

## STATE OF MINNESOTA

## SIXTY-NINTH SESSION - 1976

## NINETY-SEVENTH DAY

SAINT PAUL, MINNESOTA, WEDNESDAY, MARCH 24, 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	Doty	Kahn	Munger	Sieben, H.
Adams, L.	Eckstein	Kaley	Neisen	Sieben, M.
Adams, S.	Eken	Kalis	Nelsen	Sieloff
Albrecht	Enebo	Kelly, R.	Nelson	Simoneau
Anderson, G.	Erickson	Kelly, W.	Niehaus	Skoglund
Anderson, I.	Esau	Kempe, A.	Norton	Smith
Arlandson	Evans	Kempe, R.	Novak	Smogard
Beauchamp	Ewald	Ketola	Osthoff	Spanish
Begich	Faricy	Knickerbocker	Parish	Stanton
Berg	Fjoslien	Knoll	Patton	Suss
Berglin	Forsythe	Kostohryz	Pehler	Swanson
Biersdorf	Friedrich	Kroening	Peterson	Tomlinson
Birnstihl	Fudro	Kvam	Petraleso	Ulland
Braun	Fugina	Laidig	Philbrook	Vanasek
Brinkman	George	Langseth	Pleasant	Vento
Byrne	Graba	Lemke	Prahl	Volk
Carlson, A.	Hanson	Lindstrom	Reding	Voss
Carlson, L.	Haugerud	Luther	Rice	Wenstrom
Carlson, R.	Heinitz	Mangan	St. Onge	Wenzel
Casserly	Hokanson	Mann	Samuelson	White
Clark	Jacobs	McCarron	Sarna	Wieser
Clawson	Jaros	McCauley	Savelkoul	Wigley
Corbid	Jensen	McCollar	Schreiber	Williamson
Dahl	Johnson, C.	McEachern	Schumacher	Zubay
Dean	Johnson, D.	Menning	Searle	Speaker Sabo
DeGroat	Jopp	Metzen	Setzepfandt	
Dieterich	Jude	Moe	Sherwood	

A quorum was present.

Schulz was excused until 12:30 p.m.

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

## REPORTS OF CHIEF CLERK

Pursuant to Rules of the House, printed copies of H. F. Nos. 1608, 2332, 1437 and 2683 and S. F. Nos. 2309, 2581, 1959, 2364, 2375, 2288, 1999, 2025, 788, 2082, 855 and 1956 have been placed in the members' files.

S. F. No. 2375 and H. F. No. 2262, which had been referred to the Chief Clerk for comparison, were examined and found to be identical, except H. F. No. 2262, page 1, line 7, contains "\$290,000" whereas S. F. No. 2375, page 1, line 7, contains "\$200,000".

H. F. No. 2262, page 1, lines 8 to 10, contains the language "to continue the right to read program at a declining level of state financial contribution." whereas S. F. No. 2375, page 1, lines 8 to 10, contains the language "by the right to read program to promote reading and writing skills of Minnesota residents."

H. F. No. 2262, page 1, line 13, contains "reading" whereas S. F. No. 2375, page 1, line 13, contains "right to read".

S. F. No. 2375, page 1, line 14 to page 2, line 4, contains:

"Not more than 11 staff members shall be employed for this purpose. To coincide with the revised criteria adopted by the right to read program, an inservice training program for the 11 staff members will be implemented. This will be organized and maintained jointly by the division of instruction and the division of special and compensatory education.

The headquarters and supervision of the regional staff members shall be that of an educational cooperative service unit or intermediary service area where one exists. Otherwise the headquarters and supervision shall be provided by the state department of education at a location established within the area."

In the title, H. F. No. 2262, line 2, contains "reading" whereas S. F. No. 2375, line 2, contains "right to read".

## SUSPENSION OF RULES

Sieben, M., moved that the rules be so far suspended that S. F. No. 2375 be substituted for H. F. No. 2262 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1999 and H. F. No. 2002, which had been referred to the Chief Clerk for comparison, were examined and found to be identical, except that H. F. No. 2002, page 1, line 9 to page 2, line 5 reads:

"Section 1. Minnesota Statutes, 1975 Supplement, Section 202A.32, Subdivision 1. is amended to read:

202A.32 [NOMINATING PETITIONS, FILED WITH SECRETARY OF STATE, TIME.] Subdivision 1. [FILING, ACKNOWLEDGMENT OF FILING, FEE.] Nominating petitions for names to be placed on the state white ballot shall be filed with the secretary of state when to be voted for in more than one county, and with the county auditor when to be voted for in a single county. The secretary of state or the county auditor shall give or send to the person filing a nominating petition an acknowledgment thereof on the same day it is received, and he shall file and preserve the nominating petition, subject to public inspection. No filing of any nominating petition is effective unless at the time thereof the prescribed fee is paid or tendered. *The nominating petitions filed with the secretary of state, shall be inspected by the secretary of state to verify that all signatures on the petition for nomination are persons residing within the district or political division from which the candidate is presented.*

*The nominating petitions filed with the county auditor shall be inspected in like manner, by the county auditor."*

Whereas, S. F. No. 1999 does not contain this language, but reads instead on page 1, line 14 to page 2, line 8:

"Section 1. Minnesota Statutes, 1975 Supplement, Section 203A.33, Subdivision 4, is amended to read:

Subd. 4. [BALLOT, PARTY POSITION.] At the general election, and in the case of partisan offices only, the first name printed for each office, or group of names if more than one is to be voted for, for the same office, shall be that of the candidate of the political party which at the last preceding general election polled the (LARGEST) *smallest* number of votes, the same to be determined by the average vote cast for that party's candidates for partisan offices except representatives in congress. In like manner the second and succeeding lines shall be filled with the names of the candidates of the other political parties receiving the next (HIGHEST) *smallest* number of votes respectively. For the purposes of this subdivision, the average vote of the party shall be computed by determining the total number of votes counted in the state for all of the party's candidates on the general election ballot except representatives in congress, and dividing that sum by the number of the party's candidates, except representatives in congress, appearing on the general election ballot."

H. F. No. 2002 does not contain this language.

H. F. No. 2002, page 2, line 28 to page 3, line 6 reads:

"The form for the Presidential Ballot shall (BE AS FOLLOWS:)

(PUT AN (X) OPPOSITE THE NAME OF THE PRESIDENTIAL CANDIDATE YOU WISH TO VOTE FOR, IN THE BOX INDICATED BY THE ARROW.)

(PRESIDENTIAL BALLOT)

(MARK YOUR (X) IN ONE BOX ONLY)

(STEVENSON AND KEFAUVER—DEMOCRATIC-FARMER-LABOR)

(EISENHOWER AND NIXON—REPUBLICAN)

(THE RELATIVE POSITION OF THE SEVERAL CANDIDATES SHALL) be determined by the rules applicable to other state".

Whereas, S. F. No. 1999, page 2, line 31 to page 3, line 9 reads:

"The form for the Presidential Ballot (SHALL BE AS) and (FOLLOWS:)

(PUT AN (X) OPPOSITE THE NAME OF THE PRESIDENTIAL CANDIDATE YOU WISH TO VOTE FOR, IN THE BOX INDICATED BY THE ARROW.)

(PRESIDENTIAL BALLOT)

(MARK YOUR (X) IN ONE BOX ONLY)

(STEVENSON AND KEFAUVER—DEMOCRATIC-FARMER-LABOR)

(EISENHOWER AND NIXON—REPUBLICAN)

the relative position of the several candidates shall be determined by the rules applicable to other state".

S. F. No. 1999, page 3, line 19 to page 4, line 7 reads:

"Sec. 3. Minnesota Statutes, 1975 Supplement, Section 203A.31, is amended by adding a subdivision to read:

*Subd. 5. [PREPARATION OF FEDERAL ELECTION BALLOT.] The federal election ballot required by Public Law 94-203 to be used by United States citizens residing outside the United States in voting for candidates for president and vice-president, senator in congress, and representative in congress shall be prepared under the direction of the county auditor in the same manner as provided for the state white ballot and in conformance with the provisions of sections 203A.22 to 203A.34.*

Sec. 4. Minnesota Statutes 1974, Chapter 207, is amended by adding a section to read:

[207.025] [ELIGIBLE VOTERS RESIDING OUTSIDE THE UNITED STATES.] *Any person eligible to vote in Minnesota under the provisions of Public Law 94-203 shall be permitted to register and vote for candidates for the offices of president and vice-president, senator in congress, and representative in congress in the same manner as provided in sections 207.03 to 207.151 for any person eligible to vote who is absent from his precinct on election day."*

Whereas, H. F. No. 2002 does not contain this language.

The title of H. F. No. 2002 reads:

"A bill for an act relating to elections; preparation of ballots; verification of names on nominating petitions; amending Minnesota Statutes 1974, Section 208.04; and Minnesota Statutes, 1975 Supplement, Section 202A.32, Subdivision 1; repealing Minnesota Statutes 1974, Sections 208.21 to 208.35."

Whereas, the title of S. F. No. 1999 reads:

"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."

#### SUSPENSION OF RULES

Osthoff moved that the rules be so far suspended that S. F. No. 1999 be substituted for H. F. No. 2002 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 2581 and H. F. No. 2676, which had been referred to the Chief Clerk for comparison, were examined and found to be identical, except H. F. 2676 after the enacting clause reads:

"Section 1. [STATE GOVERNMENT APPROPRIATIONS.] Except as herein otherwise specifically provided the sums hereinafter set forth in the columns designated "APPROPRIATIONS", or so much thereof as may be necessary, are hereby appropriated out of the general fund in the state treasury, or any other fund herein designated, for the purposes specified in the following sections of this act, to be available for the fiscal years indicated for each purpose. The figures "1976" and "1977"

wherever used in this act, shall mean that the appropriations listed thereunder shall be available for the year ending June 30, 1976 and June 30, 1977, respectively.

APPROPRIATIONS  
Available for the Year  
Ending June 30,

	1976	1977
\$	\$	
Sec. 2. ATTORNEY GENERAL .....	95,000	

For moving, remodeling, furnishings, and related costs involved in the consolidation of offices in the highway, veterans service, and capital square buildings.

Any unexpended balance remaining in the first year shall not cancel but shall be available for the second year of the biennium.

Sec. 3. ADMINISTRATION

Subdivision 1. Utility Services .....	322,250	322,250
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These sums shall be added to the amounts appropriated in Laws 1975, Chapter 204, Section 18, Subdivision 1.

Subd. 2. Statewide licensing system development .....	113,000
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Any unexpected balance remaining in the first year shall not cancel but shall be available for the second year of the biennium.

Subd. 3. The commissioner of administration is authorized to pay the sum of \$3,085 to the national governors conference from the funds appropriated to the commissioner by Laws 1975, Chapter 204, Section 18, Subdivision 1, for the fiscal year ending June 30, 1977. The amount originally scheduled to be paid from this appropriation to the council of state governments shall be reduced by \$3,085.

Subd. 4. Interstate Co-op Commission..	5,000
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	1976	1977
	\$	\$

This sum shall be added to the appropriation made in Laws 1975, Chapter 204, Section 18, Subdivision 1.

#### Sec. 4. PUBLIC SAFETY

Subdivision 1. Crime Victims Reparation Board .....	100,000	100,000
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This is in addition to the appropriation made in Laws 1975, Chapter 204, Section 31, Subdivision 8.

#### Subd. 2. MINCIS

Of the amount appropriated to the commissioner of public safety by Laws 1975, Chapter 204, Section 31, Subdivision 2, for fiscal year 1977, \$170,000 is hereby transferred and reappropriated to the same account for fiscal year 1976 to convert computer hardware for the Minnesota crime information system.

Subd. 3. Fire Services — advisory council .....	4,500	
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#### Sec. 5. REVENUE

Subdivision 1. Administrative costs — circuit breaker .....		400,000
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This amount shall be added to the appropriations made in Laws 1975, Chapter 437, Article XIV, Section 1.

Subd 2. State board of assessors .....	28,865	28,865
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#### Sec. 6. ENERGY

Subdivision 1. Salaries .....	7,911	37,517
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Subd. 2. Supplies and expense .....	85,991	119,181
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It is the intent of the legislature that none of the Energy Agency's funding shall be used to prepare environmental reports and that the Energy Agency is not required to

	1976	1977
	\$	\$
comply with the EIS section of the Minnesota Environmental Policy Act.		

## Sec. 7. NATURAL RESOURCES

### Subdivision 1. Water resources management

a. Hydrologic studies .....	192,000	183,750
b. Supplies and expense.....		87,000

Subd. 2. Field services support — real estate taxes .....	75,000	150,000
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Of the amounts provided herein, \$18,750 for the first year and \$37,500 in the second year are appropriated from the game and fish fund.

Subd. 3. Environmental impact state — reserve mining disposal sites.....	1,300,141	
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The amounts in Section 7 shall be added to the appropriations made in Laws 1975, Chapter 204, Section 51, Subdivision 3. That portion of the rider in Section 51, Subdivision 3 which states "should this appropriation prove to be insufficient, the commissioner shall inform the commissioner of administration and request that additional moneys be available from whatever sources are appropriate" is hereby repealed.

Subd. 4. Peat information program...	25,000	75,000
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## Sec. 8. STATE PLANNING AGENCY

Subdivision 1. Copper Nickel Environmental Impact Statement.....		1,300,000
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Subd. 2. Study of local government fiscal problems, debts, and fiscal management	50,000	
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The appropriation in Subdivision 2 shall not cancel but shall be available until June 30, 1977.



	1976	1977
	\$	\$
Sec. 9. PERSONNEL — State Labor Negotiation and Contract Administration ..	13,938	84,476

Notwithstanding the provisions of Laws 1975, Chapter 204, Section 20, the complement shall be 94.

Sec. 10. INDIAN AFFAIRS BOARD 12,138

Sec. 11. LABOR AND INDUSTRY

Subdivision 1. Salaries ..... 92,211

Subd. 2. Supplies and expense ..... 5,988

Notwithstanding the approved complement provisions of Laws 1975, Chapter 204, Section 41, Subdivision 1, the approved complement shall be 238. The appropriation made in this section shall be added to the appropriation made in Laws 1975, Chapter 204, Section 41.

Sec. 12. COMMERCE

Hearings costs, postage and instate travel  
expenses ..... 102,102

The appropriation made in this section shall be added to the appropriation made in Laws 1975, Chapter 204, Section 32.

Sec. 13. BOARD OF HEALTH

Subdivision 1. Preventive and personal  
health services ..... 123,344 126,482

Water conditioners and  
installers licensing ..... \$ 9,631 \$ 9,967

Plumbers licensing ..... 113,713 116,515

Notwithstanding the approved complement provision of Laws 1975, Chapter 434, Section 5, Subdivision 1, the approved complement shall be 188.5.

Subd. 2. Health systems quality assurance ..... 79,006 85,296

	1976	1977
	\$	\$
Mortuary science .....	\$59,724	\$65,520
Hospital administrators registration .....	19,282	19,776

Notwithstanding the approved complement provision of Laws 1975, Chapter 434, Section 5, Subdivision 2, the approved complement shall be 58.75.

The appropriations made in this section shall be added to the appropriation made in Laws 1975, Chapter 434, Section 5.

#### Sec. 14. BOARD OF DENTISTRY 37,000

The appropriations made in this section shall be added to the appropriations made in Laws 1975, Chapter 434, Section 4, Subdivision 8.

Sec. 15. Notwithstanding the provisions of Laws 1975, Chapter 434, Section 2, the appropriation for centralized disbursement in Laws 1975, Chapter 434, Section 2, Subdivision 2, for 1976 shall not be reduced unless the federal reimbursement is less than \$3,560,000.

Sec. 16. Notwithstanding the provisions of Minnesota Laws 1975, Chapter 434, Section 2, federal funds budgeted to be earned in the Community Based Residential Services for the Chemically Dependent (Subdivision 4) activity shall be earned by the Day-time Activity Center Grant-in-aid (Subdivision 13) activity.

Sec. 17. Notwithstanding any law to the contrary, the commissioner of finance may, upon the request of the commissioner of health, transfer amounts between appropriations for purposes of reflecting changes in the account structure of the department of health. Such transfer shall be reported to the committee on finance of the Senate and the committee on appropriations in the House of Representatives.

Sec. 18. In the event the income from parking lots and facilities under the jurisdiction of the commissioner of administration are inadequate to make the annual payment of \$203,200 in November, 1975 and 1976, as required by Laws 1973, Chapter 778, Section 21, these payments may be wholly or partially deferred. To the extent these payments are deferred, the commissioner shall, from time to time, make such additional payments so as to pay to the Minnesota state building account in the state bond fund the total sum of \$4,064,000.

Sec. 19. All moneys appropriated for fiscal year 1977 in Laws 1975, Chapter 433, as shown on the worksheets of the conferees of the Senate and the House of Representatives to the University of Minnesota, state university system, community college system and department of education for the purpose of providing funding for the use of and communications costs for the Minnesota educational computing consortium (MECC) managed Univac 1110 single installation, multipurpose, instructional interactive time sharing system, shall not be expended. No moneys appropriated to the above named state systems or agencies for other purposes shall be transferred or used for this purpose.

It is the legislature's policy and specific intent to discontinue the single installation, interactive time sharing system of MECC and to provide funds for the different purpose of establishing a several systems, multi-installation decentralized program with emphasis on educational and geographic special needs.

There is hereby appropriated to support a multi-installation program for fiscal year 1977:

\$ 54,000 University of Minnesota  
\$700,000 State Department of Education  
\$285,100 State University  
\$ 90,230 Community colleges

This section is effective upon final passage.

Sec. 20. The sum of \$20,000 is appropriated from the state airport fund to the department of aeronautics for the operation and maintenance of the state airport at Orr in the fiscal year ending June 30, 1977. All income received from the operation of the airport after June 30, 1976, and before July 1, 1977, is appropriated to the department of aeronautics for the operation and maintenance of the airport. The airport shall be transferred to its community, county, or region before July 1, 1977, notwithstanding Laws 1976, Chapter 204, Section 45, Subdivision 8. This is the final appropriation.

Sec. 21.

Subdivision 1. Minnesota Statutes 238.04 is amended by adding a subdivision 5a as follows: The chairman and the other members of the commission shall also receive their ordinary and necessary expenses in the same amount and manner as state employees.

Subd. 2. Subdivision 1 is effective January 1, 1976.

## Sec. 22.

Subdivision 1. The unencumbered balance of \$205,694.73 remaining in the appropriation made in Laws 1971, Chapter 963, Section 7, Subdivision 1 (1), relocate computer facilities and install inverter is cancelled to the general fund.

Subd. 2. The commissioner of finance is directed to transfer from the general fund to the computer services revolving fund the sum of \$205,694.73 to adjust the cost to the computer services revolving fund to the actual cost of relocation of computer facilities.

Sec. 23. Minnesota Statutes 177.44, Subdivision 3 is amended to read: The department of labor and industry shall conduct investigations and hold public hearings *subject to the provisions of Chapter 15* necessary to define classes of laborers and mechanics and to inform itself as to the hours of labor and wage rates prevailing in all areas of the state for all classes of labor and mechanics commonly employed in highway construction work, with a view to ascertaining and determining prevailing hours of labor, prevailing wage rates and hourly basic rates of pay accordingly.

The department shall inform itself of the nature of the equipment furnished by truck drivers who own and operate trucks on such contract work, with a view to ascertaining and determining minimum rates for the equipment, and shall establish by regulation such minimum rates to be computed into the prevailing wage rate in accordance with the definition thereof in section 177.42.

The sum of \$200,000 is appropriated to the department of labor for the purposes of this section for the biennium ending June 30, 1977.

Sec. 24. Minnesota Statutes 1974, Section 179.74, is amended by adding a subdivision to read:

*"Subd. 6. If complete agreement between the state and exclusive representatives of state employees is not reached by October 1 of even numbered years, each party shall notify the director who shall forthwith schedule mediation between the parties. If complete agreement is not reached by November 1, the director shall declare an impasse and each party shall submit its final position to the director by November 10, who shall immediately forward the final positions to the board. The board shall submit the names of seven arbitrators to the parties by November 15, who shall select an arbitrator or arbitrators pursuant to Section 179.72. Arbitration proceedings shall begin as soon as possible, in no event later than December 1, and the decision of the arbitrators shall be made by December 25."*

Sec. 25. This act is effective upon enactment except for Section 21 which is effective January 1, 1976."

Whereas S. F. No. 2581, after the enacting clause reads:

"Section 1. [STATE GOVERNMENT APPROPRIATIONS.] Except as herein otherwise specifically provided the sums hereinafter set forth in the columns designated "APPROPRIATIONS", or so much thereof as may be necessary, are hereby appropriated out of the general fund in the state treasury, or any other fund herein designated, for the purposes specified in the following sections of this act, to be available for the fiscal years indicated for each purpose. The figures "1976" and "1977" wherever used in this act, shall mean that the appropriations listed thereunder shall be available for the year ending June 30, 1976, and June 30, 1977, respectively.

APPROPRIATIONS  
Available for the Year  
Ending June 30,

1976                      1977

\$

\$

Sec. 2. ATTORNEY GENERAL ..... 95,000

Subdivision 1. For moving, remodeling, furnishings, and related costs involved in the consolidation of offices in the highway, veterans service and capitol square buildings.

Any unexpended balance remaining in the first year shall not cancel but shall be available for the second year of the bien-nium.

Subd. 2. Salaries, supplies and expense for defending tort claims against the state. 200,000

Sec. 3. STATE TREASURER ..... 15,000

For advertising expenses relating to the disposition of unclaimed property.

Sec. 4. ADMINISTRATION

Subdivision 1. Utility Services ..... 310,250

These sums shall be added to the amounts appropriated in Laws 1975, Chapter 204, Section 18, Subdivision 1.

Subd. 2. Statewide licensing system development ..... 113,000

1976

1977

\$

\$

Any unexpended balance remaining in the first year shall not cancel but shall be available for the second year of the biennium.

Subd. 3. The commissioner of administration is authorized to pay the sum of \$3,085 to the National Governor's Conference from the funds appropriated to the commissioner by Laws 1975, Chapter 204, Section 18, Subdivision 1, for the fiscal year ending June 30, 1977. The amount originally scheduled to be paid from this appropriation to the council of State Governments shall be reduced by \$3,085.

## Sec. 5. FINANCE

Tort Claims .....	500,000
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This appropriation is available to pay tort claims against the state, as approved by the commissioner of finance pursuant to section 27 of this act.

## Sec. 6. PERSONNEL

Labor Negotiator .....	13,938	84,476
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Notwithstanding the approved complement provision of Laws 1975, Chapter 204, Section 20, the approved complement shall be 94.

The appropriations made in this section shall be added to the appropriations made in Laws 1975, Chapter 204, Section 20.

## Sec. 7. STATE PLANNING AGENCY

The state planning agency shall have the authority to conduct training activities for local and regional government officials and the public in general as is necessary to the implementation of its functions and responsibilities and may charge fees to the participants necessary to cover the agency costs for such activities. All such fees received shall be paid into the state treasury and re-appropriated to the state planning agency. The agency shall be authorized to make dis-

	1976	1977
	\$	\$
bursements for expenses relating to such activities for which the fees are paid.		
Sec. 8. INDIAN AFFAIRS BOARD	10,000	155,550

Notwithstanding the approved complement provision of Laws 1975, Chapter 204, Section 27, the approved complement shall be 7.

#### Sec. 9. VETERANS AFFAIRS

Notwithstanding the provisions of Laws 1976, Chapter 3, Section 4, Subdivision 1, Paragraph (a), the Minnesota veterans home may not expend any income in excess of \$1,472,300 for 1976.

#### Sec. 10. PUBLIC SAFETY

Subdivision 1. Crime Victims Reparation Board	100,000	100,000
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These sums shall be added to the amounts appropriated in Laws 1975, Chapter 204, Section 31, Subdivision 8.

#### Subd. 2. MINCIS

Of the amount appropriated to the commissioner of public safety by Laws 1975, Chapter 204, Section 31, Subdivision 2, for fiscal year 1977, \$170,000 is hereby transferred and reappropriated to the same account for fiscal year 1976 to convert computer hardware for the Minnesota crime information system.

Subd. 3. Fire Services Advisory Council	4,500	7,500
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These sums shall be in addition to the amounts appropriated in Laws 1975, Chapter 204, Section 31.

#### Sec. 11. COMMERCE

	1976	1977
	\$	\$
Subdivision 1. Hearings costs and employee expenses .....	102,000	
Subd. 2. Regulation of insurance companies .....		144,000

Notwithstanding the approved complement provision of Laws 1975, Chapter 204, Section 32, the approved complement shall be 217 for 1977.

The appropriation made in this section shall be added to the appropriation made in Laws 1975, Chapter 204, Section 32.

## Sec. 12. LABOR AND INDUSTRY

Subdivision 1. Salaries .....	92,200
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Notwithstanding the approved complement provision of Laws 1975, Chapter 204, Section 41, Subdivision 1, the approved complement shall be 238.

Subd. 2. Supplies and Expense .....	6,000
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The appropriations made in this section shall be added to the appropriations made in Laws 1975, Chapter 204, Section 41.

## Sec. 13. REVENUE

Subdivision 1. Administrative costs — circuit breaker .....	400,000
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This amount shall be added to the appropriation for 1977 made in Laws 1975, Chapter 437, Article XIV, Section 1.

Subd. 2. State Board of Assessors .....	28,865	28,865
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## Sec. 14. ENERGY

Subdivision 1. Salaries .....	7,911	37,517
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Notwithstanding the complement provision of Laws 1975, Chapter 204, Section 50, the approved complement of the agency is 30 for 1976 and 31 for 1977.



	1976	1977
	\$	\$
Subd. 2. Supplies and Expense	86,100	119,200

The appropriations in this section shall be added to the appropriations in Laws 1975, Chapter 204, Section 50.

#### Sec. 15. NATURAL RESOURCES

Subdivision 1. Administrative Management — Employee relocation expense	43,000	43,000
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Of the amounts provided herein, \$14,000 each year is appropriated from the game and fish fund.

Subd. 2. Field Services Support — real estate taxes	75,000	150,000
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Of the amounts provided herein, \$18,750 for the first year and \$37,500 in the second year are appropriated from the game and fish fund.

#### Subd. 3. Water Resources Management

a. Hydrologic studies	192,000	183,750
b. Supplies and expense		87,000

Subd. 4. Forest Management — labor service	100,000	100,000
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Subd. 5. Parks and Recreation Management — labor service	100,000	100,000
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#### Subd. 6. Enforcement

The provisions of the labor agreement negotiated between the state of Minnesota and the Minnesota conservation officers' association and signed by the parties on September 17, 1975, relating to wages and economic fringe benefits are hereby accepted. The commissioners of administration and finance are authorized to make available such money as are required to fulfill the state's responsibilities from the moneys appropriated and under the conditions re-

1976

1977

\$

\$

quired in Laws 1975, Chapter 204, Section 60.

The appropriations made in subdivisions 1 to 6 shall be added to the appropriations made in Laws 1975, Chapter 204, Section 50, Subdivision 1.

#### Subd. 7.

Of the amount appropriated by Laws 1975, Chapter 204, Section 51 for the program Administrative Management Services for 1976 a sum of not to exceed \$150,000 is transferred and reappropriated for development of a cost distribution and cost accounting system in 1977. Such systems shall be developed under the direction and control of the commissioner of finance.

#### Subd. 8. Environmental Impact Statement

#### Reserve Mining Company Disposal Site 1,335,141

This appropriation shall be added to the appropriation made in Laws 1975, Chapter 204, Section 51, Subdivision 3, and shall be used to repay those appropriations from which moneys have been transferred to continue this activity. The commissioner of finance shall transfer from this account to the department of natural resources general operation and management account the sum of \$990,241, and to the pollution control agency salaries, supplies, and expense account the sum of \$344,900 for the 1976 year.

#### Sec. 16. STATE PLANNING AGENCY

Copper-nickel regional environmental impact statement — phase II 1,566,995

This appropriation shall be added to the appropriation made in Laws 1975, Chapter 204, Section 55, Subdivision 7, Paragraph (e).

1976

1977

\$

\$

## Sec. 17. GAME AND FISH APPROPRIATION CONTINGENT

Subdivision 1. There is appropriated the sum of \$2,500,000 from the general fund in the state treasury as a contingent appropriation for the use and benefit of the game and fish fund in the state treasury. Transfers from the general fund to maintain a balance in the game and fish fund may be made when authorized by the governor, but no such transfer shall be made until the governor has consulted with the legislative advisory committee and such committee has made their recommendation thereon. Such recommendation shall be advisory only. Failure or refusal on the part of the committee to make its recommendation promptly shall be considered a negative recommendation.

