

STATE OF MINNESOTA

SEVENTIETH SESSION - 1977

THIRTY-FOURTH DAY

SAINT PAUL, MINNESOTA, WEDNESDAY, APRIL 13, 1977

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

Prayer was offered by the Chaplain.

The roll was called and the following members were present:

Abeln	Cohen	Jaros	Moe	Searles
Adams	Corbid	Jensen	Munger	Sherwood
Albrecht	Cummiskey	Johnson	Murphy	Sieben, H.
Anderson, B.	Dahl	Jude	Neisen	Sieben, M.
Anderson, D.	Dean	Kahn	Nelsen, B.	Simoneau
Anderson, G.	Den Ouden	Kaley	Nelsen, M.	Skoglund
Anderson, I.	Eckstein	Kalis	Nelson	Smogard
Anderson, R.	Eken	Kelly, R.	Niehaus	Spanish
Arlandson	Ellingson	Kelly, W.	Norton	Stanton
Battaglia	Enebo	Kempe, A.	Novak	Stoa
Beauchamp	Erickson	Kempe, R.	Osthoff	Suss
Begich	Esau	King	Patton	Swanson
Berg	Evans	Knickerbocker	Pehler	Tomlinson
Berglin	Ewald	Kostohryz	Peterson	Vanasek
Berkelman	Faricy	Kroening	Petrafeso	Voss
Biersdorf	Fjoslien	Kvam	Pleasant	Waldorf
Birnstihl	Forsythe	Laidig	Prahl	Welch
Brandl	Friedrich	Langseth	Reding	Wenstrom
Braun	Fudro	Lehto	Rice	Wenzel
Brinkman	Fugina	Lemke	Rose	White
Byrne	George	Mangan	St. Onge	Wieser
Carlson, A.	Gunter	Mann	Samuelson	Wigley
Carlson, D.	Hanson	McCarron	Sarna	Williamson
Carlson, L.	Haugerud	McCollar	Savelkoul	Wynia
Casserly	Heinitz	McDonald	Scheid	Zubay
Clark	Hokanson	McEachern	Schulz	Speaker Sabo
Clawson	Jacobs	Metzen	Searle	

A quorum was present.

The Chief Clerk proceeded to read the Journal of the preceding day. Vanasek moved that further reading of the Journal be dispensed with and that the Journal be approved as corrected by the Chief Clerk. The motion prevailed.

REPORTS OF CHIEF CLERK

Pursuant to Rules of the House, printed copies of H. F. Nos. 192, 749, 1011, 790, 1096, 365, 502, 76 and 500 and S. F. Nos. 217, 213, 223, 718, 465, 141, 335, 270, 292, 709, 108, 719, 720, 721, 722, 742, 855, 860 and 1017 have been placed in the members' files.

REPORTS OF STANDING COMMITTEES

Mann from the Committee on Agriculture to which was referred:

H. F. No. 1236, A bill for an act relating to water; requiring that new domestic wells be registered with the local soil and water conservation district; requiring that the commissioner of natural resources be notified of the appropriation of water for domestic use; requiring pumping tests and monitoring on large wells, and providing for exceptions; changing criteria for issuance of groundwater appropriation permits; transferring the water well contractor licensing program from the state board of health to the commissioner of natural resources; appropriating money; amending Minnesota Statutes 1976, Sections 105.41, Subdivisions 1 and 1a; 105.44, by adding subdivisions; 105.45; 156A.03; 156A.04; 156A.05; 156A.06, Subdivision 1; 156A.07, Subdivisions 1, 4, 5, 6, 7 and 8; and 156A.08; and repealing Minnesota Statutes 1976, Section 105.44, Subdivision 8.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1976, Section 105.41, Subdivision 1, is amended to read:

105.41 [APPROPRIATION AND USE OF WATERS.]
Subdivision 1. It shall be unlawful for the state, any person, partnership, or association, private or public corporation, county, municipality, or other political subdivision of the state to appropriate or use any waters of the state, surface or underground, without the written permit of the commissioner, previously obtained upon written application therefor to the commissioner. Nothing in this section shall be construed to apply to the use of water for domestic purposes serving less than 25 persons, *provided that when a well is constructed to appropriate groundwater for domestic purposes to serve less than 25 persons, the person upon whose property the well is being constructed shall register the well with the local soil and water conservation district for the area in which the well is located. The registration shall be on forms supplied by the commissioner and shall include additional provisions for reporting on the hydrogeologic and quality*

characteristics of the well and water-bearing formations penetrated by the well. It shall be the responsibility of the person registering the well to provide completed information forms and to supply any supplemental data required to the local soil and water conservation district located in the area in which the well is constructed.

The local soil and water conservation district shall provide the commissioner with copies of all well registrations, and any other data required upon completion of the well, within 15 days of receipt of the information.

Sec. 2. Minnesota Statutes 1976, Section 105.41, Subdivision 1a, is amended to read:

Subd. 1a. The commissioner shall submit to the legislature by January 1, (1975) 1978, for its approval, proposed rules governing the allocation of waters among potential water users. These rules shall be based on the following priorities for appropriation and use of water;

First priority. Domestic water supply, excluding industrial and commercial uses of municipal water supply. (AGRICULTURAL IRRIGATION, INVOLVING CONSUMPTION IN EXCESS OF 10,000 GALLONS PER DAY.)

Second priority. Any use of water that involves consumption of less than 10,000 gallons of water per day. For purposes of this section "consumption" shall mean water withdrawn from a supply which is lost for immediate further use in the area.

Third priority. *Agricultural irrigation, involving consumption in excess of 10,000 gallons per day.*

Fourth priority. Power production, involving consumption in excess of 10,000 gallons per day.

(FOURTH) *Fifth priority.* Industrial and commercial uses, involving consumption in excess of 10,000 gallons per day.

(FIFTH) *Sixth priority.* Other uses, involving consumption in excess of 10,000 gallons per day.

Appropriation and use of surface water from streams during periods of flood flows and high water levels shall be encouraged subject to consideration of the purposes for use, quantities to be used, and the number of persons appropriating water.

Appropriation and use of surface water from lakes of less than 500 acres in surface area shall be discouraged.

Diversions of water from the state for use in other states or regions of the United States or Canada shall be discouraged, subject to the jurisdiction of the United States government.

No permit shall be issued under this section unless it is consistent with state, regional, and local water and related land resources management plans, provided that regional and local plans are consistent with statewide plans.

Sec. 3. Minnesota Statutes 1976, Section 105.44, Subdivision 8, is amended to read:

Subd. 8. [PERMIT TO IRRIGATE AGRICULTURAL LAND.] When an application for permit to irrigate agricultural land from public waters is made, (A GENERAL STATEMENT IN THE APPLICATION OF THE PURPOSE OF THE PROPOSED USE OF PUBLIC WATERS AND THE ACREAGE TO BE IRRIGATED SHALL BE SUFFICIENT COMPLIANCE WITH THE REQUIREMENTS OF SUBDIVISION 1 WITH RESPECT TO MAPS, PLANS AND SPECIFICATIONS, UNLESS THE COMMISSIONER REASONABLY MAY REQUIRE ADDITIONAL SPECIFIED INFORMATION WITHIN TEN DAYS OF THE FILING OF THE APPLICATION. IN ANY SUCH CASE THE COMMISSIONER SHALL MAKE HIS ORDER GRANTING THE APPLICATION UNLESS HE FINDS AFTER HEARING THAT GRANTING THEREOF WOULD BE AGAINST THE PUBLIC INTEREST OR WOULD DEPRIVE ANOTHER THAN THE APPLICANT OF THE SHARE OF PUBLIC WATER WHICH SUCH OTHER HAS REQUESTED AND TO WHICH HE IS ENTITLED.) *upon receipt the commissioner shall send a copy of the permit application to the local soil and water conservation district in which the proposed appropriation is located. The soil and water conservation district may make recommendations to the commissioner regarding the disposition of the application and its compatibility to an approved conservation plan within 45 days of the receipt of the application. Within 30 days of the date of the application the commissioner may require additional specific information from the applicant. Upon receipt of all additional specific information required of the applicant, the commissioner shall have an additional 60 days to review that information, consider the soil and water conservation recommendations and rule on the permit.* In the case of an application for permit to irrigate agricultural land, failure of the commissioner to act thereon by granting or denial or other hearing thereon within (30 DAYS AFTER FILING OF THE APPLICATION, OR IN CASE THE COMMISSIONER HAS REASONABLY REQUIRED ADDITIONAL SPECIFIED INFORMATION THAN THAT GIVEN IN THE APPLICATION WITHIN 20 DAYS AFTER THE FILING OF SUCH ADDITIONAL INFORMATION) *the specified time period, shall be deemed an order granting the application. This order shall be deemed granted ten days after the applicant has given written notice to the commissioner stating his intention to proceed with the appropriation.*

Sec. 4. Minnesota Statutes 1976, Section 105.44, is amended by adding a subdivision to read:

Subd. 11. [APPROPRIATIONS OF GROUNDWATER.] When a permit application is received for an appropriation of groundwater in an amount exceeding 100,000 gallons in any day, the commissioner shall require that a pumping test be conducted to determine whether sufficient groundwater is likely to be available in the amount and for the period of time requested. Before, during, and after the pumping test the commissioner shall require monitoring of water levels in an observation well located at such distance from the pumping well which he has reason to believe may be affected by the new appropriation. The duration of the test shall be prescribed by the commissioner depending on the hydrologic characteristics of the aquifer, but shall not exceed 72 hours for wells under unconfined or water table conditions and 24 hours for wells under confined or artesian conditions.

The permit applicant shall be responsible for all costs of the pumping tests and monitoring in one observation well. He shall be responsible for the construction of one observation well if suitable existing wells cannot be used for this purpose. The required pumping tests, hydrogeologic data acquisition and monitoring shall be performed by a licensed water well contractor. At least 48 hours prior to conducting the pumping tests, the water well contractor must submit a notification of intent to the soil and water conservation district for the area in which the observation well is located. In order to ensure the accuracy of the information provided by the water well contractor, the soil and water conservation district shall have the authority to supervise the pumping tests. For purposes of uniformity, the commissioner shall adopt guidelines to be used by the various soil and water conservation districts in implementing the provisions of this section. The commissioner shall establish a statewide training program to provide training in the conduct of such tests and data acquisition programs.

If the commissioner believes that more than one observation well is needed to adequately evaluate the appropriation request, the commissioner shall be responsible for the monitoring and construction costs of the additional wells.

Sec. 5. Minnesota Statutes 1976, Section 105.44, is amended by adding a subdivision to read:

Subd. 12. [WAIVER OF GROUNDWATER TESTS.] The commissioner may delineate areas of the state where in his opinion the underground water resources are known to be of sufficient availability and where the pumping test or monitoring of neighboring wells required by section 4 is not needed to assess water appropriation permit applications. In such areas he may

waive part or all of the pumping test or monitoring requirements. The delineated areas and the procedure for waiver of requirements shall be established by the commissioner's order. The first commissioner's order shall include those areas defined in U. S. Geological Survey Water Supply Papers 1899E, 1899J, 1983, 2003, 2039B, 2009D, Water Resources Investigation 23-75, Open File Report; Anoka Sand Plains.

Sec. 6. Minnesota Statutes 1976, Section 105.45, is amended to read:

105.45 [PERMITS AND ORDERS OF COMMISSIONER; NOTICE.] The commissioner shall make findings of fact upon all issues necessary for determination of the applications heard by him. All orders made by the commissioner shall be based upon findings of fact made on substantial evidence. He may cause investigations to be made, and in such event the facts disclosed thereby shall be put in evidence at the hearing or any adjournment thereof.

If the commissioner concludes that the plans of the applicant are reasonable, practical, and will adequately protect public safety and promote the public welfare, and, in the case of groundwater appropriations, the commissioner is satisfied that the supply of groundwater is such that the applicant's appropriation and use, in conjunction with other existing and potential appropriations and uses based on reasonable use of the aquifer systems involved, and considering the suitability of the land for the proposed use, would not cause a serious decline in groundwater levels and would not result in lowering of levels of lakes and flows of streams, in the area involved, to the detriment of the public interests and uses of those lakes and streams, he shall grant the permit, and, if that be in issue, fix the control levels of public waters accordingly. In all other cases the commissioner shall reject the application or he may require such modification of the plan as he deems proper to protect the public interest.

A decline of the groundwater levels in unconfined or water table aquifers shall be considered a serious decline if the non-pumping water levels would decline more than one-half of the saturated thickness of the aquifer or if the effects on lakes and streams due to lowering of the well water levels are detrimental to the public interest and use of the lakes and streams involved.

A decline of the groundwater levels in confined or artesian aquifers shall be considered a serious decline if the nonpumping water levels would be lowered below the confining layer of the artesian systems involved. The commissioner shall provide for restriction of pumpage to assure that well water levels are at least five feet above the bottom of the confining layer of the artesian system involved to provide a margin of safety against mining water.

In all permit applications the applicant has the burden of proving that the proposed project is reasonable, practical, and will adequately protect public safety and promote the public welfare. *In the case of groundwater appropriations, the applicant has the additional burden of proving that the supply of groundwater is adequate for the use intended, that the appropriation will not result in a serious decline in groundwater levels in the aquifer systems involved, that the levels of lakes and flows of streams would not be lowered to the detriment of the public interest and use of the lakes and streams involved, and that the appropriation will not cause a lowering of water levels in private domestic or public domestic wells resulting in inadequate water supply for the domestic purposes served, if the domestic wells involved are reasonably efficient.*

In the case of appropriations for purposes of irrigation, the commissioner shall, based on the recommendations of the soil and water conservation district, consider the suitability of the soils present and the adequacy of soil and water conservation measures in determining the reasonableness and practicality of the applicant's proposed use of water.

In granting a permit the commissioner may include therein such terms and reservations with respect to the amount and manner of such use or appropriation or method of construction or operation of controls as appears reasonably necessary for the safety and welfare of the people of the state. *If the commissioner determines that existing, neighboring private domestic or public domestic wells are likely to be adversely affected by a groundwater appropriation based on considerations of the efficiency of the domestic wells involved, he shall not permit the appropriation until he is satisfied that the permit applicant will provide adequate supplies of water for existing, neighboring private domestic or public domestic wells in order to assure that the existing users will have reasonable use of their groundwater supply, in accordance with priorities for use established in section 105.41, subdivision 1a.*

The determination of the efficiency of the domestic well shall be based on consideration of the condition of the well casing, and screen where applicable, of the degree of penetration of the well into the aquifer systems and the relative nonpumping and pumping levels of the domestic well before the new appropriator's pumping occurred, and the condition of the well with respect to compliance with applicable public health requirements.

The possible effects on domestic wells of pumping by future appropriators from the same aquifer systems will be evaluated where adequate data are available and in such instances owners of domestic wells will be notified of the predicted cumulative effects on their wells by the total potential water use which might be developed from the aquifer system. In processing future permit applications for appropriation and use from the aquifer sys-

tem the commissioner shall consider necessary restrictions on pumping rates and withdrawals which should be applied to maintain reasonable use of the aquifer systems and to prevent damage to domestic water users unless the domestic users are satisfactorily compensated for the effects.

Notice of all orders made after hearing shall be given by publication of the order once each week for two successive weeks in a legal newspaper in the county where the hearing was held, and by mailing copies of the order to all parties who entered an appearance at such hearing.

The commissioner shall make his order pursuant to hearing within 60 days after the completion of the hearing.

Sec. 7. [WATER WELL CONTRACTORS; TRANSFER OF POWERS.] *Subdivision 1. All powers, duties, and functions heretofore vested in or imposed on the state board of health or the commissioner of health by Minnesota Statutes, Chapter 156A, are transferred to, vested in, and imposed upon the commissioner of natural resources.*

Subd. 2. The commissioner of natural resources shall be deemed a continuation of the state board of health as to those matters within the jurisdiction of the state board of health which are transferred to the commissioner of natural resources by this section, with the same force and effect as though the functions, powers or duties had not been assigned or transferred, and shall not be held to constitute a new authority for the purpose of succession to those rights, powers, duties and obligations of the state board of health, as constituted at the time of the transfer. All rules heretofore promulgated under authority of a power, duty or responsibility transferred by this section to the commissioner of natural resources shall remain in full force and effect as promulgated until modified or repealed.

Subd. 3. Any proceeding, court action, prosecution, or other business or matter which is pending on the effective date of this section and which was undertaken or commenced prior to the effective date of this section by the state board of health or commissioner of health pursuant to chapter 156A may be conducted and completed by the commissioner of natural resources in the same manner, under the same terms and conditions, and with the same effect as though it were undertaken or commenced and conducted or completed by the state board of health or the commissioner of health prior to the transfer.

Subd. 4. The commissioner of health shall transfer all contracts, books, maps, plans, papers, records, and property of every description that were obtained for or in the course of the administration of chapter 156A to the commissioner of natural resources.

Subd. 5. All unexpended funds appropriated to the state board of health or the department of health for the purpose of any function, power, or duty which is transferred by this section to the commissioner of natural resources are hereby transferred to the commissioner of natural resources.

Subd. 6. All persons employed in the classified service by the state board of health or the commissioner of health to perform functions, powers or duties pursuant to chapter 156A are transferred to the department of natural resources. This shall not be construed as abrogating or modifying any rights now enjoyed by affected employees under the terms of an agreement between an exclusive representative of public employees and the state or one of its appointing authorities.

Subd. 7. The water well contractors advisory council created by section 156A.06 shall remain in effect as an advisory council to the commissioner of natural resources, and the composition and membership of the council shall not be changed by virtue of the transfer of powers regarding chapter 156A.

Sec. 8. Minnesota Statutes 1976, Section 156A.03, is amended to read:

156A.03 [REGULATION AND LICENSING.] Subdivision 1. The (STATE BOARD OF HEALTH) *commissioner of natural resources* shall regulate and license the drilling and constructing of all water wells within this state, examine and license water well contractors and, after consultation with the (COMMISSIONER OF NATURAL RESOURCES) *state board of health* and the pollution control agency establish standards for the design, location and construction of water wells within this state.

Subd. 2. No contractor shall drill or construct a water well within this state unless in possession of a valid license to do so issued annually by the (STATE BOARD OF HEALTH) *commissioner of natural resources*. An applicant who is otherwise qualified but who does not have practical field experience in the operation of conventional drilling machines such as a cable tool, rotary, hollow rod, or auger, but who does install unconventional wells such as drive point, or who is in the well repair service which involves modification to the well casing, screen, depth, or diameter below the upper termination of the well casing, shall have his license limited to such water well contracting work.

Sec. 9. Minnesota Statutes 1976, Section 156A.04, is amended to read:

156A.04 [SUSPENSION OR REVOCATION OF LICENSE.] The (STATE BOARD OF HEALTH) *commissioner of natural resources* may, after hearing upon reasonable notice, suspend or revoke the license of a contractor upon finding that

the licensee has violated the provisions of sections 156A.01 to 156A.08 or the rules and regulations adopted hereunder. Proceedings by the (STATE BOARD OF HEALTH) *commissioner of natural resources* pursuant to this section and review thereof shall be in accordance with the administrative procedure act.

Sec. 10. Minnesota Statutes 1976, Section 156A.05, is amended to read:

156A.05 [POWERS AND DUTIES OF THE COMMISSIONER.] Subdivision 1. The (STATE BOARD OF HEALTH) *commissioner of natural resources* shall possess all powers reasonable and necessary to enable it to exercise effectively the authority granted to it by sections 156A.01 to 156A.08.

Subd. 2. The (BOARD OF HEALTH) *commissioner of natural resources* shall (BY DECEMBER 31, 1971,) in the manner prescribed by chapter 15(, HOLD A PUBLIC HEARING AND) promulgate rules (AND REGULATIONS) *as necessary* to carry out the purposes of sections 156A.01 to 156A.08 including, but not limited to:

- (a) Issuance of licenses for qualified water well contractors.
- (b) Establishment of conditions for examination and review of applications for license.
- (c) Establishment of conditions for revocation and suspension of license.
- (d) Establishment of minimum standards for design, location and construction of wells to effectuate the purpose and intent of sections 156A.01 to 156A.08.
- (e) Establishment of a system for reporting on wells drilled by licensed water well contractors.

Subd. 3. The (STATE BOARD OF HEALTH) *commissioner of natural resources* may inspect water wells drilled, or drilling, and shall have access to same at all reasonable times.

Sec. 11. Minnesota Statutes 1976, Section 156A.06, Subdivision 1, is amended to read:

156A.06 [WATER WELL CONTRACTORS ADVISORY COUNCIL; MEMBERS; TERMS; EMPLOYEES.] Subdivision 1. There is hereby created the water well contractors advisory council, herein referred to as the "advisory council," as an advisory council to the (STATE BOARD OF HEALTH) *commissioner of natural resources*. The advisory council shall be composed of nine voting members. Of the nine voting members, one member shall be from the state department of health, appointed by the secretary and executive officer of the state board

of health; one member shall be from the department of natural resources, appointed by the commissioner of natural resources; one member shall be a member of the Minnesota geological survey of the University of Minnesota appointed by the director; and six members shall be contractors actively engaged in the water well drilling industry, not to exceed two from the seven county metropolitan area and at least four from the remainder of the state who shall be representative of different geographical regions. They shall be residents of the state of Minnesota and appointed by the commissioner of (HEALTH) *natural resources*. No appointee of the water well drilling industry shall serve consecutive terms. The appointees to the advisory council from the water well drilling industry shall have been bona fide residents of this state for a period of at least three years prior to appointment and shall have had at least five years experience in the water well drilling business. The council shall expire and the terms of the appointed members and the compensation and removal of all members shall be as provided in section 15.059.

Sec. 12. Minnesota Statutes 1976, Section 156A.07, Subdivision 1, is amended to read:

156A.07 [WATER WELL CONTRACTORS' LICENSES.] Subdivision 1. Any person not already licensed under sections 156A.01 to 156A.08 who desires to engage in the drilling, making or construction of one or more wells for underground water in this state shall first file an application with the (BOARD) *commissioner of natural resources* for a contractor's license, setting out his qualifications therefor, the equipment proposed to be used in such contracting, and such other information as may be required by the (BOARD) *commissioner*, all upon forms prescribed by the (BOARD) *commissioner*. The (BOARD) *commissioner* shall charge a fee in an amount prescribed by (IT) *him* pursuant to section (144.122) *105.44* for the filing of such application by any person, and (IT) *he* shall not act upon any application until the fee has been paid. When the (BOARD) *commissioner* has approved the application, the applicant shall take an examination given by the (BOARD) *commissioner*.

Sec. 13. Minnesota Statutes 1976, Section 156A.07, Subdivision 4, is amended to read:

Subd. 4. All persons licensed under the provisions of sections 156A.01 to 156A.08 shall, within 30 days after completion of any well, submit a verified report to the (MINNESOTA DEPARTMENT OF HEALTH) *commissioner of natural resources* upon forms provided by (IT) *him* containing the following information: (a) the name and address of the owner of such well and the actual location of such well; (b) a well log of the materials and water encountered in connection with drilling such well, together with all pumping tests relating thereto; (c) such other information as the (BOARD OF HEALTH) *commissioner* may require concerning the drilling of such well. The (BOARD OF

HEALTH) *commissioner* shall send one copy of the report to the (COMMISSIONER OF NATURAL RESOURCES) *board of health* and one copy to the director of the Minnesota geological survey within 30 days of receipt from the water well contractor. The (DEPARTMENT OF HEALTH) *commissioner* may: (1) Establish procedures for coordinating well data collection with other state and local governmental agencies; and (2) Establish criteria and procedures for submission of well logs, formation samples or well cuttings, water samples or other special information which may be required for geologic and water resource mapping to protect, develop, and manage, for the public health and welfare and to assist in the development of a state water information system. The license of any person licensed under sections 156A.01 to 156A.08 may be suspended or revoked, as provided in section 156A.03, for violation of any of the provisions of this subdivision.

Sec. 14. Minnesota Statutes 1976, Section 156A.07, Subdivision 5, is amended to read:

Subd. 5. When an applicant has successfully passed the examination for original license, he shall submit to the (BOARD) *commissioner* a license application and a fee in an amount prescribed by the (BOARD) *commissioner* pursuant to section (144.122) 105.44, upon the receipt of which the (BOARD) *commissioner* may issue a license.

Sec. 15. Minnesota Statutes 1976, Section 156A.07, Subdivision 6, is amended to read:

Subd. 6. The license issued pursuant to this section is not transferable. Application to renew the license shall be submitted on a date specified by the (BOARD) *commissioner*, accompanied by a fee in an amount prescribed by the (BOARD) *commissioner* pursuant to section (144.122) 105.44. A penalty fee in an amount prescribed by the (BOARD) *commissioner* pursuant to section (144.122) 105.44 shall also be paid if the renewal application is submitted after the prescribed renewal date. If a water well contractor submits his renewal application after the prescribed renewal date, he shall not work as a water well contractor after that date until he has submitted an application, fee, and penalty fee.

Sec. 16. Minnesota Statutes 1976, Section 156A.07, Subdivision 7, is amended to read:

Subd. 7. The license issued pursuant to this section shall include the registration of one drilling machine. Each licensed water well contractor shall pay an annual fee in an amount prescribed by the (BOARD) *commissioner* pursuant to section (144.122) 105.44 for the registration with the board of each additional drilling machine.

Sec. 17. Minnesota Statutes 1976, Section 156A.07, Subdivision 8, is amended to read:

Subd. 8. The (BOARD OF HEALTH) *commissioner of natural resources* upon application therefor, and payment of the fees herein provided, may issue a license, without giving an examination, to any water well contractor who holds a similar license or certificate of registration in any state, territory, or possession of the United States, or any foreign country, if the requirements for licensing of water well contractors under which the applicant received a license or certificate of registration do not conflict with the provisions of sections 156A.01 to 156A.08, are of a standard not lower than that specified by the rules (, REGULATIONS,) and construction code adopted hereunder, and if equal reciprocal privileges are granted to licensees of this state.

Sec. 18. Minnesota Statutes 1976, Section 156A.08, is amended to read:

156A.08 [PENALTIES.] Any person who shall willfully violate any lawful (REGULATION,) rule or order of the (BOARD) *commissioner*, or who shall engage in the business of drilling or making water wells without first having obtained a license as in sections 156A.01 to 156A.08 required, or who shall violate any provision of sections 156A.01 to 156A.08, shall be guilty of a misdemeanor. Any violation of sections 156A.01 to 156A.08 shall be prosecuted by the county attorney in the county in which the said violation occurred or is occurring, and the trial thereof shall be held in that county.

Sec. 19. [APPROPRIATIONS.] *There is appropriated from the general fund to the commissioner of natural resources for the biennium ending June 30, 1979, the sum of \$500,000 for administration of sections 1 to 18, development of groundwater data systems, groundwater data acquisition, groundwater management, groundwater investigations, and groundwater reports and publications; the sum of \$100,000 for the training program authorized in section 4; and the sum of \$155,000 for the purposes of administration of chapter 156A.*

The commissioner of natural resources may increase the authorized personnel complement of the department of natural resources by not more than 13 positions to accomplish the purposes of sections 1 to 18.

There is appropriated from the general fund to the Minnesota geological survey for the biennium ending June 30, 1979, the sum of \$270,000 for the purpose of completing a statewide data bank of waterwell logs and compilation of data obtained from current drilling activities.

There is appropriated from the general fund to the soil and water conservation board for the biennium ending June 30, 1979, the sum of \$184,000 for the purposes of groundwater data co-

lection and management as authorized in sections 1 and 3. The soil and water conservation board shall allocate the sum of \$2,000 to each soil and water conservation district.

