

STATE OF MINNESOTA

SEVENTIETH SESSION - 1977

FIFTIETH DAY

SAINT PAUL, MINNESOTA, MONDAY, MAY 9, 1977

The House of Representatives convened at 1:00 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	Clawson	Jacobs	Metzen	Schulz
Adams	Cohen	Jaros	Moe	Searle
Albrecht	Corbid	Jensen	Munger	Searles
Anderson, B.	Cummiskey	Johnson	Murphy	Sherwood
Anderson, D.	Dahl	Jude	Neisen	Sieben, H.
Anderson, G.	Dean	Kahn	Nelsen, B.	Sieben, M.
Anderson, I.	Den Ouden	Kaley	Nelsen, M.	Simoneau
Anderson, R.	Eckstein	Kalis	Nelson	Skoglund
Arlandson	Eken	Kelly, R.	Niehaus	Smogard
Battaglia	Ellingson	Kelly, W.	Norton	Stanton
Beauchamp	Enebo	Kempe, A.	Novak	Stoa
Begich	Erickson	Kempe, R.	Osthoff	Suss
Berg	Esau	King	Patton	Swanson
Berglin	Evans	Knickerbocker	Pehler	Tomlinson
Berkelman	Ewald	Kostohryz	Peterson	Vanasek
Biersdorf	Faricy	Kroening	Petrafeso	Waldorf
Birnstihl	Fjoslien	Kvam	Pleasant	Welch
Brandl	Forsythe	Laidig	Prahl	Wenstrom
Braun	Friedrich	Langseth	Reding	Wenzel
Brinkman	Fudro	Lehto	Rice	White
Byrne	Fugina	Lemke	Rose	Wieser
Carlson, A.	George	Mangan	St. Onge	Wigley
Carlson, D.	Gunter	Mann	Samuelson	Wynia
Carlson, L.	Hanson	McCollar	Sarna	Zubay
Casserly	Heinitz	McDonald	Savelkoul	Speaker Sabo
Clark	Hokanson	McEachern	Scheid	

A quorum was present.

Voss and Williamson were excused. McCarron was excused until 2:05 p.m. Haugerud was excused until 2:30 p.m. Spanish was excused until 5:15 p.m.

The Chief Clerk proceeded to read the Journal of the preceding day. Esau 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. 93, 1337, 530, 914, 1365, 522, 992 and 1475 and S. F. Nos. 341, 896, 767, 274, 96, 816, 796, 977 and 166 have been placed in the members' files.

S. F. No. 896 and H. F. No. 1028, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Sieben, H., moved that the rules be so far suspended that S. F. No. 896 be substituted for H. F. No. 1028 and that the House File be indefinitely postponed. The motion prevailed.

PETITIONS AND COMMUNICATIONS

The following communications were received:

STATE OF MINNESOTA
OFFICE OF THE SECRETARY OF STATE
ST. PAUL 55155

May 5, 1977

The Honorable Martin O. Sabo
Speaker of the House of Representatives
The Honorable Edward J. Gearty
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1977 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

<i>S.F. No.</i>	<i>H.F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Date Approved 1977</i>	<i>Date Filed 1977</i>
	38	65	May 5	May 5
651		66	May 5	May 5

Sincerely,

JOAN ANDERSON GROWE
Secretary of State

STATE OF MINNESOTA
OFFICE OF THE SECRETARY OF STATE
ST. PAUL 55155

May 6, 1977

The Honorable Martin O. Sabo
Speaker of the House of Representatives
The Honorable Edward J. Gearty
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1977 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

<i>S.F. No.</i>	<i>H.F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Date Approved 1977</i>	<i>Date Filed 1977</i>
362		67	May 6	May 6
530		68	May 6	May 6
640		69	May 6	May 6
684		70	May 6	May 6
716		71	May 6	May 6
813		72	May 6	May 6

Sincerely,

JOAN ANDERSON GROWE
Secretary of State

REPORT FROM THE COMMITTEE ON RULES AND
LEGISLATIVE ADMINISTRATION

Anderson, I., from the Committee on Rules and Legislative Administration, pursuant to rule 1.9, designated the following bills as a Special Order to be acted upon immediately following S. F. No. 1140 for today, Monday, May 9, 1977: H. F. Nos. 756, 1215, 1582, 530 and 914 and S. F. Nos. 125, 875, 683, 932, 109, 930, 903, 831, 51, 213, 335, 827, 498, 78, 826, 583, 319, 49, 1290, 1291, 188 and 466.

REPORTS OF STANDING COMMITTEES

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

H. F. No. 361, A bill for an act relating to state employees; providing optional health insurance coverage under the Minnesota employees group insurance plan for certain former employees retired because of a disability.

Reported the same back with the recommendation that the bill be re-referred to the Committee on Rules and Legislative Administration.

The report was adopted.

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

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.

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

The report was adopted.

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

S. F. No. 181, A bill for an act relating to retirement; increasing the size of the boards of trustees of the public employees retirement association, Minnesota state retirement system, teachers retirement system and Minneapolis municipal employees retirement board; providing for election processes; survivor benefits for deceased legislators; making miscellaneous changes in the public employees retirement association provisions; amending Minnesota Statutes 1976, Sections 3A.04, Subdivision 1, and by adding a subdivision; 352.03, Subdivisions 1, 2, and by adding a subdivision; 353.01, Subdivisions 2a, 2b, 6, 15, and 20; 353.03, Subdivision 1; 353.27, Subdivision 4; 353.29, Subdivisions 4 and 8; 353.31, Subdivision 8; 353.32, Subdivision 7; 353.33, Subdivisions 1, 9 and 11; 353.36, Subdivision 2; 353.37; 353.46, by adding a subdivision; and 353.651, Subdivision 3; 354.05, by adding a subdivision; 354.06, Subdivision 1; 422A.02; and 422A.03, Subdivision 1; repealing Minnesota Statutes 1976, Sections 353.016; 353.018; 353.019; 353.03, Subdivision 2a; 353.31, Subdivision 11;

353.36, Subdivision 2d; 353.46, Subdivision 3; and 353.64, Subdivision 5.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert the following:

"Section 1. Minnesota Statutes 1976, Section 3A.04, Subdivision 1, is amended to read:

3A.04 [SURVIVOR BENEFIT.] Subdivision 1. [SURVIVING SPOUSE.] Upon the death of a member of the legislature while serving as such member after June 30, 1973, or upon the death of a former member of the legislature with at least eight years of service as required by section 3A.02, subdivision 1, clause (1), the surviving spouse shall be paid a survivor benefit in the amount of one-half of the retirement allowance of the member of the legislature computed as though the member were at least age 60 on the date of his death and based upon his allowable service or eight years whichever is greater. *The augmentation provided in section 3A.02, subdivision 4, if applicable, shall be applied to the month of death. Upon the death of a former legislator receiving a retirement allowance, the surviving spouse shall be entitled to one-half of the amount of the allowance being paid to the legislator.* Such benefit shall be paid during the lifetime of the surviving spouse, but shall cease and terminate upon the remarriage of the surviving spouse.

Sec. 2. Minnesota Statutes 1976, Section 3A.04, is amended by adding a subdivision to read:

Subd. 1a. [INCREASE IN SURVIVOR BENEFITS.] Survivor benefits provided in subdivision 1 authorized and in effect on the effective date of this act shall be increased by 25 percent, effective retroactively to January 1, 1974, or the date the survivor benefit became payable, whichever is later.

Sec. 3. Minnesota Statutes 1976, Section 69.011, Subdivision 1, is amended to read:

69.011 [QUALIFYING FOR STATE AID.] Subdivision 1. [DEFINITIONS.] Unless the language or context clearly indicates that a different meaning is intended, the following words and terms shall for the purposes of this chapter and chapter 424 have the meanings ascribed to them:

(a) "Commissioner" means the commissioner or director of insurance.

(b) "Municipality" means any city of any class, and organized town.

(c) "Minnesota Firetown Premium Report" means a blank form containing space for reporting by insurers of fire, lightning, sprinkler leakage and extended coverage premiums less return premiums and dividends received upon risks located or to be performed in this state.

(d) "Firetown" means any municipality having a qualified fire department or a qualified incorporated fire department having a retirement plan.

(e) "Average State Aid" means the sum of the amount of aid apportioned for firemen pensions or services the previous two years plus the amount of aid computed for apportionment by the assessed property valuation and population basis for the current year divided by three.

(f) "Assessed Property Valuation" means latest available assessed value of all property in a taxing jurisdiction, whether such property is subject to taxation, or exempt from ad valorem taxation for any reason, appearing on abstracts filed with the commissioner of revenue or equalized by the state board of equalization.

(g) "Minnesota Aid to Police Premium Report" means a blank form containing space for reporting by each fire and casualty insurer of all premiums less return premiums and dividends received upon direct business received by it in this state, or by its agents for it, in cash or otherwise, during the preceding calendar year, with reference to insurance written for insuring against the perils contained in auto liability-bodily injury, auto liability-property damage, and auto physical damage as reported on lines 19, 20, and 21 of page 14 of the fire and casualty insurance companies annual financial statement which each insurer is required to file with the commissioner in accordance with the governing laws or regulations.

(h) "Police officer" means any person:

(1) *Whose primary source of income derived from wages is from direct employment by a municipality or county as a law enforcement officer on a full time basis of not less than 30 hours per week;*

(2) *Who has been employed for a minimum of six consecutive months prior to December 31 preceding the date of the current year's certification pursuant to section 69.011, subdivision 2, clause (b);*

(3) *Who is sworn to enforce the general criminal laws of the state and local ordinances;*

(4) *Who is authorized to arrest with a warrant;*

(5) *Who is a member of a local police relief association or the public employees police and fire fund;*

(6) *Who, if employed in a municipality with a population of more than 1,000 inhabitants according to the most recent federal census, is certified or meets the requirements for certification by the Minnesota police officers training board; and*

(7) *Who meets the selection standards of the Minnesota police officers training board.*

(i) *"Full time equivalent number of police officers providing contract service" means the integral or fractional number of police officers which would be necessary to provide the contract service if all were employed on a full time basis as defined by the employing unit in the municipality receiving the contract service.*

Sec. 4. Minnesota Statutes 1976, Section 69.011, Subdivision 2, is amended to read:

Subd. 2. [CLERK TO FILE CERTIFICATE.] (a) On or before March 1 annually the clerk of each municipality having a duly organized fire department as provided in subdivision 4, clause (1) or the secretary of nonprofit fire fighting corporations having a relief and retirement plan or incorporated firemen's relief association shall certify that fact and the fire personnel and equipment of the fire department as of the preceding December 31 to the commissioner on a form prescribed by him together with the other facts the commissioner may require. The certification shall be made to the commissioner in duplicate. Each copy of the certificate shall be duly executed and deemed an original. The commissioner shall forward one copy to the auditor of the county wherein the fire department is located and retain one copy.

(b) On or before March 1 annually the clerk of each municipality having a duly organized police department and having a duly incorporated relief association shall certify that fact to the county auditor of the county where the police department is located and to the commissioner on a form prescribed by him together with the other facts the commissioner or auditor may require.

On or before March 1 annually, the clerk of each municipality and the auditor of each county employing one or more police officers as defined in section (69.021, SUBDIVISION 5) 69.011, subdivision 1, clause (h), shall certify the number of such police officers (WHO WERE EMPLOYED FOR A MINIMUM OF SIX MONTHS AS OF THE PRECEDING DECEMBER 31,) to the commissioner on forms prescribed by him. For purposes of sections 69.011 to 69.051, employment of a police officer shall

commence when the police officer is entered on the payroll of the respective municipal police department or county sheriff's department. No police officer shall be included in the certification of the number of police officers by more than one municipality or county.

Sec. 5. Minnesota Statutes 1976, Section 69.021, Subdivision 5, is amended to read:

Subd. 5. [CALCULATION OF STATE AID.] The amount of state aid available for apportionment shall be two percent of the fire, lightning, sprinkler leakage and extended coverage premiums reported to the commissioner by insurers on the Minnesota Firetown Premium Report and two percent of the premiums reported to the commissioner by insurers on the Minnesota Aid to Police Premium Report. The amount for apportionment in respect to firemen's state aid shall not be greater or lesser than the amount of premium taxes paid to the state upon the premiums reported to the commissioner by insurers on the Minnesota Firetown Premium Report. The total amount for apportionment in respect to police state aid shall not be greater or lesser than the amount of premium taxes paid to the state upon the premiums reported to the commissioner by insurers on the Minnesota Aid to Police Premium Report. The total amount for apportionment in respect to police state aid shall be distributed to the counties for apportionment to municipalities maintaining police departments and to the county on the basis of the number of active police officers, as certified pursuant to section 69.011, subdivision 2, clause (b) (, WHO ARE MEMBERS OF THE PUBLIC EMPLOYEES POLICE AND FIRE FUND OR OF A LOCAL RETIREMENT ASSOCIATION. FOR PURPOSES OF SECTIONS 69.011 TO 69.051, THE TERM "POLICE OFFICER" MEANS ANY PERSON PRIMARILY EMPLOYED BY A MUNICIPALITY OR A COUNTY AS A FULL TIME SALARIED LAW ENFORCEMENT OFFICER SWORN TO ENFORCE THE GENERAL CRIMINAL LAWS OF THE STATE, AUTHORIZED TO ARREST WITH A WARRANT, AND CERTIFIED OR MEETING THE REQUIREMENTS FOR CERTIFICATION BY THE MINNESOTA POLICE OFFICERS TRAINING BOARD, EXCEPT IN MUNICIPALITIES). The commissioner shall calculate the percentage of increase or decrease reflected in the apportionment over or under the previous (YEARS) *year's* available (PREMIUMS) *state aid* using the same premiums as a basis for comparison.

Sec. 6. Minnesota Statutes 1976, Section 69.021, Subdivision 7, is amended to read:

Subd. 7. [APPORTIONMENT OF AID TO MUNICIPALITIES AND FIREMEN'S RELIEF ASSOCIATIONS BY COUNTY AUDITOR.] (1) The county auditor shall apportion the state aid received by him relative to the premiums reported on

the Minnesota Firetown Premium Reports filed pursuant to this chapter to each municipality and/or firemen's relief association certified to him by the commissioner in the same manner that state aid is apportioned to the counties, one-half in proportion to the population and one-half in proportion to the assessed property valuation of the fire towns in the county for which aid is proportioned. The county auditor shall apportion the amount of aid to each municipality and/or firemen's relief association in an amount not less than 100 percent nor more than 150 percent of the average state aid calculated for apportionment to the municipality and/or firemen's relief association. Provided that if the amount of aid so calculated is either greater or less than the amount of aid available as calculated in subdivision 5 each municipality's and/or firemen's relief association's proportionate share of the state aid shall be reduced or increased on a percentage basis so that the amount of aid apportioned shall not exceed the amount of tax collected. No municipality or firemen's relief association shall receive less than provided for under this subdivision.

In the case of municipalities or independent fire departments qualifying for the aid the county auditor shall calculate the state aid for the municipality or relief association on the basis of the population and the property valuation of the area furnished fire protection service by the fire department as evidenced by duly executed and valid fire service agreements filed with him. If one or more fire departments are furnishing contracted fire service to a city, town or township only the population and valuation of the area served by each fire department shall be considered in calculating the state aid and the fire departments furnishing service shall enter into an agreement apportioning among themselves the percent of the population and the assessed property valuation of each service area. Agreement shall be in writing and filed with the commissioner in duplicate. The commissioner shall forward one copy of the agreement to the county auditor of the county wherein the fire department is located and retain one copy.

In the case of cities of the first and second class the state aid calculated shall be paid directly to the treasurer of the relief association. In the case of all other municipalities and independent fire department relief associations or retirement plans the aid shall be paid to the treasurer of the municipality where the fire department is located and the treasurer of the municipality shall within 30 days transmit the aid to the relief association if the relief association has filed a financial report with the treasurer of the municipality and has met all other statutory provisions pertaining to the aid apportionment.

The county auditor and commissioner are hereby empowered to make rules and regulations to permit the administration of the provisions of this section.

(2) The county auditor shall apportion the state *police* aid received by him (RELATIVE TO THE PREMIUMS REPORTED ON THE MINNESOTA AID TO POLICE PREMIUM REPORTS FILED PURSUANT TO THIS CHAPTER) to each municipality *and to the county* in the following manner:

(a) For all municipalities maintaining police departments and the county, the state aid shall be distributed by the county auditor in proportion to the total number of police officers, as defined in section (69.021, SUBDIVISION 5) *69.011, subdivision 1, clause (h)*, employed by each municipality and by the county. (NO COMMUNITY SHALL RECEIVE LESS STATE AID THAN THEY RECEIVED IN 1975; AND);

(b) For each municipality which contracts with the county for police service, a proportionate amount of the state aid distributed to the county based on the *full time equivalent* number of police officers providing contract service shall be credited against the municipality's contract obligation;

(c) For each municipality which contracts with another municipality for police service, a proportionate amount of the state aid distributed to the municipality providing contract service based on the *full time equivalent* number of police officers providing contract service on a *full time equivalent* basis shall be credited against the contract obligation of the municipality receiving contract service;

(d) No municipality entitled to receive police state aid shall be apportioned less police state aid for any year under Laws 1976, Chapter 315, than the amount which was apportioned to it for calendar year 1975 based on premiums reported to the commissioner for calendar year 1974; provided, the amount of police state aid to other municipalities within the county and to the county shall be adjusted in proportion to the total number of police officers in the municipalities and the county, so that the amount of police state aid apportioned shall not exceed the amount of police state aid available for apportionment.

The county auditor and commissioner are hereby empowered to make rules and regulations to permit the administration of the provisions of this section.

Sec. 7. Minnesota Statutes 1976, Section 69.031, Subdivision 5, is amended to read:

Subd. 5. [DEPOSIT OF STATE AID.] (1) The municipal treasurer, when the state aid and tax is received by him, shall within 30 days after receipt pay over the portion of it attributed to premiums reported on the Minnesota Firetown Premium Report to the treasurer of the duly incorporated firemen's relief association if there is one organized and the association has filed

a financial report with the municipality; but if there is no relief association organized, or if any association dissolve, be removed, or has heretofore dissolved, or has been removed as trustees of state aid, then the treasurer of the municipality shall keep the money in the municipal treasury as provided for in sections 424.30 and 424.31 and shall be disbursed only for the purposes and in the manner set forth in those sections.

(2) The municipal treasurer, upon receipt of the state aid and tax attributed to insurance premiums reported on the Minnesota Aid to Police Premium Report, shall disburse the state aid in the following manner.

(a) For a municipality in which a *local police relief association exists and all police officers are members of the association*, the total state aid shall be transmitted to the treasurer of the relief association within 30 days of the date of receipt (OF THE STATE AID BY THE COUNTY AUDITOR), and the treasurer of the relief association shall *immediately* deposit the total state aid in the special fund of the relief association (UPON RECEIPT);

(b) For a municipality in which police retirement coverage is provided by the public employees police and fire fund *and all police officers are members of the fund*, the total state aid shall be applied toward the municipality's employer contribution to the public employees police and fire fund pursuant to section 353.65, subdivision 3, and *any state aid in excess of the amount required to meet the employer's contribution pursuant to section 353.65, subdivision 3, shall also be contributed to the public employees police and fire fund and credited in the manner to be specified by the board of trustees of the public employees retirement association; or*

(c) For a municipality in which both a police relief association exists and police retirement coverage is provided in part by the public employees police and fire fund, the municipality may elect at its option to transmit the total state aid to the treasurer of the relief association as provided in this subdivision, to use the total state aid to apply toward the municipality's employer contribution to the public employees police and fire fund *subject to all the provisions set forth in clause (b)*, or to allot the total state aid proportionately to be transmitted to the police relief association as provided in this subdivision and to apply toward the municipality's employer contribution to the public employees police and fire fund *subject to the provisions of clause (b)* on the basis of the respective number of active full time police officers, as defined in section (69.021, SUBDIVISION 5) 69.011, subdivision 1, clause (h).

(3) *The county treasurer, upon receipt of the police state aid for the county, shall apply the total state aid toward the county's*

employer contribution to the public employees police and fire fund pursuant to section 353.65, subdivision 3, and any state aid in excess of the amount required to meet the employer's contribution pursuant to section 353.65, subdivision 3, shall also be contributed to the public employees police and fire fund and credited in the manner to be specified by the board of trustees of the public employees retirement association.

Sec. 8. Minnesota Statutes 1976, Section 352.03, Subdivision 1, is amended to read:

352.03 [BOARD OF DIRECTORS, COMPOSITION, EXECUTIVE DIRECTOR; DUTIES, POWERS.] Subdivision 1. [MEMBERSHIP OF BOARD; ELECTION; TERM.] The policy making function of the system is hereby vested in a board of (SEVEN) *eight* members, who shall be known as the board of directors, hereinafter called the board. This board shall consist of three members appointed by the governor, one of whom shall be a constitutional officer or appointed state official and two public members knowledgeable in pension matters, (AND) four state employees who shall be elected by state employees covered by the system *and one retired employee who shall be elected by retired employees* at a time and in a manner to be fixed by the board. Two board members, whose terms of office shall begin on the first Monday in March next succeeding their election, shall be elected biennially. The term of the two board members whose terms expire in 1968 shall terminate on the first Monday in March, 1968, and the terms of the two board members whose terms expire in 1970 shall terminate on the first Monday in March, 1970. *The elected retired board member shall serve a term commencing January 1, 1978 and terminating on the first Monday in March, 1980. Thereafter* the members of the board so elected shall hold office for a term of four years, *except the retired member whose term shall be two years*, and until their successors are elected, and have qualified. A state employee on leave of absence shall not be eligible for election or re-election to membership on the board of directors; and the term of any board member who is on leave for more than six months shall automatically terminate upon the expiration of such period.

Sec. 9. Minnesota Statutes 1976, Section 352.03, Subdivision 2, is amended to read:

Subd. 2. [VACANCY, HOW FILLED.] Any vacancy of a state employee *or retired employee* in the board caused by death, resignation, or removal of any member so elected shall be filled by the board for the unexpired portion of the term in which the vacancy occurs.

Sec. 10. Minnesota Statutes 1976, Section 352.03, is amended by adding a subdivision to read:

Subd. 4a. The board may consider, review and make recommendations regarding the financial and other needs of retired employees and may disseminate appropriate retirement information to the retired employee.

Sec. 11. Minnesota Statutes 1976, Chapter 352, is amended by adding a section to read:

[352.029] [COVERAGE FOR EMPLOYEES OF LABOR ORGANIZATIONS.] *Subdivision 1. [QUALIFICATIONS.] A former state employee who is an employee of a labor organization which is an exclusive bargaining agent representing state employees may elect pursuant to subdivision 2 to be covered by the state retirement system established by this chapter with respect to service with the labor organization unless specifically excluded under section 352.01, subdivision 2b.*

Subd. 2. [ELECTION.] A person described in subdivision 1 shall be covered by the state retirement system if written election to be covered is delivered to the executive director before July 1, 1977 or within 30 days of being employed by the labor organization, whichever is later.

Subd. 3. [CONTRIBUTIONS.] The employee, employer and additional employer contributions required pursuant to section 352.04 shall be the obligation of the employee who elects coverage under this section; provided, however, that the employing labor organization may pay the employer and employer additional contributions. Contributions made by the employee shall be made by salary deduction. The employing labor organization shall remit all contributions to the state retirement system pursuant to section 352.04.

Subd. 4. [PURCHASE OF PRIOR SERVICE CREDIT.] Any former state employee who elects membership pursuant to this section shall be allowed to make payment for service rendered prior to July 1, 1977 in a labor organization designated in subdivision 1; provided that the labor organization makes satisfactory certification of the prior service of the former state employee. Payment shall include all employee, employer and additional employer contributions at the rates in effect when the service was rendered plus interest at the rate of six percent per annum from the year of purchase to the date payment is made; provided, however, that the employing labor organization may pay the employer and employer additional contributions plus interest at the specified rate. Payment shall be made in one lump sum prior to July 1, 1982 or prior to retirement, whichever is earlier, and no allowable service with respect to such payment shall be credited to the employee's account until payment is received by the executive director.

Subd. 5. [BOARD MEMBERSHIP EXCLUDED.] Persons who become members of the state retirement system pursuant to

this section shall not be eligible for election to the board of trustees.

Sec. 12. Minnesota Statutes 1976, Section 352D.02, Subdivision 1, is amended to read:

352D.02 [COVERAGE.] Subdivision 1. The following employees in the unclassified service of the state who are eligible for coverage under the Minnesota state retirement system shall participate in the unclassified program unless such employee gives notice to the executive director of the state retirement system within one year following June 5, 1975 or the commencement of his employment, whichever is later, that he desires coverage under the regular employee plan. For the purposes of this chapter, an employee who does not file such notice with the executive director shall be deemed to have exercised his option to participate in the unclassified plan. The employee and applicable employer contributions for those employees covered by the regular plan on June 5, 1975, who after such date participate in the unclassified plan, shall be transferred to the supplemental fund in accordance with subdivision 4 and section 352D.03 as though the employee had elected to participate when first eligible to make such election. This subdivision shall also be applicable to any person who was an employee in an eligible position on or after January 1, 1975, has terminated service before June 5, 1975 with less than ten years of allowable service, and has not taken a refund of his contributions.

(1) Any employee in the office of the governor, lieutenant governor, secretary of state, state auditor, state treasurer, attorney general, revisor of statutes or the state board of investment,

(2) Any department, division, or agency head, the assistant department head or deputy, or any employee enumerated in sections 15A.081, subdivision 1 or 15A.083, subdivision 3,

(3) Any permanent, fulltime unclassified employee of the legislature or any commission or agency of the legislature or a parttime legislative employee having shares in the supplemental retirement fund whether or not eligible for coverage under the Minnesota state retirement system,

(4) Any person employed in a position established pursuant to section 43.09, subdivision 2a which is at the deputy or assistant head of department or agency or director level, (AND)

(5) The chairman, chief administrator, and not to exceed nine positions at the division director or administrative deputy level of the metropolitan waste control commission as designated by the commission, and the chairman, executive director, and not to exceed nine positions at the division director or administrative deputy level of the metropolitan council as designated by the

council; provided that upon initial designation of all positions provided for in this clause, no further designations or redesignations shall be made without approval of the board of directors of the Minnesota state retirement system, and

(6) The executive director, associate executive director, and not to exceed nine positions of the higher education coordinating board in the unclassified service, as designated by the higher education coordinating board; provided that upon initial designation of all positions provided for in this clause, no further designations or redesignations shall be made without approval of the board of directors of the Minnesota state retirement system.

The eligibility to participate of those employees specified in clauses (4) and (5) employed in such positions on April 21, 1976, shall be retroactive to their date of appointment to such positions.

The eligibility to participate of those employees specified in clause (6) employed in such positions on the effective date of this section shall be retroactive to their date of appointment to such positions.

Sec. 13. Minnesota Statutes 1976, Section 353.03, Subdivision 1, is amended to read:

353.03 [BOARD OF TRUSTEES.] Subdivision 1. [MANAGEMENT; COMPOSITION; ELECTION.] The management of the public employees retirement fund is hereby vested in a board of trustees consisting of (14) 15 members, who shall be known as the board of trustees. This board shall consist of three trustees, one of whom shall be designated by each of the following associations, Minnesota school boards association, League of Minnesota (MUNICIPALITIES) Cities, and Association of Minnesota Counties; nine area trustees, who shall be elected from the membership employed in one of the areas described below by the members (OF THE RETIREMENT ASSOCIATION) employed in such area except members of the police and fire fund; one trustee who shall be a retired annuitant elected at large by other annuitants; and one trustee who is a member of the police and fire fund elected at large by the membership of the police and fire fund. The remaining trustee shall be elected prior to January 1 by the governing bodies of employee organizations, as defined in section 179.63, subdivision 5, representing association employees; provided that in making the election each employee organization shall have one vote for each association employee it represents. The respective governing bodies shall implement and administer a system for the election of this member and the filling of vacancies, and any dispute in the election process shall be resolved by the secretary of state. Elected trustees shall hold office for a term of four years. For seven days beginning December 1 of each year, (EXCEPT 1974 AND EVERY FOURTH YEAR THEREAFTER,) the association shall accept at its of-

fice filings in person or by mail of candidates for the board of trustees. (THE) *An area candidate shall submit at the time of filing a nominating petition signed by 25 or more members of the fund from the area of the candidate, a retired annuitant candidate, a nominating petition signed by 25 or more such annuitants, and a police and fire fund candidate, a nominating petition signed by 25 or more members of such fund. No nominee may withdraw his name from nomination after December 15. (CANDIDATES SHALL FILE AT LARGE FOR ALL SEATS VACANT AT THE FORTHCOMING ELECTION.)* By January 10 of each year in which elections are to be held the board shall distribute by mail to the members and annuitants ballots listing the candidates(, THE NUMBER OF POSITIONS TO BE FILLED AND BLANK LINES FOR WRITE-IN VOTES). *No member may vote for more than one candidate but a blank line shall be provided for a write in vote. A ballot indicating a vote for more than one person shall be void. No special marking may be used on the ballot to indicate incumbents. The last day for mailing ballots to the fund shall be January 31. Except as provided in this section, all terms expire on January 31 of the fourth year, and the position shall remain vacant until the newly elected member is qualified. The ballot envelopes shall be so designed and the ballots shall be counted in such a manner as to insure that each vote is secret. For the purpose of electing the nine area trustees, the state shall be divided into three areas as follows: Area one shall include Anoka, Hennepin, Ramsey and Washington counties. Area two shall include Big Stone, Swift, Kandiyohi, Meeker and Wright counties and all counties south thereof, except counties in area one. Area three shall include all the remaining counties of the state. If any governmental unit is located in more than one area, place of employment shall be deemed to be in the area in which the main office of the governmental unit is located. Each year for three years one area trustee shall be elected to a four-year term from each area by the members employed in the respective areas. In the fourth year one trustee shall be elected at large by the police and fire fund membership and one trustee elected at large by the annuitants.*

Notwithstanding the foregoing, however, in order to provide for a transition to regional elections, in the year 1978 only, a retired trustee shall be elected by the annuitants, and three trustees shall be elected from each of the three areas by the members of the area who may vote for only one candidate. The annuitant candidate receiving the most votes shall serve a three-year term, the candidate in each area receiving the largest number of votes shall serve a four-year term, the candidate in each area receiving the second largest number of votes shall serve a two-year term and the candidate in each area receiving the third largest number of votes shall serve a one-year term. The elections shall be supervised by the secretary of state. It shall be the duty of the board of trustees to faithfully administer the law without prejudice and consistent with the expressed intent of the legislature. They shall act as trustees with a fiduciary obligation to the state

of Minnesota which created the fund, the taxpayers of the governmental subdivisions which aid in financing it and the public employees who are its beneficiaries.

Sec. 14. Minnesota Statutes 1976, Section 353.01, Subdivision 2a, is amended to read:

Subd. 2a. [INCLUDED EMPLOYEES.] The following persons are included in the meaning of "public employee":

(a) Elected or appointed officers and employees of elected officers.

(b) District court reporters.

(c) Officers and employees of the public employees retirement association.

(d) Employees of the League of Minnesota (MUNICIPALITIES) *Cities*.

(e) Officers and employees of public hospitals, owned or operated by or an integral part of, any governmental subdivision or governmental subdivisions.

(f) Employees of a school district who receive separate salaries for driving their own buses.

(g) *Employees of the Association of Minnesota Counties.*

(h) *Employees of the Metropolitan Inter-County Council.*

(i) *Employees of the Minnesota Municipal Utilities Association.*

Sec. 15. Minnesota Statutes 1976, Section 353.01, Subdivision 2b, is amended to read:

Subd. 2b. [EXCLUDED EMPLOYEES.] The following persons are excluded from the meaning of "public employee":

(a) Persons employed for professional services where such service is incidental to regular professional duties.

(b) Election officers.

(c) Independent contractors and their employees.

(d) Patient and inmate help in governmental subdivision charitable, penal and correctional institutions.

(e) Members of boards, commissions, bands and others who serve the governmental subdivision intermittently.

(f) Employees who hold positions of an essentially temporary or seasonal character, provided such employment does not continue for a period in excess of 120 working days in any calendar year. (IN THE EVENT SUCH EMPLOYEES RECEIVE COMPENSATION ON A MONTHLY SALARY BASIS, EACH CALENDAR MONTH FOR WHICH THEY ARE SO PAID SHALL CONSTITUTE 30 WORKING DAYS; HOWEVER,) Immediately following the expiration of such 120 working days if such employees continue in public service and earn in excess of \$150 in any one calendar month, the department heads must then report all such employees for membership and must cause employee contributions to be made on behalf of such employees in accordance with section 353.27, subdivision 4, *and they shall remain members until termination of public service.*

(g) Parttime employees who receive monthly compensation not exceeding \$150, and parttime employees and elected officials whose annual compensation is stipulated in advance to be not more than \$1,800 per year, *except that members shall continue their membership until termination of public service.*

(h) Persons who first occupy an elected office after February 1, 1969, the compensation for which does not exceed \$150 per month.

(i) Emergency employees who are employed by reason of work caused by fire, flood, storm or similar disaster.

(j) Employees who by virtue of their employment are required to contribute to any other pension, relief or retirement fund established for the benefit of officers and employees of a governmental subdivision, except as an act of the legislature has specifically enabled participation by employees of a designated governmental subdivision in a plan supplemental to the public employees retirement association; provided that this clause shall not prevent a person who belongs to the public employees retirement association from also belonging to or contributing to a volunteer firemen's relief association that does not determine its benefits or contributions on the basis of the salary or compensation of the fireman.

(k) Police matrons employed in a police department of any city who are transferred to the jurisdiction of a joint city and county detention and corrections authority.

(l) (PERSONS WHO MAKE APPLICATION TO BE EXEMPTED FROM MEMBERSHIP IN THE PUBLIC EMPLOYEES RETIREMENT ASSOCIATION, DUE TO MEMBERSHIP IN ANY RELIGIOUS ORGANIZATION WHICH HAS

BEEN ORGANIZED FIVE YEARS OR MORE, AND WHOSE CUSTOMS, RITES OR RELIGIOUS BELIEFS FORBID THEIR MEMBERSHIP IN ANY PUBLIC RETIREMENT ASSOCIATION, PROVIDING SUCH PERSONS FILE AN APPLICATION STATING THE APPLICABLE PROVISIONS OF THEIR RELIGIOUS ORGANIZATION, CONFIRMED BY SUCH ORGANIZATION, AND WAIVE ALL CLAIMS FOR RETIREMENT ANNUITIES OR BENEFITS OF ANY KIND PURSUANT TO THIS CHAPTER) *Chaplains and nuns who have taken a vow of poverty as members of a religious order.*

(m) (STUDENTS WHO ARE OCCASIONALLY EMPLOYED PART TIME BY A GOVERNMENTAL SUBDIVISION IN ANY CAPACITY AND) Full time students who are enrolled and are regularly attending classes at an accredited school, college or university; provided, no full time public employees shall be exempt under this paragraph and any such employees presently exempt hereunder shall become members as of July 1, 1976.

(n) Resident physicians, medical interns and pharmacist interns who are serving in public hospitals.

(o) Appointed or elected officers, paid entirely on a fee basis, and who were not members on June 30, 1971.

(p) Nothing in Laws 1973, Chapter 753 shall be interpreted to impair or revoke any option exercised under Laws 1963, Chapter 793.

Sec. 16. Minnesota Statutes 1976, Section 353.01, Subdivision 6, is amended to read:

Subd. 6. [GOVERNMENTAL SUBDIVISION.] "Governmental subdivision" means a county, city, town, school district within this state, or a department or unit of state government, (THE LEAGUE OF MINNESOTA MUNICIPALITIES,) or any public body whose revenues are derived from taxation, fees, assessments or from other sources, but does not mean any municipal housing and redevelopment authority organized under the provisions of sections 462.415 to 462.711; or any port authority organized pursuant to chapter 458; or any soil conservation district organized pursuant to chapter 40; or any hospital district organized or reorganized prior to July 1, 1975 pursuant to legislation enacted by the 1959 Legislature.

Sec. 17. Minnesota Statutes 1976, Section 353.01, Subdivision 15, is amended to read:

Subd. 15. [DEPENDENT CHILD.] "Dependent child" means any natural or adopted child of a deceased member, provided such child is (a) under the age of 18, (b) age 18 through 21 and a fulltime student, and in either case unmarried and de-

pendent for more than one-half of his support upon such member at the time of death and for not less than 90 days prior thereto; provided, that (EFFECTIVE RETROACTIVELY TO APRIL 30, 1970) the child of a deceased member, who at the time of his death was receiving total and permanent disability benefits pursuant to section 353.33, shall be deemed dependent if he was dependent upon the decedent for more than one-half of his support during the 90 days prior to the decedent's becoming totally and permanently disabled(, EXCEPT THAT NO PAYMENT IN BEHALF OF SUCH A DEPENDENT CHILD SHALL COMMENCE PRIOR TO JULY 1, 1971). It also includes any child of the member conceived during his lifetime and born after his death (IN ANY CASE WHERE A MEMBER DIED AFTER JULY 1, 1957). It also means any dependent child who is the subject of adoption proceedings filed by a member, and who within two years after death of the member, by judgment and decree duly entered, is adjudged to be the adopted child of the deceased member; subject, however, to the qualifying conditions of age and dependency aforesaid and the dependency of the child hereunder shall date from the decree of adoption.

Sec. 18. Minnesota Statutes 1976, Section 353.27, Subdivision 4, is amended to read:

Subd. 4. [EMPLOYERS REPORTING REQUIREMENTS; CONTRIBUTIONS; MEMBER STATUS.] The head of each department is hereby directed to cause employee contributions to be deducted at least once each month from the salary of each member and to issue or approve one voucher payable to the state treasurer for the aggregate amount so deducted from such salaries, and at the same time to issue or approve one voucher for the aggregate amount of the employer contributions and the additional employer contributions for the same period of employment as that covered by the employee contributions, and to cause the same to be remitted within 15 days thereafter to the executive director. The head of each department shall, for each pay period in which employee contributions are deducted, submit to the association a salary deduction report, in the form prescribed by the board of trustees, (OR IN LIEU THEREOF A CARBON OR DUPLICATE COPY OF DEPARTMENTAL PAYROLL ABSTRACT,) showing (a) the legal names and the association membership numbers, listed in alphabetical or association membership number sequence, of all members; (b) the legal names of all new public employees and the effective dates of appointment; (c) the amount of each salary deduction; (d) the amount of salary from which each deduction was made; (e) effective dates of all terminations of public service on account of members and if such terminations were caused by death or retirement, there shall be inserted after such date the applicable word, "death" or "retirement"; and (f) effective dates of all temporary layoffs and leaves of absence and if such leaves are sick leaves, there shall be inserted after such date the words, "sick leave." Additionally, reports of contributions shall be accompanied by

a membership enrollment form for each new employee in the form prescribed by the board, and it shall be the responsibility of department heads to obtain such enrollment forms from new employees for prompt submission to the association. The employers shall furnish such additional reports or punch cards as may be requested by the association executive director.

Sec. 19. Minnesota Statutes 1976, Section 353.29, Subdivision 4, is amended to read:

Subd. 4. [APPLICATION FOR ANNUITY.] Application for retirement annuity may be made by a member or by someone authorized to act in his behalf. Every application for retirement, in the form prescribed by the board of trustees, shall be substantiated in writing by proof of ((A)) age of the employee (AND (B) HIS PUBLIC SERVICE, WHICH SHALL BE SUBMITTED BY THE EMPLOYEE AND EMPLOYER, RESPECTIVELY).

