic matter on, or attached to, the pesticide or device or any of their containers or wrappers.

Subd. 18. "Labeling" means all labels and other written, printed, or graphic matter:

(a) upon any pesticide or device or any of their containers or wrappers;

(b) accompanying the pesticide or device;

(c) to which reference is made on the label or literature accompanying the pesticide or device; or

(d) which relates or refers to the pesticide or device for the purpose of inducing the sale thereof.

Current official publications of the EPA, United States department of agriculture, United States department of interior, United States department of health, education and welfare, state agricultural experiment stations, state agricultural colleges, and other similar federal or state institutions or agencies authorized by law to conduct research in the field of pesticides are not labeling.

Subd. 19. "Land" means all land and water areas including air space and all plants, animals, structures, buildings, contri-

vances and machinery whether fixed or mobile, including anything used for transportation.

Subd. 20. "Licensed pesticide dealer" means any pesticide dealer licensed by the commissioner who sells to the ultimate consumer or any person licensed by the commissioner purchasing from an unlicensed source for his own use any restricted use pesticide.

Subd. 21. "Misbranded" applies to any pesticide or device that is an imitation of or is offered for sale under the name of another pesticide or a pesticide the labeling of which does not comply with the labeling requirements of sections 1 to 25 or rules promulgated thereunder, or the FIFRA and regulations promulgated thereunder.

Subd. 22. "Noncommercial applicator" means a person, including government officials, other than a commercial applicator, structural pest control applicator or private applicator who uses or supervises the use of restricted use pesticides on lands.

Subd. 23. "Person" means any individual, firm, corporation, partnership, association, trust, joint stock company or unincorporated organizations.

Subd. 24. "Pest" means any insect, rodent, nematode, fungus, weed, terrestrial or aquatic plant, animal life, virus, bacteria, or other organism which the commissioner by rule declares to be a pest except virus, bacteria, or other micro-organism on or in living man or other living animals.

Subd. 25. "Pesticide" means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest, and any substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant.

Subd. 26. "Plant regulator" means any substance or mixture of substances intended through physiological action to accelerate or retard the rate of growth or rate of maturation of a plant, or to otherwise alter the behavior of ornamental or crop plants or the produce thereof, but shall not include substances to the extent that they are intended as plant nutrients, trace elements, nutritional chemicals, plant inoculants, or soil amendments.

Subd. 27. "Private applicator" means a person who uses or supervises the use of any restricted use pesticide for the purpose of producing any agricultural commodity on land owned or rented by him or his employer or, if applied without compensation other than trading of personal services between producers of agricultural commodities, on the land of another person.

Subd. 28. "Protect the environment" means to protect against any unreasonable adverse effects on the environment other than on pests.

Subd. 29. "Registrant" means a person who has registered any pesticide under sections 1 to 25.

Subd. 30. "Restricted use pesticide" means any pesticide formulation designated under FIFRA or by the commissioner under sections 1 to 25 which when used in accordance with the directions for use and for the uses for which it is registered requires additional restrictions as to the rates, areas, times and conditions of use to protect the environment.

Subd. 31. "Spraying or dusting operations for hire" means the application for compensation of pesticides or plant growth regulators to land in any manner to regulate plant growth or to control or eradicate pests.

Subd. 32. "Structural pest" means pests in, on, under, or within six feet of any structure.

Subd. 33. "Structural pest control" means to control any pest through the use of any device, procedure, or application of pesticide in any house or in other structures including trucks, boxcars, ships, aircraft, docks, warehouses, and in fumigation vaults, and all business activity related to use of the device, procedure, or application of pesticide.

Subd. 34. "Structural pest control applicator" means any person engaged in structural pest control work for hire on the lands of another.

Subd. 35. "Under the direct supervision of a certified applicator" means, unless otherwise prescribed by its labeling, a pesticide applied by a person acting under the instruction and control of a certified applicator who is available even though such certified applicator is not physically present at the time and place the pesticide is applied.

Subd. 36. "Unreasonable adverse effects on the environment" means any unreasonable risk to the environment, considering the economic, social and environmental costs and benefits of the use of any pesticide.

Subd. 37. "Wildlife" means all living things that are neither human, domesticated, nor pests.

Sec. 2. [REGISTRATION, SALES, FEE.] Subdivision 1. Every pesticide offered for sale, sold or distributed in this state shall be registered with the commissioner. Registration shall be renewed annually prior to January 1. Registration is not re-

quired if a pesticide is shipped from one plant or warehouse to another plant or warehouse operated by the same person and used solely at the plant or warehouse as a constituent part to make a pesticide which is registered under the provisions of sections 1 to 25.

Subd. 2. The applicant for registration shall file with the commissioner a statement which shall include:

(a) The name and address of the applicant and the name and address of the person whose name will appear on the label, if other than the applicant;

(b) The name of the pesticide;

(c) Other necessary information required by the registration form;

(d) A complete copy of the labeling accompanying the pesticide and a statement of all claims to be made for it, including the directions for use and the use classification as provided for in FIFRA.

Subd. 3. The commissioner may require the submission of the complete formula of any pesticide including the active and inert ingredients.

Subd. 4. The commissioner may require the submission of other relevant information.

Subd. 5. Each application for registration and renewal shall be accompanied by a registration fee of \$10 for each pesticide registered. All such registrations shall expire on December 31 of any one year, unless cancelled.

Subd. 6. Any registration in effect on December 31 for which a renewal application has been made and the proper fee paid, shall continue in full force and effect until such time as the commissioner notifies the applicant that the registration has been renewed or until the registration is denied or cancelled.

Subd. 7. If the renewal of a pesticide registration is filed after December 31, or an original application is filed after the first month the pesticide is first manufactured or sold within this state, an additional fee of \$5 shall be paid by the applicant before the registration for that pesticide may be issued or renewed.

Subd. 8. The commissioner shall not make lack of essentiality a criterion for denying registration of any pesticide.

Sec. 3. [SPECIAL LOCAL NEEDS.] If the state is certified by the administrator to register pesticides to meet special

local needs, the applicant shall supply the information required by section 2 and the commissioner shall, subject to the terms and conditions of certification, register such pesticide if he determines that:

(a) Its composition is such as to warrant the proposed claims for it;

(b) Its label and other material required to be submitted comply with the requirements of sections 1 to 25;

(c) It will perform its intended function without unreasonable adverse effect on the environment;

(d) When used in accordance with widespread and commonly recognized practice it will not generally cause unreasonable adverse effects on the environment;

(e) The proposed classification for general use or restricted use, or both, is in conformity with FIFRA; and

(f) A special local need exists.

The commissioner may require a full description of tests and test results upon which claims are based for any pesticide not registered pursuant to section 3 of FIFRA, or for any pesticide on which restrictions are being considered.

The commissioner may require other relevant information. The applicant may request confidentiality of information submitted pursuant to section 15 of this act.

Sec. 4. [EXPERIMENTAL USE PERMITS.] *If the state is authorized by the administrator to issue experimental use permits, the commissioner may:*

(a) Issue an experimental use permit if he determines that the applicant needs the permit in order to accumulate information necessary to register a pesticide under section 2. An application for an experimental use permit may be filed at any time;

(b) Refuse to issue an experimental use permit if he determines that issuance of such permit is not warranted or that the use to be made of the pesticide under the proposed terms and conditions may cause unreasonable adverse effects on the environment;

(c) Prescribe terms, conditions, and period of time for the experimental use permit; and

(d) Revoke or modify an experimental use permit at any time if he finds that its terms or conditions are being violated,

or that its terms and conditions are inadequate to avoid unreasonable adverse effects on the environment.

Sec. 5. [CERTIFICATION REQUIREMENTS; PROHIBITION.] No person shall use or supervise the use of any restricted use pesticide without first complying with the certification requirements of sections 1 to 25, and with any other conditions determined by the commissioner to be necessary to prevent unreasonable adverse effects on the environment. A person who is not a certified applicator may use a restricted use pesticide only under the direct supervision of a certified applicator.

Sec. 6. [LICENSE, REGISTRATION, DEALER, APPLICATOR, FEE.] Subdivision 1. [RESTRICTED USE PESTICIDE DEALER LICENSE.] (a) Any person offering for sale or having in his possession with intent to distribute to the ultimate user a restricted use pesticide and any private applicator purchasing from an unlicensed source for his own use any restricted use pesticide shall obtain a license from the commissioner. Application for a restricted use pesticide dealer license shall be made upon the forms and in the manner, which may include an examination, as the commissioner requires to determine if the applicant is qualified to sell restricted use pesticides.

(b) Application for a license requires payment of a fee of \$35. Licenses shall be renewed annually prior to January 1, upon receipt of a \$35 fee and the completed application form.

(c) If an application for renewal of a restricted use pesticide dealer license is not filed prior to January 1 of any one year, an additional fee of \$10 shall be paid by the applicant before the renewal license may be issued.

(d) The dealer license shall not be transferable to another person or to another location.

(e) Each licensed restricted use pesticide dealer shall be responsible for the acts of each person employed by him in the solicitation and sale of restricted use pesticides.

(f) Provisions of this subdivision shall not apply to:

(1) A licensed commercial applicator, noncommercial applicator or structural pest control applicator who sells or uses pesticides only as an integral part of his pesticide application service;

(2) A federal, state, county, or municipal agency which provides pesticides only for its own programs; and

(3) A duly licensed pharmacist, physician, dentist, or veterinarian when administering or dispensing a restricted use pesticide for use in man or other animal in his practice.

Subd. 2. [COMMERCIAL APPLICATOR LICENSE.] (a) No commercial applicator shall use or supervise the use of any pesticide without a commercial applicator's license issued by the commissioner. Application for the license shall be made upon forms and in such manner, which may include an examination, as the commissioner may require. An aerial applicator shall secure an endorsement to his license showing that he has been licensed for commercial spraying or dusting operations, or both, in accordance with Minnesota Statutes, Chapter 360, and that he has passed an examination prepared by the department of aeronautics and administered by the department of agriculture, testing whether he is knowledgeable in the aerial application of pesticides. A person intending to apply pesticides in any public waters shall secure an endorsement to his license showing that he has passed an examination prepared by the department of natural resources and administered by the department of agriculture, testing whether he is knowledgeable in the application of pesticides in water.

(b) The commissioner may renew any applicator's license, subject to reexamination or other requirements imposed by the commissioner to ensure that the applicator understands changing technology and to assure a continuing level of competence and ability to use pesticides safely and properly.

(c) Each application for a license shall require payment of an annual fee of \$10 and an identification card fee of \$7.50 for the applicant and \$7.50 for each additional identification card desired.