Sec. 20. [EFFECTIVE DATE.] *Sections 1 to 6, 19 and 20 are effective the day following final enactment. Sections 7 to 18 are effective July 1, 1977."*

Further amend the title as follows:

Page 1, line 15, after "105.44," insert "Subdivision 8, and".

Page 1, line 17, after "156A.08;" delete "and".

Page 1, delete lines 18 and 19.

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Environment and Natural Resources.

The report was adopted.

Hanson from the Committee on Commerce and Economic Development to which was referred:

H. F. No. 157, A bill for an act relating to public utilities; prohibiting certain discounts and rate reductions based on volume; providing for refund of overcharges if certain rates become effective before approval by the public service commission; removing construction in progress from rate bases; prohibiting approval of rates which make allowances for certain advertising expenses; delaying implementation of certain rate schedules; amending Minnesota Statutes 1976, Sections 216B.07; 216B.16, Subdivisions 2, 3 and 6, and by adding a subdivision.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert the following:

"Section 1. Minnesota Statutes 1976, Section 216B.16, Subdivision 1, is amended to read:

216B.16 [RATE CHANGES; PROCEDURE; HEARING.] Subdivision 1. Unless the commission otherwise orders, no public utility shall change any rate which has been duly established under (LAWS 1974, CHAPTER 429) *chapter 216B*, except after (30) 90 days notice to the commission, which notice shall include statements of facts, expert opinions, substantiating documents, and exhibits, supporting the change requested, and further shall state the change proposed to be made in the rates then

in force, and the time when the modified rates will go into effect. The (COMMISSION) *filing utility* shall give written notice, *as approved by the commission*, of the proposed change to the governing body of each municipality and county in the area affected. All proposed changes shall be shown by filing new schedules or shall be plainly indicated upon schedules on file and in force at the time.

Sec. 2. Minnesota Statutes 1976, Section 216B.16, Subdivision 2, is amended to read:

Subd. 2. Whenever there is filed with the commission any schedule modifying or resulting in a change in any rates then in force, together with the filed statements of facts, expert opinions, substantiating documents, and exhibits, supporting the changes requested, the commission shall upon complaint or may upon its own motion, upon reasonable notice to the governing bodies of municipalities affected, conduct a hearing to determine whether the rates are unjust or unreasonable(; AND). Pending the hearing and the decision thereon, the commission(, UPON) *may suspend the operation of the schedule by filing with the schedule of rates and delivering to the affected utility a statement in writing of its reasons (THEREFOR) for the suspension at any time before (THEY) the rates become effective(, MAY SUSPEND THE OPERATION OF THE SCHEDULE BUT). The suspension shall not be for a longer period than 90 days beyond the time when the schedule of rates would otherwise go into effect unless the commission (SHALL FIND) finds that a longer time will be required(, IN WHICH CASE). If a longer time is required the commission may further extend the period (FOR NOT TO EXCEED A TOTAL) of (NINE MONTHS. IF THE COMMISSION DOES NOT MAKE A FINAL DETERMINATION CONCERNING ANY SCHEDULE OF RATES WITHIN A PERIOD OF NINE MONTHS BEYOND THE TIME WHEN THE SCHEDULE OF RATES WOULD OTHERWISE GO INTO EFFECT, UNDER SUBDIVISION 1, THE SCHEDULE SHALL BE DEEMED TO HAVE BEEN APPROVED BY THE COMMISSION) suspension, but in no event shall the period of suspension be more than nine months from the date when the schedule of rates would otherwise go into effect. If the commission does not make a final determination on or before the expiration of 12 months from the date the rates were initially filed, the schedule of rates shall be deemed to have been approved by the commission. The overcharge resulting from implementation of the schedule prior to the final determination of the commission shall be refunded to the customers of the utility in a manner prescribed by rules of the commission.*

Sec. 3. Minnesota Statutes 1976, Section 216B.16, Subdivision 6, is amended to read:

Subd. 6. The commission, in the exercise of its powers under Laws 1974, Chapter 429 to determine just and reasonable rates for public utilities, shall give due consideration to the pub-

lic need for adequate, efficient, and reasonable service and to the need of the public utility for revenue sufficient to enable it to meet the cost of furnishing the service, including adequate provision for depreciation of its utility property used and useful in rendering service to the public, and to earn a fair and reasonable return upon the investment in such property. In determining the rate base upon which the utility is to be allowed to earn a fair rate of return, the commission shall give due consideration to evidence of the cost of the property when first devoted to public use, to prudent acquisition cost to the public utility less appropriate depreciation on each, to construction work in progress, *subject to the provisions of subdivision 6a*, to offsets in the nature of capital provided by sources other than the investors, and (ANY OTHER FACTORS OR EVIDENCE MATERIAL AND RELEVANT THERETO. TO THE EXTENT THAT CONSTRUCTION WORK IN PROGRESS IS INCLUDED IN THE RATE BASE, THE INCOME USED IN DETERMINING THE ACTUAL RETURN ON THE PUBLIC UTILITY PROPERTY SHALL INCLUDE AN ALLOWANCE FOR FUNDS USED DURING CONSTRUCTION) *to other expenses of a capital nature. For purposes of determining rate base, the commission shall consider the original cost of utility property included in the base and shall make no allowance for its estimated current replacement value.*

Sec. 4. Minnesota Statutes 1976, Section 216B.16, is amended by adding a subdivision to read:

Subd. 6a. Construction work in progress shall not be included in the rate base unless it constitutes a prudent investment and the commission so determines to include construction work in progress after consideration of the following factors:

- (a) The magnitude of the construction work in progress as a percentage of the net investment rate base;*
- (b) The impact on cash flow and the utility's capital costs;*
- (c) The effect on consumer rates;*
- (d) Whether it confers a present benefit upon an identifiable class or classes of customers; and*
- (e) Whether it is of a short term nature or will be imminently useful in the provision of utility service.*

Sec. 5. Minnesota Statutes 1976, Section 216B.16, is amended by adding a subdivision to read:

Subd. 8. The commission shall disapprove the portion of any rate which makes an allowance directly or indirectly for ex-

penses incurred by a public utility to provide a public advertisement which:

(a) Is designed to influence or has the effect of influencing public attitudes towards legislation or proposed legislation, or toward a rule, proposed rule, authorization or proposed authorization of the public service commission or other agency of government responsible for regulating a public utility;

(b) Is designed to justify or otherwise support or defend a rate, proposed rate, practice or proposed practice of a public utility; or

(c) Is designed primarily to promote consumption of the services of the utility.

The commission may approve a rate which makes an allowance for expenses incurred by a public utility to disseminate information which:

(a) Is designated to encourage conservation of energy supplies;

(b) Is designed to promote safety; or

(c) Is designed to inform and educate customers as to financial services made available to them by the public utility.

The commission shall not withhold approval of a rate because it makes an allowance for expenses incurred by the utility to disseminate information about corporate affairs to its owners.

Sec. 6. Minnesota Statutes 1976, Section 216B.16, is amended by adding a subdivision to read:

Subd. 9. The commission shall scrutinize all contributions and allow only 50 percent of those contributions as operating expenses which the commission deems prudent and which qualify under Minnesota Statutes, Section 290.21, Subdivision 3, Clause (b).

Sec. 7. Minnesota Statutes 1976, Chapter 237, is amended by adding a section to read:

[237.075] [RATE CHANGES.] *Subdivision 1. Unless the commission otherwise orders, no telephone company shall change any rate which has been duly established under chapter 237, except after 90 days notice to the commission. The notice shall include statements of facts, expert opinions, substantiating documents, and exhibits, supporting the change requested, and state the change proposed to be made in the rates then in force, and the time when the modified rates will go into effect.*

The filing telephone company shall give written notice, as approved by the commission, of the proposed change to the governing body of each municipality and county in the area affected. All proposed changes shall be shown by filing new schedules or shall be plainly indicated upon schedules on file and in force at the time.

Subd. 2. When there is filed with the commission a schedule modifying or resulting in a change in any rate then in force, together with the filed statements of fact, expert opinions, substantiating documents, and exhibits, supporting the changes requested, the commission shall upon complaint or may upon its own motion, upon reasonable notice to the governing bodies of municipalities and counties affected, conduct a hearing to determine whether the rates are unjust or unreasonable. Pending the hearing and the decision thereon, the commission may suspend the operation of the schedule by filing of the schedule of rates and delivering to the affected telephone company a statement in writing of its reasons for the suspension at any time before the rates become effective. The suspension shall not be for a longer period than 90 days beyond the time when the schedule of rates would otherwise go into effect unless the commission finds that a longer time will be required. If a longer time is required the commission may further extend the period of suspension, but in no event shall the period of suspension be more than nine months from the date when the schedule of rates would otherwise go into effect. If the commission does not make a final determination on or before the expiration of 12 months from the date the rates were initially filed, the schedule of rates shall be deemed to have been approved by the commission. The overcharge resulting from implementation of the schedule prior to the final determination of the commission shall be refunded to the customers of the telephone company in a manner prescribed by rules of the commission. For the purposes of this subdivision "final determination" means the initial decision of the commission and not any order which may be entered by the commission in response to a petition for rehearing or other further relief. The commission may further suspend rates until it determines all such petitions.

Subd. 3. Notwithstanding any order of suspension of a proposed increase in rates, the telephone company may put the suspended schedule into effect on the date when it would have become effective if not suspended, or any date subsequent thereto within the suspension period, by filing with the commission a bond in an amount approved by the commission with sureties approved by the commission, conditioned upon the refund, in a manner to be prescribed by order of the commission, of the excess in increased rates, including interest thereon which shall be at the current rate of interest as determined by the commission, collected during the period of the suspension if the schedule so put into effect is finally disallowed by the commission. There may be substituted for the bond other arrangements satisfactory

to the commission for the protection of persons affected. If the telephone company fails to make refunds within the period of time prescribed by the commission, the commission shall sue therefor and is authorized to recover on behalf of all persons entitled to a refund. In addition to the amount of the refund and interest due, the commission shall be entitled to recover reasonable attorney's fees, court costs and estimated cost of administering the distribution of the refund to persons entitled thereto. No suit under this subdivision shall be maintained unless instituted within two years after the end of the period of time prescribed by the commission for repayment of refunds. However, no telephone company shall put a suspended rate schedule into effect as provided by this subdivision until at least 90 days after the commission has made a determination concerning any previously filed change of the rate schedule or the change has otherwise become effective under subdivision 2.

Subd. 4. The burden of proof to show that the rate change is just and reasonable shall be upon the telephone company seeking the change.

Subd. 5. If, after the hearing, the commission finds the rates to be unjust or unreasonable or discriminatory, the commission shall determine the rates to be charged or applied by the telephone company for the service in question and shall fix them by order to be served upon the telephone company. The rates shall thereafter be observed until changed, as provided by chapter 237. In no event shall the rates exceed the level of rates requested by the telephone company, except that individual rates may be adjusted upward or downward.

Subd. 6. The commission, in the exercise of its powers under chapter 237 to determine just and reasonable rates for telephone companies, shall give due consideration to the public need for adequate, efficient, and reasonable service and to the need of the telephone company for revenue sufficient to enable it to meet the cost of furnishing the service, including adequate provision for depreciation of its telephone company property used and useful in rendering service to the public, and to earn a fair and reasonable return upon the investment in the property. In determining the rate base upon which the telephone company is to be allowed to earn a fair rate of return, the commission shall give due consideration to evidence of the cost of the property when first devoted to public use, to prudent acquisition cost to the telephone company, less appropriate depreciation on each cost, to construction work in progress, to offsets in the nature of capital provided by sources other than the investors, and to other expenses of a capital nature. To the extent that construction work in progress is included in the rate base, the income used in determining the actual return on the telephone company property shall include an allowance for funds used during construction. For purposes of determining rate base, the commission shall consider the original cost of telephone company property included in the base

and shall make no allowance for its estimated current replacement value.

Subd. 7. The commission shall not make an allowance for operating expenses incurred by a telephone company for institutional advertising.

Subd. 8. The commission shall scrutinize all contributions and allow only 50 percent of those contributions as operating expenses which the commission deems prudent and which qualify under Minnesota Statutes, Section 290.21, Subdivision 3, Clause (b).

Sec. 8. *Minnesota Statutes 1976, Section 237.08, is repealed.*

Sec. 9. *This act shall be effective the day following enactment."*

And further amend the title as follows:

Page 1, line 2, delete "prohibiting certain".

Page 1, delete line 3.

Page 1, line 10, after the "semicolon" insert "restricting approval of rates which make allowances for charitable contributions; regulating telephone company rates;"

Page 1, line 11, delete "Sections 216B.07;" and insert "Section".

Page 1, line 12, after "Subdivisions" insert "1,".

Page 1, line 12, delete "3".

Page 1, line 12, delete "a".

Page 1, line 13, delete "subdivision" and insert "subdivisions; and Chapter 237, by adding a section; repealing Minnesota Statutes 1976, Section 237.08".

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 968, A bill for an act relating to the pollution control agency; its powers and duties; prescribing additional enforcement powers with respect to air, land, noise and hazardous

waste pollution control; amending Minnesota Statutes 1976, Section 116.07, by adding a subdivision.

Reported the same back with the following amendments:

Page 1, line 12, delete "ADDITIONAL" and insert "CLARIFICATION OF".

With the recommendation that when so amended the bill pass.

The report was adopted.

Fugina from the Committee on Higher Education to which was referred:

H. F. No. 210, A bill for an act relating to education; higher education coordinating board; authorizing the board to contract for spaces for Minnesota residents in out of state schools of optometry; authorizing the board to explore the feasibility of a regional school of optometry; appropriating money.

Reported the same back with the following amendments:

Page 2, line 14, after the first "of" insert "\$77,365".

Page 2, line 17, after "of" insert "\$25,365".

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

The report was adopted.

Fugina from the Committee on Higher Education to which was referred:

H. F. No. 1115, A bill for an act relating to education; state universities; handicapped students; waiving tuition for legally blind students; amending Minnesota Statutes 1976, Section 136.11, Subdivision 1.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Enebo from the Committee on Labor-Management Relations to which was referred:

H. F. No. 320, A bill for an act relating to labor; providing for the elimination of the tip credit in computing minimum

wage; amending Minnesota Statutes 1976, Sections 177.23, by adding a subdivision; 177.24; repealing Minnesota Statutes 1976, Section 177.28, Subdivision 4.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1976, Section 177.23, Subdivision 9, is amended to read:

Subd. 9. “Gratuities” means voluntary monetary contributions received *directly or indirectly* by an employee from a guest, patron, or customer for services rendered *and includes any moneys charged to a guest, patron, or customer as a separate service or labor charge and which might reasonably be construed by the guest, customer, or patron as being a payment for personal services rendered by an employee and for which no clear and conspicuous notice is given by the employer to the customer, guest, or patron that such charge is not the property of the employee.*

Sec. 2. Minnesota Statutes 1976, Section 177.24, is amended to read:

177.24 [PAYMENT OF MINIMUM WAGES.] *Subdivision 1. Except as may otherwise be provided in sections 177.21 to 177.35, or by regulation issued pursuant thereto, every employer shall pay to each of his employees who is 18 years of age or older wages at a rate of not less than \$2.10 an hour and shall pay to each of his employees who is under the age of 18 wages at a rate of not less than \$1.89 an hour.*

Subd. 2. No employer shall directly or indirectly credit, apply or utilize gratuities towards payment of minimum wages except as provided for under section 177.28.

Subd. 3. For purposes of this act, any gratuity received by an employee or deposited in or about a place of business for personal services rendered by an employee is the sole property of the employee. No employer shall require an employee to contribute or share any or all of his gratuities with the employer to a fund or pool operated for the benefit of the employer or his employees, provided that nothing in this section shall prevent an employee from voluntarily, and upon an individual basis, sharing his gratuities with other employees.

Sec. 3. Minnesota Statutes 1976, Section 177.28, Subdivision 4, is amended to read:

Subd. 4. An employee who receives (\$20) \$50 or more per month in gratuities is a tipped employee. His employer is en-

titled to a credit in an amount up to (25) *ten* percent of the minimum wage which a tipped employee receives. Said credit against the wages due (FOR GRATUITIES RECEIVED BY A TIPPED EMPLOYEE) may not be taken unless *at the time the credit is taken the employer has received* a signed statement for that pay period from (EACH) the tipped employee (STATES) *stating* that he did receive and retain during (THE) *that* pay period all gratuities received by him in an amount equal to or greater than the credit applied against the wages due by his employer. Such statements shall be maintained by the employer as a part of his business records.”.

Further, amend the title as follows:

Page 1, line 2, delete “the elimination” and insert “reduction”.

Page 1, line 5, delete “by adding a subdivision” and insert “Subdivision 9”.

Page 1, line 5, delete “repealing”.

Page 1, line 6, delete “Minnesota Statutes 1976, Section”.

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 1, A bill for an act relating to public welfare; establishing a formula for allocating state funds to counties for social service programs; prescribing county duties; providing for social service tax levies; prescribing duties of the commissioner of public welfare; appropriating money; amending Minnesota Statutes 1976, Sections 144.065; 145.55, Subdivision 1; 245.70; 252.22; 252.23; 252.26; 252.27, Subdivision 1; 253A.02, by adding a subdivision; 253A.07, Subdivisions 1 and 7; 253A.09, Subdivision 1; 253A.10, Subdivision 4; 253A.14, Subdivision 1; 253A.15, Subdivisions 6, 11, 12 and 13; 254A.05, Subdivision 1; 254A.07, Subdivisions 1 and 2; 254A.08, Subdivision 1; 256.12, Subdivision 9; 256.871, Subdivision 5; 256.95; 260.251, Subdivision 1a; 275.50, Subdivision 5; 393.07, Subdivisions 2 and 3; 477A.01, Subdivision 2; 626.556, Subdivision 2; repealing Minnesota Statutes 1976, Sections 145.08, Subdivision 2; 145.11; 145.12; 145.123; 145.125, Subdivisions 1 and 2; 145.47; 145.48; 145.49; 145.50; 145.51; 145.52; 145.53; 145.54; 145.911; 145.912; 145.913; 145.914; 145.915; 145.916; 145.917; 145.918; 145.919; 145.92; 145.921; 145.922; 245.61; 245.62; 245.63; 245.64; 245.65; 245.66; 245.67; 245.68; 245.69; 245.691; 245.72; 245.83; 245.84; 245.85; 245.86; 245.87; 252.21; 252.24; 252.25; 254A.02, Subdivision 12; 254A.07, Subdivision 3; 254A.08, Sub-

division 3; 254A.12; 254A.14; 254A.15; 254A.16; 254A.17; 393.01; 393.02; 393.03; 393.04; 393.06; 393.07, Subdivision 8; 393.08; 393.09; 393.11.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert:

“ARTICLE I

Section 1. [STATE FUNDS FOR COMMUNITY HEALTH AND SOCIAL SERVICES.] *Subdivision 1. [FORMULA.] The commissioner of finance shall distribute community health and social service aids to each county board in an amount certified by the commissioner of public welfare for county planning and provision of community health and social services. The commissioner of public welfare shall determine the amount according to the following formula.*

a. *In calendar year 1978:*

(1) *An amount equal to \$80 times the average number of persons who receive AFDC or general assistance per month in calendar year 1977 as reported in the average monthly caseload reports required under sections 256D.04 and 256.01, subdivision 4, and certified by the commissioner of public welfare;*

(2) *Plus an amount equal to \$9 times the number of persons residing in the county in calendar year 1975 as determined by the state demographer;*

(3) *Plus an amount equal to \$50 times the number of persons residing in the county who is 60 years old or older in calendar year 1975 as determined by the state demographer;*

(4) *Less an amount equal to \$9 times the number of persons residing in the county in calendar year 1975 or one and one-half mills times the adjusted assessed value of the county for calendar year 1976, as determined by the equalization aid review committee pursuant to section 124.212, subdivision 10, whichever is less.*

b. *In calendar year 1979:*

(1) *An amount equal to \$90 times the average number of persons who receive AFDC or general assistance per month in calendar year 1978 as reported in the average monthly caseload reports required under sections 256D.04 and 256.01, subdivision 4, and certified by the commissioner of public welfare;*

(2) *Plus an amount equal to \$10 times the number of persons residing in the county in calendar year 1975 as determined by the state demographer;*

(3) Plus an amount equal to \$55 times the number of persons residing in the county who is 60 years old or older in calendar year 1975 as determined by the state demographer;

(4) Less an amount equal to \$10 times the number of persons residing in the county in calendar year 1975 or one and one-half mills times the adjusted assessed value of the county for calendar year 1977, as determined by the equalization aid review committee pursuant to section 124.212, subdivision 10, whichever is less.

Subd. 2. [MINIMUM FUNDING LEVEL.] No county shall receive less for community health and social services under subdivision 1, in calendar years 1978 and 1979 than it received in state funds in calendar years 1977 and 1978 for moneys earned in calendar year 1977 as authorized by Laws 1975, Chapter 434; Laws 1976, Chapter 9 and Chapter 125, Section 11, and the 1977 legislature for the following services: community based residential services for the mentally ill, the chemically dependent and the mentally retarded; community mental health centers; daytime activity centers for the mentally retarded; cost of care for the mentally retarded, the epileptic and the emotionally disturbed; day care services development and funding, except funds appropriated for migrant labor day care; foster care for children under state guardianship; foster group care; and community health services.

For purposes of this subdivision, 50 percent of the county administrative cost reimbursement and 50 percent of the equalization aid authorized by Laws 1975, Chapter 434, which were received in calendar year 1977 are considered community health and social service funds. The term state funds does not include any federal funds received by the state or counties for financing these services.

Subd. 3. [HUMAN SERVICES BOARD AND MULTI-COUNTY INCREMENT.] In addition to the funds granted in subdivision 1, a county which alone or in cooperation with other counties establishes a human services board pursuant to chapter 402 or two or more contiguous counties having an aggregate population of 30,000 or more persons or an aggregate area of 3,500 square miles or more, or three or more contiguous counties situated within the boundaries of the same region designated pursuant to sections 462.381 to 462.396 or the metropolitan area as defined in section 473.121 which have combined for purposes of administering community health or social services shall be granted an amount equal to ten percent of the sum of the factors in subdivision 1, clauses (1), (2) and (3) for the appropriate year.

Subd. 4. [COMMUNITY HEALTH AND SOCIAL SERVICE LEVY.] In calendar year 1977 for taxes payable 1978, a county board shall levy upon all taxable property in the county a tax equal to the amount determined in subdivision 1, para-

graph a(4), for community health and social service programs. In calendar year 1978 for taxes payable 1979 a county board shall levy upon all taxable property in the county a tax equal to the amount determined in subdivision 1, paragraph b(4). Levies authorized in subdivisions 4 and 5 shall replace any community health and social service levies authorized pursuant to section 275.50. All funds available to counties pursuant to article I may be used by counties to match federal funds.

Subd. 5. [OPTIONAL EXCESS LEVY.] In addition to the levy required by subdivision 4, a county may levy one and one-half mills on the current adjusted assessed value as certified by the equalization aid review committee pursuant to Minnesota Statutes, Section 124.212, Subdivision 10, for community health and social service programs funded pursuant to article I. If the sum of state aid and local levies for community health and social services authorized in any year is less than the sum of state aids and county levies received by a county for community health and social services in calendar year 1977, that county may levy the additional amount required to equal the community health and social service funds it received in 1977 from state aids and county levies. The term county levies for community health and social services means levies for community health and social services made pursuant to Minnesota Statutes, Section 275.50, including levies which were made to match federal funds received pursuant to Title XX of the federal social security act.

Sec. 2. [PAYMENTS TO COUNTIES.] The commissioner of finance shall make payments for community health and social services to each county, as calculated and certified by the commissioner of public welfare, in 12 equal installments payable on or before the 15th day of each month. The commissioner of public welfare may certify the payments for the first three months of a calendar year based on estimates of the number of persons receiving AFDC or general assistance for the prior year. The following nine payments shall be adjusted to reflect the actual number of persons who received AFDC or general assistance as required by section 1, subdivision 1.

Sec. 3. [PENALTIES.] Subdivision 1. [FAILURE TO SPEND.] A county which has not spent the aids granted under sections 1 and 2 for community health and social services within two years of receiving those aids shall receive a reduction in aid calculated pursuant to section 1, subdivision 1. This reduction shall be made in the calendar year which begins no more than 24 months after the underspending has occurred and shall be equal to one-half the amount of aids which were not spent.

Subd. 2. [FAILURE TO LEVY; PENALTY.] A county which levies less than the levy required in section 1, subdivision 4, shall receive a reduction in the aid calculated pursuant to section 1, subdivision 1. The commissioner shall calculate the reduced aid as follows:

(a) *Divide the amount levied by the amount required to be levied in section 1, subdivision 4.*

(b) *Multiply the ratio derived in clause (a) times the aid calculated under section 1, subdivision 1.*

Sec. 4. Minnesota Statutes 1976, Section 477A.01, Subdivision 2, is amended to read:

Subd. 2. Every county government except that of a county containing a city of the first class shall receive a distribution equal to the distribution it was entitled to receive in 1975 pursuant to Minnesota Statutes 1974, Section 477A.01. *Beginning in calendar year 1979 the distribution shall be reduced by an amount equal to the community health and social services aids allocated pursuant to sections 1 and 2 in the immediately preceding year which have been spent for purposes unauthorized by articles I to III.*

Sec. 5. [TITLE XX ALLOCATION.] *Funds for social services which are received from the federal government to reimburse counties for social service expenditures pursuant to Title XX of the Social Security Act shall be allocated to each county according to the formula established in section 1, as follows:*

(a) *The commissioner shall derive an index for each county by adding the amounts calculated in section 1, subdivision 1, clauses (1), (2), and (3).*

(b) *The index for each county shall be divided by the sum of the indices for all counties in the state.*

(c) *The total county share of title XX funds shall be multiplied by the ratio derived in clause (b) for each county. At least 94 percent of the funds received from the federal government for social services pursuant to title XX of the social security act shall be allocated to the counties pursuant to this section.*

(d) *In calendar year 1978 and subsequent years, no county shall receive a reimbursement of an amount less than 100 percent of the federal title XX funds it received in the calendar year 1976. If the amount allocated to any county pursuant to paragraphs (a), (b) and (c) is less than 100 percent of its 1976 allocation, its allocation shall be raised to 100 percent of the 1976 allocation and the allocations to other counties shall be reduced proportionately as necessary to supply the difference. If in any year the amount of federal title XX funds to the state is reduced, the guarantee provided in this paragraph shall be reduced by a percentage reduction equal to the percentage reduction in title XX funds to the state as a whole. The commissioner of public welfare shall quarterly review the use of title XX funds by each county and reallocate unused funds among the other counties ac-*

ording to the formula in section 1 so that all available federal funds are used within the federal fiscal year.

