

## STATE OF MINNESOTA

## SIXTY-NINTH SESSION - 1976

## ONE HUNDRED-FOURTH DAY

SAINT PAUL, MINNESOTA, FRIDAY, APRIL 2, 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	Sherwood
Adams, L.	Eckstein	Kaley	Neisen	Sieben, H.
Adams, S.	Eken	Kalis	Nelsen	Sieben, M.
Albrecht	Enebo	Kelly, R.	Nelson	Sieloff
Anderson, G.	Erickson	Kelly, W.	Niehaus	Simoneau
Anderson, I.	Esau	Kempe, A.	Norton	Skoglund
Arlandson	Evans	Kempe, R.	Novak	Smith
Beauchamp	Ewald	Ketola	Osthoff	Smogard
Begich	Faricy	Knickerbocker	Parish	Spanish
Berg	Fjoslien	Knoll	Patton	Stanton
Berglin	Forsythe	Kostohryz	Pehler	Suss
Biersdorf	Friedrich	Kroening	Peterson	Swanson
Birnstihl	Fudro	Kvam	Petrafero	Tomlinson
Braun	Fugina	Laidig	Philbrook	Ulland
Brinkman	George	Langseth	Pleasant	Vanasek
Byrne	Graba	Lemke	Prahl	Vento
Carlson, A.	Hanson	Lindstrom	Reding	Voss
Carlson, L.	Haugerud	Luther	Rice	Wenstrom
Carlson, R.	Heinitz	Mangan	St. Onge	Wenzel
Casseri	Hokanson	Mann	Samuelson	White
Clark	Jacobs	McCarron	Sarna	Wieser
Clawson	Jaros	McCauley	Savelkoul	Wigley
Corbid	Jensen	McCollar	Schreiber	Williamson
Dahl	Johnson, C.	McEachern	Schulz	Zubay
Dean	Johnson, D.	Menning	Schumacher	Speaker Sabo
DeGroat	Jopp	Metzen	Searle	
Dieterich	Jude	Moe	Setzepfandt	

A quorum was present.

Volk was excused.

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

## REPORTS OF CHIEF CLERK

Pursuant to Rules of the House, printed copies of H. F. No. 2281 has been placed in the members' files.

## PETITIONS AND COMMUNICATIONS

The following communication was received:

STATE OF MINNESOTA  
OFFICE OF THE GOVERNOR  
ST. PAUL 55155

April 1, 1976

The Honorable Martin Sabo  
Speaker of the House

Sir:

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

H. F. No. 595, An Act relating to retirement; authorized expenditures of firemen's relief associations.

H. F. No. 1957, An act relating to natural resources; providing general condemnation power upon obtaining consent of the landowner.

H. F. No. 1963, An act relating to the city of Mound; firemen's service pensions.

H. F. No. 1966, An act relating to judges; authorizing certain retired judges and their dependents to participate in the state employee hospital benefits and medical benefits program.

H. F. No. 2010, An act relating to the cities of Eveleth and Duluth; an increase in police pensions in the city of Eveleth; police survivor benefits in the city of Duluth.

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

H. F. No. 2216, An act relating to interim claims against the state; appropriating moneys for the payment thereof.

H. F. No. 2244, An act relating to public employment labor relations; providing for determination of the fair share fee; providing for appeal of that determination.

H. F. No. 2326, An act relating to highway traffic regulations; driving restrictions on certain juveniles.

H. F. No. 2463, An act relating to highway traffic regulations; defining terms; authorizing flashing lights on certain vehicles; authorizing certain vehicles to be equipped with a flashing amber lamp and to display the lighted lamp under certain conditions.

Sincerely,

WENDELL R. ANDERSON  
Governor

#### HOUSE ADVISORY BILLS

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

Fugina introduced:

H. A. B. No. 81, To study the reapportionment of St. Louis county by the Legislature.

The bill was referred to the Committee on General Legislation and Veterans Affairs.

Munger; Anderson, G.; Wenstrom; Searle and Schumacher introduced:

H. A. B. No. 82, Minnesota agricultural conservation program.

The bill was referred to the Committee on Environment and Natural Resources.

Lemke and Eken introduced:

H. A. B. No. 83, Seasonal motor vehicle registration study.

The bill was referred to the Committee on Transportation.

The following conference committee reports were received:

#### CONFERENCE COMMITTEE REPORT ON H. F. NO. 2204

A bill for an act relating to collection and dissemination of data; providing definitions; requiring a public document on data collection; authorizing audits of data collection practices and policies; providing for emergency classification in certain situations; amending Minnesota Statutes 1974, Section 15.17, Subdivision 4; and Minnesota Statutes, 1975 Supplement, Sec-

tions 15.162, Subdivisions 2a, 4, 5a and 8; 15.163, Subdivisions 1 and 2.

March 31, 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. 2204 report that we have agreed upon the items in dispute and recommend as follows:

That H. F. No. 2204 be amended as follows:

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1974, Section 15.162, is amended by adding a subdivision to read:

*Subd. 1a. "Arrest information" shall include (a) the name, age, and address of an arrested individual; (b) the nature of the charge against the arrested individual; (c) the time and place of the arrest; (d) the identity of the arresting agency; (e) information as to whether an individual has been incarcerated and the place of incarceration. "Arrest information" does not include data specifically made private, confidential or nonpublic pursuant to section 260.161 or any other statute.*

Sec. 2. Minnesota Statutes, 1975 Supplement, Section 15.162, Subdivision 2a, is amended to read:

*Subd. 2a. "Confidential data on individuals" means data which is : (a) made not public (BUT IS (A) EXPRESSLY MADE CONFIDENTIAL BY LAW AS) by statute or federal law applicable to the data and is inaccessible to the individual subject of that data; or (b) collected by a civil or criminal investigative agency as part of an active investigation undertaken for the purpose of the commencement of a legal action, provided that the burden of proof as to whether such investigation is active or in anticipation of a legal action is upon the agency; (C) DATA WHICH SUPPLIES THE BASIS FOR THE DIAGNOSIS OF THE MEDICAL OR PSYCHIATRIC CONDITION OF AN INDIVIDUAL AS DETERMINED BY A LICENSED PHYSICIAN). Confidential data on individuals does not include arrest information that is reasonably contemporaneous with an arrest or incarceration. The provision of clause (b) in this subdivision shall terminate and cease to have force and effect with regard to the state agencies, political subdivisions, statewide systems, covered by the ruling, upon the granting or refusal to grant an emergency classification pursuant to section 15.1642 of both criminal and civil investigative data, or on June 30, 1977, whichever occurs first.*

Sec. 3. Minnesota Statutes, 1975 Supplement, Section 15.162, Subdivision 5, is amended to read:

Subd. 5. "Political subdivision" includes counties, municipalities, school districts and any boards, commissions, districts or authorities created pursuant to local ordinance. It includes any nonprofit corporation which is a community action agency organized to qualify for public funds, or any nonprofit social service agency which performs services under contract to any political subdivision, statewide system or state agency, *to the extent that the nonprofit social service agency or nonprofit corporation collects, stores, disseminates, and uses data on individuals because of a contractual relationship with state agencies, political subdivisions or statewide systems.*

Sec. 4. Minnesota Statutes, 1975 Supplement, Section 15.162, Subdivision 5a, is amended to read:

Subd. 5a. "Private data on individuals" means data which is *made by statute or federal law applicable to the data: (a) not public (BUT WHICH BY LAW); and (b) (IS) accessible to the individual subject of that data. Private data on individuals does not include arrest information that is reasonably contemporaneous with an arrest or incarceration.*

Sec. 5. Minnesota Statutes, 1975 Supplement, Section 15.162, Subdivision 8, is amended to read:

Subd. 8. "Statewide system" includes any record-keeping system in which data on individuals is collected, stored, disseminated and used by means of a system common to one or more state agencies (OF THE STATE) or more than one of its political subdivisions or any combination of state agencies and political subdivisions.

Sec. 6. Minnesota Statutes, 1975 Supplement, Section 15.163, Subdivision 1, is amended to read:

15.163 [REPORTS TO THE LEGISLATURE.] Subdivision 1. On or before August 1 (OF EACH YEAR), 1976, the responsible authority shall (DOCUMENT AND FILE A REPORT WITH THE COMMISSIONER OF ADMINISTRATION, WHICH SHALL BE A PUBLIC RECORD. THE REPORT SHALL CONTAIN THE FOLLOWING INFORMATION:)

((A) THE TITLE, NAME, AND ADDRESS, OF THE RESPONSIBLE AUTHORITY.)

((B) A STATEMENT OF WHICH RECORDS CONTAINING DATA ON INDIVIDUALS MAINTAINED BY THE RESPONSIBLE AUTHORITY ARE CLASSIFIED AS CONFIDENTIAL AND WHICH ARE CLASSIFIED AS PRIVATE. THE RESPONSIBLE AUTHORITY SHALL SUBMIT SAM-

PLE COPIES OF ANY FORMS WHICH WILL, WHEN EXECUTED, CONTAIN DATA ON INDIVIDUALS CLASSIFIED AS PRIVATE OR CONFIDENTIAL.)

((C) THE PURPOSE FOR WHICH PRIVATE OR CONFIDENTIAL DATA ON INDIVIDUALS IS AUTHORIZED TO BE USED, COLLECTED, DISSEMINATED AND STORED.)

((D) THE RESPONSIBLE AUTHORITY'S POLICIES AND PRACTICES REGARDING STORAGE, DURATION OF RETENTION, AND DISPOSAL OF DATA ON INDIVIDUALS, INCLUDING A DESCRIPTION OF THE PROVISIONS FOR MAINTAINING THE INTEGRITY OF PRIVATE AND CONFIDENTIAL DATA ON INDIVIDUALS.) *prepare a public document containing his name, title and address, and a description of each category of record, file, or process relating to private or confidential data on individuals maintained by his state agency, statewide system, or political subdivision. Forms used to collect private and confidential data shall be included in the public document. Beginning August 1, 1977 and annually thereafter, the responsible authority shall update the public document and make any changes necessary to keep it accurate.*

Sec. 7. Minnesota Statutes, 1975 Supplement, Section 15.163, Subdivision 2, is amended to read:

Subd. 2. (ON OR BEFORE DECEMBER 1 OF EACH YEAR,) The commissioner (SHALL PREPARE A REPORT TO THE LEGISLATURE SUMMARIZING THE INFORMATION FILED BY) *may require responsible authorities (PURSUANT TO SUBDIVISION 1 AND NOTIFYING THE LEGISLATURE OF ANY PROBLEMS RELATING TO THE ADMINISTRATION, IMPLEMENTATION AND ENFORCEMENT OF SECTIONS 15.162 TO 15.168 WHICH MIGHT, IN HIS OPINION, REQUIRE LEGISLATIVE ACTION) to submit copies of the public document required in subdivision 1, and may request additional information relevant to data collection practices, policies and procedures.*

Sec. 8. Minnesota Statutes 1974, Chapter 15, is amended by adding a section to read:

[15.1642] [EMERGENCY CLASSIFICATION.] *Subdivision 1. [APPLICATION.] The responsible authority of a state agency, political subdivision or statewide system may apply to the commissioner for permission to classify data or types of data under section 15.162, subdivision 2a or 5a, for its own use and for the use of other similar agencies, subdivisions or systems on an emergency basis until a proposed statute can be acted upon by the legislature. The application for emergency classification is public data.*

*Subd. 2. [CONTENTS OF APPLICATION.] An application for emergency classification shall include and the applicant shall*

have the burden of clearly establishing at least the following information:

(a) That no statute currently exists which either allows or forbids classification under section 15.162, subdivision 2a or 5a;

(b) That the data on individuals has been treated as either private or confidential by custom of long standing which has been recognized by other similar state agencies or other similar political subdivisions, if any, and by the public;

(c) That a compelling need exists for immediate emergency classification, which if not granted could adversely affect the public interest or the health, safety, wellbeing or reputation of the data subject.

If the commissioner grants the emergency classification, it shall be submitted with the complete record relating to the application to the attorney general, who shall review the classification as to form and legality. The attorney general shall, within 20 days, either approve or disapprove the classification.

Subd. 3. [EXPIRATION OF EMERGENCY CLASSIFICATION.] All emergency classifications granted under this section and still in effect shall expire on June 30, 1977. No emergency classifications shall be granted after June 30, 1977.

Sec. 9. Section 8 of this act shall be effective the day following its final enactment. Sections 1 to 7 of this act shall be effective June 1, 1976."

Further strike the title and insert:

"A bill for an act relating to collection and dissemination of data; providing definitions; requiring a public document on data collection; authorizing audits of data collection practices and policies; providing for emergency classification in certain situations; amending Minnesota Statutes 1974, Chapter 15, by adding a section; and Minnesota Statutes, 1975 Supplement, Sections 15.162, Subdivisions 2a, 5, 5a and 8, and by adding a subdivision; 15.163, Subdivisions 1 and 2."

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

House Conferees: JOHN C. LINDSTROM, JOHN R. ARLANDSON and WILLIAM D. DEAN.

Senate Conferees: ROBERT J. TENNESSEN, BILL MCCUTCHEON and JOHN B. KEEFE.

Lindstrom moved that the report of the Conference Committee on H. F. No. 2204 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 2204, A bill for an act relating to collection and dissemination of data; providing definitions; requiring a public document on data collection; authorizing audits of data collection practices and policies; providing for emergency classification in certain situations; amending Minnesota Statutes 1974, Section 15.17, Subdivision 4; and Minnesota Statutes, 1975 Supplement, Sections 15.162, Subdivisions 2a, 4, 5a and 8; 15.163, Subdivisions 1 and 2.

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 130, and nays 0, as follows:

Those who voted in the affirmative were:

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

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

#### CONFERENCE COMMITTEE REPORT ON H. F. NO. 2203

A bill for an act relating to medical assistance for the needy; establishing guidelines for reimbursement of medical services furnished by nursing homes; prescribing certain responsibilities for the department of public welfare.



April 1, 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. 2203 report that we have agreed upon the items in dispute and recommend that H. F. No. 2203 be amended as follows:

Strike everything after the enacting clause and insert:

"Section 1. [256B.41] [POLICY; INTENT.] Subdivision 1. The state agency shall by rule establish a formula for establishing payment rates for nursing homes which qualify as vendors of medical assistance.

Subd. 2. It is the intent of the legislature to establish certain limitations on the state agency in setting standards for nursing home rate setting for the care of recipients of medical assistance pursuant to Minnesota Statutes, Chapter 256B. It is not the intent of the legislature to repeal or change any existing or future rule promulgated by the state agency relating to the setting of rates for nursing homes unless the rule is clearly in conflict with sections 1 to 8 of this act. If any provision of sections 1 through 8 of this act is determined by the United States government to be in conflict with existing or future requirements of the United States government with respect to federal participation in medical assistance, the federal requirements shall prevail.

Sec. 2. [256B.42] [DEFINITIONS.] Subdivision 1. For the purpose of this act the following terms and phrases shall have the meaning given to them.

Subd. 2. "Facility" means the building in which a nursing home is located and all permanent fixtures attached to it. "Facility" does not include the land or any supplies and equipment which are not fixtures.

Subd. 3. "Original value" means the value of the facility established pursuant to section 3, subdivisions 1 and 2.

Subd. 4. "Purchase" means the acquisition of a nursing home by a new owner or the construction of a new nursing home.

Subd. 5. "Net asset value" means the total of the original value of the facility less accumulated depreciation on it and the value of the land.

Subd. 6. "Net debt" means the total of capital indebtedness and loans used for operating expenses.

Sec. 3. [256B.43] [FIXED ASSETS; DEPRECIATION.] Subdivision 1. The state agency shall by rule establish a de-

preciation allowance for nursing homes purchased on or after January 1, 1977. The depreciation allowance shall be based on the lesser of the purchase price or the appraised value of the facility at the time of the purchase. After the purchase of a nursing home, the purchaser of the nursing home or the state agency may request an appraisal of the facility pursuant to the provisions of subdivision 3. The value of the facility determined pursuant to this subdivision shall be the original value and shall be the basis for depreciation.

Subd. 2. If any nursing home expands its facility or makes any other capital expenditures which increases the value of the facility subsequent to January 1, 1977, the cost of the expansion or capital expenditure shall be added to the original value, and the total shall become the new original value and basis for depreciation. If the state agency disputes the cost attributed to the expansion or capital expenditure, it may request an appraisal pursuant to subdivision 3.

Subd. 3. The state agency shall establish a list of not more than 25 appraisers who have experience in appraising nursing homes. In the event that an appraisal is requested pursuant to this section, or section 4, the state agency and the owner of the nursing home shall select an appraiser from the list in accordance with procedures established by the state agency by rule. The appraisal shall be based on the depreciated replacement cost of the facility. The cost of the appraisal shall be paid by the party requesting it. The cost of an appraisal requested by a nursing home shall not be reimbursed by the state agency.

Subd. 4. Depreciation on any new construction or expansion of facilities commenced on or after January 1, 1977, other than governmentally owned facilities, shall be on a basis of not less than 30 years.

Sec. 4. [256B.44] [INTEREST EXPENSE.] Subdivision 1. Except as provided in subdivision 2, the state agency shall recognize interest expense as an allowable cost for any nonproprietary or governmentally owned nursing home if the interest rate is not in excess of what a borrower would have had to pay in an arms-length transaction in the money market at the time the loan was made, and the net debt is directly related to purchasing or improving the nursing home or providing patient care at the nursing home. Except as provided in subdivision 3, the state agency shall not recognize interest expense as an allowable cost for any proprietary nursing home.

Subd. 2. After the first three years that a nonproprietary or governmentally owned nursing home has been owned by its current owners, the state agency shall not recognize as an allowable cost the expense of interest on net debt for any indebtedness and loans which exceed 100 percent of the net asset value of the facility.

Subd. 3. A proprietary nursing home which pays interest on capital indebtedness at an interest rate in excess of nine percent may be reimbursed for one half of its interest expenses in excess of the nine percent up to 12 percent if (1) the proceeds of the indebtedness are used for the purchase or operation of the nursing home and (2) the interest rate is not in excess of what a borrower would have had to pay in an arms-length transaction at the time the loan was made.

Sec. 5. [256B.45] [INVESTMENT ALLOWANCE.] Subdivision 1. The state agency shall by rule establish an investment allowance for nursing homes. For the fiscal year beginning July 1, 1977, the allowance for proprietary homes shall be nine percent of the original value of the facility for depreciation purposes. For the fiscal year beginning July 1, 1977, the allowance for nonproprietary homes shall be two percent of the original value of the facility for depreciation purposes. Beginning in 1977 the state agency shall, no later than May 1 of each year, conduct a public hearing pursuant to the rule making provisions of chapter 15 to determine the percentages to be used in the following fiscal year. There shall be no other cost of capital or profit allowance for proprietary homes.

Subd. 2. The owner of a nursing home or the state agency may request a new appraisal of the facility not more often than every seven years. If a new appraisal is made, the new appraised value less depreciation, computed on the basis of the value established pursuant to this subdivision, shall become the new basis for that nursing home's investment allowance. The appraiser shall be selected and the appraisal undertaken in accordance with the provisions of section 3, subdivision 3. The basis for depreciation shall continue to be the original value of the facility established pursuant to section 3.

Subd. 3. The seven year period used for the purposes of subdivision 2 shall commence with the date of purchase. The state agency or the owner of any nursing home purchased before January 1, 1977, may request an appraisal on July 1, 1977 or seven years after the date of purchase, whichever occurs later in time.

Subd. 4. If a nursing home is operated on a lease basis, the state agency shall not recognize as an allowable cost any rental fee in excess of the total amount it would pay to the owner of the facility as interest, investment allowance and depreciation allowance.

Sec. 6. [256B.46] [INCENTIVE ALLOWANCE.] In the event that the United States government disallows the investment allowance provided for in section 5 for nonproprietary homes, the state agency shall by rule establish an incentive allowance for nonproprietary nursing homes consistent with federal requirements. The incentive allowance shall include incentives to reward efficient management and quality care. The incentive allowance may also be graduated so that it increases with (1) the length of time that a nursing home is owned by the same owner and (2)

the owner's net investment as a percentage of the net asset value of the facility. The rule shall provide that if a nonproprietary nursing home is operated on a lease basis, the state agency shall not recognize as an allowable cost for the operator any rental fee in excess of the total amount it would pay for depreciation and pursuant to this section.

Sec. 7. [256B.47] [RATE LIMITS.] Subdivision 1. The state agency shall by rule establish separate overall limitations on the costs for items which directly relate to the provision of patient care to residents of nursing homes and those which do not directly relate to the provision of care. The state agency may also by rule, establish limitations for specific cost categories. All costs determined otherwise allowable shall be subject to these limitations. The categorical limits on patient care related items may be hourly limits based on the needs of the residents of the nursing home up to maximum limits established by the state agency.

Subd. 2. The following costs shall not be recognized as allowable: (1) political contributions; (2) salaries or expenses of a lobbyist, as defined in section 10A.01, subdivision 11, for lobbying activities; (3) advertising designed to encourage potential residents to select a particular nursing home; (4) assessments levied by the health department for uncorrected violations; (5) legal fees for unsuccessful challenges to decisions by state agencies; and (6) dues paid to a nursing home or hospital association. The state agency shall by rule exclude the costs of any other items which it determines are not directly related to the provision of patient care.

Subd. 3. On or before January 1, 1977 the state agency shall by rule establish a procedure affording notice of the approved rate for medical assistance recipients to nursing homes within 120 days after the close of the fiscal year of the nursing home.

Sec. 8. [256B.48] [CONDITIONS FOR PARTICIPATION.] Subdivision 1. No nursing home shall be eligible to receive medical assistance payments unless it agrees in writing that it will refrain from:

(a) Charging nonmedical assistance residents rates for similar services which exceed by more than ten percent those rates which are approved by the state agency for medical assistance recipients; effective July 1, 1978, no nursing home shall be eligible for medical assistance if it charges nonmedical assistance recipients rates for similar services which exceed those which are approved by the state agency for medical assistance recipients; provided, however, that the nursing home may (1) charge nonmedical assistance residents a higher rate for a private room, and (2) charge for special services which are not included in the daily rate if medical assistance patients are charged separately at the same rate for the same services in addition to the daily rate paid by the state agency;

(b) Requiring an applicant for admission to the home, or the guardian or conservator of the applicant, as a condition of admission, to pay an admission fee in excess of \$100, loan any money to the nursing home, or promise to leave all or part of the applicant's estate to the home; and

(c) Requiring any resident of the nursing home to utilize a vendor of health care services who is a licensed physician or pharmacist chosen by the nursing home.

The prohibitions set forth in clause (b) shall not apply to a nonproprietary retirement home which contains an identifiable unit of fewer than 20 percent of the total number of facility beds to provide nursing care to the residents of the home.

Subd. 2. Effective July 1, 1976, no nursing home shall be eligible to receive medical assistance payments unless it agrees in writing to:

(a) Provide the state agency with its most recent (1) balance sheet and statement of revenues and expenses as audited by a certified public accountant licensed by this state or by a public accountant as defined in section 412.222; (2) statement of ownership for the nursing home; and (3) a separate audited balance sheet and statement of revenues and expenses for each nursing home if more than one nursing home or other business operation is owned by the same owner; a governmentally owned nursing home may comply with the auditing requirements of this clause by submitting an audit report prepared by the state auditor's office;

(b) Provide the state agency with copies of leases, purchase agreements and other related documents related to the lease or purchase of the nursing home; and

(c) Provide to the state agency upon request copies of leases, purchase agreements, or similar documents for the purchase or acquisition of equipment, goods and services which are claimed as allowable costs.

Subd. 3. The state agency may reject any annual cost report filed by a nursing home pursuant to this chapter if it determines that the report or the information required in subdivision 2, clause (a) has been filed in a form that is incomplete or inaccurate. In the event that a report is rejected pursuant to this subdivision, the state agency may make payments to a nursing home at the rate determined for its prior fiscal year, or at an interim rate established by the state agency, until the information is completely and accurately filed.

Sec. 9. [EFFECTIVE DATE.] Except as otherwise provided, this act shall be effective for cost reports filed after December 31, 1976."

Further amend the title by striking it in its entirety and inserting:

"A bill for an act relating to medical assistance for the needy; establishing guidelines for allowed costs of services furnished by nursing homes; prescribing certain responsibilities for the commissioner of public welfare."

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

House Conferees: PAUL PETRAFESO, DONALD SAMUELSON and JAMES SWANSON.

Senate Conferees: JOHN MILTON, WILLIAM KIRCHNER and ALLAN H. SPEAR.

Petrafeso moved that the report of the Conference Committee on H. F. No. 2203 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 2203, A bill for an act relating to medical assistance for the needy; establishing guidelines for reimbursement of medical services furnished by nursing homes; prescribing certain responsibilities for the department of public welfare.

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 110, and nays 18, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Albrecht	Esau	Heinitz	McCauley	Wieser
Anderson, G.	Evans	Kaley	Niehaus	Zubay
DeGroat	Friedrich	Kalis	Peterson	
Eken	Graba	Kvam	Searle	

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

#### CONFERENCE COMMITTEE REPORT ON H. F. NO. 2188

A bill for an act relating to motor vehicles; defining powers of the registrar of motor vehicles; providing for the appointment of private deputy registrars; providing for the appointment of a county license bureau director as deputy registrar; amending Minnesota Statutes 1974, Sections 168.33, Subdivision 7; and 373.35, Subdivision 1; and Minnesota Statutes, 1975 Supplement, Section 168.33, Subdivision 2; repealing Minnesota Statutes 1974, Section 373.36.

March 30, 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. 2188 report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and that H. F. No. 2188 be amended as follows:

Page 4, line 13, strike "or" and insert "*a filing fee of 50 cents and for each application*".

Page 4, line 13, after "at" strike "a" and insert "*the*".

Page 5, after line 7, insert:

"Sec. 4. Minnesota Statutes, 1975 Supplement, Section 16.753, is amended to read:

16.753 [USE OF STATE-OWNED VEHICLES.] *Subdivision 1.* By October 1, 1975, the commissioner of administration shall develop, implement, and, as needed, amend rules, reimbursement rates and necessary operating policies regarding state-owned vehicles assigned to individual employees for extended use in the performance of their assigned duties. Reimbursement to the state by employees shall be made for the full cost to the

state for travel by the employee to and from his place of residence. Such rules, rates and operating policies shall not be subject to the provisions of the administrative procedures act. All moneys received under this provision shall be deposited as non-dedicated receipts to the credit of the fund from which the costs of operating the individual vehicles are paid.

*Subd. 2. The provisions of subdivision 1 shall not apply to any member of the state highway patrol, nor to the commissioner and deputy commissioner of public safety.*

*Sec. 5. The commissioner of public safety is hereby authorized to retain, acquire, maintain and operate helicopters and fixed wing aircraft for the purposes of highway patrol and to employ highway patrol officer pilots as required.*

*Sec. 6. The provisions of the fourth paragraph of Laws 1975, Chapter 204, Section 31, Subdivision 2, insofar as they refer to helicopters and fixed wing aircraft are superseded by this act."*

Renumber the remaining sections.

Further, amend the title by striking it in its entirety and inserting

"A bill for an act relating to public safety; authorizing the commissioner of public safety to maintain certain aircraft; defining powers of the registrar of motor vehicles; providing for the appointment of private deputy registrars; providing for the appointment of a county license bureau director as deputy registrars; providing for the appointment of a county license bureau director as deputy registrar; amending Minnesota Statutes 1974, Sections 168.33, Subdivision 7; and 373.35, Subdivision 1; and Minnesota Statutes, 1975 Supplement, Sections 16.753; and 168.33, Subdivision 2; repealing Minnesota Statutes 1974, Section 373.36."

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

House Conferees: ROY C. CARLSON, ROBERT E. VANASEK, JOHN J. SARNA, C. THOMAS OSTHOFF and RONALD G. EVANS.

Senate Conferees: FLORIAN CHMIELEWSKI, ROBERT J. SCHMITZ, CLARENCE M. PURFEERST, MEL FREDERICK and MEL HANSEN.

Carlson, R., moved that the report of the Conference Committee on H. F. No. 2188 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 2188, A bill for an act relating to motor vehicles; defining powers of the registrar of motor vehicles; providing



for the appointment of private deputy registrars; providing for the appointment of a county license bureau director as deputy registrar; amending Minnesota Statutes 1974, Sections 168.33, Subdivision 7; and 373.35, Subdivision 1; and Minnesota Statutes, 1975 Supplement, Section 168.33, Subdivision 2; repealing Minnesota Statutes 1974, Section 373.36.

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 128, and nays 0, as follows:

Those who voted in the affirmative were:

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

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

#### CONFERENCE COMMITTEE REPORT ON H. F. NO. 1767

A bill for an act relating to bingo; providing penalties; amending Minnesota Statutes 1974, Section 609.75, Subdivision 3; repealing Minnesota Statutes 1974, Chapter 349.

March 31, 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. 1767 report that we have agreed upon the items in dispute and recommend as follows:

That the House accede to the Senate amendments and that H. F. No. 1767, the unofficial engrossment, be further amended as follows:

Page 5, line 3, after "*assistants*" insert "*who are not active members of the organization, or its auxiliary, or the spouse or surviving spouse of an active member,*".

Page 7, line 26, delete "*and*" and insert "*or*".

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

House Conferees: STANLEY J. FUDRO, JOHN J. SARNA and WILLIAM H. SCHREIBER.

Senate Conferees: EUGENE E. STOKOWSKI, ROGER D. MOE and J. ROBERT STASSEN.

Fudro moved that the report of the Conference Committee on H. F. No. 1767 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 1767, A bill for an act relating to bingo; providing penalties; amending Minnesota Statutes 1974, Section 609.75, Subdivision 3; repealing Minnesota Statutes 1974, Chapter 349.

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 122, and nays 2, as follows:

Those who voted in the affirmative were:

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

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

Those who voted in the negative were:

McCauley      Wieser

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

#### CONFERENCE COMMITTEE REPORT ON 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.

March 31, 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. 348 report that we have agreed upon the items in dispute and recommend as follows:

That H. F. No. 348 be amended as follows:

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1974, Section 62A.15, is amended by adding a subdivision to read:

*Subd. 3. No carrier referred to in subdivision 1 shall, in the payment of claims to employees in this state, deny benefits payable for services covered by the policy or contract if the services are lawfully performed by a duly licensed chiropractor.*

*Sec. 2. Sections 2 to 15 may be cited as the "Temporary Joint Underwriting Association Act."*

*Sec. 3. [JOINT UNDERWRITING ASSOCIATION.] Subdivision 1. [CREATION.] There is created a temporary joint underwriting association to provide medical malpractice insurance coverage to any licensed health care provider unable to obtain this insurance through ordinary methods. Every insurer*

authorized to write and writing personal injury liability insurance in this state shall be a member of the association as a condition to obtaining and retaining a license to write insurance in this state.

Subd. 2. [DIRECTORS.] The association shall have a board of directors composed of 11 persons chosen annually as follows: five persons elected by members of the association at a meeting called by the commissioner; three members who are health care providers appointed by the commissioner prior to the election by the association; and three public members, as defined in section 214.02, appointed by the governor prior to the election by the association.

Sec. 4. [DEFINITIONS.] Subdivision 1. As used in sections 2 to 15, the following words shall have the meanings given.

Subd. 2. "Association" means the temporary joint underwriting association.

Subd. 3. "Commissioner" means the commissioner of insurance.

Subd. 4. "Medical malpractice insurance" means insurance against loss, damage or expense incident to a claim arising out of the death or injury of any person as the result of negligence or malpractice in rendering professional service by any licensed health care provider.

Subd. 5. "Member" means every insurer authorized to write and writing personal injury liability insurance in this state.

Subd. 6. "Net direct premiums" means gross direct premiums written on personal injury liability insurance, including the liability component of multiple peril package policies as computed by the commissioner, less return premiums for the unused or unabsorbed portions of premium deposits.

Subd. 7. "Personal injury liability insurance" means insurance described in section 60A.06, subdivision 1, clause (13).

Sec. 5. [AUTHORIZATION TO ISSUE INSURANCE.] Subdivision 1. If the commissioner determines after a hearing that medical malpractice insurance cannot be made available for either physicians, hospitals or other specific types of health care providers in the voluntary market, he shall authorize the association to issue medical malpractice insurance on a primary basis for physicians, hospitals or other health care providers. If the commissioner determines after a hearing that insurance issued by the association can be made available in the voluntary market, he shall revoke the association's authorization to issue that insurance which can be made available.

*Subd. 2. If the association is authorized by the commissioner to issue insurance, it shall:*

*(a) Issue or cause to be issued insurance policies to applicants, including incidental coverages, subject to limits as specified in the plan of operation but not to exceed one million dollars for each claimant under one policy and three million dollars for all claimants under one policy in any one year;*

*(b) Underwrite the insurance and adjust and pay losses with respect thereto, or appoint service companies to perform those functions;*

*(c) Assume reinsurance from its members; and*

*(d) Cede reinsurance.*

**Sec. 6. [PLAN OF OPERATION.]** *Subdivision 1. Within 45 days following the effective date of this act, the directors of the association shall submit to the commissioner for his review, a proposed plan of operation, consistent with the provisions of sections 2 to 15.*

*The plan of operation shall provide for economic, fair and non-discriminatory administration and for prompt and efficient providing of medical malpractice insurance. It may contain other provisions, including but not limited to preliminary assessment of all members for initial expenses necessary to commence operations, establishment of necessary facilities, management of the association, assessment of members of defray losses and expenses, commission arrangements, reasonable and objective underwriting standards, acceptance and cession of reinsurance, appointment of servicing carriers or other servicing arrangements and procedures for determining amounts of insurance to be provided by the association.*

*Subd. 2. The plan of operation shall be subject to approval by the commissioner after consultation with the members of the association, representatives of the public and other affected individuals and organizations. If the commissioner disapproves all or any part of the proposed plan of operation, the directors shall within 15 days submit for review an appropriate revised plan of operation or part thereof. If a revised plan is not submitted within 15 days the commissioner shall promulgate a plan of operation or part thereof, as the case may be. The plan of operation approved or promulgated by the commissioner shall become effective and operational upon order of the commissioner.*

*Subd. 3. Amendments to the plan of operation may be made by the commissioner or by the directors of the association, subject to the approval of the commissioner.*

Sec. 7. [POLICY FORMS AND RATES.] *Subdivision 1.* A policy issued by the association shall provide for a continuous period of coverage beginning with its effective date and terminating automatically at 12:01 a.m. on September 1, 1978, or sooner as provided in sections 2 to 15. The policy shall be issued subject to the group retrospective rating plan and the stabilization reserve fund authorized by section 10. The policy shall be written to apply to injury which results from acts or omissions during the policy period. No policy form shall be used by the association unless it has been filed with the commissioner, and the commissioner may disapprove the form within 30 days if he determines it is misleading or violates public policy.

