

STATE OF MINNESOTA

SEVENTIETH SESSION - 1977

FORTY-FIRST DAY

SAINT PAUL, MINNESOTA, TUESDAY, APRIL 26, 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	Swanson
Begich	Esau	King	Patton	Tomlinson
Berg	Evans	Knickerbocker	Pehler	Vanasek
Berglin	Ewald	Kostohryz	Peterson	Voss
Berkelman	Faricy	Kroening	Petrafeso	Waldorf
Biersdorf	Fjoslien	Kvam	Pleasant	Wenstrom
Birnstihl	Forsythe	Laidig	Prahl	Wenzel
Brandl	Friedrich	Langseth	Reding	White
Braun	Fudro	Lehto	Rice	Wieser
Brinkman	Fugina	Lemke	Rose	Wigley
Byrne	George	Mangan	St. Onge	Williamson
Carlson, A.	Gunter	Mann	Samuelson	Wynia
Carlson, D.	Hanson	McCarron	Sarna	Zubay
Carlson, L.	Haugerud	McCollar	Savelkoul	Speaker Sabo
Casserly	Heinitz	McDonald	Scheid	
Clark	Hokanson	McEachern	Schulz	
Clawson	Jacobs	Metzen	Searle	

A quorum was present.

Suss was excused. Welch was excused until 3:00 p.m.

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. 1387, 1518, 13, 139, 525, 788, 1179, 1032, 163, 686, 906, 908, 1184, 1307, 1364, 1474, 1487, 1054, 931, 989, 323, 966, 1283, 536, 250, 351, 774, 962, 963, 1187, 1248, 1259, 325, 356, 451, 578, 685, 1201, 787, 952, 161, 297, 314, 791, 830, 980, 1040, 106, 414, 460, 515, 1004, 1194, 410, 1086, 411, 848, 1030, 1105, 264, 1098, 257, 491, 1028 and 612 and S. F. Nos. 213, 335, 51, 816, 125, 265, 1286, 417, 667, 466, 389, 640, 649, 569, 769, 831, 916, 498, 582, 600, 620, 617, 1103, 1387, 586, 737, 1039, 1298, 1415, 111, 774, 880, 1331, 1385, 388, 96, 102, 191, 362, 562, 274, 477, 499, 348, 506, 845, 682, 766, 804 and 972 have been placed in the members' files.

S. F. No. 111 and H. F. No. 161, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Neisen moved that S. F. No. 111 be substituted for H. F. No. 161 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 569 and H. F. No. 651, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Eken moved that the rules be so far suspended that S. F. No. 569 be substituted for H. F. No. 651 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 600 and H. F. No. 889, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Johnson moved that S. F. No. 600 be substituted for H. F. No. 889 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 831 and H. F. No. 989, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Jaros moved that S. F. No. 831 be substituted for H. F. No. 989 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 845 and H. F. No. 966, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Fugina moved that S. F. No. 845 be substituted for H. F. No. 966 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1387 and H. F. No. 1487, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Biersdorf moved that the rules be so far suspended that S. F. No. 1387 be substituted for H. F. No. 1487 and that the House File be indefinitely postponed. The motion prevailed.

REPORTS OF STANDING COMMITTEES

Norton from the Committee on Appropriations to which was referred:

H. F. No. 600, A bill for an act relating to elections; providing for uniform reporting dates for and disclosure of campaign contributions and expenditures of political committees and candidates; providing for statements of economic interest for candidates and persons elected to public office; defining certain terms; providing exemption from disclosure requirements for certain persons and political committees; providing restrictions on the use of government publications; prohibiting sample ballots which appear to be official ballots; giving the secretary of state and filing officers certain duties with respect to elections; permitting codes of ethics for counties, cities, and school districts; providing penalties; amending Minnesota Statutes 1976, Sections 210A.01, Subdivisions 1, 3, 5, 6, and 8, and by adding subdivisions; 210A.05, Subdivision 1; 210A.16; 210A.21; 210A.24; 210A.27, Subdivision 1; 210A.29; 210A.32; and 290.09, Subdivision 2; and Chapters 123, by adding a section; 210A, by adding sections; 375, by adding a section; and 471, by adding a section; repealing Minnesota Statutes 1976, Sections 123.015; 210.22; 210A.01, Subdivisions 4, 7, and 9; 210A.22; 210A.23; 210A.25; 210A.26; 210A.28; 210A.30; 210A.31; and 210A.33.

Reported the same back with the following amendments:

Page 6, line 32, after "of" insert "any".

Page 7, line 1, delete "reports and publications" and insert "report or publication".

Page 7, line 2, delete "tend" and insert "tends".

With the recommendation that when so amended the bill pass.

The report was adopted.

Johnson from the Committee on Education to which was referred:

H. F. No. 782, A bill for an act relating to education; school district organization; eliminating the requirement that a school district maintain certain grades; amending Minnesota Statutes 1976, Sections 122.41; 122.43, Subdivision 1; and 122.44, Subdivision 1.

Reported the same back with the following amendments:

Page 1, lines 19 and 20, restore the stricken language.

Page 1, line 20, before the period insert "*, unless such district has entered into an agreement with another district as provided in section 4*".

Page 2, lines 3 and 4, restore the stricken language.

Page 2, line 4, before "such" insert "*unless such district has entered into an agreement with another district as provided in section 4,*".

Page 2, line 9, after "Subdivision 1." insert "*Upon notice and hearing, as provided in section 122.22 for the attachment of dissolved districts,*".

Page 2, lines 13 and 14, restore the stricken language.

Page 2, strike line 15.

Page 2, strike line 16 to the period and insert "*, unless such district has entered into an agreement with another district as provided in section 4*".

Page 2, line 17, delete the new language.

Page 2, delete line 18 to the period and insert "Minnesota Statutes 1976, Chapter 122, is amended by adding a section to read:

[122.411] [DISCONTINUANCE OF GRADES.] *Subdivision 1. The board of any school district may enter into an agreement with another district or districts providing for the discontinuance by one district of any grades kindergarten through twelve and the instruction in the other district or districts of the pupils in the discontinued grades; provided, boards of districts entering such agreements shall continue to maintain a school enrolling pupils in at least three grades.*

Subd. 2. Districts entering into the agreements permitted in subdivision 1 shall count their resident pupils who are edu-

calated in the other district or districts as resident pupils in the calculation of pupil units for all purposes including foundation aid and levy limitations. Notwithstanding the provisions of section 124.18, subdivision 2, the agreements permitted in subdivision 1 shall provide for such tuition payments as the participating districts determine are necessary and equitable to compensate each district for the instruction of any nonresident pupils.

Subd. 3. As used in this section, the term "teacher" shall have the meaning given it in section 125.12, subdivision 1.

Subd. 4. The school board and exclusive bargaining representative of the teachers in each district discontinuing grades pursuant to an agreement permitted in subdivision 1 may negotiate a plan for the assignment or employment in the other district or districts or the placement on unrequested leave of absence of any teachers whose positions are discontinued as a result of the agreement. The school board and exclusive bargaining representative of the teachers in each district providing instruction to nonresident pupils pursuant to an agreement permitted in subdivision 1 may negotiate a plan for the employment of teachers from the other district or districts whose positions are discontinued as a result of the agreement. If such plans are negotiated in any districts and if the plans are compatible with one another, the boards of those districts shall include the plans in their agreement.

Subd. 5. If compatible plans are not negotiated pursuant to subdivision 4 before the March 1 preceding the effective date of the agreement permitted in subdivision 1, the participating districts shall be governed by the provisions of this subdivision. Insofar as possible, teachers who have acquired continuing contract rights and whose positions are discontinued as a result of the agreement shall be employed by the other district or districts or assigned to teach in the other district as exchange teachers pursuant to section 125.13. If necessary, teachers who are employed in affected grade levels and who have acquired continuing contract rights shall be placed on unrequested leave of absence as provided in section 125.12, subdivision 6b, in fields in which they are certified in the inverse order in which they were employed by one of the participating districts, according to a combined seniority list of teachers in affected grades in the districts.

Sec. 5. Minnesota Statutes 1976, Chapter 122, is amended by adding a section to read:

[122.412] Before districts enter an agreement pursuant to section 4 of this act, they shall submit to the commissioner for his review and comment their proposed agreement and any other information he requests concerning the agreement. The commissioner shall review and comment on each proposed agreement within 60 days after receiving it. An information copy of the final agreement shall be filed with the commissioner. The com-

missioner shall report to the legislature each year by February 1 on the agreements entered pursuant to section 4 of this act. This report shall include any recommendations he may have for legislation which is needed as a result of these agreements.

Sec. 6. *This act shall be effective the day following final enactment, but no agreements pursuant to section 4 of this act shall be implemented before the 1978-1979 school year”.*

Further, amend the title as follows:

Line 3, delete “eliminating the requirement that a”.

Line 4, delete “school district maintain certain grades” and insert “authorizing school districts to discontinue certain grades and provide instruction by contract with other districts; providing for aids, levies, and the contractual rights of teachers in participating districts”.

Line 6, before the period insert “; and Chapter 122, by adding sections”.

With the recommendation that when so amended the bill pass.

The report was adopted.

Rice from the Committee on General Legislation and Veterans Affairs to which was referred:

H. F. No. 17, A bill for an act relating to elections; providing that vacancies in the United States senate be filled by special election; amending Minnesota Statutes 1976, Section 202A.61; repealing Minnesota Statutes 1976, Section 202A.72.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1976, Section 202A.62, Subdivision 1, is amended to read:

202A.62 [VACANCIES IN CERTAIN CASES.] Subdivision 1. **[VACANCY FILLED AT GENERAL ELECTION.]** When a vacancy (OCCURS MORE THAN 150 DAYS) *in the office of representative in congress occurs more than 35 days and less than 90 days before the next general election, (AND IF THERE WILL NOT BE ANY SESSION OF THE CONGRESS OR THE LEGISLATURE BEFORE THE TIME FIXED BY LAW FOR THE FINAL CANVASS OF THE GENERAL ELECTION RETURNS) or when a legislative vacancy, which is not covered by subdivision 2, occurs in an even numbered year*

and more than 35 days before the next general election, the governor shall issue his writ directing that the vacancy be filled at the general election and that nominations therefor be made as provided in section 202A.63, subdivision 1.

Sec. 2. Minnesota Statutes 1976, Section 202A.62, Subdivision 2, is amended to read:

Subd. 2. [VACANCY FILLED AT SPECIAL ELECTION.] If the congress or the legislature will be in session so that a person elected as provided by this section could take office and exercise the functions thereof immediately after his election, the governor shall issue and file his writ within five days after the vacancy occurs, calling the special election for the earliest possible time thereafter which will permit the giving of notice of the special election and the primary therefor as provided in section 202A.63, subdivision 3, and in any event not more than (28)35 days after the issuance of the writ.