(d) If the renewal application is not filed prior to March 1 in any year, an additional fee of \$5 shall be paid by the applicant before the renewal license may be issued.

(e) The license issued shall not be transferable to another person.

(f) Every licensee or his designated operator shall have an identification card when applying pesticides for hire and shall display it upon demand of an authorized representative of the commissioner or a law enforcement officer. The identification card shall contain such information as the commissioner may by rule require.

(g) A person required to be licensed under this subdivision who carries on spraying or dusting operations for hire or who employs or engages an applicator to carry on spraying or dusting operations for hire, shall be responsible for proper application of the material or device. He shall use materials, dosages, formulas, devices and methods of application acceptable to the commissioner based upon registered approved uses of the material or device within limits prescribed by state and federal

laws and regulations. He shall not be held liable for the actions of a chemical when applied in accordance with the recommendation of the manufacturer or the commissioner.

Subd. 3. [STRUCTURAL PEST CONTROL APPLICATOR LICENSE, REGISTRATION.] (a) No person shall engage in structural pest control applications for hire unless registered or licensed by the commissioner. Before any person shall engage in structural pest control application he shall apply on forms supplied by the commissioner for a registration or license to engage in such activities. The commissioner shall determine from the application and the statements contained therein if such applicant is qualified to be registered or to receive a license. The commissioner shall require the applicant to pass a written or an oral examination, or both, and may also require a practical demonstration regarding structural pest control. The examination procedure, including all the phases and contents of the examination, shall be established by the commissioner.

(b) A registration or license is effective until January 1 next following the date of its issuance, and may be renewed annually on or before that date. Registrations or licenses are not transferable to any other person.

(c) An annual fee of \$15 must accompany an application for registration or renewal where the applicant is licensed by a political subdivision or municipality to engage in structural pest control or \$75 if the applicant is not so licensed. Employees of a person who is registered or licensed under this subdivision shall pay a fee of \$10 for an initial license or registration and a fee of \$6 for each renewal thereof. The commissioner may establish other requirements for renewal as are necessary to assure competence of registrants or licensees.

(d) In case a delinquency in the payment of the license or registration renewal fee extends beyond three months the licensee or registrant will be required to obtain a new license or registration subject to all the requirements, procedures and fees required for an initial license or registration.

(e) The commissioner shall establish categories of master, journeyman, and apprentice in structural pest control applications. No person shall engage in structural pest control applications as a sole proprietorship, company, partnership, or corporation unless he is licensed or registered as a master in structural pest control applications or unless he employs a person so licensed or registered.

(f) The commissioner shall notify each licensee or registrant by mail that his fee is due and payable and if not received before the expiration date of the registration or license 50 percent will be added to the required annual renewal fee or fees.

Subd. 4. [NONCOMMERCIAL APPLICATOR.] (a) No noncommercial applicator may use a restricted use pesticide or supervise the use of a restricted use pesticide without having a valid noncommercial applicator license issued by the commissioner for use categories or subcategories for which the pesticide application is made.

(b) License applications shall be made upon forms and in the manner, which may include an examination, as the commissioner may prescribe to determine if the applicant is qualified.

(c) The commissioner may renew a license subject to re-examination or other requirements designed to ensure that the applicator continues to understand changing technology and to assure a continuing level of competence and ability to use pesticides safely and properly.

(d) Each application for a license shall require payment of an annual fee of \$10 and an identification card fee of \$7.50 for the applicant and \$7.50 for each additional identification card desired. Governmental agencies shall be exempt from the fee. The license shall be renewed annually prior to January upon payment of applicable fees and compliance with any other requirement.

(e) If an application for renewal of license is not filed prior to March 1, in any year, an additional fee of \$5 shall be paid by the applicant before the renewal license may be issued.

Sec. 7. [CLASSIFICATION OF LICENSES; STANDARDS.] The commissioner may classify or subclassify certifications or licenses as necessary for the administration and enforcement of sections 1 to 25. Such classifications may include, but not be limited to, pest control operators, ornamental, agricultural, or right-of-way pesticide applicators. Separate subclassifications may be specified as to ground, aerial, or manual methods to apply pesticides or to the use of pesticides to control insects, plant diseases, rodents, or weeds. Each classification shall be subject to separate testing procedures and requirements. No person shall be required to pay a fee for any classification or subclassification certificate or license if he has paid the fee for the license under which the particular classification or subclassification is placed.

Sec. 8. [RECORDS, REPORTS.] Subdivision 1. [LICENSED RESTRICTED USE PESTICIDE DEALER.] In addition to other requirements, all persons licensed to sell restricted use pesticides shall maintain records as required by the commissioner. Records shall be submitted periodically and at least once annually but in no case later than 30 days following the end of the license year. Records shall be upon forms supplied by the commissioner. All records required under this section shall be

kept and made available for inspection upon request by the commissioner, his agents, or officials of an approved agency for a period of two years from the date of sale.

Subd. 2. [LICENSED COMMERCIAL APPLICATOR.] Each licensed commercial applicator, or his authorized agent, shall keep and maintain a record of land treated. Such a record shall include, but not be limited to, the following: date of treatment; material and dosage used; number of units treated; name and address of customer; name of applicator; and signature of operator. Invoices containing the required information may constitute the required record. A copy of his record shall be given to a consumer. Records shall be kept and be available upon request of the commissioner or his agents or officials of an approved agency for a period of two years from the date of treatment.

Subd. 3. [LICENSED OR REGISTERED STRUCTURAL PEST CONTROL APPLICATOR.] Each registered or licensed person engaged in structural pest control applications shall maintain records of all structural pest control applications conducted by him or by his employees. The records shall include but not be limited to: the date of treatment; name of chemical used; temperature and exposure time if fumigating; method of application; name and address of customer; and any other information as may be required by the commissioner. Records shall be retained for two years.

Subd. 4. [INSPECTION OF RECORDS.] The commissioner shall have access to the records required to be kept by this section at any reasonable time and to make copies of the records. Unless required for the enforcement of sections 1 to 25, such information shall be confidential and if summarized shall not identify an individual person.

Subd. 5. [REPORTS.] Licensed commercial applicators, licensed or registered structural pest control applicators, and licensed noncommercial applicators shall report to the commissioner the use of all restricted use pesticides at least once annually but in no case later than 30 days following the end of the licensed year. Such reports shall be upon forms provided by the commissioner.

Subd. 6. [EPA.] The commissioner is authorized to make reports to the EPA as it may require.

Sec. 9. [PRIVATE APPLICATORS.] Subdivision 1. No private applicator shall use or supervise the use of any restricted use pesticide without first complying with the certification requirements determined by the commissioner as necessary to prevent unreasonable adverse effects on the environment by the proposed restricted pesticide.

Subd. 2. A private applicator shall be deemed competent to use restricted use pesticides when he attests that he: has read and understands the label; will use the pesticide according to the label directions; and is competent to use the pesticide properly.

Subd. 3. The commissioner may through cooperation with various government agencies provide training to ensure that certified private applicators continue to understand changing technology and to ensure a continuing level of competency and ability to use pesticides properly and safely.

Sec. 10. [CLAIM OF DAMAGE; INSPECTION; REPORT.] *Subdivision 1. A person claiming damage from the application of a pesticide may file with the commissioner a written statement containing his name and address, the name of the person for whom the application was done, the name of the applicator, the date of the application, the date of the damage, a description of the damage, a request that the commissioner inspect the damage, and such other information as the commissioner may require.*

Subd. 2. If the statement is filed within 30 days after the pesticide was applied or the damage occurred, or, if the alleged damage is to agricultural crops, prior to the time that 25 percent of the damaged crops have been harvested, whichever is the latest, the commissioner shall inspect the damage to see whether any provisions of sections 1 to 25 have been violated.

Subd. 3. The commissioner shall make a report of his findings and take such further action as he deems necessary. A copy of the report shall be available to any claimant or applicator, or their agents, upon written request.

Sec. 11. [STORAGE, HANDLING, DISPOSAL OF PESTICIDES AND CONTAINERS.] *Subdivision 1. No person shall store any pesticide or pesticide container in a manner which is likely to endanger humans, damage agricultural products, damage food and livestock, damage wildlife, damage beneficial insects or pollute the environment.*

Subd. 2. All pesticides and their containers shall be disposed of in accordance with law except when returned to the original manufacturer or distributor, or their agents for resale, reformulation, or disposal.

Sec. 12. [INSPECTION, ENFORCEMENT, JUDICIAL ACTION.] *Subdivision 1. [INSPECTION.] (a) The commissioner, and his agents, shall have access at reasonable times to all places where a person manufactures, formulates, distributes, uses, disposes of, stores or transports any pesticide or device and to all places affected by the use of any pesticide or device. The*

purposes for which entry to such places may be made shall include, but are not limited to:

(1) Inspect any equipment for the manufacture, formulation, distribution, disposal or application of pesticides and the premises on which such equipment is stored;

(2) Inspect or sample lands actually or reported to be exposed to pesticides;

(3) Inspect storage or disposal areas;

(4) Inspect or investigate complaints of injury to humans, wildlife, domesticated animals, or land;

(5) Sample pesticides being applied or to be applied; or

(6) Observe the use and application of a pesticide.

(b) Prior to leaving the premises inspected the commissioner shall give the owner, operator, or agent in charge, a receipt describing any samples obtained. If an analysis is made of the samples, a copy of the results of such analysis shall be furnished to the owner, operator, or agent in charge.

Subd. 2. [ENFORCEMENT.] (a) When the commissioner has reasonable cause to believe a pesticide or device is being distributed, stored, transported or used in violation of sections 1 to 25, or of any rules thereunder, he may issue and serve a written stop sale, use, or removal order upon the owner or custodian of any such pesticide or device. If the owner or custodian is not available for service of the order, the commissioner may attach the order to the pesticide or device and notify the owner or custodian and the registrant. The pesticide or device shall not be sold, used, or removed until the violation has been corrected and the pesticide or device has been released in writing under conditions specified by the commissioner, or until the violation has been otherwise disposed of by a court.

(b) If the commissioner is denied access to any land, he may apply to a court of competent jurisdiction for a search warrant authorizing access to the land. The court may, upon such application, issue the search warrant for the purpose requested upon a showing that probable cause exists that a violation of sections 1 to 25 is occurring or has occurred upon such land.

Subd. 3. [JUDICIAL ACTION.] (a) The commissioner is charged with the duty of enforcing sections 1 to 25 and any rules thereunder. In the event a county attorney refuses to act on behalf of the commissioner the attorney general may so act.

