

## STATE OF MINNESOTA

## SIXTY-NINTH SESSION - 1976

## SEVENTY-SIXTH DAY

SAINT PAUL, MINNESOTA, WEDNESDAY, FEBRUARY 25, 1976

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

Prayer was offered by the Chaplain.

The roll was called and the following members were present:

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

A quorum was present.

Jaros, Spanish and Stanton were excused.

The Chief Clerk proceeded to read the Journals of the preceding days. On the motion of Esau the further readings were dispensed with and the Journals were approved as corrected.

## REPORTS OF CHIEF CLERK

Pursuant to Rules of the House, printed copies of H. F. Nos. 2147, 468, 1087, 2020, 2292, 1702, 1847, 910 and 1326 and S. F. Nos. 830, 1273, 1636, 1794, 1816, 1825, 1839, 1848, 1865, 1813 and 1820 have been placed in the members' files.

S. F. No. 830 and H. F. No. 764, which had been referred to the Chief Clerk for comparison, were examined and found to be identical, except that H. F. No. 764, page 1, lines 8 to 10 read: "BY FREE STANDING AMBULATORY SURGICAL CENTERS OR FACILITIES OFFERING AMBULATORY MEDICAL SERVICE 24 HOURS A DAY SEVEN DAYS A WEEK.] No policy or plan of health, medical,".

Whereas, S. F. No. 830, page 1, lines 8 and 9 read in part: "IN FREE STANDING AMBULATORY SURGICAL CENTERS.] No policy or plan of health, medical,".

H. F. No. 764, page 1, lines 19 to 23 read: "treatment or service rendered by a free standing ambulatory surgical center or facilities offering ambulatory medical service 24 hours a day seven days a week, which are not part of a hospital, but have been reviewed and approved by the state board of health to provide the treatment or service,".

Whereas S. F. No. 830, page 1, lines 17 to 19 read in part: "treatment or service rendered in a free standing ambulatory surgical center authorized by law to provide the treatment or service,".

H. F. No. 764, page 2, line 2 reads in part: "service rendered by a hospital."

Whereas, S. F. No. 830, page 1, line 21 reads: "service rendered in another facility,".

S. F. No. 830, page 1, line 22, contains the following language:

"Sec. 2. This act is effective on August 1, 1976."

Whereas H. F. No. 764 does not contain this language.

## SUSPENSION OF RULES

Pehler moved that the rules be so far suspended that S. F. No. 830 be substituted for H. F. No. 764 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1794 and H. F. No. 2020, which had been referred to the Chief Clerk for comparison, were examined and found to be identical, except that H. F. No. 2020, page 2, lines 3 to 20 contain the following language:

"Sec. 3. Minnesota Statutes 1974, Section 488A.14, Subdivision 6, is amended to read:

Subd. 6. [REPLEVIN.] If the controversy concerns the ownership or possession, or both, of personal property the value of which does not exceed the sum of (\$500) \$1,000, the judge in his discretion, may direct an officer of the court to take possession of the property immediately and hold it subject to the further order of the court, without the giving of any bond whatever.

Sec. 4. Minnesota Statutes 1974, Section 488A.31, Subdivision 6, is amended to read:

Subd. 6. [REPLEVIN.] If the controversy concerns the ownership or possession, or both, of personal property the value of which does not exceed the sum of (\$500) \$1,000, the judge, in his discretion, may direct an officer of the court to take possession of the property immediately and hold it subject to the further order of the court, without the giving of any bond whatever."

Whereas, S. F. No. 1794 does not contain this language.

S. F. No. 1794, page 2, lines 3 and 4 contain the following language:

"Sec. 3. [EFFECTIVE DATE.] *This act is effective the day following its final enactment.*"

Whereas, H. F. No. 2020 does not contain this language.

Further, the title of H. F. No. 2020 reads:

"A bill for an act relating to courts; increasing the jurisdictional amount in conciliation court of Hennepin and Ramsey counties; amending Minnesota Statutes 1974, Section 488A.12, Subdivision 3; 488A.14, Subdivision 6; 488A.29, Subdivision 3; and 488A.31, Subdivision 6."

Whereas, the title of S. F. No. 1794 reads:

"A bill for an act relating to courts; prescribing the jurisdictional limits of conciliation courts in the counties of Hennepin and Ramsey; amending Minnesota Statutes 1974, Sections 488A.12, Subdivision 3; and 488A.29, Subdivision 3."

## SUSPENSION OF RULES

Schreiber moved that the rules be so far suspended that S. F. No. 1794 be substituted for H. F. No. 2020 and that the House File be indefinitely postponed. The motion prevailed.

## PETITIONS AND COMMUNICATIONS

The following reports were received and filed in the Chief Clerk's Office: A Plan for State Administration of Minnesota Income Maintenance Programs submitted by the Department of Public Welfare, and Shade Tree Disease Control submitted by the Department of Agriculture Division of Plant Industry.

The following communications were received:

STATE OF MINNESOTA  
OFFICE OF THE GOVERNOR  
ST. PAUL 55155

February 20, 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 Files:

H. F. No. 1145, An Act relating to landlords and tenants; retaliatory evictions; amending Minnesota Statutes 1974, Section 566.03.

H. F. No. 1977, An Act relating to the operation of government; changing the qualification for community school programs aid and for certain proceeds of the supplementary tax on taconite and iron sulphides; clarifying sanctioning the reduction of certain levies and authorizing certain transfers of funds; amending Minnesota Statutes, 1975 Supplement, Sections 124.271, Subdivision 1; and 298.244, Subdivision 1.

Sincerely,

WENDELL R. ANDERSON  
Governor

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

76th Day]

WEDNESDAY, FEBRUARY 25, 1976

4025

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

I have the honor to inform you that the following enrolled Acts of the 1976 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

S.F. No.	H.F. No.	Session Laws Chapter No.	Date Approved 1976	Date Filed 1976
234		10	February 20	February 20
370		11	February 20	February 20
1405		12	February 20	February 20
1510		13	February 20	February 20
1541		14	February 20	February 20
1584		15	February 20	February 20
1647		16	February 20	February 20
	1145	17	February 20	February 20
	1977	18	February 20	February 20

Sincerely,

JOAN ANDERSON GROWE  
Secretary of State

STATE OF MINNESOTA  
OFFICE OF THE GOVERNOR  
ST. PAUL 55155

February 19, 1976

The Honorable Martin O. Sabo  
Speaker of the House  
State of Minnesota

Dear Sir:

The following appointments are hereby respectfully submitted to the House of Representatives for confirmation as required by law.

Roger Noreen, 1684 James Road, Mendota Heights, Dakota County, has been appointed by me to the Ethical Practices Board, effective February 18, 1976, for a term expiring April 29, 1976.

Harold Chase, 124 Bedford Street S.E., Minneapolis, Hennepin County, has been appointed by me to the Ethical Practices Board, effective February 18, 1976, for a term expiring April 29, 1978.

Sincerely,

WENDELL R. ANDERSON  
Governor

The communication from the governor relating to appointments was referred to the Committee on General Legislation and Veterans Affairs.

### REPORTS OF STANDING COMMITTEES

Mann from the Committee on Agriculture to which was referred:

H. F. No. 1984, A bill for an act relating to agriculture; establishing a family farm security program to encourage loans for farm real estate; appropriating money.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert:

"Section 1. [PURPOSE.] *In order to aid young farmers in obtaining credit for the acquisition of farm real estate, there is established a family farm security program which shall provide state money in guarantee of loans made according to the provisions of sections 1 to 12.*

Sec. 2. [DEFINITIONS.] *Subdivision 1. For the purposes of this act the following terms shall have the meanings given.*

Subd. 2. "Applicant" means a person applying for a family farm security loan.

Subd. 3. "Board" means the family farm advisory board.

Subd. 4. "Commissioner" means the commissioner of agriculture.

Subd. 5. "Family farm security loan" means a loan for acquisition of farm land approved by the commissioner. It may include one or more of the following: (a) a family farm security

loan guarantee; (b) a payment adjustment; (c) a participation loan.

Subd. 6. "Farm land" means land in Minnesota that is capable of supporting the commercial production of agricultural crops, livestock or livestock products, poultry products, milk or dairy products, or fruit or other horticultural products.

Subd. 7. "Lender" means any bank, savings bank, mutual savings bank, building and loan association, savings and loan association, organized under the laws of this state or the United States, trust companies, trust companies acting as fiduciaries, and other financial institutions subject to the supervision of the commissioner of banks; and any foreign or domestic corporation engaged in the business of insurance which is subject to the supervision of the commissioner of insurance as defined in Minnesota Statutes, Section 60A.02, Subdivisions 1 and 3; and any financial institution operating under the supervision of the farm credit administration. In case of participation loans as authorized in section 8, lender also means the seller of the property.

Subd. 8. "Participation loan" means a loan in which part or all of the purchase price of the farm is financed by a loan from the seller of the property, and the remainder of the loan, if any, is supplied by a lender as defined in subdivision 7. A participation loan may be secured by two or more separate notes that carry different interest rates.

Sec. 3. [ADMINISTRATION.] Subdivision 1. The family farm security program shall be administered by the commissioner.

Subd. 2. [STAFF.] The commissioner shall employ such staff as he finds necessary for administration of sections 1 to 12. He shall also provide staff assistance to the board.

Subd. 3. [RULES.] The commissioner shall promulgate rules and regulations necessary for the efficient administration of sections 1 to 12.

Subd. 4. [REPORT TO LEGISLATURE.] On or before January 1 of each year the commissioner shall submit a report to the legislature, as provided in Minnesota Statutes, Section 3.195, concerning the actions of the commissioner and the status of loans granted.

Sec. 4. [ADVISORY BOARD.] Subdivision 1. [COMPOSITION.] There is established a family farm citizens advisory board composed of seven members appointed by the governor as follows:

- (a) two officers from commercial lending institutions;

- (b) one dairy farmer;
- (c) one livestock farmer;
- (d) one cash grain farmer;
- (e) one officer from a farm credit association;
- (f) one representative of consumers of food products, who shall not be a farmer or lender.

Subd. 2. [TERMS AND COMPENSATION.] The terms, compensation and removal of members of the board shall be governed by Minnesota Statutes, Section 15.059, in the manner provided for advisory councils. The board shall meet monthly or more often as needed.

Subd. 3. [CHAIRMAN.] The members of the board shall elect one of their members to serve as chairman.

Subd. 4. [DUTIES.] The duties of the board shall be as follows:

- (a) To review and appraise the family farm security program;
- (b) to give advice and counsel to the commissioner regarding the family farm security program;
- (c) to review all applications for family farm security loans and make recommendations to the commissioner as to their disposition;
- (d) to make recommendations to the governor, legislature and the public on or before December 31 of each year regarding any needed state policy or program changes to foster and promote the economic health and viability of the family farm.

Sec. 5. [ELIGIBILITY.] A family farm security loan guarantee and payment adjustment or participation loan approval may be granted if the following criteria are satisfied:

- (a) that the applicant is a resident of the state of Minnesota, or shows sufficient evidence that he intends to become a resident;
- (b) that the applicant has sufficient education, training, or experience in the type of farming for which he wishes the loan;
- (c) that the applicant has total net worth valued at less than \$50,000 and has demonstrated a need for the loan;



(d) that the applicant intends to purchase farm land to be used by the applicant for agricultural purposes.

Sec. 6. [PROCEDURE.] Subdivision 1. [APPLYING FOR LOAN; LOAN DENIED.] Any person desiring to acquire farm land may make application with a lender for one or more of the following: (1) a family farm security loan guarantee; (2) payment adjustment; and (3) participation loan. Upon completion of the appropriate forms by the applicant and the lender, the lender shall forward the application to the commissioner for approval. The commissioner may approve the application if the criteria of sections 5 and 7 are satisfied, and shall notify the applicant and the lender of his decision.

If the application is denied, the commissioner shall return the application to the lender with a written statement of the reasons for the denial. The applicant shall be given a copy of the reasons for the denial of the loan. If the circumstances of the applicant change such that he becomes eligible, he may reapply.

Subd. 2. [APPROVED LOANS.] If the commissioner approves the loan application, he shall retain a copy of the application for his files and return the original to the lender. The applicant and the lender may then complete the transaction for the loan.

Subd. 3. [PRIVACY OF RECORDS.] The information contained in an application and the statement of reasons for the denial of an application shall be private data as defined in Minnesota Statutes, Section 15.162.

Subd. 4. [DEFAULT; FILING CLAIM.] Within 90 days of a default on a family farm security loan, the lender shall send notice to the applicant stating that the commissioner must be notified if the default continues for another 90 days, and the consequences of that default. The lender and the applicant may agree to take any steps reasonable to assure the fulfillment of the loan obligation.

After 180 days from the initial default, if the applicant has not made arrangements to meet his obligation, the lender shall file a claim with the commissioner, identifying the loan and the nature of the default, and relinquishing to the state all rights of the lender in exchange for payment of the outstanding balance due. If the commissioner is satisfied that the default has occurred, he shall authorize payment of state funds to the lender, and shall notify the defaulting party. The commissioner shall then become the holder of the mortgage. He shall arrange for fair market value appraisal of the farm land and shall accept applications from prospective purchasers who meet the criteria of sections 5 and 7 and have the support of a lender willing to finance the purchase. If an application is accepted by the commissioner, the property will be sold to the applicant and treated

as though it were a new family farm security loan. If no buyer who is a qualified applicant can be found within 90 days at the fair market price as determined by the commissioner, the commissioner shall advertise the property and sell it to the highest bidder.

In the case of a participation loan involving more than one note, all of the notes shall be considered to be in default if one of the notes is in default.

Subd. 5. [GUARANTEE VOID.] The loan guarantee shall be void only if the guaranteed loan was obtained by fraud or material misrepresentation of which the original lender or subsequent holder had actual knowledge.

Sec. 7. [TERMS OF THE LOAN.] Subdivision 1. A family farm security loan shall be transacted on forms provided by the commissioner with the advice of the attorney general. The commissioner shall establish an appraisal procedure and shall thereby determine the value of the property before guaranteeing a family farm security loan.

Subd. 2. [PAYMENT ADJUSTMENT.] During the first ten years of a family farm security loan, the commissioner shall pay to the lender four percent of the outstanding balance due each year and the applicant shall pay the remainder of the payment due. After the tenth year, the applicant shall make payments according to the stated interest rate. The applicant may petition the commissioner for one ten year renewal of the payment adjustment. If a renewal is granted, in the twenty-first year the applicant shall reimburse the commissioner for the sums paid on the applicant's behalf under this subdivision. If no renewal is granted, the applicant shall reimburse the commissioner in the eleventh year.

Subd. 3. [ANNUAL REVIEW OF NET WORTH.] The applicant shall annually submit to the commissioner a statement of his net worth. If his net worth in any year exceeds the sum of \$100,000, the applicant shall be ineligible for a payment adjustment in that year.

Sec. 8. [PARTICIPATION LOANS.] Subdivision 1. [AUTHORIZATION.] The commissioner may provide a guarantee to the lenders on participation loans when the buyer satisfies the eligibility criteria in section 5. The commissioner may also provide a payment adjustment on behalf of the applicant in the case of participation loans.

Subd. 2. [NEGOTIABILITY AND MARKETABILITY.] A participation loan shall be secured by a negotiable note or notes as defined in Minnesota Statutes, Section 336.3-104. Participation loan notes may be sold at a premium or discount. The commissioner must be notified in writing within 30 days when a participation loan note is sold or exchanged.

*Subd. 3. [TAXABILITY.] The interest earned by the seller of the property on a participation loan that is guaranteed by the commissioner shall be excludable from gross income for the year in which it is received.*

*Sec. 9. Minnesota Statutes 1974, Section 290.08, is amended by adding a new subdivision to read:*

*Subd. 23. The interest earned by the seller of the property on a participation loan that is guaranteed by the commissioner of agriculture.*

*Sec. 10. [SALE OR CONVEYANCE.] Subdivision 1. [IMMEDIATE REPAYMENT OF LOAN.] Any applicant who sells or conveys the property for which a family farm security loan was issued shall immediately retire the entire indebtedness still owed to the lender and the commissioner. The new owner may negotiate a family farm security loan in his own right, but under no circumstances may the original loan be assumed by the new owner. This subdivision is not intended to prohibit the applicant from granting a security interest in the property for the purposes of securing an additional loan.*

*Subd. 2. [TAX PENALTY ON CAPITAL GAIN.] Capital gain realized on the sale of property for which a family farm security loan was issued within ten years of the issuance of the loan shall be taxed as follows:*

<i>Time lapsed from issuance of loan</i>		<i>Tax rate</i>
<i>At least</i>	<i>but less than</i>	<i>Percent</i>
<i>(a)</i>	<i>1 year</i>	<i>100</i>
<i>(b)</i>	<i>1 year                      3 years</i>	<i>90</i>
<i>(c)</i>	<i>3 years                      5 years</i>	<i>80</i>
<i>(d)</i>	<i>5 years                      7 years</i>	<i>70</i>
<i>(e)</i>	<i>7 years                      9 years</i>	<i>60</i>
<i>(f)</i>	<i>9 years                      10 years</i>	<i>50</i>

*Subd. 3. [WAIVER OF TAX PENALTY.] The commissioner shall waive the imposition of the tax in subdivision 2 if the applicant has died or suffered a total disability.*

*For the purposes of this section, "total disability" means the total and permanent loss of sight of both eyes, the loss of both arms at the shoulder, the loss of both legs so close to the hips that no effective artificial members can be used, complete and per-*

*manent paralysis, total and permanent loss of mental faculties, or any other injury which totally incapacitates the applicant from working his farm.*

*Subd. 4. [DISCLOSURE IN LOAN CONTRACT.] Every family farm security loan shall contain notice of the penalties imposed by this section. The lender shall explain these terms to the applicant before submitting the loan to the commissioner for approval.*

**Sec. 11.** Minnesota Statutes 1974, Section 48.24, Subdivision 5, is amended to read:

*Subd. 5. Loans or obligations shall not be subject under this section to any limitation based upon such capital and surplus to the extent that they are secured or covered by guarantees, or by commitments or agreements to take over or to purchase the same, made by the commissioner of agriculture on the purchase of agricultural land or by any Federal Reserve bank or by the United States or any department, bureau, board, commission, or establishment of the United States, including any corporation wholly owned directly or indirectly by the United States.*

**Sec. 12. [APPROPRIATION.]** *Subdivision 1. There is appropriated from the general fund to a special account in the state treasury the sum of \$10,000,000 to be invested by the state board of investment in such securities as authorized by law.*

*Such sums as may be needed from time to time to pay lenders for defaulted loans is appropriated from the special account to the commissioner.*

*Subd. 2. Interest accrued from the investment of funds from the special account is annually appropriated; and the sum of \$ from the general fund is appropriated to the commissioner to be used for payment adjustment under section 7, subdivision 2.*

*Subd. 3. There is appropriated from the general fund to the commissioner the sum of \$56,000 for administrative expenses incurred in fulfilling the provisions of this act."*

**Amend the title as follows:**

Line 4, after "money" insert "; amending Minnesota Statutes 1974, Sections 48.24, Subdivision 5; and 290.08, by adding a subdivision".

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

The report was adopted.

Norton from the Committee on Appropriations to which was referred:

H. F. No. 608, A bill for an act relating to labor; specifying a minimum wage rate for agricultural sugar beet workers; regulating hours for minor sugar beet employees; amending Minnesota Statutes 1974, Chapter 177, by adding a section; and Section 181A.07, Subdivision 1.

Reported the same back with the following amendments:

Page 2, after line 29, add the following:

*"Sec. 3. The sum of \$45,000 is appropriated to the commissioner of labor and industry from the general fund to carry out the purposes of this act for the biennium ending June 30, 1977."*

Further amend the title as follows:

Page 1, line 4, after "employees;" insert "appropriating money;"

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

The report was adopted.

Norton from the Committee on Appropriations to which was referred:

H. F. No. 1382, A bill for an act relating to the operation of state government; authorizing the commissioner of administration to acquire vehicles for the car pooling of state employees; appropriating money; repealing Minnesota Statutes 1974, Section 16.755.

Reported the same back with the following amendments:

Page 1, line 14, delete "11" and insert "12"

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

The report was adopted.

Johnson, D., from the Committee on Commerce and Economic Development to which was referred:

H. F. No. 1953, A bill for an act relating to commerce; providing longer warranties for mobile homes; amending Minnesota Statutes 1974, Section 327.54, Subdivision 2.

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

The report was adopted.

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

H. F. No. 2331, A bill for an act relating to education; authorizing Independent School District No. 625 to issue bonds for the purpose of correcting cash flow problems and for other purposes; requiring a tax levy in certain years to eliminate the operating debt of the district.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert:

“Section 1. [BOND AUTHORIZATION.] Subdivision 1. Independent School District No. 625 is hereby authorized to issue not to exceed \$6,400,000 of general obligation bonds for the purpose of establishing a special reserve account for the district to permit the district to segregate adequate tax receipts and aid receipts for the repayment of tax and aid anticipation certificates respectively. These obligations shall be issued and sold in accordance with the further provisions of Minnesota Statutes, Chapter 475 except that no election shall be required to authorize their issuance and that the total principal and interest requirements of said issue in any year shall not exceed 1.5 mills times the adjusted assessed valuation of the taxable property of the district for calendar year 1975 as determined by the equalization aid review committee. The full faith and credit of the district shall be pledged for the payment of the principal of and interest on the bonds and the district is hereby authorized and required to levy taxes upon all taxable property in the district without limitation as to rate or amount for the payment of the principal of and interest on said bonds.

Subd. 2. The debt service levy to be made by the district in 1976, collectible in 1977, shall be reduced by up to \$1,500,000, provided that at the time its levy is certified in 1976 there exists in its sinking funds for its outstanding general obligation bonds a surplus equal to the amount of such reduction. To the extent that this debt service levy is reduced, the district may levy additional taxes in an amount equal to such reduction and the amount of the additional levy shall, when received, be deposited in the sinking fund for the obligations authorized in subdivision 1. The levy made at the time of the sale and issuance of the bonds authorized in subdivision 1 shall not be reduced by reason of the availability of the proceeds of such additional levy in the sinking fund for said bonds, until such time as there is on hand in said sinking fund an amount sufficient to pay all then outstanding bonds of said issue and the interest thereon.

**Sec. 2. [ACCOUNTING SYSTEM MONITORED BY LEGISLATIVE AUDITOR.]** Subdivision 1. The legislative auditor shall perform an audit of the finances of Independent School District No. 625 for fiscal year 1976 in accordance with the principles of the uniform financial accounting and reporting system which has been developed in accordance with the requirement of Laws 1973, Chapter 683, Section 22. The legislative auditor and his employees may personally conduct this audit and examination or may, at his discretion, contract with certified public accountants or public accounting firms to provide this service.

The legislative auditor shall also restate, in accordance with the uniform financial accounting and reporting system, the audit of the district which was performed for fiscal year 1975.

The legislative auditor shall report the results of the audit and the restatement to the appropriate committees of the legislature by October 15, 1976.

**Subd. 2.** On or before July 1, 1976, the school district shall adopt a system of accounting, budgeting, and reporting in accordance with the principles of the uniform financial accounting and reporting system. The legislative auditor shall monitor and assist in the implementation of this system by the school district. The legislative auditor shall report to the legislative audit commission and other appropriate committees of the legislature at the times he deems necessary, but not less than twice each year. He shall make his initial report on or before January 15, 1977.

**Subd. 3.** Independent School District No. 625 shall provide cooperation and assistance as necessary to the legislative auditor to allow him to perform his duties pursuant to this section.