Sec. 3. Minnesota Statutes 1976, Section 202A.62, Subdivision 3, is amended to read:

Subd. 3. [VACANCY FILLED AT SPECIAL OR OTHER ELECTION.] In all cases other than those provided in subdivisions 1 and 2 and notwithstanding subdivision 2, if any vacancy in the legislature occurs after the last day of the session in odd-numbered years but more than 33 days prior to the date set for convening the legislature in the next even-numbered year, the governor shall issue his writ, seasonably calling the special election for such time that the person elected may take office at the opening of the next session (OF THE CONGRESS OR) of the legislature, or at the reconvening of a session (OF THE CONGRESS OR) of the legislature, so that candidates for the special election may be nominated as provided in section 202A.63.

Sec. 4. Minnesota Statutes 1976, Section 202A.63, is amended to read:

202A.63 [CANDIDATES TO FILL VACANCIES.] Subdivision 1. [NOMINATIONS AT REGULAR PRIMARY ELECTION.] Candidates for nomination to fill a vacancy shall be nominated at the regular primary election when the vacancy is to be filled at the next general election as provided in section 202A.62, subdivision 1, *except when such vacancy occurs less than 14 days before the regular primary election.*

(SUBD. 2. CANDIDATES FOR NOMINATION TO FILL A VACANCY SHALL BE NOMINATED AT A SEPARATE SPECIAL PRIMARY ELECTION ON THE DAY OF THE REGULAR PRIMARY ELECTION WHEN THE VACANCY IS TO BE FILLED AT A SPECIAL ELECTION TO BE HELD MORE THAN 14 DAYS AFTER THE REGULAR PRIMARY ELECTION.)

Subd. (3) 2. [NOMINATION AT SPECIAL PRIMARY ON OTHER DAY.] In all cases other than those provided in (SUBDIVISIONS) *subdivision 1 (AND 2)* a special primary for the nomination of candidates shall be held on a date specified in the governor's writ not later than the fourteenth day before the election at which the vacancy is to be filled.

Sec. 5. Minnesota Statutes 1976, Section 202A.65, Subdivision 3, is amended to read:

Subd. 3. [NOMINATING PETITIONS, TIME FOR FILING.] In all cases other than those provided in subdivision 2, nominating petitions shall be filed not later than the (SEVENTH) day (PRECEDING THE ELECTION AT WHICH THE VACANCY IS TO BE FILLED) *on which the special primary is or would be held.*

Sec. 6. Minnesota Statutes 1976, Section 202A.66, Subdivision 3, is amended to read:

Subd. 3. [NOTICE OF ELECTION, POSTING.] The auditor also shall direct posted notice of the primary and of the election to be given in the manner provided in section 204A.04, subdivision 1 at least (SEVEN) 14 days before the primary and at least 14 days before the election; but in any case where the primary is to be held on the fourteenth day before the election both may be included in the same notice to be posted (SEVEN) 14 days before the primary.

Sec. 7. Minnesota Statutes 1976, Section 202A.67, Subdivision 3, is amended to read:

Subd. 3. [AFFIDAVITS, FILED AT OTHER TIMES.] In all cases other than those provided in subdivision 2 the writ shall state that the affidavits may be filed not later than the (SEVENTH) *fourteenth* day before the primary, and all the affidavits shall be so filed.

Sec. 8. Minnesota Statutes 1976, Section 202A.67, Subdivision 2, is amended to read:

Subd. 2. [AFFIDAVITS, FILED AT REGULAR TIME.] When the nominations are to be made on the regular primary election day, the writ shall be issued and shall state that the affidavits may be filed within the time prescribed by law for the regular primary election, and all the affidavits shall be so filed, *except where the vacancy occurs on or after the fifth day preceding the last day of the regular filing period."*

Further, delete the title in its entirety and insert:

"A bill for an act relating to elections; providing for special elections to the Minnesota legislature and the United States house of representatives; amending Minnesota Statutes 1976, Sections 202A.62, Subdivisions 1, 2 and 3; 202A.63; 202A.65, Subdivision 3; 202A.66, Subdivision 3; and 202A.67, Subdivisions 2 and 3."

With the recommendation that when so amended the bill pass.

The report was adopted.

Rice from the Committee on General Legislation and Veterans Affairs to which was referred:

H. F. No. 789, A bill for an act relating to elections; establishing voter registration in all counties; changing required voter registration information; providing for reports of changes; amending Minnesota Statutes 1976, Sections 201.021; 201.061, Subdivisions 3 and 6; 201.071; 201.091, Subdivision 6, and by adding a subdivision; 201.14; 201.15; and Chapter 201, by adding a section; repealing Minnesota Statutes 1976, Section 201.061, Subdivision 2.

Reported the same back with the following amendments:

Page 1, line 25, strike "A person" and insert "*An individual*" and after "who" insert "*is eligible to vote but is not registered and who*".

Page 2, strike line 2.

Page 2, line 3, strike "nevertheless" and strike "upon registering. A person may".

Page 2, line 4, strike "register at this time by" and insert "*after*" and after "completing" insert "*and signing*".

Page 2, line 6, strike "An" and insert "*The*".

Page 2, line 7, after "(1)" strike "the" and after "showing" strike "of".

Page 2, line 10, after "commissioner" insert "*or accepted by the election judge*" and after "having" strike "an" and insert "*any other*".

Page 2, line 11, after "individual" insert "*, including an election judge other than the election judge who is registering the individual,*".

Page 2, line 14, after the period insert *"The signed oath shall be kept on file by the auditor until the address of the applicant is verified."*

Page 2, lines 15 to 17, delete the new language.

Page 2, line 18, delete *"card."*

Page 2, line 32, after *"The"* and before *"auditor"* insert *"clerk of each municipality or the"* and after *"auditor"* insert *"for unincorporated areas of the county"*.

Page 3, line 1, after *"map"* insert *"or precinct finder"*.

Page 3, after line 24, insert *"Date of birth"*.

Page 3, line 25, restore the stricken *"5."*

Page 3, line 29, restore the stricken language and delete the new language.

Page 4, line 14, restore the stricken language and delete the new language.

Page 5, delete section 6.

Page 7, line 9, delete *"When a person"*.

Page 7, delete lines 10 to 13.

Page 7, line 14, delete *"mail as a voter."*

Page 7, after line 16, add a new section to read:

"Sec. 9. Minnesota Statutes 1976, Section 204A.37, Subdivision 1, is amended to read:

204A.37 [PERSONS IN POLLING PLACE.] Subdivision 1. ([CHALLENGERS.] EXCEPT AS PROVIDED IN THIS SUBDIVISION AND EXCEPT WHEN A VOTER IS UNABLE TO READ ENGLISH OR IS PHYSICALLY DISABLED AND A VOTER IS CALLED UPON TO ASSIST HIM, NO PERSON MAY REMAIN INSIDE THE POLLING PLACE EXCEPT MEMBERS OF THE ELECTION BOARD, PEACE OFFICERS, CHALLENGERS, AND VOTERS WHO ARE ABOUT TO VOTE) *No individual other than an election judge, peace officer or challenger may remain inside the polling place unless he is in the process of voting, is providing proof of residence for an individual who is registering to vote, or is assisting a physically handicapped voter or a voter unable to read English to vote"*.

Renumber the sections accordingly.

And further, amend the title as follows:

Page 1, line 7, delete "Subdivision 6, and".

Page 1, line 8, after "201.15;" insert "204A.37, Subdivision 1;".

With the recommendation that when so amended the bill pass.

The report was adopted.

Rice from the Committee on General Legislation and Veterans Affairs to which was referred:

H. F. No. 843, A bill for an act relating to elections; providing for training of all election officials; prescribing certain duties for the secretary of state; appropriating money.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1976, Section 204A.13, Subdivision 2, is amended to read:

Subd. 2. [ELECTION LAW; INSTRUCTIONAL MATERIALS, TESTS.] On or before July 1 of every even-numbered year the secretary of state shall furnish to the county auditors sufficient copies of the Minnesota election law. The secretary of state *shall* also (MAY) prepare and transmit to the county auditors (GUIDES FOR ELECTION OFFICERS IN PAMPHLET FORM, FOR THE CONDUCT OF THEIR DUTIES AS PRESCRIBED BY LAW) *detailed written instructions on election laws relating to the conduct of elections, conduct of voter registration and voting procedures.*

Sec. 2. Minnesota Statutes 1976, Section 204A.13, is amended by adding subdivisions to read:

Subd. 5. [CONFERENCES FOR COUNTY AUDITORS.] *Before each statewide primary election the secretary of state shall conduct conferences for county auditors for the purpose of giving instructions on the administration of election laws and the training of local election officials and election judges.*

Subd. 6. [ELECTION JUDGES TRAINING.] *The secretary of state shall formulate a training program for election judges throughout the state and for this purpose shall adopt rules in accordance with chapter 15.*

Sec. 3. Minnesota Statutes 1976, Section 204A.14, Subdivision 1, is amended to read:

204A.14 [CLERKS, ELECTION SUPPLIES, DUTIES.] Subdivision 1. [INSTRUCTION MEETINGS FOR ELECTION OFFICIALS.] Before each (STATE) *statewide* primary election, the auditor of each county shall *conduct a program of in service training for local election officials, and for this purpose may require the clerks of the municipalities and the chairmen of the several election boards within the county to meet with him at the time the clerks are required to secure the election supplies from him (; AND).* The auditor shall conduct the meeting in such manner as he deems proper to instruct the clerks and chairmen of the several election boards as to election procedures including, but not to be restricted to, duties of municipal clerks and election judges. The expenses incidental to attending (THE MEETING) *an in service training program with the county auditor shall be borne by the municipalities.*

Sec. 4. Minnesota Statutes 1976, Chapter 204A, is amended by adding a section to read:

[204A.175] [TRAINING FOR ELECTION JUDGES; DUTIES OF THE COUNTY AUDITOR.] *The county auditor of each county shall train all election judges who are appointed to serve at any election to be held in the county. Training shall be in accordance with the rules adopted by the secretary of state pursuant to section 2, subdivision 6. The county auditor may delegate to a municipal election official the duties to train election judges for any municipality.*

Sec. 5. Minnesota Statutes 1976, Section 204A.18, is amended by adding a subdivision to read:

Subd. 5. Except as provided in section 204A.20, no person may be a judge unless he has received training as provided in section 4 prior to the election at which he is to serve.