(b) *The commissioner may bring an action to enjoin a violation or threatened violation of sections 1 to 25 or any rule thereunder in a court of competent jurisdiction of the county in which such violation occurs or is about to occur.*

(c) *The commissioner when he believes that the public interest will be served best by so doing may seek to remedy minor violations by a suitable notice of warning in writing.*

(d) *The commissioner, after notice and hearing, may revoke, suspend or refuse to renew a registration, license, or certificate when a person is in violation of sections 1 to 25 or rules thereunder.*

Sec. 13. [SUBPOENAS.] *The commissioner may issue subpoenas to compel the attendance of witnesses or production of books, documents and records in any hearing affecting the authority or privilege granted by a license, registration, certification, or permit issued under sections 1 to 25.*

Sec. 14. [COOPERATIVE AGREEMENTS.] *The commissioner is authorized to enter into cooperative agreements with federal and state agencies for training, certification, and enforcement programs.*

Sec. 15. [PROTECTION OF TRADE SECRETS.] *Subdivision 1. In submitting data required by sections 1 to 25, the applicant may:*

(a) *Clearly mark any portions thereof which in his opinion are trade secrets, commercial, or financial information; and*

(b) *Submit such marked material separately from other material.*

Subd. 2. The commissioner shall not make any information public which in his judgment contains or relates to trade secrets or to commercial or financial information and obtained from a person who marked it privileged or confidential. When necessary, information relating to formulas of products may be revealed to any state or federal agency consulted and may be revealed at a public hearing or in findings of facts issued by the commissioner.

Subd. 3. If the commissioner proposes to release information which the applicant or registrant believes to be protected from disclosure under subdivision 2 he shall notify the applicant or registrant by certified mail. The commissioner shall not make the information available for inspection until 30 days after receipt of the notice by the applicant or registrant. During this period the applicant or registrant may institute an action in an appropriate court for a declaratory judgment as to whether such information is subject to protection under subdivision 2.

Sec. 16. [FINANCIAL RESPONSIBILITY.] *Subdivision 1. Prior to issuance or renewal of a commercial applicator license or structural pest control applicator registration or license, the applicant shall furnish proof of financial responsibility by means of a performance bond or insurance covering the applicant's pest control activities in an amount determined by the commissioner. Such bond or insurance shall cover a period of time at least equal to the term of the applicant's license or registration. The commissioner shall immediately suspend the license of anyone failing to maintain the required bond or insurance. The performance bond or insurance policy shall contain a provision requiring the insurance or bonding company to notify the commissioner ten days prior to the effective date of cancellation, termination or any other change of the bond or insurance. In the event of any recovery against the bond or insurance, additional coverage shall be secured so as to maintain financial responsibility equal to the original amount required.*

Subd. 2. An employee of a registered or licensed person need not maintain an insurance policy or bond during the time when his employer is maintaining the required insurance or bond.

Subd. 3. Applications for reinstatement of a registration or license suspended under the provisions of this section shall be accompanied by proof of satisfaction of judgments previously rendered.

Sec. 17. [INCIDENTS.] *The commissioner is authorized to apply appropriate and efficient procedures to contain and control pesticides involved in an emergency, which is an incident likely to cause adverse effects on the environment. For purposes of this section an incident includes a flood, fire, tornado, or motor vehicle accident, which unintentionally releases pesticides on the environment. Persons involved in or responsible for an incident shall report the incident to the commissioner immediately on discovering the incident. The department of agriculture shall be the lead government agency for decisions involving the emergency.*

Sec. 18. [AGENT FOR SERVICE OF PURPOSE.] *All nonresident commercial and structural pest control applicator licensees licensed as individuals shall appoint the commissioner as the agent upon whom all legal process may be served and service upon the commissioner shall be deemed to be service on the licensee.*

Sec. 19. [DELEGATION OF DUTIES.] *The functions vested in the commissioner by sections 1 to 25 may be delegated by him to such employees or agents of the department as he may from time to time designate.*

Sec. 20. [RECIPROCAL AGREEMENT.] *The commissioner may waive all or part of the examination requirements*

provided for in sections 1 to 25 on a reciprocal basis with any other jurisdiction which has substantially the same requirements. Licenses or certificates issued pursuant to this section may be suspended or revoked upon suspension or revocation of the license or certificate of another jurisdiction supporting the issuance of a Minnesota license or certificate and in the same manner as other licenses and certificates.

Sec. 21. [DISPOSITION OF FUNDS.] *All moneys received by the commissioner under the provisions of sections 1 to 25 shall be deposited in the state treasury to the credit of the general fund.*

Sec. 22. [UNSATISFIED JUDGMENTS.] *No applicant for commercial or structural pest control applicator license nor any commercial or structural pest control applicator licensee shall permit any final judgment against him for damages arising out of his carrying on pesticide application operations for hire to remain unsatisfied for a period of more than 30 days. The commissioner shall suspend the registration or license of any person for failure to satisfy within 30 days a final judgment resulting from pest control activities.*

Sec. 23. [ADOPTION OF RULES.] *Subdivision 1. The commissioner is authorized to adopt rules necessary for the enforcement of sections 1 to 25 including, but not limited to, the following:*

(a) The declaration of any form of plant or animal life which is injurious to health or the environment as a pest, other than man and other than bacteria viruses and other micro-organisms on or in living man or other living animals.

(b) The collection, examination and reporting of samples of pesticides.

(c) The safe handling, transportation, storage, display, distribution, and disposal of pesticides and their containers.

(d) The labeling requirements of all pesticides required to be registered under sections 3 and 4.

(e) The prescription of methods to be used in the application of pesticides, including the designation of a pesticide as a restricted use pesticide where the commissioner finds that it is necessary to protect the environment and to carry out the purpose and intent of sections 1 to 25.

(f) The requirement that any pesticides registered be colored or discolored if it is determined that such requirement is feasible and is necessary for the protection of the environment.

(g) *The establishment of standards for packages and wrappings of pesticides registered for special local needs.*

(h) *The determination of state restricted use pesticides for the state or for designated areas within the state for the purpose of uniformity and in order to enter into cooperative agreements.*

(i) *The amount of performance bond or liability insurance required pursuant to section 16.*

Subd. 2. Rules adopted pursuant to sections 1 to 25 shall not permit any pesticide use which is prohibited by FIFRA and regulations or orders issued thereunder.

Subd. 3. Rules adopted pursuant to sections 1 to 25 and relating to certified applicators of restricted use pesticides, special local needs registrations, and experimental use permits shall not be inconsistent with the requirements of FIFRA and regulations promulgated thereunder.

Sec. 24. [PRIOR LIABILITY.] *Sections 1 to 25 shall not terminate or in any way modify any civil or criminal liability for an act of commission or omission occurring prior to January 1, 1977.*

Sec. 25. [PENALTIES.] *Subdivision 1. Any person violating sections 1 to 25 or rules thereunder is guilty of a misdemeanor for the first violation and a gross misdemeanor for any subsequent violation.*

Subd. 2. If there was no probable cause for an administrative action, including the issuance of a stop sale, use, or removal order, a court may allow recovery for damages caused by the administrative action.

Sec. 26. *Minnesota Statutes 1974, Section 21.47, Subdivision 8, is amended to read:*

Subd. 8. [PROHIBITED WEED SEEDS.] *"Prohibited weed seeds" are those weed seeds which are prohibited from being present in any agricultural seed. They are the seeds of perennial weeds such as not only reproduce by seed, but also spread by underground reproductive parts such as roots and rootstocks, and above ground reproductive parts such as runners and stolons. The prohibited weed seeds are seeds of Canada thistle (*Cirsium arvense* Scop.), field bindweed (*Convolvulus arvensis* L.), leafy spurge (*Euphorbia esula* L.), perennial pepper grass (*Lepidium draba* L.), perennial sow thistle (*Sonchus arvensis* L.), and Russian knapweed (*Centaurea repens* L.) (AND QUACK GRASS (*AGROPYRON REPENS* L.)), which are highly destructive and difficult to control in this state by ordinary cultural practices.*

Sec. 27. Minnesota Statutes 1974, Section 21.47, Subdivision 9, is amended to read:

Subd. 9. [RESTRICTED WEED SEEDS.] "Restricted weed seeds" are those weed seeds which, if present in agricultural seed, shall be named on the label together with the number per ounce or pound of seed specified and which shall not exceed the legal limit. They are seeds of such weeds as are objectionable in fields, lawns and gardens of this state, and can be controlled by good cultural practice and use of herbicides. Restricted weed seeds are seeds of buckhorn plantain (*Plantago lanceolata* L.), dodder (*Cuscuta* spp.), Frenchweed (*Thlaspi arvense* L.), hoary alyssum (*Berterea incana* DC.), horse nettle, (*Solanum carolinense* L.), quack grass (*Agropyron repens* L.), and wild mustard (*Brassica arvensis* L.).

Sec. 28. Minnesota Statutes 1974, Section 21.49, Subdivision 1, is amended to read:

21.49 [UNLAWFUL ACTS.] Subdivision 1. [AGRICULTURAL SEED, SALE.] It is unlawful for any person to sell agricultural or tree and shrub seed within this state if

(a) The test to determine the percentage of germination required by section 21.48 shall not have been completed within a nine-month period, immediately prior to such sale, exclusive of the calendar month in which the test was completed;

(b) It is not labeled in accordance with the provisions of sections 21.47 to 21.58, or contains a false or misleading label;

(c) False or misleading advertisement has been used in respect to its sale;

(d) It contains prohibited noxious-weed seeds;

(e) It contains restricted noxious-weed seeds in excess of two seeds per ounce, or 25 seeds per pound in those agricultural seeds as set out in section 21.48, subdivision 3, clause (5);

(f) It contains more than one percent by weight of all weed seeds;

(g) It is represented to be certified seed unless it has been produced, processed and labeled in compliance with the rules and regulations of an official or officially recognized seed certification agency(.);

(h) *The sale violates the provisions of the Plant Variety Protection Act (U.S. Public Law 91-577; December 24, 1970) and rules and regulations issued pursuant thereto.*

Sec. 29. [REPEALER.] *Minnesota Statutes 1974, Sections 18.031; 18.032, Subdivisions 1, 2, 3, 4, 5, 7, and 8; 18.0321; 18.0322; 18.0323; 18.0324; 18.033; 18.034; 18.035; 18.036; 18A.01; 18A.02, Subdivisions 1, 2, 4, and 5; 18A.03; 18A.04; 18A.05; 18A.06; 18A.07; 18A.08; 18A.09; 18A.10; 18A.11; 24.069; 24.071; 24.072, Subdivisions 1, 3, and 5; 24.0721; 24.073; 24.074; 24.075; 24.076; 24.077; and Minnesota Statutes, 1975 Supplement, Sections 18.032, Subdivision 6; 18A.02, Subdivision 3; and 24.072, Subdivisions 2 and 4, are repealed.*

Sec. 30. [EFFECTIVE DATE.] *Section 5, section 6, subdivision 4; and section 9 take effect January 1, 1977."*

Further amend the title:

Page 1, line 2, delete "requiring the regulation".