Sec. 20. Minnesota Statutes 1976, Section 353.29, Subdivision 8, is amended to read:

Subd. 8. [ANNUITIES; PAYMENT; EVIDENCE OF RECEIPT.] Payment of any annuity or benefit for a given month shall be mailed by the association to the annuitant, recipient of a disability benefit, or survivor, during the first week of the next ensuing month. Evidence of receipt of every warrant issued by the association in payment of an annuity or benefit shall be submitted by the payee thereof to the association quarterly (BEGINNING WITH THE JUNE, 1975 PAYMENTS), together with a written declaration that the annuitant or recipient of a disability benefit has or has not returned to public service; that the surviving dependent spouse has or has not remarried; and shall be furnished on forms provided by the executive director thereof, before the association shall pay to the annuitant, disability recipient, or survivor for the next ensuing month, the annuity or benefit to which he otherwise may be entitled.

Sec. 21. Minnesota Statutes 1976, Section 353.31, Subdivision 8, is amended to read:

Subd. 8. [ACCRUAL OF BENEFITS.] All benefits under this section and survivor benefits otherwise provided in this chapter when payable to persons qualifying therefor shall accrue on the first day following the death of a "basic member" or annuitant, whichever is applicable. No payment may be made ((A)) retroactively for more than 12 months prior to that month in which the application is filed, (OR (B) FOR THE MONTH, OR ANY PORTION THEREOF,) and no benefit shall accrue beyond the end of the month in which entitlement to such benefits has terminated. (THIS SUBDIVISION SHALL HAVE RETROACTIVE EFFECT TO JANUARY 1, 1969.)

Sec. 22. Minnesota Statutes 1976, Section 353.32, Subdivision 7, is amended to read:

Subd. 7. [CERTAIN PAID PENALTIES.] A *member, former member, beneficiary, legal representative, or next of kin* shall be paid (ON DEMAND) the full amount of any additional penalty paid into the retirement fund by the *member, former member, or deceased member* in accordance with the provisions of Laws 1937, Chapter 466, Section 2; Laws 1947, Chapter 18, Section 2, or any rules made by the board of trustees pursuant to these laws, without interest thereon unless the additional penalty was previously refunded upon retirement of the said member or former member.

Sec. 23. Minnesota Statutes 1976, Section 353.33, Subdivision 1, is amended to read:

353.33 [TOTAL AND PERMANENT DISABILITY BENEFITS.] Subdivision 1. [AGE, SERVICE AND SALARY REQUIREMENTS.] After June 30, 1973 any member who becomes totally and permanently disabled before age 65 and after ten years of allowable service or after age 50 *but before age 65* with five years of allowable service, whichever is sooner, shall be entitled to a disability benefit in an amount provided in subdivision 3. If such disabled person's public service has terminated at any time, at least five of the required ten years of allowable service must have been rendered after last becoming a member. Any member whose average salary is less than \$75 per month shall not be entitled to a disability benefit.

Sec. 24. Minnesota Statutes 1976, Section 353.33, Subdivision 9, is amended to read:

Subd. 9. [RETURN TO PUBLIC SERVICE.] Any person receiving a disability benefit who is restored to active public service except persons receiving benefits as provided in subdivision 7, shall have deductions taken for the retirement fund and upon subsequent retirement have his retirement annuity based upon all allowable service including that upon which the disability benefits were based. (NO PERSON SHALL BE ENTITLED TO RECEIVE DISABILITY BENEFITS AND A RETIREMENT ANNUITY AT THE SAME TIME.)

Sec. 25. Minnesota Statutes 1976, Section 353.36, Subdivision 2, is amended to read:

Subd. 2. [EMPLOYEE CONTRIBUTIONS; INTEREST; MATCHING PAYMENT.] A person who has at least one year of allowable service with the association and who has prior public service on which salary deductions were not taken for the retirement fund and who does not have the required minimum number of years of allowable service credit to qualify for an annuity, may

apply for such annuity if otherwise qualified, and within 90 days thereafter purchase whatever period of said public service is necessary to bring his total allowable service credit to said minimum, provided that last service shall be purchased first. Such person may gain such allowable service credit by paying six percent of the salary covered under the law in effect at the time that such public service was performed, with interest thereon at the rate of six percent per annum compounded annually from the date first payable to the date payment is made, plus a matching amount, unless the employer agrees to pay said matching amount pursuant to subdivision 2a. An annuity shall accrue as provided in section 353.29, subdivision 7, but no annuity shall be paid until the applicant's payment is made in full for the prior public service; if said payment is not made within such 90 days, the application for retirement shall be void.

Sec. 26. Minnesota Statutes 1976, Section 353.37, is amended to read:

353.37 [PUBLIC RE-EMPLOYMENT OF ANNUITANT.]
Subdivision 1. [EFFECT ON ANNUITIES.] The annuity of a person otherwise eligible therefor under this chapter shall be suspended if he re-enters and as long as he remains in public service as a non-elective employee of a governmental subdivision, if his earned compensation for such service exceeds \$3,000 in any calendar year. The suspension of the annuity shall commence as of the first of the month in which the maximum permitted compensation is exceeded as herein provided, but shall not apply to any months in which the annuitant is not actually employed in non-elective service in a position covered by this chapter. Any annuitant of the association, who is elected to public office after his retirement (FOLLOWING JUNE 30, 1959) shall be entitled to hold such office and receive his annuity otherwise payable from the public employees retirement association (FROM AND AFTER JULY 1, 1959). Upon proper showing by an annuitant that this ineligibility no longer exists, the monthly annuity payments shall be resumed. Public service performed by an annuitant subsequent to his retirement under this chapter does not increase or decrease any annuity when payments thereof are resumed. The annuitant is not required to make any further contributions to the retirement fund by reason of this subsequent public service.

Subd. 1a. [EFFECT ON PROPORTIONATE ANNUITY.]
Notwithstanding Minnesota Statutes, Section 356.32 or any other provision of law, persons employed by a governmental subdivision that requires termination of employment pursuant to a uniformly applied mandatory retirement policy or law in accord with said section may receive a proportionate annuity under said section, if qualified, even if they or others are employed as substitute employees after age 65. For the purpose of this section a substitute employee is one who earns less than \$3,000 in any calendar year.

Sec. 27. Minnesota Statutes 1976, Section 353.46, is amended by adding a subdivision to read:

Subd. 1a. [PURCHASE OF ALLOWABLE SERVICE; ANNUITY.] A person who purchased allowable service in the public employees retirement association for a period of time including June 30, 1957, but was not in fact a member of such association on June 30, 1957, shall not be entitled to receive retirement annuity computed under Minnesota Statutes 1957, Section 353.46, Subdivision 1, and laws amendatory thereto. This section shall have retroactive application to any such person receiving or found eligible by the district court to receive benefits calculated under section 353.46, subdivision 1, and laws amendatory thereto.

Sec. 28. Minnesota Statutes 1976, Section 353.651, Subdivision 3, is amended to read:

Subd. 3. [RETIREMENT ANNUITY FORMULA.] The average salary as defined in subdivision 2, multiplied by two and one-half percent per year of allowable service for the first 20 years and two percent per year of allowable service thereafter, shall determine the amount of the "normal" retirement annuity (; PROVIDED, HOWEVER, IF THE ANNUITY CALCULATED HEREUNDER IS LESS THAN THE ANNUITY CALCULATED UNDER THE LAW IN EFFECT ON JUNE 30, 1973, THIS LATTER AMOUNT SHALL BE THE "NORMAL" ANNUITY). If the member has earned allowable service for performing services other than those of a police officer or fire fighter, the annuity representing such service shall be computed in accordance with sections 353.29 and 353.30.

Sec. 29. Minnesota Statutes 1976, Section 354.05, is amended by adding a subdivision to read:

Subd. 36. [RETIREE OF FUND.] "Retiree of fund" means any former member who has retired as provided in this chapter.

Sec. 30. Minnesota Statutes 1976, Section 354.06, Subdivision 1, is amended to read:

354.06 [BOARD OF TRUSTEES; MEMBERSHIP; DUTIES.] Subdivision 1. The management of the fund shall be vested in a board of (SEVEN) *eight* trustees to be known as the board of trustees of the teachers retirement fund. It shall be composed of the following persons: the commissioner of education, the commissioner of finance, the commissioner of insurance, and four members of the fund who shall be elected by (MAIL BALLOT FOR TERMS OF FOUR YEARS BY) the members of the fund (IN A MANNER TO BE FIXED BY THE BOARD OF TRUSTEES OF THE FUND) *and one retiree who shall be*

elected by the retirees of the fund. The five elected members of the board of trustees shall be chosen by mail ballot in a manner to be fixed by the board of trustees of the fund. In every odd numbered year there shall be elected two members of the fund to the board of trustees for terms of four years commencing on the first of July next succeeding their election. Commencing in 1977 and every two years thereafter there shall be elected one retiree of the fund to the board of trustees for a term of two years commencing on the first of July next succeeding his election except that the first term served by a retiree shall be for a period of 20 months commencing on November 1, 1977. Each election shall be completed by June (1ST) first of each succeeding odd numbered year except that the first election of a retiree shall be completed by October 1, 1977. In the case of elective members, vacancies shall be filled by appointment by the remainder of the board, the appointee to serve until the members or retirees of the fund at the next regular election have elected a trustee to serve for the unexpired term caused by such vacancy. No member or retiree shall be appointed by the board, or elected by the members of the fund as a trustee who is not a member or retiree of the fund in good standing at the time of such appointment or election. It shall be the duty of the board of trustees to faithfully administer the law without prejudice and consistent with the expressed intent of the legislature. They shall act as trustees with a fiduciary obligation to the state of Minnesota which created the fund, the taxpayers which aid in financing it and the teachers who are its beneficiaries.

Sec. 31. Minnesota Statutes 1976, Section 354.44, Subdivision 1a, is amended to read:

Subd. 1a. [MANDATORY RETIREMENT.] Notwithstanding the provisions of sections 43.30 or 197.45 to 197.48, a member shall terminate employment on August 31, 1976, or at the end of the academic year in which he reaches the age of 65, whichever is later. For purposes of this subdivision, an academic year shall be deemed to end August 31. A member who terminates employment at any time during the academic year at the end of which such person is required to terminate employment pursuant to this subdivision shall, for the purpose of determining eligibility for a proportionate retirement annuity, be considered to have been required to terminate employment at age 65 or earlier pursuant to this subdivision. Nothing contained in this subdivision shall preclude (A DISTRICT) *an employer unit covered by this chapter* from employing a retired teacher as a substitute or part time teacher; provided, no teacher required to terminate employment by this subdivision shall resume membership in the retirement association by virtue of employment as a substitute or part time teacher; provided further that upon having earned \$3,000 in any academic year from employment as a substitute or part time teacher, any person over the age of 65 years shall terminate employment for the remainder of that academic year.

Sec. 32. Minnesota Statutes 1976, Chapter 355, is amended by adding a section to read:

[355.201] [DEFINITIONS.] *Subdivision 1. For the purposes of sections 32 to 41 of this act, the terms defined in this section shall have the meaning ascribed to them.*

Subd. 2. "Enabling act" means sections 355.01 to 355.07.

Subd. 3. The terms "social security act", "state agency", "employment", "wages", "contribution fund", "Federal Insurance Contributions Act", and "political subdivision" means as defined in the enabling act.

Subd. 4. "Teacher" means all employees of political subdivisions who hold positions covered by the St. Paul teachers retirement fund association established under the provisions of chapter 354A.

Sec. 33. Minnesota Statutes 1976, Chapter 355, is amended by adding a section to read:

[355.202] [REFERENDUM.] *Pursuant to the provisions of the enabling act, the governor shall designate an agency or an individual to supervise a referendum to be held after May 1, 1978, in accordance with the provisions of section 218(d)(6)(C) of the social security act, for teachers.*

Sec. 34. Minnesota Statutes 1976, Chapter 355, is amended by adding a section to read:

[355.203] [NOTICE OF REFERENDUM.] *The notice of referendum required by section 218(d) of the social security act which is to be given to the teachers shall contain a statement in such form as the agency or individual designated to supervise the referendum shall deem necessary and sufficient to inform the teachers of the rights which accrue to them under the social security act. The statement shall also inform the teachers of the effect that coverage under the social security act will have on their public retirement program.*

Sec. 35. Minnesota Statutes 1976, Chapter 355, is amended by adding a section to read:

[355.204] [DIVISION OF THE ST. PAUL TEACHERS RETIREMENT FUND ASSOCIATION.] *In accordance with section 218(d)(6)(C) of the social security act, the state agency shall divide into two divisions or parts the St. Paul teachers retirement fund association established under the provisions of Minnesota Statutes, Chapter 354A. One division or part of the retirement fund association shall be composed of positions of*

teachers who desire coverage under an agreement under section 218(d) of the social security act. The other division or part of the retirement fund association shall be composed of positions of teachers who do not desire coverage under such an agreement. Each division or part shall be deemed to be a separate retirement system for the purposes of section 218(d) of the social security act. There shall be included in the division or part composed of members desiring such coverage the positions of teachers who become members of the St. Paul teachers retirement fund association after such coverage is extended; provided, a teacher whose service in a position covered by the retirement fund association commences after the date on which such social security coverage is extended shall be deemed to become a member of the retirement fund association upon the commencement of such service for purposes of this section, notwithstanding the date of any employment contract.

Sec. 36. Minnesota Statutes 1976, Chapter 355, is amended by adding a section to read:

[355.205] [TRANSFER OF MEMBERS.] *In accordance with section 218(d)(6)(F) of the social security act, and when the St. Paul teachers retirement fund association is divided into two divisions or parts, the position of any member of the division or part composed of positions of teachers who do not desire coverage under an agreement under section 218(d) of the social security act may be transferred to the separate retirement system composed of teachers who desire such coverage; and a modification of agreement between the state and the secretary of health, education, and welfare may so provide, but only if prior to such modification the individual occupying such position files with the state agency a written request for such transfer.*

Sec. 37. Minnesota Statutes 1976, Chapter 355, is amended by adding a section to read:

[355.206] [CERTIFICATION BY GOVERNOR.] *If the governor receives satisfactory evidence that the conditions specified in section 218(d)(7) of the social security act have been met with respect to the St. Paul teachers retirement fund association, he shall so certify to the secretary of health, education, and welfare.*

Sec. 38. Minnesota Statutes, 1976, Chapter 355, is amended by adding a section to read:

[355.207] [AGREEMENTS WITH FEDERAL AGENCY.] *Upon the governor's certification pursuant to section 37 of this act, the state agency, with the approval of the governor, shall be authorized after June 30, 1978, to enter into an agreement with the secretary of health, education, and welfare, or modify any such agreement previously made with respect to teachers.*

The agreement or modification shall contain such terms and provisions authorized by the social security act and the enabling act as the state agency finds proper.

Sec. 39. Minnesota Statutes 1976, Chapter 355, is amended by adding a section to read:

[355.208] [EMPLOYEE CONTRIBUTIONS.] *Contributions required under the agreement or modification entered into pursuant to section 38 of this act to be made by political subdivisions employing teachers, and payments required by Minnesota Statutes, Section 355.49, which shall apply to political subdivisions employing teachers, shall be paid by the state.*

Sec. 40. Minnesota Statutes 1976, Chapter 355, is amended by adding a section to read:

[355.209] [EMPLOYEE CONTRIBUTIONS; DEDUCTION FROM WAGES.] *After the date the agreement or modification is entered into pursuant to section 38 of this act, there shall be paid as a deduction from wages an employee contribution in an amount equal to the tax that would be imposed by the Federal Insurance Contribution Act if such service constituted employment within the meaning of that act. Contributions so made shall be paid into the contribution fund in partial discharge of the liability of the state and each political subdivision in respect thereto. Failure to deduct such contribution shall not relieve the employee or the state or the political subdivision of liability therefor.*

Sec. 41. Minnesota Statutes 1976, Section 355.281, is amended to read:

355.281 [REFERENDUM.] Pursuant to the provisions of the enabling act the governor shall designate an agency or an individual to supervise a referendum to be held after May 1, (1977) 1978, in accordance with the provisions of section 218 (d) (6) (C) of the social security act, for teachers.

Sec. 42. Minnesota Statutes 1976, Section 355.286, is amended to read:

355.286 [AGREEMENTS WITH FEDERAL AGENCY.] Upon the governor's certification pursuant to section 355.285, the state agency, with the approval of the governor, shall be authorized after June 30, (1977) 1978, to enter into an agreement with the secretary of health, education, and welfare, or modify any such agreement previously made with respect to teachers. The agreement or modification shall contain such terms and provisions authorized by the social security act and the enabling act as the state agency finds proper.

Sec. 43. Minnesota Statutes 1976, Section 356.34, Subdivision 1, is amended to read:

356.34 [LIMITATION ON AVERAGE SALARY FOR BENEFITS.] Subdivision 1. Effective for any disability benefit or retirement annuity commencing after June 30, (1977) 1978 from a fund enumerated in subdivision 2, which benefit or annuity is based on a final average salary, no year of salary used in determining the final average salary as defined by the laws governing the fund shall exceed the salary paid in the previous year by more than 15 percent.

Sec. 44. Minnesota Statutes 1976, Section 422A.02, is amended to read:

422A.02 [RETIREMENT BOARD; MEMBERS.] A retirement board of (FIVE) *seven* members is hereby constituted which shall consist of the following:

- (1) Mayor;
- (2) The city comptroller or corresponding official;
- (3) (THE CHAIRMAN OF THE WAYS AND MEANS COMMITTEE OF THE CITY COUNCIL OR CORRESPONDING MEMBER OF THE CHIEF GOVERNING BODY OF THE CITY) *One member of the city council selected by the council;* and
- (4) (TWO) *Four* legally qualified voters of the city, residents thereof for the preceding five years, to be chosen by the employees as defined in sections 422A.01 to 422A.25 who are contributors to the retirement fund created by sections 422A.01 to 422A.25. The employees may form an association for that purpose and the employing authorities are authorized to make payroll deductions for the payment of dues to said association. The persons selected shall serve for staggered terms of two years from the first of the next succeeding January after their election, and until their successors are duly elected. Such selection shall be made by the employees during the first week of December of each year. Vacancies occurring by death, resignation, or removal of such representatives shall be filled by representatives chosen by the employees.

Sec. 45. *The two additional members authorized by section 44, clause (4) shall be chosen on the effective date of this act in the manner prescribed for the filling of vacancies on the board, with one designated to serve until January 1, 1978 and one until January 1, 1979. Thereafter the additional members shall be selected for regular two year terms in the manner provided in section 44.*

Sec. 46. Minnesota Statutes 1976, Section 422A.03, Subdivision 1, is amended to read:

422A.03 [MEETINGS; EMPLOYEES; RULES AND REGULATIONS.] Subdivision 1. The retirement board shall meet on the (SECOND) *third* Tuesday of each calendar month of each year and may adjourn from time to time. Special meetings may be held upon the call of the president. The board shall, by a four-fifths vote of all members of the board, appoint an executive secretary, who shall have charge of the performance of the duties required by the provisions of sections 422A.01 to 422A.25, and shall appoint other necessary clerical help. If at the time of his appointment as executive secretary the appointee holds a position subject to the civil service rules and regulations of the city he shall be deemed to be on leave of absence from such civil service position during his tenure as executive secretary, and upon termination of such service shall be returned to his permanent civil service classification. If no vacancy is available in his permanent civil service classified position, seniority shall prevail, and the person most recently certified to such position shall be returned to the permanent civil service classification held by him prior to such certification.

Sec. 47. Laws 1975, Chapter 388, Section 1, is amended to read:

Section 1. [RETIREMENT; LEGISLATIVE EMPLOYEES; RETIREMENT AND PENSIONS; APPROPRIATION.] *Subdivision 1.* A permanent employee of the legislature who prior to attaining such status was employed by the legislature, or either body thereof on an intermittent basis may obtain allowable service credit for such service by paying to the Minnesota state retirement system an amount equal to four percent of his or her current salary rate multiplied by the days and months of such legislative service for which he or she desires to obtain allowable service credit. (IF THE EMPLOYEE AT THE TIME OF PAYMENT IS A PARTICIPANT IN THE UNCLASSIFIED PROGRAM THE PAYMENT BY THE EMPLOYEE AND EMPLOYER SHALL BE USED TO PURCHASE SHARES IN THE MINNESOTA SUPPLEMENTAL FUND.) Proof of legislative service and the duration thereof shall be established by a house employee by the certification of the committee on rules and legislative administration and by a senate employee by the certification of the committee on rules and administration. Certification to the director of the Minnesota state retirement system shall include the exact periods of time for which the employee is eligible to obtain credit for service and credit therefor shall be computed and granted on the basis of full employment.

Subd. 2. A permanent employee of the legislature who prior to attaining such status provided professional services for the legislature prior to July 1, 1977 as an employee of a foundation or a nonprofit corporation pursuant to a contract with the legislative coordinating commission may obtain allowable service credit for the period of the professional services by paying to

the Minnesota state retirement system an amount equal to four percent of his or her current salary rate multiplied by the periods of service for which he or she desires to obtain allowable service credit. Proof of the professional services and the duration thereof shall be established by the certification of the legislative coordinating commission.

Subd. 3. The payments shall be made either in a lump sum or payroll deductions made (OR ARRANGED FOR) on or before July 1, (1976) 1978. The payments permitted herein, by a person who is a senate employee on the date of payment shall be matched by the senate employer, and for a house employee by the house employer and such sums as are necessary therefor are hereby appropriated from the respective legislative expense funds and transferred to the Minnesota state retirement system. If the employee at the time of payment is a participant in the unclassified program, the payment by the employee and employer shall be used to purchase shares in the Minnesota supplemental fund.

Sec. 48. Laws 1975, Chapter 424, Section 9, is amended to read:

Sec. 9. [COLUMBIA HEIGHTS, CITY OF; RETIREMENT BENEFITS FOR FIREFIGHTERS.] As used in sections 6, 7, and 8, a "unit" shall be one-eightieth of the monthly salary of a first grade (FIREMAN) firefighter as established from time to time. *In the event that there is no longer a paid first grade firefighter on the payroll on the city of Columbia Heights, then and in that event a "unit" shall be one-eightieth of the monthly salary of a first grade firefighter or a firefighter of an equivalent grade to a first grade firefighter, performing similar duties as performed by a first grade firefighter of the city of Columbia Heights, in a city located within the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott and Washington having approximately the same population as the city of Columbia Heights and having a paid firefighter's department. The board of trustees of the paid division, or the trustee as provided in section 76 of this act, and the city council of the city of Columbia Heights shall jointly determine which city shall qualify for purposes of determining the monthly salary upon which a "unit" is based. In the event no city maintains a paid firefighter's department, or if the determination of which city qualifies is unable to be agreed upon by the parties, then and in that event a unit shall be one-eightieth of the monthly salary of a top patrolman of the police department of the city of Columbia Heights, said monthly salary adjusted by an amount equal to the percentage difference in monthly salaries between a top patrolman's monthly salary and a first grade firefighter's monthly salary, as of the date that a paid firefighter was last enrolled on the payroll of the city of Columbia Heights. Provided that in all events the adjustment of the "unit" caused by a change in the salary of a first grade firefighter or his equivalent, as provided in this section, shall be made at the end of every calendar year. In com-*

puting retirement or disability benefits of a member pursuant to section 6 or 7, a member shall be entitled to service credit for service as a volunteer (FIREMAN) *firefighter* on the basis of one year service credit for each three years service as a volunteer, with proportionate credit for lesser periods of service.

For purposes of this section the term "monthly salary of a first grade firefighter" shall mean the salary of a non-ranked fire fighter on the payroll of the city of Columbia Heights paid for work performed during the one "work week", as defined in Article III, 3.12 of the labor agreement between the city of Columbia Heights and the international association of firefighters local no. 1216 in effect on the effective date of this act multiplied by a factor of 4.3. Such monthly salary shall exclude all overtime and call-out pay, hospitalization and insurance pay, education incentive and inspector allotment pay and payment for uniforms. A ranked firefighter includes: captain, chief and assistant chief of the Columbia Heights fire department.

Sec. 49. Laws 1976, Chapter 238, Section 12, is amended to read:

Sec. 12. [MINNEAPOLIS TEACHERS RETIREMENT FUND ASSOCIATION; COORDINATED PROGRAM.] Subdivision 1. There shall be established effective July 1, (1977) 1978, a coordinated retirement program within the Minneapolis teachers retirement fund association for teachers eligible for membership in such association who are covered by any agreement or modification made between the state and the secretary of health, education and welfare, making the provisions of the federal old age, survivors and disability insurance act applicable to such teachers. The coordinated retirement program shall provide for employee contributions, retirement annuities, disability benefits, optional survivor annuities, refunds of employee contributions and repayment thereof, age and service requirements, and purchase of credit for military service and sabbatical leave identical in effect to the corresponding provisions applicable to coordinated members of the statewide teachers retirement association contained in Minnesota Statutes, Sections 354.092; 354.35; 354.42, Subdivision 2; 354.44, Subdivisions 1, 4, 5, and 6; 354.45; 354.46, Subdivisions 2 and 3; 354.47, Subdivisions 1, Clause (2), and 2; 354.48; 354.49, Subdivisions 1, 2, 3, and 5; 354.50, Subdivisions 1 and 2; 354.53; and 354.60. Provisions in the articles of incorporation of the Minneapolis teachers retirement fund association pertaining to annual automatic annuity increases, eligibility for membership in the association, and administration of the association, including but not limited to investment of assets, shall apply to coordinated as well as basic members.

Subd. 2. The articles of incorporation of the Minneapolis teachers retirement fund association shall be amended as necessary to effect the changes described in subdivision 1, effective

July 1, (1977) 1978. The adoption of such amendments is hereby approved in accordance with Minnesota Statutes, (1975 SUPPLEMENT,) Section 354A.12.

Sec. 50. Laws 1977, Chapter 35, Section 18, is amended to read:

Sec. 18. [TEMPORARY PROVISION.] Notwithstanding any other provision of (THIS ACT) *Laws 1977, Chapter 35* to the contrary, an increase in compensation provided a district or supreme court judge (HEREIN) in *Laws 1977, Chapter 35* shall not take effect (UNTIL EVERY) *as to any* judge of the district court (AND) *or any* justice of the supreme court who served in the district or supreme court prior to July 1, 1967, *until* he submits an executed agreement to the executive director of the Minnesota state retirement system in accord with section 490.106.

Sec. 51. *An employee of the Hennepin county district court who has attained the age of 65 years or older and who has not less than seven years of allowable service as a member of the public employees retirement association following part-time service on an intermittent basis with the court, shall be entitled a proportionate retirement annuity pursuant to Minnesota Statutes, Section 356.32, notwithstanding the fact that the employee was not required to terminate service at age 65 or earlier. Payment of an annuity pursuant to this section shall be made retroactive to August 1, 1976 or the employee's date of termination, whichever is later.*

Sec. 52. [RAMSEY COUNTY; PUBLIC EMPLOYEES' RETIREMENT BENEFITS FOR SHERIFF'S PERSONNEL.]
(a) *An employee of the Ramsey county sheriff's department, who is a member of the public employees police and fire fund and who was employed by the department before January 1, 1970 in a position that becomes covered by the police and fire fund membership after December 31, 1969 may receive allowable service credit in the police and fire fund for prior service by paying into the fund before December 31, 1977, the difference between the employee, employer and employer additional contributions actually paid, and the employee, employer and employer additional contributions that would have been paid under applicable law if the employee had been in the police and fire fund before January 1, 1970, together with six percent compound interest from the time the deductions would have been made to time of payment.*

(b) *If an employee makes payment in accord with this subdivision, allowable service credit in the general fund with respect to this prior service is eliminated and the executive director shall transfer the employee's account with respect to this service from the general to the police and fire fund.*

(c) Ramsey county may assume the obligation for additional payments, with interest, with respect to each employee who elects to pay the employee contributions and interest authorized by this section.

Sec. 53. Any person who, prior to May 1, 1975, had

(a) begun to receive a retirement annuity from the state employees' retirement fund established pursuant to Minnesota Statutes, Chapter 352;

(b) completed at least four years but fewer than eight years of service as a constitutional officer or commissioner and made employee contributions for that entire period of service to the elective state officers' retirement plan established pursuant to Minnesota Statutes, Chapter 352C;

(c) taken a refund of the employee contributions from the elective state officers' retirement plan upon termination of service as a constitutional officer or commissioner; and

(d) attained the age of 65 years or older; may elect to repay the refund to the elective state officers' retirement plan plus interest at six percent per annum compounded annually. Upon repayment the former constitutional officer or commissioner shall be entitled to receive a retirement allowance from the elective state officers' retirement plan. The amount of the retirement allowance shall be prorated, based on the relationship between the number of years of service for which the former constitutional officer or commissioner made contributions to the plan and eight years; provided, that payments from the elective state officers' retirement plan shall not be reduced by the amount of annuity or benefit payments from the state employees' retirement fund. In all other respects the laws in effect as of the date of termination of service shall govern.

Sec. 54. [MINNEAPOLIS TEACHERS RETIREMENT FUND ASSOCIATION.] Subdivision 1. The following amendment to the articles of incorporation of the Minneapolis teachers retirement fund association is hereby approved in accordance with Minnesota Statutes, Section 354A.12.

Subd. 2. [EARLY RETIREMENT.] Subsection (11) of Article IX shall be amended prior to July 1, 1977 to provide that all teachers who become members of the association after July 1, 1977, who have 30 years of service to their credit upon retirement, but who have not attained the age of 60 years upon the effective date of an application for a retirement annuity pursuant to that subsection, shall be entitled to a retirement annuity in an amount equal to the normal retirement annuity provided pursuant to that subsection reduced by one-quarter of one percent for each month that the member is under age 60 at the time of retirement.

Sec. 55. [ST. PAUL TEACHERS RETIREMENT FUND ASSOCIATION; COORDINATED PROGRAM.] *Subdivision 1. There shall be established effective July 1, 1978, a coordinated retirement program within the St. Paul teachers retirement fund association for teachers eligible for membership in such association who are covered by any agreement or modification made between the state and the secretary of health, education and welfare, making the provisions of the federal old age, survivors and disability insurance act applicable to such teachers. The coordinated retirement program shall provide for employee contributions, retirement annuities, disability benefits, optional survivor annuities, refunds of employee contributions and repayment thereof, age and service requirements, and purchase of credit for military service and sabbatical leave identical in effect to the corresponding provisions applicable to coordinated members of the statewide teachers retirement association contained in Minnesota Statutes, Sections 354.092; 354.35; 354.42, Subdivision 2; 354.44, Subdivisions 1, 4, 5, and 6; 354.45; 354.46, Subdivisions 2 and 3; 354.47, Subdivisions 1, Clause (2), and 2; 354.48; 354.49, Subdivisions 1, 2, 3, and 5; 354.50, Subdivisions 1 and 2; 354.53; and 354.60. Provisions in the articles of incorporation and the bylaws of the St. Paul teachers retirement fund association pertaining to eligibility for membership in the association and administration of the association, including but not limited to investment of assets, shall apply to coordinated as well as basic members.*

Subd. 2. The articles of incorporation and the bylaws of the St. Paul teachers retirement fund association shall be amended as necessary to effect the changes described in subdivision 1, effective July 1, 1978. The adoption of such amendments is hereby approved in accordance with Minnesota Statutes 1976, Section 354A.12.

Sec. 56. Notwithstanding anything to the contrary in Article IV, Section 3, Paragraph 3, of the bylaws of the St. Paul teachers retirement fund association, the annual amount of the pension payable to a member who retires on or after July 1, 1977 upon or after attaining the age of 60 years shall equal the product obtained by multiplying an amount equal to two percent of his average salary as defined in Article IX, Section 1, Paragraph 2 of the bylaws, by the number of years of his accredited service, subject to a maximum of 40 years. A pension payable prior to the member attaining the age of 60 years shall be reduced in accordance with the provisions of Article IV, Section 3, Paragraph 3 of the bylaws.

Sec. 57. [COLUMBIA HEIGHTS, CITY OF; FIREFIGHTERS SERVICE PENSIONS.] *The Columbia Heights fire department relief association is separated into two divisions. One division shall be for the benefit of paid firefighters, first employed by the city of Columbia Heights, on or prior to December 31, 1974. This division shall be known as the "Columbia Heights*

fire department relief association, paid division" hereinafter referred to as "paid division". "Paid firefighter" means a person regularly entered onto the payroll of the fire department of the city as a paid full time regular firefighter serving on active duty. The other division shall be known as the "Columbia Heights fire department relief association, volunteer division" hereinafter referred to as the "volunteer division", which division shall include all volunteer firefighters hereinafter called "volunteers", of the city. Volunteers shall be persons who are not regularly entered on the full time payroll of the fire department of the city, but who regularly comply with such rules as may be prescribed by the public safety director or fire chief of the city upon delegation by the city council to such public safety director or fire chief of the right to prescribe rules for service by volunteers with the fire department of the city, and who by reason of their status as such volunteers are engaged in the hazards of fire fighting.

Sec. 58. Sections 57 to 77 shall not affect any pensions or other benefits which have been allowed or which are being paid by the Columbia Heights fire department relief association under or in accordance with any prior law in effect on the date these sections become effective. Payment of pensions and benefits shall be continued by the association, subject only to the provisions of sections 57 to 77. When every member of the volunteer division is deceased, the funds of such division shall become a trust fund managed for the benefit of the beneficiaries of such fund. In the event the city council shall abolish the volunteer branch of its fire department, any surplus remaining in the account of the special fund of the volunteer division after discharging all obligations to all members and other beneficiaries of the volunteer division shall be paid into the general treasury of the city of Columbia Heights. In the event the paid division is terminated by attrition or any other reason, any surplus remaining in the account of the special fund of the paid division after discharging all obligations shall be paid into the general treasury of the city. Upon the effective date of sections 57 to 77, the funds of the Columbia Heights fire department relief association may be allocated by three-fifths vote of the city council to the respective accounts of the special funds of each division of the relief association.

Sec. 59. The governing body of the Columbia Heights fire department relief association volunteer division shall consist of a board of trustees composed of the members of the Columbia Heights city council. The city manager, clerk-treasurer, chief of the fire department and the public safety director of the city shall be ex-officio members of the board of trustees. The ex-officio members shall not vote, nor shall they regulate the management or affairs of the division except as provided herein. The board of trustees of the volunteer division shall have the exclusive control and management of all affairs, property, and funds of the volunteer division from whatever source received for the benefit of the volunteer division special fund and shall have au-

thority to carry out the objects and purposes of the volunteer division as set forth in sections 57 to 77.

The city clerk-treasurer and city finance director, may in the discretion of the board of trustees, be appointed the sole investment agent of the volunteer division special fund or may be appointed agent or agents jointly with other individuals or corporations.

The board of trustees of the volunteer division shall investigate and act upon all applications for disability and service pensions and all other claims for relief by or on behalf of members of the division or their beneficiaries. The board of trustees of the volunteer division shall select a competent physician who shall advise the board in its investigations. The physician shall not have a vote on the board.

Sec. 60. The mayor of the city of Columbia Heights shall be designated the president of the volunteer division's board of trustees and shall preside at all meetings of the board, provided, that in the mayor's absence the members of the city council who are present shall elect one council member as temporary presiding officer. The mayor shall have general supervision over the volunteer division and its affairs.

The city treasurer or finance director shall from time to time collect from the city of Columbia Heights and from the county of Anoka all funds derived from taxes levied by the city for the benefit of the special fund of the division and the interest from the investment thereof. He shall also collect from the state of Minnesota all funds and interest thereon derived from levies imposed and collected by the state for the benefit of the volunteer division on fire insurance premiums collected within the corporate limits of the city. He shall further receive and collect all funds derived from private sources specifically for the benefit of the volunteer division special fund. Such funds shall be transmitted to the division's board of trustees for investment.

Sec. 61. The volunteer division may adopt bylaws not in conflict with sections 57 to 77. The board of examiners shall be the representative of the volunteer division membership at any meeting with the volunteer division board of trustees. Members of the board of examiners shall act as advisors to the board of trustees but shall not have a vote in any matters coming before the board.

Sec. 62. Special meetings between the board of examiners and the board of trustees of the volunteer division shall be held in the Columbia Heights city council chambers and may be called at any time by the board of examiners upon the written request of any member of the board of examiners, upon written request of at least 30 percent of the members of such division or upon written request of the president of the board of trustees. A re-

quest shall be delivered to the Columbia Heights city manager and shall include the agenda for the meeting and the time and date of the meeting. It shall be the duty of the city manager to give all active and retired members of the volunteer division, members of the board of trustees and ex-officio members of the board of trustees 48 hours' written notice of the special meeting. The notice shall include the agenda for the meeting and the time and date of the meeting. No business shall be transacted at any special meeting except business stated in the notice. Notices mailed by U. S. mail to the last known address of each active and retired volunteer division member and to each member of the volunteer division board of trustees including ex-officio members shall be sufficient to satisfy the requirements of this section provided the notices are posted no later than the fifth day prior to the meeting, not including Sundays or holidays.

A special meeting between the board of trustees and the board of examiners of the volunteer division shall be called no later than 15 days subsequent to the date the city manager receives written request for such meeting including the agenda for the meeting and the time and date of the meeting.

A special meeting of the volunteer division membership shall be called no later than 15 days subsequent to the date the city manager receives a written request for such meeting, including the agenda for such meeting and setting the time, date and place for such meeting, signed by at least 20 percent of the membership of such division. Meetings of the volunteer division membership shall be held at the place designated in the written request for the meeting but in any case shall be held either at the Columbia Heights fire department or at the city council chambers.

Sec. 63. The account in the special fund for the benefit of members of the Columbia Heights fire department relief association who are volunteers shall be continued and shall be designated the Columbia Heights fire department relief association volunteer division special fund and the special fund for the benefit of the members of the Columbia Heights fire department relief association who are paid firemen shall continue and shall be designated the Columbia Heights fire department relief association paid division special fund. The funds received by either division of the Columbia Heights fire department relief association from dues, fines, initiation fees, and entertainments shall be kept in a fund called the general fund and may be disbursed upon a majority vote of all members of the association for any purposes authorized by the articles of incorporation and bylaws of both divisions of the association. All moneys received by the association which are derived from payroll deductions from paid division members' salaries shall be paid into the account of the paid division special fund for the benefit of the paid firemen only. Funds received from all other sources may be allocated between the paid division special fund and the volunteer division

special fund in such proportions as shall be designated from time to time by three-fifths vote of the Columbia Heights city council. State aid funds for fire relief associations received by the city pursuant to Minnesota Statutes, Chapter 69 and taxes collected may be transferred to the Columbia Heights fire department relief association in accordance with the provisions of chapter 69 or retained in whole or in part by the city as a portion of the required employer's pension contribution for firefighters who are members of the public employees' police and fire fund.

Sec. 64. The volunteer division, the city of Columbia Heights, and the officers of each, are authorized to do all things required by sections 57 to 77 and the Volunteer Firemen's Relief Association Guidelines Act of 1971, as a condition for the use of public funds or the levy of taxes for the support of the volunteer division.

Sec. 65. The minimum obligation of the city of Columbia Heights to the Columbia Heights fire department relief association shall be determined by the applicable provisions of Minnesota Statutes, Chapter 69 except that the normal cost of the paid division special fund shall be computed as a percentage of the salary paid only to members of the paid division.

Sec. 66. Commencing in the year 1980, in addition to the minimum obligation required by Minnesota Statutes, Chapter 69, the city of Columbia Heights shall provide additional financing to the Columbia Heights fire department relief association sufficient to amortize by the year 2010 the fund deficits as determined in accordance with the applicable provisions of Minnesota Statutes, Chapter 69. For the purpose of providing the financial requirements of sections 57 to 77, the city may levy taxes for the payment thereof without limitation as to rate or amount, notwithstanding any city charter limitation or any law to the contrary. The levy of such taxes shall not cause the amount of other tax levies of the city to be reduced in any amount. The city shall provide in its annual budget for the financial requirements of sections 57 to 77.

Sec. 67. Except as provided by sections 57 to 77, by specific enactment of the legislature or by charter amendment to the charter of the city of Columbia Heights, no relief association shall be established in the city to provide benefits for firefighters. No person who is a member of the Columbia Heights fire department relief association paid division shall be a member of the public employees retirement association. Provided, however, a volunteer firefighter who is a full time employee of some other department or agency of the city of Columbia Heights, the state of Minnesota, or of some other political subdivision of the state, may be a member of the public employees retirement association.