Subd. 2. Any moneys transferred from the general fund shall be repaid to the general fund prior to June 30, 1978.

Sec. 18. Subdivision 1. The encumbered balance of \$205,694.73 remaining in the appropriation made in Laws 1971, Chapter 963, Section 7, Subdivision 1, Paragraph 1, to relocate computer facilities and install inverter is cancelled to the general fund.

Subd. 2. The commissioner of finance is directed to transfer from the general fund to the computer services revolving fund the sum of \$205,694.73 to adjust the cost to the computer services revolving fund to the actual cost of relocation of computer facilities.

## Sec. 19. PUBLIC WELFARE

Subdivision 1. Notwithstanding the provisions of Laws 1975, Chapter 434, Section 2, the appropriation for Centralized disbursement in Laws 1975, Chapter 434, Section 2, Subdivision 2 for 1976 shall not be reduced unless the federal reimbursement is less than \$3,530,000.

1976 1977

\$ \$

Subd. 2. Notwithstanding the provisions of Laws 1975, Chapter 434, Section 2, federal funds budgeted to be earned in the Community Based Residential Services for the Chemically Dependent Activity shall be earned by the Daytime Activity Center grant in aid activity.

## Sec. 20. BOARD OF DENTISTRY 27,000

This appropriation shall be added to the appropriation made in Laws 1975, Chapter 434, Section 4, Subdivision 8.

## Sec. 21. BOARD OF HEALTH

Subdivision 1. Prevention and personal Health Services	123,344	126,482
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Water Conditioners and Installers Licensing

\$9,631	\$9,967
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Plumbers Licensing

\$113,713	\$116,515
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Notwithstanding the approved complement provision of Laws 1975, Chapter 434, Section 5, Subdivision 1, the approved complement shall be 188.5.

Subd. 2. Health Systems Quality Assurance	79,006	85,296
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Embalmers Licensing

\$59,724	\$65,520
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Hospital Administrators Registration

\$19,282	\$19,776
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Notwithstanding the approved complement provision of Laws 1975, Chapter 434, Section 5, Subdivision 2, the approved complement shall be 58.75.

The appropriations made in subdivisions 1 and 2 shall be added to the appropriations made in Laws 1975, Chapter 434, Section 5.

1976

1977

\$

\$

Subd. 3. Notwithstanding any law to the contrary, the commissioner of finance may, upon the request of the commissioner of health, transfer amounts between appropriations for purposes of reflecting changes in the account structure of the department of health. Such transfer shall be reported to the committee on finance of the senate and the committee on appropriations in the house of representatives.

Sec. 22. Minnesota Statutes 1974, Section 345.48, Subdivision 2, is amended to read:

Subd. 2. Before making any deposit to the credit of the general fund, the state treasurer may deduct: (a) costs incurred in connection with any sale of abandoned property, (b) any costs of mailing and publication in connection with any abandoned property, and (c) reasonable service charges. *Any amounts so deducted shall be credited to a special account and are hereby appropriated to pay such costs as are required by the state treasurer for administration of this section.*

Sec. 23. Minnesota Statutes 1974, Section 238.04, is amended by adding a subdivision to read:

*Subd. 5a. [CABLE COMMUNICATIONS BOARD MEMBERS EXPENSE.] The chairman and other members of the board shall receive their ordinary and necessary expenses in the same manner and amount as state employees.*

Sec. 24. Minnesota Statutes 1974, Section 3.732, Subdivision 1, is amended to read:

**3.732 [SETTLEMENT OF CLAIMS.]** Subdivision 1. As used in this section and section 27 of this act the terms defined in this section have the meanings given them.

(1) "State" means each of its departments, boards, commissions, officers in the executive branch financed in whole or in part with moneys appropriated by the legislature and includes but is not limited to the University of Minnesota, state colleges, community colleges, state hospitals, state penal institutions, and other state agencies. It does not include a city, town, county, school district, or other body corporate and politic.

(2) "Employee of the state" means all officers or employees of the state or of any of the aforesaid enumerated agencies thereof, members of the national guard, or persons acting on behalf

of such enumerated agencies in an official capacity, temporarily or permanently, with or without compensation, *but does not include an independent contractor.*

(3) *"Scope of his office or employment" means that the employee was acting on behalf of the state in the performance of duties or tasks lawfully assigned to him by competent authority.*

Sec. 25. Minnesota Statutes 1974, Section 3.732, Subdivision 2, is amended to read:

Subd. 2. The head of each department or agency of the state, or his designee, acting on behalf of the state, shall attempt to determine, adjust and settle, at any time, any claim for money damages of (\$500) \$2,500 or less against the state for injury to or loss of property or personal injury or death caused by an act or omission of any employee of the state while acting within the scope of his office or employment, under circumstances where the state, if a private person, would be liable to the claimant. Any such settlement shall be final and conclusive on all officers of the state, except where procured by fraud. The acceptance by the claimant of any such settlement shall be final and conclusive on the claimant and shall constitute a complete release of any claim against the state and against the employee of the state whose act or omission gave rise to the claim, by reason of the same subject matter.

Sec. 26. Minnesota Statutes 1974, Section 3.732, Subdivision 5, is amended to read:

Subd. 5. Nothing in this section is to be construed as to deny a claimant who is not paid pursuant to the provisions hereof from (PRESENTING A CLAIM TO THE STATE CLAIMS COMMISSION OR THE LEGISLATURE) *bringing an action at law in the courts of this state.*

Sec. 27. Minnesota Statutes 1974, Chapter 3, is amended by adding a section to read:

[3.736] [TORT CLAIMS.] *Subdivision 1. [GENERAL RULE.] The state will pay compensation for injury to or loss of property or personal injury or death caused by an act or omission of any employee of the state while acting within the scope of his office or employment, under circumstances where the state, if a private person, would be liable to the claimant.*

*Subd. 2. [PROCEDURE.] Claims of various kinds shall be considered and paid in accordance with the statutory procedures provided. Where there is no other applicable statute, a claim shall be brought pursuant to this section as a civil action in the courts of the state.*

*Subd. 3. [EXCLUSIONS.] Without intent to preclude the courts from finding additional cases where the state and its employees should not, in equity and good conscience, pay compensation for personal injuries or property losses, the legislature declares that the state and its employees are not liable for the following losses:*

*(a) Any loss caused by an act or omission of a state employee exercising due care in the execution of a valid or invalid statute or regulation;*

*(b) Any loss caused by the performance or failure to perform a discretionary duty, whether or not the discretion is abused;*

*(c) Any loss in connection with the assessment and collection of taxes;*

*(d) Any loss caused by snow or ice conditions on any highway or other public place, except when the condition is affirmatively caused by the negligent acts of a state employee;*

*(e) Any loss caused by wild animals;*

*(f) Any loss other than injury to or loss of property or personal injury or death;*

*(g) Any loss caused by the condition of unimproved real property owned by the state, which means land that the state has not improved, and appurtenances, fixtures and attachments to land that the state has neither affixed nor improved;*

*(h) Any loss arising from the construction, operation, or maintenance of the outdoor recreation system, as defined in section 86A.04, or from the clearing of land, removal of refuse, and creation of trails or paths without artificial surfaces, except that the state is liable for conduct that would entitle a trespasser to damages against a private person.*

*(i) Any loss of benefits or compensation due under a program of public assistance or public welfare, except where state compensation for loss is expressly required by federal law in order for the state to receive federal grants-in-aid;*

*(j) Any loss based on the failure of any person to meet the standards needed for a license, permit, or other authorization issued by the state or its agents;*

*(k) Any loss based on the usual care and treatment, or lack of care and treatment, of any person at a state hospital or state corrections facility where reasonable use of available appropriations has been made to provide care;*

(1) Any loss, damage, or destruction of property of a patient or inmate of a state institution.

*The state will not pay punitive damages.*

Subd. 4. [LIMITS.] *The total liability of the state and its employees acting within the scope of their employment on any tort claim shall not exceed \$100,000 when the claim is one for death by wrongful act or omission and \$100,000 to any claimant in any other case. The limitation imposed by this subdivision on individual claimants includes damages claimed for loss of services or loss of support arising out of the same tort.*

Subd. 5. [NOTICE REQUIRED.] *Except as provided in subdivision 6, every person, whether plaintiff, defendant or third party plaintiff or defendant, who claims compensation from the state or a state employee acting within the scope of his employment for or on account of any loss or injury shall present to the attorney general of the state or, in the case of a claim against the university of Minnesota, to the person designated by the regents of the university as the university attorney, and any state employee from whom the claimant will seek compensation, within 180 days after the alleged loss or injury is discovered, a notice stating the time, place and circumstances thereof, the names of any state employees known to be involved, and the amount of compensation or other relief demanded. Actual notice of sufficient facts to reasonably put the state or its insurer on notice of a possible claim complies with the notice requirements of this section. Failure to state the amount of compensation or other relief demanded does not invalidate the notice, but, the claimant shall furnish full information available regarding the nature and extent of the injuries and damages within 15 days after demand by the state. The time for giving the notice does not include the time during which the person injured is incapacitated by the injury from giving the notice.*

Subd. 6. [CLAIMS FOR WRONGFUL DEATH; NOTICE.] *When the claim is one for death by wrongful act or omission, the notice may be presented by the personal representative, surviving spouse, or next of kin, or the consular officer of the foreign country of which the deceased was a citizen, within one year after the alleged injury or loss resulting in the death. If the person for whose death the claim is made has presented a notice that would have been sufficient had he lived, an action for wrongful death may be brought without any additional notice.*

Subd. 7. [PAYMENT.] *A state agency, including any entity defined as part of the state in section 3.732, subdivision 1, clause (1), incurring a tort claim judgment or settlement obligation or whose employees acting within the scope of their employment incur the obligation may seek payment from money appropriated for this purpose by submitting a written request to the commissioner of finance. The request shall contain a description*



of the tort claim precipitating the request, specify the amount of the obligation and be accompanied by copies of judgments, settlement agreements or other documentation relevant to the obligation for which the agency is seeking payment. Upon receipt of the request and review of the claim, the commissioner of finance shall transfer money necessary to pay the obligation to the agency. On January 1 and July 1 of each year, the commissioner of finance shall transmit to the legislature and to the chairmen of the house appropriations and senate finance committees copies of all requests in the preceding six months together with a report on the transfers made with respect to each request. Payment shall be made only upon receipt of a written release by the claimant in a form approved by the attorney general, or the person designated as the university attorney, as the case may be.

*No attachment or execution shall issue against the state.*

Subd. 8. [LIABILITY INSURANCE.] A state agency, including any entity defined as a part of the state in section 3.732, subdivision 1, clause (1), may procure insurance against liability of the agency and its employees for damages resulting from the torts of the agency and its employees. The procurement of this insurance constitutes a waiver of the defense of governmental immunity to the extent of the liability stated in the policy but has no effect on the liability of the agency and its employees beyond the coverage so provided.

Subd. 9. [INDEMNIFICATION.] The state shall defend, save harmless, and indemnify any state employee against any tort claim or demand, whether groundless or otherwise, arising out of an alleged act or omission if the employee provides complete disclosure and cooperation in the defense of the claim or demand and if, except for elected employees, the employee's appointing authority certifies that the employee was acting within the scope of his employment. This determination may be overruled by the attorney general. This subdivision does not apply in case of malfeasance in office or willful or wanton neglect of duty.

Subd. 10. [JUDGMENT AS BAR.] The judgment in an action under this section is a complete bar to any action by the claimant, by reason of the same subject matter, against the state employee whose act or omission gave rise to the claim.

Sec. 28. Minnesota Statutes 1974, Section 3.751, Subdivision 1, is amended to read:

3.751 [CONTRACT CLAIMS.] Subdivision 1. When a controversy arises out of any contract for work, services, or the delivery of goods entered into by any state agency through established procedure, in respect to which controversy a person to the contract would be entitled to redress against the state, in a court

of appropriate jurisdiction, if the state were suable, and when no claim against the state has been (FILED IN THE STATE CLAIMS COMMISSION OR) made in a bill pending in the legislature for the same redress against it, the state hereby waives immunity from suit in connection with such controversy and confers jurisdiction on the district court to hear and determine any such controversy in the manner provided for the trial of causes in the district court. Only a party to the contract may bring action against the state. (THE STATE DOES NOT WAIVE IMMUNITY WITH RESPECT TO CLAIMS OF PATIENTS OR OTHER INMATES OF STATE INSTITUTIONS.)

Sec. 29. Minnesota Statutes 1974, Section 176.011, Subdivision 9, is amended to read:

Subd. 9. [EMPLOYEE.] "Employee" means any person who performs services for another for hire; and includes the following:

- (1) an alien;
- (2) a minor;
- (3) a sheriff, deputy sheriff, constable, marshal, policeman, fireman, a county highway engineer, and a peace officer while engaged in the enforcement of peace or in and about the pursuit or capture of any person charged with or suspected of crime;
- (4) a county assessor;
- (5) an elected or appointed official of the state, except members of the state legislature, or of any county, city, town, school district or governmental subdivision therein but an officer of a political subdivision elected or appointed for a regular term of office or to complete the unexpired portion of any such regular term, shall be included only after the governing body of the political subdivision has adopted an ordinance or resolution to that effect;
- (6) an executive officer of a corporation;
- (7) a voluntary uncompensated worker, other than an inmate, rendering services in state institutions under the commissioner of public welfare and state institutions under the commissioner of corrections similar to those of officers and employees of such institutions, and whose services have been accepted or contracted for by the commissioner of public welfare or the commissioner of corrections as authorized by law, shall be employees within the meaning of this subdivision. In the event of injury or death of any such voluntary uncompensated worker, the daily wage of the worker, for the purpose of calculating compensation payable under this chapter, shall be the usual going

wage paid at the time of such injury or death for similar services in institutions where such services are performed by paid employees;

(8) a voluntary uncompensated worker engaged in peace time in the civil defense program when ordered to training or other duty by the state or any political subdivision thereof, shall be employees. The daily wage of the worker for the purpose of calculating compensation payable under this chapter, shall be the usual going wage paid at the time of such injury or death for similar services where such services are performed by paid employees;

(9) a voluntary uncompensated worker participating in a program established by a county welfare board shall be an employee within the meaning of this subdivision. In the event of injury or death of any such voluntary uncompensated worker, the wage of the worker, for the purpose of calculating compensation payable under this chapter, shall be the usual going wage paid in the county at the time of such injury or death for similar services where such services are performed by paid employees working a normal day and week;

(10) a voluntary uncompensated worker accepted by the commissioner of natural resources who is rendering services as a volunteer pursuant to section 85.041 shall be an employee. The daily wage of the worker for the purpose of calculating compensation payable under chapter 176, shall be the usual going wage paid at the time of injury or death for similar services where such services are performed by paid employees (.);

*(11) a member of the military forces, as defined in section 190.05, while in "active service" or "on duty" as defined in section 190.05, when the service or duty is ordered by state authority. The daily wage of the member for the purpose of calculating compensation payable under this chapter shall be based on the member's usual earnings in civil life. If there is no evidence of previous occupation or earning, the commission shall consider the member's earnings as a member of the military forces;*

In the event it is difficult to determine the daily wage as herein provided, then the commission may determine the wage upon which the compensation is payable.

Sec. 30. Minnesota Statutes 1974, Section 192.38, is amended to read:

192.38 [ILLNESS, INJURY, OR DEATH OF MEMBER OF MILITARY FORCES; COMPENSATION.] Subdivision 1. [TEMPORARY EMERGENCY RELIEF.] If any officer or enlisted man of the military forces is wounded or otherwise disabled, dies from disease contracted or injuries received, or

is killed while in "active service" or "on duty" as defined in Minnesota Statutes 1961, Section 190.05, and acts amendatory thereof when such service or duty is ordered by state authority, he, or in the case of his death his dependent widow, child, or parent, may be provided with such immediate temporary relief as may be necessary in cases of severe hardship, in amount to be determined by the adjutant general and approved by the governor. All such payments under this subdivision shall be made from appropriations for the maintenance of the state military forces. *The adjutant general shall notify the workers' compensation commission of any payments made pursuant to this subdivision and the amount thereof shall be subtracted from any award made by the commission.*

Subd. 2. [ASSISTANCE TO CLAIMANTS.] To the extent information is available to him, the adjutant general shall provide information to a person seeking a benefit from the state or federal government or instituting a claim before a state or federal claims commission arising from loss, damage, or destruction of property or for injury or death incurred or sustained by a member of the military forces. *The adjutant general shall notify the workers' compensation commission of any payments made pursuant to federal law, other than the federal social security act or the federal government life insurance program for members of the armed forces, for the same personal injury as the claimant is seeking workers' compensation for, and the amount thereof shall be subtracted from any award made by the commission.*

Sec. 31. Minnesota Statutes, 1975 Supplement, Section 4.19, is amended to read:

4.19 [CONSULTING CONTRACTS BY STATE AGENCIES OR DEPARTMENTS, FUNCTION OF STATE PLANNING AGENCY.] When any state agency or department proposes to contract with a person, other than a state employee, for information relating to whether or not an activity should be undertaken, that agency or department shall (CONSULT WITH) *obtain the approval of the state planning agency prior to entering into any contract. The state planning agency shall (ADVISE AS TO) determine whether the information to be obtained through the proposed contract can be obtained more economically in another way, such as through the services of another state agency or department. A copy of a proposed contract shall be furnished to the state planning agency, the senate finance committee and the house appropriations committee. Before the contract is approved or rejected, the state planning agency shall obtain the recommendations of the senate finance committee and the house appropriations committee. The recommendations are advisory only. Failure or refusal to make a recommendation promptly is deemed a negative recommendation. If a consulting contract is entered into by the state, a copy of the contract shall be immediately filed with the state planning*

agency, which shall continuously monitor work performed under the contract. The contracting agency shall also continuously monitor work performed under the contract.

Sec. 32. [REPEALER.] *Minnesota Statutes 1974, Sections 3.66; 3.67; 3.68; 3.69; 3.70; 3.71; 3.72; 3.7311; 3.735; 3.752; 3.753; 3.76; 3.77; 3.78; 3.79; 3.80; 3.81; 3.82; 3.83; and 15.315 are repealed.*

Sec. 33. *This act is effective the day following its final enactment, except section 23, which is effective January 1, 1976."*

In the title S. F. No. 2581 reads:

"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."

Whereas H. F. No. 2676, in the title reads:

"A bill for an act relating to the organization, operation and financing of state government; appropriating money; amending Minnesota Statutes, Section 177.44, Subdivision 3; Section 179.74 by adding a subdivision; and Section 238.04 by adding a subdivision."

#### SUSPENSION OF RULES

Norton moved that the rules be so far suspended that S. F. No. 2581 be substituted for H. F. No. 2676 and that the House File be indefinitely postponed. The motion prevailed.

#### SECOND READING OF SENATE BILLS

S. F. Nos. 2375, 1999 and 2581 were read for the second time.

#### INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Osthoff introduced:

H. F. No. 2695, A bill for an act relating to insurance; removing licensing exemptions for certain insurance adjusters and appraisers; establishing a bill of rights for the processing of certain automobile claims; prohibiting certain practices; amending Minnesota Statutes 1974, Sections 72B.03; and 72B.14; repealing Minnesota Statutes 1974, Section 72B.10.

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

Osthoff introduced:

H. F. No. 2696, A bill for an act relating to employment; prohibiting mandatory overtime; providing a penalty.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

#### HOUSE ADVISORY BILLS

Pursuant to Rule 5.3, the following House Advisory Bills were introduced:

Graba and Johnson, C., introduced:

H. A. B. No. 74, Provide a study of finance of secondary, post-secondary and adult vocational education.

The bill was referred to the Committee on Education.

Lindstrom introduced:

H. A. B. No. 75, A bill for an act providing for the study of Minnesota's criminal code.

The bill was referred to the Committee on Judiciary.

#### 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. 348, A bill for an act relating to insurance; clarifying the application of state law to certain insurance contracts; amending Minnesota Statutes 1974, Chapter 60A, by adding a section.

PATRICK E. FLAHAVEN, Secretary of the Senate

Sieben, H., moved that the House refuse to concur in the Senate amendments to H. F. No. 348, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two Houses. The motion prevailed.

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. 2038, A bill for an act relating to medical assistance for the needy; directing the commissioner of public welfare to identify and investigate certain medical assistance abuses; requiring certain reports; amending Minnesota Statutes 1974, Section 256B.04, Subdivision 5, and by adding subdivisions.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Forsythe moved that the House concur in the Senate amendments to H. F. No. 2038 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 2038, A bill for an act relating to medical assistance for the needy; directing the commissioner of public welfare to identify and investigate certain medical assistance abuses; requiring certain reports; amending Minnesota Statutes 1974, Section 256B.04, Subdivision 5, and by adding subdivisions.

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

The question being taken on the repassage of the bill and the roll being called, there were yeas 120, and nays 0, as follows:

Those who voted in the affirmative were:

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

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

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

Mr. Speaker:

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

H. F. No. 2157, A bill for an act relating to public welfare; providing for administrative and judicial review of certain actions and decisions of local welfare agencies; repealing Minnesota Statutes 1974, Sections 256.77; 256B.10; 256B.11; 256D.12; and 256D.40.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Sieben, H., moved that the House concur in the Senate amendments to H. F. No. 2157 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 2157, A bill for an act relating to public welfare; providing for administrative and judicial review of certain actions and decisions of local welfare agencies; repealing Minnesota Statutes 1974, Sections 256.77; 256B.10; 256B.11; 256D.12; and 256D.40.

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

The question being taken on the repassage of the bill and the roll being called, there were yeas 121, and nays 0, as follows:



## Those who voted in the affirmative were:

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

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

Mr. Speaker:

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

H. F. No. 2039, A bill for an act relating to health care; clarifying and expanding the patients' bill of rights; requiring certain notices; providing penalties; amending Minnesota Statutes 1974, Sections 144.651 and 144.652.

PATRICK E. FLAHAVEN, Secretary of the Senate

## CONCURRENCE AND REPASSAGE

Heinitz moved that the House concur in the Senate amendments to H. F. No. 2039 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 2039, A bill for an act relating to health care; clarifying and expanding the patients' bill of rights; requiring certain notices; providing penalties; amending Minnesota Statutes 1974, Sections 144.651 and 144.652.

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 125, and nays 0, as follows:

Those who voted in the affirmative were:

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

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

Mr. Speaker:

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

H. F. No. 1993, A bill for an act relating to education; providing standards for the education of handicapped children; requiring a hearing and appeals process; limiting expenditures to meet federal requirements; amending Minnesota Statutes 1974, Section 120.17, Subdivisions 3 and 4, and by adding subdivisions; and Minnesota Statutes, 1975 Supplement, Section 120.17, Subdivision 1.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Birnstihl moved that the House concur in the Senate amendments to H. F. No. 1993 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1993, A bill for an act relating to education; providing standards for the education of handicapped children; requiring a hearing and appeals process; limiting expenditures to meet federal requirements; amending Minnesota Statutes 1974, Section 120.17, Subdivisions 3 and 4, and by adding subdivisions; and Minnesota Statutes, 1975 Supplement, Section 120.17, Subdivision 1.

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

The question being taken on the repassage of the bill and the roll being called, there were yeas 127, and nays 0, as follows:

Those who voted in the affirmative were:

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

H. F. No. 429, A bill for an act relating to labor; increasing the minimum wage; amending Minnesota Statutes 1974, Section 177.24.

PATRICK E. FLAHAVEN, Secretary of the Senate

## CONCURRENCE AND REPASSAGE

Faricy moved that the House concur in the Senate amendments to H. F. No. 429 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 429, A bill for an act relating to labor; increasing the minimum wage; amending Minnesota Statutes 1974, Sections 177.24; and 177.28, Subdivision 3.

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

The question being taken on the repassage of the bill and the roll being called, there were yeas 111, and nays 14, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Albrecht	Esau	Friedrich	Kvam	Peterson
Eckstein	Fjoslien	Kaley	Nelsen	Zubay
Erickson	Forsythe	Kalis	Niehaus	

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

Mr. Speaker:

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

H. F. No. 290, A bill for an act relating to sex discrimination; abolishing discrimination on the basis of sex in certain insurance laws; amending Minnesota Statutes 1974, Sections 61A.12, Subdivisions 2 and 4; 62A.041; 62C.14, Subdivision 5a; 69.40; 69.41; and 69.48.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Clark moved that the House concur in the Senate amendments to H. F. No. 290 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 290, A bill for an act relating to sex discrimination; abolishing discrimination on the basis of sex in certain insurance laws; amending Minnesota Statutes 1974, Sections 61A.12, Subdivisions 2 and 4; 62A.041; 62C.14, Subdivision 5a; 69.41; 69.48; and Minnesota Statutes, 1975 Supplement, Section 69.40.

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

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

Mr. Speaker:

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

H. F. No. 447, A bill for an act relating to real estate brokers and salespersons; authorizing establishment of special licenses applicable solely to the rental or management of real estate; amending Minnesota Statutes 1974, Sections 82.20, Subdivision 1; and 82.22, Subdivision 6.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Williamson moved that the House concur in the Senate amendments to H. F. No. 447 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 447, A bill for an act relating to real estate brokers and salespersons; authorizing establishment of special licenses applicable solely to the rental or management of real estate; exempting corporate officers from certain licensing requirements; amending Minnesota Statutes 1974, Section 82.20, Subdivisions 1 and 13; and Minnesota Statutes, 1975 Supplement, Sections 82.18; and 82.22, Subdivision 6.

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 127, and nays 0, as follows:

Those who voted in the affirmative were:

Abeln	Cassery	Friedrich	Kempe, A.	McEachern
Adams, L.	Clark	Fudro	Kempe, R.	Menning
Adams, S.	Clawson	Fugina	Ketola	Metzen
Albrecht	Corbid	George	Knickerbocker	Moe
Anderson, G.	Dahl	Hanson	Knoll	Munger
Anderson, I.	Dean	Heinitz	Kostohryz	Neisen
Arlandson	DeGroat	Hokanson	Kroening	Nelsen
Beauchamp	Dieterich	Jacobs	Kvam	Nelson
Begich	Doty	Jaros	Laidig	Niehaus
Berg	Eken	Jensen	Langseth	Norton
Berglin	Enebo	Johnson, D.	Lemke	Novak
Biersdorf	Erickson	Jopp	Lindstrom	Osthoff
Birnstihl	Esau	Jude	Luther	Parish
Braun	Evans	Kahn	Mangan	Patton
Brinkman	Ewald	Kaley	Mann	Pehler
Byrne	Faricy	Kalis	McCarron	Peterson
Carlson, L.	Fjoslien	Kelly, R.	McCauley	Petrafeso
Carlson, R.	Forsythe	Kelly, W.	McCollar	Philbrook

Pleasant	Schreiber	Skoglund	Ulland	Wieser
Prahl	Schumacher	Smith	Vanasek	Wigley
Reding	Setzepfandt	Smogard	Vento	Williamson
Rice	Sherwood	Spanish	Volk	Zubay
St. Onge	Sieben, H.	Stanton	Voss	Speaker Sabo
Samuelson	Sieben, M.	Suss	Wenstrom	
Sarna	Sieloff	Swanson	Wenzel	
Savelkoul	Simoneau	Tomlinson	White	

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

#### PROGRESS REPORTS ON CONFERENCE COMMITTEES

Pursuant to Joint Rule 13, Sieben, H., reported on the progress of H. F. No. 109, now in Conference Committee.

Pursuant to Joint Rule 13, Casserly reported on the progress of S. F. No. 1383, now in Conference Committee.

The following conference committee report was received.

#### CONFERENCE COMMITTEE REPORT ON H. F. NO. 1530

A bill for an act relating to metropolitan land use and planning; providing certain requirements and procedures for local governmental units and school districts in the metropolitan area; providing interim zoning; amending Minnesota Statutes 1974, Section 462.365, by adding a subdivision; Minnesota Statutes, 1975 Supplement, Section 473.175.