Sec. 6. Minnesota Statutes 1976, Section 275.50, Subdivision 5, is amended to read:

Subd. 5. Notwithstanding any other law to the contrary for taxes levied in 1975 payable in 1976 and thereafter, "special levies" means those portions of ad valorem taxes levied by governmental subdivisions to:

(a) satisfy judgments rendered against the governmental subdivision by a court of competent jurisdiction in any action other than an action on an express contract or default on an express contract, or to pay the costs of settlements out of court against the governmental subdivision in any action other than an action on an express contract when substantiated by a stipulation for the dismissal of the action filed with the court of competent jurisdiction and signed by both the plaintiff and the legal representative of the governmental subdivision, but only to the extent of the increase in levy for such judgments and out of court settlements over levy year 1970, taxes payable in 1971;

(b) pay the costs of complying with any written lawful order issued by the state of Minnesota, or the United States, or any agency or subdivision thereof, which is authorized by law, statute, special act or ordinance and is enforceable in a court of competent jurisdiction, or any stipulation agreement or permit for treatment works or disposal system for pollution abatement in lieu of a lawful order signed by the governmental subdivision and the state of Minnesota, or the United States, or any agency or subdivision thereof which is enforceable in a court of competent jurisdiction. The commissioner of revenue shall in consultation with other state departments and agencies, develop a suggested form for use by the state of Minnesota, its agencies and subdivisions in issuing orders pursuant to this subdivision;

(c) pay the costs of complying with any law enacted by the 1975 legislature or a subsequent year's legislature *except this act* which specifically and directly requires a new or altered activity after levy year 1974, taxes payable in 1975, but only to the extent of the increased cost for such activity after levy year 1974, taxes payable in 1975;

(d) pay the costs of an expanded county court system to the extent of the increase in costs over the amount levied in support of a county court or a probate court in levy year 1974, taxes payable in 1975;

(e) pay amounts required by any public pension plan to the extent that operation of the laws of the state of Minnesota or the United States governing such fund directly causes the level of

governmental financial support to exceed the level of such support prior to July 1, 1971, provided that such increases are not the result of amendment by any means to the benefit plan after July 1, 1971 which required the approval of the governing body of the governmental subdivision;

(f) pay amounts required to be levied in support of a volunteer firemen's relief association if resulting from the operation of sections 69.772 and 69.773;

(g) pay the costs to a governmental subdivision for their share of any program otherwise authorized by law, including the administrative costs (OF SOCIAL SERVICES AND) of county (WELFARE SYSTEMS) *public assistance programs*, for which matching funds have been appropriated by the state of Minnesota or the United States, but only to the extent that the costs to the governmental subdivision for the program exceed those expended in calendar year 1970, subject to rules promulgated by the commissioner of revenue pursuant to the administrative procedures act. *Funds distributed pursuant to section 1 and section 6 shall not be considered matching funds for purposes of this levy;*

(h) pay expenses reasonably and necessarily incurred in preventing, preparing for or repairing the effects of natural disaster. "Natural disaster" as used herein means the occurrence or threat of widespread or severe damage, injury or loss of life or property resulting from natural causes, including and limited to fire, flood, earthquake, wind storm, wave action, oil spill, or other water contamination requiring action to avert danger or damage, volcanic activity, drought or air contamination. The emergency services division of the state department of public safety shall formulate standards by which an occurrence of any of the aforementioned natural phenomena would be deemed a natural disaster by reason of the level of damage, injury or loss of life or property that has occurred or would occur if preventative action was not taken;

(i) pay the costs not reimbursed by the state or federal government, of payments made to or on behalf of recipients of aid under any public assistance program authorized by law;

(j) pay the costs of principal and interest on bonded indebtedness, or, effective for taxes levied in 1973 and years thereafter, to reimburse for the amount of liquor store revenues used to pay the principal and interest due in the year preceding the year for which the levy limit is calculated on municipal liquor store bonds;

(k) pay the costs of principal and interest on certificates of indebtedness, except tax anticipation or aid anticipation certificates of indebtedness, issued for any corporate purpose except current expenses or funding an insufficiency in receipts

from taxes or other sources or funding extraordinary expenditures resulting from a public emergency;

(l) fund the payments made to the Minnesota state armory building commission pursuant to section 193.145, subdivision 2, to retire the principal and interest on armory construction bonds;

(m) provide for the bonded indebtedness portion of payments made to another political subdivision of the state of Minnesota;

(n) pay the amounts required to compensate for a decrease in revenues from public service enterprises, municipal liquor stores, licenses, permits, fines and forfeits and no other, to the extent that the aggregate of revenues from these sources in the calendar year preceding the year of levy are less than the aggregate of revenues from these sources in calendar year 1971. "Revenues" from a public service enterprise or a municipal liquor store shall mean the net income or loss of such public service enterprise or municipal liquor store, determined by subtracting total expenses from total revenues, and before any contribution to or from the governmental subdivision. "Fines" for a municipal court means the net amount remaining after subtracting total municipal court expenses from total collections of municipal court fines. A governmental subdivision shall qualify for this special levy only if the decrease in aggregate revenues as computed herein and divided by the population of the governmental subdivision in the preceding levy year is equal to or greater than two percent of the per capita levy limitation for the preceding levy year;

(o) pay the amounts required to compensate for a decrease in mobile homes property tax receipts to the extent that the governmental subdivision's portion of the total levy in the current levy year, pursuant to section 273.13, subdivision 3, as amended, is less than the distribution of the mobile homes tax to the governmental subdivision pursuant to section 273.13, subdivision 3, in calendar year 1971;

(q) pay the amounts required, in accordance with section 275.075, to correct for a county auditor's error of omission in levy year 1971 or a subsequent levy year, but only to the extent that when added to the preceding year's levy it is not in excess of an applicable statutory, special law or charter limitation, or the limitation imposed on the governmental subdivision by sections 275.50 to 275.56 in the preceding levy year;

(r) pay amounts required to correct for an error of omission in the levy certified to the appropriate county auditor or auditors by the governing body of a city or town with statutory city powers in levy year 1971 or a subsequent levy year, but only to the extent that when added to the preceding year's levy it is not

in excess of an applicable statutory, special law or charter limitation, or the limitation imposed on the governmental subdivision by sections 275.50 to 275.56 in the preceding levy year;

(s) pay the increased cost of municipal services as the result of an annexation or consolidation ordered by the Minnesota municipal board in levy year 1971 or a subsequent levy year, but only to the extent and for the levy years as provided by the board in its order pursuant to section 414.01, subdivision 15. Special levies authorized by the board shall not exceed 50 percent of the levy limit base of the governmental subdivision and may not be in effect for more than three years after the board's order;

(t) pay the increased costs of municipal services provided to new private industrial and nonresidential commercial development, to the extent that the extension of such services are not paid for through bonded indebtedness or special assessments, and not to exceed the amount determined as follows. The governmental subdivision may calculate the aggregate of:

(1) The increased expenditures necessary in preparation for the delivering of municipal services to new private industrial and nonresidential commercial development, but limited to one year's expenditures one time for each such development;

(2) The amount determined by dividing the overall levy limitation established pursuant to sections 275.50 to 275.56, and exclusive of special levies and special assessments, by the total taxable value of the governmental subdivision, and then multiplying this quotient times the total increase in assessed value of private industrial and nonresidential commercial development within the governmental subdivision. For the purpose of this clause, the increase in the assessed value of private industrial and nonresidential commercial development is calculated as the increase in assessed value over the assessed value of the real estate parcels subject to such private development as most recently determined before the building permit was issued. In the fourth levy year subsequent to the levy year in which the building permit was issued, the increase in assessed value of the real estate parcels subject to such private development shall no longer be included in determining the special levy.

The aggregate of the foregoing amounts, less any costs of extending municipal services to new private industrial and nonresidential commercial development which are paid by bonded indebtedness or special assessments, equals the maximum amount that may be levied as a "special levy" for the increased costs of municipal services provided to new private industrial and nonresidential commercial development;

(u) recover a loss or refunds in tax receipts incurred in non-special levy funds resulting from abatements or court action in the previous year pursuant to section 275.48.

Sec. 7. *There is appropriated from the general fund to the commissioner of finance an amount sufficient to pay the state aids authorized by this article.*

Sec. 8. [CITATION.] *Sections 1 to 4 shall be referred to as the Minnesota social service equalization aid formula.*

ARTICLE II

Section 1. [COUNTY HEALTH AND SOCIAL SERVICE AUTHORITY.] *The county board is the designated authority for the planning and provision of community health and social services in the county, and has the powers and duties with regard to community health and social services as provided in article II.*

Sec. 2. [COUNTY HEALTH AND SOCIAL SERVICE PROGRAMS.] Subdivision 1. [DUTIES.] *The county board of each county receiving community health and social service aids under article I, section 1, shall distribute the funds for community health and social service programs within the county as it deems appropriate. These services provided by the county shall comply with rules established by the commissioner of public welfare and the state board of health. "Community health and social services" means those services or social service programs included in the state social service plan of the commissioner of public welfare, and those defined by Laws 1976, Chapter 9, Section 2.*

Subd. 2. [MANDATORY COMMUNITY HEALTH AND SOCIAL SERVICES.] *Among the community health and social services the county provides shall be:*

(a) *Adoption services, pursuant to Minnesota Statutes, Chapter 259;*

(b) *Child protective services, pursuant to Minnesota Statutes, Sections 393.07 and 626.556;*

(c) *Detoxification services, pursuant to Minnesota Statutes, Section 254A.03;*

(d) *Foster care services, pursuant to Minnesota Statutes, Sections 252.27, 260.251 and 261.27; provided, however, that no county shall be required to spend more than 25 percent of the aids received pursuant to article I, sections 1 and 2, for the services required in section 252.27, subdivision 1;*

(e) *Mental health, mental retardation and inebriacy services, pursuant to Minnesota Statutes, Section 252.23; Chapters 252A and 253A; Section 393.07; and section 7 of this act;*

(f) *Disease prevention and control services as defined by Laws 1976, Chapter 9, Section 2, Subdivision 8, and pursuant to Minnesota Statutes 1976, Sections 145.49 and 145.22;*

(g) *Community nursing and home health services as defined by Laws 1976, Chapter 9, Section 2, Subdivisions 6 and 7, and pursuant to Minnesota Statutes 1976, Sections 145.08 to 145.125.*

Subd. 3. [DELIVERY OF COMMUNITY HEALTH AND SOCIAL SERVICES.] *The county board may contract with private organizations or political subdivisions, as defined in section 15.162, subdivision 5, for the planning and delivery of community health and social services. The county board shall appoint a social services advisory committee and a community health services advisory committee, which shall assist in the formulation of the plan and shall make formal recommendations to the board concerning the allocation of funds and implementation of the plan prior to final adoption by the board. Membership on the community health services advisory committee shall include representation from cities within the county. The advisory committee may appoint task forces to assist it in its functions.*

Subd. 4. [PLANNING PROCESS.] *By July 1 of each calendar year commencing in 1978, the county board shall publish a proposed county health and social service plan for the following year which shall include:*

(a) *A description of each service program proposed;*

(b) *Identification of the agency or person proposed to provide the service;*

(c) *The amount of funds proposed to be allocated to each service;*

(d) *Methods to be employed to encourage participation of citizens and providers in development of the plan and allocation of funds;*

(e) *Methods whereby existing providers of health and social services may be utilized on a purchase of service basis; and*

(f) *Any comments from the appropriate health systems agency, designated pursuant to 42 USC 300M, which may be available at least 25 days prior to the plan's publication regarding the consistency of the plan with health planning objectives.*

Subd. 5. [TECHNICAL ASSISTANCE.] *A county may request technical assistance from the commissioner of public welfare, the state board of health, the regional development commission or the metropolitan council to plan, implement, or improve any community health and social services which it is required to or may provide, or which it plans to provide.*

Subd. 6. [PUBLIC NOTICE.] The county board shall make available to the public through publication or posting in public buildings the names and locations of agencies responsible for delivery of community health and social services.

Subd. 7. [RULE PROMULGATION; AUTHORITY AND ENFORCEMENT.] (a) By resolution the county board may adopt, amend and repeal rules governing the providing of community health and social services, applicable throughout the whole or any part of the county. Proposed rules shall be published at least once in a newspaper of general circulation throughout the county at least 15 days before adoption. No county rule shall supersede or conflict with higher standards established by statute, the rules of the commissioner of public welfare, the rules of the state board of health, or the provisions of the charter or ordinances of any city pertaining to the same subject matter.

(b) The county board may enforce its rules and laws governing the provision of community health and social services.

Subd. 8. [MAXIMUM USE OF FACILITIES.] Before the county or counties allocate state aids for capital expenditures in excess of \$50,000 for community health and social service programs, the commissioner of public welfare shall certify that existing institutions or facilities could not be acquired or leased to provide the needed facilities safely and at a lower cost, including schools and public and private hospitals. The commissioner shall respond to requests for certification required by this subdivision within 60 days.

Subd. 9. By October 1 of each calendar year commencing in 1978, the county board shall submit to the state and publish a final county health and social service plan for the following year.

Sec. 3. [COMMUNITY HEALTH AND SOCIAL SERVICE FUND.] *Subdivision 1. [CREATION.] In the accounts and records of each county there shall be created a community health and social service fund. All aids provided for community health and social services by article I and all other tax moneys, fees, grants-in-aid, gifts, or bequests designated for community health and social service purposes, shall be identified in the record of the fund. This fund shall be used only for community health and social service purposes as defined in article II. If county boards have joined for purposes of providing community health and social services, the county boards may create a "joint community health and social service fund". If human service boards have been designated, the human service board shall account for their community health and social service funds as a part of the human services program offered under the provisions of chapter 402.*

Subd. 2. [COLLECTION OF FEES.] Twenty percent of the community health and social service funds of the county

under article I, sections 1 and 2, may be distributed to provide community health and social services to clients on a sliding fee plan based on the client's ability to pay. The county board shall establish by rule a schedule of fees for community health and social services to be charged to recipients of these services.

Payment, in whole or in part, for services may be accepted from any person. When services are provided any person, including but not limited to a recipient of any type of social security aids administered by the federal or state governments, or a recipient of direct relief, payment of any charges due may be billed to and accepted either from a local, county, state or federal public assistance agency or any combination thereof, or from any individual, governmental agency, or corporation, public or private.

Subd. 3. [PROGRAM SPENDING.] No county shall be required to spend more than 60 percent of the aids distributed pursuant to article I for community health and social services which are required in article II, section 2, subdivision 2.

Subd. 4. [FINANCIAL REPORTING BY COUNTIES.] Beginning in calendar year 1979 each county shall submit to the commissioner of public welfare a quarterly financial statement of the county health and social service fund. The first quarterly statement shall be submitted no later than January 15 of each year, and shall include:

(a) A detailed balance sheet of the county health and social service fund for the preceding year;

(b) A detailed statement of income and expenses attributable to the fund in the preceding year; and

(c) A statement of the source and application of all funds used for community health and social services by the county during the preceding year, including the number of clients served and expenditures for each service provided, as required by the commissioner of public welfare.

If county boards have joined for purposes of providing community health and social services, the county boards may submit a joint statement. If a human service board has been created, the human service board shall submit the statement.

Sec. 4. In calendar years 1978 and 1979 the county shall not reduce the funding provided for each of the community health and social services which were funded in calendar year 1977. The total amount of funds provided in 1977 for community health services delivered by cities which received funds pursuant to Laws 1976, Chapter 9, shall not be reduced by the county in calendar years 1978 and 1979.

Sec. 5. [INTERCOUNTY COOPERATION.] *Two or more contiguous counties which are situated within the boundaries of the same region designated pursuant to sections 462.381 to 462.396 or chapter 473B and which have not established a human services board may, by resolution of their respective county boards, agree to combine into one board for community health and social service purposes to serve the counties that enter into the agreement. The joint board shall have the same powers, duties and functions as the individual county boards. The term of the joint board, withdrawal from the joint board, composition of the board, and contribution to the expenses of the board shall be according to the terms of the agreement. Nothing in this section shall prevent a county board from purchasing services from an agency outside the boundaries of the Minnesota economic development region in which it is situated. A joint board established pursuant to this section may encompass completely two regions.*

Sec. 6. [COUNTY LIAISON TO STATE; INCOME MAINTENANCE DUTIES.] *The county board shall designate the human services board, or if none is established, the county board, to cooperate with state agencies in administering income maintenance programs in the county. The county board shall designate an agency to perform the functions required of public health nursing committees pursuant to Minnesota Statutes, Sections 145.08 to 145.125, and county health departments pursuant to Minnesota Statutes, Sections 145.47 to 145.55, and the functions of county welfare boards pursuant to chapter 393.*

Sec. 7. [MENTAL HEALTH SERVICES.] *Each county shall provide mental health services which shall include: (a) outpatient diagnostic and treatment services; (b) rehabilitative services for patients suffering from mental or emotional disorders, particularly those who have received prior treatment in an in-patient facility; (c) consultative services as requested by public and private agencies; (d) collaborative and cooperative services with other public and private agencies for programs of prevention of mental illness. Mental health services provided by the county shall comply with standards established by the commissioner of public welfare. The county may utilize existing agencies to meet this responsibility.*

Sec. 8. Minnesota Statutes 1976, Section 252.22, is amended to read:

252.22 [APPLICANTS FOR ASSISTANCE; TAX LEVY.] Any city, town, county or non-profit corporation or any combination thereof, may apply to the commissioner of public welfare for *technical* assistance in establishing and operating a daytime activity center and program for mentally retarded and cerebral palsied persons. (APPLICATION FOR SUCH ASSISTANCE SHALL BE ON FORMS SUPPLIED BY THE COMMISSIONER. EACH APPLICANT SHALL ANNUALLY SUBMIT TO THE COMMISSIONER ITS PLAN AND BUD-

GET FOR THE NEXT FISCAL YEAR. NO APPLICANT SHALL BE ELIGIBLE FOR A GRANT HEREUNDER UNLESS ITS PLAN AND BUDGET HAVE BEEN APPROVED BY THE COMMISSIONER.)

Any (CITY, TOWN, OR) county is authorized, at the discretion of its governing body, to make grants from (SPECIAL TAX REVENUES) *state and county health and social services funds* or from its general revenue fund to any nonprofit organization, governmental or corporate, within or outside its jurisdiction, that has established a daytime activity center for the mentally retarded and cerebral palsied. (IN ORDER TO PROVIDE NECESSARY FUNDS TO ESTABLISH AND OPERATE DAYTIME ACTIVITY CENTERS FOR THE MENTALLY RETARDED AND CEREBRAL PALSIED, THE GOVERNING BODY OF ANY CITY, TOWN, OR COUNTY MAY LEVY ANNUALLY UPON ALL TAXABLE PROPERTY IN SUCH CITY, TOWN, OR COUNTY, A SPECIAL TAX IN EXCESS OF ANY STATUTORY OR CHARTER LIMITATION BUT SUCH LEVY SHALL NOT EXCEED ONE-SIXTH OF ONE MILL AS TO ANY CITY OR TOWN. THE GOVERNING BODY OF ANY CITY, TOWN, OR COUNTY MAY MAKE SUCH A LEVY, WHERE NECESSARY, SEPARATE FROM THE GENERAL LEVY. NOTHING CONTAINED HEREIN SHALL IN ANY WAY PRECLUDE THE USE OF FUNDS AVAILABLE FOR THIS PURPOSE UNDER ANY EXISTING STATUTE OR CHARTER PROVISION RELATING TO CITIES, TOWNS AND COUNTIES.)

Sec. 9. Minnesota Statutes 1976, Section 252.23, is amended to read:

252.23 [ELIGIBILITY REQUIREMENTS.] (AN APPLICANT) *Each county* shall (SATISFY ALL OF THE FOLLOWING REQUIREMENTS TO BE ELIGIBLE FOR ASSISTANCE UNDER SECTIONS 252.21 TO 252.26):

(1) Provide daytime activities *and other outpatient diagnostic and treatment services* for any or all of the following classes of persons:

Mentally retarded and cerebral palsied children who can benefit from the program of services, including those school age children who have been excused or excluded from school;

Mentally retarded and cerebral palsied children and adults who are unable to attend school because of their chronological age and are unable to independently engage in ordinary community activities;

(2) Provide counseling services to parents or guardians (OF) *or others responsible* for mentally retarded and cerebral palsied persons (WHO MAY REGISTER AT THE CENTER);

(3) *Consultative services as requested by public and private agencies;*

((3)) (4) Comply with all rules (AND REGULATIONS DULY) promulgated by the commissioner of public welfare.

Sec. 10. Minnesota Statutes 1976, Section 252.26, is amended to read:

252.26 [DUTIES OF DAY ACTIVITIES CENTERS.] Subject to (THE PROVISIONS OF SECTIONS 252.21 TO 252.26 AND) the rules (AND REGULATIONS) of the commissioner of public welfare, (EACH BOARD OF DIRECTORS OF) a day-time activity center *established pursuant to section 252.22* shall:

(1) Recruit and promote financial support for the center from sources such as business, labor, industrial and private foundations, voluntary agencies, *the county board*, and the general public;

(2) Promote and enter into working agreements with other social service and educational agencies, both public and private, which provide service to the mentally retarded and cerebral palsied;

(3) Advise the (COMMISSIONER OF PUBLIC WELFARE) *county board* on the adoption and implementation of policies to stimulate effective community relations;

(4) Review the annual budget and plan of the center and make recommendations thereon;

(5) Review and evaluate periodically the services provided by the center and report thereon to the (COMMISSIONER OF PUBLIC WELFARE) *county board*, and when indicated to the public;

(6) Provide for transportation to and from the center of all persons who fulfill the eligibility requirements of section 252.23 (, CLAUSE (1)) and who attend the center, if provision for this transportation is not unreasonably burdensome to the center and if a more efficient, reasonable, alternative means of transportation does not exist.

Sec. 11. Minnesota Statutes 1976, Section 252.27, Subdivision 1, is amended to read:

252.27 [COST OF BOARDING CARE OUTSIDE OF HOME OR INSTITUTION.] Subdivision 1. Whenever any child who is mentally retarded, epileptic or emotionally handicapped is cared for outside the home and outside the several state insti-

tutions, in a facility approved by the commissioner of public welfare, the cost of such care shall be paid by the county in which such child has settlement for poor relief purposes; if the child does not have a settlement in this state, such cost shall be paid by the county in which he is found. (THE COUNTY PAYING THE COSTS OF SUCH CARE AND TREATMENT SHALL, SUBJECT TO UNIFORM REGULATIONS ESTABLISHED BY THE COMMISSIONER OF PUBLIC WELFARE, RECEIVE REIMBURSEMENT NOT EXCEEDING 70 PERCENT OF SUCH COSTS FROM FUNDS MADE AVAILABLE FOR THIS PURPOSE BY THE LEGISLATURE, PROVIDED, HOWEVER, THAT SUCH REIMBURSEMENT SHALL CEASE UPON THE MENTALLY RETARDED, EPILEPTIC OR EMOTIONALLY HANDICAPPED CHILD REACHING AGE 18. IF THE STATE APPROPRIATION FOR THIS PURPOSE IS INSUFFICIENT, REIMBURSEMENT SHALL BE PRORATED.) For the purposes of this section an "emotionally handicapped child" means any child having a psychiatric or other disorder which substantially impairs his mental health and who is in need of treatment or supervision.

Sec. 12. Minnesota Statutes 1976, Section 253A.02, is amended by adding a subdivision to read:

Subd. 23. "Designated agency" means an agency selected by the county board to provide the services under Minnesota Statutes, Chapter 253A.

Sec. 13. Minnesota Statutes 1976, Section 253A.07, Subdivision 1, is amended to read:

253A.07 [JUDICIAL COMMITMENT.] Subdivision 1. Any interested person may file in the probate court of the county of the proposed patient's settlement or presence a petition for commitment of a proposed patient, setting forth the name and address of the proposed patient, the name and address of his nearest relatives, and the reasons for the petition. Such petition shall be accompanied either by a written statement by a licensed physician stating that he has examined the proposed patient and is of the opinion that the proposed patient may be mentally ill, mentally deficient, or inebriate, and should be hospitalized, or by a written statement by the petitioner that, after reasonable effort, the petitioner has been unable to obtain an examination by a licensed physician or that an examination could not be performed. Before filing, a copy of the petition shall be delivered by the petitioner to the (COUNTY WELFARE DEPARTMENT) *designated agency*.

Sec. 14. Minnesota Statutes 1976, Section 253A.07, Subdivision 7, is amended to read:

Subd. 7. The probate court shall direct the (COUNTY WELFARE DEPARTMENT) *designated agency* to make an investi-

gation into the financial circumstances, family relationships, residence, social history, and background of such patient and make a report thereof in writing to be filed with the court for the use and guidance of the head of the hospital to which such person may be committed. The court may require that such report be filed prior to the commitment hearing.

Sec. 15. Minnesota Statutes 1976, Section 253A.09, Subdivision 1, is amended to read:

253A.09 [TRANSPORTATION.] Subdivision 1. Whenever an individual is about to be placed in a hospital or public health facility under the terms of sections 253A.01 to 253A.21, the court may by order:

(a) Upon the request of an interested person, authorize the (COUNTY WELFARE DEPARTMENT) *designated agency* to arrange for the individual's transportation to the hospital with appropriate medical or nursing attendants, and by such means as may be suitable for the individual's condition. The person making the request shall be liable for the cost of such transportation.

(b) Authorize (COUNTY WELFARE DEPARTMENT) *the designated agency* or public health facility personnel to transport the individual to the designated facility if the head of the (WELFARE DEPARTMENT) *designated agency* or health facility has advised the court that such personnel are available for the purpose.

(c) Authorize an interested or any other responsible person to transport the individual to the designated facility.

(d) Authorize a peace officer to transport the individual to the hospital or public health facility. Unless otherwise ordered by the court, the peace officer shall not be in uniform and shall use a motor vehicle not visibly marked as a police vehicle.

Sec. 16. Minnesota Statutes 1976, Section 253A.10, Subdivision 4, is amended to read:

Subd. 4. The (COUNTY WELFARE BOARD) *designated agency* shall take such reasonable measures, including provision for medical treatment, as may be necessary to assure proper care and treatment of a person temporarily detained pursuant to this section.

Sec. 17. Minnesota Statutes 1976, Section 253A.14, Subdivision 1, is amended to read:

253A.14 [TRANSFER.] Subdivision 1. The commissioner may transfer any patient who is committed by probate court

as mentally ill, mentally deficient, or inebriate from one state hospital or institution to any other hospital or other institution under his jurisdiction which is capable of providing such patient proper care and treatment, unless such patient was found by the committing court to be dangerous to the public or to have a psychopathic personality. Whenever a patient is transferred from one hospital to another written notice shall be given to the probate court if the patient was committed under sections 253A.-01 to 253A.21, and to his parent or spouse or, if none be known, to an interested person, and the (COUNTY WELFARE BOARD) *designated agency*.

Sec. 18. Minnesota Statutes 1976, Section 253A.15, Subdivision 6, is amended to read:

Subd. 6. Notice of the expiration of the one year period or of the extended period shall be given by the head of the hospital to the committing court, the commissioner, and the (COUNTY WELFARE BOARD) *designated agency*.

Sec. 19. Minnesota Statutes 1976, Section 253A.15, Subdivision 11, is amended to read:

Subd. 11. (a) The head of any hospital, prior to the discharge or provisional discharge of any patient committed as mentally ill, mentally deficient, or inebriate, shall notify the patient's spouse, or if there be none, an adult child, or if there be none, the next of kin of the patient, of the proposed discharge date. The notice shall be sent to the last known address of the patient's next of kin by registered mail with return receipt. Further, the notice shall include the following information: (1) the proposed date of discharge or provisional discharge; (2) the date, time and place of the meeting of the staff, who have been treating the patient, to discuss discharge and discharge planning; (3) that the patient will be present at the meeting; (4) that the next of kin may attend the designated staff meeting and present any information relevant to the discharge of the patient. The notice shall be sent to the next of kin at least one week prior to the date designated for the meeting.

