

## STATE OF MINNESOTA

## SIXTY-NINTH SESSION - 1976

## ONE HUNDRED-SIXTH DAY

SAINT PAUL, MINNESOTA, MONDAY, APRIL 5, 1976

The House convened at 10:00 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	Petrafeso	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
Casserty	Hokanson	Mann	Samuelson	White
Clark	Jacobs	McCarron	Sarna	Williamson
Clawson	Jaros	McCauley	Savelkoul	Zubay
Corbid	Jensen	McCollar	Schreiber	Speaker Sabo
Dahl	Johnson, C.	McEachern	Schulz	
Dean	Johnson, D.	Menning	Schumacher	
DeGroat	Jopp	Metzen	Searle	
Dieterich	Jude	Moe	Setzepfandt	

A quorum was present.

Volk, Wieser and Wigley were excused.

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

## UNANIMOUS CONSENT

Norton requested unanimous consent to make a motion. The request was granted.

Norton moved that H. F. Nos. 2677 and 2678 be recalled from the Senate for further consideration by the House. The motion prevailed.

The following conference committee report was received:

## CONFERENCE COMMITTEE REPORT ON 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.

April 3, 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. 2414 report that we have agreed upon the items in dispute and recommend as follows:

That the house concur in the senate amendments and that H. F. No. 2414, the senate amendment adopted March 31, 1976 be further amended as follows:

Page 6, subdivision 10, clause (1) (a), line 2, delete "*by the licensee or under lease*" and insert "*or under lease by the licensee. The lease shall be for a minimum term of one year. The building shall contain office space*".

Delete line 3.

Line 4, delete "*building*".

Page 7, clause (2), line 3, delete "*by the licensee or under lease for not*" and insert "*or under lease by the licensee. The lease shall be for a minimum term of one year. The building shall contain office space*".

Delete line 4.

Page 7, clause (3), line 3, delete "*by the licensee or under lease for not*" and insert "*or under lease by the licensee. The*

*lease shall be for a minimum term of one year. The building shall contain office space".*

Line 4, delete "*less than one year, with office space in that building*".

Page 7, clause (6), line 2, after "*building*" insert "*, within or without the state,*".

Page 8, line 1, delete "*by the licensee or under lease for not*" and insert "*or under lease by the licensee. The lease shall be for a minimum term of one year. The building shall contain office space*".

Page 8, line 2, delete "*less than one year with office space in that building*".

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

House Conferees: ROBERT E. VANASEK, ARTHUR M. BRAUN and JOHN C. LINDSTROM.

Senate Conferees: GEORGE R. CONZEMIUS, ALEC G. OLSON and ARNULF UELAND, JR.

Vanasek moved that the report of the Conference Committee on H. F. No. 2414 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

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; 279B.01, Subdivision 6; and Chapter 297B, 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 82, and nays 44, as follows:

Those who voted in the affirmative were:

Abeln	Clark	Hokanson	Knickerbocker	Nelson
Adams, L.	Clawson	Jacobs	Knoll	Norton
Anderson, G.	Dahl	Jaros	Kostohryz	Novak
Arlandson	Dean	Jensen	Kroening	Osthoff
Beauchamp	Dieterich	Johnson, D.	Laidig	Patton
Berg	Doty	Jopp	Langseth	Pehler
Berglin	Enebo	Jude	Lindstrom	Petrafeso
Birnstihl	Ewald	Kahn	Luther	Philbrook
Carlson, A.	Faricy	Kelly, R.	Metzen	Prahl
Carlson, L.	Fudro	Kempe, A.	Moe	Samuelson
Carlson, R.	George	Kempe, R.	Munger	Sarna
Cassery	Hanson	Ketola	Neisen	Savelkoul

Schreiber	Sieloff	Suss	Vento	Williamson
Schulz	Simoneau	Swanson	Voss	Speaker Sabo
Schumacher	Skoglund	Tomlinson	Wenstrom	
Sieben, H.	Smith	Ulland	Wenzel	
Sieben, M.	Stanton	Vanasek	White	

Those who voted in the negative were:

Adams, S.	DeGroat	Fugina	Lemke	Pleasant
Albrecht	Eckstein	Graba	Mann	Reding
Andersson, I.	Eken	Haugerud	McCauley	St. Onge
Begich	Erickson	Heinitz	McCollar	Searle
Biersdorf	Esau	Johnson, C.	McEachern	Sherwood
Braun	Evans	Kaley	Menning	Smogard
Brinkman	Fjoslien	Kalis	Nelsen	Spanish
Byrne	Forsythe	Kelly, W.	Niehaus	Zubay
Corbid	Friedrich	Kvam	Peterson	

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

### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

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

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

H. F. No. 2218, A bill for an act relating to the department of public welfare; providing for funding for detoxification programs; amending Minnesota Statutes 1974, Section 254A.08, Subdivision 3.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 1397, A bill for an act relating to the creation of a legislative advisory task force; appropriating money.

PATRICK E. FLAHAVEN, Secretary of the Senate

Fugina moved that the House refuse to concur in the Senate amendments to H. F. No. 1397, 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. 2489, A bill for an act relating to highway traffic regulations; special permits for oversize and overweight vehicles; authorizing an annual permit for refuse compactor vehicles and prescribing maximum loads thereon; providing a fee therefor; redefining farm trucks; amending Minnesota Statutes 1971, Section 168.011, Subdivision 17, as amended; and Minnesota Statutes 1974, Section 169.86, Subdivision 5; repealing Minnesota Statutes 1974, Section 169.831.

PATRICK E. FLAHAVEN, Secretary of the Senate

Schreiber moved that the House refuse to concur in the Senate amendments to H. F. No. 2489, 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 has concurred in and adopted the report of the Conference Committee on:

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

A bill for an act relating to health facilities; establishing an office of health facility ombudsman; appropriating money.

April 2, 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. 1959 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. 1959 be amended as follows:

Strike everything after the enacting clause and insert:

"Section 1. [144A.51] [DEFINITIONS.] Subdivision 1. For the purposes of sections 1 to 6 of this act, the terms defined in this section have the meanings given them.

Subd. 2. "Administrative agency" or "agency" means any division, official, or employee of a state or local governmental agency, but does not include:

- (a) Any member of the senate or house of representatives;
- (b) The governor or his personal staff;
- (c) Any instrumentality of the federal government of the United States; or
- (d) Any court or judge.

Subd. 3. "Director" means the director of the office of health facility complaints.

Subd. 4. "Health care provider" means any professional licensed by the state to provide medical or health care services who does provide the services to a resident of a health facility.

Subd. 5. "Health facility" means a facility or that part of a facility which is required to be licensed pursuant to Minnesota Statutes, Sections 144.50 to 144.58, and a facility or that part of a facility which is required to be licensed under any law of this state which provides for the licensure of nursing homes.

Subd. 6. "Resident" means any resident or patient of a health facility, or the guardian or conservator of a resident or patient of a health facility, if one has been appointed.

Sec. 2. [144A.52] [OFFICE OF HEALTH FACILITY COMPLAINTS.] Subdivision 1. The office of health facility complaints is hereby created in the department of health. The office shall be headed by a director appointed by the state board

of health. The director shall report to and serve at the pleasure of the state board of health.

The commissioner of health shall provide the office of health facility complaints with office space, administrative services and secretarial and clerical assistance.

Subd. 2. The director may appoint a deputy director and one personal secretary to discharge the responsibilities of his office. Any deputy director or personal secretary shall serve at the director's pleasure and shall be in the unclassified service. All other employees of the office shall be classified employees of the state board of health.

Subd. 3. The director may delegate to members of his staff any of his authority or duties except the duty of formally making recommendations to the legislature, administrative agencies, health facilities, health care providers, and the state board of health.

Subd. 4. The director shall attempt to include on his staff persons with expertise in areas such as law, health care, social work, dietary needs, sanitation, financial audits, health-safety requirements as they apply to health facilities, and any other relevant fields. To the extent possible, employees of the office shall meet federal training requirements for health facility surveyors.

Sec. 3. [144A.53] [POWERS AND DUTIES OF DIRECTOR.] Subdivision 1. [POWERS.] The director may:

(a) Promulgate by rule, pursuant to Minnesota Statutes, Chapter 15, and within the limits set forth in subdivision 2, the methods by which complaints against health facilities, health care providers or administrative agencies are to be made, reviewed, investigated, and acted upon; provided, however, that he may not charge a fee for filing a complaint;

(b) Recommend legislation and changes in rules to the state board of health, legislature, governor, administrative agencies or the federal government;

(c) Investigate, upon a complaint or upon his own initiative, any action or failure to act by a health care provider or a health facility;

(d) Request and receive access to relevant information, records, or documents in the possession of an administrative agency, a health care provider, or a health facility which he deems necessary for the discharge of his responsibilities;

(e) Enter and inspect, at any time, a health facility; provided that the director shall not unduly interfere with or disturb the activities of a resident unless the resident consents;

(f) Issue a correction order pursuant to Minnesota Statutes, Section 144.653 or any other law which provides for the issuance of correction orders to health care facilities;

(g) Recommend the certification or decertification of health facilities pursuant to Title XVIII or Title XIX of the United States Social Security Act;

(h) Assist residents of health facilities in the enforcement of their rights under Minnesota law; and

(i) Work with administrative agencies, health facilities, health care providers and organizations representing consumers on programs designed to provide information about health facilities to the public and to health facility residents.

Subd. 2. [COMPLAINTS.] The director may receive a complaint from any source concerning an action of an administrative agency, a health care provider, or a health facility. He may require a complainant to pursue other remedies or channels of complaint open to the complainant before accepting or investigating the complaint.

The director shall keep written records of all complaints and his action upon them. After completing his investigation of a complaint, he shall inform the complainant, the administrative agency having jurisdiction over the subject matter, the health care provider and the health facility of the action taken.

Subd. 3. [RECOMMENDATIONS.] If, after duly considering a complaint and whatever material he deems pertinent, the director determines that the complaint is valid, he may recommend that an administrative agency, a health care provider or a health facility should:

(a) Modify or cancel the actions which gave rise to the complaint;

(b) Alter the practice, rule or decision which gave rise to the complaint;

(c) Provide more information about the action under investigation; or

(d) Take any other step which the director considers appropriate.

If the director requests, the administrative agency, a health care provider or health facility shall, within the time specified, inform the director about the action taken on his recommendation.



Subd. 4. [REFERAL OF COMPLAINTS.] If a complaint received by the director relates to a matter more properly within the jurisdiction of an occupational licensing board, the office of consumer services or any other governmental agency, the director shall forward the complaint to that agency and shall inform the complaining party of the forwarding. The agency shall promptly act in respect to the complaint, and shall inform the complaining party and the director of its disposition. If a governmental agency receives a complaint which is more properly within the jurisdiction of the director, it shall promptly forward the complaint to the director, and shall inform the complaining party of the forwarding. If the director has reason to believe that any official or employee of an administrative agency or health facility has acted in a manner warranting criminal or disciplinary proceedings, he shall refer the matter to the state board of health, the commissioner of public welfare, an appropriate prosecuting authority, or any other appropriate agency.

Sec. 4. [144A.54] [PUBLICATION OF RECOMMENDATIONS; REPORTS.] Subdivision 1. Except as otherwise provided by this section, the director may determine the form, frequency, and distribution of his conclusions and recommendations. The director shall transmit his conclusions and recommendations to the state board of health and the legislature. Before announcing a conclusion or recommendation that expressly or by implication criticizes an administrative agency, a health care provider or a health facility, the director shall consult with that agency, health care provider or facility. When publishing an opinion adverse to an administrative agency, a health care provider or a health facility, he shall include in the publication any statement of reasonable length made to him by that agency, health care provider or health facility in defense or explanation of the action.

Subd. 2. In addition to whatever other reports the director may make, he shall, at the end of each year, report to the state board of health and the legislature concerning the exercise of his functions during the preceding year. The state board of health may, at any time, request and receive information, other than resident records, from the director.

Subd. 3. In performing his duties under this act, the director shall preserve the confidentiality of resident records. He may release a resident's records with the written approval of the resident who is the subject of the records.

Sec. 5. [HEALTH DEPARTMENT COMPLAINT TEAM.] It is the intent of the legislature that the complaint team of the department of health be superseded by the office of health facility complaints and that funds currently allocated to the complaint team by the state board of health be allocated to the office of health facility complaints.

Sec. 6. [ADVISORY TASK FORCE.] The director of the office of health facility complaints shall appoint a 15 member task force to advise him in the establishment of the office under this act. The appointment, compensation and term of office of the members of the task force shall be governed by the provisions of Minnesota Statutes, Section 15.059, Subdivision 6.

Sec. 7. [APPROPRIATION.] The sum of \$67,000 is hereby appropriated from the general fund to the state board of health for the biennium ending June 30, 1977 for the purposes of sections 1 to 6 of this act.

Sec. 8. [144.97] [GRIEVANCE PROCEDURES.] Subdivision 1. [FACILITIES.] Every hospital licensed as such pursuant to Minnesota Statutes, Sections 144.50 to 144.56, and every outpatient surgery center shall establish a grievance or complaint mechanism designed to process and resolve promptly and effectively grievances by patients or their representatives related to billing, inadequacies of treatment, and other factors which may have an impact on the incidence of malpractice claims and suits.

For the purposes of sections 8 to 10 of this act, "outpatient surgery center" shall mean a free standing facility organized for the specific purpose of providing elective outpatient surgery for preexamined prediagnosed low risk patients. Services provided at an outpatient surgery center shall be limited to surgical procedures which utilize local or general anesthesia and which do not require overnight inpatient care. "Outpatient surgery center" does not mean emergency medical services, or physician or dentist offices.

Subd. 2. [PATIENT NOTICE.] Each patient receiving treatment at a hospital or an outpatient surgery center shall be notified of the grievance or complaint mechanism which is available to him.

Subd. 3. [RULES.] The state board of health shall, by January 1, 1977, establish by rule promulgated pursuant to Minnesota Statutes, Chapter 15:

(a) Minimum standards and procedural requirements for grievance and complaint mechanism;

(b) A list of patient complaints which may be processed through a complaint or grievance mechanism;

(c) The form and manner in which patient notices shall be made; and

(d) A schedule of fines, not to exceed \$200 per offense, for the failure of a hospital or outpatient surgery center to comply with the provisions of this section.