March 22, 1976

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

We, the undersigned conferees for H. F. No. 1530 report that we have agreed upon the items in dispute and recommend as follows:

That the senate recede from its amendments and that everything after the enacting clause be stricken and the following inserted:

"Section 1. [LEGISLATIVE FINDINGS AND PURPOSE.]  
*The legislature finds and declares that the local governmental units within the metropolitan area are interdependent, that the growth and patterns of urbanization within the area create the need for additional state, metropolitan and local public services*

and facilities and increase the danger of air and water pollution, and that developments in one local governmental unit may affect the provision of regional capital improvements for sewers, transportation, airports and regional recreation open space. Since problems of urbanization and development transcend local governmental boundaries, there is a need for the adoption of coordinated plans, programs and controls by all local governmental units and school districts in order to protect the health, safety and welfare of the residents of the metropolitan area and to ensure coordinated, orderly and economic development. Therefore, it is the purpose of sections 1 to 23 to (1) establish requirements and procedures to accomplish comprehensive local planning with land use controls consistent with planned, orderly and staged development and the metropolitan system plans, and (2) to provide assistance to local governmental units and school districts within the metropolitan area for the preparation of plans and official controls appropriate for their areas and consistent with metropolitan system plans.

Sec. 2. [DEFINITIONS.] Subdivision 1. As used in sections 1 to 23, the following terms shall have the meanings given them.

Subd. 2. "Advisory metropolitan land use committee" or "advisory committee" means an advisory committee established by the metropolitan council pursuant to section 3.

Subd. 3. "Applicable planning statute" means sections 394.21 to 394.37 for counties and sections 462.351 to 462.364 for cities and towns.

Subd. 4. "Capital improvement program" means an itemized program for a five year prospective period, and any amendments thereto, subject to at least biennial review, setting forth the schedule, timing, and details of specific contemplated capital improvements by year, together with their estimated cost, the need for each improvement, financial sources, and the financial impact that the improvements will have on the local governmental unit or school district.

Subd. 5. "Comprehensive plan" means the comprehensive plan of each local governmental unit described in sections 8 to 12, and any amendments to the plan.

Subd. 6. "Fiscal devices" means the valuation of property pursuant to section 273.111, the designation of urban and rural service districts, pursuant to section 272.67, and the establishment of development districts pursuant to sections 472A.01 to 472A.13, and any other statutes authorizing the creation of districts in which the use of tax increment bonding is authorized.

Subd. 7. "Local governmental unit" or "unit" means all cities, counties and towns lying in whole or in part within the metropolitan area, but does not include school districts.



Subd. 8. "Metropolitan system plans" means the airports portion of the metropolitan development guide and the policy plans, development programs and capital budgets for metropolitan waste control, transportation, and regional recreation open space.

Subd. 9. "Official controls" or "controls" means ordinances and regulations which control the physical development of a city, county or town or any part thereof or any detail thereof and implement the general objectives of the comprehensive plan. Official controls may include ordinances establishing zoning, subdivision controls, site plan regulations, sanitary codes, building codes and official maps.

Subd. 10. "Private sewer facility" means a single lot, multiple lot or other sewage collection or treatment facility owned, constructed or operated by any person other than a local governmental unit or the metropolitan waste control commission.

Subd. 11. "School district" has the meaning given it by section 120.02, subdivisions 14 and 15, and includes any independent or special school district whose administrative offices are located within the metropolitan area as of the effective date of this act.

Sec. 3. [ADVISORY COMMITTEE.] The council shall establish an advisory metropolitan land use committee pursuant to section 473.127, comprised of 16 members, one from each council district, and as many additional members as are necessary to provide representation from each metropolitan county, plus a chairman. At least one half of the members of the advisory committee shall be elected officials of local governmental units. The members shall be appointed for the same period as the term of the council member for the district in which the member resides.

Sec. 4. [GUIDELINES.] The council shall prepare and adopt guidelines and procedures relating to the requirements and provisions of sections 1 to 23 which will provide assistance to local governmental units and school districts in accomplishing the provisions of sections 1 to 23.

Sec. 5. [METROPOLITAN SYSTEM STATEMENT.] By July 1, 1977, the council shall transmit to each local governmental unit a metropolitan system statement and to each school district a statement comprised of the parts of metropolitan system statements affecting the school district. In the preparation of the metropolitan system statement, the council shall consult with appropriate commissions and officials of the unit. The statement shall contain information relating to the unit and appropriate surrounding territory that the council determines necessary for the unit to consider in preparing its comprehensive plan, including the following:

(a) The timing, character, function, location, projected capacity and conditions on use, for existing or planned metropoli-

*tan public facilities, as specified in metropolitan system plans, and for state and federal public facilities to the extent known to the council;*

*(b) The population, employment and housing need projections which have been used by the council as a basis for its metropolitan system plans;*

*(c) Any parts of the land use plan, public facilities plan or implementation program which may be excluded from the plan of the local governmental unit. The exclusion of parts shall be based on the nature and character of existing and projected development within each local governmental unit and on policies, statements, and recommendations contained in metropolitan system plans.*

**Sec. 6. [METROPOLITAN SYSTEM STATEMENTS; AMENDMENTS.]** *Local governmental units shall consider in their initial comprehensive plans submitted to the council, and school districts shall consider in their initial capital improvement programs submitted to the council, any amendments or modifications to metropolitan system plans which were made by the council and transmitted prior to January 1, 1978. Thereafter within nine months after receiving an amendment to a metropolitan system plan, each affected local governmental unit shall review its comprehensive plan and each affected school district shall review its capital improvement program to determine if an amendment is necessary to ensure continued conformity with metropolitan system plans. If an amendment is necessary, the governmental unit or school district shall prepare the amendment and submit it to the council for review pursuant to sections 1 to 23.*

**Sec. 7. [SYSTEM STATEMENTS; RECONCILIATION PROCEDURES.]** *Subdivision 1. If a local governmental unit or school district and the council are unable to resolve disagreements over the content of a system statement, the unit or district may by resolution request that a hearing be conducted by the advisory committee or by the state office of hearing examiners for the purpose of considering amendments to the system statement. The request shall be made by the unit or district within 60 days after receipt of the system statement and shall be accompanied by a description of the disagreement together with specified proposed amendments to the system statement. If no request for a hearing is received by the council within 60 days, the statement shall be final.*

*Subd. 2. A hearing shall be conducted within 60 days after the request, provided that the committee shall consolidate hearings on related requests. The hearing shall not consider the need for or reasonableness of the metropolitan system plans or parts thereof. The hearing shall afford all interested persons an opportunity to testify and present evidence. The advisory com-*

mittee or hearing examiner may employ the appropriate technical and professional services of the state planning agency for the purpose of evaluating disputes of fact. The proceedings shall not be deemed a contested case. Within 30 days after the hearing, the committee or hearing examiner shall report to the council respecting the proposed amendments to the system statements. The report shall contain findings of fact, conclusions, and recommendations and shall apportion the costs of the proceedings among the parties.

Subd. 3. Within 30 days of receipt of the report, the council, by resolution containing findings of fact and conclusions, shall make a final determination respecting the proposed amendments. At any point in the reconciliation procedure established by this section, the council and a local governmental unit or district may resolve their disagreement by stipulation.

Sec. 8. [COMPREHENSIVE PLANS; LOCAL GOVERNMENTAL UNITS.] Subdivision 1. Within three years following the receipt of the metropolitan system statement, every local governmental unit shall have prepared a comprehensive plan in accordance with sections 1 to 23 and the applicable planning statute and shall have submitted the plan to the metropolitan council for review pursuant to section 14. The provisions of sections 1 to 23 shall supersede the provisions of the applicable planning statute wherever a conflict may exist.

Subd. 2. Local governmental units shall submit their proposed plans to adjacent governmental units and affected school districts for review and comment at least six months prior to submission of the plan to the council and shall submit copies to them on the submission of the plan to the council.

Subd. 3. The plans shall be submitted to the council following approval by the planning commission of the unit and after consideration but before final approval by the governing body of the unit.

Subd. 4. Comprehensive plans, capital improvement programs, sewer policy plans and official controls of local governmental units adopted prior to the requirements of sections 1 to 23 shall remain in force and effect until amended, repealed or superseded by plans or controls adopted pursuant to sections 1 to 23. Existing comprehensive plans, capital improvement programs, sewer policy plans, and official controls may be amended and new capital improvement programs and official controls may be prepared and adopted prior to the submission to the council of comprehensive plans required by sections 1 to 23.

Sec. 9. [COMPREHENSIVE PLAN CONTENT.] Subdivision 1. The comprehensive plan shall contain objectives, policies, standards and programs to guide public and private land use, development, redevelopment and preservation for all lands

and waters within the jurisdiction of the local governmental unit through 1990 and may extend through any year thereafter which is evenly divisible by five. Each plan shall specify expected industrial and commercial development, planned population distribution, and local public facility capacities upon which the plan is based. Each plan shall contain a discussion of the use of the public facilities specified in the metropolitan system statement and the effect of the plan on adjacent local governmental units and affected school districts. Existing plans and official controls may be used in whole or in part following modification, as necessary, to satisfy the requirements of sections 1 to 23. The comprehensive plan may contain any additional matter which may be included in a comprehensive plan of the local governmental unit pursuant to the applicable planning statute.

**Subd. 2. [LAND USE PLAN.]** A land use plan shall designate the existing and proposed location, intensity and extent of use of land and water for agricultural, residential, commercial, industrial and other public and private purposes, or any combination of such purposes. A land use plan shall contain a protection element, as appropriate, for historic sites and the matters listed in section 473.204. A land use plan shall also include a housing element containing standards, plans and programs for providing adequate housing and opportunities to meet existing and projected local and regional housing needs, including but not limited to the use of official controls and land use planning to promote the availability of land for the development of low and moderate income housing.

**Subd. 3. [PUBLIC FACILITIES PLAN.]** A public facilities plan shall describe the character, location, timing, sequence, function, use and capacity of existing and future public facilities of the local governmental unit. A public facilities plan must be in at least such detail as may be necessary to establish existing or potential effects on or departures from metropolitan system plans and to protect metropolitan system plans. A public facilities plan shall contain at least the following parts:

(a) A transportation plan describing, designating and scheduling the location, extent, function and capacity of existing and proposed local public and private transportation services and facilities;

(b) A sewer policy plan describing, designating and scheduling the areas to be sewered by the public system, the existing and planned capacities of the public system, the standards and conditions under which the installation of private sewer systems will be permitted, and to the extent practicable, the areas not suitable for public or private systems because of public health, safety and welfare considerations;

(c) A parks and open space plan describing, designating and scheduling the existing and proposed parks and recreation open spaces within the jurisdiction.

*Subd. 4. [IMPLEMENTATION PROGRAM.] An implementation program shall describe public programs, fiscal devices and other specific actions to be undertaken in stated sequence to implement the comprehensive plan and ensure conformity with metropolitan system plans. An implementation program must be in at least such detail as may be necessary to establish existing or potential effects on or departures from metropolitan system plans and to protect metropolitan system plans. An implementation program shall contain at least the following parts:*

*(a) A description of official controls, addressing at least the matters of zoning, subdivision, and private sewer systems, and a schedule for the preparation, adoption, and administration of such controls.*

*(b) A capital improvement program for transportation, sewers, parks and open space facilities.*

*(c) A housing implementation program, including official controls to implement the housing element of the land use plan, which will provide sufficient existing and new housing to meet the local unit's share of the metropolitan area need for low and moderate income housing.*

*Subd. 5. [URBANIZATION AREAS.] The comprehensive plans may designate, when appropriate, five year urbanization areas and shall specify in the capital improvement program the timing and sequence of major local public facilities and in the implementation program official controls which will ensure that urbanization occurs only in urbanization areas and in accordance with the plan.*

*Sec. 10. [CITIES.] Except as provided in the metropolitan system statement, comprehensive plans of cities shall include the matters specified in section 9.*

*Sec. 11. [TOWNS.] Subdivision 1. Except as provided in the metropolitan system statement, comprehensive plans of towns shall include the matters specified in section 9.*

*Subd. 2. By December 31, 1976, each town within the counties of Anoka, Carver, Dakota, Scott and Washington, authorized to plan under sections 462.351 to 462.364, or under special law, shall by resolution determine whether it will prepare the comprehensive plan for its jurisdiction. Each such town also shall specify, pursuant to agreement with the county within which it is situated, any parts of its plan and official controls, if any, the preparation of which it delegates to the county.*

*Subd. 3. Towns within counties which have adopted comprehensive plans applicable to the town shall, to the maximum extent, use county preparation of their comprehensive plans.*

**Sec. 12. [COUNTIES.]** *Subdivision 1. Comprehensive plans of counties shall contain at least the following:*

(a) *Except for the counties of Hennepin and Ramsey, a land use plan as specified in section 9, subdivision 2, for all unincorporated territory within the county;*

(b) *A public facilities plan which shall include all appropriate matters specified in section 9, subdivision 3, including a transportation plan, and a description of existing and projected solid waste disposal sites and facilities;*

(c) *An implementation program, as specified in section 9, subdivision 4.*

*Subd. 2. Each county other than Hennepin and Ramsey shall prepare, with the participation and assistance of the town, the comprehensive plan for any town within the county which fails by December 31, 1976, to take action by resolution pursuant to section 11, subdivision 2 and shall prepare all or part of any plan delegated to it pursuant to section 11, subdivision 2.*

*Subd. 3. Each county other than Hennepin and Ramsey shall prepare, with the participation and assistance of the town, the comprehensive plan for each town within the county not authorized to plan under sections 462.351 to 462.364, or under special law.*

**Sec. 13. [SCHOOL DISTRICTS; CAPITAL IMPROVEMENT PROGRAMS.]** *Subdivision 1. By January 1, 1980, each school district as defined in section 2, subdivision 11, shall prepare and submit to the metropolitan council, for review pursuant to section 14, a capital improvement program, which shall include a description of existing facilities, projected population and facility needs and objectives, proposed new school sites, buildings, and building additions with a cost of more than \$200,000 and the effect of the program on adjacent school districts and affected local governmental units.*

*Subd. 2. Each school district shall submit its capital improvement program for review and comment to the local governmental units lying in whole or in part within the district and to adjacent school districts at least nine months prior to the submission of the program to the council. The local governmental units and adjacent districts shall review the program and provide comments to the school district and the council within 90 days on the compatibility of the program with the proposed comprehensive plans of the local governmental units and the capital improvement programs of the school districts.*

*Subd. 3. The capital improvement programs shall be submitted to the council after consideration but before final approval by the governing body of the district.*

*Subd. 4. Capital improvement programs of school districts adopted prior to the requirements of sections 1 to 23 shall remain in force and effect until amended, repealed, or superseded by programs adopted pursuant to sections 1 to 23. Existing programs may be amended as appropriate and new programs prepared and adopted prior to the submission to the council of programs required by sections 1 to 23. Existing programs may be used in whole or in part following modification, as necessary, to satisfy the requirements of sections 1 to 23.*

Sec. 14. Minnesota Statutes, 1975 Supplement, Section 473.175, is amended to read:

473.175 [COUNCIL REVIEW; COMPREHENSIVE PLANS; SCHOOL DISTRICT CAPITAL IMPROVEMENT PROGRAMS.] (EACH CITY, TOWN, AND COUNTY ALL OR PART OF WHICH LIES WITHIN THE METROPOLITAN AREA, SHALL SUBMIT TO THE METROPOLITAN COUNCIL FOR WRITTEN COMMENT AND RECOMMENDATION THEREON ITS PROPOSED LONG-TERM COMPREHENSIVE PLANS, INCLUDING BUT NOT LIMITED TO PLANS FOR LAND USE. THE PROPOSED PLANS SHALL BE SUBMITTED TO THE COUNCIL AFTER THEIR APPROVAL BY THE PLANNING COMMISSION OF THE LOCAL GOVERNMENT UNIT AND BEFORE FINAL APPROVAL BY THE GOVERNING BODY OF THE CITY, TOWN, OR COUNTY. THE COUNCIL SHALL MAINTAIN SUCH PLANS IN ITS FILES AVAILABLE FOR INSPECTION BY MEMBERS OF THE PUBLIC.) *Subdivision 1. The council shall review the comprehensive plans of local governmental units and the capital improvement programs of school districts, prepared and submitted pursuant to sections 1 to 23 of this act, to determine their compatibility with each other and conformity with metropolitan system plans. The council shall review and comment on the apparent consistency of the comprehensive plans and capital improvement programs with other adopted chapters of the metropolitan development guide. The council may require a local governmental unit to modify any comprehensive plan or part thereof which may have a substantial impact on or contain a substantial departure from metropolitan system plans.*

*Subd. 2. Within 120 days following receipt of a capital improvement program of a school district, unless a time extension is mutually agreed to, the council shall return to the school district a statement containing its comments. Within 120 days following receipt of a comprehensive plan of a local governmental unit, unless a time extension is mutually agreed to, the council shall return to the local governmental unit a statement containing its comments and, by resolution, its decision, if any, to require modifications to assure conformance with the metropolitan system plans. No (LOCAL GOVERNMENT) action shall be taken by any local governmental unit or school district to place any such comprehensive plan, capital improvement program or*

part thereof into effect until (90 DAYS HAVE ELAPSED AFTER ITS SUBMISSION TO THE COUNCIL) *the council has returned the statement to the unit or district and until the local governmental unit has incorporated any modifications in the plan required by a final decision, order, or judgment made pursuant to section 17.* Promptly after submission, the council shall notify each city, town, county, or special district which may be affected by the plans or programs submitted, of the general nature of the (PLAN) *plans or programs*, the date of submission, and the identity of the submitting unit or district. Political subdivisions contiguous to or within the submitting unit or district shall be notified in all cases. Within 30 days after receipt of such notice any governmental unit or district so notified or the local governmental unit or district submitting the plan or program may request the council to conduct a hearing at which the submitting unit or district and any other governmental unit or subdivision may present its views. The council may attempt to mediate and resolve differences of opinion which exist among the participants in the hearing with respect to the plans or programs submitted. If within (90) 120 days, *unless a time extension is mutually agreed to*, the council fails to complete its written (COMMENTS AND RECOMMENDATIONS) *statement* the plans or programs shall be deemed approved and may be placed into effect. Any (MAJOR ALTERATION) *amendment* to a plan or program subsequent to the council's review shall be submitted to and acted upon by the council in the same manner as the original plan or program. The written (COMMENTS AND RECOMMENDATIONS) *statement* of the council shall be filed with the plan of the local government unit or the program of the school district at all places where the plan or program is required by law to be kept on file.

*Subd. 3. If a local governmental unit fails to adopt a comprehensive plan in accordance with sections 1 to 23 of this act or if the council after a public hearing by resolution finds that a plan substantially departs from metropolitan system plans and that the local governmental unit has not adopted a plan with modifications required pursuant to section 17 within nine months following a final decision, order, or judgment made pursuant to section 17, the council may commence civil proceedings to enforce the provisions of sections 1 to 23 by appropriate legal action in the district court where the local governmental unit is located.*

**Sec. 15. [PLANS AND PROGRAMS; ADOPTION; AMENDMENT.]** *Subdivision 1. Each local governmental unit shall adopt its comprehensive plan with required modifications within nine months following a final decision, order, or judgment made pursuant to section 17. Each school district shall adopt its capital improvement program, after receiving and considering the council's review statement sent pursuant to section 14 and making any amendments which the school district determines may be appropriate.*



Subd. 2. Amendments to comprehensive plans of local governmental units and to capital improvement programs of school districts shall be prepared, submitted, and adopted in the same manner as the original plans and programs.

Sec. 16. [IMPLEMENTATION OF PLANS.] Subdivision 1. Each local governmental unit shall adopt official controls as described in its adopted comprehensive plan and shall submit copies of the official controls to the council within 30 days following adoption thereof, for information purposes only.

Subd. 2. A local governmental unit shall not adopt any official control or fiscal device which is in conflict with its comprehensive plan or which permits activity in conflict with metropolitan system plans.

Subd. 3. If an official control conflicts with a comprehensive plan as the result of an amendment to the plan, the official control shall be amended by the unit within nine months following the amendment to the plan so as to not conflict with the amended comprehensive plan.

Sec. 17. [CONTESTED CASES; ADMINISTRATIVE AND JUDICIAL REVIEW.] The council's decision to require modification under section 14 may be contested by the affected local governmental unit. The unit shall have 60 days within which to request a hearing on the council's decision to require modification. If within 60 days the unit has not requested a hearing, the council shall make its final decision with respect to the required modifications. If an affected unit requests a hearing, the request for hearing shall be granted, and the hearing shall be conducted within 60 days by the state office of hearing examiners in the manner provided by chapter 15 for contested cases. The subject of the hearing shall not extend to questions concerning the need for or reasonableness of the metropolitan system plans or any part thereof. In the report of the hearing examiner the costs of the hearing shall be apportioned among the parties to the proceeding. Within 30 days after the receipt of the report the council shall, by resolution containing findings of fact and conclusions, make a final decision with respect to the required modifications of the comprehensive plan. Any party to the proceeding aggrieved by the decision of the council may appeal to the court in the manner provided in chapter 15 for contested cases. The record on appeal shall consist of: (1) the hearing examiner's record and report, and (2) the findings, conclusions and final decision of the council. The scope of review shall be that of section 15.0425, provided that: (1) the court shall not give preference to either the hearing examiner's record and report or the findings, conclusions and final decision of the council, and (2) the decision of the court shall be based upon a preponderance of the evidence as contained in the record on appeal. The costs of the appeal shall be apportioned by the court.

**Sec. 18. [PLANNING ASSISTANCE; GRANTS; LOANS.]**

*Subdivision 1. The council shall prepare and provide advisory materials, model plan provisions and official controls, and on the request of a local governmental unit may provide assistance, to accomplish the purposes of sections 1 to 23. The council may also provide specific technical and legal assistance in connection with the preparation, adoption and defense of plans, programs, and controls.*

*Subd. 2. The council shall establish a planning assistance fund as a separate bookkeeping account in its general fund for the purpose of making grants and loans to local governmental units under this section. The council shall adopt uniform procedures for the award, disbursement and repayment of grants and loans.*

*Subd. 3. Local governmental units may apply, contract for and receive loans and grants as provided herein, and the provisions of chapter 475 shall not apply to loans made pursuant hereto. Applications for grants and loans shall be submitted to the council describing the activities for which the grant or loan funds will be used; the persons which the grantee or borrower plans to use in performing the grant contract; services and activities which will be paid for by funds of the grantee or borrower; the grantee or borrower's need and ability to pay for the contract services; and other information as the council may reasonably request. Grants and loans shall be made subject to contracts between the council and the recipient specifying the use and disbursement of the funds and, for loans, the terms and conditions of repayment, and other appropriate matters. In making grants and loans, the council shall base its decisions on the recipient's demonstrated need and available financial resources.*

*Subd. 4. Grants shall not exceed 75 percent of the total costs and expenses of the project, service or activity for which a grant is awarded.*

*Subd. 5. Loans made by the council shall be payable on such terms and conditions as the council determines appropriate, provided that no loan shall carry an interest rate nor be for a term in excess of five years. Funds received in payment of loans shall be credited to the planning assistance fund and shall be used for additional loans or grants under this section.*

**Sec. 19. [HOUSING.]** *Subdivision 1. The legislature finds and determines that there is a need for housing in the metropolitan area, that an increasingly large majority of the residents of the metropolitan area are unable to afford housing, and that it is in the public interest that, for certain portions of the buildable residential land, the official controls imposed on development by municipalities in the metropolitan area be required to permit the construction of modest cost housing by the private sector which could be afforded by a significant portion of the families in the metropolitan area.*

*Subd. 2. As used in this section, "buildable residential land" means land within a municipality which is suitable for development, zoned for a residential use, which has access to sewer and water service, and for which no building permit has been issued.*

*Subd. 3. The chairman of the council shall establish a modest cost private housing advisory committee consisting of not more than 15 persons consisting of local elected officials, consumers and persons experienced in the field of housing construction, trades and management and mortgage banking, plus ex-officio members as the chairman of the council may determine, to provide advice and make recommendations on the effects of governmental regulations, taxes, financing and housing industry practices on the costs of housing. The committee shall investigate and make recommendations on all matters necessary including standards and criteria for modest cost private housing as follows:*

*(1) A zoning classification and ordinances that take into account minimum and maximum single family lot sizes.*

*(2) Building requirements contained within the state building code.*

*(3) Minimum and maximum square foot area requirements for single family homes.*

*(4) The requirement of a single family garage and off-street parking requirements.*

*(5) Zoning classification and ordinances that take into account density requirements for multi family construction.*

*(6) Minimum and maximum square foot floor areas for multi family units.*

*(7) Requirements of garages for multi family units, credits for garage inclusion and off-street parking requirements.*

*Subd. 4. On or before January 15, 1977, the council shall, following public hearings, submit to the legislature a report on the findings of the committee and the council's recommendations for ensuring an adequate supply of modest cost private housing.*

**Sec. 20. [EXTENSION.]** A local governmental unit may by resolution request that the council extend the time for fulfilling the requirements of sections 1 to 23. A request for extension shall be accompanied by a description of the activities previously undertaken by a local governmental unit in fulfillment of the requirements of sections 1 to 23, and an explanation of the reasons necessitating and justifying the request. Upon a finding of exceptional circumstances or undue hardship, the

*council may, in its discretion, grant by resolution a request for extension and may attach reasonable requirements or conditions to the extension.*

Sec. 21. Minnesota Statutes 1974, Section 462.355, is amended by adding a subdivision to read:

*Subd. 4. [INTERIM ORDINANCE.] If a municipality is conducting or in good faith intends to conduct studies within a reasonable time or has held or has scheduled a hearing for the purpose of considering adoption or amendment of a comprehensive plan or official controls as defined in section 2, or if new territory for which plans or controls have not been adopted is annexed to a municipality, the governing body of the municipality may adopt an interim ordinance applicable to all or part of its jurisdiction for the purpose of protecting the planning process and the health, safety and welfare of its citizens. The interim ordinance may regulate, restrict or prohibit any use or development within the jurisdiction for a period not to exceed one year from the date it is created, and may be renewed for one additional year.*

Sec. 22. [EXEMPTION FROM LEVY LIMIT.] Subdivision 1. *The increased costs to a municipality of implementing section 8, subdivisions 1 to 3, and sections 9 to 12, 14, and 17 shall be deemed a special levy under section 275.50, subdivision 5.*

*Subd. 2. The proceeds of any tax levied under this section shall be deposited in the municipal treasury in a separate fund and expended only for the purposes authorized by this section.*

Sec. 23. [NEW MUNICIPAL SEWER SYSTEMS.] *Notwithstanding the provisions of sections 1 to 23 the council shall have no authority under chapter 473 to require a local governmental unit to construct a new sewer system.*

Sec. 24. Minnesota Statutes, 1975 Supplement, Section 473.121, Subdivision 1, is amended to read:

473.121 [DEFINITIONS.] Subdivision 1. *For the purposes of (SECTIONS 473.121 TO 473.823) chapter 473, the terms defined in this section have the meanings given them in this section, except as otherwise expressly provided or indicated by the context.*

Sec. 25. *This act applies in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott and Washington.*

Sec. 26. [EFFECTIVE DATE.] *This act is effective on the day following its final enactment."*

Further, delete the title and insert:

"A bill for an act relating to land planning in the metropolitan area; requiring local adoption of minimum plans and controls; providing for limited council review and acceptance prior to the adoption of such plans and controls; providing for an advisory metropolitan land planning committee; providing for the enforcement of adopted local plans and controls; including certain expenses in the definition of special levy; providing for interim zoning; amending Minnesota Statutes 1974, Section 462.355, by adding a subdivision; and Minnesota Statutes, 1975 Supplement, Sections 473.121, Subdivision 1; and 473.175."

We request adoption of this report and repassage of the bill.

House Conferees: JAMES R. CASSERLY, TOM K. BERG, WILLIAM H. SCHREIBER, HARRY A. SIEBEN, JR. and WILLIS R. EKEN.

Senate Conferees: JOHN C. CHENOWETH, HUBERT H. HUMPHREY III, RALPH R. DOTY, ROLF NELSON and JOHN B. KEEFE.

Casserly moved that the report of the Conference Committee on H. F. No. 1530 be adopted and that the bill be repassed as amended by the Conference Committee.

Sieben, M., moved that the House refuse to adopt the Conference Committee report on H. F. No. 1530, and that the bill be returned to Conference Committee.

A roll call was requested and properly seconded.