**Sec. 3. [STATUTORY OPERATING DEBT.]** Subdivision 1. The "statutory operating debt" of Independent School District No. 625 means the net negative fund balances in all school district funds, other than the capital expenditure and building construction, debt service, trust and agency, and post-secondary vocational-technical education funds, calculated as of June 30, 1976 in accordance with the principles of the uniform financial accounting and reporting system.

**Subd. 2.** The legislative auditor shall certify the amount of statutory operating debt of the district as of June 30, 1976. He may adjust this amount on the basis of corrected figures until June 30, 1978.

**Sec. 4. [EXCESS LEVY.]** In addition to all other levies permitted by law, in 1976 and each year thereafter, Independent School District No. 625 shall make an additional levy to eliminate its statutory operating debt for the school year ending June 30, 1976 as certified by the legislative auditor pursuant to section 3. Each year the commissioner of education shall certify to the

county auditor and Independent School District No. 625 the correct amount of this levy. This levy shall in each year be an amount which is equal to the amount raised by a levy of 1.5 mills times the adjusted assessed valuation of the district for the preceding year as determined by the equalization aid review committee, less any amount necessary for the payment of principal and interest on bonds sold pursuant to section 1. When the cumulative receipts from the levies made pursuant to this section and the earnings in the reserve account established under section 5 equal an amount equal to the statutory operating debt, the levy shall be discontinued.

**Sec. 5. [RESERVE FUND FOR REDUCING STATUTORY OPERATING DEBT.]** Subdivision 1. The district shall establish a special reserve account, which shall be designated "reserve account for purposes of reducing statutory operating debt" on its books and records into which the proceeds of the bonds authorized in section 1 and the levies made under section 4 shall be placed. The funds in this account shall be used only for the payment of district operating expenses, but the amount in this account shall never supplement district revenues or income for the purposes of increasing the district's capital or operational expenditures or budgets, or for any purpose, other than to meet temporary cash needs. Earnings on sums in this account may be used for paying interest expenses on tax and aid anticipation certificates and for the purposes for which funds in this account may be used. The funds in this account may be invested and re-invested in accordance with the further provisions of Minnesota Statutes, Section 475.66, as amended.

Subd. 2. When the funds in the special reserve account equal the total amount of the statutory operating debt as certified pursuant to section 3, but in no event later than December 31, 1997, the full amount in the special reserve account shall be used to eliminate the statutory operating debt of the district. Upon elimination of the statutory operating debt, the district shall recognize all tax receipts in the year required by the uniform financial accounting and reporting system.

**Sec. 6. [AUTHORIZATION FOR AID ANTICIPATION BORROWING.]** The provisions of Minnesota Statutes, Section 124.781 shall not apply to or limit in any way the aid anticipation borrowing of the district, and the district shall be permitted to borrow in anticipation of aids to the full extent permitted by the provisions of Minnesota Statutes, Sections 124.71 to 124.78.

**Sec. 7. [GENERAL FUND EXPENDITURE LIMITATION.]** In the 1977 fiscal year or in any fiscal year thereafter, Independent School District No. 625 shall not spend any amount in that fiscal year which the district receives from the foundation aid in Minnesota Statutes, Section 124.212; plus the levy allowable under Minnesota Statutes, Section 275.125, Subdivision 2a, plus the levy allowable under Minnesota Statutes, Section



275.125, Subdivision 6, which exceeds the amount which the district would otherwise be entitled to receive from these same sources if it were not using tax anticipation certificates or other methods of borrowing to borrow against tax revenues for the next fiscal year or if it were not using tax receipts intended for the next fiscal year in the prior fiscal year.

Sec. 8. [LIMITATION AND REDUCTION OF TAX ANTICIPATION BORROWING.] Subdivision 1. Notwithstanding the provisions of Minnesota Statutes, Section 124.781, Subdivision 2, in the fiscal year 1977, Independent School District No. 625 shall not issue tax anticipation certificates pursuant to Minnesota Statutes, Sections 124.71 to 124.78 in an amount to exceed \$23,250,000. In fiscal year 1978 or any year thereafter, the district shall not issue tax anticipation certificates in an amount to exceed \$23,250,000, less the amount by which the balance in the reserve account for purposes of reducing statutory operating debt exceeds \$6,400,000 as of December 31 of the previous year.

Subd. 2. The legislative audit commission may, upon application of the district, authorize a waiver of the limitation contained in subdivision 1, in the event of an emergency. If the legislative audit commission authorizes such a waiver, it shall report this fact prior to the effective date of the waiver to the appropriate committees of the legislature.

Sec. 9. [PROHIBITION OF CERTAIN FUND TRANSFERS.] Independent School District No. 625 shall not for any purpose borrow or temporarily transfer funds from its building construction account, its debt service account, or from any sinking fund for outstanding bonds issued for building construction or any other purpose.

Sec. 10. [APPROPRIATION.] There is appropriated from the general fund in the state treasury to the legislative auditor the sum of \$100,000. Notwithstanding the provisions of Minnesota Statutes, Section 16A.28, or any other provision relating to the lapse of appropriations, the appropriation made pursuant to this section shall not lapse but shall continue until expended.

Sec. 11. Nothing in this act shall be construed to limit the existing powers of the legislative auditor.

Sec. 12. [EFFECTIVE DATE.] This act is effective the day following its final enactment."

Further, amend the title as follows:

Page 1, line 7, after "district" insert "; appropriating money".

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

The report was adopted.

Munger from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 1644, A bill for an act relating to natural resources; prohibiting, except in national emergencies, the leasing of state minerals and the use of state natural resources in connection with mining in the boundary waters canoe area.

Reported the same back with the following amendments:

Page 2, line 7, delete "This state policy is based upon".

Page 2, delete lines 8 to 32.

Page 3, delete lines 1 to 32.

Page 4, delete lines 1 to 32.

Page 5, delete lines 1 to 3.

Page 5, after line 14 insert new subdivisions to read as follows:

"Subd. 4. [PEAT HARVESTING PROHIBITED IN BOUNDARY WATERS CANOE AREA.] Except with prior approval of the legislature in those cases of national emergency which have been declared by the Congress and which direct the need for exploitation of peat deposits on federal land within the boundary waters canoe area, no state owned or administered land may be leased for the purpose of harvesting peat, and no state permits, licenses or leases shall be issued to use any other state natural resources for the purpose of harvesting peat in the boundary waters canoe area.

Subd. 5. (a) No timber harvesting is permitted on state owned or administered land within the interior zone of the boundary waters canoe area, as described on the map relating thereto as established by the secretary of agriculture on January 12, 1965, and as the boundaries have been added to by the chief of the United States forest service through December 31, 1975.

(b) Timber harvesting on state owned or administered land in the area not included in the interior zone of the boundary waters canoe area, commonly referred to as the portal zone, is permitted in accordance with a management plan prepared by the commissioner of natural resources which shall include but not be limited to the following guidelines:

(1) In addition to the limitations on logging prescribed by Minnesota Statutes, Section 92.45, and the Shipstead-Nolan act,

Public Law 539, seventy-first Congress, July 10, 1930; 46 Stat. 1020, the management plan shall provide for adequate protection of the forest vegetation along lakes, watercourses, and permanent roadways where necessary to protect the aesthetic qualities of the area;

(2) significant stands of large specimens of virgin forest vegetation shall be preserved where, in the opinion of the commissioner, such stands will enhance the aesthetic or recreational qualities, or both, of the area;

(3) all access points to timber harvesting operations on state owned or administered land in the portal zone shall be closed off upon completion of the harvest; and

(4) the management plan shall be submitted by the commissioner to the house environment and natural resources committee and to the senate natural resources and agriculture committee on or before January 15, 1977, for their review. However, before January 15, 1977, the commissioner may, in his discretion, authorize timber harvesting on state owned or administered land in the portal zone in accordance with the management plan.

Subd. 6. [RESOURCE DEGRADATION PROHIBITED.] No agency or political subdivision shall grant approval or issue any rule, regulation, permit or license authorizing or allowing the commercial development, exploitation or removal of a natural resource located outside the boundary waters canoe area by mining, peat harvesting or related activities which would result in degradation of a natural resource within the boundary waters canoe area. For the purpose of this subdivision degradation shall mean a significant effect upon air and water which creates a substantial likelihood of significant damage to plant or animal life."

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

The report was adopted.

Munger from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 1677, A bill for an act relating to natural resources amending certain laws concerning minnows; amending Minnesota Statutes 1974, Section 97.40, Subdivision 27; 97.45, Subdivision 15; 97.55, Subdivision 13; 98.46, Subdivisions 5 and 17; and 101.42, Subdivisions 5 and 6.

Reported the same back with the following amendments:

Page 2, line 20, delete "10" and insert "11".

Page 3, line 6, delete "1974" and insert ", 1975 Supplement".

Page 3, after line 28, insert "(7) To take, transport, purchase and possess for sale unprocessed turtles and tortoises within the state, \$25;"

Page 3, line 29, delete "(7)" and insert "(8)".

Page 3, line 32, delete "(8)" and insert "(9)".

Page 4, line 2, delete "(9)" and insert "(10)".

Page 4, line 6, delete "(10)" and insert "(11)".

Page 5, line 9, after "\$2.50" insert "*plus \$10 for each vehicle used to transport minnows*".

Page 7, line 2, delete "1976" and insert "1977".

Further amend the title as follows:

Page 1, line 6, delete "Subdivisions 5 and" and insert "Subdivision".

Page 1, line 6, after the semicolon, delete "and".

Page 1, line 7, before the period insert "; and Minnesota Statutes, 1975 Supplement, Section 98.46, Subdivision 5".

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

The report was adopted.

Munger from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 1878, A bill for an act relating to game and fish; authorizing a season on fishers and additional moose seasons; amending Minnesota Statutes 1974, Section 100.27, Subdivisions 1, 2, as amended, and 4.

Reported the same back with the following amendments:

Page 1, delete lines 7 to 12.

Page 1, line 13, delete "1974" and insert ", 1975 Supplement".

Page 1, line 14, after "2," delete the remainder of the line.

Page 1, line 15, delete "4."

Page 2, line 7, strike "January" and insert "September".

Page 2, delete lines 21 to 32.

Page 3, delete lines 1 to 23.

Renumber the section accordingly.

Further amend the title as follows:

Page 1, line 2, delete "a season on".

Page 1, line 3, delete "fishers and".

Page 1, line 4, delete "1974" and insert ", 1975 Supplement".

Page 1, delete line 5 and insert "Subdivision 2."

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

The report was adopted.

Munger from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 1885, A bill for an act relating to the metropolitan airports commission; requiring the installation of aircraft noise suppressing equipment at certain Minneapolis-St. Paul International Airport sites; amending Laws 1975, Chapter 13, Section 100, by adding a subdivision.

Reported the same back with the following amendments:

Page 1, line 13, after "All" insert "such".

Page 1, line 15, after the period insert "*The pollution control agency shall determine the deadline for*".

Page 1, line 16, after "equipment" insert a period.

Page 1, delete line 17.

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

The report was adopted.

Munger from the Committee on Environment and Natural Resources to which was referred:

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

Reported the same back with the recommendation that 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. 1827, A bill for an act relating to health care; requiring certain insurance policies, health care plans and group subscriber contracts to provide certain benefits for out-patient treatment of alcoholism, chemical dependency or drug addiction; amending Minnesota Statutes 1974, Section 62A.149.

Reported the same back with the following amendments:

Page 2, line 2, strike "primary".

Page 2, line 4, delete "or".

Page 2, line 5, delete "*an out-patient*" and insert "*a non-residential*".

Page 2, line 15, strike "calendar" and insert "*twelve month benefit*".

Page 2, line 17, delete "*per calendar*" and insert "*in a twelve month benefit*".

Page 2, line 18, delete "1975" and insert "1976".

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

The report was adopted.

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

H. F. No. 1929, A bill for an act relating to health care; requiring that certain insurance contracts and subscriber contracts provide benefits for certain services performed by podiatrists; amending Minnesota Statutes 1974, Section 62A.043.

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

The report was adopted.

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

H. F. No. 2197, A bill for an act relating to insurance; providing for certain mandatory deductible offerings; amending Minnesota Statutes 1974, Section 65B.49, Subdivision 5.

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

The report was adopted.

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

H. F. No. 108, A bill for an act relating to barbers; increasing fees; providing for compensation of secretary and members of board of barber examiners; amending Minnesota Statutes 1974, Sections 154.18 and 154.23.

Reported the same back with the following amendments:

Page 2, line 21, delete "\$500" and insert "\$200".

Page 2, line 23, delete "\$200" and insert "\$150".

Page 3, line 11, delete "1974" and insert ", 1975 Supplement".

Page 3, delete lines 13 to 32.

Page 4, delete lines 1 to 26, and insert:

"154.23 [OFFICERS; COMPENSATION; FEES; DISPOSITION.] The board of barber examiners shall elect a chairman and secretary. *The secretary will be covered by the Minnesota state retirement system within 90 days of the date of his appointment or the effective date of this act.*

It shall adopt and use a common seal for the authentication of its orders and records.

The secretary shall keep a record of all proceedings of the board and turn over to the state treasurer all moneys and fees collected pursuant to this chapter which shall be credited to the general fund (IN THE STATE TREASURY TOGETHER WITH THE UNEXPENDED BALANCE IN ANY SPECIAL

ACCOUNT OF THE BOARD AS OF JULY 1, 1973). The expenses of administering sections 154.01 to 154.26 shall be paid from the appropriations made to the board of barber examiners.

Each member of the board shall take the oath provided by law for public officers.

A majority of the board, in meeting assembled, may perform and exercise all the duties and powers devolving upon the board.

(THE SECRETARY SHALL RECEIVE AS COMPENSATION \$9,000 PER ANNUM AND THE OTHER MEMBERS OF THE BOARD SHALL RECEIVE COMPENSATION FOR EACH DAY SPENT ON BOARD ACTIVITIES, BUT NOT TO EXCEED) *Board members shall not receive compensation for more than 20 days in any calendar month nor 100 days in any calendar year.*

The board shall have authority to employ such inspectors, clerks, deputies, and other assistants as it may deem necessary to carry out the provisions of this chapter."

Further amend the title:

Line 2, after "barbers" insert "and the board of barber examiners".

Line 2, delete "providing".

Delete all of line 3.

Line 4, delete "of barber examiners;".

Line 5, delete "Sections" and insert "Section".

Line 5, after "154.18" insert a semicolon.

Line 5, after "and" insert "Minnesota Statutes, 1975 Supplement, Section".

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

The report was adopted.

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

H. F. No. 1932, A bill for an act relating to state administrative procedures; amending Minnesota Statutes, 1975 Supplement, Section 15.0411, Subdivisions 3 and 4.



Reported the same back with the following amendments:

Page 2, after line 11, add the following sections:

"Sec. 3. Minnesota Statutes 1974, Section 15.0418, is amended to read:

**15.0418 [CONTESTED CASE; HEARING, NOTICE.]** In any contested case all parties shall be afforded an opportunity for hearing after reasonable notice. The notice shall state the time, place and issues involved, but if, by reason of the nature of the proceeding, the issues cannot be fully stated in advance of the hearing, or if subsequent amendment of the issues is necessary, they shall be fully stated as soon as practicable, and opportunity shall be afforded all parties to present evidence and argument with respect thereto. (THE AGENCY SHALL PREPARE AN OFFICIAL RECORD, WHICH SHALL INCLUDE TESTIMONY AND EXHIBITS, IN EACH CONTESTED CASE, BUT IT SHALL NOT BE NECESSARY TO TRANSCRIBE SHORTHAND NOTES UNLESS REQUESTED FOR PURPOSES OF REHEARING OR COURT REVIEW. IF A TRANSCRIPT IS REQUESTED, THE AGENCY MAY, UNLESS OTHERWISE PROVIDED BY LAW, REQUIRE THE PARTY REQUESTING TO PAY THE REASONABLE COSTS OF PREPARING THE TRANSCRIPT.) *Prior to assignment of a case to a hearing examiner as provided by section 15.052, all papers shall be filed with the agency. Subsequent to assignment of the case, the agency shall certify the official record to the office of hearing examiners, and thereafter, all papers shall be filed with that office. The office of hearing examiners shall maintain the official record which shall include subsequent filings, testimony and exhibits. All filings are deemed effective upon receipt. Upon issuance of the hearing examiner's report, the official record shall be certified to the agency. Informal disposition may also be made of any contested case by stipulation, agreed settlement, consent order or default. (EACH AGENCY MAY ADOPT APPROPRIATE RULES OF PROCEDURE FOR NOTICE AND HEARING IN CONTESTED CASES.)*

Sec. 4. *This act shall be effective upon final enactment.*

Further amend the title as follows:

Line 3, after "amending" insert "Minnesota Statutes 1974, Section 15.0418; and".

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

The report was adopted.

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

H. F. No. 1959, A bill for an act authorizing the commissioner of administration to convey a portion of a water system at the Red Wing state training school to the city of Red Wing.

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

The report was adopted.

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

H. F. No. 1965, A bill for an act proposing an amendment to the Minnesota Constitution, Article IV, Section 4; providing for four year terms for representatives and for staggered terms for representatives and senators.

Reported the same back with the following amendments:

Pages 1 and 2, delete all of Section 1.

Renumber the remaining section.

Page 2, line 7, delete "The" and insert "A".

Page 2, line 12, delete "and to permit staggered terms for".

Page 2, line 13, delete "legislators".

Further amend the title:

Line 4, delete "and for".

Line 5, delete "staggered terms for representatives and senators".

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

The report was adopted.

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

H. F. No. 2011, A bill for an act relating to state lands; authorizing the conveyance of certain state lands in Goodhue county to the city of Red Wing.

Reported the same back with the following amendments:

Page 1, line 8, delete "shall" and insert "may".

Page 1, line 9, delete "by quitclaim deed in the form the attorney general".

Page 1, line 10, delete "approves".

Page 1, line 11, after "lands" insert "for recreational purposes only".

Page 2, line 30, after "Subd. 2." delete lines 30 to 32.

Page 3, delete lines 1 and 2, and insert "The commissioner of administration shall cause the above described land to be surveyed and to be appraised by not less than three appraisers, at least two of whom shall be residents of the county in which the lands are situated. Each appraiser shall before entering upon the duties of his office take and subscribe an oath that he will faithfully and impartially discharge his duties as appraiser according to the best of his ability and that he is not interested directly or indirectly in any of the lands to be appraised or the timber of improvements thereon or in the purchase thereof and has entered into no agreement or combination to purchase the same or any part thereof, which oath shall be attached to the report of such appraisal.

The consideration to be paid for the conveyance provided for in this act shall be not less than the value certified by the commissioner of administration. The cost of any survey and the appraisals shall be added to and made a part of the appraised value of the lands to be sold.

The terms of payment for all land so sold shall be not less than ten percent of the purchase price thereof at the time of sale with the balance payable as hereinafter provided. The balance may be paid in not less than equal annual installments over a period not to exceed five years at the option of the purchaser, with principal and interest payable annually in advance at the rate of not less than six percent per annum on the unpaid balance payable to the state treasury on or before June 1 each year.

In the event the terms and conditions of a contract for deed are completely fulfilled or if the purchaser makes a lump sum payment for the subject property in lieu of entering into a contract for deed, the governor, upon the recommendation of the commissioner of administration, shall sign and cause to be issued a quitclaim deed on behalf of the state. Said quitclaim deed shall be in a form prescribed by the attorney general."

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

The report was adopted.

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

H. F. No. 2112, A bill for an act relating to retirement; increasing certain benefits and annuities; appropriating money.

Reported the same back with the following amendments:

Page 1, line 15, after "retired members" insert "of a covered fund".

Page 1, line 18, after "surviving beneficiaries" insert "of a covered fund".

Page 2, line 20, delete "payment" and insert "accruing".

Page 3, line 25, delete "payment" and insert "accruing".

Page 4, line 18, delete "\$17,067,923" and insert "\$17,066,223".

Page 4, line 23, delete "\$361,079" and insert "\$359,302".

Page 4, line 24, delete "\$8,668,120" and insert "\$8,668,197".

Page 5, after line 16, insert a new section to read:

"Sec. 9. Each retirement fund providing benefits or annuities to which the increases in this act apply shall calculate the amount of the increase in its accrued liability attributable to the implementation of this act based on census data as of June 30, 1976. The results of this calculation shall be transmitted and supporting data made available to the legislative commission on pensions and retirement, the chairman of the committee on appropriations of the house of representatives, the chairman of the committee on finance of the senate, the commissioner of finance, and the legislative advisory committee no later than November 1, 1976. Any amount appropriated by this act in excess of the amounts required as determined by the calculation made pursuant to this section may be transferred to a covered fund reporting a deficiency or returned to the general fund by the commissioner of finance with the approval of the governor upon consultation with the legislative advisory committee as provided in Minnesota Statutes, Section 3.30, Subdivision 1. In no event shall the total appropriation made pursuant to section 5 be increased."

Renumber the subsequent section accordingly.

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

The report was adopted.

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

H. F. No. 2042, A bill for an act relating to nursing homes; providing for the licensing and inspection of nursing homes; providing for the licensing of nursing home administrators; reorganizing various laws relating to nursing homes and nursing home administrators; clarifying language and making necessary revisions; prescribing civil and criminal penalties; amending Minnesota Statutes 1974, Sections 144.053, Subdivision 3; 144.49, Subdivisions 6 and 7; 144.50; 144.51; 144.55; 144.572; 144.63, Subdivision 2; 144.652; 144.653, Subdivision 1; 144.654; 144.655; 144.656; 144.657; 144.68, Subdivisions 2 and 3; 145.61, Subdivision 4; 145.75; 145.862, Subdivision 4; 245.691, Subdivision 3; 256.12, Subdivision 19; 256B.02, Subdivision 2; 256B.30; 256D.18, Subdivision 2; 299F.39, Subdivision 1; 609.231; 626.555, Subdivisions 1, 2 and 7; and Minnesota Statutes, 1975 Supplement, Sections 144.53; 144.571; 145.72, Subdivision 2; 145.74; and 214.01, Subdivision 2; repealing Minnesota Statutes 1974, Sections 144.584; 144.951; 144.953; 144.954; 144.955; 144.9555; 144.956; 144.957; 144.958; 144.959; 144.96; 144.961; 144.962; 144.963; 144.964; and 144.965; and Minnesota Statutes, 1975 Supplement, Section 144.952.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert the following:

"Section 1. [144A.01] [DEFINITIONS.] Subdivision 1. For the purposes of sections 1 to 28 of this act, the terms defined in this section have the meanings given them.

Subd. 2. "Board of health" means the state board of health established by Minnesota Statutes, Section 144.01.

Subd. 3. "Board of examiners" means the board of examiners for nursing home administrators established by section 19 of this act.

Subd. 4. "Controlling person" means any business entity, officer, director or managerial employee whose responsibilities include the direction of the management or policies of a nursing home. "Controlling person" also means any person who, directly or indirectly, beneficially owns any interest in:

(a) Any corporation, partnership or other business association which is a controlling person;

(b) The land on which a nursing home is located;

(c) The structure in which a nursing home is located;

(d) Any mortgage, contract for deed, or other obligation secured in whole or part by the land or structure comprising a nursing home; or

(e) Any lease or sub-lease of the land, structure, or facilities comprising a nursing home.

