

## STATE OF MINNESOTA

## SIXTY-NINTH SESSION - 1976

## NINETY-SIXTH DAY

SAINT PAUL, MINNESOTA, TUESDAY, MARCH 23, 1976

The House convened at 11:00 a.m. and was called to order by the Speaker.

Prayer was offered by the Chaplain.

The roll was called and the following members were present:

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

A quorum was present.

Clawson and Fudro were excused until 2:00 p.m.

The Chief Clerk proceeded to read the Journal of the preceding day. On the motion of Vanasek the further reading was dis-with and the Journal was approved as corrected.

## REPORTS OF CHIEF CLERK

Pursuant to Rules of the House, printed copies of H. F. Nos. 2169, 2593, 2112, 2144, 2262, 2547 and 1984 and S. F. Nos. 485, 1644, 1906, 1928, 2335, 2127, 2241, 2313, 2430, 2452, 2132, 1704, 2039, 2248, 2278, 1791 and 60 have been placed in the members' files.

S. F. No. 2278 and H. F. No. 2364, which had been referred to the Chief Clerk for comparison, were examined and found to be identical, except that H. F. No. 2364, page 3, line 31 reads:

*"Sections 123.931 to 123.936 5,500,000".*

Whereas, S. F. No. 2278, page 3, line 31 reads:

*"Sections 123.931 to 123.936 5,000,000".*

## SUSPENSION OF RULES

Voss moved that the rules be so far suspended that S. F. No. 2278 be substituted for H. F. No. 2364 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1928 and H. F. No. 2280, which had been referred to the Chief Clerk for comparison, were examined and found to be identical, except that S. F. No. 1928, page 1, line 16 has a comma following "1976"; whereas, H. F. No. 2280 page 1, line 16 does not contain this comma following "1976".

## SUSPENSION OF RULES

Kostohryz moved that the rules be so far suspended that S. F. No. 1928 be substituted for H. F. No. 2280 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1906 and H. F. No. 2339, which had been referred to the Chief Clerk for comparison, were examined and found to be identical, except S. F. No. 1906, page 4, lines 24 and 25 reads in part *"(TEACHER STANDARDS AND CERTIFICATION COMMISSION) teaching, the commissioner"* whereas H. F. No. 2339, page 4, lines 25 and 26, reads in part *"teacher standards and certification (COMMISSION), the commissioner"*.

S. F. No. 1906, page 6, line 17, contains *"teaching."* whereas H. F. No. 2339, page 6, line 18, contains *"teacher standards and certification."*

S. F. No. 1906, page 14, lines 3 and 4 contains the language *"and shall not exceed an average attendance requirement of 50 clock hours per year"* whereas H. F. No. 2339, page 14, line 5 does not.

S. F. No. 1906, page 14, lines 7 and 8 contains the language "*The 50 clock hour limitation shall not apply to the board of teaching.*" whereas H. F. No. 2339, page 14, line 7, does not.

H. F. No. 2339, page 17, lines 14 and 15, reads:

"Sec. 12. Minnesota Statutes 1974, Section 125.05, Subdivision 1, is amended to read:".

Whereas S. F. No. 1906, page 17, lines 15 and 16 reads:

"Sec. 12. Minnesota Statutes 1974, Section 125.05, is amended to read:".

H. F. No. 2339, page 17, line 32 and page 18, line 1 reads:

"Sec. 13. Minnesota Statutes 1974, Section 125.05, Subdivision 2, is amended to read:".

Whereas S. F. No. 1906, page 17, after line 32, does not contain this language.

S. F. No. 1906, page 18, lines 12 to 15 contains the language:

"Subd. 3. [EFFECTIVE DATE.] This act is effective July 1, 1969. Nothing contained herein shall be construed as affecting the validity of a permanent certificate issued prior to July 1, 1969."

Whereas H. F. No. 2339, page 18, after line 12 does not.

S. F. No. 1906, page 24, line 1, reads in part "*board of teaching shall*" whereas H. F. No. 2339, page 23, line 30 reads in part "*board shall*".

H. F. No. 2339, page 24, line 5, contains "*board*" whereas S. F. No. 1906, page 24, line 9, contains "*board of teaching*".

H. F. No. 2339, page 24, line 14, contains "*of this act*" whereas S. F. No. 1906, page 24, line 17 does not.

S. F. No. 1906, page 24, lines 22 and 26, contain "*of teaching*" whereas H. F. No. 2339, page 24, lines 19 and 23 does not.

H. F. No. 2339, page 25, lines 12 to 17 reads:

"Subd. 7. Any person who shall in any manner represent himself as a certificated teacher without a valid existing certificate issued to him by the (COMMISSION) *standards board* or any person who employs fraud or deception in applying for or securing a certificate shall be guilty of a gross misdemeanor."

Whereas S. F. No. 1906, page 25, lines 16 to 21 reads:

"Subd. 7. Any person who shall in any manner represent himself as a (CERTIFICATED) *licensed* teacher without a valid existing (CERTIFICATE) *license* issued to him by the (COMMISSION) *board* or any person who employs fraud or deception in applying for or securing a (CERTIFICATE) *license* shall be guilty of a gross misdemeanor."

H. F. No. 2339, page 25, line 23, contains "*standards board*" whereas S. F. No. 1906, page 25, line 27, contains "*board*".

S. F. No. 1906, page 28, line 31 to page 29, line 1, contains "*A member may serve more than one term but shall not serve more than two terms consecutively.*". Whereas H. F. No. 2339, page 28, line 27, does not contain this language.

S. F. No. 1906, page 32, lines 21 to 23 reads:

"REVOCATION OF LICENSE.] Subdivision 1. The board (MAY) *shall censure, shall refuse to grant a license to, shall order re-examination, or* (MAY) *shall suspend, revoke, condition.*"

Whereas H. F. No. 2339, page 32, lines 16 and 17 reads:

"REVOCATION OF LICENSE.] Subdivision 1. The board may *refuse to grant a license to, or may suspend, revoke, condition.*"

S. F. No. 1906, page 32, line 32, contains "(AND REGULATIONS)" whereas H. F. No. 2339, page 32, line 26, contains "*and regulations*".

S. F. No. 1906, page 33, lines 8 to 11 reads:

"(c) a person who (IS) *at any time during the previous five years was convicted of a felony (IN THE COURTS OF THIS STATE OR ANY OTHER STATE, TERRITORY OR COUNTRY) reasonably related to his practice of medicine or osteopathy.*"

Whereas H. F. No. 2339, page 33, lines 2 and 3 reads:

"(c) a person who is convicted of a felony in the courts of this state or any other state, territory or country."

S. F. No. 1906, page 34, lines 26 to 30 read:

"(i) a person who violates a statute or (LAW) *rule* of this state or of any other state or of the United States(, WITHOUT REGARD TO ITS DESIGNATION AS EITHER FELONY OR

MISDEMEANOR,) which (STATUTE OR LAW) relates to the practice of medicine or in part regulates the practice of medicine.”.

Whereas, H. F. No. 2339, page 34, lines 18 to 22 read:

“(i) a person who violates a statute or law of this state or of any other state or of the United States, without regard to its designation as either felony or misdemeanor, which statute or law relates to the practice of medicine or in part regulates the practice of medicine.”.

S. F. No. 1906, page 35, line 7, the words “immoral or” are stricken; whereas those words are not stricken in H. F. No. 2339.

S. F. No. 1906, page 35, line 12, everything after “established” is stricken; and lines 13 to 15 are also stricken; and “state” is stricken in line 16; whereas none of this is stricken in H. F. No. 2339.

S. F. No. 1906, page 35, line 17 to page 36, line 31, reads:

“(1) a person who is unable to practice medicine with reasonable skill and safety to patients by reason of illness, professional incompetence, senility, drunkenness, use of drugs, narcotics, chemicals or any other type of material or as a result of any mental or physical condition. (IN ENFORCING THIS CLAUSE THE BOARD SHALL, UPON PROBABLE CAUSE, HAVE AUTHORITY TO COMPEL A PHYSICIAN TO SUBMIT TO A MENTAL OR PHYSICAL EXAMINATION.) *If the board has probable cause to believe that a physician comes within this clause, it shall direct the physician to submit to a mental or physical examination. For the purpose of this clause, every physician licensed under chapter 147 shall be deemed to have given his consent to submit to a mental or physical examination when directed in writing by the board and further to have waived all objections to the admissibility of the examining physicians' testimony or examination reports on the ground that the same constitute a privileged communication.* Failure of a physician to submit to such examination when directed shall constitute an admission of the allegations against him, unless the failure was due to circumstances beyond his control, (CONSEQUENT UPON) *in which case a default and final order may be entered without the taking of testimony or presentation of evidence. A physician affected under this clause shall at reasonable intervals be afforded an opportunity to demonstrate that he can resume the competent practice of medicine with reasonable skill and safety to patients.*

(FOR THE PURPOSE OF THIS CLAUSE, EVERY PHYSICIAN LICENSED UNDER CHAPTER 147 WHO SHALL ACCEPT THE PRIVILEGE TO PRACTICE MEDICINE IN THIS

STATE AND BE SO PRACTICING SHALL BE DEEMED TO HAVE GIVEN HIS CONSENT TO SUBMIT TO A MENTAL OR PHYSICAL EXAMINATION WHEN DIRECTED IN WRITING BY THE BOARD AND FURTHER TO HAVE WAIVED ALL OBJECTIONS TO THE ADMISSIBILITY OF THE EXAMINING PHYSICIANS' TESTIMONY OR EXAMINATION REPORTS ON THE GROUND THAT THE SAME CONSTITUTE A PRIVILEGED COMMUNICATION.)

In any proceeding under this clause, neither the record of proceedings nor the orders entered by the board shall be used against a physician in any other proceeding.

(m) a person who willfully betrays a professional secret.

((N) A PERSON WHO IS CONVICTED OF AN OFFENSE INVOLVING MORAL TURPITUDE.)

((O)) (n) a doctor of osteopathy who fails to identify his school of healing in the professional use of his name by one of the following terms: osteopathic physican and surgeon, doctor of osteopathy, or D.O.”.

Whereas, H. F. No. 2339, page 35, line 9 to page 36, line 13 reads:

“(1) a person who is unable to practice medicine with reasonable skill and safety to patients by reason of illness, professional incompetence, senility, drunkenness, use of drugs, narcotics, chemicals or any other type of material or as a result of any mental or physical condition. In enforcing this clause the board shall, upon probable cause, have authority to compel a physician to submit to a mental or physical examination. Failure of a physician to submit to such examination when directed shall constitute an admission of the allegations against him, unless the failure was due to circumstances beyond his control, consequent upon which a default and final order may be entered without the taking of testimony or presentation of evidence. A physician affected under this clause shall at reasonable intervals be afforded an opportunity to demonstrate that he can resume the competent practice of medicine with reasonable skill and safety to patients.

For the purpose of this clause, every physician licensed under chapter 147 who shall accept the privilege to practice medicine in this state and be so practicing shall be deemed to have given his consent to submit to a mental or physical examination when directed in writing by the board and further to have waived all objections to the admissibility of the examining physicians' testimony or examination reports on the ground that the same constitute a privileged communication.

In any proceeding under this clause, neither the record of proceedings nor the orders entered by the board shall be used against a physician in any other proceeding.

(m) a person who willfully betrays a professional secret.

(n) a person who is convicted of an offense involving moral turpitude.

(o) a doctor of osteopathy who fails to identify his school of healing in the professional use of his name by one of the following terms; osteopathic physician and surgeon, doctor of osteopathy, or D.O.”.

S. F. No. 1906, page 44, line 1, “In case a” is stricken whereas H. F. No. 2339, page 43, line 15 it is not stricken.

S. F. No. 1906, page 44, lines 2 to 9 are stricken whereas H. F. No. 2339, page 43, lines 16 to 23 are not stricken.

S. F. No. 1906, page 44, line 27 contains “(;)” whereas H. F. No. 2339, page 44, line 9, contains “;”.

S. F. No. 1906, page 44, line 28, contains “(;)” whereas H. F. No. 2339, page 44, line 10, contains “;”.

S. F. No. 1906, page 44, line 29, contains “(;) and” whereas H. F. No. 2339, page 44, line 11, contains “;”.

S. F. No. 1906, page 45, lines 4 and 5, contains “*during the five years immediately preceding appointment*” whereas H. F. No. 2339, page 44, line 18, does not contain this language.

S. F. No. 1906, page 61, line 2, contains “(STATE)” whereas H. F. No. 2339, page 59, line 32, contains “state”.

S. F. No. 1906, page 61, lines 3 and 4 are stricken, whereas H. F. No. 2339, page 60, lines 1 and 2 are not.

S. F. No. 1906, page 61, line 5, the language “members are terminated and a new state” is stricken, whereas in H. F. No. 2339, page 60, line 3 it is not.

S. F. No. 1906, page 61, line 19, contains “(THE INITIAL)” whereas H. F. No. 2339, page 60, line 17, contains “The initial”.

H. F. No. 2339, page 60, lines 18 to 21 are not stricken, whereas in S. F. No. 1906, page 61, lines 20 to 23 are stricken.

S. F. No. 1906, page 66, line 25 the language “The board may” is stricken, whereas in H. F. No. 2339, page 66, line 6 it is not.

S. F. No. 1906, page 66, lines 26 to 28 are stricken, whereas in H. F. No. 2339, page 66, lines 7 to 9 the language is not stricken.

S. F. No. 1906, page 66, line 29, the language "consultation with the department of personnel." is stricken, whereas in H. F. No. 2339, page 66, line 10, it is not stricken.

S. F. No. 1906, page 69, line 12, reads "(REGISTRATION) *certificates of license renewal* may be issued" whereas H. F. No. 2339, page 68, line 25 reads in part "registration certificates may be issued".

S. F. No. 1906, page 80, line 20, the comma after "may" is stricken, whereas in H. F. No. 2339, page 80, line 1, it is not.

S. F. No. 1906, page 96, lines 6 and 7 reads in part "a (VETERINARY EXAMINING) board of *veterinary medicine* which" whereas H. F. No. 2339, page 95, lines 19 and 20 reads in part "a veterinary examining board which".

H. F. No. 2339, page 110, line 30, contains "(5) 3" whereas S. F. No. 1906, page 111, line 17, contains "5".

H. F. No. 2339, page 111, line 6 to page 112, line 4 is stricken whereas S. F. No. 1906, page 111, line 24 to page 112, line 24 is not.

S. F. No. 1906, page 124, line 15, contains "*examination and experience*" whereas H. F. No. 2339, page 123, line 27, contains "*initial*".

S. F. No. 1906, page 124, line 22, the language "or registered" is stricken, whereas in H. F. No. 2339, page 124, line 1, it is not.

S. F. No. 1906, page 129, line 2, reads: "public accountant (CERTIFICATE) *license issued by the board,*".

Whereas, H. F. No. 2339, page 128, line 14 reads: "public accountant certificate issued by the board, if he is".

S. F. No. 1906, page 130, line 4, contains "UNLICENSED" whereas H. F. No. 2339, page 129, line 16, contains "UNREGISTERED".