The question was taken on the motion and the roll being called, there were yeas 44, and nays 84, as follows:

Those who voted in the affirmative were:

Anderson, I.	Evans	Kempe, A.	Menning	Sherwood
Biersdorf	Fjoslien	Kempe, R.	Metzen	Sieben, M.
Birnstihl	Forsythe	Ketola	Neisen	Suss
Braun	Friedrich	Kvam	Nelsen	Vanasek
Clawson	Heinitz	Laidig	Niehaus	Wenstrom
DeGroat	Jensen	Lemke	Parish	Wenzel
Doty	Johnson, C.	Mangan	Peterson	Williamson
Eckstein	Jude	McCauley	Pleasant	Zubay
Esau	Kaley	McEachern	Reding	

Those who voted in the negative were:

Abeln	Byrne	Eken	Hokanson	Knoll
Adams, L.	Carlson, A.	Enebo	Jacobs	Kostohryz
Adams, S.	Carlson, L.	Erickson	Jaros	Kroening
Albrecht	Carlson, R.	Ewald	Johnson, D.	Langseth
Anderson, G.	Casserly	Faricy	Jopp	Lindstrom
Arlandson	Clark	Fudro	Kahn	Luther
Begich	Corbid	George	Kalis	Mann
Berg	Dahl	Graba	Kelly, R.	McCarron
Berglin	Dean	Hanson	Kelly, W.	McCollar
Brinkman	Dieterich	Haugerud	Knickerbocker	Moe

Munger	Petrafeso	Schulz	Skoglund	Vento
Nelson	Philbrook	Schumacher	Smith	Volk
Norton	Rice	Searle	Smogard	Voss
Novak	Samuelson	Setzepfandt	Stanton	White
Osthoff	Sarna	Sieben, H.	Swanson	Wigley
Patton	Savelkoul	Sieloff	Tomlinson	Speaker Sabo
Pehler	Schreiber	Simoneau	Ulland	

The motion did not prevail.

The question recurred on the adoption of the Conference Committee report on H. F. No. 1530. The motion prevailed.

H. F. No. 1530, A bill for an act relating to metropolitan land use and planning; providing certain requirements and procedures for local governmental units and school districts in the metropolitan area; providing interim zoning; amending Minnesota Statutes 1974, Section 462.365, by adding a subdivision; Minnesota Statutes, 1975 Supplement, Section 473.175.

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

The question being taken on the repassage of the bill and the roll being called, there were yeas 70, and nays 59, as follows:

Those who voted in the affirmative were:

Abeln	Corbid	Hokanson	McCollar	Schulz
Adams, L.	Dahl	Jacobs	Moe	Sieben, H.
Adams, S.	Dean	Jaros	Munger	Sieloff
Anderson, G.	Dieterich	Johnson, D.	Nelson	Simoneau
Arlandson	Eken	Kahn	Norton	Skoglund
Beauchamp	Enebo	Kelly, R.	Novak	Smogard
Berg	Ewald	Kelly, W.	Osthoff	Stanton
Berglin	Faricy	Knickerbocker	Patton	Swanson
Byrne	Fudro	Knoll	Pehler	Tomlinson
Carlson, A.	Fugina	Kostohryz	Petrafeso	Ulland
Carlson, L.	George	Kroening	Philbrook	Vento
Carlson, R.	Graba	Langseth	Rice	Voss
Casserly	Hanson	Luther	Sarna	Wenstrom
Clark	Haugerud	McCarron	Schreiber	Speaker Sabo

Those who voted in the negative were:

Albrecht	Esau	Kempe, R.	Nelsen	Sieben, M.
Anderson, I.	Evans	Ketola	Niehaus	Smith
Begich	Fjoslien	Kvam	Parish	Suss
Biersdorf	Forsythe	Laidig	Peterson	Vanasek
Birnstihl	Friedrich	Lemke	Pleasant	Volk
Braun	Heinitz	Mangan	Reding	Wenzel
Brinkman	Jensen	Mann	St. Onge	White
Clawson	Johnson, C.	McCauley	Samuelson	Wieser
DeGroat	Jopp	McEachern	Savelkoul	Wigley
Doty	Jude	Menning	Schumacher	Williamson
Eckstein	Kaley	Metzen	Searle	Zubay
Erickson	Kalis	Neisen	Setzepfandt	

The bill was repassed, as amended by Conference, 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 Chief Clerk.

#### REPORTS OF CHIEF CLERK

S. F. No. 855 and H. F. No. 1881, which had been referred to the Chief Clerk for comparison, were examined and found to be identical, except H. F. No. 1881 after the enacting clause reads:

"Section 1. Laws 1975, Chapter 13, Section 18, is amended to read:

Sec. 18. [473.173] [COUNCIL REVIEW; METROPOLITAN SIGNIFICANCE.] Subdivision 1. The council shall review all proposed matters of metropolitan significance to be undertaken by any private organization, independent commission, board or agency, local governmental unit, or any state agency in accordance with the regulations adopted pursuant to this section and the provisions of any other relevant statute.

Subd. 2. (WITHIN 12 MONTHS FOLLOWING APRIL 12, 1974) *By September 1, 1976*, the council shall adopt *and put into effect* regulations (PURSUANT TO THE ADMINISTRATIVE PROCEDURES ACT, MINNESOTA STATUTES, CHAPTER 15,) establishing standards (AND) , *guidelines and procedures* for determining whether any proposed matter is of metropolitan significance, and establishing a procedure for the review of (ALL PROPOSED MATTERS REQUIRED TO BE CONSIDERED AND REVIEWED BY THE COUNCIL) *and final determination on such matters in accordance with the powers and requirements set forth in this section.* (THESE REGULATIONS SHALL TAKE EFFECT ON JULY 1, 1975.) The purpose of these regulations shall be to promote the orderly and economic development, public and private, of the metropolitan area. (THE METROPOLITAN COUNCIL SHALL SUBMIT THE REGULATIONS ADOPTED PURSUANT TO THIS SECTION TO THE SESSION OF THE LEGISLATURE IN 1975 FOR APPROVAL. THE COUNCIL SHALL ESTABLISH AN ADVISORY COMMITTEE, CONSISTING OF ELECTED OFFICIALS OF LOCAL GOVERNMENTAL UNITS AND REP-

RESENTING ALL COUNCIL DISTRICTS EQUALLY, TO PROVIDE ADVICE AND MAKE RECOMMENDATIONS IN THE PREPARATION OF THESE REGULATIONS AND MAY THEREAFTER REVIEW AND MAKE RECOMMENDATIONS TO THE COUNCIL CONCERNING THE METROPOLITAN SIGNIFICANCE OF ANY PROPOSED MATTER CONSIDERED BY THE COUNCIL. THE REGULATIONS ADOPTED SHALL PROVIDE FOR A PUBLIC HEARING PRIOR TO THE DETERMINATION THAT AN ACTION IS OF METROPOLITAN SIGNIFICANCE.)

*Subd. 2a. The council shall establish an advisory committee comprised of 16 officials of local governmental units, one from each council district, plus a chairperson and such other members as may be necessary to ensure at least one representative from each metropolitan county, one from each generalized policy area identified in the development framework adopted by the council on March 27, 1975 and one from metropolitan school districts. Not less than one half of the members of the advisory committee shall be elected officials. The committee shall provide advice and make recommendations in the preparation and amendment of these regulations. The committee may review and make recommendations to the council concerning the metropolitan significance of any proposed matter considered by the council.*

Subd. 3. In developing the (ABOVE) regulations (ESTABLISHING STANDARDS AND GUIDELINES FOR DETERMINING METROPOLITAN SIGNIFICANCE) the council and the committee shall give consideration to all factors deemed relevant (TO THAT DETERMINATION) including *but not limited to* the following:

(1) The impact a proposed matter will have on the orderly, economic development, public and private, of the metropolitan area and its consistency with the *metropolitan* development guide;

(2) The relationship a proposed matter will have to the policy statement goals, standards, programs and other applicable provisions of the development guide;

(3) The impact a proposed matter will have policy plans adopted by the council and on the development programs and functions performed and to be performed by (THE) a *metropolitan* commission;

(4) Functions of municipal governments in respect to control of land use as provided for under the municipal planning act(;).

((5) SUCH OTHER FACTORS AS ARE DEEMED RELEVANT.)



Subd. 4. The regulations (ESTABLISHING A PROCEDURE FOR THE REVIEW OF PROPOSED MATTERS) shall include, (AMONG OTHER PROVISIONS) *without limitation, (THE FOLLOWING) provisions to effectuate and comply with the following powers and requirements:*

(1) No applicant shall be required to submit a proposed matter for review more than once unless it is materially altered.

(1a) *A public hearing shall be held prior to the final determination with regard to a proposed matter.*

(2) The council shall be empowered to suspend action on a proposed matter *during the period of review and for a period not to exceed 12 months following the issuance of its (RECOMMENDATION OR) final determination. In its final determination, the council may prescribe appropriate conditions with regard to a proposed matter which, if incorporated or complied with, would cause the council to remove the suspension.*

(3) The council's recommendation or determination concerning a proposed matter, including the determination as to its metropolitan significance, shall be issued within 90 days following its receipt of (AN ADEQUATELY SUPPORTED AND DOCUMENTED) *a proposal accompanied by adequate supporting information. To avoid duplication, the review may be suspended for not more than 90 days to await completion of review of a matter by another public agency.*

(4) The council shall be required to review a proposed matter upon request of an affected local governmental unit or metropolitan commission. The regulations shall include a procedure for review of a proposed matter upon petition by a specified number of residents of the metropolitan area *18 years of age or older.*

(5) The council shall be empowered to review all proposed matters of metropolitan significance regardless of whether the council has received a request from an affected body to conduct that review.

(6) The council shall review all proposed matters determined to be of metropolitan significance as to their consistency with the (COMPREHENSIVE) *airport portion of the metropolitan development guide (AND, IF APPROPRIATE, AN APPLICABLE POLICY PLAN), and the policy plans, development programs, and capital budgets for metropolitan waste control, transportation, and regional recreation open space, and as to adverse effects on other local governmental units.*

((7)) ANY MAJOR ALTERATION OR AMENDMENT TO THE REGULATIONS ADOPTED BY THE COUNCIL SHALL

BE DEVELOPED AND PROMULGATED BY THE COUNCIL IN THE SAME MANNER AS THE ORIGINAL REGULATIONS.)

((8)) (7) Previously approved policy plans and development programs and areas of operational authority of the metropolitan commissions shall not be subject to review under this section, except as specifically provided in section 17.

(8) *The regulations shall not incorporate recommendations made by the council pursuant to Minnesota Statutes, Chapter 116G.*

(9) *By November 1, 1976 the council shall reconsider each adopted comprehensive plan submitted to it prior to January 1, 1976 pursuant to Laws 1975, Chapter 13, Section 19, and shall either accept or reject each plan in whole or in part for the purposes of the review required or authorized by this section and the council's regulations promulgated pursuant thereto. Any such plan, or parts thereof, not rejected by the council by November 1, 1976 shall be deemed accepted by the council for the purposes of that review. For these purposes also, the council thereafter at its discretion may accept in whole or in part any adopted comprehensive plan submitted to it by a local governmental unit. Any adopted comprehensive plan of a city, county or town approved by the council, pursuant to a law requiring such plans or parts thereof to be prepared and submitted to the council for approval, shall be deemed accepted by the council for the purposes of the review required or authorized by this section and the council's regulations promulgated pursuant thereto.*

*If a plan is rejected by the council, within 90 days the council shall provide comments to the local unit of government indicating the council's specific objections to the plan. The local unit of government may submit an amended plan within 90 days of the receipt of the council's comments, for review. The council shall then review the amended plan within 90 days and either accept or reject the plan.*

Subd. 5. *The regulations and any major alteration or amendment thereto shall be developed and promulgated by the council in accordance with the provisions of this section and, to the extent not inconsistent or at variance with this section, in accordance with the administrative procedures act, Minnesota Statutes, Chapter 15, and regulations pursuant thereto. Once the development of all of the regulations has been completed by the council and the committee, and no later than 30 days prior to the date specified for their adoption, the council shall hold a public hearing for the purpose of considering the developed regulations and receiving comments and recommendations thereon. Notice of the hearing (, CONTAINING THE DEVELOPED REGULATIONS AND SUCH OTHER COMMENTS AS ARE DEEMED*

APPROPRIATE,) shall be published in (A NEWSPAPER OR) appropriate newspapers (CIRCULATED THROUGHOUT) of general circulation in the metropolitan area and mailed to all persons who have registered for that purpose under Minnesota Statutes, Chapter 15, appropriate state and regional agencies and all (LOCAL GOVERNMENTAL UNITS WHICH MAY BE AFFECTED BY THESE REGULATIONS) cities, counties, towns, school districts, and watershed districts within the metropolitan area no later than 30 days prior to the hearing. In adopting or amending the regulations the enactment of this section shall be deemed to establish or show the need for and to provide evidence in support of the regulations or amendments as required in Minnesota Statutes, Chapter 15, and regulations pursuant thereto, but the council shall prepare for distribution a written summary describing the basis for the composition of the draft regulations or amendments submitted for hearing and shall afford to all interested persons an opportunity at the hearing to question and make suggestions concerning their composition. Following the hearing, the council may revise the proposed regulations, giving consideration to all comments received, and thereafter the council shall finally adopt these regulations.

Subd. 6. The council and the advisory committee shall review and assess the regulations throughout the first year following their effective date and thereafter at least every two years. At least one public hearing shall be part of the review and assessment, in order to afford interested persons an opportunity to testify on the regulations and their effects and to propose amendments to the regulations. On or before January 15 of 1977 and of each odd-numbered year thereafter, the council shall report to the legislature concerning metropolitan significance, the effects of the regulations, proposed and recommended amendments to the regulations, testimony at public hearings, and other information and comments elicited during the review and assessment. The report shall also account for any amendments to the regulations that the council has adopted or proposes to adopt. The council may at its discretion make reports to the legislature on metropolitan significance other than those required by this section, but any such report shall be submitted to the legislature between January 1 and January 15. No major alteration or amendments to standards for determining the necessity for a comprehensive review shall be put into effect by the council until 90 days have elapsed following the report to the legislature in which the alteration or amendment was proposed and recommended by the council.

Sec. 2. This act applies to the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott and Washington.

Sec. 3. This act is effective the day following final enactment."

Whereas S. F. No. 855 after the enacting clause reads:

"Section 1. Laws 1975, Chapter 13, Section 18, Subdivision 2, is amended to read:

Subd. 2. (WITHIN 12 MONTHS FOLLOWING APRIL 12, 1974,) The council shall adopt regulations pursuant to the administrative procedures act, Minnesota Statutes, Chapter 15, establishing standards and guidelines for determining whether any proposed matter is of metropolitan significance, and establishing a procedure for the review of all proposed matters required to be considered and reviewed by the council. These regulations shall take effect on July 1, 1975. The purpose of these regulations shall be to promote the orderly and economic development, public and private, of the metropolitan area. The metropolitan council shall (SUBMIT THE REGULATIONS ADOPTED PURSUANT TO THIS SECTION TO THE SESSION OF THE LEGISLATURE IN 1975 FOR APPROVAL) *by January 15 of each succeeding year submit any change in the regulations adopted by the council pursuant to this section to the legislature for review.* The council shall establish an advisory committee, consisting of elected officials of local governmental units and representing all council districts equally, to provide advice and make recommendations in the preparation of these regulations and may thereafter review and make recommendations to the council concerning the metropolitan significance of any proposed matter considered by the council. The regulations adopted shall provide for a public hearing prior to the determination that an action is of metropolitan significance.

Sec. 2. [COMMITTEE TO STUDY GOVERNMENTAL STRUCTURE.] *A joint committee, consisting of members of the house local and urban affairs committee, the senate metropolitan and urban affairs committee, and the governmental operations committees of house and senate, is established to study governmental structure in the seven county metropolitan area.*

*The study shall include responsibility of city and county government, and the role and function of these units of government in relation to the metropolitan council.*

*The joint committee shall make a report to the 1977 session of the legislature."*

In the title H. F. No. 1881 reads:

"A bill for an act relating to metropolitan government; providing for metropolitan council review of matters of metropolitan significance; amending Laws 1975, Chapter 13, Section 18."

Whereas S. F. No. 855 in the title reads:

"A bill for an act relating to metropolitan government; authorizing council regulations establishing standards and guide-

lines 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."

#### SUSPENSION OF RULES

Casserly moved that the rules be so far suspended that S. F. No. 855 be substituted for H. F. No. 1881 and that the House File be indefinitely postponed. The motion prevailed.

#### REPORTS OF STANDING COMMITTEES

Norton from the Committee on Appropriations to which was referred:

H. F. No. 1120, A bill for an act relating to environment; providing for the assessment of the cost of preparing an environmental impact statement; appropriating money; amending Minnesota Statutes 1974, Chapter 116D, by adding a section.

Reported the same back with the following amendments:

Page 1, line 11, delete "*council*" and insert "*board*".

Page 1, line 11, after "*shall*" insert "*no later than January 1, 1977*".

Page 1, line 12, after "*of*" delete "*an*" and insert "*a specific*".

Page 1, line 14, after "*statement*" insert "*on that action*".

Page 1, line 16, delete "*such*".

Page 1, delete lines 17 to 19 and insert "*the rules promulgated by the board in accordance with subdivision 5.*".

Page 1, line 23, delete "*council*" and insert "*board*".

Page 2, line 4, delete "*council*" and insert "*board*".

Page 2, line 5, delete "*So much*".

Page 2, delete lines 6 to 13.

Page 2, after line 22 insert:

*"Subd. 5. For actions proposed by a private person, the assessed cost for preparation and distribution of the environmental impact statement shall not exceed .3 percent times that part of the total project cost in excess of one million dollars. The exemp-*

*tion of the first one million dollars in project cost shall not apply when a local government is designated the responsible agency.*

*Sec. 2. Sections 1 and 2 are effective the day following final enactment, except that section 1, subdivision 4, is not effective until February 15, 1977."*

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. 1940, A bill for an act relating to the legislature; establishing a legislative commission on the economic status of women; appropriating money.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert:

"Section 1. [ADVISORY COUNCIL ON THE ECONOMIC STATUS OF WOMEN.] Subdivision 1. An advisory council is hereby created to study and report on the economic status of women in Minnesota.

Subd. 2. The council shall consist of five members of the house of representatives appointed by the speaker, five members of the senate appointed by the committee on committees and eight citizens appointed by the governor. Members shall serve until the expiration date of this act or until the expiration of their legislative terms. The compensation of non-legislator members, their removal from office and the filling of vacancies shall be as provided in section 15.059. The persons appointed by the governor shall be representative of a range of economic interests and vocations and shall include persons who are not regularly employed on a full-time or part-time basis outside their homes.

Subd. 3. The council shall study all matters relating to the economic status of women in Minnesota, including but not limited to matters of credit, family support and inheritance laws relating to economic security of the homemaker, educational opportunities, career counseling, contributions of women to Minnesota's per capita and family income and state revenues, job and promotion opportunities, and laws and business practices constituting barriers to the full participation by women in the economy. Part of the study shall evaluate the impact on the family and the status of the woman working as a homemaker of state and federal laws and programs affecting women.

Subd. 4. The council shall report its findings and recommendations to the governor and the legislature not later than December 15, 1977.

Subd. 5. The council may hold meetings and hearings at the times and places it designates to accomplish the purposes set forth in this act. It shall select a chairman and other officers from its membership as it deems necessary.

Subd. 6. The legislative coordinating commission shall supply the council with necessary staff, office space and administrative services.

Sec. 2. [APPROPRIATION.] There is appropriated from the general fund to the legislative coordinating commission the sum of \$75,500 for the period ending December 31, 1977, to pay the expenses incurred by the commission.

Sec. 3. [REPEALER.] Minnesota Statutes 1974, Section 363.04, Subdivisions 7 and 8 are repealed.

Sec. 4. [EFFECTIVE DATE.] Sections 1 and 2 of this act shall be effective May 1, 1976 and shall expire December 31, 1977. Section 3 of this act shall be effective July 1, 1976."

Further, delete the title in its entirety and insert:

"A bill for an act relating to the legislature; establishing a council on the economic status of women; appropriating money; repealing Minnesota Statutes 1974, Section 363.04, Subdivisions 7 and 8."

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. 2137, A bill for an act relating to courts; providing a judicial advisory service for the county courts; appropriating money; amending Minnesota Statutes 1974, Chapter 487, by adding a section.

Reported the same back with the following amendments:

Page 1, line 17, delete "*Judges of the*".

Page 1, delete lines 18 and 19.

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. 2386, bill for an act relating to livestock sanitation; providing indemnification to owners of condemned cattle by reason of being nonreactors to the brucellosis test, or by reason of being exposed to brucellosis and not eligible for test; authorizing indemnity to owners of grade bulls slaughtered because of certain other dangerous diseases; amending Minnesota Statutes 1974, Section 35.09, Subdivision 2, and by adding a subdivision.

Reported the same back with the following amendments:

Page 4, line 9, delete "\$1,000" and insert "\$600".

Page 4, after line 16 insert:

*"Sec. 3. The sum of \$40,000 is appropriated from the general fund to the livestock sanitary board for the biennium ending June 30, 1977 for the purposes of this act."*

Further amend the title as follows:

Line 8, after the semicolon insert "appropriating money;"

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

The report was adopted.

Norton from the Committee on Appropriations to which was referred:

H. F. No. 2531, A bill for an act relating to appropriations; converting certain open appropriations for retirement to direct appropriations; abolishing other open appropriations for retirement; appropriating money; amending Minnesota Statutes 1974, Sections 3A.04, Subdivisions 3 and 4; 136.81, Subdivision 1; 352.04, Subdivision 5; 352B.25; 352C.03, Subdivision 2; 352C.04, Subdivision 3; 352C.09, Subdivision 2; 353.83; 354.55, Subdivision 5; 490.123, Subdivision 1; Minnesota Statutes, 1975 Supplement, Sections 3A.03, Subdivision 2; and 354A.12; repealing Minnesota Statutes 1974, Sections 3A.11, Subdivision 3; 352.73, Subdivision 4; 354.43, Subdivision 2; and 490.025, Subdivision 8.

Reported the same back with the following amendments:



Page 3, after line 4, insert:

"Sec. 4. Minnesota Statutes 1974, Chapter 16A, is amended by adding a section to read:

[16A.19] [RETIREMENT APPROPRIATIONS; DEFICIENCIES.] *In the event that a direct appropriation for retirement contributions is insufficient to meet the state's obligation under the program for which it is made for the fiscal year for which it is made, the agency to whom the appropriation was made shall certify to the committee on finance of the senate, the committee on appropriations of the house of representatives, and the commissioner of finance the amount necessary to meet the deficiency. Upon this certification, the commissioner of finance shall transfer the necessary amounts to the appropriate accounts. There is appropriated from the general fund in the state treasury to the commissioner of finance the amount necessary to make the transfers."*

Page 10, line 26 and 27, strike "*the amount of related employer contributions*".

Page 10, line 27, after "*association*" insert "*the amount of employer contributions related to portions of salaries paid from other than normal school operating funds*".

Page 13 and 14, delete all of section 19.

Renumber the sections in sequence.

Further amend the title as follows:

Line 11, after "Subdivision 1;" insert "Chapter 16A, by adding a section;"

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. 2564, A bill for an act relating to appropriations; abolishing open appropriations for various purposes; providing direct appropriations for debt service and for other purposes previously supported by open appropriations; amending Minnesota Statutes 1974, Sections 16.023; 16A.27; 84B.07; 176.183, Subdivision 2; 192.52; 268.06, Subdivision 25; 299D.03, Subdivision 1; 351.11; 352E.02; 355.46, Subdivision 3; 355.50; 481.15, Subdivision 2; Minnesota Statutes, 1975 Supplement, Section 136A.08, Subdivisions 1 and 2; and Laws 1973, Chapter 567,

Section 7; repealing Minnesota Statutes 1974, Sections 124.23; 136.508; 352E.05; 355.31 to 355.39; Minnesota Statutes, 1975 Supplement, Section 261.233.

Reported the same back with the following amendments:

Page 17, delete lines 2 to 5.

Page 17, delete lines 8 to 10.

Renumber the subdivisions accordingly.

Page 17, line 13, after "*Subdivision 6*" insert "*1,272,000*".

Page 18, line 20, delete "*136.508*" and insert "*136.507*".

Page 18, line 23, after "*Wisconsin*" insert "*4,900,000*".

Page 18, line 24, after "*Dakota*" insert "*850,000*".

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. 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.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert the following:

"Section 1. Minnesota Statutes 1974, Section 3.922, as amended by Laws 1975, Chapter 54, Section 1, is amended to read:

3.922 [INDIAN AFFAIRS INTERTRIBAL BOARD.] Subdivision 1. [CREATION, MEMBERSHIP.] There is created a state (COMMISSION ON) Indian affairs *intertribal board* to consist of the following *ex officio* members: The governor or a member of his official staff designated by him, the commissioner of education, the commissioner of public welfare, the commissioner of natural resources, the commissioner of human rights, (AND) the commissioner of economic development,

(WHO SHALL BE EX OFFICIO MEMBERS THEREOF, BUT) *the commissioner of corrections, and the commissioner of health each of whom may designate a member of his staff to serve in his place* (; THE CHAIRMEN OF THE FOND DU LAC, GRAND PORTAGE, LEECH LAKE, MILLE LACS, NETT LAKE AND WHITE EARTH RESERVATION BUSINESS COMMITTEES, EACH OF WHOM SHALL BE AN EX OFFICIO MEMBER THEREOF IF THEIR RESERVATION IS NOT REPRESENTED BY A VOTING MEMBER, BUT EACH MAY DESIGNATE ANOTHER MEMBER OF THEIR COMMITTEE OR ANOTHER PERSON OF SPECIAL QUALIFICATIONS BY UNANIMOUS VOTE OF THEIR RESERVATION BUSINESS COMMITTEE, TO SERVE IN HIS PLACE; EIGHT PERSONS WHO ARE OF AT LEAST ONE-FOURTH INDIAN ANCESTRY, ONE OF WHOM SHALL BE A MEMBER OF THE RED LAKE BAND OF CHIPPEWA INDIANS, TWO OF WHOM SHALL BE MEMBERS OF THE MINNESOTA CHIPPEWA TRIBE, WITH ONE TO BE SELECTED TO REPRESENT THE FOND DU LAC, NETT LAKE, AND GRAND PORTAGE RESERVATIONS AND THE OTHER TO BE SELECTED TO REPRESENT THE MILLE LACS, WHITE EARTH, AND LEECH LAKE RESERVATIONS, ONE OF WHOM SHALL BE A MEMBER OF THE SIOUX INDIAN TRIBES, ONE OF WHOM SHALL BE A RESIDENT OF THE CITY OF DULUTH, ONE A RESIDENT OF THE CITY OF ST. PAUL, AND TWO RESIDENTS OF THE CITY OF MINNEAPOLIS, ALL SUCH EIGHT MEMBERS SHALL BE APPOINTED BY THE RESPECTIVE INDIAN GROUPS WHICH THEY REPRESENT AND SHALL BE SUBJECT TO REMOVAL BY SUCH APPOINTING GROUP;). *Voting members of the board shall be: three members of the state house of representatives appointed by the speaker of the house of representatives, three members of the state senate appointed by the committee on committees of the senate; the duly elected tribal chairman of the Fond Du Lac reservation business committee; the Grand Portage reservation business committee; the Mille Lacs reservation business committee; the White Earth reservation business committee; the Bois Forte (Nett Lake) reservation business committee; the Leech Lake reservation business committee; the Red Lake tribal council; the Upper Sioux board of trustees; the Lower Sioux tribal council; the Shakopee-Medwankanton general council; the Prairie Island tribal council; and two members to be selected pursuant to subdivision 2. The chairmen of the above Indian committees, trusts, or councils may designate in writing a member who shall have been elected at large to an office in the committee, trust, or council, to serve in his place.* (COMMISSION) Board members appointed to represent the state house of representatives (AND), the state senate or tribal governments shall no longer serve on the (COMMISSION) board at such time as they are no longer members of the bodies which they represent, and upon such circumstances, their offices shall be vacant. Ex officio members or their designees on the (COM-

MISSION) board shall not be voting members of the (COMMISSION) board.