Sec. 68. Subdivision 1. Notwithstanding any provision of the law to the contrary, the bylaws of the Columbia Heights fire department relief association volunteer division may provide that the service pension payable to a retired volunteer firefighter, age 50 years or more with 20 years of service, shall be in the amount of not more than \$150 per month, hereinafter referred to as the "base service pension", plus an additional \$3 per month for each year of service in excess of 20 years to a maximum of \$180 per month. The base service pension as of the effective date of sections 57 to 77 shall be in the amount of \$150 per month.

Subd. 2. Notwithstanding any provision of law to the contrary, the bylaws of the Columbia Heights fire department relief association volunteer division may provide, upon consent, approval and ratification by written resolution of the Columbia Heights city council by a four-fifths vote for (1) early retirement benefits after ten years service in good standing, (2) surviving spouse and/or minor child or children benefits and/or (3) disability benefits for volunteers provided that any such benefits do not exceed 50 percent of \$180 per month per member or per such member's spouse and children.

Subd. 3. Notwithstanding any provision of the law to the contrary, the bylaws of the Columbia Heights fire department relief association volunteer division may provide that the estate of each volunteer shall be given a payment of \$1,000 for funeral benefits upon the death of the volunteer regardless of date or cause of death. No payment shall be made pursuant to this subdivision unless the volunteer is a member in good standing of the volunteer division or has retired as a member in good standing of the division.

Subd. 4. The city of Columbia Heights shall not reduce benefits provided in this act to volunteers unless a majority of the active and retired volunteers who are eligible to receive such benefits request such reduction in writing to the Columbia Heights city council.

Sec. 69. The Columbia Heights city council may provide for an increase in benefits paid to members of the paid division or to members of the volunteer division without further special or general legislation by the state, provided the action by the city council complies with the provisions of sections 57 to 77. The city council may increase or decrease the benefits paid to members of the paid division only by increasing or decreasing the monthly salary of a first grade firefighter pursuant to the provisions of Laws 1975, Chapter 424, Section 9. Nothing in sections 57 to 77 shall be construed to give authorization to the city council to increase or decrease benefits of members of the paid division by increasing or decreasing the number or value of "units" as defined in Laws 1975, Chapter 424, for periods of service in the fire department, nor shall the city council be authorized to change the definition of a "unit" or "units".

The city council shall not provide for any increase in the benefits paid to the members of the volunteer division unless the city council shall first have obtained and given consideration to an actuarial survey, which survey shall use the actuarial assumptions provided in Minnesota Statutes, Chapter 69. The city council shall make written findings stating that based upon such actuarial survey, such increase in benefits to members of the volunteer division and such increase in funding of the volunteer division special fund, if necessary, shall not create a deficit in the volunteer division special fund, the amortization of which, together with the amortization of any existing deficit in the volunteer division special fund, exceeds 20 years from the date such increase in benefits is authorized.

It shall be unlawful for the city of Columbia Heights to contribute any public funds, or to levy taxes for any such increase in benefits paid to members of the paid division or to members of the volunteer division, as the case may be, unless the city council has first complied with the provisions of sections 68 and 69.

Sec. 70. Minnesota Statutes, Section 69.021 shall specifically apply to the city of Columbia Heights and to the Columbia Heights fire department relief association.

Sec. 71. The Columbia Heights city clerk, when the state aid and tax collected is received by him, shall within five days transmit the payments to the city treasurer or city finance director who shall within 25 days of receipt by him pay over such amount to the board of trustees of each division of the Columbia Heights fire department relief association as such amount of state aid and tax is apportioned to each such division from time to time by three-fifths vote of the Columbia Heights city council.

Sec. 72. For the purpose of computation of service requirements in connection with payment of any pensions or other benefits provided by sections 57 to 77, service of volunteers who were members of the Columbia Heights fire department relief association prior to the date sections 57 to 77 become effective and service of all paid firefighters shall be taken into account on the same basis as though sections 57 to 77 were in existence during all the time such service was rendered.

Sec. 73. Section 48 and sections 57 to 77 and 79 shall become effective upon approval by the Columbia Heights city council and upon compliance with the provisions of Minnesota Statutes, Section 645.021.

Sec. 74. Notwithstanding any other law to the contrary, the governing body of the paid division shall be composed of a board of trustees. The board of trustees shall consist of six active paid firefighters, except as otherwise provided herein. The officers

of the board of trustees shall be a president, one or more vice presidents, a secretary, a treasurer, assistant secretary, and assistant treasurer. Each officer shall be elected by the members of the paid division including retired, disabled whether permanently or temporarily, and active members. Nothing contained herein shall prevent a temporarily disabled active member from being elected or continuing as an officer of the board of trustees. In the event there are not six active members, or temporarily disabled active members, to fill the required six offices, the number of required offices shall be reduced to the number of active or temporarily disabled active members available.

Provided in no event shall said board of trustees consist of less than two officers, and said officers shall be a president and a secretary-treasurer.

In the event there are not enough active or temporarily disabled active members to act as a board of trustees, the paid division shall be governed as provided in section 76.

Sec. 75. The affairs of the paid division shall be managed by the board of trustees in the manner prescribed by law and the board of trustees of the paid division shall have exclusive control and management of all funds allocated to it under applicable law and received by its treasurer, including the funds derived under the provisions of Minnesota Statutes, Sections 424.30 and 424.31, funds derived from the state of Minnesota, and all moneys or property donated, given, granted, or devised for the benefit of the paid division special fund; and such funds when received shall be kept in a separate account in the special fund account of the paid division and never disbursed for any purposes except the following:

(1) For the relief of sick, injured, and disabled members of the paid division;

(2) For the payment of pensions to disabled firefighters and the surviving spouses and orphans of firefighters who are members of the paid division;

(3) For the payment of pensions to retired firefighters of the paid division;

(4) For the payment of the fees, dues, and assessments in the Minnesota state fire department association, so as to entitle the members of the paid division to membership in and benefits of such state association;

(5) For the payment of funeral benefits, if so provided in the division's bylaws, and subject to the following requirements and limitations:

(a) *The decedent must have died while serving as an active duty member of the paid division,*

(b) *The decedent must have completed a period or periods of service equal to 20 years or more,*

(c) *The decedent must have died without a surviving spouse or minor child entitled to benefits from the Columbia Heights fire department relief association;*

In no event shall the funeral benefit exceed the lesser of:

(i) *The actual unreimbursed expenses incurred by the estate or representative, or,*

(ii) *\$2,000;*

(6) *For the payment of necessary expenses of administering such fund;*

In the event that there are not enough paid members available to act as a board of trustees, funds shall be paid to a trustee, as provided in section 76, for the benefit of the beneficiaries of such funds and for purposes consistent with clauses (1) through (6) hereinabove.

The relief association may invest its funds in such income paying properties and securities as the city council shall from time to time authorize. Benefits shall in all cases be within the limits authorized by state law and in accordance with the articles of incorporation and bylaws of the association.

Sec. 76. In the event the paid division board of trustees ceases to exist as provided in section 74, the existing funds of said division, and all funds said division would have been entitled to, had it continued to exist, shall be paid to a federally insured banking institution chartered by the state of Minnesota or by the United States as trustee for the beneficiaries and shall be managed for the benefit of the beneficiaries of such funds as provided in sections 20, 21, 22, 23, 24, 25 and 26, Laws 1965, Chapter 605, as amended by sections 6, 7, 8 and 9, Laws 1975, Chapter 424, and sections 57 to 77. When the trustee determines that there are no longer any persons entitled to benefits, the trustee shall pay all remaining funds to the general fund of the city of Columbia Heights, and the trust shall terminate.

Notwithstanding the provisions of any other law to the contrary, the trustee of the paid division shall have all the powers and duties that the board of trustees of the paid division would have had if said board would have continued to manage and administer the affairs of the paid division.

Sec. 77. *The board of trustees of the paid division of the Columbia Heights fire department relief association, or the trustee acting in its place as provided in section 76, shall have full and permanent charge of and the responsibility for the proper management and control of its special fund.*

Sec. 78. [REPEALER.] *Minnesota Statutes 1976, Sections 353.016; 353.018; 353.019; 353.03, Subdivision 2a; 353.31, Subdivision 11; 353.36, Subdivision 2d; 353.46, Subdivision 3; and 353.64, Subdivision 5, are repealed.*

Sec. 79. [REPEALER.] *Laws 1965, Chapter 605, Section 6; and Laws 1975, Chapter 424, Section 3, are repealed.*

Sec. 80. [EFFECTIVE DATE.] *Sections 1, 2, 3, 4, 5, 6, 7, 11, 15, 21, 26, 27, 31, 41, 42, 43, 44, 45, 46, 47, 49, 50, 51, 52, 53, and 54 are effective the day following final enactment. Sections 8, 9, 10, 12, 13, 14, 16, 17, 18, 19, 20, 22, 23, 24, 25, 28, 29, 30, 32, 33, 34, 35, 36, 37, 38, 39, 40, 55, 56, and 78 shall be effective July 1, 1977. Sections 48, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, and 79 shall be effective upon approval by the Columbia Heights city council and upon compliance with Minnesota Statutes, Section 645.021."*

Further, delete the title and insert the following: "A bill for an act relating to retirement; increasing the size of the boards of trustees of the public employees retirement association, Minnesota state retirement system, teachers retirement system and Minneapolis municipal employees retirement board; providing for election processes; survivor benefits for deceased legislators; making miscellaneous changes in the public employees retirement association provisions; various technical amendments to the police state aid program; pension coverage for employees of state employee labor organizations; inclusions in the unclassified employees retirement plan; employment of certain substitute teachers beyond the mandatory retirement age; establishment of a coordinated program and providing for an increased retirement formula for the St. Paul teachers retirement fund association; delaying the establishment of a coordinated program for the Minneapolis teachers retirement fund association; delaying implementation of a limitation on the average salary for retirement benefits; purchase of prior service for certain legislative employees; administration and retirement benefits of the Columbia Heights firemen's relief association; modifying waiver requirement for certain district court judges and supreme court judges; proportionate annuity for certain Hennepin county district court employees; purchase of prior service for certain Ramsey county sheriff's department employees; repayment of refund for certain former members of the elective state officers plan; amending Minnesota Statutes 1976, Sections 3A.04, Subdivision 1, and by adding a subdivision; 69.011, Subdivisions 1 and 2; 69.021, Subdivisions 5 and 7; 69.031, Subdivision 5; 352.03, Subdivisions 1, 2, and by adding a subdivision; 352D.02, Subdivi-

sion 1; 353.01, Subdivisions 2a, 2b, 6, and 15; 353.03, Subdivision 1; 353.27, Subdivision 4; 353.29, Subdivisions 4 and 8; 353.31, Subdivision 8; 353.32, Subdivision 7; 353.33, Subdivisions 1 and 9; 353.36, Subdivision 2; 353.37; 353.46, by adding a subdivision; 353.651, Subdivision 3; 354.05, by adding a subdivision; 354.06, Subdivision 1; 354.44, Subdivision 1a; 355.281; 355.286; 356.34, Subdivision 1; 422A.02; 422A.03, Subdivision 1; Chapters 352, by adding a section; and 355, by adding sections; Laws 1975, Chapter 388, Section 1; Laws 1975, Chapter 424, Section 9; Laws 1976, Chapter 238, Section 12; and Laws 1977, Chapter 35, Section 18; repealing Minnesota Statutes 1976, Sections 353.016; 353.018; 353.019; 353.03, Subdivision 2a; 353.31, Subdivision 11; 353.36, Subdivision 2d; 353.46, Subdivision 3; 353.64, Subdivision 5; Laws 1965, Chapter 605, Section 6; and Laws 1975, Chapter 424, Section 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:

S. F. No. 193, A bill for an act relating to courts; providing terms for district judges designated as juvenile judges in Hennepin and Ramsey counties; providing terms for district judges designated as family court judges in Hennepin county; amending Minnesota Statutes 1976, Sections 260.021, Subdivisions 2 and 3; and 484.65, Subdivisions 1 and 6.

Reported the same back with the following amendments:

Page 1, line 15, after "one" insert "*or more*".

Page 1, line 18, delete "*two*" and insert "*four*".

Page 1, line 19, delete "*the*" and insert "*a*".

Page 1, line 21, strike "*the*" and insert "*any*".

Page 1, line 22, strike "*The*" and insert "*Any*".

Page 1, line 23, strike "*the*".

Page 2, line 12, after the comma strike "*the*" and insert "*a*".

Page 2, line 20, delete "*two*" and insert "*four*".

Page 2, line 22, delete "*two*" and insert "*four*".

Page 2, line 23, before "judge" strike "*The*" and insert "*A*".

Page 2, line 26, strike "the" and insert "a".

Page 2, line 30, strike "the" and insert "a".

Page 4, after line 25, add:

"Subd. 4. If the district court judges in either Hennepin or Ramsey county designate more than one district court judge to serve as juvenile court judge in Hennepin or Ramsey county, that additional judge shall be designated and appointed during the third year of the term of the juvenile court judge then serving."

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:

S. F. No. 254, A bill for an act relating to trusts; clarifying county court jurisdiction over trusts; permitting a trustee or beneficiary of a trust to petition the court to release jurisdiction over certain trusts; amending Minnesota Statutes 1976, Sections 501.11; 501.12, Subdivision 3; 501.17; 501.211, Subdivision 4; 501.22, Subdivisions 2, 4, and 5; 501.23; 501.24; 501.25; 501.27; 501.33; 501.34; 501.35; 501.38; 501.42; 501.44; and Chapter 501, by adding a section.

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

The report was adopted.

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

S. F. No. 380, A bill for an act relating to courts; lapse of causes of action arising outside the state; amending Minnesota Statutes 1976, Section 541.14.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1976, Section 541.14, is repealed."

Amend the title:

Line 3, delete "amending" and insert "repealing".

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

The report was adopted.

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

S. F. No. 587, A bill for an act relating to courts; criminal defendants; providing authority to county courts to order examination of a defendant's mental capacity; amending Minnesota Statutes 1976, Section 253A.07, Subdivision 30.

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

The report was adopted.

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

S. F. No. 603, A bill for an act relating to the public service commission; confining appeals from its decisions to the record; allowing the commission to appeal adverse decisions of the district court to the supreme court; amending Minnesota Statutes 1976, Section 216.25.

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

The report was adopted.

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

S. F. No. 718, A bill for an act relating to courts; jurors; ballots for selection; authorizing an alternative method of identification of jurors; amending Minnesota Statutes 1976, Section 593.07.

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

The report was adopted.

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

S. F. No. 719, A bill for an act relating to courts; repealing the law that requires court clerks to make costs and disbursements

reports to the county attorney in criminal cases; repealing Minnesota Statutes 1976, Section 485.09.

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

The report was adopted.

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

S. F. No. 720, A bill for an act relating to fees; repealing the filing fee in certain juvenile court proceedings; repealing Minnesota Statutes 1976, Section 260.106, Subdivisions 1 and 2.

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

The report was adopted.

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

S. F. No. 722, A bill for an act relating to courts; providing that petit jurors in probate court be selected in the same manner as petit jurors are selected in district court; amending Minnesota Statutes 1976, Section 525.013, by adding a subdivision; repealing Minnesota Statutes 1976, Section 525.013, Subdivisions 2 and 3.

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

The report was adopted.

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

S. F. No. 825, A bill for an act relating to eminent domain; court appointed commissioners; disqualifying certain attorneys from acting as a commissioner; amending Minnesota Statutes 1976, Section 117.075.

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

The report was adopted.

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

S. F. No. 860, A bill for an act relating to courts; county court districts; judges; prescribing the areas where the county court judges of St. Louis county shall reside, serve in, and be elected from; amending Minnesota Statutes 1976, Section 487.01, Subdivision 5.

Reported the same back with the following amendments:

Page 2, line 19, after "counties" insert "*, the district consisting of Pine, Chisago and Isanti counties,*".

Page 2, line 23, after "counties," insert "*and*".

Page 2, line 24, after "counties" strike "*and*".

Page 2, strike all of line 25.

Amend the title:

Line 3, delete "areas where the county".

Line 4, delete all of line 4.

Line 5, delete "serve in, and be elected from" and insert "places of residence, election, service and the numbers of certain county judges".

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

The report was adopted.

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

S. F. No. 971, A bill for an act relating to probate; registrars; specifying certain powers of registrars; amending Minnesota Statutes 1976, Section 524.1-307.

Reported the same back with the following amendments:

Page 1, line 21, delete "*shall*" and insert "*may*".

Page 1, line 21, after "*exemplified*" insert "*by the registrar or*".

Page 2, line 1, after "*court.*" insert "*Notwithstanding any law to the contrary, the probate registrar, his deputy and staff may advise inquiring persons of the availability of various methods of transferring the property of decedents domiciled in the county*".

under the laws of this state. This section shall not be construed to require the probate registrar or his staff to render advice calling for the exercise of such professional judgment as constitutes the practice of law."

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

The report was adopted.

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

S. F. No. 1293, A bill for an act relating to the Minnesota humane society; restructuring its board; making miscellaneous operational changes; repealing obsolete language; amending Minnesota Statutes 1976, Sections 343.01; 343.06 and 343.08; repealing Minnesota Statutes 1976, Sections 343.02; 343.03; 343.04; 343.05; 343.07 and 343.09.

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

The report was adopted.

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

S. F. No. 1349, A bill for an act relating to the organization and operation of state government; regulating organization and procedures of various state departments and agencies; providing for the source of per diem and expense payments; providing for appointment and compensation of the employees suggestion board; removing the minimum teachers' license fee; permitting the board of teaching to adopt rules; regulating state arts board grants and publicity; providing the status of part time executive secretaries; permitting joint rule making proceedings; changing the name and composition of the state board of human rights; making miscellaneous inconsequential clarifications and corrections; amending Minnesota Statutes 1976, Sections 15.01; 15.059, Subdivision 6; 16.71, Subdivisions 1 and 1a; 121.02, Subdivision 1; 125.08; 125.185, by adding a subdivision; 139.10, Subdivision 1, and by adding subdivisions; 144A.19, Subdivision 2; 144A.21, Subdivision 1; 144A.251; 214.04, Subdivision 3, and by adding a subdivision; 214.06, Subdivision 1; 238.04, Subdivision 2; 363.04, Subdivisions 4, 4a and 5; Chapter 15, by adding a section; and Laws 1976, Chapter 222, Section 207, Subdivision 2; repealing Minnesota Statutes 1976, Sections 144A.21, Subdivisions 3 and 4; 144A.25; and 214.05.

Reported the same back with the following amendments:

Pages 5 to 7, delete sections 9 and 10.

Page 9, line 23, after "expenditures" insert "*during the fiscal biennium*".

Page 11, after line 19, insert:

"Sec. 21. *This act is effective the day following final enactment.*"

Renumber the sections in sequence.

Amend the title:

Page 1, line 19, delete "139.10,".

Page 1, delete all of line 20.

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

The report was adopted.

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

H. F. No. 1166, A bill for an act relating to counties; authorizing inclusion of cities in sewer and water districts; allowing certain special assessments; providing a flexible accounting system for multi-county projects; amending Minnesota Statutes 1976, Sections 116A.01, Subdivisions 1, 1a, 2 and 4, and by adding a subdivision; 116A.12, by adding a subdivision; 116A.16; 116A.17, Subdivision 2; 116A.20, Subdivisions 2 and 6; and 116A.24, Subdivision 3.

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

The report was adopted.

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

H. F. No. 1191, A bill for an act relating to taxation; creating special districts to be called tax increment financing districts; providing for tax increment financing of renewal and development projects; amending Minnesota Statutes 1976, Chapter 273, by adding sections; Sections 458.192, Subdivision 11; 462.585, Subdivision 1; 472A.06; 473F.02, Subdivision 3; 474.10, Subdivisions 1 and 4; and repealing Minnesota Statutes 1976,

Sections 462.545, Subdivision 5; 462.585, Subdivisions 2, 3 and 4; 472A.07; 472A.08; and 474.10, Subdivisions 2 and 3.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1976, Chapter 273, is amended by adding a section to read:

[273.71] [CITATION.] *Sections 1 to 5 may be cited as the tax increment financing act.*

Sec. 2. Minnesota Statutes 1976, Chapter 273, is amended by adding a section to read:

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

Subd. 2. [TAX INCREMENT DISTRICT.] Tax increment district is a geographic area delineated exclusively for the purpose of financing development, redevelopment or renewal in municipalities. The tax increment district is a redevelopment area consisting of contiguous or noncontiguous properties as specified in a city approved tax increment financing plan. In such districts the original assessed value is frozen and any increase in value is captured for financing the cost of development, redevelopment or renewal of such properties for a time period not to exceed the period during which tax increments may be remitted to an authority under section 4, subdivision 4.

Subd. 3. [ORIGINAL ASSESSED VALUE.] Original assessed value is the assessed value of all taxable real property within a tax increment district as most recently determined by the county auditor at the time of approval by the city council of the tax increment financing plan.

Subd. 4. [REDEVELOPMENT PROJECT.] Redevelopment project is a project as defined in Minnesota Statutes, Section 462.421, Subdivision 13, an industrial development district as defined in Minnesota Statutes, Section 458.191 or a development program as authorized in Minnesota Statutes, Chapter 472A, or any other development district project under any general or special law which is financed in whole or in part by tax increment financing.

Subd. 5. [AUTHORITY.] Authority means a housing and redevelopment authority created or authorized to be created by Minnesota Statutes, Chapter 462, a port authority created under chapter 458; or a municipality which is administering a development district created pursuant to chapter 472A or any special

law, or which exercises the powers of a port authority pursuant to any general or special law.

Subd. 6. [MUNICIPALITY.] *Municipality means any city, however organized.*

Subd. 7. [GOVERNING BODY.] *Governing body means the duly elected council of a city.*

Subd. 8. [BONDS.] *Bonds means any bonds, including re-funding bonds, notes, interim certificates, debentures, or other obligations issued by an authority pursuant to this act.*

Subd. 9. [REDEVELOPMENT AREA.] *Redevelopment area means a deteriorated area as defined in Minnesota Statutes, Section 462.421, Subdivisions 11 and 13, Clause (2).*

Sec. 3. Minnesota Statutes 1976, Chapter 273, is amended by adding a section to read:

[273.73] Subdivision 1. [TAX INCREMENT FINANCING PLAN.] *A tax increment financing plan shall contain a statement of objectives of an authority for improvement of a tax increment district. The plan shall contain a description of the development or redevelopment program for the district. This plan shall contain a statement as to the public facilities to be constructed within the district, the open space to be created, and the proposed reuse of property. It shall contain estimates of the following: cost of the redevelopment project; sources of revenue to finance these costs including estimates of tax increments; amount of bonded indebtedness to be incurred; and the duration of the district's existence. The plan shall contain a statement of the estimated impact of tax increment financing on the assessed values of all taxing jurisdictions in which the district is located. The plan shall be accompanied by a full disclosure of any commitments, agreements or contracts which have been made with a developer or developers for the proposed development or redevelopment.*

Subd. 2. [APPLICATION, NOTICE, HEARING.] *(a) Whenever an authority determines that an area is a redevelopment area and a tax increment district should be formed, it shall apply to the governing body of the municipality in which the district is located for approval thereof. The application shall be accompanied by a tax increment financing plan. Before approving any tax increment financing plan, the governing body shall hold a public hearing thereon after published notice in a newspaper of general circulation in the municipality at least once not less than ten days nor more than 30 days prior to the date of hearing. The authority shall make the plan available to the public at least 15 days prior to the public hearing.*

(b) Whenever tax increment financing is used for a redevelopment project which is approved under Minnesota Statutes, Section 462.521, the tax increment financing plan may accompany the renewal plan and such portions of section 3, subdivision 1, which are contained in the renewal plan need not be repeated in the tax increment financing plan.

Subd. 3. [FINDINGS, NOTICE, DETERMINATION; GOVERNING BODY.] The authority shall not proceed with a redevelopment project financed through tax increments unless the governing body finds by resolution that (a) the project is in a redevelopment area; (b) tax increment financing is necessary to successfully complete the project; (c) the development or redevelopment plans for the tax increment district in the municipality will afford maximum opportunity, consistent with the sound needs of the municipality as a whole, for the redevelopment of such areas by private enterprise; and (d) the tax increment financing plan conforms to a general plan for the development of the municipality as a whole. The governing body shall within 90 days after submission of the application or resubmission as hereinafter provided, give written notice to the authority of its decision with respect to the tax increment financing plan. If approval is not given within 90 days the application shall be deemed to have been rejected. A plan which has not been approved by the governing body when submitted to it may be again submitted to it with such modifications as are necessary to meet its objections.

Subd. 4. [LIMITATIONS ON TAX INCREMENT DISTRICTS.] The total market value of taxable real property in any one tax increment district at the time the tax increment financing plan for the district is adopted shall not exceed three percent of the total market value of taxable real property in the municipality as then most recently certified by the county auditor, and shall not, when added to the current market value of taxable real property within tax increment districts for which the unrecovered cost of bonds remain, exceed seven percent of the total market value of taxable real property in the municipality as most recently certified by the county auditor.

Subd. 5. [CONSULTATIONS WITH OTHER JURISDICTIONS.] Prior to the public hearing on formation of a tax increment district the governing body and the authority shall meet with the members of the board of commissioners of any county in which a portion of the tax increment district is located and with the members of the school board of any school district in which a portion of the tax increment district is located. The members of the boards of commissioners and of the school boards shall be informed of the fiscal and economic implications of the proposed tax increment district. The members of the boards of commissioners and of the school boards may present their recommendations at the public hearing on the tax increment financing plan.

Subd. 6. [MODIFICATION OF PLAN.] A tax increment financing plan may be modified by an authority at any time, provided that any enlargement of geographic area, increase in amount of bonded indebtedness to be incurred, increase in the portion of captured assessed value to be retained by the authority or use of revenues derived from the tax increment district in the municipality, if not previously included in the tax increment financing plan shall be approved by the governing body upon such notice and after such public hearings and agreements as are required for approval of the original plan, prior to being put into effect. The geographic area of a tax increment district shall not be enlarged after five years following the date of approval of the original tax increment financing plan or five years from the effective date of this act for districts authorized prior to the effective date of this act. For such purposes of determining original assessed value and compliance with the limitations imposed in tax increment districts in section 3, subdivision 4, any real property added to the district as a result of a modification shall be regarded as part of the original tax increment district and its original value shall be its value as was most recently determined prior to the date of approval of the original tax increment financing plan.

Sec. 4. Minnesota Statutes 1976, Chapter 273, is amended by adding a section to read:

[273.74] [COMPUTATION OF TAX INCREMENT.] Subdivision 1. [ORIGINAL ASSESSED VALUE.] *Upon or after adoption of a tax increment financing plan by the governing body the auditor of the county in which it is situated shall upon request of the authority certify the original assessed value of the real property within the boundaries of the tax increment district as described in the tax increment financing plan. Property taxable at the time of the request shall be included in the original assessed value at its most recently determined valuation. Property exempt from taxation at the time of the request shall be included at zero unless it was taxable when the tax increment financing plan was approved in which case its most recently determined assessed valuation before it became exempt shall be included.*

Subd. 2. [CAPTURED ASSESSED VALUE.] Any amount by which the current assessed value of a tax increment district exceeds the original assessed value is referred to as the captured assessed value. The county auditor shall certify the amount of the captured assessed value to the authority each year thereafter.

(a) *An authority may choose to retain any part or all of the captured assessed value for purposes of tax increment financing according to one of the following options:*

(1) *If the plan provides that all the captured assessed value is necessary to finance the redevelopment costs the authority may retain the full captured assessed value.*

(2) *If the plan provides that only a portion of the captured assessed value is necessary to finance the redevelopment costs of the project only that portion should be set aside and the remainder shall be distributed among the affected taxing districts by the county auditor.*

(b) *The portion of captured assessed value that an authority intends to use for purposes of tax increment financing must be clearly stated in the tax increment financing plan.*

(c) *The total captured assessed value shall be included in the determination of adjusted assessed value under the provisions of section 124.212 for purposes of determining any state aids or measures of local effort which use the value derived under the provisions of section 124.212.*

Subd. 3. [TAX INCREMENTS.] (a) *In each subsequent year the county auditor shall compute assessed valuation, mill rates and tax increments according to the following method:*

(1) *If the authority retains the full captured assessed value the county auditor shall include no more than the original assessed value of the real property in the tax increment district for purposes of determining assessed value for local mill rates. He shall compute the mill rates of all taxes levied by the state, the county, the municipality or town, the school district and every other taxing district in which the district is located on the aforementioned assessed value. He shall extend all mill rates against the current assessed value, including the captured assessed value. In each year for which the current assessed value exceeds the original assessed value the county treasurer shall remit to the authority that proportion of all taxes paid that year on real property in the district which the captured assessed value bears to the total current assessed value. The amount so remitted each year is referred to in this section as the tax increment for that year.*

(2) *If the authority retains only a portion of the captured assessed value for its use and returns the remaining portion to the tax rolls of all affected taxing districts, the county auditor shall include the original assessed value and that portion of the captured assessed value which is shared with all the affected taxing districts in determining the assessed value for computing mill rates. He shall compute the mill rates of all taxes levied by the state, county, municipality, school district, and every other taxing district in which the district is located on this aforementioned assessed value. He shall extend all mill rates against the total current assessed value including that portion of the captured assessed value which the authority is retaining for its use only. In each year for which the current assessed value exceeds the original assessed value the county treasurer shall remit to the municipality that proportion of all taxes paid on real property in the district that the retained captured assessed value*

bears to the total current assessed value in the district. The amount so remitted each year is referred to as the tax increment.

(b) In any year in which the current assessed value of the tax increment district is equal to or less than the original assessed value of the district, the county auditor shall compute and extend taxes against the current value. Taxes shall be distributed from the affected property to each of the taxing authorities as determined by the current levy and there is no tax increment.

Subd. 4. [TAX INCREMENT ACCOUNT.] Tax increments received with respect to a tax increment district shall be segregated by the authority entitled to receive them in a special account on its official books and records. The tax increments shall be remitted to the authority under a pledge agreement until the public cost of the development program authorized in the tax increment financing plan for the district has been fully reimbursed from the tax increments or until 20 years from the date of approval of the tax increment financing plan, whichever is sooner.

In any year in which the tax increments exceed the amount necessary to pay the costs authorized by the tax increment financing plan, including the amount necessary to cancel any tax levy as required in subdivision 5, the authority shall use the excess amount to prepay any outstanding bonds or discharge the pledge of tax increments therefor or shall return the money to the municipality, county and school district in which the tax increment district is located in direct proportion to their respective mill rates.

Subd. 5. [TAX INCREMENT FINANCING.] The authority shall expend the tax increments received for any development or redevelopment project only in accordance with the tax increment financing plan, subject to the provisions of subdivision 4. Tax increments may be pledged and appropriated for the payment of the principal of and interest on general obligation bonds issued in aid of the project pursuant to Minnesota Statutes, Chapter 458, or bonds issued in aid of the project pursuant to Minnesota Statutes, Chapters 462 and 472A; Laws 1971, Chapters 548 and 677; and Laws 1973, Chapters 196, 761 and 764, by the authority or by the municipality within whose corporate limits the tax increment district is situated. Any such pledge for the payment of bonds issued by the municipality shall be made by written agreement executed on behalf of the authority and the municipality and filed with the county auditor. The collections of the tax increments shall be certified annually to reduce or cancel the initial tax levies in accordance with Minnesota Statutes, Section 475.61, Subdivision 3. When such an agreement is made and filed, the bonds may be issued by the municipality in the same manner and subject to the same conditions as those provided in Minnesota Statutes, Chapter 475, for bonds financing improvement costs reimbursable from special assess-

ments except that these bonds shall be subject to the limitations on net debt provided in section 475.53. However, in all first class cities where the net debt limitation is at the minimum level stated in section 475.53 those municipalities shall be authorized under the provisions of this section to issue after the date of this act additional tax increment bonds not to exceed \$6,000,000 in total amount which shall not be included in the computation of the net debt limitation under section 475.53.

Any other revenues derived from the tax increment district may also be pledged to the payment of the bonds and interest thereof. The pledge of any revenues, including tax increments to the payment of bonds and interest thereon may be discharged if sufficient funds have been irrevocably deposited in escrow to provide for payment when due of the bonds and interest thereon. The full faith and credit and taxing powers of the municipality shall continue to be pledged to the payment of any general obligation bonds until the principal of and interest on the bonds have been paid in full.

Subd. 6. [LIMITATION ON USE OF TAX INCREMENTS.] Revenues derived from tax increments shall be used only to pay off bonds capital costs, redevelopment costs, and administrative expenses authorized by the existing general or special law under which the authority was created as authorized in the tax increment financing plan, provided that tax increments shall not be used to pay any administrative expenses which exceed five percent of the total cost of the project. Prior to the sale of bonds, written agreements shall be negotiated and shall provide that the increment generated from the development or redevelopment shall be determined by the governing body to be sufficient to retire the bonds.

Subd. 7. [ANNUAL DISCLOSURE.] On or before July 1, of each year, the authority shall submit to the governing body of the municipality, the county board and the school board a report on the status of the account. The report shall include the following information: the amount and source of revenue in the account, the amount and purpose of expenditures from the account, the amount of principal and interest on any outstanding bonded indebtedness, the original assessed value of the district, the captured assessed value retained by the district, the captured assessed value shared with other taxing districts, the tax increments received and any additional information necessary to demonstrate compliance with the tax increment financing plan. An annual statement showing the tax increments received and expended in that year, the original assessed value, captured assessed value, amount of outstanding bonded indebtedness, and any additional information the governing body deems necessary shall be placed on file with the city clerk and county auditor and made available to the public upon request.

Sec. 5. Minnesota Statutes 1976, Chapter 273, is amended by adding a section to read:

[273.75] [EXISTING PROJECTS.] *This act does not affect any project which was approved by a city council under Minnesota Statutes, Sections 462.545, 462.585, 474.10, and Chapter 472A; Laws 1971, Chapters 548 and 677; and Laws 1973, Chapters 196, 761, or 764 prior to its enactment, unless the authority undertaking the project and the governing body elect to proceed with the project under the provisions of this act. Provided, however, that any existing project using tax increment financing which was approved prior to the effective date of this act may not incur indebtedness in excess of the amount which has been previously approved in a financing plan by the governing body unless the project follows the procedures provided for modification of tax increment financing plans pursuant to section 3, subdivision 6, of this act.*

If an existing project has been established without a financing plan, the authority must present to the governing body a tax increment financing plan in accordance with the procedures established in section 3, subdivision 6, and said plan must be approved prior to June 1, 1978, provided that the authority may not enlarge the geographic area of the district or lengthen the time of its duration through this process. If the governing body approves the tax increment financing plan, the project shall only proceed according to the plan and shall not be subject to the limitations contained in section 3, subdivision 4, or any other limitations contained in this act.

Beginning July 1, 1978 all projects using tax increment financing which have been approved prior to July 1, 1978 shall comply with the provisions of section 4, subdivision 7.

Sec. 6. Minnesota Statutes 1976, Section 458.192, Subdivision 11, is amended to read:

Subd. 11. Upon or after the creation of an industrial development district under section 458.191, (THE AUDITOR OF THE COUNTY IN WHICH IT IS SITUATED SHALL UPON REQUEST OF THE PORT AUTHORITY CERTIFY THE THEN MOST RECENTLY DETERMINED ASSESSED VALUATION OF ALL OR SO MUCH OF THE TAXABLE REAL PROPERTY WITHIN THE DISTRICT AS IS IDENTIFIED BY LEGAL DESCRIPTION IN THE REQUEST, OTHER THAN THAT PORTION OF THE VALUATION WHICH IS CONTRIBUTED TO AN AREA-WIDE TAX BASE UNDER CHAPTER 473F. THE AUDITOR SHALL CERTIFY TO THE AUTHORITY IN EACH YEAR THEREAFTER THE AMOUNTS AND PERCENTAGES OF SUBSEQUENT INCREASES OR DECREASES IN SUCH VALUATION OTHER THAN THAT PORTION OF SUCH INCREASES OR DECREASES WHICH IS CONTRIBUTED TO AN AREA-WIDE

TAX BASE UNDER CHAPTER 473F. THE AUDITOR SHALL COMPUTE THE MILL RATES OF TAXES AGAINST SUCH ORIGINAL VALUATION BUT SHALL EXTEND SUCH RATES ALSO AGAINST ANY INCREMENTAL VALUE AND REMIT THE RESULTING TAX INCREMENT TO THE PORT AUTHORITY IN THE SAME MANNER AS THAT PROVIDED FOR THE COMPUTATION AND REMITTANCE OF TAX INCREMENTS UNDER SECTION 462.585, SUBDIVISIONS 2 AND 3. THE PORT AUTHORITY SHALL SEGREGATE TAX INCREMENTS RECEIVED WITH RESPECT TO ANY SUCH PROPERTY DISTRICT IN A SPECIAL ACCOUNT ON ITS OFFICIAL BOOKS AND RECORDS. SUCH TAX INCREMENTS SHALL BE REMITTED TO THE PORT AUTHORITY UNTIL THE COST OF REDEVELOPMENT OF THE MARGINAL LAND WITHIN THE DISTRICT, INCLUDING INTEREST THEREON, HAS BEEN FULLY REIMBURSED FROM THE TAX INCREMENTS. WHEN SUCH FULL REIMBURSEMENT HAS BEEN MADE, IT SHALL BE REPORTED BY THE PORT AUTHORITY TO THE COUNTY AUDITOR, WHO SHALL THEREAFTER INCLUDE THE ENTIRE ASSESSED VALUATION OF THE PROPERTY IN THE ASSESSED VALUATIONS UPON WHICH TAX MILL RATES ARE COMPUTED AND EXTENDED AND TAXES ARE REMITTED TO ALL TAXING DISTRICTS. ANY PART OR ALL OF SUCH TAX, IF SO DIRECTED BY THE CITY COUNCIL, SHALL BE PLEDGED AND APPROPRIATED FOR THE PAYMENT OF ANY GENERAL OBLIGATION BONDS OF THE PORT AUTHORITY. INCREASES IN THE VALUE OF SUCH PROPERTY, SUBSEQUENT TO CERTIFICATION OF THE BASE FOR COMPUTING THE TAX INCREMENT THEREFROM, SHALL NOT BE INCLUDED IN THE ASSESSED VALUATION OF ANY TAXING DISTRICT FOR THE PURPOSE OF COMPUTING ANY DEBT OR LEVY LIMITATION OR THE AMOUNT OF ANY STATE OR FEDERAL AID TO THE TAXING DISTRICT, SO LONG AS THE TAX INCREMENT THEREFROM IS SEGREGATED UNDER THE PROVISIONS OF THIS SECTION) *the port authority may apply to the governing body of the municipality in which the industrial development district is located for approval to form a tax increment district and use tax increment financing to pay the costs of development or redevelopment under the provisions of sections 1 to 5.*

Sec. 7. Minnesota Statutes 1976, Section 462.585, Subdivision 1, is amended to read:

462.585 [AGREEMENTS RESPECTING TAX INCREMENTS AND EQUIVALENTS; PLEDGE FOR BONDS.] Subdivision 1. [GENERAL.] In connection with any project of an authority located wholly or partly within the corporate limits of any municipality or other state public body, such body may agree with the authority with respect to the payment by the authority of such sums in lieu of taxes for any year or period of years in accordance with the provisions of section 462.575, but

for no longer period than the period of tax exemption provided for under that section. In any case where property owned by the authority in a redevelopment project area is leased or otherwise made available by the authority to a private individual, firm, or corporation which previously owned the same or other property within the area, not for development in connection with the project but for temporary use pending relocation of such former owner's residence or business, the authority may agree to payment of sums in lieu of taxes for any year or period of such temporary use, not exceeding the amount of the annual rentals or other payments it receives for such use, but during such use the property and the authority shall be exempt from all taxes and special assessments as provided in section 462.575, and the provisions of section 272.01, subdivision 2 and of section 273.19 shall not apply to such property or to such use thereof. In connection with any redevelopment project, an authority may make further agreements respecting taxes as provided (BELOW) in *sections 1 to 5*.