Subd. 4. [REPORTS.] Each hospital and outpatient surgery center, and every health maintenance organization required under Minnesota Statutes, Section 62D.11 to implement a complaint system, shall at least annually submit to the state board of health a report on the operation of its complaint or grievance mechanism. The frequency, form and content of each report shall be as prescribed by rule of the state board of health. Data relating to patient records collected by the state board of health pursuant to this section shall be summary data within the meaning of Minnesota Statutes, Section 15.162, Subdivision 9. The state board of health shall collect, analyze and evaluate the data submitted by the hospitals, health maintenance organizations, and outpatient surgery centers; and shall periodically publish reports and studies designed to improve patient complaint and grievance mechanisms.

Sec. 9. [144.971] [IN-SERVICE TRAINING.] The state board of health shall study and publish recommendations for in-service personnel training programs designed to reduce the incidence of malpractice claims and suits against hospitals, outpatient surgery centers and health maintenance organizations regulated under Minnesota Statutes, Chapter 62D.

Sec. 10. [144.972] [INSURER REPORTS OF MEDICAL MALPRACTICE CLAIMS.] Subdivision 1. On or before September 1, 1976, and on or before March 1 and September 1 of each year thereafter, each insurer providing professional liability insurance to one or more hospitals, outpatient surgery centers, or health maintenance organizations, shall submit to the state board of health a report listing by facility or organization all claims which have been closed by or filed with the insurer during the period ending December 31 of the previous year or June 30 of the current year. The report shall contain, but not be limited to, the following information:

(a) The total number of claims made against each facility or organization which were filed or closed during the reporting period;

(b) The date each new claim was filed with the insurer;

(c) The allegations contained in each claim filed during the reporting period;

(d) The disposition and closing date of each claim closed during the reporting period;

(e) The dollar amount of the award or settlement for each claim closed during the reporting period; and

(f) Any other information the board of health may, by rule, require.

Any hospital, outpatient surgery center, or health maintenance organization which is self insured shall be considered to be an insurer for the purposes of this section and shall comply with the reporting provisions of this section.

A report from an insurer submitted pursuant to this section is private data, as defined in Minnesota Statutes, Section 15.162, Subdivision 5a, accessible to the facility or organization which is the subject of the data, and to its authorized agents. Any data relating to patient records which is reported to the state board of health pursuant to this section shall be reported in the form of summary data, as defined in Minnesota Statutes, Section 15.162, Subdivision 9.

Subd. 2. The state board of health shall collect and review the data reported pursuant to subdivision 1. On December 1, 1976, and on January 2 of each year thereafter, the state board of health shall report to the legislature its findings related to the incidence and size of malpractice claims against hospitals, outpatient surgery centers, and health maintenance organizations, and shall make any appropriate recommendations to reduce the incidence and size of the claims. Data published by the state board of health pursuant to this subdivision with respect to malpractice claims information shall be summary data within the meaning of Minnesota Statutes, Section 15.162, Subdivision 9.

Subd. 3. The state board of health shall have access to the records of any insurer relating to malpractice claims made against hospitals, outpatient surgery centers, and health maintenance organizations in years prior to 1976 if it determines the records are necessary to fulfill its duties under this act.

Sec. 11. [EFFECTIVE DATE.] Section 2, subdivision 1, and section 10 are effective the day following final enactment. The remainder of sections 1 to 7 is effective upon appointment of the director of the office of health facility complaints. Sections 8 and 9 are effective on January 1, 1977 or upon the promulgation of rules pursuant to section 8, subdivision 3, whichever occurs first."

Further, strike the title and insert:

"A bill for an act relating to health; establishing an office of nursing home complaints; requiring the establishment of health care facility grievance procedures; providing for the reporting of malpractice claims to the state board of health; authorizing studies of in-service training for health care facility personnel; appropriating money."

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

Senate Conferees: STEVE KEEFE, JOHN MILTON and NANCY BRATAAS.

House Conferees: JAMES C. SWANSON, LINDA L. BERGLIN and O. J. HEINITZ.

Swanson moved that the report of the Conference Committee on S. F. No. 1959 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

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

The bill was read for the 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 10, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Albrecht	Eken	Friedrich	Kvam	Peterson
DeGroat	Erickson	Kaley	Niehaus	Zubay

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. 320, A bill for an act relating to taxation; increasing the percentage of unrefunded gasoline excise taxes attributable to snowmobile operation; appropriating money; amending Minnesota Statutes 1974, Sections 296.16, Subdivision 1; and 296.421, Subdivisions 6 and 7.

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. 320

A bill for an act relating to taxation; increasing the percentage of unrefunded gasoline excise taxes attributable to snowmobile operation; appropriating money; amending Minnesota Statutes 1974, Sections 296.16, Subdivision 1; and 296.421, Subdivisions 6 and 7.

April 2, 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. 320 report that we have agreed upon the items in dispute and recommend as follows:

That S. F. No. 320 be amended as follows:

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1974, Section 296.16, Subdivision 1, is amended to read:

296.16 [USE IN MOTOR VEHICLES.] Subdivision 1. [INTENT.] All gasoline received in this state and all gasoline produced in or brought into this state except aviation gasoline and marine gasoline shall be determined to be intended for use in motor vehicles in this state. (IT IS HEREBY FOUND AND DETERMINED THAT) Approximately three fourths of one percent of all gasoline received in this state and three fourths of one percent of all gasoline produced or brought into this state, except gasoline used for aviation purposes, is being used as fuel for the operation of motor boats on the waters of this state and (THAT) of the total revenue derived from the imposition of the

gasoline fuel tax for uses other than in motor boats, three fourths of one percent of such revenues is the amount of tax on fuel used in motor boats operated on the waters of this state. (IT IS FURTHER FOUND AND DETERMINED THAT) Approximately (THREE-EIGHTHS) *three fourths* of one percent of all gasoline received in and produced or brought into this state, except gasoline used for aviation purposes, is being used as fuel for the operation of snowmobiles in this state, and (THAT) of the total revenue derived from the imposition of the gasoline fuel tax for uses other than in snowmobiles, (THREE-EIGHTHS) *three fourths* of one percent of such revenues is the amount of tax on fuel used in snowmobiles operated in this state.

Sec. 2. [APPROPRIATION.] *There is appropriated from the general fund to the commissioner of natural resources for the biennium ending June 30, 1977, the sum of \$1,300,000 for the following purposes:*

(a) *30 percent shall be paid in grants in aid to local units of government for purposes of enforcement of laws relating to recreational trail usage and for the construction of recreational trails.*

(b) *40 percent shall be allocated by the commissioner for the provision and maintenance of snowmobile trails and trails to be used exclusively for non-motorized recreation.*

(c) *30 percent shall be allocated by the commissioner for the provision of access to snowmobile trails and the provision of snowmobile areas in those parts of the state where trails prove unfeasible to provide.*

*No more than ten percent of this appropriation shall be used for central staff administration.*

*This appropriation is intended to approximate the amount of tax paid on gasoline used as fuel for the operation of snowmobiles in this state but paid into the highway user distribution fund for highway purposes. It is based on the assumption that approximately three-fourths of one percent of all gasoline received in and produced or brought into this state, except gasoline used for aviation purposes, is being used as fuel for the operation of snowmobiles in this state.*

*This appropriation is in addition to and not in replacement for all other appropriations for recreational trails, including appropriations to match snowmobile license fee receipts.*

*The commissioner of natural resources shall exercise care and discretion in establishing snowmobile trails to the end that the trails will be distributed equitably throughout the state for the recreational use of the people and the preservation of natural wild areas.*

Sec. 3. *Minnesota Statutes 1974, Section 296.421, Subdivisions 6 and 7, are repealed.*

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

Further strike the title and insert:

"A bill for an act relating to taxation; increasing the percentage of unrefunded gasoline excise taxes attributable to snowmobile operation; appropriating money; amending Minnesota Statutes 1974, Section 296.16, Subdivision 1; repealing Minnesota Statutes 1974, Section 296.421, Subdivisions 6 and 7."

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

Senate Conferees: WAYNE OLHOFT, GERALD L. WILLET and RICHARD W. FITZSIMONS.

House Conferees: NORMAN R. PRAHL, WILLIS R. EKEN and M. J. MCCAULEY.

Prahl moved that the report of the Conference Committee on S. F. No. 320 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 320, A bill for an act relating to taxation; increasing the percentage of unrefunded gasoline excise taxes attributable to snowmobile operation; appropriating money; amending Minnesota Statutes 1974, Sections 296.16, Subdivision 1; and 296.421, Subdivisions 6 and 7.

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



Mangan	Nelson	Prahl	Sherwood	Tomlinson
Mann	Niehaus	Reding	Sieben, H.	Ulland
McCarron	Norton	Rice	Sieben, M.	Vanasek
McCauley	Novak	St. Onge	Sieloff	Vento
McCollar	Osthoff	Samuelson	Simoneau	Voss
McEachern	Parish	Sarna	Skoglund	Wenstrom
Menning	Patton	Savelkoul	Smith	Wenzel
Metzen	Pehler	Schreiber	Smogard	White
Moe	Peterson	Schulz	Spanish	Williamson
Munger	Petrafeso	Schumacher	Stanton	Zubay
Neisen	Philbrook	Searle	Suss	Speaker Sabo
Nelsen	Pleasant	Setzepfandt	Swanson	

Those who voted in the negative were:

Eckstein

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 Senate File, herewith transmitted:

S. F. No. 2455.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

S. F. No. 2453.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### FIRST READING OF SENATE BILLS

S. F. No. 2455, A bill for an act relating to taxation; cultural, recreational and welfare activities; changing the metropolitan parks and open space commission to the metropolitan parks, recreation and open space commission and prescribing its powers and duties; authorizing the metropolitan council to issue bonds and levy taxes therefor; authorizing the council to impose an admissions tax; authorizing the council to impose a tax on certain sales in the metropolitan area; requiring the completion of an environmental impact statement and pollution control agency permits prior to construction of a new sports facility; establishing a panel to select a site; authorizing a liquor license for the commission; requiring a certificate of need for regional recreational facilities; providing for the distribution of moneys to cultural and artistic organizations; authorizing capital improvements; to the Minnesota veterans home; providing for a refund

of certain amounts of taxes paid for the 1975 taxable year; appropriating money; amending Minnesota Statutes 1974, Sections 297A.14; 297A.25, Subdivision 1; Chapters 139, by adding sections; 473, by adding sections; Minnesota Statutes, 1975 Supplement, Sections 139.08, Subdivision 5; 139.10, Subdivisions 1 and 2, and by adding a subdivision; 297A.01, Subdivision 3; 473.121, Subdivisions 7 and 14; 473.147; 473.301; 473.302; and 473.303, Subdivision 1; repealing Minnesota Statutes 1974, Section 340.11, Subdivision 11a.

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

S. F. No. 2453, A bill for an act relating to taxation; changing the means of calculation and adjustment of levy limits in certain counties; adjusting population limits for communities exempt from levy limits; amending Minnesota Statutes, 1975 Supplement, Sections 275.51, Subdivision 3c; and 275.59.

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

The following conference committee report was received:

#### CONFERENCE COMMITTEE REPORT ON H. F. NO. 2043

A bill for an act relating to elections; providing for uniform reporting dates for campaign disclosure forms; providing for disclosure of campaign contributions and expenditures of political committees and candidates for local office; amending Minnesota Statutes 1974, Chapters 123, 373, and 471, by adding sections; and Minnesota Statutes, 1975 Supplement, Sections 210A.01, Subdivisions 1, 5, 6, 8, 9, and by adding subdivisions; 210A.05, Subdivision 1; 210A.16; 210A.23; 210A.24; 210A.25; 210A.26; 210A.27, Subdivision 1; 210A.29; 210A.32; 210A.33; Chapter 210A, by adding sections; repealing Minnesota Statutes, 1975 Supplement, Sections 123.015; 210A.01, Subdivisions 4 and 7; 210A.22; 210A.28; and 210A.31.

April 3, 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. 2043 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. 2043 be amended as follows:

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1974, Chapter 123, is amended by adding a section to read:

[123.016] [CODES OF ETHICS.] *The board of any school district however organized may adopt and enforce by resolution a code of ethics not inconsistent with state law for its elected and appointed officials and employees.*

Sec. 2. Minnesota Statutes, 1975 Supplement, Section 201.-021, is amended to read:

201.021 [PERMANENT REGISTRATION SYSTEM.] A permanent system of voter registration by county is established. (ANY COUNTY CONTAINING NO CITY WITH A POPULATION OF 10,000 OR MORE MAY BY RESOLUTION OF THE COUNTY BOARD BE EXEMPTED FROM THE PROVISIONS OF SECTIONS 201.021 TO 201.221.) The county auditor shall be chief registrar of voters and the chief custodian of the official registration records in each county.

Sec. 3. Minnesota Statutes, 1975 Supplement, Chapter 204A, is amended by adding a section to read:

[204A.171] [ELECTION LAW CONFERENCES.] *The secretary of state shall conduct conferences for county auditors before each state primary election for the purpose of giving instructions on the administration of election laws.*

*The county auditor or his designee is authorized to conduct in-service training for municipal clerks and chairmen of election boards.*

Sec. 4. Minnesota Statutes, 1975 Supplement, Section 210A.-01, Subdivision 1, is amended to read:

210A.01 [ELECTIONS; FAIR CAMPAIGN PRACTICES ACT; DEFINITIONS.] Subdivision 1. *Unless otherwise provided herein, the words used in (SECTIONS 210A.01 TO 210A.-44) chapter 210A have the meanings prescribed to them in chapter 200; and the words defined in this section are applicable for the purpose of construing (SECTIONS 210A.01 TO 210A.44) this chapter.*

Sec. 5. Minnesota Statutes, 1975 Supplement, Section 210A.-01, Subdivision 3, is amended to read:

Subd. 3. *Except as otherwise provided in this chapter, "candidate" means every person for whom it is contemplated or desired that votes may be cast at any election or primary, and who either tacitly or expressly consents to be so considered, ex-*

cept candidates for president and vice president of the United States. (IN SECTIONS 210A.22 TO 210A.28, 210A.32 AND 210A.33, "CANDIDATE" DOES NOT MEAN A PERSON FOR WHOM IT IS CONTEMPLATED OR DESIRED THAT VOTES MAY BE CAST AT ANY ELECTION OR PRIMARY, AND WHO EITHER TACITLY OR EXPRESSLY CONSENTS TO BE SO CONSIDERED FOR GOVERNOR, STATE OFFICER, STATE SENATOR OR MEMBERSHIP IN THE HOUSE OF REPRESENTATIVES.)