Subd. 2. [ADDITIONAL MEMBERS.] (TO ENSURE A CONTINUITY OF WORK, THE INITIAL APPOINTMENTS SHALL BE: ONE OF THE THREE MEMBERS SELECTED FROM THE INDIAN TRIBES SHALL BE FOR A TERM OF ONE YEAR, ONE THEREOF FOR A TERM OF TWO YEARS, AND ONE THEREOF FOR A TERM OF THREE YEARS, AND TWO OF THE MEMBERS SELECTED FROM THE CITIES SHALL BE FOR A TERM OF ONE YEAR, ONE FOR A TERM OF TWO YEARS, AND ONE FOR A TERM OF THREE YEARS, AND UNTIL THEIR SUCCESSORS ARE APPOINTED AND QUALIFIED. APPOINTMENTS FOR SUCCEEDING TERMS SHALL ALL BE FOR THREE YEARS, AND UNTIL THEIR SUCCESSORS ARE APPOINTED AND QUALIFIED.) *Two members of the board shall be elected at large by Indian residents of Minnesota who (1) are legal members of a federally recognized tribe in accordance with the criteria of said tribe and (2) are not members of any federally recognized tribe with a reservation in Minnesota. The election of at large members shall be in a manner prescribed by the secretary of state with the first such election for at large members to take place at a reasonable time, but no later than one year, following enactment of this section. The manner of election, certification, and contest shall, insofar as reasonably possible, be consistent with procedures employed in general elections in the state so as to insure a fair election and ready access to the election process by eligible voters. A person shall be eligible to serve as an at large member of the board if at the time of the election he is a qualified voter within the requirements of the Minnesota Constitution, Article VII and a member of a federally recognized tribe that does not have a reservation in Minnesota. The at large election described herein shall be certified and regulated by the secretary of state. The term for at large members shall be two years and until a successor is elected and qualified.*

Subd. 3. [MEMBERSHIP; COMPENSATION; EXPENSES.] Members of the (COMMISSION) board, other than state officials, shall receive as compensation for their services in attending meetings of the (COMMISSION) board or a committee thereof, the sum of \$35 for each such meeting day so attended. Each member of the (COMMISSION) board shall receive reimbursement for actual and necessary traveling expenses incurred on official business. Reimbursement shall be made in the manner and rate provided by law for state employees. Expenses of the (COMMISSION) board shall be approved by two of any three members of the (COMMISSION) board designated by the (COMMISSION) board and shall then be paid in the same manner as other state expenses are paid. The commissioner of finance shall be informed in writing by the executive secretary of the names of the persons authorized to approve expenses.

Subd. 4. [MEETINGS.] The (COMMISSION) *board* shall meet quarterly. Special meetings may be called by the chairman or at the written request of five members of the (COMMISSION) *board*. A majority of the members of the (COMMISSION) *board* constitutes a quorum.

Subd. 5. [OFFICERS, PERSONNEL.] The (STATE COMMISSION ON INDIAN AFFAIRS) *board* shall *annually, or when it deems it necessary*, elect a chairman, *vice chairman, secretary and treasurer, who shall comprise the executive committee*, and such other officers as it may deem necessary. *The chairman shall have the authority to appoint subcommittees necessary to fulfill the duties of the board.* It shall also employ, fix the compensation, and prescribe the duties of such clerks, employees, and agents as it deems necessary. The chairman shall be an ex officio member of the state board of human rights. The appropriations and other funds of this (COMMISSION) *board* are subject to the provisions of chapter 16.

Subd. 6. [DUTIES.] (THE COMMISSION SHALL HAVE AS ITS PRIMARY DUTY TO ACQUIRE INFORMATION IN THE FIELDS OF EMPLOYMENT AND HOUSING, CIVIL RIGHTS, EDUCATION, HEALTH AND WELFARE, AND LAW AND ORDER SO THAT:)

((A) THROUGH ITS REPORTS AND RECOMMENDATIONS ADEQUATE LEGISLATION MAY BE ENACTED WHEN IT IS REQUIRED;)

((B) PLANS AND PROGRAMS MAY BE WORKED OUT WITH INDIAN PEOPLE WHO NEED ASSISTANCE IN FINDING EMPLOYMENT, ACQUIRING EDUCATION, IMPROVING HOUSING, GETTING MEDICAL CARE, DEVELOPING NATURAL RESOURCES AND GENERALLY IN BECOMING SELF SUFFICIENT.)

(FURTHER DUTIES OF THE COMMISSION SHALL BE:)

((A) TO PROVIDE INFORMATION FOR AND DIRECTION TO A PROGRAM DESIGNED TO ASSIST OUR INDIAN CITIZENS TO ASSUME ALL THE RIGHTS, PRIVILEGES, AND DUTIES OF FULL CITIZENSHIP;)

((B) TO COORDINATE AND COOPERATE WITH THE MANY GOVERNMENTAL AND PRIVATE AGENCIES PROVIDING SERVICES TO INDIAN PEOPLE ON THE LOCAL, STATE, AND NATIONAL LEVEL;)

((C) TO HELP IMPLEMENT THE FINDINGS OF VARIOUS PRIVATE AND GOVERNMENTAL STUDIES DEALING WITH INDIAN NEEDS IN MINNESOTA.) *The primary duties of the board shall be to:*

(1) Clarify for the legislature and state agencies the nature of tribal governments, the relationship of tribal governments to the Indian people of Minnesota;

(2) Assist the secretary of state in establishing an election of at large members of the board;

(3) Make recommendations to members of the legislature on desired and needed legislation for the benefit of the statewide Indian community and communicate to the members of the legislature when legislation has or will have an adverse effect on the statewide Indian community;

(4) Provide, through the elected apparatus of the board, an effective conduit for programs, proposals and projects to the legislature submitted by tribal governments, organizations, committees, groups or individuals;

(5) Provide a continuing dialogue with members of the appropriate tribal governments in order to improve their knowledge of the legislative process, state agencies and governmental due process;

(6) Assist in establishing Indian advisory boards in cooperation with state agencies delivering services to the Indian community;

(7) Assist state agencies in defining what groups, organizations, committees, councils or individuals are eligible for delivery of their respective services;

(8) Assist in providing resources, tribal and other, in the delivery of services to the statewide Indian community;

(9) Act as a liaison between local, state and national units of government in the delivery of services to the Indian population of Minnesota;

(10) Assist state agencies in the implementation and updating of studies of services delivered to the Indian community;

(11) Provide, for the benefit of all levels of state government, a continuing liaison between those governmental bodies and duly elected tribal governments and officials;

(12) Interreact with private organizations involved with Indian concerns in the development and implementation of programs designed to assist Indian people, insofar as they affect state agencies and departments; and

(13) *Act as an arbiter or mediator, when and if necessary between Indian interests and state agencies and departments when questions, problems or conflicts exist or arise.*

Subd. 7. [STATE OFFICIALS AND DEPARTMENTS; CO-OPERATION.] In carrying out these objectives and to ascertain Indian needs the (COMMISSION) *board* shall have the right to confer with state officials and other governmental units, and to have access to such records as are necessary to obtain needed information. The (COMMISSION) *board* also shall have the right to call upon various state departments for such technical advice and service as are needed to fulfill the purposes of the (COMMISSION) *board*.

Subd. 8. [ANNUAL REPORT.] The (COMMISSION) *board* shall make an annual report to the governor on its activities, its findings, and its recommendations, and a full report to the legislature on November 15 in each even numbered year.

Sec. 2. *There is appropriated to the board of Indian affairs the sum of \$139,546 for the biennium ending June 30, 1977.*

Sec. 3. *This act is effective upon final enactment."*

Further strike the title in its entirety and insert the following: "A bill for an act relating to Indian affairs; renaming the board on Indian affairs; providing a change in membership for the board; changing the duties of the board; appropriating money; amending Minnesota Statutes 1974, Section 3.922, as amended."

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

The report was adopted.

## SECOND READING OF HOUSE BILLS

H. F. Nos. 1120, 1940, 2137, 2386, 2531 and 2564 were read for the second time.

## SECOND READING OF SENATE BILLS

S. F. Nos. 855 and 2288 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:

H. F. No. 2201, A bill for an act relating to the state planning agency; providing additional responsibilities for the state demographer; providing for implementation of federal law permitting the state to design a plan for return of census data to the state; providing precinct boundaries to facilitate census data returns; appropriating money; amending Minnesota Statutes 1974, Section 4.12, Subdivision 7; and Minnesota Statutes, 1975 Supplement, Section 204A.06, Subdivision 1, and by adding a subdivision.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 1293, A bill for an act relating to educational television; providing grants for instructional television stations serving Minnesota; providing for local supervision of grant expenditures.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Beauchamp moved that the House concur in the Senate amendments to H. F. No. 1293 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1293, A bill for an act relating to public television; providing grants for instructional television stations serving Minnesota; providing for supervision of grant expenditures; appropriating money.

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 115, and nays 0, as follows:

Those who voted in the affirmative were:

Abeln	Berglin	Carlson, R.	Dieterich	Fjoslien
Adams, L.	Biersdorf	Casserly	Doty	Forsythe
Albrecht	Birnstihl	Clark	Eckstein	Friedrich
Anderson, G.	Braun	Clawson	Eken	Fudro
Anderson, I.	Brinkman	Corbid	Esau	Fugina
Arlandson	Byrne	Dahl	Evans	George
Beauchamp	Carlson, A.	Dean	Ewald	Graba
Begich	Carlson, L.	DeGroat	Faricy	Hanson



Hangerud	Knickerbocker	Metzen	Rice	Suss
Hokanson	Knoll	Munger	St. Onge	Swanson
Jacobs	Kroening	Neisen	Samuelson	Tomlinson
Jaros	Laidig	Nelsen	Sarna	Ulland
Jensen	Langseth	Nelson	Schulz	Vanasek
Johnson, C.	Lemke	Niehaus	Schumacher	Vento
Johnson, D.	Lindstrom	Novak	Setzepfandt	Volk
Jude	Luther	Osthoff	Sherwood	Voss
Kahn	Mangan	Patton	Sieben, H.	Wenstrom
Kaley	Mann	Pehler	Sieben, M.	Wenzel
Kallis	McCarron	Peterson	Simoneau	White
Kelly, R.	McCauley	Petrafeso	Skoglund	Wieser
Kempe, A.	McCollar	Philbrook	Smith	Williamson
Kempe, R.	McEachern	Prahl	Smogard	Zubay
Ketola	Menning	Reding	Stanton	Speaker Sabo

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

Mr. Speaker:

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

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

PATRICK E. FLAHAVEN, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Novak moved that the House concur in the Senate amendments to H. F. No. 910 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 910, A bill for an act relating to crimes; specifying the acts constituting arson and the possession of certain explosives; correcting an error in the definition of certain criminal sexual conduct; providing penalties; amending Minnesota Statutes 1974, Chapters 299F, by adding sections; and 609, by adding sections; Minnesota Statutes, 1975 Supplement, Section 609.345; repealing Minnesota Statutes 1974, Sections 299F.81; 609.555; 609.56; 609.565; 609.57; 609.575; and 609.61.

The bill was read for the third time, 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 123, and nays 0, as follows:

Those who voted in the affirmative were:

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

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

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the return of House File No. 1057 for further consideration:

H. F. No. 1057, A bill for an act relating to education; school districts; Independent School District No. 518; powers and duties; requiring a public hearing and providing for an election before closing a schoolhouse; amending Minnesota Statutes 1974, Section 123.36, by adding a subdivision.

House File No. 1057 is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Menning moved that the House reconsider the vote on February 26, 1976, whereby the House refused to concur in the Senate amendments to H. F. No. 1057 and appointed a conference committee of 3 members. The motion prevailed.

#### CONCURRENCE AND REPASSAGE

Menning moved that the House concur in the Senate amendments to H. F. No. 1057 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1057, A bill for an act relating to education; school districts; powers and duties; requiring a public hearing before closing a schoolhouse; amending Minnesota Statutes 1974, Section 123.36, by adding a subdivision.

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 124, and nays 3, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

DeGroat      Pehler      Peterson

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. 2014.

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. 466.

PATRICK E. FLAHAVEN, Secretary of the Senate

### FIRST READING OF SENATE BILLS

S. F. No. 2014, A bill for an act relating to retirement; increasing certain benefits and annuities; appropriating money.

The bill was read for the first time.

Moe moved that S. F. No. 2014 and H. F. No. 2112, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 466, A bill for an act relating to corporations; requiring domestic corporations to file an active status report with the secretary of state; requiring the secretary of state to perform certain duties; providing that corporations that fail to file reports shall lose exclusive right to their names; permitting corporations and others to utilize the names of corporations which have lost exclusive right to their names; establishing filing fees; appropriating money; amending Minnesota Statutes 1974, Chapter 301 by adding a section; and Section 301.05, Subdivision 2.

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

The following conference committee report was received:

#### CONFERENCE COMMITTEE REPORT ON 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.

March 23, 1976

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

We, the undersigned conferees for H. F. No. 1615 report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendment and that H. F. No. 1615 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [ABORTION; LIVE BIRTHS.] Subdivision 1. A live child born as a result of an abortion shall be fully recognized as a human person, and accorded immediate protection under the law. All reasonable measures consistent with good medical practice, including the compilation of appropriate medical records, shall be taken to preserve the life and health of the child.

Subd. 2. When an abortion is performed after the twentieth week of pregnancy, a physician, other than the physician performing the abortion, shall be immediately accessible to take all reasonable measures consistent with good medical practice, including the compilation of appropriate medical records, to preserve the life and health of any live birth that is the result of the abortion.

Subd. 3. If a child described in subdivision 1 dies after birth, the body shall be disposed of in accordance with the provisions of Minnesota Statutes, Sections 145.14 to 145.163."

We request adoption of this report and repassage of the bill.

House Conferees: RAY W. FARICY, B. J. PHILBROOK and RICHARD E. WIGLEY.

Senate Conferees: EDWARD J. GEARTY, WAYNE OLHOFT and ROBERT J. BROWN.

Faricy moved that the report of the Conference Committee on H. F. No. 1615 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

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

The question being taken on the repassage of the bill and the roll being called, there were yeas 121, and nays 10, as follows:

Those who voted in the affirmative were:

Abeln  
Adams, L.  
Adams, S.

Anderson, G.  
Anderson, I.  
Arlandson

Beauchamp  
Begich  
Biersdorf

Birnstihl  
Braun  
Brinkman

Byrne  
Carlson, A.  
Carlson, L.

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

Those who voted in the negative were:

Berg	Clark	Kahn	Norton	Tomlinson
Berglin	Enebo	Moe	Parish	Ulland

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

### CONSIDERATION UNDER RULE 1.10

Pursuant to Rule 1.10, Kelly, W., requested immediate consideration of H. F. Nos. 617, 1947 and 2122.

H. F. No. 617 was reported to the House.

McCauley moved to amend H. F. No. 617 as follows:

Page 2, line 27, after "disability," insert "*or any other private company or union pension or insurance proceeds received for his or her total disability, as defined for Social Security Disability purposes in 42 U.S.C.A., section 416 (i)(1) and 423 (d)*".

Page 2, line 27, after "*aid*" insert "*or pension or insurance proceeds or combination thereof*".

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 54, and nays 59, as follows:

Those who voted in the affirmative were:

Adams, S.	Biersdorf	Carlson, A.	Dean	Doty
Albrecht	Byrne	Dahl	DeGroat	Eckstein

Esau	Haugerud	Ketola	Menning	Sieloff
Evans	Heinitz	Knickerbocker	Nelsen	Tomlinson
Ewald	Jensen	Kvam	Niehaus	Volk
Faricy	Jopp	Laidig	Peterson	Wenzel
Fjoslien	Jude	Lemke	Pleasant	White
Forsythe	Kaley	Luther	Savelkoul	Wieser
Friedrich	Kalis	Mangan	Schreiber	Wigley
Fugina	Kempe, A.	McCauley	Setzepfandt	Zubay
Hanson	Kempe, R.	McEachern	Sherwood	

Those who voted in the negative were:

Abeln	Corbid	Langseth	Pehler	Skoglund
Adams, L.	Eken	Lindstrom	Petrafeso	Smith
Anderson, G.	Enebo	McCarron	Reding	Smogard
Anderson, I.	Fudro	McCollar	Rice	Spanish
Beauchamp	Hokanson	Moe	St. Onge	Suss
Begich	Jacobs	Munger	Samuelson	Swanson
Berg	Jaros	Neisen	Sarna	Vanasek
Berglin	Johnson, D.	Nelson	Schulz	Vento
Brinkman	Kahn	Norton	Schumacher	Voss
Carlson, L.	Kelly, W.	Novak	Searle	Wenstrom
Carlson, R.	Kostohryz	Osthoff	Sieben, M.	Speaker Sabo
Casserly	Kroening	Parish	Simoneau	

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

Sieloff moved to amend H. F. No. 617, as follows:

Page 2, line 32, after the period insert: "*Homestead property of an unmarried surviving spouse of a veteran who meets the income requirements of this section shall constitute class 3cc and shall be valued and assessed at five percent of the market value thereof.*".

A roll call was requested and properly seconded.

#### POINT OF ORDER

Dieterich raised a point of order pursuant to Rule 3.10 that the Sieloff amendment was out of order. The Speaker ruled the point of order not well taken.

Kelly, W., withdrew his request for immediate consideration of H. F. No. 617 under Rule 1.10.

H. F. No. 1947, A bill for an act relating to taxation; providing for the assessment of dwelling units in certain buildings; amending Minnesota Statutes 1974, Section 273.133; and Minnesota Statutes, 1975 Supplement, Section 290A.03, Subdivision 12.

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

The question being taken on the passage of the bill and the roll being called, there were yeas 131, and nays 0, as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

H. F. No. 2122 was reported to the House.

Anderson, I., moved to amend H. F. No. 2122 as follows:

Page 1, line 19, after the words "*foreign country*" add: "*, province, municipality or other taxing district within such country*".

The motion prevailed and the amendment was adopted.

H. F. No. 2122, A bill for an act relating to taxation; imposing a use tax on certain vehicles owned by foreign business and providing transportation services in the state; amending Minnesota Statutes 1974, Chapter 297A, by adding a section.

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 128, and nays 0, as follows:



Those who voted in the affirmative were:

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

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

Pursuant to Rule 1.10, Norton requested immediate consideration of S. F. Nos. 2278 and 2277; and H. F. Nos. 1437, 1608 and 2332.

S. F. No. 2278 was reported to the House.

Voss moved to amend S. F. No. 2278, as follows:

Page 3, line 31, strike "5,000,000" and insert in lieu thereof "5,500,000".

The motion prevailed and the amendment was adopted.

Anderson, G., moved to amend S. F. No. 2278, as amended, as follows:

Page 4, after line 2, insert:

"Sec. 9. [136A.711] [CITATION.] *Sections 9 to 13 may be cited as the Minnesota national guard education opportunity act of 1976.*

Sec. 10. [136A.712] [DEFINITIONS.] *Subdivision 1. For the purposes of sections 9 to 13, the terms defined in this section have the meanings given them.*

*Subd. 2. "Commission" means the Minnesota higher education coordinating commission.*

*Subd. 3. "Eligible institution" means:*

(a) *An institution of post secondary education which has been certified as an eligible institution for the state grant in aid program under Minnesota Statutes, Section 136A.101, Subdivision 4; or*

(b) *An educational institution that provides a program of secondary education approved by the commission.*

Sec. 11. [136A.713] [CREATION.] *A program of tuition supplements and equivalency credits for members of the Minnesota national guard is established, to be administered by the commission.*

Sec. 12. [136A.714] [POWERS AND DUTIES OF COMMISSION.] *Subdivision 1. The commission shall enter into agreements with institutions of higher education and vocational-technical schools to establish an equivalency credit program for members of the Minnesota national guard. The program shall provide credit recognition for the service school experience of guard participants and shall develop community college and vocational course relationships with the guard.*

*Subd. 2. The commission shall assist educational institutions and the national guard to establish a counseling staff for guard participants in the equivalency credit and tuition supplement program established by sections 9 to 13.*

*Subd. 3. The commission shall promulgate rules and regulations for implementation of sections 9 to 13.*

*Subd. 4. The commission may employ additional professional and clerical staff as the executive secretary or director of the commission deems necessary for administration of the program.*

*Subd. 5. The commission shall periodically review and evaluate the programs in consultation with the adjutant general and shall report its recommendations and suggestions for legislation to the governor on or before the beginning of each session of the legislature.*

*Subd. 6. Subject to its direction and review, the commission may delegate to the executive secretary or director of the commission the authority to issue public information concerning the provisions of sections 9 to 13, to design tuition supplement forms, to prescribe procedures for submission of applications for tuition supplements, and to select qualified recipients of tuition supplements.*

Sec. 13. [136A.715] [TUITION SUPPLEMENTS.] *Subdivision 1. [ELIGIBILITY.] An applicant shall be eligible for a tuition supplement under the provisions of sections 9 to 13, if the commission finds that the applicant:*

- (a) *Is a citizen of the United States;*
- (b) *Is a resident of the state of Minnesota;*
- (c) *Has met all the requirements for admission as a full or part time student to an eligible institution of his choice;*
- (d) *Is "an enlisted" member in good standing of the Minnesota national guard pursuant to current military rules and regulations;*
- (e) *Has exhausted or was ineligible for educational benefits available from the federal government through assistance programs for veterans; and*
- (f) *Is ineligible for educational benefits available from the federal government for members of the national guard.*

*Subd. 2. [ALLOCATION AND AMOUNT.] (a) A higher education tuition supplement shall be awarded for an academic year and may be renewed until the recipient has received tuition supplements for eight semesters or twelve quarters of full time course work or an equivalent amount of part time course work, or until the recipient receives a degree terminating the program of education for which the tuition supplement was awarded, whichever period is shorter. Tuition supplements for vocational or secondary school education may be awarded for an academic year and may be renewed for a period no longer than the comparable renewal period for a higher education tuition supplement or until the recipient satisfactorily completes the course of instruction for which the tuition supplement was awarded, whichever period is shorter;*

*(b) The supplement shall be awarded annually from available funds to those applicants who meet the commission's eligibility standards;*

*(c) A tuition supplement award shall be 50 percent of the fees charged by the eligible institution for tuition and books, or 50 percent of the fees charged for tuition and books for a comparable period of enrollment in the general college at the University of Minnesota, whichever is less;*

*(d) In dispensing available funds, priority shall be given to applicants in the following order:*

*(1) Applicants seeking to achieve completion of their secondary school education;*

*(2) Applicants seeking vocational training or higher education related to their military specialty;*

(3) Applicants seeking to achieve a two year associate degree;

(4) Applicants seeking to achieve a four year baccalaureate degree;

(5) Applicants seeking to achieve an advanced degree.

(e) A tuition supplement may be renewed if the recipient remains a resident of Minnesota and a citizen of the United States and maintains satisfactory academic standing in the college, vocational school or other eligible institution, and good standing in the Minnesota national guard pursuant to current military rules and regulations;

(f) A recipient must apply for renewal of his tuition supplement each year;

(g) A recipient must continue to attend an eligible institution;

(h) The applicants who qualify for a tuition supplement shall be notified of their award by the commission and shall be given appropriate evidence of the award.

Subd. 3. [REIMBURSEMENT.] An applicant before being granted a tuition supplement shall enter into a contract with the state of Minnesota agreeing to reimburse the commission for tuition supplements awarded during an enrollment period if the applicant fails to maintain good standing in the Minnesota national guard pursuant to current military rules and regulations, or withdraws or is expelled from the educational institution that he plans to attend.

Sec. 14. The sum of \$250,000 is appropriated to the higher education coordinating commission from the general fund for the purposes of sections 9 to 13. Of the amount appropriated for the purposes of sections 9 to 13 the commission may use such amounts as may be necessary not to exceed \$30,000 for administration of the programs authorized by sections 9 to 13."

Renumber the remaining section.

Further, amend the title as follows:

Page 1, line 4, after the semicolon, insert "establishing a program of tuition supplements and equivalency credits for the Minnesota national guard;"

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 100, and nays 20, as follows:

Those who voted in the affirmative were:

Adams, L.	Eckstein	Jude	Neisen	Sherwood
Adams, S.	Eken	Kaley	Nelsen	Sieben, H.
Albrecht	Erickson	Kalis	Niehaus	Sieben, M.
Anderson, G.	Esau	Kempe, A.	Novak	Sieloff
Arlandson	Evans	Kempe, R.	Osthoff	Simoneau
Beauchamp	Ewald	Ketola	Parish	Smith
Begich	Faricy	Knoll	Patton	Smogard
Biersdorf	Fjoslien	Kostohryz	Peterson	Suss
Birnstihl	Friedrich	Kvam	Philbrook	Swanson
Braun	Fudro	Laidig	Pleasant	Tomlinson
Brinkman	Fugina	Lemke	Prahl	Ulland
Byrne	George	Lindstrom	St. Onge	Vanasek
Carlson, A.	Hanson	Luther	Samuelson	Volk
Carlson, L.	Haugerud	Mangan	Sarna	Voss
Carlson, R.	Heinitz	Mann	Savelkoul	Wenstrom
Corbid	Jacobs	McCauley	Schreiber	Wenzel
Dahl	Jaros	McCollar	Schulz	White
Dean	Jensen	McEachern	Schumacher	Wieser
DeGroat	Johnson, C.	Menning	Searle	Wigley
Doty	Jopp	Metzen	Setzepfandt	Zubay

Those who voted in the negative were:

Abeln	Clawson	Johnson, D.	Moe	Rice
Berglin	Dieterich	Kahn	Norton	Skoglund
Casserly	Enebo	Kroening	Pehler	Stanton
Clark	Hokanson	McCarron	Reding	Speaker Sabo

The motion prevailed and the amendment was adopted.

S. F. No. 2278, A bill for an act relating to appropriations; converting certain standing appropriations to direct appropriations; abolishing other standing appropriations; appropriating money; amending Minnesota Statutes 1974, Sections 9.061, Subdivision 5; 97.482, Subdivision 2; 638.08; and Laws 1971, Chapter 121, Section 2, as amended; repealing Minnesota Statutes 1974, Sections 7.07; 136.821; Minnesota Statutes, 1975 Supplement, Sections 123.937; 144.146, Subdivision 2; Laws 1973, Chapter 768, Section 23; and Laws 1975, Chapter 433, Section 20.

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	Anderson, I.	Biersdorf	Carlson, A.	Corbid
Adams, L.	Arlandson	Birnstihl	Carlson, L.	Dahl
Adams, S.	Beauchamp	Braun	Carlson, R.	Dean
Albrecht	Begich	Brinkman	Casserly	DeGroat
Anderson, G.	Berg	Byrne	Clawson	Dieterich

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

Those who voted in the negative were:

Skoglund

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

S. F. No. 2277 was reported to the House.

Faricy moved to amend S. F. No. 2277, as follows:

Page 17, line 20 to page 19, line 14, delete Section 23.

Renumber the remaining sections in order.

Further in the title, page 1, line 22, delete "136A.121, Sub-division 3;"

The motion prevailed and the amendment was adopted.

Searle moved to amend S. F. No. 2277, as follows:

Page 12, line 2, delete "college" and insert "university".

Page 13, line 17, delete "colleges" and insert "universities".

Page 13, line 24, delete "colleges" and insert "universities".

Page 13, line 31, delete "colleges" and insert "universities".

Page 14, line 1, delete "college" and insert "university".

Page 14, line 8, delete "college" and insert "university".

Page 14, line 20, delete "colleges" and insert "universities".

Page 15, line 19, delete "college" and insert "*university*".

Page 15, line 23, delete "college" and insert "*university*".

The motion prevailed and the amendment was adopted.

Savelkoul moved to amend S. F. No. 2277, as follows:

Page 43, line 29, after "*Subdivision 3;*" insert "*and*".

Page 43, line 30, after "*167.40;*" delete "*and 299D.03, Subdivision 4,*".

Further in the title, page 1, line 27, delete "*299D.03, Subdivision 4;*".

The motion prevailed and the amendment was adopted.

S. F. No. 2277, A bill for an act relating to the organization and operation of state government; codifying various provisions formerly contained as riders in appropriation acts; amending Minnesota Statutes 1974, Sections 3.755; 16A.72; 38.02, Subdivision 1, and by adding a subdivision; 121.26; 125.08; 136.06; 136.11, Subdivisions 1 and 2, and by adding subdivisions; 136.13; 136.62, by adding a subdivision; 137.02, by adding a subdivision; 138.01; 144.169, by adding a subdivision; 158.04; 158.05; 158.08; 161.142, Subdivision 6; 161.201; 167.45; 171.26; 173.231; 241.27, by adding a subdivision; 245.61; 245.65, Subdivision 1; 246.02, Subdivisions 2 and 4; 248.07, Subdivision 8; 252.27, Subdivision 1; 254A.08, Subdivision 3; 256.01, Subdivision 8; 256.011; 260.311, Subdivision 5; 299D.03, Subdivision 6; 299D.04; 352B.02, Subdivision 1; Chapters 134, 136, 137, 138, 161, 242, 245, and 246, by adding sections; Minnesota Statutes, 1975 Supplement, Sections 16.02, Subdivision 16; 136A.121, Subdivision 3; 243.09, Subdivision 3; 252.24, Subdivision 4; 260.251, Subdivision 1a; 268.08, Subdivision 5; repealing Minnesota Statutes 1974, Sections 136.821; 161.241, Subdivision 5; 161.261, Subdivision 3; 167.40; 299D.03, Subdivision 4; Laws 1969, Chapter 157, Section 2; Laws 1973, Chapter 768, Section 23; and Laws 1975, Chapter 433, Section 20.