*Subd. 2.* If an insured fails to pay a stabilization reserve fund charge the association may cancel a policy by mailing or delivering to the insured at the address shown on the policy at least ten days written notice stating the date the cancellation is effective.

*Subd. 3.* The rates, rating plans, rating rules, rating classifications and territories applicable to the insurance written by the association and statistics relating thereto shall be subject to chapter 70A. Rates shall be on an actuarially sound basis, giving consideration to the group retrospective rating plan and the stabilization reserve fund. The commissioner shall take all appropriate steps to make available to the association the loss and expense experience of insurers previously writing medical malpractice insurance in this state.

*Subd. 4.* All policies issued by the association are subject to a nonprofit group retrospective rating plan approved by the commissioner under which the final premium for the insureds of the association, as a group, will be equal to the administrative expenses, loss and loss adjustment expenses and taxes, plus a reasonable allowance for contingencies and servicing. Policyholders shall be given full credit for all investment income, net of expenses and a reasonable management fee, on policyholder supplied funds. The standard premium, before retrospective adjustment, for each policy issued by the association shall be established for portions of the policy period coinciding with the association's fiscal year on the basis of the association's rates, rating plans, rating rules, rating classifications and territories then in effect. The maximum premium for all policyholders of the association, as a group, shall be limited as provided in sections 2 to 15.

*Subd. 5.* The commissioner shall examine the business of the association as often as he deems appropriate to insure that the group retrospective rating plan is operating in a manner consistent with sections 2 to 15. If he finds that the operation is deficient or inconsistent with sections 2 to 15, he may order the association to take corrective action.

*Subd. 6.* The association shall certify to the commissioner the estimated amount of any deficit remaining after the stabilization reserve fund has been exhausted in payment of the maximum

final premium for all policyholders of the association. Within 60 days after such certification, the commissioner shall authorize the association to recover the members' respective shares of the deficit by one of the following procedures:

(a) Applying a surcharge determined by the association at a rate not to exceed two percent of the annual premiums on future policies affording those kinds of insurance which form the basis for their participation in the association; or

(b) Deducting the members' share of the deficit from past or future premium taxes due the state. If the commissioner fails to authorize a procedure in 60 days, the association may recover its deficit pursuant to clause (b). The association shall submit an amended certification and shall adjust the recovery procedure as its incurred losses become finalized.

Subd. 7. If sufficient funds are not available for the sound financial operation of the association, pending recovery as provided in subdivision 6, all members shall, on a temporary basis contribute to the association in the manner provided in section 8. The contribution shall be reimbursed to the members by the recovery procedure authorized in subdivision 6.

Sec. 8. [PARTICIPATION.] A member of the association shall participate in its writings, expenses, servicing allowance, management fees and losses in the proportion that the net direct premiums of the member, excluding that portion of premiums attributable to the operation of the association, written during the preceding calendar year bears to the aggregate net direct premiums written in this state by all members. The member's participation in the association shall be determined annually on the basis of net direct premiums written during the preceding calendar year, as reported in the annual statements and other reports filed by the member with the commissioner.

Sec. 9. [PROCEDURES.] Subdivision 1. Beginning on the effective date of the plan of operation, a licensed health care provider may apply to the association for medical malpractice insurance. An application may be made by an authorized agent of the health care provider.

Subd. 2. If the association determines that the applicant meets the underwriting standards of the association as described in the plan of operation and there is no unpaid, uncontested premium due from the applicant for prior insurance, including failure to make written objection to premium charges within 30 days after billing, the association, upon receipt of the premium or portion thereof as is prescribed in the plan of operation, shall issue a policy of medical malpractice insurance.

Sec. 10. [STABILIZATION RESERVE FUND.] Subdivision 1. There is created a stabilization reserve fund adminis-

tered by three directors, as follows: the commissioner; a representative of the association appointed by the commissioner; and a representative of the policyholders of the association, appointed by the commissioner.

Subd. 2. The directors shall act by majority vote with two directors constituting a quorum for the transaction of any business or the exercise of any power of the fund. The directors shall serve without salary, but shall be reimbursed for expenses in the manner provided for state employees. The directors shall not be subject to personal liability or accountability in the administration of the fund.

Subd. 3. Each policyholder shall pay to the association a stabilization reserve fund charge of 33 percent of each premium payment due for insurance through the association. This charge shall be separately stated in the policy. The association shall cancel the policy of any policyholder who fails to pay the stabilization reserve fund charge.

Subd. 4. The association shall promptly pay into the stabilization reserve fund charges which it collects from its policyholders and any retrospective premium refunds payable under the group retrospective rating plan.

Subd. 5. All moneys paid into the fund shall be held in trust by a corporate trustee selected by the directors. The corporate trustee may invest the moneys held in trust, subject to the approval of the directors. All investment income shall be credited to the fund. All expenses of administration of the fund shall be charged against the fund. The moneys held in trust shall be used solely for the purpose of discharging when due any retrospective premium charges payable by policyholders of the association under the group retrospective rating plan. Payment of retrospective premium charges shall be made by the directors upon certification to them by the association of the amount due. If all moneys accruing to the fund are exhausted in payment of retrospective premium charges, all liability and obligations of the association's policyholders with respect to the payment of retrospective premium charges shall terminate and shall be conclusively presumed to have been discharged. Any moneys remaining in the fund after all retrospective premium charges have been paid shall be returned to policyholders under procedures authorized by the directors.

Sec. 11. [INVESTIGATION.] The commissioner shall investigate the association at least annually. The investigation shall be conducted and a report filed in the manner prescribed in section 60A.031. The expenses of the examination shall be paid by the association in the manner prescribed by section 60A.03, subdivision 5.

Sec. 12. [PRIVILEGED COMMUNICATIONS.] No cause of action of any nature shall arise against the association, the com-



*missioner or his authorized representatives or any other person or organization, for any statements made in good faith by them during any proceedings or concerning any matters within the scope of sections 2 to 15.*

Sec. 13. [APPEALS AND JUDICIAL REVIEW.] *Any applicant to the association, any person insured pursuant to sections 2 to 15, or their representatives, or any affected insurer, may appeal to the commissioner within 30 days after any ruling, action or decision by or on behalf of the association, with respect to those items the plan of operation defines as appealable matters.*

Sec. 14. [PUBLIC OFFICERS OR EMPLOYEES.] *No director of the stabilization reserve fund who is otherwise a public officer or employee shall forfeit his office or employment or lose the rights and privileges pertaining thereto, by reason of membership on the board of directors of the stabilization reserve fund.*

Sec. 15. [ANNUAL STATEMENTS.] *On March 1 of each year the association shall file with the commissioner, a report of its transactions, financial condition, and operations during the preceding year. The report shall be in a form approved by the commissioner. The commissioner may at any time require the association to furnish additional information to assist in evaluating the scope, operation and experience of the association.*

Sec. 16. *Sections 2 to 15 of this act shall expire two years after their effective date.*

Sec. 17. *Sections 2 to 16 of this act shall be effective the day following final enactment."*

Further, strike the title and insert:

*"A bill for an act relating to insurance; establishing a temporary joint underwriting association for medical malpractice insurance; requiring membership; setting standards; providing for appeals; recovery of contributions and reporting of financial conditions; extending the required inclusion of chiropractic services under group accident and health policies and subscriber contracts; amending Minnesota Statutes 1974, Section 62A.15, by adding a subdivision."*

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

House Conferees: HARRY A. SIEBEN, BILL LUTHER and MAURICE MCCOLLAR.

Senate Conferees: ROGER LAUFENBURGER, AL KOWALCZYK and JOHN MILTON.

Sieben, H., moved that the report of the Conference Committee on H. F. No. 348 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

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.

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 111, and nays 16, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Adams, S.	Esau	Kaley	Niehaus	Pleasant
Albrecht	Evans	Kvam	Peterson	Zubay
Biersdorf	Friedrich	McCauley		
Eckstein	Heinitz	Nelsen		

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

#### CONFERENCE COMMITTEE REPORT ON H. F. NO. 1137

A bill for an act relating to housing; increasing range of eligibility for assistance from housing finance agency; providing for revolving loan funds and direct subsidies; appropriating money; amending Minnesota Statutes 1974, Sections 462A.03, Subdivi-

sion 13; 462A.05, Subdivisions 2 and 14; 462A.07, by adding a subdivision; 462A.19, Subdivision 1; 462A.21, by adding subdivisions; and 462A.22, Subdivision 9.

April 1, 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. 1137 report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and that H. F. No. 1137 be amended as follows:

Strike everything after the enacting cause and insert:

"Section 1. Minnesota Statutes 1974, Section 462A.03, Subdivision 13, is amended to read:

Subd. 13. "Eligible mortgagor" means a nonprofit corporation (OR), limited profit entity or a builder, as the same are defined by the agency in its rules, *which sponsors or constructs residential housing as defined in subdivision 7*, or a natural person of low or moderate income, except that the return to a limited dividend (ENTRY) entity shall not exceed (EIGHT) *six* percent of the capital contribution of the investors or such lesser percentage as the agency shall establish in its rules. *Owners of existing residential housing occupied by renters shall be eligible for rehabilitation loans, only if, as a condition to the issuance of the loan, the owner agrees to conditions established by the agency in its rules relating to rental or other matters that will insure that the housing will be occupied by persons and families of low or moderate income. The agency shall require by rules that the owner give preference to those persons of low or moderate income who occupied the residential housing at the time of application for the loan.*

Sec. 2. Minnesota Statutes 1974, Section 462A.04, Subdivision 1, is amended to read:

462A.04 [HOUSING FINANCE AGENCY.] Subdivision 1. There is created a public body corporate and politic to be known as the "Minnesota Housing Finance Agency(.)", *which shall perform the governmental functions and exercise the sovereign powers delegated to it in chapter 462A in furtherance of the public policies and purposes declared in section 462A.02.* The agency shall consist of the state planning director, state auditor, and

five public members appointed by the governor with advice and consent of the senate for terms of four years commencing on the dates their predecessors' terms expire; provided, that the first public members appointed by the governor shall serve terms as designated by the governor expiring on January 1, 1973, 1974, 1975, 1976, and 1977, respectively. No more than two public members shall reside in the area of jurisdiction of the metropolitan council as provided in section 483B.02, subdivision 1, and no more than one public member shall reside in any one of the development regions established under the provisions of sections 462.381 to 462.396. Each member shall hold office until his successor has been appointed and has qualified. A certificate of appointment or reappointment of any member shall be conclusive evidence of the due and proper appointment of the member.

Sec. 3. Minnesota Statutes 1974, Section 462A.05, Subdivision 2, is amended to read:

Subd. 2. It may make or participate in the making of eligible construction loans to sponsors or builders of residential housing for occupancy of persons or families of low and moderate income. Such loans shall be made only upon determination by the agency that construction loans are not otherwise available, wholly or in part, from private lenders upon equivalent terms and conditions.

Sec. 4. Minnesota Statutes 1974, Section 462A.05, Subdivision 14, is amended to read:

Subd. 14. It may agree to purchase, make, or otherwise participate in the making, and may enter into commitments for the purchase, making, or participation in the making, of eligible loans for rehabilitation to persons and families of low and moderate income, and to (SPONSORS) owners of existing residential housing for occupancy by such persons and families, for the rehabilitation of existing residential housing owned by them. Such loans may be insured or uninsured and may be made with such security, or may be unsecured, as the agency deems advisable. They may be made in amounts sufficient to refinance existing indebtedness secured by the property, if such refinancing is determined by the agency to be necessary to permit the owner to meet his housing cost without expending an unreasonable portion of his income thereon. No loan for rehabilitation shall be made unless the agency determines that such loan will be used primarily to make the housing more desirable to live in, to increase the market value of the housing (OR), for compliance with state, county or municipal building, housing maintenance, fire, health or similar codes and (STANDARD) standards applicable to housing, or to accomplish energy conservation related improvements. In unincorporated areas and municipalities not having such codes and standards, the agency may, solely for the purpose of administering the provisions of (LAWS 1974, CHAPTER 441) chapter 462A, establish such codes and standards. No loan for rehabilitation of any property shall be made in an amount

which, with all other existing indebtedness secured by the property, would exceed its market value, as determined by the agency. No loan for rehabilitation of owner occupied residential housing shall be denied solely because the loan will not be used for placing such residential housing in full compliance with all state, county or municipal building, housing maintenance, fire, health or similar codes and standards applicable to housing. Rehabilitation loans shall be made only when the agency determines that financing is not otherwise available, in whole or in part, from private lenders upon equivalent terms and conditions.

Sec. 5. Minnesota Statutes 1974, Section 462A.05, Subdivision 15, is amended to read:

Subd. 15. It may make grants to persons and families of low and moderate income to pay or to assist in paying a loan made pursuant to subdivision 14, or to rehabilitate or to assist in rehabilitating existing residential housing owned or occupied by such persons or families. For the purposes of this section, persons of low and moderate income include administrators appointed pursuant to section 566.25, clause (c). No such grant shall be made unless the agency determines that such grant will be used primarily to make the housing more desirable to live in, to increase the market value of the housing or for compliance with state, county or municipal building, housing maintenance, fire, health or similar codes and standards applicable to housing, *or to accomplish energy conservation related improvements.* In unincorporated areas and municipalities not having such codes and standards, the agency may, solely for the purpose of administering this provision, establish such codes and standards. No grant for rehabilitation of owner occupied residential housing shall be denied solely because the grant will not be used for placing such residential housing in full compliance with all state, county or municipal building, housing maintenance, fire, health or similar codes and standards applicable to housing. The amount of any such grant shall not exceed the lesser of (a) \$5,000, or (b) the actual cost of the work performed, or (c) that portion of the cost of rehabilitation which the agency determines cannot otherwise be paid by such person or family without spending an unreasonable portion of the income of such person or family thereon. In making such grants, the agency shall determine the circumstances under which and the terms and conditions under which all or any portion thereof will be repaid and shall determine the appropriate security should such repayment be required.

*The agency may also make grants to rehabilitate or to assist in rehabilitating housing under this subdivision to persons of low and moderate income for the purpose of qualifying as foster parents.*

Sec. 6. Minnesota Statutes 1974, Section 462A.05, is amended by adding a subdivision to read:

*Subd. 17. The agency may make conventional loans, as defined in and in accordance with the conditions and limitations prescribed in section 47.20, but without the necessity that such conventional loans and purchases of obligations representing conventional loans be eligible for purchase by the federal national mortgage association or the federal home loan mortgage corporation as authorized by and defined by the emergency home finance act of 1970, as amended.*

Sec. 7. Minnesota Statutes 1974, Section 462A.07, is amended by adding a subdivision to read:

*Subd. 9a. In the exercise of the powers granted to it under chapter 462A, it shall promulgate rules as may be necessary to encourage counties and municipalities to promote the economical construction of housing units for persons and families of low and moderate income.*

Sec. 8. Minnesota Statutes 1974, Section 462A.07, Subdivision 13, is amended to read:

**SUBD. 13. (IT MAY ENGAGE IN THE DEVELOPMENT AND ADMINISTRATION OF LOW RENT HOUSING, BUT ONLY IF (1) THE FEDERAL GOVERNMENT PROVIDES ASSISTANCE IN CONNECTION WITH SUCH HOUSING PURSUANT TO 42 U.S.C. 1401—1435, AND (2) THE APPLICABLE COUNTY OR MUNICIPAL GOVERNMENT BODY OR RESERVATION HOUSING AUTHORITY HAS REQUESTED THE AGENCY TO ENGAGE IN SUCH DEVELOPMENT AND ADMINISTRATION. FOR THE PURPOSE OF THIS SUBDIVISION, THE TERMS "DEVELOPMENT", "ADMINISTRATION", AND "LOW RENT HOUSING" SHALL HAVE THE MEANINGS SET FORTH IN 42 U.S.C. 1401—1435, AS IN EFFECT ON APRIL 11, 1974. IN THE ALLOCATION OF FEDERAL HOUSING ASSISTANCE FUNDS PROVIDED PURSUANT TO THIS SUBDIVISION, THE AGENCY SHALL GIVE PRIORITY TO PROGRAMS WHICH INCREASE OPPORTUNITIES FOR LOW COST RESIDENTIAL HOUSING ON OR ADJACENT TO THE INDIAN RESERVATIONS OF THIS STATE) It may engage or assist in the development and operation of low income housing if the federal government provides assistance in connection with the housing and the development and operation is in conformity with the applicable provisions of federal laws and regulations. The agency shall determine whether the applicable federal laws governing use of such funds permit a portion thereof to be used for residential housing for native Americans within the state.**

Sec. 9. Minnesota Statutes 1974, Section 462A.07, is amended by adding a subdivision to read:

*Subd. 14. It may engage in housing programs for low and moderate income native Americans, as that term is defined in*

section 254A.02, subdivision 11, developed and administered separately or in combination by the Minnesota Chippewa tribe, the Red Lake band of Chippewa Indians, and the Sioux communities as determined by such tribe, band, or communities. In developing such housing programs the tribe, band, or communities shall take into account the housing needs of all native Americans residing both on and off reservations within the state. A plan for each such program, which specifically describes the program (a) content, (b) utilization of funds, (c) administration, (d) operation, (e) implementation and other matters, as determined by the agency, must be submitted to the agency for its review and approval prior to the making of eligible loans pursuant to section 462A.21. All such programs must conform to rules promulgated by the agency concerning program administration, including but not limited to rules concerning costs of administration; the quality of housing; interest rates, fees and charges in connection with making eligible loans; and other matters determined by the agency to be necessary in order to effectuate the purposes of this subdivision and sections 10 and 11 of this act. All such programs must provide for a reasonable balance in the distribution of funds appropriated for the purpose of this section between native Americans residing on and off reservations within the state. Nothing in this section shall preclude such tribe, band, or communities from requesting and receiving cooperation, advice, and assistance from the agency as regards program development, operation, delivery, financing, or administration. As a condition to the making of such eligible loans, the Minnesota Chippewa tribe, the Red Lake band of Chippewa Indians and the Sioux communities shall:

(a) enter into a loan agreement and other contractual arrangements with the agency for the purpose of transferring the allocated portion of loan funds as set forth in section 16 of this act and to insure compliance with the provisions of this section and chapter 462A, and

(b) shall agree that all of their official books and records related to such housing programs shall be subjected to audit by the legislative auditor in the manner prescribed for agencies of state government.

The agency shall submit a biennial report concerning the various housing programs for native Americans, and related receipts and expenditures as provided in section 462A.22, subdivision 9, and such tribe, band, or communities to the extent that they administer such programs, shall be responsible for any costs and expenses related to such administration provided, however, they shall be eligible for payment for costs, expenses and services pursuant to section 462A.07, subdivision 12, and section 10 of this act. The agency may provide or cause to be provided essential general technical services as set forth in section 462A.07, subdivision 2, and general consultative project assistance services, including, but not limited to, management training, and home

*ownership counseling as set forth in section 462A.07, subdivision 3. Rules promulgated under this subdivision may be promulgated as emergency rules under chapter 15.*

Sec. 10. Minnesota Statutes 1974, Section 462A.21, is amended by adding a subdivision to read:

*Subd. 4b. It may establish loan funds and may make eligible loans from them, at rates of interest and with security as the agency deems advisable, if each loan is determined by the agency to be necessary to permit the occupant of residential housing financed wholly or in part by any such loan to meet his housing costs without expending an unreasonable portion of his income on them.*

Sec. 11. Minnesota Statutes 1974, Section 462A.21, is amended by adding a subdivision to read:

*Subd. 4c. It may establish a revolving loan fund and may make eligible loans, pursuant to section 10 of this act, to low and moderate income native Americans as provided in section 9 of this act and may pay the costs and expenses necessary and incidental to the development and operation of such programs.*

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

*Subd. 7. The agency may make loans to low and moderate income persons who own existing residential housing for the purpose of improving the efficient energy utilization of the housing. Permitted improvements shall include installation or upgrading of ceiling, wall, floor and duct insulation, storm windows and doors, and caulking and weatherstripping. The improvements shall not be inconsistent with the energy standards as promulgated as part of the state building code; provided that the improvements need not bring the housing into full compliance with the energy standards. Any loan for such purpose shall be made only upon determination by the agency that such loan is not otherwise available, wholly or in part, from private lenders upon equivalent terms and conditions. The agency may promulgate rules as necessary to implement and make specific the provisions of this subdivision. The rules shall be designed to permit the state, to the extent not inconsistent with chapter 462A, to seek federal grants or loans for energy purposes.*

Sec. 13. Minnesota Statutes 1974, Section 462A.22, Subdivision 9, is amended to read:

*Subd. 9. The agency shall also submit a biennial report of its activities, projected activities, receipts, and expenditures for the next biennium, to the governor and the legislature on or before January 15 in each odd-numbered year.*



Sec. 14. Minnesota Statutes 1974, Chapter 462A, is amended by adding a section to read:

**[462A.235] [DUTIES OF COMMISSIONER OF BANKS.]**

*The commissioner of banks shall strongly encourage all financial institutions organized under chapter 47 to cooperate with the Minnesota housing finance agency to effectuate the purposes of the Minnesota housing finance agency law of 1971, as amended.*

Sec. 15. *The legislative auditor shall study and report to the legislative audit commission and the Minnesota housing finance agency no later than March 1, 1977, on the performance, management and operations of the agency. The report of the legislative auditor may include recommendations for statutory amendments or changes in agency operations, and shall include discussions of such matters as funding for agency operations, transfer and investment of agency money, and security for agency loans. The legislative auditor shall consult with and receive the assistance of the commissioners of finance and administration, the executive secretary of the state investment board and the executive director of the agency.*

Sec. 16. **[APPROPRIATIONS.]** *Subdivision 1. The sum of \$34,200,000 is appropriated from the general fund in the state treasury to the housing development fund under the jurisdiction of the Minnesota housing finance agency to be used for the purposes identified in Minnesota Statutes, Section 462A.21, Subdivision 4a, and in sections 10, 11 and 12 of this act and for the administrative costs and expenses related to these purposes. Not more than five percent of the amounts allocated in (a) and (c) below may be used for such administrative costs and expenses. The amounts determined by the agency to be used for each of those purposes shall not exceed:*

*(a) \$21,000,000 for making rehabilitation grants and low interest rehabilitation loans to persons and families of low and moderate income, of which \$6,000,000 shall be used for the purpose of improving the energy efficiency of dwellings, and of which \$6,000,000 shall be used for the purpose of making loans and grants to owners of residential housing who are senior citizens or owners of residential housing occupied by senior citizens, as determined by the agency. Up to \$9,000,000 of this appropriation may be used for making rehabilitation grants.*

*Grants made under terms of this appropriation shall contain a requirement that the grant be recovered by the agency in accordance with the following schedule:*

*(1) If the property is sold, transferred, or otherwise conveyed within the first year after receipt of a grant, the recipient shall repay the full amount of the grant;*

(2) If the property is sold, transferred, or otherwise conveyed within the second year after receipt of a grant, the recipient shall repay 80 percent of the amount of the grant;

(3) If the property is sold, transferred, or otherwise conveyed within the third year after receipt of a grant, the recipient shall repay 60 percent of the amount of the grant;

(4) If the property is sold, transferred, or otherwise conveyed within the fourth year after receipt of a grant, the recipient shall repay 40 percent of the amount of the grant;

(5) If the property is sold, transferred, or otherwise conveyed within the fifth year after receipt of a grant, the recipient shall repay 20 percent of the amount of the grant; or

(6) If the property is sold, transferred, or otherwise conveyed within the sixth year after receipt of the grant, or thereafter, there shall be no repayment requirement;

(b) \$5,000,000 for the purpose of establishing a revolving loan fund for the development of housing for occupancy by native Americans as described in sections 9 and 11 of this act, and for the payment of costs and expenses necessary and incidental to such programs provided, however, that 64 percent of said appropriations shall be used in the development and operation of housing programs by the Minnesota Chippewa tribe; 30 percent of such appropriations shall be used in the development and operation of housing programs by the Red Lake band; six percent of such appropriations shall be used in the development and operation of housing programs by the Sioux communities;

(c) \$5,000,000 for establishing a revolving loan fund for financing low income purchasers of low cost basic homes;

(d) \$3,000,000 for deposit in a debt service account to be allocated by the agency in the manner specified in this clause as security for bonds or notes to be issued by the agency to provide loans for single and multi-family housing for persons and families of low and moderate income or refunding bonds or notes issued for such purpose. In connection with each issuance of bonds or notes for this purpose, the agency shall determine the amount, if any, of the account which shall be transferred to any fund or account required to be established by the agency under terms of any bond resolution or indenture to provide additional security for such bonds or notes;

(e) \$150,000 to engage in research, design, coordination, and marketing of alternative housing delivery systems for senior citizens;

(f) \$50,000 to research the potential for utilization of resources provided in Minnesota Statutes, Chapter 462A for the

*development, purchase or rehabilitation of mobile homes and other alternative housing delivery systems.*

*Notwithstanding the provisions of Minnesota Statutes, Section 16A.28, or any other law relating to lapse of an appropriation, the appropriation made by this subdivision shall not lapse but shall continue until fully expended. Earnings from investments of any of the amounts appropriated by this subdivision shall be appropriated to the agency to be used for the same purposes as the respective original appropriations in this subdivision.*

*Subd. 2. The sum of \$100,000 is appropriated from the general fund in the state treasury to the legislative auditor to be used for the purposes identified in section 15 of this act. Any unexpended balance remaining in the first year shall not cancel but shall be available for the second year of the biennium.*

*Sec. 17. [EFFECTIVE DATE.] This act shall be effective the day following final enactment."*

Further, strike the title and insert:

*"A bill for an act relating to housing; increasing range of eligibility for assistance from housing finance agency; proscribing agency powers; authorizing the making of loans; promoting the economical construction of housing; providing for a report of legislative auditor; establishing a debt service account; establishing revolving loan funds; appropriating money; amending Minnesota Statutes 1974, Sections 462A.03, Subdivision 13; 462A.04, Subdivision 1; 462A.05, Subdivisions 2, 14, 15, and by adding a subdivision; 462A.07, Subdivision 13, and by adding subdivisions; 462A.21, by adding subdivisions; 462A.22, Subdivision 9; and Chapter 462A, by adding a section."*

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

House Conferees: FRANKLIN J. KNOLL, FRED C. NORTON, JOHN C. LINDSTROM, CARL W. KROENING and DOUGLAS R. EWALD.

Senate Conferees: HUBERT H. HUMPHREY III, JOHN KEEFE, WINSTON W. BORDEN, DAVID D. SCHAAF and HARMON T. OGDahl.

Knoll moved that the report of the Conference Committee on H. F. No. 1137 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 1137, A bill for an act relating to housing; increasing range of eligibility for assistance from housing finance agency; providing for revolving loan funds and direct subsidies; appropriating money; amending Minnesota Statutes 1974, Sections 462A.03, Subdivision 13; 462A.05, Subdivisions 2 and 14; 462A.07, by adding a subdivision; 462A.19, Subdivision 1; 462A.21, by adding subdivisions; and 462A.22, Subdivision 9.

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 114, and nays 19, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Adams, S.	Esau	Jopp	Nelsen	Searle
Albrecht	Fjoslien	Kaley	Niehaus	Wigley
Eckstein	Friedrich	Kvam	Peterson	Zubay
Erickson	Heinitz	McCauley	Savelkoul	

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

#### CONFERENCE COMMITTEE REPORT ON H. F. NO. 2492

A bill for an act relating to environmental protection; limiting the sale and use of organic compounds known as polychlorinated biphenyls; permitting exemptions; requiring labels; defining terms; providing penalties.

April 2, 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. 2492 report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and that H. F. No. 2492 be amended as follows:

Strike everything after the enacting clause and insert:

*"Section 1. [DEFINITIONS.] Subdivision 1. For the purposes of this section the following terms shall have the meanings given;*

*Subd. 2. "Agency" means the Minnesota pollution control agency.*

*Subd. 3. "Director" means the director of the pollution control agency.*

*Subd. 4. "PCB" means the class of organic compounds known as polychlorinated biphenyls and includes any of several compounds produced by replacing one or more hydrogen atoms on the biphenyl molecule with chlorine. PCB does not include chlorinated biphenyl compounds that have functional groups attached other than chlorine.*

*Subd. 5. "Person" has the meaning specified in Minnesota Statutes, Section 115.01, Subdivision 10.*

*Sec. 2. [PROHIBITED USE OF PCB.] Subdivision 1. [CERTIFICATE OF EXEMPTION.] Beginning January 1, 1978, no person shall use, possess, sell, purchase or manufacture PCB or any product containing PCB unless the use, possession, sale, purchase or manufacture of PCB or products containing PCB is exempted by the agency. If the agency finds after there is opportunity for a public hearing on an application presented by any person, that no substitutes or feasible alternatives are reasonably available for PCB or a product containing PCB or class of products containing PCB, it shall grant a certificate of exemption which shall clearly set out the permitted use, possession, sale or purchase of PCB or a PCB product containing PCB. If the agency grants a certificate of exemption, it shall be valid for all subsequent uses of PCB or products containing PCB if the subsequent uses are consistent with the terms and conditions of the certificate of exemption. In granting certificates of exemption the agency shall at all times consider the public health and safety threatened by the use of PCB. In the consideration of certificates of exemption for the use or replacement of existing electrical transformers and capacitors the agency shall review, but not be limited to, considerations of the safety of proven alternatives, replacement costs and rules controlling the final disposal of PCB.*

*Subd. 2. [EXCLUSION.] In no event shall the certificate of exemption requirement or the labeling requirement of this section apply to any individual person who purchases or otherwise acquires a product containing PCB intended for consumer*

use in the home, provided that the use has previously been exempted by the agency and that the use is consistent with the terms and conditions of the certificate of exemption. Waste-paper, pulp, or other wood fiber materials purchased for use within this state in the manufacture of recycled paper products are exempt from the requirements of this section.

Subd. 3. [LABELS REQUIRED.] Beginning July 1, 1977, no person in this state shall add PCB in the manufacture of any new item, product or material, nor shall any person in this state sell any new item, product or material to which PCB has been added unless the PCB or products containing PCB are conspicuously labeled to disclose the presence of PCB and the concentrations of PCB.

Subd. 4. [RULES.] The agency shall promulgate rules by January 1, 1977, governing the granting of certificates of exemption and the requirements of labels specified in subdivision 3. The rules governing the requirement of labels specified in subdivision 3 may require other information relating to the public health and environmental effects of PCB and shall apply to persons holding certificates of exemption.

Subd. 5. [PENALTIES.] Violations of this act shall be subject to the provisions of Minnesota Statutes, Section 115.071.

Sec. 3. Minnesota Statutes 1974, Chapter 116D, is amended by adding a section to read:

[116D.045] [COST OF PREPARATION OF ENVIRONMENTAL IMPACT STATEMENTS.] Subdivision 1. The board shall, no later than January 1, 1977, by rule adopt procedures to assess the proposer of a specific action, when the proposer is a private person, for reasonable costs of preparing and distributing an environmental impact statement on that action required pursuant to section 116D.04. Such costs shall be determined by the responsible agency pursuant to the rules promulgated by the board in accordance with subdivision 5 and shall be assessed for projects for which an environmental impact statement preparation notice has been issued after February 15, 1977.

Subd. 2. In the event of a disagreement between the proposer of the action and the responsible agency over the cost of an environmental impact statement, the responsible agency shall consult with the board, which may modify the cost or determine that the cost assessed by the responsible agency is reasonable.

Subd. 3. The proposer shall pay the assessed cost to the board. All money received pursuant to this subdivision shall be deposited in the general fund.

Subd. 4. No agency or governmental subdivision shall commence with the preparation of an environmental impact state-

ment until at least one half of the assessed cost of the environmental impact statement is paid pursuant to subdivision 3. Other laws notwithstanding, no state agency may issue any permits for the construction or operation of a project for which an environmental impact statement is prepared until the assessed cost for the environmental impact statement has been paid in full.

Subd. 5. For actions proposed by a private person there shall be no assessment for preparation and distribution of an environmental impact statement for an action which has a total value less than one million dollars. For actions which are greater than one million dollars but less than ten million dollars, the assessment to the proposer as determined by the agency shall not exceed .3 percent of the total value except that the total value shall not include the first one million dollars of value. For actions the value of which exceed ten million dollars but are less than 50 million dollars, an additional charge may be made to the proposer by the agency which will not exceed .2 percent of each one million dollars of value over ten million dollars. For actions which are greater than 50 million dollars in total value, an additional charge may be made to the proposer by the agency which will not exceed .1 percent of each one million dollars of value over 50 million dollars. The proposer shall pay the assessed cost to the board when a state agency is designated the responsible agency. All money received by the board pursuant to this subdivision shall be deposited in the general fund. The proposer shall pay the assessed cost to the designated lead agency when such agency is a local unit of government.

Sec. 4. This act is effective the day following final enactment.”.

Further, amend the title by striking it in its entirety and inserting:

“A bill for an act relating to environmental protection; limiting the sale and use of organic compounds known as polychlorinated biphenyls; permitting exemptions; requiring labels; providing penalties; providing for the assessment of the cost of preparing an environmental impact statement; amending Minnesota Statutes 1974, Chapter 116D, by adding a section.”.

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

House Conferees: WILLARD M. MUNGER, BRUCE F. VENTO and ARNE H. CARLSON.

Senate Conferees: GEORGE R. CONZEMIUS and WINSTON W. BORDEN.

Munger moved that the report of the Conference Committee on H. F. No. 2492 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 2492, A bill for an act relating to environmental protection; limiting the sale and use of organic compounds known as polychlorinated biphenyls; permitting exemptions; requiring labels; defining terms; providing penalties.

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 103, and nays 27, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Adams, S.	Erickson	Jopp	Peterson	Wieser
Albrecht	Esau	Kaley	Samuelson	Wigley
Anderson, G.	Evans	Kalis	Savelkoul	Zubay
Biersdorf	Forsythe	Kvam	Searle	
Eckstein	Friedrich	Menning	Setzepfandt	
Eken	Heinitz	Niehaus	Sieloff	

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 Standing Committees.