Page 1, delete lines 3 to 9 and insert "regulating pesticides; providing a penalty; amending Minnesota Statutes 1974, Sections 21.47, Subdivisions 8 and 9; and 21.49, Subdivision 1; repealing Minnesota Statutes 1974, Sections 18.031; 18.032, Subdivisions 1 to 5, 7, and 8; 18.0321 to 18.036; 18A.01; 18A.02, Subdivisions 1, 2, 4, and 5; 18A.03 to 18A.11; 24.069; 24.071; 24.072, Subdivisions 1, 3, and 5; 24.0721 to 24.077; Minnesota Statutes, 1975 Supplement, Sections 18.032, Subdivision 6; 18A.02, Subdivision 3; and 24.072, Subdivisions 2 and 4."

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:

S. F. No. 1439, A bill for an act relating to agriculture; dividing the state into four regions for purposes of the potato industry promotion act; amending Minnesota Statutes 1974, Section 30.464, Subdivision 1.

Reported the same back with the following amendments:

Page 1, delete line 16, and insert in lieu thereof "*Hubbard, Wadena, and Todd. Area*".

Page 1, line 20, reinstate the stricken language.

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

The report was adopted.

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

H. F. No. 1910, A bill for an act relating to health care; providing for establishment and administration of certain plans of health insurance to make minimum health care benefits available to all persons in the state; creating a comprehensive health care association; requiring review of hospital and insurance premium rates; providing protection against catastrophic health care expenses; appropriating money; amending Minnesota Statutes 1974, Sections 62A.02, Subdivisions 1 and 3; 62C.15, Subdivision 2; 70A.02, Subdivision 2; and 144.653, Subdivision 1.

Reported the same back with the following amendments:

Page 1, line 26, delete "*controlled*" and insert "*licensed*".

Page 2, line 22, after "*week*" insert "*by his present employer*".

Page 2, line 25, before "*individual*" insert "*self insurance,*".

Page 2, line 31, after "*policies*" insert "*or contracts*".

Page 3, line 4, after "*hospital*" insert "*, surgical*".

Page 3, line 4, delete "*costs*" and insert "*care*".

Page 3, after line 4, insert "*“Policy” does not include coverage which is limited to disability or income protection coverage.”*".

Page 3, line 22, delete "*Fund*" and insert "*State*".

Page 3, line 26, delete "*carrier*" and insert "*insurer*".

Page 3, line 27, delete "*carriers*" and insert "*insurers*".

Page 4, line 1, after "*provides*" insert "*policies of*".

Page 4, line 4, delete "*plan*" and insert "*state plan*".

Page 4, after line 8, insert a new subdivision to read:

"Subd. 21. "*Self insurer*" means an employer who directly provides a plan of health coverage to his employees and administers the plan of health coverage himself or through an insurer. "*Self insurance*" means a plan of health coverage offered by a self-insurer."

Page 4, line 12, after "*meet*" insert "*or exceed*".

Page 4, line 12, delete "of section 6".

Page 4, line 19, after "of" insert "self insurance,".

Page 5, line 4, after "applies" insert "and is eligible".

Page 5, line 5, after "insurance" insert "from that insurer or fraternal".

Page 5, line 12, after "each" insert "eligible".

Page 5, line 23, delete "person who applies" and insert "eligible applicant".

Page 5, line 25, after "catastrophic" insert "hospital and".

Page 5, line 29, after "catastrophic" insert "hospital and".

Page 5, line 30, delete "if" and insert "after".

Page 6, after line 9, insert a new subdivision to read:

"Subd. 6. Any insurer or fraternal which issues policies of accident and health insurance on less than 1,500 Minnesota residents may fulfill its obligations under this section by offering the required qualified plans in its own name and reinsuring up to 80 percent of the coverage through the association."

Page 6, line 23, after the period, insert "A health maintenance organization contract which has been approved by the health department shall be deemed to be certified as a high coverage qualified plan."

Page 6, line 27, delete the second "the" and insert "chapter 62A and the other".

Page 6, line 32, delete "covered expenses" and insert "cost of covered services".

Page 7, line 1, delete "\$150" and insert "\$500".

Page 7, line 29, after "Rental" insert ", or purchase as appropriate,".

Page 8, line 3, after the semicolon insert "and".

Page 8, line 4, delete "; and".

Page 8, delete line 5.

Page 8, line 6, delete "Statutes, Chapter 62A".

Page 8, line 19, after "*program*" insert "*, other than medical assistance*".

Page 8, line 26, before "*charge*" insert "*average*".

Page 8, delete line 27 and insert "*for semi-private rooms, unless a private room is prescribed as medically necessary by a physician,*".

Page 9, line 7, delete "100" and insert "80".

Page 9, line 9, delete "\$100" and insert "\$150".

Page 9, line 16, delete "*The coverage shall*".

Page 9, delete lines 17 to 19.

Page 9, line 22, after "62D" insert a comma.

Page 10, line 7, delete the period and insert a semicolon.

Page 10, line 13, after "*the*" insert "*state plan*".

Page 10, line 20, before "*plan*" insert "*state*".

Page 10, line 30, after "*all*" insert "*self*".

Page 11, line 10, delete "*net*" and insert "*member's cost of self-insurance, or*".

Page 12, line 25, delete "*and*".

Page 12, after line 25, insert a new clause to read:

"(g) *Provide a method for those insurers and fraternal which qualify under section 4, subdivision 6, to reinsure their qualified policies; and*".

Page 12, line 26, delete "(g)" and insert "(h)".

Page 13, line 12, before "*premium*" insert "*state plan*".

Page 13, line 14, delete "90" and insert "87-1/2".

Page 13, line 14, before "*premium*" insert "*state plan*".

Page 13, line 15, after "*pay*" insert "*the commissions authorized in section 14, subdivision 3, and*".

Page 13, line 16, delete "ten" and insert "12-1/2".

Page 13, line 17, delete "administration expenses" and insert "actual direct and indirect expenses, as specified in subdivision 7".

Page 13, line 18, delete "reinsure" and insert "share".

Page 13, line 19, delete "costs" and insert "losses due to claims expenses".

Page 13, line 20, before "pursuant" insert "and the costs of operation of the association".

Page 13, line 23, before "plan" insert "state".

Page 13, line 24, before "premium" insert "state plan".

Page 13, line 27, before "plan" insert "state".

Page 13, line 27, after "total" insert "cost of self insurance, or".

Page 13, line 28, after "premium" insert "or health maintenance organization contract charges".

Page 13, line 29, after "total" insert "cost of self insurance, or".

Page 13, line 30, after "premium" insert "and health maintenance organization contract charges".

Page 14, line 8, before "premiums" insert "state plan".

Page 14, line 11, before "premium" insert "state plan".

Page 14, line 12, before "plan" insert "state".

Page 14, delete line 20 and insert "contracts in those areas of the state where a health maintenance organization has been selected as a writing carrier and has agreed to make the coverage".

Page 15, line 4, delete "guaranteed".

Page 15, line 25, before "plan" insert "state".

Page 15, line 31, before "plan" insert "state".

Page 16, line 1, before "plan" insert "state".

Page 16, line 5, before "*plan*" insert "*state*".

Page 16, line 10, after "*expenses*" delete "*which do not exceed its estimated expenses when it*".

Page 16, line 11, delete "*submitted its proposal to the commission*".

Page 16, line 17, before "*plan*" insert "*state*".

Page 16, after line 31, insert a new subdivision to read:

"Subd. 10. In performing the duties required of them as members of association, the members of the association shall be exempt from the provisions of Minnesota Statutes, Sections 325.8011 to 325.8028."

Page 17, line 10, delete "*level*" and insert "*type*".

Page 17, line 13, before "*plan*" insert "*state*".

Page 17, line 25, after the period insert "*No person shall purchase more than one qualified plan from the state plan.*".

Page 17, line 28, before "*plan*" insert "*state*".

Page 17, line 29, after "*for*" insert "*state plan*".

Page 17, line 31, before the period insert "*in relation to the benefits provided and the risks assumed. The premium level established shall be designed to make the state plan self-supporting*".

Page 17, line 32, delete "*apply for individual risks and group risks*" and insert "*be established*".

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

Page 18, line 19, before "*plan*" insert "*state*".

Page 18, line 22, before "*plans*" insert "*state*".

Page 18, line 22, after "*of qualified*" insert "*state*".

Page 18, line 25, before "*plan*" insert "*state*".

Page 18, line 26, after "*Every*" insert "*program of self insurance,*".

Page 19, line 3, delete "*Policies*" and insert "*Plans of health coverage*".

Page 19, line 11, after "shall" insert "also".

Page 19, line 19, delete "for employees, shall include in the".

Page 19, delete lines 20 to 32.

Page 20, delete lines 1 to 32.

Page 21, delete lines 1 to 32.

Page 22, delete lines 1 to 32.

Page 23, delete lines 1 to 32.

Page 24, delete line 1, and insert:

"to employees, whether (i) purchased from an insurer or a health maintenance organization, or (ii) provided on a self-insured basis, shall, upon the next renewal of the health benefits plan contract, offer his employees a dual option to obtain health benefits through either an accident and health insurance policy or a health maintenance organization contract if one is available.

Subd. 2. An employer may make the dual offers through an insurer, a health maintenance organization or on a self-insured basis. If an offer is made on a self-insured basis, the accident and health insurance type of coverage or health maintenance organization type of coverage shall meet the requirements of the laws of this state but need not be approved by the commissioner or the board of health.

Subd. 3. No insurer which is also certified as a health maintenance organization shall submit a bid to an employer for providing the dual option required by this section which combines the bids for the accident and health insurance policy and the health maintenance organization contract in one bid or a single price package.

Subd. 4. The board of health, in consultation with the commissioner, shall adopt rules to implement the provisions of this section.