H. F. No. 2339, page 129, line 32, contains "*and license*" whereas S. F. No. 1906, page 130, line 20 does not.

H. F. No. 2339, page 130, line 3, contains "*and license*" whereas S. F. No. 1906, page 130, line 23 does not.

H. F. No. 2339, page 132, line 2, the language "certificate or" is stricken, whereas in S. F. No. 1906, page 132, line 22 it is not.

H. F. No. 2339, page 133, all of line 21, except "Subd. 3." is stricken and lines 22 to 29 are stricken whereas S. F. No. 1906, page 134, lines 9 to 18 are not stricken.

S. F. No. 1906, page 150, lines 8 and 9 reads in part "created (AN ABSTRACTERS) the board of (EXAMINERS) abstracters whose" whereas H. F. No. 2339, page 149, lines 19 and 20 reads in part "created an abstracters board of examiners whose".

S. F. No. 1906, page 150, lines 20 and 21 reads in part "members as defined (FOR PURPOSES OF LAWS 1973, CHAPTER 638) in section 214.02." whereas H. F. No. 2339, page 149, lines 30 and 31 reads in part "members as defined for purposes of Laws 1973, Chapter 638."

S. F. No. 1906, page 153, line 22 contains "REGISTERED" whereas H. F. No. 2339, page 153, line 1, contains "LICENSED".

S. F. No. 1906, page 158, lines 15 to 18 contains "*A state employee who serves on a board as a representative of a specific state department or agency shall not receive the \$35 per day.*" whereas H. F. No. 2339, page 157, line 26 does not contain this language.

S. F. No. 1906, page 158, lines 19 and 20 contains "*To the extent possible in order to be consistent with section 9, the present members of the allied health manpower credentialing committee shall be the initial members of the human services occupations advisory council.*" whereas H. F. No. 2339, page 157, line 27 does not contain this language.

S. F. No. 1906, page 158, line 26, contains "*members*" whereas H. F. No. 2339, page 157, line 30, contains "*a member*".

S. F. No. 1906, page 158, line 28, contains "*fill*" whereas H. F. No. 2339, page 157, line 32, contains "*file*".

S. F. No. 1906, page 159, line 30 to page 160, line 1 contains "*The report shall comment upon the effectiveness of the staffing pilot program provided in subdivision 3 and shall recommend whether the program should be expanded or discontinued.*" whereas H. F. No. 2339, page 159, line 2 does not contain this language.

S. F. No. 1906, page 160, lines 2 to 11 contains the language:

*"Subd. 3. Notwithstanding the provisions of section 2, subdivision 3, the commissioner of health and the chairman of the com-*

*merce commission shall each appoint, with the approval of the affected licensing boards, one unclassified employee of their respective departments who shall each serve as the executive secretary for two or more of the boards not listed in section 2, subdivision 3 and which are serviced by the respective departments. This staffing pilot program shall terminate July 1, 1978, unless extended by the legislature."* whereas H. F. No. 2339, page 159, after line 2 does not contain this language.

S. F. No. 1906, page 160, line 22, contains "*145.865, Subdivision 3,*" whereas H. F. No. 2339, page 159, line 12 does not contain this language.

S. F. No. 1906, page 160, line 29, contains "*326.334, Subdivision 3,*" whereas H. F. No. 2339, page 159, line 18 does not contain this language.

S. F. No. 1906, page 160, line 31, contains "*Subdivision 1*" whereas H. F. No. 2339, page 159, line 20, contains "*Subdivision 2*".

H. F. 2339, page 159, lines 24 and 25, contains "*326.242, Subdivision 8; 326.334, Subdivision 3;*" whereas S. F. No. 1906, page 161, line 2 does not contain this language.

In the title S. F. No. 1906, page 1, line 9 contains a comma after "education" whereas H. F. No. 2339, page 1, line 9 does not.

H. F. No. 2339, page 1, line 18, contains "appropriating money;" whereas S. F. No. 1906, page 1, line 18 does not contain this language.

S. F. No. 1906, page 1, line 19 contains "125.05;" whereas H. F. No. 2339, page 1, lines 19 and 20, contains "125.05, Subdivisions 1 and 2;"

S. F. No. 1906, page 2, line 38 contains "*145.865, Subdivision 3,*" whereas H. F. No. 2339, page 2, line 39 does not contain this language.

S. F. No. 1906, page 2, line 46, contains "*326.334, Subdivision 3;*" whereas H. F. No. 2339, page 2, line 46 does not contain this language.

S. F. No. 1906, page 2, line 49, contains "Subdivision 1" whereas H. F. No. 2339, page 2, line 49, contains "Subdivision 2".

H. F. No. 2339, page 2, lines 53 and 54 contains "*326.242, Subdivision 8; 326.334, Subdivision 3;*" whereas S. F. No. 1906, page 2, line 53 does not contain this language.

## SUSPENSION OF RULES

Reding moved that the rules be so far suspended that S. F. No. 1906 be substituted for H. F. No. 2339 and that the House File be indefinitely postponed. The motion prevailed.

## PETITIONS AND COMMUNICATIONS

The following communication was received:

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

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:

<i>S.F. No.</i>	<i>H.F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Date Approved 1976</i>	<i>Date Filed 1976</i>
	59	47	March 19	March 19
	1904	48	March 19	March 19
	1999	49	March 19	March 19
	2011	50	March 19	March 19
	2105	51	March 19	March 19
53		52	March 19	March 19
995		53	March 19	March 19
1252		54	March 19	March 19
1493		55	March 19	March 19
1590		56	March 19	March 19
1794		57	March 19	March 19

<i>S.F. No.</i>	<i>H.F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Date Approved 1976</i>	<i>Date Filed 1976</i>
1852		58	March 19	March 19
1901		59	March 19	March 19
1924		60	March 19	March 19
1975		61	March 19	March 19
2070		62	March 19	March 19
2076		63	March 19	March 19
2168		64	March 19	March 19
2237		65	March 19	March 19
1135		66	March 19	March 19

Sincerely,

JOAN ANDERSON GROWE  
Secretary of State

## SECOND READING OF SENATE BILLS

S. F. Nos. 2278, 1928 and 1906 were read for the second time.

## INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Carlson, L.; Corbid; Adams, L.; Sieben, M.; and Swanson introduced:

H. F. No. 2690, A bill for an act relating to insurance; regulating cancellation, renewal, and reduction of coverage of residential insurance; amending Minnesota Statutes 1974, Sections 65A.01, Subdivision 3; and 65A.07.

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

Heinitz introduced:

H. F. No. 2691, A bill for an act relating to health; specifying requirements for implementing the Minnesota clean indoor air act; amending Minnesota Statutes, 1975 Supplement, Sections 144.413, Subdivision 2, and by adding subdivisions; 144.414; and 144.416.

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

Clark and Enebo introduced:

H. F. No. 2692, A bill for an act relating to the city of Minneapolis; authorizing a rehabilitation loan program for small and medium sized commercial buildings; and providing for the issuance and security of general obligation and revenue bonds necessary to finance the program.

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

Schreiber; Sieben, M.; Savelkoul; Jacobs and Eken introduced:

H. F. No. 2693, A bill for an act relating to taxation; setting requirements for the establishment of agricultural use zones; providing for special zoning and assessment procedures for land within such zones; amending Minnesota Statutes 1974, Section 273.111, Subdivisions 2, 3, 4, 5, 6, 8, 9, and 11, and by adding subdivisions, and Chapter 116D, by adding a section.

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

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

H. F. No. 2694, A bill for an act relating to taxation; providing local option to specified counties to receive property tax payments from state for state owned land; providing an appropriation.

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

#### PROGRESS REPORTS ON CONFERENCE COMMITTEES

Pursuant to Joint Rule 13, Casserly reported on the progress of H. F. No. 1530, now in Conference Committee.

Pursuant to Joint Rule 13, Voss reported on the progress of S. F. No. 250, now in Conference Committee.

## MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

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

H. F. No. 1870, A bill for an act relating to public employees; administrative expenses of salary deductions for annuity contracts; appropriating funds; repealing Laws 1975, Chapter 433, Section 12.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 1382, A bill for an act relating to transportation; authorizing the commissioner of administration to acquire vehicles for the car pooling of state employees; removing, restricting or clarifying certain laws which discourage use of shared ride commuter vans to transport employees to and from work; providing certain incentives; appropriating money; amending Minnesota Statutes 1974, Chapter 221, by adding a section; and Sections 16.85, Subdivision 1; and 65B.47, Subdivisions 1 and 2; and Minnesota Statutes, 1975 Supplement, Sections 65B.43, Subdivision 12; 221.011, Subdivision 22; repealing Minnesota Statutes 1974, Section 16.755.

The Senate has appointed as such committee Messrs. North, Kirchner and Gearty.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 1615, A bill for an act relating to public health; providing for care, medical treatment, and legal rights of live births resulting from abortions.

The Senate has appointed as such committee Messrs. Gearty, Olhofft and Brown.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate refuses to concur in the House amendments to:

S. F. No. 1499, A bill for an act relating to the conduct of public officials and campaigns for public office; defining "lobbying"; redefining "lobbyist" and certain other terms; providing for the filing of certain reports and statements; providing penalties; amending Minnesota Statutes 1974, Sections 10A.01, Subdivisions 2, 5, 7, 10 and 11, and by adding a subdivision; 10A.02, Subdivisions 1, 5, 8 and 11; 10A.04, Subdivision 4; 10A.07, Subdivision 1; 10A.09, Subdivision 5; 10A.11, Subdivision 6; 10A.14, Subdivision 2; 10A.19, Subdivision 1; 10A.20, Subdivisions 1, 2, and 3, and by adding a subdivision; 10A.21, Subdivision 1; 10A.22, Subdivision 5; 10A.23; 10A.25, Subdivisions 3, 6 and 7; 10A.27, Subdivision 3; repealing Minnesota Statutes 1974, Sections 10A.01, Subdivision 14; 10A.14, Subdivision 3; 10A.20, Subdivision 4; 10A.22, Subdivisions 2 and 8.

And the Senate respectfully requests that a Conference Committee of 3 members be appointed thereon. Messrs. Keefe, S.; Brown and Stumpf have been appointed as such committee on the part of the Senate.

Said Senate File is herewith transmitted to the House with the request that the House appoint a like committee.

PATRICK E. FLAHAVEN, Secretary of the Senate

Vento moved that the House accede to the request of the Senate for the appointment of a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two Houses on S. F. No. 1499. The motion prevailed.

Mr. Speaker:

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

H. F. No. 2155, A bill for an act relating to retirement; proportionate annuities for members of various funds; amending

Minnesota Statutes, 1975 Supplement, Section 356.32, Subdivision 2.

PATRICK E. FLAHAVEN, Secretary of the Senate

### CONCURRENCE AND REPASSAGE

Knoll moved that the House concur in the Senate amendments to H. F. No. 2155 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 2155, A bill for an act relating to retirement; proportionate annuities for members of various funds; classification and allowance of Minneapolis city employees; amending Minnesota Statutes 1974, Section 422A.09, Subdivision 3; 422A.13, Subdivision 2; and Minnesota Statutes, 1975 Supplement, Section 356.32, Subdivision 2,

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 126, and nays 0, as follows:

Those who voted in the affirmative were:

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

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 File, herewith transmitted:

S. F. No. 2581.

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. 1999.

PATRICK E. FLAHAVEN, Secretary of the Senate

### FIRST READING OF SENATE BILLS

S. F. No. 2581, A bill for an act relating to the organization and operation of state government; appropriating and reappropriating money for the general administrative expenses of state government and limiting the use thereof; providing for payment of claims against the state; abolishing the state claims commission; amending Minnesota Statutes 1974, Sections 3.732, Subdivisions 1, 2, and 5; 3.751, Subdivision 1; 176.011, Subdivision 9; 192.38; 238.04, by adding a subdivision; 345.48, Subdivision 2; and Chapter 3, by adding a section; Minnesota Statutes, 1975 Supplement, Section 4.19; repealing Minnesota Statutes 1974, Sections 3.66 to 3.7311; 3.735; 3.752; 3.753; 3.76 to 3.83; and 15.315.

The bill was read for the first time.

Norton moved that S. F. No. 2581 and H. F. No. 2676, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1999, A bill for an act relating to elections; preparation of ballots; changing rotation of names; imposing duties on the county auditor; repealing special provisions for voting in presidential elections; providing for eligible voters residing outside the United States to vote; amending Minnesota Statutes 1974, Section 208.04; and Chapter 207, by adding a section; Minnesota Statutes, 1975 Supplement, Sections 203A.31, by adding a subdivision; 203A.33, Subdivision 4; repealing Minnesota Statutes 1974, Sections 208.21 to 208.35.

The bill was read for the first time.

Osthoff moved that S. F. No. 1999 and H. F. No. 2002, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

REPORT FROM THE COMMITTEE ON RULES AND  
LEGISLATIVE ADMINISTRATION

Pursuant to Rule 1.9, Anderson, I., for the Committee on Rules and Legislative Administration, designated the following bills as a Special Order for Tuesday, March 23, 1976 to be acted upon immediately following First Readings of Senate Files.

S. F. Nos. 2147, 1575, 1156, 1873, 2108, 161, 2232, 864, 2208, 1764, 360, 354 and 551.

CONFERENCE COMMITTEE REPORT ON H. F. NO. 1519

The Conference Committee Report on H. F. No. 1519 was reported to the House. There being no objection the Conference Committee Report was laid over.

CONSIDERATION UNDER RULE 1.10

Pursuant to Rule 1.10, Kelly, W., requested immediate consideration of S. F. No. 2078.

S. F. No. 2078 was reported to the House.

Berg moved to amend S. F. No. 2078, the unofficial engrossment, as follows:

Page 5, after line 7, insert a new section:

"Sec. 5. Minnesota Statutes 1974, Section 473F.07, Subdivision 2, is amended to read:

Subd. 2. The commissioner of (FINANCE) *revenue* shall certify to the administrative auditor, on or before November 20 of 1972 and each subsequent year, the population of each municipality for the preceding year, the proportion of that population which resides within the area, the average fiscal capacity of municipalities for the preceding year, and the fiscal capacity of each municipality for the preceding year."

Page 6, line 25, reinstate stricken "(ADMINISTRATIVE AUDITOR)" and delete new language.

Page 6, line 26, delete new language.

Page 10, delete lines 20 to 26 and insert a new section:

"Sec. 13. *Minnesota Statutes 1974, Section 473F.08, Subdivision 9, is repealed.*"

Renumber sections in sequence.

Further amend the title as follows:

Delete line 3.

Line 4, delete "perform administrative functions;"

Line 8, after "473F.06;" insert "473F.07, Subdivision 2;"

Line 11, delete "Sections 473F.02,"

Delete line 12.

Line 13, delete "and" and insert "Section".

The motion prevailed and the amendment was adopted.

S. F. No. 2078, 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 third time, as amended, and placed upon its final passage.

The question being taken on the passage of the bill and the roll being called, there were yeas 132, and nays 0, as follows:

Those who voted in the affirmative were:

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

Vanasek  
Vento  
Volk

Voss  
Wenstrom  
Wenzel

White  
Wieser  
Wigley

Williamson  
Zubay  
Speaker Sabo

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

Pursuant to Rule 1.10, Norton requested immediate consideration of S. F. No. 1097.