### REPORTS OF STANDING COMMITTEES

Kelly, W., from the Committee on Taxes to which was referred:

S. F. No. 633, A bill for an act relating to taxation; inheritance and gift taxes; amending Minnesota Statutes 1974, Sections 291.03; 291.05; 292.05, Subdivision 1; and 292.07, Subdivisions 3 and 5.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1974, Section 291.03, is amended to read:

291.03 [RATES.] When the property or any beneficial interest therein passes by any such transfer where the amount of the property shall exceed in value the exemption or exemptions hereinafter specified, where applicable, the tax hereby imposed shall be:

(1) Where the person entitled to any beneficial interest in such property shall be the (WIDOW) *surviving spouse*, minor or dependent child of the decedent, or any minor or dependent legally adopted child at the following prescribed rates:

1 1/2 percent on that part of the first \$25,000 which exceeds the applicable exemption or exemptions specified in section 291.05, clauses (3) through (7).

2 percent on the next \$25,000 or part thereof.

3 percent on the next \$50,000 or part thereof.

4 percent on the next \$50,000 or part thereof.

5 percent on the next \$50,000 or part thereof.

6 percent on the next \$100,000 or part thereof.

7 percent on the next \$100,000 or part thereof.

8 percent on the next \$100,000 or part thereof.

9 percent on the next \$500,000 or part thereof.

10 percent on the excess over \$1,000,000.

(2) Where the person or persons entitled to any beneficial interest in such property shall be the (HUSBAND,) adult child or other lineal descendant of the decedent, adult legally adopted child or issue, lineal ancestor of the decedent, stepchild as defined in section 291.005, or any child to whom such decedent for not less than ten years prior to such transfer stood in the mutually acknowledged relation of a parent; provided, such mutually acknowledged relationship began at or before the child's fifteenth birthday and was continuous for said ten years thereafter, or any lineal issue of such mutually acknowledged child, at the following prescribed rates:

2 percent on that part of the first \$25,000 which exceeds the applicable exemption or exemptions specified in section 291.05, clauses (3) through (7).

4 percent on the next \$25,000 or part thereof.

6 percent on the next \$50,000 or part thereof.

7 percent on the next \$100,000 or part thereof.

8 percent on the next \$200,000 or part thereof.

9 percent on the next \$600,000 or part thereof.

10 percent on the excess over \$1,000,000.

(3) Where the person or persons entitled to any beneficial interest in such property shall be the brother or sister or a descendant of a brother or sister of the decedent, a wife or widow of a son, or (THE) a husband or *widower* of a daughter of the decedent, at the following prescribed rates:

6 percent on that part of the first \$25,000 which exceeds the applicable exemption or exemptions specified in section 291.05, clauses (3) through (7).

8 percent on the next \$25,000 or part thereof.

10 percent on the next \$50,000 or part thereof.

12 percent on the next \$50,000 or part thereof.

14 percent on the next \$50,000 or part thereof.

16 percent on the next \$100,000 or part thereof.

18 percent on the next \$100,000 or part thereof.

20 percent on the next \$100,000 or part thereof.

22 percent on the next \$500,000 or part thereof.

25 percent on the excess over \$1,000,000.

(4) Where the person or persons entitled to any beneficial interest in such property shall be in any other degree of collateral consanguinity than is hereinbefore stated, or shall be a stranger in blood to the decedent, or shall be a body politic or corporate, at the following prescribed rates:

8 percent on that part of the first \$25,000 which exceeds the applicable exemption or exemptions specified in section 291.05, clauses (3) through (7).

10 percent on the next \$25,000 or part thereof.

12 percent on the next \$50,000 or part thereof.

14 percent on the next \$50,000 or part thereof.

16 percent on the next \$50,000 or part thereof.

18 percent on the next \$100,000 or part thereof.

20 percent on the next \$100,000 or part thereof.

22 percent on the next \$100,000 or part thereof.

26 percent on the next \$500,000 or part thereof.

30 percent on the excess over \$1,000,000.

Sec. 2. Minnesota Statutes 1974, Section 291.05, is amended to read:

291.05 [EXEMPTIONS.] The following exemptions from the tax are hereby allowed:

(1) Any devise, bequest, gift, or transfer to or for the use of the United States of America or any state or any political subdivision thereof for public purposes exclusively, and any devise, bequest, gift, or transfer to or for the use of any corporation, fund, foundation, trust, or association operated within this state for religious, charitable, scientific, literary, education or public cemetery purposes exclusively, including the encouragement of art and the prevention of cruelty to children or animals, no part

of which devise, bequest, gift, or transfer inures to the profit of any private stockholder or individual, and any bequest or transfer to a trustee or trustees exclusively for such purposes shall be exempt. Any devise, bequest, gift, or transfer to an employee stock ownership trust as defined in section 290.01, subdivision (3) 25, shall be exempt. Where the beneficiaries of a stock ownership trust include the transferor, his spouse, children, grandchildren, parents, siblings or their children, the amount of the exemption shall be reduced by the product of multiplying said amount by their percentage interest in the trust.

Any devise, bequest, gift, or transfer, not to exceed \$1,000 made to a clergyman, the proceeds of which are to be used for religious purposes or rites designated by the testator, shall be exempt. Any devise, bequest, gift, or transfer to or for the use of any corporation, fund, foundation, trust, or association operated for religious, charitable, scientific, literary, education, or public cemetery purposes exclusively, including the encouragement of art, and the prevention of cruelty to children or animals, no part of which devise, bequest, gift, or transfer inures to the profit of any private stockholder or any individual, and any bequest or transfer to a trustee or trustees exclusively for such purposes, shall be exempt, if, at the date of the decedent's death, the laws of the state under the laws of which the transferee was organized or existing, either (1) did not impose a death tax of any character, in respect of property transferred to a similar corporation, fund, foundation, trust, or association, organized or existing under the laws of this state, or (2) contained a reciprocal provision under which transfers to a similar corporation, fund, foundation, trust, or association, organized or existing under the laws of another state were exempted from death taxes of every character if such other state allowed a similar exemption to a similar corporation, fund, foundation, trust, or association, organized under the laws of such state.

(2) The homestead of a decedent, and the proceeds thereof if sold during administration, transferred to the spouse or to any minor or dependent child of the decedent, or to any minor or dependent legally adopted child of the decedent, shall be exempt to the extent of (\$30,000) \$45,000 of the appraised value thereof. *In the case of a decedent's estate wherein no property or beneficial interest therein passing by reason of death is eligible for the homestead exemption because the decedent did not have an interest in property constituting a homestead at the time of his death, there shall be allowed an exemption in lieu of the homestead exemption, in the amount of \$10,000. The exemption shall be allocated among the surviving spouse and the decedent's natural or adopted minor or dependent children in proportion to the total amount of property or any interest therein passing to such spouse and children.*

Proceeds of any insurance policy issued by the United States and generally known as war risk insurance, United States government life insurance or national service life insurance payable

upon the death of any person dying on or after June 24, 1950, shall be exempt.

Proceeds of life insurance issued pursuant to Public Law 89-214 and generally known as servicemen's group life insurance payable upon the death of any person on or after September 1, 1965, shall be exempt. Claims for refunds of inheritance tax paid on such proceeds shall be accepted by the commissioner if filed with him by December 31, 1970, or within 18 months after such payment, whichever is later.

Proceeds of payments from the United States railroad retirement fund; or from the United States as social security benefit, shall be exempt.

(3) (i) Property or any beneficial interest therein of the clear value of (\$30,000) \$60,000 transferred to the (WIDOW) *surviving spouse*, shall be exempt.

(ii) Provided, where the amount of family maintenance allowed by the probate court is less than the maximum deductible under the provisions of section 291.10, or if no such maintenance is allowed, there shall be allowed to the (WIDOW) *surviving spouse* an additional exemption equal in amount to the difference between the maximum deduction as provided by section 291.10 and the amount of such family maintenance allowed by the probate court. Further provided, where no probate proceedings are had there shall be allowed to the (WIDOW) *surviving spouse* an additional exemption equal to the maximum deduction allowed for family maintenance under the provisions of section 291.10.

(4) (i) Property or any beneficial interest therein of the clear value of (\$15,000) \$30,000 transferred to each minor or dependent child of the decedent, or any minor or dependent legally adopted child of the decedent, shall be exempt.

(ii) Provided, where the decedent left no (WIDOW) *surviving spouse* entitled to the exemption allowed by clause (3) of this section the exemption allowed by subparagraph (ii) of clause (3) shall be allowed to beneficiaries entitled to exemption under the provisions of this clause (4). In no event shall the aggregate amount of exemption so allowed be in excess of the additional amount that would have been allowed under subparagraph (ii) of clause (3) had such paragraph been applicable.

(5) Property or any beneficial interest therein of the clear value of \$6,000 transferred to (THE HUSBAND,) any adult child or other lineal descendant of the decedent, any adult legally adopted child, stepchild as defined in section 291.005, or any child to whom the decedent, for not less than ten years prior to his death, stood in the mutually acknowledged relation

of a parent; provided, such mutually acknowledged relationship began at or before the child's fifteenth birthday, and was continuous for ten years thereafter, or any lineal issue of such adopted or mutually acknowledged child, or any lineal ancestor of the decedent, shall be exempt.

(6) Property or any beneficial interest therein of the clear value of \$1,500 transferred to any brother or sister or a descendant of a brother or sister of the decedent, a wife or widow of a son, or (THE) a husband or widower of a daughter of the decedent, shall be exempt.

(7) Property or any beneficial interest therein of the clear value of \$500 transferred to any person in any other degree of collateral consanguinity than is hereinbefore stated, or shall be a stranger in blood to the decedent, or shall be a body politic or corporate not exempt under this chapter, shall be exempt.

Sec. 3. Minnesota Statutes 1974, Chapter 291, is amended by adding a section to read:

[291.051] [MARITAL EXEMPTION TAX.] *Subdivision 1. [DEFINITIONS.] For the purposes of this section, the terms defined in this subdivision shall have the meaning given them herein.*

*"Marital exemption" means 50 percent, but not more than \$250,000, of the net taxable value passing to the surviving spouse of a decedent domiciled in Minnesota at the time of his death, reduced by the value of real property outside Minnesota and tangible personal property permanently located outside Minnesota.*

*"Net taxable value" means the gross value passing to the surviving spouse reduced by the deductions attributable to such gross value pursuant to section 291.07, except subdivision 1, clause (5), but without regard to the exemptions allowed to the surviving spouse by sections 291.05, clauses (1), (2), and (3), and 291.10.*

*"Marital exemption tax" means a tax imposed at the rates provided by chapter 291 on the value of property passing to the surviving spouse less the marital exemption, but without regard to the exemptions allowed to the surviving spouse by sections 291.05, clauses (1), (2) and (3) and 291.10.*

*Subd. 2. [ALTERNATE TAX.] If the marital exemption tax on the property passing to the surviving spouse is less than a tax computed on that property under the other provisions of chapter 291, the marital exemption tax shall be imposed in lieu of the tax computed under the other provisions.*

Sec. 4. Minnesota Statutes 1974, Section 291.10, is amended to read:

291.10 [MAINTENANCE OF FAMILY IN INHERITANCE TAX CASES.] In determining the value of any estate subject to an inheritance tax, the amount deducted for the maintenance of the family shall not be greater than the amount allowed (BY THE PROBATE COURT FOR ONE YEAR, AND WHICH IS REASONABLY REQUIRED OR ACTUALLY EXPENDED FOR THEIR SUPPORT DURING THE SETTLEMENT OF THE ESTATE) *under section 525.151*, not exceeding in any event the sum of (\$5,000) \$9,000.

Sec. 5. Minnesota Statutes 1974, Section 291.11, Subdivision 1, is amended to read as follows:

291.11 [TIME EFFECTIVE.] Subdivision 1. [UPON DEATH; TIME OF ASSESSMENT.] (a) All taxes imposed by this chapter shall take effect at and upon the death of the person from whom the transfer is made and shall be due and payable at the expiration of 12 months from such death, except as otherwise provided in this chapter. *Provided, that any taxpayer who owes at least \$5,000 in taxes may choose to pay these taxes in five equal installments over a period of time not to exceed five years from the death of the person from whom the transfer is made. When a taxpayer elects to pay the tax in installments, he shall notify the commissioner in writing no later than 12 months after the death of the person from whom the transfer is made. If the taxpayer fails to pay an installment on time, the election shall be revoked and the entire amount of unpaid tax shall be due and payable 90 days after the date on which the installment was payable.*

(b) (A) False return — in the case of a false or fraudulent return with the intent to evade tax, any additional tax resulting therefrom may be assessed at any time.

(B) No return — in the case of failure to file a return, the tax may be assessed at any time.

(C) Omissions — in the case where there is omitted from the estate items subject to tax under this chapter the tax on such omitted items may be assessed at any time.

In determining the items omitted, there shall not be taken into account any item which has been disclosed in the return or in a statement attached to the return in a manner adequate to apprise the commissioner of the nature and amount of such item.

(c) Where, before the expiration of the time prescribed in this chapter for the determination or adjustment of the tax, the commissioner and the taxpayer shall consent in writing to the extension of time for such determination or adjustment the tax may be determined at any time prior to the expiration agreed upon and in the manner agreed upon. The period so agreed upon

may be extended by subsequent agreements in writing made before the expiration of the period previously agreed upon.

(d) The estate tax prescribed in section 291.34, notwithstanding the period of limitations prescribed for determination of the inheritance tax in this chapter shall be determined by the commissioner not later than 90 days following the filing of the Minnesota estate tax return with the commissioner, together with a copy of the federal audit report or the closing letter accepting the federal return as originally filed.

Sec. 6. Minnesota Statutes, 1975 Supplement, Section 291.131, Subdivision 6, is amended to read:

Subd. 6. The amount of tax not timely paid, *including the amount of unpaid tax when the taxpayer elects to pay the tax in installments*, together with any penalty provided by this section, shall bear interest at the rate specified in section 270.75 from the time such tax should have been paid until paid. All interest and penalty shall be added to the tax and collected as a part thereof.

Sec. 7. Minnesota Statutes, 1975 Supplement, Section 291.132, is amended to read:

291.132 [EXTENSION TO FILE OR PAY.] The commissioner may extend the time for filing returns or making payment of the tax, without penalty, for a period not to exceed six months. *In lieu of the six month extension, the commissioner may extend the time for payment of the tax, without penalty, for a period not to exceed two years if the payment of the tax would result in an undue hardship on the estate. The written request for the undue hardship extension shall be made to the commissioner no later than 12 months after the death of the person from whom the transfer is made. The taxpayer may elect to pay the taxes in installments as specified in section 291.11, subdivision 1, provided that the period of time for the payment of the taxes shall not exceed five years from the expiration of the extension granted by the commissioner.* Where an extension of time has been granted, interest shall be payable at the rate specified in section 270.75 from the date when such payment should have been made, if no extension had been granted, until such tax is paid.

Sec. 8. Minnesota Statutes 1974, Section 291.14, Subdivision 2, is amended to read:

Subd. 2. (1) Except as provided in clause (4) of this subdivision, where a lien for inheritance tax imposed under this chapter may be enforced against real property transferred to surviving joint tenants, or upon property transferred by a decedent during such decedent's lifetime, the surviving joint tenants or the transferees of the property so transferred by the decedent



shall file on a form prescribed by the commissioner a schedule of non-probate assets listing the property or interest taxable. Any tax due on the transfer of such property or interest to the surviving joint tenants or to the transferees of the property so transferred by the decedent shall be reported on an inheritance tax return filed with the commissioner pursuant to section 291.-09, and shall be a lien upon the interest of the surviving joint tenants or the transferees, until paid, and the surviving joint tenants or the transferees shall be personally liable for such tax to the extent of the value of such property.

(2) No lien shall be enforced against real property subject to the provision of clause (1) of this subdivision unless the state shall assert the same by filing a statement of such lien in the office of the register of deeds or registrar of titles in the county wherein such real estate may be situated within ten years from the date of recording a copy of the death record of the deceased joint tenant or deceased transferor, together with a copy of the schedule of non-probate assets required to be filed with the commissioner pursuant to clause (1) of this subdivision, which copy shall have been duly acknowledged by the commissioner.

(3) Where the tax on property subject to the provisions of clause (1) of this subdivision has been paid, or if there is deposited with the commissioner cash in an amount equal to the tax which, in the judgment of the commissioner, may be due upon the transfer of such property, or if there is no tax required to be paid, the commissioner shall certify on an affidavit of survivorship-remainderman, described by the commissioner, that the lien has been satisfied or waived as the case may be. The affidavit so certified may be recorded as are other instruments affecting the title to real estate.

(4) (a) (i) When the decedent's death occurred subsequent to April 20, 1939, the provisions of this clause shall apply to the spouse, minor or dependent natural or adopted child of the decedent, or to the combination of classes of persons included herein,

(ii) When decedent's death occurred in the period beginning on April 21, 1939, and ending April 25, 1949, the provisions of this clause shall apply to the spouse, minor or dependent natural or adopted child or any other issue of the decedent, or to any combination of classes of persons included in this subparagraph (ii),

(b) Where the homestead is held in joint tenancy with the right of survivorship by the decedent and persons meeting the conditions described in (a) above, an affidavit in the form and manner prescribed by the commissioner, may be delivered to the register of deeds or the registrar of titles. Such affidavit shall declare

(i) that the surviving joint tenant or tenants were members of the classes described in (a) above at the date of decedent's death (if any of the surviving joint tenants were minors, state date of such minor's birth),

(ii) that the property described as the homestead was owned and occupied by the decedent as his principal dwelling place at date of death,

(iii) that the quantity of land included in such property is not in excess of (THE MAXIMUM AMOUNT ALLOWED FOR PURPOSES OF THE HOMESTEAD EXEMPTION BY SECTION 510.02) *120 acres, and not included in the laid out or platted portion of any city. If the land is within a laid out or platted portion of a city, its area shall not exceed one-half of an acre,*

(iv) that the gross market value of such property at date of death was not in excess of (\$30,000) *\$45,000,*

(v) the affidavit to be delivered to the register of deeds or registrar of titles shall have attached thereto a certified copy of the death certificate with respect to the death of the deceased joint tenant.

The affidavit shall be in lieu of an affidavit of survivorship certified by the commissioner and shall extinguish the lien imposed on such property by clause (2) of this subdivision, and shall be recorded or filed as a document affecting the title to the real estate. The register of deeds or registrar of titles shall not be required to verify the declarations made in such affidavit.

(c) A copy of the affidavit (which need not bear a copy of the death certificate) shall be supplied to the register of deeds or registrar of titles; he will forward this copy to the commissioner at his office in St. Paul, Minnesota.

(d) Where it appears that a schedule of non-probate assets would otherwise not be required to be filed, the property, the lien on which has been extinguished in accordance with the provisions of paragraph (a) above, need not be reported on a schedule of non-probate assets.

Sec. 9. Minnesota Statutes, 1975 Supplement, Section 291.14, Subdivision 4, is amended to read:

Subd. 4. The lien of the state for inheritance taxes payable by a personal representative shall not extend to any right acquired by a bona fide purchaser, mortgagee, or lessee through any conveyance made by such personal representative, provided that such personal representative delivers to the register of deeds or registrar of titles, as the case may be, a declaration that the

property described therein has been sold to a bona fide purchaser, or has been mortgaged or leased, as the case may be. The declaration so submitted shall have attached thereto a certified copy of letters evidencing the appointment of such personal representative. The register of deeds or registrar of titles shall submit a copy of such declaration to the commissioner at his office in St. Paul, Minnesota, without any requirement that the statements made therein by such personal representative have been verified. The lien so extinguished with respect to such bona fide purchaser, *mortgagee or lessee* shall not be reinstated or challenged by the commissioner.

Sec. 10. Minnesota Statutes 1974, Section 291.20, Subdivision 1, is amended to read:

291.20 [SAFETY DEPOSIT COMPANIES NOT TO TRANSFER FUNDS.] Subdivision 1. No person holding securities (OF) or assets belonging at the time of death of a decedent to him or to him and another or others as joint tenants, or having on deposit funds in excess of \$1,000 to the credit of a decedent, or to the decedent and another or others as joint tenants, or to the credit of the decedent as trustee for another or others, or renting a safe deposit box or other place of safekeeping to a decedent, individually or as joint tenant or tenant in common, shall deliver or transfer the same to any person, or permit any person to have access thereto, unless notice of the time and place of such intended transfer or access be served upon the county treasurer, personally or by representative, in which event the county treasurer, personally or by representative, may examine said securities, assets, funds or contents of such safe deposit box, at the time of such delivery, transfer or access. If, upon such examination the county treasurer or his representative shall for any cause deem it advisable that such securities, assets or funds should not be immediately delivered or transferred, or access to said safe deposit box or other place of safekeeping should not immediately be granted, he may forthwith notify in writing such person to defer delivery or transfer or access, as the case may be, for a period not to exceed ten days from the date of such notice, and thereupon it shall be the duty of the person notified to defer such delivery, transfer or access until the time stated in such notice or until prior revocation thereof. Failure to serve the notice first above mentioned, or to allow such examination, or to defer delivery or transfer of such securities, assets, or funds, or to refuse access to such safe deposit box or other place of safekeeping for the time stated in the second of such notices, shall render such person liable to the payment of the tax due, not exceeding \$1,000, upon the transfer of said securities, assets, or funds, or upon securities, assets, or moneys in such safe deposit box or other place of safekeeping, pursuant to the provisions of this act; provided, however, that nothing herein contained shall subject such person to liability for the payment of any such tax unless such person had knowledge of the death of the decedent prior to such delivery or transfer of such securities, assets, or funds, or entry to said safe

deposit box or other place of safekeeping. (NOTHING HEREIN CONTAINED SHALL APPLY WITH RESPECT TO NEGOTIABLE INSTRUMENTS ON WHICH SUCH PERSON IS OBLIGATED, NOR TO THE DELIVERY OR TRANSFER OF SECURITIES OR ASSETS STANDING IN THE NAME OF DECEDENT ALONE, EXCEPT CONTENTS OF SAFE DEPOSIT BOXES, SO HIS DULY QUALIFIED EXECUTOR, ADMINISTRATOR OR PERSONAL REPRESENTATIVE.) The word "person" as used herein shall include individual persons, safe deposit companies, banks, trust companies, savings and loan associations, partnerships and all other organizations.

Any person seeking access to any safe deposit box upon the death of any person who at the time of his death was a tenant thereof either individually or as joint tenant or tenant in common, or seeking to withdraw securities, assets or funds belonging to the decedent or which decedent had the right to withdraw, shall notify the person renting such safe deposit box or holding such securities, assets or funds of the decedent's death. Any person who wilfully fails to give the notice of the death of the decedent required by this paragraph with intent to evade taxes due hereunder shall be guilty of a misdemeanor. It shall be a complete defense to any prosecution under the provisions of this subdivision that no inheritance tax was due from the decedent's estate.

Sec. 11. Minnesota Statutes 1974, Section 291.20, Subdivision 4, is amended to read:

Subd. 4. Every corporation, partnership, association or individual required to pay benefits to the estate or to a beneficiary of a deceased employee or former employee under a pension, stock bonus or profit sharing plan taxable under section 291.065, *or to a beneficiary under an individual retirement account described in section 408 of the internal revenue code, as amended*, whether in the form of periodic payments or in a lump sum, and whether directly or through a trust or fund created by the employer for such purpose, shall give notice of such obligation to the commissioner within 30 days after the date of payment, or the date of initial payment if more than one payment is to be made either to the estate or to a named beneficiary of such deceased employee or deceased former employee. Such notice shall be given on the forms prescribed by the commissioner and such notice shall set forth such information as the commissioner shall prescribe.

Sec. 12. *Section 9 of this act is effective on January 1, 1976. The remainder of this act is effective for estates of decedents dying after June 30, 1976."*

Further, strike the title and insert:

"A bill for an act relating to taxation; increasing inheritance tax exemptions; providing that the same inheritance rates and

exemptions apply to widow and widower; increasing the maintenance deduction; providing for the payment of the inheritance tax in installments over five years; providing an undue hardship deferral; amending Minnesota Statutes 1974, Sections 291.03; 291.05; 291.10; 291.11, Subdivision 1; 291.14, Subdivision 2; 291.20, Subdivisions 1 and 4; and Chapter 291, by adding a section; and Minnesota Statutes, 1975 Supplement, Sections 291.131, Subdivision 6; 291.132; and 291.14, Subdivision 4."

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

The report was adopted.

Kelly, W., from the Committee on Taxes to which was referred:

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

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

The report was adopted.

## SECOND READING OF SENATE BILLS

S. F. Nos. 633 and 2082 were read for the second time.

The following Conference Committee reports were received.

### CONFERENCE COMMITTEE REPORT ON H. F. NO. 471

A bill for an act relating to condominiums; providing for registration and disclosure prior to sale; providing penalties; amending Minnesota Statutes 1974, Section 83.26, Subdivision 1; and repealing Minnesota Statutes 1974, Chapter 515.

April 1, 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. 471 report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and that H. F. No. 471 be amended as follows:

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1974, Chapter 515, is amended by adding a section to read:

[515.175] [INCORPORATION OF ASSOCIATION.] *Subsequent to July 1, 1976, an association of apartment owners shall be incorporated under Minnesota Statutes, Chapter 317 before the declaration is recorded.*

Sec. 2. Minnesota Statutes 1974, Section 515.19, is amended to read:

515.19 [CONTENTS OF BYLAWS.] *Subdivision 1. The bylaws may provide for the following:*

(a) The election from among the apartment owners of a board of directors, the number of persons constituting the same, and that the terms of at least one third of the directors shall expire annually; the powers and duties of the board; the compensation, if any, of the directors; the method of removal from office of directors; and whether or not the board may engage the services of a manager or managing agent.

(b) Method of calling meetings of the apartment owners; what percentage, if other than a majority of apartment owners, shall constitute a quorum.

(c) Election of a president from among the board of directors who shall preside over the meetings of the board of directors and of the association of apartment owners.

(d) Election of a secretary who shall keep the minute book wherein resolutions shall be recorded.

(e) Election of a treasurer who shall keep the financial records and books of account.

(f) Maintenance, repair and replacement of the common areas and facilities and payments therefor, including the method of approving payment vouchers.

(g) Manner of collecting from the apartment owners their share of the common expenses.

(h) Designation and removal of personnel necessary for the maintenance, repair and replacement of the common areas and facilities.

(i) Method of adopting and of amending administrative rules and regulations governing the details of the operation and use of the common areas and facilities.

(j) Such restrictions on and requirements respecting the use and maintenance of the apartments and the use of the common areas and facilities, not set forth in the declaration, as are designed to prevent unreasonable interference with the use of their respective apartments and of the common areas and facilities by the several apartment owners.

(k) The percentage of votes required to amend the bylaws.

(l) Other provisions as may be deemed necessary for the administration of the property consistent with sections 515.01 to 515.29.

*Subd. 2. The bylaws shall provide that the association of apartment owners shall meet at least once each year. The bylaws shall specify an officer who shall, at least 21 days in advance of any annual or regularly scheduled meeting and at least seven days in advance of any other meeting, send to each apartment owner notice of the time, place and complete agenda of the meeting. The notice shall be sent by United States mail to all apartment owners of record and at the address of their respective apartments and to other addresses as any of them may have designated to the officer.*

*Subd. 3. The bylaws shall provide that no vote in the association of apartment owners shall be deemed to inure to any apartment during the time when the apartment owner thereof is the association of apartment owners.*

*Subd. 4. The bylaws shall provide that an annual report be prepared by the association of apartment owners, that a copy of the report be provided to each apartment owner, and that the report contains at a minimum the following:*

*(a) A statement of any capital expenditures in excess of \$1,000 anticipated by the association of apartment owners during the current year or succeeding two fiscal years;*

*(b) A statement of the status and amount of any reserve for replacement fund and any portion of the fund designated for any specified project by the board of directors;*

*(c) A copy of the statement of financial condition for the association of apartment owners for the last fiscal year;*

*(d) A statement of the status of any pending suits or judgments in which the association of apartment owners is a party;*

*(e) A statement of the insurance coverage provided by the association of apartment owners; and*

(f) *A statement of any unpaid assessments by the association of apartment owners on individual apartments, identifying the apartment number and the amount of the unpaid assessment.*

Sec. 3. Minnesota Statutes 1974, Chapter 515, is amended by adding a section to read:

[515.195] [RESTRICTIONS ON CONTROL OF CREATOR OF THE CONDOMINIUM.] *Subdivision 1. At the first annual meeting subsequent to the earlier of (a) five years from the date of recording the declaration or (b) when three-fifths of the apartment owners are other than the owner who submits the property to the provisions of Minnesota Statutes, Chapter 515, the terms of office of all then existing officers and directors shall terminate.*

*Subd. 2. No contract, lease, management contract, employment contract, or lease of recreational areas or facilities, which is directly or indirectly made by or on behalf of the association of apartment owners shall be entered into for a period exceeding two years.*

Sec. 4. Minnesota Statutes 1974, Chapter 515, is amended by adding a section to read:

[515.215] [DISCLOSURE REQUIREMENTS.] *Subdivision 1. Not later than 15 days prior to the closing of the first conveyance of each apartment, the vendor shall furnish to the purchaser the following:*

- (1) *The purchase agreement for the apartment;*
- (2) *A copy of the declaration and bylaws;*
- (3) *A copy of the articles of incorporation of the association of apartment owners;*
- (4) *A copy of any management contract, employment contract, or other contract affecting the use, maintenance, or access of all or part of the condominium;*
- (5) *A copy of the annual operating budget for the condominium including reasonable details concerning the monthly payments by the purchaser for assessments, and monthly charges for the use, rental, or lease of any facilities;*
- (6) *A copy of any lease to which it is anticipated the apartment owners or the association of apartment owners will be a party following closing;*
- (7) *A copy of the floor plan of the apartment;*



(8) A description of any recreational or other facilities which are to be used by the apartment owners and maintained by them or by the association of apartment owners and a statement as to whether or not they are to be part of the common areas and facilities;

(9) A statement as to whether streets within the condominium are to be dedicated to public use or maintained by the association of apartment owners; and

(10) In the case of condominiums containing buildings substantially completed more than five years prior to the recording of the declaration, a statement of the physical condition and state of repair of the major structural, mechanical, electrical, and plumbing components of the improvements to the extent reasonably ascertainable. The vendor is entitled to rely on the reports of architects or engineers authorized to practice their profession in this state;

(11) A statement of the total number of apartments in the association of apartment owners, and the number of apartments sold which shall be updated at least monthly;

(12) A statement concerning any plans for future development or expansion of the project, including any buildings, apartments or common areas and facilities that may be added; if the plans are used in the promotion of the project, or the plats and plans or blueprints of the future development have been prepared;

(13) A statement of the terms of any financing being offered by the vendor in connection with the sale of apartments;

(14) A statement of the provisions of any warranties offered by the vendor in connection with the sale of apartments;

(15) A statement of the insurance coverage that will be provided by the association of apartment owners.

Subd. 2. Any material furnished pursuant to subdivision 1 may not be changed or amended following delivery to the purchaser, if the change or amendment would affect materially the rights of the purchaser, without first obtaining approval of the purchaser. A copy of any amendments shall be delivered promptly to the purchaser.

Subd. 3. Any vendor referred to in subdivision 1 who, in disclosing the information required pursuant to subdivisions 1 and 2, makes any untrue statement of a material fact, or omits to state a material fact necessary in order to make the statements made, in the light of circumstances under which they were made, not misleading, shall be liable to any person purchasing an apart-

ment from him. However, no action may be maintained to enforce any liability created under this section unless brought within three years after the date of closing.

Subd. 4. The rights of purchasers under this section may not be waived in the purchase agreement and any attempted waiver is void. However, if any purchaser proceeds to closing, his right under this section to rescind is terminated.

Subd. 5. The requirements of this section do not apply to the sale of any unit which is to be occupied and used for nonresidential purposes.

Subd. 6. (a) A purchaser has an unconditional right to rescind a purchase agreement at any time within five days after the date the purchaser receives all the information contained in subdivision 1.

(b) Each purchase agreement shall prominently contain upon its face the following notice printed in bold type, stating:

**"Notice to Purchaser**

You are entitled to rescind this agreement at anytime within five days from the day you actually receive the information required by law. Such rescission must be in writing and mailed to the vendor or his agent or his lender at the address stated in this document. Upon rescission, you will receive a refund of all moneys paid."

(c) Rescission occurs when the purchaser gives written notice of rescission to the vendor, or his agent or the lender at the address stated in the purchase agreement. Notice of rescission, if given by mail, is effective when it is deposited in a mailbox properly addressed and postage prepaid.

Subd. 7. When the purchase agreement relates to a condominium not yet formed, the applicable information required by subdivision 1, may be a proposed form."

Further, amend the title as follows:

Page 1, line 2, strike "providing for registration".

Page 1, strike lines 3 to 6, and insert "regulating the association of apartment owners; requiring certain disclosure before initial sale of apartments; amending Minnesota Statutes 1974, Section 515.19, and Chapter 515 by adding sections."

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

House Conferees: NEIL B. DIETERICH, MICHAEL GEORGE and RONALD B. SIELOFF.

Senate Conferees: ROBERT J. TENNESSEN, JACK DAVIES and HARMON T. OGDahl.

Dieterich moved that the report of the Conference Committee on H. F. No. 471 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 471, A bill for an act relating to condominiums; providing for registration and disclosure prior to sale; providing penalties; amending Minnesota Statutes 1974, Section 83.26, Subdivision 1; and repealing Minnesota Statutes 1974, Chapter 515.

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 131, and nays 0, as follows:

Those who voted in the affirmative were:

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

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

#### CONFERENCE COMMITTEE REPORT ON H. F. NO. 354

A bill for an act relating to public welfare; providing for the licensing of facilities and services for the handicapped and children; prescribing penalties; amending Minnesota Statutes 1974,

Section 252.28; repealing Minnesota Statutes 1974, Sections 245.-78; 245.79; 245.80; 245.81; 245.82; 257.081; 257.082; 257.091; 257.101; 257.102; 257.111; 257.123; and 257.124.

April 1, 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. 354 report that we have agreed upon the items in dispute and recommend as follows:

That H. F. No. 354, as amended by the Senate, be further amended as follows:

Strike the Page 6, line 28 amendment placed on H. F. No. 354 by the Senate on March 26, 1976 and insert:

*"(5) A private hospital whose psychiatric or chemical dependency program is located within the hospital and is reviewed by the appropriate review committee of a national professional organization whose membership is limited to medical students, enrollees in residency programs and licensed medical doctors."*

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

House Conferees: HAROLD J. DAHL, BOB MCEACHERN and JOHN R. KALEY.