Sec. 6. Minnesota Statutes, 1975 Supplement, Section 210A.01, is amended by adding a subdivision to read:

*Subd. 3a. For the purposes of this Chapter "election" includes any school district election unless the context clearly indicates otherwise.*

Sec. 7. Minnesota Statutes, 1975 Supplement, Section 210A.01, Subdivision 5, is amended to read:

Subd. 5. "Filing office", when used with reference to any candidate, (SHALL BE CONSTRUED TO MEAN) *means* the officer (WHO IS AUTHORIZED BY LAW TO ISSUE A CERTIFICATE OF NOMINATION OR ELECTION TO SUCH CANDIDATE IF HE BE SUCCESSFUL IF THERE BE NO OFFICER AUTHORIZED TO ISSUE SUCH CERTIFICATE OF NOMINATION OR ELECTION, THEN SUCH TERM SHALL BE CONSTRUED TO MEAN THE CLERK OF THE TOWN OR CITY IN WHICH SUCH CANDIDATE RESIDES) *with whom the candidate files his affidavit of candidacy.*

Sec. 8. Minnesota Statutes, 1975 Supplement, Section 210A.01, Subdivision 6, is amended to read:

Subd. 6. "(PERSONAL) *Principal* campaign committee" means (ANY) *the single political committee* (APPOINTED) *designated by a candidate for any election.*

Sec. 9. Minnesota Statutes, 1975 Supplement, Section 210A.01, Subdivision 8, is amended to read:

Subd. 8. (EVERY TWO OR MORE PERSONS ELECTED OR APPOINTED BY ANY POLITICAL PARTY OR ASSOCIATION FOR THE PURPOSE, WHOLLY OR PARTLY, OF RAISING, COLLECTING, OR DISBURSING MONEY, OR DIRECTING THE RAISING, COLLECTING OR DISBURSING THEREOF, FOR NOMINATION OR ELECTION PURPOSES, AND EVERY TWO OR MORE PERSONS WHO SHALL COOPERATE IN THE RAISING, COLLECTING, OR DISBURSING OF MONEY USED, OR TO BE USED FOR OR AGAINST THE ELECTION TO PUBLIC OFFICE OF ANY PERSON OR ANY CLASS OR NUMBER OF PERSONS, OR FOR OR

AGAINST THE ADOPTION OF ANY LAW, ORDINANCE, OR CONSTITUTIONAL AMENDMENT, SHALL BE DEEMED A "POLITICAL COMMITTEE" WITHIN THE MEANING OF SECTIONS 210A.01 TO 210A.44.) *"Political committee" means any political party, association, or person other than an individual, which supports or opposes any question on the ballot or influences the nomination or election of a candidate.*

Sec. 10. Minnesota Statutes, 1975 Supplement, Section 210A.-01, is amended by adding a subdivision to read:

Subd. 10. *"Expenditure" means: (a) A purchase, payment, distribution, loan, advance, deposit or gift of money or anything of value, made for the purpose of influencing the nomination for election or election of any candidate to office; or*

*(b) A transfer of funds between political committees or political funds. "Expenditure" does not include services provided without compensation by individuals volunteering their time on behalf of a candidate, political committee, or political fund.*

Sec. 11. Minnesota Statutes, 1975 Supplement, Section 210A.-01, is amended by adding a subdivision to read:

Subd. 11. *"Contribution" means: (a) A gift, subscription, loan, advance, the providing of supplies, materials or equipment, or deposit of money or anything else of value made to influence the nomination for election or election of a candidate to office;*

*(b) A transfer of funds between political committees; or*

*(c) The payment of compensation for the personal services of another person which are rendered to a candidate or political committee to influence the nomination for election or election of a candidate to office by any person other than that candidate or political committee.*

*"Contribution" does not include services provided without compensation by individuals volunteering their time on behalf of a candidate or political committee, or coverage by news media, but only while acting in the ordinary course of business of publishing or broadcasting news items, editorials or other comments.*

Sec. 12. Minnesota Statutes, 1975 Supplement, Chapter 210A, is amended by adding a section to read:

[210A.025] [PAPER COLOR FOR SAMPLE BALLOTS.]  
*Except that sample ballots may be printed in newspapers as news matter, it is a misdemeanor to print sample ballots on paper of the same color as any official ballots.*

Sec. 13. Minnesota Statutes, 1975 Supplement, Section 210A.-05, Subdivision 1, is amended to read:

210A.05 [PAID ADVERTISEMENTS IN NEWS.] Subdivision 1. No publisher of a newspaper, periodical, or magazine shall insert either in the advertising columns of such newspaper, magazine, or periodical, or elsewhere therein, any matter paid or to be paid for which is intended or tends to influence directly or indirectly any voting at any primary or (GENERAL) election unless at the head or the foot of the matter is printed in six point capital letters the words "Paid Advertisement," and unless there is a statement at the head or the foot of the matter of the amount paid or to be paid therefor, or a statement that the same is to be paid at regular advertising rates, the name of the candidate in whose behalf the matter is inserted and of any other person or the names of the officer and the committee authorizing the publication.

Sec. 14. Minnesota Statutes, 1975 Supplement, Section 210A.-09, is amended to read:

210A.09 [SHALL NOT INDUCE PERSON TO BECOME A CANDIDATE OR REFRAIN THEREFROM.] Subdivision 1. No person shall pay, or promise to reward another in any manner or form for the purpose of inducing him to be or refrain from or cease being a candidate, and no person shall solicit or receive any payment, promise, or reward from another for such purpose.

*Subd. 2. Any person elected to a public office shall be permitted time off from his regular employment to attend meetings of his public office. No retaliatory action may be taken by the employer for absences necessary for the employee to attend the meetings. Such time off may be without pay, with pay, or made up with other hours, as agreed between the employee and employer.*

Sec. 15. Minnesota Statutes, 1975 Supplement, Section 210A.-16, is amended to read:

210A.16 [LEGAL EXPENDITURES.] Subdivision 1. The expenditure of money or other thing of value by any candidate, (PERSONAL) principal campaign committee, (PARTY COMMITTEE,) or other political committee for (POLITICAL) purposes other than those provided in this section is prohibited. The following are permitted expenditures:

- (a) Salaries, wages, and fees;
- (b) Communications, mailing, transportation, and travel;
- (c) Campaign advertising;

(d) Printing;

(e) Office and other space and necessary equipment, furnishings, and supplies incidental thereto;

(f) Other expenses, not included in the above, which are reasonably related to the conduct of election campaigns.

*Subd. 2. No funds contributed to a candidate, principal campaign committee or political committee shall be commingled with any personal funds of the candidate or officers or members of the principal campaign committee or the political committee.*

Sec. 16. Minnesota Statutes, 1975 Supplement, Section 210A.-21, is amended to read:

210A.21 [CERTAIN SOLICITATIONS PROHIBITED.] No person shall solicit, receive, or accept any money, property, or other thing of value, or any promise or pledge thereof, constituting (A DISBURSEMENT) *an expenditure or contribution prohibited by sections 210A.01 to 210A.44.*

Sec. 17. Minnesota Statutes, 1975 Supplement, Chapter 210A, is amended by adding a section to read:

[210A.211] [EXPENDITURES OF CANDIDATE TAX DEDUCTIBLE.] *Expenditures authorized by this chapter by a candidate in his own behalf may be deducted as expenses for production of income or a business expense under section 290.09, subdivision 2, in an amount not to exceed \$500.*

Sec. 18. Minnesota Statutes, 1975 Supplement, Chapter 210A, is amended by adding a section to read:

[210A.215] [PRINTED MATERIALS.] *No elected, administrative, or executive officer of any school district, city, county, town, or other political subdivision shall cause to be printed or authorize the printing of official reports and publications printed with public funds and intended for general public circulation, which contain pictures of elected officials or names of public officials or any other device which tends to attribute the publication to an individual or individuals instead of the governmental unit from which it emanates.*

Sec. 19. [210A.220] [DEFINITIONS.] *Subdivision 1. For the purposes of sections 19 to 31 of this act, the following terms have the meanings given them unless the context clearly indicates otherwise.*

*Subd. 2. "Candidate" means every person who seeks nomination or election to any county office, any city office in a city with a population of 20,000 or more, and any school district office in*

any school district with a population of 20,000 or more as determined by, or estimated by the chief administrative officer of a school district from the last decennial census.

Subd. 3. "Business with which he is associated" means any association in connection with which the individual is compensated in excess of \$50 excluding reimbursement for actual expenses in any month as a director, officer, owner, member, partner, employer, or employee, or is a holder of securities worth \$2,500 or more at fair market value.

Sec. 20. [210A.221] [POLITICAL COMMITTEES.] *Every political committee shall have a chairman and a treasurer. The treasurer of a political committee shall be responsible for filing the campaign statements required in this act.*

Sec. 21. [210A.222] [PRINCIPAL CAMPAIGN COMMITTEES.] *Subdivision 1. Each candidate shall designate a principal campaign committee which shall receive contributions and make expenditures on his behalf.*

Subd. 2. *Any candidate may serve as the chairman and treasurer of his principal campaign committee.*

Subd. 3. *A candidate shall file with his filing office a written statement designating his principal campaign committee no later than seven days after the committee has received any contributions or made any expenditures in excess of \$200. The statement shall include the name and address of the chairman and treasurer.*

Subd. 4. *In civil actions and proceedings brought under this chapter, the acts of every member of a principal campaign committee are presumed to be with the knowledge and approval of the candidate until it has been clearly proved that he did not know of and approve the act, and that, in the exercise of reasonable care and diligence, he could not have known of and had the opportunity to disapprove the act.*

Sec. 22. [210A.223] [EXPENDITURES.] *Subdivision 1. Any individual, who makes an expenditure in excess of \$200 on behalf of any candidate, including himself, other than by contribution to a political committee, shall file the campaign statements required in this act.*

Subd. 2. *Except as provided in subdivision 1, a candidate may make expenditures only through his principal campaign committee.*

Sec. 23. [210A.224] [STATEMENTS OF POLITICAL COMMITTEES.] *Subdivision 1. Campaign statements of any political committee shall be filed with the filing office.*



(a) Ten days before any primary or election and 30 days after the election in which a candidate being supported stands for election or a question being supported or opposed appears on the ballot; and

(b) January 31 of each year until the committee has terminated. A committee may file a termination statement when the total of the committee's assets and obligations does not exceed \$100.

Subd. 2. The campaign statements shall cover the period from the last day covered by the previous statement to seven days prior to the filing date.

Subd. 3. The campaign statements shall be filed with the appropriate filing office, or for a committee which is organized to support or oppose a constitutional amendment, with the secretary of state.

Subd. 4. Each campaign statement shall itemize:

(a) The amount of cash on hand at the beginning of the reporting period.

(b) The name, address and employer or, if self-employed, occupation of each person or committee which made a contribution in an aggregate amount in excess of \$50 during the calendar year; and the date and amount of the contribution.

(c) The total amount of all contributions received by the committee.

(d) The name and address of each person to whom any expenditure was made in an aggregate amount in excess of \$100 during the calendar year; and the date and amount of the expenditure.

(e) The total amount of all expenditures made by the committee.

(f) The name, address and employer, or if self-employed, occupation of any person to whom the committee owes a debt or obligation in excess of \$100; and the date incurred and amount of the debt or obligation.

Subd. 5. The treasurer of each political committee shall keep records of the financial transactions of the committee in sufficient detail to insure that each contribution in an aggregate amount in excess of \$50 and each expenditure, debt or obligation in an aggregate amount in excess of \$100 shall be reported.

Sec. 24. [210A.231] [CHANGES AND CORRECTIONS.] *Any material changes in information previously submitted or any substantial corrections to a statement required by this act shall be included in the next required statement or reported in writing within 30 days following the date of the event prompting the change. Any person who wilfully fails to report a material change or substantial correction is guilty of a misdemeanor.*

Sec. 25. [210A.232] [CIRCUMVENTION PROHIBITED.] *Any attempt by a person to circumvent the disclosure provisions of this act by redirecting funds through, or contributing funds on behalf of, another person, is guilty of a gross misdemeanor.*

Sec. 26. Minnesota Statutes, 1975 Supplement, Section 210A.24, is amended to read:

210A.24 [BILLS, WHEN RENDERED AND PAID.] Every person who (SHALL HAVE ANY) *has* a bill, charge, or claim (UPON OR) against any (PERSONAL CAMPAIGN OR PARTY) *political* committee or (ANY) candidate, for any (DISBURSEMENT) *expenditure* made, (SERVICES) *service* rendered, or thing of value furnished, (FOR POLITICAL PURPOSES, OR INCURRED IN ANY MANNER IN RELATION TO ANY PRIMARY OR ELECTION,) shall render in writing to (SUCH) *the candidate or treasurer of the political committee* (OR CANDIDATE SUCH) *the* bill, charge, or claim within (TEN) *60* days after the (DAY OF THE PRIMARY OR ELECTION IN CONNECTION WITH WHICH SUCH BILL, CHARGE, OR CLAIM WAS INCURRED) *material or service is provided.* (NO CANDIDATE AND NO PERSONAL CAMPAIGN OR PARTY COMMITTEE SHALL PAY ANY) *Failure to timely render the bill, charge, or claim* (SO INCURRED PRIOR TO ANY PRIMARY OR ELECTION, WHICH IS NOT SO PRESENTED WITHIN TEN DAYS AFTER SUCH PRIMARY OR ELECTION) *is a misdemeanor.*

Sec. 27. Minnesota Statutes, 1975 Supplement, Chapter 210A, is amended by adding a section to read:

[210A.255] [CERTAIN ASSOCIATIONS, INDIVIDUALS EXEMPTED.] *Any association which or individual who has been granted exemption from the reporting requirements of section 10A.20 shall be exempted from the reporting requirements of this chapter.*

Sec. 28. Minnesota Statutes, 1975 Supplement, Chapter 210A, is amended by adding a section to read:

[210A.261] [STATEMENTS OF ECONOMIC INTEREST.] *Every candidate except a candidate for school district office in any school district with a population of less than 30,000 shall file*

*a statement of economic interest with his respective filing office within 14 days after filing an affidavit of candidacy or petition to appear on the ballot. The statement of economic interest shall contain the following:*

*(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 the 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, or if there is no street address, the section, township, range and approximate acreage, and the county wherein the property is located.*

*Each candidate specified in this section elected to office shall file a supplementary statement of economic interest on April 15 of each year he is in office.*