S. F. No. 1097 was reported to the House.

Corbid moved to amend S. F. No. 1097, the unofficial engrossment, as follows:

Page 4, line 8, after the period, insert "No more than 55 percent of the appropriation shall be expended for any pilot program established in section 1 of this act."

The motion prevailed and the amendment was adopted.

S. F. No. 1097, A bill for an act relating to health; providing for pilot programs for dental care for senior citizens; establishing means of administration; subsidizing premiums to cover cost of services; appropriating money.

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

The question being taken on the passage of the bill and the roll being called, there were yeas 126, and nays 0, as follows:

Those who voted in the affirmative were:

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

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

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.

There being no objection the order of business reverted to Reports of Standing Committees.

#### REPORTS OF STANDING COMMITTEES

Norton from the Committee on Appropriations to which was referred:

H. F. No. 1608, A bill for an act relating to legal assistance; providing state aid to certain legal assistance corporations; appropriating money.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert:

"Section 1. The sum of \$165,000 shall be appropriated to the commissioner of administration from the general fund for the purpose of assisting in the provision of criminal and juvenile defense to indigent individuals.

Sec. 2. The following sums shall be disbursed in the fiscal year ending June 30, 1977:

Duluth, \$10,000

St. Paul, \$50,000

Minneapolis, \$25,000

Leech Lake, \$40,000

White Earth, \$40,000

Sec. 3. The sums appropriated by this act shall be distributed by the commissioner of administration in consultation with the

attorney general to one non-profit criminal and juvenile defense corporation in each of the five named localities. Funds may not be disbursed to a corporation in the Leech Lake reservation area and the White Earth reservation area without prior approval by the respective reservation business committee. Funds shall be disbursed to those non-profit criminal and juvenile defense corporations designated by the commissioner of administration by July 1 of each year. The commissioner of administration shall give notice 30 days in advance and conduct a hearing if he has reasonable grounds to believe funds appropriated by this act are being improperly used, or, if in consultation with the attorney general, he has reasonable cause to believe criminal and juvenile defense of proper quality is not being supplied. Funds shall cease from the date of notice until either the commissioner determines that the funds appropriated by this act will be properly handled, or the commissioner, in consultation with the attorney general, determines that criminal and juvenile defense of proper quality will be provided. A participating corporation may give notice at any time of its withdrawal from this program of financial assistance."

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. 2332, A bill for an act relating to education; requiring school districts to engage in planning, evaluation and reporting; establishing an office of learning improvement assistance for public elementary and secondary school districts; appropriating money.

Reported the same back with the following amendments:

Page 5, line 5, after "having" delete "statewide".

Page 5, line 17, before "1977-1978" insert "1976-1977 and".

Page 6, line 22, before "is" insert "\$300,000".

Page 6, line 25, after "amount," insert "\$60,000".

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:

S. F. No. 1956, 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; 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:

Strike 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 public body, governmental agency, business entity, officer, nursing home administrator, or director 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 state official or state employee, or a member 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 or director of a nursing home, receives any remuneration from 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 or director 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 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, or 257.081 to 257.124.

Subd. 6. "Nursing care" means health evaluation and treatment of patients and residents who are not in need of an acute care facility but who require nursing supervision on an in-patient basis. The board of health may by rule establish levels of nursing care.

Subd. 7. "Uncorrected violation" means a violation of a statute or rule or any other deficiency for which a notice of non-

compliance has been issued and fine assessed pursuant to section 10, subdivision 6.

Subd. 8. "Managerial employee" means an employee of a nursing home whose duties include the direction of some or all of the management or policies of the nursing home.

Subd. 9. "Nursing home administrator" means a person who administers, manages, supervises, or is in general administrative charge of a nursing home, whether or not the 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 nursing care unless the facility has been licensed as a nursing home. 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 may also specify the level or levels of nursing care which the facility is licensed to provide 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 of a nursing home in violation of 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 related to the operation of the nursing home.

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

(a) The names and addresses of all controlling persons and managerial employees 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 or managerial employees as agents:

(a) Who shall be responsible for dealing with the board of health on all matters provided for in sections 1 to 17 of this act; and

(b) On whom personal service of all notices and orders shall be made, and who shall be authorized to accept service on behalf of all of the controlling persons of the facility, in proceedings under section 6; section 10, subdivisions 4, 5, and 7; section 11, subdivision 3; and section 15 of this act. Notwithstanding any law to the contrary, personal service on the designated person or persons named in an application shall be deemed to be service on all of the controlling persons or managerial employee of the facility, and it shall not be a defense to any action arising under section 6; section 10, subdivisions 4, 5 and 7; section 11, subdivision 3; and section 15 of this act, that personal service was not made on each controlling person or managerial employee of the facility. The designation of one or more controlling persons or managerial employees pursuant to this subdivision shall not affect the legal responsibility of any other controlling person or managerial employee under sections 1 to 17 of this act.

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) A controlling person on behalf of all other controlling persons:

(1) Has 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; or

(2) Is otherwise making a diligent good faith effort to meet the standard.

Subd. 4. The controlling persons of a nursing home may not include any person who was a controlling person of another nursing home during any period of time in the previous time of control during which two year period that other nursing home incurred the following number of uncorrected violations 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 related to the operation of the nursing home which incurred the uncorrected violations.

Subd. 5. Except as otherwise provided by this subdivision, a nursing home must have a full time licensed nursing home administrator serving the facility. In any nursing home of less than 25 beds, the director of nursing services may also serve as the licensed nursing home administrator. Two nursing homes having a total of 100 beds or less 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. Every nursing home shall have a person-in-charge on the premises at all times 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 must be on the nursing home's premises. A nursing home which is located in a facility licensed as a hospital pursuant to Minnesota Stat-

utes, Sections 144.50 to 144.56, may employ as its administrator the registered administrator of the hospital if the individual meets minimum education and long term care experience criteria set by rule of the board of health.

Subd. 6. A nursing home 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 time of employment during which two year period that other nursing home incurred the following number of uncorrected violations which were in the jurisdiction and control of the managerial employee or the 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 balance sheet and its most recent statement of revenues and expenses, as audited by the state auditor, 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 14 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 ten percent of the total beneficial interest in the nursing home facility, the structure in which the facility is located, or the land upon which the structure is located, it may,

and if it determines that the transferred beneficial interest exceeds 50 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, it shall, require that the license of the nursing home 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. 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) A controlling person on behalf of all other controlling persons:

(1) Has 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 liability of the nursing home to correct the violation is due solely to that failure; or

(2) Is otherwise making a diligent good faith effort to correct the violation.

*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.

*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, within 14 days of the occurrence 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 which incurs the following number of uncorrected violations, in any two year period, 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, 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.]** *Subdivision 1. 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.*

*Subd. 2. The provisions of sections 1 to 28 of this act shall not apply to a facility operated by a religious society or order to provide nursing care to 20 or fewer non-lay members of the order or society.*

**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.] The board of health shall annually inspect each nursing home to assure compliance with sections 1 to 17 of this act and the rules promulgated thereunder. The annual inspection shall be a full inspection of the nursing home. If upon a reinspection provided for in subdivision 5 of this section the representative of the board of health finds one or more uncorrected violations, a second inspection of the facility shall be conducted during the remainder of its license year. The second inspection need not be a full inspection. 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 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 reinspections required by subdivision 5. Nothing in this subdivision shall be construed to prohibit the board of health from making more than one unannounced inspection of any nursing home during its license year. The board of health shall coordinate its inspections of nursing homes with inspections by other state and local agencies.

**Subd. 3. [REPORTS; POSTING.]** After each inspection or reinspection required or authorized by this section, the board of health shall, by certified mail, send copies of any correction order or notice of noncompliance to the nursing home. A copy of each correction order and notice of noncompliance, and copies of any documentation supplied to the board of health or the commissioner of public welfare under sections 3 or 5 of this act 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 each correction order and notice of noncompliance received by the nursing home after its most recent inspection or reinspection shall be posted in a conspicuous and readily accessible place in the nursing home. No correction order or notice of noncompliance need be posted until any appeal, if one is requested by the facility, pursuant to subdivision 8, has been completed. All correction orders and notices of noncompliance issued to a nursing home owned and operated by the state or political subdivision of the state shall be circulated and posted at the first public meeting of the governing body after the order or notice is issued. 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 violations 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 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 violation 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 reinspected within three working days after receipt of the notification. If upon reinspection 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 board of health shall notify the nursing home of the resumption by certified mail. The nursing home may challenge the resumption as a contested case in accordance with the provisions of Minnesota Statutes, Chapter 15. Recovery of the resumed 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 resumption within 15 days of receipt of the notice of resumption. 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 receipt 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, or on the resumption of the fine, 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. The hearings provided for in subdivisions 7 and 8 shall be held within 30 days after the request for the hearing. If a consolidated hearing is held, it shall be held within 30 days of the request which occurred last.

**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 to suspend or revoke 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, 13 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 to suspend or revoke 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 uncorrected violations 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 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 by the court 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 of persons subpoenaed by the board of health 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 con-*

trolling 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 its receipt to resolve the complaint, 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 involves 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 be selected from both urban and rural areas of the state, and shall include the following:*

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

(b) *A licensed nursing home administrator;*

(c) *Two controlling persons of a proprietary nursing home;*

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

(e) *Three nursing home residents not residing in the same home; and*

(f) *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 nonvoting member;*

(b) *The commissioner of public welfare, or his designee who shall be a nonvoting member; and*

(c) *The following members appointed by the governor:*

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

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

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

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

(5) *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 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 second 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 rules 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.] *Except as provided in section 4, subdivision 5, 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.]** *In addition to its discretionary authority to initiate proceedings under sections 24 and 25, the board of examiners shall initiate proceedings to suspend or revoke a nursing home administrator license or shall refuse to renew a license if within the preceding two year period the administrator was employed at a nursing home which during the period of his employment incurred the following number of uncorrected violations, 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.*

*Subd. 4. Each rule promulgated by the board of health pursuant to sections 1 to 17 of this act shall contain a short statement of the anticipated costs and benefits to be derived from the provisions of the rule.*

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 CHRONIC OR CONVALESCENT CARE) for the institutional care of human beings. 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.)

*The term "hospital" includes the term "sanatorium" unless the context clearly indicates otherwise.*

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 deci-

sions 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) *the* 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) *the* license shall be furnished with a copy of the complaint and be entitled to be represented by legal counsel at (SUCH) *the* hearing. (SUCH) *The* 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) *the* hearing who shall take testimony, administer oaths, issue subpoenas, and compel the attendance of witnesses and transmit the record of (SUCH) *the* 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) *promulgated* 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 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 members to be appointed annually from the membership of the Minnesota hospital association by the board of trustees thereof, one of (SAID FOUR MEMBERS) *whom* 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) *a* member of the council, and the commissioner of public welfare shall designate (THE NINTH) *a* member who will represent the Minnesota county welfare boards. *The ninth member of the council shall be a public member as defined in section 214.02, and shall be appointed by the governor to serve at his pleasure.*

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) *six* members shall be appointed in the following manner to make recommendations to the state board of health (IN SUCH MATTERS AND TO ASSIST IN) *concerning* 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) *these* three members shall be a hospital administrator of a hospital located outside of a city of the first class; one of (SAID) *these* three members shall be a hospital administrator of a state, county or municipal hospital; *and* one of (SAID) *these* 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. *One member shall be a public member as defined in section 214.02, and shall be appointed by the governor to serve at his pleasure.*

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) *the* 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) *The* rules (AND REGULATIONS) shall protect the privacy of patients and residents of facilities. No patient or resident of any facility shall be required to submit to an examination under (SUCH) *the* 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) *the* 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) *the* 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) *the times (AS) that 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) the 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) facility 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 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. 57. 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) *the reports as may be required under law and under (REGULATIONS) rules adopted by the commissioner of public welfare under the administrative procedures act. (SUCH REGULATIONS) The rules 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. 58. 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. 59. 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 pub-

lic 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. 60. *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. 61. *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. 62. *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. 63. *Minnesota Statutes 1974, Section 626.555, Subdivision 7, is amended to read:*

Subd. 7. [RETRALIATION 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. 64. [REPEALER.] *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, are repealed.*

Sec. 65. [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 section 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. 66. [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."*

Further strike the title in its entirety and insert the following: "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; 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."

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:

S. F. No. 2025, A bill for an act relating to nursing homes; requiring training for certain nursing assistants; providing a penalty.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert:

"Section 1. [PURPOSE; FINDINGS.] The legislature finds that the preponderance of direct care for functional disabilities provided in nursing homes is being provided by relatively untrained nurse aides and orderlies; that the annual turnover rate of these employees is extremely high; and, that the combination of these factors has a detrimental effect on the quality of patient care in nursing homes. The purpose of this act is to improve the quality of care provided to patients of nursing homes by assuring that approved programs for the training of nursing assistants are established at locations throughout the state, and by requiring that each nursing assistant hired to work in a nursing home on or after July 1, 1977, be a graduate of or an enrollee in this type of program.

Sec. 2. [144A.61] [NURSING ASSISTANT TRAINING.] Subdivision 1. For the purposes of this section "nursing assistant" means an individual, including but not limited to a nurse's aide or an orderly, who is assigned by the director of nursing in a nursing home to perform nursing services under the supervision of a registered nurse.

Subd. 2. [CURRICULA; TECHNICAL ASSISTANCE.] The commissioner of education shall develop curricula for nursing assistant training programs for employees of nursing homes. The curricula shall be utilized by area vocational-technical schools or where most appropriate as designated by the commissioner of education.

Subd. 3. The commissioner of education shall provide necessary and appropriate technical assistance in the development of nursing assistant training programs.

Subd. 4. The board of nursing shall review and approve curricula developed by the commissioner of education for nursing assistant training programs for employees of nursing homes.

Subd. 5. Every nursing assistant hired to work in a nursing home after June 30, 1977, shall have successfully completed an approved nursing assistant training program or shall be enrolled in an approved nursing assistant training program scheduled to commence within 30 days of the assistant's employment.

Employees of nursing homes conducted in accordance with the teachings of the body known as the Church of Christ, the Scientist, shall be exempt from the requirements of this act.

Subd. 6. Notwithstanding any statute or rule to the contrary, no nursing home's license shall be issued or renewed unless the board of health determines that the nursing home is in compliance with this section.

Sec. 3. Nursing homes shall be permitted to claim as allowable costs, under the department of public welfare's nursing home reimbursement formula, up to 50 percent of the actual costs of tuition and reasonable expenses paid to nursing home assistants by nursing homes during the period of their enrollment in an approved nursing assistant training program.

Sec. 4. [APPROPRIATION.] The sum of \$123,343 is hereby appropriated from the general fund of the state treasury to the department of public welfare for the purposes of section 3.

Sec. 5. [EFFECTIVE DATE.] This act is effective the day following its final enactment."

Further strike the title in its entirety and insert "relating to nursing homes; requiring training for certain nursing assistants; appropriating money."

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

The report was adopted.

## SECOND READING OF HOUSE BILLS

H. F. Nos. 1608 and 2332 were read for the second time.

## SECOND READING OF SENATE BILLS

S. F. Nos. 1956 and 2025 were read for the second time.

## MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

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

H. F. No. 500, A bill for an act relating to energy; energy commission, public members; providing for compensation and reimbursement of traveling and other expenses; amending Minnesota Statutes 1974, Section 116H.04, Subdivision 2.

