

STATE OF MINNESOTA

SEVENTIETH SESSION - 1977

FIFTY-EIGHTH DAY

SAINT PAUL, MINNESOTA, THURSDAY, MAY 19, 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	Cohen	Jaros	Moe	Searles
Adams	Corbid	Jensen	Munger	Sherwood
Albrecht	Cummiskey	Johnson	Murphy	Sieben, H.
Anderson, B.	Dahl	Jude	Neisen	Sieben, M.
Anderson, D.	Dean	Kahn	Nelsen, B.	Simoneau
Anderson, G.	Den Ouden	Kaley	Nelsen, M.	Skoglund
Anderson, I.	Eckstein	Kalis	Nelson	Smogard
Anderson, R.	Eken	Kelly, R.	Niehaus	Spanish
Arlandson	Ellingson	Kelly, W.	Norton	Stanton
Battaglia	Enebo	Kempe, A.	Novak	Stoa
Beauchamp	Erickson	Kempe, R.	Osthoff	Suss
Begich	Esau	King	Patton	Swanson
Berg	Evans	Knickerbocker	Pehler	Tomlinson
Berglin	Ewald	Kostohryz	Peterson	Vanasek
Berkelman	Faricy	Kroening	Petrafeso	Voss
Biersdorf	Fjoslien	Kvam	Pleasant	Waldorf
Birnstihl	Forsythe	Laidig	Prahl	Welch
Brandl	Friedrich	Langseth	Reding	Wenstrom
Braun	Fudro	Lehto	Rice	Wenzel
Brinkman	Fugina	Lenke	Rose	White
Byrne	George	Mangan	St. Onge	Wieser
Carlson, A.	Gunter	Mann	Samuelson	Wigley
Carlson, D.	Hanson	McCarron	Sarna	Williamson
Carlson, L.	Hangerud	McCollar	Savelkoul	Wynia
Casserly	Heinitz	McDonald	Scheid	Zubay
Clark	Hokanson	McEachern	Schulz	Speaker Sabo
Clawson	Jacobs	Metzen	Searle	

A quorum was present.

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

REPORTS OF CHIEF CLERK

Pursuant to Rules of the House, printed copies of H. F. Nos. 447, 26, 420, 898, 15, 917, 1547 and 1051 and S. F. Nos. 743, 120, 899, 690, 1165 and 65 have been placed in the members' files.

S. F. No. 160 and H. F. No. 68, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Suss moved that the rules be so far suspended that S. F. No. 160 be substituted for H. F. No. 68 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 266 and H. F. No. 843, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Lehto moved that the rules be so far suspended that S. F. No. 266 be substituted for H. F. No. 843 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1236 and H. F. No. 898, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Wenstrom moved that the rules be so far suspended that S. F. No. 1236 be substituted for H. F. No. 898 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 GOVERNOR
ST. PAUL 55155

May 18, 1977

The Honorable Martin Sabo
Speaker of the House
State of Minnesota

Dear Speaker Sabo:

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

H. F. No. 308, An act relating to retirement; Minnesota state retirement system; exclusion from pension coverage for certain tradesmen of the metropolitan waste control commission.

Sincerely,

RUDY PERPICH
Governor

STATE OF MINNESOTA
OFFICE OF THE GOVERNOR
ST. PAUL 55155

May 19, 1977

The Honorable Martin Sabo
Speaker of the House
State of Minnesota

Dear Speaker Sabo:

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

H. F. No. 139, An act relating to natural resources; revising certain provisions relating to St. Croix Wild River state park.

H. F. No. 188, An act relating to game and fish; defining conviction; increasing the penalty for a conviction related to big game.

H. F. No. 229, An act providing for withholding of pay to residents for active service as members of the armed forces.

H. F. No. 326, An act relating to taxation; Kittson and Marshall counties; 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 and collecting the same and prescribing penalties for violations thereof.

H. F. No. 334, An act relating to highway traffic regulations; lengths of certain vehicles and combinations of vehicles.

H. F. No. 439, An act relating to agriculture; regulating the use of the name "Minnesota Farmstead Cheese".

H. F. No. 525, An act relating to drainage; providing for transfer by county boards of certain surplus ditch funds to another governing body taking over the drainage system.

H. F. No. 563, 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.

H. F. No. 598, 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, 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.

H. F. No. 805, An act relating to public employees; excluding supervisory employees from certain bargaining units.

H. F. No. 1005, An act relating to agriculture; dairy products; grade A pasteurized milk; increasing certification fees.

H. F. No. 1006, An act relating to agriculture; transferring certain functions relating to county agricultural societies from the state auditor and the commissioner of finance to the commissioner of agriculture; providing for the reimbursement of expenses of the commissioner of agriculture incurred in examining the records and accounts of county agricultural societies and certain other agricultural related societies or associations.

H. F. No. 1130, An act relating to motor vehicle carriers; requiring insurance or bond before the issuance of a certificate or permit to a motor carrier; providing for suspension and revocation of certificate or permit for failure to maintain insurance or other security; permitting lesser registration fees for certain interstate motor carriers.

H. F. No. 1248, An act relating to the city of Springfield; providing for city buildings and equipment and their use; providing for a bond issue.

H. F. No. 1469, An act relating to transportation; extending the time for submission by the commissioner of certain proposals relating to certain modes of transportation.

Sincerely,

RUDY PERPICH
Governor

STATE OF MINNESOTA
OFFICE OF THE GOVERNOR
ST. PAUL 55155

May 18, 1977

The Honorable Martin Sabo
Speaker of the House
State of Minnesota

Dear Speaker Sabo:

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

H. F. No. 42, An act relating to firearms; clarifying the requirements for transportation of muzzle loading firearms.

H. F. No. 54, An act relating to state procurement; extending the program for procurement from sheltered workshops and work activity programs; permitting purchase price to exceed fair market price.

H. F. No. 75, An act relating to public safety; requiring railroad companies to reimburse local governments and nonprofit fire fighting corporations for expenses incurred to extinguish locomotive caused fires.

H. F. No. 300, An act relating to elections; removing a provision for special hours during which registration locations must be open.

H. F. No. 307, An act relating to retirement; correcting outdated references in the teachers retirement law.

H. F. No. 337, An act relating to public utilities; customers service option on electric service in certain instances.

H. F. No. 414, An act relating to the city of Fairmont; membership of new police in the public employees retirement association.

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

H. F. No. 521, 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. 531, An act relating to banks; permitting banks to take second mortgages in federal disaster areas.

H. F. No. 787, An act relating to savings banks; allowing savings banks to establish negotiable order of withdrawal accounts; imposing reserve requirements.

H. F. No. 882, An act relating to commerce; providing for disclosure of mileage traveled by motor vehicles.

H. F. No. 888, An act relating to education; authorizing school boards to appoint a student advisory member.

H. F. No. 903, An act relating to public transportation; making state commuter vans available for use by blind vending operators working on state property.

H. F. No. 1003, An act relating to motor vehicles; licensing and taxation; providing for biennial payment of the tax assessed on certain trailers; dimensional specifications for trailer number plates.

Sincerely,

RUDY PERPICH
Governor

MOTION FOR RECONSIDERATION

Munger moved that the action on Wednesday, May 18, 1977, whereby the House refused to concur in the Senate amendments to H. F. No. 522 and requested a Conference Committee of 5 members be now reconsidered. The motion prevailed.

Munger moved that the House refuse to concur in the Senate amendments to H. F. No. 522, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two Houses. The motion prevailed.

REPORTS OF STANDING COMMITTEES

Norton from the Committee on Appropriations to which was referred:

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

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert:

"Section 1. [POLICY.] Subdivision 1. The legislature finds that it is in the public interest that opportunity be provided for Minnesota students to become osteopaths and optometrists.

Subd. 2. The higher education coordinating board shall seek to contract with schools of optometry and osteopathy located in other states for placement for Minnesota residents. The number of placements in colleges of osteopathy shall not exceed ten and in colleges of optometry shall not exceed 13.

Subd. 3. Selection of students for spaces obtained through contract between the higher education coordinating board and the out of state schools shall be the responsibility of the individual school, provided that any student for whom space is contracted shall be required to enter into an agreement with the higher education coordinating board to practice osteopathy or optometry in the state of Minnesota for a period of not less than three years.

Subd. 4. The agreement with the student shall provide that practice in Minnesota by the student shall begin within 18 months following completion of the academic program unless the board approves a later time for beginning practice. The board may approve a delay in the time for the student to begin practice in Minnesota for a period of not to exceed seven years in the case of osteopaths and not to exceed four years in the case of optometrists. The delay may be approved to allow for additional education or clinical experience or for extenuating circumstances which in the judgment of the board constitute sufficient justification for delay.

Subd. 5. A student who fails to fulfill the obligation to practice in accordance with subdivision 4 or who for any reason except death or disability discontinues full time study under the agreement shall pay a penalty in an amount equal to the amount paid to the school by the higher education coordinating board for the space which the student occupied. The penalty shall be payable on demand in accordance with terms and conditions prescribed by the board.

Subd. 6. The higher education coordinating board is authorized to establish terms and conditions of contracts with schools of osteopathy and optometry including the amount of payment to be made to each school.

Sec. 2. The higher education coordinating board shall explore the feasibility of cooperating with neighboring states in the development of a regional system for the delivery of optometric

education. The board shall report on the results of the feasibility study no later than January, 1979.

Sec. 3. [APPROPRIATION.] The sum of \$217,000 is appropriated from the general fund to the higher education coordinating board for the biennium ending June 30, 1979. Of this amount, not to exceed \$15,000 shall be available in each year of the biennium for administrative expenses of the board. Also of this amount, the sum of \$52,000 shall be available for payments under contract to schools of optometry and the sum of \$135,000 shall be available for payments under contract to schools of osteopathy for the year ending June 30, 1979."

Further, amend the title as follows:

Line 5, after the second "of" insert "osteopathy and".

With the recommendation that when so amended the bill pass.

The report was adopted.

Norton from the Committee on Appropriations to which was referred:

H. F. No. 739, A bill for an act relating to education; public television; altering the calculation of matching funds required by public stations; appropriating money; amending Minnesota Statutes 1976, Section 139.18, Subdivisions 1 and 2.

Reported the same back with the following amendments:

Page 1, line 23, after "in" delete "that" and insert "the previous".

Page 2, line 7, after "generated" insert "dollars, including".

Page 2, after line 16, add a new section as follows:

"Sec. 3. [LEGISLATIVE COMMISSION.] *Subdivision 1. A legislative commission is hereby created to study public broadcasting in the state. The commission shall conduct studies including, but not limited to the following issues:*

(a) *Statewide expansion of public broadcasting to serve unmet educational, cultural and informational needs by utilizing existing facilities at post-secondary institutions and other public broadcasters, and adding of facilities to approximate statewide coverage and achieve live interconnection among the stations;*

(b) *Structure and governance of future development including the fixing of responsibility for decisions as to programming,*

planning and development with a balancing of insulation from governmental control and accountability to the citizens of the state;

(c) Financing of capital expenditures, operating costs, and future development with available legislative funding and non-state support;

(d) Programming to serve unmet or partially met educational and informational audience needs; use of the programming to strengthen instructional and continuing education activities of the post-secondary systems; and integration of local, regional and statewide broadcasting into the total programming effort.

Subd. 2. [MEMBERS, REIMBURSEMENT.] The bipartisan commission shall consist of five members of the house of representatives appointed by the speaker and five members of the senate appointed by the senate committee on committees. Any vacancy shall be filled by the appointing power.

Members of the commission shall be reimbursed in the same manner and amount as for attendance at legislative meetings. Reimbursement for expenses incurred shall be made pursuant to the rules governing state employees.

Subd. 3. [RECOMMENDATIONS.] The commission shall act from the time its members are appointed until January 15, 1978. It shall report its findings and recommendations to the legislature not later than January 15, 1978.

Subd. 4. [MEETINGS, STAFF.] The commission shall hold meetings and hearings at the times and places it designates to accomplish the purposes set forth in subdivisions 1 to 6. It shall select a chairman and other officers from its membership and employ staff as necessary.

Subd. 5. [GIFTS AND GRANTS.] The commission may solicit and accept gifts and grants available for use to accomplish the purposes of subdivisions 1 to 6.

Subd. 6. [APPROPRIATION.] The sum of \$30,000 is appropriated from the general fund to the commission to pay its expenses.

Subd. 7. [EFFECTIVE DATE.] This section is effective the day following final enactment."

Renumber subsequent section.

Page 2, line 19, delete "\$250,000" and insert "\$275,000".

Page 2, line 20, after the period insert "*Notwithstanding the provisions of section 139.18, subdivision 2, this amount includes the sum of \$25,000 to be paid the licensed public television station in the seven county metropolitan area for the purpose of improving service to that area and statewide service via the midwestern education television network.*".

With the recommendation that when so amended the bill pass.

The report was adopted.

Norton from the Committee on Appropriations to which was referred:

H. F. No. 1236, A bill for an act relating to water; requiring that new domestic wells be registered with the local soil and water conservation district; requiring that the commissioner of natural resources be notified of the appropriation of water for domestic use; requiring pumping tests and monitoring on large wells, and providing for exceptions; changing criteria for issuance of groundwater appropriation permits; creating a water planning board in the executive branch; appropriating money; amending Minnesota Statutes 1976, Sections 105.41, Subdivisions 1 and 1a; 105.44, Subdivision 8, and by adding subdivisions; and 105.45.

Reported the same back with the following amendments:

Page 4, line 23, after "*application*" insert "*by the commissioner*".

Pages 8, lines 25 to 32, delete the new language.

Page 9, delete lines 1 to 4.

Page 12, line 8, delete "\$500,000" and insert "\$400,000".

Page 12, line 17, delete "*increase the authorized*".

Page 12, line 18, delete "*personnel complement of the department of health by*" and insert "*hire*".

Page 12, line 20, delete "*increase the*".

Page 12, delete line 21.

Page 12, line 22, delete "*resources by*" and insert "*hire*".

Page 13, line 2, delete "*the purposes of*" and insert "*distribution to the soil and water conservation districts to reimburse costs incurred in*".

Page 13, line 4, delete "*The soil and water conservation board*".

Page 13, delete lines 5 and 6.

With the recommendation that when so amended the bill pass.

The report was adopted.

Norton from the Committee on Appropriations to which was referred:

S. F. No. 90, A bill for an act relating to soil and water conservation; adding the commissioner of natural resources as an ex-officio member of the state soil and water conservation board; authorizing a cost-sharing program; clarifying the powers and duties of the state board and local districts; amending ambiguous or redundant provisions; adding a member to the soil and water conservation board temporarily; appropriating funds; amending Minnesota Statutes 1976, Chapter 40, by adding sections; and Sections 40.01, Subdivision 8, and by adding a subdivision; 40.02; 40.03, Subdivisions 1, 2, 3, and 4; and 40.07, Subdivisions 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 and 14; repealing Minnesota Statutes 1976, Sections 40.005; and 40.07, Subdivision 13.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1976, Section 40.01, Subdivision 8, is amended to read:

Subd. 8. [AGENCY OF THIS STATE OR STATE AGENCY.] "Agency of this state" or "state agency" includes the government of this state and any subdivision, agency, or instrumentality, corporate or otherwise, of the government of this state.

Sec. 2. Minnesota Statutes 1976, Section 40.01, is amended by adding a subdivision to read:

Subd. 15. [APPROPRIATE AGENCIES.] "Appropriate agencies" include any local, state or federal agency which possesses expertise, involvement or authority concerning the use and development of land and water resources, but does not include any district or the state board.

Sec. 3. Minnesota Statutes 1976, Section 40.02, is amended to read:

40.02 [PUBLIC POLICY; PURPOSE.] (AS A GUIDE TO THE INTERPRETATION AND APPLICATION OF THIS

CHAPTER, THE PUBLIC POLICY OF THE STATE IS DECLARED TO BE AS FOLLOWS.) Improper land-use practices have caused (AND CONTRIBUTED TO) serious *wind and water* erosion of (FARM AND GRAZING) *the* lands of this state (BY WIND AND WATER AND THAT THEREBY TOPSOIL IS BEING WASHED OUT OF FIELDS AND PASTURES AND HAS SPEEDED UP THE REMOVAL OF THE ABSORPTIVE TOPSOIL CAUSING EXPOSURE OF LESS ABSORPTIVE AND LESS PROTECTIVE, BUT MORE EROSION, SUBSOIL; AND THAT), *the runoff of polluting materials, increased costs to maintain agricultural productivity, increased energy costs and increased flood damage.* Land occupiers have (FAILED) *the responsibility to* (CAUSE THE DISCONTINUANCE OF SUCH PRACTICE AS CREATES THIS CONDITION, AND THE CONSEQUENCES THEREOF HAVE CAUSED THE DETERIORATION OF SOIL AND ITS FERTILITY AND THE DETERIORATION OF CROPS GROWN THEREON, AND DECLINING YIELDS THEREFROM, AND DIMINISHING OF THE UNDERGROUND WATER RESERVE, ALL OF WHICH HAVE CAUSED WATER SHORTAGES, INTENSIFIED PERIODS OF DROUGHT, AND CROP FAILURE, AND THUS BROUGHT ABOUT SUFFERING, DISEASE, AND IMPOVERISHMENT OF FAMILIES AND THE DAMAGE OF PROPERTY FROM FLOODS AND DUST STORMS; AND THAT ALL OF THESE EFFECTS MAY BE PREVENTED BY LAND USE PRACTICES CONTRIBUTING TO THE CONSERVATION OF TOP SOIL BY CARRYING ON OF ENGINEERING OPERATIONS SUCH AS THE CONSTRUCTION OF TERRACES, CHECK DAMS, DIKES, PONDS, DITCHES, AND THE UTILIZATION OF STRIP CROPPING, LISTER FALLOWING, CONTOUR CULTIVATING, LAND IRRIGATION, SEEDING AND PLANTING OF WASTE, SLOPING, ABANDONED, OR ERODED LANDS TO WATER-CONSERVING AND EROSION-PREVENTING PLANTS, TREES, AND GRASSES) *implement the practices which correct these conditions and to conserve the soil and water resources of the state.*

It is (HEREBY DECLARED THAT IT IS FOR THE PUBLIC WELFARE, HEALTH, AND SAFETY OF THE PEOPLE OF MINNESOTA TO PROVIDE FOR THE CONSERVATION OF) *the policy of the state to encourage land occupiers to conserve the soil and (SOIL) water resources (OF THIS STATE, AND FOR THE CONTROL AND PREVENTION OF SOIL EROSION, FOR LAND RESOURCE PLANNING AND DEVELOPMENT, FOR) through the implementation of (LAND RESOURCE USE) practices that effectively reduce or prevent erosion, sedimentation, siltation (AND LOSS OF THE LAND BASE THROUGH ACTIVITIES ASSOCIATED WITH FARMING, MINING, CONSTRUCTION, FORESTRY, AND OTHER ACTIVITIES OF MAN, AND FOR FLOOD PREVENTION OR THE CONSERVATION DEVELOPMENT, UTILIZATION, AND DISPOSAL OF WATER, INCLUDING BUT NOT LIMITED TO, MEASURES FOR FISH AND WILDLIFE*

AND RECREATIONAL DEVELOPMENT, AND THEREBY) *and agriculturally related pollution in order to preserve natural resources, insure continued soil productivity, control floods, prevent impairment of dams and reservoirs, assist in maintaining the navigability of rivers and harbors, preserve wildlife, protect the tax base, and protect public lands (BY LAND USE PRACTICES, AS HEREIN PROVIDED FOR).*

Sec. 4. Minnesota Statutes 1976, Section 40.03, Subdivision 1, is amended to read:

40.03 [STATE SOIL AND WATER CONSERVATION BOARD.] Subdivision 1. [MEMBERS.] There is hereby established, to serve as an agency within the department of natural resources and to perform the functions conferred upon it in this chapter, the state soil and water conservation board to be composed of (11) *12* members, seven of whom shall be elected supervisors (OF SOIL AND WATER CONSERVATION DISTRICTS SELECTED AS HEREIN PROVIDED. FOUR MEMBERS THEREOF SHALL BE) *and the following five ex-officio members (COMPOSED OF THE FOLLOWING):* The director of the agricultural extension service of the University of Minnesota; the dean of the Institute of Agriculture of the University of Minnesota; the director of the pollution control agency; the commissioner of agriculture; *and the commissioner of natural resources.* Each ex-officio member may designate a person within his organization to act in his stead as a member of the state board, with all his rights and privileges. The designation shall be filed with the secretary of state. The state board shall invite the state conservationist of the United States soil conservation service to serve as an advisory member. The state board may also invite a representative of the state association of soil and water conservation districts, the association of Minnesota counties, the league of (MUNICIPALITIES) *Minnesota cities* and (SUCH) *any* other organizations and (GOVERNMENTAL) *appropriate* agencies (AS MAY BE) deemed necessary to serve as advisory members. The (OTHER) seven members of (SAID) *the state board who are elected supervisors* shall be appointed by the governor with the advice and consent of the senate (FROM NOMINEES WHO ARE ELECTED REPRESENTATIVES OF THE STATE SOIL AND WATER CONSERVATION DISTRICTS). In making these appointments the governor may consider persons recommended by the state association of soil and water conservation (DISTRICT SUPERVISORS) *districts*. One member shall be appointed from each department of natural resources region except that two members shall be appointed from region number one. (THE STATE BOARD SHALL KEEP A RECORD OF ITS OFFICIAL ACTIONS, AND MAY PERFORM SUCH ACTS, HOLD SUCH PUBLIC HEARINGS, AND PROMULGATE SUCH RULES AND REGULATIONS AS MAY BE NECESSARY FOR THE EXECUTION OF ITS FUNCTIONS UNDER THIS CHAPTER.

THE STATE BOARD SHALL EXERCISE ALL POWERS AND DUTIES AS CONFERRED UPON IT BY LAW.)

Sec. 5. Minnesota Statutes 1976, Section 40.03, Subdivision 2, is amended to read:

Subd. 2. [EMPLOYEES.] The department of natural resources shall provide administrative functions of this section. The commissioner of natural resources shall make available by separate budget to the state soil and water conservation board (SUCH) *the* staff services, funds for operation, and office space (AS ARE) necessary for the administration and coordination of its functions. The state board shall be responsible to the commissioner for reporting purposes in regard to staff functions and (THOSE) operations (AS THEY) *which* relate to department activities.

The commissioner of natural resources shall, subject to approval of the state (SOIL AND WATER CONSERVATION) board, provide an administrative officer and (SUCH TECHNICAL EXPERTS AND SUCH) other *necessary permanent and temporary technical experts*, agents and employees(, PERMANENT AND TEMPORARY, AS IT MAY REQUIRE IN CARRYING OUT THIS SECTION, AND). *The state board shall determine (THEIR) the personnel's qualifications and duties, and recommend compensation to the commissioner of personnel. The state board may call upon the attorney general for (SUCH) necessary legal services (AS IT MAY REQUIRE). It shall have authority to (PRESCRIBE THE POWERS AND DUTIES OF ITS OFFICERS AND EMPLOYEES, AND TO) delegate to its chairman or to one or more of its other officers or members or administrative officer (SUCH) any of its own powers and duties (AS) it may deem proper. The administrative officer is responsible to the state board and may be dismissed by the commissioner of natural resources only upon the advice and recommendation of the state board. All permanent personnel of the state board are employees of the department of natural resources and are in the classified service of the state except as otherwise required by statute. All rights, duties and responsibilities of the existing staff of the state board on November 12, 1971 shall remain unchanged except as may be agreed upon by the state board and the commissioner. (UPON REQUEST OF) In order to perform its duties, the state board(, FOR THE PURPOSE OF CARRYING OUT ANY OF ITS FUNCTIONS,) may request information from the supervising officer of any state agency(, or (OF ANY) state institution of (LEARNING) higher education, including the state universities, the community colleges, and the post-secondary vocational technical schools. The supervising officer shall(, INsofar AS MAY BE) comply with the state board's request to the extent possible (UNDER) considering available appropriations(, and (HAVING DUE REGARD TO THE NEEDS OF THE AGENCY TO WHICH THE REQUEST IS DIRECTED, ASSIGN OR DETAIL TO THE STATE*

BOARD MEMBERS OF THE STAFF OR PERSONNEL OF THE AGENCY OR INSTITUTION OF LEARNING, AND MAKE SUCH) *may assign agency or institution employees to compile existing information and to complete special reports, surveys, or studies (AS THE STATE BOARD MAY REQUEST) concerning the problems specified in section 40.02.*

Sec. 6. Minnesota Statutes 1976, Section 40.03, Subdivision 3, is amended to read:

Subd. 3. [OFFICERS; QUORUM.] The state board shall designate its chairman, and may annually (, FROM TIME TO TIME,) change (SUCH) *its* designation. A member of the state board shall hold office so long as he shall retain the office by virtue of which he shall be serving on the state board. A majority of the state board shall constitute a quorum, and the concurrence of a majority in any matter within their duties shall be required for its determination. The state board shall (PROVIDE FOR THE KEEPING OF) *keep* a full and accurate record of (ALL PROCEEDINGS AND OF ALL RESOLUTIONS, REGULATIONS, AND ORDERS ISSUED OR ADOPTED) *its official actions. The state board may hold any public hearings and promulgate rules necessary to execute its duties specified in this chapter.* The legislative auditor shall annually audit the books of the state board.

Sec. 7. Minnesota Statutes 1976, Section 40.03, Subdivision 4, is amended to read:

Subd. 4. [POWERS AND DUTIES.] In addition to the powers and duties hereinafter conferred upon the state soil and water conservation board, it shall have the following powers and duties:

(1) Prepare and present to the commissioner of (THE DEPARTMENT OF) natural resources a budget to finance the activities of the state board and the districts and to administer any law appropriating funds to districts;

(2) (TO) Offer (SUCH) *any appropriate* assistance (AS MAY BE APPROPRIATE) to the supervisors of (SOIL AND WATER CONSERVATION) *the* districts (, ORGANIZED AS PROVIDED HEREINAFTER,) in (CARRYING OUT) *implementing* any of their powers and programs. Any funds made available to a (SOIL AND WATER CONSERVATION) district for expenditures necessary (TO) *for* the operations of the district shall be a grant to the district to be used only for purposes authorized by the state board pursuant to law. The soil and water conservation district may designate the board of county commissioners to act as the agent of the district to receive and expend these funds at the direction and with the approval of the board of supervisors of the district. At least annually the state

board shall audit, in a manner it prescribes, the expenditures of funds so granted;

(3) (TO) Keep the supervisors of each (OF THE SEVERAL DISTRICTS ORGANIZED UNDER THE PROVISIONS OF THIS CHAPTER) *district* informed of the activities and experience of all other districts (ORGANIZED HEREUNDER,) and (TO) facilitate *cooperation and an interchange of advice and experience (BETWEEN SUCH) among the districts (AND COOPERATION BETWEEN THEM)*;

(4) (TO) Coordinate the programs *and activities* of the (SEVERAL SOIL AND WATER CONSERVATION) districts (ORGANIZED HEREUNDER, SO FAR AS THIS MAY BE DONE) *with appropriate agencies* by advice and consultation;

(5) Approve or disapprove the plans or programs of districts (AS THEY RELATE) *relating* to the use of state funds (AS) administered by the state board;

(6) (TO) Secure the cooperation and assistance of the (UNITED STATES AND ANY OF ITS AGENCIES, AND OF) *appropriate agencies (OF THIS STATE,)* in the work of (SUCH) *the districts and to develop a program to advise and assist appropriate agencies in obtaining state and federal funds for erosion, sedimentation, flooding and agriculturally related pollution control programs*;

(7) (TO DISSEMINATE) *Develop and implement a comprehensive public information (THROUGHOUT THE STATE) program concerning the districts' activities and programs (OF THE SOIL AND WATER CONSERVATION DISTRICTS ORGANIZED HEREUNDER), the problems and preventive practices of erosion, sedimentation, agriculturally related pollution, flood prevention, and (TO ENCOURAGE) the advantages of formation of (SUCH) districts in areas where their organization is desirable; (AND)*

(8) (TO) Subdivide and consolidate districts without a hearing or a referendum so as to confine districts within county limits, provided (, FURTHER,) that no district, when feasible and practicable, shall contain less than four full or fractional congressional townships;

(9) *Assist in the implementation of a statewide program for inventorying and classification of the types of soils throughout the state as determined by the Minnesota cooperative soil survey;*

(10) *Conduct research concerning the nature and extent of erosion, sedimentation, flooding and agriculturally related pollution, the amounts and sources of sediment and pollutants delivered to the waters of the state;*

(11) *Develop programs to reduce or prevent soil erosion, sedimentation, flooding and agriculturally related pollution, including but not limited to structural and land-use management practices;*

(12) *Develop a system of priorities within the state to identify the erosion, flooding, sediment and agriculturally related pollution problem areas that are most severely in need of control systems; and*

(13) *Ensure compliance with statewide programs established by the state board pursuant to this section by advice, consultation, and approval of cost-sharing contracts with the district.*

Sec. 8. Minnesota Statutes 1976, Chapter 40, is amended by adding a section to read:

[40.035] [PROGRAM PLAN.] *Subdivision 1. The state board shall prepare, in consultation with the districts and appropriate agencies, a program plan for the accomplishment of its duties specified in section 40.03, subdivision 4. The state board shall use this program plan in decisions to allocate funds to the districts. The state board shall give immediate emphasis to the determination of priority areas within the state where erosion, sedimentation and related water quality problems appear most in need of control methods and to the development of the comprehensive public information program.*

Subd 2. For the purpose of developing the program plan, the state board may request any existing pertinent information from any state agency pursuant to section 40.03, subdivision 2, and may conduct any hearing it deems necessary.