Sec. 29. Minnesota Statutes, 1975 Supplement, Section 210A.-27, Subdivision 1, is amended to read:

210A.27 [STATEMENT OF EXPENSE, BLANKS; DIGEST OF LAWS.] Subdivision 1. (BLANKS) *Forms for all statements required by (SECTIONS 210A.01 TO 210A.44) this chapter shall be prepared by the secretary of state (AND). Copies (THEREOF) of the forms shall be furnished (THROUGH THE COUNTY AUDITOR OR OTHERWISE, AS THE SECRETARY OF STATE MAY DEEM EXPEDIENT, TO THE SECRETARY OF EVERY COMMITTEE, AND TO EVERY CANDIDATE UPON FILING OF NOMINATION PAPERS, AND TO ALL OTHER PERSONS REQUIRED BY LAW TO FILE SUCH STATEMENTS WHO MAY APPLY THEREFOR) to filing officers, candidates and treasurers. The secretary of state shall have emergency rule making authority as provided in chapter 15 for the purpose of providing forms for elections held in 1976 after the effective date of this act.*

Sec. 30. Minnesota Statutes, 1975 Supplement, Section 210A.-29, is amended to read:

210A.29 [FILING STATEMENTS; PENALTY.] (EVERY TREASURER OR OTHER PERSON WHO RECEIVES ANY MONEY TO BE APPLIED TO ANY OF THE ELECTION PURPOSES FOR WHICH EXPENDITURES ARE PERMITTED BY LAW,) *Any individual who knowingly fails to file any (THE) statement (AND ACCOUNT RESPECTING THE SAME) required by (SECTIONS 210A.01 TO 210A.44) this*

*chapter within (THE TIME PRESCRIBED,) seven days after receiving notice from the filing office shall be guilty of a misdemeanor.*

Sec. 31. Minnesota Statutes, 1975 Supplement, Section 210A.-32, is amended to read:

210A.32 [DUTIES OF FILING OFFICERS.] *Subdivision 1. The (OFFICER WITH WHOM THE EXPENSE ACCOUNT) filing office where a statement (OF ANY CANDIDATE FOR PUBLIC OFFICE OR COMMITTEE) is required to be filed by the provisions of (SECTIONS 210A.01 TO 210A.44) this chapter, shall notify (SUCH CANDIDATE OR COMMITTEE) the person responsible for filing the statement of the failure to comply with (SUCH) the law (,) immediately upon the expiration of the (TIME FIXED BY ANY LAW OF THIS STATE FOR) filing (OF THE SAME, AND SHALL NOTIFY THE COUNTY ATTORNEY OF THE COUNTY WHERE SUCH CANDIDATE RESIDES OR IN WHICH THE HEADQUARTERS OF THE COMMITTEE IS LOCATED, OF THE FACT OF THE FAILURE TO FILE SUCH EXPENSE ACCOUNT AND THE COUNTY ATTORNEY SHALL THEREUPON NOTIFY SUCH CANDIDATE OR THE SECRETARY OF THE COMMITTEE OF SUCH DELINQUENCY AND) date for such statement. If the person fails to comply with the provisions of (SECTIONS 210A.01 TO 210A.44) this chapter (SHALL NOT BE COMPLIED WITH) within (TEN) seven days after the mailing of (SUCH) the notice, the filing office shall notify the county attorney of the county of residence of the person responsible for filing the statement. The county attorney shall thereupon prosecute (SUCH CANDIDATE OR) the (OFFICER OF THE COMMITTEE) person required by law to file (SUCH) the statement.*

*Subd. 2. Notwithstanding the provisions of section 138.163, the filing office where statements are filed shall destroy all statements five years after the year in which they were filed. Failure to destroy such statements shall constitute misfeasance.*

Sec. 32. Minnesota Statutes, 1975 Supplement, Chapter 210A, is amended by adding a section to read:

[210A.435] [LOCAL ELECTIONS.] *Notwithstanding any provision of Minnesota Statutes, Section 410.21 or other law or ordinance, the provisions of this chapter apply to all municipal, county and school district elections, except where any provision of this chapter specifically exempts any municipality or school district election.*

Sec. 33. Minnesota Statutes, 1975 Supplement, Section 290.-09, Subdivision 2, is amended to read:

Subd. 2. [TRADE OR BUSINESS EXPENSES; EXPENSES FOR PRODUCTION OF INCOME.] (a) In General. There shall be allowed as a deduction all the ordinary and necessary expenses paid or incurred during the taxable year in carrying on any trade or business, including

(1) A reasonable allowance for salaries or other compensation for personal services actually rendered;

(2) Traveling expenses (including the entire amount expended for meals and lodging) while away from home in the pursuit of a trade or business; and

(3) Rentals or other payments required to be made as a condition to the continued use or possession, for purposes of the trade or business, of property to which the taxpayer has not taken or is not taking title or in which he has no equity. For purposes of the preceding sentence, the place of residence of a member of congress within the state shall be considered his home, but amounts expended by such members within each taxable year for living expenses shall not be deductible for income tax purposes in excess of \$3,000.

(b) Expenses for Production of Income. In the case of an individual, there shall be allowed as a deduction all the ordinary and necessary expenses paid or incurred during the taxable year.

(1) For the production or collection of income;

(2) For the management, conservation, or maintenance of property held for the production of income; or

(3) In connection with the determination, collection, or refund of any tax.

(c) Campaign expenditures in an amount not to exceed the limits set out in section (210A.22) 17 of this act, not subsequently reimbursed, which have been personally paid by a candidate for public office if the candidate has complied with the expenditure limitations set out in section (210A.22) 17 of this act:

(No deduction shall be allowed under this clause for any contribution or gift which would be allowable as a credit under section 290.21 were it not for the percentage limitations set forth in such section);

(d) All expense money paid by the legislature to legislators.

Sec. 34. Minnesota Statutes 1974, Chapter 375, is amended by adding a section to read:

[375.191] [CODES OF ETHICS.] *Each organized county may adopt and enforce by ordinance or resolution a code of ethics, not inconsistent with any state law, for its elected officials and employees.*

Sec. 35. Minnesota Statutes 1974, Chapter 471, is amended by adding a section to read:

[471.625] [MUNICIPALITIES; ADOPT CODES OF ETHICS.] *Notwithstanding any law to the contrary, any city however organized may adopt and enforce by ordinance or resolution a code of ethics not inconsistent with state law for its employees and elected officials.*

Sec. 36. Laws 1976, Chapter 108, Section 1, Subdivision 8, is amended to read:

Subd. 8. The total amount of any expenditure or contribution or any one project permitted by subdivisions 5 and 7 which exceeds \$100, together with the date, purpose and the names and addresses of the persons receiving the (CONTRIBUTION) contributions or expenditures, shall be reported to the secretary of state. The reports shall be filed on a form provided by the secretary of state on (THE DATES REQUIRED FOR POLITICAL COMMITTEES UNDER THE PROVISIONS OF SECTION 210A.26, SUBDIVISION 1) *October 1 of each year.* Failure to comply shall be subject to the penalties related to campaign finance reporting under the provisions of this chapter.

Sec. 37. [REPEALER.] *Minnesota Statutes, 1975 Supplement, Sections 123.015; 210.22; 210A.01, Subdivisions 4, 7, 8, and 9; 210A.22; 210A.23; 210A.25; 210A.26; 210A.28; 210A.30; 210A.31; 210A.33; and 211.10 are repealed.*

Sec. 38. [EFFECTIVE DATE.] *This act is effective July 1, 1976."*

Further strike the title and insert:

"A bill for an act relating to elections; providing for uniform reporting dates for and disclosure of campaign contributions and expenditures of political committees and candidates; providing for statements of economic interest for candidates and persons elected to public office; providing for registration of voters for all counties; defining certain terms; providing uniform filing date for corporations spending money for certain election purposes; providing exemption from disclosure requirements for certain persons and political committees; providing restrictions on the use of names and pictures of public officials in government publications; prohibiting sample ballots of the same color as official ballots; giving the secretary of state and county auditors certain duties with respect to elections; permitting elected

officials time off from their regular employment to attend meetings of their offices; permitting codes of ethics for counties, cities, and school districts; providing penalties; amending Minnesota Statutes 1974, Chapters 123, 375 and 471, by adding sections; Minnesota Statutes, 1975 Supplement, Chapters 204A and 210A, by adding sections; Sections 201.021; 210A.01, Subdivisions 1, 3, 5, 6, and 8, and by adding subdivisions; 210A.05, Subdivision 1; 210A.09; 210A.16; 210A.21; 210A.24; 210A.27, Subdivision 1; 210A.29; 210A.32; and 290.09, Subdivision 2; and Laws 1976, Chapter 108, Section 1, Subdivision 8; repealing Minnesota Statutes, 1975 Supplement, Sections 123.015; 210.22; 210A.01, Subdivisions 4, 7, 8, and 9; 210A.22; 210A.23; 210A.25; 210A.26; 210A.28; 210A.30; 210A.31; 210A.33; and 211.10."

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

House Conferees: BRUCE F. VENTO, JOHN J. SARNA and JOHN S. BIERSDORF.

Senate Conferees: STEVE KEEFE and ALEC G. OLSON.

Vento moved that the report of the Conference Committee on H. F. No. 2043 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 2043, A bill for an act relating to elections; providing for uniform reporting dates for campaign disclosure forms; providing for disclosure of campaign contributions and expenditures of political committees and candidates for local office; amending Minnesota Statutes 1974, Chapters 123, 373, and 471, by adding sections; and Minnesota Statutes, 1975 Supplement, Sections 210A.01, Subdivisions 1, 5, 6, 8, 9, and by adding subdivisions; 210A.05, Subdivision 1; 210A.16; 210A.23; 210A.24; 210A.25; 210A.26; 210A.27, Subdivision 1; 210A.29; 210A.32; 210A.33; Chapter 210A, by adding sections; repealing Minnesota Statutes, 1975 Supplement, Sections 123.015; 210A.01, Subdivisions 4 and 7; 210A.22; 210A.28; and 210A.31.

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 83, and nays 45, as follows:

Those who voted in the affirmative were:

Abeln	Biersdorf	Clawson	Fudro	Jude
Adams, L.	Braun	Corbid	Fugina	Kahn
Anderson, I.	Byrne	Dean	George	Kelly, R.
Arlandson	Carlson, A.	Dieterich	Hanson	Kelly, W.
Beauchamp	Carlson, L.	Enebo	Hokanson	Kempe, A.
Begich	Carlson, R.	Ewald	Jacobs	Kempe, R.
Berg	Cassery	Faricy	Jaros	Ketola
Berglin	Clark	Fjoslien	Johnson, D.	Knickerbocker

Knoll	Metzen	Patton	Sieben, H.	Ulland
Kostohryz	Moe	Pehler	Sieben, M.	Vento
Kroening	Munger	Petrafeso	Simoneau	Voss
Laidig	Neisen	Philbrook	Skoglund	Wenzel
Lindstrom	Nelson	Pleasant	Smith	White
Luther	Norton	Rice	Stanton	Williamson
Mangan	Novak	St. Onge	Suss	Speaker Sabo
McCarron	Osthoff	Samuelson	Swanson	
McCollar	Parish	Sarna	Tomlinson	

Those who voted in the negative were:

Adams, S.	Erickson	Johnson, C.	Menning	Searle
Albrecht	Esau	Jopp	Nelsen	Setzepfandt
Anderson, G.	Evans	Kaley	Niehaus	Sherwood
Birnstihl	Forsythe	Kalis	Peterson	Sieloff
Brinkman	Friedrich	Kvam	Reding	Smogard
DeGroat	Graba	Langseth	Savelkoul	Spanish
Doty	Haugerud	Lemke	Schreiber	Vanasek
Eckstein	Heinitz	Mann	Schulz	Wenstrom
Elken	Jensen	McCauley	Schumacher	Zubay

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.

The following conference committee reports were received:

#### CONFERENCE COMMITTEE REPORT ON H. F. NO. 1909

A bill for an act relating to health; prohibiting sale and use of certain chemicals; providing penalties.

April 3, 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. 1909 report that we have agreed upon the items in dispute and recommend as follows:

Strike everything after the enacting clause and insert:

"Section 1. [SALE OR USE OF CERTAIN COMPOUND PROHIBITED.] No person shall sell, offer for sale, or use any



pesticide as defined by Laws 1976, Chapter 53, Section 1, Subdivision 25, containing in excess of 0.1 parts per million of 2,3,7,8-tetrachlorodibenzo-para-dioxin (TCDD).

Sec. 2. The application of any pesticide containing TCDD shall be restricted to those licensed commercial applicators regulated by the commissioner of agriculture under the provisions of Laws 1976, Chapter 53, for any application to an area greater than 10 acres. An application in an area of less than 10 acres by a private applicator as defined in Laws 1976, Chapter 53, Section 1, Subdivision 27, shall be lawful.

Sec. 3. No aerial application of a pesticide containing TCDD shall be made by other than a licensed commercial applicator. Prior to any such aerial application the applicator must obtain a special permit from the commissioner of agriculture who, with the concurrence of the commissioner of the department of natural resources, shall certify the proposed use is safe and that there is no feasible alternative.

Sec. 4. A violation of this act is a misdemeanor. Each day of violation is a separate offense."

Strike the title in its entirety and insert:

"A bill for an act relating to health; prohibiting sale and use of certain chemicals; restricting the application of pesticides; providing penalties."

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

House Conferees: NEIL B. DIETERICH, DOUGLAS J. JOHNSON, WENDELL O. ERICKSON, GEORGE L. MANN and CARL M. JOHNSON.

Senate Conferees: GEORGE R. CONZEMIUS, WAYNE OLHOFT, ALLAN H. SPEAR, ROBERT G. DUNN and DOUGLAS H. SILLERS.

Dieterich moved that the report of the Conference Committee on H. F. No. 1909 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 1909, A bill for an act relating to health; prohibiting sale and use of certain chemicals; 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 108, and nays 19, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Albrecht	DeGroat	Fjoslien	Langseth	Schulz
Anderson, G.	Eken	Jopp	Niehaus	Schumacher
Birnstihl	Esau	Kalis	Peterson	Smogard
Corbid	Evans	Kelly, W.	St. Onge	

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

#### CONFERENCE COMMITTEE REPORT ON H. F. NO. 1940

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

April 3, 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. 1940 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. 1940 be further amended as follows:

Strike everything after the enacting clause and insert:

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

Subd. 2. The council shall consist of five members of the house of representative appointed by the speaker, five members of the senate appointed by the committee on committees, and eight citizens appointed by the governor. At least 50 percent of those appointed by the governor and by the speaker of the house shall be women. Members shall serve until the expiration date of this act or until the expiration of their legislative terms. The compensation of non-legislator members, their removal from office and the filling of vacancies shall be as provided in section 15.059. The persons appointed by the governor shall be representative of a range of economic interests and vocations and shall include persons who are not regularly employed on a full-time or part-time basis outside their homes.