Sec. 17. Minnesota Statutes 1974, Section 60A.15, Subdivision 1, is amended to read:

60A.15 [TAXATION OF INSURANCE COMPANIES.]
Subdivision 1. [DOMESTIC AND FOREIGN COMPANIES
OTHER THAN TOWN AND FARMERS' MUTUAL AND
DOMESTIC MUTUALS OTHER THAN LIFE.] On or before

April 15, June 15, September 15 and December 15 of each year following December 31, 1971, every domestic and foreign company, except town and farmers' mutual insurance companies and domestic mutual insurance companies other than life, shall pay to the state treasurer through the commissioner of insurance quarterly installments of the insurer's total estimated tax for the current year based on a sum equal to two percent of the gross premiums less return premiums on all direct business received by it in this state, or by its agents for it, in cash or otherwise, during such year, excepting premiums written for marine insurance as specified in subdivision 6. If unpaid by such dates penalties of ten percent shall accrue thereon, and thereafter such sum and penalties shall draw interest at the rate of one percent per month until paid. Failure of a company to make quarterly payments of at least one fourth of either (a) the total tax paid during the previous calendar year or (b) 80 percent of the actual tax for the current calendar year shall subject the company to the penalty and interest provided in this subdivision. *The provisions of this subdivision shall also apply to every service plan corporation as defined in Minnesota Statutes, Section 62C.02, Subdivision 6, and to every self insurer as defined in subdivision 21 of section 2 of this article. For a self insurer the tax shall be based on the total cost of benefits provided and administrative expenses of the program of self insurance.*

Page 24, delete lines 16 to 21 and renumber subsequent subdivisions in sequence.

Page 24, line 22, delete "health" and insert "acute".

Page 25, delete lines 27 to 32.

Page 26, delete lines 1 to 27.

Page 27, line 1, delete "and".

Page 27, after line 1, insert a new clause to read: "(c) A copy of the annual cost report and all exhibits and schedules related to it which are required to be filed pursuant to Title XVIII of the United States Social Security Act; and".

Page 27, line 2, delete "(c)" and insert "(d)".

Page 28, line 19, before "In" insert "Subd. 2.".

Page 28, line 22, delete "rates" and insert "schedule of expenses and revenues".

Page 28, line 23, before "In" insert "Subd. 3.".

Page 28, delete lines 29 to 32.

Page 29, delete lines 1 and 2.

Page 29, line 3, delete "*depreciation expenses.*" and insert "*Subd. 4.*".

Page 29, line 9, delete "*feels*" and insert "*determines*".

Page 31, line 7, delete "*feels*" and insert "*determines*".

Page 32, line 7, strike "after December 31, 1970,".

Page 32, line 13, strike "Laws 1971, Chapter 568" and insert "*Minnesota Statutes, Chapter 62C*".

Page 32, line 23, delete "*feels*" and insert "*determines*".

Page 34, line 6, delete "*or*" and insert "*and*".

Page 35, line 9, before "*If*" insert "*To the extent feasible, the commissioner shall contract with a review organization as defined in Minnesota Statutes, Section 145.61, or the department of public welfare in making any determinations as to whether or not a charge is excessive. To the extent feasible, the commissioner shall contract with a review organization as defined in Minnesota Statutes, Section 145.61, in making any determination as to whether or not a service was medically necessary.*".

Renumber the sections accordingly.

Further amend the title as follows: Line 10, after "Sections" insert "60A.15, Subdivision 1,".

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

The report was adopted.

Veto from the Committee on General Legislation and Veterans Affairs to which was referred:

H. F. No. 2005, A bill for an act relating to veterans affairs; changing the membership of the board of governors of the Big Island Veterans Camp; specifying persons eligible for benefits; providing duties of the board of governors; amending Minnesota Statutes 1974, Sections 197.14, 197.15 and 197.17.

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

The report was adopted.

Parish from the Committee on Judiciary to which was referred:

S. F. No. 370, A bill for an act relating to solemnization of marriage; authorizing solemnization of marriage among Native Americans by Indian holy men; amending Minnesota Statutes 1974, Section 517.18.

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

The report was adopted.

Parish from the Committee on Judiciary to which was referred:

S. F. No. 840, A bill for an act relating to the department of human rights; creating a private right of action to enforce the provisions of the human rights act in certain cases; amending Minnesota Statutes 1974, Section 363.06, Subdivision 1; and Chapter 363, 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, Section 363.06, Subdivision 1, is amended to read:

363.06 [GRIEVANCES.] Subdivision 1. [CHARGE FILING.] Any person aggrieved by a violation of this chapter may *elect one of two procedures. He may file a verified charge with the commissioner or his designated agent, stating the name and address of the person alleged to have committed an unfair discriminatory practice, setting out the details of the practice complained of and any other information required by the commissioner. The commissioner within five days of such filing shall serve a copy of the charge upon the respondent personally or by registered or certified mail. In the alternative, the aggrieved person may follow the procedure established by section 4 of this act for a private action. Periodically after the filing of a charge but at intervals of no more than 60 days, until the charge is no longer in the jurisdiction of the department the commissioner shall in writing inform the charging party of the status of his charge. A copy of the periodic notice shall be mailed to the respondent.*

Sec. 2. Minnesota Statutes 1974, Section 363.06, Subdivision 4, is amended to read:

Subd. 4. [INQUIRY INTO CHARGE.] When a charge has been filed, the commissioner shall promptly inquire into the truth of the allegations of the charge (AND). *The commissioner shall make an immediate inquiry when necessary to prevent a charging party from suffering irreparable loss in the absence of immediate action. On each charge the commissioner shall make a determination as to whether or not there is probable cause to credit the allegation of unfair discriminatory practices, and*

(1) If the commissioner shall determine after investigation that no probable cause exists to credit the allegations of the unfair discriminatory practice, the commissioner shall, within ten days of such determination, serve upon the charging party and respondent written notice of such determination. (THIS SHALL BE A FINAL DECISION OF THE DEPARTMENT UNLESS AN APPEAL IS TAKEN AS HEREINAFTER PROVIDED IN SUBDIVISION 7.) *Within ten days after receipt of this notice, the charging party may request in writing on forms prepared by the department that the commissioner reconsider his determination. The request shall contain a brief statement of the reasons for and any new evidence in support of the request for reconsideration. At the time of submission of the request to the commissioner, the charging party shall deliver or mail to the respondent a copy of the request for reconsideration. The commissioner shall either reaffirm or reverse his determination of no probable cause within 20 days after receipt of the request for reconsideration, and he shall within ten days thereafter notify in writing the charging party and respondent of his decision to reaffirm or reverse. A decision by the commissioner that no probable cause exists to credit the allegations of an unfair discriminatory practice shall not be appealed to district court pursuant to section 363.072 or section 15.0424.*

(2) If the commissioner shall determine after investigation that probable cause exists to credit the allegations of unfair discriminatory practices, the commissioner shall issue a complaint and serve on the respondent, by registered or certified mail, a written notice of hearing together with a copy of the complaint, requiring the respondent to answer the allegations of the complaint at a hearing before a hearing examiner (OR PANEL) at a time and place specified in the notice, not less than ten days after service of said complaint. A copy of the notice shall be furnished to the charging party, the attorney general, and the chairman of the board.

(3) At any time after the commissioner has determined that there is probable cause to believe that a respondent has engaged in an unfair discriminatory practice the commissioner may file a petition in the district court in a county in which the subject of the complaint occurs, or in a county in which a respondent resides or transacts business, seeking appropriate temporary relief against the respondent, pending final determination of proceedings under this chapter, including an order or decree restraining

him from doing or procuring any act tending to render ineffectual any order the commissioner may enter with respect to the complaint. The court shall have power to grant such temporary relief or restraining order as it deems just and proper, but no such relief or order extending beyond ten days shall be granted except by consent of the respondent or after hearing upon notice to the respondent and a finding by the court that there is reasonable cause to believe that the respondent has engaged in a discriminatory practice. The Minnesota rules of civil procedure shall apply to such application, and the district court shall have authority to grant or deny such relief sought on such conditions as it deems just and equitable. All hearings under this section shall be given precedence as nearly as practicable over all other pending civil actions.

(4) If any lessor, after he has engaged in a discriminatory practice defined in section 363.03, subdivision 2, clause (1), (a), shall lease or rent such dwelling unit to a person who has no knowledge of such practice or of the existence of any charge with respect thereto, such lessor shall be liable for actual damages sustained by such person by reason of any final order hereunder requiring such person to be evicted from such dwelling unit.

Sec. 3. Minnesota Statutes 1974, Section 363.071, is amended to read:

363.071 [HEARINGS.] Subdivision 1. [CONDUCT OF HEARINGS.] The commissioner shall appoint (FROM THE BOARD A THREE MAN HEARING PANEL, AT LEAST ONE OF WHOM SHALL BE A LAWYER, OR) an examiner to hear the complaint. The hearing shall be conducted at a place designated by the commissioner, within the county where the unfair discriminatory practice occurred or where the respondent resides or has his principal place of business. The hearing shall be conducted in accordance with Minnesota Statutes 1965, Sections 15.0418, 15.0419, 15.0421, 15.0422, and is subject to appeal in accordance with section 15.0424.

Subd. 2. [DETERMINATION OF DISCRIMINATORY PRACTICE.] If the (PANEL OR) examiner finds that the respondent has engaged in an unfair discriminatory practice, the (PANEL OR) examiner shall make findings of fact and conclusions of law, and shall issue an order directing the respondent to cease and desist from the unfair discriminatory practice found to exist and to take such affirmative action as in the judgment of the (PANEL OR) examiner will effectuate the purposes of this chapter. Such order shall be a final decision of the department. In all cases the (PANEL OR) examiner may order the respondent to pay an aggrieved party, who has suffered discrimination, compensatory damages, except damages for mental anguish or suffering, and, in all cases, may also order the respondent to pay an aggrieved party, who has suffered discrimi-

nation, punitive damages in an amount not less than \$25 nor more than \$500. *The prevailing party may be awarded, in addition to damages and other remedies as provided, his reasonable costs and disbursements, including reasonable attorney's fees.* In addition to the aforesaid remedies, in a case involving discrimination in

(a) employment, the (PANEL OR) examiner may order the hiring, reinstatement or upgrading of an aggrieved party, who has suffered discrimination, with or without back pay, admission or restoration to membership in a labor organization, or his admission to or participation in an apprenticeship training program, on-the-job-training program, or other retraining program or any other relief the (PANEL OR) examiner deems just and equitable.

(b) housing, the (PANEL OR) examiner may order the sale, lease or rental of the housing accommodation or other real property to an aggrieved party, who has suffered discrimination, or the sale, lease or rental of a like accommodation or other real property owned by or under the control of the person against whom the complaint was filed, according to terms as listed with a real estate broker, or if no such listing has been made, as otherwise advertised or offered by the vendor or lessor, or any other relief the (PANEL OR) examiner deems just and equitable.

The (PANEL OR) examiner shall cause the findings of fact, conclusions of law, and order to be served on the respondent personally, the charging party by registered or certified mail, and shall furnish copies to the attorney general and the commissioner.