Sec. 6. Minnesota Statutes 1976, Section 204A.20, is amended to read:

204A.20 [VACANCIES IN JUDGES.] When any judge fails to attend at the time and place appointed for holding an election, within 30 minutes after the opening of the polls, or after entering upon the discharge of his duties, becomes unable, or for any reason fails or refuses, to complete the performance of his duties, the remaining judges of the precinct shall elect a qualified person from the precinct to fill the vacancy. *A person need not have received training pursuant to section 4 to be qualified to serve as a judge pursuant to this section.*

Sec. 7. [APPROPRIATION.] *The following sums are appropriated from the general fund to the secretary of state for the biennium ending June 30, 1979: (a) For the purpose of formulating a training program for election judges pursuant to section 2, subdivision 6 \$5,500. (b) For the purpose of preparing written instructions for county auditors pursuant to section 1 \$2,500."*

Amend the title as follows:

Page 1, line 4, before the period insert "; amending Minnesota Statutes 1976, Sections 204A.13, Subdivision 2, and by adding subdivisions; 204A.14, Subdivision 1; 204A.18, by adding a subdivision; 204A.20; and Chapter 204A, by adding a section".

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

The report was adopted.

Sieben, H., from the Committee on Governmental Operations to which was referred:

H. F. No. 415, A bill for an act relating to collection and dissemination of data; clarifying information practices; defining terms; classifying data; prescribing penalties; amending Minnesota Statutes 1976, Sections 15.162, Subdivisions 3, 5, and 6; 15.163, Subdivision 1, and by adding subdivisions; 15.165; 15.1671; 15.17, by adding a subdivision; 138.18; 144.065; 144.346; 297A.43; 435.194; and Chapters 15, 134, 144, 273, 299C, 327 and 375, by adding sections; repealing Minnesota Statutes 1976, Sections 15.162, Subdivisions 1a, 2a, 5a, and 5b; 15.163, Subdivision 2; 15.1641; and 15.1642.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1976, Chapter 15, is amended by adding a section to read:

[15.1611] [GOVERNMENT DATA.] *Subdivision 1. All state agencies, political subdivisions and statewide systems shall be governed by this act.*

Subd. 2. Sections 1 to 8 of this act may be cited as the "Minnesota government data practices act."

Sec. 2. Minnesota Statutes 1976, Chapter 15, is amended by adding a section to read:

[15.1613] [DEFINITIONS.] *Subdivision 1. For the purposes of this act the following terms shall have the meaning given them in this section.*

Subd. 2. "Board" means the government data access board.

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

Subd. 4. "Confidential data on individuals" means data on individuals which by statute or federal law is made not public and not accessible to the subject of data.

Subd. 5. "Data on individuals" means government data in which an individual is or can be identified.

Subd. 6. "Government data" means all data collected, created, received, maintained or disseminated by any state agency, political subdivision, or statewide system regardless of its physical form, storage media or conditions of use.

Subd. 7. "Individual" means a natural person. In the case of a minor individual under the age of 18, "individual" means a parent or guardian acting in a representative capacity, except where the minor individual indicates otherwise.

Subd. 8. "Person" means any individual, partnership, corporation, association, business trusts, or a legal representative of an organization.

Subd. 9. "Political subdivision" means counties, statutory cities, home rule charter cities, towns, school districts, special districts and any boards, commissions, districts or authorities created pursuant to law, local ordinance or charter provision.

Subd. 10. "Private data on individuals" means data on individuals which by statute or federal law is made not public.

Subd. 11. "Responsible authority" at the state level means the officer or governing body of a state agency authorized or required by law to collect, create, receive, maintain or disseminate government data. "Responsible authority" in a political subdivision means the governing body of the political subdivision or, with respect to government data under his jurisdiction, an officer authorized or required by statute to collect, create, receive, maintain or disseminate government data. With respect to statewide systems, "responsible authority" means the state official designated by the commissioner.

Subd. 12. "State agency" means any office, officer, department, division, bureau, board, commission, authority, district

or agency in the executive branch of the state, and shall include the university of Minnesota.

Subd. 13. "Statewide system" includes any record-keeping system in which government data is collected, created, received, maintained or disseminated and used by means of a system common to one or more state agencies or more than one of its political subdivisions or any combination of state agencies and political subdivisions.

Sec. 3. Minnesota Statutes 1976, Chapter 15, is amended by adding a section to read:

[15.1614] [ACCESS TO GOVERNMENT DATA.] *Subdivision 1. All government data collected, created, received, maintained or disseminated by a state agency, political subdivision or statewide systems shall be public unless classified by statute or federal law as not public, or with respect to data on individuals, as private or confidential.*

Subd. 2. The responsible authority in every state agency, political subdivision and statewide system shall establish procedures, consistent with this act and rules of the commissioner, to insure that requests for government data are received and complied with in an appropriate and prompt manner. A responsible authority shall designate individuals to receive and comply with requests for government data.

Subd. 3. Upon request to a responsible authority or designee a person shall be permitted to inspect and copy government data at reasonable times and places, and if the person requests he shall be informed of the data's meaning. The responsible authority or designee shall provide photocopies of government data upon request. The responsible authority may require the requesting person to pay the actual costs of making and compiling the photocopies. If the responsible authority or designee is not able to provide copies at the time a request is made he shall supply copies as soon as reasonably possible.

If the responsible authority or designee determines that the requested data is classified so as to deny the requesting person access the responsible authority or designee shall so inform the requesting person orally at the time of the request and in writing as soon thereafter as possible and shall cite the statute or federal law on which the determination is based.

Subd. 4. [SUMMARY DATA.] Upon request a responsible authority shall summarize data classified as not public into a report which fairly and adequately presents the meaning of the data but which does not disclose the identity of the persons who are the subjects of the data. The costs of summarizing the data and producing the report of its meaning shall be borne by the requesting person. The summary data and report shall be public.

Subd. 5. [INTERGOVERNMENTAL ACCESS OF DATA.] A responsible authority shall allow another responsible authority access to data classified as not public only when the access is authorized or required by statute, federal law or an order of the board.

Sec. 4. Minnesota Statutes 1976, Section 15.1642, is amended to read:

15.1642 [EMERGENCY CLASSIFICATION.] Subdivision 1. [APPLICATION.] (THE) A responsible authority of a state agency, political subdivision or statewide system may apply to the commissioner for permission to classify data or types of data (UNDER SECTION 15.162, SUBDIVISION 2A OR 5A) *on individuals, as private or confidential* for its own use and for the use of other similar agencies, subdivisions or systems on an emergency basis until a proposed statute can be acted upon by the legislature. (THE) An application for *an* emergency classification is public (DATA).

Subd. 2. [CONTENTS OF APPLICATION.] An application for *an* emergency classification shall include and the applicant shall have the burden of clearly establishing at least the following information:

(a) That no statute currently exists which either allows or forbids *the* classification (UNDER SECTION 15.162, SUBDIVISION 2A OR 5A);

(b) That the data on individuals has been treated as either private or confidential by custom of long standing (WHICH HAS BEEN RECOGNIZED BY OTHER SIMILAR STATE AGENCIES OR OTHER SIMILAR POLITICAL SUBDIVISIONS, IF ANY, AND BY THE PUBLIC) *within the state agency or within the political subdivision;*

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

No later than August 1, 1977 the commissioner of administration shall either approve or disapprove any application that was submitted to him pursuant to this section before June 30, 1977. Any application submitted after June 30, 1977 shall be either approved or disapproved by the commissioner not more than thirty days past the date on which the application is received.

If the commissioner grants the emergency classification, it shall be submitted with the complete record relating to the application to the attorney general, who shall review the classification

as to form and legality. The attorney general shall, within 20 days, either approve or disapprove the classification.

If either the commissioner or the attorney general disapproves the application, the data applied for shall be classified as public.

Subd. 3. [EXPIRATION OF EMERGENCY CLASSIFICATION.] All emergency classifications granted under this section and still in effect shall expire on June 30, (1977) 1978. No emergency classifications shall be granted after June 30, (1977) 1978.

Sec. 5. Minnesota Statutes 1976, Section 15.165 is amended to read:

15.165 [DATA ON INDIVIDUALS.] *Subdivision 1. Data on individuals classified as private shall be not public but shall be disclosed to the subject of the data upon request as provided for in this act.*

Subd. 2. Data on individuals classified as confidential shall be not public and shall not be disclosed to the subject of the data.

Subd. 3. [DATA ON INDIVIDUALS; RIGHTS OF SUBJECTS OF DATA.] The rights of individuals on whom the data is stored or to be stored shall be as follows:

(a) An individual asked to supply private or confidential data concerning himself shall be informed of: (1) both the purpose and intended use of the requested data, (2) whether he may refuse or is legally required to supply the requested data, and (3) any known consequence arising from his supplying or refusing to supply private or confidential data.

(b) Upon request to a responsible authority *or designee*, an individual shall be informed whether he is the subject of stored data on individuals, whether it be classified as public, private or confidential. Upon his further request, an individual who is the subject of stored public or private data on individuals shall be shown the data without any charge to him and, if he desires, informed of the content and meaning of that data. After an individual has been shown the data and informed of its meaning, the data need not be disclosed to him for six months thereafter unless a dispute or action pursuant to this section is pending or additional data on the individual has been collected. The responsible authority *or designee* shall provide copies of the data upon request by the individual subject of the data, provided that the cost of providing copies is borne by the requesting individual.

(c) An individual may contest the accuracy or completeness of public or private data concerning himself. To exercise this right, an individual shall notify in writing the responsible au-

thority or designee describing the nature of the disagreement. The responsible authority or designee shall within 30 days correct the data if the data is found to be inaccurate or incomplete and attempt to notify past recipients of inaccurate or incomplete data, or notify the individual of disagreement. Data in dispute shall (NOT) be disclosed (EXCEPT UNDER CONDITIONS OF DEMONSTRATED NEED AND THEN) only if the individual's statement of disagreement is included with the disclosed data. The determination of the responsible authority is appealable in accordance with the provisions of the administrative procedure act relating to contested cases.

Sec. 6. Minnesota Statutes 1976, Chapter 15, is amended by adding a section to read:

[15.1654] [ADMINISTRATIVE REMEDY.] *Subdivision 1. [GOVERNMENT DATA ACCESS BOARD; ESTABLISHED.] The government data access board is hereby created to consist of five members appointed by the governor with the consent of the senate and the house of representatives, acting separately. Terms, compensation and removal of members shall be governed by Minnesota Statutes, Section 15.0575. The board shall elect necessary officers and establish procedures for the administration of its powers and duties. The procedures of the board shall provide for the protection of government data that has been classified as not public when such data is presented to the board for review. The board may conduct a closed meeting to review government data classified as not public, but shall deliberate and make its decision on an appeal in an open meeting.*

Subd. 2. [HEARING APPEALS.] Any person aggrieved by the decision or inaction of a responsible authority or designee under this act may file an appeal with the board. All appeals shall be considered and decided by the board in accordance with the contested case procedures of chapter 15.