Subd. 3. The council shall study all matters relating to the economic status of women in Minnesota, including matters of credit, family support and inheritance laws relating to economic security of the homemaker, educational opportunities, career counseling, contribution of women to Minnesota's per capita and family income and state revenues, job and promotion opportunities, and laws and business practices constituting barriers to the full participation by women in the economy. In addition, the council shall study the adequacy of programs, services and facilities relating to families in Minnesota, including single-parent families and members beyond the nuclear or immediate family.

Subd. 4. The council shall report its findings and recommendations to the governor and the legislature not later than December 15, 1977, and shall supplement its findings and recommendations not later than June 30, 1978. The report shall recommend any necessary changes in laws and programs designed to enable women to achieve full participation in the economy. The report shall also recommend methods to encourage the development of coordinated, interdepartmental goals and objectives and the coordination of programs, services and facilities among all state departments and public and private providers of services related to children, youth and families.

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

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

Subd. 7. When any person, corporation, the United States government, or any other entity offers funds to the council by way of gift, grant or loan, for the purpose of assisting the council to carry out its powers and duties, the council may accept the offer by majority vote and upon acceptance the chairman shall receive the funds subject to the terms of the offer, but no money shall be accepted or received as a loan nor shall any indebtedness be incurred except in the manner and under the limitations otherwise provided by law.

Sec. 2. [APPROPRIATION.] There is appropriated from the general fund to the legislative coordinating commission the sum of \$95,000 for the period ending June 30, 1978, to pay the expenses incurred by the commission. Notwithstanding Minnesota Statutes, Section 16A.28, or any other law relating to the lapse of an appropriation, the appropriation made by this section shall not lapse but shall continue until June 30, 1978.

Sec. 3. [REPEALER.] Minnesota Statutes 1974, Section 363.04, Subdivisions 7 and 8 are repealed. This section does not abolish any positions in or affect the complement of the human rights department.

Sec. 4. [EFFECTIVE DATE.] Sections 1 and 2 of this act shall be effective May 1, 1976 and shall expire June 30, 1978. Section 3 of this act shall be effective July 1, 1976."

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

House Conferees: STANLEY A. ENEBO, PHYLLIS KAHN and MARY M. FORSYTHE.

Senate Conferees: STEVE KEEFE and JEROME M. HUGHES.

Enebo moved that the report of the Conference Committee on H. F. No. 1940 be adopted and that the bill be repassed as amended by the Conference Committee.

A roll call was requested and properly seconded.

The question was taken on the motion and the roll being called, there were yeas 96, and nays 21, as follows:

Those who voted in the affirmative were:

Abeln	Berg	Clark	Eken	George
Adams, L.	Berglin	Clawson	Enebo	Graba
Adams, S.	Biersdorf	Corbid	Evans	Hanson
Anderson, G.	Byrne	Dahl	Ewald	Heinitz
Anderson, I.	Carlson, A.	Dean	Faricy	Hokanson
Arlandson	Carlson, L.	DeGroat	Forsythe	Jacobs
Beauchamp	Carlson, R.	Dieterich	Fudro	Jaros
Begich	Casserly	Eckstein	Fugina	Jensen

Johnson, C.	Lindstrom	Novak	Sieben, H.	Vanasek
Johnson, D.	Luther	Parish	Sieben, M.	Vento
Jude	Mangan	Pehler	Sieloff	Voss
Kahn	Mann	Peterson	Simoneau	Wenstrom
Kelly, R.	McCarron	Petrafeso	Skoglund	Wenzel
Kelly, W.	McCollar	Philbrook	Smogard	White
Kempe, A.	Metzen	Prahl	Spanish	Williamson
Knickerbocker	Moe	Reding	Stanton	Speaker Sabo
Knoll	Munger	Rice	Suss	
Kostohryz	Neisen	Savelkoul	Swanson	
Kroening	Nelson	Schreiber	Tomlinson	
Laidig	Norton	Schulz	Ulland	

Those who voted in the negative were:

Albrecht	Erickson	Ketola	Menning	Zubay
Birnstihl	Fjoslien	Kvam	Nelsen	
Braun	Friedrich	Lemke	Niehaus	
Brinkman	Jopp	McCauley	Schumacher	
Doty	Kaley	McEachern	Sherwood	

The motion prevailed.

H. F. No. 1940, A bill for an act relating to the legislature; establishing a council on the economic status of women; appropriating money; repealing Minnesota Statutes 1974, Section 363.04, Subdivisions 7 and 8.

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 106, and nays 20, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Albrecht	Doty	Ketola	Menning	St. Onge
Birnstihl	Fjoslien	Kvam	Nelsen	Schumacher
Braun	Friedrich	Lemke	Niehaus	Sherwood
Brinkman	Jopp	McCauley	Osthoff	Zubay

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

#### CONFERENCE COMMITTEE REPORT ON 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.

April 3, 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. 2019 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. 2019 be amended as follows:

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1974, Section 152.02, Subdivision 2, is amended to read:

Subd. 2. The following items are listed in Schedule I:

(1) Any of the following substances, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, unless specifically excepted, whenever the existence of such isomers, esters, ethers and salts is possible within the specific chemical designation: Acetylmethadol; Allylprodine; Alphacetylmethadol; Alphameprodine; Alphamethadol; Benzethidine; Betacetylmethadol; Betameprodine; Betamethadol; Betaprodine; Clonitazene; Dextromoramide; Dextrorphan; Diampromide; Diethylambutene; Dimenoxadol; Dimepheptanol; Dimethylambutene; Dioxaphetyl butyrate; Dipipanone; Ethylmethylthiambutene; Etonitazene; Etoxadrine; Furethidine; Hydroxypethidine; Ketobemidone; Levomoramide; Levophenacylmorphinan; Morpheridine; Noracymethadol; Norlevorphanol; Normethadone; Norpipanone; Phenadoxone; Phenampromide; Phenomorphinan; Phenoperidine; Piritramide; Proheptazine; Properidine; Racemoramide; Trimeperidine.

(2) Any of the following opium derivatives, their salts, isomers and salts of isomers, unless specifically excepted, whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation: Acetorphine; Acetyldihydrocodeine; Acetylcodeine; Benzylmorphine; Codeine methylbromide; Codeine-N-Oxide; Cyprenorphine; Desomorphine; Dihydromorphine; Etorphine; Heroin; Hydromorphenol; Methyl-desorphine; Methylhydromorphine; Morphine methylbromide; Morphine methylsulfonate; Morphine-N-Oxide; Myrophine; Nicocodeine; Nicomorphine; Normorphine; Pholcodine; Thebacon.

(3) Any material, compound, mixture or preparation which contains any quantity of the following hallucinogenic substances, their salts, isomers and salts of isomers, unless specifically excepted, whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation: 3,4-methylenedioxy amphetamine; 4-bromo-2,5-dimethoxyamphetamine; 2,5-dimethoxyamphetamine; 4-methoxyamphetamine; 5-methoxy-3, 4-methylenedioxy amphetamine; Bufotenine; Diethyltryptamine; Dimethyltryptamine; 3,4,5-trimethoxy amphetamine; 4-methyl-2, 5-dimethoxyamphetamine; Ibogaine; Lysergic acid diethylamide; marijuana; Mescaline; N-ethyl-3-piperidyl benzilate; N-methyl-3-piperidyl benzilate; Psilocybin; Psilocyn; Tetrahydrocannabinols 1-[1-(2-thienyl) cyclohexyl] piperidine.

(4) Peyote, providing the listing of peyote as a controlled substance in schedule I does not apply to the nondrug use of peyote in bona fide religious ceremonies of the Native American Church, and members of the Native American Church are exempt from registration. Any person who manufactures peyote for or distributes peyote to the Native American Church, however, is required to obtain federal registration annually and to comply with all other requirements of law.

(5) *Unless specifically excepted or unless listed in another schedule, any material compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:*

*Mecloqualone*

Sec. 2. Minnesota Statutes 1974, Section 152.02, Subdivision 3, is amended to read:

Subd. 3. The following items are listed in Schedule II:

(1) Unless specifically excepted or unless listed in another schedule, any of the following substances whether produced

directly or indirectly by extraction from substances of vegetable origin or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

(a) Opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate, including the following: raw opium, opium extracts, opium fluidextracts, powdered opium, granulated opium, tincture of opium, apomorphine, codeine, ethylmorphine, hydrocodone, hydromorphone, metopon, morphine, oxycodone, oxymorphone, thebaine.

(b) Any salt, compound, derivative, or preparation thereof which is chemically equivalent or identical with any of the substances referred to in clause (a), except that these substances shall not include the isoquinoline alkaloids of opium.

(c) Opium poppy and poppy straw.

(d) Coca leaves and any salt, compound, derivative, or preparation of coca leaves, and any salt, compound, derivative, or preparation thereof which is chemically equivalent or identical with any of these substances, except that the substances shall not include decocainized coca leaves or extraction of coca leaves, which extractions do not contain cocaine or ecgonine.

(2) Any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters and ethers, unless specifically excepted, or unless listed in another schedule, whenever the existence of such isomers, esters, ethers and salts is possible within the specific chemical designation: Alphaprodine; Anileridine; Bezitramide; Dihydrocodeine; Dihydromorphinone; Diphenoxylate; Fentanyl; Isomethadone; Levomethorphan; Levorphanol; Metazocine; Methadone; Methadone-Intermediate, 4-cyano-2-dimethylamino-4, 4-diphenylbutane; Moramide-Intermediate, 2-methyl-3-morpholino-1, 1-diphenylpropane-carboxylic acid; Pethidine; Pethidine-Intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine; Pethidine-Intermediate-B, ethyl-4-phenylpiperidine-4-carboxylate; Pethidine-Intermediate-C, 1-methyl-4-phenylpiperidine-4-carboxylic acid; Phenazocine; Piminodine; Racemethorphan; Racemorphan.

(3) Unless specifically excepted or unless listed in another schedule, any (INJECTABLE LIQUID WHICH CONTAINS ANY QUANTITY OF METHAMPHETAMINE, INCLUDING ITS SALTS, ISOMERS, AND SALTS OF ISOMERS.) material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system:

(a) Amphetamine, its salts, optical isomers, and salts of its optical isomers;



(b) *Methamphetamine, its salts, isomers, and salts of its isomers;*

(c) *Phenmetrazine and its salts;*

(d) *Methylphenidate.*

(4) *Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:*

(a) *Methaqualone*

(b) *Amobarbital*

(c) *Secobarbital*

(d) *Pentobarbital.*

Sec. 3. Minnesota Statutes 1974, Section 152.02, Subdivision 4, is amended to read:

Subd. 4. The following items are listed in Schedule III:

(1) (ANY MATERIAL, COMPOUND, MIXTURE, OR PREPARATION WHICH CONTAINS ANY QUANTITY OF THE FOLLOWING SUBSTANCES HAVING A POTENTIAL FOR ABUSE ASSOCIATED WITH A STIMULANT EFFECT ON THE CENTRAL NERVOUS SYSTEM:

((A) AMPHETAMINE, ITS SALTS, OPTICAL ISOMERS, AND SALTS OF ITS OPTICAL ISOMERS;)

((B) PHENMETRAZINE AND ITS SALTS;)

((C) ANY SUBSTANCE, EXCEPT AN INJECTABLE LIQUID, WHICH CONTAINS ANY QUANTITY OF METH-AMPHETAMINE, INCLUDING ITS SALTS, ISOMERS, AND SALTS OF ISOMERS;)

((D) METHYLPHENIDATE) *Any material, compounds, mixture, or preparation which contains any quantity of Amphetamine, its salts, optical isomers, and salts of its optical isomers; Phenmetrazine and its salts; Methamphetamine, its salts, isomers, and salts of isomers; Methpyphenidate; and which is required by federal law to be labeled with the symbol prescribed by 21 Code of Federal Regulations Section 1302.03 and in effect on*

*February 1, 1976 designating that the drug is listed as a Schedule III controlled substance under federal law.*

(2) Any material, compound, mixture, or preparation which contains any quantity of the following substances having a potential for abuse associated with a depressant effect on the central nervous system:

(a) Any compound, mixture, or preparation containing amobarbital, secobarbital, pentobarbital or any salt thereof and one or more other active medicinal ingredients which are not listed in any schedule.

(b) Any suppository dosage form containing amobarbital, secobarbital, pentobarbital, or any salt of any of these drugs and approved by the food and drug administration for marketing only as a suppository.

(c) Any substance which contains any quantity of a derivative of barbituric acid, or any salt of a derivative of barbituric acid, except those substances which are specifically listed in other schedules: Chlorhexadol; Glutethimide; Lysergic acid; Lysergic acid amide; Methypylon; Phencyclidine; Sulfondiethylmethane; Sulfonethylmethane; Sulfonmethane.

(3) Any material, compound, mixture, or preparation which contains any quantity of the following substances having a potential for abuse associated with a stimulant effect on the central nervous system:

(a) Benzphetamine

(b) Chlorphentermine

(c) Clortermine

(d) Mazindol

(e) Phendimetrazine.

((3)) (4) Nalorphine.

((4)) (5) Any material, compound, mixture, or preparation containing limited quantities of any of the following narcotic drugs, or any salts thereof:

(a) Not more than 1.80 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid of opium.

(b) Not more than 1.80 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more

active, non-narcotic ingredients in recognized therapeutic amounts.

(c) Not more than 300 milligrams of dihydrocodeinone per 100 milliliters or not more than 15 milligrams per dosage unit, with a fourfold or greater quantity of an isoquinoline alkaloid of opium.

(d) Not more than 300 milligrams of dihydrocodeinone per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active, non-narcotic ingredients in recognized therapeutic amounts.

(e) Not more than 1.80 grams of dihydrocodeine per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, non-narcotic ingredients in recognized therapeutic amounts.

(f) Not more than 300 milligrams of ethylmorphine per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active, non-narcotic ingredients in recognized therapeutic amounts.

(g) Not more than 500 milligrams of opium per 100 milliliters or per 100 grams, or not more than 25 milligrams per dosage unit, with one or more active, non-narcotic ingredients in recognized therapeutic amounts.