Subd. 3. [DISMISSAL OF HEARING.] If the (PANEL OR) examiner makes findings of fact, conclusions of law, and an order in favor of the respondent, such order shall be a final decision of the department.

Subd. 4. [RESPONDENTS SUBJECT TO STATE LICENSING OR REGULATORY POWER.] In the case of a respondent which is subject to the licensing or regulatory power of the state or any political subdivision or agency thereof, if the (PANEL OR) hearing examiner determines that the respondent has engaged in a discriminatory practice, and if the respondent does not cease to engage in such discriminatory practice, the commissioner may so certify to the licensing or regulatory agency. Unless such determination of discriminatory practice is reversed in the course of judicial review, a final determination is binding on the licensing or regulatory agency. Such agency may take appropriate administrative action, including suspension or revocation of the respondent's license or certificate of public convenience and necessity, if such agency is otherwise authorized to take such action.

Subd. 5. [PUBLIC CONTRACTS.] In the case of a respondent which is a party to a public contract, if the (PANEL OR) hearing examiner determines that the respondent has engaged in a discriminatory practice, the commissioner may so certify to the contract letting agency. Unless such finding of a discriminatory practice is reversed in the course of judicial review, a final determination is binding on the contract letting agency and such agency may take appropriate administrative action, including the imposition of financial penalties or termination of the contract, in whole or in part, if such agency is otherwise authorized to take such action.

Subd. 6. [SUBPOENAS.] *After the issuance of a complaint pursuant to section 363.06, subdivision 4, a charging party or a respondent may request that the hearing examiner issue subpoenas requiring the presence of witnesses or the production for examination of books or papers not privileged and relevant to any matter in question at the hearing.*

Sec. 4. Minnesota Statutes 1974, Section 363.14, Subdivision 1, is amended to read:

363.14 [COURT ACTIONS, SUITS BY PRIVATE PARTIES, INTERVENTION, DISTRICT COURT JURISDICTION, ATTORNEY'S FEES, AND COSTS.] Subdivision 1. [COURT ACTIONS, SUITS BY PRIVATE PARTIES, INTERVENTION.] (IF, AFTER A CHARGE HAS BEEN FILED WITH THE DEPARTMENT, THE COMMISSIONER FINDS PURSUANT TO SECTION 363.06, SUBDIVISION 4, NO PROBABLE CAUSE TO CREDIT THE ALLEGATIONS CONTAINED THEREIN OR IF WITHIN 90 DAYS FROM THE FILING OF A CHARGE, THE COMMISSIONER HAS NOT ISSUED A COMPLAINT PURSUANT TO SECTION 363.06 OR THE DEPARTMENT HAS NOT ENTERED INTO A CONCILIATION AGREEMENT TO WHICH THE CHARGING PARTY IS A PARTY, HE SHALL SO NOTIFY THE CHARGING PARTY AND WITHIN 90 DAYS AFTER THE GIVING OF SUCH NOTICE A CIVIL ACTION MAY BE BROUGHT BY THE CHARGING PARTY AGAINST THE RESPONDENT NAMED IN THE CHARGE.) *A person may bring a civil action seeking redress for an unfair discriminatory practice at the following times:*

(a) *Within one year of the unfair discriminatory practice when the aggrieved person commences a private action in lieu of filing a charge with the commissioner, or after withdrawal of the complaint from the department of human rights. No person shall withdraw a complaint filed with the department of human rights after a finding of probable cause except as herein-after provided in this subdivision;*

(b) *Within 90 days after the commissioner has determined that there is no probable cause to credit the allegations contained*

in a charge filed with the commissioner, or, if the charging party requested a reconsideration, within 90 days after the commissioner has reaffirmed his determination of no probable cause;

(c) Within 180 days after the filing of a charge with the commissioner if within 90 days after the filing of a charge the commissioner had not issued a complaint pursuant to section 363.06 or the department had not entered into a conciliation agreement to which the charging party was a party; or

(d) After the commissioner has determined that probable cause exists if the commissioner has not scheduled a hearing to occur within 90 days after the determination of probable cause.

A charging party bringing a civil action shall mail by registered or certified mail a copy of the summons and complaint to the commissioner, and upon his receipt thereof the commissioner shall cause all proceedings in the department relating to the charge to terminate. No charge shall be filed or reinstituted with the commissioner after a civil action relating to the same unfair discriminatory practice has been brought unless the civil action has been dismissed without prejudice.

Upon application by the complaining party to the district court at a special term thereof and in such circumstances as the court may deem just, the court may appoint an attorney for such person and may authorize the commencement of the action without payment of fees, costs, or security.

Upon timely application, the court may, in its discretion, permit the department to intervene in a civil action brought pursuant to this section upon certification that the case is of general public importance.

Upon request, the court may, in its discretion, stay further proceedings for not more than 60 days pending further efforts of the department to obtain voluntary compliance.”.

Further amend the title as follows:

Line 5, after “cases;” insert “changing certain other enforcement procedures;”.

Line 5, delete “Section” and insert “Sections”.

Line 6, delete “Subdivision” and insert “Subdivisions”.

Line 6, after “1” insert “and 4”.

Line 6, after the semicolon insert “363.071; and 363.14, Subdivision 1”.

Line 6, delete "and Chapter 363, by adding".

Line 7, delete "a section".

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:

S. F. No. 1501, A bill for an act relating to game and fish; regulating entry on agricultural lands for taking big game; providing a penalty; amending Minnesota Statutes 1974, Section 100.273.

Reported the same back with the following amendments:

Page 1, line 11, after "taking" strike the remainder of the line.

Page 1, line 12, strike "grouse, woodcocks," and "snowshoe rabbits".

Page 1, line 12, delete the new comma and insert "*small game*".

Further amend the title:

Line 3, after "taking" insert "small or".

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

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 2216, 903 and 2005 were read for the second time.

SECOND READING OF SENATE BILLS

S. F. Nos. 1439, 370, 840 and 1501 were read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Searle and Savelkoul introduced:

H. F. No. 2253, A bill for an act relating to Freeborn county; appropriating money for lake restoration and improvements.

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

Johnson, D.; Prahl; Begich; Fugina and Smith introduced:

H. F. No. 2254, A bill for an act appropriating money to the commissioner of natural resources for mineland reclamation purposes.

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

Nelson, Ketola, Byrne, Ulland and Moe introduced:

H. F. No. 2255, bill for an act relating to juveniles; providing limitations on procedures for juvenile detention; providing definitions; setting standards; amending Minnesota Statutes 1974, Sections 260.015, by adding subdivisions; 260.101; 260.171, Subdivisions 1, 2, and by adding subdivisions; 641.14; and Chapter 260, by adding sections; repealing Minnesota Statutes 1974, Sections 260.171, Subdivision 3; and 260.175.

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

Nelson, Clark, Novak, Esau and Johnson C., introduced:

H. F. No. 2256, A bill for an act relating to the juvenile court; requiring the prosecution of adults charged with contributing to the delinquency of a child; amending Minnesota Statutes 1974, Section 260.255, by adding a subdivision.

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

Nelson, Moe, Kaley, Skoglund and Dieterich introduced:

H. F. No. 2257, A bill for an act relating to juvenile courts; requiring written findings of fact for all dispositions of delinquent, dependent, and neglected children; amending Minnesota Statutes 1974, Sections 260.185, Subdivision 1; and 260.191, Subdivision 1.

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

Nelson, Kaley, Doty, Haugerud and Ketola introduced:

H. F. No. 2258, A bill for an act relating to the juvenile court; authorizing the court to order a child's family to receive appropriate social services under certain circumstances; amending Minnesota Statutes 1974, Section 260.185, Subdivision 1.

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

Adams, S.; Knoll; Laidig; Johnson, C.; and Jaros introduced:

H. F. No. 2259, A bill for an act relating to crimes; defining certain crimes; providing for sentences; providing conditions for parole and diminution of sentences; amending Minnesota Statutes 1974, Sections 242.27; 243.05; 243.18; 609.02, Subdivisions 2 and 3; 609.03; 609.055; 609.08; 609.10; 609.12, Subdivisions 1 and 3; 609.125; 609.15, Subdivision 2; 609.155; 609.165, Subdivision 2; 609.17, Subdivision 4; 609.175, Subdivision 2; 609.19; 609.195; 609.20; 609.205; 609.21; 609.215; 609.225; 609.23; 609.231; 609.235; 609.24; 609.245; 609.25; 609.255; 609.26; 609.265; 609.27; 609.275; 609.293, Subdivisions 2 and 5; 609.294; 609.32; 609.33; 609.355, Subdivision 2; 609.36, Subdivision 1; 609.375, Subdivision 1; 609.39; 609.395; 609.405, Subdivision 3; 609.43; 609.485, Subdivisions 2 and 4; 609.49; 609.495, Subdivision 1; 609.50; 609.53; 609.55, Subdivision 2; 609.56; 609.565; 609.58, Subdivision 2; 609.59; 609.60; 609.62, Subdivision 2; 609.625, Subdivision 1; 609.63, Subdivision 2; 609.64; 609.645; 609.65; 609.66, Subdivision 1; 609.665; 609.67, Subdivision 2; 609.685; 609.71; 609.713; 609.76; 609.765, Subdivision 2; 609.785; 609.82; 609.825; 609.83; Chapter 243, by adding a section; Chapter 609, by adding sections; Minnesota Statutes, 1975 Supplement, Sections 609.11, Subdivision 1; 609.342; 609.52, Subdivision 2; repealing Minnesota Statutes 1974, Sections 609.11, Subdivision 2; 609.12, Subdivision 2; 609.13; 609.135; 609.14; 609.16; 609.34; 609.362; and Minnesota Statutes, 1975 Supplement, Section 609.346.

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

Johnson, D.; Wenzel; Anderson, I.; Samuelson and Lindstrom introduced:

H. F. No. 2260, A bill for an act relating to public safety; defining peace officers; providing for a certificate of oath; amending Minnesota Statutes 1974, Sections 37.20; 38.01; 176.011, Subdivision 9; 203.12; 203.42; 242.46, Subdivision 1; 260.311, Subdivision 3; 352E.01, Subdivisions 2 and 4; 352E.02; 352E.04; 352E.05; 382.27; 398.35, Subdivision 2; 412.101; 471.44; 493.01, Subdivision 2; 629.40; repealing Minnesota Statutes 1974, Sections 169.123, Subdivisions 1, 2, 3, 4, 5, 6, 7 and 8; 200.02, Subdivision 13; 253A.02, Subdivision 15; 315.43; 340.91; 360.0751, Subdivision 1; 626.05, Subdivision 2; and 626.76, Subdivision 3.