Subd. 3. [SUBPOENA POWER.] In all matters pending before it, the board shall have the power to issue subpoenas to compel the attendance of witnesses and the production of government data. Any person failing or refusing to appear or testify regarding any matter about which he may be lawfully questioned or to produce government data after having been required by order or subpoena of the board to do so may, upon application to the district court by the board, be ordered to comply. Upon failure to comply with an order of the court the person may be held in contempt by the court.

Subd. 4. [ORDERS.] In deciding an appeal the board shall have the power to order a responsible authority to comply with any provision of this act. In an appeal involving a request for government data under section 3 the board shall base its decision on the manner in which the data is classified by statute or federal

law. A responsible authority shall comply with an order of the board.

Subd. 5. [STAFF; FACILITIES.] The commissioner shall provide the board with staff, equipment and facilities necessary to the execution of the board's duties.

Subd. 6. When considering whether information is properly classified, the board shall require clear and convincing proof that statute or federal law supports the classification of the data as not public.

Subd. 7. The government data access board shall expire July 1, 1979.

Sec. 7. Minnesota Statutes 1976, Chapter 15, is amended by adding a section to read:

[15.1655] [JUDICIAL REMEDY.] Subdivision 1. Any person aggrieved by the decision or inaction of a responsible authority may seek judicial remedy as provided for in this section without first bringing an appeal to the board. However, a person may not maintain an appeal before the board if a judicial remedy is sought under this section, and if a board decision has been made on an appeal it shall be subject to judicial review as provided for in chapter 15 for contested cases.

Subd. 2. [CIVIL ACTION.] Any person aggrieved by the decision or inaction of a responsible authority or his designee under section 3 of this act may file an action against the responsible authority in district court. The matter shall be given immediate priority and shall be heard as soon as possible. The court shall inspect in camera the government data in dispute and shall conduct its hearing in public and in a manner that protects the security of data classified as not public and base its decision on the manner in which the data is classified by statute or federal law. On the bases of the determination the court shall order the responsible authority to comply with or not comply with the request for access.

If the court orders a responsible authority to comply with a request for government data or determines that the responsible authority has acted improperly the court shall award costs, witness fees, and attorney fees to the person who filed the action. If the court determines that the responsible authority has willfully violated this act the responsible authority shall be liable for exemplary damages of from \$100 to \$1000 for each violation, notwithstanding any other law or claim of immunity to the contrary.

If the court determines that the responsible authority has acted improperly the court may enjoin the responsible authority from such action.

An action filed pursuant to this section may be heard in the county in which the office of the responsible authority is located or in the county in which the request for government data was received.

Subd. 3. [CRIMINAL PENALTY.] Any person who willfully violates a provision of this act is guilty of a misdemeanor.

Subd. 4. [BURDEN.] When considering whether information is properly classified, the court shall require clear and convincing proof that statute or federal law supports the classification of the data as not public.

Sec. 8. Minnesota Statutes 1976, Chapter 15, is amended by adding a section to read:

[15.1656] [DATA MANAGEMENT.] *Subdivision 1. Government data management techniques, standards and procedures for the administration of this act and for the application of efficient and economical management methods to data collection, utilization, maintenance, retention, preservation and disposal shall be promulgated as rules by the commissioner of administration. The commissioner shall require every responsible authority to comply with the techniques, standards and procedures he establishes. To insure that government data of historical value is adequately maintained, retained and preserved, the commissioner shall consult with the director of the Minnesota historical society and the state archivist in the promulgation of the rules required by this subdivision.*

Subd. 2. [DUTIES OF RESPONSIBLE AUTHORITIES.] A responsible authority shall collect and maintain all data necessary for the management of government activities and to provide for a full and accurate public knowledge of such government activities. A responsible authority shall establish procedures, consistent with this act and rules of the commissioner, to insure that all government data is accurate, complete and current and that the security of data classified as not public is protected. A responsible authority shall preserve all government data from deterioration, mutilation, loss and destruction. A responsible authority shall maintain and make available upon request a current index, reasonably detailed, by subject matter of all public data collected, maintained or disseminated by the responsible authority. A responsible authority may, in conformity with the techniques, standards and procedures established by the commissioner, photocopy government data and substitute the photocopy for the original. A properly made photocopy shall be admissible as evidence or for any other legal purpose in courts or other proceedings.

Subd. 3. [DATA DISPOSAL.] In a manner approved by the commissioner, a responsible authority shall submit to the

commissioner a schedule specifying the length of time government data within his jurisdiction will be retained and when it will be disposed of. The commissioner shall submit the schedule to the attorney general, legislative auditor, state auditor and state archivist for review. If the commissioner receives no objection from any of the above officials within 90 days he shall approve the schedule. A responsible authority shall retain and dispose of government data only in compliance with a schedule approved by the commissioner. The commissioner may require that government data be photocopied before it is disposed of, or may require that government data be disposed of by gift to the Minnesota historical society, sale for salvage or other means.

Sec. 9. Minnesota Statutes 1976, Chapter 138, is amended by adding a section to read:

[138.171] [STATE ARCHIVE.] *Subdivision 1. [ESTABLISHED.] The Minnesota historical society, as a trustee for the state of Minnesota, shall establish a state archive to be the repository for all government data and other records received by the society and deemed to be of historical value. The state archive shall be administered so as to allow for maximum possible public use; however, the governing board of the society shall establish standards and procedures to insure the security and responsible use of government data classified as not public.*

Subd. 2. [STATE ARCHIVIST.] The director of the Minnesota historical society shall appoint and the society shall employ a professional archivist, who shall be known as the state archivist, to administer the state archive. The society may also employ other personnel as necessary to administer the state archive.

Subd. 3. [DESTRUCTION OF DATA.] Before any government data transferred to the state archive is destroyed the state archivist shall notify the responsible authority that transferred the data, the attorney general, state auditor and legislative auditor of the planned destruction. If no objection is received within 30 days from one of the above the government data may be destroyed.

Subd. 4. [COPIES.] The state archivist may photocopy government data transferred to the state archive and may certify such a copy as a true copy for admission as evidence or other legal purposes in courts or other proceedings.

Sec. 10. *Notwithstanding any other provision in this act, from April 1, 1977, until July 1, 1978, government data other than data on individuals, may be classified by a responsible authority as not public if (a) on the effective date of this act the data was classified as not public by a rule, ordinance or other legally binding action of a responsible authority; or if (b) the*

responsible authority makes a written agreement with the source of the data to maintain the data as not public, under the terms of this act, and the agreement is consistent with the long standing practice of the responsible authority to maintain similar data as not public. Any classification made pursuant to this section shall expire July 1, 1978.

Sec. 11. *Minnesota Statutes 1976, Sections 15.162; 15.163; 15.1641; 15.166; 15.167; 15.1671; 15.169; 15.17; 15.171; 15.172; 15.173; 15.174; 138.161; 138.162; 138.163; 138.17; 138.18; 138.19; 138.20; 138.21; and 138.22 are repealed.*

Sec. 12. [APPROPRIATION.] *There shall be appropriated by the legislature to the department of administration \$ for the biennium for its responsibilities of administration and management of this act, promulgating the rules required by this act, and staffing and providing equipment and facilities to the government data access board.*

Sec. 13. *This act is effective the day following final enactment."*

Further, delete the title in its entirety and insert:

"A bill for an act relating to collection and dissemination of data; clarifying information practices; defining terms; prescribing remedies; prescribing penalties; appropriating money; amending Minnesota Statutes 1976, Sections 15.1642; 15.165; Chapters 15, by adding sections; and 138, by adding a section; repealing Minnesota Statutes 1976, Sections 15.162; 15.163; 15.1641; 15.166; 15.167; 15.1671; 15.169; 15.17; 15.171; 15.172; 15.173; 15.174; 138.161; 138.162; 138.163; 138.17; 138.18; 138.19; 138.20; 138.21; and 138.22."

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

The report was adopted.

Sieben, H., from the Committee on Governmental Operations to which was referred:

H. F. No. 611, A bill for an act relating to retirement; date for payment of monthly annuities and benefits; amending Minnesota Statutes 1976, Chapter 356, by adding a section.

Reported the same back with the following amendments:

Page 1, after line 6, insert new sections:

"Section 1. Minnesota Statutes 1976, Section 352.01, Subdivision 21, is amended to read:

Subd. 21. [ACCRUED ANNUITY.] For the purposes of this chapter and chapters 3A, 352B, 352C and 490 "accrued annuity" means an annuity which had become payable to a retired employee in his lifetime. An annuity or benefit authorized as provided in this chapter and chapters 3A, 352B, 352C and 490 becomes payable on the first day of each calendar month for (THE PRECEDING) that calendar month and is to be paid (DURING THE FIRST WEEK) on the first day of each calendar month beginning with benefits payable on and after December 1, 1977.

Notwithstanding any provision to the contrary in this chapter and chapters 3A, 352B, 352C and 490, benefit payment authorized as "payable for life" shall be payable for the entire month in which death occurs and the benefit payment for the month of death shall be payable to the surviving spouse or other beneficiary only if the annuitant dies before negotiating the check.

Sec. 2. Minnesota Statutes 1976, Section 354.46, Subdivision 3, is amended to read:

Subd. 3. [PAYMENT AFTER DEATH OF RETIREE.] If a former member dies after his retirement, (THERE SHALL BE PAID TO) he or his designated beneficiary (AN AMOUNT EQUAL TO THE) shall be entitled to the annuity payment (COMPUTED TO THE DATE OF DEATH) due for the full month during which death occurs if no optional or reversionary annuity was designated by the member. If an optional or reversionary annuity has been designated by the member, a death benefit shall be paid in accordance with the provisions of such annuity as described in section 354.45."

Page 1, line 11, delete "the effective date of this act" and insert "December 1, 1977".

Page 1, line 12, delete "356.35" and insert "356.30".

Page 1, line 13, delete "5" and insert "3".

Page 1, line 15, after "accordingly." insert "In no event, however, shall this section authorize more than one payment in any one month where the law governing the applicable retirement fund as of the effective date of this act already provides for the full payment or accrual of annuities and benefits in advance for each month or as of the first day of the month, nor shall it authorize the payment of both a retirement annuity and a surviving spouse's benefit in one month where the law governing the applicable retirement fund provides for the payment of the re-

tired member's retirement annuity to the surviving spouse for the month in which the retired member dies."