Senate Conferees: ROBERT D. NORTH, JOHN MILTON and NANCY BRATAAS.

Dahl moved that the report of the Conference Committee on H. F. No. 354 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 354, A bill for an act relating to public welfare; providing for the licensing of facilities and services for the handicapped and children; prescribing penalties; amending Minnesota Statutes 1974, Section 252.28; repealing Minnesota Statutes 1974, Sections 245.78; 245.79; 245.80; 245.81; 245.82; 257.081; 257.082; 257.091; 257.101; 257.102; 257.111; 257.123; and 257.124.

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 130, and nays 0, as follows:

Those who voted in the affirmative were:

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

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

#### CONFERENCE COMMITTEE REPORT ON H. F. NO. 1333

A bill for an act relating to coroners; providing for fees and traveling expenses; prohibiting interference with a dead body or the scene of death; prescribing penalties; amending Minnesota Statutes 1974, Sections 357.11; and 390.11, Subdivision 8.

April 1, 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. 1333 report that we have agreed upon the items in dispute and recommend as follows:

That the House accede to the Senate amendments.

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

House Conferees: GARY W. LAIDIG, MARION D. MENNING,  
RUSSELL P. STANTON.

Senate Conferees: ROBERT J. BROWN, ROBERT J. SCHMITZ and JOHN M. PATTON.

Laidig moved that the report of the Conference Committee on H. F. No. 1333 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 1333, A bill for an act relating to coroners; providing for fees and traveling expenses; prohibiting interference with a dead body or the scene of death; prescribing penalties; amending Minnesota Statutes 1974, Section 357.11; and 390.11, Subdivision 8.

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 130, and nays 1, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Williamson

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

#### CONFERENCE COMMITTEE REPORT ON H. F. NO. 1865

A bill for an act relating to crimes; providing increased sentences for persons convicted of certain second or subsequent vio-

lations of theft; prescribing penalties; amending Minnesota Statutes 1974, Section 609.52, Subdivision 3.

April 1, 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. 1865 report that we have agreed upon the items in dispute and recommend that H. F. No. 1865 be amended as follows:

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1974, Section 152.15, is amended to read:

152.15 [VIOLATIONS; PENALTIES.] Subdivision 1. Any person who violates section 152.09, subdivision 1, clause (1) with respect to:

(1) A controlled substance classified in Schedule I or II which is a narcotic drug, is guilty of a crime and upon conviction (MAY) *shall* be imprisoned for (NOT MORE THAN 15 YEARS OR FINED NOT MORE THAN \$25,000, OR BOTH FOR A FIRST VIOLATION, AND FOR A SECOND OR SUBSEQUENT VIOLATION, UPON CONVICTION, SHALL BE IMPRISONED FOR NOT LESS THAN ONE YEAR NOR MORE THAN 30 YEARS OR FINED NOT MORE THAN \$50,000, OR BOTH) *6 years*;

(2) Any other controlled substance classified in Schedule I, II, or III, is guilty of a crime and upon conviction (MAY) *shall* be imprisoned for (NOT MORE THAN FIVE YEARS, FINED NOT MORE THAN \$15,000, OR BOTH FOR A FIRST VIOLATION, AND FOR A SECOND OR SUBSEQUENT VIOLATION, UPON CONVICTION, SHALL BE IMPRISONED FOR NOT LESS THAN ONE YEAR NOR MORE THAN TEN YEARS OR FINED NOT MORE THAN \$30,000, OR BOTH) *two years*;

(3) A substance classified in Schedule IV, is guilty of a crime and upon conviction (MAY) *shall* be imprisoned for (NOT MORE THAN THREE YEARS, FINED NOT MORE THAN \$10,000, OR BOTH FOR A FIRST VIOLATION, AND FOR A SECOND OR SUBSEQUENT VIOLATION UPON CONVICTION, SHALL BE IMPRISONED FOR NOT LESS THAN SIX MONTHS NOR MORE THAN SIX YEARS OR FINED NOT MORE THAN \$20,000, OR BOTH) *one year and one day*;

(4) A substance classified in Schedule V, is guilty of a crime and upon conviction may be imprisoned for not more than one year, fined not more than \$1,000, or both;

(5) The distribution of a small amount of marijuana for no remuneration, shall be treated as provided in subdivision 2, clause (5).

Subd. 2. Any person who violates section 152.09, Subdivision 1, clause (2), with respect to:

(1) A controlled substance classified in Schedule I or II which is a narcotic drug, is guilty of a crime and upon conviction (MAY) *shall* be imprisoned for (NOT MORE THAN FIVE YEARS OR FINED NOT MORE THAN \$5,000, OR BOTH) *two years*;

(2) Any other controlled substance classified in Schedule I, II, or III, is guilty of a crime and upon conviction (MAY) *shall* be imprisoned for (NOT MORE THAN THREE YEARS, FINED NOT MORE THAN \$3,000, OR BOTH) *one year and one day*;

(3) A substance classified in Schedule IV, is guilty of a crime and upon conviction (MAY) *shall* be imprisoned for (NOT MORE THAN THREE YEARS, FINED NOT MORE THAN \$3,000, OR BOTH) *one year and one day*;

(4) A substance classified in Schedule V, is guilty of a crime and upon conviction may be imprisoned for not more than one year, fined not more than \$1,000, or both; provided, however, that any person convicted under this section of possessing a substance classified under Schedule V or a small amount of marijuana, and placed on probation may be required to take part in a drug education program as specified by the court;

(5) A small amount of marijuana is guilty of a misdemeanor. A subsequent violation of this clause within one year is a misdemeanor, and a person so convicted may be required to participate in a medical evaluation. A person who is the owner of a private motor vehicle, or the driver of the motor vehicle if the owner is not present, and who possesses on his person or knowingly keeps or allows to be kept in a motor vehicle within the area of the vehicle normally occupied by the driver or passengers more than .05 ounce of marijuana is guilty of a misdemeanor. This area of the vehicle shall not include the trunk of the motor vehicle when such vehicle is equipped with a trunk or another area of the vehicle not normally occupied by the driver or passengers if the vehicle is not equipped with a trunk. A utility or glove compartment shall be deemed to be within the area occupied by the driver and passengers.



Subd. 3. Any person who violates section 152.09, subdivision 2, is guilty of a crime and upon conviction (MAY) *shall be imprisoned for (NOT MORE THAN FOUR YEARS, OR FINED NOT MORE THAN \$30,000, OR BOTH) one year and six months.*

Subd. 4. Any person 18 years of age or over who violates section 152.09, subdivision 1, clause (1), by distributing a controlled substance listed in Schedules I or II which is a narcotic drug to a person under 18 years of age who is at least three years his junior (IS PUNISHABLE) *shall be punished by (THE FINE AUTHORIZED BY SECTION 152.15, SUBDIVISION 1, CLAUSE (1), BY) a term of imprisonment (OF UP TO) twice that authorized by section 152.15, subdivision 1, clause (1), (OR BY BOTH).* Any person 18 years of age or over who violates section 152.09, subdivision 1, by distributing any other controlled substance listed in Schedules I, II, III, IV, and V, except marijuana, to a person under 18 years of age who is at least three years his junior (IS PUNISHABLE) *shall be punished by (THE FINE AUTHORIZED BY SECTION 152.15, SUBDIVISION 1, CLAUSES (2), (3), OR (4), BY) a term of imprisonment (UP TO TWICE THAT AUTHORIZED) required by section 152.15, subdivision 1, clauses (2), (3), or (4) (, OR BOTH).*

(SUBD. 5. ANY PERSON CONVICTED OF A SECOND OR SUBSEQUENT OFFENSE UNDER LAWS 1971, CHAPTER 937, EXCEPT AS PROVIDED IN SUBDIVISION 1, CLAUSES (1), (2), (3) AND (5) MAY BE IMPRISONED FOR A TERM UP TO TWICE THE TERM OTHERWISE AUTHORIZED, FINED AN AMOUNT UP TO TWICE THAT OTHERWISE AUTHORIZED, OR BOTH.)

Sec. 2. [DEFINITIONS.] *Subdivision 1. For purposes of sections 2 to 11, the following terms shall have the meanings given to them.*

Subd. 2. *"Inmate" means any person convicted of a felony and confined in a state correctional institution.*

Subd. 3. *"Commissioner" means the commissioner of corrections or his designee.*

Subd. 4. *"Correctional institution" means any institution under the operational authority of the commissioner of corrections.*

Subd. 5. *"Crime against the person" means murder in the first degree, murder in the second degree, murder in the third degree, manslaughter in the first degree, aggravated assault, aggravated robbery, kidnapping, false imprisonment, criminal sexual conduct in the first degree, criminal sexual conduct in the second degree, criminal sexual conduct in the third degree, aggravated arson and burglary, as described under section 609.58, subdivision 2, clause (1)(b).*

**Sec. 3. [DETERMINATE SENTENCING.]** *After a person has been convicted of a felony and sentenced to imprisonment, the court shall immediately place that person in the commissioner's custody. That person shall serve the determinate sentence provided by law for the crime of his conviction and he shall not be paroled or otherwise released from the correctional institution wherein he is confined until that determinate sentence expires, except as is provided in section 8 of this act, and except as his sentence is reduced by any good time earned.*

**Sec. 4. [MUTUAL AGREEMENT PROGRAMS.]** *The commissioner of corrections shall draft, at the request of an inmate and within 90 days after assuming custody of the inmate, a mutual agreement program. The mutual agreement program shall be drafted after a post-conviction investigation of the inmate has been made by the commissioner. In drafting a mutual agreement program, the commissioner shall also refer to any pre-sentence investigation which has been made of the inmate. The agreement shall provide the following:*

*(a) A program of vocational or educational training with specific chronological and achievement objectives, including completion of specified educational and vocational programs;*

*(b) Frequent and regular evaluation of the inmate by the commissioner; and*

*(c) A consideration of any educational qualifications or skills of the inmate when specifying certain types of work expectations.*

*In addition, the agreement may specify participation of the inmate in non-institutional or extra-institutional programs.*

*The inmate may decline to enter into the agreement. Whether or not an inmate consents to participate in a mutual agreement program, he shall serve the sentence imposed by the sentencing court, reduced by good time credited.*

**Sec. 5. [MUTUAL AGREEMENT PROGRAM; INMATE'S RIGHTS.]** *Subdivision 1. The inmate shall have the right to appeal to the commissioner if he believes the terms of his agreement have been violated. The commissioner shall promptly investigate any appeal filed under this subdivision and shall take appropriate action if he determines the terms of the mutual agreement program have been violated.*

*Subd. 2. The inmate and his counsel shall be informed of and have the right to inspect the inmate's records, including any evaluations of his progress in fulfilling the terms of his mutual agreement program.*

**Sec. 6. [OTHER PROGRAMS.]** *The commissioner shall, to the extent made feasible by appropriations, provide programs with rehabilitative or therapeutic objectives for those inmates who desire to voluntarily participate. These programs shall include, but not be limited to, programs in the areas of chemical dependency and alcoholism.*

**Sec. 7. [GOOD TIME.]** *By April 1, 1977, the commissioner shall promulgate, pursuant to chapter 15, rules specifying offenses which may result in denial of "good time" and the amount of "good time" which may be denied as a result of each offense. Each sentence imposed for a felony offense shall be reduced in duration by one day for each day during which the inmate violates no "good time" rules as promulgated by the commissioner. In no case shall an individual offense result in the denial of more than 30 days of "good time". In no case shall "good time" earned be taken away. The denial of "good time" shall be considered to be a disciplinary measure taken against an inmate, and the procedure for denial of "good time" and the inmate's rights in that process shall be those in effect for disciplinary procedures in each correctional institution on March 1, 1976.*

**Sec. 8. [CONDITIONAL RELEASE.]** *Subdivision 1. If the mutual agreement program requires participation in noninstitutional or extra-institutional programs, or the commissioner determines that an inmate should participate in noninstitutional or extra-institutional programs with rehabilitative or therapeutic objectives, and the inmate consents to participate in these programs, the commissioner may conditionally release the participating inmate under the provisions of section 241.26.*

*Subd. 2. If consistent with the public interest, the commissioner may also, under rules prescribed by him, conditionally release any inmate in his custody to any point within the state for up to five days. These releases may be granted to assist the inmate with family needs, with personal health needs, or his reintegration into society. No inmate may receive more than three releases under this subdivision within any 12 month period.*

**Sec. 9. [POST-RELEASE PROGRAMS.]** *Upon the completion of the term to which an inmate is sentenced, as reduced by "good time" earned, the commissioner shall offer to the inmate a voluntary program not to exceed six months designed to facilitate reintegration of the inmate into society. The program may include such assistance as aid in finding employment and housing.*

**Sec. 10. [241.046] [TRANSFER OF POWERS AND DUTIES FROM MINNESOTA CORRECTIONS AUTHORITY.]** *Subdivision 1. Except as provided in this section, the provisions of sections 1 to 90 shall not apply to persons convicted of a felony committed before April 1, 1977.*

Subd. 2. *The Minnesota corrections authority shall retain all powers and duties vested in and imposed upon it through December 30, 1978, with relation to persons sentenced for crimes committed before April 1, 1977. On December 31, 1978, all the powers and duties vested in and imposed upon the Minnesota corrections authority as then constituted, including but not limited to those relating to the disposition of persons committed to the authority by the district courts of this state and issuing final discharge to persons convicted of crimes and committed to the authority, shall be transferred to and imposed upon the commissioner of corrections, and the corrections authority shall be abolished.*

Subd. 3. *The provisions of sections 1 to 90 shall apply to all persons convicted of a felony committed on or after April 1, 1977.*

Subd. 4. *Nothing in sections 1 to 90 shall be deemed to limit the powers and duties otherwise provided by law to the commissioner of corrections with regard to the management of correctional institutions or the disposition of inmates unless those powers and duties are inconsistent with the provisions of sections 1 to 90, in which case those powers and duties shall be superseded by the provisions of sections 1 to 90.*

Subd. 5. *All references in Minnesota Statutes to the Minnesota corrections authority relating to persons committed to the authority by the district courts of this state shall, on and after December 31, 1978, be deemed to refer to the commissioner of corrections.*

Subd. 6. *The Minnesota corrections authority shall take into consideration the sentence terms and sentence reductions provided in sections 1 to 90, and the penal philosophy therein embodied in its deliberations relative to parole, probation, release, or other disposition of inmates who commit the offenses giving rise to their sentences before April 1, 1977.*

Sec. 11. Minnesota Statutes 1974, Section 401.13, is amended to read:

401.13 [CHARGES MADE TO COUNTIES.] Each participating county will be charged a sum equal to the per diem cost of confinement of those persons committed to the commissioner or the (YOUTH CONSERVATION COMMISSION) corrections board after August 1, 1973, and confined in a state institution. Provided, however, that no charge shall be made for those persons convicted of offenses for which the penalty provided by law exceeds (FIVE) three years, (NOR SHALL) or for which mandatory terms of imprisonment are required by law. The amount charged a participating county for the costs of confinement shall not exceed the amount of subsidy to which (THE) a county is eligible. The commissioner shall annually determine costs and deduct them from the subsidy due and payable to the respective

participating counties. All charges shall be a charge upon the county of commitment.

Sec. 12. Minnesota Statutes 1974, Section 609.03, is amended to read:

609.03. [PUNISHMENT WHEN NOT OTHERWISE FIXED.] If a person is convicted of a crime for which no punishment is otherwise provided he may be sentenced as follows:

(1) If the crime is a felony, to imprisonment for (NOT MORE THAN FIVE YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$5,000, OR BOTH) *two years*; or

(2) If the crime is a gross misdemeanor, to imprisonment for not more than one year or to payment of a fine of not more than \$1,000, or both; or

(3) If the crime is a misdemeanor, to imprisonment for not more than 90 days or to payment of a fine of not more than \$300, or both; or

(4) If the crime is other than a misdemeanor and a fine is imposed but the amount is not specified, to payment of a fine of not more than \$500, or to imprisonment for a specified term of not more than six months if the fine is not paid.

Sec. 13. Minnesota Statutes 1974, Section 609.10, is amended to read:

609.10. [SENTENCES AVAILABLE.] *Subdivision 1.* Upon conviction of a felony and compliance with the other provisions of this chapter the court, if it imposes sentence (,) may (SENTENCE THE DEFENDANT TO THE EXTENT AUTHORIZED BY LAW AS FOLLOWS:

((1) TO LIFE IMPRISONMENT; OR

(2) TO IMPRISONMENT FOR A MAXIMUM TERM OF YEARS FIXED BY THE COURT; OR

(3) TO AN INDETERMINATE TERM OF IMPRISONMENT WHICH SHALL BE DEEMED TO BE FOR THE MAXIMUM TERM AUTHORIZED BY LAW; OR

(4) TO BOTH IMPRISONMENT AND PAYMENT OF A FINE; OR

(5) TO PAYMENT OF A FINE WITHOUT IMPRISONMENT OR TO IMPRISONMENT IF THE FINE IS NOT PAID.)

, unless the sentence is to an extended term of imprisonment, increase or decrease the statutory time period of the sentence by up to 15 percent. If the length of the sentence imposed is increased or decreased, consecutive sentences imposed for multiple offenses, or an extended term of imprisonment is imposed, the sentencing court shall state the reasons for the increase, decrease, imposition of consecutive sentences, or imposition of an extended term in a memorandum accompanying the imposition of sentence.

Subd. 2. An appeal from the district court to the supreme court of the increased or decreased sentence or consecutive sentences or an extended term imposed may be filed by a defendant.

Subd. 3. On appeal pursuant to subdivision 2 the supreme court may review the sentence imposed to determine whether the sentence is inconsistent with statutory requirements, is unjustifiably disparate in comparison with cases of a similar nature, or is excessive, unreasonable or inappropriate under the circumstances. This power shall be in addition to all other powers of review presently existing or hereafter conferred by law. Upon consideration of the appeal, the supreme court may dismiss the appeal, affirm, reduce, vacate, or set aside the sentence imposed, remand the case and direct the entry of an appropriate sentence or order, or direct such further proceedings to be had as may be required under the circumstances. The supreme court shall state the reasons for its actions except when the appeal is dismissed or the sentence is affirmed.

Subd. 4. The procedure for taking an appeal under this section shall follow the criminal rules of procedure for an appeal to the supreme court. A dismissal of an appeal brought under this section shall not prejudice any aspect of an appeal brought under any other section.

Subd. 5. When an appeal is filed, the clerk of the district court shall certify to the supreme court transcripts of the proceedings, records, reports, documents, and other information relating to the offense of the defendant and to the sentence imposed on him as the supreme court by rule or order may require. Any report or document contained in the record on appeal shall be available to the defendant to the extent that it was available in the trial court.

Subd. 6. This section shall not be construed to confer or enlarge any right of a defendant to be released following his conviction pending a determination of his application for leave to appeal or pending an appeal under this section.

Sec. 14. Minnesota Statutes 1974, Section 609.135, Subdivision 1, is amended to read:

609.135 [STAY OF IMPOSITION OR EXECUTION OF SENTENCE.] Subdivision 1. (EXCEPT WHEN A SEN-

TENCE OF LIFE IMPRISONMENT IS REQUIRED BY LAW) *Except as herein provided*, any court (, INCLUDING A JUSTICE OF THE PEACE TO THE EXTENT OTHERWISE AUTHORIZED BY LAW,) may stay imposition or execution of sentence and place the defendant on probation with or without supervision and on such terms as the court may prescribe. The court may order the supervision to be under the probation officer of the court, or, if there is none and the conviction is for a felony, by the commissioner of corrections, or in any case by some other suitable and consenting person.

*The execution or imposition of sentence may not be stayed:*

(a) *upon a conviction for a violation of sections 609.185, 609.19, 609.342; or*

(b) *in any case in which the defendant is convicted of a second or subsequent crime against the person and during the commission of each of those crimes, he had on his person a firearm or used another dangerous weapon. Provided that each conviction must arise from a separate course of conduct; or*

(c) *upon the conviction of the defendant for at least his third felony violation within a ten year period, if the violations arose out of at least three separate courses of conduct; provided that*

(1) *at least one of the felony violations was a crime against the person; or*

(2) *in the commission of at least one of the felonies the defendant had on his person a firearm or used another dangerous weapon.*

Sec. 15. [EXTENDED TERM.] Subdivision 1. An extended term hearing shall be held in any case where the imposition or execution of sentence is not permitted to be stayed. An extended term of imprisonment may be imposed if:

(1) *Notice is served on the defendant or on his attorney advising him of the hearing at least 14 days prior to the hearing; and*

(2) *A summary hearing, at which the defendant is entitled to be heard on the issues raised and to be represented by counsel, is held pursuant to the notice to consider evidence for and against the imposition of an extended term of imprisonment; and*

(3) *The court finds:*

(a) *that the defendant in the commission of the felony for which he is presently being sentenced inflicted on another death or permanent or protracted loss of the function of any bodily member or organ; or*

(b) *that the defendant has been convicted of at least three felony offenses within a ten year period, including the felony violations giving rise to the hearing, if the violations arose out of at least three separate courses of conduct; provided that*

(1) *at least one of the felony violations was a crime against the person; or*

(2) *in the commission of at least one of the felonies the defendant had on his person a firearm or used another dangerous weapon.*

*The provisions of this clause shall apply if the prior convictions occurred in the state or were for similar crimes prosecuted in another state or federal court.*

Sec. 16. Minnesota Statutes 1974, Section 609.145, Subdivision 1, is amended to read:

609.145 [CREDIT FOR PRIOR IMPRISONMENT.] Subdivision 1. When a person has been imprisoned pursuant to a conviction which is set aside and is thereafter convicted of a crime growing out of the same act or omission, the (MAXIMUM) period of imprisonment to which he (MAY BE) is sentenced is reduced by the period of the prior imprisonment and the time earned thereby in diminution of sentence. (IF SENTENCE IS FOR LESS THAN THIS MAXIMUM, THE PRIOR IMPRISONMENT AND TIME EARNED IN DIMINUTION OF SENTENCE SHALL BE CREDITED TOWARD THE SENTENCE UNLESS THE COURT OTHERWISE DIRECTS.)

Sec. 17. Minnesota Statutes 1974, Section 609.165, Subdivision 2, is amended to read:

Subd. 2. The discharge may be:

(1) By order of the court following stay of sentence or stay of execution of sentence; or

(2) By order of the Minnesota corrections authority prior to expiration of sentence; or

(3) Upon expiration of sentence *as reduced by good time earned, if any.*

Sec. 18. Minnesota Statutes 1974, Section 609.17, Subdivision 4, is amended to read:

Subd. 4. *An attempt to commit a crime is punishable as follows: Who ever attempts to commit a crime (MAY) punishable as a felony shall be sentenced (AS FOLLOWS:)*



((1) IF THE MAXIMUM SENTENCE PROVIDED FOR THE CRIME IS LIFE IMPRISONMENT, TO NOT MORE THAN 20 YEARS; OR)

((2) FOR ANY OTHER ATTEMPT,) to (NOT MORE THAN) one half of the (MAXIMUM) imprisonment (OR FINE OR BOTH) provided for the crime attempted (, BUT SUCH MAXIMUM IN ANY CASE SHALL NOT BE LESS THAN IMPRISONMENT FOR 90 DAYS OR A FINE OF \$100); *whoever attempts to commit any other crime may be sentenced to one half of the maximum imprisonment or fine provided for the crime attempted, but the maximum in no case shall be less than imprisonment for 90 days or a fine of \$300.*

Sec. 19. Minnesota Statutes 1974, Section 609.175, Subdivision 2, is amended to read:

Subd. 2. [TO COMMIT CRIME.] Whoever conspires with another to commit a crime and in furtherance of the conspiracy one or more of the parties does some overt act in furtherance of such conspiracy (MAY BE SENTENCED AS FOLLOWS):

(1) *May be sentenced to imprisonment for not more than 90 days or to payment of a fine of not more than \$300, or both if the crime intended is a misdemeanor (, BY A SENTENCE TO IMPRISONMENT FOR NOT MORE THAN 90 DAYS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$300, OR BOTH); or*

(2) *May be sentenced to imprisonment or to payment of a fine of not more than one half the imprisonment or fine provided if the crime intended is (MURDER IN THE FIRST DEGREE OR TREASON, TO IMPRISONMENT FOR NOT MORE THAN 20 YEARS) a gross misdemeanor; or*

(3) (IF THE CRIME INTENDED IS ANY OTHER FELONY OR A GROSS MISDEMEANOR,) *shall be sentenced to imprisonment (OR TO PAYMENT OF A FINE OF NOT MORE THAN) for one half the imprisonment (OR FINE) provided (FOR THAT) if the crime intended is a felony (OR GROSS MISDEMEANOR OR BOTH).*

Sec. 20. Minnesota Statutes, 1975 Supplement, Section 609.185, is amended to read:

609.185 [MURDER IN THE FIRST DEGREE.] Whoever does either of the following is guilty of murder in the first degree and shall be sentenced to (IMPRISONMENT FOR LIFE) *a term of 20 years:*

(1) Causes the death of a human being with premeditation and with intent to effect the death of such person or of another; or

(2) Causes the death of a human being while committing or attempting to commit criminal sexual conduct in the first or second degree with force or violence, either upon or affecting such person or another.

Sec. 21. Minnesota Statutes 1974, Section 609.19, is amended to read:

609.19 [MURDER IN THE SECOND DEGREE.] Whoever causes the death of a human being with intent to effect the death of such person or another, but without premeditation, is guilty of murder in the second degree and (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN 40) *16* years.

Sec. 22. Minnesota Statutes 1974, Section 609.195, is amended to read:

609.195 [MURDER IN THE THIRD DEGREE.] Whoever, without intent to effect the death of any person, causes the death of another by either of the following means, is guilty of murder in the third degree and (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN 25) *ten* years:

(1) Perpetrates an act eminently dangerous to others and evincing a depraved mind, regardless of human life; or

(2) Commits or attempts to commit a felony upon or affecting the person whose death was caused or another, except rape or sodomy with force or violence within the meaning of section 609.185.

Sec. 23. Minnesota Statutes 1974, Section 609.20, is amended to read:

609.20 [MANSLAUGHTER IN THE FIRST DEGREE.] Whoever does any of the following is guilty of manslaughter in the first degree and (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN 15 YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$15,000, OR BOTH) *six* years:

(1) Intentionally causes the death of another person in the heat of passion provoked by such words or acts of another as would provoke a person (OR) *of* ordinary self-control under like circumstances; or

(2) Causes the death of another in committing or attempting to commit a crime with such force and violence that death of or

great bodily harm to any person was reasonably foreseeable, and murder in the first or second degree was not committed thereby; or

(3) Intentionally causes the death of another person because the actor is coerced by threats made by someone other than his co-conspirator and which cause him reasonably to believe that his act is the only means of preventing imminent death to himself or another.

Sec. 24. Minnesota Statutes 1974, Section 609.205, is amended to read:

609.205 [MANSLAUGHTER IN THE SECOND DEGREE.] Whoever causes the death of another by any of the following means is guilty of manslaughter in the second degree and (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN SEVEN YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$7,000, OR BOTH) *three years*:

(1) By his culpable negligence whereby he creates an unreasonable risk, and consciously takes chances of causing death or great bodily harm to another; or

(2) By shooting another with a firearm or other dangerous weapon as a result of negligently believing him to be a deer or other animal; or

(3) By setting a spring gun, pit fall, deadfall, snare, or other like dangerous weapon or device; or

(4) By negligently or intentionally permitting any animal, known by him to have vicious propensities, to go at large, or negligently failing to keep it properly confined, and the victim was not at fault.

Sec. 25. Minnesota Statutes 1974, Section 609.21, is amended to read:

609.21 [CRIMINAL NEGLIGENCE RESULTING IN DEATH.] Whoever operates a vehicle as defined in Minnesota Statutes, Section 169.01, Subdivision 2, or an aircraft or watercraft, in a grossly negligent manner and thereby causes the death of a human being not constituting murder or manslaughter is guilty of criminal negligence in the operation of a vehicle resulting in death and (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN FIVE YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$5,000, OR BOTH) *two years*.

Sec. 26. Minnesota Statutes 1974, Section 609.215, is amended to read:

609.215 [SUICIDE.] Subdivision 1. [AIDING SUICIDE.] Whoever intentionally advises, encourages, or assists another in taking his own life (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN 15 YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$15,000, OR BOTH) *six years*.

Subd. 2. [AIDING ATTEMPTED SUICIDE.] Whoever intentionally advises, encourages, or assists another who attempts but fails to take his own life (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN SEVEN YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$7,000, OR BOTH) *three years*.

Sec. 27. Minnesota Statutes 1974, Section 609.225, is amended to read:

609.225 [AGGRAVATED ASSAULT.] Subdivision 1. Whoever assaults another and inflicts great bodily harm (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN TEN YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$10,000, OR BOTH) *four years*.

Subd. 2. Whoever assaults another with a dangerous weapon but without inflicting great bodily harm (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN FIVE YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$5,000, OR BOTH) *two years*.

Sec. 28. Minnesota Statutes 1974, Section 609.235, is amended to read:

609.235 [USE OF DRUGS TO INJURE OR FACILITATE CRIME.] Whoever administers to another or causes another to take any poisonous, stupefying, overpowering, narcotic or anesthetic substance with intent thereby to injure or to facilitate the commission of a crime (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN FIVE YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$5,000, OR BOTH) *two years*.

Sec. 29. Minnesota Statutes 1974, Section 609.24, is amended to read:

609.24 [SIMPLE ROBBERY.] Whoever, knowing he is not entitled thereto, takes personal property from the person or in the presence of another and uses or threatens the imminent use of force against any person to overcome his resistance or powers of resistance to, or to compel acquiescence in, the taking or carrying away of the property is guilty of robbery and (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN TEN YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$10,000, OR BOTH) *four years*.

Sec. 30. Minnesota Statutes 1974, Section 609.245, is amended to read:

609.245 [AGGRAVATED ROBBERY.] Whoever, while committing a robbery, is armed with a dangerous weapon or inflicts bodily harm upon another is guilty of aggravated robbery and (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN 20 YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$20,000, OR BOTH) *eight years*.

Sec. 31. Minnesota Statutes 1974, Section 609.25, Subdivision 2, is amended to read:

Subd. 2. [SENTENCE.] Whoever violates subdivision 1 (MAY) *shall* be sentenced as follows:

(1) If the victim is released in a safe place without great bodily harm, to imprisonment for (NOT MORE THAN 20 YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$20,000, OR BOTH) *eight years*; or

(2) Otherwise to imprisonment for (NOT MORE THAN 40 YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$40,000, OR BOTH) *16 years*.

Sec. 32. Minnesota Statutes 1974, Section 609.255, is amended to read:

609.255 [FALSE IMPRISONMENT.] Whoever, knowing he has no lawful authority to do so, intentionally confines or restrains a child not his own under the age of 18 years without his parent's or legal custodian's consent, or any other person without his consent, is guilty of false imprisonment and (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN THREE YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$3,000, OR BOTH) *one year and one day*.

Sec. 33. Minnesota Statutes 1974, Section 609.26, is amended to read:

609.26 [DETAINING OWN CHILD.] Whoever intentionally detains his own child under the age of 18 years outside the state of Minnesota, with intent to deny another's rights under an existing court order may be sentenced to imprisonment for not more than (TWO YEARS) *one year* or to payment of a fine of not more than (\$2,000) *\$1,000*, or both.

Sec. 34. Minnesota Statutes 1974, Section 609.27, Subdivision 2, is amended to read:

Subd. 2. [SENTENCE.] Whoever violates subdivision 1 (MAY) *shall* be sentenced as follows:

(1) To imprisonment for not more than 90 days or to payment of a fine of not more than \$300, or both if neither the pecuniary gain received by the violator nor the loss suffered by the person threatened or another as a result of the threat exceeds \$100, or the benefits received or harm sustained are not susceptible of pecuniary measurement; or

(2) To imprisonment for (NOT MORE THAN FIVE YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$5,000, OR BOTH) *two years*, if such pecuniary gain or loss is more than \$100 but less than \$2,500; or

(3) To imprisonment for (NOT MORE THAN TEN YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$10,000, OR BOTH) *four years*, if such pecuniary gain or loss is \$2,500, or more.

Sec. 35. Minnesota Statutes 1974, Section 609.31, is amended to read:

609.31 [LEAVING THE STATE TO EVADE ESTABLISHMENT OF PATERNITY.] Whoever with intent to evade proceedings to establish his paternity leaves the state knowing that a woman with whom he has had sexual intercourse is pregnant or has given birth within the previous 60 days to a living child may be sentenced to imprisonment for not more than (TWO YEARS) *one year* or to payment of a fine of not more than (\$2,000) *\$1,000*, or both.

Sec. 36. Minnesota Statutes 1974, Section 609.32, is amended to read:

609.32 [PROSTITUTION.] Subdivision 1. [DEFINITIONS.] (1) "Prostitution" means engaging or offering or agreeing to engage for hire in sexual intercourse, as defined in section 609.29, or sodomy as defined in section 609.293, subdivision 1.

(2) A "place of prostitution" is a house or other place where prostitution is practiced or from which prostitution is promoted.

Subd. 2. [ACTS PROHIBITED.] Whoever intentionally does any of the following (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN TEN YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$10,000, OR BOTH) *four years*:

(1) Solicits or induces another under the age of 18 years to practice prostitution; or

(2) Being a parent, guardian, or other custodian of the person of a child under the age of 18 years consents to his being taken or detained for the purposes of prostitution.

Subd. 3. [OTHER ACTS PROHIBITED.] Whoever intentionally does any of the following (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN FIVE YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$5,000, OR BOTH) *two years*:

- (1) Keeps a place of prostitution; or
- (2) Leases or otherwise permits premises owned by him or under his control to be used as a place of prostitution; or
- (3) Solicits or induces another over the age of 18 years to practice prostitution; or
- (4) Solicits another under the age of 18 years to have sexual intercourse or to commit sodomy with a prostitute or admits him to a place of prostitution; or
- (5) Engages as a prostitute in an act of sexual intercourse or sodomy with another under the age of 18 years; or
- (6) Transports a prostitute from one place of prostitution within the state to another such place within or without the state, or brings a prostitute into the state, for the purpose of prostitution.