PATRICK E. FLAHAVEN, Secretary of the Senate

Munger moved that the House refuse to concur in the Senate amendments to H. F. No. 500, that the Speaker appoint a Conference Committee of 5 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two Houses. The motion prevailed.

Mr. Speaker:

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

H. F. No. 1865, A bill for an act relating to crimes; providing increased sentences for persons convicted of certain second or subsequent violations of theft; prescribing penalties; amending Minnesota Statutes 1974, Section 609.52, Subdivision 3.

PATRICK E. FLAHAVEN, Secretary of the Senate

McCarron moved that the House refuse to concur in the Senate amendments to H. F. No. 1865, that the Speaker appoint a Conference Committee of 5 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two Houses.

A roll call was requested and properly seconded.

The question was taken on the motion and the roll being called, there were yeas 54, and nays 77, as follows:

Those who voted in the affirmative were:

Arlandson	Eken	Johnson, D.	Norton	Stanton
Beauchamp	Faricy	Kahn	Novak	Suss
Berg	Fudro	Kelly, W.	Parish	Ulland
Berglin	Fugina	Lemke	Pehler	Vanasek
Brinkman	George	Lindstrom	Reding	Vento
Byrne	Graba	Luther	Rice	Volk
Casserly	Hanson	Mangan	Samuelson	Voss
Clark	Haugerud	Mann	Searle	Wieser
Clawson	Jacobs	McCarron	Setzepfandt	Williamson
Corbid	Jaros	Moe	Sieloff	Speaker Sabo
Dieterich	Johnson, C.	Nelson	Skoglund	

Those who voted in the negative were:

Abeln	Doty	Kempe, A.	Nelsen	Sieben, H.
Adams, L.	Eckstein	Kempe, R.	Niehaus	Sieben, M.
Adams, S.	Erickson	Ketola	Osthoff	Simoneau
Albrecht	Esau	Knickerbocker	Patton	Smith
Anderson, G.	Evans	Knoll	Peterson	Smogard
Anderson, I.	Ewald	Kostohryz	Petrafeso	Spanish
Begich	Fjoslien	Kroening	Philbrook	Swanson
Biersdorf	Forsythe	Kvam	Pleasant	Tomlinson
Birnstihl	Friedrich	Laidig	Prahl	Wenstrom
Braun	Heinitz	Langseth	St. Onge	Wenzel
Carlson, A.	Hokanson	McCauley	Sarna	White
Carlson, L.	Jensen	McCollar	Saveikoul	Wigley
Carlson, R.	Jopp	McEachern	Schreiber	Zubay
Dahl	Jude	Menning	Schulz	
Dean	Kaley	Metzen	Schumacher	
DeGroat	Kelly, R.	Neisen	Sherwood	

The motion did not prevail.

#### CONCURRENCE AND REPASSAGE

Kempe, A., moved that the House concur in the Senate amendments to H. F. No. 1865 and that the bill be repassed as amended by the Senate.

Lindstrom moved that H. F. No. 1865 and the accompanying message from the Senate be laid over until Thursday, March 25, 1976.

A roll call was requested and properly seconded.

The question was taken on the motion and the roll being called, there were yeas 115, and nays 17, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Adams, S.	Esau	Jopp	Osthoff	Wigley
Begich	Ewald	Kempe, R.	Patton	
Braun	Forsythe	Ketola	Schulz	
Doty	Heinitz	Kvam	Sherwood	

The motion prevailed.

Mr. Speaker:

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

H. F. No. 2159, A bill for an act relating to the city of Minneapolis; municipal employees survivor benefits; amending Minnesota Statutes 1974, Section 422A.23, Subdivisions 2 and 3; repealing Minnesota Statutes 1974, Section 422A.23, Subdivision 4.

The Senate has appointed as such committee Messrs. Stokowski, Ogdahl and Gearty.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate refuses to concur in the House amendments to:

S. F. No. 1051, A bill for an act relating to attorneys; providing for investigation of accusations against attorneys; amending Minnesota Statutes 1974, Section 481.15, by adding a subdivision.

And the Senate respectfully requests that a Conference Committee of 3 members be appointed thereon. Messrs. Coleman, Pillsbury and Borden have been appointed as such committee on the part of the Senate.

Said Senate File is herewith transmitted to the House with the request that the House appoint a like committee.

PATRICK E. FLAHAVEN, Secretary of the Senate

Skoglund moved that the House accede to the request of the Senate for the appointment of a Conference Committee of 3 members of the House to meet with a like committee appointed

by the Senate on the disagreeing votes of the two Houses on S. F. No. 1051. The motion prevailed.

Mr. Speaker:

I hereby announce that the Senate refuses to concur in the House amendments to:

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 an integrated, merit basis.

And the Senate respectfully requests that a Conference Committee of 3 members be appointed thereon. Messrs. Olhoff, Jensen and Willet have been appointed as such committee on the part of the Senate.

Said Senate File is herewith transmitted to the House with the request that the House appoint a like committee.

PATRICK E. FLAHAVEN, Secretary of the Senate

Setzepfandt moved that the House accede to the request of the Senate for the appointment of a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two Houses on S. F. No. 1740. The motion prevailed.

Mr. Speaker:

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

H. F. No. 2072, A bill for an act relating to taxes on or measured by net income and on the sale of intoxicating liquors and to assessment of ad valorem taxes; appropriating funds; amending Minnesota Statutes 1974, Sections 4.12, Subdivision 4; 270.13; 273.138, Subdivisions 2 and 5; 276.05; 276.06; 290.06, Subdivision 9a; 290.066, Subdivision 1; 340.51; 340.55; and Chapters 256 and 273, by adding sections; Minnesota Statutes, 1975 Supplement, Sections 270.16, Subdivision 2; 273.012, Subdivision 3; 273.11, Subdivision 2; 273.122, Subdivision 1; 273.13, Subdivisions 6, 7, and 14a; 273.17, Subdivision 1; 274.14; 276.04; 281.17; 290.01, Subdivision 20; 290.012, Subdivision 4; 290.21, Subdivision 4; 290A.03, Subdivisions 3, 7, 8, 12, and 13 and by adding a subdivision; 290A.04, Subdivisions 2 and 3; 290A.05;

290A.06; 290A.07, Subdivisions 1 and 2; 290A.14; 290A.19; and Chapter 290A, by adding a section; and Laws 1975, Chapter 349, Section 32; and Laws 1976, Chapter 5, Sections 2, Subdivision 1; and 3; repealing Minnesota Statutes 1974, Section 273.11, Subdivision 4; and Minnesota Statutes, 1975 Supplement, Section 124.03.

PATRICK E. FLAHAVEN, Secretary of the Senate

Kelly, W., moved that the House refuse to concur in the Senate amendments to H. F. No. 2072, that the Speaker appoint a Conference Committee of 5 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two Houses. The motion prevailed.

Mr. Speaker:

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

S. F. Nos. 1959, 2364 and 2375.

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. No. 2288.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### FIRST READING OF SENATE BILLS

S. F. No. 1959, A bill for an act relating to health facilities; establishing an office of health facility ombudsman; appropriating money.

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

S. F. No. 2364, A bill for an act relating to the administration of criminal justice; transferring primary investigatory jurisdiction in correctional institutions to the bureau of criminal apprehension; providing that the attorney general shall prosecute certain criminal offenses arising on the premises of adult

correctional institutions; amending Minnesota Statutes 1974, Sections 8.01; 299C.03; 387.03; and 388.05.

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

S. F. No. 2375, A bill for an act relating to education; right to read program; appropriating money.

The bill was read for the first time.

Sieben, M., moved that S. F. No. 2375 and H. F. No. 2262, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 2288, A bill for an act relating to Indian affairs; renaming the board on Indian affairs; providing a change in membership for the board; creating an advisory council; changing the duties of the board; appropriating money; amending Minnesota Statutes 1974, Section 3.922, as amended.

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

#### SUSPENSION OF RULES

Pursuant to Rule 3.14, Anderson, I., moved that Rule 4.11 be suspended for two hours.

A roll call was requested and properly seconded.

The question was taken on the motion and the roll being called, there were yeas 87, and nays 43, as follows:

Those who voted in the affirmative were:

Adams, L.	Esau	Kroening	Osthoff	Sieloff
Adams, S.	Evans	Langseth	Parish	Simoneau
Anderson, G.	Faricy	Lemke	Patton	Smogard
Anderson, I.	Fudro	Lindstrom	Pehler	Tomlinson
Arlandson	Fugina	Mann	Peterson	Vanasek
Beauchamp	George	McCarron	Petraseso	Vento
Begich	Graba	McCauley	Philbrook	Voss
Berg	Hanson	McCollar	Reding	Wenstrom
Biersdorf	Heinitz	McEachern	Rice	Wenzel
Braun	Jacobs	Menning	St. Onge	White
Brinkman	Johnson, C.	Metzen	Samuelson	Wieser
Carlson, R.	Jude	Moe	Sarna	Wigley
Dahl	Kalis	Munger	Savelkoul	Williamson
DeGroat	Kelly, R.	Neisen	Schreiber	Zubay
Dieterich	Kelly, W.	Nelson	Schumacher	Speaker Sabo
Eckstein	Ketola	Niehaus	Searle	
Eken	Knoll	Norton	Setzepfandt	
Erickson	Kostohryz	Novak	Sieben, H.	

Those who voted in the negative were:

Abeln	Clawson	Hokanson	Kvam	Skoglund
Albrecht	Corbid	Jaros	Laidig	Smith
Berglin	Dean	Jensen	Luther	Spanish
Birnstihl	Doty	Jopp	Mangan	Stanton
Byrne	Enebo	Kahn	Nelsen	Suss
Carlson, A.	Ewald	Kaley	Pleasant	Swanson
Carlson, L.	Fjoslien	Kempe, A.	Prahl	Ulland
Casserly	Forsythe	Kempe, R.	Sherwood	
Clark	Friedrich	Knickerbocker	Sieben, M.	

The motion did not prevail.

#### CALL OF THE HOUSE

On the motion of Anderson, I., and on the demand of 10 members, a call of the House was ordered. The following members answered to their names:

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

Anderson, I., moved that further proceedings of the roll call be dispensed with and that the Sergeant at Arms be instructed to bring in the absentees. The motion prevailed and it was so ordered.

#### CONSIDERATION UNDER RULE 1.10

Pursuant to Rule 1.10, Kelly, W., requested immediate consideration of S. F. No. 819.

S. F. No. 819 was reported to the House.

Philbrook moved to amend S. F. No. 819, the unofficial engrossment, as follows:

Page 4, line 30, strike "provided that" and strike "a petition is filed".

Page 4, line 31, strike everything not yet stricken.

Page 4, line 32, strike "of that taxable year" and insert "*which qualifies under the provisions of subdivision 3a of this section*".

Page 5, line 1, after "by" and before "this" insert "*subdivision 7 of*".

Page 5, after line 1, insert the following:

*"Subd. 3a. A minor political party qualifies for inclusion on the income tax form as provided in subdivision 3 if a candidate of that party filed for any office in the preceding general election, or if a petition on behalf of that party is filed as provided in section 10A.01, subdivision 13, by June 1 of the taxable year."*

Page 5, line 7, to page 7, line 19; delete all of subdivisions 5, 6 and 7, and insert the following:

"Subd. 5. ((A) IN EACH FISCAL YEAR, 10 PERCENT OF THE MONEYS IN CASH ACCOUNT SHALL BE SET ASIDE FOR CANDIDATES FOR STATEWIDE OFFICE.)

((B) OF THE AMOUNT SET ASIDE IN CLAUSE (A), 10 PERCENT SHALL BE DISTRIBUTED TO THE CANDIDATES FOR GOVERNOR AND LIEUTENANT GOVERNOR JOINTLY, 24 PERCENT SHALL BE DISTRIBUTED TO THE CANDIDATE FOR ATTORNEY GENERAL; AND 12 PERCENT EACH SHALL BE DISTRIBUTED TO THE CANDIDATES FOR SECRETARY OF STATE, STATE TREASURER AND STATE AUDITOR. IF THERE IS NO NOMINEE OF THAT PARTY FOR ONE OF THE OFFICES, THE SHARE SET ASIDE FOR THAT OFFICE SHALL BE DISTRIBUTED TO THE OTHER STATEWIDE CANDIDATES OF THAT PARTY IN THE SAME PROPORTIONS AS THE ORIGINAL AMOUNT.)

((C) WITHIN TWO WEEKS OF THE CERTIFICATION BY THE STATE CANVASSING BOARD OF THE RESULTS OF THE PRIMARY ELECTION, THE STATE TREASURER SHALL DISTRIBUTE AVAILABLE FUNDS IN EACH ACCOUNT, OTHER THAN THE GENERAL ACCOUNT, OF THE STATE ELECTIONS FUND TO THE APPROPRIATE CANDIDATES WHO ARE TO APPEAR ON THE BALLOT FOR THE GENERAL ELECTION AS PRESCRIBED IN CLAUSES (A) AND (B).)

((D) WITHIN TWO WEEKS OF THE CERTIFICATION BY THE STATE CANVASSING BOARD OF THE RESULTS OF THE GENERAL ELECTION, THE STATE TREASURER SHALL DISTRIBUTE THE AVAILABLE FUNDS IN THE GENERAL ACCOUNT IN THE SAME PROPORTIONS AS PROVIDED IN CLAUSE (B), IN AN EQUAL AMOUNT TO EACH CANDIDATE WHO RECEIVED AT LEAST FIVE PERCENT OF THE VOTE CAST IN THE GENERAL ELECTION FOR THE OFFICE FOR WHICH HE WAS A CANDIDATE.) *In each calendar year the moneys in each party account and the general account shall be allocated to candidates as follows:*

(a) *21 percent for the offices of governor and lieutenant governor jointly;*

(b) *3.6 percent for the office of attorney general;*

(c) *1.8 percent each for the offices of secretary of state, state auditor and state treasurer;*

(d) *in each calendar year during the period in which state senators serve a four year term, 23 1/3 percent for the office of state senator and 46 2/3 percent for the office of state representative;*

(e) *in each calendar year during the period in which state senators serve a two year term, and in 1975 and 1976, 35 percent each for the offices of state senator and state representative;*

(f) *all candidates of one party for the state senate and state house of representatives whose names are to appear on the ballot in the general election shall share equally in the funds allocated to their respective offices from their party account.*

*If a candidate elects to refuse moneys from the state elections campaign fund, he shall not be subject to the expenditure limitations imposed by section 10A.25 or limited in the amount he may contribute to his own campaign.*

*Moneys from any party account refused by any candidate shall be distributed to all other candidates of that party in proportion to their shares as provided by this subdivision. Moneys from the general account refused by any candidate shall be distributed to all other qualifying candidates in proportion to their shares as provided by this subdivision.*

Subd. 6. ((A) IN EACH OF THE FISCAL YEARS DURING THE PERIOD IN WHICH THE STATE SENATE SERVES A FOUR YEAR TERM WHICH COMMENCES AFTER APRIL 13, 1974, 20 PER CENT OF THE MONEYS IN EACH ACCOUNT SHALL BE SET ASIDE FOR CANDIDATES FOR STATE SENATE. IN EACH OF THE FISCAL

YEARS DURING THE PERIOD IN WHICH THE STATE SENATE SERVES A TWO YEAR TERM, AND IN 1975 AND 1976, 30 PERCENT OF THE MONEYS IN EACH ACCOUNT SHALL BE SET ASIDE FOR CANDIDATES FOR STATE SENATE.)