"Controlling person" does not include:

(a) A bank, savings bank, trust company, building and loan association, savings and loan association, credit union, industrial loan and thrift company, investment banking firm, or insurance company unless the entity directly or through a subsidiary operates a nursing home;

(b) An individual member, director or employee of the legislature or an individual member, director or employee of the governing body of a political subdivision of the state which operates one or more nursing homes, unless the individual is also an officer, director or managerial employee of a nursing home, or owns any of the beneficial interests not excluded in this subdivision;

(c) A natural person who is a member of a tax-exempt organization under section 290.05, subdivision 1, clause (i), unless the individual is also an officer, director or employee of a nursing home, or owns any of the beneficial interests not excluded in this subdivision; and

(d) A natural person who owns less than five percent of the outstanding common shares of a corporation;

(1) whose securities are exempt by virtue of section 80A.15, subdivision 1, clause (f); or

(2) whose transactions are exempt by virtue of section 80A.15, subdivision 2, clause (b).

Subd. 5. "Nursing home" means a facility or that part of a facility which provides nursing care or boarding care to five or more persons. "Nursing home" does not include a facility or that part of a facility which is a hospital, clinic, doctor's office, diagnostic or treatment center, or a residential facility licensed pursuant to Minnesota Statutes, Sections 245.78 to 245.821, 252.28, and 257.081 to 257.124.

Subd. 6. "Nursing care" means skilled nursing care and intermediate care.

Subd. 7. "Boarding care" means room and board provided to individuals who because of their mental or physical condition require care of a custodial nature but who do not require or receive significant health related services or care except on an emergency or temporary basis.

Subd. 8. "Intermediate care" shall have the meaning set forth in 42 U.S.C.A. Sec. 1396d (c), and the regulations promulgated thereunder.

Subd. 9. "Skilled nursing care" shall have the meaning set forth in 42 U.S.C.A. Sec. 1396d (f), and the regulations promulgated thereunder.

Subd. 10. "Nursing home administrator" means a person who administers, manages, supervises, or is in general administrative charge of a nursing home, whether or not such individual has an ownership interest in the home, and whether or not his functions and duties are shared with one or more individuals, and who is licensed pursuant to section 21 of this act.

Sec. 2. [144A.02] [NURSING HOME LICENSES.] Subdivision 1. No facility shall be used as a nursing home to provide boarding care or nursing care unless the facility has been licensed for the type of care to be provided. The board of health may license a facility as a nursing home if the facility meets the criteria established by sections 2 to 10 of this act, and the rules promulgated thereunder. A license shall describe the facility to be licensed by address and by legal property description. The license shall specify the location and square footage of the floor space constituting the facility and shall incorporate by reference the plans and specifications of the facility, which plans and specifications shall be kept on file with the board of health. The license shall also specify whether the facility is licensed to provide boarding care, nursing care, or a combination of these types of care, and shall state any conditions or limitations imposed on the facility in accordance with the rules of the board of health.

Subd. 2. A controlling person who violates this section is guilty of a misdemeanor.

The provisions of this subdivision shall not apply to any controlling person who had no legal authority to affect or change decisions as to the operation of the nursing home which incurred the uncorrected violations.

Sec. 3. [144A.03] [APPLICATION FOR LICENSE.] Subdivision 1. The board of health by rule shall establish forms and procedures for the processing of nursing home license applica-

tions. An application for a nursing home license shall include the following information:

(a) The names and addresses of all controlling persons of the facility to be licensed;

(b) The address and legal property description of the facility;

(c) A copy of the architectural and engineering plans and specifications of the facility as prepared and certified by an architect or engineer licensed to practice in this state; and

(d) Any other relevant information which the board of health by rule or otherwise may determine is necessary to properly evaluate an application for license.

A controlling person which is a corporation shall submit copies of its articles of incorporation and bylaws and any amendments thereto as they occur, together with the names and addresses of its officers and directors. A controlling person which is a foreign corporation shall furnish the board of health with a copy of its certificate of authority to do business in this state. An application on behalf of a controlling person which is a corporation, association or a governmental unit or instrumentality shall be signed by at least two officers or managing agents of that entity.

Subd. 2. Each application for a nursing home license or for renewal of a nursing home license shall specify one or more controlling persons as agents on whom personal service shall be made, and who are authorized to accept service on behalf of all of the controlling persons of the facility, in proceedings under section 10, subdivisions 4 and 5; section 11, subdivision 3; and section 15 of this act. Notwithstanding any law to the contrary, personal service on the controlling person or persons named in an application shall be deemed to be service on all of the controlling persons of the facility, and it shall not be a defense to any action arising under those provisions of this act that personal service was not made on each controlling person of the facility.

Sec. 4. [144A.04] [QUALIFICATIONS FOR LICENSE.]  
Subdivision 1. No nursing home license shall be issued to a facility unless the board of health determines that the facility complies with the requirements of this section.

Subd. 2. The controlling persons of the facility must comply with the application requirements specified by section 3 of this act and the rules of the board of health.

Subd. 3. The facility must meet the minimum health, sanitation, safety and comfort standards prescribed by the rules of the board of health with respect to the construction, equipment, maintenance and operation of a nursing home. The board of health



may temporarily waive compliance with one or more of the standards if it determines that:

(a) Temporary noncompliance with the standard will not create an imminent risk of harm to a nursing home resident; and

(b) The controlling persons have entered into a contract to obtain the materials or labor necessary to meet the standard set by the board of health, but the supplier or other contractor has failed to perform the terms of the contract and the inability of the nursing home to meet the standard is due solely to that failure.

Subd. 4. The controlling persons of the facility must be competent, of good moral character, and otherwise suitably qualified to operate the facility.

Subd. 5. The controlling persons of the facility may not include any controlling person who was a controlling person of another facility during any period of time in the previous two year period during which two year period that facility incurred the following number of violations of section 10 of this act or the rules promulgated thereunder, for which violations a fine was assessed and allowed to be recovered:

(a) Two or more uncorrected violations which created an imminent risk of harm to a nursing home resident; or

(b) Ten or more uncorrected violations of any nature.

The provisions of this subdivision shall not apply to any controlling person who had no legal authority to affect or change decisions as to the operation of the nursing home which incurred the uncorrected violations.

Subd. 6. Except as otherwise provided by this subdivision, a nursing home must have a full time licensed nursing home administrator serving the facility. Two nursing homes having less than 50 beds each and located within 50 miles of each other may share the services of a licensed administrator if the administrator divides his full time work week between the two facilities in proportion to the number of beds in each facility. A facility sharing a full time licensed administrator in accordance with this subdivision shall have a person-in-charge on the premises during the normal work week in the absence of the licensed administrator. The name of the person in charge must be posted in a conspicuous place in the facility. The board of health shall by rule promulgate minimum education and experience requirements for persons-in-charge, and may promulgate rules specifying the times of day during which a licensed administrator or person-in-charge must be on the nursing home's premises.

Subd. 7. The facility may not employ as a managerial employee or as its licensed administrator any person who was a

managerial employee or the licensed administrator of another facility during any period of time in the previous two year period during which two year period that facility incurred the following number of violations of section 10 of this act or the rules promulgated thereunder, which were in the jurisdiction and control of the managerial employee or administrator and for which violations a fine was assessed and allowed to be recovered:

(a) Two or more uncorrected violations which created an imminent risk of harm to a nursing home resident; or

(b) Ten or more uncorrected violations of any nature.

Sec. 5. [144A.05] [LICENSE RENEWAL.] Unless the license expires in accordance with section 6 of this act or is suspended or revoked in accordance with section 11 of this act, a nursing home license shall remain effective for a period of one year from the date of its issuance. The board of health by rule shall establish forms and procedures for the processing of license renewals. The board of health shall approve a license renewal application if the facility continues to satisfy the requirements, standards and conditions prescribed by sections 1 to 17 of this act and the rules promulgated thereunder. Except as provided in section 8 of this act, a facility shall not be required to submit with each application for a license renewal additional copies of the architectural and engineering plans and specifications of the facility. Before approving a license renewal, the board of health shall determine that the facility's most recent consolidated balance sheet and its most recent statement of revenues and expenses as audited by a certified public accountant licensed by this state or by a public accountant as defined in section 412.222 have been received by the department of public welfare. Neither statement may be dated more than three months prior to the date of expiration of the license.

Sec. 6. [144A.06] [TRANSFER OF INTERESTS.] Subdivision 1. [NOTICE; EXPIRATION OF LICENSE.] Any controlling person who makes any transfer of a beneficial interest in a nursing home shall notify the board of health of the transfer within seven days of its occurrence. The notification shall identify by name and address the transferor and transferee and shall specify the nature and amount of the transferred interest. If the board of health determines that the transferred beneficial interest exceeds 50 percent of the transferor's beneficial interest in the nursing home prior to the transfer, or 10 percent of the total beneficial interest in the facility, the structure in which the facility is located, or the land upon which the structure is located, the license of the nursing home shall expire 90 days after the date of transfer. The board of health shall notify the nursing home by certified mail of the expiration of the license at least 60 days prior to the date of expiration.

*Subd. 2. [RELICENSURE.] The board of health by rule shall prescribe procedures for relicensure under this section. The board of health shall relicense a nursing home if the facility satisfies the requirements for license renewal established by section 5 of this act. A facility shall not be relicensed by the board if at the time of transfer there are any uncorrected violations of rule or statute for which a fine was assessed. The board of health may temporarily waive correction of one or more violations if it determines that:*

*(a) Temporary noncorrection of the violation will not create an imminent risk of harm to a nursing home resident; and*

*(b) The controlling persons have entered into a contract to obtain the materials or labor necessary to correct the violation, but the supplier or other contractor has failed to perform the terms of the contract and the inability of the nursing home to correct the violation is due solely to that failure.*

*Sec. 7. [144A.07] [FEES.] Each application for a license to operate a nursing home, or for a renewal of license, except an application by the Minnesota veterans home or the commissioner of public welfare for the licensing of state institutions, shall be accompanied by a fee to be prescribed by the board of health pursuant to Minnesota Statutes, Section 144.122. No fee shall be refunded. The board of health shall set fees at a level sufficient to approximate its anticipated yearly expenditures under sections 1 to 17 of this act. Fees received by the board of health shall be credited to the general fund.*

*Sec. 8. [144A.08] [PHYSICAL STANDARDS.] Subdivision 1. The board of health by rule shall establish minimum standards for the construction, maintenance, equipping and operation of nursing homes. The rules shall to the extent possible assure the health, treatment, comfort, safety and well being of nursing home residents.*

*Subd. 2. [REPORT.] The controlling persons of a nursing home shall, in accordance with rules established by the board of health, promptly notify the board of health of any change in the physical structure of a nursing home, which change would affect compliance with the rules of the board of health or with sections 1 to 17 of this act.*

*Subd. 3. [PENALTY.] Any controlling person who establishes, conducts, manages or operates a nursing home in violation of the rules established under this section is guilty of a misdemeanor.*

*The provisions of this subdivision shall not apply to any controlling person who had no legal authority to affect or change decisions as to the operation of the nursing home which incurred the uncorrected violations.*

Sec. 9. [144A.09] [FACILITIES EXCLUDED.] *No rule established under sections 1 to 17 of this act other than a rule relating to sanitation and safety of premises, to cleanliness of operation or to physical equipment, shall apply to a nursing home conducted in accordance with the teachings of the body known as the Church of Christ, Scientist.*

Sec. 10. [144A.10] [INSPECTIONS; SANCTIONS.] *Subdivision 1. [ENFORCEMENT AUTHORITY.] The board of health is the exclusive state agency charged with the responsibility and duty of inspecting all facilities required to be licensed under section 2 of this act. The board of health shall enforce the rules established pursuant to sections 1 to 17 of this act, subject only to the authority of the department of public safety respecting the enforcement of fire and safety standards in nursing homes and the responsibility of the commissioner of public welfare under Minnesota Statutes, Sections 245.78 to 245.821; 252.28; and 257.081 to 257.124.*

Subd. 2. [INSPECTIONS.] *At least two times each year the board of health shall inspect each nursing home to assure compliance with sections 1 to 17 of this act and the rules promulgated thereunder. At least one of the inspections shall be a full inspection of the nursing home. No prior notice shall be given of an inspection conducted pursuant to this subdivision. Any employee of the board of health who willfully gives or causes to be given any advance notice of an inspection required or authorized by this subdivision shall be subject to suspension or dismissal in accordance with Minnesota Statutes, Chapter 43. An inspection required by a federal life safety code or similar rule or statute may be conducted in conjunction with or subsequent to any other inspection. Any inspection required by this subdivision shall be in addition to the inspections required by subdivision 5.*

Subd. 3. [REPORTS; POSTING.] *After each inspection required or authorized by this section, the board of health shall send copies of the inspection report and a summary of the report to the nursing home. A copy of the report, and copies of any documentation supplied to the board of health or the commissioner of public welfare shall be kept on file at the nursing home and shall be made available for viewing by any person upon request. Except as otherwise provided by this subdivision, a copy of the most recent summary of the inspection or reinspection report shall be posted in a conspicuous and readily accessible place in the nursing home. Confidential information protected by Minnesota Statutes, Section 15.1641, shall not be made available or posted as provided in this subdivision unless it may be made available or posted in a manner authorized by Minnesota Statutes, Sections 15.1641 to 15.165.*

Subd. 4. [CORRECTION ORDERS.] *Whenever a duly authorized representative of the board of health finds upon inspection of a nursing home, that the facility or a controlling person*

or an employee of the facility is not in compliance with sections 1 to 17 of this act or the rules promulgated thereunder, a correction order shall be issued to the facility. The correction order shall state the deficiency, cite the specific rule or statute violated, and specify the time allowed for correction. The board of health by rule shall establish a schedule of allowable time periods for correction of nursing home deficiencies.

Subd. 5. [REINSPECTIONS.] A nursing home issued a correction order under this section shall be reinspected at the end of the period allowed for correction. If upon reinspection the representative of the board of health determines that the facility has not corrected a deficiency identified in the correction order, a notice of noncompliance with the correction order shall be mailed by certified mail to the nursing home. The notice shall specify the deficiencies not corrected and the fines assessed in accordance with subdivision 6.

Subd. 6. [FINES.] A nursing home which is issued a notice of noncompliance with a correction order shall be assessed a civil fine in accordance with a schedule of fines promulgated by rule of the board of health. The fine shall be assessed for each day the facility remains in noncompliance and until a notice of correction is received by the board of health in accordance with subdivision 7. No fine for a specific violation or deficiency may exceed \$250 per day of noncompliance.

Subd. 7. [ACCUMULATION OF FINES.] A nursing home shall promptly notify the board of health in writing when a deficiency noted in a notice of noncompliance is corrected. Upon receipt of written notification by the board of health, the daily fine assessed for the deficiency shall stop accruing. The facility shall be inspected within three working days after receipt of the notification. If upon inspection the representative of the board of health determines that a deficiency has not been corrected as indicated by the notification of compliance the daily fine assessment shall resume and the amount of fines which otherwise would have accrued during the period prior to resumption shall be added to the total assessment due from the nursing home. The nursing home may challenge the resumption as a contested case in accordance with the provisions of Minnesota Statutes, Chapter 15. The cost of a reinspection conducted pursuant to this subdivision shall be added to the total assessment due from the nursing home.

Subd. 8. [RECOVERY OF FINES; HEARING.] Fines assessed under this section shall be payable 15 days after delivery or mailing of the notice of noncompliance and at 15 day intervals thereafter, as the fines accrue. Recovery of an assessed fine shall be stayed if a controlling person or his legal representative on behalf of the nursing home makes a written request for a hearing on the notice of noncompliance within 15 days after the home's receipt of the notice. A hearing under this subdivision

shall be conducted as a contested case in accordance with Minnesota Statutes, Chapter 15. If a nursing home, after notice and opportunity for hearing on the notice of noncompliance, does not pay a properly assessed fine in accordance with this subdivision, the board of health shall notify the commissioner of public welfare who shall deduct the amount from reimbursement moneys due or to be due the facility under Minnesota Statutes, Chapter 256B. The board of health may consolidate the hearings provided for in subdivisions 7 and 8 of this section in cases in which a facility has requested hearings under both provisions.

Subd. 9. [NONLIMITING.] Nothing in this section shall be construed to limit the powers granted to the board of health by section 11 of this act.

Sec. 11. [144A.11] [LICENSE SUSPENSION OR REVOCATION; REINSTATEMENT.] Subdivision 1. [OPTIONAL PROCEEDINGS.] The board of health may institute proceedings leading to a suspension or revocation of a nursing home license, or it may refuse to grant or renew the license of a nursing home if any action by a controlling person or employee of the nursing home:

(a) Violates any of the provisions of sections 1 to 8, 12 or 16 of this act, or the rules promulgated thereunder;

(b) Permits, aids, or abets the commission of any illegal act in the nursing home;

(c) Performs any act contrary to the welfare of a patient or resident of the nursing home; or

(d) Obtains, or attempts to obtain, a license by fraudulent means or misrepresentation.

Subd. 2. [MANDATORY PROCEEDINGS.] The board of health shall initiate proceedings leading to the suspension or revocation of a nursing home license or shall refuse to renew a license if within the preceding two years the nursing home has incurred the following number of violations of section 10 of this act or the rules promulgated thereunder for which violations a fine was assessed and allowed to be recovered:

(a) Two or more uncorrected violations which created an imminent risk of harm to a nursing home resident; or

(b) Ten or more uncorrected violations of any nature.

Subd. 3. [HEARINGS.] No nursing home license may be suspended or revoked without a hearing held as a contested case in accordance with Minnesota Statutes, Chapter 15. If the controlling person designated under section 3, subdivision 2 of this

act, as an agent to accept service on behalf of all of the controlling persons of the nursing home has been notified by the board of health that the facility will not receive an initial license or that a license renewal has been denied, the controlling person or his legal representative on behalf of the nursing home may request and receive a hearing on the denial. This hearing shall be held before the board of health as a contested case in accordance with Minnesota Statutes, Chapter 15.

Subd. 4. [RELICENSING.] If a nursing home license is revoked a new application for license may be considered by the board of health when the conditions upon which revocation was based have been corrected and satisfactory evidence of this fact has been furnished to the board of health. A new license may be granted after an inspection has been made and the facility has been found to comply with all provisions of sections 1 to 17 of this act and the rules promulgated thereunder.

Sec. 12. [144A.12] [ADDITIONAL REMEDY; DISCOVERY.] Subdivision 1. [INJUNCTIVE RELIEF.] In addition to any other remedy provided by law, the board of health may in its own name bring an action in the district court in Ramsey county or in the district in which a nursing home is located to enjoin a controlling person or an employee of the nursing home from illegally engaging in activities regulated by sections 1 to 17 of this act. A temporary restraining order may be granted by the court in the proceeding if continued activity by the controlling person or employee would create an imminent risk of harm to a resident of the facility.

Subd. 2. [DISCOVERY; SUBPOENAS.] In all matters pending before it under sections 1 to 17 of this act, the board of health shall have the power to issue subpoenas and compel the attendance of witnesses and the production of all necessary papers, books, records, documents and other evidentiary material. Any person failing or refusing to appear or testify regarding any matter about which he may be lawfully questioned or to produce any papers, books, records, documents or evidentiary materials in the matter to be heard, after having been required by order of the board of health or by a subpoena of the board of health to do so may, upon application to the district court in any district, be ordered to comply therewith. The commissioner of health acting on behalf of the board of health may issue subpoenas and may administer oaths to witnesses, or take their affirmation. Depositions may be taken within or without the state in the manner provided by law for the taking of depositions in civil actions. A subpoena or other process or paper may be served upon any named person anywhere within the state by any officer authorized to serve subpoenas in civil actions, with the same fees and mileage and in the same manner as prescribed by law for process issued out of the district court of this state. Fees and mileage and other costs shall be paid in the same manner as for proceedings in district court.

**Sec. 13. [144A.13] [COMPLAINTS; DISCRIMINATION.]**

**Subdivision 1. [PROCESSING.]** All matters relating to the operation of a nursing home which are the subject of a written complaint from a resident and which are received by a controlling person or employee of the nursing home shall be delivered to the facility's administrator for evaluation and action. Failure of the administrator within seven days of their receipt to resolve the complaint within a reasonable time after he receives it, or alternatively, the failure of the administrator to make a reply within seven days after he receives it to the complaining resident stating that the complaint did not constitute a valid objection to the nursing home's operations, shall be a violation of section 10 of this act. If a complaint directly involves the activities of a nursing home administrator, the complaint shall be resolved in accordance with this section by a person, other than the administrator, duly authorized by the nursing home to investigate the complaint and implement any necessary corrective measures.

**Subd. 2. [RESIDENT RIGHTS.]** The administrator of a nursing home shall inform each resident in writing at the time of admission of his right to complain to the administrator about facility accommodations and services. A notice of the right to complain shall be posted in the nursing home. The administrator shall also inform each resident of his right to complain to the board of health. No controlling person or employee of a nursing home shall retaliate in any way against a complaining nursing home resident and no nursing home resident may be denied any right available to him under Minnesota Statutes, Chapter 566.

**Sec. 14. [144A.14] [VOLUNTARY RECEIVERSHIP.]** A majority in interest of the controlling persons of a nursing home may at any time request the board of health to assume the operation of the nursing home through appointment of a receiver. Upon receiving a request for a receiver, the board of health may, if it deems receivership desirable, enter into an agreement with a majority in interest of the controlling persons, providing for the appointment of a receiver to take charge of the facility under conditions deemed appropriate by both parties. The agreement shall specify all terms and conditions of the receivership and shall preserve all rights of the facility residents as granted by law. A receivership initiated in accordance with this section shall terminate at the time specified by the parties or at the time when either party notifies the other in writing that he wishes to terminate the receivership agreement.

**Sec. 15. [144A.15] [INVOLUNTARY RECEIVERSHIP.]**

**Subdivision 1. [PETITION; NOTICE.]** In addition to any other remedy provided by law, the board of health may petition the district court in Ramsey county or in the district in which a nursing home is located for an order directing the controlling persons of the nursing home to show cause why the board of health or its designee should not be appointed receiver to operate



*the facility. The petition to the district court shall contain proof by affidavit that the board of health has either commenced license suspension or revocation proceedings, suspended or revoked a license, or decided not to renew the nursing home license. The order to show cause shall be returnable not less than five days after service is completed and shall provide for personal service of a copy to the nursing home administrator and to the persons designated as agents by the controlling persons to accept service on their behalf pursuant to section 3, subdivision 2 of this act.*

**Subd. 2. [APPOINTMENT OF RECEIVER, RENTAL.]** *If, after hearing, the court finds that involuntary receivership is necessary as a means of protecting the health, safety or welfare of a resident of a nursing home, the court shall appoint the board of health, or any other person designated by the board of health, as a receiver to take charge of the facility. The court shall determine a fair monthly rental for the facility, taking into account all relevant factors including the condition of the facility. This rental fee shall be paid by the receiver to the appropriate controlling persons for each month that the receivership remains in effect. Notwithstanding any other law to the contrary, no payment made to a controlling person by any state agency during a period of involuntary receivership shall include any allowance for profit or be based on any formula which includes an allowance for profit.*

**Subd. 3. [POWERS AND DUTIES OF RECEIVER.]** *A nursing home receiver appointed pursuant to this section shall with all reasonable speed, but in any case, within 18 months after the receivership order, provide for the orderly transfer of all the nursing home's residents to other facilities or make other provisions for their continued safety and health care. The receiver may correct or eliminate those deficiencies in the facility which seriously endanger the life, health or safety of the residents unless the correction or elimination of deficiencies involve major alterations in the physical structure of the nursing home. He shall, during this period, operate the nursing home in a manner designed to guarantee the safety and adequate health care of the residents. The receiver shall take no action which impairs the legal rights of a resident of the nursing home. He shall have power to make contracts and incur lawful expenses. He shall collect incoming payments from all sources and apply them to the cost incurred in the performance of his functions as receiver. No security interest in any real or personal property comprising the nursing home or contained within it, or in any fixture of the facility, shall be impaired or diminished in priority by the receiver. The receiver shall pay all valid obligations of the nursing home and shall deduct these expenses, if appropriate, from rental payments owed to any controlling person by virtue of the receivership.*

**Subd. 4. [RECEIVER'S FEE; LIABILITY; BOARD ASSISTANCE.]** *A nursing home receiver appointed pursuant*

to this section shall be entitled to a reasonable receiver's fee as determined by the court. The receiver shall be liable only in his official capacity for injury to person and property by reason of the conditions of the nursing home. He shall not be personally liable, except for his gross negligence and intentional acts. The board of health shall assist the receiver in carrying out his duties.