(h) Not more than 50 milligrams of morphine per 100 milliliters or per 100 grams with one or more active, non-narcotic ingredients in recognized therapeutic amounts.

Sec. 4. Minnesota Statutes 1974, Section 152.02, Subdivision 5, is amended to read:

Subd. 5. The following items are listed in Schedule IV: Barbitol; Chloral betaine; Chloral hydrate; *Chlordiazepoxide*; *Clonazepam*; *Clorazepate*; *Diazepam*; *Diethylpropion*; *Ethchlorvynol*; *Ethinamate*; *Fenfluramine*; *Flurazepam*; *Mebutamate*; *Methohexital*; *Meprobamate except when in combination with the following drugs or lower concentrations: conjugated estrogens, 0.4 mg; tridioxethyl chloride, 25 mg; pentaerythritol tetranitrate, 20 mg*; *Methylphenobarbital*; *Oxazepam*; *Paraldehyde*; *Pemoline*; *Petrichloral*; *Phenobarbital*; and *Phentermine*.

Sec. 5. Minnesota Statutes, 1975 Supplement, Section 151.212, Subdivision 2, is amended to read:

Subd. 2. [CONTROLLED SUBSTANCES.] In addition to the requirements of subdivision 1, when the use of any drug containing a controlled substance, as defined in chapter 152, *or any other drug determined by the board*, either alone or in conjunction with alcoholic beverages, may impair the ability of the user to operate a motor vehicle, (THAT FACT SHALL) *the board shall require by rule that notice be prominently set forth on the label or container. Rules promulgated by the board shall specify exemptions from this requirement when there is evidence that the user will not operate a motor vehicle while using the drug.*

Sec. 6. Minnesota Statutes 1974, Section 151.37, Subdivision 5, is amended to read:

Subd. 5. Nothing in this chapter shall prohibit the sale to, or the possession of, a legend drug by registered drug wholesalers, registered manufacturers, registered pharmacies, (ANY) *local detoxification centers*, licensed (HOSPITAL OR) *hospitals*, bona fide hospitals wherein animals are treated, or licensed pharmacists and licensed practitioners while acting within the course of their practice only.”

Further, strike the title and insert:

“A bill for an act relating to controlled substances; scheduling certain substances; authorizing notices on prescription drugs when driving may be impaired; clarifying the prohibition against sale or possession of legend drugs by certain persons; authorizing county detoxification centers to purchase and possess legend drugs; amending Minnesota Statutes 1974, Sections 151.37, Subdivision 5; 152.02, Subdivisions 2, 3, 4, and 5; Minnesota Statutes, 1975 Supplement, Section 151.212, Subdivision 2.”

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

House Conferees: JOHN T. CLAWSON, MARY M. FORSYTHE and LINDA L. BERGLIN.

Senate Conferees: DAVID D. SCHAAF, JERALD C. ANDERSON and JOHN B. KEEFE.

Clawson moved that the report of the Conference Committee on H. F. No. 2019 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

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 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 0, as follows:

Those who voted in the affirmative were:

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

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

#### CONFERENCE COMMITTEE REPORT ON 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.

April 3, 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. 2657 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. 2657 be amended as follows:

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1974, Section 85.05, Subdivision 1, is amended to read:

85.05 [STATE PARK CAMP SITES.] Subdivision 1. [RULES, FEES.] The commissioner is hereby authorized to make rules and regulations for the use of state parks and charge appropriate fees for such uses, as hereinafter specified:

(1) Provide special parking space for automobile or other motor-driven vehicle in any state park or state recreation area;

(2) Provide special parking spurs and camp grounds for automobiles and sites for tent-camping and special auto trailer coach parking spaces for the use of the individual charged for such space according to the daily rates which shall be determined and fixed by the commissioner of natural resources consistent with the type of facility provided for the accommodation of guests in any particular park and with similar facilities offered for tourist camping in the area;

(3) Improve and maintain golf courses already established in state parks, and charge reasonable fees for the use thereof;

(4) May charge a fee for entrance to any pageant grounds which may be created in any state park for the purpose of having historical or other pageants conducted by the commissioner of any other authorized agency.

When deemed necessary by the commissioner, for the purpose of better carrying out any such state park pageants, he may stage such pageants in any municipal park or other lands near or adjoining any state park, and all receipts from such pageants shall be used in the same manner as though the pageants were carried on in a state park;

(5) Provide water, sewer, and electric service to trailer or tent camp sites and charge a reasonable fee therefor.

Any individual age 65 or over who furnishes satisfactory proof of age shall (PAY ON MONDAY THROUGH THURSDAY ONE HALF) *be exempt from payment of the fees set pursuant to clauses 1 to 4 on Monday through Thursday of each calendar week.*

Sec. 2. Minnesota Statutes 1974, Section 85.05, Subdivision 2, is amended to read:

Subd. 2. [PERMITS FOR MOTOR VEHICLES.] (a) Except as provided in clauses (b), (c), (d) and (e) of this subdivision, no motor vehicle shall enter or be permitted to enter any state park, state monument, state recreation area or state wayside over 50 acres in area unless it has affixed to its windshield in the lower right corner thereof a permit which is provided for hereinafter. The commissioner of natural resources shall procure permits in such form as he shall prescribe for each calendar year which by appropriate language shall grant permission to use any state park, state monument, state recreation area or state wayside over 50 acres in area. Permits for each calendar year shall be provided and placed on sale before October 1 next preceding, and may be affixed and used on or at any time after said date until the end of the calendar year for which issued. Such permits in each category shall be numbered consecutively for each year of issue. A fee of (\$3) \$5 shall be charged for each permit issued, except that permits of appropriate special design may be sold individually at (\$1) \$1.50 covering the use of state parks, state monuments, state recreation areas or state waysides under such conditions as the commissioner may prescribe for a designated period of not more than two days. The fee collected shall be deposited in the state park development account in the state treasury. Such permits shall be issued by such employees of the division of parks and recreation as the commissioner of natural resources may designate in writing and as hereinbefore provided.

(b) The commissioner shall issue without charge an employee's motor vehicle permit to any state employee who, for the purpose of performing official duties, must enter places where park stickers are required. The employee shall display his employee's permit on his motor vehicle in the same manner as state park stickers are displayed. A motor vehicle displaying only an employee's permit may not enter a place where park stickers are required if the vehicle is used for purposes other than those authorized by this clause (b).

(c) The commissioner shall issue without charge a motor vehicle permit to any individual of the age of 65 years or over who furnishes satisfactory proof of age. Such permit or the decal evidencing its issuance shall be valid only when displayed upon the vehicle owned and occupied by the person to whom issued.

(d) No state park permit is necessary for entry of a motor vehicle into a state park, state monument, state recreation area, or state wayside, on one day each calendar year which the commissioner may designate as state park open house day for the purpose of acquainting the public with state parks, monuments, recreation areas, and waysides. The commissioner shall announce the date of state park open house day at least 30 days in advance of the open house.

(e) No state park permit is necessary, nor shall any fee, including a parking fee, be charged, for entry of a motor vehicle

into that part of Fort Snelling state park commonly known as Fort Snelling Memorial Chapel island.

Sec. 3. Minnesota Statutes 1974, Section 85.32, Subdivision 1, is amended to read:

85.32 [CANOE AND BOATING ROUTES.] Subdivision 1. [AREAS MARKED.] The commissioner of natural resources is authorized in cooperation with local units of government and private individuals and groups when feasible to mark canoe and boating routes on the Little Fork, Big Fork, Minnesota, St. Croix, Snake, Mississippi, Red Lake, Cannon, Des Moines, Crow Wing, St. Louis, Rum, Kettle, Cloquet, Root, *Zumbro* and Crow rivers which have historic and scenic values and to mark appropriately points of interest, portages, camp sites, and all dams, rapids, waterfalls, whirlpools, and other serious hazards which are dangerous to canoe and watercraft travelers.

Sec. 4. Minnesota Statutes 1974, Section 98.45, is amended by adding a subdivision to read:

*Subd. 8. Any resident whose age is 65 years or over may purchase a small game license for 50 percent of the fee specified in section 98.46, subdivision 2, plus the surcharge authorized pursuant to section 97.482.*

Sec. 5. Minnesota Statutes 1974, Section 98.46, Subdivision 2, is amended to read:

Subd. 2. Fees for the following licenses, to be issued to residents only, shall be:

- (1) To take small game, (\$4) \$5;
- (2) To take deer or bear, or both, with firearms during the period in which the licensee may take deer, (\$7.50) \$10;
- (3) To take deer or bear, or both, with bow and arrow during the period in which the licensee may take deer, (\$7.50) \$10;
- (4) To take fish by angling, (\$4) \$5;
- (5) Combination husband and wife, to take fish by angling, (\$6) \$8;
- (6) To take moose, \$100 for an individual or for a party of not to exceed four persons;
- (7) To take bear only, (\$5.00) \$7.50.

Sec. 6. Minnesota Statutes 1974, Section 98.46, is amended by adding a subdivision to read:



*Subd. 2a. The commissioner of natural resources may issue Minnesota sportsman licenses. The licenses shall be issued to residents only. The fee for licenses shall be \$17 if the angling license is for one person and \$19 if the angling license is a combination husband and wife license. These fees do not include the surcharge authorized pursuant to section 97.482.*

*The license shall authorize the licensee to:*

- (1) Take small game;*
- (2) Take fish by angling;*
- (3) Take deer or bear with firearms during the period in which the licensee may take deer; or take deer or bear with bow and arrow during the period in which the licensee may take deer.*

Sec. 7. Minnesota Statutes 1974, Section 98.46, Subdivision 4, is amended to read:

Subd. 4. Fees for the following licenses, to be issued to residents only, shall be:

- (1) To trap fur bearing animals, except beaver, (\$3) \$5;
- (2) To buy or sell raw furs anywhere within the state, (\$20) \$50;
- (3) To buy or sell raw furs anywhere within the state as authorized in (2) and including the privilege of selling to resident manufacturers or to unlicensed non-residents, representing unlicensed non-residents as a broker or agent, or conducting a fur auction wherein sales are made to unlicensed non-residents or resident manufacturers, (\$200) \$400, provided that no raw furs shall be delivered to any unlicensed non-resident until a registration card disclosing the purchaser's name and place of business, the number and species of fur and the name and place of business of the licensee from whom the purchase is being made has been forwarded by such licensee to the division of game and fish, and provided further that any employee, partner or officer buying or selling at the established place of business only for such licensee may secure a supplemental license for (\$10) \$20;
- (4) To trap beaver during an open season or by permit when doing damage, \$2.50.

Sec. 8. Minnesota Statutes, 1975 Supplement, Section 98.46, Subdivision 5, as amended by Laws 1976, Chapter 55, Section 4, is amended to read:

Subd. 5. Fees for the following licenses, to be issued to residents only, shall be:

- (1) To spear fish from a dark house, (\$3) \$5;
- (2) For any fish house or dark house used during the winter fishing season, \$3 for each fish house or dark house not rented or offered for hire, and (\$6) \$10 for each fish house or dark house rented or offered for hire. Each such fish house or dark house shall have attached to the outside a metal tag at least two inches in diameter with a 3/16 inch hole in the center, which will be issued with a license. Each metal tag shall be stamped with a number to correspond with the fish house or dark house license and also shall be stamped with the year of issuance. The metal tag shall be attached to the fish house or dark house as designated by commissioner's order;
- (3) To net whitefish, tullibees or herring from inland lakes or international waters, for domestic use only, for each net, (\$1) \$3;
- (4) To conduct a taxidermist business, (\$2) \$10;
- (5) To maintain fur and game farms, including deer, (\$5) \$10;
- (6) To take mussels or clams, (\$5) \$25;
- (7) To take, transport, purchase and possess for sale unprocessed turtles and tortoises within the state, \$25;
- (8) To prepare dressed game fish shipments for nonresidents as provided by section 97.45, subdivision 6, as amended, \$10;
- (9) Minnow dealer, (\$15) \$50 plus \$10 for each vehicle;
- (10) Minnow dealer's helper, (\$2.50) \$5 for each helper. Minnow dealer's helpers' licenses shall be issued to the minnow dealer and are transferable by the dealer at will to his own helpers;
- (11) Exporting minnow dealer, \$200, plus \$10 for one vehicle only. No licenses to transport fathead minnows beyond the boundaries of the state will be issued for 1961 calendar year after the effective date of Laws 1961, Chapter 477, and the number issued prior to the effective date of Laws 1961, Chapter 477 will not be exceeded in subsequent years. The renewal of such existing licenses will be reserved through April 1 of the following year; licenses not so renewed will not be made available until the total number has been reduced to below 35 licenses.

Each vehicle license shall cover a specified vehicle. The serial number, license number, make, and model shall be specified on the license which must be conspicuously posted in the vehicle licensed. No vehicle shall be licensed if the maximum tank capacity exceeds 300 cubic feet, inside measurement, and unless it complies with reasonable regulations adopted pursuant to the provisions of section 101.42, subdivision 5.

The exporting minnow dealer's license and vehicle license are void upon the sale of the business or death of the licensee. Provided, however, a succeeding owner of the business upon meeting the required qualifications will be issued the required licenses upon application and payment therefor. In the event of the death of the licensee the administrator or executor of the estate may purchase such licenses and operate the business until the sale thereof. If there is no estate then the widow or a member of the immediate family, if qualified, will be issued the required licenses upon application and payment therefor.

Sec. 9. Minnesota Statutes 1974, Section 98.46, Subdivision 7, is amended to read:

Subd. 7. Fees for the following licenses to net for commercial purposes in the boundary waters between Wisconsin and Minnesota from Lake St. Croix to the Iowa border, which, except in the case of helpers licenses, shall be issued to residents only, shall be:

(1) For each gill net not exceeding 500 feet in length, (\$2.50) \$10;

(2) For each gill net exceeding 500 feet, but not over 1,000 feet, (\$5) \$20;

(3) For each fyke net or hoop net, (\$5) \$10;

(4) For each bait or turtle net, \$1;

(5) For each set line, (\$1.25) \$10 for each identification tag to be attached to each set line;

(6) For helper's license, \$5.