Page 1, after line 15, insert new sections to read:

"Sec. 4. [LUMP SUM PAYMENTS.] Subdivision 1. Any person who is receiving as of November 30, 1977, a retirement annuity, a disability benefit, or a surviving spouse's annuity or benefit from the teachers retirement fund, the public employees retirement fund including the public employees police and fire fund, or the regular fund of the Minnesota state retirement system, and whose annuity or benefit was computed under laws in effect prior to July 1, 1973, shall receive in addition to such annuity or benefit a lump sum payment of \$225 if the annuity or benefit is coordinated with social security, or a lump sum payment of \$250 if the annuity or benefit is not coordinated with social security.

Subd. 2. Any person who is receiving as of November 30, 1977, a retirement annuity, a disability benefit or surviving spouse's annuity or benefit from the highway patrolmen's retirement fund and whose annuity or benefit was computed under laws in effect prior to June 1, 1973, shall receive in addition to such annuity or benefit a lump sum payment of \$250.

Subd. 3. Any person who is receiving as of November 30, 1977 a retirement annuity, a disability benefit or surviving spouse annuity or benefit under retirement allowance options II, III, or IV, from the Minneapolis municipal employees retirement fund, and whose annuity or benefit was computed under laws in effect prior to June 27, 1973, and any person who is receiving as of November 30, 1977 a benefit for surviving spouses of active members from the Minneapolis municipal employees retirement fund and whose benefit was computed under laws in effect prior to April 25, 1959, shall receive in addition to such annuity or benefit a lump sum payment of \$250.

Subd. 4. The lump sum payments provided in this section for any person who is entitled to receive more than one such payment shall be reduced by dividing the amount of each such payment by the total number of such payments to which such person is entitled.

Subd. 5. Notwithstanding Minnesota Statutes, Section 356.18, additional payments pursuant to this act will be made automatically unless the intended recipient files written notice with the retirement fund requesting that the additional payment not be made. Nothing in this act shall authorize payment to an estate. The additional payments provided in this section shall be payable December 1, 1977 and may be included in the regular monthly annuity payments for the month of November 1977. The amounts necessary to make such additional payments for persons receiv-

ing annuities or benefits from the Minnesota adjustable fixed benefit fund are hereby appropriated from the Minnesota adjustable fixed benefit fund and the amounts necessary to make such additional payments for persons receiving benefits directly from the retirement funds are hereby appropriated from the retirement funds enumerated in this section.

Sec. 5. [EFFECT ON FUTURE MINNESOTA ADJUSTABLE FIXED BENEFIT FUND ADJUSTMENTS.] *For purposes of the calculation of the increase adjustment from the Minnesota adjustable fixed benefit fund pursuant to section 11.25, payable January 1, 1978, an amount equal to the total of the additional lump sum payments which are appropriated from the Minnesota adjustable fixed benefit fund pursuant to section 2 of this act shall be considered appropriated as of June 30, 1977 and shall be subtracted from the reserves otherwise available to fund that increase adjustment."*

Page 1, line 16, delete "July 1" and insert "June 30".

Renumber the sections in sequence.

Further amend the title:

Line 3, after "benefits;" insert "additional lump sum payments to certain retirees, disabilitants and surviving spouses;"

Line 4, after "section" insert "; Sections 352.01, Subdivision 21; and 354.46, Subdivision 3".

With the recommendation that when so amended the bill pass.

The report was adopted.

Sieben, H., from the Committee on Governmental Operations to which was referred:

H. F. No. 954, A bill for an act relating to juries; enacting the uniform juror selection and service act; providing for the selection and service of grand and petit jurors; providing penalties; repealing Minnesota Statutes 1976, Sections 3.081; 192.24; 357.26; 488A.07; 546.09; 593.03; 593.04; 593.05; 593.06; 593.07; 593.09; 593.10; 593.11; 593.12; 593.13; 593.14; 593.20; 628.42; 628.43; 628.44; 628.45; 628.46; 628.47; 628.49; 628.50; 628.51; 628.52; 628.53; and 631.33.

Reported the same back with the following amendments:

Page 3, line 9, delete "judicial district" and insert "county".

Page 3, line 20, delete "judicial".

Page 3, line 21, delete "district" and insert "county".

Page 3, line 22, delete "district" and insert "county".

Page 3, line 26, delete "The plan".

Page 3, delete lines 27 to 32.

Page 4, delete lines 1 to 6.

Page 5, line 3, delete "judicial district" and insert "county".

Page 5, line 12, delete "judicial district" and insert "county".

Page 6, line 20, delete "district's" and insert "county's".

Page 7, line 3, delete "an alphabetical" and insert "a".

Page 7, line 15, after "juror" insert "if it identifies the question as optional, for statistical purposes only".

Page 8, line 29, delete "or".

Page 8, line 32, after "years" insert "; or

(9) Is a member of the legislature".

Page 9, line 24, delete "prospective".

Page 10, line 29, delete "explicitly".

Page 10, line 29, delete "district's" and insert "county's".

Page 10, after line 32, insert a new subdivision:

"Subd. 4. An office or employee of the legislature is excused from jury service while the legislature is in session."

Pages 12 and 13, delete all of section 20.

Renumber sections in sequence.

With the recommendation that when so amended the bill pass.

The report was adopted.

Sieben, H., from the Committee on Governmental Operations to which was referred:

H. F. No. 1310, A bill for an act relating to unemployment compensation; providing for conformity with federal requirements; providing for agricultural and domestic service employees; defining independent contractors; altering covered employment; changing certain accounting periods; regulating employer's contributions; permitting joint employer accounts; providing for the noncharging of certain benefits; providing for extended benefits; providing for certain public employees; providing for release of certain information; amending Minnesota Statutes 1976, Sections 268.04, Subdivisions 10, 12 and 22, and by adding a subdivision; 268.05, Subdivision 5; 268.06, Subdivisions 1, 5, 21, 22, 25 and 28, and by adding subdivisions; 268.07, by adding a subdivision; 268.071, Subdivisions 1 and 6; 268.08, Subdivision 5, and by adding subdivisions; 268.09, Subdivision 1; 268.11, Subdivision 2; and 268.12, Subdivision 12; repealing Minnesota Statutes 1976, Section 268.08, Subdivision 5.

Reported the same back with the following amendments:

Page 5, lines 10 to 32, reinstate all stricken language and delete all new language.

Page 6, delete lines 1 to 7.

Page 6, line 10, reinstate the stricken "(a)" and delete the new "(b)".

Page 6, line 11, reinstate the stricken "or".

Page 6, line 12, reinstate the stricken "(b)" and delete the new "(c)".

Page 6, line 27, reinstate the stricken "(b)" and delete the new "(c)".

Page 11, line 3, after "body" insert: "*or as a temporary employee of the state legislature or of a legislative commission*".

Page 21, delete lines 2 to 16.

Page 23, after line 7, insert a new section to read:

"Sec. 4. Minnesota Statutes 1976, Section 268.04, Subdivision 23, is amended to read:

Subd. 23. "Unemployment." An individual shall be deemed "unemployed" in any week during which he performs no service and with respect to which no wages are payable to him, or in any week of less than full time work if the wages payable to him with respect to such week are less than his weekly benefit amount, *provided that no permanent employee of the legislature or a leg-*

islative commission shall be deemed to be unemployed while on a leave of absence. Any individual unemployed as a result of a uniform vacation shutdown shall not be deemed to be voluntarily unemployed. The commissioner may, in his discretion, prescribe regulations relating to the payment of benefits to such unemployed individuals."

Page 23, line 13, after "120.10" insert "*, or any school (1) which admits only prekindergarten children, (2) which has as its primary purpose the education of its students as determined by the commissioner of public welfare pursuant to section 245.791, clause (15), and (3) which operates on a regular basis for at least eight months and no more than nine months a year"*.

Pages 23 to 25, delete all of section 5.

Pages 27 to 29, delete all of sections 8 and 9.

Page 35, line 3, delete "7" and insert "4".

Page 41, after line 3, insert new sections:

"Sec. 15. Minnesota Statutes 1976, Section 268.08, Subdivision 3, is amended to read:

Subd. 3. [NOT ELIGIBLE.] An individual shall not be eligible to receive benefits for any week with respect to which he is receiving, has received, or has filed a claim for remuneration in an amount equal to or in excess of his weekly benefit amount in the form of

(1) termination, severance, or dismissal payment or wages in lieu of notice whether legally required or not; provided that if a termination, severance, or dismissal payment is made in a lump sum, the employer may allocate such lump sum payment over a period of weeks equal to the lump sum divided by the employee's regular pay while employed by such employer; provided any such payment shall be applied for a period of weeks immediately following the last day of work but not to exceed four weeks; or

(2) vacation allowance, except that vacation allowance paid with respect to periods following termination or indefinite separation from employment shall not be treated as deductible income; or

(3) compensation for loss of wages under the worker's compensation law of this state or any other state or under a similar law of the United States, or under other insurance or fund established and paid for by the employer; or

(4) a primary insurance benefit under Title II of the federal social security act, as amended, or similar old age benefits under any act of congress, or this state or any other state(,) *provided that this clause shall apply only if the individual has voluntarily terminated employment; or*

(5) benefit payments from any fund, annuity, or insurance provided by or through the employer and to which the employer contributes 50 percent or more of the total of the entire premiums or contributions to the fund, except that remuneration in the form of a pension received as a consequence of service in the armed forces of the United States up to an amount of \$700 monthly or its weekly equivalent shall not effect the eligibility of an employee of the United States to receive benefits.

Provided, that if such remuneration is less than the benefits which would otherwise be due under sections 268.03 to 268.24, he shall be entitled to receive for such week, if otherwise eligible, benefits reduced by the amount of such remuneration; provided, further, that if the appropriate agency of such other state or the federal government finally determines that he is not entitled to such benefits, this provision shall not apply.

Sec. 16. Minnesota Statutes 1976, Section 268.08, Subdivision 4, is amended to read:

Subd. 4. [SOCIAL SECURITY AMOUNT DEDUCTED FROM BENEFITS.] Any claimant aged 62 or over *who voluntarily terminates employment* shall be required to state in writing at the time of the filing of his claim whether he intends to seek Title II social security benefits for any week during which he will receive unemployment benefits, and if he so intends there shall be withheld from his weekly unemployment benefits an amount sufficient to cover the weekly equivalent of his social security benefit. Any claimant *as described above* disclaiming such intention but who nevertheless receives such social security benefits for weeks for which he previously received unemployment benefits shall be liable for repayment of such unemployment benefits and otherwise subject to the provisions of section 268.18.”