Subd. 3. The plan shall be coordinated as closely as possible with other statewide resource plans, such as the statewide framework water resources plan and the statewide water quality management plan.

Subd. 4. The state board shall review and revise the plan at intervals it deems appropriate.

Sec. 9. Minnesota Statutes 1976, Chapter 40, is amended by adding a section to read:

[40.036] [COST SHARING CONTRACTS FOR EROSION CONTROL AND WATER MANAGEMENT.] *Subdivision 1. Within the limits of available funds, the state board may allocate funds to districts to be used to share the cost of implementing any system or practices for erosion control and water quality improvement which are designed to protect and improve the state's soil and water resources. Any district board requesting funds of the state board shall submit a comprehensive plan com-*

pleted pursuant to section 40.07, subdivision 9, and an application on the form prescribed by the state board. After review of the district's comprehensive plan, the state board shall approve it with any necessary amendments or reject it. If the state board approves the district's comprehensive plan, it shall also determine the specific amount of funds to allocate to the district for the purpose of cost-sharing contracts. Neither the state board nor the district board shall furnish any financial aid for practices designed only for an increase in land productivity.

Subd. 2. Within the limits of funds available, a district board may contract on a cost share basis to furnish financial aid to a land occupier or to a state agency for the implementation of permanent systems for erosion control and water quality improvement which are consistent with the district's comprehensive plan developed pursuant to section 40.07, subdivision 9. The duration of the contract may be the time required to complete the planned systems. A contract may provide for cooperation or funding with United States agencies. Every contract shall specify that the land occupier is liable for monetary damages, not to exceed the amount of financial assistance he received from the district, if he fails to timely complete or maintain the systems or practices as specified in the contract. A land occupier or any state agency may provide the cost-sharing portion of the contract through in-kind services.

Subd. 3. The state board shall promulgate rules specifying the procedures and criteria for allocating funds to districts for cost-sharing contracts. The rules shall also include standards and guidelines which the districts shall include in all cost-sharing contracts. The state board may for the purpose of implementing this section exercise emergency power and adopt emergency rules pursuant to section 15.0412, subdivision 5. No emergency rules may be adopted by the state board pursuant to this subdivision after July 1, 1978.

Subd. 4. Before November 15, 1978, the state board shall submit a report to the legislature, as provided in section 3.195, concerning the status of cost-sharing contract programs authorized by this section.

Sec. 10. Minnesota Statutes 1976, Section 40.07, Subdivision 1, is amended to read:

40.07 [POWERS OF DISTRICT BOARDS.] Subdivision 1. A soil and water conservation district (ORGANIZED UNDER THE PROVISIONS OF THIS CHAPTER) shall constitute a governmental and political subdivision of this state, and a public body, corporate and politic, (EXERCISING PUBLIC POWERS, AND THE DISTRICT, AND THE SUPERVISORS THERE-OF,) shall have the following powers (PRESCRIBED IN THIS SECTION,) in addition to those otherwise prescribed by law.

Sec. 11. Minnesota Statutes 1976, Section 40.07, Subdivision 2, is amended to read:

Subd. 2. A district may conduct surveys, investigations, and research (RELATING TO THE CHARACTER OF SOIL EROSION AND THE PREVENTIVE AND CONTROL MEASURES NEEDED, PUBLISH THE RESULTS OF SUCH SURVEYS, INVESTIGATIONS, OR RESEARCH, AND DISSEMINATE INFORMATION CONCERNING SUCH PREVENTIVE AND CONTROL MEASURES; PROVIDED, HOWEVER, THAT) *to identify the problems and preventive practices specified in section 40.02.* In order to avoid duplication of research activities, no district shall initiate any research program except in cooperation with (THE GOVERNMENT OF THE) a state (OR ANY OF ITS AGENCIES,) *agency* or (WITH) *an agency* of the United States (OR ANY OF ITS AGENCIES). *A district may publish its comprehensive plan and the results of its surveys, investigations, and research and may disseminate information to the public concerning any of its activities.*

Sec. 12. Minnesota Statutes 1976, Section 40.07, Subdivision 3, is amended to read:

Subd. 3. A district may conduct demonstration projects within the district on lands owned or (CONTROLLED) *administered* by (THIS) a state (OR ANY OF ITS AGENCIES) *agency*, with the cooperation of the *administering* agency (IN CONTROL THEREOF), and on any other lands (WITHIN THE DISTRICT) with the consent of the (OWNER OR) *land* occupier (IN CONTROL THEREOF), in order to demonstrate by example the (MEANS, METHODS, AND MEASURES FOR CONSERVATION OF SOIL AND WATER RESOURCES, FOR PROPER DRAINAGE, FOR THE PREVENTION AND CONTROL OF FLOODS AND POLLUTION AND FOR THE PREVENTION AND CONTROL OF SOIL EROSION) *practices which implement the state policy specified in section 40.02.*

Sec. 13. Minnesota Statutes 1976, Section 40.07, Subdivision 4, is amended to read:

Subd. 4. A district may (CARRY OUT CONSTRUCTIVE, PREVENTIVE, AND CONTROL MEASURES) *implement any necessary practices* within the district, including but not limited to (ENGINEERING OPERATIONS,) *structural measures and* works of improvement for any purpose specified (IN THIS SECTION OR) in section 40.02, methods of cultivation, the (GROWING) *use* of vegetation, *and* changes in use of land, (AND THE MEASURES REFERRED TO IN SECTION 40.02,) on lands acquired by the district, and on other lands owned or (CONTROLLED) *administered* by (THIS) a state (OR ANY OF ITS AGENCIES) *agency*, with the cooperation of the *administering* agency (IN CONTROL THEREOF), and on any other lands (WITHIN THE DISTRICT), with the consent

of the (OWNER OR) *land occupier* (IN CONTROL THERE-OF).

Sec. 14. Minnesota Statutes 1976, Section 40.07, Subdivision 5, is amended to read:

Subd. 5. A district may cooperate or enter into agreements with and, within the limits of available appropriations furnish financial or other aid to any *land occupier or appropriate agency*, (GOVERNMENTAL OR OTHERWISE, OR ANY OCCUPIER OF LANDS IN THE CARRYING ON OF EROSION CONTROL AND PREVENTION OPERATIONS AND OTHER MEASURES FOR THE PURPOSES) *to implement the policy specified (OR REFERRED TO) in (THIS SECTION OR) section 40.02 within the district, subject to (SUCH) conditions (AS) the supervisors (MAY) deem necessary (TO ADVANCE THE PURPOSES OF THIS CHAPTER).*

Sec. 15. Minnesota Statutes 1976, Section 40.07, Subdivision 6, is amended to read:

Subd. 6. A district may (OBTAIN OPTIONS UPON AND) acquire *any rights or interests in real or personal property by option, purchase, exchange, lease, gift, grant, bequest, devise, or otherwise (ANY PROPERTY, REAL OR PERSONAL, OR RIGHTS OR INTEREST THEREIN).* *It may maintain, operate, administer, and improve any properties acquired, may receive income from (SUCH) the properties and (TO) expend (SUCH) the income in (CARRYING OUT THE PURPOSES AND) implementing the provisions of this chapter, and may sell, lease, or otherwise dispose of any of its property or interests (THEREIN IN FURTHERANCE OF THE PURPOSES AND PROVISIONS OF THIS CHAPTER).*

Sec. 16. Minnesota Statutes 1976, Section 40.07, Subdivision 7, is amended to read:

Subd. 7. A district may make available, on (SUCH) terms (AS) it shall prescribe, to land occupiers within the district, *any agricultural and engineering machinery and equipment, fertilizer, seeds, and seedlings, and (SUCH) other material or equipment (AS) which will assist (SUCH) land occupiers to (CARRY ON OPERATIONS) implement upon their lands (FOR THE CONSERVATION OF SOIL AND WATER RESOURCES, FOR THE PREVENTION AND CONTROL OF SOIL EROSION OR FOR ANY OTHER PURPOSE SPECIFIED IN THIS CHAPTER, AND ACTS AMENDATORY THEREOF) the practices specified in section 40.02.*

Sec. 17. Minnesota Statutes 1976, Section 40.07, Subdivision 8, is amended to read:

Subd. 8. A district may construct, install, improve, maintain, and operate (SUCH) *any* structures and works (AS MAY BE) necessary or convenient for the performance of any of the operations authorized in this chapter.

Sec. 18. Minnesota Statutes 1976, Section 40.07, Subdivision 9, is amended to read:

Subd. 9. A district may develop *and revise a* comprehensive (PLANS FOR THE CONSERVATION OF SOIL AND WATER RESOURCES AND FOR THE CONTROL AND PREVENTION OF SOIL EROSION WITHIN THE DISTRICT) *plan*, specifying the (MEASURES AND) practices (DEEMED NECESSARY OR DESIRABLE FOR THE EFFECTUATION THEREOF) *to implement the state policy specified in section 40.02, including, without limitation, (ENGINEERING OPERATIONS,) the construction, maintenance, and operation of (WORKS) structural measures, methods of cultivation, the (GROWING) use of vegetation, cropping programs, (TILLAGE) mechanical practices, and changes in use of land (, AND MAY PUBLISH SUCH PLANS AND INFORMATION AND BRING THEM TO THE ATTENTION OF OCCUPIERS OF LANDS WITHIN THE DISTRICT, AND OTHERS CONCERNED. SUCH PLANS SHALL BE CONSISTENT WITH THE STATE PLAN FOR WATER AND RELATED LAND RESOURCES) and technical standards and specifications related thereto. The plan shall include a classification of the soil types within the district as determined by the Minnesota cooperative soil survey and the areas within the district where erosion, sedimentation and related water quality problems appear most in need of control methods. The plan shall be consistent with the statewide framework water resources plan, the statewide water quality management plan, and the state board's cost-sharing program plan.*

Sec. 19. Minnesota Statutes 1976, Section 40.07, Subdivision 10, is amended to read:

Subd. 10. A district may take over by purchase, lease, or otherwise, and may improve, maintain, operate and administer any soil or water conservation, erosion-control, erosion-prevention, watershed protection, flood prevention or flood control project located within its boundaries undertaken by the United States or by (THIS) *a state (OR ANY OF THEIR AGENCIES, FOR OR IN CONNECTION WITH THE ACQUISITION, CONSTRUCTION, OPERATION, MANAGEMENT OR ADMINISTRATION OF ANY SUCH PROJECT) agency, may accept donations, gifts, grants, or contributions in money, services, materials, or otherwise from the United States (OR FROM THIS), any state (OR ANY OF THEIR AGENCIES) agency or (FROM) any other source, in order to accomplish the authorization in this section. A board may enter into any contract or agreement (WHICH MAY BE) necessary or appropriate (FOR*

THE PURPOSES THEREOF, MAY COMPLY WITH ANY APPLICABLE PROVISIONS OF FEDERAL OR STATE LAW) *to accomplish the transfer*, and may use or expend (SUCH) *any* moneys, services, materials, or other things (IN ACCORDANCE WITH THE APPLICABLE TERMS AND CONDITIONS FOR) *to accomplish* any authorized purpose (OF THE DISTRICT).

Sec. 20. Minnesota Statutes 1976, Section 40.07, Subdivision 11, is amended to read:

Subd. 11. A district may sue and be sued in the name of the district, have perpetual succession unless terminated as herein-after provided, make and execute contracts and other instruments necessary or convenient to the exercise of its powers, and make, amend, or repeal rules and regulations not inconsistent with this chapter (TO CARRY INTO EFFECT ITS PURPOSES AND POWERS).

Sec. 21. Minnesota Statutes 1976, Section 40.07, Subdivision 12, is amended to read:

Subd. 12. As a condition to the extending of any benefits (UNDER THIS CHAPTER TO OR) *for* the performance of work upon any lands not owned or (CONTROLLED) *administered* by (THIS) *a* state (OR ANY OF ITS AGENCIES) *agency* or (BY) the district, the supervisors may require compensation or contributions in money, services, materials, or otherwise commensurate with the cost or reasonable value of the operations or work conferring (SUCH) *the* benefits.

Sec. 22. Minnesota Statutes 1976, Section 40.07, Subdivision 14, is amended to read:

Subd. 14. A district may *submit any application and* enter into any agreement or contract with the secretary of agriculture or other designated authority (WHICH MAY BE NECESSARY OR APPROPRIATE) for the purpose of obtaining or using federal assistance under the provisions of (SAID) Public Law 566 (,) or (ANY ACT AMENDATORY THEREOF OR SUPPLEMENTARY THERETO, OR UNDER) any other law providing for federal assistance for any authorized purpose of the district (, OR FOR THE CONSTRUCTION, MAINTENANCE, AND OPERATION OF WORKS OF IMPROVEMENT AS DEFINED IN SAID ACT OR AMENDATORY ACT OR OTHER APPLICABLE FEDERAL LAW). *A district* may acquire without cost to the federal government (SUCH) *any* land, easements, or rights-of-way (AS WILL BE) needed in connection with works of improvement installed with federal assistance; may assume (SUCH) *the* proportionate share of the cost of installing any works of improvement involving federal assistance (AS MAY BE) determined by the secretary or other designated authority

to be equitable in consideration of anticipated benefits from (SUCH) *the* improvements; may make arrangements satisfactory to the secretary or other authority for defraying costs of operating and maintaining (SUCH) *the* works of improvement in accordance with *prescribed* regulations (PRESCRIBED BY SECRETARY OF AGRICULTURE, OR OTHER DESIGNATED AUTHORITY); may acquire or provide assurance that land (OWNERS) *occupiers* have acquired (SUCH) *the* water rights and other rights, pursuant to state law, (AS MAY BE) needed in the installation, maintenance, and operation of (SUCH) *the* works of (IMPROVEMENTS) *improvement*; may obtain agreements to carry out recommended soil and water conservation measures and (PROPER) *prepare* farm plants (FROM) *for* owners of not less than 50 percent or other required percentage of the lands situated in any drainage area above any retention reservoir which may be installed with federal assistance, all as prescribed in said Public Law 566 or (AMENDATORY ACT OR OTHER) applicable federal law, and may do any (AND ALL) other acts necessary to secure and use federal aid (THEREUNDER).

Sec. 23. *The governor shall appoint to the soil and water conservation board one member from region six to serve as 13th member of the board until a member is appointed from region six pursuant to section 40.03, subdivision 1, at which time the appointment authorized by this section shall expire.*

Sec. 24. [APPROPRIATION.] *The sum of \$3,000,000 is appropriated from the general fund to the state soil and water conservation board to be available until June 30, 1979 for the purpose of initiating a cost-sharing program for erosion control and water quality improvement. Not more than ten percent of the total amount appropriated shall be utilized for administrative expenses of the state board and the district boards. In addition, not more than ten percent of the total amount appropriated may be used for technical services to plan erosion control and water quality systems. Notwithstanding any other provision to the contrary, the state board can allocate funds not to exceed one half of the appropriation in this section to districts prior to the completion of a program plan pursuant to section 8 and a comprehensive plan pursuant to section 9.*

Sec. 25. Minnesota Statutes 1976, Section 106.673, is amended to read:

106.673 [DITCHES, PLANTING WITH PERMANENT GRASS.] *In any proceeding for the establishment or construction of a public drainage system or ditch or for the improvement, extension, or other work affecting such system or ditch under chapters 106, 111, 112, or any other law now in force or hereafter enacted, where viewers are appointed to assess benefits and damages, the authority having jurisdiction of the proceeding, shall order the spreading of spoil banks consistent with the plan*

and function of the ditch and (MAY) *shall* order the planting of a permanent grass, other than a noxious weed, on the banks and on a strip one rod in width or to the crown of the leveled spoil bank whichever is the greater on each side of the top edge of the channel of the ditch. The acreage which will be required is that needed for the foregoing and the authority having jurisdiction shall acquire the additional interests in land needed for this purpose. No agricultural practices, other than those required for the maintenance of a permanent growth of grass, shall be permitted on any portion of the land acquired for this purpose and it shall be the duty of the authority having jurisdiction over the repair and maintenance of the ditch system to supervise all necessary reseeding and funds (MAY) *shall* be expended for the perpetration of the growth of grass in the same manner as for the other ditch repairs. Harvest of grass from the grass strip in any manner not harmful to the grass or ditch shall be the privilege of the fee owner or his assigns, subject to such regulations as the county ditch inspector shall establish for the harvesting of grass.

Sec. 26. Minnesota Statutes 1976, Sections 40.005 and 40.07, Subdivision 13, are repealed.

Sec. 27. This act shall be effective the day following final enactment."

Further amend the title as follows:

Line 14, after the semicolon delete "and".

Line 16, after the semicolon, insert "and 106.673;".

With the recommendation that when so amended the bill pass.

The report was adopted.

Norton from the Committee on Appropriations to which was referred:

S. F. No. 655, A bill for an act relating to appropriations; providing funding for the continued operation of detached worker programs for assistance to young people.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert the following:

"Section 1. [APPROPRIATION TO DETACHED WORKER PROGRAMS.] Subdivision 1. There is appropriated to the governor's committee on crime prevention and control from the general fund the sum of \$59,600 for the purpose of providing

grants-in-aid to each of the following detached worker programs for the continuation of their activities to assist young people in their communities. Of the sum appropriated, \$15,100 shall be distributed to the program operating in the city of Austin, \$6,500 to the program operating in the city of Brainerd, and \$38,000 to the program operating in the northeastern suburban area of Hennepin county.

Subd. 2. The grants-in-aid to each program is contingent upon the program having obtained local matching funds for its operation in the amount of \$10,000.

Subd. 3. Notwithstanding Minnesota Statutes, Section 16A.28, or any other law relating to the lapse of an appropriation, the appropriation made by this section shall not lapse but shall continue until fully expended.”.

With the recommendation that when so amended the bill pass.

The report was adopted.

Norton from the Committee on Appropriations to which was referred:

S. F. No. 783, A bill for an act relating to libraries; requiring distribution of certain state publications to county libraries; appropriating money; amending Minnesota Statutes 1976, Sections 15.051, Subdivision 4; 15.047, Subdivision 2; and 648.39, by adding a subdivision.

Reported the same back with the following amendments:

Page 3, line 18, delete “\$14,616” and insert “\$16,000”.

Page 3, line 19, delete “\$16,000” and insert “\$14,616”.

With the recommendation that when so amended the bill pass.

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 210, 739 and 1236 were read for the second time.

SECOND READING OF SENATE BILLS

S. F. No. 160 was read for the second time.

SUSPENSION OF RULES

Pursuant to Article IV, Section 19, of the Constitution of the state of Minnesota, Suss moved that the rule therein be suspended and an urgency be declared so that S. F. No. 160 be given its third reading and be placed upon its final passage. The motion prevailed.

Suss moved that the rules of the House be so far suspended that S. F. No. 160 be given its third reading and be placed upon its final passage. The motion prevailed.

Suss moved to amend S. F. No. 160, as follows:

Strike everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1976, Section 15A.083, Subdivision 4, is amended to read:

Subd. 4. [TAX COURT OF APPEALS.] Salaries of judges of the tax court of appeals (. . . . \$10,500) *shall be the same as the base salary for district judges as provided in subdivision 1.*

Sec. 2. Minnesota Statutes 1976, Section 271.01, Subdivision 1, is amended to read:

271.01 [CREATION.] Subdivision 1. [MEMBERSHIP, APPOINTMENT, QUALIFICATIONS.] There is hereby created a tax court of appeals (, HEREIN CALLED THE TAX COURT OF APPEALS,) as an independent agency of the executive branch of the government (, IN THE DEPARTMENT OF REVENUE, BUT NOT IN ANY WAY SUBJECT TO THE SUPERVISION OR CONTROL OF THE COMMISSIONER OF REVENUE). The tax court of appeals shall consist of three judges, each of whom shall be a citizen of the state, appointed by the governor, by and with the advice and consent of the senate, for a term of six years commencing at the expiration of the preceding term. Any vacancy shall be filled by the governor for the unexpired term, subject to confirmation by the senate. The terms of the judges shall end on the first Monday in January. The terms of the judges shall be staggered. The initial three terms to be filled pursuant to this act will expire on the first Monday in January in the following years: 1979, 1981, and 1983. Judges may serve until their successors are appointed and qualify. They shall be selected on the basis of their experience with and knowledge of taxation and tax laws. So far as practicable, they shall be nonpartisan in their political affiliations, and not more than two of them shall be members of or affiliated with the same political party or organization. (NO JUDGE OF THE TAX COURT OF APPEALS SHALL HOLD ANY OTHER OFFICE UNDER THIS STATE OR ANY OF ITS POLITICAL SUBDIVISIONS, NOR ANY OTHER OFFICE OR POSITION THE SALARY FOR WHICH IS PAID, IN WHOLE OR IN PART, FROM APPROPRIATIONS FROM THE TAX REVENUES OF THE STATE OF MINNESOTA, NOR ANY OFFICE UNDER THE GOVERNMENT OF THE UNITED STATES OR ANY OTHER STATE, NOR BE A CANDIDATE FOR AN ELECTIVE OFFICE UNDER THE LAWS OF THIS STATE OR OF THE UNITED STATES OR OF ANY OTHER STATE. NO JUDGE OF THE TAX COURT OF APPEALS SHALL

HOLD ANY POSITION OF TRUST OR PROFIT OR ENGAGE IN ANY OCCUPATION OR BUSINESS WHICH WOULD CONFLICT WITH OR BE INCONSISTENT WITH HIS DUTIES AS A JUDGE OF THE TAX COURT OF APPEALS, NOR SERVE ON OR UNDER ANY POLITICAL COMMITTEE OR OTHER ORGANIZATION INTERESTED IN ANY ELECTION, NOR TAKE PART, DIRECTLY OR INDIRECTLY, IN ANY ELECTION CAMPAIGN IN THE INTEREST OF ANY POLITICAL PARTY OR OTHER ORGANIZATION OR ANY CANDIDATE OR MEASURE TO BE VOTED UPON BY THE PEOPLE. NO JUDGE OF THE TAX COURT OF APPEALS SHALL ACT AS ATTORNEY, COUNSELOR, OR ACCOUNTANT IN THE MATTER OF ANY TAX, FEE, OR ASSESSMENT IMPOSED OR LEVIED UNDER AUTHORITY OF THIS STATE OR ANY POLITICAL SUBDIVISION THEREOF) *The judges of the tax court shall be subject to the provisions of the Minnesota Constitution, Article VI, Section 6, the jurisdiction of the commission on judicial standards, as provided in Minnesota Statutes, Sections 490.15 and 490.16, and the provisions of the code of judicial conduct.*

Sec. 3. Minnesota Statutes 1976, Section 271.01, Subdivision 4a, is amended to read:

Subd. 4a. [COMPENSATION AND EXPENSES.] Each judge of the tax court of appeals shall (RECEIVE COMPENSATION FOR TIME SPENT IN THE PERFORMANCE OF HIS DUTIES. HE SHALL ALSO) receive his actual and necessary expenses paid or incurred in the performance of his duties as provided in section (15A.211) *43.329*.

Sec. 4. Minnesota Statutes 1976, Section 271.01, is amended by adding a subdivision to read:

Subd. 5. The tax court shall have statewide jurisdiction. Except for an appeal to the supreme court or any other appeal allowed under this subdivision, the tax court shall be the sole, exclusive, and final authority for the hearing and determination of all questions of law and fact arising under the tax laws of the state, as defined in this subdivision, in those cases that have been appealed to the tax court and in any case that has been transferred by the district court to the tax court. The tax court shall have no jurisdiction in any case that does not arise under the tax laws of the state or in any criminal case or in any case determining or granting title to real property or in any case that is under the jurisdiction of the probate court. The small claims division of the tax court shall have no jurisdiction in any case dealing with property valuation or assessment for property tax purposes until the taxpayer has appealed the valuation or assessment to the town or city board of equalization and to the county board of equalization, except for those taxpayers whose original assessments are determined by the commissioner of revenue. The tax court shall have no jurisdiction in any case

involving an order of the state board of equalization unless a taxpayer contests the valuation of his property. Only the taxes, aids and related matters contained in Minnesota Statutes, Chapters 60A, 124, 270, 272, 273, 274, 275, 276, 277, 278, 279, 285, 287, 288, 290, 290A, 291, 292, 293, 294, 295, 296, 297, 297A, 297B, 298, 299, 340, 473, 473F, and 477A shall be considered tax laws of this state subject to the jurisdiction of the tax court. This subdivision shall not be construed to prevent an appeal, as provided by law, to an administrative agency, board of equalization, or to the commissioner of revenue. Wherever used in chapter 271, the term commissioner shall mean the commissioner of revenue, unless otherwise specified.