**Subd. 5. [TERMINATION.]** An involuntary receivership imposed pursuant to this section shall terminate 18 months after the date on which it was ordered or at any other time designated by the court or upon the occurrence of any of the following events:

(a) A determination by the board of health that the nursing home's license should be renewed or should not be suspended or revoked;

(b) The granting of a new license to the nursing home; or

(c) A determination by the board of health that all of the residents of the nursing home have been provided alternative health care, either in another facility or otherwise.

**Sec. 16. [144A.16] [CESSATION OF NURSING HOME OPERATIONS.]** If a nursing home plans to cease operations or to curtail operations to the extent that relocation of residents is necessary, the controlling persons of the facility shall notify the board of health at least 90 days prior to the scheduled cessation or curtailment. The board of health shall cooperate with and advise the controlling persons of the nursing home in the resettlement of residents. Failure to comply with this section shall be a violation of section 10 of this act.

**Sec. 17. [144A.17] [ADVISORY COUNCIL.]** A nursing home advisory council consisting of 15 members shall be appointed by the board of health to advise and make recommendations on proposed rules and other matters relating to nursing homes. The members of the council shall include the following:

(a) Six professionals engaged in providing services to residents of nursing homes, including a nurse, pharmacist, dietitian, medical doctor, dentist, and social worker;

(b) A licensed nursing home administrator;

(c) An architect, engineer or general contractor familiar with nursing home construction;

(d) One controlling person of a proprietary nursing home;

(e) Two controlling persons each associated with a different nonprofit nursing home;

(f) Two nursing home residents not residing in the same home; and

(g) Two public members as defined in Minnesota Statutes, Section 214.02.

*The council shall expire and the terms, compensation and removal of members shall be as provided in Minnesota Statutes, Section 15.059.*

Sec. 18. [144A.18] [LICENSE REQUIREMENT FOR ADMINISTRATORS.] *No person shall act as a nursing home administrator or purport to be a nursing home administrator unless he is licensed by the board of examiners for nursing home administrators. A violation of this section is a misdemeanor.*

Sec. 19. [144A.19] [BOARD OF EXAMINERS FOR NURSING HOME ADMINISTRATORS.] *Subdivision 1. There is hereby created the board of examiners for nursing home administrators which shall consist of the following members:*

(a) *A designee of the board of health who shall be a non-voting member;*

(b) *The commissioner of public welfare, or his designee who shall be a nonvoting member; and the following members appointed by the governor:*

(c) *Two members actively engaged in the management, operation, or ownership of proprietary nursing homes;*

(d) *Two members actively engaged in the management or operation of nonprofit nursing homes;*

(e) *One member actively engaged in the practice of medicine;*

(f) *One member actively engaged in the practice of professional nursing; and*

(g) *Three public members as defined in Minnesota Statutes, Section 214.02.*

*Subd. 2. Membership terms, compensation of members, removal of members, the filling of membership vacancies, and fiscal year and reporting requirements for the board of examiners shall be as provided in Minnesota Statutes, Sections 214.07 to 214.09.*

Sec. 20. [144A.20] [ADMINISTRATOR QUALIFICATIONS.] *Subdivision 1. The board of examiners may issue licenses to qualified persons as nursing home administrators, and shall establish qualification criteria for nursing home administrators. No license shall be issued to a person as a nursing home administrator unless he:*

(a) *Is at least 18 years of age, of good moral character, sound physical and mental health and otherwise suitably qualified;*

(b) *Has satisfactorily met standards set by the board of examiners, which standards shall be designed to assure that nursing home administrators will be individuals who, by training or experience are qualified to serve as nursing home administrators; and*

(c) *Has passed an examination approved by the board and designed to test for competence in the subject matters referred to in clause (b), or has been approved by the board of examiners through the development and application of other appropriate techniques.*

*Subd. 2. Notwithstanding any law to the contrary, no person desiring to be licensed to administer a nursing home operated exclusively in accordance with the teachings of the body known as the Church of Christ, Scientist, shall be required to demonstrate proficiency in any medical technique or meet any medical educational qualification or medical standard which is not in accord with the type of remedial care and treatment provided in a nursing home operated exclusively in accordance with the teachings of that body.*

Sec. 21. [144A.21] [ADMINISTRATOR LICENSES.] *Subdivision 1. A nursing home administrator's license shall not be transferable and shall be valid until June 30 of the year following its issuance or until it is earlier surrendered, suspended or revoked.*

*Subd. 2. The board of examiners by rule shall establish forms and procedures for the processing of license renewals. A nursing home administrator's license may be renewed only in accordance with the standards adopted by the board of examiners pursuant to section 24 of this act.*

*Subd. 3. Each person licensed as a nursing home administrator shall be required to pay initial and renewal license fees in amounts to be fixed by rule of the board of examiners. In addition, each person who takes an examination pursuant to section 20 of this act, shall pay a fee in an amount fixed by rule of the board. Except as otherwise provided by this subdivision, the board of examiners shall set fees at a level sufficient to generate*

receipts approximately equal to anticipated expenditures of the board for the following year. Examination fees shall be set at a level sufficient to generate receipts approximately equal to the costs of administering the examinations. All fees received by the board of examiners shall be credited to the general fund.

Subd. 4. Denial of issuance or renewal, or suspension or revocation of an administrator's license shall be subject to review upon timely written request for review in accordance with Minnesota Statutes, Chapter 15.

Sec. 22. [144A.22] [ORGANIZATION OF BOARD.] The board of examiners shall elect from its membership a chairman, vice-chairman and secretary-treasurer, and shall adopt rules to govern its proceedings. Except as otherwise provided by law the board of examiners shall employ and fix the compensation and duties of an executive secretary and other necessary personnel to assist it in the performance of its duties. The executive secretary shall not be a member of the board of examiners.

Sec. 23. [144A.23] [EXCLUSIVE JURISDICTION OF BOARD.] The board of examiners shall have exclusive authority to determine the qualifications, skill and fitness required of any person to serve as an administrator of a nursing home. The holder of a license shall be deemed fully qualified to serve as the administrator of a nursing home.

Sec. 24. [144A.24] [DUTIES OF THE BOARD.] The board of examiners shall:

(a) Develop and enforce standards for nursing home administrator licensing, which standards shall be designed to assure that nursing home administrators will be individuals of good character who, by training or experience, are suitably qualified to serve as nursing home administrators;

(b) Develop appropriate techniques, including examinations and investigations, for determining whether applicants and licensees meet the board's standards;

(c) Issue licenses to those individuals who are found to meet the board's standards;

(d) Establish and implement procedures designed to assure that individuals licensed as nursing home administrators will comply with the board's standards;

(e) Receive, investigate, and take appropriate action consistent with section 25 of this act, to revoke or suspend the license of a nursing home administrator who fails to comply with sections 18 to 28 of this act or the board's standards;

(f) Conduct a continuing study and investigation of nursing homes, and the administrators of nursing homes within the state, with a view to the improvement of the standards imposed for the licensing of administrators and improvement of the procedures and methods used for enforcement of the board's standards; and

(g) Approve or conduct courses of instruction or training designed to prepare individuals for licensing in accordance with the board's standards. Courses designed to meet license renewal requirements shall be designed solely to improve professional skills and shall not include classroom attendance requirements exceeding 50 hours per year. The board may approve courses conducted within or without this state.

Sec. 25. [144A.25] [COMPLAINTS.] Subdivision 1. [RECEIPT OF COMPLAINT.] The executive secretary of the board of examiners, a board member or any other person who performs services for the board, who receives a complaint or other communication, whether oral or written, which complaint or communication alleges or implies a violation of a statute or rule which the board is empowered to enforce, shall promptly forward the substance of the communication to the designee of the attorney general responsible for providing legal services to the board. Before proceeding further with the communication, the designee of the attorney general may require the complaining party to state his complaint in writing on a form prepared by the attorney general. Complaints which relate to matters within the jurisdiction of another governmental agency shall be forwarded to that agency by the executive secretary. An officer of that agency shall advise the executive secretary of the disposition of that complaint. A complaint received by another agency which relates to a statute or rule which the board is empowered to enforce shall be forwarded to the executive secretary of the board to be processed in accordance with this section.

Subd. 2. [INVESTIGATION AND HEARING.] The designee of the attorney general providing legal services to the board of examiners shall evaluate the communications forwarded to him by the board or its members or staff. If the communication alleges a violation of statute or rule which the board is to enforce, the designee is empowered to investigate the facts alleged in the communication. In the process of evaluation and investigation, he shall consult with or seek the assistance of the executive secretary or a member of the board who has been designated by the board to assist the designee. He may also consult with or seek the assistance of any other qualified persons who are not members of the board who the designee believes will materially aid in the process of evaluation or investigation. The executive secretary or the consulted board member may attempt to correct improper activities and redress grievances through education, conference, conciliation and persuasion, and in these attempts they may be assisted by the designee of the attorney general. If

*the attempts at correction or redress do not produce satisfactory results in the opinion of the executive secretary or the consulted board member, or if the designee providing legal services to the board, the executive secretary or the consulted board member believes that the communication and the investigation suggest illegal or unauthorized activities warranting board action, they shall inform the executive secretary of the board who shall schedule a disciplinary hearing in accordance with Minnesota Statutes, Chapter 15. Before scheduling a disciplinary hearing, the executive secretary must have received a verified written complaint from the complaining party. A board member who was consulted during the course of an investigation may participate at the hearing but may not vote on any matter pertaining to the case. The executive secretary of the board shall promptly inform the complaining party of the final disposition of the complaint.*

**Subd. 3. [DISCOVERY; SUBPOENAS.]** *In all matters pending before it, the board of examiners may issue subpoenas and compel the attendance of witnesses and the production of all necessary papers, books, records, documents and other evidentiary material. Any person failing or refusing to appear or testify regarding any matter about which he may be lawfully questioned or to produce any papers, books, records, documents or other evidentiary materials in the matter to be heard, after having been required by order of the board or by a subpoena of the board to do so may, upon application to the district court in any district, be ordered to comply therewith. The chairman of the board acting on behalf of the board may issue subpoenas and any board member may administer oaths to witnesses, or take their affirmation. Depositions may be taken within or without the state in the manner provided by law for the taking of depositions in civil actions. A subpoena or other process or paper may be served upon any person named therein, anywhere within the state by any officer authorized to serve subpoenas or other process or paper in civil actions, with the same fees and mileage and in the same manner as prescribed by law for service of process issued out of the district court of this state. Fees and mileage and other costs shall be paid as the board directs.*

**Subd. 4. [ADDITIONAL REMEDY.]** *In addition to any other remedy provided by law, the board of examiners may in its own name bring an action in district court for injunctive relief to restrain any unauthorized practice or violation or threatened violation of any statute or rule which the board is empowered to regulate or enforce. A temporary restraining order may be granted in a proceeding if continued activity by the person would create an imminent risk of harm to others. Injunctive relief granted pursuant to this section shall not relieve a person enjoined from criminal prosecution by any competent authority or from disciplinary action by the board in respect to the person's license or application for license or renewal.*

**Sec. 26. [144A.251] [MANDATORY PROCEEDINGS.]** *The board of examiners shall initiate proceedings leading to the*

*suspension or revocation of a nursing home administrator license or shall refuse to renew a license if within the preceding two years the administrator was employed at a nursing home which incurred during the two year period the following number of violations of section 10 of this act or the rules promulgated thereunder, which violations were in the jurisdiction and control of the administrator and for which a fine was assessed and allowed to be recovered:*

*(a) Two or more uncorrected violations which created an imminent risk of harm to a nursing home resident; or*

*(b) Ten or more uncorrected violations of any nature.*

**Sec. 27. [144A.26] [RECIPROCITY WITH OTHER STATES.]** *The board of examiners may issue a nursing home administrator's license, without examination, to any person who holds a current license as a nursing home administrator from another jurisdiction if the board finds that the standards for licensure in the other jurisdiction are at least the substantial equivalent of those prevailing in this state and that the applicant is otherwise qualified.*

**Sec. 28. [144A.27] [EMERGENCY PERFORMANCE.]** *If a licensed nursing home administrator is removed from his position by death or other unexpected cause, the controlling persons of the nursing home suffering the removal may designate an acting nursing home administrator who may serve without a license for no more than 90 days, unless an extension is granted by the board of examiners.*

**Sec. 29. [144A.28] [SEVERABILITY.]** *Any part of sections 18 to 28 of this act which is in conflict with any act of congress of the United States or any rule of a federal agency, so as to deprive nursing homes of this state of federal funds, shall be deemed void without affecting the remaining provisions of sections 18 to 28 of this act.*

**Sec. 30. [CONTINUITY OF RULES; AUTHORITY.]** **Subdivision 1.** *The provisions of any rule affecting nursing homes or nursing home administrators heretofore promulgated in accordance with Minnesota Statutes, Chapter 144, or hereafter promulgated in accordance with subdivision 2, shall remain effective with respect to nursing homes and nursing home administrators until repealed, modified or superseded by a rule promulgated in accordance with this act.*

**Subd. 2.** *Any investigation, disciplinary hearing, court action or other proceeding affecting a nursing home or nursing home administrator heretofore initiated by the board of health or board of examiners in accordance with Minnesota Statutes, Chapter 144, shall be conducted and completed in accordance with that*



*chapter as it existed prior to the effective date of this section. Proceedings heretofore initiated by the board of health or board of examiners leading to the establishment of a rule affecting nursing homes or nursing home administrators may be continued and the rule may be promulgated in accordance with heretofore existing law, notwithstanding any other provision of this act.*

*Subd. 3. As soon as possible after the effective date of this section, the board of health shall by rule establish a schedule of fines in accordance with section 10, subdivision 5 of this act.*

Sec. 31. Minnesota Statutes 1974, Section 144.053, Subdivision 3, is amended to read:

Subd. 3. The furnishing of such information to the state board of health or its authorized representative, or to any other cooperating agency in such research project, shall not subject any person, hospital, sanitarium, (REST HOME,) nursing home or other person or agency furnishing such information, to any action for damages or other relief.

Sec. 32. Minnesota Statutes 1974, Section 144.49, Subdivision 6, is amended to read:

Subd. 6. Any person, partnership, association, or corporation establishing, conducting, managing, or operating any hospital, sanatorium, (REST HOME, NURSING HOME,) or other institution in accordance with the provisions of sections 144.50 to 144.56, without first obtaining a license therefor is guilty of a misdemeanor.

Sec. 33. Minnesota Statutes 1974, Section 144.49, Subdivision 7, is amended to read:

Subd. 7. Any person, partnership, association, or corporation (ESTABLISHING, CONDUCTING, MANAGING, OR OPERATING) *which establishes, conducts, manages or operates* any hospital, sanatorium (, REST HOME, NURSING HOME,) or other institution (IN ACCORDANCE WITH THE PROVISIONS OF) *required to be licensed under* sections 144.50 to 144.56 (VIOLATING), *in violation of any provision of* sections 144.50 to 144.56 or any regulation established thereunder, is guilty of a misdemeanor.

Sec. 34. Minnesota Statutes 1974, Section 144.50, is amended to read:

144.50 [HOSPITALS, LICENSES; DEFINITIONS.] No person, partnership, association, or corporation, nor any state, county, or local governmental units, nor any division, department, board, or agency thereof, shall establish, operate, conduct,

or maintain in the state any hospital sanatorium (, REST HOME, NURSING HOME, BOARDING HOME,) or other institution for the hospitalization or care of human beings without first obtaining a license therefor in the manner (HEREIN-AFTER) provided by law.

Hospital, sanatorium (, REST HOME, NURSING HOME, BOARDING HOME, AND OTHER RELATED INSTITUTIONS) or other institution for the hospitalization or care of human beings, within the meaning of sections 144.50 to 144.56 shall mean any institution, place, building, or agency, other than a diagnostic or treatment center, a clinic, or a physician's office, in which any accommodation is maintained, furnished, or offered for the hospitalization of the sick or injured or for maternity care of more than one woman within a period of six months (OR FOR CARE OF FIVE OR MORE AGED OR INFIRM PERSONS REQUIRING OR RECEIVING CHONIC OR CONVALESCENT CARE) and in which clinical laboratory services, diagnostic x-ray services, or treatment facilities for surgery, obstetrical care or other definitive medical treatment of similar extent, including but not limited to psychiatric care, physical medicine and rehabilitation, x-ray therapy and similar specialized treatments, are made available to inpatients. The term "hospital" includes the term "sanatorium" unless the context clearly indicates otherwise. Nothing in sections 144.50 to 144.56 shall apply to hotels or other similar places that furnish only board and room, or either, to their guests.

"Hospitalization" means the reception and care of persons for a continuous period longer than 24 hours, for the purpose of diagnosis or treatment bearing on the physical or mental health of such persons.

"Maternity care" means the care and treatment of a woman during pregnancy or during delivery or within ten days after delivery, and for the purposes of sections 144.50 to 144.56 shall include care during such period of time of the infant born to such mother.

("CHRONIC OR CONVALESCENT CARE" MEANS (1) CARE REQUIRED BY A PERSON BECAUSE OF PROLONGED MENTAL OR PHYSICAL ILLNESS OR DEFECT OR DURING RECOVERY FROM INJURY OR DISEASE AND SHALL INCLUDE ANY OR ALL OF THE PROCEDURES COMMONLY EMPLOYED IN CARING FOR THE SICK; AND (2) CARE INCIDENT TO OLD AGE REQUIRED BY A PERSON WHO BECAUSE OF ADVANCING AGE IS NOT CAPABLE OF PROPERLY CARING FOR HIMSELF AND SHALL INCLUDE NECESSARY PERSONAL OR CUSTODIAL CARE. THE FURNISHING OF BOARD, ROOM, AND LAUNDRY SHALL NOT IN ITSELF BE DEEMED CARE INCIDENT TO OLD AGE.)

Nothing in sections 144.50 to 144.56 shall authorize any person, partnership, association, or corporation, nor any state, county, or local governmental units, nor any division, department, board, or agency thereof, to engage, in any manner, in the practice of healing, or the practice of medicine, as defined by law.

Sec. 35. Minnesota Statutes 1974, Section 144.51, is amended to read:

144.51 [LICENSE APPLICATIONS.] (NO PERSON, PARTNERSHIP, ASSOCIATION, OR CORPORATION, NOR ANY STATE, COUNTY, OR LOCAL GOVERNMENTAL UNITS, NOR ANY DIVISION, DEPARTMENT, BOARD, OR AGENCY THEREOF, MAY OPERATE A HOSPITAL, SANATORIUM, REST HOME, NURSING HOME, OR BOARDING HOME FOR THE INFIRM AGED, WITHOUT A LICENSE THEREFOR.)

Before a license shall be issued under sections 144.50 to 144.56, the person applying shall submit evidence satisfactory to the state board of health that he is not less than 18 years of age and of reputable and responsible character; in the event the applicant is an association or corporation or governmental unit like evidence shall be submitted as to the members thereof and the persons in charge. All applicants shall, in addition, submit satisfactory evidence of their ability to comply with the provisions of sections 144.50 to 144.56 and all rules, regulations, and minimum standards adopted thereunder.

Sec. 36. Minnesota Statutes, 1975 Supplement, Section 144.53, is amended to read:

144.53 [FEES.] Each application for a license, or renewal thereof, to operate a hospital, sanatorium, REST HOME, OR BOARDING HOME, OR RELATED INSTITUTION) *or other institution for the hospitalization or care of human beings*, within the meaning of sections 144.50 to 144.56, except applications by the Minnesota veterans home, the commissioner of public welfare for the licensing of state institutions or by the administrator for the licensing of the university of Minnesota hospitals, shall be accompanied by a fee to be prescribed by the state board of health pursuant to section 144.122. No such fee shall be refunded. Licenses shall expire and shall be renewed as prescribed by the board pursuant to section (14.122) 144.122.

No license granted hereunder shall be assignable or transferable.

Sec. 37. Minnesota Statutes 1974, Section 144.55, is amended to read:

144.55 [LICENSES; ISSUANCE, SUSPENSION AND REVOCATION BY STATE BOARD OF HEALTH.] The state

board of health is hereby authorized to issue licenses to operate hospitals, sanatoriums(, REST HOMES, NURSING HOMES,) or other (RELATED) institutions *for the hospitalization or care of human beings*, which after inspection are found to comply with the provisions of sections 144.50 to 144.56 and any reasonable regulations adopted by the state board of health. All decisions of the state board of health thereunder may be reviewed in the district court in the county in which the institution is located or contemplated.

The state board of health may refuse to grant, refuse to renew, or may suspend or revoke a license on any of the following grounds:

- (1) Violation of any of the provisions of sections 144.50 to 144.56 or the rules, regulations, or standards issued pursuant thereto;
- (2) Permitting, aiding, or abetting the commission of any illegal act in such institution;
- (3) Conduct or practices detrimental to the welfare of the patient; or
- (4) Obtaining, or attempting to obtain a license by fraudulent means or misrepresentation.

Before any such license issued thereunder is suspended, or revoked, or its renewal refused, 30 days written notice shall be given the holder thereof of the date set for hearing of the complaint. The holder of such license shall be furnished with a copy of the complaint and be entitled to be represented by legal counsel at such hearing. Such notice may be given by the state board of health by registered mail. The board may appoint, in writing, any competent person to preside at such hearing who shall take testimony, administer oaths, issue subpoenas, and compel the attendance of witnesses and transmit the record of such hearing to the board. The decision of the board shall be based on the testimony and records.

If a license is revoked as herein provided a new application for license may be considered by the state board of health if, when, and after the conditions upon which revocation was based have been corrected and evidence of this fact has been satisfactorily furnished. A new license may then be granted after proper inspection has been made and all provisions of sections 144.50 to 144.56 and rules and regulations thereunder as heretofore or hereinafter provided have been complied with and recommendation has been made therefor by the hospital inspector as an agent of the state board of health.

Sec. 38. Minnesota Statutes, 1975 Supplement, Section 144.571, is amended to read:

144.571 [ADVISORY COUNCIL.] An advisory council of (NINE) *eight* members shall be appointed in the following manner to make recommendations to the state board of health and to assist in the establishment *and amendment* of (SUCH) rules (, REGULATIONS,) and standards (AND ANY AMENDMENTS THERETO) *authorized by sections 144.50 to 144.58.* This council shall consist of (FOUR) *three* members to be appointed annually from the membership of the Minnesota hospital association by the board of trustees thereof(.). One of (SAID FOUR) *these three* members shall be the superintendent of a hospital operated by a county or other local governmental unit (, ONE MEMBER REPRESENTING HOMES FOR CHRONIC OR CONVALESCENT PATIENTS SHALL BE APPOINTED ANNUALLY BY THE STATE BOARD OF HEALTH;) and two members shall be doctors of medicine (TO BE) appointed annually from the Minnesota state medical association by the council of the Minnesota state medical association. The commissioner of public welfare, or a person from the department of public welfare designated by him, shall be the (EIGHTH) *seventh* member of the council, and the commissioner of public welfare shall designate the (NINTH) *eighth* member who will represent the Minnesota county welfare boards.