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

Prahl, Sherwood, McCollar, Volk and Biersdorf introduced:

H. F. No. 2261, A bill for an act relating to education; requiring properly licensed personnel to be in charge of steam boilers in schools at all times that such steam boilers are in operation.

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

Sieben, M.; Corbid; Searle and Fugina introduced:

H. F. No. 2262, A bill for an act relating to education; right to read program; appropriating money.

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

Sherwood, Skoglund, Fjoslien, Braun and Jensen introduced:

H. F. No. 2263, A bill for an act relating to game and fish; clothing required during certain seasons; amending Minnesota Statutes 1974, Section 100.29, Subdivision 8; repealing Minnesota Statutes 1974, Section 98.52, Subdivision 5.

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

Voss, Munger, Hanson, McCauley and Anderson, I., introduced:

H. F. No. 2264, A bill for an act relating to natural resources; providing for investigation of peat resources; appropriating money.

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

Sieben, M., introduced:

H. F. No. 2265, A bill for an act relating to banks; amending the charter application appeals provisions; amending Minnesota Statutes 1974, Section 45.07.

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

Simoneau, Eken, Norton, Abeln and Skoglund introduced:

H. F. No. 2266, A bill for an act relating to credit unions; authority of state chartered credit unions; amending Minnesota Statutes, 1975 Supplement, Section 52.04.

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

Jacobs, Brinkman, Vento, Birnstihl and Osthoff introduced:

H. F. No. 2267, A bill for an act proposing an amendment to the Minnesota Constitution, Article XIII, Section 5; permitting the legislature to establish a state-owned lottery in support of education.

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

Parish; Anderson, I.; Beauchamp; Patton and Biersdorf introduced:

H. F. No. 2268, A bill for an act relating to the public employees retirement association; authorizing the acquisition of real estate and the construction of necessary building and structures thereon; and appropriating moneys therefor.

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

Adams, L.; Patton; Haugerud; Beauchamp and Pleasant introduced:

H. F. No. 2269, A bill for an act relating to employment services; unemployment compensation; defining wages; determining employer contribution rates; amending Minnesota Statutes, 1975 Supplement, Sections 268.04, Subdivision 25; and 268.06, Subdivision 8.

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

Parish; Moe; Anderson, I.; Beauchamp and Patton introduced:

H. F. No. 2270, A bill for an act relating to certain retirement associations; provided that certain data collected by such associations is private data; amending Minnesota Statutes 1974, Chapter 356, by adding a section.

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

Wenstrom; Carlson, A.; Beauchamp; Smogard and Sieben, H., introduced:

H. F. No. 2271, A bill for an act relating to state agencies; providing for an open appointment process; requiring reports from appointing authorities and the secretary of state.

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

Begich; Prah!; Johnson, D.; Fugina and Spanish introduced:

H. F. No. 2272, A bill for an act relating to cable communications; providing for issuance and renewals of franchises; amending Minnesota Statutes 1974, Section 238.09, Subdivisions 1 and 3, and by adding subdivisions; repealing Minnesota Statutes 1974, Section 238.09, Subdivisions 2, 4, 5, 6, 7 and 9.

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

Enebo, Moe, Skoglund, Sarna and Osthoff introduced:

H. F. No. 2273, A bill for an act relating to unemployment compensation; eliminating the requirement that employees who are not participating or involved in a labor dispute be disqualified from benefits for a week; amending Minnesota Statutes, 1975 Supplement, Section 268.09, Subdivision 1.

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

Hanson; Samuelson; Sieben, H.; Kostohryz and Laidig introduced:

H. F. No. 2274, A bill for an act relating to public welfare; establishing pilot programs for community mental health treatment; naming a nonprofit corporation to administer programs; appropriating money; amending Minnesota Statutes 1974, Chapter 245, by adding a section.

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

Fugina, Mann and Smith introduced:

H. F. No. 2275, A bill for an act relating to education; loans to medical students; amending Minnesota Statutes, 1975 Supplement, Section 147.30.

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

Carlson, A.; Dieterich; Clark; Peterson and Wenstrom introduced:

H. F. No. 2276, A bill for an act relating to adoption; authorizing release of birth information to adopted persons; requiring waiting period for objections from parents; amending Minnesota Statutes 1974, Sections 144.151, by adding a subdivision; 144.176, Subdivision 1, and by adding subdivisions.

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

Jude; Carlson, L.; Rice; Adams, S.; and Knoll introduced:

H. F. No. 2277, A bill for an act relating to courts; authorizing the appointment of judicial officers in Hennepin county municipal court; establishing salary limitations; amending Minnesota Statutes 1974, Chapter 488A, by adding a section.

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

Sieben, M.; Knoll and Jaros introduced:

H. F. No. 2278, A bill for an act relating to real estate; mortgage foreclosures; providing for additional service of notice of sale; amending Minnesota Statutes 1974, Sections 580.03; 580.15; and 581.01.

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

Dieterich, Wenstrom, Arlandson, George and Adams, L., introduced:

H. F. No. 2279, A bill for an act relating to crimes; accusation; increasing the limitation on time in which an indictment for offering of bribes to or acceptance of bribes by public officers or employees may be found; amending Minnesota Statutes 1974, Section 628.26.

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

Kostohryz, Tomlinson, Neisen, Kelly, R., and Hanson introduced:

H. F. No. 2280, A bill for an act relating to the city of Maplewood; paramedic service; authorizing the collection of taxes in excess of the levy limits for purposes of the paramedic program.

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

Tomlinson, Sabo, Casserly, Dean and Savelkoul introduced:

H. F. No. 2281, A bill for an act relating to metropolitan government; changing the metropolitan parks and open space commission to the metropolitan parks, arts and recreation commission and prescribing its powers and duties; authorizing the metropolitan council to issue bonds and levy taxes therefor; authorizing the commission to impose an admissions tax; imposing a transient lodging tax in the metropolitan area; requiring the completion of an environmental impact statement prior to construction of a new sports facility; requiring a certificate of need for regional recreational facilities; amending Minnesota Statutes 1974, Chapter 473, by adding sections; Minnesota Statutes, 1975 Supplement, Sections 473.121, Subdivisions 7 and 14; 473.146, by adding a subdivision; 473.147; 473.301; 473.302; and 473.303, Subdivision 1; repealing Minnesota Statutes 1974, Section 340.11, Subdivision 11a.

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

Pehler, Patton and Brinkman introduced:

H. F. No. 2282, A bill for an act relating to intoxicating liquor; authorizing temporary short term on-sale licenses for a certain charitable festival.

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

Menning, Eken, Kahn, Stanton and Nelsen introduced:

H. F. No. 2283, A bill for an act relating to estates; inheritance tax; joint tenancy property; providing certain benefits to joint tenants who are spouses; amending Minnesota Statutes 1974, Section 291.01, Subdivision 4.

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

Fjoslien, Graba, Wenstrom, Adams, S., and DeGroat introduced:

H. F. No. 2284, A bill for an act relating to taxation; real estate tax payment escrow accounts; imposition of penalties for delinquent real estate taxes on mortgagees under certain circumstances; amending Minnesota Statutes 1974, Section 279.01.

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

Carlson, A., and Dean introduced:

H. F. No. 2285, 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.

Enebo, Petrafeso, Osthoff and Sarna introduced:

H. F. No. 2286, A bill for an act relating to driver licenses; permitting limited licenses for violators of no-fault law; amending Minnesota Statutes 1974, Section 171.30, Subdivision 1.

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

Lindstrom introduced:

H. F. No. 2287, A bill for an act relating to highway traffic regulations; weight limitations; increasing the allowable gross weights on a wheel and on a single axle; amending Minnesota Statutes 1974, Section 169.83, Subdivision 1.

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

Lindstrom introduced:

H. F. No. 2288, A bill for an act relating to highway traffic regulations; increasing length of mobile home combinations which can be transported on public highways; amending Minnesota Statutes 1974, Section 169.81, Subdivision 3.

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

Erickson, Stanton, Lemke, Esau and Begich introduced:

H. F. No. 2289, A bill for an act relating to highway traffic regulations; authorizing certain juveniles to drive motor vehicles on the public highways between certain hours; amending Minnesota Statutes 1974, Section 169.131.

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

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

H. F. No. 1145, A bill for an act relating to landlords and tenants; retaliatory evictions; amending Minnesota Statutes 1974, Section 566.03.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee, consisting of 3 members of the Senate, on the amendments adopted by the Senate to the following House File:

H. F. No. 1519, A bill for an act relating to the city of St. Paul; providing for and authorizing issuance of general obligation bonds for capital improvement budget purposes; amending Laws 1971, Chapter 773, Section 1, as amended.

The Senate has appointed as such committee Messrs. Chenoweth, Stumpf and North.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

S. F. Nos. 53, 687, 1736, 1805 and 1852.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 53, A bill for an act relating to peace officer training courses; eligibility; amending Minnesota Statutes 1974, Section 626.851, Subdivision 2.

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

S. F. No. 687, A bill for an act relating to credit unions; allowing credit union members to vote by mail for officers and amendments; allowing credit unions certain powers with respect to dividends; amending Minnesota Statutes 1974, Sections 52.02; 52.07 and 52.18.

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

S. F. No. 1736, A bill for an act relating to counties; authorizing the establishment of subordinate service districts in order to provide and finance governmental services.

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

S. F. No. 1805, A bill for an act relating to motor vehicle carriers; reinstating the rights of certain permit carriers upon filing proof of insurance or other security; amending Minnesota Statutes, 1975 Supplement, Section 221.141, Subdivision 2.

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

S. F. No. 1852, A bill for an act relating to the city of Fulda; validating election proceedings and authorizing the issuance of bonds of the city approved by the electors.

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

PROGRESS REPORTS ON CONFERENCE COMMITTEES

Pursuant to Joint Rule 13, Osthoff reported on the progress of S. F. No. 570, now in Conference Committee.

Pursuant to Joint Rule 13, Patton reported on the progress of S. F. No. 919, now in Conference Committee.

Pursuant to Joint Rule 13, Sherwood reported on the progress of S. F. No. 1308, now in Conference Committee.

CONSENT CALENDAR

H. F. No. 1904 was reported to the House. Upon objection of ten members H. F. No. 1904 was stricken from the Consent Calendar and returned to General Orders.