Sec. 5. Minnesota Statutes 1976, Section 271.02, is amended to read:

271.02 [OFFICERS.] The (JUDGE) *judges* of the tax court of appeals (HAVING FOR THE TIME BEING THE LONGEST RECORD OF THEN CONTINUOUS SERVICE AS SUCH) shall (BE CHAIRMAN) *choose a chief judge* of the tax court of appeals (, AND THE JUDGE HAVING THE NEXT LONGEST RECORD SHALL BE VICE CHAIRMAN. IN CASE THE PERIODS OF SERVICE OF TWO JUDGES BE EQUAL, THE TAX COURT OF APPEALS SHALL CHOOSE BETWEEN THEM). *The chief judge of the tax court of appeals shall appoint (A CLERK) one of the judges to serve as the administrator, who shall be custodian of (ITS) the court's files and records, and (IT) the administrator may appoint (A DEPUTY CLERK AND OTHER NECESSARY) up to two employees. The judge who is appointed the administrator may delegate his duties as administrator to the employees whom he has appointed and may select one employee to act in his place as the administrator. The clerk of district court in each county shall be the clerk of the tax court in that county. The tax court clerk in each county shall be subject to the supervision of the administrator in tax court matters.*

Sec. 6. Minnesota Statutes 1976, Section 271.04, is amended to read:

271.04 [HEARINGS.] The tax court shall hold hearings and meetings (AT THE CALL OF THE CHAIRMAN OR ANY TWO MEMBERS, AND OTHERWISE) as may be prescribed by the rules of the tax court. The principal office of the tax court shall be at the capitol, but it (MAY SIT OR) *shall* hold hearings at any other place within the state, *so that taxpayers may appear before the court with as little inconvenience and expense to the taxpayer as is practicable.* (A MAJORITY OF THE TAX COURT SHALL CONSTITUTE A QUORUM FOR MAKING ORDERS OR DECISIONS OR TRANSACTING OTHER OFFICIAL BUSINESS, AND MAY ACT THROUGH ONE MEMBERSHIP BE VACANT. ONE OR MORE MEMBERS MAY

HOLD HEARINGS AND TAKE TESTIMONY, TO BE REPORTED FOR ACTION BY THE TAX COURT, WHEN AUTHORIZED BY RULE OR ORDER OF THE TAX COURT) *The tax court shall be allowed to use the district court and county court chambers in all of the counties. The administrator of the tax court shall consult with the district and county court judges involved before a schedule of court chambers to be used by the tax court is established. Each tax court judge may hear and decide cases. Upon petition by a party to a case, or upon a motion by a tax court judge, and approval by a majority of the tax court, a case may be tried before the entire tax court. When an appeal is taken by resident taxpayer from an order of the commissioner, venue for the case shall be, at the election of the taxpayer, in Ramsey county or in the county in which the taxpayer resides. Venue shall be in Ramsey county for an appeal taken by a non-resident taxpayer from an order of the commissioner. Venue for all other cases arising under the tax laws of the state shall be the same as if the case was being tried in district court.*

Sec. 7. Minnesota Statutes 1976, Section 271.06, Subdivision 1, is amended to read:

271.06 [APPEALS FROM ORDERS.] Subdivision 1. **[MANNER.]** Except as otherwise provided by law, an appeal to the tax court of appeals may be taken, in the manner herein provided, from any official order of the commissioner of revenue respecting any tax, fee, or assessment, or any matter pertaining thereto, *or any matter concerning the tax laws listed in section 271.01, subdivision 5, by any person directly interested therein or affected thereby, or by any political subdivision of the state, directly or indirectly, interested therein or affected thereby, or by the attorney general in behalf of the state, or by any resident taxpayer of the state in behalf of the state in case the attorney general, upon request, shall refuse to appeal. Notwithstanding subdivision 2 of this section, when an appeal is taken to the tax court in any case dealing with property valuation, assessment, or taxation for property tax purposes, the provisions of section 274.19, subdivisions 4 and 5, section 277.011, and chapter 278 shall apply as if the appeal had been taken to the district court.*

Sec. 8. Minnesota Statutes 1976, Section 271.06, Subdivision 2, is amended to read:

Subd. 2. [TIME; NOTICE; INTERVENTION.] Except as otherwise provided by law, within (30) 60 days after notice of the making and filing of such order of the commissioner, **(AND IN ANY CASE WITHIN 60 DAYS AFTER THE MAKING AND FILING OF SUCH ORDER,)** *or upon the final determination of any matter concerning the tax laws listed in section 271.01, subdivision 5, the appellant, or his attorney, shall serve a notice of appeal upon the commissioner or the appropriate*

unit of government and file the original, with proof of such service, with the tax court of appeals *clerk*; provided, that (ANY JUDGE OF THE) a tax court of appeals *judge*, for cause shown, may by written order extend the time for appealing for an additional period, not exceeding 30 days. *In Ramsey county, notice of appeal may be filed with the tax court clerk or with the administrator. The tax court shall prescribe a filing system so that the notice of appeal filed with the tax court clerk is forwarded to the administrator. In any appeal concerning property valuation, for which the state board of equalization or commissioner of revenue has issued an order, the officer issuing the order shall be notified of the filing of an appeal.* The notice of appeal shall (REFER TO THE ORDER APPEALED FROM, STATE SPECIFICALLY THE POINTS OF BOTH LAW AND FACT WHICH ARE QUESTIONED BY THE APPELLANT, AND STATE AN ADDRESS WITHIN THE STATE AT WHICH SERVICE OF NOTICE AND OTHER PAPERS IN THE MATTER MAY BE MADE UPON THE APPELLANT; PROVIDED, THAT THE TAX COURT OF APPEALS MAY, UPON A SHOWING OF PROPER CAUSE, PERMIT AN AMENDMENT OF THE NOTICE OF APPEAL. EVERY APPELLANT SHALL BE DEEMED TO HAVE WAIVED ALL DEFENSES AND OBJECTIONS NOT SPECIFIED IN THE NOTICE OF APPEAL) *be in the form prescribed by the tax court.* Within five days after receipt, the commissioner shall transmit a copy of the notice of appeal to the attorney general in all cases where the amount at issue exceeds \$100. The attorney general shall represent the commissioner, if requested, upon all such appeals except in cases where the attorney general has appealed in behalf of the state, or in other cases where he deems it against the interests of the state to represent the commissioner, in which event the attorney general may intervene or be substituted as an appellant in behalf of the state at any stage of the proceedings.

Sec. 9. Minnesota Statutes 1976, Section 271.06, Subdivision 3, is amended to read:

Subd. 3. [PLEADINGS.] Within 20 days after the service and filing of the notice of appeal, unless the appeal be theretofore dismissed, the commissioner or *the appropriate unit of government* shall make, certify, and file with the tax court of appeals a return comprising a copy of any application or petition by which the proceeding was instituted and of any other material paper preceding the order of the commissioner or *the appropriate unit of government*, a copy of the order appealed from, a statement of each finding of fact and ruling of law made by the commissioner or *the appropriate unit of government* in the matter, and a denial, admission, or explanation with respect to each allegation of fact in the notice so far as not covered by the order or findings; provided, that any judge of the tax court of appeals, for cause shown, may extend the time for filing such return for an additional period not exceeding 30 days. Where the commis-

sioner is required to transmit a copy of the notice of appeal to the attorney general, he shall, within ten days after service of the notice of appeal upon the commissioner, transmit to the attorney general a complete copy of all papers required for the return. Allegations of new matter in the return shall be deemed to be denied by the appellant.

Sec. 10. Minnesota Statutes 1976, Section 271.06, Subdivision 4, is amended to read:

Subd. 4. [APPEAL FEE.] At the time of filing the notice of appeal the appellant shall pay to the clerk of the tax court of appeals an appeal fee (EQUAL TO TEN CENTS FOR EACH \$100 OR FRACTION THEREOF OF THE AMOUNT AT ISSUE IN THE PROCEEDINGS) of \$10; provided, that (THE MINIMUM FEE SHALL BE \$5 AND THE MAXIMUM FEE \$15 AND THAT) no appeal fee shall be required of the commissioner of revenue, the attorney general, the state or any of its political subdivisions. (IN ANY CASE WHERE THE FOREGOING PROVISIONS FOR DETERMINATION OF THE APPEAL FEE ARE INAPPLICABLE THE AMOUNT OF THE FEE SHALL BE \$10.) *In small claims division, the appeal fee shall be \$2. The provisions of Minnesota Statutes, Chapter 563, providing for proceedings in forma pauperis, shall also apply for appeals to the tax court.*

Sec. 11. Minnesota Statutes 1976, Section 271.06, Subdivision 6, is amended to read:

Subd. 6. [HEARINGS; DETERMINATION OF ISSUES; DEFAULT.] The tax court of appeals shall hear, consider, and determine *without a jury* every appeal de novo upon the issues made by the notice and the return. *A tax court judge may empanel an advisory jury upon his own motion.* The tax court of appeals shall hold a public hearing in every case (, OF WHICH TEN DAYS' NOTICE SHALL BE GIVEN BY MAIL TO ALL PARTIES TO THE PROCEEDING). All such parties shall have an opportunity to offer evidence and arguments at the hearing; provided, that the order of the commissioner *or the appropriate unit of government* in every case shall be prima facie valid. *When an appeal to the tax court has been taken from an order or determination of the commissioner or from the appropriate unit of government, the proceeding shall be an original proceeding in the nature of a suit to set aside or modify the order or determination.* In case no appellant shall appear the tax court of appeals shall enter its order affirming the order of the commissioner of revenue *or the appropriate unit of government* from which the appeal was taken.

Sec. 12. Minnesota Statutes 1976, Section 271.06, is amended by adding a subdivision to read:

Subd. 7. The rules of civil procedure for the district court of Minnesota shall govern the procedures in the tax court, where practicable. The tax court may make additional rules when the law or special circumstances so require, provided that before any additional rule is adopted, the tax court first holds a public hearing thereon, affording all affected interests an opportunity to participate, and gives notice of its intention to hold such a hearing at least 30 days prior to the date set for the hearing by United States mail, to representatives of associations or other interested groups or persons who have registered their names with the secretary of state for that purpose and in the state register. The notice in the state register shall include the full text of the rule proposed for adoption. The tax court shall make available at least one free copy of the proposed rule to any person requesting it. At the public hearing the tax court shall make an affirmative presentation of facts establishing the need for and reasonableness of the rule proposed for adoption and fulfilling any relevant substantive or procedural requirements imposed on the tax court by law. After the hearing ends, 20 days shall be allowed for written material to be submitted and recorded in the hearing record. If the tax court approves the rule, the tax court shall promptly file it in the office of the secretary of state. A rule shall become effective 20 days after its publication in the state register unless a later date is specified in the rule. Any rule adopted after July 1, 1977, which is not published in the state register, shall be of no effect. The tax court shall be exempt from the provisions of Minnesota Statutes, Chapter 15.

Sec. 13. Minnesota Statutes 1976, Section 271.07, is amended to read:

271.07 [STENOGRAPHIC REPORT; TRANSCRIPT.] *Except in the small claims division, the tax court of appeals shall provide for a verbatim stenographic report of all proceedings had before it upon appeals, (IN LIKE MANNER) as required by the laws relating to proceedings in district court (SO FAR AS APPLICABLE). In case of a review by the supreme court of an order of the tax court of appeals, transcripts of the proceedings before the tax court of appeals shall be furnished to the tax court of appeals, the commissioner, and the attorney general upon request, and the cost thereof shall be paid out of funds appropriated therefor upon such terms as the tax court of appeals may prescribe. Transcripts shall be furnished to other parties by the reporter at the same legal rates applicable at the time to the district court reporters of (RAMSEY) the county in which the case was tried, but no transcript shall be made for or delivered to such other party unless he shall deposit the estimated cost thereof, in advance, with the clerk, subject to payment of the actual cost therefrom as soon as determined.*

Sec. 14. Minnesota Statutes 1976, Section 271.08, is amended to read:

271.08 [FINDINGS OF FACT; DECISION, ENTRY OF JUDGMENT.] Subdivision 1. The tax court of appeals, *except in small claims division*, shall determine every appeal by written order containing findings of fact and the decision of the tax court of appeals. A memorandum of the grounds of the decision shall be appended. A certified copy of the order shall be transmitted to the commissioner of revenue *or the appropriate unit of government* and filed in (HIS) *that* office. Notice of the entry of the order and of the substance of the decision shall be given by mail to all other parties who have appeared, and also, in all cases where the amount at issue exceeds \$100, to the attorney general.

Subd. 2. Upon the filing of the order of the tax court of appeals, described in subdivision 1, with the clerk of the (DISTRICT COURT OF RAMSEY COUNTY,) *tax court*, (WITHIN SIX MONTHS AFTER SUCH ORDER HAS BECOME FINAL,) judgment shall be entered thereon in the same manner as in the case of an order of the district court (, AS PROVIDED IN SECTION 546.27).

Sec. 15. Minnesota Statutes 1976, Section 271.09, Subdivision 1, is amended to read:

271.09 [APPEALS AND REVIEWS.] Subdivision 1. [EXCLUSIVE REMEDY.] Except as otherwise provided (HEREIN) *in section 270.07, subdivision 1, and section 4 of this act, unless an appeal is taken to the district court*, the right of appeal herein provided shall be the exclusive remedy for reviewing the action of the commissioner of revenue *or the appropriate unit of government* respecting any tax, assessment, or other obligation *as defined in section 271.01, subdivision 5*. Upon any appeal taken by a taxpayer, (AND UPON ANY OTHER APPEAL WHEN THE TAXPAYER SHALL SO AGREE IN WRITING FILED WITH THE CLERK OF THE TAX COURT OF APPEALS) the decision of the tax court of appeals, or the decision of the supreme court upon review thereof, as the case may be, shall be final and conclusive upon all parties to the proceedings as to all matters at issue determined by such decision. In all cases the decision of the tax court of appeals upon appeal, or of the supreme court upon review, as the case may be, shall stand in lieu of the order of the commissioner *or the appropriate unit of government* from which the appeal was taken (, AND SHALL HAVE LIKE FORCE AND EFFECT, SUBJECT TO THE PROVISIONS HEREOF).

Sec. 16. Minnesota Statutes 1976, Section 271.09, Subdivision 2, is amended to read:

Subd. 2. [REVIEW BY TAX COURT OF APPEALS CONCLUSIVE.] Except as (OTHERWISE HEREINAFTER) provided *in section 4 of this act*, in all cases other than those wherein the taxpayer has appealed to the tax court of appeals or has

agreed in writing(, AS HEREIN PROVIDED) that the decision upon appeal or review shall be conclusive, all rights of action or defenses in the courts of the state respecting any tax, fee, or assessment, now afforded the taxpayer by law shall be preserved(; PROVIDED, THAT NO ACTION BY A TAXPAYER FOR A REFUND SHALL BE INSTITUTED, PROCEEDED WITH, OR DETERMINED PENDING THE DETERMINATION OF ANY APPEAL OR REVIEW BY THE SUPREME COURT HEREUNDER, EXCEPT AS HEREINAFTER EXPRESSLY AUTHORIZED. EXCEPT AS OTHERWISE HEREINAFTER PROVIDED, IN ANY CASE WHEREIN AN APPEAL HAS BEEN TAKEN BY A PERSON OTHER THAN THE TAXPAYER AND THE TAXPAYER HAS NOT AGREED THAT THE DECISION UPON APPEAL OR REVIEW SHALL BE CONCLUSIVE, THE RUNNING OF THE TIME LIMITED BY LAW FOR THE BRINGING OF AN ACTION BY THE TAXPAYER SHALL BE SUSPENDED FROM THE FILING OF THE NOTICE OF APPEAL TO THE TAX COURT OF APPEALS UNTIL THE FINAL DETERMINATION OF THE MATTER BY THE TAX COURT OF APPEALS OR THE SUPREME COURT, AS THE CASE MAY BE, AND FOR 60 DAYS THEREAFTER).

Sec. 17. Minnesota Statutes 1976, Section 271.09, Subdivision 3, is amended to read:

Subd. 3. [LIMITATIONS; EXCEPTIONS.] (IN ANY CASE WHERE,) At the time of the taking of an appeal to the tax court (BY ANY PERSON OR AGENCY OTHER THAN THE TAXPAYER), the taxpayer (HAS AN EXISTING RIGHT OF ACTION IN THE DISTRICT COURT FOR THE DETERMINATION OF ANY ISSUE OR ISSUES DETERMINABLE UPON THE APPEAL, SUCH RIGHT OF ACTION SHALL BE BARRED, AND THE DETERMINATION OF SUCH ISSUE OR ISSUES UPON THE APPEAL, OR UPON REVIEW BY THE SUPREME COURT, SHALL BE CONCLUSIVE UPON THE TAXPAYER, UNLESS WITHIN TEN DAYS AFTER THE SERVICE OF THE NOTICE OF APPEAL UPON HIM THE TAXPAYER SHALL COMMENCE AN ACTION FOR THE DETERMINATION OF SUCH ISSUE OR ISSUES IN THE PROPER DISTRICT COURT, UPON A VERIFIED COMPLAINT,) shall pay at least the amount of the tax or other obligation conceded by the (COMPLAINT) taxpayer to be due, if any, when it becomes due (SHALL FILE WITH THE CLERK OF SUCH COURT A BOND, APPROVED BY THE COURT, IN AT LEAST SUCH ADDITIONAL AMOUNT AS MIGHT BE ADJUDGED AGAINST HIM, INCLUDING INTEREST, PENALTY, AND COSTS, CONDITIONED TO PROSECUTE THE ACTION WITH DILIGENCE AND EFFECT AND TO PAY ANY AMOUNT REQUIRED BY OR PURSUANT TO ANY JUDGMENT THAT MAY BE AWARDED AGAINST HIM THEREIN, AND SHALL SERVE UPON THE APPELLANT AND FILE WITH THE CLERK OF THE TAX COURT A NOTICE OF THE COMMENCEMENT OF SUCH ACTION,

WITH A COPY OF THE SUMMONS AND COMPLAINT THEREIN, AND OF THE BOND REQUIRED, AS HEREIN-BEFORE PROVIDED;) provided(,) that this shall not relieve the taxpayer from complying with any other requirements of law. *The provisions of section 274.19, subdivision 5, section 277.011, subdivision 3, and section 278.03 shall govern the filing with the tax court of an appeal dealing with property valuation, assessment, or taxation for property tax purposes, as if the appeal had been taken to the district court.* (THEREUPON FURTHER PROCEEDINGS UPON THE APPEAL SHALL BE STAYED WITH RESPECT TO THE ISSUE OR ISSUES INVOLVED IN THE ACTION UNTIL FINAL DETERMINATION OF THE ACTION; PROVIDED, THAT THIS SHALL NOT STAY THE APPEAL AS TO ANY OTHER ISSUES. UPON FINAL DETERMINATION OF THE ACTION THE APPEAL SHALL BE DISMISSED AS TO ANY ISSUE OR ISSUES THEREBY DETERMINED. IF THE ACTION BE DISMISSED OR FINALLY DISPOSED OF IN ANY WAY WITHOUT FINAL DETERMINATION OF ANY ISSUE OR ISSUES INVOLVED IN THE APPEAL, THE APPEAL SHALL BE REINSTATED AND MAY BE PROCEEDED WITH AS TO SUCH ISSUE OR ISSUES WITH LIKE EFFECT AS IF THE ACTION HAD NOT BEEN COMMENCED, AND THE DETERMINATION UPON THE APPEAL, OR UPON REVIEW BY THE SUPREME COURT, SHALL BE FINAL AND CONCLUSIVE UPON THE TAXPAYER. THE RUNNING OF ANY PERIOD OF TIME LIMITED BY LAW FOR ENFORCEMENT OF ANY OBLIGATION AGAINST THE TAXPAYER SHALL BE SUSPENDED FOR SUCH TIME AS THE APPEAL IS STAYED UNDER THE PROVISIONS OF THIS SUBDIVISION AND FOR 60 DAYS THEREAFTER.)

Sec. 18. Minnesota Statutes 1976, Section 271.10, Subdivision 2, is amended to read:

Subd. 2. [SERVICE OF WRIT.] Within (20) 60 days after notice of the making and filing of the order of the tax court of appeals, *or the making and filing of an order on a petition for rehearing,* (AND IN ANY CASE WITHIN 60 DAYS AFTER THE MAKING AND FILING OF SUCH ORDER,) the petitioner for review shall obtain from the supreme court a writ of certiorari, and shall serve the same upon the commissioner of revenue and upon all other parties appearing in the proceedings before the tax court of appeals, also upon the attorney general, unless he is the petitioner, and shall file the original, with proof of such service, with the clerk of the tax court of appeals. Every petitioner, except the attorney general, the commissioner of revenue, the state and its political subdivisions, shall also pay to the clerk the fee prescribed by rule 103.01 of the rules of civil appellate procedure which shall be disposed of in the manner provided by that rule, and file a bond or make a deposit in like manner and amount as in case of an appeal from the district court.

The fee shall be disposed of as in such case. Return upon the writ shall be made to the supreme court and the matter shall be heard and determined by the court as in other certiorari cases, subject to the provisions hereof and to such rules as the court may prescribe for cases arising hereunder.

Sec. 19. Minnesota Statutes 1976, Section 271.12, is amended to read:

271.12 [WHEN ORDER EFFECTIVE.] No order for refundment by the commissioner of revenue, *the appropriate unit of government*, or the tax court of appeals shall take effect until the time for appeal therefrom or review thereof by all parties entitled thereto has expired. Otherwise every order of the commissioner, *the appropriate unit of government*, or the tax court of appeals shall take effect immediately upon the filing thereof, and no appeal therefrom or review thereof shall stay the execution thereof or extend the time for payment of any tax or other obligation unless otherwise expressly provided by law; provided, that in case an order which has been acted upon, in whole or in part, shall thereafter be set aside or modified upon appeal, the determination upon appeal or review shall supersede the order appealed from and be binding upon all parties affected thereby, and such adjustments as may be necessary to give effect thereto shall be made accordingly (, SUBJECT TO ANY RIGHTS OF ACTION OR DEFENSE OF THE TAXPAYER, AS HEREIN PROVIDED). If it be finally determined upon such appeal or review that any person is entitled to refundment of any amount which has been paid for a tax or other obligation, such amount, unless otherwise provided by law, shall be paid to him by the state treasurer, or other proper officer, out of funds derived from taxes of the same kind, if available for the purpose, or out of other available funds, if any, with interest at six percent *from the date of payment of the tax*, unless a different rate of interest is otherwise provided by law, in which case such other rate shall apply, upon certification by the commissioner of revenue, *the appropriate unit of government, the tax court or the supreme court*. If any tax, assessment, or other obligation be increased upon such appeal or review, the increase shall be added to the original amount, and may be enforced and collected therewith (OR IN SEPARATE PROCEEDINGS IN LIKE MANNER AS THE ORIGINAL AMOUNT).

Sec. 20. Minnesota Statutes 1976, Section 271.13, is amended to read:

271.13 [MAY COMPEL ATTENDANCE OF WITNESSES.] The commissioner of revenue, the tax court of appeals, and (THE SEVERAL JUDGES) *each judge* of the tax court of appeals shall, respectively, have power to subpoena and compel the attendance of witnesses and the production of books, records, papers, and documents at any hearing or investigation at any place within the state in any matter within the scope of their au-

thority, and shall also have power to administer oaths to witnesses and to take testimony under oath. Disobedience of *an order of the tax court or any (SUCH) subpoena or refusal by any witness to be sworn or to testify upon any material matter at any such hearing or investigation shall be punishable in like manner as a contempt of the district court, in proceedings instituted upon complaint of the authority issuing the order or subpoena in the district court of the county where the order was made or the subpoena was made returnable. Subpoenas for witnesses or the production of documentary evidence shall be issued at the request of any party to the proceeding. Subpoenas may be signed by the commissioner or by (ANY) a judge of the tax court of appeals or (BY THE SECRETARY OF THE DEPARTMENT IN BEHALF OF THE COMMISSIONER OR) by the administrator or clerk of the tax court of appeals in behalf of the tax court of appeals, as the case may be. The commissioner of revenue shall no longer exercise this power in any matter that has been appealed to the tax court.*

Sec. 21. Minnesota Statutes 1976, Section 271.15, is amended to read:

271.15 [WHO MAY ADMINISTER OATHS.] The commissioner of revenue, (THE JUDGES) *each judge* of the tax court of appeals, the (SECRETARY OF THE DEPARTMENT, THE CLERK) *administrator and clerks* of the tax court of appeals, and all other officers and employees of the department *and of the tax court* shall, respectively, have power to administer oaths and to take and certify acknowledgments so far as they may deem necessary to the proper discharge of their respective duties, and may authenticate the same with the seal of the department or the tax court of appeals, as the case may be. *The commissioner of revenue and any officer and employee of the department shall no longer exercise this power in any matter that has been appealed to the tax court.*

Sec. 22. Minnesota Statutes 1976, Section 271.17, is amended to read:

271.17 [SECRETARY OF DEPARTMENT AND CLERK OF TAX COURT OF APPEALS SHALL BE FILING OFFICERS.] The (SECRETARY) *commissioner* of the department of revenue and the (CLERK) *administrator and clerks* of the tax court of appeals shall be the filing officers and custodians of the books, files, and records of their respective agencies. The (SECRETARY) *commissioner, administrator, and (CLERK) clerks* and their deputies shall, respectively, have power to certify and authenticate copies of the books, files, and records in their custody for all purposes in like manner and with like effect as other custodians of public records. (THE COMMISSIONER OF REVENUE, HIS DEPUTY, AND) Any other officer or employee of the department thereto authorized by the commissioner by written order filed with the secretary of state shall have like

power to certify and authenticate copies of any books, files, and records of the department specified in the order, other than those of the tax court of appeals. (THE CHAIRMAN AND VICE CHAIRMAN) A *judge* of the tax court of appeals and any other officer or employee of the tax court of appeals thereto authorized by the tax court of appeals by written order filed with the (SECRETARY OF STATE) *administrator of the tax court* shall also have like power to certify and authenticate copies of any books, files, and records of the tax court of appeals specified in the order.

Sec. 23. Minnesota Statutes 1976, Section 271.18, is amended to read:

271.18 [EX-OFFICERS AND EX-EMPLOYEES NOT TO REPRESENT CLIENTS; EXCEPTION; VIOLATION.] (EXCEPT THOSE HOLDING OFFICE OR EMPLOYMENT PRIOR TO THE PASSAGE OF LAWS 1939, CHAPTER 431,) No officer, (MEMBER) *judge*, or employee of the department of revenue, (INCLUDING) *or* the tax court of appeals, *except referees appointed for the small claims division*, shall, within one year after his office or employment has terminated, act as counsel, attorney, or agent for a taxpayer (OR BE ASSOCIATED WITH ANY OTHER PERSON SO ACTING) in connection with any claim or proceeding pending in the department (, AND). No officer, *judge, referee, or employee* (, WHETHER APPOINTED OR EMPLOYED BEFORE OR AFTER THE PASSAGE OF LAWS 1939, CHAPTER 431,) shall, at any time after the termination of his office or employment, act as counsel, attorney, or agent (, OR BE ASSOCIATED WITH ANY PERSON SO ACTING,) in connection with any claim or proceeding of which he has knowledge which was acquired in the course of his term of office or employment in the department *or in the tax court*. Any violation of the provisions of this section shall be a gross misdemeanor.

Sec. 24. Minnesota Statutes 1976, Section 271.20, is amended to read:

271.20 [DECISIONS FILED WITHIN THREE MONTHS.] All questions of fact and law and all matters submitted to the judges of the tax court of appeals shall be disposed of and their decision filed with the clerk of the tax court of appeals within three months after such submission, unless sickness or casualty shall prevent, or the time be extended by written consent of the parties. No part of the salary of any judge of the tax court of appeals shall be paid unless the voucher therefor be accompanied by certificate of the judge that he has fully complied with the requirements of this section. *A tax court judge shall devote his full time to the duties of his office and shall not engage in the practice of law.*

Sec. 25. Minnesota Statutes 1976, Chapter 271, is amended by adding a section to read:

[271.21] [SMALL CLAIMS DIVISION.] *Subdivision 1. There shall be a division of the tax court known as the small claims division. The judges of the tax court shall sit as judges of the small claims division. Each judge shall have authority to hear and decide the cases that he hears as small claims judge.*

Subd. 2. At the election of the taxpayer, the small claims division shall have jurisdiction only in the following matters:

(a) any case concerning the valuation, assessment, or taxation of residential property homesteaded by the taxpayer; or

(b) any other case concerning the tax laws as defined in section 271.01, subdivision 5 in which the amount in controversy does not exceed \$2,500, including penalty and interest.

Subd. 3. A taxpayer may elect to appeal in the small claims division instead of appealing to the regular division of the tax court. If the taxpayer elects to appeal to the small claims division, and 30 days have elapsed since the filing of the appeal, or briefs have been filed or a hearing held on the matter, whichever occurs first, he shall not appeal to the regular division in the same matter. If he elects to appeal to the regular division, he shall not appeal to the small claims division in the same matter.

Subd. 4. At the same time that notice of the assessment, determination, or order of the commissioner or the appropriate unit of government is given to a taxpayer, the taxpayer shall be notified in writing of his right to appeal to the tax court, and if applicable, to the small claims division. In any notice of assessment, determination or order dealing with property valuation or assessment for property tax purposes, the taxpayer shall be notified in writing that he must appeal to the town or city board of equalization and to the county board of equalization before he may appeal to the small claims division of the tax court, except for those taxpayers whose original assessments are determined by the commissioner of revenue.

Subd. 5. A taxpayer shall commence a proceeding in the small claims division by filing with the clerk of the tax court a petition in the form prescribed by the rules of the tax court, which shall state the nature of the taxpayer's claim. Upon the filing of a petition by the taxpayer to the small claims division, the clerk of the tax court shall give notice thereof to the commissioner or to the appropriate unit of government, who shall thereafter be deemed a party to the proceeding. In the event a petition is filed, the small claims division shall thereafter have exclusive jurisdiction over the case if it meets the requirements of subdivision 2.

Subd. 6. The hearing in the small claims division shall be informal and without a jury. The judge may hear any testimony and receive any evidence he deems necessary or desirable for a just determination of the case. Sales ratio studies published by the department of revenue may be admissible as a public record without foundation. All testimony shall be given under oath. A party may appear on his own behalf or may be represented or accompanied by an attorney. No transcript of the proceedings shall be kept.

Subd. 7. At any time prior to entry of judgment, a taxpayer may dismiss a case in the small claims division by notifying the clerk of the tax court in writing. The dismissal shall be with prejudice and shall not revoke the election specified in subdivision 3.

Subd. 8. The judgment in the small claims division shall be conclusive upon all parties and may not be appealed. The court may order the commissioner or the appropriate unit of government to modify or cancel an assessment, pay or allow a refund, or take other action necessary to effectuate the judgment. Notice that no appeal may be had from a small claims judgment shall appear prominently on the petition form. The judgment shall not be considered as judicial precedent and shall have no force or effect in any other case, hearing, or proceeding. No judgment shall be rendered in a case dealing with property valuation or assessment for property tax purposes until after the state board of equalization has issued its order, if any, for that area or property.