Sec. 39. Minnesota Statutes 1974, Section 144.572, is amended to read:

144.572 [INSTITUTIONS EXCEPTED.] No regulation nor requirement shall be made, nor standard established under sections 144.50 to 144.56 for any sanatorium, (NURSING HOME, NOR REST HOME) conducted in accordance with the practice and principles of the body known as the Church of Christ, Scientist, except as to the sanitary and safe condition of the premises, cleanliness of operation, and its physical equipment.

Sec. 40. Minnesota Statutes 1974, Section 144.63, Subdivision 2, is amended to read:

Subd. 2. An advisory (BOARD) *council* of five members shall be appointed in the following manner to make recommendations to the state board of health in such matters and to assist in the establishment *and amendment* of (SUCH) rules (AND REGULATIONS AND ANY AMENDMENTS THERETO) *authorized by sections 144.59 to 144.65.* This (BOARD) *council* shall consist of three members to be appointed annually from the membership of the Minnesota Hospital Association by the board of trustees thereof; one of said three members shall be a hospital administrator of a hospital located outside of a city of the first class; one of said three members shall be a hospital administrator of a state, county or municipal hospital; one of said three members shall be a hospital administrator selected at large; one member of (SAID BOARD) *the council* shall be the director of the course of hospital administration at the Uni-

versity of Minnesota or his designated representative; one member of (SAID BOARD) *the council* shall be a duly licensed and registered doctor of medicine to be appointed annually from the Minnesota State Medical Association by the council thereof.

Sec. 41. Minnesota Statutes 1974, Section 144.652, is amended to read:

144.652 [NOTICE TO PATIENT.] The policy statement contained in section 144.651 shall be posted conspicuously in a public place in all facilities licensed under the provisions of sections 144.50 to 144.58, or *section 2 of this act*. Copies of the policy statement shall be furnished the patient and resident upon admittance to the facility.

Sec. 42. Minnesota Statutes 1974, Section 144.653, Subdivision 1, is amended to read:

144.653 [RULES; INSPECTIONS.] Subdivision 1. [AUTHORIZATION.] The state board of health is the exclusive state agency charged with the responsibility and duty of inspecting all facilities required to be licensed under the provisions of Minnesota Statutes (1971), Sections 144.50 to 144.58. The state board of health shall enforce (SUCH) *its* rules (, REGULATIONS AND STANDARDS) subject only to the authority of the department of public safety respecting the enforcement of fire and safety standards in (NURSING HOMES AND OTHER) licensed health care facilities and the responsibility of the commissioner of public welfare pursuant to Minnesota Statutes (1971), Sections 245.78; 252.28; and 257.081 to 257.123.

Sec. 43. Minnesota Statutes 1974, Section 144.654, is amended to read:

144.654 [EXPERTS MAY BE EMPLOYED.] The state board of health may employ experts in the field of health care to assist the staffs of facilities required to be licensed under the provisions of sections 144.50 to 144.58, or *section 2 of this act*, in programming and providing adequate care of the patients and residents of the facility. Alternate methods of care for patients and residents of such facilities shall be researched by the state board of health using the knowledge and experience of experts employed therefor.

Sec. 44. Minnesota Statutes 1974, Section 144.655, is amended to read:

144.655 [PROGRAM FOR VOLUNTARY MEDICAL AID.] Licensed physicians may visit a facility required to be licensed under the provisions of sections 144.50 to 144.58, or *section 2 of this act*, and examine patients and residents thereof under a program which shall be established by the state board of health and

regulated and governed by rules and regulations promulgated by the state board of health pursuant to the administrative procedures act. Such rules and regulations shall protect the privacy of patients and residents at facilities. No patient or resident of any facility shall be required to submit to an examination under such program. The state board of health shall consult with medical schools and other experts for the purpose of establishing the program. The state board of health shall encourage the active participation of all licensed physicians on a voluntary basis in such program.

Sec. 45. Minnesota Statutes 1974, Section 144.656, is amended to read:

144.656 [EMPLOYEES TO BE COMPENSATED.] All employees of facilities required to be licensed under the provisions of sections 144.50 to 144.58, or *section 2 of this act*, participating in orientation programs or in inservice training provided by the facility shall be compensated therefor at their regular rate of pay, provided, however, that this section will be effective only to the extent that facilities are reimbursed for such compensation by the commissioner of public welfare in the proportion of welfare to total residents and patients in the facility.

Sec. 46. Minnesota Statutes 1974, Section 144.657, is amended to read:

144.657 [VOLUNTEER EFFORTS ENCOURAGED.] The state board of health, through the dissemination of information to appropriate organizations, shall encourage citizens to promote improved care in facilities required to be licensed under the provisions of sections 144.50 to 144.58, or *section 2 of this act*, throughout the state.

Sec. 47. Minnesota Statutes 1974, Section 144.68, Subdivision 2, is amended to read:

Subd. 2. [HOSPITALS AND SIMILAR INSTITUTIONS.] Every hospital, sanatorium, (REST HOME,) nursing home or other (PLACE IN WHICH ANY ACCOMMODATION IS OFFERED, FURNISHED, OR MAINTAINED FOR THE HOSPITALIZATION OF ANY SICK OR INJURED PERSON OR FOR THE CARE OF ANY AGED OR INFIRM PERSON REQUIRING OR RECEIVING CHRONIC OR CONVALESCENT CARE) *institution for the hospitalization or care of human beings*, upon request of the state board of health, shall prepare and forward to the board, in the manner and at such times as it designates, a detailed record of each case of malignant disease having been therein.

Sec. 48. Minnesota Statutes 1974, Section 144.68, Subdivision 3, is amended to read:

Subd. 3. [INFORMATION WITHOUT LIABILITY.] The furnishing of the information required under subdivisions 1 and 2 shall not subject the person, hospital, sanatorium, (REST HOME,) nursing home, or other place furnishing such information, to any action for damages or other relief.

Sec. 49. Minnesota Statutes 1974, Section 145.61, Subdivision 4, is amended to read:

Subd. 4. "Health care" means professional services rendered by a professional or an employee of a professional and services furnished by a hospital, sanatorium, (REST HOME,) nursing home (, BOARDING HOME) or other institution for the hospitalization or care of human beings.

Sec. 50. Minnesota Statutes, 1975 Supplement, Section 145.72, Subdivision 2, is amended to read:

Subd. 2. "Health care facility" means any hospital licensed as such under Minnesota Statutes (1969), Sections 144.50 to 144.56( ), or any nursing home licensed (AS SUCH) under (MINNESOTA STATUTES 1969, SECTIONS 144.50 TO 144.56; OR ANY BOARDING CARE HOME LICENSED AS SUCH UNDER MINNESOTA STATUTES 1969, SECTIONS 144.50 TO 144.56) *section 2 of this act; but does not include any facility licensed under Minnesota Statutes, Sections 245.78 to 245.821, 252.28, and 257.081 to 257.124.*

Sec. 51. Minnesota Statutes, 1975 Supplement, Section 145.74, is amended to read:

145.74 [HEALTH PLANNING AGENCIES; MEMBERSHIP REGULATIONS.] The state planning agency shall, subject to chapter 15, after consulting with the state board of health promulgate regulations concerning the membership of area wide comprehensive health planning agencies. The regulations shall include, but not be limited to, the following factors. The regulations shall:

(1) comply with the provisions of the Partnership for Health Act, P.L. 89-749, as amended, and with the National Health Planning and Resources Development Act, P.L. 93-641;

(2) provide that a majority of the membership be composed of consumers;

(3) provide for representation of (PROVIDERS OF EACH OF THE FOLLOWING:) hospital(,) and nursing home (AND BOARDING CARE) *providers*;

(4) provide for representation of licensed medical doctors and other health professionals;



(5) provide for a fixed term of membership; and

(6) provide that members of an area wide comprehensive health planning agency shall not select their successors.

No existing area wide comprehensive health planning agency shall exercise the functions provided in sections 145.71 to 145.83 until it is in compliance with regulations issued pursuant to this section.

If there is no area wide comprehensive health planning agency in a designated area of the state in compliance with sections 145.71 to 145.83, the Minnesota state planning agency shall perform the functions and duties of an area wide comprehensive health planning agency for that area.

Sec. 52. Minnesota Statutes 1974, Section 145.75, is amended to read:

145.75 [HEALTH PLANNING AGENCIES; REGULATION OF DUTIES.] The state planning agency, in accordance with chapter 15, shall, after consulting with the area wide comprehensive health planning agencies and the state board of health, make regulations to guide the area wide comprehensive health planning agencies in the performance of their duties. The regulations shall provide for the consideration of at least the following factors:

(a) the need for health care facilities and services in the area and the requirements of the population of the area;

(b) maximum and minimum hospital(,) and nursing home (, AND BOARDING CARE HOME) bed ratios per 1,000 inhabitants of the area, subject to differences in requirements of the various designated areas;

(c) the possible economies and improvement in service that may be derived from operation of joint, cooperative, or shared health care resources;

(d) the relationship of proposed construction or modification to overall plans for the development of the area;

(e) the availability and adequacy of the area's existing hospitals(,) and nursing homes (, AND BOARDING CARE HOMES) currently conforming to state and federal standards; and

(f) the availability and adequacy of other health services in the area such as out-patient, ambulatory or home care service which may serve as alternates or substitutes for the whole or any part of the service to be provided by any proposed health care facility construction or modification.

The fact that a health care facility serves more than a local area constituency or population or is engaged in educational or research activities shall be taken into consideration in the decision making process with respect to any proposal.

Sec. 53. Minnesota Statutes 1974, Section 145.862, Subdivision 4, is amended to read:

Subd. 4. "Existing state health licensing boards" means the existing professional health licensing boards provided for in Minnesota Statutes (1971), Sections (144.952,) 146.02, 147.01, 148.02, 148.52, 148.79, 148.181, 148.296, 150A.02, 151.02, 153.02, 156.01, *and section 19 of this act*, as well as any other professional health licensing boards that may be created hereafter unless specifically exempted therefrom.

Sec. 54. Minnesota Statutes, 1975 Supplement, Section 214.01, Subdivision 2, is amended to read:

Subd. 2. "Health related licensing board" means the board of examiners of nursing home (ADMINISTRATION) *administrators* established pursuant to section (144.952) *19 of this act*, the board of medical examiners created pursuant to section 147.01, the board of nursing created pursuant to section 148.181, the board of chiropractic examiners established pursuant to section 148.02, the board of licensed practical nursing created pursuant to section 148.29, the board of optometry established pursuant to section 148.52, the board of examiners of psychologists established pursuant to section 148.90, the board of dentistry established pursuant to section 150A.02, the board of pharmacy established pursuant to section 151.02, the board of podiatry examiners and registration established pursuant to section 153.02, and the veterinary examining board, established pursuant to section 156.01.

Sec. 55. Minnesota Statutes 1974, Section 245.691, Subdivision 3, is amended to read:

Subd. 3. Not more than ten patients shall be cared for in any group home established under this section. Minnesota Statutes (1967), Sections 144.50 to 144.58, *and section 2 of this act*, are not applicable to group homes established by this section.

Sec. 56. Minnesota Statutes 1974, Section 256.12, Subdivision 19, is amended to read:

Subd. 19. [INTERMEDIATE CARE FACILITY.] An intermediate care facility is any facility (SO DEFINED BY THE STATE DEPARTMENT OF HEALTH PURSUANT TO REGULATIONS ADOPTED UNDER THE STATE ADMINISTRATIVE PROCEDURES ACT) *which provides intermediate care as defined by section 1, subdivision 8, of this act.*

Sec. 57. Minnesota Statutes 1974, Section 256B.02, Subdivision 2, is amended to read:

Subd. 2. "Excluded time" means any period of time an applicant spends in a hospital, sanatorium, (REST HOME,) nursing home (, BOARDING HOME,) or (SIMILAR) *other institution for the hospitalization or care of human beings*, as defined in Minnesota Statutes (1965), Section 144.50, *or section 1 of this act*.

Sec. 58. Minnesota Statutes 1974, Section 256B.30, is amended to read:

256B.30 [HEALTH CARE FACILITY REPORT.] Every facility required to be licensed under the provisions of sections 144.50 to 144.58, *or section 2 of this act*, shall provide annually to the commissioner of public welfare such reports as may be required under law and under regulations adopted by the commissioner of public welfare under the administrative procedures act. Such regulations shall provide for the submission of a full and complete financial report of a facility's operations including:

- (1) An annual statement of income and expenditures;
- (2) A complete statement of fees and charges;
- (3) The names of all persons other than mortgage companies owning any interest in the facility including stockholders with an ownership interest of ten percent or more of the facility.

The financial reports and supporting data of the facility shall be available for inspection and audit by the commissioner of public welfare.

Sec. 59. Minnesota Statutes 1974, Section 256D.18, Subdivision 2, is amended to read:

Subd. 2. "County of financial responsibility" means (a) the county in which an individual resides; or (b) if an individual is a patient in a hospital(,) *or nursing home (, OR BOARDING CARE HOME)*, as defined in section 144.50, *or section 1 of this act*, or is placed in a county as a result of a correctional program or a treatment plan for health, rehabilitation, foster care, child care or training, at the time of making application, and immediately prior thereto resided in another county, then that other county; or (c) the above provisions notwithstanding, if an individual is a recipient of medical assistance, the county from which he is receiving medical assistance.

Sec. 60. Minnesota Statutes 1974, Section 299F.39, Subdivision 1, is amended to read:

299F.39 [FIRE SAFETY CODE.] Subdivision 1. [ESTABLISHMENT.] The state fire marshal after holding a public hearing in accordance with law, shall establish a fire safety code. The regulations in the code shall provide for reasonable safety from fire, smoke, and panic therefrom, in all hospitals, *as defined in Minnesota Statutes, Section 144.50*; nursing homes, (REST HOMES, BOARD AND CARE HOMES, AS DEFINED BY THE STATE BOARD OF HEALTH,) *as defined in section 1 of this act*; schools(,); and hotels, as defined in Minnesota Statutes, Section 299F.46, Subdivision (1) 2.

Sec. 61. Minnesota Statutes 1974, Section 609.231, is amended to read:

609.231 [MISTREATMENT OF RESIDENTS OR PATIENTS.] Whoever, being in charge of or employed in any facility required to be licensed under the provisions of sections 144.50 to 144.58, *or section 2 of this act*, intentionally abuses, ill-treats, or culpably neglects any patient or resident therein to his physical detriment may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$1,000, or both.

Sec. 62. Minnesota Statutes 1974, Section 626.555, Subdivision 1, is amended to read:

626.555 [REPORTING OF MALTREATMENT OF PATIENTS.] Subdivision 1. [DECLARATION OF PURPOSE.] The purpose of this section is to provide for the protection of persons being cared for in hospitals, nursing homes or other related institutions licensed pursuant to sections 144.50 to 144.58, *or section 2 of this act*, who have had physical injury inflicted upon them, by other than accidental means, when the injury appears to have been caused as a result of physical abuse or neglect.

Sec. 63. Minnesota Statutes 1974, Section 626.555, Subdivision 2, is amended to read:

Subd. 2. [WHO MAKES REPORT AND TO WHOM MADE.] Whether licensed or not, any physician, surgeon, person authorized to engage in the practice of healing, administrator of a hospital or nursing home, nurse or pharmacist, shall immediately report all cases of physical injury to persons being cared for in hospitals, nursing homes or other related institutions *for the hospitalization or care of human beings*, licensed pursuant to sections 144.50 to 144.58, *or section 2 of this act*, inflicted by other than accidental means which come to their attention, when the injury appears to have been caused as a result of physical abuse or neglect. Cases shall be reported to the state board of health.

Sec. 64. Minnesota Statutes 1974, Section 626.555, Subdivision 7, is amended to read:

Subd. 7. [RETALIATION PROHIBITED.] No person who directs or exercises any authority in a facility required to be licensed under the provisions of sections 144.50 to 144.58, or *section 2 of this act*, shall evict, harass, dismiss or retaliate against a patient, resident or employee because he or any member of his family has reported in good faith any violation or suspected violation of laws, ordinances or regulations applying to the facility.

Sec. 65. [REPEALER.] *Minnesota Statutes 1974, Sections 144.584; 144.951; 144.953; 144.954; 144.955; 144.9555; 144.956; 144.957; 144.958; 14.959; 144.96; 144.961; 144.962; 144.963; 144.964; and 144.965; and Minnesota Statutes, 1975 Supplement, Section 144.952, are repealed.*

Sec. 66. [TRANSITIONAL NURSING HOME LICENSES.] *Notwithstanding the provisions of section 5 of this act, nursing home licenses issued or renewed within the 12 months immediately following the effective date of this act shall expire 120 days after the last day of the fiscal year of the facility licensed. Nursing home licenses issued or renewed after that date shall expire as provided in section 5 of this act.*

Sec. 67. [EFFECTIVE DATE.] *Section 10, Subdivision 5, and section 30, subdivision 3, are effective the day following their final enactment. The remaining provisions of this act are effective on the effective date of the rule establishing the schedule of fines authorized by section 10, subdivision 5, or on January 1, 1977, whichever occurs first."*

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

The report was adopted.

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

H. F. No. 1462, A bill for an act relating to Ramsey county; permitting the board of county commissioners to set the number of members of the county civil service commission.

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

The report was adopted.

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

S. F. . No. 1383, A bill for an act relating to metropolitan government; regulating solid waste; amending Laws 1975, Chapter

13, Sections 1, by adding subdivisions; 11, Subdivision 1; 139; 140, Subdivision 1; 141; 142; 143; and 144; and by adding sections; repealing Laws 1975, Chapter 13, Section 140, Subdivision 2.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes, 1975 Supplement, Section 473.121, Subdivision 27, is amended to read:

Subd. 27. "Solid waste" means garbage, refuse and other discarded solid materials, including solid waste materials and waste sludges resulting from industrial, commercial and agricultural operations, and from community activities, but does not include *hazardous waste, animal waste used as fertilizer, earthen fill, boulders, broken rock, solids or dissolved material in domestic sewage or other significant pollutants in water resources, such as silt, dissolved or suspended solids in industrial waste water effluents, dissolved materials in irrigation return flows or other common water pollutants. Nothing in this definition shall be construed so as to exclude hazardous waste from the definition of solid waste for the purposes of chapter 116 or 116F.*

Sec. 2. Minnesota Statutes, 1975 Supplement, Section 473.121, Subdivision 29, is amended to read:

Subd. 29. "(SOLID) Waste (DISPOSAL SITE OR) facility" means (TRANSFER STATIONS AND) all property, real or personal, including negative and positive easements and water and air rights, which is or may be needed or useful for the (DISPOSAL) *processing of solid or hazardous waste, except property for the collection of (SOLID) the waste (DIRECTLY FROM THE SOURCE OF GENERATION) and facilities used primarily for the manufacture of scrap metal or paper. Waste facility includes but is not limited to transfer stations, disposal sites and facilities, and resource recovery sites and facilities.*

Sec. 3. Minnesota Statutes, 1975 Supplement, Section 473.121, Subdivision 31, is amended to read:

Subd. 31. "Transfer station" means an intermediate (SOLID) waste (DISPOSAL) facility in which solid or hazardous waste collected from any source is temporarily deposited to await transportation to the final disposal site or facility.

Sec. 4. Minnesota Statutes, 1975 Supplement, Section 473.121, is amended by adding a subdivision to read:

Subd. 31a. "Collection" when referring to solid or hazardous waste means the aggregation of solid or hazardous waste from

*the place at which it is generated and includes all activities up to the time the waste is delivered to a waste facility.*

Sec. 5. Minnesota Statutes, 1975 Supplement, Section 473.121, is amended by adding a subdivision to read:

*Subd. 31b. "Processing" when referring to solid or hazardous waste means the treatment of solid or hazardous waste after collection, and includes all activities after the time the waste is delivered to a waste facility. Processing includes but is not limited to disposal, storage, containment, separation, exchange, resource recovery, physical or chemical modification, and transfer from one waste facility to another.*

Sec. 6. Minnesota Statutes, 1975 Supplement, Section 473.121, is amended by adding a subdivision to read:

*Subd. 31c. "Resource recovery" means the reclamation for sale or reuse of materials, substances, energy, or other products contained within or derived from solid or hazardous waste.*

Sec. 7. Minnesota Statutes, 1975 Supplement, Section 473.149, Subdivision 1, is amended to read:

**473.149 [SOLID AND HAZARDOUS WASTE POLICY PLAN.]** Subdivision 1. The metropolitan council shall prepare and by resolution adopt as part of its development guide a (COMPREHENSIVE) long range policy plan for the (DISPOSAL) collection and processing of solid (WASTE) and (THE MANAGEMENT AND DISPOSAL OF) hazardous waste in the metropolitan area (FOR SUCH PERIOD AS THE COUNCIL DEEMS PROPER AND REASONABLE; AND,). When adopted, (SUCH) the plan shall be followed in the metropolitan area. The plan shall substantially conform to all policy statements, purposes, goals, standards, maps and plans in development guide sections and plans adopted by the council. The plan shall include goals and policies for the collection and processing of solid and hazardous waste in the metropolitan area and, to the extent appropriate, statements and information similar to that required under section 473.146, subdivision 1. The plan shall include criteria and standards for waste facilities and waste facility sites respecting the following matters: general location; capacity; operation; processing techniques; environmental impact; effect on existing, planned, or proposed collection services and waste facilities; and economic viability. For waste facilities owned or operated by public agencies or supported primarily by public funds or obligations, the plan shall include additional criteria and standards respecting financial self-sufficiency based upon competitive rates and charges. In developing the plan the council shall consider the orderly and economic development, public and private, of the metropolitan area; the preservation and best and most economical use of land and water resources in the metropolitan area (. THE PLAN SHALL INCLUDE A

STATEMENT OF GOALS AND POLICIES FOR SOLID WASTE DISPOSAL AND HAZARDOUS WASTE DISPOSAL AND MANAGEMENT, CRITERIA FOR SOLID WASTE DISPOSAL SITES AND HAZARDOUS WASTE DISPOSAL SITES, THE GENERAL LOCATION AND CAPACITIES OF NEEDED DISPOSAL SITES AND FACILITIES, PROJECTIONS OF DISPOSAL CAPACITIES REQUIRED, REGULATIONS FOR THE OPERATION OF DISPOSAL SITES AND FACILITIES, A DESCRIPTION OF DISPOSAL TECHNIQUES WHICH MAY BE USED, THE TYPE OR TYPES OF SOLID WASTE AND HAZARDOUS WASTE TO BE DISPOSED OF AT EACH SITE OR FACILITY, AND SUCH OTHER DETAILS AS THE COUNCIL DEEMS APPROPRIATE); *the protection and enhancement of environmental quality; the conservation and reuse of resources and energy; the preservation and promotion of conditions conducive to efficient, low cost, competitive, and adaptable systems of waste collection and processing; and the orderly resolution of questions concerning changes in systems of waste collection and processing.*

(CRITERIA FOR SOLID WASTE DISPOSAL SITES AND HAZARDOUS WASTE DISPOSAL SITES, AND REGULATIONS FOR THE OPERATION OF DISPOSAL SITES AND FACILITIES, INCLUDED IN THE PLAN, SHALL BE CONSISTENT WITH REGULATIONS ADOPTED BY THE POLLUTION CONTROL AGENCY PURSUANT TO SECTIONS 116.06 AND 473.823. THE PLAN MAY BE REVISED AS OFTEN AS THE COUNCIL DEEMS NECESSARY IN THE SAME MANNER AS PROVIDED FOR THE ADOPTION THEREOF. A COPY OF THE COMPREHENSIVE PLAN AND EACH REVISION THEREOF SHALL BE DELIVERED OR MAILED TO THE POLLUTION CONTROL AGENCY AND THE COUNTY AUDITOR OF EACH METROPOLITAN COUNTY AFTER IT HAS BEEN ADOPTED. PRIOR TO THE ADOPTION BY THE COUNCIL OF ITS COMPREHENSIVE PLAN, NO METROPOLITAN COUNTY OR LOCAL GOVERNMENT UNIT SHALL ACQUIRE ANY SOLID WASTE DISPOSAL SITE OR HAZARDOUS WASTE DISPOSAL SITE, OR FACILITY UNLESS APPROVED BY THE COUNCIL; AND AFTER THE COMPREHENSIVE PLAN IS ADOPTED NO METROPOLITAN COUNTY, LOCAL GOVERNMENT UNIT OR PERSON SHALL ACQUIRE, IMPROVE OR OPERATE ANY SOLID WASTE DISPOSAL SITE OR HAZARDOUS WASTE DISPOSAL SITE OR FACILITY IN THE METROPOLITAN AREA EXCEPT IN ACCORDANCE WITH THE PLAN, PROVIDED THAT NO SOLID WASTE DISPOSAL SITE OR HAZARDOUS WASTE DISPOSAL SITE OR FACILITY IN USE WHEN THE COMPREHENSIVE PLAN IS ADOPTED SHALL BE DISCONTINUED SOLELY BECAUSE IT IS NOT LOCATED IN AN AREA DESIGNATED IN THE PLAN AS ACCEPTABLE FOR THE LOCATION OF SUCH SITES AND FACILITIES.)