Page 42, line 25, after “years” insert “or terms”.

Page 43, line 7, delete “except” and insert “or”.

Page 43, line 15, after “terms” delete the period and insert “, and (c) With respect to any services described in clause (a) or (b), compensation payable on the basis of such services shall not be paid to any individual for any week which commences during an established and customary vacation period or holiday recess if such individual performs such services in the period immediately before such vacation period or holiday recess, and

there is a reasonable assurance that such individual will perform such services in the period immediately following such vacation period or holiday recess."

Pages 43 and 44, delete all of clause (a) and insert:

"(a) Benefits shall not be paid on the basis of services performed by an alien unless such alien is an individual who was lawfully admitted for permanent residence at the time such services were performed, was lawfully present for the purposes of performing such services, or was permanently residing in the United States under color of law at the time such services were performed (including an alien who was lawfully present in the United States as a result of the application of the provision of section 203(a)(7) or section 212(d)(5) of the Immigration and Nationality Act)."

Page 44, delete lines 11 to 20.

Pages 44 to 52, delete all of sections 19, 20 and 21, and insert:

"Sec. 18. Minnesota Statutes 1976, Section 268.09, Subdivision 3, as amended by Laws 1977, Chapter 4, is amended to read:

Subd. 3. [LABOR DISPUTE.] *An individual shall be disqualified for benefits if such individual has left or partially or totally lost his employment with an employer because of a strike or other labor dispute. Such disqualification shall prevail for each week during which such strike or other labor dispute is in progress at the establishment in which he is or was employed, except that such disqualification shall be for one week following commencement of the strike or other labor dispute for any employee who is not participating in or directly interested in the labor dispute which caused such individual to leave or partially or totally lose such employment. Failure or refusal of an individual to accept and perform available and customary work in the establishment constitutes participation. For the purpose of this section the term "labor dispute" shall have the same definition as provided in the Minnesota labor relations act. Nothing in this subdivision shall be deemed to deny benefits to any employee:*

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

- (b) who becomes unemployed because of a lockout,
- (c) who is dismissed during the period of negotiation in any labor dispute and prior to the commencement of a strike, or
- (d) unless he is unemployed because of a jurisdictional dispute between two or more unions.

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

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

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

Sec. 19. Minnesota Statutes 1976, Section 268.12, Subdivision 5, is amended to read:

Subd. 5. [ASSISTANCE.] (1) Subject to the provisions of the state civil service act and to the other provisions of sections 268.03 to 268.24 the commissioner is authorized to appoint, and prescribe the duties and powers of, such offices, accountants, attorneys, experts, and other persons as may be necessary in the performance of his duties thereunder. The commissioner may delegate to any such person so appointed such power and authority as he deems reasonable and proper for the effective administration of those sections and may, in his discretion, bond any person handling moneys or signing checks thereunder. The commissioner is authorized to adopt such personnel and fiscal regulations as he deems necessary to satisfy fiscal and personnel standards required by the secretary of labor pursuant to the Social Security Act, as amended, and the act of Congress entitled "An act to provide for the establishment of a national employment system and to cooperate with the states in the promotion of such system and for other purposes," approved June 6, 1933, as amended. The commissioner may, subject to the approval of the commissioner of administration, also adopt regulations relating

to reimbursement to department employees for travel expenses incurred while traveling on official business including allowances on a per diem basis in lieu of actual subsistence expenses incurred. The commissioner is also hereby authorized to purchase liability and property damage automobile insurance to cover any automobiles owned by the Minnesota department of employment services for the protection of its employees who may be required to operate the same in pursuit of their duties for the department.

The attorney general shall appoint an assistant attorney general and two special assistant attorneys general, to be in addition to the number now authorized by law. The assistant attorney general shall be the attorney and the chief counsel for the department of employment services. Such assistant and special assistant attorneys general, shall receive the same salary as the other assistant and special assistant attorneys general, but devote their entire time to this department. Such assistant and special assistant attorneys general shall have the power to act for and represent the attorney general in all matters in which the attorney general is authorized to act for the commissioner of these sections. The compensation and all expenses and disbursements of such assistant and special assistant attorneys general shall be paid from the moneys appropriated to and for the use of the commissioner.

((2)(A) NO OFFICER OR EMPLOYEE ENGAGED IN THE ADMINISTRATION OF THESE SECTIONS SHALL USE HIS OFFICIAL AUTHORITY TO INFLUENCE FOR THE PURPOSE OF INTERFERING WITH AN ELECTION OR AFFECTING THE RESULTS THEREOF. NO PERSON ENGAGED IN THE ADMINISTRATION OF THESE SECTIONS WHO HOLDS A POSITION IN THE STATE CLASSIFIED SERVICE PURSUANT TO PROVISIONS CONTAINED IN THE STATE CIVIL SERVICE ACT, WHILE RETAINING THE RIGHT TO VOTE AS HE PLEASURES AND TO EXPRESS PRIVATELY HIS OPINION ON ALL POLITICAL SUBJECTS SHALL TAKE AN ACTIVE PART IN POLITICAL MANAGEMENT OR CAMPAIGNS;))

((B) NO OFFICER OR EMPLOYEE ENGAGED IN THE ADMINISTRATION OF THESE SECTIONS SHALL SOLICIT OR RECEIVE OR BE IN ANY MANNER CONCERNED IN SOLICITING OR RECEIVING ANY ASSESSMENT, SUBSCRIPTION, OR CONTRIBUTION FOR ANY POLITICAL PURPOSE FOR ANY PERSON;))

((C)) (2) No officer or employee engaged in the administration of these sections shall, for political purposes, furnish or disclose, or aid or assist in furnishing or disclosing, any list or names of persons obtained in the administration of these sections, to a political candidate, committee, campaign manager, or to any person for delivery to a political candidate, committee,

or campaign manager, and it shall be unlawful for any person to receive any such list or names for political purposes.”.

Renumber sections in sequence.

Page 52, line 22, after “5”, delete “is” and insert: “and that portion of Laws 1975, Chapter 433, Section 11, Subdivision 4, referring to Minnesota Statutes, Section 268.08, Subdivision 5, clause (b), are”.

Page 52, line 23, delete “5, 6, 9, 13, 17,”.

Page 52, line 24, delete “19, 20, 21, and 22” and insert: “4, 6, 11, 15, 16, 17, 20 and 21”.

Page 52, line 29, delete “15” and insert “13”.

Page 52, line 30, delete “2, 4, 7, 8, 10, 11, 12, 14, 16, 18 and 23” and insert “2, 5, 7, 8, 9, 10, 12, 14, 18 and 22”.

Page 52, line 31, after the period add a sentence: “Section 19 shall be effective July 2, 1977.”.

Further amend the title:

Line 5, delete “defining independent contractors;”.

Line 6, delete “changing certain”.

Line 7, delete “account periods;”.

Line 8, delete “permitting joint employer accounts;”.

Line 11, delete “providing for release of”.

Line 12, delete “certain information” and insert “allowing certain political activities; changing total disqualification based on receipt of social security benefits”.

Line 13, delete “and” and insert a comma and after “22,” insert “and 23,”.

Line 14, delete “268.05, Subdivision”.

Line 15, delete “5;” and delete “21, 22,”.

Line 18, delete “Subdivision” and insert “Subdivisions 3, 4, and”.

Line 19, delete “1; 268.11, Subdivisions 2; and” and insert “3, as amended; and”.

Line 20, delete "12" and insert "5".

Line 21, after "5" insert "; and a portion of Laws 1975, Chapter 433, Section 11, Subdivision 4".

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:

S. F. No. 10, A bill for an act relating to cities; providing for the establishment of tourist information centers; authorizing payments of expenses of governing officers in certain cases; amending Minnesota Statutes 1976, Sections 465.53 and 465.54.

Reported the same back with the following amendments:

Page 2, line 3, after "*municipality*" insert "*, for the purposes of section 465.53,*".

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:

S. F. No. 305, A bill for an act relating to intoxicating liquor; expiration date of municipal licenses; amending Minnesota Statutes 1976, Section 340.11, Subdivision 16.

Reported the same back with the recommendation that 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:

S. F. No. 813, A bill for an act relating to the county of Carlton; authorization of certain payments to the city of Cloquet.

Reported the same back with the following amendments:

Page 1, line 7, after "Cloquet" insert a comma and delete "for legal services".

Page 1, delete line 8 to the period and insert "moneys to supplement the costs, witness fees and legal services for misdemeanors arising within the city of Cloquet".

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:

S. F. No. 855, A bill for an act relating to St. Louis county; providing for the automobile expenses of county commissioners; amending Laws 1959, Chapter 301, Section 1.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 1553, 600, 782, 17, 789, 611, 954 and 1310 were read for the second time.

SECOND READING OF SENATE BILLS

S. F. Nos. 111, 569, 600, 831, 845, 1387, 10, 305, 813 and 855 were read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Wenzel introduced:

H. F. No. 1554, A resolution urging Congress and the President to raise agriculture support prices.

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

Faricy, Norton, Patton, Savelkoul and Sieben, H., introduced:

H. F. No. 1555, A bill for an act relating to the operation of state government; providing for compensation of certain judges of the supreme and district court; amending Laws 1977, Chapter 35, Section 18.

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

Brandl, Jaros, Wynia, Carlson, A., and Cohen introduced:

H. F. No. 1556, A bill for an act relating to crimes; public safety and health; dangerous weapons; short-barreled shotguns; providing penalties; amending Minnesota Statutes 1976, Chapter 609, by adding a section.

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

Wenzel, Waldorf, George, Jaros and Anderson, I., introduced:

H. F. No. 1557, A resolution memorializing Congress and the President to apportion federal education aids more fairly among the states.

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

Patton and Brinkman introduced:

H. F. No. 1558, A bill for an act relating to savings associations; investments in certain obligations; amending Minnesota Statutes 1976, Section 51A.35.

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

Scheid and Ellingson introduced:

H. F. No. 1559, A bill for an act relating to insurance; providing that senior citizens may cancel certain policies of insurance within seven business days after purchase; setting out notice requirements.

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

Fugina introduced:

H. F. No. 1560, A bill for an act relating to eminent domain; providing homeowners certain rights; amending Minnesota Statutes 1976, Chapter 117, by adding a section.

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

George, Munger, Osthoff, Dean and Braun introduced:

H. F. No. 1561, A bill for an act relating to environmental lawsuits; authorizing the awarding of attorneys' fees in certain instances; eliminating certain surety bond requirements; amending Minnesota Statutes 1976, Sections 116B.03, by adding a subdivision; and 562.02.