Subd. 9. Subpoenas in a proceeding in the small claims division will be issued only at the discretion of the court.

Subd. 10. Whenever the small claims division trial docket becomes congested with appeals involving valuation, classification, and assessment of property for tax purposes, the judges of the tax court may appoint referees to hear the property tax cases appealed to the small claims division. Each referee shall have authority to hear and decide the cases that he hears as small claims referee. Each referee shall be a citizen of Minnesota and shall have experience with and knowledge of property taxation and property values. A referee shall be paid at a rate of 80 percent of the salary of the judges of the county court in that county, prorated by the length of time that he serves as a referee. Each referee shall receive his actual and necessary expenses paid or incurred in the performance of his duties.

Subd. 11. The provisions of Minnesota Statutes, Sections 271.01 to 271.20, shall apply to proceedings in the small claims division unless this section expressly provides otherwise.

Sec. 26. Minnesota Statutes 1976, Chapter 271, is amended by adding a section to read:

[271.22] *The governor may appoint the judges of the tax court serving on the effective date of this act to serve on the tax court created by this act, or he may appoint new judges who meet the qualifications provided in Minnesota Statutes, Section 271.01, Subdivision 1. Cases tried before the current tax court shall be decided within three months after the effective date of this act by the judges of the tax court who heard the case, and they shall be paid the salary specified before the effective date of this act, unless they are appointed to the tax court created by this act. The provisions of this act will not bar or change any right provided prior to its enactment to the parties in matters that have been decided by the current tax court. Any matter not tried by the current tax court prior to the date this act becomes effective shall be automatically transferred to the tax court created by this act. The taxpayer shall be given an opportunity to make his election to appeal to the small claims division or to appeal to the regular division of the tax court.*

Sec. 27. Minnesota Statutes 1976, Section 124.212, Subdivision 11, is amended to read:

Subd. 11. (a) The committee shall not increase the adjusted assessed valuation, exclusive of property valuation added, improved, reclassified, or reassessed since the prior assessment, of taxable property for 1962 or any subsequent year in any school district by more than eight percent over the certified valuation established for the year immediately preceding.

(b) **THE SALES RATIO STUDIES (, OR ANY PART THEREOF, OR ANY COPY OF THE SAME, OR RECORDS ACCUMULATED IN PREPARATION THEREOF, WHICH ARE PREPARED BY THE COMMISSIONER OF REVENUE FOR THE EQUALIZATION AID REVIEW COMMITTEE FOR USE IN DETERMINING SCHOOL AIDS PURSUANT TO THIS SECTION)** *published by the department of revenue shall not be admissible in evidence in any proceeding, except that the sales ratio studies shall be admissible as a public record without the laying of a foundation in actions for review of the determination of the school aids payable under this section or in actions brought in the small claims division of the tax court.*

Sec. 28. Minnesota Statutes 1976, Section 490.121, Subdivision 2, is amended to read:

Subd. 2. "Court" means any court of this state established by the Minnesota Constitution, *the tax court*, and any municipal, county or probate court of record.

Sec. 29. *The name of the tax court of appeals is changed to the tax court. The revisor of statutes in the next and subsequent editions of Minnesota Statutes shall make the necessary changes in the statutes to reflect this name change.*

Sec. 30. [APPROPRIATION.] *Subdivision 1. The sums set forth in this section are appropriated from the general fund to the agencies indicated for increased costs of general operations and management resulting from this act, to be available for the fiscal year ending June 30 in the years indicated.*

1978 1979

Subd. 2. Tax Court\$208,000 \$203,500

The approved complement of the tax court is increased by the following number of persons. 1978 — 4.

Sec. 31. [REPEALER.] *Minnesota Statutes 1976, Sections 271.001; 271.01, Subdivisions 2, and 2a; 271.11; 271.14; and 271.16 are repealed.*

Sec. 32. [EFFECTIVE DATE.] *This act shall be effective on July 1, 1977."*

The motion prevailed and the amendment was adopted.

Suss moved to amend S. F. No. 160, as amended, as follows:

Page 6, line 11, after "*the*" delete "*county*" and insert "*district court judicial district*".

Page 6, line 15, after "*be*" insert "*in*".

Page 6, line 15, after "*same*" insert "*judicial district*".

The motion prevailed and the amendment was adopted.

Suss moved to amend S. F. No. 160, as amended, as follows:

Page 6, line 1, delete "*chambers*" and insert "*court room*".

Page 6, line 4, delete "*court chambers*" and insert "*court room*".

Page 9, line 30, strike "*upon the issues made by*".

Page 9, line 31, strike "*the notice and the return*".

Page 10, line 20, after the period insert "*The rules of the tax court in effect on the effective date of this act shall govern until superseded.*".

The motion prevailed and the amendment was adopted.

S. F. No. 160, A bill for an act relating to the tax court; establishing the tax court as a full time court; creating a small claims division; providing penalties; appropriating money; amending Minnesota Statutes 1976, Sections 15A.083, Subdivision 4; 124.212, Subdivision 11; 271.01, Subdivisions 1 and 4a, and by adding a subdivision; 271.02; 271.04; 271.06, Subdivisions 1, 2, 3, 4, 6, and by adding a subdivision; 271.07; 271.08; 271.09, Subdivisions 1, 2, and 3; 271.10, Subdivision 2; 271.12; 271.13; 271.15; 271.17; 271.18; 271.20; and 490.121, Subdivision 2; and Chapter 271, by adding sections; repealing Minnesota Statutes 1976, Sections 271.001; 271.01, Subdivisions 2, and 2a; 271.11; 271.14; and 271.16.

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 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Cohen	Johnson	Murphy	Sherwood
Adams	Cummiskey	Jude	Neisen	Sieben, H.
Albrecht	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
Anderson, R.	Eken	Kempe, R.	Norton	Spanish
Arlandson	Enebo	King	Novak	Stanton
Battaglia	Erickson	Knickerbocker	Osthoff	Stoa
Beauchamp	Esau	Kostohryz	Patton	Suss
Begich	Evans	Kroening	Pehler	Swanson
Berg	Ewald	Kvam	Peterson	Tomlinson
Berglin	Fjoslien	Laidig	Petrafeo	Vanasek
Berkelman	Forsythe	Langseth	Pleasant	Voss
Biersdorf	Friedrich	Lehto	Reding	Waldorf
Birnstihl	Fudro	Lemke	Rice	Wenstrom
Brandl	Fugina	Mangan	Rose	Wenzel
Braun	George	Mann	St. Onge	White
Brinkman	Gunter	McCarron	Samuelson	Wieser
Byrne	Haugerud	McCollar	Sarna	Wigley
Carlson, D.	Heinitz	McDonald	Savelkoul	Williamson
Carlson, L.	Hokanson	McEachern	Scheid	Wynia
Casserly	Jacobs	Metzen	Schulz	Zubay
Clark	Jaros	Moe	Searle	Speaker Sabo
Clawson	Jensen	Munger	Searles	

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

SECOND READING OF SENATE BILLS, Continued

S. F. Nos. 266, 1236, 90, 655 and 783 were read for the second time.

**INTRODUCTION AND FIRST READING
OF HOUSE BILLS**

The following House Files were introduced :

Tomlinson introduced :

H. F. No. 1651, A bill for an act relating to mobile homes; prohibiting visitors fees; amending Minnesota Statutes 1976, Section 327.43, by adding a subdivision.

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

Neisen introduced :

H. F. No. 1652, A bill for an act relating to Independent School District No. 624 and Independent School District No. 12; providing for the exchange of territory between the districts.

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

Mangan introduced :

H. F. No. 1653, A bill for an act relating to Independent School District No. 11 (Anoka-Hennepin); authorizing the state demographer to certify an estimate of the population of Independent School District No. 11 for purposes of computing the district's community education aid and levy limitation.

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

Kelly, R.; George; Abeln; Suss and Ellingson introduced :

H. F. No. 1654, A bill for an act relating to commerce; state banks; state savings and loan associations; removing certain powers; repealing Minnesota Statutes 1976, Sections 48.15, Subdivision 2, and 51A.53.

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

Jaros, Wynia, Brandl, Cohen and Kelly, R., introduced:

H. F. No. 1655, A bill for an act relating to the legislature; setting its size after the 1980 federal census; amending Minnesota Statutes 1976, Section 2.021.

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

Williamson introduced:

H. F. No. 1656, A bill for an act relating to privacy; regulating use of social security numbers not authorized by federal law; prohibiting use of social security numbers in contests; requiring registration of personal data record keeping systems; providing individual access to personal data record keeping systems; providing for measures to assure data reliability; and providing penalties; amending Minnesota Statutes 1976, Section 16.90, Subdivisions 1 and 2, and by adding a subdivision.

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

Kvam, Mangan, McCollar, Waldorf and Berkelman introduced:

H. F. No. 1657, A bill for an act relating to the mentally ill; permitting the lease of Hastings state hospital facilities; providing for the leasing of metropolitan excess hospital bed space; amending Minnesota Statutes 1976, Section 253.015.

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

HOUSE ADVISORIES

Pursuant to rule 5.3, the following House Advisories were introduced:

Neisen, Pleasant, Kelly, R., and Simoneau introduced:

H. A. No. 43, A proposal to study the taxation of condominiums.

The advisory was referred to the Committee on Taxes.

Skoglund, Jaros, Brandl, Kelly, W., and Sabo introduced:

H. A. No. 44, A proposal to study tax-exempt property.

The advisory was referred to the Committee on Taxes.

ANNOUNCEMENTS BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to the Conference Committee on H. F. No. 522:

Munger, Beauchamp and Dean.

The Speaker announced the appointment of the following members of the House to the Conference Committee on S. F. No. 1337:

Pehler, Sabo, Patton, Enebo, and Arlandson.

PROGRESS REPORTS ON CONFERENCE COMMITTEES

Pursuant to Joint Rule 2.06, progress on H. F. Nos. 82, 320, and 1610 and S. F. No. 583 was reported to the House.

The following conference committee reports were received:

CONFERENCE COMMITTEE REPORT ON H. F. NO. 259

A bill for an act relating to insurance; requiring refund of unearned premium on cancellation of certain automobile insurance policies; amending Minnesota Statutes 1976, Section 65B.14; and Chapter 65B, by adding sections.

May 18, 1977

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

We, the undersigned conferees for H. F. No. 259 report that we have agreed upon the items in dispute and recommend as follows:

That the senate recede from its amendment and that H. F. No. 259 be amended as follows:

Page 3, line 10, strike "No".

Page 3, line 11, after "*insurance*" insert "*pursuant to sections 65B.15 and 65B.16*".

Page 3, line 11, after "*shall*" insert "*not*".

Page 3, line 14, delete "*certified*".

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

House Conferees: **RANDY C. KELLY, TED SUSS and MICHAEL GEORGE.**

Senate Conferees: **SAM G. SOLON, JACK I. KLEINBAUM and STEVE ENGLER.**

Kelly, R., moved that the report of the Conference Committee on H. F. No. 259 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 259, A bill for an act relating to insurance; requiring refund of unearned premium on cancellation of certain automobile insurance policies; amending Minnesota Statutes 1976, Section 65B.14; and Chapter 65B, by adding sections.

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

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

Those who voted in the affirmative were:

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

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

CONFERENCE COMMITTEE REPORT ON H. F. NO. 801

A bill for an act relating to crimes; specifying certain acts which constitute theft in relation to cable television services and systems; providing penalties; amending Minnesota Statutes 1976, Section 609.52, Subdivision 2; and Chapter 609, by adding a section.

May 17, 1977

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

We, the undersigned conferees for H. F. No. 801 report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and that the bill be further amended as follows:

Page 5, delete lines 4 to 28 and insert:

“(12) Intentionally deprives another of a lawful charge for cable television service by

(i) making or using or attempting to make or use an unauthorized external connection outside the individual dwelling unit whether physical, electrical, acoustical, inductive or other connection, or by

(ii) attaching any unauthorized device to any cable, wire, microwave, or other component of a licensed cable communications system as defined in chapter 238. Nothing herein shall be construed to prohibit the electronic video re-recording of program material transmitted on the cable communications system by a subscriber for fair use as defined by Public Law 94-553, Section 107.

Sec. 2. Minnesota Statutes 1976, Chapter 609, is amended by adding a section to to read:

[609.80] [INTERFERING WITH CABLE COMMUNICATIONS SYSTEMS.] *Whoever does any of the following is guilty of a misdemeanor:*

(1) intentionally and with the purpose of making or aiding in an unauthorized connection as defined in Minnesota Statutes, Section 609.52, Subdivision 2, Clause (12) to a licensed cable communications system as defined in chapter 238 sells, rents, lends, offers or advertises for sale, rental or use, any instru-

ment, apparatus, equipment, device or plan, specification or instruction for making an unauthorized connection; or

(2) intentionally tampers with, removes or injures any cable, wire, or other component of a licensed cable communications system as defined in chapter 238; or

(3) intentionally and without claim of right interrupts a service of a licensed cable communications system as defined in chapter 238.

Sec. 3. Minnesota Statutes 1976, Section 238.09, Subdivision 1, is amended to read:

238.09 [CERTIFICATE OF CONFIRMATION.] Subdivision 1. Except as provided in subdivisions 4 (AND), 5 and 10, after May 24, 1973, no person shall exercise a franchise, and no such franchise shall be effective, until the board has confirmed such franchise.

Sec. 4. Minnesota Statutes 1976, Section 238.09, is amended by adding a subdivision to read:

Subd. 10. Any cable communications company which, pursuant to an existing franchise was lawfully engaged in actual operations and which was providing extension of service to an area or areas outside of its franchise boundaries on May 1, 1977 may, notwithstanding any other law to the contrary, continue to provide such extension of service until May 1, 1978 or such time as the commission adopts line extension rules, whichever date is earlier."

Further, amend the title as follows:

Page 1, line 5, delete "Section" and insert "Sections 238.09, Subdivision 1, and by adding a subdivision;"

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

House Conferees: RICHARD COHEN, WILLIAM DEAN and JAMES PEHLER.

Senate Conferees: EUGENE E. STOKOWSKI, JACK I. KLEINBAUM and WILLIAM G. KIRCHNER.

Cohen moved that the report of the Conference Committee on H. F. No. 801 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 801, A bill for an act relating to crimes; specifying certain acts which constitute theft in relation to cable television

services and systems; providing penalties; amending Minnesota Statutes 1976, Section 609.52, Subdivision 2; and Chapter 609, by adding a section.

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

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

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

CONFERENCE COMMITTEE REPORT ON H. F. NO. 586

A bill for an act relating to taxation; information contained in income tax returns; amending Minnesota Statutes 1976, Sections 290.081; and 290.61.

May 17, 1977

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

We, the undersigned conferees for H. F. No. 586 report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and that H. F. No. 586 be amended as follows:

Page 4, line 12, delete "*The commissioner shall first*" and insert "*Prior to the release of any information under the provisions of this section, the person to whom the information is to be released shall sign an agreement which provides that he will protect the confidentiality of the returns and information revealed thereby to the extent that it is protected under the laws of the state of Minnesota.*".

Page 4, delete lines 13, 14 and 15.

Page 5, line 2, after "therein" insert a new period and strike "and if the".

Page 5, line 5, delete the underlined language and insert "*Prior to the release of any information to any official of the United States or any other state under the provisions of this section, the person to whom the information is to be released shall sign an agreement which provides that he will protect the confidentiality of the returns and information revealed thereby to the extent that it is protected under the laws of the state of Minnesota.*".

Page 5, delete line 6.

Page 5, line 7, delete the new language and strike "provided by our laws."

Page 5, line 18, delete "*Upon request of a state official,*" and insert "*Upon the request of a majority of the members of the house tax committee or the senate tax committee, or the request of a majority of the members of the tax study commission,*".

Page 5, line 19, delete "may" and insert "shall".

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

House Conferees: WILLIAM KELLY, WESLEY SKOGLUND and HENRY SVELKOUL.

Senate Conferees: BILL MCCUTCHEON and JOHN BERNHAGEN.

Kelly, W., moved that the report of the Conference Committee on H. F. No. 586 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 586, A bill for an act relating to taxation; information contained in income tax returns; amending Minnesota Statutes 1976, Sections 290.081; and 290.61.

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

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

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

H. F. No. 176, A bill for an act relating to drivers licenses; providing for the issuance of nonqualification certificates; amending Minnesota Statutes 1976, Section 171.07, Subdivision 3.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee.

Said House File is herewith returned to the Senate.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

H. F. No. 324, A bill for an act relating to sheriffs; increasing certain fees and mileage allowances; amending Minnesota Statutes 1976, Section 357.09, Subdivisions 1, 2, and 4; repealing Minnesota Statutes 1976, Sections 357.09, Subdivision 5; and 357.10.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 297, A bill for an act relating to group health care plans; requiring written notice to employees before certain employee health care plans may be terminated; amending Minnesota Statutes 1976, Section 62E.16.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Kaley moved that the House concur in the Senate amendments to H. F. No. 297 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 297, A bill for an act relating to group health care plans; providing right to convert to individual coverage upon termination of certain employee health care plans; amending Minnesota Statutes 1976, Section 62E.16.

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

The question was taken on the repassage of the bill and the roll was called. There were 134 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Albrecht	Anderson, D.	Anderson, I.	Arlandson
Adams	Anderson, B.	Anderson, G.	Anderson, R.	Battaglia

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

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

Mr. Speaker:

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

H. F. No. 314, A bill for an act relating to Olmsted county; authorizing electronic recording of trial proceedings; providing for costs and payment.

PATRICK E. FLAHAVERN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Zubay moved that the House concur in the Senate amendments to H. F. No. 314 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 314, A bill for an act relating to Olmsted county; authorizing electronic recording of trial proceedings; providing for costs and payment; requiring a report to the legislature.

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

The question was taken on the repassage of the bill and the roll was called. There were 125 yeas and 9 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Adams	Battaglia	Fudro	Jude	Neisen
Anderson, G.	Eckstein	Hokanson	Kroening	

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

Mr. Speaker:

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

H. F. No. 319, A bill for an act relating to daytime activity centers; renaming them developmental achievement centers; making the necessary revisions in Minnesota Statutes; amending Minnesota Statutes 1976, Sections 123.39, Subdivision 13; 252.21; 252.22; 252.23; 252.24; 252.25; and 252.26.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Sieben, M., moved that the House concur in the Senate amendments to H. F. No. 319 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 319, A bill for an act relating to daytime activity centers; renaming them developmental achievement centers; making the necessary revisions in Minnesota Statutes; amending Minnesota Statutes 1976, Sections 123.39, Subdivision 13; 252.21; 252.22; 252.23; 252.24; 252.25; and 252.26.

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

The question was taken on the repassage of the bill and the roll was called. There were 129 yeas and 5 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Brinkman	Carlson, D.	Samuelson	Vanasek	Speaker Sabo
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The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

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

H. F. No. 902, A bill for an act relating to state finance; authorizing payments pursuant to grievance resolutions; amending Minnesota Statutes 1976, Section 16A.17, Subdivision 7.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Sieben, M., moved that the House concur in the Senate amendments to H. F. No. 902 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 902, A bill for an act relating to state finance; authorizing payments pursuant to grievance resolutions; amending Minnesota Statutes 1976, Section 16A.17, Subdivision 7.

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

The question was taken on the repassage of the bill and the roll was called. There were 134 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	Spanish
Arlandson	Ellingson	Kelly, W.	Norton	Stanton
Battaglia	Enebo	Kempe, A.	Novak	Stoa
Beauchamp	Erickson	Kempe, R.	Osthoff	Suss
Begich	Esau	King	Patton	Swanson
Berg	Evans	Knickerbocker	Pehler	Tomlinson
Berglin	Ewald	Kostohryz	Peterson	Vanasek
Berkelman	Faricy	Kroening	Petraleso	Voss
Biersdorf	Fjoslien	Kvam	Pleasant	Waldorf
Birnstihl	Forsythe	Laidig	Prahl	Welch
Brandl	Friedrich	Langseth	Reding	Wenstrom
Braun	Fudro	Lehto	Rice	Wenzel
Brinkman	Fugina	Lemke	Rose	White
Byrne	George	Mangan	St. Onge	Wieser
Carlson, A.	Gunter	Mann	Samuelson	Wigley
Carlson, D.	Hanson	McCarron	Sarna	Williamson
Carlson, L.	Haugerud	McCollar	Savelkoul	Wynia
Casserly	Heintz	McDonald	Scheid	Zubay
Clark	Hokanson	McEachern	Schulz	Speaker Sabo
Clawson	Jacobs	Metzen	Searle	

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

Mr. Speaker:

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

H. F. No. 1015, A bill for an act relating to human rights; clarifying the scope of sex discrimination; providing for an ap-

peal by the commissioner; providing for a civil action without filing with the department; amending Minnesota Statutes 1976, Sections 363.01, by adding a subdivision; 363.02, Subdivision 1; 363.05, Subdivision 1; 363.072, Subdivision 1.

PATRICK E. FLAHAVERN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Wynia moved that the House concur in the Senate amendments to H. F. No. 1015 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1015, A bill for an act relating to human rights; clarifying the scope of sex discrimination; providing for an appeal by the commissioner; amending Minnesota Statutes 1976, Sections 363.01, by adding a subdivision; 363.02, Subdivision 1; 363.03, Subdivision 1; 363.05, Subdivision 1; 363.072, Subdivision 1.

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

The question was taken on the repassage of the bill and the roll was called. There were 127 yeas and 1 nay as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Stoa

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

Mr. Speaker:

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

H. F. No. 1094, A bill for an act relating to insurance; providing for competitive bids on group contracts for certain public bodies; amending Minnesota Statutes 1976, Section 471.616, Subdivision 1.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Abeln moved that the House concur in the Senate amendments to H. F. No. 1094 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1094, A bill for an act relating to insurance; providing for competitive bids on group contracts for certain public bodies; amending Minnesota Statutes 1976, Section 471.616, Subdivision 1.

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

The question was taken on the repassage of the bill and the roll was called. There were 133 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

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

Mr. Speaker :

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

H. F. No. 1201, A bill for an act relating to insurance; requiring insurers to supply cover sheets for insurance policies; requiring insurers to issue readable insurance policies; establishing testing procedures for readability.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

George moved that the House concur in the Senate amendments to H. F. No. 1201 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1201, A bill for an act relating to insurance; requiring insurers to supply cover sheets for insurance policies; requiring insurers to issue readable insurance policies; establishing testing procedures for readability.

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

The question was taken on the repassage of the bill and the roll was called. There were 133 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

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

Mr. Speaker:

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

H. F. No. 1223, A bill for an act relating to administrative procedures; providing for notice and hearing in various administrative decisions; amending Minnesota Statutes 1976, Sections 10A.-20, Subdivision 10; 17A.06, Subdivisions 2 and 3; 27.06; 53.03, Subdivisions 1, 2 and 3; 144.802; 155.11, Subdivisions 1 and 2; 216A.05, Subdivision 5; 218.041, Subdivision 3; and 219.741; repealing Minnesota Statutes 1976, Section 53.03, Subdivision 3.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Sieben, H., moved that the House concur in the Senate amendments to H. F. No. 1223 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1223, A bill for an act relating to administrative procedures; providing for notice in various administrative decisions; removing hearing requirements in certain application proceedings when no objections to the application are received; amending Minnesota Statutes 1976, Sections 10A.20, Subdivision 10; 17A.06, Subdivisions 2 and 3; 27.06; 53.03, Subdivisions 1, 2 and 3; 144.802; 155.11, Subdivisions 1 and 2; 216A.05, Subdivision 5; 218.041, Subdivision 3; and 219.741; repealing Minnesota Statutes 1976, Section 53.03, Subdivision 3.

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

The question was taken on the repassage of the bill and the roll was called. There were 132 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Cohen	Jaros	Munger	Sherwood
Adams	Corbid	Jensen	Murphy	Sieben, H.
Albrecht	Cummiskey	Johnson	Neisen	Sieben, M.
Anderson, B.	Dahl	Jude	Neisen, B.	Simoneau
Anderson, D.	Dean	Kahn	Nelsen, M.	Skoglund
Anderson, G.	Den Ouden	Kaley	Nelson	Smogard
Anderson, I.	Eckstein	Kalis	Niehaus	Spanish
Anderson, R.	Eken	Kelly, R.	Norton	Stanton
Arlandson	Ellingson	Kelly, W.	Novak	Stoa
Battaglia	Enebo	Kempe, A.	Osthoff	Suss
Beauchamp	Erickson	Kempe, R.	Patton	Swanson
Begich	Esau	King	Pehler	Tomlinson
Berg	Evans	Knickerbocker	Peterson	Vanasek
Berglin	Ewald	Kostohryz	Petrafose	Voss
Berkelman	Faricy	Kroening	Pleasant	Waldorf
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	Williamson
Carlson, A.	Gunter	Mann	Sarna	Wynia
Carlson, D.	Hanson	McCarron	Savelkoul	Zubay
Carlson, L.	Haugerud	McCollar	Scheid	Speaker Sabo
Casserly	Heinitz	McDonald	Schulz	
Clark	Hokanson	McEachern	Searle	
Clawson	Jacobs	Moe	Searles	

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

Mr. Speaker:

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

H. F. No. 315, A bill for an act relating to state government; state zoological board; providing for a member designated by the Dakota county board; amending Minnesota Statutes 1976, Section 85A.01, Subdivision 1.

PATRICK E. FLHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Kempe R., moved that the House concur in the Senate amendments to H. F. No. 315 and that the bill be repassed as amended by the Senate.

Voss moved that the House refuse to concur in the Senate amendments to H. F. No. 315, that the Speaker appoint a Con-

ference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two Houses.

A roll call was requested and properly seconded.

The question was taken on the motion by Voss and the roll was called. There were 75 yeas and 52 nays as follows:

Those who voted in the affirmative were:

Adams	Clawson	Haugerud	Munger	Scheid
Anderson, B.	Cummiskey	Hokanson	Nelsen, B.	Schulz
Anderson, D.	Dean	Jacobs	Nelsen, M.	Searle
Anderson, G.	Den Ouden	Johnson	Neison	Simoneau
Arlandson	Eckstein	Jude	Norton	Skoglund
Beauchamp	Eken	Kahn	Osthoff	Smogard
Berg	Ellingson	Kalis	Patton	Stoa
Berglin	Enebo	Kelly, W.	Pehler	Suss
Berkelman	Ewald	Kostohryz	Peterson	Swanson
Birnstihl	Faricy	Lehto	Petrafeso	Tomlinson
Brandl	Forsythe	Lemke	Prahl	Voss
Byrne	Fudro	Mangan	Rose	Welch
Carlson, L.	Fugina	Mann	St. Onge	Wynia
Casserly	George	McCarron	Samuelson	Zubay
Clark	Hanson	Moe	Savelkoul	Speaker Sabo

Those who voted in the negative were:

Abeln	Dahl	Kelly, R.	Neisen	Vanasek
Albrecht	Erickson	Kempe, A.	Niehaus	Waldorf
Anderson, I.	Esau	Kempe, R.	Novak	Wenstrom
Anderson, R.	Evans	King	Pleasant	Wenzel
Battaglia	Fjoslien	Knickerbocker	Reding	White
Begich	Friedrich	Kroening	Rice	Wieser
Braun	Gunter	Kvam	Sarna	Wigley
Carlson, A.	Heinitz	Laidig	Searles	Williamson
Carlson, D.	Jaros	McDonald	Sherwood	
Cohen	Jensen	McEachern	Sieben, H.	
Corbid	Kaley	Metzen	Sieben, M.	

The motion prevailed.

Mr. Speaker:

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

H. F. No. 411, A bill for an act relating to the city of Columbia Heights police department relief association; membership therein; benefits and contributions; membership of certain police personnel in the public employees' police and fire fund.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Simoneau moved that the House concur in the Senate amendments to H. F. No. 411 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 411, A bill for an act relating to the city of Columbia Heights; providing for police department relief association; membership therein; benefits and contributions; membership of certain police personnel in the public employees' police and fire fund; providing for administration and benefits of the Columbia Heights firemen's relief association; amending Laws 1975, Chapter 424, Section 9; repealing Laws 1965, Chapter 605, Section 6; and Laws 1975, Chapter 424, Section 3.