Sec. 8. Minnesota Statutes, 1975 Supplement, Section 473.149, is amended by adding a subdivision to read:



Subd. 2. The policy plan shall be prepared, adopted, and amended in accordance with section 473.146, subdivision 2, provided that the procedural duties and responsibilities established therein for the affected metropolitan commission shall extend to the metropolitan counties and the pollution control agency. In addition to the requirements of section 473.146, subdivision 2, the council shall send notice of any hearing to the pollution control agency and the governing body of each metropolitan county and each local governmental unit, as defined in section 473.801, wherein a waste facility is or may be located in accordance with the plan. Any comprehensive solid and hazardous waste plan adopted by the council prior to the effective date of this act shall remain in force and effect until a policy plan is prepared in accordance with subdivision 1 and adopted by the council. No metropolitan county, local government unit, commission, or person shall acquire, construct, improve or operate any waste facility in the metropolitan area except in accordance with the council's plan and section 473.823, provided that no waste facility in use when a plan is adopted shall be discontinued solely because it is not located in an area designated in the plan as acceptable for the location of such facilities.

Sec. 9. Minnesota Statutes, 1975 Supplement, Section 473.149, is amended by adding a subdivision to read:

Subd. 3. The council shall establish an advisory committee to aid in the preparation of the policy plan and the review of county master plans and reports and applications for permits for waste facilities, under sections 473.801 to 473.823, and section 18 of this act, and other duties determined by the council.

Sec. 10. Minnesota Statutes 1974, Chapter 473, is amended by adding a section to read:

[473.516] [HAZARDOUS WASTE FACILITIES.] Without limiting the grant or enumeration of any of the powers conferred on the council or commission under sections 473.503 to 473.547, the commission shall have the specific power to acquire by purchase, lease, condemnation, gift or grant any real or personal property including positive and negative easements and water and air rights, and it may construct, enlarge, improve, replace, repair, maintain and operate hazardous waste facilities in the metropolitan area deemed to be necessary or convenient in connection with the processing of hazardous waste, and the commission may contract for the maintenance and operation of such waste facilities, subject to the bidding requirements of section 473.523. The commission may accept for processing hazardous waste derived from outside the metropolitan area in the state, as well as hazardous waste derived from within the metropolitan area. With respect to its activities under this section, the commission shall be subject to and comply with the applicable provisions of chapter 473. Property acquired by the commis-

*sion under this section shall be subject to the provisions of section 473.545. Any site or facility owned or operated for or by the commission shall conform to the policy plan adopted by the council under section 473.149 and shall be authorized in accordance with the commission's development program and capital budget approved by the council.*

Sec. 11. Minnesota Statutes, 1975 Supplement, Section 473.801, Subdivision 2, is amended to read:

Subd. 2. "Local government unit" means any municipal corporation or governmental subdivision other than a metropolitan county located in whole or part in the metropolitan area, authorized by law to provide for the disposal of solid or hazardous waste.

Sec. 12. Minnesota Statutes, 1975 Supplement, Section 473.801, is amended by adding a subdivision to read:

Subd. 3. "Agency" means the Minnesota pollution control agency.

Sec. 13. Minnesota Statutes, 1975 Supplement, Section 473.802, is amended to read:

473.802 [LEGISLATIVE PURPOSE AND POLICY.] The legislature determines that for the protection of the public health, safety, and welfare of the people of the metropolitan area, for the prevention, control and abatement of pollution of air and waters of the state in the metropolitan area, and for the efficient and economic (DISPOSAL) collection and processing of solid and hazardous waste in the metropolitan area, it is necessary to authorize the (POLLUTION CONTROL) agency to regulate the handling of hazardous waste and the location and operation of (SOLID) waste (DISPOSAL SITES AND) facilities in the area(,); to authorize the metropolitan council to carry on a continuous, long range program of planning with respect to(,) solid and hazardous waste collection and processing and (REGULATE THE LOCATION AND USE OF, SOLID) to establish criteria and standards and approve permits for waste (DISPOSAL SITES AND) facilities in the area(,); and to authorize the metropolitan counties if necessary (IN THE AREA) to acquire, construct, operate(,) and maintain waste facilities, to plan for and regulate (SOLID) waste (DISPOSAL SITES) collection services and facilities, to collect data on solid and hazardous waste collection and processing systems and procedures, and to regulate the handling of hazardous waste.

*The legislature declares that a public purpose is served by the recovery and utilization of resources from solid waste and hazardous waste where economically viable and compatible with*

*source reduction. The plans, criteria, standards and regulations of the agency, council and metropolitan counties shall, to the extent practicable, encourage ownership and operation of solid waste facilities by private industry.*

Sec. 14. Minnesota Statutes, 1975 Supplement, Section 473.803, is amended to read:

473.803 [METROPOLITAN COUNTIES; PLANS AND REPORTS.] Subdivision 1. [COUNTY MASTER PLANS.] Each metropolitan county, (UPON RECEIPT OF THE COUNCIL'S COMPREHENSIVE) following adoption or revision of the council's solid and hazardous waste policy plan and in accordance with the dates specified therein, and after consultation with all affected municipalities, shall prepare and submit to the council for its approval, a (REPORT INCLUDING: A DESCRIPTION OF) county solid and hazardous waste master plan to implement the policy plan. The master plan shall describe county solid and hazardous waste activities, functions, and facilities; the existing system of solid and hazardous waste generation, collection, and processing within the county; existing and proposed county and municipal ordinances and license and permit requirements relating to waste facilities and hazardous and solid waste generation, collection, and processing; existing or proposed municipal, county, or private waste facilities and collection services within the county together with schedules of existing rates and charges to users and statements as to the extent to which such facilities and services will or may be used to implement the policy plan; and any (SOLID) waste (DISPOSAL SITE OR) facility which the county owns or plans to acquire (TO IMPLEMENT THE COMPREHENSIVE PLAN);, construct, or improve together with statements as to the planned method, estimated cost and time of acquisition (THEREOF); A DESCRIPTION OF ANY IMPROVEMENTS WHICH WILL BE NECESSARY TO MAKE THE SITE OR FACILITY SUITABLE FOR SOLID WASTE DISPOSAL;), proposed procedures for (THE) operation and maintenance of (ANY SUCH SITE OR) each facility; an estimate of the annual cost of operation and maintenance of each (SITE OR) facility; an estimate of the annual gross revenues which will be received from the operation of each (SITE OR) facility; and a proposal for the use of each (SITE WHEN FILLED) facility after it is no longer needed or useable as a waste facility. The master plan shall, to the extent practicable, encourage ownership and operation of such facilities by private industry. For waste facilities owned or operated by public agencies or supported primarily by public funds or obligations, the master plan shall contain policies to ensure financial self sufficiency based upon competitive rates and charges. (THE REPORT SHALL ALSO INCLUDE A COMPLETE SURVEY OF EXISTING OR PROPOSED MUNICIPAL OR PRIVATE SOLID WASTE DISPOSAL SITES AND FACILITIES IN THE COUNTY CONTAINING INFORMATION SIMILAR TO THAT REQUIRED FOR COUNTY FA-

CILITIES, AND A STATEMENT OF THE EXTENT TO WHICH THEY WILL OR MAY BE USED TO IMPLEMENT THE COMPREHENSIVE PLAN. THE COUNCIL SHALL APPROVE THE REPORT IF IT IS IN ACCORDANCE WITH ITS COMPREHENSIVE PLAN. THE REPORT, WHEN APPROVED BY THE COUNCIL, SHALL BE IMPLEMENTED BY THE COUNTY. EACH REPORT NOT APPROVED BY THE COUNCIL SHALL BE RETURNED TO THE COUNTY WITH A STATEMENT OF THE REASONS FOR THE COUNCIL'S FAILURE TO APPROVE IT.)

Subd. 2. [COUNCIL REVIEW.] (EACH METROPOLITAN COUNTY, AS A PART OF ITS SOLID WASTE PLAN, SHALL PREPARE AND SUBMIT TO THE COUNCIL FOR ITS APPROVAL, A REPORT INCLUDING: A DESCRIPTION OF THE COUNTY HAZARDOUS WASTE ORDINANCE, THE COUNTY HAZARDOUS WASTE GENERATOR LICENSING PROCEDURES, PROPOSED PROCEDURES FOR IMPLEMENTING THE SYSTEM, AND AN ESTIMATE OF THE TOTAL NUMBER OF GENERATORS. COUNCIL APPROVAL OR DISAPPROVAL OF THE REPORT SHALL BE CONSISTENT WITH THIS SECTION.) *The council shall review each master plan or revision thereto to determine whether it is consistent with the council's policy plan. If it is not consistent, the council shall return the plan with its comments to the county for revision and resubmittal. Any county solid or hazardous waste plan or report approved by the council prior to the effective date of this act shall remain in effect until a new master plan is submitted to and approved by the council in accordance with this section.*

Subd. 3. [ANNUAL REPORT.] *Each metropolitan county shall prepare and submit annually to the council a report containing information, as the council may prescribe in this policy plan, concerning solid and hazardous waste generation, collection, and processing within the county. The report shall include a schedule of rates and charges in effect or proposed for the use of any waste facility owned or operated by or on its behalf, together with a statement of the basis for such charges.*

Sec. 15. Minnesota Statutes, 1975 Supplement, Section 473.811, is amended to read:

473.811 [METROPOLITAN COUNTIES; FACILITIES; ORDINANCES; ENFORCEMENT.] Subdivision 1. [ACQUISITION.] To accomplish the purpose specified in section 473.803, each metropolitan county may acquire by purchase, lease, gift or condemnation as provided by law, upon such terms and conditions as it shall determine, including contracts for deed and conditional sales contracts, (SOLID) waste (DISPOSAL SITES OR) facilities or properties for waste facilities which are in accordance with regulations adopted by the agency, the (COMPREHENSIVE) policy plan adopted by the council and the county (REPORT) master plan as approved by the council, and may

improve or construct improvements on any (SITE) *property or facility* so acquired. Each metropolitan county is authorized to levy a tax in anticipation of need for expenditure for the acquisition and betterment of (SOLID) waste (DISPOSAL SITES OR) facilities. If such a tax is levied in anticipation of need, the purpose must be specified in a resolution of the county directing that the levy and the proceeds of the tax may be used only for that purpose. Until so used, the proceeds shall be retained in a separate fund or invested in the same manner as surplus in a sinking fund may be invested under section 475.66. The right of condemnation shall be exercised in accordance with chapter 117. A metropolitan county may acquire property for and operate a (SOLID) waste (DISPOSAL SITE OR) facility within the boundaries of any city or town in the metropolitan area, without complying with the provisions of any zoning ordinance adopted after April 15, 1969.

Subd. 2. [FINANCING.] Each metropolitan county may by resolution authorize the issuance of bonds to provide funds for the acquisition or betterment of *waste facilities or property or property rights* (, BUILDINGS, STRUCTURES AND EQUIPMENT) for a (SOLID) waste (DISPOSAL SITE OR) facility, or for refunding any outstanding bonds issued for any such purpose, and may pledge to the payment of (SUCH) *the* bonds and the interest thereon, its full faith, credit and taxing powers, or the proceeds of any designated tax levies, or the gross or net revenues or charges to be derived from any (SUCH SITE OR) facility operated by or for the county, or any combination thereof. Taxes levied for the payment of (SUCH) *the* bonds and interest shall not reduce the amounts of other taxes which the county is authorized by law to levy. No election shall be required to authorize the issuance of (ANY SUCH) *the* bonds. Except as otherwise provided, (SUCH) *the* bonds shall be issued and sold in accordance with the provisions of chapter 475.

Subd. 3. [OPERATION.] Each metropolitan county may operate and maintain (SOLID) waste (DISPOSAL SITES AND) facilities, and for this purpose may employ all necessary personnel, may adopt regulations governing (THE) operation (THEREOF), and may establish and collect reasonable, non-discriminatory rates and charges for the use (THEREOF) *of the facilities* by any local government unit or person, estimated to be sufficient, with any other moneys appropriated for (SUCH) *the* purpose, to pay all costs of acquisition, operation and maintenance (THEREOF). *Each metropolitan county may use itself or sell all or any part of materials or energy recovered from solid or hazardous waste to private interests or public agencies for consumption or reuse by them. Section 471.345 and Laws 1951, Chapter 556, as amended shall not apply to the sale of the materials or energy provided that the dealings of each county shall be on a competitive basis so as not to create an unfair or unreasonable advantage or restraint of trade on the part of the county.*

Subd. 4. [CONTRACTS.] Each metropolitan county may contract for the use of existing public or private waste facilities or with any person for the operation and maintenance (BY SUCH PERSON) of any (SOLID) waste (DISPOSAL SITE OR) facility owned by (IT) the county. (SUCH) The contract shall provide for the operation and maintenance of (SUCH SITE OR) the facility in accordance with any regulations, criteria, and standards of the (POLLUTION CONTROL) agency, the metropolitan council and the county relating thereto.

Subd. 5. [ORDINANCES.] Each metropolitan county may (ALSO) adopt ordinances governing the (OPERATION) collection of solid waste (HAULERS, DISPOSAL SITES, OR FACILITIES IN THE COUNTY BY ANY LOCAL GOVERNMENT UNIT OR PERSON). The (REGULATION) ordinances shall not prevent the hauling of solid waste from one county to another. (SUCH ORDINANCES SHALL BE CONSISTENT WITH APPLICABLE REGULATIONS ADOPTED BY THE POLLUTION CONTROL AGENCY OR THE METROPOLITAN COUNCIL. THE COUNTY MAY PRESCRIBE A PENALTY FOR THE VIOLATION OF ANY SUCH ORDINANCE NOT EXCEEDING THE MAXIMUM WHICH MAY BE SPECIFIED FOR A MISDEMEANOR. ANY SUCH ORDINANCE ENACTED SHALL BE PUBLISHED IN ACCORDANCE WITH THE PROVISIONS OF SECTION 375.51. A) Each municipality and town within (A METROPOLITAN COUNTY MAY) the metropolitan area shall adopt an ordinance governing the collection of solid waste within its boundaries. If the county within which it is located has adopted an ordinance, the municipality or town shall adopt either the county ordinance by reference or a more strict ordinance (THAN THE COUNTY'S TO REGULATE SOLID WASTE HAULERS MAKING PICKUPS WITHIN ITS BOUNDARIES). A hauler who qualified under the ordinance of the municipality where he is making pickups may transport solid waste on streets and highways in other municipalities within the county without conforming to their ordinances.

*Each metropolitan county shall by ordinance establish and from time to time revise rules, regulations, and standards for waste facilities within the county, relating to location, sanitary operation, periodic inspection and monitoring, maintenance, termination and abandonment, and other pertinent matters. The ordinance shall require permits or licenses for waste facilities and shall require that such facilities be registered with a county office.*

*Each metropolitan county shall by ordinance establish and revise rules, regulations, and standards for hazardous waste management relating to (a) the identification of hazardous waste, (b) the labeling and classification of hazardous waste, (c) the handling, collection, transportation and storage of hazardous waste, (d) the ultimate disposal site of hazardous waste, and (e)*

*other matters necessary for the public health, welfare and safety. The county shall require permits or licenses for the generation, collection, and processing of hazardous waste and shall require registration with a county office.*

*Any ordinance enacted under this subdivision shall embody regulations, standards, and requirements adopted by the agency and goals, policies, criteria, and standards adopted by the council and shall be consistent with the county master plan approved by the council. Issuing, denying, modifying, imposing conditions upon, or revoking hazardous waste permits or licenses, and county hazardous waste regulations, shall be subject to review, denial, suspension, and reversal by the agency. The agency shall after written notification have 15 days to review, suspend, modify, or reverse the action of the county. After this period, the action of the county board shall be final subject to appeal to the district court in the manner provided in section 115.05. Any ordinance enacted shall be published in accordance with the provisions of section 375.51.*

Subd. 5a. [ENFORCEMENT.] Each metropolitan county shall be responsible for insuring that (NONCONFORMING SOLID) waste (DISPOSAL SITES AND) facilities, solid waste collection operations licensed or regulated by the county and hazardous waste generation, collection, and processing operations are brought into conformance with, or terminated and abandoned in accordance with, applicable county ordinances; rules, regulations and requirements of the (POLLUTION CONTROL) agency; and goals, policies, criteria, and standards of the council. Counties may provide by ordinance that operators or owners or both of (REAL PROPERTY BEING USED FOR SOLID WASTE DISPOSAL PURPOSES) such facilities or operations shall be responsible to the county for satisfactorily performing (SUCH TERMINATING AND ABANDONMENT) the procedures required. (COUNTIES MAY FURTHER PROVIDE THAT, IN THE EVENT SUCH) If operators or owners or both fail to perform (SUCH TERMINATION AND ABANDONMENT ACTIVITIES), the county may recover the costs incurred by the county in completing (THE SATISFACTORY DISCHARGE OF SUCH TERMINATION AND ABANDONMENT ACTIVITIES) the procedures in a civil action in any court of competent jurisdiction or, in the discretion of the board, the costs may be (LEVIED AGAINST SAID OPERATORS OR OWNERS OR BOTH, PERSONALLY, OR AGAINST ANY REAL OR PERSONAL PROPERTY INVOLVED) certified to the county auditor as a special tax against the land. The ordinances may be enforced by action in district court. The county may prescribe a criminal penalty for the violation of any ordinance enacted under this section not exceeding the maximum which may be specified for a misdemeanor.

Subd. 6. [GRANTS AND LOANS.] Each metropolitan county may accept gifts, may apply for and accept grants or

loans of money or other property from the United States, the state, the metropolitan council, any local government unit, or any person, (FOR SOLID WASTE DISPOSAL) to accomplish the purposes specified in sections 473.801 to 473.823 and section 18 of this act, may enter into any agreement required in connection therewith, and may hold, use, and dispose of (SUCH) the money or property in accordance with the terms of the gift, grant, loan or agreement relating thereto.

Subd. 7. [JOINT ACTION.] Each metropolitan county and local government unit may act under the provisions of section 471.59 or any other appropriate law providing for joint or co-operative action between governmental units, to accomplish any purpose specified in sections 473.801 to 473.823 and section 18 of this act.

Subd. 8. [SALE OR LEASE.] Each metropolitan county may sell or lease any facilities or property or property rights (, LAND, BUILDINGS, STRUCTURES OR EQUIPMENT) previously used or acquired (FOR SOLID WASTE DISPOSAL) to accomplish the purposes specified by sections 473.801 to 473.823 and section 18 of this act. Such property may be sold in the manner provided by section 458.196. Each metropolitan county may convey to or permit the use of any such property by a local government unit, with or without compensation, without submitting the matter to the voters of the county. No real property or property rights (OR LAND, IMPROVED OR UNIMPROVED,) acquired pursuant to this section, may be disposed of in any manner unless and until the county shall have submitted to the agency and the metropolitan council for review and comment the terms on and the use for which the property will be disposed of. The agency and the council shall review and comment on the proposed disposition within 60 days after (IT) each has received the data relating thereto from the county.

Subd. 9. [SOLID AND HAZARDOUS WASTE FUND.] All moneys received by any metropolitan county from any source specified in sections 473.801 to (473.811) 473.823 and section 18 of this act shall be paid into the county treasury, placed in a special fund designated as the county solid and hazardous waste (DISPOSAL) fund, and used only for the purposes authorized in those sections, as appropriated by the county board, subject to any lawful restrictions, conditions, or pledges applicable thereto.