Sec. 8. Minnesota Statutes 1976, Section 472A.06, is amended to read:

472A.06 [ISSUANCE OF BONDS.] The governing body of the municipality, may authorize, issue and sell general obligation bonds, which shall mature within 30 years from the date of issue, to finance the acquisition and betterment of real and personal property needed to carry out the development program within the development district together with all relocation costs incidental thereto in accordance with sections 475.51, 475.53, 475.54, 475.55, 475.56, 475.60, 475.61, 475.62, 475.63, 475.65, 475.66, 475.69, 475.70, 475.71. All tax increments received by the municipality pursuant to (SECTION 472A.08) *sections 1 to 5* shall be pledged for the payment of these bonds and used to reduce or cancel the taxes otherwise required to be extended for that purpose, and the bonds shall (NOT) be included when computing the municipality's net debt.

Sec. 9. Minnesota Statutes 1976, Section 473F.02, Subdivision 3, is amended to read:

Subd. 3. "Commercial-industrial property" means the following categories of property, as defined in section 273.13, excluding that portion of such property (a) (WHICH MAY, BY LAW, CONSTITUTE THE TAX BASE FOR A TAX INCREMENT PLEDGED PURSUANT TO SECTIONS 462.585 OR 474.10, TO THE EXTENT AND WHILE SUCH TAX INCREMENT IS SO PLEDGED; (B)) which may, by law, constitute the tax base for tax revenues set aside and paid over for credit to a sinking fund pursuant to direction of the city council in accordance with Laws 1963, Chapter 881, as amended, to the extent that such revenues are so treated in any year; or ((C)) (b) which is exempt from taxation pursuant to section 272.02:

(a) That portion of class 3 property consisting of stocks of merchandise and furniture and fixtures used therewith; manufacturers' materials and manufactured articles; and tools, implements and machinery, whether fixtures or otherwise.

(b) Class 3h property.

(c) Class 3j property.

(d) That portion of class 4 property which is either used or zoned for use for any commercial or industrial purpose, except for such property which is, or, in the case of property under construction, will when completed be used exclusively for residential occupancy and the provision of services to residential occupants thereof. Property shall be considered as used exclusively for residential occupancy only if each of not less than 80 percent of its occupied residential units is, or, in the case of property under construction, will when completed be occupied under an oral or written agreement for occupancy over a continuous period of not less than 30 days.

If the classification of property prescribed by section 273.13 is modified by legislative amendment, the references in this subdivision shall be to such successor class or classes of property, or portions thereof, as embrace the kinds of property designated in this subdivision.

(e) That property valued and assessed under section 273.13, subdivision 14.

Sec. 10. Minnesota Statutes 1976, Section 474.10, Subdivision 1, is amended to read:

474.10 [SOURCE OF PAYMENT FOR BONDS.] Subdivision 1. Revenue bonds issued under this chapter shall not be payable from nor charged upon any funds other than the revenue pledged to the payment thereof, (EXCEPT AS PROVIDED IN THIS SECTION,) nor shall the municipality or redevelopment agency issuing the same be subject to any liability thereon. No holder or holders of such bonds shall ever have the right to compel any exercise of the taxing power of the municipality or redevelopment agency to pay any such bonds or the interest thereon, (EXCEPT AS PROVIDED IN SUBDIVISION 2,) nor to enforce payment thereof against any property of the municipality or redevelopment agency except those projects, or portions thereof, mortgaged or otherwise encumbered under the provisions and for the purpose of this chapter.

Sec. 11. Minnesota Statutes 1976, Section 474.10, Subdivision 4, is amended to read:

Subd. 4. Such bonds shall not constitute a charge, lien, or encumbrance, legal or equitable, upon any property of the mu-

municipality or redevelopment agency, except those projects, or portions thereof, mortgaged or otherwise encumbered under the provisions and for the purposes of this chapter. Each bond issued hereunder shall recite in substance that the bond, including interest thereon, is payable solely from the revenue pledged to the payment thereof, (BUT MAY CONTAIN A REFERENCE TO THE LEASE INSURANCE OR BOND RESERVE FOR WHICH THE TAX INCREMENT IS PLEDGED AND APPROPRIATED). No such bond shall constitute a debt of the municipality or redevelopment agency within the meaning of any constitutional or statutory limitation. However, nothing herein shall impair the rights of holders of bonds issued hereunder to enforce covenants made for the security thereof as provided in section 474.11.

Sec. 12. [REPEALER.] *Minnesota Statutes 1976, Sections 458.192, Subdivision 12; 462.545, Subdivision 5; 462.585, Subdivisions 2, 3 and 4; 472A.07; 472A.08; and 474.10, Subdivisions 2 and 3, are repealed.*

Sec. 13. [EFFECTIVE DATE.] *The provisions of this act shall be effective the day following final enactment."*

Further, amend the title as follows:

Page 1, line 10, after "Sections" insert "458.192, Subdivision 12,".

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

The report was adopted.

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

H. F. No. 1266, A bill for an act relating to the town of McDavitt; authorizing the town to issue general obligations for acquisition and betterment of a town hall.

Reported the same back with the following amendments:

Page 1, line 16, delete ", nor shall".

Page 1, delete lines 17 to 19.

Page 1, delete line 20 to the period.

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

The report was adopted.

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

S. F. No. 218, A bill for an act relating to municipalities; procedures required for the letting of certain contracts; amending Minnesota Statutes 1976, Section 471.345, Subdivisions 3, 4 and 5.

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. 628, A bill for an act relating to counties; extending the compliance date for county official controls; amending Minnesota Statutes 1976, Section 394.312.

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. 695, A bill for an act relating to the Como Park zoo; requiring the metropolitan council to issue bonds for repair, construction, reconstruction, improvement, and rehabilitation of the Como Park zoo by the City of Saint Paul; amending Minnesota Statutes 1976, Chapter 473, by adding a section.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1976, Chapter 473, is amended by adding a section to read:

[473.326] [BONDS; COMO PARK ZOO.] *Subdivision 1. Subject to the provisions of subdivision 2, the metropolitan council shall by resolution authorize the issuance of general obligation bonds of the council in an aggregate principal amount not exceeding \$2,000,000, in addition to the amount authorized under the provisions of section 473.325. The proceeds shall be used by the council for grants to the city of Saint Paul for the repair, construction, reconstruction, improvement, and rehabilitation*

of the Como Park zoo owned and operated by the city. The council shall reduce the principal amount of bonds issued under this section by an amount equal to any federal funds in excess of \$181,000 which may become available for use for the same purposes. If such federal funds in excess of \$181,000 become available after the issuance of the bonds and within two years following the effective date of this act, the proceeds paid to the city shall be reduced by or reimbursed to the council in an amount or amounts equal to the excess, and, accordingly, the council may use the remaining or reimbursed proceeds for the other purposes authorized by section 473.325. The bonds shall be sold, issued, and secured as provided in section 473.325, and the terms of each series thereof shall be fixed so that the annual principal and interest payments thereon, together with those on all outstanding and undischarged bonds issued pursuant to section 473.325, will not exceed the limit provided in that section.

Subd. 2. The city council shall cause to be prepared, approve, and submit to the metropolitan council plans for any work for which a grant is requested. The metropolitan council shall determine whether the plans are consistent with Ramsey county's master plan and the metropolitan council's policy plan for regional recreation open space. If not, or if the determination cannot be made on the basis of the plans as submitted, they shall be returned with comments to the city council for revision and resubmission. No bonds shall be issued under this section until the plans for the work to be financed thereby are approved by the metropolitan council.

Subd. 3. Of any state funds reappropriated to the metropolitan council for use for the acquisition and betterment of regional recreation open space, at least \$1,000,000 shall be used by the council for grants to the city of Saint Paul for the repair, construction, reconstruction, improvement, and rehabilitation of the Como Park zoo.

Subd. 4. No grant made under this section shall affect the city's ownership of or power to manage and operate the zoo, in a manner consistent with the master plan and policy plan.

Sec. 2. [EFFECTIVE DATE.] Pursuant to Article XII, Section 2, of the Constitution and section 645.023, it is determined that this act is a special law applicable on its effective date to the metropolitan council and the city of Saint Paul and in the metropolitan area including the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington, and that this act shall become effective without local approval on the day following final enactment."

Further, amend the title as follows:

Page 1, line 2, delete "relating to the Como Park zoo; requiring" and insert "authorizing".

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. 828, A bill for an act relating to the city of Duluth; authorizing the city to acquire, construct, and maintain parking facilities and to finance same.

Reported the same back with the following amendments:

Page 4, line 5, delete everything after the period.

Page 4, delete lines 6 to 9.

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. 1023, A bill for an act relating to public indebtedness; regulating the sale of securities by municipalities subject to reverse repurchase agreements; providing penalties for misconduct of municipal officers in the execution of agreements; amending Minnesota Statutes 1976, Section 475.51, by adding a subdivision; and Chapter 475, by adding a section.

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

The report was adopted.

Fudro from the Committee on Transportation to which was referred:

S. F. No. 270, A bill for an act relating to motor vehicles; increasing gross weight limitations on interstate highways and routes designated by the commissioner of transportation; increasing truck registration taxes on heaviest trucks; establishing procedures for route designation and undesignation; requiring weight enforcement reports by county sheriffs; providing penalties; amending Minnesota Statutes 1976, Sections 168.013, Subdivisions 1c, 1e and 12; 169.79; 169.83, Subdivisions 1 and 2; 169.85; 169.86, by adding a subdivision; and Chapter 169, by adding sections.

Reported the same back with the following amendments:

Page 3, line 11, delete "1,120.00" and insert "1,155.00".

Page 3, line 11, delete "672.00" and insert "693.00".

Page 3, line 12, delete "1,190.00" and insert "1,260.00".

Page 3, line 12, delete "714.00" and insert "746.00".

Page 20, line 15, delete "*July 1 of each year*" and insert "*January 15, 1979,*".

With the recommendation that when so amended the bill pass.

The report was adopted.

Fudro from the Committee on Transportation to which was referred:

S. F. No. 1196, A bill for an act relating to aeronautics; requiring out of state airports operating under joint agreement with a Minnesota municipality to be treated as airports located in Minnesota for purposes of state and federal assistance; amending Minnesota Statutes 1976, Section 360.042, by adding a subdivision.

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 SENATE BILLS

S. F. Nos. 896, 23, 181, 193, 254, 380, 587, 603, 718, 719, 720, 722, 825, 860, 971, 1293, 1349, 218, 628, 695, 828, 1023, 270 and 1196 were read for the second time.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

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

H. F. No. 300, A bill for an act relating to elections; removing a provision for special hours during which registration locations must be open; amending Minnesota Statutes 1976, Section 201.091, Subdivision 6.

H. F. No. 307, A bill for an act relating to retirement; correcting outdated references in the teachers retirement law; amending Minnesota Statutes 1976, Sections 354.05, Subdivision 25; 354.41, Subdivision 3; 354.49, Subdivision 1; 354.53, Subdivision 1; 354.55, Subdivisions 6, 15, and 18; and 354.58.

H. F. No. 334, A bill for an act relating to highway traffic regulations; lengths of certain vehicles and combinations of vehicles; amending Minnesota Statutes 1976, Section 169.81, Subdivision 3.

H. F. No. 521, A bill for an act relating to Independent School District No. 196 (Rosemount) and Independent School District No. 194 (Lakeville); providing for certain land to be detached from Independent School District No. 196 and annexed to Independent School District No. 194.

H. F. No. 563, A bill for an act relating to Independent School District No. 721 (New Prague) and Independent School District No. 194 (Lakeville); providing for certain land to be detached from Independent School District No. 721 and annexed to Independent School District No. 194.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 598, A bill for an act relating to Becker county; providing for the imposition of a tax upon persons, copartnerships, companies, joint stock companies, corporations, and associations however organized engaged therein in the business of removing gravel from gravel pits or deposits of gravel, for enforcing the same and prescribing penalties for violations thereof.

H. F. No. 707, A bill for an act relating to taxation; changing certain procedures for objecting to real or personal property taxes; providing for city and town attorneys to handle prosecutions; amending Minnesota Statutes 1976, Sections 277.011, Subdivisions 1 and 5; 278.01 and 278.05.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

S. F. No. 1172.

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. 544 and 556.

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. 698, 1029 and 1051.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 1172, A bill for an act relating to administrative procedures of governmental agencies; adding metropolitan and capitol area agencies under the coverage of the administrative procedure act; limiting rule-making authority and obligations; permitting incorporation by reference; requiring completion of hearing examiner reports within a specified period; permitting an agency to appeal adverse district court decisions; providing copies of the state register for public libraries; providing for subpoenas and reporters; amending Minnesota Statutes 1976, Sections 15.0411, Subdivision 2; 15.0412; 15.0413, Subdivision 3; 15.0417; 15.0426; 15.048; 15.051, Subdivision 4; 15.052, Subdivisions 4 and 5; and 15.42.

The bill was read for the first time.

Sieben, H., moved that S. F. No. 1172 and H. F. No. 1365, now on the Consent Calendar, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 544, A bill for an act relating to public employment labor relations; clarifying and revising the powers and duties of the director of the bureau of mediation services and the public employment relations board; authorizing the director to decertify exclusive representatives and to clarify or amend appropriate bargaining units; authorizing the public employment relations board to obtain administrative services and staff subject to appropriation, and to issue notices, subpoenas and orders; revising

the criteria for determining appropriate units; authorizing the appeal of certain decisions by the public employment relations board to the supreme court; revising the compensation of arbitrators; eliminating the independent review of grievances; amending Minnesota Statutes 1976, Sections 179.61; 179.62; 179.63, Subdivisions 1, 6, 8, 9, 9a, 10, 11, 13, 14 and 17; 179.64, Subdivision 7; 179.65, Subdivisions 1, 2 and 6; 179.66, Subdivisions 5, 6 and 9; 179.67, Subdivisions 4, 5, 6, 14, and by adding a subdivision; 179.68; 179.69, Subdivisions 1 and 2; 179.70, Subdivision 1; 179.71, Subdivisions 2, 3, 4 and 5; 179.72, Subdivisions 1, 3, 4, 6 and 7; 179.74, Subdivisions 2 and 4; repealing Minnesota Statutes 1976, Section 179.76.

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

S. F. No. 556, A bill for an act relating to the city of Minneapolis and Hennepin county municipal building commission; providing for tenure and benefits to certain employees; amending Laws 1903, Chapter 247, Section 2, as amended.

The bill was read for the first time.

Enebo moved that S. F. No. 556 and H. F. No. 501, now on General Orders, be referred to the Chief Clerk for comparison.

The motion prevailed.

S. F. No. 698, A bill for an act relating to insurance companies; simplifying language and removing obsolete provisions; clarifying ambiguities; establishing certain responsibilities; requiring performance bonds for certain corporate officers and employees; increasing certain fees; increasing certain capitalization and reserve requirements; providing certain restrictions; authorizing mutual companies to write certain additional kinds of insurance; prescribing certain penalties; amending Minnesota Statutes 1976, Sections 60A.07, Subdivisions 5d and 11; 60A.09, Subdivision 1; 60A.10, Subdivision 1; 60A.11, Subdivision 2; 60A.12, Subdivision 5; 60A.19, Subdivision 1; 60A.23, Subdivision 7; 60C.06, Subdivision 1; 61A.40; 66A.08, Subdivision 1; 66A.09; 66A.10; 66A.16, Subdivision 2; repealing Minnesota Statutes 1976, Sections 60A.12, Subdivision 6; and 63.36.

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

S. F. No. 1029, A bill for an act relating to counties; authorizing inclusion of cities in sewer and water districts; allowing certain special assessments; providing a flexible accounting system for multi-county projects; amending Minnesota Statutes 1976, Sections 116A.01, Subdivisions 1, 1a, 2 and 4, and by adding a subdivision; 116A.02, by adding a subdivision; 116A.09; 116A.11, Subdivision 4; 116A.12, by adding a subdivision; 116A.16;

116A.17, Subdivision 2; 116A.20, Subdivisions 2 and 6; and 116A.24, Subdivisions 1, 2 and 3.

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

S. F. No. 1051, A bill for an act relating to grand juries; providing for grand juries drawn from more than one county; amending Minnesota Statutes 1976, Section 628.41.

The bill was read for the first time.

Nelson moved that S. F. No. 1051 and H. F. No. 1347, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

PROGRESS REPORTS ON CONFERENCE COMMITTEES

Pursuant to Joint Rule 2.06, progress on H. F. Nos. 437, 586 and 339 was reported to the House.

CONSENT CALENDAR

S. F. No. 69, A bill for an act relating to adoption; increasing the exceptions in execution of consents to adoptions; requiring consents to be in writing, before witnesses; amending Minnesota Statutes 1976, Section 259.24, Subdivision 5.

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 120 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

H. F. No. 1457 was reported to the House.

There being no objection, H. F. No. 1457 was continued on the Consent Calendar for one day.

H. F. No. 1405, A bill for an act relating to state employees; providing for investment options for deferred compensation; amending Minnesota Statutes 1976, Section 352.96, Subdivisions 2, 3 and 4.

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 126 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

H. F. No. 1193, A bill for an act relating to the city of Bloomington in Hennepin County, the city of South St. Paul in Dakota County and the city of Mankato in Blue Earth County; housing and redevelopment authority; providing that the housing and redevelopment authority may make loans and grants for home improvement, rental assistance, and financial assistance; amending Laws 1971, Chapter 616, Sections 1 and 2.

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

The question was taken on the passage of the bill and the roll was called. There were 124 yeas and 1 nay as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Welch

The bill was passed and its title agreed to.

S. F. No. 586 was reported to the House.

There being no objection, S. F. No. 586 was continued on the Consent Calendar for one day.

S. F. No. 1369, A bill for an act relating to the cities of St. Paul, Minneapolis, and Duluth; firemen's survivor benefits; amending Laws 1955, Chapter 375, Section 25, as amended; Laws 1965, Chapter 519, Section 1, as amended; and Laws 1975, Chapter 127, Section 2, as amended.

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

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

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

S. F. No. 742, A bill for an act relating to the White Bear Lake conservation district; increasing membership on its governing board; providing for selection of board officers; amending Laws 1971, Chapter 355, Sections 2, Subdivision 2; and 8, Subdivision 1.

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

The question was taken on the passage of the bill and the roll was called. There were 123 yeas and 1 nay as follows:

Those who voted in the affirmative were:

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

Nelsen, M.	Pleasant	Schulz	Stanton	Wenzel
Nelson	Reding	Searle	Stoa	White
Norton	Rice	Searles	Suss	Wieser
Novak	Rose	Sherwood	Swanson	Wigley
Osthoff	St. Onge	Sieben, H.	Tomlinson	Wynia
Patton	Samuelson	Sieben, M.	Vanasek	Zubay
Pehler	Sarna	Simoneau	Waldorf	Speaker Sabo
Peterson	Savelkoul	Skoglund	Welch	
Petrafeso	Scheid	Smogard	Wenstrom	

Those who voted in the negative were:

Faricy

The bill was passed and its title agreed to.

S. F. No. 769 was reported to the House.

There being no objection, S. F. No. 769 was continued on the Consent Calendar for one day.

S. F. No. 905 was reported to the House.

There being no objection, S. F. No. 905 was continued on the Consent Calendar for one day.

S. F. No. 914, A bill for an act relating to the city of Mankato; providing for the service of the police and fire chiefs.

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 83 yeas and 38 nays as follows:

Those who voted in the affirmative were:

Adams	Cohen	Kelly, R.	Novak	Simoneau
Anderson, B.	Corbid	Kelly, W.	Osthoff	Skoglund
Arlandson	Cummiskey	King	Patton	Smogard
Battaglia	Dahl	Langseth	Pehler	Stanton
Beauchamp	Eckstein	Lehto	Petrafeso	Stoa
Begich	Eken	Lemke	Prahl	Suss
Berg	Ellingson	Mangan	Reding	Tomlinson
Berglin	Enebo	Mann	Rice	Vanasek
Berkelman	Fudro	McEachern	St. Onge	Welch
Brandl	Fugina	Metzen	Samuelson	Wenstrom
Braun	George	Moe	Sarna	Wenzel
Brinkman	Hokanson	Munger	Scheid	White
Byrne	Jacobs	Murphy	Schulz	Wieser
Carlson, L.	Jaros	Neisen	Searles	Wynia
Casserly	Jensen	Nelsen, M.	Sherwood	Speaker Sabo
Clark	Jude	Nelson	Sieben, H.	
Clawson	Kahn	Norton	Sieben, M.	

Those who voted in the negative were:

Abeln	Albrecht	Anderson, D.	Anderson, R.	Biersdorf
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Birnstihl	Evans	Hanson	Laidig	Savelkoul
Carlson, A.	Ewald	Heinitz	McDonald	Searle
Carlson, D.	Faricy	Kaley	Nelsen, B.	Swanson
Dean	Fjoslien	Kempe, R.	Niehaus	Waldorf
Den Ouden	Forsythe	Knickerbocker	Peterson	Wigley
Erickson	Friedrich	Kostohryz	Pleasant	
Esau	Gunter	Kvam	Rose	

The bill was passed and its title agreed to.

S. F. No. 1017, A bill for an act relating to the town of Bass Brook; authorizing the town board to exercise the powers described in Minnesota Statutes, Section 368.01 and Chapters 412, 429, 474 and 475.

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 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

S. F. No. 1103, A bill for an act relating to counties; providing for county appropriations for patrol of county highways and roads; eliminating the restriction on the Hennepin county board of commissioners in relation thereto; amending Minnesota Statutes 1976, Section 375.46, Subdivision 1.

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

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

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

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 third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 125 yeas and 2 nays as follows:

Those who voted in the affirmative were:

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

Jude	Lehto	Nelson	Sarna	Suss
Kahn	Lemke	Niehaus	Savelkoul	Swanson
Kaley	Mangan	Norton	Scheid	Tomlinson
Kalis	Mann	Novak	Schulz	Vanasek
Kelly, R.	McCollar	Patton	Searle	Waldorf
Kelly, W.	McDonald	Peterson	Searles	Welch
Kempe, R.	McEachern	Petrafeso	Sherwood	Wenstrom
King	Metzen	Pleasant	Sieben, H.	Wenzel
Knickerbocker	Moe	Prahl	Sieben, M.	White
Kostohryz	Munger	Reding	Simoneau	Wieser
Kroening	Murphy	Rice	Skoglund	Wigley
Kvam	Neisen	Rose	Smogard	Wynia
Laidig	Nelsen, B.	St. Onge	Stanton	Zubay
Langseth	Nelsen, M.	Samuelson	Stoa	Speaker Sabo

Those who voted in the negative were:

Battaglia Pehler

The bill was passed and its title agreed to.

S. F. No. 465, A bill for an act relating to transportation; prohibiting motorcyclists with instruction permits from driving on interstate highways; amending Minnesota Statutes 1976, Section 169.974, Subdivision 2.

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	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	Stanton
Arlandson	Ellingson	Kelly, W.	Norton	Stoa
Battaglia	Enebo	Kempe, A.	Novak	Suss
Beauchamp	Erickson	Kempe, R.	Osthoff	Swanson
Begich	Esau	King	Patton	Tomlinson
Berg	Evans	Knickerbocker	Pehler	Vanasek
Berglin	Ewald	Kostohryz	Peterson	Waldorf
Berkelman	Faricy	Kroening	Petrafeso	Welch
Biersdorf	Fjoslien	Kvam	Prahl	Wenstrom
Birnstihl	Forsythe	Laidig	Reding	Wenzel
Brandl	Friedrich	Langseth	Rice	White
Braun	Fudro	Lehto	Rose	Wieser
Brinkman	Fugina	Lemke	St. Onge	Wigley
Byrne	George	Mangan	Samuelson	Wynia
Carlson, A.	Gunter	Mann	Sarna	Zubay
Carlson, L.	Hanson	McCollar	Savelkoul	Speaker Sabo
Casserly	Heinitz	McDonald	Scheid	
Clark	Hokanson	McEachern	Schulz	
Clawson	Jacobs	Metzen	Searle	

The bill was passed and its title agreed to.

S. F. No. 166, A bill for an act relating to real estate; landlord and tenant; venue of actions brought to recover rent deposits; amending Minnesota Statutes 1976, Sections 487.30, by adding a subdivision; 488.04, by adding a subdivision; 488A.01, by adding a subdivision; 488A.12, Subdivision 3; 488A.18, Subdivision 4; 488A.29, Subdivision 3; and 504.20, by adding a subdivision.

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 128 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

S. F. No. 737, A bill for an act relating to local government; providing leaves of absence for certain governmental officers and employees elected to city or county office; amending Minnesota Statutes 1976, Section 3.088, Subdivisions 1, 2, 3 and 5.

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

The question was taken on the passage of the bill and the roll was called. There were 125 yeas and 1 nay as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Brandl

The bill was passed and its title agreed to.

S. F. No. 816 was reported to the House.

There being no objection, S. F. No. 816 was continued on the Consent Calendar for one day.

S. F. No. 967, A bill for an act relating to probate; guardianships and conservatorships; providing for resignations and removals of guardians; providing for joinder of sureties in final account hearings; amending Minnesota Statutes 1976, Section 525.582.

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

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

The bill was passed and its title agreed to.

S. F. No. 968 was reported to the House. Upon objection of ten members S. F. No. 968 was stricken from the Consent Calendar and returned to General Orders.

S. F. No. 969, A bill for an act relating to probate; authorizing the court to issue interim orders; surety bonds; authorizing court to order accounting by and judgment against surety in proceedings to settle estate; amending Minnesota Statutes 1976, Sections 524.3-105; and 524.3-606.

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

Swanson
Tomlinson
Vanasek

Waldorf
Welch
Wenstrom

Wenzel
White
Wieser

Wigley
Wynia

Zubay

The bill was passed and its title agreed to.

S. F. No. 970, A bill for an act relating to probate; personal representatives; providing for appointment of successor representatives; amending Minnesota Statutes 1976, Section 524.3-613.

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 126 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

S. F. No. 972, A bill for an act relating to probate; personal representatives; protecting certain good faith purchasers dealing with personal representatives; amending Minnesota Statutes 1976, Section 524.3-714.

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 126 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

S. F. No. 973, A bill for an act relating to probate; rules of procedure; providing for probate proceedings to be governed by rules of civil procedure; amending Minnesota Statutes 1976, Chapter 524, by adding a section.

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 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

The bill was passed and its title agreed to.

S. F. No. 1014, A bill for an act relating to courts; authorizing the supreme court to prescribe uniform conciliation court forms; directing the clerks of conciliation courts to accept uniform complaints and counterclaims from other jurisdictions; amending Minnesota Statutes 1976, Sections 487.23, by adding a subdivision; 487.30, by adding a subdivision; 488A.14, by adding a subdivision; and 488A.31, by adding a subdivision.

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 126 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

S. F. No. 1138, A bill for an act relating to probate; changing requirements for collection of personalty by affidavit; amending Minnesota Statutes 1976, Section 524.3-1201.

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

The bill was passed and its title agreed to.

CONSIDERATION UNDER RULE 1.10

Pursuant to rule 1.10, Kelly, W., requested immediate consideration of H. F. No. 992.

H. F. No. 992 was reported to the House.

Scheid moved to amend H. F. No. 992, as follows:

Page 7, line 32, delete *"limited"*.

Page 8, line 1, delete *"providing"* insert *"provide"*.

Page 8, line 2, after *"moves"* insert *" , upon the renter's request,"*.

Page 8, line 2, delete *"mailing"* insert *"to mail"*.

Page 8, delete lines 6 to 8.

The motion prevailed and the amendment was adopted.

Savelkoul moved to amend H. F. No. 992, as follows:

Page 5, line 1, after the period, insert "*No apportionment or reduction of the "property taxes payable" shall be required for the use of a portion of the claimant's homestead for a business purpose if the claimant does not deduct any business depreciation expenses for the use of a portion of the homestead in the determination of federal adjusted gross income.*".

The motion prevailed and the amendment was adopted.

H. F. No. 992, A bill for an act relating to taxation; altering requirements for income adjusted homestead credit; amending Minnesota Statutes 1976, Sections 290.066, Subdivision 1; 290A.-03, Subdivisions 6, 7, 8, 11, 12 and 13; 290A.05; 290A.08; 290A.-10; 290A.14; 290A.18; 290A.19; and Laws 1976, Chapter 334, Section 21; repealing Minnesota Statutes 1976, Sections 290.-0601; 290.0602; 290.0603; 290.0604; 290.0605; 290.0606; 290.-0608; 290.0609; 290.061; 290.0611; 290.0612; 290.0614; 290.-0615; 290.0616; 290.0618; 290.066, Subdivisions 2 and 3; 290.-981; 290.982; 290.983; 290.984; 290.985; 290.986; 290.987; 290.-988; 290.989; 290.99; 290.991; 290.992; and 290A.21.

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 125 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

Pursuant to rule 1.10, Norton requested immediate consideration of H. F. Nos. 8, 772 and 1498.

H. F. No. 8 was reported to the House.

Faricy moved to amend H. F. No. 8 as follows:

Page 5, after line 15, insert:

"Subd. 2. Any seller at retail whose primary business is other than the sale of food or food related commodities shall be exempt from the provisions of this act. Provided, however, that if the establishment of a seller at retail exempted by this subdivision contains a department or section whose primary business is the sale of food or food related commodities, the provisions of this act shall apply to commodities sold in that department or section."

Renumber the subdivisions.

The motion prevailed and the amendment was adopted.

Faricy moved to amend H. F. No. 8 as follows:

Page 6, line 28, delete ", except that the department" and insert a period.

Page 6, delete lines 29 and 30.

The motion prevailed and the amendment was adopted.

Faricy moved to amend H. F. No. 8, as amended, as follows:

Page 5, line 11, delete "\$500,000" insert "\$1,000,000".

Page 5, line 14, delete "\$500,000" insert "\$1,000,000".

Evans moved to amend the Faricy amendment to H. F. No. 8, as follows:

Page 5, line 11, strike "\$1,000,000" insert "\$2,000,000".

Page 5, line 14, strike "\$1,000,000" insert "\$2,000,000".

A roll call was requested and properly seconded.

The question was taken on the adoption of the Evans amendment to the Faricy amendment and the roll was called. There were 58 yeas and 70 nays as follows:

Those who voted in the affirmative were:

Albrecht	Dean	Heinitz	Metzen	Sherwood
Anderson, B.	Den Ouden	Jensen	Nelsen, B.	Smogard
Anderson, D.	Eckstein	Johnson	Niehaus	Suss
Anderson, G.	Eken	Jude	Peterson	Vanasek
Anderson, R.	Erickson	Kaley	Pleasant	Welch
Berkelman	Esau	Knickerbocker	Rose	Wenstrom
Biersdorf	Evans	Kvam	St. Onge	Wenzel
Brandl	Ewald	Laidig	Samuelson	Wieser
Brinkman	Fjoslien	Langseth	Sarna	Wigley
Carlson, A.	Forsythe	Mangan	Savelkoul	Zubay
Carlson, D.	Friedrich	Mann	Searle	
Dahl	Gunter	McDonald	Searles	

Those who voted in the negative were:

Abeln	Clark	Kahn	Moe	Scheid
Adams	Cohen	Kalis	Munger	Schulz
Anderson, I.	Corbid	Kelly, R.	Murphy	Sieben, H.
Arlandson	Cummiskey	Kelly, W.	Neisen	Sieben, M.
Battaglia	Ellingson	Kempe, A.	Nelsen, M.	Simoneau
Beauchamp	Enebo	Kempe, R.	Nelson	Skoglund
Begich	Faricy	King	Norton	Stanten
Berg	Fudro	Kostohryz	Novak	Stoa
Berglin	Fugina	Kroening	Patton	Swanson
Birnstihl	George	Lehto	Pehler	Tomlinson
Braun	Hanson	Lemke	Petraseso	Waldorf
Byrne	Hokanson	McCarron	Prahl	White
Carlson, L.	Jacobs	McCollar	Reding	Wynia
Casserly	Jaros	McEachern	Rice	Speaker Sabo

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

The question recurred on the adoption of the Faricy amendment to H. F. No. 8. The motion prevailed and the amendment was adopted.

Evans moved to amend H. F. No. 8, as follows:

Page 6, line 23, strike the period and insert: “; (c) Establish a level of error whereby no action shall be brought under sections 1 through 6. The maximum level of error for unmarked or mismarked unit price labels shall be set between fifteen (15) percent to twenty-five (25) percent of those items covered in sections 1 through 6.”.

Faricy moved to amend the Evans amendment to H. F. No. 8, as follows:

After “labels shall” delete “be set between” and insert “not exceed”.

After “fifteen (15) percent” delete “to twenty-five (25) percent”.

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

The question recurred on the adoption of the Evans amendment, as amended. The motion prevailed and the amendment, as amended, was adopted.

H. F. No. 8, A bill for an act relating to trade regulations; providing for unit pricing of certain packaged commodities; providing for exemptions; providing a penalty.

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 82 yeas and 48 nays as follows:

Those who voted in the affirmative were:

Abeln	Cohen	Kempe, A.	Norton	Simoneau
Adams	Corbid	Kempe, R.	Novak	Skoglund
Anderson, I.	Cummiskey	King	Osthoff	Smogard
Arlandson	Ellingson	Knickerbocker	Patton	Stanton
Battaglia	Enebo	Kostohryz	Pehler	Stoa
Beauchamp	Faricy	Kroening	Petrafeso	Swanson
Begich	Fudro	Laidig	Pleasant	Tomlinson
Berg	Fugina	Lehto	Prahl	Waldorf
Berglin	George	McCarron	Reding	Welch
Berkelman	Hanson	McCollar	Rice	Wenstrom
Brandl	Hokanson	Metzen	St. Onge	Wenzel
Braun	Jacobs	Moe	Sarna	White
Byrne	Jaros	Munger	Scheid	Wynia
Carlson, A.	Jude	Murphy	Schulz	Speaker Sabo
Carlson, L.	Kahn	Neisen	Sherwood	
Cassery	Kelly, R.	Nelsen, M.	Sieben, H.	
Clark	Kelly, W.	Nelson	Sieben, M.	

Those who voted in the negative were:

Albrecht	Dahl	Forsythe	Langseth	Samuelson
Anderson, B.	Dean	Friedrich	Lemke	Searle
Anderson, D.	Den Ouden	Gunter	Mangan	Searles
Anderson, G.	Eckstein	Hangerud	Mann	Suss
Anderson, R.	Eken	Heinitz	McDonald	Vanasek
Biersdorf	Erickson	Jensen	McEachern	Wieser
Birnstihl	Esau	Johnson	Nelsen, B.	Wigley
Brinkman	Evans	Kaley	Niehaus	Zubay
Carlson, D.	Ewald	Kalis	Peterson	
Clawson	Fjoslien	Kvam	Rose	

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

H. F. No. 772, A bill for an act relating to state contracts; regulating bid and performance bonds for small businesses and minority small businesses; appropriating money; amending Minnesota Statutes 1976, Chapter 574, by adding a section.

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

The question was taken on the passage of the bill and the roll was called. There were 123 yeas and 2 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Niehaus Waldorf

The bill was passed and its title agreed to.

H. F. No. 1498, A bill for an act relating to public welfare; mandating the working of certain general assistance recipients; allowing the use of general assistance funds for the work equity program; empowering the commissioner of public welfare to contract for recipient services and grant distribution; amending Minnesota Statutes 1976, Sections 256D.02, by adding subdivisions; 256D.04; 256D.06, by adding a subdivision; and 256D.11, Subdivisions 1 and 4, and by adding subdivisions.

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 117 yeas and 6 nays as follows:

Those who voted in the affirmative were:

Abeln Albrecht Anderson, B. Anderson, D. Anderson, G.

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

Those who voted in the negative were:

Anderson, R.	Corbid	Enebo	Kvam	Welch
Braun				

The bill was passed and its title agreed to.

CALENDAR

H. F. No. 544, A bill for an act relating to highways; removing the construction moratorium on a certain interstate route, and extending it through the city of St. Paul; removing a certain route from the trunk highway system; amending Minnesota Statutes 1976, Sections 161.117; 161.12; and 161.123.

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 94 yeas and 26 nays as follows:

Those who voted in the affirmative were:

Abeln	Casserly	Fudro	Kempe, A.	Metzen
Adams	Clawson	Fugina	Kempe, R.	Murphy
Anderson, D.	Cohen	George	Knickerbocker	Neisen
Anderson, G.	Dahl	Hanson	Kostohryz	Nelsen, B.
Anderson, I.	Den Ouden	Heinitz	Kroening	Nelsen, M.
Battaglia	Eckstein	Hokanson	Kvam	Novak
Begich	Enebo	Jacobs	Laidig	Osthoff
Berkelman	Erickson	Jensen	Langseth	Pehler
Biersdorf	Esau	Johnson	Lemke	Peterson
Birnstihl	Ewald	Jude	Mangan	Pleasant
Braun	Faricy	Kaley	Mann	Reding
Byrne	Fjoslien	Kalis	McCarron	Rice
Carlson, D.	Forsythe	Kelly, R.	McCollar	Rose
Carlson, L.	Friedrich	Kelly, W.	McEachern	St. Onge

Samuelson	Searles	Stoa	Waldorf	Wieser
Sarna	Sieben, H.	Suss	Welch	Wigley
Savelkoul	Sieben, M.	Swanson	Wenstrom	Wynia
Scheid	Simoneau	Tomlinson	Wenzel	Zubay
Schulz	Smogard	Vanasek	White	

Those who voted in the negative were:

Albrecht	Brinkman	Ellingson	Moe	Stanton
Anderson, B.	Carlson, A.	Gunter	Munger	Speaker Sabo
Arlandson	Clark	Haugerud	Niehaus	
Beauchamp	Corbid	Jaros	Norton	
Berglin	Cummiskey	Kahn	Sherwood	
Brandl	Dean	King	Skoglund	

The bill was passed and its title agreed to.

SPECIAL ORDERS

H. F. No. 788 was reported to the House.

Kempe, A., moved that H. F. No. 788 be returned to the bottom of General Orders. The motion prevailed.

H. F. No. 1004 was reported to the House.

Moe moved to amend H. F. No. 1004, as follows:

Page 8, line 21, after the period insert "*This chapter does not apply to those persons employed by a corporation where those persons are related by blood or marriage, within the third degree of kindred according to the rules of civil law, to all of the officers of the corporation, and if the corporation files a written election with the commissioner of labor and industry to have those persons excluded from this chapter. This chapter does not apply to a nonprofit association which does not pay more than \$500 in salary or wages in a year.*".

Page 12, line 10, delete "period from October 1, 1977, to December".

Page 12, line 11, delete "31, 1978," and insert "year commencing on October 1, 1977, and each year thereafter, commencing on October 1,".

Page 12, line 13, delete "1976" and insert "of the preceding year".

Page 12, delete lines 14 through 25.

Page 12, line 26, delete "(5)" and insert "(2)".

Page 23, lines 8 through 21, delete all of section 13 and renumber the succeeding sections.

Page 23, line 25, strike "leave" and insert "leaves".

Page 30, line 23, after the period insert "No adjustment increase made on October 1, 1977 or thereafter under this section shall exceed six percent a year. In those instances where the adjustment under the formula of this section would exceed this maximum the increase shall be deemed to be six percent."

Page 30, between lines 23 and 24, add a new section to read:

"Sec. 25. Minnesota Statutes 1976, Chapter 79, is amended by adding a section to read:

[79.095] [APPOINTMENT OF ACTUARY.] *The commissioner shall employ the services of a casualty actuary experienced in worker's compensation whose duties shall include but not be limited to investigation of complaints by insured parties relative to rates, rate classifications, or discriminatory practices of an insurer."*

Renumber the succeeding sections.