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

Lehto, Neisen, Zubay, Stoa and Knickerbocker introduced:

H. F. No. 1562, A bill for an act relating to precinct caucuses; providing for access by elderly and handicapped persons; providing for use of polling place for precinct caucuses; amending Minnesota Statutes 1976, Section 202A.15, Subdivision 2.

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

Scheid, Metzen, Waldorf, Kaley and Heinitz introduced:

H. F. No. 1563, A bill for an act relating to emergency health services; providing for the licensing and regulation of paramedics and paramedic programs; establishing a board of paramedic licensing; prescribing its powers and duties; providing penalties; appropriating money.

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

Langseth, Swanson, Wenstrom and Clawson introduced:

H. F. No. 1564, A bill for an act relating to public welfare; providing for the revision of criteria governing work incentive and registration; providing authority for local agencies to contract with nonprofit organizations for work program services; amending Minnesota Statutes 1976, Section 256D.11.

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

Cummiskey introduced :

H. F. No. 1565, A bill for an act relating to the city of Mankato; authorizing residential property rehabilitation loans and grants and authorizing the issuance of bonds for acquisition and betterment of a municipal fire hall and city hall.

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

Beauchamp, by request, introduced :

H. F. No. 1566, A bill for an act relating to the city of Moorhead; authorizing taxes in excess of levy limitations for support of the arts.

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

Kaley, Lemke, Birnstihl, McCarron and Brinkman introduced :

H. F. No. 1567, A bill for an act relating to taxation; sales; exempting goods and services sold by certain charitable organizations; amending Minnesota Statutes 1976, Section 297A.25, Subdivision 1.

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

Anderson, B. ; Stanton ; Welch ; Berkelman and Erickson introduced :

H. F. No. 1568, A bill for an act relating to transportation; highway beautification; authorizing the removal of unsafe buildings under certain conditions; amending Minnesota Statutes 1976, Chapter 161, by adding a section.

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker :

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

S. F. Nos. 23 and 1164.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

S. F. Nos. 1034 and 1416.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 23, A bill for an act relating to workers' compensation; requiring an employer to furnish certain remodeling for a handicapped employee's residence; giving the council for the handicapped additional duties; amending Minnesota Statutes 1976, Chapter 176, by adding a section; and Section 256.482, Subdivision 5.

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

S. F. No. 1164, A bill for an act relating to Olmsted county; permitting sidewalk and related improvements to be financed by special assessment; Rochester city officials' salaries.

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

S. F. No. 1034, A bill for an act relating to transportation; appropriating money for the operation of Amtrak rail service between the Twin Cities and Duluth.

The bill was read for the first time.

Munger moved that S. F. No. 1034 and H. F. No. 963, now on the Technical General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S.F. No. 1416, A bill for an act relating to the organization and operation of state government; appropriating money for welfare, corrections, health, and other purposes, including appropriations for the departments of public welfare, vocational rehabilitation, corrections, corrections ombudsman, health, health related boards, and public assistance programs; and repealing Minnesota Statutes 1976, Section 261.233.

The bill was read for the first time.

Norton moved that S. F. No. 1416 and H. F. No. 1553, now on the Technical General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

CONSENT CALENDAR

S. F. No. 108, A bill for an act relating to highway traffic regulations; specifying minimum property damage accident report requirements; amending Minnesota Statutes 1976, Section 169.09, 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 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

CONSIDERATION UNDER RULE 1.10

Pursuant to rule 1.10 Norton requested immediate consideration on H. F. No. 1510 and S. F. No. 1072.

H. F. No. 1510 was reported to the House.

Faricy moved to amend H. F. No. 1510, as follows:

Page 22, line 20, after "*representative*" insert "*of the faculty*".

Page 23, line 1, after "*representative*" insert "*of the faculty*".

The motion prevailed and the amendment was adopted.

Friedrich was excused for the remainder of the day.

McCollar moved to amend H. F. No. 1510, as amended, as follows:

Page 13, after line 34 insert: "Counties shall be reimbursed by the University of Minnesota if the services are performed at county hospitals."

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

H. F. No. 1510, A bill for an act relating to the organization and operation of state government; appropriating money for education and related purposes with certain conditions, including the department of education, aids to libraries, higher education coordinating board, state universities, community colleges, and the university of Minnesota and its hospitals; amending Minnesota Statutes 1976, Sections 120.17, Subdivision 7a; 128A.02, Subdivision 3; 128A.06, Subdivision 1; 128A.07; 136A.121, Subdivision 3; 141.24; 141.36; 179.69, Subdivisions 4 and 5; and 197.78; repealing Minnesota Statutes 1976, Section 128A.08.

The bill was read for the third time, as amended, 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 5 nays as follows:

Those who voted in the affirmative were:

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

Waldorf	Wenzel	Wieser	Wynia	Speaker Sabo
Wenstrom	White	Williamson	Zubay	

Those who voted in the negative were:

Gunter	Kvam	McCollar	Pleasant	Wigley
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The bill was passed, as amended, and its title agreed to.

S. F. No. 1072, A bill for an act relating to appropriations; appropriating money for the fiscal year ending June 30, 1977.

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

The bill was passed and its title agreed to.

CALENDAR

H. F. No. 805, A bill for an act relating to public employees; excluding supervisory employees from certain bargaining units; amending Minnesota Statutes 1976, Section 179.65, Subdivision 6.

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 68 yeas and 59 nays as follows:

Those who voted in the affirmative were:

Abeln	Cassery	Hokanson	Moe	Sarna
Adams	Clark	Jacobs	Munger	Scheid
Anderson, B.	Clawson	Jaros	Murphy	Sieben, H.
Anderson, I.	Corbid	Jensen	Nelsen, M.	Sieben, M.
Battaglia	Cummiskey	Jude	Nelson	Skoglund
Beauchamp	Dahl	Kahn	Norton	Spanish
Begich	Ellingson	Kempe, A.	Novak	Stanton
Berglin	Enebo	Kostohryz	Patton	Stoa
Berkelman	Faricy	Kroening	Pehler	Swanson
Birnstihl	Fudro	Lehto	Petraieso	Tomlinson
Brinkman	Fugina	Mangan	Prahl	Williamson
Byrne	George	McCarron	Rice	Speaker Sabo
Carlson, D.	Gunter	McEachern	St. Onge	
Carlson, L.	Hanson	Metzen	Samuelson	

Those who voted in the negative were:

Albrecht	Eken	Kelly, R.	Neisen	Sherwood
Anderson, D.	Erickson	Kelly, W.	Nelsen, B.	Simoneau
Anderson, G.	Esau	Kempe, R.	Niehau	Smogard
Anderson, R.	Evans	King	Osthoff	Vanasek
Arlandson	Ewald	Knickerbocker	Peterson	Waldorf
Biersdorf	Fjoslien	Kvam	Pleasant	Wenzel
Braun	Forsythe	Laidig	Reding	White
Carlson, A.	Haugerud	Langseth	Rose	Wieser
Cohen	Heinitz	Lemke	Savelkoul	Wigley
Dean	Johnson	Mann	Schulz	Wynia
Den Ouden	Kaley	McCollar	Searle	Zubay
Eckstein	Kalis	McDonald	Searles	

The bill was passed and its title agreed to.

Simoneau was excused at 5:30 p.m.

GENERAL ORDERS

Pursuant to rules of the House, the House resolved itself into the Committee of the Whole, with Sabo in the Chair, for the consideration of bills pending on General Orders of the Day. 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. 967 which it recommended to pass.

H. F. No. 130 which it recommended progress with the following amendment offered by Pehler:

Page 2, following line 5, insert:

“Sec. 2. Minnesota Statutes 1976, Section 624.701, is amended by adding a subdivision to read:

Subd. 1a. All dormitory head residents and resident assistants at post-secondary institutions shall be provided instruction in alcohol and chemical dependency to the extent prescribed by the governing body of the institution. Each governing body shall also adopt policies designed to encourage student participation in volunteer work in connection with alcohol and chemical dependency programs.”.

Further, amend the title in line 4 after “Subdivision 1” by inserting “and by adding a subdivision”.

H. F. No. 823 which it recommended to pass with the following amendment offered by Smogard:

Strike everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1976, Chapter 156A, is amended by adding a section to read:

[156A.031] [PLASTIC CASINGS.] *The use of plastic casings in water wells is expressly permitted within the State of Minnesota. Any plastic casing used for water wells must meet the current standard specifications of the American Society for Testing and Materials (ASTM) for Thermoplastic Water Well Casing Pipe and Couplings. All plastic water well casing shall be capable of withstanding pressures equal to or greater than 200 pounds per square inch (p.s.i.).*

The state board of health may supplement the provisions of this section with rules relating to the installation of plastic water well casing, providing, however, that such rules shall not delay the use of plastic water well casing meeting the requirements of this section.

Sec. 2. This bill shall become effective the day following final enactment.”.

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:

Pehler offered an amendment to H. F. No. 130.

Carlson, A., requested a division of the amendment.

The first portion of the amendment reads as follows:

Page 2, following line 5, insert:

“Sec. 2. Minnesota Statutes 1976, Section 624.701, is amended by adding a subdivision to read:

Subd. 1a. All dormitory head residents and resident assistants at post-secondary institutions shall be provided instruction in alcohol and chemical dependency to the extent prescribed by the governing body of the institution. Each governing body shall also adopt policies designed to encourage student participation in volunteer work in connection with alcohol and chemical dependency programs.”

Further, amend the title in line 4 after “Subdivision 1” by inserting “and by adding a subdivision”.