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

The question was taken on the repassage of the bill and the roll was called. There were 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in

which amendment the concurrence of the House is respectfully requested:

H. F. No. 536, A bill for an act relating to civil service; providing that promotion and place of service are separate considerations; amending Minnesota Statutes 1976, Section 43.19, by adding a subdivision.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Begich moved that the House concur in the Senate amendments to H. F. No. 536 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 536, A bill for an act relating to civil service; providing that promotion and place of service are separate considerations; amending Minnesota Statutes 1976, Section 43.19, by adding a subdivision.

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

The question was taken on the repassage of the bill and the roll was called. There were 133 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

Mr. Speaker:

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

H. F. No. 993, A bill for an act relating to taxation; providing an alternative tax on liquor in metric containers; authorizing commissioner of revenue to order metric conversion; increasing bonding requirements; defining certain responsibilities of commissioners of public safety and revenue; amending Minnesota Statutes 1976, Sections 299A.02, Subdivision 1; 340.44; 340.47, by adding subdivisions; 340.485, Subdivisions 1 and 2; 340.51; 340.54, Subdivision 1; and 340.55.

PATRICK E. FLAHAVERN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Abeln moved that the House concur in the Senate amendments to H. F. No. 993 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 993, A bill for an act relating to taxation; providing an alternative tax on liquor in metric containers; authorizing commissioner of revenue to order metric conversion; increasing bonding requirements; defining certain responsibilities of commissioners of public safety and revenue; amending Minnesota Statutes 1976, Sections 299A.02, Subdivision 1; 340.44; 340.47, by adding subdivisions; 340.485, Subdivisions 1 and 2; 340.51; 340.54, Subdivision 1; and 340.55.

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

The question was taken on the repassage of the bill and the roll was called. There were 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

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

Mr. Speaker :

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

H. F. No. 1113, A bill for an act relating to welfare; clarifying the powers of guardianship by the commissioner; amending Minnesota Statutes 1976, Sections 252A.02, Subdivision 2; 252A.03, Subdivision 3; 252A.04, Subdivision 3; 252A.07, Subdivision 1; and 252A.18; repealing Minnesota Statutes 1976, Section 252.03.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Berkelman moved that the House concur in the Senate amendments to H. F. No. 1113 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1113, A bill for an act relating to welfare; clarifying the powers of guardianship by the commissioner; amending Minnesota Statutes 1976, Sections 252A.03, Subdivision 3; 252A.04, Subdivision 3; 252A.07, Subdivision 1; and 252A.18; repealing Minnesota Statutes 1976, Section 252.03.

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

The question was taken on the repassage of the bill and the roll was called. There were 132 yeas and 0 nays as follows :

Those who voted in the affirmative were:

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

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

Mr. Speaker:

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

H. F. No. 223, A bill for an act relating to telephones; providing that sales tax on telephone service charges be payable by person paying for the service; requiring telephone number publication; amending Minnesota Statutes 1976, Section 297A.01, Subdivision 3; and Chapter 237, by adding a section.

PATRICK E. FLAHAVERN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Anderson, G., moved that the House concur in the Senate amendments to H. F. No. 223 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 223, A bill for an act relating to taxation; providing that sales tax on telephone service charges be payable by person paying for the service; amending Minnesota Statutes 1976, Section 297A.01, Subdivision 3.

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

The question was taken on the repassage of the bill and the roll was called. There were 131 yeas and 1 nay as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Kostohryz

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

Mr. Speaker:

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

H. F. No. 728, A bill for an act relating to corrections; prescribing powers of probation officers; providing for reimbursement to counties for probation services; prescribing duties of the commissioner for parole and probation; authorizing disposition of juvenile offenders; authorizing the sealing of criminal records; authorizing certain investigations; authorizing accounts of funds of inmates; clarifying powers of counties under and procedures for withdrawal from community corrections pro-

grams; amending Minnesota Statutes 1976, Sections 242.09; 242.10; 242.14; 242.18; 242.31; 242.46, Subdivision 3; 243.23; 260.311, Subdivision 5; 401.02, by adding subdivisions; 401.04; 401.08, Subdivision 1; 401.13; and 401.16; repealing Minnesota Statutes 1976, Sections 242.01; 242.02; 242.03; 242.12; 242.13; 242.15; 242.16; 242.17; 242.19, Subdivision 1; 242.25; 242.26; 242.27; 242.28; 242.29; 242.30; 242.33; 242.34; 242.35; 242.36; 242.38; and 242.46, Subdivisions 1 and 2.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Clark moved that the House concur in the Senate amendments to H. F. No. 728 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 728, A bill for an act relating to corrections; prescribing powers of probation officers; providing for reimbursement to counties for probation services; prescribing duties of the commissioner for parole and probation; authorizing disposition of juvenile offenders; authorizing the sealing of criminal records; authorizing certain investigations; authorizing accounts of funds of inmates; clarifying powers of counties under and procedures for withdrawal from community corrections programs; amending Minnesota Statutes 1976, Sections 242.09; 242.10; 242.14; 242.18; 242.31; 242.46, Subdivision 3; 243.23; 260.311, Subdivision 5; 401.02, by adding subdivisions; 401.04; 401.08, Subdivision 1; 401.13; and 401.16; repealing Minnesota Statutes 1976, Sections 242.01; 242.02; 242.03; 242.12; 242.13; 242.15; 242.16; 242.17; 242.19, Subdivision 1; 242.25; 242.26; 242.27; 242.28; 242.29; 242.30; 242.33; 242.34; 242.35; 242.36; 242.38; and 242.46, Subdivisions 1 and 2.

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

The question was taken on the repassage of the bill and the roll was called. There were 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Berkelman	Dahl	Friedrich	Kaley
Adams	Biersdorf	Dean	Fudro	Kalis
Albrecht	Birnstihl	Den Ouden	Fugina	Kelly, R.
Anderson, B.	Brandl	Eckstein	George	Kelly, W.
Anderson, D.	Braun	Eken	Gunter	Kempe, R.
Anderson, G.	Brinkman	Ellingson	Hanson	King
Anderson, I.	Byrne	Enebo	Haugerud	Knickerbocker
Anderson, R.	Carlson, A.	Erickson	Heinitz	Kostohryz
Arlandson	Carlson, D.	Esau	Hokanson	Kroening
Battaglia	Carlson, L.	Evans	Jacobs	Kvam
Beauchamp	Cassery	Ewald	Jaros	Laidig
Begich	Clark	Faricy	Jensen	Langseth
Berg	Clawson	Fjoslien	Johnson	Lehto
Berglin	Cohen	Forsythe	Kahn	Lemke

Mangan	Nelsen, M.	Reding	Sieben, H.	Voss
Mann	Nelson	Rice	Sieben, M.	Waldorf
McCarron	Niehaus	Rose	Simoneau	Welch
McCollar	Norton	St. Onge	Skoglund	Wenstrom
McDonald	Novak	Samuelson	Smogard	Wenzel
McEachern	Osthoff	Sarna	Spanish	White
Metzen	Patton	Savelkoul	Stanton	Wieser
Moe	Pehler	Scheid	Stoa	Wigley
Munger	Peterson	Schulz	Suss	Williamson
Murphy	Petrafeso	Searle	Swanson	Wynia
Neisen	Pleasant	Searles	Tomlinson	Zubay
Nelsen, B.	Prahl	Sherwood	Vanasek	Speaker Sabo

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

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

S. F. No. 875.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONFERENCE COMMITTEE REPORT ON S. F. NO. 875

A bill for an act relating to the county of Hennepin; changing duties of personnel board; providing for referral of additional eligible names to fill vacancies; amending Laws 1965, Chapter 855, Section 4, Subdivision 2.

May 17, 1977

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

We, the undersigned conferees for S. F. No. 875 report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendments and that S. F. No. 875 be amended as follows:

Page 3, line 4, delete "five" and insert "seven".

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

Senate Conferees: EMILY ANNE STAPLES, MYRTON O. WEGENER and HUBERT H. HUMPHREY III.

House Conferees: ARNE H. CARLSON, JOHN E. BRANDL and JANET H. CLARK.

Carlson, A., moved that the report of the Conference Committee on S. F. No. 875 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 875, A bill for an act relating to the county of Hennepin; changing duties of personnel board; providing for 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 by Conference, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 131 yeas and 2 nays as follows:

Those who voted in the affirmative were:

Abeln	Cohen	Jensen	Neisen	Sieben, M.
Adams	Corbid	Johnson	Nelsen, B.	Simoneau
Albrecht	Dahl	Jude	Nelsen, M.	Skoglund
Anderson, B.	Dean	Kahn	Nelson	Smogard
Anderson, D.	Den Ouden	Kaley	Niehaus	Spanish
Anderson, G.	Eckstein	Kalis	Norton	Stanton
Anderson, I.	Eken	Kelly, W.	Novak	Stoa
Anderson, R.	Ellingson	Kempe, A.	Osthoff	Suss
Arlandson	Enebo	Kempe, R.	Patton	Swanson
Battaglia	Erickson	King	Pehler	Tomlinson
Beauchamp	Esau	Knickerbocker	Peterson	Vanasek
Begich	Evans	Kostohryz	Petraleso	Voss
Berg	Ewald	Kvam	Pleasant	Waldorf
Berglin	Faricy	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	Williamson
Byrne	Gunter	McCollar	Savelkoul	Wynia
Carlson, A.	Hanson	McDonald	Scheid	Zubay
Carlson, D.	Haugerud	McEachern	Schulz	Speaker Sabo
Carlson, L.	Heinitz	Metzen	Searle	
Casserly	Hokanson	Moe	Searles	
Clark	Jacobs	Munger	Sherwood	
Clawson	Jaros	Murphy	Sieben, H.	

Those who voted in the negative were:

Kelly, R. Kroening

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

Mr. Speaker :

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

S. F. No. 932.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said Senate File is herewith transmitted to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONFERENCE COMMITTEE REPORT ON S. F. NO. 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.

May 16, 1977

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

We, the undersigned conferees for S. F. No. 932 report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendments and S. F. No. 932 be amended as follows:

Delete everything after the enacting clause and 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 registra-

tion certificates plainly marked as duplicates may be issued in like cases upon the payment of a 50 cent fee.

Sec. 2. 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) 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. 3. Minnesota Statutes 1976, Section 168.33, Subdivision 7, is amended to read:

Subd. 7. [FILING 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) In addition to all other statutory fees and taxes, a filing fee is imposed on every application. The filing fee shall be \$1.50 effective August 1, 1977, and \$1.75 effective January 1, 1979. The filing fee shall be shown as a separate item on all registration renewal notices sent out by the department of public safety.

Sec. 4. [EFFECTIVE DATES.] Section 1 is effective the day following its final enactment. The remaining provisions of this act are effective August 1, 1977.”.

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

“A bill for an act relating to motor vehicles; registration and taxation; increasing filing fees for certain applications; reducing fees for duplicate plates under certain circumstances; amending Minnesota Statutes 1976, Sections 168.29; and 168.33, Subdivisions 2 and 7.”.

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

Senate Conferees: MIKE MENNING, HOWARD A. KNUTSON and HOWARD D. OLSON.

House Conferees: C. THOMAS OSTHOFF, RUSSELL P. STANTON and HENRY J. KALIS.

Osthoff moved that the report of the Conference Committee on S. F. No. 932 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

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 by Conference, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 73 yeas and 59 nays as follows:

Those who voted in the affirmative were:

Adams	Cohen	Kalis	Nelsen, B.	Smogard
Anderson, B.	Corbid	King	Nelson	Stanton
Anderson, I.	Cummiskey	Kostohryz	Norton	Stoa
Arlandson	Dahl	Langseth	Novak	Suss
Beauchamp	Dean	Lehto	Osthoff	Swanson
Berg	Fudro	Lemke	Petraleso	Waldorf
Berglin	Fugina	Mangan	Reding	Welch
Berkelman	Hanson	Mann	St. Onge	Wenstrom
Biersdorf	Haugerud	McCarron	Samuelson	Wenzel
Birnstihl	Hokanson	McCollar	Sarna	White
Brandl	Jacobs	McEachern	Schulz	Wieser
Byrne	Jaros	Metzen	Sherwood	Wynia
Carlson, L.	Jensen	Moe	Sieben, H.	Speaker Sabo
Casserly	Johnson	Munger	Sieben, M.	
Clark	Kahn	Murphy	Simoneau	

Those who voted in the negative were:

Abeln	Den Ouden	George	Laidig	Scheid
Albrecht	Eckstein	Gunter	McDonald	Searle
Anderson, D.	Eken	Heinitz	Neisen	Searles
Anderson, G.	Ellingson	Jude	Nelsen, M.	Skoglund
Anderson, R.	Enebo	Kaley	Niehau	Spanish
Battaglia	Erickson	Kelly, R.	Patton	Tomlinson
Begich	Esau	Kelly, W.	Pehler	Vanasek
Braun	Evans	Kempe, A.	Peterson	Voss
Brinkman	Ewald	Kempe, R.	Pleasant	Wigley
Carlson, A.	Farcy	Knickerbocker	Prahl	Williamson
Carlson, D.	Fjoslien	Kroening	Rose	Zubay
Clawson	Friedrich	Kvam	Savelkoul	

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

Mr. Speaker :

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on :

S. F. No. 1290.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONFERENCE COMMITTEE REPORT ON 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.

May 16, 1977

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

We, the undersigned conferees for S. F. No. 1290 report that we have agreed upon the items in dispute and recommend as follows :

That the House recede from its amendments and that S. F. No. 1290, be amended 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 per-

son 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 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 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 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. The notice shall also inform each party that he may submit to the court for informal review any new evidence regarding whether the child should be continued in detention and that he may request a hearing to present the evidence to the court.

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 informally review the child's case file 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) informal 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 an informal review of the child's case file, 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 as follows:

Page 1, line 3, after the semicolon insert "providing limitations on procedures for juvenile detention;"

Page 1, line 4, delete "Section" and insert "Sections 260.015, Subdivision 17;" and after "1" insert "; 260.171, Subdivisions 1, 2, and 4; and 260.172".

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

Senate Conferees: EMILY ANNE STAPLES, ALLAN H. SPEAR and JOHN B. KEEFE.

House Conferees: KEN G. NELSON, SHIRLEY A. HOKANSON and MARY M. FORSYTHE.

Nelson moved that the report of the Conference Committee on S. F. No. 1290 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

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 by Conference, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

Mr. Speaker:

I hereby announce that the Senate refuses to concur in the House amendment to:

S. F. No. 649, A bill for an act relating to taxation; permitting certain appeals of assessments to the commissioner of revenue; providing for appointment of local assessors or termination of their offices; refining terms of senior citizens property tax freeze; eliminating assessors' bonds; eliminating certification of local treasurers' bonds; providing for appeal of property classification; defining certain powers of boards of equalization; clarifying redemption period for tax-forfeited lands; amending Minnesota Statutes 1976, Sections 270.11, Subdivision 7; 270.50; 273.011, Subdivision 4; 273.012, Subdivision 2; 273.04; 273.05, Subdivisions 1 and 2; 273.06; 273.061, Subdivision 3; 274.01, Subdivision 1; 274.13, Subdivision 1; 276.12; and 281.17; and Chapter 270, by adding a section.

And the Senate respectfully requests that a Conference Committee of 3 members be appointed thereon. Messrs. Chmielewski, Hanson and Ueland, A. have been appointed as such committee on the part of the Senate.

Said Senate File is herewith transmitted to the House with the request that the House appoint a like committee.

PATRICK E. FLAHAVEN, Secretary of the Senate

Kelly, W., moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two Houses on S. F. No. 649. The motion prevailed.

The following conference committee reports were received:

CONFERENCE COMMITTEE REPORT ON H. F. NO. 293

A bill for an act relating to waters; authorizing conveyance of the Blackduck Lake outlet dam and empowering the town of Hines in Beltrami county to acquire, maintain and operate it.

May 17, 1977

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

We, the undersigned conferees for H. F. No. 293 report that we have agreed upon the items in dispute and recommend as follows:

That the senate recede from its amendments and that H. F. No. 293, be amended as follows:

Page 1, line 14, after "county" delete the comma.

Page 1, line 20, delete "378.34, and 378.35".

Page 1, line 22, after the period insert "The electors of the town of Hines may levy taxes for the maintenance and operation of any dam conveyed pursuant to section 1 subject to the limitations specified in section 275.10."

Further amend the title.

Page 1, line 4, after "maintain" insert a comma.

Page 1, delete line 5, and insert "operate and levy taxes for such purposes."

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

House Conferees: IRVIN N. ANDERSON and HENRY J. SAVELKOU.

Senate Conferees: BOB LESSARD, ROBERT G. DUNN and MYRTON O. WEGENER.

Anderson, I., moved that the report of the Conference Committee on H. F. No. 293 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 293, A bill for an act relating to waters; authorizing conveyance of the Blackduck Lake outlet dam and empowering the town of Hines in Beltrami county to acquire, maintain and operate it.

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

The question was taken on the repassage of the bill and the roll was called. There were 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	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	Nelsen, M.	Skoglund
Anderson, I.	Den Ouden	Kalis	Nelson	Smogard
Anderson, R.	Eckstein	Kelly, R.	Niehaus	Spanish
Arlandson	Eken	Kelly, W.	Norton	Stanton
Battaglia	Ellingson	Kempe, A.	Osthoff	Stoa
Beauchamp	Enebo	Kempe, R.	Patton	Suss
Begich	Erickson	King	Pehler	Swanson
Berg	Evans	Knickerbocker	Peterson	Tomlinson
Berglin	Ewald	Kostohryz	Petrafeso	Vanasek
Berkelman	Faricy	Kroening	Pleasant	Voss
Biersdorf	Fjoslien	Kvam	Prahl	Waldorf
Birnstihl	Forsythe	Laidig	Reding	Welch
Brandl	Fudro	Langseth	Rice	Wenstrom
Braun	Fugina	Lehto	Rose	Wenzel
Brinkman	George	Lemke	St. Onge	White
Byrne	Gunter	Mangan	Samuelson	Wieser
Carlson, A.	Hanson	Mann	Sarna	Wigley
Carlson, D.	Haugerud	McCarron	Savelkoul	Williamson
Carlson, L.	Heinitz	McDonald	Scheid	Wynia
Casserly	Hokanson	McEachern	Schulz	Zubay
Clark	Jacobs	Metzen	Searle	Speaker Sabo

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

CONFERENCE COMMITTEE REPORT ON H. F. NO. 1510

A bill for an act relating to the organization and operation of state government; appropriating money for education and related purposes with certain conditions, including the department of education, aids to libraries, higher education coordinating board, state universities, community colleges, and the university of Minnesota and its hospitals; amending Minnesota Statutes 1976, Sections 120.17, Subdivision 7a; 128A.02, Subdivision 3; 128A.06, Subdivision 1; 128A.07; 136A.121, Subdivision 3; 141.24; 141.36; 179.69, Subdivisions 4 and 5; and 197.78; repealing Minnesota Statutes 1976, Section 128A.08.

May 17, 1977

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

We, the undersigned conferees for H. F. No. 1510 report that we have agreed upon the items in dispute and recommend as follows:

Strike everything after the enacting clause and insert:

“Section 1. [EDUCATION; APPROPRIATIONS.] The sums set forth in the columns designated “APPROPRIATIONS” are appropriated from the general fund, or any other fund designated, to the agencies and for the purposes specified in the following sections of this act, to be available for the fiscal year indicated for each purpose. The figures “1977”, “1978”, and “1979”, wherever used in this act, mean that the appropriation or appropriations listed thereunder or therefor shall be available for the year ending June 30, 1977, June 30, 1978, or June 30, 1979, respectively.

APPROPRIATIONS
Available for the Year
Ending June 30,

	1978	1979
\$		\$

Sec. 2. DEPARTMENT OF
EDUCATION

Approved Complement —

	1978	1979
State —	509.87	508.87
Federal —	218.7	218.7

	1978	1979
	\$	\$
Subdivision 1. General Academic and Related Services	1,590,268	1,607,747

(a) Salaries, Supplies, and
Expenses

1978	1979
\$1,490,268	\$1,507,747

(b) Microfilming of teacher license
files

\$100,000	\$100,000
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The department shall not reduce instructional services consultant positions in those subject areas where there is only one consultant position.

Any unexpended balance remaining in (b) in the first year shall not cancel, but shall be available for the second year of the biennium.

Of the amount provided by this subdivision, \$15,676 in 1978 and \$15,739 in 1979 is appropriated from the trunk highway fund.

Subd. 2. Vocational Technical Instruction and Related Services	1,741,839	1,727,449
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(a) Salaries, Supplies, and Ex-
penses

\$1,721,839	\$1,727,449
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(b) Revolving fund for on-the-job
training program

\$20,000

Provided that the funds in (a) shall not be used to pay for more than 75 percent of the Independent Telephone Communications Training Program and the Minnesota Electric Cooperative Line-

	1978	1979
	\$	\$
<p>persons Training Program, and further provided that the appropriate industry or association is required to pay at least 25 percent of the cost of each program.</p>		

Funds in (b) are for the purpose of acting as the state approving agency, as authorized by 38 U.S.C. Chapter 36. All funds received from the federal government for this purpose shall be deposited in the general fund and are reappropriated for that purpose.

Notwithstanding any provisions to the contrary, the commissioner of finance shall not increase the number of positions in vocational education supported by federal funds above the approved federal complement of 42.7, until he has consulted with the chairmen of the senate finance committee and the house appropriations committee.

Subd. 3. Special and Compensatory Instruction and Related Services	4,814,842	4,760,816
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(a) Salaries, Supplies and Expenses

\$4,314,842	\$4,260,816	
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(b) Claims, Grants, and Shared Revenue Indian Scholarships

\$500,000	\$500,000	
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The department of education shall make a study of program space needs at the Minnesota Braille and Sight-Saving school and submit the results of the study to the legislature by January 1, 1978. The study shall include consideration of the use of existing state buildings.

Of the amount in (a) for the first year, \$97,140 is for repair and purchase of equipment at the Minnesota School for the Deaf, the Minnesota Braille and

	1978	1979
	\$	\$

Sight-Saving School, and the Regional Library for the Blind. Any unexpended balance from this \$97,140 at the end of the first year shall not cancel but shall be available for the second year of the biennium.

The department of education may use the funds appropriated in (a) to hire additional human services technicians at the Minnesota School for the Deaf and the Minnesota Braille and Sight-Saving School provided, however, that the department shall not increase the complement by more than two human services technicians at each school.

Any unexpended balance remaining in (b) in the first year shall not cancel but shall be available for the second year of the biennium.

Subd. 4. Education Planning, and Development	1,126,855	1,178,527
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(a) Salaries, Supplies, and Expenses

\$526,855	\$528,527	
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(b) Claims, Grants and Shared Revenue

\$600,000	\$650,000	
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Any unexpended balance remaining in (b) in the first year shall not cancel but shall be available for the second year of the biennium.

Subd. 5. School Management and Services	9,218,488	8,019,667
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(a) Salaries, Supplies, and Expenses

\$1,368,488	\$1,016,750	
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\$331,926 in 1978 and \$9,125 in 1979 is for redesign of the Department's

	1978	1979
	\$	\$
Management Information System. Any unexpended balance remaining for this purpose in the first year shall not cancel but shall be available for the second year of the biennium.		

(b) Claims, Grants, and Shared Revenue

	\$4,550,000	\$3,639,929
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Of the amount in (b) \$175,000 in 1978 is for Uniform Financial Accounting Reporting System (UFARS) regional staff. \$1,683,000 in 1978 and \$879,000 in 1979 is for support of regional management information centers. \$2,692,000 in 1978 and \$2,760,929 in 1979 is for salaries and expenses of the Minnesota education computing consortium.

The department shall charge MECC users for on-line computer time actually used, such receipts shall be deposited in the Minnesota educational computing consortium account, and are reappropriated to the Minnesota educational computing consortium.

The department of education in consultation with MECC shall submit to the chairman of house appropriations and the chairman of senate finance no later than July 15 and December 31 of each year a progress report, proposed plans, and expenditures.

(c) School Lunch Program claims, grants, and shared revenue

	\$3,300,000	\$3,362,988
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Of the amount in (c) \$300,000 in 1978 and \$325,000 in 1979 is for food storage costs of USDA donated commodities.

Of the amount provided in (c), so much thereof as is necessary shall be used for the type "A" lunch program.

	1978	1979
	\$	\$
Any unexpended balance remaining in (b) or (c) in the first year shall not cancel but shall be available for the second year of the biennium.		
Subd. 6. Auxiliary and General Support Services	1,740,413	1,716,907

Salaries, Supplies, and Expenses

\$1,740,413 \$1,716,907

The board of teaching shall evaluate its staffing needs and submit a report to the legislature by January 1, 1978.

Subd. 7. Public Library Services and Inter-Library Cooperation	2,507,775	2,907,152
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(a) Salaries, Supplies, and Expenses

\$357,775 \$357,152

(b) Claims, Grants, and Shared Revenue

\$2,150,000 \$2,150,000

(c) Claims, Grants, and Shared Revenue Contingency

-0- \$400,000

Any unexpended balance remaining in (b) in the first year shall not cancel but shall be available for the second year of the biennium.

The amount appropriated in (c) shall become available upon enactment of legislation establishing a new distribution formula and implementation of the formula by the department.

To qualify for the state library grant herein authorized, local levies for libraries shall not be less than the library levies payable in 1977.

	1978	1979
	\$	\$

The appropriations in (b) and (c) are limited to libraries' operating purposes only.

Subd. 8. Civil Service Salary and Fringe Adjustments	975,435	1,103,031
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Of the amount provided by this subdivision, \$1,494 in 1978 and \$1,738 in 1979 is appropriated from the trunk highway fund.

Subd. 9. Except as provided in Minnesota Statutes, Section 3.925, none of the amounts appropriated in subdivisions 3, 4, 5, and 7 listed as claims, grants and shared revenues on the official worksheets of the conferees of the senate and house of representatives, a true copy of which is on file in the office of the commissioner of finance, shall be transferred to any other expenditure category other than that for which it was appropriated.

The department of education shall not use any federal or other funds for the purpose of continuing any positions which have been deleted from the department's complement as shown on official conference committee work papers.

Sec. 3. HIGHER EDUCATION COORDINATING BOARD

Subdivision 1. Salaries and Expenses	904,450	926,237
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This appropriation includes money for the administration of the state scholarship, state grant-in-aid, student loan, budget review program review, and private college contracts.

Subd. 2. MOIS Revolving Fund.....	50,000	
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There is established in the state treasury a Minnesota occupational information system revolving fund. The board

	1978	1979
	\$	\$
shall charge MOIS users for services provided them. Receipts shall be deposited in the MOIS revolving fund, and are appropriated to the board for the purposes of the Minnesota occupational information system. The general fund shall be reimbursed \$50,000 by June 30, 1981.		
Subd. 3. State Scholarship Program	7,589,033	9,163,951
Subd. 4. State Grant-In-Aid Program	13,650,000	16,650,000
Subd. 5. Work Study Program	1,600,000	1,600,000
Subd. 6. Foreign Student Loans	80,000	80,000
Subd. 7. Minitex Library Program	400,000	425,000
Subd. 8. Private College Contracts	4,400,000	4,800,000
Subd. 9. Regional Coordination and Service	239,071	247,148
Subd. 10. Any unexpended balance remaining the first year in subdivisions 1, 3, 4, 6, 7, and 8 shall not cancel but shall be available for the second year of the biennium.		
Subd. 11. Medical Student Loan Reserve	30,000	30,000
Subd. 12. Education of Dependents	10,000	10,000
Sec. 4. STATE UNIVERSITY BOARD		
Subdivision 1. Maintenance and Equipment	65,131,643	68,221,450
Within the funds appropriated for the purpose by the 70th legislature, the commissioner of personnel and the state university board are authorized to implement those provisions of the collective bargaining agreements negotiated with the Inter-Faculty Organization—		

	1978	1979
	\$	\$

Minnesota Education Association and the Minnesota State University Association of Administrative and Service Faculty, which establish wages and economic fringe benefits.

The amounts appropriated in subdivisions 1 and 2 include a sum in each year for recruitment of unclassified staff.

Notwithstanding any other law to the contrary, the state university board may purchase public liability insurance to protect those nonemployees involved in activities ancillary to the programs of the agency. These activities shall include, but not be limited to: (a) fine art exhibitions, where the intent is to insure the artist's works; (b) personal property of nonemployees which is used by the agency for its auxiliary enterprises; (c) personal professional liability insurance for students when required by clinical training institutions, as a condition for use of the clinical facilities; (d) students while involved in educational program related field trips, tours and other off-campus activities; (e) medical and hospitalization insurance for students participating in intercollegiate, intramural and extramural programs; (f) property insurance for Auxiliary Enterprises assets, including inventory to be paid from Auxiliary Enterprises proceeds; (g) otherwise uncompensated contractors who allow state agencies to use contractor facilities and equipment.