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 127, and nays 1, as follows:

Those who voted in the affirmative were:

Abeln	Albrecht	Arlandson	Berg	Birnstihl
Adams, L.	Anderson, G.	Beauchamp	Berglin	Braun
Adams, S.	Anderson, I.	Begich	Biersdorf	Brinkman

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

Those who voted in the negative were:

Friedrich

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

H. F. No. 1437 was reported to the House.

Hokanson moved to amend H. F. No. 1437 as follows:

Page 2, line 26, after the comma insert "or for safety or security reasons,".

Page 2, line 29, after the period, add a new subdivision to read:

*"Subd. 3c. Any city or township, however organized, may determine which decorative gas lamps within its boundaries are used or needed for safety or security reasons. Such determination shall be forwarded to the director of the Minnesota energy agency."*

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 34, and nays 91, as follows:

Those who voted in the affirmative were:

Abeln	Corbid	Evans	Kaley	Mangan
Adams, S.	DeGroat	Ewald	Kempe, A.	McEachern
Albrecht	Eckstein	Forsythe	Kempe, R.	Metzen
Arlandson	Erickson	Heinitz	Ketola	Neisen
Carlson, R.	Esau	Hokanson	Lindstrom	Osthoff



Parish	Schreiber	Spanish	Volk	Williamson
Sarna	Sieloff	Swanson	Wieser	

Those who voted in the negative were:

Adams, L.	Eken	Knickerbocker	Novak	Smith
Anderson, G.	Enebo	Knoll	Patton	Smogard
Anderson, I.	Faricy	Kostohryz	Pehler	Stanton
Beauchamp	Fjoslien	Kroening	Peterson	Suss
Begich	Fugina	Kvam	Philbrook	Tomlinson
Berg	George	Laidig	Prahl	Ulland
Berglin	Graba	Langseth	Reding	Vanasek
Biersdorf	Hanson	Lemke	Rice	Vento
Birnstihl	Haugerud	Luther	St. Onge	Voss
Braun	Jacobs	Mann	Samuelson	Wenstrom
Byrne	Jaros	McCarron	Savelkoul	Wenzel
Carlson, A.	Jensen	McCollar	Schulz	White
Carlson, L.	Johnson, D.	Menning	Schumacher	Wigley
Casserly	Jopp	Moe	Searle	Zubay
Clark	Jude	Munger	Sherwood	Speaker Sabo
Clawson	Kahn	Nelsen	Sieben, H.	
Dean	Kalis	Nelson	Sieben, M.	
Dieterich	Kelly, R.	Niehaus	Simoneau	
Doty	Kelly, W.	Norton	Skoglund	

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

Schreiber moved to amend H. F. No. 1437, as follows:

Page 8, lines 15 to 27, delete Section 10.

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 33, and nays 96, as follows:

Those who voted in the affirmative were:

Adams, S.	Ewald	Knickerbocker	Patton	Setzepfandt
Albrecht	Forsythe	Kvam	Peterson	Sieloff
Birnstihl	Graba	Lindstrom	Pleasant	Volk
DeGroat	Heinitz	McEachern	St. Onge	Wieser
Eckstein	Jensen	Neisen	Savelkoul	Wigley
Erickson	Kaley	Nelsen	Schreiber	
Esau	Kempe, R.	Niehaus	Searle	

Those who voted in the negative were:

Abeln	Braun	Corbid	Fjoslien	Johnson, C.
Adams, L.	Brinkman	Dahl	Fudro	Johnson, D.
Anderson, G.	Byrne	Dean	Fugina	Jude
Anderson, I.	Carlson, A.	Dieterich	George	Kahn
Arlandson	Carlson, L.	Doty	Hanson	Kalis
Beauchamp	Carlson, R.	Eken	Haugerud	Kelly, R.
Begich	Casserly	Enebo	Hokanson	Kelly, W.
Berg	Clark	Evans	Jacobs	Kempe, A.
Berglin	Clawson	Faricy	Jaros	Ketola

Knoll	McCollar	Petrafeso	Simoneau	Voss
Kostohryz	Menning	Philbrook	Skoglund	Wenstrom
Kroening	Metzen	Prahl	Smith	Wenzel
Laidig	Moe	Reding	Smogard	White
Langseth	Munger	Rice	Stanton	Williamson
Lemke	Nelson	Sarna	Suss	Zubay
Luther	Norton	Schulz	Swanson	Speaker Sabo
Mangan	Novak	Schumacher	Tomlinson	
Mann	Osthoff	Sherwood	Ulland	
McCarron	Parish	Sieben, H.	Vanasek	
McCauley	Pehler	Sieben, M.	Vento	

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

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

Knickerbocker moved to amend H. F. No. 1437, as follows:

Page 11, delete lines 26 to 27.

Renumber the remaining section.

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 42, and nays 83, as follows:

Those who voted in the affirmative were:

Adams, S.	Fjoslien	Kempe, A.	Philbrook	Vanasek
Albrecht	Forsythe	Kempe, R.	Pleasant	Wenzel
Begich	Friedrich	Knickerbocker	Savelkoul	White
Corbid	Heinitz	Kvam	Schreiber	Wieser
Dean	Jopp	McCollar	Searle	Wigley
Doty	Jude	Menning	Sieben, H.	Zubay
Eckstein	Kaley	Nelsen	Sieben, M.	
Evans	Kalis	Niehaus	Sieloff	
Ewald	Kelly, R.	Peterson	Swanson	

Those who voted in the negative were:

Abeln	Clawson	Johnson, C.	McEachern	Sherwood
Adams, L.	Dahl	Johnson, D.	Moe	Simoneau
Anderson, G.	Dieterich	Kahn	Munger	Skoglund
Anderson, I.	Eken	Kelly, W.	Neisen	Smogard
Arlandson	Erickson	Ketola	Nelson	Spanish
Beauchamp	Esau	Knoll	Norton	Stanton
Berg	Faricy	Kostohryz	Parish	Suss
Berglin	Fudro	Kroening	Patton	Tomlinson
Biersdorf	Fugina	Laidig	Pehler	Ulland
Braun	George	Langseth	Petrafeso	Vento
Brinkman	Graba	Lemke	Prahl	Volk
Byrne	Hanson	Lindstrom	Reding	Voss
Carlson, A.	Haugerud	Luther	Rice	Wenstrom
Carlson, L.	Hokanson	Mangan	St. Onge	Williamson
Carlson, R.	Jacobs	Mann	Sarna	Speaker Sabo
Casserly	Jaros	McCarron	Schumacher	
Clark	Jensen	McCauley	Setzepfandt	

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

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 solar energy performance standards; providing for monitoring of energy research; prohibiting certain open flame pilot lights; providing for loans and grants for improving energy efficiency of existing residential dwellings; appropriating money; amending Minnesota Statutes 1974, Sections 116H.02, by adding subdivisions; 116H.12, by adding subdivisions; 462A.05, Subdivision 14; and 462A.21, by adding a subdivision; and Chapter 116H, by adding sections; repealing Laws 1974, Chapter 307, Section 19.

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 110, and nays 22, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Adams, S.	Evans	Kaley	Nelsen	Wieser
Albrecht	Ewald	Knickerbocker	Niehaus	Wigley
Eckstein	Friedrich	Kvam	St. Onge	
Erickson	Heinitz	Mann	Schreiber	
Esau	Jopp	McEachern	Searle	

The bill was passed and its title agreed to.

George and Nelson were excused for the remainder of today's session.

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

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 108, and nays 22, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Albrecht	Fjoslien	Kaley	Reding	Wigley
Erickson	Friedrich	Kalis	Samuelson	Zubay
Esau	Heinitz	Kvam	Savelkoul	
Evans	Johnson, C.	Nelsen	Searle	
Ewald	Jopp	Peterson	Wieser	

The bill was passed and its title agreed to.

Enebo was excused between 5:50 and 7:00 p.m.

H. F. No. 2332 was reported to the House.

Carlson, R., moved to amend H. F. No. 2332, as follows:

Page 4, line 12, after the period insert the following:

"The office of learning improvement assistance shall not develop a model educational policy and mandate the adoption of said model by any local school district in the State of Minnesota."

Graba moved to amend the Carlson, R., amendment to H. F. No. 2332, as follows:

Line 2 of the Carlson, R., amendment delete "develop" and insert "mandate".

Lines 2 and 3, delete "and mandate the adoption of said model by" and insert "for".

The motion prevailed and the amendment to the amendment was adopted.

The question recurred on the Carlson, R., amendment as amended. The motion prevailed and the amendment as amended was adopted.

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.

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 127, and nays 1, as follows:

Those who voted in the affirmative were:

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

Spanish	Tomlinson	Volk	White	Speaker Sabo
Stanton	Ulland	Voss	Wieser	
Suss	Vanasek	Wenstrom	Wigley	
Swanson	Vento	Wenzel	Zubay	

Those who voted in the negative were:

Abeln

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

### SPECIAL ORDERS

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

Dean moved to amend S. F. No. 1575, as follows:

Line 16, after the "." insert "The total amount of moneys or funds appropriated or expended for grants to cities and towns pursuant to this section shall not exceed the equivalent of the total amount of funds received by the county under the federal act."

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 36, and nays 80, as follows:

Thos who voted in the affirmative were:

Adams, S.	Dean	Knickerbocker	Petráfos	Tomlinson
Albrecht	Dieterich	Kvam	Pleasant	Ulland
Arlandson	Eckstein	Laidig	Schreiber	Volk
Begich	Erickson	Luther	Schumacher	Wigley
Berg	Esau	McCauley	Searle	
Carlson, A.	Heinitz	Neisen	Sieben, M.	
Carlson, L.	Jaros	Niehaus	Sieloff	
Corbid	Jopp	Pehler	Smogard	

Those who voted in the negative were:

Abeln	Fjoslien	Ketola	Norton	Simoneau
Adams, L.	Forsythe	Knoll	Novak	Skoglund
Anderson, G.	Friedrich	Kroening	Osthoff	Smith
Anderson, I.	Fudro	Langseth	Parish	Spanish
Beauchamp	Fugina	Lemke	Patton	Stanton
Biersdorf	Haugerud	Lindstrom	Peterson	Suss
Braun	Hokanson	Mangan	Philbrook	Swanson
Byrne	Jacobs	Mann	Prahl	Vanasek
Carlson, R.	Jensen	McCarron	Reding	Vento
Cassery	Johnson, D.	McCollar	Rice	Voss
Clark	Jude	McEachern	St. Onge	Wenstrom
Clawson	Kahn	Menning	Sarna	Wenzel
DeGroat	Kaley	Metzen	Schulz	White
Doty	Kalis	Moe	Setzepfandt	Wieser
Eken	Kelly, R.	Munger	Sherwood	Zubay
Evans	Kempe, A.	Nelsen	Sieben, H.	Speaker Sabo

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

Begich moved to amend S. F. No. 1575, as follows:

Page 1, line 13, after "cities" insert "except cities of the first class".

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 38, and nays 55, as follows:

Those who voted in the affirmative were:

Anderson, I.	Fjoslien	Kelly, R.	Niehaus	Smith
Begich	Friedrich	Kvam	Patton	Suss
Biersdorf	Fugina	Lindstrom	Pleasant	Wenzel
Braun	Jacobs	McCauley	Reding	White
Brinkman	Jensen	McCollar	Schreiber	Wieser
Carlson, R.	Johnson, D.	McEachern	Schumacher	Zubay
DeGroat	Kaley	Metzen	Setzepfandt	
Eckstein	Kalis	Nelsen	Sieloff	

Those who voted in the negative were:

Abeln	Corbid	Heinitz	Munger	Skoglund
Adams, L.	Dean	Jaros	Novak	Smogard
Arlandson	Dieterich	Johnson, C.	Osthoff	Spanish
Beauchamp	Doty	Jopp	Petraseso	Stanton
Berg	Evans	Kahn	St. Onge	Swanson
Berglin	Ewald	Kelly, W.	Sarna	Ulland
Byrne	Faricy	Knickerbocker	Searle	Volk
Carlson, A.	Fudro	Kostohryz	Sherwood	Wenstrom
Carlson, L.	Graba	Laidig	Sieben, H.	Wigley
Casserly	Hanson	Luther	Sieben, M.	Williamson
Clark	Haugerud	Moe	Simoneau	Speaker Sabo

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

S. F. No. 1575, A bill for an act relating to certain counties; authorizing the expenditure of county and federal revenue sharing funds for certain purposes.

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 121, and nays 1, as follows:

Those who voted in the affirmative were:

Abeln	Albrecht	Arlandson	Berg	Braun
Adams, L.	Anderson, G.	Beauchamp	Berglin	Brinkman
Adams, S.	Anderson, I.	Begich	Biersdorf	Byrne

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

Those who voted in the negative were:

Metzen

The bill was passed and its title agreed to.

S. F. No. 2108 was reported to the House.

Biersdorf moved to amend S. F. No. 2108, as follows:

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1974, Chapter 334, is amended by adding a section to read:

[334.061] [AGRICULTURAL CREDIT CORPORATIONS.]  
*A state chartered agricultural credit corporation operating under 12 U.S.C. 1401, 1402, 1403, and 1404 may make a charge on its loans at a rate not in excess of \$10 on \$100 for one year."*

Further strike the title and insert:

"A bill for an act relating to commerce; providing interest rate limits on loans by certain agricultural credit corporations; amending Minnesota Statutes 1974, Chapter 334, by adding a section."

The motion prevailed and the amendment was adopted.

S. F. No. 2108, A bill for an act relating to commerce; interest rates on money; exempting agricultural credit corporations from interest rate limitations; amending Minnesota Statutes 1974, Section 334.06.

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 117, and nays 6, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Fugina	Parish	Rice	Schumacher	Skoglund
Johnson, D.				

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

The following Conference Committee Report was received.

#### CONFERENCE COMMITTEE REPORT ON H. F. NO. 1519

The Conference Committee Report on H. F. No. 1519 was reported to the House.

Dieterich moved that H. F. No. 1519 be returned to Conference Committee. The motion prevailed.

#### SPECIAL ORDERS—Continued

S. F. No. 161 was reported to the House.

Fudro moved to amend S. F. No. 161, the unofficial engrossment, as follows:

Page 2, line 15, strike "1976" and insert "1977".

The motion prevailed and the amendment was adopted.

Friedrich moved to amend S. F. No. 161, the unofficial engrossment, as follows:

Page 1, line 10, after "*truck*" insert "*excepting rear-end dump farm trucks*".

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 76, and nays 42, as follows:

Those who voted in the affirmative were:

Abeln	Dean	Kaley	Patton	Smogard
Adams, S.	DeGroat	Kalis	Peterson	Stanton
Albrecht	Eckstein	Kelly, W.	Philbrook	Ulland
Anderson, G.	Eken	Kempe, A.	Pleasant	Vanasek
Anderson, J.	Erickson	Ketola	Prahl	Volk
Beauchamp	Esau	Kvam	Reding	Voss
Begich	Evans	Laidig	St. Onge	Wenstrom
Biersdorf	Ewald	Lemke	Samuelson	White
Braun	Faricy	Lindstrom	Savelkoul	Wieser
Brinkman	Fjoslien	Mann	Schreiber	Wigley
Byrne	Friedrich	McCauley	Schulz	Williamson
Carlson, A.	Graba	McCollar	Schumacher	Zubay
Carlson, R.	Hanson	McEachern	Searle	
Clawson	Heinitz	Menning	Setzepfandt	
Corbid	Hokanson	Nelsen	Sieloff	
Dahl	Johnson, C.	Niehaus	Smith	

Those who voted in the negative were:

Adams, L.	Fudro	Kostohryz	Parish	Suss
Berg	Haugerud	Kroening	Pehler	Swanson
Berglin	Jacobs	Luther	Petrafeso	Tomlinson
Carlson, L.	Jaros	Mangan	Rice	Vento
Casserly	Jensen	Metzen	Sarna	Wenzel
Clark	Johnson, D.	Moe	Sieben, H.	Speaker Sabo
Dieterich	Jude	Neisen	Sieben, M.	
Doty	Kahn	Norton	Simoneau	
Enebo	Knoll	Osthoff	Skoglund	

The motion prevailed and the amendment was adopted.

S. F. No. 161, A bill for an act relating to highway traffic regulations; required equipment on certain vehicles; amending Minnesota Statutes 1974, Section 169.733.

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 105, and nays 22, as follows:

Those who voted in the affirmative were:

Abeln	Adams, L.	Adams, S.	Anderson, I.	Arlandson
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Beauchamp	Eckstein	Kempe, A.	Norton	Sieben, H.
Begich	Eken	Kempe, R.	Novak	Sieben, M.
Berg	Enebo	Ketola	Osthoff	Sieloff
Berglin	Faricy	Knickerbocker	Parish	Skoglund
Biersdorf	Forsythe	Knoll	Patton	Smith
Braun	Fudro	Kroening	Pehler	Smogard
Brinkman	Fugina	Kvam	Petrafeso	Spanish
Byrne	Graba	Langseth	Philbrook	Suss
Carlson, A.	Hanson	Lemke	Pleasant	Swanson
Carlson, L.	Haugerud	Luther	Prahl	Tomlinson
Carlson, R.	Heinitz	Mangan	Reding	Ulland
Cassery	Hokanson	Mann	Rice	Vanasek
Clark	Jaros	McCarron	St. Onge	Volk
Clawson	Jensen	McCauley	Samuelson	Voss
Corbid	Johnson, C.	McCollar	Sarna	Wenstrom
Dahl	Johnson, D.	McEachern	Schreiber	Wenzel
Dean	Jude	Menning	Schulz	White
DeGroat	Kahn	Metzen	Schumacher	Wigley
Dieterich	Kelly, R.	Moe	Setzepfandt	Williamson
Doty	Kelly, W.	Neisen	Sherwood	Speaker Sabo

Those who voted in the negative were:

Albrecht	Ewald	Kalis	Peterson	Wieser
Anderson, G.	Fjoslien	Laidig	Savelkoul	Zubay
Erickson	Friedrich	Lindstrom	Searle	
Esau	Jacobs	Nelsen	Stanton	
Evans	Kaley	Niehaus	Vento	

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

Anderson, I., moved that the remaining bills on Special Orders for today be continued on Special Orders for Thursday, March 25, 1976, immediately following the Calendar. The motion prevailed.

Wigley was excused at 6:50 p.m. Abeln was excused at 7:40 p.m.

## GENERAL ORDERS

Pursuant to Rules of the House, the House resolved itself into the Committee of the Whole, with Sabo in the Chair, for the consideration of bills pending on General Orders of the Day.

Pursuant to Rule 1.6, a roll call was taken on the following amendment to S. F. No. 1800, as amended, offered by Kvam:

Page 16, line 3, after the words "up to" insert, "*but not in excess of*".

The roll being called, there were yeas 32, and nays 79, as follows:

Those who voted in the affirmative were:

Adams, S.	Albrecht	Anderson, G.	Biersdorf	Brinkman
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Carlson, A.	Evans	Johnson, C.	Peterson	Vanasek
Dean	Ewald	Kaley	Pleasant	Wieser
DeGroat	Fjoslien	Knickerbocker	Savelkoul	Zubay
Eken	Forsythe	Kvam	Schulz	
Erickson	Friedrich	Nelsen	Searle	
Esau	Heinitz	Niehaus	Smith	

Those who voted in the negative were:

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

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

Pursuant to Rule 1.6, a roll call was taken on the following amendment to S. F. No. 1800, as amended, offered by Enebo:

Page 27, between lines 20 and 21, insert a new section to read:

"Sec. 9. Minnesota Statutes 1971, Section 268.10, Subdivision 1, is amended to read:

268.10 [DETERMINATION OF CLAIMS FOR BENEFITS; APPEALS.] Subdivision 1. [FILING.] Claims for benefits shall be made in accordance with such regulations as the commissioner may prescribe. Each employer shall post and maintain printed statements of such regulations in places readily accessible to individuals in his service and shall make available to each such individual at the time he becomes unemployed, a printed statement of such regulations. Such printed statements shall be supplied by the commissioner to each employer without cost to him.

(1) Any employer upon separation of an employee from his employment for any reason which may result in disqualification for benefits under section 268.09, shall furnish to such employee a separation notice which shall provide the employer's name, address, and employer account number as registered with the department, the employee's name and social security account number, the inclusive dates of his employment, and the reason for the separation. A copy of such separation notice shall be filed

with the commissioner within three days of such separation. The commissioner shall require each individual filing a claim for benefits to establish a benefit year to furnish such separation notices which he has received from all employers from whom such individual earned wage credits in the base period.

(2) Upon the filing, by an individual, of a claim for benefits, the commissioner shall give notice to all such base period employers of the filing of such claim and request each such base period employer, within seven days after the mailing of such notice, to furnish the following information:

(a) The total wage credits earned in the base period;

(b) The number of credit weeks which end within the base period;

(c) The week ending dates for each calendar week within the base period in which the individual earned less than the amount required to make a credit week and the amount of earnings in each such week;

(d) The reason for the separation or separations of such individual from the employ of the employer in the base period; and

(e) Such employer's *written, notarized protest*, if any, relating to the ineligibility or disqualification of such individual, *provided that any protest containing a statement which the employer could not reasonably believe to be true and which results in wrongful withholding of compensation shall render the employer furnishing the protest liable to the state for a sum equaling three times the amount of compensation withheld.*

(3) If any base period employer, after the notice of filing of a claim and the request for wage and separation information has been duly mailed to his last known address, fails to file information as provided by items (a) through (e) of clause 2 of this subdivision within seven days, the commissioner shall determine an individual's benefit rights based on the claimant's statements or any other available information. Any employer shall be liable for a late filing fee of not less than \$5 nor more than \$25, as the commissioner may determine, to be paid to the department of manpower services and credited to the contingent fund if he has failed without good cause to submit the wage and separation information as required in clause 2 of this subdivision within seven days after the request has been duly mailed to his last known address. In the absence of fraud, if a redetermination of benefit rights based on an employer's late report subsequently cancels or reduces the amount of benefits to which a claimant was entitled under the initial determination, the claimant shall not be required to make repayment to the fund of any benefits paid to him prior to such redetermination.

Renumber the remaining sections.

Further, amend the title of S. F. No. 1800 as follows:

Page 1, line 16, reinstate "268.10, Subdivision 1;"

The roll being called, there were yeas 57, and nays 65, as follows:

Those who voted in the affirmative were:

Adams, S.	Enebo	Kempe, R.	Osthoff	Skoglund
Anderson, I.	Faricy	Kostohryz	Parish	Spanish
Arlandson	Forsythe	Kroening	Pehler	Stanton
Begich	Fudro	Luther	Petrafeso	Swanson
Berglin	Fugina	Mangan	Philbrook	Tomlinson
Carlson, L.	Hanson	McCarron	Prahl	Vento
Carlson, R.	Hokanson	McCollar	Rice	Voik
Casslerly	Jacobs	Metzen	Samuelson	Voss
Clark	Johnson, D.	Moe	Sarna	Speaker Sabo
Clawson	Kahn	Munger	Schulz	
Dahl	Kelly, R.	Neisen	Sieben, M.	
Dean	Kempe, A.	Novak	Simoneau	

Those who voted in the negative were:

Adams, L.	Eckstein	Johnson, C.	McCauley	Sherwood
Albrecht	Eken	Jude	Menning	Sieben, H.
Anderson, G.	Erickson	Kaley	Nelsen	Sieloff
Beauchamp	Esau	Kalis	Niehaus	Smith
Berg	Evans	Kelly, W.	Norton	Smogard
Biersdorf	Ewald	Ketola	Peterson	Suss
Braun	Fjoslien	Knickerbocker	Pleasant	Ulland
Brinkman	Friedrich	Kvam	Reding	Vanasek
Byrne	Graba	Laidig	Savelkoul	Wenstrom
Carlson, A.	Haugerud	Langseth	Schreiber	Wenzel
Corbid	Heinitz	Lemke	Schumacher	White
DeGroat	Jaros	Lindstrom	Searle	Wieser
Doty	Jensen	Mann	Setzepfandt	Zubay

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

Pursuant to Rule 1.6, a roll call was taken on the following amendment to S. F. No. 1800, as amended, offered by Smith, Searle and Johnson, C.:

Page 22, line 23 through page 27, line 20, delete all of the present Section 8 and insert a new section to read as follows:

"Sec. 8. Minnesota Statutes, 1975 Supplement, Section 268.09, Subdivision 1, is amended to read:

268.09 [UNEMPLOYMENT COMPENSATION; DISQUALIFIED FROM BENEFITS.] Subdivision 1. [DISQUALIFYING CONDITIONS.] An individual shall be disqualified for benefits:

(1) [VOLUNTARY LEAVING OR DISCHARGE FOR MISCONDUCT.] If such individual voluntarily and without good cause attributable to the employer discontinued his employment with such employer or *leaves employment because of pregnancy without availing herself of maternity leave rights*, or was discharged for misconduct, not amounting to gross misconduct, connected with his work or for misconduct which interferes with and adversely affects his employment, if so found by the commissioner, (FOR NOT LESS THAN FIVE NOR MORE THAN EIGHT WEEKS OF UNEMPLOYMENT IN ADDITION TO AND FOLLOWING THE WAITING PERIOD, OR WAS DISCHARGED FOR GROSS MISCONDUCT CONNECTED WITH HIS WORK OR GROSS MISCONDUCT WHICH INTERFERES WITH AND ADVERSELY AFFECTS HIS EMPLOYMENT, IF SO FOUND BY THE COMMISSIONER, FOR 12 WEEKS OF UNEMPLOYMENT IN ADDITION TO AND FOLLOWING THE WAITING PERIOD, WHICH DISQUALIFICATION SHALL NOT BE REMOVED BY SUBSEQUENT EMPLOYMENT, AND PROVIDED FURTHER THAT THE COMMISSIONER IS EMPOWERED TO IMPOSE A TOTAL DISQUALIFICATION FOR THE BENEFIT YEAR AND TO CANCEL PART OR ALL OF THE WAGE CREDITS FROM THE LAST EMPLOYER FROM WHOM HE WAS DISCHARGED FOR GROSS MISCONDUCT CONNECTED WITH HIS WORK, AND THE MAXIMUM BENEFIT AMOUNT PAYABLE TO SUCH INDIVIDUAL SHALL BE REDUCED AS FOLLOWS:) *until he has, subsequent to that separation, earned wages in insured work from which he has been separated under non-disqualifying conditions in an amount equal to or in excess of six times his weekly benefit amount.*

((A) BY AN AMOUNT EQUAL TO THE WEEKLY BENEFIT AMOUNT TIMES THE NUMBER OF WEEKS FOR WHICH SUCH INDIVIDUAL WAS DISQUALIFIED, WHEN THE SEPARATION OCCURS BECAUSE OF A VOLUNTARY SEPARATION AS DESCRIBED IN THIS CLAUSE OR AS A RESULT OF DISCHARGE FOR MISCONDUCT;) *When the separation occurs as a result of a discharge for gross misconduct such disqualification shall continue until he has earned wages in insured work from which he has been separated under non-disqualifying conditions in an amount equal to or in excess of 12 times his weekly benefit amount.*

((B) BY AN AMOUNT EQUAL TO 12 TIMES HIS WEEKLY BENEFIT AMOUNT, WHEN THE SEPARATION OCCURS AS A RESULT OF A DISCHARGE FOR GROSS MISCONDUCT;)

For the purpose of this clause "gross misconduct" shall be defined as misconduct involving assault and battery, or an immoral act, or the malicious destruction of property or the theft of money or property of a value of \$50, or more.

This provision shall not apply to any individual who left his employment to accept work offering substantially better conditions of work or substantially higher wages or both, or whose separation from such employment was due to serious illness of such individual.

(2) SEPARATION TO ASSUME FAMILY OBLIGATIONS. IF SUCH INDIVIDUAL VOLUNTARILY LEAVES EMPLOYMENT BECAUSE OF PREGNANCY WITHOUT AVAILING HERSELF OF MATERNITY LEAVE RIGHTS PROVIDED BY LAW, PROVIDED THAT SUCH DISQUALIFICATION SHALL BE REMOVED BY SUBSEQUENT EMPLOYMENT IN INSURED WORK FOR A PERIOD OF NOT LESS THAN SIX WEEKS.)