(b) The head of any hospital, upon the provisional discharge, partial hospitalization, or release of any patient hospitalized under sections 253A.01 to 253A.21, shall notify the (WELFARE BOARD AND IN THE EVENT THE PATIENT IS A DRUG DEPENDENT PERSON THE COMMUNITY MENTAL HEALTH CENTER OF THE COUNTY OF SUCH PATIENT'S RESIDENCE) *designated agency* before the patient is to leave the hospital. Whenever possible said notice shall be given at least one week before the patient is to leave the hospital. The commissioner shall provide by (REGULATION) *rule* the procedure and methods whereby such patient shall be helped to receive all public assistance benefits provided by state or federal law to which his residence and circumstances entitle him. (SUCH REGULA-

TIONS) *The rules shall be uniformly applied in all counties, and all counties shall provide temporary relief whenever necessary to meet the intent of this subdivision.*

Sec. 20. Minnesota Statutes 1976, Section 253A.15, Subdivision 12, is amended to read:

Subd. 12. Prior to the date of discharge, provisional discharge, partial hospitalization, or release of any patient hospitalized under sections 253A.01 to 253A.21, the (COUNTY WELFARE BOARD) *designated agency* of the county of such patient's residence, in cooperation with the head of the hospital where the patient is hospitalized, (THE DIRECTOR OF THE COMMUNITY HEALTH CENTER SERVICE OF SAID AREA,) and the patient's physician, if notified pursuant to subdivision 13, shall establish a continuing plan of after-care services for such patient including a plan for medical and psychiatric treatment, nursing care, vocational assistance, and such other aid as the patient shall need. It shall be the duty of (SUCH WELFARE BOARD) *the designated agency* to supervise and assist such patient in finding employment, suitable shelter, and adequate medical and psychiatric treatment, and to aid in his readjustment to the community.

Sec. 21. Minnesota Statutes 1976, Section 253A.15, Subdivision 13, is amended to read:

Subd. 13. In establishing such plan for after-care services the (COUNTY WELFARE BOARD) *designated agency* shall engage in (SUCH) consultation with persons or agencies, including any public health nurse and vocational rehabilitation personnel, as is necessary to insure adequate planning for after-care services.

Sec. 22. Minnesota Statutes 1976, Section 254A.07, Subdivision 1, is amended to read:

254A.07 [COMPREHENSIVE PROGRAMS; COORDINATION OF LOCAL PROGRAMS.] Subdivision 1. The (COMMISSIONER OF PUBLIC WELFARE SHALL DESIGNATE THE COMMUNITY MENTAL HEALTH BOARDS TO (A)) *county board shall* coordinate all alcohol and other drug abuse services conducted by (LOCAL) agencies *in the county*, and (TO (B)) review all proposed agreements, contracts, plans, and programs in relation to alcohol and other drug abuse prepared by (ANY SUCH LOCAL) *those agencies* for funding from any local, state or federal governmental sources.

County alcohol and drug abuse services shall include (a) out-patient diagnostic and treatment services, (b) rehabilitative services for patients who have received prior treatment in an in-patient facility and (c) cooperative services with other agencies for the prevention of chemical dependency.

Sec. 23. Minnesota Statutes 1976, Section 254A.08, Subdivision 1, is amended to read:

254A.08 [DETOXIFICATION CENTERS.] Subdivision 1. Every (COMMUNITY MENTAL HEALTH) *county* board shall provide a detoxification program for drug dependent persons (WITHIN ITS AREA;). The *county* board may utilize existing treatment programs and other agencies to meet this responsibility.

Sec. 24. Minnesota Statutes 1976, Section 256.12, Subdivision 9, is amended to read:

Subd. 9. [COUNTY AGENCY.] As used in sections 256.72 to 256.87, "county agency" means the (COUNTY BOARD OF PUBLIC WELFARE AS ESTABLISHED BY LAW) *agency designated by the county board.*

Sec. 25. Minnesota Statutes 1976, Section 256.871, Subdivision 5, is amended to read:

Subd. 5. [COUNTY AUTHORITY.] The county (WELFARE) board shall designate (A) *an agency*, person or persons who shall be authorized to immediately grant emergency assistance pursuant to this section.

Sec. 26. Minnesota Statutes 1976, Section 256.95, is amended to read:

256.95 [EXPENSE OF ATTENDANCE AT CONFERENCE.] The necessary expenses of all probate judges and of one (MEMBER OF THE) *person representing county child welfare (BOARD) programs and appointed by the county board* in each county invited to attend such conference shall be paid out of the funds of their respective counties.

Sec. 27. Minnesota Statutes 1976, Section 260.251, Subdivision 1a, is amended to read:

Subd. 1a. [COST OF GROUP FOSTER CARE.] Whenever a child is placed in a group foster care facility *licensed by the commissioner of public welfare* as provided in section 260.185, subdivision 1, clause (b) or clause (c), item (5), or clause (f), the cost of providing the care shall, upon certification by the juvenile court, be paid (FROM THE WELFARE FUND OF) *by the county in which the proceedings were held. (TO REIMBURSE THE COUNTIES FOR THE COSTS OF PROVIDING GROUP FOSTER CARE FOR DELINQUENT CHILDREN AND TO PROMOTE THE ESTABLISHMENT OF SUITABLE GROUP FOSTER HOMES, THE STATE SHALL QUARTERLY, FROM FUNDS APPROPRIATED FOR THAT PURPOSE, REIMBURSE COUNTIES 50 PERCENT OF THE COSTS NOT*

PAID BY FEDERAL AND OTHER AVAILABLE STATE AIDS AND GRANTS. REIMBURSEMENT SHALL BE PRO-RATED IF THE APPROPRIATION IS INSUFFICIENT.)

(THE COMMISSIONER OF CORRECTIONS SHALL ESTABLISH PROCEDURES FOR REIMBURSEMENT AND CERTIFY TO THE COMMISSIONER OF FINANCE EACH COUNTY ENTITLED TO RECEIVE STATE AID UNDER THE PROVISIONS OF THIS SUBDIVISION. UPON RECEIPT OF A CERTIFICATE THE COMMISSIONER OF FINANCE SHALL ISSUE A STATE WARRANT TO THE COUNTY TREASURER FOR THE AMOUNT DUE, TOGETHER WITH A COPY OF THE CERTIFICATE PREPARED BY THE COMMISSIONER OF CORRECTIONS.)

Sec. 28. Minnesota Statutes 1976, Section 393.07, Subdivision 2, is amended to read:

Subd. 2. [ADMINISTRATION OF PUBLIC WELFARE.] The county (WELFARE) board, subject to the supervision of the commissioner of public welfare, shall administer all forms of public welfare, both for children and adults, responsibility for which now or hereafter may be imposed on the commissioner of public welfare by law, including general assistance, aid to dependent children, county supplementation, if any, or state aid to recipients of supplemental security income for aged, blind and disabled, child welfare services, mental health services, and other public assistance or public welfare services (, PROVIDED THAT THE COUNTY WELFARE BOARD SHALL NOT EMPLOY PUBLIC HEALTH NURSING OR HOME HEALTH SERVICE PERSONNEL OTHER THAN HOMEMAKER HOME HELP AIDES, BUT SHALL CONTRACT FOR OR PURCHASE THE NECESSARY SERVICES FROM EXISTING COMMUNITY AGENCIES). The duties of the county (WELFARE) board shall be performed in accordance with the (STANDARDS,) rules (AND REGULATIONS WHICH MAY BE) promulgated by the commissioner of public welfare to achieve the purposes intended by law and in order to comply with the requirements of the federal social security act in respect to public assistance and child welfare services, so that the state may qualify for grants-in-aid available under that act. The county (WELFARE) board shall supervise wards of the commissioner and, when so designated, act as agent of the commissioner of public welfare in the placement of (HIS) *such* wards in adoptive homes or in other foster care facilities.

Sec. 29. Minnesota Statutes 1976, Section 393.07, Subdivision 3, is amended to read:

Subd. 3. [FEDERAL SOCIAL SECURITY.] The county welfare board shall (BE CHARGED WITH THE DU-

TIES OF ADMINISTRATION OF) *administer* all forms of public assistance and public child welfare or other programs within the purview of the federal social security act, (OTHER THAN PUBLIC HEALTH NURSING AND HOME HEALTH SERVICES,) and which now are, or hereafter may be, imposed on the commissioner of public welfare by law, of both children and adults. The duties of (SUCH) *the* county welfare board shall be performed in accordance with (THE STANDARDS,) rules (AND REGULATIONS WHICH MAY BE) promulgated by the commissioner of public welfare in order to achieve the purposes of the law and to comply with the requirements of the federal social security act needed to qualify the state to obtain grants-in-aid available under that act. (NOTWITHSTANDING THE PROVISIONS OF ANY OTHER LAW TO THE CONTRARY.) The welfare board may delegate to the director the authority to determine eligibility and disburse funds without first securing board action, provided that the director shall present to the board, at the next scheduled meeting, any such action taken by him for ratification by the board.

Sec. 30. Minnesota Statutes 1976, Section 626.556, Subdivision 2, is amended to read:

Subd. 2. [DEFINITIONS.] As used in this section, the following terms have the meanings given them unless the specific content indicates otherwise:

(a) "Sexual abuse" means the subjection by the child's parents, guardian, or person responsible for the child's care, to any act which constitutes a violation of sections 609.291, 609.292, 609.293, 609.295, or 609.296.

(b) "Neglected child" shall have the meanings defined in section 260.015, subdivision 10. Nothing in this section shall be construed to mean that a child is neglected solely because the child's parent, guardian or other person responsible for his care in good faith selects and depends upon spiritual means or prayer for treatment or care of disease or remedial care of the child.

(c) "Physical abuse" means:

(i) Any physical injury inflicted by a parent, guardian or other person responsible for the child's care on a child other than by accidental means; or

(ii) Any physical injury that cannot reasonably be explained by the history of injuries provided by the parent, guardian or other person responsible for the child's care.

(d) "Report" means any report received by the local welfare agency pursuant to this section.

(e) "Local welfare agency" means the agency designated by the county board to provide the services required under Minnesota Statutes, Section 626.556.

ARTICLE III

Section 1. [STATE RESPONSIBILITY FOR COUNTY HEALTH AND SOCIAL SERVICE PROGRAMS.] *Subdivision 1. [TECHNICAL ASSISTANCE.] The commissioner of public welfare is the state authority responsible for providing technical assistance to counties and for assisting the planning and providing of community health and social services as requested by the county. The state board of health shall provide technical assistance to counties in matters pertaining to the public health.*

Subd. 2. [CERTIFICATION OF FUNDS.] The commissioner of public welfare shall certify to the commissioner of finance the amounts due to each county according to the formula established in article I.

Subd. 3. [PROGRAM PLANNING.] The commissioner of public welfare and the state board of health shall provide consultative staff service to counties to assist in ascertaining local needs and in planning and establishing county health and social service programs. The commissioner of public welfare, in collaboration with the state board of health, and with representation from county boards, shall develop guidelines to assist counties in the development of community health and social service plans and the administration and provision of services to clients. Compliance with these guidelines shall not be a prerequisite for receipt of aids allocated pursuant to article I, sections 1 and 2. Each county shall enumerate the numbers and types of recipients of each service and shall establish measurable program objectives and performance criteria for each community health and social service program. The commissioner of public welfare shall establish a comprehensive program evaluation system which shall encompass all major community health and social service programs. The commissioner of public welfare shall conduct studies of the relative cost and effectiveness of programs and shall submit these evaluations to the respective counties and to the legislature for review. The commissioner shall consult with the state health planning and development agency, designated pursuant to 42 USC 300M, regarding the consistency of county health and social service plans with the state health plan developed pursuant to 42 USC 3001-1.

Subd. 4. [REVIEW OF FINANCIAL REPORTS.] The commissioner of public welfare shall review the financial statement of the county health and social service fund of each county within 60 days of receipt. The commissioner shall then certify to the commissioner of finance any reduction in subsequent allocations pursuant to the provisions of article I if applicable.

Subd. 5. [APPEAL.] Prior to certifying to the commissioner of finance any reduction in aids, the commissioner of public welfare shall notify the county or counties of his intention to certify a reduction. He shall notify the county or counties of the right to a hearing. If the county or counties request a hearing within thirty days of notification of intention to reduce aids, the commissioner shall not certify any reduction in aids until a hearing is conducted and a decision rendered in accordance with the provisions of chapter 15 for contested cases.

Subd. 6. [GRANTS FOR EXPERIMENTAL PROGRAMS.] To encourage innovation and increase the efficiency and effectiveness of delivery of social services and community health services, the commissioner of public welfare may make grants to counties for experimental social service programs which are not included in the state social service plan. The state board of health may make grants to counties for experimental community health services not defined in Laws 1976, Chapter 9, Section 2. No experimental program shall receive a grant under this section for more than three years. The experimental program shall be certified pursuant to rules of the commissioner of public welfare or the state board of health before a grant is made. The commissioner may request assistance from the state board of health in evaluating experimental health programs.

Subd. 7. [PLANNING GRANTS.] The commissioner of public welfare may make grants to a human services board or to the county board of any county or group of counties, for planning social service programs. The state board of health may make grants to a human services board or the county board of any county or group of counties for planning community health services. The state board of health shall specify the terms and conditions of grants. Planning grants shall be limited to one year.

Subd. 8. [FEE SCHEDULE.] The commissioner of public welfare shall make grants to counties to establish a sliding fee scale based upon ability to pay for social service programs. The commissioner shall promulgate rules providing for approval of fee scales established by counties. The commissioner shall gather data on the implementation of such sliding fee schedules and report to the legislature by January 15, 1979, with recommendations regarding the need for the continuation of grants for sliding fee schedules.

Sec. 2. Minnesota Statutes 1976, Section 144.065, is amended to read:

144.065 [VENEREAL DISEASE TREATMENT CENTERS.] The state board of health shall assist (LOCAL) county boards and health agencies and organizations throughout the state with the development and maintenance of services for the detection and treatment of venereal diseases. These services shall provide for diagnosis, treatment, case finding, investigation, and

the dissemination of appropriate educational information. The state board of health shall promulgate (REGULATIONS RELATIVE TO THE COMPOSITION OF SUCH) *rules for providing the services* (AND SHALL ESTABLISH A METHOD OF PROVIDING FUNDS TO LOCAL HEALTH AGENCIES AND ORGANIZATIONS WHICH OFFER SUCH SERVICES). The state board of health shall provide technical assistance to (SUCH) agencies and organizations in accordance with the needs of the (LOCAL AREA) *county*.

Sec. 3. Minnesota Statutes 1976, Section 145.55, Subdivision 1, is amended to read:

145.55 [AGREEMENT TO PERFORM FUNCTIONS OF STATE BOARD.] Subdivision 1. The state board of health (HEREAFTER CALLED THE STATE AGENCY) may enter into an agreement with (ANY) *the county* (WHICH HAS ESTABLISHED A HEALTH DEPARTMENT, HEREAFTER CALLED THE COUNTY AGENCY, UNDER THE PROVISIONS OF LAWS 1969, CHAPTER 235, OR MINNESOTA STATUTES, SECTIONS 145.47 TO 145.54), under which agreement (SUCH) *the county* (AGENCY) may agree to perform all or part of the licensing, inspection and enforcement duties authorized under the provisions of Minnesota Statutes, Sections 144.075 and 144.12 and Chapter 157. Such agreement may set out requirements that the county (AGENCY) comply with rules and regulations promulgated by the state agency for the performance of duties under the provisions of Minnesota Statutes, Sections 144.075 and 144.12 and Chapter 157. It may also set forth criteria under which the state agency will determine that the performance by the county (AGENCY) complies with state standards and shall be deemed sufficient to replace licensing by the state board of health.

The agreement may further specify minimum staff requirements and qualifications and may provide for procedures for termination if the state agency finds that the county (AGENCY) fails to comply with the terms and requirements of the agreement.

Sec. 4. Minnesota Statutes 1976, Section 245.70, is amended to read:

245.70 [MENTALLY ILL AND MENTALLY RETARDED; FEDERAL AID.] The commissioner of public welfare (IS HEREBY DESIGNATED THE STATE AGENCY TO) *shall* establish and administer a state-wide plan for the construction, equipment, maintenance, and operation of any facilities for the care, treatment, diagnosis, or rehabilitation, of the mentally retarded or mentally ill which are or may be required as a condition for eligibility for benefits under any federal law and in particular under the Federal Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963

(P.L. 88-164). The commissioner of public welfare (IS AUTHORIZED AND DIRECTED TO) shall receive, administer, and expend any funds that may be available under any federal law (OR FROM ANY OTHER SOURCE, PUBLIC OR PRIVATE,) for such purposes.

Sec. 5. Minnesota Statutes 1976, Section 254A.05, Subdivision 1, is amended to read:

254A.05 [DUTIES OF ADVISORY COUNCIL.] Subdivision 1. (a) The council shall assist in the formulation of policies and guidelines for the implementation of the commissioner's responsibilities in the area of alcohol and drug abuse.

(b) The council shall advise the commissioner and director on policies, goals, and the operation of the comprehensive state plan for alcohol and drug abuse program services in the state and other matters as directed by the commissioner and director, and shall encourage public understanding and support of the alcohol and drug abuse programs.

(c) The council shall make recommendations to the commissioner regarding grants (TO COMMUNITY MENTAL HEALTH BOARDS UNDER SECTION 254A.07).

Sec. 6. Minnesota Statutes 1976, Section 254A.07, Subdivision 2, is amended to read:

Subd. 2. The (DEPARTMENT OF PUBLIC WELFARE) county board may make grants (TO COMMUNITY MENTAL HEALTH BOARDS) for comprehensive programs for prevention, care, and treatment of alcohol and other drug abuse as developed and defined by the state authority. (GRANTS MADE FOR PROGRAMS SERVING THE NATIVE AMERICAN COMMUNITY SHALL TAKE INTO ACCOUNT THE GUIDELINES ESTABLISHED IN SECTION 254A.03, SUBDIVISION 1, CLAUSE (1). GRANTS MAY BE MADE FOR THE COST OF THOSE COMPREHENSIVE PROGRAMS AND SERVICES WHETHER PROVIDED DIRECTLY BY COMMUNITY MENTAL HEALTH BOARDS OR BY OTHER PUBLIC AND PRIVATE AGENCIES AND ORGANIZATIONS, BOTH PROFIT AND NONPROFIT, AND INDIVIDUALS, PURSUANT TO CONTRACT.) Nothing herein shall prevent the state authority from entering into contracts with and making grants to other state agencies for the purpose of providing specific services and programs.

Sec. 7. *There is appropriated from the general fund to the commissioner of public welfare the sum of \$..... for the purposes of article III, section 1, subdivisions 5 and 6; \$..... shall be used for grants for social service programs on a sliding fee scale as authorized by subdivision 8. There is appropriated*

from the general fund to the state board of health the sum of \$ for making community health services experimental and planning grants as authorized in article III, section 1, subdivisions 5 and 6.

Sec. 8. *In the next and all subsequent editions of Minnesota Statutes, the revisor shall substitute the words "county board" for the words "county welfare board" wherever they occur.*

Sec. 9. [REPEALER.] *Minnesota Statutes 1976, Sections 145.08, Subdivision 2; 145.11; 145.12; 145.123; 145.125, Subdivisions 1 and 2; 145.47; 145.48; 145.49; 145.50; 145.51; 145.52; 145.53; 145.54; 145.911; 145.912; 145.913; 145.914; 145.915; 145.916; 145.917; 145.918; 145.919; 145.92; 145.921; 245.61; 245.62; 245.63; 245.64; 245.65; 245.66; 245.67; 245.68; 245.69; 245.691; 245.72; 245.83; 245.84; 245.85; 245.86; 245.87; 252.21; 252.24; 252.25; 254A.02, Subdivision 12; 254A.07, Subdivision 3; 254A.08, Subdivision 3; 254A.12; 254A.14; 254A.15; 254A.16; 254A.17; 393.01; 393.02; 393.03; 393.04; 393.06; 393.07, Subdivision 8; 393.08; 393.09; 393.11, are repealed."*

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

"A bill for an act relating to public health and welfare; establishing a formula for allocating state funds to counties for community health and social service programs; prescribing county duties; providing for community health and social service tax levies; prescribing duties of the commissioner of public welfare; appropriating money; amending Minnesota Statutes 1976, Sections 144.065; 145.55, Subdivision 1; 245.70; 252.22; 252.23; 252.26; 252.27, Subdivision 1; 253A.02, by adding a subdivision; 253A.07, Subdivisions 1 and 7; 253A.09, Subdivision 1; 253A.10, Subdivision 4; 253A.14, Subdivision 1; 253A.15, Subdivisions 6, 11, 12 and 13; 254A.05, Subdivision 1; 254A.07, Subdivisions 1 and 2; 254A.08, Subdivision 1; 256.12, Subdivision 9; 256.871, Subdivision 5; 256.95; 260.251, Subdivision 1a; 275.50, Subdivision 5; 393.07, Subdivisions 2 and 3; 477A.01, Subdivision 2; 626.556, Subdivision 2; repealing Minnesota Statutes 1976, Sections 145.08, Subdivision 2; 145.11; 145.12; 145.123; 145.125, Subdivisions 1 and 2; 145.47; 145.48; 145.49; 145.50; 145.51; 145.52; 145.53; 145.54; 145.911; 145.912; 145.913; 145.914; 145.915; 145.916; 145.917; 145.918; 145.919; 145.92; 145.921; 245.61; 245.62; 245.63; 245.64; 245.65; 245.66; 245.67; 245.68; 245.69; 245.691; 245.72; 245.83; 245.84; 245.85; 245.86; 245.87; 252.21; 252.24; 252.25; 254A.02, Subdivision 12; 254A.07, Subdivision 3; 254A.08, Subdivision 3; 254A.12; 254A.14; 254A.15; 254A.16; 254A.17; 393.01; 393.02; 393.03; 393.04; 393.06; 393.07, Subdivision 8; 393.08; 393.09; 393.11."

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

The report was adopted.

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

H. F. No. 61, A bill for an act relating to the city of Cottage Grove; authorizing the rendering of emergency service by a physician's trained mobile intensive care paramedic; authorizing reasonable charges for the services; granting limited immunity from civil liability for paramedics and physicians advising or instructing paramedics.

Reported the same back with the following amendments:

Page 3, line 22, delete "Subdivision".

Page 3, line 23, delete "1."

Page 3, delete lines 28 to 32.

Page 4, delete lines 1 to 18.

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

The report was adopted.

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

H. F. No. 145, A bill for an act relating to highways; requiring a hearing by a county board prior to the adoption of a resolution revoking a county highway that would revert to a town; amending Minnesota Statutes 1976, Section 163.11, by adding a subdivision.

Reported the same back with the following amendments:

Page 1, line 22, delete "*but only*".

Page 1, delete line 23.

Page 2, delete line 1 except for the period.

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

The report was adopted.

Fudro from the Committee on Transportation to which was referred:

H. F. No. 473, A bill for an act relating to the operation of state government; authorizing value analysis of certain department of transportation construction projects; establishing procedures for implementing value analysis change proposals.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert:

"Section 1. [DEFINITIONS.] Subdivision 1. For the purposes of sections 1 to 3, and unless a different meaning is indicated by the context, the terms defined in this section have the meanings given them.

Subd. 2. "Construction project" means any state construction project undertaken by the department of transportation.

Subd. 3. "Value analysis" means the systematic and creative functional analysis of construction projects, specifications, standards, practices and procedures for the purposes of identifying and eliminating unnecessary costs by developing modifications which satisfy required functions of a project for the lowest cost in a manner consistent with requirements for performance, reliability, quality and maintainability.

Subd. 4. "Value engineering proposal" means a formal written proposal with supporting documentation. A value engineering proposal shall be developed by application of value analysis principles, shall be documented by a contractor or subcontractor pursuant to the provisions of the construction contract, and shall suggest one or more changes in the construction project, specifications, standards, practices or procedures which would result in direct and immediate net savings in terms of reducing the costs of the construction contract.

Sec. 2. [CONTRACTS TO INCLUDE VALUE ANALYSIS AUTHORIZATION.] All contracts for construction projects may contain contract provisions which:

(a) Authorize the contractor, with regard to specified matters governed by the contract, and any subcontractor, with regard to matters governed by the subcontracting agreement with the contractor, to submit value engineering proposals as provided in sections 1 to 3;

(b) Specify such procedural and substantive requirements for the preparation, development and documentation for value engineering proposals as may be required for the particular construction project;

(c) Require that copies of all value engineering proposals and all supporting documents be submitted to the commissioner of transportation; and

(d) Provide that if a value engineering proposal is adopted for the construction project contract as provided in section 3, a supplemental agreement shall reduce contract payments to the contractor or subcontractor that submitted the value engineering proposal, by an amount equal to one-half of the amount of direct and immediate net savings under the contract resulting from the adoption of the value engineering proposal.

Sec. 3. [EVALUATION OF VALUE ENGINEERING PROPOSALS.] Subdivision 1. After receipt of a value engineering proposal and supporting documents, the commissioner of transportation shall investigate and analyze the value engineering proposal, estimate the amount of the direct and immediate net savings in terms of construction project contract costs which would result upon adoption of the value engineering proposal.

Subd. 2. Subject to the provisions of sections 1 to 3 and the provisions of any other applicable law, if the commissioner of transportation determines, based upon the reports and recommendation of his department, that adoption of a value engineering proposal will result in direct and immediate savings in the construction project contract costs, the commissioner shall approve and authorize the adoption of the implementing supplemental agreement and the supplemental agreement shall be processed and adopted as otherwise provided by law.

Sec. 4. [EFFECTIVE DATE.] This act is effective July 1, 1977.”

Further amend the title as follows:

Delete all of line 2.

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

The report was adopted.

Fudro from the Committee on Transportation to which was referred:

H. F. No. 557, A bill for an act relating to highways; reimbursement of fire fighting and protection expenses in certain instances; appropriating funds.

Reported the same back with the following amendments:

Page 1, line 7, before “Expenses” insert “Ordinary”.

Page 1, line 11, delete "at the request" and insert "upon approval".

Page 1, line 11, after "of" insert "a police officer or".

Page 1, line 16, delete the second "Funds".

Page 1, delete line 17.

Page 1, line 18, delete "this purpose."

Page 1, line 20, delete "funds" and insert "moneys".

Further amend the title as follows:

Line 2, after "highways;" insert "requiring".

Line 4, delete "; appropriating funds".

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

The report was adopted.

Fudro from the Committee on Transportation to which was referred:

H. F. No. 818, A bill for an act relating to highway traffic regulations; implements of husbandry; defined; restricting the speed of certain implements of husbandry on the highways; amending Minnesota Statutes 1976, Section 169.01, Subdivision 55; and Chapter 169, by adding a section.

Reported the same back with the following amendments:

Pages 1 and 2, delete all of Section 1.

Page 2, line 15, after the period insert "*Violation of this section is a misdemeanor.*".

Renumber the remaining sections.

Further amend the title as follows:

Line 3, delete "defined;"

Line 5, after "highways;" insert "providing a penalty;"

Line 6, delete "Section 169.01, Subdivision 55; and".

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

The report was adopted.

Fudro from the Committee on Transportation to which was referred:

H. F. No. 821, A bill for an act relating to highways; state-aid system; contracts for construction and improvement of county state-aid highways and municipal state-aid streets; requiring percentage payments thereunder; and requiring payment of interest on money due and not paid in accordance with the contract; amending Minnesota Statutes 1976, Sections 162.04 and 162.10.

Reported the same back with the following amendments:

Page 1, line 16, after "contract" insert "*and the construction or improvement is not financed in whole or in part by federal aid highway funds*".

Page 2, line 8, before "Failure" insert "*Where there is no dispute thereof,*".