Subd. 4. [FURTHER ACTS PROHIBITED.] Whoever intentionally does any of the following may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$1,000, or both:

- (1) Engages in prostitution; or
- (2) Is supported in whole in part by the earnings of a prostitute; or
- (3) Solicits for a prostitute, directs, takes, or transports another to a prostitute or place of prostitution, or brings a prostitute to him, for the purpose of sexual intercourse or sodomy with a prostitute.
- (4) Hires or offers or agrees to hire another person to engage in sexual intercourse or sodomy.

Sec. 37. Minnesota Statutes, 1975 Supplement, Section 609.342, is amended to read:

609.342 [CRIMINAL SEXUAL CONDUCT IN THE FIRST DEGREE.] A person is guilty of criminal sexual conduct in the first degree and (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN 20) *eight* years, if he engages in sexual

penetration with another person and if any of the following circumstances exists:

(a) The complainant is under 13 years of age and the actor is more than 36 months older than the complainant. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense; or

(b) The complainant is at least 13 but less than 16 years of age and the actor is more than 48 months older than the complainant and in a position of authority over the complainant, and uses this authority to coerce the complainant to submit. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense; or

(c) Circumstances existing at the time of the act cause the complainant to have a reasonable fear of imminent great bodily harm to the complainant or another; or

(d) The actor is armed with a dangerous weapon or any article used or fashioned in a manner to lead the complainant to reasonably believe it to be a dangerous weapon and uses or threatens to use the weapon or article to cause the complainant to submit; or

(e) The actor causes personal injury to the complainant, and either of the following circumstances exist:

(i) The actor uses force or coercion to accomplish sexual penetration; or

(ii) The actor knows or has reason to know that the complainant is mentally defective, mentally incapacitated, or physically helpless; or

(f) the actor is aided or abetted by one or more accomplices within the meaning of section 609.05, and either of the following circumstances exists:

(i) An accomplice uses force or coercion to cause the complainant to submit; or

(ii) An accomplice is armed with a dangerous weapon or any article used or fashioned in a manner to lead the complainant reasonably to believe it to be a dangerous weapon and uses or threatens to use the weapon or article to cause the complainant to submit.

Sec. 38. Minnesota Statutes, 1975 Supplement, Section 609.343, is amended to read:

609.343 [CRIMINAL SEXUAL CONDUCT IN THE SECOND DEGREE.] A person is guilty of criminal sexual conduct



in the second degree and (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN 15) *six* years if he engages in sexual contact with another person and if any of the following circumstances exists:

(a) The complainant is under 13 years of age and the actor is more than 36 months older than the complainant. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense; or

(b) The complainant is at least 13 but less than 16 years of age and the actor is more than 48 months older than the complainant and in a position of authority over the complainant, and uses this authority to coerce the complainant to submit. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense; or

(c) Circumstances existing at the time of the act cause the complainant to have a reasonable fear of imminent great bodily harm to the complainant or another; or

(d) The actor is armed with a dangerous weapon or any article used or fashioned in a manner to lead the complainant to reasonably believe it to be a dangerous weapon and uses or threatens to use the dangerous weapon to cause the complainant to submit; or

(e) The actor causes personal injury to the complainant, and either of the following circumstances exist:

(i) The actor uses force or coercion to accomplish the sexual contact; or

(ii) The actor knows or has reason to know that the complainant is mentally defective, mentally incapacitated, or physically helpless; or

(f) The actor is aided or abetted by one or more accomplices within the meaning of section 609.05, and either of the following circumstances exists:

(i) An accomplice uses force or coercion to cause the complainant to submit; or

(ii) An accomplice is armed with a dangerous weapon or any article used or fashioned in a manner to lead the complainant to reasonably believe it to be a dangerous weapon and uses or threatens to use the weapon or article to cause the complainant to submit.

Sec. 39. Minnesota Statutes, 1975 Supplement, Section 609.344, is amended to read:

609.344 [CRIMINAL SEXUAL CONDUCT IN THE THIRD DEGREE.] A person is guilty of criminal sexual conduct in the third degree and (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN TEN) *four* years, if he engages in sexual penetration with another person and any of the following circumstances exists:

(a) The complainant is under 13 years of age and the actor is no more than 36 months older than the complainant. Neither mistake as to the complainant's age nor consent to the act by the complainant shall be a defense; or

(b) The complainant is at least 13 but less than 16 years of age and the actor is more than 24 months older than the complainant and not in a position of authority over the complainant. In any such case it shall be an affirmative defense, which must be proved by a preponderance of the evidence, that the actor believes the complainant to be 16 years of age or older. If the actor in such a case is no more than 48 months but more than 24 months older than the complainant, he (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN FIVE) *two* years. Consent by the complainant is not a defense; or

(c) The actor uses force or coercion to accomplish the penetration; or

(d) The actor knows or has reason to know that the complainant is mentally defective, mentally incapacitated, or physically helpless.

Sec. 40. Minnesota Statutes, 1975 Supplement, Section 609.345, is amended to read:

609.345 [CRIMINAL SEXUAL CONDUCT IN THE FOURTH DEGREE.] A person is guilty of criminal sexual conduct in the fourth degree and (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN FIVE) *two* years, if he engages in sexual contact with another person and if any of the following circumstances exists:

(a) The complainant is under 13 years of age and the actor is no less than 36 months older than the complainant. Neither mistake as to the complainant's age or consent to the act by the complainant is a defense; or

(b) The complainant is at least 13 but less than 16 years of age and the actor is more than 48 months older than the complainant or in a position of authority over the complainant and uses this authority to coerce the complainant to submit. In any such case, it shall be an affirmative defense which must be proved by a preponderance of the evidence that the actor reasonably believes the complainant to be 16 years of age or older; or

(c) The actor uses force or coercion to accomplish the sexual contact; or

(d) The actor knows or has reason to know that the complainant is mentally defective, mentally incapacitated, or physically helpless.

Sec. 41. Minnesota Statutes 1974, Section 609.355, Subdivision 2, is amended to read:

Subd. 2. [ACTS CONSTITUTING.] Whoever does any of the following is guilty of bigamy and (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN FIVE YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$5,000, OR BOTH) *two years*:

(1) Contracts a marriage in this state with knowledge that his prior marriage is not dissolved; or

(2) Contracts a marriage in this state with knowledge that the prior marriage of the person he marries is not dissolved; or

(3) Cohabits in this state with a person whom he married outside this state with knowledge that his own prior marriage has not been dissolved or with knowledge that the prior marriage of the person he married had not been dissolved.

Sec. 42. Minnesota Statutes 1974, Section 609.365, is amended to read:

609.365 [INCEST.] Whoever has sexual intercourse with another nearer of kin to him than first cousin, computed by rules of the civil law, whether of the half or the whole blood, with knowledge of the relationship, is guilty of incest and (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN TEN) *four years*.

Sec. 43. Minnesota Statutes 1974, Section 609.375, Subdivision 2, is amended to read:

Subd. 2. If the knowing omission and failure without lawful excuse to provide care and support to a minor child or a pregnant wife continues for a period in excess of 90 days such person is guilty of a felony and (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN FIVE) *two years*.

Sec. 44. Minnesota Statutes 1974, Section 609.39, is amended to read:

609.39 [MISPRISION OF TREASON.] Whoever, owing allegiance to this state and having knowledge of the commission of treason against this state, does not, as soon as may be, disclose

and make known the same to the governor or a judge of the supreme court or of the district court, is guilty of misprision of treason against this state and (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN FIVE YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$5,000, OR BOTH) *two years*.

Sec. 45. Minnesota Statutes 1974, Section 609.395, is amended to read:

609.395 [STATE MILITARY FORCES; INTERFERING WITH, OBSTRUCTING, OR OTHER.] Whoever, when the United States is at war, does either of the following (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN 20 YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$20,000, OR BOTH) *eight years*:

(1) Intentionally makes or conveys false reports or statements with intent to interfere with the operation or success of the military or naval forces of this state; or

(2) Intentionally causes or incites insubordination, disloyalty, mutiny, or refusal of duty in the military or naval forces of this state, or obstructs the recruiting or enlistment service of this state.

Sec. 46. Minnesota Statutes 1974, Section 609.405, Subdivision 2, is amended to read:

Subd. 2. [ACTS PROHIBITED.] Whoever does any of the following (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN FIVE YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$5,000, OR BOTH) *two years*:

(1) Orally or by means of writing advocates or promotes the doctrine of criminal syndicalism; or

(2) Intentionally organizes or becomes a member of any assembly, group, or organization which he knows is advocating or promoting the doctrine of criminal syndicalism; or

(3) For or on behalf of another person, distributes, sells, publishes, or publicly displays any writing, which is intended by that person to be used to, and which does, advocate or promote the doctrine of criminal syndicalism.

Sec. 47. Minnesota Statutes 1974, Section 609.42, Subdivision 1, is amended to read:

609.42 [BRIBERY.] Subdivision 1. [ACTS CONSTITUTING.] Whoever does any of the following is guilty of bribery and (MAY) *shall* be sentenced to imprisonment for (NOT

**MORE THAN TEN YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$10,000, OR BOTH) *four years*:**

(1) Offers, gives, or promises to give, directly or indirectly, to any public officer or employee any benefit, reward or consideration to which he is not legally entitled with intent thereby to influence such officer or employee with respect to the performance of his powers or duties as such officer or employee; or

(2) Being a public officer or employee, requests, receives or agrees to receive, directly or indirectly, any such benefit, reward or consideration upon the understanding that he will be so influenced; or

(3) Offers, gives, or promises to give, directly or indirectly any such benefit, reward, or consideration to a witness or one who is about to become a witness in a proceeding before a judicial or hearing officer, with intent that his testimony be influenced thereby, or that he will absent himself from the proceeding; or

(4) By any other means induces a witness or one who is about to become a witness to withhold his true testimony or to absent himself from the proceeding; or

(5) Is, or is about to become such witness and requests, receives, or agrees to receive, directly or indirectly, any such benefit, reward, or consideration upon the understanding that his testimony will be so influenced, or that he will absent himself from the proceeding; or

(6) Accepts directly or indirectly a benefit, reward or consideration upon an agreement or understanding, express or implied, that he will refrain from giving information that may lead to the prosecution of a crime or purported crime or that he will abstain from, discontinue, or delay prosecution therefor, except in a case where a compromise is allowed by law.

Sec. 48. Minnesota Statutes 1974, Section 609.425, is amended to read:

**609.425 [CORRUPTLY INFLUENCING LEGISLATOR.]**  
Whoever by menace, deception, concealment of facts, or other corrupt means, attempts to influence the vote or other performance of duty of any member of the legislature or person elected thereto (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN FIVE YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$5,000, OR BOTH) *two years*.

Sec. 49. Minnesota Statutes 1974, Section 609.445, is amended to read:

609.445 [FAILURE TO PAY OVER STATE FUNDS.] Whoever receives money on behalf of or for the account of the state or any of its agencies or subdivisions and intentionally refuses or omits to pay the same to the state or its agency or subdivision entitled thereto, or to an officer or agent authorized to receive the same, (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN THREE YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$3,000, OR BOTH) *one year and one day*.

Sec. 50. Minnesota Statutes 1974, Section 609.455, is amended to read:

609.455 [PERMITTING FALSE CLAIMS AGAINST GOVERNMENT.] A public officer or employee who audits, allows, or pays any claim or demand made upon the state or subdivision thereof or other governmental instrumentality within the state which he knows is false or fraudulent in whole or in part, (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN FIVE YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$5,000, OR BOTH) *two years*.

Sec. 51. Minnesota Statutes 1974, Section 609.465, is amended to read:

609.465 [PRESENTING FALSE CLAIMS TO PUBLIC OFFICER OR BODY.] Whoever, with intent to defraud, presents a claim or demand, which to his knowledge is false in whole or in part, for audit, allowance or payment to a public officer or body authorized to make such audit, allowance or payment is guilty of an attempt to commit theft of public funds and (MAY) *shall* be sentenced accordingly.

Sec. 52. Minnesota Statutes 1974, Section 609.48, Subdivision 1, is amended to read:

609.48 [PERJURY.] Subdivision 1. [ACTS CONSTITUTING.] Whoever makes a false material statement which he does not believe to be true in any of the following cases is guilty of perjury and (MAY) *shall* be sentenced as provided in subdivision 4:

(1) In or for an action, hearing or proceeding of any kind in which the statement is required or authorized by law to be made under oath or affirmation; or

(2) In any writing which is required or authorized by law to be under oath or affirmation; or

(3) In any other case in which the penalties for perjury are imposed by law and no specific sentence is otherwise provided.

Sec. 53. Minnesota Statutes 1974, Section 609.48, Subdivision 4, is amended to read:

Subd. 4. [SENTENCE.] Whoever violates this section (MAY) *shall* be sentenced as follows:

(1) If the false statement was made upon the trial of a felony charge, or upon an application for an explosives license or use permit, to imprisonment for (NOT MORE THAN FIVE YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$5,000, OR BOTH) *two years*; or

(2) In all other cases, to imprisonment for (NOT MORE THAN THREE YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$3,000, OR BOTH) *one year and one day*.

Sec. 54. Minnesota Statutes 1974, Section 609.485, Subdivision 4, is amended to read:

Subd. 4. [SENTENCE.] Whoever violates this section (MAY) *shall* be sentenced as follows:

(1) If the person who escapes is in lawful custody on a charge or conviction of a felony, to imprisonment for (NOT MORE THAN FIVE YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$5,000, OR BOTH) *two years*.

(2) If such charge or conviction is for a gross misdemeanor, to imprisonment for not more than one year or to payment of a fine of not more than \$1,000, or both.

(3) If such charge or conviction is for a misdemeanor, to imprisonment for not more than 90 days or to payment of a fine of not more than \$300, or both.

(4) If the escape was effected by violence or threat of violence against a person, the sentence (MAY) *shall* be increased to (NOT MORE THAN) twice those permitted in clauses (1), (2), and (3).

(5) Unless a concurrent term is specified by the court, a sentence under this section shall be consecutive to any sentence previously imposed or which may be imposed for any crime or offense for which the person was in custody when he escaped.

Sec. 55. Minnesota Statutes 1974, Section 609.495, Subdivision 1, is amended to read:

609.495 [AIDING AN OFFENDER TO AVOID ARREST.] Subdivision 1. Whoever harbors, conceals or aids another known by him to have committed a felony under the laws of this or another state or of the United States with intent that such offender shall avoid or escape from arrest, trial, conviction, or punishment, (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN THREE YEARS OR TO PAYMENT OF

A FINE OF NOT MORE THAN \$3,000, OR BOTH) *one year and one day.*

Sec. 56. Minnesota Statutes, 1975 Supplement, Section 609.52, Subdivision 2, is amended to read:

Subd. 2. [ACTS CONSTITUTING THEFT.] Whoever does any of the following commits theft and (MAY) *shall* be sentenced as provided in subdivision 3:

(1) Intentionally and without claim of right takes, uses, transfers, conceals or retains possession of movable property of another without his consent and with intent to deprive the owner permanently of possession of the property; or

(2) Having a legal interest in movable property, intentionally and without consent, takes such property out of the possession of a pledgee or other person having a superior right of possession, with intent thereby to deprive the pledgee or other person permanently of the possession of the property; or

(3) Obtains for himself or another the possession, custody or title to property of a third person by intentionally deceiving him with a false representation which is known to be false, made with intent to defraud, and which does defraud the person to whom it is made. "False representation" includes without limitation:

(a) The issuance of a check, draft, or order for the payment of money or the delivery of property knowing that he is not entitled to draw upon the drawee therefor or to order the payment or delivery thereof; or

(b) A promise made with intent not to perform. Failure to perform is not evidence of intent not to perform unless corroborated by other substantial evidence; or

(c) The unauthorized use of a credit card, credit plate, charge plate, or other identification device issued by an organization to a person for use in purchasing goods on credit; or

(4) By swindling, whether by artifice, trick, device, or any other means, obtains property from another person; or

(5) Intentionally commits any of the acts listed in this subdivision but with intent to exercise temporary control only and;

(a) The control exercised manifests an indifference to the rights of the owner or the restoration of the property to him; or

(b) He pledges or otherwise attempts to subject the property to an adverse claim; or



(c) He intends to restore the property only on condition that the owner pay a reward or buy back or make other compensation; or

(6) Finds lost property and, knowing or having reasonable means of ascertaining the true owner, appropriates it to his own use or to that of another not entitled thereto without first having made reasonable effort to find the owner and offer and surrender the property to him; or

(7) Intentionally obtains property or services, offered upon the deposit of a sum of money or tokens in a coin or token operated machine or other receptacle, without making the required deposit or otherwise obtaining the consent of the owner; or

(8) Intentionally and without claim of right converts any article representing a trade secret, knowing it to be such, to his own use or that of another person or makes a copy of an article representing a trade secret, knowing it to be such, and intentionally and without claim of right converts the same to his own use or that of another person. It shall be a complete defense to any prosecution under this clause for the defendant to show that information comprising the trade secret was rightfully known or available to him from a source other than the owner of the trade secret; or

(9) Leases or rents personal property under a written instrument and who with intent to place such property beyond the control of the lessor conceals or aids or abets the concealment of such property or any part thereof, or any lessee of such property who sells, conveys or encumbers such property or any part thereof without the written consent of the lessor, without informing the person to whom he sells, conveys, or encumbers that the same is subject to such lease and with intent to deprive the lessor of possession thereof. Evidence that a lessee used a false or fictitious name or address in obtaining such property or fails or refuses to return such property to lessor within five days after written demand for such return has been served personally in the manner provided for service of process of a civil action or sent by registered or certified mail to the last known address of the lessee, whichever shall occur later, shall be evidence of intent to violate this clause. Service by certified or registered mail shall be deemed to be complete upon deposit in the United States mail of such demand, postpaid and addressed to such person at the address for such person set forth in the lease or rental agreement, or, in the absence of such address, to such person's last known place of residence; or

(10) Alters, removes or obliterates numbers or symbols placed on movable property for purpose of identification by the owner or person who has legal custody or right to possession thereof with the intent to prevent identification, if the person who alters, removes or obliterates the numbers or symbols is not

the owner and does not have the permission of the owner to make the alteration, removal or obliteration.

Sec. 57. Minnesota Statutes 1974, Section 609.52, Subdivision 3, is amended to read:

Subd. 3. [SENTENCE.] Whoever commits theft (MAY) *shall* be sentenced as follows:

(1) To imprisonment for (NOT MORE THAN TEN YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$10,000, OR BOTH) *four years*, if the value of the property or services stolen exceeds \$2,500; or

(2) To imprisonment for (NOT MORE THAN FIVE YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$5,000, OR BOTH) *two years*, if the value of the property or services is more than \$100 but not more than \$2,500; or

(3) To imprisonment for (NOT MORE THAN FIVE YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$5,000, OR BOTH) *two years*, notwithstanding the value of the property or services is not more than \$100, if any of the following circumstances exist:

(a) The property is taken from the person of another or from a corpse, or grave or coffin containing a corpse; or

(b) The property taken is a record of a court or officer, or a writing, instrument or record kept, filed or deposited according to law with or in the keeping of any public officer or office; or

(c) The property is taken from a burning building or upon its removal therefrom, or from an area of destruction caused by civil disaster, riot, bombing, or the proximity of battle; or

(d) The property taken consists of public funds belonging to the state or to any political subdivision or agency thereof; or

(4) To imprisonment for (NOT MORE THAN TEN YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$10,000, OR BOTH) *four years*, if the property stolen is an article representing a trade secret; or if the property stolen is an explosive or an incendiary device; or

(5) In all other cases where the value of the property or services is \$100 or less, to imprisonment for not more than 90 days or to payment of a fine of not more than \$300, or both, provided, however, in any prosecution under clause (1), clause (2), clause (3)(a) and (c), and clause (4) of subdivision 2 the value of the money or property received by the defendant in violation of any

one or more of the above provisions within any six month period may be aggregated and the defendant charged accordingly in applying the provisions of this subdivision; provided that when two or more offenses are committed by the same person in two or more counties, the accused may be prosecuted in any county in which one of the offenses was committed for all of the offenses aggregated under this paragraph.

Sec. 58. Minnesota Statutes, 1975 Supplement, Section 609.521, is amended to read:

609.521 [POSSESSION OF SHOPLIFTING GEAR.] Whoever has in his possession any device, gear, or instrument specially designed to assist in shoplifting with intent to use the same to shoplift and thereby commit theft (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN THREE YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$3,000, OR BOTH) *one year and one day*.

Sec. 59. Minnesota Statutes 1974, Section 609.525, Subdivision 1, is amended to read:

609.525 [BRINGING STOLEN GOODS INTO STATE.] Subdivision 1. Whoever brings property into the state which he has stolen outside the state, or received outside of the state knowing it to have been stolen, (MAY) *shall* be sentenced in accordance with the provisions of section 609.52, subdivision 3. He may be charged, indicted, and tried in any county, but not more than one county, into or through which he has brought such property.

Sec. 60. Minnesota Statutes 1974, Section 609.53, Subdivision 1, is amended to read:

609.53 [RECEIVING STOLEN GOODS.] Subdivision 1. Any person who receives, buys or conceals any stolen property or property obtained by robbery, knowing the same to be stolen or obtained by robbery, (MAY) *shall* be sentenced as follows:

(1) If the value of the property received, bought or concealed is \$100 or more, to imprisonment for (NOT MORE THAN TEN YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$10,000, OR BOTH) *four years*;

(2) If the value of the property received, bought or concealed is less than \$100, to punishment as a misdemeanor.

Sec. 61. Minnesota Statutes 1974, Section 609.53, Subdivision 3, is amended to read:

Subd. 3. Any person convicted of a second or subsequent violation under subdivision 2 within a period of one year (MAY) *shall* be sentenced as provided in subdivision 1, clause (1).

Sec. 62. Minnesota Statutes 1974, Section 609.54, is amended to read:

609.54 [EMBEZZLEMENT OF PUBLIC FUNDS.] Whoever does an act which constitutes embezzlement under the provisions of Minnesota Constitution, Article IX, Section 12 (MAY) *shall* be sentenced as follows:

(1) If the value of the funds so embezzled is \$2,500, or less, to imprisonment for (NOT MORE THAN FIVE YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$5,000, OR BOTH) *two years; or*

(2) If such value is more than \$2,500, to imprisonment for (NOT MORE THAN TEN YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$10,000, OR BOTH) *four years.*

Sec. 63. Minnesota Statutes 1974, Section 609.55, Subdivision 2, is amended to read:

Subd. 2. [ACTS CONSTITUTING.] Whoever intentionally takes or drives a motor vehicle without the consent of the owner or his authorized agent (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN THREE YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$3,000, OR BOTH) *one year and one day.*

Sec. 64. Minnesota Statutes, 1975 Supplement, Section 609.551, Subdivision 1, is amended to read:

609.551 [RUSTLING AND LIVESTOCK THEFT; PENALTIES.] Subdivision 1. Whoever intentionally and without claim of right shoots, kills, takes, uses, transfers, conceals or retains possession of live cattle, swine or sheep or the carcasses thereof belonging to another without his consent and with the intent to permanently deprive the owner thereof (MAY) *shall* be sentenced as follows:

(a) If the value of the animals which are shot, killed, taken, used, transferred, concealed or retained exceeds \$2,500, the defendant (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN TEN) *four years* (, AND MAY BE FINED UP TO \$10,000);

(b) If the value of the animals which are shot, killed, taken, used, transferred, concealed or retained exceeds \$100 but is less than \$2,500, the defendant (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN FIVE) *two years* (, AND MAY BE FINED UP TO \$5,000);

(c) If the value of the animals which are shot, killed, taken, used, transferred, concealed, or retained is \$100 or less, the de-

fendant may be sentenced to imprisonment for not more than 90 days or to payment of a fine of not more than \$300 or both.

Sec. 65. Minnesota Statutes 1974, Section 609.56, is amended to read:

609.56 [AGGRAVATED ARSON.] Whoever, by means of fire or explosives, intentionally destroys or damages a dwelling house or other property, real or personal, whether his own or that of another, and thereby creates an imminent danger to life or risk of great bodily harm commits aggravated arson and (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN 25 YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$25,000, OR BOTH) *ten years* if the danger or risk was known or reasonably foreseeable.

Sec. 66. Minnesota Statutes 1974, Section 609.565, is amended to read:

609.565 [SIMPLE ARSON.] Whoever, by means of fire or explosives, intentionally damages or destroys any property of another without his consent is guilty of simple arson, if the act does not constitute aggravated arson, and (MAY) *shall* be sentenced as follows:

(1) To imprisonment for (NOT MORE THAN FIVE YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$5,000, OR BOTH) *two years*, if:

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

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

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

(2) To imprisonment for not more than 90 days or to payment of a fine of not more than \$300, or both in all other cases.

Sec. 67. Minnesota Statutes 1974, Section 609.58, Subdivision 2, is amended to read:

Subd. 2. [ACTS CONSTITUTING.] Whoever enters a building without the consent of the person in lawful possession, with intent to commit a crime therein, or whoever remains within a building without the consent of the person in lawful authority, with intent to commit a crime therein, commits burglary and (MAY) *shall* be sentenced as follows:

(1) To imprisonment for (NOT MORE THAN 20 YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$20,000, OR BOTH) *eight years*, if:

(a) When entering or while in the building, he possesses an explosive or tool to gain access to money or property; or

(b) The building entered is a dwelling and he possesses a dangerous weapon when entering or while in the building or he commits an assault upon a person present therein; or

(c) The portion of the building entered contains a banking business or other business of receiving securities or other valuable papers for deposit or safekeeping, the entry is with force or threat of force, the intent is to steal or commit a felony therein.

(2) To imprisonment for (NOT MORE THAN TEN YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$10,000, OR BOTH) *four years*, if the building entered is a dwelling and another person not an accomplice is present therein.

(3) In any other case, to imprisonment for (NOT MORE THAN FIVE YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$5,000, OR BOTH) *two years*, if the intent is to steal or commit a felony or gross misdemeanor or to imprisonment for not more than one year or to payment of a fine of not more than \$1,000, or both, if the intent is to commit a misdemeanor.

Sec. 68. Minnesota Statutes 1974, Section 609.59, is amended to read:

609.59 [POSSESSION OF BURGLARY TOOLS.] Whoever has in his possession any device, explosive, or other instrumentality with intent to use or permit the use of the same to commit burglary (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN THREE YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$3,000, OR BOTH) *one year and one day*.

Sec. 69. Minnesota Statutes 1974, Section 609.595, Subdivision 1, is amended to read:

609.595 [DAMAGE TO PROPERTY.] Subdivision 1. [AGGRAVATED CRIMINAL DAMAGE TO PROPERTY.] Whoever intentionally causes damage to physical property of another without the latter's consent (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN FIVE YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$5,000, OR BOTH) *two years*, if:

(1) The damage to the property caused a reasonably foreseeable risk of bodily harm; or

(2) The property damaged belongs to a public utility or a common carrier and the damage impairs the service to the public rendered by them; or

(3) The damage reduces the value of the property by more than \$100 measured by the cost of repair or replacement, whichever is less.

Sec. 70. Minnesota Statutes 1974, Section 609.60, is amended to read:

609.60 [DANGEROUS TRESPASSES AND OTHER ACTS.] Whoever intentionally does any of the following is guilty of a misdemeanor; except, if to his knowledge a risk of death or bodily harm or serious property damage is thereby created, he (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN FIVE YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$5,000, OR BOTH) *two years*:

(1) Smokes in the presence of explosives or inflammable materials; or

(2) Interferes with or obstructs the prevention or extinguishing of any fire, or disobeys the lawful orders of a law enforcement officer or fireman present at the fire; or

(3) Shows a false light or signal or interferes with any light, signal, or sign controlling or guiding traffic upon a highway, railway track, navigable waters, or in the air; or

(4) Places an obstruction upon a railroad track; or

(5) Exposes another or his property to an obnoxious or harmful gas, fluid or substance, with intent to injure, molest, or coerce.

Sec. 71. Minnesota Statutes 1974, Section 609.61, is amended to read:

609.61 [DEFRAUDING INSURER.] Whoever burns, destroys, or otherwise damages any property with intent to defraud an insurer of that property, when aggravated arson is not committed thereby, (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN THREE YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$3,000, OR BOTH) *one year and one day*.

Sec. 72. Minnesota Statutes 1974, Section 609.615, is amended to read:

609.615 [DEFEATING SECURITY ON REALTY.] Whoever removes or damages real property which is subject to a mortgage, mechanic's lien, or contract for deed, with intent to impair the value of the security, without the consent of the security holder, (MAY) *shall* be sentenced as follows:

(1) If the value of the property is impaired by \$100 or less, to imprisonment for not more than 90 days or to payment of a fine of not more than \$300, or both; or

(2) If the value of the property is impaired by more than \$100, to imprisonment for (NOT MORE THAN FIVE YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$5,000, OR BOTH) *two years*.

Sec. 73. Minnesota Statutes 1974, Section 609.62, Subdivision 2, is amended to read:

Subd. 2. [ACTS CONSTITUTING.] Whoever, with intent to defraud, does any of the following may be sentenced to imprisonment for not more than (TWO YEARS) *one year* or to payment of a fine of not more than (\$2,000) *\$1,000*, or both:

(1) Conceals, removes, or transfers any personal property in which he knows that another has a security interest; or

(2) Being an obligor and knowing the location of the property refuses to disclose the same to an obligee entitled to possession thereof.

Sec. 74. Minnesota Statutes 1974, Section 609.625, is amended to read:

609.625 [AGGRAVATED FORGERY.] Subdivision 1. [MAKING OR ALTERING WRITING OR OBJECT.] Whoever, with intent to defraud, falsely makes or alters a writing or object of any of the following kinds so that it purports to have been made by another or by himself under an assumed or fictitious name, or at another time, or with different provisions, or by authority of one who did not give such authority, is guilty of aggravated forgery and (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN TEN YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$10,000, OR BOTH) *four years*:

(1) A writing or object whereby, when genuine, legal rights, privileges, or obligations are created, terminated, transferred, or evidenced, or any writing normally relied upon as evidence of debt or property rights; or

(2) An official seal or the seal of a corporation; or



(3) A public record or an official authentication or certification of a copy thereof; or

(4) An official return or certificate entitled to be received as evidence of its contents; or

(5) A court order, judgment, decree, or process; or

(6) The records or accounts of a public body, office, or officer; or

(7) The records or accounts of a bank or person, with whom funds of the state or any of its agencies or subdivisions are deposited or entrusted, relating to such funds.

Subd. 2. [MEANS FOR FALSE REPRODUCTION.] Whoever, with intent to defraud, makes, engraves, possesses or transfers a plate or instrument for the false reproduction of a writing or object mentioned in subdivision 1 (MAY) *shall* be sentenced as provided in subdivision 1.

Subd. 3. [UTTERING OR POSSESSING.] Whoever, with intent to defraud, utters or possesses with intent to utter any forged writing or object mentioned in subdivision 1, knowing it to have been so forged, (MAY) *shall* be sentenced as provided in subdivision 1.

Sec. 75. Minnesota Statutes 1974, Section 609.63, is amended to read:

609.63 [FORGERY.] Subdivision 1. Whoever, with intent to injure or defraud, does any of the following is guilty of forgery and (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN THREE YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$3,000, OR BOTH) *one year and one day*:

(1) Uses a false writing, knowing it to be false, for the purpose of identification or recommendation; or

(2) Without consent, places, or possesses with intent to place, upon any merchandise an identifying label or stamp which is or purports to be that of another craftsman, tradesman, packer, or manufacturer, or disposes or possesses with intent to dispose of any merchandise so labeled or stamped; or

(3) Falsely makes or alters a membership card purporting to be that of a fraternal, business, professional, or other association, or of any labor union, or possesses any such card knowing it to have been thus falsely made or altered; or

(4) Falsely makes or alters a writing, or possesses a falsely made or altered writing, evidencing a right to transportation on a common carrier; or

(5) Destroys, mutilates, or by alteration, false entry or omission, falsifies any record, account, or other document relating to a private business; or

(6) Without authority of law, destroys, mutilates, or by alteration, false entry, or omission, falsifies any record, account, or other document relating to a person, corporation, or business, or filed in the office of, or deposited with, any public office or officer; or

(7) Destroys a writing or object to prevent it from being produced at a trial, hearing, or other proceeding authorized by law.

Subd. 2. Whoever, with knowledge that it is forged, offers in evidence in any trial, hearing or other proceedings authorized by law, as genuine, any forged writing or object (MAY) *shall* be sentenced as follows:

(1) If the writing or object is offered in evidence in the trial of a felony charge, to imprisonment for (NOT MORE THAN FIVE YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$5,000, OR BOTH) *two years; or*

(2) In all other cases, to imprisonment for (NOT MORE THAN THREE YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$3,000, OR BOTH) *one year and one day.*

Sec. 76. Minnesota Statutes 1974, Section 609.635, is amended to read:

609.635 [OBTAINING SIGNATURE BY FALSE PRETENSE.] Whoever, by false pretense, obtains the signature of another to a writing which is a subject of forgery under section 609.625, subdivision 1, (MAY) *shall* be punished as therein provided.

Sec. 77. Minnesota Statutes 1974, Section 609.64, is amended to read:

609.64 [RECORDING, FILING OF FORGED INSTRUMENT.] Whoever intentionally presents for filing, registering, or recording, or files, registers, or records a false or forged instrument relating to or affecting real or personal property in a public office entitled to file, register, or record such instrument when genuine (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN THREE YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$3,000, OR BOTH) *one year and one day.*

Sec. 78. Minnesota Statutes 1974, Section 609.645, is amended to read:

609.645 [FRAUDULENT STATEMENTS.] Whoever, with intent to injure or defraud, does any of the following (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN THREE YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$3,000, OR BOTH) *one year and one day*:

(1) Circulates or publishes a false statement, oral or written, relating to a corporation, association, or individual, intending thereby to give a false apparent value to securities issued or to be issued by, or to the property of, such corporation, association, or individual; or

(2) Makes a false ship's or airplane's manifest, invoice, register, or protest.

Sec. 79. Minnesota Statutes 1974, Section 609.65, is amended to read:

609.65 [FALSE CERTIFICATION BY NOTARY PUBLIC.] Whoever, when acting or purporting to act as a notary public or other public officer, certifies falsely that an instrument has been acknowledged or that any other act was performed by a party appearing before him or that as such notary public or other public officer he performed any other official act (MAY) *shall* be sentenced as follows:

(1) If he so certifies with intent to injure or defraud, to imprisonment for (NOT MORE THAN THREE YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$3,000, OR BOTH) *one year and one day*; or

(2) In any other case, to imprisonment for not more than 90 days or to payment of a fine of not more than \$300, or both.