((B) THE AMOUNT SET ASIDE IN CLAUSE (A) SHALL BE DISTRIBUTED IN EQUAL SHARES TO EACH OF THE CANDIDATES FOR STATE SENATE OF THAT PARTY.)

((C)) Within two weeks (OF THE) *after* certification by the state canvassing board of the results of the primary (ELECTION), the state treasurer shall distribute *the* available funds in each *party* account, (OTHER THAN THE GENERAL ACCOUNT TO THE APPROPRIATE CANDIDATES WHO) *as certified by the commissioner of revenue on September 15, to the candidates of that party who have signed the agreement as provided in section 10A.32, subdivision 3, and whose names are to appear on the ballot (FOR) in the general election (AS PRESCRIBED IN CLAUSES (A) AND (B)), according to the allocations set forth in subdivision 5. If there is no candidate of a party for any one office designated in subdivision 5 in any year in which that office appears on the ballot, the allocation for that office shall be distributed to all other candidates of that party in proportion to their shares as set forth in subdivision 5.*

((D) WITHIN TWO WEEKS OF THE CERTIFICATION BY THE STATE CANVASSING BOARD OF THE RESULTS OF THE GENERAL ELECTION, THE STATE TREASURER SHALL DISTRIBUTE THE AVAILABLE FUNDS IN THE GENERAL ACCOUNT IN AN EQUAL AMOUNT TO EACH CANDIDATE WHO RECEIVED AT LEAST TEN PERCENT OF THE VOTES CAST IN THE GENERAL ELECTION FOR THE OFFICE FOR WHICH HE WAS A CANDIDATE.)

Subd. 7. ((A) IN EACH OF THE FISCAL YEARS DURING THE PERIOD IN WHICH THE STATE SENATE SERVES A FOUR YEAR TERM WHICH COMMENCES AFTER APRIL 13, 1974, 10 PERCENT OF THE MONEYS IN EACH ACCOUNT SHALL BE SET ASIDE FOR CANDIDATES FOR STATE REPRESENTATIVES. IN EACH OF THE FISCAL YEARS DURING THE PERIOD IN WHICH THE STATE SENATE SERVES A TWO-YEAR TERM, AND IN 1975 AND 1976, 30 PERCENT OF THE MONEYS IN EACH ACCOUNT SHALL BE SET ASIDE FOR CANDIDATES FOR STATE REPRESENTATIVES.)

((B) THE AMOUNT SET ASIDE IN CLAUSE (A) SHALL BE DISTRIBUTED IN EQUAL SHARES TO EACH OF THE CANDIDATES FOR STATE REPRESENTATIVE OF THAT PARTY.)

((C) WITHIN TWO WEEKS OF THE CERTIFICATION BY THE STATE CANVASSING BOARD OF THE RESULTS OF THE PRIMARY ELECTION, THE STATE TREASURER SHALL DISTRIBUTE AVAILABLE FUNDS IN EACH ACCOUNT, OTHER THAN THE GENERAL ACCOUNT, TO THE APPROPRIATE CANDIDATES WHO ARE TO APPEAR ON THE BALLOT FOR THE GENERAL ELECTION AS PRESCRIBED IN CLAUSES (A) AND (B).)

((D)) Within two weeks (OF THE) *after* certification by the state canvassing board of the results of the general election, the state treasurer shall distribute the available funds in the general account, *as certified by the commissioner of revenue on November 15 and according to the allocations set forth in subdivision 5, in (AN) equal (AMOUNT) amounts to (EACH CANDIDATE) all candidates for each statewide office who received at least five percent of the votes cast in the general election for that office, and to all candidates for legislative office who received at least ten percent of the votes cast in the general election for the specific office for which (HE WAS A CANDIDATE) they were candidates.*

And further, to amend the title as follows:

Page 1, line 7, after "10A.31" and before the semicolon insert "and by adding a subdivision".

The motion prevailed and the amendment was adopted.

Philbrook moved to amend S. F. No. 819, the unofficial engrossment:

George requested a division of the amendment.

The first portion of the Philbrook amendment reads as follows:

Page 3, line 13, after "Subd. 2." strike "No political party shall make" and insert "*The total amount of all authorized*" and after "expenditures" insert "*made*".

Page 3, line 14, after "or" strike "transfer funds" and insert "*transferred*", and after "to" strike "the" and insert "*his*".

Page 3, line 15, strike "of a candidate in an amount in excess of" and insert "*by political parties shall not exceed*".

Page 3, line 16, strike "amount that may be spent by or on".

Page 3, line 17, strike "behalf" and insert "*expenditure limits in the case*", and delete "ten" and insert "20".

Page 3, line 18, delete "*amount that may be spent by or on behalf*" and insert "*expenditure limits in the case*".

Knickerbocker moved to amend the first portion of the Philbrook amendment as follows:

Line 10, of the Philbrook amendment, delete "20" and insert "30".

A roll call was requested and properly seconded.

The question was taken on the adoption of the amendment to the amendment and the roll being called, there were yeas 34, and nays 93, as follows:

Those who voted in the affirmative were:

Adams, S.	Doty	Friedrich	McCauley	Searle
Albrecht	Erickson	Heinitz	Nelsen	Sieben, H.
Biersdorf	Esau	Jopp	Niehaus	Sieloff
Carlson, A.	Evans	Kaley	Peterson	Ulland
Corbid	Ewald	Knickerbocker	Pleasant	Wigley
Dean	Fjoslien	Kvam	Savelkoul	Zubay
DeGroat	Forsythe	Laidig	Schreiber	

Those who voted in the negative were:

Abeln	Dieterich	Kelly, R.	Neisen	Sieben, M.
Adams, L.	Eckstein	Kempe, A.	Nelson	Simoneau
Anderson, G.	Eken	Kempe, R.	Norton	Skoglund
Anderson, I.	Enebo	Ketola	Novak	Smogard
Arlandson	Faricy	Knoll	Osthoff	Spanish
Beauchamp	Fudro	Kostohryz	Parish	Stanton
Begich	Fugina	Kroening	Patton	Suss
Berg	George	Langseth	Pehler	Swanson
Berglin	Graba	Lemke	Petrafeso	Tomlinson
Birnstihl	Hanson	Lindstrom	Philbrook	Vanasek
Braun	Haugerud	Luther	Prahl	Vento
Brinkman	Hokanson	Mangan	Reding	Voss
Byrne	Jacobs	Mann	Rice	Wenstrom
Carlson, L.	Jensen	McCollar	St. Onge	Wenzel
Carlson, R.	Johnson, C.	McEachern	Sarna	White
Casserly	Johnson, D.	Menning	Schulz	Wieser
Clark	Jude	Metzen	Schumacher	Speaker Sabo
Clawson	Kahn	Moe	Setzepfandt	
Dahl	Kalis	Munger	Sherwood	

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

A roll call was requested on the first portion of the Philbrook amendment and properly seconded.

The question recurred on the adoption of the first portion of the Philbrook amendment and the roll being called, there were yeas 124, and nays 3, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Rice                      Sherwood                      Wieser

The motion prevailed and the first portion of the Philbrook amendment was adopted.

The second portion of the Philbrook amendment reads as follows:

Page 4, after line 6, insert:

*"Subd. 6. The total amount of all contributions to or authorized expenditures made on behalf of a candidate from all sources other than individuals and political parties shall not exceed five percent of the expenditure limits in the case of a candidate for statewide office or 20 percent of the expenditure limits in the case of a candidate for legislative office as set forth in section 10A.25."*

Renumber the following sections.

A roll call was requested and properly seconded.

The question was taken on the adoption of the second portion of the Philbrook amendment and the roll being called, there were yeas 130, and nays 1, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

George

The motion prevailed and the second portion of the Philbrook amendment was adopted.

Savelkoul moved to amend S. F. No. 819, the unofficial engrossment, as follows:

Page 1, line 19, strike "\$12.50" and insert in lieu thereof "\$25".

Page 1, line 23, strike "\$25" and insert in lieu thereof "\$50".

A roll call was requested and properly seconded.

The question was taken on the adoption of the amendment and the roll being called, there were yeas 37, and nays 94, as follows:

Those who voted in the affirmative were:

Adams, S.	Carlson, A.	Dieterich	Esau	Fjoslien
Albrecht	Dean	Eckstein	Evans	Forsythe
Biersdorf	DeGroat	Erickson	Ewald	Friedrich

Heinitz	Knickerbocker	Niehaus	Searle	Wigley
Jopp	Kvam	Peterson	Sieloff	Zubay
Kaley	Laidig	Pleasant	Skoglund	
Kalis	McCauley	Savelkoul	Ulland	
Kempe, R.	Nelsen	Schreiber	Wieser	

Those who voted in the negative were:

Abeln	Eken	Kempe, A.	Norton	Sieben, M.
Adams, L.	Enebo	Ketola	Novak	Simoneau
Anderson, G.	Faricy	Knoll	Osthoff	Smith
Anderson, I.	Fudro	Kostohryz	Parish	Smogard
Arlandson	Fugina	Kroening	Patton	Spanish
Beauchamp	George	Lemke	Pehler	Stanton
Begich	Graba	Lindstrom	Petrafeso	Suss
Berg	Hanson	Luther	Philbrook	Swanson
Berglin	Haugerud	Mangan	Prahl	Tomlinson
Birnstihl	Hokanson	Mann	Reding	Vanasek
Braun	Jacobs	McCarron	Rice	Vento
Brinkman	Jaros	McCollar	St. Onge	Volk
Byrne	Jensen	McEachern	Samuelson	Voss
Carlson, L.	Johnson, C.	Menning	Sarna	Wenstrom
Carlson, R.	Johnson, D.	Metzen	Schulz	Wenzel
Casserly	Jude	Moe	Schumacher	White
Clark	Kahn	Munger	Setzepfandt	Williamson
Corbid	Kelly, R.	Neisen	Sherwood	Speaker Sabo
Doty	Kelly, W.	Nelson	Sieben, H.	

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

Knickerbocker moved to amend S. F. No. 819, the unofficial engrossment, as follows:

Page 2, delete lines 10 through 24 and insert a new Section 2 to read as follows:

"Section 2. Minnesota Statutes 1974, Section 10A.12, Subdivision 1, is amended to read:

10A.12 [POLITICAL FUNDS.] Subdivision 1. No association shall make a transfer of funds to a candidate or political committee or make an expenditure which has as its purpose the influencing of the nomination for election or defeat of a candidate unless it is a political committee or unless the funds for the contribution or expenditure come solely from a political fund *not financed by dues or membership fees. Voluntary contributions to the fund may be solicited together with billings and notices of dues and membership fees.*

Section 3. *Minnesota Statutes 1974, Section 10A.12, Subdivision 5, is repealed.*"

A roll call was requested and properly seconded.

The question was taken on the adoption of the amendment and the roll being called, there were yeas 39, and nays 86, as follows:

Those who voted in the affirmative were:

Adams, S.	Dieterich	Friedrich	Nelsen	Smith
Albrecht	Erickson	Heinitz	Niehaus	Stanton
Anderson, G.	Esau	Jopp	Peterson	Ulland
Berg	Evans	Kaley	Pleasant	Wenstrom
Biersdorf	Ewald	Knickerbocker	Savelkoul	Wieser
Carlson, A.	Faricy	Kvam	Searle	Wigley
Dean	Fjoslien	Laidig	Sherwood	Zubay
DeGroat	Forsythe	Menning	Sieloff	

Those who voted in the negative were:

Abeln	Enebo	Kempe, A.	Nelson	Sieben, M.
Adams, L.	Fudro	Ketola	Norton	Simoneau
Anderson, I.	Fugina	Knoll	Novak	Skoglund
Arlandson	George	Kostohryz	Osthoff	Smogard
Beauchamp	Graba	Kroening	Parish	Swanson
Begich	Hanson	Langseth	Patton	Tomlinson
Berglin	Haugerud	Lemke	Pehler	Vanasek
Birnstihl	Hokanson	Lindstrom	Petrafeso	Vento
Braun	Jacobs	Luther	Philbrook	Volk
Brinkman	Jaros	Mangan	Prahl	Voss
Byrne	Jensen	Mann	Reding	Wenzel
Carlson, L.	Johnson, C.	McCarron	St. Onge	White
Clark	Johnson, D.	McCollar	Samuelson	Williamson
Clawson	Jude	McEachern	Sarna	Speaker Sabo
Corbid	Kahn	Metzen	Schulz	
Doty	Kalis	Moe	Schumacher	
Eckstein	Kelly, R.	Munger	Setzepfandt	
Eken	Kelly, W.	Neisen	Sieben, H.	

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

Savelkoul moved to amend S. F. No. 819, the unofficial engrossment, as follows:

Page 2, line 15, after "by" insert "voluntary".

A roll call was requested and properly seconded.

The question was taken on the adoption of the amendment and the roll being called, there were yeas 44, and nays 82, as follows:

Those who voted in the affirmative were:

Adams, S.	Esau	Jopp	Nelsen	Sieloff
Albrecht	Evans	Kaley	Nelson	Stanton
Berg	Ewald	Kempe, R.	Niehaus	Ulland
Berglin	Faricy	Knickerbocker	Peterson	Volk
Biersdorf	Fjoslien	Kvam	Pleasant	White
Carlson, A.	Forsythe	Laidig	Savelkoul	Wieser
Dean	Friedrich	Langseth	Schreiber	Wigley
DeGroat	Heinitz	McCauley	Searle	Zubay
Erickson	Jensen	Menning	Sherwood	

Those who voted in the negative were:

Abeln	Doty	Kelly, R.	Norton	Sieben, M.
Adams, L.	Eckstein	Kelly, W.	Novak	Simoneau
Anderson, G.	Eken	Kempe, A.	Osthoff	Skoglund
Anderson, I.	Enebo	Ketola	Parish	Smogard
Arlandson	Fudro	Kostohryz	Patton	Suss
Beauchamp	Fugina	Kroening	Pehler	Swanson
Begich	George	Lemke	Petrafeso	Tomlinson
Birnstihl	Graba	Luther	Philbrook	Vanasek
Braun	Haugerud	Mangan	Prahl	Vento
Byrne	Hokanson	Mann	Reding	Voss
Carlson, L.	Jacobs	McCarron	Rice	Wenstrom
Carlson, R.	Jaros	McCollar	St. Onge	Wenzel
Casserly	Johnson, C.	McEachern	Samuelson	Williamson
Clark	Johnson, D.	Metzen	Sarna	Speaker Sabo
Clawson	Jude	Moe	Schulz	
Corbid	Kahn	Munger	Schumacher	
Dieterich	Kalis	Neisen	Sieben, H.	