Page 2, line 9, after "contract" insert "*within 30 days of the monthly estimate thereof or within 90 days of the final estimate,*".

Page 2, line 10, delete "*, the supplier of materials and the*".

Page 2, line 11, delete "*supplier of professional services eight percent*" and insert "*simple*".

Page 2, line 12, after "contract" insert "*at an annual rate of interest equal to the monthly index of long term United States government bond yields for the month immediately prior to the month in which the obligation is incurred plus an additional one percent per annum*".

Page 2, line 17, after "contract," insert "*and the construction or improvement is not financed in whole or in part by federal aid highway funds,*".

Page 3, line 2, before "Failure" insert "*Where there is no dispute thereof,*".

Page 3, line 4, after "contract" insert "*within 30 days of the monthly estimate thereof or within 90 days of the final estimate,*".

Page 3, line 5, delete "*, the supplier of materials and the supplier*".

Page 3, line 6, delete "*of professional services eight percent*" and insert "*simple*".

Page 3, line 7, after "*contract*" insert "*at an annual rate of interest equal to the monthly index of long term United States government bond yields for the month immediately prior to the month in which the obligation is incurred plus an additional one percent per annum*".

With the recommendation that when so amended the bill pass.

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 157, 968, 320, 61, 145, 557, 818 and 821 were read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Lemke, Eckstein, Mann, Biersdorf and Schulz introduced:

H. F. No. 1385, A bill for an act relating to agriculture; dairy industry unfair trade practices; repealing Minnesota Statutes 1976, Chapter 32A.

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

Wenzel and Suss introduced:

H. F. No. 1386, A bill for an act relating to agriculture; clarifying certain terms; eliminating six months license provision; permitting license suspension; permitting waiver of the right to a hearing; clarifying weighing locations and weighing fees; amending Minnesota Statutes 1976, Sections 17A.03, Subdivisions 6 and 7; 17A.04, Subdivision 1, and by adding a subdivision; 17A.05, Subdivision 2; 17A.06, Subdivisions 2 and 3; 17A.10; and 17A.11.

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

Reding, Kroening, Jaros, Casserly and Sherwood introduced:

H. F. No. 1387, A bill for an act relating to housing; providing an exception to interest limitations for borrowing by housing and development authorities; amending Minnesota Statutes 1976, Section 462.555.

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

Brinkman; Nelsen, M.; Osthoff and Metzen introduced:

H. F. No. 1388, A bill for an act relating to liquor; minimum resale prices for off-sale sales at retail; providing a penalty.

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

Sieben, M.; Ellingson; Pleasant; Casserly and Adams introduced:

H. F. No. 1389, A bill for an act relating to commerce; permitting price advertising of eyeglasses; amending Minnesota Statutes 1976, Section 148.57, Subdivision 3.

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

Wenzel, Jude, Schulz and Niehaus introduced:

H. F. No. 1390, A bill for an act relating to state government; providing for the election of public service commission members; amending Minnesota Statutes 1976, Sections 202A.52; 216A.03, Subdivision 1; and 216A.035; repealing Minnesota Statutes 1976, Section 216A.03, Subdivision 1a.

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

Simoneau, Osthoff, Novak, Braun and Friedrich introduced:

H. F. No. 1391, A bill for an act relating to insurance; removing licensing exemptions for certain insurance adjusters and appraisers; establishing a bill of rights for the processing of certain automobile claims; prohibiting certain practices; amending Minnesota Statutes 1976, Sections 72B.03; and 72B.14; repealing Minnesota Statutes 1976, Section 72B.10.

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

Faricy introduced:

H. F. No. 1392, A bill for an act relating to Independent School District 625; providing for the severance pay of employees.

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

Neisen, Smogard, Schulz, Hanson and Pleasant introduced:

H. F. No. 1393, A bill for an act relating to game and fish; reduced license fees for senior citizens; special permits for certain handicapped; amending Minnesota Statutes 1976, Sections 98.45, Subdivision 8; and 98.48, Subdivision 12.

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

Schulz, White and Lemke introduced:

H. F. No. 1394, A bill for an act relating to natural resources; empowering the commissioner of natural resources to negotiate for the creation of a fish refuge.

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

Novak, Neisen and George introduced:

H. F. No. 1395, A bill for an act relating to the Rice Creek watershed district; providing state funds for improvement of the Long Lake chain of lakes in Ramsey county; appropriating money.

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

Anderson, G.; George; Suss; Voss and Friedrich introduced:

H. F. No. 1396, A bill for an act relating to bank charters, confidentiality of financial statements, hearing costs, managing officers, automatic expiration; amending Minnesota Statutes 1976, Sections 45.04; and 45.07.

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

Kostohryz; Anderson, I.; Voss; Savelkoul and Rice introduced:

H. F. No. 1397, A bill for an act relating to elections; providing for an informational pamphlet on voting methods, voter registration and constitutional amendments at the general election; appropriating money.

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

Scheid, Williamson, Nelson, McCollar and Ellingson introduced:

H. F. No. 1398, A bill for an act relating to ethics; restricting activities of lobbyists; amending Minnesota Statutes 1976, Section 10A.04, Subdivision 4.

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

Wenzel, Braun, Schulz, Samuelson and Patton introduced:

H. F. No. 1399, A bill for an act relating to veterans; providing bronze star markers for veterans; appropriating funds to the commissioner of veterans affairs; amending Minnesota Statutes 1976, Chapter 197, by adding a section.

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

Suss; St. Onge; Anderson, I.; Laidig and Sherwood introduced:

H. F. No. 1400, A bill for an act relating to American Indians; changing references from native American to American Indian; defining in terms of a federally recognized tribe; amending Minnesota Statutes 1976, Sections 84.10; 124.48; 145.922, Subdivision 2; 152.02, Subdivision 2; 245.76; 254A.02, Subdivision 11; 254A.03; 254A.031; 254A.07, Subdivision 2; 325.41; 362.40, Subdivision 2; 462A.07, Subdivision 14; 462A.21, Subdivision 4c; 462A.26; 472.03, Subdivision 12; and 517.18, Subdivision 4.

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

Fugina introduced :

H. F. No. 1401, A bill for an act relating to representation before public bodies; permitting assistance in preparation and education of persons to represent themselves; amending Minnesota Statutes 1976, Section 481.02, by adding a subdivision.

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

Nelson, Petrafeso, Moe, Berglin and Dean introduced :

H. F. No. 1402, A bill for an act relating to civil service; providing an affirmative action program for the state work force; amending Minnesota Statutes 1976, Section 43.15.

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

Voss, Neisen and McCarron introduced :

H. F. No. 1403, A bill for an act relating to retirement; maximum benefits for firemen's relief associations; amending Minnesota Statutes 1976, Section 69.691.

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

Berkelman, Jaros, Lehto and Munger introduced :

H. F. No. 1404, A bill for an act relating to the city of Duluth; firemen's survivor benefits; amending Laws 1975, Chapter 127, Section 2, as amended.

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

Patton; Ewald; Sieben, H.; Ellingson and Beauchamp introduced :

H. F. No. 1405, A bill for an act relating to state employees; providing for investment options for deferred compensation; amending Minnesota Statutes 1976, Section 352.96, Subdivision 2.

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

Prahl, Reding, White, Smogard and Anderson, R., introduced:

H. F. No. 1406, A bill for an act relating to deaf or mute persons; requiring appointment of interpreters in certain judicial and administrative proceedings; providing for selection and appointment of the interpreters; providing for their compensation.

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

Hokanson, Sabo, Faricy, Sieben, H., and Forsythe introduced:

H. F. No. 1407, A bill for an act relating to state government; regulating the use of federal funds by state agencies; providing legislative oversight.

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

Pehler; Sieben, H.; Beauchamp; Patton and Knickerbocker introduced:

H. F. No. 1408, A bill for an act relating to state employees; providing for wage and fringe benefits for certain state employees; ratifying collective bargaining agreements; providing emergency rule making authority; increasing salary ranges; appropriating money; amending Minnesota Statutes 1976, Chapter 43, by adding a section; Sections 43.09, Subdivision 3; 43.12, Subdivisions 2, 3, 5, 6, 7, 8, 10, 11, 14, 16, and 17, and by adding a subdivision; 43.122, Subdivision 3, and by adding a subdivision; 43.126, Subdivision 1; 43.323, by adding a subdivision; 43.42; 43.44, Subdivision 1; 43.46; and 43.50, Subdivision 1; repealing Minnesota Statutes 1976, Sections 43.09, Subdivision 7; and 43.12, Subdivisions 4 and 9.

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

Scheid; Carlson, L.; Kaley; Waldorf and Wenstrom introduced:

H. F. No. 1409, A bill for an act relating to vital statistics; requiring reporting; establishing registration districts; defining terms; providing penalties; repealing Minnesota Statutes 1976, Sections 144.151 to 144.205; 517.071; 517.08, Subdivisions 2 and 3; and 518.001.

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

Stoa, Lemke and Wieser introduced:

H. F. No. 1410, A bill for an act relating to public health; authorizing school superintendents appointed to county nursing committees to designate certain other persons to serve in their place; amending Minnesota Statutes 1976, Section 145.12.

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

Nelson, Clark, Dean, Berglin and Brandl introduced:

H. F. No. 1411, A bill for an act relating to health; increasing public availability of articles relating to the prevention of conception or disease; amending Minnesota Statutes 1976, Section 617.251.

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

Carlson, L.; Swanson; Berglin; Clawson and Ewald introduced:

H. F. No. 1412, A bill for an act relating to health; concerning health care facilities; providing for a moratorium on the expansion of the complement of hospital beds; closing certain existing facilities; amending Minnesota Statutes 1976, Sections 145.72; 145.74; 145.75; 145.751; 145.76, Subdivision 2; 145.761; and Chapter 145, by adding a section.

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

Hanson, Hokanson, Osthoff, Kostohryz and Heinitz introduced:

H. F. No. 1413, A bill for an act relating to the organization and operation of state government; creating a human services board consisting of the heads of certain state agencies; requiring preparation of plans for the improvement of efficiency and coordination in the delivery of services relating to the employment, health, welfare and education of citizens of this state; providing for implementation of improvements; appropriating money.

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

Cummiskey introduced:

H. F. No. 1414, A bill for an act relating to Nicollet county; providing for official county publications.

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

Clawson and Carlson, D., introduced :

H. F. No. 1415, A bill for an act relating to Chisago county and the issuance of revenue bonds and the acquisition of property by said county for apartment buildings for elderly persons of low and moderate income.

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

Anderson, I.; Sabo; Norton; Kelly, W., and Laidig introduced :

H. F. No. 1416, A bill for an act relating to the legislature; requiring that bodies wholly or principally composed of legislators submit budgets and complement requests to the legislative coordinating commission; amending Minnesota Statutes 1976, Chapter 3, by adding a section.

The bill was read for the first time and referred to the Committee on Rules and Legislative Administration.

Tomlinson introduced :

H. F. No. 1417, A bill for an act relating to property taxation; providing for assessed value of condominiums and cooperatives of type I and II construction; amending Minnesota Statutes 1976, Section 273.13, Subdivision 20.

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

Novak, Kostohryz, Cohen, Swanson and Neisen introduced :

H. F. No. 1418, A bill for an act relating to taxation; exempting certain aids to handicapped persons from property tax assessments; amending Minnesota Statutes 1976, Section 272.02, Subdivision 1.

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

Wenzel introduced :

H. F. No. 1419, A bill for an act relating to taxation; exempting used motor vehicles from the motor vehicle excise tax; amending Minnesota Statutes 1976, Section 297B.03.

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

Wenzel, Braun, Pehler and Niehaus introduced:

H. F. No. 1420, A bill for an act relating to taxation; providing an allowance to certain small businesses for collecting the sales tax; amending Minnesota Statutes 1976, Section 297A.26, by adding a subdivision.

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

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

H. F. No. 262, A bill for an act relating to veterans; commissioner of veterans affairs; changing residency requirements for the commissioner and certain officers and employees of the department of veterans affairs; amending Minnesota Statutes 1976, Sections 196.02, Subdivision 1; and 197.601.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Swanson moved that the House concur in the Senate amendments to H. F. No. 262 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 262, A bill for an act relating to veterans; commissioner of veterans affairs; changing residency requirements for the commissioner, certain officers and employees of the department of veterans affairs, and veterans service officers; amending Minnesota Statutes 1976, Sections 196.02, Subdivision 1; and 197.601.

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

The question was taken on the repassage of the bill and the roll was called. There were 122 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abein

Adams

Albrecht

Anderson, B. Anderson, D.

Anderson, G.	Eckstein	Kahn	Nelsen, B.	Sieben, M.
Anderson, I.	Eken	Kaley	Nelsen, M.	Simoneau
Anderson, R.	Ellingson	Kalis	Nelson	Skoglund
Arlandson	Enebo	Kelly, R.	Niehaus	Smogard
Battaglia	Erickson	Kelly, W.	Novak	Spanish
Beauchamp	Evans	Kempe, A.	Osthoff	Stanton
Begich	Ewald	Kempe, R.	Patton	Stoa
Berg	Faricy	King	Pehler	Suss
Berglin	Fjoslien	Kostohryz	Peterson	Swanson
Berkelman	Forsythe	Kroening	Petrafero	Tomlinson
Biersdorf	Friedrich	Kvam	Pleasant	Vanasek
Birnstihl	Fudro	Langseth	Prahl	Voss
Braun	Fugina	Lehto	Reding	Waldorf
Brinkman	George	Lemke	Rice	Welch
Byrne	Gunter	Mann	Rose	Wenstrom
Carlson, A.	Hanson	McCarron	St. Onge	Wenzel
Carlson, D.	Haugerud	McCollar	Samuelson	White
Carlson, L.	Heinitz	McDonald	Sarna	Wieser
Casserly	Hokanson	McEachern	Scheid	Williamson
Clark	Jacobs	Metzen	Schulz	Zubay
Corbid	Jaros	Moe	Searle	Speaker Sabo
Dahl	Jensen	Munger	Searles	
Dean	Johnson	Murphy	Sherwood	
Den Ouden	Jude	Neisen	Sieben, H.	

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

Mr. Speaker:

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

H. F. No. 301, A bill for an act relating to veterans; establishing a deadline for entering military service and becoming eligible for veterans preference; redefining the term "veteran" for certain other purposes; amending Minnesota Statutes 1976, Sections 43.30 and 197.447.

PATRICK E. FLAHAVEN, Secretary of the Senate

Kostohryz moved that the House refuse to concur in the Senate amendments to H. F. No. 301, 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.

CONSENT CALENDAR

H. F. No. 425, A bill for an act relating to municipalities; authorizing appropriations for historical work; amending Minnesota Statutes 1976, Section 471.93.

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

The question was taken on the passage of the bill and the roll was called. There were 125 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Cohen	Hokanson	McEachern	Schulz
Adams	Corbid	Jacobs	Metzen	Searle
Albrecht	Cummiskey	Jaros	Moe	Searles
Anderson, B.	Dahl	Jensen	Munger	Sherwood
Anderson, D.	Dean	Johnson	Murphy	Sieben, H.
Anderson, G.	Den Ouden	Jude	Neisen	Sieben, M.
Anderson, I.	Eckstein	Kahn	Nelsen, B.	Simoneau
Anderson, R.	Eken	Kaley	Nelsen, M.	Skoglund
Arlandson	Ellingson	Kalis	Nelson	Smogard
Battaglia	Enebo	Kelly, R.	Niehaus	Spanish
Beauchamp	Erickson	Kelly, W.	Novak	Stoa
Begich	Esau	Kempe, A.	Osthoff	Suss
Berg	Evans	Kempe, R.	Patton	Swanson
Berglin	Ewald	King	Pehler	Tomlinson
Berkelman	Faricy	Kostohryz	Peterson	Vanasek
Biersdorf	Fjoslien	Kroening	Petrafaso	Voss
Birnstihl	Forsythe	Kvam	Pleasant	Waldorf
Braun	Friedrich	Laidig	Prahl	Welch
Brinkman	Fudro	Langseth	Reding	Wenstrom
Byrne	Fugina	Lehto	Rice	Wenzel
Carlson, A.	George	Lemke	Rose	White
Carlson, D.	Gunter	Mann	St. Onge	Wieser
Carlson, L.	Hanson	McCarron	Samuelson	Williamson
Casserly	Haugerud	McCollar	Sarna	Zubay
Clark	Heinitz	McDonald	Scheid	Speaker Sabo

The bill was passed and its title agreed to.

H. F. No. 749 was reported to the House.

There being no objection, H. F. No. 749 was continued on the Consent Calendar for one day.

H. F. No. 502, A bill for an act relating to Hennepin county; authorizing compensation for Hennepin county park reserve district commissioners and Hennepin county library board members.

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

The question was taken on the passage of the bill and the roll was called. There were 123 yeas and 4 nays as follows:

Those who voted in the affirmative were:

Abeln	Battaglia	Braun	Cohen	Enebo
Adams	Beauchamp	Brinkman	Corbid	Erickson
Albrecht	Begich	Byrne	Cummiskey	Esau
Anderson, B.	Berg	Carlson, A.	Dahl	Ewald
Anderson, D.	Berglin	Carlson, D.	Dean	Faricy
Anderson, G.	Berkelman	Carlson, L.	Den Ouden	Fjoslien
Anderson, I.	Biersdorf	Casserly	Eckstein	Forsythe
Anderson, R.	Birnstihl	Clark	Eken	Fudro
Arlandson	Brandl	Clawson	Ellingson	Fugina

George	King	Murphy	St. Onge	Suss
Gunter	Kostohryz	Neisen	Samuelson	Swanson
Hanson	Kroening	Nelsen, B.	Sarna	Tomlinson
Haugerud	Laidig	Nelsen, M.	Savelkoul	Vanasek
Heinitz	Langseth	Nelson	Scheid	Voss
Hokanson	Lehto	Niehaus	Schulz	Waldorf
Jacobs	Lemke	Novak	Searle	Welch
Jaros	Mangan	Patton	Searles	Wenstrom
Jensen	Mann	Pehler	Sherwood	Wenzel
Johnson	McCarron	Peterson	Sieben, H.	White
Kahn	McCollar	Petrafaso	Sieben, M.	Williamson
Kaley	McDonald	Pleasant	Simoneau	Wynia
Kalis	McEachern	Prahl	Skoglund	Zubay
Kelly, W.	Metzen	Reding	Smogard	Speaker Sabo
Kempe, A.	Moe	Rice	Spanish	
Kempe, R.	Munger	Rose	Stoa	

Those who voted in the negative were:

Jude	Kvam	Osthoff	Wieser
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The bill was passed and its title agreed to.

CALENDAR

H. F. No. 76, A bill for an act relating to highways; providing for the removal of trees, shrubs and other obstructions within highway limits; amending Minnesota Statutes 1976, Sections 160.22, Subdivision 8; and 160.27, Subdivision 6; repealing Minnesota Statutes 1976, Section 160.22, Subdivision 7.

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

The question was taken on the passage of the bill and the roll was called. There were 124 yeas and 2 nays as follows:

Those who voted in the affirmative were:

Abeln	Carlson, D.	George	Laidig	Patton
Adams	Carlson, L.	Gunter	Langseth	Pehler
Albrecht	Casserly	Hanson	Lehto	Peterson
Anderson, B.	Clark	Haugerud	Lemke	Petrafaso
Anderson, D.	Clawson	Heinitz	Mangan	Pleasant
Anderson, G.	Cohen	Hokanson	Mann	Prahl
Anderson, I.	Corbid	Jacobs	McCarron	Reding
Anderson, R.	Cummiskey	Jaros	McCollar	Rice
Battaglia	Dahl	Jensen	McDonald	Rose
Beauchamp	Dean	Johnson	McEachern	St. Onge
Begich	Den Ouden	Jude	Metzen	Samuelson
Berg	Eckstein	Kaley	Moe	Sarna
Berglin	Eken	Kalis	Munger	Savelkoul
Berkelman	Enebo	Kelly, R.	Murphy	Scheid
Biersdorf	Erickson	Kelly, W.	Neisen	Schulz
Birnstihl	Esau	Kempe, A.	Nelsen, B.	Searle
Brandl	Ewald	Kempe, R.	Nelsen, M.	Searles
Braun	Faricy	King	Nelson	Sherwood
Brinkman	Fjoslien	Kostohryz	Niehaus	Sieben, H.
Byrne	Forsythe	Kroening	Novak	Sieben, M.
Carlson, A.	Fudro	Kvam	Osthoff	Simoneau

Skoglund	Stoa	Vanasek	Wenstrom	Williamson
Smogard	Suss	Voss	Wenzel	Wynia
Spanish	Swanson	Waldorf	White	Zubay
Stanton	Tomlinson	Welch	Wieser	

Those who voted in the negative were:

Ellingson Kahn

The bill was passed and its title agreed to.

S. F. No. 401, A bill for an act relating to motor vehicles; modifying certain motor vehicle dealer licensing requirements; amending Minnesota Statutes 1976, Section 168.27, Subdivisions 2 and 10.

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

The question was taken on the passage of the bill and the roll was called. There were 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Clawson	Johnson	Murphy	Sherwood
Adams	Cohen	Jude	Neisen	Sieben, H.
Albrecht	Corbid	Kahn	Nelsen, B.	Sieben, M.
Anderson, B.	Cummiskey	Kaley	Nelsen, M.	Simoneau
Anderson, D.	Dahl	Kalis	Nelson	Skoglund
Anderson, G.	Dean	Kelly, R.	Niehaus	Smogard
Anderson, I.	Den Ouden	Kelly, W.	Norton	Spanish
Anderson, R.	Eckstein	Kempe, A.	Novak	Stanton
Arlandson	Eken	Kempe, R.	Osthoff	Stoa
Battaglia	Ellingson	King	Patton	Suss
Beauchamp	Enebo	Kostohryz	Pehler	Swanson
Begich	Erickson	Kroening	Peterson	Tomlinson
Berg	Esau	Kvam	Petrafeso	Vanasek
Berglin	Ewald	Laidig	Pleasant	Voss
Berkelman	Faricy	Langseth	Prahl	Waldorf
Biersdorf	Fjoslien	Lehto	Reding	Welch
Birnstihl	Forsythe	Lemke	Rice	Wenstrom
Brandl	Fudro	Mangan	Rose	Wenzel
Braun	George	Mann	St. Onge	White
Brinkman	Hanson	McCarron	Samuelson	Wieser
Byrne	Haugerud	McCollar	Sarna	Williamson
Carlson, A.	Heinitz	McDonald	Savelkoul	Zubay
Carlson, D.	Hokanson	McEachern	Scheid	Speaker Sabo
Carlson, L.	Jacobs	Metzen	Schulz	
Casserly	Jaros	Moe	Searle	
Clark	Jensen	Munger	Searles	

The bill was passed and its title agreed to.

H. F. No. 500, A bill for an act relating to financial institutions; regulating lenders of conventional mortgage loans; regulating mortgages and escrow accounts; requiring registration and reporting; regulating installment loans; abolishing a usury exception; providing an extension of a usury exception; provid-

ing a penalty; amending Minnesota Statutes 1976, Sections 47.20; 48.153; 334.01, Subdivision 2; and 334.06.

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

The question was taken on the passage of the bill and the roll was called. There were 118 yeas and 9 nays as follows:

Those who voted in the affirmative were:

Abeln	Corbid	Jude	Neisen	Sieben, M.
Adams	Cummiskey	Kahn	Nelsen, B.	Simoneau
Albrecht	Dahl	Kaley	Nelson	Skoglund
Anderson, B.	Dean	Kalis	Niehaus	Smogard
Anderson, D.	Den Ouden	Kelly, R.	Norton	Stanton
Anderson, G.	Eckstein	Kelly, W.	Novak	Stoa
Anderson, R.	Eken	Kempe, R.	Patton	Suss
Arlandson	Ellingson	King	Pehler	Swanson
Beauchamp	Erickson	Kostohryz	Peterson	Tomlinson
Berglin	Esau	Kvam	Petrafeso	Vanasek
Berkelman	Ewald	Laidig	Pleasant	Voss
Biersdorf	Faricy	Langseth	Prahl	Waldorf
Birnstihl	Fjoslien	Lehto	Reding	Welch
Brandl	Forsythe	Lemke	Rose	Wenstrom
Braun	Fudro	Mangan	St. Onge	Wenzel
Brinkman	George	Mann	Samuelson	White
Byrne	Gunter	McCarron	Sarna	Wieser
Carlson, A.	Haugerud	McCollar	Savelkoul	Wigley
Carlson, D.	Heinitz	McDonald	Scheid	Williamson
Carlson, L.	Hokanson	McEachern	Schulz	Wynia
Casserly	Jacobs	Metzen	Searle	Zubay
Clark	Jaros	Moe	Searles	Speaker Sabo
Clawson	Jensen	Munger	Sherwood	
Cohen	Johnson	Murphy	Sieben, H.	

Those who voted in the negative were:

Battaglia	Enebo	Kempe, A.	Nelsen, M.	Rice
Begich	Hanson	Kroening	Osthoff	

The bill was passed and its title agreed to.

H. F. No. 886, A bill for an act relating to education; school districts; community services levy; authorizing meeting notices to satisfy compliance requirement of meetings with municipalities; amending Minnesota Statutes 1976, Section 275.125, Subdivision 8.

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

The question was taken on the passage of the bill and the roll was called. There were 123 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Cohen	Johnson	Murphy	Sherwood
Adams	Corbid	Jude	Neisen	Sieben, H.
Albrecht	Cummiskey	Kaley	Nelsen, B.	Sieben, M.
Anderson, B.	Dahl	Kalis	Nelsen, M.	Simoneau
Anderson, D.	Dean	Kelly, R.	Nelson	Skoglund
Anderson, G.	Den Ouden	Kelly, W.	Niehaus	Smogard
Anderson, I.	Eckstein	Kempe, A.	Norton	Spanish
Anderson, R.	Eken	Kempe, R.	Novak	Stoa
Arlandson	Ellingson	King	Osthoff	Suss
Battaglia	Enebo	Kostohryz	Patton	Swanson
Beauchamp	Erickson	Kroening	Pehler	Tomlinson
Begich	Esau	Kvam	Petrafeso	Vanasek
Berg	Ewald	Laidig	Pleasant	Voss
Berglin	Faricy	Langseth	Prahl	Waldorf
Berkelman	Fjoslien	Lehto	Reding	Welch
Biersdorf	Forsythe	Lemke	Rice	Wenstrom
Birnstihl	Fudro	Mangan	Rose	Wenzel
Braun	George	Mann	St. Onge	White
Brinkman	Hanson	McCarron	Samuelson	Wieser
Byrne	Haugerud	McCollar	Sarna	Wigley
Carlson, A.	Heinitz	McDonald	Savelkoul	Williamson
Carlson, D.	Hokanson	McEachern	Scheid	Zubay
Carlson, L.	Jacobs	Metzen	Schulz	Speaker Sabo
Clark	Jaros	Moe	Searle	
Clawson	Jensen	Munger	Searles	

The bill was passed and its title agreed to.

GENERAL ORDERS

Pursuant to rules of the House, the House resolved itself into the Committee of the Whole, with Sabo in the Chair, for the consideration of bills pending on General Orders of the Day. After some time spent therein the Committee arose.

REPORT OF COMMITTEE OF THE WHOLE

The Speaker resumed the Chair, whereupon the following proceedings of the Committee as kept by the Chief Clerk were reported to the House:

H. F. No. 218 which it recommended to pass.

H. F. No. 7 which it recommended progress retaining its place on General Orders.

H. F. Nos. 324, 585, 1005, 53, 800, 676, 707, 993 and 79 which it recommended progress.

S. F. No. 170 which it recommended progress.

H. F. No. 203 which it recommended to pass with the following amendment offered by Carlson, L.:

Page 2, line 29, delete "*the votes cast on the question*" and insert "*those voting in the election*".