Sec. 80. Minnesota Statutes 1974, Section 609.67, Subdivision 2, is amended to read:

Subd. 2. [ACTS PROHIBITED.] Except as otherwise provided herein, whoever owns, possesses, or operates a machine gun (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN FIVE YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$5,000, OR BOTH) *two years*.

Sec. 81. Minnesota Statutes 1974, Section 609.71, is amended to read:

609.71 [RIOT.] When three or more persons assembled disturb the public peace by an intentional act or threat of unlawful force or violence to person or property, each participant therein

is guilty of riot and may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$1,000, or both, or, if the offender, or to his knowledge any other participant, is armed with a dangerous weapon or is disguised, *he shall be sentenced to imprisonment for (NOT MORE THAN FIVE YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$5,000, OR BOTH) two years.*

Sec. 82. Minnesota Statutes 1974, Section 609.713, is amended to read:

609.713 [TERRORISTIC THREATS.] Subdivision 1. Whoever threatens to commit any crime of violence with purpose to terrorize another or to cause evacuation of a building, place of assembly or facility of public transportation or otherwise to cause serious public inconvenience, or in a reckless disregard of the risk of causing such terror or inconvenience (MAY) *shall be sentenced to imprisonment for (NOT MORE THAN FIVE YEARS) two years.*

Subd. 2. Whoever communicates to another with purpose to terrorize another or in reckless disregard of the risk of causing such terror, that explosives or an explosive device or any incendiary device is present at a named place or location, whether or not the same is in fact present, (MAY) *shall be sentenced to imprisonment for (NOT MORE THAN THREE YEARS) one year and one day.*

Sec. 83. Minnesota Statutes 1974, Section 609.785, is amended to read:

609.785 [FRAUDULENT LONG DISTANCE TELEPHONE CALLS.] Whoever obtains long distance telephone service by intentionally requesting of the operator that the cost thereof be charged to a false or non-existent telephone or credit card number or to the telephone or credit card number of another without his authority may be sentenced to imprisonment for not more than 90 days or to payment of a fine of not more than \$300, or both, when the value of the telephone service obtained is not more than \$100; and *shall be sentenced by imprisonment for (NOT MORE THAN FIVE YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$5,000, OR BOTH) two years*, if the value of the telephone service obtained in a single transaction, or in separate transactions within any six month period, is more than \$100.

Sec. 84. Minnesota Statutes 1974, Section 609.82, is amended to read:

609.82 [FRAUD IN OBTAINING CREDIT.] Whoever, with intent to defraud, obtains credit for himself or another from a bank, trust company, savings or building and loan association,

or credit union, by means of a present or past false representation as to his or another's financial ability may be sentenced as follows:

(1) If no money or property is obtained by the defendant by means of such credit, to imprisonment for not more than 90 days or to payment of a fine of not more than \$300, or both; or

(2) If money or property is so obtained, the value thereof shall be determined as provided in section 609.52, subdivision 1, clause (3) and he (MAY) *shall* be sentenced as provided in section 609.52, subdivision 3.

Sec. 85. Minnesota Statutes 1974, Section 609.825, Subdivision 2, is amended to read:

Subd. 2. [ACTS PROHIBITED.] Whoever does any of the following (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN FIVE YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$5,000, OR BOTH) *two years*:

(1) Offers, gives, or agrees to give, directly or indirectly, any benefit, reward or consideration to a participant, manager, director, or other official, or to one who intends to become such participant or official, in any sporting event, race or other contest of any kind whatsoever with intent thereby to influence such participant not to use his best effort to win or enable his team to win or to attain a maximum score or margin of victory, or to influence such official in his decisions with respect to such contest; or

(2) Requests, receives, or agrees to receive, directly or indirectly, any benefit, reward or consideration upon the understanding that he will be so influenced as such participant or official.

Sec. 86. Minnesota Statutes 1974, Section 609.83, is amended to read:

609.83 [FALSELY IMPERSONATING ANOTHER.] Whoever does either of the following (MAY) *shall* be sentenced to imprisonment for (NOT MORE THAN FIVE YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$5,000, OR BOTH) *two years*:

(1) Assumes to enter into a marriage relationship with another by falsely impersonating a third person; or

(2) By falsely impersonating another with intent to defraud him or a third person, appears, participates, or executes an instrument to be used in a judicial proceeding.

Sec. 87. [LEGISLATIVE STUDY.] *The legislative standing committees having jurisdiction over the subject matter, shall jointly study the actual and potential impact of this act on the state's criminal justice system. These committees shall report to the legislature on or before March 1, 1977, making any appropriate recommendations for legislative change.*

Sec. 88. [EFFECTIVE DATE.] *Sections 1 to 86 and 88 to 90 are effective as to crimes committed on or after April 1, 1977, except as specifically provided in section 10. Section 87 is effective the day following final enactment.*

Sec. 89. *In the next and subsequent editions of the Minnesota Statutes the revisor of statutes shall make such changes in terminology as may be necessary to record the functions, powers and duties of the commissioner of corrections as established by this act.*

Sec. 90. [REPEALER.] *Minnesota Statutes 1974, Sections 243.06; 243.14; 243.18; 246.43; 609.11, as amended by Laws 1975, Chapter 378, Section 8; 609.13, Subdivision 1; 609.155; 609.16; and 609.293, Subdivisions 2, 3, and 4, are repealed. Minnesota Statutes 1974, Sections 241.045, as amended by Laws 1975, Chapters 61, Section 4, and 304, Section 3; and 242.24 are repealed on December 31, 1978."*

Further strike the title in its entirety and insert:

"A bill for an act relating to crimes and corrections; sentencing and post conviction disposition of criminal offenders; transferring the powers and duties of the Minnesota corrections authority to the commissioner of corrections; abolishing the Minnesota corrections authority; providing for determinate sentencing; providing for a mutual agreement program; amending Minnesota Statutes 1974, Sections 152.15; 401.13; 609.03; 609.10; 609.135, Subdivision 1; 609.145, Subdivision 1; 609.165, Subdivision 2; 609.17, Subdivision 4; 609.175, Subdivision 2; 609.19; 609.195; 609.20; 609.205; 609.21; 609.215; 609.225; 609.235; 609.24; 609.245; 609.25, Subdivision 2; 609.255; 609.26; 609.27, Subdivision 2; 609.31; 609.32; 609.355, Subdivision 2; 609.365; 609.375, Subdivision 2; 609.39; 609.395; 609.405, Subdivision 2; 609.42, Subdivision 1; 609.425; 609.445; 609.455; 609.465; 609.48, Subdivisions 1 and 4; 609.485, Subdivision 4; 609.495, Subdivision 1; 609.52, Subdivision 3; 609.525, Subdivision 1; 609.53, Subdivisions 1 and 3; 609.54; 609.55, Subdivision 2; 609.56; 609.565; 609.58, Subdivision 2; 609.59; 609.595, Subdivision 1; 609.60; 609.61; 609.615; 609.62, Subdivision 2; 609.625; 609.63; 609.635; 609.64; 609.645; 609.65; 609.67, Subdivision 2; 609.71; 609.713; 609.785; 609.82; 609.825, Subdivision 2; 609.83; Minnesota Statutes, 1975 Supplement, Sections 609.185; 609.342; 609.343; 609.344; 609.345; 609.52, Subdivision 2; 609.521; and 609.551, Subdivision 1; repealing Minnesota Statutes 1974, Sections 241.045, as amended; 242.24; 243.06; 243.14; 243.18;

246.43; 609.11, as amended; 609.13, Subdivision 1; 609.155; 609.-16; and 609.293, Subdivisions 2, 3, and 4.”

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

House Conferees: RAY W. FARICY and RODNEY N. SEARLE.

Senate Conferees: BILL MCCUTCHEON, ROLF NELSON and JACK DAVIES.

Faricy moved that the report of the Conference Committee on H. F. No. 1865 be adopted and that the bill be repassed as amended by the Conference Committee.

A roll call was requested and properly seconded.

#### CALL OF THE HOUSE

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

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

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

The question recurred on the motion to adopt the Conference Committee Report and the roll being called, there were yeas 90, and nays 41, as follows:

Those who voted in the affirmative were:

Abeln	Doty	Kaley	McEachern	Schreiber
Adams, L.	Eckstein	Kalis	Menning	Schumacher
Adams, S.	Erickson	Kelly, R.	Metzen	Searle
Albrecht	Esau	Kelly, W.	Neisen	Setzepfandt
Anderson, G.	Evans	Kempe, A.	Nelsen	Sieben, M.
Anderson, I.	Ewald	Kempe, R.	Niehaus	Sieloff
Arlandson	Faricy	Ketola	Novak	Simoneau
Begich	Fjoslien	Knickerbocker	Osthoff	Smogard
Biersdorf	Forsythe	Knoll	Patton	Swanson
Birnstihl	Friedrich	Kostohryz	Peterson	Tomlinson
Braun	Fudro	Kroening	Petrafeso	Vento
Byrne	Hanson	Laidig	Philbrook	Wenstrom
Carlson, A.	Heinitz	Langseth	Pleasant	Wenzel
Carlson, L.	Hokanson	Lemke	Prahl	White
Carlson, R.	Jacobs	Luther	Reding	Wieser
Dahl	Jensen	Mann	St. Onge	Wigley
Dean	Jopp	McCauley	Sarna	Williamson
DeGroat	Jude	McCollar	Savelkoul	Zubay

Those who voted in the negative were:

Beauchamp	Eken	Kahn	Rice	Suss
Berg	Enebo	Lindstrom	Samuelson	Ulland
Berglin	Fugina	Mangan	Schulz	Vanasek
Brinkman	George	McCarron	Sherwood	Voss
Casserly	Graba	Moe	Sieben, H.	Speaker Sabo
Clark	Haugerud	Nelson	Skoglund	
Clawson	Jaros	Norton	Smith	
Corbid	Johnson, C.	Parish	Spanish	
Dieterich	Johnson, D.	Pehler	Stanton	

The motion prevailed.

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

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 94, and nays 36, as follows:

Those who voted in the affirmative were:

Abeln	Byrne	Ewald	Jopp	Kroening
Adams, L.	Carlson, A.	Faricy	Jude	Laidig
Adams, S.	Carlson, L.	Fjoslien	Kaley	Langseth
Albrecht	Carlson, R.	Forsythe	Kalis	Lemke
Anderson, G.	Dahl	Friedrich	Kelly, R.	Luther
Anderson, I.	Dean	Fudro	Kelly, W.	Mangan
Arlandson	DeGroat	George	Kempe, A.	Mann
Beauchamp	Doty	Hanson	Kempe, R.	McCauley
Begich	Eckstein	Heinitz	Ketola	McCollar
Biersdorf	Enebo	Hokanson	Knickerbocker	McEachern
Birnstihl	Esau	Jacobs	Knoll	Menning
Braun	Evans	Jensen	Kostohryz	Metzen



Neisen	Petrafeso	Sarna	Sieloff	Wenzel
Nelsen	Philbrook	Savelkoul	Simoneau	White
Niehaus	Pleasant	Schreiber	Smogard	Wieser
Novak	Prahl	Schumacher	Swanson	Wigley
Osthoff	Reding	Searle	Tomlinson	Williamson
Patton	St. Onge	Setzepfandt	Vento	Zubay
Peterson	Samuelson	Sieben, M.	Wenstrom	

Those who voted in the negative were:

Berg	Eken	Lindstrom	Schulz	Ulland
Berglin	Fugina	McCarron	Sherwood	Vanasek
Brinkman	Graba	Moe	Sieben, H.	Voss
Cassery	Haugerud	Nelson	Skoglund	Speaker Sabo
Clark	Jaros	Norton	Smith	
Clawson	Johnson, C.	Parish	Spanish	
Corbid	Johnson, D.	Pehler	Stanton	
Dieterich	Kahn	Rice	Suss	

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

#### CALL OF THE HOUSE LIFTED

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

#### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

H. F. No. 1997, A bill for an act relating to the operation of government; providing for aids to education, tax levies, and the distribution of tax revenues; changing the funding of special education, adult vocational education, and secondary vocational education to a current funding basis; granting certain powers and duties to school districts, the commissioner of education, the state board of education, and the state board for vocational education; providing for the adoption of the uniform financial accounting and reporting system for Minnesota school districts; transferring the Minnesota school for the deaf and the Minnesota braille and sight-saving school from the jurisdiction of the commissioner of welfare to the state board of education; authorizing and prohibiting certain fees; establishing a uniform definition of school age for all handicapped children; appropriating money; amending Minnesota Statutes 1974, Sections 120.17, Subdivisions 2 and 5, and by adding subdivisions; 120.73, Subdivision 1; 120.74, Subdivision 1; 121.21 by adding a subdivision; 122.45, Subdivisions 2 and 3a; 123.37, Subdivisions 1 and 1b; 124.212 by adding a subdivision; 124.222 by adding a subdivision; 124.32 as

amended; 125.185, Subdivision 4; 246.01; 248.07, Subdivision 3; and 275.125 by adding subdivisions; Chapter 124 by adding sections; and Chapter 422A by adding a section; and Minnesota Statutes, 1975 Supplement, Sections 120.17, Subdivision 1; 121.11, Subdivision 5; 121.165; 122.23, Subdivision 15; 122.45, Subdivision 1; 124.04; 124.17, Subdivisions 1 and 2; 124.212, Subdivisions 8a and 11a; 124.223; 124.26 by adding a subdivision; 124.271, Subdivision 2; 124.43, Subdivision 1; 124.561, Subdivision 3 and by adding a subdivision; 124.562, Subdivision 2; 124.563, Subdivision 3; 124.564; 124.565, Subdivision 2; 124.611, Subdivisions 1 and 2; 268.08, Subdivision 5; 273.138, Subdivision 3; 275.125, Subdivisions 2a, 4, 5, 6, 7, 8, 9, 14 and 15, and by adding subdivisions; and 298.244, Subdivision 1, as amended; repealing Minnesota Statutes 1974, Sections 122.54; 124.28, as amended; 124.281; 124.29; 125.185, Subdivision 8; 248.01; 248.02; 248.05; 248.06; 248.09; 275.127; 275.39; 275.41 and 275.42; and Minnesota Statutes, 1975 Supplement, Section 275.125, Subdivision 11.

The Senate has repassed said bill, in accordance with the recommendation and report of the Conference Committee. Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 2019, A bill for an act relating to controlled substances; scheduling certain substances; amending Minnesota Statutes 1974, Section 152.02, Subdivisions 2, 3, 4, 5, and by adding a subdivision.

The Senate has appointed as such committee Messrs. Schaaf, Anderson and Keefe, J.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 1940, A bill for an act relating to the legislature; establishing a council on the economic status of women; ap-

appropriating money; repealing Minnesota Statutes 1974, Section 363.04, Subdivisions 7 and 8.

The Senate has appointed as such committee Messrs. Keefe, S. and Hughes and Mrs. Brataas.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 2657, A bill for an act relating to natural resources; increasing certain permit and license fees; authorizing the issuance of Minnesota sportsman licenses; appropriating money; amending Minnesota Statutes 1974, Sections 85.05, Subdivision 2; 98.46, Subdivisions 2, 4, 7, 8, 9, 14, 15, 16, 17, as amended, 19, and by adding a subdivision; 101.44; and Chapter 105, by adding a section; and Minnesota Statutes, 1975 Supplement, Section 98.46, Subdivision 5.

The Senate has appointed as such committee Messrs. Moe, Merriam and Frederick.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 2233, A bill for an act relating to human services; permitting Otter Tail county to designate a human services board; amending Minnesota Statutes 1974, Section 402.01, Subdivision 1.

The Senate has appointed as such committee Messrs. Olhoff, Chmielewski and Renneke.

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. 1644, A bill for an act relating to public welfare; establishing a senior companion program; appropriating funds.

And the Senate respectfully requests that a Conference Committee of 3 members be appointed thereon. Messrs. Chenoweth, Moe and Knutson 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

Kelly, R., 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. 1644. 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. 2374, A bill for an act relating to highway traffic regulation; requiring courts to report to the commissioner of public safety a stay of imposition of sentence granted under provisions of law relating to driving while under the influence of drugs or alcoholic beverages; amending Minnesota Statutes 1974, Sections 169.121, Subdivision 6; and 609.135, Subdivision 3.

PATRICK E. FLAHAVEN, Secretary of the Senate

Luther moved that the House refuse to concur in the Senate amendments to H. F. No. 2374, 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 that the Senate refuses to concur in the House amendments to:

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

And the Senate respectfully requests that a Conference Committee of 3 members be appointed thereon. Messrs. Chenoweth, Humphrey and Stassen 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

Casserly 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. 855. The motion prevailed.

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

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

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said Senate File is herewith transmitted to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### CONFERENCE COMMITTEE REPORT ON S. F. NO. 840

A bill for an act relating to the department of human rights; creating a private right of action to enforce the provisions of the human rights act in certain cases; amending Minnesota Statutes 1974, Section 363.06, Subdivision 1; and Chapter 363, by adding a section.

March 26, 1976

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

We, the undersigned conferees for S. F. No. 840 report that we have agreed upon the items in dispute and recommend as follows:

The Senate accede to the House amendments and that S. F. No. 840 be further amended as follows:

Page 8, line 24, after the semicolon insert "or".

Page 8, strike lines 25 to 32.

Page 9, strike lines 1 and 2 and insert:

*"(b) After 90 days but within one year after the filing of a charge if at or prior to the time of bringing the civil action a hearing has not been held pursuant to section 363.071."*

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

Senate Conferees: ROBERT J. TENNESSEN, EUGENE E. STOKOWSKI and CARL A. JENSEN.

House Conferees: JAMES R. CASSERLY, PAUL MCCARRON and RUSSELL P. STANTON.

Casserly moved that the report of the Conference Committee on S. F. No. 840 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

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

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 120, and nays 2, as follows:

Those who voted in the affirmative were:

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

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

Those who voted in the negative were:

Jopp

Niehaus

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

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

S. F. No. 919, A bill for an act relating to the environment; directing creation of an environmental permits coordination unit within the environmental quality council; authorizing an optional consolidated application and hearing procedure for certain permits; directing establishment of permit information centers; appropriating money.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said Senate File is herewith transmitted to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### CONFERENCE COMMITTEE REPORT ON S. F. NO. 919

A bill for an act relating to the environment; directing creation of an environmental permits coordination unit within the environmental quality council; authorizing an optional consolidated application and hearing procedure for certain permits; directing establishment of permit information centers; appropriating money.

February 23, 1976

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

We, the undersigned conferees for S. F. No. 919 report that we have agreed upon the items in dispute and recommend as follows:

That S. F. No. 919 be further amended as follows:

Delete everything after the enacting clause and insert the following:

"Section 1. [116C.22] [CITATION.] Sections 1 to 14 may be cited as the Minnesota environmental coordination procedures act.

Sec. 2. [116C.23] [PURPOSES.] It shall be the purpose of sections 1 to 14:

(a) to provide an optional procedure to assist those who, in the course of satisfying the requirements of state government prior to undertaking a project which contemplates the use of the state's air, land, or water resources, must obtain more than one state permit, by establishing a mechanism in state government which will coordinate administrative decision-making procedures, and related quasi-judicial and judicial review, pertaining to these permits;

(b) to provide to the members of the public a better and easier opportunity to present their views comprehensively on proposed uses of natural resources and related environmental matters prior to the making of decisions on these uses by state or local agencies;

(c) to provide to the members of the public a greater degree of certainty in terms of permit requirements of state and local government;

(d) to provide better coordination and understanding between state and local agencies in the administration of the various programs relating to air, water, and land resources; and

(e) to establish the opportunity for members of the public to obtain information pertaining to requirements of federal and state law which must be satisfied prior to undertaking a project in this state.

Sec. 3. [116C.24] [DEFINITIONS.] Subdivision 1. For the purposes of sections 1 to 14, the terms defined in this section have the meanings given them.



Subd. 2. "Council" means the Minnesota environmental quality council.

Subd. 3. "Coordination unit" means the environmental coordination unit established pursuant to section 4.

Subd. 4. "Local governmental unit" means a county, city, town, or special district with legal authority to issue a permit.

Subd. 5. "Permit" means a license, permit, certificate, certification, approval, compliance schedule, or other similar document pertaining to a regulatory or management program related to the protection, conservation, or use of, or interference with, the natural resources of land, air or water, which is required to be obtained from a state agency prior to constructing or operating a project in this state.

Nothing in sections 1 to 14 shall relate to the granting of a proprietary interest in publicly owned property through a sale, lease, easement, use permit, license or other conveyance.

Subd. 6. "Person" means an individual, an association or partnership, or a cooperative, or a municipal, public or private corporation, including but not limited to a state agency and a county.

Subd. 7. "Project" means a new activity or an expansion of or addition to an existing activity, which is fixed in location and for which permits are required from an agency prior to construction or operation, including but not limited to industrial and commercial operations and developments. Sections 1 to 14 shall not apply to projects which are:

(a) Covered by Minnesota Statutes, Chapter 93, Minnesota Statutes, Sections 116C.51 to 116C.69 or Minnesota Statutes, Section 116H.13; or

(b) Initiated for the purpose of taconite tailings disposal or mining, or the producing or beneficiating of copper, nickel or copper-nickel.

Subd. 8. "Agency" means a state department, commission, board or other agency of the state however titled or a local governmental unit or instrumentality, only when that unit or instrumentality is acting within existing legal authority to grant or deny a permit that otherwise would be granted or denied by a state agency.

Sec. 4. [116C.25] [CREATION OF ENVIRONMENTAL PERMITS COORDINATION UNIT.] The council shall establish an environmental permits coordination unit to implement and administer the provisions of sections 1 to 14 and the chair-

man of the council shall employ necessary staff to work for the coordination unit on a continuous basis.

Sec. 5. [116C.26] [MASTER APPLICATION PROCEDURE.] Subdivision 1. A person proposing a project which may require more than one permit may, prior to the initial construction of the project or prior to the initial operation of the project if construction of the project required no state permits, submit a master application to the coordination unit requesting the issuance of all state permits necessary for construction and operation of the project. The master application shall be on a form furnished by the coordination unit and shall contain precise information as to the location of the project, and shall describe the nature of the project including any contemplated discharges of wastes therefrom and any uses of, or interferences with, natural resources. No master application shall be accepted for processing by the coordination unit pursuant to sections 1 to 14, unless it is accompanied by the certifications issued not more than 120 days prior to the date of the master application as required by section 10. No master application shall be accepted for processing by the coordination unit pursuant to sections 1 to 14, unless it is accompanied by a certification from the council that either an environmental impact statement concerning the project has been completed or that an environmental impact statement is not required concerning the project.

Subd. 2. Upon receipt of a completed master application, the coordination unit shall immediately notify in writing each agency having a possible interest in the master application arising from requirements pertaining to a permit program under its jurisdiction. The notification from the coordination unit shall be accompanied by a copy of the master application together with the date by which the agency shall respond to the notice. Each notified agency shall respond in writing to the coordination unit within the specified date, not exceeding 20 days from receipt, as determined by the coordination unit, advising whether the agency does or does not have an interest in the master application. If an agency timely responds that it has an interest in the master application, the response shall include information concerning the specific permit programs under its jurisdiction which are pertinent to the project described in the master application. The agency response shall also advise the coordination unit whether a public hearing concerning the master application as provided in section 7 would or would not be required or of value considering the overall public interest.

Subd. 3. Each notified agency which responds within the specified date that it does not have an interest in the master application or which does not respond as required by subdivision 2 within the specified date, shall not subsequently require a permit of the applicant for the project described in the master application; provided the bar to requiring a permit subsequently shall not be applicable if:

(a) The master application provided to the notified agency contained false, misleading, or deceptive information, or lacked information, which would reasonably lead an agency to misjudge its interest in a master application; or

(b) Subsequent laws or rules require additional permits; or

(c) Unusual circumstances prevented the agency from notifying the coordination unit and the agency can establish that failure to require a permit would result in substantial harm to the public health or welfare, in which case the council may order that the permit be required.

Subd. 4. The coordination unit shall submit application forms concerning the permit programs identified in the affirmative responses under subdivision 2 to the applicant with a direction to complete and return them to the coordination unit within 90 days.

Subd. 5. Within ten days of receipt of the full set of completed application forms by the coordination unit, each application shall be transmitted to the appropriate agency for the performance of its responsibilities of decision making in accordance with the procedures of sections 1 to 12.

Subd. 6. If an agency has a procedure for setting priorities in issuing a permit according to the date of the application for the permit, the date used shall be the date upon which a master application is received by the coordination unit.

Sec. 6. [116C.27] [NOTICE.] Subdivision 1. The coordination unit immediately after transmittal of the completed applications to the appropriate agency shall cause a notice to be published at the applicant's expense once each week on the same day of the week for three consecutive weeks in a newspaper of general circulation within each county in which the project is proposed to be constructed or operated. The notice shall describe the nature of the master application including, with reasonable specificity, the project proposed, its location, the various permits applied for, and the agency having jurisdiction over each permit. Except as provided in subdivision 2, the notice shall also state the time and place of the public hearing, to be held not less than 20 days after the date of last publication of the notice. It shall further state that a copy of the master application and a copy of all permit applications for the project are available for public inspection in the office of the county auditor of each county in which the project is proposed to be constructed or operated, as well as in other locations which the coordination unit may designate.

Subd. 2. If the responses to the master application received by the coordination unit from the state agencies unanimously state the position that a public hearing in relation to a master

application would not be of value in consideration of the overall public interest and are not required by any other law or rule, the provisions of subdivision 1 pertaining to the time and place of a public hearing shall not be included in the notice. In place thereof the notice shall state that members of the public may present relevant views and supporting materials in writing to the coordination unit concerning any of the permits applied for within 30 days after the last date of publication of the notice in a newspaper.

Sec. 7. [116C.28] [PUBLIC HEARING.] Subdivision 1. When one or more agencies notifies the coordination unit that a public hearing is required or appropriate on matters relating to the project described in the master application, the coordination unit shall set the time and place for a hearing in which each of the affected agencies shall participate. The hearing shall be held pursuant to the contested case provisions of Minnesota Statutes, Chapter 15 and Section 6 of this act.

Subd. 2. Each participating state agency shall be represented at the public hearing by its chief administrative officer or his designee. The representative of any state agency within whose jurisdiction a specific application lies shall participate in the portion of the hearing pertaining to submission of information, views, and supporting materials which are relevant to its application. The hearing examiner may, when appropriate, continue a hearing from time to time and place to place. The hearing shall be recorded in any manner suitable for transcription pursuant to Minnesota Statutes, Chapter 15.

Subd. 3. Within 60 days of receipt of the hearing examiner's report, each state agency which is a party to the hearing shall forward its final decision on permit applications within its jurisdiction to the coordination unit, provided that this date may be extended by the chairman of the council for reasonable cause. Every final decision shall set forth the basis for the decision together with a final order denying the permit or granting the permit including the specifying of any conditions under which the permit is issued.

Subd. 4. If notice has been published pursuant to section 6, subdivision 2, and no public hearing is conducted, the coordination unit shall, not less than 30 days after the last notice publication in the newspaper, submit a copy of all views and supporting material received by it to each agency having jurisdiction concerning any permit application described in the notice. Concurrently therewith, the coordination unit shall notify each state agency, in writing, of the date not to exceed 60 days by which final decisions on applications shall be forwarded to the coordination unit; provided that this date may be extended by the chairman of the council for reasonable cause. Each final decision shall set forth the information required by subdivision 3.

Subd. 5. As soon as all final decisions are received by the coordination unit from the various participating state agencies, the coordination unit shall immediately incorporate them, without modification, into one document and shall transmit the document to the applicant either personally or by registered mail.

Sec. 8. [116C.29] [WITHDRAWAL OF AGENCY PARTICIPATION.] After an agency has responded that it has an interest in the master application, it may withdraw from further participation in the processing of the master application at any time by written notification to the coordination unit, if it subsequently appears to the agency that it has no permit programs under its jurisdiction which are applicable to the project.

Sec. 9. [116C.30] [APPLICATION.] Subdivision 1. A person aggrieved by a final decision of an agency in granting or denying a permit shall seek redress directly and individually from that agency in the manner provided by Minnesota Statutes, Chapter 15, or any other statute authorizing either judicial or administrative review of an agency decision.

Subd. 2. Each state agency having jurisdiction to approve or deny an application for a permit shall have continuing power as vested in it prior to the effective date of this section, to make such determinations. Nothing in sections 1 to 14 shall lessen or reduce such powers, and such sections shall modify only the procedures to be followed in the carrying out of such powers.

Subd. 3. A state agency may in the performance of its responsibilities of decision making under sections 1 to 12, request or receive additional information from an applicant.

Subd. 4. Fee schedules authorized by statute for an application or permit shall continue to be applicable even though the application or permit is processed under the provisions set forth in sections 1 to 12. The coordination unit shall not charge the applicant or participating agencies a fee for its services.

Subd. 5. Sections 1 to 12 shall have no applicability to an application for a permit renewal, amendment, extension, or other similar document required subsequent to the completion of decisions and proceedings under sections 6 to 8, or to a replacement thereof or to a quasi-judicial or judicial proceeding held pursuant to an order of remand or similar order by a court in relation to a final decision of a state agency.

Subd. 6. Nothing in sections 1 to 14 shall modify in any manner whatsoever the applicability or inapplicability of any land use regulation statute or local zoning ordinance to the lands of any state agency.

Sec. 10. [116C.31] [LOCAL CERTIFICATION.] Subdivision 1. No master application shall be processed pursuant to

sections 1 to 12 unless it is accompanied by a certification issued not more than 120 days prior to the date the master application is first received by the coordination unit, from the local governmental units in whose jurisdiction the proposed project is located, certifying that the project is in compliance with all zoning ordinances, subdivision regulations, and environmental regulations administered by the local governmental unit and certifying that the preparation of any environmental impact statement which the local governmental unit is authorized to require pursuant to local ordinance, state statute, or council rule, has been completed or deemed not necessary. If the local governmental unit has required any environmental impact statement concerning the project, a copy of the completed environmental impact statement shall be attached to the local governmental unit's certification. If the local governmental unit has no zoning ordinances, subdivision regulations, or environmental regulations, the certification from the local governmental unit shall so state. A local governmental unit may accept applications for certifications as provided in this section and shall rule upon the same expeditiously to insure that the purposes of sections 1 to 12 are accomplished fully. After issuing a certification for the purposes of this section, no local government shall rescind it even though the local government may have changed its zoning ordinances, subdivision regulations, or environmental regulations. A change of zoning ordinances, subdivision regulations, or environmental regulations shall not invalidate a previously given certification for the purpose of securing a state permit under sections 1 to 12. Upon certification, the local government may change such zoning ordinances, subdivision regulations, or environmental regulations, but not so as to affect the proposed project until the procedures of sections 1 to 12, including any administrative or judicial reviews, are completed.

Subd. 2. A ruling by a local governmental unit denying an application for certification shall not be appealable under sections 1 to 14. The denial of an application for certification by a local governmental unit shall not preclude the applicant from filing a permit application under any other available statute or procedure.

Sec. 11. [116C.32] [RULES; COOPERATION.] The council shall as soon as practicable adopt rules, not inconsistent with rules of procedure established by the office of hearing examiners, to implement the provisions of sections 1 to 14, including master application procedures, notice procedures, and public hearing procedures and costs.

Sec. 12. [116C.33] [CONFLICT WITH FEDERAL REQUIREMENTS.] Subdivision 1. If in a final order of a court of competent jurisdiction, any part of sections 1 to 14 as enacted or administered is found to be in conflict with federal requirements which are a condition precedent to the allocation of federal funds authorized to this state, the conflicting part of sec-

tions 1 to 14 shall be void to the limited extent necessary to remove the conflict and the remainder of sections 1 to 14 shall remain effective.

Subd. 2. The council, to the limited extent necessary to comply with procedural requirements of federal statutes relating to permit systems operated by the state, may modify the notice, timing, hearing and related procedural matters provided in sections 1 to 14.

Sec. 13. [116C.34] [PERMIT INFORMATION CENTERS.] Subdivision 1. The council shall establish a permit information center in its office at St. Paul, which center shall establish and maintain an information and referral system to assist the public in the understanding and compliance with the requirements of state and local governmental regulations concerning the use of natural resources and protection of the environment. The system shall provide a telephone information service and disseminate printed materials. The council shall provide assistance to regional development commissions desiring to create a permit information center.

Subd. 2. The permit information center in St. Paul shall:

(a) Identify all existing state licenses, permit certifications, approvals, compliance schedules, or other programs which pertain to the use of natural resources and to protection of the environment.

(b) Standardize permit titles and assign designation codes to all such permits which would thereafter be imprinted on all permit forms.

(c) Develop permit profiles including applicable rules and regulations, copies of all appropriate permit forms, statutory mandate and legislative history, names of individuals administering the program, permit processing procedures, documentation of the magnitude of the program and of geographic and seasonal distribution of the workload, and estimated application processing time.

(d) Identify the public information procedures currently associated with each permit program.

(e) Identify the data monitored or acquired through each permit and ascertain current users of that data.

(f) Recommend revisions to the list of natural resource management and development permits contained in the 1974 edition of Minnesota Statutes, Section 116D.04, Subdivision 5.

(g) Recommend legislative or administrative modifications of existing permit programs to increase their efficiency and utility.

Subd. 3. The auditor of each county shall post in a conspicuous place in his office the telephone numbers of the permit information centers established in St. Paul and in the office of the applicable regional development commission; copies of any master applications or permit applications forwarded to the auditor pursuant to section 6, subdivision 1; and copies of any information published by any permit information center pursuant to subdivision 1 of this section.

Sec. 14. [116C.35] [REPORT TO LEGISLATURE.] The council, after consultation with other agencies and local governments, shall submit to the legislature by January 1, 1978, a report setting forth the results of the experiences under sections 1 to 14 including any recommendations concerning methods to improve the procedures.

Sec. 15. [EFFECTIVE DATE.] Sections 1 to 4 and 10 to 16 shall be effective the date following final enactment. Sections 5 to 9 shall be effective on February 15, 1977.

Sec. 16. [APPROPRIATION.] The sum of \$140,000 is appropriated from the general fund to the director of the state planning agency for the biennium ending June 30, 1977, for purposes of sections 1 to 14 of this act. Of this amount, \$60,000 is appropriated for grants to regional development commissions, excluding the metropolitan council, for the purpose of establishing permit information centers. Not more than \$5,000 of this second amount may be awarded by the director to any regional development commission for the purpose of establishing a permit information center."