Page 31, between lines 8 and 9, insert a new section to read:

"Sec. 27. [WORKERS' COMPENSATION STUDY COMMISSION.] *Subdivision 1. A study commission is hereby created to study and report on:*

(a) *the procedure by which workers' compensation insurance premium rates are established;*

(b) *the level of Minnesota workers' compensation premiums as compared to premium levels in other jurisdictions; and,*

(c) *the various methods of providing workers' compensation insurance to employers in other jurisdictions.*

Subd. 2. The commission shall consist of three members of the house of representatives appointed by the speaker, three members of the senate appointed by the subcommittee on committees, the commissioner of labor and industry or his designee, the commissioner of insurance or his designee, two citizens appointed by the governor, two representatives of the insurance industry appointed by the governor, two employer representatives appointed by the governor and two labor representatives appointed by the governor. Members shall serve until the expiration date of this section. The compensation of non-legislator members, their removal and the filling of vacancies shall be as provided in section 15.059.

Subd. 3. *The commission shall report its findings and recommendations to the governor and legislature not later than December 15, 1978. The report shall recommend any necessary changes in laws in order to improve the system of providing workers' compensation insurance at fair and reasonable rates to employers within the state.*

Subd. 4. *The commission shall hold meetings and hearings at the times and places it designates to accomplish the purposes set forth in this section. It shall select a chairman and other officers from its membership as it deems necessary.*

Subd. 5. *The commission shall make use of existing legislative facilities and staff, but it may also request the legislative coordinating commission to supply it with additional necessary staff, office space, and administrative services. All such additional personnel shall be used to assist and supplement the work of the existing legislative staff and shall, as much as is practical, be integrated with existing legislative staff.*

Subd. 6. [APPROPRIATION.] *There is appropriated from the general fund to the legislative coordinating commission the sum of \$10,000 for the period ending December 31, 1978 to pay the expenses incurred by the commission."*

Renumber the succeeding sections.

Page 31, line 11, delete "15" and insert "21".

Page 31, line 12, delete "9" and insert "12".

Page 31, line 14, delete "18" and insert "23".

Page 31, line 15, after the period insert "Section 17 is effective on July 1, 1977."

Page 31, line 16, after the period insert "The provisions of section 27 shall expire December 31, 1978."

Further, amend the title as follows:

Page 1, line 2, after "compensation;" insert "permitting the commissioner of insurance to employ an actuary;"

Page 1, line 4, after "non-coverage;" insert "excluding certain family corporations and certain nonprofit associations from coverage;"

Page 1, line 11, after "payments;" insert "creating a workers' compensation study commission; appropriating money;"

Page 1, line 15, delete "1,".

Page 1, line 19, after "176.645;" insert "and Chapter 79 by adding a section;"

The motion prevailed and the amendment was adopted.

Pehler moved to amend H. F. No. 1004, as amended, as follows:

Page 30, between lines 23 and 24 insert a new section to read:

"Sec. 26. Minnesota Statutes 1976, Section 79.07, is amended to read:

79.07 [INSURANCE RATES.] To provide for the solvency of insurers writing workers compensation insurance in this state and to secure reasonable rates, the commissioner shall approve a minimum, adequate, fair, and reasonable rate, including the expense of a reasonable charge which the commissioner may approve for the services of an agent of record whether or not an employee or agent of the insurer, for the service of rejected risks as set forth in sections 79.24 to 79.27, for each classification under which such business is written. In approving these rates, the commissioner shall make findings in support thereof and make use of the experience which from time to time may be available and of such other helpful information as may be obtainable. For the purpose of uniformity and equality, the commissioner, after consultation with insurers, shall approve a system of merit and experience rating for use in writing such business in this state. No other system of merit or experience rating shall be used in this state. Every insurer referred to in section 79.20 who issues participating policies shall file with the commissioner a true copy or summary as the commissioner shall direct of its participating dividend rates as to policy holders. The commissioner shall study such rates and make recommendations to the legislature concerning possible basis for discrimination. Such filing shall be made at the same time as the filing required in section 79.20. *In determining what is a reasonable, fair, and adequate rate the commissioner shall allow insurers to charge an amount for profit and expenses in addition to the amounts necessary to pay any benefits or charges required by chapter 176. The amount allowed for profit and expenses shall not exceed 22.5 percent of the total premiums paid for workers' compensation insurance within this state.*"

Renumber the succeeding sections.

Page 31, line 15, after the period insert the following new sentence:

"Section 25 shall be effective the day following final enactment for all general rates approved after that date, but it shall not affect the continuing validity of any general rates approved prior to that date."

Further, amend the title as follows:

Page 1, line 2, after the semicolon insert:

"limiting expenses and profit includable in workers' compensation insurance premiums;"

Page 1, line 12, after "Sections" insert "79.07;"

A roll call was requested and properly seconded.

The question was taken on the adoption of the amendment and the roll was called. There were 87 yeas and 30 nays as follows:

Those who voted in the affirmative were:

Abeln	Casserly	Haugerud	McCollar	Searles
Albrecht	Clawson	Jacobs	McEachern	Sherwood
Anderson, B.	Cohen	Jude	Munger	Simoneau
Anderson, D.	Dahl	Kalis	Murphy	Skoglund
Anderson, G.	Dean	Kelly, R.	Neisen	Smogard
Anderson, I.	Eckstein	Kelly, W.	Nelsen, M.	Stanton
Anderson, R.	Ellingson	Kempe, A.	Niehaus	Stoa
Battaglia	Enebo	Kempe, R.	Novak	Swanson
Beauchamp	Erickson	Knickerbocker	Pehler	Tomlinson
Begich	Esau	Kostohryz	Peterson	Waldorf
Berglin	Evans	Kvam	Pleasant	Welch
Berkelman	Ewald	Laidig	Prahl	Wenstrom
Birnstihl	Forsythe	Langseth	Reding	White
Braun	Friedrich	Lehto	St. Onge	Wieser
Brinkman	Fugina	Lemke	Samuelson	Wynia
Carlson, A.	George	Mangan	Sarna	
Carlson, D.	Gunter	Mann	Savelkoul	
Carlson, L.	Hanson	McCarron	Schulz	

Those who voted in the negative were:

Adams	Corbid	Jensen	Moe	Scheid
Arlandson	Cummiskey	Kaley	Nelsen, B.	Sieben, H.
Biersdorf	Fjoslien	King	Osthoff	Vanasek
Brandl	Fudro	Kroening	Petrafeso	Wenzel
Byrne	Heinitz	McDonald	Rice	Wigley
Clark	Hokanson	Metzen	Rose	Zubay

The motion prevailed and the amendment was adopted.

White moved to amend H. F. No. 1004, as amended, as follows:

Page 29, lines 2 to 12, strike Section 22 from the bill.

Renumber the following sections accordingly.

Further, amend the title, as follows:

Page 1, lines 17 and 18, delete "176.215, by adding a subdivision;"

A roll call was requested and properly seconded.

The question was taken on the adoption of the amendment and the roll was called. There were 92 yeas and 29 nays as follows:

Those who voted in the affirmative were:

Abeln	Dahl	Jensen	McDonald	Savelkoul
Albrecht	Dean	Johnson	McEachern	Schulz
Anderson, B.	Den Ouden	Jude	Metzen	Searle
Anderson, D.	Eckstein	Kaley	Munger	Searles
Anderson, G.	Eken	Kalis	Murphy	Sherwood
Anderson, I.	Enebo	Kelly, R.	Neisen	Skoglund
Anderson, R.	Erickson	Kelly, W.	Nelsen, B.	Smogard
Arlandson	Esau	Kempe, R.	Nelsen, M.	Suss
Beauchamp	Evans	Knickerbocker	Niehaus	Swanson
Berkelman	Ewald	Kostohryz	Novak	Waldorf
Biersdorf	Fjoslien	Kvam	Osthoff	Wenstrom
Birnstihl	Forsythe	Laidig	Patton	Wenzel
Braun	Friedrich	Langseth	Pehler	White
Brinkman	Fudro	Lehto	Peterson	Wieser
Carlson, A.	Gunter	Lemke	Pleasant	Wigley
Carlson, D.	Hanson	Mangan	Reding	Zubay
Casserly	Heinitz	Mann	Rose	
Clawson	Hokanson	McCarron	Samuelson	
Cohen	Jaros	McCollar	Sarna	

Those who voted in the negative were:

Adams	Byrne	Jacobs	Nelson	Simoneau
Battaglia	Carlson, L.	Kahn	Prahl	Stanton
Begich	Clark	Kempe, A.	Rice	Stoa
Berg	Cummiskey	King	St. Onge	Wynia
Berglin	Ellingson	Kroening	Scheid	Speaker Sabo
Brandl	Fugina	Moe	Sieben, M.	

The motion prevailed and the amendment was adopted.

H. F. No. 1004, A bill for an act relating to worker's compensation; limiting expenses and profit includable in workers' compensation insurance premiums; permitting the commissioner of insurance to employ an actuary; including legislators in coverage; requiring owners to elect non-coverage; excluding certain family corporations and certain nonprofit associations from coverage; increasing benefit levels; vesting certain benefits; excluding certain employment; regulating attorney's fees; providing for depending surviving spouses; providing for supplemental benefits; altering notice requirements; providing for the distribution of physician's reports; providing for adjustments to benefit payments; creating a workers' compensation study commission; ap-

propriating money; amending Minnesota Statutes 1976, Sections 79.07; 79.30; 176.011, Subdivisions 9 and 11a; 176.012; 176.021, Subdivision 3; 176.041, Subdivision 1; 176.051; 176.081, Subdivisions 1, 2, 3, 4, and 6; 176.101; 176.111, Subdivisions 6, 11 and 21; 176.182, Subdivisions 1, 2, and 3; 176.141; 176.155, Subdivision 1; 176.221, by adding a subdivision; 176.511, Subdivision 3; 176.645; and Chapter 79 by adding a section; repealing Minnesota Statutes 1976, Sections 176.111, Subdivision 13; and 176.185, Subdivision 8.

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 86 yeas and 43 nays as follows:

Those who voted in the affirmative were:

Abeln	Clawson	Kahn	Murphy	Sieben, H.
Adams	Cohen	Kelly, R.	Nelson	Sieben, M.
Anderson, B.	Corbid	Kelly, W.	Norton	Simoneau
Anderson, I.	Cummiskey	Kempe, A.	Novak	Skoglund
Arlandson	Dahl	Kempe, R.	Osthoff	Stoa
Battaglia	Dean	King	Patton	Swanson
Beauchamp	Ellingson	Knickerbocker	Pehler	Tomlinson
Begich	Enebo	Kostohryz	Petrafeso	Waldorf
Berg	Ewald	Kroening	Prahl	Welch
Berglin	Fudro	Laidig	Reding	Wenstrom
Berkelman	Fugina	Lehto	Rice	Wenzel
Brandl	George	Mangan	St. Onge	White
Byrne	Gunter	McCarron	Samuelson	Wynia
Carlson, A.	Hanson	McCollar	Sarna	Speaker Sabo
Carlson, D.	Hokanson	McEachern	Savelkoul	
Carlson, L.	Jacobs	Metzen	Scheid	
Casserly	Jaros	Moe	Schulz	
Clark	Jude	Munger	Sherwood	

Those who voted in the negative were:

Albrecht	Eckstein	Jensen	Neisen	Smogard
Anderson, D.	Erickson	Johnson	Nelsen, B.	Stanton
Anderson, G.	Esau	Kaley	Nelsen, M.	Suss
Anderson, R.	Evans	Kalis	Niehaus	Vanasek
Biersdorf	Fjoslien	Kvam	Peterson	Wieser
Birnstihl	Forsythe	Langseth	Pleasant	Wigley
Braun	Friedrich	Lemke	Rose	Zubay
Brinkman	Haugerud	Mann	Searle	
Den Ouden	Heinitz	McDonald	Searles	

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

S. F. No. 1234 was reported to the House.

Petrafeso moved to amend S. F. No. 1234 as follows:

Page 1, line 15, after "subdivision" add "shall be for curriculum development purposes only and".

The motion prevailed and the amendment was adopted.

S. F. No. 1234, A bill for an act relating to education; authorizing the state board of education to create additional advisory task forces; amending Minnesota Statutes 1976, Section 15.014, by adding a subdivision.

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 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

S. F. No. 1140, A bill for an act relating to agriculture; food licensing; defining a custom processor and providing for a custom processing permit; amending Minnesota Statutes 1976, Sections 28A.03; 28A.04; and 28A.13.

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 121 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

H. F. No. 756 was reported to the House.

Kroening moved to amend H. F. No. 756, as follows:

Page 1, line 8, delete "January" insert "February".

Page 1, line 21, delete "January" insert "February".

Page 2, line 15, delete "January" insert "February".

The motion prevailed and the amendment was adopted.

H. F. No. 756, A bill for an act relating to public lands; authorizing sale of certain state owned and tax forfeited lands for use in a taconite tailings disposal facility.

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 117 yeas and 2 nays as follows:

Those who voted in the affirmative were:

Abeln	Anderson, B.	Anderson, I.	Battaglia	Berg
Adams	Anderson, D.	Anderson, R.	Beauchamp	Berglin
Albrecht	Anderson, G.	Arlandson	Begich	Berkelman

Birnstihl	Fjoslien	Knickerbocker	Novak	Simoneau
Braun	Forsythe	Kostohryz	Osthoff	Skoglund
Byrne	Friedrich	Kroening	Patton	Smogard
Carlson, A.	Fudro	Kvam	Pehler	Stanton
Carlson, D.	Fugina	Laidig	Peterson	Stoa
Carlson, L.	Gunter	Langseth	Petraieso	Suss
Casserly	Haugerud	Lemke	Pleasant	Swanson
Clark	Heinitz	Mangan	Prahl	Tomlinson
Clawson	Hokanson	Mann	Reding	Vanasek
Cohen	Jacobs	McCollar	Rice	Waldorf
Corbid	Jaros	McDonald	Rose	Welch
Cummiskey	Jensen	McEachern	St. Onge	Wenstrom
Dahl	Johnson	Metzen	Sarna	Wenzel
Dean	Jude	Munger	Savelkoul	White
Den Ouden	Kaley	Murphy	Scheid	Wieser
Eckstein	Kalis	Neisen	Schulz	Wigley
Ellingson	Kelly, R.	Nelsen, B.	Searle	Zubay
Enebo	Kelly, W.	Nelsen, M.	Searles	Speaker Sabo
Erickson	Kempe, A.	Nelson	Sherwood	
Evans	Kempe, R.	Niehaus	Sieben, H.	
Ewald	King	Norton	Sieben, M.	

Those who voted in the negative were:

Kahn Lehto

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

H. F. No. 1215, A bill for an act relating to environmental protection; prohibiting transportation of radioactive wastes into Minnesota for purposes of storage or disposal; providing exceptions; prescribing penalties.

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

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

Those who voted in the affirmative were:

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

Skoglund	Suss	Waldorf	White	Zubay
Smogard	Swanson	Welch	Wieser	Speaker Sabo
Stanton	Tomlinson	Wenstrom	Wigley	
Stoa	Vanasek	Wenzel	Wynia	

The bill was passed and its title agreed to.

H. F. No. 1582, A bill for an act relating to public safety; clarifying the duties of the commissioner of public safety in regard to the state criminal justice data communications network; amending Minnesota Statutes 1976, Sections 299C.46; 299C.48; and Chapter 299C, by adding a section; repealing Minnesota Statutes 1976, Section 299C.45.

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

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

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

H. F. No. 530 was reported to the House.

George moved to amend H. F. No. 530, as follows:

Page 8, strike Section 6 from the bill.

The motion prevailed and the amendment was adopted.

H. F. No. 530, A bill for an act relating to commerce; regulating the use of credit life and credit health and accident insurance; eliminating level term credit life insurance; eliminating "pyramiding" of credit life insurance; permitting joint life credit insurance policies; permitting certain classes of credit accident and health insurance; amending Minnesota Statutes 1976, Sections 53.051; 56.15, Subdivision 2; 61A.12, by adding a subdivision; 62B.04, Subdivision 1; and 62B.05.

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 125 yeas and 1 nay as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Biersdorf

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

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

H. F. No. 914, A bill for an act relating to human services; providing certain services to juveniles; clarifying the authority of the juvenile court; amending Minnesota Statutes 1976, Sections 260.311, Subdivisions 1, 3 and 5; and 402.02, Subdivision 2.

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 111 yeas and 11 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Albrecht	Carlson, D.	Nelsen, B.	Searle	Welch
Anderson, D.	Erickson	Niehaus		
Begich	Kvam	Savelkoul		

The bill was passed and its title agreed to.

S. F. No. 125 was reported to the House.

Petrafeso moved to amend S. F. No. 125, as follows:

Page 4, line 25, after "effective" delete "April 1, 1977" and insert "the day following its final enactment".

The motion prevailed and the amendment was adopted.

S. F. No. 125, A bill for an act relating to commerce; prohibiting discriminatory trade practices; providing a penalty; amending Minnesota Statutes 1976, Section 325.8018, Subdivision 2; and Chapter 325, by adding a section.

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 119 yeas and 6 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Erickson	Kvam	Nelsen, M.	Niehaus	Wigley
Fjoslien				

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

S. F. No. 875 was reported to the House.

Carlson, A. moved to amend S. F. No. 875, as follows:

Strike everything after the enacting clause and insert:

"Section 1. Laws 1965, Chapter 855, Section 4, Subdivision 2, is amended to read:

Subd. 2. [DUTIES AND POWERS OF BOARD.] It shall be the duty of the personnel board as a body:

(a) to frame, with the assistance of the personnel director, rules for the classified service. Such rules shall be framed only after posted notice in each department and after written notice to all department heads and labor organizations whose employees are covered under the provisions of this act providing for a public hearing on the proposed rules or changes or amendments thereto. Such rules shall be submitted to the county board who may approve or reject such rules. When approved, which shall be by majority vote and in the form of a written resolution, the rules shall have the force and effect of law. Such rules may be amended and repealed with the consent of the county board in the same manner as provided for original adoption. Notwith-

standing any other provisions of this act all personnel rules affecting employees of departments and agencies paid in whole or in part by federal funds, shall conform to any valid federal or state regulation affecting any such department. Such rules shall provide among other things:

(1) for the rejection of otherwise eligible candidates who fail to comply with the reasonable requirements of the board with regard to age, citizenship, qualifications, residence, sex, or physical or medical condition, or who have been guilty of crime involving moral turpitude, or who have attempted any deception or fraud in connection with an application or examination, or who have been dismissed from the public service for delinquency or misconduct, or who have directly or indirectly given or promised to give any money, service, or other valuable thing to any person for or on account of his examination, appointment, or proposed appointment.

(2) for examinations which shall be competitive and standardized and which may consist of any one or a combination of the following: written or oral tests of the subjective or objective type, physical tests, practical or demonstration tests, or evaluation of past training and experience. Oral tests may be of the question and answer type used to test candidates' knowledge of the duties of the position, or may be of the interview type used to test the candidates' personal fitness for the job.

(3) for the creation of eligible lists upon which shall be entered the names of successful candidates in the order of their rating in the examination.

(4) for the appointment to fill a vacancy of one of those who have qualified through the examination process, if the vacancy is not filled by reduction, transfer, or reinstatement. (THREE PERSONS WHEN AVAILABLE SHALL BE REFERRED TO DEPARTMENT HEADS WHEN A VACANCY OCCURS, WITH WAIVER IN EXTREME OR UNIQUE CONDITIONS SUBJECT TO UNANIMOUS APPROVAL OF THE PERSONNEL BOARD.) *When a vacancy occurs the director shall certify from the list of eligibles appropriate for the grade and class in which the position is classified, the first three names on such list together with any additional names of persons having an examination rating within three points of the person on the list with the highest examination rating. In the case of an eligible list for initial entry into the county services, the director shall certify the first ten names on such list. The personnel board may waive the above provisions where extreme or unique conditions exist by unanimous approval.*

(5) for a period of probation during which period such probationer may be discharged or reduced, and he shall have no right of appeal. Such period of probation shall not exceed six months unless waived by unanimous approval of the personnel board due to extreme or unique conditions.

(6) for provisional employment without examination with the consent of the director, in cases of emergency and pending appointment from an eligible list, providing no provisional employment shall continue longer than 90 days.

(7) for transfers including transfers from other merit systems provided that a transfer shall not result in a promotion or reduction; and for reinstatement of persons who without fault or delinquency on their part are separated from the service or reduced.

(8) for promotion based upon competitive examinations and upon the record of efficiency. Whenever practicable vacancies shall be filled by promotion.

(9) for suspensions without pay for no longer than 30 days for disciplinary purposes; for leaves of absence with or without pay; for layoffs; for hours of employment; for vacations and sick leave; severance pay, and such other benefits and emoluments as may improve the public service.

(10) for discharge or reduction in rank of a permanent employee only when the person to be discharged or reduced has been presented with charges specifically stated in writing and has been allowed a hearing thereon before the personnel board. Records of such charges and the hearing shall be filed in the office of the personnel director.

(b) to provide a salary and wage schedule for county employees to be presented to the county board for approval and to establish periods and manner in which salaries and wages shall be paid.

(c) to make investigations either on petition of a citizen or of its own motion concerning the enforcement and effect of this act, to require observance of its provisions and the rules made thereunder.

(d) to hear and determine appeals on complaints respecting the administrative work of the personnel director and such other matters as may be appealed to the board.

(e) to make such investigations as may be requested by the county board or the personnel director and to report thereon.

(f) to make an annual report to the county board on the activities of the personnel department.”.

Further amend by striking the title and inserting:

“A bill for an act relating to Hennepin county; personnel system; filling of vacancies; amending Laws 1965, Chapter 855, Section 4, Subdivision 2.”.

The motion prevailed and the amendment was adopted.

S. F. No. 875, A bill for an act relating to Hennepin county; changing duties of personnel board; providing for re-referral of additional eligible names to fill vacancies; amending Laws 1965, Chapter 855, Section 4, Subdivision 2.

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

Those who voted in the negative were:

Fudro	Knickerbocker	Kroening	Rice	Sarna
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The bill was passed, as amended, and its title agreed to.

S. F. No. 683 was reported to the House.

There being no objection, S. F. No. 683 was continued on Special Orders for one day.

S. F. No. 932 was reported to the House.

Osthoff moved to amend S. F. No. 932, as follows:

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1976, Section 168.33, Subdivision 2, is amended to read:

Subd. 2. [POWERS.] The registrar shall have the power to appoint, hire and discharge and fix the compensation of the necessary employees, in the manner provided by law, as may be required to enable him to properly carry out the duties imposed upon him by the provisions of this chapter. As of April 14, 1976, the registrar may appoint, and for cause discontinue, a deputy registrar for any city as the public interest and convenience may require, without regard to whether the county auditor of the county in which the city is situated has been appointed as the deputy registrar for the county or has been discontinued as the deputy registrar for the county, and without regard to whether the county in which the city is situated has established a county license bureau which issues motor vehicle licenses as provided in section 373.32.

Effective August 1, 1976, the registrar may appoint, and for cause discontinue, a deputy registrar for any city as the public interest and convenience may require, if the auditor for the county in which the city is situated chooses not to accept appointment as the deputy registrar for the county or is discontinued as a deputy registrar, or if the county in which the city is situated has not established a county license bureau which issues motor vehicle license as provided in section 373.32. Any person appointed as a deputy registrar for any city shall be a resident of the county in which the city is situated.

The registrar may appoint, and for cause discontinue, the county auditor of each county as a deputy registrar. The auditor, with the approval of the director of motor vehicles, may appoint, and for cause discontinue, the clerk or equivalent officer of each city or any other person as a deputy registrar as public interest and convenience may require. Notwithstanding any other provision, a person other than a county auditor or a director of a county license bureau, who was appointed by the registrar before August 1, 1976, as a deputy registrar for any city, may continue to serve as deputy registrar and may be discontinued for cause only by the registrar. The county auditor shall be responsible for the acts of deputy registrars appointed by him. Each such deputy, before entering upon the discharge of his duties, shall take and subscribe an oath to faithfully discharge his duties and to uphold the laws of the state. If a deputy registrar appointed hereunder is not an officer or employee of a county or city, such deputy shall in addition give bond to the state in the sum of \$10,000, or such larger sum as may be required by the registrar, conditioned upon the faithful discharge of his duties as deputy registrar. Each deputy registrar appointed hereunder shall keep and maintain, in a convenient public place within the place for which he is appointed, a registration and motor vehicle tax collection bureau, to be approved by the registrar, for the registration of motor vehicles and the collection of motor vehicle taxes thereon. He shall keep such records and make such reports to the

registrar as that officer, from time to time, may require. Such records shall be maintained at the facility of the deputy registrar. The records and facilities of the deputy registrar shall at all times be open to the inspection of the registrar or his agents. He shall (CHARGE AND RECEIVE FOR EACH APPLICATION PRESENTED A FILING FEE OF \$1, AND SHALL) report daily to the registrar all registrations made and taxes and fees collected by him. The filing fee of (\$1) *\$2 imposed pursuant to subdivision 7* shall be deposited in the treasury of the place for which he is appointed, or if such deputy is not a public official, he shall retain the filing fee, but the registration tax and any additional fees for delayed registration he has collected he shall deposit each day in an approved state depository to the credit of the state through the state treasurer. The place for which the deputy registrar is appointed through its governing body shall provide the deputy registrar with facilities and personnel to carry out the duties imposed by this subdivision if such deputy is a public official. In all other cases, the deputy shall maintain a suitable facility for serving the public.

Sec. 2. Minnesota Statutes 1976, Section 168.33, Subdivision 7, is amended to read:

Subd. 7. [FEES.] (THE REGISTRAR SHALL CHARGE AND RECEIVE FOR EACH APPLICATION PRESENTED THROUGH THE UNITED STATES MAIL A FILING FEE OF 50 CENTS AND FOR EACH APPLICATION AT THE STATE OFFICE A FILING FEE OF \$1. SUCH FEE SHALL BE) *A \$2 filing fee, which is in addition to all other statutory fees and taxes, is imposed on every application. The \$2 filing fee shall be shown as a separate item on all registration renewal notices sent out by the department of public safety.*

Further amend by striking the title and inserting:

"A bill for an act relating to motor vehicles; registration and taxation; fees for filing applications; appointment and duties of deputy registrars; amending Minnesota Statutes 1976, Section 168.33, Subdivisions 2 and 7."

The motion prevailed and the amendment was adopted.

Stanton moved to amend S. F. No. 932, as amended, as follows:

Page 1, after line 7 insert:

"Section 1. Minnesota Statutes 1976, Section 168.29, is amended to read:

168.29 [DUPLICATE PLATES.] In the event of the defacement, loss or destruction of any number plates, the registrar,

upon receiving and filing a sworn statement of the vehicle owner, setting forth the circumstances of the defacement, loss, destruction or theft of the number plates, together with any defaced plates and the payment of the fee of \$3 shall issue a new set of plates, *provided that if the \$3 fee exceeds the annual tax, the fee shall be the same as the annual tax.* The registrar shall then note on his records the issue of such new number plates and shall proceed in such manner as he may deem advisable to cancel and call in the original plates so as to insure against their use on another motor vehicle. Duplicate registration certificates plainly marked as duplicates may be issued in like cases upon the payment of a 50 cent fee."

Renumber the subsequent sections.

Page 4, after line 9, insert:

"Sec. 4. [EFFECTIVE DATE.] *Section 1 is effective the day following its final enactment.*"

Further, amend the title:

Page 1, line 3, after "taxation;" insert "reducing the fee for duplication plates in certain circumstances;"

Page 1, line 4, delete "Section" and insert "Sections 168.29; and".

The motion prevailed and the amendment was adopted.

Berkelman offered an amendment to S. F. No. 932.

POINT OF ORDER

Kahn raised a point of order pursuant to rule 3.9 that the Berkelman amendment was out of order. The Speaker ruled the point of order well taken and the amendment out of order.

Den Ouden moved to amend S. F. No. 932, as amended, as follows:

Page 3, line 18, delete "\$2" insert "\$1.50".

Page 4, line 5, delete "\$2" insert "\$1.50".

Page 4, line 7, delete "\$2" insert "\$1.50".

A roll call was requested and properly seconded.

The question was taken on the adoption of the amendment and the roll was called. There were 53 yeas and 70 nays as follows:

Those who voted in the affirmative were:

Abeln	Eckstein	Johnson	Munger	Smogard
Adams	Erickson	Jude	Neisen	Spanish
Albrecht	Esau	Kaley	Nelsen, B.	Tomlinson
Anderson, D.	Evans	Kelly, R.	Niehau	Vanasek
Anderson, G.	Ewald	Kempe, A.	Pleasant	Waldorf
Anderson, R.	Fjoslien	Kempe, R.	Rose	Wieser
Braun	Forsythe	King	Savelkoul	Wigley
Carlson, A.	Friedrich	Knickerbocker	Scheid	Wynia
Carlson, D.	George	Kvam	Searle	Zubay
Dean	Gunter	Laidig	Searles	
Den Ouden	Jaros	McDonald	Skoglund	

Those who voted in the negative were:

Anderson, I.	Casserly	Jensen	Murphy	Sarna
Arlandson	Clark	Kahn	Nelsen, M.	Schulz
Battaglia	Clawson	Kalis	Nelson	Sherwood
Beauchamp	Cohen	Kelly, W.	Norton	Sieben, H.
Begich	Cummiskey	Kostohryz	Novak	Sieben, M.
Berg	Dahl	Lehto	Osthoff	Simoneau
Berglin	Ellingson	Lemke	Patton	Stanton
Berkelman	Enebo	Mangan	Pehler	Stoa
Biersdorf	Faricy	Mann	Petrafeso	Suss
Birnstihl	Fudro	McCarron	Prahl	Swanson
Brandl	Fugina	McCollar	Reding	Welch
Brinkman	Hanson	McEachern	Rice	Wenzel
Byrne	Hokanson	Metzen	St. Onge	White
Carlson, L.	Jacobs	Moe	Samuelson	Speaker Sabo

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

S. F. No. 932, A bill for an act relating to motor vehicles; registration and taxation; increasing fees for filing applications; amending Minnesota Statutes 1976, Section 168.33, Subdivisions 2 and 7.

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 74 yeas and 56 nays as follows:

Those who voted in the affirmative were:

Anderson, I.	Clark	Kahn	Metzen	Prahl
Anderson, R.	Clawson	Kalis	Moe	Reding
Arlandson	Cohen	Kelly, W.	Munger	Rice
Beauchamp	Corbid	King	Murphy	Rose
Berg	Cummiskey	Kostohryz	Nelsen, B.	St. Onge
Berglin	Dahl	Langseth	Nelsen, M.	Samuelson
Berkelman	Ellingson	Lehto	Nelson	Sarna
Biersdorf	Fudro	Lemke	Norton	Schulz
Birnstihl	Fugina	Mangan	Novak	Sherwood
Brandl	Hokanson	Mann	Osthoff	Sieben, H.
Byrne	Jacobs	McCarron	Patton	Sieben, M.
Carlson, L.	Jensen	McCollar	Pehler	Simoneau
Casserly	Johnson	McEachern	Petrafeso	Stanton

Stoa
Suss
Swanson

Waldorf
Welch
Wenzel

White

Wieser

Speaker Sabo

Those who voted in the negative were:

Abeln	Dean	George	Kvam	Smogard
Adams	Den Ouden	Gunter	Laidig	Spanish
Albrecht	Eckstein	Hanson	McDonald	Tomlinson
Anderson, B.	Enebo	Heinitz	Neisen	Vanasek
Anderson, D.	Erickson	Jaros	Niehaus	Wenstrom
Anderson, G.	Esau	Jude	Peterson	Wigley
Battaglia	Evans	Kaley	Pleasant	Wynia
Begich	Ewald	Kelly, R.	Savelkoul	Zubay
Braun	Faricy	Kempe, A.	Scheid	
Brinkman	Fjoslien	Kempe, R.	Searle	
Carlson, A.	Forsythe	Knickerbocker	Searles	
Carlson, D.	Friedrich	Kroening	Skoglund	

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

S. F. No. 109 was reported to the House.

Petrafeso moved to amend S. F. No. 109, as follows:

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1976, Section 15.06, is amended to read:

15.06 [APPOINTMENT OF DEPARTMENT HEADS; TERMS; DEPUTIES.] *Subdivision 1. [APPLICABILITY.] This section applies to the following departments or agencies: the departments of administration, agriculture, corrections, economic development, education, employment services, finance, health, human rights, labor and industry, natural resources, personnel, public safety, public welfare, revenue, transportation and veterans affairs; the banking, insurance and securities divisions and the consumer services section of the department of commerce; the energy, housing finance and pollution control agencies; the office of commissioner of iron range resources and rehabilitation; and the bureau of mediation services. The heads of the foregoing departments or agencies are referred to in this section as "commissioners".*

Subd. 2. [ASSUMPTION OF OFFICE.] The appointing authority shall submit to the president of the senate the name of an appointee as commissioner within 90 days after the end of the term of a commissioner as defined in subdivision 3 and within 90 days after the occurrence of a vacancy. Upon designation by the governor, the appointee shall immediately have all the powers and emoluments and perform all the duties of the office. No person shall serve as commissioner or acting commissioner after the senate has voted to refuse to consent to his appointment.

Subd. 3. [TERM.] The term of a commissioner shall end when the governor who appointed the commissioner leaves office. A commissioner shall serve at the pleasure of the appointing authority.

Subd. 4. [END OF TERM; VACANCY; ACTING COMMISSIONER.] At the end of the term of a commissioner, the incumbent commissioner may at the discretion of the appointing authority serve as acting commissioner until his successor is appointed and qualifies. If at the end of a term of a commissioner the incumbent commissioner is not designated as acting commissioner, or if a vacancy occurs in the office of a commissioner, the deputy commissioner as defined in subdivision 6 shall immediately become temporary commissioner without further official action. If there is more than one deputy commissioner, the appointing authority of the commissioner shall designate which of the deputies shall be temporary commissioner. If there is no deputy commissioner, the appointing authority of the commissioner shall designate an acting commissioner. Upon the appointment of a commissioner and the designation of the appointee as acting commissioner, the appointee shall immediately take the place of any other acting or temporary commissioner. Notice of the designation of an acting commissioner or assumption of office by a temporary commissioner shall be filed with the president of the senate with a copy delivered to the secretary of state.

Subd. 5. [GENERAL POWERS OF COMMISSIONERS.] Except as otherwise expressly provided by law, (THE) a commissioner (OR HEAD OF ANY STATE DEPARTMENT OR AGENCY) shall have the following powers:

((1) TO DESIGNATE A DIVISION DIRECTOR OR OTHER SUBORDINATE AS HIS DEPUTY, TO SERVE AS SUCH AT HIS PLEASURE, WITH FULL AUTHORITY TO ACT FOR HIM, BUT SUBJECT TO HIS CONTROL; AND IN CASE OF A VACANCY IN THE OFFICE OF SUCH COMMISSIONER OR HEAD, SUCH DEPUTY SHALL DISCHARGE THE NECESSARY DUTIES OF THE OFFICE UNTIL THE VACANCY BE FILLED;)

((2)) (1) To delegate to any of his subordinate (OFFICERS OR) employees the exercise (OF SUCH) of his specified statutory powers or duties as he may deem advisable, subject to his control; provided, that every (SUCH) delegation shall be made by written order, filed with the secretary of state; and further provided that only a deputy commissioner may have all the powers or duties of the commissioner;

((3)) (2) To appoint all subordinate (OFFICERS AND) employees (IN HIS DEPARTMENT OR AGENCY) and to prescribe their duties (AND FIX THEIR COMPENSATION); provided, that all departments and agencies (HEREUNDER) shall be subject to the provisions of (ANY CIVIL SERVICE LAW

NOW OR HEREAFTER ENACTED, SO FAR AS APPLICABLE) *chapter 43*;

((4)) (3) With the approval of the commissioner of administration, to (ESTABLISH WITHIN) *organize* his department or agency (SUCH BUREAUS OR SUBDIVISIONS) as he may deem advisable in the interest of economy and efficiency; and

((5)) (4) To prescribe (RULES AND REGULATIONS, NOT INCONSISTENT WITH LAW,) *procedures* for the (CONDUCT) *internal management* of his department or agency (AND OTHER MATTERS WITHIN THE SCOPE OF THE FUNCTIONS THEREOF, INCLUDING THE CUSTODY AND PRESERVATION OF BOOKS, RECORDS, PAPERS, DOCUMENTS, AND OTHER PROPERTY, AND THE CERTIFICATION OF COPIES OF PAPERS AND DOCUMENTS; PROVIDED, THAT EVERY RULE OR REGULATION AFFECTING ANY PERSON OR AGENCY, OTHER THAN A MEMBER OF THE DEPARTMENT OR AGENCY CONCERNED, SHALL BE FILED WITH THE SECRETARY OF STATE) *to the extent that the procedures do not directly affect the rights of or procedure available to the public.*

Subd. 6. [DEPUTY COMMISSIONER.] *For purposes of this section, a "deputy commissioner" shall also include a "deputy director" when the department head bears the title "director". A deputy commissioner of a department or agency specified in subdivision 1 shall be in the unclassified civil service and shall be immediately subordinate to the commissioner. He shall have all the powers and authority of the commissioner unless the commissioner directs otherwise, and he shall speak for the commissioner within and without the department or agency. The primary duty of a deputy shall be to assist the commissioner in the general management of the entire department or agency or of major parts thereof, and shall not consist of operating single functional areas. A deputy commissioner serves at the pleasure of the commissioner.*

Subd. 7. [NUMBER OF DEPUTY COMMISSIONERS.] *Unless specifically prescribed by statute, or unless a deputy commissioner position has been authorized and approved pursuant to section 43.09, subdivision 2a, prior to the effective date of this act, no department or agency specified in subdivision 1 shall have more than one deputy commissioner. Notwithstanding any other law to the contrary, none of the departments or agencies shall have more than two deputy commissioners.*

Subd. 8. [PRIVATE EMPLOYMENT.] *No commissioner or deputy commissioner shall, within one year after leaving his position as commissioner or deputy commissioner, accept private employment in a matter in which he had substantial responsibility during his preceding two years as a state employee.*

Sec. 2. [4.035] [EXECUTIVE ORDERS.] *Subdivision 1. [APPLICABILITY.] A written statement or order executed by the governor pursuant to his constitutional or statutory authority and denominated by him as an executive order, or a statement or order of the governor required by law to be in the form of an executive order, shall be uniform in format, shall be numbered consecutively, and shall be effective and expire as provided in this section. Executive orders creating agencies shall be consistent with the provisions of this section and section 5.*

Subd. 2. [EFFECTIVE DATE.] An executive order issued pursuant to sections 12.31 to 12.32 or any other emergency executive order issued to protect a person from an imminent threat to his health and safety shall be effective immediately and shall be filed with the secretary of state and published in the state register as soon as possible after its issuance. Emergency executive orders shall be identified as such in the order. Any other executive order shall be effective, and shall be filed with the secretary of state, 15 days after its publication in the state register. The governor shall submit a copy of the executive order to the commissioner of administration to facilitate publication in the state register.

Subd. 3. [EXPIRATION DATE.] Unless an earlier date is specified by statute or by executive order, an executive order shall expire 30 days after the date that the governor who issued the order vacates his office.

Sec. 3. Minnesota Statutes 1976, Section 15.051, Subdivision 1, is amended to read:

15.051 [STATE REGISTER.] Subdivision 1. [PURPOSE.] The commissioner of administration shall publish a state register containing all notices for hearings concerning rules, giving time, place and purpose of the hearing and the full text of the action being proposed. Further, the register shall contain all rules, amendments, suspensions, or repeals thereof, pursuant to the provisions of this chapter. The commissioner shall further publish any executive order issued by the governor which shall become effective (UPON SUCH) 15 days after publication except as provided in section 2, subdivision 2. The commissioner shall further publish any official notices in the register which a state agency requests him to publish. Such notices shall include, but shall not be limited to, the date on which a new agency becomes operational, the assumption of a new function by an existing state agency, or the appointment of commissioners. The commissioner may prescribe the form and manner in which agencies submit any material for publication in the state register, and he may withhold publication of any material not submitted according to the form or procedures he has prescribed.

The commissioner of administration may organize and distribute the contents of the register according to such categories as

will provide economic publication and distribution and will offer easy access to information by any interested party.