S. F. No. 483 which it recommended progress with the following amendments:

Offered by Sieben, H.:

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1976, Section 15A.081, Subdivision 1, is amended to read:

15A.081 [SALARIES AND SALARY RANGES FOR CERTAIN EMPLOYEES.] Subdivision 1. The following salaries or salary ranges are provided for the below listed (OFFICERS AND) employees in the executive branch of government:

	Base Salary or Range
Administration, department of commissioner	(\$36,000)
	<i>\$41,000</i>
(DEPUTY COMMISSIONER	28,800)
(AERONAUTICS, DEPARTMENT OF COMMISSIONER	20,400)
Agriculture, department of commissioner	(22,000)
	<i>36,000</i>
(DEPUTY COMMISSIONER	17,600)
Attorney general, office of (ATTORNEY GENERAL	36,500)
deputy attorney general	(19,100 - 31,500)
	<i>23,000 - 42,000</i>
(AUDITOR, OFFICE OF) (AUDITOR	26,000)
(DEPUTY AUDITOR	20,800)
Commerce, department of commissioner of banks	(22,000)

	Base Salary or Range
	<i>32,000</i>
commissioner of insurance	(22,000)
	<i>32,000</i>
commissioner of securities	(22,000)
	<i>32,000</i>
<i>executive secretary, commerce commission</i>	<i>27,000</i>
Community college system	
chancellor	(27,500)
	<i>41,000</i>
Corrections, department of	
commissioner	(28,000)
	<i>36,000</i>
(DEPUTY COMMISSIONER	22,400)
<i>ombudsman</i>	<i>32,000</i>
Crime prevention and control, governor's commission on	
<i>executive director</i>	<i>32,000</i>
Economic development, department of	
commissioner	(22,000)
	<i>32,000</i>
(DEPUTY COMMISSIONER	17,600)
Education, department of	
commissioner	(29,800)
	<i>41,000</i>
Employment services, department of	
commissioner	(26,400)
	<i>32,000</i>
<i>Energy agency</i>	
<i>director</i>	<i>36,000</i>

	Base Salary or Range
Finance, department of commissioner	(35,500)
	45,000
(DEPUTY COMMISSIONER	28,400)
(GOVERNOR, OFFICE OF) (GOVERNOR	41,000)
Health, department of commissioner	(30,300)
	41,000
<i>Hearing examiners office</i> <i>chief hearing examiner</i>	36,000
Higher education coordinating board executive director	(26,100)
	36,000
(ASSISTANT EXECUTIVE DIRECTOR	20,900)
<i>Housing finance agency</i> <i>executive director</i>	36,000
Human rights, department of commissioner	(20,000)
	29,000
Indian affairs board executive director	(17,500)
	25,000
Investment, board of executive secretary	(35,000)
	41,000
<i>Iron range resources and rehabilitation board</i> <i>commissioner</i>	29,000
Labor and industry, department of commissioner	(26,400)
	36,000

	Base Salary or Range
(DEPUTY COMMISSIONER	21,100)
judge of the workers compensation court of appeals	(22,000)
	<i>36,000</i>
director, mediation services	(21,000)
	<i>29,000</i>
(LIEUTENANT GOVERNOR, OFFICE OF LIEUTENANT GOVERNOR	30,000)
Natural resources, department of commissioner	(28,300)
	<i>41,000</i>
(DEPUTY COMMISSIONER	22,600)
Personnel, department of commissioner	(31,000)
	<i>41,000</i>
(DEPUTY COMMISSIONER	24,800)
Planning agency director	(27,000)
	<i>41,000</i>
Pollution control agency director	(24,000)
	<i>36,000</i>
Public safety, department of commissioner	(26,900)
	<i>36,000</i>
(DEPUTY COMMISSIONER	21,500)
Public service, department of commissioner, public service commission	(22,000)
	<i>32,000</i>

	Base Salary or Range
director	(20,700)
	32,000
Public welfare, department of commissioner	(33,600)
	41,000
(DEPUTY COMMISSIONER	26,900)
Revenue, department of commissioner	(28,900)
	41,000
(SECRETARY OF STATE, OFFICE OF SECRETARY OF STATE	25,000
DEPUTY SECRETARY OF STATE	17,500)
State university system chancellor	(32,500)
	41,000
Transportation, Department of commissioner	(33,600)
	41,000
(TREASURY, STATE TREASURER	25,000
DEPUTY TREASURER	17,500)
Veterans affairs, department of commissioner	(16,000)
	29,000
Vocational rehabilitation, department of commissioner	32,000

Sec. 2. Minnesota Statutes 1976, Section 15A.081, is amended by adding a subdivision to read:

Subd. 5. A deputy of a position listed in subdivision 1, other than the attorney general, shall be paid a base salary equal to 90 percent of the salary of the head of that department or agency as listed in subdivision 1.

Sec. 3. Minnesota Statutes 1976, Section 43.067, is amended to read:

43.067 [SALARY LIMITS.] *Subdivision 1. [AGENCY HEADS AND DEPUTIES.] The base salary of the head of any state department or other agency in the executive branch shall serve as the upper limit of compensation in (HIS ORGANIZATION UNLESS THE PERSONNEL BOARD APPROVES AN EXEMPTION IN INDIVIDUAL CASES) the agency. Within the agency, no person other than the agency head shall be paid more than the base salary that is or would be paid a deputy agency head pursuant to section 15A.081 whether or not there is a deputy agency head position for that agency.*

Subd. 2. [DISCRETIONARY EXEMPTIONS.] The personnel board may grant exemptions from the provisions of subdivision 1 in the case of individual persons. A salary increase authorized by other law by reason of seniority or cost of living adjustments shall not be sufficient reason to grant an exemption. The board may grant an exemption upon application of the appointing authority, but only if the board determines that the position requires special expertise necessitating a higher salary in order to attract or retain qualified persons. In no event may a salary exempted pursuant to this subdivision exceed 120 percent of the base salary of the position in respect to which the exemption was requested.

Subd. 3. [MEDICAL DOCTORS EXEMPTED.] Salaries of medical doctors who are occupying positions which the commissioner of personnel determines requires an M.D. degree and who are paid under the provisions of section 43.126, shall be excluded from the limitation provided in this section.

Subd. 4. [LIMIT ON POLITICAL SUBDIVISION SALARIES.] Notwithstanding any other law to the contrary, no salary of a person employed by a city, county, town, school district or other political subdivision of the state may exceed the salary of the governor.

Sec. 4. Minnesota Statutes 1976, Section 43.069, is amended to read:

43.069 [BOARD MAY GRANT ACHIEVEMENT AWARDS.] *Subdivision 1. (EXCEPT AS PROVIDED IN SECTION 43.062,) The personnel board may (RAISE THE SALARY) grant an achievement award for any individual incumbent of a position whose base salary is established under the provisions of section 15A.081, (AND WHICH HAS NOT BEEN PROVIDED WITH A SALARY RANGE) subdivision 1 or section 2, provided:*

(a) The incumbent has, in the opinion of the board, (CHALLENGING) written objectives which are specific as to amount and time, *which directly relate to the incumbent's duties, which require efforts exceeding the expected performance of a person in the incumbent's position* and which have been (AGREED UPON) *approved* in advance by the appointing authority;

(b) The appointing authority of the incumbent applies to the board for the (SALARY INCREASE) *achievement award* and simultaneously certifies to the board that the incumbent has fulfilled, or is fulfilling, his (AGREED UPON) *approved* objectives.

Subd. 2. The board may require the appointing authority or the incumbent to submit additional information as it may deem necessary.

Subd. 3. (THE) *An* appointing authority may *annually* apply for, and the board may *annually* approve (SALARY RAISES) *an achievement award* for (THE) *an* incumbent (BY ANY INCREMENT, AND MORE THAN ONCE). (THE AGGREGATE OF THE INCREASES) *An annual achievement award* under this section shall not (INCREASE THE INDIVIDUAL SALARY BEYOND 25) *be more than ten percent* of the base salary established for the position under the provisions of section 15A.081.

Subd. 4. (ANY) *An annual* achievement award granted (TO INDIVIDUALS) under this section shall (REMAIN IN EFFECT FOR 12 MONTHS FROM THE DATE OF APPROVAL, UNLESS THE BOARD DETERMINES A LESSER EFFECTIVE PERIOD OF TIME) *be paid the recipient in a lump sum within 60 days after the end of the fiscal year, or portion thereof, for which the award was granted.*

Sec. 5. Minnesota Statutes 1976, Section 15A.081, is amended by adding a subdivision to read:

Subd. 7. [METROPOLITAN AGENCIES.] *The following salaries are provided for officers of metropolitan agencies:*

<i>Chairman, metropolitan council</i>	<i>\$39,000</i>
<i>Chairman, metropolitan airports commission</i>	<i>10,000</i>
<i>Chairman, metropolitan transit commission</i>	<i>33,500</i>
<i>Chairman, metropolitan waste control commission</i> ..	<i>15,000</i>

Fringe benefits for unclassified employees of the metropolitan waste control commission shall not exceed those fringe benefits received by unclassified employees of the metropolitan council.

Sec. 6. Minnesota Statutes 1976, Section 473.123, Subdivision 4, is amended to read:

Subd. 4. [CHAIRMAN; APPOINTMENT, DUTIES.] (a) The chairman of the metropolitan council shall be appointed by the governor as the 17th voting member thereof by and with the advice and consent of the senate to serve at his pleasure. He shall be a person experienced in the field of municipal and urban affairs with administrative training and executive ability.

(b) The chairman of the metropolitan council shall preside at the meetings of the metropolitan council and shall act as principal executive officer. He shall organize the work of the metropolitan council, appoint all officers and employees thereof, subject to the approval of the metropolitan council, and be responsible for carrying out all policy decisions of the metropolitan council. His salary (AND EXPENSE ALLOWANCES) shall be (FIXED BY THE METROPOLITAN COUNCIL) *as provided in section 15A.081, and he shall be eligible for expenses in the same manner and amount as state employees.*

Sec. 7. Minnesota Statutes 1976, Section 473.141, Subdivision 7, is amended to read:

Subd. 7. [COMPENSATION.] Each commission member shall be paid a per diem compensation of \$50 for each meeting and for such other services as authorized by the commission, and shall be reimbursed for all actual and necessary expenses incurred in the performance of his duties in the same manner and amount as state employees. The chairman shall receive a salary in an amount fixed by (THE MEMBERS OF THE COMMISSION) *section 15A.081* and shall be reimbursed for reasonable expenses to the same extent as a member.

Sec. 8. Minnesota Statutes 1976, Section 473.605, Subdivision 2, is amended to read:

Subd. 2. Each commission member shall be paid a per diem compensation of \$35 for each meeting and for such other services as are specifically authorized by the commission, and shall be reimbursed for all actual and necessary expenses incurred in the performance of his duties in the same manner and amount as state employees. The chairman shall receive (SUCH COMPENSATION AS THE COMMISSION SHALL DETERMINE) *a salary as prescribed in section 15A.081* and shall be reimbursed for reasonable expenses to the same extent as a member.

Sec. 9. Minnesota Statutes 1976, Section 15A.081, is amended by adding a subdivision to read:

Subd. 6. [CONSTITUTIONAL OFFICERS.] The following salaries are provided for the constitutional officers of the state:

Governor	\$58,000
Attorney general	49,000
Lieutenant governor	36,000
Auditor	30,000
Secretary of state	30,000
Treasurer	30,000

The salaries of the deputy auditor, deputy secretary of state and deputy treasurer shall be 90 percent of the salaries of their respective superior constitutional officers. The deputies shall be eligible for achievement awards as provided in section 43.069.

Sec. 10. Minnesota Statutes 1976, Section 3.099, is amended to read:

3.099 [MEMBERS; COMPENSATION AND EXPENSES, FLEXIBLE SESSIONS.] *Subdivision 1.* The compensation of each member (OF THE HOUSE OF REPRESENTATIVES) of the legislature shall be (\$16,800 FOR THE ENTIRE TERM TO WHICH HE IS ELECTED, WHICH SHALL BE) due on the first day of the regular legislative session of the term and payable (AS FOLLOWS:)

(\$700) *in equal parts* on the fifteenth day of January and on the first day of each month, February to December, inclusive, during the term for which he was elected.

(THE COMPENSATION OF EACH SENATOR OF THE LEGISLATURE SHALL BE \$33,600 FOR THE TERM TO WHICH HE IS ELECTED, OF WHICH \$16,800 SHALL BE DUE ON THE FIRST DAY OF EACH REGULAR LEGISLATIVE SESSION OF THE TERM AND PAYABLE AS FOLLOWS:

\$700 ON THE FIFTEENTH DAY OF JANUARY AND ON THE FIRST DAY OF EACH MONTH FEBRUARY TO DECEMBER, INCLUSIVE, DURING THE TERM FOR WHICH HE WAS ELECTED.)

Each member shall receive mileage for necessary travel in going to and returning from the place of meeting to his place of residence in such amount and for such trips as may be authorized by the senate as to senate members, and by the house of representatives as to house members.

Each member shall receive in addition to the foregoing, such per diem living expenses during a regular or special session of

the legislature in such amounts and for such purposes as may be determined by the senate as to senate members and by the house of representatives as to house members; *provided, that because of the salary increases provided in subdivision 2, the amount of the per diem living expenses payable commencing with the start of the legislative session in 1979 shall be substantially less than the per diem living expenses payable on the effective date on this act.*

On the fifteenth day of January and on the first day of each month, February to December, inclusive, the secretary of the senate and the chief clerk of the house of representatives, shall certify to the commissioner of finance, in duplicate, the amount of compensation then payable to each member of their respective houses, and the aggregate thereof.

Subd. 2. The compensation of each member of the legislature until the start of the legislative session in 1979 shall be \$8,400 per year. Commencing with the start of the legislative session in 1979, the compensation of each member of the legislature shall be \$16,500 per year. Effective January 1, 1980, the compensation of each member of the legislature will be \$18,500 per year.

Subd. 3. Commencing with the start of the legislative session in 1979, the president of the senate, the majority leader and minority leader of the senate, the speaker of the house of representatives, and the majority leader and minority leader of the house of representatives shall be paid 150 percent of the compensation of other members.

At the commencement of each biennial legislative session, each house of the legislature shall adopt a resolution designating the majority and minority leader of that respective body.

The majority leader shall be that person elected by a caucus of members in each house which constitutes the largest political affiliation within that body and the minority leader shall be that person elected by a caucus of members in each house which constitutes the second largest political affiliation within that body.

Sec. 11. Minnesota Statutes 1976, Section 3.102, is amended to read:

3.102 [LEGISLATIVE LIVING EXPENSES.] Each member of the legislature shall be reimbursed for expenses incurred while engaged in official business when the legislature is not in session. The amount of such reimbursement shall not exceed (\$33) \$48 per day as a per diem expense allowance for all expenses incurred except travel and lodging. The member shall also be reimbursed for travel and lodging expenses in the same manner and amount as state employees.

Expenses for members of the legislature are payable in the manner and in the amount designated by the senate committee on rules and administration as to members of the senate and by the committee on rules and legislative administration as to members of the house of representatives.

The expense allowances provided for herein to the persons designated are in lieu of any other expenses authorized by law or resolution for the same purposes.

Sec. 12. Minnesota Statutes 1976, Section 15A.083, is amended to read:

15A.083 [SALARIES FOR POSITIONS IN THE JUDICIAL BRANCH.] Subdivision 1. [ELECTIVE JUDICIAL OFFICERS.] The following salaries shall be paid annually to the enumerated elective judicial officers of the state:

(1) Chief justice of the supreme court	(\$40,000)
	\$52,000
(2) Associate justice of the supreme court	(36,500)
	49,000
(3) District judge, <i>judge of county court (learned in the law), probate court, and municipal court</i>	(32,000)
	40,000
(4) <i>Judge of a county court (not learned in the law)</i>	27,000

(EACH DISTRICT JUDGE SHALL RECEIVE \$1,500 ADDITIONAL ANNUALLY FROM EACH COUNTY IN HIS DISTRICT HAVING A POPULATION OF 200,000 OR MORE. WHEN ANY DISTRICT JUDGE SHALL PRESIDE UPON THE TRIAL OR HEARING OF ANY CAUSE OUTSIDE OF HIS RESIDENT DISTRICT WHEREIN THE DISTRICT JUDGE RECEIVES A LARGER SALARY HE SHALL RECEIVE AN ADDITIONAL COMPENSATION DURING THE PERIOD OF SUCH TRIAL OR HEARING THE DIFFERENCE BETWEEN HIS FIXED COMPENSATION AND THE COMPENSATION OF THE DISTRICT JUDGE OF THE DISTRICT WHERE HE HAS BEEN SO ENGAGED, TO BE PAID BY THE COUNTY WHEREIN THE TRIAL OR HEARING WAS HELD UPON CERTIFICATION OF THE SENIOR RESIDENT DISTRICT JUDGE THEREOF.)

(AN AMOUNT DUE FROM A COUNTY UNDER THIS SUBDIVISION SHALL BE PAID BY THE STATE AND FORTHWITH REIMBURSED BY THE COUNTY.)

Subd. 2. [COUNTY COURT AND COUNTY MUNICIPAL JUDGES.] (1) Notwithstanding any other law to the contrary, the salary paid to a judge of a county court shall also be paid to judges of the probate court of St. Louis county and to judges of the Duluth municipal court.

(2) Judges of the county municipal courts, and county courts in the counties of Hennepin, Ramsey, Washington, Anoka, Scott, St. Louis, Carver and Dakota (\$29,000)

\$40,000.

(3) If any judge enumerated in this subdivision dies while in office, the amount of his salary remaining unpaid for the month in which his death occurs, shall be paid to his estate.

(4) The amounts required to pay the salaries of county, probate and municipal court judges and the salaries provided in this subdivision are appropriated from the general fund of the state treasury. All payments made pursuant to sections 490.11 and 490.12, subdivision 1, after the effective date of this act shall be made by the state regardless of whether the payments commenced before or commence after the effective date of this act.

Subd. 3. [RANGES FOR OTHER JUDICIAL POSITIONS.] Salaries or salary ranges are provided for the following positions in the judicial branch of government. The appointing authority of positions for which ranges have been provided shall fix individual salaries under the provisions of section 15A.081, subdivision 2.

Public defender	(\$24,000 - 30,000)	\$35,000
Court administrator	(25,000 - 32,000)	32,000
County attorneys council executive director	(18,000 - 27,500)	25,000

Subd. 4. [TAX COURT OF APPEALS.] Salaries of judges of the tax court of appeals (\$10,500) \$15,000

Sec. 13. Minnesota Statutes 1976, Section 487.01, Subdivision 5, is amended to read:

Subd. 5. Each county court district shall elect one county court judge except:

(1) The district consisting of St. Louis county shall elect six judges; two of the county court judges shall reside and serve in and be elected at large by the voters of St. Louis county; two of the county court judges shall reside and serve in and be elected by the voters in that part of St. Louis county south of the following described line: South of the south line of township 55; the area to be known as the south district; one county court judge shall reside and serve in and be elected by the voters of an area to be known as the northwest district, which area lies within the following described lines in St. Louis county: North of the south line of township 55 and west of the west line of range 18 and excluding that part of Portage township west of the west line of range 18; and one county court judge shall reside and serve in and be elected by the voters of an area to be known as the northeast district, which area lies within the following described lines in St. Louis county: North of the south line of township 55 and east of the west line of range 18 and including that part of Portage township west of the west line of range 18.

(2) The district consisting of Dakota county, the district consisting of Anoka county and the district consisting of Stearns, Sherburne and Benton shall each elect five judges;

(3) The district consisting of Olmsted and Dodge counties, the district consisting of Winona and Wabasha counties and the district consisting of Washington county shall each elect three judges;

(4) The district consisting of Blue Earth county, the district consisting of Clay county, the district consisting of Sibley, Meeker and McLeod counties, the district consisting of Martin, Watonwan and Faribault counties and the district consisting of Pine, Chisago and Isanti counties shall each elect two county court judges (.);

(5) The number of judges to be elected may be increased by the county board of the affected county or by the concurrence of the county boards of those affected counties combined into districts; *provided that no new judge positions authorized pursuant to this section may be created without specific statutory authorization.*

Sec. 14. [TEMPORARY PROVISION.] *Notwithstanding any other provision of this act to the contrary, an increase in compensation provided a district or supreme court judge herein shall not take effect until every judge of the district court and justice of the supreme court who served in the district or supreme court prior to July 1, 1967, submits an executed agreement to the executive director of the Minnesota state retirement system in accord with section 490.106.*

Sec. 15. [TEMPORARY PROVISION.] *No incumbent whose salary is prescribed in section 15A.081 or 15A.083, or whose salary is limited by section 43.067, shall suffer a decrease in salary as a result of this act. If an incumbent's new salary as prescribed by section 15A.081 or 15A.083, is less than the salary he is earning on the day prior to the effective date of this act, the salary for that incumbent, for as long as he holds that position, shall be the salary he is receiving on the day prior to the effective date of this act. This provision shall be effective for a particular incumbent until a vacancy in the position occurs or the salary of the incumbent falls below a newly established statutory limit.*

An incumbent whose salary was, prior to the effective date of this act, set pursuant to section 43.126 may, at his discretion, continue to have his salary set pursuant to section 43.126 without reference to section 15A.081 or 43.067.

An incumbent whose position is not listed in section 15A.081 and whose salary on the effective date of this act is higher than that permitted by section 43.067, shall continue to receive that higher salary for as long as he holds that position, but he shall not be eligible for increases (1) until his salary is no longer higher than that permitted by section 43.067, or (2) unless the personnel board approves an exemption pursuant to section 43.067, subdivision 2.

No person shall be removed from his position as a result of the limitations placed in section 43.09, subdivision 2a, by this act. When a position which was filled as of March 1, 1977, pursuant to section 43.09, subdivision 2a, becomes vacant, the position may not be refilled unless the position meets the requirements of section 43.09, subdivision 2a, as amended by this act.

Sec. 16. [REPEALER.] *Minnesota Statutes 1976, Sections 15A.081, Subdivision 4; 43.066; 487.05; 490.102, Subdivision 5; and 526.18 are repealed. Minnesota Statutes 1976, Section 3.13 is repealed on January 1, 1979.*

Sec. 17. [EFFECTIVE DATE.] *This act is effective July 1, 1977."*

Further amend the title: Strike the title in its entirety and insert:

"A bill for an act relating to the operation of state government; raising base salaries for certain executive branch employees, metropolitan agency officers, legislators, judges and judicial branch employees; limiting possible increases for certain executive branch employees; limiting the ability of appointing authorities to fill certain unclassified positions; prohibiting salaries of employees of political subdivisions from exceeding

the salary of the governor; amending Minnesota Statutes 1976, Sections 3.099; 3.102; 15A.081, Subdivision 1, and by adding subdivisions; 15A.083; 43.067; 43.069; 473.123, Subdivision 4; 473.141, Subdivision 7; 473.605, Subdivision 2; and 487.01, Subdivision 5; repealing Minnesota Statutes 1976, Sections 3.13; 15A.081, Subdivision 4; 43.066; 487.05; 490.102, Subdivision 5; and 526.18.”.

Offered by Sieben, H.:

As amended by the first Sieben, H., amendment, page 3, line 2, underscore the language.

Page 7, line 7, delete “requires” and insert “require”.

Page 11, line 28, delete “commencing with the the start of the” and insert “pursuant to this section during the 71st legislative session shall be set at a level not to exceed \$27 for each member who has moved from his usual place of lodging during a substantial part of the session and not to exceed \$17 for each member who has not so changed his place of lodging.”.

Page 11, delete lines 29 to 31.

Page 12, line 15, delete everything after “1979.”.

Page 12, delete lines 16 to 19 and insert “the senate committee on rules and administration for the senate and the house committee on rules and legislative administration for the house may each designate for their respective body up to three leadership positions to receive up to 140 percent of the compensation of other members.”.

Page 13, after line 16, insert:

“Sec. 12. Minnesota Statutes 1976, Section 3A.02, Subdivision 1, is amended to read:

3A.02 [RETIREMENT ALLOWANCE.] Subdivision 1.
[QUALIFICATIONS.] Any former legislator:

(1) Who has served at least eight years or who has served during all or part of four regular sessions as such member of the legislature, which service need not be continuous, but must have been after January 1, 1965 except as hereinafter provided; and

(2) Who attains the age of 60 years; and

(3) Who has retired as a member of the legislature; and

(4) Who has made all contributions provided for in sections 3A.01 to 3A.10, or who has made payments in lieu of all contributions provided for in sections 3A.01 to 3A.10 as provided for in subdivision 2; shall be entitled upon written application to the director to receive a retirement allowance monthly of 40 percent of (HIS AVERAGE) *that member's final* monthly salary during the final term of office as a member of the legislature beginning with the first day of the month of receipt of such application and for the remainder of his life, provided he is not serving as a member of the legislature or as a constitutional officer or commissioner.

In addition to the amount provided above, the retired member who meets the qualifications of clauses (1), (2), (3) and (4) shall receive for every year of service over eight years a monthly allowance which equals two and one-half percent of the average monthly salary determined pursuant to clause (4).

Notwithstanding clause (4), a member shall receive two and one half percent of the average monthly salary determined pursuant to clause (4) for each year of service served after the beginning of the 1979 legislative session.

The retirement allowance shall cease with the last payment which had accrued to the retired legislator during his lifetime except that the surviving spouse, if any, shall be entitled to the retirement allowance for the calendar month in which the retired legislator died.

Effective for service rendered after the beginning of the 1981 legislative session, no member may accrue credit for more than 20 years service, nor shall member contributions thereafter be required for more than 20 years service.

For the purposes of this chapter the term salary shall not be deemed to include any additional payments provided by law for legislative leadership positions.

This subdivision is applicable to members of the legislature who terminate service after January 1, 1973, and to any widow or dependent child of any such member. Clauses (1) and (2) shall also be applicable to any former legislator who applies for a deferred annuity after June 5, 1975. Any former legislator who was in office on or after January 1, 1965, who had at least eight years of service but less than ten years of service as a member of the legislature, and who took a refund of his contributions, may upon application to the director repay to the director for credit to his account all refundments taken plus interest thereon at six percent per annum compounded annually. Upon repayment of the refundment, he shall then be entitled when otherwise qualified to a retirement allowance pursuant to subdivision 1, provided however that the retirement allowance shall be based on his salary at the time of his termination of service as a member of the legislature.”.

Page 14, delete lines 30 to 32.

Page 15, line 1, delete "*of the state treasury*" and insert "*Beginning January 1, 1978, the entire compensation of county, probate and municipal court judges shall be paid by the state. Beginning on July 1, 1977, the salary increases provided in this act for county, probate and municipal judges shall be paid by the state*".

Page 15, lines 2 and 3, delete "*the effective date of this act*" and insert "*January 1, 1978,*".

Page 15, line 14, delete "*32,000*" and insert "*27,400 - 35,000*".

Page 15, line 17, delete "*25,000*" and insert "*20,400 - 29,700*".

Page 15, after line 19, insert:

"Subd. 5. [REFEREE SALARIES.] Notwithstanding any other law or ordinance to the contrary, no referee or hearing examiner employed by a court in this state shall receive a salary which is in excess of 90 percent of the salary paid a judge of the court by which he is employed."