Subd. 2. State University Board Contingent	750,000
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Any unexpended balance remaining in the first year shall not cancel but shall be available for the second year of the biennium.

This appropriation shall be expended with the approval of the governor after consultation with the legislative ad-

	1978	1979
	\$	\$
visory commission as provided by Minnesota Statutes, Section 3.30.		
Subd. 3. Student Loans—State Matching	175,000	175,000

This appropriation shall be used as the state's matching share for any federal student aid or loan program.

Any unexpended balance remaining in the first year shall not cancel but shall be available for the second year of the biennium. No portion of the appropriation shall be used to defray obligations incurred prior to July 1, 1977.

Subd. 4. Repairs and Betterments . .	808,868	864,666
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Any unexpended balance remaining in the first year shall not cancel but shall be available for the second year of the biennium.

Subd. 5. A report shall be submitted to the 71st session of the legislature as to the use of all money exempt from budgetary control by the commissioner of finance pursuant to Minnesota Statutes, Sections 136.11, Subdivision 5; 136.144; and 136.37.

Subd. 6. Notwithstanding the provisions of any law to the contrary, the state university board may provide for the orderly replacement of aircraft. An equipment suspense account shall be established by the commissioner of finance within the general fund. All receipts that are attributable to the operation or use of aircraft are reappropriated to the state university board. These receipts, or a portion thereof as may be designated by the board, shall be credited to the equipment suspense account. Any balance in this account shall not cancel at the end of a fiscal year but shall remain available for transfer at the request of the board to its maintenance and equipment account.

	1978	1979
	\$	\$
Sec. 5. STATE COMMUNITY COLLEGE BOARD		
Subdivision 1.	29,358,615	30,962,847

Section 4 of Article X of the Professional Staff Agreements, as negotiated between the state board for community colleges and the Minnesota Community College Faculty Association shall not be implemented during the 1977-79 biennium and the agreement is approved as modified. The board and the association are directed to agree upon a salary schedule for fiscal year 1978 and for fiscal year 1979, that shall not exceed a salary adjustment of 7 percent for fiscal year 1978 and a salary adjustment of 7 percent for fiscal year 1979.

This appropriation is for maintenance and equipment of the state community college board and the state community colleges. The state community colleges are encouraged to use off-campus courses to extend the benefits of this appropriation to as many Minnesota residents as possible.

Notwithstanding any other law to the contrary, the board for community colleges may purchase insurance coverage as follows:

Personal professional liability insurance for students when required by clinical training institutions, as a condition for use of the clinical facilities.

Medical and hospitalization insurance for students participating in intercollegiate, intramural and extramural programs.

Blanket personal property insurance for fine art displays, including but not limited to, paintings, photographs, sculptures, exhibited on a community college campus.

	1978	1979
	\$	\$
<p>Property insurance for Auxiliary Enterprise assets, including inventory to be paid from Auxiliary Enterprises proceeds.</p>		
Subd. 2. Occupational Program Development	300,000	
<p>Prior to use of this appropriation the chancellor of the community college system shall submit the proposed program and expenditures for review by the chairmen of the house appropriations and senate finance committees.</p> <p>Any unexpended balance remaining in the first year shall not cancel but shall be available for the second year of the biennium.</p>		
Subd. 3. St. Paul Learning Center	40,000	50,000
<p>Any unexpended balance remaining in the first year shall not cancel but shall be available for the second year of the biennium.</p> <p>The board shall report to the committee on finance of the senate and the committee on appropriations of the house of representatives by March 1, 1978 for the first year and January 1, 1979 for the second year on the use of the money in this appropriation.</p>		
Subd. 4. Student Loan Program— State Matching	85,000	90,000
<p>This appropriation shall be used as the state's matching share for any federal student aid or loan programs.</p> <p>Any unexpended balance remaining in the first year shall not cancel but shall be available for the second year of the biennium.</p>		
Subd. 5. State Community College Board Contingent	300,000	

	1978	1979
	\$	\$

Any unexpended balance remaining in the first year shall not cancel but shall be available for the second year of the biennium.

This appropriation shall be expended with the approval of the governor after consultation with the legislative advisory commission, as provided by Minnesota Statutes, Section 3.30.

Subd. 6. Repairs and Betterments . . .	405,431	374,760
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Any unexpended balances remaining in the first year shall not cancel but shall be available for the second year of the biennium.

Subd. 7. Special Assessments	235,215	
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Sec. 6. UNIVERSITY OF MINNESOTA

Subdivision 1. Operations and Maintenance	150,521,248	156,979,440
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These appropriations are made from:

(a) Income derived from investment of the permanent university fund, which is appropriated to the university as provided in Minnesota Statutes, Section 137.022. It is estimated that this income will not exceed \$2,500,000 for the first year and \$2,500,000 for the second year; and

(b) The general fund. It is estimated that the amount required from the general fund will be at least \$148,021,248 for the first year and \$154,479,440 for the second year.

On October 1, 1978 and 1979 the president of the university of Minnesota shall furnish the house appropriations and senate finance committees and the commissioner of finance the following information:

	1978	1979
	\$	\$

(1) The total amount of receipts during the fiscal year 1978 from all sources in excess of \$68,889,000 and during the fiscal year 1979 from all sources in excess of \$72,929,000;

(2) The sources of these receipts; and

(3) The purposes for which any excess receipts were expended and accounts to which transferred.

The board of regents shall certify to the commissioner of finance at the end of each quarter the amount of earnings derived from the investment of the permanent university fund.

If this income during any fiscal year exceeds the amounts stated in (a) above, the amount payable from the general fund shall be reduced accordingly.

The university is requested to review the staffing patterns at the two technical campuses. Recommendations leading toward equalization shall be included in the 1979 budget request.

In preparing the university's legislative budget request for the 1979-1981 biennium, all projected income from student tuition shall be based on a charge per credit hour schedule.

The university shall explore the possibility of developing and implementing a self insurance program. A report of the findings and recommendations shall be submitted to the legislature no later than January 15, 1978.

Any excess funds in the above appropriation resulting from delayed completion or occupancy of new space as projected in the budget document shall cancel to the general fund.

	1978	1979
	\$	\$

In the event that federal funds continue to be available for CETA positions at the Duluth and Morris campus, the appropriated state funds shall cancel.

The university is directed to take the necessary steps to insure faculty salary equalization among the twin cities and coordinate campuses and submit a progress report to the legislature by January 15, 1979.

Subd. 2. Equipment Replacement	500,000	500,000
Subd. 3. Student Loans — State Matching	250,000	250,000

This appropriation shall be used as the state's matching share for any federal student aid or loan program. Any unexpended balance remaining in the first year shall not cancel but shall be available for the second year of the biennium.

Subd. 4. Library Supplement	1,186,300	1,186,300
Subd. 5. Intercollegiate Athletics	594,400	660,200

This appropriation shall be used only for the support of a women's intercollegiate athletic program.

Subd. 6. Summer School Tuition and Continuing Education Supplement	772,521	772,521
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The board of regents shall expend this money to equalize tuition rates among undergraduate students for regular session, summer session and extension programs in order to facilitate to the maximum the use of campus units, buildings and staff.

Subd. 7. Graduate Residency Program	2,967,128	2,967,128
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	1978	1979
	\$	\$

All hospitals receiving any portion of this appropriation shall furnish the house appropriations and senate finance committees with a full report no later than March 1, 1978, of all actual and reasonable costs resulting from graduate family practice residency education, and all fees and income to the hospital generated by the graduate residents in family practice and the purposes for which this money was expended. Expenditures from this appropriation shall be made only for activities directly related to the training of doctors in family practice.

Subd. 8. Medical Services and Instruction	1,086,802	1,086,802
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This appropriation includes money for the rural health physicians' associate program, drug abuse information and education, and public health and nurse clinician generalist program. The university shall submit a progress report on the drug abuse program by January 15, 1979.

Subd. 9. Health Sciences Contingent	3,563,126	
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Portions or all of the above appropriation shall become available upon submission of required documentation that federal health sciences capitation funds have been reduced or phased out. Replacement of any capitation grant losses or reductions shall be computed by using the fiscal year 1976 level as the base year. All requests shall be reviewed by the chairmen of the house appropriations and senate finance committees whose recommendations shall be advisory only. Failure to make a recommendation promptly shall be deemed a negative recommendation.

Subd. 10. Duluth Campus

(a) Basic Sciences Program for Medical Training	1,681,166	1,895,433
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	1978	1979
	\$	\$
(b) Dental Hygiene Program . . .	199,156	199,156
(c) Graduate School of Social Work	378,594	378,594
Subd. 11. Special—Civil Service Salary and Fringe adjustments	2,365,964	3,527,891

Sec. 7. UNIVERSITY OF MINNESOTA; RESEARCH

Subdivision 1. General Research . . .	1,390,340	1,390,340
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This appropriation is, as the board of regents may direct, for general research, business and economic research including Duluth, training for careers in fire prevention and protection, center for urban and regional affairs, museum of natural history, and juvenile justice seminar.

Subd. 2. General Agricultural Research	6,027,964	6,027,964
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This appropriation includes money for research on aquatic plants (including wild rice), soybeans, avian disease, corn improvement and irrigation.

Subd. 3. Hormel Institute—Austin	105,000	105,000
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To support the operation of the institute and to promote research by the institute.

Subd. 4. Medical Research	1,203,524	1,233,524
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Subd. 5. Veterinary Diagnostic Laboratory and Teaching Hospital	636,203	636,203
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Subd. 6. Geological Survey	427,514	427,514
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Subd. 7. Lake Superior Basin Studies	56,136	56,136
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The university shall submit a progress report to the 1979 legislature.

	1978	1979
	\$	\$
Subd. 8. Freshwater Biological Research Institute	154,209	154,209

Sec. 8. UNIVERSITY OF MINNESOTA; COMMUNITY SERVICES

Subdivision 1. Agricultural Extension Service	5,728,879	5,750,000
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This appropriation includes money for agriculture extension work, county agricultural agents, home demonstration and 4-H club work, and soil conservation. Any salary increases granted by the university to personnel paid from this appropriation shall not result in a reduction of the county portion of the salary payments.

This appropriation includes money each year for the potato and sugar beet extension program in the Red River Valley, contingent on an equal amount being provided by the state of North Dakota.

Subd. 2. For State's Share of Expenses of County Indigent Patients .	2,000,000	2,000,000
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Subd. 3. Special Hospitals, Community Service, and Educational Offset. . .	5,205,846	5,205,846
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Fees for service furnished to counties and individuals under this program shall be sought to augment the money appropriated; the fees are appropriated to the university hospitals.

Subd. 4. Industrial Relations Education Program	374,898	374,898
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This appropriation includes money for short courses, programs, and seminars for labor and management.

Sec. 9. MAYO MEDICAL SCHOOL	1,184,000	1,208,000
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The state of Minnesota shall pay a capitation of \$8,000 for each student who is a resident of Minnesota for a

	\$	1978	\$	1979
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maximum of 40 such students in each class.

Sec. 10. WORKERS' COMPENSATION

For 1977 — \$108,971

To be transferred by the commissioner of finance to the department of labor and industry compensation revolving fund, in payment of obligations incurred by the following agencies in the amounts as indicated:

Community College Board	10,716
State University Board	98,255

Sec. 11. UNEMPLOYMENT COMPENSATION

For 1977 — \$350,306

To the commissioner of finance for transfer to the unemployment compensation fund in reimbursement for unemployment compensation benefits paid to former employees of the following agencies in the amounts as indicated:

Community College System	63,007
State University Board	285,955
Higher Education Coordinating Board	1,344

Sec. 12. Minnesota Statutes 1976, Section 120.17, Subdivision 7a, is amended to read:

Subd. 7a. [ATTENDANCE AT SCHOOL FOR THE HANDICAPPED.] Responsibility for special instruction and services for a visually disabled or hearing impaired child attending the Minnesota school for the deaf or the Minnesota braille and sight-saving school shall be determined in the following manner:

(a) The legal residence of the child shall be the school district in which his parent or guardian resides (;).

(b) When it is determined pursuant to section 128A.05, subdivisions 1 or 2 that the child is entitled to attend either school, the state board shall provide the appropriate educational program for the child. The state board shall make a tuition charge to the child's district of residence for the actual cost of providing the program; provided, however, that the amount of tuition charged shall not exceed \$2,000 for any school year. The district of the child's residence shall pay the tuition and may claim foundation aid for the child. All tuition so received shall be deposited in the state treasury (, SUBJECT TO THE ORDER OF THE STATE BOARD;).

(c) When it is determined that the child can benefit from public school enrollment but that the child should also remain in attendance at the applicable school, the school district where the institution is located shall provide an appropriate educational program for the child and shall make a tuition charge to the state board for the actual cost of providing the program, less any amount of aid received pursuant to section 124.32. The state board shall pay the tuition and other program costs including the unreimbursed transportation costs. Aids for handicapped children shall be paid to the district providing the special instruction and services. Special transportation shall be provided by the district providing the educational program and the state shall reimburse such district within the limits provided by law.

Sec. 13. Minnesota Statutes 1976, Section 128A.02, Subdivision 3, is amended to read:

Subd. 3. The state board may employ central administrative staffs and other personnel as necessary to provide and support programs and services in each school. *The residential school administrator shall serve in the unclassified service at the pleasure of the commissioner of education.* These schools shall be deemed to be public schools for the purposes of sections 125.03 and 125.04, and all teachers as defined in those sections who are employed at these schools shall be subject to the standards of the board of teaching and the state board of education; provided that any teacher who does not meet these standards as of July 1, 1977 shall be required to meet these standards by September 15, (1978) 1980 in order to continue in employment.

Sec. 14. Minnesota Statutes 1976, Section 128A.06, Subdivision 1, is amended to read:

128A.06 [ADMITTANCE AND DISCHARGE.] Subdivision 1. The admissions and discharge committee of each school

shall include (THE FIELD CONSULTANT OF THE APPLICABLE SCHOOL AND FOUR) *five* members who are knowledgeable in the fields of hearing impairment or visual disability, as applicable, to be appointed by the state board.

Sec. 15. Minnesota Statutes 1976, Section 128A.07, is amended to read:

128A.07 [EXPENSE OF PUPILS.] Any individual attending the school for the deaf or the braille and sight-saving school shall be provided, by the person legally liable for his support, with sufficient funds to furnish him with proper clothing, postage, and necessary incidental expenses. If the person legally liable for his support is unable to make these provisions for him, the county welfare board of the county of which he is a resident shall pay to the superintendent of the school in which he is a pupil a sum to be fixed by the commissioner of education pursuant to rules promulgated by the state board. In addition, the school district of residence shall be liable for the actual transportation of the pupil to and from the school in which he is a pupil.

Applicants from other states who can benefit by being enrolled may be accepted so long as acceptance does not preclude acceptance of an eligible Minnesota resident. The commissioner of education shall obtain reimbursement from other states for the costs incurred in connection with nonresidents accepted and may contract with the appropriate authorities of other states to effect reimbursement. All money received from other states shall be paid to the state treasurer and placed in the general fund (SUBJECT TO THE ORDER OF THE STATE BOARD).

Sec. 16. Minnesota Statutes 1976, Section 136A.121, Subdivision 3, is amended to read:

Subd. 3. [ALLOCATION AND AMOUNT.] (1) Scholarships and grants-in-aid shall be awarded annually on a funds available basis to those first year (STUDENTS) and transfer (STUDENTS) *applicants for initial awards and applicants for renewal awards* who meet the board's requirements;

(2) A financial stipend shall accompany scholarship awards if the scholarship winner demonstrates financial need and will attend an eligible institution. Financial stipends shall range from a maximum of \$1,100 to a minimum of \$100 but in no event shall exceed one-half of the applicant's financial need *or an amount which if combined with the amount of a federal basic educational opportunity grant for which the applicant is eligible equals 75 percent of the applicants' need, whichever is lesser*. Scholarship winners who do not demonstrate financial need under criteria prescribed by the board shall be awarded honorary scholarships;

(3) A financial stipend based on financial need shall accompany grants-in-aid. Financial stipends shall range from a maximum of \$1,100 to a minimum of \$100, but in no event shall exceed one-half of the applicant's financial need *or an amount which if combined with the amount of a federal basic educational opportunity grant for which the applicant is eligible equals 75 percent of the applicants' need, whichever is lesser*;

(4) In dispensing available funds in a given year, priority shall be given on the following basis:

Renewal scholarships and grants-in-aid.

Thereafter, until the funds are exhausted, to first year and transfer applicants, on the basis of their rank in the case of scholarships, and on the basis of need with first year and transfer applicants treated as a single pool of applicants in the case of grants-in-aid, as determined by standards prescribed by the board.

(5) Each scholarship or grant-in-aid shall be awarded for one academic year but shall be renewable until a total of eight semesters or twelve quarters or their equivalent have been covered, or a baccalaureate degree obtained, whichever occurs first;

(6) Each scholarship or grant-in-aid shall be renewable, contingent on continued residency in Minnesota, United States citizenship, satisfactory academic standing and recommendation of the college or vocational school and, in the case of financial assistance, evidence of continued need;

(7) The student must apply for renewal of his scholarship or grant-in-aid each year;

(8) The student must continue to attend an eligible institution;

(9) All scholarship winners shall be notified of their award by the board and shall be given appropriate evidence of the award;

(10) All grant-in-aid recipients shall be duly notified thereof by the board;

(11) Financial scholarships and grants-in-aid awarded under the terms of sections 136A.09 to 136A.131 shall be applied to educational costs in the following order: tuition, fees, books, supplies and other expenses. Unpaid portions of such awards shall revert to the board scholarship or grant-in-aid account.

Sec. 17. Minnesota Statutes 1976, Section 141.24, is amended to read:

141.24 [ADVISORY COUNCIL.] The Minnesota advisory council on private trade, business and correspondence schools is hereby created consisting of 16 members to be appointed by the state board of education as follows: two members, each from trade, business, correspondence, and paramedical schools; one member each representing the secondary school principals and guidance counselors; one member representing agriculture, business or management, organized labor, and health occupations, and two members representing the general public. The state board of education shall appoint such members to the advisory council within 30 days of November 15, 1969. Each member shall be appointed for a four year term except that in making appointments for the first term, the state board of education shall, so far as practicable appoint eight members representative of each category, for a two year term. The council shall expire and the terms, compensation and removal of members shall be as provided in section 15.059. The state board of education shall appoint the council chairman from the council membership and the secretary from the professional staff of the department of education who will serve ex officio. The attorney general shall appoint an attorney to serve as legal counsel for the council. The council shall advise the commissioner and the state board of education (IN PROMOTING THE GROWTH, ETHICAL, ECONOMIC, AND SUCCESSFUL OPERATION OF THE SCHOOLS SUBJECT TO THE ACT) *in informing the public by the dissemination of public information regarding private business, trade, and correspondence schools licensed pursuant to this chapter, provided that data obtained pursuant to section 141.30 shall not be divulged except as therein provided*; protecting the interests of the prospective and enrolled students of such schools; and advising the commissioner and the state board of education in formulating rules and regulations contemplated in section 141.23.

Sec. 18. Minnesota Statutes 1976, Section 141.36, is amended to read:

141.36 [PUBLIC POLICY (CURRENT).] It shall be the public policy of the state to protect all persons and schools covered by sections 141.21 to 141.36 from unfounded charges, complaints or harassment, (AND TO PROMOTE THE GROWTH, ETHICAL, ECONOMIC AND SUCCESSFUL OPERATION OF THE SCHOOLS SUBJECT TO SECTIONS 141.21 TO 141.36,) and to protect the interests of prospective and enrolled students *and to inform the public by the dissemination of public information regarding private business, trade, and correspondence schools licensed pursuant to this chapter, provided that data obtained pursuant to section 141.30 shall not be divulged except as therein provided.*

Sec. 19. Minnesota Statutes 1976, Section 197.78, is amended to read:

197.78 [STATE EDUCATIONAL PROGRAMS UNAVAILABLE THROUGH FEDERAL PROGRAMS.] *Subdivision 1.* The state board of education shall foster and support educational programs for the benefit of veterans to assure that no Minnesotan shall be deprived of his earned veterans benefits by virtue of the unavailability of programs for which the veteran is entitled to enroll and receive subsistence, tuition, and other benefits under federal programs. It shall be the responsibility of the state board to measure the demand for veterans service educational programs based on the criteria mandated by federal veterans benefits laws and to authorize, promote, and make grants within appropriated amounts to assure such program availability.

Subd. 2. The state board of education is authorized to maintain a contractual relationship with the United States as authorized by 38 U.S.C., Chapter 36, and subsequent amendments thereto, in which the state board shall agree to act as the state approving agency for purposes of federal veterans' educational benefits. The state board of education shall also have authority to adopt rules and regulations to fulfill its obligations as the state approving agency.

Sec. 20. *Subdivision 1.* Effective October 1, 1977, no funds appropriated by the state shall be transferred to or expended with or by the Minnesota educational computing consortium unless the consortium adheres to the provisions of Minnesota Statutes, Chapters 15, 16, excepting sections 16.90 and 16.94 thereof, 16A and 43.

Subd. 2. Notwithstanding the provisions of subdivision 1, the consortium is authorized to maintain a revolving fund for all receipts derived from computer services provided by the consortium and further provided that the consortium board may establish one management position in the unclassified service.

Sec. 21. [MINNESOTA EDUCATIONAL COMPUTING CONSORTIUM, CONTRACTS.] *The Minnesota educational computing consortium, created and now existing pursuant to Minnesota Statutes, Section 471.59, its members and elementary-secondary and vocational school regional computing centers, are authorized to provide computer services to private educational institutions and to other individuals or groups in the event that MECC has computer service capabilities in excess of need and to establish and collect fees therefor. Provided, however, that the fees shall in no event be less than the cost of providing the services.*

Sec. 22. *There is hereby created a post-secondary education consortium for southwestern and west central Minnesota which*

shall have its principal office at southwest state university at Marshall. The purpose of the consortium shall be to improve the efficiency and effectiveness of post-secondary education, through increased interinstitutional cooperation and planning, in the area served by southwest state university and the university of Minnesota at Morris.

The consortium shall be coordinated by a southwestern and west central Minnesota post-secondary education consortium board consisting of: the provost of the university of Minnesota, or his designee; the chancellor of the state university system, or his designee; the chancellor of the community college system, or his designee; the assistant commissioner for vocational-technical education within the state department of education, or his designee; the executive director of the higher education coordinating board, or his designee; and three persons representing the public at large who shall be appointed by the governor.

The board shall appoint an advisory committee consisting of: the provost at the university of Minnesota at Morris; the presidents of southwest state university and the community colleges at Willmar and Worthington; the directors of the vocational-technical institutes located in the area served; and seven citizen members who shall be residents of the area served by southwest state university. The citizen members shall be appointed for terms of two years, except that three of the initial appointments shall be for terms of one year. No more than one citizen member shall be appointed from a county.

The board is authorized to hire staff and incur other expenses as necessary for the purposes of this act.

Sec. 23. [REPEALER.] *Minnesota Statutes 1976, Section 128A.08, is repealed."*

Further amend the title.

Line 8 after the semicolon insert "creating a higher education consortium for southwestern Minnesota;"

Line 12, delete "179.69, Subdivisions 4 and 5;"

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

House Conferees: RAY FARICY, ROD SEARLE, STAN ENEBO, MIKE SIEBEN and BILL DEAN.

Senate Conferees: ROGER MOE, ROBERT TENNESSEN, HARMON OGDahl and PETER STUMPF.

Faricy moved that the report of the Conference Committee on H. F. No. 1510 be adopted and that the bill be repassed as amended by the Conference Committee.

Jude moved that the House refuse to adopt the Conference Committee report on H. F. No. 1510, that the bill be returned to the Conference Committee, that the present House Conference Committee be discharged and that the Speaker appoint a new Conference Committee consisting of 5 members on the part of the House.

A roll call was requested and properly seconded.

The question was taken on the motion by Jude and the roll was called. There were 48 yeas and 70 nays as follows:

Those who voted in the affirmative were:

Abeln	Corbid	Kaley	McEachern	Prahl
Adams	Ewald	Kelly, R.	Metzen	Sarna
Anderson, I.	Fjoslien	Kempe, A.	Murphy	Scheid
Battaglia	Forsythe	Kempe, R.	Neisen	Tomlinson
Begich	Friedrich	Knickerbocker	Nelsen, B.	Wenstrom
Berkelman	Fugina	Kroening	Nelsen, M.	White
Biersdorf	George	Kvam	Novak	Williamson
Carlson, A.	Gunter	Lemke	Osthoff	Zubay
Carlson, D.	Jensen	McCollar	Peterson	
Carlson, L.	Jude	McDonald	Pleasant	

Those who voted in the negative were:

Albrecht	Clark	Faricy	McCarron	Sieben, M.
Anderson, B.	Clawson	Fudro	Munger	Simoneau
Anderson, D.	Cohen	Hanson	Nelson	Skoglund
Anderson, G.	Cummiskey	Hokanson	Niehaus	Smogard
Anderson, R.	Dahl	Jacobs	Norton	Stanton
Arlandson	Dean	Johnson	Patton	Stoa
Beauchamp	Den Ouden	Kahn	Pehler	Suss
Berg	Eckstein	Kalis	Petrafeso	Swanson
Berglin	Eken	Kelly, W.	Rice	Vanasek
Birnstihl	Ellingson	King	Schulz	Waldorf
Brandl	Enebo	Kostohryz	Searle	Wenzel
Brinkman	Erickson	Lehto	Searles	Wieser
Byrne	Esau	Mangan	Sherwood	Wigley
Casserly	Evans	Mann	Sieben, H.	Speaker Sabo

The motion did not prevail.

The question recurred on the motion by Faricy to adopt the Conference Committee report on H. F. No. 1510. The motion prevailed.

H. F. No. 1510, A bill for an act relating to the organization and operation of state government; appropriating money for education and related purposes with certain conditions, including the department of education, aids to libraries, higher education coordinating board, state universities, community colleges, and

the university of Minnesota and its hospitals; amending Minnesota Statutes 1976, Sections 120.17, Subdivision 7a; 128A.02, Subdivision 3; 128A.06, Subdivision 1; 128A.07; 136A.121, Subdivision 3; 141.24; 141.36; 179.69, Subdivisions 4 and 5; and 197.78; repealing Minnesota Statutes 1976, Section 128A.08.

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

The question was taken on the repassage of the bill and the roll was called. There were 131 yeas and 2 nays as follows:

Those who voted in the affirmative were:

Adams	Cummiskey	Johnson	Murphy	Sieben, M.
Albrecht	Dahl	Jude	Neisen	Simoneau
Anderson, B.	Dean	Kahn	Nelsen, B.	Skoglund
Anderson, D.	Den Ouden	Kaley	Nelsen, M.	Smogard
Anderson, G.	Eckstein	Kalis	Nelson	Spanish
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	Voss
Berkelman	Faricy	Kroening	Petrafeso	Waldorf
Biersdorf	Fjoslien	Kvam	Pleasant	Welch
Birnstihl	Forsythe	Laidig	Prahl	Wenstrom
Brandl	Friedrich	Langseth	Rice	Wenzel
Braun	Fudro	Lehto	Rose	White
Brinkman	Fugina	Lemke	St. Onge	Wieser
Byrne	George	Mangan	Samuelson	Wigley
Carlson, A.	Gunter	Mann	Sarna	Williamson
Carlson, D.	Hanson	McCarron	Savelkoul	Wynia
Carlson, L.	Haugerud	McCollar	Scheid	Zubay
Casserly	Heinitz	McDonald	Schulz	Speaker Sabo
Clark	Hokanson	McEachern	Searle	
Clawson	Jacobs	Metzen	Searles	
Cohen	Jaros	Moe	Sherwood	
Corbid	Jensen	Munger	Sieben, H.	

Those who voted in the negative were:

Abeln Anderson, I.

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

Beauchamp and Dean were excused for the remainder of today's session.

CONSIDERATION UNDER RULE 1.10

Pursuant to rule 1.10, Norton requested immediate consideration of H. F. Nos. 447 and 1051 and S. F. Nos. 899 and 120.

H. F. No. 447, A bill for an act relating to natural resources; directing the commissioner of natural resources to provide an alternative road access to General C. C. Andrews State Forest; appropriating money therefor.