Sec. 4. Minnesota Statutes 1976, Section 15.051, Subdivision 3, is amended to read:

Subd. 3. [SUBMISSION OF ITEMS FOR PUBLICATION.] Any state agency which desires to publish a notice of hearing, rule or regulation or change thereof(, OR AN EXECUTIVE ORDER,) shall submit a copy of the entire document, including dates when adopted, and filed with the secretary of state, to the commissioner of administration in addition to any other copies which may be required to be filed with the commissioner by other law.

Sec. 5. [15.0593] [AGENCIES CREATED BY EXECUTIVE ORDER.] *The governor may by executive order create in his office advisory task forces, councils and committees to advise or assist him on matters relating to the laws of this state. A task force, council or committee so created shall have no more than 15 members, and vacancies may be filled by the governor. Members of a task force, council or committee shall receive no per diem but may be paid expenses in the same manner as state employees. A task force, council or committee shall expire two years after the date of order unless otherwise specified consistent with section 2, subdivision 3. The task force, council or committee shall be named beginning with the prefix "Governor's Task Force on", "Governor's Council on" or "Governor's Committee on". The governor shall not create a board, commission, authority or other similar multi-member agency except as provided in this section. A multi-member agency previously created by executive order shall be renamed and shall be consistent with the provisions of this section. Nothing in this section shall apply, to the extent inconsistent with statute or federal law, to any multi-member agency specifically authorized by statute or specifically authorized by federal law as a condition precedent to the receipt of federal moneys.*

Sec. 6. Minnesota Statutes 1976, Section 16.01, is amended to read:

16.01 [COMMISSIONER OF ADMINISTRATION.] The department of administration shall be under the supervision and control of a commissioner of administration, in (SECTIONS 16.01 TO 16.23) chapter 16 also referred to as the commissioner(, WHO SHALL BE EX-OFFICIO THE STATE BUDGET DIRECTOR AND STATE PURCHASING AGENT).

The commissioner (OF ADMINISTRATION, WHO SHALL BE IN UNCLASSIFIED SERVICE,) shall be appointed by the governor(, BY AND WITH THE ADVICE AND CONSENT OF THE SENATE FOR A FOUR YEAR TERM WHICH

SHALL COINCIDE WITH THE TERM OF THE GOVERNOR AND UNTIL HIS SUCCESSOR IS DULY APPOINTED AND HAS QUALIFIED. THE GOVERNOR MAY REMOVE THE COMMISSIONER AT ANY TIME FOR CAUSE AFTER NOTICE AND HEARING. IN CASE OF A VACANCY, THE GOVERNOR MAY APPOINT A COMMISSIONER WHO SHALL IMMEDIATELY TAKE OFFICE AND SHALL CARRY ON ALL OF THE DUTIES OF THE OFFICE UNTIL THE NEXT SESSION OF THE LEGISLATURE, WHEN HIS APPOINTMENT SHALL BE SUBMITTED TO THE SENATE FOR APPROVAL) *under the provisions of section 1.*

Sec. 7. Minnesota Statutes 1976, Section 16A.01, Subdivision 2, is amended to read:

Subd. 2. The commissioner of finance is appointed by the governor (BY AND WITH THE ADVICE AND CONSENT OF THE SENATE) *under the provisions of section 1.* The commissioner (SO APPOINTED) shall have broad experience as an executive financial manager. (THE COMMISSIONER SHALL SERVE AT THE PLEASURE OF THE GOVERNOR. A VACANCY IN THE OFFICE OF THE COMMISSIONER SHALL BE FILLED BY THE GOVERNOR, WITH THE ADVICE AND CONSENT OF THE SENATE.)

Sec. 8. Minnesota Statutes 1976, Section 16A.01, Subdivision 3, is amended to read:

Subd. 3. The commissioner may appoint two deputy commissioners, and a confidential secretary, each of whom shall serve at the pleasure of the commissioner in the unclassified service. (EXCEPT AS MAY BE OTHERWISE PROVIDED FOR BY LAW, THE COMMISSIONER SHALL FIX THE COMPENSATION OF EACH DEPUTY. A DEPUTY MAY PERFORM AND EXERCISE A POWER, DUTY, OR RESPONSIBILITY IMPOSED BY LAW ON THE COMMISSIONER WHEN AUTHORIZED SO TO DO BY THE COMMISSIONER.)

Sec. 9. Minnesota Statutes 1976, Section 16.125, is amended to read:

16.125 [TRANSFER OF POWERS OR DUTIES.] *Subdivision 1.* The (AUTHORITY OF THE) commissioner of administration (UNDER SECTIONS 16.13 AND 16.135, INCLUDES THE AUTHORITY TO TRANSFER FUNCTIONS), *in order to improve efficiency or avoid duplication, may transfer powers or duties, and personnel necessary to perform the powers or duties, of a department (TO ANOTHER WITH THE APPROVAL OF THE GOVERNOR) or agency to another department or agency that has been in existence for at least one year prior to the date of transfer. A transfer must have received the prior approval of the governor.*

Subd. 2. [FORM OF TRANSFER; EFFECTIVE DATE.] *A transfer made pursuant to subdivision 1 shall be in the form of a reorganization order. A reorganization order shall be filed with the secretary of state, shall be uniform in format and shall be numbered consecutively. An order shall be effective upon filing with the secretary of state and shall remain in effect until amended or superseded. Copies of the filed order shall be delivered promptly by the commissioner to the secretary of the senate and the chief clerk of the house. A reorganization order which transfers all or substantially all of the powers or duties or personnel of a department, the energy agency, the housing finance agency or the pollution control agency shall not be effective until ratified by concurrent resolution or enacted into law.*

Subd. 3. (IN CASE OF TRANSFER OF FUNCTION) *The commissioner of finance shall determine the fractional part of the appropriation to the department or agency from which the (FUNCTION) power or duty is transferred (FOR THE FUNCTION) represented by that transferred power or duty, and that part of the appropriation is hereby reappropriated to the transferee department (ASSIGNED THE FUNCTION. THE COMMISSIONER SHALL FORTHWITH REPORT THE TRANSFERS TO THE COMMITTEE ON FINANCE IN THE SENATE AND THE COMMITTEE ON APPROPRIATIONS IN THE HOUSE OF REPRESENTATIVES) or agency.*

Sec. 10. Minnesota Statutes 1976, Section 17.01, is amended to read:

17.01 [CREATION OF DEPARTMENT; COMMISSIONER; DEPUTY.] *There is (HEREBY) created a department of agriculture, which shall be in the charge of a commissioner (, WHO SHALL BE IN UNCLASSIFIED SERVICE, TO BE KNOWN AS THE COMMISSIONER) of agriculture, in this chapter called the commissioner (, WHO). He shall be appointed by the governor (, BY AND WITH THE ADVICE AND CONSENT OF THE SENATE FOR A FOUR YEAR TERM WHICH SHALL COINCIDE WITH THE TERM OF THE GOVERNOR AND UNTIL HIS SUCCESSOR IS DULY APPOINTED AND HAS QUALIFIED. THE GOVERNOR MAY REMOVE THE COMMISSIONER AT ANY TIME FOR CAUSE AFTER NOTICE AND HEARING. ON JANUARY 4, 1971, THE TERM OF THE INCUMBENT COMMISSIONER OF AGRICULTURE SHALL EXPIRE. IN CASE OF A VACANCY, THE GOVERNOR MAY APPOINT A COMMISSIONER WHO SHALL IMMEDIATELY TAKE OFFICE AND SHALL CARRY ON ALL OF THE DUTIES OF THE OFFICE UNTIL THE NEXT SESSION OF THE LEGISLATURE, WHEN HIS APPOINTMENT SHALL BE SUBMITTED TO THE SENATE FOR APPROVAL) under the provisions of section 1. Before entering upon the duties of his office, he shall take (AND SUBSCRIBE) the oath required of state officials (AND GIVE HIS BOND TO*

THE STATE OF MINNESOTA, TO BE APPROVED BY, AND FILED WITH, THE SECRETARY OF STATE, FOR THE SUM OF \$5,000, CONDITIONED FOR THE FAITHFUL PERFORMANCE OF HIS DUTIES). He may appoint a deputy (WHO SHALL BE IN THE UNCLASSIFIED SERVICE,) *commissioner* (AND SUCH OTHER ASSISTANTS, CLERKS, AND EMPLOYEES AS OCCASION MAY REQUIRE).

Sec. 11. Minnesota Statutes 1976, Section 43.001, Subdivision 2, is amended to read:

Subd. 2. The commissioner of personnel is appointed by the governor (BY AND WITH THE ADVICE AND CONSENT OF THE SENATE FOR A TERM WHICH COINCIDES WITH THE TERM OF THE GOVERNOR AND UNTIL HIS SUCCESSOR IS DULY APPOINTED AND QUALIFIES) *under the provisions of section 1*. He shall have broad experience in a managerial position including (ABOUT) five years as an executive personnel manager in one or more organizations essentially similar in complexity to state government. (THE GOVERNOR MAY REMOVE THE COMMISSIONER ONLY FOR CAUSE, AND AFTER A PUBLIC HEARING. A VACANCY IN THE OFFICE OF THE COMMISSIONER SHALL BE FILLED BY THE APPOINTING AUTHORITY FOR THE UNEXPIRED TERM.)

Sec. 12. Minnesota Statutes 1976, Section 43.001, Subdivision 3, is amended to read:

Subd. 3. The commissioner may appoint two deputy commissioners and a confidential secretary, each of whom shall serve at the pleasure of the commissioner in the unclassified service. (EXCEPT AS MAY BE OTHERWISE PROVIDED FOR BY LAW, THE COMMISSIONER SHALL FIX THE COMPENSATION OF EACH DEPUTY COMMISSIONER. A DEPUTY COMMISSIONER MAY PERFORM AND EXERCISE A POWER, DUTY, OR RESPONSIBILITY IMPOSED BY LAW ON THE COMMISSIONER WHEN AUTHORIZED SO TO DO BY THE COMMISSIONER.)

Sec. 13. Minnesota Statutes 1976, Section 45.02, is amended to read:

45.02 [COMMISSIONERS; APPOINTMENT, TERMS, VACANCIES.] The governor (, BY AND WITH THE ADVICE AND CONSENT OF THE SENATE,) shall appoint the members of the commission *under the provisions of section 1*. (THE TERM OF EACH MEMBER SHALL BE SIX YEARS. IN CASE OF A VACANCY IT SHALL BE FILLED FOR THE UNEXPIRED PORTION OF THE TERM.) Each member of the commission, before entering upon the discharge of his duties, shall take (, SUBSCRIBE,) and file with the secretary of state

(,) the oath of office prescribed by the constitution (, AND SHALL GIVE BOND TO THE STATE, THE COMMISSIONER OF BANKS IN THE AMOUNT OF \$50,000, THE COMMISSIONER OF INSURANCE IN THE AMOUNT OF \$25,000, AND THE COMMISSIONER OF SECURITIES IN THE AMOUNT OF \$10,000, CONDITIONED FOR THE FAITHFUL DISCHARGE OF HIS DUTIES DURING HIS CONTINUANCE IN OFFICE AND FOR THE PAYMENT WITHOUT DELAY TO THE OFFICER OR PERSON ENTITLED BY LAW THERETO OF ALL MONEYS WHICH SHALL COME INTO HIS HANDS BY VIRTUE THEREOF).

A majority of the commission shall constitute a quorum.

(EACH COMMISSIONER SHALL RECEIVE A SALARY IN AN AMOUNT SET BY THE LEGISLATURE PAYABLE SEMI-MONTHLY, AND EACH SHALL DEVOTE HIS ENTIRE TIME TO THE DUTIES OF HIS OFFICE.)

Sec. 14. Minnesota Statutes 1976, Section 45.15, is amended to read:

45.15 [ESTABLISHMENT OF CONSUMER SERVICES SECTION.] A section of consumer services is established in the department of commerce under the supervision and control of a director of consumer services. The director of consumer services is appointed by the governor (, BY AND WITH THE ADVICE AND CONSENT OF THE SENATE, FOR A FOUR YEAR TERM WHICH SHALL COINCIDE WITH THE TERM OF THE GOVERNOR AND UNTIL A SUCCESSOR IS DULY APPOINTED AND QUALIFIES. A VACANCY IN THE OFFICE OF DIRECTOR SHALL BE FILLED FOR THE UNEXPIRED TERM) *under the provisions of section 1.*

Sec. 15. Minnesota Statutes 1976, Section 84.01, Subdivision 2, is amended to read:

Subd. 2. The commissioner of natural resources is appointed by the governor (, BY AND WITH THE ADVICE AND CONSENT OF THE SENATE FOR A FOUR YEAR TERM WHICH SHALL COINCIDE WITH THE TERM OF THE GOVERNOR AND UNTIL HIS SUCCESSOR IS DULY APPOINTED AND QUALIFIES. A VACANCY IN THE OFFICE OF THE COMMISSIONER SHALL BE FILLED FOR THE UNEXPIRED PORTION OF THE TERM) *under the provisions of section 1.* The commissioner may appoint a deputy (WHO SHALL SERVE AT THE PLEASURE OF THE COMMISSIONER IN THE UNCLASSIFIED SERVICE. THE SALARY OF SUCH DEPUTY IS FIXED BY THE COMMISSIONER EXCEPT WHEN OTHERWISE EXPRESSLY PROVIDED FOR BY LAW. THE DEPUTY MAY PERFORM AND EXERCISE EVERY POWER, DUTY, AND RESPONSIBILITY IMPOSED BY

LAW UPON THE COMMISSIONER WHEN AUTHORIZED SO TO DO BY THE) commissioner.

Sec. 16. Minnesota Statutes 1976, Section 116.03, Subdivision 1, is amended to read:

116.03 [DIRECTOR.] Subdivision 1. (a) The office of director of the pollution control agency is created and is under the supervision and control of the director, who is appointed by the governor (BY AND WITH THE CONSENT OF THE SENATE FOR A FOUR YEAR TERM, WHICH SHALL COINCIDE WITH THE TERM OF THE GOVERNOR, AND UNTIL HIS SUCCESSOR IS DULY APPOINTED AND QUALIFIES. THE GOVERNOR MAY REMOVE THE DIRECTOR AT ANY TIME AT HIS PLEASURE. A VACANCY IN THE OFFICE OF DIRECTOR SHALL BE FILLED BY THE GOVERNOR BY AND WITH THE CONSENT OF THE SENATE, FOR THE UNEXPIRED PORTION OF THE TERM) *under the provisions of section 1.*

((B) IN ORDER TO EXPEDITE THE ESTABLISHING AND FUNCTIONING OF THE POLLUTION CONTROL AGENCY, THE GOVERNOR SHALL FORTHWITH APPOINT AN ACTING DIRECTOR, WHO SHALL HAVE ALL THE POWERS AND DUTIES OF THE DIRECTOR AS PROVIDED IN SECTIONS 116.01 TO 116.08. THE ACTING DIRECTOR MAY BE A PERSON IN THE SERVICE OF THE STATE AT THE TIME OF HIS APPOINTMENT, AND WHO WHILE SERVING AS ACTING DIRECTOR IS ON LEAVE OF ABSENCE FROM HIS REGULAR OFFICE OR POSITION IN THE STATE SERVICE. THE ACTING DIRECTOR SHALL SERVE AS SUCH UNTIL THE DIRECTOR IS APPOINTED AND QUALIFIES AS SUCH DIRECTOR. PENDING THE ABOLISHMENT OF THE WATER POLLUTION CONTROL COMMISSION AS SPECIFIED IN SECTION 116.02, SUBDIVISION 5, THE DIRECTOR OR ACTING DIRECTOR, AS THE CASE MAY BE, IS THE SECRETARY OF SUCH COMMISSION IN LIEU OF THE SECRETARY AND EXECUTIVE OFFICER OF THE STATE BOARD OF HEALTH.)

((C)) (b) The director may appoint a deputy director and an assistant director who shall be in the unclassified service. (THE DIRECTOR MAY DESIGNATE THE DEPUTY DIRECTOR TO THE AGENCY TO ACT IN HIS STEAD AS A MEMBER, WITH ALL HIS RIGHTS AND PRIVILEGES THEREIN, OF ANY AGENCY, BOARD, COMMITTEE, OR COMMISSION THAT THE DIRECTOR IS MADE A MEMBER OF BY LAW. THE DESIGNATION SHALL BE FILED WITH SECRETARY OF STATE. THE SALARY OF THE DEPUTY DIRECTOR AND OF THE ASSISTANT DIRECTOR SHALL BE PROVIDED BY LAW.)

Sec. 17. Minnesota Statutes 1976, Section 116H.03, Subdivision 2, is amended to read:

Subd. 2. The agency shall be under the supervision of the director who shall organize the agency (AND EMPLOY SUCH OTHER OFFICERS, AGENTS AND EMPLOYEES AS ARE NECESSARY TO CARRY OUT THE FUNCTIONS OF THE AGENCY. DUTIES OF SUCH OFFICERS, AGENTS AND EMPLOYEES SHALL BE AS SPECIFIED BY THE DIRECTOR).

Sec. 18. Minnesota Statutes 1976, Section 116H.03, Subdivision 3, is amended to read:

Subd. 3. The director shall be appointed by the governor (WITH THE ADVICE AND CONSENT OF THE SENATE, TO A FOUR YEAR TERM WHICH SHALL COINCIDE WITH THE TERM OF THE GOVERNOR AND UNTIL HIS SUCCESSOR IS DULY APPOINTED AND QUALIFIED) *under the provisions of section 1.* In appointing the director the governor should give due consideration to the listing of names submitted by the commission pursuant to section 116H.04. (THE DIRECTOR SHALL SERVE AT THE PLEASURE OF THE GOVERNOR.)

(A VACANCY IN THE OFFICE OF DIRECTOR SHALL BE FILLED BY THE GOVERNOR AND THE NEW APPOINTEE SHALL IMMEDIATELY TAKE OFFICE AND CARRY OUT ALL DUTIES UNTIL THE NEXT SESSION OF THE LEGISLATURE WHEN HIS APPOINTMENT SHALL BE SUBMITTED TO THE SENATE FOR CONFIRMATION.)

The director may appoint a deputy director and a personal secretary to serve at his pleasure. The salaries of the director and the deputy shall be fixed by the governor until otherwise expressly provided for by law. (THE DEPUTY MAY BE AUTHORIZED BY THE DIRECTOR TO PERFORM EVERY DUTY, POWER AND RESPONSIBILITY IMPOSED ON THE DIRECTOR UNLESS EXPRESSLY FORBIDDEN BY LAW.) The director and his deputy and his personal secretary shall serve in the unclassified service and shall be members of the Minnesota state retirement system.

Sec. 19. Minnesota Statutes 1976, Section 174.02, Subdivision 1, is amended to read:

174.02 [COMMISSIONER; POWERS; DUTIES.] Subdivision 1. [APPOINTMENT.] The department shall be supervised and controlled by the commissioner of transportation, who shall be appointed by the governor (WITH THE ADVICE AND CONSENT OF THE SENATE, FOR A FOUR YEAR TERM WHICH SHALL COINCIDE WITH THE TERM OF THE GOV-

ERNOR AND UNTIL HIS SUCCESSOR IS APPOINTED AND QUALIFIED. THE GOVERNOR MAY REMOVE THE COMMISSIONER AT ANY TIME FOR CAUSE AFTER NOTICE AND HEARING UNLESS OTHERWISE PROVIDED FOR IN CHAPTER 15) *and serve under the provisions of section 1.*

Sec. 20. Minnesota Statutes 1976, Section 175.001, Subdivision 1, is amended to read:

175.001 [DEPARTMENT OF LABOR AND INDUSTRY.] Subdivision 1. [CREATION AND ORGANIZATION.] The department of labor and industry is created under the supervision and control of the commissioner of labor and industry which office is hereby established. The commissioner of labor and industry (, WHO SHALL BE IN UNCLASSIFIED SERVICE,) shall be appointed by the governor (BY AND WITH THE ADVICE AND CONSENT OF THE SENATE FOR A FOUR YEAR TERM WHICH SHALL COINCIDE WITH THE TERM OF THE GOVERNOR AND UNTIL HIS SUCCESSOR IS DULY APPOINTED AND HAS QUALIFIED. THE GOVERNOR MAY REMOVE THE COMMISSIONER AT ANY TIME FOR CAUSE AFTER NOTICE AND HEARING. IN CASE OF A VACANCY, THE GOVERNOR MAY APPOINT A COMMISSIONER, WHO SHALL IMMEDIATELY TAKE OFFICE AND SHALL CARRY ON ALL OF THE DUTIES OF THE OFFICE UNTIL THE NEXT SESSION OF THE LEGISLATURE, WHEN HIS APPOINTMENT SHALL BE SUBMITTED TO THE SENATE FOR APPROVAL. ON JANUARY 4, 1971, THE TERM OF THE INCUMBENT COMMISSIONER SHALL EXPIRE) *under the provisions of section 1.*

Sec. 21. Minnesota Statutes 1976, Section 179.02, is amended to read:

179.02 [BUREAU OF MEDIATION SERVICES.] *Subdivision 1.* There is (HEREBY) established (IN THE DEPARTMENT OF LABOR AND INDUSTRY) a bureau of mediation services(, BUT NOT IN ANY WAY SUBJECT TO THE CONTROL OF THE DEPARTMENT. THIS BUREAU SHALL BE) under the supervision and control of a director. (THE OFFICE OF DIRECTOR SHALL, AS OF THE EFFECTIVE DATE OF THIS ACT, BE FILLED BY THE PERSON THEN HOLDING THE OFFICE OF LABOR CONCILIATOR AND HIS TERM SHALL EXPIRE AS OF THE DATE HIS TERM AS LABOR CONCILIATOR WOULD HAVE EXPIRED. THEREAFTER) The director shall be appointed by the governor (WITH THE ADVISE AND CONSENT OF THE SENATE. HE SHALL HOLD OFFICE FOR A TERM OF FOUR YEARS) *under the provisions of section 1.*

Subd. 2. The governor may, from time to time, appoint special mediators to aid in the settlement of particular labor disputes or controversies who shall have the same power and authority as the director with respect to such dispute and such

appointment shall be for the duration only of the particular dispute. Such special mediators shall be paid a per diem of \$75 per day while so engaged and their necessary expenses. The director shall prepare a roster of persons qualified to act as such special mediators and keep the same revised at all times and available to the governor and the public.

(THE DIRECTOR MAY EMPLOY AND DISCHARGE MEDIATORS, CLERKS AND OTHER EMPLOYEES AS NEEDED, FIX THEIR COMPENSATION, AND ASSIGN THEM THEIR DUTIES. AS OF THE EFFECTIVE DATE OF THIS ACT THE DIVISION OF CONCILIATION, HERETOFORE ESTABLISHED, SHALL BE ABOLISHED, AND ALL OF ITS POWERS AND DUTIES TRANSFERRED TO THE BUREAU OF MEDIATION SERVICES. ANY MATTERS PENDING IN OR BY THE DIVISION OF CONCILIATION AS OF SUCH DATE SHALL THEN AND THEREAFTER BE CARRIED ON IN THE NAME OF THE BUREAU OF MEDIATION SERVICES.)

Sec. 22. Minnesota Statutes 1976, Section 196.02, Subdivision 1, is amended to read:

196.02 [COMMISSIONER OF VETERANS AFFAIRS.] Subdivision 1. [APPOINTMENT; QUALIFICATIONS.] The department shall be under the supervision and control of a commissioner of Veterans' Affairs who shall be appointed by the governor (BY AND WITH THE ADVICE AND CONSENT OF THE SENATE FOR A FOUR YEAR TERM WHICH SHALL COINCIDE WITH THE TERM OF THE GOVERNOR AND UNTIL HIS SUCCESSOR IS DULY APPOINTED AND HAS QUALIFIED. THE GOVERNOR MAY REMOVE THE COMMISSIONER AT ANY TIME FOR CAUSE AFTER NOTICE AND HEARING. THE COMMISSIONER SHALL BE IN UNCLASSIFIED SERVICE) *under the provisions of section 1.* No person shall be eligible to receive appointment as commissioner unless he has the following qualifications:

(1) Residence in the state of Minnesota for at least five years prior to his appointment;

(2) Citizenship in the United States;

(3) Veteran of the armed forces of the United States as defined in section 197.447. (IN CASE OF A VACANCY, THE GOVERNOR MAY APPOINT A COMMISSIONER, WHO SHALL IMMEDIATELY TAKE OFFICE AND SHALL CARRY ON ALL OF THE DUTIES OF THE OFFICE UNTIL THE NEXT SESSION OF THE LEGISLATURE, WHEN HIS APPOINTMENT SHALL BE SUBMITTED TO THE SENATE FOR APPROVAL. ON JANUARY 4, 1971, THE TERM OF THE INCUMBENT COMMISSIONER SHALL EXPIRE.)

Sec. 23. Minnesota Statutes 1976, Section 216A.06, Subdivision 1, is amended to read:

216A.06 [DIRECTOR.] Subdivision 1. [ESTABLISHMENT OF OFFICE, APPOINTMENT; TERM.] The office of director (OF THE ADMINISTRATIVE DIVISION) of the department of public service is hereby established. He shall be appointed by the governor (WITH THE ADVICE AND CONSENT OF THE SENATE, FOR A FOUR YEAR TERM) *under the provisions of section 1.*

Sec. 24. Minnesota Statutes 1976, Section 241.01, Subdivision 1, is amended to read:

241.01 [CREATION OF DEPARTMENT.] Subdivision 1. [COMMISSIONER.] The department of corrections is (HEREBY) created under the control and supervision of the commissioner of corrections which office is (HEREBY) established. The commissioner of corrections(, WHO SHALL BE IN UNCLASSIFIED SERVICE,) shall be selected without regard to political affiliation and shall have wide and successful administrative experience in correctional programs embodying rehabilitative concepts. The commissioner shall be appointed by the governor(, BY AND WITH THE ADVICE AND CONSENT OF THE SENATE FOR A FOUR YEAR TERM WHICH SHALL COINCIDE WITH THE TERM OF THE GOVERNOR AND UNTIL HIS SUCCESSOR IS DULY APPOINTED AND HAS QUALIFIED. THE GOVERNOR MAY REMOVE THE COMMISSIONER AT ANY TIME FOR CAUSE AFTER NOTICE AND HEARING. IN CASE OF A VACANCY, THE GOVERNOR MAY APPOINT A COMMISSIONER, WHO SHALL IMMEDIATELY TAKE OFFICE AND SHALL CARRY ON ALL OF THE DUTIES OF THE OFFICE UNTIL THE NEXT SESSION OF THE LEGISLATURE, WHEN HIS APPOINTMENT SHALL BE SUBMITTED TO THE SENATE FOR APPROVAL ON JANUARY 4, 1971, THE TERM OF THE INCUMBENT COMMISSIONER SHALL EXPIRE) *under the provisions of section 1.*

Sec. 25. Minnesota Statutes 1976, Section 241.01, Subdivision 2, is amended to read:

Subd. 2. [DIVISIONS; DEPUTIES.] The commissioner of corrections may appoint and employ no more than (FOUR) *two* deputy commissioners (WHO SHALL SERVE AT THE PLEASURE OF THE COMMISSIONER IN THE UNCLASSIFIED SERVICE OF THE STATE CIVIL SERVICE. EACH DEPUTY MAY PERFORM AND EXERCISE EVERY DUTY, POWER AND RESPONSIBILITY IMPOSED BY LAW UPON THE COMMISSIONER WHEN AUTHORIZED TO SO DO BY THE COMMISSIONER. APPOINTMENTS TO EXERCISE DELEGATED POWER SHALL BE BY WRITTEN ORDER FILED

WITH THE SECRETARY OF STATE. EACH DEPUTY MAY PERFORM AND EXERCISE EVERY DUTY, POWER, AND RESPONSIBILITY IMPOSED BY LAW UPON THE COMMISSIONER WHEN AUTHORIZED SO TO DO BY THE COMMISSIONER). The commissioner may also appoint a personal secretary, who shall serve at his pleasure in the unclassified *civil service* (OF THE STATE, AND FIX THE SALARY OF SAID SECRETARY COMMENSURATE WITH SALARIES FOR SIMILAR SERVICES IN THE CLASSIFIED SERVICE).

Sec. 26. Minnesota Statutes 1976, Section 245.03, is amended to read:

245.03 [DEPARTMENT OF PUBLIC WELFARE ESTABLISHED; COMMISSIONER.] There is (HEREBY) created (AND ESTABLISHED) a department of public welfare. A commissioner of public welfare shall be appointed by the governor (WITH THE ADVICE AND CONSENT OF THE SENATE FOR A FOUR YEAR TERM WHICH SHALL COINCIDE WITH THE TERM OF THE GOVERNOR AND UNTIL HIS SUCCESSOR IS DULY APPOINTED AND HAS QUALIFIED. THE GOVERNOR MAY REMOVE THE COMMISSIONER AT ANY TIME FOR CAUSE AFTER NOTICE AND HEARING. IN CASE OF A VACANCY, THE GOVERNOR MAY APPOINT A COMMISSIONER, WHO SHALL IMMEDIATELY TAKE OFFICE AND SHALL CARRY ON ALL OF THE DUTIES OF THE OFFICE UNTIL THE NEXT SESSION OF THE LEGISLATURE, WHEN HIS APPOINTMENT SHALL BE SUBMITTED TO THE SENATE FOR APPROVAL) *under the provisions of section 1.* The commissioner(, WHO SHALL BE IN UNCLASSIFIED SERVICE,) shall be selected on the basis of ability and experience in welfare and without regard to political affiliations. (SUBJECT TO THE PROVISIONS OF SECTIONS 245.03 TO 245.12 AND OTHER APPLICABLE LAWS, NOW OR HEREINAFTER ENACTED,) The commissioner shall (HAVE THE POWER TO ORGANIZE HIS DEPARTMENT IN SUCH MANNER AS HE MAY DEEM NECESSARY, AND TO) appoint a deputy commissioner (IN UNCLASSIFIED SERVICE. HE SHALL ALSO APPOINT SUCH OTHER SUBORDINATE OFFICERS, EMPLOYEES AND AGENTS AS HE MAY DEEM NECESSARY TO DISCHARGE THE FUNCTIONS OF THE DEPARTMENT; AND DEFINE THE DUTIES OF SUCH OFFICERS, EMPLOYEES AND AGENTS AND TO DELEGATE TO THEM ANY OF HIS POWERS OR DUTIES SUBJECT TO HIS CONTROL AND UNDER SUCH CONDITIONS AS HE MAY PRESCRIBE. APPOINTMENTS TO EXERCISE DELEGATED POWERS SHALL BE WRITTEN ORDERS FILED WITH THE SECRETARY OF STATE. THE COMMISSIONER SHALL GIVE BOND IN THE SUM OF \$10,000. ON JANUARY 4, 1971, THE TERM OF THE INCUMBENT COMMISSIONER SHALL EXPIRE).

Sec. 27. Minnesota Statutes 1976, Section 268.12, Subdivision 1, is amended to read:

268.12 [CREATION.] Subdivision 1. [DEPARTMENT OF EMPLOYMENT SERVICES; COMMISSIONER.] ((1)) There is (HEREBY) created (AND ESTABLISHED) a department of employment (SECURITY WHICH SHALL BE THE SUCCESSOR TO THE DIVISION OF EMPLOYMENT AND SECURITY WHICH SAID DIVISION IS HEREBY ABOLISHED AS A DIVISION OF THE DEPARTMENT OF SOCIAL SECURITY AS ESTABLISHED BY LAWS 1939, ARTICLE VII, SECTION 1.) *services under the control of*

((2)) a commissioner (OF EMPLOYMENT SECURITY) *who* shall be appointed by the governor (WITH THE ADVICE AND CONSENT OF THE SENATE FOR A FOUR YEAR TERM WHICH SHALL COINCIDE WITH THE TERM OF THE GOVERNOR AND UNTIL HIS SUCCESSOR IS DULY APPOINTED AND HAS QUALIFIED, TO ADMINISTER THIS CHAPTER AS THE SAME MAY HEREAFTER FROM TIME TO TIME BE AMENDED. THE COMMISSIONER, WHO SHALL BE IN UNCLASSIFIED SERVICE, MAY BE REMOVED BY THE GOVERNOR AT ANY TIME FOR CAUSE AFTER NOTICE AND HEARING) *under the provisions of section 1.* The commissioner shall be selected on the basis of ability and experience and without regard to political affiliations. (IN CASE OF A VACANCY, THE GOVERNOR MAY APPOINT A COMMISSIONER, WHO SHALL IMMEDIATELY TAKE OFFICE AND SHALL CARRY ON ALL OF THE DUTIES OF THE OFFICE UNTIL THE NEXT SESSION OF THE LEGISLATURE, WHEN HIS APPOINTMENT SHALL BE SUBMITTED TO THE SENATE FOR APPROVAL. ON JANUARY 4, 1971, THE TERM OF THE INCUMBENT COMMISSIONER SHALL EXPIRE. SUBJECT TO THE PROVISIONS OF SECTIONS 268.03 TO 268.24 AND OTHER APPLICABLE LAWS NOW OR HEREAFTER ENACTED, THE COMMISSIONER SHALL HAVE THE POWER TO ORGANIZE HIS DEPARTMENT IN SUCH MANNER AS HE MAY DEEM NECESSARY. APPOINTMENTS TO EXERCISE DELEGATED POWERS SHALL BE WRITTEN ORDERS FILED WITH THE SECRETARY OF STATE. THE SALARY OF THE COMMISSIONER SHALL BE PRESCRIBED BY THE LEGISLATURE AND HE SHALL GIVE BOND IN THE SUM OF \$10,000.)

((3)) ALL PROCEEDINGS, COURT ACTIONS, PROSECUTIONS OR OTHER BUSINESS UNDERTAKEN OR COMMENCED PRIOR TO APRIL 21, 1953, BY THE DIVISION OF EMPLOYMENT AND SECURITY AND ANY OTHER MATTERS OF THE DIVISION OF EMPLOYMENT AND SECURITY PENDING AT THE TIME OF THE PASSAGE OF THIS ACT MAY BE CONDUCTED AND COMPLETED

BY THE NEW DEPARTMENT OF EMPLOYMENT SECURITY IN THE SAME MANNER AND UNDER THE SAME TERMS AND CONDITIONS AND WITH THE SAME EFFECT AS THOUGH IT WERE UNDERTAKEN, COMMENCED OR CONDUCTED OR COMPLETED BY SAID DIVISION OF EMPLOYMENT AND SECURITY PRIOR TO SUCH CHANGE. ALL FUNCTIONS, POWERS AND DUTIES OF SUCH DIVISION OF EMPLOYMENT AND SECURITY ARE BY THIS ACT ASSIGNED AND TRANSFERRED TO THE DEPARTMENT OF EMPLOYMENT SECURITY.)

((4) ALL THE POWERS AND DUTIES NOW VESTED IN OR IMPOSED UPON THE DIRECTOR OF THE DIVISION OF EMPLOYMENT AND SECURITY AS A DIVISION OF THE DEPARTMENT OF SOCIAL SECURITY ARE HEREBY VESTED IN AND IMPOSED UPON THE COMMISSIONER OF EMPLOYMENT SECURITY.)

(ALL OF THE EMPLOYEES OF SAID DIVISION OF EMPLOYMENT AND SECURITY ARE HEREBY TRANSFERRED TO THE DEPARTMENT OF EMPLOYMENT SECURITY CREATED BY THIS SECTION, AND SAID COMMISSIONER SHALL TAKE CHARGE OF SAID EMPLOYEES AND SHALL EMPLOY THEM IN THE EXERCISE OF THE RESPECTIVE FUNCTIONS, POWERS AND DUTIES TRANSFERRED AS AFORESAID WITHOUT REDUCTION OF COMPENSATION OR CIVIL SERVICE STATUS ENJOYED BY SAID EMPLOYEES AT THE TIME OF SUCH TRANSFER, SUBJECT, HOWEVER, TO CHANGE OR TERMINATION OF EMPLOYMENT, COMPENSATION OR CIVIL SERVICE STATUS AS MAY BE OTHERWISE PROVIDED BY LAW.)

((5) ALL OTHER ACTS OR PARTS OF ACTS NOW IN EFFECT INCONSISTENT WITH THE PROVISIONS OF THIS SECTION ARE HEREBY REPEALED, SUPERSEDED, MODIFIED OR AMENDED SO FAR AS NECESSARY TO CONFORM TO AND GIVE FULL FORCE AND EFFECT TO THE PROVISIONS OF THIS SECTION.)

((6) LAWS 1953, CHAPTER 603, SHALL TAKE EFFECT AND BE IN FORCE FROM AND AFTER ITS PASSAGE; PROVIDED, THAT NO TRANSFER OF FUNCTIONS, RIGHTS, POWERS, DUTIES, OR FUNDS MADE THEREBY SHALL TAKE EFFECT UNTIL THE COMMISSIONER OF THE DEPARTMENT TO WHOM THE SAME ARE TRANSFERRED SHALL HAVE BEEN APPOINTED; TAKEN HIS OATH OF OFFICE AND FILED OATH AND BOND IN THE OFFICE OF THE SECRETARY OF STATE; AND UNTIL THEN THE FORMER DIVISION OR AGENCY VESTED THEREWITH SHALL CONTINUE TO EXERCISE AND

PERFORM SUCH FUNCTIONS, RIGHTS, POWERS, AND DUTIES, AND TO HAVE CHARGE OF SUCH FUNDS.)

Sec. 28. Minnesota Statutes 1976, Section 270.02, Subdivision 2, is amended to read:

Subd. 2. [TERMS.] The commissioner of revenue shall be appointed by the governor (BY AND WITH THE ADVICE AND CONSENT OF THE SENATE FOR A FOUR YEAR TERM WHICH SHALL COINCIDE WITH THE TERM OF THE GOVERNOR UNTIL HIS SUCCESSOR IS DULY APPOINTED AND QUALIFIED) *under the provisions of section 1.* The commissioner(, WHO SHALL BE IN UNCLASSIFIED SERVICE,) shall be selected on the basis of ability and experience in the field of (TAXATION AND) tax administration and without regard to political affiliations. (THE GOVERNOR MAY REMOVE THE COMMISSIONER AT ANY TIME FOR CAUSE, AFTER NOTICE AND HEARING. IN CASE OF A VACANCY, THE GOVERNOR MAY APPOINT A COMMISSIONER, WHO SHALL TAKE OFFICE IMMEDIATELY AND SHALL CARRY ON THE DUTIES OF THE OFFICE UNTIL THE NEXT SESSION OF THE LEGISLATURE, WHEN HIS APPOINTMENT IS SUBMITTED TO THE SENATE FOR APPROVAL. THE COMMISSIONER SHALL GIVE BOND TO THE STATE IN THE SUM OF \$200,000. THE PERSON OCCUPYING THE POSITION OF COMMISSIONER OF TAXATION ON JULY 1, 1973, SHALL BE DESIGNATED AS COMMISSIONER OF REVENUE, AND HIS TERM OF OFFICE SHALL COINCIDE WITH THE TERM OF THE OFFICE OF GOVERNOR.)

Sec. 29. Minnesota Statutes 1976, Section 298.22, Subdivision 1, is amended to read:

298.22 [IRON RANGE RESOURCES AND REHABILITATION.] Subdivision 1. (ON AND AFTER JULY 1, 1969,) (1) There is (HEREBY) appropriated from the general fund for the purposes hereinafter set forth, five percent of all amounts paid and credited to said fund from the proceeds of taxes paid under the provisions of sections 298.01 to 298.21.