Page 16, after line 31, insert:

"Sec. 15. Minnesota Statutes 1976, Section 487.02, Subdivision 1, is amended to read:

487.02 [PAYMENT OF EXPENSES.] Subdivision 1. The salary and traveling expenses of a judge of the county court shall be paid by the (COUNTY IN WHICH THE EXPENSES WERE INCURRED FROM THE GENERAL REVENUE FUND OF THE COUNTY. IF THE DISTRICT CONSISTS OF MORE THAN ONE COUNTY, THE COUNTY OF THE JUDGE'S RESIDENCE SHALL PAY THE JUDGE AND SHALL BE REIMBURSED EACH MONTH BY THE OTHER COUNTIES OF THE DISTRICT BY APPORTIONING THE SALARY AND EXPENSES ACCORDING TO THE RESPECTIVE POPULATION OF THE COUNTIES AS DETERMINED BY THE LAST UNITED STATES CENSUS) *state in the amount prescribed by section 15A.083. Expenses shall be paid in the same manner and amount as provided for judges of the district court in section 484.54.*

Sec. 16. Minnesota Statutes 1976, Section 488A.021, Subdivision 8, is amended to read:

Subd. 8. [SALARIES.] Each judge shall be paid *by the state* an annual salary (OF \$26,000 IN BIWEEKLY INSTALLMENTS OUT OF THE TREASURY OF THE COUNTY OF HENNEPIN) *in the amount prescribed by section 15A.083.* If

a judge dies while in office, the amount of his salary remaining unpaid for the month in which his death occurs shall be paid to his estate. *Each judge shall be paid expenses in the same manner and amount as provided for judges of the district court in section 484.54.*

Sec. 17. Minnesota Statutes 1976, Section 488A.19, Subdivision 10, is amended to read:

Subd. 10. [SALARIES.] Each judge shall be paid by the state an annual salary (OF \$29,000 IN BIWEEKLY INSTALLMENTS OUT OF THE TREASURY OF THE COUNTY OF RAMSEY) *in the amount prescribed by section 15A.083. If a judge dies, the amount of his salary remaining unpaid for the month in which his death occurs shall be paid to his estate. Each judge shall be paid expenses in the same manner and amount as provided for judges of the district court in section 484.54."*

Page 18, delete lines 4 to 10.

Page 18, after line 10, insert:

"Sec. 20. [APPROPRIATIONS.] *Subdivision 1. The sums set forth in this section are appropriated from the general fund to the commissioner of finance for the purpose of paying compensation increases and county judges' compensation as authorized by this act, to be available for the fiscal year ending June 30 in the years indicated. Persons whose compensation is paid from open appropriations of dedicated receipts shall be paid from those appropriations and not from the appropriations made by this section. The commissioner of finance shall certify to the committee on finance of the senate and the committee on appropriations of the house of representatives the amount needed to be added to each appropriation account from which the compensation of a person affected by this act is paid, and shall then transfer that amount to the appropriate account.*

	1978	1979
	\$	\$
Subd. 2. Legislators		814,000
Subd. 3. Judges and Judicial Positions, as listed in Section 15A.083	5,562,000	8,164,000
Subd. 4. Constitutional Officers and their Deputies	101,700	101,700
Subd. 5. Department Heads and their Deputies	502,800	502,800".

Page 18, line 15, after ".]" insert "*Section 14 prohibiting the addition of county judges without legislative approval is effective the day after final enactment. The remainder of*".

Renumber the sections.

Amend the title as follows:

Line 11, after the semicolon insert "prohibiting salaries of court referees and hearing examiners from exceeding the salaries of judges; appropriating money;"

Line 12, after "3.102;" insert "3A.02, Subdivision 1;"

Line 16, delete "and" and after "5;" insert "487.02, Subdivision 1; 488A.021, Subdivision 8; and 488A.19, Subdivision 10;"

Offered by Carlson, A.:

As amended by the Sieben, H., amendment, page 7, line 15, delete "governor" and insert "*commissioner of finance*".

On the motion of Anderson, I., the report of the Committee of the Whole was adopted.

ROLL CALLS IN COMMITTEE OF THE WHOLE

Pursuant to rule 1.6, the following roll calls were taken in the Committee of the Whole:

Forsythe moved to amend H. F. No. 203, as follows:

Page 3, after line 10, insert:

"Subd. 3. Any municipality, where a majority of the voters disapprove fluoridation, as provided in subdivision 2, shall be denied (a) medical assistance payments under Minnesota Statutes 1976, Chapter 256B; (b) general assistance maintenance care, as provided by Laws 1973, Chapter 437, Article 2 as amended; and catastrophic health expense protection, as provided by Laws 1976, Chapter 296, Article 3, in regards to all dental care."

The question was taken on the adoption of the amendment and the roll was called. There were 26 yeas and 94 nays as follows:

Those who voted in the affirmative were:

Abeln	Dean	Forsythe	Kaley	Peterson
Anderson, D.	Den Ouden	Friedrich	Kalis	Rose
Carlson, L.	Ellingson	George	Laidig	Savelkoul
Dahl	Ewald	Kahn	Neisen	Scheid

Searle
Searles

Stoa

Swanson

White

Zubay

Those who voted in the negative were:

Adams	Clark	Jensen	Moe	Sieben, M.
Albrecht	Clawson	Johnson	Murphy	Simoneau
Anderson, B.	Cohen	Jude	Nelsen, B.	Skoglund
Anderson, G.	Corbid	Kelly, R.	Nelson	Smogard
Anderson, I.	Cummiskey	Kelly, W.	Niehaus	Spanish
Anderson, R.	Eckstein	Kempe, A.	Norton	Suss
Battaglia	Eken	Kempe, R.	Novak	Tomlinson
Beauchamp	Enebo	Kostohryz	Osthoff	Vanasek
Begich	Erickson	Kroening	Patton	Voss
Berg	Evans	Kvam	Pehler	Waldorf
Berglin	Faricy	Langseth	Pleasant	Welch
Berkelman	Fjoslien	Lehto	Reding	Wenstrom
Biersdorf	Fudro	Lemke	Rice	Wenzel
Birnstihl	Fugina	Mangan	St. Onge	Wieser
Brandl	Gunter	Mann	Samuelson	Wigley
Brinkman	Hanson	McCollar	Sarna	Williamson
Byrne	Haugerud	McDonald	Schulz	Wynia
Carlson, A.	Heinitz	McEachern	Sherwood	Speaker Sabo
Carlson, D.	Jacobs	Metzen	Sieben, H.	

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

Sieben, H., moved to amend S. F. No. 483, as amended, as follows:

Page 3, line 2, underscore the language.

Page 7, line 7, delete "requires" and insert "require".

Page 11, line 28, delete "*commencing with the the start of the*" and insert "*pursuant to this section during the 71st legislative session shall be set at a level not to exceed \$27 for each member who has moved from his usual place of lodging during a substantial part of the session and not to exceed \$17 for each member who has not so changed his place of lodging.*".

Page 11, delete lines 29 to 31.

Page 12, line 15, delete everything after "1979.".

Page 12, delete lines 16 to 19 and insert "*the senate committee on rules and administration for the senate and the house committee on rules and legislative administration for the house may each designate for their respective body up to three leadership positions to receive up to 140 percent of the compensation of other members.*".

Page 13, after line 16, insert:

"Sec. 12. Minnesota Statutes 1976, Section 3A.02, Subdivision 1, is amended to read:

3A.02 [RETIREMENT ALLOWANCE.] Subdivision 1. [QUALIFICATIONS.] Any former legislator:

(1) Who has served at least eight years or who has served during all or part of four regular sessions as such member of the legislature, which service need not be continuous, but must have been after January 1, 1965 except as hereinafter provided; and

(2) Who attains the age of 60 years; and

(3) Who has retired as a member of the legislature; and

(4) Who has made all contributions provided for in sections 3A.01 to 3A.10, or who has made payments in lieu of all contributions provided for in sections 3A.01 to 3A.10 as provided for in subdivision 2; shall be entitled upon written application to the director to receive a retirement allowance monthly of 40 percent of (HIS AVERAGE) *that member's final* monthly salary during the final term of office as a member of the legislature beginning with the first day of the month of receipt of such application and for the remainder of his life, provided he is not serving as a member of the legislature or as a constitutional officer or commissioner.

In addition to the amount provided above, the retired member who meets the qualifications of clauses (1), (2), (3) and (4) shall receive for every year of service over eight years a monthly allowance which equals two and one-half percent of the average monthly salary determined pursuant to clause (4).

Notwithstanding clause (4), a member shall receive two and one half percent of the average monthly salary determined pursuant to clause (4) for each year of service served after the beginning of the 1979 legislative session.

The retirement allowance shall cease with the last payment which had accrued to the retired legislator during his lifetime except that the surviving spouse, if any, shall be entitled to the retirement allowance for the calendar month in which the retired legislator died.

Effective for service rendered after the beginning of the 1981 legislative session, no member may accrue credit for more than 20 years service, nor shall member contributions thereafter be required for more than 20 years service.

For the purposes of this chapter the term salary shall not be deemed to include any additional payments provided by law for legislative leadership positions.

This subdivision is applicable to members of the legislature who terminate service after January 1, 1973, and to any widow or dependent child of any such member. Clauses (1) and (2) shall also be applicable to any former legislator who applies for a deferred annuity after June 5, 1975. Any former legislator who was in office on or after January 1, 1965, who had at least eight years of service but less than ten years of service as a member of the legislature, and who took a refund of his contributions, may upon application to the director repay to the director for credit to his account all refundments taken plus interest thereon at six percent per annum compounded annually. Upon repayment of the refundment, he shall then be entitled when otherwise qualified to a retirement allowance pursuant to subdivision 1, provided however that the retirement allowance shall be based on his salary at the time of his termination of service as a member of the legislature.”.

Page 14, delete lines 30 to 32.

Page 15, line 1, delete “of the state treasury” and insert “Beginning January 1, 1978, the entire compensation of county, probate and municipal court judges shall be paid by the state. Beginning on July 1, 1977, the salary increases provided in this act for county, probate and municipal judges shall be paid by the state”.

Page 15, lines 2 and 3, delete “the effective date of this act” and insert “January 1, 1978,”.

Page 15, line 14, delete “\$32,000” and insert “\$27,400-35,000”.

Page 15, line 17, delete “\$25,000” and insert “\$20,400-29,700”.

Page 15, after line 19, insert:

“Subd. 5. [REFEREE SALARIES.] Notwithstanding any other law or ordinance to the contrary, no referee or hearing examiner employed by a court in this state shall receive a salary which is in excess of 90 percent of the salary paid a judge of the court by which he is employed.”.

Page 16, after line 31, insert:

“Sec. 15. Minnesota Statutes 1976, Section 487.02, Subdivision 1, is amended to read:

487.02 [PAYMENT OF EXPENSES.] Subdivision 1. The salary and traveling expenses of a judge of the county court shall be paid by the (COUNTY IN WHICH THE EXPENSES WERE INCURRED FROM THE GENERAL REVENUE FUND OF THE COUNTY. IF THE DISTRICT CONSISTS OF MORE THAN ONE COUNTY, THE COUNTY OF THE JUDGE’S

RESIDENCE SHALL PAY THE JUDGE AND SHALL BE REIMBURSED EACH MONTH BY THE OTHER COUNTIES OF THE DISTRICT BY APPORTIONING THE SALARY AND EXPENSES ACCORDING TO THE RESPECTIVE POPULATION OF THE COUNTIES AS DETERMINED BY THE LAST UNITED STATES CENSUS) *state in the amount prescribed by section 15A.083. Expenses shall be paid in the same manner and amount as provided for judges of the district court in section 484.54.*

Sec. 16. Minnesota Statutes 1976, Section 488A.021, Subdivision 8, is amended to read:

Subd. 8. [SALARIES.] Each judge shall be paid *by the state* an annual salary (OF \$26,000 IN BIWEEKLY INSTALLMENTS OUT OF THE TREASURY OF THE COUNTY OF HENNEPIN) *in the amount prescribed by section 15A.083.* If a judge dies while in office, the amount of his salary remaining unpaid for the month in which his death occurs shall be paid to his estate. *Each judge shall be paid expenses in the same manner and amount as provided for judges of the district court in section 484.54.*

Sec. 17. Minnesota Statutes 1976, Section 488A.19, Subdivision 10, is amended to read:

Subd. 10. [SALARIES.] Each judge shall be paid *by the state* an annual salary (OF \$29,000 IN BIWEEKLY INSTALLMENTS OUT OF THE TREASURY OF THE COUNTY OF RAMSEY) *in the amount prescribed by section 15A.083.* If a judge dies, the amount of his salary remaining unpaid for the month in which his death occurs shall be paid to his estate. *Each judge shall be paid expenses in the same manner and amount as provided for judges of the district court in section 484.54."*

Page 18, delete lines 4 to 10.

Page 18, after line 10, insert:

"Sec. 20. [APPROPRIATIONS.] *Subdivision 1. The sums set forth in this section are appropriated from the general fund to the commissioner of finance for the purpose of paying compensation increases and county judges' compensation as authorized by this act, to be available for the fiscal year ending June 30 in the years indicated. Persons whose compensation is paid from open appropriations of dedicated receipts shall be paid from those appropriations and not from the appropriations made by this section. The commissioner of finance shall certify to the committee on finance of the senate and the committee on appropriations of the house of representatives the amount needed to be added to each appropriation account from which the compensation of a person affected by this act is paid, and shall then transfer that amount to the appropriate account.*

	1978	1979
	\$	\$
<i>Subd. 2. Legislators</i>		814,000
<i>Subd. 3. Judges and Judicial Positions, as listed in Section 15A.083</i>	5,562,000	8,164,000
<i>Subd. 4. Constitutional Officers and their Deputies</i>	101,700	101,700
<i>Subd. 5. Department Heads and their Deputies</i>	502,800	502,800".

Page 18, line 15, after ".]" insert "*Section 14 prohibiting the addition of county judges without legislative approval is effective the day after final enactment. The remainder of*".

Renumber the sections.

Amend the title as follows:

Line 11, after the semicolon insert "prohibiting salaries of court referees and hearing examiners from exceeding the salaries of judges; appropriating money;".

Line 12, after "3.102;" insert "3A.02, Subdivision 1;".

Line 16, delete "and" and after "5;" insert "487.02, Subdivision 1; 488A.021, Subdivision 8; and 488A.19, Subdivision 10;".

The question was taken on the adoption of the amendment and the roll was called. There were 123 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Brandl	Eken	Haugerud	Laidig
Adams	Braun	Ellingson	Heinitz	Langseth
Albrecht	Brinkman	Enebo	Jacobs	Lehto
Anderson, B.	Byrne	Erickson	Jaros	Lemke
Anderson, D.	Carlson, D.	Esau	Jensen	Mangan
Anderson, G.	Carlson, L.	Evans	Johnson	Mann
Anderson, I.	Casserly	Ewald	Jude	McCarron
Arlandson	Clark	Faricy	Kahn	McCollar
Battaglia	Clawson	Fjoslien	Kaley	McDonald
Beauchamp	Cohen	Forsythe	Kalis	McEachern
Begich	Corbid	Friedrich	Kelly, R.	Metzen
Berg	Cummiskey	Fudro	Kelly, W.	Moe
Berglin	Dahl	Fugina	King	Murphy
Berkelman	Dean	George	Knickerbocker	Neisen
Biersdorf	Den Ouden	Gunter	Kostohryz	Nelsen, B.
Birnstihl	Eckstein	Hanson	Kroening	Nelson

Niehaus	Reding	Searle	Stanton	Wenstrom
Norton	Rice	Searles	Stoa	Wenzel
Novak	Rose	Sherwood	Suss	White
Patton	St. Onge	Sieben, H.	Swanson	Wieser
Pehler	Samuelson	Sieben, M.	Tomlinson	Williamson
Peterson	Sarna	Simoneau	Vanasek	Zubay
Petrafaso	Savelkoul	Skoglund	Voss	Speaker Sabo
Pleasant	Scheid	Smogard	Waldorf	
Prahl	Schulz	Spanish	Welch	

The motion prevailed and the amendment was adopted.

Savelkoul moved to amend S. F. No. 483, as amended by the second Sieben, H., amendment, as follows:

Page 1, line 9, of the amendment after "*shall be*" delete the remainder of the sentence and insert "*reduced to reimbursement for actual out of pocket expenses incurred while living away from home and traveling to and from the capitol.*"

The question was taken on the adoption of the amendment and the roll was called. There were 37 yeas and 88 nays as follows:

Those who voted in the affirmative were:

Adams	Erickson	Kaley	Niehaus	Sieben, M.
Albrecht	Evans	Kalis	Osthoff	Stoa
Anderson, D.	Ewald	Kempe, R.	Peterson	Tomlinson
Anderson, R.	Fjoslien	Knickerbocker	Pleasant	Wigley
Biersdorf	Forsythe	Kostohryz	Rose	Zubay
Carlson, A.	Friedrich	Laidig	Savelkoul	
Dahl	Heinitz	McDonald	Searle	
Dean	Jacobs	Nelsen, B.	Searles	

Those who voted in the negative were:

Abeln	Cassery	Jaros	Munger	Smogard
Anderson, B.	Clark	Jensen	Murphy	Spanish
Anderson, G.	Clawson	Johnson	Neisen	Stanton
Anderson, I.	Cohen	Jude	Nelson	Suss
Arlandson	Corbid	Kahn	Norton	Swanson
Battaglia	Cummiskey	Kelly, W.	Novak	Vanasek
Beauchamp	Den Ouden	King	Pehler	Voss
Begich	Eckstein	Kroening	Petrafaso	Waldorf
Berg	Eken	Langseth	Prahl	Welch
Berglin	Ellingson	Lehto	Rice	Wenstrom
Berkelman	Enebo	Lemke	Samuelson	Wenzel
Birnstihl	Fudro	Mangan	Sarna	White
Brandl	Fugina	Mann	Scheid	Wieser
Braun	George	McCarron	Schulz	Williamson
Brinkman	Gunter	McCollar	Sherwood	Wynia
Byrne	Hanson	McEachern	Sieben, H.	Speaker Sabo
Carlson, D.	Haugerud	Metzen	Simoneau	
Carlson, L.	Hokanson	Moe	Skoglund	

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

Savelkoul moved to amend S. F. No. 483, as amended, as follows:

Page 13, line 1, after "for" insert "actual".

Page 13, strike lines 3 through 6 and insert in lieu thereof "session in".

Page 13, strike lines 8 through 13.

The question was taken on the adoption of the amendment and the roll was called. There were 49 yeas and 77 nays as follows:

Those who voted in the affirmative were:

Abeln	Dean	Jude	McDonald	Searle
Adams	Den Ouden	Kaley	Murphy	Searles
Albrecht	Erickson	Kelly, R.	Nelsen, B.	Spanish
Anderson, D.	Esau	Kempe, A.	Niehaus	Stoa
Anderson, R.	Evans	Kempe, R.	Osthoff	Waldorf
Biersdorf	Ewald	Knickerbocker	Peterson	Wenzel
Carlson, A.	Fjoslien	Kostohryz	Pleasant	Wieser
Carlson, D.	Forsythe	Kvam	Rose	Wigley
Clawson	Friedrich	Laidig	St. Onge	Zubay
Dahl	Heinitz	McCollar	Savelkoul	

Those who voted in the negative were:

Anderson, B.	Clark	Johnson	Nelsen, M.	Skoglund
Anderson, G.	Cohen	Kahn	Nelson	Smogard
Anderson, I.	Corbid	Kalis	Norton	Stanton
Arlandson	Cummiskey	Kelly, W.	Novak	Suss
Battaglia	Eckstein	King	Patton	Swanson
Beauchamp	Eken	Kroening	Pehler	Tomlinson
Begich	Ellingson	Langseth	Petrafeso	Vanasek
Berg	Enebo	Lehto	Rice	Voss
Berglin	Fudro	Lemke	Samuelson	Welch
Berkelman	Fugina	Mangan	Sarna	White
Birnstihl	George	Mann	Scheid	Williamson
Brandl	Gunter	McCarron	Schulz	Wynia
Braun	Haugerud	McEachern	Sherwood	Speaker Sabo
Byrne	Hokanson	Metzen	Sieben, H.	
Carlson, L.	Jaros	Munger	Sieben, M.	
Casserly	Jensen	Neisen	Simoneau	

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

Carlson, A., moved to amend S. F. No. 483, as amended by the second Sieben, H., amendment, as follows:

Page 12, delete all of Subdivision 3 and insert:

"Subd. 3. Commencing with the start of the 1979 legislative session, the Speaker of the House and a leadership position in the Senate designated by that body shall be paid 150 percent of the compensation of other members."

The question was taken on the adoption of the amendment and the roll was called. There were 29 yeas and 95 nays as follows:

Those who voted in the affirmative were:

Albrecht	Den Ouden	Forsythe	McDonald	Savelkoul
Anderson, D.	Erickson	Friedrich	Nelsen, B.	Searle
Anderson, R.	Esau	Heinitz	Niehaus	Searles
Biersdorf	Evans	Kaley	Peterson	Wigley
Carlson, A.	Ewald	Kalis	Pleasant	Zubay
Dean	Fjoslien	Laidig	Rose	

Those who voted in the negative were:

Abeln	Clawson	Jensen	Moe	Sieben, H.
Adams	Cohen	Johnson	Munger	Sieben, M.
Anderson, B.	Corbid	Jude	Murphy	Skoglund
Anderson, G.	Cummiskey	Kahn	Neisen	Smogard
Anderson, I.	Dahl	Kelly, R.	Nelsen, M.	Stanton
Ariandson	Eckstein	Kelly, W.	Nelson	Stoa
Battaglia	Eken	Kempe, A.	Norton	Suss
Beauchamp	Ellingson	Kempe, R.	Novak	Swanson
Begich	Enebo	King	Osthoff	Tomlinson
Berg	Faricy	Kostohryz	Patton	Vanasek
Berglin	Fudro	Kroening	Pehler	Voss
Berkelman	Fugina	Langseth	Petrafeso	Waldorf
Birnstihl	George	Lehto	Rice	Welch
Brandl	Gunter	Lemke	St. Onge	Wenstrom
Braun	Hanson	Mangan	Samuelson	Wenzel
Brinkman	Haugerud	Mann	Sarna	White
Carlson, L.	Hokanson	McCarron	Scheid	Williamson
Cassery	Jacobs	McEachern	Schulz	Wynia
Clark	Jaros	Metzen	Sherwood	Speaker Sabo

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

Carlson, A., moved to amend S. F. No. 483, as amended, as follows:

Page 2, line 20, delete "\$2,000" and insert "\$30,000".

Page 2, line 24, delete "\$2,000" and insert "\$30,000".

Page 2, line 24, delete "\$2,000" and insert "\$30,000".

Page 2, line 28, delete "\$41,000" and insert "\$39,000".

Page 3, line 6, delete "\$2,000" and insert "\$30,000".

Page 3, line 18, delete "\$45,000" and insert "\$44,000".

Page 3, line 29, delete "\$36,000" and insert "\$32,000".

Page 4, line 18, delete "\$36,000" and insert "\$28,000".

Page 5, line 1, delete "41,000" and insert "36,000".

Page 5, line 11, delete "32,000" and insert "30,000".

Page 5, line 13, delete "32,000" and insert "30,000".

The question was taken on the adoption of the amendment and the roll was called. There were 51 yeas and 73 nays as follows:

Those who voted in the affirmative were:

Adams	Erickson	Kaley	Novak	Spanish
Albrecht	Esau	Kalis	Osthoff	Wenstrom
Anderson, D.	Evans	Kempe, R.	Peterson	Wenzel
Anderson, R.	Ewald	Knickerbocker	Pleasant	Wieser
Berkelman	Fjoslien	Kvam	Rose	Wigley
Biersdorf	Forsythe	Laidig	Samuelson	Williamson
Birnstihl	Friedrich	McDonald	Sarna	Zubay
Carlson, A.	Heinitz	McEachern	Savelkoul	
Carlson, D.	Jacobs	Neisen	Searle	
Dean	Jensen	Nelsen, B.	Searles	
Den Ouden	Jude	Niehaus	Smogard	

Those who voted in the negative were:

Abeln	Clawson	Johnson	Murphy	Skoglund
Anderson, B.	Cohen	Kahn	Nelsen, M.	Stanton
Anderson, G.	Corbid	Kelly, W.	Nelson	Stoa
Anderson, I.	Cummiskey	Kempe, A.	Norton	Suss
Arlandson	Dahl	King	Patton	Swanson
Battaglia	Eckstein	Kostohryz	Pehler	Tomlinson
Beauchamp	Eken	Kroening	Petrafeso	Vanasek
Begich	Ellingson	Langseth	Reding	Voss
Berg	Faricy	Lehto	Rice	Waldorf
Berglin	Fudro	Lemke	St. Onge	Welch
Brandl	George	Mangan	Scheid	White
Braun	Gunter	Mann	Schulz	Wynia
Carlson, L.	Hanson	Metzen	Sherwood	Speaker Sabo
Casserly	Hangerud	Moe	Sieben, H.	
Clark	Jaros	Munger	Sieben, M.	

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

Carlson, A., moved to amend S. F. No. 483, as amended, as follows:

Page 7, at the end of line 15, add "*Furthermore, notwithstanding any other law or ordinance to the contrary, no increase in compensation for an elected official of a political subdivision shall take effect until at least one half of the positions on the governing body which approved the increase have been filled by election held after the increase was approved.*".

Amend the title as follows:

Line 11, after "governor;" insert "and delaying certain salary increases".

The question was taken on the adoption of the amendment and the roll was called. There were 51 yeas and 71 nays as follows:

Those who voted in the affirmative were:

Abeln	Dean	Heinitz	Niehaus	Searles
Adams	Den Ouden	Hokanson	Novak	Smogard
Albrecht	Erickson	Kaley	Osthoff	Swanson
Anderson, D.	Esau	Kempe, A.	Patton	Wigley
Anderson, R.	Evans	Kempe, R.	Peterson	Williamson
Berkelman	Ewald	Knickerbocker	Pleasant	Wynia
Biersdorf	Faricy	Laidig	Reding	Zubay
Brandl	Fjoslien	McCollar	Rose	
Carlson, A.	Friedrich	McDonald	Samuelson	
Carlson, D.	Fudro	Nelsen, B.	Savekoul	
Carlson, L.	Hanson	Nelson	Searle	

Those who voted in the negative were:

Anderson, G.	Corbid	Kahn	Moe	Suss
Anderson, I.	Cummiskey	Kalis	Murphy	Tomlinson
Arlanson	Dahl	Kelly, R.	Neisen	Vanasek
Battaglia	Eckstein	Kelly, W.	Nelsen, M.	Voss
Beauchamp	Eken	King	Norton	Waldorf
Begich	Ellingson	Kostohryz	Petrafeso	Welch
Berg	Enebo	Kroening	Rice	Wenstrom
Berglin	George	Kvam	St. Onge	Wenzel
Birnstihl	Gunter	Langseth	Scheid	White
Braun	Haugerud	Lehto	Schulz	Wieser
Byrne	Jacobs	Lemke	Sieben, H.	Speaker Sabo
Casserly	Jaros	Mangan	Sieben, M.	
Clark	Jensen	Mann	Skoglund	
Clawson	Johnson	McCarron	Stanton	
Cohen	Jude	Metzen	Stoa	

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

Carlson, A., moved to amend S. F. No. 483, as amended, as follows:

Page 7, after line 15 insert a new subdivision to read:

"Subd. 5. [MILEAGE ALLOWANCE.] Notwithstanding any other law or ordinance to the contrary, an employee or official of a political subdivision shall be reimbursed for use of a personal automobile only when a motorpool vehicle owned by the political subdivision is not available and when use of a personal automobile is otherwise necessary. Furthermore, any mileage reimbursement for use of a personal automobile shall be based only on those miles necessarily traveled to conduct official business."