CALENDAR

S. F. No. 1647, A bill for an act relating to natural resources; transferring forest pest control jurisdiction from the commissioner of agriculture to commissioner of natural resources; expanding volunteer programs; eliminating certain restrictions on acquisition of public access; changing license fees for commercial fishing on Lake Superior; prohibiting decoys and erection of blinds on public lands; prescribing penalties for certain violations; amending Minnesota Statutes 1974, Sections 18.341, Subdivision 3; 18.391, Subdivision 1; 85.041, Subdivision 1; 97.48, Subdivision 15; 97.55, Subdivisions 1, 2, 3 and 4; 98.46, Subdivision 12; 98.47, Subdivision 9; 100.29, Subdivision 18; and 102.28, Subdivisions 2, 3 and 4; repealing Laws 1963, Chapter 70, Section 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 111, and nays 17, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Albrecht	Begich	Eken	Johnson, D.	Kalis
Anderson, I.	Eckstein	Fjoslien	Jopp	Nelsen

Niehaus
PetersonSamuelson
Schreiber

Setzepfandt

Swanson

Wieser

The bill was passed and its title agreed to.

Doty was excused at 2:25. Kelly, W., was excused at 3:15 p.m.
Ewald was excused at 3:40 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. 920, as amended, offered by Vanasek and Stanton:

Page 10, after line 15, add a new section as follows:

Sec. 16. [PROGRAM OF BICYCLE EDUCATION.] The state department of education in cooperation with the department of public safety shall develop a proposal by January 1, 1977, for teaching bicycle safety in kindergarten through secondary school. Elements of this proposal shall include instruction in actual on the road operation and a timetable for implementation of a bicycle safety program in school districts throughout the state. No later than January 15, 1977, the commissioner of education shall present this proposal to the legislative committees having jurisdiction over the subject along with his recommendation for necessary action.

Renumber the remaining sections in sequence.

The roll being called, there were yeas 20, and nays 90, as follows:

Those who voted in the affirmative were:

Anderson, G.	Dieterich	Kahn	McCarron	Vanasek
Birnstihl	Fugina	Kempe, A.	Reding	Vento
Carlson, R.	George	Kempe, R.	Sherwood	Voss
Cassery	Jacobs	Ketola	Stanton	Williamson

Those who voted in the negative were:

Abeln	Berglin	Dahl	Ewald	Jensen
Adams, L.	Biersdorf	Dean	Faricy	Johnson, C.
Adams, S.	Braun	DeGroat	Fjoslien	Jopp
Albrecht	Brinkman	Eckstein	Forsythe	Jude
Arlandson	Carlson, A.	Eken	Friedrich	Kaley
Beauchamp	Carlson, L.	Enebo	Graba	Kelly, R.
Begich	Clawson	Esau	Hanson	Kelly, W.
Berg	Corbid	Evans	Hokanson	Knickerbocker

Knoll	Mann	Norton	Prahl	Spanish
Kostohryz	McCauley	Novak	Sarna	Suss
Kroening	McEachern	Osthoff	Savelkoul	Tomlinson
Kvam	Menning	Parish	Schulz	Volk
Laidig	Metzen	Patton	Schumacher	Wenstrom
Langseth	Moe	Pehler	Searle	Wenzel
Lemke	Munger	Peterson	Sieben, H.	White
Lindstrom	Neisen	Petrafeso	Sieben, M.	Wieser
Luther	Nelsen	Philbrook	Sieloff	Wigley
Mangan	Niehaus	Pleasant	Simoneau	Zubay

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. 920, as amended, offered by Anderson, G.:

Page 1, line 30, strike "must be reduced" and insert "should be discouraged".

Page 2, line 4, strike "However, the growth in".

Page 2, strike lines 5 to 32.

Strike all of page 3.

Page 4, strike lines 1 to 23.

Renumber remaining section accordingly.

Page 4, strike lines 31 and 32.

Page 5, strike lines 1 to 12.

Page 5, line 13, strike "Subd. 3." and insert "Sec. 3. [THEFT.]".

Page 5, line 14, strike "registered under this act".

Page 5, strike lines 24 to 32.

Strike all of pages 6, 7, 8, and 9.

Page 10, strike lines 1 to 15.

Renumber remaining sections accordingly.

Page 12, strike lines 20 to 32.

Strike all of pages 13, 14, and 15.

Page 16, strike lines 1 to 28.

Renumber remaining sections accordingly.

Page 18, line 6, strike "Except as otherwise".

Page 18, line 7, strike "specifically provided,".

Further amend the title as follows:

Page 1, line 6, strike "providing for a".

Page 1, strike all of lines 7 to 16.

Page 1, line 17, strike "trails;".

Page 1, line 18, strike "prescribing".

Page 1, line 19, strike "penalties;".

The roll being called, there were yeas 59, and nays 61, as follows:

Those who voted in the affirmative were:

Abeln	Eckstein	Kelly, R.	Nelsen	Setzepfandt
Adams, S.	Eken	Kempe, R.	Niehaus	Sieloff
Albrecht	Erickson	Ketola	Osthoff	Simoneau
Anderson, G.	Esau	Kvam	Patton	Smith
Anderson, I.	Evans	Langseth	Peterson	Spanish
Begich	Ewald	Lemke	Prahl	Wenstrom
Biersdorf	Fjoslien	McCauley	St. Onge	Wenzel
Birnstihl	Friedrich	McCollar	Samuelson	White
Braun	Johnson, C.	McEachern	Savelkoul	Wieser
Brinkman	Jopp	Menning	Schulz	Wigley
Carlson, R.	Kaley	Metzen	Schumacher	Zubay
DeGroat	Kalis	Neisen	Searle	

Those who voted in the negative were:

Arlandson	Dieterich	Kempe, A.	Parish	Stanton
Beauchamp	Faricy	Knickerbocker	Pehler	Suss
Berg	Forsythe	Knoll	Petrafeso	Tomlinson
Berglin	Fugina	Kostohryz	Philbrook	Vanasek
Byrne	George	Kroening	Pleasant	Vento
Carlson, A.	Hanson	Luther	Reding	Volk
Carlson, L.	Hokanson	Mangan	Rice	Voss
Casserly	Jacobs	McCarron	Sarna	Williamson
Clark	Jaros	Moe	Schreiber	Speaker Sabo
Clawson	Jensen	Munger	Sherwood	
Corbid	Johnson, D.	Nelson	Sieben, H.	
Dahl	Jude	Norton	Sieben, M.	
Dean	Kahn	Novak	Skoglund	

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

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

H. F. Nos. 1271 and 1333 which it recommended to pass.

S. F. Nos. 806, 1541, and 1584 which it recommended to pass.

H. F. Nos. 571, 1702, 1828, 1829, 1767, 1891, 1892 and 2041 upon which it recommended progress.

H. F. No. 402 which it recommended to pass as amended by the Committee of the Whole on Thursday, January 29, 1976.

H. F. Nos. 116 and 910 upon which it recommended progress until Tuesday, February 17, 1976.

H. F. Nos. 96 and 1295 which it recommended be returned to their authors.

H. F. No. 921 which it recommended re-referral to the Committee on Governmental Operations.

H. F. No. 832 upon which it recommended to pass with the following amendment offered by Faricy:

Page 3, after line 10, add sections to read:

"Sec. 3. Minnesota Statutes 1974, Section 325.54, is amended by adding a subdivision to read:

Subd. 3. [EXCEPTION.] The provisions of sections 325.53 to 325.62 shall not apply to any corporation formed for a purpose not involving pecuniary gain to its shareholders or members and paying no dividends or other pecuniary remuneration directly or indirectly to its shareholders or members as such.

Sec. 4. Minnesota Statutes 1974, Section 325.54, is amended by adding a subdivision to read:

Subd. 4. [NOTICE.] Any corporation qualifying for exception under the provisions of subdivision 3 shall cause to be presented to the issuing authority at least ten days prior thereto a notice of its intention to keep, possess or operate any gambling device as defined in section 325.53, stating the time, place and circumstances thereof."

Amend the title as follows:

Page 1, line 2, strike "crimes" and insert "gambling".

Page 1, line 5, after ";" insert "provides exemptions from the prohibition on possession of gambling devices;".

Page 1, line 6, after the comma delete "Section".

Page 1, line 6, after "," insert "Sections 325.54, by adding subdivisions;"

H. F. No. 920 upon which it recommended to pass with the following amendments:

Offered by Kahn:

Page 2, line 32, delete "1976" and insert "1977".

Page 5, delete lines 24 to 32.

Page 6, delete lines 1 to 32.

Page 7, delete lines 1 to 25.

Re-number subsequent sections.

Page 9, line 3, delete "1976" and insert "1977".

Page 9, line 5, delete "1976" and insert "1977".

Page 9, line 7, delete "1976" and insert "1977".

Page 9, line 10, delete "1976" and insert "1977".

Page 9, line 19, delete "1976" and insert "1977".

Page 9, line 23, delete "1976" and insert "1977".

Page 10, line 12, delete "1976" and insert "1977".

Page 16, line 19, delete "\$564,000" and insert "\$243,000".

Page 18, line 5, delete "21" and insert "20".

Remove all underlining.

Further, amend the title as follows:

Line 19, delete "; amending" and insert a period.

Delete lines 20 and 21.

Offered by Kempe, A.:

Page 14, line 23, strike "15" and insert in lieu thereof "30".

Page 15, line 5, strike the words "the police" and insert in lieu thereof, "local government".

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

MOTIONS AND RESOLUTIONS

Sieben, M., moved that the name of Jaros be added as an author on H. F. No. 1954. The motion prevailed.

Fugina moved that the name of Johnson, D., be added as an author on H. F. No. 2275. The motion prevailed.

Anderson, I., moved that the following bills be unofficially engrossed and printed for the House:

S. F. No. 749 (to include committee amendments).

S. F. No. 1647 (to include floor amendments).

S. F. No. 1501 (to include committee amendments).

S. F. No. 1439 (to include committee amendments).

S. F. No. 840 (to include committee amendments).

The motion prevailed.

Setzepfandt moved that H. F. No. 2217, be recalled from the Committee on Agriculture and be re-referred to the Committee on Governmental Operations. The motion prevailed.

Moe moved that H. F. No. 1926, now in the Committee on Crime Prevention and Corrections, be re-referred to the Committee on Health and Welfare. The motion prevailed.

McCarron moved that H. F. No. 943, which was laid on the table pursuant to Joint Rule 23A, be taken from the table, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses. The motion prevailed.

ADJOURNMENT

Anderson, I., moved that when the House adjourns today it adjourn until 12:30 p.m., Monday, February 16, 1976.

Savelkoul moved to amend the motion by striking "12:30 p.m., Monday, February 16, 1976" and inserting "10:00 a.m., Friday, February 13, 1976". The motion did not prevail and the amendment was not adopted.

The question recurred on the Anderson, I., motion. The motion prevailed.

Anderson, I., moved that the House adjourn. The motion prevailed and the Speaker declared the House adjourned until 12:30 p.m., Monday, February 16, 1976.

EDWARD A. BURDICK, Chief Clerk, House of Representatives