Sec. 16. Minnesota Statutes 1974, Chapter 473, is amended by adding a section to read:

[473.813] [CITIES, COUNTIES, TOWNS; SOLID WASTE CONTRACTS.] Subdivision 1. Notwithstanding any contrary provision of law or charter, and in addition to the powers or authority granted by any other law or charter, a city, county, or town in the metropolitan area may directly negotiate and enter into contracts, for a term not to exceed 30 years, for the delivery



*of solid waste to a waste facility and the processing of solid waste. Contracts made by direct negotiations shall be approved by resolution adopted by the governing body of the city, county, or town.*

*Subd. 2. Before a city, county, or town may enter into any contract pursuant to subdivision 1, which contract is for a period of more than five years, the city, county, or town shall submit the proposed contract and a description of the proposed activities under the contract to the council for review and approval. The council shall approve the proposed contract if it determines that the contract will not adversely affect collection rates and charges during the term of the contract and that the contract is consistent with the council's plan, permits issued under section 473.823, and county reports or master plans approved by the council. The council may consolidate its review of contracts submitted under this section with its review of related permit applications submitted under section 473.823 and for this purpose may delay the review required by this section.*

Sec. 17. Minnesota Statutes, 1975 Supplement, Section 473.823, is amended to read:

473.823 [POLLUTION CONTROL AGENCY; REGULATIONS AND PERMITS.] Subdivision 1. *By April 1, 1977, the (POLLUTION CONTROL) agency, to abate or prevent pollution of air and waters of the state in the metropolitan area, shall adopt regulations relating to the location and operation of (SOLID) waste (DISPOSAL SITES AND) facilities in the metropolitan area and regulations having the force of law for the identification, labeling, classification, storage, collection, treatment, and disposal of hazardous waste. In adopting (SUCH) the regulations the agency shall consider applicable air and water pollution standards, land and water use, soil conditions, geography, topography, ground water pollution, natural drainage, prevailing weather conditions, the costs of acquisition and operation of (SUCH SITES AND) facilities, and any other factors it may deem relevant. (SUCH) The regulations shall be adopted in accordance with chapter 15. The regulations, to the extent practicable, shall encourage resource recovery and attempt to reduce the metropolitan area's reliance on direct disposal and landfill.*

Subd. 2. *In the metropolitan area, no metropolitan county or commission, local government unit or person shall commence (OPERATION AND NO METROPOLITAN COUNTY, LOCAL GOVERNMENT UNIT OR PERSON SHALL) or continue operation of any (SOLID) waste (DISPOSAL SITE OR) facility, unless a permit for the operation thereof has been issued by the (POLLUTION CONTROL) agency, or unless the (SITE OR) facility is approved for temporary operation by the (POLLUTION CONTROL) agency prior to the issuance of a permit.*

Subd. 3. *The (POLLUTION CONTROL) agency may prescribe permit and permit application forms, and may request*

applicants to submit in writing all information deemed relevant by the agency. *The agency shall request applicants to submit all information deemed relevant by the council to its review, including without limitation information relating to the geographic areas and population served, the need, the effect on existing facilities and services, the anticipated public cost and benefit, and anticipated rates and charges, the manner of financing, the effect on metropolitan plans and development programs, the supply of waste, anticipated markets for any product, and alternative means of disposal or energy production.* The agency, or any employee or agent thereof, when authorized by it, may examine any books, papers, records or memoranda of the applicant pertaining to its (SOLID) waste (DISPOSAL SITE OR) facility, and may enter on any property, public or private, for the purpose of obtaining information, conducting surveys or making investigations relative to the location or operation of a (SOLID) waste (DISPOSAL SITE OR) facility. The agency may issue permits for the operation of (SOLID) waste (DISPOSAL SITES AND) facilities by any metropolitan county or commission, local government unit or person where the operation thereof is consistent with applicable regulations adopted by the agency pursuant to subdivision 1, provided that no permit may be issued for the operation of a (SOLID) waste (DISPOSAL SITE OR) facility in the metropolitan area which is not in accordance with the metropolitan council's (COMPREHENSIVE) solid and hazardous waste policy plan. The metropolitan council shall determine whether a permit is in accordance with the goals, policies, standards, and criteria in its (COMPREHENSIVE) policy plan. *In making its determination, the council shall consider the area-wide need and benefit of the applicant facility and may consider, without limitation, the effect of the applicant facility on existing and planned waste facilities described in a waste control commission development program or county report or master plan. If the council determines that a permit is in accordance with its policy plan, the council shall approve the permit. If the council determines that a permit is not in accordance with its policy plan, it may either disapprove the permit, or it may approve the permit subject to certain conditions necessary to satisfy criteria and standards in its policy plan, including restrictions on the geographic territory from which a waste facility used primarily, for resource recovery may draw its waste.* For (THIS) the purpose of this review and approval by the council, the agency shall send a copy of each permit application and any supporting information furnished by the applicant to the metropolitan council within 15 days after receipt of the application and all other information requested from the applicant. Within (45) 60 days after the application and supporting information are received by the council, (IT) unless a time extension is authorized by the agency, the council shall issue to the agency in writing its determination whether the permit is (IN ACCORDANCE WITH ITS COMPREHENSIVE PLAN) disapproved, approved, or approved with conditions. If the council does not issue its determination to the agency within the (45) 60 day period, the permit shall be deemed to be in accordance with the council's (COMPREHENSIVE) policy plan.

Subd. 4. Regulations adopted pursuant to subdivision 1 may be enforced by the (POLLUTION CONTROL) agency in the manner provided in section (115.17) 115.071.

(SUBD. 4A. NO PERMIT MAY BE ISSUED FOR THE OPERATION OF A HAZARDOUS WASTE TREATMENT OR DISPOSAL SITE, SYSTEM OR FACILITY IN THE METROPOLITAN AREA WHICH DOES NOT COMPLY WITH THE METROPOLITAN COUNCIL'S COMPREHENSIVE PLAN. A COPY OF EACH PERMIT APPLICATION AND ANY SUPPORTING INFORMATION FURNISHED BY THE APPLICANT SHALL BE SENT TO THE METROPOLITAN COUNCIL WITHIN 15 DAYS AFTER RECEIPT OF THE APPLICATION AND ALL OTHER INFORMATION REQUESTED FROM THE APPLICANT WITHIN 45 DAYS AFTER THE APPLICATION AND SUPPORTING INFORMATION ARE RECEIVED BY THE COUNCIL, IT SHALL ISSUE TO THE POLLUTION CONTROL AGENCY IN WRITING ITS DETERMINATION WHETHER THE PERMIT COMPLIES WITH ITS COMPREHENSIVE PLAN. IF THE COUNCIL DOES NOT ISSUE ITS DETERMINATION TO THE AGENCY WITHIN THE 45 DAY PERIOD, THE PERMIT SHALL BE DEEMED TO BE IN ACCORDANCE WITH THE COUNCIL'S COMPREHENSIVE PLAN.)

Sec. 18. Minnesota Statutes 1974, Chapter 473, is amended by adding a section to read:

[473.825] [DISCLOSURE.] *For the purpose of the regulations, plans, and reports required or authorized by section 473.149 and sections 473.801 to 473.823 and this section, each generator of hazardous waste and each owner or operator of a collection service or waste facility annually shall make the following information available to the agency, council, and metropolitan counties; a schedule of rates and charges in effect or proposed for a collection service or the processing of waste delivered to a waste facility and a description, in aggregate amounts indicating the general character of the solid and hazardous waste collection and processing system, of the types and the quantity, by types, of waste generated, collected, or processed. The county, council, and agency shall act in accordance with the provisions of section 116.075, subdivision 2, with respect to information for which confidentiality is claimed.*

Sec. 19. Minnesota Statutes, 1975 Supplement, Sections 473.121, Subdivision 30; 473.149, Subdivision 2; 473.815, and 473.821, are repealed.

Sec. 20. *This act applies in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott and Washington.*

Sec. 21. *This act is effective on the day following final enactment."*

Further strike the title and insert

"A bill for an act relating to metropolitan government; regulating waste; amending Minnesota Statutes 1974, Chapter 473, by adding sections; and Minnesota Statutes, 1975 Supplement, Sections 473.121, Subdivisions 27, 29, 31, and by adding subdivisions; 473.149, Subdivision 1, and by adding subdivisions; 473.801, Subdivision 2, and by adding a subdivision; 473.802; 473.803; 473.811; and 473.823; repealing Minnesota Statutes, 1975 Supplement, Sections 473.121, Subdivision 30; 473.149, Subdivision 2; 473.815; and 473.821."

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

The report was adopted.

Fudro from the Committee on Transportation to which was referred:

H. F. No. 1876, A bill for an act relating to transportation; providing for rail transportation improvements throughout the state; creating the Minnesota rail line improvement fund; authorizing the development of a state plan for rail transportation and a feasibility study of rail line acquisition by the state or by a political subdivision of the state; appropriating money.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert the following:

"Section 1. [LEGISLATIVE PURPOSE.] The legislature finds and determines that integrated transportation systems, including railways, highways and airways, are necessary in order to meet the economic and energy needs of the citizens of the state, both now and in the future. The legislature finds that a portion of the present railroad system in the state does not provide adequate service to citizens of the state. The legislature further finds and determines that it is in the best interest of the state to establish and fund a rail service improvement program and to establish a railroad planning process in order to preserve and improve essential rail service in the state.

Sec. 2. [CITATION.] This act may be cited as "the Minnesota rail service improvement act".

Sec. 3. [DEFINITIONS.] Subdivision 1. "Department" means the state planning agency.

Subd. 2. "Rail line" means railroad roadbeds, track, track structure, and other appurtenances of railroad right-of-way.

Subd. 3. "Rail service" means rail transportation and local rail service.

Subd. 4. "Rail user" means shippers, consignors or other business entities.

Sec. 4. [MINNESOTA RAIL SERVICE IMPROVEMENT FUND.] The Minnesota rail service improvement fund is hereby created as a special account in the state treasury. All moneys received for rail service improvement shall be deposited in this fund, except as provided in section 8, subdivision 5, of this act.

Sec. 5. [RAIL SERVICE IMPROVEMENT PROGRAM.] Subdivision 1. There is created the rail service improvement program to provide assistance for improvement of rail service in the state.

Subd. 2. The department shall identify those rail lines which, if improved, would otherwise provide faster and more reliable transportation service to the citizens of the state.

Subd. 3. The department shall have all the powers necessary and convenient to implement the rail service improvement program, including but not limited to the following:

(a) Develop criteria for determining priorities for the allocation of funds or in kind contributions to railroads. In determining priorities, the considerations of the department shall include, but shall not be limited to, the economic and social benefits to the state and to the area being served.

(b) Disburse state funds and federal funds whenever applicable.

(c) Adopt rules necessary to carry out the purposes of this act.

Sec. 6. [FUNDS OF POLITICAL SUBDIVISIONS.] The governing body of any political subdivision of the state may with the approval of the department appropriate money for rail service improvement and may participate in a state rail service improvement program.

Sec. 7. [COOPERATION BETWEEN STATES.] The department may cooperate with other states in connection with the rail service improvement program and the railroad planning process. In carrying out the authority conferred by this section, the department may enter into contractual arrangements with other states.

Sec. 8. [APPROPRIATION.] Subdivision 1. There is appropriated from the general fund of the state to the Minnesota

rail service improvement fund the sum of \$3,000,000 to be used exclusively for rehabilitation of rail lines through contracts. The participants in these contracts shall be railroads, rail users and the department, and may be political subdivisions of the state and the federal government. In such contracts, participation by all parties shall be voluntary.

Subd. 2. In making each contract the department is encouraged to stipulate minimum operating standards for rail lines when improved, including speed, freight-carrying capacity. The department may stipulate minimum operating standards concerning frequency of service.

Subd. 3. In making contracts, the department may require a portion of the total assistance for improving a rail line to be loaned to the railroad by rail users. The department may also require the railroad to reimburse rail users on the basis of use of the line and the revenues produced.

Subd. 4. In the use of funds appropriated herein, the department may determine the circumstances under which and the terms and conditions under which all or any portion of state funds allocated will be repaid by the railroads. Reimbursement may be made as a portion of the increased revenue derived from the improved rail line. Whenever feasible, reimbursements shall be deposited in the Minnesota rail service improvement fund for rehabilitating other rail lines throughout the state.

Subd. 5. A contract between a railroad and the department which does not require repayment to the rail line improvement fund may require that the railroad establish and maintain a separate railroad fund for improvement of rail lines, to which a portion of the increase in revenue derived from the improved rail line shall be credited, solely for the purpose of improving other rail lines in Minnesota. The terms and conditions for use of moneys in the railroad fund shall be stipulated in the contract. The contract shall also stipulate a penalty for use of such funds in a manner other than as set forth in the contract. The railroad shall report to the department at such times as the department requires, concerning the disbursement of funds and the general status of rail line improvements.

Subd. 6. None of the moneys appropriated in this section shall cancel but shall be available until expended.

Sec. 9. [ACCEPTANCE OF FEDERAL FUNDS.] The department is authorized to exercise those powers necessary for the state to qualify for, accept, and disburse any federal funds that may be made available pursuant to the provisions of the federal rail revitalization and regulatory reform act of 1976, including authority to:

(a) Establish an adequate plan for rail services in the state as part of an overall planning process for all transportation services in the state, including a suitable process for updating, revising, and amending the plan.

(b) Administer and coordinate the plan with other state agencies, and provide for the equitable distribution of resources.

(c) Develop, promote, and support safe, adequate and efficient rail transportation services; employ qualified personnel; maintain adequate programs of investigation, research, promotion and development, with provisions for public participation; and take all practical steps to improve transportation safety and reduce transportation-related energy utilization and pollution.

(d) Adopt and maintain adequate procedures for financial control, accounting and performance evaluation in order to assure proper use of state and federal funds.

(e) Do all things otherwise necessary to maximize federal assistance to the state under the federal rail revitalization and regulatory reform act of 1976 or other relevant federal legislation.

Sec. 10. [EXAMINATION OF POLICIES.] The department shall examine policies of regulation and taxation of the state affecting railroad transportation services and costs to users of railroad service including, but not limited to, (1) the railroad gross earnings tax; (2) special assessments for public improvements made adjacent to railroad rights-of-way with respect to benefit, if any, to the railroad therefrom; (3) the use of public funds for the cost of maintaining highway-railroad grade crossing protection devices and signals; and, (4) laws and regulations that may not be appropriate to present circumstances, and shall submit its recommendations for improving, reforming and changing regulatory or taxation policies to the legislature and the governor not later than January 15, 1977.

Sec. 11. [ACCESS TO INFORMATION.] The department is authorized to request any railroad to provide such data and information as are necessary for the purposes of this act. Railroads operating within the state shall provide such information within 60 days of the date of the request. Should the railroad fail to provide such information, the department is hereby granted subpoena power for securing these data. The department shall exercise all necessary caution to avoid disclosure of confidential information supplied under this section.

Sec. 12. [ADMINISTRATIVE COST.] There is appropriated from the general fund of the state to the department the sum of \$150,000 for the purpose of administering the rail service improvement program. None of the moneys expended shall cancel but shall be available until expended.

Sec. 13. [EFFECTIVE DATE.] This act is effective the day following final enactment.”.

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

The report was adopted.

Fudro from the Committee on Transportation to which was referred:

H. F. No. 2188, A bill for an act relating to motor vehicles; defining powers of the registrar of motor vehicles; providing for the appointment of private deputy registrars; providing for the appointment of a county license bureau director as deputy registrar; amending Minnesota Statutes 1974, Section 373.35, Subdivision 1; and Minnesota Statutes, 1975 Supplement, Section 168.33, Subdivision 2; repealing Minnesota Statutes 1974, Section 373.36.

Reported the same back with the following amendments:

Page 2, after line 1, add a sentence to read: “*As of the effective date of this act, the registrar may appoint, and for cause discontinue, a deputy registrar for any city as the public interest and convenience may require, without regard to whether the county auditor of the county in which the city is situated has been appointed as the deputy registrar for the county or has been discontinued as the deputy registrar for the county, and without regard to whether the county in which the city is situated has established a county license bureau which issues motor vehicle licenses as provided in section 373.32.*”.

Page 2, line 2, before “*The*” insert “*Effective August 1, 1976,*”.

Page 2, line 2, delete “*at his pleasure*” and insert “*for cause*”.

Page 2, line 10, after the period insert a new sentence to read: “*Any person appointed as a deputy registrar for any city shall be a resident of the county in which the city is situated.*”.

Page 2, line 11, strike “*at his pleasure*” and insert “*for cause*”.

Page 2, line 14, after “*appoint*” insert “*, and for cause discontinue,*”.

Page 2, line 16, after the period insert a new sentence to read: “*Notwithstanding any other provision, a person other than a county auditor or a director of a county license bureau, who was appointed by the registrar before August 1, 1976, as a deputy registrar for any city, may continue to serve as deputy registrar and may be discontinued for cause only by the registrar.*”.



Page 3, after line 22, add a new section to read:

"Sec. 2. Minnesota Statutes 1974, Section 168.33, Subdivision 7, is amended to read:

Subd. 7. [FEES.] The registrar shall charge and receive for each application presented through the United States mail or at a state office a filing fee of (50 CENTS) \$1. Such fee shall be in addition to all other statutory fees and taxes."

Page 3, line 26, strike "board" and insert "auditor".

Page 3, line 26, strike "appoint a" and insert "serve as the".

Page 3, strike line 27.

Page 3, line 28, strike all of the language up to the period and insert "*or if he chooses not to serve as the director, he shall appoint any other county officer or employee, or any other person, to serve as the director upon the terms and conditions he deems advisable*".

Page 4, line 6, delete "at his pleasure" and insert "for cause".

Renumber the remaining sections accordingly.

Further amend the title as follows:

Line 7, delete "Section" and insert "Sections 168.33, Subdivision 7; and".

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

The report was adopted.

Fudro from the Committee on Transportation to which was referred:

H. F. No. 2326, A bill for an act relating to highway traffic regulations; driving restrictions on certain juveniles; repealing Minnesota Statutes 1974, Section 169.131.

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

The report was adopted.

Anderson, I., moved that the House recess subject to the call of the Chair. The motion prevailed.

## RECESS

## RECONVENED

The House reconvened and was called to order by the Speaker.

## REPORTS OF STANDING COMMITTEES, Continued

Norton from the Committee on Appropriations to which was referred:

H. F. No. 2331, A bill for an act relating to education; authorizing Independent School District No. 625 to issue bonds for the purpose of correcting cash flow problems and for other purposes; requiring a tax levy in certain years to eliminate the operating debt of the district; appropriating money.

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

The report was adopted.

## SECOND READING OF HOUSE BILLS

H. F. Nos. 608, 1382, 1953, 1677, 1878, 1885, 2083, 1827, 1929, 2197, 108, 1932, 1959, 2011, 1462, 2188, 2326 and 2331 were read for the second time.

## SECOND READING OF SENATE BILLS

S. F. Nos. 830, 1794 and 1383 were read for the second time.

INTRODUCTION AND FIRST READING  
OF HOUSE BILLS

The following House Files were introduced:

Adams, L.; Carlson, L.; Reding; Samuelson and Casserly introduced:

H. F. No. 2383, A bill for an act relating to appropriations; providing funding for the continued operation of detached worker programs for assistance to young people.

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

Menning, Esau, Birnstihl, Beauchamp and Johnson, D., introduced:

H. F. No. 2384, A bill for an act relating to the Minnesota state historical society; interpretive centers; appropriating money.

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

Berglin, Clark, Clawson, Rice and Nelson introduced:

H. F. No. 2385, A bill for an act relating to public welfare; establishing a study commission to review the general work assistance programs; appropriating money.

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

Mann, Setzepfandt, Eken and Haugerud introduced:

H. F. No. 2386, A bill for an act relating to livestock sanitation; providing indemnification to owners of condemned cattle by reason of being nonreactors to the brucellosis test, or by reason of being exposed to brucellosis and not eligible for test; authorizing indemnity to owners of grade bulls slaughtered because of certain other dangerous diseases; amending Minnesota Statutes 1974, Section 35.09, Subdivision 2, and by adding a subdivision.

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

Nelson, Berglin, Rice, Ulland and Petrafeso introduced:

H. F. No. 2387, A bill for an act relating to welfare; excluding certain payments made to members of Indian tribes from resources considered in determining eligibility for general assistance; amending Minnesota Statutes 1974, Section 256D.08, Subdivision 1.

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

Voss, Norton, Samuelson, McCarron and Wieser introduced:

H. F. No. 2388, A bill for an act relating to state government; providing for removal of officers who misappropriate state funds; amending Minnesota Statutes 1974, Section 10.31.

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

McEachern, Evans, Brinkman, Sieben, M., and Setzepfandt introduced:

H. F. No. 2389, A bill for an act relating to intoxicating liquor; restrictions upon places of sale; amending Minnesota Statutes 1974, Sections 340.07, Subdivision 13; and 340.353, Subdivision 1.

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

Berglin; Carlson, L.; Johnson, C.; Niehaus and Petrafeso introduced:

H. F. No. 2390, A bill for an act relating to education; hyperactive children; restricting the administering of drugs in the public schools to affect behavior of children; requiring schools to label foods in the school lunch that are free of artificial colors and flavors.

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

Wieser, Haugerud, Sherwood, Hanson and Fjoslien introduced:

H. F. No. 2391, A bill for an act relating to game and fish; regulating the shining of wild animals; amending Minnesota Statutes 1974, Section 100.29, Subdivision 10.

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

Knickerbocker and Novak introduced:

H. F. No. 2392, A bill for an act relating to ethics in government; changing the definition of "lobbyist" to not exclude public officials; amending Minnesota Statutes 1974, Section 10A.01, Subdivision 11.

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

Voss, McCarron, Faricy, Jaros and Hanson introduced:

H. F. No. 2393, A bill for an act relating to elections; political parties; requiring public schools to allow the use of buildings for political party meetings.

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

Vento; Anderson, I.; Johnson, D.; St. Onge and Tomlinson introduced:

H. F. No. 2394, A bill for an act relating to elections; removing exemption of certain counties from permanent voter registration system; amending Minnesota Statutes, 1975 Supplement, Section 201.021.

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

Clawson, Parish, McCarron, Philbrook and Laidig introduced:

H. F. No. 2395, bill for an act relating to elections; providing for the affidavits of candidacy of candidates for judicial office; amending Laws 1975, Chapter 5, Section 12, Subdivision 1.

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

Reding, Munger and Neisen introduced:

H. F. No. 2396, A bill for an act relating to the operation of state government; authorizing the director of the energy agency to appoint a personal secretary; amending Minnesota Statutes 1974, Section 116H.03, Subdivision 3.

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

Evans, Peterson, Wigley, Zubay and Biersdorf introduced:

H. F. No. 2397, A bill for an act relating to unemployment compensation; prohibiting payment of benefits to persons voluntarily terminating employment without good cause; 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.

Osthoff; Sieben, H.; Sarna; Metzen and Biersdorf introduced:

H. F. No. 2398, A bill for an act relating to the designer selection board; defining terms; prescribing the powers and duties of the board; amending Minnesota Statutes 1974, Sections 16.822, Subdivision 5, and by adding a subdivision; 16.823, Subdivision 4; and 16.826, Subdivisions 2 and 5.

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

St. Onge; Jaros; Anderson, I.; Eken and Laidig introduced:

H. F. No. 2399, A bill for an act relating to Indian affairs; renaming the board on Indian affairs; providing a change in membership for the board; changing the duties of the board; amending Minnesota Statutes 1974, Section 3.922, as amended.

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

Ketola, Doty, Sherwood, Reding and Zubay introduced:

H. F. No. 2400, A bill for an act relating to public officers; requiring a published list of boards and committees; notifying the public of vacancies and qualifications of candidates; providing for public hearing before appointment; authorizing review of functions of existing boards and committees; establishing a study commission.

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

Kaley, Friedrich, Graba, Haugerud and Searle introduced:

H. F. No. 2401, A bill for an act relating to environmental protection; providing that the commissioner of economic development be a permanent member of the environmental quality council; amending Minnesota Statutes 1974, Section 116C.03, Subdivision 2.

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

Berglin, Kahn, Skoglund, Clark and Byrne introduced:

H. F. No. 2402, A bill for an act relating to public welfare; establishing programs for displaced homemakers; establishing multipurpose service programs; defining terms; appropriating money.

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

Luther; Dieterich; Carlson, L.; Pahl and McCollar introduced:

H. F. No. 2403, A bill for an act relating to medical malpractice; restricting contingency fee contracts in medical malpractice cases; providing for the award of arbitration costs; requiring affidavit of payments received from health insurers; establishing distribution of medical malpractice awards; requiring certain reports to the commissioner of insurance.

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

Jude, Arlandson, Evans, Vanasek and Carlson, L., introduced:

H. F. No. 2404, A bill for an act relating to hospitalization and commitment; establishing guidelines for physician's statement; providing probable cause for commitment hearing; providing for termination of criminal jurisdiction; providing definitions; amending Minnesota Statutes 1974, Sections 253A.02, by adding subdivisions; 253A.04, Subdivision 3; 253A.07, Subdivisions 1, 2, 8, 13, 14 and 30; 253A.17, Subdivision 7.

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

Dieterich, Jude, Dahl, Lindstrom and Savelkoul introduced:

H. F. No. 2405, A bill for an act relating to commitment and discharge of inebriate persons; limiting length of commitment for inebriates; amending Minnesota Statutes 1974, Section 253A.07, Subdivision 25; Minnesota Statutes, 1975 Supplement, Sections 253A.07, Subdivision 17; and 253A.15, Subdivision 1.