Amend the title as follows:

Page 1, line 11, after "governor;" insert "restricting mileage allowance for an employee or official of a political subdivision;".

The question was taken on the adoption of the amendment and the roll was called. There were 26 yeas and 93 nays as follows:

Those who voted in the affirmative were:

Albrecht	Den Ouden	Friedrich	Nelsen, B.	Wigley
Anderson, D.	Erickson	Heinitz	Niehaus	Zubay
Anderson, R.	Esau	Kaley	Peterson	
Carlson, A.	Evans	Kempe, R.	Pleasant	
Carlson, D.	Ewald	Laidig	Rose	
Dean	Fjoslien	McDonald	Searles	

Those who voted in the negative were:

Abeln	Clark	Jude	Neisen	Smogard
Adams	Cohen	Kahn	Nelsen, M.	Stanton
Anderson, B.	Corbid	Kalis	Nelson	Stoa
Anderson, G.	Cummiskey	Kelly, R.	Norton	Suss
Anderson, I.	Dahl	Kelly, W.	Novak	Swanson
Arlandson	Eckstein	Kempe, A.	Osthoff	Tomlinson
Battaglia	Ellingson	King	Patton	Vanasek
Beauchamp	Enebo	Knickerbocker	Pehler	Voss
Begich	Faricy	Kostohryz	Petrafeso	Waldorf
Berg	Fudro	Kroening	Prahl	Welch
Berglin	George	Langseth	Reding	Wenstrom
Berkelman	Gunter	Lehto	Rice	Wenzel
Birnstihl	Hanson	Lemke	St. Onge	White
Brandl	Haugerud	Mann	Sarna	Wieser
Braun	Hokanson	McCarron	Scheid	Williamson
Brinkman	Jacobs	McEachern	Sherwood	Wynia
Byrne	Jaros	Metzen	Sieben, H.	Speaker Sabo
Carlson, L.	Jensen	Moe	Sieben, M.	
Casserly	Johnson	Murphy	Skoglund	

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

Carlson, A., moved to amend S. F. No. 483, as amended, as follows:

Page 10, line 21, strike "36,000" and insert "30,000".

The question was taken on the adoption of the amendment and the roll was called. There were 29 yeas and 99 nays as follows:

Those who voted in the affirmative were:

Albrecht	Evans	Jensen	Laidig	Savelkoul
Anderson, R.	Ewald	Jude	McDonald	Searles
Biersdorf	Fjoslien	Kaley	Nelsen, B.	Wenzel
Birnstihl	Forsythe	Kempe, R.	Niehaus	Wigley
Carlson, A.	Friedrich	Knickerbocker	Peterson	Zubay
Esau	Heinitz	Kvam	Pleasant	

Those who voted in the negative were:

Abeln	Anderson, B.	Anderson, G.	Arlandson	Beauchamp
Adams	Anderson, D.	Anderson, I.	Battaglia	Begich

Berg	Eken	Kempe, A.	Norton	Skoglund
Berglin	Ellingson	King	Novak	Smogard
Berkelman	Enebo	Kostohryz	Osthoff	Stanton
Brandl	Faricy	Kroening	Patton	Stoa
Braun	Fudro	Langseth	Pehler	Suss
Brinkman	Fugina	Lehto	Petrafeso	Swanson
Byrne	George	Lemke	Reding	Tomlinson
Carlson, D.	Gunter	Mangan	Rice	Vanasek
Carlson, L.	Hanson	Mann	Rose	Voss
Casserly	Haugerud	McCarron	St. Onge	Waldorf
Clark	Hokanson	McCollar	Samuelson	Welch
Clawson	Jacobs	Metzen	Sarna	Wenstrom
Cohen	Jaros	Moe	Scheid	White
Corbid	Johnson	Munger	Schulz	Wieser
Dahl	Kahn	Murphy	Sherwood	Williamson
Dean	Kalis	Neisen	Sieben, H.	Wynia
Den Ouden	Kelly, R.	Nelsen, M.	Sieben, M.	Speaker Sabo
Eckstein	Kelly, W.	Nelson	Simoneau	

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

Carlson, A., moved to amend S. F. No. 483, as amended, as follows:

Page 10, line 19, strike "\$58,000" and insert "\$52,000".

A roll call was requested and properly seconded.

Patton moved to amend the Carlson, A., amendment to S. F. No. 483, as follows:

Delete "\$52,000" and insert "\$60,000".

The question was taken on the adoption of the Patton amendment to the Carlson, A., amendment and the roll was called. There were 13 yeas and 112 nays as follows:

Those who voted in the affirmative were:

Begich	Cummiskey	Petrafeso	Sherwood	Voss
Berg	Kahn	Rice	Simoneau	Williamson
Corbid	Patton	St. Onge		

Those who voted in the negative were:

Abeln	Berkelman	Cohen	Forsythe	Jude
Adams	Biersdorf	Dahl	Friedrich	Kaley
Albrecht	Birnstihl	Dean	Fudro	Kalis
Anderson, B.	Brandl	Eckstein	George	Kelly, R.
Anderson, D.	Braun	Ellingson	Gunter	Kelly, W.
Anderson, G.	Byrne	Enebo	Hanson	Kempe, A.
Anderson, I.	Carlson, A.	Erickson	Haugerud	Kempe, R.
Anderson, R.	Carlson, D.	Esau	Heinitz	King
Arlandson	Carlson, L.	Evans	Hokanson	Knickerbocker
Battaglia	Casserly	Ewald	Jacobs	Kostohryz
Beauchamp	Clark	Faricy	Jensen	Kroening
Berglin	Clawson	Fjoslien	Johnson	Kvam

Laidig	Murphy	Pleasant	Sieben, M.	Wenstrom
Langseth	Neisen	Prahl	Skoglund	Wenzel
Lehto	Nelsen, B.	Reding	Smogard	White
Lemke	Nelsen, M.	Rose	Stanton	Wieser
Mangan	Nelson	Samuelson	Stoa	Wigley
Mann	Niehaus	Savelkoul	Suss	Wynia
McCarron	Norton	Scheid	Swanson	Zubay
McCollar	Novak	Schulz	Tomlinson	Speaker Sabo
McDonald	Osthoff	Searle	Vanasek	
Metzen	Pehler	Searles	Waldorf	
Munger	Peterson	Sieben, H.	Welch	

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

The question recurred on the adoption of the Carlson, A., amendment and the roll was called. There were 48 yeas and 84 nays as follows:

Those who voted in the affirmative were:

Abeln	Den Ouden	Heinitz	Laidig	Savelkoul
Albrecht	Erickson	Hokanson	McDonald	Searle
Anderson, D.	Esau	Jacobs	Nelsen, B.	Searles
Anderson, R.	Evans	Jensen	Niehaus	Smogard
Berkelman	Ewald	Jude	Novak	Wenzel
Biersdorf	Fjoslien	Kaley	Osthoff	Wieser
Braun	Forsythe	Kalis	Peterson	Wigley
Carlson, A.	Friedrich	Kempe, R.	Pleasant	Zubay
Carlson, D.	Gunter	Knickerbocker	Rose	
Dean	Hanson	Kvam	Samuelson	

Those who voted in the negative were:

Adams	Clawson	Kelly, R.	Neisen	Simoneau
Anderson, B.	Cohen	Kelly, W.	Nelsen, M.	Skoglund
Anderson, G.	Corbid	Kempe, A.	Nelson	Stanton
Anderson, I.	Cummiskey	King	Norton	Stoa
Arlandson	Dahl	Kostohryz	Patton	Suss
Battaglia	Eckstein	Langseth	Pehler	Swanson
Beauchamp	Eken	Lehto	Petrafeso	Tomlinson
Begich	Ellingson	Lemke	Prahl	Vanasek
Berg	Enebo	Mangan	Reding	Voss
Berglin	Faricy	Mann	Rice	Waldorf
Birnstihl	Fudro	McCarron	St. Onge	Welch
Brandl	Fugina	McCollar	Sarna	Wenstrom
Brinkman	George	McEachern	Scheid	White
Byrne	Haugerud	Metzen	Schulz	Williamson
Carlson, L.	Jaros	Moe	Sherwood	Wynia
Casserly	Johnson	Munger	Sieben, H.	Speaker Sabo
Clark	Kahn	Murphy	Sieben, M.	

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

Carlson, A., moved to amend S. F. No. 483, as amended, as follows:

Page 7, line 15, delete "governor" and insert "commissioner of finance".

The question was taken on the adoption of the amendment and the roll was called. There were 77 yeas and 40 nays as follows:

Those who voted in the affirmative were:

Abeln	Carlson, L.	Gunter	McCollar	Searles
Albrecht	Clawson	Jude	McDonald	Sherwood
Anderson, B.	Cohen	Kaley	Murphy	Smogard
Anderson, D.	Dean	Kalis	Neisen	Swanson
Anderson, G.	Den Ouden	Kelly, R.	Nelsen, B.	Vanasek
Anderson, I.	Ellingson	Kempe, A.	Nelsen, M.	Waldorf
Anderson, R.	Enebo	Kempe, R.	Niehaus	Wenstrom
Beauchamp	Erickson	King	Novak	Wenzel
Begich	Esau	Knickerbocker	Pehler	Wieser
Berkelman	Evans	Kostohryz	Peterson	Wigley
Biersdorf	Ewald	Kroening	Reding	Williamson
Birnsthil	Faricy	Kvam	Rose	Wynia
Brinkman	Fjoslien	Laidig	St. Onge	Zubay
Byrne	Forsythe	Langseth	Savelkoul	
Carlson, A.	Friedrich	Lemke	Scheid	
Carlson, D.	Fudro	McCarron	Searle	

Those who voted in the negative were:

Battaglia	Cummiskey	Kahn	Patton	Skoglund
Berg	Dahl	Kelly, W.	Petraleso	Stanton
Berglin	Fugina	Mangan	Rice	Stoa
Brandl	George	Mann	Samuelson	Tomlinson
Braun	Hanson	McEachern	Schulz	Voss
Casserly	Jacobs	Metzen	Sieben, H.	Welch
Clark	Jaros	Munger	Sieben, M.	White
Corbid	Johnson	Norton	Simoneau	Speaker Sabo

The motion prevailed and the amendment was adopted.

Kvam moved to amend S. F. No. 483, as amended, as follows:

Page 11, line 22, strike "such per diem" and insert "*actual vouchered*".

Page 11, line 22, after "expenses" insert "*in an amount not to exceed \$25 per day*".

Page 11, line 23, strike "in such amounts and".

Page 11, lines 26 to 31, strike the new language.

Page 13, line 4, delete "\$48" and insert "\$25".

Page 13, line 4, strike "as a per diem expense allowance".

Page 13, line 9, strike "and in the amount".

The question was taken on the adoption of the amendment and the roll was called. There were 47 yeas and 80 nays as follows:

Those who voted in the affirmative were:

Abeln	Den Ouden	Jacobs	McDonald	Searles
Albrecht	Erickson	Jude	Nelsen, B.	Stoa
Anderson, D.	Esau	Kaley	Niehaus	Tomlinson
Anderson, R.	Evans	Kalis	Osthoff	Welch
Berkelman	Ewald	Kelly, R.	Peterson	Wieser
Biersdorf	Faricy	Kempe, A.	Pleasant	Wigley
Carlson, A.	Fjoslien	Kempe, R.	Rose	Zubay
Carlson, D.	Forsythe	Knickerbocker	St. Onge	
Dahl	Friedrich	Kvam	Savelkoul	
Dean	Heinitz	McCollar	Searle	

Those who voted in the negative were:

Adams	Clark	Jaros	Munger	Sieben, H.
Anderson, B.	Clawson	Jensen	Murphy	Sieben, M.
Anderson, I.	Cohen	Johnson	Neisen	Simoneau
Arlandson	Corbid	Kahn	Nelsen, M.	Skoglund
Battaglia	Cummiskey	Kelly, W.	Nelson	Smogard
Beauchamp	Eckstein	King	Norton	Stanton
Begich	Eken	Kostohryz	Novak	Suss
Berg	Ellingson	Kroening	Pehler	Vanasek
Berglin	Enebo	Langseth	Petrafeso	Voss
Birnstihl	Fudro	Lehto	Prahl	Waldorf
Brandl	Fugina	Lemke	Rice	Wenstrom
Braun	George	Mangan	Samuelson	Wenzel
Brinkman	Gunter	Mann	Sarna	White
Byrne	Hanson	McCarron	Scheid	Williamson
Carlson, L.	Haugerud	Metzen	Schulz	Wynia
Casserly	Hokanson	Moe	Sherwood	Speaker Sabo

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

Kvam moved to amend S. F. No. 483, as amended, as follows:

Page 11, line 16, after "Each" insert "outstate".

Page 11, line 19, after "to" insert "outstate".

Page 11, line 20, after "to" insert "outstate".

Page 11, line 21, after "Each" insert "outstate".

Page 11, line 24, after "to" insert "outstate".

Page 11, line 25, after "to" insert "outstate".

Page 12, after line 29, insert:

"Subd. 4. For the purposes of this section, "outstate" shall include all Minnesota legislative districts which lie exclusively outside the counties of Hennepin and Ramsey."

Page 12, line 32, after "Each" insert "outstate".

Page 13, line 5, after "The" insert "outstate".

Page 13, line 8, after "for" insert "outstate".

Page 13, line 10, after "to" insert "outstate".

Page 13, line 12, after "to" insert "outstate".

Page 13, after line 13, insert:

"The expenses herein provided for outstate members are also provided for Hennepin and Ramsey county members for expenses incurred in official business when the legislature is not in session if the official business occurs outside of the counties of Hennepin and Ramsey."

For the purposes of this section, "outstate" shall include all Minnesota legislative districts which lie exclusively outside the counties of Hennepin and Ramsey."

The question was taken on the adoption of the amendment and the roll was called. There were 11 yeas and 108 nays as follows:

Those who voted in the affirmative were:

Albrecht	Kvam	Neisen, M.	Pleasant	Searles
Anderson, R.	Nelsen, B.	Niehaus	Rose	Wigley
Fjoslien				

Those who voted in the negative were:

Adams	Corbid	Johnson	McEachern	Simoneau
Anderson, B.	Cummiskey	Jude	Metzen	Skoglund
Anderson, D.	Dahl	Kahn	Moe	Smogard
Anderson, G.	Dean	Kaley	Munger	Stanton
Anderson, I.	Den Ouden	Kalis	Murphy	Stoa
Arlandson	Eckstein	Kelly, R.	Neisen	Suss
Battaglia	Eken	Kelly, W.	Nelson	Swanson
Beauchamp	Ellingson	Kempe, A.	Norton	Tomlinson
Begich	Enebo	Kempe, R.	Novak	Vanasek
Berg	Evans	King	Patton	Voss
Berglin	Ewald	Knickerbocker	Pehler	Waldorf
Berkelman	Faricy	Kostohryz	Petrafeso	Welch
Birnstihl	Forsythe	Kroening	Prahl	Wenstrom
Brandl	Fudro	Laidig	Reding	Wenzel
Braun	Fugina	Langseth	Rice	White
Byrne	George	Lehto	St. Onge	Wieser
Carlson, A.	Gunter	Lemke	Sarna	Williamson
Carlson, L.	Hanson	Mangan	Scheid	Wynia
Casserly	Haugerud	Mann	Schulz	Zubay
Clark	Heinitz	McCarron	Sherwood	Speaker Sabo
Clawson	Hokanson	McCollar	Sieben, H.	
Cohen	Jacobs	McDonald	Sieben, M.	

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

Kvam moved to amend S. F. No. 483, as amended, as follows:

Page 11, strike lines 16 to 31, and insert in lieu thereof:

“Each member shall receive mileage and living expenses during a regular or special session of the legislature in such amounts and categories as reported by them on signed statements of expenditures substantiated by receipted payments; these amounts shall not exceed the actual and necessary mileage and living expenses incurred while conducting official legislative business.

The house business office and the senate fiscal services department shall report a single suitable form, subject to approval of the joint rules committee, to be used as a statement of actual mileage and living expenditures.”.

Page 13, line 1, after “for” insert “actual and necessary mileage and lodging”.

Page 13, line 3, strike everything after the period.

Page 13, strike lines 8 to 13 and insert in lieu thereof:

“Actual and necessary mileage and lodging expenses are payable in such amounts and categories as reported on signed statements of expenditures substantiated by receipted payments by the members in the manner designated in section 10 of this act.”.

The question was taken on the adoption of the amendment and the roll was called. There were 31 yeas and 95 nays as follows:

Those who voted in the affirmative were:

Albrecht	Esau	Kaley	Peterson	Wieser
Anderson, D.	Evans	Knickerbocker	Pleasant	Wigley
Anderson, R.	Ewald	Kvam	Savelkoul	Zubay
Carlson, A.	Fjoslien	Laidig	Searle	
Dahl	Forsythe	Nelsen, B.	Searles	
Den Ouden	Friedrich	Niehaus	Stoa	
Erickson	Jacobs	Osthoff	Tomlinson	

Those who voted in the negative were:

Abeln	Brandl	Eckstein	Hokanson	Langseth
Adams	Braun	Eken	Jaros	Lehto
Anderson, B.	Brinkman	Ellingson	Jensen	Lemke
Anderson, G.	Byrne	Enebo	Johnson	Mangan
Anderson, I.	Carlson, L.	Faricy	Jude	Mann
Arlandson	Casserly	Fudro	Kahn	McCarron
Battaglia	Clark	Fugina	Kelly, R.	McCollar
Begich	Clawson	George	Kelly, W.	McDonald
Berg	Cohen	Gunter	Kempe, A.	Metzen
Berglin	Corbid	Hanson	King	Moe
Berkelman	Cummiskey	Haugerud	Kostohryz	Munger
Birnstihl	Dean	Heinitz	Kroening	Murphy

Neisen	Reding	Schulz	Spanish	Welch
Nelsen, M.	Rice	Sherwood	Stanton	Wenstrom
Nelson	Rose	Sieben, H.	Suss	Wenzel
Norton	St. Onge	Sieben, M.	Swanson	White
Pehler	Samuelson	Simoneau	Vanasek	Williamson
Petrafeso	Sarna	Skoglund	Voss	Wynia
Prahl	Scheid	Smogard	Waldorf	Speaker Sabo

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

Dean moved to amend S. F. No. 483, as amended, as follows:

Page 12, line 26, delete "*largest political affiliation*" and insert "*majority of the members*".

Page 12, line 27, after the word "*of*" insert the word "*those*".

Page 12, line 28, strike everything after the word "*house*" and insert "*not a part of the majority*".

Page 12, strike all of line 29.

The question was taken on the adoption of the amendment and the roll was called. There were 33 yeas and 91 nays as follows:

Those who voted in the affirmative were:

Albrecht	Erickson	Haugerud	Niehaus	Skoglund
Anderson, D.	Esau	Heinitz	Peterson	Stanton
Anderson, R.	Evans	Kahn	Pleasant	Wenstrom
Carlson, A.	Faricy	Kaley	Rose	Wigley
Carlson, D.	Fjoslien	Laidig	Savelkoul	Zubay
Dean	Forsythe	McDonald	Searle	
Den Ouden	Friedrich	Nelsen, B.	Searles	

Those who voted in the negative were:

Abeln	Cummiskey	Kelly, W.	Nelsen, M.	Smogard
Adams	Dahl	Kempe, A.	Norton	Stoa
Anderson, B.	Eckstein	Kempe, R.	Novak	Suss
Anderson, G.	Eken	King	Osthoff	Swanson
Anderson, I.	Ellingson	Knickerbocker	Patton	Tomlinson
Battaglia	Enebo	Kostohryz	Pehler	Vanasek
Beauchamp	Ewald	Kroening	Petrafeso	Voss
Begich	Fudro	Langseth	Prahl	Waldorf
Berglin	Fugina	Lehto	Reding	Welch
Berkelman	George	Lemke	Rice	Wenzel
Birnstihl	Gunter	Mangan	St. Onge	White
Brandl	Hanson	Mann	Samuelson	Wieser
Braun	Hokanson	McCarron	Sarna	Williamson
Brinkman	Jacobs	McCollar	Scheid	Wynia
Byrne	Jaros	McEachern	Schulz	Speaker Sabo
Carlson, L.	Jensen	Metzen	Sherwood	
Clawson	Johnson	Moe	Sieben, H.	
Cohen	Jude	Murphy	Sieben, M.	
Corbid	Kelly, R.	Neisen	Simoneau	

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

Den Ouden moved to amend S. F. No. 483, as amended, as follows:

Page 13, line 1, after the word "shall" strike the remainder of the line and insert "*during session and interim be reimbursed only for travel and lodging expenses in the same manner and amount as state employees.*".

Page 13, strike all of lines 2 to 7.

The question was taken on the adoption of the amendment and the roll was called. There were 41 yeas and 90 nays as follows:

Those who voted in the affirmative were:

Albrecht	Erickson	Heinitz	McDonald	Welch
Anderson, D.	Esau	Jude	Nelsen, B.	Wenstrom
Anderson, R.	Evans	Kaley	Niehaus	Wieser
Biersdorf	Ewald	Kelly, R.	Peterson	Wigley
Carlson, A.	Faricy	Kempe, A.	Pleasant	Zubay
Carlson, D.	Fjoslien	Kempe, R.	Rose	
Dahl	Forsythe	Knickerbocker	Savelkoul	
Dean	Friedrich	Kvam	Searles	
Den Ouden	Gunter	Laidig	Stoa	

Those who voted in the negative were:

Abeln	Casserly	Jensen	Munger	Sieben, H.
Adams	Clark	Johnson	Murphy	Sieben, M.
Anderson, B.	Clawson	Kahn	Neisen	Simoneau
Anderson, G.	Cohen	Kalis	Nelsen, M.	Skoglund
Anderson, I.	Corbid	Kelly, W.	Nelson	Smogard
Arlanson	Cummiskey	King	Norton	Spanish
Battaglia	Eckstein	Kostohryz	Novak	Stanton
Beauchamp	Eken	Kroening	Pehler	Suss
Begich	Ellingson	Langseth	Petrafaso	Swanson
Berg	Enebo	Lehto	Prahl	Tomlinson
Berglin	Fudro	Lemke	Reding	Vanasek
Berkelman	Fugina	Mangan	Rice	Voss
Birnstihl	George	Mann	St. Onge	Waldorf
Brandl	Hanson	McCarron	Samuelson	Wenzel
Braun	Haugerud	McCollar	Sarna	White
Brinkman	Hokanson	McEachern	Scheid	Williamson
Byrne	Jacobs	Metzen	Schulz	Wynia
Carlson, L.	Jaros	Moe	Sherwood	Speaker Sabo

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

Faricy moved to amend S. F. No. 483, as amended, as follows:

Page 14, lines 2 thru 13 reinstate the stricken language.

The question was taken on the adoption of the amendment and the roll was called. There were 29 yeas and 99 nays as follows:

Those who voted in the affirmative were:

Anderson, D.	Erickson	Kempe, A.	Osthoff	Sarna
Arlandson	Ewald	Kempe, R.	Pleasant	Searle
Brandl	Faricy	King	Prahl	Searles
Carlson, A.	Forsythe	Laidig	Rice	Sieben, M.
Dahl	Hanson	Norton	Rose	Waldorf
Dean	Jude	Novak	St. Onge	

Those who voted in the negative were:

Abeln	Clark	Hokanson	Metzen	Simoneau
Adams	Clawson	Jacobs	Moe	Skoglund
Albrecht	Cohen	Jensen	Munger	Smogard
Anderson, B.	Corbid	Johnson	Murphy	Stanton
Anderson, G.	Cummiskey	Kaley	Neisen	Stoa
Anderson, I.	Den Ouden	Kalis	Nelsen, B.	Suss
Anderson, R.	Eckstein	Kelly, R.	Nelsen, M.	Swanson
Battaglia	Eken	Kelly, W.	Nelson	Tomlinson
Beauchamp	Ellingson	Knickerbocker	Niehaus	Vanasek
Begich	Enebo	Kroening	Patton	Voss
Berg	Esau	Kvam	Pehler	Welch
Berglin	Evans	Langseth	Peterson	Wenstrom
Berkelman	Fjoslien	Lehto	Petrafeso	Wenzel
Biersdorf	Friedrich	Lemke	Reding	White
Birnsthil	Fudro	Mangan	Samuelson	Wieser
Braun	Fugina	Mann	Savelkoul	Wigley
Brinkman	George	McCarron	Scheid	Williamson
Byrne	Gunter	McCollar	Schulz	Zubay
Carlson, D.	Haugerud	McDonald	Sherwood	Speaker Sabo
Carlson, L.	Heinitz	McEachern	Sieben, H.	

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

The question was taken on the motion to recommend passage of S. F. No. 483, as amended, and the roll was called. There were 66 yeas and 68 nays as follows:

Those who voted in the affirmative were:

Abeln	Corbid	Jacobs	Moe	Stanton
Anderson, I.	Cummiskey	Jaros	Munger	Suss
Arlandson	Dahl	Johnson	Nelson	Swanson
Battaglia	Dean	Kahn	Norton	Vanasek
Beauchamp	Eken	Kelly, R.	Pehler	Voss
Berg	Ellingson	Kelly, W.	Petrafeso	Waldorf
Berglin	Enebo	King	Rice	White
Brandl	Faricy	Kostohryz	St. Onge	Williamson
Carlson, A.	Fudro	Kroening	Samuelson	Wynia
Carlson, L.	Fugina	Lehto	Scheid	Speaker Sabo
Casserly	George	Mangan	Sherwood	
Clark	Gunter	Mann	Sieben, H.	
Clawson	Hanson	McCarron	Sieben, M.	
Cohen	Haugerud	Metzen	Skoglund	

Those who voted in the negative were:

Adams	Den Ouden	Kalis	Nelsen, M.	Searles
Albrecht	Eckstein	Kempe, A.	Niehaus	Simoneau
Anderson, B.	Erickson	Kempe, R.	Novak	Smogard
Anderson, D.	Esau	Knickerbocker	Osthoff	Spanish
Anderson, G.	Evans	Kvam	Patton	Stoa
Anderson, R.	Ewald	Laidig	Peterson	Tomlinson
Begich	Fjoslien	Langseth	Pleasant	Welch
Berkelman	Forsythe	Lemke	Prahl	Wenstrom
Biersdorf	Friedrich	McCollar	Reding	Wenzel
Birnstihl	Heinitz	McDonald	Rose	Wieser
Braun	Hokanson	McEachern	Sarna	Wigley
Brinkman	Jensen	Murphy	Savelkoul	Zubay
Byrne	Jude	Neisen	Schulz	
Carlson, D.	Kaley	Nelsen, B.	Searle	

The motion did not prevail.

MOTIONS AND RESOLUTIONS

Cohen moved that his name be stricken as an author on H. F. No. 602. The motion prevailed.

Fugina moved that the name of Wynia be added as an author on H. F. No. 1156. The motion prevailed.

Rice moved that the name of McEachern be stricken as an author on H. F. No. 749. The motion did not prevail.

ANNOUNCEMENT BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to the Conference Committee on H. F. No. 301: Kostohryz; Nelsen, B.; and McCarron.

ADJOURNMENT

Anderson, I., moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:00 p.m., Thursday, April 14, 1977.

EDWARD A. BURDICK, Chief Clerk, House of Representatives