*An individual who voluntarily leaves employment for compelling personal reasons involving the obligation to care for a seriously ill member of the immediate family shall be disqualified for benefits for five weeks of unemployment in addition to and following the waiting period.*

((3)) (2) [LIMITED OR NO CHARGE OF BENEFITS.] Benefits paid subsequent to an individual's separation under any of the foregoing clauses or because of his failure, without good cause, to accept an offer of suitable re-employment, shall not be used as a factor in determining the future contribution rate of the employer from whose employment such individual separated or whose offer of re-employment he refused; provided that this clause shall not apply to an individual involuntarily separated from employment because of pregnancy.

((4)) (3) [FAILURE TO APPLY FOR OR ACCEPT SUITABLE WORK.] If the commissioner finds that he has failed, without good cause, either to apply for available, suitable work when so directed by the employment office, or the commissioner or to accept suitable work when offered him, or to return to his customary self-employment (if any) when so directed by the commissioner, or to actively seek employment. Such disqualification shall continue for the week in which such refusal or failure occurred and (FOR A PERIOD OF SEVEN WEEKS OF UNEMPLOYMENT IMMEDIATELY FOLLOWING SUCH REFUSAL OR FAILURE) *until he has earned wages in insured work from which he has been separated under non-disqualifying conditions in an amount equal to or in excess of six times his weekly benefit amount.*

(a) In determining whether or not any work is suitable for an individual, the commissioner shall consider the degree of risk involved to his health, safety, and morals, his physical fitness and prior training, his experience, his length of unemployment and prospects of securing local work in his customary occupation, and the distance of the available work from his residence.



(b) Notwithstanding any other provisions of sections 268.03 to 268.24, no work shall be deemed suitable, and benefits shall not be denied thereunder to any otherwise eligible individual for refusing to accept new work under any of the following conditions:

(1) if the position offered is vacant due directly to a strike, lockout, or other labor dispute;

(2) If the wages, hours, or other conditions of the work offered are substantially less favorable to the individual than those prevailing for similar work in the locality;

(3) if as a condition of being employed the individual would be required to join a union or to resign from or refrain from joining any bona fide labor organization;

(4) if after December 31, 1971, such individual is in training with the approval of the commissioner.

(5) [LABOR DISPUTE.] If such individual has left or partially or totally lost his employment with an employer because of a strike or other labor dispute. Such disqualification shall prevail for each week during which such strike or other labor dispute is in progress at the establishment in which he is or was employed, except that such disqualification shall be for one week following commencement of the strike or other labor dispute for any employee who is not participating in or directly interested in the labor dispute which caused such individual to leave or partially or totally lose such employment. Failure or refusal of an individual to accept and perform available and customary work in the establishment constitutes participation. For the purpose of this section the term "labor dispute" shall have the same definition as provided in the Minnesota labor relations act. Nothing in this subdivision shall be deemed to deny benefits to any employee:

(a) who becomes unemployed because of a strike or lockout caused by an employer's willful failure to observe the terms of the safety and health section of a union contract or failure to comply with an official citation for a violation of federal and state laws involving occupational safety and health; provided, however, that benefits paid in accordance with this provision shall not be charged to the employer's experience rating account if, following official appeal proceedings, it is held that there was no willful failure on the part of the employer,

(b) who becomes unemployed because of a lockout,

(c) who is dismissed during the period of negotiation in any labor dispute and prior to the commencement of a strike, or

(d) unless he is unemployed because of a jurisdictional dispute between two or more unions.

Provided, however, that voluntary separation during the time that such strike or other labor dispute is in progress at such establishment shall not be deemed to terminate such individual's participation in or direct interest in such strike or other labor dispute for purposes of this subdivision.

Benefits paid to an employee who has left or partially or totally lost his employment because of a strike or other labor dispute at his *primary place of employment* shall not be charged to his employer's account unless the employer was a party to the particular strike or labor dispute.

Notwithstanding any other provision of this section, an individual whose last separation from employment with an employer occurred prior to the commencement of the strike or other labor dispute and was permanent or for an indefinite period, shall not be denied benefits or waiting week credit solely by reason of his failure to apply for or to accept recall to work or reemployment with the employer during any week in which the strike or other labor dispute is in progress at the establishment in which he was employed.

(6) [REFUSAL OF SUITABLE REEMPLOYMENT.] If such individual has failed without good cause to accept suitable re-employment offered by a base period employer, such disqualification shall prevail for the week in which the failure occurred (AND FOR A PERIOD OF SEVEN WEEKS OF UNEMPLOYMENT FOLLOWING SUCH FAILURE) *until he has, subsequent to that separation, earned wages in insured work from which he has been separated under non-disqualifying conditions in an amount equal to or in excess of six times his weekly benefit amount*, provided such disqualification shall not apply if such individual is in training with the approval of the commissioner.

Page 31, lines 11 and 12, delete Sec. 11 and renumber the succeeding section.

Page 31, line 14, after "amend" insert "*Section 268.09, subdivision 1, and*".

Further, amend the title as follows:

Page 1, line 10, delete "repealing".

Page 1, line 11, after "268.09" and before the period insert ", subdivision 1".

The roll being called, there were yeas 53, and nays 70, as follows:

## Those who voted in the affirmative were:

Adams, S.	Eken	Jensen	Langseth	Searle
Albrecht	Erickson	Johnson, C.	Mann	Setzepfandt
Anderson, G.	Esau	Kaley	McCauley	Sherwood
Biersdorf	Evans	Kalis	Menning	Smith
Brinkman	Ewald	Kelly, W.	Nelsen	Suss
Carlson, A.	Fjoslien	Kempe, A.	Niehaus	Ulland
Corbid	Forsythe	Kempe, R.	Peterson	Vanasek
Dean	Friedrich	Ketola	Pleasant	Wieser
DeGroat	Graba	Knickerbocker	Savelkoul	Zubay
Doty	Haugerud	Kvam	Schreiber	
Eckstein	Heinitz	Laidig	Schumacher	

## Those who voted in the negative were:

Adams, L.	Dahl	Kostohryz	Osthoff	Sieloff
Anderson, I.	Dieterich	Kroening	Patton	Simoneau
Arlandson	Enebo	Lemke	Pehler	Skoglund
Beauchamp	Fudro	Lindstrom	Petrafeso	Smogard
Begich	Fugina	Luther	Philbrook	Spanish
Berg	Hanson	Mangan	Prahl	Swanson
Berglin	Hokanson	McCarron	Reding	Tomlinson
Braun	Jacobs	McCollar	Rice	Vento
Byrne	Jaros	Metzen	St. Onge	Volk
Carlson, L.	Johnson, D.	Moe	Samuelson	Voss
Carlson, R.	Jude	Munger	Sarna	Wenstrom
Casserly	Kahn	Neisen	Schulz	Wenzel
Clark	Kelly, R.	Norton	Sieben, H.	Williamson
Clawson	Knoll	Novak	Sieben, M.	Speaker Sabo

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

Pursuant to Rule 1.6, a roll call was taken on the motion of Adams, L., to recommend passage of S. F. No. 1800, as amended.

The roll being called, there were yeas 101, and nays 25, as follows:

## Those who voted in the affirmative were:

Adams, L.	Eckstein	Kempe, R.	Munger	Schumacher
Adams, S.	Eken	Ketola	Neisen	Setzepfandt
Albrecht	Evans	Knickerbocker	Nelsen	Sherwood
Anderson, G.	Faricy	Knoll	Niehaus	Sieben, H.
Anderson, I.	Fugina	Kostohryz	Norton	Sieben, M.
Arlandson	Graba	Laidig	Novak	Sieloff
Beauchamp	Hanson	Langseth	Osthoff	Simoneau
Begich	Haugerud	Lemke	Parish	Skoglund
Berg	Hokanson	Lindstrom	Patton	Smith
Biersdorf	Jacobs	Luther	Pehler	Smogard
Braun	Jaros	Mangan	Petrafeso	Spanish
Brinkman	Jensen	Mann	Philbrook	Stanton
Carlson, A.	Johnson, C.	McCarron	Pleasant	Suss
Carlson, L.	Johnson, D.	McCauley	Prahl	Swanson
Casserly	Jude	McCollar	Reding	Tomlinson
Clawson	Kalis	McEachern	St. Onge	Ulland
Corbid	Kelly, R.	Menning	Savelkoul	Vanasek
Dahl	Kelly, W.	Metzen	Schreiber	Vento
Doty	Kempe, A.	Moe	Schulz	Volk

Voss  
Wenstrom

Wenzel

White

Williamson

Speaker Sabo

Those who voted in the negative were:

Berglin  
Carlson, R.  
Clark  
Dean  
DeGroat

Enebo  
Erickson  
Esau  
Ewald  
Fjoslien

Forsythe  
Friedrich  
Fudro  
Heinitz  
Kahn

Kaley  
Kroening  
Kvam  
Peterson  
Rice

Samuelson  
Sarna  
Searle  
Wieser  
Zubay

The motion prevailed.

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

S. F. No. 1800 upon which it recommended to pass with the following amendments:

Offered by Adams, L.:

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes, 1975 Supplement, Section 268.04, Subdivision 12, is amended to read:

Subd. 12. "Employment" means: (1) Subject to the other provisions of this subdivision "employment" means service performed prior to January 1, 1945, which was employment as defined in this section prior to such date, and any service performed after December 31, 1944, including service in interstate commerce, by an individual who is a servant under the law of master and servant or who performs services for any employing unit, unless such services are performed by an independent contractor. Any service performed, including service in interstate commerce, by

(a) any officer of a corporation; or

(b) any individual other than an individual who is an employee under clause (a) who performs services for remuneration for any person as an agent-driver or commission-driver engaged in distributing meat products, vegetable products, fruit products, bakery products, beverages (other than milk), or laundry or dry-cleaning services, for his principal, or as a traveling or city salesman, other than as an agent-driver or commission-driver, engaged upon a fulltime basis in the solicitation on behalf of, and the transmission to, his principal (except for sideline sales activities on behalf of some other person) of orders from wholesalers, retailers, contractors, or operators of hotels, restaurants, or other similar establishments for merchandise for resale or supplies for use in their business operations;

Provided, that for purposes of clause (1) (b), the term "employment" shall include services described above performed after December 31, 1971, only if the contract of service contemplates that substantially all of the services are to be performed personally by such individual, the individual does not have a substantial investment in facilities used in connection with the performance of the services (other than in facilities for transportation), and the services are not in the nature of a single transaction that is not part of a continuing relationship with the person for whom the services are performed.

(2) The term "employment" shall include an individual's entire service, performed within or both within and without this state if (a) the service is localized in this state; or (b) the service is not localized in any state but some of the service is performed in this state and (1) the base of operations, or, if there is no base of operations, then the place from which such service is directed or controlled, is in this state; (2) the base of operations or place from which such service is directed or controlled is not in any state in which some part of the service is performed, but the individual's residence is in this state.

(3) Service shall be deemed to be localized within a state if (a) the service is performed entirely within such state; or (b) the service is performed both within and without such state, but the service performed without such state is incidental to the individual's service within the state, for example, is temporary or transitory in nature or consists of isolated transactions.

(4) After December 31, 1971, the term "employment" shall include an individual's service wherever performed within the United States, the Virgin Islands or Canada, if

(a) Such service is not covered under the unemployment compensation law of any other state, the Virgin Islands or Canada, and

(b) The place from which the service is directed or controlled is in this state.

(5) (a) Service covered by an election pursuant to section 268.11, subdivision 3; and

(b) Service covered by an arrangement pursuant to section 268.13 between the commissioner and the agency charged with the administration of any other state or federal employment security law, pursuant to which all service performed by an individual for an employing unit is deemed to be performed entirely within this state, shall be deemed to be employment if the commissioner has approved an election of the employing unit for which such service is performed, pursuant to which the entire service of such individual during the period covered by such election is deemed to be employment.

(6) Notwithstanding any inconsistent provisions of sections 268.03 to 268.24, the term "employment" shall include any services which are performed by an individual with respect to which an employing unit is liable for any federal tax against which credit may be taken for contributions required to be paid into a state unemployment compensation fund or which as a condition for full tax credit against the tax imposed by the federal unemployment tax act is required to be covered under this law.

(7) Service performed after July 1, 1957, by an individual for the state of Minnesota or any instrumentality which is wholly owned by the state of Minnesota or in the employ of this state and one or more other states or their instrumentalities.

(8) Service performed after January 1, 1974, by an individual for any political subdivision of the state of Minnesota or instrumentality thereof.

(a) The provisions of section 268.08, subdivision 5, shall apply to service covered by this section.

(b) The amounts required to be paid in lieu of contributions by any political subdivision shall be billed and payment made as provided in section 268.06, subdivision 28, clause (2), with respect to similar payments by nonprofit organizations.

(9) Service performed after December 31, 1971, by an individual in the employ of a religious, charitable, educational or other organization but only if the following conditions are met:

(a) the service is excluded from "employment" as defined in the federal unemployment tax act solely by reason of section 3306(c) (8) of that act; and

(b) The amounts required to be paid in lieu of contributions for some portion of a day in each of 20 different weeks, whether or not such weeks were consecutive, within either the current or preceding calendar year, regardless of whether they were employed at the same moment of time.

(10) For the purposes of clauses (7), (8), and (9), the term "employment" does not apply to service performed

(a) in the employ of a church or convention or association of churches, or an organization which is operated exclusively for religious purposes and which is operated, supervised, controlled, or principally supported by a church or convention or association of churches; or

(b) by a duly ordained, commissioned, or licensed minister of a church in the exercise of his ministry or by a member of a religious order in the exercise of duties required by such order; or

(c) in a facility conducted for the purpose of carrying out a program of rehabilitation for individuals whose earning capacity is impaired by age or physical or mental deficiency or injury or providing remunerative work for individuals who, because of their impaired physical or mental capacity cannot be readily absorbed in the competitive labor market by an individual receiving such rehabilitation or remunerative work; or

(d) as part of an unemployment work relief or work training program assisted or financed in whole or in part by any federal agency or an agency of a state or political subdivision thereof, by an individual receiving such work relief or work training; or

(e) for a hospital in a state prison or other state correctional institution by an inmate of the prison or correctional institution.

(11) The term "employment" shall include the services of an individual who is a citizen of the United States, performed outside the United States (except in Canada or the Virgin Islands), after December 31, 1971, in the employ of an American employer (other than service which is deemed "employment" under the provisions of clauses (2), (3), or (4) or the parallel provisions of another state's law) if:

(a) The employer's principal place of business in the United States is located in this state; or

(b) The employer has no place of business in the United States, but the employer is an individual who is a resident of this state, or the employer is a corporation which is organized under the laws of this state, or the employer is a partnership or a trust and the number of partners or trustees who are residents of this state is greater than the number who are residents of any one other state; or

(c) None of the criteria of (a) and (b) of this clause is met but the employer has elected coverage in this state, or the employer having failed to elect coverage in any state, the individual has filed a claim for benefits, based on such service, under the law of this state;

(d) An "American employer," for the purposes of this subdivision, means a person who is an individual who is a resident of the United States, or a partnership if two thirds or more of the partners are residents of the United States, or a trust, if all of the trustees are residents of the United States, or a corporation organized under the laws of the United States or of any state;

(e) As used in this subdivision, the term "United States" includes the states, the District of Columbia, and the Commonwealth of Puerto Rico.

(12) Notwithstanding clause (1), all service performed after the effective date of this subdivision by an officer or member of the crew of an American vessel on or in connection with such vessel, if the operating office, from which the operations of such vessel operating on navigable waters within, or within and without, the United States are ordinarily and regularly supervised, managed, directed and controlled is within this state.

(13) The term "employment" shall not include:

(a) Agricultural labor. The term "agricultural labor" includes all services performed subsequent to December 31, 1939:

(1) On a farm, in the employ of any person, in connection with cultivating the soil, or in connection with raising or harvesting any agricultural or horticultural commodity, including the raising, shearing, feeding, caring for, training, and management of livestock, bees, poultry, fur-bearing animals and wild-life;

(2) In the employ of the owner or tenant or other operator of a farm, in connection with the operation, management, conservation, improvement, or maintenance of such farm and its tools and equipment, or in salvaging timber or clearing land of brush and other debris left by a tornadic-like storm, if the major part of such service is performed on a farm;

(3) In connection with the production or harvesting of any commodity defined as an agricultural commodity in section 15 (g) of the agricultural marketing act, as amended (46 Stat. 1550, sec. 3; 12 U.S.C. 1141j) or in connection with the ginning of cotton, or in connection with the operation or maintenance of ditches, canals, reservoirs, or waterways, not owned or operated for profit, used exclusively for supplying and storing water for farming purposes;

(4) In the employ of the operator of a farm in handling, planting, drying, packing, packaging, processing, freezing, grading, storing, or delivering to storage or to market or to a carrier for transportation to market, in its unmanufactured state, any agricultural or horticultural commodity; but only if such operator produced more than one half of the commodity with respect to which such service is performed, or in the employ of a group of operators of farms (or a cooperative organization of which such operators are members) in the performance of service described herein, but only if such operators produced more than one half of the commodity with respect to which such service is performed; however, the provisions of this paragraph shall not be deemed to be applicable with respect to service performed in connection with commercial canning or commercial freezing or in connection with any agricultural or horticultural commodity after its delivery to a terminal market for distribution for consumption; or



(5) On a farm operated for profit if such service is not in the course of the employer's trade or business or is domestic service in a private home of the employer.

As used herein, the term "farm" includes stock, dairy, poultry, fruit, fur-bearing animal, and truck farms, plantations, ranches, nurseries, ranges, greenhouses or other similar structures used primarily for the raising of agricultural or horticultural commodities, and orchards.

Notwithstanding the provisions of clause (13) (a) (1), (2), (3), (4) and (5), services performed after January 1, 1974, for an employing unit which has four or more persons performing services in agricultural labor for some portion of a day in each of 20 different weeks, whether or not such weeks were consecutive, within either the current or preceding calendar year, regardless of whether they were employed at the same moment of time, shall not be excluded from the term "employment".

(b) Domestic service in a private home, local college club, or local chapter of a college fraternity or sorority;

(c) Casual labor not in the course of the employing unit's trade or business;

(d) Service performed on the navigable waters of the United States as to which this state is prohibited by the constitution and laws of the United States of America from requiring contributions of employers with respect to wages as provided in sections 268.03 to 268.24;

(e) Service performed by an individual in the employ of his son, daughter, or spouse, and service performed by a child under the age of 18 in the employ of his father or mother;

(f) Service performed in the employ of the United States government, or any instrumentality of the United States exempt under the constitution of the United States from the contributions imposed by sections 268.03 to 268.24, except that with respect to such service performed subsequent to December 31, 1939, and to the extent that the congress of the United States shall permit states to require any instrumentalities of the United States to make payments into an unemployment compensation fund under a state unemployment compensation act; then, to the extent permitted by congress, and from and after the date as of which such permission becomes effective, all of the provisions of these sections shall be applicable to such instrumentalities and to services performed for such instrumentalities in the same manner, to the same extent, and on the same terms as to all other employers, employing units, individuals, and services; provided, that if this state shall not be certified for any year by the United States department of labor under section 3304(c) of the federal internal revenue code, the payments required of such instrumen-

talities with respect to such year shall be refunded by the commissioner from the fund in the same manner and within the same period as is provided in section 268.16, subdivision 6, with respect to contributions erroneously collected;

(g) Service with respect to which unemployment compensation is payable under an employment compensation system established by an act of congress;

(h) (1) Service performed in any calendar quarter in the employ of any organization exempt from income tax under section 501(a) (other than an organization described in section 401(a)) or section 521 of the federal internal revenue code, if the remuneration for such service is less than \$50; or

(2) Service performed in the employ of a school, college, or university, if such service is performed by a student who is enrolled and is regularly attending classes at such school, college, or university; or

(3) Service performed by an individual under the age of 22 who is enrolled at a nonprofit or public educational institution which normally maintains a regular faculty and curriculum and normally has a regularly organized body of students in attendance at the place where its educational activities are carried on as a student in a fulltime program, taken for credit at such institution, which combines academic instruction with work experience, if such service is an integral part of such program, and such institution has so certified to the employer, except that this paragraph shall not apply to service performed in a program established for or on behalf of an employer or group of employers; or

(4) *Service performed in the employ of any organization exempt from income tax under section 501(a) (other than an organization described in section 401(a) of the Federal Internal Revenue Code), provided; financing for the operations of the employer come primarily from voluntary contributions or governmental grants; and such service consists primarily of the supervision of work crews of minors or the supervision of the recreational activities of minors; and the period of such service does not exceed 16 weeks in a calendar year;*

(i) Service performed in the employ of a foreign government (including service as a consular or other officer or employee or a nondiplomatic representative);

(j) Service performed in the employ of an instrumentality wholly owned by a foreign government, if

(1) The service is of a character similar to that performed in foreign countries by employees of the United States government or of an instrumentality thereof; and

(2) The commissioner finds that the United States secretary of state has certified to the United States secretary of the treasury that the foreign government, with respect to whose instrumentality exemption is claimed, grants an equivalent exemption with respect to similar service performed in the foreign country by employees of the United States government and of instrumentalities thereof.

(k) Service covered by an arrangement between the commissioner and the agency charged with the administration of any other state or federal employment security law pursuant to which all services performed by an individual for an employing unit during the period covered by such employing unit's duly approved election, are deemed to be performed entirely within such agency's state;

(l) Service performed in the employ of a hospital, if such service is performed by a patient of the hospital, as defined in clause (16);

(m) Service performed subsequent to December 31, 1940, as a student nurse in the employ of a hospital or a nurses' training school by an individual who is enrolled and is regularly attending classes in a nurses' training school chartered and approved pursuant to state law; and service performed as an intern in the employ of a hospital by an individual who has completed a four years' course in a medical school chartered and approved pursuant to state law;

(n) Service performed subsequent to December 31, 1940, by an individual for a person as an insurance agent or as an insurance solicitor, if all such service performed by such individual for such person is performed for remuneration solely by way of commission (the word "insurance" as used in this subdivision shall include an annuity and an optional annuity);

(o) Service performed by an individual under the age of 18 in the delivery or distribution of newspapers or shopping news, not including delivery or distribution to any point for subsequent delivery or distribution;

(p) Service performed by an individual for a person as a real estate salesman, if all such service performed by such individual for such person is performed for remuneration solely by way of commission;

(q) If the service performed subsequent to December 31, 1940, during one half or more of any pay period by an individual for the person employing him constitutes employment, all the service of such individual for such period shall be deemed to be employment; but if the service performed during more than one half of any such pay period by an individual for the person employing him does not constitute employment, then none of the

service of such individual for such period shall be deemed to be employment. As used in this subdivision, the term "pay period" means a period (of not more than 31 consecutive days) for which a payment or remuneration is ordinarily made to the individual by the person employing him.

(14) Except when performed for an institution of higher education, as defined in clause (15), or a hospital, as defined in clause (16), the term "employment" as applied to services performed by an individual for the state of Minnesota or any instrumentality wholly owned by the state, except political subdivisions or instrumentalities thereof, shall not include the following:

(a) Service performed by elected public officials and unclassified employees appointed for a definite term and employees of the legislature or a legislative commission employed as temporary employees, except after December 31, 1971, this exclusion shall not apply to service performed by unclassified employees in an instructional, research, or principal administrative capacity in an institution of higher education or a hospital;

(b) Service performed prior to January 1, 1972, by a faculty member in the employ of a university, college, school or any other institution of higher education which is supported wholly or substantially by public funds;

(c) Service performed by members of the Minnesota national guard when ordered to duty for military assignments;

(d) Service performed in the employ of the state natural resources department directly and solely in connection with emergency fire fighting, including but not limited to those persons temporarily employed for the purpose of detecting, locating, or suppressing forest fires.

(15) "Institution of higher education," for the purposes of this subdivision, means an educational institution which:

(a) Admits as regular students only individuals having a certificate of graduation from a high school, or the recognized equivalent of such a certificate;

(b) Is legally authorized in this state to provide a program of education beyond high school;

(c) Provides an educational program for which it awards a bachelor's or higher degree, or provides a program which is acceptable for credit toward such a degree, a program of post-graduate or post-doctoral studies, or a program of training to prepare students for gainful employment in a recognized occupation; and

(d) Is a public or other nonprofit institution.

(e) Notwithstanding any of the foregoing provisions of this clause, all colleges and universities in this state are institutions of higher education for purposes of this section.

(16) "Hospital" means an institution which has been licensed, certified or approved by the department of health as a hospital.

Sec. 2. Minnesota Statutes, 1975 Supplement, Section 268.04, Subdivision 23, is amended to read:

Subd. 23. "Unemployment" An individual shall be deemed "unemployed" in any week during which he performs no service and with respect to which no wages are payable to him, or in any week of less than full time work if the wages payable to him with respect to such week are less than his weekly benefit amount, *provided that no permanent employee of the legislature or a legislative commission shall be deemed to be unemployed while on a leave of absence.* Any individual unemployed as a result of a uniform vacation shutdown shall not be deemed to be voluntarily unemployed. The commissioner may, in his discretion, prescribe regulations relating to the payment of benefits to such unemployed individuals.

Sec. 3. Minnesota Statutes, 1975 Supplement, Section 268.04, Subdivision 25, is amended to read:

Subd. 25. "Wages" means all remuneration for services, including commissions and bonuses, and tips and gratuities paid to an employee by a customer of an employer and accounted for by the employee to the employer, and the cash value of all remuneration in any medium other than cash, except that such term shall not include:

(1) For the purpose of determining contributions payable under section 268.06, subdivision 2, that part of the remuneration which exceeds (THE LESSER OF \$6,500 OR 70) 85 percent of the average annual wage rounded to the nearest \$100 computed in accordance with the provisions of clause (6) of this subdivision paid to an individual by an employer with respect to covered employment in this state, or with respect to employment under the unemployment compensation law of any other state during any calendar year paid to such individual by such covered employer or his predecessor during such calendar year; provided, that if the term "wages" as contained in the federal unemployment tax act is amended to include remuneration in excess of the amount required to be paid hereunder to an individual by an employer under the federal act for any calendar year, wages for the purposes of sections 268.03 to 268.24 shall include remuneration paid in a calendar year up to an amount equal to the dollar limitation specified in the federal unemployment tax act. For

the purpose of this clause, the term "employment" shall include service constituting employment under any employment security law of another state or of the federal government;

(2) The amount of any payment made to, or on behalf of, an employee under a plan or system established by an employer which makes provision for his employees generally or for a class or classes of his employees (including any amount paid by an employer for insurance or annuities, or into a fund, to provide for any such payment), on account of (a) retirement or (b) sickness or accident disability or (c) medical and hospitalization expenses in connection with sickness or accident disability, or (d) death, provided the employee (i) has not the option to receive instead of provision for such death benefit, any part of such payment, or if such death benefit is insured, any part of the premium (or contributions to premiums) paid by his employer and (ii) has not the right, under the provisions of the plan or system or policy of insurance providing for such death benefit, to assign such benefit, or to receive a cash consideration in lieu of such benefit either upon his withdrawal from the plan or system providing for such benefit or upon termination of such plan or system or policy of insurance or of his employment with such employer;

(3) The payment by an employer (without deduction from the remuneration of the employee) (a) of the tax imposed upon an employee under section 3101 of the federal internal revenue code, or (b) of any payment required from an employee under a state unemployment compensation law;

(4) Any payments made to a former employee during the period of active military service in the armed forces of the United States by such employer, whether legally required or not;

(5) Any payment made to, or on behalf of, an employee or his beneficiary (a) from or to a trust described in section 401(a) of the federal internal revenue code which is exempt from tax under section 501(a) of such code at the time of such payment unless such payment is made to an employee of the trust as remuneration for services rendered as an employee and not as a beneficiary of the trust, or (b) under or to an annuity plan which, at the time of such payment is a plan described in section 403(a) of the federal internal revenue code, or (c) under or to a bond purchase plan which, at the time of such payment, is a qualified bond purchase plan described in section 405(a) of the federal internal revenue code;

(6) On or before July 1 of each year the commissioner shall determine the average annual wage paid by employers subject to sections 268.03 to 268.24 in the following manner:

(a) The sum of the total monthly employment reported for the previous calendar year shall be divided by 12 to determine the average monthly employment.

(b) The sum of the total wages reported for the previous calendar year shall be divided by the average monthly employment to determine the average annual wage.

The average annual wage determined shall be effective for the calendar year next succeeding the determination.

(THIS SECTION SHALL BECOME EFFECTIVE JANUARY 1, 1976.)