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

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

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

H. F. No. 1051, A bill for an act relating to public welfare; aid to families with dependent children, medical assistance, and supplemental aid; altering eligibility criteria; appropriating money; amending Minnesota Statutes 1976, Sections 256.73, Subdivision 2; 256B.06, Subdivision 1; 256B.14; and 256D.37, 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 121 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

S. F. No. 899 was reported to the House.

Swanson moved to amend S. F. No. 899, the unofficial engrossment, as follows:

Page 1, after line 21, insert a new section to read:

"Section 1. Minnesota Statutes 1976, Section 144.652, Subdivision 2, is amended to read:

Subd. 2. A substantial violation of the rights of any resident as defined in section 144.651, shall be grounds for issuance of a correction order pursuant to section 144.653 *or 144A.10*. The issuance of a correction order shall not preclude private action by or on behalf of a resident to enforce his rights."

Renumber the subsequent sections.

Further amend the title:

Page 1, line 12, after "Sections" insert "144.652, Subdivision 2;".

The motion prevailed and the amendment was adopted.

Clawson and Carlson, D., offered an amendment to S. F. No. 899.

POINT OF ORDER

Searle raised a point of order pursuant to rule 3.9 that the Clawson amendment was out of order. Norton, as Speaker Pro Tempore, ruled the point of order well taken and the amendment out of order.

S. F. No. 899, A bill for an act relating to nursing homes; clarifying requirements for administration and inspections; changing provisions for reimbursement of expenses for interest on capital indebtedness; deleting certain provisions and adding new provisions on investment allowance; providing depreciation allowances; providing for reimburseable expenses; providing for a study on nursing assistant training; authorizing Chisago county to issue revenue bonds to finance the cost of facilities for the county nursing home; providing for the administration and rental of the facilities; amending Minnesota Statutes 1976, Sections 144.652, Subdivision 2; 144A.04, Subdivisions 3 and 5; 144A.05; 144A.10, Subdivisions 2 and 5; 144A.61, Subdivision 6; 256B.27, by adding a subdivision; 256B.43, by adding a subdivision; 256B.44, Subdivisions 2 and 3; 256B.45, Subdivisions 1 and 4; 256B.47, Subdivisions 1 and 2; 256B.48, Subdivision 1; Chapter 144A, by adding a section; and repealing Minnesota Statutes 1976, Section 256B.45, Subdivisions 2 and 3.

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 0 nays as follows:

Those who voted in the affirmative were:

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

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

S. F. No. 120, A bill for an act relating to education; establishing pilot transitional bilingual education programs; granting certain powers and duties to the state board of education; establishing a state bilingual education advisory task force; appropriating money; amending Minnesota Statutes 1976; Sections 120.095, by adding a subdivision; 120.10, Subdivision 2; and 126.07.

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 82 yeas and 40 nays as follows:

Those who voted in the affirmative were:

Abeln	Dahl	Kempe, A.	Osthoff	Smogard
Anderson, B.	Enebo	King	Pehler	Spanish
Anderson, I.	Ewald	Kostohryz	Petrafeso	Stanton
Arlandson	Faricy	Kroening	Pleasant	Suss
Battaglia	Forsythe	Kvam	Prahl	Swanson
Berglin	Fugina	Lehto	Reding	Tomlinson
Berkelman	George	Mangan	Rice	Vanasek
Brandl	Gunter	McCarron	Rose	Welch
Byrne	Hanson	McCollar	St. Onge	Wenstrom
Carlson, A.	Hokanson	Metzen	Samuelson	Wenzel
Carlson, L.	Jacobs	Moe	Savelkoul	White
Casserly	Jaros	Munger	Scheid	Williamson
Clark	Jensen	Murphy	Searles	Wynia
Clawson	Johnson	Neisen	Sieben, H.	Speaker Sabo
Cohen	Jude	Nelson	Sieben, M.	
Corbid	Kahn	Norton	Simoneau	
Cummiskey	Kelly, R.	Novak	Skoglund	

Those who voted in the negative were:

Albrecht	Brinkman	Friedrich	Lemke	Schulz
Anderson, D.	Carlson, D.	Fudro	Mann	Searle
Anderson, G.	Eckstein	Heinitz	McDonald	Sherwood
Anderson, R.	Eken	Kaley	McEachern	Stoa
Begich	Erickson	Kalis	Nelsen, B.	Waldorf
Biersdorf	Esau	Kelly, W.	Niehaus	Wieser
Birnstill	Evans	Kempe, R.	Peterson	Wigley
Braun	Fjoslien	Knickerbocker	Sarna	Zubay

The bill was passed and its title agreed to.

There being no objection the order of business reverted to Reports of Standing Committees.

REPORTS OF STANDING COMMITTEES

Norton from the Committee on Appropriations to which was referred:

H. F. No. 59, A bill for an act relating to ambulance services; reimbursing certain operators of licensed ambulance services for expenses of training volunteer ambulance attendants; defining "volunteer ambulance attendants"; appropriating money; amending Minnesota Statutes 1976, Chapter 144, by adding a section.

Reported the same back with the following amendments:

Page 2, line 20, after "\$" insert "\$225,000".

With the recommendation that when so amended the bill pass.

The report was adopted.

Norton from the Committee on Appropriations to which was referred:

H. F. No. 85, A bill for an act relating to governmental agencies; providing for an open appointment process; requiring reports from appointing authorities and the commissioner of administration; providing for publication of agency vacancies.

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

The report was adopted.

Norton from the Committee on Appropriations to which was referred:

H. F. No. 516, A bill for an act relating to victims of crime; directing the commissioner of corrections to establish victim crisis centers; appropriating money.

Reported the same back with the following amendments:

Page 2, line 28, delete "\$400,000" and insert "\$250,000".

Page 2, line 31, delete "This appropriation".

Page 2, delete line 32.

Page 3, delete line 1.

Page 3, delete section 7.

With the recommendation that when so amended the bill pass.

The report was adopted.

Norton from the Committee on Appropriations to which was referred:

H. F. No. 784, A bill for an act relating to education; establishing pilot bilingual and native American language and culture education programs; granting certain powers and duties to the state board of education; establishing a state bilingual and native American language and culture education advisory council; appropriating money; amending Minnesota Statutes 1976, Section 120.095, by adding a subdivision.

Reported the same back with the following amendments:

Pages 15 and 16, delete all of section 13 and insert:

"Sec. 13. [APPROPRIATION.] *There is appropriated to the state board of education from the general fund the sum of \$600,000 for the biennium ending June 30, 1979, to be expended by grants to pilot American Indian language and culture education programs pursuant to sections 1 to 11 of this act.*"

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

"A bill for an act relating to education; establishing pilot American Indian language and culture education programs, and prescribing the powers and duties of the state board of education, school districts and the board of teaching in relation thereto; establishing an advisory task force on American Indian language and culture education programs and prescribing its duties; appropriating money; amending Minnesota Statutes 1976, Section 120.095, by adding a subdivision."

With the recommendation that when so amended the bill pass.

The report was adopted.

Norton from the Committee on Appropriations to which was referred:

S. F. No. 124, A bill for an act relating to women; establishing pilot programs to provide emergency shelter and support services to battered women; providing funds to establish community education programs about battered women; providing for data collection; waiving certain general assistance eligibility requirements for battered women; appropriating money; amending Minnesota Statutes 1976, Section 256D.05, by adding a subdivision.

Reported the same back with the following amendments:

Page 2, line 3, delete "*or his designee*".

Page 2, line 5, delete "four" and insert "three".

Page 2, line 8, delete "two" and insert "At least one".

Page 2, line 8, delete the second "programs" and insert "program".

Page 2, line 10, after the period insert "At least".

Page 2, line 12, delete ", and one pilot program shall be designated".

Page 4, line 23, after "community" add "or governmental".

Page 4, line 28, after "of" insert "five".

Page 5, line 7, delete "from" and insert ". In appointing the project coordinator the commissioner shall give due consideration to".

Page 6, line 14, delete "\$500,000" and insert "\$385,000".

Page 6, line 15, delete "\$50,000" and insert "\$35,000".

With the recommendation that when so amended the bill pass.

The report was adopted.

Norton from the Committee on Appropriations to which was referred:

S. F. No. 448, A bill for an act relating to public safety; requiring implementation of 911 emergency telephone systems; providing for standards and waivers; appropriating money.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert:

"Section 1. [911 EMERGENCY TELEPHONE SYSTEM.]
Subdivision 1. Each county in the metropolitan area shall establish a 911 emergency telephone system on or before December 15, 1982 and each remaining county shall establish a 911 emergency telephone system on or before December 15, 1986.

Subd. 2. The 911 systems may be multijurisdictional and regional in character provided that design and implementation are preceded by cooperative planning on a county by county basis with local public safety agencies.

Sec. 2. [DEFINITIONS.] Subdivision 1. For the purposes of sections 1 to 12, the terms defined in this section have the meanings given them.

Subd. 2. "Metropolitan area" means the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.

Subd. 3. "Public agency" means any unit of local government or special purpose district located in whole or in part within this state which provides or has authority to provide fire fighting, police, ambulance, medical, or other emergency services.

Subd. 4. "Public safety agency" means a functional division of a public agency which provides fire fighting, police, medical, or other emergency services, or a private entity which provides emergency medical or ambulance services.

Subd. 5. "Public safety answering point" means a communications facility operated on a 24 hour basis which first receives 911 calls from persons in a 911 service area and which may, as appropriate, directly dispatch public safety services or extend, transfer, or relay 911 calls to appropriate public safety agencies.

Subd. 6. "Minimum 911 service" means a telephone service meeting the design standards established pursuant to section 7, which automatically connects a person dialing the digits 911 to an established public safety answering point. Minimum 911 service includes equipment for connecting and outswitching 911 calls within a telephone central office, trunking facilities from the central office to a public safety answering point, and equipment, as appropriate, for automatically selectively routing 911 calls in situations where one telephone central office serves more than one public safety answering point.

Sec. 3. [SERVICES TO BE PROVIDED.] Services available through a 911 system shall include police, firefighting and emergency medical and ambulance services. Other emergency and civil defense services may be incorporated into the 911 system at the discretion of the public agency operating the public safety answering point.

Sec. 4. [911 EMERGENCY TELEPHONE NUMBER; PAY TELEPHONES.] Subdivision 1. The digits 911 shall be the primary emergency telephone number within the system, but a public safety agency whose services are available on the 911 system may maintain a separate secondary backup number for emergency calls and shall maintain a separate number for non-emergency telephone calls.

Subd. 2. By December 15, 1986, each public utility providing telephone service within a 911 service area shall convert every

pay station telephone to permit dialing of the 911 number without coin or other charge to the caller.

Sec. 5. [DESIGN OF SYSTEM.] Each county shall design its 911 system to meet the requirements of agencies whose services are available through the 911 system and to permit future expansion of the system.

Sec. 6. [SYSTEM PLANNING AND COORDINATION.] The department of administration shall coordinate the implementation of 911 systems on or before the deadlines established in section 1. The department shall aid counties in the formulation of concepts, methods and procedures which will improve the operation of 911 systems.

Sec. 7. [STANDARDS ESTABLISHED.] Subdivision 1. The department of administration shall establish and adopt in accordance with Minnesota Statutes, Chapter 15, rules for the administration of sections 1 to 12 and for the development of 911 systems in the state including:

(a) Design standards for 911 systems incorporating the standards adopted pursuant to subdivision 2 for the seven county metropolitan area; and

(b) A procedure for determining and evaluating requests for variations from the established design standards.

Subd. 2. The metropolitan council shall establish and adopt design standards for the metropolitan area 911 system and transmit them to the department of administration for incorporation into the rules adopted pursuant to this section.

Sec. 8. [PLANS TO BE SUBMITTED.] Subdivision 1. (a) Before December 15, 1978, each county shall submit tentative plans for the establishment of a 911 system to the public utility or utilities providing public telephone service within the county, to the department of administration and to the public service commission.

(b) The department of administration shall review the plan for consistency with the standards adopted pursuant to section 7 and report its findings to the county within six months of receipt of the plan.

(c) The public service commission shall review the plan and comment to the county within six months of the receipt of the plan.

(d) Each public utility providing telephone service within the county shall review the plan and transmit to the county good

faith estimates of local system implementation expenses within six months of the receipt of the plan.

Subd. 2. (a) Before December 15, 1979, each county shall submit final plans for the establishment of a 911 system to the public utility or utilities providing public telephone service within the county, to the department of administration and to the public service commission. The final plan shall include a description of all capital and recurring costs for the proposed 911 system.

(b) The department of administration shall review the final plan for consistency with the standards adopted pursuant to section 7 and approve or disapprove the plan within six months of receipt.

(c) The public service commission shall review the final plan and determine that portion of plan implementation capital costs which may be applied to the utility company rate base and report findings to the county within six months of receipt of the plan.

Subd. 3. After department of administration approval of design and public service commission report of findings, each county, together with the department of administration and the local governmental units or public agencies operating public safety answering points, shall contract with the appropriate public utility or utilities for the implementation of the approved 911 system plan.

Subd. 4. Each county implementing a 911 system before December 15, 1978, shall submit to the department of administration and the public service commission in lieu of the required plan a report describing the system and stating its operational date.

Subd. 5. Any subsequent changes to 911 systems described in subdivision 4 shall conform to standards established by the department of administration pursuant to section 7.

Subd. 6. After adoption of final 911 system plans, any county or utility may petition the department of administration for a waiver of all or portions of the requirements or time limits of sections 1 to 8. Waivers shall be granted upon a demonstration by petitioner that the requirement is economically infeasible in the sense that federal or state funding for the initial capital investment required of the county to implement a 911 system is not available.

Sec. 9. [ENFORCEMENT.] At the request of the department of administration, the attorney general may commence proceedings in the district court against any person or public or private body to enforce the provisions of sections 1 to 12.

At the request of the public service commission, the attorney general may commence proceedings before the district court pursuant to Minnesota Statutes, Section 237.27, against any public utility providing telephone service which refuses to comply with the provisions of sections 1 to 12.

Sec. 10. [COOPERATIVE AGREEMENTS.] Subdivision 1. In counties implementing 911 systems pursuant to sections 1 to 8, all public agencies and counties which are part of different 911 systems but share common boundary lines may enter into cooperative agreements which shall provide that once an emergency unit is dispatched in response to a request through the system, the unit shall render its services to the requesting party without regard to jurisdictional boundaries.

Subd. 2. Public safety agencies with jurisdictional responsibilities shall in all cases be notified by the public safety answering point of a request for service in their jurisdiction.

Subd. 3. Counties, public agencies, operating public safety answering points, and other local governmental units may enter into cooperative agreements under section 471.59 for the allocation of operational and capital costs attributable to the 911 system.

Sec. 11. [LOCAL RECURRING COSTS.] Recurring costs of telephone communications equipment and services at public safety answering points shall be borne by the local governmental unit operating the public safety answering point or allocated pursuant to section 10, subdivision 3. Costs attributable to local government electives for services beyond minimum 911 service shall be borne by the governmental unit requesting the elective service.

Sec. 12. [REPORT TO LEGISLATURE.] By January 1 of each year, the department of administration shall report to the legislature the progress that has been made in the implementation of sections 1 to 12.

Sec. 13. [APPROPRIATION.] Subdivision 1. There is appropriated from the general fund to the department of administration the following amounts to be used to implement the provisions of sections 1 to 12 in the fiscal years ending June 30 in the years indicated:

\$34,450 1978,

\$37,583 1979.

Any unencumbered balance remaining at the end of the first fiscal year shall not cancel but shall be available for the second year of the biennium.

Subd. 2. There is appropriated from the general fund to the department of administration the following amounts to be used to pay the recurring annual costs attributable to minimum 911 service:

\$20,000 1978,

\$180,000 1979.

Any unencumbered balance remaining at the end of the first fiscal year shall not cancel but shall be available for the second year of the biennium.”.

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

“A bill for an act relating to public safety; telephone companies; providing for local emergency telephone service; appropriating money.”.

With the recommendation that when so amended the bill pass.

The report was adopted.

Norton from the Committee on Appropriations to which was referred:

S. F. No. 472, A bill for an act relating to retirement; additional employer contributions to amortize the deficit in the teachers' retirement fund; amending Minnesota Statutes 1976, Section 354.42, Subdivision 5.

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

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 59, 85, 516 and 784 were read for the second time.

SECOND READING OF SENATE BILLS

S. F. Nos. 124, 448 and 472 were read for the second time.

CONSIDERATION UNDER RULE 1.10

Pursuant to rule 1.10, Norton requested immediate consideration of H. F. Nos. 420, 15, 26 and 917 and S. F. No. 690.

H. F. No. 420 was reported to the House.

Kelly, R., moved to amend H. F. No. 420, as follows:

Page 2, line 32, before "Facilities" insert "all".

Page 2, line 32, strike "in the judgment of" and insert "*pursuant to rules promulgated by*".

Page 3, line 1 strike "Commissioner" and insert "*state board*".

Page 3, line 1, after "education" insert a comma.

Page 3, line 3, strike "except insofar as the regulations" and insert a period.

Page 3, strike lines 4 to 8.

Page 3, line 9, delete "*not receive federal funds for day care services.*".

Page 3, line 11, delete "*programs*" and insert "*facilities*".

Further, amend the title as follows:

Line 2, strike "Montessori" insert "nursery".

Line 3, strike "Montessori" and insert "nursery".

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

Eken moved to amend H. F. No. 420, as follows:

Page 3, line 9 after "*services*" insert "*shall be exempt from staff-to-child ratios required in the rules of the commissioner of Public Welfare for licensed day care programs*".

Page 3, line 9, strike "*The board*".

Page 3, strike lines 10 and 11.

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

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

H. F. No. 420, A bill for an act relating to education; Montessori schools; excluding Montessori schools from day care regu-

lation; appropriating money; amending Minnesota Statutes 1976, Section 245.791.

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 103 yeas and 24 nays as follows:

Those who voted in the affirmative were:

Abeln	Clawson	Jacobs	Murphy	Sherwood
Adams	Cohen	Jaros	Neisen	Sieben, H.
Albrecht	Cummiskey	Jensen	Nelsen, B.	Sieben, M.
Anderson, B.	Dahl	Jude	Nelsen, M.	Simoneau
Anderson, D.	Den Ouden	Kahn	Nelson	Skoglund
Anderson, I.	Ellingson	Kaley	Niehaus	Smogard
Anderson, R.	Enebo	Kempe, A.	Norton	Spanish
Arlandson	Erickson	Kempe, R.	Novak	Stanton
Battaglia	Esau	Knickerbocker	Osthoff	Stoa
Begich	Ewald	Kroening	Pehler	Swanson
Berglin	Farcy	Kvam	Peterson	Tomlinson
Berkelman	Fjoslien	Laidig	Pleasant	Vanasek
Biersdorf	Forsythe	Langseth	Prahl	Waldorf
Birnstihl	Friedrich	Lehto	Rice	Wenstrom
Brandl	Fudro	Lemke	Rose	Wenzel
Braun	Fugina	Mangan	Samuelson	White
Brinkman	George	McCollar	Sarna	Williamson
Byrne	Gunter	McDonald	Savelkoul	Zubay
Carlson, A.	Hanson	Metzen	Scheid	Speaker Sabo
Carlson, D.	Heinitz	Moe	Searle	
Clark	Hokanson	Munger	Searles	

Those who voted in the negative were:

Anderson, G.	Eckstein	Kalis	McCarron	Welch
Berg	Eken	Kelly, R.	McEachern	Wieser
Carlson, L.	Evans	Kelly, W.	Reding	Wigley
Casserly	Haugerud	Kostohryz	St. Onge	Wynia
Corbid	Johnson	Mann	Suss	

The bill was passed and its title agreed to.

H. F. No. 15, A bill for an act relating to parks; appropriating money for the development of recreation facilities for the handicapped at Islands of Peace park.

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 115 yeas and 8 nays as follows:

Those who voted in the affirmative were:

Adams	Anderson, G.	Battaglia	Berkelman	Brandl
Anderson, B.	Anderson, R.	Begich	Biersdorf	Braun
Anderson, D.	Arlandson	Berg	Birnstihl	Brinkman

Byrne	Forsythe	Kempe, A.	Nelson	Simoneau
Carlson, A.	Friedrich	Kempe, R.	Norton	Skoglund
Carlson, L.	Fudro	King	Novak	Smogard
Casserly	Fugina	Knickerbocker	Osthoff	Spanish
Clark	George	Kostohryz	Patton	Stanton
Clawson	Gunter	Laidig	Pehler	Stoa
Cohen	Hanson	Langseth	Peterson	Suss
Corbid	Haugerud	Lehto	Petrafeso	Swanson
Cummiskey	Heinitz	Lemke	Prahl	Tomlinson
Dahl	Hokanson	Mangan	Reding	Vanasek
Den Ouden	Jacobs	Mann	Rice	Waldorf
Eckstein	Jaros	McCarron	Rose	Welch
Eken	Jensen	McCollar	St. Onge	Wenstrom
Ellingson	Johnson	McDonald	Samuelson	Wenzel
Enebo	Jude	Metzen	Savelkoul	White
Erickson	Kahn	Moe	Scheid	Wieser
Evans	Kaley	Munger	Searles	Wigley
Ewald	Kalis	Murphy	Sherwood	Wynia
Faricy	Kelly, R.	Neisen	Sieben, H.	Zubay
Fjoslien	Kelly, W.	Nelsen, B.	Sieben, M.	Speaker Sabo

Those who voted in the negative were:

Abeln	Esau	Niehaus	Searle	Williamson
Albrecht	Kvam	Pleasant		

The bill was passed and its title agreed to.

H. F. No. 26 was reported to the House.

Simoneau moved to amend H. F. No. 26, as follows:

Page 2, line 7, after the period, insert "There is appropriated the sum of \$17,596 to the Department of Finance for the purpose of this act, and shall be available during the biennium ending June 30, 1979."

The motion prevailed and the amendment was adopted.

H. F. No. 26, A bill for an act relating to labor ; granting public employees paid leaves of absence to engage in world athletic competition.

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 77 yeas and 41 nays as follows:

Those who voted in the affirmative were:

Adams	Braun	Corbid	Faricy	Jaros
Anderson, B.	Byrne	Cummiskey	Fudro	Johnson
Anderson, G.	Carlson, A.	Dahl	Fugina	Jude
Arlandson	Carlson, L.	Eckstein	George	Kahn
Battaglia	Casserly	Eken	Hanson	Kelly, R.
Begich	Clark	Ellingson	Hokanson	Kelly, W.
Berg	Cohen	Enebo	Jacobs	Kempe, A.

King	Moe	Prahl	Skoglund	Wenstrom
Kostohryz	Murphy	Rice	Smogard	White
Laidig	Neisen	St. Onge	Spanish	Williamson
Langseth	Nelson	Sarna	Stanton	Wynia
Mangan	Norton	Scheid	Stoa	Zubay
Mann	Novak	Searles	Suss	Speaker Sabo
McCarron	Osthoff	Sieben, H.	Swanson	
McEachern	Pehler	Sieben, M.	Vanasek	
Metzen	Petraleso	Simoneau	Welch	

Those who voted in the negative were:

Abeln	Erickson	Jensen	Patton	Tomlinson
Albrecht	Esau	Kaley	Peterson	Waldorf
Anderson, D.	Evans	Kalis	Pleasant	Wenzel
Anderson, R.	Ewald	Kempe, R.	Reding	Wieser
Biersdorf	Fjoslien	Knickerbocker	Rose	Wigley
Birnstihl	Forsythe	Kvam	Samuelson	
Brinkman	Friedrich	McDonald	Schulz	
Carlson, D.	Gunter	Nelsen, B.	Searle	
Den Ouden	Heinitz	Niehaus	Sherwood	

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

H. F. No. 917, A bill for an act relating to public welfare; appropriating money for the Vinland National Center.

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 5 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Anderson, D. Heinitz Niehaus Rose Waldorf

The bill was passed and its title agreed to.

S. F. No. 690, A bill for an act appropriating money for educational television facilities in northern Minnesota.

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 112 yeas and 6 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Albrecht Faricy Kvam Pleasant Waldorf
Anderson, D.

The bill was passed and its title agreed to.

SPECIAL ORDERS

S. F. No. 1165 was reported to the House.

There being no objection, S. F. No. 1165 was continued on Special Orders for one day.

CALENDAR

H. F. No. 267, A bill for an act relating to negligence; proscribing certain liability of good samaritans; amending Minnesota Statutes 1976, Section 604.05.

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 106 yeas and 12 nays as follows:

Those who voted in the affirmative were:

Abeln	Cohen	Heinitz	Murphy	Schulz
Adams	Corbid	Hokanson	Neisen	Searles
Albrecht	Cummiskey	Jacobs	Nelsen, B.	Simoneau
Anderson, B.	Dahl	Jaros	Nelsen, M.	Skoglund
Anderson, D.	Den Ouden	Jensen	Nelson	Smogard
Anderson, G.	Eckstein	Johnson	Niehaus	Spanish
Anderson, I.	Eken	Jude	Novak	Stoa
Anderson, R.	Ellingson	Kahn	Osthoff	Suss
Arlandson	Enebo	Kaley	Patton	Tomlinson
Battaglia	Erickson	Kalis	Pehler	Vanasek
Begich	Esau	King	Peterson	Welch
Berg	Evans	Knickerbocker	Petrafeso	Wenstrom
Berkelman	Ewald	Kostohryz	Pleasant	Wenzel
Birnstihl	Fjoslien	Kroening	Prahl	White
Brandl	Forsythe	Langseth	Reding	Wieser
Braun	Friedrich	Lehto	Rice	Wigley
Brinkman	Fudro	Lemke	Rose	Williamson
Byrne	Fugina	Mann	St. Onge	Zubay
Carlson, A.	George	McDonald	Samuelson	
Carlson, D.	Gunter	McEachern	Sarna	
Cassery	Hanson	Metzen	Savelkoul	
Clark	Haugerud	Munger	Scheid	

Those who voted in the negative were:

Carlson, L.	Kempe, A.	Searle	Sieben, M.	Wynia
Faricy	Kempe, R.	Sherwood	Swanson	
Kelly, R.	Norton	Sieben, H.		

The bill was passed and its title agreed to.

H. F. No. 356, A bill for an act relating to insurance; examination fees; abstract or summary of the annual statement; amending Minnesota Statutes 1976, Sections 60A.03, Subdivision 5; 60A.13, Subdivision 3; and 60A.14, 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 121 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

There being no objection, the order of business reverted to Reports of Standing Committees.

REPORTS OF STANDING COMMITTEES

Norton from the Committee on Appropriations to which was referred:

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

245.68; 245.69; 245.691; 245.72; 245.83; 245.84; 245.85; 245.86; 245.87; 252.21; 252.24; 252.25; 254A.02, Subdivision 12; 254A.07, Subdivision 3; 254A.08, Subdivision 3; 254A.12; 254A.14; 254A.-15; 254A.16; 254A.17; 393.01; 393.02; 393.03; 393.04; 393.06; 393.07, Subdivision 8; 393.08; 393.09; 393.11.

Reported the same back with the following amendments:

Page 3, line 30, delete "*foster care*".

Page 3, line 31, delete "*for children under state guardianship*";".

Page 4, line 14, delete "*3,500*" and insert "*2,600*".

Page 5, line 5, delete "*mill*" and insert "*and one half mills*".

Page 5, line 10, delete "*levy*" and insert "*levies*".

Page 5, delete lines 11 to 17.

Page 5, line 18, delete "*county special levies*" and insert "*authorized by section 1, subdivisions 4 and 5, for community health and social services in any year is less than 106 percent of the sum of state aids and community health and social services levies received by a county and municipal levies for local match pursuant to Laws 1976, Chapter 9, Section 11, Subdivision 3, in the immediately preceding year, that county may levy an additional amount sufficient to equal 106 percent of the sum of state aid and local levies authorized by section 1, subdivisions 4 and 5, for the immediately preceding year including municipal levies for local match pursuant to Laws 1976, Chapter 9, Section 11, Subdivision 3*".

Page 16, delete lines 10 to 14.

Renumber subdivisions in sequence.

Page 16, line 27, delete "*committee*" and insert "*committees*".

Page 16, line 28, delete "*it*" and insert "*them*".

Page 16, line 28, delete "*its*" and insert "*their*".

Page 17, line 1, after "*proposed*" insert "*, including health services to be provided by cities within the county*".

Page 18, line 13, delete "*community health and*".