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

Sieloff moved to amend S. F. No. 819, the unofficial engrossment, as follows:

Page 2, line 15, after the period insert the following language:

*"At or prior to the time that any person becomes a member of an association of which any part of its dues or membership fees is used to affect the election or defeat of any candidate for political office or is transferred to any political fund, such person shall be given written notice of the following:*

*a. That such person shall elect in writing to have or not to have any portion of his dues or membership fees used for political purposes, or if such person chooses, to make no election at all.*

*b. That such person is not required to have any portion of his dues or membership fees used for political purposes and that if he fails to make an election, no portion of his dues or membership fees shall be so used.*

*c. That in the event such person fails to make an election or elects not have any portion of his dues or membership fees used for political purposes, his dues or membership fees shall either be reduced accordingly, or refunded to such person semi-annually.*

*d. That such person's election or failure to elect shall have no effect on such person's standing, reputation or privileges in the association.*

*e. That the election or non-election made by such person, shall not be divulged in a manner so as to identify such person*

*except as is necessary to refund, allocate or reallocate any portion of his dues or membership fees used for political purposes.*

*Any association which is required to give the notice required by this subdivision to new members shall give the same notice to its existing members prior to February 1, 1977.*

*As to any existing member who fails to make an election, the association may continue to use the portion of such person's dues or membership fees for political purposes until August 1, 1977."*

A roll call was requested and properly seconded.

The question was taken on the adoption of the amendment and the roll being called, there were yeas 55, and nays 76, as follows:

Those who voted in the affirmative were:

Adams, S.	DeGroat	Heinitz	Menning	Sherwo
Albrecht	Dieterich	Jensen	Nelsen	Sieloff
Anderson, G.	Erickson	Jopp	Nelson	Smith
Arlandson	Esau	Kahn	Niehaus	Stanton
Berg	Evans	Kaley	Peterson	Ulland
Berglin	Ewald	Kempe, R.	Petraleso	Vanasek
Biersdorf	Faricy	Knickerbocker	Pleasant	Volk
Braun	Fjoslien	Kvam	Savelkoul	Wenstrom
Carlson, A.	Forsythe	Laidig	Schreiber	White
Corbid	Friedrich	Langseth	Schumacher	Wigley
Dean	Hanson	McCauley	Searle	Zubay

Those who voted in the negative were:

Abeln	Enebo	Ketola	Norton	Simoneau
Adams, L.	Fudro	Knoll	Novak	Skoglund
Anderson, I.	Fugina	Kostohryz	Osthoff	Smogard
Beauchamp	George	Kroening	Parish	Suss
Begich	Graba	Lemke	Patton	Swanson
Birnstill	Haugerud	Lindstrom	Pehler	Tomlinson
Byrne	Hokanson	Luther	Philbrook	Vento
Carlson, L.	Jacobs	Mangan	Prahl	Voss
Carlson, R.	Jaros	Mann	Reding	Wenzel
Casserly	Johnson, C.	McCarron	Rice	Wieser
Clark	Johnson, D.	McCollar	St. Onge	Williamson
Clawson	Jude	McEachern	Samuelson	Speaker Sabo
Dahl	Kalis	Metzen	Sarna	
Doty	Kelly, R.	Moe	Schulz	
Eckstein	Kelly, W.	Munger	Sieben, H.	
Eken	Kempe, A.	Neisen	Sieben, M.	

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

Savelkoul moved to amend S. F. No. 819, the unofficial engrossment, as follows:

Page 4, strike lines 7 through 32.

Page 5, strike lines 1 through 32.

Page 6, strike lines 1 through 32.

Page 7, strike lines 1 through 19.

A roll call was requested and properly seconded.

The question was taken on the adoption of the amendment and the roll being called, there were yeas 31, and nays 97, as follows:

Those who voted in the affirmative were:

Adams, S.	Esau	Kaley	Peterson	Ulland
Albrecht	Evans	Knickerbocker	Pleasant	Wigley
Biersdorf	Ewald	Kvam	Savelkoul	Zubay
Carlson, A.	Fjoslien	Laidig	Schreiber	
Dean	Forsythe	McCauley	Schulz	
DeGroat	Friedrich	Nelsen	Searle	
Erickson	Jopp	Niehaus	Sieloff	

Those who voted in the negative were:

Abeln	Doty	Kelly, W.	Neisen	Simoneau
Adams, L.	Eckstein	Kempe, A.	Nelson	Skoglund
Anderson, G.	Eken	Kempe, R.	Norton	Smogard
Anderson, I.	Enebo	Ketola	Novak	Stanton
Arlandson	Faricy	Knoll	Osthoff	Suss
Beauchamp	Fudro	Kostohryz	Parish	Swanson
Begich	Fugina	Kroening	Patton	Tomlinson
Berg	George	Langseth	Pehler	Vanasek
Berglin	Graba	Lemke	Petraleso	Vento
Birnstihl	Hanson	Lindstrom	Philbrook	Volk
Braun	Hokanson	Luther	Prahl	Voss
Byrne	Jacobs	Mangan	Reding	Wenstrom
Carlson, L.	Jaros	Mann	Rice	Wenzel
Carlson, R.	Jensen	McCarron	St. Onge	White
Casserly	Johnson, C.	McCollar	Samuelson	Wieser
Clark	Johnson, D.	McEachern	Sarna	Williamson
Clawson	Jude	Menning	Schumacher	Speaker Sabo
Corbid	Kahn	Metzen	Sherwood	
Dahl	Kalis	Moe	Sieben, H.	
Dieterich	Kelly, R.	Munger	Sieben, M.	

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

Knickerbocker moved to amend S. F. No. 819, the unofficial engrossment, as amended, as follows:

On page 4 insert a new Sec. 5 to read:

"Sec. 5. Minnesota Statutes 1974, Section 10A.30, Subd. 2, is amended to read:

*Subd. 2. All moneys deposited in separate accounts for the candidates of each political party on the effective date of this*

*act shall be transferred to the general account and the separate accounts abolished."*

Renumber the remaining sections.

Page 4, strike lines 18 through 20.

Page 4, line 25, strike "The form shall also contain".

Page 4, strike lines 26 through 32.

Page 5, strike line 1.

Page 5, lines 3 and 4, strike "credited to the appropriate account" and insert "*deposited in an account*".

Page 5, line 8, before "account" strike "each" and insert "*the*".

Page 5, line 11, after "distributed" insert "*equally*".

Page 5, line 13, after "distributed" insert "*equally*" and strike "candidate" and insert "*candidates*".

Page 5, line 14, after "distributed" insert "*equally*".

Page 5, line 15, strike "If".

Page 5, strike lines 16 through 19.

Page 5, line 23, strike "in each account, other than the general account,".

Page 5, strike lines 27 through 32.

Page 6, strike lines 1 and 2.

Page 6, line 6, strike "each" and insert "*the*".

Page 6, line 9, strike "each" and insert "*the*".

Page 6, line 13, strike "of that party."

Page 6, line 16, strike "each" and insert "*the*".

Page 6, line 17, strike "other than the general account".

Page 6, strike lines 20 through 26.

Page 6, line 30, strike "each" and insert "*the*".

Page 7, line 2, strike "each" and insert "the".

Page 7, line 6, strike "of that party."

Page 7, line 9, strike "each" and insert "the".

Page 7, line 10, strike "other than the general account".

Page 7, strike lines 13 through 19.

Page 7, line 20, insert a new Sec. 6 to read as follows:

"Sec. 6, Minnesota Statutes 1974, Section 10A.32, is amended to read as follows:

*Sec. 4. No candidate is eligible to receive funds from the state election campaign fund unless he or the political party he represents received at least ten percent of the votes cast at the last general election for the office to which the candidate seeks election."*

Sec. 12. Minnesota Statutes 1974, Section 10A.32, subd. 4. is repealed.

Amend the title as follows:

Page 1, line 3, after "checkoff," insert "combining the separate funds of the elections campaign fund".

Page 1, line 10, after "11" insert "repealing Minnesota Statutes, Section 10A.32, subd. 4".

A roll call was requested and properly seconded.

The question was taken on the adoption of the amendment and the roll being called, there were yeas 30, and nays 98, as follows:

Those who voted in the affirmative were:

Adams, S.	Esau	Heinitz	McCauley	Schreiber
Albrecht	Evans	Jopp	Nelsen	Searle
Biersdorf	Ewald	Kaley	Niehaus	Sieloff
Carlson, A.	Fjoslien	Knickerbocker	Peterson	Ulland
Dean	Forsythe	Kvam	Pleasant	Wieser
DeGroat	Friedrich	Laidig	Savelkoul	Wigley

Those who voted in the negative were:

Abeln	Anderson, G.	Arlandson	Begich	Berglin
Adams, L.	Anderson, I.	Beauchamp	Berg	Birnstihl

Braun	George	Kostohryz	Osthoff	Skoglund
Brinkman	Graba	Kroening	Parish	Smith
Byrne	Hanson	Langseth	Patton	Smogard
Carlson, L.	Haugerud	Lemke	Pehler	Stanton
Carlson, R.	Hokanson	Lindstrom	Petrafeso	Suss
Casserly	Jacobs	Luther	Philbrook	Swanson
Clark	Jaros	Mangan	Prahl	Tomlinson
Clawson	Jensen	Mann	Reding	Vanasek
Corbid	Johnson, C.	McCarron	Rice	Vento
Dahl	Johnson, D.	McCollar	St. Onge	Volk
Dieterich	Jude	McEachern	Sarna	Voss
Doty	Kahn	Menning	Schulz	Wenstrom
Eckstein	Kalis	Metzen	Schumacher	Wenzel
Eken	Kelly, R.	Munger	Setzepfandt	White
Enebo	Kelly, W.	Neisen	Sherwood	Williamson
Faricy	Kempe, A.	Nelson	Sieben, H.	Speaker Sabo
Fudro	Ketola	Norton	Sieben, M.	
Fugina	Knoll	Novak	Simoneau	

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

Laidig moved to amend S. F. No. 819, the unofficial engrossment, as amended, as follows:

Page 4, after line 6, insert:

*"Subd. 7. Except when it is dissolved no principal campaign committee of a candidate shall transfer money to another candidate, principal campaign committee, political committee or fund."*

Further amend the title.

A roll call was requested and properly seconded.

The question was taken on the adoption of the amendment and the roll being called, there were yeas 51, and nays 75, as follows:

Those who voted in the affirmative were:

Abeln	Dean	Heinitz	McCauley	Sieloff
Adams, L.	DeGroat	Hokanson	Menning	Smogard
Adams, S.	Dieterich	Jensen	Nelsen	Ulland
Albrecht	Erickson	Jopp	Niehaus	Wenstrom
Arlandson	Esau	Kaley	Peterson	Wigley
Beauchamp	Evans	Kempe, R.	Pleasant	Williamson
Biersdorf	Ewald	Knickerbocker	Savelkoul	Zubay
Byrne	Fjoslien	Kostohryz	Schreiber	
Carlson, A.	Forsythe	Kvam	Searle	
Carlson, L.	Friedrich	Laidig	Setzepfandt	
Clawson	Hanson	Luther	Sherwood	

Those who voted in the negative were:

Anderson, G.	Berg	Braun	Casserly	Dahl
Anderson, I.	Berglin	Brinkman	Clark	Doty
Begich	Birnstihl	Carlson, R.	Corbid	Eckstein

Eken	Kahn	McEachern	Philbrook	Smith
Enebo	Kalis	Metzen	Prahl	Stanton
Fudro	Kelly, R.	Moe	Reding	Suss
Fugina	Kelly, W.	Munger	Rice	Swanson
George	Ketola	Neisen	St. Onge	Tomlinson
Graba	Knoll	Nelson	Samuelson	Vanasek
Haugerud	Lemke	Norton	Sarna	Vento
Jacobs	Lindstrom	Novak	Schulz	Voik
Jaros	Mangan	Osthoff	Schumacher	Voss
Johnson, C.	Mann	Parish	Sieben, H.	Wenzel
Johnson, D.	McCarron	Pehler	Simoneau	Wieser
Jude	McCollar	Petraleso	Skoglund	Speaker Sabo

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

Knickerbocker moved to amend S. F. No. 819, the unofficial engrossment, as amended, as follows:

Minnesota Statutes 1974, Chapter 10A, is amended by adding a new Section 6 to read:

**"[10A.321] [CONTRIBUTIONS DURING LEGISLATIVE SESSION PROHIBITED.]** *Subdivision 1. No member of the legislature or person holding a constitutional office in the executive branch of government may solicit, raise or accept a contribution from a registered lobbyist during a special or regular legislative session.*

*Subd. 2. No lobbyist may make or offer to make a contribution to a member of the legislature or to a person holding a constitutional office in the executive branch of government during a special or regular legislative session.*

*Subd. 3. For the purposes of this section, regular legislative session means the time from January 1 to the first Monday following the third Saturday in May of each year."*

Renumber the remaining sections.

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

Knickerbocker moved to amend S. F. No. 819, the unofficial engrossment, as amended, as follows:

Page 4, line 7, add a new section 5 to read as follows:

**"Section 5.** Minnesota Statutes 1974, Section 10A.15, is amended by adding a subdivision to read:

*Subd. 3a. No transfer of funds to a candidate's principal political committee shall be made, authorized or received during the period beginning ten days before and ending ten days after a general, special, primary or special primary election.*

Sec. 6. *Minnesota Statutes 1974, Section 10A.20, Subdivision 5, is repealed."*

Renumber the remaining sections.

A roll call was requested and properly seconded.

The question was taken on the adoption of the amendment and the roll being called, there were yeas 32, and nays 99, as follows:

Those who voted in the affirmative were:

Adams, S.	Erickson	Heinitz	Nelsen	Sieloff
Albrecht	Esau	Jopp	Niehaus	Ulland
Biersdorf	Evans	Kaley	Peterson	Wigley
Carlson, A.	Ewald	Knickerbocker	Pleasant	Zubay
Corbid	Fjoslien	Kvam	Savelkoul	
Dean	Forsythe	Laidig	Schreiber	
DeGroat	Friedrich	McCauley	Searle	

Those who voted in the negative were:

Abeln	Doty	Kelly, R.	Neisen	Sieben, M.
Adams, L.	Eckstein	Kelly, W.	Nelson	Simoneau
Anderson, G.	Eken	Kempe, A.	Norton	Skoglund
Anderson, I.	Enebo	Kempe, R.	Novak	Smith
Arlandson	Faricy	Ketola	Osthoff	Smogard
Beauchamp	Fudro	Knoll	Parish	Stanton
Begich	Fugina	Kostohryz	Patton	Suss
Berg	George	Kroening	Pehler	Swanson
Berglin	Graba	Langseth	Petrafeso	Tomlinson
Birnstihl	Hanson	Lemke	Philbrook	Vanasek
Braun	Haugerud	Lindstrom	Prahl	Vento
Brinkman	Hokanson	Luther	Reding	Volk
Byrne	Jacobs	Mangan	Rice	Voss
Carlson, L.	Jaros	McCarron	St. Onge	Wenstrom
Carlson, R.	Jensen	McCollar	Sarna	Wenzel
Casserly	Johnson, C.	McEachern	Schulz	White
Clark	Johnson, D.	Menning	Schumacher	Wieser
Clawson	Jude	Metzen	Setzepfandt	Williamson
Dahl	Kahn	Moe	Sherwood	Speaker Sabo
Dieterich	Kalis	Muenger	Sieben, H.	