The question was taken on the adoption of the first portion of the Pehler amendment and the roll was called. There were 104 yeas and 21 nays as follows:

Those who voted in the affirmative were:

Abeln	Clawson	Jude	Moe	Schulz
Adams	Cohen	Kahn	Munger	Sieben, H.
Albrecht	Cummiskey	Kalis	Neisen	Sieben, M.
Anderson, G.	Dahl	Kelly, R.	Nelsen, B.	Simoneau
Anderson, I.	Dean	Kelly, W.	Nelsen, M.	Skoglund
Arlandson	Ellingson	Kempe, A.	Nelson	Stanton
Battaglia	Enebo	Kempe, R.	Niehaus	Stoa
Beauchamp	Evans	King	Novak	Swanson
Begich	Faricy	Knickerbocker	Osthoff	Tomlinson
Berglin	Fjoslien	Kostohryz	Patton	Voss
Berkelman	Forsythe	Kroening	Pehler	Waldorf
Biersdorf	Fudro	Laidig	Pleasant	Welch
Birnstihl	Fugina	Lehto	Prahl	Wenzel
Brandl	George	Lemke	Reding	White
Brinkman	Gunter	Mangan	Rice	Wieser
Byrne	Hanson	Mann	Rose	Wigley
Carlson, A.	Hokanson	McCarron	St. Onge	Williamson
Carlson, D.	Jacobs	McCollar	Samuelson	Wynia
Carlson, L.	Jaros	McDonald	Sarna	Zubay
Cassery	Jensen	McEachern	Savelkoul	Speaker Sabo
Clark	Johnson	Metzen	Scheid	

Those who voted in the negative were:

Anderson, D.	Den Ouden	Ewald	Searle	Vanasek
Anderson, R.	Eckstein	Kaley	Searles	
Berg	Eken	Langseth	Sherwood	
Braun	Erickson	Peterson	Smogard	
Corbid	Esau	Petrafeso	Spanish	

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

The second portion of the amendment reads as follows :

"Sec. 3. A post secondary educational institution allowing liquor on campus as authorized by section 1 shall file a report with the Higher Education Coordinating Board prior to January 1, 1980 as to the effect of such action from the standpoint of student conduct and institutional administration."

Beauchamp moved to amend the second portion of the Pehler amendment to H. F. No. 130, as follows :

Line 14, after *"report"* insert *"of not more than 10 pages"*.

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

The question recurred on the adoption of the second portion of the Pehler amendment, as amended, and the roll was called. There were 22 yeas and 94 nays as follows :

Those who voted in the affirmative were :

Adams	Fugina	McEachern	Pehler	Wynia
Cummiskey	Hokanson	Metzen	St. Onge	Zubay
Dahl	Jacobs	Neisen, M.	Sieben, M.	
Den Ouden	Kaley	Niehaus	Stoa	
Fudro	King	Patton	Voss	

Those who voted in the negative were :

Abeln	Clark	Jude	Moe	Searles
Anderson, B.	Clawson	Kahn	Munger	Sherwood
Anderson, D.	Cohen	Kalis	Murphy	Simoneau
Anderson, G.	Corbid	Kelly, R.	Neisen	Skoglund
Anderson, I.	Dean	Kelly, W.	Nelsen, B.	Smogard
Anderson, R.	Eckstein	Kempe, A.	Nelson	Spanish
Arlandson	Eken	Kempe, R.	Novak	Stanton
Battaglia	Ellingson	Knickerbocker	Peterson	Swanson
Beauchamp	Enebo	Kostohryz	Petrafeso	Tomlinson
Begich	Erickson	Kroening	Pleasant	Vanasek
Berg	Esau	Kvam	Prahl	Waldorf
Berkelman	Evans	Laidig	Reding	Welch
Biersdorf	Ewald	Langseth	Rice	Wenzel
Birnstihl	Fjoslien	Lehto	Rose	White
Braun	Forsythe	Mangan	Sarna	Wieser
Brinkman	Gunter	Mann	Savelkoul	Wigley
Carlson, A.	Hanson	McCarron	Scheid	Williamson
Carlson, D.	Jensen	McCollar	Schulz	Speaker Sabo
Carlson, L.	Johnson	McDonald	Searle	

The motion did not prevail and the second portion of the amendment was not adopted.

Laidig moved to amend H. F. No. 130, as amended, as follows:

Delete Section 1 of the bill.

Renumber the following section.

The question was taken on the adoption of the Laidig amendment and the roll was called. There were 38 yeas and 84 nays as follows:

Those who voted in the affirmative were:

Abein	Erickson	Kelly, R.	McDonald	Searles
Albrecht	Esau	Kempe, A.	Neisen	Sherwood
Anderson, D.	Fjoslien	Kempe, R.	Neisen, B.	Skoglund
Anderson, R.	Forsythe	Kvam	Niehaus	Spanish
Biersdorf	Gunter	Laidig	Peterson	Wieser
Braun	Hokanson	Langseth	Pleasant	Wigley
Carlson, D.	Jude	Mann	Rose	
Den Ouden	Kaley	McCollar	Savelkoul	

Those who voted in the negative were:

Adams	Casserly	Jacobs	Murphy	Smogard
Anderson, B.	Clark	Jaros	Neisen, M.	Stanton
Anderson, G.	Clawson	Jensen	Norton	Stoa
Anderson, I.	Corbid	Kahn	Novak	Swanson
Arlandson	Cummiskey	Kalis	Patton	Tomlinson
Battaglia	Dean	Kelly, W.	Pehler	Vanasek
Beauchamp	Eckstein	King	Petraieso	Voss
Begich	Eken	Knickerbocker	Prahl	Waldorf
Berg	Ellingson	Kostohryz	Reding	Welch
Berglin	Enebo	Kroening	Rice	Wenstrom
Berkelman	Evans	Lehto	St. Onge	Wenzel
Birnstihl	Ewald	Lemke	Sarna	White
Brandl	Faricy	Mangan	Scheid	Williamson
Brinkman	Fudro	McCarron	Schulz	Wynia
Byrne	George	Metzen	Searle	Zubay
Carlson, A.	Hanson	Moe	Sieben, H.	Speaker Sabo
Carlson, L.	Haugerud	Munger	Sieben, M.	

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

The question was taken on the motion to recommend passage of H. F. No. 130, as amended, and the roll was called. There were 39 yeas and 86 nays as follows:

Those who voted in the affirmative were:

Berg	Cummiskey	Jacobs	Norton	Tomlinson
Berglin	Dean	Jaros	Patton	Vanasek
Brandl	Ellingson	Kahn	Pehler	Voss
Brinkman	Enebo	Lehto	Rice	Williamson
Carlson, A.	Evans	Lemke	St. Onge	Wynia
Casserly	Faricy	McCarron	Sieben, M.	Zubay
Clark	Fugina	Metzen	Stanton	Speaker Sabo
Cohen	George	Moe	Stoa	

Those who voted in the negative were:

Abeln	Clawson	Kaley	Neisen	Searles
Adams	Corbid	Kalis	Nelsen, B.	Sherwood
Albrecht	Dahl	Kelly, R.	Nelsen, M.	Sieben, H.
Anderson, B.	Den Ouden	Kempe, A.	Niehaus	Skoglund
Anderson, D.	Eckstein	Kempe, R.	Novak	Smogard
Anderson, G.	Eken	King	Osthoff	Spanish
Anderson, R.	Erickson	Knickerbocker	Peterson	Swanson
Arlandson	Esau	Kostohryz	Petraieso	Waldorf
Battaglia	Ewald	Kroening	Pleasant	Welch
Beauchamp	Fjoslien	Kvam	Prahl	Wenstrom
Begich	Forsythe	Laidig	Reding	Wenzel
Berkelman	Fudro	Langseth	Rose	White
Biersdorf	Gunter	Mann	Samuelson	Wieser
Birnstihl	Hanson	McCollar	Sarna	Wigley
Braun	Hokanson	McDonald	Savelkoul	
Byrne	Jensen	McEachern	Scheid	
Carlson, D.	Johnson	Munger	Schulz	
Carlson, L.	Jude	Murphy	Searle	

The motion did not prevail.

Smogard moved to amend H. F. No. 823, as follows:

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1976, Chapter 156A, is amended by adding a section to read:

[156A.031] [PLASTIC CASINGS.] *The use of plastic casings in water wells is expressly permitted within the State of Minnesota. Any plastic casing used for water wells must meet the current standard specifications of the American Society for Testing and Materials (ASTM) for Thermoplastic Water Well Casing Pipe and Couplings. All plastic water well casing shall be capable of withstanding pressures equal to or greater than 200 pounds per square inch (p.s.i.).*

The state board of health may supplement the provisions of this section with rules relating to the installation of plastic water well casing, providing, however, that such rules shall not delay the use of plastic water well casing meeting the requirements of this section.

Sec. 2. This bill shall become effective the day following final enactment."

Lehto moved to amend the Smogard amendment to H. F. No. 823, as follows:

Section 2 delete "*the day following final enactment*" insert "*January 1, 1978*".

The question was taken on the adoption of the amendment to the amendment and the roll was called. There were 36 yeas and 73 nays as follows:

Those who voted in the affirmative were:

Adams	Enebo	Kempe, A.	Osthoff	Sherwood
Anderson, I.	Ewald	King	Patton	Swanson
Arlandson	Faricy	Kostohryz	Pehler	Williamson
Berglin	Fudro	Lehto	Rice	Wynia
Byrne	Hanson	McCarron	St. Onge	
Carlson, L.	Hokanson	McEachern	Samuelson	
Dahl	Jaros	Munger	Sarna	
Den Ouden	Kahn	Nelson	Scheid	

Those who voted in the negative were:

Abeln	Clawson	Johnson	Nelsen, B.	Stanton
Albrecht	Corbid	Jude	Niehaus	Stoa
Anderson, D.	Cummiskey	Kalis	Novak	Tomlinson
Anderson, G.	Dean	Kelly, R.	Peterson	Vanasek
Anderson, R.	Eckstein	Kelly, W.	Pleasant	Voss
Battaglia	Eken	Kempe, R.	Reding	Waldorf
Beauchamp	Erickson	Kroening	Rose	Wenstrom
Begich	Esau	Kvam	Savelkoul	Wenzel
Biersdorf	Evans	Langseth	Schulz	White
Birnstihl	Fjoslien	Lemke	Searle	Wieser
Brandl	Fugina	Mangan	Searles	Wigley
Braun	Gunter	Mann	Sieben, H.	Zubay
Carlson, A.	Haugerud	McCollar	Sieben, M.	Speaker Sabo
Carlson, D.	Jacobs	Metzen	Smogard	
Casserly	Jensen	Murphy	Spanish	

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

MOTIONS AND RESOLUTIONS

Nelsen, M., moved that the name of Nelsen, M., be stricken and the name of Samuelson be shown as chief author on H. F. No. 1421. The motion prevailed.

Abeln moved that the name of Metzen be added as an author on H. F. No. 1193. The motion prevailed.

McCollar moved that the name of Jude be added as an author on H. F. No. 860. The motion prevailed.

Searles moved that the names of McDonald and George be added as authors on H. F. No. 1536. The motion prevailed.

Petrafeso moved that S. F. No. 125 be recalled from the Committee on Commerce and Economic Development and together with H. F. No. 285, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

ANNOUNCEMENT BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to the Conference Committee on H. F. No. 231: Jude, Fudro and Wigley.

ADJOURNMENT

Anderson, I., moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:00 p.m., Wednesday, April 27, 1977.

EDWARD A. BURDICK, Chief Clerk, House of Representatives