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

Senate Conferees: MYRTON O. WEGENER, ROGER D. MOE and ROBERT G. DUNN.

House Conferees: AL PATTON, HARRY A. SIEBEN, JR. and M. J. MCCAULEY.

Patton moved that the report of the Conference Committee on S. F. No. 919 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 919, A bill for an act relating to the environment; directing creation of an environmental permits coordination unit within the environmental quality council; authorizing an optional consolidated application and hearing procedure for certain permits; directing establishment of permit information centers; appropriating money.



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 125, and nays 1, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Dieterich

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

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

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

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said Senate File is herewith transmitted to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

## CONFERENCE COMMITTEE REPORT ON S. F. NO. 1051

A bill for an act relating to attorneys; providing for investigation of accusations against attorneys; amending Minnesota Statutes 1974, Section 481.15, by adding a subdivision.

March 29, 1976

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

We, the undersigned conferees for S. F. No. 1051 report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendment and that S. F. No. 1051 be amended as follows:

Page 1, after line 6, insert:

"Section 1. Minnesota Statutes 1974, Section 481.11, is amended to read:

481.11 [CHANGE OF ATTORNEY.] The attorney in (AN) *a civil* action or proceeding may be changed at any time (UPON HIS CONSENT, OR, BY ORDER OF THE COURT, UPON THE APPLICATION OF THE CLIENT FOR CAUSE; BUT NO CHANGE CAN BE MADE ON APPLICATION OF THE CLIENT UNLESS THE CHARGES OF THE ATTORNEY BE PAID). When such change is made, written notice of the substitution of a new attorney shall be given to adverse parties; until such notice, they shall recognize the former attorney.

Sec. 2. Minnesota Statutes 1974, Section 481.13, is amended to read:

481.13 [LIEN FOR ATTORNEY FEES.] An attorney has a lien for his compensation whether the agreement therefor be expressed or implied:

((1) UPON THE PAPERS OF HIS CLIENT COMING INTO HIS POSSESSION IN THE COURSE OF HIS EMPLOYMENT;)

((2) UPON MONEY IN HIS HANDS BELONGING TO HIS CLIENT;)

((3)) (1) Upon the cause of action from the time of the service of the summons therein, or the commencement of the pro-

ceeding, and upon the interest of his client in any money or property involved in or affected by any action or proceeding in which he may have been employed, from the commencement of the action or proceeding, and, as against third parties, from the time of filing the notice of such lien claim, as provided in this section;

((4)) UPON MONEY OR PROPERTY IN THE HANDS OF THE ADVERSE PARTY TO THE ACTION OR PROCEEDING IN WHICH THE ATTORNEY WAS EMPLOYED, FROM THE TIME SUCH PARTY IS GIVEN NOTICE OF THE LIEN. IF THE CLIENT HAS AN INTEREST IN ANY REAL OR PERSONAL PROPERTY, WHETHER HELD BY ANY BAILEE, PLEDGEE, JUDGMENT CREDITOR OR OTHERWISE, THE ATTORNEY SHALL BE ENTITLED TO A LIEN UPON SUCH PROPERTY WHEREVER SITUATED, FOR THE VALUE OF HIS SERVICES, WHETHER UNDER A SPECIAL AGREEMENT AS TO COMPENSATION OR FOR THE REASONABLE VALUE THEREOF, AND SHALL ALSO HAVE A LIEN FOR ANY CONTRIBUTIONS IN MONEY OR SERVICES WHICH THE ATTORNEY MAKES FOR THE PRESERVATION OF THE CLIENT'S INTEREST IN THE PROPERTY OR FOR THE ENHANCEMENT OF THE VALUE THEREOF. IF THE CLIENT IS NOT A RESIDENT OF THIS STATE, JURISDICTION MAY BE HAD BY SERVICE OF NOTICE OF ORDER TO SHOW CAUSE WITHOUT THE STATE OR BY MAILING A COPY THEREOF TO THE CLIENT OUTSIDE OF THE STATE, WITHOUT THE NEED OF FURTHER JURISDICTIONAL REQUIREMENTS, PROVIDED THE PROPERTY ITSELF IS WITHIN THE STATE OF MINNESOTA;)

((5)) (2) Upon a judgment, and whether there be a special agreement as to compensation, or whether a lien is claimed for the reasonable value of the services, the lien shall extend to the amount thereof from the time of giving notice of his claim to the judgment debtor, but this lien is subordinate to the rights existing between the parties to the action or proceeding;

((6)) (3) The liens provided by clauses ((3)) (1) (, (4)), and ((5)) (2) may be established, and the amount thereof determined, by the court, summarily, in the action or proceeding, on the application of the lien claimant or of any person or party interested in the property subject to such lien, on such notice to all parties interested therein as the court may, by order to show cause, prescribe, or such liens may be enforced, and the amount thereof determined, by the court, in an action for equitable relief brought for that purpose.

Judgment shall be entered under the direction of the court, adjudging the amount due (AND THE SALE OF THE PROPERTY SUBJECTED TO THE LIEN, OR SOME PART THEREOF, TO SATISFY SAID AMOUNT, AND DIRECTING THE SHERIFF TO PROCEED TO SELL THE SAME AC-

CORDING TO THE PROVISIONS OF LAW RELATING TO THE SALE OF REAL ESTATE ON EXECUTION, AND TO MAKE REPORT TO THE COURT.)

(A CERTIFIED TRANSCRIPT OF THE JUDGMENT SHALL BE DELIVERED TO THE SHERIFF, AND SHALL BE HIS AUTHORITY FOR MAKING THE SALE.)

(IF THE PROPERTY SO SOLD IS REAL ESTATE, THE SAME SHALL BE SUBJECT TO REDEMPTION IN THE MANNER PROVIDED BY LAW FOR REDEMPTION OF REAL PROPERTY SOLD ON EXECUTION.)

(SUCH LIENS SHALL NOT AFFECT THE RIGHT OR TITLE OF BONA FIDE PURCHASERS OR ENCUMBRANCERS OF THE PROPERTY SUBJECT THERETO, FOR VALUE AND WITHOUT NOTICE, BUT A DULY VERIFIED NOTICE OF INTENTION TO CLAIM SUCH LIEN, SPECIFYING THE PROPERTY ON WHICH THE LIEN IS CLAIMED, AND THE AMOUNT THEREOF, IF UNDER EXPRESS AGREEMENT, OR, IF NOT, THEN THE REASONABLE VALUE OF THE SERVICES FOR WHICH SUCH LIEN IS CLAIMED, FILED AS HEREIN PROVIDED, SHALL CHARGE SUBSEQUENT PURCHASERS AND ENCUMBRANCERS OF SUCH PROPERTY WITH NOTICE OF SAID LIEN FROM THE TIME OF SUCH FILING.)

(4) If the lien is claimed on the client's interest in real estate involved in or affected by the action or proceeding, such notice of intention to claim a lien thereon shall be filed in the office of the register of deeds or registrar of titles, where appropriate, and therein noted on the certificate or certificates of title affected, in and for the county within which the same is situated. If the lien is claimed on the client's interest in personal property involved in or affected by the action or proceeding, the notice shall be filed in the same manner as provided by law for the filing of a (CHATTEL MORTGAGES) security interest.

Sec. 3. Minnesota Statutes 1974, Section 481.14, is amended to read:

481.14 [REFUSAL TO SURRENDER PROPERTY TO CLIENTS.] When an attorney shall refuse to deliver money or papers to a person from or for whom he has received them in the course of his professional employment, he may be required to do so, upon petition, by an order of court. Such order may be granted by the court in which the action was prosecuted, or, if no action was prosecuted, by the district court of the county where he resides, or by the supreme court, and may require him to make delivery within a time specified, or show cause why he should not be punished for contempt. In the event an attorney shall retain money of a client under a claim of right, including a claim for fees and expenses, the court shall determine the

*amount, if any, due such attorney; and shall order that any surplus amount remaining after deduction thereof be surrendered to the client. (IF THE ATTORNEY CLAIMS A LIEN UPON THE PROPERTY, THE COURT MAY:)*

((1) AS A CONDITION OF MAKING THE ORDER, REQUIRE THE CLIENT TO GIVE SECURITY, IN FORM AND AMOUNT AS DIRECTED, TO SATISFY THE LIEN WHEN DETERMINED IN AN ACTION; OR)

((2) SUMMARILY INQUIRE INTO AND DETERMINE THE FACTS UPON WHICH THE LIEN CLAIM IS FOUND-ED; OR)

((3) DIRECT A TRIAL OF THE CONTROVERSY BY A JURY, OR REFER IT, AND DETERMINE THE SAME UPON THE VERDICT OR REPORT AS IN OTHER CASES.)"

Renumber the remaining section.

Page 1, line 15, strike "*dispostion*" and insert "*disposition*".

Further, amend the title as follows:

Page 1, line 2, after "attorneys;" insert "authorizing change of attorney at any time; abolishing lien of an attorney upon money and papers of his client in his possession;".

Page 1, line 4 delete "Section" and insert "Sections 481.11; 481.13; 481.14; and".

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

Senate Conferees: NICHOLAS D. COLEMAN, GEORGE S. PILLSBURY and WINSTON W. BORDEN.

House Conferees: WESLEY J. SKOGLUND, HENRY J. SAVELKOUL and RICHARD J. PARISH.

Skoglund moved that the report of the Conference Committee on S. F. No. 1051 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

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

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 127, and nays 0, as follows:

Those who voted in the affirmative were:

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

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

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

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

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said Senate File is herewith transmitted to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### CONFERENCE COMMITTEE REPORT ON 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.

March 30, 1976

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

We, the undersigned conferees for S. F. No. 1097 report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendments and that S. F. No. 1097 be amended as follows:

Strike everything after the enacting clause and insert the following:

"Section 1. [PURPOSE.] The purpose of the pilot dental program is to determine the need for and the feasibility of establishing a statewide dental program for eligible senior citizens; the optimal methods of providing dental service, whether the provision of dental services causes the general health of the participants to be improved and whether the provision of dental services to the eligible senior citizens provides comparable benefits to society as if provided to others.

Sec. 2. [PILOT PROGRAMS; ESTABLISHMENT.] The commissioner of public welfare, hereinafter the commissioner, shall establish two pilot programs to provide dental care to senior citizens. One pilot program shall be established in the metropolitan area, composed of Hennepin, Ramsey, Anoka, Washington, Dakota, Scott, and Carver counties; and one pilot program shall be established in an area selected by the commissioner and located outside of the seven metropolitan counties.

Sec. 3. [ADMINISTRATION.] The pilot programs shall be administered by the commissioner. The commissioner shall appoint a seven member advisory task force to advise the commissioner on the operation of the pilot programs. All of the members of the advisory task force shall be senior citizens. The compensation of members, their removal from office, and the filling of vacancies shall be as provided in Minnesota Statutes, Section 15.059.

Sec. 4. [SERVICE CONTRACTS; REVIEW.] Subdivision 1. [SERVICE CONTRACTS.] For each pilot program, the commissioner shall contract for the provision and financing of dental services under the terms set forth in this act. The commissioner may contract (a) with an insurance company regulated under Minnesota Statutes, Chapter 62A, or a nonprofit health service plan corporation regulated under Minnesota Statutes, Chapter 62C, or a health maintenance organization established pursuant to Minnesota Statutes, Chapter 62D; or (b) directly with one or more qualified providers of dental services. The party or parties with whom the commissioner contracts under clause (a) shall be known as the dental carriers. All participants

in the pilot programs shall have a free choice of vendor for the delivery of dental services.

Subd. 2. [REVIEW.] The commissioner and the dental carriers shall monitor the pilot programs. Review of the extent and quality of dental service provided shall be done only by one or more licensed dentists.

Subd. 3. [EVALUATION AND REPORT.] The commissioner shall evaluate and report the results of the pilot programs to the legislature by January 2, 1978, and each year thereafter for five years. The reports shall include but not be limited to: (a) the optimal methods of providing dental services including the cost effectiveness of each pilot program; (b) the effect, if any, upon the general health of the individual receiving the dental services; (c) the extent and quality of dental services provided by the pilot program; (d) the number of participants in each pilot program; and (e) the types of dental care most used or needed by the participants.

Sec. 5. [ELIGIBILITY FOR BENEFITS.] Subdivision 1. The commissioner shall select participants for each pilot program from among the applicants who meet the eligibility criteria set forth in subdivision 2. At least ten percent of the senior citizens selected by the commissioner for participation in each pilot program must be residents of a nursing home.

Subd. 2. [FULL SUBSIDY.] The full cost of premiums for participation in a pilot program shall be paid by the commissioner for individuals who live in an area to be serviced by a pilot program and who:

(a) Are not eligible to receive dental services or reimbursement for dental services under any other program authorized by law, or who do not have coverage for dental services from an insurance company, a nonprofit service plan corporation, or a health maintenance organization; and

(b) Are retired and aged 62 or over; and

(c) Have an annual net income of less than \$3,900 if single, or \$4,875 if married.

Sec. 6. [SERVICES AND PAYMENT.] Subdivision 1. [SERVICES COVERED.] Services to be made available to participants in each pilot program shall include the following if provided or prescribed by a licensed dentist:

(a) routine examinations,

(b) x-rays,



- (c) emergency treatment for relief of pain,
- (d) restorative services,
- (e) oral surgery, including preoperative and postoperative care,
- (f) surgical and nonsurgical periodontics,
- (g) endodontics, including pulpal therapy and root canal filling, and
- (h) prosthetics.

Subd. 2. [PAYMENT.] The cost of the dental services, equal to at least 80 percent of the usual, customary and reasonable fee of the treating dentist, will be paid by the dental carrier, or if the commissioner has contracted directly with the provider of the services, by the commissioner, with no deductible amount. Participants shall be responsible for the remaining 20 percent of the fee and for any amounts in excess of the limits set forth in subdivision 3.

Subd. 3. [LIMITATION.] No services shall be provided nor shall any payment for services be made by the commissioner or by a dental carrier in excess of \$500 per participant per year.

Sec. 7. [FINANCIAL REQUIREMENTS.] Subdivision 1. The commissioner shall have access to all financial data of each dental carrier relating to the pilot programs.

Subd. 2. [PROFIT.] Any amount of profit earned by a dental carrier over ten percent of the total annual premiums, after payment of claims and administrative expenses, shall be returned by the dental carrier to the commissioner.

Sec. 8. [OUTSIDE FUNDING.] The commissioner shall investigate the availability of additional public and private funding for the purposes of this act. The commissioner may solicit and accept, on behalf of the pilot programs established pursuant to this act, contributions, gifts, and grants from any public or private sources.

Sec. 9. [APPROPRIATION.] There is appropriated from the general fund of the state treasury the sum of \$400,000 to the commissioner for the biennium ending June 30, 1977, for the purposes of this act. No more than 55 percent of the appropriation shall be expended for each pilot program established in section 2 of this act.

Sec. 10. This act shall expire June 30, 1977."

Further, amend the title as follows:

Page 1, line 2, strike "health" and insert "public welfare".

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

Senate Conferees: ROBERT J. TENNESSEN, ROGER D. MOE and WILLIAM KIRCHNER.

House Conferees: JANET H. CLARK, DONALD SAMUELSON and MARY M. FORSYTHE.

Clark moved that the report of the Conference Committee on S. F. No. 1097 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

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

The bill was read for the third time, as amended 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 126, and nays 3, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Adams, S.      Friedrich      Pleasant

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

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

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

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said Senate File is herewith transmitted to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONFERENCE COMMITTEE REPORT ON 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.

March 30, 1976

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

We, the undersigned conferees for S. F. No. 2288 report that we have agreed upon the items in dispute and recommend as follows:

That S. F. No. 2288 be amended as follows:

Strike everything after the enacting clause and insert:

"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, the executive director of the Minnesota housing finance agency, the commissioner of iron range resources and rehabilitation, 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 GROUPS;), three members of the state house of representatives appointed by the speaker of the house of representatives, and three members of the state senate appointed by the committee on committees of the senate. Voting members of the board shall be: the duly elected tribal chairmen 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-Mdewankanton 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. A member who is a designee of a tribal chairman shall cease to be a member at the end of the term of the tribal chairman who designated him. Ex officio members or their designees on the (COMMISSION) 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 and eligible voters 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. The voting procedure shall include voting by absentee ballot. 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, OTHER THAN STATE OFFICIALS, SHALL RECEIVE AS COMPENSATION FOR THEIR SERVICES IN ATTENDING MEETINGS OF THE COMMISSION OR A COMMITTEE THEREOF, THE SUM OF \$35 FOR EACH SUCH MEETING DAY SO ATTENDED.

EACH MEMBER OF THE COMMISSION 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) *Compensation of nonlegislator members shall be as provided for other administrative boards in chapter 15. 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 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 voting members of the (COMMISSION) board constitutes a quorum.

Subd. 5. [OFFICERS, PERSONNEL.] The (STATE COMMISSION ON INDIAN AFFAIRS) board shall annually elect a chairman 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. The board shall maintain its primary office in Bemidji and shall also maintain personnel and office space in St. Paul.*

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 councils 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 intermediary, when requested 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; COOPERATION.] 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. [ADVISORY COUNCIL.] *There is created an advisory council on urban Indians to advise the board on the unique problems and concerns of Minnesota Indians who are residing in urban areas of the state. The council shall be appointed by the board and shall consist of five Indians residing in the vicinity of Minneapolis, St. Paul and Duluth. At least one member of the council shall be a resident of each of the aforementioned cities. The council shall expire, and the terms, compensation and removal of members shall be as provided in section 15.059.*

Subd. (8) 7. [ANNUAL REPORT.] The (COMMISSION) board shall make an annual report to the governor and the legislature on its activities, its findings, and its recommendations (, AND A FULL REPORT TO THE LEGISLATURE ON) prior to November 15 in each (EVEN NUMBERED) year.

Sec. 2. *There is appropriated to the board on Indian affairs the sum of \$155,550 for the biennium ending June 30, 1977.*

Sec. 3. *This act is effective upon final enactment. The board shall expire on June 30, 1983."*

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

Senate Conferees: GERALD L. WILLET, SAM G. SOLON and ROGER HANSON.



House Conferees: DOUGLAS J. ST. ONGE, WILLIS R. EKEN and GARY W. LAIDIG.

St. Onge moved that the report of the Conference Committee on S. F. No. 2288 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

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

The bill was read for the 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 117, and nays 12, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Albrecht	Dean	Kahn	Peterson	Wigley
Berglin	Faricy	Moe	Rice	
Casserly	Friedrich	Nelson		

The bill was repassed, as amended by Conference, 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. 1471, A bill for an act relating to public improvements; allowing certain fees to discharge cancelled special assessments.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Schreiber moved that the House concur in the Senate amendments to H. F. No. 1471 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1471, A bill for an act relating to local improvements; authorizing a reassessment or new assessment as to tax forfeited lands returned to private ownership; requiring inclusion of certain information in notice of sale of tax forfeited lands; amending Minnesota Statutes 1974, Section 429.071, 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 130, and nays 0, as follows:

Those who voted in the affirmative were:

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

Wieser

Wigley

Williamson

Zubay

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. 1866, A bill for an act relating to tort liability; raising the liability limits of political subdivisions; limiting the liability of individuals employed by political subdivisions; amending Minnesota Statutes 1974, Sections 466.04, Subdivision 1, and by adding subdivisions; and 466.05, Subdivision 2.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Kempe, A., moved that the House concur in the Senate amendments to H. F. No. 1866 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1866, A bill for an act relating to tort liability; raising the liability limits of political subdivisions; limiting the liability of individuals employed by political subdivisions; extending time for notice; amending Minnesota Statutes 1974, Sections 466.04, Subdivision 1, and by adding subdivisions; and 466.05, Subdivisions 1 and 2.

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

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

Those who voted in the affirmative were:

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

McCollar	Osthoff	Samuelson	Simoneau	Wenstrom
McEachern	Parish	Sarna	Skoglund	Wenzel
Menning	Patton	Savelkoul	Smith	White
Metzen	Pehler	Schreiber	Smogard	Wieser
Moe	Peterson	Schulz	Spanish	Wigley
Munger	Petrafeso	Schumacher	Stanton	Williamson
Neisen	Philbrook	Searle	Suss	Zubay
Nelsen	Pleasant	Setzepfandt	Swanson	Speaker Sabo
Nelson	Prahl	Sherwood	Tomlinson	
Niehaus	Reding	Sieben, H.	Ulland	
Norton	Rice	Sieben, M.	Vanasek	
Novak	St. Onge	Sjeloff	Vento	

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. 101, A bill for an act relating to insurance; establishing certain compulsory insurance for aircraft; providing penalties; amending Minnesota Statutes 1974, Sections 60A.081; 360.59, by adding a subdivision; 360.91; and Chapter 360, by adding sections.

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. 101 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 101, A bill for an act relating to insurance; establishing certain compulsory insurance for aircraft; amending Minnesota Statutes 1974, Sections 60A.081; 360.59, by adding a subdivision; and Chapter 360, by adding sections.

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 107, and nays 22, as follows:

Those who voted in the affirmative were:

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

Dahl	Jude	McCarron	Prahl	Smogard
Dean	Kahn	McCollar	Reding	Spanish
Dieterich	Kelly, R.	McEachern	Rice	Stanton
Doty	Kelly, W.	Menning	St. Onge	Suss
Enebo	Kempe, A.	Metzen	Samuelson	Swanson
Erickson	Kempe, R.	Moe	Sarna	Tomlinson
Evans	Ketola	Munger	Schreiber	Ulland
Ewald	Knickerbocker	Neisen	Schulz	Vanasek
Faricy	Knoll	Nelson	Schumacher	Vento
Fudro	Kostohryz	Norton	Searle	Voss
George	Kroening	Novak	Setzepfandt	Wenstrom
Graba	Kvam	Osthoff	Sherwood	Wenzel
Hanson	Laidig	Parish	Sieben, H.	White
Hokanson	Langseth	Patton	Sieben, M.	Williamson
Jacobs	Lindstrom	Pehler	Sieloff	Speaker Sabo
Jaros	Luther	Petrafeso	Simoneau	
Jensen	Mangan	Philbrook	Skoglund	
Johnson, D.	Mann	Pleasant	Smith	

Those who voted in the negative were:

Albrecht	Esau	Heinitz	McCauley	Wigley
Braun	Fjoslien	Johnson, C.	Nelsen	Zubay
DeGroat	Friedrich	Jopp	Niehaus	
Eckstein	Fugina	Kaley	Peterson	
Eken	Haugerud	Kalis	Wieser	

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

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

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. 617, A bill for an act relating to taxation; adding certain disabled persons to those paying reduced property taxes; amending Minnesota Statutes, 1975 Supplement, Section 273.13, Subdivision 7.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Brinkman moved that the House concur in the Senate amendments to H. F. No. 617 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 617, A bill for an act relating to taxation; adding certain disabled persons to those paying reduced property taxes; defining "claimant" for purposes of certain homestead credits; amending Minnesota Statutes, 1975 Supplement, Sections 273.13,

Subdivision 7; 290A.03, Subdivision 8; and 290A.04, Subdivisions 2 and 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 132, and nays 0, as follows:

Those who voted in the affirmative were:

Abeln	Doty	Kahn	Neisen	Sieben, H.
Adams, L.	Eckstein	Kaley	Nelsen	Sieben, M.
Adams, S.	Eken	Kalis	Nelson	Sieloff
Albrecht	Enebo	Kelly, R.	Niehaus	Simoneau
Anderson, G.	Erickson	Kelly, W.	Norton	Skoglund
Anderson, I.	Esau	Kempe, A.	Novak	Smith
Arlandson	Evans	Kempe, R.	Osthoff	Smogard
Beauchamp	Ewald	Ketola	Parish	Spanish
Begich	Faricy	Knickerbocker	Patton	Stanton
Berg	Fjoslien	Knoll	Pehler	Suss
Berglin	Forsythe	Kostohryz	Peterson	Swanson
Biersdorf	Friedrich	Kroening	Petraleso	Tomlinson
Birnstihl	Fudro	Kvam	Philbrook	Ulland
Braun	Fugina	Laidig	Pleasant	Vanasek
Brinkman	George	Langseth	Prahl	Vento
Byrne	Graba	Lemke	Reding	Voss
Carlson, A.	Hanson	Lindstrom	Rice	Wenstrom
Carlson, L.	Haugerud	Luther	St. Onge	Wenzel
Carlson, R.	Heinitz	Mann	Samuelson	White
Casserly	Hokanson	McCarron	Sarna	Wieser
Clark	Jacobs	McCauley	Savelkoul	Wigley
Clawson	Jaros	McCollar	Schreiber	Williamson
Corbid	Jensen	McEachern	Schulz	Zubay
Dahl	Johnson, C.	Menning	Schumacher	Speaker Sabo
Dean	Johnson, D.	Metzen	Searle	
DeGroat	Jopp	Moe	Setzepfandt	
Dieterich	Jude	Munger	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. 2041, A bill for an act relating to the elderly; establishing a state policy for older citizens dependent on long-term care and treatment.

PATRICK E. FLAHAVEN, Secretary of the Senate

## CONCURRENCE AND REPASSAGE

Swanson moved that the House concur in the Senate amendments to H. F. No. 2041 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 2041, A bill for an act relating to the elderly and handicapped; requiring the board on aging to develop a proposal for a state policy for citizens dependent on long-term care and services; amending Minnesota Statutes 1974, Section 256.975, 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 131, and nays 0, as follows:

Those who voted in the affirmative were:

Abeln	Doty	Kahn	Neisen	Sieben, H.
Adams, L.	Eckstein	Kaley	Neisen	Sieben, M.
Adams, S.	Eken	Kalis	Nelson	Sieloff
Albrecht	Enebo	Kelly, R.	Niehaus	Simoneau
Anderson, G.	Erickson	Kelly, W.	Norton	Skoglund
Anderson, I.	Esau	Kempe, A.	Novak	Smith
Arlandson	Evans	Kempe, R.	Osthoff	Smogard
Beauchamp	Ewald	Ketola	Parish	Spanish
Begich	Faricy	Knickerbocker	Patton	Stanton
Berg	Fjoslien	Knoll	Pehler	Suss
Berglin	Forsythe	Kostohryz	Peterson	Swanson
Biersdorf	Friedrich	Kroening	Petraleso	Tomlinson
Birnstihl	Fudro	Kvam	Philbrook	Ulland
Braun	Fugina	Laidig	Pleasant	Vanasek
Brinkman	George	Langseth	Prahl	Vento
Byrne	Graba	Lemke	Reding	Wenstrom
Carlson, A.	Hanson	Lindstrom	Rice	Wenzel
Carlson, L.	Haugerud	Luther	St. Onge	White
Carlson, R.	Heinitz	Mann	Samuelson	Wieser
Casserly	Hokanson	McCarron	Sarna	Wigley
Clark	Jacobs	McCauley	Savelkoul	Williamson
Clawson	Jaros	McCollar	Schreiber	Zubay
Corbid	Jensen	McEachern	Schulz	Speaker Sabo
Dahl	Johnson, C.	Menning	Schumacher	
Dean	Johnson, D.	Metzen	Searle	
DeGroat	Jopp	Moe	Setzepfandt	
Dieterich	Jude	Munger	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. 1608, A bill for an act relating to legal assistance; providing state aid to certain legal assistance corporations; appropriating money.

PATRICK E. FLAHAVEN, Secretary of the Senate

### CONCURRENCE AND REPASSAGE

Berglin moved that the House concur in the Senate amendments to H. F. No. 1608 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1608, A bill for an act relating to legal assistance; providing state aid to certain legal assistance corporations; providing a penalty; 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 116, and nays 12, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Albrecht	Eken	Kalis	Wieser	Zubay
Anderson, G.	Friedrich	Niehaus	Wigley	
DeGroat	Jopp	Schumacher		

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. 2414, A bill for an act relating to motor vehicles; motor vehicle excise tax on vehicles purchased for resale; use of motor vehicles bearing motor vehicle dealer plates; amending Minnesota Statutes 1974, Sections 168.27, Subdivision 5; 297B.-01, Subdivision 6; and Chapter 297B, by adding a section.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Vanasek moved that the House concur in the Senate amendments to H. F. No. 2414 and that the bill be repassed as amended by the Senate.

Braun moved that the House refuse to concur in the Senate amendments to H. F. No. 2414, 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. 2688, A resolution urging Congress and the President to establish the Solar Energy Research Institute in Minnesota.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Vanasek moved that the House concur in the Senate amendments to H. F. No. 2688 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 2688, A resolution urging Congress and the President to establish the Solar Energy Research Institute in Minnesota.

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

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

Those who voted in the affirmative were:

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

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

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

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

Sections 10A.01, Subdivision 14; 10A.14, Subdivision 3; 10A.20, Subdivision 4; 10A.22, Subdivisions 2 and 8.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said Senate File is herewith transmitted to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONFERENCE COMMITTEE REPORT ON S. F. NO. 1499

A bill for an act relating to the conduct of public officials and campaigns for public office; defining "lobbying"; redefining "lobbyist" and certain other terms; providing for the filing of certain reports and statements; providing penalties; amending Minnesota Statutes 1974, Sections 10A.01, Subdivisions 2, 5, 7, 10 and 11, and by adding a subdivision; 10A.02, Subdivisions 1, 5, 8 and 11; 10A.04, Subdivision 4; 10A.07, Subdivision 1; 10A.09, Subdivision 5; 10A.11, Subdivision 6; 10A.14, Subdivision 2; 10A.19, Subdivision 1; 10A.20, Subdivisions 1, 2, and 3, and by adding a subdivision; 10A.21, Subdivision 1; 10A.22, Subdivision 5; 10A.23; 10A.25, Subdivisions 3, 6 and 7; 10A.27, Subdivision 3; repealing Minnesota Statutes 1974, Sections 10A.01, Subdivision 14; 10A.14, Subdivision 3; 10A.20, Subdivision 4; 10A.22, Subdivisions 2 and 8.

March 29, 1976

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

We, the undersigned conferees for S. F. No. 1499 report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendments and that S. F. No. 1499 be amended as follows:

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1974, Section 10A.01, Subdivision 2, is amended to read:

Subd. 2. "Administrative action" means an action (OF A NON-MINISTERIAL NATURE) by any official, board, commission or agency of the executive branch to make rules. "Administrative action" does not include the application or administration of those rules, except in cases of rate setting, power plant siting and others specified by the commission.

Sec. 2. Minnesota Statutes 1974, Section 10A.01, Subdivision 5, is amended to read:

Subd. 5. "Candidate" means an individual who seeks nomination for election or election to any statewide office or legislative office, other than a federal office for which candidates are required to report under federal laws. The term candidate shall also include *an individual who seeks nomination for election or election to supreme court and district court (JUDGES) judge-ships of the state.* An individual shall be deemed to seek nomination for election or election if he has taken the action necessary under the law of the state of Minnesota to qualify himself for nomination for election or election to an office, has received contributions or made expenditures in excess of \$100, or has given his consent, implicit or explicit, for any other person to receive contributions or make expenditures in excess of \$100 with a view to bringing about his nomination for election or election to an office.

Sec. 3. Minnesota Statutes 1974, Section 10A.01, Subdivision 11, is amended to read:

Subd. 11. "Lobbyist" means any *individual*:

(a). (INDIVIDUAL WHO IS) Engaged for pay or other consideration, or (IS) authorized by another (PERSON) *individual or association to spend money, who spends more than five hours in any month or more than \$250, not including travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or*

(b) (OFFICIALLY DESIGNATED REPRESENTATIVES OF ANY PERSON OR ASSOCIATION WHICH HAS AS A MAJOR PURPOSE THE INFLUENCING OF LEGISLATIVE OR ADMINISTRATIVE ACTION WHO ATTEMPT TO INFLUENCE AN ACTION BY COMMUNICATING WITH PUBLIC OFFICIALS; OR)

((C) INDIVIDUALS) Who spends more than \$250, not including traveling expenses and membership dues, in any year for the purpose of attempting to influence legislative or administrative action by communicating *or urging others to communicate with public officials:*

"Lobbyist" does not include any:

(a). (A) Public official or employee of the state or any of its political subdivisions or public bodies acting in his official capacity;

(b) (PARTIES AND THEIR REPRESENTATIVES) *Party or his representative* appearing in a proceeding before a state

board, commission or agency of the executive branch unless the board, commission or agency is (ACTING IN A NON-MINISTERIAL CAPACITY) *taking administrative action*;

(c) (INDIVIDUALS) *Individual* in the course of selling goods or services to be paid for by public funds; (OR)

(d) News media or their employees or agents (, BUT ONLY WHILE) acting in the ordinary course of business of publishing or broadcasting news items, editorials or other comments or paid advertisements which directly or indirectly urge official action;

(e) Paid expert (WITNESSES) *witness* whose testimony is requested *either* by the body before which (THEY ARE) *he* is appearing or one of the parties to a proceeding, but only (WHILE ACTING IN THE ORDINARY COURSE) *to the extent* of preparing or delivering testimony; or

(f) *Stockholder of a family farm corporation as defined in section 500.24, subdivision 1, who does not spend over \$250, excluding travel expenses, in any year in communicating with public officials.*

Sec. 4. Minnesota Statutes 1974, Section 10A.01, is amended by adding a subdivision to read:

*Subd. 19. "Office holder" means an individual who holds any statewide or legislative office, except a federal office for which candidates are required to report under federal laws; state supreme court justice or district court judge.*

Sec. 5. Minnesota Statutes 1974, Section 10A.02, Subdivision 1, is amended to read:

10A.02 [STATE ETHICS COMMISSION.] Subdivision 1. There is hereby created a state ethics commission composed of six members. The members shall be appointed by the governor with the advice and consent of three-fifths of both the senate and the house of representatives acting separately. Failure by either house to confirm the appointment of a commission member within 45 legislative days after his appointment shall be deemed to be a refusal to advise and consent and his appointment shall terminate immediately after 45 legislative days or non-confirmation, whichever is earlier. One member shall be a former state legislator from a major political party different from that of the governor; one member shall be a former state legislator from the same political party as the governor; two members shall be persons who have not been public officials, held office in a political party other than precinct delegate, or been elected to public office for which party designation is required by statute in the three years prior to the time of their appointment; and the other two members shall not support the same political party. No more

than three of the members of the commission shall support the same political party.