Sec. 10. Minnesota Statutes 1974, Section 98.46, Subdivision 8, is amended to read:

Subd. 8. Fees for the following licenses to take rough fish with set lines, or seines, in the Mississippi River from the St. Croix River junction to St. Anthony Falls, to be issued to residents only, shall be:

(1) For a seine not exceeding 500 feet, \$20; for a seine in excess of 500 feet, but not over 1,000 feet, \$30; for each 100 feet of seine or fraction thereof in excess of 1,000 feet, \$2;

(2) For each set line, (\$5) \$10;

(3) For helper's license, \$5.

Sec. 11. Minnesota Statutes 1974, Section 98.46, Subdivision 9, is amended to read:

Subd. 9. A license to take rough fish with one set line, containing not more than ten hooks, in the Minnesota River from Mankato to its junction with the Mississippi River, and in the Mississippi River from St. Anthony Falls to the St. Croix junction, for domestic use, shall be issued to residents only, upon payment of the fee of (\$1) \$10.

Sec. 12. Minnesota Statutes 1974, Section 98.46, Subdivision 14, is amended to read:

Subd. 14. Fees for the following licenses, to be issued to non-residents, shall be:

(1) To take small game and unprotected quadrupeds with firearms and bow and arrows, \$25;

(2) To take deer (,) and bear (, OR TIMBER WOLF, ANY OR ALL OF THEM,) during the period in which the licensee may take deer, and unprotected quadrupeds with firearms and bow and arrows, (\$50.25) \$60;

(3) To take deer (,) and bear (, OR TIMBER WOLF, ANY OR ALL OF THEM,) during the period in which the licensee may take deer, and unprotected quadrupeds with a bow and arrows only, (\$10.25) \$25;

(4) To take bear (OR TIMBER WOLF, OR BOTH), \$25.25.

Sec. 13. Minnesota Statutes 1974, Section 98.46, Subdivision 15, is amended to read:

Subd. 15. Fees for the following licenses, to be issued to non-residents, shall be:

(1) To take fish by angling, (\$6.50) \$10;

(2) A short term individual license to take fish by angling for three consecutive days, (\$3) \$5;

(3) Combination husband and wife, to take fish by angling, (\$10) \$15.

Sec. 14. Minnesota Statutes 1974, Section 98.46, Subdivision 16, is amended to read:

Subd. 16. Fee for the following license, to be issued to non-residents, shall be:

To buy or sell raw furs, (\$200) \$400, except that a license shall not be required to buy from those licensed under subdivision 4(3).

Sec. 15. Minnesota Statutes 1974, Section 98.46, Subdivision 17, as amended by Laws 1976, Chapter 55, Section 5, is amended to read:

Subd. 17. Fees for the following licenses, to be issued to either residents or nonresidents, shall be:

(1) To deal in live or engage in the business of preserving minnows; minnow retailer, (\$2.50) \$5, plus \$10 for each vehicle used to transport minnows.

(2) To raise fish in a private hatchery, (\$5) \$25.

(3) To take under state supervision sucker eggs from public waters, for private fish hatchery purposes:

(a) To take not to exceed 100 quarts, (\$50) \$100;

(b) To take in excess of 100 quarts, (\$1) \$2 per quart for such excess.

Sec. 16. Minnesota Statutes 1974, Section 98.46, Subdivision 19, is amended to read:

Subd. 19. Fees for the following licenses, to be issued to either residents or nonresidents, shall be:

(1) To buy fish from licensed commercial fishermen on Lake Superior:

(a) For the purpose of selling to retailers, \$25;

(b) For the purpose of retail selling only, \$5.

(2) To buy fish from licensed commercial fishermen on Lake of the Woods, Namakan, Sand Point, or Rainy Lake:

(a) Wholesale fish buyer's license, \$100;

(b) Fish buyer's license to ship from one place to another on international waters only, \$10.

(3) To tan or dress raw furs, (\$2) \$10;

(4) Fish peddler's license, to peddle with the use of a motor vehicle, any fish lawfully salable within the state, \$5. It shall be unlawful to misrepresent the species of any fish sold by any licensed fish peddler or his employee. Upon conviction of misrepresentation of the species of fish sold by any fish peddler licensed hereunder or his employee, his license shall be revoked, and such licensee shall not be eligible to obtain a fish peddler's license for the period of one year after said revocation. Misrepresentation shall include the following acts in addition to any other acts constituting misrepresentation in fact: (1) The designation of any fish by any name other than its common name in Minnesota; (2) The designation of any fish by any other name than its common name in the locality where it was taken if it is not generally known by any common name in Minnesota.

Sec. 17. Minnesota Statutes 1974, Section 101.44, is amended to read:

101.44 [FROGS; SEASON, REGULATION, LICENSES.] Except as otherwise permitted, frogs may not be taken or possessed during the months of April and the first 15 days of May. During the open season, frogs not exceeding six inches in length, measured from tip of nose to tip of hind toes, legs fully extended, may be possessed in any numbers, bought, sold, and transported for angling purposes only. Except as otherwise provided under commissioner's regulations, not to exceed 150 frogs over six inches in length may be possessed in or transported through the state, except by common carrier, and may be possessed in any quantity and sold during the open season. It shall be unlawful to use cloth screens or other similar contrivances in catching frogs. Provided, the taking of frogs may be prohibited in such areas of the state and during such periods as the commissioner may by order prescribe. Provided, further, that no person shall be permitted to take or possess frogs unless legally entitled to take fish within the state. The commissioner shall establish regulations dealing with the purchase, possession and transportation of frogs for purposes other than bait. The fee for this license shall be (\$25) \$50 for resident; (\$100) \$150 for non-residents. The commissioner may issue licenses to residents to take, possess, transport and sell frogs for purposes other than bait. The license fee shall be \$2.50.

Sec. 18. Minnesota Statutes 1974, Chapter 105, is amended by adding a section to read:

[105.415] [RULES GOVERNING PERMITS.] *Notwithstanding the provision in section 105.41, subdivision 1a, stating that the commissioner of natural resources shall submit to the legislature by January 1, 1975, for its approval proposed rules governing the allocation of waters among potential water users, and notwithstanding the provision in section 105.42, subdivision 1a, stating that the commissioner shall recommend by January 15,*

1975, to the legislature a comprehensive law containing standards and criteria governing the issuance and denial of permits under the section, the commissioner shall prior to January 30, 1977, adopt rules containing standards and criteria for the issuance and denial of the permits required by sections 105.41 and 105.42.

Sec. 19. [APPROPRIATION.] *There is appropriated from the game and fish fund to the commissioner of natural resources the sum of \$300,000 for fiscal year 1977 for deer habitat improvement, providing that a deer hunting season is held.*

Sec. 20. [EFFECTIVE DATES.] *This act is effective as to all big game licenses issued for 1976 and subsequent big game seasons and as to all other licenses and permits, except permits for motor vehicles, for licensing years commencing after December 31, 1976. Sections 1, 2, 3 and 18 are effective the day following final enactment."*

Further, strike the title in its entirety and insert:

"A bill for an act relating to natural resources; exempting senior citizens from payment of certain camping fees; increasing motor vehicle permit fees; authorizing the designation of the Zumbro river as a canoe and boating route; providing a reduced fee for small game licenses for senior citizens; authorizing the issuance of Minnesota sportsman licenses; requiring the promulgation of rules concerning certain water permits; appropriating money; amending Minnesota Statutes 1974, Sections 85.05, Subdivisions 1 and 2; 85.32, Subdivision 1; 98.45, by adding a subdivision; 98.46, Subdivisions 2, 4, 7, 8, 9, 14, 15, 16, 17, as amended, and 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, as amended."

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

House Conferees: PHYLLIS KAHN, BRUCE F. VENTO and RODNEY N. SEARLE.

Senate Conferees: ROGER D. MOE, GENE MERRIAM and MEL FREDERICK.

Kahn moved that the report of the Conference Committee on H. F. No. 2657 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

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 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 92, and nays 35, as follows:

Those who voted in the affirmative were:

Adams, L.	Dieterich	Kaley	Norton	Sieben, M.
Adams, S.	Eken	Ketola	Novak	Sieloff
Arlandson	Enebo	Knickerbocker	Osthoff	Simoneau
Beauchamp	Erickson	Knoll	Parish	Skoglund
Berg	Esau	Kostohryz	Patton	Smogard
Berglin	Evans	Kvam	Pehler	Stanton
Biersdorf	Ewald	Laidig	Peterson	Suss
Braun	Faricy	Langseth	Petraleso	Swanson
Byrne	Fjoslien	Lindstrom	Philbrook	Tomlinson
Carlson, A.	Forsythe	Luther	Pleasant	Ulland
Carlson, L.	Friedrich	Mangan	Reding	Vento
Carlson, R.	Graba	Mann	Savelkoul	Voss
Casserly	Hanson	McCollar	Schreiber	Wenstrom
Clark	Heinitz	Menning	Schulz	White
Clawson	Hokanson	Metzen	Schumacher	Zubay
Corbid	Jaros	Moe	Searle	Speaker Sabo
Dahl	Jensen	Munger	Setzepfandt	
Dean	Jude	Nelsen	Sherwood	
DeGroat	Kahn	Nelson	Sieben, H.	

Those who voted in the negative were:

Abeln	Eckstein	Jopp	McCarron	St. Onge
Albrecht	Fudro	Kalis	McCauley	Samuelson
Anderson, G.	Fugina	Kelly, R.	McEachern	Sarna
Anderson, I.	George	Kelly, W.	Neisen	Smith
Begich	Haugerud	Kempe, R.	Niehaus	Spanish
Birnstihl	Johnson, C.	Kroening	Prahl	Vanasek
Brinkman	Johnson, D.	Lemke	Rice	Wenzel

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

#### ANNOUNCEMENTS BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to the Conference Committee on H. F. No. 2489:

Schreiber, Voss and Sieben, H.

The Speaker announced the appointment of the following members of the House to the Conference Committee on H. F. No. 1397:



Fugina, Smith and Searle.

Carlson, R., and DeGroat were excused for the remainder of today's session.

There being no objection the order of business reverted to Messages from the Senate.

### 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. 500, A bill for an act relating to energy; authorizing the director of the Minnesota energy agency to appoint certain employees; establishing an energy conservation information center; prohibiting the use of certain gas lamps; requiring certain reports to the legislature; requiring promulgation of energy conservation rules; requiring surveys of certain public buildings; providing for solar energy performance standards; providing for monitoring of energy research; providing compensation and expense reimbursement for public members of the energy commission; appropriating money; amending Minnesota Statutes 1974, Sections 116H.02, by adding subdivisions; 116H.03, Subdivision 3; 116H.12, by adding subdivisions; and Chapter 116H, by adding sections.

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. 2414, A bill for an act relating to motor vehicles; motor vehicle excise tax on vehicles purchased for resale; use of motor vehicles bearing motor vehicle dealer plates; amending Minnesota Statutes 1974, Sections 168.27, Subdivision 5; 297B.-01, Subdivision 6; and Chapter 297B, by adding a section.

The 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. 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; 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.

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 5 members of the Senate, on the amendments adopted by the Senate to the following House File:

H. F. No. 2677, A bill for an act relating to public improvements; authorizing alteration, repair, rehabilitation, equipping, and replacement of equipment of public buildings; appropriating money.

The Senate has appointed as such committee Messrs. Arnold, Willet, Renneke, Davies and Kirchner.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee, consisting of 5 members of the Senate, on the amendments adopted by the Senate to the following House File:

H. F. No. 2678, A bill for an act relating to public improvements; authorizing the acquisition and betterment of public land and buildings and other public improvements of a capital nature; authorizing issuance of state building bonds; appropriating money; amending Minnesota Statutes 1974, Sections 16.16,

Subdivision 2; 16A.28; 137.02, Subdivision 3; repealing Laws 1973, Chapter 778, Section 20.

The Senate has appointed as such committee Messrs. Arnold, Willet, Renneke, Davies and Kirchner.

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:

S. F. No. 1788, A bill for an act relating to banks and banking; authorizing consumer banking facilities and credit union facilities; providing penalties; amending Minnesota Statutes 1974, Chapter 52, 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. 1788

A bill for an act relating to banks and banking; authorizing consumer banking facilities and credit union facilities; providing penalties; amending Minnesota Statutes 1974, Chapter 52, by adding a section.

April 2, 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. 1788 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. 1788 be amended as follows:

Strike everything after the enacting clause and insert:

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

Subd. 2. "Automated teller machine" means an unattended free standing information processing device, located separate and apart from a financial institution's principal office, branch or detached facility, by which, through, or by means of electronic, automated, or mechanical signals or impulses generated through the use of electronic, automated, or mechanical equipment, a customer of a financial institution may complete banking transactions pursuant to an existing contractual agreement.

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

Subd. 4. "Consumer banking facility" means either an automated teller machine or a point-of-sale terminal.

Subd. 5. "Financial institution" means a national banking association, savings and loan association or credit union having its main office in this state or a bank, savings bank, a savings and loan association, or a credit union established and operating under the laws of this state.

Subd. 6. "Municipality" means the geographical area within the legal boundaries of any city or organized town located in Minnesota.

Subd. 7. "Point-of-sale terminal" means a manned electronic information processing device other than a telephone capable of performing banking transactions; provided, a point-of-sale terminal shall include an electronic information processing device which can be physically attached to a standard telephone and which transfers funds in accordance with the foregoing.

**Sec. 2. [AUTHORIZATION.] Subdivision 1.** Any financial institution may establish and maintain at a specific location one or more consumer banking facilities for use by its customers. Any person may establish and maintain at a specific location one or more point-of-sale terminals. Any person may establish facilities used for transmitting information from a consumer banking facility to a financial institution. Any financial institution may provide for its customers the use of a consumer banking facility by entering into agreement with any person who has established and maintains one or more consumer banking facilities if that person authorizes use of the consumer banking facility to all financial institutions on a non-discriminatory basis.

Subd. 2. No consumer banking facility shall be established or used by a person other than a federally chartered savings and loan association or credit union unless the commissioner has authorized the establishment and maintenance of the facility.

For the purposes of this section consumer banking facility shall include all facilities used for transmitting information from the consumer banking facility to a financial institution.

Subd. 3. Application for authorization shall be made in the manner prescribed by rule. The commissioner shall grant authorization for an automatic teller machine unless he finds that (a) there is reason to believe that the facility will not be properly and safely managed, (b) that the applicant is not financially sound, (c) that no reasonable public demand exists for the facility, or (d) that the applicant has not furnished all of the information required by rule. If the commissioner has not denied the application within 45 days of the submission of the application, the authorization shall be deemed to be granted.