(2) The office of commissioner of iron range resources and rehabilitation is (HEREBY) created. The commissioner shall be appointed by the governor (, WITH THE ADVICE AND CONSENT OF THE SENATE FOR A FOUR YEAR TERM WHICH SHALL COINCIDE WITH THE TERM OF THE GOVERNOR UNTIL HIS SUCCESSOR IS DULY APPOINTED AND HAS QUALIFIED. THE GOVERNOR MAY REMOVE THE COMMISSIONER AT ANY TIME FOR CAUSE AFTER NOTICE AND HEARING. IN CASE OF A VACANCY, THE GOVERNOR MAY APPOINT A COMMISSIONER, WHO SHALL TAKE OFFICE IMMEDIATELY AND SHALL CARRY ON THE DUTIES OF THE OFFICE UNTIL THE

NEXT SESSION OF THE LEGISLATURE, WHEN HIS APPOINTMENT SHALL BE SUBMITTED TO THE SENATE FOR APPROVAL) *under the provisions of section 1.*

(3) The salary of the commissioner (, WHO SHALL BE IN UNCLASSIFIED SERVICE,) shall be paid from the amounts appropriated by this section; provided, that such salary shall be reduced by such amount as he may receive from other funds, and the commissioner may hold such other positions or appointments as are not incompatible with his duties as commissioner of iron range resources and rehabilitation. The commissioner may appoint a deputy commissioner (WHO SHALL SERVE IN THE UNCLASSIFIED SERVICE AT THE PLEASURE OF THE COMMISSIONER). All expenses of the commissioner, including the payment of such assistance as may be necessary, shall be paid out of the amounts appropriated by this section.

(4) When the commissioner shall determine that distress and unemployment exists or may exist in the future in any county by reason of the removal of natural resources or a possibly limited use thereof in the future and the decrease in employment resulting therefrom, now or hereafter, he may use such amounts of the appropriation made to him in this section as he may determine to be necessary and proper in the development of the remaining resources of said county and in the vocational training and rehabilitation of its residents. For the purposes of this section, "development of remaining resources" includes, but is not limited to, the promotion of tourism.

Sec. 30. Minnesota Statutes 1976, Section 299A.01, Subdivision 1, is amended to read:

299A.01 [DEPARTMENT OF PUBLIC SAFETY; CREATION AND ORGANIZATION.] Subdivision 1. (IN ORDER THAT THE FUNCTIONS AND SERVICES OF THE STATE OF MINNESOTA RELATING TO THE SAFETY AND CONVENIENCE OF ITS CITIZENS MIGHT BE COORDINATED AND DIRECTED IN AN ACCESSIBLE, IDENTIFIABLE MANNER; AND TO PROMOTE AND INSURE THE EXISTING PUBLIC SAFETY OPERATIONS OF THAT GOVERNMENT,) The department of public safety is created under the supervision and control of the commissioner of public safety, which office is established. The commissioner of public safety is appointed by the governor (, BY AND WITH THE ADVICE AND CONSENT OF THE SENATE FOR A FOUR YEAR TERM. THE GOVERNOR MAY REMOVE THE COMMISSIONER ONLY FOR CAUSE, AFTER A PUBLIC HEARING. A VACANCY IN THE OFFICE OF THE COMMISSIONER SHALL BE FILLED FOR THE UNEXPIRED PORTION OF THE TERM) *under the provisions of section 1.* The commissioner may appoint a deputy (WHO SHALL SERVE AT THE PLEASURE OF THE COMMISSIONER IN THE UNCLASSI-

FIED SERVICE. THE SALARY OF SUCH DEPUTY IS FIXED BY THE COMMISSIONER EXCEPT WHEN OTHERWISE EXPRESSLY PROVIDED FOR BY LAW. THE DEPUTY MAY PERFORM AND EXERCISE EVERY POWER, DUTY, AND RESPONSIBILITY IMPOSED BY LAW UPON THE COMMISSIONER WHEN AUTHORIZED SO TO DO BY THE) commissioner.

Sec. 31. Minnesota Statutes 1976, Section 299A.01, Subdivision 2, is amended to read:

Subd. 2. The duties of the (DEPUTY) *commissioner* shall include (, IN ADDITION TO SUCH OTHER FUNCTIONS AND RESPONSIBILITIES AS MAY BE DELEGATED OR ASSIGNED BY THE COMMISSIONER OR IMPOSED BY LAW,) the following: (a) The coordination, development and maintenance of services contracts with existing state departments and agencies assuring the efficient and economic use of advanced business machinery including computers;

(b) The execution of contracts and agreements with existing state departments for the maintenance and servicing of vehicles and communications equipment, and the use of related buildings and grounds;

(c) The development of integrated fiscal services for all divisions, and the preparation of an integrated budget for the department;

(d) The establishment of a planning bureau within the department, which bureau shall consult and coordinate its activities with the state planning director.

Sec. 32. Minnesota Statutes 1976, Section 362.09, Subdivision 1, is amended to read:

362.09 [COMMISSIONER; ADVISORY COMMITTEE.] Subdivision 1. The department shall be under the supervision and control of a commissioner of economic development (, IN UNCLASSIFIED SERVICE,) who shall be appointed by the governor (, BY AND WITH THE ADVICE AND CONSENT OF THE SENATE FOR A TERM OF FOUR YEARS TO COINCIDE WITH THAT OF THE GOVERNOR AND UNTIL HIS SUCCESSOR IS DULY APPOINTED AND HAS QUALIFIED. THE GOVERNOR MAY REMOVE THE COMMISSIONER AT ANY TIME FOR CAUSE AFTER NOTICE AND HEARING) *under the provisions of section 1.* He shall be chosen with regard to his knowledge, training, experience, and ability in administering the functions of the department. (IN CASE OF A VACANCY, THE GOVERNOR MAY APPOINT A COMMISSIONER WHO SHALL THEREUPON IMMEDIATELY TAKE

OFFICE AND SHALL CARRY ON ALL THE DUTIES OF THE OFFICE UNTIL THE NEXT SESSION OF THE LEGISLATURE, WHEN HIS APPOINTMENT SHALL BE SUBMITTED TO THE SENATE FOR APPROVAL. THE COMMISSIONER SHALL RECEIVE A SALARY AS PROVIDED BY LAW. HE SHALL GIVE A BOND TO THE STATE IN THE SUM OF \$10,000. ON JANUARY 4, 1971, THE TERM OF THE INCUMBENT COMMISSIONER SHALL EXPIRE.)

The commissioner shall appoint a deputy (, FIX HIS SALARY UNLESS OTHERWISE PRESCRIBED BY LAW AND DEFINE HIS DUTIES. THE DEPUTY SHALL ENJOY A CONFIDENTIAL RELATIONSHIP WITH THE COMMISSIONER AND IS IN THE UNCLASSIFIED SERVICE OF THE STATE) *commissioner*.

Sec. 33. Minnesota Statutes 1976, Section 363.04, Subdivision 1, is amended to read:

363.04 [DEPARTMENT OF HUMAN RIGHTS.] Subdivision 1. [CREATION; COMMISSIONER.] There is (HEREBY) established (AT THE SEAT OF GOVERNMENT AN EXECUTIVE) a department (TO BE KNOWN AS THE DEPARTMENT) of human rights (, THERE SHALL BE AT THE HEAD OF THE DEPARTMENT) *under the direction and supervision of a commissioner (OF HUMAN RIGHTS,) who shall be appointed by the governor (, BY AND WITH THE ADVICE AND CONSENT OF THE SENATE FOR A FOUR YEAR TERM WHICH SHALL COINCIDE WITH THE TERM OF THE GOVERNOR AND UNTIL HIS SUCCESSOR IS DULY APPOINTED AND HAS QUALIFIED. THE GOVERNOR MAY REMOVE THE COMMISSIONER AT ANY TIME FOR CAUSE AFTER NOTICE AND HEARING. IN CASE OF A VACANCY, THE GOVERNOR MAY APPOINT A COMMISSIONER, WHO SHALL IMMEDIATELY TAKE OFFICE AND SHALL CARRY ON ALL OF THE DUTIES OF THE OFFICE UNTIL THE NEXT SESSION OF THE LEGISLATURE, WHEN HIS APPOINTMENT SHALL BE SUBMITTED TO THE SENATE FOR APPROVAL ON JANUARY 4, 1971, THE TERM OF THE INCUMBENT COMMISSIONER SHALL EXPIRE. THE DEPARTMENT SHALL BE ADMINISTERED UNDER THE SUPERVISION AND DIRECTION OF THE COMMISSIONER, WHO SHALL BE IN UNCLASSIFIED SERVICE, AND SHALL RECEIVE COMPENSATION AT THE RATE PRESCRIBED BY LAW) under the provisions of section 1.*

Sec. 34. Minnesota Statutes 1976, Section 144.02, is amended to read:

144.02 [MEETINGS; OFFICERS; QUORUM.] The (STATE) board of health shall (HOLD AN ANNUAL MEET-

ING DURING THE FIRST QUARTER OF EVERY YEAR AT A TIME AND PLACE DESIGNATED BY THE BOARD AT WHICH TIME IT SHALL) *annually* elect from its members a president. (REGULAR MEETINGS, ONE OF WHICH SHALL INCLUDE THE ANNUAL MEETING, SHALL BE HELD NOT LESS THAN FOUR TIMES A YEAR. AT LEAST ONE SUCH REGULAR MEETING SHALL BE HELD EACH QUARTER.) The time and place of (ALL SUCH) *regular* meetings shall be determined by the board, and all board members shall be notified thereof by mail seven days in advance. Special meetings may be held (AT SUCH TIMES AND PLACES AS) *on the request of* the (SECRETARY) *commissioner* or any two members of the board (SHALL APPOINT) upon three days' notice to the members by mail. (THE BOARD SHALL ELECT A SECRETARY, WITH THE ADVICE AND CONSENT OF THE SENATE, TO SERVE DURING ITS PLEASURE, WHO MAY OR MAY NOT BE ONE OF ITS MEMBERS.) A majority shall be a quorum and any meeting may be adjourned from time to time.

Sec. 35. Minnesota Statutes 1976, Chapter 144, is amended by adding a section to read:

[144.011] [DEPARTMENT OF HEALTH.] *Subdivision 1. [COMMISSIONER.] The department of health shall be under the control and supervision of the commissioner of health who shall be appointed by the governor under the provisions of section 1. The state board of health is abolished and all powers and duties of the board are transferred to the commissioner of health.*

Subd. 2. [STATE HEALTH ADVISORY COUNCIL.] The state health advisory council is hereby created to consist of 15 members appointed by the governor. Nine members of the council shall be broadly representative of the licensed health professions and six members shall be public members as defined by section 214.02. Additionally, members of the council shall be representative of the various geographic areas of the state. The council and its members shall be governed by the provisions of section 15.059. The governor shall designate a chairman of the council and such other officers as he deems necessary. The council shall advise the commissioner of health on any matter relating to the functions of the department.

Sec. 36. Minnesota Statutes 1976, Section 121.09, is amended to read:

121.09 [ADMINISTRATION; EXCEPTIONS.] The (STATE BOARD) *commissioner* shall administer all laws relating to (THE COMMISSIONER,) libraries(.) and other public educational institutions, except such laws as may relate to the

university of Minnesota and to the state universities and community colleges.

Sec. 37. Minnesota Statutes 1976, Chapter 121, is amended by adding a section to read:

[121.021] [DEPARTMENT OF EDUCATION.] *Subdivision 1. [COMMISSIONER.] The department of education shall be under the control and supervision of the commissioner of education who shall be appointed by the governor under the provisions of section 1. The state board of education is abolished and all powers and duties of the board are transferred to the commissioner of education.*

Subd. 2. [STATE ADVISORY COUNCIL ON EDUCATION.] The state advisory council on education is hereby created to consist of nine members appointed by the governor. Members of the council shall be representative of the various geographic areas of the state. The governor shall designate a chairman of the council and such other officers as he deems necessary. The council and its members shall be governed by the provisions of section 15.059. The council shall advise the commissioner of education on any matter relating to the functions of the department.

Sec. 38. Minnesota Statutes 1976, Section 462A.04, Subdivision 8, is amended to read:

Subd. 8. The agency shall (EMPLOY AN EXECUTIVE DIRECTOR, LEGAL AND TECHNICAL EXPERTS AND SUCH OTHER OFFICERS, AGENTS AND EMPLOYEES, PERMANENT AND TEMPORARY, AS IT MAY REQUIRE, AND SHALL DETERMINE THEIR QUALIFICATIONS, DUTIES AND COMPENSATION) be under the administrative control of an executive director which office is established. He shall be appointed by the governor under the provisions of section 1.

The executive director may appoint a deputy director. The executive director may further appoint such permanent and temporary employees as he deems necessary subject to the approval of the commissioner of personnel. (THE AGENCY MAY DELEGATE TO ONE OR MORE OF ITS AGENTS OR EMPLOYEES SUCH POWERS OR DUTIES AS IT MIGHT DEEM PROPER.) All permanent employees of the agency, except the executive director and deputy director, are in the classified civil service (OF THE STATE).

Sec. 39. [TEMPORARY PROVISIONS.] *The term of any department head or commissioner dealt with in this act shall expire the first Monday in January 1979, unless Minnesota Stat-*

utes provide for an earlier expiration date. In this event, the new appointment shall be made so as to expire the first Monday of January 1979.

Any department head or commissioner dealt with in this act and serving on the effective date of this act is deemed to have been appointed in compliance with the provisions of this act.

If any position which currently bears the title of deputy loses this title pursuant to section 1, subdivision 6, or any other provision of this act, the commissioner of personnel shall assign a new title. If the position is currently in the unclassified civil service, it shall remain in the unclassified civil service. In the event that authorized, unclassified deputy positions are not filled, the department head or commissioner may fill these positions but only as permitted by applicable personnel complement limitations.

Sec. 40. [INSTRUCTION TO REVISOR.] *The revisor of statutes shall eliminate from the statutes any reference to the "secretary" or "executive officer" of the board of health or any similar title with this meaning, and shall substitute "commissioner" or "commissioner of health" as appropriate.*

The revisor of statutes shall also eliminate from the statutes any reference to the "board of health" and shall insert in lieu thereof as appropriate the "commissioner of health" or "commissioner" and shall eliminate from the statutes any reference to the "board of education" and shall insert in lieu thereof as appropriate "commissioner of education" or "commissioner".

Sec. 41. [REPEALER.] *Minnesota Statutes 1976, Sections 16.13; 121.02; 121.03; 121.08; 121.10; 121.16, Subdivision 2; 144.01; 144.02; 144.03; 144.04; 175.001, Subdivision 4; and 216A.06, Subdivision 2, are repealed.*

Sec. 42. [EFFECTIVE DATE.] *This act shall be effective the day following its final enactment."*

Further amend by striking the title and inserting:

"A bill for an act relating to the organization of state government; providing that heads of certain departments and other governmental units of the state shall be appointed by and shall serve at the pleasure of the appointing authority; providing for the succession of commissioners; defining position and duties of deputy department heads; standardizing the format and procedures relating to executive orders and reorganization orders; prescribing uses for executive orders; limiting the scope of re-

organization orders; abolishing the state board of health and state board of education and transferring their powers and duties; eliminating obsolete language; amending Minnesota Statutes 1976, Sections 15.051, Subdivisions 1 and 3; 15.06; 16.01; 16.125; 16A.01, Subdivisions 2 and 3; 17.01; 43.001, Subdivisions 2 and 3; 45.02; 45.15; 84.01, Subdivision 2; 116.03, Subdivision 1; 116H.03, Subdivisions 2 and 3; 121.09; 144.02; 174.02, Subdivision 1; 175.001, Subdivision 1; 179.02; 196.02, Subdivision 1; 216A.06, Subdivision 1; 241.01, Subdivisions 1 and 2; 245.03; 268.12, Subdivision 1; 270.02, Subdivision 2; 298.22, Subdivision 1; 299A.01, Subdivisions 1 and 2; 362.09, Subdivision 1; 363.04, Subdivision 1; 462A.04, Subdivision 8; Chapters 121, by adding a section; and 144, by adding a section; repealing Minnesota Statutes 1976, Sections 16.13; 121.02; 121.03; 121.08; 121.10; 121.16, Subdivision 2; 144.01; 144.02; 144.03; 144.04; 175.001, Subdivision 4; and 216A.06, Subdivision 2.

The motion prevailed and the amendment was adopted.

Petrafeso moved to amend S. F. No. 109, as amended, as follows:

Page 15, line 27, strike "In".

Page 15, strike lines 28 and 29.

Page 15, line 30, strike "commission pursuant to section 116H.04."

The motion prevailed and the amendment was adopted.

Petrafeso moved to amend S. F. No. 109, as amended, as follows:

Page 33, lines 5 and 6, delete "*Subdivision 2*".

Amend the title as follows:

Page 1, line 30, delete "*Subdivision 2*".

The motion prevailed and the amendment was adopted.

Johnson moved to amend S. F. No. 109, as amended, as follows:

Page 30, strike lines 21 to 32 and insert:

"Sec. 36. Minnesota Statutes 1976, Section 121.16, Subdivision 1, is amended to read:

121.16 [COMMISSIONER OF EDUCATION.] Subdivision 1. (THE STATE BOARD SHALL ELECT A) *The department*

shall be under the administrative control of the commissioner (WHO) of education which office is established. The commissioner shall be the (EXECUTIVE OFFICER AND) secretary of the state board. (AND WHOSE) Notwithstanding the provisions of section 1, the commissioner's term of office shall be four years. He shall be appointed by the state board with the approval of the governor and under the provisions of section 1. For purposes of section 1, the state board shall be the appointing authority.

(HE) *The commissioner shall be a person who possesses educational attainment and breadth of experience in the administration of public education and of the finances pertaining thereto commensurate with the spirit and intent of this code. The commissioner shall (HAVE AUTHORITY TO NOMINATE, FOR APPROVAL BY THE STATE BOARD, SUCH OFFICIALS AND) appoint employees as may be necessary (TO PERFECT AND TO MAINTAIN) for the organization of the department (AS RECOMMENDED BY HIM AND AS ADOPTED BY THE STATE BOARD). He shall perform such duties as the law and the rules of the state board may provide and be held responsible for the efficient administration and discipline of (THE VARIOUS OFFICES AND DIVISION IN) the (ORGANIZATION OF THE) department. He shall (BE REQUIRED TO) make recommendations to the state board which shall facilitate all of the work of the state board, and he shall be charged with the execution of powers and duties which the state board may prescribe, from time to time, to promote public education in the state, to safeguard the finances pertaining thereto, and to enable the state board to carry out (THE PROVISIONS OF THIS CODE) its duties.*

Page 31, strike lines 1 to 15.

Page 32, line 32, strike "*and shall eliminate from the*" and insert a period.

Page 33, strike lines 1 to 3.

Page 33, line 5, strike "*121.02; 121.03;*".

Page 33, line 5, after "*121.16,*" reinsert "*, Subdivision 2*".

Further, amend the title as follows:

Page 1, line 20, after "*121.09;*" insert "*121.16, Subdivision 1;*".

Page 1, line 29, strike "*121.02;*".

Page 1, line 30, strike "*121.03;*".

Page 1, line 30, after "121.16" reinsert ", Subdivision 2".

A roll call was requested and properly seconded.

Swanson moved to amend the Johnson amendment to S. F. No. 109, as follows:

After "*appointed by the*" delete "*state board with the approval of*".

After "*the governor*" delete "*and*".

After "*provisions of section 1.*" delete "*For purposes of section 1, the state board shall be the appointing authority.*".

A roll call was requested and properly seconded.

The question was taken on the adoption of the Swanson amendment to the amendment and the roll was called. There were 25 yeas and 95 nays as follows:

Those who voted in affirmative were:

Berg	Enebo	Kahn	Pehler	Sieben, M.
Berglin	Fugina	Kelly, W.	Petrafeso	Stoa
Brandl	George	Moe	Samuelson	Swanson
Carlson, L.	Hokanson	Osthoff	Scheid	Tomlinson
Ellingson	Jacobs	Patton	Sieben, H.	Speaker Sabo

Those who voted in the negative were:

Abeln	Cassery	Hanson	Lemke	Sarna
Adams	Clark	Heinitz	Mangan	Savelkoul
Albrecht	Clawson	Jaros	Mann	Schulz
Anderson, B.	Cohen	Jensen	McDonald	Searle
Anderson, D.	Corbid	Johnson	McEachern	Searles
Anderson, G.	Dahl	Jude	Metzen	Simoneau
Anderson, I.	Dean	Kaley	Munger	Skoglund
Arlandson	Den Ouden	Kalis	Murphy	Smogard
Battaglia	Eckstein	Kelly, R.	Neisen	Spanish
Beauchamp	Eken	Kempe, A.	Nelsen, B.	Stanton
Begich	Erickson	Kempe, R.	Nelsen, M.	Vanasek
Berkelman	Esau	King	Nelson	Waldorf
Biersdorf	Evans	Knickerbocker	Niehaus	Welch
Birnstihl	Ewald	Kostohryz	Novak	Wenstrom
Braun	Fjosalien	Kroening	Peterson	Wenzel
Brinkman	Forsythe	Kvam	Pleasant	White
Byrne	Friedrich	Laidig	Rice	Wigley
Carlson, A.	Fudro	Langseth	Rose	Wynia
Carlson, D.	Gunter	Lehto	St. Onge	Zubay

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

The question recurred on the adoption of the Johnson amendment and the roll was called. There were 83 yeas and 45 nays as follows:

Those who voted in the affirmative were :

Abeln	Dean	Hokanson	Mangan	Schulz
Adams	Den Ouden	Jensen	Mann	Searle
Albrecht	Eckstein	Johnson	McDonald	Searles
Anderson, D.	Eken	Jude	Metzen	Smogard
Anderson, G.	Erickson	Kaley	Murphy	Spanish
Anderson, R.	Esau	Kalis	Neisen	Stanton
Arlandson	Evans	Kelly, W.	Nelsen, B.	Tomlinson
Battaglia	Ewald	Kempe, A.	Nelsen, M.	Vanasek
Berkelman	Faricy	Kempe, R.	Nelson	Welch
Biersdorf	Fjoslien	King	Niehaus	Wenstrom
Birnstihl	Forsythe	Knickerbocker	Norton	Wenzel
Braun	Friedrich	Kostohryz	Novak	White
Brinkman	Fudro	Kvam	Peterson	Wieser
Carlson, A.	Fugina	Laidig	Pleasant	Wigley
Carlson, D.	Gunter	Langseth	Reding	Zubay
Carlson, L.	Hanson	Lehto	Rice	
Dahl	Heinitz	Lemke	Rose	

Those who voted in the negative were :

Anderson, B.	Clark	Jaros	Patton	Sieben, M.
Anderson, I.	Clawson	Kahn	Pehler	Simoneau
Beauchamp	Cohen	Kelly, R.	Petrafeso	Skoglund
Begich	Corbid	Kroening	Prahl	Stoa
Berg	Cummiskey	McCarron	St. Onge	Suss
Berglin	Ellingson	McEachern	Samuelson	Swanson
Brandl	Enebo	Moe	Sarna	Waldorf
Byrne	George	Munger	Scheid	Wynia
Casserly	Jacobs	Osthoff	Sieben, H.	Speaker Sabo

The motion prevailed and the amendment was adopted.

Berkelman moved to amend S. F. No. 109, as amended, as follows:

Page 30, line 2, after "under the" insert "administrative".

Page 30, line 5, strike "*The state board of health is abolished and all*".

Page 30, strike lines 6 through 20 and insert in lieu thereof "*The commissioner shall be a person who possesses training and experience in public health administration.*"

Subd. 2. [TRANSFER OF AUTHORITY.] All administrative authority previously vested with the state board of health is transferred to the commissioner of health."

Page 33, line 6, strike "144.01; 144.02; 144.03; 144.04".

Further amend the title accordingly.

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

Clawson moved to amend S. F. No. 109, as amended, as follows:

Page 30, line 18 after the period insert "*The commissioner shall be selected without regard to political affiliation and with regard to ability and experience in matters of public health.*".

The motion prevailed and the amendment was adopted.

Kempe, A. was excused for the remainder of today's session.

S. F. No. 109, A bill for an act relating to the organization of state government; providing that heads of certain departments and other governmental units of the state shall be appointed by and shall serve at the pleasure of the appointing authority; providing for the succession of commissioners; limiting the ability of former commissioners and former deputy commissioners to appear before their former agencies; defining position and duties of deputy department heads; standardizing the format and procedures relating to executive orders and reorganization orders; prescribing uses for executive orders; limiting the scope of reorganization orders; abolishing the board of health and transferring its powers to the commissioner of health; creating a health advisory council; eliminating obsolete language; amending Minnesota Statutes 1976, Sections 15.051, Subdivisions 1 and 3; 15.06; 16.01; 16.125; 16A.01, Subdivisions 2 and 3; 17.01; 43.001, Subdivisions 2 and 3; 45.02; 45.15; 84.01, Subdivision 2; 116.03, Subdivision 1; 116H.03, Subdivisions 2 and 3; 121.09; 121.16, Subdivision 1; 129A.02, Subdivision 2; 174.02, Subdivision 1; 175.001, Subdivision 1; 179.02; 196.02, Subdivision 1; 216A.06, Subdivision 1; 241.01, Subdivisions 1 and 2; 245.03; 268.12, Subdivision 1; 270.02, Subdivision 2; 298.22, Subdivision 1; 299A.01, Subdivisions 1 and 2; 362.09, Subdivision 1; 363.04, Subdivision 1; 462A.04, Subdivision 8; and Chapter 144, by adding a section; repealing Minnesota Statutes 1976, Sections 16.13; 121.07; 121.08; 121.10; 121.16, Subdivision 2; 144.01; 144.02; 144.03; 144.04; 175.001, Subdivision 4; and 216A.06, Subdivision 2.

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 98 yeas and 30 nays as follows:

Those who voted in the affirmative were:

Abeln	Begich	Byrne	Corbid	Ewald
Adams	Berg	Carlson, A.	Cummiskey	Fudro
Anderson, G.	Berglin	Carlson, L.	Dahl	Fugina
Anderson, I.	Berkelman	Casserly	Dean	George
Arlandson	Birnstihl	Clark	Eken	Hanson
Battaglia	Brandl	Clawson	Ellingson	Hokanson
Beauchamp	Braun	Cohen	Enebo	Jacobs

Jaros	Mangan	Norton	Scheid	Tomlinson
Johnson	Mann	Novak	Schulz	Vanasek
Jude	McCarron	Osthoff	Searles	Waldorf
Kahn	McColiar	Patton	Sherwood	Welch
Kelly, R.	McDonald	Pehler	Sieben, H.	Wenstrom
Kelly, W.	McEachern	Petrafeso	Sieben, M.	Wenzel
Kempe, R.	Metzen	Pleasant	Simoneau	White
King	Moe	Prahl	Skoglund	Wieser
Kostohryz	Munger	Reding	Smogard	Wynia
Kroening	Murphy	Rice	Stanton	Zubay
Laidig	Neisen	St. Onge	Stoa	Speaker Sabo
Langseth	Nelsen, M.	Samuelson	Suss	
Lehto	Nelson	Sarna	Swanson	

Those who voted in the negative were:

Albrecht	Eckstein	Forsythe	Kalis	Peterson
Anderson, B.	Erickson	Friedrich	Knickerbocker	Rose
Anderson, D.	Essau	Gunter	Kvam	Savelkoul
Biersdorf	Evans	Heinitz	Lemke	Searle
Carlson, D.	Faricy	Jensen	Nelsen, B.	Spanish
Den Ouden	Fjoslien	Kaley	Niehaus	Wigley

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

There being no objection the order of business reverted to Reports of Standing Committees.

REPORTS OF STANDING COMMITTEES

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

H. F. No. 46, A bill for an act relating to taxation; exempting from sales, use, and property tax certain property to be used to provide a solar energy heating or cooling system for buildings; amending Minnesota Statutes 1976, Sections 272.02, Subdivision 1; and 297A.25, Subdivision 1.

Reported the same back with the following amendments:

Page 4, line 25, after "*or*" insert "*solar*".

Page 4, line 25, after "*cooling*" insert "*or solar electricity generation*".

Page 12, line 1, after "*heating or*" insert "*solar*".

Page 12, line 1, after "*cooling*" insert "*or solar electricity generation*".

Page 12, line 4, after "*or*" insert "*solar*".

Page 12, line 4, after "*cooling*" insert "*or solar electricity generation*".

Page 12, line 6, after "or" insert "solar".

Page 12, line 6, after "cooling" insert "or solar electricity generation".

Further amend the title as follows:

Page 1, line 4, after "or" insert "solar".

Page 1, line 4, after "cooling" insert "or solar electricity generation".

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

The report was adopted.

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

H. F. No. 1092, A bill for an act relating to public waters; establishing a lake restoration and protection program; making grants-in-aid available for improving water quality in public lakes; prescribing certain powers and duties for the pollution control agency; appropriating money.

Reported the same back with the following amendments:

Page 1, delete lines 10 to 23.

Page 2, delete lines 1 to 19.

Page 3, line 26, delete "accessible to the public via contiguous public".

Page 3, delete line 27 and insert "*further defined, for purposes of this act, by rule of the agency.*".

Page 9, following line 16, insert the following:

"Sec. 8. Minnesota Statutes 1976, Section 459.20, is amended to read:

459.20 [AUTHORITY OVER PUBLIC WATERS.] The governing body of any *home rule charter or statutory city or town* in the state has (THE FOLLOWING POWERS: (A) IN), *with respect to any body of water situated wholly within (THE MUNICIPAL) its boundaries*, all the powers to improve and regulate the use of such body of water as are conferred on county boards by sections 378.31 and 378.32, and to establish and administer lake improvement districts under sections 378.41 to

378.56 (; AND (B) IN). *With respect to any body of water situated (PARTLY) wholly within the (MUNICIPAL) contiguous boundaries (, THE POWERS CONFERRED ON COUNTY BOARDS BY SECTION 378.31, BUT ONLY TO THE EXTENT SUCH POWERS ARE NECESSARY FOR THE PURPOSE OF PREVENTING OR CONTROLLING FLOODS WITHIN THE BOUNDARIES OF THE MUNICIPALITY AND ONLY IN CONJUNCTION WITH PROJECTS UNDERTAKEN PURSUANT TO OR IN ANTICIPATION OF AN AGREEMENT WITH THE GOVERNMENT OF THE UNITED STATES OR ANY AGENCY THEREOF) of a group of home rule charter or statutory cities or towns or any combination thereof, the city councils and town boards may, under the provisions of section 471.59, jointly exercise such powers to improve and regulate the use of the body of water as are conferred on county boards by sections 378.31 and 378.32, and to establish and administer lake improvement districts as provided under sections 378.41 to 378.56, provided that, no home rule charter or statutory city or town may establish and administer a lake improvement district or exercise any of the powers granted in this section if a lake improvement district covering the same territory has been created by a county board under sections 378.41 to 378.56. References in sections 378.31 to 378.35 and 378.41 to 378.56 to the county board shall (MEAN ALSO) be construed to refer to the (APPROPRIATE) governing body of a home rule charter or statutory city or the board of supervisors of a town."*

Underline all new language.

Renumber the sections in sequence.

Further amend the title as follows:

Page 1, line 7, after "money" insert "; amending Minnesota Statutes 1976, Section 459.20".

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

The report was adopted.

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

H. F. No. 1254, A bill for an act relating to pollution; prohibiting littering; prescribing the powers and duties of the commissioner of transportation in regard thereto; requiring litter bags in certain vehicles and watercraft and litter receptacles in public places; prescribing a litter license fee on certain manufacturers, wholesalers, distributors, and retailers; prescribing penalties; appropriating money; repealing Minnesota Statutes 1976, Sections 169.42; and 609.68.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert the following:

"Section 1. Minnesota Statutes 1976, Section 116E.03, Subdivision 7, is amended to read:

Subd. 7. [EMPLOYMENT OF STAFF.] The state board and the regional councils may employ (SUCH) *the* administrative and clerical staff (AS MAY BE) necessary to carry out the functions of the state board and regional councils as described in sections 116E.01 to 116E.04 (, INCLUDING, BUT NOT LIMITED TO, AN EXECUTIVE DIRECTOR TO REPRESENT AND MANAGE THE AFFAIRS OF THE STATE BOARD, AND/OR REGIONAL COUNCILS, AS THE CASE MAY BE). *All employees, except the executive director, serving the board who were hired after July 1, 1976, shall be in the classified civil service of the state.* In addition, the state board and regional councils may employ and fix the compensation of (SUCH) *any* experts and consultants as may be necessary to carry out their functions under sections 116E.01 to 116E.04.

Sec. 2. Minnesota Statutes 1976, Section 116E.03, Subdivision 7a, is amended to read:

Subd. 7a. [EXECUTIVE DIRECTOR.] The executive director of the state board shall be experienced in the administration of environment-related programs. (ALL EMPLOYEES SERVING THE BOARD SHALL BE IN THE CLASSIFIED CIVIL SERVICE OF THE STATE. THIS SUBDIVISION SHALL NOT APPLY TO BOARD EMPLOYEES SERVING ON JULY 1, 1976) *He shall be appointed by the governor with the consent of the senate for a four year term, which shall coincide with the term of the governor and shall serve until his successor is duly appointed and qualifies. The governor may remove the director at any time at his pleasure. A vacancy in the office of executive director shall be filled by the governor with the consent of the senate, for the unexpired term.*

Sec. 3. Minnesota Statutes 1976, Section 116E.03, Subdivision 8, is amended to read:

Subd. 8. [CONTRACTS.] The (CHIEF ADMINISTRATIVE OFFICER) *executive director* of the state board may contract with persons, firms, corporations, organizations, units of government or institutions of higher learning for doing any of the work of his office, and none of the provisions of chapter 16, relating to bids, shall apply to such contracts. The regional councils may contract with the regional development commissions designated by the governor pursuant to Minnesota Statutes 1971, Section 462.385, to accomplish the purposes of sections 116E.01

to 116E.04. All personnel employed and all contracts entered into pursuant to this subdivision shall be subject to the approval of the state board. Agreements to exercise delegated powers shall be by written order filed with the secretary of state.

Sec. 4. Minnesota Statutes 1976, Section 174.02, Subdivision 2, is amended to read:

Subd. 2. [UNCLASSIFIED POSITIONS.] The commissioner may establish (FOUR) *five* positions in the unclassified service at the deputy and assistant commissioner, assistant to commissioner or personal secretary levels. No more than two of these positions shall be at the deputy commissioner level. *The commissioner shall delegate his responsibilities and duties specified in sections 5 to 18 of this act to one of the persons in the unclassified service.*

Sec. 5. Minnesota Statutes 1976, Chapter 174, is amended by adding a section to read:

[174.61] [DEFINITIONS.] *Subdivision 1. For the purposes of section 5 to 18, the terms defined in this section have the meanings given them unless the context clearly indicates otherwise.*

Subd. 2. "Commissioner" means the commissioner of transportation.

Subd. 3. "Department" means the department of transportation.

Subd. 4. "Litter" means all waste material including but not limited to any glass, bottles, nails, tacks, wire, cans, garbage, swill, papers, carcass of any dead animal, offal, trash or rubbish.

Subd. 5. "Litter bag" means a bag or container with a capacity of at least one quart, but not more than eight quarts.

Subd. 6. "Person" means any corporation, partnership, association, or individual.

Subd. 7. "Vehicle" means any self-propelled device licensed to be operated on the public highways of this state or any snowmobile.

Subd. 8. "Watercraft" means any boat, ship, vessel, barge, or other floating craft in which individuals or personal property may be transported.

Subd. 9. "Public place" means any area that is used or held out for use by the public, whether owned or operated by public or private interests.

Subd. 10. "Peace officer" has the meaning specified in section 352E.01, subdivision 2.

Sec. 6. Minnesota Statutes 1976, Chapter 174, is amended by adding a section to read:

[174.62] [RULES; APPLICATION.] *In addition to his other powers and duties, the commissioner shall promulgate rules necessary to carry out the provisions of sections 5 to 18, provided the rules are not inconsistent with any rules promulgated by the pollution control agency concerning the transporting, storing, dumping, or removing of solid waste. The rules shall specify standards concerning the distribution and location of litter receptacles in public places.*

Sec. 7. Minnesota Statutes 1976, Chapter 174, is amended by adding a section to read:

[174.63] [ENFORCEMENT.] *All peace officers shall enforce the provisions of sections 5 to 16 and all rules adopted thereunder and may issue citations to, and arrest without warrant, persons violating any provision of sections 5 to 16 or any of the rules adopted thereunder. Any person may file a complaint in regard to a violation of sections 5 to 16 or the rules adopted thereunder with the appropriate law enforcement agency. All law enforcement officials may serve and execute all warrants, citations, and other process issued by courts in enforcing the provisions of sections 5 to 16 and rules adopted thereunder. Mailing by certified mail of a warrant, citation, or other process to the last known place of residence of the person charged shall be deemed personal service.*

Sec. 8. Minnesota Statutes 1976, Chapter 174, is amended by adding a section to read:

[174.64] [LITTERING PROHIBITED.] *Subdivision 1. No person shall throw, place, dump, discard or otherwise deposit, or cause to be thrown, placed, dumped, discarded or otherwise deposited any litter on any public street, highway, land, water or the ice thereon except with the permission of and in the manner prescribed by the governing body having jurisdiction over the public places.*

Subd. 2. No person shall throw, place, dump, discard or otherwise deposit, or cause to be thrown, placed, dumped, discarded or otherwise deposited any litter on any privately owned land or water or the ice thereon except with the permission of and in the manner prescribed by the owner thereof.

Subd. 3. Any person removing a wrecked or damaged vehicle from a highway shall remove any glass or other injurious substance dropped upon the highway from the vehicle.

Subd. 4. No person shall drop or hurl any destructive or injurious material or object at or upon any motor vehicle or the occupants thereof upon any highway.

Sec. 9. Minnesota Statutes 1976, Chapter 174, is amended by adding a section to read:

[174.65] [OWNER OR OPERATOR LIABILITY.] *It shall be unlawful for the owner of a vehicle or watercraft, if he is then present in the vehicle or watercraft, or the driver of the vehicle as defined in section 169.01, subdivision 25, or the operator of the watercraft as defined in section 361.02, subdivision 6, to allow a passenger in his vehicle or watercraft to violate section 8, subdivision 1 or 2. This section shall not apply to a school bus or a vehicle transporting passengers for hire.*

Sec. 10. Minnesota Statutes 1976, Chapter 174, is amended by adding a section to read:

[174.66] [LITTER RECEPTACLES; PUBLIC PLACES.] *Every person owning or operating any public place in which litter receptacles are required by the rules of the commissioner shall obtain and place receptacles at his own expense on the premises in accordance with the rules adopted by the commissioner. The owner or person operating a public place may limit the litter placed in litter receptacles to that which is normally contained in approved litter bags.*

Sec. 11. Minnesota Statutes 1976, Chapter 174, is amended by adding a section to read:

[174.67] [LITTER BAGS REQUIRED.] *No person shall operate a vehicle or a watercraft unless it contains a litter bag.*

Sec. 12. Minnesota Statutes 1976, Chapter 174, is amended by adding a section to read:

[174.68] [LITTER BAGS; DESIGN AND DISTRIBUTION.] *The department may make available litter bags and other promotional material bearing the statewide anti-litter symbol. These litter bags may be distributed by the department of public safety, at no charge, to the owner of every licensed vehicle in this state at the time of license renewal. The department may provide these litter bags at no charge at rest areas, field offices and other places deemed appropriate by the commissioner. The department of natural resources may make these litter bags available to the owners of watercraft in this state at the time of license renewal.*

Sec. 13. Minnesota Statutes 1976, Chapter 174, is amended by adding a section to read:

[174.69] [LITTER CONTROL PROGRAMS; PUBLIC EDUCATION; DISTRIBUTION OF FUNDS.] *The commissioner shall coordinate programs involving public and private agencies for the purposes of research, development, and public education concerning the litter problem. He shall actively encourage the cooperation and support of labor, industry and other persons interested in anti-litter activities. The commissioner shall be the agent of the state for receipt of public or private funds and gifts made available for purposes of sections 5 to 18. Any funds or gifts received pursuant to this section are annually appropriated to the commissioner for the purposes of sections 5 to 18. He may make grants available for the purposes stated in this section to those persons he deems appropriate and qualified.*

Sec. 14. Minnesota Statutes 1976, Chapter 174, is amended by adding a section to read:

[174.70] [PENALTIES.] *Subdivision 1. Any person who violates the provisions of section 8, is guilty of a misdemeanor. Upon the conviction of any person for a violation of section 8, subdivision 1 or 2, the court may order the violator to work under the supervision of a conservation officer or the department for up to eight hours in any program of litter removal or beautification.*

Subd. 2. Any person who fails to provide litter receptacles as required by section 10, is guilty of a petty misdemeanor.