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

Sieloff moved to amend S. F. No. 819, the unofficial engrossment, as amended, as follows:

Page 2, line 15, after the period insert the following language:

*"At or prior to the time that any person becomes a member of an association of which any part of its dues or membership fees is used to affect the election or defeat of any candidate for political office or is transferred to any political fund, such person shall be given written notice of his right to have such part of his membership fees or dues returned to him. Any association which*

*is required to give the notice required by this subdivision to new members shall give the same notice to its existing members prior to January 1, 1977. It shall be sufficient if the above required notice is published in any circular or newspaper which is normally distributed to the membership."*

A roll call was requested and properly seconded.

The question was taken on the adoption of the amendment and the roll being called, there were yeas 119, and nays 13, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Anderson, I.	Fugina	Pehler	Rice	Voss
Brinkman	Johnson, D.	Prahl	Sarna	
Enebo	Osthoff	Reding	Simoneau	

The motion prevailed and the amendment was adopted.

S. F. No. 819, A bill for an act relating to taxation; providing for public financing in political campaigns; increasing the tax credit for political contributions; amending Minnesota Statutes 1974, Section 290.06, Subdivision 11.

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

The question being taken on the passage of the bill and the roll being called, there were yeas 107, and nays 27, as follows:

Those who voted in the affirmative were:

Abeln	Eckstein	Kempe, R.	Nelson	Sieben, M.
Adams, L.	Eken	Ketola	Norton	Simoneau
Anderson, G.	Enebo	Knickerbocker	Novak	Skoglund
Anderson, I.	Faricy	Knoll	Osthoff	Smogard
Arlandson	Fudro	Kostohryz	Parish	Spanish
Beauchamp	Fugina	Kroening	Patton	Stanton
Begich	George	Langseth	Pehler	Suss
Berg	Graba	Lemke	Petraleso	Swanson
Berglin	Hanson	Lindstrom	Philbrook	Tomlinson
Birnstihl	Haugerud	Luther	Prahl	Vanasek
Braun	Hokanson	Mangan	Reding	Vento
Brinkman	Jacobs	Mann	Rice	Volk
Byrne	Jaros	McCarron	St. Onge	Voss
Carlson, L.	Jensen	McCauley	Samuelson	Wenstrom
Carlson, R.	Johnson, C.	McCollar	Sarna	Wenzel
Casserly	Johnson, D.	McEachern	Savelkoul	White
Clark	Jude	Menning	Schreiber	Wieser
Clawson	Kahn	Metzen	Schulz	Williamson
Corbid	Kalis	Moe	Schumacher	Speaker Sabo
Dahl	Kelly, R.	Munger	Setzepfandt	
Dieterich	Kelly, W.	Neisen	Sherwood	
Doty	Kempe, A.	Nelsen	Sieben, H.	

Those who voted in the negative were:

Adams, S.	Erickson	Friedrich	Niehaus	Ulland
Albrecht	Esau	Heinitz	Peterson	Wigley
Biersdorf	Evans	Jopp	Pleasant	Zubay
Carlson, A.	Ewald	Kaley	Searle	
Dean	Fjoslien	Kvam	Sieloff	
DeGroat	Forsythe	Laidig	Smith	

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

Pursuant to Rule 1.10, Norton requested immediate consideration of S. F. No. 1530; H. F. Nos. 2683 and 2144; and S. F. No. 60.

S. F. No. 1530 was reported to the House.

Fugina moved to amend S. F. No. 1530, the unofficial engrossment, as follows:

Page 3, line 4, after the period, delete "*The auditor shall*".

Page 3, delete lines 5 to 7.

Page 3, delete line 8 to the period and insert: "*The auditor shall furnish license blanks on consignment to any sub-agent who furnishes a surety bond in favor of the county in an amount at least equal to the value of the license blanks to be consigned to that sub-agent.*".

Page 6, line 11, delete "*shall*" and insert "*may*".

The motion prevailed and the amendment was adopted.

S. F. No. 1530, A bill for an act relating to wild animals; establishing the expiration date of all game and fish licenses as the last day of February; authorizing the commissioner of natural resources to provide for the issuance of more than one game or fish license to a person during any licensing year; providing for distribution of game and fish licenses on consignment; establishing an issuing fee for such licenses; requiring sub-agents to be bonded; authorizing county auditors to retain a four percent commission on all license fees including surcharges; authorizing the commissioner of natural resources to issue regulations relating to sub-agencies; amending Minnesota Statutes 1974, Sections 98.45, Subdivision 1; and 98.50, Subdivisions 1, 2, 3 and 5.

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

The question being taken on the passage of the bill and the roll being called, there were yeas 68, and nays 52, as follows:

Those who voted in the affirmative were:

Adams, L.	Enebo	Kahn	Niehaus	Smogard
Anderson, G.	Fjoslien	Kelly, R.	Norton	Stanton
Beauchamp	Fugina	Kelly, W.	Parish	Suss
Berg	George	Knickerbocker	Pehler	Swanson
Biersdorf	Graba	Knoll	Philbrook	Tomlinson
Birnstihl	Hanson	Kostohryz	Rice	Vanasek
Carlson, L.	Haugerud	Kroening	Samuelson	Volk
Carlson, R.	Heinitz	Lemke	Schulz	Voss
Casserly	Hokanson	Lindstrom	Schumacher	Wenstrom
Clark	Jacobs	McCollar	Setzepfandt	Wenzel
Clawson	Jaros	Metzen	Sieben, H.	White
Corbid	Jensen	Munger	Sieben, M.	Speaker Sabo
Eckstein	Johnson, C.	Nelsen	Sieloff	
Eken	Jude	Nelson	Smith	

Those who voted in the negative were:

Abeln	Erickson	Kalis	Neisen	Skoglund
Albrecht	Esau	Kempe, A.	Novak	Spanish
Anderson, I.	Evans	Kempe, R.	Peterson	Ulland
Arlandson	Ewald	Ketola	Petraseso	Vento
Begich	Faricy	Kvam	Pleasant	Wieser
Braun	Forsythe	Laidig	Sarna	Wigley
Brinkman	Friedrich	Luther	Savelkoul	Williamson
Byrne	Fudro	McCarron	Schreiber	Zubay
Carlson, A.	Johnson, D.	McCauley	Searle	
Dean	Jopp	Menning	Sherwood	
Doty	Kaley	Moe	Simoneau	

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

H. F. No. 2683 was reported to the House.

Faricy moved to amend H. F. No. 2683, as follows:

Page 2, line 30, strike "brucellosis" and insert "johnes".

The motion prevailed and the amendment was adopted.

H. F. No. 2683, A bill for an act relating to claims against the state; appropriating moneys for the payment thereof.

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

The question being taken on the passage of the bill and the roll being called, there were yeas 126, and nays 1, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Prahl

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

#### CALL OF THE HOUSE LIFTED

Savelkoul moved that the call of the House be dispensed with. The motion prevailed and it was so ordered.

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

H. F. No. 2144, A bill for an act relating to the state transportation system; creating the Minnesota state transportation fund; appropriating money therefrom for construction and re-

construction of bridges and bridge approaches; authorizing the issuance of state bonds therefor pursuant to article XI of the constitution.

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 90, and nays 39, as follows:

Those who voted in the affirmative were:

Abeln	Esau	Knickerbocker	Niehaus	Searle
Adams, L.	Forsythe	Kroening	Norton	Setzepfandt
Anderson, G.	Fudro	Laidig	Novak	Sherwood
Beauchamp	Fugina	Langseth	Osthoff	Sieben, M.
Begich	Graba	Lemke	Parish	Smith
Biersdorf	Hanson	Luther	Patton	Smogard
Birnstihl	Haugerud	Mangan	Pehler	Spanish
Braun	Jacobs	Mann	Pleasant	Stanton
Carlson, A.	Jaros	McCarron	Prahl	Swanson
Carlson, L.	Jensen	McCauley	Reding	Ulland
Carlson, R.	Johnson, C.	McCollar	Rice	Vanasek
Corbid	Jude	McEachern	St. Onge	Vento
Dahl	Kalis	Menning	Samuelson	Voss
Doty	Kelly, R.	Metzen	Sarna	Wenstrom
Eckstein	Kelly, W.	Moe	Savelkoul	Wenzel
Eken	Kempe, A.	Munger	Schreiber	White
Enebo	Kempe, R.	Neisen	Schulz	Wieser
Erickson	Ketola	Nelsen	Schumacher	Williamson

Those who voted in the negative were:

Adams, S.	Clark	Friedrich	Kvam	Simoneau
Anderson, I.	Clawson	Heinitz	Lindstrom	Skoglund
Arlandson	Dean	Hokanson	Nelson	Tomlinson
Berg	Dieterich	Johnson, D.	Peterson	Volk
Berglin	Evans	Kahn	Petraleso	Wigley
Brinkman	Ewald	Kaley	Philbrook	Zubay
Byrne	Faricy	Knoll	Sieben, H.	Speaker Sabo
Casserly	Fjoslien	Kostohryz	Sieloff	

The bill was passed and its title agreed to.

S. F. No. 60 was reported to the House.

Patton moved to amend S. F. No. 60, the unofficial engrossment, as follows:

Page 10, line 10, to page 27, line 32 delete Sections 1 to 12 of Article II.

Renumber the remaining sections.

In the title, page 1, line 12 after "62C.15, Subdivision 2;" insert "and".

Page 1, line 12, after "70A.02, Subdivision 2;" delete "and".

Page 1, line 13, delete all of the line.

A roll call was requested and properly seconded.

The question was taken on the adoption of the amendment and the roll being called, there were yeas 47, and nays 71, as follows:

Those who voted in the affirmative were:

Albrecht	Esau	Kempe, R.	Niehaus	Sieloff
Anderson, I.	Evans	Ketola	Patton	Spanish
Beauchamp	Fjoslien	Knickerbocker	Peterson	Stanton
Begich	Forsythe	Langseth	Pleasant	Ulland
Biersdorf	Friedrich	Lindstrom	Reding	Wieser
Birnstihl	Heinitz	Mann	St. Onge	Wigley
Braun	Johnson, D.	McCauley	Samuelson	Zubay
Carlson, R.	Jopp	McEachern	Savelkoul	
Eckstein	Kaley	Metzen	Setzepfandt	
Erickson	Kalis	Nelsen	Sieben, H.	

Those who voted in the negative were:

Abeln	Dieterich	Kelly, W.	Novak	Suss
Adams, L.	Doty	Kempe, A.	Parish	Swanson
Anderson, G.	Eken	Knoll	Pehler	Tomlinson
Arlandson	Enebo	Kroening	Petrafaso	Vanasek
Berg	Faricy	Laidig	Philbrook	Vento
Berglin	Fudro	Luther	Prahl	Volk
Byrne	Fugina	Mangan	Rice	Voss
Carlson, A.	Hanson	McCarron	Schulz	Wenstrom
Carlson, L.	Hokanson	McCollar	Schumacher	Wenzel
Casserly	Jacobs	Menning	Sherwood	White
Clark	Jaros	Moe	Sieben, M.	Speaker Sabo
Clawson	Jensen	Munger	Simoneau	
Corbid	Jude	Neisen	Skoglund	
Dahl	Kahn	Nelson	Smith	
Dean	Kelly, R.	Norton	Smogard	

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

Eckstein moved to amend S. F. No. 60, the unofficial engrossment, as follows:

Page 23, line 2, delete "25" and insert "250".

A roll call was requested and properly seconded.

The question was taken on the adoption of the amendment and the roll being called, there were yeas 53, and nays 67, as follows:

Those who voted in the affirmative were:

Adams, S.	Anderson, I.	Braun	Doty	Erickson
Albrecht	Biersdorf	Carlson, A.	Eckstein	Esau
Anderson, G.	Birnstihl	Dean	Enebo	Evans

Fjoslien	Ketola	McEachern	St. Onge	Ulland
Forsythe	Knickerbocker	Menning	Samuelson	Vento
Friedrich	Kvam	Nelsen	Savelkoul	Wenstrom
Heinitz	Laidig	Niehaus	Schreiber	Wieser
Jensen	Lemke	Patton	Searle	Wigley
Jopp	Mann	Peterson	Setzepfandt	Zubay
Kaley	McCarron	Pleasant	Sieloff	
Kalis	McCauley	Reding	Smith	

Those who voted in the negative were:

Abeln	Faricy	Kostohryz	Parish	Smogard
Adams, L.	Fudro	Kroening	Pehler	Spanish
Arlandson	Fugina	Langseth	Petrafeso	Stanton
Beauchamp	Hanson	Lindstrom	Philbrook	Suss
Begich	Hokanson	Luther	Prahl	Swanson
Berglin	Jacobs	Mangan	Rice	Tomlinson
Carlson, L.	Jaros	McCollar	Sarna	Volk
Carlson, R.	Johnson, D.	Metzen	Schulz	Voss
Casserly	Jude	Moe	Schumacher	White
Clark	Kahn	Munger	Sherwood	Williamson
Clawson	Kelly, R.	Neisen	Sieben, H.	Speaker Sabo
Corbid	Kelly, W.	Nelson	Sieben, M.	
Dahl	Kempe, A.	Norton	Simoneau	
Dieterich	Knoll	Novak	Skoglund	

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

Eckstein moved to amend S. F. No. 60, the unofficial engrossment, as follows:

Page 23, line 3, after "*employees*" insert "*, or municipalities*".

The motion prevailed and the amendment was adopted.

S. F. No. 60, A bill for an act relating to insurance; providing for the establishment and administration of plans of health insurance to provide certain minimum benefits to all persons in the state; creating a comprehensive health care association; providing a dual option for health care for certain employees; regulating health maintenance organizations' coverage of dental services and conversion privileges; appropriating money; amending Minnesota Statutes 1974, Section 62D.12, by adding a subdivision.

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

The question being taken on the passage of the bill and the roll being called, there were yeas 106, and nays 18, as follows:

Those who voted in the affirmative were:

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

Carlson, L.	Hanson	Langseth	Pehler	Spanish
Carlson, R.	Heinitz	Lemke	Petrafeso	Stanton
Casserly	Hokanson	Lindstrom	Philbrook	Suss
Clark	Jacobs	Luther	Prahl	Swanson
Clawson	Jaros	Mangan	Rice	Tomlinson
Corbid	Jensen	McCarron	St. Onge	Ulland
Dahl	Johnson, D.	McCollar	Savelkoul	Vanasek
Dean	Jude	McEachern	Schreiber	Vento
Dieterich	Kahn	Menning	Schulz	Volk
Doty	Kalis	Metzen	Schumacher	Voss
Eckstein	Kelly, R.	Moe	Setzepfandt	Wenstrom
Eken	Kelly, W.	Munger	Sherwood	Wenzel
Enebo	Kempe, A.	Neisen	Sieben, H.	White
Evans	Kempe, R.	Nelsen	Sieben, M.	Williamson
Faricy	Ketola	Nelson	Sieloff	Speaker Sabo
Fjoslien	Knoll	Norton	Simoneau	
Forsythe	Kostohryz	Novak	Skoglund	
Fudro	Kroening	Parish	Smith	
Fugina	Laidig	Patton	Smogard	

Those who voted in the negative were:

Albrecht	Jopp	Mann	Reding	Wigley
Erickson	Kaley	Niehaus	Samuelson	Zubay
Esau	Knickerbocker	Peterson	Searle	
Friedrich	Kvam	Pleasant	Wieser	

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

### SPECIAL ORDERS

Speaker Pro Tempore Norton assumed the Chair.