The commissioner shall grant authorization for point-of-sale terminal unless he finds that (a) there is reason to believe that the facility will not be properly and safely managed, (b) that the applicant is not financially sound, or (c) that the applicant has not furnished all of the information required by rule. If the commissioner has not denied the application within 45 days of the submission of the application, the authorization shall be deemed to be granted.

Subd. 4. For each application, a \$100 fee shall be paid to the commissioner. If the \$100 fee is less than the costs actually incurred by the commissioner in approving or disapproving the application, the fee shall be equal to those costs. When more than one point-of-sale terminal is established at a single place of business and maintained by the same person a single application and fee shall be sufficient.

Subd. 5. Subject to the procedures in this section, a consumer banking facility may be established and maintained except within a municipality in which only one financial institution is located, unless that financial institution makes use of one or more consumer banking facilities. The location and placement of consumer banking facilities shall not be designed to give or promote an unfair competitive advantage to any financial institution in Minnesota.

Sec. 3. [FUNCTIONS OF A CONSUMER BANKING FACILITY.] Subdivision 1. Pursuant to a preexisting contractual agreement, banking transactions which may be performed by a consumer banking facility shall be limited to the disbursement of funds under a pre-authorized credit agreement, the withdrawal of funds from a customer's account, the deposit of funds in a customer's account, the receiving of cash or checks, the disbursement of cash, the payment of loan payments and the transfer of funds to or from one or more accounts in financial institutions. Accounts may not be opened at such facilities. Any person may also operate a device which is capable of performing

the functions of a consumer banking facility for any internal business activity of that person.

Subd. 2. The methods by which a consumer banking facility performs banking transactions shall be limited to the use of electronic based systems which utilize devices capable of processing electronic information through or by means of which information relating to financial services rendered to the public is stored and transmitted, whether instantaneously or otherwise, to a financial institution and which devices, for activation and account access, are dependent upon the use of a machine readable instrument in the possession and control of the holder of an account with a financial institution.

Subd. 3. A point-of-sale terminal shall be operated exclusively by a person who is not employed by any financial institution, any financial institution holding company, or subsidiary thereof. Persons assisting customers of financial institutions at the site of the point-of-sale terminal may be trained by employees of a financial institution, financial institution holding company, or subsidiary thereof. Nothing in this section shall be construed to prohibit periodic servicing of a consumer banking facility terminal by an employee of a financial institution, financial institution holding company, or subsidiary thereof.

Sec. 4. [ESTABLISHMENT, MAINTENANCE AND USE OF A CONSUMER BANKING FACILITY.] Subdivision 1. One or more consumer banking facilities may be established and maintained by a person; provided, the person or persons holding legal title to a consumer banking facility, exclusive of any supporting equipment, structure or system, limits its use in the performance of banking transactions to transactions for customers of Minnesota financial institutions. The authority of third parties referred to in this act is limited to ownership, operation and maintenance of consumer banking facilities and any supporting equipment, structures or systems, and nothing in this act shall be construed to authorize any person, other than a bank, to engage in the business of banking. Provided, a person that affords to any financial institution the use of a consumer banking facility may be examined by the commissioner as to any banking transaction by, with or involving a financial institution solely for the purpose of reconciling accounts and verifying the security and accuracy of such consumer banking facility including any supporting equipment, structures or systems, and all facts and information obtained in the course of such examination shall not be disclosed except as otherwise provided by law. The person examined shall pay examination fees as determined by the commissioner.

Subd. 2. Any person establishing and maintaining a consumer banking facility shall, upon written request, make its services available to any requesting financial institution on a fair, equitable and nondiscriminatory basis approved by the commissioner which shall include a pricing structure limited to the

owner's direct costs, including a reasonable return on the capital expenditures incurred by the owner in establishing and maintaining consumer banking facilities and which except for an initial fee, shall be based on a per transaction cost. The initial fee shall not be greater than the actual cost incurred in establishing the participation and the per transaction cost shall not exceed the actual average cost of all transactions. Subject to the provisions of this act, any person establishing and maintaining a consumer banking facility may make the same available for use by one or more savings and loan associations and credit unions and the customers thereof. A financial institution may participate upon contractual agreement in the use of a device which is capable of performing the functions of a consumer banking facility and is owned or operated by one or more savings and loan associations or credit unions. Any financial institution requesting use of a consumer banking facility shall be permitted its use if the financial institution conforms to reasonable technical operation standards which have been established by the facility provider as approved by the commissioner; provided that the requesting party agrees to grant reciprocal use of all similar devices owned or maintained by it.

For the purposes of this subdivision consumer banking facility shall include all facilities used for transmitting information from the consumer banking facility to a financial institution.

Subd. 3. A person primarily engaged in the business of selling goods or services at retail who operates a consumer banking facility including any supporting equipment, structures or systems may limit his contractual agreement with any financial institution to only one or more types of banking transactions which, except in the case of any open-end type of consumer credit sales plan, agreement and arrangement such person shall make available upon request to any other financial institution on a non-discriminatory basis.

Sec. 5. [ADVERTISING.] No advertisement by a person which relates to a consumer banking facility may be inaccurate or misleading with respect to such a facility. Except with respect to direct mailings by financial institutions to their customers, the advertising of rate of interest paid on accounts in connection with consumer banking facilities is prohibited. Any advertisement, either on or off the site of a consumer banking facility, promoting the use or identifying the location of a consumer banking facility, which identifies any financial institution, group or combination of financial institutions, or third parties as owning or providing for the use of its services, is prohibited. The following shall be expressly permitted:

(1) A simple directory listing placed at the site of a consumer banking facility identifying the particular financial institution using its services;

(2) The use of a generic name, either on or off the site of a consumer banking facility, which does not promote or identify any particular financial institution, group or combination of financial institutions, or any third parties; and

(3) Media advertising or direct mailing of information by a financial institution identifying locations of consumer banking facilities and promoting their usage.

Sec. 6. [BANK SECURITY.] Every owner of a consumer banking facility and every financial institution using a consumer banking facility shall adopt and maintain safeguards to insure the safety of funds, items and other information, which safeguards shall include security devices consistent with the appropriate requirements specified under the federal bank protection act or such alternative security precautions as are approved by the commissioner.

Sec. 7. [CONSUMER PRIVACY.] Subdivision 1. To protect the privacy of customers using consumer banking facilities, including any supporting equipment, structures or systems, information received by or processed through such facilities supporting equipment, structures or systems shall be treated and used only in accordance with applicable law relating to the dissemination and disclosure of such information. Provided, further, that the person operating a consumer banking facility including any supporting equipment, structures or systems shall take such steps as are reasonably necessary to safeguard any information received or obtained about a customer or his account from misuse by any person manning a consumer banking facility including any supporting equipment, structures or systems.

Subd. 2. The commissioner shall have the authority by rule to require each financial institution operating pursuant to this act to supply information to customers using consumer banking facilities of the financial institutions' consumer protection policies including the rights and liabilities of the consumer and protection against wrongful or accidental disclosure of confidential information, including the rights and liabilities of the consumer and protection against wrongful or accidental disclosure of confidential information.

Subd. 3. Every financial institution using a consumer banking facility shall maintain reasonable procedures to minimize losses from unauthorized withdrawals from its customers' accounts by use of a consumer banking facility. A financial institution shall be liable for all unauthorized withdrawals unless the unauthorized withdrawal was (a) due to the negligent conduct or the intentional misconduct of the operator of a consumer banking facility or his agent in which case the operator shall be liable, or (b) due to the loss or theft of the customer machine readable card in which case the customer shall be liable for



those unauthorized withdrawals made prior to the time the financial institution is notified of the loss or theft subject to a maximum liability of \$50. Transactions which involve deposits or payments by a customer to a financial institution at a consumer banking facility are completed when the deposit or payment is made and the customer receives his receipt at the consumer banking facility. Any loss due to theft or other reason subsequent to that time shall not be borne by the customer. For purposes of this subdivision, "unauthorized withdrawal" means a withdrawal by a person other than the customer who does not have actual, implied, or apparent authority for such withdrawal, and from which withdrawal the customer receives no benefit.

Subd. 4. No person's social security number shall be used as the personal identification number or as any code to activate any consumer banking facility.

Subd. 5. Any customer of a financial institution may bring a civil action against any person violating the provisions of this section in district court in the county in which the alleged violator resides or has his principal place of business or in the county wherein the alleged violation occurred. Upon adverse adjudication, the defendant shall be liable for actual damages, or \$500, whichever is greater, together with the court costs and reasonable attorneys' fees incurred by the plaintiff. The court may provide such equitable relief as it deems necessary or proper, including enjoining the defendant from further violations.

Sec. 8. [ANTI-TRUST.] No person engaged in consumer banking facility activities shall contract, combine, or conspire to restrain trade in the market for consumer banking facilities, or engage in anti-competitive practices to the detriment of the public interest. Notwithstanding Minnesota Statutes, Section 325.8017, Subdivision 2, the provisions of sections 325.8011 to 325.8028 shall apply to persons engaged in consumer banking facility activities. For the purposes of this section consumer banking facility shall include all facilities used for transmitting information from the consumer banking facility to a financial institution.

Sec. 9. [RULES AND REGULATIONS.] The commissioner may promulgate such rules and regulations as are reasonably necessary to carry out and make effective the provisions and purposes of this act pursuant to Minnesota Statutes, Chapter 15.

Sec. 10. [VIOLATIONS; PENALTIES' HEARINGS.] A violation of this act shall be subject to penalties applicable to violations of laws affecting financial institutions. In addition, violations of this act may be enjoined by civil action for an injunction by any aggrieved financial institution or by the commissioner. For the purposes of this section consumer banking facility shall include all facilities used for transmitting informa-

tion from the consumer banking facility to a financial institution.

Sec. 11. [EFFECTIVE DATE.] Provisions authorizing the commissioner to promulgate rules and regulations are effective the day after final enactment. The remaining provisions are effective October 1, 1976."

Further strike the title and insert:

"A bill for an act relating to consumer banking facilities; providing penalties."

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

Senate Conferees: ALEC G. OLSON, AL KOWALCZYK and JACK I. KLEINBAUM.

House Conferees: WALTER R. HANSON, JOHN CORBID and TED SUSS.

Hanson moved that the report of the Conference Committee on S. F. No. 1788 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

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

S. F. No. 1788, A bill for an act relating to banks and banking; authorizing consumer banking facilities and credit union facilities; providing penalties; amending Minnesota Statutes 1974, Chapter 52, 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 85, and nays 37, as follows:

Those who voted in the affirmative were:

Abeln	Casserly	Jacobs	Langseth	Novak
Adams, L.	Clark	Jensen	Lemke	Patton
Albrecht	Corbid	Jude	Lindstrom	Pehler
Anderson, G.	Dean	Kahn	Luther	Peterson
Arlandson	Doty	Kaley	Mangan	Petraleso
Beauchamp	Eckstein	Kelly, R.	Mann	Philbrook
Berg	Enebo	Kelly, W.	McCarron	Pleasant
Biersdorf	Evans	Kempe, A.	McCauley	Reding
Birnstihl	Ewald	Kempe, R.	McCollar	St. Onge
Braun	Faricy	Ketola	McEachern	Savelkoul
Brinkman	Forsythe	Knickerbocker	Metzen	Schreiber
Byrne	Friedrich	Knoll	Munger	Schulz
Carlson, A.	Hanson	Kvam	Nelsen	Schumacher
Carlson, L.	Hokanson	Laidig	Norton	Searle

Setzepfandt	Skoglund	Stanton	Tomlinson	Voss
Sieloff	Smogard	Suss	Ulland	Wenstrom
Simoneau	Spanish	Swanson	Vento	Williamson

Those who voted in the negative were:

Anderson, I.	Fjoslien	Kostohryz	Parish	Smith
Begich	Fudro	Kroening	Prahl	Vanasek
Berglin	Fugina	Menning	Rice	Wenzel
Clawson	Graba	Moe	Samuelson	White
Dahl	Heinitz	Neisen	Sarna	Speaker Sabo
Dieterich	Johnson, C.	Nelson	Sherwood	
Eken	Johnson, D.	Niehaus	Sieben, H.	
Erickson	Kalis	Osthoff	Sieben, M.	

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

#### REPORTS FROM THE COMMITTEE ON RULES AND LEGISLATIVE ADMINISTRATION

Anderson, I., for the Committee on Rules and Legislative Administration, offered the following report and moved its adoption:

*Resolved*, that the Committee on Rules and Legislative Administration shall contract for necessary printing of the House of Representatives for the 70th regular session, and any extra sessions held prior to the 71st regular session; and, be it

*Further Resolved*, that the Committee on Rules and Legislative Administration be and hereby is assigned, during the interim following final adjournment, all functions within its usual jurisdiction.

The question was taken on the adoption of the report, and the report was adopted.

Anderson, I., for the Committee on Rules and Legislative Administration, offered the following report and moved its adoption:

*Resolved*, that the Chief Clerk of the House of Representatives be instructed that during the period of time between adjournment sine die, and the convening of the House of Representatives in 1977, the House Chamber, House Retiring Room, House Hearing and Conference Rooms, House Offices, and the Chief Clerk's Offices, shall be left in their present status and reserved for use by the House of Representatives, Legislative Interim Committees, House Standing Committees and Subcommittees, and to such other use as the Speaker of the House may deem necessary. The House Chamber and House Retiring Room shall be let out for the annual meeting of the Territorial Pioneers; and the House Chamber,

House Retiring Room and the unused hearing rooms shall be available annually to the Hi-Y Model Legislature, Girls' State, the Young Leaders Organization, and the 4-H Leadership Conference.

*Be It Further Resolved*, that the Custodian of the State Capital shall be instructed to keep the corridors and rotunda clear of all furniture and that all legislative furniture remain in the legislative rooms.

The question was taken on the adoption of the report, and the report was adopted.

Anderson, I., for the Committee on Rules and Legislative Administration, offered the following report and moved its adoption.

*Be It Resolved*, that the House of Representatives retain those parts of parking lots B, D and E for the period from adjournment sine die to the convening of the 70th legislative session, necessary for use of members and employees of the House of Representatives.

*Be It Further Resolved*, that the Sergeant at Arms be directed to provide for public fee parking at such times members are not required to be in attendance at the Capitol.

The question was taken on the adoption of the report, and the report was adopted.

#### ADJOURNMENT

Anderson, I., moved that when the House adjourns today it adjourn until 10:00 a.m., Tuesday, April 6, 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., Tuesday, April 6, 1976.

EDWARD A. BURDICK, Chief Clerk, House of Representatives