Subd. 3. Any person who violates the provisions of section 11, may be fined not more than \$10.

Sec. 15. Minnesota Statutes 1976, Chapter 174, is amended by adding a section to read:

[174.71] [FINES; GOVERNMENTAL SHARING.] *Any political subdivision which collects a fine or bail forfeiture under the provisions of sections 5 to 18 shall forward one half of the collected amounts to the general fund of the state treasury. These funds are hereby appropriated to the commissioner for the purposes of implementing sections 5 to 18.*

Sec. 16. Minnesota Statutes 1976, Chapter 174, is amended by adding a section to read:

[174.72] [NOTICE TO PUBLIC.] *The commissioner, with the approval and cooperation of the Minnesota environmental education board, shall take appropriate action as necessary to inform the public of the contents of sections 5 to 18 and the penalties for violation thereof.*

Sec. 17. Minnesota Statutes 1976, Chapter 174, is amended by adding a section to read:

[174.73] [LITTER COLLECTION AND SURVEY.] *The department shall make a collection and survey of litter to be completed by November 30, 1978, of the types and kinds of litter that are discarded in violation of the laws of the state. The survey shall include litter found throughout the state, including standard metropolitan statistical areas and rural and recreational areas. To the fullest extent possible, in standard metropolitan statistical areas the department shall make use of local litter and trash collection services through arrangements with local governing bodies and appropriate agencies, in the discharge of the duties imposed by this section. The department shall report to the governor and the legislature on the amount of litter collected pursuant to this section and shall include in its report an analysis by item, weight and volume, and, where practicable, the biodegradability of the types of products, packages, wrappings and containers which compose the principal amounts of the litter collected. The products whose packages, wrappings and containers constitute the litter shall include, but not be limited to the following categories:*

- (a) *Food for human or pet consumption;*
- (b) *Groceries;*
- (c) *Cigarettes and tobacco products;*
- (d) *Soft drinks and carbonated waters;*
- (e) *Beer and other malt beverages;*
- (f) *Wine;*
- (g) *Newspapers and magazines;*
- (h) *Paper products and household paper;*
- (i) *Glass containers;*
- (j) *Metal containers;*
- (k) *Plastic or fiber containers made of synthetic material;*
- (l) *Cleaning agents and toiletries;*
- (m) *Nondrug drugstore sundry products; and*
- (n) *Distilled spirits.*

Sec. 18. Minnesota Statutes 1976, Chapter 174, is amended by adding a section to read:

[174.74] [LITTER LICENSE FEE; AMOUNT; COLLECTION APPROPRIATION.] *There is hereby levied and imposed upon every person in the state engaged in business as a manufacturer, wholesaler, distributor or retailer of products described in section 17 whose gross sales of such products exceed \$150,000, an annual litter fee of \$25 per \$150,000 annual gross sales of such products within the state of Minnesota. In calculating gross sales for purposes of the litter fee, all sales within the meaning of section 297A.25, subdivision 1, clause (d), shall be exempt. The license fee shall be due and payable on or before January 31 of each year and shall be collected annually by the department of revenue in the same manner as the sales and use tax imposed under Minnesota Statutes, Chapter 297A. The receipts of the litter license fee and any unappropriated and unexpended revenue from the tax imposed pursuant to section 168B.11 shall be deposited in the general fund and are hereby annually appropriated as follows for the purposes of sections 5 to 18: 54 percent to the commissioner of transportation, 45 percent to the director of the pollution control agency, and one percent to the commissioner of revenue.*

Sec. 19. Minnesota Statutes 1976, Chapter 174, is amended by adding a section to read:

[174.74] [RULES.] *The commissioner of revenue shall promulgate rules necessary to implement and collect the litter license fee imposed pursuant to this act.*

Sec. 20. [REPEALER.] *Minnesota Statutes 1976, Sections 85.20, Subdivision 6; 169.42 and 609.68, are repealed.*

Sec. 21. [APPROPRIATION.] *Subdivision 1. There is appropriated from the general fund to the commissioner of transportation the following amounts for the following purposes for the period from July 1, 1977, to June 30, 1979:*

- (a) *For litter pickup* **\$800,000**
- (b) *For a contract with the Minnesota environmental education board for public education concerning litter, recycling, and resource recovery* **\$800,000**
- (c) *For administrative expenses to implement sections 5 to 18 of this act* **\$110,000**

Subd. 2. *There is appropriated from the general fund to the director of the pollution control agency the following amounts for the period from July 1, 1977, to June 30, 1979:*

- (a) *For the purpose of making grants for recycling and resource recovery projects* **\$800,000**

(b) *For the packaging review program* \$600,000

Subd. 3. There is appropriated from the general fund to the commissioner of revenue the sum of \$15,000 for the period from July 1, 1977, to June 30, 1979, for the administrative expenses of collecting the litter license fee established in section 18 of this act.

Sec. 22. [EFFECTIVE DATE.] *Sections 1 to 9, 12 to 17, and 19 and 20 are effective the day following final enactment. Sections 10, 11 and 18 are effective January 1, 1978."*

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

"A bill for an act relating to pollution; requiring the director of the Minnesota environmental education board to be appointed by the governor; prohibiting littering; prescribing the powers and duties of the commissioner of transportation in regard thereto; requiring litter bags in certain vehicles and watercraft and litter receptacles in public places; prescribing a litter license fee on certain manufacturers, wholesalers, distributors, and retailers; prescribing penalties; appropriating money; amending Minnesota Statutes 1976, Sections 116E.03, Subdivisions 7, 7a and 8; and 174.02, Subdivision 2; and Chapter 174, by adding sections; repealing Minnesota Statutes 1976, Sections 85.20, Subdivision 6; 169.42; and 609.68."

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

The report was adopted.

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

S. F. No. 558, A bill for an act relating to game and fish; authorizing the trapping of the great horned owl in certain instances; amending Minnesota Statutes 1976, Section 100.29, Subdivision 32.

Reported the same back with the following amendments:

Page 1, line 20, after "704" insert "; provided further that uninjured birds shall be released alive and that injured birds receive appropriate veterinary treatment".

With the recommendation that when so amended the bill pass.

The report was adopted.

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

S. F. No. 1165, A bill for an act relating to natural resources; state parks; requiring compatible uses of private lands within state parks; providing the commissioner of natural resources with authority to enforce compatible use standards; providing for the acquisition of private land within parks; amending Minnesota Statutes 1976, Chapter 85, by adding a section.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert the following:

"Section 1. Minnesota Statutes 1976, Chapter 85, is amended by adding a section to read:

[85.23] [LANDS, STATE PARKS.] *Subdivision 1. [FINDINGS.] The legislature finds that use of private lands within state parks in ways incompatible with park purposes creates a situation that threatens the natural resource purpose for which the park was created and prevents development of the full potential public benefit of the land within the park boundaries. Therefore, there is a need to regulate and limit uses of private land to those compatible with park purposes.*

Subd. 2. [COMPATIBLE USES.] The use and occupancy of privately owned lands within the legislatively designated boundaries of state parks shall be limited to uses as provided herein compatible with the purposes of the park and no incompatible uses shall be permitted. In general, use of land within parks shall be limited to agricultural and continuation of existing residential uses. Impermissible, incompatible uses include the following:

(a) Construction of any new improvements or structures on the land. Provided that construction, repair or replacement of agricultural buildings and other agricultural improvements; repair, expansion or replacement of single family homes, and construction, repair or replacement of structures appurtenant to single family homes is expressly permitted;

(b) Logging or removal of timber unless approved by the state forester under a qualified forest management plan, except for incidental collection of firewood, removal of diseased or dying timber, or removal of timber creating an unsafe condition;

(c) Mineral excavation of any kind;

(d) Leases of the land, except for share-crop leases or other uses compatible with these limitations;

(e) Any change in land use to a use different from that specified in these limitations; and

(f) Any sale or transfer of an ownership interest in the land except as specified in subdivision 4. The commissioner may establish rules, pursuant to Minnesota Statutes, Chapter 15, to further define incompatible uses, not inconsistent with this section.

Subd. 3. [EXISTING INCOMPATIBLE USES.] Existing incompatible uses, except for logging or mineral excavation, shall be permitted to continue, but no expansion of such use shall be allowed. In the event of destruction or damage to structures or other improvements constituting an incompatible existing use resulting from natural causes, their repair or replacement shall be allowed only if the extent of damage or destruction totals less than 50 percent of their value.

Subd. 4. [SALE.] (a) Any landowner, other than the United States, who owns land within the boundaries of state parks shall not sell or transfer any ownership interest in such land to any person other than the commissioner of natural resources, except as provided in this subdivision. Upon sale or transfer to the commissioner, the commissioner shall pay to the landowner the fair market value of the property on the date of acquisition, less the fair market value on such date of any right retained by the landowner. Any landowner who does not sell or transfer his property to the commissioner of natural resources during his lifetime shall be the last private owner of the land, and at the landowner's death, the commissioner of natural resources shall acquire the land from the landowner's estate upon payment of the fair market value of the land at the time of the landowner's death.

(b) Except for a family farm corporation, pursuant to section 500.24, if the landowner is not a natural person or persons, the owner shall sell the land to the commissioner no later than 25 years after the date of enactment of this act. If the landowner is a family farm corporation, the corporation shall sell the land to the commissioner upon the death of all family members who are stockholders as of the date of enactment of this act or, upon the death of issue, natural or adopted, of such family members, of any subsequent generation, to whom the stock is sold, bequeathed or otherwise transferred.

(c) In the event the commissioner and landowner or estate cannot agree as to the fair market value acquisition price, such price shall be determined by a condemnation proceeding pursuant to Minnesota Statutes, Chapter 117. Upon notification by any landowner or landowner's estate that a parcel of land within a state park boundary is subject to acquisition by the commissioner under this section, the commissioner shall notify the owner or estate within 60 days in writing of the intention to acquire

the parcel, or this subdivision shall not apply to the sale or other transfer of that parcel. Nothing in this subdivision shall prohibit an owner, having title as of January 1, 1976, or subsequent issue of such owner, natural or adopted, from transferring by sale, bequest, or other means, the undivided ownership of a private parcel of land within a state park to the issue of that owner, natural or adopted, of any subsequent generation, of the first generation. "Landowner or owner" for purposes of this section means either a fee owner or a person purchasing on a contract for deed pursuant to which fee title will be transferred to the purchaser. The transfer of fee title pursuant to a contract for deed shall not constitute a "sale or transfer of an ownership interest" under this section.

Subd. 5. [INJUNCTIVE RELIEF.] If any provision of this section is violated, the commissioner of natural resources shall have the authority to enjoin violation by applying to the district court of the county in which the land is located for injunctive relief.

Sec. 2. Minnesota Statutes 1976, Section 84.0272, is amended to read:

84.0272 [PROCEDURE IN ACQUIRING LANDS.] When the commissioner of administration is authorized to acquire lands or interests in lands for the commissioner of natural resources, the procedure set forth in this section shall apply. The commissioner of natural resources shall first submit a written request to the commissioner of administration showing the lands to be acquired, the legal authority for their acquisition, the qualities of the land that make it a desirable acquisition and a maximum purchase price. The commissioner of administration shall not purchase land for greater than the maximum purchase price without further consultation and written authorization and justification from the commissioner of natural resources. The commissioner of administration shall cause the lands to be appraised. An appraiser shall before entering upon the duties of his office take and subscribe an oath that he will faithfully and impartially discharge his duties as appraiser according to the best of his ability and that he is not interested directly or indirectly in any of the lands to be appraised or the timber or improvements thereon or in the sale thereof and has entered into no agreement or combination to purchase the same or any part thereof, which oath shall be attached to the report of the appraisal. The commissioner of administration shall not agree to pay more than ten percent above the appraised value, *except that the commissioner may pay 20 percent above the appraised value for land within state parks.* New appraisals may be made but not until at least six months after completion of an earlier series of appraisals.

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

Further amend the title as follows:

Page 1, line 8, after "1976," insert "Section 84.0272; and".

With the recommendation that when so amended the bill pass.

The report was adopted.

SECOND READING OF SENATE BILLS

S. F. Nos. 558 and 1165 were read for the second time.

SPECIAL ORDERS, Continued

S. F. No. 930, A bill for an act relating to unemployment compensation; providing for the assignment of veterans employment representatives; amending Minnesota Statutes 1976, Section 268.14, by adding a subdivision.

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 126 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

S. F. No. 903, A bill for an act relating to public safety; excepting certain personnel in the department of public safety from the requirement of reimbursing the state for the cost of using state-owned vehicles; amending Minnesota Statutes 1976, Section 16.753, Subdivision 2.

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

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

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

S. F. No. 831, A bill for an act relating to port authorities; increasing the compensation of commissioners for attending regular and special meetings; eliminating the annual limitation on such compensation; amending Minnesota Statutes 1976, Section 458.195, Subdivision 3.

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 121 yeas and 5 nays as follows:

Those who voted in the affirmative were:

Abeln	Albrecht	Anderson, G.	Anderson, R.	Battaglia
Adams	Anderson, B.	Anderson, I.	Arlandson	Beauchamp

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

Those who voted in the negative were:

Anderson, D. Carlson, A. Den Ouden Hanson McDonald

The bill was passed and its title agreed to.

S. F. No. 51 was reported to the House.

Carlson, D., offered an amendment to S. F. No. 51.

POINT OF ORDER

Rice raised a point of order pursuant to rule 3.9 that the Carlson, D., amendment was out of order. The Speaker ruled the point of order well taken and the amendment out of order.

Carlson, D., offered a second amendment to S. F. No. 51.

Rice raised a point of order pursuant to rule 3.9 that the Carlson, D., amendment was out of order. The Speaker ruled the point of order well taken and the amendment out of order.

S. F. No. 51, A bill for an act relating to elections; election officers; procedures for counting ballots; recounts in legislative races on request; prohibiting certain public meetings and school events on election days; duties of the secretary of state; and preparation and reception of absentee ballots; amending Minnesota Statutes 1976, Sections 204A.17, Subdivision 5; 204A.39, Subdivision 2; 204A.41; 204A.51, Subdivisions 2 and 3; 204A.53, Subdivisions 2 and 3; 204A.54, Subdivision 1; 206.026, Subdivision 5; 206.03; 206.075; 206.19, Subdivision 1; 206.23; 207.11; 207.19, Subdivision 1; and Chapter 204A, by adding a section.

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 126 yeas and 1 nay as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Albrecht

The bill was passed and its title agreed to.

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

S. F. No. 213, A bill for an act relating to the city of Minneapolis; relating to elections; allowing regulation of campaign financing solely by local ordinance which contains at least the requirements of Minnesota Statutes, Chapter 10A; providing for referral of violations to the county attorney; providing penalties.

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 126 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, R.	Osthoff	Stoa
Battaglia	Enebo	King	Patton	Suss
Beauchamp	Erickson	Knickerbocker	Pehler	Swanson
Begich	Esau	Kostohryz	Peterson	Vanasek
Berg	Evans	Kroening	Petrafeso	Waldorf
Berglin	Ewald	Kvam	Pleasant	Welch
Berkelman	Farcy	Laidig	Prahl	Wenstrom
Biersdorf	Fjoslien	Lehto	Reding	Wenzel
Birnstihl	Forsythe	Lemke	Rice	White
Braun	Friedrich	Mangan	Rose	Wieser
Brinkman	Fudro	Mann	St. Onge	Wigley
Byrne	Fugina	McCarron	Samuelson	Wynia
Carlson, A.	George	McCollar	Sarna	Zubay
Carlson, D.	Gunter	McDonald	Savelkoul	Speaker Sabo
Carlson, L.	Hanson	McEachern	Scheid	
Casserly	Heinitz	Metzen	Schulz	
Clark	Hokanson	Moe	Searle	
Clawson	Jacobs	Munger	Searles	

The bill was passed and its title agreed to.

S. F. No. 335, A bill for an act relating to elections; providing for judges of election to serve under certain conditions; amending Minnesota Statutes 1976, Sections 207.02; and 204A.17, Subdivision 1.

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 128 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

The bill was passed and its title agreed to.

S. F. No. 827, A bill for an act relating to the city of Duluth; authorizing the establishment and administration of a city housing finance program and expenditures for the purpose; providing for the issuance of revenue bonds.

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 126 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

S. F. No. 498, A bill for an act relating to public drainage systems; transferring the administration of judicial ditches to county boards; raising the interest rate limitation on ditch lien statements; increasing the interest rate limitation on certain penalties; increasing the authorized interest rates on bonds; limiting assessment levies for repairs and maintenance; providing for

a redetermination of benefits and benefited areas; amending Minnesota Statutes 1976, Sections 106.015, Subdivision 5; 106.371, Subdivisions 2 and 4; 106.411, Subdivisions 3, 4 and 7; 106.471, Subdivision 2; 106.673; and Chapter 106, by adding a section.

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

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

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

S. F. No. 78, A bill for an act relating to public indebtedness; investment of debt service funds; amending Minnesota Statutes 1976, Section 475.66, Subdivisions 1 and 2.

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 122 yeas and 2 nays as follows:

Those who voted in the affirmative were:

Abeln	Anderson, D.	Arlandson	Berg	Birnstihl
Adams	Anderson, G.	Battaglia	Berglin	Brandl
Albrecht	Anderson, I.	Beauchamp	Berkelman	Braun
Anderson, B.	Anderson, R.	Begich	Biersdorf	Brinkman

Byrne	Fudro	Kroening	Patton	Skoglund
Carlson, A.	Fugina	Laidig	Pehler	Smogard
Carlson, L.	George	Langseth	Peterson	Spanish
Casserly	Gunter	Lehto	Petraleso	Stanton
Clark	Hanson	Lemke	Pleasant	Stoa
Cohen	Heinitz	Mann	Prahl	Suss
Corbid	Hokanson	McCarron	Reding	Swanson
Dahl	Jacobs	McCollar	Rice	Vanasek
Dean	Jaros	McEachern	Rose	Waldorf
Den Ouden	Jensen	Metzen	St. Onge	Welch
Eckstein	Johnson	Moe	Samuelson	Wenstrom
Eken	Jude	Munger	Sarna	Wenzel
Ellingson	Kahn	Murphy	Savelkoul	White
Enebo	Kaley	Neisen	Scheid	Wieser
Erickson	Kalis	Nelsen, B.	Schulz	Wigley
Esau	Kelly, R.	Nelsen, M.	Searle	Wynia
Evans	Kelly, W.	Nelson	Searles	Zubay
Ewald	Kempe, R.	Niehaus	Sherwood	Speaker Sabo
Fjoslien	King	Norton	Sieben, H.	
Forsythe	Knickerbocker	Novak	Sieben, M.	
Friedrich	Kostohryz	Osthoff	Simoneau	

Those who voted in the negative were:

Faricy McDonald

The bill was passed and its title agreed to.

S. F. No. 826, A bill for an act relating to seaway port authorities; personnel; contracts; authorizing port authorities to employ a certified public accountant to audit the books of the authority and authorizing the state auditor to accept such audits in lieu of his audit; amending Minnesota Statutes 1976, Section 458.18.

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

The question was taken on the passage of the bill and the roll was called. There were 125 yeas and 3 nays as follows:

Those who voted in the affirmative were:

Abeln	Brinkman	Evans	Kaley	Moe
Adams	Byrne	Ewald	Kalis	Munger
Albrecht	Carlson, A.	Faricy	Kelly, R.	Murphy
Anderson, B.	Carlson, D.	Fjoslien	Kelly, W.	Neisen
Anderson, D.	Carlson, L.	Forsythe	Kempe, R.	Nelsen, B.
Anderson, G.	Casserly	Friedrich	King	Nelsen, M.
Anderson, I.	Clark	Fudro	Knickerbocker	Nelson
Anderson, R.	Clawson	Fugina	Kostohryz	Niehaus
Arlandson	Cohen	George	Kroening	Norton
Battaglia	Cummiskey	Gunter	Kvam	Novak
Beauchamp	Dahl	Hanson	Laidig	Osthoff
Begich	Dean	Heinitz	Langseth	Patton
Berg	Den Ouden	Hokanson	Lehto	Peterson
Berglin	Eckstein	Jacobs	Lemke	Petraleso
Berkelman	Eken	Jaros	Mann	Pleasant
Biersdorf	Ellingson	Jensen	McCollar	Prahl
Birnstihl	Enebo	Johnson	McDonald	Reding
Brandl	Erickson	Jude	McEachern	Rice
Braun	Esau	Kahn	Metzen	Rose

St. Onge	Searle	Skoglund	Swanson	White
Samuelson	Searles	Smogard	Vanasek	Wieser
Sarna	Sherwood	Spanish	Waldorf	Wigley
Savelkoul	Sieben, H.	Stanton	Welch	Wynia
Scheid	Sieben, M.	Stoa	Wenstrom	Zubay
Schulz	Simoneau	Suss	Wenzel	Speaker Sabo

Those who voted in the negative were:

Corbid McCarron Pehler

The bill was passed and its title agreed to.

S. F. No. 583 was reported to the House.

Abeln and Wynia moved to amend S. F. No. 583 as follows:

Page 3, delete line 25 and insert:

"Sec. 3. [DEFINITIONS.] Subdivision 1. For purposes of sections 3 to 7 the terms defined in this section shall have the meanings given.

Subd. 2. "Commissioner" means the commissioner of insurance.

Subd. 3. "Insurer" means any person authorized to transact casualty and liability insurance as defined in section 60A.06, subdivision 1, clause (13).

Subd. 4. "Product liability action" means any action brought against a designer, manufacturer, distributor or seller of a product for the recovery of damages for personal injury, death or property damage which is sustained by reason of an alleged defect in the design or manufacture of the product, including actions based on negligence, breach of warranty or strict liability in tort.

Sec. 4. [REPORTING OF CLAIMS.] Subdivision 1. For the purpose of providing the legislature of the state of Minnesota with information on claims, settlements and other dispositions of product liability actions and payments made by insurers on behalf of manufacturers, distributors or sellers in this state, each insurer licensed to do business in Minnesota shall within 30 days of payment, provide a written report to the commissioner. Each report shall contain:

(1) The name and address of the manufacturer, distributor or seller;

(2) A brief description of the acts which gave rise to the claim and the date thereof;

(3) *The name of the plaintiff and the injury which resulted therefrom;*

(4) *The amount paid in settlement or discharge of the claim whether paid by compromise, by payment of judgment, by payment of arbitration award, or otherwise; and*

(5) *Where any judicial opinion has been rendered with regard to a claim, a copy of all such opinions shall be attached to the report, provided that no report shall be required for compromise settlements of claims where the amount paid is \$1,000 or less, except where such payments were made in satisfaction or compromise of any judgment of a court or of an award of arbitrators.*

Sec. 5. *Each insurer shall file an annual report with the commissioner, on or before January first, containing the following information:*

(a) *The total amount of premiums received during the preceding two years from insured persons, resident or located in Minnesota, which are attributable to products liability insurance;*

(b) *The total number of persons, resident or located in Minnesota, for which the insurer provided products liability insurance coverage during the preceding year; and*

(c) *The total number of insured persons, resident or located in Minnesota, whose insurance coverage the insurer cancelled or refused to renew and the reasons therefor.*

Sec. 6. [COMMISSIONER, DUTIES.] *The commissioner shall compile the reports which are filed with the insurance division pursuant to sections 3 to 7 and shall summarize and otherwise make this information available to the legislature as requested.*

Sec. 7. [LIABILITY EXEMPTION.] *There shall be no liability on the part of any insurer or person acting for an insurer, for any statements made in good faith in the reports required by sections 3 to 7.*

Sec. 8. *Sections 1 and 2 are effective July 1, 1977 and sections 3 to 7 are effective the day following final enactment."*

Further amend the title as follows:

Page 1, line 4, after "requirements;" insert "providing for the reporting of claims to the commissioner of insurance;"

The motion prevailed and the amendment was adopted.

S. F. No. 583, A bill for an act relating to insurance companies; prescribing penalties for violation of certain filing requirements; amending Minnesota Statutes 1976, Chapter 72A, by adding a section; repealing Minnesota Statutes 1976, Section 72A.06.

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 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

S. F. No. 319 was reported to the House.

Cummiskey moved to amend S. F. No. 319, as follows:

Page 2, line 9, strike "freeholders" insert "*residents*".

The motion prevailed and the amendment was adopted.

S. F. No. 319, A bill for an act relating to crimes; regulating public dances; amending Minnesota Statutes 1976, Sections 624.42, and 624.46.

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 108 yeas and 19 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Albrecht	Carlson, A.	Fjoslien	Kyam	Searle
Anderson, D.	Den Ouden	Forsythe	Mann	Sherwood
Biersdorf	Erickson	Jaros	McDonald	Wigley
Birnstihl	Esau	Jensen	Niehaus	

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

S. F. No. 49 was reported to the House.

George moved to amend S. F. No. 49, the unofficial engrossment, as follows:

Page 2, line 3, after "profit" strike the balance of the line.

Page 2, strike lines 4 and 5 and insert a period.

Page 2, after line 14, add a new paragraph to read as follows:

"No loan shall be made pursuant to this subdivision if the proceeds of the loan are used to finance the purchase or maintenance of real estate used principally for residential purposes."

The motion prevailed and the amendment was adopted.

Brinkman moved to amend S. F. No. 49, the unofficial engrossment, as follows:

Page 1, line 18, delete "*four*" and reinsert "*five*".

A roll call was requested and properly seconded.

The question was taken on the adoption of the amendment and the roll was called. There were 42 yeas and 74 nays as follows:

Those who voted in the affirmative were:

Abeln	Den Ouden	Gunter	McDonald	Stanton
Albrecht	Eckstein	Heinitz	Metzen	Stoa
Anderson, R.	Eken	Johnson	Munger	Suss
Biersdorf	Erickson	Kaley	Niehaus	Wieser
Brinkman	Esau	Knickerbocker	Patton	Wigley
Carlson, D.	Evans	Kvam	Peterson	Zubay
Clawson	Ewald	Lemke	Rose	
Dahl	Forsythe	Mangan	Savelkoul	
Dean	Friedrich	Mann	Searles	

Those who voted in the negative were:

Adams	Clark	Jude	Neisen	Sieben, H.
Anderson, B.	Cohen	Kahn	Nelsen, B.	Sieben, M.
Anderson, G.	Corbid	Kelly, R.	Nelson	Simoneau
Anderson, I.	Cummiskey	Kelly, W.	Norton	Skoglund
Arlandson	Ellingson	Kempe, R.	Novak	Smogard
Battaglia	Enebo	King	Osthoff	Spanish
Beauchamp	Faricy	Kostohryz	Pehler	Swanson
Begich	Fjoslien	Kroening	Petrafeso	Waldorf
Berg	Fudro	Laidig	Prahl	Welch
Berglin	Fugina	Langseth	Rice	Wenstrom
Birnstihl	Hanson	Lehto	St. Onge	Wenzel
Brandl	Hokanson	McCarron	Sarna	White
Braun	Jacobs	McCollar	Scheid	Wynia
Byrne	Jaros	Moe	Schulz	Speaker Sabo
Carlson, L.	Jensen	Murphy	Sherwood	

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

S. F. No. 49, A bill for an act relating to business or agricultural loans; rate of interest therein; amending Minnesota Statutes 1976, Section 334.011, Subdivisions 1 and 4.

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 122 yeas and 6 nays as follows:

Those who voted in the affirmative were:

Abeln	Anderson, I.	Berg	Brinkman	Clark
Adams	Anderson, R.	Berkelman	Byrne	Clawson
Albrecht	Arlandson	Biersdorf	Carlson, A.	Cohen
Anderson, B.	Battaglia	Birnstihl	Carlson, D.	Corbid
Anderson, D.	Beauchamp	Brandl	Carlson, L.	Cummiskey
Anderson, G.	Begich	Braun	Casserly	Dahl

Dean	Hokanson	Lemke	Pehler	Spanish
Den Ouden	Jacobs	Mangan	Peterson	Stanton
Eckstein	Jaros	Mann	Petrafeso	Stoa
Eken	Jensen	McCarron	Pleasant	Suss
Ellingson	Johnson	McCollar	Reding	Swanson
Enebo	Jude	McEachern	Rose	Vanasek
Erickson	Kahn	Metzen	St. Onge	Waldorf
Esau	Kaley	Moe	Samuelson	Welch
Evans	Kalis	Munger	Sarna	Wenstrom
Ewald	Kelly, R.	Murphy	Savelkoul	Wenzel
Faricy	Kelly, W.	Neisen	Scheid	White
Fjoslien	Kempe, R.	Nelsen, B.	Schulz	Wieser
Forsythe	King	Nelsen, M.	Searle	Wigley
Friedrich	Knickerbocker	Nelson	Searles	Wynia
Fudro	Kostohryz	Niehaus	Sherwood	Zubay
George	Kvam	Norton	Sieben, M.	Speaker Sabo
Gunter	Laidig	Novak	Simoneau	
Hanson	Langseth	Osthoff	Skoglund	
Heinitz	Lehto	Patton	Smogard	

Those who voted in the negative were:

Berglin	Kroening	Prahl	Rice	Sieben, H.
Fugina				

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

S. F. No. 1290 was reported to the House.

Nelson moved to amend S. F. No. 1290, as follows:

Page 1, after line 19, insert:

"Sec. 2. Minnesota Statutes 1976, Section 260.015, Subdivision 17, is amended to read:

Subd. 17. "Shelter care facility" means a physically unrestricting (DETENTION) facility, such as a group home or a licensed facility for foster care, excluding a detention home.

Sec. 3. Minnesota Statutes 1976, Section 260.171, Subdivision 1, is amended to read:

260.171 [RELEASE OR DETENTION.] Subdivision 1. If a child is taken into custody as provided in section 260.165, the parent, guardian, or custodian of the child shall be notified as soon as possible. Unless there is reason to believe that the child would (PHYSICALLY) endanger himself or others, not return for a court hearing, not remain in the care or control of the person to whose lawful custody he is released, or that the child's health or welfare would be immediately endangered, the child shall be released to the custody of his parent, guardian, custodian, or other suitable person. That person shall promise to bring the child to the court, if necessary, at the time the court may direct. If the person taking the child into custody believes it desirable he may request the parent, guardian, custodian, or

other person designated by the court to sign a written promise to bring the child to court as provided above. The intentional violation of such a promise, whether given orally or in writing, shall be punishable as contempt of court.

The court may require the parent, guardian, custodian or other person to whom the child is released, to post any reasonable bail or bond required by the court which shall be forfeited to the court if the child does not appear as directed. The court may also release the child on his own promise to appear in juvenile court.

Sec. 4. Minnesota Statutes 1976, Section 260.171, Subdivision 2, is amended to read:

Subd. 2. If the child is not released as provided in subdivision 1, the person taking the child into custody shall notify the court as soon as possible of the detention of the child and the reasons for detention. No child may be detained in a detention facility longer than 24 hours, excluding *Saturdays*, *Sundays* and *holidays*, after the taking into custody unless an order for detention, specifying the reason for detention, is signed by the judge or referee. No child may be held longer than (36) 48 hours, excluding *Saturdays*, *Sundays* or *holidays*, after the taking into custody unless a petition has been filed and the judge or referee determines pursuant to section 260.172 that the child shall remain in detention. If a child described in section 260.173, subdivision 4, is to be detained in a jail up to 48 hours, the judge or referee, in accordance with rules and procedures established by the commissioner of corrections, shall notify the commissioner of the place of the detention and the reasons therefor. The commissioner shall thereupon assist the court in the relocation of the child in an appropriate detention facility within the county or elsewhere in the state, or in determining suitable alternatives. If approved regional juvenile detention facilities exist, the commissioner may direct that the child be detained in the nearest approved regional juvenile detention facility. If the court refers the matter to the prosecuting authority pursuant to section 260.125, notice to the commissioner shall not be required.

Sec. 5. Minnesota Statutes 1976, Section 260.171, Subdivision 4, is amended to read:

Subd. 4. If the person who has taken the child into custody determines that the child should be placed in a detention facility, he shall advise the child and as soon as is possible, the child's parent, guardian, or custodian:

(a) of the reasons why the child has been taken into custody and why he is being placed in a detention facility; and

(b) of the location of the detention facility; and

(c) that the child's parent, guardian, or custodian and attorney may make an initial visit to the detention facility at any time. Subsequent visits by a parent, guardian, or custodian may be made on a reasonable basis during visiting hours and by the child's attorney at reasonable hours; and

(d) that the child may telephone his parents and an attorney from the detention facility immediately after being admitted to the detention facility and thereafter on a reasonable basis to be determined by the director of the facility; and

(e) that the child may not be held at the detention facility longer than (36) 48 hours, excluding *Saturdays*, *Sundays* and holidays, unless a petition has been filed within that time and the court orders the child's continued detention.

Sec. 6. Minnesota Statutes 1976, Section 260.172, Subdivision 1, is amended to read:

260.172 [DETENTION HEARING.] Subdivision 1. Within (36) 48 hours of a child's being taken into custody, excluding *Saturdays*, *Sundays* and holidays, a hearing shall be held to determine whether the child should continue in detention. Unless there is reason to believe that the child would (BE DANGEROUS TO) *endanger* himself or others, not return for a court hearing, not remain in the care or control of the person to whose lawful custody he is released, or that the child's health or welfare would be immediately endangered, the child shall be released to the custody of his parent, guardian, custodian or other suitable person.

Sec. 7. Minnesota Statutes 1976, Section 260.172, Subdivision 2, is amended to read:

Subd. 2. If the court determines that the child should continue in detention, it may order detention continued for eight days, excluding *Saturdays*, *Sundays* and holidays, from and including the date of the order. The court shall include in its order the reasons for continued detention and the findings of fact which support these reasons.

Sec. 8. Minnesota Statutes 1976, Section 260.172, Subdivision 3, is amended to read:

Subd. 3. Copies of the court's order shall be served upon the parties, including the supervisor of the detention facility, who shall release the child or continue to hold him as the court orders.

When the court's order is served upon these parties, notice shall also be given to the parties of the subsequent reviews provided by subdivision 4 and that at these reviews, a party may

submit to the court any new evidence regarding whether the juvenile should be continued in detention.

Sec. 9. Minnesota Statutes 1976, Section 260.172, Subdivision 4, is amended to read:

Subd. 4. If a child held in detention under a court order issued under subdivision 2 has not been released prior to expiration of the order, (AN ADDITIONAL HEARING) *the court or referee shall review the juvenile's case to determine under the standards provided by subdivision 1, (SHALL BE HELD TO DETERMINE) whether detention should be continued. If detention is continued thereafter, (HEARINGS) reviews such as these shall be held within every eight days, excluding Saturdays, Sundays and holidays, of the child's detention.*

A hearing, rather than a review of the child's case, shall be held at the request of any one of the parties notified pursuant to subdivision 3, if that party notifies the court that he wishes to present to the court new evidence concerning whether the child should be continued in detention."

Further amend the title:

Line 4, after "Sections" insert "260.015, Subdivision 17;".

Line 5, after "Subdivision 1;" insert "260.171, Subdivisions 1, 2, and 4; and 260.172.".

The motion prevailed and the amendment was adopted.

S. F. No. 1290, A bill for an act relating to juveniles; prescribing venue for neglect cases; amending Minnesota Statutes 1976, Section 260.121, Subdivision 1.

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 122 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

Jacobs	Kvam	Nelson	Sarna	Suss
Jaros	Langseth	Niehaus	Savelkoul	Swanson
Jensen	Lehto	Norton	Scheid	Waldorf
Johnson	Lemke	Novak	Schulz	Welch
Jude	Mangan	Osthoff	Searle	Wenstrom
Kahn	Mann	Patton	Searles	Wenzel
Kaley	McCollar	Pehler	Sherwood	White
Kalis	McEachern	Peterson	Sieben, H.	Wieser
Kelly, R.	Metzen	Petrafeso	Sieben, M.	Wigley
Kelly, W.	Moe	Pleasant	Simoneau	Wynia
Kempe, R.	Munger	Prahl	Skoglund	Zubay
King	Murphy	Reding	Smogard	Speaker Sabo
Knickerbocker	Neisen	Rose	Spanish	
Kostohryz	Nelsen, B.	St. Onge	Stanton	
Kroening	Nelsen, M.	Samuelson	Stoa	

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

S. F. No. 1291 was reported to the House.

There being no objection, S. F. No. 1291 was continued on Special Orders for one day.

S. F. No. 188, A bill for an act relating to crimes; correcting references in the laws relating to criminal sexual conduct; amending Minnesota Statutes 1976, Sections 246.43, Subdivision 1; 609.11, Subdivision 1; 609.195; 609.293, Subdivision 5; 609.32, Subdivisions 1, 3, and 4; 609.341, Subdivision 10; and Section 626.556, Subdivision 2; repealing Minnesota Statutes 1976, Section 609.293, Subdivisions 2, 3, and 4.

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 96 yeas and 19 nays as follows:

Those who voted in the affirmative were:

Abeln	Cohen	Johnson	Munger	Sieben, M.
Anderson, B.	Corbid	Jude	Murphy	Simoneau
Anderson, G.	Cummiskey	Kahn	Neisen	Skoglund
Anderson, I.	Dahl	Kaley	Nelsen, B.	Smogard
Anderson, R.	Dean	Kalis	Nelson	Stanton
Arlandson	Ellingson	Kelly, R.	Norton	Stoa
Battaglia	Enebo	Kelly, W.	Novak	Suss
Beauchamp	Evans	King	Pehler	Swanson
Begich	Ewald	Knickerbocker	Peterson	Vanasek
Berg	Faricy	Kostohryz	Petrafeso	Welch
Berglin	Forsythe	Kvam	Prahl	Wenstrom
Berkelman	Friedrich	Laidig	Rice	Wenzel
Brandl	Fugina	Langseth	Rose	White
Byrne	George	Lehto	Samuelson	Wynia
Carlson, A.	Gunter	Mangan	Savelkoul	Zubay
Carlson, D.	Hanson	Mann	Scheid	Speaker Sabo
Carlson, L.	Heinitz	McCarron	Searle	
Cassery	Hokanson	McCollar	Searles	
Clark	Jacobs	McDonald	Sherwood	
Clawson	Jaros	Moe	Sieben, H.	

Those who voted in the negative were:

Adams	Birnstihl	Fjoslien	Metzen	Schulz
Albrecht	Den Ouden	Fudro	Niehaus	Wieser
Anderson, D.	Eken	Jensen	Osthoff	Wigley
Biersdorf	Erickson	Kempe, R.	St. Onge	

The bill was passed and its title agreed to.

S. F. No. 466 was reported to the House.

There being no objections, S. F. No. 466 was continued on Special Orders for one day.

Anderson, I., moved that the remaining bills on Special Orders for today be continued on Special Orders until Tuesday, May 10, 1977, immediately following the Calendar. The motion prevailed.

GENERAL ORDERS

There being no objection, the bills on General Orders for today were continued on General Orders for one day.

MOTIONS AND RESOLUTIONS

Pleasant moved that his name be stricken as an author on H. F. No. 1176. The motion prevailed.

Hanson moved that the name of Kempe, R., be added as an author on H. F. No. 1215. The motion prevailed.

Kelly, W., moved that H. F. No. 1585 be recalled from the Committee on Governmental Operations and be re-referred to the Committee on Taxes. The motion prevailed.

Osthoff moved that the name of Wenzel be added as an author on H. F. No. 869. The motion prevailed.

ADJOURNMENT

Anderson, I., moved that when the House adjourns today it adjourn until 1:00 p.m., Tuesday, May 10, 1977. The motion prevailed.

Anderson, I., moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 1:00 p.m., Tuesday, May 10, 1977.

EDWARD A. BURDICK, Chief Clerk, House of Representatives