Page 18, after line 24, insert a new subdivision to read:

"Subd. 10. [COUNTY OF FINANCIAL RESPONSIBILITY.] The county responsible for payment for community health and social services shall be the county in which the person receiving services resides at the time of application. The county of financial responsibility shall not change as a result of referral for services to another county. Minors shall be considered residing in the county of parents or guardians. When a minor reaches the age of 18, the county of financial responsibility shall become the county in which he resides."

Page 19, line 15, delete "shall" and insert "may".

Page 20, line 2, after "of" delete "public welfare" and insert "finance for transmission to the commissioner of public welfare, the state board of health and the legislature".

Page 20, line 3, after "fund." insert "The commissioner of finance shall, after review and comment by the legislative auditor, prescribe standard financial statement forms to be used by counties."

Page 20, line 13, delete the comma after "provided" and insert a period.

Page 20, delete line 14.

Page 20, line 23, after "1977" insert "pursuant to Laws 1976, Chapter 9, and from municipal levies".

Page 20, line 24, delete "not".

Page 20, line 25, delete "reduced" and insert "provided".

Page 20, line 25, after "county" insert "to such cities".

Page 22, after line 7, insert:

"Sec. 8. Minnesota Statutes 1976, Section 145.912, is amended to read:

145.912 [DEFINITIONS.] Subdivision 1. For the purposes of sections 145.911 to 145.922, the following terms shall have the meanings here given them.

Subd. 2. "Human services" means correctional, educational, employment, health, mental health, and social services.

Subd. 3. "Health services" means those personal health services provided to individuals by licensed health professionals engaged in private practice, institutional health services and community health services.

Subd. 4. "Institutional health services" means the services provided in hospitals, nursing homes and other licensed health facilities.

Subd. 5. "Community health services" means those services designated to protect and improve the people's health within a geographically defined community by emphasizing services to prevent illness, disease, and disability, by promoting effective coordination and use of community resources, and by extending health services into the community. These services include community nursing services, home health services, disease prevention and control services, family planning services, nutritional services, dental public health services, emergency medical services, health education, and environmental health services.

Subd. 6. "Community nursing services" means public health nursing services that emphasize prevention by providing family centered nursing, including prenatal, well child, crippled child, school health, family planning, and nutritional services as well as individual and family health appraisal, screening, follow up, and referral for personal health services.

Subd. 7. "Home health services" means home nursing, physical therapy, nutrition, occupational therapy, homemakers, and home health aide services, which are provided under medical supervision.

Subd. 8. "Disease prevention and control services" means epidemiology, immunization, case finding and follow up, continuing surveillance, detection, and prevention of communicable diseases and chronic diseases including referrals for personal health services.

Subd. 9. "Family planning services" means counseling by trained personnel regarding family planning; distribution of information relating to family planning, referral to licensed physicians or local health agencies for consultation, examination, medical treatment, genetic counseling, and prescriptions for the purpose of family planning; and the distribution of family planning products, such as charts, thermometers, drugs, medical preparations, and contraceptive devices. For purposes of sections 145.911 to 145.922, family planning shall mean voluntary action by individuals to prevent or aid conception but shall not include the performance, or make referrals for encouragement of voluntary termination of pregnancy.

Subd. 10. "Nutritional services" means those activities designed to provide information about food substances which will alleviate dietary deficiencies and resulting health complications.

Subd. 11. "Dental public health services" means those organized community activities that are intended to prevent dental disease and promote dental health, including information, edu-

cation and demonstration of actions that individuals and families can take to prevent dental disease and maintain dental health.

Subd. 12. "Emergency medical services" means those services which provide rapid and effective medical treatment to persons beset by a life threatening situation, at the scene of the emergency, enroute to a treatment center, and in the emergency department of that treatment center.

Subd. 13. "Health education" means those activities which develop each individual's awareness and sense of responsibility for his own health, the health of the family, and the health of the community, including basic information concerning the availability of health services in the community.

Subd. 14. "Environmental health services" means those services designed to achieve an environment conducive to man's health, comfort, safety, and well being. These services include food protection, hazardous substances and product safety, water supply sanitation, septic tank and soil absorption type sewage disposal, water pollution control, occupational health and safety, radiation control, air pollution control, noise pollution control, vector control, institutional sanitation, recreational sanitation including swimming pool sanitation and safety, housing code enforcement for health and safety purposes unless the enforcement is performed by another city or county agency designated by the county board or city council, and general nuisance control.

(SUBD. 15. "POPULATION" MEANS THE TOTAL RESIDENT POPULATION AS ENUMERATED DURING THE MOST RECENT FEDERAL CENSUS OR, THE ANNUAL POPULATION ESTIMATE PREPARED BY THE STATE PLANNING AGENCY IN COOPERATION WITH THE BUREAU OF THE CENSUS SHALL BE USED IN ORDER TO HAVE THE MOST CURRENT DATA AVAILABLE.)

(SUBD. 16. "TAXABLE VALUE" MEANS THE ADJUSTED ASSESSED VALUATION OF A COUNTY WHICH SHALL BE CERTIFIED ANNUALLY TO THE STATE BOARD OF HEALTH BY THE EQUALIZED ASSESSMENT REVIEW COMMITTEE.)

Subd. (17) 15. "Local expenditure" means the total annual expenditures financed from all sources by counties and other local units of government within a county for community health services. The county auditor shall annually certify to the state board of health the total amount of such community health services expenditures on forms and in such detail as may be prescribed by the state board of health. *The state board of health shall transmit reports of county auditors on local expenditures for community health services to the commissioner of finance.*

(SUBD. 18. "PER CAPITA INCOME" MEANS THE AVERAGE INCOME OF THE RESIDENTS OF A PARTICULAR JURISDICTION AS CALCULATED BY THE MOST RECENT FEDERAL CENSUS.)

Subd. (19) 16. "County board" means a county board of commissioners.

Subd. (20) 17. "Board of health" means a local board of health organized under the provisions of section 145.913.

Sec. 9. Minnesota Statutes 1976, Section 145.913, Subdivision 1, is amended to read:

145.913 [COUNTY BOARD OF HEALTH; ORGANIZATION.] Subdivision 1. [COUNTIES.] A county may by resolution organize a board of health under the provisions of this section exercising one of the following options, and assign the responsibilities of sections 145.911 to 145.922 accordingly:

(a) The county board of a county that has or hereafter establishes an operational human services board pursuant to chapter 402, or Laws 1974, Chapter 293, shall assign the responsibilities of sections 145.911 to 145.922 to the human services board.

(b) The county board may assume the responsibilities of the board of health pursuant to sections 145.911 to 145.922.

(c) The county board may assign the responsibilities of a board of health under sections 145.911 to 145.922 to the board of health of said county organized under sections 145.47 to 145.55, or Laws 1969, Chapter 235.

(d) The county board may organize a board of health and assign the responsibilities of sections 145.911 to 145.922 to such board of health. (THE BOARD OF HEALTH FOR A SINGLE COUNTY SHALL CONSIST OF FIVE MEMBERS APPOINTED BY THE COUNTY BOARD. WHEN TWO OR MORE COUNTIES COMBINE TO FORM A BOARD OF HEALTH, EACH COUNTY BOARD SHALL APPOINT TWO MEMBERS TO THE BOARD OF HEALTH, EXCEPT THAT THE COUNTY BOARD HAVING THE LARGEST POPULATION SHALL APPOINT THREE SUCH MEMBERS. AT LEAST TWO MEMBERS OF THE BOARD OF HEALTH SHALL BE PROVIDERS OF HEALTH SERVICES. THE REMAINING MEMBERS SHALL BE LAYMEN REPRESENTATIVE OF THE PEOPLE IN THE COMMUNITY AND SHALL INCLUDE AT LEAST ONE PERSON WHO IS NOT A MEMBER OF THE COUNTY BOARD. CONTINUITY OF MEMBERSHIP SHALL BE ASSURED BY HAVING APPROXIMATELY ONE-THIRD OF THE MEMBERS TERMS EXPIRE EACH YEAR. FIRST APPOINTMENTS MAY BE FOR LESS

THAN THREE YEARS, THEREAFTER ALL TERMS SHALL BE THREE YEARS. NO MEMBER SHALL SERVE MORE THAN THREE CONSECUTIVE TERMS. THE BOARD SHALL ELECT A CHAIRMAN AND VICE CHAIRMAN WITH TERMS OF ONE YEAR.)

Sec. 10. Minnesota Statutes 1976, Section 145.914, is amended to read:

145.914 [COUNTY BOARD OF HEALTH; AUTHORITY.] Subdivision 1. [GENERAL DUTIES.] The *county* board (OF HEALTH) shall have general authority and responsibility for the development and maintenance of an integrated system of community health services.

Subd. 2. [POWERS.] In addition to any other powers assigned to a *county* board (OF HEALTH BY SECTIONS 145.911 TO 145.921), the *county* board (OF HEALTH FOR A COUNTY) shall possess all the powers and duties now assigned by law to local boards of health pursuant to section 145.01, and to public health nursing and home health services agencies pursuant to sections 145.08 to 145.125(, PROVIDED HOWEVER THAT THIS SUBDIVISION SHALL NOT SUPERSEDE OR OTHERWISE CHANGE THE POWERS AND DUTIES OF ANY CITY OR TOWNSHIP ELIGIBLE FOR THE SUBSIDY UNDER THE PROVISIONS OF SECTION 145.917, OR OF ANY CITY OF THE FIRST OR SECOND CLASS WITH AN EXISTING PROGRAM OF COMMUNITY HEALTH SERVICES LOCATED WITHIN A COUNTY WITH A POPULATION OF 300,000 OR MORE PERSONS UNTIL THE CITY COUNCIL OF SAID CITY SHALL TAKE ACTION TO ALLOW THE COUNTY TO PREEMPT THE POWERS AND DUTIES OF SAID CITY). Not later than 365 days after the approval of the community health services plan by the (STATE) *county* board (OF HEALTH), any county or city board, committee or commission having authorities or duties in any area designated in sections 145.911 to 145.921 other than the board of health designated and acting pursuant to sections 145.911 to 145.921, shall cease its operation and no per diem or reimbursement of expenses shall be paid to any member of the board, committee, or commission.

Subd. 3. [EMPLOYEES.] The *county* board (OF HEALTH) may employ administrators, officers, employees, and agents as necessary to carry out the provisions of sections 145.911 to 145.922. Employees of the board (OF HEALTH) shall be subject to any personnel administration rules adopted by the county board or boards (OR THE CITY COUNCIL OR COUNCILS UNLESS BY LAW THE EMPLOYEES OR A CLASS OF EMPLOYEES SHALL BE WITHIN THE SCOPE OF A STATE WIDE PERSONNEL ADMINISTRATION SYSTEM). All persons employed by a county, city or the state, whose functions and duties are assumed by the board of health shall become

employees of the board of health without loss in benefits, salaries or rights.

(SUBD. 4. [ACQUISITION OF PROPERTY, ACCEPTANCE OF FUNDS; COLLECTION OF FEES.] THE BOARD OF HEALTH BY ANY LAWFUL MEANS, INCLUDING GIFTS, PURCHASE, LEASE, OR TRANSFER OF CUSTODIAL CONTROL, MAY ACQUIRE AND HOLD IN THE NAME OF THE COUNTY OR CITY THE LANDS, BUILDINGS, AND EQUIPMENT NECESSARY AND INCIDENT TO THE ACCOMPLISHMENT OF THE PURPOSES OF SECTIONS 145.911 TO 145.922 AND ACCEPT GIFTS, GRANTS, AND SUBSIDIES FROM ANY LAWFUL SOURCE, APPLY FOR AND ACCEPT STATE AND FEDERAL FUNDS, REQUEST AND ACCEPT LOCAL TAX FUNDS, ESTABLISH AND COLLECT REASONABLE FEES FOR COMMUNITY HEALTH SERVICES PROVIDED.)

Subd. (5) 4. [CONTRACTS FOR SERVICES.] The *county* board (OF HEALTH) may contract for services from private firms, nonprofit corporations, primary and secondary schools, state and local governmental agencies, or other community agencies to avoid unnecessary duplication of services and realize cost advantages. The board (OF HEALTH) may offer to contract to provide public health nursing and other school health services to the schools within its jurisdiction. The contracts shall be employed to improve efficiency and the quality and effectiveness of services and shall give preferential consideration to existing municipal programs. Contracts shall be awarded on the basis of cost benefit comparisons and considerations.

Subd. (6) 5. [COORDINATION OF SERVICES.] The *county* board (OF HEALTH) shall coordinate community health services with the delivery of personal health services, institutional health services, and related human services in the community; ensure responsible medical consultation and direction by employing or contracting with a practicing licensed physician; and coordinate community health services with health related environmental control services in the community. The *county* board (OF HEALTH) shall coordinate local, state, and federal services and funding for community health services.

Subd. (7) 6. [EVALUATION OF HEALTH SERVICES.] The *county* board (OF HEALTH) shall evaluate the effectiveness and efficiency of community health services systems and programs (AND AS A CONDITION OF QUALIFYING FOR THE COMMUNITY HEALTH SERVICES SUBSIDY, PREPARE THE ANNUAL COMMUNITY HEALTH SERVICES PLAN AND BUDGET, AS PROVIDED IN SECTION 145.92).

Subd. (8) 7. [IDENTIFICATION OF NEEDS; PRIORITIES.] The *county* board (OF HEALTH) shall identify com-

munity health needs and set priorities among the needs for the broad range of community health services including the health needs of minorities and nonresidents, including tourists and migrants, and ensure that services are accessible to all persons on the basis of need and that no one is denied services because of race, color, sex, age, language, religion, nationality, economic status, political persuasion or place of residence.

Subd. (9) 8. [RECOMMENDED LOCAL LEGISLATION.] The (BOARD OF) *community health advisory committee* shall recommend appropriate local legislation pertaining to community health services to the county board (OR CITY COUNCIL) and shall advise the state board of health on matters relating to public health that require assistance from the state, or that may be of more than local interest.

Subd. (10) 9. [ANNUAL REPORT.] The *county board (OF HEALTH)* shall publish for distribution an annual report of the activities of the board of health.

Subd. (11) 10. [MANPOWER SHORTAGES AND OTHER HEALTH CARE PROBLEMS.] When the *county board (OF HEALTH)* determines that there is an acute shortage of medical or other health manpower, or that there is a significant problem in providing access to health care in the area, the board (OF HEALTH) shall address itself to the resolution of those problems. The solution may involve providing assistance to recruit medical or other health personnel to the area, or the development of suitable linkages between area medical and allied health personnel that will make more effective use of existing private, non-profit and community resources and extend health care into the community.

Sec. 11. Minnesota Statutes 1976, Section 145.915, is amended to read:

145.915 [DUTIES OF COUNTY BOARD.] Subdivision 1. A county board of any county having a board of health organized under sections 145.911 to 145.922 shall review and approve the community health services plan prior to the submission of the plan to the state board of health. (THE PLAN SUBMITTED BY THE COUNTY BOARD SHALL INCORPORATE THE PLANS DEVELOPED BY ANY CITY ORGANIZED UNDER THE PROVISIONS OF SECTION 145.913 THAT HAS ESTABLISHED ELIGIBILITY UNDER THE PROVISIONS OF SECTION 145.917. UPON RECEIPT OF THE COMMUNITY HEALTH SERVICES PLAN, OR ANY PROPOSED REVISION, FROM A CITY, THE COUNTY BOARD SHALL REVIEW AND ACT ON THE PLAN OR THE PROPOSED REVISION WITHIN 30 DAYS. THE COUNTY BOARD MAY APPROVE THE PLAN AS WRITTEN OR REFER THE PLAN BACK TO THE CITY WITH COMMENTS AND INSTRUC-

TIONS FOR FURTHER CONSIDERATION. THE CITY OR THE COUNTY MAY APPEAL TO THE STATE BOARD OF HEALTH FOR RESOLUTION OF DIFFERENCES REGARDING THE COMMUNITY HEALTH SERVICES PLAN. A FAILURE TO ACT WITHIN THE SPECIFIED TIME SHALL CONSTITUTE APPROVAL OF THE PLAN.)

Subd. 2. A county board of any county having a board of health organized under sections 145.911 to 145.922 may by ordinance adopt and enforce minimum standards and regulations for the services comprehended under sections 145.911 to 145.922; provided, however, that no county regulations shall conflict with state legislation or with higher standards established either by regulation of an agency of state government or by the provisions of the charter or ordinances of any city organized under the provisions of sections 145.911 to 145.922.

Section 12. Minnesota Statutes 1976, Section 145.916, is amended to read:

145.916 [BUDGET; FUNDS.] On or before July 1 of each year the board of health, if other than the county board, or the joint board of two or more county boards, (OR THE CITY COUNCIL OR COUNCILS,) shall submit to the county board or boards (OR THE CITY COUNCIL OR COUNCILS) an estimate of the amount needed by the board of health to perform its duties including costs of administration for the ensuing year. The proposed plan and budget shall set forth the expected source and amounts of funds which are expected to be available to the board of health and its proposed plan of expenditures to perform its duties and responsibilities. (THE COUNTY BOARD OR BOARDS OR THE CITY COUNCIL OR COUNCILS SHALL CONSIDER THE ESTIMATES OF INCOME AND THE PLAN FOR EXPENDITURES AND AS THE ESTIMATES AND PLAN ARE APPROVED OR APPROVED AS MODIFIED, SHALL LEVY A TAX WITHIN THE LEVY LIMITS PROVIDED BY LAW.)

If two or more counties (OR CITIES) have agreed as provided in section 471.59, to a joint or multi-county (OR MULTI-CITY OR MULTI-CITY COUNTY) activity, the county boards (OR CITY COUNCILS) party to the agreement shall determine the proportional financial responsibility of each county (OR CITY) to support the programs and services of the board of health if the agreement had not provided for the division of costs or other arrangements pursuant to the agreement.”.

Page 35, line 12, delete “*community health and*”.

Page 35, line 32, after “2.” delete “*Each county shall enumerate the numbers*”.

Page 36, delete lines 1 to 9.

Page 36, line 10, delete "counties and to the legislature for review."

Page 36, after line 15, insert a new subdivision to read:

"Subd. 4. [PROGRAM EVALUATION.] *Beginning in calendar year 1979 each county shall submit to the commissioner of finance for transmission to the legislature a report on the effectiveness of the community health and social service programs in the county. The commissioner of finance shall, after review and comment by the legislative auditor, prescribe standard forms and procedures to be used by counties in the report. The report shall be submitted no later than January 15 of each year and shall include:*

(a) *Number and type of recipients of each service;*

(b) *An evaluation on the basis of measurable program objectives and performance criteria for each community health and social service program.*

The commissioner of finance with the cooperation of the commissioner of public welfare and the state board of health shall establish a program evaluation system which shall encompass all major community health and social service programs. Beginning in calendar year 1979 the commissioner of finance shall conduct a minimum of two evaluations per year of the efficiency and effectiveness of county community health and social service programs and shall submit these evaluations to the respective counties and to the legislature for review. The evaluations performed by the commissioner of finance may include either all programs in a given county or multi-county unit or a given program as provided on a statewide basis. The first evaluations shall be submitted to the legislature no later than January 15, 1980.

The commissioner of public welfare and the state board of health shall assist the commissioner of finance in the exercise of his duties under the provisions of this subdivision. This assistance shall include the provision of temporary staff services if requested by the commissioner of finance."

Page 37, delete lines 1 to 15.

Page 37, line 23, after "of" insert "health planning".

Page 37, line 24, after "year", delete the period and insert "and shall be available only where there is an aggregate population of 30,000 or more persons in the county or multi-county area located within a region designated pursuant to Minnesota Statutes, Sections 462.381 to 462.396, or Chapter 473B. However, when three or more counties combine for the purposes of this

act, the 30,000 minimum population shall not be required. When two or more counties combine for the purposes of this act, the regional development commission directly involved may waive the requirements that all counties be within a single development region."

Page 37, delete lines 25 to 32.

Page 38, delete line 1.

Renumber the remaining subdivisions in sequence.

Page 39, after line 12, insert:

"Sec. 4. Minnesota Statutes 1976, Section 145.918, Subdivision 1, is amended to read:

145.918 [DUTIES OF THE STATE BOARD OF HEALTH.]
Subdivision 1. The state board of health shall:

(a) Provide consultation and technical training to communities to assist them in the development and provision of services, encouraging multi-county configurations to ensure that a county will not be isolated geographically (AND THEREBY INELIGIBLE FOR THE SUBSIDY).

(b) Develop guidelines and recommended administrative procedures through a planning process with representation from (LOCAL HEALTH) county boards. Adoption of these guidelines and administrative procedures by the board of health shall not be a prerequisite for (PLAN APPROVAL) receipt of funds allocated pursuant to article 1, sections 1 and 2.

(c) Promulgate regulations in accordance with chapter 15, for the purposes of establishing standards for:

(1) Training, credentialing, and experience requirements for key administrative personnel to ensure expertise in administration, planning, and in each services program included in the community health services plan;

(2) A uniform reporting system that will permit an assessment of the efficiency and effectiveness of service delivery programs; and

(3) A planning process that will encourage full community participation in the development of the community health services plan.

((D) REVIEW AND ACT ON THE COMMUNITY HEALTH SERVICES PLAN AND ANY PROPOSED REVISION WITHIN 60 DAYS AFTER RECEIVING THE PLAN OR REVISION. THE STATE BOARD OF HEALTH MAY APPROVE THE PLAN AS WRITTEN OR REFER THE PLAN BACK TO THE APPLICANT WITH COMMENTS AND INSTRUCTIONS FOR FURTHER CONSIDERATION. A FAILURE TO ACT WITHIN THE SPECIFIED TIME SHALL CONSTITUTE APPROVAL OF THE PLAN.)

((E) PROVIDE APPLICATION FORMS AND INSTRUCTIONS FOR PREPARATION AND SUBMISSION OF APPLICATIONS FOR THE COMMUNITY HEALTH SERVICES SUBSIDY, IN ACCORDANCE WITH THE PROVISIONS OF SECTION 145.92.)

Sec. 5. Minnesota Statutes 1976, Section 145.922, Subdivision 2, is amended to read:

Subd. 2. The state board of health may make special grants to (LOCAL) *county* boards (OF HEALTH) to establish, operate, or subsidize clinic facilities and services to furnish health services for native Americans who have no established county of residence. (THE COMMUNITY HEALTH SERVICES PLAN SUBMITTED BY THE LOCAL BOARD OF HEALTH) *Applications for grants* must contain a proposal for the delivery of the services and documentation of input by affected segments of the community to the plan in order to qualify for a grant under this subdivision.”.

Renumber the remaining sections in sequence.

Page 41, line 1, after “\$” insert “150,000”.

Page 41, line 2, delete “*subdivisions 5*”.

Page 41, delete lines 3 and 4.

Page 41, line 5, delete “8” and insert “*subdivision 7*”.

Page 41, line 6, after “\$” insert “150,000”.

Page 41, line 8, delete “*subdivisions 5 and 6*” and insert “*subdivision 8*”.

Page 41, delete lines 14 and 15.

Page 41, line 16, delete “145.51; 145.52; 145.53; 145.54; 145.911;”.

Page 41, line 16, after “145.912” insert “, *Subdivisions 15, 16, and 18*”.

Page 41, line 16, after "145.913" insert ", Subdivisions 2 and 3".

Page 41, line 17, delete "145.914; 145.915; 145.916;"

Page 41, line 17, after "145.918" insert ", Subdivision 2".

Page 41, line 18, after "145.92" insert ", Subdivision 2".

Further strike the title in its entirety and insert the following :

"A bill for an act relating to public health and welfare; establishing a formula for allocating state funds to counties for community health and social service programs; prescribing county duties; providing for community health and social service tax levies; prescribing duties of the commissioner of public welfare; appropriating money; amending Minnesota Statutes 1976, Sections 144.065; 145.55, Subdivision 1; 145.912; 145.913, Subdivision 1; 145.914; 145.915; 145.916; 145.918, Subdivision 1; 145.922, Subdivision 2; 245.70; 252.22; 252.23; 252.26; 252.27, Subdivision 1; 253A.02, by adding a subdivision; 253A.07, Subdivisions 1 and 7; 253A.09, Subdivision 1; 253A.10, Subdivision 4; 253A.14, Subdivision 1; 253A.15, Subdivisions 6, 11, 12 and 13; 254A.05, Subdivision 1; 254A.07, Subdivisions 1 and 2; 254A.08, Subdivision 1; 256.12, Subdivision 9; 256.871, Subdivision 5; 256.95; 260.251, Subdivision 1a; 275.50, Subdivision 5; 393.07, Subdivisions 2 and 3; 477A.01, Subdivision 2; 626.556, Subdivision 2; repealing Minnesota Statutes 1976, Sections 145.912, Subdivisions 15, 16 and 18; 145.913, Subdivisions 2 and 3; 145.917; 145.918, Subdivision 2; 145.919; 145.92, Subdivision 2; 145.921; 245.61; 245.62; 245.63; 245.64; 245.65; 245.66; 245.67; 245.68; 245.69; 245.691; 245.72; 245.83; 245.84; 245.85; 245.86; 245.87; 252.21; 252.24; 252.25; 254A.02, Subdivision 12; 254A.07, Subdivision 3; 254A.08, Subdivision 3; 254A.12; 254A.14; 254A.15; 254A.16; 254A.17; 393.01; 393.02; 393.03; 393.04; 393.06; 393.07, Subdivision 8; 393.08; 393.09; 393.11."

With the recommendation that when so amended the bill pass.

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. No. 1 was 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 File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 559, A bill for an act relating to education; higher education coordinating board; student financial aid; changing certain requirements for scholarships, aids and grants to students; increasing the bonding and loan making authority of the board; transferring the program of nursing student grants to the board; appropriating money; amending Minnesota Statutes 1976, Sections 136A.121; 136A.144; 136A.16, Subdivisions 3, 4, 6 and 7; 136A.17, Subdivisions 3, 4, 5, 6, 7 and 8; 136A.171; 136A.233; and Chapter 136A, by adding a section.

PATRICK E. FLAHAVEN, Secretary of the Senate

Fugina moved that the House refuse to concur in the Senate amendments to H. F. No. 559, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two Houses. The motion prevailed.

Mr. Speaker:

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

H. F. No. 1300, A bill for an act relating to outdoor recreation; appropriating money for acquisition and betterment of parks, trails, wildlife lands, outdoor athletic courts, and for other purposes; authorizing sale of bonds; amending Minnesota Statutes 1976, Sections 85.016; 97.49, Subdivision 3; 473.121, Subdivision 14; 473.302; 473.303, by adding a subdivision; 473.315, Subdivision 1; Chapter 4, by adding a section; and Chapter 85, by adding a section.

PATRICK E. FLAHAVEN, Secretary of the Senate

Casserly moved that the House refuse to concur in the Senate amendments to H. F. No. 1300, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two Houses. The motion prevailed.

Mr. Speaker:

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

H. F. No. 6, A bill for an act relating to human rights; prohibiting employment and education discrimination based on age; amending Minnesota Statutes 1976, Sections 363.01, by adding a subdivision; 363.02, Subdivision 1, and by adding a subdivision; 363.03, Subdivisions 1 and 5, and by adding a subdivision; 363.05, Subdivision 1; 363.11; 363.115; and 363.12, Subdivision 1.

PATRICK E. FLAHAVEN, Secretary of the Senate

Enebo moved that the House refuse to concur in the Senate amendments to H. F. No. 6, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two Houses. The motion prevailed.

ANNOUNCEMENTS BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to the Conference Committee on H. F. No. 315:

Kempe, R.; Voss; and Hokanson.

The Speaker announced the appointment of the following members of the House to the Conference Committee on S. F. No. 649:

Vanasek, Schulz and Evans.

The Speaker announced the appointment of the following members of the House to the Conference Committee on H. F. No. 559:

Fugina, Kroening, and Faricy.

The Speaker announced the appointment of the following members of the House to the Conference Committee on H. F. No. 1300:

Casserly, Munger, and Laidig.

The Speaker announced the appointment of the following members of the House to the Conference Committee on H. F. No. 6:

Enebo, Patton and Kahn.

ADJOURNMENT

Anderson, I., moved that when the House adjourns today it adjourn until 1:00 p.m., Friday, May 20, 1977. The motion prevailed.

Anderson, I., moved that the House adjourn. The motion prevailed, and Norton, as Speaker Pro Tempore, declared the House stands adjourned until 1:00 p.m., Friday, May 20, 1977.

EDWARD A. BURDICK, Chief Clerk, House of Representatives