Sec. 6. Minnesota Statutes 1974, Section 10A.02, Subdivision 5, is amended to read:

Subd. 5. The commission shall appoint an executive director who shall be in the unclassified service. The commission may also employ and prescribe the duties of other permanent or temporary employees in the unclassified service as may be necessary to administer sections 10A.01 to 10A.34, subject to appropriation. The executive director and all other employees shall serve at the pleasure of the commission. (ALL ADMINISTRATIVE SERVICES SUCH AS SUPPLIES, OFFICE SPACE AND FURNISHINGS, PAYROLL PREPARATION AND ACCOUNTING SERVICES SHALL BE PROVIDED TO THE COMMISSION BY THE SECRETARY OF STATE.) Expenses of the commission shall be approved by the chairman or such other member as the rules of the commission may provide and the expenses shall then be paid in the same manner as other state expenses are paid.

Sec. 7. Minnesota Statutes 1974, Section 10A.02, Subdivision 8, is amended to read:

Subd. 8. The commission shall: (a) Report at the close of each fiscal year to the legislature, the governor and the public concerning the action it has taken, the names, salaries, and duties of all individuals in its employ and the money it has disbursed. The commission shall include and identify in its report any other reports it has made during the fiscal year. It may indicate apparent abuses and offer legislative recommendations;

(b) Prescribe forms for statements and reports required to be filed under sections 10A.01 to 10A.34 and make the forms available to persons required to file them;

(c) Make available to the persons required to file the reports and statements a manual setting forth the recommended uniform methods of bookkeeping and reporting;

(d) Develop a filing, coding and cross-indexing system consistent with the purposes of sections 10A.01 to 10A.34;

(e) Make the reports and statements filed with it available for public inspection and copying by the end of the second day following the day on which they were received. Any person may copy a report or statement by hand or by duplicating machine and the commission shall provide duplicating services at cost for this purpose. No information copied from reports and statements shall be sold or utilized by any person for any commercial purpose;

(f) *Notwithstanding the provisions of section 138.163, preserve reports and statements for a period of (SIX) five years from the date of receipt;*

(g) Compile and maintain a current list and summary of all statements or parts of statements pertaining to each candidate; and

(h) Prepare and publish reports as it may deem appropriate.

Sec. 8. Minnesota Statutes 1974, Section 10A.02, Subdivision 11, is amended to read:

Subd. 11. Any hearing or action of the commission concerning any complaint or investigation shall be confidential and all information obtained by the commission shall be privileged until the commission makes a finding that the commission believes there is or is not probable cause to conclude that a violation of Laws 1974, Chapter 470 (OR OTHER CAMPAIGN LAWS) has occurred. Any person, including any member or employee of the commission, violating the confidentiality provisions of this subdivision shall be guilty of a gross misdemeanor. *The commission shall make a finding within 30 days of receipt of a written complaint unless a majority of the commission agrees to extend the time limit.* After determination of its findings the commission shall report any finding of probable cause to the appropriate law enforcement authorities.

Sec. 9. Minnesota Statutes 1974, Section 10A.04, Subdivision 4, is amended to read:

Subd. 4. The report shall include (ALL) *such* information (REQUIRED ON) *as the commission may require from the* registration form and the following information for the reporting period:

(a) The lobbyist's total disbursements on lobbying and a breakdown of those disbursements into categories specified by the commission, including but not limited to the cost of publication and distribution of each publication used in lobbying; other printing; media, including the cost of production; postage; travel; fees, including allowances; entertainment; telephone and telegraph; and other expenses;

(b) *The amount and nature of each honorarium, gift (OR), loan, item or benefit, excluding contributions to a candidate, equal in value to \$20 or more, given or paid to any public official by the lobbyist or any employer or any employee of the lobbyist. The list shall include the name and address of each public official to whom the honorarium, gift, loan, item or benefit was given or paid and the date it was given or paid; and*

(c) Each original source of funds in excess of \$500 in any year used for the purpose of lobbying. The list shall include the name, address and employer, or, if self employed, the occupation and principal place of business, or each payer of funds in excess of \$500.

Sec. 10. Minnesota Statutes 1974, Section 10A.04, is amended by adding a subdivision to read:

*Subd. 4a. If in any reporting period the lobbyist's reportable disbursements total not over \$100 and no honorarium, gift, loan, item or benefit equal in value to \$20 or more was given or paid to any public official, a statement to that effect in lieu of the report may be filed for that period. The unreported disbursements shall be included in the report for the following period, unless the total for that period, including the carryover, is not over \$100. The October 15 report shall include all previously unreported disbursements, even though the total for the year is not over \$100.*

Sec. 11. Minnesota Statutes 1974, Section 10A.09, Subdivision 5, is amended to read:

Subd. 5. A statement of economic interest required by this section shall be on a form prescribed by the commission. The individual filing shall provide the following information:

(a) His name, address, occupation and principal place of business;

(b) The name of each business with which he is associated and the nature of that association; and

(c) A listing of all real property within the state, excluding homestead property, in which he has a fee simple interest, a contract for deed or an option to buy, whether direct or indirect, and which interest is valued in excess of \$2,500. The filing shall indicate *the street address and the municipality (, IF ANY) or the section, township, range and approximate acreage, whichever applies*, and the county wherein the property is located.

Sec. 12. Minnesota Statutes 1974, Section 10A.14, Subdivision 2, is amended to read:

Subd. 2. The statement of organization shall include:

(a) The name and address of the political committee or political fund;

(b) The names and addresses of the supporting associations of a political fund;



((C) THE GEOGRAPHIC AREA IN WHICH IT WILL OPERATE AND THE PURPOSE OF THE POLITICAL COMMITTEE OR POLITICAL FUND;)

((D) THE NAME, ADDRESS AND POSITION OF THE CUSTODIAN OF BOOKS AND ACCOUNTS;)

((E)) (c) The name and address of the chairman, the treasurer, and any (OTHER PRINCIPAL OFFICERS INCLUDING) deputy treasurers (, IF ANY);

((F) THE NAME, ADDRESS, OFFICE SOUGHT, AND PARTY AFFILIATION, IF ANY, OF EACH CANDIDATE WHOM THE COMMITTEE OR POLITICAL FUND IS SUPPORTING, OR IF THE COMMITTEE OR POLITICAL FUND IS SUPPORTING THE ENTIRE TICKET OF ANY PARTY, THE NAME OF THE PARTY;)

((G) A STATEMENT AS TO WHETHER THE COMMITTEE OR POLITICAL FUND IS A CONTINUING ONE;)

((H)) (d) A listing of all depositories or safety deposit boxes used; and

((I)) (e) A statement as to whether the committee is a principal campaign committee.

Sec. 13. Minnesota Statutes 1974, Section 10A.19, Subdivision 1, is amended to read:

10A.19 [PRINCIPAL CAMPAIGN COMMITTEE.] Subdivision 1. Every candidate shall designate and cause to be formed a single principal campaign committee *which shall be responsible for reporting contributions and authorized expenditures on behalf of the candidate.*

Sec. 14. Minnesota Statutes 1974, Section 10A.20, Subdivision 1, is amended to read:

10A.20 [CAMPAIGN REPORTS.] Subdivision 1. (EVERY) The treasurer of (A) *every* political committee (OR) and political fund shall *begin to* file the reports required by this section in (ANY) *the first year it receives contributions or make expenditures in excess of \$100 and shall continue to file until the committee or fund is terminated.*

Sec. 15. Minnesota Statutes 1974, Section 10A.20, Subdivision 2, is amended to read:

Subd. 2. The reports shall be filed with the commission (BY THE FOLLOWING DATES:)

((A) IN YEARS IN WHICH ANY CANDIDATE BEING SUPPORTED DOES NOT STAND FOR ELECTION:)

((1) JANUARY 7; AND)

((2) JULY 7;)

((B) IN YEARS IN WHICH ANY CANDIDATE BEING SUPPORTED DOES STAND FOR ELECTION:)

((1) JANUARY 7;)

((2) JULY 7;)

((3) FIVE) *on or before January 31 of each year, and in each year in which the name of the candidate being supported is on the ballot, ten days before* (ANY) the primary (ELECTION IN WHICH THE CANDIDATE STANDS FOR ELECTION;)

((4) FIVE DAYS BEFORE ANY) *or special primary and general or special election* (IN WHICH THE CANDIDATE STANDS FOR ELECTION; AND)

((5) 30 DAYS AFTER THE LAST ELECTION IN WHICH A CANDIDATE STANDS FOR ELECTION;)

((C) IN SPECIAL OR SPECIAL PRIMARY ELECTIONS IN WHICH A CANDIDATE STANDS FOR ELECTION:)

((1) 30 DAYS BEFORE THE ELECTION; AND)

((2) FIVE DAYS BEFORE THE ELECTION).

*If a scheduled filing date falls on a Saturday, Sunday or legal holiday, the filing date shall be the next regular business day.*

Sec. 16. Minnesota Statutes 1974, Section 10A.20, Subdivision 3, is amended to read:

Subd. 3. Each report under this section shall disclose:

(a) The amount of liquid assets on hand at the beginning of the reporting period;

(b) The name, address and employer, or, if self-employed, occupation of each person, political committee or political fund who has made one or more contributions to or for the political committee or political fund including the purchase of tickets for dinners, luncheons, rallies, and similar fund raising events within the year in an aggregate amount or value in excess of \$50 for leg-

islative candidates and in excess of \$100 for statewide candidates, together with the amount and date of the contributions, and the aggregate amount of contributions within the year (OF) from each contributor so disclosed. The lists of contributors shall be in alphabetical order;

(c) The total sum of individual contributions made to or for the political committee or political fund during the reporting period and not reported under clause (b);

((D) THE NAME AND ADDRESS OF EACH POLITICAL COMMITTEE, POLITICAL FUND OR CANDIDATE FROM WHICH THE REPORTING COMMITTEE OR FUND RECEIVED, OR TO WHICH THAT COMMITTEE MADE, ANY TRANSFER OF FUNDS, TOGETHER WITH THE AMOUNTS AND DATES OF ALL TRANSFERS. THE LISTS SHALL BE IN ALPHABETICAL ORDER;)

((E)) (d) Each loan to or from any person within the year in an aggregate amount or value in excess of \$100, together with the (FULL NAMES) *name* and (MAILING) address, (OCCUPATIONS) *occupation* and the principal (PLACES) *place* of business, if any, of the lender or (ENDORSERS, IF ANY,) *any endorser* and the date and amount of the (LOANS) *loan*;

((F)) (e) Each receipt in excess of \$100 not otherwise listed under clauses (b) to ((E)) (d);

((G)) (f) The total sum of all receipts by or for the political committee or political fund during the reporting period;

((H)) (g) The name (,) *and* address (, OCCUPATION AND THE PRINCIPAL PLACE OF BUSINESS, IF ANY,) of each person to whom expenditures have been made by the political committee or political fund or on its behalf within the year in an aggregate amount in excess of \$100; the amount, date and purpose of each expenditure and the name and address of, and office sought by, each candidate on whose behalf the expenditure was made;

((I)) (h) The sum of individual expenditures (WHICH IS) not otherwise reported under clause ((H)) (g);

((J) THE NAME, ADDRESS, OCCUPATION AND THE PRINCIPAL PLACE OF BUSINESS, IF ANY, OF EACH PERSON TO WHOM AN EXPENDITURE FOR PERSONAL SERVICES, SALARIES, AND REIMBURSABLE EXPENSES IN EXCESS OF \$100 HAS BEEN MADE, AND WHICH IS NOT OTHERWISE REPORTED, INCLUDING THE AMOUNT, DATE AND PURPOSE OF THE EXPENDITURE;)

((K) THE SUM OF INDIVIDUAL EXPENDITURES FOR PERSONAL SERVICES, SALARIES AND REIMBURSABLE EXPENSE WHICH IS NOT OTHERWISE REPORTED UNDER (J) );

((L)) (i) The total expenditures made by the political committee or political fund during the reporting period;

((M)) (j) The amount and nature of (DEBTS AND OBLIGATION) *any debt or obligation owed by or to the political committee or political fund, continuously reported until extinguished*, and (A CONTINUOUS REPORTING OF THEIR DEBTS AND OBLIGATIONS AFTER THE ELECTION UNTIL THE DEBTS AND OBLIGATIONS ARE EXTINGUISHED);

((N) THE AMOUNT AND NATURE OF) *any written contract, promise or agreement (, IN WRITING, WHETHER OR NOT LEGALLY ENFORCEABLE,)* to make a contribution or expenditure; *and*

((O)) (k) *For principal campaign committees only: The name of each person, committee or political fund, which has been authorized by the treasurer to make expenditures on behalf of the candidate and the nature and amount of each authorized expenditure.*

Sec. 17. Minnesota Statutes 1974, Section 10A.20, is amended by adding a subdivision to read:

*Subd. 3a. The reports of a principal campaign committee of a legislative candidate required by this section shall list in a prominent place on the first page of every report each county in which the legislative district lies.*

Sec. 18. Minnesota Statutes 1974, Section 10A.20, is amended by adding a subdivision to read:

*Subd. 12. The commission shall notify any person who fails to file a statement required by this section. A person who knowingly fails to file the statement within seven days after receiving notice from the commission is guilty of a misdemeanor.*

Sec. 19. Minnesota Statutes 1974, Section 10A.21, Subdivision 1, is amended to read:

10A.21 [REPORTS TO COUNTY AUDITOR.] Subdivision 1. All reports or statements that must be filed with the commission by the principal campaign committee of legislative candidates shall (ALSO) be *duplicated and filed by the commission* with the county auditor of each county in which the legislative district lies *within 72 hours of the date the report or state-*

*ment is required to be filed or, if the report or statement is delinquent, within 72 hours of the time the report is actually filed.*

Sec. 20. Minnesota Statutes 1974, Section 10A.23, is amended to read:

10A.23 [CHANGES AND CORRECTIONS.] Any material changes in information previously submitted and any corrections to a report or statement shall be reported in writing to the commission within ten days following the date of the event prompting the change or the date upon which the person filing became aware of the inaccuracy. The change or correction shall identify the form and the paragraph containing the information to be changed or corrected. Any person who wilfully fails to report a material change or correction is guilty of a gross misdemeanor.

Sec. 21. Minnesota Statutes 1974, Section 10A.25, Subdivision 3, is amended to read:

Subd. 3. Notwithstanding subdivision 2, clause (a), a candidate for the endorsement for the office of lieutenant governor at the convention of a political party may spend \$30,000 or five percent of the amount in subdivision 2, clause (a) (*. PRIOR TO THE TIME OF*) to seek endorsement. This (*MONEY*) amount shall be in addition to the (*MONEY*) amount which may be expended pursuant to subdivision 2, clause (a).

Sec. 22. Minnesota Statutes 1974, Section 10A.25, Subdivision 6, is amended to read:

Subd. 6. In a year in which (*A CANDIDATE DOES NOT STAND FOR ELECTION*) *an election does not occur for an office held or sought*, no expenditures shall be made and no obligations to make expenditures shall be incurred by a candidate or officeholder or by a political committee, political fund or individual which makes expenditures with the authorization, express or implied, and under the control, direct or indirect, of the candidate or officeholder or his agents which shall result in the aggregate expenditure on behalf of the candidate or officeholder in that year of an amount in excess of 20 percent of the amount of the aggregate expenditure permitted by subdivision 2. Expenditures permitted by this subdivision shall be in addition to expenditures permitted by subdivision 2.

Sec. 23. Minnesota Statutes 1974, Section 10A.25, Subdivision 7, is amended to read:

Subd. 7. On or before January 15 of each year, the (*COMMISSIONER OF HEALTH*) *state demographer* shall certify to the commission the *estimated* population of the state of Minnesota for the last (*CALENDAR*) year ending before the date of certification. In determining the per capita amounts for each office in section 10A.25, subdivision 2, the commission shall use:

(a) In the case of the elections for governor and lieutenant governor, attorney general, secretary of state, state treasurer and state auditor, the total *estimated* population of the state;

(b) In the case of the elections for state senator, 1/67 of the total *estimated* population of the state;

(c) In the case of elections for state representative, 1/134 of the total *estimated* population of the state.

Sec. 24. Minnesota Statutes 1974, Section 10A.27, Subdivision 3, is amended to read:

Subd. 3. Expenditures by (A) *the state or local committee of any political party on behalf of candidates of that party generally, without referring to any of them specifically in any advertisement published (OR), posted, (ON ANY) or broadcast, or (IN) any official party sample ballot or telephone conversation (, IF THAT CONVERSATION MENTIONS) listing three or more (CANDIDATES) persons whose names are to appear on the ballot, shall not be allocated to any candidate or subject to the limitations of section 10A.25, subdivision 2.*

Sec. 25. Minnesota Statutes 1974, Section 10A.30, Subdivision 2, is amended to read:

Subd. 2. Within the state elections campaign fund account there shall be maintained (SEPARATE ACCOUNTS) *a separate account for the candidates of each political party and a general account.*

Sec. 26. Minnesota Statutes 1974, Section 10A.31, Subdivision 3, is amended to read:

Subd. 3. The commissioner of the department of revenue shall on the first page of the income tax form notify the taxpayer of his right to allocate \$1 of his taxes (\$2 if filing a joint return) to finance the election campaigns of state candidates. The form shall also contain language prepared by the commissioner which permits the taxpayer to direct the state to allocate the \$1 (\$2 if filing a joint return) to (ONE OF THE FOLLOWING): (i) *one of the major political parties;* (ii) (THE NAME OF) any minor political party (PROVIDED THAT IF A PETITION IS FILED TO QUALIFY AS A MINOR POLITICAL PARTY IT BE FILED BY JUNE 1 OF THAT TAXABLE YEAR; AND) *which qualifies under the provisions of subdivision 3a of this section; or* (iii) (DISTRIBUTION TO) all qualifying candidates as provided by *subdivision 7 of this section.*

Sec. 27. Minnesota Statutes 1974, Section 10A.31, is amended by adding a subdivision to read:

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

Sec. 28. Minnesota Statutes 1974, Section 10A.31, Subdivision 5, is amended to read:

Subd. 5. ((A) IN EACH FISCAL YEAR, 40 PERCENT OF THE MONEYS IN EACH ACCOUNT SHALL BE SET ASIDE FOR CANDIDATES FOR STATEWIDE OFFICE.)

((B) OF THE AMOUNT SET ASIDE IN CLAUSE (A), 40 PERCENT SHALL BE DISTRIBUTED TO THE CANDIDATES FOR GOVERNOR AND LIEUTENANT GOVERNOR JOINTLY; 24 PERCENT SHALL BE DISTRIBUTED TO THE CANDIDATE FOR ATTORNEY GENERAL; AND 12 PERCENT EACH SHALL BE DISTRIBUTED TO THE CANDIDATES FOR SECRETARY OF STATE, STATE TREASURER AND STATE AUDITOR. IF THERE IS NO NOMINEE OF THAT PARTY FOR ONE OF THE OFFICES, THE SHARE SET ASIDE FOR THAT OFFICE SHALL BE DISTRIBUTED TO THE OTHER STATEWIDE CANDIDATES OF THAT PARTY IN THE SAME PROPORTIONS AS THE ORIGINAL AMOUNT.)

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

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

*(a) 16 percent for the offices of governor and lieutenant governor jointly;*

- (b) 9.6 percent for the office of attorney general;
- (c) 4.8 percent each for the offices of secretary of state, state auditor and state treasurer;
- (d) in each calendar year during the period in which state senators serve a four year term, 20 percent for the office of state senator and 40 percent for the office of state representative;
- (e) in each calendar year during the period in which state senators serve a two year term, and in 1975 and 1976, 30 percent each for the offices of state senator and state representative;
- (f) all candidates of one party for the state senate and state house of representatives whose names are to appear on the ballot in the general election shall share equally in the funds allocated to their respective offices from their party account.

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

Beginning with calendar year 1977 and applying to taxable year 1976, the allocations from the state elections campaign fund shall be: 21 percent for the offices of governor and lieutenant governor filing jointly; 3.6 percent for the office of attorney general; 1.8 percent each for the offices of secretary of state, state auditor, and state treasurer; in each calendar year during the period in which state senators serve a four year term, 23 1/3 percent for the office of state senator and 46 2/3 percent for the office of state representative; and in each calendar year during the period in which state senators serve a two year term, 35 percent each for the offices of state senator and state representative.

Sec. 29. Minnesota Statutes 1974, Section 10A.31, Subdivision 6, is amended to read:

Subd. 6. ((A) IN EACH OF THE FISCAL YEARS DURING THE PERIOD IN WHICH THE STATE SENATE SERVES A FOUR YEAR TERM WHICH COMMENCES AFTER APRIL 13, 1974, 20 PERCENT OF THE MONEYS IN EACH ACCOUNT SHALL BE SET ASIDE FOR CANDIDATES FOR STATE SENATE. IN EACH OF THE FISCAL YEARS DURING THE PERIOD IN WHICH THE STATE SENATE SERVES A TWO YEAR TERM, AND IN 1975 AND 1976, 30 PERCENT OF THE MONEYS IN EACH ACCOUNT SHALL BE SET ASIDE FOR CANDIDATES FOR STATE SENATE.)



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

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

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

Sec. 30. Minnesota Statutes 1974, Section 10A.31, Subdivision 7, is amended to read:

Subd. 7. ((A) IN EACH OF THE FISCAL YEARS DURING THE PERIOD IN WHICH THE STATE SENATE SERVES A FOUR YEAR TERM WHICH COMMENCES AFTER APRIL 13, 1974, 40 PERCENT OF THE MONEYS IN EACH ACCOUNT SHALL BE SET ASIDE FOR CANDIDATES FOR STATE REPRESENTATIVES. IN EACH OF THE FISCAL YEARS DURING THE PERIOD IN WHICH THE STATE SENATE SERVES A TWO YEAR TERM, AND IN 1975 AND 1976, 30 PERCENT OF THE MONEYS IN EACH ACCOUNT SHALL BE SET ASIDE FOR CANDIDATES FOR STATE REPRESENTATIVES.)

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

((C) WITHIN TWO WEEKS OF THE CERTIFICATION BY THE STATE CANVASSING BOARD OF THE RESULTS OF THE PRIMARY ELECTION, THE STATE TREASURER

SHALL DISTRIBUTE AVAILABLE FUNDS IN EACH ACCOUNT, OTHER THAN THE GENERAL ACCOUNT, TO THE APPROPRIATE CANDIDATES WHO ARE TO APPEAR ON THE BALLOT FOR THE GENERAL ELECTION AS PRESCRIBED IN CLAUSES (A) AND (B).)

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

Sec. 31. Minnesota Statutes 1974, Section 10A.31, is amended by adding a subdivision to read:

*Subd. 8. Within one week after certification by the state canvassing board of the results of the primary, the commission shall certify to the state treasurer the name of each candidate who has signed the agreement as provided in section 10A.32, subdivision 3, and the amount he is to receive from the available funds in his party account.*

Sec. 32. Minnesota Statutes 1974, Section 10A.31, is amended by adding a subdivision to read:

*Subd. 9. Within one week after certification by the state canvassing board of the results of the general election, the commission shall certify to the state treasurer the name of each candidate who is qualified to receive funds from the general account, together with the amount he is to receive from the available funds in the general account.*

Sec. 33. Minnesota Statutes 1974, Section 10A.31, is amended by adding a subdivision to read:

*Subd. 10. In the event that on November 15 less than 98 percent of the tax returns have been processed, the commissioner of revenue shall certify to the commission on December 7 the amount accumulated in each account since the previous certification. Within one week thereafter, the commission shall certify to the state treasurer the amount to be distributed to each candidate according to the allocations as provided in subdivision 5. As soon as practicable thereafter, the state treasurer shall distribute the amounts to the candidates. Any moneys accumulated after the final certification shall be maintained in the respective accounts for distribution in the next general election year.*

Sec. 34. Minnesota Statutes 1974, Section 10A.32, is amended to read:

**10A.32 [LIMITATIONS UPON THE STATE ELECTION CAMPAIGN FUND.]** Subdivision 1. No candidate shall be entitled to receive from the state elections campaign fund an amount greater than the total amount of expenditures which may be made by *him* or on *his* behalf (**OF THE CANDIDATE**) under sections 10A.25 and 10A.27. *The amount by which the allocation exceeds the expenditure limit shall be distributed to all other candidates of the same party whose shares do not exceed their expenditure limits in proportion to their shares as set forth in section 10A.31.*

Subd. 2. No candidate shall be entitled to receive from the state election campaign fund an amount greater than the total amount actually expended by *him* or on *his* behalf (**OF THE CANDIDATE DURING HIS CAMPAIGN**) *in the year of the election. If the report required to be filed on or before January 31 in the year following the general election indicates that the amount received by the candidate is greater than the amount authorized to be expended on his behalf, the treasurer of his principal campaign committee shall refund to the state treasurer an amount equal to the difference. The refund in the form of a check or money order shall be submitted with such report and the commission shall forward the refund to the state treasurer for deposit in the general fund of the state.*

Subd. 3. As a condition of receiving any funds from the state elections campaign fund, any candidate, prior to receipt of the funds, shall agree by *stating in writing to the commission on or before September 1 that authorized expenditures on his behalf shall not exceed the expenditure limits as set forth in section 10A.25 and that his principal campaign committee shall not accept contributions (EXCEEDING) for the period beginning with January 1 of the election year or the registration of his principal campaign committee, whichever occurs later, and ending December 31 of the election year which exceed 105 percent of the difference between the amount which may legally be expended by him or on his behalf (OF THAT CANDIDATE), and the amount which (THE CANDIDATE) he receives from the state elections campaign fund. Any amount by which his total contributions exceed 105 percent of the difference shall be refunded to the state treasurer. The refund in the form of a check or money order shall be submitted in the same manner as provided in subdivision 2.*

*For the purposes of this subdivision only, the total amount to be distributed to each candidate is calculated to be his share of the total estimated funds in his party account as provided in subdivision 3a, plus the total amount estimated as provided in subdivision 3a, to be in the general account and set aside for that office divided by the number of candidates whose names are to*

*appear on the general election ballot for that office. If the amount actually received by the candidate is greater by reason of a lesser number of qualifying candidates sharing in the funds in each account, and his contributions thereby exceed 105 percent of the difference, the agreement shall not be considered violated.*

*Subd. 3a. The commissioner of revenue shall certify to the commission on or before the last day for filing for office his estimate of the total to be accumulated in each account in the state elections campaign fund after 100 percent of the tax returns have been processed. Within seven days after the last day for filing for office the secretary of state shall certify to the commission the name, address, office sought, and party affiliation of each candidate who has filed with that office his affidavit of candidacy or petition to appear on the ballot. The auditor of each county shall certify to the commission the same information for each candidate who has filed with that county his affidavit of candidacy or petition to appear on the ballot. Within seven days thereafter the commission shall estimate the minimum amount to be received by each candidate who qualifies as provided in section 10A.31, subdivisions 6 and 7, and notify all candidates on or before August 15 of the applicable amount.*

*Subd. 4. If a political party for whose candidates funds have been accumulated in the state elections campaign fund does not have a candidate for (STATEWIDE) any office (, STATE REPRESENTATIVE OR STATE SENATOR), the moneys (WHICH WOULD BE USED FOR DISTRIBUTION TO THAT CATEGORY OR CATEGORIES) shall be (TRANSFERRED TO THE GENERAL) maintained in that account until the year of the next general election. If in two successive general election years that political party does not have a candidate for any office, the accumulated funds shall be transferred to the general fund of the state.*

*Sec. 35. Minnesota Statutes 1974, Sections 10A.01, Subdivision 14; 10A.14, Subdivision 3; and 10A.22, Subdivisions 2 and 8, are repealed.*

*Sec. 36. This act is effective the day following final enactment."*

Further strike the title and insert:

*"A bill for an act relating to the conduct of public officials and campaigns for public office; redefining "lobbyist" and certain other terms; providing for the filing of certain reports and statements; providing for distribution of moneys in the state elections campaign fund; providing penalties; amending Minnesota Statutes 1974, Sections 10A.01, Subdivisions 2, 5, and 11, and by adding a subdivision; 10A.02, Subdivisions 1, 5, 8 and 11; 10A.04, Subdivision 4, and by adding a subdivision; 10A.09, Sub-*

division 5; 10A.14, Subdivision 2; 10A.19, Subdivision 1; 10A.20, Subdivisions 1, 2, and 3, and by adding subdivisions; 10A.21, Subdivision 1; 10A.23; 10A.25, Subdivisions 3, 6 and 7; 10A.27, Subdivision 3; 10A.30, Subdivision 2; 10A.31, Subdivisions 3, 5, 6, and 7, and by adding subdivisions; and 10A.32; repealing Minnesota Statutes 1974, Sections 10A.01, Subdivision 14; 10A.14, Subdivision 3; 10A.22, Subdivisions 2 and 8.”

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

Senate Conferees: STEVE KEEFE, ROBERT J. BROWN and PETER P. STUMPF.

House Conferees: BRUCE F. VENTO, THOMAS C. OSTHOFF and GERALD KNICKERBOCKER.

Vento moved that the report of the Conference Committee on S. F. No. 1499 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

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

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 129, and nays 1, as follows:

Those who voted in the affirmative were:

Abeln	Brinkman	Doty	Fugina	Jude
Adams, L.	Byrne	Eckstein	George	Kahn
Adams, S.	Carlson, A.	Eken	Graba	Kaley
Albrecht	Carlson, L.	Enebo	Hanson	Kalis
Anderson, G.	Carlson, R.	Erickson	Haugerud	Kelly, R.
Anderson, I.	Casserly	Esau	Heinitz	Kelly, W.
Arlandson	Clark	Evans	Hokanson	Kempe, A.
Beauchamp	Clawson	Ewald	Jacobs	Kempe, R.
Begich	Corbid	Faricy	Jaros	Ketola
Berg	Dahl	Fjoslien	Jensen	Knickerbucker
Berglin	Dean	Forsythe	Johnson, C.	Knoll
Biersdorf	DeGroat	Friedrich	Johnson, D.	Kostohryz
Birnsthil	Dieterich	Fudro	Jopp	Kroening

Kvam	Moe	Petrafeso	Searle	Ulland
Laidig	Munger	Philbrook	Setzepfandt	Vanasek
Langseth	Neisen	Pleasant	Sherwood	Vento
Lemke	Nelsen	Prahl	Sieben, H	Voss
Lindstrom	Nelson	Reding	Sieben, M.	Wenstrom
Luther	Niehaus	Rice	Simoneau	Wenzel
Mann	Norton	St. Onge	Skoglund	White
McCarron	Novak	Samuelson	Smith	Wieser
McCauley	Osthoff	Sarna	Smogard	Wigley
McCollar	Parish	Savelkoul	Stanton	Williamson
McEachern	Patton	Schreiber	Suss	Zubay
Menning	Pehler	Schulz	Swanson	Speaker Sabo
Metzen	Peterson	Schumacher	Tomlinson	

Those who voted in the negative were:

Sieloff

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

A message from the Senate requesting the concurrence of the House in the Senate amendments to H. F. No. 424 was reported to the House.

There being no objection, the message from the Senate relating to H. F. No. 424, as amended by the Senate, was laid over one day.

Mr. Speaker:

I hereby announce that the Senate refuses to adopt the Conference Committee report on Senate File No. 1963, that the present Conference Committee has been discharged, and that the Committee on Committees has appointed a new Conference Committee consisting of three members on the part of the Senate:

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 Statutes 1974, Sections 15A.081, Subdivisions 1a and 4; 43.066; 43.069; and 487.05.

The Senate has appointed as such committee Messrs. Arnold, Blatz and Merriam.

PATRICK E. FLAHAVEN, Secretary of the Senate

Sieben, H., moved that the House Conference Committee on S. F. No. 1963 be discharged, that the Speaker appoint a new Conference Committee of 3 members on the part of the House, and that the Senate be advised of the House action. The motion prevailed.

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

H. F. No. 2204, A bill for an act relating to collection and dissemination of data; providing definitions; requiring a public document on data collection; authorizing audits of data collection practices and policies; providing for emergency classification in certain situations; amending Minnesota Statutes 1974, Section 15.17, Subdivision 4; and Minnesota Statutes, 1975 Supplement, Sections 15.162, Subdivisions 2a, 4, 5a and 8; 15.163, Subdivisions 1 and 2.

The Senate has repassed said bill, in accordance with the recommendation and report of the Conference Committee. Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

H. F. No. 2203, A bill for an act relating to medical assistance for the needy; establishing guidelines for reimbursement of medical services furnished by nursing homes; prescribing certain responsibilities for the department of public welfare.

The Senate has repassed said bill, in accordance with the recommendation and report of the Conference Committee. Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### ANNOUNCEMENTS BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to the Conference Committee on H. F. No. 2414:

Vanasek, Braun and Lindstrom.

The Speaker announced the appointment of the following members of the House to the Conference Committee on S. F. No. 1644:

Kelly, R.; Samuelson and Forsythe.

The Speaker announced the appointment of the following members of the House to the Conference Committee on H. F. No. 2374:

Luther, Dieterich and Parish.

The Speaker announced the appointment of the following members of the House to the Conference Committee on S. F. No. 855:

Casserly, Berg and Schreiber.

The Speaker announced the appointment of the following members of the House to the Conference Committee on S. F. No. 1963:

Sieben, H.; Sabo and Anderson, I.

### GENERAL ORDERS

There being no objection, the bills on General Orders for today were continued on General Orders until Saturday, April 3, 1976.

### MOTIONS AND RESOLUTIONS

Kempe, A., moved that the names of Knoll and Adams, S., be added as authors on H. F. No. 1865. The motion prevailed.

Anderson, I.; Johnson, D.; Begich; Fugina and Carlson, R., introduced:

House Resolution No. 43, A house resolution relating to the eastern timber wolf; recommending and urging that the commissioner of natural resources pursue legal means to regain management control over the eastern timber wolf.

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

McCollar introduced:

House Resolution No. 44, A house resolution congratulating Mariner High School of White Bear Lake on winning first place in the statewide high school mathematics contest.



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

Anderson, I., moved that S. F. No. 633 be unofficially engrossed and printed for the House, to include committee amendments. The motion prevailed.

Anderson, I., moved that the remaining bill on Special Orders for today be continued on Special Orders for Saturday, April 3, 1976, immediately following the Calendar. The motion prevailed.

#### ADJOURNMENT

Anderson, I., moved that when the House adjourns today it adjourn until 10:00 a.m., Saturday, April 3, 1976. The motion prevailed.

Anderson, I., moved that the House adjourn. The motion prevailed and the Speaker declared the House adjourned until 10:00 a.m., Saturday, April 3, 1976.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