Sec. 4. Minnesota Statutes 1974, Section 268.04, Subdivision 29, is amended to read:

Subd. 29. "Credit week" with respect to any claim for benefits which establishes a benefit year subsequent to June 27, 1970, is any week for which wages have been paid and wages are due and payable but not paid of (\$30) \$50 or more by or from one or more employers to an employee for insured work.

Sec. 5. Minnesota Statutes 1974, Section 268.06, Subdivision 5, is amended to read:

Subd. 5. [BENEFITS CHARGED AS AND WHEN PAID.]  
(1) Benefits paid to an individual pursuant to a valid claim filed subsequent to June 30, 1941, shall be charged against the account of his employer as and when paid, except that benefits paid to an individual who during his base period earned wages for part time employment with an employer who continues to give the employee part time employment substantially equal to the part time employment previously furnished such employee by such employer shall not be charged to such employer's account. The amount of benefits so chargeable against each base period employer's account shall bear the same ratio to the total benefits paid to an individual as the base period wage credits of the individual earned from such employer bear to the total amount of base period wage credits of the individual earned from all his base period employers.

(2) When, however, the base period earnings of an individual to whom benefits are paid are less than (\$520) \$900, then the proportional benefits which would ordinarily be charged to such employer shall not be charged to him, except that this provision shall not apply if the commissioner finds that the employment practices of an employer result in his separation of employees for whom work is available solely for the purpose of evading charges to his account.

In making computations under this provision, the amount of wage credits if not a multiple of \$1, shall be computed to the nearest multiple of \$1.

Sec. 6. Minnesota Statutes, 1975 Supplement, Section 268.06, Subdivision 8, is amended to read:

Subd. 8. [DETERMINATION OF CONTRIBUTION RATES.] For the year 1976 and for each calendar year thereafter the commissioner shall determine the contribution rate of each employer by adding the minimum rate to the experience ratio, except that if the ratio for the current calendar year exceeds the experience ratio for the preceding calendar year by more than one and one-half percentage points, the increase for the current year shall be limited to one and one-half percentage points. The minimum rate for all employers shall be (NINE TENTHS OF ONE PERCENT IF THE AMOUNT IN THE UNEMPLOYMENT COMPENSATION FUND IS LESS THAN \$90,000,000 ON JUNE 30 OF THE PRECEDING CALENDAR YEAR; OR EIGHT TENTHS OF ONE PERCENT IF THE FUND IS MORE THAN \$90,000,000 BUT LESS THAN \$110,000,000; OR SEVEN TENTHS OF ONE PERCENT IF THE FUND IS MORE THAN \$110,000,000 BUT LESS THAN \$130,000,000; OR SIX TENTHS OF ONE PERCENT IF THE FUND IS MORE THAN \$130,000,000 BUT LESS THAN \$150,000,000; OR FIVE TENTHS OF ONE PERCENT IF THE FUND IS MORE THAN \$150,000,000 BUT LESS THAN \$170,000,000; OR THREE TENTHS OF ONE PERCENT IF THE FUND IS MORE THAN \$170,000,000 BUT LESS THAN \$200,000,000; OR ONE TENTH OF ONE PERCENT IF THE FUND IS \$200,000,000 OR MORE; PROVIDED THAT NO EMPLOYER SHALL HAVE A CONTRIBUTION RATE OF MORE THAN FIVE PERCENT EXCEPT THAT IN THE CASE OF AN EMPLOYER WHOSE EXPERIENCE RATIO IN EACH OF THE IMMEDIATELY PRECEDING THREE CALENDAR YEARS WAS IN EXCESS OF FIVE PERCENT, THE MAXIMUM CONTRIBUTION RATE SHALL BE SIX PERCENT.) determined on the basis of the following table:

<i>Fund Ratio</i>	<i>Minimum Tax Rate</i>
<i>Less than or equal to 0.9 percent</i>	<i>1.0 percent</i>
<i>More than 0.9 percent, but less than or equal to 1.0 percent</i>	<i>0.9 percent</i>
<i>More than 1.0 percent, but less than or equal to 1.1 percent</i>	<i>0.8 percent</i>
<i>More than 1.1 percent, but less than or equal to 1.2 percent</i>	<i>0.7 percent</i>
<i>More than 1.2 percent, but less than or equal to 1.3 percent</i>	<i>0.6 percent</i>



More than 1.3 percent, but less

than or equal to 1.4 percent

0.5 percent

More than 1.4 percent, but less

than or equal to 1.5 percent

0.4 percent

More than 1.5 percent, but less

than or equal to 1.6 percent

0.3 percent

More than 1.6 percent, but less

than or equal to 2.0 percent

0.2 percent

More than 2.0 percent

0.1 percent

*Provided that no employer shall have a contribution rate of more than five percent except in the case of an employer whose experience ratio in each of the immediately preceding three calendar years was in excess of five percent, the maximum tax rate shall be eight percent.*

*For the purpose of this subdivision, the fund ratio shall be determined as the ratio of the total amount of money in the unemployment compensation fund, reduced by the balance of advances of federal funds, made in accordance with Title XII of the Social Security Act, as amended, at the close of business on June 30 of each year, commencing with June 30, 1975, divided by the total amount of wages subject to contributions under this law during the preceding calendar year. The minimum rate so determined shall be effective for the calendar year next succeeding the determination.*

Sec. 7. Minnesota Statutes, 1975 Supplement, Section 268.07, Subdivision 2, is amended to read:

Subd. 2. [WEEKLY BENEFIT AMOUNT AND DURATION.] If the commissioner finds that an individual has earned 18, or more, credit weeks, and (\$540) \$900 or more in wage credits, within the base period of employment in insured work with one or more employers, benefits shall be payable to such individual during his benefit year as follows:

(1) Weekly benefit amount shall be equal to 60 percent of the first \$85, 40 percent of the next \$85 and 50 percent of the remainder of the average weekly wage of such individual, computed to the nearest whole dollar, subject to a maximum of (THE LESSER OF \$116 OR) 62 percent of the average weekly wage paid to individuals by employers subject to the provisions of sections 268.03 to 268.24.

On or before June 30 of each year the commissioner shall determine the average weekly wage paid by employers subject to sections 268.03 to 268.24 in the following manner:

(a) The sum of the total monthly employment reported for the previous calendar year shall be divided by 12 to determine the average monthly employment.

(b) The sum of the total wages reported for the previous calendar year shall be divided by the average monthly employment to determine the average annual wage.

(c) The average annual wage shall be divided by 52 to determine the average weekly wage.

The maximum weekly benefit amount as so determined computed to the nearest whole dollar shall apply to claims for benefits which establish a benefit year which begins subsequent to June 30 of each year.

(2) An individual's maximum amount of regular benefits payable in a benefit year shall not exceed the lesser of (a) 26 times his weekly benefit amount or (b) 70 percent of the number of credit weeks earned by such an individual computed to the nearest whole week times his weekly benefit amount.

(3) Each eligible individual who is unemployed in any week shall be paid with respect to such week a benefit in an amount equal to his weekly benefit amount less that part of his earnings, including holiday pay, payable to him with respect to such week which is in excess of \$25. Such benefit, if not a multiple of \$1, shall be computed to the next higher multiple of \$1.

(4) The provisions of this subdivision shall apply to claims for benefits which establish a benefit year subsequent to June 30, 1975.

Sec. 8. Minnesota Statutes 1974, Chapter 268, is amended by adding a section to read:

[268.091] [DISQUALIFICATIONS FROM BENEFITS.]  
*Subdivision 1. [DISQUALIFYING CONDITIONS.] An individual shall be disqualified for benefits if such individual:*

*(1) voluntarily and without good cause attributable to the employer discontinues employment with such employer, provided that this provision shall not apply to any individual who left his employment to accept work offering substantially better conditions of work or substantially higher wages or both, or whose separation from such employment was due to serious illness of such individual; or (2) was discharged for misconduct, not*

amounting to gross misconduct, connected with the work or which interferes with and adversely affects the employment; or

(3) was discharged for gross misconduct connected with his work or which interferes with and adversely affects the employment, such gross misconduct being defined as misconduct involving assault and battery, or an immoral act, or the malicious destruction of property or the theft of money or property of a value of \$50, or more; or

(4) left employment because of pregnancy without availing herself of maternity leave rights; or

(5) failed, without good cause, either to apply for or accept available, suitable work when so directed by the employment office or the commissioner, or to return to customary self-employment (if any), provided that:

(a) In determining whether or not any work is suitable for an individual, the commissioner shall consider the degree of risk involved to his health, safety, and morals, his physical fitness and prior training, his experience, his length of unemployment and prospects of securing local work in his customary occupation, and the distance of the available work from his residence.

(b) Notwithstanding any other provisions of sections 268.03 to 268.24, no work shall be deemed suitable, and benefits shall not be denied thereunder to any otherwise eligible individual for refusing to accept new work under any of the following conditions:

(1) if the position offered is vacant due directly to a strike, lockout, or other labor dispute;

(2) if the wages, hours, or other conditions of the work offered are substantially less favorable to the individual than those prevailing for similar work in the locality;

(3) if as a condition of being employed the individual would be required to join a union or to resign from or refrain from joining any bona fide labor organization;

(4) if after December 31, 1971, such individual is in training with the approval of the commissioner; or

(6) failed without good cause to accept suitable re-employment offered by a base period employer, provided such disqualification shall not apply if such individual is in training with the approval of the commissioner.

Subd. 2. [DISQUALIFICATIONS.] The disqualifications imposed for the conditions in subdivision 1 shall be:

(1) for eight weeks of unemployment and shall also result in a reduction in the maximum benefit amount payable to such individual of eight times the weekly benefit amount; or

(2) until such individual has worked for eight weeks in insured employment and earned wages in each week equal to the weekly benefit amount if the individual has been disqualified for a prior separation, refusal or failure which occurred within the 104 weeks preceding the week in which the disqualifying condition for which this disqualification is being imposed occurred; or

(3) until such individual has worked for eight weeks in insured employment and earned wages in each week equal to the weekly benefit amount and shall also result in a reduction in the maximum benefit amount payable to such individual of 12 times the weekly benefit amount, which reduction shall not be satisfied by subsequent employment, if the disqualification is for gross misconduct; or

(4) until such individual has employment in insured work for a period of not less than six weeks if the disqualification is for leaving employment because of pregnancy without availing herself of maternity leave rights.

Benefits paid subsequent to an individual's separation under any of the foregoing clauses shall not be used as a factor in determining the future contribution rate of the employer from whose employment such individual separated or whose offer of re-employment was refused, provided that this clause shall not apply to an individual involuntarily separated from employment because of pregnancy.

With respect to subdivision 2, clause (1), any week of employment in insured work with wages in an amount equal to the weekly benefit amount subsequent to the week in which the disqualifying act occurred shall satisfy a week of disqualification and a reduction in maximum benefit amount equal to the weekly benefit amount. Five weeks of employment in insured work with wages in an amount equal to the weekly benefit amount in each week subsequent to the week in which the disqualifying act occurred shall satisfy eight weeks of disqualification.

**Subd. 3. [LABOR DISPUTES.]** An individual shall be disqualified from such benefits if such individual has left or partially or totally lost his employment with an employer because of a strike or other labor dispute. Such disqualification shall prevail for each week during which such strike or other labor dispute is in progress at the establishment in which he is or was employed, except that such disqualification shall be for one week following commencement of the strike or other labor dispute for any employee who is not participating in or directly interested in the labor dispute which caused such individual to leave or partially or totally lose such employment. Failure or refusal of an

*individual to accept and perform available and customary work in the establishment constitutes participation. For the purpose of this section the term "labor dispute" shall have the same definition as provided in the Minnesota labor relations act. Nothing in this subdivision shall be deemed to deny benefits to any employee:*

*(a) who becomes unemployed because of a strike or lockout caused by an employer's willful failure to observe the terms of the safety and health section of a union contract or failure to comply with an official citation for health; provided, however, that benefits paid in accordance with this provision shall not be charged to the employer's experience rating account if, following official appeal proceedings, it is held that there was no willful failure on the part of the employer,*

*(b) who becomes unemployed because of a lockout,*

*(c) who is dismissed during the period of negotiation in any labor dispute and prior to the commencement of a strike, or*

*(d) unless he is unemployed because of a jurisdictional dispute between two or more unions.*

*Provided, however, that voluntary separation during the time that such strike or other labor dispute is in progress at such establishment shall not be deemed to terminate such individual's participation in or direct interest in such strike or other labor dispute for purposes of this subdivision.*

*Benefits paid to an employee who has left or partially or totally lost his employment because of a strike or other labor dispute at his primary place of employment shall not be charged to his employer's account unless the employer was a party to the particular strike or labor dispute.*

*Notwithstanding any other provision of this section, an individual whose last separation from employment with an employer occurred prior to the commencement of the strike or other labor dispute and was permanent or for an indefinite period, shall not be denied benefits or waiting week credit solely by reason of his failure to apply for or to accept recall to work or re-employment with the employer during any week in which the strike or other labor dispute is in progress at the establishment in which he was employed.*

**Subd. 4. [DISQUALIFICATIONS CONCURRENT; WHEN OVERLAPPING.]** *Weeks of disqualification imposed under the provisions of this section shall be concurrent where two or more disqualifying periods overlap.*

*Subd. 5. [DEFINITION.] A week of unemployment, as used in this section, shall mean a week during which such individual would be otherwise eligible for benefits, except for the initial waiting week.*

Sec. 9. Minnesota Statutes 1974, Section 268.12, Subdivision 5, is amended to read:

Subd. 5. [ASSISTANCE.] (1) Subject to the provisions of the state civil service act and to the other provisions of sections 268.03 to 268.24 the commissioner is authorized to appoint, and prescribe the duties and powers of, such officers, accountants, attorneys, experts, and other persons as may be necessary in the performance of his duties thereunder. The commissioner may delegate to any such person so appointed such power and authority as he deems reasonable and proper for the effective administration of those sections and may, in his discretion, bond any person handling moneys or signing checks thereunder. The commissioner is authorized to adopt such personnel and fiscal regulations as he deems necessary to satisfy fiscal and personnel standards required by the secretary of labor pursuant to the Social Security Act, as amended, and the act of Congress entitled "an act to provide for the establishment of a national employment system and to cooperate with the states in the promotion of such system and for other purposes," approved June 6, 1933, as amended. The commissioner may, subject to the approval of the commissioner of administration, also adopt regulations relating to reimbursement to department employees for travel expenses incurred while traveling on official business including allowances on a per diem basis in lieu of actual subsistence expenses incurred. The commissioner is also hereby authorized to purchase liability and property damage automobile insurance to cover any automobiles owned by the Minnesota department of employment services for the protection of its employees who may be required to operate the same in pursuit of their duties for the department.

The attorney general shall appoint an assistant attorney general and two special assistant attorneys general, to be in addition to the number now authorized by law. The assistant attorney general shall be the attorney and the chief counsel for the department of employment services. Such assistant and special assistant attorneys general shall receive the same salary as the other assistant and special assistant attorneys general, but devote their entire time to this department. Such assistant and special assistant attorneys general shall have the power to act for and represent the attorney general in all matters in which the attorney general is authorized to act for the commissioner by these sections. The compensation and all expenses and disbursements of such assistant and special assistant attorneys general shall be paid from the moneys appropriated to and for the use of the commissioner.

(2) ((A) NO OFFICER OR EMPLOYEE ENGAGED IN THE ADMINISTRATION OF THESE SECTIONS SHALL

USE HIS OFFICIAL AUTHORITY TO INFLUENCE FOR THE PURPOSE OF INTERFERING WITH AN ELECTION OR AFFECTING THE RESULTS THEREOF. NO PERSON ENGAGED IN THE ADMINISTRATION OF THESE SECTIONS WHO HOLDS A POSITION IN THE STATE CLASSIFIED SERVICE PURSUANT TO PROVISIONS CONTAINED IN THE STATE CIVIL SERVICE ACT, WHILE RETAINING THE RIGHT TO VOTE AS HE PLEASES AND TO EXPRESS PRIVATELY HIS OPINION ON ALL POLITICAL SUBJECTS, SHALL TAKE AN ACTIVE PART IN POLITICAL MANAGEMENT OR CAMPAIGNS;)

((B) NO OFFICER OR EMPLOYEE ENGAGED IN THE ADMINISTRATION OF THESE SECTIONS SHALL SOLICIT OR RECEIVE OR BE IN ANY MANNER CONCERNED IN SOLICITING OR RECEIVING ANY ASSESSMENT, SUBSCRIPTION, OR CONTRIBUTION FOR ANY POLITICAL PURPOSE FOR ANY PERSON;)

((C)) No officer or employee engaged in the administration of these sections shall, for political purposes, furnish or disclose, or aid or assist in furnishing or disclosing, any list or names of persons obtained in the administration of these sections, to a political candidate, committee, campaign manager, or to any person for delivery to a political candidate, committee, or campaign manager, and it shall be unlawful for any person to receive any such list or names for political purposes.

Sec. 10. Minnesota Statutes 1974, Section 268.18, Subdivision 2, is amended to read:

Subd. 2. [FRAUD.] Any claimant who files a claim for or receives benefits by knowingly and wilfully misrepresenting or misstating any material fact or by knowingly and wilfully failing to disclose any material fact which would make him ineligible for benefits under sections 268.03 to 268.24 and as specifically set forth in Minnesota Statutes, Section 268.08, in force at the time of filing such claim for benefits, shall be deemed guilty of fraud. Notwithstanding the provisions of Minnesota Statutes 1949, Section 268.09, Subdivision 1, Clause (7), after the discovery of facts by the commissioner indicating such fraud in claiming or obtaining benefits under sections 268.03 to 268.24, he is hereby authorized to make a determination that such claimant was ineligible for each week with reference to which benefits were claimed or obtained by such fraud for such amount as was in excess of what such claimant would have been entitled to had he not made such fraudulent statements or failed to disclose any material facts, *and be disqualified when next claiming benefits for an additional week for each week in which benefits were fraudulently claimed*, and at the discretion of the commissioner, disqualifying such claimant from receiving any unemployment benefits under the Min-

nesota law for any part or all of the remainder of the current or next subsequent benefit year following the week when such fraud was committed, and that said claimant shall within 20 days from the date of mailing the notice of said determination to him repay in cash to the department of employment services any benefits so fraudulently obtained. Unless such claimant files a written protest with the department of employment services within ten days after the delivery of such notice or within 12 days after the date of mailing thereof, such determination shall become final. If such claimant shall appeal from such determination within the time above specified said matter shall be referred to an appeal tribunal for a hearing as in other benefit cases and thereafter the procedure for review shall be the same as set forth in section 268.10. If such benefits so fraudulently obtained are not repaid to the department in cash within 20 days from the date of mailing the notice to such claimant of such determination, the commissioner is hereby authorized to deduct from future benefits payable to such claimant in either the current or any subsequent benefit year an amount equivalent to the amount of overpayment determined.

Sec. 11. *Minnesota Statutes, 1975 Supplement, Section 268.09, is hereby repealed.*

Sec. 12. *This act is effective January 1, 1977, except the provisions to amend section 268.12, subdivision 5, which shall become effective the day following final enactment."*

Further delete the title in its entirety and insert the following:

"A bill for an act relating to employment services; unemployment compensation; defining wages; determining employer contribution rates; amending Minnesota Statutes 1974, Sections 268.04, Subdivision 29; 268.06, Subdivision 5; 268.12, Subdivision 5; 268.18, Subdivision 2; Chapter 268, by adding a section; and Minnesota Statutes, 1975 Supplement, Sections 268.04, Subdivisions 12, 23 and 25; 268.06, Subdivision 8; 268.07, Subdivision 2; and repealing Minnesota Statutes, 1975 Supplement, Section 268.09."

Offered by Adams, L. as previously amended:

Page 24, line 25, after "occurred" and before the semi-colon insert: "*and such earlier disqualifying separation, refusal or failure resulted in benefits paid to the individual equal to or in excess of 13 times the weekly benefit amount*".

Offered by Evans as previously amended:

Page 10, lines 23 and 24, strike "under the age of 22".

Offered by Osthoff as previously amended:



Page 29, after line 28, insert a new section to read:

"Sec. 10. Minnesota Statutes 1974, Section 268.12, Subdivision 12, is amended to read:

Subd. 12. [INFORMATION.] Except as hereinafter otherwise provided, information obtained from any employing unit or individual pursuant to the administration of sections 268.03 to 268.24, and from any determination as to the benefit rights of any individual shall be held confidential and shall not be disclosed or be open to public inspection in any manner revealing the individual's or employing unit's identity. Any claimant or other interested party (or his legal representative) shall be supplied with information from the records of the department of employment services, to the extent necessary for the proper presentation of his claim, contention or refutation of any claim in which he is an interested party in any proceeding under these sections with respect thereto. Subject to such restrictions as the commissioner may by regulation prescribe, such information may be made available to any agency of this or any other state, or any federal agency charged with the administration of an employment and security law or the maintenance of a system of public employment offices, any local human rights department within the state which has enforcement powers, or the Bureau of Internal Revenue of the United States Department of the Treasury, and information obtained in connection with administration of the employment service may be made available to persons or agencies for purposes appropriate to the operation of a public employment service. Upon request therefor, the commissioner shall furnish to any agency of the United States charged with the administration of public works or assistance through public employment, and may furnish to any state agency similarly charged, or any local human rights department within the state which has enforcement powers, the name, address, ordinary occupation, and employment status of each recipient of benefits and such recipient's rights to further benefits under these sections. *Notwithstanding Minnesota Statutes, Section 15.1641 or other law, the commissioner shall, upon request of a county attorney of this state, release to him information considered necessary by the county attorney for the possible prosecution of a criminal offense under Minnesota Statutes, Section 256.98.* The commissioner may request the Comptroller of the Currency of the United States to cause an examination of the correctness of any return of report of any national banking association rendered pursuant to the provisions of these sections, and may in connection with such request, transmit any such report or return to the Comptroller of the Currency of the United States as provided in section 3305(c) of the federal internal revenue code.

All letters, reports, communications, or any other matters, either oral or written, from an employer or his workers to each other or to the commissioner or any of his agents, representatives, or employees, which shall have been written or made in

connection with the requirements and administration of sections 268.03 to 268.24 or the regulations thereunder, shall be absolutely privileged and shall not be made subject matter or basis for any suit for slander or libel in any court of this state.

Further amend the title as follows:

Page 1, line 4, after "rates;" insert "providing for the use of certain information in fraud investigations;"

Page 1, line 6, after "268.12," delete "Subdivision 5" and insert "Subdivisions 5 and 12".

Offered by Neisen as previously amended:

Page 13, after line 10, insert "(r) *Part time service performed by an individual for a political subdivision of the state of Minnesota when such individual is employed in park and recreation activities of the political subdivision for a fixed period of time not to exceed one hundred calendar days in any calendar year.*"

Offered by Clawson as previously amended:

Page 22, after line 22, insert a new section to read as follows:

"Sec. 8. Minnesota Statutes, 1975 Supplement, Section 268.08, Subdivision 5, is amended to read:

Subd. 5. [SERVICES PERFORMED FOR STATE, MUNICIPALITIES OR CHARITABLE CORPORATIONS.] Effective January 1, 1974, benefits based on service in employment defined in section 268.04, subdivision 12, clauses (7), (8), and (9), shall be payable in the same amount, on the same terms and subject to the same conditions as compensation payable on the basis of other service subject to this law except that, (a) benefits based on service in an instructional, research, or principal administrative capacity in an institution of higher education (as defined in section 268.04, subdivision 12, clause (15)) shall not be paid to an individual for any week of unemployment which begins during the period between two successive academic years, or during a similar period between two regular terms, whether or not successive, or during a period of paid sabbatical leave provided for in the individual's contract, if the individual has a contract or contracts to perform services in any such capacity for any institution or institutions of higher education for both such academic years or both such terms; (b) benefits based on wage credits earned in the employment of a public or private school, or a political subdivision for service with respect to a school, shall not be paid to an individual during any period between two successive school years when the activity in which the wage credits were earned is not normally performed. This provision shall not apply to any individual who, prior to the end

of a school year, has voluntarily left or has been indefinitely separated from such employment *unless the individual has obtained employment with the same or another public or private school to commence at the beginning of the next school year.* For the purposes of this clause, school year means that period established by a school board in accordance with Minnesota Statutes 1971, Section 126.12."

Renumber the remaining sections in order.

Further, amend the title.

Page 1, line 10, after "Subdivision 2;" insert "268.08, Subdivision 5;"

Offered by Prah! as previously amended:

Page 26, after line 9 insert the following:

*"(a) who quits his job and notifies his employer of a health or safety condition which he believes is dangerous to his health and safety, provided that said employee notifies OSHA and his allegation concerning health or personal safety is substantiated by OSHA,".*

Reletter subsequent paragraphs accordingly.

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

There being no objection the order of business reverted to Messages From the Senate.

## MESSAGES FROM 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 5 members of the Senate, on the amendments adopted by the Senate to the following House File:

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.

The Senate has appointed as such committee Messrs. Humphrey, McCutcheon, Borden, Bernhagen and Hanson, R.

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 5 members of the Senate, on the amendments adopted by the Senate to the following House File:

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.

The Senate has appointed as such committee Messrs. Perpich, A. J.; Coleman; Larson; Lewis and Blatz.

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. 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.

And the Senate respectfully requests that a Conference Committee of 3 members be appointed thereon. Messrs. Tennessen, Moe and Kirchner 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

Clark 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. 1097. The motion prevailed.

Mr. Speaker:

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

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.

And the Senate respectfully requests that a Conference Committee of 5 members be appointed thereon. Messrs. Stumpf; Keefe, S.; Tennessen; Fitzsimons and Brown 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

Philbrook moved that the House accede to the request of the Senate for the appointment of a Conference Committee of 5 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. 819. The motion prevailed.

Mr. Speaker:

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

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.

And the Senate respectfully requests that a Conference Committee of 3 members be appointed thereon. Messrs. Konzemius, Kowalczyk and Nelson 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

Swanson 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. 60. The motion prevailed.

Mr. Speaker:

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

S. F. No. 2309.

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. 1963.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### FIRST READING OF SENATE BILLS

S. F. No. 2309, A bill for an act relating to retirement; distribution of state aid to policemen's relief associations; volunteer firemen's lump sum and monthly benefits; amending Minnesota Statutes 1974, Sections 69.011, Subdivisions 1, 2, and 4; 69.021, Subdivisions 5, 6, and 7; 69.031, Subdivision 5; and 69.06.

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

S. F. No. 1963, A bill for an act relating to the operation of state government; raising base salaries for certain executive branch employees, judges and judicial branch employees; limiting possible increases for certain executive branch employees; requiring political subdivisions of the state to report certain salaries; providing for a report by the personnel board; extending the open meeting law to the legislature; amending Minnesota Statutes 1974, Sections 15A.081; 15A.083, as amended; 43.062, Subdivision 3; and 43.067; 471.705, Subdivision 1; and Chapter 43, by adding a section; and Minnesota Statutes, 1975 Supplement, Section 15A.081, Subdivision 1; repealing Minnesota Stat-

utes 1974, Sections 15A.081, Subdivisions 1a and 4; 43.066; 43.069; and 487.05.

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

#### ANNOUNCEMENTS BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to the Conference Committee on H. F. No. 348:

Sieben, H.; Luther and McCollar.

The Speaker announced the appointment of the following members of the House to the Conference Committee on S. F. No. 1097:

Clark, Samuelson and Forsythe.

The Speaker announced the appointment of the following members of the House to the Conference Committee on S. F. No. 819:

Philbrook, Vento, Sarna, Faricy and Savelkoul.

The Speaker announced the appointment of the following members of the House to the Conference Committee on S. F. No. 60:

Swanson, Rice and Sabo.

#### GENERAL ORDERS

There being no objection, the remaining bills on General Orders for today were continued on General Orders until Thursday, March 25, 1976.

#### MOTIONS AND RESOLUTIONS

Anderson, I.; Savelkoul; Sabo; and Searle introduced:

House Resolution No. 37, A house resolution relating to the House leadership scholarship fund.

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

Carlson, R., moved that H. F. No. 387, now in the Committee on Appropriations, be returned to its author. The motion prevailed.

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

S. F. No. 2288, to include committee amendments and S. F. No. 1800 to include floor amendments.

The motion prevailed.

Kelly, R., moved that H. F. No. 2166, now on General Orders, be returned to its author. The motion prevailed.

#### ADJOURNMENT

Anderson, I., moved that when the House adjourns today it adjourn until 11:00 a.m., Thursday, March 25, 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., Thursday, March 25, 1976.

**EDWARD A. BURDICK, Chief Clerk, House of Representatives**