S. F. No. 2147 was reported to the House.

Begich offered an amendment to S. F. No. 2147.

### POINT OF ORDER

Sieloff raised a point of order pursuant to Rule 3.9 that the Begich amendment was out of order. The Speaker Pro Tempore ruled the point of order well taken and the amendment out of order.

S. F. No. 2147, A bill for an act relating to intoxicating liquor; permits to sell upon military bases or installations.

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 98, and nays 18, as follows:

Those who voted in the affirmative were:

Abeln	Dieterich	Kelly, W.	Nelson	Sieloff
Adams, L.	Eckstein	Kempe, A.	Niehaus	Simoneau
Albrecht	Eken	Ketola	Norton	Skoglund
Anderson, G.	Enebo	Knickerbocker	Novak	Smith
Anderson, I.	Evans	Knoll	Osthoff	Smogard
Beauchamp	Faricy	Kostohryz	Parish	Spanish
Begich	Friedrich	Kroening	Patton	Stanton
Berg	Fudro	Laidig	Pehler	Suss
Berglin	Fugina	Lemke	Petrafeso	Swanson
Biersdorf	Hanson	Lindstrom	Philbrook	Tomlinson
Bjrnstihl	Heinitz	Luther	Reding	Ulland
Braun	Hokanson	Mangan	St. Onge	Vanasek
Carlson, A.	Jacobs	Mann	Samuelson	Vento
Carlson, L.	Jaros	McCarron	Sarna	Voss
Casserly	Jensen	McCauley	Savelkoul	Wenstrom
Clark	Johnson, D.	McEachern	Schreiber	Wenzel
Clawson	Jude	Metzen	Schulz	White
Corbid	Kahn	Moe	Setzepfandt	Speaker Sabo
Dahl	Kalis	Munger	Sieben, H.	
Dean	Kelly, R.	Neisen	Sieben, M.	

Those who voted in the negative were:

Carlson, R.	Ewald	Menning	Schumacher	Wigley
Doty	Jopp	Nelsen	Searle	Zubay
Erickson	Kvam	Peterson	Sherwood	
Esau	Langseth	Pleasant	Wieser	

The bill was passed and its title agreed to.

S. F. No. 1575 was reported to the House.

Langseth moved that S. F. No. 1575 be continued on Special Orders for one day. The motion prevailed.

S. F. No. 1156, A bill for an act relating to political subdivisions; authorizing direct loans to cities, counties and towns; amending Minnesota Statutes 1974, Chapter 465, by adding a section.

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

The question being taken on the passage of the bill and the roll being called, there were yeas 126, and nays 0, as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

S. F. No. 1873 was reported to the House.

Johnson, D., offered an amendment to S. F. No. 1873.

## POINT OF ORDER

Kahn raised a point of order pursuant to Rule 3.9 that the Johnson, D., amendment was out of order. The Speaker Pro Tempore ruled the point of order well taken and the amendment out of order.

S. F. No. 1873, A bill for an act relating to counties; authorizing counties to levy special assessments for county highway improvements within portions of unorganized townships; amending Minnesota Statutes 1974, Section 429.011, Subdivision 2a.

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 123, and nays 4, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Albrecht      Haugerud      Jensen      Johnson, D.

The bill was passed and its title agreed to.

Anderson, I., moved that the remaining bills on Special Orders for today be continued on Special Orders for Wednesday, March 24, 1976, immediately following First Reading of Senate Files. The motion prevailed.

The Speaker resumed the Chair.

There being no objection the order of business reverted to Reports of Standing Committees.

## REPORTS OF STANDING COMMITTEES

Norton from the Committee on Appropriations to which was referred:

H. F. No. 1437, A bill for an act relating to energy; providing for certain restrictions on the use of energy in this state; prohibiting the use of certain gas lamps; requiring energy conservation standards for public school buildings; requiring an energy audit of state owned buildings; prohibiting sale of certain air conditioners; providing for fuel economy disclosure; authorizing energy research and development grants; prohibiting certain open flame pilot lights; appropriating money; amending Minnesota Statutes 1974, Sections 116H.02, by adding a subdivision; 116H.12, by adding subdivisions; and Chapter 116H, by adding sections; repealing Laws 1974, Chapter 307, Section 19.

Reported the same back with the following amendments:

Page 1, after line 26, insert a new section:

"Sec. 2. Minnesota Statutes 1974, Section 116H.02, is amended by adding a subdivision to read:

*Subd. 11. "Solar energy system" means a set of devices having as its primary purpose to collect solar energy and convert and store it for useful purposes including heating and cooling buildings or other energy-using processes, or to produce generated power by means of any combination of collecting, transferring, or converting solar-generated energy."*

Page 4, line 5, delete "implement the modification in a".

Page 4, delete lines 6 and 7 and insert "recommend implementation of the modification to the legislature no later than January 15, 1978."

Page 6, after line 19, add a new section:

"Sec. 8. Minnesota Statutes 1974, Chapter 116H, is amended by adding a section to read:

**[116H.126] [SOLAR ENERGY SYSTEM STANDARDS OF PERFORMANCE.]** *The building code division of the department of administration in consultation with the energy agency shall promulgate by December 31, 1976, pursuant to Minnesota*

*Statutes, Chapter 15, the administrative procedures act, quality and performance standards which are in reasonable conformance with the Interim Performance Criteria of Solar Heating and Combined Heating/Cooling Systems and Dwellings, National Bureau of Standards, January 1, 1975; and the Interim Performance Criteria for Commercial Solar Heating and Combined Heating/Cooling Systems and Facilities, National Aeronautics and Space Administration, February 28, 1975 to insure that within the existing state of development, solar energy systems as defined in section 2 of this act, which are sold or installed within the state are effective and represent a high standard of quality of material, workmanship, design, and performance. The department of administration in consultation with the energy agency shall modify existing standards and promulgate new standards subsequent to December 31, 1976 as new technology and materials become available, or as standards are revised by the federal government.*

*Manufacturers or retailers of solar energy systems shall disclose to each bona fide potential purchaser of a system the extent to which the system meets or exceeds each quality standard."*

Page 6, line 22, before "ENERGY" insert "REVIEW OF".

Page 6, line 22, delete "DEVELOPMENT PROGRAM" and insert "DEMONSTRATION PROJECTS".

Page 6, line 23, delete "Subdivision 1."

Page 6, line 24, after "shall" delete "make grants to qualified applicants for research".

Page 6, delete lines 25 and 26 and insert "continuously identify, monitor, and evaluate in terms of potential direct benefit to and possible implementation in Minnesota, research studies and demonstration projects of alternative energy systems and methodologies currently performed in Minnesota and other states and countries including:".

Page 7, line 1, delete "and" and insert:

"(d) hydroelectric power; and".

Page 7, line 2, delete "(d)" and insert "(e)".

Page 7, delete lines 5 to 15.

Page 7, after line 28, insert the following:

"Sec. 11. Minnesota Statutes 1974, Section 462A.05, Subdivision 14, is amended to read:

Subd. 14. It may agree to purchase, make, or otherwise participate in the making, and may enter into commitments for the purchase, making, or participation in the making, of eligible loans for rehabilitation to persons and families of low and moderate income, and to (SPONSORS) *owners* of existing residential housing for occupancy by such persons and families, for the rehabilitation of existing residential housing owned by them. Such loans may be insured or uninsured and may be made with such security, or may be unsecured, as the agency deems advisable. They may be made in amounts sufficient to refinance existing indebtedness secured by the property, if such refinancing is determined by the agency to be necessary to permit the owner to meet his housing cost without expending an unreasonable portion of his income thereon. No loan for rehabilitation shall be made unless the agency determines that such loan will be used primarily to make the housing more desirable to live in, to increase the market value of the housing (OR), for compliance with state, county or municipal building, housing maintenance, fire, health or similar codes and (STANDARD) *standards* applicable to housing, *or to accomplish energy conservation related improvements*. In unincorporated areas and municipalities not having such codes and standards, the agency may, solely for the purpose of administering the provisions of (LAWS 1974, CHAPTER 441) *this chapter*, establish such codes and standards. No loan for rehabilitation of any property shall be made in an amount which, with all other existing indebtedness secured by the property, would exceed its market value, as determined by the agency. No loan for rehabilitation of owner occupied residential housing shall be denied solely because the loan will not be used for placing such residential housing in full compliance with all state, county or municipal building, housing maintenance, fire, health or similar codes and standards applicable to housing. Rehabilitation loans shall be made only when the agency determines that financing is not otherwise available, in whole or in part, from private lenders upon equivalent terms and conditions.

Sec. 12. Minnesota Statutes 1974, Section 462A.21, is amended by adding a subdivision to read:

Subd. 7. *The agency may make loans and grants not to exceed \$1,000 to low and moderate income persons who own residential housing constructed before 1965, for improving the energy efficiency of the dwellings through retrofitting of the structure. These loans and grants shall be made from funds appropriated for such purpose to the housing development fund, created in section 462A.20. Any loan for such purpose shall be made only upon determination by the agency that such loan is not otherwise available, wholly or in part, from private lenders upon equivalent terms and conditions. For purposes of this section, energy conservation retrofit measures shall include one or more of the following:*

(a) *The initial or additional installation of processed loose fill or blanket insulation materials commonly known as mineral wool, cellulose fiber, fiberglass, vermiculite, perlite, and urea-formaldehyde foam to ceilings and exterior walls. Also included are rigid insulation materials for application to the interior surface of above-grade basement walls.*

(b) *Increased gravity attic ventilation installed as part of a ceiling insulation project.*

(c) *The replacement or upgrading of window and door assemblies through measures such as installation of new storm windows and doors, double or triple glazing of existing windows, the application of reflective coatings and/or treatments.*

(d) *Caulking, sealing, and weatherstripping of openings in the building envelope. Included as openings are joints around window and door frames, between wall and foundation, between wall and roof, between wall panels, and at penetrations of utility services through walls, floors and roofs.*

(e) *Installation of power attic ventilation.*

(f) *Installation of a thermostat having provision for night temperature set-back.*

Sec. 13. [APPROPRIATION.] *The sum of \$25,000,000 is appropriated from the general fund in the state treasury to the housing development fund under the jurisdiction of the housing finance agency to be used for the purposes identified in section 11 of this act. A minimum of 50 percent of this appropriation is to be used for grants."*

Page 7, line 29, delete "\$2,000,000" and insert "\$200,000".

Page 7, line 31, delete "4" and insert "5".

Page 7, line 32, delete "\$1,000,000" and insert "\$100,000".

Page 8, line 1, delete "7" and insert "9".

Page 8, after line 1, insert a new section:

"Sec. 15. *There is appropriated and added to the general contingent account for fiscal year 1977 the sum of \$200,000. This shall be available for making grants for demonstration projects of alternative energy systems and methodology particularly appropriate to Minnesota."*

Page 8, line 5, after the period insert: "Appropriations by this act shall expire June 30, 1977, notwithstanding section 16A.28 or other law."

Renumber sections in sequence.

Further amend the title as follows:

Page 1, line 8, delete "fuel economy".

Page 1, delete line 9.

Page 1, line 10, delete "development grants" and insert "solar energy performance standards; providing for monitoring of energy research".

Page 1, line 11, after "lights;" insert "providing for loans and grants for improving energy efficiency of existing residential dwellings;".

Page 1, line 13, delete "a subdivision" and insert "subdivisions".

Page 1, line 14, after the semicolon insert "462A.05, Subdivision 14; and 462A.21, by adding a subdivision;".

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

The report was adopted.

## SECOND READING OF HOUSE BILLS

H. F. No. 1437 was read for the second time.

## 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 Senate Files, herewith transmitted:

S. F. Nos. 788 and 2082.

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. 855.

PATRICK E. FLAHAVEN, Secretary of the Senate

## FIRST READING OF SENATE BILLS

S. F. No. 788, A bill for an act relating to public welfare; changing eligibility requirements for supplemental aid; providing for cost of living adjustments in supplemental aid benefits; appropriating money; amending Minnesota Statutes 1974, Section 256D.37, Subdivision 2.

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

S. F. No. 2082, A bill for an act relating to taxation; providing for payments from the taconite municipal aid account to certain cities and towns; amending Minnesota Statutes 1974, Section 298.282, Subdivision 2, and by adding a subdivision.

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

S. F. No. 855, A bill for an act relating to metropolitan government; authorizing council regulations establishing standards and guidelines for determining matters of metropolitan significance to be adopted without specific legislative approval; providing for a joint committee to study governmental structure; amending Laws 1975, Chapter 13, Section 18, Subdivision 2.

The bill was read for the first time.

Cassery moved that S. F. No. 855 and H. F. No. 1881, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

## GENERAL ORDERS

There being no objection, the bills on General Orders for today were continued on General Orders until Wednesday, March 24, 1976.

## MOTIONS AND RESOLUTIONS

Stanton moved that his name be stricken as an author on H. F. No. 1177. The motion prevailed.

Anderson, I., moved that the following bills be unofficially engrossed and printed for the House to include committee amendments.

S. F. Nos. 1956 and 2025.

The motion prevailed.

McCauley introduced:

House Resolution No. 35, A house resolution honoring the Cotter High School basketball team for winning the championship of Region One.

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

Kahn, Sabo and Casserly introduced:

House Resolution No. 36, A house resolution congratulating Marshall-University High School basketball team on winning the state high school class A basketball tournament.

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

#### ANNOUNCEMENTS BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to the Conference Committee on S. F. No. 1499:

Vento, Osthoff and Knickerbocker.

The Speaker announced the appointment of the following members of the House to the Conference Committee on H. F. No. 2072:

Kelly, W.; Sabo; Anderson, I.; Johnson, D.; and Vanasek.

The Speaker announced the appointment of the following members of the House to the Conference Committee on H. F. No. 500:

Munger, Voss, Hanson, Luther and Biersdorf.

The Speaker announced the appointment of the following members of the House to the Conference Committee on S. F. No. 1740:

Setzefandt, McEachern and Friedrich.

The Speaker announced the appointment of the following members of the House to the Conference Committee on S. F. No. 1051:

Skoglund, Savelkoul and Parish.

## ADJOURNMENT

Anderson, I., moved that when the House adjourns today it adjourn until 11:00 a.m., Wednesday, March 24, 1976. The motion prevailed.

Anderson, I., moved that the House adjourn. The motion prevailed and the Speaker declared the House adjourned until 11:00 a.m., Wednesday, March 24, 1976.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

MAY 1957

REPORT OF THE HOUSE COMMITTEE ON THE  
COMMERCE AND TRADE, CONCERNING THE  
PROPOSED AMENDMENT TO THE  
CONSTITUTION OF THE STATE OF TEXAS

BY  
HONORABLE J. L. HANCOCK, CHAIRMAN  
OF THE COMMITTEE

REPORT OF THE HOUSE COMMITTEE ON THE  
COMMERCE AND TRADE, CONCERNING THE  
PROPOSED AMENDMENT TO THE  
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