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

Corbid introduced:

H. F. No. 2406, A bill for an act relating to the Middle River-Snake River watershed district; providing for taxes.

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

McEachern, Vanasek, Dahl, Volk and Clawson introduced:

H. F. No. 2407, A bill for an act relating to metropolitan revenue distribution; changing the method of computing the taxable valuation of certain governmental units; amending Minnesota Statutes 1974, Section 473F.08, Subdivision 2.

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

Savelkoul introduced:

H. F. No. 2408, A bill for an act relating to the city of Albert Lea; providing that public housing property owned and operated by nonprofit organizations in that city be exempt from property taxation.

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

Jude, by request, introduced:

H. F. No. 2409, A bill for an act relating to taxation; adjusting population limits for communities exempt from levy limits; amending Minnesota Statutes, 1975 Supplement, Section 275.59.

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

Kroening, Moe, Petrafeso, Knickerbocker and Anderson, I., introduced:

H. F. No. 2410, A bill for an act relating to taxation; providing for state reimbursement of taxing districts for tax reduction granted to Title II and certain other property; amending Minnesota Statutes 1974, Chapter 273, by adding a section; and Minnesota Statutes, 1975 Supplement, Section 276.04.

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

Friedrich; Johnson, C.; Savelkoul; White and Mann introduced:

H. F. No. 2411, A bill for an act relating to taxation; providing that gross receipts from the sale of sod be exempt from sales tax; amending Minnesota Statutes 1974, Section 297A.25, Subdivision 1.

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

Clawson, Volk, Mann, Johnson, C., and White introduced:

H. F. No. 2412, A bill for an act relating to taxation; extending a senior citizen's tax credit to certain joint owners and part owners; amending Minnesota Statutes 1974, Sections 273.011, Subdivision 2; 273.012, by adding a subdivision; and Minnesota Statutes, 1975 Supplement, Section 273.012, Subdivision 2.

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

Evans, Ulland, Begich, Spanish and Reding introduced:

H. F. No. 2413, A bill for an act relating to railroads; allowing reduced rates for transportation of solid waste material for reprocessing; amending Minnesota Statutes 1974, Section 218.021, Subdivision 2.

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



Vanasek; Anderson, I.; Sieloff; McCollar and Jopp introduced:

H. F. No. 2414, A bill for an act relating to motor vehicles; motor vehicle excise tax on vehicles purchased for resale; use of motor vehicles bearing motor vehicle dealer plates; amending Minnesota Statutes 1974, Sections 168.27, Subdivision 5; 297B.01, Subdivision 6; and Chapter 297B, by adding a section.

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

#### HOUSE ADVISORY BILLS

Pursuant to Rule 5.3, the following House Advisory Bill was introduced:

Suss, Petrafeso, Carlson, R., and Johnson, C., introduced:

H. A. B. No. 62, Providing a study of governance of post-secondary vocational education.

The bill was referred to the Committee on Education.

#### 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 Files, herewith returned:

H. F. No. 369, A bill for an act relating to the legislature; providing for the filing of state documents with the legislature; establishing duties of legislative reference library; amending Minnesota Statutes 1974, Sections 3.195; and 3.302, Subdivision 3.

H. F. No. 1104, A bill for an act relating to highway traffic regulations; equipment on certain vehicles; requiring tires on certain vehicles to meet requirements of the commissioner of public safety; prohibiting the sale, other than to a dealer, of certain vehicles with unsafe tires; and prescribing penalties.

H. F. No. 1191, A bill for an act relating to the city of Austin; membership of new police and firemen in the public employees retirement association.

H. F. No. 1721, A bill for an act relating to education; vocational-technical institutes; providing for student associations.

H. F. No. 1829, A bill for an act relating to insurance; regulation of insurance premium finance companies; maintenance of records; charging examination fees; requiring reports; amending Minnesota Statutes 1974, Section 59A.06.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 719, A bill for an act relating to real estate; providing for the extent of a lien; amending Minnesota Statutes 1974, Section 514.03, Subdivision 3.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Jopp moved that the House concur in the Senate amendments to H. F. No. 719 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 719, A bill for an act relating to real estate; providing for the extent of a lien; amending Minnesota Statutes 1974, Section 514.03, Subdivision 3.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question being taken on the repassage of the bill and the roll being called, there were yeas 128, and nays 0, as follows:

Those who voted in the affirmative were:

Adams, L.	Carlson, R.	Ewald	Johnson, D.	Laidig
Adams, S.	Casserly	Faricy	Jopp	Langseth
Albrecht	Clark	Fjoslien	Jude	Lemke
Anderson, G.	Clawson	Forsythe	Kahn	Lindstrom
Anderson, I.	Corbid	Friedrich	Kaley	Luther
Arlandson	Dahl	Fudro	Kalis	Mangan
Beauchamp	Dean	Fugina	Kelly, R.	Mann
Begich	DeGroat	George	Kelly, W.	McCarron
Berg	Dieterich	Graba	Kempe, A.	McCauley
Berglin	Doty	Hanson	Kempe, R.	McCollar
Biersdorf	Eckstein	Haugerud	Ketola	McEachern
Birnstihl	Eken	Heinitz	Knickerbocker	Menning
Braun	Enebo	Hokanson	Knoll	Metzen
Byrne	Erickson	Jacobs	Kostohryz	Moe
Carlson, A.	Esau	Jensen	Kroening	Neisen
Carlson, L.	Evans	Johnson, C.	Kvam	Nelsen

Nelson	Philbrook	Schulz	Smith	Wenstrom
Niehaus	Pleasant	Schumacher	Smogard	Wenzel
Norton	Prahl	Searle	Suss	White
Novak	Reding	Setzepfandt	Swanson	Wieser
Osthoff	Rice	Sherwood	Tomlinson	Wigley
Parish	St. Onge	Sieben, H.	Ulland	Williamson
Patton	Samuelson	Sieben, M.	Vanasek	Zubay
Pehler	Sarna	Sieloff	Vento	Speaker Sabo
Peterson	Savelkoul	Simoneau	Volk	
Petrafeso	Schreiber	Skoglund	Voss	

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

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

S. F. Nos. 357, 995, 1740, 1796 and 1841.

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. 1816, 1825, 1839, 1848 and 1865.

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. 1763, 1764 and 2030.

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. 1635, 1868 and 2068.

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. 1866, 1973, 1974 and 2034.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

S. F. No. 674.

PATRICK E. FLAHAVEN, Secretary of the Senate

### FIRST READING OF SENATE BILLS

S. F. No. 357, A bill for an act relating to the university of Minnesota board of regents; providing for student or recent graduate members; amending Minnesota Statutes 1974, Chapter 137, by adding a section.

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

S. F. No. 995, A bill for an act relating to agriculture; 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.

The bill was read for the first time.

Schulz moved that S. F. No. 995 and H. F. No. 903, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1740, A bill for an act relating to counties; authorizing county boards to establish personnel departments; providing for county personnel administration on a integrated, merit basis.

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

S. F. No. 1796, A bill for an act relating to welfare; excluding certain payments made to members of Indian tribes from resources considered in determining eligibility for general assis-

tance; amending Minnesota Statutes 1974, Section 256D.08, Subdivision 1.

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

S. F. No. 1841, 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.

S. F. No. 1816, A bill for an act relating to game and fish; authorizing additional moose seasons; amending Minnesota Statutes, 1975 Supplement, Section 100.27, Subdivision 2.

The bill was read for the first time.

Braun moved that S. F. No. 1816 and H. F. No. 1878, now on Technical General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1825, A bill for an act relating to crimes; prohibiting altering or removing a manufacturer's identification mark on personal property; providing penalties; amending Minnesota Statutes, 1975 Supplement, Section 609.52, Subdivision 2; repealing Minnesota Statutes 1974, Section 609.655.

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

S. F. No. 1839, A bill for an act relating to judgments; providing for enforcement of foreign judgments in courts of this state.

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

S. F. No. 1848, A bill for an act relating to insurance; including surety bonds within the scope of the Minnesota insurance guaranty association act; amending Minnesota Statutes 1974, Sections 60C.02, Subdivisions 1 and 2; 60C.03, Subdivision 4; 60C.04; 60C.09, Subdivision 1; 60C.14, Subdivision 2.

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

S. F. No. 1865, A bill for an act relating to insurance; providing a countersignature commission; amending Minnesota Statutes 1974, Section 60A.17, Subdivision 3.

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

S. F. No. 1763, A bill for an act relating to motor vehicle sales finance companies; establishing fees and permitting refunds of fees; requiring written agreements to extend, defer or renew contracts; amending Minnesota Statutes 1974, Sections 168.67; and 168.74.

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

S. F. No. 1764, A bill for an act relating to safe deposit companies; exempting savings associations from licensing and bonding requirements; deleting a limitation on examination fees; amending Minnesota Statutes 1974, Sections 55.06, Subdivision 1; and 55.095.

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

S. F. No. 2030, A bill for an act relating to elections; providing for the affidavits of candidacy of candidates for judicial office; amending Laws 1975, Chapter 5, Section 12, Subdivision 1.

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

S. F. No. 1635, A bill for an act relating to real estate; changing the name of register of deeds and office of register of deeds to county recorder and office of county recorder.

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

S. F. No. 1868, A bill for an act relating to certain counties; requiring the filing of certain surveys with the county surveyor; amending Minnesota Statutes, 1975 Supplement, Section 389.08.

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

S. F. No. 2068, A bill for an act authorizing the conveyance by the state of a certain easement over certain lands in the county of Washington.

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

S. F. No. 1866, A bill for an act relating to Blue Earth county; welfare board; authorizing the welfare board to maintain certain contingency funds.

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

S. F. No. 1973, A bill for an act relating to courts; time limitations on actions when party is outside the state; amending Minnesota Statutes 1974, Section 541.13.

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

S. F. No. 1974, A bill for an act relating to courts; lapse of causes of action arising outside the state; amending Minnesota Statutes 1974, Section 541.14.

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

S. F. No. 2034, A bill for an act relating to natural resources; authorizing the marking and designation of canoe and boating routes on the Straight river; amending Minnesota Statutes 1974, Section 85.32, Subdivision 1.

The bill was read for the first time.

Biersdorf moved that S. F. No. 2034 and H. F. No. 2083, now on the Technical Consent Calendar, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 674, A bill for an act relating to administrative procedure; requiring agency estimates of the cost of proposed rules to local public bodies; delaying the effective date of rules involving costs to local public bodies; amending Minnesota Statutes, 1975 Supplement, Section 15.0412, by adding subdivisions.

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

#### PROGRESS REPORTS ON CONFERENCE COMMITTEES

Pursuant to Joint Rule 13, Volk reported on the progress of S. F. No. 1206, now in Conference Committee.

Pursuant to Joint Rule 13, Dieterich reported on the progress of H. F. No. 1519, now in Conference Committee.

#### CONSENT CALENDAR

H. F. No. 2292, A bill for an act relating to Independent School Districts No. 834, No. 832 and No. 833; instruction to pupils from other districts; authorizing the districts to enter into agreements for the furnishing of instruction to non-resident pupils.

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

The question being taken on the passage of the bill and the roll being called, there were yeas 128, and nays 0, as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

H. F. No. 1847, A bill for an act relating to dentistry; providing for registration of dental assistants; changing the membership of the board of dentistry; providing for continuing education; amending Minnesota Statutes 1974, Sections 150A.01, by adding a subdivision; 150A.06, Subdivision 6, and by adding subdivisions; 150A.08; 150A.09, Subdivisions 1 and 2; and 150A.10, Subdivision 2; and amending Minnesota Statutes, 1975 Supplement, Section 150A.02, Subdivision 1.

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

The question being taken on the passage of the bill and the roll being called, there were yeas 126, and nays 3, as follows:

Those who voted in the affirmative were:

Abeln	Anderson, G.	Begich	Birnstihl	Carlson, A.
Adams, L.	Anderson, I.	Berg	Braun	Carlson, L.
Adams, S.	Arlandson	Berglin	Brinkman	Carlson, R.
Albrecht	Beauchamp	Biersdorf	Byrne	Casserly



Clark	Graba	Laidig	Pehler	Smith
Clawson	Hanson	Langseth	Peterson	Smogard
Corbid	Heinitz	Lemke	Petrafeso	Suss
Dahl	Hokanson	Lindstrom	Philbrook	Swanson
Dean	Jacobs	Luther	Pleasant	Tomlinson
DeGroat	Jensen	Mangan	Prahl	Ulland
Dieterich	Johnson, D.	Mann	Reding	Vanasek
Doty	Jopp	McCarron	Rice	Vento
Eckstein	Jude	McCauley	St. Onge	Volk
Eken	Kahn	McCollar	Sarna	Voss
Enebo	Kaley	Menning	Savelkoul	Wenstrom
Erickson	Kalis	Metzen	Schreiber	Wenzel
Esau	Kelly, R.	Moe	Schulz	White
Evans	Kelly, W.	Munger	Schumacher	Wieser
Ewald	Kempe, A.	Neisen	Searle	Wigley
Faricy	Kempe, R.	Nelsen	Setzepfandt	Williamson
Fjoslien	Ketola	Nelson	Sherwood	Zubay
Forsythe	Knickerbocker	Niehaus	Sieben, H.	Speaker Sabo
Friedrich	Knoll	Norton	Sieben, M.	
Fudro	Kostohryz	Novak	Sieloff	
Fugina	Kroening	Osthoff	Simoneau	
George	Kvam	Parish	Skoglund	

Those who voted in the negative were:

Haugerud      Johnson, C.      McEachern

The bill was passed and its title agreed to.

## CALENDAR

H. F. No. 1702, A bill for an act relating to protection of the environment; prohibiting sale of pressurized containers using certain chlorofluorocarbon propellants; requiring warning labels; prescribing penalties.

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

The question being taken on the passage of the bill and the roll being called, there were yeas 104, and nays 22, as follows:

Those who voted in the affirmative were:

Abeln	Corbid	Graba	Lindstrom	Parish
Adams, L.	Dahl	Hanson	Luther	Patton
Anderson, G.	Dean	Hokanson	Mangan	Pehler
Anderson, I.	DeGroat	Jacobs	Mann	Peterson
Arlandson	Dieterich	Johnson, D.	McCarron	Petrafeso
Beauchamp	Doty	Jude	McCauley	Philbrook
Berg	Eken	Kahn	McCollar	Pleasant
Berglin	Enebo	Kaley	McEachern	Prahl
Braun	Esau	Kelly, W.	Menning	Rice
Brinkman	Evans	Kempe, A.	Moe	St. Onge
Byrne	Ewald	Kempe, R.	Munger	Samuelson
Carlson, A.	Faricy	Ketola	Neisen	Sarna
Carlson, L.	Fjoslien	Knickerbocker	Nelsen	Savelkoul
Carlson, R.	Friedrich	Knoll	Nelson	Schulz
Casserly	Fudro	Kroening	Norton	Setzepfandt
Clark	Fugina	Laidig	Novak	Sherwood
Clawson	George	Langseth	Osthoff	Sieben, H.

Sieben, M.	Smith	Vanasek	Wenstrom	Williamson
Sieloff	Smogard	Vento	Wenzel	Zubay
Simoneau	Swanson	Volk	White	Speaker Sabo
Skoglund	Ulland	Voss	Wieser	

Those who voted in the negative were:

Adams, S.	Eckstein	Johnson, C.	Niehaus	Suss
Albrecht	Erickson	Kalis	Reding	Wigley
Begich	Forsythe	Kvam	Schreiber	
Biersdorf	Haugerud	Lemke	Schumacher	
Birnstihl	Jensen	Metzen	Searle	

The bill was passed and its title agreed to.

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

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

The question being taken on the passage of the bill and the roll being called, there were yeas 128, and nays 0, as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

H. F. No. 1337, A bill for an act authorizing the city of Shakopee to issue general obligation revenue bonds for the purpose of financing improvements to, and refunding bonds payable from the revenues of, its light and power system.

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 93, and nays 23, as follows:

Those who voted in the affirmative were:

Adams, L.	Enebo	Ketola	Novak	Sieloff
Anderson, I.	Evans	Knickerbocker	Osthoff	Simoneau
Arlandson	Ewald	Knoll	Parish	Skoglund
Beauchamp	Faricy	Kostohryz	Patton	Smith
Begich	Friedrich	Kroening	Pehler	Smogard
Berg	Fudro	Langseth	Peterson	Suss
Berglin	Fugina	Lemke	Petraseso	Swanson
Brinkman	George	Lindstrom	Philbrook	Vanasek
Byrne	Graba	Luther	Prahl	Vento
Carlson, L.	Hanson	Mangan	Reding	Voss
Carlson, R.	Haugerud	Mann	Rice	Wenstrom
Casserly	Hokanson	McCarron	St. Onge	Wenzel
Clark	Jacobs	McCollar	Samuelson	White
Clawson	Johnson, C.	Metzen	Sarna	Wieser
Corbid	Johnson, D.	Moe	Schumacher	Wigley
Dahl	Kahn	Munger	Setzepfandt	Zubay
Dieterich	Kalis	Neisen	Sherwood	Speaker Sabo
Doty	Kelly, R.	Nelson	Sieben, H.	
Eken	Kelly, W.	Norton	Sieben, M.	

Those who voted in the negative were:

Adams, S.	Carlson, A.	Esau	Laidig	Schulz
Albrecht	Dean	Heinitz	Nelsen	Searle
Anderson, G.	DeGroat	Jensen	Niehaus	Ulland
Biersdorf	Eckstein	Kaley	Savelkoul	
Braun	Erickson	Kvam	Schreiber	

The bill was passed and its title agreed to.

## 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 motion of Brinkman to recommend passage of S. F. No. 886.

There were yeas 67, and nays 42.

Those who voted in the affirmative were:

Adams, L.	Adams, S.	Albrecht	Anderson, G.	Anderson, I.
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Arlandson	Esau	Kalis	Metzen	Searle
Begich	Evans	Kelly, W.	Moe	Setzepfandt
Biersdorf	Ewald	Knickerbocker	Munger	Smith
Braun	Fjoslien	Kvam	Nelsen	Ulland
Brinkman	Forsythe	Laidig	Niehaus	Voss
Carlson, A.	Friedrich	Langseth	Patton	Wenstrom
Carlson, L.	Fudro	Lemke	Pehler	Wenzel
Dahl	Heinitz	Luther	Peterson	Wigley
Dean	Jacobs	Mann	Pleasant	Williamson
DeGroat	Johnson, C.	McCarron	Reding	Speaker Sabo
Eckstein	Jopp	McCauley	St. Onge	
Eken	Jude	McEachern	Savelkoul	
Erickson	Kaley	Menning	Schreiber	

Those who voted in the negative were:

Beauchamp	Faricy	Ketola	Novak	Smogard
Berg	Fugina	Knoll	Parish	Swanson
Berglin	Hanson	Kostohryz	Petrafeso	Tomlinson
Carlson, R.	Hokanson	Kroening	Prahl	Vento
Clark	Jensen	Lindstrom	Rice	Volk
Corbid	Johnson, D.	Mangan	Schumacher	White
Dieterich	Kahn	Neisen	Sherwood	
Doty	Kelly, R.	Nelson	Simoneau	
Enebo	Kempe, A.	Norton	Skoglund	

The motion prevailed.

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

H. F. Nos. 2077, 2103, 1999 and 790 which it recommended to pass.

S. F. Nos. 1551, 886 and 375 which it recommended to pass.

H. F. Nos. 995, 1897, 437, 2216, 1076 and 1957 upon which it recommended progress.

S. F. No. 749 upon which it recommended progress.

H. F. No. 1326 upon which it recommended progress retaining its place on General Orders.

H. F. No. 1558 which it recommended re-referral to the Committee on Local and Urban Affairs.

H. F. No. 1735 upon which it recommended progress until Wednesday, March 3, 1976.

S. F. No. 840 upon which it recommended progress until Tuesday, March 2, 1976.

H. F. No. 1814 which it recommended be placed at the bottom of General Orders.

H. F. No. 1892 upon which it recommended to pass with the following amendments:

Offered by Faricy:

Page 1, line 25, after "council" add "*and only if the legislature is convened*".

Offered by Fjoslien:

Page 2, line 25, strike "*shall*" and insert "*may*".

H. F. No. 1996 upon which it recommended to pass with the following amendment offered by Suss:

Page 1, line 13, strike "NON-CURRICULAR" and insert "EXTRA CURRICULAR".

Page 3, line 4, strike "of" and insert "or".

Page 3, line 15, after "*activities*" insert "*are not offered for school credit, cannot be counted toward graduation and*".

Page 3, strike lines 17 and 18.

Page 3, line 19, strike "(b)" and insert "(a)".

Page 3, line 22, strike "(c)" and insert "(b)".

Page 3, line 26, strike "(d)" and insert "(c)".

Page 3, line 32, strike "*non-curricular*" and insert "*extra curricular*".

Page 4, line 1, strike "*Non-curricular*" and insert "*Extra curricular*".

Page 4, line 5, strike "*Non-curricular*" and insert "*Extra curricular*".

Page 4, line 14, strike "; and" and insert a period.

Page 4, strike lines 15 to 18.

Page 4, line 20, strike "*non-curricular*" and insert "*extra curricular*".

Page 4, line 20, after the comma insert "*these activities shall be self-sustaining with all expenses, except direct salary costs and indirect costs of the use of school facilities, met by dues, admissions or other student fund-raising events; moreover,*".

Page 4, line 24, strike "*non-curricular*" and insert "*extra curricular*".

Page 4, line 28, strike "*non-curricular*" and insert "*extra curricular*".

Page 4, line 28, after the comma insert "*any or all costs of these activities may be provided from school revenues and*".

Page 4, line 32, strike "*non-curricular*" and insert "*extra curricular*".

Page 5, line 1, strike "*of*" and insert "*or*".

Further, amend the title as follows:

Page 1, line 5, strike "*non-curricular*" and insert "*extra curricular*".

Page 1, line 6, strike "*non-curricular*" and insert "*extra curricular*".

H. F. No. 2039 upon which it recommended to pass with the following amendment offered by Heinitz:

Page 1, line 15, delete "*If the*".

Page 1, delete lines 16 to 23.

Page 2, delete line 1.

Page 2, line 2, delete "*payee.*" and insert "*Any guardian or conservator of a patient or resident or, in the absence of a guardian or conservator, an interested person, may seek enforcement of these rights on behalf of a patient or resident.*".

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

## MOTIONS AND RESOLUTIONS

Mann moved that the name of Eckstein be added as an author on H. F. No. 2386. The motion prevailed.

St. Onge moved that the names of Smogard, Biersdorf and Anderson, G., be stricken and the names of Osthoff, Fudro and Ewald be added as authors on H. F. No. 1170. The motion prevailed.

McCollar moved that the name of Doty be added as an author on H. F. No. 1173. The motion prevailed.

Anderson, I., moved that S. F. No. 1383 be unofficially engrossed to include committee amendments and printed for the House. The motion prevailed.

Johnson, D.; Kahn; Clark; Berglin and Byrne introduced:

House Resolution No. 27, A house resolution congratulating Cindy Nelson on her success at the Winter Olympics in Innsbruck, Austria.

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

Hanson, Faricy, Norton and Dieterich introduced:

House Resolution No. 28, A house resolution congratulating the Central girls basketball team for winning the "First Official Class AA Girls State High School Basketball Tournament" on February 21, 1976.

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

Setzepfandt introduced:

House Resolution No. 29, A house resolution congratulating the Redwood Falls girls basketball team for winning the "First Official Class A Girls State High School Basketball Tournament" on February 21, 1976.

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

#### ADJOURNMENT

Anderson, I., moved that the House adjourn. The motion prevailed and the Speaker declared the House adjourned until 2:00 p.m., Thursday, February 26, 1976.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

